



International Academy  
Europe Faculty

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

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)

London, 30 September – 2 October 2024



**1.3**

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## **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](https://ec.europa.eu/environment/topics/plastics/single-use-plastics_en)

**Interinstitutional file number 2018/0172(COD)**



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## 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>

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## Single-Use Plastics case

Illustration with discussion of EU legislative process

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

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## 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")

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## 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 2018

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## 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"

*Leader in bioplastics and bioproducts*

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**.

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## 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.

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## The Commission develops a proposal (1)

Now Call for Evidence

- 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](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)

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## 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

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## The Commission Proposal, Explanatory memorandum

A short overview of the single-use plastic items and fishing gear and the measures foreseen in the Commission's 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

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## 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	-	+	++	++

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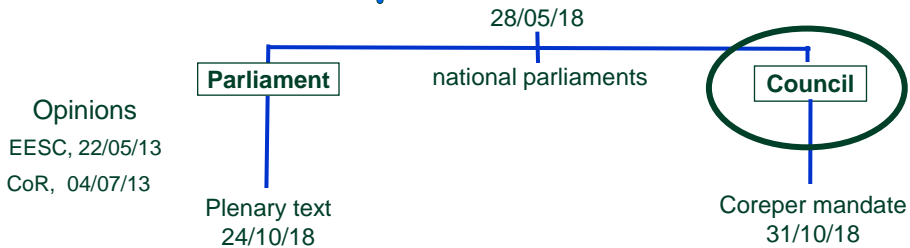
## The EP adopts its mandate

- 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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### Commission Proposal



#### Questions

- Which decision-making rule will apply in the Council?*
- What is the role of the Commission?*

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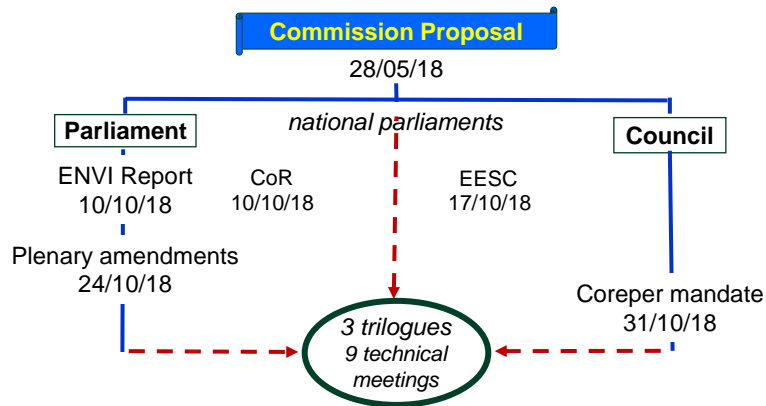


## Discussions in the Council

- 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
<b>Amendment 83</b>			
<b>Annex – part B – indent 6 b (new)</b>			
	- <i>Products made of oxo-degradable plastic</i>		
<b>Amendment 84</b>			
<b>Annex – part B – indent 6 c (new)</b>			
	- <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	

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## 4-column document for final trilogy

Commission proposal	EP amendments	Council position Coreper on 31 October 2018	Comments/suggestions
<b>Amendment 81</b>			
<b>Annex – part B – indent 6</b>			
- 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>
<b>Amendment 83</b>			
<b>Annex – part B – indent 6 b (new)</b>			
	- <i>Products made of oxo-degradable plastic</i>		<u>Covered by cluster on oxo-degradable plastic</u>
<b>Amendment 84</b>			
<b>Annex – part B – indent 6 c (new)</b>			
	- <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 - 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

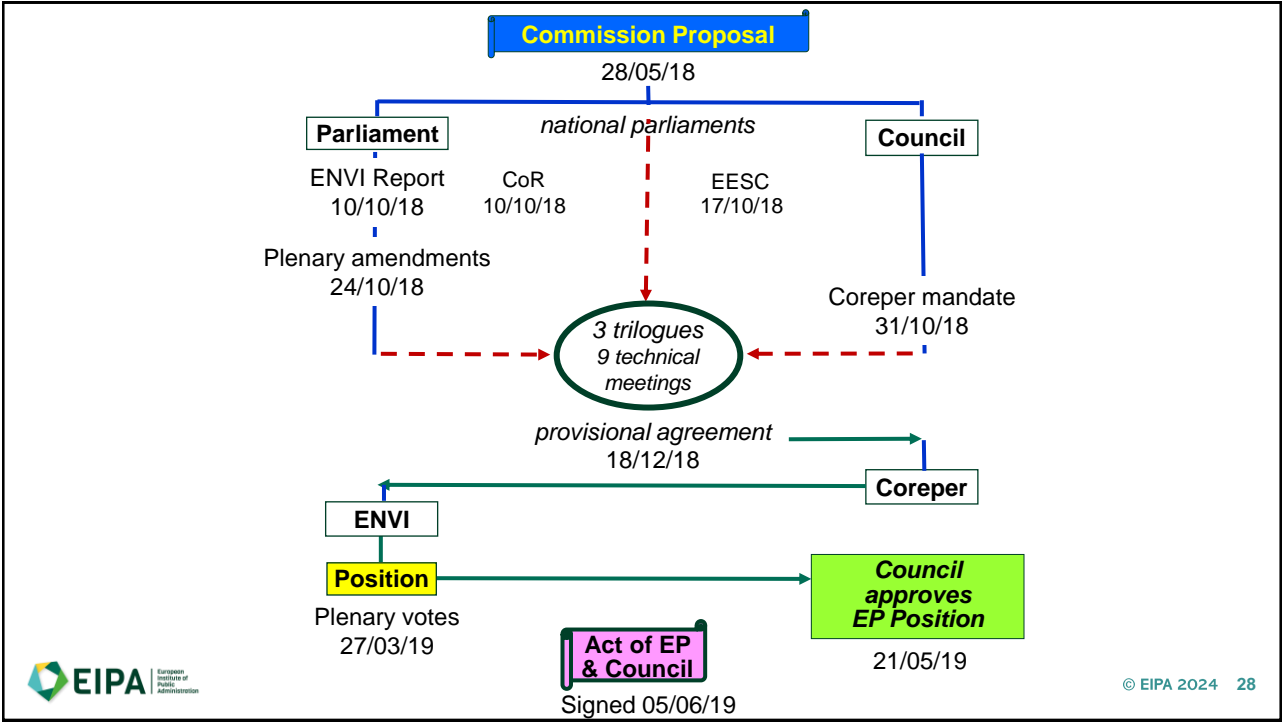
Council Doc. 15606/18 of 14 December 2018

## 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.



Institution: Council of the European Union  
 Session: 3952  
 Configuration: General Affairs  
 Item: 2018/0172 (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)

Vote	Members	Population (%)
Yes	27	88.09%
No	0	0%
Abstain	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	Yes	LIETUVA	0,55	Yes
БЪЛГАРИЯ	1,37	Yes	LUXEMBOURG	0,12	Yes
ČESKÁ REPUBLIKA	2,04	Yes	MAGYARORSZÁG	1,91	Abstain
DANMARK	1,13	Yes	MALTA	0,09	Yes
DEUTSCHLAND	10,12	Yes	NEDERLAND	3,37	Yes
EESTI	0,26	Yes	ÖSTERREICH	1,71	Yes
ÉIRE/IRELAND	0,94	Yes	POLSKA	7,40	Yes
Eesti	2,09	Yes	PORTUGAL	2,00	Yes
ESPAÑA	9,09	Yes	ROMÂNIA	3,90	Yes
FRANCE	13,10	Yes	SLOVENIJA	0,40	Yes
HRVATSKA	0,80	Yes	SLOVENSKO	1,06	Yes
ITALIA	11,02	Yes	SUOMI/FINLAND	1,07	Yes
ΚΥΠΡΟΣ	0,17	Yes	SVERIGE	1,08	Yes
LATVIJA	0,38	Yes	UNITED KINGDOM	12,91	Yes

## 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 <sup>(1)</sup>, and in particular Article 4(2) and Article 13(4), first subparagraph, thereof,

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

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## 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.

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## 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>

