

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2018/0172(COD) Procedure completed
Reduction of the impact of certain plastic products on the environment	
Subject 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution 3.70.12 Waste management, domestic waste, packaging, light industrial waste 3.70.18 International and regional environment protection measures and agreements	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety	 RIES Frédérique	07/05/2018
		Shadow rapporteur	
		 FLORENZ Karl-Heinz	
		 PAOLUCCI Massimo	
		 DEMESMAEKER Mark	
		 AUKEN Margrete	
		 PEDICINI Piernicola	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Economic and Monetary Affairs	 KAPPEL Barbara	20/06/2018
	 Industry, Research and Energy	 KAPPEL Barbara	25/06/2018
	 Agriculture and Rural Development	 ROPÉ Bronis	10/07/2018
	 Fisheries	 BRIANO Renata	14/06/2018
	 Legal Affairs	The committee decided not to	

give an opinion.

Council of the European Union	Council configuration General Affairs	Meeting 3692	Date 21/05/2019
European Commission	Commission DG Environment	Commissioner VELLA Karmenu	
European Economic and Social Committee European Committee of the Regions			

Key events			
28/05/2018	Legislative proposal published	COM(2018)0340	Summary
11/06/2018	Committee referral announced in Parliament, 1st reading		
10/10/2018	Vote in committee, 1st reading		
11/10/2018	Committee report tabled for plenary, 1st reading	A8-0317/2018	Summary
22/10/2018	Debate in Parliament		
24/10/2018	Results of vote in Parliament		
24/10/2018	Decision by Parliament, 1st reading	T8-0411/2018	Summary
24/10/2018	Matter referred back to the committee responsible		
22/01/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE632.990 GEDA/A/(2019)000622	
27/03/2019	Debate in Parliament		
27/03/2019	Decision by Parliament, 1st reading	T8-0305/2019	Summary
21/05/2019	Act adopted by Council after Parliament's 1st reading		
05/06/2019	Final act signed		
05/06/2019	End of procedure in Parliament		
12/06/2019	Final act published in Official Journal		

Technical information	
Procedure reference	2018/0172(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1; Rules of Procedure EP 59-p4

Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/8/13273

Documentation gateway

Legislative proposal		COM(2018)0340	28/05/2018	EC	Summary
Document attached to the procedure		SWD(2018)0254	28/05/2018	EC	
Document attached to the procedure		SWD(2018)0255	28/05/2018	EC	
Document attached to the procedure		SWD(2018)0256	28/05/2018	EC	
Document attached to the procedure		SWD(2018)0257	28/05/2018	EC	
Committee draft report		PE623.714	10/07/2018	EP	
Amendments tabled in committee		PE627.610	05/09/2018	EP	
Amendments tabled in committee		PE627.611	05/09/2018	EP	
Amendments tabled in committee		PE627.612	05/09/2018	EP	
Committee opinion	PECH	PE625.586	25/09/2018	EP	
Committee opinion	ECON	PE625.356	26/09/2018	EP	
Committee opinion	ITRE	PE625.401	27/09/2018	EP	
Committee opinion	AGRI	PE623.923	03/10/2018	EP	
Committee of the Regions: opinion		CDR3652/2018	10/10/2018	CofR	
Committee report tabled for plenary, 1st reading/single reading		A8-0317/2018	11/10/2018	EP	Summary
Economic and Social Committee: opinion, report		CES3041/2018	17/10/2018	ESC	
Economic and Social Committee: opinion, report		CES5568/2018	17/10/2018	ESC	
Text adopted by Parliament, partial vote at 1st reading/single reading		T8-0411/2018	24/10/2018	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2019)000622	18/01/2019	CSL	
Text agreed during interinstitutional negotiations		PE632.990	18/01/2019	EP	
Text adopted by Parliament, 1st reading/single reading		T8-0305/2019	27/03/2019	EP	Summary
Draft final act		00011/2019/LEX	05/06/2019	CSL	
Commission response to text adopted in plenary		SP(2019)437	30/07/2019	EC	

Additional information

Research document	Briefing
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Reduction of the impact of certain plastic products on the environment

PURPOSE: to prevent and reduce plastic marine litter from single use plastic items and fishing gear containing plastics.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: plastic makes up 80-85% of the total number of marine litter items, measured through beach counts. The 10 most found single-use plastic items represent 86% of all single use plastic items (constituting thus 43% of all marine litter items found on European beaches by count). Fishing gear containing plastics accounts for another 27% of marine litter items found on European beaches. Single-use plastic products and fishing gear containing plastic are therefore a particularly serious problem in the context of marine litter and pose a severe risk to marine ecosystems, biodiversity and, potentially, to human health.

Existing Union legislation and policy instruments provide some regulatory responses to address marine litter. However, the impact of that legislation on marine litter is not sufficient and there are differences in the scope and the level of ambition amongst national measures to prevent and reduce marine litter.

Therefore, as part of its [plastics strategy](#), the European Commission committed to look into further action to address plastic marine litter that builds on the piecemeal efforts underway in EU Member States, and that follows the approach used of light-weight plastic carrier bags.

This initiative focuses therefore on the 10 most found single use plastic items and fishing gear, which together represent around 70% of these marine litter items by count. The initiative should be seen in the broader context of the transition to a circular economy.

IMPACT ASSESSMENT: four scenarios were modelled based on a selection of different measures applied to different items: (i) items for which sustainable alternatives are available. The objective is to promote less harmful alternatives; (ii) items for which there is no alternative. The aim is to limit damages by better informing consumers and making producers financially responsible of environmental consequences; (iii) items which are already well captured. The objective is to ensure that they end up in the existing selective collection and recycling circuit.

The scenario chosen is that of a medium-high impact on reducing marine litter which would address the underlying drivers more adequately and goes further to change consumer behaviour.

CONTENT: the proposed Directive aims to prevent and reduce the impact of certain single-use plastic products and fishing gear containing plastic on the environment and human health as well as to promote the transition to a circular economy with environment-friendly innovative business models, products and materials, thus contributing to the efficient functioning of the internal market.

This proposal provides specific objectives and measures for the prevention and management of waste in relation to single-use plastic products that are most found on the beaches in the Union and fishing gear containing plastic.

Specifically, the proposal:

- requires Member States to take the necessary measures to achieve a significant reduction in the consumption of food containers, cups for beverages that are single-use plastic products;
- lays down restrictions on the placing on the market of certain single-use plastic products for which alternatives exist on the market: plastic cotton buds, cutlery, plates, straws, drink stirrers and sticks for balloons;
- lays down product design requirements for beverage containers that are single-use plastic products, to ensure that their caps and lids with a significant part made of plastic remain attached to the container during its use stage so that such waste does not leak into the environment;
- lays down marking requirements for certain single-use plastic products to avoid that they are improperly disposed of, for example through flushing in toilets. This shall apply to sanitary towels, wet wipes and balloons;
- establishes extended producer responsibility schemes for fishing gear containing plastics and certain single-use plastic products such as food containers, bags and packaging, beverage containers and cups, tobacco products with filters, wet wipes, balloons and lightweight plastic bags. The proposal also lays down specific and additional requirements for the financial responsibility of producers, in particular, for awareness raising campaigns and in the case of single-use plastics also the clean-up of litter;
- obliges Member States to collect 90% of single-use plastic drinks bottles by 2025, for example through deposit refund schemes;
- requires Member States to take measures to raise awareness about the impact of littering and inappropriate disposal of waste on the environment, in particular, the aquatic environment and about the available re-use and waste management options.

Lastly, the proposal requires Member States to put in place a data set on products subject to a consumption reduction objective in order to monitor the implementation of that consumption reduction objective under this Directive.

Reduction of the impact of certain plastic products on the environment

The Committee on the Environment, Public Health and Food Safety adopted the report by Frédérique RIES (ALDE, BE) 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.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Scope: the amended text stipulates that the Directive shall apply to the single-use plastic products listed in the Annex and to fishing and aquaculture gear containing plastic.

Consumption reduction: the aim of the proposed Directive is to introduce an EU-level ban on single-use plastic products whenever there are alternatives. The consumption of several other items, for which no alternative exists, will have to be reduced by Member States in an ambitious and sustained manner by 2025. This includes single-use burger boxes, sandwich boxes or food containers for fruits, vegetables, desserts or ice creams. Member states will draft national plans to encourage the use of products suitable for multiple use, as well as re-using and recycling.

Member States shall draw up national plans describing the measures to achieve a significant reduction in the consumption of the single-use plastic products. They shall notify the Commission of the plans and shall update them where necessary. The Commission may issue recommendations on those plans. National quantitative reduction targets shall also be established.

Cigarette butts and lost fishing gear: Member States shall take the necessary measures to achieve a sustained reduction of the environmental impact of waste from tobacco products, and in particular tobacco product filters containing plastic, by reducing post-consumption waste from tobacco product filters containing plastic as follows: 50 % by 2025 and 80 % by 2030.

Member States shall ensure on that basis that a minimum collection rate of fishing gear containing plastic is achieved annually. From 2025 the minimum collection rate shall be 50 % calculated on the basis of the total weight of fishing gear containing plastic collected in a given year in the Member State concerned, expressed as a percentage of the average weight of fishing gear containing plastic placed on the market in the three preceding years in that Member State. They shall also ensure that those extended producer responsibility schemes achieve a recycling target of at least 15 % for fishing gear containing plastic by 2025.

Product requirements: Member States shall ensure that by 2025 beverage bottles listed in Part C of the Annex may be placed on the market only if they are made from at least 35 % recycled content and are recyclable. By 1 January 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.

Marking requirements: the report stipulated that Member States shall ensure that each sales packaging of the single-use plastic products, except tobacco products with filters and filters marketed for use in combination with tobacco products, placed on the market bears a conspicuous, clearly legible and indelible marking, both on packaging containing several units and on each separate unit, when packaged individually, informing consumers of the recyclability of the product.

Costs: with regard to the costs to clean up litter, Member States shall ensure that the financial contributions paid by the producers are established in a proportionate way and take into account the costs of clean-up of individual products or product groups. The costs shall be limited to activities undertaken on a regular basis by public authorities or on their behalf, which shall include litter clean-up activities aiming to meet relevant obligations concerning waste prevention and environmental protection under legislative acts of the Union.

The Commission shall develop guidelines, in consultation with Member States, on the distribution of the costs to clean up litter covered by the extended producer responsibility schemes.

Deposit refunds schemes: the Commission shall develop guidelines, in consultation with Member States, on the functioning of deposit-refund schemes.

Reduction of the impact of certain plastic products on the environment

The European Parliament adopted by 571 votes to 53, with 34 abstentions, amendments to 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.

The matter was referred to the committee responsible for interinstitutional negotiations.

The main amendments to the Commission proposal adopted in plenary concern the following points:

Marketing restrictions: the aim of the proposed Directive is to introduce an EU-wide ban on single-use plastic products whenever alternatives exist. Products such as plates, cutlery, cotton buds, straws or sticks to be attached to balloons shall be prohibited. Members added to the list of products banned in the EU products containing oxo-degradable plastics, such as bags and packaging, and single-use food and beverage containers made of expanded polystyrene.

Consumption reduction: the consumption of several other items, for which no alternative exists, will have to be reduced by Member States in an ambitious and sustained manner by 2025. This includes single-use burger boxes, sandwich boxes or food containers for fruits, vegetables, desserts or ice creams.

Member states shall draft national plans to encourage the use of products suitable for multiple use, as well as re-using and recycling. The Commission may issue recommendations on those plans. National quantitative reduction targets shall also be established.

Cigarette butts: Member States shall take the necessary measures to achieve a sustained reduction of the environmental impact of waste from tobacco products, and in particular tobacco product filters containing plastic, by reducing post-consumption waste from tobacco product filters containing plastic as follows: 50 % by 2025 and 80 % by 2030.

Lost fishing gear: Member States shall ensure on that basis that a minimum collection rate of fishing gear containing plastic is achieved annually. From 2025 the minimum collection rate shall be 50 %. They shall also ensure that those extended producer responsibility schemes achieve a recycling target of at least 15 % for fishing gear containing plastic by 2025.

Bottles: Member States shall ensure that by 2025 beverage bottles listed in Part C of the Annex may be placed on the market only if they are made from at least 35 % recycled content and are recyclable. By 1 January 2022, the Commission shall adopt implementing acts laying down the methodology for the calculation of recycled content.

Marking requirements: Member States shall ensure that each sales packaging of the single-use plastic products, except tobacco products with filters and filters marketed for use in combination with tobacco products, placed on the market bears a conspicuous, clearly legible and

indelible marking, both on packaging containing several units and on each separate unit, when packaged individually, informing consumers of the recyclability of the product.

Consumers shall be informed of the presence in the product of chemicals of concern, such as hazardous metals, phthalates, PFAS, bisphenols, as well as endocrine disruptors.

Costs: with regard to the costs to clean up litter, Member States shall ensure that the financial contributions paid by the producers are established in a proportionate way and take into account the costs of clean-up of individual products or product groups. The costs shall be limited to activities undertaken on a regular basis by public authorities or on their behalf, which shall include litter clean-up activities aiming to meet relevant obligations concerning waste prevention and environmental protection under legislative acts of the Union.

The Commission shall develop guidelines, in consultation with Member States, on the distribution of the costs to clean up litter covered by the extended producer responsibility schemes.

Extended producer responsibility schemes for filters for plastic tobacco products shall provide that producers cover the costs of collecting, transporting and processing tobacco product waste, including the costs of cleaning up waste and the costs of awareness measures.

Member States may also require extended producers responsibility schemes to establish deposit systems to encourage the return of old, derelict or unusable fishing gear.

Reduction of the impact of certain plastic products on the environment

The European Parliament adopted by 560 votes to 35, with 28 abstentions, a 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.

The position of the European Parliament adopted at first reading under the ordinary legislative procedure has modified the Commission proposal as follows

Restrictions on placing on the market

In order to prevent and reduce the impact of certain plastic products on the environment and human health, the Directive introduces a ban on single use plastic products at EU level whenever alternatives are available.

Plastic products banned in the EU from 2021 include: i) cutlery (forks, knives, spoons, chopsticks); ii) plates; iii) straws; iv) cotton bud sticks; (v) beverage stirrers; vi) sticks to be attached to and to support balloon, vii) food containers made of expanded polystyrene; vii) products made from oxo-degradable plastic, as that type of plastic does not properly biodegrade.

Reduction of consumption

Consumption of products for which there is no alternative should be reduced by the Member States in an ambitious and sustained manner in line with the overall objectives of the Unions waste policy, in particular waste prevention, leading to a substantial reversal of increasing consumption trends.

Those measures shall achieve a measurable quantitative reduction in the consumption of the single-use plastic products on the territory of Member State by 2026 compared to 2022. Member States shall prepare a description of the measures that they have adopted, notify the description to the Commission and make it publicly available.

This relates to cups for beverages, including their covers and lids and containers used to contain food which is intended for immediate consumption, either on-the-spot or take-away, and ready to be consumed without any further preparation, such as cooking, boiling or heating.

Bottles

The amended text sets a separate collection target of 90% recycling for plastic bottles by 2029. These bottles should contain at least 25% recycled plastic in their manufacture by 2025, and 30% by 2030. By 1 January 2022 at the latest, the Commission should adopt implementing acts laying down the rules for calculating and verifying these objectives.

Mandatory labelling

The following disposable plastic products placed on the market should bear a visible, clearly legible and indelible marking affixed to its packaging or the product itself: sanitary napkins, wet wipes, cigarette filters and drinking cups. The marking should inform consumers about: (i) appropriate waste management options for the product or which waste disposal means are to be avoided for the product, and (ii) about the presence of plastics in the product as well as the resulting negative environmental impact of littering.

Extended responsibility for producers

The amended text reinforces the application of the "polluter pays" principle, especially for the tobacco industry. Extended producer responsibility regimes established for plastic tobacco filters provide for producers to cover:

- the costs of awareness raising measures for these products;
- the costs of cleaning the litter resulting from these products, as well as the subsequent transport and treatment of this waste;
- the costs of waste collection for those products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of that waste;
- the setting up of specific infrastructure for the waste collection for those products.

Member States should monitor and assess, in line with the reporting obligations laid down in the Directive, fishing gear containing plastic placed on the market as well as waste fishing gear containing plastic collected and shall report to the Commission with a view to the establishment of binding quantitative Union collection targets.

Awareness raising measures

Member States shall take measures to inform consumers and to incentivise responsible consumer behaviour, in order to reduce litter from products covered by the Directive.

Consumers should be made aware of the availability of reusable alternative products and the impact of inappropriate disposal of single-use plastic waste on the sewerage system.

Reduction of the impact of certain plastic products on the environment

PURPOSE: to prevent and reduce the environmental and human health impact of certain single-use plastic products, products made of oxo-degradable plastic and fishing gear containing plastic, and to promote the transition to a circular economy.

LEGISLATIVE ACT: Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment.

CONTENT: the Directive aims to combat marine litter from the ten single-use plastic products most commonly found on European beaches, as well as abandoned fishing gear and oxo-degradable plastic products. Marine litter is of a transboundary nature and is recognised as an increasingly serious global problem. In the EU, 80-85% of litter in the marine environment is made of plastic, with single-use plastic items accounting for 50% and fisheries-related items 27% of the total.

Restrictions on placing on the market

The Directive prohibits the use of certain single-use plastic products for which there are alternatives. Disposable plastic products are manufactured entirely or partially from plastic and are generally intended to be used only once or for a short period of time before disposal.

Disposable plastic products such as: (i) disposable cutlery (forks, knives, spoons and chopsticks), (ii) plates, (iii) straws, (iii) cotton bud sticks, (iv) beverage stirrers, (v) sticks to be attached to and to support balloon, (vi) food containers made of expanded polystyrene; (vii) products made from oxo-degradable plastic, as that type of plastic does not properly biodegrade.

Consumption reduction

Consumption of products for which there is no alternative shall be reduced by the Member States in an ambitious and sustained manner in line with the overall objectives of the Unions waste policy, in particular waste prevention, leading to a substantial reversal of increasing consumption trends.

Those measures shall achieve a measurable quantitative reduction in the consumption of the single-use plastic products on the territory of Member State by 2026 compared to 2022. By 3 July 2021, Member States shall prepare a description of the measures that they have adopted, notify the description to the Commission and make it publicly available.

Plastic bottles

The Directive introduces design requirements requiring that caps and lids remain attached to the bottles during the intended use of the products.

The Directive also sets a separate collection target for plastic bottles to be 90% recycled by 2029 (77% by 2025). These bottles must contain at least 25% recycled plastic in their manufacture by 2025, and 30% by 2030. By 1 January 2022 at the latest, the Commission shall adopt implementing acts establishing the rules for the calculation and verification of these objectives.

Mandatory labelling

From 3 July 2021, the following single-use plastic products placed on the market must bear visible, clearly legible and indelible markings on their packaging or on the product itself: sanitary towels, wet wipes, cigarette filters and cups for beverages.

This marking shall inform consumers of (i) appropriate waste management options for the product or which waste disposal means are to be avoided for the product, and (ii) about the presence of plastics in the product as well as the resulting negative environmental impact of littering.

Extended Producer Responsibility

The Directive establishes extended producer responsibility schemes that cover the cost of waste collection, applied to products such as filters for tobacco products and fishing gear.

Member States shall monitor the plastic-containing fishing gear placed on their markets as well as waste fishing gear containing plastic collected and shall report to the Commission with a view to the establishment of binding quantitative Union collection targets.

Awareness raising measures

Member States shall take measures to inform consumers and to incentivise responsible consumer behaviour, in order to reduce litter from products covered by the Directive. Consumers shall be made aware of the availability of reusable alternative products and the impact of inappropriate disposal of single-use plastic waste on the sewerage system.

Data communication and sanctions

Member States shall provide the Commission with data on single-use plastic products that have been placed on the market in the Member State each year in order to establish the reduction in consumption. They must also inform the Commission, by 3 July 2021 at the latest, of the rules on penalties applicable to infringements of the national provisions adopted pursuant to the Directive.

ENTRY INTO FORCE: 2.7.2019

TRANSPOSITION: no later than 3.7.2021.

The obligations relating to the requirements applicable to the products must be implemented as from 3 July 2024.

Producer responsibility obligations shall be implemented between 5 January 2023 and 31 December 2024 depending on the product.

