

EuPIA Guidance Document on the SUP Directive (EU) 2019/904 and the “Commission Guidelines on single-use plastic products” dated (31.05.2021)

This document is aimed to give EuPIA interpretation on some aspects in regard to printing inks with respect to Directive (EU) 2019/904 and the “corresponding Commission Guidelines on single-use plastic products in accordance with Directive (EU) 2019/904” published on 31.05.2021. This especially against the background, that inks are explicitly excluded from the scope of the Directive, but are being re-addressed by the Guidelines, which could lead to controversial interpretations of the status of inks within the value chain.

1. General Exemption of inks under SUP

The SUP Directive as well as the Guidelines are exempting inks in general from the scope of the directive, see references “Directive (EU) 2019/904 – recital 11” resp. “Commission Guidelines – General Terms and Definitions item 2.1“. This means, that there is principally no general restriction towards the use and application of inks on any substrate.

2. What is meant by inks – EuPIA definition*:

The SUP directive does not provide any detailed guidance on the definition of inks. In the absence of a definition EuPIA and the Packaging Value Chain (PIJITF) are referring to their definition of an ink. It reads:

“Printing inks are:

- A.** Mixtures of colourants with other substances which are applied on materials to form a graphic or decorative design together with or without
- B.** Other coloured or uncoloured overprint varnishes/ coatings or primers which are normally applied in combination with a) in order to enable the printed design to achieve specific functions such as ink adhesion, rub resistance, gloss, slip/friction, durability, etc.

Printing inks do not include coatings which are applied with the prime objective of enabling the material or article to achieve a technical function such as heat sealing, barrier, corrosion resistance etc., as opposed to a graphic effect, even though they may be coloured.”

In conclusion an overprint varnish is not in scope of the SUP directive as being an ink under the EuPIA definition and inks are exempted from the scope of the directive.

3. Printed layers being “main structural components” ?

Both the Directive and the Guidelines introduce definitions of plastic/plastic layers, see Directive (EU) 2019/904 Article 3(1) and Guidelines – General Terms and Definitions 2.1. The two key aspects that are relevant for a printed layer being regarded as plastic are that it:

- A)** Consists of a polymer acc. to the REACH definition and
- B)** Can function as a main structural component of a final product. Both the Directive and the Guidelines are using the term “and” – this connects the polymer definition to the function of serving as main structural component of a final product and thus does not apply “either/or” but only when the two aspects coincide.

The polymer definition coming from REACH is clear, however the definition of main structural component is not clear. Article 3 Point 1 of the regulation introduces the concept of a main structural component of final products but gives no interpretation of this, point 2.1.2 in the

guidelines has the intention of giving clarification. The clarification states that main structural component relates to the definition of a plastic, it does not specify or restrict the type of final product and it does not specify or restrict the type of polymer.

The EuPIA interpretation of this is, that printing inks (incl. printed varnishes or overprint varnishes for protection of the ink layer) under the EuPIA definition are not in the scope of the Single Use Plastics Directive. This includes varnishes which are not applied on the ink layer and which do not have the primary function of a barrier. However, coloured or uncoloured varnishes/coatings which are applied with the intended function of creating a specific barrier on paper/board (e.g.: water or grease resistance) are fulfilling the criterion of being a main structural component and thus are in scope of the Single Use Plastics Directive.

4. Natural polymers

As defined in the SUPD itself, polymers made of natural ingredients are not addressed as being plastic materials in the sense of the guideline. However, natural polymers are only named as such if they are present and used in their original state, which means, in an unmodified and unprocessed condition.

In fact this leads to an extremely limited number of available products based on the guidelines definition due to the fact that natural materials usually need to be treated in a suitable manner (e.g. physical or chemical processing) for operational (technical) reasons.

5. Inks on paper plates, paper straws and paper cups

Plates and straws, when made from plastics/partly made from plastics are mentioned in Annex Part B of Directive (EU) 2019/904 and fall under a ban of placing on the market according to Article 5 of the directive: It is therefore important to understand EuPIA's interpretation of the Single Use Plastics Directive and Guidelines document, that printed inks and varnishes do not meet the definition of Plastic and so non-plastic plates and straws printed with inks and varnishes are not in scope of the directive.

Paper cups: Cups for beverages, when made from plastics/partly made from plastics are mentioned in Annex A of the Directive 2019/904. This means, that for these applications a measurable consumption reduction shall be received in the EU by 2026 compared to 2022. Paper based cups with plastic lining or coating for hot or cold beverages are explicitly included in the directive (see guidelines table 4-8) and are subject to marketing obligations carrying a logo.

6. Printed articles/applications other than mentioned in Annex Parts B, D, E and G of Directive (EU) 2019/904

It is very clear that restrictions on use or any other restrictions or requirements as stipulated by the Directive (EU) 2019/904 in Annex Parts B, D, E and G do not apply for those articles/applications not explicitly mentioned in these Annexes, which is also covering the aspects whether they are printed or not.

7. Is there a difference between plastic components used as raw material for the production of paper and board and those plastic layers applied on the paper and board article surface in order to achieve a barrier function, whether by a paper manufacturer or a printer?

Yes, and this is very clearly described in the Guidelines under topic 2.2.1. "Plastic content: wholly or partly made from plastic".

In fact those plastic components used for the paper/board production, quote: "*as retention agents or binders and processing aids*" are explicitly not regarded as such and this does **not** lead to the paper or board being described as "partly made of plastic".

Contrary to that the Guidelines under 2.2.1 further stipulate, quote *“However, when a plastic coating or lining is applied to the surface of a paper- or board-based or other material to provide protection against water or fat, the final product is considered a composite product composed of more than one material of which one is plastic. In this case, the final product is seen as being made partly of plastic. Hence, single-use paper- or board-based products with plastic coating or lining are partly made of plastic and fall within the scope of the Directive.”*

Inks and varnishes applied by a printing process are not capable of functioning as a main structural component and are therefore not defined as plastics. The references made in the Single Use Plastics Directive and Guidelines document to Plastic Coatings and Linings do therefore not apply to printed inks and varnishes.

EuPIA Plastics Recycling Task Force, rev. October 2021

References:

1. **Legal text of Directive (EU) 2019/904**
2. **Commission Guidelines on single-use plastic products in accordance with Directive (EU) 2019/904, 31.05.2021**
3. **Commission Q+A document on the Commission Guidelines, 31.05.2021**
4. **[*Position of the PIJTF update 08 10 2020.pdf \(eupia.org\)](#)**

Footnote: the information in this document has been collected to the best of our current knowledge. Potential deviations from the information given in this document, which are resulting from national implementations of the SUP requirements by EU members states cannot be excluded.