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#### **INFORMATION NOTE**

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from: General Secretariat of the Council  
to: Permanent Representatives Committee/Council

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Subject: Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags  
– Outcome of the European Parliament's first reading  
(Strasbourg, 14 to 17 April 2014)

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#### **I. INTRODUCTION**

The Committee on the Environment, Public Health and Food Safety submitted 43 amendments to the proposal for a Directive (amendments 1 - 43).

In addition:

- the EFD political group tabled two amendments (amendments 44 - 45);
- the EPP political group tabled four amendments (amendments 46 - 49); and
- the ECR political group tabled five amendments (amendments 50 - 54).

## II. DEBATE

The Rapporteur, Mrs Margrete AUKEN (Greens/EFA - DK), opened the debate, which took place on 15 April 2014, and:

- acknowledged that the Commission's proposal was environmentally strong, though she also noted that it could have been stronger still;
- recalled Ireland's great success in reducing plastic bag consumption;
- called for a surcharge to be placed on each plastic bag, though this should be left to the discretion of individual Member States; and
- argued that the aim should not be to ban plastic bags outright, but rather to reduce their use.

Commissioner POTOČNIK:

- noted that plastic bags pose a major environmental challenge, both in polluting the environment and as a major squandering of resources, symbolising the throw-away society and unsustainable lifestyles;
- noted that public opinion is strongly in favour of reducing the use of lightweight plastic bags, but that public behavioural change needs a nudge. That is the lesson from Member States such as Ireland which have shown that simple measures can produce big changes;
- stated that the Commission's proposal contains two main elements:
  - it requires Member States to take measures to reduce the consumption of lightweight plastic carrier bags, which tend to be used only once before ending up as litter; and
  - it provides Member States with a range of instruments, including economic instruments such as charges, national reduction targets and possible marketing restrictions, provided that they are compatible with the Treaty;
- welcomed the fact that the report of the Committee on the Environment, Public Health and Food Safety had clearly shown that the Committee shares the Commission's objective;
- stated that the Commission considers that some of the Committee's amendments are unnecessary for achieving the objectives of the proposed Directive;

- acknowledged that the idea of a reduction target might be appealing. Indeed, the Commission had considered this in quite some detail. The Commission had nevertheless concluded that it would be almost impossible at this stage to design and implement an effective and meaningful EU-wide reduction target applying to all Member States;
- stated that the Commission does not believe that it is appropriate to make exceptions for plastic carrier bags that are used to carry loose, humid and dry food or food and beverages for immediate consumption. It is perfectly possible to reduce the consumption of these bags whilst respecting food safety and hygiene requirements;
- stated that the Commission believes that all lightweight plastic carrier bags should be treated in the same way, regardless of the type of plastic of which they are made. All lightweight bags contribute to littering and can end up in the marine environment. Biodegradable plastics only biodegrade within a reasonable time if they are disposed of and treated in appropriate conditions. The prefix 'bio' does not mean that biodegradable bags are necessarily environmentally friendly;
- argued that the overriding aim should therefore be to reduce the use of all lightweight plastic bags. This would be in line with the waste hierarchy principle and the prevention of waste in the first place; and
- stated that the proposal should not touch on issues that range beyond plastic bags. For example, broader provisions relating to specific types of plastic such as the proposed ban on oxo-biodegradable plastics or relating to maximum concentration levels for hazardous substances and endocrine disrupters in packaging are not part of the Commission's proposal. These issues, as well as the biodegradability of plastics, are important - but should not be addressed in relation to a single product (the plastic bag) but rather in a broader context, including as a follow-up to the Commission's green paper on plastic waste.

Speaking on behalf of the EPP political group, Mrs Radvilė MORKŪNAITĖ-MIKULĖNIENĖ (EPP - LT):

- supported measures to reduce consumption of plastic bags, but expressed doubts as to how feasible it would be to achieve drastic reductions in a short period of time;

- expressed reservations regarding the reliability of statistics in this area;
- argued that a complete ban would be irrational and impracticable;
- called for more attention to be paid to educational initiatives to reduce plastic bag consumption; and
- regretted the fact that there had been insufficient time for a proper discussion within the Parliament prior to the elections. She looked forward to further discussion in the next parliamentary term.

Speaking on behalf of the S&D political group, Mrs Judith MERKIES (S&D - NL):

- argued that, if Rwanda can ban plastic bags, then so can the EU;
- recalled the great reductions achieved by Ireland and Finland;
- called for binding objectives;
- argued for a five-year transitional period, whilst also arguing that a three-month period would be sufficient; and
- argued that an ambitious Directive would promote innovation and therefore employment in the future.

Speaking on behalf of the ALDE political group, Mr Gerben-Jan GERBRANDY (ALDE - NL):

- stated that 70% of the plastic waste in the North Sea comes from plastic bags. The case for action is clear; and
- recalled that three-month pilot projects in two Dutch cities had reduced plastic bag consumption by 80%.

Speaking on behalf of the Greens/EFA political group, Mr Bas EICKHOUT (Greens/EFA - NL):

- noted that less than 7% of plastic bags are currently recycled;
- stated that the Commission's impact assessment had highlighted the need for clear reduction targets and for a pricing factor to be introduced for plastic bags. Yet the Commission's proposal did not reflect these conclusions;

- welcomed the fact that the Committee had tightened up the Commission's proposal; and
- noted that, whilst the EU is often criticised for being obstructive and preventing the execution of sensible measures, the current proposal actually offers a chance to address this because the present rules prevent Italy from introducing an outright ban on plastic carrier bags. He called for support for the amendment that would make it impossible to introduce such outright bans.

Speaking on behalf of the ECR political group, Mrs Julie GIRLING (ECR - UK):

- argued that the issue is not whether plastic bag littering is a good thing or not (it clearly is not), but rather how it should be addressed;
- welcomed the Commission's proposal as a very reasonable and very useful set of methods to achieve the aim of significant and, indeed, almost complete elimination of plastic bag usage;
- called for a realistic approach. Whilst some in the Parliament seem very keen on compulsion, the aim should be rather to provide the Member States with the means to make progress;
- opposed mandatory targets, noting that the impact assessment had not supported mandatory targets without reservation. It had clearly stated that they are one of several possible measures;
- opposed mandatory charging. This is one option, but not the only one. Member States should not be compelled to introduce mandatory charging, if they do not believe that it is the right way forward in their own countries; and
- opposed a mandatory switch from plastic to biodegradable.

Speaking on behalf of the EUL/NGL political group, Mr Jacky HÉNIN (EUL/NGL - FR):

- called for promotion of the usage of bags which are entirely biodegradable or which can be easily recycled;
- expressed his opposition to punitive ecology, which taxes or charges consumers and makes the poorest pay for a model of consumption which has been imposed on them. If anyone is responsible and should pay, it is the big distributors and the petrol companies which make huge profits every year; and
- called for tax relief for products which are entirely biodegradable or which can be easily recycled. This should be worked out on the basis of a concrete agreement between research, agriculture and industry that opens the way for the creation of jobs in the EU.

Speaking on behalf of the EFD political group, Mr John AGNEW (EFD - UK):

- argued that exempting degradable plastic bags from the proposed Directive would encourage their use, but without a full and proper reflection on what is likely to happen to them in the real world. In many cases, they will be mixed up and disposed of together with conventional plastic bags - thus ending up at enterprises which recycle plastics into products which must not degrade such as damp-proof plastic membrane film used in the construction of new houses. Such enterprises would then be forced out of business. There are hundreds of such enterprises across the EU. Their customers would instead turn to China or elsewhere for the supply of a reliable product;
- noted that the recycling industry actually purchases waste plastic, thereby ensuring that there is a real incentive not to dump or fly-tip this material;
- hailed the advent of degradable plastic as a significant breakthrough and as the obvious solution to the problem of waste plastic that becomes contaminated by soil and vegetative matter. He nonetheless highlighted the costs and environmental issues (the capital costs of a washing plant, the significant quantities of water required and the disposal of the dirty water). He cited the example of agriculture, where large quantities of plastic are used for silage wrap and on field crops for frost protection. There is space on farms to store the massive bulk of this material as it undergoes the degradation process;
- stated that the Commission had set itself on a course that would damage both sectors of the industry. The promotion of degradable plastic would attract "third-country cowboys" into the industry, undercutting the genuine manufacturers with a product which fails to degrade properly or, worse still, contains chemicals that are not permitted in the EU. Meanwhile, large stocks of plastic waste would accumulate because recyclers would not be able to trust its provenance - but only a proportion of these stocks would actually degrade; and
- stated that the Green lobby in the EU repeatedly demonstrates that the road to hell is paved with good intentions.

Mrs Christa KLAß (EPP - DE):

- stressed the important uses of plastic, whilst also acknowledging the associated environmental hazards;
- stated that national bans are not particularly useful and are contrary to single market rules. They confuse consumers and impede trade; and
- stated that the 'bio' concept is misleading. More than half of the material comes from crude oil and is not entirely degradable in the environment. Biodegradable bags are no more environmentally-friendly than conventional plastics. More research is needed on this subject. It is important to avoid taking hurried decisions which will have to be undone and revised in a few years.

Mr Claude TURMES (Greens/EFA - LU):

- stated that Luxembourg had achieved a nine-fold reduction in plastic bags since its introduction in 2004 of recyclable bags together with a surcharge for normal bags;
- nonetheless considered that there is still further progress to be made. Plastic bags should be banned altogether; and
- regretted the influence of the plastic lobby on certain MEPs.

Mrs Françoise GROSSETÊTE (EPP - FR):

- called for more preventive action and work to change behaviour;
- stated that it would be a mistake to over-regulate and mis-regulate;
- called for recyclable plastic bags and conventional plastic bags to be treated differently;
- called for support for research by SMEs trying to use non-food cultures to produce bags. This is all the more important because citizens will never be completely weaned from using bags; and
- argued on health and hygiene grounds against the inclusion within the scope of very light plastic bags used for wrapping food products such as raw meat, fish and dairy products.

Mrs Åsa WESTLUND (S&D - SE):

- supported calls for surcharges and reduction targets; and
- warned that some amendments might unintentionally cause manufacturers to increase the dimensions of their plastic products in order to avoid falling within the scope of the legislation.

Mrs Biljana BORZAN (S&D - HR) stressed the tourism aspect of plastic bag pollution.

Commissioner POTOČNIK once more took the floor and:

- noted the consensus amongst the MEPs who had spoken in the debate on the need for action;
- stated that the proposal was not intended to address the whole plastics issue. The Commission is working on that separately. The real aim of the proposal is to address one of the emblematic issues of the consumer society. It is essential to make use of the nearly unanimous public support for action on this point;
- recalled that there had not been much lobbying from business when the proposals were being discussed. In the main, lightweight plastic bags are not produced in the EU, but are imported from outside;
- stated that it is still too early to say whether biodegradability is an answer. Some points still need to be answered:
  - biodegradation is not instant - and that is crucial with regard to maritime pollution.
  - mixing biodegradable and conventional plastics would disrupt composting and recycling operations; and
  - the growing of crops for the production of plastic has its own environmental impact in terms of land use, fertilisers and land treatment;
- noted the many calls to introduce a target. He accepted that targets normally work pretty well. The Commission has given them serious consideration in the context of the current proposal. He nonetheless noted the great differences between Member States (some use 200 plastic bags per person per year; others use only 4 per person per year) - which prompts the questions of whether targets should be absolute or relative and of the level at which they should be set. He further noted that some Member States have been using different approaches which have proved successful. That said, the Commission does have a target in mind - a reduction of 80% can be achieved;

- recalled that the Commission had basically proposed a set of tools which Member States can use, including one which goes as far as a ban (provided it is in line with the Treaty). He considered this to be quite a radical approach;
- noted that the Commission had also proposed an obligation for Member States to prepare plans, targets and instruments - and to use them. Member States would have to report to the Commission and the Commission would monitor these reports and take appropriate action; and
- suggested that a heavyweight approach is not needed.

The Rapporteur once more took the floor and:

- stated that it should be rather embarrassing and thought-provoking for the Commission that it was supported by only one political group - the ECR;
- argued that surcharges should be made compulsory. Mere recommendations are not sufficient; and
- recognised the difficulties of recycling biodegradable bags.

### **III. VOTE**

When it voted on 16 April 2014, the plenary adopted 45 amendments (amendments 1-10, 12-22, 24-36, 38-43, 46-48, 51 and 53).

The text of the amendments adopted and the European Parliament's legislative resolution are set out in the Annex hereto.

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## **Reducing the consumption of lightweight plastic carrier bags \*\*\*I**

**European Parliament legislative resolution of 16 April 2014 on the proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags (COM(2013)0761 – C7-0392/2013 – 2013/0371(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0761),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0392/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 26 February 2014<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of 3 April 2014<sup>2</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A7-0174/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> Not yet published in the Official Journal.

<sup>2</sup> Not yet published in the Official Journal.

## Amendment 1

### Proposal for a directive Recital 2

*Text proposed by the Commission*

(2) Consumption of plastic carrier bags results in high levels of littering and an inefficient use of resources and is expected to increase if no action is taken. Littering of plastic carrier bags *contributes to the problem of marine litter that threatens marine* eco-systems worldwide.

*Amendment*

(2) Consumption of plastic carrier bags results in high levels of littering and an inefficient use of resources and is expected to increase if no action is taken. Littering of plastic carrier bags *results in environmental pollution and aggravates the widespread problem of litter in water bodies, threatening aquatic* eco-systems worldwide.

## Amendment 2

### Proposal for a directive Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

*(2a) Furthermore, the accumulation of plastic carrier bags in the environment has a clearly negative impact on certain branches of the economy, such as tourism.*

## Amendment 3

### Proposal for a directive Recital 3

*Text proposed by the Commission*

(3) Plastic carrier bags with a thickness below 50 microns, which represent the vast majority of the total number of plastic carrier bags consumed in the Union, are less *frequently re-used* than thicker plastic carrier bags *and* more prone to littering.

*Amendment*

(3) *Lightweight* plastic carrier bags with a thickness below 50 microns, which represent the vast majority of the total number of plastic carrier bags consumed in the Union, are less *reusable* than thicker plastic carrier bags, *thus become waste more quickly, are* more prone to littering *and, due to their light weight, more likely to end up scattered through the environment, both on land and in freshwater and marine-ecosystem.*

## Amendment 4

### Proposal for a directive Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

*(3a) Current recycling rates are very low even though plastic carrier bags are recyclable. Furthermore, the recycling of plastic carrier bags is not expected to reach a significant level, as due to their thinness and light weight, plastic carrier bags do not have a high recycling value. In addition, there is no separate collection for plastic carrier bags, their transportation is costly, and washing them for recycling requires large volumes of water. The recycling of plastic carrier bags therefore does not resolve the problems caused by them.*

## Amendment 46

### Proposal for a directive Recital 3 b (new)

*Text proposed by the Commission*

*Amendment*

*(3b) According to the waste hierarchy prevention comes first. Therefore, an EU-wide reduction target has been defined. However, plastic carrier bags serve several purposes and they will still be used in the future. In order to ensure that the needed plastic carrier bags will not end up in the environment, the infrastructure for waste management – especially recycling – should be expanded and consumers should be informed about proper waste disposal.*

## Amendment 5

### Proposal for a directive Recital 4

*Text proposed by the Commission*

(4) Consumption levels of plastic carrier bags vary considerably across the Union due to differences in consumption habits, environmental awareness, *as well as the* effectiveness of policy measures taken by Member States. Some Member States have managed to reduce consumption levels of plastic carrier bags significantly, with the average consumption level in the seven best performing Member States amounting to only 20% of the EU average consumption.

*Amendment*

(4) Consumption levels of plastic carrier bags vary considerably across the Union due *not only* to differences in consumption habits *and* environmental awareness, *but mainly to the degree of* effectiveness of policy measures taken by Member States. Some Member States have managed to reduce consumption levels of plastic carrier bags significantly, with the average consumption level in the seven best performing Member States amounting to only 20% of the EU average consumption. *Union-wide reduction targets should be set compared to the average consumption of plastic carrier bags across the Union so as to take account of reductions already achieved by certain Member States.*

**Amendment 6**

**Proposal for a directive  
Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*(4a) The data available concerning the use of plastic carrier bags in the Union clearly show that consumption is low or has been reduced in those Member States where economic operators do not make plastic carrier bags available free of charge, but instead subject to a small payment.*

**Amendment 7**

**Proposal for a directive  
Recital 4 b (new)**

*Text proposed by the Commission*

*Amendment*

*(4b) Furthermore, consumer information has been shown to play a decisive part in achieving any goals regarding reduced plastic bag consumption. It is therefore necessary for efforts to be made at institutional level to heighten awareness*

*of the environmental impact of plastic bags and do away with the current perception of plastic as a harmless, cheap and intrinsically worthless commodity.*

## Amendment 8

### Proposal for a directive Recital 5

#### *Text proposed by the Commission*

(5) To promote similar reductions of the average consumption level of lightweight plastic carrier bags, Member States should take measures to reduce the consumption of plastic carrier bags with a thickness below 50 microns in line with the overall objectives of the Union's waste policy and the Union's waste hierarchy as provided for in Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives<sup>7</sup>. Such reduction measures should take account of current consumption levels of plastic carrier bags in individual Member States, with higher levels requiring more ambitious efforts. To monitor progress in reducing the use of lightweight plastic carrier bags national authorities will provide data on their use under article 17 of Directive 94/62/EC.

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<sup>7</sup> OJ L 312, 22.11.2008, p. 3.

#### *Amendment*

(5) To promote similar reductions of the average consumption level of lightweight plastic carrier bags, Member States should take measures to *significantly* reduce the consumption of plastic carrier bags with a thickness below 50 microns *with very limited reusability* in line with the overall objectives of the Union's waste policy and the Union's waste hierarchy as provided for in Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives<sup>7</sup>. Such reduction measures should take account of current consumption levels of plastic carrier bags in individual Member States, with higher levels requiring more ambitious efforts. To monitor progress in reducing the use of lightweight plastic carrier bags national authorities will provide data on their use under article 17 of Directive 94/62/EC.

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<sup>7</sup> OJ L 312, 22.11.2008, p. 3.

## Amendment 9

### Proposal for a directive Recital 5 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(5a) Measures to be taken by Member States should involve the use of economic instruments such as pricing, which has proved particularly effective to reduce the use of plastic carrier bags. Member States should ensure that economic operators*

*selling food do not provide plastic carrier bags other than very lightweight plastic carrier bags or alternatives to such very lightweight plastic carrier bags, free of charge at the point of sale of goods or products. Member States should also encourage economic operators selling solely non-food items not to provide plastic carrier bags free of charge at the point of sale of goods or products.*

## Amendment 10

### Proposal for a directive Recital 6

*Text proposed by the Commission*

(6) *Measures to be taken by* Member States *may involve the use of* economic instruments such as taxes and levies, *which have proved particularly effective to reduce the use of plastic carrier bags*, as well as marketing restrictions such as bans in derogation of Article 18 of Directive 94/62/EC, subject to the requirements laid down in Articles 34 to 36 of the Treaty on the Functioning of the European Union.

*Amendment*

(6) Member States *should also be able to* use economic instruments such as taxes and levies, as well as marketing restrictions such as bans in derogation of Article 18 of Directive 94/62/EC, subject to the requirements laid down in Articles 34 to 36 of the Treaty on the Functioning of the European Union.

## Amendments 47 and 51

### Proposal for a directive Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

*(6a) Plastic carrier bags used to wrap humid, loose foods such as raw meat, fish and dairy, and plastic bags used to hold unpackaged prepared foodstuffs are required for food hygiene and should therefore be exempt from the scope of this Directive.*

## Amendment 12

### Proposal for a directive Recital 6 b (new)

*(6b) Very lightweight plastic carrier bags are routinely used to purchase dry, loose unpackaged foods such as fruits, vegetables or confectionery. The use of very lightweight plastic carrier bags for such purposes helps prevent food wastage, since it enables consumers to purchase the exact amount required rather than a fixed pre-packaged quantity, and since it allows the withdrawal of a product that is no longer fit for consumption specifically without needing to discard entire pre-packaged packages. Nevertheless, very lightweight plastic carrier bags made of conventional plastics are a particular problem with regard to littering.*

### **Amendment 13**

#### **Proposal for a directive Recital 6 c (new)**

*(6c) Plastic carrier bags made of biodegradable and compostable materials are less harmful to the environment than conventional plastic carrier bags. Where the use of plastic carrier bags provides important benefits, namely where very lightweight plastic carrier bags are used for dry loose, unpackaged foods such as fruits, vegetables and confectionery, those conventional very lightweight plastic carrier bags should be gradually replaced by carrier bags made of recycled paper, or by very lightweight plastic carrier bags that are biodegradable and compostable. Where the use of plastic carrier bags should be reduced, namely the use of lightweight plastic carrier bags, the use of such bags made of biodegradable and compostable materials should also fall under the general reduction target. However, Member States with separate collection of bio-waste should be allowed*

*to reduce the price of biodegradable and compostable lightweight plastic carrier bags.*

#### **Amendment 14**

##### **Proposal for a directive Recital 6 d (new)**

*Text proposed by the Commission*

*Amendment*

*(6d) Education programmes aimed at consumers in general, as well as at children in particular, should play a particular role in the reduction of the use of plastic bags. Those education programmes should be implemented both by Member States as well as by producers and retailers at the point of sale of goods and products.*

#### **Amendment 15**

##### **Proposal for a directive Recital 6 e (new)**

*Text proposed by the Commission*

*Amendment*

*(6e) The essential requirements with regard to packaging that is recoverable in the form of composting should be amended so as to ensure that a European standard for garden composting is developed. The essential requirements with regard to biodegradable packaging should be amended so as to ensure that only materials that are fully biodegraded are considered to be biodegradable.*

#### **Amendment 16**

##### **Proposal for a directive Recital 6 f (new)**

*Text proposed by the Commission*

*Amendment*

*(6f) European Standard EN 13432 on “Requirements for packaging recoverable through composting and biodegradation -*

*Test scheme and evaluation criteria for the final acceptance of packaging” lays down the characteristics that a material must possess in order to be considered ‘compostable’, namely that it can be recycled through a process of organic recovery comprised of composting and anaerobic digestion. The Commission should ask the European Committee for Standardization to develop a separate standard for garden composting.*

## **Amendment 17**

### **Proposal for a directive Recital 6 g (new)**

*Text proposed by the Commission*

*Amendment*

*(6g) Some plastic materials are referred to as “oxo-biodegradable” by their manufacturers. In such plastic materials, "oxo-biodegradable" additives, typically metal salts, are incorporated into conventional plastics. As a result of the oxidation of those additives, the plastic materials fragment into small particles, which remain in the environment. It is thus misleading to refer to such plastic materials as “biodegradable”. Fragmentation transforms visible littering of items such as plastic carrier bags into invisible littering by secondary microplastics. This is not a solution to the waste problem, but rather increases pollution of the environment by those plastic materials. Such plastic materials should therefore not be used for plastic packaging.*

## **Amendment 18**

### **Proposal for a directive Recital 6 h (new)**

*Text proposed by the Commission*

*Amendment*

*(6h) The use of substances that are carcinogenic, mutagenic or toxic to reproduction and of substances that are*

*endocrine disruptors should be phased out from packaging material so as to avoid unnecessary exposure of humans to such substances and to avoid that such substances enter the environment during the waste phase.*

## **Amendment 19**

### **Proposal for a directive Recital 6 i (new)**

*Text proposed by the Commission*

*Amendment*

*(6i) Harmful substances, particularly hormone-disrupting chemicals, in plastic bags, should be entirely banned to ensure a good level of protection for the environment and human health.*

## **Amendment 20**

### **Proposal for a directive Recital 7**

*Text proposed by the Commission*

*Amendment*

(7) Measures to reduce the consumption of plastic carrier bags should not lead to an overall increase in the generation of packaging.

(7) Measures to reduce the consumption of plastic carrier bags should *lead to a sustained reduction in the consumption of lightweight plastic carrier bags and should* not lead to an overall increase in the generation of packaging.

## **Amendment 21**

### **Proposal for a directive Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(7a) In order to ensure Union-wide recognition of indications (mark, feature or colour code) for biodegradable and compostable bags, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining*

*such indications. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.*

## **Amendment 22**

### **Proposal for a directive Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

*(8a) In order not to impede the functioning of the internal market, the same conditions should apply throughout the Union in respect of the materials used. Differences in the way certain materials are dealt with in certain Member States are detrimental to recycling and trade.*

## **Amendments 48 and 53**

### **Proposal for a directive Article 1 – point -1 (new) Directive 94/62/EC**

Article 3 – point -2 a (new)

*Text proposed by the Commission*

*Amendment*

*(-1) In Article 3, a new point -2a is inserted:*

*'-2a. "plastic carrier bags" shall mean bags, with or without handle, made of plastic materials as defined in point (1) of Article 3 of Regulation (EU) No 10/2011, which are supplied to consumers at the point of sale of goods or products for the purpose of carrying goods. Plastic carrier bags that are necessary for food hygiene to wrap humid, loose foods such as raw meat, fish and dairy and plastic bags to hold unpackaged prepared foodstuffs shall not be considered as plastic carrier*

*bags for the purposes of this Directive.'*

## Amendment 24

### Proposal for a directive

#### Article 1 – point 1

Directive 94/62/EC

Article 3 – point 2a

#### *Text proposed by the Commission*

'2a. "lightweight plastic carrier bags" shall mean bags made of plastic materials as defined in Article 3(1) of Commission Regulation (EU) No 10/2011\* with a wall thickness below 50 microns and which are supplied to consumers at the point of sale of goods or products

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\* OJ L 12, 15.01.2011, p. 1.'

#### *Amendment*

'2a. "lightweight plastic carrier bags" shall mean bags made of plastic materials as defined in Article 3(1) of Commission Regulation (EU) No 10/2011\* with a wall thickness below 50 microns and which are supplied to consumers at the point of sale of goods or products, ***except very lightweight plastic carrier bags;***

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\* OJ L 12, 15.01.2011, p. 1.'

## Amendment 25

### Proposal for a directive

#### Article 1 – point 1 a (new)

Directive 94/62/EC

Article 3 – point 2b

#### *Text proposed by the Commission*

#### *Amendment*

***(1 a) In Article 3, a new point 2b is inserted:***

***'2b. "very lightweight plastic carrier bags" shall mean bags made of plastic materials as defined in point (1) of Article 3 of Regulation (EU) No 10/2011 with a wall thickness below 10 microns;'***

## Amendment 26

### Proposal for a directive

#### Article 1 – point 1 b (new)

Directive 94/62/EC

Article 3 – point 2 c (new)

*Text proposed by the Commission*

*Amendment*

***(1b) In Article 3, a new point 2c is inserted:***

***‘2c. “oxo-fragmentable plastic materials” shall mean plastic materials that include additives that catalyze the fragmentation of the plastic material into micro-fragments of plastic material;’***

## **Amendment 27**

**Proposal for a directive**  
**Article 1 – point 1 c (new)**  
Directive 94/62/EC  
Article 3 – point 2 d (new)

*Text proposed by the Commission*

*Amendment*

***(1c) In Article 3, a new point 2d is inserted:***

***‘2d. “bio-waste” shall mean biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, and comparable waste from food processing plants. It does not include forestry or agricultural residues, manure, sewage sludge, or other biodegradable waste such as natural textiles, paper or processed wood. It also excludes those by-products of food production that never become waste;’***

## **Amendment 28**

**Proposal for a directive**  
**Article 1 – point 1 d (new)**  
Directive 94/62/EC  
Article 3 – point 2 e (new)

*Text proposed by the Commission*

*Amendment*

***(1d) In Article 3, a new point 2e is inserted:***

*'2e. "substances that are carcinogenic, mutagenic or toxic to reproduction" shall mean substances that are carcinogenic, mutagenic or toxic to reproduction of category 1A or 1B in accordance with Part 3 of Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council\*;*

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*\* Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1)'*

## **Amendment 29**

**Proposal for a directive**  
**Article 1 – point 1 e (new)**  
Directive 94/62/EC  
Article 3 – point 2 f (new)

*Text proposed by the Commission*

*Amendment*

*(1e) In Article 3, a new point 2f is inserted:*

*'2f. "endocrine disrupters" shall mean substances having endocrine disrupting properties for which there is scientific evidence of possible serious effects to human health or which are identified in accordance with the procedure set out in Article 59 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council\*, or which are identified according to Commission Recommendation [...]/.../EU\*\*;*

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*\* 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 L 396, 30.12.2006, p. 1).*

*\*\* Commission Recommendation [.../.../EU] of ... on criteria for the identification of endocrine disrupters (OJ C ...).'*

## **Amendment 30**

**Proposal for a directive**  
**Article 1 – point -2 (new)**  
Directive 94/62/EC

Article 4 – paragraph -1 a (new)

*Text proposed by the Commission*

*Amendment*

*(-2) In Article 4, the following paragraph - 1a is inserted:*

*'-1a. Member State shall ensure that packaging is manufactured in such a way that it does not contain substances in concentrations above 0,01% that are carcinogenic, mutagenic or toxic to reproduction or that are endocrine disrupters. Member States shall ensure that packaging is manufactured in such a way that it does not contain “oxo-fragmentable” plastic materials. Those measures shall be achieved by ... \* .*

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*\* OJ: please insert the date – two years after the entry into force of this Directive. '*

## **Amendment 31**

**Proposal for a directive**  
**Article 1 – point 2**  
Directive 94/62/EC

Article 4 – paragraph 1 a – subparagraph 1

*Text proposed by the Commission*

1a. Member States shall take measures to achieve a reduction in the consumption of lightweight plastic carrier bags on their territory *within two years of entry into force of this Directive*.

*Amendment*

1a. Member States shall take measures to achieve a *sustained* reduction in the consumption of lightweight plastic carrier bags on their territory *of at least*

- 50% by ...\*, and

- 80% by ...\*\*,

*as compared to the average consumption in the Union in 2010, respectively.*

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*\*OJ: please insert the date – three years after the entry into force of this Directive.*

*\*\* OJ: please insert the date – five years after the entry into force of this Directive.*

**Amendment 32**

**Proposal for a directive**

**Article 1 – point 2**

Directive 94/62/EC

Article 4 – paragraph 1 a – subparagraphs 1a-1d (new)

*Text proposed by the Commission*

*Amendment*

*Member States shall take measures to ensure that economic operators selling food do not provide plastic carrier bags free of charge, except for very lightweight plastic carrier bags, or alternatives to such very lightweight plastic carrier bags as referred to in paragraph 1c of this Article.*

*Member States shall ensure that economic operators selling food charge a price for lightweight plastic carrier bags that is effective and proportionate so as to achieve the reduction targets referred to in the first subparagraph of paragraph 1a of this Article. Member States shall ensure that economic operators selling food charge at least the same price for thicker plastic carrier bags, and that*

*economic operators do not replace lightweight plastic carrier bags by very lightweight plastic carrier bags at the point of sale. Member States shall take such measures by ...\*.*

*Member States that have set up separate collection for bio-waste may require economic operators selling food to reduce the price by up to 50% for lightweight plastic carrier bags that are biodegradable and compostable.*

*Member States shall encourage economic operators selling non-food items to charge for plastic carrier bags to an extent that is effective and proportionate so as to achieve the reduction targets referred to in the first subparagraph of paragraph 1a of this Article.*

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*\*OJ: please insert the date – two years after the entry into force of this Directive.*

## **Amendment 33**

### **Proposal for a directive**

#### **Article 1 – point 2**

Directive 94/62/EC

Article 4 – paragraph 1 a – subparagraph 1e (new)

*Text proposed by the Commission*

*Amendment*

*Member States shall take measures to ensure that very lightweight plastic carrier bags used to wrap dry loose, unpackaged foods such as fruits, vegetables and confectionery are replaced progressively by carrier bags that are made of recycled paper, or by very lightweight plastic carrier bags that are biodegradable and compostable. Member States shall achieve a replacement rate of 50% by ...\* and of 100% by ...\*\* .*

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*\*OJ: please insert the date – three years after the entry into force of this Directive.*

*\*\* OJ: please insert the date – five years*

*after entry into force of this Directive.*

## **Amendment 34**

### **Proposal for a directive**

#### **Article 1 – point 2**

Directive 94/62/EC

Article 4 – paragraph 1 a – subparagraph 2

#### *Text proposed by the Commission*

*These measures may include the use of national reduction targets, economic instruments as well as marketing restrictions in derogation from Article 18 of this Directive.*

#### *Amendment*

*1b. Member States may use other economic instruments as well as maintain or introduce marketing restrictions in derogation from Article 18 of this Directive. Such measures shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.*

## **Amendment 35**

### **Proposal for a directive**

#### **Article 1 – point 2 a (new)**

Directive 94/62/EC

Article 4 – paragraph 1 c (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(2a) In Article 4, the following paragraph 1c is inserted:*

*'1c. Consumers shall be allowed by retailers to refuse and to leave at the point of sale any packaging they consider superfluous, in particular as regard to carrier bags. Retailers shall ensure that such packaging is either reused or recycled.'*

## **Amendment 36**

### **Proposal for a directive**

#### **Article 1 – point 2 b (new)**

Directive 94/62/EC

Article 4 – paragraph 1 d (new)

*Text proposed by the Commission*

*Amendment*

***(2b) In Article 4, the following paragraph 1d is inserted:***

***'1d. The Commission and the Member States shall, at least during the first year after the entry into force of the directive, promote public information and awareness campaigns concerning the adverse environmental impact of excessive use of conventional plastic bags.'***

### **Amendment 38**

**Proposal for a directive**

**Article 1 – point 2 c (new)**

Directive 94/62/EC

Article 4 – paragraph 1 e (new)

*Text proposed by the Commission*

*Amendment*

***(2c) In Article 4, the following paragraph 1e is inserted:***

***'1e. Member States shall ensure that the measures to reduce the consumption of lightweight plastic carrier bags do not lead to an overall increase in the generation of packaging.'***

### **Amendment 39**

**Proposal for a directive**

**Article 1 – point 2 d (new)**

Directive 94/62/EC

Article 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(2d) A new Article 6a is inserted:***

***'Article 6a***

***If bags are biodegradable and compostable, this shall be clearly indicated on the bag with a mark, feature or colour code. The Commission shall be***

*empowered to adopt delegated acts to define such indications in order to ensure Union-wide recognition. Member States may adopt measures to indicate other characteristics, such as reusability, recyclability and degradability.'*

## **Amendment 40**

**Proposal for a directive**  
**Article 1 – point 2 e (new)**  
Directive 94/62/EC  
Article 20 a (new)

*Text proposed by the Commission*

*Amendment*

*(2e) A new Article 20a is inserted:*

*'Article 20a*

*Exercise of delegation*

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*
- 2. The power to adopt delegated acts referred to in Article 6a shall be conferred on the Commission for an indeterminate period of time from ...\*.*
- 3. The delegation of power referred to in f Article 6a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
- 5. A delegated act adopted pursuant to Article 6a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of*

*notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

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*\* OJ: please insert the date of entry into force of the amending directive.'*

## Amendment 41

**Proposal for a directive**  
**Article 1 – point 2 f (new)**  
Directive 94/62/EC

Annex II – paragraph 3 – points c and d

### *Present text*

*(c) Packaging recoverable in the form of composting*

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it should **not hinder** the separate collection and the composting process or activity into which it is introduced.

*(d) Biodegradable packaging*

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that **most of the finished compost** ultimately decomposes into carbon dioxide, biomass and water.

### *Amendment*

***(2f) In Annex II, points (c) and (d) of paragraph 3 are amended as follows:***

*(c) Packaging recoverable in the form of composting*

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it should **be fully compatible with** the separate collection and the **industrial and/or garden** composting process or activity into which it is introduced.

*(d) Biodegradable packaging*

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that **all of the material** ultimately decomposes into carbon dioxide, biomass and water.

## Amendment 42

**Proposal for a directive**  
**Article 2 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by twelve months after the entry into force of this Directive. They shall forthwith communicate to the Commission the text of those provisions.

*Amendment*

Member States shall ***amend their national legislation if necessary and shall*** bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by twelve months after the entry into force of this Directive. They shall forthwith communicate to the Commission the text of those provisions.

**Amendment 43**

**Proposal for a directive  
Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 2a***

***By ... \* the Commission shall review the effectiveness of this Directive and assess whether further measures need to be taken, to be accompanied, if appropriate, by a legislative proposal.***

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***\*OJ: please insert the date – six years after the entry into force of this Directive.'***