

AMENDMENTS 001-090

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

Report**Frédérique Ries****A8-0317/2018**

Reduction of the impact of certain plastic products on the environment

Proposal for a directive (COM(2018)0340 – C8-0218/2018 – 2018/0172(COD))

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 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.

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 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 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 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).

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)0028).

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).

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)0028).

Justification

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

Amendment 2

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) 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.

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) **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.

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 Nations General Assembly on 25 September 2015.

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

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 Nations General Assembly on 25 September 2015.

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

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

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

(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

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)0028).

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)0028).

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

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 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

Amendment

(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.

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

(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 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

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

(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.

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.**

^{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).

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)

Text proposed by the Commission

Amendment

(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)

Text proposed by the Commission

Amendment

(12b) Directive 94/62/EC, as amended by Directive (EU) 2015/720, laid down a requirement on the Commission to carry out a legislative review by 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

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

Amendment

(13) Caps and lids made of plastic, from beverage containers are among the most found single-use plastic items littered on Union beaches. Therefore, beverage containers that are single-use plastic products should only be allowed to be placed on the market if they fulfil specific product design requirements significantly reducing the leakage into the environment of beverage container caps and lids ***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

producers to adapt their production chains in relation to the implementation of the product design requirement.

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).

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).

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

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

(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.***

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.

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

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 the costs of awareness-raising measures to prevent and reduce such 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

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

⁴⁶ Council Regulation (EC) No 1224/2009,

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. ***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 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.

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

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

Amendment

(18) In order to prevent littering and other inappropriate forms of disposal resulting in marine litter containing plastic, consumers need to be properly informed about the most appropriate waste disposal options available and/or waste disposal options to be avoided, best practices with regard to waste disposal and the environmental impact of bad disposal practices as well as about the plastic content in certain single-use plastic products and fishing gear, ***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

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 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

(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

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.

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 recyclate. ***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, 14.6.2018, p. 109).

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***

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.

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.

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 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 **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 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,

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

thus also contributing to the efficient functioning of the internal market.

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

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 to the single-use plastic products listed in the Annex and to 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**,

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**

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;

over a short time span before it is discarded;

Amendment 47

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

Text proposed by the Commission

Amendment

(2a) ‘very lightweight plastic carrier bags’ means 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

Amendment

(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

(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

Amendment

(4) ‘waste fishing gear’ means any fishing gear covered by the definition of waste in Directive 2008/98/EC, including

(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;

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 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;

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)

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).

Text proposed by the Commission

Amendment

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

Amendment 52

Proposal for a directive

Article 3 – paragraph 1 – point 13 a (new)

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) is 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

Text proposed by the Commission

Article 4

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].**

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

Article 4

Consumption reduction

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

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).

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

Article 7

Article 7

Marking requirements

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:

1. Member States shall ensure that 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 ***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.

- (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. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

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.

1^a 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)

Text proposed by the Commission

Amendment

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

Amendment

Article 10

Article 10

Awareness raising measures

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:

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 ***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;

(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.

(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 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).

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).

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.

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.*

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. *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 to the Commission the text of the ***main***

2. Member States shall communicate to the Commission the text of the provisions

provisions of national law which they adopt in the field covered by this Directive.

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

Amendment

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

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

Text proposed by the Commission

- Cups for beverages

Amendment

- Cups for beverages ***including their covers and lids***

Amendment 90

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

Text proposed by the Commission

- Beverage bottles

Amendment

- Beverage bottles, ***including their caps and lids***