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To: Virginijus Sinkevičius

Environment
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European Commission
Rue de la loi 200
1049 Brussels

Subject: Concerns Regarding French Law (2021-1104) and its impact on the European Single Market

Dear Commissioner,

We write to you on behalf of APPLiA Europe, Eurovent, LightingEurope and EHI, representing respectively the Home Appliance industry, the European HVACR (heating, ventilation, air conditioning and refrigeration) industry, the lighting industry and the heating industry regarding a French legislation called "Loi Climat et résilience" (Loi n° 2021-1104) enacted on August 22, 2021, particularly its Article 23 which introduces the possibility of a ban on the use of styrenic polymers or co-polymers in packaging, starting from January 1, 2025, unless these materials are able to be integrated into a recycling system.

We would like to express to you our concerns and have the opportunity to explain our perspective in greater depth in a personal meeting to assist in evaluating and addressing this complex situation.

The implications of this law are significant to the home appliance industry. Our sector relies heavily on expanded polystyrene (EPS) as a key component to large and other fragile household products' packaging, with a view of transporting and safely delivering such equipment to customers all across Europe. EPS buffer serves a critical role in protecting large, heavy and fragile products during production, transportation and storage, including small but fragile household appliances, as well as heating and cooling equipment.





We acknowledge the pressing need to enhance the end-of-life management of EPS packaging in certain Member States, and our Members are actively engaged in various projects throughout Europe, including in France, with the aim of developing efficient collection, sorting and recycling schemes for these materials. However, it is crucial to recognize that establishing the necessary conditions for these initiatives, particularly concerning household packaging waste, is an intricate and time-consuming process. Our members are concerned about their ability to establish such a comprehensive waste treatment framework by the mandated deadline of January 1, 2025, and subsequently, potential infringement consequences of failing to do so under French law.

Of equal concern is the potential impact of this law on the European Single Market. As we strive for a unified European marketplace where goods can be traded freely, the introduction of such legislation by one Member State would undoubtedly disrupt the harmonious flow of products across the continent. In this context, it is essential that any measures taken by individual Member States are not only in line with their sustainability goals, but also with the principles and regulations governing the European Single Market.

Regarding this upcoming EPS ban in France, and as already rightfully observed in your [written response](#) to MEP Danilo Oscar Lancini on July 6, 2023, the French law in question, as well as its Article 23, had not been formally notified to the European Commission. Furthermore, we note with concern that Article 23 had been adopted without an impact assessment to determine its proportionality and its potential equivalence with Articles 34 and 36 of the Treaty on the Functioning of the European Union. This situation mirrors the French Decree regarding the sale of fresh fruit and vegetables without plastic packaging, and it should similarly prompt an evaluation of potential infringement of the Single Market as explained in your [written response](#) from August 22nd.

In light of these developments, we wish to express our readiness to collaborate with the European Commission to provide any pertinent information that may assist in evaluating and addressing this complex situation. It is our shared responsibility to find a balanced solution that ensures the interests of European manufacturers and, *in fine*, home appliance customers including French customers, with a view of maintaining access to the French market beyond January 1, 2025, while also preserving the integrity and free trade within the European Single Market.

APPLiA, Eurovent, LightingEurope and EHI are dedicated to promoting responsible and sustainable practices within our sector, and we remain committed to working towards a future where EPS packaging is recycled effectively, minimising environmental impact while supporting our industry's growth.

Thank you for considering our perspective, and we look forward to the opportunity for constructive discussions to build further solutions together.

Sincerely,

The undersigned Organisations



APPLiA

APPLiA represents home appliance manufacturers from across Europe. By promoting innovative, sustainable policies and solutions for EU homes, APPLiA has helped build the sector into an economic powerhouse, with an annual turnover of EUR 53 billion, investing over EUR 1.6 billion in R&D activities and creating nearly 1 million jobs. www.applia-europe.eu

Eurovent

Eurovent is Europe's Industry Association for Indoor Climate (HVAC), Process Cooling, and Food Cold Chain Technologies. Its members from throughout Europe represent more than 1.000 companies, the majority small and medium-sized manufacturers. Based on objective and verifiable data, these account for a combined annual turnover of more than 30bn EUR, employing around 150.000 people within the association's geographic area. This makes Eurovent one of the largest cross-regional industry committees of its kind. The organisation's activities are based on highly valued democratic decision-making principles, ensuring a level playing field for the entire industry independent from organisation sizes or membership fees. www.eurovent.eu

LightingEurope

LightingEurope is the voice of the lighting industry, based in Brussels and representing 31 companies and national associations. Together these members account for over 1,000 European companies, a majority of which are small or medium-sized. They represent a total European workforce of over 100,000 people and an annual turnover exceeding 20 billion euro. LightingEurope is committed to promoting efficient lighting that benefits human comfort, safety and well-being, and the environment. LightingEurope advocates a positive business and regulatory environment to foster fair competition and growth for the European lighting industry. More information is available at www.lightingeurope.org.

EHI

The Association of the European Heating Industry (EHI) represents 90% of the European market for heat and hot water generation, heating controls and heat emitters, 75% of the hydronic heat pump market, 80% of the biomass central heating market (pellets, wood) and 70% of the solar thermal market. EHI Members produce advanced technologies for heating in buildings, including: heating systems, burners, boilers, heat pumps, components and system integrators, radiators, surface heating & cooling and renewable energy systems, In doing so, they employ about 120,000 people in Europe and invest over a billion Euros per year in energy efficiency. www.ehi.eu