
PRESS RELEASE

CONSUMERS AND INDUSTRY WILL SUFFER FROM CHANGE TO FRENCH PACKAGING DECREE

Brussels, 19 August 2009 - A change to packaging regulations in France risks negatively affecting consumers in that country and across the EU according to EUROPEN—The European Organization for Packaging and the Environment. It also risks eroding industry supply chain efficiencies in the packaged goods sector and creating new barriers to trade in the EU internal market. Because of the change to the Decree EUROPEN has called on the European Commission to initiate EU Treaty infringement proceedings against France.

The law of the *Grenelle*¹ adopted last month by the French National Assembly and Senate limits requirements regarding packaging to respecting the needs for product safety, hygiene and logistics. Reference to the need for consumer acceptance of packaging is not included.

Removing the necessity of consumer acceptance could for example result in French authorities making judgements that it is unlawful to use multi-packs. This system of grouping products together using an extra layer of packaging is offered as a convenience to consumers to make handling easier and to reduce the amount of time needed at the checkout counter. Similarly, regulators may stipulate packaging that uses less material but which results in inconvenience for consumers because it is more difficult to open.

Julian Carroll Managing Director of EUROPEN said, "*I would be interested to see the reaction of French consumers if suddenly the traditional champagne bottle was ordered to be replaced by a lighter weight container on the grounds that it did not comply with the Essential Requirements despite ample evidence that consumers demand the time-honoured method of packaging. Similarly, conventional packaging for high priced luxury goods, an important element of the French economy, could also be ruled illegal*", added Carroll.

In its request to the EU Commission for the initiation of infringement proceedings against France, EUROPEN has pointed out that the law of the *Grenelle* results in a revision of a 1998 French Decree (N° 638 of 20 July 1998) which transposed Essential Requirements from the 1994 EU Directive on Packaging and Packaging Waste into French law. Consumer acceptance of packaging is one of the requirements. Because the Directive, adopted by the European Parliament and Council, is an EU harmonised Directive, a Member State is bound by its requirements and has no powers to amend it unilaterally. EUROPEN member companies in France had pointed out this fact to legislators during passage of the law, but their warnings were apparently not heeded.

Commenting on EUROPEN's request for the Commission to initiate infringement proceedings, Julian Carroll said: "*We have asked the Commission to act promptly in this case to prevent any possible disruption to the internal market for packaging and packaged goods. Having a harmonised EU packaging law is essential to avoid the possibility that goods manufactured in one EU Member State may be prevented from being sold in another simply because of different rules about packaging.*"

- end -

For more information please contact: Julian Carroll, Managing Director, EUROPEN Telephone: +32 2 736 3600, Email: packaging@europen.be. Website: www.europen.be

¹ Rapport au nom de la Commission mixte paritaire chargée de proposer un texte sur les dispositions restant en discussion du projet de loi de programmation relatif à la mise en oeuvre du Grenelle de l'environnement, (Assemblée Nationale N°164, Senat N°581)