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PlasticsEurope views on the ban of non-biodegradable bags in Italy

Italy's decision to ban non-biodegradable bags is in violation of EU Law and if pursued could potentially cause severe environmental damage.

PlasticsEurope supports the development and application of EU standards on biodegradable or compostable plastics conducive to creating a fair competitive environment for the development of such materials. However, PlasticsEurope condemns Italy's decision to ban non-biodegradable bags as from 1 January 2011. PlasticsEurope considers the ban to be in violation of the Packaging and Packaging Waste Directive and general principles of EU Law:

1. **The free movement clause** which prohibits a Member State from banning from its territory packaging which meets the essential requirements of the Directive on the composition, reusability, recyclability and recovery, and which is part of a recovery system. Plastics carrier bags, considered packaging under the Directive, fulfil these requirements.
2. **The waste management options** which give priority to prevention, reuse and recycling over landfilling. This measure disregards the fact that traditional non-biodegradable plastic bags are reusable, recyclable and recoverable. Furthermore, for imposing biodegradable bags and thus preferring the landfilling option to justify such a measure, Italy should have provided evidence that biodegradable bags are better than non-biodegradable bags from an environmental point of view.
3. **The impact on plastics recycling.** The waste management industry and public organisations including municipalities, have invested millions in equipment in order to abide by the obligations under the Directive. Such an outright ban will have a huge impact on the recent efforts undertaken to increase and develop recycling, and will hamper innovation in the waste management sector, bringing to a halt a number of ongoing projects. The measure proves to be equally short-sighted as it does not consider the existing waste management facilities which would need to be adapted to separate bio-degradable materials from traditional materials to avoid contaminating the waste stream for recycling.
4. **The Principle of Proportionality:** to impose biodegradable bags to the detriment of traditional plastic bags is not proportionate to the rightful aim pursued which is to safeguard the environment. There exist less restrictive and more suitable measures in order to protect the environment and, at the same time, to promote bio-materials. For the latter, Italy may instead encourage the use of biodegradable bags through educational campaigns or similar action.

In light of the above-stated arguments, PlasticsEurope considers that the Italian move to ban non biodegradable bags, not only represents a blatant breach to the EU law but also a significant threat to the environment as such a measure will lead to a decrease in recycling rates and an increase in CO2 emissions. PlasticsEurope supports and encourages the use of bio-degradable materials in applications where they yield greater environmental and economic benefits. However, decisions in favour of any material or product must be based on sound scientific criteria and a lifecycle approach. Neither traditional plastics nor bio-based,

biodegradable, or compostable plastics should be discriminated against, and economic and social perspectives should also be taken into account.

Finally, PlasticsEurope disagrees with arguments and expectations which are unrealistic in nature, including the idea that biodegradable plastics represent a solution to the litter problem or that bio-based plastics are a credible short-term replacement of all traditional fossil-based plastics.