British Plastics Federation (BPF) response to consultation on French Decree restricting plastics disposable tableware

The present comment is sent on behalf of the BPF, the leading trade association for the UK Plastic Industry representing the views of the raw material producers, additives suppliers and manufacturers of semi-finished and finished articles. It also covers suppliers of the machinery used in the industry. As such it is the representative body for the UK’s plastics packaging industry and recyclers of plastics. This decree affects all those British converters that export disposable tableware to France, even if they do not produce it in the French territory.

As it stands, the limitation to place in the French market only tableware that comply with the Decree will violate Article 27 and 28 of the TFEU, which regulates the free circulation of goods within the Single Market, and the Article 18 of the Packaging & Packaging Waste Directive.

In addition, the Decree will make difficult for converters to commercialise cups, glasses and plates for culinary use unless home-compostable and with a minimum 50% content of biomaterials. This limitation goes further for other Member States, apart from Italy and France, which do not have standards for home compostability, creating an unlevelled playing field for companies producing their packaging in countries other than Italy and France but that still sell into the French market.

The BPF also fears that the enforcement of the Decree could potentially encourage littering behaviour in public places due to the general public’s confusion between compostable and biodegradable polymers and their perception that it is ok to litter because it will biodegrade. To back up its concerns on littering, the BPF would like to bring attention to the existence of studies such as a UN report (http://www.unep.org/gpa/documents/publications/BiodegradablePlastics.pdf) that stated that ‘In the present context, labelling a product as biodegradable may be seen as a technical fix that removes responsibility from the individual. A perceived lower responsibility will result in a reluctance to take action (Klöckner 2013). A survey of littering behaviour in young people in Los Angeles revealed that labelling a product as
‘biodegradable’ was one of several factors that would be more likely to result in littering behaviour (Keep Los Angeles Beautiful, 2009).‘

It should be also noted that the Decree underplays the recyclability of the currently commercialised cups, glasses and plates and also their functionality and performance. The conditions mentioned in the Decree to achieve home compostability will affect the final properties of the tableware to the point that, to comply with the home compostability conditions, the products will not be fit for use at high temperatures (plates and cups).

The BPF would recommend the Ministry to reconsider the enforcement of the Decree and instead evaluate measures that encourages the improvement of existing collections schemes in place and ensure that resources are kept in a circular economy.