

TITLE

Packaging & Packaging Waste – Annex 1 Review

✉ **Summary:** The Directive on Packaging and Packaging Waste foresees for the Commission, in its article 3 (1), to review the illustrative examples for the definition of packaging given in annex 1. **The priority is given to tubes and cylinders around which flexible material is wound.** Attached (annex 4) you will find the interpretation of DG Environment on which Euratex reacted. For the purpose, a Common Position (see annex 1) was sent to the EC and National Authorities. In a separate letter, Euratex also proposed a concrete amendment to the EC proposal (see annex 3). **Article 21 Committee for the Packaging and Packaging Waste Directive's Technical Adaptation will now meet again on the 12 of December 2011** to try and resolve the blockage with a view to take a vote on the proposed EC amendments. In view of the consequences the Commission proposal has on our entire segments of production I will urge you to take the matter with an extreme seriousness and urgency. I will also urge you to take all the necessary steps to insure that these are fully taken into consideration by your respective Member State Authority.

Evolution of the Different positions:

The EC position 1: Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound are packaging

Euratex position 1: Cones, tubes, cores and winding boards remain with the products during the whole manufacturing process. Without the support of these materials, textile products cannot be handled. They are designed to remain with the product also during storage. This clearly demonstrates that cones, tubes, cores and winding boards are an integrated part of the production process such as drawing, combing, spinning, warping, knitting, weaving, fibre banding, flocking, tufting and the production of needle felt. The functions are purely for manufacturing and not packaging. The materials are not consumer used.

The EC Position 2: Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit

Euratex Position 2: Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders that are used as parts of the production process throughout the supply chain (supply chain considerations are necessary)

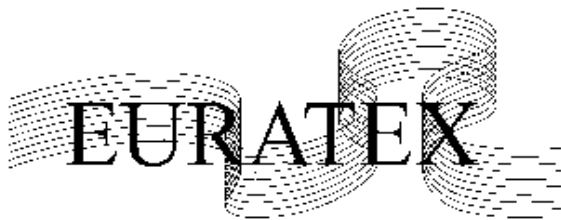
Possible outcome for the 12th of December meeting:

The German National Authorities have proposed the following wording: "Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, and paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit to private households".

The above German wording is close to what Euratex would like to achieve and we would recommend the support of your National Authorities. Therefore, we would like to urge you to ask your authorities for that support. To facilitate the process for you, we have attached a list of all Member State experts participating in the Committee (see annex 2)

Adil ELMASSI

Environmental Affairs Responsible



Environment 68/2011 – ANNEX I

PACKAGING & PACKAGING WASTE DIRECTIVE

The Case for Cones, Beams, and Tubes.

EURATEX COMMON POSITION

Directive 94/62/EC on Packaging and Packaging waste adopted on the 20th of December 1999, aims at the harmonisation of national measures in order to prevent or reduce the impact of packaging waste on the environment and to ensure the functioning of the Internal Market.

The Directive arguably has its socio-environmental benefits. These benefits, although welcomed, do not dispel the core concern of our industry. The Directive among others proposes to clarify the packaging definition with an indicative non-binding annex, which lists examples of packaging and non-packaging items in borderline cases. In the past, this proved to be difficult to interpret in certain specific cases and led to numerous discussions and court proceedings on certain borderline cases.

The European textile industry will be affected by the status given to some materials by DG Environment new interpretation of “packaging” in the new indicative non-binding annex proposal, which lists examples of packaging and non-packaging items in borderline cases. These materials are cones, beams, and tubes.

Moreover, the process for arriving to such decision raises several questions. An enquiry was done amongst Member States concerning the actual practices and on the basis of four responses, DG Environment decided to consider rolls, cones, beams and tubes as packaging.

Not only the decision has been taken without any consultation with industry but also on as fewer as 4 replies’ to the enquiry. This hardly can be considered as representative of the situation in the EU 27.

The past situation in the textile sector is best described as follow:

- The above items are not considered as packaging in Germany, Austria, Belgium, Spain and Italy.
- they are considered as packaging in France
- only tubes are considered in the Netherlands
- In Portugal the legislative text seems to include them but so far is not applied.

- In the UK, they are not considered if there is no change of legal ownership as the products move through the textile pipeline.
- Denmark considers them as such when they are no longer to be used
- Sweden does not consider them as such for the textile industry but they are packaging for material handling companies.
- In Ireland, they are not explicitly defined as packaging but seem to conform to the definition of packaging and therefore are reported as such.
- In Finland, they are not defined in the legislation.
- the Czech Republic has a new regulation- Law 477/2001 Sb. Under this regulation, tubes and cones are not mentioned explicitly. There is no official interpretation but generally, they are not considered as packaging.
- The Slovak Republic does not consider them as packaging.

As it appears the situation is quite diffuse and the interpretation differs from one country to another.

Cones, Beams and Tubes in the Textile Production Process

The textile production is much diversified due to the processing of raw materials, manufacturing techniques and make up of final products.

The main textile process consists of 5 main steps as shown in the annex.

1. For spinning (melt spinning and wet spinning) of man-made fibres the use of tubes or cones is indispensable during the manufacturing process. **If no tubes or cones were available, one would not be able to produce.**
 2. Sliver and yarn formation: textile fibres are converted into slivers, which can be used for nonwovens. Textile fibres are converted into yarns by spinning and twisting. The processes involved different steps such as opening/blending, carding, combing, drawing, roving and spinning. **All these processes need cones or tubes as part of the mechanical process.**
 3. Weaving –knitting – fibre bonding, needle felt, flocking and tufting.
 - a. Weaving
Weaving is the process by which yarns are assembled together on a loom and a woven fabric is obtained. The weaving technology consists in interlacing the warp and weft (filling) yarns with one another according to the class of structure and the form of design desired
 - b. Knitting
To form a fabric by the intermeshing of loops of yarn.
 - c. Fibre bonding
 - Bonded fibre fabric: a structure consisting of one or more webs or masses of fibres held together with a bonding material.
 - Bonded-pile carpet: a textile floor covering with a pile use-surface secured to a substrate by adhesion
 - d. Needle felt
Layers or batts of loose fibre needled with needles having downward facing barbs to form a felted or flat textured material.
-

e. Flocking

Flock fibres are applied electrostatically to base (base fabric or batt) provided with glue. This short-piled floor covering always have a velvet-like upper side

f. Tufting

Carpet produced by inserting pile yarn, with needles, into a pre-made substrate.

4. Wet processing is one of the most important steps in the textile production and consists of pre-treatment of fabrics, dyeing, printing and whitening. All these processes are continuous and semi-continuous and **cannot be done without tubes and cores**.
5. Finishing and coating. These are the final stages of production and **go from cone to cone or tube to tube to winding board**.

The cones, tubes, cores and winding boards remain with the products during the whole manufacturing process. Without the support of these materials, textile products cannot be handled. They are designed to remain with the product also during storage. This clearly demonstrates that cones, tubes, cores and winding boards are an integrated part of the production process such as drawing, combing, spinning, warping, knitting, weaving, fibre banding, flocking, tufting and the production of needle felt. The functions are purely for manufacturing and not packaging. The materials are not consumer used.

With the above in mind, EURATEX would like to invite DG Environment and the Packaging and Packaging Waste Directive's Technical Adaptation Committee Members to reconsider the proposed interpretation. If any, cones tubes, beams, cores and winding boards must be included in the list of examples of non-packaging items to be listed in the annex of the Directive.

Annex

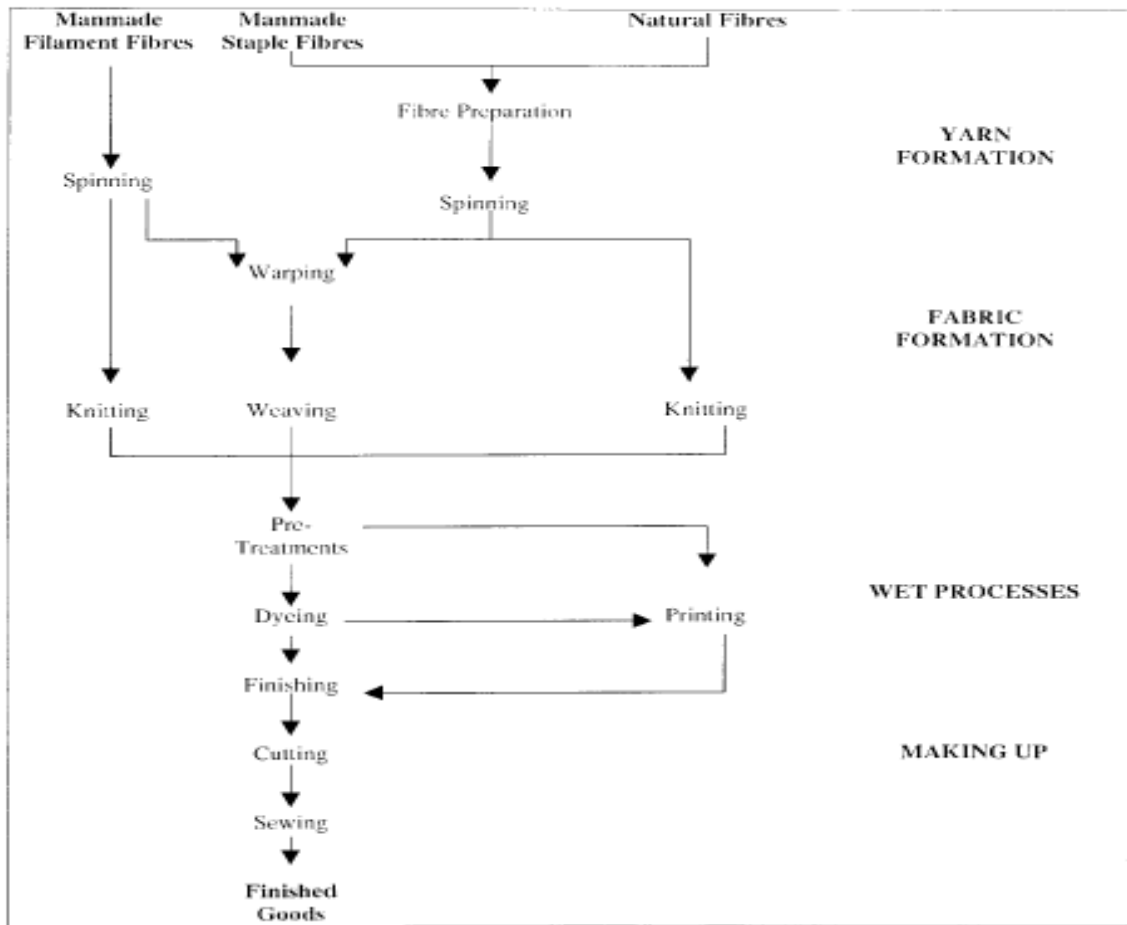
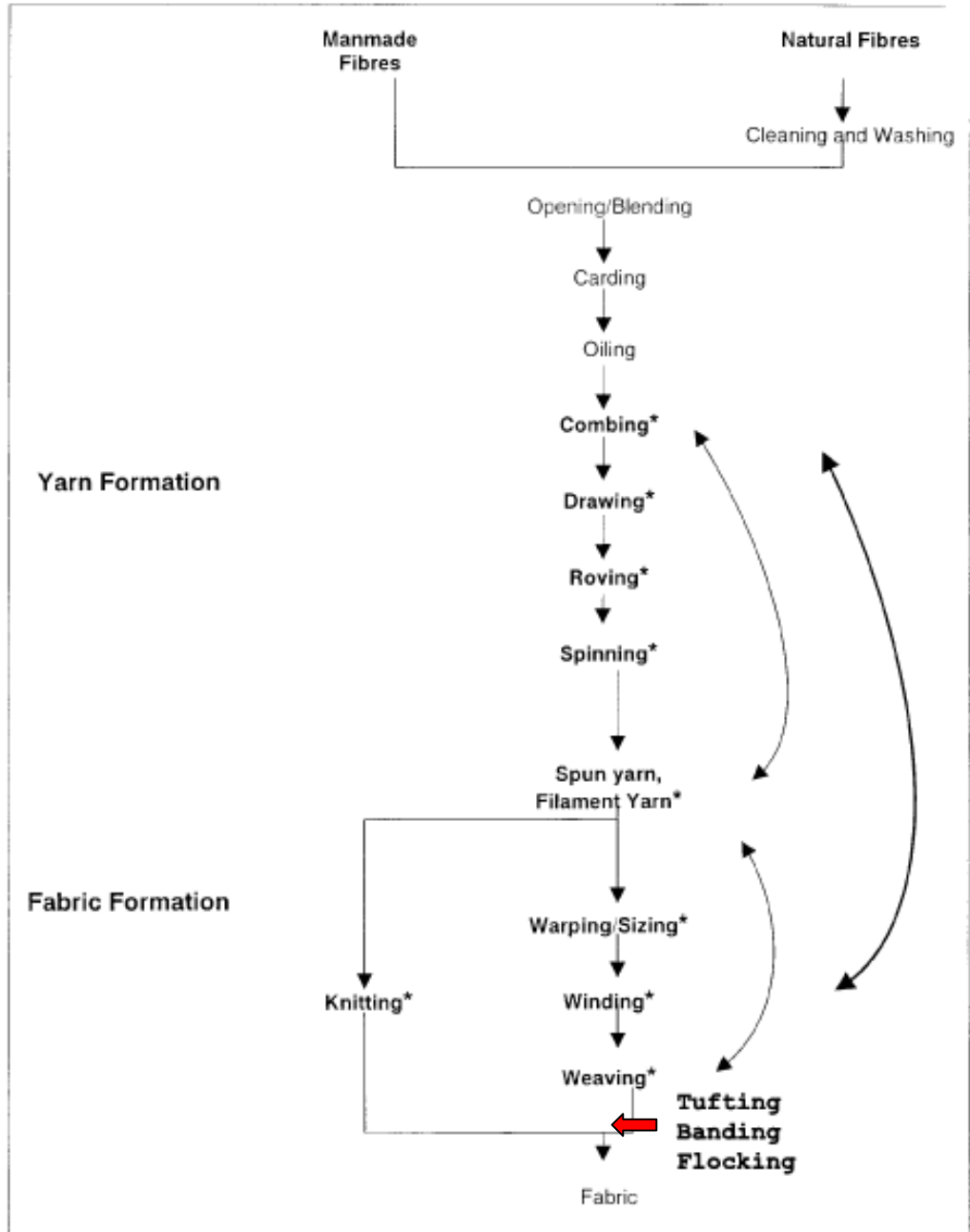


Chart on Yarn and Fabric Formation



* : use of cones/tubes/beams as an integral part of textile process chain

Technical Adaptation Committee on Packaging
15.02.2010, Brussels

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Technical Adaptation Committee on Packaging
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Technical Adaptation Committee on Packaging
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15.02.2010, Brussels

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15.02.2010, Brussels

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15.02.2010, Brussels

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15.02.2010, Brussels

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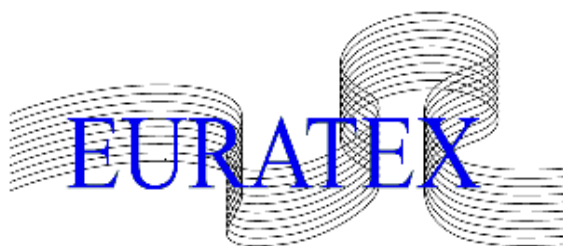
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	Mr Ian ATKINSON	Producer Responsibility Team	6D Green House Morscferry Rd London SWIP2AI	020 7238 4345	

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Environment 68/2011 – ANNEX 3

May 05th 2011

Mrs. Diana OANCEA

Policy Officer – Waste management - Environment

EUROPEAN COMMISSION

1049 Bruxelles

Dear Mrs. Oancea,

Subject: Directive 94/62/EC on Packaging and Packaging waste – The Indicative Non-binding Annex Listing Examples of Packaging and Non-packaging.

EURATEX welcomes the intention of the Commission to revise Annex I of Directive 94/62/EC on Packaging and Packaging Waste with illustrative examples for the definition of packaging. However, the European textile and clothing industry will be affected by the status given to some materials by your services new interpretation which lists cones, beams, and tubes as packaging.

Cones, tubes and beams remain with the products during the whole manufacturing process. Without the support of these materials, textile products cannot be handled in the production process. They are designed to remain with the product also during storage. Furthermore, without cones, tubes and beams the product cannot be presented at the end of the production process to a user further down the chain such as a clothing manufacturer.

Cones, tubes and beams are an integrated part of the production process as clearly demonstrated in the chart on yarn and fabric formation in annex. The functions are purely for manufacturing and not packaging and they are not consumer used. Even when they are delivered as part of a sales unit in a commercial transaction to a user further down the chain, they are returned to the actor up the supply chain for re-use.

In your interpretation where it is stated that *“in case where rolls, tubes and cylinders are used in manufacturing processes only and eventually for storage but without presenting a product as a sales unit in a commercial transaction, to a user or to the final consumer, they should not be considered as packaging”* the Commission does not take into consideration the practices in the global textiles and clothing supply chain. In another word, the interpretation is not supply chain driven. With this in mind, EURATEX would urge the Commission to consider the practices in the entire supply chain and therefore restrict the application of its interpretation to cones, tubes and beams for use by consumers.

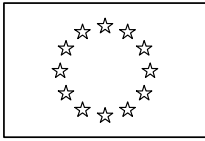
With the above in mind, EURATEX would urge you to consider the following amendment to your proposal: *"Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders that are used as parts of the production process throughout the supply chain"*

Please don't hesitate to contact me. I remain available to further discuss the above.

Thank you in advance for your consideration.

Yours sincerely,

Adil ELMASSI
Environmental Affairs Officer



EUROPEAN COMMISSION

Brussels, XXX
[...] (2011) XXX draft

COMMISSION DIRECTIVE ../.../EU

of XXX

**amending Annex I to Directive 94/62/EC of the European Parliament and of the Council
on packaging and packaging waste**

(Text with EEA relevance)

COMMISSION DIRECTIVE ../.../EU

of XXX

**amending Annex I to Directive 94/62/EC of the European Parliament and of the Council
on packaging and packaging waste**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 94/62/EC of the European Parliament and the Council of 20 December 1994 on packaging and packaging of waste¹, and in particular Article 3(1) thereof,

Whereas:

¹ OJ L 365, 31.12.1994, p. 10.

- (1) Article 3(1) of Directive 94/62/EC defines 'packaging' by setting out a number of criteria. The items listed in Annex I to that Directive are illustrative examples of the application of those criteria.
- (2) For reasons of legal certainty and harmonisation of the interpretation of the definition of 'packaging', it is necessary to review and amend the list of illustrative examples. As indicated in Article 3(1) of Directive 94/62/EC, the following items shall be addressed as a priority: CD and video cases, flower pots, tubes and cylinders around which flexible material is wound, release paper of self-adhesive labels and wrapping paper.
- (3) The measures provided for in this Directive are in accordance with the opinion of the Committee established pursuant to Article 21 of Directive 94/62/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 94/62/EC is replaced by the text set out in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 September 2013 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, [...]

For the Commission
On behalf of the President
[...]
[Position]

ANNEX

ANNEX I

ILLUSTRATIVE EXAMPLES FOR THE CRITERIA REFERRED TO IN ARTICLE 3(1)

Illustrative examples for criterion (i)

Packaging

Sweet boxes

Film overwrap around a CD case

Mailing pouches for catalogues and magazines (with a magazine inside)

Cake dollies sold with a cake

Rolls, tubes and cylinders around which flexible material (e.g. plastic film, aluminium, paper) is wound, except rolls, tubes and cylinders intended as parts of production machinery and not used to present a product as a sales unit

Flower pots intended to be used only for the selling and transporting of plants and not intended to stay with the plant throughout its life time

Glass bottles for injection solutions

CD spindles (sold with CDs, not intended to be used as storage)

Clothes hangers (sold with a clothing item)

Matchboxes

Sterile barrier systems (pouches, trays and materials necessary to preserve the sterility of the product)

Beverage system capsules (e.g. coffee, cacao, milk) which are left empty after use

Release paper of self-adhesive labels

Refillable steel cylinders used for various kinds of gas, excluding fire extinguishers

Non-packaging

Flower pots intended to stay with the plant throughout its life time

Tool boxes

Tea bags

Wax layers around cheese

Sausage skins

Clothes hangers (sold separately)

Beverage system coffee capsules, coffee foil pouches, and filter paper coffee pods disposed together with the used coffee product

Cartridges for printers

CD, DVD and video cases (sold together with a CD, DVD or video inside)

CD spindles (sold empty, intended to be used as storage)

Soluble bags for detergents

Grave side lights (containers for candles)

Mechanical quern (integrated in a refillable recipient, e.g. refillable pepper mill)

Illustrative examples for criterion (ii)

Packaging, if designed and intended to be filled at the point of sale

Paper or plastic carrier bags

Disposable plates and cups

Cling film

Sandwich bags

Aluminium foil

Plastic foil for cleaned clothes in laundries

Refillable steel cylinders used for various kinds of gas, excluding fire extinguishers

Non-packaging

Stirrer

Disposable cutlery

Wrapping paper (sold separately)

Paper baking cases (sold empty)

Cake dollies sold without a cake

Illustrative examples for criterion (iii)

Packaging

Labels hung directly on or attached to a product

Part of packaging

Mascara brush which forms part of the container closure

Sticky labels attached to another packaging item

Staples

Plastic sleeves

Device for measuring dosage which forms part of the container closure for detergents

Mechanical quern (integrated in a non-refillable recipient, filled with a product, e.g. pepper mill filled with pepper)

Non-packaging

Radio frequency identification (RFID) tags

Technical Adaptation Committee on Packaging
15.02.2010, Brussels

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EUROPEAN COMMISSION	Mrs Karolina FRAS Mrs Diana OANCEA				

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