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REGULATORY SCRUTINY BOARD OPINION

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL on preventing plastic pellet losses to reduce microplastic pollution**

{COM(2023) 645 final}
{SWD(2023) 330 final}
{SWD(2023) 332 final}
{SWD(2023) 333 final}



Brussels,
RSB

Opinion

Title: Impact assessment / Measures to reduce the release of microplastics in the environment

Overall 2nd opinion: POSITIVE WITH RESERVATIONS

(A) Policy context

Microplastics are considered pollutants in the environment. Some microplastics are intentionally added to products (e.g. in cosmetics, detergents, paints) or serve as input for further processing (e.g. plastic pellets). Other microplastics originate from the abrasion of larger plastic objects (e.g. painted surfaces, geotextiles, tyres, textile fibres).

This initiative focuses on the unintentional release of pellets and stems from the EU Action Plan towards zero pollution for air, water and soil which aims to reduce microplastics released into the environment by 30% by 2030.

(B) Summary of findings

The Board notes the improvements made to the report responding to the Board's previous opinion.

However, the report still contains significant shortcomings. The Board gives a positive opinion with reservations because it expects the DG to rectify the following aspects:

- (1) The report does not sufficiently justify why only measures for pellets are proposed at this stage and not for other sources, given that the precautionary principle is invoked.**
- (2) The design of the options does not bring out clearly all available policy choices.**
- (3) The impact analysis is not sufficiently developed. The comparison of options is not based on an assessment of their effectiveness, efficiency, coherence and proportionality.**
- (4) The analysis of the impacts on SMEs and EU sector competitiveness is inadequate.**

(C) What to improve

(1) The report should reinforce the narrative as to why this impact assessment focusses solely on pellets given that it states that the need to act is justified by the precautionary principle. The report should clarify what additional information would be needed to trigger action for the other sources of unintentional microplastic pollution to improve the analysis.

(2) The report should discuss the contribution of action on pellets to solving the entire problem of microplastics released in the environment, including from the degradation of macroplastics and define the relative scale of the microplastics from pellets problem. It should discuss if taking measures on pellets first would be most effective and efficient to reach the target of 30% reduction of microplastics from the Action Plan or if measures on other sources would be more urgent and contribute more to this target. Moreover, it should clarify if this 30% target refers to microplastics in general (including degradation of macroplastics) or if it is for intentionally and unintentionally added microplastics, i.e. excluding degradation from macroplastics.

(3) The report should further discuss the magnitude of the environmental impact of pellets and the reliability of the estimates, including reference to scientific studies to support anecdotal evidence. It should identify the potential harmful climate and human health impacts from pellets specifically and be clear about the strength of scientific evidence in this area, justifying the invocation of the precautionary principle.

(4) The design of options should bring out clearly the available policy choices. On the one hand, the report should identify and clarify which actors in the supply chain are responsible for most losses.. It should be more specific on the measures proposed, in particular, on the operational controls, the equipment and the lighter regimes for SMEs, and consider if more targeted alternative options would be feasible regarding some of these measures.. It should explain how these measures go beyond existing environmental management systems. On the other hand, if combinations of options are considered necessary to tackle all identified problems (such as Option 1 and 2b and potentially different requirements within option 2b) these should be identified up-front and subsequently compared to the other options.

(5) The report should further clarify and develop the impact analysis. It should quantify the costs to businesses related to the implementation (testing and reporting) of the mandatory standardised methodology to measure pallet losses or better explain why it is considered that those costs are accounted for under the upcoming REACH proposal given the likely broader scope of businesses covered by this initiative. It should also quantify the costs to businesses of the notification of the outcomes of the certification to demonstrate compliance with the defined mandatory requirements to prevent and reduce pellet losses or better explain why those costs are considered “minimal”. The report should make an effort to further quantify and monetise the expected benefits. It should monetise the estimated reduction in CO2 emission. It should also explore whether it is possible to monetise the expected reduction in the spill clean-up costs and improvements in work safety. It should provide clear overview tables of costs and benefits. The report should better explain the qualitative scoring of the environmental, economic and social impacts. As most of the impacts are not monetised, it should justify the conclusions on “Low”, “Medium” and “High” Benefit Cost Ratios for each option.

(6) Once the impact analysis is improved, the report should compare all relevant (combinations of) options in terms of effectiveness, efficiency, coherence and proportionality and present this comparison in a clear comparison table. It should better justify the selection of the preferred option given the high uncertainties around the scale of

the problem and their impacts. These uncertainties should be clearly set out throughout and included when addressing and qualifying the costs and benefits of the measures. When selecting the preferred option, the report should better justify its proportionality. It should explain how it was concluded that the benefits significantly outweigh the costs given that the monetised costs are much higher than the monetised benefits.

(7) The concerns of SMEs, even for the lighter regimes, should be highlighted throughout the report. The report should explain why not all SMEs would be included in the lighter regime, in particular in light of the response of SME stakeholders to the specific consultation. The report should analyse the impact of the preferred option on international competitiveness of the sector as well as SME competitiveness. For the development of the measuring methodology, full coherence with REACH requirements should be further discussed.

(8) The report should quantify the administrative costs and differentiate those that are in scope of the 'One In, One Out' approach.

(9) As the report is now focused on pellets, this approach should be coherently adopted in the annexes, which should also focus on supporting the assessment for this specific source.

The Board notes the estimated costs and benefits of the preferred option in this initiative, as summarised in the attached quantification tables.

(D) Conclusion

The DG must revise the report in accordance with the Board's findings before launching the interservice consultation.

If there are any changes in the choice or design of the preferred option in the final version of the report, the DG may need to further adjust the attached quantification tables to reflect this.

Full title	Measures to reduce the release of microplastics in the environment
Reference number	PLAN/2020/8355
Submitted to RSB on	17 May 2023
Date of RSB meeting	Written procedure

ANNEX: Quantification tables extracted from the draft impact assessment report

The following tables contain information on the costs and benefits of the initiative on which the Board has given its opinion, as presented above.

If the draft report has been revised in line with the Board's recommendations, the content of these tables may be different from those in the final version of the impact assessment report, as published by the Commission.

I. Overview of Benefits (total for all provisions) – Preferred Option		
<i>Description</i>	<i>Amount</i>	<i>Comments</i>
<i>Direct benefits</i>		
Reduction in pellet losses	Measures under the preferred option could potentially result in the reduction of pellet losses to the environment in the range of 25 142 to 140 621 tonnes by 2030, which will reduce adverse impacts on water resources (both marine and freshwater and management wastewater).	As the reduction potential of all measures under the preferred option cannot be calculated, this estimation is conservative. All stakeholders will benefit because this will result in better environmental quality.
Improved understanding of pellet loss pathways and mechanisms in reaching the environment	The measurement standard and reporting will improve the availability of data on pellet losses.	This benefit will be mostly for the industry and public authorities. This will be of much use in designing better products, monitoring the effectiveness of reduction measures.
Creation of a level-playing field	Option 2b will create a level playing field among different actors within the plastic value chain. It will also bring a competitive advantage to the EU industry by improving its global reputation around environmental protection.	It could also negatively affect the competitiveness of the EU industry if a downstream actor in the value chain imports pellets from outside the EU, which could be cheaper in the absence of regulatory requirements.
<i>Indirect benefits</i>		
Safer work environment	The measure will reduce the amount of pellet spills and benefit the safety of employees working throughout the pellet chain by reducing their chances of falling.	
Healthier soil	The measure will reduce the quantities of pellets in soil due to less losses through direct spills or through the use of sewage sludge as a fertiliser.	
Benefits to ecosystem services	The measure will reduce the quantities of pellets in affected areas, having knock-on effects on sectors such as tourism and recreation (increased attractiveness of the region), fisheries (less pellets being absorbed by marine animals) and agriculture (less pellets being released on soils).	
Reduced costs for affected populations	The measure will reduce the need for local populations to finance clean-up operations following a spill.	
<i>Administrative cost savings related to the 'one in, one out' approach</i>		
Verification of data	Due to the harmonised measurement standard, it will be easier for authorities to collect and verify data related to pellet losses, leading to cost savings.	

II. Overview of costs – Preferred option							
		Citizens/Consumers		Businesses		Administrations	
		One-off	Recurrent	One-off	Recurrent	One-off	Recurrent
Action (a)	Direct adjustment costs	No one-off cost	A possible minor increase in the price of pellets could be passed on to the downstream users and, ultimately citizens because of an increase in the price of plastic products.	The businesses need to adapt their operations and administrative procedures to the new requirements by the preferred option. Developing the measurement standard (option 1) will entail adjustment costs between EUR 1.3 – 3.2 million, however compensated by recurrent savings in using a single method and in reporting.	Costs for applying the methodology developed under option 1 for monitoring however compensated by recurrent savings on reporting. Actions for implementing pellet loss reduction measures (EUR 376 to 491 million of pellets handled during production, processing or logistics operations). Businesses could choose to absorb these or pass them on to consumers.	Administrations would potentially directly support the investments needed to develop new methodologies and standards (option 1).	Administrations will need to ensure the enforcement of EU law on pellets and review the reports submitted.
	Direct administrative costs	None	None	Putting in place administrative procedures.	Minor costs for data collection, verification, correction and enforcement, but more cost savings expected in the existing reporting.	Putting in place administrative procedures, including setting up a register of certified companies.	Costs for enforcement and analysis of the reported data.
	Direct regulatory fees and charges	None	None	None	Only if public authorities decide to put fees in place.	None	None
	Direct enforcement costs	None	None	Putting in place administrative procedures.	Minor costs for notification.	Putting in place administrative procedures, including measures for ensuring compliance.	Costs for enforcement and analysis of the reported data.

Costs related to the 'one in, one out' approach

Total	Direct adjustment costs	n/a	n/a	Cost savings: putting in place administrative procedures, compensated by savings on the single method.	Minor costs for reporting of notification.		
	Indirect adjustment costs	n/a	n/a	None	None		
	Administrative costs (for offsetting)	n/a	n/a	None	None		



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RSB

Opinion

Title: Impact assessment / Measures to reduce the release of microplastics in the environment

Overall opinion: NEGATIVE

(A) Policy context

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This initiative focuses on the unintentional release of microplastics and stems from the EU Action Plan towards zero pollution for air, water and soil which aims to reduce microplastics released into the environment by 30% by 2030.

(B) Summary of findings

The Board notes the additional information provided in advance of the meeting and commitments to make changes to the report.

However, the Board gives a negative opinion, because the report contains the following significant shortcomings:

- (1) The report does not set out the exact scope of the initiative. It is not clear upfront on the issues that will be dealt with in parallel and future initiatives. It does not sufficiently explain the coherence with other legislation.**
- (2) The objectives of the initiative are not specific enough and do not clearly relate to the problems. The report is not clear on how much this initiative is expected to contribute to the 30% reduction target.**
- (3) The presentation of measures and options is not sufficiently clear or focussed on the precise problems to be tackled by this initiative. The impact analysis is not sufficiently clear and the level of uncertainty is not defined.**
- (4) The presentation of stakeholder views is too general and does not allow to understand their different views.**

(C) What to improve

- (1) The report should clearly frame the scope of the initiative in its wider context, better describing its boundaries and limits. It should clearly describe why it focusses on**

unintended emissions at source level and discuss why, for example, the degradation of macroplastics is not considered as in scope. It should clearly describe and analyse the problems posed by microplastics released in the environment. It should present the risks to human health and the environment, including climate impact. This analysis should be supported by solid evidence. Where such evidence is lacking or is uncertain, the report should indicate this clearly and discuss the robustness of the available evidence.

(2) The report should better describe the existing and on-going relevant initiatives to enable a better understanding of the problems and their scale posed by different sources of microplastics. The dynamic baseline should include other EU initiatives, measures already taken by Member States, industry-led initiatives, and best practices around circularity. It should set out the overlap and complementarity with existing initiatives in reaching the 30% reduction target and clearly present the specific contribution of this initiative to meeting the target.

(3) The report should clarify upfront that only one specific sectorial issue together with a limited horizontal one will be tackled in this initiative and the issues related to microplastics releases from other sources are left to future or parallel initiatives, subject to further analysis. The specific objectives are not precise enough to link them accurately to the revised set of specific problems. They should be expressed in more SMART terms.

(4) Following a comprehensive problem definition and a clear and redefined scope of this initiative, the report should present those measures that remain useful for tackling the specific problems to be addressed by the initiative, discarding all measures clearly outside the scope upfront. It should then present a clear and consistent intervention logic showing how alternative set of measures could deliver on the refined set of specific objectives.

(5) The report should revise the impact analysis so that it follows the redefined scope of the initiative. It should analyse the impacts of the remaining measures in sufficient depth and be clear about the stakeholder groups affected. It should ensure analytical consistency throughout. It should present the methodologies used for assessing the measures, comparing them and constructing the preferred option. The level of certainty in the analysis and conclusions should be clear.

(6) The views of the different stakeholders should be discussed throughout the report from the scope of the initiative, the problem definition to the proposed options and their impacts. Dissenting views need to be presented and discussed in the main report.

Some more technical comments have been sent directly to the author DG.

(D) Conclusion

The DG must revise the report in accordance with the Board's findings and resubmit it for a final RSB opinion.

Full title	Measures to reduce the release of microplastics in the environment
Reference number	PLAN/2020/8355
Submitted to RSB on	17 October 2022
Date of RSB meeting	16 November 2022