



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels,
D(2012)

Opinion

Title ENV - Impact Assessment on a Commission proposal to amend Directive 94/62/EC on packaging and packaging waste to reduce the use of single-use plastic bags

(draft version of 30 March 2012)

(A) Context

Plastic carrier bags are classified as packaging under the Packaging Waste Directive, 94/62/EC. This Directive has a two fold objective; to provide a high level of environmental protection by preventing and reducing the impact of packaging and packaging waste on the environment, and to ensure the functioning of the internal market. Whilst several Member States have already adopted measures aimed at reducing the use of plastic carrier bags, under the present Directive, Member States may not ban the use of plastic bags if, as packaging products, these conform with the essential requirements of the Packaging Directive. The current initiative aims to revise Directive 94/62/EC in order to bring national measures in line, to reduce resource and energy usage related to the unsustainable consumption of plastic carrier bags, and to limit the related negative impacts on the environment and human health.

(B) Overall assessment

The report should be significantly strengthened in several important respects, particularly with respect to the need for and proportionality of further EU action. Firstly, it should situate the initiative more clearly within the relevant legislative and policy context, and should provide further evidence to demonstrate the extent and scale of problems posed by plastic bag littering for human health and marine ecosystems, differentiating clearly across Member States or regions affected. Secondly, the report should better demonstrate the need for action at EU level, by substantiating the transnational aspects of each of the problems particularly as regards littering. Thirdly, the feasibility of each of the options should be discussed, and the reasons for discarding early on the option of removing 'plastic bags' from the scope of the Packaging Waste Directive should be better explained. Fourthly, the report should more comprehensively present the impacts of the measures across the economic, environmental and social pillars, differentiating across Member States, and further assess the impacts on the sustainability of the business model of EU plastic bag producers, particularly SMEs. Finally, the monitoring and evaluation arrangements should be clarified by presenting concrete goals and (progress) indicators.

Given the nature of these recommendations, the Board asks DG ENV to submit a revised version of the report, on which it will issue a new opinion.

(C) Main recommendations for improvements

(1) Provide a clearer policy context and better substantiate the problems posed by plastic bag littering. The report should more clearly explain how this initiative fits into the overall strategy on waste, and in particular, discuss the consistency with the forthcoming Green paper on plastic waste. It should highlight the scale of the problem of littering by outlining in which Member States and regions serious littering problems are primarily observed. It should also provide available information regarding the European plastic bag producers, including an indication of the prevalence of SMEs, and more detailed information on relevant trade aspects. It should then explain the disparity in plastic bag consumption across Member States, as highlighted by Figures 1 and 2, in terms of measures already in place, levels of awareness, behaviour of consumers, or economic conditions. On that basis the report should provide further supporting material to demonstrate that plastic bag littering is posing a threat to human health and to marine ecosystems, and demonstrate the scale and extent of these problems. In relation to human health, it should be clearer on whether the level of plasticizers or other chemical substances originating from plastic bag debris has been observed in high enough levels to pose risks to humans, and provide further evidence (for instance from peer reviewed journals or risk assessments) in order to support this claim. The report should also clearly indicate which coastal regions are affected, and provide evidence showing that there is a perceivable impact on fish stocks.

(2) More clearly demonstrate the EU added value of the measures. The report should present a much clearer and more convincing argumentation showing why the identified littering problems cannot be addressed effectively at Member State or regional level alone (given the striking success stories in some Member States) or via cooperation mechanisms in case of neighbouring maritime regions. In particular, it should attempt to develop much better the argument on the trans-boundary effect of plastic bag littering, and present further evidence demonstrating the extent of the problem of marine debris, clearly differentiating the affected coastal regions in the EU.

(3) Describe policy options in more detail and further discuss their feasibility. The report should link the policy options more coherently to objectives of the report, which should be further specified, to facilitate the assessment of the effectiveness and efficiency of each option. The report should more fully present all the available policy alternatives, including exploring the option to remove plastic bags from the scope and Annex of the Packing Waste Directive. It should outline clearly why the latter option was not considered feasible, by highlighting the implications of a revision of the Packaging Directive. The report should then discuss the feasibility of each option, with close reference to the results of the stakeholder consultation. In option 2, the likelihood of uptake by the retail industry should be discussed, and the outcomes of the discussions with the retailers and plastic industry presented. In option 3, the methodological process behind the setting of the 80% reduction target should be presented (it should be made clear whether it was set following consultation with stakeholders, based on assumptions related to previous experiences of Member States, case law etc.) and the feasibility of alternative reduction targets should be clarified. The report should then discuss possible duplication of measures (economic instruments) under options 3 and 4, and outline whether the combined effect of the two options will restrict the flexibility left to Member States in policy option 3, and explain how different Member States will actually achieve these ambitious objectives. In option 5, it should be explained how an EU-level ban on plastic carrier bags would be implemented in practice.

(4) Provide a deeper analysis of the impacts across Member States. The report should more clearly indicate the proportion of SMEs and micro enterprises affected, and show where they are primarily concentrated. The report should then provide a deeper assessment of the impacts across the economic, social and environmental pillars, clearly differentiating between Member States and regions and addressing the currently observed disparities. Based upon a clearer presentation of the affected actors and regions, it should then further analyse the impacts upon producers, and discuss the sustainability of the current EU SME producer model in the case of an 80% reduction in consumption of single-use plastic bags, explaining clearly why no significant impacts on the producers are envisaged. The report should then provide a quantitative analysis of the impacts upon administrative costs for public authorities and consumers (e.g. prices), and more fully expose the impacts upon terrestrial and marine environments, and on human health.

(5) Provide clearer monitoring and evaluation arrangements. The report should provide more developed monitoring and evaluation arrangements and make clear how the data on plastic bag waste/littering is to be collected. The report should present concrete goals and (progress) indicators and set out clear and achievable timelines, which are linked to clearer objectives.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

The report should be shortened by avoiding repetitions throughout the text and by relegating technical aspects to the Annexes. A glossary of technical terms and abbreviations should be provided and the language streamlined to make it more accessible. The executive summary should provide an analysis of the necessity and EU added-value of the measures.

(E) IAB scrutiny process

Reference number	ENV/2012/014
External expertise used	No
Date of Board Meeting	02 May 2012