



EUROPEAN PARLIAMENT

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A8-0130/2015

10.4.2015

*****II**

RECOMMENDATION FOR SECOND READING

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
(05094/1/2015 – C8-0064/2015 – 2013/0371(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Margrete Auken

Symbols for procedures

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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
(05094/1/2015 – C8-0064/2015 – 2013/0371(COD))**

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (05094/1/2015 – C8-0064/2015),
 - having regard to the opinion of the European Economic and Social Committee of 26 February 2014¹,
 - having regard to the opinion of the Committee of the Regions of 3 April 2014²,
 - having regard to its position at first reading³ on the Commission proposal to Parliament and the Council (COM(2013)0761),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 76 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A8-0130/2015),
1. Approves the Council position at first reading;
 2. Approves its statement annexed to this resolution;
 3. Notes that the act is adopted in accordance with the Council position;
 4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union
 5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 214, 8.7.2014, p. 40.

² OJ C 174, 7.6.2014, p. 43.

³ Texts adopted of 16.4.2014, P7_TA(2014)0417.

ANNEX TO THE RESOLUTION

Statement of the European Parliament

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.

As the Commission stated in its Explanatory Memorandum, its original proposal aimed 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."*

The European Parliament considers that the text agreed by the co-legislators is fully in line with the aims of the Commission proposal.

The Commission concluded in its impact assessment that *"the option that combines an EU-wide prevention target with an explicit recommendation to use a pricing measure and the possibility for Member States to apply market restrictions by way of derogation of Article 18 [...] has the highest potential to deliver ambitious environmental results, while achieving positive economic impacts, limiting negative effects on employment, ensuring public acceptance, and contributing to wider awareness on sustainable consumption"*.

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.

The European Parliament recalls furthermore that according to paragraph 30 of 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.

The European Parliament recalls that according to Article 13 (2) TEU *"institutions shall practice mutual sincere cooperation."* The Parliament appreciates the efforts made by the Commission in order to conclude the inter-institutional negotiations. It deplores, however, the fact that the Commission's declaration addresses issues that have already been dealt with adequately during the legislative procedure.

Finally, the Parliament recalls that the Commission, as guardian of the Treaties, is fully responsible for the correct application of Union law by the Member States.

EXPLANATORY STATEMENT

As result of the negotiations between the European Parliament and the Council, the Commission proposal has been significantly improved by laying down an obligation on Members States to achieve a sustained reduction in the consumption of lightweight plastic carrier bags. Importantly, for the first time in forty years of European waste legislation, we will have binding measures at EU level to reduce waste generation.

Targets or pricing

In particular, 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

In order to assess the effectiveness of reduction measures the text introduces 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. This builds on existing reporting obligations. As such, the benefits in terms of having concrete tools that allow Member States to control the effectiveness of the measures taken far outweigh the extra administrative work.

Labelling of biodegradable and compostable plastic carrier bags

Furthermore, 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 "oxo-biodegradable" plastic carrier bags. "Oxo-biodegradable" plastic bags are based on a technology where an additive is added to conventional plastic material so that the plastic eventually fragments into micro-particles (normally within two to five years). It is marketed as a solution to littering, when in fact it increases the problem of littering by leading to environmental pollution with micro-plastics. Whether or not these micro-plastics are ultimately "biodegradable" as claimed by those offering this technology is highly controversial. The fact that the term "biodegradable" is currently applied to materials with extremely widely differing rates of bio-degradation has rendered the term meaningless. The adoption of clear specifications for a label of biodegradable and compostable bags not only clarifies the situation and ends misleading claims, but can also contribute to facilitate the separate collection of bio-waste with the help of truly biodegradable and compostable plastic bags.

Assessment of impacts of "oxo-degradable" plastic carrier bags on the environment

As a label alone only addresses misleading claims by "oxo-degradable" plastic carrier bags, but does not prevent the increase in pollution potentially brought about by this technology, 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. As "oxo-degradable" plastic materials are especially used to produce plastic carrier bags, it is fully appropriate to ensure legally binding follow-up action in the context of amending the packaging directive with regard to plastic carrier bags, rather than defer this to uncertain follow-up to the Commission Green Paper on plastic waste.

Very lightweight plastic carrier bags

In order to be able to reduce the excessive consumption of lightweight plastic carrier bags, it was necessary to distinguish them from *very* lightweight plastic carrier bags with a wall thickness below 15 microns which are required for hygiene purposes or provided as primary packaging for loose food when this helps to prevent food wastage. As Member States may be allowed to exempt very lightweight plastic carrier bags from the measures to achieve the reduction targets or the pricing, their consumption may remain at the same levels or even increase. However, as their consumption is very high and the littering problem particularly relevant for these 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

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

In summary, the final agreement is a major improvement in all aspects as compared to the Commission proposal. And unlike the Commission proposal, it is based on the preferred option identified in the Commission's own impact assessment. Your rapporteur therefore recommends agreeing to the common position without any amendments.

PROCEDURE

Title	Amendment to Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags
References	05094/1/2015 – C8-0064/2015 – 2013/0371(COD)
Date of Parliament's first reading – P number	16.4.2014 T7-0417/2014
Commission proposal	COM(2013)0761 - C7-0392/2013
Receipt of Council position at first reading announced in plenary	12.3.2015
Committee responsible Date announced in plenary	ENVI 12.3.2015
Rapporteurs Date appointed	Margrete Auken 28.11.2013
Discussed in committee	18.3.2015
Date adopted	31.3.2015
Result of final vote	+: 55 –: 2 0: 6
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Zoltán Balczó, Catherine Bearder, Ivo Belet, Simona Bonafè, Cristian-Silviu Buşoi, Nessa Childers, Alberto Cirio, Miriam Dalli, Seb Dance, Angélique Delahaye, Jörn Dohrmann, Ian Duncan, Bas Eickhout, Eleonora Evi, José Inácio Faria, Iratxe García Pérez, Elisabetta Gardini, Gerben-Jan Gerbrandy, Jens Gieseke, Julie Girling, Sylvie Goddyn, Matthias Groote, Françoise Grossetête, Jytte Guteland, György Hölvényi, Josu Juaristi Abaunz, Karin Kadenbach, Kateřina Konečná, Giovanni La Via, Peter Liese, Norbert Lins, Valentinas Mazuronis, Massimo Paolucci, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Marcus Pretzell, Michèle Rivasi, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Dubravka Šuica, Tibor Szanyi, Claudiu Ciprian Tănăsescu, Estefanía Torres Martínez, Glenis Willmott, Jadwiga Wiśniewska, Damiano Zoffoli
Substitutes present for the final vote	Nikos Androulakis, Nicola Caputo, Herbert Dorfmann, Peter Jahr, Ulrike Müller, James Nicholson, Younous Omarjee, Marit Paulsen, Gabriele Preuß, Christel Schaldemose, Bart Staes, Elżbieta Katarzyna Łukacijewska
Date tabled	10.4.2015