



Brussels, 28.5.2018
SWD(2018) 256 final

COMMISSION STAFF WORKING DOCUMENT

Implementation Plan

Accompanying the document

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

{COM(2018) 340 final} - {SEC(2018) 253 final} - {SWD(2018) 254 final} -
{SWD(2018) 255 final} - {SWD(2018) 257 final}

IMPLEMENTATION PLAN

1. Introduction

The proposed Directive aims to reduce the impact of the two main sources of marine litter in Europe on the environment, in particular the marine environment (hereinafter, “the Directive”). In order to achieve this objective, the proposed Directive sets out specific objectives and measures to reduce the impact of certain single-use plastic products and fishing gear on the environment.

The proper and timely transposition and implementation of those measures may raise some challenges. Therefore, the Commission’s services have laid down the present Implementation Plan, which identifies implementation challenges and suggests a set of actions aimed at targeting them. The measures encompass both the actions by the Commission and actions by the Member States.

This Implementation Plan is provided for information purposes only. It does not legally bind the Commission on whether the identified actions will be pursued or on the form in which they will be pursued.

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3. Deliverables and implementation challenges

Four main challenges arising from the implementation of the proposed Directive have been identified. These challenges are explained below.

3.1. Monitoring and reporting on the consumption reduction objective

Member States will be required to achieve a sustained and significant reduction in the consumption of certain single-use plastic products within a set timeframe. In order to comply with this obligation Member States will need to identify the specific products that fall under the consumption reduction objective from a broad category of products defined in the

Directive. They will also need to adopt and implement the necessary measures, such as national reduction targets and economic instruments, to reduce their consumption.

Member States will also need to introduce requirements on the economic operators putting those products on the market to report on the amount of such products placed on the market in order to regularly measure the level of consumption of the single-use plastic products concerned.

3.2. Establishing new extended producer responsibility schemes

The Directive requires Member States to establish new extended producer responsibility (EPR) schemes for a large number of single-use plastic products and for fishing gear containing plastic. The implementation of this obligation may prove challenging due to its scope and the envisaged deadline, i.e. within the transposition deadline.

In order to comply with this obligation Member States will need to identify the relevant producers of products and establish financial and/or operational obligations on them to manage the waste stage of their products life cycle. Doing so, Member States will be required to comply with the minimum requirements for EPR schemes defined in Directive 2008/98/EC on waste¹. Particular attention will require the implementation of the necessary cost principle defined in the extended producer responsibility provisions in the revised Directive 2008/98/EC, because many of the concerned single-use plastic products are currently treated as part of mixed municipal waste. In addition to the financial responsibility defined in the extended producer responsibility provisions in the revised Directive 2008/98/EC on waste, Member States will also need to establish the schemes' specific objectives concerning the clean up of marine litter as these will have to be financed by the schemes.

With regard to fishing gear, particular attention will need to be paid to address the interface between this Directive and EU legislation on port reception facilities for ship generated waste and cargo residues² that establishes the obligation on ships calling at a Union port to deliver waste carried on board of the ship, including waste fishing gear, to adequate port reception facility, as well as with specific legislation applicable to controlling and monitoring fisheries activities³.

In addition, considering the specific characteristics of the market for fishing gear Member States should establish extended producer responsibility on producers in a way that maximises positive impact on preventing and reducing fishing gear litter and does not unduly burden the catching sector and in particular, small-scale fisheries.

¹ Directive 2008/98/EC of the European Parliament and the Council of 19 November 2008 on waste and repealing certain directives (OJ L 312, 22.11.2008, p. 3-30).

² Directive 2000/59/EC of the European Parliament and 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) and COM(2018)33 final.

³ Council Regulation (EC) 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (OJ L 343, 22.12.2009, p.1).

For single-use plastic beverage bottles that are packaging the key efforts will be required to attain the envisaged collection target for separate collection. This is particularly relevant for all existing relevant extended producer responsibility schemes, including deposit-refund systems. The attainment of this target may involve the setting separate collection targets for relevant existing extended producer responsibility systems and setting up new deposit-refund systems. The implementation of this obligation may also offer solutions and infrastructure for attaining better collection of beverage containers made from other materials subject to recycling targets for packaging, in particular from aluminium. Therefore, Member States may consider such measures also for other beverage packaging made from other materials.

3.3. Implementing product requirements concerning beverage containers

Single-use plastic beverage containers that are designed and manufactured so that their caps and lids remain attached to the container during the product's use stage are already placed on the market. Still, other parts of the beverage containers industry will need to adjust their production chain, including the design of the caps and lids and containers and the production process, to implement the new product requirement within two years of the entry into force of the Directive. Aside a minor investment cost to develop these tethered caps, it is expected that this measure will likely have minor or no additional costs to the producers. It will however have a direct and significant impact on avoiding the leakage of caps into the environment.

3.4. Coordination of marine litter prevention policies and measures

The Directive requires Member States to ensure coherence and coordination of measures aimed at preventing and reducing marine litter across the different policies, legislation, measures and authorities implementing this Directive and EU legislation requirements on waste and water. This means that the measures taken under this Directive will need to be coordinated with measures taken under the programmes of measures required under the Directive 2008/56/EC⁴, measures that implement waste prevention and management objectives under waste prevention programmes and waste management plans required under Directive 2008/98/EC, and measures laid down in river basin management plans required under Directive 2000/60/EC⁵. This may require adjusting existing legislation on the content requirements for the above-mentioned plans and programmes and the responsibilities of the different competent authorities involved in the implementation of Union water and waste policies. Particular attention will need to be paid to the planning cycles for the different plans and programmes because they may differ and to the coherence and complementarity of measures to ensure that end-of-pipe measures match measures taken to address the generation and pathways of litter.

⁴ 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 (OJ L 164 25.6.2008, p. 19).

⁵ 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 L327, 22.12.2000, p.1).

4. Support Actions

4.1. Monitoring and reporting on the consumption reduction objective

- Where possible, for monitoring the reduction in the consumption of certain single-use plastic products subject to the consumption reduction objective, Member States should make use of existing EU production and trade databases (PRODCOM⁶ and COMEXT⁷) managed by Eurostat and regularly updated with information provided by Member States.
- The Commission, with the assistance of Eurostat, will evaluate the feasibility of updating the PRODCOM database, to facilitate the identification of products concerned by the consumption reduction, and the monitoring of the reduction in consumption based on the data on the amount of products put on the Union market.
- The datasets foreseen under Article 12 of the Directive for monitoring implementation should assist Member States in providing structured information. To that end, the European Environmental Agency may also provide support to the Member States in setting up these datasets.
- Member States may consider making use of systems and best practices for measuring reduction in consumption that has been put in place by Member States in the framework of implementing other Union waste legislation that requires reporting on products placed on the Union market, such as Directive 2015/720/EU amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags.
- Member States should ensure that sufficient resources are made available for data collection, their validation as well as the set up of datasets to gather that information to monitor the compliance with the reduction objective.
- The Commission will facilitate the sharing of best practices in implementing this provision in the framework of the Waste Expert Group.

4.2. Establishing new extender producer responsibility schemes

- The establishment of new EPR schemes will be facilitated by the minimum requirements for EPR schemes established in Directive 2008/98/EC. Member States are required to comply with the minimum requirements when establishing new EPR schemes.

⁶ PRODCOM is a survey for the collection and dissemination of statistics on the production of industrial (mainly manufactured) goods, both in value and quantity terms, in the European Union.

⁷ COMEXT is Eurostat reference database for detailed statistics on EU's international trade of goods, including imports and exports.

- Member States may also take experience from setting up and operation of the existing EPR schemes, in particular for electronic and electrical equipment, batteries and accumulators and packaging.
- Under the revised Directive 2008/98/EC Member States will be required to provide a platform for the relevant stakeholders to exchange information and best practices in the implementation of EPR schemes.
- Under the revised Directive 2008/98/EC the Commission will be required to provide a platform for the Member States and the relevant stakeholders to exchange information and best practices in the implementation of EPR schemes. This should provide assistance to Member States.
- With regard to the minimum separate collection target for single-use plastic beverage bottles, the Commission will facilitate the exchange of best practices/technical solutions with Member States to share existing good examples that already achieve the target proposed in the Directive. This may be particularly addressed in the context of the Waste Expert Group under Directive 1994/62/EEC⁸.
- With regard to fishing gear, in addition to the Waste Expert Group the Commission will facilitate the exchange of best practices in the framework of expert groups set up under Common Fisheries Policy and in particular the Advisory Councils, as set up under Commission Delegated Regulation (EU) 2017/1575⁹, Directive 2000/59/EC, as well as the Council Regulation (EC) 1224/2009.
- With regard to the implementation of extended producer responsibility for fishing gear, the interface between this proposal and the proposed review of the Directive 2000/59/EC on port reception facilities¹⁰ will require particular attention by the Member States in cooperation with the obliged producers and port authorities. In that context, the COSS committee as well as the establishment of an expert group can offer a platform to facilitate exchange of experience and best practices.
- The Commission will also issue guidelines, where appropriate and necessary, on the application of the minimum requirements for EPR schemes. The Commission also invites the use of existing guidelines on the topic^{11,12}.

⁸ Directive 1994/62/EEC 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).

⁹ Commission Delegated Regulation (EU) 2017/1575 of 23 June 2017 amending Delegated Regulation (EU) 2015/242 laying down detailed rules on the functioning of the Advisory Councils under the common fisheries policy (OJ L 239, 19.9.2017, p. 1-2).

¹⁰ COM(2018)33 final.

¹¹ http://ec.europa.eu/environment/waste/pdf/target_review/Guidance%20on%20EPR%20-%20Final%20Report.pdf

¹² <http://www.oecd.org/environment/waste/extended-producer-responsibility.htm>

4.3. Implementing product requirements concerning beverage containers

- The Commission will facilitate the exchange of best practices/technical solutions with Member States and industry to share existing good examples of industries that have already implemented the product requirements laid down in the proposed Directive. This may be particularly addressed in the context of the Waste Expert Group for the essential requirements laid down in Directive 1994/62/EEC¹³.

4.4. Coordination of marine litter prevention policies and measures

- Under the revised Directive 2008/98/EC Member States will also be required to ensure coordination of measures across the different EU waste and water policy instruments to prevent and reduce marine litter.
- The Commission will facilitate the sharing of best practices in implementing this provision in the framework of the Waste and Water Expert Groups. The Commission may use the respective expert groups set up under EU legislation to raise awareness of competent authorities about the necessity to coordinate actions across the different policy areas and competent authorities.
- The Commission will consider preparing a best practice guidance, for example to address the challenges linked to cooperation of different competent authorities established to implement water and waste legislation, differences in planning cycles of plans and programmes and complementarity of measures addressing types of litter and its pathways across waste and water policies.

¹³ See footnote 8.