



OXO-BIODEGRADABLE PLASTICS ASSOCIATION

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OPA RIDICULES ITALIAN COURT CASE

Novamont is a large Italian company producing vegetable-based plastics (which are claimed to comply with EN13432) who are now using legal actions to try to put their competitors out of business. There is a very limited market for Novamont's plastics because they are too expensive, they cannot be safely recycled with normal plastics, and they are suitable only for transporting organic waste to a municipal composting or biogas plant. Even there they do not make anything useful for the soil because EN13432 requires them to convert rapidly into CO₂ gas.

Oxo-biodegradable plastic is a competitive product which is much cheaper and more versatile, and Novamont have therefore sued Kromabatch, a distributor of oxo-biodegradable plastics in Italy. They alleged that Kromabatch had publicly claimed that oxo-biodegradable plastics biodegraded in accordance with EN13432, and had created unfair competition for Novamont.

The decision of the Italian court on 8th January 2015 in favour of Novamont is bizarre because Kromabatch has never made that claim, and the written judgment shows no evidence that they did (unless the evidence is concealed in documents referred to in the judgement which are not publicly available (which is itself bizarre in a country which claims to comply with EU standards of open justice)).

EN13432 is a Standard for biodegradation in the special conditions found in industrial composting, which is irrelevant to oxo-biodegradable plastic because it is not intended for composting. It is intended to biodegrade if it escapes into the open environment, and the relevant Standard is ASTM D6954.

Perhaps Novamont has too much influence with the Italian courts, as it does with the Italian government, who have been persuaded to pass a law to prefer Novamont's products. This law is contrary to EU law, and the OPA has made a formal complaint to the EU Commission about it see [http://www.biodeg.org/OPA%20Stmt%20on%20Italian%20law%203.7.2013\(1\).pdf](http://www.biodeg.org/OPA%20Stmt%20on%20Italian%20law%203.7.2013(1).pdf) .

The OPA is taking legal advice on this important issue.

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