

REDUCING MARINE LITTER: ACTION ON SINGLE USE PLASTICS AND FISHING GEAR – EUROPEAN VENDING & COFFEE SERVICE ASSOCIATION POSITION

EU Commission proposal for a Directive on the reduction of the impact of certain plastic products on the environment released on May 28th aims to ban beverage stirrers used in vending and would require Member States to take measures to significantly reduce the consumption of other single use plastic items such as plastic disposable cups.

Brussels, 17 July 2018

MAIN MESSAGE

The EVA would firstly like to state its support for appropriate measures to reduce the negative impact on the environment that unnecessarily discarded plastic waste can bring. We also welcome the objective to promote the transition to a circular economy with innovative and multi-purpose materials. However, the measures to tackle marine litter must be proportionate and carried out adequately and effectively.

The EVA notes that the proposed Directive places stringent requirements on producers of various single use plastics, bans a typical product used in the vending industry (beverage stirrers), and requires the reduction of consumption of plastic cups (mostly made of polystyrene) and even paper cups with a low percentage of polyethylene or bioplastic coatings.

These measures would have detrimental consequences on our industry and threaten an important channel of the food and beverage distribution.

We would like to emphasise that the vending and office coffee service industry places 90% of the total machines (4 million in Europe) within buildings of private and public companies, hospitals, schools, public administration and universities equipped with waste separation systems. We think that the measures contained in the Directive proposal will not follow the proportionality aspect as mentioned in page 7. The impact on the vending industry from these proposed measures would not be proportionate as it would unduly compromise the vast proportion of our business. Moreover, the impact on marine litter from vending is therefore negligible.

Since our industry is principally in-house and mainly dedicated to providing food and drink to employees on site, our position is that we consider that beverage stirrers and single-use cups specifically designed for our industry should not be in the scope of this Directive.

VENDING & OFFICE COFFEE SERVICE (OCS): A EUROPEAN INDUSTRY

The Vending & Office Coffee Service (OCS) industry is an economic sector that mainly supplies hot drinks (coffee, tea, hot chocolate), cold drinks (mainly water in bottles or through water dispensers, and soft drinks) and food (snacks, sandwiches, fresh food). It is a channel which is open 7 days a week and 24 hours a day, and which is used for meals and breaks throughout the day in locations where there is hardly any other alternative for food and drinks, such as



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for instance in production plants, hospitals, schools or universities. Vending plays an important social role for the community and ensures hydration when there is no other channel available. 58% of Europeans use vending machines at least once a week and are appreciated for their convenience and product offering.¹

The vending industrial sector is very innovative and mainly based in the European Union. Vending machines and the single use products used in vending are the result of European technology. 10,000 vending and manufacturing companies operate in Europe and employ more than 85,000 people.

SINGLE USE PLASTICS IN THE VENDING INDUSTRY

Single use plastics are used in the vending industry principally for the following reasons:

- **Single-use cups in our industry are technical packaging designed specifically for the use in vending machines.**

2.5 million machines supply hot drinks (mainly coffee) in Europe, 63% of the total base installed in Europe. Among these machines almost 53% (in some countries e.g. Italy between 80-90%²) are fully automatic machines where the cup is dispensed automatically with the final drink. These cups must comply with very specific technical characteristics such as weight, stacking ability, upper and lower diameter, height of the rim and of the cup, which guarantee the reliability of the supply mechanism in addition to the high temperature resistance (up to 90°C) of the hot drinks dispensed. Cups containing at least some plastic fulfill the requirements to avoid unreliable dispensing and blockages in machines. Alternatives are simply not available on the market.

- **Single-use cups in our industry guarantee the hygiene and safety of the vending service.**

Vending cups are stored inside the machine in a specific container/dispenser and are not subject to contamination. Disposable cups have been tested for proper use with the dispensed beverage (in terms of drink quantity, temperature suitability, comfort when drinking). Essentially disposable cups can hold a hot drink safely without posing a risk to the consumer.

The operator who runs the machines can guarantee the food hygiene and food safety (mainly Regulation (EC) No 1935/2004 and Regulation (EC) No 1831/2003) whereas this would not be the case if the consumer had to bring his/her own cup.

Therefore, cups used in the vending industry would fall under the category as described in recital (11) of the proposal, in that any reduction should not compromise food safety:

¹ EVA Market Report 2017

² Studio sul settore della distribuzione automatica in italia ACCENTURE per CONFIDA

(11) 'For certain single-use plastic products, suitable and more sustainable alternatives are not yet readily available and the consumption of most such single-use plastic products is expected to increase. To reverse that trend and promote efforts towards more sustainable solutions Member States should be required to take the necessary measures to achieve a significant reduction in the consumption of those products, without compromising food hygiene or food safety, good hygiene practices, good manufacturing practices, consumer information, or traceability requirements set out in Union food legislation.'

EVA POSITION

Even though the EVA is convinced that beverage stirrers and single-use cups specifically designed for our industry should not be in the scope of this Directive, we would like to point out our concerns, reinforce our main arguments and ask for clarification by responding in more detail and systematically to the relevant proposed Directive Articles as below:

Article 3 - Definitions

(1) 'plastic' means a material consisting of a polymer within the meaning of Article 3 (5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified;

(2) 'single-use plastic product' means a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to the producer for refill or re-used for the same purpose for which it was conceived;

Our interpretation of these definitions indicates that a product made *partly* from plastic such as a paper cup with a plastic lining is included within the scope of the proposal. Paper cups used in the vending industry contain 10% of plastic in the linings, but we are concerned that this definition also appears to target paper cups.

Furthermore, the definition of plastic in Article 3(1), deriving from Regulation EC 1907/2006, treats also chemically modified bioplastics within the definition of plastic. A bioplastic film in the lining of a paper cup are sometimes used in our industry, but again this would also fall within the current definition.

At the Press Conference to launch the Directive proposal, Commission Vice President Jyrki Katainen mentioned that products with plastic linings can be easily replaced. The EVA was surprised at this statement and concerned as to the evidence behind it. As explained above, reliable alternatives to plastic linings are currently not available on the market.

The EVA therefore asks the Commission to:

- **Clarify further the definitions contained in Article 3, particularly in relation to the inclusion of bioplastics and paper cups within the scope.**

Article 4 – Consumption Reduction

For the reasons explained earlier, the EVA considers that the specific characteristics unique to the vending industry (e.g. located in closed sites with separate waste collection, single use items with specific technical characteristics for vending machines with no alternatives, need to guarantee hygiene and food safety) leaves only one clear response - that single use cups used in vending should not be in the scope of the Directive.

Article 5 – Restrictions on placing on the market

Most of hot drinks vending machines (1.23 million) dispense a beverage to the consumer with a plastic stirrer already provided in the cup. The type of beverage stirrer used in these fully automatic machines, in terms of size, weight and importantly dispensing reliability, cannot be simply replaced by for example wooden versions. The additional friction caused by wooden stirrers mean the dispensing mechanism cannot function as with plastic stirrers.

Further to this, while plastic stirrers are produced in Europe, wooden stirrers are typically imported from Asia. This brings with it doubts about the traceability and consequently their food quality and safety.

Article 8 – Extended producer responsibility

This Article requires that producers are to be held responsible for covering costs of waste collection (& treatment), including the clean-up of litter. Single use beverage cups are listed among the products in scope of Article 8.

The EVA acknowledges that producers of single use items should ensure that by design their products are able to be recycled. The payment of a tax that finances the collection of vending cups and the subsequent transport and treatment could be appropriate to cover the costs of a third party that manages the recovery and recycling (for example in Italy with CONAI, in Spain with ECOEMBES and in Germany with DSD). As mentioned earlier however, with the very low average price for a vended drink in Europe, any further tax – inevitably passed on to the public - would create a huge disincentive for consumers to purchase their product at a vending machine.

Article 10 – Awareness raising measures

This Article requires Member States to communicate to consumers about the problems associated with littering of certain products. Beverage cups are among the products in scope for awareness raising.

The EVA does not in principle see any issue if Member States were to require additional signage or warnings on receptacles or even on vending machines in order to educate or inform consumers of the recycling options, or of the environmental impact of littering.

The EVA is disappointed that in contrast to Article 8 where the financial consequences of littering of single use products is placed solely at the feet of the product manufacturers, in Article 10, although educational schemes are mentioned, there is no clause on increasing

enforcement that would tackle the consumer personal responsibility for littering. Without disincentivising littering through consumer financial penalties, the impact of any action on awareness raising will be negated.

Article 14 – Penalties

The EVA notes Article 14 and as a general rule considers that penalties for non-compliance with this (or any) Directive should have a framework at European - and not national - level.

Article 17 – Transposition

This Article requires member states to transpose the legislation into national law by 2 years after the Directive is approved. The current expected timetable means that these measures (and additional national requirements) would be national law by the end 2021.

Although the EVA firmly considers that single use products in the vending industry should be exempt from the Directive, this general transposition deadline appears too strict.

ABOUT THE EVA

The European Vending & Coffee Service Association (EVA) is a not-for-profit organisation established and situated in Brussels since 1994. It represents the interests of the European coffee service and vending industry vis-à-vis the European Institutions and other relevant authorities or bodies. Its membership is composed of 13 national associations and 90 individual companies across Europe. The EVA represents all segments of the coffee service, water dispenser and vending industry: machine and component manufacturers, suppliers of commodities (coffee, ingredients, snacks, cold drinks, cups etc.), and operators.



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