

## Survey on Single Use Plastic

### Context

From **3 July 2021** onwards, Member States have to ensure that certain single-use plastic products are no longer placed on the EU market, according with [Directive 2019/904](#) on Single Use plastic. Those are selected products for which **affordable plastic-free alternatives exist on the market**: some products made of expanded polystyrene (cups and food and beverage containers), products made of oxo-degradable plastic, cotton bud sticks, cutlery, plates, straws, stirrers, balloons sticks.

For other plastic products, such **single use plastic bags, bottles, beverage and food containers for immediate consumption**, packets and wrappers, different measures apply. These include **limiting their use, reducing their consumption** and preventing littering through labelling requirements, awareness campaigns and product design requirements.

You will find below the feedback sent by HOTREC members.

Question 1 – Has the EU Directive 2019/904 on reducing the impact of certain plastic products on the environment been transposed in your country?	
FIPE/Italy	The Parliament, with art. 22 of L.n. 53/2021, delegated the Government to issue a legislative decree that will have to transpose the Directive. This measure has not yet been adopted.
DEHOGA/Germany	Yes, this Directive has already been transposed in Germany.
MHRA/Malta	Yes, partly.
Horeca Vlaanderen/Belgium	No, not yet.
Visita/Sweden	<p>Not yet. The plan in Sweden is for all proposals that include the implementation of the directive to be decided together. This is possible only after some amendments to a law that contains authorizations and that Sweden announces some of the proposals to the EU Commission. The authorizations are proposed to enter into force on 1 November 2021. The Government can thus decide on all ordinances only after that date.</p> <p>Until the bans are implemented in the Swedish legislation, it is possible to place these products on the Swedish market. The same applies to products that are not marked with the requirements of the directive.</p>
Hellenic Chamber of Hotels/Greece	Yes, it has been transposed into national law from the 16th March 2020.
IHF/Ireland	Ireland has commenced its transposition of the Directive.
GNI/France	<p><b>Transposition deadline: 03/07/2021</b></p> <p>1. <a href="#">LOI n° 2020-105 du 10 février 2020 relative à la lutte contre le gaspillage et à l'économie circulaire</a></p>

	<p>Official publication: <i>Journal Officiel de la République Française (JORF)</i> ; Publication date: 2020-02-11</p> <p><a href="#">National website - ELI</a></p> <p>2. <a href="#">Ordonnance n° 2020-920 du 29 juillet 2020 relative à la prévention et à la gestion des déchets</a></p> <p>Official publication: <i>Journal Officiel de la République Française (JORF)</i> ; Publication date: 2020-07-30</p> <p><a href="#">National website - ELI</a></p>
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Question 2 - If so, can you provide the English translation of the national legislation implementing art. 5 of the EU Directive 2019/904, with regard to the prohibition on the placing on the market of single-use plastic products listed in Part B of the Annex?	
DEHOGA/Germany	Single-use plastic ban regulation (Einwegkunststoffverbotsverordnung).
KHN/Netherlands	<a href="https://zoek.officielebekendmakingen.nl/stb-2021-294.html">https://zoek.officielebekendmakingen.nl/stb-2021-294.html</a> (Dutch version)
MHRA/Malta	<a href="#">LEGISLATION MALTA</a>
Hellenic Chamber of Hotels/Greece	<p>Article 5 of Law 4736/2020. Restrictions on placing on the market (Article 5 of Directive (EU) 2019/904)</p> <ol style="list-style-type: none"> <li>1. From 3 July 2021, disposable plastic products listed in Part B of Annex I, as well as products made of oxidizable plastic, shall be prohibited from being placed on the market. The ban on market availability begins to apply after the depletion of their stocks and in any case not more than ten (10) months from the entry into force of this.</li> <li>2. From the 1st of February 2021 the bodies of the General Government, <ol style="list-style-type: none"> <li>a. are prohibited to obtain supplies in any way of the disposable plastic products of par. 1, as well as the products made of oxo-decomposable plastic material;</li> <li>b. are required to include in the contract documents, having as their object the leasing or operation or provision of canteen operation services, a condition prohibiting the supply, use and disposal by the contractor of disposable plastic products of par. 1, as well as products made of oxidizable plastic.</li> </ol> </li> </ol> <p>"The entry into force of par. 2 of article 5 is suspended until 3.7.2021 for hospitals and all types of health service structures."</p>

IHF/Ireland	S.I. No. 326 of 2021 EUROPEAN UNION (SINGLE USE PLASTICS) REGULATIONS 2021 <a href="http://www.irishstatutebook.ie/eli/2021/si/326/made/en/pdf">http://www.irishstatutebook.ie/eli/2021/si/326/made/en/pdf</a>
Horesta/Denmark	Law about environmental protection
GNI/France	<p>Prohibited:</p> <ul style="list-style-type: none"> <li>- cotton bud</li> <li>- Plates</li> <li>- Tumblers</li> <li>- Cutlery</li> <li>- Straws</li> <li>- Stirrers</li> <li>- Balloon rods</li> <li>- Food containers and tumblers made of expanded polystyrene</li> <li>- Food containers for takeaway</li> <li>- Confettis</li> </ul> <p>Soon prohibited:</p> <ul style="list-style-type: none"> <li>- Free toys</li> <li>- Non biodegradable teabags</li> <li>- Free water bottles</li> </ul>

**Question 3 - How does your national legislation interpret the prohibition referred to in Art 5? Does the ban apply to retailers, bars and restaurants or does the ban apply only to producers?**

DEHOGA/Germany	The ban only prohibits the initial provision of the products that are mentioned in Part B of the Annex of the EU-directive, so it applies only to producers as restaurants themselves do not produce the banned products.
KHN/Netherlands	The ban applies to producers. They are not allowed to bring the products mentioned in article 5 on the market from 3 July 2021. Retailers, bars and restaurants are allowed to draw up their stock.
MHRA/Malta	Since January 2021, the ban applies to the importation and local manufacturing of products referred to in Article 5. A legal notice is also drafted to ban the products placed on the market for retailers, bars and restaurants as from January 2022.
Horeca Vlaanderen/Belgium	We do not have any legislation yet (see question 1).
Visita/Sweden	It is not clear yet where the boundaries will be drawn and what “placing on the market” entails.
Hellenic Chamber of Hotels/Greece	The ban applies to the producers and suppliers, not to the buyers of these products as bars and restaurants.

IHF/Ireland	The legislation states “With effect from 3 July 2021, no person shall place on the market of the State”. There is no specific mention of retailers, bars and restaurants.
Horesta /Denmark	In the start it is producers, but this effect the others retailers, bars and restaurants. But there will be a period, where you still can find the plastic product, because they will use their stock.
GNI/France	It depends of the products: <ul style="list-style-type: none"> <li>- Retailers for contenant;</li> <li>- Producers for bottles</li> </ul>

**Question 4 – What are the measures that your government is putting in place, with regard to Annex A of the Directive (corresponding to Art 4): measures on consumption reduction?**

FIPE/Italy	According to art. 22 of L. n. 53/2021, the Government must also include single-use plastic glasses among the single-use products to apply art. 4 of the Directive (reduction of consumption).
DEHOGA/Germany	<p>On June 14, 2021, the "Act on the Implementation of Requirements of the Single-Use Plastics Directive and the Waste Framework Directive in the Packaging Act and in Other Acts" was published in the German Federal Law Gazette. With this amendment, food business operators that sell their food to go/for take away in single-use plastic packaging or single-use beverage cups (regarding the single-use beverage cups, the material doesn't matter so that's even more regulation than the SUP requires) will also be required to offer a reusable packaging option for guests <b>from January 2023</b>. This must not cost more than the single-use packages also offered and must be advertised prominently. Restaurants within the scope of the upcoming new law also must take back the reusable packages they gave out.</p> <p>An exemption is provided for businesses with up to 80 square meters of sales area and a maximum of five employees: These small businesses are allowed to alternatively fill the food and beverages offered in single-use plastic packaging or single-use beverage cups into customers' own containers instead of the mandatory reusable packaging offer.</p> <p>Establishments that offer neither single-use plastic packaging nor single-use beverage cups are not covered by the scope of the law.</p>
KHN/Netherlands	Legislation is in development. Our Ministry started a stakeholder process and came with a proposal. The proposal is presented to all stakeholders. We have time to give comments. The next step is that the proposal will be transposed into legislation. In September the legislation will be presented and then a consultation period will start. The legislation enters into force from 01-01-2022 with a transitional period of one year.

	<p>The Ministry is looking at a ban on single use plastic cups and food containers and at refillable cups and food containers. There will be made a distinction between on-site consumption and take away.</p>
MHRA/Malta	<p>This is still under discussion. An indication however is provided in Malta's Single-use Plastic Products Strategy for Malta 2020-2030 SUP-Strategy-Public-Consultation-Final.pdf (era.org.mt) where the following measures have been identified:</p> <ul style="list-style-type: none"> <li>○ By 2022 - A voluntary scheme promoting areas within supermarkets where bulk food (e.g. olives, legumes, etc.) can be bought without plastic packaging.</li> <li>○ By 2022 - Voluntary scheme to promote the use of sustainable alternatives, reusable and refillable containers in hotels, hostels, guesthouses and holiday premises.</li> <li>○ By 2022 - Benefits for students who take reusable and refillable containers when buying from shops on campus. Such benefits should be clearly advertised to create awareness.</li> <li>○ By 2022 - Benefits for customers who take refillable cups with them. Such benefits should be clearly advertised to create awareness</li> </ul>
Visita/Sweden	<p>It is not clear yet, but Sweden has notified this to the Commission:</p> <p>“Anyone who on the Swedish market provides beverages in a single-use cup or fast food in a single-use lunchbox shall</p> <ul style="list-style-type: none"> <li>– offer an opportunity to have the beverage or food served in a reusable mug or lunchbox,</li> <li>– take effective measures so that the reusable mugs, lunch boxes and their lids rotate several times, and</li> <li>– at the point of sale, inform consumers about the possibility of having the beverage or food served in a reusable mug or lunchbox, the environmental impact of single-use cups and single-use lunchboxes for fast food and the benefits of the reduced consumption of single-use cups and single-use lunchboxes for fast food.</li> </ul> <p>The reusable mugs and lunchboxes shall be provided by the provider of the beverage or food, regardless of whether the beverage or food is to be taken out or drunk or eaten at the point of sale.</p> <p>The information shall be made visible at the point of sale and be easily accessible to consumers.</p> <p>The requirements shall enter into force on 1 January 2024.</p> <p>The requirements for providing reusable mugs and lunchboxes shall not apply to those who place on the Swedish market beverages in a single-use cup or fast food in a single-use lunchbox consisting entirely of paper or cardboard that has not been chemically modified in a way that delays decomposition.</p>

	<p>The requirements shall not apply to those who place on the Swedish market beverage and fast food on average in less than 150 (from 2024) and 75 (from 2026) single-use cups and single-use lunchboxes per day that the business is open during a calendar year. Those covered by the exemption shall have procedures to ensure that no more than 150 and 75 single-use cups and single-use lunchboxes are provided per day on average.</p> <p>The Swedish Environmental Protection Agency may issue provisions on exemptions from the requirements for cases where it is unreasonable to require the person who provides beverages or fast food in a single-use cup or single-use lunchbox to provide a reusable alternative. The Swedish Environmental Protection Agency will monitor that the consumption of single-use cups and single-use lunchboxes for fast food reduces.</p> <p>It shall be forbidden to place single-use cups containing more than 15 percent plastic on the Swedish market.</p> <p>The Swedish Environmental Protection Agency shall issue regulations on exemptions from the ban on single-use cups, if there are special reasons for placing on the Swedish market.</p> <p>The prohibition shall enter into force on 1 January 2024.</p> <p>It shall be forbidden to use confetti that contains plastic outdoors.</p> <p>The prohibition shall enter into force on 30 April 2022.”</p>
Hellenic Chamber of Hotels/Greece	<p>From the 1st of January 2022, the mass catering enterprises are obliged to ensure that reusable alternative products of disposable plastics are available at the point of sale to the final consumer. The above companies are obliged to have at any time at least thirty (30) pieces of reusable alternative products in total. The companies are also obliged to indicate at the points of sale of the above plastic products, in a visible place to the consumer, that reusable alternatives are available in order to avoid the consumption of disposable plastic products. When delivering products, the above companies must inform the consumer about the availability of reusable products.</p> <p>From the 1st of January 2022 the retail trade enterprises and the mass catering enterprises are obliged:</p> <ol style="list-style-type: none"> <li>when selling unpackaged food and beverages to serve the consumer by using his own reusable products, if he requests it,</li> <li>to have unpackaged food and beverages at a lower price when sold in a reusable product of the consumer and</li> <li>indicate on plates, price lists or in any way inform the selling price of food and beverages without packaging. The company may refuse to serve the consumer if its reusable product is</li> </ol>



	<p>manifestly unsuitable for the intended use. Accordingly, companies or individuals operating vending machines for food or beverages of all categories have the same obligations.</p> <p>From 1 July 2022 it is forbidden for the catering companies with direct distribution of food and beverages to the consumer to use disposable plastic products of Part A` of Annex I.</p>
IHF/Ireland	<p>Ireland's <a href="#">"Waste Action Plan for a Circular Economy"</a> released in 2020 commits to increase plastic recycling rates to 50% by 2025, introducing a deposit return scheme which will accommodate plastic bottles; and by 2030, ensure that all packaging on the Irish market is reusable or recyclable.</p> <p>In July 2021 the Office of Government Procurement launched a new <a href="#">Framework</a> for the supply of 'Catering Consumables and Meal Containers' to allow public sector bodies access to sustainable versions of the disposable products banned under the Directive.</p>
Horesta / Denmark	<p>It is very difficult to measure and we don't have historical data and COVID-19 has increased the amount for a while. We have a sector partnership with EPA about reducing the amount with plastic with 50 % within 2026 – but this can be very difficult to measure when we don't have the historical data</p>
GNI/France	<p>Banning of some products such as tumblers.</p> <p>Currently there is a national discussion with all stakeholders concerning food containers for takeaway e.i. in traditional restaurant.</p>

**Question 5 - Does your national legislation provide any further products than those already listed in Part A and Part B of the Annex? Does your national legislation mention single-use plastic glasses?**

DEHOGA/Germany	See answer to question 4: mandatory reusable packaging option must be offered in case single-use beverage cups of any material are used.
KHN/Netherlands	Single use plastic glasses will fall under cups for beverages.
MHRA/Malta	The transposition so far only includes the products listed in Part A and part B of the Annex. However, it is possible that more products will be added in the future. Regarding SUP glasses/cups, the legislation so far bans products made of expanded polystyrene. Further restrictions are not excluded.
Visita/Sweden	<p>Not yet clear but the proposal is that: It shall be forbidden to place single-use cups containing more than 15 percent plastic on the Swedish market.</p> <p>It shall be forbidden to use confetti that contains plastic outdoors</p>
Hellenic Chamber of Hotels/Greece	Single-use plastic glasses are mentioned as cups for drinks
IHF/Ireland	Expanded polystyrene single use beverage containers are included in the list of SUPs banned since 3 July 2021.

Horesta/Denmark	As I recall it is the same. Glass is one of the big challenge because many of them also in paper/cardbord has a plastic coating that is included. Bags in plastic or bags with a hank can not be handed out for free. Our members have to charge at least 4 DKK (a bit more than 0,5 Euro) for each bag.
GNI/France	Yes : Picks for meat (e.i. in steackhouses) would be banned !

**Question 6 - Does your national legislation provide for any other rules different from the provisions of the Directive?**

DEHOGA/Germany	See answer to questions 4 and 5 regarding the implementation of article 4 of the EU-directive.
KHN/Netherlands	Form the 1st of July, we have deposit on small PET bottles and from the end of 2022 we will get also deposit on cans.
MHRA/Malta	Not for the time being.
Visita/Sweden	See answers on questions 4 and 5 above.
Hellenic Chamber of Hotels/Greece	No, all the provisions of the national law are in conformity with the directive.
IHF/Ireland	Refer to answers 4 and 5
Horesta Denmark	For some years ago the government put a triple tax on most of the takeaway products – also the good and more environmental friendly alternatives.
GNI/France	See above

**Question 7 - Does your national legislation provide for a transitional period for the disposal of any single-use plastic product?**

DEHOGA/Germany	Restaurants are allowed to further use old stock of the banned single-use plastic products.
KHN/Netherlands	For article 4 there will be a transitional period (one year).
MHRA/Malta	There is a transitional period of 1 year between the banning of importing or manufacturing products which started in January 2021 and will end in January 2022.
Visita/Sweden	It is not clear yet.
Hellenic Chamber of Hotels/Greece	Yes, there is a transitional period of 10 months for article 4.



IHF/Ireland	On the <a href="#">24th February 2021</a> Ireland's Minister for the Environment, Climate and Communications said "Final clarification is awaited from the EU Commission in relation to the use of stocks on hand prior to 3 July."
Horesta Denmark	<b>Yes. There is a plan that we follow. Latest it was 1. July 2021 when a lot of products as straw, ballons, some cups etc. that was banded</b>
GNI/France	<p>January 1st 2020:</p> <ul style="list-style-type: none"> <li>- Cotton bud</li> <li>- Plates</li> <li>- Tumblers</li> </ul> <p>January 1st 2021:</p> <ul style="list-style-type: none"> <li>- Cutlery</li> <li>- Straws</li> <li>- Covers</li> <li>- Stirrers</li> <li>- Food containers and tumblers made of expanded polystyrene</li> <li>- Confettis</li> <li>- Picks for meat</li> </ul> <p>July 1st 2021:</p> <ul style="list-style-type: none"> <li>- Food containers for takeaway</li> </ul> <p>January 1st 2022: for teabags and other products "soon prohibited"</p> <p>January 2023 : reusable dishes for meal on site</p>

**Question 8 - What kind of sanctions are provided for those who violate the ban? Are these sanctions applicable only to producers or also to retailers / bars / restaurants?**

DEHOGA/Germany	<p>Implementation of article 5: Sanctions are only applicable to producers.</p> <p>Implementation of article 4 (2023): Restaurants within the scope of the upcoming law who are violating the upcoming regulation may risk fines up to 10.000 €.</p>
KHN/Netherlands	No information yet.
MHRA/Malta	Any person who commits or attempts to commit an offence shall, on conviction, be liable: (a) on a first conviction to a fine not exceeding €1,500; and (b) on a second or subsequent conviction, to a fine not exceeding (€2,500).
Visita/Sweden	There are environmental sanction fees proposed, applicable also to retailers/bars/restaurants.

Hellenic Chamber of Hotels/Greece	<p>In the enterprises of retail trade, mass catering, catering with direct distribution of food and beverages to the consumer, as well as in the enterprises of preparation and / or supply of food and beverages in mobile or temporary premises and in the enterprises or individuals operating food vending machines or beverages of any category that do not comply with certain provisions of Article 4, a fine of five hundred (500) euros per violation is imposed.</p> <ol style="list-style-type: none"> <li>Producers who do not comply with the obligations of Article 5, a fine of one percent (1%) is imposed on the total turnover of the company,</li> <li>Any other natural or legal person who violates the obligation of article 5 is fined one thousand (1,000) euros if he has up to two hundred (200) pieces.</li> </ol>
IHF/Ireland	<p>A person guilty of an offence under the Regulations is liable - (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both; (b) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years, or both.</p>
Horesta/Denmark	<p>Not sure. But there will be a transition period during which enforcement is tightened</p>
GNI/France	<p>For instance, no sanctions. We are waiting for decrees.</p>

### Question 9 - Do you have any other comment, relating to the application of EU Directive 2019/904 to share?

France/UMIH	<p>Regarding the reduction of the consumption of single-use plastic in France, the law on the fight against food waste and the circular economy, n°2020-105 enacted on February 10, 2020, also called “AGEC law” sets some objectives to gradually phase out disposable plastic, to provide better information to consumers and fight against food waste.</p> <p>For the hospitality sector, the main consequences are related to waste management, new bans on plastic consumables, new display obligations and the creation of an extended producer responsibility channel for professional packaging.</p> <p>Here are some figures related to these objectives:</p> <ul style="list-style-type: none"> <li>- As of January 1st, 2015, 100% of recycled plastic ;</li> <li>- Reduction of food waste in commercial catering by 50% in comparison to 2015;</li> <li>- Achieve a recycling rate for plastic beverage bottles of 77% by 2025 and 90% by 2029;</li> </ul>
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	<ul style="list-style-type: none"> <li>- Reduce by half by 2030 the number of single-use plastic beverage bottles entering the market.</li> </ul> <p>The law (art. 42) sets out that customers who bring their own reusable beverage container must pay a lower price compared to the same beverage served by the professional. Moreover, all prices must be displayed so the customer knows without any doubt how much he will be charged according to the volume of the beverage.</p> <p>Regarding doggy-bag, two sets of rules apply. First, the law n°2018-938 enacted on October 30, 2018 established the obligation to offer a food container to client how asked for it and added that the food container should be reusable or recycled.</p> <p>Then, the AGECE law added two more obligations which are, first, the customer can bring its own food container. However, the professional can refuse to serve the customer if the container brought by the latter is obviously dirty or unsuitable. Nonetheless, the customer is entirely responsible for the hygiene and suitability of the food container he brings.</p> <p>The professional must inform customers on cleaning rules and types of food containers that are suitable or not.</p> <p>All these provisions have entered into force as of July 1st, 2021.</p> <p>Regarding plastic cups, glasses and plates, they are under a strict ban since January 1st, 2020. Professionals had until July 1st, 2021 to dispose of their remaining stocks. There was an exception concerning plastic cups, glasses and plates that constitute packaging, these are banned only since July 3rd, 2021.</p> <p>As of January 1, 2021, single-use plastic straws (except those used for medical purposes), plastic confetti, steak spikes, disposable glass lids, plates (other than those mentioned above) including those with plastic film, cutlery, drink stirring sticks, expanded polystyrene containers or receptacles for on-the-spot or nomadic consumption, expanded polystyrene bottles for beverages, support rods for balloons and their mechanisms (except those for professional rather than consumer use)</p> <p>Finally, as of January 1st, 2023, food service establishments will be required to serve meals and beverages consumed in the premises in reusable cups (including their closures and lids) plates and containers alongside with reusable cutlery. This provision aims mainly fast foods. Besides, McDonald is already testing new containers at least in France.</p>
MHRA/Malta	<p>Other upcoming initiatives related to Malta's Single-use Plastic Products Strategy for Malta 2020-2030:</p> <ul style="list-style-type: none"> <li>• Prohibition of: <ul style="list-style-type: none"> <li>✓ pizza lid supports,</li> <li>✓ lollipop sticks (sold separately),</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>✓ plastic kebab sticks,</li> <li>✓ plastic toothpicks</li> <li>• Coastal areas, camping sites, picnic areas and touristic areas will be equipped with bins for the collection of plastic</li> <li>• Voluntary scheme for grocery shops to set up “green corners”</li> <li>• To facilitate EoW for beverage bottles, detergent containers and containers for toiletries</li> <li>• Refillable system for detergent and toiletries</li> <li>• Voluntary scheme for sustainable alternatives, reusable and refillable containers for toiletries, beverage bottles and beverage cups in hotels, hostels, etc.</li> <li>• Benefits for customers making use of reusable and refillable food containers and cups for beverages</li> <li>• Bins for separate collection of plastic waste in hotels, hostels, guesthouses, holiday premises and yacht marinas</li> <li>• The use of polystyrene should be restricted and substituted by re-usable plastic floats or any other sustainable material (fishing gear)</li> </ul>
Horeca Vlaanderen/ Belgium	Our federal government is currently working on a legislation on single-use products and to promote reusable products. This will lay the legal basis for the ban on a number of disposable plastic products. The decision-making process is currently ongoing.
Visita/Sweden	We are concerned about the proposed requirement in Sweden for providing reusable mugs and lunchboxes, since it is poorly researched, it leads to costs for the companies, it risks not being used by the consumers and risks leading to negative consequences for the environment.
Horesta/Denmark	It is a difficult area, because we don't have good alternatives to plastic in some area and the government is not clear what is best to do to be more environmental friendly and which type of products that are best product.