European Economic and Social Committee

NAT/627
Packaging waste/
plastic carrier bags

Brussels, 26 February 2014

OPINION

of the
European Economic and Social Committee
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) 761 final – 2013/0371 (COD)

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Rapporteur: **Mr Seamus Boland**

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On 15 November 2013 the Council and, on 18 November 2013 the European Parliament decided to consult the European Economic and Social Committee, under Articles 114(3) and 304 of the Treaty on the Functioning of the European Union, 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) 761 final – 2013/0371 (COD).

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 12 February 2014.

At its 496th plenary session, held on 26 and 27 February 2014 (meeting of 26 February), the European Economic and Social Committee adopted the following opinion by 227 votes in favour with 5 abstentions.

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1. Conclusions and recommendations

1.1 The EESC welcomes the proposal by the European Commission to amend Directive 94/62/EC on packaging and packing waste to reduce the consumption of lightweight plastic carrier bags. However, it draws attention to the widespread criticism that the proposed directive may not achieve its goal of reducing plastic bag use in the immediate future.

1.2 The EESC accepts that the continued use of lightweight plastic carrier bags causes huge environmental damage to marine life and that such damage has serious consequences for a range of marine species as well as for human health.

1.3 The EESC is aware of the many legislative complexities surrounding the control of plastic bags; however it strongly recommends that the proposed directive ensure that each Member State commits fully to the eradication of such waste on a permanent basis.

1.4 The EESC is concerned that the proposal may fail to achieve basic reduction goals due to the lack of a clear EU prevention target which would provide a benchmark for the effectiveness of Member States' measures and could be legally enforced with sanctions.

1.5 In this regard the EESC recommends the following:

- the EU should set a quantitative target for reducing the use of lightweight plastic bags. The target should be set based on the experience in the wider group of Member States where the consumption of lightweight plastic bags is low;

– failure to reach such a target shall result in named sanctions.

1.6 While it is understood that different measures to control plastic carrier bags have varying results in different Member States, it is recommended by the EESC that each Member State completes its own analysis on how best to comply with the directive and then proceeds with the option that is most suited to its needs and is realistic in terms of its obligations to comply with an overall EU target.

1.7 The EESC recommends that Member States carefully consider the impact on consumers, the retail sector and the environment when establishing their own implementation policy.

1.8 The EESC welcomes the finding in the 2011 impact assessment report by DG Environment that the employment consequences of reducing plastic bag usage are at least neutral and may contribute to an increase in the number of jobs associated with alternative re-usable bags which would create fewer environmental problems.

1.9 In line with the previous opinion NAT/600 European Plastic Waste Strategy (Green Paper) the EESC recommends that the role played by civil society in terms of improved behavioural change be clearly recognised.

2. General information about the legislative initiatives

2.1 Under EU legislation, plastic carrier bags are considered as packaging under the Packaging and Packaging Waste Directive (Directive 94/62/EC). However, there is no EU legislation or policy specifically targeting plastic carrier bags. Some Member States have developed very successful policies to reduce their use. However, many have not.

2.2 The proposal aims to reduce the consumption of plastic carrier bags with a thickness of below 50 microns (0.05 millimetres) in the European Union. For description purposes, the directive is aimed at lightweight thin-walled plastic bags that are distributed at a check-out and used to carry goods from supermarkets and other shops.

2.3 The legislative difficulties encountered in the design and implementation of an EU-wide reduction target applying to all Member States has seriously contributed to a worsening of the problem. Instead of establishing a common EU target that would significantly reduce the numbers of plastic bags in circulation, it is deemed preferable to introduce in Directive 94/62/EC the obligation for all Member States to reduce the consumption of lightweight plastic carrier bags, while allowing them to set their own national reduction targets and to choose which measures they will adopt to reach those targets. These measures should not lead to a general increase in the production of other packaging.

2.4 There has been little success by the European Union in terms of synchronising policy that could bring a unified response in resolving the problems caused by the littering of plastic

bags. For example Italy wishes to ban them. Austria has challenged such a proposal on legal grounds. Other countries such as Denmark, Ireland and Bulgaria have implemented a tax on plastic bags. The UK will introduce a limited tax in 2015 which will affect retail outlets that employ more than 250 people. Retailers in France, Germany, Portugal, Hungary and the Netherlands have begun charging for plastic bags.

3. Background and gist of the Commission proposal

3.1 The European Parliament and the Council wish to consult the European Economic and Social Committee, under Articles 114(3) and 304 of the Treaty on the Functioning of the European Union, on amending Directive 94\62\EC on packaging and packing waste to reduce the consumption of lightweight plastic carrier bags.

3.2 The Commission has carried out an impact assessment in order to prepare its legislative proposal[1]. According to the impact assessment, it is estimated that in 2010 every EU citizen used 198 plastic carrier bags, some 90% of which were estimated to be lightweight bags; these are less frequently re-used and are more prone to littering.

3.3 The same report states that in 2010, over 8 billion plastic carrier bags were littered in the EU. Such litter acutely affects the marine environment resulting in large volumes accumulating in our seas. Even in countries with no coastline, plastic bags are brought to the oceans through rivers and streams. Since the life of a plastic carrier bag can last for hundreds of years, this represents a huge global challenge in terms of causing pollution as well as affecting our ocean ecosystems.

3.4 The Commission's analysis is that the use of such bags varies widely, from an average of four per capita per year in Finland and Denmark to 466 in Poland, Portugal and Slovakia.

4. General and specific comments

4.1 In its opinion NAT/600 European Plastic Waste Strategy (Green Paper) by Mr Zboril, the EESC highlighted the serious problems posed by plastic waste in general and recommended a number of key actions aimed at dealing with all plastic based pollution[2].

4.2 Serious reduction of plastic carrier bags will contribute to the lessening of pressure on biodiversity, especially on the marine environment, in line with the EU Biodiversity Strategy, which aims to halt the loss of biodiversity and ecosystem services in the EU by 2020.

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1 Impact Assessment for a 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) 761 final - 2013/0371 (COD)}.

2 Opinion on *European Plastic Waste Strategy* (Green Paper). OJ C 341 of 21.11.2013, p. 59-66.

4.3 At least 267 different species are known to have suffered from entanglement or ingestion of marine litter, caused by plastic carrier bags. In the North Sea, the stomachs of 94 per cent of all birds contain plastic. Bags have been also found in the stomachs of several endangered marine species.

4.4 Underlying failures that contribute to an increase in the problem include:

- market failure and low public awareness;
- implementation and enforcement failures of the existing legislative framework governing packaging and packaging waste;
- failure to establish real targets that would reduce significantly the usage of light plastic bags;
- the lack of political will in many Member States to resolve the problem using meaningful targets.

4.5 On the other hand, the huge differences between different Member States in the number of lightweight plastic bags used per capita demonstrate the feasibility of a radical reduction of the use of such plastic bags in a relatively short time, provided there is a political will to take action. For instance, in Ireland's case, plastic bag reduction was achieved to a level of 80% when they introduced a tax at the point of sale.

4.6 If no efficient action is taken, the number of plastic carrier bags placed on the market is projected to rise at EU-27 level from 99bn in 2010 to 111bn in 2020[3]. Failure to take immediate and forceful action that limits the usage of plastic bags and the related littering problem will affect the environment and citizens within and outside the EU and plastics recyclers, public authorities, the fishing industry, tourism industry and local businesses.

4.7 Many environmental groups are clear that the Commission proposal is weak since it states in Article 1(2) that "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" without setting a clear prevention target.

4.8 It is also understood that Directives that are deemed the responsibility of the Member State only and without any clear agreed sanction for non-implementation are considerably less successful.

4.9 Setting a quantitative prevention target for the use of lightweight plastic carrier bags would establish a clear objective and benchmark for Member States which could be monitored and legally enforced, if necessary. It would, on the other hand leave flexibility to Member States on the means to be applied to attain this target. Such instruments might comprise economic

3 Based on PRODCOM, which is a Eurostat database providing statistics on the production of manufactured goods. (Commission impact assessment, chapter 2.4).

incentives, such as taxes or levies, consumer awareness campaigns or regulatory measures or a mixture of these instruments, depending on the specific circumstances in each Member State. In the impact assessment a prevention target of 35 bags per person and year has been considered. Such a target would be based on the average consumption of lightweight plastic bags in the 25% best performing Member States in 2010 and could therefore be regarded as a reasonable and feasible benchmark for other Member States. Turning this into an EU-wide prevention target would result in an 80% reduction of single use plastic bag consumption in the EU, which should be the minimum objective.

4.10 It follows from the Commission's impact assessment that measures for reducing the use of single-use plastic bags would not have unacceptable effects on the economy or employment.

Its conclusions are:

- there will be a decrease in the number of people employed in the manufacture of **single-use plastic bags**;
- however, there is likely to be an increase in the number of people employed in the manufacture of **multiple-use plastic carrier bags, paper bags, and bin liners**;
- the 2011 PRODCOM report referred to in the impact report states that in 2006 a third of lightweight plastic bags were imported, mainly from Asia. It also states that since then there has been a sizeable shift of manufacturing to Asia. It gives the example that in the UK almost 98% of such bags are imported from the Far East;
- the report points out that manufacturing within EU countries tends to be based on the production of "slightly thicker bags";
- the impact assessment report states that there will be no additional effects on employment (p. 86). It also points out that most plastic bag manufacturers produce multiple sizes and that actions to reduce lightweight bags might increase the demand for reusable bags and thereby create employment.

Brussels, 26 February 2014.

The President
of the
European Economic and Social Committee

Henri Malosse