



The Director General

Mr. Giuseppe Casella
DG Enterprise & Industry
European Commission
B-1049 Brussels

Brussels, 15 June 2012

Object: Notification 2012/204/F – Orgalime comments on the French draft Decree on the set of common symbols informing the consumer of recyclable products which are subject to a system of extended producer responsibility associated with waste-sorting instructions

Dear Mr. Casella,

France has recently notified the European Commission about a project of decree introducing new marking obligations on products and packaging falling under extended producer responsibility and which include separate waste collection instructions.

Orgalime wishes to express its deep concern regarding the above-mentioned notification.

A level playing field for companies as well as legal certainty, is in our view a prerequisite for leading sectors of our industries to develop and offer innovative safe, high-quality and high-performance products on highly competitive world markets. In this context, national initiatives shall not result in restrictions of free movement of goods in the European Internal Market and an infringement of internal market principles. In our view the French proposal of introducing new national marking obligations on products and packaging entails the risk of constituting an additional barrier to the free movement of goods by:

- creating administrative burden for industry, logistic coordinators and transporters,
- imposing to develop a specific logistic channel for France leading to more environmental impact,
- increasing the stock shortage risk for French consumers.

Furthermore the project of French decree exempts electronic and electrical equipments (EEE) and batteries which are falling in the scope of respectively the WEEE directive 2002/96/EC and the Battery Directive 2006/66/EC, when these products are marked with the dust-bin mark as prescribed in the above listed directives. Nevertheless, packaging of these equipments would have to include this new logo to be allowed onto the French market.

The European Engineering Industries Association

ORGALIME aisbl | Diamant Building | Boulevard A Reyers 80 | B1030 | Brussels | Belgium

Tel: +32 2 706 82 35 | Fax: +32 2 706 82 50 | e-mail: secretariat@orgalime.org

Ass. Intern. A.R. 12.7.74 | VAT BE 414341438

We feel that this new obligation would be in opposition to article 18 of the Directive 1994/62/EC “Member States shall not impede the placing on the market of their territory of packaging which satisfies the provisions of this Directive”, as the packaging directive does not require any marking similar to the marking provided in the project of decree.

Although the European engineering industries are in favour of actions aiming to increase the collection rate of packaging throughout Europe, we underline that the compartmental study from ADEME and the notification highlights that a harmonized marking would only constitute a “simple reassurance” to “reinforce good habits” and that it has “obvious limits”, namely the absence of marking not being significant, grey areas remaining, marking not relevant for multi-packaging. The study also underlines that the main advantage of the marking is to not adversely affect good sorting habits. Marking reaffirms sorters’ know-how without adding to it, and helps to reactivate sorting, but marking adds no value in terms of motivation for sorting.

Bearing in mind that some European countries show very high performance of separate collection and recycling rate of packaging¹, sometimes approaching 80%, we are convinced that other means exist to increase the recycling rate of packaging without increasing administrative burden for industries and without creating a barrier to free movement of goods in the European Internal Market

On the basis of these considerations, Orgalime kindly asks the Commission, in its further proceedings, to require a withdrawal of this projected decree. We thank you in advance and remain available for any further information that you may wish to obtain.

Yours sincerely,

Adrian Harris
(Electronically signed)

Cc:

- M. Eifel (DG Enterprise & Industry)
- Mr. Garcia-Burgues, Mr. Brunzema (DG Environment)
- Mrs. Ekroth-Manssila, Mrs. Stefanescu (DG Enterprise & Industry)

¹ http://epp.eurostat.ec.europa.eu/portal/page/portal/waste/data/wastestreams/packaging_waste