

**View Paper
on the European Commission's proposal
on lightweight plastic carrier bags**

COM(2013) 761 final

February 2014

Key messages

- 1. Lightweight plastic bags ending up in the environment is a huge problem, and the causes are manifold.**
- 2. Charging for carrier bags, regardless of the material, gives a value to the bag and consequently helps reduce littering.**
- 3. The issue of litter can only be addressed through appropriate waste management and the promotion of anti-littering behaviour. Littering cannot be overcome through the selection of materials that are designed to degrade.**
- 4. Life Cycle Assessments show that lightweight plastic carrier bags often come out best compared to other materials, in particular when reused.**
- 5. The plastics industry strongly opposes that Member States will be allowed to ban a certain type of packaging which will have legally been placed on the market in another Member State, since this would weaken the Internal Market and open the door to politically driven restrictions on other packaging.**
- 6. No to EU-wide reduction target – Yes to EU-wide awareness-raising campaigns to prevent littering behaviour.**

1. Lightweight plastic bags ending up in the environment is a huge problem, and the causes are manifold

Plastic carrier bags have become part of our daily lives. Not only do we use them for groceries and other types of shopping, but they have also proved to be useful beyond this original purpose. Who hasn't used a plastic bag as a bin-liner? Who hasn't used one to pack shoes or wet clothes in a suitcase or sports bag? Thanks to the fact that they are highly functional (able to bear 1,000 times their own mass), light, hygienic and waterproof, their use has grown over the years. Meanwhile, however, so has **littering**, and this **has become a major environmental problem**. No one likes to see plastic bags floating in the ocean or caught up in tree branches, and while only some may feel guilty, all of us know that this is not where plastic bags are supposed to end up.

Society as a whole - and the economic sectors in particular - are well aware of the problem and are looking for ways to address and help solve it. Until now, European Member States and companies have taken different paths (from retailers' voluntarily schemes not handing plastic carrier bags out free of charge, anti-littering campaigns, to taxes, levies and even bans of specific plastic bags). A myriad of possible solutions are being floated; the question is: which ones will have the most impact to reduce litter?

The Commission's proposal is based on the assumption that there is a causal link between consumption of plastic carrier bags and litter and that a reduction in consumption of the former will automatically reduce the latter. In reality, however, the **causes of litter are manifold and the level of consumption of lightweight plastic bags in Europe is only one factor**.

Nevertheless, while there is no causal link between lightweight plastic carrier bags and litter, the fact that they are given out for free in some sectors and countries does mean that there is often an **unnecessary over-consumption** of such carrier bags. This is one aspect which should be tackled, but which **can, however, only be tackled through national measures, including national reduction targets**. Of key importance as well, are raising awareness amongst citizens on the impact of littering behaviour and developing messages that discourage such behaviour.

2. Charging for all carrier bags gives a value to the bag and consequently helps reduce littering

In order to help reduce littering and to effectively promote the reuse of carrier bags, national measures which would **help raise awareness of the economic and resource value of carrier bags** should be introduced. In order to raise awareness about resource efficiency and waste among the general public, however, such **measures should not be material-specific but should apply to all materials alike**. This approach is supported by the conclusions of the LCA review carried out for the Commission back in 2011 within the framework of possible options to reduce the use of "single-use" plastic carrier bags, which states that **"there is no ideal type of carrier bag for all impact categories" [...] Each of the alternatives have advantages and disadvantages"**.

The introduction of a **mandatory charge on all carrier bags at national level** is already possible within the existing EU framework and some Member States have indeed done so and others are expected to follow shortly. Others have opted for voluntary agreements, with, for example, supermarkets charging for carrier bags. Reductions already achieved by existing

sectorial voluntary agreements should be taken into account when measures are being drawn up by Member States.

3. The issue of litter can only be addressed through appropriate waste management and the promotion of anti-littering behaviour. Littering cannot be overcome through the selection of materials that are designed to degrade

In Member States where EU legislation is properly implemented and enforced, plastic carrier bags are not a problem, since they are successfully being used as a resource, either for recycling or for energy production, in line with the waste hierarchy. Proper implementation of existing EU waste legislation, in particular in those countries which are lagging behind, should remain a priority.

Plastic carrier bags not only represent an important input material for recyclers, but as acknowledged in the Commission's 2011 report, they can be used in energy-from-waste plants for the production of district heating and electricity. **National authorities should put the proper waste management systems and processes in place to achieve zero landfilling of plastic carrier bags and create incentives to improve consumer behaviour.** With this in mind, the Plastics industry is calling for a ban/phase-out of the landfilling of recyclable and high-calorific waste, which would include plastic carrier bags; an opportunity for the legislator to include such a ban at EU level will be provided during the upcoming review of the Landfill Directive.

In addition, **educational activities and information campaigns are crucial** in order for people to **understand the societal and environmental impact of littering and encourage long-term behavioural change.** Anti-litter legislation should, therefore, be introduced or reinforced at national level. In addition, governments should integrate in particular the issue of marine litter in their national waste management strategies.

With respect to the littering of plastic bags, it must be stressed that biodegradability or **any other form of enhanced degradation of plastics does not solve the litter issue** since such materials do not biodegrade in the natural environment. **Promoting the biodegradability characteristic as a solution to litter may even encourage littering behaviour.** Nevertheless, **biodegradable and compostable plastic bags** (certified according to the internationally recognised **standard EN 13432**) are **very useful when** used to collect food waste, provided that a **separate collection for compostable household waste exists** in the region.

Oxo-fragmentable plastics (sometimes called oxo-degradable plastics) are **being promoted** by some **as the solution to** the problem of plastic litter. However, **oxo-fragmentable plastics are not a solution**, but may, on the contrary, **increase the negative impact on the environment** even more due to their **degradation into micro-plastics** and a possible increase in littering behaviour, with some oxo bags currently carrying the words "It leaves no fragments, no methane and no harmful residues **even if thrown as litter**". **Furthermore**, a recent comparative literature study shows that these same oxo-fragmentable plastics **do not meet the requirements of industrial and/or home compostability** set out in various established standards (see: http://ows.be/wp-content/uploads/2013/10/Final-Report-DSL-1_Rev02.pdf). They are not suitable for recycling streams either, since recyclers have found that even small amounts of oxo-degradable plastics in their reprocessing systems contaminate and subsequently jeopardise the quality of the recycled plastics.

4. Life Cycle Assessments show that lightweight plastic carrier bags often come out best compared to other materials, in particular when reused

Numerous lifecycle assessments of carrier bags have been carried out, including that by *Denkstatt* on the Carbon footprint of shopping and fruit bags (February 2011), which is missing in the Commission's impact assessment. While the Denkstatt study shows that when it comes to the carbon footprint alone, **plastic bags have the lowest carbon footprint of all**, other studies conclude that lightweight plastic bags come out best compared to alternatives (and these benefits are further increased when reused).

Another study is that commissioned by the UK Environment Agency (Life cycle assessment of supermarket carrier bags', February 2011, which covers 9 impact categories. The study shows that bags made out of alternative materials (e.g. paper, LDPE, non-woven PP, cotton) would have to be reused many times (at least 3, 4, 11 and 131 times according to the material) to ensure that they have a lower global warming potential compared to a conventional thin-walled HDPE carrier bag which would be used only once; when in reality they are frequently reused. Nevertheless, the Plastics industry continuously works with the value chain in order to develop even more sustainable carrier bag solutions.

Importantly, all studies highlight **reuse** as being a **key factor** in the lifecycle of carrier bags. The Commission's Impact Assessments assumes a reuse rate of only 40% for lightweight plastic bags, and refers to the UK Environment Agency study. This figure, however, does not take into account that this rate is only for the reuse as bin liners, and does include other reuses, e.g. as shopping bags.

In light of the above, as well as the Commission's LCA review of 2011 concluding that **"there is no ideal type of carrier bag [...] Each of the alternatives have advantages and disadvantages"** only a **non-material specific approach would be appropriate** at EU level, and citizens should be encouraged to reuse not only plastic carrier bags but all carrier bags for that matter.

5. The plastics industry strongly opposes that Member States will be allowed to ban a certain type of packaging which will have legally been placed on the market in another Member State, since this would weaken the Internal Market and open the door to politically driven restrictions on other packaging

We are concerned about the European Commission's proposal to allow Member States to use market(ing) restrictions, including bans, and to thereby derogate from the free movement principle of the Internal Market, which is reflected in Article 18 of the Packaging and Packaging Waste Directive (PPWD). The **free movement of goods across borders** is a fundamental principle of the European Union and one of the success stories of Europe, from which both citizens and businesses benefit. Allowing a derogation from this principle would create a very **dangerous precedent**, leading to **legal uncertainty for all packaging materials and consequently packaged goods**, which in the end would **hinder investments**. It is also likely that making it possible for Member States to introduce a ban will lead to a **patchwork of unilateral restrictions** on certain packaging types which would be detrimental to cross-border trade.

In addition, the inclusion of a derogation to the free movement principle also raises questions of proportionality of the proposal. The principle of proportionality requires that before allowing a measure as radical as a ban, all less restrictive alternatives have to be carefully examined in order to evaluate if they are equally appropriate to achieve the objective. In its Impact Assessment, the Commission itself confirms that **Member States have been successful in reducing the use of lightweight plastic carrier bags, and this, through measures less drastic than a ban.** Such measures include the levy in Ireland, a combination of a tax and a voluntary agreement in Belgium and a voluntary agreement in Luxembourg. Including the possibility for Member States to make use of market(ing) restrictions such as bans in order to reach the above objectives, is therefore, in our view, beyond that which is necessary to attain the objectives set out by the Commission. And here again, the Commission's IA confirms that ***“both retailers and consumers could perceive a ban as excessive and disproportionate, especially in light of the positive experiences in Member States.”***

6. No to EU-wide reduction target – Yes to EU-wide awareness-raising campaigns to prevent littering behaviour

Each Member State is at a different stage when it comes to its consumption of lightweight plastic bags, with the top of the list using over 400 bags person/annum, and the lowest using just under 20 bags person/annum. So while an 80% reduction compared to the 2010 EU average may seem easy to achieve for some, for other, this would mean a reduction of over 90%.

Due to this huge disparity among the Member States, there is **no “one size fits all” solution.** Therefore, any reduction targets have to be national targets to be commensurate with the geographical concentration of its citizens in rural and urban areas (with waste collection more frequent and bins more prominent in urban areas), the retail structure, composition of households, climatic conditions, while always keeping in mind the waste management system in place.

On the other hand, an **EU-wide awareness-raising campaign on the value of carrier bags and the need to reuse them in order to save resources** should be included in the proposal, **together with the above-mentioned mandatory charge on all carrier bags.** One could argue that **the funds should be used to finance the collection and recovery at their end-of-life.**