



Plenary sitting

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*****I**
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 Committee,
 - having regard to the opinion of the Committee of the Regions,
 - 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 and the Committee on Fisheries (A8-0317/2018),
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

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

Amendment

(1) The high functionality and relatively low cost of plastic means that this material is increasingly ubiquitous in everyday life. ***Global production of plastic has increased sharply and in 2017 reached 348 million tonnes. The***

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.

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 ***and to reduce overall quantity of plastic in the environment. The European Strategy for Plastics is a small first step in establishing a circular economy based on reducing, reusing and recycling all plastic products.***

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).

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).

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)

(1a) Plastic plays a useful role in the economy and provides essential applications in many sectors. In particular, plastic is 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, food and agricultural sectors. Nevertheless, the significant negative environmental, health and economic impacts of certain plastic products call for the setting up of a legal framework to effectively reduce those significant negative effects, including through a restriction on the placing on the market of particular single-use products for which more circular alternatives are readily available.

Amendment 3

Proposal for a directive

Recital 2

Text proposed by the Commission

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

Amendment

(2) **The measures laid down in this Directive should fully pursue** circular approaches that prioritise **safe, non-toxic** re-usable products **without any hazardous substances** and re-use systems **over any single-use product. All measures should, first and foremost, aim at** a reduction of waste generated, and **promote the prevention of waste as this** 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 **Since any single-use product is prone to have a negative impact on climate or the environment due its short life cycle, priority needs to be given to prevention and re-use of products which can deliver high savings of CO₂ and of valuable raw materials. This Directive will contribute to**

achieve the 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.

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.

Amendment 4

Proposal for a directive Recital 3

Text proposed by the Commission

(3) Marine litter is of a transboundary nature and is recognized as a global problem. Reducing marine litter is a key action for the achievement of United Nations Sustainable Development Goal 14 which **calls** to conserve and sustainably use the oceans, seas and marine resources for sustainable development.³⁶The Union must play its part in tackling marine litter and aim to be a standard setter for the world. In this context, the Union is working with partners in many international fora such as G20, G7 and United Nations to promote concerted action. This initiative is part of the Union efforts in this regard.

³⁶ The 2030 Agenda for Sustainable Development adopted by the United

Amendment

(3) Marine litter is of a transboundary nature and is **recognised** as a global problem. **Increasing amounts of waste are reaching the oceans around the world and affecting the health of ecosystems, killing animals.** Reducing marine litter is a key action for the achievement of United Nations Sustainable Development Goal 14 which **aims** to conserve and sustainably use the oceans, seas and marine resources for sustainable development.³⁶ The Union must play its part in tackling marine litter, **preventing the production of litter, and managing marine litter more effectively** and aim to be a standard setter for the world. In this context, the Union is working with partners in many international fora such as **the** G20, G7 and United Nations to promote concerted action. This initiative is part of the Union efforts in this regard.

³⁶ The 2030 Agenda for Sustainable Development adopted by the United

Amendment 5

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) In the Union, 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastic items representing 50 % and fishing-related items representing 27 %. Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are discarded after having been used once for the purpose for which they were provided, are rarely recycled, and are prone to littering. A significant proportion of the fishing gear placed on the market is not collected for treatment. 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 and are damaging activities such as tourism, fisheries and shipping.

Amendment

(5) In the Union, 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastic items representing 50 % and fishing-related items representing 27 %. Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are discarded after having been used once for the purpose for which they were provided, are rarely recycled, and are prone to littering. A significant proportion of the fishing *and aquaculture* gear placed on the market is not collected for treatment. Single-use plastic products and fishing *and aquaculture* gear containing plastic, *such as pots, traps, floats and buoys, nets, ropes, strings, cords and lines* are therefore a particularly serious problem in the context of marine litter and pose a severe risk to marine ecosystems, biodiversity *as well as* to human *and animal* health, and are damaging activities such as tourism, fisheries and shipping.

Amendment 6

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.

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 7

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.

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 8

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) Existing Union legislation⁴⁰ and policy instruments provide some regulatory responses to address marine litter. In particular, plastic waste is subject to overall Union waste management measures and targets, such as the recycling target for plastic packaging waste⁴¹ and the recently adopted objective in the Plastics Strategy⁴² to ensure that all plastic packaging is recyclable by 2030. 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. In addition, some of those measures, in particular marketing restrictions for single-use plastic products, may create barriers to trade and distort competition in the Union.

⁴⁰ Directive 2008/98/EC, Directive 2000/59/EC, Directive 2000/60/EC, Directive 2008/56/EC and Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁴¹ Directive 94/62/EC of the European Parliament and of the Council of 20

Amendment

(6) ***Proper waste management remains essential for the prevention of (marine) litter.*** Existing Union legislation⁴⁰ and policy instruments provide some regulatory responses to address marine litter. In particular, plastic waste is subject to overall Union waste management measures and targets, such as the recycling target for plastic packaging waste⁴¹ and the recently adopted objective in the Plastics Strategy⁴² to ensure that all plastic packaging is recyclable by 2030. 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. In addition, some of those measures, in particular marketing restrictions for single-use plastic products, may create barriers to trade and distort competition in the Union.

⁴⁰ Directive 2008/98/EC, Directive 2000/59/EC, Directive 2000/60/EC, Directive 2008/56/EC and Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁴¹ Directive 94/62/EC of the European Parliament and of the Council of 20

December 1994 on packaging and packaging waste (OJ L 365 31.12.1994, p. 10).

⁴² 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).

December 1994 on packaging and packaging waste (OJ L 365 31.12.1994, p. 10).

⁴² 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).

Justification

It is important to highlight that the prevention of litter starts with proper waste management.

Amendment 9

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Fostering research and innovation in the packaging sector is a key factor in order to promote a more sustainable value chain. In order to achieve that aim, it is necessary to strengthen the relevant funding mechanisms within the context of the European R&D programming tools, such as the EU Framework Programmes for Research and Innovation (i.e. Horizon 2020), with a view to the forthcoming Strategic Research Innovation Agenda for Plastics.

Justification

Providing relevant support and resources for research and innovation in the packaging sector is a necessary step towards the achievement of the Plastic Strategy objectives.

Amendment 10

Proposal for a directive Recital 7

Text proposed by the Commission

(7) To focus efforts where they are 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.

Amendment

(7) To focus efforts where they are most needed, this Directive should only cover the most found single-use plastics products ***as well as fishing gear. The single-use plastics products covered by measures under this Directive are*** estimated to represent around 86% of the single-use plastics found, in counts, on beaches in the Union.

Amendment 11

**Proposal for a directive
Recital 7 a (new)**

Text proposed by the Commission

Amendment

(7a) This Directive is without prejudice to the provisions established in Directive 94/62/EC regarding single-use plastic products that are considered packaging items as defined by Article 3(1) of Directive 94/62/EC.

Justification

A clarification is needed concerning single-use plastic packaging that are covered by Directive 94/62/EC.

Amendment 12

**Proposal for a directive
Recital 7 b (new)**

Text proposed by the Commission

Amendment

(7b) The review report of the Commission should indicate whether the scope can be broadened to single-use products in general.

Justification

The review should investigate the possibility of developing a clear and consistent approach

on single-use products that takes into account life cycle principles.

Amendment 13

Proposal for a directive Recital 7 c (new)

Text proposed by the Commission

Amendment

(7c) Terrestrial pollution and contamination of soil by larger items of plastic and resulting fragments or micro-plastics can be significant on local or regional scales. On a local scale that can be considerable due to intensive use of plastics in agriculture. To reduce the effects of plastic waste on the environment and on human and animal health, plastic pollution from agricultural land should be thoroughly investigated.

Amendment 14

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Plastic products should be manufactured taking into account their entire lifespan. Eco-design of plastic products should always take into account production phase, recyclability and possibly also reusability of the product. Producers should be encouraged, where appropriate, to use single or compatible polymers for manufacturing their products in order to simplify sorting and enhance recyclability, especially in the case of plastic packaging

Amendment 15

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 over a short time span before*** being discarded and should thereby ***exclude plastic products that are conceived, designed and placed on the market to accomplish, within their life cycle, multiple trips or rotations by*** being refilled or reused for the same purpose for which they are conceived.

Amendment 16

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) By retaining the value of products and materials for as long as possible and generating less waste, the economy of the Union can become more competitive and more resilient, while reducing the pressure on precious resources and the environment.

Amendment 17

Proposal for a directive

Recital 10

Text proposed by the Commission

Amendment

(10) The single-use plastic products should be addressed by one or several measures, depending on various factors, such as the availability of suitable and more sustainable alternatives, the feasibility to change consumption patterns,

(10) The single-use plastic products should be addressed by one or several measures, depending on various factors, such as the availability of suitable and more sustainable alternatives, ***taking into account life cycle principles,*** the feasibility

and the extent to which they are already covered by existing Union legislation.

to change consumption patterns, and the extent to which they are already covered by existing Union legislation.

Justification

It is important that these measures improve the overall environmental outcome, taking into account life cycle principles.

Amendment 18

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.

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 *safe and* sustainable solutions, Member States should be required to take the necessary measures to achieve *an ambitious and sustained* 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 of the European Parliament and of the Council^{43a}*, without *prejudice to Article 18 of Directive 94/62/EC and without* compromising food hygiene or food safety, good hygiene practices, good manufacturing practices, consumer information, or traceability requirements set out in Union food legislation⁴⁴. *These measures should apply to containers for food fulfilling all of the following criteria: the food in question is intended for immediate consumption, it is intended for consumption without further preparation, and it is intended to be consumed from the receptacle. Member States should aim at the highest possible ambition for those measures, which should be proportionate to the seriousness of the littering risk of*

the various products and uses. Member States should adopt national targets to quantify the effects of the measures taken to achieve the ambitious and sustained reduction. Member States should encourage the use of products that are suitable for multiple use and that are, after having become waste, suitable for preparing for re-use and recycling, without compromising the free movement of goods in the internal market. Those measures should take into account the impact of products throughout their life cycle including when found in the marine environment and should respect the waste hierarchy.

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 (OJ L 338, 13.11.2004, p.4-17).

^{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 (OJ L 338, 13.11.2004, p.4-17).

Amendment 19

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Tobacco product filters are the second most littered 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 huge impact on the environment of tobacco products with filters cannot be ignored as those filters may break into smaller plastic pieces. Used tobacco filters also contain numerous chemicals that are harmful for the environment, 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 the environmental impact caused by post-consumption waste, a wide range of measures are necessary for tobacco products with filters, ranging from a reduction of single-use, disposable filters containing plastic to extended producer responsibility to ensure responsible disposal and to cover the costs of litter clean-up. In order to address the significant collection and sorting costs currently borne by taxpayers, the extended producer responsibility schemes should cover the costs of litter clean-up and the costs for appropriate waste collection infrastructures. As part of these measures, Member States could also create incentives for a cigarette butt recovery chain to clean cellulose acetate, the plastic material that makes up 60 % of the composition of cigarette filters, and then transform it into new plastic objects.

Justification

Thrown on the roadways, a cigarette butt takes up to ten or twelve years to deteriorate. Very volatile, it also regularly ends up in the rivers it contributes to polluting. In this regard, it is very appropriate to extend the polluter-pays principle to cigarette manufacturers that put on the market products whose waste is very difficult to recycle. 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 20

Proposal for a directive Recital 12

Text proposed by the Commission

(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are readily available. In order to limit the adverse impact of such products on the environment, Member States should be required to prohibit their placing on the Union market. By doing so, the use of those readily available and more sustainable alternatives as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted.

Amendment

(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are readily available. In order to limit the adverse impact of such products on the environment, Member States should be required to prohibit their placing on the Union market. By doing so, the use of those readily available and more sustainable alternatives ***that comply with existing standards and Union law*** as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted, ***in line with the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC. The marketing restrictions introduced in this Directive should also cover products made of oxo-degradable plastic, as this type of plastic does not properly biodegrade and thus contributes to microplastic pollution in the environment, is not compostable, negatively affects the recycling of conventional plastic and fails to deliver a proven environmental benefit. In view of the high prevalence of polystyrene litter in the marine environment and the availability of alternatives, single-use food and beverage containers made of expanded polystyrene should also be restricted.***

Amendment 21

Proposal for a directive Recital 12 a (new)

(12a) For plastic plates and cutlery, even if suitable and if more sustainable alternatives are also readily available, where duly justified and in order to avoid any risks in the continuity of the provision of certain social services, such as catering in educational establishments and health-care services, it is appropriate to come with a limited time extension for the implementation of prohibiting their placing on the Union market.

Justification

With the goal to achieve a compromise, the rapporteur maintains of course the scope of the directive as it stands, in particular on the list of products subject to a ban, but she provides for a two-year period of phasing out for plastic plates and cutlery, until 2023. This is done in accordance with the provisions of Directive 2014/24/EU on public procurement and in order to ensure continuity of the provision of certain social services, such as catering in educational establishments and health-care services.

Amendment 22

**Proposal for a directive
Recital 12 b (new)**

(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 27 May 2017 on measures to reduce the consumption of very lightweight plastic carrier bags, based on life-cycle impacts. The Commission has so far not undertaken that review. Given that such plastic bags are very prone to littering and contribute to marine litter, 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 or for the packaging of humid loose foods 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 should remain applicable.

Amendment 23

Proposal for a directive Recital 12 c (new)

Text proposed by the Commission

Amendment

(12c) The measures laid down in this Directive which promote the usage of non-plastic alternatives should under no circumstances cause an increase of detrimental effects to the environment and the climate, e.g. additional CO₂ emissions or the exploitation of valuable resources. While many of the non-plastic alternatives are made out of natural resources and are expected to originate from the bio-economy, it is especially important to ensure the sustainability of these materials. In respect of the waste hierarchy, the measures laid down in this Directive and their implementation should always give priority to prevention or to the transition to re-usable products rather than to other single-use alternatives, even if they are made of non-plastic materials.

Amendment 24

Proposal for a directive Recital 13

Text proposed by the Commission

Amendment

(13) Caps and lids, ***with a significant part*** made of plastic, from beverage containers are among the most found

(13) Caps and lids made of plastic, from beverage containers are among the most found single-use plastic items littered on

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.

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

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 **and increasing the quantities recycled**. 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. ***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.***

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).

1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

Amendment 25

Proposal for a directive Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In the context of the review to be undertaken pursuant to Article 9(5) of Directive 94/62/EC, the Commission should take into account the relative properties of different packaging materials, including composite materials, on the basis of life-cycle assessments, addressing in particular prevention and design for circularity.

Justification

Solutions for attaching caps and lids to the bottles of carbonated drinks are not yet available on the market, given the specific requirements, including consumer safety, for the closures of such drinks. Additional time should therefore be given for the technical development of such solutions. The transition time should be long enough to allow for the development of the European standard as set out in this Article, and for a lead-in time to adopt production lines. Work on the European standard should start without any delay. In order to support the uptake of secondary raw materials and the functioning of the circular economy, a minimum level of recycled content should be established. Many players in the food and drinks sector have already 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. The changes to Article 6(1) and 6(2) are technical and aim at clarifying the scope of the Article.

Amendment 26

Proposal for a directive Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) The presence of dangerous chemical substances in sanitary towels and tampons and tampon applicators

should be avoided in the interests of women's health. In the same way, the accessibility of multi-use and more economically sustainable solutions is vital in ensuring that women have full access to life in society.

Amendment 27

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

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. *Disposal through sewers may in addition cause substantial economic damage to sewer networks by clogging pumps and blocking pipes. For these products, there is frequently a significant lack of information about the material characteristics of these products and the appropriate waste disposal.* Therefore, single-use plastic products that are frequently disposed of through sewers *or* otherwise inappropriately disposed of should be subject to marking requirements *and awareness-raising measures*. The marking should inform consumers about appropriate waste disposal options and/or waste disposal options to be avoided, about the negative environmental impacts of litter as a result of inappropriate disposal, *the presence of plastics in the product and the recyclability of the product*. 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, clearly understandable, *and not misleading, and should also consider existing voluntary agreements. With*

regard to fishing gear, the marking requirements adopted pursuant to Regulation (EC) No 1224/2009 should apply. Member States should implement the FAO Voluntary Guidelines on Marking Fishing Gear.

Justification

This amendment aims to inform consumers about damages to sewer networks by products inappropriately disposed in the environment as requested by article 10.

Amendment 28

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 ***necessary*** costs of waste management and clean-up of litter, as well as the costs of awareness-raising measures to prevent and reduce such litter ***and to tackle consumer misbehaviour. These costs should not exceed the costs that are necessary to provide those services in a cost-efficient way and should be established in a transparent way between the actors concerned. Costs to clean up litter should be proportionate and should be based on clear objectives established in accordance with Article 8a(1) of Directive 2008/98/EC. These objectives should define the scope and scale of the clean-up activities covered by the extended producer responsibility scheme in line with relevant obligations concerning waste prevention and marine litter in Union law. Such activities should include for instance litter prevention and collection in streets, markets and other***

public spaces and during public events but should not include operations, including sea and ocean clean-up, for which public authorities are not responsible.

Amendment 29

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Economic incentives are able to influence consumer choice, encourage or discourage specific consumer habits and can thus be used as an effective upstream tool for reducing the impact of certain plastics on the environment.

Amendment 30

Proposal for a directive Recital 16

Text proposed by the Commission

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. 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

(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. ***Under Regulation (EC) No 1224/2009, if lost fishing gear cannot be retrieved, the master of the vessel is required to inform the competent authority of its flag Member State. In order to ensure harmonised monitoring, the data on lost fishing gear should be collected and recorded by the Member States and forwarded annually to the Commission.*** The indirect fee system envisaged under Union law on port reception facilities for the delivery of waste from ships takes

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.

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. *Member States should adopt the measures required to ensure that financial contributions paid by producers of fishing gear containing plastic in fulfilment of their obligations deriving from producer responsibility are adjusted, in particular to take into account the durability, reparability, re-usability and recyclability of such fishing gear.*

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.

Amendment 31

Proposal for a directive Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) In the framework of an extended producer responsibility for fishing gear containing plastic, Member States should monitor, assess, collect and recycle fishing gear in order to meet the quantitative targets for collection and recycling of fishing gear containing plastic laid down in this Directive.

Amendment 32

Proposal for a directive Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) In the Common Agricultural Policy (CAP) Strategic Plans, the problem of agricultural plastic waste should be addressed and the Commission should, as appropriate, introduce a standard for good agricultural and environmental condition of land on plastic waste as a new element of enhanced conditionality in the mid-term, by 2023. Farmers would, under the new cross-compliance requirement, be bound to use an authorised waste management business to arrange collection and recycling of plastic, and keep evidence that plastic waste has been handled correctly.

Justification

Similar requirement exists in Waste Management Regulations 2006 (England and Wales, 2005 in Scotland). It extended waste management controls to agriculture. One of the big changes was it ended the practice of burning or burying farm plastic, including baler twine, silage film, spray cans, fertiliser and seed bags. Farmers are also required to use an authorised and reputable waste management business to arrange collection and recycling of plastic, and other waste.

Amendment 33

Proposal for a directive Recital 18

Text proposed by the Commission

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

(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.

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, ***in order to incentivise responsible consumer behaviour in the correct disposal of waste.*** Therefore, Member States should be required to take awareness raising measures ensuring that such information is given to the consumers. ***This information should include the impact of inappropriate waste disposal on the sewer network.*** 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. ***The fight against litter is a shared effort between competent authorities, producers and consumers.*** 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. ***Producers should be encouraged to use their marketing power to promote and drive sustainable and circular consumption and use of products.***

Amendment 34
Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) In accordance with Union law, the Commission is required assist the Member States to produce strategies and plans for the reduction of the dispersal at sea of fishing gear, including through subsidies from the European Maritime and Fisheries Fund (EMFF). The efforts may include awareness-raising campaigns and programmes on the impact of such waste

on marine ecosystems, research on the feasibility of biodegradable/compostable fishing gear, educational projects for fishermen and specific public programmes for the removal of plastic and other items from the marine environment.

Amendment 35

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 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.

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 ineffective separate collection systems and low participation in those systems by the consumers. It is necessary to promote more efficient separate collection systems *and to increase the production from recycled content* 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 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. Those measures* will have 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 recycle. *When implementing the measures to achieve the minimum separate collection target, Member States should ensure that the sound operation of existing extended producer responsibility schemes is maintained. The Commission should lay down guidelines for the functioning of deposit-refund schemes for those Member States that choose to establish such schemes.*

Amendment 36

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Directive 2008/98/EC defines ‘separate collection’ as the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment. Directive (EU) 2018/851 of the European Parliament and of the Council^{1a} amending Directive 2008/98/EC notes that separate collection could be achieved through door-to-door collection, bring and reception systems or other collection arrangements. Point (a) of Article 10(3) of Directive 2008/98/EC allows for a derogation whereby it should be possible to collect certain types of waste together provided that this does not impede high-quality recycling or other recovery of waste, in line with the waste hierarchy, and results in output from those operations which is of comparable quality to that achieved through separate collection. That derogation should be available also in the implementation of this Directive.

^{1a} Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste (OJ L 150,

Amendment 37

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016⁴⁸, the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an assessment of possible further measures and an assessment whether, in view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed. ***The evaluation should also consider whether scientific and technical progress that has taken place in the meantime, including the development of biodegradable materials and the development of criteria or a standard for biodegradability of plastics in the marine environment, as foreseen in the European Plastics Strategy, allows the setting of a standard for biodegradation of certain single-use plastic products in the marine environment. That standard would include a standard to test if, as a result of physical and biological decomposition in the marine environment, plastics would fully decompose into carbon dioxide (CO₂), biomass and water within a timescale short enough for the plastics not to be harmful for marine life and not lead to an accumulation of plastics in the environment. If that is the case, single-use***

Amendment

(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016⁴⁸, the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an assessment of possible further measures, ***including the setting of Union-wide reduction targets for 2030 and beyond***, and an assessment whether, in view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed.

plastic products that meet such a standard could be exempted from the prohibition on placing on the market. While the European Strategy for Plastics already envisages action in this area, it also recognises the challenges in relation to determining a regulatory framework for plastics with biodegradable properties due to different marine conditions across seas.

^{48.} OJ L 123, 12.5.2016, p. 1.

^{48.} OJ L 123, 12.5.2016, p. 1.

Amendment 38

Proposal for a directive Recital 23

Text proposed by the Commission

(23) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive.

Amendment

(23) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive. ***Consumers should also be incentivised or penalised for their behaviour, as appropriate.***

Amendment 39

Proposal for a directive Recital 25

Text proposed by the Commission

(25) Since the objectives of this Directive, namely to prevent and to reduce the impact of certain single-use plastic products and fishing gear containing plastic on the environment, to promote the transition to a circular economy, including the fostering of innovative business models, products and materials, thus also contributing to the efficient functioning of the internal market, cannot be sufficiently

Amendment

(25) Since the objectives of this Directive, namely to prevent and to reduce the impact of certain single-use plastic products and fishing ***and aquaculture*** gear containing plastic on the environment ***and on human health***, to promote the transition to a circular economy, including the fostering of innovative business models, products and materials, thus also contributing to the efficient functioning of

achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

Justification

Reference to impact on human health needs to be included in this Recital as it is later stated in Article 1 detailing the objective of this Directive and already included in Recital 5

Amendment 40

Proposal for a directive Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Since plastic marine litter is not limited to the marine environment surrounding the Union and since a huge amount of plastic marine litter can be detected in other parts of the world than the Union, Member States should ensure that exports of waste materials to third countries do not add to plastic marine litter elsewhere.

Amendment 41

Proposal for a directive Recital 25 b (new)

Text proposed by the Commission

Amendment

(25b) Member States can also play an important role in curbing marine litter by sharing their knowledge and expertise in sustainable material management with

third countries.

Justification

Marine litter is a global environmental concern. Sharing the EU's expertise and experience can help to address this complex issue.

Amendment 42

**Proposal for a directive
Recital 25 c (new)**

Text proposed by the Commission

Amendment

(25c) Public authorities, including the Union institutions, should lead by example.

Amendment 43

**Proposal for a directive
Article 1 – paragraph 1**

Text proposed by the Commission

Amendment

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

The objective of this Directive is to prevent and reduce the impact of certain plastic products on the environment, in particular ***on the aquatic life and*** environment, and on human health as well as to promote the transition to a circular economy with innovative ***and sustainable*** business models, products and materials, thus also contributing to the efficient functioning of the internal market.

Amendment 44

**Proposal for a directive
Article 2 – paragraph 1**

Text proposed by the Commission

Amendment

This Directive shall apply to the single-use plastic products listed in the Annex and to

This Directive shall apply to the single-use plastic products listed in the Annex and to

fishing gear containing plastic.

fishing *and aquaculture* gear containing plastic.

Amendment 45

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

Text proposed by the Commission

(1) 'plastic' means a material consisting of a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified;

Amendment

(1) 'plastic' means a material consisting of a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which **functions or** can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified;

Amendment 46

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 over a short time span before it is discarded;**

Amendment 47

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

(2a) ‘very lightweight plastic carrier bags’ means lightweight plastic carrier bags as defined in Article 3(1c) of Directive 94/62/EC with a wall thickness below 15 microns;

Amendment 48

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

Text proposed by the Commission

(3) ‘fishing gear’ means any item or piece of equipment that is used in fishing and aquaculture to target **or** capture marine biological resources or that is floating on the sea surface and is deployed with the objective of attracting **and** capturing such marine biological resources

Amendment

(3) ‘fishing gear’ means any item or piece of equipment that is used in fishing and aquaculture to target, capture **or retain for farming** marine biological resources or that is floating on the sea surface and is deployed with the objective of attracting, capturing **or retaining** such marine biological resources;

Amendment 49

Proposal for a directive Article 3 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘waste fishing gear’ means any fishing gear covered by the definition of waste in Directive 2008/98/EC, including all separate components, substances or materials that were part of or attached to such fishing gear when it was discarded;

Amendment

(4) ‘waste fishing gear’ means any fishing gear covered by the definition of waste in Directive 2008/98/EC, including all separate components, substances or materials that were part of or attached to such fishing gear when it was discarded **or lost**;

Amendment 50

Proposal for a directive Article 3 – paragraph 1 – point 10

Text proposed by the Commission

(10) 'producer' means any natural or legal person that, irrespective of the selling technique used, including distance contracts within the meaning of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011, places on the market single-use plastic products and fishing gear containing plastic except persons carrying out fishing activities as defined in Article 4(28) of Regulation (EC) No 1380/2013 of the European Parliament and of the Council⁵¹;

⁵¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p.22).

Amendment 51

Proposal for a directive Article 3 – paragraph 1 – point 11 a (new)

Text proposed by the Commission

Amendment 52

Proposal for a directive Article 3 – paragraph 1 – point 13 a (new)

Amendment

(10) 'producer' means any natural or legal person that ***professionally develops, manufactures, processes, treats, sells or imports***, irrespective of the selling technique used, including distance contracts within the meaning of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011⁵⁰, ***and in doing so***, places on the market single-use plastic products and fishing gear containing plastic except persons carrying out fishing activities ***or aquaculture*** as defined in Article ***4(25) and*** 4(28) of Regulation (EC) No 1380/2013 of the European Parliament and of the Council ⁵¹;

⁵¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p.22).

Amendment

(11a) 'separate collection' means separate collection as defined in Article 3(11) of Directive 2008/98/EC;

Text proposed by the Commission

Amendment

(13a) 'Biodegradable plastic' means a plastic capable of undergoing physical, biological decomposition, such that it ultimately decomposes into carbon dioxide (CO₂), biomass and water and in accordance with European standards for packaging recoverable through composting and anaerobic digestion;

Justification

In the context of the amendments on biodegradable plastics suggested in the following definitions should be integrated into article 3 of the directive in order to ensure coherence with other legislation and conformity with CEN standards. The definition of biodegradation is based on OECD (statistical term glossary) and ISO definitions (15270:2008; 17088). The definition of biodegradable plastics is derived from the definition of biodegradation. If a biodegradable plastic is certified according to European standards for industrial composting (EN 13432) it should be called compostable and a clear disposal message should be shared with the consumer.

Amendment 53

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.

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 54

Proposal for a directive

Article 4

Article 4

Article 4

Consumption reduction

Consumption reduction

1. 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 end-date for transposition of this Directive].**

1. Member States shall take the necessary measures to achieve, **by ... [four years after the end-date for transposition of this Directive], an ambitious and sustained** reduction in the consumption of the single-use plastic products listed in Part A of the Annex on their territory.

Those measures may include **national consumption reduction targets**, measures ensuring that reusable alternatives to those products are made available at the point of sale to the final consumer, economic instruments such as ensuring that single-use plastic products are not provided free of charge at the point of sale to the final consumer. Those measures may vary depending on the environmental impact of the products referred to in the first subparagraph.

Those measures may include measures ensuring that reusable alternatives to those products are made available at the point of sale to the final consumer, economic instruments such as ensuring that single-use plastic products are not provided free of charge at the point of sale to the final consumer. Those measures may vary depending on the environmental impact, of the products referred to in the first subparagraph **over their life cycle, including when littered.**

Member States shall draw up national plans describing the measures adopted pursuant to this paragraph. Member States shall notify the Commission of the plans and shall update them where necessary. The Commission may issue recommendations on those plans.

Member States shall set national quantitative reduction targets to attain the objective laid down in the first subparagraph of this paragraph. Those targets shall be adopted by ... [end-date for transposition of this Directive].

Measures adopted pursuant to this paragraph shall be proportionate and non-discriminatory. For products covered by Directive 94/62/EC, those measures shall be without prejudice to Article 18 of that Directive. Member States shall notify the Commission of those measures in accordance with Directive (EU)

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).

2015/1535^{1a} where so required by that Directive.

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

2a. 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, compared to the weighted average of tobacco products with filters placed on the market between 2014 and 2016.

^{1a} Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification) (OJ L 241, 17.9.2015, p. 1).

Justification

The ambitious and sustained reductions shall be met within 4 years of transposition, i.e. in 2025 (assuming adoption of Directive in 2019). Member States shall adopt the necessary measures as part of the transposition of the Directive, as laid down in the Commission proposal. In order to ensure consistency and transparency of these measures, Member States should draw up plans where all relevant measures are summarised. In addition, in order to ensure that substantial efforts are made and to establish a benchmark for their reduction measures, Member States should establish their own quantitative targets reflecting the ambition level and the expected results of these measures. The timeline is set out as follows: The methodology for calculation and verification should be adopted by the Commission by 2020 (assuming adoption of Directive in 2019). The first reporting by Member States of data

on the placing on the market of products covered by this Article will take place in the same year (see Article 13). Using the methodology, MS shall at the latest in 2021 define their national target that fulfils the objective of ambitious and sustained reductions, to be met by 2025. The review of the directive will take place in 2026 (5 years after transposition - see Article 15). In that review the Commission will assess the national targets and efforts until 2025 and if appropriate make a proposal for EU-wide targets.

Amendment 55

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 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 56

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

Text proposed by the Commission

Amendment

1a. 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 referred to in Article 16(2).

Amendment 57

Proposal for a directive Article 6 – paragraph 2

Text proposed by the Commission

2. For the purposes of this Article metal caps or lids with plastic seals shall not be considered to ***have a significant part made*** of plastic.

Amendment

2. For the purposes of this Article metal caps or lids with plastic seals shall not be considered to ***be made*** of plastic. ***Glass and metal beverage containers that have caps and lids made of plastic shall not be covered by this Article.***

Amendment 58

Proposal for a directive Article 6 – paragraph 3

Text proposed by the Commission

3. ***The*** Commission shall request the European standardisation organisations to develop harmonised standards relating to the requirement referred to in paragraph 1.

Amendment

3. ***By ... [3 months after the date of entry into force of this Directive], the*** Commission shall request the European standardisation organisations to develop harmonised standards relating to the requirement referred to in paragraph 1. ***Those standards shall in particular address the need to ensure the necessary strength, reliability and safety of beverage container closures, including those for carbonated drinks.***

Amendment 59

Proposal for a directive Article 7

Text proposed by the Commission

Article 7

Marking requirements

1 Member States shall ensure that

Amendment

Article 7

Marking requirements

1 Member States shall ensure that

each single-use plastic **product** listed in Part D of the Annex placed on the market bears a conspicuous, clearly legible and indelible marking informing consumers of one or more of the following:

- (a) appropriate waste disposal options for the product **or** waste disposal means to be avoided for that product,
- (b) the negative environmental impacts of littering or other inappropriate waste disposal of the products, **or**
- (c) the presence of plastics in the product.

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).

each **sales packaging of the** single-use plastic **products** listed in Part D of the Annex 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 following:

- (a) appropriate waste disposal options for the product **and/or** waste disposal means to be avoided for that product,
- (b) the negative environmental impacts of littering or other inappropriate waste disposal of the products, **and**
- (c) the presence of plastics in the product.

In addition, Member States shall ensure that each sales packaging of the single-use plastic products listed in Part D of the Annex, 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.

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 consider existing sectorial voluntary agreements and shall pay particular attention to the need to avoid information that misleads consumers.*** That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

Justification

It is better that the sale packaging instead of on the product bears the marking (example:

packaging of the wet wipes but not the wet wipe itself). The consumer should be informed about the availability of alternative in order to reduce the use of SUP. The consumer should also be informed about the recyclability of the products in order to develop responsible purchasing. Finally, the Commission need to take into account the sectorial agreement developed by the industry as it will favour a better information of the consumer as well as a clear and legible marking.

Amendment 60

Proposal for a directive

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

With regard to the schemes established pursuant to paragraph 1, Member States shall ensure that the producers of the single-use plastic products listed in Part E of the Annex shall cover the costs of the collection of waste consisting of those single-use plastic products and its subsequent transport and treatment, including the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products.

Amendment

With regard to the schemes established pursuant to paragraph 1, Member States shall ensure that the producers of the single-use plastic products listed in Part E of the Annex shall cover the costs of the collection of waste consisting of those single-use plastic products and its subsequent transport and treatment including the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products. ***The financial contributions paid by the producers to comply with these obligations 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.***

Amendment 61

Proposal for a directive

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

Text proposed by the Commission

Amendment

With regard to the costs to clean up litter referred to in the first subparagraph, Member States shall ensure that the financial contributions paid by the producers are established in a

proportionate way and are modulated in accordance with Article 8a(4) of Directive 2008/98/EC, 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.

Amendment 62

Proposal for a directive

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

Text proposed by the Commission

Amendment

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.

Amendment 63

Proposal for a directive

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that extended producer responsibility schemes established pursuant to paragraph 1 of this Article for tobacco product filters containing plastic contribute to the achievement of the environmental objective laid down in Article 4(2a), including by ensuring that producers of tobacco product filters containing plastic cover the costs of the collection of waste of those products and its subsequent transport and treatment including the

costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products. In order to achieve that objective, Member states may inter alia require the extended producer responsibility schemes to establish collection systems or finance collection infrastructure for used filters, or promote the decontamination and recycling of used filters through the establishment of a waste recovery chain.

Amendment 64

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 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. In order to achieve that target, Member States may additionally require the schemes to inter alia:

- (a) modulate financial contributions in accordance with Article 8a(4) of Directive 2008/98/EC, to promote the placing on the market of fishing gear designed for re-use and recycling;*
- (b) establish deposit-refund schemes to encourage the return of old, derelict or unusable fishing gear;*
- (c) include monitoring, tracking and reporting programmes.*

Justification

This amendment backs the proposal of the Commission asking Member States to introduce extended producer responsibility (EPR) schemes for fishing gear containing plastic In order to ensure the most effective reduction of marine litter from this multiple use product. It is important to specify how the EPR scheme will be implemented, hence the following provisions are included: a separate collection target for fishing gear of 50% by 2025; the establishment of deposit-refund schemes except in small unmanned ports or in remotely located ports, and an acceptable recycling target of 15% for fishing gear by 2025. For example, Iceland's best practises has already achieved a recycling target for nets of 45% in 2006, estimated today at 85% of recovery for both nets and wires.

Amendment 65

Proposal for a directive

Article 8 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Without prejudice to technical measures laid down in Council Regulation (EC) No 850/98^{1a}, the Commission shall request the European standardisation organisations to develop harmonised standards relating to the circular design of fishing gear to encourage preparation for re-use and facilitate recyclability at end of life.

^{1a} Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998,

p. 1).

Justification

Fishing gear is by definition designed to last. In this respect it is important to establish harmonised standards at the initiative of the Commission to facilitate recycling at end of life of fishing gear placed on the EU market.

Amendment 66

Proposal for a directive

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall take the necessary measures to collect separately, by 2025, an amount of waste single-use plastic products listed in Part F of the Annex equal to 90% of such single-use plastic products placed on the market in a given year by weight. In order to achieve that objective Member States may inter alia:

Amendment

Member States shall take the necessary measures to collect separately, by 2025, an amount of waste single-use plastic products listed in Part F of the Annex equal to 90% of such single-use plastic products placed on the market in a given year by weight ***and ensure their subsequent recycling***. In order to achieve that objective Member States may inter alia:

Amendment 67

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

The first subparagraph shall apply without prejudice to Article 10(3)(a) of Directive 2008/98/EC.

Amendment 68

Proposal for a directive

Article 9 – paragraph 1 a (new)

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

Amendment 69

Proposal for a directive Article 10

Text proposed by the Commission

Article 10

Awareness raising measures

1. Member States shall take measures to inform consumers of the single-use plastic products listed in Part G of the Annex and fishing gear containing plastic about the following:

(a) the ***available*** re-use systems and waste management options for those products and fishing gear containing plastic as well as best practices in sound waste management carried out in accordance with Article 13 of Directive 2008/98/EC;

(b) the impact of littering and other inappropriate waste disposal of those products and fishing gear containing plastic on the environment, and in particular on the marine environment.

Amendment

Article 10

Awareness raising measures

1. Member States shall take measures to inform ***as well as incentivise responsible behaviour from*** consumers of the single-use plastic products listed in Part G of the Annex and fishing gear containing plastic about the following:

(a) the ***availability of reusable alternatives***, re-use systems and waste management options for those products and fishing gear containing plastic as well as best practices in sound waste management carried out in accordance with Article 13 of Directive 2008/98/EC

(b) the impact of littering and other inappropriate waste disposal of those products and fishing gear containing plastic on the environment, and in particular on the marine environment;

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

Amendment 70

Proposal for a directive Article 11 – paragraph 2

Text proposed by the Commission

The measures that Member States take to transpose and implement Articles 4 to 9 shall comply with Union food law to ensure that food hygiene and food safety are not compromised.

Amendment

The measures that Member States take to transpose and implement Articles 4 to 9 shall comply with Union food law to ensure that food hygiene and food safety are not compromised ***and with Regulation (EC) No 1935/2004 of the European Parliament and of the Council^{1a}. Member States shall encourage the use of sustainable, safer alternatives to plastic where possible for materials in contact with food.***

^{1a} Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338 13.11.2004, p. 4).

Justification

The Commission published a Roadmap in view of a revision of the current Food Contact Material Regulation on the 28th November 2017. If the Regulation is revised on the second quarter of 2019 as indicated in the Roadmap, a reference to this Regulation will take into account the new developments included in the potentially revised Regulation.

Amendment 71

**Proposal for a directive
Article 11 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

Member States shall ensure that exports of waste materials to third countries do not add to plastic marine litter elsewhere.

Amendment 72

**Proposal for a directive
Article 12 – paragraph 1 – introductory part**

Text proposed by the Commission

1. Member States shall ensure that natural or legal persons or their associations, organisations or groups, in accordance with national legislation or practice, have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, actions or omissions related to the implementation of Articles 5, 6, 7 **and 8** when one of the following conditions is fulfilled:

Amendment

1. Member States shall ensure that natural or legal persons or their associations, organisations or groups, in accordance with national legislation or practice, have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, actions or omissions related to the implementation of Articles **4, 5, 6, 7, 8, 9 and 10** when one of the following conditions is fulfilled:

Justification

There is no justification given for leaving out articles 4, 9 and 10

Amendment 73

**Proposal for a directive
Article 13**

Text proposed by the Commission

Article 13

Information on monitoring of
implementation

1. Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council⁵² and Directive 2007/2/EC of the European Parliament and of the Council⁵³, Member States, assisted by the European Environment Agency, shall set up a data set containing:

(a) the data on single-use plastic products listed in Part A of the Annex that have been placed on the Union market each year, to demonstrate the consumption reduction in accordance with Article 4(1);

Amendment

Article 13

Information on monitoring of
implementation

1. Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council⁵² and Directive 2007/2/EC of the European Parliament and of the Council⁵³, Member States, assisted by the European Environment Agency, shall set up a data set containing:

a) the data on single-use plastic products listed in Part A of the Annex that have been placed on the Union market each year, to demonstrate the consumption reduction in accordance with Article 4(1);

(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;

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

(ac) data on fishing gear containing plastic placed on the market and on waste fishing gear collected and treated;

(b) information on the measures taken by Member States for the purposes of Article 4(1).

(b) information on the *plans and* measures taken by Member States for the purposes of Article 4(1);

(ba) data on marine litter, in particular that originating in products covered by this Directive in order to monitor the effects of the measures taken.

The data referred to in point (a) of the first subparagraph shall be updated annually within 12 months from the end of the reference year for which it is collected. Where possible, spatial data services as defined in Article 3(4) of Directive 2007/2/EC shall be used to present those data sets.

The data referred to in point (a) of the first subparagraph shall be **reported for the first time by... [12 months after the entry into force of this Directive]. The data referred to in points (a) to (ac) shall be** updated annually within 12 months from the end of the reference year for which it is collected. Where possible, spatial data services as defined in Article 3(4) of Directive 2007/2/EC shall be used to present those data sets.

2. Member States shall ensure that the Commission and the European Environment Agency have access to the data sets established in accordance with paragraph 1.

2. Member States shall ensure that the Commission and the European Environment Agency have access to the data sets established in accordance with paragraph 1.

3. The European Environment Agency shall publish and update a Union-wide overview on the basis of the data collected by the Member States, on a regular basis. The Union-wide overview shall include, as appropriate, indicators for outputs, results and impacts of this Directive, Union-wide overview maps and Member State overview reports.

3. The European Environment Agency shall publish and update a Union-wide overview on the basis of the data collected by the Member States, on a regular basis. The Union-wide overview shall include, as appropriate, indicators for outputs, results and impacts of this Directive, Union-wide overview maps and Member State overview reports.

4. The Commission *may* adopt implementing acts laying down the format

4. The Commission **shall** adopt implementing acts laying down the format

for the data set, information and data referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).

⁵² Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

⁵³ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

for the data set, information and data referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).

⁵² Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

⁵³ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

Justification

It is important that the data reported is as complete as possible to enable the evaluation of the measures and their effectiveness.

Amendment 74

Proposal for a directive Article 15

Text proposed by the Commission

Article 15

Evaluation and review

1. The Commission shall carry out an evaluation of this Directive by ... [6 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.
2. The Commission shall submit a

Amendment

Article 15

Evaluation and review

1. The Commission shall carry out an evaluation of this Directive by ... [5 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.
2. The Commission shall submit a

report on the main findings of the evaluation carried out in accordance with paragraph 1 to the European Parliament, the Council and the European Economic and Social Committee.

3. That report shall *also indicate whether*:

(a) the Annex listing single-use plastic products *needs to be reviewed*;

(b) *it is feasible to establish* binding quantitative Union targets for the consumption reduction of, in particular, single-use plastic products listed in Part A of the Annex;

(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.*

report on the main findings of the evaluation carried out in accordance with paragraph 1 to the European Parliament, the Council and the European Economic and Social Committee. *The report shall be accompanied by a legislative proposal, if appropriate. That proposal shall, if appropriate, set binding quantitative consumption reduction targets at Union level for the products listed in Part A of the Annex.*

3. That report shall *include*:

(a) *an assessment of the need to review* the Annex listing single-use plastic products;

(b) *a study of the feasibility of establishing* binding quantitative Union targets for the consumption reduction of, in particular, single-use plastic products listed in Part A of the Annex; *in this regard the report shall assess the setting of targets expressed in absolute numbers taking into account consumption levels and already achieved reductions in Member States*;

(ba) *an assessment of the change in materials used in, and innovation in new delivery systems for reusable alternatives of, the products covered by this Directive; this shall include an overall environmental life-cycle analysis of these materials and the resulting alternatives*;

Amendment 75

Proposal for a directive

Article 17 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from the first subparagraph of this paragraph, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the reporting obligations contained in point (a) of Article 13(1) by ... [12 months after the date of entry into force of this Directive].

Amendment 76

Proposal for a directive

Article 17 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

However, the Member States shall apply the measures necessary to comply with Articles 5 and 7(1) from ... [2 years after entry into force of this Directive] and with Article 6(1) from ... [3 years after entry into force of this Directive].

However, the Member States shall apply the measures necessary to comply with Articles 5 and 7(1) from ... [2 years after entry into force of this Directive] and with Article 6(1) from ... [3 years after entry into force of this Directive], ***with the exception of the measures necessary to comply with the requirement referred to in Article 6(1) in relation to beverage containers for carbonated drinks, which Member States shall apply from ... [5 years after entry into force of this Directive].***

Amendment 77

Proposal for a directive

Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall communicate

2. Member States shall communicate

to the Commission the text of the *main* provisions of national law which they adopt in the field covered by this Directive.

to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive. ***The Commission shall verify that those provisions do not place any unjustified obstacles on the functioning of the single market.***

Amendment 78

Proposal for a directive Annex I – part A

Text proposed by the Commission

Single-use plastic products covered by Article 4 on consumption reduction

- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation, such as food containers used for fast food, except beverage containers, plates and packets and wrappers containing food

Amendment

Single-use plastic products covered by Article 4 on consumption reduction

- ***Cups for beverages, including their covers and lids***
- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation, such as food containers used for fast food, except beverage containers, plates and packets and wrappers containing food

The sale of food in a one-person portion size container, or in a container provided with cutlery, is an indication that the food in question is intended to be consumed immediately from the food container.

The concept of further preparation includes activities such as heating, adding boiling water, washing, slicing and cutting.

Examples of single-use plastic food containers covered by parts A, E and G of this Annex:

- ***Fast-food containers such as meal boxes and salad boxes with food for cold consumption***

– *Fast-food containers such as meal boxes and salad boxes with food for hot consumption, except where the food needs to undergo heating by the consumer after the purchase of the product*

– *Burger boxes, sandwich boxes, wrap boxes*

– *One-person portion sized food containers of fresh or processed food that does not need further preparation, such as fruits, vegetables, desserts or ice-creams, sold by single unit*

Examples of containers that are not single-use plastic food containers covered by parts A, E and G of this Annex:

– *Food containers with dried food or food sold cold that requires further preparation*

– *Containers containing food in more than one-person portion size quantities*

– *One-person portion sized food containers sold in more than one unit*

– *Cups for beverages*

Amendment 79

Proposal for a directive Annex I – part B – indent 2

Text proposed by the Commission

— *Cutlery (forks, knives, spoons, chopsticks)*

Amendment

— *Cutlery (forks, knives, spoons, chopsticks) **except, until 2023, cutlery supplied to educational establishments or health care institutions under public supply contracts^{1a} as defined in point 8 of Article 2 of Directive 2014/24/EU that were awarded before 31 December 2018.***

^{1a} *‘public supply contracts’ means public contracts having as their object the purchase, lease, rental or hire-purchase,*

with or without an option to buy, of products. A public supply contract may include, as an incidental matter, siting and installation operations.

Amendment 80

Proposal for a directive Annex I – part B – indent 3

Text proposed by the Commission

— Plates

Amendment

— Plates, *except, until 2023, plates supplied to educational establishments or health care institutions under public supply contracts^{1a} as defined in point 8 of Article 2 of Directive 2014/24/EU that were awarded before 31 December 2018.*

^{1a} *‘public supply contracts’ means public contracts having as their object the purchase, lease, rental or hire-purchase, with or without an option to buy, of products. A public supply contract may include, as an incidental matter, siting and installation operations.*

Amendment 81

Proposal for a directive Annex I – part B – indent 6

Text proposed by the Commission

— Sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, **including** the mechanisms of such sticks

Amendment

— Sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, **excluding** the mechanisms of such sticks

Amendment 82

Proposal for a directive Annex I – part B – indent 6 a (new)

Text proposed by the Commission

Amendment

— *Very lightweight plastic carrier bags, except when they are required for hygienic reasons or to wrap humid loose food products*

Amendment 83

Proposal for a directive Annex I – part B – indent 6 b (new)

Text proposed by the Commission

Amendment

— *Products made of oxo-degradable plastic*

Amendment 84

Proposal for a directive Annex I – part B – indent 6 c (new)

Text proposed by the Commission

Amendment

— *Food and beverage containers made of expanded polystyrene, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without further preparation.*

Justification

All these additional market restriction for products are coherent with the current EU legislation in force or political statement from the European Parliament. For e.g. the European Parliament has just called, on Thursday 13 of September 2018, for a complete EU ban on oxo-degradable plastic by 2020, as this type of plastic negatively affects the recycling of conventional plastic and fails to deliver a proven environmental benefit. Furthermore, the proposal to add a ban of some applications of expanded polystyrene (EPS) in the SUP

proposal is justified by the fact that polystyrene, in its various sizes, appears in rank 1, 3, 13, 28 and 53 of the plastic waste most commonly found on European beaches, according to the Commission's classification in its impact assessment (Part II, pages 31 and 32). That is more than 31% of all plastics found on European beaches. Clearly, European legislators must find a way to address and to limit this source of marine litter, which the Commission has not done in its proposal.

Amendment 85

Proposal for a directive Annex I – part C – indent 1

Text proposed by the Commission

— Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids

Amendment

— Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids, ***except containers intended and used for food for special medical purposes in liquid form as defined in point (g) of Article 2 of Regulation (EU) No 609/2013***

Amendment 86

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

Text proposed by the Commission

– ***Tobacco products with filters and filters marketed for use in combination with tobacco products***

Amendment

Justification

Cigarette butts have a severe negative impact on the environment. For example, one cigarette butt can pollute between 500 and 1000 litres of water. By including tobacco products in this Annex, the consumers would be better informed on the environmental impact of cigarettes. Regarding the inclusion of packets and wrappers, these items are ranked fourth in terms of beach counts and therefore stronger measures are needed. There is currently not enough consumer awareness about the presence of plastic in beverage cups and the correct waste disposal of them. Therefore, the consumer should be informed about appropriate waste disposal of these products and their negative impact on the environment.

Amendment 87

Proposal for a directive

Annex I – part D – indent 3 b (new)

Text proposed by the Commission

Amendment

- ***Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation***

Justification

Cigarette butts have a severe negative impact on the environment. For example, one cigarette butt can pollute between 500 and 1000 litres of water. By including tobacco products in this Annex, the consumers would be better informed on the environmental impact of cigarettes. Regarding the inclusion of packets and wrappers, these items are ranked fourth in terms of beach counts and therefore stronger measures are needed. There is currently not enough consumer awareness about the presence of plastic in beverage cups and the correct waste disposal of them. Therefore, the consumer should be informed about appropriate waste disposal of these products and their negative impact on the environment.

Amendment 88

Proposal for a directive

Annex I – part D – indent 3 c (new)

Text proposed by the Commission

Amendment

- ***Cups for beverages***

Justification

Cigarette butts have a severe negative impact on the environment. For example, one cigarette butt can pollute between 500 and 1000 litres of water. By including tobacco products in this Annex, the consumers would be better informed on the environmental impact of cigarettes. Regarding the inclusion of packets and wrappers, these items are ranked fourth in terms of beach counts and therefore stronger measures are needed. There is currently not enough consumer awareness about the presence of plastic in beverage cups and the correct waste disposal of them. Therefore, the consumer should be informed about appropriate waste disposal of these products and their negative impact on the environment.

Amendment 89

Proposal for a directive Annex I – part E – indent 4

<i>Text proposed by the Commission</i>	<i>Amendment</i>
– Cups for beverages	– Cups for beverages <i>including their covers and lids</i>

Amendment 90

Proposal for a directive Annex I – part F – indent 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
— Beverage bottles	— Beverage bottles, <i>including their caps and lids</i>

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.

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

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.

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

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

adaptation costs for producers¹. 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 losses². In fact, between 30 000 and 50 000 jobs might be created under the other possible scenarios, which place more stress on innovation³.

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 necessity⁴.

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. 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

¹ *ibid.*, part 1 p.60

² *ibid.*, part 1 p.60

³ *ibid.*, part 1 p.60

⁴ *ibid.*, part 1 p.6

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 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 provisions² 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 sea³. 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%

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

² 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.

³ Impact assessment, op. cit., p.12

recycling target was set in 2006 and is now 85% for recovery of lines and nets.¹

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 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

26.9.2018

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

for the Committee on the Environment, Public Health and Food Safety

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))

Rapporteur for opinion: Barbara Kappel

SHORT JUSTIFICATION

The single-use plastic initiative is part of the EU's broader Circular Economy agenda, it will tackle the economic incentives to reduce marine litter. Especially the negative externalities generated by the single use plastic products. Externalities are the uncompensated effects of economic decisions on third parties. They are not included in the decision-making process of the causer. From an economic point of view, they constitute a form of market failure and may necessitate state intervention.

Prevention and reduction of plastic marine litter from single use plastic products (SUP) and fishing gear containing plastic are complementing specific measures on microplastics envisaged under the EU Plastics Strategy. After addressing plastic bags in 2015, 10 SUP products and fishing gear (so called macroplastics) were identified to account for 70% of the marine litter in Europe. It is important that the EU and the Member States respond appropriately to tackle the environmental aspects of marine littering by reducing the amount of plastics in oceans and on beaches, whilst providing a stronger focus on the broader context of plastics transition to a circular economy.

Marine littering is a global problem that reaches far beyond the EU borders and only a global agreement will be able to fully address the challenge to our planet. As studies show, 80% of marine litter originates from only 20 countries, whereas none of them is an EU member state. The rapporteur therefore calls for a global approach to combat plastic pollution and urges for necessary measures on the level of G7 and G20, as well as the implementation of the UN Sustainable Development Goals.

The financial sector should help businesses to invest more in sustainable solutions, before governments resort to policy measures. The rapporteur would deem it preferable to see an approach based on increasing standards which should, as a consequence, crowd certain polluting products out of the market but would at the same time promote R&D and innovation

into more cost-effectively recyclable, biodegradable or harmless products. These new standards should be implemented within a reasonable timeframe to ensure that SMEs can adapt their business model, as a vast majority of the 50,000 companies representing the plastic converters sector in the EU are SMEs.

Commission analysis estimates that its proposed options covering a ban of certain SUP plastics and reduction targets, Extended Producer Responsibility (EPR), product design measures and gear return-incentives to fishers would save 2.6 million tonnes of CO₂ equivalent and avoid environmental damages equivalent to €11 billion. Compliance costs for businesses amount to €2 billion and waste management to €510 million. Consumers would save around €6.5 billion, whereas a deposit refund or equivalent system would cost consumers an additional €1,4 billion. Commission estimates that the additional cost for the fishing industry will amount to 0.16% of revenue in the best case scenario. However, Commission does not provide data of the implementation costs of EPR fully transferred to the end consumer.

Tackling marine litter can create economic opportunities. Businesses can boost their competitiveness through innovation and R&D by contributing to a resource-efficient, decarbonised economy. Investments into marine litter prevention, sustainable alternative materials, products and business models can help create jobs and strengthen technical and scientific skills. While the initiative to reduce SUP plastics is welcomed, a balanced approach to ensure proportionality is needed.

AMENDMENTS

The Committee on Economic and Monetary Affairs calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) Economic prosperity of the Union is inextricable from the long-term environmental sustainability. Increasing sustainability of economic models of Member States can bring new opportunities for innovation, competitiveness and job creation.

Amendment 2

Proposal for a directive

Recital -1 a (new)

(-1a) Challenges linked with the treatment of the plastic waste can be turned into an opportunity for the European industry to become a global leader in providing solutions for the transition towards a circular economy.

Amendment 3

Proposal for a directive Recital 3

Text proposed by the Commission

(3) Marine litter is of a transboundary nature and is recognized as a global problem. Reducing marine litter is a key action for the achievement of United Nations Sustainable Development Goal 14 which calls to conserve and sustainably use the oceans, seas and marine resources for sustainable development.³⁶ The Union must play its part in tackling marine litter and aim to be a standard setter for the world. In this context, the Union *is working* with partners *in many* international *fora* such as G20, G7 and United Nations *to* promote concerted action. This initiative is part of the Union efforts *in this regard*.

³⁶ The 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.

Amendment

(3) Marine litter is of a transboundary nature and is recognized as a global problem. ***Successful prevention and management of plastic waste is most effective through international cooperation and when using a scientific, evidence-based approach.*** Reducing marine litter is a key action for the achievement of United Nations Sustainable Development Goal 14 which calls to conserve and sustainably use the oceans, seas and marine resources for sustainable development.³⁶ The Union must play its part in tackling marine litter and aim to be a standard setter for the world. In this context, the Union ***should enforce its collaboration, in particular with the main polluting countries, and together*** with partners ***at international level*** such as G20, G7 and United Nations promote concerted action. This initiative is part of the Union efforts ***to reduce waste for a sustainable and circular economy.***

³⁶ The 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.

Amendment 4

Proposal for a directive Recital 7

Text proposed by the Commission

(7) To focus efforts where they are 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.

Amendment

(7) To focus efforts where they are most needed, this Directive should cover the most **commonly** 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 also fishing gear. The transition to a circular economy will necessitate a reduction in the overall use of single use plastic.**

Amendment 5

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) This Directive is without prejudice to the provisions established in Directive 94/62/EC regarding single-use plastic products that are considered packaging items as defined by Article 3(1) of Directive 94/62/EC.

Justification

A clarification is needed concerning single-use plastic packaging that are covered by Directive 94/62/EC.

Amendment 6

Proposal for a directive Recital 8

Text proposed by the Commission

(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives

Amendment

(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives

may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁴³ should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, paints, inks, and adhesives. Those materials should not be addressed by this Directive and should therefore not be covered by the definition.

⁴³ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁴³ should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, *linings or layers*, paints, inks, and adhesives. Those materials should not be addressed by this Directive and should therefore not be covered by the definition.

⁴³ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Amendment 7

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

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 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, and without prejudice to Article 18 of Directive 94/62/EC,*** 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 encourage the use of reusable products, suitable for a circular economy, without compromising the free movement of goods in the internal market and without distorting the competition between EU and non-EU producers. All measures, aimed at a significant reduction of the consumption of the single use plastic products, should be proportioned with the objectives of this Directive. Those measures should take into account the impact of products throughout their lifecycle.***

^{43a} ***Directive 94/62/EC of 20 December 1994 on packaging and packaging waste, OJ L 365, 31.12.1994, p. 10–23***

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 (OJ L 338, 13.11.2004, p.4-17).

1935/2004 on materials intended to come into contact and other relevant legislation related to food safety, hygiene and labeling (OJ L 338, 13.11.2004, p.4-17).

Amendment 8

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Member States should be required, in accordance with Directive 94/62/EC, to notify the Commission of any draft measure related to packaging before adopting it, in order to verify whether it may create barriers to the functioning of the internal market.

Justification

It is important to ensure the consistency of the Directive 94/62/EC, especially Article 16 (notification) and Article 18 (freedom to place on the market) and this Directive when single-use plastic packaging is addressed and to safeguard the internal market for packaging.

Amendment 9

Proposal for a directive Recital 14

Text proposed by the Commission

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. 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

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

Commission should be empowered to establish a harmonised format for the marking, *for example a logo*, 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. *In that process, the Commission should take into account the existing sectorial voluntary agreements that were adopted for this purpose. Furthermore, the Member States may lay down rules on dissuasive fines and penalties which would apply to those responsible for the release of the litter into the environment.*

Amendment 10

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 *necessary* costs of waste management *in line with Article 8 and 8a of Directive 2008/98/EC and Article 7 of Directive 94/62/EC* as well as the costs of awareness-raising measures to prevent and reduce such litter.

Justification

The fight against litter should be an effort between competent authorities, producers and consumers. The littering problem is not solved by payments of the producers for the clean-up costs but by a different consumer behaviour which is achieved by educating consumers and enforcement of the existing legislation. Preventing litter is much more effective.

Amendment 11

**Proposal for a directive
Recital 15 a (new)**

Text proposed by the Commission

Amendment

(15a) A uniform implementation of extended producer responsibility measures shall be ensured, in order to avoid distortions of competition in the internal market.

Amendment 12

**Proposal for a directive
Recital 15 b (new)**

Text proposed by the Commission

Amendment

(15b) Economic incentives can influence consumer choice, encourage or discourage specific consumer habits and can thus be used as an effective upstream tool for reducing the impact of certain plastics on the environment.

Amendment 13

**Proposal for a directive
Recital 16**

Text proposed by the Commission

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. 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

(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 ***is, however, not sufficiently effective*** for fishermen to bring their fishing gear waste on shore. As

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.

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

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 finance sound waste management of such fishing gear, in particular recycling. ***In addition, the Commission and Member States should work together to create fishing gear waste reduction mechanisms and to facilitate separate collection of fishing waste gear.***

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

Amendment 14

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

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. Therefore, Member States should be required to take awareness raising measures, ***including education campaigns at schools,*** ensuring that such information is given to the consumers ***to incentivise them to change their behaviour and to participate more actively in litter prevention.*** Member States should be able to choose the measures which are most appropriate based on ***the regional conditions,*** the nature of the product or its use. ***Proper care must be***

cover the costs of the awareness raising measures as part of their *extended producer responsibility obligation*.

taken that no competitive distortion arises between domestic producers of single-use plastic products and fishing gear containing plastic and non-EU competitors which are allowed to sell their products in the Single Market. Producers of single-use plastic products and fishing gear containing plastic should *be part* of the awareness raising measures as part of their responsibility. *The producers shall not be obliged to cover the costs of these awareness-raising campaigns. The fight against litter should be a shared effort between competent authorities, producers and consumers.*

Amendment 15

Proposal for a directive Recital 22

Text proposed by the Commission

(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016⁴⁸, the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an assessment of possible further measures and an assessment whether, in view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed. The evaluation should also consider whether scientific and technical progress that has taken place in the meantime, including the development of biodegradable materials and the development of criteria or a standard for biodegradability of plastics in the marine environment, as foreseen in the European

Amendment

(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016⁴⁸, the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an assessment of possible further measures and an assessment whether, in view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed. The evaluation should also consider whether scientific and technical progress that has taken place in the meantime, including the development of biodegradable materials and the development of criteria or a standard for biodegradability of plastics in the marine environment, as foreseen in the European

Plastics Strategy, allows the setting of a standard for biodegradation of certain single-use plastic products in the marine environment. That standard would include a standard to test if, as a result of physical and biological decomposition in the marine environment, plastics would fully decompose into carbon dioxide (CO₂), biomass and water within a timescale short enough for the plastics not to be harmful for marine life and not lead to an accumulation of plastics in the environment. If that is the case, single-use plastic products that meet such a standard could be exempted from the prohibition on placing on the market. While the European Strategy for Plastics already envisages action in this area, it also recognises the challenges in relation to determining a regulatory framework for plastics with biodegradable properties due to different marine conditions across seas.

⁴⁸ OJ L 123, 12.5.2016, p. 1.

Plastics Strategy, allows the setting of a standard for biodegradation of certain single-use plastic products in the marine environment. That standard would include a standard to test if, as a result of physical and biological decomposition in the marine environment, plastics would fully decompose into carbon dioxide (CO₂), biomass and water within a timescale short enough for the plastics not to be harmful for marine life and not lead to an accumulation of plastics in the environment. If that is the case, single-use plastic products that meet such a standard could be exempted from the prohibition on placing on the market. While the European Strategy for Plastics already envisages action in this area, it also recognises the challenges in relation to determining a regulatory framework for plastics with biodegradable properties due to different marine conditions across seas. ***The evaluation should also assess economic impact on sectors most exposed by this Directive, including compliance costs.***

⁴⁸ OJ L 123, 12.5.2016, p. 1.

Amendment 16

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

Amendment

The objective of this Directive is to prevent and ***significantly*** reduce the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health as well as to ***strengthen the EU's leading role to*** promote the transition to a circular economy with innovative ***and sustainable*** business models, products and ***non-toxic*** materials, thus also contributing to the efficient functioning of the internal market.

Amendment 17

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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 end-date for transposition of this Directive].

Amendment

Member States shall take the necessary measures, ***without prejudice to Article 18 of Directive 94/62/EC***, 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 ... [~~four~~ years after the end-date for transposition of this Directive].

Amendment 18

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 responsibility in Directive 2008/98/EC.

Amendment

1. Member States shall ***establish*** extended producer responsibility schemes for all single-use plastic products listed in Part E of the Annex placed on the Union market, ***provided that no competitive distortion arises and imported products and domestically produced products are treated with equal effect on market prices.*** Accordance with the provisions on extended producer responsibility in Directive 2008/98/EC ***shall be ensured.***

Amendment 19

Proposal for a directive

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

With regard to the schemes established pursuant to paragraph 1, Member States shall ensure that the producers of the single-use plastic products listed in Part E of the Annex shall cover the costs of the

Amendment

With regard to the schemes established pursuant to paragraph 1, Member States shall ensure that the producers of the single-use plastic products listed in Part E of the Annex shall cover the

collection of waste consisting of those single-use plastic products and its subsequent transport and treatment, including the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products.

necessary costs of the collection of waste consisting of those single-use plastic products and its subsequent transport and treatment, **as defined under Article 8 and 8a of Directive 2008/98/EC** including the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products.

Justification

The fight against litter should be a effort between competent authorities, producers and consumers. The littering problem is not solved by payments of the producers for the clean-up costs but by a different consumer behaviour which is achieved by educating consumers and enforcement of the existing legislation. Preventing litter is much more effective.

Amendment 20

Proposal for a directive Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall publish guidelines on the implementation of any measures, including the distribution of costs, regarding the extended producer responsibility, in accordance with this Article.

Amendment 21

Proposal for a directive Article 8 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. The competent authority shall ensure that the costs on the producers related to the extended producer responsibility shall be proportionate and communicated to those entities affected, on a regular basis and in an accessible, transparent manner.

Amendment 22

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

Text proposed by the Commission

(b) establish separate collection targets for relevant extended producer responsibility schemes.

Amendment

(b) establish separate collection targets for relevant extended producer responsibility schemes, **or**

Amendment 23

Proposal for a directive Article 9 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) establish waste collection systems that have proven to be effective and that they find appropriate to achieve the targets.

Amendment 24

Proposal for a directive Article 10 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Member States may, among others, introduce awareness raising measures where appropriate. This awareness raising measures could for example take place in schools or companies.

Amendment 25

Proposal for a directive Article 11 – title

Text proposed by the Commission

Amendment

Coordination of measures

Coordination of measures ***among Member States***

Amendment 26

Proposal for a directive Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Coordination of measures at international level

The Commission in cooperation with Member States shall seek to coordinate measures reducing the impact of certain plastic products on environment and supporting transition to sustainable economic models at international level.

Amendment 27

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

Amendment

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.

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.

Amendment 28

Proposal for a directive Article 15 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) *the economic impact on the sectors*

most affected by this Directive and whether the economic impact and compliance costs correspond to the projections in the Commission's impact assessment.

Amendment 29

Proposal for a directive Article 15 – paragraph 3 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the implementation of this Directive has in any way negatively impacted the competitiveness of the sectors that are most affected by this proposal, compared to their non-EU based competitors.

Amendment 30

Proposal for a directive Annex I – part D – indent 2

Text proposed by the Commission

Amendment

- Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes

- Wet wipes i.e. pre-wetted personal care, domestic and industrial wipes **and waste pre-wetted toilet paper.**

Amendment 31

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

Text proposed by the Commission

Amendment

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

Justification

Cigarette buds are the second most found items on beaches and one single bud pollutes minimum 500 litres of water. Therefore, it is very important that consumers are aware of the

consequences when throwing cigarettes on the street.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Reduction of the impact of certain plastic products on the environment	
References	COM(2018)0340 – C8-0218/2018 – 2018/0172(COD)	
Committee responsible Date announced in plenary	ENVI 11.6.2018	
Opinion by Date announced in plenary	ECON 5.7.2018	
Rapporteur Date appointed	Barbara Kappel 20.6.2018	
Discussed in committee	3.9.2018	24.9.2018
Date adopted	24.9.2018	
Result of final vote	+: 25	–: 19
	0: 1	
Members present for the final vote	Pervenche Berès, Markus Ferber, Jonás Fernández, Giuseppe Ferrandino, Sven Giegold, Roberto Gualtieri, Brian Hayes, Gunnar Hökmark, Barbara Kappel, Philippe Lambert, Werner Langen, Sander Loones, Bernd Lucke, Olle Ludvigsson, Ivana Maletić, Marisa Matias, Gabriel Mato, Bernard Monot, Luděk Niedermayer, Stanisław Ozóg, Pirkko Ruohonen-Lerner, Anne Sander, Martin Schirdewan, Molly Scott Cato, Pedro Silva Pereira, Ernest Urtasun, Marco Valli, Tom Vandenkendelaere, Miguel Viegas, Steven Woolfe, Marco Zanni, Esther de Lange	
Substitutes present for the final vote	Doru-Claudian Frunzuliță, Ramón Jáuregui Atondo, Rina Ronja Kari, Jeppe Kofod, Marcus Pretzell, Romana Tomc, Lieve Wierinck, Roberts Zīle, Sophia in 't Veld	
Substitutes under Rule 200(2) present for the final vote	Jo Leinen, Julia Pitera, Virginie Rozière, Sabine Verheyen	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

25	+
ALDE	Sophia in 't Veld, Lieve Wierinck
ECR	Sander Loones, Bernd Lucke, Stanisław Ożóg, Roberts Zīle
EFDD	Bernard Monot, Marco Valli
ENF	Barbara Kappel, Marcus Pretzell, Marco Zanni
NI	Steven Woolfe
PPE	Markus Ferber, Brian Hayes, Gunnar Hökmark, Esther de Lange, Werner Langen, Ivana Maletić, Gabriel Mato, Luděk Niedermayer, Julia Pitera, Anne Sander, Romana Tomc, Tom Vandenkendelaere, Sabine Verheyen

19	-
ECR	Pirkko Ruohonen-Lerner
GUE/NGL	Rina Ronja Kari, Marisa Matias, Martin Schirdewan, Miguel Viegas
S&D	Pervenche Berès, Jonás Fernández, Giuseppe Ferrandino, Doru-Claudian Frunzuliță, Roberto Gualtieri, Ramón Jáuregui Atondo, Jeppe Kofod, Jo Leinen, Olle Ludvigsson, Virginie Rozière, Pedro Silva Pereira
VERTS/ALE	Sven Giegold, Philippe Lamberts, Molly Scott Cato

1	0
VERTS/ALE	Ernest Urtasun

Key to symbols:

+ : in favour

- : against

0 : abstention

27.9.2018

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on the Environment, Public Health and Food Safety

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))

Rapporteur for opinion: Barbara Kappel

SHORT JUSTIFICATION

Prevention and reduction of plastic marine litter from single use plastic products (SUP) and fishing gear containing plastic are complementing specific measures on microplastics envisaged under the EU Plastics Strategy. After addressing plastic bags in 2015, 10 SUP products and fishing gear (so called macroplastics) were identified to account for 70% of the marine litter in Europe. It is important that the EU takes appropriate measures to tackle the environmental aspects of marine littering by reducing the amount of plastics in oceans and on beaches, whilst providing a stronger focus on the broader context of plastics transition to a circular economy.

Marine littering is a global problem that reaches far beyond the EU borders and only a global agreement will be able to fully address the challenge to our planet. As studies show, 80% of marine litter originates from only 20 countries, whereas none of them is an EU member state. The rapporteur therefore calls for a global approach to combat plastic pollution and urges for necessary measures on the level of G7 and G20, as well as the implementation of the UN Sustainable Development Goals. Furthermore, multinational lenders and international financiers should focus their engagement on measures to reduce marine litter by targeting waste management programs in the framework of the circular economy.

In addition consumer awareness constitutes a crucial element for a successful reduction of SUP products. The rapporteur is convinced that public awareness campaigns and education are instrumental to achieve lasting results with regards to measures imposed on Member States and industry.

Commission analysis estimates that its proposed options covering a ban of certain SUP plastics and reduction targets, Extended Producer Responsibility (EPR), product design measures and gear return-incentives to fishers would save 2.6 million tonnes of CO₂ equivalent and avoid environmental damages equivalent to €11 billion. Compliance costs for

businesses amount to €2 billion and waste management to €510 million. Consumers would save around €6.5 billion, whereas a deposit refund or equivalent system would cost consumers an additional €1.4 billion. Commission estimates that the additional cost for the fishing industry will amount to 0.16% of revenue in the best case scenario. However, Commission does not provide data of the implementation costs of EPR fully transferred to the end consumer.

The rapporteur wishes to emphasise that as a general principle the policy option of « banning » certain types of products should be a last resort. Indeed, it would be preferable to see an approach based on increasing standards which should, as a consequence, crowd certain polluting products out of the market but would at the same time promote R&D and innovation into more cost-effectively recyclable, biodegradable or harmless products. These new standards should be implemented within a reasonable timeframe to ensure that SMEs can adapt their business model, as a vast majority of the 50,000 companies representing the plastic converters sector in the EU are SMEs.

Tackling marine litter can create economic opportunities. Businesses can boost their competitiveness through innovation and R&D by contributing to a resource-efficient, decarbonised economy. Investments into marine litter prevention, sustainable alternative materials, products and business models can help create jobs and strengthen technical and scientific skills. While the initiative to reduce SUP plastics is welcomed, a balanced approach to ensure proportionality is needed.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof ***and Article 114 in so far as packaging as defined under Article 3(1) of Directive 94/62/EC is concerned;***

Amendment 2

Proposal for a directive

Recital 1

Text proposed by the Commission

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

Amendment

(1) The high functionality and relatively low cost of plastic means that 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. ***Any further efforts in the segment of plastics have to be based on and fully compatible with the recently adopted EU circular economy legislation and fit into the system which has been thereby established.***

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).

Amendment 3

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) The recently adopted EU Waste legislation, in particular Directive 2008/98/EU, Directive 94/62/EU and Directive 1999/31/EU has set a complex system of statistics of waste collection and recycling, clear targets for recycling of certain waste streams including plastic and a waste hierarchy. It has also identified incentives for transition towards a more circular economy, broader use of recycled materials, defined obligations for producers under the minimum requirements for extended producer responsibility. The aim of this directive is not to replace this scheme but rather complement it by measures tackling a specific problem of marine litter.

Amendment 4

Proposal for a directive Recital 1 b (new)

Text proposed by the Commission

Amendment

(1 b) Economic prosperity of the Union is inextricable from the long-term environmental sustainability. Increasing sustainability of economic models of Member States can bring new opportunities for innovation, competitiveness and job creation.

Amendment 5

Proposal for a directive Recital 1 c (new)

Text proposed by the Commission

Amendment

(1 c) Challenges linked with the treatment of the plastic waste can be

turned into an opportunity for the European industry to become a global leader in providing solutions for the transition towards a circular economy.

Amendment 6

Proposal for a directive Recital 2

Text proposed by the Commission

(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 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.

Amendment

(2) Circular approaches that prioritise re-usable products and re-use systems, *as well as the recyclability of products*, 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 Council³⁴. 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.

Amendment 7

Proposal for a directive Recital 3

Text proposed by the Commission

(3) Marine litter is of a transboundary nature and is recognized as a global problem. Reducing marine litter is a key

Amendment

(3) *150 million tons of plastics and microplastics have accumulated in the world's oceans and seas, causing severe*

action for the achievement of United Nations Sustainable Development Goal 14 which calls to conserve and sustainably use the oceans, seas and marine resources for sustainable development.³⁶ The Union must play its part in tackling marine litter and aim to be a standard setter for the world. In this context, the Union *is working with* partners *in many* international fora such as G20, G7 and United Nations to promote concerted action. This initiative is part of the Union efforts in this regard.

³⁶ The 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.

damage to marine fauna and flora, the climate and global biodiversity. Marine litter is of a transboundary nature and is recognized as a global problem. Reducing marine litter is a key action for the achievement of United Nations Sustainable Development Goal 14 which calls to conserve and sustainably use the oceans, seas and marine resources for sustainable development.³⁶ The Union must play its part in tackling marine litter and aim to be a standard setter for the world, *while safeguarding a fair competition environment for its industry.* In this context, the Union *should seek commitments from* partners *at international level* fora such as G20, G7 and United Nations to promote concerted action. This initiative is part of the Union efforts in this regard *to reduce waste for a sustainable economy.*

³⁶ The 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.

Amendment 8

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) Despite the EU's effort in the field of climate diplomacy and international cooperation, the situation in certain 3rd countries is still alarming. The EU must step up its effort in international cooperation in the field of environmental protection. The EU has to fulfil its role as a facilitator and pioneer of environmental policy and waste management. The EU should strive to transfer experiences, disseminate know how and technologies to tackle plastic pollution and exchange

the best practices in the field of protection of aquatic environment, its cleaning and prevention of plastic pollution.

Amendment 9

Proposal for a directive Recital 5

Text proposed by the Commission

(5) In the Union, 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastic items representing 50 % and fishing-related items representing 27 %. Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are discarded after having been used once for the purpose for which they were provided, are rarely recycled, and are prone to littering. A significant proportion of the fishing gear placed on the market is not collected for treatment. 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 *and are* damaging activities such as tourism, fisheries and shipping.

Amendment

(5) In the Union, 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastic items representing 50 % and fishing-related items representing 27 %. Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are discarded after having been used once for the purpose for which they were provided, are rarely recycled, and are prone to littering. A significant proportion of the fishing gear placed on the market is not collected for treatment. 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 *and animal* health. *They are also* damaging activities such as tourism, fisheries and shipping, *especially to coastal regions and islands.*

Amendment 10

Proposal for a directive Recital 6

Text proposed by the Commission

(6) Existing Union legislation⁴⁰ and policy instruments provide some regulatory responses to address marine litter. In particular, plastic waste is subject to overall Union waste management measures and targets, such as the recycling target for

Amendment

(6) Existing Union legislation⁴⁰ and policy instruments provide some regulatory responses to address marine litter. In particular, plastic waste is subject to overall Union waste management measures and targets, such as the recycling target for

plastic packaging waste⁴¹ and the recently adopted objective in the Plastics Strategy⁴² to ensure that all plastic packaging is recyclable by 2030. ***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. In addition, some of those measures, in particular marketing restrictions for single-use plastic products, may create barriers to trade and distort competition in the Union.***

⁴⁰ Directive 2008/98/EC, Directive 2000/59/EC, Directive 2000/60/EC, Directive 2008/56/EC and Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁴¹ Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365 31.12.1994, p. 10).

⁴² 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).

plastic packaging waste⁴¹ and the recently adopted objective in the Plastics Strategy⁴² to ensure that all plastic packaging is recyclable by 2030.

⁴⁰ Directive 2008/98/EC, Directive 2000/59/EC, Directive 2000/60/EC, Directive 2008/56/EC and Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁴¹ Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365 31.12.1994, p. 10).

⁴² 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).

Amendment 11

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) To focus efforts where they are 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.

Amendment

(7) To focus efforts where they are most needed, this Directive should 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 fishing gear which causes significant damage as marine pollution. In addition, in the context of transitioning to a Circular Economy, Member States should aim to achieve an overall reduction in the consumption of all single-use products and packaging. In doing so it has to avoid any discrimination.**

Amendment 12

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. **Therefore**, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁴³ should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover

Amendment

(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. **Thus**, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁴³ should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover

polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, paints, inks, and adhesives. Those materials should not be addressed by this Directive and should therefore not be covered by the definition.

⁴³ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Amendment 13

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment 14

Proposal for a directive Recital 8 b (new)

polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, paints, inks, and adhesives. Those materials should not be addressed by this Directive and should therefore not be covered by the definition.

⁴³ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Amendment

(8a) It is necessary to establish an agreed definition of biodegradable and compostable plastic.

(8b) Plastic products should be manufactured taking into account their entire lifespan. Eco-design of plastic product should always take into account production phase, recyclability and possibly also reusability of the product. Producers should be encouraged, where appropriate, to use single or compatible polymers for manufacturing their products in order to simplify sorting and enhance recyclability, especially in case of plastic packaging

Amendment 15

Proposal for a directive Recital 10

Text proposed by the Commission

(10) The single-use plastic products should be addressed by one or several measures, depending on various factors, such as the availability of suitable and more sustainable alternatives, the feasibility to change consumption patterns, and the extent to which they are already covered by existing Union legislation.

Amendment

(10) The single-use plastic products should be addressed by one or several measures, depending on various factors, such as the availability of suitable and more sustainable ***and economically viable*** alternatives, the feasibility to change consumption patterns, and the extent to which they are already covered by existing Union legislation. ***The proposed measures should always take into account Life Cycle Assessment (LCA), to avoid half-way solutions resulting in even worse negative impact on different part of environment or economy as for example replacing plastics by similar material produced from biomaterial without having a clear assessment of biodegradability of such material including biodegradability in the aquatic environment. This Directive is without prejudice to the provisions established in Directive 94/62/EC regarding single-use plastic products that are considered packaging items as defined by Article 3***

(1) therein.

Amendment 16

Proposal for a directive Recital 10 a (new)

Text proposed by the Commission

Amendment

(10 a) Notes that, in order to transition from a fossil based economy and from a climate perspective, bio-based plastic products are a more sustainable alternative to fossil-based plastics. Therefore, incentives that aim to substitute fossil-based materials with bio-based materials should be encouraged. This is in line with the objectives of the Circular Economy, the Bioeconomy Strategy and the Plastic Strategy. The Commission should consider in future policy proposal to include incentives for substitution and, for example, in a revision of the public procurement directive (Directive 2014/24/EU), include criteria for plastics based on their composition, level of recyclability and hazardousness.

Justification

The regulation as it stands remains vague on the situation for bio-based plastics. The benefit of Bio-based material for production of plastics should be recognized and encouraged, especially the positive effects it has as a more sustainable alternative to polymer-based plastics and its contribution to reduced dependency on fossil raw materials.

Amendment 17

Proposal for a directive Recital 11

Text proposed by the Commission

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-

(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 (OJ L 338, 13.11.2004, p.4-17).

Amendment 18

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are readily available. In order to limit the adverse impact of such products on the environment, Member States should be required to prohibit their placing on the Union market. By doing so, the use of those readily available and more sustainable alternatives as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted.

use plastic products is expected to increase. To reverse that trend and ***move*** 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.

Reductions in overall consumption of single use products is crucial in transitioning to a circular economy.

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 (OJ L 338, 13.11.2004, p.4-17).

Amendment

(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are readily available. In order to limit the adverse impact of such products on the environment, Member States should be required to prohibit ***or limit*** their placing on the Union market ***of products which contain substances and materials for which there are sustainable and available alternatives, unless they meet marine biodegradability standard set at EU level following the Commission's evaluation report as mentioned in article 15.3(c) of***

the present directive. By doing so, the use of those readily available and more sustainable alternatives as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted. *Specific criteria should be laid down for assessing the life cycle of these alternatives and determining whether they meet the requirements that are currently met by single-use plastic products, comply with EU legislation on waste and provide greater sustainability.*

Amendment 19

Proposal for a directive Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Directive 94/62/EC, as amended by Directive (EU) 2015/720, laid down a requirement for the Commission to carry out by May 2017 a legislative review of 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 very commonly end up as litter, 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, in which cases biodegradable and compostable bags should be used, such as for the packaging of damp food (such as raw meat, fish or dairy products). 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.

Amendment 20

Proposal for a directive Recital 12 b (new)

Text proposed by the Commission

Amendment

(12 b) In accordance with the waste management hierarchy, Member States should take measures to promote reusable alternatives to single-use plastics, including through establishment of targets, economic incentives, awareness raising and ensuring the widespread availability of reusable alternatives.

Amendment 21

Proposal for a directive Recital 13 a (new)

Text proposed by the Commission

Amendment

(13 a) In regard to the UNEP Report 2016 the Commission shall request the European standardisation organisations to develop a standard for marine biodegradability.

Amendment 22

Proposal for a directive Recital 14

Text proposed by the Commission

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. Therefore, single-use plastic products that are frequently disposed of through sewers otherwise inappropriately

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

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 *in cooperation with the Member States should take account of sectorial voluntary 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 *and reflecting different specifics in Member States*, test the perception of the proposed marking with representative groups of consumers to ensure that it is effective and clearly understandable. *Marking has to be placed visibly on the packaging of the products which is sold to the end user.*

Amendment 23

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 as well as the costs of awareness-raising measures to prevent and reduce such litter. *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 consistent with article 8 and 8a of Directive 2008/98/EC and article 7 of Directive 94/62/EC and clean-up of litter as well as the costs of awareness-raising measures to prevent and reduce such litter. While doing so the complete consumer chain has to be taken into consideration and producers cannot be held responsible for misbehaviour of consumers. Shared responsibility should apply.

Amendment 24

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) At Union level, there is currently no accepted scientific standard on marine biodegradability, which highlights the urgency for the Commission to ask the European Committee for Standardization to develop a separate standard for marine biodegradability.

Amendment 25

Proposal for a directive Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) In accordance with the waste management hierarchy, Member States should put an emphasis on giving information about reusable alternatives to single-use plastics.

Amendment 26

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 costs of ***awareness raising and informing consumers about appropriate way of disposal and impact of littering on the environment. Principle of shared responsibility should apply as well as better cooperation among all relevant sectors including producers, consumers and public sphere.***

Amendment 27

**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 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

Amendment

(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 collection systems and low participation in those systems by the consumers. It is necessary to promote more efficient separate collection systems and ***It is up to the Member States to establish the most efficient and suitable collection scheme to achieve targets laid down in the Directive 2008/98/EC and Directive 94/62/EU. Better collection and higher recycling rates could be supported through Eco-design measures, for example by encouraging producers to use single or compatible polymers or introducing other measures encouraging producers to use sustainable materials.*** This will have a

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 recycle.

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 recycle.

Amendment 28

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

(20 a) Member States should consider introducing a mandatory recycled content of certain plastic products to support recycling rates and market with recycled materials. Industrial synergies should be supported in this respect, waste from one industry could be a valuable resource for another one. Member States should play their role in supporting such synergies and incentivising a voluntary activities of producers in the field of waste prevention and better waste management and tackling pollution.

Amendment 29

Proposal for a directive Recital 22

Text proposed by the Commission

Amendment

(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016⁴⁸, the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an

(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016⁴⁸, the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an assessment

assessment of possible further measures and an assessment whether, in view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed. The evaluation should also consider whether scientific and technical progress that has taken place in the meantime, including the development of biodegradable materials and the development of criteria or a standard for biodegradability of plastics in the marine environment, as foreseen in the European Plastics Strategy, allows the setting of a standard for biodegradation of certain single-use plastic products in the marine environment. That standard would include a standard to test if, as a result of physical and biological decomposition in the marine environment, plastics would fully decompose into carbon dioxide (CO₂), biomass and water within a timescale short enough for the plastics not to be harmful for marine life and not lead to an accumulation of plastics in the environment. If that is the case, single-use plastic products that meet such a standard could be exempted from the prohibition on placing on the market. While the European Strategy for Plastics already envisages action in this area, it also recognises the challenges in relation to determining a regulatory framework for plastics with biodegradable properties due to different marine conditions across seas.

⁴⁸ OJ L 123, 12.5.2016, p. 1.

of possible further measures and an assessment whether, in view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed. The evaluation should also consider whether scientific and technical progress that has taken place in the meantime, including the development of biodegradable materials and the development of criteria or a standard for biodegradability of plastics in the marine environment, as foreseen in the European Plastics Strategy, allows the setting of a standard for biodegradation of certain single-use plastic products *and fishing gears* in the marine environment. That standard would include a standard to test if, as a result of physical and biological decomposition in the marine environment, plastics would fully decompose into carbon dioxide (CO₂), biomass and water within a timescale short enough for the plastics not to be harmful for marine life and not lead to an accumulation of plastics in the environment. If that is the case, single-use plastic products *and fishing gears* that meet such a standard could be exempted from the prohibition on placing on the market. While the European Strategy for Plastics already envisages action in this area, it also recognises the challenges in relation to determining a regulatory framework for plastics with biodegradable properties due to different marine conditions across seas.

⁴⁸ OJ L 123, 12.5.2016, p. 1.

Justification

In order to take all necessary actions to prevent marine litter, we still require a comprehensive evaluation regarding the technical and scientific progress of all the products that could reach the marine compartment.

Amendment 30

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive.

Amendment

(23) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive. ***Consumers should also be incentivized or penalized for their behaviour.***

Amendment 31

Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) It is necessary to promote, by means of support for research and innovation, including under the Horizon Europe programme, investment in resource-efficient and circular solutions, such as prevention and design options, diversification of feedstock and innovative recycling technologies such as molecular and chemical recycling, as well as the improvement of mechanical recycling; the innovative potential of start-ups in this regard should be highlighted; the European Parliament supports the establishment of a Strategic Research Innovation Agenda on material circularity, with a specific focus on plastic and materials containing it, as well as packaging; adequate funding will be necessary to help leverage private investment; public-private partnerships can help accelerate the transition to a circular economy;

Amendment 32

Proposal for a directive
Recital 25 b (new)

(25b) The fostering of research and innovation is a necessary tool and precondition to achieve a more sustainable value chain within the packaging sector. To this end, it appears desirable to bolster the funding mechanisms within the context of the European R&D programming tools, such as the EU Framework Programs for Research and Innovation (i.e. Horizon 2020), in light of the upcoming Strategic Research Innovation Agenda for Plastics.

(This amendment should be included as a new recital; the position in particular is not important.)

Justification

Research and innovation are the linchpin of sustainability. In light of this, it is necessary to allocate adequate support and resources to research and innovation in the packaging sector to assist the industries concerned in their task of achieving the objectives outlined by the Plastic Strategy.

Amendment 33

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

Amendment

The objective of this Directive is to ***strengthen the Union's leading role in preventing and significantly reducing*** 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 ***by reducing the consumption of single-use products, and by promoting sustainable and*** innovative business models, products and materials, thus also contributing to the efficient functioning of the internal market.

Amendment 34

Proposal for a directive

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) 'plastic' **means** a material consisting of a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which **can function as a** main structural component of final products, with the exception of natural polymers that have not been chemically modified;

Amendment

(1) 'plastic'; a material consisting of a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which **functions as the** main structural component of final products, with the exception of natural polymers that have not been chemically modified **and polymeric coatings, paints, inks and adhesives, which are not capable of acting as a main structural component of final articles and products;**

Amendment 35

Proposal for a directive

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

Text proposed by the Commission

Amendment

(1a) biodegradable and compostable plastics and plastics containing a high level of renewable raw materials, as referred to in European standard UNI EN 13432 and Directive 94/62/EC on packaging and packaging waste, which make it possible to optimise the management of organic waste, to reduce environmental impact and to contribute to the development of virtuous systems, with significant long-term benefits throughout the production, consumption and disposal cycle.

Justification

These materials produced using a range of technologies in the field of starches, celluloses, vegetable oils and their combinations are made through an integrated chain that follows a bioeconomy model concerned with territorial regeneration and innovation in industrial

installations.

Amendment 36

Proposal for a directive

Article 3 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1b) ‘coatings’ is one or more non-self-supporting layer or layers manufactured using plastic, as defined in Article 3.1 of this legislation, applied on a material or article in order to impart special properties on it or to improve its technical performance;

Justification

For the purpose of this Directive and ensuring the common interpretation by Member States and well-functioning of the EU Single Market, the definition of coating in this Directive should be clearly defined based on definition already in place in the Commission Regulation (EU) 2018/213 amending the Plastic regulation 10/2011.

Amendment 37

Proposal for a directive

Article 3 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2 a) “very lightweight plastic carrier bags” means lightweight plastic carrier bags with a wall thickness below 15 microns.

Justification

Very lightweight plastic carrier bags should be defined on the basis of their thickness only. Alternatives are already available for loose food; thus it is not correct that very lightweight bags are required for hygiene purposes or packaging of loose food. Therefore referring to the definition in Article 3 of Directive 94/62/EC is not appropriate.

Amendment 38

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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 end-date for transposition of this Directive].

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 end-date for transposition of this Directive]. ***Member States shall evaluate the social, economic and environmental impacts to adopt national plans for the achievement of this reduction, including specific quantitative reduction targets, specific incentives for concerned sectors and the measures taken. The national plans shall be submitted to the Commission and shall be updated where necessary. The Commission may issue recommendations on the adopted plans.***

Amendment 39

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Those measures may include national consumption reduction targets, measures ensuring that reusable alternatives to those products are made available at the point of sale to the final consumer, economic instruments such as ensuring that single-use plastic products are not provided free of charge at the point of sale to the final consumer. Those measures may vary depending on the environmental impact of the products referred to in the first subparagraph.

Amendment

Those measures may include national consumption reduction targets, measures ensuring that reusable alternatives to those products are made available at the point of sale to the final consumer ***including research funding for circular solutions and synergies with EU research and investment funds***, economic instruments such as ensuring that single-use plastic products are not provided free of charge at the point of sale to the final consumer. Those measures may vary depending on the ***national specifics and the*** environmental impact of the products referred to in the first subparagraph. ***Measures taken by businesses on a voluntary basis are desirable and should***

be prioritized and promoted.

Amendment 40

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

Text proposed by the Commission

Amendment

(c) *the presence of plastics in the product.* **deleted**

Justification

Presence of plastic as such gives no relevant information. Plastics as such is not a substance to ban or warn against.

Amendment 41

Proposal for a directive Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Beverage containers with carbonated beverages shall be excluded from the scope of this Article.

Amendment 42

Proposal for a directive Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

With regard to the schemes established pursuant to paragraph 1, Member States shall ensure that the producers of the single-use plastic products listed in Part E of the Annex shall cover the costs of the collection of waste consisting of those single-use plastic products and its subsequent transport and treatment,

With regard to the schemes established pursuant to paragraph 1, Member States shall ensure that the producers of the single-use plastic products listed in Part E of the Annex shall cover the costs of the collection of waste consisting of those single-use plastic products and its subsequent transport and treatment **as**

including *the costs to clean up litter and* the costs of the awareness raising measures referred to in Article 10 regarding those products.

defined under article 8 and 8a of Directive 2008/98/EC, including the costs of the awareness raising measures referred to in Article 10 regarding those products.

Amendment 43

Proposal for a directive Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For single-use plastic products that are packaging, the requirements laid down in this paragraph *supplement* the requirements regarding extended producer responsibility schemes laid down in Directive 94/62/EEC and Directive 2008/98/EC.

Amendment

For single-use plastic products that are packaging, the requirements laid down in this paragraph *are without prejudice to* the requirements regarding extended producer responsibility schemes laid down in Directive 94/62/EEC and Directive 2008/98/EC.

Amendment 44

Proposal for a directive Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall, within 18 months from the adaption of this Directive, adopt delegated acts in accordance with Article [XXX] to define the key elements of EPR schemes referred to in paragraphs 1 and 2 of this Article on a product-by-product basis. Key elements include methods for apportioning responsibility, the calculation of costs and defining other specific elements in accordance with the minimum requirements established by Directive 2008/98/EC. Where relevant, the requirements of Directive 94//62/EEC should also be taken into account.

Amendment 45

Proposal for a directive
Article 8 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. *Member States shall adopt the EPR schemes falling under paragraph 1 and 2 of this Article within [18 months] from the adoption of the Commission delegated act mentioned in paragraph 2a of this Article.*

Amendment 46

Proposal for a directive
Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

With regard to the schemes established pursuant to paragraph 3, Member States shall ensure that the producers of fishing gear containing plastic shall cover the *costs* of the collection of waste fishing gear containing plastic that has been delivered to adequate port reception facilities in accordance with Union law on port reception facilities or to other equivalent collection systems that fall outside the scope of Union law on port reception facilities and its subsequent transport and treatment. The producers shall also cover the costs of the awareness-raising measures referred to in Article 10 regarding fishing gear containing plastic.

With regard to the schemes established pursuant to paragraph 3, Member States shall ensure that the producers of fishing gear containing plastic shall cover the *extra-costs* of the collection of waste fishing gear containing plastic that has been delivered to adequate port reception facilities in accordance with Union law on port reception facilities or to other equivalent collection systems that fall outside the scope of Union law on port reception facilities and its subsequent transport and treatment. The producers shall also cover the costs of the awareness-raising measures referred to in Article 10 regarding fishing gear containing plastic.

Amendment 47

Proposal for a directive
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8 a
Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles [XXX] shall be conferred on the Commission for a period of [five years] from the date of entry into force of this Directive. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of powers referred to in Articles [XXX] may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles [XXX] shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 48

Proposal for a directive

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall take the necessary measures to *collect separately, by 2025, an amount of waste single-use plastic products listed in Part F of the Annex equal to 90% of such single-use plastic products placed on the market in a given year by weight*. In order to achieve that objective Member States may inter alia:

Amendment

Member States shall take the necessary measures to *fulfil targets for collection of plastics and plastic packaging as set by Directive 2008/98/EU, Directive 94/62/EU*. In order to achieve that objective Member States may inter alia:

Amendment 49

Proposal for a directive

Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) establish deposit-refund schemes,
or

Amendment

(a) establish deposit-refund schemes *or automated collection systems which take into account the local and regional conditions*, or

Amendment 50

Proposal for a directive

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) establish separate collection targets for relevant extended producer responsibility schemes.

Amendment

(b) establish separate collection targets for relevant extended producer responsibility schemes, *or*

Amendment 51

Proposal for a directive

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(ca) new: by any other measure, for example those listed in the Annex of Directive 2008/98/EU, that the Member States find appropriate.

Amendment 52

Proposal for a directive Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

The European Commission shall develop guidance containing minimum requirements for the establishment of Deposit Refund Systems.

Amendment 53

Proposal for a directive Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall take measures to inform consumers who make use of the single-use plastic products listed in Part B of the Annex about the reasons for restricting their placing on the market before the restrictions concerned enter into force.

Amendment 54

Proposal for a directive Article 10 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States are advised to establish a scheme for incentivising and penalising

consumers for their misbehaviour.

Amendment 55

Proposal for a directive Article 11 – title

Text proposed by the Commission

Coordination of measures

Amendment

Coordination of measures *among Member States*

Amendment 56

Proposal for a directive Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11 a

Coordination of measures at international level

The Commission in cooperation with Member States shall seek to coordinate measures reducing the impact of certain plastic products on environment and supporting transition to sustainable economic models at international level.

Amendment 57

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

Amendment

1. The Commission shall carry out an evaluation of this Directive by ... [~~four~~ 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.

purposes of the evaluation and the preparation of the report referred to in paragraph 2.

Amendment 58

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 ***European*** 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 ***consumption reduction.***

Amendment 59

Proposal for a directive Article 17 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

However, the Member States shall apply to micro and small and medium-sized enterprises, as identified in accordance with the Commission's definition of 'SME' which is valid at the time of entry into force, the measures necessary to comply with Articles 5 and 7(1) from ... [3 years after entry into force of this Directive] and with Article 6(1) from ... [4 years after entry into force of the harmonised standard referred to in Article 6(3) of this Directive].

Amendment 60

Proposal for a directive

Article 17 – paragraph 1 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

Member States shall adopt the EPR schemes necessary to comply with paragraphs 1 and two of Article 8 in accordance with the provisions of that Article.

Amendment 61

Proposal for a directive

Annex I – part A – subheading 1 a (new)

Text proposed by the Commission

Amendment

Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes,

Amendment 62

Proposal for a directive

Annex I – part A – indent 2 a (new)

Text proposed by the Commission

Amendment

- Beverage bottles

Amendment 63

Proposal for a directive

Annex I – part B

Text proposed by the Commission

Amendment

B Single-use plastic products covered by Article 5 on the restriction on placing on the market ***deleted***

— Cotton bud sticks, except for swabs intended and used for medical purposes

— Cutlery (forks, knives, spoons, chopsticks)

— Plates

— *Straws, except for straws intended and used for medical purposes*

— *Beverage stirrers*

— *Sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, including the mechanisms of such sticks*

Justification

In keeping with the proportionality principle, restrictions should be applied only as a last resort. When it comes to identifying the most appropriate ways to prevent litter, the Commission should prioritise the collection and proper management of waste. Furthermore, the restrictions introduced here were not provided for in the IIA, and nor were they taken into account during the public consultations.

Amendment 64

Proposal for a directive Annex I – part D – indent 3

Text proposed by the Commission

Amendment

— *Balloons, except balloons for industrial or other professional uses and applications, that are not distributed to consumers* **deleted**

Justification

See Art. 7.

Amendment 65

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

Text proposed by the Commission

Amendment

- ***Disposable nappies***

Amendment 66

Proposal for a directive

Annex I – part F – indent 1 a (new)

Text proposed by the Commission

Amendment

- ***Disposable nappies***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Reduction of the impact of certain plastic products on the environment
References	COM(2018)0340 – C8-0218/2018 – 2018/0172(COD)
Committee responsible Date announced in plenary	ENVI 11.6.2018
Opinion by Date announced in plenary	ITRE 11.6.2018
Rapporteur Date appointed	Barbara Kappel 25.6.2018
Discussed in committee	3.9.2018
Date adopted	24.9.2018
Result of final vote	+: 27 –: 12 0: 6
Members present for the final vote	Bendt Bendtsen, Jonathan Bullock, Jerzy Buzek, Cristian-Silviu Buşoi, Angelo Ciocca, Jakob Dalunde, Christian Ehler, Igor Gräzin, Rebecca Harms, Barbara Kappel, Jeppe Kofod, Zdzisław Krasnodębski, Christelle Lechevalier, Janusz Lewandowski, Paloma López Bermejo, Tilly Metz, Nadine Morano, Morten Helveg Petersen, Carolina Punset, Julia Reda, Paul Rübig, Massimiliano Salini, Sven Schulze, Neoklis Sylikiotis, Dario Tamburrano, Evžen Tošenovský, Vladimir Urutchev, Henna Virkkunen, Lieve Wierinck, Hermann Winkler, Flavio Zanonato, Carlos Zorrinho, Anna Záborská, Pilar del Castillo Vera
Substitutes present for the final vote	Amjad Bashir, Michał Boni, Françoise Grossetête, Gunnar Hökmark, Benedek Jávor, Werner Langen, Olle Ludvigsson, Marisa Matias, Markus Pieper, Pavel Telička
Substitutes under Rule 200(2) present for the final vote	Bernd Kölmel

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

27	+
ALDE	Igor Grăzin, Morten Helveg Petersen, Carolina Punset, Pavel Telička, Lieve Wierinck
ECR	Amjad Bashir, Zdzisław Krasnodębski, Evžen Tošenovský
ENF	Angelo Ciocca, Barbara Kappel
PPE	Bendt Bendtsen, Michał Boni, Cristian-Silviu Bușoi, Jerzy Buzek, Pilar del Castillo Vera, Christian Ehler, Gunnar Hökmark, Werner Langen, Janusz Lewandowski, Nadine Morano, Markus Pieper, Paul Rübig, Sven Schulze, Vladimir Urutchev, Henna Virkkunen, Hermann Winkler, Anna Záborská

12	-
ECR	Bernd Kölmel
EFDD	Dario Tamburrano
ENF	Christelle Lechevalier
GUE/NGL	Paloma López Bermejo, Marisa Matias, Neoklis Sylikiotis
PPE	Françoise Grossetête
VERTS/ALE	Jakop Dalunde, Rebecca Harms, Benedek Jávor, Tilly Metz, Julia Reda

6	0
EFDD	Jonathan Bullock
PPE	Massimiliano Salini
S&D	Jeppe Kofod, Olle Ludvigsson, Flavio Zanonato, Carlos Zorrinho

Key to symbols:

+ : in favour

- : against

0 : abstention

3.10.2018

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on the Environment, Public Health and Food Safety

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))

Rapporteur for opinion: Bronis Ropè

SHORT JUSTIFICATION

The objective of the directive stated in article 1 is to “reduce the impact of certain plastic products on the environment, in particular on the aquatic environment, and on human health”.

Therefore in the opinion of the agriculture committee we found it important to emphasise those types of plastic pollution linked to agriculture, even if it is more locally or regionally acute. The proposal of the Commission to cut single use plastic pollution is based on an impact assessment taking the top categories of large plastic litter pollution ending up as marine litter on an average EU level, and this is given particular emphasis in their drafting approach.

Firstly, it should be specified that plastic entering the fields or the agro-ecosystem can be ingested by animals, or pass into aquatic ecosystems, ending up in the sea. Similarly what goes into the soil will eventually fragment or become degraded by soil biota into smaller pieces including micro-plastics, and will end up in the soil water and may enter freshwater aquatic ecosystems and then marine systems. This second pathway is not taken into account by the marine litter based approach of the impact assessment, which focusses on larger items.

Secondly, there are certain kinds of plastic pollution that are regionally or locally prevalent linked to specific land uses that involve the use of agricultural plastics. These may be compounded by local practices or infrastructure, for example the difficulty many farmers or producers face in recycling used plastic mulches, or refusal to accept soiled plastic sheeting.

Finally, it must be mentioned that the approach of the Commission draft allows for awareness raising measures for consumers, in this case users such as farmers, which might take the form of information about disposal and recycling of agricultural plastics, marking requirements,

extended plastic producer responsibility, etc. Therefore such measures do not necessarily imply additional unreasonable or costly burdens for farmers.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive Citation 4 a (new)

Text proposed by the Commission

Amendment

***Having regard to the Commission
Communication A European Strategy for
plastics in a circular economy of 16
January 2018 (COM(2018) 28)***

Amendment 2

Proposal for a directive Recital 1

Text proposed by the Commission

Amendment

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

(1) The **established** high **availability** and relatively low cost of plastic means that 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 **waste which, even if originating away from the sea, adversely affects** the marine environment, must be tackled in

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).

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).

Amendment 3

Proposal for a directive Recital 3

Text proposed by the Commission

(3) Marine litter is of a transboundary nature and is recognized as a global problem. Reducing marine litter is a key action for the achievement of United Nations Sustainable Development Goal 14 which *calls* to conserve and sustainably use the oceans, seas and marine resources for sustainable development.³⁶The Union must play its part in tackling marine litter and aim to be a standard setter for the world. In this context, the Union is working with partners in many international fora such as G20, G7 and United Nations to promote concerted action. This initiative is part of the Union efforts in this regard.

Amendment

(3) Marine litter is of a transboundary nature and is *recognised* as a global problem. *Increasing amounts of waste are reaching the oceans around the world and affecting the health of ecosystems, killing animals.* Reducing marine litter is a key action for the achievement of United Nations Sustainable Development Goal 14 which *aims to* conserve and sustainably use the oceans, seas and marine resources for sustainable development.³⁶ The Union must play its part in tackling, *preventing the production of litter, and managing* marine litter *more effectively* and aim to be a standard setter for the world. In this context, the Union is working with partners in many international fora such as *the* G20, G7 and United Nations to promote concerted action. This initiative is part of the Union efforts in this regard.

³⁶ The 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.

³⁶ The 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.

Amendment 4

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) In accordance with multilateral agreements³⁷ and Union waste legislation³⁸, Member States are required to ensure sound waste management to prevent and reduce marine litter from both sea and land sources. In accordance with Union water legislation³⁹ Member States are also required to tackle marine litter ***where it undermines the attainment of good environmental status of their*** marine waters, including as a contribution to United Nations Sustainable Development Goal 14.

³⁷ United Nations Convention on the Law of the Sea (UNCLOS), the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention) and its 1996 Protocol (the London Protocol), Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL), Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

³⁸ Directive 2008/98/EC and Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).

³⁹ Directive 2000/60/EC of the European Parliament and of the Council of 23

Amendment

(4) In accordance with multilateral agreements³⁷ and Union waste legislation³⁸, Member States are required to ensure sound waste management to prevent and reduce marine litter from both sea and land sources. In accordance with Union water legislation³⁹ Member States are also required to tackle marine litter ***to ensure that its properties and quantities do not cause harm to*** marine waters, including as a contribution to United Nations Sustainable Development Goal 14.

³⁷ United Nations Convention on the Law of the Sea (UNCLOS), the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention) and its 1996 Protocol (the London Protocol), Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL), Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

³⁸ Directive 2008/98/EC and Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).

³⁹ Directive 2000/60/EC of the European Parliament and of the Council of 23

October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1) and Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164 25.6.2008, p. 19).

October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1) and Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164 25.6.2008, p. 19).

Amendment 5

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) In the Union, 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastic items representing 50 % and fishing-related items representing 27 %. Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are discarded after having been used once for the purpose for which they were provided, are rarely **recycled, and are prone to** littering. A significant proportion of the fishing gear placed on the market is not collected for treatment. 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 **and are** damaging activities such as tourism, fisheries and shipping.

Amendment

(5) In the Union, 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastic items representing 50 % and fishing-related items representing 27 %. Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are discarded after having been used once for the purpose for which they were provided, are rarely **disposed of correctly due to lack of functional re-use or recycling systems, causing** littering. A significant proportion of the fishing gear placed on the market is not collected for treatment. Single-use plastic products and fishing gear containing plastic are therefore a particularly serious problem, **contributing to** marine litter and posing a severe risk to **animal** health **and so** marine ecosystems **on a global scale** and **their resident** biodiversity **where it has a potentially toxic effect on organisms, and may be a substrate for pathogens, spreading disease. They have a potential also to damage human health, as well as** damaging activities such as tourism, fisheries and shipping, **despite existing EU legislation on the use of plastics in food containers.**

Amendment 6

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) The EU should adopt a comprehensive approach to the problem of micro-plastics and should encourage all producers to limit primary micro-plastics from their formulations, and strictly limit secondary micro-plastic-forming products from entering into soil and into freshwater and therefore into marine aquatic ecosystems.

Amendment 7

Proposal for a directive Recital 7

Text proposed by the Commission

Amendment

(7) To focus efforts where they are 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.

(7) To focus efforts where they are most needed, this Directive should ***only cover the categories of the*** most found single-use plastics products ***listed in the annex***, which are estimated to represent around 86% of the single-use plastics found, in counts, on beaches/***coastal waters, fishing gear which causes significant damage as marine pollution, and also the most used agricultural plastic products*** in the Union.

Amendment 8

Proposal for a directive Recital 7 a (new)

(7 a) There is considerable heterogeneity in the sources of plastic pollution between regions. In certain regions, other plastic products make a large contribution to marine litter, as demonstrated through monitoring conducted under the Marine Strategy Framework Directive and by civil society. In such areas, Member States should be required to adopt specific measures to address other nationally or locally prevalent sources of plastic pollution. For example the plastics used in agriculture, fisheries, and other outdoor economic activities are also linked to the issues of terrestrial pollution, low recycling rates and inappropriate disposal. In particular, there may be local factors – economic or with regard to existing infrastructure – that prevent collection and recycling of such plastics. Such plastics, in particular agricultural ones, should be accepted by recycling or disposal facilities without unnecessary obstacles, and should be better designed to be more easily recycled or disposed of. MS should exchange good practices to improve the efficiency and effectiveness of plastic recycling systems and reduce waste in the first place, which currently contribute to additional costs to farmers.

Amendment 9

Proposal for a directive Recital 7 b (new)

(7 b) In addition, terrestrial pollution and contamination of soil by larger items of plastic and resulting fragments or micro-plastics can be significant on local or regional scales. On local scales this

can be considerable due to intensive use of plastics in agriculture. To reduce the effects of plastic waste on the environment and on human and animal health, plastic pollution from agricultural land should be thoroughly investigated.

Amendment 10

Proposal for a directive Recital 7 c (new)

Text proposed by the Commission

Amendment

(7c) While agricultural plastic products constitute a low percentage of the overall amount of plastic used and plastic waste generated, their use is concentrated geographically. Moreover, categories of agricultural plastic products have a very homogeneous composition, rendering the waste stream very valuable to the recycler. Currently a large part of agricultural plastic is buried in the soil, burned or discarded in the fields, or it ends up in landfills. This represents an imminent threat for irreversible soil contamination, degradation of soil quality characteristics and potentially for food safety. During burning, harmful substances are released, including endocrine disruptors and carcinogens. Therefore, this Directive should cover the most single-used agricultural plastic products in respective member states.

Amendment 11

Proposal for a directive Recital 8

Text proposed by the Commission

Amendment

(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as

(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as

polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁴³ should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, paints, inks, and adhesives. Those materials should not be addressed by this Directive and should therefore not be covered by the definition.

⁴³ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁴³ should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, *linings or layers*, paints, inks, and adhesives. Those materials should not be addressed by this Directive and should therefore not be covered by the definition.

⁴³ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Justification

Polymeric coatings, linings and layers have hygiene and food safety functionality in multi-material multi-layer articles and cannot act by themselves as main structural components of finished materials or articles and cannot be used in the absence of other materials as the main structural component. Interpretation of the definition of “plastics” in this Directive should be aligned with the definition in the Regulation 10/2011/EC.

Amendment 12

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) Notes that, in order to transition from a fossil based economy and from a climate perspective, bio-based plastic products are a more sustainable alternative to fossil-based plastics. This is also in line with the objectives of the Circular Economy, the Bioeconomy Strategy and the Plastic Strategy. Therefore, incentives that aim to substitute fossil-based materials with bio-based materials should be encouraged. The Commission should consider in future policy proposals to include incentives for substitution and, for example, in a revision of the public procurement directive (Directive 2014/24/EU), include criteria for plastics based on their composition, level of recyclability and hazardousness.

Justification

The regulation as it stands remains vague on the situation for bio-based plastics. The benefit of Bio-based material for production of plastics should be recognized and encouraged, especially the positive effects it has as a more sustainable alternative to polymer-based plastics and its contribution to reduced dependency on fossil raw materials.

Amendment 13

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 ***as a product that is conceived and placed on the market to be used just once over a short period of time***. 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 14

**Proposal for a directive
Recital 9 a (new)**

Text proposed by the Commission

Amendment

(9a) By retaining the value of products and materials for as long as possible and generating less waste, the EU economy can become more competitive and more resilient, while reducing the pressure on precious resources and the environment.

Amendment 15

**Proposal for a directive
Recital 10**

Text proposed by the Commission

Amendment

(10) The single-use plastic products ***should*** be addressed by one or several measures, depending on various factors, such as the availability of suitable and more sustainable alternatives, the feasibility to change consumption patterns, and the extent to which they are already covered by existing Union legislation.

(10) The single-use plastic products ***must*** be addressed by one or several measures, depending on various factors, such as the availability of suitable and more sustainable alternatives, the feasibility to change consumption patterns, and the extent to which they are already covered by existing Union legislation, ***bearing in mind inter alia the environmental and economic impact of the choice of alternative materials,***

particularly in farming.

Justification

This amendment is intended to highlight the possible impact of the use of agricultural, biodegradable products as alternative raw materials.

Amendment 16

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are readily available. In order to limit the adverse impact of such products on the environment, Member States should be required to prohibit their placing on the Union market. By doing so, the use of those readily available and more sustainable alternatives as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted.

Amendment

(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are readily available. In order to limit the adverse impact of such products on the environment, Member States should be required to prohibit their placing on the Union market. ***This should, among other specific types of plastic, cover all oxo-degradable plastic which does not safely biodegrade and therefore fails to deliver environmental benefit.*** By doing so, the use of those readily available and more sustainable alternatives as well as innovative solutions towards more sustainable business models, re-use, ***compostable*** alternatives and substitution of materials would be promoted.

Justification

From the point of view of agricultural area, e.g. mulching films can be oxo-degradable, contaminating the soil environment while pretending to be safely degrading.

Amendment 17

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) Directive 94/62/EC, as amended by Directive (EU) 2015/720/EC, provides in Article 20a(3) that by May 2017 the

Commission shall review legislation on measures to reduce the consumption of carrier bags made of very light plastic on the basis of a lifecycle impact assessment. The Commission has not yet carried out this review. Since very light plastic carrier bags are prone to littering, measures must be introduced to restrict their placing on the market [one year after the entry into force of this Directive].

Justification

Directive (EU) 2015/720 Art 20a para 3 requires the Commission to present a report by 27 May 2017 on the impact of the various possibilities to reduce very light plastic carrier bags throughout the life cycle and, if appropriate, to submit a legislative proposal. However, the Commission has missed this deadline. In view of this and in order not to waste any more valuable time, the forthcoming directive should also address the issue of very light plastic carrier bags and ban them from the market.

Amendment 18

**Proposal for a directive
Recital 12 b (new)**

Text proposed by the Commission

Amendment

(12b) The replacement or restriction of plastic products covered by this Directive must take place in such an appropriate transitional period and in such a way as not to jeopardise the economic, social and environmental sustainability of the production and placing on the market of the new product identified as an alternative, in particular if it is likely to have negative consequences for the identification and cultivation of the raw material required to produce it.

Justification

This amendment is intended to highlight the possible impact of the use of agricultural, biodegradable products as alternative raw materials.

Amendment 19

Proposal for a directive
Recital 12 c (new)

Text proposed by the Commission

Amendment

(12c) The Commission will develop a catalogue by 31.12.2019 determining specific criteria that will help to determine if mentioned alternatives meet the requirements currently met by single-use plastic applications, that they are in line with current waste legislation and that increased sustainability is indeed guaranteed.

Justification

Mentioned alternatives need to be scrutinised if they can indeed fulfil all the requirements demanded today of single-use plastics products - especially those with food/drink contact - and if they still will be more sustainable. Not only should such alternatives be evaluated referring to specific criteria but also with taking into account relevant legislation such as food contact approval, REACH, recyclability (Waste Framework Directive / Packaging and Packaging Waste Directive).

Amendment 20

Proposal for a directive
Recital 14

Text proposed by the Commission

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. 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

(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. ***At the same time, labelling content should raise consumer awareness of the environmental dangers of plastic waste.*** The Commission

appropriate, test the perception of the proposed marking with representative groups of consumers to ensure that it is effective and clearly understandable.

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.

Amendment 21

Proposal for a directive Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) As the outermost regions are more affected by the marine litter, specially from plastics, and due to the lack of possibilities for recycling, as they face huge amounts of plastics brought by the sea and also from own consumption, it should be created an european fund to help them to clean their maritime zone and also to bet on prevention of the use of plastics;

Amendment 22

Proposal for a directive Recital 17 b (new)

Text proposed by the Commission

Amendment

(17 b) Member States should ensure enhanced compliance with the obligation to collect waste separately, including agricultural plastic waste. They should also consider introduction of conditionality related to treatment of plastic waste in Annex III to the Regulation [CAP Strategic Plans Regulation].

Justification

Similar requirement exists in Waste Management Regulations 2006 (England and Wales, 2005 in Scotland). It extended waste management controls to agriculture. One of the big

changes was it ended the practice of burning or burying farm plastic, including baler twine, silage film, spray cans, fertiliser and seed bags. Farmers are also required to use an authorised and reputable waste management business to arrange collection and recycling of plastic, and other waste.

Amendment 23

Proposal for a directive Recital 17 c (new)

Text proposed by the Commission

Amendment

(17 c) In the CAP Strategic Plans the problem of agricultural plastic waste should be addressed and the European Commission should, as appropriate, introduce a standard for good agricultural and environmental condition of land on plastic waste as a new element of enhanced conditionality in the mid-term, by 2023. Farmers would be under the new cross-compliance requirement bound to use an authorised waste management business to arrange collection and recycling of plastic, and keep evidence that plastic waste has been handled correctly.

Justification

Similar requirement exists in Waste Management Regulations 2006 (England and Wales, 2005 in Scotland). It extended waste management controls to agriculture. One of the big changes was it ended the practice of burning or burying farm plastic, including baler twine, silage film, spray cans, fertiliser and seed bags. Farmers are also required to use an authorised and reputable waste management business to arrange collection and recycling of plastic, and other waste.

Amendment 24

Proposal for a directive Recital 20

Text proposed by the Commission

Amendment

(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

(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

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 recycle.

collection systems, low participation in those systems by the consumers *but also to the physical and chemical qualities of plastic which make it resistant to degradation and therefore persist in the environment for decades or centuries after plastic products have fulfilled their purpose*. 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 recycle.

Justification

Non-plastic items that escape collection systems are less persistent and more likely to degrade, therefore less likely to accumulate as beach or marine litter.

Amendment 25

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) In this context, it is essential to cooperate and to further harmonise waste recycling systems between Member States in order to prevent cross-border trade from damaging the environment.

Amendment 26

Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) It is nevertheless essential to stress that biodegradation cannot be a voluntary end-of-life option. Yet, reality shows that some plastic products will inevitably leak into the environment and that for some applications it is better to have products that biodegrade within a short period of time by the action of micro-organisms, rather than products that will remain in the environment for centuries without disintegrating. This does not preclude all the required efforts on reuse and recycling systems.

Amendment 27

Proposal for a directive
Recital 23

Text proposed by the Commission

Amendment

(23) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive.

(23) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are ***effectively brought to the attention of producers and*** implemented. The penalties should be effective, proportionate and dissuasive.

Amendment 28

Proposal for a directive
Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) It is also desirable that, together with the information that the European Environment Agency is required to provide, the Commission should also include the results of the study by the

European Committee for Standardisation (CEN) of a marine biodegradability standard that is scientifically accepted at European level, the subject of which is both the products in the annex to the Directive and the proposed alternatives, as referred to in Article 15 below.

Justification

As yet, no agreed standards exist for the level of marine biodegradability of the products covered by the Directive and the alternatives that are under discussion but which are not explicitly cited in the provision. It is necessary to take as a starting point agreed standards for the level of biodegradability of products and for it to be possible to consider agreed alternatives, and it is necessary that the Environment Agency should be able to use these data for its summaries.

Amendment 29

**Proposal for a directive
Recital 25**

Text proposed by the Commission

(25) Since the objectives of this Directive, namely to prevent and to reduce the impact of certain single-use plastic products and fishing gear containing plastic on the environment, to promote the transition to a circular economy, including the fostering of innovative business models, products and materials, thus also contributing to the efficient functioning of the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

Amendment

(25) Since the objectives of this Directive, namely to prevent and to reduce the impact of certain single-use plastic products and fishing gear containing plastic on the environment ***and human health***, to promote the transition to a circular economy, including the fostering of innovative business models, products and materials, thus also contributing to the efficient functioning of the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

Justification

This is in line with article 1 which already recognises that health impacts are a concern.

Amendment 30

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The objective of this Directive is to prevent and reduce the impact ***and presence of plastics, including microplastics, in and*** on the environment, in particular aquatic ***and land ecosystems***, and on human ***and animal*** health as well as to promote the transition to a circular, ***non-toxic*** economy with innovative business models, ***non-toxic*** products and materials, ***encouraging good practices for the reduction of plastic waste and*** contributing to the efficient functioning of the internal market.

Amendment 31

Proposal for a directive Article 2 – paragraph 1

Text proposed by the Commission

This Directive shall apply to the single-use plastic products listed in the Annex and to fishing gear containing plastic.

Amendment

This Directive shall apply ***particularly*** to the single-use plastic products listed in the Annex and to fishing gear containing ***a significant proportion of*** plastic.

Amendment 32

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

Text proposed by the Commission

(1) 'plastic' means a material consisting of a polymer within the meaning of Article

Amendment

(1) 'plastic' means a material consisting of a polymer within the meaning of Article

3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which **can function as a** main structural component of final products, with the exception of natural polymers that have not been chemically modified;

3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which **functions as the** main structural component of final products, with the exception of natural polymers that have not been chemically modified **and polymeric coatings, paints, inks and adhesives which are not capable of functioning as a main structural component of final articles and products;**

Justification

For the purpose of this Directive and to ensure common interpretation by Member States and well-functioning of the EU Single Market, the scope of “plastics” in this Directive should be clearly defined in order to avoid different interpretations.

Amendment 33

Proposal for a directive

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

Text proposed by the Commission

Amendment

(1 a) ‘coatings’ means one or more non-self-supporting layer or layers manufactured using plastic, as defined in Article 3.1 of this Directive, applied on a material or article in order to impart special properties on it or to improve its technical performance;

Justification

For the purpose of this Directive and to ensure common interpretation by Member States and well-functioning of the EU Single Market, the definition of coating in this Directive should be clearly defined based on definition already in place in the Commission Regulation (EU) 2018/213 amending the Plastic regulation 10/2011.

Amendment 34

Proposal for a directive

Article 3 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) 'single-use **plastic product**' means **a product that is made wholly or partly from**

(2) 'single-use' means conceived, designed or placed on the market to **be**

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;**

used once, for a short period of time and, based on a harmonised methodology, has been identified as accounting for a significant proportion of marine litter found in the EU;

Justification

It is important to clearly define the terms ‘single use’ in order to avoid any confusion in the implementation of the Directive. It is also important to link the definition of ‘single use’ to marine litter so that the items captured are those with the biggest contribution to littering. An harmonised methodology for the identification of items found in the environment is therefore also essential to ensure a level playing field across the EU.

Amendment 35

Proposal for a directive

Article 3 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2 a) ‘plastic product’ means a product that is made mainly from plastic.

Amendment 36

Proposal for a directive

Article 3 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2 a) agricultural plastic product means any piece of plastic material or equipment used or plastic packaging of a product used with the intention to improve productivity of agricultural area^{1a}

^{1a} agricultural area as defined in Regulation (EU) 1307/2013 (or Regulation [CAP Strategic Plans Regulation])

Amendment 37

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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 end-date for transposition of this Directive].

Amendment

Member States shall take the necessary measures to achieve: **an effective** reduction in the **supply and** consumption of the single-use plastic products listed in Part A of the Annex on their territory by ... [**three** years after the end-date for transposition of this Directive]

Amendment 38

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Those measures **may** include national consumption reduction targets, measures ensuring that reusable alternatives to those products are made available at the point of sale to the final consumer, economic instruments such as ensuring that single-use plastic products are not provided free of charge at the point of sale to the final consumer. Those measures may vary depending on the environmental impact of the products referred to in the first subparagraph.

Amendment

Those measures **shall** include national consumption reduction targets, measures ensuring that reusable alternatives to those products, **such as returnable and re-usable glass or wooden ones**, are made available at the point of sale to the final consumer, economic instruments such as ensuring that single-use plastic products are not provided free of charge at the point of sale to the final consumer **or restrictions on placing on the market, and measures to raise awareness and empower consumers to recycle plastic packaging**. Those measures may vary depending on the environmental impact of the products referred to in the first subparagraph, **and whether their collection and recycling can be guaranteed**.

Amendment 39

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 **supply and** 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) **within two years of entry into force of this Directive**.

Amendment 40

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall prohibit the placing on market of the single-use plastic products listed in Part B of the Annex.

Amendment

Member States shall prohibit the placing on market of the single-use plastic products listed in Part B of the Annex **with particular attention to mass catering in public institutions, promoting available sustainable alternatives and helping develop further alternatives through research**.

Amendment 41

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

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..

placed on the market only if the caps and lids remain attached to the container during the product's intended use stage, ***unless it is duly justified that this negatively impacts the food safety and hygiene of the food product contained inside.***

Amendment 42

Proposal for a directive Article 6 – paragraph 2

Text proposed by the Commission

2. For the purposes of this Article metal caps or lids with plastic seals shall not be considered to have a significant part made of plastic.

Amendment

deleted

Amendment 43

Proposal for a directive Article 7 – paragraph -1 (new)

Text proposed by the Commission

-1. In view of their use and nature, the products listed in Part D of the Annex must be marked in order to discourage their incorrect disposal and discharge in storm water overflows

Amendment

Amendment 44

Proposal for a directive Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that each single-use plastic product listed in Part D of the Annex placed on the market bears a conspicuous, clearly legible and indelible marking informing consumers of *one or more* of the following:

Amendment

1. Member States shall ensure that each single-use plastic product listed in Part D of the Annex placed on the market bears a conspicuous, clearly legible and indelible marking informing consumers of the following:

Amendment 45

Proposal for a directive Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) the negative environmental impacts of littering or other inappropriate waste disposal of the products, **or**

Amendment

(b) the negative environmental impacts of littering or other inappropriate waste disposal of the **single use** products, **and**

Amendment 46

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 fact that a product contains plastic.**

Amendment 47

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 responsibility in Directive 2008/98/EC.

Amendment

1. Member States shall ensure that extended producer responsibility schemes **or measures** 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.

Amendment 48

Proposal for a directive Article 8 – paragraph 1 a (new)

1a. These schemes shall be established transparently and costs borne jointly by the stakeholders concerned, with producers contributing to measures intending to raise awareness, support research into alternatives and extend lifespan of products. The Commission shall publish guidelines, in consultation with the Member States, on dealing with the clean-up costs relating to the waste covered in this article, following the principle of proportionality.

Amendment 49

Proposal for a directive Article 8 – paragraph 2

Text proposed by the Commission

2. With regard to the schemes established pursuant to paragraph 1, Member States shall ensure that the producers of the single-use plastic products listed in Part E of the Annex shall cover the costs of the collection of waste consisting of those single-use plastic products and its subsequent transport and treatment, including the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products.

Amendment

2. 2. With regard to the schemes established pursuant to paragraph 1, Member States shall ensure that the producers of the single-use plastic products listed in Part E of the Annex shall cover the **total costs associated with** the collection of waste consisting of those single-use plastic products and its subsequent transport and treatment, including the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products.

Amendment 50

Proposal for a directive Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall take the necessary measures to collect separately, by 2025, an amount of waste single-use plastic products listed in Part F of the Annex equal to 90% of such single-use plastic products placed

Amendment

Member States shall take the necessary measures to collect separately, by 2025, an amount of waste single-use plastic products listed in Part F of the Annex equal to 90% of such single-use plastic products placed

on the market in a given year by weight. In order to achieve that objective Member States *may* inter alia:

on the market in a given year by weight. In order to achieve that objective Member States *shall* inter alia:

Amendment 51

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

Text proposed by the Commission

(a) establish deposit-refund schemes,
or

Amendment

(a) establish deposit-refund schemes,
and

Amendment 52

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

Text proposed by the Commission

(b) establish separate collection targets for relevant extended producer responsibility schemes.

Amendment

(b) establish separate collection targets for relevant extended producer responsibility schemes. *This should include separate collection points for the most used classes and materials geographically and/ or seasonally concentrated plastics waste, in particular agricultural plastics. Calculation of the targets should be proportional to the time they are used.*

Amendment 53

Proposal for a directive Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall take measures to inform consumers of the single-use plastic products *listed in Part G of the Annex* and fishing gear containing plastic about the following:

Amendment

Member States shall take measures to inform consumers of the single-use plastic products *with which this Directive is concerned* and fishing gear containing plastic about the following:

Amendment 54

Proposal for a directive

Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) the impact of littering and other inappropriate waste disposal of those products and fishing gear containing plastic on the environment, and in particular on the marine environment.

Amendment

(b) the impact of ***plastics on the environment, on human -and animal-health, and in particular on the marine environment and soil -including microplastics-***, via littering and other inappropriate waste disposal of those products and fishing gear containing plastic.

Amendment 55

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ba) Priority shall be given to awareness-raising measures geared towards reducing the use of plastic and of products containing microplastics.

Amendment 56

Proposal for a directive

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

Text proposed by the Commission

Amendment

(bb) Member States shall also adopt measures to avoid encouraging short lifetimes or the premature disposal of products, providing incentives to develop more recyclable plastics, making recycling processes more efficient, and tracing and removing hazardous substances and contaminants from recycled plastics.

Amendment 57

Proposal for a directive
Article 10 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

(bc) The Commission and the Member States shall assist local authorities, undertakings and associations in conducting awareness-raising campaigns for consumers on increasing the lifetime of products and supplying advice on responsible disposal, in line with the EP resolution of 4 July 2017 on a longer lifetime for products.

Amendment 58

Proposal for a directive
Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall ensure that natural or legal persons or their associations, organisations or groups, in accordance with national legislation or practice, have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, actions or omissions related to the implementation of Articles 5, 6, 7 **and** 8 when one of the following conditions is fulfilled:

1. Member States shall ensure that natural or legal persons or their associations, organisations or groups, in accordance with national legislation or practice, have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, actions or omissions related to the implementation of Articles **4**, 5, 6, 7, 8, **9 and** when one of the following conditions is fulfilled:

Amendment 59

Proposal for a directive
Article 13 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the data on single-use plastic products listed in Part A of the Annex that have been placed on the Union market each

(a) the data on single-use plastic products listed in Part A **and B** of the Annex that have been placed on the Union market each

year, to demonstrate the consumption reduction in accordance with Article 4(1);

year, to demonstrate the consumption reduction in accordance with Article 4(1);

Amendment 60

Proposal for a directive Article 13 – paragraph 1 – point b

Text proposed by the Commission

(b) information on the measures taken by Member States for the purposes of Article 4(1).

Amendment

(b) information on the measures taken by Member States for the purposes of Article 4(1) **and 5**.

Amendment 61

Proposal for a directive Article 13 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The data referred to in **point** (a) of the first subparagraph shall be updated annually within 12 months from the end of the reference year for which it is collected. Where possible, spatial data services as defined in Article 3(4) of Directive 2007/2/EC shall be used to present those data sets.

Amendment

The data referred to in **points** (a) of the first subparagraph shall be updated annually within 12 months from the end of the reference year for which it is collected. Where possible, spatial data services as defined in Article 3(4) of Directive 2007/2/EC shall be used to present those data sets.

Amendment 62

Proposal for a directive Article 13 – paragraph 3

Text proposed by the Commission

3. The European Environment Agency shall publish and update a Union-wide overview on the basis of the data collected by the Member States, on a regular basis. The Union-wide overview shall include, as appropriate, indicators for outputs, results

Amendment

3. The European Environment Agency shall publish and update a Union-wide overview on the basis of the data collected by the Member States, on a regular basis. The Union-wide overview shall include, as appropriate, indicators for outputs **for each**

and impacts of this Directive, Union-wide overview maps and Member State overview reports.

Member State, results and impacts of this Directive, Union-wide overview maps and Member State overview reports.

Amendment 63

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~~ **three** 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 64

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 **European** 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 **or consumption**, where appropriate.

Amendment 65

Proposal for a directive
Annex I – part A – indent 1

Text proposed by the Commission

— Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation, such as food containers used for fast food, except beverage containers, plates and packets and wrappers containing food

Amendment

— Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation, such as food containers used for fast food, except beverage containers, plates and packets and wrappers containing fresh food ***products for domestic use including meat where no safe alternative exists.***

Amendment 66

Proposal for a directive
Annex I – part A – indent 2

Text proposed by the Commission

— Cups for beverages

Amendment

— Cups for beverages ***including lids***

Amendment 67

Proposal for a directive
Annex I – part A – indent 2 a (new)

Text proposed by the Commission

Amendment

- ***Single-use plastic boxes for the packaging and transport of agricultural and fisheries products***

Amendment 68

Proposal for a directive
Annex I – part A – indent 2 b (new)

Text proposed by the Commission

Amendment

- ***Beverage bottles***

Amendment 69

Proposal for a directive Annex I – part B – indent 2

Text proposed by the Commission

— Cutlery (forks, knives, spoons, chopsticks)

Amendment

— Cutlery (forks, knives, spoons, chopsticks), ***except in closed systems where collection, re-use and/or recycling is fully ensured***

Amendment 70

Proposal for a directive Annex I – part B – indent 3

Text proposed by the Commission

— Plates

Amendment

— Plates, ***except in closed systems where collection, re-use and/or recycling is fully ensured***

Amendment 71

Proposal for a directive Annex I – part B – indent 4

Text proposed by the Commission

— Straws, except for straws intended and used for medical purposes

Amendment

— Straws, except for straws intended and used for medical purposes ***and straws built into and attached to drinks containers***

Amendment 72

Proposal for a directive Annex I – part B – indent 6 a (new)

Text proposed by the Commission

Amendment

- ***Polystyrene in all applications, except where it can be demonstrated for a specific application the material delivers the greatest environmental and societal benefit in that application and is captured for waste treatment.***

Amendment 73

**Proposal for a directive
Annex I – part B – indent 6 b (new)**

Text proposed by the Commission

Amendment

- ***Oxo-degradable plastics in all applications***

Amendment 74

**Proposal for a directive
Annex I – part B – indent 6 c (new)**

Text proposed by the Commission

Amendment

- ***Plastic-containing food packaging or contact material that contribute to soil micro-plastic load upon composting or biogas fermentation, such as plastic or plastic-impregnated tea bags***

Amendment 75

**Proposal for a directive
Annex I – part B – indent 6 d (new)**

Text proposed by the Commission

Amendment

- ***Very light and lightweight plastic carrier bags defined according to Directive 2015/720, except for hygienic reasons for fresh meat, fish and dairy***

products

Amendment 76

**Proposal for a directive
Annex I – part B – indent 6 e (new)**

Text proposed by the Commission

Amendment

- *Primary packaging of individually packaged sweets and cake*

Amendment 77

**Proposal for a directive
Annex I – part B – indent 6 f (new)**

Text proposed by the Commission

Amendment

- *Sweet and lolly sticks*

Amendment 78

**Proposal for a directive
Annex I – part B – indent 6 g (new)**

Text proposed by the Commission

Amendment

- *Primary packaging of fruit and vegetables that is not needed in order to preserve the product*

Amendment 79

**Proposal for a directive
Annex I – part C – indent 1**

Text proposed by the Commission

Amendment

— Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and

— Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their *labels*,

lids

caps and lids *and single-use plastic lidded receptacles for salads, yoghurt and fruit*

Amendment 80

Proposal for a directive Annex I – part D – indent 2

Text proposed by the Commission

— Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes

Amendment

— Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes *containing plastic*

Amendment 81

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

Text proposed by the Commission

Amendment

- *Agricultural plastics, where identified as a locally or nationally significant contributor to plastic - pollution in the environment, and where collection rates fall below 90%*

Amendment 82

Proposal for a directive Annex I – part E – indent 1

Text proposed by the Commission

— Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation, such as food containers used for fast food, except beverage containers, plates and packets and wrappers containing food

Amendment

– Food containers, i.e. receptacles such as boxes, with or without a cover, *designed and intended to be filled at the point of sale*, or used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation, such as food containers used for fast food, except beverage containers, plates and packets and wrappers containing food

Amendment 83

Proposal for a directive
Annex I – part E – indent 3

Text proposed by the Commission

— Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids

Amendment

— Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their **labels**, caps and lids

Amendment 84

Proposal for a directive
Annex I – part E – indent 4 a (new)

Text proposed by the Commission

Amendment

- ***Caps and lids containing plastics***

Amendment 85

Proposal for a directive
Annex I – part E – indent 6

Text proposed by the Commission

— Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes

Amendment

— Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes ***containing plastics***

Amendment 86

Proposal for a directive
Annex I – part E – indent 8 a (new)

Text proposed by the Commission

Amendment

- ***Agricultural plastics, e.g. protected cultivation films, mulching and silage films, irrigation and drainage pipes, input bags and containers, where identified as a locally or nationally significant contributor to plastic pollution in the environment***

Amendment 87

Proposal for a directive Annex I – part E – indent 8 b (new)

Text proposed by the Commission

Amendment

- *Single-use plastic boxes for the packaging and transport of agricultural and fisheries products*

Amendment 88

Proposal for a directive Annex I – part F – indent 1 a (new)

Text proposed by the Commission

Amendment

- *Agricultural plastics, where identified as a locally or nationally significant contributor to plastic pollution in the environment, including waste material such as sheets or films used for protected cultivation, mulching and silage, anti-hail or pest protection nets, irrigation/drainage pipes, input bags and containers, bale twine, fertiliser and agrochemical packaging.*

Amendment 89

Proposal for a directive Annex I – part G – indent 3

Text proposed by the Commission

Amendment

— Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids

— Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their *labels*, caps and lids

Amendment 90

Proposal for a directive Annex I – part G – indent 9 a (new)

Text proposed by the Commission

Amendment

- ***Agricultural plastics, where identified as a locally or nationally significant contributor to plastic pollution in the environment***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Reduction of the impact of certain plastic products on the environment
References	COM(2018)0340 – C8-0218/2018 – 2018/0172(COD)
Committee responsible Date announced in plenary	ENVI 11.6.2018
Opinion by Date announced in plenary	AGRI 5.7.2018
Rapporteur Date appointed	Bronis Ropè 10.7.2018
Date adopted	1.10.2018
Result of final vote	+: 37 –: 3 0: 3
Members present for the final vote	John Stuart Agnew, Clara Eugenia Aguilera García, Eric Andrieu, Richard Ashworth, Daniel Buda, Nicola Caputo, Matt Carthy, Jacques Colombier, Michel Dantin, Paolo De Castro, Albert Deß, Diane Dodds, Jørn Dohrmann, Herbert Dorfmann, Norbert Erdős, Luke Ming Flanagan, Karine Gloanec Maurin, Esther Herranz García, Jan Huitema, Martin Häusling, Peter Jahr, Ivan Jakovčić, Jarosław Kalinowski, Philippe Loiseau, Mairead McGuinness, Nuno Melo, Giulia Moi, Ulrike Müller, James Nicholson, Maria Noichl, Marijana Petir, Bronis Ropè, Maria Lidia Senra Rodríguez, Czesław Adam Siekierski, Tibor Szanyi, Marco Zullo
Substitutes present for the final vote	Franc Bogovič, Michela Giuffrida, Elsi Katainen, Anthea McIntyre, Momchil Nekov, Molly Scott Cato, Vladimir Urutchev, Thomas Waitz
Substitutes under Rule 200(2) present for the final vote	Renata Briano

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

37	+
ALDE	Jan Huitema, Ivan Jakovčić, Elsi Katainen, Ulrike Müller
ECR	Zbigniew Kuźmiuk, Anthea McIntyre, James Nicholson
GUE/NGL	Matt Carthy, Luke Ming Flanagan, Maria Lidia Senra Rodríguez
NI	Diane Dodds
PPE	Richard Ashworth, Franc Bogovič, Daniel Buda, Michel Dantin, Albert Deß, Herbert Dorfmann, Norbert Erdős, Esther Herranz García, Peter Jahr, Jarosław Kalinowski, Nuno Melo, Marijana Petir, Czesław Adam Siekierski, Vladimir Urutchev
S&D	Clara Eugenia Aguilera García, Eric Andrieu, Nicola Caputo, Paolo De Castro, Michela Giuffrida, Karine Gloanec Maurin, Momchil Nekov, Maria Noichl, Tibor Szanyi
Verts/ALE	Bronis Ropë, Molly Scott Cato, Thomas Waitz

3	-
EFDD	John Stuart Agnew
ENF	Jacques Colombier, Philippe Loiseau

3	0
ECR	Jørn Dohrmann
EFDD	Giulia Moi, Marco Zullo

Key to symbols:

+ : in favour

- : against

0 : abstention

25.9.2018

OPINION OF THE COMMITTEE ON FISHERIES

for the Committee on the Environment, Public Health and Food Safety

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))

Rapporteur for the opinion: Renata Briano

SHORT JUSTIFICATION

The aim of the Commission's proposal is to prevent and reduce the detrimental impact of certain plastic products on the environment, particularly the marine environment, in line with the EU Plastics Strategy and in the broader context of the transition to a circular economy. The problem of plastic dispersal in the sea is a global one and it must therefore be tackled via actions on various levels and through better coordination of international efforts.

The initiative relates to 10 single-use plastic items and fishing gear containing plastic. These products were chosen on the basis of beach litter counts, and data gathered under the Marine Strategy Framework Directive was also used. Monitoring was carried out on 276 European beaches, with 355 671 items observed during a total of 679 surveys. The counts demonstrated that approximately half of all waste found on beaches comes from single-use plastic items, and 27 % from fishing gear.

The dispersal of plastic in the sea has an adverse impact on marine biological resources, particularly the most sensitive ones, and their environments. As a result, it also adversely impacts fishing activity, with estimated net losses for the European fleet of between EUR 70 million and 350 million per year. It also involves a risk to human health, since the plastic breaks down and ends up in the food chain, and therefore on our tables.

The rapporteur for the opinion believes, first and foremost, that fishermen have a key role to play in tackling the problem of the dispersal of plastic in the sea. The fishing for litter initiatives, funded partly through the European Maritime and Fisheries Fund (EMFF), are examples of a new paradigm in which fishermen are part of the solution, not the problem. Appropriate actions should therefore be promoted for recognising and highlighting the role of fishermen as 'guardians of the sea'.

In relation to fishing gear, the proposal brings in extended producer responsibility schemes

and awareness-raising measures. The extended producer responsibility schemes will ensure better management of fishing gear waste, covering the costs of treatment of this waste as well as of awareness-raising measures. The rapporteur considers that these schemes should be complemented by a modulated tariff that encourages the placing on the market of fishing gear designed to be long-lasting, reusable and recyclable, in line with EU law on waste. The plastic components of fishing gear in fact have a high recycling potential, which is currently not being made the most of.

The extended producer responsibility schemes for fishing gear include the measures laid down in the proposal on port reception facilities for waste (COM (2018)33), reducing the financial burdens on ports and, therefore, on fisheries operators. It is therefore very important to ensure there is consistency between the two Directives. For that purpose, it is necessary, above all, to harmonise the terminology, since this proposal includes a definition of waste fishing gear, while the proposal on port facilities refers to derelict fishing gear, but does not define that term. It is also necessary to ensure that all ports where fishing vessels can be received are equipped with appropriate facilities for the collection and treatment of passively fished waste collected during fishing operations and that, in line with the ‘polluter pays’ principle, fisheries operators do not incur additional costs as a result of these operations. This will give the fishermen yet another incentive to bring waste fishing gear and passively fished waste back to shore. Finally, the extended producer responsibility schemes will also cover the costs of managing waste deriving from plastic materials used for aquaculture, which are excluded, at least partially, from the measures proposed for port facilities. In this case too, the rapporteur believes it is necessary to ensure that the two proposals are consistent.

The Commission’s proposal also includes Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy and containing some measures (both preventive and remedial) for reducing the impact of fishing gear lost at sea. The review of the regulation on control that is currently being carried out must therefore take the aims of this initiative into consideration.

Finally, with regard to innovation and research on alternative materials, the rapporteur for the opinion considers that the European Union should adopt a clear definition of biodegradable plastic and bio-based plastic, as well as harmonised standards on biodegradability, particularly marine biodegradability, and on compostability, with a view to providing a clear and uniform legal framework.

AMENDMENTS

The Committee on Fisheries calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) In order to ensure that the right action is taken to combat plastic waste in the sea, the issue of plastic waste on the sea bed and in the aquatic environment in general also has to be addressed, as does the issue of microplastics.

Amendment 2

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) whereas the Member States are signatories of the International Convention for the Prevention of Pollution from Ships (MARPOL) and should aim for full implementation of its provisions;

Amendment 3

Proposal for a directive Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) An estimated 80% of marine litter is accounted for by plastic and microplastic, and somewhere between 20% and 40% of plastic marine litter is linked in part to human activities at sea, including merchant and cruise ships, with the rest originating on land. According to a recent FAO study, roughly 10% comes from lost and abandoned fishing gear. Lost and abandoned fishing gear is one component of plastic marine litter, and, given that an estimated 94% of the plastic entering the ocean ends up on the sea floor, the European Maritime and Fisheries Fund (EMFF) could be used in order to encourage fishermen to

participate in ‘fishing for marine litter’ schemes by for example presenting them with financial or material incentives. The release of enormous quantities of plastic into the sea not only has an adverse impact on sustainable fish stocks, marine biological resources, particularly the sensitive ones, and on their environment, but also affects fishing activity, inter alia by increasing the costs involved in cleaning nets and disposing of litter collected; in the case of small-scale fishing the impact becomes larger and poses more of a financial burden. Given that marine litter has a cross-border impact, the Commission should make additional efforts, in cooperation with non-member countries, to prevent such litter from being produced and to encourage proper waste management;

Amendment 4

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Resolution 11 of the UN Environment Assembly of the UN Environment Programme, adopted at the session of 23-27 May 2016, recognised that ‘the presence of plastic litter and microplastics in the marine environment is a rapidly increasing serious issue of global concern that needs an urgent global response taking into account a product life-cycle approach’. The link between microplastics and single-use plastics and fishing gear should be considered given these plastics may fragment into microplastics and cause harm. Studies have shown that the presence of microplastics in the marine environment can be significant with evidence showing that they can be ingested by marine animals and enter the

food chain as a result¹. The measures laid down in this Directive to reduce the impact of certain plastics is therefore has important environmental and health benefits. 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 marine environment;

¹ EFSA CONTAM Panel (EFSA Panel on Contaminants in the Food Chain), 2016. Statement on the presence of microplastics and nanoplastics in food, with particular focus on seafood.”

Amendment 5

Proposal for a directive Recital 5

Text proposed by the Commission

(5) In the Union, 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastic items representing 50 % and fishing-related items representing 27 %. Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are discarded after having been used once for the purpose for which they were provided, are rarely recycled, and ***are prone to littering***. A significant proportion of the fishing gear placed on the market is not collected for treatment. 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,

Amendment

(5) In the Union, 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastic items representing 50 % and fishing-related items representing 27 %. Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are discarded after having been used once for the purpose for which they were provided, are rarely recycled, and ***end up as litter***. A significant proportion of the fishing gear placed on the market is not collected for treatment. Single-use plastic products and fishing gear containing plastic ***and microplastics*** are therefore a particularly serious problem in the context of marine litter and pose a severe risk to marine ecosystems,

potentially, to human health and are damaging activities such as tourism, fisheries and shipping.

sustainable fish stocks, biodiversity and, potentially, to human health and are damaging activities such as tourism, *professional and recreational* fisheries and shipping, *particularly in outermost and coastal regions*.

Amendment 6

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Ghost fishing occurs when lost or abandoned non-biodegradable fishing nets, lines, and traps catch, entangle, injure, starve, or cause the death of marine life. The phenomenon of ‘ghost fishing’ is brought about by the loss and abandonment of fishing gear. Under Regulation (EC) No 1224/2009 gear has to be marked and lost gear reported and retrieved. Some fishermen, therefore, acting on their own initiative, bring lost nets back to port after retrieving them from the sea.

Amendment 7

Proposal for a directive Recital 7

Text proposed by the Commission

Amendment

(7) To focus efforts where they are 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.

(7) To focus efforts where they are most needed, this Directive should cover the most *commonly* 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 also fishing gear. The transition to a circular economy will necessitate a reduction in the overall use of single use plastic.*

Amendment 8

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁴³ should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, paints, inks, and adhesives. Those materials should not be addressed by this Directive and should therefore not be covered by the definition.

⁴³ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC

Amendment

(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁴³ should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, *linings or layers*, paints, inks, and adhesives. Those materials should not be addressed by this Directive and should therefore not be covered by the definition.

⁴³ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC

and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Amendment 9

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 (OJ L 338, 13.11.2004, p.4-17).

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, 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.***

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 (OJ L 338, 13.11.2004, p.4-17).

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 10

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are readily available. In order to limit the adverse impact of such products on the environment, Member States should be required to prohibit their placing on the Union market. By doing so, the use of those readily available and more sustainable alternatives as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted.

Amendment

(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are readily available. In order to limit the adverse impact of such products on the ***environment, especially the marine*** environment, Member States should be required to prohibit their placing on the Union market. By doing so, the use of those readily available and more sustainable alternatives as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted. ***Specific criteria should be laid down to determine whether these alternatives meet the requirements that are currently met by single-use plastic products, comply with EU legislation on waste and provide greater sustainability.***

Amendment 11

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Clear definitions should be laid down of both biodegradable plastic and bio-based plastic, as well as harmonised standards on biological content, on biodegradability (especially marine biodegradability) and on compostability,

with a view to clarifying the ambiguities and misunderstandings that exist in relation to this subject.

Amendment 12
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 or 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 proposed marking with representative groups of consumers to ensure that it is effective and clearly understandable.

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. Therefore, single-use plastic products that are frequently disposed of through sewers or 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 proposed marking with representative groups of consumers to ensure that it is effective and clearly understandable. ***With regard to fishing gear, the marking requirements adopted pursuant to Regulation (EC) No 1224/2009 shall apply. The Member States shall implement the FAO Voluntary Guidelines on Marking Fishing Gear.***

Amendment 13

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) With regard to single-use plastic

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 as well as the costs of awareness-raising measures to prevent and reduce such litter.

products for which there are no readily available suitable and more sustainable alternatives *at present*, 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. ***Deposit-refund schemes as well as available EMFF funds should be used to support fishing for litter initiatives and recovery efforts for lost, discarded and abandoned fishing gear.***

Amendment 14

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Every day, a great variety of waste – be it generated on land or discarded by vessels – ends up in the sea, with plastic waste (bottles, bags, etc.) making up a very significant proportion.

Amendment 15

Proposal for a directive Recital 16

Text proposed by the Commission

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 requirements¹ 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

16. The large portion of plastic stemming from abandoned, lost and discarded fishing gear containing plastic in marine litter ***and in passively fished waste collected during normal fishing operations*** indicates that the existing legal requirements¹ do not provide sufficient incentives to return such fishing gear ***or such passively fished waste*** to shore for collection and treatment. ***Under Regulation (EC) No 1224/2009, if lost fishing gear cannot be retrieved the***

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.

*master of the vessel must inform the competent authority of its flag Member State. However, Regulation (EC) No 1224/2009 does not monitor such losses of fishing gear in consistent way and implementation of the reporting requirements remains poor. Therefore, the revision of the Control Regulation should lay down further measures strengthening the capacity of retrieval of lost gear and of reporting and in particular the data on lost fishing gear should be collected and recorded by the Member States and forwarded annually to the Commission. 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 **and passively fished waste** on shore **as well as lost or discarded fishing gear, in order** to avoid any potential increase in the indirect waste fee to be paid. **The delivery of passively fished waste should not result in additional costs to be borne by fishermen.** 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 as well **as recovery efforts for lost, abandoned and discarded fishing gear. Such systems should provide for modulated financial contributions for gear designed for reuse and recycling, in line with the requirements of Directive 2008/98/EC and should be supplemented by a collection target for waste fishing gear. In addition to such initiatives, Member States should undertake activities to promote the development of fishing***

gear using more sustainable and environmentally-friendly materials;

¹ Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC

¹ Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC

Amendment 16

Proposal for a directive Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Whilst the fishers themselves and artisanal makers of fish gear containing plastic should not be covered by the extended producers' responsibility there should be consideration for supporting the introduction of sustainably sourced fish gear containing no plastic as an alternative.

Amendment 17

Proposal for a directive Recital 18

Text proposed by the Commission

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. Therefore, Member States should be required to take awareness raising measures ensuring that such information is given to the consumers.

(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

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.

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
Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) In accordance with EU law, the Commission must assist the Member States to produce strategies and plans for the reduction of the dispersal at sea of fishing gear, including through subsidies from the European Maritime and Fisheries Fund (EMFF). The efforts may include awareness-raising campaigns and programmes on the impact of such waste on marine ecosystems, research on the feasibility of biodegradable/compostable fishing gear, educational projects for fishermen and specific public programmes for the removal of plastic and other items from the marine environment.

Amendment 19
Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

(19) Directive 2008/98/EC lays down general minimum requirements for extended producer responsibility schemes.

(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.

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. *With regard to fishing gear, the Member States should adopt the measures required to ensure that financial contributions paid by producers of fishing gear containing plastic in fulfilment of their obligations deriving from producer responsibility are adjusted, in particular to take into account the durability, repairability, re-usability and recyclability of such fishing gear placed on the market.*

Amendment 20

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Raising awareness of the waste caused by single-use plastic and fishing gear, and the significant environmental impact it brings, should be considered an essential element of the EU Plastics Strategy given it will empower citizens to contribute to the reduction of plastic waste. Member States should take measures to raise awareness of the issue and the financial supports available for the purpose of tackling it, and facilitate the exchange of best practices between communities and networks.

Amendment 21

Proposal for a directive Recital 22

(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016¹, the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an assessment of possible further measures and an assessment whether, in view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed. The evaluation should also consider whether scientific and technical progress that has taken place in the meantime, including the development of biodegradable materials and the development of criteria or a standard for biodegradability of plastics in the marine environment, as foreseen in the European Plastics Strategy, allows the setting of a standard for biodegradation of certain single-use plastic products in the marine environment. That standard would include a standard to test if, as a result of physical and biological decomposition in the marine environment, plastics would fully decompose into carbon dioxide (CO₂), biomass and water within a timescale short enough for the plastics not to be harmful for marine life and not lead to an accumulation of plastics in the environment. If that is the case, single-use plastic products that meet such a standard could be exempted from the prohibition on placing on the market. While the European Strategy for Plastics already envisages action in this area, it also recognises the challenges in relation to determining a regulatory framework for plastics with biodegradable properties due to different

(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016¹, the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an assessment of possible further measures and an assessment whether, in view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed. The evaluation should also consider whether scientific and technical progress that has taken place in the meantime, including the development of biodegradable materials and the development of criteria or a standard for biodegradability of plastics in the marine environment, as foreseen in the European Plastics Strategy, allows the setting of a standard for biodegradation of certain single-use plastic ***products or fishing gear containing plastic*** in the marine environment. That standard would include a standard to test if, as a result of physical and biological decomposition ***conditions existing*** in the marine environment, plastics would fully decompose into carbon dioxide (CO₂), biomass and water within a timescale short enough for the plastics not to be harmful for marine life and not lead to an accumulation of plastics in the environment. If that is the case, single-use plastic products that meet such a standard could be exempted from the prohibition on placing on the market. While the European Strategy for Plastics already envisages action in this area, it also recognises the challenges in relation to determining a

marine conditions across seas.

regulatory framework for plastics with biodegradable properties due to different marine conditions across seas.

¹ OJ L 123, 12.5.2016, p. 1.

¹ OJ L 123, 12.5.2016, p. 1.

Amendment 22

Proposal for a directive Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) In accordance with EU law on waste, the Commission and the Member States must support plans to collect litter at sea with the involvement, where possible, of fishing vessels, and must ensure that port facilities have the capacity to receive and treat this waste, in particular through recycling; the same incentives provided for returning fishing gear should apply equally for returning waste that has been passively fished as well as for waste that has been caught under the fishing for litter initiatives; the requirements on port facilities should be proportionate and not put excessive administrative burden on small, unmanned ports or on remotely located ports, notable on remote islands;

Amendment 23

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

Amendment

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

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

to a circular economy with innovative business models, products and materials, thus also contributing to *the* efficient functioning of the internal market.

environment, in particular the aquatic 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 *a more efficient and more sustainable* functioning of the internal market.

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 singleuse plastics. However, it may play an important role in finding the solution and igniting a virtuous circle in leading by example.

Amendment 24

Proposal for a directive

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘fishing gear’ means any item or piece of equipment that is used in fishing and aquaculture to target or capture marine biological resources or that is floating on the sea surface and is deployed with the objective of attracting *and* capturing such marine biological resources;

Amendment

(3) ‘fishing gear’ means any item or piece of equipment that is used in fishing and aquaculture to target or capture *or retain for farming* marine biological resources or that is floating on the sea surface and is deployed with the objective of attracting, capturing *or retaining* such marine biological resources;

Amendment 25

Proposal for a directive

Article 3 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘waste fishing gear’ means any fishing gear covered by the definition of waste in Directive 2008/98/EC, including all separate components, substances or materials that were part of or attached to such fishing gear when it was discarded;

Amendment

(4) ‘waste fishing gear’ means any fishing gear covered by the definition of waste in Directive 2008/98/EC, including all separate components, substances or materials that were part of or attached to such fishing gear when it was discarded *or lost*;

Amendment 26

Proposal for a directive

Article 3 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) 'passively fished waste' means waste collected in nets during fishing operations;

Amendment 27

Proposal for a directive

Article 3 – paragraph 1 – point 10

Text proposed by the Commission

Amendment

(10) 'producer' means any natural or legal person that, irrespective of the selling technique used, including distance contracts within the meaning of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011⁵⁰, places on the market single-use plastic products and fishing gear containing plastic except persons carrying out fishing activities as defined in Article 4(28) of Regulation (EC) No 1380/2013 of the European Parliament and of the Council⁵¹;

(10) 'producer' means any natural or legal person that, irrespective of the selling technique used, including distance contracts within the meaning of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011⁵⁰, places on the market single-use plastic products and fishing gear containing plastic except persons carrying out fishing activities **or aquaculture** as defined in Article 4(25) and (28) of Regulation (EC) No 1380/2013 of the European Parliament and of the Council⁵¹;

⁵⁰ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

⁵¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council

⁵⁰ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

⁵¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council

Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p 22).

Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p 22).

Amendment 28

Proposal for a directive Article 7

Text proposed by the Commission

1. Member States shall ensure that each single-use plastic product listed in Part D of the Annex placed on the market bears a conspicuous, clearly legible and indelible marking informing consumers of one or more of the following:

- (a) appropriate waste disposal options for the product or waste disposal means to be avoided for that product,
- (b) the negative environmental impacts of littering or other inappropriate waste disposal of the products, or
- (c) the presence of plastics in the product.

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

1. Member States shall ensure that each single-use plastic product listed in part D of the Annex **and fishing gear containing plastic** placed on the market bears a conspicuous, clearly legible and indelible marking informing consumers of the following:

- (a) appropriate waste disposal options for the product or waste disposal means to be avoided for that product,
- (b) the negative environmental impacts of littering or other inappropriate waste disposal of the products, **and**
- (c) the presence of plastics in the product **and, where applicable, the availability of alternative products with similar operational characteristics.**

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).

3. Without prejudice to paragraph 1, the marking requirements adopted pursuant to Regulation (EC) No 1224/2009 apply to fishing gear.”

Amendment 29

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 an improved collection and recycling level for fishing gear. In order to ensure that, Member States shall require the schemes to inter alia:***

(a) include monitoring, tracking and reporting programmes;

(b) cover retrieval operations.

Amendment 30

Proposal for a directive Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may also establish deposit-refund schemes to encourage the return of old, derelict or unstable fishing gears, modulated in order to take into account the risk of accidental loss of the fishing gear or of parts of it.

Amendment 31

Proposal for a directive Article 8 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. *Member States shall adopt the measures required to ensure that financial contributions paid by producers of fishing gear containing plastic in fulfilment of their obligations deriving from producer responsibility are adjusted, in particular to take into account the durability, repairability, re-usability and recyclability of the fishing gear that producers place on the market;*

Amendment 32

Proposal for a directive
Article 8 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. *Member States shall also implement additional financial incentives for fishermen to bring waste fishing gear on shore, as well as other plastic waste collected by fishermen at sea. Member States shall remove all unnecessary legal and financial bureaucratic burdens and impediments for fishing gear waste and plastic waste collection and landing by fishermen as far as possible.*

Amendment 33

Proposal for a directive
Article 9 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) *promote the establishment of a specific public programme to remove plastics and other items from the seabed;*

Amendment 34

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Proposal for a directive
Article 9 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) establish an EU wide, mandatory digital reporting system for individual fishing vessels to signal loss of gear at sea, in order to support recovery action

Amendment 35

Proposal for a directive
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Incentive schemes

- 1. In the operational programmes financed by the European Maritime and Fisheries Fund (EMFF), Member States shall include financial support for the development of an action plan in collaboration with producer organisations, shipowners' associations, public entities, environmental conservation organisations, and the entire sector concerned. This shall include measures relating to the recovery of waste and marine gear as well as the improvement of waste management infrastructure and processes in vessels and ports.***
- 2. Member States shall establish a scheme at the ports for depositing, recovering and returning fishing nets, which shall be included in the action plan established in accordance with paragraph 1.***
- 3. Member States shall establish a scheme at the ports for the control and registration of nets, which shall be included in the action plan established in accordance with paragraph 1.***
- 4. Member States shall devise***

support mechanisms for R & D for the development of more traceable and less polluting nets in the form of incentives for manufacturers of fishing gear. This shall include investments in the development of new materials with a lower impact on the environment.

Justification

As set out in recital 16, there is a need for incentives for operators to promote a culture of protection of the marine environment, to gradually reduce marine litter and to eliminate the loss of nets at sea.

Amendment 36

**Proposal for a directive
Article 9 b (new)**

Text proposed by the Commission

Amendment

Article 9b

Passively fished waste

- 1. Member States shall adopt proportionate national plans to ensure that all ports where fishing vessels can be received, except for small, unmanned ports and remotely located ports, notably on remote islands, are able to carry out the collection and subsequent treatment of passively fished waste collected during normal fishing operations with a view to encouraging the separate collection, re-use and recycling of such waste.***
- 2. Such plans shall be laid down in accordance with the guidelines set out in OSPAR Recommendation 2016/01 on the reduction of marine litter through the implementation of fishing for litter initiatives.***
- 3. In addition to the resources made available by the EMFF, the Member States may set up and maintain national funds to support the collection of waste that has been passively fished by fishing vessels. The funds may be used to ensure***

the functioning of fishing-for-litter initiatives, including the provision of dedicated on-board waste storage facilities, the monitoring of passively fished waste, education and promotion of voluntary participation in the initiative, costs of waste treatment and to cover the costs of personnel required for the functioning of such schemes.

Amendment 37

Proposal for a directive

Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall take measures to inform consumers of the single-use plastic products listed in Part G of the Annex and fishing gear containing plastic about the following:

Amendment

Member States shall take measures to inform ***all relevant actors, particularly consumers, the fishing sector, and fishing communities*** of the single-use plastic products listed in Part G of the Annex and fishing gear containing plastic about the following:

Amendment 38

Proposal for a directive

Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) the ***available*** re-use systems and waste management options for those products and fishing gear containing plastic as well as best practices in sound waste management carried out in accordance with Article 13 of Directive 2008/98/EC;

Amendment

(a) the ***availability of reusable alternatives***, re-use systems and waste management options for those products and fishing gear containing plastic as well as best practices in sound waste management carried out in accordance with Article 13 of Directive 2008/98/EC;

Amendment 39

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ba) Programmes shall be promoted to raise awareness of the impact of microplastics and plastics waste on the marine environment and to prevent it reaching the sea.

Amendment 40

Proposal for a directive

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that guidance is made available to all relevant actors, notably those in the fishing sector, so that they are able to take the required actions to reduce waste originating from fishing gear containing plastic.

Amendment 41

Proposal for a directive

Article 13 – title

Text proposed by the Commission

Amendment

Information on monitoring of implementation

Information on monitoring of implementation ***and reporting obligations***

Amendment 42

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Amendment 43

Proposal for a directive

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For every calendar year the Member States shall notify the Commission of the data on fishing gear containing plastic placed on the market and on waste fishing gear collected and treated. The data shall be reported in the format established by the Commission in accordance with paragraph 4.

The first reporting period shall start in the first full calendar year after the adoption of the implementing act that establishes the format for reporting, in accordance with the provisions of paragraph 4.

Amendment 44 Proposal for a directive Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission *may* adopt implementing acts laying down the format for the data set, information and data referred to in *paragraph 1*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).

4. The Commission *shall* adopt implementing acts laying down the format for the data set, information and data referred to in *paragraphs 1 and 3a*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).

Amendment 45 Proposal for a directive Article 15 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) *A sufficient improvement of the recycling level for fishing gear has taken place and whether the introduction of quantitative targets is needed to ensure sufficient progress in the future*

Amendment 46
Proposal for a directive
Article 15 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(bb) it is possible to establish binding quantitative Union targets for the recycling of fishing gear containing plastic;

Amendment 47
Proposal for a directive
Article 15 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(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.

(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 ***or to fishing gear containing plastic*** within the scope of this directive and their 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.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Reduction of the impact of certain plastic products on the environment	
References	COM(2018)0340 – C8-0218/2018 – 2018/0172(COD)	
Committee responsible Date announced in plenary	ENVI 11.6.2018	
Opinion by Date announced in plenary	PECH 11.6.2018	
Rapporteur Date appointed	Renata Briano 14.6.2018	
Discussed in committee	20.6.2018	29.8.2018
Date adopted	24.9.2018	
Result of final vote	+: 15	–: 0
	0: 3	
Members present for the final vote	Marco Affronte, Clara Eugenia Aguilera García, David Coburn, Linnéa Engström, Sylvie Goddyn, Mike Hookem, Carlos Iturgaiz, Werner Kuhn, Gabriel Mato, Norica Nicolai, Ricardo Serrão Santos, Ruža Tomašić, Peter van Dalen	
Substitutes present for the final vote	Ole Christensen, Rosa D'Amato, Norbert Erdős, John Flack, Francisco José Millán Mon, Nils Torvalds	
Substitutes under Rule 200(2) present for the final vote	John Howarth	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

15	+
ALDE	António Marinho e Pinto, Norica Nicolai
ECR	Peter van Dalen, John Flack, Ruža Tomašić
PPE	Norbert Erdős, Werner Kuhn, Gabriel Mato, Francisco José Millán Mon
S&D	Clara Eugenia Aguilera García, Ole Christensen, John Howarth, Ricardo Serrão Santos
VERTS/ALE	Marco Affronte, Linnéa Engström

0	-

3	0
EFDD	David Coburn, Mike Hookem
ENF	Sylvie Goddyn

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Reduction of the impact of certain plastic products on the environment			
References	COM(2018)0340 – C8-0218/2018 – 2018/0172(COD)			
Date submitted to Parliament	28.5.2018			
Committee responsible Date announced in plenary	ENVI 11.6.2018			
Committees asked for opinions Date announced in plenary	ECON 5.7.2018	ITRE 11.6.2018	AGRI 5.7.2018	PECH 11.6.2018
	JURI 11.6.2018			
Not delivering opinions Date of decision	JURI 24.9.2018			
Rapporteurs Date appointed	Frédérique Ries 7.5.2018			
Discussed in committee	29.8.2018			
Date adopted	10.10.2018			
Result of final vote	+: 51 -: 10 0: 3			
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Zoltán Balczó, Catherine Bearder, Ivo Belet, Biljana Borzan, Lynn Boylan, Paul Brannen, Soledad Cabezón Ruiz, Miriam Dalli, Seb Dance, Angélique Delahaye, Mark Demesmaeker, José Inácio Faria, Karl-Heinz Florenz, Francesc Gambús, Elisabetta Gardini, Arne Gericke, Jens Gieseke, Julie Girling, Sylvie Goddyn, Françoise Grossetête, Andrzej Grzyb, Jytte Guteland, György Hölvényi, Anneli Jäätteenmäki, Karin Kadenbach, Kateřina Konečná, Urszula Krupa, Giovanni La Via, Jo Leinen, Peter Liese, Jiří Maštálka, Valentinas Mazuronis, Joëlle Mélin, Susanne Melior, Miroslav Mikolášik, Rory Palmer, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Julia Reid, Frédérique Ries, Michèle Rivasi, Annie Schreijer-Pierik, Renate Sommer, Claudiu Ciprian Tănăsescu, Nils Torvalds, Adina-Ioana Vălean			
Substitutes present for the final vote	Cristian-Silviu Buşoi, Nicola Caputo, Jørn Dohrmann, Christofer Fjellner, Peter Jahr, Danilo Oscar Lancini, Tilly Metz, Younous Omarjee, Aldo Patriciello, Carolina Punset, Christel Schaldemose, Bart Staes, Carlos Zorrinho			
Substitutes under Rule 200(2) present for the final vote	Kati Piri			
Date tabled	11.10.2018			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

51	+
ALDE	Catherine Bearder, Anneli Jäätteenmäki, Valentinas Mazuronis, Carolina Punset, Frédérique Ries, Nils Torvalds
ECR	Mark Demesmaecker, Arne Gericke
EFDD	Piernicola Pedicini
ENF	Sylvie Goddyn, Joëlle Mélin
GUE/NGL	Lynn Boylan, Kateřina Konečná, Jiří Maštálka, Younous Omarjee
NI	Zoltán Balczó
PPE	Pilar Ayuso, Ivo Belet, Cristian-Silviu Buşoi, Angélique Delahaye, José Inácio Faria, Christofer Fjellner, Karl-Heinz Florenz, Jens Gieseke, Julie Girling, Françoise Grossetête, Andrzej Grzyb, Peter Jahr, Peter Liese, Annie Schreijer-Pierik, Adina-Ioana Vălean
S&D	Biljana Borzan, Paul Brannen, Soledad Cabezón Ruiz, Miriam Dalli, Seb Dance, Jytte Guteland, Karin Kadenbach, Jo Leinen, Susanne Melior, Rory Palmer, Kati Piri, Pavel Poc, Christel Schaldemose, Claudiu Ciprian Tănăsescu, Carlos Zorrinho
VERTS/ALE	Marco Affronte, Margrete Auken, Tilly Metz, Michèle Rivasi, Bart Staes

10	-
ECR	Jørn Dohrmann
ENF	Danilo Oscar Lancini
PPE	Francesc Gambús, Elisabetta Gardini, György Hölvényi, Giovanni La Via, Miroslav Mikolášik, Aldo Patriciello, Renate Sommer
S&D	Nicola Caputo

3	0
ECR	Urszula Krupa, Bolesław G. Piecha
EFDD	Julia Reid

Key to symbols:

+ : in favour

- : against

0 : abstention