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Delegations will find attached document SWD(2018) 257 final.

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## **COMMISSION STAFF WORKING DOCUMENT**

### **Synopsis Report Stakeholder Consultation**

#### *Accompanying the document*

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

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## 1. Introduction

The consultation activities described here captured the views, concerns and ideas of diverse stakeholders on the best means to achieve a reduction in marine litter, particularly originating from Single-Use Plastics (SUP) and from abandoned, lost or otherwise discarded fishing gear (ALDFG). The results have fed into the Commission's Plastics Strategy<sup>1</sup> and the Impact Assessment on SUP and fishing gear.

## 2. Approach to consultation and inclusion of other information sources

The consultation approach included:

- Two stakeholder workshops on SUP on 16 June and 14 September 2017;
- Inception Impact Assessment open consultation/feedback;
- Interviews/ad hoc consultation with stakeholders;
- Special Eurobarometer 468 (EC, 2017)<sup>2</sup> and Flash Eurobarometer 388 (EC, 2014)<sup>3</sup>;
- The Online Public Consultation (OPC) on 'Reducing marine litter: action on single-use plastics and fishing gear' from 15 December 2017 to 12 February 2018;
- The Reinventing Plastics Stakeholder Conference<sup>4</sup> held on 26 September 2017, with a specific session on marine litter and single-use plastics;
- The 2018 Circular Economy Stakeholder Platform Conference on 20 February, which included a session on marine litter.

## 3. Summary results of stakeholder consultation

### 3.1 Stakeholder workshops and conferences

The participants at the stakeholder workshops on SUP generally agreed that items classified as SUP, should fulfil the following criteria (with some exceptions): Prevalence in marine environment; Short use phase; Consumed predominantly away from home and; Reusable or non-plastic alternatives exist.

The root causes of the leakage of SUP were identified including low levels of re-use and low levels of recycling, design of products, materials and consumer behaviour. A lack of regulatory measures could be seen as a root cause.

Regulatory and voluntary measures were discussed including: incentives for producers and consumers (financial and behavioural); better plastic waste collection; standards, bans and

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<sup>1</sup> A European Strategy for Plastics in a Circular Economy; COM(2018) 28 final, 18.1.2018.

<sup>2</sup> <http://eurlex.europa.eu/legal-content/EN/TXT/?qid=1516265440535&uri=COM:2018:28:FIN>

<sup>3</sup>

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2156>

<sup>4</sup> [http://ec.europa.eu/commfrontoffice/publicopinion/flash/fl\\_388\\_en.pdf](http://ec.europa.eu/commfrontoffice/publicopinion/flash/fl_388_en.pdf)

<sup>5</sup> [https://ec.europa.eu/info/plastics-conference\\_en](https://ec.europa.eu/info/plastics-conference_en)

obligations introduced in product design and waste reporting. Respondents favoured an EU-wide waste prevention target and stakeholders cooperation to develop a holistic approach to SUP. Other potential measures included amending the Waste Framework Directive, complemented by better respect the waste hierarchy, green public procurement and voluntary agreements.

Discussions around the limitations measures highlighted:

- There is limited evidence of effective awareness raising campaigns and that these are not sufficient as a standalone measure.
- Bans can be a good way of enforcing redesign of specific low-value items but if set at national level they can interfere with the single market.
- The timeframe of implementation needs to ensure that substitution materials meet the standards and consumers are prepared.
- Charges are an effective preventive measure to influence consumer behaviour, whilst generating revenue. Industry representatives highlighted that a legislative approach is needed to ensure a level playing field.
- Setting reduction targets for specific items was generally seen as an appropriate measure.
- An alternative option is ensuring SUP are not given away free at the point of sale.

### **3.2 Inception Impact Assessment feedback**

The 28 submissions indicated strong support for intervention at an EU level, with retailers and producers expressing a preference for voluntary approaches over regulatory measures. The private sector emphasised the importance of economic viability of recycling, poor implementation of existing rules and regulatory gaps. Several highlighted the need for a circular or life-cycle approach that supports prevention and called for incentives on innovation and the removal of national regulatory barriers.

The diversity of **SUP** called for differentiated approaches depending on whether plastic marine litter is the result of items (1) that can be recycled, or (2) for which sustainable alternatives exist. For items already captured, strong interest was expressed in Extended Producer Responsibility (EPR) Schemes,. Several referred to the success of Deposit Return Scheme (DRS) (e.g. for bottles), although some warned of negative, and potentially disproportionate, economic implications for retailers. Factors crucial to the success of such schemes included the efficiency of existing waste management systems, consumer behaviour, local infrastructure, the item's reuse potential, and enforcement. For items that could be replaced by more sustainable alternatives, retailers argued that this would be best achieved at a consumer level through awareness-raising and positive incentives. Caution was advised on use of biodegradable plastics with several calling for clarity of information and labelling for consumers. Business representatives highlighted that any restrictions must take account of single market requirements and administrative burdens.

In relation to **fishing gear** feedback centred around three main areas: (1) the baseline and its assumptions; (2) the policy options and (3) the interview questionnaire.

As a result of feedback and additional sources the loss rate of plastic fishing and aquaculture gear for European seas in the baseline was reduced from 30% to 15%. The percentage weight distribution of plastic waste between aquaculture and fishing was also reconsidered. Initially the distribution (based on Norwegian data) was 77% from aquaculture and 23% from fishing. However, to more accurately reflect EU-28 fish catch and aquaculture production, the weighting has been changed to 60% aquaculture and 40% fishing. Feedback led to inclusion of an assumption of full implementation of the revised Port Reception Facilities Directive, Control Regulation and Waste Framework Directive in the baseline.

The four policy options evaluated were (1) EPR without DRS; (2) EPR and a DRS; (3) target setting (recycling target); and (4) alternative materials and product design. Feedback pointed out the importance of impact quantification, which was included to the best extent possible.

### **3.3 Interviews/ad hoc consultation**

More than 30 interviews helped develop the problem and impact analyses on **SUP**. These sought to shape and test potential intervention measures, analyse technical feasibility and likely effects. Specific data was gathered on performance and costs and how these may change as a result of potential intervention measures.

Stakeholders across groups highlighted the importance of the availability and function of the SU non-plastic or multi-use alternatives, and the potential cost to manufacturers to switch materials. Consulting with the operators of multi-use refill schemes and water companies helped develop a better understanding of the operation and challenges.

On **fishing gear**, 16 direct interviews, and 15 by email and telephone, gathered input for description, quantification and evaluation of the four policy options.

Stakeholders agreed that it is necessary to reduce plastic marine litter from fishing and aquaculture and that political action is required, also on a EU level. The majority viewed the proposed four policy options as the right choice, while pointing out the challenge to implement, enforce and monitor policies and measures at a EU scale.

EPR, with or without DRS, was viewed as the most beneficial policy option as it can cover costs for sorting, dismantling and transporting as well as pay for retrieval operations. A DRS would create a financial incentive for returning end-of-life gear to ports. Concerns were raised that such a scheme would punish fishers for non-retrievable lost gear and create incentive for fishing for the intact gear of others. Successful examples from Iceland, Norway and Denmark were repeatedly referred to. Recycling targets were seen as beneficial to divert end-of-life gear from landfill or incineration to recycling facilities. Better market uptake for recycled materials from fishing and aquaculture gear is required and public or EPR funding should be used to create a competitive position for recycled materials from the packaging industry. Biodegradable plastics were deemed too expensive and not widely available, particularly those that biodegrade in salt water and large depths. Further, some stakeholders pointed out that biodegradable material might encourage disposal of plastic fishing gear in the sea rather than returning it to port.

### 3.4 Eurobarometer consultations

The Eurobarometer consultation in 2014 revealed Europeans' support<sup>5</sup> for an EU-level target to reduce marine litter. In Special Eurobarometer 468 (EC, 2017)<sup>6</sup> 33% of respondents identified marine pollution as the most important environmental issue. 72% stated they had reduced their use of single-use plastic carrier bags, with 38% cutting down in the last 12 months. Between 89% and 94% considered the following measures as important:

- products designed to facilitate recycling of plastic;
- industry and retailers to make an effort to reduce plastic packaging;
- education on how to reduce plastic waste; and
- local authorities to provide more and better collection facilities for plastic waste.

61% of respondents considered important that consumers pay an extra charge for single-use plastic goods. Across the EU increasing numbers believe decisions on environmental protection should be taken jointly within the EU.

### 3.5 Open Public Consultation

The Online Public Consultation<sup>7</sup> (OPC) on 'Reducing marine litter: action on single-use plastics and fishing gear' (15 December 2017 to 12 February 2018) received 1,807 responses.

Harm to animal welfare, human health risks and impact on ecosystem services ranked as the three most important issues linked to marine litter and SUP. 95% respondents agreed that action on SUP is both necessary and urgent. Most believed the EU should support mandatory instruments at global or EU level. Public authorities diverged from this view noting that certain measures should be delivered at EU level, with others at local or national level.

The case for reducing SUP in the environment was supported strongly, with caps, lids and drinking bottles on the list of priorities. Regarding measures, respondents favoured beach cleaning, active 'fishing for litter' and regular quantification of marine and beach litter. Industry and trade associations were the only category not to support active 'fishing for litter'.

Many respondents reported a decrease in personal use of light weight shopping bags, drink bottles and caps and lids. Consumption of crisps packets and sweet wrappers had changed the least. The overwhelming majority attributed such reductions to increasing awareness of the environmental impacts of SUP. Respondents appeared most keen to reduce their use of plastic bottles; more than half reported that they had already done so. 77% would be willing to pay a small additional amount as part of a DRS on plastic bottles. There was extensive support (93%) for policies to phase out disposable plastic tableware in favour of biodegradable or reusable alternatives, even with a small price increase. Industry and trade association representatives were split in their willingness to pay while still in favour of phasing out SUP.

Considerable support (91%) was expressed for rules requiring cigarette companies to contribute financially to costs of cleaning up cigarette butts. Industry and trade associations

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<sup>5</sup> 26,595 EU citizens from 28 Member States were interviewed between the 3rd and 7th of December 2013.

<sup>6</sup> 27,881 EU citizens from 28 Member States were interviewed between 23 September and 2 October 2017.

<sup>7</sup> [http://ec.europa.eu/environment/consultations/pdf/marine\\_litter.pdf](http://ec.europa.eu/environment/consultations/pdf/marine_litter.pdf)

were relatively more reluctant. A similar suggestion for producers of sanitary items was supported by 79% of respondents.

DRS were considered the most appropriate response (47%) for drinks bottles followed by targets for use reduction (33%). Respondents noted the high return rates (around 90%) of DRS and high quality of resulting feedstock for manufacturing, but retailers signaled potential economic and operational impacts, particularly for smaller shops, and called for tailor made schemes implemented at national level.

Minimum design requirements found less support (20%) and were not favoured by business representatives. For SUP which could be replaced by more sustainable alternatives, such as cotton buds and cutlery, respondents supported legislative action and use reduction targets. Similar legislative measures were thought to be appropriate even for items for which no obvious alternative existed such as cigarette butts and sanitary towels. For items falling under this SUP category, EPR schemes were viewed as equally suitable.

340 people responded to the fisheries specific part of the OPC. 95% agreed that action to address the amount of marine litter is necessary and urgent. Specifically on fishing gear 79% think that it is necessary and urgent to act. Impacts of marine litter on fisheries and aquaculture are considered by 100% of fisheries organizations (and 53% overall) as quite or very important. Clean-up costs of litter are considered by 84% of respondents as very important or important.

80% indicated fishers, as they are the direct users of the gear, as very important actors for change. The EU, Member States, local and regional authorities and fisheries organizations were also considered important. Surprisingly the private sector was seen as playing a less important role, despite their potential role in EPR schemes.

A majority stated that “some” gear is lost (ranging from 28% for seine nets to 54% for gillnets) or discarded (22% for seine nets to 43% for lines and cords).

The four preferred measures were: (1) incentives to bring fished up litter and end-of-life gear ashore (88%), (2) better collection and sorting facilities on vessels and at ports (70%), (3) incentives/funding of retrieval action (68%), and (4) better enforcement of existing rules (67%).

In open field comments stakeholders also proposed EPRs, requested higher penalties for pollution and explained the risk and inefficiency of retrieval actions, underpinned the importance of education of fishers, called for gear marking, highlighted that high harbour costs lead to more discarding of gear at sea and called for suitable port facilities.

Addressing which additional targeted measures would support the bringing back of gear ashore, respondents favour (59%) DRS levied on fishers or (53%) EPR schemes including a levy on gear. Fears were raised that DRS might punish fishermen unable to reclaim deposits for unintentionally lost or non-recoverable gear.

### **3.6 Conferences**

At a conference on "Rethinking Plastics" (Brussels, 26 September 2017) stakeholders suggested that, to achieve the 50% marine litter reduction target voted by the European Parliament, an ambitious EU-wide strategy was required, with specific policy measures for different SUP.

Binding consumption reduction targets linked to achievable time frames were proposed. Consumer incentives, DRS and infrastructure for recycling were identified as potentially appropriate measures. As well as targeting the items, sources and pathways of marine litter should also be addressed. Stakeholders noted poor results of public awareness initiatives linked to under-resourced campaigns. Green procurement was considered a good way to increase demand for alternatives to SUP.

The 2018 Circular Economy Stakeholder Platform Conference<sup>8</sup> (20-21 February 2018) provided further insights on actions on plastics in the marine environment.

### **3.7 Conclusions**

Distinct measures were deemed appropriate for different SUP items. Diverse measures were discussed depending on existing legislation and availability of sustainable alternatives. EPR measures were generally viewed favourably. Implied costs associated to some of the measures and the importance of understanding these prior to any action were highlighted by industry and business representatives. Legislative approaches were also favoured. Reduction targets were popular with caveats regarding conditions for implementation (e.g. time-bound targets).

Further measures and policies were thought to be necessary to achieve overarching EU targets. Stakeholders indicated willingness to pay for more sustainable alternatives to SUP or to pay charges as a penalty for the use of SUP. Awareness campaigns were seen rather as complementary measures to other regulatory and voluntary measures.

On fishing gear, stakeholders indicated that action is necessary and urgent. The policy options of EPR and DRS were favoured in addition to better port reception facilities. EPR combined with a DRS was deemed to have positive cost-benefit effects and to contribute to the target of the plastics strategy to reduce the level of plastics in European seas.

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<sup>8</sup> [http://www.eesc.europa.eu/sites/default/files/files/circular-economy-stakeholder-conferenceprogramme\\_v20180212-2.pdf](http://www.eesc.europa.eu/sites/default/files/files/circular-economy-stakeholder-conferenceprogramme_v20180212-2.pdf)