



# Global Product Compliance

## ARE YOU AWARE OF THE NEW EU SINGLE-USE PLASTIC DIRECTIVE?

### Summary

2021-07-01



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## BACKGROUND

The consumption of plastic and plastic material has become present in everyday life, especially those with short-living applications. The advantages of single-use plastic material are closely accompanied by wicked problems, e.g., 80 to 85% of marine litter in the EU is plastic material, with **single-use plastic items representing 50%** and **fishing-related items characterizing 27% of the total**.

In short, production and utilization have become inefficient and linear. The significant negative environmental, health and economic impact of certain plastic products call for setting up a specific legal framework to effectively reduce the negative effects.

**Directive 2019/904** promotes the circular economy among the Member States, aligning its principles with commitments for the 2030 Agenda.

## OBJECTIVE

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, thus also contributing to the efficient functioning of the internal market.

The Single-use plastic directive requires Member States to achieve substantial reduction in consumption of single-use plastic products by **2026**, adopting 2022 as the base year

## SCOPE

Single-use plastic products are also known as 'disposable plastics' and it refers to any plastic that is used only once before it is thrown away or recycled. **Single-use plastic products** listed in the Annex of the directive, to products made from **oxo-degradable plastic** and to **fishing gear containing plastic**. Examples of products that fall within this scope are not exhaustive, however, some of them are plastic plates, plastic forks and knives, plastic water bottles, plastic straws, and shopping bags. The directive applies to every plastic that falls under such category.

## IMPORTANT DEFINITIONS

'Single-use' products are those that do not complete multiple trips or rotations within their lifespan by being returned to a producer for refill or having a possibility to be re-used for the same purpose it was conceived.

'Oxo-degradable plastic' means plastic materials that include additives which, through oxidation, lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition.



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## DEADLINES

Deadlines can be observed as Member States Obligations or Commission's Duty.

### Member States Obligation:

The Member States shall comply with the directive by the expressed dates below.

July 2, 2019	Directive 2019/904 entered into force	July 3, 2021	Make available plans and measures	Prohibition of Annex B products	Marketing requirements for Annex D products	July 3, 2024	Requirements for annex C products (caps and lids)
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In addition, Member States are required to report to the Commission yearly. The report's content shall provide:

- data on single-use plastic products listed in Part A of the Annex that has been placed on the market, to demonstrate a yearly reduction
- information on the measures taken by the Member State for consumption reduction and waste prevention of products listed in Part A of the Annex
- data on single-use plastic products listed in Part F of the Annex that has been separately collected, thus recycled
- data on fishing gear containing plastic placed on the market and waste fishing gear collected in the Member State each year
- information on recycled content in PET bottles listed in Part F of the Annex  
data on the post-consumption waste of Tobacco products with filters and filters marketed for use in combination with tobacco products (Section III of Part E of the Annex).

Recycling requirements for single-use plastic products listed in Part F of the Annex are:

- 77% of single-use plastic products placed on the market shall be recycled by 2025
- 90% of single-use plastic products placed on the market shall be recycled by 2029.

Member States shall start reporting to the Commission in:

- 2022 when dealing with previously mentioned points a – d
- 2023 when dealing with previously mentioned points e – f

PET bottles listed in Part F of the Annex should:

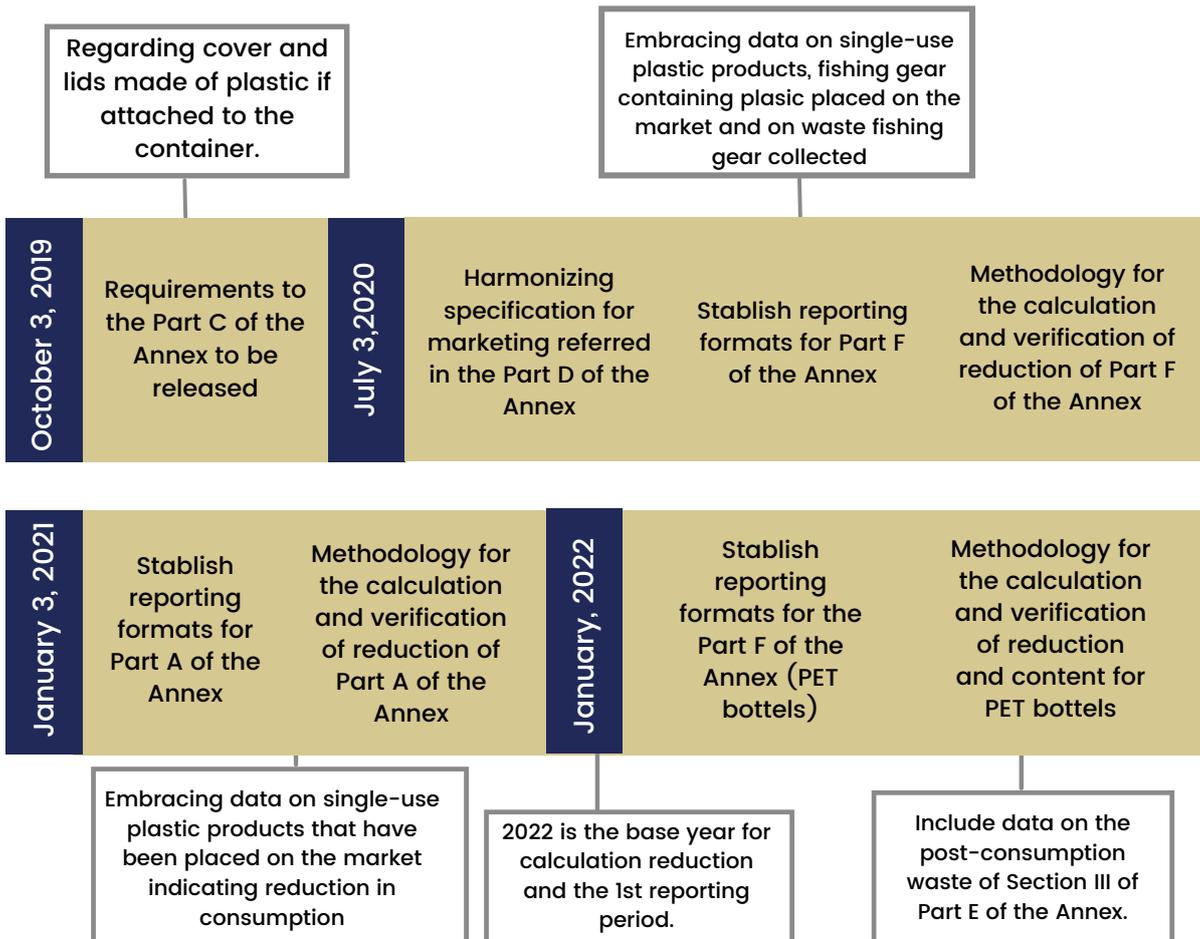
- contain at least 25% recycled plastic from 2025
- contain at least 30% recycled plastic from 2030

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## DEADLINES

### Commission's Duties:

The Member States shall comply with the directive by the expressed dates below. The Commission is responsible for establishing reporting formats, requirements, guidelines, etc. by the dates below.



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## ANNEX SUBJECT

Directive 2019/904 presents a single Annex divided into seven parts, from A to G. Each part of the Annex is responsible for assisting or providing single-use plastic products breadth, requirements, or specifications, as follows:



## SUPPORTING MATERIALS

The European Commission released a guideline for clarification and identification of plastic products that fall within the scope of **Directive 2019/904**. The guideline on single-use plastic products was issued on May 31, 2021, and can be understood as an 'explanatory manual', offering examples of included or excluded products and their reasons.

Since the Directive 2019/904 spans over different products, it would be easier to frame the products that are excluded from the legislation. For example, **food containers that require further preparation and cannot be consumed immediately** are out of the scope (noodles, powder soups, frozen meals, meat trays, etc.). While plastic water bottles are included, **plastic bottles over 3 liters** are excluded for not being considered single-use products; the same can be applicable for reusable or refillable cups.

Please consult the **guideline** for more detailed information over a diversity of products and their characteristics, including specific criteria on lightweight plastic bags, cutlery, package and wrappers, cotton bud sticks, balloons and sticks, towels and wipes, and tobacco filters.



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## QUICKSTART GUIDE – IS IT INCLUDED OR NOT?

The **Directive 2019/904** defines that single-use plastic products listed in the Annex are within its scope if they are **wholly** or only **partly** made from plastic. However, it is not established a minimum amount or threshold for plastic content – in this case, a qualitative assessment is necessary. Below is illustrated important concepts to assist decision-making on a variety of goods.

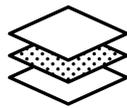


### PRODUCTS UNDER SCOPE



Plastic bottles, including detachable lids and caps

Lining or coating containing plastic



Food containers when containing foodstuff to be immediately consumed without further preparation

Remember that polystyrene is plastic-material; therefore, is included in the regulation!

Cutlery made from plastic and single-used



Wipes, plastic bags, tobacco filters containing plastic, and single-used cups with plastic-material are considered by the regulation!



### PRODUCTS NOT CONSIDERED



Glass or metal bottles with caps and lids made from plastic, and bottles larger than 3 liters

Lining or coating **not** plastic-based



Food containers containing frozen meals (even though made of plastic)



Plastic food containers contained dried food that requires additional preparation

While food containers that require further preparation is excluded, beverages with instant powders to which addition is necessary are included!

Medical items and industrial balloons are excluded from the requirements

