



17.2.2022

NOTICE TO MEMBERS

Subject: Petition No 0007/2021 by Christine Hölzmann (German), on behalf of CleanUp Brühl, on banning plastic confetti

1. Summary of petition

The petitioner calls for a ban on the sale of plastic confetti or similar products as they pose a particular problem in terms of disposal. The petitioner explains that the plastic scraps are so small and light that they can hardly be picked up with pliers meaning that the plastic stays in the environment. Alternatives to plastic confetti exist like paper or other compostable materials.

2. Admissibility

Declared admissible on 23 April 2021. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 17 February 2022

The Commission is very grateful for the efforts of the petitioner to contribute to a cleaner environment and fully shares its objective to reduce plastic littering in the environment.

With the Directive (EU) 2019/904¹ on the reduction of the impact of certain plastic products on the environment, often referred to as the Single Use Plastics (SUP) Directive, the EU aims to become a frontrunner in the global fight against marine litter and plastic pollution.

To ensure that measures to that end are proportionate and non-discriminatory and to focus efforts where they are most needed, the SUP Directive covers only those single-use plastic

¹ 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 (OJ L 155, 12.6.2019, pp. 1-19)

products that are found the most on beaches in the EU as well as fishing gear containing plastic and products made from oxo-degradable plastic. Those single-use plastic products are estimated to represent around 86 % of the single-use plastics found, in counts, on beaches in the EU.

The single-use plastic products that are found most on beaches have been identified in a thorough Impact Assessment² that preceded the adoption of the SUP Directive. Plastic confetti has not been identified in the table of marine litter items found on European beaches from the Commission's Joint Research Centre's (JRC's) Technical Group of Marine Litter Activities³. Accordingly, at the moment it is not possible for the Commission to determine the scope of the problem of the use of plastic confetti.

As far as measures to address the use of single use plastic products are concerned, through the SUP Directive, different measures are being applied to different products. These measures are proportionate and tailored to get the most effective results, and they also take into account if more sustainable alternatives are available.

Where sustainable alternatives are easily available and affordable, single-use plastic products were banned (i.e. they are not allowed to be placed on the markets of EU Member States). This applies to cotton bud sticks, cutlery, plates, straws, stirrers, and sticks for balloons, as well as to cups, food and beverage containers made of expanded polystyrene, and on all products made of oxo-degradable plastic.

For other single-use plastic products, the EU is focusing on limiting their use through:

- reducing consumption through awareness-raising measures;
- introducing design requirements, such as a requirements to connect caps to bottles;
- introducing labelling requirements, to inform consumers about the plastic content of products, disposal options that are to be avoided, and harm done to nature if the products are littered in the environment;
- introducing waste management and clean-up obligations for producers, including Extended Producer Responsibility (EPR) schemes.

As far as plastic confetti is concerned, subject to further assessment, it would seem that paper is a sustainable alternative that is easily available. Conversely, compostable plastic confetti could not be seen as a viable alternative, because, in order for such characteristic to be relevant in practice, the confetti should be first collected and then sent to a composting facility, the feasibility of which is questionable. As regards confetti made of biodegradable plastic as a possible alternative, it is to be noted that biodegradable/bio-based plastics are as well considered to be plastic under the SUP Directive as per its Recital 11. The reason for this cautious approach is that currently there are no widely agreed technical standards available to certify that a specific

² COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT. Reducing Marine Litter: action on single use plastics and fishing gear. Accompanying the document 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. SWD(2018) 254 final, Brussels, 28.5.201, available at: [resource.html \(europa.eu\)](#)

³ COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT. Reducing Marine Litter: action on single use plastics and fishing gear. Accompanying the document 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. SWD(2018) 254 final PART 2/3, Brussels, page 30-33.

plastic product is properly biodegradable in the marine environment and will in fact biodegrade after littering in a sufficiently short timeframe and without causing harm to the environment. However in the context of the new Circular Economy Action Plan, the Commission plans to develop in 2022 a policy framework on the use of biodegradable or compostable plastics, based on an assessment of the applications where such use can be beneficial to the environment, and of the criteria for such applications

Concerning any future initiatives in the context of SUP Directive, its Article 15 requires the Commission to carry out an evaluation of the Directive by 3 July 2027, including an assessment of the need to review the Annex listing the single-use plastic products covered by the Directive. Any further measures will have to be in line with the principles of proportionality and non-discrimination.

Finally, it should be noted, that the SUP Directive was adopted on the basis of Article 192 of the Treaty on the Functioning of the European Union (TFEU). Article 193 TFEU establishes, that ‘the protective measures adopted pursuant to Article 192 shall not prevent any Member State from maintaining or introducing more stringent protective measures. Such measures must be compatible with the Treaties. They shall be notified to the Commission’.

In that regard, there are several Member States that have already notified to the Commission under the procedure established by Directive (EU) 2015/1535⁴ different national measures that regulate the use of plastic confetti. By notification 2021/401/S Sweden notified a draft law that bans the use of confetti that contains plastic outdoors. By notification 2018/542/B Belgium notified a draft law that bans the use of confetti that contains plastic on public spaces or in the environment. By notification 2020/401/F France notified a draft measure banning confetti intended to be used for decorative or festive purposes.

Conclusion

Following impact assessment and taking into account new available data, scientific evidence and information on the justification of Member States’ measures regulating the use of plastic confetti and their experience, as well as the principles of proportionality and non-discrimination, the Commission, in the future review of the SUP Directive in 2027, may consider if it is appropriate to include plastic confetti in the scope of the Directive.

⁴ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1–15.