Preventing plastic pellet losses to reduce microplastic pollution

2023/0373(COD) - 16/10/2023 - Legislative proposal

PURPOSE: to prevent microplastic pollution from the unintentional release of plastic pellets.

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

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

BACKGROUND: plastic pellets are the industrial raw material used for all plastic production. Current practices for handling pellets lead to losses at all supply chain stages, notably production (virgin or recycled), processing, transport and other logistics and waste management operations. Once in the environment, they are almost impossible to capture. Like all microplastics, plastic pellets that escape from industrial installations or during transport are easily transported through the air and by land surface waters and marine currents and can also be found in soil (including agricultural lands).

High volumes of pellets are produced and handled every year, both globally and in the EU (around 57 million tons in the EU in 2021). Estimates show that between 52 140 tonnes and 184 290 tonnes of pellets were lost to the environment in the EU in 2019. This is equivalent to between 2100 and 7300 trucks full of pellets per year.

Plastic pellet losses to the environment are the 3rd source of all unintentional microplastic releases. Preventing microplastic releases from these sources may require major substitutions or changes to product characteristics. In contrast, plastic pellet losses are due to a lack of awareness and poor handling and therefore can be abated by swift measures to prevent such avoidable pollution. This makes plastic pellets a primary candidate for policy intervention.

Moreover, pellets are known to be eaten by a range of marine and coastal species (e.g. sea turtles, seabirds and shellfish). Once ingested, they can cause physical harm or death. Like all microplastics, their potential to act as a carrier for adsorbed toxicants or pathogenic microorganisms is an integral part of the problem.

CONTENT: the Commission proposes this draft Regulation to reduce pellet losses to the environment and would lead to a 54% to 74% decrease compared to the baseline, equivalent to a 6% reduction in the total amount of unintentional microplastic releases. In line with the Commission’s 30% overall reduction target for microplastics released to the environment, it will help preserve ecosystems and biodiversity, decrease potential health impacts and benefit local economic activities. It also has the potential to improve information on the magnitude of pellet losses throughout the pellet supply chain.

More specifically, the proposal:

- applies to economic operators handling plastic pellets in the Union in quantities above **5 tonnes** in the previous calendar year and to EU carriers and non-EU carriers transporting plastic pellets in the Union;

- requires economic operators and EU carriers to inform national competent authorities about their activities involving the handling of plastic pellets;

- requires all economic operators, EU carriers and non-EU carriers to comply with the requirements set out in this Regulation within 18 months of its entry into force and also requires them to perform action in the following priority order: prevention to avoid any spills of pellets from primary containment; containment of spilled pellets to make sure they do not become a loss to the environment, and, as a final option, clean up after a spill or loss event;

- seeks to mitigate impacts on **SMEs** by adding lighter requirements for their installations such as no obligation of third-party certification but self-declaration of conformity, as well as a longer validity of the self-declaration (five years); no obligation to review compliance assessments at formal management meetings; and no obligation to establish an awareness and training programme;

- requires that economic operators that are medium-sized enterprises running installations handling plastic pellets in quantities **above 1000 tonnes per year**, will also be subject to the following lighter requirement: certification with a longer transitional period than for large enterprises before first certification (36 months instead of 24) and a longer validity of the certificate (four years instead of three);

- empowers national authorities to impose on economic operators, EU carriers and non-EU carriers any appropriate follow-up measures in case of severe incidents and accidents;

- lays down measures on compensation aimed at securing that, where damage to health has occurred, fully or partially as a result of a violation of this Regulation, the public concerned is able to claim and obtain compensation for that damage;

- requires the Commission to request European standardisation organisations to establish a standard to **estimate quantities of pellets lost** to the environment.