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LIMITE

ENV 731  
MI 808  
IND 332  
CONSOM 306  
COMPET 750  
MARE 21  
PECHE 458  
RECH 477  
SAN 382  
ENT 202  
ECOFIN 1024  
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#### NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	13773/18
No. Cion doc.:	9465/18 - COM(2018) 340 final + COR 1 + ADD 1
Subject:	Proposal for a Directive of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment - Preparation for the trilogue

#### I. INTRODUCTION

1. At its meeting on 31 October 2018, the Committee of Permanent Representatives agreed on a mandate for the Presidency (13773/18) to open negotiations with the European Parliament on the abovementioned proposal with a view to a first-reading agreement.
2. A first trilogue took place on 6 November 2018 in a positive and constructive spirit. The Presidency informed delegations on the outcome at Coreper on 7 November 2018.

Three technical tripartite meetings on 8, 9 and 14 November 2018 allowed to clarify some key aspects of the proposed Directive. Two further technical meetings on 19 and 22 November 2018 are scheduled to prepare discussions at the second trilogue.

## II. WAY FORWARD

3. With a view to the second trilogue on 28 November 2018, the Presidency proposes an overall package that contains a number of modifications to the Council's position, taking into account the discussions at the first trilogue and at subsequent tripartite technical meetings. The proposed mandate for the second trilogue is set out in detail in the fourth column of the table contained in the Annex <sup>1</sup> to this Note.

4. The main modifications can be summarized as follows:

a) Products to be covered by the Directive - recital 9 (AM 15) and Annex part F (AM 90)

With a view to be more precise as regards the products to be covered by the Directive, new text in recital 9 includes a reference to size to be taken into account when judging the tendency of an item to be littered. Some examples of items to be considered as single-use plastic products under this Directive have also been included in the recital.

b) Tobacco filters - new recital 11a (AM 19) and definition in Art. 3(1)(14a) (AM 53)

The new recital acknowledges the big share of tobacco product filters containing plastic among the most littered single-use plastic items and calls upon Member States to promote innovation in relation to alternatives and measures to reduce post-consumption waste of such products.

The introduction of the relevant definition in Art. 3 can therefore be accepted.

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<sup>1</sup> Changes to the Commission proposal are highlighted as follows: in the EP column in ***bold italics***; in the Council column in **bold** (new text) and [...] (deletions); changes to the Council position are in **bold underlined**.

c) Expanded polystyrene - recital 12 (AM 20) and Annex part B (AM 84)

The Presidency suggests to cover a broader range of products made of expanded polystyrene under marketing restrictions, while setting clearly out the criteria for the relevant products in the Annex, in line with the text on food containers in the Annex part A.

d) Recycled content - recital 13 (AM 24)

The addition to recital 13 expresses an aspirational goal for recycled content in beverage bottles, in line with food safety legislation. It also contains a particular call for voluntary commitments from stakeholders.

e) Disposal through sewers - recital 14 (AM 27), recital 18 (AM 33) and Art. 10 (AM 69)

The new texts recognize the substantial economic damage to sewer networks through inappropriate disposal of certain single-use plastic products and the need for relevant information to the consumer.

f) Consumption reduction - Art. 4 (AM 54/118/119)

To bridge the gap to the EP's position, the Presidency introduces a few changes in Art. 4, in particular the reference to the description of the relevant measures in waste management plans of Member States.

g) EPR - Art. 8 (2) (AM 60) and Art.8 (2b), Art. 17(3) (new) as well as recital 19

These modifications aim at further clarifying the relationship of the Directive to the Waste Framework Directive and including clearer provisions regarding the cost to clean up litter, which may also cover infrastructures for the collection of waste of tobacco products (recital 19).

h) Fishing gear - Art. 8 (3) (AM 64)

The high value of this material is recognised by calling upon Member States to take the necessary measures to collect a certain amount of waste fishing gear for recycling.

### III. CONCLUSION

5. In light of the above, the Permanent Representatives Committee is invited to examine the Presidency compromise suggestions set out in the Annex (fourth column) to this Note with a view to agreeing on a revised mandate in view of the second trilogue. The Presidency will report on the outcome of this meeting and propose, where necessary, an adjusted mandate to be discussed by this Committee thereafter.
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Proposal for a  
**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**on the reduction of the impact of certain plastic products on the environment**

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 1</b> <b>Recital 1</b>			
(1) The high functionality and relatively low cost of plastic means that this material is increasingly ubiquitous in everyday life. Its growing use in short-lived applications, which are not designed for re-use or cost-effective recycling means that related production and consumption patterns have become increasingly inefficient and linear. Therefore, in the context of the Circular Economy Action Plan <sup>3</sup> , the Commission concluded in the European Strategy for Plastics <sup>4</sup> that the steady increase in plastic waste generation and its leakage into our environment, in particular into the marine environment, must be tackled in order to achieve a truly circular lifecycle for plastics.	(1) The high functionality and relatively low cost of plastic means that this material is increasingly ubiquitous in everyday life. <b><i>Global production of plastic has increased sharply and in 2017 reached 348 million tonnes. The European share of that production represented 18,5 % (64,4 million tonnes, up by 3,4 % compared to production in the previous year).</i></b> Its growing use in short-lived applications, which are not designed for re-use or cost-effective recycling means that related production and consumption patterns have become increasingly inefficient and linear. Therefore, in the context of the Circular Economy Action Plan, the Commission concluded in the European Strategy for Plastics that		

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	<p>the steady increase in plastic waste generation and its leakage into our environment, in particular into the marine environment, must be tackled in order to achieve a truly circular lifecycle for plastics <b><i>and to reduce overall quantity of plastic in the environment. The European Strategy for Plastics is a small first step in establishing a circular economy based on reducing, reusing and recycling all plastic products.</i></b></p>		
<p><sup>3</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Closing the loop – An EU action plan for the Circular Economy" (COM(2015) 614 final).</p> <p><sup>4</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "A European Strategy for Plastics in a Circular Economy" (COM(2018) 28 final).</p>	<p><sup>3</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Closing the loop – An EU action plan for the Circular Economy" (COM(2015) 614 final).</p> <p><sup>4</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "A European Strategy for Plastics in a Circular Economy" (COM(2018) 28 final).</p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 2</b> <b>Recital 1 a (new)</b></p>			
	<p><i>(1a) Plastic plays a useful role in the economy and provides essential applications in many sectors. In particular, plastic is used in packaging (40 %) and in the building and construction sector (20 %). There is also important use of plastic in the automotive, electrical and electronic equipment, food and agricultural sectors. Nevertheless, the significant negative environmental, health and economic impacts of certain plastic products call for the setting up of a legal framework to effectively reduce those significant negative effects, including through a restriction on the placing on the market of particular single-use products for which more circular alternatives are readily available.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 3</b> <b>Recital 2</b></p>			
<p>(2) Circular approaches that prioritise re-usable products and re-use systems will lead to a reduction of waste generated, and such prevention is at the pinnacle of the waste hierarchy enshrined in Article 4 of Directive 2008/98/EC of the European Parliament and of the Council <sup>5</sup>. Such approaches are also in line with United Nations Sustainable Development Goal 12 <sup>6</sup> to ensure sustainable consumption and production patterns.</p>	<p>(2) <i><b>The measures laid down in this Directive should fully pursue circular approaches that prioritise safe, non-toxic re-usable products without any hazardous substances and re-use systems over any single-use product. All measures should, first and foremost, aim at a reduction of waste generated, and promote the prevention of waste as this is at the pinnacle of the waste hierarchy enshrined in Article 4 of Directive 2008/98/EC of the European Parliament and of the Council <sup>5</sup>. Since any single-use product is prone to have a negative impact on climate or the environment due its short life cycle, priority needs to be given to prevention and re-use of products which can deliver high savings of CO<sub>2</sub> and of valuable raw materials. This Directive will contribute to achieve the United Nations Sustainable Development Goal 12 <sup>6</sup> to ensure sustainable consumption and production patterns.</b></i></p>		



Commission proposal	EP amendments	Council position	Comments/suggestions
<p><sup>5</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).</p> <p><sup>6</sup> The 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.</p>	<p><sup>5</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).</p> <p><sup>6</sup> The 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.</p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 4</b> <b>Recital 3</b>			
<p>(3) Marine litter is of a transboundary nature and is recognized as a global problem. Reducing marine litter is a key action for the achievement of United Nations Sustainable Development Goal 14 which calls to conserve and sustainably use the oceans, seas and marine resources for sustainable development <sup>7</sup>. The Union must play its part in tackling marine litter and aim to be a standard setter for the world. In this context, the Union is working with partners in many international for a such as G20, G7 and United Nations to promote concerted action. This initiative is part of the Union efforts in this regard.</p>	<p>(3) Marine litter is of a transboundary nature and is <b><i>recognised</i></b> as a global problem. <b><i>Increasing amounts of waste are reaching the oceans around the world and affecting the health of ecosystems, killing animals.</i></b> Reducing marine litter is a key action for the achievement of United Nations Sustainable Development Goal 14 which <b><i>aims</i></b> to conserve and sustainably use the oceans, seas and marine resources for sustainable development <sup>7</sup>. The Union must play its part in tackling marine litter, <b><i>preventing the production of litter, and managing marine litter more effectively</i></b> and aim to be a standard setter for the world. In this context, the Union is working with partners in many international for a such as <b><i>the</i></b> G20, G7 and United Nations to promote concerted action. This initiative is part of the Union efforts in this regard.</p>		
<sup>7</sup> The 2030 Agenda for	<sup>7</sup> The 2030 Agenda for		

Commission proposal	EP amendments	Council position	Comments/suggestions
Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.	Sustainable Development adopted by the United Nations General Assembly on 25 September 2015.		
<b>Amendment 5</b> <b>Recital 5</b>			
(5) In the Union, 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastic items representing 50 % and fishing-related items representing 27 %. Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are discarded after having been used once for the purpose for which they were provided, are rarely recycled, and are prone to littering. A significant proportion of the fishing gear placed on the market is not collected for treatment. Single-use plastic products and fishing gear containing plastic are therefore a particularly serious problem in the context of marine litter and pose a severe risk to marine ecosystems, biodiversity <i>and, potentially</i> , to human health and are damaging activities such as tourism, fisheries and shipping.	(5) In the Union, 80 to 85 % of marine litter, measured as beach litter counts, is plastic, with single-use plastic items representing 50 % and fishing-related items representing 27 %.Single-use plastics products include a diverse range of commonly used fast-moving consumer products that are discarded after having been used once for the purpose for which they were provided, are rarely recycled, and are prone to littering. A significant proportion of the fishing <i>and aquaculture</i> gear placed on the market is not collected for treatment. Single-use plastic products and fishing <i>and aquaculture</i> gear containing plastic, <i>such as pots, traps, floats and buoys, nets, ropes, strings, cords and lines</i> are therefore a particularly serious problem in the context of marine litter and pose a severe risk to marine ecosystems,		

Commission proposal	EP amendments	Council position	Comments/suggestions
	biodiversity <i>as well as</i> to human <i>and animal</i> health, and are damaging activities such as tourism, fisheries and shipping.		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 6</b> <b>Recital 5 a (new)</b></p>			
	<p><i>(5a) The Council, at its meeting of 25 June 2018, adopted conclusions on "Delivering on the EU Action Plan for the Circular Economy", clearly supporting the actions undertaken at a European and global level to restrict the use of microplastics intentionally added to products as well as the use of oxo-plastics in the Union and the actions envisaged in the Plastics Strategy concerning the reduction of microplastics from textiles, car tyres and leakage of pre-production pellets. The Union is already taking action as there is an ongoing process under REACH, whereby the Commission asked the European Chemicals Agency to develop an Annex XV restriction dossier concerning the use of intentionally added microplastic particles to consumer or professional use products of any kind.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 7</b> <b>Recital 5 b (new)</b></p>			
	<p><i>(5b) The Union should adopt a comprehensive approach to the problem of microplastics and should encourage all producers to strictly limit microplastics from their formulations, with particular attention to textile and tyre manufacturers since synthetic clothing and tyres contribute to 63 % of microplastics which end up directly in the aquatic environment.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 8</b> <b>Recital 6</b>			
<p>(6) Existing Union legislation <sup>11</sup> and policy instruments provide some regulatory responses to address marine litter. In particular, plastic waste is subject to overall Union waste management measures and targets, such as the recycling target for plastic packaging waste <sup>12</sup> and the recently adopted objective in the Plastics Strategy <sup>13</sup> to ensure that all plastic packaging is recyclable by 2030. However, the impact of that legislation on marine litter is not sufficient and there are differences in the scope and the level of ambition amongst national measures to prevent and reduce marine litter. In addition, some of those measures, in particular marketing restrictions for single-use plastic products, may create barriers to trade and distort competition in the Union.</p>	<p>(6) <b><i>Proper waste management remains essential for the prevention of (marine) litter.</i></b> Existing Union legislation <sup>11</sup> and policy instruments provide some regulatory responses to address marine litter. In particular, plastic waste is subject to overall Union waste management measures and targets, such as the recycling target for plastic packaging waste <sup>12</sup> and the recently adopted objective in the Plastics Strategy <sup>13</sup> to ensure that all plastic packaging is recyclable by 2030. However, the impact of that legislation on marine litter is not sufficient and there are differences in the scope and the level of ambition amongst national measures to prevent and reduce marine litter. In addition, some of those measures, in particular marketing restrictions for single-use plastic products, may create barriers to trade and distort competition in the Union.</p>		
<sup>11</sup> Directive 2008/98/EC,	<sup>11</sup> Directive 2008/98/EC,		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p>Directive 2000/59/EC, Directive 2000/60/EC, Directive 2008/56/EC and Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).</p> <p><sup>12</sup> Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365 31.12.1994, p. 10).</p> <p><sup>13</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social</p>	<p>Directive 2000/59/EC, Directive 2000/60/EC, Directive 2008/56/EC and Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).</p> <p><sup>12</sup> Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365 31.12.1994, p. 10).</p> <p><sup>13</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social</p>		



Commission proposal	EP amendments	Council position	Comments/suggestions
Committee and the Committee of the Regions "A European Strategy for Plastics in a Circular Economy" (COM(2018)28 final).	Committee and the Committee of the Regions "A European Strategy for Plastics in a Circular Economy" (COM(2018)28 final).		
<b>Amendment 9</b> <b>Recital 6 a (new)</b>			
	<i>(6a) Fostering research and innovation in the packaging sector is a key factor in order to promote a more sustainable value chain. In order to achieve that aim, it is necessary to strengthen the relevant funding mechanisms within the context of the European R&amp;D programming tools, such as the EU Framework Programmes for Research and Innovation (i.e. Horizon 2020), with a view to the forthcoming Strategic Research Innovation Agenda for Plastics.</i>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 10</b> <b>Recital 7</b></p>			
(7) To focus efforts where they are most needed, this Directive should only cover the most found single-use plastics products, which are estimated to represent around 86% of the single-use plastics found, in counts, on beaches in the Union.	(7) To focus efforts where they are most needed, this Directive should only cover the most found single-use plastics products <i>as well as fishing gear. The single-use plastics products covered by measures under this Directive</i> are estimated to represent around 86% of the single-use plastics found, in counts, on beaches in the Union.	(7) To focus efforts where they are most needed, this Directive should only cover the most found single-use plastics products, which are estimated to represent around 86% of the single-use plastics found, in counts, on beaches in the Union. <b>Metal and glass beverage containers should not be covered by this Directive as they are not among the top littered plastic items.</b>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 11</b> <b>Recital 7 a (new)</b>			
	<i>(7a) This Directive is without prejudice to the provisions established in Directive 94/62/EC regarding single-use plastic products that are considered packaging items as defined by Article 3(1) of Directive 94/62/EC.</i>	<b>(7a) In view of the fact that the present Directive is a <i>lex specialis</i> compared with Directive 94/62 and Directive 2008/98, it should be clarified that in the event of conflict between those Directives and the present Directive then the latter will prevail, to the extent necessary, within the scope of its application. This is the case, in particular, for certain of the definitions, restrictions on placing on the market, product requirements and marking requirements.</b>	
<b>Amendment 12</b> <b>Recital 7 b (new)</b>			
	<i>(7b) The review report of the Commission should indicate whether the scope can be broadened to single-use products in general.</i>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 13</b> <b>Recital 7 c (new)</b></p>			
	<p><i>(7c) Terrestrial pollution and contamination of soil by larger items of plastic and resulting fragments or micro-plastics can be significant on local or regional scales. On a local scale that can be considerable due to intensive use of plastics in agriculture. To reduce the effects of plastic waste on the environment and on human and animal health, plastic pollution from agricultural land should be thoroughly investigated.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Recital 8</b>			
<p>(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council <sup>14</sup> should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and</p>		<p>(8) Single use plastic products can be manufactured from a wide range of plastics. Plastics are usually defined as polymeric materials to which additives may have been added. However, this definition would cover certain natural polymers. Unmodified natural polymers, <b>in accordance with the definition of not chemically modified substances in Article 3(40) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council</b>, <sup>14</sup> should not be covered as they occur naturally in the environment. Therefore, the definition of polymer in Article 3(5) of Regulation (EC) No 1907/2006 [...] should be adapted and a separate definition should be introduced for the purposes of this Directive. Plastics manufactured with modified natural polymers, or plastics manufactured from bio-based, fossil or synthetic starting substances are not naturally occurring and should therefore be addressed by this Directive. The</p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p>biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. Certain polymeric materials are not capable of functioning as a main structural component of final materials and products, such as polymeric coatings, paints, inks, and adhesives. Those materials should not be addressed by this Directive and should therefore not be covered by the definition.</p> <p><sup>14</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ</p>		<p>adapted definition of plastics should therefore cover polymer-based rubber items and bio-based and biodegradable plastics regardless of whether they are derived from biomass and/or intended to biodegrade over time. [...] <b>The following polymeric</b> materials should not be addressed by this Directive and should therefore not be covered by the definition: <b>paints, inks and adhesives.</b></p> <p><sup>14</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ</p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
L 396, 30.12.2006, p. 1).		L 396, 30.12.2006, p. 1).	
<p align="center"><b>Amendment 14</b> <b>Recital 8 a (new)</b></p>			
	<p><i>(8a) Plastic products should be manufactured taking into account their entire lifespan. Eco-design of plastic products should always take into account production phase, recyclability and possibly also reusability of the product. Producers should be encouraged, where appropriate, to use single or compatible polymers for manufacturing their products in order to simplify sorting and enhance recyclability, especially in the case of plastic packaging.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 15</b> <b>Recital 9</b>			
(9) In order to clearly define the scope of this Directive the term single-use plastic product should be defined. The definition should exclude plastic products that are conceived, designed and placed on the market to accomplish within their lifecycle multiple trips or rotations by being refilled or reused for the same purpose for which they are conceived.		(9) In order to clearly define the scope of this Directive the term single-use plastic product should be defined. <b>Such single-use plastic products are typically intended to be used just once or for a short period of time before being disposed of.</b> The definition should exclude plastic products that are conceived, designed and placed on the market to accomplish within their lifecycle multiple trips or rotations by being refilled or reused for the same purpose for which they are conceived.	(9) In order to clearly define the scope of this Directive the term single-use plastic product should be defined. <b>Such single-use plastic products are typically intended to be used just once or for a short period of time before being disposed of.</b> The definition should exclude plastic products that are conceived, designed and placed on the market to accomplish within their lifecycle multiple trips or rotations by being refilled or reused for the same purpose for which they are conceived. <b><u>This notion is reflected in the interpretation of the products listed in the Annex. Single-use plastic products, such as single serve portion sized food containers or prewetted wet wipes for personal care are very likely to be littered in the marine environment, whereas large-sized beverage containers or industrial wet wipes are not. Therefore, an item's tendency of being littered plays a decisive role for determining whether a certain</u></b>



Commission proposal	EP amendments	Council position	Comments/suggestions
			<p><u>item has to be considered as a single-use plastic product. In view of the criteria set out in the Annex, examples for food containers to be considered as single-use plastic products are fast-food containers or meal boxes and salad boxes with cold or hot food, or food containers of fresh or processed food that does not need further preparation, such as fruits, vegetables or desserts. Examples for beverage containers to be considered as single-use plastic products are beverage bottles or composite beverage packaging used for beer, wine, water, liquid refreshments, juices and nectars, instant beverages or milk. As glass and metal beverage containers are not among the top littered plastic items, they are not covered by the measures of this Directive. However, the Comission should evaluate inter alia caps and lids made of plastic used for glass and metal beverage containers.</u></p>

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 16</b> <b>Recital 9 a (new)</b>			
	<i>(9a) By retaining the value of products and materials for as long as possible and generating less waste, the economy of the Union can become more competitive and more resilient, while reducing the pressure on precious resources and the environment.</i>		
<b>Amendment 17</b> <b>Recital 10</b>			
(10) The single-use plastic products should be addressed by one or several measures, depending on various factors, such as the availability of suitable and more sustainable alternatives, the feasibility to change consumption patterns, and the extent to which they are already covered by existing Union legislation.	(10) The single-use plastic products should be addressed by one or several measures, depending on various factors, such as the availability of suitable and more sustainable alternatives, <b>taking into account life cycle principles</b> , the feasibility to change consumption patterns, and the extent to which they are already covered by existing Union legislation.		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 18</b> <b>Recital 11</b>			
(11) For certain single-use plastic products, suitable and more sustainable alternatives are not yet readily available and the consumption of most such single-use plastic products is expected to increase. To reverse that trend and promote efforts towards more sustainable solutions Member States should be required to take the necessary measures to achieve a significant reduction in the consumption of those products, without compromising food hygiene or food safety, good hygiene practices, good manufacturing practices, consumer information, or traceability requirements set out in Union food legislation <sup>15</sup> .	(11) For certain single-use plastic products, suitable and more sustainable alternatives are not yet readily available and the consumption of most such single-use plastic products is expected to increase. To reverse that trend and promote efforts towards <i>safe and</i> sustainable solutions, Member States should be required to take the necessary measures to achieve <i>an ambitious and sustained</i> reduction in the consumption of those products, <i>as is being done for plastic bags under Directive 94/62/EC, as amended by Directive (EU) 2015/720 of the European Parliament and of the Council <sup>14a</sup></i> , without compromising food hygiene or food safety, good hygiene practices, good manufacturing practices, consumer information, or traceability requirements set out in Union food legislation <sup>15</sup> . <i>These measures should apply to containers for food fulfilling all of the following criteria: the food in question is</i>	(11) For certain single-use plastic products, suitable and more sustainable alternatives are not yet readily available and the consumption of most such single-use plastic products is expected to increase. To reverse that trend and promote efforts towards more sustainable solutions Member States should be required to take the necessary measures, <b>for example by setting national consumption reduction targets</b> , to achieve <b>an ambitious and sustained [...]</b> reduction in the consumption of those products, without compromising food hygiene or food safety, good hygiene practices, good manufacturing practices, consumer information, or traceability requirements set out in Union food legislation <sup>15</sup> . <b>Member States should aim at the highest possible ambition for those measures, which should induce a substantial reversal of increasing consumption trends and lead to a measurable quantitative</b>	(11) For certain single-use plastic products, suitable and more sustainable alternatives are not yet readily available and the consumption of most such single-use plastic products is expected to increase. To reverse that trend and promote efforts towards more sustainable solutions Member States should be required to take the necessary measures, <b>for example by setting national consumption reduction targets</b> , to achieve <b>an ambitious and sustained [...]</b> reduction in the consumption of those products, without compromising food hygiene or food safety, good hygiene practices, good manufacturing practices, consumer information, or traceability requirements set out in Union food legislation <sup>15</sup> . <b>Member States should aim at the highest possible ambition for those measures, which should induce a substantial reversal of increasing consumption trends and lead to a measurable quantitative</b>

Commission proposal	EP amendments	Council position	Comments/suggestions
	<p><i>intended for immediate consumption, it is intended for consumption without further preparation, and it is intended to be consumed from the receptacle. Member States should aim at the highest possible ambition for those measures, which should be proportionate to the seriousness of the littering risk of the various products and uses. Member States should adopt national targets to quantify the effects of the measures taken to achieve the ambitious and sustained reduction. Member States should encourage the use of products that are suitable for multiple use and that are, after having become waste, suitable for preparing for re-use and recycling, without compromising the free movement of goods in the internal market. Those measures should take into account the impact of products throughout their life cycle including when found in the marine environment and should respect the waste hierarchy.</i></p>	<p>reduction over time. Where Member States decide to implement this obligation through market restrictions, they should ensure that such restrictions are proportionate and non-discriminatory.</p>	<p>reduction over time. Where Member States decide to implement this obligation through market restrictions, they should ensure that such restrictions are proportionate and non-discriminatory. <u>Member States should encourage the use of products that are suitable for multiple use and that are, after having become waste, suitable for preparing for re-use and recycling.</u></p>

Commission proposal	EP amendments	Council position	Comments/suggestions
<p><sup>15</sup> Regulation (EC) 178/2002 laying down the general principles and requirements of food law (OJ L 31, 1.2.2002, p.1-24), Regulation (EC) No 852/2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p.1-54), Regulation (EC) No 1935/2004 on materials intended to come into contact and other relevant legislation related to food safety, hygiene and labeling (OJ L 338, 13.11.2004, p.4-17).</p>	<p><sup>14a</sup> <b><i>Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (OJ L 115, 6.5.2015, p. 11).</i></b></p> <p><sup>15</sup> Regulation (EC) 178/2002 laying down the general principles and requirements of food law (OJ L 31, 1.2.2002, p.1-24), Regulation (EC) No 852/2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p.1-54), Regulation (EC) No 1935/2004 on materials intended to come into contact and other relevant legislation related to food safety, hygiene and labeling (OJ L 338, 13.11.2004, p.4-17).</p>	<p><sup>15</sup> Regulation (EC) 178/2002 laying down the general principles and requirements of food law (OJ L 31, 1.2.2002, p.1-24), Regulation (EC) No 852/2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p.1-54), Regulation (EC) No 1935/2004 on materials intended to come into contact and other relevant legislation related to food safety, hygiene and labeling (OJ L 338, 13.11.2004, p.4-17).</p>	<p><sup>15</sup> Regulation (EC) 178/2002 laying down the general principles and requirements of food law (OJ L 31, 1.2.2002, p.1-24), Regulation (EC) No 852/2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p.1-54), Regulation (EC) No 1935/2004 on materials intended to come into contact and other relevant legislation related to food safety, hygiene and labeling (OJ L 338, 13.11.2004, p.4-17).</p>

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 19</b> <b>Recital 11 a (new)</b></p>			
	<p><i>(11a) Tobacco product filters are the second most littered single-use plastic items. Although the market share of plant-derived cellulose filters for tobacco products appears to be increasing, the acceptability of the available alternatives is not clear. Furthermore, the huge impact on the environment of tobacco products with filters cannot be ignored as those filters may break into smaller plastic pieces. Used tobacco filters also contain numerous chemicals that are harmful for the environment, of which at least 50 are known human carcinogens, as well as heavy metals, which may leach from the filter and harm the surrounding land, air and marine environments. In order to address the environmental impact caused by post-consumption waste, a wide range of measures are necessary for tobacco products with filters, ranging from a reduction of single-use, disposable filters</i></p>		<p><b><u>(11a) Tobacco product filters containing plastic are the second most littered single-use plastic items. The huge environmental impact caused by post-consumption waste of tobacco products with filters, discarded directly into the environment needs to be reduced. Member States should encourage innovation leading to the development of sustainable alternatives to tobacco product filters containing plastic and should promote measures to reduce post-consumption waste to achieve a reduction of tobacco product filters.</u></b></p>

Commission proposal	EP amendments	Council position	Comments/suggestions
	<p><i>containing plastic to extended producer responsibility to ensure responsible disposal and to cover the costs of litter clean-up. In order to address the significant collection and sorting costs currently borne by taxpayers, the extended producer responsibility schemes should cover the costs of litter clean-up and the costs for appropriate waste collection infrastructures. As part of these measures, Member States could also create incentives for a cigarette butt recovery chain to clean cellulose acetate, the plastic material that makes up 60 % of the composition of cigarette filters, and then transform it into new plastic objects.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 20</b> <b>Recital 12</b>			
(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are readily available. In order to limit the adverse impact of such products on the environment, Member States should be required to prohibit their placing on the Union market. By doing so, the use of those readily available and more sustainable alternatives as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted.	(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are readily available. In order to limit the adverse impact of such products on the environment, Member States should be required to prohibit their placing on the Union market. By doing so, the use of those readily available and more sustainable alternatives <b><i>that comply with existing standards and Union law</i></b> as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted, <b><i>in line with the waste hierarchy as laid down in Article 4 of Directive 2008/98/EC. The marketing restrictions introduced in this Directive should also cover products made of oxo-degradable plastic, as this type of plastic does not properly biodegrade and thus contributes to microplastic pollution in the environment, is not compostable, negatively affects the recycling of conventional</i></b>		(12) For other single-use plastic products, suitable and more sustainable alternatives that are also affordable are readily available. In order to limit the adverse impact of such products on the environment, Member States should be required to prohibit their placing on the Union market. By doing so, the use of those readily available and more sustainable alternatives as well as innovative solutions towards more sustainable business models, re-use alternatives and substitution of materials would be promoted. <b><u>The marketing restrictions introduced in this Directive should also cover certain products made of expanded polystyrene.</u></b>



Commission proposal	EP amendments	Council position	Comments/suggestions
	<i>plastic and fails to deliver a proven environmental benefit. In view of the high prevalence of polystyrene litter in the marine environment and the availability of alternatives, single-use food and beverage containers made of expanded polystyrene should also be restricted.</i>		
<p style="text-align: center;"><b>Amendment 21</b> <b>Recital 12 a (new)</b></p>			
	<i>(12a) For plastic plates and cutlery, even if suitable and if more sustainable alternatives are also readily available, where duly justified and in order to avoid any risks in the continuity of the provision of certain social services, such as catering in educational establishments and health-care services, it is appropriate to come with a limited time extension for the implementation of prohibiting their placing on the Union market.</i>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 23</b> <b>Recital 12 c (new)</b></p>			
	<p><i>(12b) The measures laid down in this Directive which promote the usage of non-plastic alternatives should under no circumstances cause an increase of detrimental effects to the environment and the climate, e.g. additional CO<sub>2</sub> emissions or the exploitation of valuable resources. While many of the non-plastic alternatives are made out of natural resources and are expected to originate from the bio-economy, it is especially important to ensure the sustainability of these materials. In respect of the waste hierarchy, the measures laid down in this Directive and their implementation should always give priority to prevention or to the transition to re-usable products rather than to other single-use alternatives, even if they are made of non-plastic materials.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 24</b> <b>Recital 13</b>			
(13) Caps and lids, with a significant part made of plastic, from beverage containers are among the most found single-use plastic items littered on Union beaches. Therefore, beverage containers that are single-use plastic products should only be allowed to be placed on the market if they fulfil specific product design requirements significantly reducing the leakage into the environment of beverage container caps and lids. For beverage containers that are single-use plastic products and packaging, this requirement is an addition to the essential requirements on the composition and the reusable and recoverable, including recyclable, nature of packaging set out in Annex II of Directive 94/62/EEC. In order to facilitate conformity with the product design requirement and ensure a smooth functioning of the internal market, it is necessary to develop a harmonised standard adopted in accordance with	(13) Caps and lids made of plastic, from beverage containers are among the most found single-use plastic items littered on Union beaches. Therefore, beverage containers that are single-use plastic products should only be allowed to be placed on the market if they fulfil specific product design requirements significantly reducing the leakage into the environment of beverage container caps and lids <b><i>and increasing the quantities recycled</i></b> . For beverage containers that are single-use plastic products and packaging, this requirement is an addition to the essential requirements on the composition and the reusable and recoverable, including recyclable, nature of packaging set out in Annex II of Directive 94/62/EEC. In order to facilitate conformity with the product design requirement and ensure a smooth functioning of the internal market, it is necessary to develop a harmonised standard adopted in accordance with	(13) Caps and lids [...] made of plastic, from beverage containers are among the most found single-use plastic items littered on Union beaches. Therefore, beverage containers that are single-use plastic products should only be allowed to be placed on the market if they fulfil specific product design requirements significantly reducing the leakage into the environment of beverage container caps and lids. For beverage containers that are single-use plastic products and packaging, this requirement is an addition to the essential requirements on the composition and the reusable and recoverable, including recyclable, nature of packaging set out in Annex II of Directive 94/62/[...]EC. In order to facilitate conformity with the product design requirement and ensure a smooth functioning of the internal market, it is necessary to develop a harmonised standard adopted in accordance with Regulation (EU) No 1025/2012 of	(13) Caps and lids [...] made of plastic, from beverage containers are among the most found single-use plastic items littered on Union beaches. Therefore, beverage containers that are single-use plastic products should only be allowed to be placed on the market if they fulfil specific product design requirements significantly reducing the leakage into the environment of beverage container caps and lids. For beverage containers that are single-use plastic products and packaging, this requirement is an addition to the essential requirements on the composition and the reusable and recoverable, including recyclable, nature of packaging set out in Annex II of Directive 94/62/[...]EC. In order to facilitate conformity with the product design requirement and ensure a smooth functioning of the internal market, it is necessary to develop a harmonised standard adopted in accordance with Regulation (EU) No 1025/2012 of

Commission proposal	EP amendments	Council position	Comments/suggestions
Regulation (EU) No 1025/2012 of the European Parliament and of the Council <sup>16</sup> and the compliance with that standard should allow presumption of conformity with those requirements. Sufficient time should be envisaged for the development of a harmonised standard and to allow the producers to adapt their production chains in relation to the implementation of the product design requirement.	Regulation (EU) No 1025/2012 of the European Parliament and of the Council <sup>16</sup> and the compliance with that standard should allow presumption of conformity with those requirements. Sufficient time should be envisaged for the development of a harmonised standard and to allow the producers to adapt their production chains in relation to the implementation of the product design requirement. <i><b>In order to ensure the circular use of plastics, the market uptake of recycled materials needs to be safeguarded. It is therefore appropriate to introduce a requirement for a mandatory minimum content of recycled plastics in certain products.</b></i>	the European Parliament and of the Council <sup>16</sup> and the compliance with that standard should allow presumption of conformity with those requirements. <b>Therefore, the timely development of a harmonised standard is of the highest priority to ensure an effective implementation.</b> Sufficient time should be envisaged for the development of a harmonised standard and to allow the producers to adapt their production chains in relation to the implementation of the product design requirement.	the European Parliament and of the Council <sup>16</sup> and the compliance with that standard should allow presumption of conformity with those requirements. <b>Therefore, the timely development of a harmonised standard is of the highest priority to ensure an effective implementation.</b> Sufficient time should be envisaged for the development of a harmonised standard and to allow the producers to adapt their production chains in relation to the implementation of the product design requirement. <b><u>Member States should take measures aiming at a recycled content of 35% in beverage bottles in line with food safety legislation. To increase the production from recycled content Member States should inter alia call on stakeholders to come forward with voluntary pledges to boost the uptake of recycled plastics. When sending in their pledges, stakeholders are asked to provide Member States with data illustrating how their pledge</u></b>

Commission proposal	EP amendments	Council position	Comments/suggestions
<p><sup>16</sup> Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p.12).</p>	<p><sup>16</sup> Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p.12).</p>	<p><sup>16</sup> Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p.12).</p>	<p><b><u>contributes to achieving the quantitative objective. In addition, Member States should take measures to further incentivize the use of recycled plastics in public procurement.</u></b></p> <p><sup>16</sup> Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p.12).</p>

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 25</b> <b>Recital 13 a (new)</b>			
	<i>(13a) In the context of the review to be undertaken pursuant to Article 9(5) of Directive 94/62/EC, the Commission should take into account the relative properties of different packaging materials, including composite materials, on the basis of life-cycle assessments, addressing in particular prevention and design for circularity.</i>		
<b>Amendment 26</b> <b>Recital 13 b (new)</b>			
	<i>(13b) The presence of dangerous chemical substances in sanitary towels and tampons and tampon applicators should be avoided in the interests of women's health. In the same way, the accessibility of multi-use and more economically sustainable solutions is vital in ensuring that women have full access to life in society.</i>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 27</b> <b>Recital 14</b>			
(14) Certain single-use plastic products end up in the environment as a result of inappropriate disposal through sewers or other inappropriate release into the environment. Therefore, single-use plastic products that are frequently disposed of through sewers otherwise inappropriately disposed of should be subject to marking requirements. The marking should inform consumers about appropriate waste disposal options and/or waste disposal options to be avoided and/or about the negative environmental impacts of litter as a result of inappropriate disposal. The Commission should be empowered to establish a harmonised format for the marking and when doing so should, where appropriate, test the perception of the proposed marking with representative groups of consumers to ensure that it is effective and clearly understandable.	(14) Certain single-use plastic products end up in the environment as a result of inappropriate disposal through sewers or other inappropriate release into the environment. <b><i>Disposal through sewers may in addition cause substantial economic damage to sewer networks by clogging pumps and blocking pipes. For these products, there is frequently a significant lack of information about the material characteristics of these products and the appropriate waste disposal.</i></b> Therefore, single-use plastic products that are frequently disposed of through sewers <b><i>or</i></b> otherwise inappropriately disposed of should be subject to marking requirements <b><i>and awareness-raising measures.</i></b> The marking should inform consumers about appropriate waste disposal options and/or waste disposal options to be avoided, about the negative environmental impacts of litter as a result of inappropriate disposal, <b><i>the</i></b>	(14) Certain single-use plastic products end up in the environment as a result of inappropriate disposal through sewers or other inappropriate release into the environment. Therefore, single-use plastic products that are frequently disposed of through sewers otherwise inappropriately disposed of should be subject to marking requirements. The marking should inform consumers about appropriate waste [...] <b>management options for the product or waste management means to be avoided for that product in line with the waste hierarchy [...] and[...] about the negative environmental impacts of litter as a result of inappropriate disposal. The marking may be directly on the single-use plastic product itself or on any of its packaging.</b> The Commission should be empowered to establish a harmonised format for the marking and when doing so should, where appropriate, test the perception of	(14) Certain single-use plastic products end up in the environment as a result of inappropriate disposal through sewers or other inappropriate release into the environment. <b><u>Disposal through sewers may in addition cause substantial economic damage to sewer networks by clogging pumps and blocking pipes. For these products, there is frequently a significant lack of information about the material characteristics of these products and the appropriate waste disposal.</u></b> Therefore, single-use plastic products that are frequently disposed of through sewers <b><u>or</u></b> otherwise inappropriately disposed of should be subject to marking requirements. The marking should inform consumers about appropriate waste [...] <b>management options for the product or waste management means to be avoided for that product in line with the waste hierarchy [...] and[...] about the</b>

Commission proposal	EP amendments	Council position	Comments/suggestions
	<p><i>presence of plastics in the product and the recyclability of the product.</i> The Commission should be empowered to establish a harmonised format for the marking and when doing so should, where appropriate, test the perception of the proposed marking with representative groups of consumers to ensure that it is effective, clearly understandable, <i>and not misleading, and should also consider existing voluntary agreements.</i></p>	<p>the proposed marking with representative groups of consumers to ensure that it is effective and clearly understandable. <b>With regard to fishing gear, the marking requirements are already applied pursuant to Regulation (EC) No 1224/2009.</b></p>	<p>negative environmental impacts of litter as a result of inappropriate disposal. <b>The marking may be directly on the single-use plastic product itself or on any of its packaging.</b> The Commission should be empowered to establish a harmonised format for the marking and when doing so should, where appropriate, test the perception of the proposed marking with representative groups of consumers to ensure that it is effective and clearly understandable. <b>With regard to fishing gear, the marking requirements are already applied pursuant to Regulation (EC) No 1224/2009.</b></p>



Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 28</b> <b>Recital 15</b></p>			
<p>(15) With regard to single-use plastic products for which there are no readily available suitable and more sustainable alternatives, Member States should, in line with the polluter pays principle, also introduce extended producer responsibility schemes to cover the costs of waste management and clean-up of litter as well as the costs of awareness-raising measures to prevent and reduce such litter.</p>	<p>(15) With regard to single-use plastic products for which there are no readily available suitable and more sustainable alternatives, Member States should, in line with the polluter pays principle, also introduce extended producer responsibility schemes to cover the <b><i>necessary</i></b> costs of waste management and clean-up of litter, as well as the costs of awareness-raising measures to prevent and reduce such litter <b><i>and to tackle consumer misbehaviour. These costs should not exceed the costs that are necessary to provide those services in a cost-efficient way and should be established in a transparent way between the actors concerned. Costs to clean up litter should be proportionate and should be based on clear objectives established in accordance with Article 8a(1) of Directive 2008/98/EC. These objectives should define the scope and scale of the clean-up activities covered by the extended producer</i></b></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
	<i>responsibility scheme in line with relevant obligations concerning waste prevention and marine litter in Union law. Such activities should include for instance litter prevention and collection in streets, markets and other public spaces and during public events but should not include operations, including sea and ocean clean-up, for which public authorities are not responsible.</i>		
<p style="text-align: center;"><b>Amendment 29</b> <b>Recital 15 a (new)</b></p>			
	<i>(15a) Economic incentives are able to influence consumer choice, encourage or discourage specific consumer habits and can thus be used as an effective upstream tool for reducing the impact of certain plastics on the environment.</i>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 30</b>			
<b>Recital 16</b>			
(16) The large portion of plastic stemming from abandoned, lost and discarded fishing gear containing plastic in marine litter indicates that the existing legal requirements <sup>17</sup> do not provide sufficient incentives to return such fishing gear to shore for collection and treatment. The indirect fee system envisaged under Union law on port reception facilities for the delivery of waste from ships takes away the incentive for ships to discharge their waste at sea, and ensures a right of delivery. That system should, however, be supplemented by further financial incentives for fishermen to bring their fishing gear waste on shore to avoid any potential increase in the indirect waste fee to be paid. As plastic components of fishing gear have a high recycling potential, Member States should, in line with the polluter pays principle, introduce extended producer responsibility for fishing gear containing plastic to facilitate separate collection of waste fishing	(16) The large portion of plastic stemming from abandoned, lost and discarded fishing gear containing plastic in marine litter indicates that the existing legal requirements <sup>17</sup> do not provide sufficient incentives to return such fishing gear to shore for collection and treatment. <b><i>Under Regulation (EC) No 1224/2009, if lost fishing gear cannot be retrieved, the master of the vessel is required to inform the competent authority of its flag Member State. In order to ensure harmonised monitoring, the data on lost fishing gear should be collected and recorded by the Member States and forwarded annually to the Commission.</i></b> The indirect fee system envisaged under Union law on port reception facilities for the delivery of waste from ships takes away the incentive for ships to discharge their waste at sea, and ensures a right of delivery. That system should, however, be supplemented by further financial incentives for fishermen to bring	(16) The large portion of plastic stemming from abandoned, lost and discarded fishing gear containing plastic in marine litter indicates that the existing legal requirements <sup>17</sup> do not provide sufficient incentives to return such fishing gear to shore for collection and treatment. The indirect fee system envisaged under Union law on port reception facilities for the delivery of waste from ships <b>provides a system to</b> takes away the incentive for ships to discharge their waste at sea, and ensures a right of delivery. That system should, however, be supplemented by further financial incentives for fishermen to bring their fishing gear waste on shore to avoid any potential increase in the indirect waste fee to be paid. As plastic components of fishing gear have a high recycling potential, Member States should, in line with the polluter pays principle, introduce extended producer responsibility for fishing gear <b>or its components</b> containing plastic to	

Commission proposal	EP amendments	Council position	Comments/suggestions
gear and to finance sound waste management of such fishing gear, in particular recycling.	their fishing gear waste on shore to avoid any potential increase in the indirect waste fee to be paid. As plastic components of fishing gear have a high recycling potential, Member States should, in line with the polluter pays principle, introduce extended producer responsibility for fishing gear containing plastic to facilitate separate collection of waste fishing gear and to finance sound waste management of such fishing gear, in particular recycling. <b><i>Member States should adopt the measures required to ensure that financial contributions paid by producers of fishing gear containing plastic in fulfilment of their obligations deriving from producer responsibility are adjusted, in particular to take into account the durability, reparability, re-usability and recyclability of such fishing gear.</i></b>	facilitate separate collection of waste fishing gear and to finance sound waste management of such fishing gear, in particular recycling.	
<sup>17</sup> Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC.	<sup>17</sup> Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC.	<sup>17</sup> Council Regulation (EC) No 1224/2009, Directive 2000/59/EC and Directive 2008/98/EC.	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 31</b> <b>Recital 16 a (new)</b></p>			
	<p><i>(16a) In the framework of an extended producer responsibility for fishing gear containing plastic, Member States should monitor, assess, collect and recycle fishing gear in order to meet the quantitative targets for collection and recycling of fishing gear containing plastic laid down in this Directive.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 32</b> <b>Recital 17 a (new)</b></p>			
	<p><i>(17a) In the Common Agricultural Policy (CAP) Strategic Plans, the problem of agricultural plastic waste should be addressed and the Commission should, as appropriate, introduce a standard for good agricultural and environmental condition of land on plastic waste as a new element of enhanced conditionality in the mid-term, by 2023. Farmers would, under the new cross-compliance requirement, be bound to use an authorised waste management business to arrange collection and recycling of plastic, and keep evidence that plastic waste has been handled correctly.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 33</b> <b>Recital 18</b>			
(18) In order to prevent littering and other inappropriate forms of disposal resulting in marine litter containing plastic, consumers need to be properly informed about the most appropriate waste disposal options available and/or waste disposal options to be avoided, best practices with regard to waste disposal and the environmental impact of bad disposal practices as well as about the plastic content in certain single-use plastic products and fishing gear. Therefore, Member States should be required to take awareness raising measures ensuring that such information is given to the consumers. The information should not contain any promotional content encouraging the use of the single-use plastic products. Member States should be able to choose the measures which are most appropriate based on the nature of the product or its use. Producers of single-use plastic products and fishing gear containing plastic should cover the	(18) In order to prevent littering and other inappropriate forms of disposal resulting in marine litter containing plastic, consumers need to be properly informed about the most appropriate waste disposal options available and/or waste disposal options to be avoided, best practices with regard to waste disposal and the environmental impact of bad disposal practices as well as about the plastic content in certain single-use plastic products and fishing gear, <b><i>in order to incentivise responsible consumer behaviour in the correct disposal of waste.</i></b> Therefore, Member States should be required to take awareness raising measures ensuring that such information is given to the consumers. <b><i>This information should include the impact of inappropriate waste disposal on the sewer network.</i></b> The information should not contain any promotional content encouraging the use of the single-use plastic products. Member States should be	(18) In order to prevent littering and other inappropriate forms of disposal resulting in marine litter containing plastic, consumers need to be properly informed about the most appropriate waste [...] <b>management</b> options available and/or waste disposal options to be avoided, best practices with regard to <b>sound</b> waste [...] <b>management</b> and the environmental impact of bad disposal practices as well as about the plastic content in certain single-use plastic products and fishing gear. Therefore, Member States should be required to take awareness raising measures ensuring that such information is given to the consumers. The information should not contain any promotional content encouraging the use of the single-use plastic products. Member States should be able to choose the measures which are most appropriate based on the nature of the product or its use. Producers of single-use plastic products and fishing gear	(18) In order to prevent littering and other inappropriate forms of disposal resulting in marine litter containing plastic, consumers need to be properly informed about the most appropriate waste [...] <b>management</b> options available and/or waste disposal options to be avoided, best practices with regard to <b>sound</b> waste [...] <b>management</b> and the environmental impact of bad disposal practices as well as about the plastic content in certain single-use plastic products and fishing gear. Therefore, Member States should be required to take awareness raising measures ensuring that such information is given to the consumers. <b><u>This information should include the impact of inappropriate waste disposal on the sewer network.</u></b> The information should not contain any promotional content encouraging the use of the single-use plastic products. Member States should be able to choose the measures which are most

Commission proposal	EP amendments	Council position	Comments/suggestions
costs of the awareness raising measures as part of their extended producer responsibility obligation.	able to choose the measures which are most appropriate based on the nature of the product or its use. <b><i>The fight against litter is a shared effort between competent authorities, producers and consumers.</i></b> Producers of single-use plastic products and fishing gear containing plastic should cover the costs of the awareness raising measures as part of their extended producer responsibility obligation. <b><i>Producers should be encouraged to use their marketing power to promote and drive sustainable and circular consumption and use of products.</i></b>	containing plastic should cover the costs of the awareness raising measures as part of their extended producer responsibility obligation.	appropriate based on the nature of the product or its use. Producers of single-use plastic products and fishing gear containing plastic should cover the costs of the awareness raising measures as part of their extended producer responsibility obligation.



Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 34</b> <b>Recital 18 a (new)</b></p>			
	<p><i>(18a) In accordance with Union law, the Commission is required assist the Member States to produce strategies and plans for the reduction of the dispersal at sea of fishing gear, including through subsidies from the European Maritime and Fisheries Fund (EMFF). The efforts may include awareness-raising campaigns and programmes on the impact of such waste on marine ecosystems, research on the feasibility of biodegradable/compostable fishing gear, educational projects for fishermen and specific public programmes for the removal of plastic and other items from the marine environment.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Recital 19</b>			
(19) Directive 2008/98/EC lays down general minimum requirements for extended producer responsibility schemes. Those requirements should apply to extended producer responsibility schemes established by this Directive. This Directive, however, establishes additional extended producer responsibility requirements, for example, the requirement on producers of certain single-use plastic products to cover the costs of clean-up of litter.		(19) Directive 2008/98/EC lays down general minimum requirements for extended producer responsibility schemes. Those requirements should apply to extended producer responsibility schemes established by this Directive. This Directive, however, establishes additional extended producer responsibility requirements, for example, the requirement on producers of certain single-use plastic products to cover the costs of clean-up of litter. <b>The calculation methodology for the costs to clean up litter should take into account considerations of proportionality. To minimize administrative costs Member States may determine financial contributions to clean up litter by setting appropriate multiannual fixed amounts.</b>	(19) Directive 2008/98/EC lays down general minimum requirements for extended producer responsibility schemes. Those requirements should apply to extended producer responsibility schemes established by this Directive. This Directive, however, establishes additional extended producer responsibility requirements, for example, the requirement on producers of certain single-use plastic products to cover the costs of clean-up of litter. <b><u>These costs may cover the setting up infrastructure for collection of post consumption waste of tobacco products, such as appropriate waste receptacles in common litter hotspots.</u></b> The calculation methodology for the costs to clean up litter should take into account considerations of proportionality. To minimize administrative costs Member States may determine financial contributions to clean up litter by setting appropriate multiannual fixed amounts.

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 35</b> <b>Recital 20</b>			
(20) Beverage bottles that are single-use plastic products are one of the most found marine litter items on the beaches in the Union. This is due to ineffective separate collection systems and low participation in those systems by the consumers. It is necessary to promote more efficient separate collection systems and therefore, a minimum separate collection target should be established for beverage bottles that are single-use plastic products. Member States should be able to achieve that minimum target by setting separate collection targets for beverage bottles that are single-use plastic products in the framework of the extended producer responsibility schemes or by establishing deposit refund schemes or by any other measure that they find appropriate. This will have a direct, positive impact on the collection rate, the quality of the collected material and the quality of the recyclates, offering opportunities for the recycling	(20) Beverage bottles <b><i>(with caps and lids)</i></b> that are single-use plastic products are one of the most found marine litter items on the beaches in the Union. This is due to ineffective separate collection systems and low participation in those systems by the consumers. It is necessary to promote more efficient separate collection systems <b><i>and to increase the production from recycled content</i></b> and therefore, a minimum separate collection target should be established for beverage bottles that are single-use plastic products. Member States should be able to achieve that minimum target by setting separate collection targets for beverage bottles that are single-use plastic products in the framework of the extended producer responsibility schemes or by establishing deposit refund schemes or any other measure that they find appropriate. This <b><i>minimum collection target should be accompanied by a requirement for specific recycled content for</i></b>	(20) Beverage bottles that are single-use plastic products are one of the most found marine litter items on the beaches in the Union. This is due to ineffective separate collection systems and low participation in those systems by the consumers. It is necessary to promote more efficient separate collection systems and therefore, a minimum separate collection target should be established for beverage bottles that are single-use plastic products. <b>While the obligation to separately collect waste requires that waste be kept separate by type and nature, it should be possible to collect certain types of waste together provided that this does not impede high-quality recycling in line with the waste hierarchy in accordance with the provisions in Article 10(2) and (3) of Directive 2008/98/EC. The setting of the collection target should be based on the amount of plastic bottles placed on the market in a Member State or</b>	

Commission proposal	EP amendments	Council position	Comments/suggestions
business and the market for the recyclate.	<p><i>plastic bottles, in order to ensure that the increase in plastic collected is reused or recycled and thus reintroduced into the circular economy. Those measures</i> will have a direct, positive impact on the collection <i>and recycling</i> rate, the quality of the collected material and the quality of the recyclates, offering <i>new</i> opportunities for the recycling business and the market for the recyclate. <i>When implementing the measures to achieve the minimum separate collection target, Member States should ensure that the sound operation of existing extended producer responsibility schemes is maintained. The Commission should lay down guidelines for the functioning of deposit-refund schemes for those Member States that choose to establish such schemes.</i></p>	<p><b>alternatively on the amount of waste plastic bottles generated in a Member State. The calculation of the weight of waste generated in a Member State should take due account of all waste plastic bottles generated, including those littered that escape waste collection systems.</b> Member States should be able to achieve that minimum target by setting separate collection targets for beverage bottles that are single-use plastic products in the framework of the extended producer responsibility schemes or by establishing deposit refund schemes or by any other measure that they find appropriate. This will have a direct, positive impact on the collection rate, the quality of the collected material and the quality of the recyclates, offering opportunities for the recycling business and the market for the recyclate. <b>It will support reaching the recycling targets for packaging waste set in Directive 94/62/EC.</b></p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 36</b> <b>Recital 20 a (new)</b></p>			
	<p><i>(20a) Directive 2008/98/EC defines ‘separate collection’ as the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment. Directive (EU) 2018/851 of the European Parliament and of the Council <sup>17</sup> amending Directive 2008/98/EC notes that separate collection could be achieved through door-to-door collection, bring and reception systems or other collection arrangements. Point (a) of Article 10(3) of Directive 2008/98/EC allows for a derogation whereby it should be possible to collect certain types of waste together provided that this does not impede high-quality recycling or other recovery of waste, in line with the waste hierarchy, and results in output from those operations which is of comparable quality to that achieved through separate collection. That derogation should be available also in the implementation of this Directive.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
	<sup>17a</sup> <i>Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste (OJ L 150, 14.6.2018, p. 109).</i>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Recital 21</b>			
(21) As the Court of Justice has held on numerous occasions, it would be incompatible with the binding effect, which the third paragraph of Article 288 of the Treaty ascribes to a Directive, to exclude, in principle, the possibility of an obligation imposed by a Directive from being relied on by persons concerned. That consideration applies particularly in respect of a Directive, which has amongst its objectives the protection of the environment from the adverse effects of marine litter. Therefore, in accordance with the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters, members of the public concerned should have access to justice in order to contribute to the protection of the right to live in an environment, which is adequate for personal health and well-being. In addition, where a large number of persons are in a 'mass harm		(21) <b>The aim of this Directive is to protect the environment and human health.</b> As the Court of Justice has held on numerous occasions, it would be incompatible with the binding effect, which the third paragraph of Article 288 of the Treaty ascribes to a Directive, to exclude, in principle, the possibility of an obligation imposed by a Directive from being relied on by persons concerned. That consideration applies particularly in respect of a Directive, which has <b>the objectives [...] of preventing and reducing the impact of certain plastic products on the aquatic environment [...].</b>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p>situation', due to the same illegal practices relating to the violation of rights granted by this Directive, they should have the possibility to use collective redress mechanisms, where such mechanisms have been established by Member States in line with Commission Recommendation 2013/396/EU <sup>18</sup>.</p> <p><sup>18</sup> Commission Recommendation of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union law (OJ L 201, 26.7.2013, p. 60).</p>			



Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 37</b> <b>Recital 22</b>			
(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 <sup>19</sup> , the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an assessment of possible further measures and an assessment whether, in view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed. The evaluation should also consider whether scientific and technical progress that has taken place in the meantime, including the development of biodegradable materials and the development of criteria or a standard for	(22) Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 <sup>19</sup> , the Commission should carry out an evaluation of this Directive. That evaluation should be based on experience gathered and data collected during the implementation of this Directive and data collected under Directive 2008/56/EC or Directive 2008/98/EC. The evaluation should provide the basis for an assessment of possible further measures, <b><i>including the setting of Union-wide reduction targets for 2030 and beyond</i></b> , and an assessment whether, in view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed.		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p>biodegradability of plastics in the marine environment, as foreseen in the European Plastics Strategy, allows the setting of a standard for biodegradation of certain single-use plastic products in the marine environment. That standard would include a standard to test if, as a result of physical and biological decomposition in the marine environment, plastics would fully decompose into carbon dioxide (CO<sub>2</sub>), biomass and water within a timescale short enough for the plastics not to be harmful for marine life and not lead to an accumulation of plastics in the environment. If that is the case, single-use plastic products that meet such a standard could be exempted from the prohibition on placing on the market. While the European Strategy for Plastics already envisages action in this area, it also recognises the challenges in relation to determining a regulatory framework for plastics with biodegradable properties due to different marine conditions across</p>			

Commission proposal	EP amendments	Council position	Comments/suggestions
seas.			
<sup>19</sup> OJ L 123, 12.5.2016, p. 1.	<sup>19</sup> OJ L 123, 12.5.2016, p. 1.		
<b>Amendment 38</b> <b>Recital 23</b>			
(23) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive.	(23) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive. <i>Consumers should also be incentivised or penalised for their behaviour, as appropriate.</i>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Recital 24</b>			
(24) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in respect of the methodology for the calculation of the annual consumption of the single-use plastic products for which consumption reduction objectives have been set, the specifications for the marking to be affixed on certain single-use plastic products and the format of the information to be provided by Member States and compiled by the European Environment Agency on the implementation of this Directive. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>20</sup> .		(24) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in respect of the methodology for the calculation of the annual consumption of the single-use plastic products for which consumption reduction objectives have been set, the specifications for the marking to be affixed on certain single-use plastic products, <b>the methodology for the calculation and verification of the collection target of single-use plastic products for which separate collection targets have been set</b> and the format of the information to be provided by Member States and compiled by the European Environment Agency on the implementation of this Directive. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>20</sup> .	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p><sup>20</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>		<p><sup>20</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 39</b> <b>Recital 25</b></p>			
<p>(25) Since the objectives of this Directive, namely to prevent and to reduce the impact of certain single-use plastic products and fishing gear containing plastic on the environment, to promote the transition to a circular economy, including the fostering of innovative business models, products and materials, thus also contributing to the efficient functioning of the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,</p>	<p>(25) Since the objectives of this Directive, namely to prevent and to reduce the impact of certain single-use plastic products and fishing <i><b>and aquaculture</b></i> gear containing plastic on the environment <i><b>and on human health</b></i>, to promote the transition to a circular economy, including the fostering of innovative business models, products and materials, thus also contributing to the efficient functioning of the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,</p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 40</b> <b>Recital 25 a (new)</b>			
	<i>(25a) Since plastic marine litter is not limited to the marine environment surrounding the Union and since a huge amount of plastic marine litter can be detected in other parts of the world than the Union, Member States should ensure that exports of waste materials to third countries do not add to plastic marine litter elsewhere.</i>		
<b>Amendment 41</b> <b>Recital 25 b (new)</b>			
	<i>(25b) Member States can also play an important role in curbing marine litter by sharing their knowledge and expertise in sustainable material management with third countries.</i>		
<b>Amendment 42</b> <b>Recital 25 c (new)</b>			
	<i>(25c) Public authorities, including the Union institutions, should lead by example.</i>		

Commission proposal	EP amendments	Council position	Comments/suggestions
HAVE ADOPTED THIS DIRECTIVE:			
<p align="center"><b>Amendment 43</b> <b>Article 1 - paragraph 1</b></p>			
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.	The objective of this Directive is to prevent and reduce the impact of certain plastic products on the environment, in particular <i>on</i> the aquatic <i>life and</i> environment, and on human health as well as to promote the transition to a circular economy with innovative <i>and sustainable</i> business models, products and materials, thus also contributing to the efficient functioning of the internal market.		
<p align="center"><b>Amendment 44</b> <b>Article 2 – paragraph 1</b></p>			
This Directive shall apply to the single-use plastic products listed in the Annex and to fishing gear containing plastic.	This Directive shall apply to the single-use plastic products listed in the Annex and to fishing <i>and aquaculture</i> gear containing plastic.	<p><b>1.</b> This Directive shall apply to the single-use plastic products listed in the Annex and to fishing gear containing plastic.</p> <p><b>2. Where this Directive lays down rules that conflict with Directives 94/62/EC or 2008/98/EC, then the rules in this Directive shall prevail.</b></p>	



Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 45</b>			
<b>Article 3 - paragraph 1 - point 1</b>			
(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;	(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 <i>functions or</i> can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified;		
<b>Article 3 - paragraph 1 - point 2</b>			
(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;		(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 [...] a producer for refill or re-used for the same purpose for which it was conceived;	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 47</b>  <b>Article 3 - paragraph 1 - point 2 a (new)</b></p>			
	<p><i>(2a) ‘very lightweight plastic carrier bags’ means lightweight plastic carrier bags as defined in Article 3(1c) of Directive 94/62/EC with a wall thickness below 15 microns;</i></p>		
<p align="center"><b>Amendment 48</b>  <b>Article 3 – paragraph 1 – point 3</b></p>			
<p>(3) ‘fishing gear’ means any item or piece of equipment that is used in fishing and aquaculture to target <b>or</b> 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;</p>	<p>(3) ‘fishing gear’ means any item or piece of equipment that is used in fishing and aquaculture to target, capture <b>or retain for farming</b> marine biological resources or that is floating on the sea surface and is deployed with the objective of attracting, capturing <b>or retaining</b> such marine biological resources;</p>	<p>(3) 'fishing gear' means any item or piece of equipment that is used in fishing and aquaculture to target or capture <b>or rear</b> marine biological resources or that is floating on the sea surface and is deployed with the objective of attracting and capturing <b>or rearing</b> such marine biological resources;</p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 49</b>			
<b>Article 3 – paragraph 1 – point 4</b>			
(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;	(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 <i>or lost</i> ;		
<b>Article 3 – paragraph 1 – point 5</b>			
(5) 'placing on the market' means the first making available of a product on the Union market;		(5) 'placing on the market' means the first making available of a product on the [...] market <b>of the Member State</b> ;	
<b>Article 3 – paragraph 1 – point 6</b>			
(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;		(6) 'making available on the market' means any supply of a product for distribution, consumption or use on the [...] <b>Member State</b> market in the course of a commercial activity, whether in return for payment or free of charge;	

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 50</b>			
<b>Article 3 – paragraph 1 – point 10</b>			
(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>21</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>22</sup> ;	(10) 'producer' means any natural or legal person that <b><i>professionally develops, manufactures, processes, treats, sells or imports</i></b> , 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>21</sup> , <b><i>and in doing so</i></b> , places on the market single-use plastic products and fishing gear containing plastic except persons carrying out fishing activities <b><i>or aquaculture</i></b> as defined in Article <b><i>4(25) and 4(28)</i></b> of Regulation (EC) No 1380/2013 of the European Parliament and of the Council <sup>22</sup> ;	(10) 'producer' means:  <b>i. any natural or legal person established in a Member State that professionally manufactures, fills, sells or imports</b> , 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>21</sup> , <b>and places on the market of that Member State single-use plastic products or filled single-use plastic products [...] or</b> 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>22</sup> ; <b>or</b>  <b>ii. any natural or legal person established in another Member State or in a third country that professionally sells directly to private households or to users other than private households in a</b>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p><sup>21</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).</p> <p><sup>22</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common</p>	<p><sup>21</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).</p> <p><sup>22</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common</p>	<p><b>Member State, by distance contracts within the meaning of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011, single-use plastic products or filled 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;</b></p> <p><sup>21</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).</p> <p><sup>22</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common</p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
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).	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).	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).	
<p style="text-align: center;"><b>Amendment 51</b>  <b>Article 3 – paragraph 1 – point 11 a (new)</b></p>			
	<i>(11a) ‘separate collection’ means separate collection as defined in Article 3(11) of Directive 2008/98/EC;</i>		<b><u>EP AM acceptable</u></b>

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 52</b></p> <p align="center"><b>Article 3 – paragraph 1 – point 13 a (new)</b></p>			
	<p><i>(13a) 'Biodegradable plastic' means a plastic capable of undergoing physical, biological decomposition, such that it ultimately decomposes into carbon dioxide (CO<sub>2</sub>), biomass and water and in accordance with European standards for packaging recoverable through composting and anaerobic digestion;</i></p>		
<p align="center"><b>Amendment 53</b></p> <p align="center"><b>Article 3 paragraph 1 - point 14 a (new)</b></p>			
	<p><i>(14a) 'tobacco products' means tobacco products as defined in point (4) of Article 2 of Directive 2014/40/EU.</i></p>		<u><b>EP AM acceptable</b></u>

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendments 54, 118 and 119</b> <b>Article 4</b>			
<p>Article 4 Consumption reduction</p> <p>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].</p> <p>Those measures may include <i>national consumption reduction</i> 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</p>	<p>Article 4 Consumption reduction</p> <p>1. Member States shall take the necessary measures to achieve <b><i>an ambitious and sustained reduction of at least 25% by 2025</i></b> in the consumption of the single-use plastic products listed in Part A of the Annex on their territory.</p> <p>Those measures may include 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</p>	<p>Article 4 Consumption reduction</p> <p>1. Member States shall take the necessary measures to achieve <b>an ambitious and sustained [...]</b> reduction, <b>in line with the overall objectives of the Union's waste policy, in particular waste prevention, inducing a substantial reversal of increasing consumption trends and leading to a measurable quantitative reduction over time</b> 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].</p> <p>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</p>	<p>Article 4 Consumption reduction</p> <p>1. Member States shall take the necessary measures to achieve <b>an ambitious and sustained [...]</b> reduction, <b>in line with the overall objectives of the Union's waste policy, in particular waste prevention, leading to a substantial reversal of increasing consumption trends and leading to a measurable quantitative reduction over time</b> 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].  <b><u>Member States shall by ... [one year after the end-date for transposition of this Directive] describe the measures to be integrated into their waste management plans and notify the Commission thereof.</u></b></p> <p>Those measures may include</p>



Commission proposal	EP amendments	Council position	Comments/suggestions
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.	<p>of sale to the final consumer. Those measures may vary depending on the environmental impact, of the products referred to in the first subparagraph <i>over their life cycle, including when littered.</i></p> <p><i>Member States shall draw up national plans describing the measures adopted pursuant to this paragraph. Member States shall notify the Commission of the plans and shall update them where necessary. The Commission may issue recommendations on those plans.</i></p> <p><i>Member States shall set national quantitative reduction targets to attain the objective laid down in the first subparagraph of this paragraph. Those targets shall be adopted by ... [end-date for transposition of this Directive].</i></p> <p><i>Measures adopted pursuant to this paragraph shall be proportionate and non-discriminatory. Member States shall notify the Commission of those measures in accordance</i></p>	<p>products are not provided free of charge at the point of sale to the final consumer <b>and voluntary agreements</b>. Those measures may vary depending on the environmental impact of the products referred to in the first subparagraph.</p> <p><b>In order to comply with the first subparagraph of this paragraph, each Member State shall monitor the products listed in Part A of the Annex placed on the market and the reduction measures taken and report on progress made to the Commission in accordance with paragraph 2 of this Article and Article 13(1) with a view to the establishment of binding quantitative Union targets for the consumption reduction.</b></p>	<p>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 <b>and voluntary agreements</b>. Those measures may vary depending on the environmental impact of the products referred to in the first subparagraph.</p> <p><b>In order to comply with the first subparagraph of this paragraph, each Member State shall monitor the products listed in Part A of the Annex placed on the market and the reduction measures taken and report on progress made to the Commission in accordance with paragraph 2 of this Article and Article 13(1) with a view to the establishment of binding quantitative Union targets for the consumption reduction.</b></p>

Commission proposal	EP amendments	Council position	Comments/suggestions
	<p><i>with Directive (EU) 2015/1535<sup>22a</sup> where so required by that Directive.</i></p> <p><sup>22a</sup> <i>Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification) (OJ L 241, 17.9.2015, p. 1).</i></p>		
<p>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).</p>	<p>2. The Commission <b>shall</b> adopt an implementing act laying down the methodology for the calculation and verification of the <b><i>ambitious and sustained</i></b> reduction in the consumption of the single-use plastic products referred to in paragraph 1 <b><i>by... [12 months after the date of entry into force of this Directive]</i></b>. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).</p>	<p>2. The Commission [...] <b>shall, by...[12 months before the end-date for transposition of this Directive]</b> adopt an implementing act laying down the methodology for the calculation and verification of the <b>sustained</b> [...] reduction in the consumption of the single-use plastic products referred to in paragraph 1 <b>of this Article</b>. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).</p>	<p>2. The Commission [...] <b>shall, by...[12 months before the end-date for transposition of this Directive]</b> adopt an implementing act laying down the methodology for the calculation and verification of the <b><u>ambitious and sustained</u></b> [...] reduction in the consumption of the single-use plastic products referred to in paragraph 1 <b>of this Article</b>. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).</p>

Commission proposal	EP amendments	Council position	Comments/suggestions
	<i>2a. Member States shall take the necessary measures to achieve a sustained reduction of the environmental impact of waste from tobacco products, and in particular tobacco product filters containing plastic, by reducing post-consumption waste from tobacco product filters containing plastic as follows: 50 % by 2025 and 80 % by 2030, compared to the weighted average of plastic filters of tobacco products placed on the market between 2014 and 2016.</i>		
<b>Amendment 55</b> <b>Article 6 paragraph 1</b>			
1. Member States shall ensure that single-use plastic products listed in Part C of the Annex that have caps and lids <i>with a significant part</i> 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.	1. Member States shall ensure that single-use plastic products listed in Part C of the Annex that have caps and lids 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.	1. Member States shall ensure that single-use plastic products listed in Part C of the Annex that have caps and lids [...] 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.	<b>EP AM and Council text identical</b>

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 56</b>  <b>Article 6 – paragraph 1 a (new)</b></p>			
	<p><i>1a. Member States shall ensure that by 2025 beverage bottles listed in Part C of the Annex may be placed on the market only if they are made from at least 35 % recycled content and are recyclable.</i></p> <p><i>By 1 January 2022, the Commission shall adopt implementing acts laying down the methodology for the calculation of recycled content. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 57</b> <b>Article 6 paragraph 2</b>			
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.	2. For the purposes of this Article metal caps or lids with plastic seals shall not be considered to <i>be made</i> of plastic. <b><i>Glass and metal beverage containers that have caps and lids made of plastic shall not be covered by this Article.</i></b>	2. For the purposes of this Article metal caps or lids with plastic seals shall not be considered to <b>be</b> [...] made of plastic.	<b>See Council text addition to rec. 7 (p. 14) and clarifications in the Annex, part C, E and F</b>
<b>Amendment 58</b> <b>Article 6 paragraph 3</b>			
3. The Commission shall request the European standardisation organisations to develop harmonised standards relating to the requirement referred to in paragraph 1.	3. <b><i>By ... [3 months after the date of entry into force of this Directive], the</i></b> Commission shall request the European standardisation organisations to develop harmonised standards relating to the requirement referred to in paragraph 1. <b><i>Those standards shall in particular address the need to ensure the necessary strength, reliability and safety of beverage container closures, including those for carbonated drinks.</i></b>	3. <b>By ...[3 months after the entry into force of this Directive]</b> the Commission shall request the European standardisation organisations to develop harmonised standards relating to the requirement referred to in paragraph 1.	

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Article 6 paragraph 4</b>			
4. From the date of publication of the harmonised standards referred to in paragraph 3 in the <i>Official Journal of the European Union</i> , 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.		4. From the date of publication of the <b>references to</b> harmonised standards referred to in paragraph 3 in the <i>Official Journal of the European Union</i> , 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.	
<b>Amendments 59 and 140</b>			
<b>Article 7</b>			
<p>Article 7 Marking requirements</p> <p>1 Member States shall ensure that each single-use plastic <b>product</b> listed in Part D of the Annex placed on the market bears a conspicuous, clearly legible and indelible marking informing consumers of <i>one or more</i> of the following:</p>	<p>Article 7 Marking requirements</p> <p>1 Member States shall ensure that each <b>sales packaging of the</b> single-use plastic <b>products</b> listed in Part D of the Annex placed on the market bears a conspicuous, clearly legible and indelible marking, <b>both on packaging containing several units and on each separate unit, when packaged individually</b>, informing consumers of the following:</p>	<p>Article 7 Marking requirements</p> <p>1. Member States shall ensure that each single-use plastic product listed in Part D of the Annex placed on the market <b>or their packaging</b> bears a conspicuous, clearly legible and indelible marking informing consumers [...] of the following:</p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p>(a) appropriate waste disposal options for the product or waste disposal means to be avoided for that product,</p> <p>(b) the negative environmental impacts of littering or other inappropriate waste disposal of the products, or</p>	<p>(a) appropriate waste disposal options for the product <i>and/or</i> waste disposal means to be avoided for that product,</p> <p>(b) the negative environmental impacts of littering or other inappropriate waste disposal of the products, <i>and</i></p>	<p>(a) appropriate waste <b>management [...]</b> options for the product or waste <b>management [...]</b> means to be avoided for that product <b>in line with the waste hierarchy</b>,</p> <p>(b) the negative environmental impacts of littering or other inappropriate waste disposal of the products <b>due to the presence of plastics in the product.</b></p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
(c) the presence of plastics in the product.	<p>(c) the presence of plastics in the product; <i>and</i></p> <p><i>(ca) the presence in the product of chemicals of concern, such as hazardous metals, phthalates, PFAS, bisphenols, as well as endocrine disruptors and other substances of very high concern (SVHC) under Regulation (EC) No 1907/2006.</i></p> <p><i>In addition, Member States shall ensure that each sales packaging of the single-use plastic products listed in Part D of the Annex, except tobacco products with filters and filters marketed for use in combination with tobacco products, placed on the market bears a conspicuous, clearly legible and indelible marking, both on packaging containing several units and on each separate unit, when packaged individually, informing consumers of the recyclability of the product.</i></p>	[...]	



Commission proposal	EP amendments	Council position	Comments/suggestions
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).	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 and <b><i>in doing so shall consider existing sectorial voluntary agreements and shall pay particular attention to the need to avoid information that misleads consumers.</i></b> That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).	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).	
<b>Amendment 146</b> <b>Article 7 a (new)</b>			
	<b><i>Article 7a</i></b> <b><i>Provisions for sanitary items</i></b>  <b><i>Member States shall prevent the use of hazardous chemicals in the composition of sanitary towels, tampons and tampon applicators listed in Part D of the Annex.</i></b>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Article 8 paragraph 1</b>			
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.		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 [...] market <b>of the Member State</b> , in accordance with the provisions on extended producer responsibility in Directive 2008/98/EC.	

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 60</b>			
<b>Article 8 paragraph 2 - subparagraph 1</b>			
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.	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. <i><b>The financial contributions paid by the producers to comply with these obligations shall not exceed the costs that are necessary to provide those services in a cost-efficient way and shall be established in a transparent way between the actors concerned.</b></i>	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 <b>point 1 of</b> Part E of the Annex shall cover the costs [...] <b>pursuant to extended producer responsibility provisions in Directive 2008/98/EC and Directive 94/62/EC and, in addition, cover</b> the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products.	2. [...] Member States shall ensure that the producers of the single-use plastic products listed in <b>point 1 of</b> Part E of the Annex shall cover the costs [...] <b>pursuant to extended producer responsibility provisions in Directive 2008/98/EC and Directive 94/62/EC and, in addition, cover</b> the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products.  <b>EP addition covered by Council text in paragraph 2b</b>

Commission proposal	EP amendments	Council position	Comments/suggestions
Amendment 61			
Article 8 paragraph 2 - subparagraph 1 a (new)			
	<p><i>With regard to the costs to clean up litter referred to in the first subparagraph, Member States shall ensure that the financial contributions paid by the producers are established in a proportionate way and are modulated in accordance with Article 8a(4) of Directive 2008/98/EC, and take into account the costs of clean-up of individual products or product groups. The costs shall be limited to activities undertaken on a regular basis by public authorities or on their behalf, which shall include litter clean-up activities aiming to meet relevant obligations concerning waste prevention and environmental protection under legislative acts of the Union.</i></p>	See new paragraph 2b subparagraph 1	

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 62</b>			
<b>Article 8 paragraph 2 - subparagraph 1 b (new)</b>			
	<i>The Commission shall develop guidelines, in consultation with Member States, on the distribution of the costs to clean up litter covered by the extended producer responsibility schemes.</i>	See new paragraph 2b subparagraph 2	
<b>Article 8 paragraph 2 - subparagraph 2</b>			
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.		[...]	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 63</b>  <b>Article 8 – paragraph 2 a (new)</b></p>			
	<p><i>2a. Member States shall ensure that extended producer responsibility schemes established pursuant to paragraph 1 of this Article for tobacco product filters containing plastic contribute to the achievement of the environmental objective laid down in Article 4(2a), including by ensuring that producers of tobacco product filters containing plastic cover the costs of the collection of waste of those 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. In order to achieve that objective, Member states may inter alia require the extended producer responsibility schemes to establish collection systems or finance collection infrastructure for used filters, or promote the decontamination and recycling of used filters through the establishment of a waste recovery chain.</i></p>		<p><u>See Council text in recital 19</u></p>

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Article 8 – paragraphs 2a, 2b, 2c, 2d and 2e (new)</b>			
		<p><b>2a. Member States shall ensure that the producers of the single-use plastic products listed in point 2 of Part E of the Annex shall cover at least the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products.</b></p> <p><b>2b. The costs to be covered shall not exceed the costs that are necessary to provide those services in a cost-efficient way and shall be established in a transparent way between the actors concerned. The costs to clean up litter shall be limited to activities undertaken by public authorities or on their behalf. The calculation methodology for the costs to clean up litter should take into account considerations of proportionality. To minimize administrative costs Member States may determine financial contributions to clean up litter by setting appropriate multiannual</b></p>	<p><b>2a. Member States shall ensure that the producers of the single-use plastic products listed in point 2 of Part E of the Annex shall cover at least the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10 regarding those products.</b></p> <p><b>2b. The costs to be covered shall not exceed the costs that are necessary to provide those services in a cost-efficient way and shall be established in a transparent way between the actors concerned. The costs to clean up litter shall be limited to activities undertaken by public authorities or on their behalf. The calculation methodology <u>shall be developed in a way that allows</u> for the costs to clean up litter <u>to be established in a proportionate way</u>. To minimize administrative costs Member States may determine financial contributions to clean up litter by setting</b></p>

Commission proposal	EP amendments	Council position	Comments/suggestions
		<p>fixed amounts.</p> <p>The Commission shall publish guidelines for criteria, in consultation with Member States, on the cost to clean up litter referred to in paragraphs 2 and 2a.</p> <p>2c. Member States shall define in a clear way the roles and responsibilities of all relevant actors involved.</p> <p>With regard to packaging the roles and responsibilities shall be defined in line with the Directive 94/62/EC.</p> <p>2d. Each Member State shall allow the producers of products established in another Member State and placing products on its territory to appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the obligations of a producer related to extended</p>	<p>appropriate multiannual fixed amounts.</p> <p>The Commission shall publish guidelines for criteria, in consultation with Member States, on the cost to clean up litter referred to in paragraphs 2 and 2a.</p> <p>2c. Member States shall define in a clear way the roles and responsibilities of all relevant actors involved.</p> <p>With regard to packaging the roles and responsibilities shall be defined in line with the Directive 94/62/EC.</p> <p>2d. Each Member State shall allow the producers of products established in another Member State and placing products on its territory to appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the obligations of a producer related to extended</p>



Commission proposal	EP amendments	Council position	Comments/suggestions
		<p>producer responsibility schemes on its territory.</p> <p>2e. Each Member State shall ensure that a producer as defined in Article 3(10) and established on its territory, which sells products listed in Part E of the Annex and fishing gear in another Member State in which it is not established, appoints an authorised representative in that Member State. The authorised representative is the person responsible for fulfilling the obligations of that producer, pursuant to this Directive, on the territory of that Member State.</p>	<p>producer responsibility schemes on its territory.</p> <p>2e. Each Member State shall ensure that a producer as defined in Article 3(10) and established on its territory, which sells products listed in Part E of the Annex and fishing gear in another Member State in which it is not established, appoints an authorised representative in that Member State. The authorised representative is the person responsible for fulfilling the obligations of that producer, pursuant to this Directive, on the territory of that Member State.</p>

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 64</b> <b>Article 8 – paragraph 3</b></p>			
<p>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.</p>	<p>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. <i><b>Member States shall ensure on that basis that a minimum collection rate of fishing gear containing plastic is achieved annually. From 2025 the minimum collection rate shall be 50 % calculated on the basis of the total weight of fishing gear containing plastic collected in a given year in the Member State concerned, expressed as a percentage of the average weight of fishing gear containing plastic placed on the market in the three preceding years in that Member State.</b></i></p> <p><i><b>They shall also ensure that those extended producer responsibility schemes achieve a recycling target</b></i></p>	<p>3. Member States shall ensure that extended producer responsibility schemes are established for fishing gear containing plastic placed on the [...] market <b>of the Member State</b>, in accordance with the provisions on extended producer responsibility in Directive 2008/98/EC.</p>	<p>3. Member States shall ensure that extended producer responsibility schemes are established for fishing gear containing plastic placed on the [...] market <b>of the Member State</b>, in accordance with the provisions on extended producer responsibility in Directive 2008/98/EC. <u><b>Member States shall take measures aiming at a minimum annual collection rate of waste fishing gear containing plastic of 50 % by 2025 for recycling.</b></u></p>

Commission proposal	EP amendments	Council position	Comments/suggestions
	<p><i>of at least 15 % for fishing gear containing plastic by 2025. In order to achieve that target, Member States may additionally require the schemes to inter alia:</i></p> <p><i>(a) modulate financial contributions in accordance with Article 8a(4) of Directive 2008/98/EC, to promote the placing on the market of fishing gear designed for re-use and recycling;</i></p> <p><i>(b) establish deposit-refund schemes to encourage the return of old, derelict or unusable fishing gear;</i></p> <p><i>(c) include monitoring, tracking and reporting programmes.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 65</b></p> <p align="center"><b>Article 8 – paragraph 4 – subparagraph 2 a (new)</b></p>			
	<p><i>Without prejudice to technical measures laid down in Council Regulation (EC) No 850/98 <sup>22b</sup>, the Commission shall request the European standardisation organisations to develop harmonised standards relating to the circular design of fishing gear to encourage preparation for re-use and facilitate recyclability at end of life.</i></p> <hr/> <p><sup>22b</sup> <i>Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1).</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 66</b>			
<b>Article 9 – paragraph 1 – introductory part</b>			
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:	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 <i>and ensure their subsequent recycling</i> . In order to achieve that objective Member States may inter alia:	<p>1. Member States shall take the necessary measures to collect separately <b>for recycling</b>,</p> <p><b>a) no later than</b> by 2025, an amount of waste single-use plastic products listed in Part F of the Annex equal to [...] <b>75%</b> of such single-use plastic products placed on the market in a given year by weight;</p> <p><b>b) no later than by 2030, 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.</b></p> <p><b>Single-use plastic products listed in Part F of the Annex placed on the market within a Member State may be deemed to be equal to the amount of waste generated of such products, including waste littered, in the same year in that Member State.</b></p>	<b>EP addition covered in introductory part of Council text</b>

Commission proposal	EP amendments	Council position	Comments/suggestions
		<p>In order to achieve that objective Member States may inter alia:</p> <p>(a) establish deposit-refund schemes, or</p> <p>(b) establish separate collection targets for relevant extended producer responsibility schemes.</p>	
<p align="center"><b>Amendment 67</b>  <b>Article 9 – paragraph 1 – subparagraph 1a (new)</b></p>			
	<p><i>The first subparagraph shall apply without prejudice to Article 10(3)(a) of Directive 2008/98/EC.</i></p>		<p><b>See Council text in recital 20 (AM 35)</b></p>

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Article 9 – paragraph 2 (new)</b>			
		<b>2. The Commission shall, by...[12 months before the end-date for transposition of this Directive] adopt an implementing act laying down the methodology for the calculation and verification of the separate collection target referred to in paragraph 1 of this Article. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16(2).</b>	
<b>Amendment 68</b> <b>Article 9 – paragraph 1a (new)</b>			
	<i>The Commission shall develop guidelines, in consultation with Member States, on the functioning of deposit-refund schemes.</i>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 69</b> <b>Article 10</b>			
<p>Article 10</p> <p>Awareness raising measures</p> <p>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:</p> <p>(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;</p>	<p>Article 10</p> <p>Awareness raising measures</p> <p>Member States shall take measures to inform <i>as well as incentivise responsible behaviour from</i> consumers of the single-use plastic products listed in Part G of the Annex and fishing gear containing plastic about the following:</p> <p>(a) the <i>availability of reusable alternatives</i>, 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;</p>	<p>Article 10</p> <p>Awareness raising measures</p> <p>Member States shall <b>take measures to inform on as well as incentivise responsible consumer behaviour, resulting in reduced littering of products covered by this Directive as well as</b> 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:</p> <p>(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;</p>	<p>(a) the <u>availability of reusable alternatives</u>, 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;</p>



Commission proposal	EP amendments	Council position	Comments/suggestions
(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.	(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;  <i>(ba) the impact on the sewer network of inappropriate waste disposal of those products.</i>	(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.	(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;  <u><b>(ba) the impact on the sewer network of inappropriate waste disposal of those products.</b></u>

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 70</b> <b>Article 11 - paragraph 2</b></p>			
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.	<p>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 <i>and with Regulation (EC) No 1935/2004 of the European Parliament and of the Council</i> <sup>22c</sup>. <i>Member States shall encourage the use of sustainable, safer alternatives to plastic where possible for materials in contact with food.</i></p> <hr/> <p><sup>22c</sup> <i>Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338 13.11.2004, p. 4).</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p style="text-align: center;"><b>Amendment 71</b>  <b>Article 11 - paragraph 2 a (new)</b></p>			
	<p><i>Member States shall ensure that exports of waste materials to third countries do not add to plastic marine litter elsewhere.</i></p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Article 12</b>			
<p>Article 12 Access to justice</p> <p>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:</p> <p>(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.</p> <p>Member States shall determine at what stage decisions, actions or omissions may be challenged.</p>		[...]	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p>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.</p> <p>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).</p> <p>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.</p>			

Commission proposal	EP amendments	Council position	Comments/suggestions
<p>Any such review procedure referred to in paragraphs 1 and 4 shall be fair, equitable, timely and not prohibitively expensive.</p> <p>Member States shall ensure that information is made available to the public on access to administrative and judicial review procedures.</p>			
<p align="center"><b>Amendment 72</b> <b>Article 12 – paragraph 1 – introductory part</b></p>			
<p>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:</p>	<p>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 <b>4, 5, 6, 7, 8, 9 and 10</b> when one of the following conditions is fulfilled:</p>		

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 73</b> <b>Article 13</b>			
<p>Article 13</p> <p>Information on monitoring of implementation</p> <p>1. Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council <sup>23</sup> and Directive 2007/2/EC of the European Parliament and of the Council <sup>24</sup>, Member States, assisted by the European Environment Agency, shall set up a data set containing:</p> <p><sup>23</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).</p> <p><sup>24</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).</p>	<p>Article 13</p> <p>Information on monitoring of implementation</p> <p>1. Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council <sup>23</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:</p> <p><sup>23</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).</p> <p><sup>24</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).</p>	<p>Article 13</p> <p>Information <b>systems and reporting</b> [...]</p> <p>1. [...] Member States [...] <b>shall, for each calendar year, report to the Commission the following:</b></p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
(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);	<p>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);</p> <p><i>(aa) the data on the placing on the market and separate collection of products listed in Part F of the Annex, to demonstrate the progress towards the achievement of the target set out in Article 9;</i></p> <p><i>(ab) the data on single-use plastic products listed in Part G of the Annex that are placed on the Union market each year in order to monitor their consumption in the Union;</i></p> <p><i>(ac) data on fishing gear containing plastic placed on the market and on waste fishing gear collected and treated;</i></p>	<p>(a) the data on single-use plastic products listed in Part A of the Annex that have been placed on the [...] market <b>of the Member State</b> each year, to demonstrate the consumption reduction in accordance with Article 4(1);</p> <p><i>[see Council litter c]</i></p>	



Commission proposal	EP amendments	Council position	Comments/suggestions
<p>(b) information on the measures taken by Member States for the purposes of Article 4(1).</p> <p>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.</p>	<p>(b) information on the <i>plans and</i> measures taken by Member States for the purposes of Article 4(1);</p> <p><i>(ba) data on marine litter, in particular that originating in products covered by this Directive in order to monitor the effects of the measures taken.</i></p> <p>The data referred to in point (a) of the first subparagraph shall be <i>reported for the first time by... [12 months after the entry into force of this Directive]. The data referred to in points (a) to (ac) shall be</i> 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.</p>	<p>(b) information on the measures taken by Member States for the purposes of Article 4(1);</p> <p><b>(c) the data on single-use plastic products listed in Part F of the Annex that have been separately collected in a Member State each year, to demonstrate the attainment of the separate collection targets in accordance with Article 9(1).</b></p> <p><b>Member States [...] shall report the data</b> electronically within [...] <b>18 months</b> from the end of the [...] <b>reporting</b> year for which it is collected. [...] <b>The data shall be reported in the format established by the Commission in accordance with paragraph 4 of this Article.</b></p> <p><b>The first reporting period shall start in the first full calendar year after the adoption of the implementing act that establishes the format for reporting, in accordance with paragraph 4 of this Article.</b></p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>	<p>2. [...] <b>The data reported by Member States in accordance with this Article shall be accompanied by a quality check report. The data shall be reported in the format established by the Commission in accordance with paragraph 4.</b></p> <p>3. [...] <b>The Commission shall review the data reported in accordance with this Article and publish a report on the results of its review. The report shall assess the organisation of the data collection, the sources of data and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of that data. The assessment may include specific recommendations for improvement. The report shall be drawn up after the first reporting of the data by the Member States and thereafter at intervals envisaged in Article 12(3c) of Directive 94/62/EC.</b></p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
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).	4. The Commission <i>shall</i> 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).	4. The Commission [...] <b>shall, by [12 months before the transposition date of this Directive]</b> adopt implementing acts laying down the format for <b>reporting data in accordance with [...] paragraphs 1 and 2 of this Article.</b> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2). <b>The format developed according to Article 12 of Directive 94/62/EC on packaging and packaging waste shall be taken into consideration.</b>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendments 74 and 150</b> <b>Article 15</b></p>			
<p align="center">Article 15 Evaluation and review</p> <p>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 Commission with any additional information necessary for the purposes of the evaluation and the preparation of the report referred to in paragraph 2.</p>	<p align="center">Article 15 Evaluation and review</p> <p>1. The Commission shall carry out an evaluation of this Directive by ... [<b>5</b> 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 Commission with any additional information necessary for the purposes of the evaluation and the preparation of the report referred to in paragraph 2.</p>	<p align="center">Article 15 Evaluation and review</p> <p>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 Commission with any additional information necessary for the purposes of the evaluation and the preparation of the report referred to in paragraph 2.</p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
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.	<p>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. <b><i>The report shall be accompanied by a legislative proposal, if appropriate. That proposal shall, if appropriate, set binding quantitative consumption reduction targets at Union level for the products listed in Part A of the Annex.</i></b></p> <p><b><i>2a. The Commission and the Member States shall set up, at the latest by 31 July 2020, a Union-wide programme for cleaning up plastic waste in the oceans and shall promote this initiative at international level.</i></b></p>	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.	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p>3. That report shall also indicate whether:</p> <p>(a) the Annex listing single-use plastic products needs to be reviewed;</p> <p>(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;</p>	<p>3. That report shall <b><i>include</i></b>:</p> <p>(a) <b><i>an assessment of the need to review</i></b> the Annex listing single-use plastic products;</p> <p>(b) <b><i>a study of the feasibility of establishing</i></b> binding quantitative Union targets for the consumption reduction of, in particular, single-use plastic products listed in Part A of the Annex; <b><i>in this regard the report shall assess the setting of targets expressed in absolute numbers taking into account consumption levels and already achieved reductions in Member States</i></b>;</p>	<p>3. That report shall also indicate whether:</p> <p>(a) the Annex listing single-use plastic products needs to be reviewed, <b>in particular regarding caps and lids made of plastics used for glass and metal beverage containers</b>;</p> <p>(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;</p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p>(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.</p>	<p><i>(ba) an assessment of the change in materials used in, and innovation in new delivery systems for reusable alternatives of, the products covered by this Directive; this shall include an overall environmental life-cycle analysis of these materials and the resulting alternatives;</i></p> <p>(c) <i>deleted</i></p>	<p>(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.</p>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Article 16 paragraph 2</b>			
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> <p><b>Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</b></p>	
<b>Amendment 75</b> <b>Article 17 – paragraph 1 – subparagraph 1 a (new)</b>			
	<i>By way of derogation from the first subparagraph of this paragraph, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the reporting obligations contained in point (a) of Article 13(1) by ... [12 months after the date of entry into force of this Directive].</i>		



Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 76</b>			
<b>Article 17 – paragraph 1 – subparagraph 2</b>			
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].	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], <b>with the exception of the measures necessary to comply with the requirement referred to in Article 6(1) in relation to beverage containers for carbonated drinks, which Member States shall apply from ...[5 years after entry into force of this Directive].</b>	However, the Member States shall apply the measures necessary to comply with <ul style="list-style-type: none"> <li>- Article 5 [...] from ... [2 years after entry into force of this Directive] [...],</li> <li>- Article 6(1) from ...[3 years after entry into force of this Directive], <b>but in relation to beverage containers for carbonated drinks from ...[5 years after entry into force of this Directive],</b></li> <li>- Article 7(1) from ... [2 years after entry into force of this Directive],</li> <li>- <b>Article 8 by 31 December 2024, but in relation to extended producer responsibility schemes established before 4 July 2018 by 5 January 2023.</b></li> </ul>	

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 77</b> <b>Article 17 – paragraph 2</b>			
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.	2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive. <i><b>The Commission shall verify that those provisions do not place any unjustified obstacles on the functioning of the single market.</b></i>		
<b>Article 17 - paragraph 3 (new)</b>			
		<p><b>3. Provided that the waste management targets and objectives set out in Articles 4 and 8 are achieved, Member States may transpose the provisions set out in Articles 4(1) and 8(1) and (3) by means of agreements between the competent authorities and the economic sectors concerned.</b></p> <p><b>Such agreements shall meet the following requirements:</b></p> <p><b>(a) agreements shall be enforceable;</b></p>	<p><b>3. Provided that the waste management targets and objectives, <u>including payment of the costs</u>, set out in Articles 4 and 8 are achieved, Member States may transpose the provisions set out in Articles 4(1) and 8(1) and (3) by means of agreements between the competent authorities and the economic sectors concerned.</b></p> <p><b>Such agreements shall meet the following requirements:</b></p> <p><b>(a) agreements shall be enforceable;</b></p>

Commission proposal	EP amendments	Council position	Comments/suggestions
		<p>(b) agreements need to specify objectives with the corresponding deadlines;</p> <p>(c) agreements shall be published in the national official journal or an official document equally accessible to the public and transmitted to the Commission;</p> <p>(d) the results achieved under an agreement shall be monitored regularly, reported to the competent authorities and to the Commission and made available to the public under the conditions set out in the agreement;</p> <p>(e) the competent authorities shall make provisions to examine the progress reached under an agreement;</p> <p>(f) in case of non-compliance with an agreement Member States must implement the relevant provisions of this Directive by legislative,</p>	<p>(b) agreements need to specify objectives with the corresponding deadlines;</p> <p>(c) agreements shall be published in the national official journal or an official document equally accessible to the public and transmitted to the Commission;</p> <p>(d) the results achieved under an agreement shall be monitored regularly, reported to the competent authorities and to the Commission and made available to the public under the conditions set out in the agreement;</p> <p>(e) the competent authorities shall make provisions to examine the progress reached under an agreement;</p> <p>(f) in case of non-compliance with an agreement Member States must implement the relevant provisions of this Directive by legislative,</p>

Commission proposal	EP amendments	Council position	Comments/suggestions
		regulatory or administrative measures.	regulatory or administrative measures.
<b>Annex - Introductory part (new)</b>			
		For determining whether a certain item has to be considered as a single-use plastic product listed in the Annex, aside of the criteria listed in the Annex that have to be met, the item's tendency of being littered plays a decisive role. The Commission shall publish guidelines, in consultation with Member States, on examples of what is to be considered a single-use plastic product, as appropriate.	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 78 and 124rev</b> <b>Annex – part A</b></p>			
<p>Single-use plastic products covered by Article 4 on consumption reduction</p> <p>- 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</p>	<p>Single-use plastic products covered by Article 4 on consumption reduction</p> <p>- <b><i>Cups for beverages, including their covers and lids</i></b></p> <p>- 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</p>	<p>Single-use plastic products covered by Article 4 on consumption reduction</p> <p>- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that</p> <ul style="list-style-type: none"> <li>- is intended for immediate consumption [...] either on-the-spot or take-away,</li> <li>- <b>is typically consumed from the receptacle and</b></li> <li>- <b>is ready to be consumed</b> without any further preparation, <b>like cooking, boiling or heating,</b> such as food containers used for fast food <b>or other meal ready for immediate consumption</b>, except beverage containers, plates and packets and wrappers containing food</li> </ul>	

Commission proposal	EP amendments	Council position	Comments/suggestions
	<p><i>The sale of food in a one-person portion size container, or in a container provided with cutlery, is an indication that the food in question is intended to be consumed immediately from the food container.</i></p> <p><i>The concept of further preparation includes activities such as heating, adding boiling water, washing, slicing and cutting.</i></p> <p><i>Examples of single-use plastic food containers covered by parts A, E and G of this Annex</i></p> <ul style="list-style-type: none"> <li>- <i>Fast-food containers such as meal boxes and salad boxes with food for cold consumption</i></li> <li>- <i>Fast-food containers such as meal boxes and salad boxes with food for hot consumption, except where the food needs to undergo heating by the consumer after the purchase of the product</i></li> <li>- <i>Burger boxes, sandwich boxes, wrap boxes</i></li> </ul>		

Commission proposal	EP amendments	Council position	Comments/suggestions
	<ul style="list-style-type: none"> <li>- <i>One-person portion sized food containers of fresh or processed food that does not need further preparation, such as fruits, vegetables, desserts or ice-creams, sold by single unit</i></li> </ul> <p><i>Examples of containers that are not single-use plastic food containers covered by parts A, E and G of this Annex:</i></p> <ul style="list-style-type: none"> <li>- <i>Food containers with dried food or food sold cold that requires further preparation</i></li> <li>- <i>Containers containing food in more than one-person portion size quantities</i></li> <li>- <i>One-person portion sized food containers sold in more than one unit</i></li> </ul>		
- Cups for beverages	(moved up to indent 1)	- Cups for beverages	
		- Paper plates with plastic linings until 2023	

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 79</b>  <b>Annex I – part B – indent 2</b></p>			
- Cutlery (forks, knives, spoons, chopsticks)	<p>- Cutlery (forks, knives, spoons, chopsticks) <i>except, until 2023, cutlery supplied to educational establishments or health care institutions under public supply contracts <sup>24a</sup> as defined in point 8 of Article 2 of Directive 2014/24/EU that were awarded before 31 December 2018.</i></p> <p><sup>24a</sup> <i>‘public supply contracts’ means public contracts having as their object the purchase, lease, rental or hire-purchase, with or without an option to buy, of products. A public supply contract may include, as an incidental matter, siting and installation operations.</i></p>	- Cutlery (forks, knives, spoons, chopsticks)	



Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 80</b> <b>Annex – part B – indent 3</b></p>			
- Plates	<p>- Plates, <i>except, until 2023, plates supplied to educational establishments or health care institutions under public supply contracts <sup>24b</sup> as defined in point 8 of Article 2 of Directive 2014/24/EU that were awarded before 31 December 2018.</i></p> <hr/> <p><sup>24b</sup> <i>‘public supply contracts’ means public contracts having as their object the purchase, lease, rental or hire-purchase, with or without an option to buy, of products. A public supply contract may include, as an incidental matter, siting and installation operations.</i></p>	- Plates, <b>not covered by Part A and G</b>	
<p align="center"><b>Amendment 81</b> <b>Annex – part B – indent 6</b></p>			
- 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, <b>excluding</b> the mechanisms of such sticks		

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 83</b>  <b>Annex – part B – indent 6 b (new)</b></p>			
	- <i>Products made of oxo-degradable plastic</i>		
<p align="center"><b>Amendment 84</b>  <b>Annex – part B – indent 6 c (new)</b></p>			
	- <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	<p>- <u>Food containers made of expanded polystyrene, i.e. receptacles such as boxes, with or without a cover, used to contain food that</u></p> <p>- <u>is intended for immediate consumption either on-the-spot or take-away,</u></p> <p>- <u>is typically consumed from the receptacle and</u></p> <p>- <u>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 beverage containers, plates and packets and wrappers containing food</u></p> <p>- <u>Beverage containers made of expanded polystyrene, i.e. receptacles used to contain liquid such as beverage bottles including</u></p>

Commission proposal	EP amendments	Council position	Comments/suggestions
			<p><u>their caps and lids or composite beverage packaging including their caps and lids, but no glass and metal beverage containers that have caps and lids made of plastic</u></p> <p>- Cups for beverages made of expanded polystyrene</p>
<p align="center"><b>Amendment 85</b> <b>Annex I – part C – indent 1</b></p>			
- Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids	- Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids, <i>except containers intended and used for food for special medical purposes in liquid form as defined in point (g) of Article 2 of Regulation (EU) No 609/2013</i>	- Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids <b>or composite beverage packaging including their caps and lids, but no glass and metal beverage containers that have caps and lids made of plastic</b>	
<p align="center"><b>Annex – part D – indent 2</b></p>			
- Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes		- Wet wipes, i.e. pre-wetted personal care [...]	- Wet wipes [...]

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Amendment 125</b> <b>Annex – part D – indent 3</b>			
– Balloons, except balloons for industrial or other professional uses and applications, that are not distributed to consumers	<i>deleted</i>		
<b>Amendment 86</b> <b>Annex – part D – indent 3 a (new)</b>			
	- <i>Tobacco products with filters and filters marketed for use in combination with tobacco products</i>		
<b>Amendment 87</b> <b>Annex – part D – indent 3 b (new)</b>			
	- <i>Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation</i>		
<b>Amendment 88</b> <b>Annex – part D – indent 3 c (new)</b>			
	- <i>Cups for beverages</i>		
<b>Annex – Part E – title 1</b>			
Single use plastic products covered by Article 8 on extended producer responsibility		1. Single-use plastic products covered by Article 8 <b>paragraph 2</b> on extended producer responsibility	

Commission proposal	EP amendments	Council position	Comments/suggestions
Annex – Part E – indent 1			
- 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		- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that <ul style="list-style-type: none"> <li>- is intended for immediate consumption [...] either on-the-spot or take-away,</li> <li>- <b>is typically consumed from the receptacle and</b></li> <li>- <b>is ready to be consumed</b> without any further preparation, <b>like cooking, boiling or heating,</b></li> </ul> such as food containers used for fast food <b>or other meal ready for immediate consumption</b> , except beverage containers, plates and packets and wrappers containing food	

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Annex – Part E – indent 3</b>			
- Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids		- Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids <b>or composite beverage packaging including their caps and lids, but no glass and metal beverage containers that have caps and lids made of plastic</b>	
<b>Amendment 89</b>			
<b>Annex – Part E – indent 4</b>			
- Cups for beverages	- Cups for beverages <b><i>including their covers and lids</i></b>	- Cups for beverages	
<b>Annex – Part E – indent 5</b>			
- Tobacco products with filters and filters marketed for use in combination with tobacco products		[...]	
<b>Annex – Part E – indent 6</b>			
- Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes		[...]	

Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Annex – Part E – indent 7</b>			
- Balloons, except balloons for industrial or other professional uses and applications, that are not distributed to consumers		[...]	
<b>Part E - title 2 and indents (new)</b>			
		<b>2. Single-use plastic products covered by Article 8 paragraph 2a on extended producer responsibility</b>  - Tobacco products with filters and filters marketed for use in combination with tobacco products - Wet wipes, i.e. pre-wetted personal care - Balloons, except balloons for industrial or other professional uses and applications, that are not distributed to consumers	<b>2. Single-use plastic products covered by Article 8 paragraph 2a on extended producer responsibility</b>  - Tobacco products with filters and filters marketed for use in combination with tobacco products - Wet wipes [...] - Balloons, except balloons for industrial or other professional uses and applications, that are not distributed to consumers

Commission proposal	EP amendments	Council position	Comments/suggestions
<p align="center"><b>Amendment 90</b> <b>Annex – Part F – indent 1</b></p>			
- Beverage bottles	- Beverage bottles, <i>including their caps and lids</i>	- Beverage bottles e.g. bottles for beer, wine, water, liquid refreshments, juices and nectars, instant beverages, but no glass and metal beverage bottles	- Beverage bottles [...], <u>including their caps and lids, but no glass and metal beverage bottles that have caps and lids made of plastic</u>
<p align="center"><b>Annex – Part G - indent 1</b></p>			
- 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		- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that <ul style="list-style-type: none"> <li>- is intended for immediate consumption [...] either on-the-spot or take-away,</li> <li>- <b>is typically consumed from the receptacle and</b></li> <li>- <b>is ready to be consumed</b> without any further preparation, <b>like cooking, boiling or heating,</b></li> </ul> such as food containers used for fast food <b>or other meal ready for consumption</b> , except beverage containers, plates and packets and wrappers containing food	



Commission proposal	EP amendments	Council position	Comments/suggestions
<b>Annex – Part G - indent 3</b>			
- Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids		- Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids <b>or composite beverage packaging including their caps and lids, but no glass and metal beverage containers that have caps and lids made of plastic</b>	
<b>Annex – Part G - indent 6</b>			
- Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes		- Wet wipes, i.e. pre-wetted personal care [...]	- Wet wipes <u>...</u>
<b>Annex – Part G - indent 10 (new)</b>			
		- <b>Paper plates with plastic linings until 2023</b>	

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