

## REPORT TO THE FLEMISH GOVERNMENT

### Explanation

- the introduction of a ban on the free distribution of light plastic single-use carrier bags;

- adding conditions for the use of catering material;

- adding conditions for the use of plastic waste bags;

Article 58 adds a new subsection 5.3.11 with regard to the conditions for the free distribution of light plastic carrier bags for single use. The European Directive 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62 / EC on the reduction of the consumption of lightweight plastic carrier bags had to be transposed by 27 November 2016. This directive aims to reduce the use of "light plastic carrier bags" for single use. The focus is specifically on carrier bags with a wall thickness of less than 50 microns and more than 15 microns. These carrier bags represent the vast majority of the total number of plastic carrier bags used in the Union and are also reused less frequently than thicker plastic carrier bags. As a result, the light plastic carrier bags become waste faster and end up in the environment as litter due to their low weight. The Directive allows Member States to choose the measures themselves to meet the mandatory targets. The objectives are to limit consumption to 90 carrier bags per person per year by 2019 and 40 carrier bags by 2025 and / or to ban free light plastic carrier bags by 31 December 2018. There are no validated figures for the use of light plastic yet carrier bags in Flanders, but preliminary figures indicate that the current consumption is probably higher than 90 carrier bags per person. A phased reduction of light plastic carrier bags through a voluntary action plan is difficult to enforce and offers no assurance that we will achieve the 2025 target. An additional disadvantage is that not all points of sale are bound by such an action plan. On the other hand, a prohibition on free distribution ensures that every point of sale is bound by the same obligation. In order to stay in line with the other regions, it is proposed to introduce a total ban in Flanders on the free distribution of light plastic carrier bags in the distribution. In this way we are also in line with the prohibition that has already been introduced in the Brussels-Capital Region and the Walloon Region. Since the prohibition of lighter bags (of less than 15 microns) leads to more prepackaging (which is not better for the environment), the scope of the ban is limited to the light plastic carrier bags as defined in the European Directive. However, it remains important to choose alternatives that are desirable from an ecological point of view. At the moment, it is not opted to provide for exceptions to the ban. Since biobased or compostable bags will not solve the problem of litter and there are important points for attention regarding the sorting message, collection and final processing, exceptions to this are not yet opportune. They remain plastic disposable bags. Similarly, disposable plastic bags with a share of recycled materials always fall under the definition of the European Directive. Also, a 'shift' to more expensive paper bags is better avoided because this causes more environmental impact. Sensitization and communication therefore remains necessary. Furthermore, sufficient time must be given to

the sector to prepare for the introduction of a ban and to eliminate any stocks. That is why in the new Article 5.3.11.2 the use of already purchased stocks of light plastic carrier bags before the entry into force of this article is still permitted until 6 months after the entry into force of the ban.

Article 59 adds a new subsection 5.3.12 with regard to the conditions for the use of catering material. The environmental impact of events is considerable. Every year around 400 music festivals take place in Flanders, good for more than 7 million visitors. In addition, youth events, sports competitions, fairs or city festivals, cultural and Christmas markets and parties are organized in every municipality. The growing phenomenon of public activities and events, both indoor and outdoor, brings many people together in a positive way, but is increasingly causing environmental pressure. An important factor in this is caused by increasing mobility. Many people take the car to reach the events. And since these are temporary events, there are often few permanent facilities available, which means that a lot has to be supplied by road (catering, toilets, tents, stages). Another part of the environmental impact is caused by the catering materials used that have a very short phase of use before they become waste. This is because consumption is mainly from disposable receptacles at events. Beverages are served in disposable plastic cups or disposable packaging, food is often presented in disposable plastic trays or plates, accompanied by disposable plastic cutlery. Article 5.2.12.1 establishes a ban on serving drinks in single use drink packaging, unless the event organizer sets up a system that guarantees that at least 95% of these drink packaging is collected separately at the event. In addition to a lower environmental impact, less waste and clean areas, the introduction of such a ban on events will ensure that less litter is generated in the environment of the event itself. This is now perceived as very disturbing by local residents. The ban will take effect from January 1, 2020 so that the transition phase is spacious enough to organize itself differently. Article 5.3.12.2 establishes a ban on the use of catering material for one-off use by Flemish authorities and local authorities in their own operation or events organized by them from 1 January 2020. In recent years, we have seen a trend towards Flemish authorities and local authorities switching from reusable to disposable containers when offering food and drink. Where previously coffee was drunk in porcelain cups, now disposable cardboard disposable cups are available at the vending machines. Water or soft drinks are also increasingly offered in disposable plastic cups. As the Flemish authorities and local authorities have an exemplary function, we want to prohibit them from using one-off catering material. They have all the facilities to keep choosing reusable products. It is therefore proposed to introduce a ban on the use of single-use catering material, such as one-off cups, cutlery and plates, consisting entirely or partly of plastic from 1 January 2020. "Partially" is understood to mean that non-plastic materials that are laminated with plastic or inseparable from it, also fall under the prohibition. As police regulations do not allow the use of glass at events for safety reasons, the introduction of reusable cups made of hard plastics can offer a solution for serving drinks. Depending on the type of event, meals and snacks can be offered in porcelain, reusable hard plastics or catering material produced from renewable sources such as paper and cardboard, palm leaves, wood, ... The minister can provide further provisions that allow for specific types catering equipment is in certain cases deviated from the above prohibitions on condition that it can be justified that the prohibition in question would not lead to environmental benefits in the case in question.

Article 60 adds a new subsection 5.3.13 with regard to the conditions for the use of plastic waste bags. More separate collection for recycling also means that sufficient sales of recycled materials must be ensured. It is therefore proposed here to prohibit the use of waste bags made from non-recycled plastic. There is a range on the market of waste bags that for the most part consist of recycled material. There are even waste bags on the market that consist of 100% recycled materials. Therefore, a ban is imposed on the use of waste bags that do not consist of 80% recycled material from 1 January 2020. From 1 January 2025, only the use of waste bags from 100% recycled material is permitted. There are a number of exceptions to this prohibition. In this way there is sufficient time for the industry to make the necessary investments and to develop the necessary certification mechanisms.