

Comments from IE on a 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

Ireland welcomes the Commission proposal to tackle single use plastic items and fishing gear and looks forward to working with the Presidency over the coming months to produce workable Directive to tackle these difficult items.

Ireland makes the following initial observations on the draft published on 28.5.2018:

Impact Assessment

The justification for action is based on the 10 most common items found on European beaches. The evidence for these figures from the JRC work has not been provided. When can this information be made available?

Article 1 – Objectives

Ireland considers that the phrase “internal market” may need to be defined in Article 3.

It is noted that part of the overall objective of this proposal is to contribute to the efficient functioning of the internal market. Is EU Treaty Article 192 sufficient in this regard or should it also be referenced back to the Packaging Directive which is made under Treaty Article 114?

Article 2 – Scope

Ireland has no comment at this point in time to make on this Article. However, we would like to point out that Industry in Ireland has indicated concerns in relation to the lack of definition and scope of the items listed in the Annex to the proposal.

Article 3 - Definitions

General comments:

- a. As mentioned above, we wonder if a definition of internal market be included.
- b. Furthermore there are a number of items which have very vague definitions in the Annex such as beverage cartons (no reference to size), beverage cups, food containers, packets and wrappers, wet wipes etc. As mentioned above, our industry is concerned about the lack of definition around these items.

(2) Do bio plastic and/or compostable items fall within the definition of “single-use plastic product”?

(5) and (6) Placing on the market and making available on the market. Ireland wonders if the “placing on the market” definition used in the F gas regulation would cover both. See below:

‘placing on the market’ means supplying or making available to another party in the Union for the first time, for payment or free of charge, or using for its own account in the case of a producer, and includes customs release for free circulation in the Union;

(10) The definition of “producer” includes a reference to Directive 2011/83/EU in the context of distance contract/seller. However, there is no definition of distance contract/seller in this Directive nor, indeed, in the general Waste Directive. What are the linkages to the quoted Directive which relates to Consumer Rights?

Article 4 – Consumption Reduction

Ireland wonders what constitutes a “significant reduction”. We note in the Impact assessment it is stated under section 8.2 Operational Objectives “to reduce single use plastic versions of drinks cups and lids, wet wipes and food containers 30% by 2025 and 50% by 2030”. Does this have any relationship to significant reduction?

Article 5 – Restrictions on Placing on the Market

Our Industry has queried whether sufficient time is being afforded to adequately research and guarantee the food safety and quality regulatory standards for alternatives to items restricted from coming onto the market.

Article 6 - Product requirements

6.1 – Industry has expressed concern about the requirement that beverage containers can only be placed on the market if caps and lids remain attached during the products use stage. While it is acknowledged that caps and lids are a significant component of marine litter it is important that whatever action is taken here will facilitate recycling of such items including the caps and lids. It has been suggested that such containers will be more difficult to recycle since the caps and lids are currently different plastic types than the rest of the container.

It is important to coordinate this work with the review of the Essential Requirements and will it be necessary to complete the work on the Essential Requirements before any work on EU wide harmonised standards can commence.

Ireland would, therefore, like to understand how long the standardisation process likely to take.

Article 7 – Marking Requirements

While it is acknowledged that the detail of the marking requirements will be worked out with Member States during the development of the implementing act, we are of the opinion that option (a) in 7.1 should possibly be mandatory rather than an option as it is important to inform consumers of “appropriate waste disposal options for the product or waste disposal means to be avoided for that product”.

Article 8 – Extended Producer Responsibility

We note that light plastic bags will be required to have an EPR scheme established. As these are already provided for under the 2015 amendment to the Packaging Directive to reduce the consumption of such bags consideration be taken of the administration burden to Member States to legislate and establish an EPR scheme for a waste stream which is currently well regulated?

Industry has expressed concern about the proportionality of the requirement in 9.2 to include the cost of litter clean-up in EPR schemes and the proposal should recognise the shared responsibility approach of all actors including the consumer. Confining this to the items covered by this proposal could be difficult particularly in the case of existing schemes such as for packaging.

In relation to fishing gear, we welcome the introduction of the EPR approach for dealing with this waste stream. Nonetheless, we will maintain a scrutiny reservation on this provision as we are of the opinion that not all fishing gear presents the same level of risk. Some nets, such as gill nets or longlines for example, present a high risk to the environment as they are frequently lost, float in the water column and ghost fish, rather than sink; and are often made of monofilament materials. We would also like clarification as to whether this provision applies to aquaculture equipment?

Article 9 – Separate Collection

Ireland would like to see the evidence base for the 90% target as the median achieved by deposit and return schemes. Furthermore we would suggest that the article be more closely aligned with Recital 20 which also provides for “any other measures they find appropriate” in the context of how Member States achieve the 90% proposed target separate collection of beverage bottles.

Awareness 10 – Awareness Raising Measures

Will these awareness raising measures be left to the discretion of Member States and how will these provisions be enforced?

It is worth noting that this is an area of strength for Ireland. We have established and extremely successful citizen activation and awareness raising programmes regarding marine litter. We are constantly refining and extending these. In addition, we have a marine environmental education model in our ECO Schools (green schools) programme nationally. We are mainstreaming marine litter issues into general anti-litter programmes (e.g. annual IBAL litter survey). We are also exploring a mechanism for mainstreaming environmental education into fishing community training schemes.

Article 11 Coordination of Measures

No observations at this point in time.

Article 12 Access to Justice

No observations at this point in time.

Article 13 Information on monitoring of implementation

Is there a reference year against which to measure consumption reduction targets and when does this provision come into force?

More detail on the potential reporting requirements is necessary before further observations can be supplied.

Article 14 Penalties

No observations at this point in time. However note general concerns below in relation to transposition deadlines.

Article 15 Evaluation and Review

No observations at this point in time.

Article 16 Committee procedure

No observations at this point in time.

Article 17 Transposition

Ireland suggests that the transposition deadlines proposed are challenging, in particular, for the establishment of EPR scheme in new waste types (fishing gear, for example). Also, ensuring proportionality of penalties for heretofore unchartered grounds is difficult in a short timeframe.