

The Single-Use Plastics Directive: Challenges Ahead

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- Background
- Scope of the SUPD
- Requirements
- Implementation & Challenges

Background: Goals of the Food-Contact Legislation



- **To ensure human health's protection**
 - True for both EU and national legislation

- **To ensure free movement of goods**
 - EU legislation
 - Mutual Recognition (when no harmonization)

- **Does not consider environmental issues**
 - True for both EU and national legislation
 - No cross-reference to packaging waste legislation

- Regulates food-contact M&A including packaging through **composition of FCMs and migration of their components**

- Does **not** consider aspects relating to the **design** of the FCMs, i.e.,
 - Recyclability
 - Compostability
 - Biodegradability

Background: Bio-based Plastic FCMs



- **Bio-based and bio-degradable plastic FCMs** fall under the Plastics Regulation if manufactured with
 - Synthetic polymers
 - Chemically modified natural or synthetic polymers
 - Polymers manufactured by microbial fermentation

Plastics Regulation

Applies

Does not apply

FCM based on modified starch

FCM based on non-modified starch (i.e., a natural macromolecule that is not chemically modified)

Source: EC's Guidance on the Plastics Regulation

- **Plastics identified as priority area** where actions are needed to support the shift from linear to circular economy
- Need to prevent and reduce marine pollution
- Increasing plastic recycling essential to transition to circular economy
- Presence of hazardous chemical additives pose technical challenges when recycling

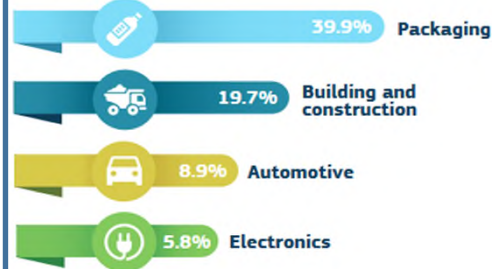
=> This led the EC to define a strategy on plastics in the circular economy in 2018

Background: European Strategy for Plastics in Circular Economy 2018



EUROPEAN PLASTICS DEMAND IN 2015

49 million tonnes



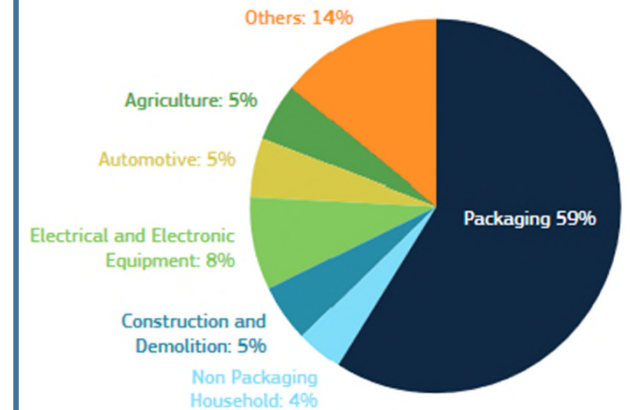
EU-28, Norway and Switzerland - Source: Plastics Europe (2016)

*Around 25.8 million tons of plastic waste are generated in Europe every year. **Less than 30% of such waste is collected for recycling.** Of this amount, a significant share leaves the EU to be treated in third countries*

Demand for recycled plastics accounts for only around 6 % of plastics demand in Europe.

Up to 500 000 tons of plastic waste enter the oceans every year

EU PLASTIC WASTE GENERATION IN 2015



Source: Eunomia (2017)

By 2025: At least 55 % of all plastics packaging in the EU should be recycled

By 2030: All plastics packaging placed on the EU market would have to be reusable or easily recycled

Single-Use Plastics Directive (SUPD)



DIRECTIVE (EU) 2019/904 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 5 June 2019
on the reduction of the impact of certain plastic products on the environment
(Text with EEA relevance)

■ Objectives of the SUPD:

- Prevent and reduce the impact of certain plastic products on the **environment and human health**
- Promote the transition to a **circular economy**
 - Plastic products should be **manufactured taking into account their entire life span**
 - Their **design** should always take into account the **production and use phase and the reusability and recyclability of the products**
- Contribute to the efficient functioning of the **internal market**

- **Applies to:**
 - Single-use plastics
 - Oxo-degradable plastics and
 - Fishing gear containing plastics

- **Definition**

‘Single-use plastic product’ means a product that is made **wholly or partly from plastic** and that is **not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned** to a producer **for refill or re-used for the same purpose for which it was conceived**

Definition

- **Plastic:** material consisting of a polymer as defined in Regulation 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*
 - Includes:
 - Plastics manufactured with modified natural polymers
 - Plastics manufactured from bio-based, fossil or synthetic starting substances
 - Polymer-based rubber items
 - Bio-based and biodegradable plastics regardless of whether they are derived from biomass or are intended to biodegrade over time

Provisions & Implementation Timeline



■ Transposition: 3 July 2021

Deadline for application	SUPD provisions
3 July 2021	Restrictions on placing on the market (Art. 5): e.g., cutlery (forks, knives, spoons, chopsticks), plates, certain straws, beverage stirrers, food & beverage containers and cups made of expanded polystyrene and products made from oxo-degradable plastic
3 July 2021	Marking requirements (Art. 7.1): e.g., cups for beverages
5 Jan. 2023	Extended producer responsibility (Art. 8): for schemes established before 4 July 2018 and in relation to tobacco products with filters and filters marketed for use in combination with tobacco products
3 July 2024	Product requirements (Art. 6.1): e.g., beverage containers with a capacity of up to three liters permitted only if their plastic caps and lids attached to the containers during the products' intended use
31 Dec. 2024	Extended producer responsibility (Art. 8): other schemes

Consumption Reduction



- Member States to achieve measurable quantitative **reduction of SUP consumption by 2026** in comparison to 2022
 - **Cups for beverages**, including their covers and lids;
 - **Food containers:**
 - Receptacles such as boxes, with or without a cover, for food:
 - ✓ Intended for immediate consumption either on-the-spot or take-away;
 - ✓ Typically consumed from the receptacle, and
 - ✓ Ready to be consumed without any further preparation, such as cooking, boiling or heating
 - Including food containers used for fast food or other meal ready for immediate consumption *except beverage containers, plates and packets and wrappers containing food*
 - EC to adopt **implementing acts re methodology for calculation and verification of reduction in consumption of SUP**



Prohibition of Certain SUP



- **Restriction (= **prohibition**) on placing on the market by 3 July 2021, e.g.:**
 - Cutlery (forks, knives, spoons, chopsticks)
 - Plates
 - Straws, except if covered by the legislation on medical devices;
 - Beverage stirrers
 - Certain food & beverage containers as well as cups made of expanded polystyrene and
 - Products made from oxo-degradable plastic



Specific Product Design Requirements



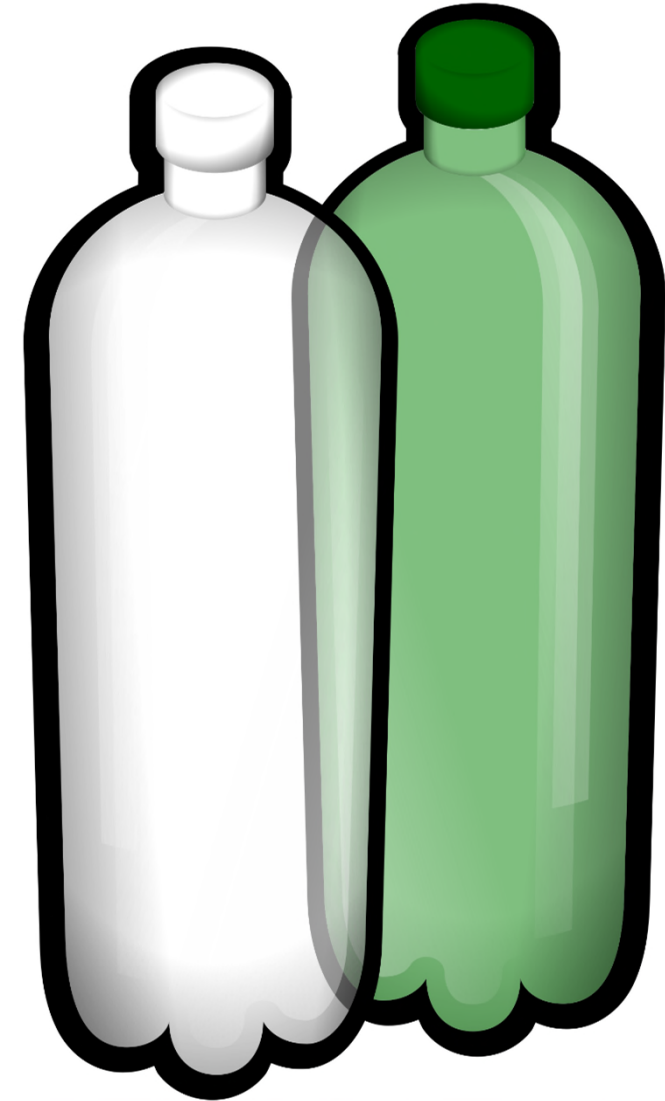
- **As from 3 July 2024: Beverage containers of up to 3L** will be permitted to be placed on the market provided that their **plastic caps and lids remain attached** to the container during the product's intended use stage
- By Oct. 2019, EC to request the **European standardization organizations to develop standards**
 - Need to address the necessary strength, reliability and safety of beverage container closures
 - Once standards available, presumption of compliance with the SUPD requirements if standards are complied with



Minimum Recycled Content Requirement



- Requirement on **recycled content** for:
 - **PET beverage bottles (up to 3L)** will be required to contain:
 - At least **25%** recycled plastic content from **2025** and
 - At least **30%** recycled plastic content from **2030** (calculated as average for all PET bottles)
- By Jan. 2022, the EC to adopt **implementing acts for the calculation rules and verification of targets**



Separate Collection for Beverage Bottles (up to 3L)



- Beverage bottles will be also required to be **collected separately** for recycling
 - by **2025 - 77 % of SUP** placed on the market in a given year by weight
 - by **2029 - 90 % of SUP** placed on the market in a given year by weight.
- By **July 2020**, EC to adopt **implementing acts on methodology for the calculation rules and verification of the separate collection targets**



Labelling Requirements

- Set for certain SUP (i.e., of relevance, **cups for beverages**) placed on the market
- To bear a **conspicuous, clearly legible and indelible marking**
- To inform consumers of:
 - Appropriate waste management options OR waste disposal means to be avoided;AND
 - Presence of plastics in the product and the resulting negative environmental impacts of littering OR other inappropriate waste disposal of the products



- By July 2020, EC to adopt **harmonized specifications for such labelling**
 - **For cups for beverages: labelling to be provided on the product itself**

- Extended producer responsibility schemes for:
 - Certain food containers
 - Packets and wrappers
 - Beverage containers of up to 3L
 - Cups for beverages including their covers and lids
 - Lightweight plastic carrier bags
- Awareness raising measures aiming at a reduction in the littering of SUPs

- **EC's Guidance to determine if a product is a single-use plastic or not**
 - To be published by **3 July 2020**
- The EC acknowledged that “the Guidelines should be ready by July 2020.”
 - Will cooperate with Member States to facilitate implementation of the SUPD



Development of Implementing Acts & Guidance



- To support the implementation of the SUPD, EC commissioned a study
- Study led by Ramboll Environment & Health GmbH
 - Supported by Deloitte, Prognos, In Extenso Innovation Croissance, Institute for European Environmental Policy and Wood
 - Launched in **July 2019**
 - Duration of the study: **18 months**
 - Expected to be completed in **January 2021**

Goal of the study

- Identifying and describing the products covered by the Directive, except fishing gear (Work Package (WP) 1)
- Developing options for harmonized marking of certain SUP (WP 2)
- Developing options for a methodology for the calculation and verification of separate collection targets for plastic beverage bottles and consumption reduction and developing format for reporting of data and quality check reports (WP 3, 4 & 5)
- Supporting the development of guidelines on litter clean-up costs (WP 6)
- Organization of workshops in Brussels involving stakeholders and experts to present and discuss the proposed options

Phase 1 of the Study



- **Phase 1: Survey on the general and product specific definitions, explanations, criteria (part 1) and product markings (part 2)**
 - Initially launched on 11 Sept 2019; but withdrawn for revision
 - Revised version → deadline for responses by **4 October 2019**
 - **Stakeholder workshop on 18 October 2019 focused on identifying and describing the products**
 - Additional stakeholder interviews
 - Second **workshop in March 2020** to present guidance document
 - Finalization & adoption of the guidelines by July 2020
 - **Stakeholder workshop on 29 November 2019 on product marking**
 - Marking proposals will be tested with consumers (contractant/6 months to complete)
 - A **follow-up workshop** on marking will take place in **May 2020**

- Survey divided into 4 parts
 - 1 : Beverage bottles:** methodologies for calculation and reporting of separate collection targets
 - 2: Tobacco products with filters and plastic filters:** format for reporting data & quality check report on post consumption waste of tobacco products
 - 3: Food containers and cups for beverages:** methodologies for calculation and reporting of consumption reductions & format for reporting data
 - 4: Practices related to litter:** existing collections systems in public places, litter clean-up activities
- Phase 2 survey **launched in October 2019**
- Deadline for completing this phase 2: **13 December 2019**

- Highlighted in online consultation & during workshops for Part 1 and Part 2
- Re the interpretation of the SUPD
 - Terms used not necessarily clear:
 - Main structural component: 40% of stakeholders
 - not chemically modified : 46%
 - natural polymers : 48%
 - Distinction between single-use & multiple-use items: 50%
 - Packaging : 86%
 - Difference between « beverage container » and « beverage bottle »
 - Packets and wrappers
 - Refill and reuse
 - ...

- The guidelines on the determination of whether a product is a SUP are critical for companies to assess the impact of the SUPD on their business and determine the actions to be taken
 - Will provide legal clarity and certainty

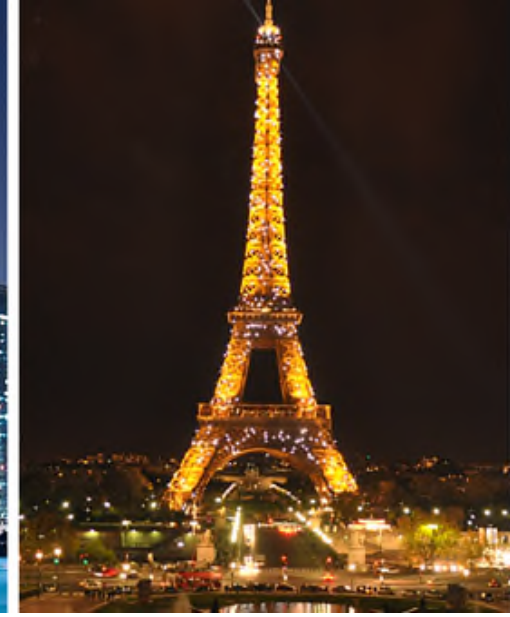
- **Re marking of SUP cups**

- Clarification needed on where marking to be placed:
 - Marking of cups (not on lids)?
- Marking with colors will impact recyclability
- Marking would require significant investments in machinery since 99% of plastic cups are currently not marked (based on stakeholder's comment)
- Marking on plastic cups more challenging than on paper cups with plastic lining
- Size of marking
- Possible confusion with other logos required by CLP
- How to reconcile marking required by SUPD with marking on compostable and biodegradable and other waste management markings

- **Several options are contemplated**

- Text(s), pictogramme(s)
- Will be subject to consumer survey

- Implementation timelines?
- E.g.
 - Will the standard re caps and lids to remain attached to the beverage containers be available by the deadline?
 - Will Member States be able to take the necessary measures to implement the requirements of the SUPD within the timeline, e.g., separate collection of beverage bottles?
- Brexit:
 - Will the UK implement the Directive before it exits the EU or will they decide to adopt a different model re SUP products?



THANK YOU

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