Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (Text with EEA relevance)

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(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 114 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 Committee[(1)],

Having regard to the opinion of the Committee of the Regions[(2)],

Acting in accordance with the ordinary legislative procedure[(3)],

Whereas:

(1) European Parliament and Council Directive 94/62/EC[(4)] was adopted in order to prevent or reduce the impact of packaging and packaging waste on the environment. Although plastic carrier bags constitute packaging within the meaning of that Directive, it does not contain specific measures on the consumption of such bags.

(2) The current consumption levels of plastic carrier bags result in high levels of littering and an inefficient use of resources, and are expected to increase if no action is taken. Littering of plastic carrier bags results in environmental pollution and aggravates the widespread problem of litter in water bodies, threatening aquatic eco-systems worldwide.

(3) Furthermore, the accumulation of plastic carrier bags in the environment has a clearly negative impact on certain economic activities.

(4) Plastic carrier bags with a wall thickness below 50 microns (‘lightweight plastic carrier bags’), which represent the vast majority of the total number of plastic carrier bags consumed in the Union, are less frequently reused than thicker plastic carrier bags. Consequently, lightweight plastic carrier bags become waste more quickly and are more prone to littering due to their light weight.

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(5) Current recycling rates of lightweight plastic carrier bags are very low and, due to a number of practical and economic difficulties, are not likely to reach significant levels in the near future.

(6) According to the waste hierarchy, prevention comes first. Plastic carrier bags serve several purposes and their consumption will continue in the future. To ensure that the needed plastic carrier bags will not end up as waste in the environment, adequate measures should be in place and consumers should be informed about proper waste treatment.

(7) Consumption levels of plastic carrier bags vary considerably across the Union due to differences in consumption habits, environmental awareness and effectiveness of policy measures taken by Member States. Some Member States have managed to reduce consumption levels of plastic carrier bags significantly, with the average consumption level in the seven best performing Member States amounting to only 20 % of the Union average consumption.

(8) The availability and accuracy of data on the current consumption levels of lightweight plastic carrier bags vary between Member States. Accurate and comparable data on consumption is key to assess the effectiveness of reduction measures and to ensure uniform conditions for implementation. Therefore, a common methodology for the calculation of annual consumption of lightweight plastic carrier bags per person should be developed with a view to monitoring progress in reducing consumption of such bags.

(9) Furthermore, consumer information has been shown to play a decisive role in achieving any goals regarding a reduction in the consumption of plastic carrier bags. Therefore, efforts at institutional level are necessary to increase awareness of the environmental impact of plastic carrier bags and end the current perception of plastic as a harmless and cheap commodity.

(10) To promote sustained reductions of the average consumption level of lightweight plastic carrier bags, Member States should take measures to significantly reduce the consumption of lightweight plastic carrier bags in line with the overall objectives of the Union's waste policy and the waste hierarchy as provided for in Directive 2008/98/EC of the European Parliament and of the Council[(5)]. 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, and take account of reductions already achieved. To monitor progress in reducing the consumption of lightweight plastic carrier bags, it is necessary that national authorities provide data on their consumption in accordance with Article 12 of Directive 94/62/EC.

(11) Measures to be taken by Member States may involve the use of economic instruments such as pricing, taxes and levies, which have proved particularly effective in reducing the consumption of plastic carrier bags, and marketing restrictions such as bans in derogation of Article 18 of Directive 94/62/EC provided that these restrictions are proportionate and non-discriminatory.

(12) Those measures may vary depending on the environmental impact of lightweight plastic carrier bags when they are recovered or disposed of, their recycling and composting

properties, their durability or the specific intended use of those bags, and taking into account any possible adverse substitution effects.

(13) Member States may choose to exempt plastic carrier bags with a wall thickness below 15 microns ('very lightweight plastic carrier bags') provided as primary packaging for loose food when required for hygiene purposes or when their use helps prevent food wastage.

(14) Member States may freely use revenues generated by measures that are taken under Directive 94/62/EC to achieve a sustained reduction in the consumption of lightweight plastic carrier bags.

(15) Awareness programmes for consumers in general and educational programmes for children can play an important role in reducing the consumption of plastic carrier bags.

(16) European Standard EN 13432 on 'Requirements for packaging recoverable through composting and biodegradation — Test scheme and evaluation criteria for the final acceptance of packaging' sets out the characteristics that a material must possess to be considered 'compostable', namely that it can be recycled through a process of organic recovery comprised of composting and anaerobic digestion. The Commission should ask the European Committee for Standardization to develop a separate standard for home-compostable packaging.

(17) It is important to ensure Union-wide recognition of labels or marks for biodegradable and compostable plastic carrier bags.

(18) Some plastic carrier bags are marked as 'oxo-biodegradable' or 'oxo-degradable' by their manufacturers. In such bags, additives are incorporated into conventional plastics. Due to the presence of those additives, the plastic fragments over time into small particles which remain in the environment. It can thus be misleading to refer to such bags as 'biodegradable' as they may not be a solution to littering and may, on the contrary, increase pollution. The Commission should examine the impact of the use of oxo-degradable plastic carrier bags on the environment and present a report to the European Parliament and the Council, including, if appropriate, a set of measures to limit their consumption or to reduce any harmful impacts.

(19) Measures to be taken by Member States to reduce the consumption of plastic carrier bags should lead to a sustained reduction in the consumption of lightweight plastic carrier bags, and should not lead to an overall increase in the generation of packaging.

(20) The measures provided for by this Directive are consistent with the Commission Communication on the Roadmap to a Resource Efficient Europe and they should contribute to actions against marine littering, undertaken in accordance with Directive 2008/56/EC of the European Parliament and of the Council[(6)].

(21) Directive 94/62/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 94/62/EC is amended as follows: