

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the reduction of the impact of certain plastic products on the environment

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,
Having regard to the proposal from the European Commission,
After transmission of the draft legislative act to the national parliaments,
Having regard to the opinion of the European Economic and Social Committee¹⁹,
Having regard to the opinion of the Committee of the Regions²⁰,
Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The relatively high functionality and low cost of plastic means that this material is increasingly ubiquitous in everyday life. Its growing use in short-lived applications, which are not, designed for re-use or cost-effective recycling means that related production and consumption patterns have become increasingly inefficient and linear. Therefore, in the context of the Circular Economy Action Plan²¹, the Commission concluded in the European Strategy for Plastics²² that growing plastic waste generation and its leakage into our environment, in particular the marine environment, must be tackled in order to achieve a truly circular lifecycle for plastics.
- (2) Circular approaches that prioritise re-usable products and re-use systems will lead to a reduction of waste generated, and such prevention is at the pinnacle of the waste hierarchy enshrined in Article 4 of Directive 2008/98/EC of the European Parliament and of the Council.²³ This is also in line with the United Nations Sustainable Development Goal 12²⁴ to ensure sustainable consumption and production patterns.

¹⁹ OJ C [...], [...], p. [...].

²⁰ OJ C [...], [...], p. [...].

²¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Closing the loop – An EU action plan for the Circular Economy" (COM(2015)0614 final).

²² 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" (COM(2018)28 final).

²³ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

²⁴ The 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.

- (3) In accordance with international²⁵ and Union waste legislation²⁶, Member States are required to ensure sound waste management to prevent and reduce marine litter from both sea and land sources. In accordance with Union water legislation²⁷ Member States are also required to tackle marine litter where it undermines the attainment of good environmental status of their marine waters. These measures should contribute to the attainment of the United Nations Sustainable Development Goals, including goal 14 on marine litter.²⁸
- (4) In the Union, about 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastics items representing 50 % and fishing-related items 27 %. Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are thrown away after having been used once for the purpose for which they were provided, are rarely recycled, and are prone to littering. A significant proportion of fishing gear placed on the market is not collected for treatment. Single-use plastics and plastic fishing-related items are a particularly serious problem in the context of marine litter and pose a severe risk to marine ecosystems, biodiversity and potentially human health, and damaging activities such as tourism, fisheries and shipping.
- (5) To focus efforts where they are most needed, this Directive aims to address only the most found single-use plastics products, which are estimated to represent around 86% of the single-use plastics found in counts on beaches in the Union.
- (6) Existing Union legislation²⁹ provides some regulatory responses to address marine litter. Plastic waste is subject to overall Union waste management measures and targets, such as the 50% recycling target for plastic packaging waste to be attained by 2025 and 55% by 2030³⁰ and most recently adopted objective in the Plastics Strategy³¹ to ensure that all plastic packaging must be recyclable by 2030. However, the impact of this legislation is not satisfactory. There are wide differences in the scope and the level of ambition of Member States measures to prevent and reduce marine litter and

²⁵ United Nations Convention on the Law of the Sea (UNCLOS), the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention) and its 1996 Protocol (the London Protocol), Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL), Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

²⁶ See footnote 23 and Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).

²⁷ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1-73) and Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164 25.6.2008, p. 19).

²⁸ United Nations Sustainable Development Goal 14 to prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution by 2025.

²⁹ See footnotes 23, 26, 27, 30 and Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

³⁰ Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365 31.12.1994, p. 10).

³¹ 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" (COM(2018)28 final).

some of those measures, in particular marketing restrictions for single-use plastic products, may create barriers to trade and distort competition in the Union. It is therefore necessary to lay down measures at Union level to define specific prevention measures, including on the marketing of certain single-use plastic products, and waste management measures targeting the key sources and pathways of the most found single-use plastics products found in counts on beaches in the Union.

- (7) The definition of single-use plastic should exclude from this Directive plastic products that are conceived, designed and placed on the market to accomplish within their lifecycle multiple trips or rotations by being refilled or reused for the same purpose for which they are conceived. It applies to polymer-based rubber items and bio-based and biodegradable plastics regardless of whether these are derived from biomass and/or intended to biodegrade over time.
- (8) Single-use plastic products that are covered by this Directive are addressed by one or several measures, depending on various factors, such as the availability of suitable and more sustainable alternatives, the feasibility to change consumption patterns, and the extent to which they are already covered by existing Union legislation.
- (9) For certain single-use plastic products readily available suitable and more sustainable alternatives do not yet exist. Therefore, the consumption of most such single-use plastic products subject to this Directive is expected to increase. To reverse that trend and promote efforts towards more sustainable solutions aiming to ensure that they do not end up as waste in the environment, Member States should be required to take the necessary measures to achieve a significant and sustained reduction in their consumption.
- (10) Single-use plastic products for which suitable and more sustainable alternatives are readily available should no longer be placed on the Union market to limit their impact on the environment. By restricting the use of single use plastic products, innovative solutions are promoted towards more sustainable business models, multi-use alternatives and substitute materials that subscribe the objective of this directive.
- (11) Single-use plastic beverage containers should only be placed on the market provided they respect specific product design requirements that should significantly reduce the leakage into the environment of beverage container caps.
- (12) Single-use plastic products that are disposed of through sewers or that are otherwise inappropriately disposed of should be subject to labelling requirements informing consumers about the negative environmental impacts of littering as a result of inappropriate disposal and about the appropriate waste disposal options.
- (13) With regard to single-use plastic products for which there are no readily available suitable and more sustainable alternatives, Member States should, in line with the polluter pays principle, also introduce extended producer responsibility schemes to cover the costs of waste management and clean-up of marine litter and of awareness-raising measures to prevent and reduce such litter.
- (14) The large portion of plastic stemming from abandoned, lost and discarded fishing and aquaculture gear in marine litter indicates that the existing legal requirements³² do not provide sufficient incentives to return fishing gear to shore for treatment and to clean up litter. Plastic fishing gear however has a high recycling potential. Therefore, in line with the polluter pays principle, extended producer responsibility should be established to finance sound waste management of waste fishing gear, in particular the

³² Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC.

plastic components of fishing gear, including awareness raising measures and to achieve high collection of waste fishing gear. Extended producer responsibility schemes can also envisage specific incentive mechanisms to further facilitate the delivery of used fishing gear or waste fishing gear to adequate port reception facilities. While all marine litter poses risks to the environment and human health and should be tackled, proportionality considerations should also be taken into account. Therefore, fishers themselves and artisanal makers of fishing gear should not be the target of measures aimed at better managing the impacts of large scale production and use of plastic on the marine environment.

- (15) In order to prevent littering and other inappropriate forms of disposal that result in marine litter, consumers need to be properly informed about the available waste management options and best practices, the environmental impact of bad disposal practices such as disposing of waste single-use plastic products through sewer and, where appropriate, about the plastic content in certain single-use plastic products and fishing gear. Therefore, Member states should be required to take awareness raising measures ensuring that such information is given to the consumers. Producers of those products should cover the costs of such measures as part of their extended producer responsibility obligation.
- (16) Single use beverage bottles are one of the most found marine litter items found on the beaches in the Union. This is due to ineffective separate collection systems and low participation by the consumers. Therefore, a minimum collection target should be established.
- (17) Directive 2008/98/EC lays down general minimum requirements for extended producer responsibility schemes. These requirements should apply to extended producer responsibility schemes established by this Directive. This Directive, however, establishes additional extended producer responsibility requirements, for example, the requirement that producers of certain single-use plastic products and of fishing gear should cover the costs of clean up of litter.
- (18) As the Court of Justice has held on numerous occasions, it would be incompatible with the binding effect, which the third paragraph of Article 288 of the Treaty ascribes to a Directive to exclude, in principle, the possibility of an obligation imposed by a Directive from being relied on by persons concerned. That consideration applies particularly in respect of a Directive, which has amongst its objectives the protection of human health from the adverse effects of marine litter. Therefore, in accordance with the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters, members of the public concerned should have access to justice in order to contribute to the protection of the right to live in an environment, which is adequate for personal health and well-being. In addition, where a large number of persons are in a 'mass harm situation', due to the same illegal practices relating to the violation of rights granted by this Directive, they should have the possibility to use collective redress mechanisms, where such mechanisms have been established by Member States in line with Commission Recommendation 2013/396/EU³³.
- (19) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on

³³ Commission Recommendation of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union law (OJ L 201, 26.7.2013, p. 60).

Better Law-Making of 13 April 2016³⁴, the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for impact assessments of possible further measures and an assessment whether, in view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed. The evaluation should also consider whether scientific and technical progress that has taken place in the meantime, including on biodegradability of plastics in the marine environment, allows the setting of a standard for biodegradation of certain single-use plastic products in the marine environment, i.e. a standard to test if, as a result of physical and biological decomposition in the marine environment, plastics would fully decompose into carbon dioxide (CO₂), biomass and water within a timescale short enough in order not to be harmful for marine life and ensure that the use of such plastics does not lead to accumulation of plastics in the environment. Certain single-use plastic products meeting such a standard could then be exempted from the prohibition on placing on the market. While the European Strategy for Plastics already envisages action in this area it also recognises the challenges in relation to determining a regulatory framework for plastics with biodegradable properties due to different marine conditions across the Union.

- (20) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive. In addition, Directive 2008/99/EC of the European Parliament and of the Council³⁵ should be adapted to include the present directive amongst the instruments covered therein.
- (21) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission for the adoption of the methodology for the calculation of the annual consumption of the single-use plastic products for which consumption reduction objectives have been set, the specifications for the marking to be affixed on certain single-use plastic products and the format of the information to be provided by Member States and compiled by the European Environment Agency on the implementation of this Directive. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁶.
- (22) Since the objectives of this Directive, namely to prevent and to reduce the impact of certain single-use plastic products and fishing gear on the environment, to accelerate the transition to a circular economy, including the fostering of innovative business models, products and substitute materials, and to ensure the smooth functioning of the Union market, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

³⁴ OJ L 123, 12.5.2016, p. 1.

³⁵ Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).

³⁶ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objectives

The predominant objective of this Directive is to prevent and reduce the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health as well as to promote the transition to a circular economy with innovative and multi-use materials. In addition, the Directive aims to ensure the smooth functioning of the Union market.

Article 2

Scope

This Directive shall apply to the single-use plastic products listed in the Annex and to fishing gear containing plastic.

Article 3

Definitions

For the purposes of this Directive:

- (1) 'plastic' means a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council³⁷, to which additives or other substances may have been added;
- (2) 'single-use plastic product' means a product made wholly or partly from plastic that is not conceived, designed and placed on the market to accomplish within its lifecycle multiple trips or rotations by being refilled or re-used for the same purpose for which it was conceived;
- (3) 'fishing gear' means any item or piece of equipment that is used in fishing and aquaculture to target or capture marine biological resources during a fishing operation or which is floating on the sea surface and is deployed with the objective of attracting fish;
- (4) 'waste fishing gear' means any fishing gear covered by the definition of waste in Directive 2008/98/EC, including all components, substances or materials that are part of or in fishing gear at the time of discarding;
- (5) 'producer' means any person in a Member State that, irrespective of the selling technique used, including distance contract within the meaning of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011³⁸, manufactures, imports, distributes or sells single-use plastic products and fishing gear containing plastic in the territory of that Member State on a professional basis.

³⁷ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

³⁸ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64–88).

The legal or natural persons involved in fishing activities in the sense of Article 4, point 29, of Regulation (EC) No 1380/2013 shall not be considered as producers for the purpose of establishing an extended producer responsibility for fishing gear;

- (6) 'port reception facilities' means 'port reception facilities' as defined in Article 2 of Directive 2000/59/EC;
- (7) 'packaging', 'lightweight plastic carrier bags' and 'very lightweight plastic carrier bags' means 'packaging' 'lightweight plastic carrier bags' and 'very lightweight plastic carrier bags' as defined in Article 3 of Directive 94/62/EEC;
- (8) 'waste', 'collection', 'treatment', 'extended producer responsibility scheme' means 'waste', 'collection', 'treatment', 'extended producer responsibility scheme' as defined in Article 3 of Directive 2008/98/EC.

Article 4

Prevention

1. Member States shall take the necessary measures to achieve a significant reduction in the consumption of the single-use plastic products listed in part A of the Annex on their territory within six years after the date of referred to in Article 16(1).

Those measures may include the use of national consumption reduction targets or targets on a minimum percentage of reusable packaging placed on the market or maintaining or introducing economic instruments such as ensuring that products are not provided free of charge at the point of sale. Such measures may vary depending on the environmental impact of those products.

2. The Commission may adopt implementing acts laying down rules for the calculation and verification of the significant reduction in the consumption of single-use plastic products referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Article 5

Restrictions on placing on the market

1. Member States shall prohibit the placing on the Union market of single-use plastic products listed in part B of the Annex.
2. The use of alternative materials to substitute plastic in products referred to in paragraph 1 should comply with the objectives to prevent and to reduce the impact of plastic products on the environment, in particular the aquatic environment, and on human health

Article 6

Product requirements

Member States shall ensure that all beverage containers that are single-use plastic products placed on the Union market are so designed and manufactured that their caps and lids remain attached to the container during the product's use stage.

Article 7

Labelling requirements

1. Member States shall ensure that single-use plastic products listed in part D of the Annex placed on the Union market bear a conspicuous, clearly legible and indelible marking informing consumers of the negative environmental impacts of littering and other inappropriate disposal of waste of those single-use plastic products, including information, where appropriate, about the presence of plastics in those products. The marking shall comply with the specifications provided for in an implementing act adopted in accordance with paragraph 2.
2. The Commission shall adopt an implementing act laying down the specifications for the marking referred to in paragraph 1. Those implementing acts shall be adopted by [1 year before the date of transposition set out in Article 16(1)] in accordance with the examination procedure referred to in Article 15(2).

Article 8

Extended producer responsibility

1. Member States shall ensure that extended producer responsibility schemes are established for single-use plastic products listed in part C of the Annex placed on the Union market, in accordance with Articles 8 and 8a of Directive 2008/98/EC.
2. With regard to schemes established pursuant to paragraph 1, the producers of single-use plastic products listed in part C of the Annex shall cover the costs of collection of waste from those single-use plastic products and its subsequent transport and treatment, including the costs to clean up marine litter and the costs of the awareness raising measures referred to in Article 9 regarding those products.

The requirements laid down in this paragraph supplement the requirements applicable to single-use plastic products listed in part C of the Annex that are packaging laid down in Directives 94/62/EEC and 2008/98/EC.
3. Member States shall take the necessary measures to achieve, by 2025, an annual 90% separate collection rate for waste single-use plastic bottles by weight of single-use plastic bottles put on the market in a year. In order to achieve that objective Member States may inter alia:
 - (a) establish separate collection targets for relevant extended producer responsibility schemes or
 - (b) establish deposit refund systems.
4. Member States shall ensure that extended producer responsibility schemes are established for fishing gear containing plastic placed on the Union market, in accordance with Articles 8 and 8a of Directive 2008/98/EC.

With regard to the schemes established pursuant to paragraph 4, the producers of fishing gear containing plastic shall cover the costs of the collection of waste fishing gear that has been delivered to adequate port reception facilities in accordance with Union law or to other equivalent collection systems and its subsequent transport and treatment. They shall also cover the costs of the awareness-raising measures referred to in Article 9 for fishing gear.
5. Member States shall aim to ensure that all waste fishing gear is collected. In view of that objective, the schemes set up under paragraph 4 may include incentive mechanisms to deliver used fishing gear or waste fishing gear to adequate port reception facilities in accordance with Union law or to other equivalent collection

systems for re-use, recovery or disposal in accordance with the waste hierarchy established in Article 4 of Directive 2008/98/EC.

Article 9

Awareness raising measures

Member States shall ensure that consumers of the single-use plastic products, in particular those listed in part C of the Annex and fishing gear are given information on:

- (a) the available re-use systems and waste management options as well as on best practices in sound waste management carried out in accordance with Article 13 of Directive 2008/98/EC;
- (b) the impact of littering and other inappropriate disposal of waste on the environment, in particular, the marine environment.

Article 10

Coordination of measures

Each Member State shall ensure that the measures taken to transpose and implement this Directive form an integral part of and are consistent with its programmes of measures established in accordance with Article 13 of Directive 2008/56/EC for those Member States that have marine waters, the programmes of measures established in accordance with Article 11 of Directive 2000/60/EC and waste management and waste prevention programmes established in accordance with Articles 28 and 29 of Directive 2008/98/EC.

Article 11

Access to justice

1. Member States shall ensure that, natural or legal persons or their associations, organisations or groups, in accordance with national legislation or practice, have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, actions or omissions related to the implementation of Articles 4, 5, 6, 7, 8, 10 and 12 when one of the following conditions is fulfilled:

- (a) they have a sufficient interest;
- (b) they maintain the impairment of a right, where the administrative procedural law of the relevant Member State requires this as a precondition.

2. Member States shall determine at what stage decisions, acts or omissions may be challenged.

3. What constitutes a sufficient interest and impairment of a right shall be determined by Member States, consistently with the objective of giving the public concerned wide access to justice.

To that end, the interest of any non-governmental organisation promoting environmental protection and meeting the requirements under national law shall be deemed sufficient for the purposes of paragraph 1(a).

Such organisations shall also be deemed to have rights capable of being impaired for the purposes of paragraph 1(b).

4. Paragraphs 1, 2 and 3 shall not exclude the possibility of a preliminary review procedure before an administrative authority and shall not affect the requirement of

exhaustion of administrative review procedures prior to recourse to judicial review procedures, where such a requirement exists under national law.

5. Any such review procedure referred to in paragraphs 1 and 4 shall be fair, equitable, timely and not prohibitively expensive.
6. Member States shall ensure that information is made available to the public on access to administrative and judicial review procedures.

Article 12

Information on monitoring of implementation

1. Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council³⁹ and Directive 2007/2/EC of the European Parliament and of the Council⁴⁰, Member States, assisted by the European Environment Agency, shall set up, and update annually thereafter, a data set containing:
 - (a) the data on single-use plastic products listed in part A of the Annex put on the Union market to demonstrate the consumption reduction in accordance with Article 4(1);
 - (b) the measures taken by Member States for the purposes of Article 4(1).

This data shall be updated within 18 months of the end of the reference year for which it is collected. Where possible, spatial data services as defined in Article 3(4) of Directive 2007/2/EC shall be used to present those data sets.

2. Member States shall ensure that the Commission and the European Environment Agency have access to the data sets established in accordance with paragraph 1.
3. The European Environment Agency shall publish and update a Union-wide overview on the basis of the data collected by the Member States, on a regular basis and following receipt of a request from the Commission. The Union-wide overview shall include, as appropriate, indicators for outputs, results and impacts of this Directive, Union-wide overview maps and Member State overview reports.
4. The Commission may adopt implementing acts laying down the format for the information and data referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Article 13

Penalties

Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by *[insert two years after entry into force of this Directive]*, notify the Commission of those rules and those measures and shall notify it of any subsequent amendment affecting them.

³⁹ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

⁴⁰ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

Article 14

Evaluation and review

1. The Commission shall carry out an evaluation of this Directive by *[six years after the date of transposition of this Directive]*. The evaluation shall be based on the information available in accordance with Article 12. Member States shall provide the Commission with the additional information necessary for the purposes of the evaluation and the preparation of the report referred to in paragraph 2.
2. The Commission shall submit a report on the main findings of the evaluation carried out in accordance with paragraph 1 to the European Parliament, the Council and the European Economic and Social Committee. That report shall in particular indicate whether:
 - (a) the Annex listing single-use plastic products needs to be reviewed;
 - (b) it is feasible to establish binding Union targets for the consumption reduction, in particular, of single-use plastic products listed in part A of the Annex;
 - (c) conclude whether sufficient scientific and technical progress has been made to set a standard for biodegradation in the marine environment for certain products within the scope of this directive as well as for their substitutes, where appropriate.

That report shall be accompanied, if appropriate, by a legislative proposal.

Article 15

Committee procedure

1. The Commission shall be assisted by the Committee established by Article 39 of Directive 2008/98/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 16

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by *[insert 2 years after entry into force of this Directive]*. They shall immediately communicate the text of those measures to the Commission.

However, the Member States shall apply the measures necessary to comply with Articles 5(1), 6 and 7(1) from *[insert 2 years after entry into force of this Directive]*.

When Member States adopt the measures referred to in this paragraph, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 17

Amendment to Directive 2008/99/EC

The following indent is added to the list of Union legislation in Annex A of Directive 2008/99/EC of the European Parliament and of the Council:

‘- [*insert a reference to this directive*]’.

Article 18

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 19

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2018) XXX draft

ANNEX

ANNEX

to the

Commission proposal for a

**Directive of the European Parliament and of the Council on the reduction of the impact
of certain plastic products on the environment**

ANNEX

Single-use plastic products subject to measures in Articles 4, 5, 7, 8, 9 and 12

The following lists of single-use plastic products shall be subject respectively to measures laid down in Articles 4(1) and 12(1) for Part A, Article 5(1) for Part B, Articles 8(1) and (4) and Article 9 for Part C, and Article 7(1) for Part D.

Part A

- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that is ready for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation. This shall include for instance food containers used for fast food. This shall not include cups for beverages, beverage containers, plates, packets and wrappers containing food
- Cups for beverages

Part B

- Cotton bud sticks, except for swabs intended and used for medical purposes
- Cutlery (forks, knives, spoons, chopsticks), plates, straws, except for straws intended and used for medical purposes, and beverage stirrers
- Balloon sticks – sticks and their mechanisms which has been conceived, designed and placed on the market to be attached to a balloon to support balloons used as a toy or a decoration

Part C

- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that is ready for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation. This shall include for instance food containers used for fast food. This shall not include cups for beverages, beverage containers, plates, packets and wrappers containing food
- Packets and wrappers made from flexible material containing food that is ready for immediate consumption from the packet or wrapper without any further preparation
- Packaging beverage containers, including their caps and lids
- Cups for beverages and cup lids
- Cigarettes with filters and separately marketed cigarette filters
- Sanitary towels (pads) and tampons and tampon applicators
- Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes
- Balloons used as a toy or a decoration
- Lightweight plastic carrier bags and very lightweight plastic carrier bags

Part D

- Sanitary towels (pads) and tampons and tampon applicators
- Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes
- Balloons used as a toy or a decoration