

## High level statement on intentionally added microplastics

The Confederation of the European Paper Industries supports the aim of the Proposal to restrict “intentionally added microplastics”, but we are concerned that despite the improvements already made during the process, the proposal still contains several issues that require more attention.

Therefore, we do not support the approval of the proposal by the SEAC and RAC Committees as it stands and would ask to amend it considering some concerns explained in this paper.

Due to wide scope of the restriction proposal, its potential effects should have been evaluated more carefully during the process. The SEAC assessment should have focused on the proportionality of the restriction proposal towards all industry and other stakeholders that have not been reviewed. REACH obligations apply regardless of the exemptions provided, and therefore all suppliers and users of polymers are bound by these obligations. The industry would be indirectly obliged to perform several new studies to identify the targeted substances, especially regarding the complex biodegradability criteria and the lack of existing studies on the subject. The concrete risk for the EU paper and board making is that our raw materials would fall under the strict reporting requirements for polymers, whereas the imported paper and board volumes containing the same or similar polymers in their recipe would enter the EU market without this administrative burden resulting in an unlevel playing field, displaced risk of micro-plastics and loss of competitiveness of EU industry.

### a. Definition and legality of the proposal

The scope of the restriction is too wide and unclear. Restrictions should be based on certain strictly defined substances and their uses and an identifiable unacceptable risk to human health or the environment. The issue in the assessment lies in the definition, where “polymers” were considered nearly equal to the term “microplastic”, without considering the essential differences between “polymers”, “plastics” and “microplastics”.

**We propose that the definition of “chemically modified” as per SUPD guidelines should be equally applied to the ECHA proposed restriction.**

Once extracted, the status of natural polymer is determined based on the production process in which it is applied. Where changes in the chemical structure result from reactions that are only taking place during the extraction process of a natural polymer (e.g. wood pulping process to extract cellulose and lignin), these are not considered to result in a chemical modification of the natural polymer as covered by the meaning of Article 3 point 1 and Recital 11 of the Directive.

### b. Chemical polymeric additives in SUPD Guidelines and ECHA proposed restriction

The SUPD guidelines refer to polymeric additives being used in the production of many materials, including non-plastic materials, polymers that meet the definition of plastic in the SUPD are often used to achieve specific material properties as well as higher production process efficiencies. Those polymeric materials are often synthetic chemical additives. The use of such polymeric materials e.g. as retention agents or binders and processing aids in the production of a material, which in itself is not plastic, does not result in the single-use product made only of that material to be considered as made partly of plastic. In particular, paper- and board-based products have in the preparation of the legislative proposal for the Directive specifically been assessed for their potential to serve as a sustainable alternative to single-use plastic products. Consequently, paper- and board-based single-use products made only from paper- and board-

based material and without a plastic lining or coating are not, in light of the considerations above, to be considered as single-use plastic products in the meaning of the Directive. These should not be subject to reporting requirements. In the case of paper and board making the polymeric additives used such as **binders, coatings, etc are generally bought as liquid compounds**. The ECHA proposed restriction focuses on solid particles hence they should not be in the scope of the restriction.

### c. Biodegradability criteria

The biodegradability criteria established in Appendix X of the proposal, are strict. In practice, the proposed approach will block most biodegradable alternatives and development of sustainable substitutes for plastics. **If natural materials that are biodegradable in nature, such as wood/lignin, cannot fulfil the proposed biodegradability criteria, multiple non-harmful and renewable biobased substances will be blocked with the proposed criteria.** It would also be important to have additional methods, such as biodegradation in the compost environment (representing controlled biodegradation environment) .

If e.g. wood-based lignin containing paper and board materials are tested according to the biodegradability criteria of the ECHA restriction, it does not biodegrade to CO<sub>2</sub> and H<sub>2</sub>O as defined but major fraction of lignin is incorporating into humic compounds that are beneficial for the soil quality.

We propose to have biodegradability criteria that are taking into account specific characteristics (e.g. behaviour of lignin) and therefor accepting degradation compounds that are beneficial and/or not harmful to the natural environment.

### d. Derogation for use in industrial sites

The derogation for industrial site uses is essential for the pulp and paper industry and we strongly support it. However, if the reporting for the industrial use were to be applied to industrial downstream users, it would oblige them to quantify and identify even very low amounts of possible microplastics coming from substances and mixtures supplied by manufacturers or importers. Industrial sites are already under strict reporting obligations under the IED 2010/75/EU hence one reporting system for microplastics should be established to prevent double reporting and avoid unintentional additional reporting costs. This is also coherent with the need for policy coordination including with the Zero Pollution Action Plan.