

The signatories to this statement draw the attention of the members of Parliament to the fact that the referenced amendment is neither implementable nor enforceable and should therefore be rejected.

Brussels, August 22, 2002

Revision of the 94/62/EC Directive on Packaging and Packaging Waste

Joint position paper of the European materials organisations

on amendment 100 (27 in the consolidated text),

concerning "heavy metals content in packaging"

(for the plenary 1st reading in the European Parliament on September 2, 2002)

Amendment 100 (27 in the consolidated text) adopted by the Environment Committee in

its meeting of 10 July 2002 states:

"Member states shall ensure that the sum of the concentrations of lead, cadmium, mercury

and hexavalent chromium in new packaging and packaging components does not exceed

the following values:

- 0 ppm by weight no later than 31 December 2006"

and is intended to replace the present article 11, paragraph 1 (Directive 94/62/EC):

"the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium

present in packaging or packaging components shall not exceed the following:

- 600 ppm by weight two years after the date referred to in article 22 (i) [NB: 30.06.98]

- 250 ppm by weight three years after the date referred to in article 22 (i) [NB: 30.06.99]

- 100 ppm by weight five years after the date referred to in article 22 (i) [NB: 30.06.01]"

Signatories

APEAL Association of the European Producers of Steel for Packaging 02/537 91 51

APME The Association of Plastics Manufacturers in Europe 02/675 32 97

CEPI Confederation of European Paper Industries 02/627 49 11

EAA European Aluminium Association 02/775 63 58

FEVE European Container Glass Federation 02/539 34 34

Supported by

BCME Beverage Can Makers Europe

EUROPEN European Organization for Packaging and the Environment

FEA European Aerosol Federation

FEFCO European Federation of Corrugated Board Manufacturers

Groupement Ondulé The European Association of Makers of Corrugated Base Papers

PROCARTON European Association of Carton Board Manufacturers and Carton Makers

SEFEL European Secretariat of Manufacturers of Light Metal Packaging The

materials organisations which are signatories of this memorandum draw the

attention of the

European Parliament, the European Council and the European Commission to the

fact that the

proposed amendment (Hulthen, 100 [27 in the consolidated text]) is neither

implementable nor

enforceable as it disregards scientific evidence, for the following reasons:

This amendment should be rejected, since it is both unrealistic and

counterproductive. If it were

adopted, no packaging material would be allowed onto the market.

The signatories suggest that the present 100 ppm limit should remain unchanged.

Any revision of this

limit should be subject to a careful examination involving all relevant

stakeholders.

JUSTIFICATION

1. Heavy metals are naturally present in the environment.

Heavy metals are found in the air, water and soil. For example, the earth's crust contains

about 15mg/kg of lead. This is the reason why natural materials may also contain traces of heavy metals.

2. Heavy metals in packaging have been studied in depth in several reports which show that:

- the heavy metals limits of the packaging directive have been met, with the exception

of a few packaging materials for which exemptions have been granted either originally or

through the "ad hoc" committee procedure;

- heavy metals traces in packaging tend to increase with the extended use of recycled

materials; this does not necessarily imply any increase in environmental impact. Therefore, as new packaging is made from a resource mix of virgin and recycled materials to

meet the fundamental recycling and recovery objectives of the Directive on packaging and

packaging waste (PPW), stating a zero or very low level of heavy metals content is

incompatible with high recycling rates, risks discrimination against recycled materials and

finally leads to an incoherent policy on resource efficiency.

In addition, as the limits in the current directive are identical to those of the US CONEG

model legislation, any deviation from this figure would evidently create a trade barrier.

The main reports of interest are:

- CEN report CR 13695-1: 1999

"Packaging-Requirements for measuring and verifying the four heavy metals and other

dangerous substances in packaging and their release in the environment"

- Survey of the content of heavy metals in Packaging on the Danish Market: 1997, 1998 and

1999

- Heavy metals in packaging on the Belgian market (August 2001)

3. Other directives, such as End of Life Vehicles (ELV) and Restriction of Hazardous

Substances (RoHS) in Electric and Electronic Equipment (WEEE Directive) recognize

the fact that a total avoidance of heavy metals is impossible to achieve.

4. An overall objective of the PPW directive is to prevent and reduce the impact of packaging

and packaging waste on the environment. This is reinforced by the 21st recital, which states

that "the presence of noxious metals ... in packaging should be limited in view of their

environmental impact" in particular in incineration or landfilling operations. Elsewhere (in

Annex II) the directive already imposes a minimisation requirement concerning the

presence of noxious substances, again with regard to environmental impact.

Industry is already applying this minimisation principle in practice.