



15.10.2019

## NOTICE TO MEMBERS

**Subject:** Petition No 0039/2019 by T.H. (German) on maintaining separate plastic bottle caps

### 1. Summary of petition

The petitioner objects to certain measures proposed by the European institutions to reduce plastic waste. In particular, the petitioner opposes the introduction of plastic bottles with attached caps, as he is of the view that such an approach lessens consumer responsibility, while also having negative ecological impacts, as such plastic bottles will no longer be refillable in his view and therefore more will go to waste. The petitioner calls for the European Commission to allow for exemptions from this measure for Member States that have bottle deposit systems in place.

### 2. Admissibility

Declared admissible on 5 April 2019. Information requested from Commission under Rule 227(6) (former Rule 216(6)).

### 3. Commission reply, received on 15 October 2019

Beverage bottles and their caps and lids are the most frequently found items on our beaches. Caps and lids are found twice more often than the bottles. The requirement to attach the caps to bottles will almost completely eliminate the possibility to litter.

Concerning the role of Deposit Return Schemes, Article 6 of the proposal<sup>1</sup> does not make these mandatory – countries can also opt for an Extended Producer Responsibility (EPR) scheme for beverage bottles and awareness-raising actions.

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<sup>1</sup> COM(2018) 340 final.

The Commission is aware that in some Deposit Return Systems that achieve high collection rates (up to 90%), around 90% of bottles are returned with their respective caps. This means that still many caps are not collected and are likely to be littered. To apply the tethered caps obligation only to countries that do not have Deposit Return Systems would imply for the industry to have different lines of production for different countries which would likely imply additional costs. In addition, it is something that would be considered discriminatory and would go against the Single Market principle. The Commission recognises that there might be a slight increase in primary Carbon Dioxide (CO<sub>2</sub>) emissions due to the eventual need to use more plastics. However, in terms of resource efficiency, it must be considered that for the moment, most caps either are littered or end up in landfills or in incineration. If caps are connected to the bottles, they will not be lost and the material can be returned to the economy. Recycling of tethered caps could, furthermore, reduce emissions compared to emissions from the production of new caps.

The Commission recognises that there will be an increase in production costs. However, this eventual increase has to be compared with the damage done by marine litter related to clean-up and retrieval costs, damage to tourism, shipping, fishing and aquaculture, as well as impacts on species and ecosystems, and the loss of valuable resources that could be reinjected into the economy.

Some companies already have caps attached to their products and the Commission considers that industry should be able to adapt within the timeframe foreseen in Article 17 (1) of Directive (EU) 2019/9042 (i.e. 3 July 2024). The provision of the Directive does not prevent refilling. According to Article 6 of the Directive, the Commission is working on the definition of a standard on tethered caps, in close contact with stakeholders. It is considering, in the mandate for a standard, a requirement according to which bottles with tethered caps are designed in order to allow for reuse.

## Conclusion

The Commission considers that the concerns of the petitioner were taken into consideration during the negotiations and the adoption of Directive (EU) 2019/904. During the preparation of the future standard on tethered caps, the Commission will also involve stakeholders.

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2 Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (Text with EEA relevance), *OJL 155, 12.6.2019, p. 1–19*.