



Reduction of the impact of certain plastic products

The European Parliament legislative resolution of March 27 2019 on the proposal for a directive of the EU Parliament and of the Council on the reduction of the impact of certain plastic products on the environment (COM(2018)0340-C8-0218/2018-2018/0172(COD)). The European Council approved the SUP Directive in May after previous trilogue negotiations ensured there was agreement on the package.



What will be restricted by the SUP?

One of the major interventions of the EU Parliament was to require Member States to ban oxo-degradable plastic – this deviated from the original Commission proposal which decided to instruct the European Chemicals Agency (ECHA) to conduct a two-year REACH investigation into whether oxo-degradable plastics should be restricted. The EU Parliament, with agreement of the Council, decided that such an investigation was unnecessary as they wished to ban the substance immediately. Such decisive action indicated the political nature of the SUP Directive and gives an indication on how the directive will develop over time. Aside from the restriction placed on oxo-degradable plastics, the SUP Directive also places restrictions on cotton bud sticks, cutlery, plates, straws, beverage stirrers and food containers.

Analysis – SUP expansion on the cards

The SUP Directive has been purposefully designed to be flexible and organic. The Parliament and Council have given the Commission great scope to go ahead and evaluate the SUP Directive over the coming two years and will be required to assess the future expansion of the products included in the SUP Directive. Critically, this means that the EU Commission will likely add more products to the SUP Directives' restriction list – including bottle caps and lids. This is evidenced by Recital 32 and 12 of the SUP Directive. The EU Commission will begin work immediately on analysing the scope of the SUP Directive and the newly-elected ENVI Committee in the EU Parliament will also use its voice to demand action on a whole host of plastics.

Recital 32 – evaluation of Directive over next 12-months

Pursuant to the Interinstitutional Agreement (p.22 April 2016) on Better-Law Making, the EU Parliament has instructed the EU Commission to carry out an evaluation of the Directive and gather necessary data during the implementation of the Directive (the two years following the Council approval). The evaluation will provide the basis for:

An assessment of possible further measures, including the setting of Union-wide reduction targets for 2030 and beyond, and an assessment whether, in the view of monitoring of marine litter in the Union, the Annex listing single-use plastic products needs to be reviewed and whether the scope of this Directive can be broadened to other single-use products.

Recital 12 – caps and lids

Recital 12 directs the Commission, in the context of the review of this directive, evaluate inter alia caps and lids made of plastic used for glass and metal beverage containers and evaluate their inclusion into a broader directive.