



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels,
D(2013)

Opinion

Title **DG 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 (resubmitted draft version of 4 February 2013)***

(A) Context

Plastic carrier bags are classified as packaging under the Packaging Waste Directive, 94/62/EC. This Directive has a twofold 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 comply 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 opinion: POSITIVE

The report has been improved to some extent along the lines of the Board opinion, but it leaves important questions still open. Given that certain Member States would like to ban plastic bags, the report should justify why the option to allow for a ban via a specific derogation to Article 18 of the Packaging Directive is judged as "excessive". More generally the report should fully assess and compare in terms of effectiveness and efficiency all variants of Option 3 (including market restrictions). Given that the use of plastic bags is already successfully addressed in certain Member States (but not in others), and that the main risks of the preferred option relate to its practical implementation (and Member States implementation choices), the report should clarify how these risks will be handled in an effective and efficient manner. In doing so, it should take into account the previous implementation record and capacity of Member States authorities. On that basis the report should better demonstrate the value added of further EU action. The report should also try to more thoroughly assess the impacts on EU plastic bag producers and jobs. It should provide a more quantitative analysis of the impacts upon administrative costs for consumers and public authorities, including those Member States that have already successfully addressed plastic bags. The monitoring and evaluation arrangements should be improved by presenting concrete progress indicators, taking into account Member States disparities. Finally the report should clarify the timing of any initiative, in view of the comprehensive policy evaluation ('fitness check') of the waste sector currently underway.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted
Commission européenne, B-1049 Bruxelles. Office: BERL 6/29. E-mail: impact-assessment-board@ec.europa.eu

(C) Main recommendations for improvements

(1) Better describe the policy context and demonstrate the EU added value of the measures. The report should better show how this initiative fits into the overall strategy on waste, in particular how coherence with existing and forthcoming waste legislation is ensured. It should clarify the timing of any initiative, in view of the comprehensive policy evaluation ('fitness check') of the waste sector underway. On the basis of the strengthened problem definition the report should better demonstrate why further EU action is needed. In particular, it should better explain the arguments aiming to demonstrate that the plastic bag littering problems cannot be addressed effectively at Member State level (given the success stories in some Member States) and given the fact that the preferred option leaves it open for the Member States to decide how to reach the targets.

(2) Better assess and compare impacts. The report should further strengthen the impact analysis by better differentiating between Member States in addressing the currently observed disparities, by corroborating in greater detail the impacts upon EU plastic bag producers and jobs, and by assessing consequences for the environment and human health using credible evidence. It should better justify attributed scores, for instance by providing greater clarity on the underlying methodologies, calculations and assumptions. The three variants of option 3 should be fully assessed and then compared in terms of effectiveness, efficiency and coherence along with the other options. Moreover, the option 3 reduction target of 80% should be better justified and assessed in terms of feasibility. Finally, the report should provide a more quantitative analysis of the impacts on costs/burden for consumers (e.g. as regards prices) and for public authorities, including for those Member States that have already successfully addressed plastic bags.

(3) 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 and its reduction is to be collected, given the existing disparities and the fact that measures are left open for the Member States to decide. The report should present concrete (progress) indicators and set out clear and achievable timelines, which are linked to the objectives.

(D) Procedure and presentation

The report should be shortened, e.g. by moving highly technical aspects to the Annexes.

(E) IAB scrutiny process

Reference number	ENV/2012/014
External expertise used	No
Date of Board Meeting	Written procedure. An earlier version of this report was submitted to the IAB in March 2012, for which the Board issued an opinion on 4 May 2012.