



# ITALIAN COURT RULING 2015 ON MARKETING OF BIODEGRADABLE PLASTIC

This was a civil case brought by Novamont against Kromabatch (a distributor of d<sub>2</sub>w oxo-biodegradable technology in Italy), and decided by the court in Milan on 8th January 2015. The case was about the description alleged to have been applied to the product by Kromabatch, not about d<sub>2</sub>w itself.

Novamont is a large Italian company producing vegetable-based plastics (which are claimed to comply with EN13432) who were 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 not "renewable." They are suitable for transporting organic waste to a municipal composting or biogas plant, but the plastics do not make anything useful for the soil because EN13432 requires them to convert rapidly into CO<sub>2</sub> gas.

d<sub>2</sub>w Oxo-biodegradable plastic is a product which is much cheaper and more versatile. Novamont alleged that Kromabatch had publicly claimed that oxo-biodegradable plastics biodegraded in accordance with EN13432, and had therefore created unfair competition for Novamont.

The decision of the Italian court in favour of Novamont is bizarre because Kromabatch have never made that claim, and the written judgment shows no evidence that they did.

On 9th April 2015 the judge who decided this case in favour of Novamont was shot dead in his court by an enraged litigant in another case.

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. Symphony does not claim that d<sub>2</sub>w complies with EN13432.

Perhaps Novamont has too much influence in Italy.