

**Committee of the Regions****ENVE-V-043****106th plenary session, 2-3 April 2014****OPINION****Proposal for a Directive on Lightweight Plastic Carrier Bags****THE COMMITTEE OF THE REGIONS**

- believes that the European Commission proposal is not ambitious enough for the prevention of lightweight plastic bags, taking into account both of the major environmental problems they cause, and of lessons to be learnt from successful action taken in a number of Member States;
- calls on the European Parliament and Council to consider a change in the definition/scope to include also lightweight plastic carrier bags made only partly of plastic materials, and single-use bags made of paper or starch; as well as to include multi-use carrier bags when applying economic instruments;
- calls for a binding EU wide minimum reduction target for set for each Member State at a limit of 35 lightweight plastic carrier bags consumed per capita per year to be achieved within two years of entry into force of the Directive, instead of the proposed voluntary national reduction targets;
- welcomes the proposed provision which enables Member States to ban lightweight plastic carrier bags on their territory, in derogation of Article 18 of Directive 94/62/EC, however calls for the additional mandate for the European Commission to explore a European ban of lightweight plastic carrier bags in retail service by 2020;
- calls for an obligation for Member States to use economic instruments for all carrier bags within two years of entry into force of the Directive, instead of the proposed voluntary approach.

Rapporteur

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Reference document

Proposal for a Directive of the European Parliament and 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)

Opinion of the Committee of the Regions – Proposal for a Directive on Lightweight Plastic Carrier Bags

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General context

1. recognises that the properties that have made plastic carrier bags commercially successful – low weight, strength and resistance to degradation – have also contributed to their proliferation. 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 than thicker bags and more prone to littering;
2. notes that the commercially advantageous properties of carrier bags thinner than 50 microns (lightness, combined with high carrying capacity and non-degradability) have resulted and are continuing to result in limited re-use together with pollution on a global scale, on land and in the water;
3. notes that plastic bag waste in water ecosystems does not just affect countries with a marine coastline, but also countries with large lakes as a considerable amount of the waste from land travels down rivers. Once discarded, plastic carrier bags can last for hundreds of years, mostly in fragmented form and the cumulative number of plastic bags littered increases over time and is recognised to be a major global challenge;
4. notes that plastic carrier bags are considered as packaging under the Packaging and Packaging Waste Directive (PPWD: Directive 94/62/EC). Plastic carrier bags can be put on the market only if they comply with essential requirements for packaging minimisation, limitation of hazardous substances and suitability for reuse and recovery, including recycling, energy recovery, composting and biodegradation. However, there is no EU legislation or policy specifically targeting plastic carrier bags;
5. acknowledges that Member States have implemented various actions to reduce the use of plastic carrier bags, ranging from voluntary agreements to fiscal measures (Belgium, Ireland, Denmark), to the outright ban of non-biodegradable carrier bags, as seen in Italy. Some Member States have already achieved great results in terms of reducing their use of plastic bags ranging from an estimated 4 plastic bags consumed per citizen in Denmark and Finland, to an estimated 466 in Poland, Portugal and Slovakia;
6. applauds those Member States who have reduced their annual per capita consumption of lightweight plastic bags There clearly is scope to learn from the successful action taken in a

number of Member States and encourages national, regional and local governments worldwide to note these measures;

7. emphasises that all plastic waste must be managed as a resource as envisaged by the Roadmap to a Resource-Efficient Europe in order to meet 2020 objectives;

Level of ambition of the proposed Directive

8. believes, in the light of recent CoR opinions¹, that the European Commission proposal is not ambitious enough for the prevention of lightweight plastic bags. and calls on the European Parliament and Council to consider:
 - a change in the definition/scope to include single-use bags made of paper or starch and to include multi-use carrier bags when applying economic instruments;
 - a binding EU level reduction/prevention target, instead of voluntary national reduction targets, and the additional mandate for the European Commission to explore a European ban of free lightweight bags by 2020;
 - an obligation for Member States to use economic instruments, in addition to a voluntary approach.
9. believes that a combination of these measures, including the proposed possibility for Member States to apply market restrictions by way of derogation of Article 18, presents a more effective approach. The measures would be mutually supportive, with economic instruments most appropriately implemented at national and regional level, but an ambitious EU level target being important to help ensure implementation and raise awareness²;

Definition/Scope

10. supports the proposed definition based on wall thickness of 50 microns as an appropriate parameter in order to discourage use of lightweight plastic carrier bags without adversely affecting multiple-use plastic carrier bags known as "bags for life". Plastic carrier bags with a thickness below 50 microns, which are estimated to represent 90% of the total number of plastic carrier bags consumed in the Union, are less frequently re-used and more prone to littering³;
11. stresses the importance of the definition/scope of the proposed Directive to avoid unintended consequences, such as a switch to other materials , thicker, yet still single-use plastic bags, and other forms of *plastic* bags with a similar function, which may not deliver the desired

¹ CdR 3751/2013 fin, CdR 1617/2013 fin.

² BIO 09/2011.

³ BIO 09/2011.

environmental outcomes and have the potential to increase the volume of packaging produced;

12. supports the exclusion of multiple-use carrier bags from the reduction targets and possible bans, however believes that economic instruments should also apply to multiple-use carrier bags, and request inclusion of them in the definition/scope of the Directive for this specific purpose;
13. notes that "bags for life" are often replaced without cost by the retailer and this is to be encouraged. This measure can help give value to the natural resource and change behaviour from regarding the bag as waste;
14. seeks clarification as to whether very lightweight plastic bags (less than 10 microns) used for fresh or raw food for human or animal consumption will fall in the proposed definition. These are generally excluded from plastic carrier bag policies for reasons of practicality, hygiene or food safety (especially when used for raw meat). However, a EU prevention/reduction target might need to include them in order to avoid unintended changes in consumer behaviour⁴;
15. also seeks clarification why the definition of lightweight plastic carrier bags has been restricted to plastic bags, rather than to be material non-specific and to include also single-use carrier bags made of paper, plant based material or starch, in order to address unsustainable consumption patterns and resource efficiency;
16. notes in this regard that the impact assessment carried out by the European Commission suggests that for every 1 000 single-use plastic bags avoided, people will use on average 127 paper bags. It assumes that 50% of the plastic bags consumed in non-supermarket sectors will be displaced by paper bags if these are not made the subject of the policy, which e.g. has been the experience in Ireland⁵;
17. welcomes the European Commission's review of waste policies currently being undertaken and looks forward to receiving greater clarification of the environmental properties both positive and negative, arising from new technologies claiming to produce, oxo-bio degradable bio degradable or compostable bags. It is also necessary to understand the impact of these microscopic particles on marine life;
18. strongly objects to any exemption of biodegradable and compostable plastic carrier bags from the definition/scope of this Directive. The CoR reiterates its concerns on misleading labelling and definitions and partially green credentials of such bags⁶. Furthermore, a shift to biodegradable bags would not reduce the number of bags discarded as litter. It also has the

⁴ SWD(2013) 444.

⁵ SWD(2013) 444.

⁶ CdR 3751/2013 fin.

potential to cause problems for municipalities in plastic recycling processes and leads to confusion about home or commercial composting;

19. reiterates its call for a ban on oxo-degradable plastic until further research establishes these products have added value;
20. considers that product design is pivotal to minimising waste. Believes that whereas the current eco-design directive focuses on water and energy consumption, a review could now include preparation for re-use, reparability and recycling with advice to the consumer on the durability of a carrier bag;
21. advocates a minimum recycled content in future design reviews while understanding that some food and personal health uses require specified standards from the material;

National or EU reduction targets and bans

22. supports a minimum EU wide reduction target set for each Member State at a limit of 35 bags consumed per capita per year to be achieved within a phase of transition after the entry into force of the Directive. This equates an 80% reduction on the 2010 EU average of single-use plastic bag consumption and has already been achieved or exceeded by some Member States;
23. welcomes the proposed provision which enables Member States to ban lightweight plastic carrier bags on their territory, in derogation of Article 18 of Directive 94/62/EC. This new provision reflects that more and more countries, regions and cities and towns worldwide have banned lightweight plastic bags or have considered the introduction of bans and this number is still rising;
24. acknowledges that such national marketing restrictions are subject to the requirements laid down in Articles 34 to 36 of the Treaty on the Functioning of the European Union. This means that certain conditions need to be met – the ban can't be discriminatory to a certain type of lightweight plastic bag over another, and it mustn't be a disguised restriction on trade between Member States. In this regard considers all currently available lightweight bags should be subjected to ban by 2020;
25. calls upon the European Commission to explore means of introducing by 2020 an EU level ban of lightweight plastic carrier bags in retail service⁷. And invites the European Commission to study the possible conflicts with internal market rules and international trade law, of the need for a change in the legal basis of the PPWD, of the length of a transitional period needed, and of the need for combining the ban with charging for multiple-use plastic bags and other measures to avoid unintended consequences;

⁷ See also SWD(2013) 444.

26. recommends Member States should include representatives of local and regional authorities in any reflection on the introduction of such bans;

Economic instruments

27. calls for a full implementation of the "polluter pays" principle⁸ and notes that Member States that have successfully reduced plastic bag consumption have introduced economic instruments (levies /taxes). This can be seen for instance from the encouraging results achieved by the Irish levy or Danish tax on plastic bags⁹;
28. reiterates that a ban on the free provision of lightweight plastic and other carrier bags is showing positive results in a number of regions and should therefore be considered¹⁰;
29. considers the *encouragement* of the use of such instruments as proposed as not sufficient and calls for a change in the proposed Directive to an *obligation* for Member States to use economic instruments to reduce plastic bag consumption and ensure that lightweight plastic carrier bags are not provided for free. This obligation could also build on Article 15 of the PPWD, which already *encourages* the use of economic instruments in general;
30. stresses that the implementation of economic instruments should be left to Member States or regions with relevant legislative powers;
31. underlines some factors in the design are crucial for the effectiveness of economic instruments:
- appropriate levels of the levy/tax which provide a real disincentive to the use of plastic bag: less successful economic measures introduced by some Member States underline this necessity;
 - representatives of local and regional authorities should be involved in any review of the introduction of levies/taxes and the ultimate use of such monies to be used in local clean-up initiatives;
 - the levy/tax should be high enough to cover the true environmental and social costs generated over the life cycle of a lightweight plastic carrier bag;
 - in light of the principles of producer responsibility, the costs of collection/littering and treatment of lightweight plastic carrier bags should be reflected in the price of the carrier bag;
 - awareness-raising campaigns with emphasis on the environmental benefits using education programmes, "clean-up initiatives", encouraging responsible behaviour in the

⁸ CdR 3751/2013 fin.

⁹ BIO study 09/2011, ACR+/ACR+MED 2013.

¹⁰ CdR 3751/2013 fin.

- tourist/leisure industry and other initiatives in co-operation with the plastics industry and retailers;
- the role of educational institutions in encouraging children to act responsibly and raising environmental awareness;
 - effective enforcement without increasing the burden on local and regional authorities.
32. believes that the obligation to introduce economic instruments should be applied to all plastic carrier bags, and not just lightweight bags, in order to encourage greater reuse of plastic carrier bags overall, and because in practice multiple-use plastic carrier bags are rarely distributed for free anyway. However multiple-use bags may be replaced for free by the original retailer;
33. believes that voluntary initiatives at national level, including take-back responsibility for retailers, could help to transfer the cost of handling some plastic waste from waste and environmental authorities throughout the entire value chain;
34. underlines the potential of economic instruments to generate revenues for local and regional authorities, which could be used to offset the administrative costs related to implementation and enforcement, and by ring-fencing funds for litter clean-up activities, and environmental projects;
35. reiterates its call on the European Commission to study the best way of applying extended producer responsibility in the EU in the prevention and management of plastic waste¹¹;
36. requests that the European Commission considers a reference to Extended Producer Responsibility to include the full internalisation of costs and transfer the cost for handling this type of plastic from local and regional authorities as waste handlers to the producers, including litter costs;
37. welcomes the Environment Commissioner's proposal for a "European Clean-up Day" Initiative beginning this year;
38. reiterates support for this and similar initiatives which raise the profile of the challenge to local and regional authorities of littering in the environment. This is pre-requisite to changing behaviour to reduce the environmental impact of increased waste generation and preserving natural resources;
39. recognises that while the growing accumulation of plastic litter in the global marine environment is a wake-up call, it is acknowledged that the majority of this uncontrolled disposal originated on land. Plastic bag litter in any environment is unacceptable!

¹¹ CdR 3751/2013 fin.

II. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

COM(2013) 761 final - Recital 2

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
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.	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 <u>and those of rivers and large water bodies</u> worldwide.

Reason

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

Amendment 2

COM(2013) 761 final - Recital 5

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
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 ⁷ . 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.	To promote similar reductions of the average consumption level of lightweight plastic carrier bags, Member States should take measures to <u>substantially</u> 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 ⁷ . 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.

Reason

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 4 of Directive 94/62/EC.

Amendment 3

COM(2013) 761 final - Recital 6

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
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 94/62/EC, subject to the requirements laid down in Articles 34 to 36 of the Treaty on the Functioning of the European Union.	Measures to be taken by Member States may <u>should</u> 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 94/62/EC, subject to the requirements laid down in Articles 34 to 36 of the Treaty on the Functioning of the European Union.

Reason

The most effective way to reduce the use of carrier bags is to stop providing them free of charge. This should become compulsory in all Member States.

Amendment 4

COM(2013) 761 final, Article 1, point 1 (insert new point 1) - Directive 94/62/EC, Article 3

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
None.	<u>In Article 3, a new point 2a is inserted:</u> <u>"2.a carrier bags' shall mean bags which are supplied to consumers at the point of sale for the purposes of enabling goods or products to be taken away or delivered."</u>

Reason

A general definition of carrier bags should be introduced before defining "lightweight" bags, in particular in relation with the amendment 6.

Amendment 5

COM(2013) 761 final, Article 1, point 1 - Directive 94/62/EC, Article 3

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>In Article 3, a new point 2a is inserted:</p> <p>"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."</p>	<p>In Article 3, a new point 2a2b is inserted:</p> <p>"2a2b. 'lightweight plastic carrier bags' shall mean bags made <u>wholly or partly</u> 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."</p>

Reason

To include bags with a plastic laminate or plastic element.

Amendment 6

COM(2013) 761 final, Article 1, point 2 - Directive 94/62/EC, Article 4

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>(2) In Article 4, the following paragraph 1a is inserted:</p> <p>"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 the Directive.</p> <p>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.</p> <p>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 of this Directive."</p>	<p>(2) In Article 4, the following paragraph 1a is inserted:</p> <p>"1a Member States shall take measures to achieve a <u>minimum EU wide reduction target to 35 bags per capita per year</u> in the consumption of lightweight plastic carrier bags on their territory within two years of entry into force of the Directive.</p> <p>These M<u>measures taken by Member States to reduce the consumption of carrier bags shall may</u> include the use of <u>economic instruments, and may also include the use of</u> national reduction targets, economic instruments as well as <u>and</u> marketing restrictions in derogation from Article 18 of this Directive.</p> <p>Member States shall report on the effects of these measures on the overall formation of packaging</p>

	<p>waste when reporting to the Commission in accordance with Article 17 of this Directive.</p> <p><u>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."</u></p>
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Reason

There should be a clear reduction target in the consumption of lightweight plastic carrier bags. It is based on an 80% reduction of the average consumption in the EU in 2010.

All carrier bags as defined in amendment 4 should be made subject to economic instruments.

The 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.

Brussels, 3 April 2014

The President
of the Committee of the Regions

Ramón Luis Valcárcel Siso

The secretary-general ad interim
of the Committee of the Regions

Daniel Janssens

III. PROCEDURE

Title	Proposal for a Directive Amending Directive 94/62/EC on Packaging and Packaging Waste to Reduce the Consumption of Lightweight Plastic Carrier Bags
Reference	COM(2013) 761 final – 2013/0371 (COD)
Legal basis	Article 307 TFEU. Optional referral
Procedural basis	
Date of Council/European Parliament letters	22.11.2013/4.12.2013
Date of President's decision	13.11.2013
Commission responsible	Commission for the Environment, Climate Change and Energy (ENVE)
Rapporteur	Ms Linda Gillham (UK/EA), Councillor, Runnymede Borough Council
Analysis	19 December 2013
Discussed in commission	12 February 2014
Date adopted by commission	12 February 2014
Result of the vote in commission	Unanimity
Date adopted in plenary	3 April 2014
Previous Committee opinion	Opinion on the Green Paper on a European Strategy on Plastic Waste in the Environment, CdR 3751/2013 fin ¹² Outlook Opinion on The Review of the European Union's Key Waste Targets, CdR 1617/2013 fin ¹³ Opinion on A Resource-Efficient Europe – Flagship Initiative Under the Europe 2020 Strategy, CdR 140/2011 fin ¹⁴
Date of subsidiarity monitoring consultation	not carried out

¹² [OJ C 356, 5.12.2013, p. 30.](#)

¹³ [OJ C 280, 27.9.2013, p. 44.](#)

¹⁴ [OJ C 9, 11.1.2012, p. 37.](#)