

STAKEHOLDER CONSULTATION

on options to reduce the use of plastic carrier bags and options to improve the requirements of biodegradability in the Directive 94/62/EC on packaging and packaging waste and the visibility of biodegradable packaging products to consumers

Background

Plastic carrier bags are classified as packaging in the light of the criteria for definition of packaging of Directive 94/62/EC on packaging and packaging waste (Official Journal L 365, 31.12.1994 p. 10-23). Packaging is by far the largest contributor to plastic waste (63%). The available data shows that the total volume of production of plastic carrier bags was 3.4 Mt in EU-27 in 2008. Assuming a range in weight of 8-60 g per bag, this translates into an average of 60-450 billion plastic bags and sacks consumed yearly in EU-27. Assuming an EU-27 population size of around 500 million individuals, this amounts to an annual consumption of 113 to 850 bags per person.

Although most plastic carrier bags are theoretically recyclable, their collection, sorting and recycling poses certain challenges, which results in a significant amount being covered and landfilled. More worryingly, plastic carrier bags are packaging products with a short lifespan that due to their low weight and small size, can easily escape the waste management flows and be conveyed to the sea by rain, drains and rivers. Once in the environment, plastic bags can last for hundreds of years. Because they last so long, every year, the number of plastic bags in the litter stream increases. For example, it has been estimated that there are around 250 billion floating plastic particles and 500 tonnes of plastic in the Mediterranean Sea. Plastic carrier bags in the marine environment can cause suffocating of sea creatures, which ingest them accidentally. In addition, by breaking into tiny particles, plastics have a high potential of contaminating soil and waterways with plastic additives such as persistent organic pollutants (POPs) and possibly enter the food chain when animals accidentally ingest them. Furthermore, the uncontrolled disposal of plastic carrier bags incurs a loss of the embedded energy used in their production and an inefficient use of resources.

Some Member States have implemented various actions to phase out the use of disposable plastic bags through taxation (e.g. BE, IE, DK) or agreements with the retail sector (e.g. UK). In Ireland the plastic bag levy was introduced in 2002 and it had an immediate effect on consumer behavior with a decrease

in plastic bag usage from an estimated 328 bags per capita to 21 bags per capita overnight (<http://www.environ.ie/en/Environment/Waste/PlasticBags/#Monitoring> of Plastic Bag Litter). Other Member States have adopted a more drastic approach by banning the use of certain types of plastic carrier bags, as it is the case in Italy.

With respect to the biodegradability of packaging products, Annex II of the Packaging Directive provides for essential requirements, including a specific requirement on the EU market. According to the Packaging Directive, biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water. The technical criteria to fulfill the requirement on biodegradability are set in harmonised standard EN 13432 Requirements for packaging recoverable through composting and *biodegradation – Test scheme and evaluation criteria for the final acceptance of packaging*. The use of this standard is voluntary but it gives a presumption of conformity with the essential requirements provided by the Packaging Directive.

The current legislative provisions do not allow for a clear distinction between biodegradability and compostability. In the current practice, a packaging product is acknowledged to be biodegradable if it biodegrades in composting industrial facilities in controlled conditions. However, a product that is compostable in an industrial facility will not necessarily biodegrade in natural conditions in the environment. Advertising a packaging product as biodegradable when in fact it will not biodegrade in natural conditions can be misleading for a consumer and can contribute to the proliferation of littering of products that will persist in the environment. Clear legislative provisions are necessary to make a distinction between compostable products (either industrial composting or home composting) and biodegradable products that should biodegrade in natural conditions in the environment.

The Commission has also been signaled claims of biodegradability and conformity with the requirements of the Packaging Directive for degradable materials that do not fulfill the requirements of Annex II of the Packaging Directive and/or the harmonised standard on biodegradability and composting or in cases where no solid supportive proofs of biodegradability could be brought. There seems to be a wide potential variation in biodegradability of

common packaging materials used for household products, especially in the case of plastic packaging. These aspects need to be further specified to avoid misleading the consumer and reinforce the protection of the environment.

Presently, there are no labelling or marking requirements at EU level to provide information on the compostable and/or biodegradable nature of products and the materials they are made of. As a consequence, consumers are not able to make an informed choice. Nevertheless, some labelling schemes have been implemented in certain Member States, for example in Belgium.

Way forward

The European Commission would like to invite stakeholders to share their views on the environmental, social and economic impacts that might result from measures aiming to reduce use of plastic carrier bags as well as measures to improve the requirements of biodegradability in the Directive 94/62/EC on packaging and packaging waste and the visibility of biodegradable packaging products to consumers.

Stakeholders are invited to reply to the following **questions**. All answers will be published on the European Commission website, unless stakeholders clearly mark their submission as confidential.

We thank you for your kind cooperation!

1. THE RESPONDENT

1.1 Do you reply as: * (compulsory)
(at most 1 answer)

- a citizen
- a public authority
- an industry association
- a NGO
- a university

other

ANEC - European Association for the Co-ordination of Consumer Representation in Standardisation is a registered organisation.

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2. REDUCTION OF PLASTIC CARRIER BAGS

2.1 Is it necessary, in your opinion, to adopt measures at EU level to reduce the use of plastic carrier bags? * (compulsory)
(at most 1 answer)

Strongly agree

Agree

Disagree

Strongly disagree

No option

2.2 Please, provide insofar as possible quantitative data, particularly concerning social, economic and environmental impacts, in support of your answer (maximum 300 words). (optional)
(maximum 2000 characters)

The environmental and public health concerns linked to plastic litter are a growing global issue. Already in 2009 UNEP Executive Director called on a worldwide ban on plastic bags following the publication of the UNEP report on marine litter that year. The alarming data of the status of marine litter in the Mediterranean clearly show the European dimension of the problem and confirm that the plastic marine pollution is mainly caused by land-based sources¹.

Plastic bags are a symbol of our waste society. We need to take courageous measures in order to achieve sustainable development. A ban would set an important precedent and may stimulate further measures - e.g. measures in support of durable products.

Furthermore, educational programmes to raise awareness of the problems generated by the use of plastic bags need to be in place (taking behavioural economics into account). Consumers easily accept changes that aim at a sustainable society. Italian consumers have quickly switched to reusable carrier bags after the ban on disposable polyethylene bags in January 2010².

¹UNEP Results of the assessment of Marine Litter in the Mediterranean, 2009

²<http://tuttocamera.mi.camcom.it/upload/repos/stampa/1007/503563/sacchettiplasticaok>.

2.1 WASTE PREVENTION TARGETS

2.1.1 Do you agree that the establishment of waste prevention targets for plastic carrier bags provide for a significant reduction of plastic carrier bags? *
(compulsory)
(at most 1 answer)

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No option

2.1.2 At which level should the waste prevention targets for plastic carrier bags be established? * (compulsory)
(at most 1 answer)

- EU level
- National level
- No option

2.1.3 In your view, how should such targets be defined? (optional)
(maximum 2000 characters)

Waste prevention targets do not aim at elimination of plastic bags (source prevention) - they just aim at enhancing collection and recycling. So there is no incentive to reduce these products. It is also difficult to see how collection and recycling could be increased. The rates depend on the available infrastructure (easily accessible collection points, recycling capacity).

Waste prevention targets are not sufficient for a definitive reduction of plastic carrier bags and have not worked in the most effective way both for general waste reduction and for packaging reduction.

2.2 BAN OF PLASTIC CARRIER BAGS

2.2.1 Do you agree that an EU ban on plastic carrier bags is needed? *

(compulsory)

(at most 1 answer)

Strongly agree

Agree

Disagree

Strongly disagree

No option

2.2.2 Please, provide insofar as possible quantitative data, particularly concerning social, economic and environmental impacts, in support of your answer (maximum 300 words). (optional)

(maximum 2000 characters)

As said above, the environmental and public health concerns linked to plastic litter are a growing global issue. Already in 2009 UNEP Executive Director called on a worldwide ban on plastic bags following the publication of the UNEP report on marine litter that year.

The alarming data of the status of marine litter in the Mediterranean clearly show the European dimension of the problem. The number of plastic carrier bags sold or distributed in EU countries is in the order of billions per country per year: the Retailer Carrefour France, indicated a use of 15 billion; for Italy the estimation is of 20 billion of plastic carrier bags per year.

Plastic bags are a symbol of our waste society. We need to take courageous measures in order to achieve sustainable development. A ban would set an important precedent and may stimulate further measures - e.g. measures in support of durable products.

We do not ask for a ban of biodegradable/compostable bags which can be treated in composting facilities, however one way bags should be avoided and consumers should be provided with valid alternatives for carrying their purchases (such as re-usable cotton bags or cardboard boxes left over in the shops).

2.3 PRICING MEASURES

2.3.1 In your view, can pricing measures effectively reduce the use of plastic carrier bags? * (compulsory)
(at most 1 answer)

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No option

2.3.2 In your view, at which level should pricing measures on the use of plastic carrier bags be best defined* (compulsory)
(at most 1 answer)

- EU level
- National level
- No option

2.3.3 What are in your opinion the optimal conditions for such measures to achieve the objective of waste reduction? (optional)
(maximum 2000 characters)

Pricing measures are unlikely to reduce the amount of plastic bags significantly across the EU.

The Italian example has shown how consumers did not react to the pricing measures sufficiently but that the ban brought about a quicker change.

Notwithstanding the above, ANEC considers that measures should be also taken to discourage the use of other one-way packaging in general and one-way carrier bags in particular. Hence, a sufficiently considerable tax for such products should be introduced, for consumers to refrain from using them.

2.4 EXEMPTIONS

2.4.1 Measures to reduce the use of plastic carrier bags should make a distinction between: * (compulsory)
(between 1 and 2 answers)

- Biodegradable/non-biodegradable plastic carrier bags
- Single use/reusable plastic carrier bags
- No distinction is necessary
- No option

2.4.2 Please, provide insofar as possible quantitative data, particularly concerning social, economic and environmental impacts, in support of your answer (maximum 300 words). (optional)
(maximum 2000 characters)

We do not ask for a ban of biodegradable/ compostable bags which can be treated in composting facilities, however one way bags should be avoided and consumers should be provided with valid alternatives for carrying their purchases (such as reusable cotton bags or cardboard boxes left over in the shops).

One way bags should be discouraged through a tax.

Oxo-degradable bags are not a solution for protecting marine environment their effectiveness in reducing hazards from plastic debris is limited³.

Moreover many consumers believe biodegradable means that those bags can be used as bin liners to collect organic waste, but that can damage the compostation process.

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

3. BIODEGRADABILITY AND COMPOSTABILITY REQUIREMENTS PACKAGING DIRECTIVE

3.1 In your view, are the current requirements on compostability and biodegradability in the Packaging Directive appropriate?* (compulsory)
(at most 1 answer)

- Appropriate
- Partially appropriate
- Inappropriate
- No option

3.2 Do you believe it should clearly established that only those materials that biodegrade in natural conditions (e.g. on soil, in freshwater and/or in the sea) are to be called biodegradable? ?* (compulsory)
(at most 1 answer)

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No option

3.3 Please, provide insofar as possible quantitative data, particularly concerning social, economic and environmental impacts, in support of your answer (maximum 300 words). (optional)
(maximum 2000 characters)

A switch from the biodegradability to compostability concept when we talk about plastic bags is needed.

Biodegradable plastics contain polluting substances that do not vanish without potential damage. It needs to be therefore made clear whether a material is compostable, so that consumers can be encouraged to dispose them correctly.

3.4 In what other way could these requirements be improved? (optional)
(maximum 2000 characters)

3.5 Do you agree that a mandatory EU labelling or marking system should be introduced to increase the visibility of biodegradable packaging products to consumers?* (compulsory)
(at most 1 answer)

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No option

3.6 What should a mandatory EU labelling or marking system indicate?

(optional)
(at most 1 answer)

- Biodegradable packaging products
- Non biodegradable packaging products
- No option

4. ADDITIONAL COMMENTS

4.1 Additional comments (optional)
(maximum 2000 characters)

On this occasion we wish to refer to our longstanding call for a revision of the European Directive 94/62/EC on packaging and packaging waste.

ANEC analysed the revised 2004 packaging standards prepared under the second Standardisation Mandate M317 and identified some major shortcomings. ANEC noted, together with ECOS in 2005, that the revised standards would not lead to a minimisation of the environmental impact of packaging. (See also ANEC-ECOS Position Paper on the revised Packaging Standards, 2005).

As it became clear that the packaging industry was not willing to go for a substantive revision of the standards, ANEC decided not to actively participate in the work and informed the Commission on this development. We called upon the European Commission and Member States not to publish them in the Official Journal because this would give them the credibility and status they do not deserve. We use this opportunity to reiterate our strong concerns on the packaging standards and call upon the Commission to include specific requirements during the next revision of the Directive rather than relying on standardisation.