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Statement of NABU (Birdlife Partner in Germany) to the:

GREEN PAPER

(Brussels, 7.3.2013; COM(2013) 123 final)

On a European Strategy on Plastic Waste in the Environment

5.1. Application of the waste hierarchy to plastic waste management

(1) Can plastic be appropriately dealt with in the existing legislative framework for waste management or does the existing legislation need to be adapted?

- Plastic can only be appropriately dealt with if policies do not only focus on waste management but on the re-invention of plastics; i.e. plastics that are recyclable, biodegradable, free of in a more stringent way hazardous substances and that fulfill functional necessities.
- When dealing with plastic waste, waste legislation isn't always a right solution. Some non-packaging plastics can't be covered by existing waste legislation since applications are diversified and the percentage of plastic in products is too small to handle with by waste management. NABU is therefore strengthening its request towards eco-design regulations when it comes to plastics.
- Legislation needs to be adapted in order to appropriately deal with the plastic as a resource and not as waste. All the waste directives need to be revised to coherently reflect the concepts of the 5 step waste hierarchy, life-cycle thinking and resource efficiency whereas linking up to ecodesign and optimized separate collection.
- European legislation needs prevention & reuse targets for plastics as a material flow, both in absolute and specific (per capita, per capita working population).
- The Packaging Directive needs a plastic recycling target of 80 percent. The Basis for calculating the quota needs to be the collected and sorted amount of plastic-packaging.

- Because there are various plastic (but non-packaging) products that are easily recyclable the Packaging Directive shall be extended towards a (plastic) Recycling-Directive for wastes from households and SMEs.
- There is no precise definition of recycling including quality requirements. Recycling objectives are based on inputs to recycling facilities and not on the effective recycling efficiency, thus not ensuring quality recycling (similar to virgin plastic material). This only works if there is a system to enforce optimal source separation that guarantees high quality input. Since current European legislation doesn't require optimal source separation and hence it is far from guaranteeing quality recycling; either specific targets for source separation of plastic streams are introduced or the recycling targets should also include the output from recycling plants.
- Current weight base criteria is not a relevant driver to address some light fraction plastic waste (i.e. plastic film). Quotas for separated plastic waste will end this deficit.

(2) How can measures to promote greater recycling of plastic best be designed so as to ensure positive impacts for enhanced competitiveness and growth?

Concerning (waste) policies:

- Quotas for plastic recycling make investments in sorting and recycling plants possible because only then the security for investments is given.
- Separate collection schemes should be boosted to avoid plastic ending up in mixed residual waste and reduce sorting costs
- End of waste criteria for plastics need to act as a reference for quality recycling that would be equal to virgin material. That does not mean that EOW-criteria for any plastic are ecologically needed.
- Certification for plastic waste recycling facilities to ensure level playing field at worldwide level and mitigate the trend to exporting plastic waste to sub-standard treatment as the cheapest option
- Extended Producer Responsibility should be reinforced to reflect real end of life costs, noticeably in relation to chemical contents or potential risks linked to use of nano material and chemical scrubbing material. EPR schemes are only of ecological help if producers pay the price for the internalized costs they produce, not only the price of the waste management.
- Pay as you throw schemes should be generalized
- Ban the use of those plastics that endanger either the quality of recycling or pollute the environment such as the oxo-degradable plastics

Concerning obligations for producers

- Plastic recycling will grow as much there is market demand for the recycled plastic. In this sense there are price incentives that should be given and also remove red tape for use of recycled plastic in the manufacturing process, also, minimum plastic recycled contents in concrete products can be of help
- Ecodesign of products should include requirements for plastic marking, disassembly of plastic parts and plastic recyclability, as well as minimum plastic recycled contents where appropriate
- Essential requirements of P&PWD need to be set clearer to minimize overpackaging, promote reuse and optimized recycling of plastic material, beyond existing standards
- Hazardous material and additives contained in plastics could be further reduced and restricted when safer alternatives exist, thus increasing cost effectiveness of material recovery (reducing needs for de-pollution e.g flame retardants)

- Better integration of end of life for the producers before they put a new product on the market, with data sheet and bill of material being made publicly available
- Prohibition of overpackaging will help to prevent unnecessary plastic waste.
- Prohibition of certain non-recyclable additives and of multilayer plastics
- Recycled plastic needs a market demand and currently because of low quality recycling, because of lack of awareness or lack of support this demand is low. Another way to pull plastic recycling is by helping create a vigorous, demanding and reliable demand that justifies investments in separate collection and high quality recycling.

(3) Would full and effective implementation of the waste treatment requirements in the existing landfill legislation reduce sufficiently current landfilling of plastic waste?

- No, landfill Directives mainly sets diversion objectives for biodegradable waste, including plastic that can lead to increased incineration and not necessarily to increased material recycling for plastic
- There are no landfill ban for untreated/recyclable waste at EU level
- EU funding still supports landfills
- (Landfill) Taxes at national level are not always high enough to incentivize alternative treatment
- Proper inspection of landfill sites and enforcement are still lacking in many MS
- There are discrepancies between MS with regard what is reported as landfilled waste (some MS report only landfilling of untreated/unsorted waste direct landfilling; other report all waste being landfilled including after treatment)

(4) What measures would be appropriate and effective to promote plastic re-use and recovery over landfilling? Would a landfill ban for plastic be a proportionate solution or would an increase of landfill taxes and the introduction of diversion targets be sufficient?

A landfill ban is the best solution to end the landfilling of plastics. Landfill taxes, if increased every year (e.g. up to 100 €/t within five years) are appropriate measures to come to this end. The EU has to be aware that a landfill ban and landfilling taxes have to be accompanied by an incineration taxation for plastics so that the landfill ban does not cause an increase in incineration but in recycling.

- However the push that landfill and incineration bans for recyclable plastics should be complemented with a pull from the upper side of the hierarchy, i.e. markets for recycled materials. A ban alone will not be sufficient to phase out recyclable plastics from disposal, it should be complemented with measures to create a vibrant market for recycled plastics so that the market pulls recyclable plastics out of landfills and incinerators.
- This can be done with either taxation on plastics that do not incorporate recycled materials –when possible- or with positive taxation, i.e. subsidise the use of recycled plastic. Targets for the use of recycled plastics in new products is also an option.

(5) What further measures might be appropriate to move plastic waste recovery higher up the waste hierarchy thereby decreasing energy recovery in favor of mechanical recycling? Would a tax for energy recovery be a useful measure?

- An incineration tax for solid derived fuels and other plastic containing waste is useful if in combination with a landfill ban/landfill tax.
- One of the main tasks is that incinerating plastic waste has to be considered in energy taxation and within the EU-Emission Trading Scheme. The reason: The incineration of plastic sets free fossil greenhouse gases.
- A Material-Input-Tax supports also the reuse of plastic products.
- Plastic waste should be dealt as a very valuable, very useful resource which we should keep in our economy in circulation intact for as long as possible, similarly as we treat metal.
- Curbside collection would help to reduce the overall amount of waste, increase the quality of material sent to recycling, increase cost effectiveness of recycling by reducing sorting costs and contamination risks and act as driver to limit plastic incineration; the infrastructure of recycling should be improved, more container (not to spoil the waste with toxic waste)
- Plastic recycling targets need to be set to balance targets for renewable energy, giving a priority to recycling

(6) Should separate door step collection of all plastic waste combined with pay-as you-throw schemes for residual waste be promoted in Europe, or even be made mandatory?

- Yes. Separate curbside collection of plastic waste would have a great impact on achieving high recycling target. This should be accompanied by separate collection for bio-waste to reduce contamination risk
- Pay as you throw schemes should be made mandatory while being adapted to the national/local situation (there should be at least a significant variable part of waste management cost based on pay as you throw)
- Pay as you throw should be seen as a waste prevention tool to discourage the generation of single-use plastic waste –beverages, bags, etc-
- Besides door step collection it is important to implement EPR policies for as much plastics as possible –if not all-. This includes that for plastic packaging it can make more sense to replace most of the collection with a deposit system.

5.2. Achievement of targets, plastic recycling and voluntary initiatives

Targets and exports of plastic waste

(7) Are specific plastic waste recycling targets necessary in order to increase plastic waste recycling? What other type of measures could be introduced?

- Reinforcement of existing recycling targets in PWD, as well as in WFD is necessary to create a legal driver for plastic recycling and to balance renewable energy targets that lead to incineration of plastic waste or their use as substitute for fuel
- Introduction of waste prevention targets with the aim to avoid preventable single use plastic packaging is necessary.
- Plastic Waste from construction needs specific recycling or re-use targets.

- Plastic waste (from products and all packaging) needs to be ruled by an extended packaging waste directive. This includes wastes generated by small and medium enterprises.

(8) Is it necessary to introduce measures to avoid substandard recycling or dumping of recyclable plastic waste exported to third countries?

- The most high quality recycling is possible if recycling is done within the EU. Therefore the EU should maximize export bans from plastics to assure upcycling and recycling.
- Enforcement of waste laws needs to be strengthened to avoid illegal exports.
- Quality assurance labels with third party controls should become standard.

Voluntary Action

(9) Would further voluntary action, in particular by producers and retailers, be a suitable and effective instrument for achieving better resource use in the life cycle of plastic products?

- Voluntary action (VA) are definitely useful.
- VA need clear and officially, publicly published targets, indicators and need to go further than average requirements. Few VA are able to have a complete impact since they root usually from specific branches or front-runner enterprises. They may be helpful for producers and retailers to find their way to fulfill future targets.
- VA must be accompanied by legislative persons that communicate the following: If the VA does not lead to the expected result, a legislative solution will be implemented.
- VA-Schemes have the great chance to raise awareness within the companies and of customers.
- But: Voluntary actions do not represent sufficient legal drivers to secure investments and innovative practices.

5.3. Targeting consumer behavior

Giving plastic a value

(10) Is there scope to develop deposit and return or lease systems for specific categories of plastic products? If so, how could negative impacts on competition be avoided?

- For many packaging (logistics, beverages, food-containers) re-use on the basis of a return/deposit scheme is the most environmentally friendly solution. Return schemes are especially positive if they are used within regions without long-distance transportation.
- Negative impacts on competition can be avoided if standard packaging is used (e.g. reuse bottles for sparkling water in Germany, fruit/vegetable boxes in supermarkets, etc.). If producers decide not to take part in such standard packaging schemes they aren't discriminated by the return system and act on their own business risk
- Real leasing-schemes (product is always owned by producer/retailer) function in similar ways. That is also realistic for special plastic applications (e.g. carpets, fishing nets, etc.).

Empowering consumers to know what they buy

(11) What type of information would you consider necessary to empower consumers to make a direct contribution to resource efficiency when choosing a plastic product?

- Environmental Labels (Type I)
- Information about the chosen plastic (PE, PP, Multi-Layer) and recycling or reuse possibilities shall be given.
- Consumer should be well informed when buying a plastic containing chemical additives
- Concerted action against greenwashing of biodegradable plastics when in reality they are oxo-degradable and can pollute potential compost or downgrade the plastic recycling.

5.4. Towards more sustainable plastics

Plastic design for easy and economic cradle-to-cradle recycling

(12) Which changes to the chemical design of plastics could improve their recyclability?

- Transparency of recipes of plastics must be made available for recyclers.
- All recyclable plastics need to be biodegradable.
- No possibly emerging substances are allowed to be used (Bisphenol A).
- No use of harmful substance in any “use-phase” (production, use, reuse, recycling, incineration, accidentally littered), especially when it comes to additives, catalysts, flame retardants, etc.

(13) How could information on the chemical content of plastics be made available to all actors in the waste recycling chain?

- Plastic type registry, standardized to have a common treatment
- Marking of plastic should be generalized for all products
- Data sheet of products, bill of material and disassembly schemes to be made available
- If nothing else at least clearly mark those that contain additives and toxics so that they can be easily separated from “clean” plastics so that safe recycling can increase the margin and more expensive one will have an incentive to phase out toxics and additives to join the “good group”.

New challenges through innovative materials

(14) How can challenges arising from the use of micro plastics in products or industrial processes and of nano-particles in plastics be best addressed?

- Precautionary principle: More detailed tests before putting on the market and more controls –paid by producer- after being released. Financed by a fund of all producers using the technology
- Prohibition of obviously harmful products such as micro-beads in cosmetic products.
- EPR schemes to include financial provisions to cover risks

5.5. Durability of plastics and plastic products

(15) Should product design policy tackle planned obsolescence of plastic products and aim at enhancing re-use and modular design in order to minimize plastic waste?

- Planned obsolescence of plastic parts in products is a topic, especially if long lasting products include plastic parts that do not last long enough. Modular design is one way, substitution of plastic another.
- Products that don't last long (e.g. cheap toys) and are of low quality and made out of plastic have to be put on a "black list".

(16) Could new rules on eco-design be of help in achieving increased reusability and durability of plastic products?

- Ecodesign Directive must focus more on fostering reuse, recycling, making products repairable and longer lasting. This could be done in priority for products with quick turn over and containing critical material that have a high environmental impact, such as ICT, toys, garden products, etc.
- Recycled content for plastic could also be considered to ensure a stable market for plastic recycling.
- Real recyclability through the use of one plastic shall be a general criteria for all products put on the market (reason is resource efficiency and climate protection through recycling). Exemptions must be validated through life-cycle analyses.

Single-use and short-lived plastic products

(17) Should market based instruments be introduced in order to more accurately reflect environmental costs from plastic production to final disposal?

- Market based instruments should be introduced.
- Polluter pays principle if well implemented has this potential if does not only takes into account the amount of plastic waste by charging the costs for collection and treatment, but charges for internalized environmental costs.
- Single-use plastics must be more expensive through systematic taxation reflecting their true environmental costs, in order to encourage the consumer to buy an alternative, long lasting, durable substitute.
- Green public procurement is a crucial instrument to strengthen an eco-plastic market.

(18) How can the waste burden posed by short-lived and single-use disposable plastic products best be addressed?

- Setting prevention and reuse targets in the Waste Directives
- Systematic material-input-taxation
- Associating systematic product information.

5.6. Promotion of biodegradable plastics and bio-based plastics

Biodegradable plastics

(19) What are the applications for which biodegradable plastics deserve to be promoted, what framework conditions should apply?

- All plastics must in future be biodegradable and recyclable.
- The most easy application are packaging. That does not mean that other applications should be neglected.

(20) Would it be appropriate to reinforce existing legal requirements by making a clear distinction between naturally compostable and technically biodegradable plastics, and should such a distinction be subject to mandatory information?

- Composting plastic is no solution but the creation of a new problem (we won't use the high quality-material, not even the energy that is contained – known as cold combustion). All plastics have to be biodegradable only for the case if they end up in nature or esp. the sea.
- If there are plastics that are recyclable and biodegradable (post-consumer material) it is thinkable to support those developments.
- NABU supports the distinction between compostable and biodegradable but does not see a focus of environmental policies.

(21) Would the use of oxo-degradable plastic require any kind of intervention with a view to safeguarding recycling processes, and if so, on which level?

- Oxo biodegradable plastic is a huge problem, because micro-plastics are produced more quickly. The EU should think of banning those materials from the market.

Bio-based plastics

(22) How should bio-based plastics be considered in relation to plastic waste management and resource conservation? Should the use of bio based plastics be promoted?

- No, the EU should not promote bio based plastics, but only plastics that are (partly) bio based, recyclable, biodegradable. Those materials cry for a revolution within the plastics industry that has to be supported.

5.7. EU initiatives dealing with marine litter including plastic waste

(23) What actions other than those described in this Green Paper could be envisaged to reduce marine litter? Should some marine litter related actions be coordinated at EU level (e.g. by setting up a coordinated European Coastal Clean-up Day to raise awareness)?

Acknowledging that up to 80 per cent of marine litter is originating from land-based sources in a global perspective, effective solutions have to be developed and implemented on land as well. Referring to the rapidly increasing knowledge of adverse impacts of marine litter, ecologically and economically, and microplastics in particular, there is an urgent need to act now. The MSFD obliges Member States to develop effective measurements until 2015 being in place in 2016 in order to reach GES in 2020.

Several national and international reports indicate that up to 80 percent of all marine litter originates from land-based sources such as tourists, beach activities, sewage, rivers and fly tipping. At consequence, developing measurements it is of vital importance to go beyond end-of-pipe solutions, such as cleanups and awareness raising campaigns. Waste prevention and the conservation of natural resources are the clear priority. If marine littering is to be addressed properly, a fundamental social rethink of our consumerist culture is required. With respect to products made from plastics, sustainability must meet the “3Rs-philosophy”: Reduce, Reuse and Recycle. Future product designs have to be developed in line with the “cradle to cradle-principle”. Products must be repairable and be designed for the long-term. One-way, throw away products should be eliminated and scientists should increase research into environmentally-sound, sustainable materials with reduced environmental persistence. Furthermore, politicians and the whole of society must agree on these new requirements with regard to new plastic products. Products that cannot be reused should be fully recycled. Effective, regional waste collection and recycling schemes are an essential prerequisite for such changes.

Important actions to address marine litter effectively:

- Fully and ambitious implementation of the MSFD Descriptor 10
- Stop any landfills of plastics
- Ban and/or replacement of microplastics in cosmetics and detergents (“micro-beads”)
- Area-wide implementation of the “no-special-fee” system in all EU harbours
- Marpol Annex V revision to “zero discharge”, improve and increase controlling at sea and in harbours
- Ban or tax on single-use plastic bags
- Improve, extend and unify EU-wide deposit systems for multi-use plastic bags and all kind of plastic bottles
- Support multi-cycle systems and reduce single-use products
- Reduce packaging
- Financial and logistical support of NGO activities, such as fishing for litter, International Coastal Cleanup Days, awareness campaigns, etc.

Support technical innovation (filter techniques) to stop the entry of microplastics (ie. fleece fibres) into rivers and oceans via sewages

(24) In its proposal for a new Environment Action Programme the Commission suggests that an EU wide quantitative reduction target for marine litter be established. How can the setting of such a target provide added value to measures that reduce plastic waste generally? How could such a target be developed?

The increasing knowledge on potential adverse impacts forces us to take immediate actions. The precautionary principle plays an important role in setting targets and addressing the issue of plastics and microplastics respectively, despite an incomplete scientific knowledge on the specific sources and consequences of marine litter. Target setting typically undergoes an iterative process, starting from a conceptual understanding of the desired condition and the change that is required to achieve it. A successful example is the "50% reduction target for nutrients inputs to the sea by the OSPAR Convention. In the next step targets need to become operational (measurable, achievable, time-bound) and have to be linked to existing or developing monitoring schemes. Examples for target setting are given in the report of the technical Subgroup on Marine Litter (JRC ICES 2011). Please refer also to the example for target setting in the issue paper (table 2.1) of the Berlin Marine Litter Conference in April 2013. Different MEAs such as OSPAR and HELCOM do support an ambitious target setting referring to the "Bergen Statement" 2010 and the Baltic Sea Action Plan 2007.

Environmental targets are the core of environmental policy, have the following relevance and could provide an additional value to existing and/or developing measures:

- To measure progress made achieving the objectives of the MSFD indicators
- To push existing waste and marine conservation legislation
- To allow addressing different sources of marine litter (sea-based, land-based)
- To support awareness raising campaigns and simplify communication to the public
- To keep us motivated and prevent the process from lethargy (politics, industries, society)
- Application and implementation of precautionary principle, ecosystem approach and polluter-pays principle

To implement an integrated product policy to minimize product's environmental impacts / footprint

5.8. International action

(25) Should the EU attach a higher priority to plastic waste in the framework of its "New Neighborhood Policy", particularly in order to reduce plastic littering in the Mediterranean and in the Black Seas?

- Refer to 23 and 24 as well

(26) How could the EU promote more effectively international action to improve plastic waste management worldwide?

- Strengthen governance of existing laws in non-EU countries. Often it is the case that waste legislation exists but no proper implementation is to be found.
- Develop certification schemes and have a register of facilities where sending waste would be authorized
- Help to introduce polluter pays principle and producer responsibility schemes.
- All other waste measures, such as separate collection, etc.
- Take into account informal waste structures and involve those people in new structures