



ROYAL NORWEGIAN MINISTRY OF  
CLIMATE AND ENVIRONMENT

*The Minister*

Your ref

Our ref

Date

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## **Norway's opinions on the proposal for a directive on the reduction of the impact of certain plastic products on the environment**

The environmental impact of marine plastic litter is a matter of great concern to Norway. Norway therefore welcomes the proposal for a directive on single use plastic products and fishing gear and supports EU's efforts to tackle this problem. Europe is and should continue to be a frontrunner for stronger measures globally and regionally to tackle marine litter.

Norway supports that the directive aims to promote the transition to a circular economy as well as reducing the environmental impact on the aquatic environment. Norway supports an ambitious directive with a broad set of measures, with some flexibility for the Member States. In our opinion, it is essential that the directive includes measures based on best possible knowledge and targeted to the objectives of the directive.

Products need to be better suited for the circular economy, and we must increase the safe use of secondary materials in products while at the same time ensuring that substances of concern are handled in a responsible manner. In our opinion, the directive needs stronger provisions to ensure a clean and safe circular economy for the targeted products.

Measures on single-use products will entail environmental and economic effects over the product's life cycle. It is important that in our efforts to find alternatives, we do not replace one environmental problem with another. The directive must strike the balance between strong action as well as acting from a sufficient knowledgebase.

Norway is positive to the approach of the Commission to address the products most frequently found in the marine environment. It is our view that the Member States should also be left with the option of addressing articles that are more often found in their own marine

environment, but are not listed in the directive, considering that the amounts and types of single-use plastic products in the marine environment may differ between states.

Norway believes that in order to justify a market restriction, one must be reasonably sure that the product restricted contributes significantly to the problem, and, when this is relevant, that the existing alternatives are environmentally superior when taking into account effects over the life cycle.

Consumers play a central role in the prevention of littering and Norway supports measures on awareness raising, aimed both at information on the impacts of littering on the environment, and on the correct waste handling of the products, which could contribute to a circular economy.

Norway supports that the directive includes measures on fishing gear. In Norway, fishing gear is a large contributor to marine litter, and a possible producer responsibility scheme for products used by the aquaculture and fisheries is now being examined. We will be happy to share our considerations when they are finalised.

Norway supports the proposals related to separate collection and a 90 % collection target on beverage bottles. Norway has a high return rate of plastic bottles, through a system that is operated and financed by the industry. In Norway, there is an environmental tax on bottles and drinking cans, and these taxes are lowered depending on the return percentage of bottles and cans. This gives the industry a strong economic incentive to establish consumer friendly return systems. The biggest return system uses a deposit scheme. This gives the consumers an incentive to return cans and plastic bottles. These bottles and cans are recycled. 88 % of the plastic bottles in this system are returned. Norway raised the deposit fee in 2018, with the aim to further increase the collection rates.

The issue of littering from plastic products and fishing gear is of high priority to Norway, and we are undertaking several other measures on the national level. The Norwegian Environment Agency examines measures to reduce single-use plastics, including assessing the environmental effect of alternative materials (in a lifecycle perspective). Norway has also started a process towards a more binding cooperation with the industry.

Furthermore, Norway would like to provide some more specific comments and proposals to the directive:

### **1. Introduction of a principle of substitution**

For products where there are no suitable alternatives at the present, Norway proposes introducing a principle of substitution in the directive. This would entail a duty to use alternatives that are less harmful from a lifecycle perspective, if such alternatives exist and are available at reasonable costs. In Norwegian legislation, we have such a duty to consider substitution in relation to chemicals that may have impact on health or the environment, and we consider it to be an important supplement to other regulations in the chemicals area. Applying a principle of substitution to relevant single-use products could expedite the

reduction of the environmental impacts of these products, make producers more responsible for evaluating whether there exists less harmful alternatives, and could promote new business solutions.

A principle of substitution could apply to the products listed in part G of the Annex, i.e. for those products that are not subject to a market restriction. It would work as a supplement to the other requirements of the directive.

## **2. Include a provision on monitoring**

Norway would suggest amending the directive to include a provision on monitoring of plastic products found in the marine environment or at the coastline of each Member State. In order to obtain reliable and comparable monitoring data to assess the state of marine litter in the marine environment and the effectiveness of the actions taken, it is important to coordinate monitoring programmes transnationally and, whenever possible, to adopt consistent methodologies to collect, record and making data available to the Commission. To this end the Commission should establish guidelines on monitoring activities of plastic products found in the marine environment.

## **3. Suitability of extended producer responsibility schemes**

In our experience, producer responsibility schemes are effective for products that have good potential for recycling, can be collected separately or when correct waste handling is especially important due to content of substances of concern etc. Packaging are already covered by the Directive on packaging and packaging waste. Norway is generally positive to an extended producer responsibility that includes covering costs of cleaning up for single-use products.

Norway believes however that such schemes might be considerably less effective or suitable for some products. This could be the case for products that have little or no potential for recycling, and usually go into the residual waste – like balloons, or wet wipes. For such products, the environmental benefits from correct handling come from prevention of littering, which means that the benefits of introducing an extended producer responsibility in accordance with Directive 2008/98/EC might be comparatively smaller than the administrative costs related to operating and supervising the EPR schemes.

Norway would therefore instead suggest that the responsibility for the producers of wet wipes and balloons covers the costs of cleaning up as well as costs of awareness raising measures for these products. This could be realised through other measures than EPR schemes, such as voluntary agreements with producers and importers, or fees. Clean up actions financed and conducted by producers and importers of the single use products have to be coordinated in order to be effective and targeted. Norway has noted that there are proposals that costs of cleaning up should be shared, and we believe this is something that could be considered.

#### **4. Evaluation, the possible inclusion of agricultural plastics**

The evaluation of the directive should also take into consideration the data made available from the monitoring of single-use products found in the marine environment, as proposed by Norway.

In Norway's opinion, an evaluation should consider the inclusion of agricultural plastics in the directive. Handling agricultural plastics prevents leakage of plastics into the environment and contributes to the circular economy. In Norway, agricultural plastics were until 2017 subject to a voluntary agreement on plastic packaging and agriculture plastics between the ministry and the industry. When a new regulation on packaging came into effect in 2017, agricultural plastics were not included, as they are not defined as packaging in the Packaging Directive. In our experience, the voluntary EPR system contributed to a high degree of collection and recycling of agricultural plastic.

Norway looks forward to continued close contact on this important issue.

Sincerely,



Ola Elvestuen

Attachment:

- Annex to Norway's opinions on the proposal for a directive on the reduction of the impact of certain plastic products on the environment

## Annex

to Norway's opinions on the proposal for a directive on the reduction of the impact of certain plastic products on the environment

### Amendments to the proposed directive

#### **Suggested amendment – Recital 2**

Circular approaches that prioritise re-usable products **without substances of concern** and re-use systems will lead to a reduction of waste generated, and such prevention is at the pinnacle of the waste hierarchy enshrined in Article 4 of Directive 2008/98/EC of the European Parliament and of the Council.<sup>34</sup> Such approaches are also in line with United Nations Sustainable Development Goal 12<sup>35</sup> to ensure sustainable consumption and production patterns.

#### Justification

It is important to increase the safe use of secondary materials in products while at the same time ensuring that substances of concern are handled in a responsible manner.

#### **Suggested amendment – Recital 11 a - new**

**To expedite the reduction of the impact on the environment of the most-found single use plastic products for which there are no viable alternatives, the Member States should implement a principle of substitution. This would entail a duty for anyone who produces, imports, places on the market, processes, uses or in any other way handles the relevant products to use an alternative that is less harmful from a lifecycle perspective, if such alternative exists and provided that this does not cause unreasonable cost or inconvenience.**

#### **Suggested amendment – Article 6 a - new**

**The Member States shall implement a principle of substitution, by which anyone who produces, imports, places on the market, processes, uses or in any other way handles a product listed in Part G of the Annex shall use an alternative that is less harmful from a lifecycle perspective, if such alternative exists and provided that this does not cause unreasonable cost or inconvenience**

#### Justification

Applying a principle of substitution to relevant single-use products could expedite the reduction of the environmental impacts of these products, make producers more responsible

for evaluating whether there exists less harmful alternatives, and could promote new business solutions.

**Suggested amendment – Article 8 a – new**

**Costs of cleaning up and awareness raising measures**

**Member States shall ensure that producers of single-use plastic products listed in Part H of the Annex shall cover the costs to clean up litter and the costs of the awareness raising measures referred to in Article 10.**

Justification

Norway would suggest a new Part H on balloons and wet wipes to the Annex, as Norway suggests separating these products from Article 8 on extended producer responsibility. For such products, the environmental benefits from correct handling come from prevention of littering, which means that the benefits of introducing an extended producer responsibility in accordance with Article 8 might be comparatively smaller than the administrative costs related to operating and supervising the EPR scheme. Norway suggests that producers of these products should cover costs of cleaning up as well as costs of awareness raising measures.

**Suggested amendment – Article 10 a - new**

**Monitoring**

**Member States shall monitor and collect data on the occurrence of plastic products found in the marine environment or at the coastline and shall ensure that up-to-date records are kept and made available to the Commission.**

**The Commission shall establish guidelines on monitoring activities of plastic products found in the marine environment so that monitoring programmes may be coordinated transnationally. To this end the Commission shall adopt consistent methodologies to collect, record and make data available.**

Justification

To ensure that measures are based on best possible knowledge and targeted to the objectives of the directive, states should monitor and gather data on the types and amounts of single use plastic products found in the marine environment. Such data made available from the states is to be used in the evaluation of the directive.

## **Suggested amendment – Article 15**

### Evaluation and review

1. The Commission shall carry out an evaluation of this Directive by ... [six years after the end-date for transposition of this Directive]. The evaluation shall be based on the information available in accordance with **Article 10 a and** Article 13. Member States shall provide the Commission with any additional information necessary for the purposes of the evaluation and the preparation of the report referred to in paragraph 2.
2. The Commission shall submit a report on the main findings of the evaluation carried out in accordance with paragraph 1 to the European Parliament, the Council and the European Economic and Social Committee.
3. That report shall also indicate whether:
  - (a) the Annex listing single-use plastic products needs to be reviewed;
  - (b) it is feasible to establish binding quantitative Union targets for the consumption reduction of, in particular, single-use plastic products listed in Part A of the Annex;
  - (c) sufficient scientific and technical progress has been made, and criteria or a standard for biodegradability in the marine environment applicable to single-use plastic products within the scope of this directive and their single-use substitutes have been developed, in order to determine which products no longer need to be subject to the restrictions on placing on the market, where appropriate.
- 4. The Commission shall in the report assess whether other groups of products, including agricultural plastics, should be included in the Annex.**

### Justification

An evaluation should take into consideration data made available from the monitoring of plastic products found in the marine environment of the Member States. This data is relevant when considering whether the Annex needs to be reviewed. As regards agricultural plastics, Norway is positive to including this in the directive, as our experience is that EPR systems contribute to a high degree of collection and recycling.

## **Suggested amendment – Article 15 a - new**

### **Inclusion of products not listed in the Annex**

**For those products which are not listed in the Annex but contribute significantly to littering of the marine environment, the Member State may apply to those products the same measures applicable to the items listed in Part B of the Annex**

### Justification

The types and amounts of single use plastic products found in the marine environment may vary between states and the directive should allow some flexibility for the Member States to address the products that cause the most harm to their own marine environment.

## **Amendments to the Annex to the proposed directive**

### **Suggested amendment – Part E**

#### Part E

Single use plastic products covered by Article 8 on extended producer responsibility

- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food that is intended for immediate consumption from the receptacle either on-the-spot or take-away without any further preparation, such as food containers used for fast food, except beverage containers, plates and packets and wrappers containing food
- Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation
- Beverage containers, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids
- Cups for beverages
- Tobacco products with filters and filters marketed for use in combination with tobacco products
- ~~— Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes~~
- ~~— Balloons, except balloons for industrial or other professional uses and applications, that are not distributed to consumers~~
- Lightweight plastic carrier bags as defined in Article 3(1c) of Directive 94/62/EC

### Justification

Wet wipes and balloons should not be subject to an extended producer responsibility scheme but instead the producers of these products should cover costs of cleaning up as well as costs of awareness raising measures.



**Suggested amendment – Part H - new**

**Part H**

**Single use plastic products covered by Article 8 a on costs of cleaning up and awareness raising measures**

- **Wet wipes, i.e. pre-wetted personal care, domestic and industrial wipes**
- **Balloons, except balloons for industrial or other professional uses and applications, that are not distributed to consumers**

**Justification**

Wet wipes and balloons should not be subject to an extended producer responsibility scheme but instead the producers of these products should cover costs of cleaning up as well as costs of awareness raising measures.