

MOVING AWAY FROM SINGLE-USE

GUIDE FOR NATIONAL DECISION MAKERS TO
IMPLEMENT THE SINGLE-USE PLASTICS
DIRECTIVE



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EXECUTIVE SUMMARY

Plastic pollution affects even the most remote areas on the planet, with between five and 13 million tonnes of plastic estimated to end up in the ocean every year.¹ With global production of plastics already having increased more than 20 times in the past 50 years² and estimated to double again by 2035 and quadruple by 2050, the issue is ever more pressing. Single-use plastics – those designed to be used only once, often for a very short period - make up a significant proportion of these plastics.

The “*Directive on the reduction of the impact of certain plastic products on the environment*” (commonly referred to as the Single-Use Plastics (SUP) Directive) entered into force on 2 July 2019. It aims to tackle pollution from single-use plastics (and fishing gear), as the items most commonly found on European beaches.

This guide outlines the key elements of the SUP Directive and makes some recommendations on how national decision makers can best implement its provisions on single-use plastic. (A separate guide covers fishing gear and sea-based plastic pollution).

The SUP Directive in brief

The SUP Directive urges a transition away from single-use plastics, towards reusable products and systems. It addresses single-use plastic items through a range of policy measures, including market restrictions, consumption reduction, design, collection and labelling requirements and Extended Producer Responsibility (EPR) schemes, depending on the item and available alternatives.

The Directive applies to all single-use items listed, including single-use plastic items that are bio-based and/or that are biodegradable or compostable, as well as those made of different materials (multi-layered or composite materials), such as plastic-coated paper or plastic-lined cartons. It foresees **EU-wide bans** for 15 items (plates, cutlery, straws, etc.) from July 2021, as well as consumption reduction for food containers and beverage cups. The Directive offers the opportunity to scale-up reusable alternatives rather than simply switching to single-use products made of another material.

Ireland achieved a
90%
decrease when it applied a
plastic bag levy in 2002

1 Jambeck, J.R., Geyer, R., Wilcox, C., Siegler, T.R., Perryman, M., Andrady, A., Narayan, R., and Law, K.L., Plastic waste inputs from land into the ocean, *Science*, Vol.347, 2015, pp. 768–771.
2 From 15 million tonnes in 1964 to 311 million tonnes in 2014 (see Geyer, R., Jambeck, J.R., and Law, K.L., Production, use and fate of all plastic ever made, *Science Advances*, 2017.)



The Directive requires Member States to establish fee-modulated EPR schemes for a number of items (packets and wrappers, wipes, tobacco products, etc.) that will prompt systemic change in the way products are designed, produced and handled. The Directive also sets specific design requirements for beverage containers and bottles.

By 2029, 90% of bottles put on the market must be collected separately, with an intermediate target of 77% by 2025. Setting up deposit return systems (DRS) is the most effective way to achieve these targets, with refill DRS preferable to those for recycling.

The labelling and awareness-raising requirements in the Directive are essential complementary tools to the measures on reduction and collection, provided they are clear, effective and focus on available alternatives.

Finally, the data collection, monitoring and reporting obligations, together with proper enforcement of measures, are central to eliminating plastic pollution on the ground.

The Guide in brief

While outlining the main provisions of the SUP Directive, this guide makes recommendations for national decision makers to ensure that its implementation is effective, ambitious, and focused on doing the right things in the right way. Chief among these recommendations are:

- Ensure full implementation and enforcement of EU-wide bans on:
 - single-use plastic straws, cutlery, plates, stirrers, food containers, cup and beverage containers in expanded polystyrene and balloon sticks;
 - products made of oxo-degradable plastics.
- Prevent regrettable substitution by taking measures to ensure that banned items are replaced with reusable alternatives rather than single-use products in another material.
- Set ambitious quantitative targets for other items to achieve reduction and promote reuse:
 - consumption reduction targets of at least 50% by 2025 and at least 80% by 2030 for food containers and cups (including market restrictions in certain sectors, if necessary);
 - consumption reduction targets of at least 50% by 2025 and at least 80% by 2030 for other items (packets, wrappers, wipes);
 - accompanying reuse targets to boost reusable alternatives and prevent simple switches to other materials.
- Set as soon as possible, and at the latest by 2024, EPR schemes that are fully binding, include strong eco-modulation of fees and cover at least the full costs of collection, treatment, management, clean up and awareness-raising.
- Set minimum recycled content targets of at least 50% for bottles and at least 30% for other items
- Set DRS or increase the performance of existing schemes that:
 - reach 90% separate collection of bottles as soon as possible;
 - include plastic bottles, beverage cans and glass bottles;
 - can be used for both single-use and refillable bottles.
- Fully implement the marking requirements, ensuring clear and visible labelling, and extend them to other elements, such as presence of substances of very high concern (SVHCs)
- Put in place awareness-raising measures focused on consumption reduction and available reusable alternatives.
- Ensure thorough data collection and monitoring, together with strong enforcement, to assess and/or adjust measures to improve effectiveness.

INTRODUCTION

Plastic pollution affects even the most remote areas on the planet, with between five and 13 million tonnes of plastic estimated to end up in the ocean every year.³ Plastic production and consumption have far-reaching impacts on the environment, climate and human health, all along its lifecycle, from extraction and production to end-of-life disposal. Global production of plastics has increased more than 20 times in the past 50 years⁴ and is estimated to double again by 2035 and quadruple by 2050.

If this trend is to be reversed, the plastic pollution crisis requires urgent and ambitious action at local, national, regional and international level. Plastic is a growing concern for citizens worldwide: 87% of citizens in the EU are worried about the impact of plastic production on the environment, while 74% are worried about its impact on their health.⁵

Single-use plastics make up a significant proportion of these plastics. These are designed to be used only once - and often for a very short period - before being discarded. Plastic packaging represents 40% of all plastics produced and is typically single-use.

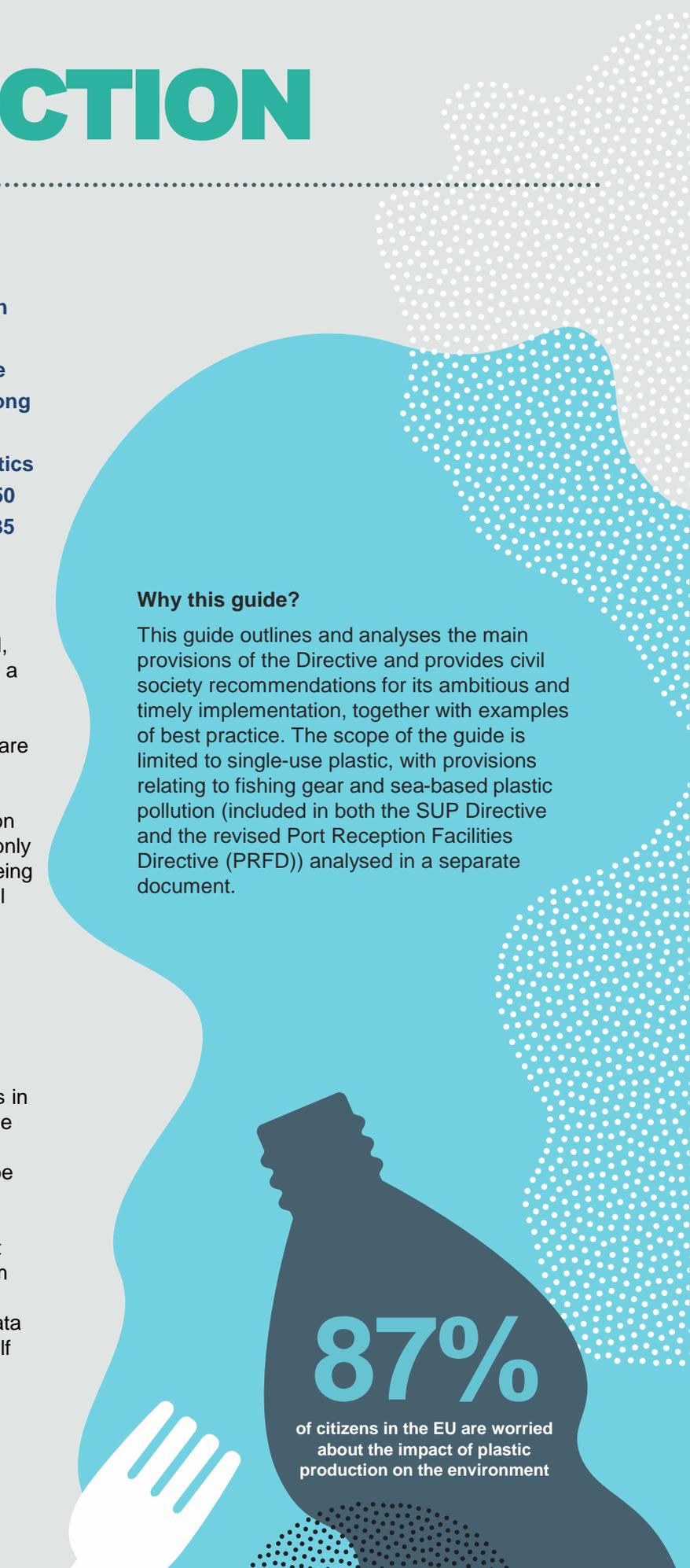
The EU Single-Use Plastics (SUP) Directive

In January 2018, the European Commission published its “European Strategy on Plastics in a Circular Economy”, which aims to rethink the ways in which plastic is produced, used and discarded. The Strategy sets out the EU commitment to ensuring that, by 2030, all plastic packaging in the EU will be designed to be reusable or recyclable.

The European Commission also announced that it would propose legislation to address pollution from the items most commonly found on European beaches – single-use plastics and fishing gear. Data show that single-use plastics account for about half (49% in 2016)⁶ of these items.

Why this guide?

This guide outlines and analyses the main provisions of the Directive and provides civil society recommendations for its ambitious and timely implementation, together with examples of best practice. The scope of the guide is limited to single-use plastic, with provisions relating to fishing gear and sea-based plastic pollution (included in both the SUP Directive and the revised Port Reception Facilities Directive (PRFD)) analysed in a separate document.



87%

of citizens in the EU are worried about the impact of plastic production on the environment

³ Jambeck, J.R., Geyer, R., Wilcox, C., Siegler, T.R., Perryman, M., Andrady, A., Narayan, R., and Law, K.L., Plastic waste inputs from land into the ocean, *Science*, Vol.347, 2015, pp. 768–771.

⁴ From 15 million tonnes in 1964 to 311 million tonnes in 2014 (see Geyer, R., Jambeck, J.R., and Law, K.L., Production, use and fate of all plastic ever made, *Science Advances*, 2017.)

⁵ Special Eurobarometer 468, Attitudes of European citizens towards the environment.

⁶ <https://seas-at-risk.org/images/pdf/publications/SeasAtRiskSummarySingleUsePlasticandthemarineenvironment.compressed.pdf>

The subsequent “Directive on the reduction of the impact of certain plastic products on the environment” (commonly referred to as the Single-Use Plastics (SUP) Directive) was proposed in May 2018. An agreement was reached between the EU legislators in December 2018, with the Directive formally adopted and published in the Official Journal in June 2019. It entered into force on 2 July 2019, beginning a two-year transposition period for EU Member States.

The Directive addresses single-use plastic items and fishing gear through a range of policy measures, including market restrictions, consumption reduction, design and labelling requirements and Extended Producer Responsibility (EPR) schemes, depending on the item and available alternatives. The Directive also foresees potential future broadening of its scope.

Scope of the Directive

The SUP Directive covers 15 single-use plastic items:

- **Cotton-bud sticks** (except those for medical purposes, related to Directives 90/385/EEC and 93/42/EEC).
- **Cutlery** - forks, knives, spoons and chopsticks.
- **Beverage stirrers.**

- **Straws** (except those for medical purposes, related to Directives 90/385/EEC and 93/42/EEC).
- **Plates** - including paper plates with plastic lining.
- **Balloons** (except for industrial or other professional uses and applications that are not distributed to consumers).
- **Sticks for balloons** (exceptions as for balloons).
- **Food containers** - single serve, intended for immediate consumption.
- **Cups for beverages** - including covers and lids.
- **Beverage containers** - with a capacity of up to three litres, including caps and lids, and composite beverage packaging (excludes glass or metal beverage containers that have caps and lids made from plastic, or beverage containers intended and used for food in liquid form for special medical purposes, as defined in Regulation (EU) No 609/2013).
- **Packets and wrappers** - made from flexible material containing, intended for immediate consumption.
- **Lightweight plastic carrier bags** - as defined in Directive 94/62/EC.
- **Tobacco products** - with filters and filters marketed for use in combination with tobacco products.
- **Wet wipes** - pre-wetted personal care and domestic wipes (excludes industrial wipes).
- **Sanitary towels** (pads), tampons and tampon applicators.

It separately addresses items made of specific types of plastics, i.e. expanded polystyrene (EPS) food containers, beverage containers and cups, and all products made of oxo-degradable plastics.



What is considered a “food container”?

Part A of the Annex to the SUP Directive defines food containers as:

- “receptacles such as boxes, with or without a cover, used to contain food that*
- is intended for immediate consumption either on-the-spot or take-away,*
 - is typically consumed from the receptacle, and*
 - is ready to be consumed without any further preparation, such as cooking, boiling or heating,*

including food containers used for fast food or other meals ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.”

Article 12 of the SUP Directive states *“.....in addition to the criteria listed in the Annex as regards food containers, its tendency to become litter, due to its volume or size, in particular single-serve portions, shall play a decisive role.”*

Recital 12 also states that *“In view of the criteria set out in the Annex, examples for food containers to be considered as single-use plastic products for the purposes of this Directive are fast-food containers or meal, sandwich, wrap and salad boxes with cold or hot food, or food containers of fresh or processed food that does not need further preparation, such as fruits, vegetables or desserts.”* Although not legally binding, the Recitals inform the interpretation of the legislation (Case C-162/97, Nilsson, [1998] ECR I-7477, para. 54.)

Recital 12 adds that *“Examples of food containers that are not to be considered as single-use plastic products for the purposes of this Directive are food containers with dried food or food that is sold cold requiring further preparation, containers containing food in more than single-serve portions or single-serve portion-sized food containers sold in more than one unit.”*

Our recommendation

Member States must pay close attention to the definition of food containers in their national legislation so as to avoid loopholes that reduce its scope. For example, Member States should ensure that food packaging and product producers do not use the serving portion criteria to exclude relevant food containers, for example by claiming that it contains two servings where it is actually intended for a single-serve or would realistically be consumed by one person. The main criteria should remain that these containers are sold/distributed for immediate consumption, with the number of servings largely irrelevant.

Article 3 of the SUP Directive defines “plastic” and “single-use plastic”, clarifying its scope:

“plastic” means a material consisting of a polymer as defined in point (5) of Article 3 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”. In addition, Recital 11 explicitly states that “plastics manufactured with modified natural polymers or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive.” It adds “The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics, regardless of whether they are derived from biomass or are intended to biodegrade over time.”

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

The Directive thus includes single-use plastic items that are bio-based and/or that are biodegradable or compostable, as well as those made of different materials (multi-layered or composite materials), such as plastic-coated paper or plastic-lined cartons.

“Oxo-degradable plastic” means plastic materials that include additives which, through oxidation, lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition.”

Included in scope	Not included in scope
Bio-based plastics	Glass and metal beverage containers
Biodegradable/compostable plastics	Microplastics
Multi-layer/composite plastics	Paints, inks and adhesives

Coherence with the Waste Framework Directive and the Packaging and Packaging Waste Directive

Article 2 of the SUP Directive states that its provisions will prevail in the event of a conflict with the EU Waste Framework Directive (WFD) or the EU Packaging and Packaging Waste Directive (PPWD). The PPWD establishes that packaging compliant with the requirements set out in the Directive shall be allowed to circulate in the single market (under the principle of free movement of goods) without any barriers from Member States, meaning that Member States cannot (in principle) ban certain packaging as long as it complies with the Directive. For the items covered by the SUP Directive, however, compliance with the SUP Directive cannot be argued to block access to the single market.

Member States thus have discretion to introduce whatever measures they deem suitable to implement provisions, as long as the measures are proportionate and not discriminatory (e.g. do not target the industry of one Member State). Article 4, for example, states that national market restrictions or levies can be placed on single-use plastic cups and food containers to reduce their consumption.

TOWARDS AN AMBITIOUS REDUCTION IN SINGLE-USE PLASTICS

For the single-use plastic products for which reusable alternatives (or substitutes in another material) are available, the SUP Directive foresees market restriction from July 2021. Where alternatives are not as widely available, the Directive instead requires ambitious reductions in consumption.

Article 5 – EU market restrictions What single-use plastic products are banned?

Article 5 of the SUP Directive states that “*Member States shall prohibit the placing on the market of the single-use plastic products listed in Part B of the Annex and products made from oxo-degradable plastic.*” From July 2021, a ban will apply across the EU market for the following products:

- Cotton-bud sticks.
- Cutlery (forks, knives, spoons, and chopsticks).
- Beverage stirrers.
- Straws.
- Plates.
- Sticks for balloons.⁷
- Food containers, beverage containers and cups in expanded polystyrene (EPS).

The Directive foresees exemptions to these bans for cotton-bud sticks and straws used for medical purposes (i.e. where they are used as medical devices).⁸

The provisions of the Directive apply to conventional plastics, bio-based plastics and biodegradable or compostable plastics, as well as to composite materials. Single-use plastic cutlery made partly or fully from bio-based plastic and paper plates with plastic lining will also be banned from the EU market from July 2021.

The Directive defines placing on the market as “*the first making available of a product on the market of a Member State*”, where making available is defined as “*any supply of a product for distribution, consumption or use on the market of a Member State in the course of a commercial activity, whether in return for payment or free of charge.*” The market restriction therefore applies regardless of the channel of distribution (whether physical or online) or the

imposition of a fee.

Switch to reusable products to avoid “regrettable substitution”

Reusable alternatives to these single-use plastic items are widely available across Europe. Member States should not only promote and support the use of these reusable options rather than single-use substitutes made of another material, but they should seek to do so before the market restrictions enter into force in July 2021.

Moving away from single-use plastic products is a clear objective of this Directive and the legislators.⁹ Replacing single-use plastic items with single-use items made of paper or wood, for example, would be a missed opportunity, failing both the waste management hierarchy and the circular economy. For instance, reusable cutlery should be preferred over single-use wood or bamboo cutlery. For on-site consumption, countries should adopt measures to oblige (or at least strongly incentivise) the use of reusable cutlery, plates, straws and stirrers.

Examples of legislation banning all single-use tableware for on-site consumption



In August 2019, **Taiwan** announced that restaurants at department stores, malls and hypermarkets would no longer be allowed to offer single-use tableware to eat-in customers. This ban covers 150 hypermarkets, 180 department stores and shopping centres.

In January 2019, the city of **Berkeley, California** adopted an ordinance requiring restaurants and cafés to provide only reusable plates and utensils for their eat-in customers.

Reusable systems - options available

Traditional reuse systems provide straightforward solutions, with single-use plastic cutlery, stirrers, straws and plates replaced with familiar reusables, commonly made from stainless steel or ceramics.

⁷ Sticks to attach to and support balloons, except balloons for industrial or other professional uses and applications (including their mechanisms), that are not distributed to consumers.
⁸ Cotton-bud sticks and straws falling within the scope of Council Directive 90/385/EEC or Council Directive 93/42/EEC.

⁹ Recital 2 highlights that “this Directive promotes circular approaches that prioritise sustainable non-toxic reusable products and reuse systems over single-use products, aiming first and foremost at a reduction of waste generated.” Recital 14 also emphasises that “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 reuse and recycling.”

For consumption “on-the-go”, including at outdoor events and festivals, deposit-return schemes (DRS) can be put in place for reusable cutlery, plates, food containers and cups. Alternatively, consumers could be encouraged to bring their own reusable cutlery, food containers and cups through economic incentives, such as a discount. New ideas abound across Europe and beyond to facilitate the use of reusable delivery systems for food and beverages, and these initiatives should be promoted and supported.

Examples of good practices for reusables “on-the-go” and at events or festivals



ReCircle - in Switzerland (and more recently in Germany), ReCircle has put in place a DRS for food containers with 800 partner restaurants. It also introduced two cutlery options: a spoon, knife and fork in one utensil (“spork”) and a polypropylene set of reusable knife, fork and spoon that click together for easy transport (“Smart To Go”).

LessMess - in the UK, LessMess trialed a DRS, providing reusable plates and cutlery at one-off events and festivals. Reusable plates are rented to all caterers at the event. People pay a deposit for the plate/cutlery when buying their meal and are refunded when the items are returned to a centralised washing facility on-site.

Ban on oxo-degradable plastic products

The SUP Directive foresees a ban on all products (not just single-use plastic products) made of oxo-degradable plastic from July 2021. Oxo-degradable plastics are conventional polymers (e.g. LDPE) with chemicals (including heavy metals) added to accelerate the oxidation and fragmentation of the material under UV light and/or heat and oxygen.

Although presented and marketed as biodegradable, a significant body of evidence suggests that, in reality, oxo-degradable plastics simply break down into small fragments and contribute to harmful microplastic pollution.¹⁰ Stakeholders, including plastic packaging producers and waste managers, broadly agree

that such products no longer have a place in the market.

Article 4 – Consumption reduction

The SUP Directive requires Member States to “*take the necessary measures to achieve an ambitious and sustained reduction in the consumption of*” food containers and cups for beverages (and their cups and lids). According to the Directive, “*those measures shall achieve a measurable quantitative reduction in the consumption (...) by 2026 compared to 2022.*”

The Directive specifies that EU Member States can adopt the following measures (among others) to achieve this reduction:

- National consumption reduction targets.
- Measures ensuring that reusable alternatives to single-use plastic cups and food containers are made available at the point of sale to the final consumer.
- Economic instruments, such as instruments ensuring that single-use plastic products are not provided free of charge at the point of sale to the final consumer.
- Marketing restrictions to ensure that single-use plastic cups and food containers are substituted with alternatives that are reusable or do not contain plastic.

Member States can choose the measures to implement in their country, according to the specific national context. A combination of these and other measures is likely to be most effective in achieving significant reductions. The following sections present some of the most promising measures, although the specifics will vary due to local conditions.

We strongly support that the ultimate goal is a full ban on single-use cups and food containers, in order to fully eliminate negative impacts from these products. This includes cups and food containers made from conventional, bio-based plastics and compostable plastics, as well as composite materials. The gradual and ambitious consumption reduction mandated over the next decade should be used to continuously build and scale-up reusable systems for these items in order to facilitate an eventual full ban.

Consumption reduction targets

With data currently lacking, governments have until 2022 to establish baselines for the consumption of cups and food containers that will allow for 2026 assessment of the reductions achieved.

We support the establishment of the following binding targets: 50% reduction by 2025 and 80% reduction by 2030. The inclusion of data on measures taken and products placed on the market within Member States' annual reports to the Commission would allow regular checks on consumption reduction and additional measures could be put in place where necessary. Rather than the vague aim of achieving an "ambitious reduction", quantitative targets have the benefit of clarifying the types of measures needed and the degree to which they should be utilised, as well as ensuring simple, clear monitoring and reporting. The reduction targets of 50% by 2025 and 80% by 2030 are in line with the impact assessment¹¹ accompanying the Commission's proposal for a Directive on single-use plastics and fishing gear, and are similar to those set in the Plastic Bag Directive.¹²

Having clear and binding quantitative targets creates greater certainty for investors and new business model development. In the absence of such targets, business-as-usual will likely prevail, resulting in a lack of confidence in investment in this area and preventing the creation of long-term green jobs.

Finally, citizens across Europe have responded very positively to the reduction in the use of single-use plastic bags and are demanding strong action against plastic pollution. In 2017, 87% of EU citizens noted their worries about the impact of plastic on the environment, while 74% were concerned about health impacts.¹³

Reuse targets in parallel

To be more effective, the establishment of quantitative reduction targets should be accompanied by reuse targets. Indeed, the reduction of single-use plastic items (notably cups and food containers) goes

hand-in-hand with increased uptake of reusable options.

The reduction in the consumption of single-use plastics should not promote their substitution with single-use items in other materials but, rather, increased use of reusable versions of those items. Recitals 2 and 14 (quoted above) clearly state that reusable products and systems should be prioritised over single-use products, regardless of the material used. The mandatory establishment of EPR for packaging will facilitate the setting and monitoring of reusable targets.

Example of legislative reuse targets



A 2018 regional law¹⁴ in Navarra (Spain) requires businesses in the hotel, retail and catering (HORECA) sector to serve 80% of beer, 70% of soft drinks and 40% of water in reusable containers, by 2028. By the same deadline, 15% of beverage containers sold in shops must be reusable. The Balearic Islands have recently set similar requirements, with a deadline of 2030.¹⁵

Targets for other products

Rethink Plastic strongly encourages countries to set quantitative reduction and reuse targets for other single-use plastic products covered by the Directive and beyond. The 2018 reform of the Packaging and Packaging Waste Directive¹⁶ obliges Member States to take measures to increase the share of reusable packaging placed on the market, as well as systems to reuse packaging. Related measures include, "the setting of a minimum percentage of reusable packaging placed on the market every year for each packaging stream."

¹¹ https://ec.europa.eu/environment/circular-economy/pdf/single-use_plastics_impact_assessment.pdf

¹² The targets of 90 bags per inhabitant by the end of 2019 and 40 bags per person by the end of 2025 are equivalent to a 50% reduction in a four-year timeframe and 80% in a 10-year timeframe, compared to the 198 bags consumed by European inhabitants when the legislation was adopted. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015L0720>

¹³ Flash Eurobarometer 388, 2014.

¹⁴ <https://www.boe.es/buscar/pdf/2018/BOE-A-2018-8953-consolidado.pdf>

¹⁵ <https://www.boe.es/eli/es-ib/l/2019/02/19/8>

¹⁶ Article 5 of Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018L0852>

Consumption reduction targets would be particularly relevant for beverage containers, packets and wrappers and wet wipes, and would also help to scale-up the alternatives already available.

Market restrictions in specific locations or sectors

One of the quickest and most effective ways to reduce the consumption of cups and food containers is to place restrictions in certain high-volume locations or sectors, such as bans on on-site consumption in the HORECA sector and green public procurement policies in public buildings, administrations and during their events. This would be entirely in line with the rationale of the SUP Directive, which bans single-use plastic items where alternatives are widely available.

Belgian legislation banning single-use cups, cans and bottles at public events



In 2019, the Belgian region of Flanders adopted a law¹⁷ prohibiting local authorities from serving drinks in disposable cups (regardless of the material), cans and PET bottles in the workplace and at public events. This prohibition similarly applies to non-municipal events, such as school parties, local community fairs and festivals, unless the organisers can ensure the separate collection and recycling of at least 90% of those items (95% by 2022).

Economic incentives and other measures

Economic incentives can play a big part in reducing the consumption of single-use plastic. The establishment of a fee or levy on plastic bags has led to significant reductions in countries that applied such measures broadly, thoroughly and with strong awareness-raising campaigns. For example, Ireland achieved a 90% decrease when it applied a plastic bag levy in 2002¹⁸. The levy also had a positive impact on the environment, with plastic bags accounting for 0.13% of litter pollution in 2015, compared to some 5% in 2001. The levy also generated EUR 200 million over 12 years, with the revenue going to environmental projects managed by an environmental fund.¹⁹

Similar levies are beginning to be established for cups and these now need to be scaled-up. Levies can also be brought in for food containers to incentivise consumers to go for a reusable option, whether brought from home or provided through a DRS. Discounts for consumers that bring their own cups or containers are also a good incentive to switch to reusable solutions. Cafes and restaurants that have started to establish such policies report positive consumer reaction. A 2017 EU barometer found that 61% of respondents believed that consumers should pay a surcharge for single-use plastic items.

Taxing plastic²⁰



Taxes can play an important role in changing behaviours, reducing production and consumption. A tax could be levied at various parts of the plastic production, conversion, consumption and waste chain, depending on the main purpose of the tax (reduction of overall production, changing producers' practices, changing consumer behaviour, etc.).

There is no single plastics problem, as the plastic chain is long and complex. In practice, therefore, "a plastics tax" may actually be a suite of taxes, each designed to elicit a particular behavioural response from a section of the chain, including producers and consumers.

Any tax should be targeted, effective, equitable, progressive, transparent and based on the polluter pays principle.

While discounts can contribute to increased use of reusables, DRS are a more effective means of engaging people and uplifting reusables. Like beverage bottles (see section on separate collection), DRS can be set up for cups and food containers, with the consumer paying a surcharge for the reusable cup or food container. That deposit is then refunded on return of the reusable cup or food container to a designated location.

¹⁷ <https://www.vlaanderen.be/nbwa-news-message-document/document/090135578027434e>

¹⁸ Convery and McDonnell, 2007.

¹⁹ Anastasio and Nix, 2016.

²⁰ More information on the issue of taxing plastic can be found in the Rethink Plastic Alliance report "The Price is right...or is it?" Available at: http://zerowasteurope.eu/wp-content/uploads/2018/09/PlasticsTax_FINAL.pdf

DRS for cups and food containers



ReCup is a DRS for coffee cups that was established in Germany in 2016. Today, it has over 2,700 partner vendors in over 450 cities, each listed on its app and website. Consumers pay a EUR 1 deposit for a reusable polypropylene cup available in three sizes (200ml, 300ml or 400ml), which is refunded on return of the cup (for washing) to one of the partner vendors.

Deliveround

Together with the city of Hasselt (Belgium) and food delivery service Deliveroo, NGO Recycling Network Benelux is working on a circular solution for delivering meals in reusable food containers. Research is focusing on how to set up an efficient and competitive system, which will then be tested in Hasselt.

ECOBIX is a DRS for food containers, established in Luxembourg and with close to 100 participating restaurants. The ECOBOX is made of recyclable PBT (Polybutylene terephthalate) and is available in two sizes (500ml and 1 litre). Reusable cutlery is also provided as an option.

Tiffin boxes - “Tiffin boxes” were first used in Mumbai (India), with 200,000 meals now delivered in reusable stainless steel tiffin tins each day. The system has been brought to Belgium, where more than 1,000 “Tiffin” members save 1.5 tonnes of food packaging waste each year and EUR 20,000 in the purchase of disposable containers. The UK has also begun to use the tiffin system.



WE CALL ON GOVERNMENTS TO:

- Fully implement the market restrictions on single-use plastic cotton buds, cutlery, plates, stirrers, balloon sticks and EPS cups, beverage containers and food containers.
- For single-use plastic cups and food containers, set binding targets of 50% consumption reduction by 2025 and 80% by 2030, with the eventual aim of implementing a full market ban.
- Set market restrictions for food containers and cups in specific sectors (e.g. HORECA and through green public procurement) and locations (e.g. public events) to achieve reduction targets.
- Set binding quantitative reuse targets to accompany the consumption reduction targets.
- Set consumption reduction targets for other single-use plastic items.

Reusables and Health



Hygiene requirements

Customers may hold incorrect perceptions about the hygiene risks (mainly believed to be bacteriological) linked to reusables and these health concerns must be addressed by reuse schemes.

High-quality washing facilities and well-designed transport and storage systems are proven to meet the health requirements in the case of many well-established reuse systems, including for high-risk products such as milk. The reality is that reusable tableware is normal for customers in restaurants and other hospitality areas, without any such hygiene concerns.

Possible legal barriers to the use and scaling-up of reusables (including bring-your-own) should be removed.

Toxic-free design

There are growing concerns about the health impacts of harmful chemicals (e.g. endocrine disruptors) leaking from plastics into food, beverages and the environment, notably from single-use plastic packaging.

More inert reusable materials, such as unlined stainless steel and glass, greatly reduce consumers' exposure to substances of concern. Whether single-use, reusable plastic or another material, the product development process and end product must be free from harmful chemicals.

In priority, should be phase out substances classified as hazardous under Regulation (EC) 1272/2008 (Classification, Labelling and Packaging (CLP) Regulation), or identified as substances of very high concern (SVHCs) under the Regulation (EC) 1907/2006 (Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation), or on the "SIN list".²¹

²¹ The SIN list is explained at: <https://chemsec.org/sin-list/>

REDESIGNING PRODUCTS AND SYSTEMS

Extended Producer Responsibility schemes

Well-designed Extended Producer Responsibility (EPR) schemes with strong fee modulation can be an effective instrument in bringing about systemic change in the way products are designed, produced and handled. Obliging them to take responsibility for the environmental and social costs of their products creates an incentive for producers to rethink product design so as to limit lifecycle impacts and reduce those costs. The polluter pays principle is fundamental to European law, laid out in Article 191(2) of the Treaty on the Functioning of the European Union (TFEU). In addition, 94% of European citizens believe that big polluters should be held responsible for the environmental damage they cause, with 65% “totally agreeing”.²²

EPR schemes typically focus on end-of-life costs, i.e. those associated with waste collection, disposal and recycling. This should encourage companies to

improve their efforts in waste prevention and circular design, through designing products and systems that reduce the number of items discarded (e.g. reusable and/or refilling systems) and setting up more effective collection schemes (e.g. DRS).

There are environmental and social risks at each stage of the product lifecycle, from resource sourcing and production, to manufacturing, distribution and sales. This is captured in the OECD’s definition of EPR as *“the concept that manufacturers and importers of products should bear a significant degree of responsibility for the environmental impacts of their products throughout the product lifecycle, including upstream impacts inherent in the selection of materials for the products, impacts from the manufacturers’ production process itself, and downstream impacts from the use and disposal of the products”*.²³ As such, EPR schemes should not be limited to covering end-of-life costs.

Plastic crisis is not a litter problem



Recent revelations about the trade in plastic waste have confirmed that the responsibility for poor behaviour rests primarily with producers rather than consumers. More and more cases are coming to light of significant amounts of plastic waste from the Global North (including waste collected separately in recycling bins) being exported to the Global South to be “recycled”. Evidence suggests that these may not ever actually be recycled, instead ending up in landfill or in the environment, where they have a significant impact on local communities in the Global South.

Plastic producers have increased their production twenty-fold since 1964. Many fast-moving-consumer-goods (FMCG) companies have flooded supermarkets with unnecessary, problematic and excessive throwaway packaging and products, leaving few alternatives for consumers. These companies have chosen to make their products single-use and often unrecyclable, with consumers having no choice but to throw them away. Globally, of all of the plastic ever created, only 9% has been recycled.²⁴ Those same companies often use chemical additives that can leak into the environment and into food.

To date, the plastic pollution crisis has been framed as a “litter” problem, a consumer responsibility that could be fixed with awareness raising and better waste management. Recent years have seen marketing and communication campaigns calling on citizens to support clean-up efforts, stop littering and recycle more. This diverts attention from both the real problem and the real solutions, starting with production and consumption reduction and redesign of products, which lie chiefly in the hands of producers, investors and decision makers.

For too long, citizens in Europe and worldwide – particularly in the Global South - have borne the brunt of the responsibility for pollution they have not created. It is now clear that the plastic pollution crisis is not a litter problem. Decision makers, citizens and companies all have a role to play in implementing solutions.

²² Eurobarometer 748.

²³ OECD, Group on Pollution Prevention and Control: Extended and Shared Producer Responsibility – Phase 2: FRAME WORK REPORT, 1998. Available at: [https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=env/epoc/ppc\(97\)20/rev2](https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=env/epoc/ppc(97)20/rev2)

²⁴ Geyer, R., Jambeck, J. and Law, K., Production, use, and fate of all plastics ever made. Science Advances, 2017. Available at : 3. e1700782. 10.1126/sciadv.1700782.

Lifecycle framing can be put in place by incentivising responsible upstream product design choices, while ensuring downstream improvements of collection and recycling infrastructure that facilitate high reuse of products, components and materials. This regenerative (cradle-to-cradle) approach would bring countries closer to achieving a zero-waste economy.

EPR is at the core of the implementation of the SUP Directive and these schemes must be set up so as to maximise its transformative potential. Of particular importance is the eco-modulation of fees, where producers pay costs according to a range of product design criteria that have potential impacts across the

product's lifecycle (e.g. toxicity, durability, reusability, reparability).

EPR provisions under the SUP Directive

EPR schemes for single-use plastic items are divided into **three groups** according to the products covered. They are to be established by the end of 2024 (except for tobacco products, which are due at the beginning of 2023). Similarly, Member States shall ensure that, as a minimum, the producers of these products cover the following costs shown in table 2 respective to each grouping.

GROUP 1 ²⁵	GROUP 2	GROUP 3
<p>PRODUCTS</p> <p>Food containers</p> <p>Packets and wrappers</p> <p>Beverage containers with a capacity of up to three litres</p> <p>Lightweight plastic carrier bags</p> <p>Drink cups</p>	<p>PRODUCTS</p> <p>Wet wipes²⁶</p> <p>Balloons²⁷</p>	<p>PRODUCTS</p> <p>Tobacco products with filters and filters marketed for use in combination with tobacco products</p>
<p>COSTS</p> <p>Awareness-raising measures</p> <p>Clean up, transport and treatment of litter from those products</p> <p>Waste collection, transport and treatment of those products discarded in public collection systems, including infrastructure and its operation</p>	<p>COSTS</p> <p>Awareness-raising measures</p> <p>Clean up, transport and treatment of litter from those products</p> <p>Data gathering and reporting</p>	<p>COSTS</p> <p>Awareness-raising measures</p> <p>Clean up, transport and treatment of litter from those products</p> <p>Data gathering and reporting</p> <p>Waste collection, transport and treatment of waste from those products discarded in public collection systems, including infrastructure and its operation.</p>

²⁵ Packaging is already covered by the EU Packaging and Packaging Waste Directive - these are additional measures.

²⁶ With the exception of industrial wipes (i.e. just pre-wetted personal care and domestic wipes).

²⁷ With the exception of those used for industrial or professional applications.

The EPR requirements also apply to composite materials, e.g. paper cups with plastic lining. We therefore recommend that EPR should also cover beverage cans, as they include a plastic layer. Cans are single-use drink containers often found in the environment, so their inclusion in EPR schemes would benefit the environment and also ensure a level playing field between companies selling drinks in cans and those selling drinks in bottles. This would also prevent a simple shift from small single-use

bottles to cans, which also have a considerable impact on the environment.

Implementation of EPR schemes

The measures established under the SUP Directive apply in addition to the requirements established under the WFD (Directive 2008/98/EC). All EPR schemes must be established in accordance with Articles 8 and 8a of the WFD.

Minimum requirements for EPR schemes



Articles 8 and 8a of the WFD establish the minimum compliance requirements for Member States when setting up EPR schemes at national level and for producers (and all actors involved) in implementing EPR schemes for products.

Member States must guarantee that each of the following aspects is integrated into their national EPR schemes:

Structure/logistics:

- Transparency: clear roles/responsibilities of all actors involved.
- Targets: set waste management, qualitative or quantitative targets.
- Reporting system must be in place.
- Equal treatment among producers, regardless of their size, etc.
- Information on waste prevention and reuse measures must be given to “waste holders”.
- Monitoring and enforcement must be adequate.
- Inclusion: regular dialogue between relevant stakeholders (e.g. local authorities, civil society).

Producers'/Producers' Responsibility Organisation obligations:

- Products/materials covered under EPR schemes are clear and defined.
- Geographical areas covered by EPR schemes are clear and defined.
- Appropriate availability of waste collection systems provided by the producer within its geographical area under EPR schemes.
- Appropriate financial and organisational means are provided by the producer.
- Adequate control mechanisms are put in place by the producer to check the financial management of the EPR scheme, as well as the quality of the data collected.
- Information on EPR schemes is made publicly available by producers, including achievement of targets, ownership and membership (in case of collective schemes), financial contributions and waste management operation procedures.

EPR minimum requirements (financial):

- EPR schemes must:
- Cover the costs of separate collection and subsequent transport and treatment of waste.
- Cover the costs of sharing and exchanging information.
- Cover the costs of data gathering.
- Be modulated according to durability, repairability, reusability, recyclability and the presence of hazardous substances in products/waste.
- Establish costs in a transparent way between the actors concerned.

Steps towards effective EU-wide EPR schemes

The products addressed in the SUP Directive were selected because of their particularly detrimental environmental impacts. It is therefore critical for Member States to establish EPR schemes far sooner than the 2024 deadline outlined. We recommend that such schemes be established by the end of the transposition period (July 2021). Member States must ensure that EPR schemes are set up effectively, i.e. that they incorporate three key factors, outlined below.

1. Fully binding and independent auditing: The SUP Directive establishes that EPR schemes for Groups 1 and 2 can be put in place through voluntary agreements with the producers/sector. However, voluntary agreements risk insufficient application or a relaxing of the minimum requirements set out under Article 8a WFD. Past experience suggests that such agreements do not lead to the results needed to reduce plastic waste.

Industry self-monitoring should be avoided entirely, with Member States instead incorporating third party auditing into compliance schemes to ensure full transparency of their operations and reporting, verified annually by independent auditors. Those tasked with oversight must be sufficiently resourced to carry out the role comprehensively. Between 2017-18, the Environment Agency in the UK carried out unannounced site visits on just 1.4% of accredited English recyclers and exporters, due to under-resourcing.²⁸

2. Eco-modulation of fees: Modulation of fees is essential to incentivise better product design. It could contribute towards an absolute reduction in plastic, shift towards reusable models and phasing out of hazardous substances in plastics. Fees must be sufficiently differentiated along a sliding scale to provide a clear incentive that tips the cost-benefit analysis in favour of reduction (discouraging overpackaging, for instance), reusable/refillable products, those free from hazardous chemicals, and recyclable packaging design choices.

The recent revision of the WFD sets out the possibility of introducing fee modulation based on products' environmental performance (known as eco-modulation). The European Commission is to prepare guidelines on the setting of modulation criteria under Article 8a(4) of the WFD.²⁹ While eco-modulation already exists in several countries, it is far from delivering its full potential to support circularity. Within the EU's existing EPR systems, reuse, recycling and other forms of recovery are all accorded equal treatment, which fails to reflect the objectives of either the circular economy or the waste hierarchy. Member States now have an important opportunity to reassert the waste hierarchy when introducing new EPR schemes.

From 2020, for example, France will introduce a specific eco-modulation related to the "maturity of the recycling stream" (with a bonus-malus system ranging from 10 to 100% of the fees) to take into account whether or not plastic packaging is likely to be recycled. This means that plastic packaging that is technically recyclable but does not yet have a mature recycling stream will incur a higher fee (than, for example, PET bottles).

The European Commission is currently developing guidance on the eco-modulation fees for EPR schemes (Article 8(5) of the WFD),³⁰ in parallel with its work to revise the essential requirements for packaging under the PPWD (i.e. the minimum requirements under which a type of packaging can be placed on the EU market).

Eco-modulation recognises that reuse is the most resource-efficient inner loop, retaining all the value of materials, and could thus become a driving force to support reusable packaging.³¹ Systematic support for reuse through EPR systems will also help Member States to generate the reuse achievements that are mandatory under the WFD.³²

²⁸ <https://www.nao.org.uk/wp-content/uploads/2018/07/The-packaging-recycling-obligations.pdf>

²⁹ In the case of collective fulfilment of EPR obligations, these are modulated, where possible, for individual products or groups of similar products, by taking into account their durability, reparability, reusability, recyclability and the presence of hazardous substances. This lifecycle approach is aligned with the requirements set by relevant Union law and is based, where available, on harmonised criteria to ensure smooth functioning of the internal market.

³⁰ The Commission shall publish guidelines, in consultation with Member States, on cross-border cooperation concerning extended producer responsibility schemes and on the modulation of financial contributions referred to in point (b) of Article 8a(4). Where necessary to avoid distortion of the internal market, the Commission may adopt implementing acts in order to lay down criteria with a view to the uniform application of point (b) of Article 8a(4), but excluding any precise determination of the level of the contributions.

³¹ https://www.ellenmacarthurfoundation.org/assets/downloads/New-Plastics-Economy_Catalysing-Action_13-1-17.pdf

³² Article 9 of Directive (EU) 2018/851 of 30 May 2018 amending Directive 2008/98/EC on waste.

Factors beyond recyclability should be considered in the development of eco-modulation systems, particularly for reuse and waste prevention:

- Prioritising waste prevention and reusable packaging.
- Transparency about the chemical composition of packaging articles.
- Materials free from substances classified as hazardous under Regulation (EC) 1272/2008 (Classification, Labelling and Packaging (CLP) Regulation), or identified as substances of very high concern (SVHCs) under the Regulation (EC) 1907/2006 (Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation), or on the “SIN list”.³³
- Sustainable sourcing for packaging materials, based on a verifiable certification scheme (e.g. Forest Stewardship Council (FSC) for wood-based packaging).
- Presence of a DRS or an appropriate collection system for a product intended to be reused.
- Recycled content beyond a threshold value outperforming the market average (based on a verifiable certification scheme).
- Third-party verification for compliance with the essential requirements.
- Public access to recycling infrastructure (e.g. where 100% of the population has access to collection and a commercially available recycling process for the entire article).

Fees must be unit-based rather than tonnage-based. Tonnage payments create an incentive for producers to reduce the weight of packaging but this could lead to a shift towards flexibles, which are much harder to mechanically recycle. Examples from Europe show that weight-based fee structures have led to a focus on light-weighting, rewarding lighter but less recyclable materials.³⁴ This was the case in Sweden, where packaging EPR schemes led to a 50% reduction in average packaging weight, attributed to an increase in use of hard-to-recycle plastic laminates. Unit-based fees are used by the French EPR scheme, which is now considering modulation by consumer sales unit (CSU), i.e. a conditioned product unit that a consumer can buy separately. For drinks sold by pack but that can be separated, for example, each bottle represents one CSU.³⁵

Revenues generated from EPR systems should be invested in: 1) covering the costs of collection, treatment and clean up (including littering); and 2) providing a “Fund for Change” to support a transition to circularity, prioritising prevention and reuse. The investment of EPR fees should not result in a lock-in to the consumption of inefficient single-use products.

3. Covered costs: EPR measures must take into account the impact of products throughout their lifecycle, including but not limited to, end-of-life costs. The “upstream” costs associated with design choices and manufacturing can be addressed by applying best practice in sustainability throughout the supply chain. This could include sustainable forestry, maximising recycled content, ensuring best practices in pre-production pellet loss prevention and encouraging the use of renewable energy in packaging manufacture. In line with the waste hierarchy, prevention and reduction of virgin materials can be viewed as the most effective tool to reduce these upstream risks, in parallel with design for reuse.

Obliging producers to pay the end-of-life costs in full creates a crucial incentive for companies to redesign their products with circularity in mind, prompting the development of sustainable business models, including reuse systems. End-of-life costs could differentiate between costs associated with products collected through official collection services for disposal (landfill, recycling, incineration, etc.) and the clean-up costs associated with leakage into the natural environment (littering, spillage during collection).

Ensuring that producers bear the entirety of the clean-up costs of leaked items will encourage them to work with municipalities to ensure collection of their products. At the moment, these costs are absorbed by local authorities, private actors (such as the tourism and fisheries industries) and members of the public. UK municipalities spend approximately EUR 18 million each year removing beach litter, while municipalities in the Netherlands and Belgium spend approximately EUR 10.4 million per year on this task.³⁶ In addition, the costs of specific infrastructure for collection of post-consumption waste must be factored in, such as appropriate waste receptacles for

³³ The SIN list is explained at: <https://chemsec.org/sin-list/>

³⁴ Institute for European Environmental Policy, EPR in the EU Plastics Strategy and the Circular Economy: A focus on plastic packaging, 2017. Available at: <https://ieep.eu/uploads/articles/attachments/9665f5ea-4f6d-43d4-8193-454e1ce8ddfe/EPR%20and%20plastics%20report%20IEEP%2019%20Dec%202017%20final%20rev.pdf?v=63680919827>

³⁵ CITEO, Rates for packaging recycling, 2018. Available at:

https://www.citeo.com/sites/default/files/inside_wysiwyg_files/Rate%20table%202018%20packaging%20english%20february%202018.PDF

³⁶ Mouat, J., Lopez Lozano, R. and Bateson, H. Economic Impacts of Marine Litter [report], KIMO, 2010. Available at: http://www.kimointernational.org/wp/wp-content/uploads/2017/09/KIMO_Economic-Impacts-of-Marine-Litter.pdf

tobacco waste products in common litter hotspots.

EPR fees should not be used to finance inefficient waste collection and processing systems but, rather, to support a full transition away from single-use packaging and towards reusable solutions, ensuring that all packaging placed on the market is part of a circular and zero-waste economy. In order to create a truly circular economy, preference should be given to packaging that can be recycled within a closed-loop system into an equivalent application (e.g. food-grade PET to food-grade PET) rather than downcycled into lower value materials (e.g. for use in park furniture). Although preferable to landfill or incineration, such solutions risk perpetuating linear, single-use systems rather than incentivising packaging designed for reuse.

Similarly, chemical recycling and “plastic to oil”

take emphasis away from design for reuse and perpetuate the demand for hard-to-recycle single-use packaging, such as crisp packets, food pouches and film.⁴⁰

Other environmental factors should be considered when formulating best practices in recycling. Mechanical recycling in closed loops is the most value-preserving and maintains the range of possible applications in future loops.⁴¹ Chemical recycling can demand high energy usage: for example, the hydrolysis method of chemical recycling (involving a reaction of PET with water in an acid, alkaline or neutral environment, leading to total depolymerisation into its monomers) requires high temperatures (200-250°C), high pressures (1.4-2 MPa) and a long time to complete depolymerisation,⁴² while pyrolysis and gasification require even higher temperatures, up to 1,500°C.⁴³

Clean-up costs as part of EPR schemes



In Ireland, EPR schemes do not subsidise the cost of litter clean-ups or street bin collections. There are around 100,000 tonnes of litter and street bin waste every year, with disposal paid for by local authorities (thus, taxpayers). According to the Dublin Litter Management Plan 2016-2018, there are 17,147 tonnes of litter and street bin waste in Dublin and the Dublin City Council spend around EUR 20 million of their litter budget on clean up and bins. This equates to EUR 1,166 per tonne, compared to the producers/brands that place the packaging on the market but who pay fees of just EUR 89/tonne under Ireland’s EPR scheme.

According to a 2010 study in the Netherlands, clean-up costs for litter amount to EUR 250 million.³⁷ Municipalities and other public area managers (chiefly, local authorities) together pay 95.6% of the bill, which amounts to EUR 239 million. All of these costs are eventually paid by the taxpayer.

A study commissioned by the Public Waste Agency of Flanders (OVAM) found that the clean-up costs for litter in Flanders, Belgium increased from EUR 61 million in 2013 to EUR 103 million in 2015³⁸ (or EUR 16 per Flemish citizen). The amount of litter had increased by 40% between 2013 and 2015, amounting to 24,441 tonnes. Municipalities carry the highest financial burden (about EUR 176 million, or 94% of the total cost), while the remainder is paid by Flemish agencies and waterway authorities.

The packaging industry, however, pays only 2% of the costs (EUR 2.125 million), via Mooimakers. In 2018, the total clean-up costs for litter in Flanders were estimated to have increased again, to EUR 164.2 million.³⁹

37 Deloitte, Rapport kostenonderzoek zwerfafval Nederland, June 2010.

38 <https://www.apache.be/2017/04/05/zwerfvuil-en-sluikstort-kost-elke-vlaming-jaarlijks-29-euro/?sh=a3ed29f9d833aefe1a6cc-1558895614>

39 https://www.ovam.be/sites/default/files/atoms/files/Zwerfvuil_Studie_2015-DEF-1.pdf

40 See, for example: <https://www.edie.net/news/5/Tesco-to-trial-innovation-which--makes-all-plastics-recyclable-/>

41 Ellen MacArthur Foundation, The New Plastics Economy: Rethinking the future of plastics, 2016. Available at:

https://www.mckinsey.com/-/media/McKinsey/dotcom/client_service/Sustainability/PDFs/The%20New%20Plastics%20Economy.ashx

42 Grigore, M. Methods of Recycling, Properties and Applications of Recycled Thermoplastic Polymers. Recycling 2017, 2, 2017, p. 24. doi:10.3390/recycling2040024.

43 Zero Waste Europe, El Dorado of chemical recycling, state of play and policy challenges, 2019. Available at: <https://zerowasteurope.eu/2019/08/press-release-el-dorado-of-chemical-recycling-state-of-play-and-policy-challenges/>



WE CALL ON GOVERNMENTS TO:

- Implement EPR schemes by the end of the transposition period (July 2021) and to ensure that they are set up effectively by:
- Establishing the schemes under binding national legislation, ensuring that the minimum requirements established under Article 8 of the WFD are met.
- Effective eco-modulation of fees (based on items rather than tonnage) that ensure that EPR incentivises better product design.
- Full cost coverage, taking into account the impact of products throughout their lifecycle and ensuring that producers bear 100% of the clean-up costs for littered items.

Design requirements for products

Article 6 of the SUP Directive establishes product requirements for beverage containers and bottles (with a capacity of up to three litres):

- By 2024 : all drink containers must have their caps and lids attached during the products' intended use stage.
- By 2025 : PET bottles must contain at least 25% recycled content.
- By 2030, beverage bottles must contain at least 30% recycled content.

Scope

The SUP Directive distinguishes between beverage containers and beverage bottles. The former are larger and include receptacles used to contain liquids (e.g. beverage bottles and their caps and lids) and composite beverage packaging.

Glass and metal beverage receptacles whose caps and lids are made from plastic are not covered by the Directive and are thus exempt from these requirements.

Tethered caps

Caps and lids are among the items that most frequently escape waste collection systems and end up in the environment. This would be almost entirely resolved if caps and lids remained attached to the bottle or beverage container during their use (provided that effective collection systems are in place for bottles and beverage containers). This is one example where smart product design can go a long way towards ending plastic pollution. In fact, the technology to affix caps and lids to beverage containers already exists,⁴⁴ including for carbonated drinks.

The European Commission has developed a draft request for the European Standardisation organisation to develop the necessary harmonised standard to ensure that lids and caps remain attached to their container, without compromising the strength, reliability and safety of beverage container closure. The standardisation request should also require the development of harmonised standards for the lids and caps of all containers (not just drinks) to be able to remain attached. Data from beach clean-ups indicate that a lot of shampoo bottle caps and food container lids are found on European beaches. The standardisation request provides a good opportunity to seek further design harmonisation and avoid caps and lids finding their way into the environment. We call on Member State representatives to request tethered caps for all containers during the upcoming comitology procedure relating to the standardisation request.

Recycled content

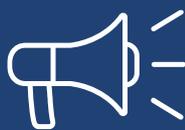
The SUP Directive established a minimum percentage (30%) of recycled plastics in beverage bottles by 2030.

Member States are encouraged to set higher recycled content targets (beyond 30%) and to expand these to other products in order to fully benefit from such a policy measure. Several companies have already committed to higher targets for their uptake of recycled plastics.⁴⁵

Different targets could be established for different types of products. For instance, plastic bottles could have a much higher recycled content target, as efficient instruments (e.g. DRS) can be put in place to achieve higher uptake of quality recycled materials for plastic bottles, including bottle-to-bottle recycling.

As DRS are growing for other products (cups for beverages and food containers, etc.), recycled content targets could be increased over time, once DRS are established. As noted in the section below, we recommend setting DRS for refill (and not recycling) as a priority.

It is essential to ensure that the recycled content is of high quality, particularly that it does not contain hazardous chemicals. The best way to ensure clean recycling streams and high quality recycled content is to phase-out hazardous chemicals at the product design stage. EPR schemes with fee modulation (see previous section) could be an effective measure to encourage toxic-free materials.



WE CALL ON GOVERNMENTS TO:

- Support the proposal that the standard(s) (to be developed) for the tethered cap requirement goes beyond beverages and applies to all containers.
- Set at least 50% recycled content targets for plastic bottles by 2030.
- Set minimum recycled content targets of at least 30% for other items.

⁴⁵ Some signatories of the Plastic Pact have committed to the following recycled content targets by 2025: Werner & Mertz, POSITIV.A, and IWC Schaffhausen (100%); The Bio-D Company Ltd (75%); Diageo and L'Occitane en provence (40%).

IMPROVING SEPARATE COLLECTION AND REFILLABLE SYSTEMS

3.3 million metric tonnes of PET bottles were placed on the European market in 2017⁴⁶ and many more other single-use beverage bottles and containers were consumed. Yet only a proportion of those bottles were collected and recycled. Single-use plastic bottles and their lids were the most commonly found items on European beaches, according to the European Commission's impact assessment.⁴⁷

Article 9 of the SUP Directive states that Member States shall take the necessary measures to collect beverage bottles with a capacity of up to three litres (including their caps and lids) separately for recycling:

- By 2025 : 77% of such products placed on the market in a given year, by weight.
- By 2029 : 90% of such products placed on the market in a given year, by weight.

Although the Directive leaves Member States free to choose the systems to put in place to achieve the collection targets, it makes explicit reference to two means:

- Establishing DRS.
- Establishing separate collection targets for relevant EPR schemes.

Calculation methodology

By 2020, the Commission will adopt an implementing act that lays down the methodology for the calculation and verification of the separate collection targets. Recital 27 outlines that collection targets "should be based on the amount of single-use plastic beverage bottles placed on the market or alternatively on the amount of waste single-use plastic beverage bottles generated in a Member State". It specifies that the calculation of the weight of waste should take due account of all waste plastic bottles generated, including those littered that escape waste collection systems. We recommend that the final calculation methodology developed by the Commission ensure that all bottles placed on the EU market are fully accounted for, including in cases where a bottle is consumed in one country and disposed of in another, or when a bottle escapes waste collection.

Recital 27 also states that it should be possible to collect certain types of waste together, provided this does not impede high-quality recycling. We

recommend against mixed collection, except through DRS, when plastic bottles are collected with other clean streams, such as cans and glass bottles. Experience has shown that the effectiveness of mixed collection via EPR schemes falls far short of collection via DRS. In Belgium, for example, mixed collection through the Fost+ system only achieves 42% recycling of bottles (falling to 29% after discounting what was lost in processing or sent abroad without the guarantee of actually being recycled) and has created a lock-in situation, making it difficult to move towards separate collection via DRS.

Collection methods

As noted above, Member States can choose the system they want to achieve the targets. We urge the use of DRS, as they are vital to achieving collection targets. DRS are based on offering an economic incentive to consumers to return empty containers to designated collection points. Such systems not only drive behaviour change, they also ensure that products will be reused or recycled appropriately.

DRS for beverage containers are already operating in more than 40 regions worldwide, with significant results. No other method has yet reached such a high collection rate. DRS are particularly effective because:⁴⁸

- They achieve the highest rates of separate collection, at around 90% in Europe.
- They are one of the most efficient instruments to tackle plastic leakage into the oceans and the environment. For example, they can reduce drink containers in the ocean by up to 40%.
- A study by independent research institution CE Delft showed that EUR 80 million can be saved each year merely by implementing DRS on bottles and cans.⁴⁹
- Public support rates for DRS are above 80%.
- They create local jobs and support a thriving local economy.
- They promote eco-design for better recycling.
- They provide higher quality recyclate, which has a much higher market price.
- They are the best system for bottle-to-bottle recycling.

⁴⁶ Petcore Europe.

⁴⁷ https://ec.europa.eu/environment/circular-economy/pdf/single-use_plastics_impact_assessment.pdf

⁴⁸ https://zerowasteurope.eu/wp-content/uploads/2019/08/2019_08_22_zwe_drs_manifesto.pdf

⁴⁹ CE Delft, Kosten en effecten van statiegeld op kleine flesjes en blikjes, August 2017.

National DRS in Germany



Germany has a long-standing DRS in place for plastic bottles (PET), cans (aluminium) and glass bottles of between 100 ml and three litres. The deposit is EUR 0.25 and there is a total return rate of 97% (96% for cans and 98% for plastic).

The reusable DRS is for plastic or glass bottles, ranging in size from 200 ml - 1.5 litres. The deposit on reusable bottles is usually EUR 0.08-0.15 and 99% of bottles are returned by consumers. Glass bottles are cleaned and refilled up to 50 times, while PET bottles are reused around 20 times on average. Most bottles are standardised size, meaning they can be used and returned by multiple participants.

DRS should not be limited to recycling plastic bottles alone but should also cover other items (such as cans) and include DRS for reuse, whether glass or plastic. Compatibility between DRS for recycling and DRS for reuse should be built-in from the start.



WE CALL ON GOVERNMENTS TO:

- Put DRS in place or increase the performance of existing DRS to reach 90% separate collection of bottles as soon as possible.
- Ensure compatibility of single-use and reuse DRS infrastructures.
- Expand DRS to items other than plastic bottles, including beverage cans and glass bottles.
- Support a calculation methodology that captures every bottle and only allows for the possibility of mixed collection through DRS (i.e. plastic bottles with cans and glass bottles in a clean DRS).

IMPROVING CONSUMER INFORMATION AND RAISING AWARENESS

Increased and improved information and raising consumer awareness go hand-in-hand with the regulatory measures to reduce consumption, redesign products and contribute to ending plastic pollution. Many people remain unaware of the plastic present in products they consume, such as cigarettes and filters, or plastic-lined paper products. Also, certain single-use plastic products, such as wipes and menstrual items, end up in the environment as a result of inappropriate disposal through the sewer system.

Labelling requirements

Article 7 of the SUP Directive sets out marking requirements so that Member States can improve consumer information for the following items:

- Menstrual items.
- Wet wipes.
- Tobacco products.
- Beverage cups.

The label in each case must include information on:

- Appropriate waste management options or waste disposal means to be avoided.
- Presence of plastic in the product.
- Negative impact of littering or other inappropriate means of waste disposal on the environment.

For menstrual items, wet wipes and tobacco products, the marking shall be placed on the sales and grouped packaging of those products, while for beverage cups, it will be placed directly on the cup itself.

The Directive requires the marking to be “conspicuous, clearly legible and indelible”. This is critical to ensuring that citizens can make informed purchasing choices and driving behavioural change in the consumption, use and disposal of single-use plastic products.

Article 7 requires the European Commission to establish harmonised specifications for the marking of these products by July 2020, taking into consideration existing sector-specific voluntary approaches and the need to avoid misleading information. As stated by the legislators (Recital 20), the Commission should test the perception of the proposed marking with

representative groups of consumers to ensure a high percentage of consumers notice and understand the marking. We recommend that the specifications should be developed together with environmental NGOs and consumer associations. Only well-designed and effective marking will have the intended benefit on the environment and reduce the costs related to cleaning-up.

Certain wordings should no longer appear on products because of their misleading potential. Examples include “degrade in the environment” and anything that implies a product can be flushed down the toilet. Marking should be clear and legible, with a specific label to note the presence of plastic. Consumer information should be easy to digest (e.g. through colour coding) and harmonised at EU level. Symbols should be a different colour to any background colour or artwork so that it contrasts strongly, and any text or symbol should be a solid colour (not an outline) to maximise visibility. A minimum size for the text or symbol should be set.

The marking should be on both the item itself and the packaging, and should contribute to promoting relevant alternatives. Obligations for providing this information could also be imposed on retailers on site.

Governments at national level have full flexibility and should seize the opportunity to go beyond the baseline provisions of the Directive. Rethink Plastic recommends applying the labeling requirements to all plastic items (at least all single-use plastic items covered by the Directive) and not only those listed in Part D of the Annex to the Directive. More information should be provided to consumers: in addition to the impacts on the environment, the marking should include information on the availability of alternatives as well as on the presence of chemicals including substances classified as hazardous under Regulation (EC) 1272/2008 (Classification, Labelling and Packaging (CLP) Regulation), or identified as substances of very high concern (SVHCs) under the Regulation (EC) 1907/2006 (Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation), or on the “SIN list”.⁵⁰

⁵⁰ The SIN list is explained at: <https://chemsec.org/sin-list/>



“Bioplastics” and ocean plastics are not a solution to plastic pollution

The inclusion of bio-based, biodegradable and compostable plastics in the scope of the SUP Directive is a step in the right direction.

Citizens’ concerns about plastic consumption and plastic pollution are growing rapidly, leading to the promotion of false solutions and quick fixes. Some companies misuse terminology or exploit and capitalise on these concerns for marketing purposes. Others may have unknowingly promoted false solutions as valid and sustainable options for consumers, in the absence of information and regulation. Uncontrolled marking can claim green credentials or make confusing assertions to mislead consumers and divert them away from real solutions (e.g. reusable alternatives or refillable systems).

A term increasingly used by companies is “ocean plastics”, in reference to plastic debris collected from aquatic environments. This terminology misleads consumers into thinking that they are helping to protect the ocean and can safely continue to use (single-use) plastics, masking the reality that this plastic should not be there in the first place, is extremely costly to collect and sort, and these so-called ocean plastics are often blended with other plastic materials. More broadly, using ocean plastics does not address plastic pollution, as it does not change behaviours and does nothing to stem highly contaminating microplastic pollution.

At the same time, we are witnessing more and more single-use bio-based, biodegradable and compostable plastics coming on the market, from festivals to cafes to shop shelves. Although hailed as a quick fix to the plastic crisis, they merely enable our single-use, throwaway culture and block real solutions - like prevention and reuse – from taking hold.

Bio-based, biodegradable and compostable plastics are not a solution to plastic pollution:

- The fact that a plastic is bio-based relates to the feedstock it comes from and not its end-of-life process. It therefore does not determine whether it is compostable or biodegradable. Bio-based plastics rely on limited land resources and chemical-intensive industrial agriculture.
- There are different types of biodegradable plastics that need certain specific environments to break down properly - they will not decompose on the street or in the grass, for example. The only existing European standard is for industrially compostable plastics, which works only if the correct infrastructure is in place and the product is separately collected. If not, the plastic will end up in landfill, incinerators or the environment.
- They perpetuate single-use and distract from the real solutions - prevention and reuse.

Awareness-raising measures should focus on prevention and draw a clear distinction between false and real solutions (e.g. reduction, reuse). Marking measures should be clear and prevent any misleading or incorrect green claims. Finally, terms such as “biodegradable” should not be permitted.

Raising consumer awareness

Article 10 of the SUP Directive requires Member States to adopt measures to raise consumer awareness of:

- Availability of reusable alternatives, reuse systems and waste management options for listed items.
- Impact of littering and other inappropriate waste disposal of listed items, in particular on the marine environment.
- Impact of inappropriate means of waste disposal of listed items on the sewer network.

These measures apply to all items covered by the Directive, except for those that will be banned:

- Food containers.
- Packets and wrappers.
- Beverage containers.
- Tobacco products.
- Cups for beverages.
- Wet wipes.
- Balloons.
- Lightweight plastic carrier bags.
- Menstrual items.

Recital 28 also refers to raising awareness of the plastic content in certain single-use plastic products. It recalls that Member States are responsible for deciding on these awareness-raising measures (depending on the product or its use) and ensuring that the information provided does not contain any promotional content encouraging the use of single-use plastic products.

Awareness-raising measures need to be targeted and focus on reduction and reuse, presenting information on the impact of single-use plastics and the alternatives available. Such measures are a good complement to regulatory measures to reduce consumption (e.g. levies) and promote reuse products and systems. In Ireland, for example, a levy on plastic bags accompanied by targeted awareness-raising measures led to a reduction in plastic bag consumption by more than 90% in less than a year.

However, awareness raising should always supplement rather than substitute regulatory measures to reduce consumption of single-use plastic, redesign products and promote reusable products and systems.



WE CALL ON GOVERNMENTS TO:

- Support clear marking, particularly on the presence of plastic in the product.
- Extend marking requirements to other elements, such as presence of SVHCs.
- Extend marking to other plastic products.
- Put in place awareness-raising measures focused on reducing consumption and promoting the reusable alternatives available.
- Use labelling and awareness-raising measures to complement consumption reduction targets, incentives for reuse and collection systems.

ENFORCEMENT, DATA COLLECTION, MONITORING AND REPORTING

Full enforcement of the measures adopted, as well as data collection, monitoring and reporting are key to ensuring that the SUP Directive is implemented effectively and actually meets its objectives. It will be critical to assessing the effectiveness of the measures and their impact on the ground, and to identifying any adjustments needed.

Articles 13 to 17 of the Directive introduce a series of data collection, monitoring and reporting requirements for the Member States. Among these are:

- From 2022, Member States must submit a quality check report. Every year (within 18 months of the end of the reporting year), they must report to the Commission:
 - data on single-use plastic cups for beverages (including their covers and lids), as well as single-use plastic food containers placed on the market;
 - measures adopted to achieve an ambitious and sustained reduction in the consumption of single-use plastic cups for beverages and food containers;
 - data on single-use beverage bottles with a capacity of up to three litres;
- From 2023, Member States must submit a quality check report. Every year (within 18 months of the end of the reporting year), they must report to the Commission:
 - information on recycled content in beverage bottles with a capacity of up to three litres;
 - data on post-consumption waste of tobacco products with filters and filters marketed for use with tobacco products.
- Consumption reduction
- By 3 January 2021, rules on the format for reporting data and information on single-use plastic cups for beverages (including covers and lids), as well as single-use plastic food containers placed on the market;
- By 3 January 2021, methodology for the calculation and verification of consumption reduction measures on cups for beverages (including covers and lids) and food containers, and rules on the format for reporting data and information on these measures.
- Separate collection
- Publication of the results of the exchange of information and sharing of best practices between Member States on measures to meet the separate collection targets for beverage bottles (with a capacity of up to three litres).

Alongside these obligations, Articles 14 and 15 of the SUP Directive outline implementation control obligations and set the evaluation and review conditions, respectively:

- By 3 July 2021, Member States shall notify the Commission of the penalties applicable to infringements of the national provisions resulting from the transposition of the Directive and of the measures adopted to ensure their implementation. Those penalties must be effective, proportionate and dissuasive,
- After the first reporting by Member States, the Commission shall review all of the data and information reported in the context of the Directive and publish a report on the results of its review.
- By 3 July 2027, an evaluation of the Directive shall be carried out by the Commission, with a subsequent report on the main findings of that evaluation, providing for the possibility of a review of the Directive through a legislative proposal.

In addition to these data collection, monitoring and reporting requirements, Article 4 (consumption reduction) through to Article 9 (collection) outline monitoring obligations to ensure that measures have been adequately chosen, implemented fully and on time, and are fit for purpose.

ANNEX

SUP IMPLEMENTATION TIMELINE

JULY 2021

Market restrictions (bans):

- Cotton bud sticks,
- Cutlery (forks, knives, spoons, and chopsticks),
- Beverage stirrers
- Straws
- Plates
- Balloon sticks
- EPS18 cups & containers for beverages and food
- Oxo-degradable plastic

Marking/Labelling:

- Cups for beverages
- Food containers
- Tobacco
- Wet wipes
- Sanitary towels and applicators

Awareness raising:

- Cups for beverages
- Food containers
- Beverage containers (with a capacity of up to 3L)
- Packets & wrappers
- Lightweight plastic carrier bags
- Fishing gear
- Balloons
- Tobacco
- Wet wipes
- Sanitary towels and applicators

2026

Ambitious consumption reduction:

- Cups for beverages
- Food containers

2030

30% recycled content for all beverage bottles
(with a capacity of up to 3L)

JAN 2023

EPR:

- Tobacco products
- Packets & wrappers

DEC 2024

EPR:

- Cups for beverages
- Food containers
- Beverage containers (with a capacity of up to 3L)
- Lightweight plastic carrier bags
- Fishing gear
- Balloons
- Wet wipes

**Tethered caps for all beverage containers
(with a capacity of up to 3L)**

2025

25% recycled content for PET beverage bottles
(with a capacity of up to 3L)

77% separate collection for all beverage containers
(with a capacity of up to 3L)

2029

90% separate collection of all beverage bottles
(with a capacity of up to 3L)

#breakfreefromplastic

#breakfreefromplastic is a global movement envisioning a future free from plastic pollution made up of 1,400 organisations from across the world demanding massive reductions in single-use plastic and pushing for lasting solutions to the plastic pollution crisis.

RETHINK PLASTIC

Rethink Plastic, part of the Break Free From Plastic movement, is an alliance of leading European NGOs, representing thousands of active groups, supporters and citizens in every EU Member State.

Report by Rethink Plastic alliance & Break Free From Plastic collectively

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10th October 2019

