

10<sup>th</sup> August, 2020

Mr. Eamon Ryan, TD  
Minister  
Department of Climate Action, Communications and Environment  
29 – 31 Adelaide Road,  
Dublin, D02 X285

Dear Minister Ryan,

The European Commission is currently working on guidelines on single-use plastic products and we are seriously concerned that the approach taken could undermine the implementation of the Single-Use Plastic (SUP) Directive and its positive environmental impact, such as:

1. The interpretation of the definition of plastic, and specifically of “non-chemically modified” polymer in accordance with REACH regulation, and the fact that the current interpretation in the guidelines would exclude certain materials (e.g. viscose) and lead to regrettable substitution and market shift; and
2. The use of a criteria single-serve vs multi-serve to exempt certain single-use plastic products, that are prone to be littered and clearly amongst the most commonly found items in the environment, such as for example the exemption of crisp packets beyond what is considered in the guidelines as “single-serve”.

1. Regarding the definition of plastic: the current approach in the guidelines would mean excluding a wide range of products from the Directive:

- the exemption of viscose will just shift the market of wipes and of sanitary products (pads and tampons) towards those materials (that shift is already happening), yet wipes and tampons made of viscose and rayon behave in the same way and contribute similarly to blockages and ultimately to marine plastic pollution;
- exempting regenerated cellulose would also mean exempting cellophane. If cellophane is exempted, producers will substitute this material for single-use straws, and possibly other items banned under the Directive such as single-use plates, which would completely undermine the bans, the objective of the Directive and its positive environmental impacts.
- exempting regenerated cellulose would also mean exempting all cigarette filters (both conventional made of cellulose acetate and the so-called [green alternatives](#)) which would completely undermine the Directive. Cigarette filters obviously should stay in the scope since they are among the top 3 most polluting items.

2. Regarding the use of the criteria single-serve vs multi-serve:

- NGOs have expressed its concerns from the start, as this criteria could be easily circumvented (by claiming or labelling a product as 2 portions or 2 servings instead of

one), and in addition could bring further issues, such as actually increasing packaging and food waste.

- We are particularly concerned by the use of this criteria for food containers, as well as for packets and wrappers. This would lead to excluding products such as crisps packets that are not considered to be “single-portion” and therefore excluded, despite the fact that they are very likely to be consumed in the open environment (picnics, lunches etc) and prone to be littered.
- Such exclusion of single-use products prone to be littered based on an artificial multi-serve criteria is going against the primary objective of the Directive and intention of the EU decision-makers, and seriously threatens the Directive having effective environmental impacts on the ground.

Therefore we call on you to ask the European Commission to:

- detail in the guidelines that chemical modification means any chemical modification occurring at any moment of the production process. This includes changes in density or mass, even if this change is just temporary. It is not about comparing the chemical structures of the starting and resulting polymer and assessing their similarities, it is about considering the entire production process. Such an interpretation would therefore effectively include regenerated cellulose, which is in line with Rethink Plastic’s recommendations.
- set a positive list of exemptions in the guidelines. This list would explicitly exclude paper and cotton (to address possible concerns that paper and cotton could be included depending on the interpretation of chemical modification) while ensuring that regenerated cellulose is included under the Directive.
- remove exemptions to the scope of the Directive on the basis of a “multi-serve” criteria, especially for those items prone to be littered regardless of the size of the packaging (crisps, takeaway food containers, sweets, etc)
- more generally, interpret any exemption to the Directive in a restrictive manner.
- make sure the definition of plastic in the SUPD is interpreted in a systematic and contextualised way in accordance with the main objective of the Directive, which is to move away from single-use.

Thank you very much for your attention and assistance on this matter. We must ensure that the objectives of the SUP are maintained and that producers do not get around its restrictions through material substitution that has the same impact on the environment and through clever labelling of their products. We need a systematic change in how producers do their business and look at ways to reduce packaging rather than at ways to avoid the impact of the Directive.

Kind Regards,

Mindy O’Brien  
Coordinator