

# INPUT FOR THE EVALUATION OF THE SINGLE-USE PLASTICS DIRECTIVE (SUPD)

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## Executive Summary

European Recycling Platform (ERP) welcomes the European Commission's evaluation of the Single-Use Plastics Directive (Directive (EU) 2019/904). The Directive has contributed to addressing marine litter and raising awareness of plastic waste in the environment.

Several years after its adoption, implementation across Member States reveals structural challenges. Diverging national interpretations, overlaps with newer EU legislation – notably the Packaging and Packaging Waste Regulation (PPWR) – and inconsistent implementation of Extended Producer Responsibility (EPR) provisions risk weakening the effectiveness of the Directive and fragmenting the internal market.

Drawing on more than twenty years of operational experience managing EPR schemes across multiple waste streams and Member States, ERP believes the evaluation should focus on ensuring coherence within the EU's broader circular economy framework.

In this context, ERP therefore identifies the following priorities for the evaluation of the Directive:

1. **Ensure coherence between the SUPD and the PPWR, avoiding duplication** of requirements and clarifying how both frameworks interact, to strengthen legal certainty and reduce administrative burden for cross-border operators. Address SUP packaging exclusively through the PPWR.
2. **Harmonise the implementation of Extended Producer Responsibility** under Article 8 SUPD by developing clearer EU guidance on product scope and litter-clean-up cost coverage, ensuring transparent and proportionate allocation of responsibilities across Member States.
3. **Keep product restrictions under Article 5 SUPD evidence-based** and environmentally effective by assessing the real-world impacts of existing bans (including substitution effects and recyclability impacts), ensuring meaningful stakeholder consultation before adopting additional prohibitions, and using circular design incentives where more effective.

For more details, please refer to the next sections.

## **1. Ensuring coherence between the SUPD and the Packaging and Packaging Waste Regulation**

Since the adoption of the SUPD in 2019, the EU framework governing packaging and plastics has evolved considerably. The Packaging and Packaging Waste Regulation (PPWR) now establishes horizontal rules covering recyclability, recycled content targets, packaging design and waste management obligations.

Both instruments pursue similar objectives and regulate overlapping product categories through measures such as restrictions on certain products, Extended Producer Responsibility obligations, recycled content requirements, labelling and consumer information measures, and waste prevention and circular design incentives.

While the SUPD focuses specifically on products contributing to marine litter, the PPWR establishes a broader framework governing packaging throughout its life cycle.

In the context of the evaluation, it is therefore important to ensure coherence between the two frameworks and avoid duplication of regulatory requirements. This requires greater clarity regarding the interaction between the SUPD and PPWR. An effective way to achieve this clarity would be to remove obligations on single-use plastic packaging items from the SUPD and instead address all packaging exclusively under the PPWR. This would improve legal certainty and reduce administrative complexity for companies operating across the EU.

## **2. Harmonised implementation of Extended Producer Responsibility obligations (Article 8 SUPD)**

The SUPD expanded Extended Producer Responsibility (EPR) to certain single-use plastic products frequently found as litter, requiring producers to cover the costs of litter clean-up, transport and treatment.

Implementation across Member States, however, varies significantly in terms of how EPR systems are designed and governed. In particular, methods for calculating litter management costs remain unclear and inconsistent across Member States.

These divergences create administrative burdens for companies operating across borders and risk distorting competition within the internal market. In some cases, national transposition also appears to extend litter-clean-up obligations beyond the products covered by the Directive, for example by requiring PROs to finance broader urban cleaning costs related to all packaging waste disposed of in public systems.

Further EU-level guidance would therefore help ensure more consistent implementation of Article 8. In particular, clarifying the scope of covered products and the principles for calculating and allocating litter management costs would improve transparency and support a level playing field across Member States.

### **3. Ensuring environmental measures remain evidence-based (Article 5 SUPD)**

The SUPD introduced restrictions on certain single-use plastic products identified as major contributors to marine litter.<sup>1</sup> While such measures can be justified in cases of clear environmental benefit, they should remain evidence-based and proportionate. Moreover, policy decisions should be based on thorough and transparent stakeholder consultation. This was not the case with the SUPD, which was adopted as a *lex specialis* through an accelerated legislative process with limited stakeholder consultation.

In some instances, substitute materials introduced after product bans may present additional environmental challenges, including reduced recyclability or higher life-cycle impacts. The evaluation should therefore assess the effectiveness of existing restrictions before considering additional prohibitions and ensure that measures do not create unintended environmental trade-offs.

Economic instruments and circular design incentives, such as eco-modulated EPR fees or recyclability criteria, may in some cases provide more flexible and innovation-friendly approaches to reducing environmental impacts.

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<sup>1</sup> European Commission, *Assessment of measures to reduce marine litter from single-use plastics*, part of the study contract “Plastics: Reuse, Recycling and Marine Litter”, report prepared by ICF in association with Eunomia Research & Consulting Ltd, 30 May 2018. Link: [https://ec.europa.eu/environment/pdf/waste/Study\\_sups.pdf](https://ec.europa.eu/environment/pdf/waste/Study_sups.pdf)

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## About ERP

European Recycling Platform (ERP) was founded in 2004 in response to the introduction of the European Union's Waste Electrical and Electronic Equipment (WEEE) Directive. ERP's mission is to ensure high-quality and cost-effective implementation of the WEEE, batteries and packaging directives, for the benefit of its customers and the environment.

In June 2014, ERP joined Landbell Group, a global platform for extended producer responsibility. ERP and Landbell Group have collected and treated over 8.6 million tonnes of packaging waste, 4.9 million tonnes of WEEE, and 148,000 tonnes of waste batteries.

ERP is the first and only company authorised to operate producer responsibility organisations in Austria, Brazil, Denmark, Finland, Germany, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Slovakia, Spain, and the UK. By passing on the advantages of multinational recycling operations to customers, ERP has proved to be the most competitive solution for companies in the countries where it operates for WEEE, batteries, packaging and textiles compliance, as well as take-back services.

For more information on ERP, please visit: [www.erp-recycling.org](http://www.erp-recycling.org)