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TRANSPOSITION OF THE SINGLE- USE PLASTICS DIRECTIVE AND ITS IMPACT ON THE ECONOMY IN BOSNIA AND HERZEGOVINA

TABLE OF CONTENTS

1. INTRODUCTION	6
1.1. On Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the environmental impact of certain plastic products	6
1.2. Background	8
2. STATUS OF TRANSPOSITION OF THE SINGLE-USE PLASTICS DIRECTIVE INTO THE LEGISLATION OF THE EU MEMBER STATES	9
3. OVERVIEW OF THE CURRENT STATUS OF TRANSPOSITION OF THE SINGLE-USE PLASTICS DIRECTIVE IN BOSNIA AND HERZEGOVINA	13
3.1. Relevant policies and legislative framework	13
3.1.1. Mapping of policies and legislative framework	13
3.1.2. Priorities and needs	15
3.2. Potential impact of the Single-Use Plastic Directive on economy in BiH	21
3.2.1. Case studies	21
3.2.2. Priorities and needs	27
4. ANNEXES	29
Annex 1: Summary of measures prescribed by the Directive	29
Annex 2: Status of transposition of the Directive in the European Union Member States	31
Annex 3: Status of transposition of the Directive in the countries in the region	41
5. REFERENCES	42

TABLES

Table 1: Overview of measures under the Directive in relation to specific single-use plastic products	7
Table 2: Summary overview of the current transposition status of the Single-Use Plastics Directive for EU Member States	10
Table 3: Summary overview of the current transposition status of the Single-Use Plastics Directive for countries in the region	13
Table 4: List of relevant regulations in the FBiH and RS	14
Table 5: Policy instruments for the management of plastics and plastic waste in BiH	14
Table 6: List of key stakeholders in transposing the Directive with identified roles	17
Table 7: Proposal of the ways to transpose the Directive into national legislation	20
Table 8: Identified financial assistance	34
Table 9: UNDP support packages for the transposition of the Directive	

ACRONYMS

ARA	Altstoff Recycling Austria
BiH	Bosnia and Herzegovina
DEI	Directorate for European Integration
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
MoFTER	Ministry of Foreign Trade and Economic Relations
PET	Polyethylene Terephthalat
rPET	Recycled PET
RS	Republika Srpska
OPPWM	Ordinance on Packaging and Packaging Waste Management
UNESDA	Union of European Soft Drinks Associations
RPPWM	Regulation on Packaging and Packaging Waste Management
WML	Waste Management Law

1 INTRODUCTION

1.1. On Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the environmental impact of certain plastic products

The European Union (EU) adopted a new directive aimed at reducing further waste from 10 single-use plastic products, abandoned fishing gear and oxo-degradable plastics. Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the environmental impact of certain plastic products (hereinafter referred to as the Single-Use Plastics Directive¹) entered into force on 2 July 2019.

The Directive aims to:

- ▶ Prevent and reduce the impact of certain plastic products on the environment, especially the aquatic environment, and on human health,
- ▶ Promote transition to a circular economy with innovative and sustainable business models, products and materials, thus contributing to the efficient functioning of the internal market.

This Directive is a *lex specialis* in relation to Directive 94/62/EC on packaging and packaging waste and 2008/98/EC on waste with regard to restrictions on placing on the market. When it comes to measures to reduce consumption, product-related requirements, including labelling and extended producer responsibility, this Directive complements the referenced Directives, as well as Directive 2014/40/EU on approximation of laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC.

The Single-Use Plastics Directive requires EU Member States to adopt a series of measures to reduce the use of single-use plastics and environmental pollution, especially of the seas and oceans. The prescribed measures include a ban on the consumption of key single-use plastic items, as well as an extended producer responsibility scheme. EU Member States are required to transpose the EU Directive into their legislation by July 2021 and adopt the measures necessary for successful implementation.

The Directive prescribes different measures that apply to different product categories, depending on various factors, such as the availability of alternatives to the observed products, financial incentives for alternative products, available technical capacities of industries, etc. Table 1 provides an overview of measures covered by the Directive in relation to the products covered by a particular measure.

¹ Unofficially referred to as the Directive on the reduction of the impact of certain plastic products on the environment for ease of reference in various documents, including reports, scientific papers, articles, etc.

Table 1: Overview of measures under the Directive in relation to specific single-use plastic products

Product	Consumption reduction (Article 4)	Market placement ban (Article 5)	Product requirements (Article 6)	Labelling requirements (Article 7)	Extended producer responsibility (Article 8)	Separate collection (Article 9)	Awareness raising measures (Article 10)
Food containers	✓						
Beverage cups (including their caps and lids)	✓						
Expanded polystyrene products: food containers, beverage containers and beverage cups		✓					
Cotton bud sticks		✓					
Cutlery, plates, straws, beverage sticks		✓					
Balloon sticks		✓					
Balloons					✓		✓
Bags and wrappers					✓		✓
Beverage containers up to 3 l (including their caps and lids)			✓		✓		✓
Beverage bottles up to 3 l (including their caps and lids)			✓		✓	✓	✓
Tobacco products with filter and filters				✓	✓		✓
Wet wipes				✓	✓		✓
Sanitary pads, tampons and tampon applicators				✓			✓
Lightweight plastic carrying bags					✓		✓
Fishing equipment							✓

The following section gives an overview of the prescribed measures:

- ▶ Where there are no suitable and more sustainable alternatives, Member States should lay down measures to reduce the consumption of certain single-use plastic products, that is, prescribe targets for reducing consumption, the availability of alternative products at the point of sale for the final consumer or define economic instruments to ensure that disposable plastic products are not offered free of charge (Article 4). The measure applies to beverage cups and food containers.
- ▶ Where alternatives are readily available and affordable, single-use plastic products will be prohibited (Article 5), e.g. plates, straws, beverage sticks, cotton bud sticks, cutlery.
- ▶ Bottles and containers for beverages up to 3 l in volume will have to be produced in such a way that caps and lids remain attached to the bottle and container during the product usage by the consumer (Article 6).
- ▶ Certain single-use plastic products must have clear and standardised labelling (labelling requirements), which shows how they are disposed of, whether they contain plastic and what are the environmental impacts of the product (Article 7). This requirement applies to wet wipes, sanitary napkins, tampons and tampon applicators, tobacco products with a filter and filters and beverage cups.

- ▶ Article 8 provides for supplementing the requirements under the extended producer responsibility scheme, whereby producers will be required, through the scheme, to cover the costs of waste management of single-use plastic products, cleaning of waste generated from these products and consumer awareness measures.
- ▶ Under the extended producer responsibility scheme or deposit system, EU Member States will have to reach the annual target of collecting 90% of plastic beverage bottles up to 3 l in volume placed on the market for that year (Article 9).
- ▶ Article 10 provides for measures to be taken to inform consumers and incentivise responsible consumer behaviour, in order to reduce litter from products covered by this Directive.

A more detailed description of the measures from the EU Directive is found in Annex 1.

1.2. Background

The purpose here is to identify the current status of the EU Single-Plastic Directive, analyse plans for adaptation of those industries that use single-use plastics in their business operations, as regulated by the Directive, and the possibility of transposing into legislation in BiH. Finally, the document aims to highlight the opportunities and possibilities for supporting the implementation and facilitation of the process of transposition of the Directive into legislation in BiH.

Chapter 2 – *Status of transposition of the Single-Use Plastics Directive into the legislation of the EU Member States* provides information on the current status of transposition of the Directive, including opinions of various stakeholders in the plastic value chain, as well as information on projects supporting transposition of the Directive.

Chapter 3 – *Overview of the current transposition status of the Single-Use Plastics Directive in BiH* gives an insight into the existing legal framework related to plastic waste management, seeking to identify existing policy instruments and how these contribute to the transposition of the Directive. Key stakeholders and their roles in the process of transposing the Directive have been identified and a proposal has been made to transpose the Directive into the legislative framework. In order to determine the needs and priorities of industries in BiH covered by the provisions of the Directive, case studies have been developed for several companies that pack their product range in single-use plastics.

Open source data, scientific papers, as well as official documents created by EU Member States and institutions in BiH have been used for the purpose of the research. On this note, not all EU Member States had the same volume of data available, and in some cases, data processing was made difficult by a language barrier. Case studies for five companies covered by the measures of the Directive have been done based on questionnaires prepared and disseminated as part of this project. Questionnaires are designed to gauge the current knowledge of the measures of the Directive, as well as the possibility of adapting the companies' business operations to these measures.

2 STATUS OF TRANSPOSITION OF THE SINGLE-USE PLASTICS DIRECTIVE INTO THE LEGISLATION OF THE EU MEMBER STATES

The following chapter analyses the current status of transposition of the Directive in 14 EU Member States as well as four countries in the region. The information collected relates to available online data on the following:

- ▶ Transposition modalities for the Directive (e.g. through a new law or a separate by-law, through amendments to existing regulations, etc.)
- ▶ Plans to transpose the Directive (for countries where no significant steps have been taken so far)
- ▶ Attitudes and opinions of various stakeholders in the plastic value chain (e.g. industry sector, NGOs, local community representatives, etc.), and
- ▶ Campaigns and projects implemented in support of the transposition of the Directive into national legislation.

The countries covered by the analysis account for the greatest share in exports from Bosnia and Herzegovina (BiH), namely Germany, Austria, Slovenia, Italy, Croatia, Hungary and France,² as well as seven additional countries with available open source data during the research, namely The Netherlands, Belgium, Denmark, Spain, Portugal, Lithuania and Greece.

Table 2 provides a summary of the current status of transposition of the Directive for EU Member States, with the analysis implying that only a handful have taken significant steps to adopt the measures required by the EU Directive and start transposing the Directive. Currently, France is the most advanced EU country when it comes to the process of transposing the Directive, thanks to the adoption of a new law in early 2020, which prescribes measures that, according to experts, are even more ambitious than some measures from the EU Directive. Several more EU Member States (Germany, Austria, The Netherlands) have taken steps in the transposition process, but key legal measures have yet to be finalised and put in place.

Table 2: Summary overview of the current transposition status of the Single-Use Plastics Directive for EU member states

EU Member State	Current transposition status of the Directive
France	<ul style="list-style-type: none"> ▶ France transposed the provisions of the Single-Use Plastics Directive through the Circular Economy Law and the implementing acts currently in the draft stage. The Law also prohibits additional items such as plastic confetti, cup lids and packaging for fruits and vegetables, and prohibits the use of single-use plastic in fast food restaurants. Objectives have been set on banning all single-use plastic packaging, reducing the use of plastic bottles and increasing the use of reusable packaging.³ ▶ Municipalities and recycling companies have not supported the introduction of a deposit system, while the European beverage industry argued that French law could affect the functioning of the Single Market for Packaging and Packaged Goods.⁴ ▶ NGOs supported the new French law, stating that France had taken significant and major steps in the process of transposing the Directive.⁵

² <http://www.komorabih.ba/statisticki-podaci/> (Accessed on 14 December 2020)

³ Circular Economy Law, 2020. - French Loi n° 2020-105 du 10 février 2020 relative à la lutte contre le gaspillage et à l'économie circulaire

⁴ Call for EU institutions to protect the integrity of the Single Market, September 2020, <https://www.unesda.eu/wp-content/uploads/2020/09/2020-09-17-Joint-Statement-on-the-Integrity-of-the-Single-Market.pdf> (accessed on 17 December 2020)

⁵ <https://seas-at-risk.org/stalling-european-plastic-law.html> (accessed on 25 December 2020)

Germany	<ul style="list-style-type: none"> ▶ In late 2020, Germany adopted the Ordinance on the implementation of Articles 5 and 14 of the EU Single-Use Plastics Directive.⁶ ▶ German waste management experts have assessed the provisions of the Ordinance as insufficient to address the problem of single-use plastics. Since 2003, Germany has a deposit return system for most single-use plastic bottles and cans, but the system needs further improvement. ▶ NGOs expressed dissatisfaction with the measures defined in the Ordinance, and assessed Germany's level of ambition to transpose the Directive as rather low.
Austria	<ul style="list-style-type: none"> ▶ The Austrian government is currently working on amendments to the Waste Management Law to transpose the provisions of the Directive.⁷ ▶ A coalition of Austrian companies and extended producer responsibility organisations opposes the introduction of a deposit system proposed in amendments to the Law. ▶ Through joint projects, the Austrian academia is showing interest in solving the problem of single-use plastic pollution.
Hungary	<ul style="list-style-type: none"> ▶ In the second half of 2020, the Hungarian Parliament adopted the Law on Prohibition of Single-Use Plastics. The draft Law prohibits the placing on the market of products made of oxodegradable plastics and other products listed in Article 5 of the Single-Use Plastic Directive.⁸
Netherlands	<ul style="list-style-type: none"> ▶ The adoption of a draft law, which plans to transpose the Single-Use Plastics Directive, is currently under consideration. The draft law does not set specific goals for reducing the consumption of certain items. An important step, taken by the Netherlands, is the extension of the existing deposit scheme for plastic bottles. ▶ NGOs stressed that the Dutch government should specify more detailed measures to ban single-use plastics.⁹
Belgium	<ul style="list-style-type: none"> ▶ The Belgian government is currently working to pass a bill that would transpose measures banning several types of single-use plastic products. ▶ Certain Belgian regions have already adopted laws to reduce single-use plastics.
Denmark	<ul style="list-style-type: none"> ▶ The government has initiated the process of transposing the EU Directive. ▶ The deposit system scheme was scaled up on 1 January 2020. In December 2018, an action plan was adopted with the aim of reducing the use of plastics, as well as increasing recycling.¹⁰
Spain	<ul style="list-style-type: none"> ▶ A draft of a new law on waste has been prepared, with plans to transpose the EU Directive. However, the draft does not meet many of the provisions of the EU Directive. ▶ In June 2020, the Spanish government introduced a tax on disposable plastic packaging.¹¹ ▶ Several Spanish organisations for extended producer responsibility oppose the proposed deposit system. ▶ Measures to ban a certain number of single-use plastic items have been introduced in several Spanish regions such as the Balearic Islands and Navarre. ▶ NGOs have clearly expressed the need to introduce more effective measures to reduce the consumption of single-use plastics.

⁶ Ordinance Prohibiting the Placing on the Market of Certain Single-Use Plastic Products and Products Made of Oxo-degradable Plastics, Federal Government, June 2020, <https://www.bmu.de/gesetz/verordnung-ueber-das-verbot-des-inverkehrbringens-von-bestimmten-einwegkunststoffprodukten-und-von-pr/> ;

⁷ <https://www.bmk.gv.at/en/topics/climate-environment/waste-resource-management/plastic-bag.html> (accessed on 21 December 2020)

⁸ https://chemycal.com/news/c4647491-19ec-4138-81a0-36bb30d8dac2/Hungarian_decree_on_restriction_of_placing_on_market_of_certain_single-use_plastic_products (accessed on 22 December 2020)

⁹ <http://www.bfgpackaging.com/de/examples-of-national-legislative-frameworks-for-the-implementation-sup-directive-4/> (accessed on 21 December 2020)

¹⁰ Danish Government Action Plan against Plastic Pollution, December 2018, https://mfvm.dk/fileadmin/user_upload/MEVM/Miljoe/Plastikhandlingsplan/Regeringens_plastikhandlingsplan_web_FINAL.pdf (accessed on 23 December 2020)

¹¹ <https://taxnews.ey.com/news/2020-1528-spain-publishes-proposal-for-indirect-tax-on-non-reusable-plastic-packaging> (accessed on 9 January 2021)

Portugal	<ul style="list-style-type: none"> ▶ Bans on some of the most commonly used single-use plastic items were to be integrated into Portuguese national law by the end of July 2020. However, the process was delayed due to COVID-19 pandemic. ▶ In 2018, the Government passed the Law, stipulating that by January 2022, a national deposit scheme for plastic and glass bottles, metal and aluminium cans will be introduced.¹² ▶ NGOs have organised seminars and presentations on reducing single-use plastics with the aim of encouraging the government to improve the process of transposing the EU Directive.
Greece	<ul style="list-style-type: none"> ▶ According to the draft law of the Ministry of Environment and Energy, the ban on single-use plastics should be enforced by 1 July 2021.¹³ ▶ The draft law lays the groundwork for Greece's transition to a greener economy with incentives to support environmentally friendly practices.
Italy	<ul style="list-style-type: none"> ▶ The legislative process for transposing the EU Directive in Italy has only just started, but with a rather unsatisfactory level of ambition. Italy has postponed the adoption of a plastic tax for 2021¹⁴, instead of 2020. In 2013, the production, distribution and import of plastic bags, except for biodegradable ones, were banned, and from 2019, cotton bud sticks are also banned.¹⁵ ▶ Environmental organisations stress that Italy needs to work further to improve its legislation and adopt the measures required by the Directive.
Lithuania	<ul style="list-style-type: none"> ▶ The Government of Lithuania has proposed a draft law transposing the EU Directive, and the draft law is currently under consideration.¹⁶
Slovenia	<ul style="list-style-type: none"> ▶ Although the Government of Slovenia has initiated a discussion on banning and reducing the consumption of single-use plastics covered by the Directive, including the deposit collection system, the adoption of the measures prescribed by the Directive has been delayed. Here, it is not yet possible to discuss the prepared concrete proposals for transposition.
Croatia	<ul style="list-style-type: none"> ▶ Croatia has not yet started the process of transposing the EU Directive.

Legend

Green	States that have already adopted most of the measures required to transpose the Directive into the national legislative framework, and have also adopted additional measures to reduce single-use plastics. These states need to remove potential obstacles and ensure further effective implementation.
Blue	States that are in the development phase of transposing the Directive although most of the provisions have not yet been legally adopted. These states need to continue the legal process of transposition, and even increase ambitions in the context of stricter regulatory measures.
Yellow	States that have only started the process of transposition or are delaying it, without taking major steps to adopt measures. These states need to speed up the transposition process and seriously increase their ambitions in order to meet the set transposition deadline.
Red	States that have not started the transposition process at all, and should take action as soon as possible to meet the deadline set by the EU Council.

Most EU Member States are currently in the early stages of transposing the Single-Use Plastic Directive. Countries such as Germany, The Netherlands, Belgium, Hungary, Austria and Spain have, through draft new legislation or amendments to existing ones, partially adopted or plan to adopt several measures prescribed by the EU Directive. However, these legislations do not provide for the full adoption of the provisions of the EU Directive, which will prevent the efficient and complete transposition of the

¹² <https://dre.pt/application/conteudo/114337042> (accessed on: 9 January 2021)

¹³ <https://www.tembopaper.com/news/greece-joins-ranks-of-european-countries-to-ban-single-use-plastics> (accessed on 23 December 2020)

¹⁴ https://www.ey.com/en_gl/tax-alerts/ey-italy-introduces-proportional-tax-on-plastic-items (accessed on 25 December 2020)

¹⁵ A guide for policy-makers in Italy: "Stop the plastic flood", 2019, https://wwfeu.awsassets.panda.org/downloads/06062019_wwf_italy_guidebook.pdf (accessed on 18 December 2020)

¹⁶ The Law on Packaging and Packaging Waste, March 2016, Ministry of Environmental Protection of the Republic of Lithuania, Government of the Republic of Lithuania, <https://www.en.nvc.nl/news/item/lt-conceptregelgeving-verbod-eeenma-lige-draagtassen/> (accessed on 28 December 2020)

Directive into the legislation of the mentioned countries, and will not achieve the planned reduction of single-use plastic. Denmark, Portugal and Greece plan to transpose the Directive by the deadline, but these states are working rather slowly on the adoption of draft laws and measures. States such as Slovenia, Lithuania and Italy are at the very start of the transposition process, as they have delayed the adoption of measures and drafting of laws. Although some of the countries have already prescribed several measures in previous laws, with similarities and compatibility with the measures prescribed by the Directive, this is not nearly enough to complete the process of transposition of the EU Directive. Only France can be singled out as a good example of full transposition of the Directive into legislation, and the new Circular Economy Law has prescribed additional more restrictive measures compared to the measures from the EU Directive. Other countries need to follow the example of France, in order for them to successfully complete the transposition process. Annex 2 gives more detailed information on the current status of transposition of the Single-Use Plastics Directive in EU Member States.

The countries of the Western Balkans, as aspiring EU members, are required to transpose the Single-Use Plastics Directive into their domestic legislation. The deadlines for transposing the Directive have been extended for non-EU countries, and the goals and measures prescribed by the Directive are less demanding, because the Western Balkan countries cannot meet the deadlines and goals set by the EU Directive due to their infrastructure and economic situation.

The current status of transposition of the EU Directive in the Western Balkans has been discussed in Serbia, Montenegro, Northern Macedonia and Albania (Table 3). According to available data, of the four countries analysed, only Montenegro is in the process of drafting a new law on waste management in order to implement the extended producer responsibility and the Single-Use Plastics Directive. Although there are initiatives in the countries of the region to reduce single-use plastics (e.g. through the reduction of plastics in state institutions in North Macedonia, or through plans to introduce a legal deposit system in Serbia) the legal process of transposing the Directive has not yet started.

Table 3: Summary overview of the current transposition status of the Single-Use Plastics Directive for countries in the region

Countries of the region	Current transposition status of the Directive
Montenegro	▶ Work is currently underway to draft a law on waste management in order to implement extended producer responsibility and the Single-Use Plastics Directive.
North Macedonia	▶ The government has approved an initiative to ban disposable packaging and plastics in state institutions. However, the law-making process transposing the EU Directive has not yet started.
Serbia	▶ Serbia plans to introduce a ban on single-use plastics, but no concrete measures have yet been prescribed to implement the ban.
Albania	▶ Albania introduced a ban on lightweight plastic bags on 4 July 2018, but in addition to that ban, no major steps have been taken in Albania to allow the transposition of the Directive to start.

Annex 3 gives more detailed information on the transposition of the Directive in the countries of the region.

Countries of the Western Balkans need to make significant efforts to improve legislation and work to improve the economy and industry, so that they too can transpose the Single-Use Plastics Directive and gain opportunities for accession to the European Union.

3 OVERVIEW OF THE CURRENT STATUS OF TRANSPOSITION OF THE SINGLE-USE PLASTICS DIRECTIVE IN BOSNIA AND HERZEGOVINA

3.1. Relevant policies and legislative framework

In Bosnia and Herzegovina, there are no relevant policies and regulations related to waste management at the national level. Since environmental protection, that is, plastic waste management as part of environmental protection, falls within the responsibility of the two Entities, as sub-national levels, the Entity governments of the FBiH and RS are responsible for drafting and adopting their own policies and regulations.

Below is a list of key regulations, relevant to the transposition of the Single-Use Plastics Directive.

Table 4: List of relevant regulations in the FBiH and RS

Federation of BiH
Waste Management Law – WML FBiH (Official Gazette of FBiH, No. 33/03, 72/09 and 92/17)
Ordinance on Packaging and Packaging Waste Management – OPPWM (Official Gazette of FBiH, No. 88/11, 28/13, 08/16, 54/16, 103/16 and 84/17)
Regulation on Fees for Plastic Carrier Bags (Official Gazette of FBiH, No. 09/14)
Ordinance on the form, content and procedure of notification of important characteristics of products and packaging by producers (Official Gazette of FBiH, No. 06/08)
Republika Srpska
Waste Management Law – WML RS (Official Gazette of RS, No. 111/13, 106/15, 16/18 and 70/20)
Ordinance on Packaging and Packaging Waste Management – OPPWM (Official Gazette of RS, No. 58/18)

3.1.1. Mapping of policies and legislative framework

The following section gives a summary of the policy instruments for the management of plastics and plastic waste in BiH, in correlation with the Directive.

Table 5: Policy instruments for the management of plastics and plastic waste in BiH

Name / type of instrument	FBiH	RS
Extended producer responsibility (Regulatory instrument)	Yes	Yes
Objectives for plastic packaging recycling (Regulatory instrument)	Yes 16% annually (2016-2021)	Yes 16% in 2017 and 20% in 2018
Fees for plastic carrier bags (Economic instrument)	Yes 0.05 BAM per piece of plastic bag placed on the market	Yes

Below is a brief overview of the existing policy instruments in the FBiH and RS in relation to the requirements prescribed by the Single-Use Plastics Directive.

Extended producer responsibility – Extended producer responsibility systems have been established in both Entities, based on the Entity waste management laws (WML FBiH and WML RS) and bylaws on packaging (OPPWM and RPPWM). Producers, importers, fillers, packers, distributors and suppliers are required to be involved in the packaging waste management system. They can either transfer their obligations directly to the system operators by signing contracts and paying compensation to the operator or pay the prescribed (higher) fee to environmental funds (FBiH Environmental Protection Fund and RS Environmental Protection and Energy Efficiency Fund). In 2018, the World Bank conducted a Study on the Review of the Municipal Solid Waste Management Sector, which showed that BiH needs to reform the existing system of extended producer responsibility.

Unlike Article 8 of the Directive, the current regulations do not define in detail the types of liability of producers according to the types of products placed on the market.

Target for plastic packaging recycling – OPPWM has set targets for the recovery and recycling of packaging waste in the FBiH, with a target of 16% for plastic packaging by 2021, and no targets have been set for further years. WML RS has set a target of 20% for plastic packaging in the territory of RS. The targets set in both Entities are significantly below the targets set by the EU Packaging and Packaging Waste Directive.

Although both entities set targets for the separate collection of plastic packaging through an extended producer responsibility scheme, these are general targets for plastic packaging waste and not for beverage bottles. Furthermore, the defined objectives are significantly below the target set by Article 9 of the Single-Use Plastic Directive.

Fee for plastic carrier bags – In the FBiH, the Regulation on fees for plastic carrier bags has been adopted. According to the Regulation, a mandatory fee is paid for lightweight plastic carrier bags (polyethylene bags, with or without decomposition additives, whose wall thickness does not exceed 20 microns and have no specially made handles), excluding thin bags in which fruits, vegetables, bulk and other loose products are packed. The Regulation does not define whether retailers should charge for plastic bags, but in practice most of larger retail chains charge these (0.10 BAM per bag). In the FBiH, the FBiH Ministry of Environment and Tourism has prepared a draft of a brand new law on plastic bags that applies to all bags regardless of the size and shape of carriers. The new law is in line with the provisions of Directive (EU) 2015/720¹⁷ (thickness up to 50 microns). The Law is still not adopted. In RS, a bylaw on plastic bags is being prepared.

This economic instrument constitutes a partial transposition of the provisions of EU Directive 2015/720. It does not transpose the provisions of the Single-Use Plastics Directive in the context of reducing the consumption of plastic bags so that producers of such bags would be in a system of extended producer responsibility and with the aim of securing funds for collecting bags and cleaning of litter resulting from those products (Article 8 Section I – Lightweight plastic carrying bags).

Although there are two significant regulatory policy instruments in the FBiH and RS (extended producer responsibility scheme and separate collection measures), they focus on plastic packaging as a whole and do not specifically regulate single-use plastic products that are subject to the Single-Use Plastics Directive. The economic instrument of fees for plastic bags in FBiH constitutes a transposition of the provisions of Directive 2015/720, and although it aims to reduce the consumption of single-use plastics, given its current form, it cannot be linked to the Single-Use Plastic Directive. As for other articles of the Single-Use Plastic Directive¹⁸ there are no regulations and policy measures in the FBiH and RS.

¹⁷ Directive (EU) 2015/720 of the European Parliament and of the Council amending Directive 94/62/EC as regards the reduction of the consumption of lightweight plastic carrier bags.

¹⁸ Article 4 (Consumption reduction), Article 5 (Market placement ban), Article 6 (Product requirements), Article 7 (Labelling requirements) and Article 10 (Awareness raising measures)

From the perspective of harmonisation of the legal framework with the requirements of the Single-Use Plastics Directive, this implies that it will be necessary to make significant amendments to the existing regulations or to create new ones in order to ensure full compliance with the requirements.

3.1.2. Priorities and needs

Approach to transposing the Single-Use Plastic Directive

Transposition of EU regulations, including the Single-Use Plastics Directive, into the legal systems of BiH is coordinated by the BiH Ministry of Foreign Trade and Economic Relations (MoFTER), in close cooperation with the Directorate for European Integration (DEI), which also aligns all transposition activities, including:

- ▶ Intensive cooperation with institutions responsible for environmental protection in the FBiH and RS regarding coordination:
 - Scheduling and timing of transposition activities
 - Joint work on tasks related to the preparation of environmental regulations
 - Preparation of models of draft legal acts to be adopted
 - Preparation of drafts of action plans for implementation: DSIP (Directive Specific Implementation Plan), APID (Action Plan for Implementation) and related action plans for transposing the Directive;
- ▶ Intensive cooperation with other institutions in BiH on the development and adoption of policies, strategies and regulations within the competence of institutions of BiH;
- ▶ Active participation in clarifying and promoting the roles of various environmental institutions at all levels in transposing the Directive, and
- ▶ Active participation in responsibilities that they share with other competent authorities regarding reporting on the transposition of the Directive within the planning and implementation of BiH foreign policy.

In order to fully transpose EU directives into the legal systems in BiH, cooperation must be established between the MoFTER, the BiH Ministry of Civil Affairs, the DEI and the Entity ministries of environment. The BiH Ministry of Civil Affairs is responsible for performing tasks and affairs that are within the competence of Bosnia and Herzegovina and which relate to determining the basic principles of coordination of activities, harmonisation of plans of Entity authorities and defining strategies at the international level. The BiH Ministry of Civil Affairs is currently working on a document titled National Approximation Programme according to which a plan will be made to transpose EU Directives, including the Single-Use Plastics Directive and which will clearly define which Entity ministries have which tasks and responsibilities, including transposition deadlines defined.

Key stakeholders in transposing the Directive

The list of key stakeholders that needs to be included in the process of transposing and implementing the Single-Use Plastics Directive is given in the table below.

Table 6: List of key stakeholders in transposing the directive with identified roles

Stakeholder	Role in the plastic waste management sector	Role in transposing and implementing the Directive
Ministry of Foreign Trade and Economic Relations of BiH http://www.mvteo.gov.ba	Defining policies, general principles, co-ordination of activities and harmonization of plans of Entity bodies and institutions at the international level in the areas of waste management. MoFTER has a special Sector for Natural Resources, Energy and Environmental Protection, as well as an inspectorate.	MoFTER is in charge of coordinating the transposition of the Directive in close cooperation with the DEI, the BiH Ministry of Civil Affairs and the Entity ministries of environment.
BiH Agency for Statistics http://www.bhas.gov.ba/	The BiH Agency for Statistics collects and reports on plastic products as part of its reports according to the PRODCOM list, which contains quantities of various products according to the Eurostat classification. There is data available on disposable plastic products that are produced and imported in BiH.	It maintains statistics on waste management and economy. Further, it collects, processes and distributes statistical data on the basis of data submitted by the Entity statistical offices or data collected directly by the Agency. The Agency reports on single-use plastic products listed in Part F of the Annex to the Directive that are collected separately each year to demonstrate the achievement of separate collection targets and on waste data after the consumption of single-use plastic products.
FBiH Ministry of Environment and Tourism http://www.fmoit.gov.ba	Adopts and implements regulations related to waste management, including those related to packaging waste in the FBiH. Issues permits and maintains a database of system operators and private waste collectors. Creates a system of extended producer responsibility. Issues permits for waste export. Sets goals in waste management.	Adoption and implementation of regulations that will transpose the provisions of the Directive in the territory of the FBiH.
FBiH Statistics Office http://fzs.ba/	Waste statistics include data on collected and disposed municipal waste and waste generated in production activities. Data are provided through annual reports on collected and deposited waste and reports on waste from production activities.	Produces official statistical data on plastic waste at the level of the FBiH, and submits data to the BiH Agency for Statistics.
FBiH Environmental protection Fund http://www.fzofbih.org.ba	Maintains an information system on waste in the FBiH and collects fees in accordance with the <i>Ordinance on Packaging and Packaging Waste</i> ¹⁹ and the <i>Regulation on Fees for Plastic Carrier Bags</i> ²⁰ .	The Fund is important for the collection of data on disposable plastic products for the territory of FBiH, which are further submitted to the FBiH Statistics Office.
RS Ministry of Spatial Planning, Construction and Ecology http://www.vladars.net	Adopts and implements regulations related to waste management, including those related to packaging waste in RS. Issues permits and maintains a database of system operators and private waste collectors. Issues permits for waste export. Sets goals in waste management and creates a system of extended responsibility.	Adoption and implementation of regulations that will transpose the provisions of the Directive in the territory of RS.

¹⁹ Official Gazette of FBiH, No. 88/11, 28/13, 08/16, 54/16, 103/16 and 84/17

²⁰ Official Gazette of FBiH, No. 09/14

RS Statistics Office https://www.rzs.rs.ba/	Collects and reports on statistical data of generated, collected and disposed waste.	Produces official statistical data on plastic waste at the level of Republika Srpska, and submits data to the BiH Agency for Statistics.
RS Environmental Protection and Energy Efficiency Fund http://www.ekofondrs.org	Runs an information system on waste in RS, which has not yet been created. Collects fees in accordance with the Regulation on <i>Packaging and Packaging Waste Management</i> ²¹ .	The Fund is important for the collection of data on disposable plastic products for the territory of FBiH, which are further submitted to the RS Statistics Office.
Cantonal Ministries of Environment in the FBiH	Cantonal ministries create policy at the cantonal level, and issue waste management permits. Prepare cantonal waste management plans.	Financial assistance for the implementation of the provisions of the Directive at the level of local self-government units. Participation in awareness-raising activities (Article 10 of the Directive).
Local self-government units (municipalities and cities)	Prepare and propose development programmes, adopt and implement local waste management plans, ensure the provision of utility services and their development, organise the management of municipal waste and non-hazardous waste, ensure the financing of activities within their competence. Locations for infrastructure development are designated by local communities.	Preparation, implementation and/or financing of projects and initiatives in the field of reducing the use of single-use plastics. Participation in awareness-raising activities (Article 10 of the Directive).
Packaging waste system operators in the FBiH	Packaging waste system operators should ensure that producers cover the costs of collection, transport and treatment of plastic waste, should ensure the cleaning and collection of litter resulting from single-use plastic waste and should implement measures to raise public awareness of the dangers of single-use plastic waste. There are two system operators in the FBiH: EKOPAK (with its seat in Sarajevo) - http://www.ekopak.ba EKOŽIVOT (with its seat in Tuzla) - http://www.ekoivot.ba	Responsible for the implementation of the measures of the Directive in the territory of the FBiH related to the extension of the scheme with the aim of raising funds for raising public awareness, separate waste collection, cleaning of litter from single-use products and collecting relevant data for the Fund (Article 8), and potentially for Article 9 if such an obligation is prescribed that the objectives for separate collection of beverage bottles are achieved through the system of extended producer responsibility (Article 9).
Packaging waste system operators in RS	Same as above. There is one system operator in RS: EUROBETA - http://www.eurobeta.ba	Responsible for the implementation of the measures of the Directive in the territory of RS related to the extension of the scheme with the aim of raising funds for raising public awareness, separate waste collection, cleaning of litter from single-use products and collecting relevant data for the Fund (Article 8), and potentially for Article 9 if such an obligation is prescribed that the objectives for separate collection of beverage bottles are achieved through the system of extended producer responsibility (Article 9).

²¹ RS Official Gazette, No. 58/18

Producers who pack their product range in single-use plastics	Parties to the extended producer responsibility system for the placement of plastic packaging in which they pack their products on the territory of the FBiH and RS.	<p>Companies that package their products in single-use plastic are covered by the measures of the Directive. The measures are largely related to how these companies operate and, in order to implement the measures of the Directive, they will have to adapt their current way of doing business.</p> <p>Some of the companies in BiH covered by the measures of the Directive are:</p> <table border="1" data-bbox="916 501 1382 934"> <tr> <td data-bbox="916 501 1129 680">Producers of water and alcoholic and non-alcoholic beverages</td> <td data-bbox="1136 501 1382 680">Sinalco, Milkos, Sarajevski kiseljak, Coca Cola BiH, Tuzlanska pivara, Sarajevska pivara, Oaza, Nevra etc.</td> </tr> <tr> <td data-bbox="916 689 1129 779">Producers of food containers</td> <td data-bbox="1136 689 1382 779">Klas, BH Fine Food, Milkos, Mljekara Pađeni etc.</td> </tr> <tr> <td data-bbox="916 788 1129 878">Producers of sanitary pads and wet wipes</td> <td data-bbox="1136 788 1382 878">Violeta</td> </tr> <tr> <td data-bbox="916 887 1129 934">Tobacco industry</td> <td data-bbox="1136 887 1382 934">British American Tobacco Bosnia</td> </tr> </table>	Producers of water and alcoholic and non-alcoholic beverages	Sinalco, Milkos, Sarajevski kiseljak, Coca Cola BiH, Tuzlanska pivara, Sarajevska pivara, Oaza, Nevra etc.	Producers of food containers	Klas, BH Fine Food, Milkos, Mljekara Pađeni etc.	Producers of sanitary pads and wet wipes	Violeta	Tobacco industry	British American Tobacco Bosnia
Producers of water and alcoholic and non-alcoholic beverages	Sinalco, Milkos, Sarajevski kiseljak, Coca Cola BiH, Tuzlanska pivara, Sarajevska pivara, Oaza, Nevra etc.									
Producers of food containers	Klas, BH Fine Food, Milkos, Mljekara Pađeni etc.									
Producers of sanitary pads and wet wipes	Violeta									
Tobacco industry	British American Tobacco Bosnia									
Producers and/or distributors of single-use plastic	Parties to the extended producer responsibility system for the placement of their products on the territory of the FBiH and RS.	<p>Companies that produce or distribute items for single-use are also covered by the measures of the Directive. The measures are largely related to how these companies operate and, in order to implement the measures of the Directive, they will have to adapt their current way of doing business.</p> <p>Some of the producers and distributors in BiH covered by the measures of the Directive are:</p> <table border="1" data-bbox="916 1272 1382 1509"> <tr> <td data-bbox="916 1272 1129 1361">Distributors</td> <td data-bbox="1136 1272 1382 1361">Novopak-Sa, Sirius, Megamix, All-pak, EZ etc.</td> </tr> <tr> <td data-bbox="916 1370 1129 1509">Producers</td> <td data-bbox="1136 1370 1382 1509">Medicomplast, Plastika Božić, Duvaplast, OMC, Ambra, Plas-tron Sarajevo etc.</td> </tr> </table>	Distributors	Novopak-Sa, Sirius, Megamix, All-pak, EZ etc.	Producers	Medicomplast, Plastika Božić, Duvaplast, OMC, Ambra, Plas-tron Sarajevo etc.				
Distributors	Novopak-Sa, Sirius, Megamix, All-pak, EZ etc.									
Producers	Medicomplast, Plastika Božić, Duvaplast, OMC, Ambra, Plas-tron Sarajevo etc.									
Non-governmental organisations	Promoting EU practices and policies through capacity building, project implementation, linking various stakeholders in the plastic waste management sector.	<p>Environmental NGOs can play a significant role in facilitating policy development, institutional capacity building and enabling independent dialogue with civil society to transpose the Directive's measures more easily and fully.</p> <p>Organisations that are actively implementing projects related to the reduction of plastic packaging and single-use plastics are:</p> <ul style="list-style-type: none"> ▶ CENER 21 - http://www.cener21.ba ▶ Centre for Civil Society Promotion http://civilnodrustvo.ba/ ▶ Centres for Civic Initiatives - http://www.cci.ba 								

Business support institutions	Business support institutions provide technical and financial support to all stakeholders in the plastic waste management sector.	<p>Providing various forms of support (e.g. capacity building through training or co-financing) to key stakeholders in charge of transposing and implementing the measures of the Single-Use Plastics Directive.</p> <p>Some of the key ones for the plastic waste sector are:</p> <ul style="list-style-type: none"> ▶ UNDP ▶ EBRD ▶ World Bank ▶ SIDA
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Proposal of modalities to transpose the Directive into legislative framework in BiH

Given that the requirements of the Directive apply to both plastic waste and plastic products (and not just packaging), the most efficient modality of transposing the requirements of the Directive could be:

- ▶ Amendments to the existing Entity regulations on packaging and packaging waste management for certain provisions already regulated by the mentioned acts (provisions of the Entity enforcement regulations as well as the Entity waste management laws dealing with packaging and packaging waste), and
- ▶ Adoption of a separate bylaw on the management of single-use plastics, based on the Waste Management Laws in both Entities for provisions concerning plastic products.
- ▶ The table below provides suggestions on how to transpose the requirements of the Directive into national legislation.

Table 7: Proposal of modalities to transpose the Directive into national legislation

Article of the Directive	Proposal of modalities for transposition
GENERAL	In the FBiH (Article 18a of the Waste Management Law ²²) and in RS (Chapter VII of the Waste Management Law ²³ – Management of special waste streams), which regulate special categories of waste, it is necessary to add plastic waste as a category, and introduce a provision that the enforcing regulation will regulate this category in more detail, following the example of other special categories of waste.
CONSUMPTION REDUCTION (Article 4)	<p>The directive does not set a specific target for reducing the consumption of beverage cups and food containers, but requires Member States to reach a reduction by 2026 compared to 2022. The Directive does not prescribe mandatory measures to achieve this goal, but lists examples of measures that countries can apply.</p> <p>Therefore, the bylaw that will address the issue of single-use plastic management should introduce a provision on the collection of data on the basic state of consumption of these products in BiH in order to assess progress in reducing consumption, that is, whether there has been ‘measurable’ and ‘quantitative’ consumption reduction as required by the Directive.</p> <p>The same bylaw should set out reduction targets as well as measures aimed at reducing consumption.</p>
MARKET PLACEMENT BAN (Article 5)	The bylaw that will deal with the issue of single-use plastics management to clearly set out the ban on the placing on the market of plastic products listed in Part B of the Annex to the Directive (e.g. straws, cotton bud sticks) by a certain deadline.

²² Official Gazette of FBiH, No. 33/03, 72/09 and 92/17

²³ Official Gazette of RS, No. 111/13, 106/15, 16/18 and 70/20

<p>PRODUCT REQUIREMENTS</p> <p>(Article 6)</p>	<p>Given that the requirements of Article 6 of the Directive relate to containers and bottles for beverages up to 3 l (which fall under packaging), amendments to the existing regulations on packaging and packaging waste are needed to transpose the requirements of the Directive, in the following:</p> <ul style="list-style-type: none"> ▶ Ensure that beverage containers with plastic caps and lids can be placed on the market only if these caps and lids remain attached to the containers during the phase of intended use of the product. ▶ Ensure that from 2025, beverage bottles contain at least 25% recycled plastic (and from 2030: at least 30% of recycled plastic).
<p>LABELLING REQUIREMENTS</p> <p>(Article 7)</p>	<p>Given that the requirements of Article 7 of the Directive do not apply only to packaging but also to other products (e.g. sanitary pads, wet wipes, tobacco filters), a bylaw that will address the issue of single-use plastic management should introduce provisions on mandatory labelling of such products for the purposes of informing consumers.</p>
<p>EXTENDED PRODUCER LIABILITY</p> <p>(Article 8)</p>	<p>Since the system of extended producer responsibility in both Entities is already regulated by the existing regulations on packaging and packaging waste, it is necessary to amend the provisions in order to precisely incorporate the requirements of the Directive, as follows:</p> <ul style="list-style-type: none"> ▶ Ensure that producers of products (listed in section I Part E of the Annex – e.g. food and beverage containers, bags and wrappers) cover the costs of: <ul style="list-style-type: none"> • Awareness raising measures related to these products; • Collection of litter resulting from those products that are disposed of in public waste collection systems (including infrastructure and its operation, and subsequent transport and treatment of that waste) • Cleaning litter resulting from these products and subsequent transport and treatment of that litter. ▶ • Ensure that producers of products (listed in Sections II and III Part E of the Annex – e.g. wet wipes, balloons, tobacco filters) cover the costs of: <ul style="list-style-type: none"> • Awareness raising measures related to these products; • Cleaning litter resulting from these products and subsequent transport and treatment of that litter) • Data collection and reporting.
<p>SEPARATE COLLECTION</p> <p>(Article 9)</p>	<p>Given that the requirements of Article 9 of the Directive relate only to bottles for beverages up to 3 l (which fall under packaging), amendments to the existing regulations on packaging and packaging waste are needed to transpose the requirements of the Directive, in the following:</p> <ul style="list-style-type: none"> ▶ Collect 77% of the bottles separately with the aim of recycling by 2025. ▶ Collect 90% of the bottles separately with the aim of recycling by 2029. <p>The Directive does not specify the measures that countries will take to achieve these objectives, but proposes measures (for example, to establish a deposit system or prescribe objectives under an extended producer responsibility system).</p> <p>Regulations should first determine the method of collecting data on the quantities of separately collected bottles up to 3 l, and then regulate the measures that will lead to the achievement of the goal. The most effective measure proposed according to good practice is the establishment of a deposit system for bottles. When transposing the goal, it is recommended that a higher (long-term) goal of 90% be set, given that a lower (medium-term) goal of 77% could lead to investing in the wrong direction, through, for example, the establishment of a separate collection system that can achieve 77% but not 90%, which would subsequently require additional investment.</p>
<p>AWARENESS-RAISING MEASURES</p> <p>(Article 10)</p>	<p>Given that the requirements of Article 10 of the Directive do not apply only to packaging but also to other products (such as plastic bags, balloons, etc.), the bylaw on the management of single-use plastics should introduce provisions on measures to raise consumer awareness of such products on issues prescribed by the Directive (for example, consequences that litter from such products has on the environment).</p>

3.2. Potential impact of the Single-Use Plastic Directive on economy in BiH

Compared to EU Member States, which follow a higher economic standard and more modern and resource efficient machines and plants for packaging and production, industries in BiH often possess older technologies that make it difficult to achieve competitiveness of the product ranges they place on the market, especially when it comes to export-oriented companies. In this regard, it is clear that the new, stricter measures of the Directive regarding the placing of products on the market will further complicate the competitiveness of companies in BiH at the time when the Directive is transposed into the legislative framework of EU Member States, but also into domestic and regional legislation.

In order to assess the impact of the measures of the Directive on economy in BiH, an analysis was conducted based on the presentation of case studies that sought to identify whether and to what extent companies are willing to adapt their operations to the measures and provisions of the Directive. According to the measures of the Directive, the study covers three types of industry: beverage production, bakery and confectionery industry and milk and dairy products processing industry.

The analysis was conducted by an empirical survey method, including a survey questionnaire prepared consisting of three basic parts: (i) the company's operations and product packaging, (ii) the current status of knowledge and implementation of the Directive's measures and adaptation plans, and (iii) identification of the necessary technical and financial assistance for adaptation to measures.

The results are presented below, classified into five case studies for five companies in BiH that, in addition to the domestic and regional markets, export their products to the EU market.

3.2.1. Case studies

Case study #1

<p>Type of company: Production of beverages</p> <p>Website: http://www.sarajevski-kiseljak.ba/</p> <p>Contact person: Vesna Trogrlić-Kožul vesna.trogrlic@sarajevski-kiseljak.com</p>	
<p>Background</p>	<ul style="list-style-type: none"> ▶ Sarajevski kiseljak is the largest producer of mineral water in Bosnia and Herzegovina. In their production they have other non-alcoholic drinks, such as Sensation, Sky Cola and Ski, and they are a distributor of various beverages imported from Croatia (brands Jana, Jamnica, etc.). ▶ The main sales markets of Sarajevski kiseljak are Bosnia and Herzegovina with about 50% of sales, and Croatia with about 40% of sales. The remaining 10% of sales are shared by other neighbouring countries, as well as the Netherlands, Sweden and other countries outside the EU.

On product packaging

- ▶ Sarajevski kiseljak annually places on the market about 2.09 million kg of PET bottles, which make up 85% of the primary packaging. Also, reusable glass bottles are also used for primary packaging. For secondary packaging, Sarajevski kiseljak uses PVC and PP foil, as well as plastic crates. So far, they have been required to indicate on the product packaging specific labels related to the type of plastic from which the packaging is made, and the possibility of its recycling.
- ▶ Also, they had a request for returnable packaging label(0.5 HRK) on the Croatian market, and the label for a special glue that facilitates recycling on the Swedish market.
- ▶ The company is not a producer of plastic packaging in which it packs products, but they have contracts with packaging suppliers. Packaging choices are limited to BiH and the regional market.

Products impacted by the Directive

- ▶ Measures of the Directive that will impact the operations of Sarajevski kiseljak include:

	Product requirements (Article 6)	Extended producer responsibility (Article 8)	Separate collection (Article 9)	Awareness raising measures (Article 10)
Beverage bottles up to 3 l (including their caps and lids)	✓	✓	✓	✓

- ▶ The company packs the entire portfolio of its beverages, from water to juices, in PET bottles, covered by the Directive.



Current status of knowledge about the provisions of the Directive and implementation of measures

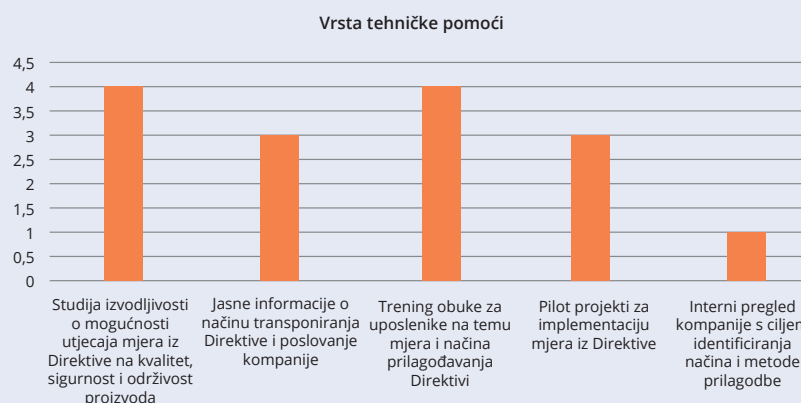
- ▶ Representatives of Sarajevski kiseljak are familiar with the provisions of the Single-Use Plastic Directive relating to PET packaging in which they pack their products: Increasing the percentage of recycled plastic in packaging and measures to raise consumer awareness.
- ▶ Sarajevski kiseljak is currently not implementing any of these measures or similar measures that, ultimately, aim to reduce the use of disposable PET bottles.

Possibilities and plans for adaptation to the measures of the Directive

- ▶ **Article 6 (Product requirements)** The company is currently unable to meet the requirement for beverage bottles with plastic caps to be placed on the market only if the caps remain attached to the bottle during the period of use of the product. This is due to the lack of adequate machines and they stated that it is necessary to develop a new type of caps that will remain attached to the bottle by suppliers and producers. Sarajevski kiseljak can ensure that PET beverage bottles contain at least 25% of recycled plastic, as required by the Directive, but the currently excessive costs of procuring such packaging on foreign markets are an obstacle to implementing this requirement.
- ▶ **Article 8 (Extended producer responsibility)** The company belongs to the system of extended responsibility and pays fees for the placement of its products on the market in Bosnia and Herzegovina. Additional fees provided for in the Directive for placement of beverage bottles on the market to cover the costs of raising public awareness and cleaning up the litter will encourage the company to reduce the weight of PET bottles, increase the number of products in alternative packaging, such as glass, but will also continue using a PET bottle.
- ▶ **Article 9 (Separate collection):** Regarding the separate collection of PET bottles from beverages, the company's representatives believe that the introduction of a deposit system is a more efficient option to achieve a higher degree of separate collection than through extended producer responsibility, which is the current way of regulating this area.
- ▶ **Article 10 (Awareness raising measures):** Sarajevski kiseljak is in a position to conduct consumer awareness campaigns and take measures to inform consumers and encourage responsible consumer behaviour in order to reduce littering resulting from PET bottles.
- ▶ **General:** These measures will encourage the company to start working on the development, testing and ultimately the introduction of an attached cap on PET bottles, the development, testing and introduction of a certain percentage of recycled PET and will work on communication and consumer information to reduce littering resulting from PET bottles. The measures will not have an impact on diversion of product range placements from the markets of EU countries where they currently place their products.

Technical and financial assistance for the implementation of the measures of the Directive

- ▶ As for the proposed types of technical assistance with the aim of implementing the measures of the Directive, Sarajevski kiseljak gave the following assessment (grades 1 to 5, with 5 being the most needed assistance):



- ▶ Financial support to the company is primarily reflected in assistance in the procurement of rPET materials, procurement of new equipment for the introduction of a new bottle cap, procurement of new bottles with an attached cap and co-financing campaigns and education on responsible use of plastic packaging.

Case study #2

<p>Type of company: Milk and dairy products processing industry</p> <p>Website: www.milkos.ba</p> <p>Contact person: Ismet Tica</p> <p>ismet.tica@teloptic.ba</p>																
<p>Background</p>	<ul style="list-style-type: none"> Sarajevo Dairy Milkos d.o.o. is the largest and oldest company for processing milk and dairy products in Bosnia and Herzegovina, founded in Sarajevo in 1953. Milkos annually processes some 18 million litres of milk and sells it as milk, yogurt, kefir, cheese and sour cream. About 11% of production is exported to neighbouring countries of Montenegro, Serbia, Albania, Northern Macedonia and Croatia, as the only EU Member State to which Milkos exports. 															
<p>On product packaging</p>	<ul style="list-style-type: none"> Milkos uses 144 tonnes of PET bottles and 128 tonnes of tetrapacks as primary packaging. So far, Milkos has not had specific requirements regarding the plastic packaging they export to the EU market in the context of labelling, percentage of recycled material, weight, colour, etc. Milkos manufactures packaging internally within its company, but procures materials and raw materials for packaging from certain suppliers and manufacturers. When procuring packaging materials from suppliers, Milkos can influence the type of plastic polymer as well as the quality and reliability of the supplier's work. 															
<p>Products impacted by the Directive</p>	<p>Measures of the Directive that will impact the operations of Milkos dairy include:</p> <table border="1" data-bbox="564 1111 1388 1518"> <thead> <tr> <th></th> <th>Product requirements (Article 6)</th> <th>Extended producer responsibility (Article 8)</th> <th>Separate collection (Article 9)</th> <th>Awareness raising measures (Article 10)</th> </tr> </thead> <tbody> <tr> <td>Beverage containers up to 3 l (including their caps and lids)</td> <td style="text-align: center;">✓</td> <td></td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>Beverage bottles up to 3 l (including their caps and lids)</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> </tbody> </table> <ul style="list-style-type: none"> Milkos packs milk in beverage containers (composite - tetrapack packaging and PET), while using PET bottles for its yoghurt and kefir products. 		Product requirements (Article 6)	Extended producer responsibility (Article 8)	Separate collection (Article 9)	Awareness raising measures (Article 10)	Beverage containers up to 3 l (including their caps and lids)	✓		✓	✓	Beverage bottles up to 3 l (including their caps and lids)	✓	✓	✓	✓
	Product requirements (Article 6)	Extended producer responsibility (Article 8)	Separate collection (Article 9)	Awareness raising measures (Article 10)												
Beverage containers up to 3 l (including their caps and lids)	✓		✓	✓												
Beverage bottles up to 3 l (including their caps and lids)	✓	✓	✓	✓												
<p>Current status of knowledge about the provisions of the Directive and implementation of measures</p>	<ul style="list-style-type: none"> Milkos representatives are fully familiar with the Single-Use Plastics Directive, as well as with its provisions relating to the dairy industry, that is, the beverage industry that uses PET packaging. Milkos is currently not implementing any of these measures or similar measures that, ultimately, aim to reduce the use of plastic bottles. 															

Possibilities and plans for adaptation to the measures of the Directive

▶ **Article 6 (Product requirements)** Milkos is currently unable to place yogurt and kefir bottles on the market where the caps remain attached to the bottles during the period of use of the product. The reason is that there is currently no adequate machine on the market for making such caps, and even when it is available on the market, it will amount to a major investment and financial cost for Milkos. The plan to adapt to this measure is to find suitable suppliers of caps, and then to adjust the cap part on the machines to meet the requirements of Article 6 of the Directive.

Milkos is currently unable to ensure that plastic bottles contain at least 25% recycled plastic, as this is in the hands of the supplier from whom they procure raw materials for the production of packaging, and the machines available for the production of such packaging are very expensive. The solution would be for the Company to require producers to produce packaging material with 25% recycled plastic.

Article 8 (Extended producer responsibility) Milkos company is a part of the extended responsibility system. On the introduction of additional fees for companies that place plastic bottles on the market, in order to provide additional funds for separate collection, garbage cleaning and awareness raising, Milkos will reduce the weight of bottles and continue packaging in plastic bottles as before.

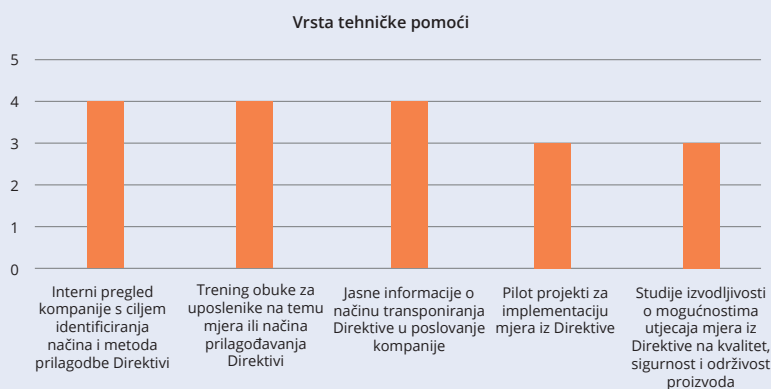
Article 9 (Separate collection): Representatives of Milkos believe that by prescribing additional targets for separate collection of bottles and containers within the fees for extended producer responsibility and increasing the purchase prices of PET bottles, a higher degree of separate collection of PET bottles will be achieved.

Article 10 (Awareness raising measures): Milkos is currently in no position to conduct consumer awareness campaigns, but has taken some measures related to informing consumers and encouraging responsible consumer behaviour in order to reduce littering resulting from the packaging in which they package their products. Thus, Milkos company has the necessary information on its labels on how to dispose of bottles.

General: The mentioned measures will force Milkos to seriously consider redirecting the distribution of its products from the EU market, considering that the implementation of the mentioned measures would represent a major financial burden for the company.



Technical and financial assistance for the implementation of the measures of the Directive

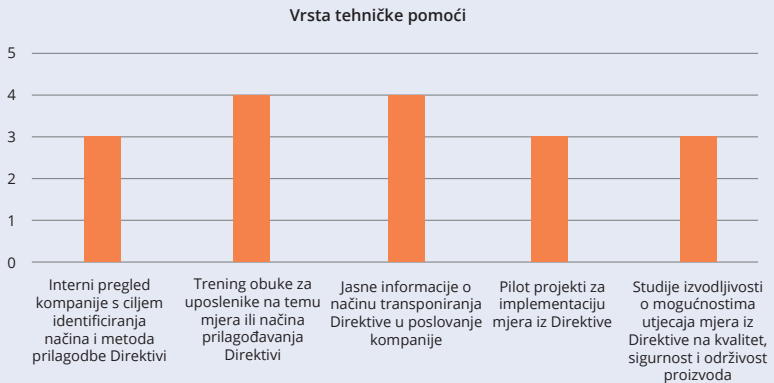
▶ As for the proposed types of technical assistance in order to implement the measures of the Directive, according to representatives of Milkos, there is a need for internal review of the company in order to identify ways and methods of adapting to the Directive, training for employees on measures under the Directive and clear information on how to transpose the Directive into company's business operations (grades 1 to 5, where 5 is the most needed assistance).



▶ Financial support to the company is primarily reflected in the procurement of a suitable cap machine for the production of caps that will remain attached during the period of use or in the adaptation of the existing cap machine. Also, financial support would be beneficial in terms of holding training sessions for employees on the measures of the Directive.

Case study #3

<p>Type of company: Beverage industry</p> <p>Website: www.nevra.ba</p> <p>Contact person: Vedrana Miličević - Duno</p>															
<p>Background</p>	<ul style="list-style-type: none"> ▶ Nevra d.o.o. Kreševo was founded in 2006 in the Kreševo Municipality and is engaged in the production of drinking water from natural spring water. The bottling plant was opened in 2010, which marks the entry of the Nevra brand on the BiH market in PET and glass bottles and 18.9 l bottles intended for water coolers. ▶ The company has the following standards: HACCP, ISO 9001:2015 and Certificate Emirates Quality Mark. ▶ Nevra d.o.o. distributes its products in Bosnia and Herzegovina and in EU Member States. 														
<p>On product packaging</p>	<ul style="list-style-type: none"> ▶ The company exports water in PET bottles and packaging of 200 ml, 330 ml, 500 ml, 1,500 ml, 6,000 ml and in glass bottles of 250 ml and 750 ml. ▶ So far, Nevra has not had specific requirements regarding the plastic packaging they export to the EU market in the context of labelling, percentage of recycled material, weight, colour, etc. ▶ The company supplies packaging for its products from packaging suppliers (producers). When delivering, company representatives can influence the appearance and colour of the packaging. 														
<p>Products impacted by the Directive</p>	<p>Measures of the Directive that will impact the operations of Nevra company include:</p> <table border="1" data-bbox="759 1077 1396 1205"> <thead> <tr> <th></th> <th>Product requirements (Article 6)</th> <th>Extended producer responsibility (Article 8)</th> <th>Separate collection (Article 9)</th> <th>Awareness raising measures (Article 10)</th> </tr> </thead> <tbody> <tr> <td>Beverage bottles up to 3 l (including their caps and lids)</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">✓</td> </tr> </tbody> </table>						Product requirements (Article 6)	Extended producer responsibility (Article 8)	Separate collection (Article 9)	Awareness raising measures (Article 10)	Beverage bottles up to 3 l (including their caps and lids)	✓	✓	✓	✓
		Product requirements (Article 6)	Extended producer responsibility (Article 8)	Separate collection (Article 9)	Awareness raising measures (Article 10)										
Beverage bottles up to 3 l (including their caps and lids)	✓	✓	✓	✓											
<ul style="list-style-type: none"> ▶ The company fills PET bottles with water, which are covered by the measures of the EU Directive. <div style="text-align: center;">  </div>															
<p>Current status of knowledge about the provisions of the Directive and implementation of measures</p>	<ul style="list-style-type: none"> ▶ Nevra representatives are partially familiar with the Single-Use Plastics Directive, as well as with its provisions relating to the beverage industry that uses PET packaging and bottles. ▶ Nevra is currently not implementing any of these measures or similar measures that, ultimately, aim to reduce the use of PET bottles and packaging. 														

<p>Possibilities and plans for adaptation to the measures of the Directive</p>	<ul style="list-style-type: none"> ▶ Article 6 (Product requirements) Nevra company is currently unable to place water bottles on the market where the caps remain attached to the bottles during the period of use of the product. The reason is that there is currently no adequate machine on the market for making such caps. The plan to adjust to this measure is to invest in new production lines, but the investment will depend on the company's financial capacities. Nevra is currently unable to ensure that PET bottles contain at least 25% recycled plastic, as it is first necessary to examine the safety of such products (packaging) for water, then check with the supplier the possibility of procuring PET bottles of this type. The company will plan to procure PET bottles containing at least 25% recycled plastic, only if such a product is available and safe for health. ▶ Article 8 (Extended producer responsibility) Potential higher fees for companies placing PET bottles on the market, with the aim of providing additional funding for separate collection, cleaning of litter and awareness raising, will not cause the company to reduce the use of PET bottles. ▶ Article 9 (Separate collection): Representatives of the company Nevra believe that the introduction of a deposit system for PET bottles will achieve a greater degree of separate collection of PET bottles. ▶ Article 10 (Awareness raising measures): The company is currently unable to conduct consumer awareness campaigns. The adjustment plan is for the company to encourage customers to behave responsibly as part of its sales of water. ▶ General: The mentioned measures will not cause the company to redirect the distribution of its products from the EU market. The measures will motivate Nevra representatives to work intensively on improving production lines, as well as raising consumer awareness. 												
<p>Technical and financial assistance for the implementation of the measures of the Directive</p>	<ul style="list-style-type: none"> ▶ As for the proposed types of technical assistance in order to implement the measures of the Directive, according to company's representatives, assessed as the most needed is training for employees on measures and ways of adjusting to the Directive and clear information on how to transpose the Directive into company's business operations (grades 1 to 5, where 5 is the most needed assistance). <div style="text-align: center;"> <p>Vrsta tehničke pomoći</p>  <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Tip pomoći</th> <th>Broj (na skali od 0 do 5)</th> </tr> </thead> <tbody> <tr> <td>Interni pregled kompanije s ciljem identificiranja načina i metoda prilagodbe Direktivi</td> <td>3</td> </tr> <tr> <td>Trening obuke za zaposlenike na temu mjera ili načina prilagodavanja Direktivi</td> <td>4</td> </tr> <tr> <td>Jasne informacije o načinu transponiranja Direktive u poslovanje kompanije</td> <td>4</td> </tr> <tr> <td>Pilot projekti za implementaciju mjera iz Direktive</td> <td>3</td> </tr> <tr> <td>Studije izvodljivosti o mogućnostima utjecaja mjera iz Direktive na kvalitet, sigurnost i održivost proizvoda</td> <td>3</td> </tr> </tbody> </table> </div> <ul style="list-style-type: none"> ▶ Financial support to the company is primarily reflected in the procurement of the necessary machines for caps on PET bottles. 	Tip pomoći	Broj (na skali od 0 do 5)	Interni pregled kompanije s ciljem identificiranja načina i metoda prilagodbe Direktivi	3	Trening obuke za zaposlenike na temu mjera ili načina prilagodavanja Direktivi	4	Jasne informacije o načinu transponiranja Direktive u poslovanje kompanije	4	Pilot projekti za implementaciju mjera iz Direktive	3	Studije izvodljivosti o mogućnostima utjecaja mjera iz Direktive na kvalitet, sigurnost i održivost proizvoda	3
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Studije izvodljivosti o mogućnostima utjecaja mjera iz Direktive na kvalitet, sigurnost i održivost proizvoda	3												

3.2.2. Priorities and needs

Based on the conducted assessment of the impact of the Directive on economy in BiH and case studies presented, two ways of assistance necessary for local industries during the process of adaptation to the measures of the Directive have been identified, as follows:

- i. technical assistance, and
- ii. financial assistance.

Analysed companies from the beverage production sector, the bakery and confectionery industry and the milk and dairy products processing industry rated the level of need for specific types of technical assistance with ratings from 1 (least needed) to 5 (most needed).

The conducted research identified five different types of technical assistance to industries and assessed the level of need for the offered types of technical needs.

Based on the case study of five companies in BiH that will be affected by the measures of the Directive, it can be concluded that the priorities when selecting technical assistance for the implementation of measures are the following:

1. Facilitating clear information on how to transpose the Directive into the company's business
2. Trainings of employees on the topic of measures and ways of adapting to the Directive
3. Preparation of a feasibility study on the possibility of impact of measures from the Directive on product quality, safety and sustainability
4. Pilot projects for the implementation of measures from the Directive
5. Internal audit of the company in order to identify ways and methods of adjustment.

In addition to the listed priorities for technical assistance, the surveyed companies stated that they would require financial assistance in order to implement the measures of the Directive. All companies that submitted a completed questionnaire stated that they would require financial assistance and incentives to purchase new equipment and machinery for filling and/or packaging bottles and containers for beverages and food adapted to the requirements of the Directive. An overview of all identified types of financial assistance provided by the surveyed companies are shown in Table 8 below.

Table 8: Identified financial assistance

Type of company	Type of financial assistance
Production of beverages	<ul style="list-style-type: none"> ▶ Procurement of rPET materials ▶ Procurement of new equipment, machines for introducing a new bottle cap ▶ Procurement of new bottles with attached cap ▶ Co-financing of the campaign and education on the responsible use of plastic packaging ▶ Incentives for recycling plastic waste generated during the production process ▶ Co-financing the purchase of specific containers in the case of the introduction of a deposit system, as part of which consumers would receive a refund for the packaging of beverages that they dispose of in a specific container after use ▶ Co-financing promotional campaigns to inform consumers about the problems caused by the use of single-use plastics ▶ Co-financing the increase in the use of glass bottles and cans made of aluminium instead of PET bottles ▶ Financing the creation of labels and instructions on packaging, that is, on bottles related to adequate disposal of bottles and plastic waste management
Production of bakery and confectionery products	<ul style="list-style-type: none"> ▶ Procurement of a product packaging machine in accordance with the requirements of the Directive. ▶ Co-financing the production of eco-designed wrappers and bags, as well as food containers where industry products are placed ▶ Financial support in the preparation of a detailed feasibility study on the possibility of impact of measures from the Directive on product quality, safety and sustainability
Milk and dairy products processing industry	<ul style="list-style-type: none"> ▶ Procurement of appropriate packaging equipment/caps that will remain attached during the period of use ▶ Co-financing of seminars, training of employees on the use of single-use plastics as an integral material of packaging and on extended producer responsibility

4 ANNEXES

Annex 1. Summary of measures prescribed by the Directive

Measure from the Directive	Description of the measure	Products covered by the measure	Transposition deadline for Member States
CONSUMPTION REDUCTION (Article 4)	<ul style="list-style-type: none"> ▶ Undertake measures to reduce the consumption of certain products (listed in Part A of the Annex). ▶ Achieve measurable and quantitative reduction by 2026 in the consumption of such products compared to 2022 ▶ Measures to reduce consumption can include: <ul style="list-style-type: none"> • National targets for reducing consumption, • Measures to ensure that alternatives to plastic products are made available at the point of sale to the final consumer • Economic instruments such as instruments to ensure that plastic products are not given free of charge to the end consumer at the point of sale 	<ul style="list-style-type: none"> ▶ Beverage cups (including their caps and lids) ▶ Food containers 	June 2021
MARKET PLACEMENT BAN (Article 5)	<ul style="list-style-type: none"> ▶ Full ban on the placing on the market of certain products (listed in Part B of the Annex) and oxo-degradable plastic products. 	<ul style="list-style-type: none"> ▶ Cotton bud sticks ▶ Cutlery ▶ Plates ▶ Straws ▶ Beverage stirrers ▶ Balloon sticks ▶ Certain expanded polystyrene products: food containers, beverage containers and beverage cups (including caps and lids) 	June 2021
PRODUCT REQUIREMENTS (Article 6)	<ul style="list-style-type: none"> ▶ Ensure that beverage containers (listed in part of Annex C) that come with plastic caps and lids can be placed on the market only if these caps and lids remain attached to the containers during the phase of intended use of the product. ▶ Ensure that from 2025, beverage bottles – PET bottles (listed in Part F of the Annex) contain at least 25% recycled plastic (and from 2030: at least 30% of recycled plastic). 	<ul style="list-style-type: none"> ▶ Beverage containers with a capacity of up to 3 l (that is, containers for liquids, such as beverage bottles and multilayer beverage packaging, including their caps and lids) ▶ Beverage bottles up to 3 l 	June 2024

<p>LABELLING REQUIREMENTS (Article 7)</p>	<ul style="list-style-type: none"> ▶ Ensure that each product (listed in Part D of the Annex) is marked on the packaging or on the product itself to inform consumers of: <ul style="list-style-type: none"> • Appropriate waste management options for the product or waste management methods to be avoided for that product, and • Presence of plastic in the product and the consequent negative impact on the environment of garbage disposal or other inappropriate disposal of waste from the product. 	<ul style="list-style-type: none"> ▶ Sanitary pads, tampons and tampon applicators ▶ Wet wipes ▶ Tobacco products with filter and filters ▶ Beverage cups 	<p>June 2021</p>
<p>EXTENDED PRODUCER RESPONSIBILITY (Article 8)</p>	<ul style="list-style-type: none"> ▶ Ensure that producers of products (listed in section I Part E of the Annex) cover: <ul style="list-style-type: none"> • Costs of awareness raising measures related to these products; • Costs of collection of litter resulting from those products that are disposed of in public waste collection systems (and its operation, and subsequent transport and treatment of that waste) • Costs of cleaning litter resulting from these products and subsequent transport and treatment of that litter. ▶ Ensure that producers of products (listed in Sections II and III Part E of the Annex) cover: <ul style="list-style-type: none"> • Costs of awareness raising measures related to these products; • Costs of cleaning litter resulting from these products and subsequent transport and treatment of that litter) • Costs of data collection and reporting. 	<p>Section I:</p> <ul style="list-style-type: none"> ▶ Food containers ▶ Bags and wrappers ▶ Beverage bottles up to 3 l ▶ Beverage cups (including their caps and lids) ▶ Lightweight plastic carrying bags <p>Section II:</p> <ul style="list-style-type: none"> ▶ Wet wipes ▶ Balloons <p>Section III:</p> <ul style="list-style-type: none"> ▶ Tobacco products with filter and filters 	<p>June 2024 (Exceptions are extended producer responsibility programmes established before June 2018 and products listed in Section III of Part E of the Annex – January 2023)</p>
<p>SEPARATE COLLECTION (Article 9)</p>	<ul style="list-style-type: none"> ▶ Undertake measures to ensure separate collection for recycling: <ul style="list-style-type: none"> • 77% (expressed in mass) of products (listed in Part F of the Annex) placed on the market in a given year by 2025, and 90% by 2029. ▶ Measures can include: <ul style="list-style-type: none"> • Establishment of a deposit system • Prescribing separate collection targets for relevant extended producer responsibility programmes 	<ul style="list-style-type: none"> ▶ Beverage bottles up to 3 l (including their caps and lids) 	

<p>AWARENESS-RAISING MEASURES (Article 10)</p>	<ul style="list-style-type: none"> ▶ Undertake measures to inform consumers and incentivise responsible consumer behaviour, in order to reduce litter from products covered by this Directive. ▶ Undertake measures to inform consumers of products (listed in Part G of the Annex) and fishing gear containing plastics about: <ul style="list-style-type: none"> • Availability of reusable alternatives, reuse systems and waste management options; • Environmental impact, and in particular on the marine environment, of littering in the environment and other inappropriate disposal of waste from these products; • Consequences that inadequate disposal of litter from these products has on the sewerage network. 	<ul style="list-style-type: none"> ▶ Food containers ▶ Bags and wrappers ▶ Beverage containers up to 3 l ▶ Beverage bottles up to 3 l ▶ Beverage cups (including their caps and lids) ▶ Tobacco products with filter and filters ▶ Wet wipes ▶ Balloons ▶ Lightweight plastic carrying bags ▶ Sanitary pads, tampons and tampon applicators 	
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Annex 2. Status of transposition of the Directive in the European Union Member States

France

France is the first EU Member State to develop a strategy to tackle single-use plastics.

With its *Circular Economy Law*²⁴ adopted in February 2020, France transposed the provisions of the revised documents of the *Waste Framework Directive and the Packaging and Packaging Waste Directive*, as well as the recently adopted *Single-Use Plastics Directive*. The Law is supplemented by a series of implementing bylaws that are currently in the draft stage.²⁵

Article 7 of the Circular Economy Law sets a target related to the ban on all single-use plastic packaging from the French market by 2040. The law specifies a 50% reduction in the use of plastic bottles, and an increase in the use of reusable packaging in order to achieve a 10% share of reusable packaging by 2027, and full recycling of plastic packaging by 2025 (100%)²⁶. This provision, in addition to the single-use plastic subject to the Directive, prohibits the use of single-use plastic packaging for fruit and vegetables, plastic lids on cups, as well as the use of single-use plastic in fast food restaurants.²⁷ Although plastic bags for fruits and vegetables have already been banned by the *Energy Transition Law*, they can still be found in all smaller stores across the country. In accordance with the *Circular Economy Law*, the competent employees of the Ministry of Environmental Protection will monitor the compliance of the new regulations. In case of non-compliance, fines between 3,000 to 15,000 Euros may be imposed. However, single-use plastic packaging material is still partially permitted, as the ban

²⁴ Circular Economy Law, 2020. - French Loi n° 2020-105 du 10 février 2020 relative à la lutte contre le gaspillage et à l'économie circulaire

²⁵ Call for EU Institutions to protect the integrity of the Single Market, September 2020, <https://www.unesda.eu/wp-content/uploads/2020/09/2020-09-17-Joint-Statement-on-the-Integrity-of-the-Single-Market.pdf> (accessed on 16 December 2020)

²⁶ <https://seas-at-risk.org/stalling-european-plastic-law.html> (accessed on 18 December 2020)

²⁷ <http://www.bfgpackaging.com/the-midway-status-of-sup-transposition-in-eu-countries/> (accessed on 25 December 2020)

does not specifically apply to cases where single-use plastic is used as packaging material. Therefore, the sale of food and beverages in plastic packaging and cups is still allowed.²⁸

The label 'Biodegradable' is prohibited for plastic packaging and there are no exceptions for biodegradable plastic, as it decomposes only in industrial plants and not in the environment.²⁹

Under the new Law, it is now mandatory to provide consumers with clear information regarding the proper classification of waste and details on the composition and recyclability of waste materials. Producers also have new responsibilities regarding waste management; for example, tobacco industry is required to adhere to higher standards regarding the treatment of litter resulting from the use of its products.³⁰

Progress has also been made through green procurement, with the aim of reusing and banning the use of disposable plastics. France will ban disposable plastics in civil service buildings, administrations and at public events by 2022.³¹

The Circular Economy Law stipulates that in 2022 and 2023, all food containers/packaging used on the spot in hotels, restaurants and cafes will have to be reusable, that is, intended for multiple use.³²

Although the extended responsibility system has been made stricter, the introduction of a deposit system has met with resistance from municipalities and recycling companies.³³ Initially, the Association of French Mayors supported the distribution of reusable packaging, but opposed the deposit system, calling it an "attempt to privatise plastic collection in favour of producers", which would allegedly destabilise public services.³⁴

The European soft drinks industry (UNESDA) argues that measures banning the placing on the market of single-use plastic products are the most restrictive measures from the point of view of the Single Market. This association believes that the new Circular Economy Law will cause additional trade barriers and harm the functioning of the Single Market for packaging and packaged goods. UNESDA therefore recommends that the European Commission should thoroughly study the prescribed measures to ensure that they are necessary and proportionate to the environmental objectives and do not violate the principle of free movement of goods, which is contained in Articles 34 through 36 of the Treaty on the Functioning of the European Union and Article 18 of the Directive on Packaging and Packaging Waste.³⁵

Dissatisfaction with the provisions of the Law was also expressed by well-known French supermarket chains such as Casino, Auchan, Monoprix and Carrefour, in the context of measures to abolish plastic bags for fruits and vegetables.³⁶

On the other hand, representatives of the non-governmental sector assess the provisions of the Law as necessary and encouraging for France, which has made a major step forward by recognising that

28 <https://www.rfi.fr/en/france/20200101-france-single-use-plastic-ban-enters-effect-environment-pollution> (accessed on 27 December 2020)

29 <https://seas-at-risk.org/stalling-european-plastic-law.html> (accessed on 21 December /2020)

30 <https://surfrider.eu/en/learn/news/france-advances-the-fight-against-plastic-pollution-121505206147.html> (accessed on 22 December 2020)

31 <https://surfrider.eu/en/learn/news/france-advances-the-fight-against-plastic-pollution-121505206147.html> (accessed on 22 December 2020)

32 <http://www.bfgpackaging.com/es/the-midway-status-of-sup-transposition-in-eu-countries-5/> (accessed on 21 December 2020)

33 The corporate playbook of false solutions to the plastic crisis, Alice Delemare Tangpuori, George Harding-Rolls, Nusa Urbancic and Ximena Purita Banegas Zallio, September 2020, https://talking-trash.com/wp-content/uploads/2020/09/TalkingTrash_FullReport.pdf (accessed on 17 December 2020)

34 Association de Maires de France et des Presidents d'Intercommunalité (2019). Projet de loi sur l'économie circulaire: l'amf se prononce en faveur du réemploi des emballages. Available at: <https://www.amf.asso.fr/documents-projet-loi-sur-leconomie-circulaire-lamf-se-prononce-en-faveur-du-reemploi-emballages/39629>

35 Call for EU institutions to protect the integrity of the Single Market, September 2020, <https://www.unesda.eu/wp-content/uploads/2020/09/2020-09-17-Joint-Statement-on-the-Integrity-of-the-Single-Market.pdf> (accessed on 17 December 2020)

36 The corporate playbook of false solutions to the plastic crisis, Alice Delemare Tangpuori, George Harding-Rolls, Nusa Urbancic and Ximena Purita Banegas Zallio, September 2020, https://talking-trash.com/wp-content/uploads/2020/09/TalkingTrash_FullReport.pdf (accessed on 17 December 2020)

the priority is to drastically reduce the use of single-use plastics. Representatives of the NGO Zero Waste France stress that it is now necessary to implement binding measures that will enable France to achieve the ambitious goals as previously set.³⁷

Germany

On 24 June 2020, the Federal Cabinet of Germany adopted the Ordinance on the Prohibition of Single-Use Plastics.³⁸ The German cabinet decided to ban the sale and placing on the market of single-use plastic items that are prohibited by the EU Single-Use Plastics Directive. The adoption of this *Ordinance* is the first step towards the implementation of the Directive. The *Ordinance* implements Articles 5 (Restrictions on Placing on the Market) and 14 (Sanctions) of the EU Directive and prohibits several products, including cotton bud sticks, cutlery, plates, drinking straws, balloons, food containers and drinks and drinking glasses, including lids. The Ordinance will enter into force in July 2021, which is the deadline for transposing the Directive into national legislation. The Ordinance does not define guidelines on the use of alternative materials.³⁹

The *Ordinance* seeks to advance the plan of the Federal Ministry of the Environment and its five points to reduce plastics and increase recycling, while contributing to the implementation of the United Nations SDGs.⁴⁰ The Ordinance will be implemented through amendments to the existing *Circular Economy Law*.⁴¹ The implementation of the provisions of the prescribed *Ordinance* would increase the costs of production of products, where the plastic material will be replaced by another material, but it is assumed that production costs will not cause a significant increase in consumer prices. On 6 November 2020, the German *Bundesrat*⁴² approved a ban on single-use plastic products, covered by the aforementioned Ordinance on the Prohibition of Single-Use Plastics. This decision paves the way for the adoption of an EU Directive that ends the sale of certain single-use plastic items.⁴³

German waste management experts assess the Ordinance as a step in the right direction, but not nearly enough to have the problem of single-use plastics placed under control. As they note, there have long been alternative solutions for products banned until 2021, and one of them is the concept of reuse, yet legally binding specifications are still lacking for reuse. In this regard, experts believe that a universal reusable system in the form of containers, bottles and bags that can be filled on site is necessary. An example is the food industry, which is still hesitant to accept reusable packaging due to unfounded claims on hygiene issues. The German Food Association explained that refilling reusable packaging is safe, as long as the basic hygiene rules are followed.⁴⁴

Although there has been a functioning deposit system in Germany since 2003, large producers still prefer to place disposable bottled beverages on the market.

Experts believe that in the future, producers should be involved in the costs of waste collection and disposal through extended producer responsibility, as regulated in the Single-Use Plastics Directive.⁴⁵

³⁷ <https://seas-at-risk.org/stalling-european-plastic-law.html> (accessed on 25 December 2020)

³⁸ Ordinance Prohibiting the Placing on the Market of Certain Single-Use Plastic Products and Products Made of Oxo-degradable Plastics, Federal Government, June 2020, <https://www.bmu.de/gesetz/verordnung-ueber-das-verbot-des-inverkehrbringens-von-bestimmten-einwegkunststoffprodukten-und-von-pr/> ;

https://www.bmu.de/fileadmin/Daten_BMU/Download_PDF/Gesetze/ewkverbots_v_bf.pdf (accessed on 14 December 2020)

³⁹ <https://www.iass-potsdam.de/en/blog/2020/07/germany-bans-disposable-plastic-products-important-step-long-road> (accessed on 14 December 2020)

⁴⁰ <https://www.iass-potsdam.de/en/blog/2020/07/germany-bans-disposable-plastic-products-important-step-long-road> (accessed on 15 December 2020)

⁴¹ Law for promoting circular economy and ensuring environmentally friendly waste management, February 2012, <http://www.gesetze-im-internet.de/krwg/KrWG.pdf> (accessed on 15 December 2020)

⁴² The German Bundesrat covers 16 German provinces at the federal level

⁴³ <http://www.bfgpackaging.com/updates-on-how-the-single-use-plastics-directive-is-enforced-in-european-countries/> (accessed on 15 December 2020)

⁴⁴ <https://www.packaginginsights.com/news/germanys-bare-minimum-approach-to-eu-single-use-plastics-directive-draws-criticism.html> (accessed on 15 December 2020)

⁴⁵ <https://www.bund.net/service/presse/pressemitteilungen/detail/news/kommentar-verbot-von-einweg-plastik-reicht-im-kampf-gegen-muellberge-nicht-aus/> (accessed on 15 December 2020)

Additionally, the Law on Packaging of 1 January 2019,⁴⁶ regulates that packaging recycling fees charged by plastic recycling and recovery organisations must be based on “environmental criteria”. Based on these criteria, lower fees are set for the recycling of packaging that is easier to recycle and that contains recycled material or renewable raw materials. For example, plastic packaging containing recyclable material will have a lower recycling fee. Consequently, plastic packaging made from non-recyclable raw materials and packaging that cannot be easily recycled will have higher recycling fees.⁴⁷ In general, this Law regulates the responsibilities as to who bears the costs of disposal and recycling of packaging waste, with the aim of significantly increasing the recycling rate of packaging waste.⁴⁸

NGOs in Germany are not particularly happy with the definition of single-use plastic measures. They believe that the ban measures adopted by the German Cabinet are insufficiently effective and need to be further expanded. In this regard, they suggest promoting reusable products at the national level and pointing out to consumers a clear distinction between single-use products and reusable products.⁴⁹ Germany’s Environmental Action warns that a misinterpretation of the Directive could significantly undermine the basic goal of reducing single-use plastic pollution and supporting the transition to a circular economy.⁵⁰

Austria

The Austrian government is currently working to improve the Waste Management Law, transposing the Single-Use Plastics Directive through new articles. However, no specific details have yet been set regarding the wording of new articles of the Law.⁵¹ In March 2019, the Council of Ministers of Austria, as part of the Amendments to the Waste Management Law, adopted a ban on plastic bags, which will enter into force in January 2020. The Amendment also prescribes several key measures, which relate to the reduction and prohibition of the use of single-use plastics, and which are in line with the measures of the Single-Use Plastics Directive.⁵²

- ▶ Ban on plastic bags, other than those that are fully biodegradable, from 2020,
- ▶ Rapid implementation of the Directive with appropriate product bans and reduction targets,
- ▶ By 2025, the amount of plastic packaging must be reduced by 20% to 25% compared to the amount from 2016, and this mainly refers to the packaging of single-use plastic items and thus would achieve a reduction of about 60,000 tonnes of plastic per year.

In Austria, measures to reduce the use of single-use plastics began several years ago. In July 2016, a voluntary agreement concerning the reduction of the use of plastic bags entered into force in Austria. Many Austrian retail companies have signed this voluntary agreement, which was initiated by the Federal Ministry for Sustainability and Tourism. In accordance with the provisions of the Austrian Waste Management Law, Austrian packaging collection and recycling systems make 0.5% of the collected fees available for the promotion of waste prevention projects.⁵³

The Austrian Federal Ministry for Climate Action and the Environment is currently considering the introduction of a deposit system to achieve the new targets set out in the EU Directive. However, several Austrian companies and extended producer responsibility organisations strongly oppose the introduction of this system. A coalition of companies, including retail companies such as REWE Group, SPAR, Hofer and Lidl as well as beverage companies including Brau Union, Spitz and Pfanner,

⁴⁶ Verpackungsgesetz(VerpackG)

⁴⁷ <https://ec4p.com/resources/news/sweden-modulated-plastics-packaging-recycling-fees> (accessed on 27 December 2020)

⁴⁸ https://verpackungsgesetz-info.de/wp-content/uploads/2018/06/20171019_landbell_verpackg-factsheet_en_final.pdf (accessed on 27 December /2020)

⁴⁹ <https://seas-at-risk.org/stalling-european-plastic-law.html> (accessed on 17 December 2020)

⁵⁰ <https://rethinkplasticalliance.eu/news/resist-attempts-to-undermine-separate-collection-of-plastic-bottles/> (accessed on 17 December 2020)

⁵¹ <https://rethinkplasticalliance.eu/news/midway-assessment-of-eu-countries-transposition-of-single-use-plastics-directive/> (accessed on: 9 January 2021)

⁵² <https://www.bmk.gv.at/en/topics/climate-environment/waste-resource-management/plastic-bag.html> (accessed on 21 December 2020)

⁵³ Reducing plastic waste in Europe, November 2019, European Environment Agency, <https://www.eea.europa.eu/publications/preventing-plastic-waste-in-europe> (pristupljeno 22.12.2020)

are working to negatively influence the government's decision to introduce a deposit system. The lobby challenge of the deposit system was organised by large companies with the support of *Altstoff Recycling Austria AG* (ARA⁵⁴), Austria's largest extended producer responsibility organisation, which has a significant share in the Austrian waste management market. With the introduction of a deposit system, as a substitute for extended producer responsibility through the payment of packaging placement fees, the ARA would lose more than 24 million Euros in fees for plastic bottles alone.⁵⁵ The ARA has launched a campaign against the deposit system to influence the development of the Government's programme. Letters sent in December 2019 to the Federal Chancellor, the Minister of the Environment and members of parliament give a detailed insight into the coalition against the introduction of the deposit system.

On the other hand, a recent public survey commissioned by YouGov, commissioned by the Foundation for Changing Markets and Global 2000, found that 83% of Austrian citizens support the introduction of a deposit system, and 86% believe more needs to be done to tackle plastic pollution.⁵⁶

The interest of academia in combating the problem of disposable plastics is reflected in the joint cooperation projects of Austrian universities. One such project is being implemented by the Department of Waste Management and Waste Management Technology at the University of Leoben and the University of Natural Resources and Life Sciences in Vienna called "BottlePose", tackling the implementation of EU directives on beverage container measures, deposit system and reusable packaging. The project deals with the implementation of the EU Directive in Austria on behalf of the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology. The aim of the project is to find a solution to improve the separate collection of beverage packaging in Austria, in order to reach a collection rate of 90% as required by the Directive. In addition, opportunities to promote reusable systems are being developed.

The Federal Environment Agency of Austria is developing a plan to ban the use of microplastic particles in cosmetics and cleaning products until the beginning of 2021. In order to ensure that progress is made in reducing plastic pollution, the Agency stresses the importance of cooperation of all relevant stakeholders in the plastic value chain from consumers, producers, start-ups and decision-makers.⁵⁷

Hungary

Hungary has officially announced its intention to adopt measures that will, in some respects, exceed the minimum requirements of the EU Directive. The Hungarian parliament approved the Law on the Prohibition of Single-Use Plastics on 7 July 2020, but the proposal for adoption was withdrawn the same year due to the COVID-19 pandemic. The Hungarian Draft Law prohibits the placing on the market, in addition to products made of oxo-degradable plastic in accordance with Article 5 of the EU Directive, and plastic products listed in Part B of the Annex to the Directive,⁵⁸ then plastic bags less than 50 microns thick, as well as bags made of biodegradable plastic.⁵⁹

Non-governmental organisations and activists in Hungary expressed satisfaction with the mentioned bans, while, although dissatisfied, the plastics sector will have to prepare for the implementation of the measures from the mentioned Law, which will enter into force by 1 July 2021.⁶⁰

54 Altstoff Recycling Austria (ARA) is Austria's largest packaging collection and recycling system. It was founded by the Austrian Chamber of Commerce in 1993 to support companies in meeting their obligations under the Packaging Law to manage waste responsibility.

55 The corporate playbook of false solutions to the plastic crisis, Alice Delemare Tangpuori, George Harding-Rolls, Nusa Urbancic and Ximena Purita Banegas Zallio, September 2020, https://talking-trash.com/wp-content/uploads/2020/09/TalkingTrash_FullReport.pdf (accessed on 17 December 2020)

56 Global 2000 and Changing Markets Foundation (2020) Where do Austrians stand on a deposit return scheme? Public opinion poll in Austria <https://bit.ly/2Z4zZpl> (accessed on 21 December 2020)

57 <https://theinternationalangle.com/index.php/2019/05/26/austria-non-biodegradable-plastic-to-be-banned-in-2020/> (accessed on 28 December 2020)

58 Cotton bud sticks, cutlery, plates, straws, beverage sticks, balloon sticks, food containers made of expanded polystyrene, beverage cups made of expanded polystyrene

59 https://chemycal.com/news/c4647491-19ec-4138-81a0-36bb30d8dac2/Hungarian_decree_on_restriction_of_placing_on_market_of_certain_single-use_plastic_products (accessed on 22 December 2020)

60 <https://ceelegalmatters.com/hungary/14192-parliament-bans-single-use-plastic> (accessed on 22 December 2020)

The Hungarian government plans to set aside 10 million Hungarian forints, or about 29 million Euros, to help the manufacturing sector make the necessary technological changes through the purchase of new, sophisticated machines.⁶¹

The Netherlands

A draft law is proposed to transpose the Single-Use Plastics Directive into Dutch legislation. A detailed proposal of measures is still required, especially for extended producer responsibility. Also, the draft law does not specifically set goals for reducing the consumption of plastic cups and disposable containers, nor does it propose measures to increase the reuse of plastic products. Important parts of the draft law relate to increasing the target for separate collection of bottles, as well as to expanding the deposit system. The Netherlands has taken a very significant step by extending the existing deposit scheme for plastic bottles to bottles containing less than 1 litre of liquid. The collection scheme implies the fulfilment of the target, which refers to 90% of separate collection of PET bottles by 2022, and in doing so exceeds the minimum requirements of the Directive, where the said target is set by 2029. Also, measures from the draft law include banning certain single-use plastic products, educational campaigns on alternatives to disposable plastics, as well as recycling more plastic products. It is currently unknown which specific plastic products the Dutch government will ban.⁶²

There are still no clearly expressed views by manufacturing companies, extended producer responsibility organisations, and recycling companies regarding the prescribed measures in the Draft Law.

However, NGOs are urging the Dutch government to adopt a broader approach to banning single-use plastics, extending the bans to other common single-use plastic products (such as wet wipes, tea bags, confetti and pieces of plastic in fireworks).⁶³ The organisations created joint recommendations related to: avoiding the replacement of plastics with other disposable alternatives, banning the free provision of disposable plastic items, using fiscal measures to phase out consumables and increase reuse, and establishing a national target to reduce consumption (5% by 2025), which will be achieved by meeting the reuse targets as well as the reusable packaging target.

Belgium

The Belgian government is currently working to pass a bill that would transpose measures banning several types of single-use plastic products, as well as lightweight plastic bags, according to the requirements of the EU Directive. However, the draft law does not include other measures of the Directive, such as defining measures and accompanying objectives to reduce the use of single-use plastics.

Certain Belgian regions have already adopted acts to reduce single-use plastics.

Thus, for example in the Flemish Province, the Flemish Parliament adopted a resolution in October 2016, calling on the Flemish government to develop an “integrated action plan containing objectives in the short, medium and long term, aimed at reducing plastic pollution”. In response to this resolution, the Flemish Public Waste Agency, in cooperation with all relevant stakeholders, developed an action plan for marine litter. The plan applies to all sources of marine litter, and contains a total of 21 specific objectives and 36 measures to prevent the discharge of all types of solid waste into the marine environment.⁶⁴ In February 2020, the Flemish Minister of the Environment approved the Action Plan

⁶¹ <https://hungarianinsider.com/hungary-to-ban-single-use-plastics-from-july-1-2021-4452/> (accessed on 27 December 2020)

⁶² <http://www.bfgpackaging.com/de/examples-of-national-legislative-frameworks-for-the-implementation-sup-directive-4/> (accessed on 21 December 2020)

⁶³ <https://seas-at-risk.org/stalling-european-plastic-law.html> (accessed on 22/12/2020)

⁶⁴ Template for the Implementation Framework for Plastic Waste Actions in the Seas, 2020, Government of Flanders, <https://>

for Synthetic and Plastic Materials. One of the measures refers to the implementation of the EU Single-Use Plastics Directive, in agreement with other regions in Belgium. As a result, as of early 2020, event organisers in the Flemish region are no longer allowed to use disposable drinking glasses, unless over 90 % of content cannot be collected separately for recycling purposes. This initiative is motivated by a study that assesses the overall environmental impact of different types of plastic utensils and cutlery, used at social events, taking into account different types of materials and disposal options.⁶⁵

Denmark

The Danish government has initiated the process of transposing the EU Directive. There is great potential for the introduction of extended producer responsibility, but many detailed measures still need to be adopted that will largely define the level of ambition of the Danish government. Denmark, which has had a deposit system for plastic bottles, glass bottles and water cans, soft drinks and beer for years, expanded the scheme on 1 January 2020, so that the deposit system currently includes containers for juice and other beverages. In early December 2018, the Government adopted an action plan with 27 initiatives aimed at reducing the use of plastics, increasing recycling and preventing the occurrence of plastic waste in the environment. The main elements of this plan are the establishment of a national plastic centre, a ban on the use of lightweight plastic bags and more efficient sorting of plastic waste.⁶⁶ The Danish government will set aside 50 million Danish kroner, or 6.72 million euros, over a four-year period to implement the plan.⁶⁷

As the legislative framework to implement the measures of the Directive has not yet been specifically established in Denmark, stakeholder representatives in the plastics value chain have not yet expressed their views on the transposition of the EU Directive.

Spain

The draft of the new waste law envisages the transposition of the Single-Use Plastics Directive. The draft includes positive elements, such as reduction targets, but does not meet the ambitions of many provisions of the EU Directive, including the deposit system, which is not yet envisaged in Spain. The draft law has yet to be adopted, and the level of ambition needs to be increased, in line with NGO recommendations. The process of transposing the EU Directive into a national circular economy package has only just begun. Spanish government's proposal to deal with single-use plastics goes in the right direction, but at a slow pace and insufficiently ambitiously⁶⁸.

In June 2020, the Spanish government approved a tax on single-use plastic packaging, which includes: plastic packaging composed of polymers, all non-reusable plastic products used for packaging and as food packaging, and plastic containers composed of several materials.⁶⁹ This tax will take effect on 1 July 2021 and contribute to the goal of reducing waste generation by 15% by 2030 compared to the 2010 value.

Similar to Austria, Spain has several significant extended producer responsibility organisations, opposing the deposit system. One of them is Ecoembes, the organisation in charge of managing the funds collected from the fees for placing packaging on the market.⁷⁰ The Spanish Packaging Law allows

papersmart.unon.org/resolution/uploads/submission_of_belgium.pdf (accessed on 28 December 2020)

⁶⁵ <https://www.oecd.org/stories/ocean/preventing-single-use-plastic-waste-d18c8d38> (accessed on 28 December 2020)

⁶⁶ Danish Government Action Plan against Plastic Pollution, December 2018, https://mfvm.dk/fileadmin/user_upload/MFVM/Miljoe/Plastikhandlingsplan/Regeringens_plastikhandlingsplan_web_FINAL.pdf (accessed on 23 December 2020)

⁶⁷ <http://cnogear.org/news/english/danish-action-plan-against-plastic-pollution> (https://mfvm.dk/fileadmin/user_upload/MFVM/Miljoe/Plastikhandlingsplan/Regeringens_plastikhandlingsplan_web_FINAL.pdf) (accessed on 23 December 2020)

⁶⁸ <https://seas-at-risk.org/stalling-european-plastic-law.html> (accessed on 22 December 2020)

⁶⁹ <https://taxnews.ey.com/news/2020-1528-spain-publishes-proposal-for-indirect-tax-on-non-reusable-plastic-packaging> (accessed on 9 January 2021)

⁷⁰ Ecoembalajes España SA is responsible for Ecoembes - a powerful business network comprising more than 12,000 companies affiliated with the plastics industry - holding 60% of the shares. Ecoembes manages materials for containers and packaging; and acts as the main lobby group for the plastics industry in Spain. The most prominent members of Ecoembes are Bimbo, Pascual, Campofrío, Coca-Cola, Colgate, Danone, Henkel, L'Oreal, Nestlé and PepsiCo. Members for plastic pack-

for a choice between an extended producer responsibility scheme and a deposit system. However, since its founding in 1996, Ecoembes has repeatedly rejected the deposit system on the assumption that it would be too expensive for the industry and that plastic packaging recycling rates in Spain are already very high and exceeding the EU targets (Ecoembes argues to according to their data). The impact of Ecoembes is significant, as Ecoembes acts as the main lobby group for the plastics industry in Spain.

Several Spanish regions, such as the Balearic Islands and Navarre, have already adopted a comprehensive set of measures to ban several single-use plastic items long before the EU Directive enters into force. The Balearic Islands have banned plastic cups, plates and cotton bud sticks.

When it comes to NGO engagement, Spanish environmental NGOs have joined forces to urge the Spanish Environment Minister to set significantly high targets for reuse and introduce more effective measures to reduce disposable plastic consumption.⁷¹

Portugal

Bans on some of the most commonly used single-use plastic items were to be integrated into Portuguese national law by the end of July 2020. However, the process was delayed due to the COVID-19 pandemic.

Also, progress is stagnant in the implementation of the deposit scheme. In 2018, the Portuguese government passed the Law (No. 69/2018⁷², that is, the First Amendment to Decree-Law No. 152-D/2017⁷³), which stipulates that by January 2022, a national deposit scheme will be introduced for plastic and glass bottles, metal and aluminium cans. Despite a successful pilot scheme - in which over 30 machines were installed and more than 1 million bottles were collected in exchange for a small cash incentive, implementation is currently stalled, and there is a risk that the targets set by law will not be met by January 2022.⁷⁴ The Portuguese government has also announced a national ban on certain single-use plastic products by 2020, such as plastic plates, cotton bud sticks, straws and oxo-degradable plastics.

A working group was established to assess the application of tax incentives related to the reduction of consumption of plastics and other plastic-based products. The working group is coordinated by the Portuguese Environmental Protection Agency and consists of representatives of the governmental and non-governmental sector. The conclusions of the working group referred to the recommendations to adopt fiscal incentives, similar to those adopted for disposable plastic bags, for other disposable plastic bags (such as thicker plastic bags, as well as food wrappers) in order to reduce their consumption. Another proposed measure was the ban on oxodegradable plastics, which are rapidly fragmented into microplastics.⁷⁵

A Portuguese NGO, together with the Centre for Marine and Environmental Research, held a seminar in June 2019 entitled “Portugal and the Reduction of Single-Use Plastics”, to discuss changes to the EU plastic packaging legislation and tackling growing plastic pollution. The seminar aimed to bring together different stakeholder groups and create a national forum to discuss the problem of plastic pollution. A discussion also tackled how to implement the new EU legislation at the national level. Presentations and discussions focused first on the Single-Use Plastics Directive, in particular on legislative barriers to adequate law enforcement. At the seminar, participants and stakeholders expressed their readiness to work on achieving “circular” consumption of plastics.⁷⁶

aging include Tetra Pak Hispania, Cicloplast and Ecoacero. (https://talking-trash.com/wp-content/uploads/2020/09/Talking-Trash_FullReport.pdf) (accessed on 22 December 2020)

⁷¹ <https://seas-at-risk.org/stalling-european-plastic-law.html> (accessed on 23/12/2020)

⁷² <https://dre.pt/application/conteudo/117484671> (accessed on: 9 January 2021)

⁷³ <https://dre.pt/application/conteudo/114337042> (accessed on: 9 January 2021)

⁷⁴ <https://seas-at-risk.org/stalling-european-plastic-law.html> (accessed on 23/12/2020)

⁷⁵ <https://seas-at-risk.org/17-marine-litter/961-single-use-plastic-portugal-leads-the-way.html> (accessed on 28 December 2020)

⁷⁶ <https://seas-at-risk.org/publications-and-videos-2/members-news/965-portugal-and-the-reduction-of-single-use-plastics-seminar.html> (accessed on 28 December 2020)

Greece

According to a draft law passed by the state environment and energy minister, Greece should implement measures to ban and reduce single-use plastics by 1 July 2021. Key measures include:

- ▶ Prohibition on the placing on the market of disposable plastic cutlery, plates and straws together with plastic food containers and expanded polystyrene cups.⁷⁷
- ▶ The goal is to reduce the use of plastic cups and food containers by 30% by 2024 and by 60% by 2026, as well as encourage the development of a circular economy, and motivate companies to redesign products and recycle. Companies will be allowed to deliver the aforementioned products until October 2021 or until their stocks run out.
- ▶ Public companies will be banned from ordering the aforementioned products (plastic cutlery, plates, straws, expanded polystyrene food and beverage containers) in the public procurement process, six months before, that is, in February 2021.⁷⁸
- ▶ From 3 July 2021, the disposal of certain types of biodegradable plastics will also be banned. From 1 July 2021, municipalities should equip all municipal sports facilities with drinking water taps to reduce the use of bottled water.
- ▶ From 1 January 2022, an environmental or “green” tax will be introduced, as has been done with plastic bags, plastic cups and lids, as well as disposable food containers. The fee will be 0.05 Euros and will be charged separately for a glass or container and separately for lids or caps.⁷⁹

The draft law lays the groundwork for Greece’s transition to a “greener economy” with incentives to support environmentally friendly practices and investments that include a “green” tax on plastic cups and food containers, to be introduced in the Green Fund, which will be given to municipalities and regions for actions to combat environmental pollution caused by these products.⁸⁰

Italy

Italy has been at the forefront of legislation in the fight against plastic waste pollution for the last few years, but has lately stagnated in the process.⁸¹ The legislative process to transpose the EU Directive in Italy has only just begun, but with limited ambitions in the form of draft measures. The adoption of the plastic tax, which was supposed to be adopted in 2020 as part of the Italian Budget Law, has been postponed to 2021. The law prescribes the taxation of non-recyclable plastic packaging at a rate of 0.45 Euros per kilogram. Some of the plastic products that will be taxed include polyethylene bottles, composite (tetrapack) containers, expanded polystyrene packaging, and plastic caps. Single-use plastic packaging produced using bioplastics or recycled materials will be exempt from taxes, such as medical products and pharmaceutical packaging.⁸²

In 2013, Italy banned the production, distribution and import of plastic bags, except for biodegradable ones, and from 2019, it is not allowed to place plastic cotton bud sticks on the market⁸³. The packaging of sticks must have clear information on the correct disposal of sticks, with an explicit emphasis on the prohibition of throwing sticks into toilets and drains. As of 1 January 2020, it is prohibited to place on the market cosmetic products for facial care or detergents containing microplastics.⁸⁴

Italy has already implemented certain measures, which are related to the Single-Use Plastics Directive, but exclusively at the local level. As for the ban on plastic items at the local level, local authorities in

⁷⁷ <https://www.tembo.com/news/greece-joins-ranks-of-european-countries-to-ban-single-use-plastics> (accessed on 23 December 2020)

⁷⁸ <https://greece.greekreporter.com/2020/12/31/greece-bans-plastic-in-public-sector/> (accessed on: 9 January 2021)

⁷⁹ <https://greece.greekreporter.com/2020/08/30/greece-aims-to-ban-single-use-plastics-by-july-2021/> (accessed on 28 December 2020)

⁸⁰ <https://news.gtp.gr/2020/10/05/greece-ban-single-use-plastics-2021/> (accessed on 23 December 2020)

⁸¹ <https://seas-at-risk.org/stalling-european-plastic-law.html> (accessed on 22 December 2020)

⁸² https://www.ey.com/en_gl/tax-alerts/ey-italy-introduces-proportional-tax-on-plastic-items (accessed on 25 December 2020)

⁸³ A guide for policy-makers in Italy: “Stop the plastic flood”, 2019, https://wwfeu.awsassets.panda.org/downloads/06062019_wwf_italy_guidebook.pdf (accessed on 18 December 2020)

⁸⁴ <https://crs.ul.com/en/news-events/italy-bans-non-biodegradable-sticks-cleaning-ears-rinse-off-products-containing-microplastics/> (accessed on 27 December 2020)

Cinque Terre, in the Liguria region, have banned plastic bottles, and plastic bags, plates and cutlery have been banned on the island of Capri, with heavy fines for violating the ban.⁸⁵

In January 2019, a pilot project aimed at smaller areas of the city started in Milan, where single-use plastic items are banned, and service and catering business owners are invited to join the programme voluntarily. The project includes more than 200 restaurants, bars and shops. The Plastic-Free Milan project received significant support from the local community. Project volunteers actively offered business owners free audits on the use of plastics for each company individually, and suggested sustainable alternatives for the specific needs of each activity.⁸⁶

The Italian Environmental Organisation stresses that the implementation of single-use plastic bans must be accompanied by improved waste collection, promotion of innovations and research materials and designs that follow the principles of circular economy, and effective public and consumer awareness campaigns to help generate large amounts of plastic, waste and use of any type of disposable plastic items.⁸⁷

Lithuania

The Government of Lithuania proposed a draft law transposing the Single-Use Plastics Directive, but without ambitions greater than the requirements of the Directive. This is a draft law whose adoption is still pending and which does not set additional goals or prescribe new measures.⁸⁸

In 2016, Lithuania established a deposit scheme for single-use plastic bottles, according to the *Law on Packaging and Packaging Waste*.⁸⁹ The Law allows the distribution of “biodegradable plastic shopping bags” and thicker reusable plastic bags.

Under the current deposit system in Lithuania, producers are required to: Mark deposit packages with the appropriate deposit logo, select the type of bar code: universal or unique, charge a deposit for each package sold at a price of 0.10 Euros and participate in the deposit system and its financing.⁹⁰

Slovenia

Although discussions have been initiated on bans on certain single-use plastic products, as well as discussions on the deposit system, the Government of Slovenia has largely delayed the adoption of the measures. In this regard, no concrete proposals have yet been made to transpose the Directive into national legislation.⁹¹

Croatia

The Government of Croatia has not yet begun the process of transposing the Single-Use Plastics Directive. The deposit system for single-use plastic bottles has existed since 2005. Milk bottles, which were excluded from the deposit system for 2014, will be reintegrated into the scheme of the deposit system in 2021.⁹²

⁸⁵ A guide for policy-makers in Italy: “Stop the plastic flood”, 2019, https://wwfeu.awsassets.panda.org/downloads/06062019_wwf_italy_guidebook.pdf (accessed on 18 December 2020)

⁸⁶ <https://www.italianbusinesstips.com/plastic-free-milan/> (accessed on 27 December 2020)

⁸⁷ <http://www.bfgpackaging.com/eu-agrees-tax-on-plastic-packaging-waste-member-states-tackle-single-use-plastics-ban-deadline-in-12-months/> (accessed on: 27 December 2020)

⁸⁸ <http://www.bfgpackaging.com/the-midway-status-of-sup-transposition-in-eu-countries/> (accessed on 23 December 2020)

⁸⁹ The Law on Packaging and Packaging Waste, March 2016, Ministry of Environmental Protection of the Republic of Lithuania, Government of the Republic of Lithuania, <https://www.en.nvc.nl/news/item/lt-conceptregelgeving-verbod-eeenma-lige-draagtassen/> (accessed on 28 December 2020)

⁹⁰ Lithuanian Deposit System, March 2019, USAD, <https://www.reloopplatform.org/wp-content/uploads/2019/03/USAD-ppt.pdf> (accessed on 28 December 2020)

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Annex 3. Status of transposition of the Directive in the countries in the region

Montenegro

Montenegro is in the process of drafting a new law on waste management in order to implement the extended producer responsibility and the Single-Use Plastics Directive, with the deadline for implementation lagging behind EU Member States. The Law has been submitted to the competent ministry in Montenegro and its approval is pending. It is expected to be adopted in early 2021.⁹³

North Macedonia

The Government of Northern Macedonia approved an initiative by the Ministry of Environment and Spatial Planning to ban disposable packaging and plastics in state institutions, from January 2020. The ban includes a decision that the Office of General Affairs and Services, ministries, as well as state institutions, secretariats and professional services, will not sign public procurement contracts with companies that have no evidence of meeting their obligations under the extended producer responsibility regulation to manage waste streams. According to the Ministry of Environment and Physical Planning, measures are part of a plan to reduce waste in Northern Macedonia.⁹⁴ In addition to the aforementioned ban on state institutions, the process of drafting a law transposing the EU Directive into the legislation of Northern Macedonia has not yet started in Northern Macedonia.

Serbia

In February 2020, the Ministry of Environmental Protection of Serbia stated that Serbia plans to ban single-use plastic, and that the introduction of a deposit system for plastic waste is planned.⁹⁵ However, the Serbian government has not yet prescribed concrete measures to start the process of banning single-use plastics.

Albania

Albania introduced a ban on lightweight plastic bags on 4 July 2018, and since then plastic bags had become illegal for the import, production, use, sale or introduction of such bags into the country. Although Albania had strictly banned the use of plastic bags, no significant steps have been taken yet, nor have the prescribed measures been taken to transpose the Single-Use Plastics Directive.⁹⁶

⁹³ <https://www.valpak.co.uk/news-blog/blog/single-use-plastic-ban-in-the-european-union> (accessed on 22 December 2020)

⁹⁴ <https://balkangreenenergynews.com/single-use-packaging-plastics-banned-in-state-institutions-of-north-macedonia/> (accessed on 28 December 2020)

⁹⁵ <https://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:848905-Ministar-Trivan-Srbija-planira-zabranu-plas-tike-za-jednokratnu-upotrebu> (accessed on 22 December 2020)

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