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Mr Frans Timmermans

Executive Vice-President for the European Green Deal

Mr Virginijus Sinkevičius

Commissioner for Environment, Oceans and Fisheries

European Commission
Rue de la Loi 200
1049 Brussels (Belgium)

Subject: Evidence of breaches of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment or SUP Directive

Biarritz (France), November 22nd

Dear Mr. Timmermans, Dear Mr. Sinkevičius,

We are writing to express our concern about the way the Single Use Plastics (SUP) Directive is being implemented on the ground, which is putting at risk and undermining the impacts of this legislation and overall efforts of the European Union to put an end to plastic pollution.

Surfrider Foundation Europe is a non-profit organisation whose purpose is to protect the ocean, the coastline, all aquatic environments and their users. We actively participated in the process that led to the adoption of the SUP Directive in 2019, as part of the **Rethink Plastic alliance** and **Break Free From Plastic** movement joint effort. Since then, we've continued to engage in its implementation at the EU and Member State level. It's in this context that we launched the Single Use Rebellion campaign.

The Single Use Rebellion (S.U.Re) campaign¹ was launched in September this year to provide EU citizens with a platform that would allow them to report any banned plastics under the SUP Directive they would continue to find while shopping in stores or online, despite their ban being in force since July 2021..

Unfortunately, as revealed today by our S.U.Re campaign, this measure is not fully respected: banned single-use plastic items are still in circulation. Even more alarming is that some brands have chosen to divert away from the Directive. The risk is that they will maintain this strategy over time if they are not called to compliance. They are doing so in a way that is untransparent, misleads consumers or goes undetected. In this panorama, 3 major by-pass strategies stand out:

¹ Single Use Rebellion (S.U.Re) campaign: www.nosingleuse.org

1. Selling biodegradable or biobased single use plastics, making them sound like greener alternatives while the EU restriction rules unequivocally apply to biodegradable and biobased plastics as confirmed by EC guidance documents.²
2. Making consumers think that they are offered alternatives to single use plastics which respect the legislation in force when these are no longer permitted, are just as single-use and polluting. Most illicit single use plastics which were reported were claimed to be 100% natural, plastic-free and/or reusable.
3. Capitalising on the transitional period for selling off existing stocks, while making it impossible to check if the conditions under which this transitional period has been granted were respected.

Not only does this breach undermine the very impacts of the SUP Directive, but it also endangers the Zero Pollution ambition and upcoming initiative of the Commission on empowering consumers in the green transition. It represents an offending lack of consideration for the millions of Europeans who have praised these measures and are taking daily action against plastic pollution. Up to 12 million tonnes of plastic are estimated to end up in our seas and the ocean every year. Half is single-use plastics. Their impacts are dramatic for marine life, habitats and coastal communities. Plastic pollution also bears incalculable risks for human health all along the plastic value chain. It puts in danger our economies and exacerbates the climate and biodiversity crisis. In this context, continuing to put on the market single-use plastic items in disguise is not acceptable.

You have shown in the past great determination in maintaining the ambition of this Directive when it was being challenged. On behalf of the thousands of citizens who support our organisation over Europe and who are expecting resolute action to address plastic pollution, we count on your support to take the results of our campaign into due consideration and ensure with your services that the Directive is fully and correctly implemented on the ground.

We remain at your disposal and that of your teams to share the results of our campaign more extensively.

Yours sincerely,

Antidia Citores

Spokesperson, Surfrider Foundation Europe

A handwritten signature in blue ink, appearing to be the name "Antidia Citores", written in a cursive style.

² [Commission guidelines on single-use plastic products in accordance with Directive \(EU\) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment](#) (2021/C 216/01)