

7 July 2020

President Ursula von der Leyen

Executive Vice-President Frans Timmermans - Green Deal & Circular Economy

Commissioner Stella Kyriakides - Health & Food Safety

Commissioner Virginijus Sinkevičius - Environment, Oceans and Fisheries

European Commission

Wetstraat 200 rue de la Loi

1049 Brussels

Dear Madame President, Dear Executive Vice-President, Dear Commissioners,

Taking the time to address implementation of Directive 2019/904

As we contemplate an emergence from the Covid-19 crisis and the tough battle ahead to preserve and rebuild businesses, regenerate growth in a sustainable manner, save jobs and, above all, keep people safe, we wish to reiterate the need for the EU to deliver a ***balanced approach to the packaging solutions available for serving food and drinks hygienically and safely out-of-home*** – both for in-store and for on-the-go consumption.

In this regard, we have a number of concerns about the latest draft ***guidelines regarding the definitions and scope of Directive (EU) 2019/904***, which were recently circulated to member state governments. It is not our intention here to raise technical details with you¹ but rather some points of principle. We believe that new elements, which have the potential to massively extend the scope of certain provisions, seriously impacting both businesses and consumers, have been introduced to the draft without consultation with stakeholders, despite assurances during the latest round of consultation workshops that this would happen. Therefore, we urge the Commission to involve stakeholders in further consultations on such new elements, in consideration of the complexity of the matter and the potential serious consequences for consumers, businesses and the single market. ***We respectfully submit that it is imperative that the Commission take the time to seek and properly assess stakeholder feedback rather than rush out a document that will have unintended consequences in practice.***

Serving Europe and its members fully support and remain committed to the objectives of ***Directive (EU) 2019/904*** to reduce the presence of plastics litter in the oceans. To reach this objective, while continuing to ensure the health and safety of European consumers, it is crucial that the Commission recognises the ***synergy in practice between safe and sustainable single-use packaging and safe and sustainable reuse systems.***

¹ ***You will find in attachment a letter we sent to the Commission's Waste & Material Resources Unit with our specific comments on these guidelines.***

Society needs to move forward and find the right balance between single use and reuse that is truly sustainable – that means economically and socially, as well as environmentally. This implies *ensuring that hygiene and health are not compromised*, especially as we emerge from this unprecedented health crisis. We feel that the foodservice sector’s concerns about hygiene are continually deflected by the Commission as not relevant or not of particular concern every time they are raised. EU legislation needs to ensure access to both *safe single use packaging* and *safe reuse systems* and not place an obligation on operators in the quick service sector to accept potentially unsafe solutions.

We look forward to being able to work further with the Commission on this important topic. In the meantime, we earnestly request that your services take the time to assess the impacts of the latest draft guidelines rather than push out recommendations that risk unintended consequences.

Yours sincerely,



Eamonn Bates
Secretary General

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