



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 5 June 2014  
(OR. en)**

**10142/14**

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**Interinstitutional File:  
2013/0371 (COD)**

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**ENV 469  
MI 451  
IND 166  
CONSUM 122  
CODEC 1347**

**NOTE**

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From: General Secretariat of the Council

To: Delegations

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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

- Information from the Presidency on the state of play

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Delegations find in Annex an information note from the Presidency on the above-mentioned subject, which will be dealt with under "other business" at the Council (Environment) meeting on 12 June 2014.

**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**

**- Information from the Presidency -**

Background

The Commission submitted the above-mentioned proposal on 5 November 2013, based on Article 114 of the Treaty on the Functioning of the European Union. The general objective of the proposal is to limit the negative impact of plastic carrier bags' littering on the environment, by targeting consumption, thus promoting waste prevention, while taking into account socio-economic impact. According to the Commission's impact assessment, in 2010, over 8 billion plastic carrier bags were littered in the European Union. Once discarded, plastic carrier bags can last for hundreds of years before being totally degraded. Plastic bags then tend to accumulate in the environment, especially in the form of marine litter.

Despite the lack of legislation at EU level targeting specifically plastic carrier bags, they are considered as packaging under the Packaging and Packaging Waste Directive (Directive 94/62/EC). Based on this Directive, some Member States have already developed national policies and measures to reduce their use, for instance by means of pricing, agreements with the retail sector or awareness campaigns, with variable results.

The proposal to amend Directive 94/62/EC contains two main elements.

Firstly, Member States are required to adopt measures to reduce the consumption of plastic carrier bags with a thickness below 50 microns, as these are less frequently reused than thicker ones. Secondly, the measures (chosen at national level) may include the use of economic instruments, such as charges, national reduction targets, and marketing restrictions (subject to the internal market rules of the Treaty).

## State of play

Following the presentation in the Council (Environment) on 13 December 2013, the Working Party on Environment (WPE) examined the proposal at four meetings between January and June 2014<sup>1</sup>.

The European Parliament voted on 16 April 2014, on the basis of the ENVI Committee's Report<sup>2</sup>, adopting 45 Amendments.

At the last WPE meeting on 28 May, a revised Presidency compromise text was discussed (10145/14).

The main changes to the proposal introduced by the Presidency so far, reflect in particular some of the European Parliament's concerns while respecting the need for a flexible approach to take account of the very variable and specific situations in Member States.

They relate to:

- the possibility to differentiate national measures based on the environmental impact of the lightweight plastic bags once they are disposed of, their durability, as well as their intended use. This could allow Member States to exempt certain light weight plastic bags, e.g. when used for loose non dry food, such as meat and fish.
- the possibility to prohibit the free of charge supply of lightweight plastic bags to consumers;
- the possibility to implement the obligations arising from this amendment through agreements between the competent authorities and the economic operators concerned;
- collection of data within reporting obligations of the Packaging Directive, with a view to obtain harmonized data on the consumption of lightweight plastic bags;
- more flexible timeframes for implementation;
- the request for a Commission report on the effectiveness of the measures and agreements, after five years from transposition, accompanied by a legislative proposal if appropriate.

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<sup>1</sup> 14 January, 31 March, 28 April and 28 May 2014.

<sup>2</sup> Rapporteur : Margrete Auken MEP - DK, the Greens.