



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate B - Circular Economy & Green Growth
ENV.B.3 - Waste Management & Secondary Materials

Brussels,
ENV.B.3/SN

EuPC
Attn.:
[REDACTED] President
[REDACTED] Director

Brussels,
Belgium

Dear [REDACTED] and [REDACTED]

Thank you for your letter of 8 April 2020, addressed to the President of the Commission, and a number of Commissioners on Covid-19 and the Single Use Plastics Directive (SUP Directive). Commissioner [REDACTED] has asked me to reply on his behalf.

In your letter you are asking for the postponement of the deadlines for the implementation of the SUP Directive¹ and the lifting of all the bans foreseen for certain SUP items in view of the Covid-19 crisis.

Let me first stress that I fully share your concerns around the current health crisis, and the devastating effects on human health and our economy. While I acknowledge that in cases where the cleanliness of multiple use products cannot be guaranteed, single use products may be preferred, this should be done without undermining or delaying the objectives and rules of the SUP Directive, as agreed by the co-legislators in June last year. The justification of these rules, i.e. the fight against marine litter, still stands today.

With respect to the specificities of the SUP Directive, I would like to make the following observations:

- The Single Use Plastic Directive is not *against* plastic as such, but aims to address the *unsustainable* use of single use of plastic products, and prevent and reduce their negative impacts on the environment.
- Article 11 of the Directive makes clear that: *'The measures that Member States take to transpose and implement...this Directive shall comply with Union food law to ensure that food hygiene and food safety are not compromised. Member States shall encourage the use of sustainable alternatives to single-use plastic where possible for materials intended to come into contact with food.'*
- Before the Commission tabled its proposal, an Impact Assessment was conducted². On basis of the Impact Assessment, the Commission identified the

¹ Directive (EU) 2019/904 of 19 June 2019 on the reduction of the impact of certain plastic products on the environment

SUP items most prevalent among marine litter found on EU beaches as items to be covered by the future measures. The Commission also distinguished between the different SUP products, depending on the availability of sustainable alternatives.

- Under the Directive, **bans** have been introduced for certain single use products made of plastic, such as plates, cutlery and straws, in view of the existence of environmentally friendly alternatives. Such alternatives may include items made from paper, bamboo or wood. Therefore, *single-use* alternatives remain an option also under the SUP Directive, which is particularly relevant in cases where the safety and hygiene of multiple use products cannot be guaranteed.
- While I take note of your reference to 'many independent studies', which show that plastics is the material of choice for guaranteeing hygiene, safety and preservation, other studies show that viruses such as Covid-19 may remain stable on plastic for a number of days, which indicates that plastic is as likely to transmit viral infections during use as other materials³.
- As regards food-containers and cups for beverages, alternatives were not considered to be readily available, and for that reason these items are not covered by the bans, but will be subject to **consumption reduction** measures to be adopted by the Member States, which can consist in a number of approaches including consumption reduction targets, economic instruments, the promotion of reusable alternatives or marketing restrictions as specified in the Directive.
- Finally, it should also be noted that protective equipment and medical devices made of plastic do not fall under the Directive and may thus continue to be used.

The SUP Directive will have to be **transposed and implemented** in national law by **3 July 2021**. The bans on certain SUP items may only be applied as of that date; market restrictions on those products are therefore not allowed before July next year. This still gives time to transition towards sustainable alternatives not containing plastic, or promote multi-use versions of those items.

The Commission is not in a position to postpone the implementation deadlines or reconsider the measures in the Directive, such as lifting the bans on SUP products. This could only be done through the appropriate legislative procedures.

I hope we can continue to count on your constructive cooperation in the process of implementing the SUP Directive, and will be open to further discuss the issues outlined above.

Yours sincerely,


Head of Unit

² SWD(2018) 254 final, 28.05.2018

³ A recent study from National Institutes of Health, CDC, UCLA, and Princeton University scientists, 'Aerosol and Surface Stability of SARS-CoV-2 as Compared with SARS-CoV-1', published in The New England Journal of Medicine, April 2020