Basic information

2013/0371(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Packaging and packaging waste: reduction of the consumption of lightweight plastic carrier bags Amending Directive 94/62/EC 1992/0436(COD) **Subject** 2.70.02 Indirect taxation, VAT, excise duties 3.40.01 Chemical industry, fertilizers, plastics 3.70.12 Waste management, domestic waste, packaging, light industrial waste 4.60.02 Consumer information, advertising, labelling	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	AUKEN Margrete (Verts /ALE)	28/11/2013
	Shadow rapporteur HÖLVÉNYI György (PPE) BONAFÈ Simona (S&D) GERBRANDY Gerben-Jan (ALDE) GIRLING Julie (ECR) FORENZA Eleonora (GUE /NGL) EVI Eleonora (EFD)	

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	AUKEN Margrete (Verts /ALE)	28/11/2013

Former committee for opinion	Former rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs	The committee decided not to give an opinion.	
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	

	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	3371	2015-03-02
Environment	3284	2013-12-13
Environment	3363	2014-12-17
Environment	3320	2014-06-12

European Commission

Commission DG	Commissioner
Environment	ARIAS CAÑETE Miguel

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
04/11/2013	Legislative proposal published	COM(2013)0761	Summary
18/11/2013	Committee referral announced in Parliament, 1st reading		
13/12/2013	Debate in Council		
10/03/2014	Vote in committee, 1st reading		
14/03/2014	Committee report tabled for plenary, 1st reading	A7-0174/2014	Summary
15/04/2014	Debate in Parliament		
16/04/2014	Decision by Parliament, 1st reading	T7-0417/2014	Summary
16/04/2014	Results of vote in Parliament		
12/06/2014	Debate in Council		
24/09/2014	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
24/11/2014	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	PE609.637 GEDA/A/(2015)002644	
04/03/2015	Council position published	05094/1/2015	Summary
12/03/2015	Committee referral announced in Parliament, 2nd reading		
31/03/2015	Vote in committee, 2nd reading		
10/04/2015	Committee recommendation tabled for plenary, 2nd reading	A8-0130/2015	Summary
28/04/2015	Decision by Parliament, 2nd reading	T8-0101/2015	Summary

28/04/2015	Results of vote in Parliament		
28/04/2015	Debate in Parliament		
29/04/2015	Final act signed		
29/04/2015	End of procedure in Parliament		
06/05/2015	Final act published in Official Journal		

Technical information

Procedure reference	2013/0371(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 94/62/EC 1992/0436(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 114
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/8/02412

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE526.120	18/12/2013	
Amendments tabled in committee		PE528.033	27/01/2014	
Amendments tabled in committee		PE529.919	07/03/2014	
Committee report tabled for plenary, 1st reading/single reading		A7-0174/2014	14/03/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0417/2014	16/04/2014	Summary
Text agreed during interinstitutional negotiations		PE609.637	09/03/2015	
Committee draft report		PE551.928	12/03/2015	
Committee recommendation tabled for plenary, 2nd reading		A8-0130/2015	10/04/2015	Summary
Text adopted by Parliament, 2nd reading		T8-0101/2015	28/04/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	06375/2015	25/02/2015	
Council statement on its position	06605/2015	26/02/2015	
Council position	05094/1/2015	04/03/2015	Summary

Coreper letter confirming interinstitutional agreement	GEDA/A/(2015)002644	09/03/2015	
Draft final act	00021/2015/LEX	29/04/2015	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2013)0761	04/11/2013	Summary
Document attached to the procedure	SWD(2013)0443	04/11/2013	
Document attached to the procedure	SWD(2013)0444	04/11/2013	
Commission response to text adopted in plenary	SP(2014)471	09/07/2014	
Commission communication on Council's position	COM(2015)0124	10/03/2015	Summary
Follow-up document	COM(2018)0035	16/01/2018	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2013)0761	15/01/2014	
Contribution	CZ_SENATE	COM(2013)0761	29/03/2014	
Contribution	FR_ASSEMBLY	COM(2013)0761	30/06/2014	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES7899/2013	26/02/2014	
CofR	Committee of the Regions: opinion	CDR8067/2013	03/04/2014	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2015/0720
OJ L 115 06.05.2015, p. 0011

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

2013/0371(COD) - 04/11/2013 - Legislative proposal

PURPOSE: to reduce the consumption of lightweight plastic carrier bags.

PROPOSED ACT: Directive 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: Directive 94/62/EC of the European Parliament and of the Council was adopted in order to prevent or reduce the impact of packaging and packaging waste on the environment. Although plastic carrier bags constitute packaging within the meaning of that Directive, its provisions do not contain specific measures relating to the consumption of such bags.

The use of plastic carrier bags with a thickness below 50 microns, which are less frequently re-used than thicker plastic carrier bags, **involves a considerable amount of litter**, which will increase if measures are not taken.

Consumption levels of plastic carrier bags **vary considerably across the Union.** Some Member States have managed to reduce consumption levels of plastic carrier bags significantly, with the average consumption level in the seven best performing Member States amounting to only 20% of the EU average consumption.

To **promote similar reductions of the average consumption level** of lightweight plastic carrier bags, Member States should take measures to reduce the consumption of plastic carrier bags with a thickness below 50 microns in line with the overall objectives of the Union's waste policy and the Union's waste hierarchy as provided for in Directive 2008/98/EC of the European Parliament and of the Council.

IMPACT ASSESSMENT: instead of establishing a common EU target, it was considered preferable to introduce into Directive 94/62/EC the obligation for all Member States to reduce the consumption of lightweight plastic carrier bags, while allowing them to set their own national reduction targets and to choose the measures to reach those targets.

LEGAL BASIS: Article 114 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal amends Directive 94/62/EC by requiring Member States to take measures to **reduce the consumption of lightweight plastic carrier bags**. It stipulates that these measures may include the use of **economic instruments** as well as **marketing restrictions** in derogation of Article 18 of the Directive. The latter provision thus broadens the range of instruments available to Member States to address the unsustainable consumption of plastic bags.

For the purpose of this Directive a definition of "lightweight plastic carrier bags" is introduced, and means bags made of plastic materials **with a wall thickness below 50 microns** that are supplied to consumers at the point of sale of goods or products.

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

2013/0371(COD) - 14/03/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Margrete AUKEN (Greens/EFA, DK) on the proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags.

The committee recommended that Parliament's position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Introducing a European reduction target on plastic bags: according to Members, lightweight plastic carrier bags with a thickness below 50 microns, which represent the vast majority of the total number of plastic carrier bags consumed in the Union, are less reusable than thicker plastic carrier bags, thus become waste more quickly, are more prone to littering and, due to their light weight, more likely to end up scattered through the environment, both on land and in freshwater and marine-ecosystem. Current recycling rates are very low even though plastic carrier bags are recyclable.

Members proposed that Member States should take measures to achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory of at least **50%** within three years and **80%** within five years of the entry into force of the Directive, as compared to the average consumption in the Union in 2010, respectively.

Paying for plastic carrier bags: under the new Directive, Member States should take measures to ensure that economic operators selling food **do not provide plastic carrier bags free of charge**, except for very lightweight plastic carrier bags, or alternatives to such very lightweight plastic carrier bags.

In addition, Member States encourage economic operators selling **non-food items** to charge for plastic carrier bags to an extent that is effective and proportionate so as to achieve the reduction targets. Member States with separate collection of bio-waste should be allowed to reduce the price of biodegradable and compostable lightweight plastic carrier bags.

Member States should take measures to ensure that very lightweight plastic carrier bags used to wrap dry loose, unpackaged foods such as fruits, vegetables and confectionery are replaced progressively by carrier bags that are made of recycled paper, or by very lightweight plastic carrier bags that are biodegradable and compostable. They should achieve a replacement rate of 50% by three years and of 100% by five years after the entry into force of this Directive.

Consumers should be allowed by retailers to refuse and to leave at the point of sale any packaging they consider superfluous, in particular as regard to carrier bags. Retailers should ensure that such packaging is either reused or recycled.

Phasing out "oxo-biodegradable" plastics: the report stressed that “Oxo-biodegradable” plastics do not biodegrade in the natural environment, but only fragment into secondary microplastics. It is thus misleading to refer to such materials as “biodegradable”.

Fragmentation converts visible littering into invisible littering. This solution enhances pollution of the environment by plastic materials. “Oxo-biodegradable” plastics should therefore not be used as a packaging material.

Substituting hazardous substances for packaging as a whole: in order to reduce the exposure of European citizens to dangerous substances and to avoid that such substances enter the environment during the waste phase, Members proposed that packaging as a whole should no longer contain substances that are carcinogenic, mutagenic or toxic to reproduction or that are endocrine disrupters.

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

2013/0371(COD) - 29/04/2015 - Final act

PURPOSE: to reduce the consumption of lightweight plastic carrier bags in order to limit the negative impact of these bags on the environment, to prevent littering and to reach a more efficient use of resources.

LEGISLATIVE ACT: Directive (EU) 2015/720 of the European Parliament and of the Council amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags.

CONTENT: the Directive concerns plastic carrier bags with a wall thickness below 50 microns (lightweight plastic carrier bags), which represent the vast majority of the total number of plastic carrier bags consumed in the Union, are less frequently reused than thicker plastic carrier bags. It amends Directive 94/62/EC which obliges Member States to take measures to **reduce the consumption of lightweight plastic carrier bags**.

Prevention measures: those measures may include the use of **national reduction targets**, maintaining or introducing **economic instruments** (such as pricing, taxes and levies) as well as marketing restrictions (such as bans). The measures taken by Member States shall include either or both of the following:

- the adoption of measures ensuring that the annual consumption level does not exceed **90 lightweight plastic carrier bags** per person by 31 December 2019 and **40 lightweight plastic carrier bags** per person by 31 December 2025, or equivalent targets set in weight;
- the adoption of instruments ensuring that, **by 31 December 2018, lightweight plastic carrier bags are not provided free of charge at the point of sale of goods or products**, unless equally effective instruments are implemented.

Member States may choose to **exempt plastic carrier bags** with a wall thickness below 15 microns (‘very lightweight plastic carrier bags’) provided as primary packaging for loose food when required for hygiene purposes or when their use helps prevent food wastage.

From 27 May 2018 Member States shall **report on the annual consumption of lightweight plastic carrier bags** when providing data on packaging and packaging waste to the Commission.

The Directive stipulates that:

- Member States may take measures such as economic instruments and national reduction targets, as regards any kind of plastic carrier bags, regardless of their wall thickness;
- the Commission and the Member States shall, at least during the first year following the 27 November 2016, actively **encourage public information and awareness campaigns;**
- by 27 May 2016, the Commission shall adopt an implementing act laying down **the methodology for the calculation of the annual consumption** of lightweight plastic carrier bags per person and adapting the reporting formats.

Biodegradable and compostable plastic carrier bags: by 27 May 2017, the Commission shall adopt an implementing act laying down the **specifications of labels or marks** to ensure Union-wide recognition of biodegradable and compostable plastic carrier bags and to provide consumers with the correct information about the composting properties of such bags.

18 months after the adoption of that implementing act, at the latest, Member States shall ensure that biodegradable and compostable plastic carrier bags are labelled in accordance with the specifications provided for in that implementing act.

The Commission should ask the European Committee for Standardization to develop a **separate standard for home-compostable packaging**.

Reporting on plastic bags: by 27 November 2021, the Commission shall present a report **assessing the effectiveness of measures** at Union level, in combating littering, changing consumer behaviour and promoting waste prevention. If the assessment shows that the measures adopted are not effective, the Commission shall examine other possible ways to achieve a reduction in the consumption of lightweight plastic carrier bags, including the setting of realistic and achievable targets at Union level, and present a legislative proposal, if appropriate.

By 27 May 2017, the Commission shall:

- present a report examining the impact of the use of **oxo-degradable plastic carrier bags** on the environment and present a legislative proposal, if appropriate;
- assess the **life cycle impacts** of different possibilities to reduce the consumption of very lightweight plastic carrier bags, and present a legislative proposal, if appropriate.

ENTRY INTO FORCE: 26.5.2015.

TRANSPOSITION: 27.11.2016.

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

2013/0371(COD) - 16/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 639 votes to 51, with 72 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags.

Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Introducing a European reduction target on plastic bags: according to Members, lightweight plastic carrier bags with a thickness below 50 microns, which represent the vast majority of the total number of plastic carrier bags consumed in the Union, are less reusable than thicker plastic carrier bags, thus become waste more quickly, are more prone to littering and, due to their light weight, more likely to end up scattered through the environment, both on land and in freshwater and marine-ecosystem. Current recycling rates are very low even though plastic carrier bags are recyclable.

Parliament proposed that Member States should take measures to achieve a sustained reduction in the consumption of lightweight plastic carrier bags on their territory of at least **50%** within three years and **80%** within five years of the entry into force of the Directive, as compared to the average consumption in the Union in 2010, respectively.

Paying for plastic carrier bags: under the new Directive, Member States should:

- take measures to ensure that economic operators selling food **do not provide plastic carrier bags free of charge**, except for very lightweight plastic carrier bags (wall thickness below 10 microns) or alternatives to such very lightweight plastic carrier bags;
- ensure that economic operators selling food charge a price for lightweight plastic carrier bags that is **effective and proportionate** so as to achieve the reduction targets;
- ensure that economic operators selling food charge at least the same price for thicker plastic carrier bags, and that economic operators do not replace lightweight plastic carrier bags by very lightweight plastic carrier bags at the point of sale. Member States shall take such measures by two years after the entry into force of this Directive.

Member States should encourage economic operators **selling non-food items** to charge for plastic carrier bags to an extent that is effective and proportionate.

Member States should also take measures to ensure that very lightweight plastic carrier bags used to wrap dry loose, unpackaged foods such as fruits, vegetables and confectionery are replaced progressively by carrier bags that are made of recycled paper, or by very lightweight plastic carrier bags that are biodegradable and compostable. They should achieve a replacement rate of 50% by three years and of 100% by five years after the entry into force of this Directive.

Consumers should be allowed by retailers to refuse and to leave at the point of sale any packaging they consider superfluous, in particular as regard to carrier bags. Retailers should ensure that such packaging is either reused or recycled.

Substituting hazardous substances for packaging as a whole: Member State shall ensure that packaging is manufactured in such a way that it does not contain substances in concentrations above 0.01% that are carcinogenic, mutagenic or toxic to reproduction or that are endocrine disrupters. Member States shall ensure that packaging is manufactured in such a way that it does not contain 'oxo-fragmentable' plastic materials. Those measures shall be achieved by two years after the entry into force of this Directive.

Information campaigns: the Commission and the Member States shall, at least during the first year after the entry into force of the directive, promote public information and awareness campaigns concerning the adverse environmental impact of excessive use of conventional plastic bags. If bags are biodegradable and compostable, this should be clearly indicated on the bag with a **mark**, feature or colour code.

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

2013/0371(COD) - 04/03/2015 - Council position

The Council's position fully reflects the **compromise reached in the negotiations between the European Parliament and the Council**, with the agreement of the Commission.

The main elements of the compromise reached with the European Parliament are outlined below:

The measures to be adopted with a view to reduce the consumption of lightweight plastic bags: these shall include either one or both of the following approaches:

- the adoption of measures ensuring that the yearly consumption level will not exceed 90 lightweight plastic bags per person by 31 December 2019 and 40 lightweight plastic carrier bags per person by 31 December 2025 (or equivalent in weight);
- the adoption of measures ensuring that by 31 December 2018 these plastic bags will not be provided free of charge for consumers unless equally effective instruments are implemented.

Very lightweight plastic carrier bags: these may be excluded from these measures. These are defined as plastic bags with a wall thickness below 15 microns required for hygiene purposes or provided as primary packaging for loose food when this helps prevent food wastage.

Information to the public: the Commission and the Member States will, at least during the first year of implementation of the Directive, actively encourage public information and awareness campaigns concerning the adverse environmental impact of excessive use of lightweight plastic bags.

Future steps:

- **two years** after the entry into force of the Directive, the Commission will present a report to the European Parliament and Council, examining the impact of the use of oxo-degradable plastic bags on the environment as well as a report on the different possibilities to reduce the use of very lightweight plastic bags;
- **six and a half years** after the entry into force of the Directive, the Commission shall present a report assessing the effectiveness of measures at EU level, in combating littering, changing consumer behaviour and promoting waste prevention. If the assessment shows that the measures adopted are not effective, the Commission shall examine other possible ways to achieve a reduction in the consumption of lightweight plastic bags, including the setting of realistic and achievable targets at EU level.

All those reports will be accompanied, if appropriate, by legislative proposals.

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

2013/0371(COD) - 10/04/2015 - Committee recommendation tabled for plenary, 2nd reading

The Committee on the Environment, Public Health and Food Safety adopted the second reading recommendation contained in the report by Margrete AUKEN (Verts/ALE, DK), on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags.

The parliamentary committee recommended **agreeing to the Council position** without any amendments.

As result of the negotiations between the European Parliament and the Council the main elements of the final agreement are the following:

Targets or pricing: the text now requires Member States to choose between two obligations:

- either to adopt measures ensuring that the annual consumption level does not exceed, on average, 90 lightweight plastic carrier bags per person by the end of 2019, and not more than 40 lightweight plastic carrier bags per person by 2025;
- or, alternatively, to ensure that, by the end of 2018, they are no longer provided free of charge at the point of sale of goods or products, unless equally effective instruments are applied.

Annual reporting on consumption: specific provisions on monitoring, requiring the Member States, as from 36 months after the entry into force of the legislation, to report annually on the annual consumption of plastic carrier bags according to a common methodology to be adopted by the Commission within 12 months after the entry into force of the legislation.

Labelling of biodegradable and compostable plastic carrier bags: the obligation for the Commission to set specifications on labelling on biodegradable and compostable plastic carrier bags is an important means to avoid the misleading practices of false labelling of plastic carrier bags, particularly by so called "oxobiodegradable" plastic carrier bags.

Evaluation of impacts of "oxo-degradable" plastic carrier bags on the environment: the agreed text obliges the Commission to examine the impact of "oxo-degradable" plastic carrier bags on the environment and present a report to the European Parliament and the Council, including, if appropriate, a set of measures to limit their consumption or to reduce any harmful impacts within 24 months of the entry into force.

Very lightweight plastic carrier bags: the final agreement introduced an obligation on the Commission to assess the life cycle impacts of possibilities to reduce the consumption of these bags, and present a legislative proposal, if appropriate, within 24 months.

CEN standard for home composting: lastly, the final agreement stipulates that the Commission should ask CEN to develop a standard for home-compostable packaging.

In an **Annex to the draft resolution,** the European Parliament notes the statement made by the Commission on the adoption of the agreement amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags. The Parliament considers that the text agreed by the co-legislators is fully in line with the aims of the Commission proposal.

The European Parliament considers that the final text agreed is based on the preferred option identified in the Commission's own impact assessment, and establishes appropriate provisions for Member States to ensure effective reduction of the consumption of plastic bags across the Union.

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

2013/0371(COD) - 28/04/2015 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution **approving, unamended**, the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags.

A proposal to reject the Council position, tabled by the EFDD group, was rejected in plenary by 48 votes to 590, with 53 abstentions.

The objective of the proposal is to limit negative impacts on the environment, in particular in terms of littering, to encourage waste prevention and a more efficient use of resources, while limiting negative socio-economic impacts. More specifically, the proposal aims at reducing the consumption of plastic carrier bags with a thickness of below 50 microns (0.05 millimetres) in the European Union.

In a **statement annexed to the legislative resolution**, Parliament took note of the statement made by the Commission on the adoption of the agreement amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags.

Parliament considered that the text agreed by the co-legislators is fully in line with the aims of the Commission proposal. It stated that the final text agreed is based on the preferred option identified in the Commission's own impact assessment, and establishes appropriate provisions for Member States to ensure effective reduction of the consumption of plastic bags across the Union.

The European Parliament recalled furthermore that according to the Inter-institutional agreement on better law-making of 2003, it is within the discretion of the co-legislators to decide whether an impact assessment should be carried out prior to the adoption of any substantive amendment. Parliament appreciated the efforts made by the Commission in order to conclude the inter-institutional negotiations. It deplored, however, the fact that the Commission's declaration addresses issues that have already been dealt with adequately during the legislative procedure.

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.

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

2013/0371(COD) - 16/01/2018 - Follow-up document

In accordance with the Directive on packaging (Directive 94/62/EC amended by Directive (EU) 2015/7201), the Commission presented a report examining the impact of the use of oxo-degradable plastic carrier bags on the environment and, if appropriate, present a legislative proposal.

So called oxo-plastics or oxo-degradable plastics are conventional plastics which include additives to accelerate the fragmentation of the material into very small pieces, triggered by UV radiation or heat exposure. This accelerated fragmentation would also accelerate biodegradation. Some stakeholders present “oxo-biodegradation” as the solution to environmental impacts of plastic in the open environment.

Issues examined: the Commission examined the **impact of so-called oxo-degradable plastic on the environment** beyond plastic carrier bags and underpinned its assessment by a study published in April 2017, addressing the following three key issues:

- the biodegradability of oxo-degradable plastic in various environments,
- environmental impacts in relation to littering, and
- issues related to recycling.

Within these areas, a number of distinct hypotheses were defined, relating to claims and assumptions from the oxo-degradable industry about the material. On the basis of evidence gathered with respect to the hypotheses, these were analysed to ascertain whether they can be supported or refuted.

Key findings: taking into consideration the key findings of the supporting study as well as other available reports, there is **no conclusive evidence** on a number of important issues relating to beneficial effects of oxo-degradable plastic on the environment.

While it undisputed that oxo-degradable plastic, including plastic carrier bags, may degrade quicker in the open environment than conventional plastic, there is no evidence that oxo-degradable plastic will subsequently fully biodegrade in a reasonable time in the open environment, on landfills or in the **marine environment**.

A wide range of scientists, international and governmental institutions, testing laboratories, trade associations of plastics manufacturers, recyclers and other experts have therefore come to the conclusion that oxo-degradable plastics are **not a solution for the environment** and that oxo-degradable plastic is not suited for long-term use, recycling or composting;

Claims presenting oxo-degradable plastic as an "oxo-biodegradable" solution to littering which has no negative impact on the environment, in particular by not leaving any fragments of plastic or toxic residues behind, are not substantiated by evidence. In the absence of conclusive evidence of a beneficial effect on the environment and indeed indications to the contrary, given the related **misleading claims** to consumers and risks of resulting littering behaviour, **EU wide measures should be considered**. Therefore, in the context of the European plastics strategy, a process to restrict the use of oxo-plastics in the EU will be started.