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Adhesives under the scope of the EU Single-Use Plastic Directive (EU) 2019/904

FEICA, the Association of the European Adhesive & Sealant Industry, is a multinational association representing the European adhesive and sealant industry. Today's membership stands at 15 National Association Members, 24 Direct Company Members and 19 Affiliate Company Members. The European market for adhesives and sealants is currently worth more than 17 billion euros. With the support of its national associations and several direct and affiliated members, FEICA coordinates, represents and advocates the common interests of our industry throughout Europe. In this regard, FEICA works with all relevant stakeholders to create a mutually beneficial economic and legislative environment.

*Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment*¹ (the 'EU Single-use Plastic (SUP) directive') was established on the European Union level in 2019.

Because this is a directive (rather than a regulation), member states of the EU were required to transpose the directive into national law.²

In the context of the Single-Use Plastic directive, the questions that arise are whether adhesives, which are typically polymers, should be considered a 'plastic' and whether the application of adhesives to an otherwise non-plastic product will convert that product into a plastic one.

During the nationalization phase, the EU Commission published a document called *Commission guidelines on single-use plastic products in accordance with Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment*³.

This document provides guidance on the interpretation and implementation of the single-use plastics directive. With the publication of these guidelines, the status of adhesives can now be answered directly from the source texts.

¹ <https://eur-lex.europa.eu/eli/dir/2019/904/oj>.

² by 3rd July 2021.

³ https://ec.europa.eu/environment/pdf/plastics/guidelines_single-use_plastics_products.pdf.

Are adhesives considered to be 'plastic' in the context of Directive (EU) 2019/904?

Article 3 ('Definitions'), Item (1) of Directive (EC) No. 2019/904 states:

'plastic' means a material consisting of a polymer as defined in point 5 of Article 3 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;

While adhesives are typically made from polymeric materials that do not occur naturally, the directive clearly states in Recital 11:

... Therefore, for the purposes of this Directive, the definition of polymer in point 5 of Article 3 of Regulation (EC) No 1907/2006 should be adapted and **a separate definition [of plastics] should be introduced**. ... Paints, inks and **adhesives should not be addressed by this Directive and therefore these polymeric materials should not be covered by the definition**.

The guidelines clarify further under point 2.1 ('Plastic definition') whether adhesives are considered to be a 'plastic' :

... Recital 11 explicitly points to paints, inks and **adhesives as polymeric materials, which are excluded from the scope of the Directive and not considered to fall under the definition of plastic** in point (1) of Article 3.

Does use of adhesives in/on an otherwise non-plastic product turn this product into a plastic product in the context of Directive (EU) 2019/904?

The guidelines state under point 2.1:

... Consequently, a final (otherwise) non-plastic product to which they [paints, inks and adhesives] are applied is not a single-use plastic product under this Directive...

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