

HAVE ADOPTED THIS DIRECTIVE:

### *Article 1*

#### **Objectives**

The objective of this Directive is to prevent and reduce the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health as well as to promote the transition to a circular economy with innovative business models, products and materials, thus also contributing to the efficient functioning of the internal market.

### *Article 2*

#### **Scope**

This Directive shall apply to the single-use plastic products listed in the Annex and to fishing gear containing plastic.

### *Article 3*

#### **Definitions**

For the purposes of this Directive, the following definitions apply:

- (1) 'plastic' means a material consisting of a polymer within the meaning of Article 3(5) of Regulation (EC) No 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;
- (2) '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 the producer for refill or re-used for the same purpose for which it was conceived;
- (3) 'fishing gear' means any item or piece of equipment that is used in fishing and aquaculture to target or capture marine biological resources or that is floating on the sea surface and is deployed with the objective of attracting and capturing such marine biological resources;
- (4) 'waste fishing gear' means any fishing gear covered by the definition of waste in Directive 2008/98/EC, including all separate components, substances or materials that were part of or attached to such fishing gear when it was discarded;
- (5) 'placing on the market' means the first making available of a product on the Union market;
- (6) 'making available on the market' means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;
- (7) 'harmonised standard' means harmonised standard as defined in point (c) of point 1 of Article 2 of Regulation (EU) No 1025/2012;
- (8) 'waste' means waste as defined in Article 3(1) of Directive 2008/98/EC;
- (9) 'extended producer responsibility scheme' means extended producer responsibility scheme as defined in Article 3(21) of Directive 2008/98/EC;

- (10) 'producer' means any natural or legal person that, irrespective of the selling technique used, including distance contracts within the meaning of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011<sup>50</sup>, places on the market single-use plastic products and fishing gear containing plastic except persons carrying out fishing activities as defined in Article 4(28) of Regulation (EC) No 1380/2013 of the European Parliament and of the Council<sup>51</sup>;
- (11) 'collection' means collection as defined in Article 3(10) of Directive 2008/98/EC;
- (12) 'treatment' means treatment as defined in Article 3(14) of Directive 2008/98/EC;
- (13) 'packaging' means packaging as defined in Article 3(1) of Directive 94/62/EC;
- (14) 'port reception facilities' means 'port reception facilities' as defined in Article 2(e) of Directive 2000/59/EC.

#### Article 4

##### Consumption reduction

1. Member States shall take the necessary measures to achieve a significant reduction in the consumption of the single-use plastic products listed in Part A of the Annex on their territory by ... [*six years after the end-date for transposition of this Directive*].  
  
Those measures may include national consumption reduction targets, measures ensuring that reusable alternatives to those products are made available at the point of sale to the final consumer, economic instruments such as ensuring that single-use plastic products are not provided free of charge at the point of sale to the final consumer. Those measures may vary depending on the environmental impact of the products referred to in the first subparagraph.
2. The Commission may adopt an implementing act laying down the methodology for the calculation and verification of the significant reduction in the consumption of the single-use plastic products referred to in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

#### Article 5

##### Restrictions on placing on the market

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

#### Article 6

##### Product requirements

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<sup>50</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64–88).

<sup>51</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p.22).

1. Member States shall ensure that single-use plastic products listed in Part C of the Annex that have caps and lids with a significant part made of plastic may be placed on the market only if the caps and lids remain attached to the container during the product's intended use stage.
2. For the purposes of this Article metal caps or lids with plastic seals shall not be considered to have a significant part made of plastic.
3. The Commission shall request the European standardisation organisations to develop harmonised standards relating to the requirement referred to in paragraph 1.
4. From the date of publication of the harmonised standards referred to in paragraph 3 in the *Official Journal of the European Union*, beverage containers referred to in paragraph 1 which are in conformity with those standards or parts thereof shall be presumed to be in conformity with the requirement covered by those standards or parts thereof laid down in paragraph 1.

#### *Article 7*

#### **Marking requirements**

1. Member States shall ensure that each single-use plastic product listed in Part D of the Annex placed on the market bears a conspicuous, clearly legible and indelible marking informing consumers of one or more of the following:
  - (a) appropriate waste disposal options for the product or waste disposal means to be avoided for that product,
  - (b) the negative environmental impacts of littering or other inappropriate waste disposal of the products, or
  - (c) the presence of plastics in the product.
2. The Commission shall, by ... [*12 months before the end-date for transposition of this Directive*] adopt an implementing act laying down the specifications for the marking referred to in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).

#### *Article 8*

#### **Extended producer responsibility**

1. Member States shall ensure that extended producer responsibility schemes are established for all single-use plastic products listed in Part E of the Annex placed on the Union market, in accordance with the provisions on extended producer responsibility in Directive 2008/98/EC.
2. With regard to the schemes established pursuant to paragraph 1, Member States shall ensure that the producers of the single-use plastic products listed in Part E of the Annex shall cover the costs of the collection of waste consisting of those single-use plastic products and its subsequent transport and treatment, including the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products.

For single-use plastic products that are packaging, the requirements laid down in this paragraph supplement the requirements regarding extended producer responsibility schemes laid down in Directive 94/62/EEC and Directive 2008/98/EC.

3. Member States shall ensure that extended producer responsibility schemes are established for fishing gear containing plastic placed on the Union market, in accordance with the provisions on extended producer responsibility in Directive 2008/98/EC.
4. With regard to the schemes established pursuant to paragraph 3, Member States shall ensure that the producers of fishing gear containing plastic shall cover the costs of the collection of waste fishing gear containing plastic that has been delivered to adequate port reception facilities in accordance with Union law on port reception facilities or to other equivalent collection systems that fall outside the scope of Union law on port reception facilities and its subsequent transport and treatment. The producers shall also cover the costs of the awareness-raising measures referred to in Article 10 regarding fishing gear containing plastic.

The requirements laid down in this paragraph supplement the requirements applicable to waste from fishing vessels in Union law on port reception facilities.

#### *Article 9*

##### **Separate collection**

Member States shall take the necessary measures to collect separately, by 2025, an amount of waste single-use plastic products listed in Part F of the Annex equal to 90% of such single-use plastic products placed on the market in a given year by weight. In order to achieve that objective Member States may inter alia:

- (a) establish deposit-refund schemes, or
- (b) establish separate collection targets for relevant extended producer responsibility schemes.

#### *Article 10*

##### **Awareness raising measures**

Member States shall take measures to inform consumers of the single-use plastic products listed in Part G of the Annex and fishing gear containing plastic about the following:

- (a) the available re-use systems and waste management options for those products and fishing gear containing plastic as well as best practices in sound waste management carried out in accordance with Article 13 of Directive 2008/98/EC;
- (b) the impact of littering and other inappropriate waste disposal of those products and fishing gear containing plastic on the environment, and in particular on the marine environment.

#### *Article 11*

##### **Coordination of measures**

Each Member State shall ensure that the measures taken to transpose and implement this Directive form an integral part of and are consistent with its programmes of measures established in accordance with Article 13 of Directive 2008/56/EC for those Member States that have marine waters, the programmes of measures established in accordance with Article 11 of Directive 2000/60/EC, waste management and waste prevention programmes established in accordance with Articles 28 and 29 of Directive 2008/98/EC and the waste

reception and handling plans established under Union law for the management of waste from ships.

The measures that Member States take to transpose and implement Articles 4 to 9 shall comply with Union food law to ensure that food hygiene and food safety are not compromised.

## *Article 12*

### **Access to justice**

1. Member States shall ensure that natural or legal persons or their associations, organisations or groups, in accordance with national legislation or practice, have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, actions or omissions related to the implementation of Articles 5, 6, 7 and 8 when one of the following conditions is fulfilled:
  - (a) they have a sufficient interest;
  - (b) they maintain the impairment of a right, where the administrative procedural law of the relevant Member State requires this as a precondition.
2. Member States shall determine at what stage decisions, actions or omissions may be challenged.
3. What constitutes a sufficient interest and impairment of a right shall be determined by Member States, consistently with the objective of giving the public concerned wide access to justice.

To that end, the interest of any non-governmental organisation promoting environmental protection and meeting the requirements under national law shall be deemed sufficient for the purposes of paragraph 1(a).

Such organisations shall also be deemed to have rights capable of being impaired for the purposes of paragraph 1(b).
4. Paragraphs 1, 2 and 3 shall not exclude the possibility of a preliminary review procedure before an administrative authority and shall not affect the requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures, where such a requirement exists under national law.
5. Any such review procedure referred to in paragraphs 1 and 4 shall be fair, equitable, timely and not prohibitively expensive.
6. Member States shall ensure that information is made available to the public on access to administrative and judicial review procedures.

## *Article 13*

### **Information on monitoring of implementation**

1. Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council<sup>52</sup> and Directive 2007/2/EC of the European Parliament and of the Council<sup>53</sup>, Member States, assisted by the European Environment Agency, shall set up a data set containing:
  - (a) the data on single-use plastic products listed in Part A of the Annex that have been placed on the Union market each year, to demonstrate the consumption reduction in accordance with Article 4(1);
  - (b) information on the measures taken by Member States for the purposes of Article 4(1).

The data referred to in point (a) of the first subparagraph shall be updated annually within 12 months from the end of the reference year for which it is collected. Where possible, spatial data services as defined in Article 3(4) of Directive 2007/2/EC shall be used to present those data sets.
2. Member States shall ensure that the Commission and the European Environment Agency have access to the data sets established in accordance with paragraph 1.
3. The European Environment Agency shall publish and update a Union-wide overview on the basis of the data collected by the Member States, on a regular basis. The Union-wide overview shall include, as appropriate, indicators for outputs, results and impacts of this Directive, Union-wide overview maps and Member State overview reports.
4. The Commission may adopt implementing acts laying down the format for the data set, information and data referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).

#### *Article 14*

##### **Penalties**

Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by ... [2 years after entry into force of this Directive], notify the Commission of those rules and those measures and shall notify it of any subsequent amendment affecting them.

#### *Article 15*

##### **Evaluation and review**

1. The Commission shall carry out an evaluation of this Directive by ... [six years after the end-date for transposition of this Directive]. The evaluation shall be based on the information available in accordance with Article 13. Member States shall provide the

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<sup>52</sup> Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

<sup>53</sup> Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

Commission with any additional information necessary for the purposes of the evaluation and the preparation of the report referred to in paragraph 2.

2. The Commission shall submit a report on the main findings of the evaluation carried out in accordance with paragraph 1 to the European Parliament, the Council and the European Economic and Social Committee.
3. That report shall also indicate whether:
  - (a) the Annex listing single-use plastic products needs to be reviewed;
  - (b) it is feasible to establish binding quantitative Union targets for the consumption reduction of, in particular, single-use plastic products listed in Part A of the Annex;
  - (c) sufficient scientific and technical progress has been made, and criteria or a standard for biodegradability in the marine environment applicable to single-use plastic products within the scope of this directive and their single-use substitutes have been developed, in order to determine which products no longer need to be subject to the restrictions on placing on the market, where appropriate.

#### *Article 16*

##### **Committee procedure**

1. The Commission shall be assisted by the Committee established by Article 39 of Directive 2008/98/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

#### *Article 17*

##### **Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [*2 years after entry into force of this Directive*]. They shall immediately communicate the text of those measures to the Commission.

However, the Member States shall apply the measures necessary to comply with Articles 5 and 7(1) from ... [*2 years after entry into force of this Directive*] and with Article 6(1) from ... [*3 years after entry into force of this Directive*].

When Member States adopt the measures referred to in this paragraph, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### *Article 18*

##### **Entry into force**

## **ANNEX**

### **Part A**

#### **Single-use plastic products covered by Article 4 on consumption reduction**

- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation, such as food containers used for fast food, except beverage containers, plates and packets and wrappers containing food
- Cups for beverages

### **Part B**

#### **Single-use plastic products covered by Article 5 on the restriction on placing on the market**

- Cotton bud sticks, except for swabs intended and used for medical purposes
- Cutlery (forks, knives, spoons, chopsticks)
- Plates
- Straws, except for straws intended and used for medical purposes
- Beverage stirrers
- 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

### **Part C**

#### **Single use plastic products covered by Article 6 on placing on the market**

- Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids

### **Part D**

#### **Single use plastic products covered by Article 7 on marking requirements**

- Sanitary towels (pads) and tampons and tampon applicators
- Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes
- Balloons, except balloons for industrial or other professional uses and applications, that are not distributed to consumers

### **Part E**

#### **Single use plastic products covered by Article 8 on extended producer responsibility**



- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation, such as food containers used for fast food, except beverage containers, plates and packets and wrappers containing food
- Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation
- Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids
- Cups for beverages
- Tobacco products with filters and filters marketed for use in combination with tobacco products
- Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes
- Balloons, except balloons for industrial or other professional uses and applications, that are not distributed to consumers
- Lightweight plastic carrier bags as defined in Article 3(1c) of Directive 94/62/EC

#### Part F

##### **Single use plastic products covered by Article 9 on separate collection**

- Beverage bottles

#### Part G

##### **Single use plastic products covered by Article 10 on awareness raising**

- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation, such as food containers used for fast food, except beverage containers, plates and packets and wrappers containing food
- Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation
- Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids
- Cups for beverages
- Tobacco products with filters and filters marketed for use in combination with tobacco products
- Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes
- Balloons, except balloons for industrial or other professional uses and applications, that are not distributed to consumers

- Lightweight plastic carrier bags as defined in Article 3(1c) of Directive 94/62/EC
- Sanitary towels (pads) and tampons and tampon applicators