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Unfolding the Single-Use Plastics Directive

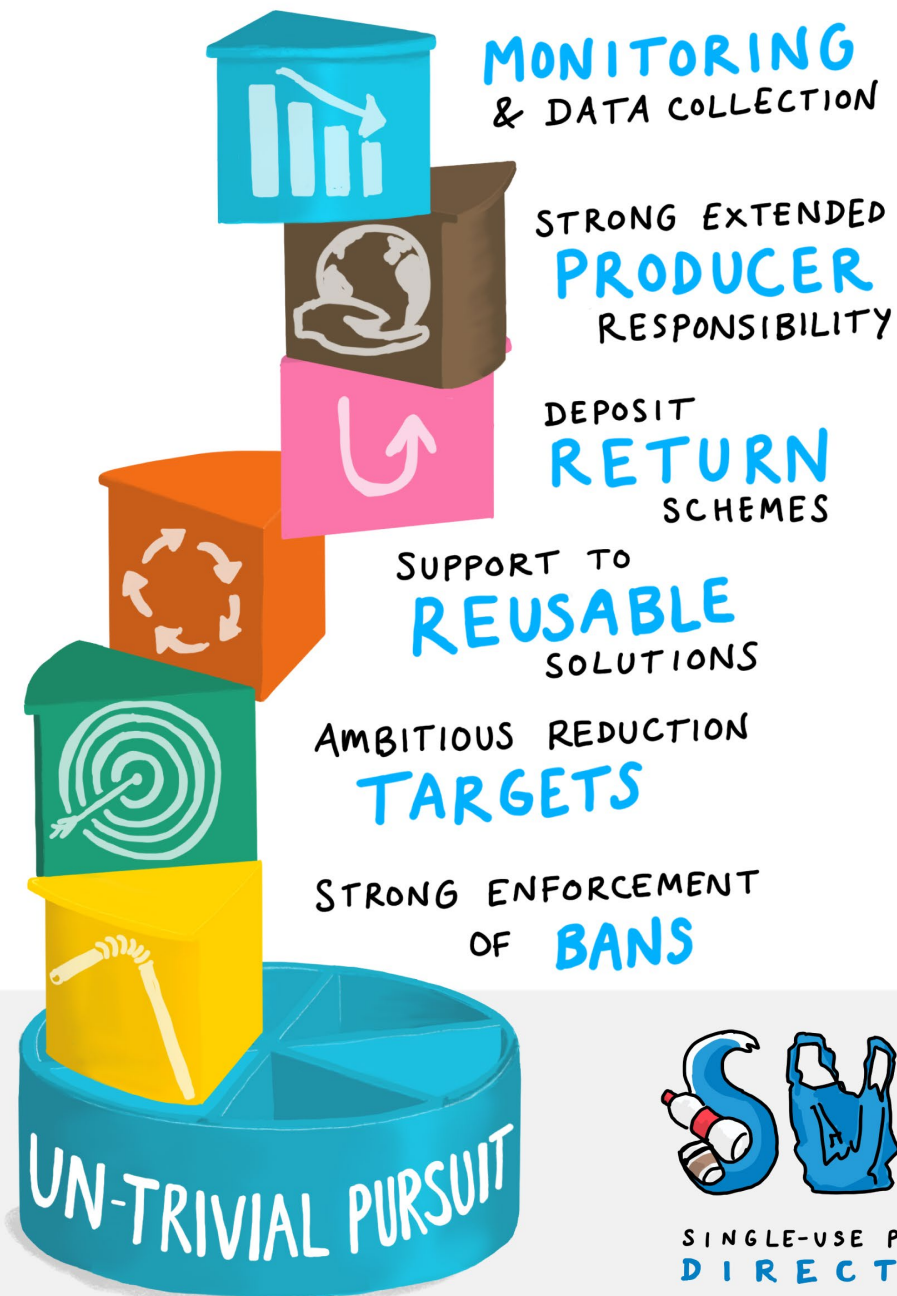
Policy briefing

May 2019 – Zero Waste Europe

WHO WILL
LEAD THE
GAME



TO CURB
PLASTIC
POLLUTION?



@bryanmatters



SINGLE-USE PLASTICS
DIRECTIVE

#breakfreefromplastic

RETH!NK PLASTIC

In May 2019 the EU formally approved a pioneer legislation to curb single-use plastics - and no, it is not just about banning straws.

This paper presents an overview of the new Single-Use Plastics Directive, and our recommendations for an effective implementation at the national level.

Following the wide acknowledgment on the significant negative environmental, health, and economic impact of single-use plastics¹, a new directive on the **reduction of the impact of certain plastic products on the environment** (hereafter referred to as the **SUP Directive**) has been approved.

The SUP Directive was proposed in May 2018, as part of the *European Strategy for Plastics in a Circular Economy*², and in less than one year (8 months to be precise) an agreement was reached to tackle single-use plastics in the EU³. The directive aims to prevent and tackle marine litter by, among other things, phasing out unnecessary single-use plastics, introducing economic incentives to reduce consumption and transition to reusable systems, and establishing high collection rates and extended producer responsibility schemes (EPR).

Zero Waste Europe welcomes the Directive as a significant first step to curb plastic pollution and as an important instrument to drive and push countries, businesses, and society towards a true circular economy.

Background: the plastics crisis

Over the past 50 years, global production and consumption of plastics have increased more than 20 times over, going from 15 million tonnes in 1964 to 311 million tonnes in 2014, and according to estimates, it will double again over the next 20 years⁴.

Along with the production and use of plastic has come plastic pollution. In Europe, around 25.8 million tonnes of plastic waste are generated every year and less than 30% of such waste is collected or recycled⁵. The impacts of plastic litter, especially of single-use and disposable items (such as bags, straws, coffee cups, beverage bottles and most food packaging) are growing as each year more plastic waste accumulates in our environment and oceans. According to studies carried out by the EU, plastics account for 85% of marine litter⁶.

¹ The SUP Directive defines 'single-use plastic product' as a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to the producer for refill or re-used for the same purpose for which it was conceived.

² Single-use plastics: New EU rules to reduce marine litter. European Commission. Press Release Database. 28 May 2018. Available at: http://europa.eu/rapid/press-release_IP-18-3927_en.htm

³ Press release: EU agrees unprecedented cuts to single-use plastics, Rethink Plastic Alliance. 19 December 2018. Available at: <https://rethinkplasticalliance.eu/news/eu-agrees-unprecedented-cuts-to-single-use-plastics/>

⁴ World Economic Forum, Ellen MacArthur Foundation and McKinsey & Company, The New Plastics Economy — Rethinking the future of plastics, 2016. Available at: <https://www.ellenmacarthurfoundation.org/publications>

⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Strategy for Plastics in a Circular Economy. 16 January 2018. Available at: <http://ec.europa.eu/environment/circular-economy/pdf/plastics-strategy.pdf>

⁶ Commission Staff Working Document, Impact Assessment, Reducing Marine Litter: action on single use plastics and fishing gear. European Commission. 28 May 2018. Available at: http://ec.europa.eu/environment/circular-economy/pdf/single-use_plastics_impact_assessment.pdf

Plastic is a persistent material, and often contains toxic chemicals. The harm caused by plastic vastly outweighs the benefits it brings to society, and the profits cashed in by companies will never compensate the damage caused by plastic pollution, including impacts on biodiversity, increased greenhouse gas emissions, and impacts on tourism, public safety and human health.

As the plastic pollution crisis calls for urgent measures, the European Commission has identified the work on plastics as a key priority for the EU Circular Economy. Addressing single-use and short-lived plastic applications is among the measures established under the EU Plastics Strategy as a starting point to curb plastic pollution.

The SUP Directive

What does it cover?

The SUP Directive was initially proposed to tackle the single-use plastic items that are most frequently found on beaches, as well as lost and abandoned fishing gear.

Single-use plastic items are products made wholly or partially from plastic, and which are primarily conceived to be used only once (or a few times) before they are thrown away⁷. Therefore, the definition also includes single-use paper items with plastic lining, such as cups and plates made of paper but with a plastic layer (also called plastic-coated paper⁸).

It is also important to highlight that the SUP Directive also covers single-use plastic items made of bio-based as well as biodegradable single-use plastics.

The SUP Directive establishes different measures that apply to different product categories, depending on various factors, such as the availability of alternatives to these products. The measures include outright bans to reducing consumption of key single-use plastic items, and Extended Producer Responsibility schemes (EPR).

The products' categories and respective measures are divided as follows.

1) Products with alternatives readily available

The SUP Directive imposes EU wide market restriction measures (bans) on the single-use plastics products for which suitable alternatives are readily available, such as:

- cotton bud sticks
- cutlery (forks, knives, spoons, and chopsticks)
- beverage stirrers
- straws
- plates (including paper plates with plastic lining)

⁷ Single use plastic is defined under the SUP Directive as a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived.

⁸ A laminated composite material made of paper or paperboard with a plastic layer or treatment on a surface.

- sticks for balloons
- expanded polystyrene food containers, beverage containers and cups
- oxo-degradable plastics⁹

Member States will have to ban those products from the market **by mid-2021**.

2) Products with currently less widely available alternatives

Concerning the single-use plastic products for which suitable alternatives are widely not yet available, the SUP Directive establishes an obligation to reduce their consumption across Member States. They are the following:

- food containers
- cups for beverages (including their covers and lids)

According to the Directive, Member States have to achieve an ambitious and sustained reduction in the consumption of those products by 2026 compared to 2022. To achieve such a progressive reduction, EU countries can take a vast range of measures, including the adoption of national consumption reduction targets, the promotion of reusable alternatives, the implementation of economic instruments (such as deposit-return schemes - DRS), as well as the establishment of market restrictions (completely or for certain applications only) on food containers and cups.

3) Products already covered by existing EU legislation

The products under this group are those that are already covered by a certain measure under an EU Legislation, and notably:

- beverage containers with a capacity of up to three litres
- packets & wrappers
- food containers
- lightweight plastic carrier bags
- fishing gear

The requirements established under the SUP Directive for these products aim at strengthening and complementing the measures already addressed by EU legislation.

For instance, packets & wrappers are covered under the Packaging and Packaging Waste Directive¹⁰, which establishes, among other things, that all EU countries must implement EPR schemes for all packaging by 2025, and achieve a recycling target of 50% for plastic packaging by 2025.

⁹ Oxo-degradable plastic are defined under the Directive as a plastic materials that includes additives which through oxidation lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition.

¹⁰ Directive 94/62/EC on packaging and packaging waste. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l21207>

In the case of lightweight plastic carrier bags, an EU Directive¹¹ requires countries to reduce their consumption, through charges or national maximum consumption targets.

The SUP Directive establishes different measures for each of these products, including: market restriction, product design, marking/labelling requirements, awareness raising measures, EPR schemes, and separate collection. For beverages containers and beverage bottles, for instance, 5 of these measures have been established:

(i) product design (*beverage bottles*):

- to integrate 25% recycled plastic by 2025 in PET bottles and 30% by 2030 in all types beverage bottles, and
- to ensure the bottles have caps and lids attached by 2024.

(ii) separate collection (*beverage bottles*):

- to achieve targets¹² of 77% by 2025, and 90% by 2029 for all beverage bottles with a capacity of up to 3 litres.

(iii) EPR schemes (*beverage containers*):

- to ensure producers cover the costs of waste collection, transport and treatment; clean up litter, and awareness raising measures.

(iv) Awareness raising (*beverage containers*):

- to inform consumers about the availability of reusable alternatives and systems, waste management options, best practices, and the impact of littering.

(v) Marker restriction:

- on expanded polystyrene beverage containers.

Regarding packets, wrappers, and lightweight plastic carrier bags, the SUP Directive establishes the obligation to implement EPR schemes.

4) Other single-use plastic products

Concerning other products that have also been found in great amount across EU beaches, but that do not belong to the categories mentioned above, the SUP Directive limits their use through marking/labelling requirements, awareness raising measures, and EPR obligations for producers according to each product specificity. They are the following:

- balloons (EPR & awareness raising)
- tobacco products (EPR, labelling & awareness raising)

¹¹ Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1548341228238&uri=LEGISSUM:200403_2

¹² Targets are based on the single-use plastic products placed on the market in a given year by weight.

- wet wipes (EPR, labelling & awareness raising)
- sanitary towels - pads, tampons and applicators (labelling & awareness raising)

For instance, for **tobacco products** with plastic filters (the 2nd most littered item), apart from the marking/labelling requirement and the awareness raising measure aforementioned, the Directive imposes the implementation of **EPR schemes by 5 January 2023**, under which the producers of these products would have to cover at least the costs of the awareness raising measures, as well as the cost of waste cleanup, collection, transport and treatment.

To whom does it concern?

The measures established under the SUP Directive apply to Member States. All EU Member States will have to transpose and implement the SUP Directive into their national legislation by mid-2021.

Members States must ensure that manufacturers, producers, retailers, importers, sellers (regardless of the selling technique used, including distance contracts), and anyone placing on the EU market any of the items addressed under the SUP Directive comply with the measures established therein.

In other words, this means that big companies and the top polluters among the packaging industry such as Coca Cola, PepsiCo and Nestlé¹³, will have to pay for the costs of waste management, cleanup and awareness-raising measures for the single-use plastics they produce and sell, as prescribed by the EPR schemes, as well as to comply with other requirements established under the SUP Directive.

Main takeaways

The SUP Directive establishes:

- A **EU-wide ban** of single-use plastic cotton buds, straws, plates, cutlery, beverage stirrers, balloon sticks, oxo-degradable plastics, and expanded polystyrene food containers, beverage containers and beverage cups **by 2021**.
- **Extended Producer Responsibility (EPR) schemes** covering the costs of collection, transport, and treatment, cleanup litter and awareness-raising measures for food containers, packets & wrappers, cups for beverages, beverage containers with a capacity of up to three litres, lightweight plastic carrier bags and fishing gear **by 31 December 2024** and for packets & wrappers **by 5 January 2023**.
- **Extended Producer Responsibility (EPR) schemes** for the costs of cleanup litter, awareness-raising measures, and data gathering and reporting for balloons and wet wipes **by 31 December 2024** and for tobacco products **by 5 January 2023**.

¹³ In October 2018, Coca-Cola, PepsiCo, and Nestlé were identified as the worst plastic polluters worldwide in global cleanups and brand audits carried out by Break Free From Plastic members around the world. Coke-branded waste, for instance, was found in 40 countries out of 42 surveyed on six continents. Available at:

<https://www.breakfreefromplastic.org/globalbrandauditreport2018/>

- A significant **reduction on the consumption of food containers and cups for beverages by 2026**, with the **possibility for EU countries to adopt market restrictions** for these products.
- A requirement for all **beverage bottles** with a capacity of up to three litres to:
 - have **tethered caps by 2024**
 - incorporate a **25% recycled plastic content by 2025** (PET bottles) and **30% by 2030** on **all types beverage bottles**
 - be separate collected, with a 77% target by 2025 and a **90% target by 2029**.
- **Marking/labelling on the presence of plastics** in a product and the resulting environmental impacts of littering, as well as on the **appropriate waste disposal** options for the product, for beverage cups, tobacco products, wet wipes, and sanitary towels (pads, tampons and applicators).
- **Awareness raising measures for all items** concerning:
 - the **availability of reusable alternatives, re-use systems**, and waste management options for those products
 - best practices in sound waste management
 - the impact of littering and inappropriate waste disposal of those products on the environment, and in particular on the marine environment
 - the impact on the sewer network of inappropriate waste disposal of those products.

Lastly, it is important to highlight that the specific measures set under the SUP Directive prevail over the measures established under the EU Packaging and Packaging Waste Directive or the EU Waste Framework Directive in case of divergence between them.

How to make the most out of the SUP Directive?

Implications and recommendations for Member States

The SUP Directive is a positive first step towards reducing the production and consumption of one of the biggest sources of plastic pollution. Nevertheless, the plastic pollution crisis goes far beyond a list of items.

Reducing overall plastic use, and especially single-use plastics, could be a game changer in Europe: it has the potential to create new markets and local jobs, stimulate new technologies and provide opportunities for dynamic businesses, while preserving the natural resources upon which we all depend.

In fact, the SUP Directive could be seen as a great kick-off to encourage and set the stage for this transition. Member States, municipalities, businesses and society, they all play an important role in tackling plastic pollution.

Therefore, the new legislation should be seen as an opportunity that will benefit all players.

On the implementation at the national level, the provisions laid down under the SUP Directive can be, and must be, strengthened. EU Member States are strongly encouraged to go beyond the measures established under the SUP Directive and to be as ambitious as possible.

Below are the main issues that Member States should pay attention to during the transposition phase.

Reduction of the consumption of food containers and cups for beverages

Concerning the measures for the reduction on the consumption of food containers and cups for beverages, there is a lot of margin given to Member States. The SUP Directive does not establish a EU-wide target; instead, it requires Members States to achieve an ambitious and sustained reduction of those products (by 2026 compared to 2022), which is too vague and hard to measure compliance.

In this regard, Member States are required/have to collect data and set a baseline on the consumption by 2022, so that they can use it to assess if they have achieved their national target that they should set by 2026.

Member States are also encouraged to go beyond that and impose market restrictions on these items (or on certain applications), thus showing leadership in the EU and globally on the fight against plastic pollution. However, where market restrictions are imposed, there must be no exceptions for bio-based or compostable products, and the shift should focus on promoting reusable alternatives rather than to another single-use material.

A way to achieve an important reduction in the consumption of food containers and cups is to promote reuse systems and reusable alternatives, to ensure the latter are made available at the point of sale to the final consumer. This could be done by providing economic incentives to the implementation of local reuse schemes, where possible.

Zero Waste Europe published two case studies about successful examples of deposit schemes for beverage cups and takeaway food containers. One of them is the case of the German city of Freiburg, that has introduced a reusable cup system for coffee-to-go¹⁴ throughout the entire municipal area, which has already incentivised a significant reduction in the 12 million empty cups used and wasted per year. On the food packaging/container side, a startup in Switzerland, called ReCircle¹⁵, has organised a deposit scheme for food takeaway containers to be used in restaurants and takeaway food outlets.

Extended Producer Responsibility schemes (EPR)

On the Extended Producer Responsibility schemes (EPR) the SUP Directive also leaves margin to Member States, who are the ones responsible for setting up EPR. Notably, the SUP Directive allows EU countries to implement certain EPR measures through agreements between industry and authorities, and it establishes a way too long deadline for the implementation of such schemes, which does not reflect the urgency in tackling the single use plastic items addressed under its scope.

¹⁴ Zero Waste Europe, Case Study on Freiburg Cup. Available at: <https://zerowasteurope.eu/wp-content/uploads/2018/09/FreiburgCupfinal.pdf>

¹⁵ Zero Waste Europe, Case Study on ReCircle. Available at: <https://zerowasteurope.eu/wp-content/uploads/edd/2018/07/reCircleFNLcompressed.pdf>

In fact, due to the particularly negative environmental impacts of these products, it is key for Member States to establish EPR schemes as soon as possible (much before 2024), and ensure they are set in a proper way, including with eco-modulation fees, taking into account the durability, reparability, re-usability, recyclability and the presence of hazardous substances, hereby taking a life-cycle approach.

Modulation of fees is essential to incentivise better product design and better use of materials, as well as the reduction and elimination of hazardous substances in plastics.

Also, it is vital for Member States to ensure that producers pay for 100% of the clean-up costs in the EPR schemes for the listed products. At the moment, the external costs of plastic pollution (including economic, social and environmental costs) are being absorbed by local authorities, by private actors such as the tourism and fisheries industries which are strongly affected by marine litter, and even by volunteers.

To have an idea on the costs, UK municipalities spend approximately €18 million each year removing beach litter. Similarly, removing beach litter costs municipalities in the Netherlands and Belgium approximately €10.4 million per year¹⁶.

Making producers foot the bill for the full costs of the end-of-life of their products is not only fair, but also crucial to incentivise them to redesign their products with circularity in mind, and to prompt them to think out of the box to develop more sustainable business models, including the set up of reuse systems, where possible. In addition, ensuring producers bear 100% of the cleanup costs will encourage them to work with municipalities to ensure high collection of their products.

Furthermore, Member States should ensure full transparency and monitoring of EPR schemes, and in particular of those set up under agreements with the industry, such as on the financial contributions paid by producers and the allocation of such funds to waste management. Also, where a multiannual contribution is established, it should be for 2-3 years maximum, and not 10 years.

Separate collection for beverage bottles

According to the SUP Directive, Member States will have to ensure that beverage bottles with a capacity of up to three litres (including their caps and lids) are collected separately for recycling, with a 77% target by 2025, and a 90% target by 2029.

Although it has been established an intermediate target, Member States are encouraged to aim at 90% separate collection while transposing the SUP Directive into their national laws. This is because, aiming at the lower target could lead to investments in the wrong direction, for instance, in schemes that can only achieve 77% of separate collection but not 90%. This means that another investment would have to be made to change to a collection system that can ensure the ultimate target (90%) is met.

Therefore, ZWE encourages Member States to fill this gap under the SUP Directive, by implementing deposit-return schemes (DRS) at the national level.

¹⁶ Mouat, J., Lopez Lozano, R. and Bateson, H. 2010. Economic Impacts of Marine Litter. [report] KIMO. Available at: http://www.kimointernational.org/wp/wp-content/uploads/2017/09/KIMO_Economic-Impacts-of-Marine-Litter.pdf

Moreover, Member States could even go beyond the separate collection for recycling, and set also targets for reuse (i.e. refilling systems) of beverage bottles. It is worth mentioning that the implementation of DRS schemes would also contribute to reducing loss and consequently leakage of caps/lids in the environment.

Enforcement & monitoring

There is no point in having ambitious measures on paper if there is no actual enforcement and continuous monitoring of them. Therefore, it is crucial for Member States to ensure strong enforcement of all the measures they implement, as well as to establish monitoring systems to assess the impact of those measures, including the reduction of beverage cups and food containers, and the separate collection of beverage bottles.

Conclusion

Zero Waste Europe calls on Member States to take the lead in the fight against plastic pollution and beyond, and to build on the SUP Directive by setting up more ambitious and concrete measures during the transposition phase, such as establishing:

- strong enforcement and monitoring of the measures
- a national target on the consumption and reduction of food containers and cups for beverages, or market restrictions to these products
- EPR schemes as soon as possible (much before 2024), and ensure they are set in a proper way, including with eco-modulation fees
- deposit return schemes (DRS) for beverage bottles, in order to ensure the 90% separate collection target is achieved
- a higher recycled content target for beverage bottles
- a shorter deadline for the implementation of the measures, and especially the EPR schemes.

ANNEX

1) Products with alternatives readily available

Product	Measure	Deadline ¹⁷
Cotton bud sticks	Market restriction (ban)	By mid 2021
Cutlery (forks, knives, spoons, and chopsticks)	Market restriction (ban)	By mid 2021
Beverage stirrers	Market restriction (ban)	By mid 2021
Straws	Market restriction (ban)	By mid 2021
Plates	Market restriction (ban)	By mid 2021
Balloon sticks	Market restriction (ban)	By mid 2021
EPS ¹⁸ cups & containers for beverages and food	Market restriction (ban)	By mid 2021
Oxo-degradable plastics ¹⁹	Market restriction (ban)	By mid 2021

2) Products with currently less widely available alternatives

Product	Measure	Deadline
Cups for beverages	Consumption reduction	By 2026
	Marking/Labelling	By mid 2021
	Awareness raising	By mid 2021
	EPR ²⁰	By 31 December 2024
	Consumption reduction	By 2026

¹⁷ The deadlines provided are just an estimation. The actual deadline will start counting 20 days after the SUP Directive is published in the Official Journal.

¹⁸ Expanded polystyrene food containers, beverage containers and cups.

¹⁹ Oxo-degradable plastic are defined under the Directive as a plastic materials that includes additives which through oxidation lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition.

²⁰ EPR schemes for cups for beverages include the costs of awareness raising measures, waste management, and clean up litter.

Food containers	EPR ²¹	By 31 December 2024
	Awareness raising	By mid 2021

3) Products already covered by existing EU legislation

Product	Measure	Deadline
Beverage containers (with a capacity of up to 3L)	Tethered caps	By 2024
	Recycle content	By 2025, 25% (PET bottles) By 2030, 30% (all beverage bottles)
	Separate collection	By 2025, 77% By 2029, 90%
	EPR ²²	By 31 December 2024
	Awareness raising	By mid 2021
Packets & wrappers	EPR ²³	By 5 January 2023
	Awareness raising	By mid 2021
Lightweight plastic carrier bags	EPR ²⁴	By 31 December 2024
	Awareness raising	By mid 2021
Fishing gear	Product design (harmonised standards)	No clear deadline
	EPR	By 31 December 2024
	Collection	No EU target
	Awareness raising	By mid 2021

²¹ EPR schemes for food containers include the costs of awareness raising measures, waste management, and clean up litter.

²² EPR schemes for beverage containers (with a capacity of up to 3L) include the costs of awareness raising measures, waste management, and clean up litter.

²³ EPR schemes for Packets & wrappers include the costs of awareness raising measures, waste management, and clean up litter.

²⁴ EPR schemes for lightweight plastic carrier bags include the costs of awareness raising measures, waste management, and clean up litter.

4) Other single-use plastic products

Product	Measure	Deadline
Balloons	EPR ²⁵	By 31 December 2024
	Awareness raising	By mid 2021
Tobacco	EPR ²⁶	By 5 January 2023
	Marking/Labelling	By mid 2021
	Awareness raising	By mid 2021
Wet wipes	EPR ²⁷	By 31 December 2024
	Marking/Labelling	By mid 2021
	Awareness raising	By mid 2021
Sanitary towels and applicators	Marking/Labelling	By mid 2021
	Awareness raising	By mid 2021

Author: Larissa Copello de Souza
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Zero Waste Europe is the European network of communities, local leaders, businesses, experts, and change agents working towards the same vision: phasing out waste from our society. We empower communities to redesign their relationship with resources, to adopt smarter lifestyles and sustainable consumption patterns and think circular.



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²⁵ EPR schemes for balloons include the costs of awareness raising measures, clean up litter and costs of data gathering and reporting.

²⁶ EPR schemes for tobacco products include the costs of awareness raising measures, clean up litter and costs of data gathering and reporting.

²⁷ EPR schemes for wet-wipes include the costs of awareness raising measures, clean up litter and costs of data gathering and reporting.