

**European Vending & Coffee Services Association comments on
TRIS notification TRIS 2025/0187/IT (Italy)
Legislative Decree No. 196 of 8 November 2021**

1. About the EVA

The European Vending & Coffee Service Association (EVA) is a not-for-profit trade association established in 1994, representing the interests of the whole European coffee service and vending industry vis-à-vis the European Union Institutions and other relevant authorities or bodies. The EVA is an international association governed by Belgian law and its membership comprises of both National Associations and companies

In Europe, the vending and unattended retail industry employs more than 85,000 individuals directly. 98% of the 10,000 vending operators - who maintain and stock the machines daily - are SMEs and family businesses.

There are 4.5 million vending machines in Europe and 300 million Europeans rely on the sector at least once a week for refreshments on-the-go, with vending machines dispensing 95 million food and beverage items every day – all in a sales area of less than 2m². Europe-wide the industry revenue is over €19 billion.

2. Object of the TRIS contribution

The Italian Ministry for the Environment and Energy Security has submitted to the European Commission a proposed technical regulation for the definition of the requirements for the reusability of plastic products intended to come into contact with foodstuffs, in accordance with the Annex, Part B, to Legislative Decree No. 196 of 8 November 2021 a proposed technical regulation that affects the application of the Single-Use Plastics Directive (Directive (EU) 2019/904) in Italy.

The proposed legislation amends the provisions of the Legislative Decree transposing EU Directive 2019/904 (SUP) in order to provide detailed technical characteristics to ensure the reusability of certain products listed in the Annex, Part B, which are prohibited from being placed on the market pursuant to Article 5 of the same Legislative Decree.

Furthermore, in point 2.1 of its document ("General and specific objectives"), the Italian Ministry explicitly states its intention to introduce into national legislation a technical rule "for determining the reusability of plastic products referred to in Annex, Part B, of Legislative Decree No. 196 of 8 November 2021," the law that transposes the SUP Directive into Italian national law.

The following draft measure is the object of this contribution:



*Article 1.1 In the context of the implementation of Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment, plastic plates, cutlery, straws and beverage stirrers shall be considered reusable and capable of ensuring effective multiple uses for the same purposes for which they were designed, and shall be marketable as such, provided that they meet the following technical characteristics: **plastic beverage stirrers with a weight/length ratio exceeding 0.5 grams per centimetre.***

We contest the lawfulness of the above-mentioned measure on the following:

The proposed ban will impede the placing on the market of reusable plastic stirrers as article 5 of Directive (EU) 2019/904 only bans single-use beverage stirrers. This will create unjustified barriers to intra-EU trade and consequently amount to quantitative restrictions on imports or measures having equivalent effect, which are prohibited by Article 34 of the Treaty on the Functioning of the European Union (TFEU)

3. Infringement of EU legislation

The Italian Ministry for the Environment and Energy Security does not take into account

UNI EN 12875-1:2005 - Mechanical dishwashing resistance of utensils — Part 1: Reference test method for domestic articles

This is a harmonised European standard adopted at national level in Italy (UNI), and it provides a method to test the durability of plastic (and other material) utensils when repeatedly cleaned in a dishwasher.

UNI EN 12875-1 provides clear guidance on how to inspect and thoroughly test products, including which reagents to use (water and cleaning agents), the required characteristics of equipment, the number of test cycles needed to certify products, the testing procedures, and how to interpret results.

The existence of this standard results into:

➤ **Violation of Article 34 TFEU**

The Italian measure constitutes a measure having equivalent effect to a quantitative restriction. It prevents the placing on the market of products that are lawfully marketed in other Member States.

➤ **Non-compliance with Directive (EU) 2019/904**

The SUP Directive prohibits **single-use plastic** products. Products complying with **UNI EN 12875-1** are **reusable** and therefore **outside the scope of the ban** in Article 5.

➤ **Failure to Recognize Harmonised or Widely-Accepted Standards**

The standard **UNI EN 12875-1** offers a **scientific, objective method** to verify reusability. Ignoring this standard leads to disproportionate restrictions and disrupts the internal market.

➤ **Lack of Proportionality under Article 36 TFEU**



Even if justified for environmental protection, a blanket ban that includes products meeting **reusability criteria** is **disproportionate**, and **less restrictive alternatives exist** (e.g. labelling, minimum performance standards).

Finally, it must be underlined that **infringement procedure INFR(2024)2053 is already ongoing against Italy for non-compliance in the transposition of Directive (EU) 2019/904**. The Italian authorities' continued promotion of measures that contradict the objectives and provisions of the SUP Directive — including the unjustified support of compostable plastics and the obstruction of reusable solutions — further reinforces the need for urgent alignment with EU law and market harmonisation principles.

4. Economic and environmental impacts

The proposal by the Italian Ministry for the Environment and Energy Security would be **environmentally counterproductive**, as it would require the placing on the market of products made with **significantly more plastic** — increasing their weight by an estimated **400% to 650%**. Such a measure not only undermines efforts to reduce material use but also increases resource consumption, emissions, and waste generation.

Furthermore, the Italian draft **contradicts Directive (EU) 2019/904** (the Single-Use Plastics Directive), which aims to reduce the environmental impact of plastic waste by **encouraging reusable solutions**. By **hindering the production and placing on the market of reusable plastic products**, the measure creates a perverse incentive for businesses to switch to **compostable plastic alternatives** — materials that are **explicitly excluded** from the scope of permitted alternatives under Article 5 of the Directive.

Notably, such a permissive approach to compostable plastics was **previously codified in Italian Legislative Decree No. 196 of 8 November 2021**, which is currently the subject of an **infringement procedure by the European Commission (INFR(2024)2053)**. The Commission has already recognised that allowing compostable single-use plastics **violates the intent and provisions** of the SUP Directive.

Additionally, the proposal would cause a **lack of harmonisation** in the implementation of the Directive across the EU, contradicting the objective of a uniform internal market. It also disregards the **European technical standard UNI EN 12875-1**, which provides a recognised and widely accepted **methodology to determine whether a plastic product is reusable** — including its ability to withstand repeated dishwashing cycles without loss of functionality.

Finally, the Italian proposal is **not supported by any scientific or technical evidence** demonstrating any environmental benefits from its implementation. On the contrary, it would undermine investment in sustainable design, create legal uncertainty, and distort the internal market in breach of **Article 34 TFEU**.



5. Conclusions

We therefore urge the European Commission to adopt a detailed opinion concluding that the measure may create barriers to the free movement of goods in Europe and should not be adopted since it contravenes TFUE Single Market provisions and EU legislation.

