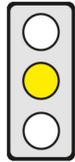


KEY ISSUES

Objective of the Communication: Large quantities of plastic waste will be recycled and, with proper disposal, prevented from entering the oceans.

Affected parties: Whole economy



Pro: (1) Uniform EU standards for plastic recyclates make them easier to trade in the EU.

(2) Uniform EU definitions for “biodegradable plastics” and “compostable plastics” make it easier for consumers to dispose of products and packaging properly.

Contra: (1) Ecodesign rules may represent significant intervention in the freedom of companies to design their own products.

(2) Rules requiring companies to acquire a certain quantity of plastic recyclates may have a negative impact on the quality of plastic products and packaging.

The most important passages in the text are indicated by a line in the margin.

CONTENT

Title

Communication COM(2018) 28 of 16 January 2018: A European **Strategy for Plastics** in a Circular Economy

Brief Summary

► Context and objectives

- 25.8 million tonnes of plastic waste are generated in the EU every year – and the trend is upwards. Of this 39% is incinerated, 31% goes to landfill and 30% is collected for recycling (p. 2).
- About 50% of the plastic waste that is collected for recycling is sent to third countries, often with low environmental standards, of this about 85% is currently shipped to China. At the end of 2017, however, China decided to ban the import of plastic waste. (p. 16)
- The “ambitious set of EU measures” proposed in the Plastics Strategy serves to create a “circular plastics economy (p. 4), in which, throughout the entire “life cycle” of products – design, manufacture, use, disposal – resources are conserved, materials are used and remain in the circular economy for as long as possible and waste is avoided [Action Plan for the Circular Economy COM(2015) 614, p. 2–4; see [cepPolicyBrief 2016-06](#)].
- The Plastics Strategy aims to play a part in ensuring that, in future (p. 5)
 - less plastic waste leaks into the environment – particularly the oceans – and
 - the EU’s dependence on crude-oil imports is reduced.

► Recycling plastic waste

- Plastics made by recycling reclaimed plastic (“plastic recyclates”) are often of lower quality than conventional plastics if the plastic waste used as the base material (p. 7)
 - is difficult to recycle because, for reasons of product design, it is e.g. made of various different plastics, contains special additives such as plasticizers or has a very dark colour, or
 - has not been collected separately.
- In the context of “extended producer responsibility” (EPR), Member States can oblige manufacturers to bear the costs of waste management for the products which they bring onto the market (Art. 8 and Art. 14 (2) Waste Framework Directive [2008/98/EC], see [cepPolicyBrief 2016-03](#)). Nevertheless, many manufacturers of plastic products do not pay attention to their recyclability.
- By 2030, the Commission wants all plastic packaging brought onto the market in the EU to be reusable or cost-effectively recyclable. With this aim (p. 9, Annex I)
 - “particularly sustainable” product design will be “rewarded” by way of financial incentives,
 - the “impact” of the EPR provisions (Art. 8 Waste Framework Directive [2008/98/EC]) will be “maximised”,
 - the Packaging Directive ([94/62/EC], see [cepPolicyBrief 2016-03](#)) will be amended,
 - the introduction of a recycling target for plastic packaging will be examined.

- The Commission wants to establish requirements to improve the recyclability of plastic products within the framework of the Ecodesign Directive [2009/125/EC, see [cepPolicyBrief](#)] (p. 8, Annex I).
 - The Commission wants to develop guidelines on EU-wide standardised procedures for the separate collection and sorting of plastic waste (p. 10, Annex I).
- **Demand for plastic recyclates**
- In the EU, the demand for plastic recyclates only amounts to 6% of the overall plastics demand (p. 2). Their use is often limited to low-value products or niche applications (p. 8).
 - According to the Commission, companies have misgivings as to whether plastic recyclates can reliably meet high-level volume and quality requirements.
 - Working together with the European Committee for Standardization and with the industry, the Commission wants to develop quality standards for sorted plastic waste and recycled plastics (p. 8), in order
 - to increase “transparency regarding their quality” and
 - to increase standardisation of plastics recycling EU-wide, thus making it more economical.
 - The Commission wants to implement a “pledging campaign” involving companies and authorities in order to increase the use of plastic recyclates” (p. 9, Annex III).
 - The aim is to be using 10 million tonnes of plastic recyclates in new products on the EU market by 2025.
 - If the pledges submitted by the end of June 2018 are insufficient, the Commission will take “next steps” – possibly also “regulatory action” (Annex III para. 6).
 - The Commission wants the use of plastic recyclates to be included in its list of non-binding Green Public Procurement criteria (p. 9).
- **Plastic waste in the oceans**
- 150 000 to 500 000 tonnes of plastic waste enter the oceans from the EU every year. That is (p. 3–4)
 - 0.5% to 2% of all the plastic waste from the EU,
 - 3% to 3.8% of plastic waste entering the oceans worldwide.
 - Plastic products enter the oceans from both (p. 10–11)
 - land-based sources, e.g. plastic packaging left on beaches,
 - sea-based sources, e.g. abandoned fishing nets.
 - 50% of marine litter comes from single-use plastic products such as plastic carrier bags (p. 10).
 - Member States must cut the consumption of lightweight plastic carrier bags (Art. 4 (1a) Packaging Directive [94/62/EC])
 - by establishing a maximum annual consumption of 90 bags per person by the end of 2019 and 40 bags by the end of 2025;
 - by banning the provision of free plastic bags at the point of sale by the end of 2018.
 The Commission is considering expanding these rules to include other single-use plastic products (p. 11).
 - National authorities can use resources from EU funds such as the European Solidarity Corps for “awareness campaigns” and projects to clean up beaches (p. 11).
 - The Commission wants to reduce the quantity of nets and fishing rods lost or abandoned by fishing boats at sea. For this it is considering the introduction of deposit schemes, EPR schemes and recycling targets (p. 12).
- **Biodegradable plastics**
- Contrary to what many consumers think, plastics referred to as “biodegradable” are generally (p. 11)
 - not suitable for home composting but
 - only degrade in industrial composting plants under “specific conditions” which are not found in the natural environment.
 - The Commission fears that, if it is not properly separated and collected, biodegradable plastic waste will be mixed with conventional plastic waste and thus reduce the quality of recyclates.
 - The Commission wants to prevent misleading information about the biodegradability of plastic products and facilitate the recycling-friendly separation of plastic waste (p. 12)
 - by establishing a harmonised EU definition of “biodegradable plastics”, on the one hand, and of plastics which are actually “compostable” at home, on the other;
 - by labelling plastic products accordingly.
- **Microplastics**
- “Microplastics” are tiny fragments of plastic less than 5 mm in diameter (p. 4).
 - Microplastics often enter the environment, particularly the oceans, and the food chain through wear and tear of products - such as tyres or synthetic clothes.
 - Some Member States and individual industries have already restricted the intentional use of microplastics in products – e.g. as additives in cosmetics. Therefore, in line with the European law on chemicals, the Commission has started the process to restrict the use of intentionally added microplastics in order to prevent a fragmentation of the internal market (p. 13).

- The Commission wants to (p. 6)
 - prevent microplastics from entering the environment and
 - gather more knowledge about their potential danger to human health.
- The Commission wants to examine whether the dissemination of microplastics in the environment can be reduced by
 - labelling and adopting “specific requirements” for tyres (p. 13) and
 - better information on the release of microfibers from textiles.

Policy Context

The Commission set out the initial ideas for measures to reduce plastic waste in 2013 in a Green Paper [COM(2013) 123, see [cepPolicyBrief 2013-19](#)]. In 2015, it submitted the “Circular Economy Package” In addition to an Action Plan for the Circular Economy [COM(2015) 614, see [cepPolicyBrief 2016-06](#)], aimed at better recycling of plastic waste, it contains proposals (see [cepPolicyBrief 2016-03](#)) to amend the Waste Framework Directive [2008/98/EC; COM(2015) 595], the Packaging Directive [94/62/EC; COM(2015) 596] and the Landfill Directive [1999/31/EC; COM(2015) 594]. Along with the current proposal for a Plastic Strategy, the Commission has also published a proposal for a Directive on port reception facilities for the delivery of waste from ships [COM(2018) 33] and a Communication on options to address the interface between chemical, product and waste legislation [COM(2018) 32].

Options for Influencing the Political Process

Directorate General: DG Environment (leading)

ASSESSMENT

Economic Impact Assessment

Plastic waste which enters the environment as a result of product design or improper disposal, can have a huge impact on the environment and lead to significant damage to health. Government action is therefore required.

By greater use of plastic recyclates, the EU’s dependence on crude oil imports will fall. This effect is only very minor, however, since only a small proportion of imported crude oil is used in the manufacture plastics.

It will be efficient if, during the manufacture of plastic products and -packaging, consideration is given to their recyclability once they become waste. In this regard, financial incentives which reward recycling-friendly product design are preferable to **Ecodesign rules** because the latter **may represent significant intervention in the freedom of companies to design their own products**.

The EU-wide standardised collection and sorting of plastic waste may, on the one hand, help to make plastic products and packaging, brought onto the internal market, cheaper to recycle. On the other hand, this may collide with regional preferences because the Member States vary regarding factors such as e.g. population density, environmental awareness and wage costs, which may justify the non-standardised collection and sorting of plastic waste in the Member States. The Commission should take account of this trade-off when establishing the proposed guidelines.

Uniform EU standards for plastic recyclates make them easier to trade in the EU. This increases competition between plastic recyclates and conventionally produced plastics which will lead to lower plastic prices.

In encouraging demand for plastic recyclates, the Commission should not go further than obtaining company pledges.

Rules, e.g. requiring companies to acquire a certain quantity of plastic recyclates, represent major intervention in the freedom to conduct a business and **may have a negative impact on the quality of plastic products and packaging** because companies must be able to decide for themselves whether plastic recyclates are of sufficient quality to be used in the products and packaging which they manufacture. In addition, EU companies in any case only have a limited influence on whether plastic waste or plastic recyclates remain in the EU or are exported to third countries.

State regulation to restrict single-use plastic products – like that already applicable to plastic carrier bags – will have a negative impact on the consumer’s freedom of choice and ignores the polluter-pays principle as **the use of single-use plastic products does not present a problem for the protection of the environment if the waste is properly disposed of**. Instead, consumers can be urged, by way of awareness campaigns – e.g. in schools – and market-based instruments such as deposit schemes, to dispose of single-use plastic products properly.

Uniform EU definitions for “biodegradable plastics” and “compostable plastics” may prevent misleading product information and thus **make it easier for consumers to properly dispose of the products or packaging** made from those materials – such bio-bin bags.

Legal Assessment

Legislative Competency

Unproblematic. The EU can adopt measures to protect the environment against plastic waste based on its general environmental competence (Art. 192 (1) TFEU).

Subsidiarity.

Regulation at EU level is justified where the improper disposal of plastic waste has a cross-border effect. That is the case because Plastic waste can enter the sovereign territory of other states via the air, rivers or sea. In addition, it is sensible to establish standard EU requirements for the design and labelling of products that are traded in the internal market.

Conclusion

Ecodesign rules may represent significant intervention in the freedom of companies to design their own products. Uniform EU standards for plastic recyclates make them easier to trade in the EU. Rules requiring companies to acquire a certain quantity of plastic recyclates may have a negative impact on the quality of plastic products and packaging. The use of single-use plastic products does not present a problem for the protection of the environment if the waste is properly disposed of. Uniform EU definitions for “biodegradable plastics” and “compostable plastics” make it easier for consumers to dispose of products and packaging properly.