



International
Academy
Europe Faculty

Working with Europe and the EU ***– A New Context***

1.3

Practitioner training for UK civil servants
organised by the European Institute of Public Administration
(EIPA), Maastricht on behalf of
the Foreign, Commonwealth and Development Office (FCDO)

Online, 28 – 30 November 2023



Day 1 - CASE STUDY

The 2019 “EU Single Use Plastics Directive”, or “SUP”

Single-use plastics and fishing gear Reducing marine litter

https://ec.europa.eu/environment/topics/plastics/single-use-plastics_en

Interinstitutional file number 2018/0172(COD)



Background / problem context

General objective:

- **to curb the negative economic, environmental and social impacts arising from plastic marine litter**
- **to ensure a single market with high environmental standards and legal certainty for businesses.**
- 'Member States are taking national action against single use plastic. France has banned plastic cups and plates, Italy and France are banning plastic cotton buds, the UK wants to ban straws, joined by the Brussels region recently, and other countries like Ireland and Portugal are considering measures. The EU must act now to ensure these diverse actions do not fragment the single market. Businesses need a level playing field, with clarity and legal certainty, and the possibility to develop economies of scale for new markets and alternative materials.' (Impact Assessment, July 2018)

What are UK interests?

- **parallel legislative processes**
- **importance for UK manufacturers and exporters**
- **impact within UK**

See House of Commons, BRIEFING PAPER,
Number 08515, 9 March 2022 'Plastic waste' By Louise Smith

<https://researchbriefings.files.parliament.uk/documents/CBP-8515/CBP-8515.pdf>

Single-Use Plastics case

Illustration with discussion of EU legislative process

Example – the insertion of a ban on oxo-degradable plastics

EU regulatory context

Packaging Directive (94/62/EC) of EP and Council

Directive (EU) 2015/720 of EP and Council amending Directive 94/62/EC: reducing the consumption of lightweight plastic carrier bags

Circular Economy Package 2015

Plastics Strategy, January 2018

Directive (EU) 2019/904 of EP and Council of 5 June 2019: reduction of the impact of certain plastic products on the environment ("single-use plastics directive")

Early stages for external contributions

Two stakeholder workshops on SUP on 16 June and 14 September 2017;
 Inception Impact Assessment open consultation/feedback;
 Online Public Consultation (OPC) 15 December 2017 to 12 February 2018;
 Reinventing Plastics Stakeholder Conference held on 26 September 2017,
 2018 Circular Economy Stakeholder Platform Conference on 20 February

Shaping the agenda: Member States and other actors

June 2017

G7 Environment: Novamont, the French and Italian Environment Ministries hosted the event “The International Coalition Stop Plastic Waste- A bioeconomy cultural revolution to save the oceans”

In the context of the G7 Environment, NOVAMONT, in collaboration with the Italian and French Ministries of Environment, organized on June 10th in Bologna the conference “The International Coalition Stop Plastic Waste - A bioeconomy cultural revolution to save the oceans”.

The initiative gave an overview of the policies tackling marine littering from plastic waste and the activities of the “Stop Plastic Waste Coalition” launched at Cop22 in Marrakech. The Coalition brings together local and national governments from 12 countries: **Italy**, **France**, Morocco, Chile, Monaco, Mauritius, **Sweden**, Bangladesh, Australia, Senegal, **Croatia** and the **Netherlands**.

Commission actors

- [Commission Expert Group on Waste](#)
- ENV leads the work on single-use plastics (SUP), MARE on fishing gear
- The Inter Service Steering Group (ISSG) set up by the SG in January 2018 includes:
 SJ, GROW, TRADE, ENER, JUST, EMPL, MOVE, SANTE, CNECT, ECFIN, TAXUD, RTD, AGRI, EAC, REGIO, CLIMA, COMP.

The Commission develops a proposal (1)

- 15 December 2017, Inception Impact assessment published
- public consultation, Dec. 2017 – Feb. 2018 – 1800+ contributions
- https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/1502-Reducing-marine-litter-action-on-single-use-plastics-and-fishing-gear_en

The Commission develops a proposal (2)

Technical input from e.g.:

- EC Joint Research Centre's Technical Group on Marine Litter
- Marine Litter Watch developed by the European Environmental Agency
- European Marine Observation and Data Network EMODnet partnership
- external consultants

- interviews with stakeholders from public institutions, NGOs, industry associations and businesses

Impact Assessment - Regulatory Scrutiny Board issued a negative opinion, followed by a second opinion, positive with reservations

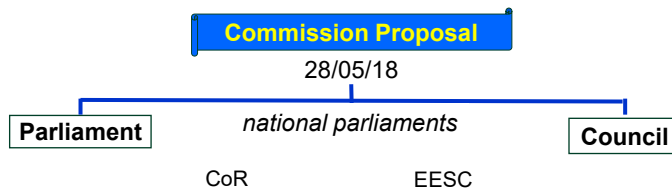
The Commission Proposal

	Consumption reduction	Market restriction	Product design requirement	Marking requirements	Extended producer responsibility	Separate collection objective	Awareness raising measures
Food containers	X				X		X
Cups for beverages	X				X		X
Cotton bud sticks		X					
Cutlery, plates, stirrers, straws		X					
Sticks for balloons		X					
Balloons				X	X		X
Packets & wrappers					X		X
Beverage containers, their caps & lids			X		X		X
- Beverage bottles			X		X	X	X
Tobacco product filters					X		X
Sanitary items:							
- Wet wipes				X	X		X
- Sanitary towels				X			X
Lightweight plastic carrier bags					X		X
Fishing gear					X		X

Impact assessment

Table 12. Summary of model analysis per sub-option

	2a	2b	2c	2d
Marine litter by count (as % of SUP Top 10)	-16%	-50%	-56%	-74%
Marine Litter, tonnes	-2,750	-4,450	-4,850	-12,070
Change in GHG, million tonnes	-1.28	-2.02	-2.63	-3.97
External Costs, € billion	-7.1	-9.5	-11.1	-30.9
Savings for consumers, € billion	3.7	5.1	6.5	10.0
Impact on producer turnover, € billion	-1.8	-2.5	-3.2	-5.0
Information campaign costs, € million	714	698	596	596
Business compliance, commercial washing & refill scheme costs, € million	338	1081	1385	2099
Waste management costs, € million	30	445	511	9175
Employment, 000 FTE	-3.8	3.8	4.0	5.0
Feasibility	High	Med	Med	Low
Ensure Internal Market	-	+	++	++



Question
What role and influence do national parliaments and advisory bodies have?

Ban balloons? – let the party/lobby begin

**Single Use Plastics:
Removing balloons and balloon sticks
from the scope of the SUP proposal**

**EBPC
Engagement toolkit**

June 2018

https://partyworldwide.net/wp-content/uploads/2018/06/ebpc_engagement_toolkit_180619.pdf

'Peter Liese, a member of German Chancellor Angela Merkel's Christian Democratic Union party, wrote to MEPs last week asking them to consider excluding balloons from the forthcoming EU directive on plastics. [...] Ms Boylan ([IE/SF] responded to the email by suggesting Mr Liese's proposal "mirrored" correspondence she received from lobby group the European Balloon and Party Council.'

<https://www.independent.ie/regionals/herald/news/sfs-boylan-goes-to-war-with-eu-colleagues-over-rules-on-plastics-and-party-balloons-37452306.html>

EXERCISE

The European Parliament

Identify the committee responsible and rapporteur

1. Which Shadow Rapporteurs may be most influential?
2. Which other committee(s) may be relevant for manufacturers?

[Procedure File: 2018/0172\(COD\) | Legislative Observatory | European Parliament \(europa.eu\)](#)

Go to the site, look for a bit of background by opening the links and decide on your answers.

Write them down and then open the slide.

Interinstitutional file number 2018/0172(COD)

Discussions in the EP - actors



[https://oeil.secure.europarl.europa.eu/oeil/popups/fich_eprocedure.do?reference=2018/0172\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/fich_eprocedure.do?reference=2018/0172(COD)&l=en)

Committee responsible

ENVI Environment, Public Health and Food Safety

Rapporteur

RIES Frédérique

Appointed

07/05/2018

– Shadow rapporteur

EPP FLORENZ Karl-Heinz

S&D PAOLUCCI Massimo

ECR DEMESMAEKER Mark

RE BOYLAN Lynn

S&D AUKEN Margrete

EFP PEDICINI Piernicola

Committee for opinion

ECON Economic and Monetary Affairs

ENF KAPPEL Barbara

20/06/2018

ITRE Industry, Research and Energy

ENF KAPPEL Barbara

25/06/2018

AGRI Agriculture and Rural Development

S&D ROPÉ Bronis

10/07/2018

PECH Fisheries

S&D BRIANO Renata

14/06/2018

JURI Legal Affairs

The committee decided not to give an opinion.

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The EP adopts its mandate

- Draft Report, July 2018
(oxo- not mentioned)
- ENVI report 11 October 2018
- Plenary
 - debate 22 October
 - vote 24 October
 - amended text sent back to committee as mandate for negotiations

13 September 2018, EP resolution of on a European strategy for plastics in a circular economy– calls for ban on oxo-degradable plastics by 2020



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ENVI – amendments added ref. lightweight plastic bags

5 September 2018

Amendment 560
Margrete Auken

Proposal for a directive
Annex I – part B – indent -1 (new)

Text proposed by the Commission

Greens/DK – was
Rapporteur on the
plastic bags Directive

Amendment

**- Packaging and agricultural mulch film
made from oxo-degradable plastic**

EP Committee report

11 October 2018 ENVI adopts report (51-10-3)

Amendment 83

Proposal for a directive
Annex I – part B – indent 6 b (new)

Text proposed by the Commission

Amendment

— **Products made of oxo-degradable
plastic**

Justification

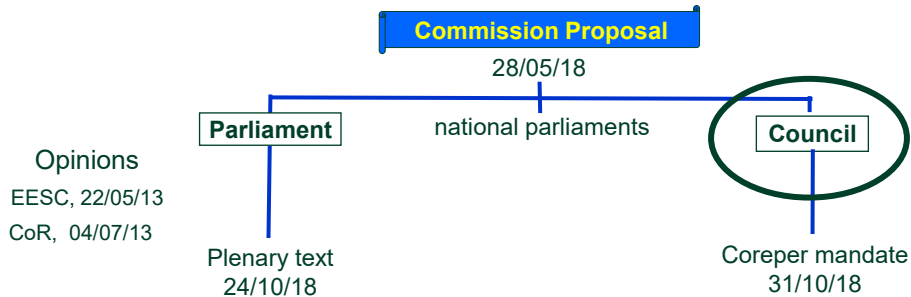
All these additional market restriction for products are coherent with the current EU legislation in force or political statement from the European Parliament. For e.g. the European Parliament has just called, on Thursday 13 of September 2018, for a complete EU ban on oxo-degradable plastic by 2020, as this type of plastic negatively affects the recycling of conventional plastic and fails to deliver a proven environmental benefit. Furthermore, the proposal to add a ban of some applications of expanded polystyrene (EPS) in the SUP

The EP votes on the text that will be the mandate

12. Reduction of the impact of certain plastic products on the environment ***I

Report: Frédérique Ries (A8-0317/2018)

Annex I, part B, after indent 6	143	EFDD	RCV	-	83, 534, 26
	82= 116=	committee, ENF		-	
oxo- products	83= 117=	committee, ENF	RCV	+	609, 23, 19
	155	GUE/NGL	EV	-	144, 500, 16
	156	GUE/NGL		-	
	157	GUE/NGL		-	
	158	GUE/NGL		-	
Annex I, after part B	105	Verts/ALE		↓	



Questions

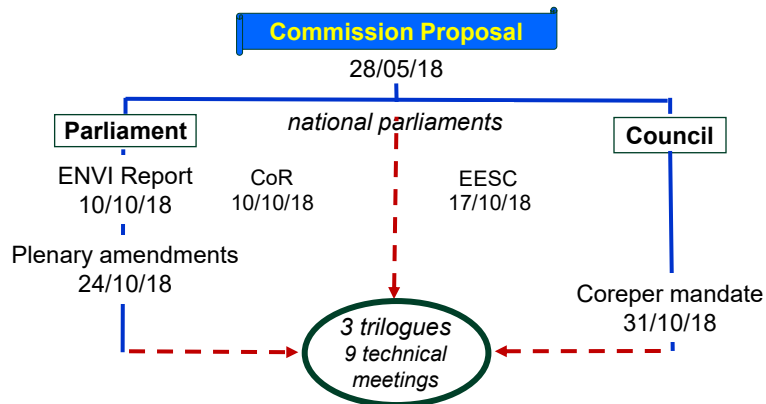
Which decision-making rule will apply in the Council?

What is the role of the Commission?

Discussions in the Council

- Council Working Party on the Environment
- Environment ministers discussed the proposal 25 June and 9 October.
- Coreper mandate 31 October

Commission proposal	EP amendments	Council position Coreper on 31 October 2018	Comments
Amendment 83			
Annex – part B – indent 6 b (new)			
	- <i>Products made of oxo-degradable plastic</i>		
Amendment 84			
Annex – part B – indent 6 c (new)			
	- <i>Food and beverage containers made of expanded polystyrene, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without further preparation.</i>	- Expanded polystyrene cups for beverages	



4-column document for final trilogue

Commission proposal	EP amendments	Council position Coreper on 31 October 2018	Comments/suggestions
Amendment 81			
Annex – part B – indent 6			
- Sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, including the mechanisms of such sticks	- Sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, <i>excluding</i> the mechanisms of such sticks		<u>Not acceptable</u>
Amendment 83			
Annex – part B – indent 6 b (new)			
	- <i>Products made of oxo-degradable plastic</i>		<u>Covered by cluster on oxo-degradable plastic</u>
Amendment 84			
Annex – part B – indent 6 c (new)			
	- <i>Food and beverage containers made of expanded polystyrene, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without further preparation.</i>	- Expanded polystyrene cups for beverages	- Food containers made of expanded polystyrene, i.e. receptacles such as boxes, with or without a cover, used to contain food that <ul style="list-style-type: none"> - is intended for immediate consumption either on-the-spot or take-away, - is typically consumed from the receptacle and - is ready to be consumed without any further preparation, like cooking, boiling or heating, such as food containers used for fast food or other meal ready for immediate consumption, except

[Council Doc. 15606/18 of 14 December 2018](#)

The final text

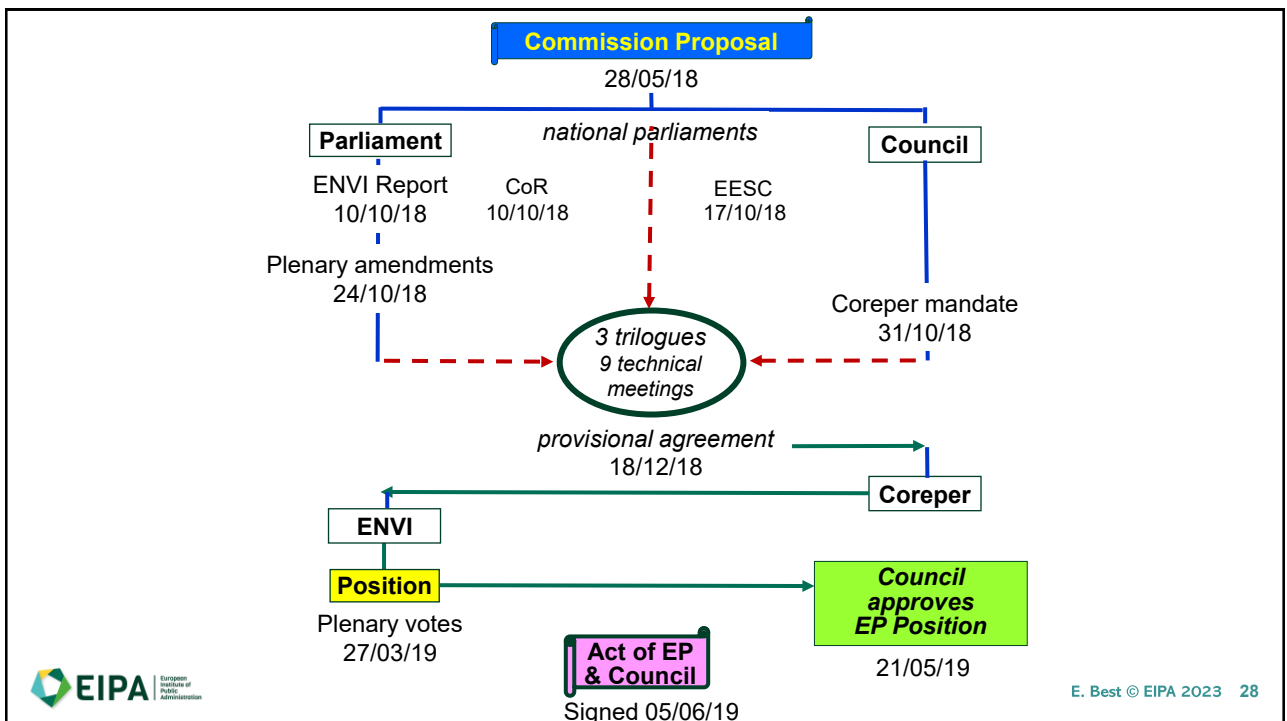
Article 5

Restrictions on placing on the market

Member States shall prohibit the placing on the market of the single-use plastic products listed in Part B of the Annex and of products made from oxo-degradable plastic.

What goes into a compromise package – e.g.....

- ...
 - Consumption reduction: changes were agreed to specify the procedure of inclusion of the measures taken under this Article in existing waste management plans and in particular the **timeframe** to which these measures will relate to, before the **review** referred to in Article 15;
 - Market restrictions: **exemptions** were withdrawn on both sides,
 - Recycled content: it was agreed to **add, in Article 6, a target of 30% recycled plastic to be used as an average in all beverage bottles as from 2030** and, in Article 13, a reporting obligation in relation to the attainment of the targets; furthermore, the **transposition deadline** for Article 6 as a whole, for all beverage bottles, was set to 5 years from the entry into force of the Directive (Article 17);
 - Separate collection of beverage bottles: the Council's **two-step** approach was accepted, however with the following targets: 77% by 2025 and 90% by 2029;
- ...



Institution: Council of the European Union
 Session: 3952
 Configuration: General Affairs
 Item: 20180172 (COD) (Document: 11/19)
 Voting Rule: qualified majority
 Subject: Directive of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment (First reading)

Voix	Membres	Population (%)
Yes	27	88,09%
No	0	0%
Absent	1	1,91%
Not participating	0	
Total	28	

Sitting date: 21/05/2019

Final result



Member State	Weighting	Vote	Member State	Weighting	Vote
BELGIQUE/BELGIË	2,22		LIETUVA	0,55	
БЪЛГАРИЯ	1,37		LUXEMBOURG	0,12	
CESHÁ REPUBLIKA	2,04		MAGYARORSZÁG	1,01	
DANMARK	1,13		MALTA	0,09	
DEUTSCHLAND	10,12		NEDERLAND	3,37	
EESTI	0,26		ÖSTERREICH	1,71	
ÉIRE/IRELAND	0,94		POLSKA	7,40	
EESTI	2,09		PORTUGAL	2,00	
ESPAÑA	9,09		ROMÂNIA	3,50	
FRANCE	13,10		SLOVENIJA	0,40	
HRVATSKA	0,80		SLOVENSKO	1,06	
ITALIA	11,02		SUOMI/FINLAND	1,07	
КΥΠΡΟΣ	0,17		SVERIGE	1,08	
LATVIJA	0,38		UNITED KINGDOM	12,91	

SUP Directive – Implementing acts

Implementing acts for:

- methodology for the calculation and verification of the annual consumption of single-use plastic products for which consumption reduction objectives have been set
- rules for the calculation and verification of the attainment of the targets on minimum recycled content for single-use plastic beverage bottles
- specifications for the marking to be affixed on certain single-use plastic products
- methodology for the calculation and verification of the collection targets of single-use plastic products for which separate collection targets have been set
- format for the reporting of data and information on the implementation of this Directive.

SUP Directive – Implementing acts

7.2.2022

EN

Official Journal of the European Union

L 26

COMMISSION IMPLEMENTING DECISION (EU) 2022/162

of 4 February 2022

laying down rules for the application of Directive (EU) 2019/904 of the European Parliament and of the Council as regards the calculation, verification and reporting on the reduction in the consumption of certain single-use plastic products and the measures taken by Member States to achieve such reduction

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 4(2) and Article 13(4), first subparagraph, thereof,




Environment




Home > Topics > Plastics > Single-use plastics

Single-use plastics

https://ec.europa.eu/environment/topics/plastics/single-use-plastics_en

- 4 February 2022  Commission adopts Implementing Decision 2022/162

[Implementing Decision 2022/162](#) lays down rules for the calculation, verification and reporting on the reduction in the consumption of single-use plastic food containers and beverage cups
- 1 October 2021  Commission adopts Implementing Decision 2021/1752

[Implementing Decision 2021/1752](#) lays down rules for the calculation, verification and reporting of data on the separate collection of waste single-use plastic beverage bottles
- 3 July 2021  The EU no longer allows certain single-use plastic items to be placed on the Member States market; and marking requirements enter into force
- 31 May 2021  Commission adopts guidelines on single-use plastics products, and implementing decision on reporting on fishing gear
- 2 July 2019  Directive on single-use plastics enters into force
- 16 January 2018  Publication of the EU plastics strategy - outlining the need for a legislative proposal on single-use plastics

The intra-UK impact of leaving the EU: the example of SUP

SUP and Northern Ireland

- SUP Directive added to **NI Protocol Annex 2** (areas in which Northern Ireland will be required to remain aligned with EU product/technical standards.)
- Only those parts of the Directive that are required to allow a proper functioning of goods movements between Northern Ireland and Ireland/the European Union
(= Articles 2 to 7, 14 and 17 and Parts A, B, C, D and F of the Annex: consumption reduction measures for cups for beverages and food containers (Article 4), the requirement to restrict the placing on the market of certain single use plastic goods, such as plastic cutlery (Article 5), product specific requirements largely related to plastic beverage bottles, and new labelling requirements on a subset of plastic products.)
- Transposition by 1 January 2022 compared to 1 July 2021 for EU Member States.

SUP and Scotland

Single Use Plastics: The first exclusion from United Kingdom Internal Market Act (UKIMA) Market Access Principles

- Scottish 2019 commitment to 'meet or exceed the standards' of the EU SUP Directive
- Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021, 9 November 2021, (into force 1 June 2022).
- discussion with the UK Government and other devolved administrations through the **Resources & Waste Common Framework** to explore how best to manage policy divergence in this area, including how the Internal Market Act impacts on this.'
- United Kingdom Internal Market Act 2020 (Exclusions from Market Access Principles: Single-Use Plastics) Regulations 2022 came into force on 11 August 2022.

“Keeping Pace” between Scotland and the EU

“Keeping Pace”

48. While the UK was a member state of the EU, the Scottish Government was required to comply with EU law in devolved areas. Powers were available to Scottish Ministers through Section 2(2) of the European Communities Act (ECA) to implement EU legislation in domestic law. These powers are no longer available to Scottish Ministers.

49. Scottish Ministers have indicated that, where appropriate, they would like to see Scots Law continue to align with EU law. To support this policy aim Part 1 (section 1(1)) of the [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#) confers a power on Scottish Ministers to allow them to make regulations (secondary legislation) with the effect of continuing to keep Scots law aligned with EU law in some areas of devolved policy (the “keeping pace” power).

<https://www.parlamaid-alba.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-constitution-europe-external-affairs-and-culture-committee/guidance-on-uk-internal-market>

Devolved engagement with the EU post-Brexit?

62. The Scottish Government set out the ways in which it would seek to work with the EU:

- proactive and constructive engagement with the EU institutions and other multilateral organisations
- active bilateral collaboration with member states.
- robust and constructive engagement with the UK Government and the other devolved governments to protect Scotland's interests and shape the UK Government's approach to influencing the EU and future international activity.

63. The Scottish Government have stated that relevant policy leads, staff in the Scottish Government Brussels office and legislative monitoring staff contributed to the development of, monitoring and, where necessary, implementation of EU law. While this cannot be entirely replicated outside the EU they have said that this approach, of a collaborative process involving EU-facing staff, could be continued and developed to monitor changes to EU law and, in collaboration with policy teams, develop policy proposals for keeping pace with EU law as appropriate.

<https://www.parlaimaid-alba.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-constitution-europe-external-affairs-and-culture-committee/guidance-on-uk-internal-market>