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**ANEC position on the
Green Paper on a European Strategy on Plastic Waste in the Environment**

http://ec.europa.eu/environment/consultations/plastic_waste_en.htm

In this paper we respond to the questions asked in the Green Paper chapters:

5. Policy options for improving management of plastic waste in Europe
 - 5.1. Application of the waste hierarchy to plastic waste management
 - 5.2. Achievement of targets, plastic recycling and voluntary initiatives
 - 5.3. Targeting consumer behaviour
 - 5.4. Towards more sustainable plastics
 - 5.5. Durability of plastics and plastic products
 - 5.6. Promotion of biodegradable plastics and bio-based plastics
 - 5.7. EU initiatives dealing with marine litter including plastic waste
 - 5.8. International action

5.1 Application of the waste hierarchy to plastic waste management

(1) Can plastic be appropriately dealt with in the existing legislative framework for waste management or does the existing legislation need to be adapted?

Plastic and packaging waste is a major issue for consumers and ANEC. ANEC believes that the European standards in the field of packaging and the environment (elaborated by CEN Technical Committee 261) fail to satisfy the essential requirements of the Packaging Directive from a consumer point of view. ANEC believes that packaging standards need stricter criteria with respect to the prevention of packaging and dangerous chemical substances, reuse, material recycling and thermal recovery. ANEC calls for a revision of the European Directive 94/62/EC on packaging and packaging waste. This would give the European Commission the opportunity to strengthen the requirements in the deficient areas mentioned above, particularly by establishing quantitative PREVENTION and REUSE targets (the latter particularly for beverage containers).

The revision of the Packaging Directive is needed to align with Waste Framework Directive (waste hierarchy and difference between recycling and recovery) to set more ambitious targets - noticeably aimed at the prevention of plastic waste - and TO SET ENFORCEABLE ESSENTIAL REQUIREMENTS in the Directive and/or through delegated acts.

Additional measures need to be established to limit the use of one-way shopping bags. This should preferably take the form of bans but – as a second option – could take the form of taxes provided that they are high enough to have a real steering effect.

Every action should be guided by three primary principles: 'polluter pays' principle, 'precautionary' principle and the 'prevention at source' principle.

(2) How can measures to promote greater recycling of plastic best be designed so as to ensure positive impacts for enhanced competitiveness and growth?

The first item in the waste hierarchy is PREVENTION - not recycling (there is no point in feeding a recycling industry). For economic and technical reasons the room for manoeuvre for recycling of plastic materials without downgrading will be rather limited. Hence, in the first instance plastic waste must be reduced by source prevention.

(3) Would full and effective implementation of the waste treatment requirements in the existing landfill legislation reduce sufficiently current landfilling of plastic waste?

(4) What measures would be appropriate and effective to promote

plastic re-use and recovery over landfilling? Would a landfill ban for plastic be a proportionate solution or would an increase of landfill taxes and the introduction of diversion targets be sufficient?

First, the production of plastic waste must be reduced by making prolonged use or reusable systems more attractive (prolonged warranty times, product specific reuse targets, deposit systems, tax incentives for prolonged use/reuse, taxes for one-way systems, bans of one-way systems...). Second, plastic waste must be efficiently separated from general waste – but only where recycling makes economic sense. Third, only the ashes from incineration or the stabilized output of mechanical biological treatment plants shall be allowed to be deposited (already practiced in several EU countries).

(5) What further measures might be appropriate to move plastic waste recovery higher up the waste hierarchy thereby decreasing energy recovery in favour of mechanical recycling? Would a tax for energy recovery be a useful measure?

A tax for energy recovery is not a useful measure when recycling is not an option for technical or economic reasons – it would only impose new costs for operators without any steering effect. One can only try to make recycling in certain areas more attractive e.g. by reducing the huge diversity of materials used, better separability of components, better separation, higher quality of secondary materials, elimination of toxic chemicals, etc.

(6) Should separate door step collection of all plastic waste combined with pay-as-you-throw schemes for residual waste be promoted in Europe, or even be made mandatory?

As stated above the relevant plastic waste fractions must be efficiently separated from general waste – but only where recycling makes economic sense. This needs to be discussed case by case. But there is probably no point in collecting ALL plastic separately.

5.2. Achievement of targets, plastic recycling and voluntary initiatives

(7) Are specific plastic waste recycling targets necessary in order to increase plastic waste recycling? What other type of measures could be introduced?

(8) Is it necessary to introduce measures to avoid substandard recycling or dumping of recyclable plastic waste exported to third countries?

Clearly yes! Whenever targets for recycling are set it must be clearly specified what kinds of recycling are acceptable.

Voluntary Action

(9) Would further voluntary action, in particular by producers and retailers, be a suitable and effective instrument for achieving better resource use in the life cycle of plastic products?

No. Voluntary action by business is generally questionable and consists mostly of alibi actions to prevent proper regulation. In particular, the issue of plastic littering is too serious to be left to voluntary activities of producers and retailers.

5.3. Targeting consumer behaviour

Giving plastic a value

(10) Is there scope to develop deposit and return or lease systems for specific categories of plastic products? If so, how could negative impacts on competition be avoided?

There is a point to strongly encourage (or even prescribe): the use of reusable containers (e.g. for beverage containers, but also other products) and to standardise their shape (e.g. a norm bottle for beer, wine, mineral water) to be used in the long run in the whole of Europe. At a minimum (increasing) reuse quota must be established for certain kinds of packaging and other products.

Empowering consumers to know what they buy

(11) What type of information would you consider necessary to empower consumers to make a direct contribution to resource efficiency when choosing a plastic product?

Experience shows that consumer information is generally a very weak lever to promote sustainability. It is inadequate to shift political responsibility on the shoulder of consumers. It is unlikely that consumers will make a significant contribution to resource efficiency.

5.4. Towards more sustainable plastics

Plastic design for easy and economic cradle-to-cradle recycling

(12) Which changes to the chemical design of plastics could improve their recyclability?

(13) How could information on the chemical content of plastics be made available to all actors in the waste recycling chain?

New challenges through innovative materials

(14) How can challenges arising from the use of micro plastics in products or industrial processes and of nano-particles in plastics be best

addressed?

It is urgent to revise the legislation such as the Packaging and packaging waste directive to allow action for minimizing hazardous contents:

Need to address all types of hazardous contents (CMR, PBTs, vPvBs, plasticizers, etc.) taking into account also human health aspects. There is also a need to address nanomaterials: Information on use of nano-materials needs to be largely improved. with the European Commission's Second Regulatory Review on Nanomaterials, published on 3 October 2012, The Commission only considers a limited amendment to the REACH annexes, which is insufficient to close existing loopholes, and manifestly insufficient to overcome the current lack of information on nanomaterials in products.

The Commission should enforce a precautionary approach and regulate the production and collection of data (mandatory nano register including products), and adequately restrict, ban, or tightly regulate the marketing of the substance concerned.

5.5. Durability of plastics and plastic products***Product design for a longer life, reuse and repair*****(15) Should product design policy tackle planned obsolescence of plastic products and aim at enhancing re-use and modular design in order to minimize plastic waste?**

Yes. Current initiatives (including this Green paper!) are too focused on enhancing collection and recycling. So there is no incentive to reduce these products at the source. Overconsumption is also caused by planned obsolescence (or design for lowest price). The ecodesign of products aiming at extending the lifetime of a product and allowing for rational waste management, thus also reducing overconsumption is definitely a solution to further investigate. A promising way of accomplishing this is a significant extension of the current warranty periods.

(16) Could new rules on eco-design be of help in achieving increased reusability and durability of plastic products?***Single-use and short-lived plastic products*****(17) Should market based instruments be introduced in order to more accurately reflect environmental costs from plastic production to final disposal?**

NO, because the costs can generally neither be precisely calculated nor is the increased price which reflects such environmental burdens necessarily preventing pollution. This is a nice theory which does not work in practice. Apart from this it

would be an enormous task to do this for thousands of different products!

(18) How can the waste burden posed by short-lived and single-use disposable plastic products best be addressed?

A promising way of accomplishing this for short-lived products is a significant extension of the current warranty periods. For different categories of products different warranty periods should apply (e.g. 2-10 years for electronics). The manufacturer needs to have the burden of proof for the full warranty period.

One-way products need to be discouraged (taxes) or even eliminated, where possible (e.g. one-way containers replaced by reusable ones through quota, bans, taxes).

A radical reduction of advertising that encourages people to over-consume and to discard functional products long before they have reached their functional end of life. Make premature replacement expensive – e.g. no mobile phones free of charge!

5.6. Promotion of biodegradable plastics and bio-based plastics

Biodegradable plastics

(19) What are the applications for which biodegradable plastics deserve to be promoted, what framework conditions should apply?

Biodegradable plastics may contain polluting substances that do not vanish without potential damage. It needs to be therefore made clear whether a material is compostable (i.e. resulting in high quality compost without pollutants), so that businesses and consumers can be encouraged to dispose them correctly. Whilst biodegradable plastics may reduce environmental problems for certain applications (such as shopping bags) they should be promoted with caution as biodegradability should not be used to legitimize one-way products

(20) Would it be appropriate to reinforce existing legal requirements by making a clear distinction between naturally compostable and technically biodegradable plastics, and should such a distinction be subject to mandatory information?

Yes. Only those materials that biodegrade in natural conditions (i.e. on soil, in freshwater and/or in the sea) are to be called biodegradable.

National consumer organisations have recently published articles¹ on common misunderstandings related to bio-degradability of bio-based plastics that are often also wrongly considered compostable.

¹ *Plastica biodegradabile? Facciamo chiarezza, Altroconsumo, 3 January 2013; Vous avez dit biodégradable?, Test-Achats 570, December 2012*

In some countries it has been noted that compostable packaging of products sold to consumers are in the majority only industrially compostable. People don't know that those packaging must be collected apart to be treated in industrial units (labeling hasn't helped either)². But in fact those collections don't exist for the moment because that would be too expensive. Consequently compostable packaging is either wrongly considered compostable at home or ends with the normal rubbish in the incinerator.

It is important thus to first of all assess the economic usefulness of a separate collection system for industrially compostable packaging in Europe. In any case a very clear mandatory distinction between biodegradable/naturally compostable plastic must be ensured.

(21) Would the use of oxo-degradable plastic require any kind of intervention with a view to safeguarding recycling processes, and if so, on which level?

Oxo-degradable plastic is not a solution for protecting marine environment. Its effectiveness in reducing hazards from plastic debris is limited³. Moreover many consumers believe biodegradable means that for example oxo-degradable plastic bags can be used as bin liners to collect organic waste, but that can damage the compostation process.

Bio-based plastics

(22) How should bio-based plastics be considered in relation to plastic waste management and resource conservation? Should the use of bio based plastics be promoted?

As a general rule bio-based plastics are biodegradable and compostable, like PLA (*Poly-lactic acid*) made of corn, but this is not always the case. For example bio-PE is produced with bioethanol but is identical to traditional polyethylene and is not biodegradable. Important clarifications need to be made on management of bio-based plastic waste to avoid certain innovative plastics are given a false sustainable reputation.

Please see also answers 19, 20 and 21. Apart from that it must be borne in mind that the production of biomaterials in general competes with food production. Supporting bio-based plastics may (similarly to biofuels), therefore, increase food prices (and increase hunger in the world) or promote deforestation. The term

² *Vous avez dit biodégradable?*, Test-Achats 570, December 2012

³ *Degradation of plastic carrier bags in the marine environment*, Marine Pollution Bulletin, Vol. 60, December 2010. Tim O'Brine and Richard Thompson

"renewable" does by no means equate to sustainable production and consumption.

5.7. EU initiatives dealing with marine litter including plastic waste

(23) What actions other than those described in this Green Paper could be envisaged to reduce marine litter? Should some marine litter related actions be coordinated at EU level (e.g. by setting up a coordinated European Coastal Clean-up Day to raise awareness)?

A radical reduction or ban of those products contributing the most to the problem - one way packaging (one-way shopping bags, one-way beverage containers).

(24) In its proposal for a new Environment Action Programme the Commission suggests that an EU wide quantitative reduction target for marine litter be established. How can the setting of such a target provide added value to measures that reduce plastic waste generally? How could such a target be developed?

Setting targets would allow for the EU action in this area to move forward from limited voluntary initiatives and monitoring activities to finally applying actual solutions for mitigation. Targets should give priority to litter sources of major impact. As noted in this green paper it is now time for the projects under the MSFD to allow development of a baseline for the EU, which could be used to establish benchmarks, milestones and targets for policy.

On target setting in this area it can be useful to look at the results of the International Conference on Prevention and Management of Marine Litter in European Seas (Berlin, 10 – 12 April 2013) organised by DG ENV and the German Federal Environment Agency (UBA) <http://www.marine-litter-conference-berlin.info/userfiles/file/online/Day%201%20Breakout%20Results.pdf>

5.8. International action

(25) Should the EU attach a higher priority to plastic waste in the framework of its "New Neighbourhood Policy", particularly in order to reduce plastic littering in the Mediterranean and in the Black Seas?

It is certainly essential, given the dimension of the problem is evidently international. Litter ignores borders.

(26) How could the EU promote more effectively international action to improve plastic waste management worldwide?