



The Colombian Law 2232 on the gradual reduction of the production and consumption of single-use plastic products

Ley 2232 de 2022 Congreso de la República de Colombia

Following the implementation of Colombia's National Plan for Sustainable Single-Use Plastics Management in June 2021, which set the goal of **making all single-use plastics reusable, recyclable, or compostable by 2030**, the country took further steps in 2022. The new law **bans 14 specific types of plastic products such as plastic bags and straws, as well as packaging containers used for the retail sale of fresh fruits and vegetables.**

This legislation was then followed by the **introduction of a tax on single-use plastic items towards the end of the same year**, reinforcing Colombia's commitment to reducing plastic waste and fighting pollution affecting its coasts and marine life.

BACKGROUND INFORMATION

Colombians produce an average of **1.4 million tonnes of plastic per year**, of which 56% is packaging, bottles, containers and packaging materials from all sectors. This represents approximately **700,500 tonnes of plastic**, of which **only 3% is actually being effectively recycled**. 40% of all this packaging is being used in the food and beverage industry, and ends up in the hands of consumers.

To fight plastic pollution, various municipalities have already introduced regulatory measures, such as banning expanded polystyrene, coated papers, straws, plastic cups, and stirrers. For example, in the Archipelago Department of San Andrés, Providencia, and Santa Catalina, specific regulations were implemented in 2019 to regulate and prohibit the entry, marketing, and use of certain Single-Use Plastic items.

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The Plan has set key targets for the country:

- **By 2023** - Prohibition of the distribution and commercialisation of various problematic or unnecessary single-use plastic products.
- **By 2025** - Effective recycling of at least 25% (by weight) of the following single-use plastic products:
 - Containers used for packaging or serving on-site, take-away, or consumption of meals and prepared food, including products made from expanded polystyrene (styrofoam).
 - Plates, trays, knives, forks, spoons, and cups.
- **By 2030:**
 - 100% of single-use plastics placed on the market should be either reusable, recyclable, or compostable.
 - All single-use plastic products placed on the market, as determined by the government, should have a minimum average content of 30% recycled material.

Under Action 1.1 of the plan, titled "*Progressive Replacement of Single-Use Products*," between 2022 and 2023, **businesses** responsible for using, distributing, and selling single-use plastic products in the country must make tangible changes. Specifically, they are expected to **swap out these products for reusable options**. If this substitution isn't possible, they should **shift towards using products made from compostable materials or other alternatives that have been verified as both technically and ecologically sound**.

Passed in July 2022 by the Colombian Congress, [Law 2232](#) on the gradual reduction of the production and consumption of certain single-use plastic products falls therefore within the context of this plan, defining clear measures to gradually reduce the production and consumption of certain items.



Market in Bogotá, Colombia (photo credits: [Alvaro Santamaria R.](#) - CC BY-SA 3.0 DEED)



SCOPE OF APPLICATION OF LAW 2232

Law 2232 on the gradual reduction of the production and consumption of certain single-use plastic products **prohibits** the introduction, commercialisation, and distribution of the **following 14 single-use plastic products** (listed in Article 5 of the law) in Colombian territory, including those produced with oxo-degradable plastic:



1. Lightweight plastic bags used for packaging, loading, or transporting packages and goods.*



2. Plastic wrappers for packaging newspapers, magazines, advertisements, and bills, as well as those used in laundries to pack laundered clothing.



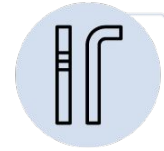
3. Rolls of empty bags in commercial spaces for packaging, loading, or transporting packages and goods or carrying bulk food.**



4. Disposable cups, containers, and bottles used to hold liquids that are not pre-packaged or bottled beforehand.



5. Plates, trays, knives, forks, spoons, cups, and eating gloves.



6. Stirrers and straws for beverages.



7. Balloon sticks.



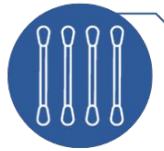
8. Confetti, tablecloths, and streamers.



9. Containers, packaging, and receptacles for holding or carrying non-prepackaged meals or foods in accordance with current regulations, for immediate consumption, used for take-away or home delivery.



10. Sheets for serving, packaging, wrapping, or separating immediately consumable foods, used for take-away or home delivery.



11. Cotton bud sticks.



12. Handles for dental floss or single-use dental floss holders.



13. Packaging containers, or any receptacle used for the retail sale of fresh fruits, vegetables, and natural shell-containing tubers; fresh aromatic herbs, fresh vegetables, and fresh mushrooms.***



14. Adhesives, labels, or any markings affixed to vegetables.

*Except those that are reusable or for industrial use.

** Except for raw animal products.

*** An exception is made for these containers when they can be still used to safeguard food, reduce food waste, and protect the integrity of products from damage, as long as the materials are fully recyclable and adhere to sanitation regulations.



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It's worth noting that the list of single-use plastics subject to the ban is more extensive than the EU's Single-Use Plastics Directive. The Colombian law encompasses items such as stickers, labels, or any markings attached to vegetables, confetti, tablecloths, streamers, handles for dental floss, and single-use dental floss holders. On the other hand, certain crucial items are not regulated by any Colombian legislation but are subject to a "limitation of use" according to the Single-Use Plastics Directive. These include balloons, tobacco products like cigarette butts, wet wipes, and sanitary towels. It's also worth noting that enforcement of these limitations is often lacking and may be limited to awareness campaigns or labelling.

The implementation of the ban will be staggered, with a timeline spanning from 2 to 8 years following the enactment of the law.

Items listed in points 1, 2, 3, 6, 7, and 11 will be prohibited by mid-2024, whereas the prohibition for the remaining items is slated to take effect as late as 2030.

Marking/labelling on the presence of plastics

The law requires establishing **clear and informative labelling rules for single-use plastic products**, including bio-based and other plastics not mentioned in Article 5. These labels should educate consumers about the environmental impact of litter, as well as the appropriate disposal options for the product, the presence of plastic in that product, its recyclability, and any other relevant information. This would mean that, for example, a single-use plastic water bottle must have a label clearly indicating its recycling instructions and environmental impact.

Complementary measures in the law:

1. Promotion of prevention measures:

1.1. The law discusses the promotion of preventive measures to reduce the use of single-use containers, particularly polyethylene terephthalate (PET) bottles for drinking water. It calls for public bodies to encourage the consumption of tap water in public places and establishments by providing water dispensers and promoting the use of reusable containers. Additionally, it mandates that hotels, restaurants, and tourism businesses offer free unpackaged water to their customers.

2. **EPR schemes:** Article 17 states that single-use plastics items not falling under the specific bans mentioned in Article 5 must be covered by EPR schemes. **Specific recycled content and recycling targets are defined within the scope of the EPR** for water bottles, along with other beverage containers made from PET and high-density polyethylene (HDPE):

2.1. By 2025, **PET water bottles for treated drinking water should contain a minimum of 50% recycled content**, increasing to **90% by 2030**.

2.2. By 2025, **PET bottles for other beverages** should contain a **minimum of 20% recycled materials**, increasing to **35% by 2030, 40% by 2035, and 60% by 2040**.



2.3 By 2030, the recycling rate for containers made of hHDPE should be at least 30%. This rate may be adjusted in consultation with the relevant industries.

2.24 By 2030, 50% of all bottles, containers, and liquid-holding receptacles should be collected. Producers and importers are responsible for achieving this target, involving various stakeholders in the supply chain, with priority given to informal recyclers and their associations. It is worth noting that Colombia is not lagging behind the EU in terms of recycled content targets. The 2025 target for PET water bottles is twice as high as that of the EU's target. However, the EU has adopted a higher recycling rate for plastic packaging, including bottles (50% by 2025 and 55% by 2030).

3. Promotion of source separation and recycling: Article 21 is also very important in the Colombian context, as it **mandates** that within three years of the law's enactment, **municipalities and districts with over 20,000 urban inhabitants should promote source separation and recycling as part of their public waste management services, with a focus on engaging waste pickers.** The national government can provide support to these municipalities and districts to enhance material recycling within public waste management services and promote source separation methods.

4. Incentives for eco-design: The law aims to promote the transition to packaging made from a single material (easy to recycle) or from materials that can biodegrade naturally. These materials must be as thin and light as possible, and integrated into systems that guarantee their collection and reuse through recycling. The government must design clear incentives for the industry to rethink the materials used in packaging. These could include low-interest loans, encouraging public procurement of green products, or creating technical standards for eco-designed products.

Tax on single-use plastic products

Following the law, a Tax Reform (Tax Reform Law No. 2277 of 2022) was enacted on December 13, 2022, which introduced the **national tax on single-use plastic products** used for packaging or wrapping goods. The tax reform proposal submitted includes a new tax on single-use plastic packaging, containers, and wrapping equivalent to **1.9 pesos per gram of plastic used.** All producers and/or importers of single-use plastic products - understood as any legal or natural person that: (i) manufactures, produces, or manufactures; or (ii) imports for commercialization, plastic packaging, or wrapping materials for single-use - must pay the tax.

It is important to note that the Colombian waste pickers' organisation working with GAIA Latin American and the Caribbean, renowned for its expertise in waste legislation, highlighted a major concern regarding the Tax Reform. They pointed out that although a substantial amount of money had been raised through this system, the funds were directed to the national budget instead of being reinvested back into improving systems linked to plastics management and reduction.



CHALLENGES OF THE LAW

The overall efficacy of the law is potentially compromised by the provision in Article 18, which permits the use of “sustainable alternatives with a circular economy focus” (*Alternativas sostenibles con enfoque de economía circular*).

Essentially, this provision **enables companies that introduce, market, or distribute single-use plastic items to potentially avoid the ban**. They can do so by **demonstrating that they recover and utilise 100% of the plastic from the products they release onto the market**, or at **least 50% of it in combination with other plastics, reaching a total of 110%**. This means that, if a company producing single-use plastic take-away packaging (which should be affected by the ban) demonstrates that it recycles 100% of the plastic in its products, or that it recycles 50% and combines the remaining 60% with other plastics for various purposes, it can be exempted from the ban.

This exemption does not apply to specific single-use plastic items which must be prohibited and replaced within two years after the law is enacted. However, it still sends the wrong signal as it creates a derogation for certain companies, potentially allowing them to continue producing and using single-use plastic.

Moreover, **determining compliance with the percentages of recycled content in a given plastic product can be difficult**. Depending on the methodology used for the calculation, declarations of recycled content may neither be fully reliable nor transparent - in particular if recycling is carried out by pyrolysis and gasification technologies, and if non-proportional mass balance allocation models are used to calculate recycling rates.

IMPLEMENTATION DELAYS

It is essential to note that the deadlines set by the law for phasing out certain single-use plastic items were postponed due to the absence of a clear implementation plan and the technical regulations required for its application. In addition, the absence of a precise definition of the responsibilities of companies producing and/or marketing single-use plastic containers and bags makes the implementation of the law very complicated.

Colombia's Ministry of Environment and Sustainable Development had 12 months from the enactment of the law to adopt a National Policy and its respective action plan to enforce the ban and define actions to replace single-use products with sustainable alternatives. However, national observers regret that technical standards defining the criteria for single-use plastic products to qualify as biodegradable and/or compostable under natural environmental conditions have not yet been adopted, hindering the law's implementation process.



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For more good practices, check [Zero Waste Europe](#) and [Zero Waste Cities](#).

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Author: Manon Jourdan manon@zerowasteurope.eu | **Editor:** Ana Oliveira



Zero Waste Europe is the European network of communities, local leaders, experts, and change agents working towards the prevention and elimination of waste in our society. We advocate for sustainable systems; for the redesign of our relationship with resources; and for a global shift towards environmental justice, accelerating a just transition towards zero waste for the benefit of people and the planet.



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