Packaging and packaging waste: reduction of the consumption of lightweight plastic carrier bags

2013/0371(COD) - 10/03/2015 - Commission communication on Council's position

The Commission considers that the position of the Council reflects the political agreement reached between the European Parliament and the Council and supports the main objective of the Commission proposal to reduce the consumption of lightweight plastic carrier bags, while deviating on some aspects and introducing additional elements.

The compromise reached between the Council and the European Parliament obliges Member States to include in these measures, as a minimum, either a national reduction target and/or mandatory pricing.

The Commission did not consider it appropriate to propose mandatory pricing or a quantified reduction target at the time of presenting the proposal given difficulties with the availability of data and common measurement methods and because it considered that Member States are best placed to choose the measures to reduce the consumption of plastic carrier bag.

Even though the Commission considers these provisions too prescriptive, it can, in a spirit of compromise, accept them as part of the package. The Commission can accept additional elements introduced in the position of the Council, in particular:

- the obligation for the Commission and Member States to actively encourage public information and awareness campaigns, at least during the first year after the date of transposition of the Directive;

- the possibility for Member States to implement the measures pursuant to the Directive by means of agreements between competent authorities and the economic sectors concerned.

It can also accept the obligation of the Commission to:

- develop and adopt in an implementing act, within 12 months of entry into force of the Directive, a methodology and reporting format for the calculation of the annual consumption per person of lightweight plastic carrier bags;

- develop and adopt in an implementing act, within 24 months of entry into force of the Directive, a label for biodegradable and home compostable plastic carrier bags;

- assess the life cycle impacts of different possibilities to reduce very lightweight plastic carrier bags and present, if appropriate, a legislative proposal within 24 months of entry into force of the Directive;

- the obligation for the Commission to examine the impact of the use of oxo-degradable plastic carrier bags, present a report to the European Parliament and the Council and, if appropriate, present a legislative proposal on the issue within 24 months of entry into force of the Directive.

Better regulation: the Commission regretted that the final text agreed between the colegislators includes **certain elements that are outside the scope of the Commission's proposal** and are not in line with the principles of better regulation. This could pose problems for the future application of the Directive, for Member States, the Commission, consumers and economic operators.

The issues that raise concerns are the following:

- the adoption of a label for biodegradable and home-compostable bags without the impacts thereof being assessed;

- additional administrative burden for Member States and economic operators, including new reporting obligations and labelling requirements;

- provisions which could better be addressed in the context of the follow-up to the Commission Green Paper on plastic waste, such as the report on the use of "oxo-degradable" plastic bags;

- the possibility to vary the measures taken towards plastic bags based on their environmental impact or other properties could be problematic as regards the principles of non-discrimination and proportionality and those of the Single Market;

- the possibility for setting consumption objectives at a level predetermined by the Directive, in the absence of relevant statistical data for all Member States;

- too short deadlines for development and adoption in implementing acts of a methodology for reporting on consumption of lightweight plastic carrier bags and of labels for biodegradable plastic carrier bags.