



Position Paper on the Marking of Plastic Carrier Bags

Introduction

The independent Testing, Inspection and Certification (TIC) sector welcomes the European Commission's initiative to lay down EU-wide rules for the marking of biodegradable and compostable plastic carrier bags. We firmly believe that biodegradable and compostable plastic carrier bags provide a substantial contribution to the European environmental and waste policy objectives.

We also fully support the clear distinction made between home-compostable bags and bags that need to degrade in industrial composting conditions. Otherwise, these markings could mislead the consumers to compost all types of bags at home.

The need for compliant biodegradable and compostable plastic carrier bags

Biodegradable and compostable plastic carrier bags have been introduced to the internal market as an alternative to conventional plastic bags in order to reduce the impact of plastic waste on our environment. In order to achieve the best effect, two factors are critical:

- Compliance of biodegradable and compostable plastic carrier bags with the relevant legislation and standards
- Appropriate disposal of these carrier bags in the correct waste stream, either industrial or home composting

Both biodegradable and compostable plastic carrier bags that do not comply with the relevant legislation or standards pose a substantial environmental threat when disposed in the composting waste stream, as they jeopardise the objective and functioning of composting, be it home or industrial composting. As such, a high degree of compliance of the marking of biodegradable and compostable plastic bags entering the Single Market with standards and legal provisions is imperative.

Consumers and economic operators need to have clear instructions when using biodegradable and compostable plastic carrier bags to dispose them correctly, that is, in the appropriate waste stream. In particular consumers, who - in general - may not have the technological background knowledge, need to be provided with clear instructions, such as markings on the bags, to enable them to dispose the bags in the appropriate waste stream, either industrial or home composting.

At present, several third-party TIC companies certify biodegradable and compostable plastic carrier bags in the EU Single Market for compliance with existing applicable harmonized standards. The bags are marked with clear indications on the composting stream (home / industrial), the manufacturer's identification and the certification mark for distinct identification.

Conformity of biodegradable and compostable plastic carrier bags under the future EU rules

We strongly believe that the future system for the marking of biodegradable and compostable plastic carrier bags should be based on the principle of third-party accredited certification, providing the independence and impartiality to deliver the highest degree of compliant biodegradable and compostable plastic carrier bags in the EU.

A system providing for self-declaration of conformity is considered not sufficiently impartial to ensure economic operator's compliance with Union legislation. Statistical evidence in other sectors of

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harmonised Union legislation, such as electrical appliances, reveals that high numbers of non-compliant and often unsafe products circulate in the EU single market.

This illustrates that the self-declaration of conformity, which is the main conformity assessment method prescribed by Union legislation for assessing the safety of electrical appliances, often fails to prevent the placing on the market of non-compliant products.

As an example, a 2015 study of products in the EU and US revealed that 77% of the 319 self-declared products were not in compliance with the relevant legislation, with 48 instances of safety critical failures. Compared to this, among the third-party certified products, there were only 0.7% and 1% products respectively in the EU and the US that showed safety critical failures.

The concept of manufacturers' self-declaration necessitates a separate impartial process, overseen by a market surveillance system throughout the Union. The verification of compliance of these bags by public market surveillance authorities after they have been placed on the market will be time and resource consuming, relying on members states market surveillance authorities that are already under a lack of resource strain.

Conversely, third party certification, accredited by the national accreditation body, would provide the necessary consistency and impartial oversight and thereby surveillance. Therefore, it should be clearly addressed in the implementing measures.

Third party certification is a proactive process carried out prior to the products being placed on the market. Market surveillance is a reactive process, which can allow non-compliant products, to circulate on the market during the time market surveillance tests are conducted and before a product recall can be enforced.

Consequently, such bags would likely be disposed of jointly with other (compliant) products contaminating the waste stream that was designed to prevent the alarming environmental issue of plastics waste. Mandatory third-party biodegradability testing and certification before placing the product on the market can prevent this situation.

Recommendation

We fully support the Commission's objective and effort to reduce the impact of plastic waste on our environment. The use of biodegradable and compostable plastic carrier bags is a key contribution to achieve this target.

In this context it is critical that such bags conform to the declared characteristics and standards for biodegradability and compostability. Third-party conformity assessment is an essential tool to demonstrate the conformity of these plastic carrier bags with the declared characteristics and properties. Therefore, we recommend the obligatory third-party certification by following the current Union legislation rules.

As private markings have been established over the past 20 years based on conformity assessment procedure, they should be included for consideration when drafting of specific Union legislation in this sector.

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