

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 (Text with EEA relevance)

*Article 8*

**Extended producer responsibility**

1 Member States shall ensure that extended producer responsibility schemes are established for all single-use plastic products listed in Part E of the Annex which are placed on the market of the Member State, in accordance with Articles 8 and 8a of Directive 2008/98/EC.

2 Member States shall ensure that the producers of the single-use plastic products listed in Section I of Part E of the Annex to this Directive cover the costs pursuant to the extended producer responsibility provisions in Directives 2008/98/EC and 94/62/EC and, insofar as not already included, cover the following costs:

- a the costs of the awareness raising measures referred to in Article 10 of this Directive regarding those products;
- b the costs of waste collection for those products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of that waste; and
- c the costs of cleaning up litter resulting from those products and the subsequent transport and treatment of that litter.

3 Member States shall ensure that the producers of the single-use plastic products listed in Sections II and III of Part E of the Annex cover at least the following costs:

- a the costs of the awareness raising measures referred to in Article 10 regarding those products;
- b the costs of cleaning up litter resulting from those products and the subsequent transport and treatment of that litter; and
- c the costs of data gathering and reporting in accordance with point (c) of Article 8a(1) of Directive 2008/98/EC.

With regard to the single-use plastic products listed in Section III of Part E of the Annex to this Directive, Member States shall ensure that the producers cover, in addition, the costs of waste collection for those products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of that waste. The costs may include the setting up of specific infrastructure for the waste collection for those products, such as appropriate waste receptacles in common litter hotspots.

4 The costs to be covered referred to in paragraphs 2 and 3 shall not exceed the costs that are necessary to provide the services referred to therein in a cost-efficient way and shall be established in a transparent way between the actors concerned. The costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf. The calculation methodology shall be developed in a way that allows for the costs of cleaning up litter to be established in a proportionate way. To minimise administrative costs, Member States may determine financial contributions towards the costs of cleaning up litter by setting appropriate multiannual fixed amounts.

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The Commission shall publish guidelines for criteria, in consultation with Member States, on the costs of cleaning up litter referred to in paragraphs 2 and 3.

5 Member States shall define in a clear way the roles and responsibilities of all relevant actors involved.

With regard to packaging, those roles and responsibilities shall be defined in line with Directive 94/62/EC.

6 Each Member State shall allow the producers established in another Member State and placing products on its market to appoint a legal or natural person established on its territory as an authorised representative for the purposes of fulfilling the obligations of a producer related to extended producer responsibility schemes on its territory.

7 Each Member State shall ensure that a producer established on its territory, which sells single-use plastic products listed in Part E of the Annex and fishing gear containing plastic in another Member State in which it is not established, appoints an authorised representative in that other Member State. The authorised representative shall be the person responsible for fulfilling the obligations of that producer pursuant to this Directive on the territory of that other Member State.

8 Member States shall ensure that extended producer responsibility schemes are established for fishing gear containing plastic placed on the market of the Member State, in accordance with Articles 8 and 8a of Directive 2008/98/EC.

Member States that have marine waters as defined in point 1 of Article 3 of Directive 2008/56/EC shall set a national minimum annual collection rate of waste fishing gear containing plastic for recycling.

Member States shall monitor fishing gear containing plastic placed on the market of the Member State as well as waste fishing gear containing plastic collected and shall report to the Commission in accordance with Article 13(1) of this Directive with a view to the establishment of binding quantitative Union collection targets.

9 With regard to the extended producer responsibility schemes established pursuant to paragraph 8 of this Article, Member States shall ensure that the producers of fishing gear containing plastic cover the costs of the separate collection of waste fishing gear containing plastic that has been delivered to adequate port reception facilities in accordance with Directive (EU) 2019/883 or to other equivalent collection systems that fall outside the scope of that Directive and the costs of its subsequent transport and treatment. The producers shall also cover the costs of the awareness raising measures referred to in Article 10 regarding fishing gear containing plastic.

The requirements laid down in this paragraph supplement the requirements applicable to waste from fishing vessels in Union law on port reception facilities.

Without prejudice to technical measures laid down in Council Regulation (EC) No 850/98<sup>(1)</sup>, the Commission shall request the European standardisation organisations to develop harmonised standards relating to the circular design of fishing gear to encourage preparing for re-use and facilitate recyclability at end of life.

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- (1) Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms ([OJ L 125, 27.4.1998, p. 1](#)).