

COMMISSION IMPLEMENTING DECISION (EU) 2022/162**of 4 February 2022****laying down rules for the application of Directive (EU) 2019/904 of the European Parliament and of the Council as regards the calculation, verification and reporting on the reduction in the consumption of certain single-use plastic products and the measures taken by Member States to achieve such reduction****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment ⁽¹⁾, and in particular Article 4(2) and Article 13(4), first subparagraph, thereof,

Whereas:

- (1) Directive (EU) 2019/904 lays down an obligation on Member States to take measures to achieve an ambitious and sustained reduction in the consumption of the single-use plastic products listed in Part A of the Annex to that Directive ('single-use plastic products'). The Commission is to lay down the methodology for the calculation and verification of that consumption reduction.
- (2) Directive (EU) 2019/904 also sets out an obligation on Member States to report to the Commission data on the single-use plastic products that have been placed on the market each year and information on the measures taken in order to reduce the consumption of such products, including a quality check report. The Commission is to lay down the format for that reporting.
- (3) Directive (EU) 2019/904 gives Member States a wide margin of discretion in deciding which measures to adopt in order to achieve an ambitious and sustained reduction in the consumption of single-use plastic products. Those measures may vary depending on the environmental impact of the single-use plastic products over their life cycle, including when they become litter, and they shall be proportionate and non-discriminatory.
- (4) Measuring consumption reduction on the basis of the weight of plastic content in single-use plastic products placed on the market is an appropriate measurement method since it reflects the environmental impact of such products in terms of environmental pollution by plastic littering. That method also takes into consideration the measurement methods and reporting formats for packaging and packaging waste set out in Commission Decision 2005/270/EC ⁽²⁾ which are based on weight and material.
- (5) Measuring consumption reduction on the basis of a number of single-use plastic products placed on the market is also an appropriate methodology to monitor the impact, at a product level, of consumption reduction on waste prevention and therefore the potential reduction of plastic pollution in the environment.
- (6) Given the wide margin of discretion given to Member States by Article 4 of Directive (EU) 2019/904, Member States should be given the choice between calculating the consumption reduction based on either the total weight of the plastic contained in the single-use plastic products placed on the market or the number of such products placed on the market. Since both methodologies provide suitable data to monitor consumption trends and the impact of the

⁽¹⁾ OJ L 155, 12.6.2019, p. 1.

⁽²⁾ Commission Decision 2005/270/EC of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (OJ L 86, 5.4.2005, p. 6), as amended by Commission Implementing Decision (EU) 2019/665 of 17 April 2019 (OJ L 112, 26.4.2019, p. 26).

measures taken on prevention of waste generation as well as on substitution of the products with alternatives that are re-usable or do not contain plastic, Member States should be given the option to choose from those two methodologies the methodology that is compatible with their consumption reduction policies and measures taken under Article 4 of Directive (EU) 2019/904.

- (7) Where, in a certain Member State, the number or the weight of single-use plastic products placed on the market is not representative for the consumption of single-use plastic products in that Member State due to significant movements within the Union of single-use plastic products at wholesale level, that Member State should be allowed to adjust the weight or number in order to take account of such movements.
- (8) Where a Member State chooses to apply the weight-based methodology, it should also report data on the total weight of single-use plastic products partly made of plastic that have been placed on the market, as such information contributes to data comparability and makes it possible to obtain a broader overview of the impact of the consumption reduction requirement set out in Directive (EU) 2019/904.
- (9) In order to facilitate the Commission's overview of the measures taken by the Member States to achieve a reduction in the consumption of the single-use plastic products in accordance with Directive (EU) 2019/904, the reporting format should contain an indicative list of different categories of such measures. Member States are, however, required to report all the measures undertaken even if not explicitly mentioned in the indicative list.
- (10) In order to ensure accuracy and verification of data, the reporting format should ensure that all the parameters relevant for the calculation and verification of the reduction in the consumption of single-use plastic products, for the reporting of data on such products placed on the market and for the reporting of measures taken to achieve the consumption reduction are identified and should set out the methodology to be applied for the calculation and verification of the consumption reduction.
- (11) The methodology for the calculation and verification of the reduction in the consumption of single-use plastic products, referred to in Article 4(2) of Directive (EU) 2019/904, and the formats for reporting data on the single-use plastic products placed on the market as well as information on the measures taken by the Member States, referred to in Article 13(4) of that Directive, are closely linked in view of their subject-matter. It is therefore appropriate to adopt this act on the basis of both of those provisions in order to ensure coherence between the rules on calculation, verification and reporting of the reduction in the consumption of single-use plastic products and to facilitate access to those rules.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council ^(?),

HAS ADOPTED THIS DECISION:

Article 1

Methodology for calculating the reduction in the consumption of single-use plastic products

1. Member States shall calculate the reduction in the consumption of single-use plastic products based on either of the following parameters:
 - (a) the total weight of plastic in the single-use plastic products placed on the market in a Member State in a calendar year;
 - (b) the number of single-use plastic products placed on the market in a Member State in a calendar year.

^(?) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

2. Member States shall calculate the reduction in the consumption of single-use plastic products placed on the market in a Member State in a calendar year in accordance with the formulas set out in Annex I.
3. Where there are significant exports or imports or other movements within the Union of single-use plastic products before they are made available to the final consumer or user, Member States may adjust the weight or number of single-use plastic products placed on the market, as referred to in paragraph 1, in order to take account of such movements.

Article 2

Reporting of data

1. Member States shall report the data on single-use plastic products placed on the market referred to in Article 13(1), point (a), of Directive (EU) 2019/904, as calculated in accordance with Article 1 of this Decision, in the format laid down in Annex II to this Decision.
2. Member States shall report the information on consumption reduction measures referred to in Article 13(1), point (b), of Directive (EU) 2019/904 in the format laid down in Annex III to this Decision.
3. Member States shall submit the quality check report as regards the data and information referred to in this Article in the format laid down in Annex IV.
4. The Commission shall publish the data reported by the Member States unless, as regards information included in the quality check report, the Member State provides a justified request to withhold the publication of certain data.
5. Member States shall, to the extent possible, use electronic registries to collect and report data to the Commission.

Article 3

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 4 February 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Formulas for the calculation of the reduction in the consumption of single-use plastic products

For single-use plastic cups for beverages, including their covers and lids, referred to in Part A, point (1), of the Annex to Directive (EU) 2019/904 ('cups for beverages'):

$$\text{ConRedCfB} = \frac{\text{PoMCfB}(t) - \text{PoMCfB}(t2022)}{\text{PoMCfB}(t2022)} \times 100$$

For single-use plastic food containers referred to in Part A, point (2), of the Annex to Directive (EU) 2019/904 ('food containers'):

$$\text{ConRedFC} = \frac{\text{PoMFC}(t) - \text{PoMFC}(t2022)}{\text{PoMFC}(t2022)} \times 100$$

where:

CfB means cups for beverages;

FC means food containers;

ConRed means consumption reduction in a Member State per calendar year;

PoMCfB means:

- (a) the total weight of plastic (tonnes) contained in cups for beverages placed on the market in a Member State in a given calendar year, where relevant adjusted in accordance with Article 1(3), where the methodology referred to in Article 1(1), point (a), is applied for the calculation of the consumption reduction, or
- (b) the total number of single-use plastic cups for beverages placed on the market in a Member State in a given calendar year, where relevant adjusted in accordance with Article 1(3), where the methodology referred to in Article 1(1), point (b), is applied for the calculation of the consumption reduction;

PoMFC means

- (i) the total weight of plastic (tonnes) contained in food containers placed on the market in a Member State in a given calendar year, where relevant adjusted in accordance with Article 1(3), where the methodology referred to in Article 1(1), point (a), is applied for the calculation of the consumption reduction, or
- (ii) the total number of food containers placed on the market in a Member State in a given calendar year, where relevant adjusted in accordance with Article 1(3), where the methodology referred to in Article 1(1), point (b), is applied for the calculation of the consumption reduction;

t2022 means the reference year which is the calendar year 2022

t means the reference year (the year for which the data is collected and reported).

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ANNEX II

Format for reporting of data on single-use plastic products placed on the market

	Weight of plastic ⁽¹⁾ (tonnes)	Total weight ⁽²⁾ (tonnes)	Products ⁽³⁾ (thousand units)
Single-use plastic cups for beverages, including their covers and lids, referred to in part A, point (1), of the Annex to Directive (EU) 2019/904 made wholly of plastic			
Single-use plastic food containers referred to in part A, point (2), of the Annex to Directive (EU) 2019/904 made wholly of plastic			
Single-use plastic cups for beverages, including their covers and lids, referred to in part A, point (1), of the Annex to Directive (EU) 2019/904 made partly of plastic			
Single-use plastic food containers referred to in part A, point(2), of the Annex to Directive (EU) 2019/904 made partly of plastic			

⁽¹⁾ Provision of data is mandatory if a Member State applies the methodology laid down in Article 1(1), point (a), and may be adjusted in accordance with Article 1(3). Provision of data is voluntary if a Member State applies the methodology laid down in Article 1(1), point (b).

⁽²⁾ Provision of data is mandatory if a Member State applies the methodology laid down in Article 1(1), point (a), and may be adjusted in accordance with Article 1(3). Provision of data is voluntary if a Member State applies the methodology laid down in Article 1(1), point (b).

⁽³⁾ Provision of data is mandatory if a Member State applies the methodology laid down in Article 1(1), point (b), and may be adjusted in accordance with Article 1(3). Provision of data is voluntary if a Member State applies the methodology laid down in Article 1(1), point (a).

Format for reporting information on consumption reduction measures

1. Measures to achieve reduction in the consumption of single-use plastic cups for beverages, including their covers and lids, referred to in Part A, point (1), of the Annex to Directive (EU) 2019/904 (SUP Cfb)

Consumption reduction measures	Specification of the measure (sub-categories)	Quantitative/ qualitative description of the measure	Entry into force of the measure	Legal nature of the measure (voluntary/ mandatory)	Coverage of the measure (local, regional, national or other)	Target group of the measure (producers, importers, vendors, consumers)
Quantitative targets	<ul style="list-style-type: none"> — Quantitative targets for reducing the share of SUP Cfb placed on the market and made available to consumers. — Quantitative targets for increasing the share of reusable alternatives to SUP Cfb placed on the market and made available to consumers 					
Promotion of sustainable alternatives to SUP Cfb (including reusable plastic Cfb)	<ul style="list-style-type: none"> — Measures promoting reusable alternatives to SUP Cfb in public administrations — Measures establishing obligations or incentives for economic operators to make reusable alternatives to SUP Cfb available to consumers in large public events — Measures establishing “bring-your-own” systems allowing consumers to bring their own cups for beverages. — Promotion of business models that provide reusable alternatives to SUP Cfb — Measures establishing obligations or incentives for economic operators to provide sustainable alternative CFB at the point of sale to the final consumer — Promotion of free public sources of drinking water encouraging people to bring a refillable cup or drink from the tap. 					

Consumption reduction measures	Specification of the measure (sub-categories)	Quantitative/ qualitative description of the measure	Entry into force of the measure	Legal nature of the measure (voluntary/ mandatory)	Coverage of the measure (local, regional, national or other)	Target group of the measure (producers, importers, vendors, consumers)
Economic instruments	<ul style="list-style-type: none"> — Levies imposed on economic operators when placing SUP Cfb on the market — Green Public Procurement — Deposit Refund schemes — Subsidies or reduced levies for economic operators placing reusable alternatives to SUP Cfb on the market — Instruments ensuring discounts for consumers buying or bringing their own reusable alternatives to SUP Cfb — Extended producer responsibility obligations for producers of SUP Cfb 					
Marketing and use restrictions	<ul style="list-style-type: none"> — Restrictions on the placing on the market of SUP Cfb in order to ensure that they are substituted with alternatives that are re-usable or do not contain plastic or contain less plastic as referred to in Article 4(1), third subparagraph, of Directive (EU) 2019/904 — Restrictions on the making available of SUP Cfb in certain specific locations (e.g. public beaches or parks) or by certain economic operators and public administrations — Restrictions on the use of SUP Cfb when serving drinks to consumers. 					

Consumption reduction measures	Specification of the measure (sub-categories)	Quantitative/ qualitative description of the measure	Entry into force of the measure	Legal nature of the measure (voluntary/ mandatory)	Coverage of the measure (local, regional, national or other)	Target group of the measure (producers, importers, vendors, consumers)
Agreements between competent authorities and economic sectors pursuant to Article 17(3) of Directive (EU) 2019/904	<ul style="list-style-type: none"> — Agreements containing quantitative targets to reduce the number of SUP Cfb placed on the market. — Agreements containing quantitative targets to place reusable alternatives or plastic-free products on the market. — Agreements containing obligations on the economic operators [of the relevant economic sectors] to inform consumers or encourage consumers to use alternatives to SUP Cfb or reuse systems 					<i>Sector concerned and the amount of actors subscribing to the agreements</i>
Awareness raising measures [focused on SUP Cfb]	<ul style="list-style-type: none"> — Campaigns to raise awareness of the negative environmental impacts of SUP Cfb due to littering and other inappropriate waste disposal, including as part of litter clean-up campaigns — Promotion of sustainable alternatives to SUP Cfb (e.g. reusable beverage cups) — Promotion of venues connected to reusable schemes (e.g. “bring your own cup” schemes) 					
Other measures	<i>Please specify</i>					

Add rows as appropriate.

2. Measures to achieve reduction in the consumption of single-use plastic food containers referred to in Part A, point (2), of the Annex to Directive (EU) 2019/904 (SUP FC)

Consumption reduction measure	Specification of the measure (sub- categories)	Quantitative/ qualitative description of the measure	Entry into force of the measure	Legal nature of the measure (voluntary/ mandatory)	Coverage of the measure (local, regional, national or other)	Target group of the measure (producers, importers, vendors, consumers)
Quantitative target	<ul style="list-style-type: none"> — Quantitative targets for reducing the share of SUP FC placed on the market and made available to consumers — Quantitative targets for increasing the share of reusable alternatives to SUP FC placed on the market and made available to consumers 					
Promotion of sustainable alternatives to SUP FC (including reusable plastics)	<ul style="list-style-type: none"> — Measures promoting reusable alternatives to SUP FC in public administrations — Measures establishing obligations or incentives for economic operators to make reusable alternatives to SUP FC available to consumers in large public events — Measures establishing “bring-your-own” systems allowing consumers to bring their own food container — Promotion of business models that provide reusable alternatives to SUP FC, such as deposit systems. Measures establishing obligations or incentives for economic operators to provide sustainable alternative to SUP FC at the point of sale to the final consumer — Promotion of business models that provide for sustainable alternatives to SUP FC 					

Economic instruments	<ul style="list-style-type: none"> — Levies on economic operators placing SUP FC on the market — Subsidies or reduced levies for economic operators placing reusable alternatives to SUP FC on the market. — Green Public Procurement — Deposit Return Schemes — Instruments ensuring discounts for consumers buying reusable alternatives to SUP FC. 					
Marketing and use restrictions	<ul style="list-style-type: none"> — Restrictions on the placing on the market of SUP FC in order to ensure that they are substituted with alternatives that are reusable or do not contain plastic or contain less plastic as referred to in Article 4(1), third subparagraph, of Directive (EU) 2019/904. — Restrictions on the making available of SUP FC in certain specific locations (e.g. public beaches or parks) or by certain economic operators and public administrations — Restrictions on the use of SUP FC when providing food to consumers 					
Agreements between competent authorities and economic sectors pursuant to Article 17(3) of Directive (EU) 2019/904	<ul style="list-style-type: none"> — Agreements containing quantitative targets to reduce the number of SUP FC placed on the market — Agreements containing quantitative targets to place reusable alternatives or plastic-free products on the market — Agreements containing obligations on economic operators [of the relevant economic sectors] to inform consumers or encourage consumers to use alternatives to SUP FC or reuse systems 					<i>Sector concerned and the amount of actors subscribing to the agreements</i>

Awareness raising measures [focused on SUP FC]	<ul style="list-style-type: none"> — Campaigns to raise awareness of the negative environmental impact of SUP FC due to littering and other inappropriate waste disposal, including as part of litter clean-up campaigns — Promotion of sustainable alternatives to SUP FC (e.g. reusable food containers) — Promotion of venues connected to reusable schemes (e.g. “bring your own food container” schemes) 					
Other measures	<i>Please specify</i>					

Add rows as appropriate.

Format for the quality check report

1. General Information

1.1. Member State:

1.2. Organisation submitting the data and the description:

1.3. Contact person / contact details:

1.4. Reference year:

1.5. Delivery date / version:

1.6 Link to data publication by the Member State (if any):

2. Description of the parties involved in the data collection:

Name of institution	Description of key responsibilities

Add rows as appropriate.

3. Description of methods used.

a. **Data sources for calculating data on single-use plastic cups for beverages, including their covers and lids, referred to in Part A, point (1), of the Annex to Directive (EU) 2019/904 placed on the market of a Member State**

Data sources	Data source used (yes/no)	Description of the applied methods	Share in the total data
Data from deposit refund schemes			
Extended Producer Responsibility (EPR) scheme data. Data from producers or from organisations implementing EPR obligations on their behalf			
Data from central registries on single-use plastic cups for beverages placed on the market			
Data from municipalities			

Data sources	Data source used (yes/no)	Description of the applied methods	Share in the total data
Surveys			
Electronic registry			
Administrative reporting			
Production statistics - national codes			
Tax statistics			
Industry statistics			
Other sources (specify)			

b. Data sources for calculating data on single-use plastic food containers referred to in Part A, point (2), of the Annex to Directive (EU) 2019/904 placed on the market of a Member State

Data sources	Data source used (yes/no)	Description of the applied methods	Share in the total data
Data from deposit refund schemes			
Extended Producer Responsibility (EPR) scheme data. Data from producers or from organisations implementing EPR obligations on their behalf			
Data from central registries on single-use plastic food containers placed on the market			
Data from municipalities			
Surveys			
Compositional analyses			
Electronic registry			
Administrative reporting			
Production statistics - national codes			
Tax statistics			
Industry statistics			
Other sources (specify)			

- c. **Where data is reported by weight using the methodology referred to in Article 1(1), point (a), please indicate whether an estimate for the weight of plastic contained in single-use plastic products placed on the market of a Member State and for the total weight of such products has been used, where data collection does not cover the whole market. If yes, please indicate the added weight of plastics in % of the total weight reported**

Specific issues considered	Description of the applied methods to determine the estimates ⁽¹⁾	%	
Free riders ⁽¹⁾			
Private movements within the Union, imports / exports ⁽²⁾			
On-line sales ⁽³⁾			
De-minimis rules ⁽⁴⁾			
Others (specify)			

⁽¹⁾ A free rider is a producer or distributor that places single-use plastic products on the market but does not fulfil its EPR responsibilities individually or collectively with other producers.

⁽²⁾ Movements within the Union and imports / exports of products after they have been sold to end-users.

⁽³⁾ Placing on the market data must include sale through distance communication.

⁽⁴⁾ De-minimis rules applied for reporting on single-use plastic products placed on the market.

- d. **Where data is reported by the number of products using the methodology referred to in Article 1(1), point (b), please indicate whether an estimate of the number of single-use plastic products placed on the market of a Member State has been used, where data collection does not cover the whole market. If yes, please indicate the added number of products in % of the total number reported**

Specific issues considered	Description of the applied methods to determine the estimates ⁽¹⁾	%	
Free riders ⁽¹⁾			
Private intra-EU movements, imports / exports ⁽²⁾			
On-line sales ⁽³⁾			
De-minimis rules ⁽⁴⁾			
Others (specify)			

⁽¹⁾ A free rider is a producer or distributor that places single-use plastic products on the market but does not fulfil its EPR responsibilities individually or collectively with other producers.

⁽²⁾ Movements within the Union and imports / exports of products after they have been sold to end-users.

⁽³⁾ Placing on the market data must include sale through distance communication.

⁽⁴⁾ De-minimis rules applied for reporting on single-use plastic products placed on the market.

4. Data verification and control system

a. Verification of data on single-use plastic products placed on the market of a Member State

Verification and control procedures	Applied for all relevant data on		Additional comments, if relevant
	Single-use plastic cups for beverages, including their covers and lids referred to in Part A, point (1), of the Annex to Directive (EU) 2019/904 placed on the market (yes/no)	Single-use plastic food containers referred to in Part A, point (2), of the Annex to Directive (EU) 2019/904 placed on the market (yes/no)	
Data completeness checks			
Cross-checks			
Time-series checks			
Audit checks			
Other (specify)			

b. Description of main factors affecting the accuracy of the data on single-use plastic products placed on the market of a Member State

Factors that can affect reliability [accuracy] of data	Factors relevant for any data on		Description of how the accuracy of the data is affected and which methods are applied to minimize such impact
	Single-use plastic cups for beverages, including their covers and lids referred to in Part A, point (1), of the Annex to Directive (EU) 2019/904 placed on the market (yes/no)	Single-use plastic food containers referred to in Part A, point (2), of the Annex to Directive (EU) 2019/904 placed on the market (yes/no)	
Sampling errors ⁽¹⁾ (e.g. coefficients of variation)			
Coverage errors ⁽²⁾ (e.g. de-minimis rules, regional coverage)			
Measurement errors ⁽³⁾			
Data collection test instruments ⁽⁴⁾ (e.g. questionnaires)			

Factors that can affect reliability [accuracy] of data	Factors relevant for any data on		Description of how the accuracy of the data is affected and which methods are applied to minimize such impact
	Single-use plastic cups for beverages, including their covers and lids referred to in Part A, point (1), of the Annex to Directive (EU) 2019/904 placed on the market (yes/no)	Single-use plastic food containers referred to in Part A, point (2), of the Annex to Directive (EU) 2019/904 placed on the market (yes/no)	
Processing errors ⁽²⁾			
Non-response errors ⁽⁶⁾			
Model assumption errors ⁽⁷⁾			
Other (please specify)			

⁽¹⁾ Describe the estimated coefficients of variation and the methodologies applied for variance estimation.

⁽²⁾ Describe the type and size of coverage errors.

⁽³⁾ Describe the instruments to reduce potential risks and avoid errors.

⁽⁴⁾ Describe the instruments and methodologies applied for securing quality and relevance of data collection instruments.

⁽⁵⁾ Describe the processing steps between data collection and production of statistics and list processing errors identified and their extent.

⁽⁶⁾ Describe the non-response rates for the main variables and the imputation methods (if any).

⁽⁷⁾ Describe the type and size of model assumption errors.

c. Explanation of the scope and validity of surveys to collect data on single-use plastic products placed on the market of a Member State

Add rows as appropriate.

d. Differences from the data reported for the previous reporting years

Significant methodological changes in the calculation method used for the current reference year in relation to the calculation method used for previous reference years, if any (please include in particular retrospective revisions, their nature and whether a break-flag is required for a certain year).

Add rows as appropriate.

- e. **Where the weight of plastic contained in and the total weight of single-use plastic products placed on the market of a Member State or the number of such products placed on the market of a Member State has increased by more than 10 % compared to the previous reporting year, an explanation of the reasons for that differences**

Single-use plastic products placed on the market	Variation (%)	Main reason for the variation

Add rows as appropriate.

5. **Confidentiality**

Justification to withhold the publication of specific parts of this quality check report in accordance with Article 2(4) and listing of the parts that are requested to be withheld.

Add rows as appropriate.

6. **Main national websites, reference documents and publications**

Please provide the name and url of the main websites, reference documents and publications related to this data collection.

Add rows as appropriate.