



Spotlight on Parliaments in Europe

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Measures to reduce the consumption of plastic bags and disposable tableware

Approximately 100 billion plastic bags are consumed in the EU every year. This is an average consumption of 200 bags per year per EU citizen. The effects are devastating for the environment, namely for marine life. On 29 April 2015, the European Parliament and Council adopted Directive (EU) 2015/720 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags. Member States had until 27 November 2016 to adopt measures in order to cut the consumption. The target fixed by the directive is: no more than 90 bags per person per year by the end of 2019. By the end of 2025, that number should be down to no more than 40 bags per person. In order to achieve this, Member States can choose between regulations or sectorial agreements, and in the case of a legislative regulation, among measures like economic instruments such as charges and levies or national reduction targets.

The Ministry of Environment of Romania is currently drafting a legislative act on the modality of managing packaging and packaging waste. Seizing this opportunity, the Romanian House of Deputies addressed, to the ECPRD network, a request (n° 3477) asking the Chambers of the other EU member states about: 1) measures adopted, if any, to reduce the consumption of lightweight plastic carrier bags, 2) regulation regarding the banning of disposable tableware and 3) regulation limiting/restricting the free market of the plastics manufacturers.

EU Countries where the issue has been dealt through sectorial agreements

In **Austria** trading companies, NGOs and the Ministry of Environment signed a voluntary agreement in May 2016 to reduce the consumption of carrier bags made of any material. Single use carrier bags (except very lightweight plastic carrier bags for meat, fish, vegetables, fruits...) of any material have to be paid by customers. In addition, awareness raising measures are included in this agreement. An ordinance defining the minimum price of plastic carrier bags should soon come into force.

Germany addressed the issue by striking an agreement between the Federal Ministry for the Environment, Nature Protection, Construction and Nuclear Safety and the German trade Association (HDE). The goal is to reach a per capita consumption of no more than 90 lightweight plastic carrier bags per year by the end of 2019 and up to 40 bags by the end of 2025. Since 1 July 2016, companies who are part of the agreement must collect a fee for the plastic carrier bags they are offering to their customers. The objective is that within 2 years, 80% of the participating companies collect this fee.

A Green Deal Agreement was the option chosen by **Finland** in order to reduce the consumption of plastic carrier bags in accordance with EU Directive 2015/720. The Finnish government, and the Federation of Finnish Commerce, agreed that by the end of 2025 no more than 40 bags per person per year should be used. The agreement leaves the companies of the trade sector free to decide on the measures and their implementation, but these must include at least advice and information to companies in the trade sector to reduce the consumption and prevent littering, as well as a price for lightweight plastic carrier bags. These shall no longer be available at

retail outlets on self-service basis. The government will assess the impact of measures, three years after concluding the agreement. If the conclusion show that the measures are not effective, the Ministry will consider other means to reduce consumption.

EU Countries that have addressed or will address the matter through legislation

1) Countries that banned single use plastic bags

Of the three federal regions composing **Belgium**, two regulated the use of lightweight plastic carrier bags. Wallonia adopted a decree on 6 July 2016 to ban the use of single use plastic bags, as of 1 December 2016. The decree established temporary exceptions from the ban. The Brussels Region adopted a decree (BRUDALEX: Brussels Law on the management of waste materials) on the ban of lightweight plastic bags on 1 December 2016, due to enter into effect as of 1 September 2017. According to the decree, the remaining plastic bags (thin vegetable and fruit bags) will be banned as of September 2018. Biodegradable and compostable bags should be exempt from this ban. The Flemish Region should take its decision after consultation with the sector. The region intends to institute a ban on single use plastic bags as of January 2018. The Interregional Packaging Commission (IRPC) monitors the implementation of the legislation on the prevention and management of packaging waste of the three Regions.

France has enacted the amended EU Directive on lightweight plastic bags through several legislative instruments: article 75 of law n° 2015-992 of 17 August 2015, on energy transition and green growth; decree n° 2016-379 of 30 March 2016 on terms of implementation of the limitation of single-use plastic bags; article L541-10-5 of the code of the environment codifies the law applicable to the bags and plastic tableware. Regulations banned all single use carrier plastic bags of less than 50 microns as of July 2016, and as of 1 January 2017 all non-compostable single use plastic bags of less than 50 microns including bags for food and all plastic packaging non-biodegradable and non-compostable used in mailing press and commercials.

2) Countries having imposed a levy or a price on plastic bags

The **Czech Republic** adopted a new law amending the existing law on packaging (Act. No. 149/2017 Coll.) establishing that, as of 1 January 2018, plastic carrier bags shall be made available to the consumers for a price corresponding at least to the cost of their purchase. Plastic carrier bags with a wall thickness of less than 15 microns are exempt.

In 1993, **Denmark** introduced a levy on all carrier bags with a handle and a volume of at least 5 litres. According to statistics from the Danish Plastic Industry, the consumption of plastic bags in the country went down from 19000 tonnes in 1993, to around 9000 tonnes in 2015.

With the entry into force of the Amended Packaging Act on limiting the use of plastic bags on 17 April 2017, in **Estonia** stores must offer their customers alternative packaging options. As of 1 January 2019, plastic carrier bags, both lightweight (below 50 microns) and very lightweight (below 15 microns), can no longer be offered free of charge. The target goals, monitored by the Ministry of Environment, are less than 90 lightweight carrier bags per person per year by 31 December 2019 and less than 40 by 31 December 2025.

In **Greece** the Ministry of Environment and Energy is planning to enact the transposition of the Directive. The goal would be to apply a fee for single use plastic bags at grocery stores by the end of the first semester of 2018 (0,04 € per bag from 1/1/2018 and 0,08 € per bag from 1/7/2017 onwards).

Ireland had already adopted legislation on the issue a long time before the EU Directive of 2015. A plastic bag levy was introduced as an anti-litter initiative from 2002. The relevant primary legislation is Section 9 of the Waste Management (Amendment) Act, 2001. As a result of these measures, the average per capita consumption of single use plastic bags went from 328 in 1999, to 11.5 in 2016.

Italy adopted article 9-bis of decree law n. 91/2017 on 1 August. The provision call for a general reduction of all plastic bags, introducing new definitions of plastic packaging that match those included in the Directive. The disposition introduced the obligation for the producers and economic operators to provide package users and consumers with full information on: the impact of plastic carrier bags on the environment and necessary measures

to reduce their usage; sustainability of biodegradable and compostable carrier bags' usage; impact of oxo-degradable carrier bags, as defined by the European Commission. Plastic carrier bags respecting the new definitions, can no longer be given free of charge to consumers and their price must appear on the receipt. The new disposition which starts on 1 January 2018, introduces a progressive reduction of bags not respecting both the definition of biodegradability and compostability (UNI EN 13432; 2002) and containing an increasing minimum percentage of renewable materials.

In **Lithuania**, the Seimas amended the Law on the Management of Packaging and Packaging Waste in 2016. The amended provision prohibits, as of 31 December 2018, handing out lightweight plastic bags, 15 to 50 micron thick, free of charge at retail stores.

Luxembourg transposed the EU Directive in the Law of 21 March 2017 concerning packaging and packaging waste. The law introduced new definitions of plastic bags, defined progressive goals for the reduction of consumption and established that, as of 31 December 2018, no plastic bags be provided free of charge at points of sale of goods or products. The law also established information obligations awareness-raising campaigns for packaging organisations, accredited bodies and all persons for sale packaged products. Plastic manufacturers shall be liable to organize a system of recovery directly or entrusting an accredited body.

In **Poland**, the government submitted a draft bill (Sejm paper n° 1730) for transposing the EU Directive. The draft stipulates that the retailers charge their customers for lightweight plastic bags (up to 1PLN - approximately 0,24 € - per bag). The charge should enter into force on 1 January 2018.

In **Romania**, the measures taken so far by the authorities for the reduction of the consumption of lightweight plastic carrier bags consist of an Eco tax of 0,1 Lei (Romanian currency) per bag. The Eco Tax is cashed from the economic operators that introduce the plastic bags on the market and is destined for the Environment Fund. The operators are required to clearly indicate the amount of the Eco tax on the selling product so as to properly inform the consumers.

Slovakia transposed EU Directive 2015/720 by the Act No. 90/2017 Coll. amending Act No. 75/2015 on waste. The amendment introduced a price for lightweight plastic bags as of 1 January 2018. Moreover, the Ministry of Environment promoted the “Slovakia without plastic bags” initiative.

In **Spain**, most supermarket chains, hypermarkets and large supermarkets are already charging for plastic bags although no formal obligation is in force. The draft Royal Decree of the Ministry of Agriculture and Fisheries, Food and Environment aims to comply with EU Directive 2015/720 and imposes, as of 1 January 2018, to charge a minimum price ranging from 5 - 30 cents depending on the thickness and material of the bags. Manufacturers have to respect two obligations: to register in the Register of producers of products associated with the management of waste, and to provide information to the Ministry of Agriculture and Fisheries, Food and Environment about the number of bags they have placed on the market each year.

In the **United-Kingdom** the situation is as follows: a five pence charge on single use carrier bags (generally referred to the conventional, lightweight, plastic carrier bags) came into effect in England on 5 October 2015. The charge does not apply to paper bags. SME employing less than 250 staff are exempt from the charge. Wales, Northern Ireland and Scotland introduced a 5 pence levy on single use carrier bags in 2011, 2013 and 2014 respectively. While in Northern Ireland regulations require that the proceeds of the charge go to the Government, retailers in England, Wales and Scotland are free to use it as they wish (although strongly encouraged to use it for “good causes”). Biodegradable and most types of paper bags are included in the charge. The legislative framework is provided by the Climate Change Act 2008 and the Climate Change (Scotland) Act 2009.

3) EU Countries having regulated the issue with other instruments

In **Hungary**, the consolidated version of Decree No. 442 of 2012 (XII.29.) on packaging and waste management activities related to packaging waste entered into force on 21 February 2017 implementing the EU Directive. This Decree applies to packaging and packaging waste of goods in terms of their return and collection. Requisites of production, labelling and distribution of packaging materials are provided in Articles 3-5. The Decree contains rules

regarding the obligations of producers and distributors to take back, collect and reuse packaging materials, to keep a register and report on their related activities. Producers and importers are obliged to participate in a collection and recovery system of packaging or pay environmental charges.

Although **Portugal** has not yet transposed the EU Directive of 2015, the government has established principles and standards applicable to the management of packaging and packaging waste with a view to preventing the production of such waste, re-using used packaging, recycling and other ways of waste recovery. The relevant dispositions are: Executive Law no. 366-A/97 of 20 December, Executive Law no. 178/2006 of 5 September and Order no. 29-B/98 of 15 January. A levy on lightweight plastic bags was introduced by way of Law no. 82/D/2014 of 31 December regulated by Ministerial Order no. 88/2017 of 28 February. As a result of EU directives that govern the flow of packaging and its waste, national targets for recovery and recycling have been set.

In **Sweden**, the Government adopted Ordinance (2016:1041) on Plastic Carrier Bags that came into force in December 2016 and contains a requirement for providers to supply information to consumers about environmental impact, the advantages of reduced consumption and measures to obtain that. Providers are also requested to provide information about the number of plastic carrier bags they provide on the Swedish market. The Swedish Environmental Protection Agency is charged with monitoring compliance with established target and propose additional measures if consumption exceeds the fixed targets. Such requirements apply from 31 May 2017. Manufacturers and importers must report to the Swedish Environmental Protection Agency, the number of lightweight and heavy duty plastic bags that are intended for the Swedish market.

Regulations concerning disposable tableware

Very few replies mentioned regulations or measures specifically targeting disposable tableware. Austria has no provisions banning disposable tableware but producers and importers are obliged to participate in a collection and recovery system of packaging. In France Art L541-10-5 of the Code of Environment bans, as of 1 January 2020, plastic disposable tableware, except domestic tableware made of or containing materials originated from organic sources. The article also bans other plastic products such as cotton swabs. In Germany, manufacturers and distributors of disposable tableware must ensure a widespread withdrawal of the packaging. In Spain plastic dishes, glasses, cups and cutlery, as well as cotton swabs must be made from at least 50 % of biodegradable substances as of 1 January 2018. No specific regulations exist in the other responding countries.

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