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*Committee on the Environment, Public Health and Food Safety*

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**2013/0371(COD)**

17.12.2013

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## **DRAFT REPORT**

on the proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags  
(COM(2013)0761 – C7-0392/2013 – 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 proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags  
(COM(2013)0761 – C7-0392/2013 – 2013/0371(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0761),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0392/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A7-0000/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## Amendment 1

### Proposal for a directive

#### Recital 2

##### *Text proposed by the Commission*

(2) Consumption of plastic carrier bags results in high levels of littering and an inefficient use of resources and is expected to increase if no action is taken. Littering of plastic carrier bags contributes to the problem of marine litter that threatens marine eco-systems worldwide.

##### *Amendment*

(2) Consumption of plastic carrier bags results in high levels of littering and an inefficient use of resources and is expected to increase if no action is taken. Littering of plastic carrier bags ***has adverse consequences for the environment and*** contributes to the problem of marine litter that threatens marine eco-systems worldwide.

Or. en

##### *Justification*

*Littering of plastic carrier bags does not only contribute to the problem of marine litter, but also has adverse consequences for the environment as a whole.*

## Amendment 2

### Proposal for a directive

#### Recital 3

##### *Text proposed by the Commission*

(3) Plastic carrier bags with a thickness below 50 microns, which represent the vast majority of the total number of plastic carrier bags consumed in the Union, are less ***frequently re-used*** than thicker plastic carrier bags and more prone to littering.

##### *Amendment*

(3) Plastic carrier bags with a thickness below 50 microns, which represent the vast majority of the total number of plastic carrier bags consumed in the Union, are less ***reusable*** than thicker plastic carrier bags and more prone to littering.

Or. en

*Justification*

*Actual reuse depends on many factors. In principle, any plastic bag can be reused. However, the thickness influences above all the re-usability.*

**Amendment 3**

**Proposal for a directive  
Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Current recycling rates are very low even though plastic carrier bags are recyclable. Furthermore, the recycling of plastic carrier bags is not expected to reach a significant level, as due to their thinness and light weight, plastic carrier bags do not have a high recycling value. In addition, there is no separate collection for plastic carrier bags, their transportation is costly, and washing them for recycling requires large volumes of water. The recycling of plastic carrier bags therefore does not resolve the problems caused by them.***

Or. en

*Justification*

*Current recycling levels of plastic carrier bags are at 6,6%. According to the Bio-Intelligence Study that informed the impact assessment, recycling levels are estimated to stay below 10% in 2020. Apart from the fact that prevention and reuse take priority over recycling according to the waste hierarchy, it is clear that increasing recycling does not resolve the issue.*

**Amendment 4**

**Proposal for a directive  
Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) To promote similar reductions of the

(5) To promote similar reductions of the

average consumption level of lightweight plastic carrier bags, Member States should take measures to reduce the consumption of plastic carrier bags with a thickness below 50 microns in line with the overall objectives of the Union's waste policy and the Union's waste hierarchy as provided for in Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives<sup>7</sup>. Such reduction measures should take account of current consumption levels of plastic carrier bags in individual Member States, with higher levels requiring more ambitious efforts. To monitor progress in reducing the use of lightweight plastic carrier bags national authorities will provide data on their use under article 17 of Directive 94/62/EC.

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<sup>7</sup> OJ L 312, 22.11.2008, p. 3.

average consumption level of lightweight plastic carrier bags, Member States should take measures to **significantly** reduce the consumption of plastic carrier bags with a thickness below 50 microns in line with the overall objectives of the Union's waste policy and the Union's waste hierarchy as provided for in Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives<sup>7</sup>. Such reduction measures should take account of current consumption levels of plastic carrier bags in individual Member States, with higher levels requiring more ambitious efforts. To monitor progress in reducing the use of lightweight plastic carrier bags national authorities will provide data on their use under article 17 of Directive 94/62/EC.

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<sup>7</sup> OJ L 312, 22.11.2008, p. 3.

Or. en

### *Justification*

*This is a strengthening of the wording in line with the proposed concrete target of a reduction of at least 80% as proposed in Article 1.*

## **Amendment 5**

### **Proposal for a directive**

#### **Recital 6**

#### *Text proposed by the Commission*

(6) Measures to be taken by Member States **may** involve the use of ***economic instruments such as taxes and levies***, which have proved particularly effective to reduce the use of plastic carrier bags, as well as marketing restrictions such as bans in derogation of Article 18 of Directive

#### *Amendment*

(6) Measures to be taken by Member States **should** involve the use of levies, which have proved particularly effective to reduce the use of plastic carrier bags. ***Member States should ensure that retailers do not provide carrier bags, and in particular plastic carrier bags other than very***



94/62/EC, subject to the requirements laid down in Articles 34 to 36 of the Treaty on the Functioning of the European Union.

***lightweight plastic carrier bags or alternatives to such very lightweight plastic carrier bags, free of charge at the point of sale of goods or products. Member States should also be able to use economic instruments such as taxes*** as well as marketing restrictions such as bans in derogation of Article 18 of Directive 94/62/EC, subject to the requirements laid down in Articles 34 to 36 of the Treaty on the Functioning of the European Union.

Or. en

#### *Justification*

*The most effective way to reduce unnecessary consumption of carrier bags is by no longer providing them free of charge. This should become compulsory in all Member States. This should apply to all carrier bags, not only those made out of plastic, except for very thin plastic carrier bags which are necessary for food hygiene, or alternatives to such very thin plastic carrier bags.*

#### **Amendment 6**

##### **Proposal for a directive Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) Very lightweight plastic carrier bags used to wrap humid, loose, unpackaged foods such as raw meat, fish and dairy are required for food hygiene and should therefore be exempt from the reduction target of this Directive.***

Or. en

#### *Justification*

*As there are currently no alternatives to the wrapping of loose, unpackaged foods such as raw meat, fish and dairy products, these should be exempt from the reduction target of this Directive.*

## Amendment 7

### Proposal for a directive Recital 6 b (new)

*Text proposed by the Commission*

*Amendment*

***(6b) Very lightweight plastic carrier bags used to wrap dry, loose, unpackaged foods such as fruits, vegetables and confectionery fulfil functions that go beyond the mere carrying of such goods. However, such carrier bags can contribute to littering in a significant manner. They should therefore be reduced or replaced progressively by carrier bags that are made from bio-based and compostable materials that are resourced in a sustainable manner, or by recycled paper.***

Or. en

### *Justification*

*Member States should also look at possibilities to reduce the use of very lightweight plastic carrier bags used to wrap dry fruits, vegetables and confectionery. Alternatively, they could be replaced by carrier bags that are made from bio-based and compostable materials that are resourced in a sustainable manner, or by recycled paper.*

## Amendment 8

### Proposal for a directive Recital 6 c (new)

*Text proposed by the Commission*

*Amendment*

***(6c) Member States are already obliged pursuant to Directive 2008/98/EC to set up by 2015 separate collection of waste paper in order to promote high quality recycling. Member States should furthermore set up separate collection for bio-waste in order to facilitate a high level of composting and recycling of biowaste,***

*including bio-based compostable carrier bags.*

Or. en

*Justification*

*For the use of bio-based compostable plastic bags materials to be truly environmentally advantageous over conventional plastic bags, separate collection of bio-waste is needed.*

**Amendment 9**

**Proposal for a directive  
Recital 6 d (new)**

*Text proposed by the Commission*

*Amendment*

***(6d) The essential requirements with regard to biodegradable packaging should be amended so as to ensure that only materials that are fully biodegraded at the end of a specified period of time are considered to be biodegradable.***

Or. en

*Justification*

*The current essential requirements are not stringent enough, as they only require biodegradation of most of the packaging and indicate no timeline for this. This should be strengthened.*

**Amendment 10**

**Proposal for a directive  
Recital 6 e (new)**

*Text proposed by the Commission*

*Amendment*

***(6e) European Standard EN 13432 on “Requirements for packaging recoverable through composting and biodegradation - Test scheme and evaluation criteria for***

*the final acceptance of packaging” lays down the characteristics that a material must possess in order to be considered ‘compostable’, namely that it can be recycled through a process of organic recovery (composting and anaerobic digestion). The Commission should ask the European Committee for Standardization to update that standard so as to comply with the modification of the essential requirements.*

Or. en

#### *Justification*

*In light of the strengthening of the essential requirements proposed, the Commission should ask CEN to update the corresponding standard accordingly.*

#### **Amendment 11**

##### **Proposal for a directive Recital 6 f (new)**

*Text proposed by the Commission*

*Amendment*

*(6f) Some plastic materials are referred to as “oxo-biodegradable” by their manufacturers. In such plastic materials, “oxo-biodegradable” additives, typically metal salts, are incorporated into conventional plastics. As a result of the oxidation of those additives, these plastic materials fragment into small particles, which remain in the environment. It is thus misleading to refer to such plastic materials as “biodegradable”. Fragmentation transforms visible littering of items such as plastic carrier bags into invisible littering by secondary microplastics. This is not a solution to the waste problem, but rather increases pollution of the environment by those plastic materials. Such plastic materials should therefore not be used for plastic*

**packaging.**

Or. en

*Justification*

*It should be clarified that "oxo-biodegradable" plastics - which in fact do not degrade but only fragment into secondary microplastics - should disqualify as a packaging material. Fragmentation of plastics into secondary microplastics increases pollution of the environment by plastics and should therefore not be allowed. This is in line with the position by the Environment Committee in the context of the European strategy on plastic waste.*

**Amendment 12**

**Proposal for a directive  
Recital 6 g (new)**

*Text proposed by the Commission*

*Amendment*

***(6g) The use of substances that are carcinogenic, mutagenic or toxic to reproduction and of substances that are endocrine disrupters should be phased out from packaging material so as to avoid unnecessary exposure of humans to such substances and to avoid that such substances enter the environment during the waste phase.***

Or. en

*Justification*

*CMR substances and endocrine disrupters are substances of very high concern. They should be replaced wherever possible. Their substitution in plastic packaging is in line with the position by the Environment Committee in the context of the European strategy on plastic waste. The Packaging Directive already sets limit values for heavy metals.*

**Amendment 13**

**Proposal for a directive  
Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) In order to ensure that bio-based materials are resourced in a sustainable manner for the benefit of the environment, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining the criteria for resourcing those materials in a sustainable manner. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.***

Or. en

#### **Amendment 14**

##### **Proposal for a directive**

**Article 1 – point -1 (new)**

Directive 94/62/EC

Article 3 – point -2 a (new)

*Text proposed by the Commission*

*Amendment*

***(-1) In Article 3, a new point -2a is inserted:***

***‘-2a. “carrier bags” shall mean bags which are supplied to consumers at the point of sale of goods or products; ’***

Or. en

#### *Justification*

*Your rapporteur suggests to extend the scope of this amending act to all carrier bags. As*

*such, a general definition of carrier bags should be introduced.*

## **Amendment 15**

### **Proposal for a directive**

#### **Article 1 – point 1**

Directive 94/62/EC

Article 3 – point 2 a

#### *Text proposed by the Commission*

'2a. "lightweight plastic carrier bags" shall mean bags made of plastic materials as defined in Article 3(1) of Commission Regulation (EU) No 10/2011\* with a wall thickness below 50 microns and which are supplied to consumers at the point of sale of goods or products.

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\* OJ L 12, 15.01.2011, p. 1.'

#### *Amendment*

'2a. "lightweight plastic carrier bags" shall mean bags made of plastic materials as defined in Article 3(1) of Commission Regulation (EU) No 10/2011\* with a wall thickness below 50 microns and which are supplied to consumers at the point of sale of goods or products, ***except very lightweight plastic carrier bags;***

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\* OJ L 12, 15.01.2011, p. 1.'

Or. en

#### *Justification*

*Due to the special purpose of very lightweight plastic carrier bags, they should be defined separately and therefore be excluded from the definition of lightweight plastic carrier bags.*

## **Amendment 16**

### **Proposal for a directive**

#### **Article 1 – point 1 a (new)**

Directive 94/62/EC

Article 3 – point 2 b (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(1a) In Article 3, a new point 2b is inserted:***

***'2b. "very lightweight plastic carrier bags" shall mean bags made of plastic materials as defined in point (1) of Article 3 of Regulation (EU) No 10/2011 with a***

*wall thickness below 10 microns and which are supplied to consumers at the point of sale of goods or products for wrapping loose, unpackaged foods raw meat, fish, dairy products, fruits, vegetables or confectionery;'*

Or. en

*Justification*

*Due to the special purpose of very lightweight plastic carrier bags, they should be defined separately. Very lightweight plastic carrier bags should be defined by a wall thickness below 10 microns.*

**Amendment 17**

**Proposal for a directive**  
**Article 1 – point 1 b (new)**  
Directive 94/62/EC  
Article 3 – point 2 c (new)

*Text proposed by the Commission*

*Amendment*

*(1b) In Article 3, a new point 2c is inserted:*

*'2c. "bio-based materials" shall mean materials made of natural substances that are resourced in a sustainable manner and that are biodegradable;'*

Or. en

*Justification*

*A clear definition of bio-based materials should be given.*

**Amendment 18**

**Proposal for a directive**  
**Article 1 – point 1 c (new)**  
Directive 94/62/EC  
Article 3 – point 2 d (new)



*Text proposed by the Commission*

*Amendment*

***(1c) In Article 3, a new point 2d is inserted:***

***‘2d. “oxo-fragmentable plastic materials” shall mean plastic materials that include additives that catalyze the fragmentation of the plastic material into micro-fragments of plastic material;’***

Or. en

*Justification*

*A clear definition of oxo-fragmentable plastic materials should be given.*

## **Amendment 19**

### **Proposal for a directive**

**Article 1 – point 1 d (new)**

Directive 94/62/EC

Article 3 – point 2 e (new)

*Text proposed by the Commission*

*Amendment*

***(1d) In Article 3, a new point 2e is inserted:***

***‘2e. “bio-waste” shall mean biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, and comparable waste from food processing plants. It does not include forestry or agricultural residues, manure, sewage sludge, or other biodegradable waste such as natural textiles, paper or processed wood. It also excludes those by-products of food production that never become waste;’***

Or. en

## *Justification*

*A clear definition of bio-based materials should be given. This definition is taken from the Commission's Green Paper on the management of bio-waste in the European Union (COM(2008) 811 final.*

### **Amendment 20**

#### **Proposal for a directive**

#### **Article 1 – point 1 e (new)**

Directive 94/62/EC

Article 3 – point 2 f (new)

*Text proposed by the Commission*

*Amendment*

***(1e) In Article 3, a new point 2f is inserted:***

***'2f. "substances that are carcinogenic, mutagenic or toxic to reproduction" shall mean substances that are carcinogenic, mutagenic or toxic to reproduction of category 1A or 1B in accordance with Part 3 of Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council\*;***

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***\* Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1)'***

Or. en

## *Justification*

*A clear definition of CMR substances addressed in this legislation should be given.*

## Amendment 21

### Proposal for a directive

#### Article 1 – point 1 f (new)

Directive 94/62/EC

#### Article 3 – point 2 g (new)

*Text proposed by the Commission*

*Amendment*

***(1f) In Article 3, a new point 2g is inserted:***

***'2g. "endocrine disrupters" shall mean substances having endocrine disrupting properties for which there is scientific evidence of possible serious effects to human health or which are identified in accordance with the procedure set out in Article 59 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council \*, or which are identified according to Commission Recommendation [...]/.../EU \*\*;***

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***\* Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).***

***\*\* Commission Recommendation [...]/.../EU of ... on criteria for the identification of endocrine disrupters (OJ L...).'***

Or. en

## *Justification*

*A clear definition of endocrine disrupting substances addressed in this legislation should be given. There should be three ways for a substance to be identified as an endocrine disrupter: based on scientific evidence of possible serious effects to human health, based on identification under REACH (which is authoritative, but far from comprehensive), or based on the Commission Recommendation on this matter, which the Commission is obliged to adopt by the end of this year pursuant to the Regulations on Plant Protection Products and Biocides respectively.*

## **Amendment 22**

### **Proposal for a directive**

#### **Article 1 – point -2 (new)**

Directive 94/62/EC

Article 4 – paragraph -1a (new)

*Text proposed by the Commission*

*Amendment*

***(-2) In Article 4, the following paragraph - 1a is inserted:***

***'-1a. Member State shall ensure that packaging is manufactured in such a way that it does not contain substances in concentrations above 0,01% that are carcinogenic, mutagenic or toxic to reproduction or that are endocrine disrupters. Member States shall ensure that packaging is manufactured in such a way that it does not contain “oxo-fragmentable” plastic materials. Those measures shall be achieved by ... \*.***

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***\*OJ: please insert the date – two years after the entry into force of this Directive. '***

Or. en

## *Justification*

*There should be a phase-out of CMR substances and of endocrine disrupters from packaging material in general. There should also be a clear phase-out of oxo-fragmentable plastic materials from packaging material. Such phase-outs were demanded by the Environment Committee in the context of the European strategy on plastic waste.*

## Amendment 23

### Proposal for a directive

#### Article 1 – point 2

Directive 94/62/EC

Article 4 – paragraph 1 a – subparagraph 1

*Text proposed by the Commission*

'1a Member States shall take measures to achieve a reduction in the consumption of lightweight plastic carrier bags on their territory within two years of entry into force of this Directive.

*Amendment*

'1a. Member States shall take measures to achieve a reduction **of at least 80%** in the consumption of lightweight plastic carrier bags on their territory **as compared to the average consumption in the Union in 2010 by... \***.

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***\*OJ: please insert the date – two years after the entry into force of this Directive. '***

Or. en

### *Justification*

*There should be a clear reduction target in the consumption of lightweight plastic carrier bags. It should be based on the average consumption in the EU in 2010. As a result, Member States that have not yet taken action to reduce their consumption would have to do more than those that already have taken action. However, the overall target is the same for all. Such a reduction can be achieved almost overnight by no longer providing plastic bags for free.*

## Amendment 24

### Proposal for a directive

#### Article 1 – point 2 a (new)

Directive 94/62/EC

Article 4 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***(2a) In Article 4, the following paragraph 1b is inserted:***

***'1b. Member States shall take measures to ensure that retailers do not provide carrier bags free of charge, except for very lightweight plastic carrier bags which are necessary for food hygiene, or***

*alternatives to such very lightweight plastic carrier bags as referred to in paragraph 1c of this Article. Member States shall ensure that retailers charge a price for lightweight plastic carrier bags that is effective and proportionate so as to achieve the reduction target referred to in paragraph 1a of this Article. Member States shall take such measures by ... \* . Member States that have set up separate collection for bio-waste may require retailers to reduce the price of bio-based lightweight plastic carrier bags by up to 50%.*

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*\*OJ: please insert the date – one year after the entry into force of this Directive.'*

Or. en

#### *Justification*

*The most effective way to reduce unnecessary consumption of carrier bags is to no longer provide them free of charge. It should apply to all carrier bags, not only those made out of plastic, except for very thin plastic carrier bags which are necessary for food hygiene, or alternatives to such very thin bags. Member States that have established separate collection for bio-waste may reduce the levy by 50% for bio-based lightweight plastic carrier bags. This provides an incentive to shift to such bags only where proper treatment is ensured, while keeping an incentive to reduce their use.*

#### **Amendment 25**

##### **Proposal for a directive**

##### **Article 1 – point 2 b (new)**

Directive 94/62/EC

Article 4 – paragraph 1 c (new)

*Text proposed by the Commission*

*Amendment*

***(2b) In Article 4, the following paragraph 1c is inserted:***

***'1c. Member States shall take measures to ensure that very lightweight plastic carrier bags used to wrap dry loose, unpackaged foods such as fruits, vegetables and***

*confectionery are reduced or replaced progressively by carrier bags that are made from recycled paper, or from bio-based materials if they have set up separate collection for bio-waste. Member States shall take such measures by ... \**

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*\* OJ: please insert the date – two years after the entry into force of this Directive.'*

Or. en

### *Justification*

*Member States should also look at possibilities to reduce the use of very lightweight plastic carrier bags used to wrap dry fruits and vegetables, however no concrete target should be indicated. Alternatively, such very lightweight plastic carrier bags could be replaced by carrier bags that are made from bio-based and compostable materials that are resourced in a sustainable manner in countries with separate collection of bio-waste, or by recycled paper. This would allow the use of such bags while addressing their littering problem.*

### **Amendment 26**

#### **Proposal for a directive**

#### **Article 1 – point 2**

Directive 94/62/EC

Article 4 – paragraph 1a – subparagraph 2

*Text proposed by the Commission*

*These measures may include the use of national reduction targets, economic instruments as well as marketing restrictions in derogation from Article 18 of this Directive.*

*Amendment*

*(2c) In Article 4, the following paragraph 1d is inserted:*

*'1d. Member States may use economic instruments such as taxes as well maintain or introduce marketing restrictions in derogation from Article 18 of this Directive to achieve the reduction target referred to in paragraph 1a of this Article.'*

Or. en

*Justification*

*Member States should be free to apply taxes or introduce marketing restrictions to achieve a reduction target of at least 80%.*

**Amendment 27**

**Proposal for a directive**

**Article 1 – point 2 d (new)**

Directive 94/62/EC

Article 4 – paragraph 1 e (new)

*Text proposed by the Commission*

*Amendment*

***(2d) In Article 4, the following paragraph 1e is inserted:***

***'1e. Member States shall ensure that the measures to reduce the consumption of lightweight plastic carrier bags do not lead to an overall increase in the generation of packaging.'***

Or. en

*Justification*

*This provision from Recital 7 of the Commission proposal should be carried over into the operational part to avoid that there are any unintended negative effects of the reduction target.*

**Amendment 28**

**Proposal for a directive**

**Article 1 – point 2**

Directive 94/62/EC

Article 4 – paragraph 1 a – subparagraph 3

*Text proposed by the Commission*

*Amendment*

***(2e) In Article 4, the following paragraph 1f is inserted:***

Member States shall report on the effects of these measures on the overall formation of packaging waste when reporting to the Commission in accordance with Article 17

***'If. Member States shall report on the effects of these measures on the overall formation of packaging waste when reporting to the Commission in accordance***



of this Directive.'

with Article 17 of this Directive.'

Or. en

## **Amendment 29**

### **Proposal for a directive**

#### **Article 1 – point 2 f (new)**

Directive 94/62/EC

Article 20 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(2f) In Article 20, the following paragraph 1a is inserted:***

***'1a. The Commission shall adopt delegated acts in accordance with Article 1a of the present amending directive to define the criteria for resourcing bio-based materials in a sustainable manner. Those delegated acts shall be adopted by ... \****

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***\* OJ: please insert the date – eighteen months after the entry into force of the amending directive. '***

Or. en

### *Justification*

*Bio-based materials need be resourced in a sustainable manner to provide a true benefit for the environment. The Commission should develop appropriate criteria via a delegated act.*

## **Amendment 30**

### **Proposal for a directive**

#### **Article 1 – point 2 g (new)**

Directive 94/62/EC

Annex II – paragraph 3 – point d

*Present text*

*Amendment*

***(2g) In Annex II, point (d) of paragraph 3 is amended as follows:***

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that ***most of the finished compost ultimately*** decomposes into carbon dioxide, biomass and water.

' Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that ***all of the material*** decomposes into carbon dioxide, biomass and water ***under natural conditions within less than one year.***'

Or. en

*Justification*

*The current essential requirements are not stringent enough, as they only require biodegradation of 'most' of the packaging and indicate no timeline for the biodegradation, stating only that the waste should 'ultimately' decompose. This should be strengthened. It should be clarified that all the material decomposes in less than one year.*

## **Amendment 31**

### **Proposal for a directive Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 1a***

##### ***Exercise of delegation***

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in point (2f) of Article 1 shall be conferred on the Commission for an indeterminate period of time from ...\*.***
- 3. The delegation of power referred to in point (2f) Article 1 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put***

*an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*5. A delegated act adopted pursuant to point (2f) of Article 1 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

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*\* OJ: please insert the date of entry into force of the amending directive.*

Or. en

## **EXPLANATORY STATEMENT**

### **1. Background**

The consumption of plastic bags in the European Union is excessive. Every year nearly 100 billion plastic bags are consumed, a number expected to grow to 111 billion plastic bags by 2020 if no action is taken. This means that on average every European uses 200 plastic bags over the course of a year. If it takes you 5 minutes to read this explanatory statement, 1 million plastic carrier bags will have been consumed in the EU in the meantime.

However, 89% of the plastics bags are often only used a single time before ending up as waste. Whereas thicker plastic bags destined for reuse are available on the market, consumers in many Member States continue to use throw-away plastic bags because they receive them for free. Retailers hand them out for free as lightweight plastic bags, mainly produced in Asia, are very cheap.

### **2. Negative consequences to society and environment**

This excessive consumption of single-use plastic bags is not only very inefficient from a resource perspective but also inflicts adverse consequences on the environment. Each year 8 billion plastic bags end up as litter in the EU environment including the seas. Despite rising prices on resources, current recycling rates of plastic bags are estimated to be only at 6,6% and are unlikely to increase considerably in the coming years. Due to their thinness and light weight, plastic carrier bags do not have a high recycling value. More recycling of plastic carrier bags will not resolve the problem. While 39% of plastic bags are incinerated, every second plastic bag is sent to landfills from where they can be blown by the wind into the environment. Landfill is generally seen to be the worst option. And prevention is clearly the best.

Once in the environment, plastic bags can last for hundreds of years, gradually being fragmented to smaller and smaller parts, and carried across national borders and maritime boundaries. Today, plastic bags together with plastic bottles make up the vast majority of plastic waste in European seas: plastic debris constitutes more than 70% of all waste. In Britain, on average, 72 shopping bags wash up on every mile of beach. The implications for the marine fauna are dramatic, especially among marine mammals. Particles of plastic waste also have been found in more than 90% of birds in the North Sea. At the same time, plastic waste has negative consequences for touristic areas such as natural parks where the clean-up efforts are a significant economic burden to local communities.

### **3. A common challenge requires a common approach**

The over-consumption of plastic bags, inefficient resource-use and transnational pollution of the environment are a common challenge to all Member States of the EU and demand a common approach. A consultation by the European Commission in 2011 showed strong support by European citizens to address the issue of single-use plastic bags at European level.

Unfortunately, the proposal put forward by the European Commission fails to take a European approach. It merely suggests that each Member State should address the issue of plastic bags unilaterally without any target. This not only ignores the clear request by the European citizens but also stands in stark contrast to the Commission's own impact assessment and the

underlying studies. In fact, the study by Bio-Intelligence Service discarded the option of requiring Member States to set up national prevention targets from further assessment as it was found to be overly complicated, stating that the achievement of such targets would be uncertain and highly dependent on the political commitment of Member States<sup>1</sup>.

Instead, the study and the impact assessment considered that the most effective approach would be to combine a waste prevention target at EU level with pricing measures at national level that would make it obligatory for shops to charge for plastic carrier bags. It is thus difficult to understand why the Commission disregarded the findings of its own impact assessment so blatantly following inter-service consultation by neither adopting a reduction target nor a compulsory pricing mechanism.

That said, your rapporteur welcomes the Commission proposal as a stepping stone for meaningful legislative action against the wasteful use of plastic carrier bags. She particularly welcomes the solid preparatory work done by the Commission and intends to base her approach on the preferred option identified in the impact assessment (EU reduction target and economic measures) that in the words of the Commission "*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*".

#### **4. Introducing a European reduction target on plastic bags**

As stated in the impact assessment prepared by the Commission, one key element to address the over-use of plastic bags is to introduce an EU-wide reduction target for the consumption of lightweight plastic carrier bags. Within two years of entry into force of this directive, Member States should achieve a reduction of at least 80%. The target should be based on the average consumption in the EU in 2010. The overall target would be applicable to all Member States, but would demand more action in those Member States that have not yet taken action to reduce the consumption of lightweight plastic carrier bags.

#### **5. Putting a price on carrier bags**

While the 80% reduction target within two years seems ambitious at first sight, it has been shown that making consumers pay for plastic bags can reduce consumption dramatically almost overnight. One central factor stands out across European countries that have already achieved a comparatively low consumption level of carrier bags: plastic bags are not handed out for free. This measure should apply across the EU to all carrier bags regardless of the materials of which they have been produced, including paper bags. However, it should not apply to very lightweight plastic bags or their alternatives (see point 6). As far as bio-based compostable lightweight carrier bags are concerned, Member States who have established separate collection of bio-waste should be allowed to reduce the charge (see point 7).

#### **6. Exempting very lightweight plastic bags**

Your rapporteur suggests drawing up a distinction between lightweight plastic carrier bags

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<sup>1</sup> Bio Intelligence Service, 2011. Assessment of impacts of options to reduce the use of single-use plastic carrier bags. Final Report, (see page 78) [http://ec.europa.eu/environment/waste/packaging/pdf/report\\_options.pdf](http://ec.europa.eu/environment/waste/packaging/pdf/report_options.pdf)

(10–49 microns) and very lightweight plastic carrier bags (below 10 microns). Very lightweight plastic carrier bags are used to wrap loose, unpackaged foods and fall into two categories: a) humid food such as raw meat, fish and dairy products and b) dry food such as fruit, vegetables and confectionary.

Very lightweight plastic carrier bags bring hygienic advantages for handling of humid unpackaged fresh foods. Since there are often no alternatives to the wrapping of such fresh foods, very lightweight plastic carrier bags for these purposes should be exempt from the reduction target of this directive.

Very lightweight plastic carrier bags used to wrap loose dry food fulfil functions that go beyond the mere carrying of such goods (e.g. individual weighing). However, such carrier bags can also contribute to littering in a significant manner. They should therefore be reduced (but no specific target is proposed) or replaced progressively by carrier bags made from bio-based and compostable materials that are resourced in a sustainable manner, or by recycled paper.

### **7. Are biodegradable plastics the solution?**

Biodegradable plastic materials are often presented as a solution to the environmental problem of plastic carrier bags. While they pose less of a problem when they end up in the environment as compared to conventional plastics, resorting to biodegradable plastics does not address the throw-away mentality that underlies excessive consumption of plastic bags, and may even wrongly legitimize such wasteful use. Furthermore, they also need to be treated properly, which requires separate collection of bio-waste to start with. To acknowledge the potential benefits of biodegradable plastic materials over conventional plastics and to address overconsumption at the same time, your rapporteur suggests that Member States that have established separate collection of bio-waste may reduce the price charged for biodegradable lightweight plastic carrier bags by up to 50% as compared to conventional ones.

Moreover, the requirements with regard to biodegradable packaging should be modified in order to ensure that only bio-based materials made of natural substances that are fully biodegradable in a specified period of time are considered biodegradable. And importantly, such materials need to be resourced in a sustainable manner. The Commission should therefore be tasked to adopt criteria for resourcing bio-based materials in a sustainable manner by delegated act.

### **8. Phasing out false friends: "oxo-biodegradable" plastics**

“Oxo-biodegradable” plastics do not biodegrade in the natural environment, but only fragment into secondary microplastics. It is thus misleading to refer to such materials as “biodegradable”. Fragmentation converts visible littering into invisible littering. This is not a solution to the waste problem, but rather enhances pollution of the environment by plastic materials. "Oxo-biodegradable" plastics should therefore not be used as a packaging material.

### **9. Substituting hazardous substances for packaging as a whole**

Your rapporteur suggests seizing the opportunity of the amendment of the packaging directive to not only address prevention in a quantitative manner but also in a qualitative manner. In order to reduce the exposure of European citizens to dangerous substances and to avoid that such substances enter the environment during the waste phase, packaging as a whole should

no longer contain substances that are carcinogenic, mutagenic or toxic to reproduction or that are endocrine disrupters.

#### **10. Allowing Member States to go further**

While a common European approach is needed to address the overconsumption of plastic bags, some Member States may want to go beyond common reduction targets in the EU. Member States should therefore be allowed to make use of economic instruments such as taxes as well as marketing restrictions, as proposed by the Commission.