



Institute
for
European
Environmental
Policy UK

Divergence of environmental policy post-Brexit

Hub meeting – Single Use Plastics case study

Michael Nicholson

01 November 2022

Single Use Plastics - Why legislation?

- In the EU, 80-85% of all marine litter is plastic ([Directive 2019/904](#)), of which:
 - Single use plastic (SUP) items represent 50%,
 - Fishing related items 27%, and
 - 10 of most commonly found SUP items on European beaches, alongside fishing gear, represent 70% of all marine litter in the EU.
- UK (England): “...current estimates suggest that only 10% of single-use plastic plates and cutlery are recycled upon disposal.” *DEFRA SUP consultation*

Therefore, the aim of legislation is to:
*prevent and reduce impact on human health and
promote / move to a circular economy*





EU legislative underpinning

- 2018 EU plastics strategy
- 2019 Directive *on reduction of the impact of certain plastic products on the environment* enters into force
- 2021:
 - Commission adopts guidelines on single-use plastics products.
 - The EU no longer allows certain single-use plastic items to be placed on the Member States market; and marking requirements enter into force.
- 2021/22:
 - Implementing Decisions: 2021/1752 & 2022/162 on calculation, verification and reporting rules for consumption of SUP food containers and beverage cups & collection of SUP beverage bottles

Key points of Plastics Directive

SUP market restrictions:

- Cotton bud sticks
- Cutlery, plates, straws & stirrers
- Sticks for balloons
- Expanded polystyrene:
 - Food containers
 - Cups for beverages
 - Beverage containers



Consumption reduction (food containers and cups for beverages) – measurable quantitative reduction by 2026 from 2022 baseline

Separate collection and design requirements

- 90% collection target of SUP bottles by 2029 (with interim target of 77% by 2025).
- At least 25% recycled content by 2025 (PET bottles) and 30% by 2030 for all bottles.
- Plastic caps and lids allowed if attached to containers.

Labelling / marking – consumer information on disposal, presence of plastics and impact of plastics on environment e.g., wet wipes and sanitary items, beverage cups, tobacco products & filters

Extended Producer Responsibility – polluter pays and costs for producers on waste collection, clean up and data gathering e.g., packets and wrappers, lightweight plastic bags

UK, SUP's & market restrictions

- Directive adopted in 2019 but transposition period for this directive was 03 July 2021 – therefore outside of Transition Period under the Withdrawal Agreement (up to 31 December 2020)
- UK nations going ahead on SUP's:
 - **England:** *The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020*
 - **Northern Ireland:** *No transposition yet of EU Directive 2019/094 on Single Use Plastics*
 - **Scotland:** *The Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021*
 - **Wales:** *The Environmental Protection (Single-use Plastic Products) (Wales) Bill*



Market restrictions¹

	Cutlery (forks, knives, spoons, chopsticks)	Plates	Straws ² and cotton bud sticks	beverage stirrers	sticks to be attached to and to support balloons	food containers made of expanded polystyrene	oxo-degradable plastic	beverage containers & cups made of expanded polystyrene, including their caps and lids
<u>EU</u>	Restriction from 03 July 2021							
<u>England³</u>	Consultation outcome pending. No decision yet by DEFRA		Ban distribution / sale from 03 July 2021 for straws & 01 October 2020 for cotton buds	Ban distribution / sale from 01 October 2020	Consultation outcome pending. No decision yet by DEFRA		No current restriction. ⁴	Consultation outcome pending. No decision yet by DEFRA
<u>Northern Ireland</u>	<p>No restrictions in place.</p> <p>EU Directive 2019/094 on SUP is under the list of legislative acts under the NI Protocol. And should have been transposed by 01 January 2022.⁵</p> <p><u>But</u>, DAERA consultation for the Reduction of Single-Use Plastic Beverage Cups and Food Containers⁶ took place and ended in January 2022. No formal response yet and it 'only' covers cups and food containers and proposes outright ban, a 25p/50p levy (for cups/food containers) and voluntary schemes.</p>							
<u>Scotland</u>	Ban on sale & manufacture from 01 June 2022	Ban on sale & manufacture from 01 June 2022	Ban on sale & manufacture Straws 01 June 2022 & cotton buds 12 October 2019 ⁷	Ban on sale & manufacture from 01 June 2022	Ban on sale & manufacture from 01 June 2022	Ban on sale & manufacture from 01 June 2022		Ban on sale & manufacture from 01 June 2022
<u>Wales</u>	<p>[Government] Bill introduced 20 September 2022 in Senedd: items to be restricted are the same as in EU Directive 2019/094 – see above. <i>Bill seeks to make it an offence to supply, or offer to supply a prohibited SUP product to a consumer in Wales...</i> Stage 2, Committee Stage expected 09 November 2022.</p>							

A case of divergence...

- Legal divergence between EU and England (divergence in timing rather than in substance?)
- Scotland and Wales broadly in step with EU
- Northern Ireland – lack of implementation
- And finally, Wales – to go further than EU with proposal for outright ban on plastic single use plastic bags?

Internal Market Act complications

Devolved Administrations (particularly Scotland) concerned about differing speeds of UK nations and IM Act possibly undermining efforts to reduce SUP's

'Mutual Recognition' principle (IM Act) - goods produced in, or imported into one part of UK can then be sold in other parts of the UK

However, publication of:

UK SI 2022/857: [The United Kingdom Internal Market Act 2020 \(Exclusions from Market Access Principles: Single-Use Plastics\) Regulations 2022](#)

This SI has helped to ensure that IM Act did not weaken higher standards set in Scotland on SUP's.





Institute^{for}
European
Environmental
Policy **UK**

mnicholson@ieep.eu

London Office:

25 EP, 25 Eccleston Place

SW1W 9NF, London

<https://ieep.eu/news/ieep-uk>



www.ieep.eu/news/ieep-uk



@IEEP_uk