

Warszawa, 29 września 2020 r.
KL/456/327/DZS/2020

Pan
Jacek Ozdoba
Sekretarz Stanu
Ministerstwo Klimatu

Szanowny Panie Ministrze,

Przekazuję w załączeniu uwagi Konfederacji Lewiatan w języku angielskim do projektu nr 2 Wytycznych KE do tzw. Dyrektywy SUP (*single-use plastic*) tzn. *Guidance in accordance with Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment.*

Pozostaję do dyspozycji w przypadku konieczności przedstawienia dodatkowych informacji.

Z poważaniem,



Maciej Witucki
Prezydent Konfederacji Lewiatan

Załącznik:

Uwagi Konfederacji Lewiatan do projektu nr 2 Wytycznych KE do tzw. Dyrektywy SUP (single-use plastic).

**Załącznik - uwagi Konfederacji Lewiatan do projektu nr 2 Wytycznych KE do tzw. Dyrektywy SUP
(single-use plastic)**

The Polish Confederation Lewiatan Contribution to the consultation on initiative Commission guidance in accordance with Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment”

Version 2, 9 September 2020

The Polish Confederation Lewiatan, the voice of the industry in Poland supports EU’s Plastic Strategy aiming to reduce the plastic waste and increase the recycling rate of plastics. In particular, the Confederation welcomes the Commission’s efforts establishing guidance in accordance with the Single Use Plastics Directive (SUPD).

The Polish Confederation Lewiatan welcomes the Commission decision stating that if ingoing and final polymer have the same chemical structure and approximately the same molecular weight distribution, they are considered to be the same. What means that regenerated cellulose, e.g. in form of viscose and lyocell, is not included in the SUPD, as the resulting polymer is not chemically modified compared to the ingoing polymer.

However we are very much concerned about a specific point which sees PHAs (biodegradable polymers) included in the scope of the SUPs Directive as they are not considered “natural polymers”. The Polish Confederation Lewiatan disagrees with such proposal. We believe that PHA is produced via industrial fermentation using the same microorganisms that produce them in nature, and therefore it should be considered as Natural Polymers that have not been chemically modified.

The Polish Confederation Lewiatan calls for an amendment as below:

2.1.3 Natural polymers that have not been chemically modified

Natural polymer

(...)

Based on REACH Regulation and ECHA guidance, under the registration obligations under REACH, polymers produced via industrial fermentation process are not considered ‘natural polymers’. In order to align the implementation of the SUP Directive, the same interpretation of the term ‘~~natural polymer~~ **as they occur naturally in the environment**’ should be ~~applied~~ **taken into account**. Therefore, polymers resulting from biosynthesis through artificial cultivation ~~and or~~ **fermentation** processes manufactured in industrial settings **with the same chemical identity as polymers present**

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~~in nature, e.g. polyhydroxyalkanoates (PHA), should not be considered natural polymers which have resulted from a 'polymerisation process that has taken place in nature'.~~

The Confederation considers the following elements for a better explanation of what is considered a single-use plastic product falling within the scope of the Directive:

- The table in the guide provides a non - exhaustive list of the wet wipe categories covered or excluded from SUP Directive. In order to avoid legal uncertainty and to ensure the uniform labeling of products on the market, the Polish Confederation Lewiatan asks whether the disinfection wipes for human and surface also included in the scope of the SUP Directive? If so, the Polish Confederation Lewiatan proposes to add a biocidal products section and indicate if any of them are covered by the SUP directive.
- Taking into account the list of the wet wipe categories covered or excluded from SUP Directive, the Polish Confederation Lewiatan for the sake of clarity proposes to change the wording of point 2 in the personal care section from "Hand cleansing wipes" to "Cleansing wipes for skin (including hands and body)". Whole body cleansing products are available on the market in the form of wipes with a larger surface area than those for hands.

We hope that our suggestions and proposed changes will be of interest to the Commission and will help to prevent any legal uncertainty in the interpretation of the SUP Directive.

The Polish Confederation Lewiatan looks forward to contributing actively to the future discussions on the detailed solutions implementing the Plastics Strategy and SUP Directive.

