



10.7.2018

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DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
on the reduction of the impact of certain plastic products on the environment
(COM(2018)0340 – C8-0218/2018 – 2018/0172(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Frédérique Ries

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment (COM(2018)0340 – C8-0218/2018 – 2018/0172(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0340),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0218/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee¹,
 - having regard to the opinion of the Committee of the Regions²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Economic and Monetary Affairs, the Committee on Industry, Research and Energy, the Committee on Agriculture and Rural Development, the Committee on Fisheries and the Committee on Legal Affairs (A8-0000/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

Amendment

(1) The high functionality and relatively low cost of plastic means that

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¹ OJ C 0, 0.0.0000, p. 0.

² OJ C 0, 0.0.0000, p. 0.

this material is increasingly ubiquitous in everyday life. Its growing use in short-lived applications, which are not designed for re-use or cost-effective recycling means that related production and consumption patterns have become increasingly inefficient and linear. Therefore, in the context of the Circular Economy Action Plan³², the Commission concluded in the European Strategy for Plastics³³ that the steady increase in plastic waste generation and its leakage into our environment, in particular into the marine environment, must be tackled in order to achieve a truly circular lifecycle for plastics.

³² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Closing the loop – An EU action plan for the Circular Economy" (COM(2015)0614 final).

³³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "A European Strategy for Plastics in a Circular Economy" (COM(2018)28 final).

this material is increasingly ubiquitous in everyday life. ***Global production of plastic has increased sharply and in 2017 reached 348 million tonnes. The European share of that production represented 18,5 % (64,4 million tonnes, up by 3,4 % compared to production in the previous year).*** Its growing use in short-lived applications, which are not designed for re-use or cost-effective recycling means that related production and consumption patterns have become increasingly inefficient and linear. Therefore, in the context of the Circular Economy Action Plan, the Commission concluded in the European Strategy for Plastics that the steady increase in plastic waste generation and its leakage into our environment, in particular into the marine environment, must be tackled in order to achieve a truly circular lifecycle for plastics.

³² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Closing the loop – An EU action plan for the Circular Economy" (COM(2015)0614 final).

³³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "A European Strategy for Plastics in a Circular Economy" (COM(2018)28 final).

Or. en

Justification

Even if it is a global problem, the European Union needs to take its responsibility and to become an international leader on fighting marine litter.

Amendment 2

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Plastics play a useful role in the economy and provide essential applications in many sectors. In particular, plastics are used in packaging (40 %) and in the building and construction sector (20 %). There is also important use of plastic in the automotive, electrical and electronic equipment, and agriculture sectors. Nevertheless, the significant negative environmental, health and economic impacts of certain plastic products call for the setting up of a legal framework to reduce those unintended effects, including through a restriction on the placing on the market of particular single-use products for which alternatives are readily available.

Or. en

Justification

It is important to point out that this is not a legislative proposal against plastic, which is a material that has revolutionised our lives like few other inventions have. However, plastic is everywhere and disposable plastic objects are asphyxiating our rivers, seas and oceans. Urgent action is therefore needed at European level, including through legislation.

Amendment 3

Proposal for a directive Recital 2

Text proposed by the Commission

Amendment

(2) Circular approaches that prioritise re-usable products and re-use systems will lead to a reduction of waste generated, and such prevention is at the pinnacle of the waste hierarchy enshrined in Article 4 of Directive 2008/98/EC of the European Parliament and of the Council.³⁴ Such

(2) Circular approaches that prioritise re-usable products ***without hazardous substances*** and re-use systems will lead to a reduction of waste generated, and such prevention is at the pinnacle of the waste hierarchy enshrined in Article 4 of Directive 2008/98/EC of the European

approaches are also in line with United Nations Sustainable Development Goal 12³⁵ to ensure sustainable consumption and production patterns.

³⁴ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

³⁵ The 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.

Parliament and of the Council.³⁴ Such approaches are also in line with United Nations Sustainable Development Goal 12³⁵ to ensure sustainable consumption and production patterns.

³⁴ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

³⁵ The 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.

Or. en

Justification

The aim of this directive is to tackle the environmental impacts of single-use plastics. In order to ensure a coherent circular approach, the directive must promote alternatives to single use plastics that are not toxic.

Amendment 4

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The Council, at its meeting of 25 June 2018, adopted conclusions on "Delivering on the EU Action Plan for the Circular Economy", clearly supporting the actions undertaken at a European and global level to restrict the use of microplastics intentionally added to products as well as the use of oxo-plastics in the Union and the actions envisaged in the Plastics Strategy concerning the reduction of microplastics from textiles, car tyres and leakage of pre-production pellets. The Union is already taking action as there is an ongoing process under REACH, whereby the Commission asked the European Chemicals Agency to

develop an Annex XV restriction dossier concerning the use of intentionally added microplastic particles to consumer or professional use products of any kind.

Or. en

Justification

As many Member States have already legislated in this field, it is important that the EU takes action, based on an ECHA evaluation, and comes forward by 2020 with a restriction of the use of intentionally added microplastic particles in consumer or professional use products

Amendment 5

**Proposal for a directive
Recital 5 b (new)**

Text proposed by the Commission

Amendment

(5b) The Union should adopt a comprehensive approach to the problem of microplastics and should encourage all producers to strictly limit microplastics from their formulations, with particular attention to textile and tyre manufacturers since synthetic clothing and tyres contribute to 63 % of microplastics which end up directly in the aquatic environment.

Or. en

Justification

Although microplastics (i.e. pieces of plastics smaller than 5mm) are not included in the scope, and tackled by specific actions under the Plastics Strategy, it is important to specify that the European Union should have a comprehensive approach to this problem given the impacts of plastic marine debris on the environment, marine fauna and human health.

Amendment 6

**Proposal for a directive
Recital 7**

Text proposed by the Commission

Amendment

(7) To focus efforts where they are

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most needed, this Directive should only cover the most found single-use plastics products, which are estimated to represent around 86% of the single-use plastics found, in counts, on beaches in the Union.

most needed, this Directive should only cover the most found single-use plastics products, which are estimated to represent around 86% of the single-use plastics found, in counts, on beaches in the Union **and potentially 50 % of all general plastic items found on beaches in the Union.**

Or. en

Justification

Self-justification

Amendment 7

Proposal for a directive Recital 9

Text proposed by the Commission

(9) In order to clearly define the scope of this Directive the term single-use plastic product should be defined. The definition should ***exclude plastic*** products ***that*** are conceived, designed ***and*** placed on the market to ***accomplish within their lifecycle multiple trips or rotations by being refilled or reused for the same purpose for which they are conceived.***

Amendment

(9) In order to clearly define the scope of this Directive, the term single-use plastic product should be defined. The definition should ***include disposable*** products ***which are made wholly or partly from plastic and which*** are conceived, designed ***or*** placed on the market to ***be used only once, or are effectively used only once before being discarded. Typical characteristics of single-use items are: prone to littering and prevalently ending in the marine environment; a short use phase; consumed predominantly away from home; or where reusable or non-plastic alternatives exist.***

Or. en

Justification

For clarity and legal reasons, it is better to have a positive definition. It will also be useful for consumers and producers to have clear criteria to determine if an item can be considered as a single-use plastic item or not.

Amendment 8

Proposal for a directive Recital 11

Text proposed by the Commission

(11) For certain single-use plastic products, suitable and more sustainable alternatives are not yet readily available and the consumption of most such single-use plastic products is expected to increase. To reverse that trend and promote efforts towards more sustainable solutions Member States should be required to take the necessary measures to achieve a significant reduction in the consumption of those products, without compromising food hygiene or food safety, good hygiene practices, good manufacturing practices, consumer information, or traceability requirements set out in Union food legislation⁴⁴.

⁴⁴ Regulation (EC) 178/2002 laying down the general principles and requirements of food law (OJ L 31, 1.2.2002, p.1-24), Regulation (EC) No 852/2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p.1-54), Regulation (EC) No 1935/2004 on materials intended to come into contact and other relevant legislation related to food safety, hygiene and labeling

Amendment

(11) For certain single-use plastic products, suitable and more sustainable alternatives are not yet readily available and the consumption of most such single-use plastic products is expected to increase. To reverse that trend and promote efforts towards more sustainable solutions Member States should be required to take the necessary measures to achieve a significant reduction in the consumption of those products, ***as is being done for plastic bags under Directive 94/62/EC, as amended by Directive (EU) 2015/720^{43a}***, without compromising food hygiene or food safety, good hygiene practices, good manufacturing practices, consumer information, or traceability requirements set out in Union food legislation⁴⁴. ***Member States should aim at the highest possible ambition for those measures, which should be proportionate to the seriousness of the marine littering risk of the various products and uses covered by the overall reduction target.***

^{43a} ***Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (OJ L 115, 6.5.2015, p. 11).***

⁴⁴ Regulation (EC) 178/2002 laying down the general principles and requirements of food law (OJ L 31, 1.2.2002, p.1-24), Regulation (EC) No 852/2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p.1-54), Regulation (EC) No 1935/2004 on materials intended to come into contact and other relevant legislation related to food safety, hygiene and labeling

Justification

It should be underlined that Member States are de facto free to target their measures, and that these must be proportionate to the seriousness of the marine littering risk, and the most serious cases should be the priorities.

Amendment 9

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Tobacco product filters are the second most polluting single use plastic items. Although the market share of plant-derived cellulose filters for tobacco products appears to be increasing, the acceptability of the available alternatives is not clear. Furthermore, the tremendous impact on the environment of tobacco products with filters cannot be ignored as their filter may break into smaller plastic pieces. Used tobacco filters also contain numerous chemicals that are environmentally toxic, of which at least 50 are known human carcinogens, as well as heavy metals, which may leach from the filter and harm the surrounding land, air and marine environments. In order to address post-consumption waste clean-up and responsible disposal, a wide range of measures are necessary for tobacco products with filters, ranging from extended producer responsibility to a reduction of single-use, disposable filters.

Justification

According to figures provided by the European Commission, tobacco product filters rank second among single use plastics that contribute to marine litter, after plastic bottles. Whereas in the Commission proposal the provisions dealing with tobacco product filters are

extended responsibility of tobacco manufacturers and awareness raising measures, the proposal should be amended with consumption reduction targets for cigarette filters.

Amendment 10

Proposal for a directive

Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) Directive 94/62/EC, as amended by Directive (EU) 2015/720 laid down a requirement on the Commission to carry out a legislative review by May 2017 on measures to reduce the consumption of very lightweight plastic carrier bags, based on lifecycle impacts. The Commission has so far not undertaken that review. Given that such plastic bags are very prone to littering, it is appropriate to introduce measures to restrict their placing on the market except for uses which are strictly necessary. Very lightweight plastic carrier bags should not be placed on the market as packaging for loose food except where they are required for hygiene reasons, such as for the packaging of humid food (such as raw meat, fish or dairy). For very lightweight plastic carrier bags to which that marketing restriction does not apply, the existing provisions introduced by Directive (EU) 2015/720 remain applicable.

Or. en

Justification

The legislation on the reduction of plastic bags left open the measures to reduce very lightweight plastic carrier bags, subject to a review clause. This proposal gives the opportunity to move forward with measures on these bags, which are very prone to littering and for which alternatives exist.

Amendment 11

Proposal for a directive Recital 13

Text proposed by the Commission

(13) Caps and lids, with a significant part made of plastic, from beverage containers are among the most found single-use plastic items littered on Union beaches. Therefore, beverage containers that are single-use plastic products should only be allowed to be placed on the market if they fulfil specific product design requirements significantly reducing the leakage into the environment of beverage container caps and lids. For beverage containers that are single-use plastic products and packaging, this requirement is an addition to the essential requirements on the composition and the reusable and recoverable, including recyclable, nature of packaging set out in Annex II of Directive 94/62/EEC. In order to facilitate conformity with the product design requirement and ensure a smooth functioning of the internal market, it is necessary to develop a harmonised standard adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁴⁵ and the compliance with that standard should allow presumption of conformity with those requirements. Sufficient time should be envisaged for the development of a harmonised standard and to allow the producers to adapt their production chains in relation to the implementation of the product design requirement.

Amendment

(13) Caps and lids, with a significant part made of plastic, from beverage containers are among the most found single-use plastic items littered on Union beaches. Therefore, beverage containers that are single-use plastic products should only be allowed to be placed on the market if they fulfil specific product design requirements significantly reducing the leakage into the environment of beverage container caps and lids. For beverage containers that are single-use plastic products and packaging, this requirement is an addition to the essential requirements on the composition and the reusable and recoverable, including recyclable, nature of packaging set out in Annex II of Directive 94/62/EEC. In order to facilitate conformity with the product design requirement and ensure a smooth functioning of the internal market, it is necessary to develop a harmonised standard adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council and the compliance with that standard should allow presumption of conformity with those requirements. Sufficient time should be envisaged for the development of a harmonised standard and to allow the producers to adapt their production chains in relation to the implementation of the product design requirement. ***In order to ensure the circular use of plastics, the market uptake of recycled materials needs to be safeguarded. It is therefore appropriate to introduce a requirement for a mandatory minimum content of recycled plastics in certain products. Consequently, beverage containers that are single-use plastic products should only be allowed to be placed on the***

market if they are made with at least 25 % recycled content by 2025.

⁴⁵ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p.12).

⁴⁵ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p.12).

Or. en

Justification

Many players in the food and drinks sector have committed to produce plastic bottles containing at least 25% of recycled plastics. It is important to support this commitment taken by the industry, which is directly involved in the overall solution to the major problem of marine litter.

Amendment 12

Proposal for a directive Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The eco-design of plastic and plastic products that take account of reuse and recycling requirements from the design phase on are crucial for the circular economy and will contribute to the reduction of littering. It is therefore important that the principle of eco-design is broadened to include all product groups through appropriate product regulation. Consequently, the measures laid down in this Directive need to be complemented through a revision and reinforcement of the essential requirements laid down in

Directive 94/62/EC, as amended by Directive (EU) 2018/852^{1a}. For that purpose, the Commission should come forward with a proposal by the end of 2020, taking into account the relative properties of different packaging materials on the basis of life-cycle assessments, addressing in particular prevention and design for circularity.

^{1a} Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (OJ L 150, 14.6.2018, p.141).

Or. en

Justification

Innovation in product design to avoid plastic litter is one of the main goals to achieve.

Amendment 13

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Certain single-use plastic products end up in the environment as a result of inappropriate disposal through sewers or other inappropriate release into the environment. Therefore, single-use plastic products that are frequently disposed of through sewers otherwise inappropriately disposed of should be subject to marking requirements. The marking should inform consumers about appropriate waste disposal options and/or waste disposal options to be avoided and/or about the negative environmental impacts of litter as a result of inappropriate disposal. The Commission should be empowered to establish a harmonised format for the marking and when doing so should, where appropriate, test the perception of the

Amendment

(14) Certain single-use plastic products end up in the environment as a result of inappropriate disposal through sewers or other inappropriate release into the environment. ***In addition, they can cause substantial damage to sewer networks by clogging pumps and blocking pipes.*** Therefore, single-use plastic products that are frequently disposed of through sewers otherwise inappropriately disposed of should be subject to marking requirements. The marking should inform consumers about appropriate waste disposal options and/or waste disposal options to be avoided and/or about the negative environmental ***and economic*** impacts of litter as a result of inappropriate disposal. ***The Commission should take account of sectorial voluntary***

proposed marking with representative groups of consumers to ensure that it is effective and clearly understandable.

agreements adopted for clear labelling rules in order to inform consumers, for example via a logo, whether or not the product is recyclable. The Commission should be empowered to establish a harmonised format for the marking and when doing so should, where appropriate, test the perception of the proposed marking with representative groups of consumers to ensure that it is effective and clearly understandable.

Or. en

Justification

Several single-use plastics, for example wet wipes, tobacco product filters and cotton bud sticks may end up in the sewer network due to inappropriate disposal practices. In most cases, current waste water collection and treatment plants remove single-use plastics. However, combined sewer overflows may lead to direct release and a part of these plastics may therefore find their way to water bodies with negative environmental impacts. See also the justification of the amendment tabled at article 7 (2).

Amendment 14

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) With regard to single-use plastic products for which there are no readily available suitable and more sustainable alternatives, Member States should, in line with the polluter pays principle, also introduce extended producer responsibility schemes to cover the costs of waste management and clean-up of litter as well as the costs of awareness-raising measures to prevent and reduce such litter.

Amendment

(15) With regard to single-use plastic products for which there are no readily available suitable and more sustainable alternatives, Member States should, in line with the polluter pays principle, also introduce extended producer responsibility schemes to cover the costs of waste management and clean-up of litter, ***for which shared responsibility should apply***, as well as the costs of awareness-raising measures to prevent and reduce such litter ***by tackling consumer misbehaviour.***

Or. en

Justification

See justification at the article 8 paragraph 2

Amendment 15

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The large portion of plastic stemming from abandoned, lost and discarded fishing gear containing plastic in marine litter indicates that the existing legal requirements⁴⁶ do not provide sufficient incentives to return such fishing gear to shore for collection and treatment. The indirect fee system envisaged under Union law on port reception facilities for the delivery of waste from ships takes away the incentive for ships to discharge their waste at sea, and ensures a right of delivery. That system should, however, be supplemented by further financial incentives for fishermen to bring their fishing gear waste on shore to avoid any potential increase in the indirect waste fee to be paid. As plastic components of fishing gear have a high recycling potential, Member States should, in line with the polluter pays principle, introduce extended producer responsibility for fishing gear containing plastic to facilitate separate collection of waste fishing gear and to finance sound waste management of such fishing gear, in particular recycling;

Amendment

(16) The large portion of plastic stemming from abandoned, lost and discarded fishing gear containing plastic in marine litter indicates that the existing legal requirements⁴⁶ do not provide sufficient incentives to return such fishing gear to shore for collection and treatment. ***On the other hand, some measures are already laid down in Council Regulation (EC) No 1224/2009, in particular in a requirement on the master of a Union fishing vessel to report within 24 hours to the competent authority of its flag Member State any losses of fishing gear that cannot be retrieved. However, Regulation (EC) No 1224/2009 does not monitor such losses of fishing gear in consistent way. Furthermore,*** the indirect fee system envisaged under Union law on port reception facilities for the delivery of waste from ships takes away the incentive for ships to discharge their waste at sea, and ensures a right of delivery. That system should, however, be supplemented by further financial incentives for fishermen to bring their fishing gear waste on shore to avoid any potential increase in the indirect waste fee to be paid. As plastic components of fishing gear have a high recycling potential, Member States should, in line with the polluter pays principle, introduce extended producer responsibility for fishing gear containing plastic to facilitate separate collection of waste fishing gear and to finance sound waste management of such fishing gear, in particular recycling. ***Such systems should provide for modulated financial contributions for gear designed for reuse and recycling, in line with the***

⁴⁶ Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC.

⁴⁶ Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC.

Or. en

Justification

The proposal will complement and reinforce current European legislation on fishing gear, not only by providing data on loss of fishing gear, but also by introducing extended producer responsibility for fishing gear containing plastic.

Amendment 16

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) In order to prevent littering and other inappropriate forms of disposal resulting in marine litter containing plastic, consumers need to be properly informed about the most appropriate waste disposal options available and/or waste disposal options to be avoided, best practices with regard to waste disposal and the environmental impact of bad disposal practices as well as about the plastic content in certain single-use plastic products and fishing gear. Therefore, Member States should be required to take awareness raising measures ensuring that such information is given to the consumers. The information should not contain any promotional content encouraging the use of the single-use plastic products. Member States should be able to choose the measures which are most appropriate based on the nature of the product or its use. Producers of single-use plastic products and fishing gear containing plastic should cover the costs of the awareness raising measures as part of their extended producer responsibility obligation.

Amendment

(18) In order to prevent littering and other inappropriate forms of disposal resulting in marine litter containing plastic, consumers need to be properly informed about the most appropriate waste disposal options available and/or waste disposal options to be avoided, best practices with regard to waste disposal and the environmental impact of bad disposal practices as well as about the plastic content in certain single-use plastic products and fishing gear, ***and available alternatives already on the market.*** Therefore, Member States should be required to take awareness raising measures ensuring that such information is given to the consumers. The information should not contain any promotional content encouraging the use of the single-use plastic products. Member States should be able to choose the measures which are most appropriate based on the nature of the product or its use. Producers of single-use plastic products and fishing gear containing plastic should cover the costs of the awareness raising measures as part of their

extended producer responsibility
obligation.

Or. en

Justification

If the European Union wants to reduce the use of single-use plastic products, consumers need to be better informed about the existing alternatives.

Amendment 17

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Directive 2008/98/EC lays down general minimum requirements for extended producer responsibility schemes. Those requirements should apply to extended producer responsibility schemes established by this Directive. This Directive, however, establishes additional extended producer responsibility requirements, for example, the requirement on producers of certain single-use plastic products to cover the *costs of clean-up of litter*.

Amendment

(19) Directive 2008/98/EC lays down general minimum requirements for extended producer responsibility schemes. Those requirements should apply to extended producer responsibility schemes established by this Directive. This Directive, however, establishes additional extended producer responsibility requirements, for example, the requirement on producers of certain single-use plastic products to cover the *cost of awareness raising measures*.

Or. en

Justification

This legislation should lay down provisions for shared responsibility to cover the costs to clean up litter where the issue is consumer misbehaviour.

Amendment 18

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Beverage bottles that are single-use plastic products are one of the most found marine litter items on the beaches in the Union. This is due to ineffective separate

Amendment

(20) Beverage bottles (*with caps and lids*) that are single-use plastic products are one of the most found marine litter items on the beaches in the Union. This is due to

collection systems and low participation in those systems by the consumers. It is necessary to promote more efficient separate collection systems and therefore, a minimum separate collection target should be established for beverage bottles that are single-use plastic products. Member States should be able to achieve that minimum target by setting separate collection targets for beverage bottles that are single-use plastic products in the framework of the extended producer responsibility schemes or by establishing deposit refund schemes or **by** any other measure that they find appropriate. This will have a direct, positive impact on the collection rate, the quality of the collected material and the quality of the recyclates, offering opportunities for the recycling business and the market for the recyclate.

ineffective separate collection systems and low participation in those systems by the consumers. It is necessary to promote more efficient separate collection systems and therefore, a minimum separate collection target should be established for beverage bottles that are single-use plastic products. Member States should be able to achieve that minimum target by setting separate collection targets for beverage bottles that are single-use plastic products in the framework of the extended producer responsibility schemes or by establishing deposit refund schemes or **automated collection systems or** any other measure that they find appropriate. This **minimum collection target should be accompanied by a requirement for specific recycled content for plastic bottles, in order to ensure that the increase in plastic collected is reused or recycled and thus reintroduced into the circular economy.** **That** will have **therefore** a direct, positive impact on the collection **and recycling** rate, the quality of the collected material and the quality of the recyclates, offering **new** opportunities for the recycling business and the market for the recyclate.

Or. en

Justification

See justification at the article 9

Amendment 19

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

The objective of this Directive is **to prevent and reduce** the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health as well as **to promote** the transition to a circular economy with innovative

Amendment

The objective of this Directive is **for the Union to play its part in solving the global problem of marine litter due to plastic, by preventing and reducing** the impact of certain plastic products on the environment, in particular the aquatic

business models, products and materials, thus also contributing to the efficient functioning of the internal market.

environment, and on human health as well as **by promoting** the transition to a circular economy with innovative business models, products and materials, thus also contributing to the efficient functioning of the internal market.

Or. en

Justification

The aim of the proposal should be more visible: the European Union has a relatively small part in the generation of marine litter worldwide as it consumes around 16% of global single-use plastics. However, it may play an important role in finding the solution and igniting a virtuous circle in leading by example.

Amendment 20

Proposal for a directive Article 3 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'single-use plastic product' means a product that is made wholly or partly from plastic and that is **not** conceived, designed or placed on the market to **accomplish, within its life span, multiple trips or rotations by being returned to the producer for refill or re-used for the same purpose for which it was conceived;**

Amendment

(2) 'single-use plastic product' means a product that is made wholly or partly from plastic and that is conceived, designed or placed on the market to **be used only once, or is effectively used only once before it is discarded;**

Or. en

Justification

A positive definition brings legal clarity compared with a definition by default. Two hypotheses covered here:(1) products that are designed to be used only once (even if in fact they are re-used several times), and(2) products that could be used several times but are in fact used only once.

Amendment 21

Proposal for a directive Article 3 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) “very lightweight plastic carrier bags” means very lightweight plastic carrier bags as defined in point 1d of Article 3 of Directive 94/62/EC;

Or. en

Justification

Definition referring to amendments introducing this product category into the scope of the Directive and more particularly in article 5 on restrictions on placing on the market.

Amendment 22

Proposal for a directive

Article 3 – paragraph 1 – point 14 a (new)

Text proposed by the Commission

Amendment

(14a) ‘tobacco products’ means tobacco products as defined in point (4) of Article 2 of Directive 2014/40/EU;

Or. en

Justification

Definition referring to amendment adding this product category at article 4 of the Directive on consumption reduction. Viable alternatives are available and have the potential to replace cellulose based tobacco filters containing plastic. These alternatives are environmentally friendly and biodegradable. However, they have not yet been taken up by the tobacco industry.

Amendment 23

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to achieve a significant reduction in the consumption of the single-use plastic products listed in Part A of the Annex on their territory **by ... [six years after the**

Member States shall take the necessary measures to achieve **by ... [four years after the end-date for transposition of this Directive]** a significant reduction in the consumption of the single-use plastic

end-date for transposition of this Directive].

products listed in Part A of the Annex on their territory. **Member States shall adopt plans for the achievement of this reduction, including specific quantitative reduction targets and the measures taken. The plans shall be submitted to the Commission and shall be updated where necessary. The Commission may issue recommendations on the adopted plans.**

Or. en

Justification

The timetable set for the Member States is inspired by that laid down in the directive of 29 April 2015 on lightweight plastic carrier bags. Adjustments, with a more flexible timetable, are nevertheless planned to take account of the current lack of data in the possession of Member States on measures to reduce food containers and plastic cups consumption. Four years is a sufficient period for the Member States to achieve precise reduction targets on their territory for the products referred to in Article 4.

Amendment 24

Proposal for a directive Article 4 – paragraph 2

Text proposed by the Commission

2. The Commission **may** adopt an implementing act laying down the methodology for the calculation and verification of the significant reduction in the consumption of the single-use plastic products referred to in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

Amendment

2. The Commission **shall** adopt an implementing act laying down the methodology for the calculation and verification of the significant reduction in the consumption of the single-use plastic products referred to in paragraph 1 **by... [12 months before the end-date for transposition of this Directive]**. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

Or. en

Justification

The implementing act laying down the methodology is needed for the proper implementation of the reduction target.

Amendment 25

Proposal for a directive Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Reduction of post-consumption tobacco product waste

Member States shall take the following measures to reduce harm caused by tobacco product waste, and in particular tobacco product filters containing plastic:

- (a) adopting and implementing extended producer responsibility in accordance with Article 8 requiring tobacco product producers to finance stewardship organisations established and managed independently of the producer to prevent, reduce and mitigate tobacco product waste, in particular waste from single-use plastic products, including filters, that are a component of, or marketed for use with, tobacco products, as well as other life cycle stages of tobacco where possible;*
- (b) setting up reduction targets for plastic tobacco product filters to limit post-consumption waste as follows: 50 % by 2025 and 80 % by 2030, compared to 2014 levels, with the aim of eventually replacing those filters with alternative environmentally-friendly filters;*
- (c) extending existing laws and tax policies applicable to tobacco products and sales with measures aimed at gradually reducing single-use plastic products contained in or marketed for use with tobacco products, including filters;*
- (d) taking legislative and other economic measures to address the environmental damage.*

Or. en

Justification

According to figures provided by the European Commission, tobacco product filters are the second most polluting single use plastic items, after plastic bottles that contribute to marine litter. As the only provisions in the Commission proposal dealing with tobacco manufacturers are extended responsibility and awareness raising measures, the rapporteur wants to go further and suggests a wide range of measures such as consumption reduction targets for tobacco product filters.

Amendment 26

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that single-use plastic products listed in Part C of the Annex that have caps and lids with a significant part made of plastic may be placed on the market only if the caps and lids remain attached to the container during the product's intended use stage.

Amendment

1. Member States shall ensure that single-use plastic products listed in Part C of the Annex that have caps and lids with a significant part made of plastic may be placed on the market only if the caps and lids remain attached to the container during the product's intended use stage. ***By way of derogation, carbonated drinks shall not require the caps and lids to remain attached to the container, subject to the evaluation and review procedure referred to in Article 15.***

Or. en

Justification

Caps and lids that remain attached to the bottle exist for certain applications, but the Commission's impact assessment has not assessed whether they are suitable for all "beverage containers". For example, no solution is currently available for carbonated drinks because they do not allow for proper depressurization.

Amendment 27

Proposal for a directive Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that, by 2025, the products referred to in paragraph 1 are made with at least 25 %

recycled content.

By 2022, the Commission shall adopt implementing acts laying down the methodology for the calculation of recycled content. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2) of this Directive.

Or. en

Justification

Many players in the food and drinks sector have committed to produce plastic bottles with at least 25% of recycled plastic content. It is important to support the commitment taken by the industry, which is directly involved in the overall solution to the major problem of marine litter.

Amendment 28

**Proposal for a directive
Article 7 – paragraph 1 – point c**

Text proposed by the Commission

(c) the presence of plastics in the product.

Amendment

(c) the presence of plastics in the product ***and, where applicable, the availability of alternatives;***

Or. en

Justification

Important information which can influence consumers' choice.

Amendment 29

**Proposal for a directive
Article 7 – paragraph 1 – point c a (new)**

Text proposed by the Commission

(ca) the presence in the product of substances of very high concern (SVHC) appearing on the REACH authorisation list.

Justification

It is important to inform the consumers about the presence of toxic substance in the product.

Amendment 30**Proposal for a directive****Article 7 – paragraph 2***Text proposed by the Commission*

2. The Commission shall, by ... [12 months before the end-date for transposition of this Directive] adopt an implementing act laying down the specifications for the marking referred to in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

Amendment

2. The Commission shall, by ... [12 months before the end-date for transposition of this Directive] adopt an implementing act laying down the specifications for the marking referred to in paragraph 1 ***and, in doing so, shall take account of sectorial voluntary agreements that lay down clear labelling rules that inform consumers via a logo whether or not the product is recyclable.*** That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

Justification

In its analysis prior to the publication of its implementing act, the Commission must take into account the voluntary agreements put in place in certain industrial sectors in favour of clear and legible marking, such as for wet wipes.

Amendment 31**Proposal for a directive****Article 8 – paragraph 1***Text proposed by the Commission*

1. Member States shall ensure that extended producer responsibility schemes are established for all single-use plastic products listed in Part E of the Annex placed on the Union market, in accordance with the provisions on extended producer

Amendment

1. Member States shall ensure that extended producer responsibility schemes are established for all single-use plastic products listed in Part E of the Annex placed on the Union market, in accordance with the provisions on extended producer

responsibility in Directive 2008/98/EC.

responsibility in Directive 2008/98/EC.
With regard to single-use plastic products falling under Directive 94/62/EC, Member States shall ensure that extended producer responsibility schemes are established by 31 December 2024.

Or. en

Justification

To ensure legal clarity, the deadline for introducing EPR schemes for packaging where such schemes do not yet exist should be aligned with the applicable timeline under the Packaging and Packaging Waste Directive, as agreed in the recent review of EU waste legislation (circular economy package) and laid down in Directive (EU)2018/852.

Amendment 32

Proposal for a directive

Article 8 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The costs to be covered shall not exceed the costs that are necessary to provide those services in a cost-efficient way and shall be established in a transparent way between the actors concerned. The costs to clean up litter shall be limited to normal activities regularly undertaken by public authorities or on their behalf and shall not cover litter that has been cleaned up from the sea or from rivers. The Commission shall publish guidelines, in consultation with Member States, on the distribution of the costs to clean up litter covered within the extended producer responsibility schemes.

Or. en

Justification

With this proposal, the Commission goes beyond the 'polluter pays' principle and makes the manufacturer of the product solely responsible and liable for the transport, treatment and clean up of marine and beaches litter. The rapporteur is of the opinion that the financial responsibility should be shared to cover the costs to clean up litter when the issue is consumer misbehaviour.

Amendment 33

Proposal for a directive Article 8 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that extended producer responsibility schemes are established for fishing gear containing plastic placed on the Union market, in accordance with the provisions on extended producer responsibility in Directive 2008/98/EC.

Amendment

3. Member States shall ensure that extended producer responsibility schemes are established for fishing gear containing plastic placed on the Union market, in accordance with the provisions on extended producer responsibility in Directive 2008/98/EC. ***Member States shall ensure that those extended producer responsibility schemes achieve a recycling target of at least 15 % for fishing gear by 2025. In order to achieve that target, Member States may additionally require the schemes to inter alia:***

- (a) establish deposit-refund schemes to encourage the return of old, derelict or unusable fishing gear except in small unmanned ports or in remotely located ports;***
- (b) include monitoring, tracking and reporting programmes; and***
- (c) cover retrieval operations.***

Or. en

Justification

In order to ensure the most effective reduction of marine litter from fishing-gear containing plastic, Member States should be required to introduce extended producer responsibility (EPR) schemes for fishing gear containing plastic, including a recycling target of 15% for fishing gear by 2025. It is achievable, taking into account Iceland's best practises, a recycling target for nets of 45% in 2006, estimated today at 85% of recovery for both nets and wires.

Amendment 34

Proposal for a directive Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) establish deposit-refund schemes,
or

(a) establish deposit-refund schemes,
or ***automated collection systems, or***

Or. en

Justification

The choice of Member States or regions for a deposit system or not should not be pre-empted. Other systems are possible such as an automated collection with a return bonus, in the form of a purchase voucher or discount for the consumer.

Amendment 35

Proposal for a directive

Article 10 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the impact on the sewer network of inappropriate waste disposal of those products.

Or. en

Justification

The sewer network is not only a potential pathway of certain single use plastics to the environment. It also suffers substantial damage from inappropriate waste disposal. Consumers must be made aware of it.

Amendment 36

Proposal for a directive

Article 13 – paragraph 1 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the data on the placing on the market and separate collection of products listed in Part F of the Annex, to demonstrate the progress towards the achievement of the target set out in Article 9;

Justification

In order to assess the achievement of the target for separate collection, the relevant data must be collected.

Amendment 37

Proposal for a directive

Article 13 – paragraph 1 – subparagraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) amounts of marine litter originating in products covered by this Directive in order to monitor the effects of the measures taken;

Or. en

Justification

The amounts of marine litter originating in products covered by this Directive have to be verified in priority.

Amendment 38

Proposal for a directive

Article 13 – paragraph 1 – subparagraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) the data on single-use plastic products listed in Parts E and G of the Annex that are placed on the Union market each year in order to monitor their consumption in the Union;

Or. en

Justification

Self-justification

Amendment 39

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

1. The Commission shall carry out an evaluation of this Directive by ... [~~six~~ years after the end-date for transposition of this Directive]. The evaluation shall be based on the information available in accordance with Article 13. Member States shall provide the Commission with any additional information necessary for the purposes of the evaluation and the preparation of the report referred to in paragraph 2;

Amendment

1. The Commission shall carry out an evaluation of this Directive by ... [~~six~~ **five** years after the end-date for transposition of this Directive]. The evaluation shall be based on the information available in accordance with Article 13. Member States shall provide the Commission with any additional information necessary for the purposes of the evaluation and the preparation of the report referred to in paragraph 2;

Or. en

Justification

5 years is sufficient time for the Commission to evaluate, and make a review if necessary, on the basis of the reports to be submitted by the Member States containing the main data relating to the single-use plastic articles covered by the Directive, in particular those subject to the consumption reduction measures in Article 4.

Amendment 40

Proposal for a directive Article 15 – paragraph 3 – point c

Text proposed by the Commission

(c) sufficient scientific and technical progress has been made, and criteria or a standard for biodegradability in the marine environment applicable to single-use plastic products within the scope of this *directive* and their single-use substitutes have been developed, ***in order to determine which products no longer need to be subject to the restrictions on placing on the market, where appropriate.***

Amendment

(c) sufficient scientific and technical progress has been made, and criteria or a standard for biodegradability ***and for disintegration*** in the marine environment applicable to single-use plastic products within the scope of this ***Directive*** and their single-use substitutes have been developed.

Or. en

Justification

The question is not only to know the biodegradability of a disposable plastic in the sea, for which no conclusive scientific studies exist that take into account the impact on the biodegradability of sea currents, of sea salt and of the seabed depth, but also to consider the disintegrating feature of single use plastics before they reach rivers, seas and oceans.

Amendment 41

Proposal for a directive

Annex I – part A – indent 2 a (new)

Text proposed by the Commission

Amendment

- ***Tobacco products with filters containing plastic and filters containing plastic marketed for use in combination with tobacco products***

Or. en

Justification

See justification at amendment 9 (recital 12 a) and amendment 31 (new article 8 a)

Amendment 42

Proposal for a directive

Annex I – part B – indent 1 a (new)

Text proposed by the Commission

Amendment

- ***Very lightweight plastic carriers bags as defined in Article 3(1d) of Directive 94/62/EC, except when they are required for hygiene purposes***

Or. en

Justification

Mandatory measures to reduce ultra-light plastic bags of less than 15 microns are not part of the current directive lightweight plastic carrier bags (Directive (EU) 2015/720). Given the successful implementation of this legislation and the rapid consumer behaviour change in most Member States where plastic bags have become chargeable at the point of sale, a clear signal of ban should be given for the category of ultra-light plastic bags, with the exception of those that perform a hygienic function from supermarket to home.

Amendment 43

Proposal for a directive Annex I – part D – indent 3 a (new)

Text proposed by the Commission

Amendment

- ***Crisp packets and sweet packets;***

Or. en

Justification

For crisp packets and sweet packets, number four of the ranking of the most common items found in European sea, legislators may lay down marking requirements as additional measures to the ones already foreseen in the legislative proposal: Extended Producer Responsibility and awareness campaigns.

Amendment 44

Proposal for a directive Annex I – part E – indent 5

Text proposed by the Commission

Amendment

— Tobacco products with filters and filters marketed for use in combination with tobacco products

— Tobacco products with filters ***containing plastic*** and filters ***containing plastic*** marketed for use in combination with tobacco products

Or. en

Justification

See justification of amendment 9 (recital 12 a)

Amendment 45

Proposal for a directive Annex I – part G – indent 8

Text proposed by the Commission

Amendment

— Lightweight plastic carrier bags as defined in Article 3(1c) of Directive 94/62/EC

— Lightweight plastic carrier bags as defined in Article 3(1c) of Directive 94/62/EC ***and very lightweight plastic carrier bags as defined in Article 3(1d) of***

Justification

For lightweight or very lightweight plastic bags that are not subject to restrictive measures in Member States, it is important to set environmental awareness measures for consumers.

EXPLANATORY STATEMENT

Background

Without professing to be a historian, the rapporteur might well describe our period of history as the ‘age of plastic’.

Invented in the mid-19th century, plastic has been mass-produced since the early 1950s, with an exponential rise in production in the last 15 years: over 8 billion tonnes in barely 65 years¹, resulting in more than 6 billion tonnes of waste. This is an alarming figure.

This ‘throwaway’ society is turning our oceans into one great garbage bin, with plastics responsible for 85% of marine pollution: half from single-use plastics and a quarter from fishing gear. This translates as 15 600 tonnes of throw-away plastic polluting European waters every year, and 26 600 tonnes if we include fishing gear².

Every year in Europe, 150 000 tonnes of plastic are dumped into the sea³. The situation is even more alarming at global level, with 8 million tonnes ending up in the sea each year.

If we do not take action, by 2050 there will be more plastic than fish in the oceans. The whole range of marine fauna is affected: turtles, birds, cetaceans, fish and crustaceans swallow plastic, with a negative impact on their survival and as-yet unknown consequences for human health.

The Commission takes the lead

A finding which, unlike climate change, is uncontested and which led to the European Commission publishing, on 28 May, its legislative proposal on single-use plastic (SUP).

A raft of measures has been introduced, based on initiatives in some Member States or regions which they will supplement, supersede and harmonise in a global community approach: Directive (EU) 2015/720 on reducing the consumption of lightweight plastic carrier bags; the strategy for plastic; the action plan for the circular economy and the revised legislation on waste.

¹ R. Geyer, J. Jambeck, K. Lavender, University study, "Production, use, and fate of all plastics ever made", *Science Advances*, Vol.3, n°7, 2017.

² *European Commission, Impact Assessment - Reducing Marine Litter: action on single use plastics and fishing gear, SWD(2018) 254 final, 28 mai 2018, part 1 p.10.*

³ *ibid.*, part 1 p.10

The Commission is targeting the ten main sources of macroplastics found in Europe's seas and beaches, which account for 70% of marine litter.

A global challenge requiring ambitious, graded measures

– introduce an EU-level ban on SUPs whenever there are alternatives. This applies to nine products: cutlery (knives, forks, spoons, chopsticks) and plates, cotton buds, straws, swizzle sticks and balloon sticks (Article 5).

- let the Member States choose ways of significantly reducing the consumption of SUPs where alternatives are being developed: food containers and cups for beverages (Article 4). A system which has proved its worth with the planned prohibition of lightweight plastic carrier bags with a thickness of 50 microns or less.¹

- ensure that at least 90% of beverage bottles are collected by 2025 (Article 9)

- expand the 'producer responsibility' system (Article 8) to all categories of products covered, except for sanitary towels, tampons and tampon applicators. This enhanced responsibility will cover the cost of collection, cleaning-up and awareness-raising measures for the public (Article 10).

- introduce marking/labelling for three product categories: sanitary towels and tampons, wet wipes and plastic balloons (Article 7).

The Commission expects the directive to be beneficial to the environment and the economy. It will help avoid environmental damage which would cost EUR 22 billion by 2030² and result in savings of up to EUR 6.5 billion³ for consumers, as against an estimated EUR 3.2 billion in adaptation costs for producers⁴. Only the minimalist scenario (option 2a), involving no more than voluntary action on the part of industry stakeholders and information campaigns, would result in job losses⁵. In fact, between 30 000 and 50 000 jobs might be created under the other possible scenarios, which place more stress on innovation⁶.

The rapporteur's priorities

The rapporteur warmly welcomes this ambitious Commission proposal, which is completely in line with public opinion: 95% of Europeans think action on SUPs is an urgent necessity⁷.

The rapporteur would, however, have preferred the Commission to go further in following up on what emerged from its impact analysis. She would also like to see publication of the study by the Eunomia consultancy on which the impact analysis is based.

¹ Under Article 4 1 (a)(b) of Directive (EU) 2015/720 of 29/04/2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags: 'by 31 December 2018, lightweight plastic carrier bags are not provided free of charge at the point of sale of goods or products, unless equally effective instruments are implemented.'

² European Commission, Single-use plastics: New EU rules to reduce marine litter, press release, 28 May 2018.

³ Impact assessment, op. cit., part 1 p.60

⁴ *ibid.*, part 1 p.60

⁵ *ibid.*, part 1 p.60

⁶ *ibid.*, part 1 p.60

⁷ *ibid.*, part 1 p.6

1. Determining, over time, **targets for reducing the use of food containers and cups for beverages** - two products for which alternatives are already commercially available. However, in the absence of relevant statistics from the Member States, the rapporteur favours an adaptable schedule. The 2015 ‘lightweight plastic carrier bags’ directive, which sets out harmonised reduction measures over a period of 2-3 years from transposition into national law, serves as a benchmark.

In the rapporteur’s view, a period of four years would be sufficient to enable the Member States to determine precise reduction targets for their countries for the products referred to in Article 4.

2. **Separate collection of plastic bottles**

The rapporteur is not entirely happy with the wording of Article 9, which concerns the **separate collection of plastic bottles**. Together with their tops, these constitute the main category of throw-away plastic found in the sea (1/5 of SUPs).

With the debate on introducing an across-the-board deposit scheme for plastic bottles hotting up in some Member States, the rapporteur would like to see the options left more open. The Member States should be able to choose the best way of imbuing this with commercial value and encourage consumers to make it work or separate out plastic bottles at home.

They are a highly recyclable product, and the Commission has set a target for 90% to be collected by 2025. The rapporteur proposes imposing, by 2025, a minimum 25% recycled-content provision to cover caps and lids attached to containers as described in Article 6, to which the sector has committed itself.

3. **Follow the WHO’s recommendations on cigarettes with plastic filters**

The rapporteur is also concerned about plastic cigarette filters, which are second on the list of plastic pollutants strewn across Europe’s beaches. She proposes adding a new Article 4(a): ‘Reducing tobacco product waste after consumption’.

This stipulates that, in addition to the enhanced responsibility scheme for tobacco producers, the Member States must set targets for reducing plastic cigarette filters of 50% by 2025 and 80% by 2030.¹

The Member States should also undertake to set up a cigarette-butt collecting system. And downstream, they should take a leaf out of Italy’s book and introduce fines for smokers who throw their cigarette butts on the ground or in the gutter.

4. However, the rapporteur thinks the Commission is going too far in terms of ‘**extended producer responsibility**’ (EPR) as set out in Article 8.

She acknowledges that this is a major environmental policy instrument and shares the Commission’s ambition to supplement the existing measures in waste legislation. However, she also finds, with reference to Article 8(1) of Directive 2008/98/EC (the Waste

¹ WHO report on “Tobacco and its environmental impact: an overview” 2017

Framework Directive, or WFD) that nowhere does this responsibility cover the cost of cleaning up seas and beaches. Under Directive (EU) 2018/852 on packaging and packaging waste, EPR schemes for packaging must be established 31/12/2024 at the latest, i.e. no more than three years after the date which appears in this proposal. These are all things which concern the rapporteur, for whom the EPR scheme must remain proportional.

5. Inclusion of ultra-light plastic bags

The rapporteur proposes adding to the list of restricted products in Article 5 plastic bags with a thickness of less than 15 microns which are not covered by Directive (EU) 2015/720 on reducing the consumption of lightweight plastic carrier bags.

She takes the view that, given the rapidly-changing consumer habits in most Member States where plastic bags must now be purchased at the point of sale, a clear signal must be given for a ban on ultra-light plastic bags, apart from those performing a hygiene-related function.

6. **Fishing gear** is another area where the rapporteur would like to see changes made. She notes that, while some Community provisions¹ enable pollution caused by nets and other gear abandoned or lost at sea to be dealt with, the absence of effective monitoring of fishing gear losses at EU level means the problem remains unsolved. Over 30% of litter from fishing and pleasure vessels, which should be taken back to port, is not returned and most probably ends up in the sea². In the rapporteur's view, it makes sense for the extended responsibility principle to be applied to fishing gear.

She proposes adding to Article 8(3) a 15% recycling target, since, like any robust equipment, fishing gear can easily be reused and must therefore be returned to port. This is a realistic target when we consider best practice, particularly in Iceland, where a 45% recycling target was set in 2006 and is now 85% for recovery of lines and nets.³

The rapporteur's overall aim is in the spirit of the positions of the scientists and ministers with whom she met when drawing up her report: there is a future for plastic, the miracle product which is polluting to excess, but this lies far from the seas and oceans.

¹ According to Article 48 of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, the master of a fishing vessel must inform the competent authority of its flag Member State of any lost fishing gear.

² Impact assessment, op. cit., p.12

³ http://iswa2015.org/assets/files/downloads/marine_litter3.pdf

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of [the draft report / the report, until the adoption thereof in committee]:

Entity and/or person
European Environmental Bureau
ClientEarth
Edana
Essenscia
EurEau
European Plastics Converters (EuPC)
Extended Producer Responsibility Alliance (EXPRA)
FoodDrinkEurope
Fostplus
Frans Timmermans, First Vice-President of the European Commission for Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights.
Friends of the Earth Europe
Go4Circle
Belgian Packaging Institute
Jyrki Katainen, First Vice-President of the European Commission for Jobs, Growth, Investment and Competitiveness
Karmenu Vella, European Commissioner for Environment, Maritime Affairs and Fisheries
Nestlé S.A.
Pack2Go Europe
Petcore Europe
Philippe De Backer, Belgian State Secretary for the Prevention of Social Security Fraud, the Protection of Privacy and the North Sea, attached to the Minister for Social Affairs and Public Health Service
Plastics Europe
Plastics Recyclers Europe
Permanent Representation of Austria to the European Union
Rethink Plastic Alliance
Seas at risk
Sky
Suez S.A.
Surfrider Foundation Europe
Tetra Pack International S.A.
Zero Waste Europe