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# Single-use plastics and fishing gear

## Reducing marine litter

Most of the plastic in our oceans originates from land-based sources. On European beaches, plastics make up 80-85 % of marine litter, which is considered a major threat to marine and coastal biodiversity. Marine litter also costs the European Union economy an estimated €259 million to €695 million per year.

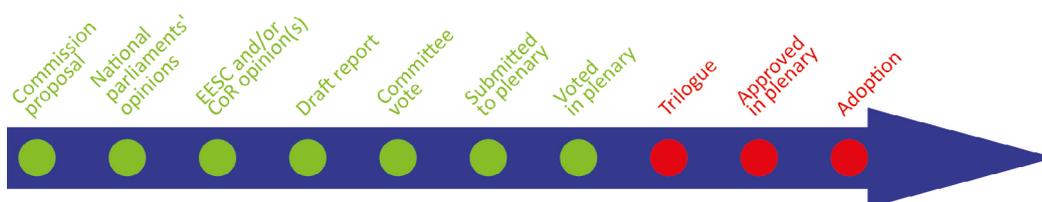
In May 2018, the European Commission put forward a legislative proposal seeking to address the issue of marine litter from plastics. The proposal would introduce a series of measures regarding the top 10 single-use plastics found on European beaches, as well as fishing gear, with a view to reducing their impact on the environment and ensuring a functional internal market.

Both the European Parliament and the Council have adopted their position on the proposal. Interinstitutional trilogue negotiations started on 6 November 2018.

### Proposal for a directive of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment

COM(2018) 340, 28.5.2018, 2018/0172(COD), Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')

|                        |   |
|------------------------|---|
| Committee responsible: | Environment, Public Health and Food Safety (ENVI)   |
| Rapporteur:            | Frédérique Ries (ALDE, Belgium)   |
| Shadow rapporteurs:    | Karl-Heinz Florenz (EPP, Germany); Massimo Paolucci (S&D, Italy); Mark Demesmaeker (ECR, Belgium); Lynn Boylan (GUE/NGL, Ireland); Margrete Auken (Greens/EFA, Denmark); Piernicola Pedicini (EFDD, Italy); Sylvie Goddyn (ENF, France) |
| Next steps expected:   | Continuing trilogue negotiations  |



28 November 2018  
Third edition  
The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. Please note this document has been designed for on-line viewing.

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## Introduction

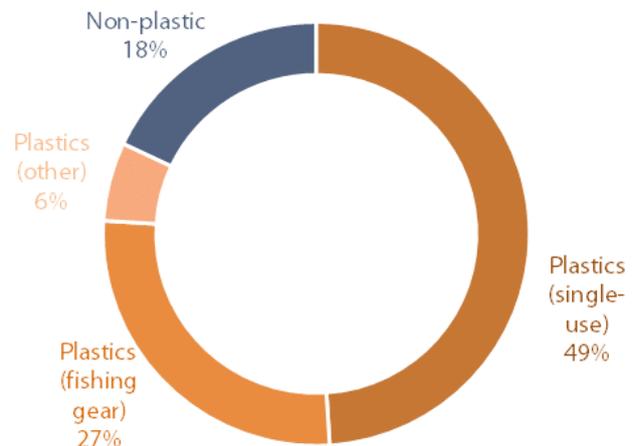
In May 2018, the European Commission put forward a legislative proposal seeking to address the issue of marine litter from plastics. The proposal builds on the 2015 [circular economy action plan](#), which announced 'action to fulfil the objective of significantly reducing marine litter',<sup>1</sup> and on the Strategy for plastics in a circular economy published in January 2018. The reduction of marine litter is also one of the main targets of the [7th environment action programme](#) adopted by the European Union (EU) in 2013. Related initiatives at global level include actions at the G7, G20 and in the context of the United Nations Sustainable Development Goals.

## Context

Plastics pervade modern life. Global plastics production has been multiplied by 20 since the 1960s and is expected to double by 2036. The production and consumption of plastics today offer a series of benefits (in particular low production costs, durability and versatility) but also pose a number of problems (in particular loss of material value as a result of single use and low recycling rates, as well as ill-effects on nature, climate and human health).

About three quarters of the **marine litter** in the world's seas is plastic. [Research](#) published in 2015 suggests that 4.8 to 12.7 million tonnes of plastic, or 2 to 5 % of plastic waste generated, enters the oceans each year. It is estimated that much of the plastic debris in the ocean is out of sight. [Research](#) published in 2018 notes that single-use plastics are widely found even at depths over 6 000 m and have reached the world's deepest ocean trench.

Figure 1 – Marine litter on EU beaches, by count (2016)



Data source: [European Commission](#).

On **European beaches**, the European Commission estimates that plastics make up 80–85 % of marine litter by count, and that single-use plastics account for about half of all marine litter by count. These estimates are consistent with findings from [Marine Litter Watch](#), a European Environment Agency initiative involving

1 In its 2014 [circular economy communication](#), put forward with a (later withdrawn) legislative package on waste, the Commission proposed an aspirational target of 'reducing marine litter by 30 % by 2020 for the ten most common types of litter found on beaches, as well as for fishing gear found at sea, with the list adapted to each of the four marine regions in the EU'. For a comparison between the two circular economy communications, see D. Bourguignon, [Circular economy 1.0 and 2.0: A comparison](#), EPRS, European Parliament, January 2016.

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citizens, as well as with reports on specific seas.<sup>2</sup> As debris can travel over long distances, the issue of marine litter has a strong transboundary dimension.

A 2015 [report](#) by the European Environment Agency notes that most of the plastic in our oceans originates from land-based **sources**, except in the North-East Atlantic where sea-based litter is equally important. A 2015 [report](#) by McKinsey, a consultancy, for the US-based NGO Ocean Conservancy estimates that there are now over 150 million tonnes of plastic in the seas, 60 % coming from uncollected waste or litter from land-based sources, 20 % from collected plastic waste subsequently leaking into the ocean environment, and 20 % from ocean-based sources such as fisheries. The 2015 research mentioned above estimates that over 80 % of the land-based plastic waste that ends up in oceans originates from 20 countries.<sup>3</sup> The European Commission notes that factors driving the problem of marine litter include the wide availability of plastic, a consumption trend for convenience, and the lack of incentives to ensure proper waste collection and treatment.

Marine litter is a major threat to marine and coastal biodiversity. **Impacts** on marine life and human well-being depend on the type and size of items. They include entanglement and ingestion by animals, habitat degradation as well as exposure to certain chemicals that are in plastics or are transported by plastic waste. Marine litter also has socio-economic impacts. A 2014 [study](#) for the European Commission estimates that degradation as a result of marine litter costs the EU economy between €259 million and €695 million per year, affecting mainly the tourism and recreation sector (up to €630 million) and the fisheries sector (up to €62 million). Both sectors are also a source of marine litter.

According to a 2017 [Eurobarometer](#) survey, a large majority of Europeans are concerned about the impacts of everyday products made of plastic on their health (74 %) and on the environment (87 %). In addition, 72 % of respondents indicated they had cut down on their use of single-use plastic bags.

## Existing situation

A number of EU legislative acts contain provisions relevant for marine litter. These include:

- > the [Waste Framework Directive](#), as amended in May 2018, which requires Member States to identify products that are the main sources of littering and to take measures to halt the generation of marine litter;
- > the [Marine Strategy Framework Directive](#), which requires Member States to ensure that the quantities and composition of marine litter do not cause harm to the marine or coastal environment, as part of the overall objective to reach 'good environmental status' of marine waters by 2020;

2 See for instance, [Marine Litter Assessment in the Mediterranean](#), United Nations Environment Programme, 2015; [Plastic waste dominates seafloor litter in Mediterranean and Black Sea surveys](#), Science for Environment Policy, European Commission, February 2015.

3 These countries are, in order of their contribution: China, Indonesia, the Philippines, Vietnam, Sri Lanka, Thailand, Egypt, Malaysia, Nigeria, Bangladesh, South Africa, India, Algeria, Turkey, Pakistan, Brazil, Burma, Morocco, North Korea and the United States. If considered collectively, the 23 coastal EU Member States would rank 18th on the list.



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- > the [Urban Waste Water Treatment Directive](#), which includes requirements for the collection and treatment of urban waste water and quality criteria for its treatment;
- > the [Port Reception Facilities Directive](#), which aims to reduce discharges of ship-generated waste and cargo residues into the sea.<sup>4</sup>

Other relevant measures were announced in the 2018 [strategy for plastics in a circular economy](#). These include: improved monitoring and mapping of marine litter; harmonised rules on defining and labelling compostable and biodegradable plastics; restriction on the use of oxo-degradable plastics under REACH; and actions to curb microplastics pollution.<sup>5</sup>

However, there are currently no provisions in EU legislation targeting littering from plastic items. Some Member States and regions are taking or considering action. The Commission notes that France has banned plastic cups and plates, Italy and France are banning plastic cotton buds, the United Kingdom wants to ban straws, and other countries, such as Ireland and Portugal, are considering similar measures. The Commission indicates that these uncoordinated measures, differing in scope, focus and ambition, pose a risk of market fragmentation.

## Parliament's starting position

In its [resolution](#) of 16 January 2018 on **international ocean governance**, Parliament urged the Commission to present concrete legislative actions and binding measures against marine litter; to help set up pilot projects to collect marine litter through beach clean-ups and fishing for litter campaigns; and to provide financial support to fishermen in Europe for the collection of marine litter. It also urged Member States to make further efforts in order to achieve good environmental status for marine waters by 2020, with a particular focus on marine litter.

In its [resolution](#) of 9 July 2015 on **resource efficiency: moving towards a circular economy**, Parliament urged the Commission to propose a target to reduce marine litter by 50 % by 2025 compared with 2014 levels.

<sup>4</sup> The directive on port reception facilities is currently [under revision](#).

<sup>5</sup> These include: restricting the intentional addition of microplastics to products via REACH; examining policy options for reducing unintentional release of microplastics from tyres, textiles and paint; developing measures to reduce plastic pellet spillage; and assessing the effectiveness of the Urban Waste Water Treatment Directive as regards microplastics capture and removal.



## Proposal

### Preparation of the proposal

The proposal builds among other things on **data and analysis** by the Commission's Joint Research Centre, in particular its technical group on marine litter supporting the implementation of the Marine Strategy Framework Directive, which has published a number of [reports](#) since 2010. A top 10 list of single-use plastics was created on the basis of data collected from 276 beaches in 17 Member States and four regional seas during 2016. The Commission was also supported by external consultants on two aspects: on single-use plastics, consultants analysed drivers and pathways to marine litter, based on data collected by the Joint Research Centre, and identified possible measures to tackle the issue; on fishing gear, a study was conducted to identify legislative gaps and possible measures.

The Commission carried out a **public consultation** between December 2017 and February 2018, which received over 1 800 contributions. An overwhelming majority of respondents considered that action to tackle marine litter from single-use plastics was 'necessary and urgent'. In addition, the Commission produced an **impact assessment**, which looked at four different options to address single-use plastics and three different options on fishing gear. The Commission's regulatory scrutiny board issued a 'positive opinion with reservations' on the impact assessment. The [initial appraisal](#) of the impact assessment by the European Parliamentary Research Service finds that it is generally coherent and clear, but underlines that measures foreseen under the preferred option (consumption reduction measures for wet wipes, as well as quantitative reduction targets for drinks cups and food containers) are absent from the proposal; conversely, the proposal contains measures on lightweight plastic carrier bags and a separate collection target for drinks bottles, which were not analysed in the impact assessment.

### The changes the proposal would bring

The proposal would introduce a series of **measures regarding the top 10 single-use plastics found on European beaches as well as fishing gear**, with a view to reducing their impact on the environment and ensuring a functional internal market. Together, these two groups of items account for about 70 % of marine litter items found on European beaches.<sup>6</sup> The measures proposed depend on the existence or absence of alternatives and separate collection and recycling streams.

The **proposed measures** can be summarised as follows (see also the table below for an overview):

- > **market restriction:** banning certain items for which affordable alternatives exist: plastic cotton bud sticks, cutlery, plates, straws, drink stirrers and sticks for balloons;

<sup>6</sup> On European beaches, the top 10 single-use plastics represent 43 % of all marine litter items (and 86 % of all single-use plastics litter items), while fishing gear accounts for 27 % of marine litter items.



Preparation of the proposal

The changes the proposal would bring

- > **consumption reduction:** requiring Member States to achieve a 'significant reduction' in the consumption of food containers and drinks cups, for instance by setting national targets, making alternative products available to consumers, or ensuring that single-use plastic products cannot be provided free of charge;
- > **separate collection:** requiring Member States to ensure that by 2025, 90 % of single-use plastic drinks bottles are collected, for example through deposit refund schemes;<sup>7</sup>
- > **product design:** requiring single-use plastics drinks containers and bottles to have their caps and lids attached;
- > **extended producer responsibility:** requiring Member States to ensure that extended producer responsibility schemes are established for a number of single-use plastic items (food containers, packets and wrappers, drinks containers and cups, cigarette filters, wet wipes, balloons and lightweight plastic bags) as well as fishing gear. For single-use plastics items, producers would cover the costs of waste management and clean-up, as well as awareness raising measures; for fishing gear, producers would cover the costs of waste management of gear delivered to port reception facilities;

#### Extended producer responsibility (EPR)

Extended producer responsibility schemes require that producers take over the financial and/or organisational responsibility for collecting or taking back used goods, as well as for sorting and preparing for their recycling. Although extended producer responsibility is in principle an individual obligation, in practice producers often exert this responsibility collectively through 'producer responsibility organisations' (PROs).

- > **labelling:** requiring certain items (sanitary towels, wet wipes and balloons) to bear a label indicating how items should be disposed of, the negative environmental impact of inappropriate disposal, and the presence of plastics in the product;
- > **awareness raising:** requiring Member States to raise consumers' awareness about available re-use systems and waste management options as well as about the negative impacts of inappropriate disposal. These measures would apply to food containers, drinks cups, drinks containers, balloons, packets and wrappers, cigarette filters, wet wipes and sanitary towels, lightweight plastic carrier bags, and fishing gear.

<sup>7</sup> The target would support the 2030 55 % recycling target for plastic packaging waste set in the Packaging and Packaging Waste Directive (as updated in May 2018 by [Directive \(EU\) 2018/852](#)).



Preparation of the proposal  
The changes the proposal would bring

Table 1 – Overview of proposed measures, by nature and item

| Ranking on top 10 list |                                      | Market restriction | Consumption reduction | Separate collection | Product design | Extended producer responsibility | Labelling | Awareness raising |
|------------------------|--------------------------------------|--------------------|-----------------------|---------------------|----------------|----------------------------------|-----------|-------------------|
| 10                     | Food containers                      |                    | ■                     |                     |                | ■                                |           | ■                 |
| 8                      | Drinks cups                          |                    | ■                     |                     |                | ■                                |           | ■                 |
| 3                      | Cotton bud sticks                    | ■                  |                       |                     |                |                                  |           |                   |
| 7                      | Cutlery, plates, stirrers, straws    | ■                  |                       |                     |                |                                  |           |                   |
| 9                      | Sticks for balloons                  | ■                  |                       |                     |                |                                  |           |                   |
|                        | Balloons                             |                    |                       |                     |                | ■                                | ■         | ■                 |
| 4                      | Packets & wrappers                   |                    |                       |                     |                | ■                                |           | ■                 |
| 1                      | Drinks containers, their caps & lids |                    |                       |                     | ■              | ■                                |           | ■                 |
|                        | Drinks bottles                       |                    |                       | ■                   | ■              | ■                                |           | ■                 |
| 2                      | Cigarette filters                    |                    |                       |                     |                | ■                                |           | ■                 |
| 5                      | Wet wipes                            |                    |                       |                     |                |                                  | ■         | ■                 |
|                        | Sanitary towels                      |                    |                       |                     |                |                                  | ■         | ■                 |
| 6                      | Lightweight plastic carrier bags     |                    |                       |                     |                | ■                                |           | ■                 |
| -                      | Fishing gear                         |                    |                       |                     |                | ■                                |           | ■                 |

Source: European Parliamentary Research Service

In addition, the proposal would require Member States to provide data on consumption reduction, and require the Commission to review the directive six years after its transposition deadline. It also introduces provisions related to access to justice on environmental matters.<sup>8</sup>

In the impact assessment accompanying the proposal, the Commission estimates the following costs and benefits of the preferred option (which is not identical to the proposal, as indicated above):

> for single-use plastics, by 2030:

8 In doing so, the proposal implements provisions of the [Aarhus Convention](#) on access to information, public participation in decision-making and access to justice in environmental matters. For more details, see A. Altmayer, [Implementing the Aarhus Convention: Access to justice in environmental matters](#), EPRS, European Parliament, October 2017.



Preparation of the proposal

The changes the proposal would bring

- > **costs:** decrease in producer turnover (€3.2 billion); information campaign costs (€0.6 billion); business compliance, commercial washing and refill schemes costs (€1.4 billion); waste management costs (€0.5 billion);
- > **benefits:** decrease in top 10 single-use plastics marine litter by count (-56 %) and by weight (-35 %); decrease in greenhouse gas emissions (-2.63 million tonnes); reduction in external costs (-€11.1 billion); savings for consumers (€6.5 billion); additional jobs (4 000 full-time equivalents);
- > for fishing gear:
  - > **costs:** set-up costs for extended producer responsibility schemes (€6.3 million); annual administrative and waste management costs for extended responsibility schemes (€11 million);<sup>9</sup>
  - > **benefits:** decrease by 2 600 tonnes each year in the amount of fishing gear left at sea, which would generate between €2 million and €7 million in economic benefits for fishing, port and tourism industries.

The Commission notes that a large part of the single-use plastics items targeted with market restrictions are produced outside the European Union. It also indicates that most of the 50 000 companies in the plastic converters sector<sup>10</sup> in the EU are small and medium enterprises (SMEs), and that the proposal could create opportunities for them if they have already adopted circular design and business models. The Commission also notes that the effect on EU businesses will depend on whether their main activity is the production of single-use plastics, and whether they will be able to switch to manufacturing other plastic items.

9 The Commission estimates that this would add a maximum of about 4 % to the cost of fishing gear, assuming producers passed all costs on to users. The costs represent 0.16 % of the annual revenue of the EU fishing fleet.

10 Plastic converters transform plastic resin (in the form of pellets, powders or flakes) into products and packaging.

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## Views

### Advisory committees

In its [opinion](#) of 10 October 2018 on the proposal (rapporteur: Sirpa Hertell, EPP, Finland), the European Committee of the Regions welcomes the proposal, while noting that its scope is quite narrow, and calls for a more holistic approach. It proposes additional measures and outlines, among other things, the key role of local and regional authorities in waste collection and management.

In its [opinion](#) of 17 October 2018 on the proposal (rapporteur: Maria Nikolopoulou, Group II – Workers, Spain), the European Economic and Social Committee supports the proposal, and stresses that the transition towards sustainability requires the involvement of all stakeholders and the general public, in a new paradigm of production, consumption and recycling. It proposes to consider expanding the list of products covered by the proposal, to create incentives for fishermen to contribute to ocean clean-up, and to ensure effective implementation through an accompanying roadmap and other initiatives.

### National parliaments

The deadline for [national parliaments](#) to submit comments on the proposal was 25 July 2018. No reasoned opinions were submitted.

### Stakeholders' views<sup>11</sup>

European Plastic Converters ([EuPC](#)) found the proposal to be 'a symbolic attack on a category of poorly defined products', which would confuse consumers and cause fragmentation of the single market. It adds, among other things, that the spirit of the proposal goes against the industry's voluntary commitments initiated under the strategy on plastics in a circular economy and the recently updated Packaging and Packaging Waste Directive.

In a [joint position](#), associations representing the waste management and recycling sectors (FEAD and EuRIC) welcomed the proposal but deeply regretted that it considered extended producer responsibility schemes as one of the main instruments to tackle issues stemming from single-use plastics. They also urged the co-legislators to include in the text provisions on binding recycled content for plastic bottles.

[Rethink Plastic](#), a coalition of non-governmental organisations, welcomed the proposal as an important step towards reducing plastic pollution. However, it regretted that the proposal failed to set specific EU-wide reduction targets for food containers and drinks cups, and did not address the presence of hazardous substances in single-use plastic products. The [WWF](#) also welcomed the proposal but regretted that it did

11 This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'EP supporting analysis'.



Advisory committees

National parliaments

Stakeholders' views

not adequately address lost fishing gear, an issue which it considered could be tackled with simple actions such as clear labelling.



## Legislative process

In the European Parliament, the Committee on Environment, Public Health and Food Safety (ENVI) considered the proposal. The rapporteur Frédérique Ries (ALDE, Belgium) submitted her draft report in early July 2018, and the ENVI committee adopted its report on 10 October 2018. In its [position](#) adopted in plenary on 24 October 2018, the European Parliament introduces the following changes to the Commission proposal:

- > widening the scope of market restrictions (bans) to include products made of oxo-degradable plastic, as well as expanded polystyrene food and drinks containers used to contain food that is intended for immediate consumption from the receptacle without further preparation;
- > introducing quantitative targets on the consumption of certain products: requiring Member States to reduce the consumption of single-use drinks cups and food containers by at least 25 % by 2025, and to reduce plastic cigarette filters waste by 50 % by 2025 and by 80 % by 2030;
- > setting minimum recycled content of 35 % for drink bottles, to be met by 2025;
- > modifying the scope of labelling requirements: extending them to cigarette filters, some packets and wrappers, and drinks cups; removing labelling requirements for balloons;
- > as regards hazardous substances, requiring labels to mention the presence of chemicals of concern, and banning the use of hazardous chemicals in sanitary towels and tampons;
- > requiring extended producer responsibility schemes for plastic cigarette filters to cover the costs of waste collection, transport and treatment, including clean-up and awareness-raising costs;
- > on fishing gear, setting a minimum collection rate of 50 % and a recycling target of 15 %, both to be met by 2025, and requesting the development of a standard on the circular design of fishing gear; and
- > requiring the Commission and the Member States to set up, by 2020, a Union-wide programme for cleaning up plastic waste in the oceans; requiring the Commission to develop guidelines on the functioning of deposit-refund schemes, and to review the directive five years (instead of six) after its transposition, setting, if appropriate, binding quantitative consumption-reduction targets at EU level.
- > In the Council, environment ministers discussed the proposal on 25 June and 9 October 2018. The Council adopted its general approach on 31 October 2018. Although the Council position has not been published, a Council [press release](#) provides some elements. These include:
  - > extending the scope of **market restrictions** to expanded polystyrene cups for beverages;
  - > extending the obligations to cover the **costs of litter clean-up** to companies which import or sell single-use plastic products or packaging in Europe;
  - > modifying provisions related to **extended producer responsibility** schemes.



Trilogue negotiations between the European Parliament and the Council on the proposal started on 6 November 2018.



## References

### EP supporting Analysis

Vikolainen V., [Marine litter: single-use plastics and fishing gear](#), initial appraisal of a European Commission impact assessment, EPRS, European Parliament, July 2018.

Bourguignon D., [Plastics in a circular economy: Opportunities and challenges](#), EPRS, European Parliament, May 2017.

[EU action to combat marine litter](#), Policy department for economic and scientific policy, European Parliament, May 2017.

### Other sources

[Reduction of the impact of certain plastic products on the environment](#), Legislative Observatory (OEIL), European Parliament.

[State of Europe's Seas](#), European Environment Agency, 2015.

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