

PlasticsEurope & Plastics Converters and single-use plastic products

17th October 2018

PlasticsEurope and EuPC acknowledge that marine litter is a significant global challenge and that any waste entering our rivers and oceans is unacceptable. The priority should be to stop waste of any kind, including plastic waste, from being littered and leaking into the environment. We therefore welcome all effective and proportionate initiatives aimed at preventing marine litter. We believe that making progress on this issue is crucial and that all stakeholders, including plastic producers, need to accelerate joint efforts.

We therefore support the Commission's overarching objective to reduce marine litter and look forward to engaging actively with the EU institutions on the proposal. For effective solutions to be found, any approach taken at EU level needs to be proportionate and based on a sound methodology and scientific evidence.

Plastics are used in a large number of single-use applications, but this does not mean that they become waste after a short life span. Moreover, the fact that certain applications are single-use does not automatically mean that they have a negative impact on the environment. Many single-use products made of or including plastics are necessity products that have brought significant contributions to quality of life and the protection of goods. It is therefore essential, for the purpose of this Directive, to limit the scope of the single-use items it covers to those which are found in the marine environment.

Understanding the need for immediate action in order to stop the flow of plastics into the environment, and considering the need to develop appropriate measures, we would like to share the following considerations:

Why are single use plastic products used?

In many cases, single-use items have proved to be an answer to market or regulatory needs for hygiene, consumer protection and food safety. Their use also have clear environmental benefits, such as extending shelf life in stores or preventing food waste along the food supply chain, from farm to fork¹.

What can we do to reduce marine litter?

Europe should turn the current rise in environmental awareness into an opportunity to encourage consumers to fully endorse a culture of separate collection and recycling. The Waste Framework Directive and the Packaging and Packaging Waste Directive have paved the way for proper waste management in Europe, including measures supporting collection and sorting systems, mandatory EPR for packaging, consumer awareness campaigns and measures to prevent and reduce the littering.

¹ See SAVE FOOD initiative of the FAO <http://www.fao.org/save-food/projects/saarc-countries/en/>

What is the impact of an alternative?

The Commission's impact assessment appears to be based on a sweeping assumption that a non-plastic waste in the marine environment is better than plastic. While it is true that plastic products, when littered, can take a long time before they degrade, it is important to determine, using a life cycle approach, which alternative has the lowest impact on the environment overall. Littering behaviour and improper waste management is independent of material type. Efforts should be put on ensuring full implementation of existing rules and new policies should ensure that no waste, plastic or otherwise, ends up having a negative impact on the environment. If alternatives are considered, the decision needs to be based on a full life cycle analysis.

Clear definitions are essential –

The scope of the current proposal is not clear and would catch numerous products that are highly resource efficient and not part of the items most found in the marine environment. Furthermore, the proposed definitions and product categories covered will create significant problems in the practical implementation of the proposal. Their vagueness could lead to a fragmentation of the internal market. We believe that the definitions of items must be clarified, their impact clearly understood and based on the findings of the studies on the most littered items found on beaches referred to in the Impact Assessment.

Our commitment –

PlasticsEurope and EuPC reaffirm the voluntary commitment² it had already announced when the EU Plastics Strategy was issued earlier this year. Plastic raw material producers are determined to tackle marine littering and the overall waste issue in collaboration with the relevant stakeholders – plastic is not the issue, but waste certainly is.

² The Plastics 2030 voluntary commitment and the European Plastics Industry Commitment focuses on increasing re-use and recycling, preventing plastics leakage into the environment, and accelerating resource efficiency. See https://www.plasticseurope.org/application/files/5115/1966/5994/PlasticsEurope_-_Voluntary_Commitment_FINAL.PDF and <https://www.circularplastics.org/>

Annex – our views on specific aspects of the proposal

1. Clear definitions should be adopted for effective solutions to be found

Terms defined in the proposal should be clarified to ensure consistency with the environmental acquis, international standards and to avoid including items which are not linked to marine litter. For example, the current definition of ‘single use plastics’ and the annexes cover items which are single use in order to meet the highest hygiene requirements as is needed for contact lenses or packaging for fresh meat, for example.

Recommendation

Clarify definitions in order to ensure implementation and enforcement at national level and safeguard the internal market.

For the purpose of this Directive:

- ‘Single use’ should be defined by stating what ‘single use’ is rather than by what it is not, taking into account standards and existing legislation.
- ‘plastic products’ should cover products which are mainly composed of plastic
- ‘Packets and wrappers’ should be defined in order to cover those categories identified in the JRC report and supporting evidence
- ‘Food containers’ should be defined in a way which would avoid the unintended inclusion of packaging used to extend shelf-life and allow for a great source of recycling potential.

2. Policy coherence should be ensured

The Directive should be complementary to the revised Waste Framework Directive, Packaging and Packaging Waste Directive and the Plastics Strategy and should neither duplicate nor potentially create incoherencies with the existing environmental acquis³. This could lead to confusion and potential delays in the implementation of measures outlined in the waste package until final adoption of the Directive on Single use plastics.

Furthermore, in order to be consistent with JRC reports and studies used as a basis for the Directive, prioritisation is essential in order to get quick results.

Recommendation

Clarify under Article 2 on the Scope, that the Directive is limited to addressing the impact of the top ten items found in the marine environment.

3. Measures should be proportionate

The revised Waste Framework Directive identifies poor waste management practices and infrastructure, inappropriate consumer littering behaviour and the lack of public awareness as the

³This includes among others: Marine and Water legislation which all include requirements on marine litter (Marine Framework Directive, Urban Waste Water Treatment Directive, and Port Reception Facilities Directive currently under revision).

root causes of litter. This is reflected in the Commission proposal's explanatory memorandum as well.

Responsible consumption is fundamental and while the focus of the current Directive is on plastic products, consumption patterns need to evolve and responsible product and resource consumption should be promoted. Banning certain types of products based on the availability of substitutes without conducting a thorough impact assessment of the social, economic and environmental implications will not lead to the behavioural shift required for a sustainable future.

Recommendations

- Tackle the root causes of litter by improving waste management practices and infrastructure (including the availability of more public litter bins and proper collection), raising awareness among citizens about litter prevention, and enforcing anti-litter laws in line with Article 36 of the revised Waste Framework Directive.
- Favour separate collection & sorting and EPR, which drives recycling, instead of bans – in particular for products such as plates which do not figure among the top ten items and can easily be taken up within an EPR system.

4. Legislation should be evidence-based and transparent

Policy measures need to be based on sound scientific evidence, clear data and a full and transparent socio-economic impact assessment.

Recognised life cycle data on possible alternatives should also be carefully considered prior to promoting one material or product to the detriment of another, keeping in mind that the products produced with an alternative material could equally be littered and create harm if no long-term, sustainable solution is found⁴.

Recommendation

- Carry out a thorough life cycle analysis of the impact of possible alternatives on the environment as well as an analysis of the viability and acceptance of such alternatives by consumers before putting restrictions or bans in place.
- Restrict the scope of the Directive to the most problematic product categories, regardless of the polymer used. Singling out specific polymers, such as food and beverage containers made of expanded polystyrene is discriminatory and in the case of EPS, not supported by the evidence provided in the JRC report⁵.

⁴ PlasticsEurope is collaborating with experts from the Forum for Sustainability through Life Cycle Innovation (FSLCI) to address marine litter in life cycle assessment

⁵ Based on the Commission's [Impact Assessment](#) and the JRC report "[Top Marine Beach Litter Items in Europe](#)" solely polystyrene pieces (from unidentified products) appear only as no. 28 and 53 plastic waste most commonly found on European beaches.