

Evaluating the Single-Use Plastics Directive

Feedback from the Rethink Plastic Alliance to the European Commission's Call for Evidence on the evaluation of the Single-Use Plastics Directive (SUPD)

About Rethink Plastic

The Rethink Plastic Alliance is a coalition of leading European NGOs advocating for ambitious EU policies to tackle the growing crisis of plastic pollution. It brings together the Center for International Environmental Law (CIEL), ClientEarth, the Environmental Investigation Agency (EIA), the European Environment Bureau (EEB), the European Environmental Citizen's Organisation for Standardisation (ECOS), Greenpeace, Seas At Risk, Surfrider Foundation Europe, and Zero Waste Europe. Together, these organisations represent thousands of active groups, supporters and citizens in every EU Member State working towards a future free from plastic pollution.

Summary

The priority for the Rethink Plastic Alliance is to ensure that the evaluation of the Single-Use Plastics Directive (SUPD or the Directive) further reinforces—rather than undermines—the ongoing environmental objectives and pollution-prevention measures. **Overall, the Directive has delivered clear and positive outcomes**, notably through effective product bans and design requirements such as tethered caps, which have proven implementable, visible, and impactful in reducing litter and preventing pollution at source. **At this stage, a broad revision would be premature**, as more time is needed to gather consolidated, harmonised, and comparable implementation data across Member States. Preserving regulatory stability, while strengthening monitoring and reporting, is therefore essential to preserve legal certainty, maintain investment signals, and safeguard the environmental benefits already set in motion.

Article 15 regarding the evaluation framework is oriented toward improving effectiveness—through the possible introduction of binding reduction and collection targets—indicating that **any future revision should logically reinforce, rather than weaken the Directive's level of ambition**.

In this response, we identify priority gaps - in line with Article 15 - that must be addressed in case the Directive is revised, in order to strengthen existing achievements. These include:

- **safeguarding definitions to prevent harmful material substitution,**
- **reinforcing consumption-reduction and ban provisions,**
- **improving design and marking implementation,**
- **strengthening Extended Producer Responsibility toward prevention and reuse,**
- **and delivering independent, prevention-focused awareness-raising.**

Targeted improvements in these areas would support a future-proof evolution of the SUPD while safeguarding its core environmental ambition.

I) Answers to the questions in the public Call for Evidence:

1) How far have the intended objectives been achieved?

The Rethink Plastic Alliance, together with the wider Break Free From Plastic movement, has carried out five in-depth yearly assessments of the Directive's transposition and implementation across EU Member States, which all answer this question at different points in time. The most recent of these reports was published in December 2024.

- [The first report was published in 2019](#) to provide guidance for the SUPD's transposition;
- [The second report in 2020](#) checked its adequate transposition;
- [The third assessment report in 2022](#) assessed its proper implementation on the ground;
- [The fourth one in 2023](#) focused on the implementation of EPR for tobacco products;
- [The last one in 2024](#) evaluated the effectiveness of measures and possible gaps that should be closed through the upcoming revision process.

The present submission complements the above-mentioned transposition, implementation and evaluation reports published by the Rethink Plastic Alliance since 2019. We encourage the Commission to refer to these reports for in-depth analysis of transposition challenges and developments, implementation on the ground, as well as recent assessments from our members on the state of play in their respective countries.

In summary, the SUPD constitutes a pivotal policy tool in addressing the issue of single-use plastic pollution and even plastic pollution overall. Its implementation has driven long-term awareness and collective efforts in reducing plastic waste and littering in the environment. These efforts have not only resulted in environmental protection but also in supporting the transition to a circular economy by encouraging innovation in reusable and sustainable alternatives and systems. The Directive remains highly relevant in the current context, where plastic pollution is a significant driver of the interconnected crises of climate change and biodiversity loss. Across their life cycle, plastics contribute to greenhouse gas emissions and place growing pressure on terrestrial, riverine and marine ecosystems, with documented impacts on biodiversity and human health.

Although there is always scope for further improving the Directive, it is equally important to ensure regulatory stability and promote effective implementation. The EU's simplification and competitiveness agenda should remain compatible with safeguarding the existing rules of the Directive which are still in the early stages of national implementation. Weakening these provisions at this stage would risk undermining legal certainty as well as investment planning, expected environmental benefits and the collective effort already undertaken by Member States and stakeholders. **In case the current evaluation process concludes that it is necessary to revise the Directive, we trust that decision-makers will then ensure that the revision only aims at closing gaps and not at reducing the EU ambition in fighting plastic pollution from single-use plastics and fishing gear.**

2) What are the measurable benefits of implementing the measures included in the SUPD?

To get an overview of single-use plastic pollution across various EU Member States, Seas At Risk has put together a table of the top 20 beach litter items found by NGOs of the marine network for the period 2018-21. This table is available online [here on page 10](#) of the OSPAR technical output on SUP. The priority list of items to address also appears in [that document](#).

After 10 years of citizen science, Surfrider Foundation Europe has gathered [data](#) finding that the most common types of marine litter found on EU beaches were: cigarette butts, plastic fragments, polystyrene pieces, fishing nets/tangled ropes, food containers, pieces of glass, plastic caps/lids, plastic bottles, cotton bud ticks,

The SUPD has already led to notable progress, such as reductions in the use of certain banned items, including plastic straws and cutlery, and an increased focus on producers' accountability.

In terms of pollution reduction, several contextual factors have influenced observed trends since the entry into force of the Directive. The COVID-19 pandemic, for example, is likely to have temporarily impacted certain waste-generating sectors by reducing on-site consumption and related outputs. At the same time, this was accompanied by a marked increase in other waste sources, notably single-use (not solely plastic but also cardboard and paper) items associated with takeaway and delivery services.

These evolving dynamics illustrate the need for robust, harmonised and continuous monitoring - in both riverine and marine environments - in order to accurately assess trends and identify emerging waste streams. Such monitoring, as required under the Marine Strategy Framework Directive, is essential to evaluate the real-world effectiveness of measures adopted under the SUPD and to inform adaptive policymaking. In addition, we can add the need for land-based monitoring of pollution in parks, urban areas and public spaces.

Regarding transposition and implementation, many Member States have implemented ambitious measures aligned with the Directive. Some of them even went further, by adopting additional measures at the national level resulting in heightened public awareness and a shift towards pollution prevention and the promotion of more sustainable alternatives.

The SUPD gave legal certainty and grounds for improvement to Member States and industries. It has also resulted in the development of new businesses and initiatives to develop and upscale reuse, repair and prevention measures. Detailed examples can be found in the above-mentioned reports and, in particular, in the Rethink Plastic Alliance's 2022 and 2024 reports (see Question 1).

3) How efficient are the administrative processes involved (e.g. reporting and monitoring duties, operational compliance with marking and product design requirements)?

In order to assess the effectiveness of administrative procedures connected with the SUPD, a higher level of transparency is required from both national governments and the European Commission in relation to the measures taken by national public authorities for the enforcement of the SUPD.

Public access to information in this sense is minimal: There is little available information on the Directive's measures and administrative processes taken at national level by all Member States. We consider that such reports are necessary to properly monitor EU law enforcement at national level, including the SUPD. For example, in accordance with Article 13(3) of the Directive, the Commission has the obligation to publish a report analysing and drawing conclusions from the data and information submitted by all Member States in relation to the SUPD reporting obligations. This report should have been due in 2025, but the only available information in this regard consists of presentations (in PowerPoint) from [webinars organised by the EEA](#), mostly for the reporting authorities, which include high-level information on what the Member States reported in accordance with Article 13. These presentations cannot be considered detailed enough to fulfill the reporting obligation of the Commission in accordance with Article 13(3) of SUPD.

Moreover, we consider that regular reports published on the state of enforcement of the SUPD and the administrative procedures undertaken at the national level are imperative for ensuring transparency, accountability, and effective compliance across all relevant national authorities and obligations Member States have under the EU Treaties.

What is important to mention is that national monitoring and reporting processes have resulted in considerable awareness-raising in the relevant institutions and local environmental agencies. We have witnessed first hand the increase of local engagement of administrations and agencies both during the transposition process and afterwards, with the implementation stage. Our partners at the EU level and national consumer associations have also noticed the positive impact of marking on the general public. Nonetheless, some gaps can still be flagged here, such as the lower impact of engraved labels on transparent cups: Such engraving does not seem as effective as coloured or even black and white printed labels.

4) To what extent is the SUPD consistent with other EU environmental, health and sustainable prosperity policy objectives?

The SUPD is consistent with the 2018 EU Plastics Strategy, the 2021 Zero Pollution Action Plan, the 2024 Packaging and Packaging Waste Regulation and the revised Waste Framework Directive.

However, we would like to see plastic toxicity being tackled and recognised in any revised SUPD since the existing legislation only aims at reducing and preventing plastic pollution as a material and does not foresee dedicated measures towards reducing the use of toxic additives in plastic products manufactured in Europe.

We would also welcome the inclusion of a pollution prevention principle in the upcoming revision of the Marine Strategy Framework Directive (MSFD).

5) How do the objectives correspond to wider EU goals and priorities beyond environmental policy ?

The SUPD should be more strongly aligned with waste prevention and reuse goals to ensure that the Directive fully supports the evolving policy framework.

In particular, Extended Producer Responsibility (EPR) under the SUPD remains primarily focused on financing downstream waste management, litter clean-up and awareness-raising. While necessary, this approach does not sufficiently address the structural drivers of all single-use plastics items. To ensure coherence with broader EU packaging policy, EPR should more clearly contribute to waste reduction (prevention) and the scaling of reusable alternatives.

This direction is already reflected in the Packaging and Packaging Waste Regulation (PPWR), which explicitly requires that EPR schemes support these outcomes. In particular, Article 43 of the PPWR recognises the use of economic instruments and EPR-related obligations to incentivise the application of the waste hierarchy and the adoption of waste-prevention measures, while Article 51(3) requires Member States to ensure that EPR schemes and deposit-return systems allocate a minimum share of their budget to financing reduction and prevention actions, including reuse. Applying a comparable logic within the SUPD framework would strengthen policy coherence, reinforce the waste hierarchy, and enhance the Directive's capacity to address single-use plastics at source.

II) Key measures of the existing SUP Directive and identified gaps to close with the revision:

1. Definitions

Art. 3:

- 1) **'Plastic'** means a material consisting of a polymer as defined in point 5 of Article 3 of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and **which can function as a main structural component of final products**, with the exception of natural polymers that have not been chemically modified;
- 2) **'Single-use plastic product'** means a product that is **made wholly or partly from plastic** and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived;

Preserving the integrity of the SUP definition

A key concern relates to the divergence between the single-use plastic product definition in the SUPD and the approach taken under the Packaging and Packaging Waste Regulation (PPWR), particularly regarding composite materials such as paper or cardboard products lined or coated with maximum 5% plastic content. In the context of simplification efforts, there is a concerning risk that the SUP definition could be aligned with the less ambitious PPWR approach.

The SUPD is *lex specialis* in relation to the PPWR and must continue to prevail within its scope. Aligning its definition with the PPWR would weaken the Directive's impact and facilitate substitution toward single-use paper-based products containing plastic linings or coatings with maximum 5% plastic content. The current SUPD definition has provided legal clarity, limited circumvention, and supported investment in compliant alternatives. It should therefore be safeguarded.

Although the Commission has clarified that certain plastic-lined products remain banned under the SUPD, inconsistencies in interpretation are still being exploited by some operators. Clear and explicit confirmation that such products fall within the scope of the SUPD would strengthen harmonised enforcement and prevent regulatory backsliding.

2. Consumption Reduction

Art. 4 (summary):

Member States must **significantly** reduce the consumption of specific single-use plastics by 2026 (compared to 2022), **using measures such as** national reduction targets, promoting reusables, economic instruments, or marketing restrictions.

They must report these measures to the Commission, monitor progress, and ensure the actions are **proportionate and non-discriminatory**. The Commission will define the methodology for calculating and verifying these reductions through an implementing act.

Establishing minimum EU-level targets

While the inclusion of a consumption reduction goal in the Directive is a positive and necessary step, the absence of binding quantitative EU-level targets has led to widely diverging ambition levels across Member States. As documented in the [2022 implementation assessment report of the Rethink Plastic alliance](#), national targets range from 20% in some countries to 80–90% in others. This fragmentation risks undermining legal clarity, creating uneven market conditions, and slowing overall progress.

To ensure coherence and effectiveness, any revision of the Directive should establish minimum binding EU-level consumption reduction targets, while allowing Member States to maintain or introduce more ambitious measures. Experience from Member States demonstrates that ambitious targets can effectively drive market transformation. Examples include the 50% reduction target for single-use plastic bottles in France, the 60% reduction target for cups and food containers in Greece by 2026, and the 90% reduction target in Portugal by 2030.

Building on these precedents, a minimum reduction target of at least 80% by 2035 for single-use plastic beverage bottles and food containers would provide a clear and credible EU-wide signal. In the longer term, a full phase-out of all remaining single-use plastic items by 2040 should be envisaged to ensure policy consistency and long-term investment certainty.

3. Bans

Art. 5:

Member States shall prohibit the placing on the market of the single-use plastic products listed in **Part B of the Annex** and of products made from **oxo-degradable plastic**.

Above all, **polystyrene products and packaging** remain very prominent components of marine litter in Europe, according to official marine litter monitoring results (top 1 or 2 items depending on region, looking at official MSFD monitoring results). Although takeaway food and beverage packaging made of polystyrene are addressed in the current Directive, other types of packaging as well as fishing and aquaculture gear are not banned to date.

We therefore **recommend that the current polystyrene ban be broadened to include other unnecessary products** with similar characteristics such as fish boxes, buoys and pontoons or meat/food packaging. For all these items, both extruded polystyrene (XPS) and expanded polystyrene (EPS) should be equally banned in view of their microplastic emissions potential. For these applications, sustainable alternatives exist in the form of reusable boxes and buoys made out of other materials which are less prone to microplastic emissions.

As far as fishing gear is concerned, there is also acute local pollution from **fishing & aquaculture gear** such as mussel nets and sticks as well as oyster sticks, for example in Italy, Spain and France, which could be stopped by using reusable nets and sticks and banning single-use ones. As an illustration, during a [specific mobilization weekend](#), over 16,000 mussel sticks were collected in Galicia, by more than 10,000 participants.

Further to specific measures targeting **wet wipes containing plastic** in the original Directive, namely labelling and EPR, two European countries - the UK and Ireland - have already chosen to go further and ban the sales and use of these wipes at the national level. Building on existing national bans, the EU could adopt an EU-wide ban on wet wipes that contain plastic, and ensure the large-scale promotion of reusable or fully biodegradable non-plastic alternatives to support its effective implementation.

Given the persistent and widespread presence of cigarette filters in terrestrial and marine environments, incremental measures have proven insufficient to address this structurally problematic product. **Cigarette filters** are still found in both marine and land ecosystems and countries are starting to investigate its potential ban at either regional or EU level.

Cigarette filters are single-use, plastic-containing items that, according to reliable scientific findings and the World Health Organisation, do not provide proven public health benefits, yet remain among the most littered items in Europe. Substituting them with alternative materials would not resolve the core issue of toxicity, littering and microplastic release. The most effective and proportionate response is to introduce a ban on all cigarette filters, irrespective of the material used, in order to eliminate this avoidable source of pollution at its source. Such a measure would be consistent with the EU's waste prevention hierarchy and zero pollution objectives as well as its international commitments under the WHO Framework Convention on Tobacco Control, while providing legal clarity and a level playing field across Member States.

At the same time, **emerging tobacco-related waste streams** - including nicotine pouches and disposable electronic cigarettes - are rapidly increasing and risk replicating similar patterns of single-use, plastic-intensive and hazardous litter. Preventive action in the form of bans should therefore anticipate these trends and avoid repeating past regulatory gaps by addressing these products within a coherent, upstream and material-neutral framework.

4. Design and Marking

Art. 6 (summary): Product Requirements

- Certain single-use plastic containers (beverage bottles - Annex C) may only be sold if their plastic **caps and lids remain attached** during use. Metal caps/lids with plastic seals are not considered plastic for this rule.
- The Commission will develop harmonised standards to ensure safety and reliability of these tethered caps.
- Beverage bottles must contain **minimum recycled plastic content**:
 - 25% in PET bottles by 2025,
 - 30% in all listed beverage bottles by 2030.
- The Commission will set the calculation and rules for these recycled-content targets.

Art. 7 (summary): Marking Requirements

- **4 single-use plastic products** (wipes, sanitary items, tobacco products and cups, Annex D) must carry a clear, visible, and indelible marking informing consumers about:
 - proper disposal options
 - the presence of plastics and related environmental impacts.
- The Commission will set harmonised **marking specifications**, including where marks must appear (packaging or product) and exceptions for tiny packaging.
- Requirements for **tobacco** product marking apply in addition to those under Directive 2014/40/EU.

The SUPD's recycled content requirement is not properly implemented by industry, which is pushing for a methodology that would allow for very limited amounts of recycled plastics in the material for it to count as recycled content in PET bottles.

The recently [adopted Implementing Decision](#) on this subject opens the door, for the first time, to the use of credit mass balance for accounting recycled plastic content. This is based on the so-called 'fuel-exempt method' which is worsened by the introduction of the questionable concept of 'dual-use output' for chemically recycled plastic content. The Implementing Decision therefore promotes chemical recycling, especially pyrolysis, even though that technology cannot treat PET, needs very high dilution with virgin naphtha, and requires very energy-intensive cleaning processes, characterised by low yield, poor efficiency, high energy consumption and greenhouse gas emissions. Simultaneously, this Decision is linked to the PPWR targets, which will overtake the SUPD ones as of 2030. While the PPWR introduces important additional requirements on sustainability criteria for plastic recycling technologies and equivalent rules for recycled content

from third countries, these additional safeguard clauses are only expected by the end of 2026. As a result, the SUPD Implementing Decision does not consider them.

We recommend removing the packaging-related recycled plastics targets from the SUPD since they are included in the PPWR with a safeguard clause. With regards the accounting method, only a true proportional attribution of recycled plastic content across all outputs can encourage businesses to use more recycled plastics, hence increasing product circularity. It is also the only mass balance attribution accounting method ensuring a level-playing field between recycling technologies. Finally, for the targets to be meaningfully applied, financial penalties for those not respecting legislative requirements should be introduced.

5. Extended Producer Responsibility (EPR)

Art. 8 (summary):

Member States must set up extended producer responsibility (EPR) schemes **for all single-use plastics in Annex E and for fishing gear containing plastic**.

Producers must cover the **costs of awareness-raising, waste collection, transport, treatment, and litter clean-up** (depending on the product category). Costs must be transparent, proportionate, and limited to what is necessary. Member States must define roles clearly and require foreign producers to appoint authorised representatives.

For **fishing gear**, Member States must set minimum collection rates, monitor quantities placed on the market and collected, and ensure producers pay for separate collection and treatment. The Commission will issue guidelines and request standards for circular design of fishing gear.

Streamlining transparency in relation to the implementation of EPR regimes at national level

Even if EPR regimes are widely implemented at national level in accordance with the SUPD, there is little information on the effectiveness of the EPR systems in place. The scope of the EPR systems is clear and acknowledged, and fully supported by the RPA. However, the administrative measures taken by national authorities for each EPR system in order to ensure that relevant producers are observing their obligations (e.g., frequency of audits/controls, fines applied), as well as the degree to which producers are respecting their EPR obligations (e.g., reporting and EPR fee payments), or how the Producer Responsibility Organisations are spending the collected EPR fees, remain largely unknown.

Enforcement of EU law depends on the national implementation of its measures, and understanding the effectiveness of EU law enforcement requires ensuring a high level of transparency at both national and EU level. We therefore request that a higher level of

transparency in relation to national EPR regimes be ensured in any potential revision of the Directive.

Strengthening the prevention dimension of EPR

While EPR schemes are now operational in most Member States, their implementation has largely focused on financing downstream waste management and clean-up. This approach, although necessary, does not sufficiently address the core objective of the Directive: Reducing single-use plastics at source.

To ensure that EPR contributes effectively to reducing single-use plastics rather than primarily financing downstream waste management, the evaluation of the Directive should consider strengthening the waste reduction dimension of EPR schemes for products covered by the Directive.

Future revisions could in particular:

- require EPR schemes to distinguish between financing dedicated to waste management and financing dedicated to waste reduction and prevention, through separate fee structures sufficient to achieve the relevant targets;
- introduce, in the absence of binding reduction and reuse targets, a minimum transitional allocation of at least 10% of PRO budgets to support reuse, repair, refurbishment, repurposing until such targets and corresponding cost-coverage mechanisms are defined;
- ensure transparent governance, reporting, and accountability for these waste reduction costs/targets.

This approach is consistent with emerging provisions in EU packaging legislation requiring EPR schemes to support reduction and reuse actions.

EPR for fishing gear

Waste fishing gear is still being thrown overboard (e.g. net cuttings or torn off gear) when low-cost prevention steps are easy to implement (e.g. dedicated bin onboard and corresponding training to ensure its use by fishers). Our recommendation would be to address this by adding mandatory awareness measures for fishers in the existing EPR and/or awareness measures of the Directive. See the Awareness section for proposals on this.

The European standard series EN 17899:2024, *the Circular design of fishing gear and aquaculture equipment* (Parts 1 to 6), aims to support the EPR scheme implementation, following the European standardisation request M/574. They can indeed contribute to their circular design, but it is not possible - and too early - to assess whether they have been widely applied. Another limit is the accompanying technical specification CEN/TS 18101:2024, *Circular design of fishing gear and*

aquaculture equipment - Terms and definitions, using the fishing gear definition from the international standard ISO 22948:2020 which could exclude aquaculture equipment from its scope. This could also limit the scope of the related European standard series, which was intended to cover such aquaculture equipment as per the SUPD definition of ‘fishing gear’.

Moreover, the upcoming review of this European standard series is considering including marine biodegradability clauses, despite their potential negative effects on marine life and human activities. Recent scientific research shows **no material can truly biodegrade under marine conditions within a timeframe that would prevent environmental damage**. European standards should thus not aim to address biodegradability in the marine environment applicable to single-use plastic products.

6. Separate Collection

Art. 9 (summary):

Member States must separately collect for recycling 77% of **single-use plastic beverage bottles** (Part F) by 2025 and 90% by 2029.

To achieve this, they may use measures such as deposit-refund systems or EPR collection targets. The Commission will support exchanges of best practices and will set the methodology for calculating and verifying these targets.

Art. 8

Member States that have marine waters as defined in point 1 of Article 3 of Directive 2008/56/EC shall set a national minimum annual collection rate of waste fishing gear containing plastic for recycling.

Member States shall monitor fishing gear containing plastic placed on the market of the Member State as well as waste fishing gear containing plastic collected and shall report to the Commission in accordance with Article 13(1) of this Directive with a view to the establishment of binding quantitative Union collection targets.

Collection targets for fishing gear

To date, only a few coastal Member States have adopted national collection targets for fishing gear, and the targets set are low, ranging from 5% to 20%. This is largely insufficient to incentivise and support collection of end-of-life fishing gear and prevent impacts from abandoned and lost fishing gear. We therefore recommend to propose EU collection targets for recycling of fishing gear, as part of a potential revision of the SUPD. In Iceland, the recycling rate is set at 60%, and is overachieved year after year.

7. Awareness Raising

Art. 10:

Member States must inform consumers and promote responsible behaviour to reduce litter from the products covered by the Directive.

They must provide **information on reusable alternatives and proper waste management, the environmental impacts of littering** (especially on the marine environment), **and the impacts of improper disposal on sewer systems** for the single-use plastics listed in Annex G and for fishing gear containing plastic.

Ensuring independent and prevention-focused awareness campaigns

In practice, many Member States have not implemented dedicated national awareness campaigns. Instead, responsibility has often been delegated to existing Producer Responsibility Organisations (PROs), which primarily continue disposal-oriented communication aimed at securing high collection rates. While collection remains important, this approach does not reflect the prevention-oriented objectives of Article 10.

To ensure full and effective implementation, awareness messaging should be independent from PROs where conflicts of interest arise. Member States should ensure that awareness responsibilities translate into national-level campaigns or involve regional and local actors independent from industry, such as environmental or consumer organisations.

Messaging should be centralised, harmonised, and clearly aligned with the Directive's prevention and reuse objectives, rather than focusing predominantly on end-of-life management.

Strengthening awareness measures for fishing gear

Awareness obligations under Article 10 apply to non-banned items, with the exception of fishing gear. Given the continued discarding of end-of-life gear at sea in parts of the EU, this represents a gap in the current framework.

Fishing gear should be explicitly included among the products subject to Article 10 awareness obligations. EU-wide awareness efforts should address the environmental impacts of discarding gear and promote responsible end-of-life management. In practice, this could take the form of dedicated education modules for fishers, combined with the provision of onboard collection containers, with funding supported through fishing gear EPR schemes.

8. Clarification on the relationship between the SUPD and the PPWR, confirming that national measures adopted under the SUPD remain in force after the PPWR comes into effect

Recital 10 of SUP Directive

This Directive is a *lex specialis* in relation to Directives 94/62/EC and 2008/98/EC. In the event of a conflict between those Directives and this Directive, this Directive should prevail within the scope of its application. That is the case for restrictions on placing on the market. In particular with regard to consumption reduction measures, product requirements, marking requirements and extended producer responsibility, this Directive supplements Directives 94/62/EC and 2008/98/EC and Directive 2014/40/EU of the European Parliament and of the Council

Recital 180 of PPWR

This Regulation establishes general rules that apply to all packaging. However, certain single-use plastic products covered by Directive (EU) 2019/904, such as plastic carrier bags, beverage cups, food and beverage containers, including bottles, are considered to be packaging. Directive (EU) 2019/904 is a *lex specialis* in relation to this Regulation. In the event of a conflict between Directive (EU) 2019/904 and this Regulation, Directive (EU) 2019/904 should prevail within the scope of its application. Directive (EU) 2019/904 requires Member States to take measures to reduce the consumption of certain single-use plastic products, including marketing restrictions. Such marketing restrictions should apply and prevail over any conflicting provisions in this Regulation. This Regulation provides a restriction on the placing on the market of plastic products listed in Annex V point 3 thereto, while Directive (EU) 2019/904 allows the Member States to take the necessary measures to achieve reduction in the consumption of those single-use plastic products. Since national implementing measures under Directive (EU) 2019/904 can be less restrictive than a ban on the placing on the market, this Regulation should prevail over Directive (EU) 2019/904 as regards such products falling within the definition of packaging, in order to boost the reduction of single-use plastic packaging and reduce the quantity of single-use plastic packaging in the environment. As a consequence, it should not be possible for Member States to adopt an exemption from the ban in Directive (EU) 2019/904 on placing packaging made of expanded polystyrene on the market. To reflect this, Directive (EU) 2019/904 should be amended accordingly.

Even though both the SUPD and the PPWR provisions are clear that the SUPD requires Member States to take measures to minimize single-use plastic consumption, and that these measures prevail over the PPWR, we have encountered many situations since the PPWR came into force where national measures under the SUPD were put at risk of being revoked. The justification given by those pushing for national measures to be revoked is that the PPWR does not impose such strict measures and that these measures are more ambitious than what the PPWR provides. In such cases, Article 43 of the PPWR – on the prevention of packaging waste – is usually cited.

We consider that clearer official guidelines are needed. These should clarify the differences between measures already taken and that may be taken in the future under the SUPD, and those required under the PPWR. The guidelines should explain the scope, the legal basis, and the lack of contradiction between the two. They should also clarify that such measures are not more ambitious than the PPWR's provisions but are obligations under the SUPD. Otherwise, as we have seen (e.g., in France), there is a risk that progress in reducing single-use plastic products could be reversed on the grounds that the PPWR does not impose such measures. This would go against the objectives of both the SUPD and the PPWR.