



10 December 2013

Joint Industry Association Position on the Triman Mark

The undersigned associations strongly believe that the Triman measure fragments the internal market, is a barrier to trade, is more strict than necessary and is not proportionate to meet the objective being pursued.

Our associations call for:

1. The French Government to abandon the current initiative or make it voluntary;
2. The EU authorities to review the compatibility of the Triman legislation with global trade and internal market rules;
3. In case France adopts the current draft decree, we ask the Commission to launch an infringement procedure against France;
4. Members of the World Trade Organization (WTO) to oppose the French draft measure notified on 19 November 2013.

The Triman mark and what it entails

In 2007, the French policy orientation framework, the so-called 'Grenelle' for the environment, called for the creation of a common set of symbols on recyclable products marketed in France. The planning law on the implementation of the Grenelle for the Environment states that 'symbols and waste sorting instructions shall be progressively harmonised'.

The French environment ministry drafted the implementing legislation, and in October 2012 the European Commission gave the French authorities approval to proceed on the basis that the measure did not present any obstacles to the internal market.

Countries that are exporting within the EU Single Market are concerned that the proposed measure would be a barrier to trade, as packaging would have to be made specifically for the French market. This measure was also criticised for being very expensive to implement, and therefore not proportional to its policy objectives of simplifying waste sorting activities and increasing the recycling rate in France.

Scope and implications

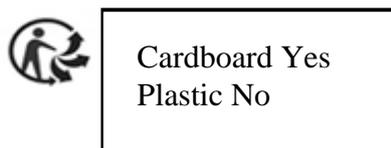
Recyclable products and recyclable packaging are to display the 'Triman' logo.

<i>Logo</i>	<i>Visual</i>
Triman	

The logo should be affixed next to existing environmental logos, for example the 'Green Dot'.

The logo would also have to be displayed on secondary recyclable packaging. An alternative would be to display some wording and/or pictograms on the primary packaging to inform the consumer that secondary packaging inside is also subject to recycling. Such information should be translated in French.

Example:



A product is defined as recyclable when it is subject to a system of extended producer responsibility (EPR) associated with a recycling scheme, for example furniture, glass, recyclable packaging, textiles and tyres.

A number of exemptions have been identified:

- Products placed on the market before 1 January 2015;
- E-waste, batteries and accumulators covered by relevant European legislation (such as WEEE and the Battery Directive), however all packaging covered by producer responsibility legislation will be subject to the Triman obligation; this is likely to confuse consumers rather than providing useful guidance, especially as such packaging can bear the WEEE wheelie bin logo and the batteries wheelie bin logo;
- When it is technically not possible;
- When costs are disproportionate; and
- When a product bears a similar label to comply with the legislation of another Member State.

It is expected that the decree and a guidance document will be published by the end of 2013.

Impact of the draft measure on business

Operators will be forced to re-label or repackage products to include the Triman logo for the French market, involving significant administrative burdens and costs associated with the re-labelling, re-packaging or updating of printed folders. This measure is both disproportionate to the stated policy objectives and discriminatory as increasing the recycling rate could be achieved through less onerous measures.

It also seems that the French authorities have largely under-estimated the costs industry will have to bear to comply with this new piece of legislation. Furthermore, they argue that current recycling fees

will be reduced to balance this new cost. However, we have not seen any concrete measures in this direction. To our knowledge, the French authorities have not conducted any impact assessment of the costs associated with this measure.

We are also concerned that there is no harmonised approach to sorting waste in France. Some regions and municipalities are much more advanced than others. In the least advanced regions, which do not provide different waste bins to sort household waste, we question the value of giving consumers sorting instructions.

Implications for sectors falling under the scope of Triman

The French **cosmetics** association estimates the cost for reviewing printing folders for packaging to be €1,000 per stock keeping unit (SKU). This figure does not take the destruction of old packaging into account.

In the **printing industry**, the estimated cost is €0.25 per sticker. This would amount to €8 million in the printing cartridges industry. The **toy industry** estimates the cost at €0.29 per product sold.

In the case of the **tyre industry**, in which products are sold without packaging, industry has proposed including the Triman mark in communication material such as catalogues or websites. In general though, the added value and the proportionality of such labelling requirement remains questionable. In 2011, the recovery rate of used tyres EU wide was an impressive 96%.¹ In that same year, France recycled 103% percent of the tyres it was supposed to treat.² It is therefore not clear how the Triman logo could improve an already efficient recycling scheme.

One multinational company in the **food and drink sector** has estimated a total cost implication of €814,000 if such a measure would be enforced. This cost mainly relates to re-labelling and photo-engraving issues, i.e. changing the engraved plaques and/or tools at printer level to allow the printing of new labels for packaging, printing operations as well as the overall costs of running a project to amend the label. In the **food industry**, it is estimated that the cost of affixing the mark on the label of each product would amount to €1,500 to €2,000 per product format, amounting to an average total cost ranging from €70,000 to €700,000 depending on the range of products and the sophistication of the packaging.³

The **lighting industry** has recently undergone a major revamp of the packaging graphics of thousands of products due to the EU eco-design and labelling regulations. This has generated substantial costs and the industry struggles to see the added value of additional packaging marking.

¹ Figures drawn from the 2011 edition of 'End of Life Tyres: a valuable resource with growing potential', produced by the European Tyre and Rubber Manufacturing Association (ETRMA)

<http://www.etrma.org/uploads/Modules/Documentsmanager/brochure-elt-2011-final.pdf>

² ELT management organisation can collect and treat more tires than those arising in their country in a given year. See table p3 in the report cited above

³ Figures drawn from letter to Guillaume Garot, Ministre délégué chargé de l'Agroalimentaire, dated 20 September 2013, produced by ANIA (French Food Industry).



Meglana Mihova
Environment Committee Chair,
AmCham EU



Katrin Recke
Senior Sustainability
Manager, AIM



Korrina Hegarty
Environment Policy Director,
CECED



Anders Ladefoged,
Director European Affairs,
DI



Bertil Heerink, Director General,
Cosmetics Europe



Sylvie Feindt
Environment Policy
Director,
DIGITALEUROPE



Pierre Wiertz,
General Manager, EDANA



Patricia Fosselard,
Secretary General, EFBW



Hans Craen, Secretary General,
EPBA



Roberto Marelli,
President, ENPC



Christian Eckert
Secretary General, EPTA



Alexandre Dangis,
Managing Director, EuPC



Virginia Janssens
Managing Director, EUROPEN



Joachim Quoden,
Managing Director, Expra



Alberto Bichi,
Secretary General, FESI



Tove Larsson
Director of Environmental
Sustainability,
FoodDrinkEurope



Jane Bickerstaffe,
Director, INCPEN



Yukihiro Kawaguchi,
Secretary General, JBCE



Marc Guiraud
Policy Director, LightingEurope



Ursula Denison,
Managing Director, Pro
Europe



Catherine Van Reeth,
Director General, TIE

SUPPORTING INDUSTRY ASSOCIATIONS:

ABOUT AMCHAM EU – The American Chamber of Commerce to the EU (AmCham EU) speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled €1.9 trillion in 2012 and directly supports more than 4.2 million jobs in Europe.

ABOUT AIM – AIM is the European Brands Association. It represents brand manufacturers in Europe on key issues which affect their ability to design, distribute and market their brands. AIM's membership groups some 1800 companies of all sizes through corporate members and national associations in 21 countries.

ABOUT CECED – CECED represents the household appliance manufacturing industry in Europe. Its member companies are mainly based in Europe. Direct Members are Arçelik, Ariston Thermo Group, BSH Bosch und Siemens Hausgeräte GmbH, Candy Group, Daikin Europe, De'Longhi, Electrolux, Fagor Group, Gorenje, Indesit Company, LG Electronics Europe, Liebherr Hausgeräte, Miele, Philips, Samsung, Groupe SEB, Vorwerk and Whirlpool Europe. CECED's member Associations cover the following countries: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

ABOUT COSMETICS EUROPE – The Personal Care Association - has been the voice of Europe's EUR 70 billion (excluding exports) cosmetics, toiletry and perfumery industry since 1962. It represents the interests of more than 4000 companies, ranging from major international cosmetics manufacturers to small, family-run businesses operating in niche markets. In 2011, direct and indirect employment in the European cosmetics industry was approximately 1.7 million people. The membership of Cosmetics Europe is committed to continuing development of safe, innovative and effective products. Its mission is to meet consumer desires for new and enhanced products and to provide useful, more comprehensive product information.

ABOUT DI – The Confederation of Danish Industry is a horizontal business organisation representing about 10,000 companies within manufacturing, trade and services, covering virtually all sub-sectors. Also, a number of sectoral employers' associations and branch federations are included in DI's framework.

ABOUT DIGITALEUROPE – DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

ABOUT EDANA – EDANA is the leading global association and voice of the nonwovens and related industries. Its mission is to provide global leadership, creating an environment beneficial to innovation, sustainable and profitable growth of industry to best serve consumers. Formed in 1971 originally as the European Disposables and Nonwovens Association, for more than four decades EDANA has grown and evolved, to become today a modern industry association with a European focus and global influence and profile, reflecting the changing dynamics of the nonwovens industry. Today, unifying the diversified interests of over 220 member companies in a unique vertically integrated structure along the supply chain, EDANA is the single, powerful Voice of Nonwovens, representing, protecting and actively promoting the common interests of nonwovens and their related industries throughout the world, with a particular focus on Europe, Middle East and Africa.

ABOUT EFBW – EFBW is the voice of the European bottled water industry. A not-for-profit association with a membership base that includes national associations, companies and scientific bodies, EFBW collectively represents more than 600 producers of natural mineral water and spring water across Europe.

ABOUT ENPC – The European Nursery Products Confederation (ENPC) is a trade association for childcare product manufactures in Europe. It is composed of national associations representing small and medium-size enterprises (SME), and large companies (leaders in the sector) playing a key role in the European single market. Childcare products estimated market size in five major EU countries amounted to 2.8 billion Euros: France (768 million euros), UK (707 million euros), Germany (539 million euros), Italy (444 million euros), and Spain (351 million euros). ENPC is involved in ensuring safety requirements in the legislation, it is a liaison partner of the European standards organisation, and our members are actively involved in the technical committee CEN/TEC 252 with the scope of developing standards for all products related to child use and care.

ABOUT EPBA – The European Portable Battery Association (EPBA) is the authoritative voice of the portable power industry. It supports the common interests of its members regarding portable batteries and battery chargers with European institutions and other leading international bodies to provide consumers with complete power solutions which are sustainable across their life-cycle.

ABOUT EPTA – EPTA is an association of power tool manufacturers with production or major Research and Development facilities in Europe. The 20 companies represented by EPTA – many of which are small and medium sized enterprises – account for about 16,000 employees. The industry's annual turnover in 2012 was estimated at €3.8 billion.

ABOUT EuPC – EuPC is the EU-level Trade Association, based in Brussels, representing European Plastics Converters. Plastics converters (sometimes called "Processors") are the heart of the plastics industry. They manufacture plastics semi-finished and finished products for an extremely wide range of industrial and consumer markets - the automotive electrical and electronic, packaging, construction and healthcare industries, to name but a few. EuPC now totals about 51 European Plastics Converting national and European industry associations, it represents close to 50,000 companies, producing over 45 million tonnes of plastic products every year.

ABOUT EUROPEN – EUROPEN (European Organization for Packaging and the Environment) is an industry association based in Brussels presenting the opinion of the packaging supply chain in Europe, without favouring any specific material or system. EUROPEN members are comprised of multinational corporate companies spanning the packaging value chain (raw material producers, converters and brand owners, using packaging materials) plus five national packaging organizations all committed to continuously improving the environmental performances of packaged products, in collaboration with their suppliers and customers.

ABOUT EXPRA – EXPRA (Extended Producer Responsibility Alliance – inspiring packaging recycling), is the alliance for packaging and packaging waste recovery and recycling systems which are owned by obliged industry and work on a not-for-profit basis. EXPRA acts as the authoritative voice and common policy platform representing the interests of all its member packaging recovery and recycling organizations founded and run by or on behalf of obliged industry.

ABOUT FESI – FESI founded in 1960 represents the interests of the European Sporting Goods Industry. FESI's members directly and indirectly employ about 650,000 workers in the EU with an annual European turnover of over €66 billion. 70-75% of FESI's membership is made up of Small and Medium Enterprises. 1,800 companies are members, either directly or indirectly through national sports industry federations from Austria, the Czech Republic, Denmark, France, Germany, Greece, Italy, Netherlands, Spain, Sweden and the UK. FESI also includes some of the most renowned global sporting goods brands such as adidas and Puma from Germany or Lotto and Tecnica from Italy.

ABOUT FoodDrinkEurope – FoodDrinkEurope represents Europe's food and drink industry, Europe's largest manufacturing sector in terms of turnover, employment and value added. FoodDrinkEurope works with European and international institutions, in order to contribute to the development of a legislative and economic framework addressing the competitiveness of industry, food quality and safety, consumer protection and respect for the environment. FoodDrinkEurope's membership consists of 26 national federations, including 3 observers, 25 European sector associations and 18 major food and drink companies.

ABOUT INCPEN – The Industry Council for research on Packaging & the Environment (INCPEN) was set up in 1974 to study the environmental and social impacts of packaging. We are the only environmental packaging organisation whose members span the complete supply chain – retailers, brands, packaging manufacturers and raw material suppliers

ABOUT JBCE – The Japan Business Council in Europe was established in 1999 as the representative organization of Japanese companies operating in the European Union. Our membership consists of more than 65 leading multinational corporations that are active across a wide range of sectors, including electronics, automotive, and chemical manufacturing. The key goal of JBCE is to contribute to EU public policy in a positive and constructive way. In doing this, we can draw upon the expertise and experience of our member companies.

ABOUT LightingEurope – LightingEurope is an industry association of 32 European lighting manufacturers, national associations, and companies producing materials. LightingEurope members represent over 1,000 European companies, a majority of which are SMEs; a total workforce of over 100,000 people in Europe; and an annual turnover estimated to exceed 20 billion euros. LightingEurope is dedicated to promoting efficient lighting practices for the benefit of the global environment, human comfort, and the health and safety of consumers.

ABOUT PRO EUROPE – Packaging Recovery Organisation Europe (PRO EUROPE), founded in 1995, is the umbrella organisation for European packaging and packaging waste recovery and recycling schemes which mainly use the "Green Dot" trademark as a financing symbol. In its primary role, PRO EUROPE is the general licensor of the "Green Dot" trademark.

ABOUT TIE – Toy Industries of Europe (TIE) is the trade association for the European toy industry. The toy industry is highly international and is one of the most dynamic business sectors in Europe. Over 99% of the sector is composed of small and medium sized enterprises (SMEs), which have less than 50 employees. Members of TIE include corporate companies as well as national associations from Bulgaria, France, Germany, Italy, the Netherlands, Spain, Sweden, the UK and the Nordic region. TIE membership is open to both corporate companies with a presence in Europe and national associations from European Union Member States (including candidate countries).