

**9 February 2024**

**Symphony Environmental Technologies plc**

("Symphony" or the "Company")

**EU Judgment – Company Response**

Symphony Environmental Technologies plc (AIM: SYM), makes this further announcement following the judgment of the General Court (the "Court") of the European Union ("EU") delivered on 31 January 2024 (the "Judgment").

**THE JUDGMENT**

(1) the Judgment and ruling of the Court was as to whether the Defendants had acted within the limits of their discretion with regard to the amendment to the Directive. The claim was for compensation focussed on the legality of their conduct.

(2) The Court found that the Defendants had not exceeded the limits of their discretion, so compensation was not awarded to Symphony.

(3) This Judgment was not an assessment of the effectiveness of the d2w technologies. The Court took into account only the information that was available at the time the Directive was adopted and did not include further studies that have supported the d2w technology and the distinction between oxo-biodegradable and oxo-degradable plastics. Nor did it include any expert evidence for which the Claimants had paid, nor the opinion of the EU Chemicals Agency as to the formation of microplastics.

(4) The distinction of d2w from being captured under the Directive is supported by the opinion of Symphony's King's Counsel following the Judgment, and it is Symphony's view in conjunction with that opinion that d2w should not be captured within the EU prohibition.

**THE BUSINESS**

d2w technology had not been widely used in the EU for several years, and the lengthy legal process and Judgment has therefore very little effect on Symphony's existing business.

The Directors of Symphony believe that a key reason behind the lack of use of d2w in the EU is the wording of the amendment to Article 5 of the draft Directive inserted at a late stage in one of the committees of the European Parliament, which led to confusion in the market place with no distinction being made between oxo-degradable plastic and the oxo-biodegradable technology used in d2w.

Symphony was not able to change the wording of the Directive, which resulted in the Board finding it necessary to file a claim for compensation. In the Judgment, the Court has cited the CEN definition TR15351 which shows that oxo-degradable and oxo-biodegradable plastic are different materials. The Company will publish a detailed note on the Judgment next week, which will be available on its website.

**OVERVIEW**

The problem with plastic is that a lot of it gets into the open environment, where it creates persistent microplastics. Symphony had therefore developed a method of making plastic so that it converts into biodegradable materials and biodegrades much more quickly if it becomes litter at the end of its useful

life. This technology (branded d2w®) has been in use around the world for the last 15 years, and is considered by Symphony to be the only way to prevent plastic which has escaped into the open environment from accumulating there for decades.

Symphony's d2w and other approved brands are mandatory for a wide range of plastic products in Saudi Arabia, the United Arab Emirates, and other countries, who have carried out their own due-diligence on the technology, supported by robust international standards to prove biodegradability, recyclability, and non-toxicity. Symphony also sells d2w in many other markets around the world.

Commenting on the Judgment, Michael Laurier, CEO of Symphony said "We firmly believe that we were right to challenge this amendment to the draft Directive, and maintain that we should have received compensation for the confusion caused. We will continue our communications programme to explain the value of d2w biodegradable technology to protect the environment around the world from persistent plastic litter.

Symphony is heavily invested in a number of exciting territories around the world for our d2w and d2p technologies, and whilst it is frustrating that this Judgment makes it more challenging to sell d2w in the EU, the Group has a good pipeline of global opportunities for d2w, and we remain confident of communicating further progress in the coming months."

#### **Enquiries**

**Symphony Environmental Technologies Plc**

**+44 (0) 20 8207 5900**

Michael Laurier, CEO

Ian Bristow, CFO

[www.symphonyenvironmental.com](http://www.symphonyenvironmental.com)

**Zeus (Nominated Adviser and Broker)**

**+44 (0) 203 829 5000**

David Foreman / Kieran Russell (Investment Banking)

#### **NOTES TO EDITORS:**

**About Symphony Environmental Technologies plc**

**[www.symphonyenvironmental.com](http://www.symphonyenvironmental.com)**

#### **D2W TECHNOLOGY**

Symphony has developed a biodegradable plastic technology which addresses the problem of persistent microplastics, by turning ordinary plastic at the end of its service-life into a waxy substance which is biodegradable. It is then no longer a plastic and can be bioassimilated in the open environment in a similar way to a leaf without leaving microplastics behind. See <https://www.symphonyenvironmental.com/why-biodegradable/> The technology is branded d2w® and appears as a droplet logo on many thousands of tonnes of plastic packaging and other plastic products around the world, much of which has been recycled. In some countries, oxo-biodegradable plastic is mandatory for short-life plastic products.

d2w technology was studied for three years in the Oxomar project, sponsored by the French government, which concluded that plastic made with Symphony's d2w oxo-biodegradable technology will biodegrade in seawater significantly more efficiently than conventional plastic. See [www.biodeg.org/subjects-of-interest/agriculture-and-horticulture/the-marine-environment/](http://www.biodeg.org/subjects-of-interest/agriculture-and-horticulture/the-marine-environment/)

Following this report, the scientists allowed bacteria commonly found in the open environment access to d2w oxo-biodegradable plastic containing Carbon 13. They found Carbon 13 in the carbon dioxide exhaled by the bacteria, proving beyond doubt that the plastic had been bioassimilated by the bacteria.

#### D2P TECHNOLOGY

Symphony has developed a range of concentrates and masterbatches marketed under its d2p® ("designed to protect") trademark, which can be incorporated in a wide variety of plastic and non-plastic products so as to provide protection against many different types of bacteria, viruses, fungi, algae, moulds, and insects, and against fire. See [www.d2p.net](http://www.d2p.net) d2p products also include odour, moisture and ethylene adsorbers as well as other types of food-preserving technologies. For an overview see [www.d2p.net](http://www.d2p.net) Symphony has launched d2p anti-microbial household gloves and toothbrushes and "Symfresh" food-packaging and is developing a range of other d2p finished-products for retail sale.

#### D2C TECHNOLOGY

Symphony has complemented its d2w and d2p product ranges with d2c "compostable resins and products" that have been tested to US and EU composting standards and has invested in Eranova – a French company extracting starch for making plastics out of algae.

#### D2DETECTOR

Symphony has also developed the d2Detector®, a portable device which analyses plastics and detects counterfeit products. This is useful for government officials tasked with enforcing legislation, and Symphony's d2t tagging and tracer technology is available for further security.

#### SYMPHONY'S BUSINESS

Symphony has a diverse and growing customer-base and has established itself as an international business with over 70 distributors around the world. Products made with Symphony's plastic technologies are now available in nearly 100 countries and in many different product applications. Symphony itself is accredited to ISO9001 and ISO14001.

Symphony is a founder-member of The BPA ([www.biodeg.org](http://www.biodeg.org)) and actively participates in the Committee work of the British Standards Institute (BSI), the American Standards Organisation (ASTM), the European Standards Organisation (CEN), and the International Standards Organisation (ISO).

Further information on the Group can be found at [www.symphonyenvironmental.com](http://www.symphonyenvironmental.com) and twitter @SymphonyEnv See also Symphony on Instagram. A Symphony App is available for downloading to smartphones.