



FRENCH PACKAGING COUNCIL
CONSEIL NATIONAL DE L'EMBALLAGE (CNE)
PARTNERS FOR THE BEST IN PACKAGING

ACCEPTANCE OF PACKAGING
FOR THE PRODUCT, FOR THE CONSUMER AND FOR THE USER

Note on the position of the French Packaging Council

EXPLANATORY STATEMENT AND CONTEXT

- The criteria of packaging acceptance, particularly consumer acceptance, is often seen by environmental activists, politicians and the media as being purely subjective, and is thus considered as a “get out” clause for the industry. In this context, it is thought of as providing a reason to cease packaging source reduction.
- Consumer acceptance, as for the packaged product, is one of the functions listed among the essential requirements of the European Directive regarding the manufacturing and composition of packaging (European Directive 94/62/EC of the European Parliament and of the Council, of 20 December 1994, on packaging and packaging waste, amended by Directive 2004/12/EC).
- Retaining user acceptance is the condition cited in the official definition (CEN) of the source reduction process: “Process for the achievement of a minimum adequate weight and/or volume, for identical requirements, of primary and/or secondary and/or tertiary packaging, when performance and user acceptability remain unchanged and/or adequate, thereby minimising the impact on the environment.”
- Acceptance is listed as one of the performance criteria to take into account when identifying critical point(s), the achievement of which constitutes the basis for the presumption of conformity with the essential requirements for source reduction: “Specific performance criterion which prevents further reduction of weight and/or volume of the packaging without endangering functional performance, safety and user/consumer acceptability.” (European Standard EN 13248 Prevention by source reduction “Packaging - Requirements specific to manufacturing and composition”).
- The concept of acceptance was incorporated into French law as part of the transposition of the European texts: decree 98-638 of 20 July 1998 regarding the taking into account of requirements relating to the environment in the design and manufacture of packaging, and the French Environment Code of 12 October 2007 (Book V, Title IV, Chapter III, Section 5).
- Notwithstanding the above, following an amendment presented in the Senate, the final text of the draft bill regarding the implementation of the Grenelle Environment, adopted on 23 July 2009, provides for “measures limiting packaging to meeting the requirements of product safety, hygiene and logistics”, removing the concept of acceptance by consumers and users (Title III Chapter II Wastes, Article 46).
- Following an initial manual of good practices for the implementation of source reduction in the design and manufacture of packaging in 2000, and, in 2003, a guide for applying the French decree

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98/638 for the taking into account of requirements relating to the environment in the design and manufacture of packaging, the CNE published a new guide in 2009 to conform packaging with the regulatory requirements of European Directive 94/62/EC, amended by Directive 2004/12/EC, transposed into French law in the French Environment Code, and in reference to the harmonised standards, published in the OJEU on 19/02/2005. These documents may be downloaded from www.conseil-emballage.org.

- Although there is a reference to the concept of acceptance in official European texts and in the French Environment Code, and although its recognition is as obvious as that of other performance criteria for packaging, the way it is evaluated is however not clearly specified.

- As a result, CNE members assessed the best way to handle the question of consumer acceptance of the packages they put on the market, in particular with a view to ensuring conformity with the essential requirements and with European Standard 13428. They asked the CNE, i.e. the competent authority, to develop the common methodology of packaging chain stakeholders, in particular manufacturers and retailers, in order to define, objectivise and assess the acceptance-criterion with their member associations.

POSITION

- The CNE draws attention to a provision (art. 46) that arises from an amendment in the Senate during the drawing up of the draft Grenelle bill that, because it deliberately does not mention the concept of acceptance, seems contrary to annex II of Directive 94/62/EC regarding packaging and packaging waste, and to article R. 543-44 of the French Environment Code, which transposes the “essential requirements” set by this European Directive into French law.

- The CNE points out that, before turning into, once emptied of its contents, waste that needs to be minimised via source reduction, the packaging is part of the packaged product that is intended to meet user expectations. Consumers do not buy empty packaging, they buy packaged products. The coupled product-packaging only splits up once the packaged product has been used or consumed, at which point the packaging is left behind like the product’s shed skin, as it were.

- The CNE points out that packaging, before it is seen as an object or a material, is a system that brings together a group of functions for a product and for users, which justifies it. . Conversely, it is justified when a packaging element that lacks its own function or does not contribute to another packaging element may be removed.

- The functions of the packaging must be analysed throughout the life-cycle of the packaged product, from its design-phase to the end-of-life phase, via retail and use by the consumer, from purchase to transport and the usage phase.

- The CNE considers that the packaging performance criteria of “consumer acceptance” may be put into objective terms via a functional analysis - as indeed it is for the product itself. For consumer products offered in retail stores, the CNE suggests distinguishing, in the acceptance analysis, between the ‘shopper acceptance phase’ and the ‘consumer acceptance phase’.

- During the shopper acceptance phase, the relevancy of the criteria will vary with the market customs, which are progressive, while the more technical criteria for use (handling, product access, pouring, etc.), will stay more stable over time. This reality regarding consumer acceptance cannot be ignored.

• The shopper acceptance phase corresponds to the perceived value of the product offer by the consumer-buyer. The main functions of the product-consumer relationship identified by the CNE working group during this stage are:

- aisle presence,
- apparent size and product visibility,
- product and brand identification,
- qualitative positioning and perceived product image,
- ease of grip,
- accessibility of information and legibility (composition, shelf life, origin, manufacturer, etc.),
- soundness of packaging,
- tamper evidence,
- consumer safety,
- checkout passage (scanning of barcode),
- protection of product and ease of transport from point of retail to home.

• The packaging consumer acceptance phase corresponds to the use value of the product-packaging pairing. The main functions of the packaging are:

- product storage in the warehouse,
- product storage in the home,
- preservation (freshness, taste, etc.),
- provision of information (storage instructions, directions for use, etc.),
- handling,
- ease of opening (lifting lid/cap, unscrewing, child safety, etc.),
- reclosing (for products that are not used all at once),
- ease of product application or use,
- dosing, pouring, emptying,
- ease of sorting (once the packaging has been emptied of its contents) and waste management (compacting, etc.).

• More information on some of the functions listed above may be obtained by carrying out appropriate tests, either qualitative and/or quantitative, and either before or after the product is put on the market (pre-tests and post-tests, respectively). Certain tests are technical and carried out “in a laboratory”, including perception tests, while others are done by analysing the behaviour of consumers in an actual situation (market tests).

The CNE recommends that those putting items on the market ask themselves the right questions regarding acceptance by the consumer of packaging and packaged products, and to document responses received. Having said that, the CNE notes that systematic implementation of a series of complex tests is not necessary for all products, for reasons related to costs or other obstacles, and that not all companies have the appropriate resources to undertake those tests.

• The CNE is of the opinion that there is no reason to speak of a pseudo “packaging scandal” and that one would have to be particularly poorly informed to denounce in good faith the interest that packagers have in “flooding the packaging market”, if only for economic reasons and acceptance by consumer-citizens who are more and more aware of sustainable development, in which the packaging plays a part. The CNE would point out the macroscopic study carried out in collaboration with ADEME (French Environment and Energy Management Agency), which showed the decoupling, in our country, between the increase in consumption and that of packaging tonnage, and lists the impact of source reduction.

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