

French legislation on bags Frequently asked questions



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RÉPUBLIQUE FRANÇAISE

The French Ministry of Environment has published a FAQ on the new legislation on bags.

You can find the original document in French (revision 4-11-2016) on :
<http://www.developpement-durable.gouv.fr/fin-des-sacs-plastique>

This document was written in French and translated into English by TÜV AUSTRIA.
In case of doubt, the French version shall prevail.

Carrier bags

29 March 2016 (updated on 4 November 2016) – Risk prevention

Reminder of the legislative provision: (article 75 – I of the Law on energy transition for green growth, amending article L. 541-10-5 of the Environmental Code)

"Termination of the provision free of charge or in exchange for payment:

1° Starting from 1 January 2016, of disposable plastic carrier bags intended for point of sale packaging;"

1. Question: what is a single-use plastic bag?

Answer: A single-use plastic bag is a bag that is less than 50 microns thick.

2. Question: what is a check-out bag?

Answer: a check-out bag is a bag made available for the point of sale packaging of customers' goods at the check-out.

3. Question: to what types of retail outlets does the ban on single-use plastic check-out bags apply?

Answer: the ban on single-use plastic check-out bags applies to all retail outlets: speciality food (bakeries, butchers, ...), small food retailers, major food retailers (hypermarkets, supermarkets), specialist stores selling non-food products (service stations, pharmacies), frozen food stores, covered and open-air markets, ...

4. Question: Are plastic bags used by butchers, delis , caterers, fishmongers and bakers affected by the ban on providing plastic check-out bags?

Answer: plastic bags used for packing loose food products, i.e. bags in direct contact with the food, are not regarded as check-out bags. The same applies for bags used for packing one or more pre-packed products if these bags are not provided at the check-out. Consequently, they are affected by the requirement coming into force on 1 January 2017 (see part 2. of these FAQs). Conversely, if the plastic bags are used at the check-out for packing one or more pre-packed products (in plastic bags or in other kinds of packaging such as trays, plastic pouches, paper pouches, paper bags, ...), they are prohibited starting from 1 July 2016 if they are less than 50 µm thick.

5. Question: does the ban on providing single-use plastic bags also apply to bags used for packing food in "drive" supermarkets?

Answer: yes, these bags have to be regarded as check-out bags for point of sale packaging.

6. Question: does the ban on providing single-use plastic check-out bags apply to bags handed out during trade fairs, sports or cultural events?

Answer: Yes, if the act of selling goods is involved. If there is no such act of selling (such as the free distribution of brochures during a trade fair), the ban on packing goods in single-use plastic bags does not apply formally but for the sake of protecting the environment, it is strongly recommended to restrict the provision of bags to cases where this cannot be avoided and to use reusable bags in these highly specific cases (i.e. bags that are thicker than 50 µm), or, failing this, single-use bags but those that are bio-based and compostable in home composting.

7. Question: does the ban on providing single-use plastic check-out bags apply to bags handed out at flea markets or garage sales?

Answer: Yes, because they are check-out bags intended for point of sale packaging.

8. Question: does the ban on single-use plastic check-out bags apply to bags dispensed free of charge at sales outlets? To bags customers have to pay for?

Answer: the ban applies to all single-use plastic check-out bags, irrespective of whether the retailer provides them for free or otherwise.

9. Question: are retailers required to charge for reusable plastic check-out bags?

Answer: no, retailers are under no obligation to charge for these. It is up to the retailers to ask people to pay for reusable bags or otherwise.

10. Question: should reusable plastic check-out bags feature a mark?

Answer: yes, reusable plastic bags have to be marked to show they can be reused and shall not be discarded in the environment.

11. Question: can the references "reusable bags" and "do not litter the environment" to be featured on check-out bags starting from 1 July 2016 be shown in the form of logos or do they have to be written out in full?

Answer: the Decree of 30 March 2016 specifies that the marking should be "visible and comprehensible for the user and have a lifespan corresponding to the bag's lifespan". Marking using letters meets this requirement. The aim is for the marking to be comprehensible and as explicit as possible for the user, as laid down in the regulations.

12. Question: when does the ban on single-use plastic check-out bags come into force?

Answer: the ban on single-use plastic check-out bags comes into force on 1 July 2016.

13. Question: When does the requirement for reusable plastic check-out bags to be marked come into effect?

Answer: the requirement for reusable plastic check-out bags to be marked comes into effect on 1 July 2016.

14. Question: what types of bags will retailers be allowed to continue providing at check-outs after 1 July 2016?

Answer: retailers may provide reusable plastic bags at check-outs (i.e. bags having a thickness greater than or equal to 50 µm) or bags made out of alternative materials (fabric, paper).

15. Question: after 1 July 2016, will retailer check-outs be allowed to provide single-use plastic bags that are compostable in home composting and made partly or entirely from bio-based materials?

Answer: no, retailers will no longer be entitled to provide single-use plastic bags at the check-out (i.e. less than 50 µm) whatever their composition (bio-based or otherwise) and their characteristics (compostable or otherwise). Single-use plastic bags that are compostable in home composting and made partly or entirely of bio-based materials may only be used away from check-outs.

16. Question: after 1 July 2016, will retailers be allowed to provide plastic bags to protect paper check-out bags in case of bad weather?

Answer: no, plastic bags dispensed in this context have to be reusable (i.e. thicker than 50 µm).

17. Question: are bags provided to professional people affected by the applicable measures of the law on energy transition relative to plastic bags?

Answer: the regulations apply to bags dispensed at sales outlets. Bags provided to professional customers are therefore affected as soon as a sales outlet comes into the picture. Bags provided in other cases are not affected.

18. Question: will plastic bags containing 5 or 10 baguettes be allowed after 1 July 2016?

Answer: these are bags intended for point of sale packaging at check-outs. They have to be of the reusable type starting from 1 July 2016.

19. Question: are dry-cleaners and laundries also affected by the Decree concerning plastic bags? Are plastic films (or "dry-cleaning covers") used by dry-cleaners for packing garments regarded as bags?

Answer: All retail outlets are affected by the application of the Decree but plastic films used to protect garments cleaned in laundries are not regarded as bags.

20. Question: does the Decree apply to the packaging of linen in hospital laundries to prevent the biological contamination of the linen?

Answer: No, the Decree covers solely bags "provided to consumers in goods or product sales outlets". Hence, it does not apply to the packaging of linen in hospital laundries since there is no provision to customers in this case. The Consumer Code defines the "consumer" as "any natural person who is acting for purposes which are outside his or her trade, business, craft or profession."

21. Question: if check-out bags made from biocompostable vegetable starch are more than 50 µm thick, may they be dispensed at check-outs starting from 1 July 2016?

Answer: yes, starting from 1 July 2016, reusable plastic bags (having a thickness greater than or equal to 50 microns) may be handed out at check-outs, irrespective of the plastic material used.

22. Question: will bakers be allowed to provide customers with bags that are bio-based and compostable in home composting and that are less than 50 microns thick and contain various foodstuffs (such as a sandwich, a drinks can and a dessert) after 1 July 2016?

Answer: no, the type of bag being referred to (bag containing a sandwich, a drinks can and a dessert, for example) is a check-out bag. Plastic bags are allowed for this type of use if they are reusable: that means if they are over 50 microns thick. Bags less than 50 microns thick may not be provided for this type of usage after 1 July 2016, even if they are bio-based and compostable in home composting.

23. Question: can retail outlets continue to hand out single-use plastic check-out bags after 1 July 2016 to dispose of their stocks?

Answer: no, after 1 July 2016, retail outlets are no longer entitled to dispense single-use plastic check-out bags, whatever the date was when they replenished their stocks. The original date for the legislation to enter into force, 1 January 2016, was postponed until 1 July precisely to allow retailers to dispose of their stocks prior to 1 July.

24. Question: are bags provided to consumers in the context of home delivery of meals for the elderly affected by the measures coming into force on 1 July 2016?

Answer: bags provided for the home delivery of meals to the elderly are not affected by these measures because the provisions in the Law and the Decree apply to bags provided in goods or product retail outlets. In this case, since these are daily deliveries, it is however recommended to opt for reusable containers or bags if they are made out of plastic.

25. Question: will there be any penalties for failing to comply with the ban on single-use plastic check-out bags?

Answer: the penalties that apply are those provided for in article L. 541-10-11 of the environmental Code. The offending party may be issued with formal notice to comply with the regulations. In the event of a failure to comply with this formal notice, the offending party is liable to the administrative penalties provided for by the Environmental Code.

Bags other than carrier bags

29 March 2016 (updated on 4 November 2016) – Risk prevention

Reminder of the legislative provision: (article 75 – I of the Law on energy transition for green growth, amending article L. 541-10-5 of the Environmental Code)

"Termination of the provision free of charge or in exchange for payment:

2° Starting from 1 January 2017, disposable plastic bags intended for point of sale packaging other than carrier bags, except for bags that are **compostable in home composting and made partly or entirely of bio-based materials.** "

1. Question: what is a single-use plastic bag?

Answer: A single-use plastic bag is a bag that is less than 50 microns thick.

2. Question: what is a bag intended for point of sale packaging other than check-out bags?

Answer: a bag intended for point of sale packaging other than check-out bags is a bag used for point of sale packaging away from the check-out. In practice this involves the packaging of loose products in major food retailer departments, at market stalls or away from check-outs in food businesses (such as weighing fruit and vegetables, packing fish, dried fruit or olives in bulk,...). This may also apply to non-food store departments (such as nails, screws, seeds, ...).

3. Question: what is a bag made partly or entirely from bio-based materials?

Answer: a bag made partly or entirely from bio-based materials is a bag incorporating materials of biological origin, other than materials embedded in geological or fossilised formations. In practice these are bags incorporating starch-based materials from potatoes, corn,...

Question: what should the bio-based material content of the bags be?

Answer: the minimum bio-based material content of single-use plastic bags should be:
30% starting from 1 January 2017;
40% starting from 1 January 2018;
50% starting from 1 January 2020;
60% starting from 1 January 2025.

4. Question: are plastic protective covers for umbrellas provided to customers in some sales outlets in the event of bad weather bags intended for point of sale packaging other than check-out bags?

Answer: formally speaking these covers are not intended for point of sale packaging (on the assumption that customers turn up with an umbrella bought in another sales outlet) and the ban does not therefore apply but for the sake of protecting the environment, it is strongly recommended to restrict the provision of bags to cases where this cannot be avoided and to use reusable bags in these highly specific cases (i.e. bags that are thicker than 50 µm), or, failing this, single-use bags but those that are bio-based and compostable in home composting.

5. Question: can a bag be made partly or entirely from bio-based materials and not be compostable in home composting?

Answer: yes, some bags made partly or entirely from bio-based materials are not compostable. This is the case in particular for certain bags made from sugar cane.

6. Question: can a single-use bag that is made partly or entirely from bio-based materials but is not compostable in home composting continue to be provided for point of sale packaging away from check-outs?

Answer: no, in order to continue being provided for point of sale packaging away from check-outs, single-use plastic bags should be made partly or entirely from bio-based materials and be compostable in home composting as well (the 2 criteria are cumulative).

7. Question: what standard do the bags have to comply with to be regarded as compostable in home composting?

Answer: to be regarded as compostable in home composting bags have to meet the requirements of the standard NF T 51-800:2015 ("Plastics – Specifications for plastics suitable for home composting" - November 2015). Bags legally manufactured or sold in a European Union member State or Turkey, or legally manufactured in a State party to the agreement establishing the European Economic Area and offering guarantees equivalent to the standard NF T 51-800:2015 may also be regarded as compostable in home composting. Up until now, there is no other European standard in this field however.

8. Question: does a bag labelled "OK compost HOME" according to the AIB-TÜV AUSTRIA International s.a./n.v. reference system comply with the NF T 51-800:2015 standard?

Answer: yes, this reference system makes it possible to meet the requirements of the standard. Bags that are compliant with the label are deemed to comply with the standard.

9. Question: can a bag which is compostable in industrial composting and meets the standard FR EN 13432 ("Requirements for packaging recoverable through composting and biodegradation" - November 2000) continue to be distributed away from check-outs after 1 January 2017?

Answer: no, solely bags compostable in home composting may be distributed away from check-outs. However, the FR EN 13432 standard guarantees only that they are compostable in industrial composting, so it is insufficient.

10. Question: can single-use bags featuring the reference "biodegradable" continue to be provided for point of sale packaging away from check-outs?

Answer: no, the reference "biodegradable" does not mean that the bag is compostable in home composting. No standard is yet available to guarantee biodegradation in natural environments (fresh water, sea water, soil, air,...) for that matter. Consequently, the reference "biodegradable" on plastic bags is misleading for consumers, as they wrongly believe these items can be discarded without any risk for the natural environment, which is not the case.

10. Question: does a mark have to be featured on single-use plastic bags intended for point of sale packaging other than check-out bags suitable for home composting and made partly or entirely from bio-based materials?

Answer: yes, single-use plastic bags intended for point of sale packaging other than check-out bags suitable for home composting and made partly or entirely from bio-based materials have to be marked to show that:

- the bag may be used for composting in home composting, specifying the references to the corresponding standard or specifying that it offers equivalent guarantees;
- it may be sorted within a separate collection of biowaste;
- it should not be discarded in the environment;
- it is partly made from bio-based materials, specifying the numerical value of its bio-based content and the reference to the standard by which it can be identified.

11. Question: does the ban on single-use plastic bags intended for point of sale packaging other than check-out bags apply to bags dispensed free of charge at sales outlets? To bags customers have to pay for?

Answer: yes, the ban applies to all single-use plastic bags intended for point of sale packaging other than check-out bags, whether they are provided free of charge to customers or they have to be paid for.

12. Question: to what types of sales outlets does the ban on single-use plastic bags intended for point of sale packaging other than check-out bags apply?

Answer: the ban on single-use plastic bags intended for point of sale packaging other than check-out bags applies to all sales outlets: speciality food (bakeries, butcher's, ...), small food retailers, major food retailers (hypermarkets, supermarkets), specialist stores selling non-food products (service stations, pharmacies), frozen food stores, covered and open-air markets,...

13. Question: when does the ban on single-use plastic bags intended for point of sale packaging other than check-out bags come into force?

Answer: the ban on single-use plastic bags intended for point of sale packaging other than check-out bags comes into force on 1 January 2017.

14. Question: when does the requirement to mark single-use plastic bags intended for point of sale packaging other than check-out bags come into force?

Answer: the requirement to mark single-use plastic bags intended for point of sale packaging other than check-out bags comes into force on 1 January 2017.

15. Question: may retail outlets continue to provide single-use plastic bags intended for point of sale packaging other than check-out bags after 1 January 2017 to dispose of their stocks?

Answer: no, after 1 January 2017, retail outlets are no longer allowed to dispense single-use plastic bags intended for point of sale packaging other than check-out bags, whatever the date was when they replenished their stocks, unless these bags are compostable in home composting and made partly or entirely from bio-based materials.

16. Question: what types of bags will retailers be allowed to continue providing for point of sale packaging other than check-out bags after 1 January 2017?

Answer: retailers will be allowed to provide for point of sale packaging other than check-out bags: single-use plastic bags compostable in home composting and made partly or entirely from bio-based materials or reusable plastic bags (i.e. bags having a thickness greater than or equal to 50 µm) or bags made out of alternative materials (fabric, paper).

17. Question: can coated papers (wrapped around a piece of meat or fish, for example) before the product is packaged in a bag prior to the check-out) be used?

Answer: These are not bags. An item wrapped in paper may be repackaged in a single-use bag (if this is necessary to prevent seeping, for example). If it is made of single-use plastic, the bag has to be bio-based and compostable in home composting starting from 1 January 2017.

18. Question: are two-material bags (such as paper with a plastic window, paper/polypropylene self-adhesive pouches (whatever their plastic content), and plastic-coated paper bags allowed?

Answer: Yes, these bags continue to be allowed, as the provisions in the Law and the Decree apply only to bags made entirely from plastic materials.

19. Question: Is shrink film wrapping affected by the provisions coming into force on 1 January 2017?

Answer: Shrink film wrapping designed to be filled at the point of sale does not constitute a plastic bag. It is therefore not affected by the provisions of the law applicable to bags other than check-out bags.

20. Question: are fishmonger wrappers (single-use plastic bags for wrapping shrimps, for example) affected?

Answer: these are bags for point of sale packaging prior to the check-outs. In case it is made of single-use plastic, the bag has to be bio-based and compostable in home composting starting from 1 January 2017.

21. Question: are plastic sandwich bags used to package sandwiches for consumption purposes allowed?

Answer: these are bags designed for point of sale packaging, whether the sandwich is placed in a bag prior to the check-out or in front of the consumer. If it is made of single-use plastic, the bag has to be bio-based and compostable in home composting starting from 1 January 2017.

22. Question: can polypropylene bags still be used for pre-packed baguettes or bread?

Answer: these are bags designed for point of sale packaging, whether the bread is placed in a bag prior to the check-out or in front of the consumer. If it is made of single-use plastic, the bag has to be bio-based and compostable in home composting starting from 1 January 2017.

23. Question: what provisions apply to sliced bread bags used by bakers or in the workshops of supermarkets, hence the place where the bread is made, to package the bread once it has been sliced (either at the request of the customer or to display it pre-packed in a store or in the self-service department)? What about products packaged by an industrial bakery?

Answer: in the first case, the bags are designed for point of sale packaging, prior to the check-outs. If it is made of single-use plastic, the bag has to be bio-based and compostable in home composting starting from 1 January 2017. In the second case, the packaging is not covered by the provisions applicable to plastic bags according to the Law of 17 August 2015.

24. Question: what is the standard to be used to identify the bio-based content?

Answer: the standards to be used to identify the bio-based content are ISO 16620-2:2015 and CEN/TS 16640:2014, which are identical from a technical point of view.

25. Question: will there be any penalties for failing to comply with the ban on single-use plastic bags intended for point of sale packaging other than check-out bags?

Answer: the penalties that apply are those provided for in article L. 541-10-11 of the environmental Code. The offending party may be issued with formal notice to comply with the regulations. In the event of a failure to comply with this formal notice, the offending party is liable to the administrative penalties provided for by the Environmental Code.

Oxo-fragmentable packaging

29 March 2016 (updated on 4 November 2016) – Risk prevention

Reminder of the legislative provision: (article 75 – I of the Law on energy transition for green growth)

"The manufacture, distribution, sale, provision and use of packaging or bags made partly or entirely from oxo-fragmentable plastic shall be prohibited. Oxo-fragmentable plastic is degradable but cannot be assimilated by micro-organisms and is not compostable pursuant to the standards applicable for the organic recovery of plastics."

1. Question: why is oxo-fragmentable plastic packaging prohibited by law?

Answer: oxo-fragmentable plastic packaging will break up into tiny particles when exposed to light but will not be assimilated by micro-organisms, hence the particles will remain in the environment. This packaging cannot be composted in keeping with the applicable standards (see question 3).

2. Question: is the measure applicable immediately or is an implementing decree required for it to come into force?

Answer: the measure is immediately applicable and no implementing decree is required for it to come into force.

3. Question: what are the applicable standards for the organic recovery of plastics as referred to in article 75 of the Law on energy transition for green growth?

Answer: the standards referred to are the standards FR EN 13432 ("Requirements for packaging recoverable through composting and biodegradation" - November 2000), which specifies the requirements applicable to industrial composting, and the NF T-51-800 ("Plastic - specifications for plastics suitable for home composting" - November 2015).

4. Question: can oxo-fragmentable plastic bags and, more broadly speaking, oxo-fragmentable plastic packaging continue to be used for purposes other than those applicable in sales outlets (such as bags for dog poo, ...)?

Answer: no, the ban on oxo-fragmentable plastic covers the manufacture, distribution, sale, provision and use of packaging or bags made partly or entirely from oxo-fragmentable plastic, whatever the packaging or bags are used for.

5. Question: can oxo-fragmentable bags continue to be dispensed in retail outlets?

Answer: no, these bags have been banned since the Law on energy transition for green growth came into use, so since 19 August 2015.

6. Will there be any penalties for failing to comply with the ban on single-use plastic check-out bags?

Answer: the penalties that apply are those provided for in article L. 541-10-11 of the environmental Code. The offending party may be issued with formal notice to comply with the regulations. In the event of a failure to comply with this formal notice, the offending party is liable to the administrative penalties provided for by the Environmental Code.