

Your Voice In Europe: ROADMAP feedback for Communication: Strategy on Plastic in a Circular Economy (including action on marine litter)

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Related document: Communication: Strategy on Plastic in a Circular Economy (including action on marine litter)

Feedback:

ClientEarth welcomes the Commission's initiative to define an EU Strategy to tackle the challenges of Plastics in a Circular Economy. However, ClientEarth is concerned that this initiative, as currently presented in the Roadmap 1) fails to take sufficiently into account the EU goal to ensure a high level of protection of human health and the environment against hazardous chemicals and 2) fails to present this objective as a cumulative one to be pursued in parallel with the aim to "turn the Union into a resource-efficient, green and competitively low-carbon economy".

1. The objectives of the Strategy: a high level of protection against hazardous chemicals?

When defining the objectives of the Strategy (section B.), the Roadmap focuses mainly on the implementation of the Circular Economy as defined in a Commission's communication, EU jobs, and the Energy Union. It does not refer to the binding objectives under the Treaty, i.e. ensuring a high level of protection of human health and the environment (Article 191 TFEU), nor to the 7th Environment Action Programme, or the recent Council Conclusions on the sound management of chemicals.

When defining the "problem the initiative aims to tackle" (Section A.), the Roadmap focuses on: 1) "the high dependence on virgin fossil feedstock" (i.e. overexploitation of the resources of our planet), 2) "the low rate of recycling and reuse of plastics" (i.e. the linear economy), and 3) "the significant leakage of plastics into the environment" (i.e. failure to ensure appropriate end-of-life). Even though all of these problems are relevant for the protection of the environment and human health, one fundamental environmental and health concern – particularly relevant to plastics – is missing: hazardous chemicals. Indeed, this issue is only mentioned in the background as a secondary problem: a cause for "weak incentives for a market for secondary plastic materials".

Hazardous chemicals raise specific environmental and health concerns that the EU has committed to tackle. This is clearly stated under the 7th Environment Action Programme, and was restated in the recent Council Conclusions on the sound management of chemicals. Plastics raise particular concerns in that regard. The EU is currently working for example on restrictions (e.g. phthalates) to address this.

Considering this issue as ancillary to the Circular Economy is thus not coherent. This approach is contrary to the Better Regulation principles and to Article 7 TFEU which requires that the Union “ensure[s] consistency between its policies and activities, taking all of its objectives into account [...]”.

ClientEarth therefore recommends that in the Roadmap and future communications regarding the Plastics Strategy, the Commission includes as a self-standing objective of this Strategy the elimination of hazardous chemicals in plastics.

2. Recycling “versus” elimination of hazardous chemicals?

In order to achieve a circular economy that is safe and sustainable two objectives need to be taken into account i) the increase of recycling and ii) the elimination of hazardous chemicals from material cycles. However the roadmap seems to depict these two objectives as opposing each other (“pros and cons of allowing recycling of certain materials versus elimination of the chemical of concern”).

This approach disregards the cumulative nature of the Environmental objectives of the EU which include both the “prudent and rational utilisation of natural resources”, as well as “preserving, protecting and improving the quality of the environment”, or the “protection human health” (Article 191 TFEU). This is further elaborated in the 7th Environment Action Programme which presented as “interrelated” and to “be pursued in parallel” the three priority objectives: the “resource efficient, green and competitive low-economy” (which the Circular Economy serves), “protecting conserving and enhancing the Union natural capital” and “safeguarding the Union’s citizens from environment-related pressures and risks to health and well-being” (which cover the issues raised by hazardous chemicals).

ClientEarth therefore recommends amending the Roadmap in order to present recycling and elimination of hazardous chemicals as cumulative goals. The last sentence of Point 2.1 could for example be replaced with the following:

“There is no constant high flow of high quality recyclates due in particular to the presence in these recyclates of hazardous chemicals in concentration exceeding the current legal limits. For plastics not on the market yet, the current framework fails to limit the use of hazardous chemicals in virgin materials hereby reducing their recyclability. For plastic materials already on the market, there is no horizontal approach to distinguish between i) cases where recycling in compliance with up-to-date restrictions on the presence of hazardous chemicals is possible, and ii) cases where this is not feasible and why (in particular, whether the reasons are of technical nature or purely economic ones).”

If the Commission promotes a circular economy where recycling should happen at any cost for human health and the environment, it may create a parallel material cycle of plastics contaminated by hazardous chemicals that consumers and the market will reject.

Feedback file:

[ClientEarthFeedbackontheCommissionsPlasticsStrategyRoadmap.pdf](#)