



## Questions & Answers - Guidance on the application of Single-Use Plastic rules

Brussels, 31 May 2021

### **What is the main objective of the Single-Use Plastics (SUP) Directive and the Guidelines on its application?**

[Directive \(EU\) 2019/904](#) on single-use plastics was adopted in June 2019 with the aim to prevent and reduce the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health, as well as to promote the transition to a circular economy with innovative and sustainable business models, products and materials. The Directive should be transposed into national law and applied as of 3 July 2021.

The Guidelines on single-use plastic rules adopted today will facilitate a correct and harmonised application of the key parts of the Directive, in particular, on the definition of plastic, of single-use plastic products made wholly or partly of plastic, and the different items covered by the Directive.

With this Directive the EU is at the forefront of the global fight against marine litter. The Directive is an essential element of the [Commission's Plastics Strategy](#) and the Circular Economy Action Plan as it stimulates the production and use of sustainable alternatives that avoid marine litter. It also contributes to the [Zero Pollution Action Plan](#) and addresses the concerns for more sustainability of European citizens.

### **Why is the EU tackling plastic litter?**

More than 80% of marine litter items are plastics. Plastic accumulates in seas, oceans and on beaches in the EU and worldwide. Plastic residues are harmful to the marine life and biodiversity and are found in marine species – such as sea turtles, seals, whales and birds, but also in fish and shellfish, and finally in the human food chain.

Plastics are a convenient, useful and valuable material, but we need to use them differently. When littered, plastics cause environmental damage and negatively impacts our economy, both in terms of lost economic value in the material, and the costs of cleaning up and losses for tourism, fisheries and shipping. With the [European Green Deal](#), the EU is creating a circular economy where plastics are used in more sustainable ways, re-used and recycled, without creating waste or pollution.

### **What is the definition of plastic and single-use plastic products under the SUP Directive?**

Under the Directive, the definition of plastic includes materials consisting of a polymer to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified. The Directive exempts paints, inks and adhesives. The Guidelines further clarify especially the terms 'natural polymer' and 'chemical modification' to ensure a consistent implementation across the EU.

Single-use plastic products cover products that are made wholly or partly of plastic and are typically intended to be used just once or for a short period of time before they are thrown away. They are targeted in order to achieve the objectives of protecting the environment and promoting the transition to a circular economy with innovative and sustainable business models, products and materials.

### **Is biodegradable plastic included?**

Biodegradable/bio-based plastics are considered to be plastic under the SUP Directive. Currently, there are no widely agreed technical standards available to certify that a specific plastic product is properly biodegradable in the marine environment in a short timeframe and without causing harm to the environment.

As this is a fast developing area, the review of the Directive in 2027 will include an assessment of the scientific and technical progress concerning criteria or a standard for biodegradability in the

marine environment applicable to single-use plastic products. In the context of the new Circular Economy Action Plan, the Commission plans to develop in 2022 a policy framework on the use of biodegradable or compostable plastics, based on an assessment of the applications where such use can be beneficial to the environment, and of the criteria for such applications.

### **Are paper-based products with plastic lining or coating considered single-use plastic products under the Directive?**

The Directive explicitly specifies that its scope covers single-use products made wholly or partly from plastic. The inclusion of single-use paper-based products with plastic lining or coating is in line with the main objectives of the Directive to reduce plastic litter and promote a more circular economy where waste prevention is paramount. Where such plastic-lined and coated cups, food containers or plates are littered, the paper may dissolve relatively fast, but the plastic part may remain in the environment for many years, potentially further disintegrating into micro-plastics.

If these products were not under the scope of the Directive, this would have considerably weakened its impact on reducing marine litter and promoting a more circular economy, not the least due to the risk of cups made entirely from plastic being merely substituted by paper-based products with plastic linings or coatings, without changing the related wasteful consumption patterns.

### **Which single-use plastic products are affected by the new rules?**

By 3 July this year, Member States must have in place measures to ensure that certain single-use plastic products can no longer be placed on the EU market. Those are selected products for which affordable alternatives exist on the market: cotton bud sticks, cutlery, plates, straws, stirrers, balloons sticks, as well as cups, food and beverage containers made of expanded polystyrene and all products made of oxo-degradable plastic. For other single-use plastic products, such as fishing gear and wet wipes, other measures were decided, such as limiting their use, reducing their consumption and preventing littering through labelling requirements, extended producer responsibility schemes ("polluter pays principle"), awareness campaigns and product design requirements.

Member States are also obliged to ensure that certain single-use plastic products placed on their market bear a [marking](#) on the product or its packaging to make consumers aware about the presence of plastic in the product and the appropriate waste disposal method, including the need to avoid littering. This requirement applies to sanitary towels (pads), tampons and tampon applicators, wet wipes (i.e. pre-wetted personal care and domestic wipes), tobacco products with filters and filters marketed for use in combination with tobacco products, and cups for beverages.

In addition, Member States must take steps to prevent and clean up litter from food containers, beverage containers, packets and wrappers, cups for beverages, lightweight plastic carrier bags, wet wipes, balloons, tobacco products with filters and filters marketed for use in combination with tobacco products, as well as fishing gear.

### **How should the products be marked?**

The marking of certain single use plastic products will have to follow the rules laid down by the Commission Implementing Regulation, of 17 December 2020, on [harmonised marking specifications on single-use plastic products listed in Part D of the Annex to Directive \(EU\) 2019/904](#).

The vectorised pictograms in the order they appear in the Annexes I to IV of the Implementing Regulation, in all official languages of EU Member States and Gaelic can be found [here](#).

### **Why does the SUP Directive specifically deal with fishing gear?**

Fishing-related items make a significant contribution to marine litter, representing 27% of plastic litter items found on beaches. The [revised Port Reception Facilities Directive](#) discourages dumping fishing gear at sea by removing financial penalties for bringing it ashore. The SUP Directive ensures that once ashore, it is properly dealt with.

In line with the 'polluter-pays' principle, the SUP Directive imposes extended producer responsibility. This means that the producers of the gear will be responsible for the collection and environmentally responsible disposal of the gear including broken and end-of-life gear, as well as lost gear fished up during fishing operations.

From 2022, Member States will be obliged to report on fishing gear containing plastic placed on the market and fishing gear collected at sea.

### **Why do Member States have to report on fishing gear containing plastic placed on the market and waste fishing gear collected?**

The SUP Directive provides a simple, uniform and consistent way of reporting. It will allow to

compare the number of fishing gear placed on the market to be compared with those collected. It will give the recycling business a clear view of the opportunities and provide the necessary input for the Commission to establish binding EU collection targets in the future.

### **What was the impact of COVID crisis on the use of single-use plastic products?**

Certain single-use plastic products have a critical and practical role in the current pandemic, especially in the health, food and food service sector. The SUP Directive does not cover personal protection equipment like single-use face masks or gloves that have increased in use and in litter in the environment due to the efforts to fight the COVID pandemic. Nonetheless, such waste falls under more general provisions of EU waste legislation (Directive 2008/98/EC on waste), which require proper waste management and prohibit littering.

In their measures to transpose and implement the Directive, Member States must comply with EU food law to ensure that food hygiene and food safety are not compromised, and encourage the use of sustainable alternatives to single-use plastic, where possible, for materials intended to come into contact with food. However, single-use alternatives remain an option also under the SUP Directive as the single-use plastic products concerned (in particular food containers) are still allowed to be placed on the market, while their overall consumption is to be reduced. This is particularly relevant in cases where the safety and hygiene of multiple-use products cannot be guaranteed.

### **For more information**

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