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INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: **ADOPTION OF LEGISLATIVE ACT FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING**
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 second reading
(Strasbourg, 27 April to 30 April 2015)

I. VOTE

On 28 April 2015, since no amendment had been adopted by the Parliament, the President of the European Parliament declared the Council's position at first reading approved.

The text of the European Parliament's legislative resolution is annexed to this note.

II. ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING

Since the European Parliament has approved the Council's position at first reading, the act in question is deemed to have been adopted in the wording which corresponds to the Council's position at first reading, as provided for in Article 294 (7)(a) of the TFEU.

After signature by the President of the European Parliament, the President of the Council and the Secretaries-General of the two Institutions, the act in question will be published in the *Official Journal* of the European Union.

Reducing the consumption of lightweight plastic carrier bags *II**

European Parliament legislative resolution of 28 April 2015 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (05094/1/2015 – C8-0064/2015 – 2013/0371(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (05094/1/2015 – C8-0064/2015),
 - having regard to the opinion of the European Economic and Social Committee of 26 February 2014¹,
 - having regard to the opinion of the Committee of the Regions of 3 April 2014²,
 - having regard to its position at first reading³ on the Commission proposal to Parliament and the Council (COM(2013)0761),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 76 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A8-0130/2015),
1. Approves the Council position at first reading;
 2. Approves its statement annexed to this resolution;
 3. Notes that the act is adopted in accordance with the Council position;

¹ OJ C 214, 8.7.2014, p. 40.

² OJ C 174, 7.6.2014, p. 43.

³ Texts adopted of 16.4.2014, P7_TA(2014)0417.

4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement of the European Parliament

The European Parliament notes the statement made by the Commission on the adoption of the agreement amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags.

As the Commission stated in its Explanatory Memorandum, its original proposal aimed to *"limit negative impacts on the environment, in particular in terms of littering, to encourage waste prevention and a more efficient use of resources, while limiting negative socio-economic impacts. More specifically, the proposal aims at reducing the consumption of plastic carrier bags with a thickness of below 50 microns (0.05 millimetres) in the European Union."*

The European Parliament considers that the text agreed by the co-legislators is fully in line with the aims of the Commission proposal.

The Commission concluded in its impact assessment that *"the option that combines an EU-wide prevention target with an explicit recommendation to use a pricing measure and the possibility for Member States to apply market restrictions by way of derogation of Article 18 [...] has the highest potential to deliver ambitious environmental results, while achieving positive economic impacts, limiting negative effects on employment, ensuring public acceptance, and contributing to wider awareness on sustainable consumption"*.

The European Parliament considers that the final text agreed is based on the preferred option identified in the Commission's own impact assessment, and establishes appropriate provisions for Member States to ensure effective reduction of the consumption of plastic bags across the Union.

The European Parliament recalls furthermore that according to paragraph 30 of the Inter-institutional agreement on better law-making of 2003, it is within the discretion of the co-legislators to decide whether an impact assessment should be carried out prior to the adoption of any substantive amendment.

The European Parliament recalls that according to Article 13 (2) TEU "*institutions shall practice mutual sincere cooperation.*" The Parliament appreciates the efforts made by the Commission in order to conclude the inter-institutional negotiations. It deplors, however, the fact that the Commission's declaration addresses issues that have already been dealt with adequately during the legislative procedure.

Finally, the Parliament recalls that the Commission, as guardian of the Treaties, is fully responsible for the correct application of Union law by the Member States.
