

DRAFT IMPLEMENTING ACT

laying down rules on marking requirements on single-use plastic product listed in Part D of the Annex to Directive 2019/904/EU of the European Parliament and the Council on the reduction of the impact of certain plastic products on the environment

THE EUROPEAN COMMISSION,

Having regard to Directive 2019/904/EU of the European Parliament and the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment¹, and in particular Article 7(2) thereof,

Whereas:

- (1) Directive 2019/904/EU provides general requirements for the Member States for the purpose of marking the packaging or the product itself informing consumers of the appropriate waste management options for the product or waste disposal means to be avoided for that product, in line with the waste hierarchy; and of the presence of plastics in the product and the resulting negative impact of littering or other inappropriate means of waste disposal of the product on the environment.
- (2) Single-use plastic product listed in Part D of the Annex to Directive 2019/904/EU are inappropriately and unsafely disposed of, thus posing a potential threat to human health and the environment. Consumers' awareness is relevant to ensure that such products when discarded follow proper treatment in line with the waste hierarchy. Informing consumers through the appropriate markings placed on the packaging or the product itself pursues that aim.
- (3) In order to ensure uniform conditions for the implementation of Directive 2019/904/EU by all Member States, it is necessary to establish harmonised marking specifications. The experience gained and the knowledge acquired with existing environmental markings should be taken into account when developing the marking specifications.
- (4) The technical specification for the layout, design and shape of the marking taking into account different product groups should be established. In particular, the marking must be conspicuous, clearly legible and indelible. To this end, the format, colours and fonts to be used should be specified in order to ensure that each element is fully visible.
- (5) In order to ensure visibility and clarity of the environmental messages, rules should be laid down concerning colours, minimum resolution, font and space between lines. Unavoidable print tolerances are considered acceptable.

¹ OJ L 155, 12.6.2019, p.1.

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- (6) The marking requirements for the layout, design and shape are the result of consultation with representative groups of consumers and a field test to ensure that they are effective and easily understandable and avoid information that mislead consumers.
- (7) In particular, Article 7 (1) (b) of Directive 2019/904/EU provides that the markings shall inform consumers about the presence of plastics in the product and the resulting negative impact of littering or other inappropriate means of waste disposal of the product on the environment.
- (8) The results of the consumers' consultation indicate that consumers in general prefer markings showing and informing about the content of plastic in products and a message about the negative environmental impact following their unsafe disposal.
- (9) Whilst the consumers' consultation shows that the markings can be effective in providing the adequate information, understanding and behavioural steering to a safe disposal, the consumers' attention towards the marking during the one-time exposure performed in the field test failed in some instances.
- (10) It is, thus, paramount, in line with Article 10 of Directive 2019/904/EU, that Member States support the markings with specific awareness-raising measures to incentivise responsible consumers' behaviour.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 16 of Directive 2019/904/EU.

Article 1

Definitions

[Definitions, where necessary, may be added.]

Article 2

Requirements for the application of the marking

1. The single-use plastic products listed in Part D of the Annex to Directive 2019/904/EU shall bear a conspicuous, clearly legible and indelible marking on its packaging or on the product itself.
2. The specific marking requirements for sanitary towels (pads), tampons and tampon applicators are laid down in Annex I.
3. The specific marking requirements for wet wipes, i.e. pre-wetted personal care and domestic wipes are laid down in Annex II.
4. The specific marking requirements for tobacco products with filters and filters marketed for use in combination with tobacco products are laid down in Annex III.
5. The specific marking requirements for cups for beverage are laid down in Annex IV.

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6. The markings referred to in paragraphs two to five shall stand out clearly from the background and be of such size and spacing as to be easily read. They shall be placed on one or more surfaces of the packaging or the product itself.
7. The information referred to in paragraphs two to five shall appear in a language easily understood by the consumers of the Member States where the single-use plastic product is marketed. Within their own territory, the Member States in which the product is marketed may stipulate that the information shall be given in one or more languages from among the official languages of the Union.

Article 3

Addressees

This Decision is addressed to the Member States.

Done at Brussels, XX XXXXX 2021

For the Commission

Virginijus SINKEVICIUS

Member of the Commission

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ANNEX I

Marking for sanitary towels (pads), tampons and tampon applicators

1. Sanitary towels (pads) shall bear the following pictogram



2. Tampons and tampon applicators shall bear the following pictogram



Colors used (CMYK) :

BLACK : C=0 / M=0 / Y=0 / K=100

RED : C=0 / M=90 / Y=60 / K=0

BLUE : C=60 / M=0 / Y=0 / K=0

Font used :

HELVETICA BOLD CONDENSED

Font size :

Maximum : **15 pt**

Minimum : **7 pt**

3. The above markings shall comply with the following specific marking requirements

a. Position of the markings

- The marking shall be positioned on the exterior front-side or at the exterior top-side of the packaging containing any of the sanitary items under points 1 and 2 above, whichever is more clearly visible.
- Where the required minimum size of the marking cannot fit the exterior front-side or top-side of the packaging, the marking can either be positioned on a different visible position, or alternatively it can be positioned partly on two sides of the packaging (e.g. top and front, front and side), whichever is more clearly visible. The squares of the marking shall not be separated.
- When opening the packaging where indication is provided, it should not tear the marking or make it illegible.
- The marking shall be clearly visible to consumers when stacked on shelf.
- Where it is not possible to place the marking as shown in the pictograms above due to the shape or size of the packaging, the marking shall be placed following the same sequence in a top down fashion.

b. Size of the markings

- The marking is composed of three equal size squares.
- Where the surface area of the exterior front-side or top-side of the packaging is $< 98 \text{ cm}^2$, the minimum size of the marking shall be equal to: $1.4 \text{ cm} \times 4.2 \text{ cm} (= 5.88 \text{ cm}^2)$.
- Where the surface area of the exterior front-side or top-side of the packaging is $\geq 98 \text{ cm}^2$, the minimum size of the marking shall be equal to 6 % of that surface area.
- The maximum size of the marking shall not exceed $3 \text{ cm} \times 9 \text{ cm} (= 27 \text{ cm}^2)$.

c. Design of the markings and the information text, font and colours used in the markings

- The design of the marking shall be reproduced as shown in this Annex without applying effects, adjusting the colours, retouching or extending the background.
- When the information text needs to appear in several EU languages, the additional text shall be placed below the relevant pictogram square. In all cases the text shall be clearly visible. The additional text shall comply with the following font size: minimum: 7 pt and maximum: 15 pt.
- The information text shall be in uppercase letters.
- The information text shall use the following font type: Helvetica Bold Condensed

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- The information text shall use the following font size: minimum : 7 pt and maximum: 15 pt
- Unavoidable print tolerances are considered acceptable.
- To ensure sufficiently high contrast, the following colour code shall be used:
 - White: C=0 / M=0 / Y=0 / K=0
 - Black: C=0 / M=0 / Y=0 / K=100
 - Red: C=0 / M=90 / Y=60 / K=0
 - Blue: C=60 / M=0 / Y=0 / K=0

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ANNEX II

1. Wet wipes (i.e. pre-wetted personal care and domestic wipes) shall bear the following pictogram



Colors used (CMYK) :

BLACK : C=0 / M=0 / Y=0 / K=100

RED : C=0 / M=90 / Y=60 / K=0

BLUE : C=60 / M=0 / Y=0 / K=0

Font used :

HELVETICA BOLD CONDENSED

Font size :

Maximum : **15 pt**

Minimum : **7 pt**

2. The above marking shall comply with the following specific marking requirements

a. Position of the marking

- The marking shall be positioned on the exterior front-side or at the exterior top-side of the packaging containing wet wipes, whichever is more clearly visible.
- Where the required minimum size of the marking cannot fit the exterior front-side or top-side of the packaging, the marking can either be positioned on a different visible position on the packaging or alternatively it can be positioned partly on two sides of the packaging (e.g. top and front, front and side), whichever is more clearly visible. The squares of the marking shall not be separated
- When opening the packaging where indication is provided, it should not tear the marking or make it illegible.
- The marking shall be clearly visible to consumers when stacked on shelf.
- Where it is not possible to place the marking as shown in the pictogram above due to the shape or size of the packaging, the marking shall be placed following the same sequence in a top down fashion.

b. Size of the marking

- The marking is composed of three equal size squares.
- Where the surface area of the exterior front-side or top-side of the packaging is $< 98 \text{ cm}^2$, the minimum size of the marking shall be: $1.4 \text{ cm} \times 4.2 \text{ cm} (= 5.88 \text{ cm}^2)$.
- Where the surface area of the exterior front-side or top-side of the packaging is $\geq 98 \text{ cm}^2$ the minimum size of the marking shall be equal to 6 % of that surface area.
- The maximum size of the marking shall not exceed: $3 \text{ cm} \times 9 \text{ cm} (= 27 \text{ cm}^2)$.

c. Design of the marking and the information text, font and colours used in the marking

- The design of the marking shall be reproduced as shown in this Annex without applying effects, adjusting the colours, retouching or extending the background.
- When the information text needs to appear in several EU languages, the additional text shall be placed below the relevant pictogram square. In all cases, the text shall be clearly visible. The additional text shall comply with the following font size: minimum: 7 pt and maximum: 15 pt.
- The information text shall be in uppercase letters.
- The information text shall use the following font type: Helvetica Bold Condensed
- The information text shall use the following font size: minimum: 7 pt and maximum: 15 pt
- Unavoidable print tolerances are considered acceptable.

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- To ensure sufficiently high contrast, the following colour code shall be used:
 - White: C=0 / M=0 / Y=0 / K=0
 - Black: C=0 / M=0 / Y=0 / K=100
 - Red: C=0 / M=90 / Y=60 / K=0
 - Blue: C=60 / M=0 / Y=0 / K=0

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ANNEX III

1. Tobacco products with filters and filters marketed for use in combination with tobacco products shall bear the following pictogram



Colors used (CMYK) :

BLACK : C=0 / M=0 / Y=0 / K=100

RED : C=0 / M=90 / Y=60 / K=0

Font used :

HELVETICA BOLD CONDENSED

Font size :

Maximum : **20 pt**

Minimum : **9 pt**

2. The above marking shall comply with the following specific marking requirements

a. Position of the marking

i. For tobacco products with filters

- The marking shall be positioned on the exterior front-side of the packaging containing the tobacco products with filters, in line with Article 10 of the Directive 2014/40/EU².
- Where the required minimum size of the marking cannot fit the exterior front-side of the packaging, the marking can be positioned on any of the exterior sides of the packaging. In all cases, it shall be clearly visible. The marking shall not be totally or partially covered by other labels or stamps (e.g. tax stamps).
- When opening of the packaging where indication is provided, it should not tear the marking or make it illegible.
- Except in Member States where a display ban applies, the marking shall be clearly visible to consumers when stacked on shelf.
- The marking is rectangular-shaped and shall respect the following ratio between height and length: 1:1.34.

ii. For filters marketed for use in combination with tobacco products

- The marking shall be positioned on the exterior front-side or top-side of the packaging containing filters marketed for use in combination with tobacco products, whichever is more clearly visible.
- Where the required minimum size of the marking cannot fit the exterior front-side or the top-side of the packaging, the marking can either be positioned on a different visible external position or alternatively it can be printed partly on two external sides of the packaging (e.g. top and front, front and side), whichever is more clearly visible.
- When opening of the packaging where indication is provided, it should not tear the marking or make it illegible.
- The marking shall be clearly visible to consumers when stacked on shelf.
- The marking is rectangular shaped and shall respect the following ratio between height and length: 1:1.34.

b. Size of the marking

i. For tobacco products with filters

² OJ L 127/1 of 29.04.2014

- Where the surface area of the exterior front of the packaging is $< 108 \text{ cm}^2$, the minimum size of the marking shall be: $1.9 \times 2.55 \text{ cm}$ ($= 4.85 \text{ cm}^2$).
- Where the surface area of the exterior front of the packaging is $\geq 108 \text{ cm}^2$, the minimum size of the marking shall be equal to 4.5 % of that surface area.
- The maximum size of the marking shall not exceed: $4.4 \text{ cm} \times 5.9 \text{ cm}$ ($= 26 \text{ cm}^2$)

ii. For filters marketed for use in combination with tobacco products

- Where the surface area of the exterior front or exterior top-side of the packaging is $< 108 \text{ cm}^2$, the minimum size of the marking shall be: $1.9 \times 2.55 \text{ cm}$ ($= 4.85 \text{ cm}^2$).
- Where the surface area of the exterior front or exterior top-side of the packaging is $\geq 108 \text{ cm}^2$, the minimum size of the marking shall be equal to 4.5 % of that surface area.
- The maximum size of the marking shall not exceed: $4.4 \text{ cm} \times 5.9 \text{ cm}$ ($= 26 \text{ cm}^2$)

c. Design of the marking and the information texts, font and colours used in the marking

- The design of the marking shall be reproduced as shown in this Annex, without applying effects, adjusting the colours, retouching or extending the background.
- When the information text needs to appear in several EU languages, the additional text shall be placed below the marking. In all cases, the additional text shall be clearly visible. The additional text shall comply with the following font size: minimum: 9 pt and maximum: 20 pt.
- The information text shall be in uppercase letters.
- The information text shall use the following font type: Helvetica Bold Condensed
- The information text shall use the following font size: minimum: 9 pt and maximum: 20 pt
- Unavoidable print tolerances are considered acceptable.
- To ensure sufficiently high contrast, the following colour code must be used:
 - White: C=0 / M=0 / Y=0 / K=0
 - Black: C=0 / M=0 / Y=0 / K=100
 - Red: C=0 / M=90 / Y=60 / K=0

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ANNEX IV

1. Cups for beverages made partly from plastic shall bear the following pictogram



2. Cups made wholly from plastic shall bear the following engraved pictogram



[placeholder for specifications related to colours, font size and font type]

3. The marking under point 1 of this Annex shall comply with the following specific requirements

a. Position of the marking

- For traditional cone-shaped cups

The marking shall be positioned on the exterior side of the cup away from the rim to avoid contact with the consumer's mouth when drinking. The marking shall not be placed under the cup where is not clearly visible.

- For champagne type cups

The marking shall either be positioned on the exterior side of the cup, or at the upper side of the base that holds the stem, whichever is more clearly visible. In the former case, the marking shall be placed away from the rim to avoid contact with the consumer's mouth when drinking. The marking shall not be placed under the cup where is not clearly visible.

b. Size of the marking

- The marking is composed of three equal size squares.
- Where it is not possible to place the pictogram as shown under point 1 above due to the shape or size of the packaging, the marking shall be placed following the same sequence in a top down fashion.
- For cups with a volume < 500 ml, the minimum size of the marking shall be: 1.4 cm x 4.2 cm (= 5.88 cm²).
- For cups with a volume ≥ 500 ml, the minimum size of the marking shall be: 1.6 cm x 4.8 cm (= 7.68 cm²).

c. Design of the marking and the information texts, font and colours used in the markings

- The design of the marking shall be reproduced as shown in point 1 of this Annex without applying effects, adjusting the colours, retouching or extending the background.
- When the information text needs to appear in several EU languages, the additional text shall be placed below the relevant pictogram square. In all cases, the additional text shall be clearly visible. The additional text shall comply with the following minimum font size: for cups < 500 ml: 7 pt and for cups ≥ 500 ml: 9 pt t.
- The information text shall be in uppercase letters.
- The information text shall use the following font type: Helvetica Bold Condensed

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- The information shall use the following minimum font size: For cups < 500 ml: 7 pt and for cups \geq 500 ml: 9 pt
- Unavoidable print tolerances are considered acceptable.
- To ensure sufficiently high contrast, the following colour code must be used:
 - White: C=0 / M=0 / Y=0 / K=0
 - Black: C=0 / M=0 / Y=0 / K=100
 - Red: C=0 / M=90 / Y=60 / K=0
 - Blue: C=60 / M=0 / Y=0 / K=0

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4. The marking under point 2 above shall comply with the following specific requirements

a. Position of the marking

- The marking is engraved in a clearly visible part of the beverage cup.
- For traditional cone-shaped cups:

The marking shall be positioned on the exterior side of the cup away from the rim to avoid contact with the consumer's mouth when drinking. The marking shall not be positioned under the cup where is not clearly visible.
- For champagne type cups:

The marking shall either be positioned on the exterior side of the cup, or at the upper side of the base that holds the stem, whichever is more clearly visible. In the former case, the marking shall be positioned away from the rim to avoid contact with the consumer's mouth when drinking. The marking shall not be positioned under the cup where is not clearly visible.

b. Size of the marking

- The marking is rectangular-shaped and shall respect the following ratio between height and length: 1:1.34.
- For cups with a volume < 500 ml, the minimum size of the combined marking shall be: 1.9 cm x 2.55 cm (= 4.85 cm²).
- For cups with a volume \geq 500 ml, the minimum size of the combined marking shall be: 2.1 cm x 2.8 cm (= 5.9 cm²).

c. Design of the marking and the information texts, font and colours used in the markings

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- The design of the marking as shown in point 2 of this Annex³ must be reproduced without applying effects.
 - The marking shall be engraved, no colour is necessary.
 - When the information text needs to appear in several EU languages, the additional information text shall appear below the marking. In all cases, the additional text shall be clearly visible. The additional text shall comply with minimum font size: for cups < 500 ml: 9 pt and for cups ≥ 500 ml : 10 pt.
 - The information text shall be in uppercase letters.
 - The information text shall comply with the following font type: Helvetica Bold Condensed
 - The information text shall comply with the following minimum font size: for cups < 500 ml: 9 pt and for cups ≥ 500 ml: 10 pt
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- ³ The white outline shown in the marking corresponds to the design to be engraved. The grey background is only used in the example for better visualisation.