



STUDY TO SUPPORT THE DEVELOPMENT OF IMPLEMENTING ACTS AND GUIDANCE UNDER THE DIRECTIVE ON THE REDUCTION OF THE IMPACT OF CERTAIN PLASTIC PRODUCTS ON THE ENVIRONMENT

GENERAL TERMS AND DEFINITIONS

**Stakeholder workshop: Identifying and describing the products
covered by the Directive**

18 October 2019, Brussels – DG Environment

RAMBOLL, DELOITTE, IEIC, PROGNOS, WOOD, IEEP

OVERVIEW OF STAKEHOLDER CONSULTATION (phase 1)

STAKEHOLDER CONSULTATION PHASE 1 – OVERVIEW

The aim of the stakeholder consultation under WP1 is to complement the review of stakeholder input e.g. position papers, etc. sent to the project team from the Commission, with the overall aim of collecting information from the wide-range of stakeholders concerned, notably in regard to:

- **General issues:** Definition of plastics, distinction between single and multiple-use items, coherence with other relevant legislative requirements at both EU e.g. Packaging and Packaging Waste Directive, Waste Framework Directive, etc.; and national level
- **Product-specific issues:** Product definitions, examples of illustrations, differentiation of single and multiple-use items, differentiation with other products

Approximately 250 stakeholders participated in the online survey
(phase 1)

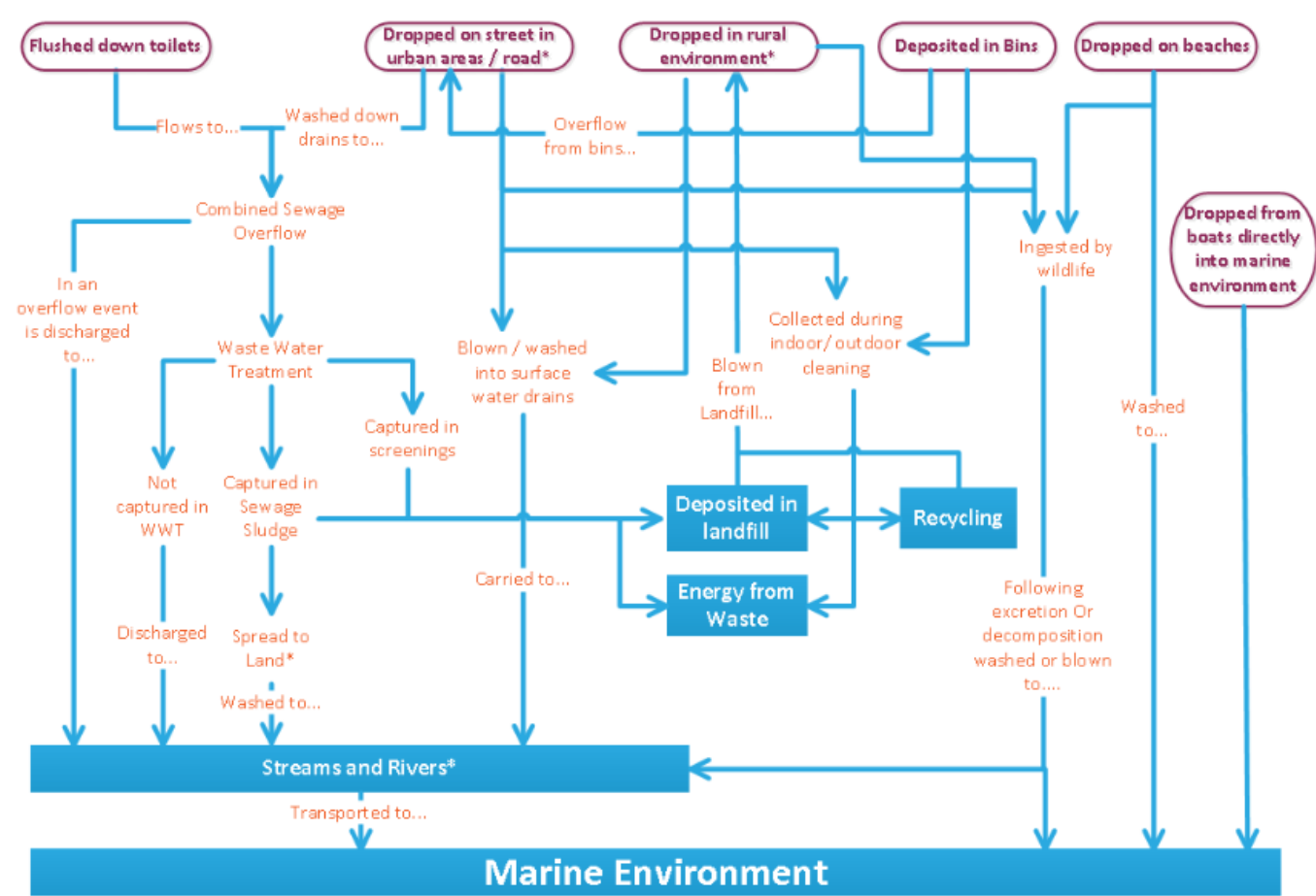
OVERVIEW OF THE DIRECTIVE

OBJECTIVES OF DIRECTIVE 2019/904

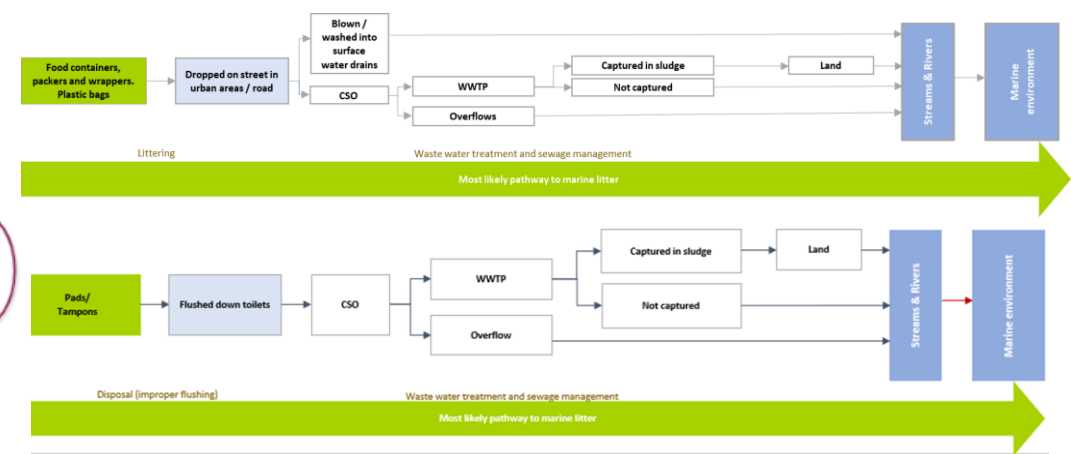
- Prevent and reduce the impact of certain plastic products on the environment and human health
- Promote the transition to a circular economy
- Contribute to the efficient functioning of the internal market

CONTEXT OF THE DIRECTIVE: TENDENCY TO BECOMING MARINE LITTER

Pathways to litter in the marine environment*

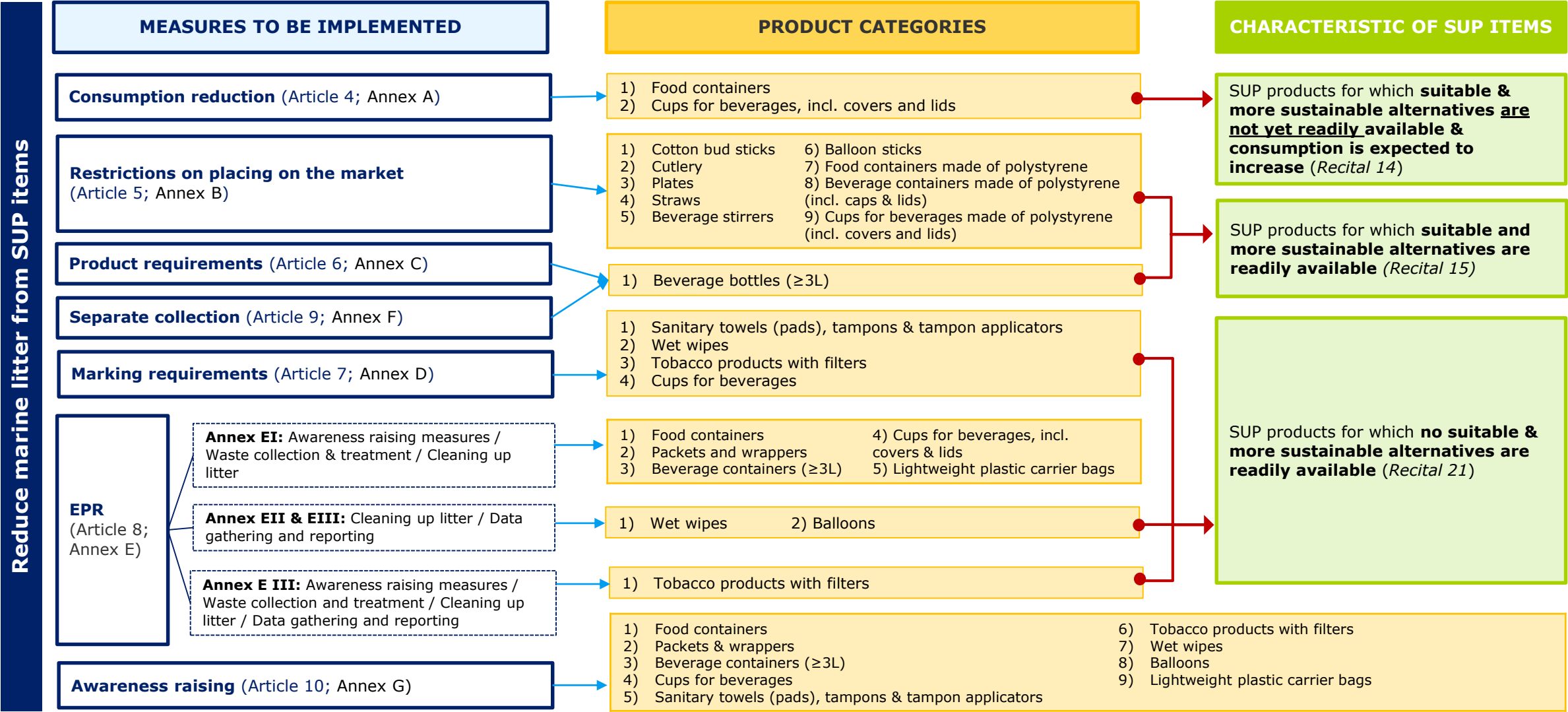


Product group-specific pathways



*European Commission (2018) Commission Staff Working Document Impact Assessment: Reducing Marine Litter: action on single use plastics and fishing gear. Figure 7. Multiple sea- and land-based sources pathways

OVERVIEW OF REQUIREMENTS AND RELEVANT PRODUCT CATEGORIES



Please note that the contents of this document do not reflect the views of the European Commission and serve as a general overview based on analysis of first responses from the stakeholder consultation.

PRELIMINARY FINDINGS:

General terms and definitions of the Directive

KEY DISCUSSION POINTS: GENERAL TERMS & DEFINITIONS OF THE DIRECTIVE

Preliminary findings on where further guidance may be needed

I. Definition of plastics :

- "Main structural component"
- "Chemical modification"
- "Natural polymers"

II. Single-use versus multiple-use:

- "Conceived, designed or placed on the market"
- "Life span multiple trips or rotations"
- "Same (intended) purpose for which it was conceived"
- Portion and packaging size e.g. single versus multiple-serve portions; and packaging

III. Case for packaging

IV. Any other questions and comments

DEFINITION OF PLASTICS

Definition of “single-use plastics” as laid out by the Directive

ARTICLE 3(1): “plastic” means a material consisting of a polymer as defined in point 5 of Article 3 of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which **can function as a main structural component** of final products, with the exception of **natural polymers** that have not been **chemically modified**”

RECITAL 11: “[...] Plastics are usually defined as polymeric materials to which additives may have been added. However, that definition would cover certain natural polymers. Unmodified natural polymers, within the meaning of the definition of ‘not chemically modified substances’ in point 40 of Article 3 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council, should not be covered by this Directive as they occur naturally in the environment...”

Plastics manufactured with modified **natural polymers**, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass or are intended to biodegrade over time. Paints, inks and adhesives should not be addressed by this Directive and therefore these polymeric materials should not be covered by the definition.”

- Main structural component
- Chemical modification
- Natural polymers

*Relevant definitions laid out by Regulation 1907/20 [REACH Regulation]**

* Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals

DEFINITION OF PLASTICS

Preliminary findings on where further clarifications may be needed

1

MAIN STRUCTURAL COMPONENT

- **Responses reviewed from online survey on clarity of definition for purposes of Directive:** 55%=YES | 45%=NO*
- **Key areas identified where further clarification may be needed for the purposes of the Directive:**
 - Interpretation of “can function as a main structural component”; notably in regard to:
 - Criteria for determining “functionality” and “main structural component”
 - Consideration of product-specific cases e.g. printed paper plates (with no sustainable alternatives); coatings, composites, laminates and linings (dispersed coatings in final products)

**Out of 189 responses reviewed*

2

NOT CHEMICALLY MODIFIED

- **Responses reviewed from online survey on clarity of definition for purposes of Directive :** 54%=YES | 46%=NO*
- **Key areas identified where further clarification may be needed for the purposes of the Directive:**
 - Clear definitions of not chemically modified processes
 - Consideration of certain processes e.g. depolymerisation of cellulose; production of cellulosic fibres; fermentation processes, enzymatic polymerisation; innovative processes, etc.

**Out of 177 responses reviewed*

3

NATURAL POLYMERS

- **Responses from online survey on clarity of definition for purposes of the Directive:** 52%=YES | 48%=NO*
- **Key areas identified where further clarification may be needed for the purposes of the Directive:**
 - Definition of “natural polymers”; namely in the cases of substances such as cellulose, lignin and starch, PHAs and PSCs, etc.
 - Coherence in regard to relevant definitions as laid out under the REACH Regulation

**Out of 186 responses reviewed*

SINGLE VS MULTIPLE-USE PRODUCTS

Distinction of “single-use” and “multiple-use” products as laid out by the Directive

RECITAL [12]: “In order to clearly define the scope of this Directive, the term ‘single-use plastic product’ should be defined. The definition should exclude plastic products that are **conceived, designed and placed on the market** to accomplish within their **life span multiple trips or rotations** by being refilled or re-used for the **same purpose for which they are conceived**. Single-use plastic products are typically intended to be used just once or for a short period of time before being disposed of. Wet wipes for personal care and domestic use should also be within the scope of this Directive, whereas industrial wet wipes should be excluded. To further clarify whether a product is to be considered a single-use plastic product for the purposes of this Directive, the Commission should develop guidelines on single-use plastic products. In view of the criteria set out in this Directive, examples of food containers to be considered as single-use plastic products for the purposes of this Directive are fast-food containers or meal, sandwich, wrap and salad boxes with cold or hot food, or food containers of fresh or processed food that does not need further preparation, such as fruits, vegetables or desserts. Examples of food containers that are not to be considered as single-use plastic products for the purposes of this Directive are food containers with dried food or food that is sold cold requiring further preparation, containers containing food in more than **single-serve portions** or **single-serve portion-sized** food containers sold in more than one unit.”

SINGLE VS MULTIPLE-USE ITEMS

Preliminary findings on where further clarifications may be needed

DEFINITION OF/ DISTINCTION BETWEEN: SINGLE AND MULTIPLE-USE ITEMS



- **Responses reviewed from online survey on clarity of definition for purposes of Directive:** 50%=YES | 50%=NO*
- **Key areas identified where further clarification may be needed for the purposes of the Directive:**
 - Clarification on certain **key phrases and terms** to ensure harmonised interpretation:
 - Intended use (purpose of the product) versus practical use (consumption phase) before final disposal
 - Life span
 - Multiple trips or rotations
 - Refilled or re-used for the same purpose for which they are conceived
 - Short period of time
 - Single-serve portions or single- serve portion-sized sold in more than one unit

**Out of 179 responses reviewed*

THE CASE OF PACKAGING

Definition of packaging as laid out by the Directive

RECITAL [10]: “This Directive is a **lex specialis** in relation to Directives 94/62/EC (Packaging and Packaging Waste Directive) and 2008/98/EC (Waste Framework Directive). In the event of a conflict between those Directives and this Directive, **this Directive should prevail** within the scope of its application. That is the case for restrictions on placing on the market. In particular with regard to consumption reduction measures, product requirements, marking requirements and extended producer responsibility, this Directive supplements Directives 94/62/EC and 2008/98/EC and Directive 2014/40/EU of the European Parliament and of the Council”.

ARTICLE 3[15]: “packaging means packaging as defined in point 1 of Article 3 of Directive 94/62/EC as follows:

‘Packaging’ shall mean all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer. ‘Non-returnable’ items used for the same purposes shall also be considered to constitute packaging.”

- Harmonised definition, interpretation and implementation
- Links to other relevant legislation e.g. potential overlaps in requirements, timelines, targets, etc.

THE CASE OF PACKAGING

Preliminary findings on where further clarifications may be needed

DEFINITION OF PACKAGING: LINKS TO OTHER LEGISLATIVE PROVISIONS



- **Responses reviewed from online survey on clarity of definition for purposes of Directive:** 34%=YES | 86%=NO*
- **Key areas identified where further clarification may be needed for the purposes of the Directive:**
 - Distinction between packaging and non-packaging items e.g. based on primary/intended purpose, consideration of real-life consumption behaviour and patterns
 - Application/ timeframe of other potential legislative requirements e.g. Packaging and Packaging Waste Directive, Directive on Lightweight Carrier Bags, Waste Framework Directive, etc.
 - Clear guidance on priority areas in regard to research/innovation and investment

**Out of 80 responses reviewed*