



Notification Number: 2007/165/F

## Draft Decree on the obligation to incorporate matter of plant origin in plastic for certain uses [as ingredients]

Date received : 23/03/2007  
End of Standstill : Closed  
Issue of comments by : Belgium, Germany, Netherlands  
Issue of detailed opinion by : Commission

### Message

Message 002

Communication from the Commission - SG(2007) D/50768  
Directive 98/34/EC  
Translation of the message 001

Notification: 2007/0165/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200700768.EN)

#### 1. Structured Information Line

MSG 002 IND 2007 0165 F EN 25-06-2007 23-03-2007 F NOTIF 25-06-2007

#### 2. Member State

F

#### 3. Department Responsible

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### 4. Notification Number

2007/0165/F – S20E

### 5. Title

Draft Decree on the obligation to incorporate matter of plant origin in plastic for certain uses [as ingredients]

### 6. Products Concerned

Plastic waste bags (bin bags) with a half-perimeter less than or equal to 69 centimetres or of a length of less than or equal to 85 centimetres  
Plastic cotton buds

### 7. Notification Under Another Act

NO

### 8. Main Content

This Decree determines the uses of plastic for which it shall be obligatory to incorporate matter of plant origin in the plastic and stipulates the increasing proportions required.

It comprises two parts: the first, namely articles 1 to 3, specifies the definitions and uses concerned; the second, namely articles 4 and 5, focuses on the checks and penalties relating to this prohibition measure.

Firstly, definitions of “plastic” and “matter of plant origin” are given.

The uses of plastic concerned are then listed (see point 6 above). For each of these uses, from 1 January 2009, the proportion of matter of plant origin to be included in the plastic used in the products concerned must be at least 40 % by weight.

Finally, these products must meet the biodegradability requirements under standard NF EN 13-432 or any standard laying down an equivalent level of biodegradability.

As regards monitoring and penalties, the guiding principle is that of self-regulation, and failure to comply with this prohibition measure shall be penalised by a 5th class penalty.

Keywords: plastic – matter – plant – biodegradable – bioplastic

### 9. Brief Statement of Grounds

By encouraging the development of biodegradable products including a certain percentage of matter of plant origin, this Decree aims to limit the placing on the market of products of fossil origin which cause a drain on natural resources and have a detrimental effect on the environment.

All the uses covered by the measure are thus single-use products which are soiled after use and are not therefore recycled. The measure aims to cover plastic products used in different sectors:



Cotton buds: single-use hygiene product;  
Waste bags: single-use household product.

#### **10. Reference Documents - Basic Texts**

a) Texts attached in Annex 1:

- Articles L. 541-10, L. 541-45 and L. 541-46 of the Environment Code;
- Article 47(3) of Act No 2006-11 of 5 January 2006 on agriculture;
- Article R 601 of the Penal Code

#### **11. Invocation of the Emergency Procedure**

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#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

NO

#### **14. Fiscal measures**

NO

#### **15. Impact assessment**

Information on the measure's impact assessment is provided in Annex 2.

#### **16. TBT and SPS aspects**

TBT and SPS aspects (Agreements drawn up within the framework of the WTO)

TBT aspect (Agreement on Technical Barriers to Trade)

YES

SPS aspect (Agreement on Sanitary and Phytosanitary Measures)

NO

The draft is not a sanitary or  
phytosanitary measure pursuant to Annex A to  
the SPS Agreement.

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