Single-use plastics explained

Published by AGRINFO on 19 Jan 2023

Summary overview of EU legislation on single-use plastics

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

Update

This overview of EU legislation explains the EU's definition of single-use plastics and its initiatives to reduce waste.

Background

In 2018, the European Commission presented A European Strategy for Plastics in a Circular Economy aimed at tackling the increase in plastic waste and its leakage into the environment. The overall goal of the strategy is to ensure that the design and production of plastics and plastic products facilitate their reuse and recycling. This Directive forms part of that strategy, focusing on reducing single-use plastic. In this way, the Commission aims to contribute to achieving various Sustainable Development Goals, including sustainable consumption and production patterns (SDG 12) and conservation of the oceans (SDG 14).

Overview

This Directive is one of a series of legislative initiatives aimed at decreasing the production and use of plastics. Its aim is to sharply reduce the use of single-use plastics that are the most commonly found in the sea and on the beaches.

What is single-use plastic?

Single-use plastic is defined "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" (Art. 3(2)).

The Directive foresees in particular:

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- The consumption reduction of cups for beverage and food containers for ready to eat food consumed from the receptacle (Art. 4)
- The ban of products such as plastic cotton bud sticks, plates and straws, and containers made from polystyrene and oxo-degradable plastic (Art. 5)
- New products requirements (Art. 6) such as ensuring that caps and lids remain attached to the containers or that plastic bottles contain a minimum percentage of recycled plastic
- Labelling requirements (Art. 7) to improve consumer information, in particular on the way to dispose of the products.
- The extension of producer responsibility (Art. 8)
- Need to adopt measures for the separate collection for recycling (Art. 9)
- Measures to inform and incentivise consumer behaviour (Art. 10)

The types of food packaging and measures that must be taken by Member States are set out in Table 1; further information on these categories, with examples, is provided in the Commission guidelines.

As the adopted EU measures are in the form of a Directive, it is up to EU Member States to transpose them and adopt national legislation that fulfils the objectives. If Member States fail to do this, they face criticism and potentially sanctions imposed by the European Commission.

Some Member States have implemented rules that extend beyond the ambitions set out in the Directive, while others have been judged to have fallen short (Seas at Risk 2022).

Timeline

Member States had until 3 July 2021 to transpose the Directive in their respective national laws.

The deadline regarding caps and lids remaining attached to the containers is 3 July 2024.

Member States must report every year to the Commission on certain measures and data.

The Commission must carry out an evaluation of this Directive before 3 July 2027.

What are the major implications for exporting countries?

Importers will face additional obligations regarding foods packaged or wrapped in single-use plastics, and will need to review the packaging currently used by suppliers.

Suppliers of fruit and vegetables may face additional restrictions imposed by EU Member States, notably in France, Luxembourg, Portugal and Spain.

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European operators have raised concerns about the additional costs and logistical challenges associated with the specific rules for fruits and vegetables. Finding alternatives for maintaining the freshness of certain vegetables with short shelf life (e.g. sugar snap peas, Chinese cabbage) is particularly challenging. There are also fears that this may contribute to increased food waste (COPA-COGECA 2022). In France, finding alternatives to plastic stickers that stick to fruit reliably has also been a problem.

Recommended Actions

EU Member State national laws implementing the EU Directive on single-use plastics have generated concerns, particularly for the fruit and vegetable sector. Suppliers of fruits and vegetables directly to the retail market should be aware of the specific rules that have been adopted in France, Luxembourg and Portugal, and proposed rules due to be adopted in Spain. Alternatives to single-use plastics (and, in the case of France, alternatives to adhesive labels made of single-use plastics), will be needed for many fruits and vegetables.

Resources

COPA-COGECA (2022) Preliminary Considerations and the Ban on Plastic Packaging of Fruit and Vegetables for Sales Presentation.

European Commission: Single-use plastics

European Commission (2018) A European Strategy for Plastics in a Circular Economy.

European Commission (2019) Commission guidelines on single-use plastic products

Seas at Risk (2022) Single Use Plastics Directive Implementation Assessment Report.

EU Member States' legislation with implications for fruit and vegetables:

- France: Décret n° 2021-1318 du 8 octobre 2021 relatif à l'obligation de présentation à la vente des fruits et légumes frais non transformés sans conditionnement composé pour tout ou partie de matière plastique (on the rules concerning fruits and vegetables)
- FAQ: Article 80 de la loi du 10 fe■vrier 2020 relative a■ la lutte contre le gaspillage et a■ l'e■conomie circulaire – interdiction d'apposer une e■tiquette non compostable sur les fruits et le■gumes (explaining rules on the requirement for compostable labels on fruit and vegetables)
- Luxembourg: Loi du 9 juin 2022 relative à la réduction de l'incidence de certains produits en plastique sur l'environnement

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- Portugal: Lei n.º 77/2019 de 2 de setembro Disponibilização de alternativas à utilização de sacos de plástico ultraleves e de cuvetes em plástico nos pontos de venda de pão, frutas e legumes
- Spain: Draft Royal Decree on Packaging and Packaging Waste

Sources

Directive (EU) 2019/904 on reduction of the impact of certain plastic products on the environment

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Tables & Figures

Table 1
Single-use plastics explained

Type of single-use plastic container	Description	What Member States have to do
Food containers	Containing food which: (a) is intended for immediate consumption, either on-the-spot or take-away (b) is typically consumed from the receptacle, and (c) is 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	Take measures to ensure ambitious and sustained reduction of these containers through measures, including e.g. consumption reduction targets, reasonable alternatives, marketing restrictions Report and monitor progress in reducing consumption (Art. 6) Ensure producers cover the costs of extended responsibility[1] (Art. 8(2)) by 5 January 2023 Inform consumers and incentivise responsible consumer behaviour[2] (Art. 10)
Food containers made of expanded polystyrene		Prohibit placement on the market (Art. 5) by 3 July 2021
Beverage containers made of expanded polystyrene	Including their caps and lids	Prohibit placement on the market (Art. 5) by 3 July 2021
Beverage containers	With a capacity of up to 3 litres, including caps and lids	Ensure they can only be placed on the market if caps and lids remain attached to containers during use (Art. 6(1)) by 3 July 2024 Ensure producers cover the costs of extended responsibility[1] (Art. 8(2)) by 5 January 2023 Inform consumers and incentivise responsible consumer behaviour[2] (Art. 10)
Food packets and wrappers made from flexible material	Containing food intended for immediate consumption from the packet or wrapper without any further preparation	Inform consumers and incentivise responsible consumer behaviour[2] (Art. 10)

1 "Producers" here includes those who import single-use plastic products and place them on the market. Examples include the costs of awareness initiatives, waste collection, cleaning up litter resulting from these products.

2 In particular about the availability of reusable alternatives, reuse and waste management options, the impact of littering, and inappropriate waste disposal.

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Source: Directive (EU) 2019/904

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