



Council of the  
European Union

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#### **DRAFT STATEMENT OF THE COUNCIL'S REASONS**

Subject: Position of the Council at first reading with a view to the adoption of the 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  
– Draft Statement of the Council's reasons

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## I. INTRODUCTION

1. On 5 November 2013 the Commission submitted to the European Parliament and to the Council its proposal for a Directive amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags, based on Article 114 of the Treaty on the Functioning of the European Union.
2. The European Economic and Social Committee voted its Opinion on 26 February 2014 and the Committee of the Regions voted its Opinion on 3 April 2014.

The European Parliament voted its legislative resolution in first reading on 16 April 2014<sup>1</sup>, adopting 43 Amendments.

3. The Council and the European Parliament entered into negotiations with a view to reaching a second reading agreement. These negotiations were concluded on 17 November 2014.
4. On 25 November 2014 the Chair of the European Parliament's ENVI Committee addressed a letter to the Presidency stating that, should the Council transmit formally to the European Parliament its position as agreed, subject to legal-linguistic verification, he will, together with the Rapporteur, recommend to the Plenary that the Council's position be accepted without amendments at Parliament's second reading.
5. On 17 December 2014 the Council confirmed its political agreement on the text of this Directive, as it had been agreed by the two institutions.

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<sup>1</sup> 9044/14.

## **II. OBJECTIVE**

The Directive focusses on lightweight plastic bags with a wall thickness below 50 microns, which represent the majority of plastic carrier bags consumed in the EU and are less frequently reused than thicker ones. It aims at limiting the negative impacts of these bags on the environment, at encouraging waste prevention and at achieving a more efficient use of resources.

## **III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING**

### **A. General**

Following the vote in plenary, the European Parliament and the Council conducted negotiations with the aim of concluding a second-reading agreement on the basis of a Council first-reading position that the Parliament could approve as such. The text of the Council's first-reading position fully reflects the compromise reached between the co-legislators.

### **B. Key issues**

The main elements of the compromise reached with the European Parliament are outlined below:

- 1) The measures to be adopted with a view to reduce the consumption of lightweight plastic bags shall include either one or both of the following approaches:
  - the adoption of measures ensuring that the yearly consumption level will not exceed 90 lightweight plastic bags per person by 31 December 2019 and 40 lightweight plastic carrier bags per person by 31 December 2025 (or equivalent in weight);

- the adoption of measures ensuring that by 31 December 2018 these plastic bags will not be provided free of charge for consumers unless equally effective instruments are implemented.

Very lightweight plastic carrier bags can be excluded from these measures. These are defined as plastic bags with a wall thickness below 15 microns required for hygiene purposes or provided as primary packaging for loose food when this helps prevent food wastage.

- 2) Information to the public - the Commission and the Member States will, at least during the first year of implementation of the Directive, actively encourage public information and awareness campaigns concerning the adverse environmental impact of excessive use of lightweight plastic bags.
- 3) Future steps - two years after the entry into force of the Directive, the Commission will present a report to the European Parliament and Council, examining the impact of the use of oxo-degradable plastic bags on the environment as well as a report on the different possibilities to reduce the use of very lightweight plastic bags. Six years and a half after the entry into force of the Directive, the Commission shall present a report assessing the effectiveness of measures at EU level, in combating littering, changing consumer behaviour and promoting waste prevention. If the assessment shows that the measures adopted are not effective, the Commission shall examine other possible ways to achieve a reduction in the consumption of lightweight plastic bags, including the setting of realistic and achievable targets at EU level. All those reports will be accompanied, if appropriate, by legislative proposals.

#### **IV. CONCLUSION**

The Council's position fully reflects the compromise reached in the negotiations between the European Parliament and the Council, with the agreement of the Commission. The compromise is confirmed by the letter that the Chair of the ENVI Committee addressed to the Chairman of the Permanent Representatives Committee on 25 November 2014.