



EuPC Position

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

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Introduction

The Italian Ministry for the Environment and Energy Security has submitted a draft technical regulation to the European Commission, outlining reusability requirements for plastic products intended to come into contact with food. This proposal aims to amend the national implementation of EU Directive 2019/904 on the reduction of the impact of certain plastic products on the environment (the "Single-Use Plastics Directive" or SUPD), the Legislative Decree No. 196 of 8 November 2021. Specifically, it seeks to define detailed technical characteristics that determine whether products listed in Part B of the Annex are to be considered reusable.

EuPC welcomes the initiative to provide clarity in distinguishing between single-use and reusable plastic food-contact products, where an EU-wide harmonized definition is currently lacking. However, the proposed technical specifications raise significant concerns regarding practical implementation, compatibility with the principles of free competition, and potential adverse environmental impacts. Further, the reusability criteria as proposed in the draft regulation may unintentionally exclude a substantial share of products on the market that are genuinely reusable and thereby undermining the objectives of Directive (EU) 2019/904, which aims to promote a circular economy.

Assessment of the proposed technical characteristics for determining reusability

The proposed technical characteristics outlined by the Italian Ministry exclusively take into account dimensional and weight parameters to determine the reusability of plastic food-contact products.

"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:

a) plastic plates:

i. plates with a diameter of less than 19 centimetres and a weight exceeding 45 grams;

ii. plates with a diameter of between 19 and 24 centimetres and a weight exceeding 80 grams;

iii. plates with a diameter exceeding 24 centimetres and a weight exceeding 110 grams;

b) plastic cutlery (forks, knives, spoons, chopsticks) with a weight/length ratio exceeding 0.5 grams per centimetre;

c) plastic food-grade straws with a weight/length ratio exceeding 0.5 grams per centimetre, except if they fall within the scope of Council Directive 90/385/EEC or Council Directive 93/42/EEC;

d) plastic beverage stirrers with a weight/length ratio exceeding 0.5 grams per centimetre."

This approach raises several critical concerns:

1. Incomplete and rigid dimensional criteria

The reliance on fixed size and weight thresholds fails to account for the wide diversity of shapes and designs found in plastic food-contact articles, as for food-contact articles of other materials. Products on the market often come in rectangular, oval, or complex forms that do not fit into the proposed assessment following strict geometric parameters. As a result, the regulation risks excluding genuinely reusable products simply because their dimensions fall outside of an arbitrarily defined range. This lack of flexibility does not reflect market realities and may unduly limit product innovation and functionality.

2. Failure to incorporate established scientific standards

The draft regulation disregards existing, widely recognized technical standards such as **UNI EN 12875-1:2005** ("Mechanical Dishwashing Resistance of Utensils – Part 1: Reference Test Method for Domestic Articles"). This harmonised European standard, adopted at national level in Italy (UNI), provides a method to test the durability of plastic (and other material) utensils when repeatedly cleaned in a dishwasher.

Disregarding a scientific, standardized and widely-recognized method when defining reusability risks disruption of the internal market and introduces inconsistency. More critically, it opens the door for products to be labeled as "reusable" without proving they can withstand repeated use without degradation, potentially compromising both product safety and consumer confidence.

3. Risk of encouraging increased plastic use

The proposed requirements related to product weight and size inadvertently incentivize the overuse of material to meet minimum thresholds. This runs counter to the fundamental objectives of Directive (EU) 2019/904, which promotes the reduction of plastic waste and encourages sustainable product design.

By mandating heavier or thicker designs, the regulation may:

- Increase plastic consumption,
- Generate additional emissions during production and transport,
- Increase the generation of waste.

This approach also contradicts emerging European eco-design policies, which emphasize material efficiency, product lightness, and the use of durable yet lower-density materials to minimize environmental impact across the product lifecycle.

Concerns regarding legal inconsistencies and market distortion

It is important to note that infringement procedure INFR(2024)2053 is currently ongoing against Italy for failure to comply with the proper transposition of Directive (EU) 2019/904 ("SUP Directive"). Among the key issues raised is the unjustified acceptance of compostable plastics as alternatives for certain single-use products, in direct contravention of Article 5 of the Directive. The European Commission has already acknowledged that permitting compostable single-use plastics undermines both the intent and the provisions of the SUP Directive.

The continued implementation of national measures that diverge from the core principles of the SUP Directive contributes to regulatory fragmentation across Member States. Such divergence threatens the integrity of the internal market by creating unequal conditions for economic operators and undermining efforts to establish a harmonized EU-wide framework. These developments underscore the urgent need for alignment with EU law and a consistent application of the SUP Directive across all Member States. Ensuring a level playing field and fostering truly reusable, safe, and sustainable product alternatives must remain central to any national transposition efforts.

Conclusion

Limiting the assessment of reusability for plastic food-contact articles solely to parameters such as weight and shape is insufficient and fails to reflect existing technical standards and specifications necessary to ensure the quality, safety, and durability of genuinely reusable products.

While EuPC welcomes the initiative to establish technical criteria to distinguish reusable plastic products from single-use alternatives and improving compliance with EU regulations, it is clear that the current draft lacks the necessary comprehensiveness. The complexity of defining reusability requires a more holistic approach that goes beyond basic physical dimensions.

To ensure alignment with the objectives of Directive (EU) 2019/904, additional and alternative criteria should be incorporated into the proposed regulation, including:

- Reference to UNI EN 12875-1:2005 to ensure resistance to high-temperature washing cycles,
- Proven durability over multiple uses complying with the migration testing of Regulation (EU) 10/2011,
- Product design principles that emphasize robustness without encouraging excessive material use.

If appropriately included, these elements would not only address the shortcomings of the current draft but also support the development of sustainable, safe, and competitive alternatives in the EU market in alignment with the objectives of Directive (EU) 2019/904.

On the contrary, the Italian draft as proposed contradicts the Directive (EU) 2019/904 and Regulation (EU) 2025/40 on packaging and packaging waste ("PPWR"), which aim is to reduce the environmental impact of plastic waste by encouraging reusable solutions.

EuPC therefore recommends a thorough revision of the proposed technical regulation. Such a revision should fully incorporate established criteria for reusability, in line with EU standards, and the broader goals of the circular economy, while avoiding unintended environmental and market consequences.

About EuPC

EuPC (European Plastics Converters) is the leading EU-level Trade Association, based in Brussels, representing European Plastics Converters. EuPC now totals about 51 European Plastics Converting national and European industry associations, it represents close to 50,000 companies, producing over 50 million tonnes of plastic products every year. The European plastics industry makes a significant contribution to the welfare in Europe by enabling innovation, creating quality of life to citizens and facilitating resource efficiency and climate protection. More than 1.6 million people are working in about 50,000 companies (mainly small and medium-sized companies in the converting sector) to create a turnover in excess of 280 billion € per year.

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