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Second draft for discussion with Member States on September 09, 2020

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Part 2: Specific product criteria

1. FOOD CONTAINERS

This Chapter provides further clarification of the SUP Directive criteria for “single use food containers”. First, an overview will be provided of the requirements and descriptions laid down in the Directive (paragraph 1.1 and 1.2), followed by guidance on how to distinguish single use from multiple use food containers (paragraph 1.3), and a product overview table (paragraph 1.4). Finally, paragraph 1.5 explains the difference between food containers and other similar product categories in the SUP Directive.

1. Product description in the Directive

Food containers are described in the Annex to the Directive as

‘receptacles such as boxes, with or without a cover, used to contain food, which:

- 1. is intended for immediate consumption, either on the spot or take-away*
- 2. is typically consumed from the receptacle, and*
- 3. is ready to be consumed without any further preparation, such as cooking, boiling or heating,*

including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.’

In addition, Article 12 of the Directive provides specifications to determine whether a food container is to be considered as a single use plastic product, referring to its tendency to be littered, due to its volume or size.

The table below gives a full overview of the product descriptions provided in the Directive for single-use plastic food containers.

Table Error! No text of specified style in document. 14-1: Overview of product descriptions of food containers in the SUPD

Relevant product-specific descriptions
Annex Parts A(2), E(1), and G(1) of the Annex
<i>“Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food which:</i> <i>(a) is intended for immediate consumption, either on-the-spot or take-away,</i> <i>(b) is typically consumed from the receptacle, and</i> <i>(c) is ready to be consumed without any further preparation, such as cooking, boiling or heating, including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.”</i>
Article 12: <i>“In order to determine whether a food container is to be considered as a single-use plastic product for the purposes of this Directive, in addition to the criteria listed in the Annex as regards food containers, its tendency to become litter, due to its volume or size, in particular single-serve</i>

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portions, shall play a decisive role.”

Recital 12: Examples of food containers are “fast food containers or meal, sandwich, wrap and salad boxes with cold or hot food, or food containers of fresh or processed food that does not need further preparation such as fruits, vegetables or desserts”.

Examples of food containers that are not to be considered as SUP food containers under the Directive: ‘food containers with dried food, or food that is sold cold requiring further preparation, containers containing food in more than single serve portions or single serve portions sized food containers sold in more than one unit.’

1. Product criteria and indicators

For a food container to be covered by the Directive, the three main criteria listed in Parts A(2), E(1), and G(1) of the Annex of the Directive ~~have to apply cumulatively, and~~ therefore, for a food container to be covered by the Directive it has to meet all three conditions.

The following indicators ~~for the descriptions provided in the Directive aim to help to~~ clarify these terms:

1. Intended for immediate consumption, either on-the-spot or take-away

Relevant indicators:

1. Nature of foodstuff contained:

1. ~~Foodstuffs that are subject to specific storage conditions (e.g. refrigeration) if not consumed immediately after purchase and are for immediate consumption.~~
2. Foodstuffs suitable for immediate consumption (e.g. sweets, nuts, chocolate bars, crisps, pre-washed fruit and vegetables) that do not require specific storage conditions, but which are for immediate consumption (e.g. sweets, nuts, cheese, tomatoes).

1. Product characteristics:

1. The inclusion or attachment of items such as forks, knives, spoons and sticks and/ or sauces in the SUP product/packages. However, the absence of such items does not in itself exclude the product from the product category.

1. Point-of-sale:

1. The product is usually sold on-the-spot or as take-away (e.g. fast-food restaurants, food trucks, vending machines, take away aisle in supermarkets, caterers) and therefore more prone to becoming ~~mobile~~ litter.

2. Typically consumed from the receptacle

Relevant indicators:

1. Product design characteristics:

1. The shape of the receptacle / type of packaging allows for or facilitates consumption directly from the receptacle i.e. by simply opening the receptacle and without the need of placing the food in another receptacle e.g. in a plate or a bowl, before consumption.
2. Ready to be consumed without any further preparation, such as cooking, boiling or heating

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Relevant indicator:

3. **No need to ~~process~~ process the foodstuff contained before consumption:**
 1. The foodstuff does not require ~~freezing, cooking, boiling or heating, including~~ frying, grilling, baking, ~~cooking, microwaving and toasting~~.
 2. There is no requirement to add cold or hot water or milk before consumption of the foodstuff such as in the case of cereals ~~unless portion sized servings of cereals are sold together with an additional portion sized container for milk~~ or powder soups.
 3. ~~The foodstuff does not require freezing before consumption.~~
 4. ~~The term "process" does not include toasting, the use of a microwave, or other methods for warming up the foodstuff for palatability purposes (as opposed to foodstuff, which would require cooking before consumption). Also, w/o washing, peeling or cutting of foodstuff, such as fruit and vegetables are not considered as ~~processing~~ processing and are therefore not an indicator for an exemption from the SUPD.~~

1. Distinction between single-use and multiple-use food containers

As explained in Part 1, Chapter 2.2.4. of the Guidelines, the following product design characteristics can help to define whether a food container should be considered as single or multiple-use:

1. **Design/nature of packaging:** the receptacle is conceived, designed and placed on the market for refill and reuse. This can be assessed by considering the product's expected functional life, i.e. whether it is intended and designed to be used several times before final disposal, without losing product functionality, physical capacity or quality. Relevant product design characteristics include material composition, washability and repairability, which would allow multiple trips and rotations for the same purpose as for which the product was originally conceived.
2. **The size and volume of the receptacle:** this element reflects the **portion size of the food that is contained in the receptacle**. Food containers that contain more than a single-serve portion of a food product should fall outside the category of 'single use'.

Further interpretation of these terms in relation to food containers is provided below.

- I. **Design/nature of packaging**

Criteria that indicate that a product is reusable, include the **design and nature of the packaging**, to be assessed on the basis of certain technical specificities. These technical criteria are laid down in technical standards, which are often incorporated and/or referred to in EU legislation.

An example of relevant technical criteria include the **washing/ cleaning cycles** the product can undergo, as well as the expected number of uses of the product, without losing its original functionality. Existing standards, referred to in Part 1 ('single use'), provide useful guidance on the number of dishwasher cycles that the product should be proven to withstand¹.

As ~~—~~ food container constitutes packaging, its 'reusable' nature can be determined in accordance with the Essential Requirements under the ~~PPW~~ Directive ~~on Packaging and Packaging Waste~~, including the written declarations attesting to the conformity of the food container with these Essential Requirements.

The concept of **refillable** packaging refers to a system of reuse, whereby the product is refilled directly by the producer. To this end, an operational return and refill system must be in place. These

¹ Technical standard CEN/TR 14520 or the voluntary standard EN 13429:2004

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systems include 'business to consumer' applications, where a container is returned to the supplier to be reused or refilled for the distribution and sale of a similar product.

Multiple-use containers may also include containers that are not returned to the supplier, but are instead **reused by the consumer** as a container. However, in this case, a producer's declaration on product's ability to be reused, and/or the availability of instructions on how to reuse the product, would support its qualification as 'reusable' food container.

If the package is re-sealable to allow remaining food to be stored and consumed at a later time, this is an indication that it is not a single-use packaging.

2. Volume or size of the receptacle

For food containers, Article 12 of the Directive mentions their volume and size, as having a direct effect on their tendency of becoming litter. In this context, specific reference is made to 'single serve portions'.

This is explained by the fact that food containers that contain multiple-serve portions as opposed to single-serve portions, are less likely to be consumed "on-the-spot or on take-away"—and thus more likely to be stored away to be consumed again later.

In principle, single serve portion is can be defined identified as a food portion to be consumed by one person in one sitting, and should exclude portions that offer multiple servings.

The portion size of the foodstuff contained in the receptacle can be established based on information displayed on the container, or according to the weight or the volume of the foodstuff and the food container as a whole, when such information is lacking.

The outer containers containing food in more than single-serve portions or single-serve portion-sized food containers sold in more than one unit Single-use food containers that are packaged collectively (i.e. multipacks) are excluded from the scope, as also expressly indicated in Recital 12 of the Directive.

1. Product overview and list of illustrative examples

The table below gives an overview of the different product criteria and indicators to determine whether a food container is a single use food container under the Directive. This includes both general and product specific criteria. The table also provides examples to illustrate the criteria laid out by the SUP Directive.

Table Error! No text of specified style in document. 24-2: Summary overview of the main criteria and guidance indicators to define SUP food containers for the purposes of the SUP Directive.

General criteria	Description and examples	
Plastic product	Made wholly or partially of plastic Material consisting of a polymer, which can function as a main structural component	Product contains plastic (<u>for definition of plastic, see Part 1</u>), Polymer(s) as defined in REACH (<u>for definition of plastic, see Part 1</u>).
	Exception for "natural polymers that have not been chemically modified"	General guidance on interpreting the exception for "natural polymers that have not been chemically modified" is provided in Part 1.

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	has not been chemically modified"	
Single-use		Product design characteristics, indicating 'single-use': 1. Design/nature of packaging: The food container is not conceived, designed and placed on the market for refill or reuse 2. Volume or size of the receptacle: Indication that the receptacle contains a single-serve portion . Multi-packs are excluded from the scope of the Directive.
Product-specific criteria	Guidance indicators	Description and examples
Intended for immediate consumption	Nature of foodstuff contained	Foodstuffs suitable for immediate consumption (e.g. sweets, nuts, chocolate bars, pre-washed cherry tomatoes, crisps)@ew@ storage conditions
	Product characteristic	The inclusion or attachment of items such as forks, knives, spoons and sticks and/ or sauces; <u>indications are also that the package is not re-sealable and that the foodstuff perishes fast once the package is opened.</u>
	Point-of-sale	The product is usually sold on-the-spot or as take-away.
Typically consumed from the receptacle	Product design characteristics	The shape of the receptacle/type of packaging allows/facilitates for consumption directly from the receptacle.
Ready to be consumed without any further preparation	No need to process the foodstuff contained before consumption	<u>The foodstuff does not require boiling, frying, grilling, baking, cooking, microwaving, toasting, heating or freezing. The foodstuff does not require boiling, frying, grilling, baking, cooking or freezing before consumption.</u> No need to add cold or hot water or milk before consumption. <u>The term "process" does not include toasting, the use of a microwave, or other methods for warming up the foodstuff for palatability purposes.</u> Washing, peeling or cutting of foodstuff are not considered as 'processing'.

The following table provides illustrative examples on whether certain types of food containers are included or excluded under the SUP Directive. Although the examples included are non-exhaustive, they serve to provide additional guidance on how to interpret the definitions and relevant requirements of the SUP Directive.





Table Error! No text of specified style in document. 3. Examples to illustrate the criteria for single use food containers. Table

Type of food container	General criteria		Product-specific criteria			Fulfilment of all general and product-specific criteria?
	Plastic product	Single-use	Intended for immediate consumption	Typically consumed from the receptacle	Ready to be consumed without further preparation	

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Plastic food container containing a single-sized portion cold meal							
							
	YES	YES	YES	YES	YES	YES	INCLUDED
							
							




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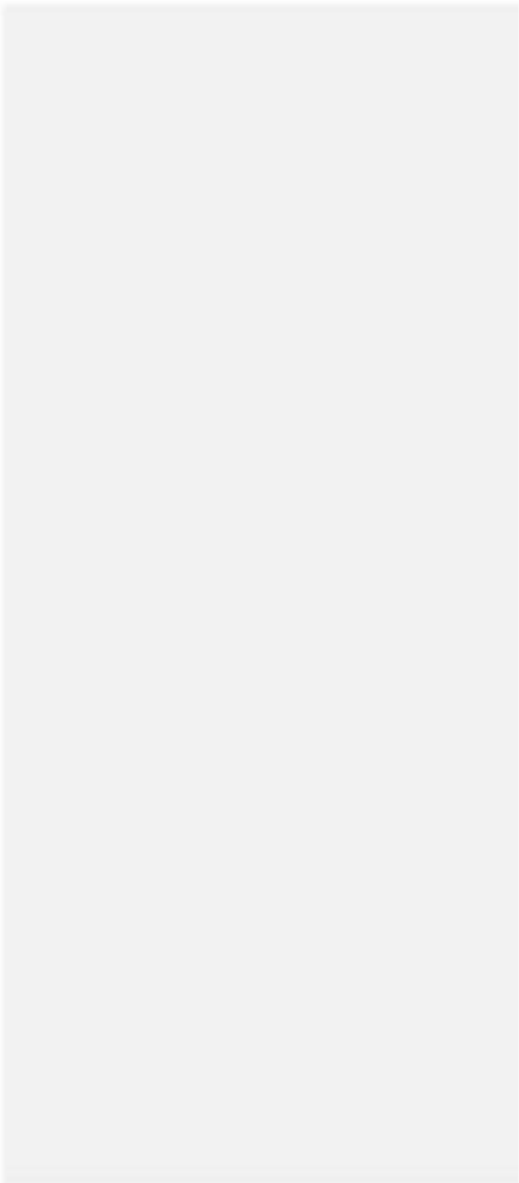
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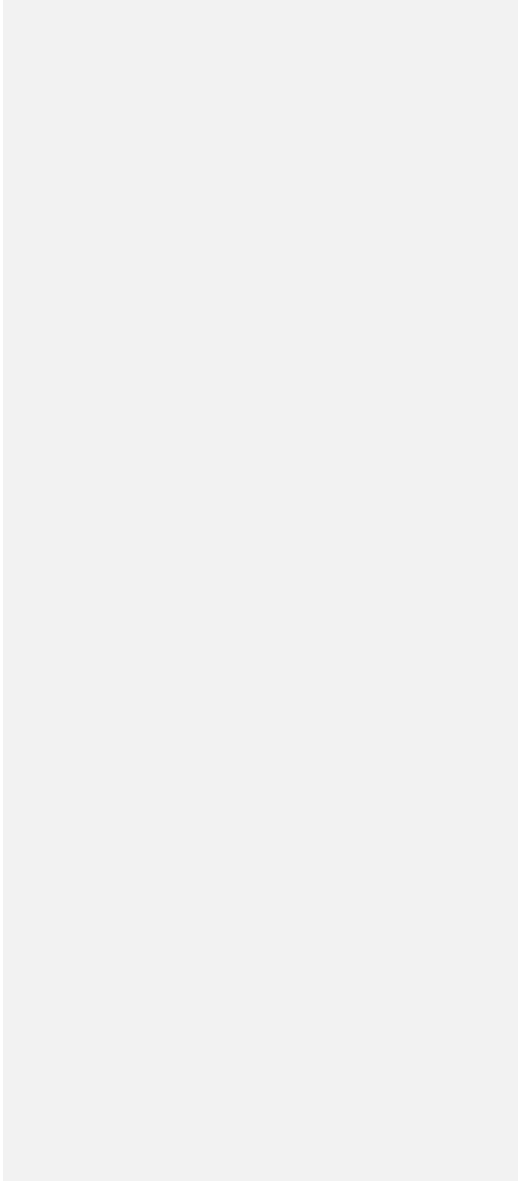
<p>Plastic food container containing a single sized-portion <u>hot meal</u></p> 	YES	YES	YES	YES	YES	YES	YES	INCLUDED
<p>Cardboard food container with plastic inner lining or coating, intended to contain <u>single sized-portion hot</u> (and exceptionally cold) prepared food <u>meal</u></p> 	YES	YES	YES	YES	YES	YES	YES	INCLUDED


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<p>Plastic Food container containing a single-sized portion of dessert</p>  	YES	YES	YES	YES	YES	YES	INCLUDED
							



<p>Plastic food container containing single-sized portion -vegetables or fruit</p> 	YES	YES	YES	YES	YES	YES	INCLUDED
<p>Plastic food container containing single-sized portion snacks such as nuts, crackers</p> 	YES	YES	YES	YES	YES	YES	INCLUDED



<p>Plastic food container containing single-sized portion sauces and bread spreads (e.g. mustard, ketchup or dips)</p> 	YES	YES	YES	YES	YES	YES	YES	INCLUDED
<p>Single-use plastic food containers with single-sized portions, single-use food containers that are packaged collectively, e.g. a pack of two or more yogurts</p> 	YES	YES	YES	YES	YES	NO/YES	NO/YES	<p>EXCLUDED</p> <p>INCLUDED</p> <p>Single-use portion-sized food containers sold in more than one unit</p>



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<p>Plastic food container containing single- <u>sized</u> portions of vegetables or fruit that do not require <u>cooking/further</u> <u>processing</u></p> 	YES	YES	YES	YES	YES	YES	YES
<p>Plastic food container containing multiple-sized portion of desserts/ice cream</p> 	YES	NO	NO	YES	YES	NO	<p>EXCLUDED: Contains a multiple- sized portion and is thus less likely to be consumed as a whole on-the-spot or on take-away</p>

<p>Plastic food container containing <u>several single-sized</u> portions of non-packaged food <u>items</u> (e.g. <u>wraps</u>, sweets, <u>cookies</u>, <u>chips of cheese</u>), i.e. multipack</p> 	YES	NO	YES	YES	YES	NO	<p>EXCLUDED: <u>Multipack</u>. Contains a multiple-sized portion and is thus less likely to be consumed as a whole on-the-spot or on take-away</p>
<p>Plastic food container containing a <u>single-sized portion</u> <u>frozen meal</u></p> 	YES	YES	NO	YES	NO	YES	<p>EXCLUDED Not typically sold as a takeaway foodstuff requires <u>cooking/processing</u></p>
<p><u>Ice and cake boxes made out of expanded polystyrene</u> containing packed food that is not sold in single-serve portions and not typically consumed from the receptacle</p>	YES	NO	NO	NO	YES	NO	<p>EXCLUDED <u>packed food</u> is not sold in single-serve portions and is not typically consumed from the receptacle</p>

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<p>High boxes, metal trays, mesh, etc. of expanded polystyrene containing packed food that is not intended for immediate consumption and typically consumed from the receptacle, and not likely to be consumed without further preparation</p>	YES	YES	NO	NO	NO	YES	<p>EXCLUDED</p> <p>Foodstuff requires further preparation and is not typically consumed from the receptacle</p>
<p>Plastic food container containing dried food or foodstuff that require hot water to be poured in the receptacle (e.g. noodles, powder soups)</p> 	YES	YES	NO	YES	NO	YES	<p>EXCLUDED</p> <p>Foodstuff requires further preparation</p> <p>Not typically sold as a take-away</p> <p>Requires hot water</p>

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1. Differentiation between food containers and other product types

Annex Parts A(2), E(1), and G(1) excludes "beverage containers, plates and packets and wrappers containing food" from products that shall be considered as SUP food containers for the purpose of the SUP Directive. In some cases, the packaging shape may raise doubts as to whether ~~the~~ ~~considered~~ the product ~~is~~ a food container, or a beverage container, or even other type of packaging covered by the Directive, such as packets, wrappers, beverage cups or plates.

The sections below provide further guidance for the differentiation between SUP food containers, beverage containers and packets and wrappers. Clarification of the difference between food containers and cups for beverages are provided in the chapter on 'cups for beverages' (see chapter 2). The differentiation between food containers and plates is addressed in section 6.4 on plates.

Key elements to distinguish food containers from beverage containers

The main element to distinguish food containers from beverage containers, beverage bottles, and cups for beverages, is whether the receptacle contains a **food or beverage product**. As such, a further **description of what constitutes food and beverage** is necessary to help determine the classification of the packaging. Relevant criteria for distinguishing between a 'food' (also referred to as foodstuff) and 'beverage':

1. **The process of ingestion** of the product contained provides guidance to determine whether the receptacle contains a food or beverage product. More specifically, **food is typically chewed before it can be swallowed and ingested**; implying that it is placed on the marked in solid form. Recital 12 of the SUP Directive provides non-exhaustive examples of foodstuff, namely wrap, salads, fruits, vegetables and desserts.

A beverage product on the other hand is sold and consumed in liquid form, and can be ingested through drinking. Examples of beverage containers provided in Recital 12 include packaging of beer, wine, water, liquid refreshments, juices and nectars, instant beverages and milk. Therefore, ~~the consistency density and viscosity~~ of the product contained in a receptacle plays a decisive role in the distinction between food containers and beverage containers, beverage bottles and cups for beverages.

1. ~~The unit that the quantity of the food or beverage product is expressed.~~ In general, beverages are expressed in volume (e.g. ~~millilitre~~) and food ~~generally~~ in weight (e.g. grams). In some cases, however, the quantity of the foodstuff or beverage is not always indicated on the receptacle, particularly for those that are filled at the point of sale.

1.

1. **The design characteristics of the container, ~~specific to the content of the specific products.~~** Specifically the shape of the container and whether the foodstuff contained requires cutlery or not to be consumed indicate if the product is intended to be **consumed through drinking or eating.**

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As recital 12 specifically refers to **milk bottles** as a beverage container, milk should also be considered a beverage for the purposes of the SUP Directive. This is in line with general criteria on the form of consumption ('ingested through drinking'), its density and viscosity (liquid) and the type of receptacle, which for milk is similar to that for other beverages.

Certain foods, such as **soups, yoghurts and fruit purees** would normally not be 'chewed' before being swallowed. However, they should not be classified as 'beverages' for the purposes of the SUP Directive, as they are not 'ingested through drinking' and ~~for~~ their consumption ~~would require~~ cutlery is typically used which sets them aside from beverage products.

It must be noted that certain products in liquid form, even if they are 'drinkable', (**vinegar, liquid toppings, soya sauce, lemon juices, edible oils**, ~~products requiring dilution before consumption such as cordials, squashes, syrups or concentrates~~~~dilutable concentrates~~), in reality are not consumed directly from the container, and/or need further dilution before being drinkable. For example, vinegar and edible oils are added to a salad, while syrup concentrates are mixed with water in a separate container or bottle. For that reason, they do not qualify as beverages, as they are not consumed and 'ingested through drinking'. ~~Furthermore, containers of certain soup types that ~~are~~ ~~consumed through them~~ are sufficiently liquid to be "ingested by drinking" and intended to be consumed cold or chilled without use of cutlery are also not considered as beverage containers for the purposes of the Directive.~~












The table below provides an overview of the guidance indicators, such as intended usage and shape and form of the receptacle, including illustrative examples to help distinguish food containers from beverage containers.

Table Error! No text of specified style in document. 21-24 of. Guidance indicators and illustrative examples to differentiate between food containers and beverage containers

Single-use plastic food container	Single-use plastic beverage container
Indicators signifying that the receptacle <u>receptacle</u> contains foodstuff :	Indicators signifying that the receptacle <u>receptacle</u> contains a beverage :
<ol style="list-style-type: none"> Consumption typically requires the use of 4 cutlery e.g. spoon Due to the density and viscosity <u>consistency</u>, it is normally not 5 ingested through drinking. The quantity of the product is expressed generally <u>generally</u> in weight (e.g. grams) 	<p>The consistency <u>density and viscosity</u> allow direct ingestion through drinking; without chewing or the use of cutlery</p> <p>The quantity of the product is expressed in volume (e.g. millilitres)</p>

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Single-use plastic food container	Single-use plastic beverage container	
<p>Plastic multilayer pouch containing fruit purée (150 ml)</p> 	<p>Plastic multilayer pouch containing fruit juice (150 ml)</p> 	<p>Formatted: Font: 11 pt</p> <p>Formatted: Space Before: 6 pt, After: 6 pt, Line spacing: At least 14 pt</p> <p>Formatted: Font color: Custom Color(RGB(49;49;49)), English (United States)</p> <p>Formatted: Font color: Custom Color(RGB(49;49;49))</p>
<p>Plastic container containing yoghurt (100g)</p> 	<p>Plastic container containing drinkable yoghurt (150 ml)</p> 	<p>Formatted: Font: (Default) +Body (Calibri), 11 pt, Font color: Custom Color(RGB(49;49;49))</p> <p>Formatted: Space Before: 0 pt, After: 8 pt</p> <p>Formatted: Font: 11 pt</p> <p>Formatted: Font color: Custom Color(RGB(49;49;49)), English (United States)</p>
<p>Plastic container containing single sized portion noodle soup (100g)</p> 	<p>Milk carton (500 ml)</p> 	<p>Formatted: Font color: Custom Color(RGB(49;49;49)), English (United States)</p> <p>Formatted: Font color: Custom Color(RGB(49;49;49))</p> <p>Formatted: Font: (Default) +Body (Calibri), 11 pt, Font color: Custom Color(RGB(49;49;49))</p> <p>Formatted: Font: 11 pt</p>
<p>Carton box containing gazpacho (200 ml)</p> 	<p>Plastic container containing drinkable yoghurt (150 ml)</p>  <p>Plastic multilayer pouch containing juice (150 ml)</p> 	<p>Formatted: Font color: Custom Color(RGB(49;49;49)), English (United States)</p> <p>Formatted: Font: (Default) +Body (Calibri), 11 pt, Font color: Custom Color(RGB(49;49;49))</p> <p>Formatted: Font: (Default) +Body (Calibri), 11 pt, Font color: Custom Color(RGB(49;49;49))</p> <p>Formatted: Font: 11 pt</p>
<p>Carton box containing milk (1 l)</p> 	<p>Carton box containing milk (1 l)</p> 	<p>Formatted: Left, Space Before: 0 pt, After: 8 pt, Line spacing: Mu tiple 1,08 i</p> <p>Formatted: Font color: Custom Color(RGB(49;49;49))</p> <p>Formatted: Font: (Default) +Body (Calibri), 11 pt, Font color: Custom Color(RGB(49;49;49))</p>

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Single-use plastic food container	Single-use plastic beverage container

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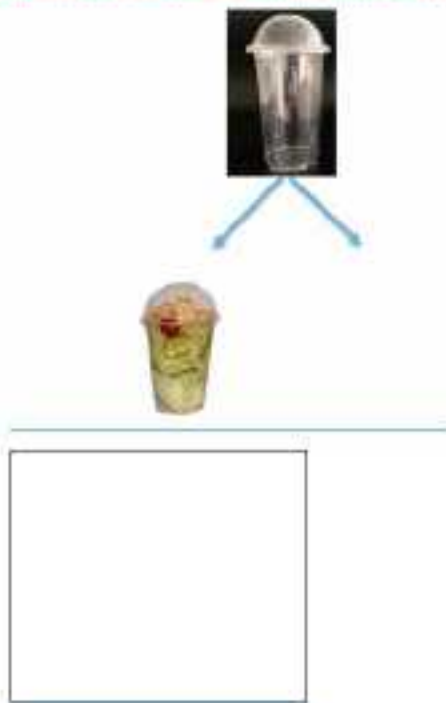
Key elements to distinguish between food containers and cups for beverages

With regard to cups for beverages, in addition to determining whether the product contained is a food or a beverage, further clarification is also needed on how to consider cups that are placed on the market empty by manufacturers, however which can be filled by retailers both with food and beverage products. ~~This clarification is important, due to the differences on the requirements laid down by the SUP Directive on beverage containers and cups for beverages.~~ An example of this type of cup is provided in the figure below.

The intended use and whether such single-use plastic cups for beverages are intended food or beverages is typically known by the initial distributor or the filler of the cups. if at the time of placing on the market it is unclear whether a product is a beverage cup or a food packaging, the manufacturer must comply with the requirements of the directive for both types of products. He must label the product in accordance with Article 7, for example.

Figure Error! No text of specified style in document.-1containers sold in retail and wholesale stores

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Key elements to distinguish food containers from packets and wrappers

The differentiation between food containers and packets and wrappers should be based on the rigidity of the packaging. Specifically, for the purposes of the SUP Directive, foodstuff products with rigid and semi-rigid packaging should be classified as 'food containers', whereas products with flexible packaging materials should be categorised as packets and wrappers.

Flexible packaging implies that it bends easily without breaking. A commonly used standard to define the rigidity of a product in EPR schemes is ISO 21067-1:2016². In relation to the rigidity of the packaging, this standard sets the following terms and definitions:

1. Flexible packaging: "packaging whose shape is likely to change after the contents are added or removed"
2. Rigid packaging: "packaging whose shape remains essentially unchanged after the contents are added or removed"

² ISO 21067-1:2016 "Packaging — Vocabulary — Part 1: General terms", available at : <https://www.iso.org/standard/66981.html>



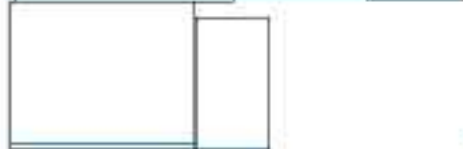


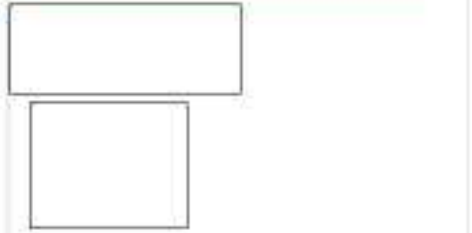


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The same standard is also applicable to non-packaging items that fall under the scope of the SUP Directive. Some food items are packaged in a combination of rigid and more flexible material, e.g. certain fruits or prepared foods sold in paper trays and covered by plastic wrappers. In those cases, the presence of rigid materials in the packaging should classify the product as a 'food container'.

Table 1-5 Table 1-5 Illustrative examples on the differentiation of food containers and packets and wrappers are provided in Table 1-5. Table 1-4 provides illustrative examples on the differentiation of food containers and packets and wrappers.

Table Error! No text of specified style in document. 1-4-45: Illustrative examples of differentiation between single-use plastic food containers and packets and wrappers

Single-use plastic food container	Single-use plastic packet and wrapper
The container is made fully or partially partly from rigid material containing plastic as indicated by ISO 21067-1:2016	The container is made from flexible material containing plastic as indicated by ISO 21067-1:2016
	
	
	
	

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3. BEVERAGE CONTAINERS; BEVERAGE BOTTLES; CUPS FOR BEVERAGES (INCLUDING THEIR CAPS, COVERS AND LIDS)

This Chapter provides further clarification of the criteria for defining the following single use product groups: (1) **beverage containers**, (2) **beverage bottles**, and (3) **cups for beverages**.

First, an overview is provided of the **product description** laid down in the Directive (Section 2.1), followed by guidance on how to distinguish between the **product categories** (Section 2.2), as well as a specific section on caps, lids and covers (Section 2.3), and an overview of product specific exemptions (Section 2.4).

Section 2.5 clarifies the distinction between **single use and multiple use** beverage containers, bottles and cups. Finally, Section 2.6 provides summary tables for each product group and a non-exhaustive list of examples/illustrations.

1. Product descriptions and criteria in the Directive

The table below, provides an overview of the product criteria relating to beverage containers, beverage bottles, and cups for beverages, provided in the SUP Directive.

Table Error! No text of specified style in document. 32-4: Relevant descriptions of beverage containers; beverage bottles; and cups for beverages, including their caps and lids in the SUP Directive

Relevant product-specific descriptions

Beverage containers:

Parts C and F of the Annex describe beverage containers as follows:

"Beverage containers with a capacity of up to three litres, i.e. receptacles used to contain liquid, such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not:

(a) glass or metal beverage containers that have caps and lids made from plastic,

(b) beverage containers intended and used for food for special medical purposes as defined in point (g) of Article 2 of Regulation (EU) No 609/2013 of the European Parliament and of the Council that is in liquid form."

Parts E(3) and G(3) of the Annex describe beverage containers as follows:

"Beverage containers with a capacity of up to three litres, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have caps and lids made from plastic"

Beverage bottles: are also referred to in Part F of the Annex, as follows:

"Beverage bottles with a capacity of up to three litres, including their caps and lids, but not:

(a) glass or metal beverage bottles that have caps and lids made from plastic,

(b) beverage bottles intended and used for food for special medical purposes as defined in point (g) of Article 2 of Regulation (EU) No 609/2013 that is in liquid form."

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Cups for beverages:

Parts A(1), E(4) and G(4) of the Annex SUP Directive use the term cups for beverages as “cups for beverages, including their covers and lids”. In addition Part D(4) of the Annex refers to “cups for beverages”, but without referring to ‘covers and lids’.

Based on the above, it can be concluded that the following two main descriptors are used to define both SUP beverage containers and beverage bottles:

- (1) capacity of “up to three litres”, and
- (2) “receptacles used to contain liquid”.

As explained in Section 1.5 above, a **‘beverage product’** is sold and consumed in liquid form, and is ingested through drinking. The term **“beverage”** thus refers to its liquid form, and way of consumption (‘drinking’). Recital 12 provides specific examples of liquids that are considered as beverages, namely “beer, wine, water, liquid refreshments, juices and nectars, instant beverages or milk”.

In addition, Annex Parts C, E(3), G(3), and F (beverage bottles only) specify that **“caps and lids”** are included in the definition of beverage containers and beverage bottles. Furthermore, “composite beverage packaging” is also included.

With regard to **cups for beverages**, the SUP Directive does not provide for a specific description, criteria or examples. Parts A (1), E(4) and G (4) of the Annex only specify that “covers and lids” are also to be included in this product category. As such, further clarification is needed on how to define SUP beverage cups for the purposes of the Directive.

2. Distinction between the product categories

The definitions and criteria provided in the SUP Directive do not allow for drawing a clear distinction between beverage containers, beverage bottles, and cups for beverages.

Drawing from other relevant legislative and non-legislative sources, the following classification [relevant to SUP Directive](#) can be made:

1. **Beverage containers** are defined as ‘receptacles with a capacity of up to 3 litres, including their caps and lids, used to contain beverages’
2. **Beverage bottles** are defined as ‘beverage containers with a narrow neck or mouth and with a capacity of up to 3 litres, including their caps and lids, used to contain beverages, excluding composite beverage packaging’³.
3. **Cups for beverages** are defined as ‘small, round, usually bowl-shaped drinking vessels with or without a cover or a lid, sold empty or containing beverages open usually bowl-shaped drinking vessels with or without a cover or a lid, sold empty or containing beverages’⁴.

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³ According to ISO 21067-1:2016, bottles are “rigid packaging, typically of glass or plastic, having a comparatively narrow neck or mouth, with a closure and usually no handle”.

⁴ According to [Macmillan dictionary definition](#) [Merriam-Webster's cat](#) – the definition of a cup is as follows – an open usually bowl-shaped drinking vessel.


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As explained in Recital 12, for the purpose of the SUP Directive, beverage bottles are included in the category of beverage containers⁵. As also explained in Recital 12, cups for beverages are “a separate category of single-use plastic products” for the purposes of the SUP Directive.

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The key element for distinguishing between the three product categories is their shape. The table below provides illustrative examples of beverage containers, beverage bottles, and cups for beverages that indicate the shape-related elements to be considered for the classification of these product categories.

Table Error! No text of specified style in document. 4-3: Illustrative examples for the classification of beverage containers; beverage bottles; and cups for beverages

Beverage containers	Beverage bottles	Cups for beverages
<p>Receptacles with a capacity of up to 3 litres, used to contain beverages (includes also beverage bottles)</p> 	<p>Rigid beverage containers with a narrow neck or mouth and a capacity of up to 3 litres, including their caps and lids, used to contain beverages</p> 	<p><i>Small, round, usually bowl-shaped drinking vessels with or without a cover or a lid, sold empty or containing beverages</i> <i>Open and usually bowl-shaped drinking vessel receptacles, open at the top, with or without a cover or a lid, sold empty or containing beverages</i></p> 

<https://www.merriam-webster.com/dictionary/british/cup> 1 <https://www.merriam-webster.com/dictionary/cup>

⁵ Recital 12 refers to “beverage bottles” as an example of “beverage containers”.

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1. Caps, lids and covers

The SUP Directive refers to "caps and lids" as closures ~~assemblies~~ for beverage containers and beverage bottles, whereas for cups for beverages the Directive refers to "lids and covers".

Caps, lids and covers can be considered as "closures"⁶, i.e. "means of closing packaging to retain its contents". They are used in combination with beverage containers, beverage bottles, and cups for beverages to ensure that the liquid product contained does not overflow and can be transported. The SUP Directive does not provide a clear definition, nor does any existing EU legislation or technical standards. Based on expert opinion, the following guidance can be used to define them:

1. **Caps:** closure ~~assemblies~~ that are fitted onto beverage containers or beverage bottles, for example in order to prevent the contained liquid from leaking (also after for example a lid has been removed) and to allow for safe transportation. Caps are currently typically of screw or hinged snap types. Screw caps can be "flat top", which is the most common form, or be the base support for e.g. a drinking spout generally termed a "sports cap". Sports caps can in turn be either of the push-pull shutter or flip-top types which by nature are designed to remain attached". This type of cap will often include ~~Very generally caps comprise~~ a tamper-evident feature.
2. **Lids:** ~~aluminium~~ foil films sealed onto beverage ~~containers~~; beverage bottles and cups for beverages. They can be peeled or torn-off. Once ~~such a lid is removed on first opening~~ ~~and lid is torn on first opening~~ by a consumer, it cannot be placed back on the product. Lids can also refer to certain larger diameter or non-round caps.
3. **Covers:** Closure ~~assembly~~ used on cups for beverages which protect the liquid contained but generally do not provide a complete seal. They can be re-placed on the product after having

⁶ defined in ISO standard 21067-1:2016⁶

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been removed without losing their closure function. Some covers may have a tamper-evident feature, which is considered part of the closure assembly.

Article 6 (1) in conjunction with Annex part C of the Directive lay down the product requirement that plastic caps and lids of single use plastic beverage containers up to 3 l capacity remain attached to the container during the product's intended use stage. The intended use stage is to be understood as from first opening of the container by the consumer to the proper disposal of the container after consumption of the contents. Article 6 (3) provides that the Commission request the European standardisation organisations to develop harmonised standards relating to the requirement of article 6 (1), conformity to which will constitute a 'presumption of conformity' with that requirement, as set out in article 6 (4). Article 6(3) further provides that the standards shall address the necessary strength, reliability and safety of beverage container closures, including those for carbonated drinks. This is to be understood as including in the standard appropriate risk assessment and risk reduction methodologies for the attachment feature of the cap or lid, based on industrial best practice, to ensure consumer safety as appropriate for the product type and intended use."

The exceptions from the scope of the SUP Directive of beverage containers and beverage bottles (see section 1) also apply to their caps and lids.

Table 2-7-3 Illustrative examples of caps and lids for SUP beverage containers and beverage bottles and covers and lids for SUP cups for beverages are provided in Table 2-3~~provides some illustrative examples of caps and lids for SUP beverage containers and beverage bottles, and covers and lids for SUP cups for beverages.~~ The table also provides examples of how certain types of caps, lids and covers are to be considered in the context of the SUP Directive.

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Table Error! No text of specified style in document. 5-3-2: Examples of different types of caps, lids and covers and how they are considered under the SUP Directive

Type of caps, lids and covers	Scope of the SUPD
<p data-bbox="138 464 755 520">Caps made of plastic, used in combination with SUP beverage bottles (illustration) and beverage cartons (no illustration)</p> 	<p data-bbox="873 464 1003 489">INCLUDED</p>
<p data-bbox="138 905 722 961">Sports caps made of plastic, used in combination with SUP beverage bottles:</p> 	<p data-bbox="873 905 1003 930">INCLUDED</p>

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<p>Caps made of plastic, used in combination with SUP beverage pouches</p> 	<p>INCLUDED</p>
<p>Flip-top caps for SUP beverage containers</p> 	<p>INCLUDED</p>
<p>Lids made of plastic, used in combination with SUP beverage cartons</p> 	<p>INCLUDED</p>

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Plastic cap with separate sealing membrane (2 step closure) used in combination with a SUP beverage container



INCLUDED

The sealing membrane does not enter into the definition of "cap" or "lid" and is not in the scope of Article 6.

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Covers made of plastic, used with SUP cups for beverages



INCLUDED

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<p>Roll on pilfer proof aluminium cap with plastic seal and plastic tamper evident band used in combination with SUP beverage containers and beverage bottles</p> 	<p>PARTIALLY INCLUDED</p> <p>Metal caps or lids with plastic seals are subject to the requirements of the SUP Directive, except those in Article 6.</p>
<p>Pull ring caps with plastic seal and plastic pull tab used in combination with SUP beverage containers and beverage bottles</p> 	<p>PARTIALLY INCLUDED</p> <p>Metal caps or lids with plastic seals are subject to the requirements of the SUP Directive, except those in Article 6.</p>
<p>Aluminium foil lid seal on a SUP beverage container. Aluminium foil lid sealed onto a SUP beverage container or a beverage bottle</p> 	<p>PARTIALLY INCLUDED</p> <p>Metal caps or lids with plastic seals are subject to the requirements of the SUP Directive, except those in Article 6.</p>

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1. Product-specific exemptions

The relevant parts of the Annex (Parts C, E, F and G) of the Directive explicitly **exclude glass or metal beverage containers and beverage bottles that have caps and lids made from plastic**, from those requirements that apply to plastic beverage containers⁷.

Similarly, **caps and lids made from plastic used on glass or metal** beverage containers and beverage bottles are excluded from the requirements of the SUP Directive (recital 7). In addition, as laid down by Article 6 (2), "metal caps or lids with plastic seals shall not be considered to be 'made of plastic' for the purposes of Article 6 on product requirements.

In addition, beverage containers and beverage bottles "used for food for special medical purposes" as defined in point (g) of Article 2 of Regulation (EU) No 609/2013 of the European Parliament and of the Council⁸ that is in liquid form, are also exempted from Article 6, pursuant to Part C and Part F of the Annex.

2. Distinction between single-use and multiple use beverage containers, beverage bottles, and cups for beverages

Based on the guidance provided in Part 2, Chapter 3, the factors that can help to define whether a beverage container, beverage bottle, or cup for beverage is considered as 'single-use' as opposed to multiple-use are based both on the product **design characteristics**, in particular:

1. Where the receptacle is conceived, designed and placed on the market for **refill and reuse**, the product should be considered 'multiple-use'.
2. The **design characteristics** on the basis of which to assess whether food containers can undergo multiple trips and rotations by being re-filled or re-used for the same purpose as for which the packaging (i.e. containers and cups) were originally conceived (see chapter 1.3). Product design criteria include the product's durability based on material composition, and whether the product can be washed/repared without losing product performance and quality.

Furthermore, the product's **volume and size** are relevant in this context:

1. Beverage containers and beverage bottles, any receptacle with the capacity of up to 3 litres should be considered as 'single-use' for the purpose of the Directive. The SUP Directive does not set a specific threshold on the volume or size of cups for beverages. However, beverage cups are typically designed for single-size portions.
2. **As in the case of food containers, if beverage containers, beverage bottles and/or cups for beverages, that are packaged collectively (i.e. multipacks), the outer package is not**

⁷ Articles 6, 8 and 10 and Annex Part C, E(3) and G(3), Article 6(5) and 9.

⁸ Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 Text with EEA relevance

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considered to be a single-use package and is not to be excluded from the scope of the Directive. However, the single-use plastic beverage containers sold in multipacks are included in the scope of the SUPD.

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1. Product overview and list of illustrative examples

The tables below provide a summary overview of the main criteria to define SUP beverage containers and beverage bottles (2.6.1) and cups for beverages (2.6.2). The general criteria refer to the single-use of a product and the plastic contained in the product, whereas the product specific criteria are those described in this Chapter.

In addition, a non-exhaustive list of examples is provided to illustrate how the different products can be assessed based on the criteria and indicators provided in this Chapter.

1. Beverage containers and beverage bottles

Table Error! No text of specified style in document. 62-44: Main criteria and guidance indicators to define SUP beverage containers and beverage bottles for the purposes of the SUP Directive


General criteria		Description and examples
Plastic product	Made wholly or partially of plastic	Product contains plastic (for definition of plastic, see Part 1). Product contains plastic (see Part 1)
	Material consisting of a polymer, which can function as a main structural component	Polymer(s) as defined in REACH (for definition of plastic, see Part 1). Polymer(s) as defined in REACH
	Exception for "natural polymers that not been chemically modified"	General guidance on interpreting the exception for "natural polymers that not been chemically modified" is provided in Part 1
Single-use		Design characteristics of the product: the beverage container or beverage bottle is not designed and placed on the market with the intention of being re-filled (refill system) or re-used (durability). Volume/size: containers up to 3L; <u>the outer package of multipacks is not considered to be a single-use package and is to be excluded from the scope of the Directive. However, the single-use plastic beverage containers sold in multipacks are included in the scope of the</u>

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		SUP , Multi-packs are excluded	
Product-specific criteria	Guidance indicators	Description and examples	
Capacity	Size or volume of receptacle	1.	Beverage containers and beverage bottles with a capacity up to 3 L (including their caps and lids) with a high tendency to be consumed on-the-spot or take-away
Type of liquid contained	Used to contain a beverage / filled or intended to be filled and used with a beverage	2.	Examples of beverages as per Recital 12 of the SUP Directive include beer, wine, water, liquid refreshments, juices and nectars, instant beverages or milk. Further clarifications in relation to the definitions on beverages are provided in section 1.02.3.1 .

The table below provides illustrative examples for beverage containers and beverage bottles and the corresponding criteria.




Table Error! No text of specified style in document_73-54: Illustrative examples of beverage containers

Type of beverage containers; and beverage bottles	General criteria		Product-specific criteria		Fulfilment of all relevant general and product-specific criteria?
	Plastic	Single-use	Capacity	Type of liquid contained	
Beverage pouches (fully plastic or with plastic layer, up to 3 litres) 	YES	YES	YES	YES	INCLUDED (Beverage Container)

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Type of beverage containers; and beverage bottles	General criteria		Product-specific criteria		Fulfillment of all relevant general and product-specific criteria?
	Plastic	Single-use	Capacity	Type of liquid contained	
Plastic bottles (up to 3 litres) 	YES	YES	YES	YES	INCLUDED (Beverage Bottle)
Plastic container with <u>small single-serve</u> portion of milk or cream (e.g. for coffee or tea) 	YES	YES	YES	YES	INCLUDED (Beverage Container)
Single and multiple-size composite beverage carton (up to 3 litres) 	YES	YES	YES	YES	INCLUDED (Beverage Container)

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Type of beverage containers; and beverage bottles	General criteria		Product-specific criteria		Fulfillment of all relevant general and product-specific criteria?
	Plastic	Single-use	Capacity	Type of liquid contained	
Carton box with plastic inner bag (up to 3 litres) 	YES	YES	YES	YES	INCLUDED (Beverage Container)
Plastic water bottle (5 litres) 	YES	NO	NO	YES	EXCLUDED EXCLUDED The capacity of the beverage bottle is over 3 litres.

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Type of beverage containers; and beverage bottles	General criteria		Product-specific criteria		Fulfillment of all relevant general and product-specific criteria?
	Plastic	Single-use	Capacity	Type of liquid contained	
Reusable and refillable <u>plastic</u> beverage bottles 	YES	NO	YES	YES	EXCLUDED Reusable bottle
Glass beverage bottles with plastic caps or lids 	NO	NO	YES	YES	EXCLUDED The bottle is made of glass
Metal beverage bottles with plastic caps or lids 	NO	NO	YES	YES	EXCLUDED The bottle is made of metal

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Type of beverage containers; and beverage bottles	General criteria		Product-specific criteria		Fulfillment of all relevant general and product-specific criteria?
	Plastic	Single-use	Capacity	Type of liquid contained	
One piece plastic beverage container with a moulded break-off closure	YES	YES	YES	YES	INCLUDED (Beverage Container)

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1. Product overview: Cups for beverages

Table Error! No text of specified style in document.: Main criteria and guidance indicators to define SUP cups for beverages

General criteria		Description and examples
Plastic product	Made wholly or partially of plastic	Product contains plastic (as explained in Part 1)
	Contains plastic polymers which can function as a main structural component	Polymer(s) as defined in REACH
	Contains polymers which do not meet the definitions of "natural polymers that not been chemically modified"	General guidance on interpreting the exception for "natural polymers that not been chemically modified" is provided in Part 1
Single-use		<p>Reusable or refillable nature of the product: the beverage cup is not designed and placed on the market for re-fill (refill system in place) or re-use (based on product durability).</p> <p>Volume/size: typically single serve portion</p>
Product-specific criteria	Guidance indicators	Description and examples
Intended use	Filled or intended to be filled with a beverage	Examples of beverages as per Recital 12 of the SUP Directive include beer, wine, water, liquid refreshments, juices and nectars, instant beverages or milk ⁹ . Further clarifications in relation to the definition of beverage are provided in section 0 (i.e. liquid that is ingested/consumed through drinking).


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The table below provides illustrative examples for cups for beverage and the corresponding criteria.

⁹ Whereas Recital 12 provides examples of beverages only for beverage containers and beverage bottles, the same examples are relevant for the definition of "beverage" in the context of cups for beverages.

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Type of cups for beverages	General criteria		Product-specific criteria	Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Filled or intended to be filled with a beverage	
Cups for cold beverages made of 100% plastic (with or without cover or lid) 	YES	YES	YES	INCLUDED (CUP for BEVERAGE)

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Type of cups for beverages	General criteria		Product-specific criteria	Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Filled or intended to be filled with a beverage	
<p>Fully-plastic cups sold in retail and wholesale stores made of 100% plastic for juices or alcohol containing drinks</p> 	YES	YES	YES	INCLUDED (CUP for BEVERAGE)
<p>Carton-Paper-based plastic cups with inner and outer plastic lining or coating for hot or cold beverage; (with or without cover or lid)</p> 	YES	YES	YES	INCLUDED (CUP for BEVERAGE)

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Type of cups for beverages	General criteria		Product-specific criteria	Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Filled or intended to be filled with a beverage	
<p>Carton-plasticPaper-based cups with inner plastic coating sold in retail and wholesale stores</p> 	YES	YES	YES	INCLUDED (CUP for BEVERAGE)

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Type of cups for beverages	General criteria		Product-specific criteria	Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Filled or intended to be filled with a beverage	
<p>Carton-plasticPaper-based cups with inner biodegradable plastic coating sold in retail and wholesale stores</p> 	YES	YES	YES	INCLUDED (CUP for BEVERAGE)
<p>Plastic cups sold as part of refill schemes</p> 	YES	NO	YES	EXCLUDED The cup is part of a refill system.

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Type of cups for beverages	General criteria		Product-specific criteria	Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Filled or intended to be filled with a beverage	
Plastic cup with instant beverage powders to which the addition of e.g. milk or water is necessary before the product can be consumed 	YES	NO	NO	EXCLUDED The receptacle is not used to contain beverage
Reusable beverage cups sold in retail shops for multiple uses 	YES	NO	YES	EXCLUDED The cup is reusable

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Type of cups for beverages	General criteria		Product-specific criteria	Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Filled or intended to be filled with a beverage	
Refillable consigned cups sold in retail shops for multiple uses 	YES	NO	YES	EXCLUDED The cup is reusable

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3. PACKETS AND WRAPPERS

1. Product descriptions in the Directive

The Annex of the SUP Directive (Parts E.(2), and G(2)) describes packets and wrappers as follows:

"packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation".

The table below provides an overview of the relevant descriptions of 'packets and wrappers' in the SUP Directive.

Table Error! No text of specified style in document.:10-1: Descriptions of packets and wrappers in the SUP Directive

Relevant product-specific descriptions
Parts E(2) and G(2) of the Annex describe packets and wrappers as follows: <i>"Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation".</i>

2. Product criteria and indicators

The product-specific criteria for packets and wrappers included in the Annex can be further explained using the following indicators (as also applied in the section on food containers):

1. Made from **flexible material** (as opposed to a food container which is usually made from rigid material)

Indicators:

1. Flexible packaging: "packaging whose shape is likely to change after the contents are added or removed" as opposed to 'rigid packaging': "packaging whose shape remains essentially unchanged after the contents are added or removed"⁴⁰

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1. Containing food intended for immediate consumption from the packet or wrapper without any further preparation

Indicators:

1. Nature of foodstuff contained: foodstuffs ~~suitable that do not require specific storage conditions, and which are~~ for immediate consumption (e.g. ~~ice-cream~~ sweets, nuts, ~~chocolate~~chocolate bars ~~pre-washed cherry tomatoes~~ crisps).
2. The shape of the package or wrapper allows for consumption directly from the package i.e. by simply opening it and without the need of placing the contents in another receptacle e.g. in a plate or a bowl, before consumption.

⁴⁰ ISO 21067-1:2016 "Packaging — Vocabulary — Part 1: General terms".

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3. The inclusion or attachment of items such as forks, knives, spoons and sticks and/ or sauces. However, the absence of such items does not in itself exclude the product from the product category.
4. No need to process the foodstuff contained before consumption.
5. Distinction between single-use and multiple-use packets and wrappers

The following section provides criteria for distinguishing **single use** packets and wrappers from multiple use packets and wrappers.

SUP packets and wrappers are conceived, designed and placed on the market to be used just once before disposal¹¹. As discussed in Part 1, product design characteristics determine whether a packet or wrapper should be considered as single-use or multiple-use. These product design characteristics include:

1. **Design/nature of packaging:** A multiple-use packet or wrapper (contrary to a single-use packet or wrapper) is one that has been **purposely designed so that it can be used more than once ('re-used')**. This includes packets or wrappers that are intentionally designed for refill or reuse "for the same purpose for which they are conceived" and can fulfil their original purpose multiple times without losing original product functionality, physical capacity or quality. This includes for example plastic items designed for multiple use (e.g. re-sealable packets or wrappers made from durable plastic packets or wrappers) ~~or non-plastic alternative products such as cloth or net bags, as well as paper or biodegradable wrappers intended as a sustainable alternative to the plastic equivalent.~~
2. **Size and volume:** Packets or wrappers ~~of larger volume~~ that contain more than ~~a~~ **one** single-serve portion size of a food product ~~(whether individually wrapped or not)~~ should also be considered to be multiple-use (examples include wrappers on whole loaves of bread, multi-portion packets of pasta and inner bags of multiple-portion cereal boxes).

1. Product overview and list of illustrative examples

Table Error! No text of specified style in document.,¹¹ summarises the general and product-specific criteria provided by the SUP Directive to define the types of packets and wrappers covered. Guidance is provided on how to interpret the general and product-specific criteria, along with illustrative examples on whether certain types of packets and wrappers are included or excluded under the SUP Directive in Table Error! No text of specified style in document.,¹². Although the examples included are non-exhaustive, they serve to provide additional guidance on how to interpret the definitions and relevant requirements of the SUP Directive.

Table Error! No text of specified style in document.,¹¹¹²: Main criteria of the SUPD and guidance to define SUP packets and wrappers

General criteria	Description and examples
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¹¹ The Commission staff working document "Impact Assessment: Reducing Marine Litter: action on single use plastics and fishing gear, Accompanying the document Proposal for a Directive of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment" (SWD(2018) 254 final PART 3/3) states that no multi-use packaging formats exist for packets and wrappers (see Table 5 on p. 35).

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Plastic product	Made wholly or partially of plastic	Product contains plastic (for definition of plastic, see Part 1). Product contains plastic (for guidance see Part 1 of the Guidelines)
	Material consisting of a polymer, which can function as a main structural component	Polymer(s) as defined in REACH (for definition of plastic, see Part 1) Polymer(s) as defined in REACH
	Exception for "natural polymers that have not been chemically modified"	General guidance on interpreting the exception for "natural polymers that have not been chemically modified" is provided in Part 1
Single-use		<p>Product-design characteristics:</p> <p>1. Reusable or refillable nature of final product/packaging: The packet or wrapper is not conceived, designed and placed on the market for refill or reuse (e.g. does not meet the durability criteria established in standard CEN EN 13429:2004 on reuse of packaging)</p> <p>1. Single-serve portion: The packet or wrapper contains a single-serve portion of a food product. In general, the portion size of a packet or wrapper can be defined based on information displayed thereon (see also section 1). <u>Packets or wrappers that contain food in more than single-serve portions or single-serve portion-sized food packets and wrappers sold in more than one unit, including those sold in multipacks, should not be considered single-use products for the purpose of the SUP Directive.</u> Packets or wrappers that contain single-serve portions, including those sold in multipacks, should not be considered single-use products for the purpose of the SUP Directive. (Recital 12)</p>
Product-specific criteria	Guidance indicators	Description and examples
Made from flexible material	Nature of packaging	Packaging that is made from flexible material i.e. that can be bent easily without breaking, is supple and rather thin, and has a shape that is likely to change after the contents are added or removed.

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Intended for immediate consumption	Nature of foodstuff contained	Foodstuffs suitable for immediate consumption (e.g. sweets, nuts, chocolate bars, pre-washed cherry tomatoes, crisps). Foodstuffs that do not require specific storage conditions, and which are for immediate consumption (e.g. wafers, nuts, chocolate, crisps).
	Nature of packaging	The type of packaging indicates that the foodstuff contained is intended for immediate consumption after opening/purchasing . For example, the packet or wrapper can be easily and practically removed e.g. by tearing, cutting, twisting or pulling it apart.
	Point-of-sale	The product is usually consumed on-the-spot or as take-away (e.g. fast-food restaurants, food trucks, vending machines, take away aisle in supermarkets, caterers) and therefore it is more prone to become litter.
Ready to be consumed without further preparation	No need to process any foodstuff	<ol style="list-style-type: none"> The foodstuff does not require boiling, frying, grilling, baking, roasting, microwaving, toasting, heating or freezing. The foodstuff does not require boiling, frying, grilling, baking or cooking. There is no requirement to add cold water or hot water or milk before the consumption of the foodstuff such as in the case of cereals. The foodstuff does not require freezing before consumption. The term "process" does not include toasting, microwaving, or otherwise heating a product for palatability (rather than for the purpose of cooking the product). In addition, washing, peeling or cutting of foodstuff are not considered 'processing'.

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Table Error! No text of specified style in document.: How are different types of packets and wrappers considered under the SUP Directive?

Type of packet or wrapper	General criteria		Product-specific criteria			Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Made from flexible material	Intended for immediate consumption	Ready to be consumed without further preparation	
<p>Packet or wrapper containing a single-serve portion size of food (e.g. biscuits, nuts, crisps, popcorn, sweets, chocolate bars, bakery goods, frozen goods) sold by single unit</p> 	YES	YES	YES	YES	YES	Included

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Type of packet or wrapper	General criteria		Product-specific criteria			Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Made from flexible material	Intended for immediate consumption	Ready to be consumed without further preparation	
<p>Packet or wrapper containing individually packed/wrapped single-serve portion size of food (e.g. crisps, sweets, chocolate bars, bakery goods, frozen goods) sold in more than one unit (i.e. within any type of multipack receptacle).</p> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; width: 80px; height: 80px;"></div> <div style="border: 1px solid black; width: 100px; height: 40px;"></div> </div>	YES	NO/NA	YES	NO/NA	YES	<p><u>Excluded</u> Single-serve portion-sized food sold in more than one unit. Contents not for immediate consumption as typically stored in the surrounding (outer) packet until all single portions consumed. included</p>

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Type of packet or wrapper	General criteria		Product-specific criteria			Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Made from flexible material	Intended for immediate consumption	Ready to be consumed without further preparation	
Surrounding (outer) packet or wrapper containing individually wrapped single portions of food (e.g. crisps, sweets, chocolate chocolate bars), i.e. multipack	YES	NO	YES	NO	YES	included Excluded Individually wrapped single-serve portions sold in more than one unit. Contents not for immediate consumption as typically stored in the surrounding (outer) packet until all single portions consumed. Contents not for immediate consumption from the packet, typically stored until all consumed.

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Type of packet or wrapper	General criteria		Product-specific criteria			Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Made from flexible material	Intended for immediate consumption	Ready to be consumed without further preparation	
Packet containing multiple-serve portions of food which are not individually wrapped (e.g. bakery goods, biscuits, sweets, chewing gum, crisps) <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; width: 80px; height: 80px;"></div> <div style="border: 1px solid black; width: 80px; height: 80px;"></div> </div>	YES	NO	YES	NO	YES	included Excluded Foodstuff is not for immediate consumption from the packet, typically stored until all consumed
Sandwich wrapper	YES	YES	YES	YES	YES	Included
Packet containing single-serve portion of condiment/sauce	YES	YES	YES	YES	YES	Included



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Type of packet or wrapper	General criteria		Product-specific criteria			Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Made from flexible material	Intended for immediate consumption	Ready to be consumed without further preparation	
Cereal bag containing either a single-serve or multiple-serve portion size 	YES	NO	YES	NO	NO	Excluded Excluded Contains multiple-serve portion size; foodstuff is not intended for immediate consumption from the packet; typically stored until all consumed; for both portion sizes ; milk is typically added before consumption
Packet containing multiple-serve portions of fresh/dried food (e.g. salad, vegetables, fruit, pasta, lentils) 	YES	NO	YES	NO	NO	Excluded Excluded Foodstuff may be consumed immediately after opening or stored until all consumed, and is typically not consumed directly from the packet or wrapper; Foodstuff is typically further prepared before consumption

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6.4 LIGHTWEIGHT PLASTIC CARRIER BAGS

1. Product description in the Directive

For the definition of lightweight plastic carrier bags, the Directive (Parts E.1(5) and G(8) of the Annex) refers to the definition in **Article 3(1c) of the PPW Directive**, which reads as follows:

"lightweight plastic carrier bags" shall mean plastic carrier bags with a wall thickness below 50 microns"

The table below provides an overview of the relevant descriptions in the SUP Directive for lightweight plastic carrier bags.

Table Error! No text of specified style in document. 134-4 Descriptions of lightweight plastic carrier bags in the SUP Directive

Relevant product-specific descriptions
Annex Parts E.1(5) and G(8): "Lightweight plastic carrier bags as defined in point 1c of Article 3 of Directive 94/62/EC"
Point 1c of Article 3 of the PPW Directive defines lightweight plastic carrier bags: <i>"lightweight plastic carrier bags" shall mean plastic carrier bags with a wall thickness below 50 microns;</i>
In addition, point 1d of Article 3 of the PPW Directive defines very lightweight plastic carrier bags as follows: <i>"very lightweight plastic carrier bags" shall mean plastic carrier bags with a wall thickness below 15 microns which are required for hygiene purposes or provided as primary packaging for loose food when this helps to prevent food wastage"</i>
The general term <i>"plastic carrier bags"</i> is defined in point 1b of Article 3 of the PPW Directive: <i>"plastic carrier bags" shall mean carrier bags, with or without handle, made of plastic, which are supplied to consumers at the point of sale of goods or products"</i>

2. Product criteria and indicators

The product-specific criteria for single use light-weight carrier bags provided in the Annex can be clarified on basis of the following indicators:

1. **Product design characteristic:** thickness of the material: bags with a wall thickness below 50 microns (point 1c of Article 3 of Directive 94/62/EC)

This criterion duly reflects the Directive's objective to reduce (marine) litter. As stated in Recital 4 of Directive (EU) 2015/720 such bags are less frequently reused than thicker plastic carrier bags, become waste more quickly, and are more prone to littering due to their light weight.

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2. **Point of sale / distribution:** refers to the point of sale where the product is supplied/distributed to the consumer (as defined in Point 1c of Article 3 of the PPW Directive).

The SUP Directive covers all "lightweight plastic carrier bags". This includes the very lightweight plastic carrier bags (those with a wall thickness below 15 microns), which in certain conditions may be excluded from the PPWD.

1. Product overview and list of illustrative examples

Table Error! No text of specified style in document. 14 summarises the main general and product-specific criteria provided by the SUP Directive to define the lightweight plastic carrier bags covered. Guidance is provided on how to interpret these criteria, along with illustrative examples on whether certain types of plastic carrier bags are included or excluded under the SUP Directive in Table Error! No text of specified style in document. 15.

Table Error! No text of specified style in document. 14-2: Main criteria of the SUPD and guidance to define single use lightweight plastic carrier bags

General criteria		Description and examples
Plastic product	Made wholly or partially of plastic	Product contains plastic (for definition of plastic, see Part 1) Product contains plastic (see guidance in Part 4)
	Material consisting of a polymer, which can function as a main structural component	Polymer(s) as defined in REACH (for definition of plastic, see Part 1). Polymer(s) as defined in REACH
	Exception for "natural polymers that not been chemically modified"	Guidance on interpreting the exception for "natural polymers that not been chemically modified" is provided in Part 1
Single-use		Product design characteristics: wall thickness below 50 indicates that these bags are not purposely designed, conceived and placed on the market to be re-used.
Product-specific criteria	Guidance indicators	Description and examples
Lightweight plastic carrier bag	Thickness of the plastic carrier bag	Lightweight plastic carrier bag with a wall thickness below 50 microns (including very light-weight plastic carrier bags)

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	Point of sale/distribution	Refers to point of sale where the product is supplied/distributed to the consumer (as defined in Point 1c of Article 3 of the PPW Directive).
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Table Error! No text of specified style in document.: How are different types of plastic carrier bags considered under the SUP Directive?

Type of plastic carrier bag	General criteria		Product-specific criteria	Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Lightweight plastic carrier bag	
Lightweight plastic carrier bag supplied to consumer at point of sale (wall thickness below 50 microns) 	YES	YES	YES	Included
Very lightweight plastic carrier bag supplied to consumer at point of sale (wall thickness below 15 microns) 	YES	YES	YES	Included
Thicker plastic carrier bag (wall thickness above 50 microns)	YES	NO	NO	EXCLUDED Bag is thicker than 50 microns, therefore more frequently reused

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Type of plastic carrier bag	General criteria		Product-specific criteria	Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Lightweight carrier bag plastic	
				
Waste collection bags made of plastic	YES	YES	NO	EXCLUDED Not "carrier bags" and therefore out of the scope of the SSCP

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3. COTTON BUD STICKS

1. Product description in the Directive

Table Error! No text of specified style in document.16 provides an overview of the relevant references to single-use plastic cotton bud sticks laid in the SUP Directive.

Table Error! No text of specified style in document.16-4: Descriptions of cotton bud sticks in the SUP Directive

Descriptions provided by SUP Directive

Annex Part B[1]: "Cotton bud sticks, except if they fall within the scope of Council Directive 90/385/EEC or Council Directive 93/42/EEC"

2. Product definition and criteria

As the SUP Directive does not provide for a product definition, clarification of this product category is provided in this paragraph based on relevant sources and reference material.

A cotton bud stick typically refers to a short stick with a small amount (or wad) of cotton at one or both ends, often used for personal hygiene, especially for the cleaning of ears or the application of make-up^{12,13}. When placed on the EU market, these items are included within a single Common Procurement Vocabulary (CPV) code¹⁴: Cotton buds 33711410-4.

The following **Product design characteristics** help to define single use cotton bud sticks for the purposes of the Directive:

1. **Thickness of the stick:** Cotton bud sticks intended for non-medical purposes or for use by individuals at home are typically characterised by a short, thin, non-durable stem.
2. **Non-cleanable buds:** Glue used to permanently fix single use buds to the end(s) of the stick, preventing them from remaining in the ear canal (where used for that purpose). Ear cleaning sticks which are able to be washed or cleaned would fall outside the scope of the SUP Directive.

1. Product-specific exemptions

According to Annex Part B(1) of the SUP Directive, cotton bud sticks that fall within the scope of Council Directive 90/385/EEC or Council Directive 93/42/EEC as **medical devices are excluded** from the scope of the SUP Directive¹⁵. Table Error! No text of specified style in document.17 below provides guidance on the definition of 'medical devices'.

12 Cambridge Dictionary. Retrieved from: <https://dictionary.cambridge.org/dictionary/english/cotton-bud?q=cotton+buds>

13 Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/cotton-bud>

14 The Common Procurement Vocabulary establishes a single classification system for public procurement aimed at standardising the references used by contracting authorities and entities to describe procurement contracts: https://ec.europa.eu/growth/single-market/public-procurement/digital/commec-vocabulary_en

15 [As of 1 July 2021 Directives 90/385/EEC and 93/42/EEC will no longer apply. As of 26 May 2021 the placing on the market of medical devices will be governed by relevant Regulation \(EU\) 2017/745 on medical devices, amended by Regulation \(EU\) 2020/561.](#)

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Table Error! No text of specified style in document. 175-2: Definition of 'medical device' provided by Council Directive 90/385/EEC and Council Directive 93/42/EEC.

Descriptions provided by other Directives

Council Directive 90/385/EEC and Council Directive 93/42/EEC both define medical devices as follows:

Article 1(2)(a): "medical device" means any instrument, apparatus, appliance, software, material or other article, whether used alone or in combination, including the software intended by its manufacturer to be used specifically for diagnostic and/or therapeutic purposes and necessary for its proper application, intended by the manufacturer to be used for human beings for the purpose of:

- diagnosis, prevention, monitoring, treatment or alleviation of disease,
- diagnosis, monitoring, treatment, alleviation of or compensation for an injury or handicap,
- investigation, replacement or modification of the anatomy or of a physiological process,
- control of conception,

and which does not achieve its principal intended action in or on the human body by pharmacological, immunological or metabolic means, but which may be assisted in its function by such means;"

EU Guidance for the application of the Council Directive 93/42/EEC on Medical Devices¹⁶ provides guidelines on the classification of medical devices for the purposes of risk assessment. The example of "(s)wabs to sample exudates" included¹⁷ within these guidelines is considered to relate for example to 'medical swabs'¹⁸.

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The following section provides further clarification on what a "cotton bud stick" is under the SUP Directive. Although the examples included are non-exhaustive, they serve to provide additional guidance on how to interpret the definitions and relevant requirements of the SUP Directive.

2. Distinction between single-use and multiple-use cotton bud sticks

General Guidance on defining single use and multiple-use are provided in part 1 of the Guidelines.

In order to determine whether a cotton bud stick is to be considered a multiple use product, its reusable nature needs to be assessed, which has been described as:

'A product that is conceived, designed and placed on the market for reuse.'

This should be understood as having been designed to be used more than once without losing product functionality, physical capacity or quality.

The reusable nature of cotton-bud sticks can be assessed on the basis of product design characteristics, including:

¹⁶ DG Health and Consumer. 2010. Medical Devices: Guidance document - Classification of medical devices - MEDDEV 2.4/1 rev.9. <http://ec.europa.eu/DocsRoom/documents/10337/attachments/1/translations>

¹⁷ MEDDEV 2.4/1 rev.9 page 31: Examples provided for "Rule 6 - Surgically invasive devices intended for transient use (< 60 minutes)"

¹⁸ Pirro V, Jansusch AK, Vincenti M, Cooks RG. Direct drug analysis from oral fluid using medical swab touch spray mass spectrometry. *Analytica Chimica Acta*. 2015 Feb;861:47-54. DOI: 10.1016/j.aca.2015.01.008 <http://europepmc.org/article/PMC/4513665>

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1. The product's ability to maintain hygiene through subsequent uses of the product (e.g. via a washable, cleanable or replaceable end), and
2. material composition and thickness indicating product durability.

There are a number of examples of multiple-use alternative products to cotton bud sticks available in the EU, i.e. reusable plastic ear cleaning sticks (see product overview table in Section 5.5).

1. Product overview and list of illustrative examples

Guidance is provided on how to interpret the general and product-specific criteria, along with illustrative examples on whether certain types of cotton bud sticks are included or excluded under the SUP Directive.

Table Error! No text of specified style in document.-185-3: Main criteria and guidance indicators to define SUP cotton bud sticks

General criteria		Description and examples
Plastic product	Made wholly or partially of plastic	Product contains plastic (for definition of plastic, see Part 1). Product contains plastic (guidance in Part 1)
	Material consisting of a polymer, which can function as a main structural component	Polymer(s) as defined in REACH (for definition of plastic, see Part 1) Polymer(s) as defined in REACH
	Exception for "natural polymers that have not been chemically modified"	General guidance on interpreting the exception for "natural polymers that not been chemically modified" is provided in Part 1
Single-use	Product design characteristics:	<ol style="list-style-type: none"> 1. The presence of consumable material (e.g. cotton wool) glued to the end of the stick indicates that it has been designed for single-use i.e. cannot be reused or refilled. 2. Single-use cotton bud sticks are typically characterised by the use of thin, non-durable plastic, cardboard or wood for stem and use of glue to affix cotton buds to the end(s) of the stick. 3. A single-use cotton bud stick is a personal hygiene or domestic product intended to be used only once prior to disposal e.g. cotton bud sticks used to clean ears; application or removal of makeup; cleaning of cuts; arts and crafts.
Product-specific criteria		Description and examples
Non-durable stem	Thickness of the stick	Cotton bud sticks intended for non-medical purposes or for use by individuals at home are typically characterised by a short, thin, non-durable stem.
Non-cleanable buds	Glue used to permanently fix single use buds to stick	Glue is used to affix cotton buds permanently to the end(s) of the stick preventing them from remaining in the ear canal (where used for that purpose). Ear cleaning sticks which are able to be washed or cleaned would fall outside the scope of the SUP

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		Directive.
Not medical device	Does not fall within scope of Council Directive 90/385/EEC or Council Directive 93/42/EEC	<p>Cotton bud sticks intended for medical use are also designed to be single use. However, they are usually designed to specifically facilitate the use of sterile techniques, and are generally:</p> <ol style="list-style-type: none"> 1. Clearly labelled for medical use (e.g. 'medical swab'¹⁹). 2. Often sold as sterile 3. Characterised by a longer, sturdier stem 4. Single tipped 5. Sold or distributed direct to healthcare professionals via professional circuits (e.g. business to business, B2B) e.g. swabs provided or used for forensic, medical or scientific purposes including: for collection of samples or specimens from humans or surfaces, for clinical microbiology, cytology, and DNA testing purposes.

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¹⁹ According to Pitro et al (2015), "Medical swabs are widely used in clinical microbiology, cytology, and DNA testing to sample body orifices and surfaces. Their design is specific to each application, with appropriate shape and materials being chosen for each type of application. Commonly, the swab tip is made of cotton, rayon, or polyester in brush, rounded, squared or fused shapes. The shaft can be made of plastic, wood, rolled paper or metallic wire."

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Table Error! No text of specified style in document.:19-4: How are different types of cotton bud stick considered under the SUP Directive?

Type of cotton bud stick	General criteria		Product-specific criteria			Fulfilment of relevant general and product-specific criteria?
	Plastic	Single-use	Non-durable stem	Non-cleanable buds	Not medical device	
Plastic stemmed, double-tipped cotton bud stick 	YES	YES	YES	YES	YES	INCLUDED
Non-plastic stemmed cotton bud stick 	NO	YES	YES	YES	YES	EXCLUDED: Product does not contain plastic
Plastic stemmed, single-tipped specimen collection swab 	YES	YES	YES	YES	NO	EXCLUDED: Product intended for medical use
Plastic, reusable ear cleaning stick 	YES	NO	NO	NO	YES	EXCLUDED: Product intended for multiple use

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6. CUTLERY; PLATES; STRAWS; STIRRERS

1. Product descriptions in the Directive

Cutlery, plates, straws, and stirrers are addressed in Article 5 of the SUP Directive but are not defined in the Directive. The Annex to the SUP Directive (Part B) provides some product-specific guidance on the definition of these product categories:

1. Part B (1) of the Annex provides that "forks, knives, spoons, chopsticks" are included in the definition of cutlery.
2. Straws are referred to in Part B (4) of the Annex of the SUP Directive with the addition except if they fall within the scope of Directive 90/385/EEC²⁰ relating to active implantable medical devices or Directive 93/42/EEC²¹.

Table Error! No text of specified style in document.: Descriptions of cutlery; plates; straws; stirrers in the SUPD

Descriptions provided by the SUP Directive	
Annex Part B:	
1.	(2): "Cutlery (forks, knives, spoons, chopsticks);"
2.	(3): "Plates;"
3.	(4): "Straws, except if they fall within the scope of Directive 90/385/EEC or Directive 93/42/EEC;"
4.	(5): "Beverage stirrers"

1. Product definitions and criteria

As the SUP Directive does not provide for definitions and criteria for these product categories (single-use cutlery; plates; straws; and stirrers), definitions are provided in this paragraph based on relevant sources and reference material.

1. **Cutlery** typically refers to implements used for mixing, serving and eating food^{22,23} including:
 1. Forks which typically comprise a handle and a row of two or more tines at one end for manipulating, picking up and eating solid food²⁴ have a row of three or four long metal points at the end²⁵.
 2. Knives which typically comprise a handle and a blade element at one end used for cutting and spreading food^{26,27} typically has a blade and a handle, also used for cutting and spreading food^{28,29}.

20 COUNCIL DIRECTIVE of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01990L0385-20071011>

21 COUNCIL DIRECTIVE 93/42/EEC of 14 June 1993, concerning medical devices: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01993L0042-20071011>

22 Cambridge Dictionary. Retrieved from: <https://dictionary.cambridge.org/dictionary/english/cutlery>

23 Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/cutlery>

24 Cambridge Dictionary. Retrieved from: <https://dictionary.cambridge.org/dictionary/english/fork>

25 Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/fork>

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3. Spoons which typically comprise a handle and an oval or rounded hollow element at one end used for scooping and eating solid or liquid food or stirring liquids typically consist of a round, hollow part and a handle^{24,25} and

4. Chopsticks which typically are narrow, often tapered, sticks used in pairs held in one hand for picking up and eating solid food typically consist of a pair of narrow sticks held together in one hand^{26,27}

2. Plates typically refers to dishes from which food is eaten or served^{32,33} which are predominantly flat, while typically having a slightly bevelled or raised perimeter to stop food rolling or spilling off it.

3. Straws typically refers to thin tubes used to suck liquid into the mouth^{34,35}.

4. Stirrers (or beverage/drink stirrer) is a rod or flat baton, with or without embellishment, used for mixing hot or cold beverages and/or decorating drinks for beverages stirrers, also known as swizzle sticks typically refers to a small rod used for mixing beverages and providing decoration to drinks^{36,37}.

When placed on the market, these products are primarily included in the following CPV codes³⁸: Disposable catering supplies (39222100-5); Disposable cutlery and plates (39222110-8).

1. Product-specific exemptions

According to Annex Part B (4): straws that fall within the scope of Council Directive 90/385/EEC or Council Directive 93/42/EEC³⁹ as medical devices are excluded from the scope of the SUP Directive. Table Error! No text of specified style in document. 21 below provides further guidance on this definition.

Table Error! No text of specified style in document. 21: Definition of 'medical device' provided by Council Directive 90/385/EEC and Council Directive 93/42/EEC.

Descriptions provided by other Directives

Council Directive 90/385/EEC and Council Directive 93/42/EEC both define medical devices as follows:

²⁴ Cambridge Dictionary. Retrieved from: <https://dictionary.cambridge.org/dictionary/english/spoon>

²⁵ Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/spoon>

²⁶ Cambridge Dictionary. Retrieved from: <https://dictionary.cambridge.org/dictionary/english/chopsticks>

²⁷ Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/chopsticks>

²⁸ Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/plate>

²⁹ Cambridge Dictionary. Retrieved from: <https://dictionary.cambridge.org/dictionary/english/straw>

³⁰ Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/straw>

³¹ Cambridge Dictionary. Retrieved from: <https://dictionary.cambridge.org/dictionary/english/swizzle-stick>

³² Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/swizzle-stick>

³³ Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/swizzle-stick>

³⁴ Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/swizzle-stick>

³⁵ Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/swizzle-stick>

³⁶ Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/swizzle-stick>

³⁷ Collins Dictionary. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/swizzle-stick>

³⁸ See reference 26

³⁹ As of 3 July 2021 Directives 90/385/EEC and 93/42/EEC will no longer apply. As of 26 May 2021 the placing on the market of medical devices will be governed by relevant Regulation (EU) 2017/745 on medical devices, amended by Regulation (EU) 2020/561.

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Article 1(2)(a): "medical device" means any instrument, apparatus, appliance, software, material or other article, whether used alone or in combination, including the software intended by its manufacturer to be used specifically for diagnostic and/or therapeutic purposes and necessary for its proper application, intended by the manufacturer to be used for human beings for the purpose of:

- diagnosis, prevention, monitoring, treatment or alleviation of disease,
- diagnosis, monitoring, treatment, alleviation of or compensation for an injury or handicap,
- investigation, replacement or modification of the anatomy or of a physiological process,
- control of conception,

and which does not achieve its principal intended action in or on the human body by pharmacological, immunological or metabolic means, but which may be assisted in its function by such means;"

EU Guidance for the application of the Council Directive 93/42/EEC on Medical Devices⁴⁰ provides guidelines on the classification of medical devices for the purposes of risk assessment. No specific examples of straws used as medical devices are included in these guidelines. However, the specific definition of 'medical device' from Council Directive 90/385/EEC and Council Directive 93/42/EEC (provided in Table Error! No text of specified style in document. 20 above) includes articles used specifically for "alleviation of or compensation for an injury or handicap". On that basis, where it is used by individuals who are medically unable to independently consume food or drink without one, a straw could fulfill the definition of a 'medical device' (as provided). Products of this category would therefore be considered out of scope where used by individuals who require a straw to enable the independent consumption of food or drink or provided or sold by a medical professional (including a pharmacy) for this purpose.

2. Key elements to distinguish plates from food containers

The Annex of the Directive excludes "beverage containers, plates and packets and wrappers containing food" from the product category of "food containers" for the purpose of the SUP Directive (Parts A(2), E(1), and G(1)). The section below provides further guidance to distinguish plates from food containers.

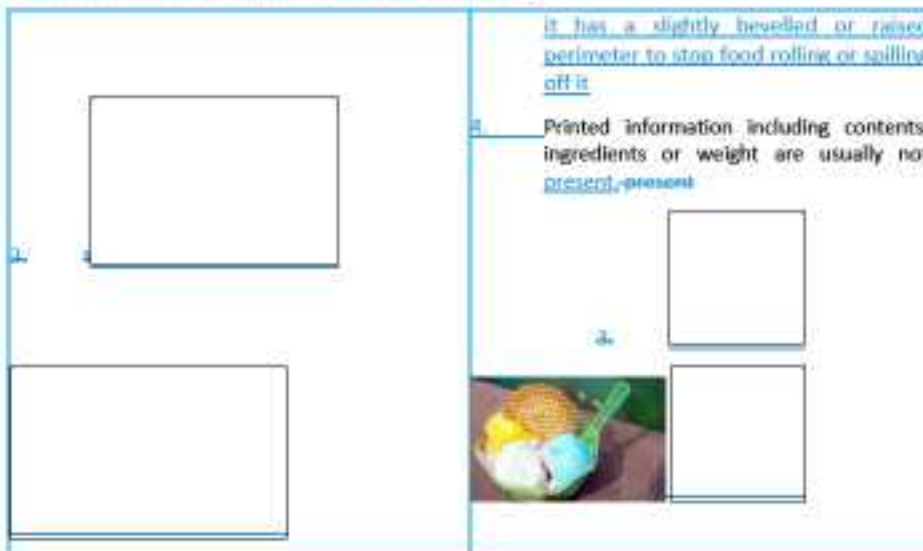
According to the definition provided earlier, plates refer to 'dishes from which food is eaten or served', whereas food containers are 'receptacles such as boxes, with or without a cover, used to contain food'. Table Error! No text of specified style in document. 22 provides some illustrative examples of how to distinguish between a single-use plastic food container and plate.

Table Error! No text of specified style in document. 22-25: Illustrative example to differentiate food containers from plastic plates

Single-use plastic food container	Single-use plastic plate
<p>Indicators signifying that the receptacle is a food container:</p> <ol style="list-style-type: none"> 1. Receptacles such as boxes sold with or without a lid 2. Able to contain food 3. Receptacle usually sold with printed information regarding contents, ingredients and often a weight 	<p>Indicators signifying that the receptacle is a plate:</p> <ol style="list-style-type: none"> 1. Dish sold without a lid, regardless of whether it is covered e.g. by foil or film, at the point of sale 2. Used to serve or eat food from, but presence of food is not required at the moment of purchase 2-3. While being predominantly flat, typically

⁴⁰ DG Health and Consumer, 2010. Medical Devices: Guidance document - Classification of medical devices - MEDDEV 2.4/1 rev.9. <http://ec.europa.eu/DocsRoom/documents/10337/attachments/1/translations>

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1. Distinction between single and multiple use cutlery; plates; straws; stirrers

Based on the guidance provided in Part 1, the factors that can help to define whether different types of cutlery; plates; straws; are considered as single-use as opposed to multiple-use should take into account its **product design characteristics**. As explained in section 1 on food containers, the likelihood of a product to become litter is reflected in these characteristics. These product characteristics can be defined as follows:

1. **Reusable nature of the product:** A multiple-use product is intentionally conceived, designed and placed on the market for **refill or re-use**. In other words, it is intended to be used more than once during its expected useful or functional life, without losing product functionality, physical capacity or quality. Product design characteristics indicating intention for cutlery; plates; straws; stirrers to be re-used include **material composition** (e.g. production from non-plastic materials such as glass or steel, or from certain rigid plastics).
2. **Product life span:** A multiple use product has been purposely designed so that it can be used more than once, without losing original product functionality, physical capacity or quality. Specific characteristics include durability (i.e. product does not lose quality or structural integrity following multiple washing or cleaning cycles which are appropriate to maintain hygiene and food safety).

There are several examples of multiple-use alternative **plastic** products to SUP cutlery; plates; straws; stirrers available in Europe:

1. Washable, non-plastic cutlery; plates; straws; stirrers, made of bamboo, metal, glass or china

1. Washable cutlery; plates; straws; stirrers, made of a durable plastic.

1. Product overview and list of illustrative examples

Table Error! No text of specified style in document. 23 ~~error! Not a valid bookmark self-reference.~~ **Table 6-3** summarises the general and product-specific criteria provided by the SUP

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Directive to define the types of cutlery; plates; straws; stirrers covered. Guidance is provided on how to interpret the general and product-specific criteria, along with illustrative examples on whether certain types of cutlery; plates; straws; stirrers are included or excluded under the SUP Directive in Table Error! No text of specified style in document, 25.

Table Error! No text of specified style in document, 246-48: Main criteria and guidance indicators to define single-use cutlery; plates; straws; stirrers in accordance with the SUP Directive

General criteria		Description and examples
Plastic product	Made wholly or partially of plastic	Product contains plastic (for definition of plastic, see Part 1). Product contains plastic (see guidance in Part 1)
	Material consisting of a polymer, which can function as a main structural component	Polymer(s) as defined in REACH (for definition of plastic, see Part 1). 1) Polymer(s) as defined in REACH.
	Exception for "natural polymers that not been chemically modified"	General guidance on interpreting the exception for "natural polymers that have not been chemically modified" is provided in Part 1. Cutlery; plates; straws; stirrers that are made entirely of natural polymers, which has have not been chemically modified, or bamboo, would fall outside the scope of the SUPD.
Single-use	Product design characteristics	<p>2.1 Reusable or refillable: The material composition and ability to be used several times for its intended purpose can indicate whether this product has been purposely designed to be used more than once.</p> <p>2.2 Product life span: A multiple use product has been purposely designed so that it can be used more than once without losing original product functionality, physical capacity or quality (i.e. no loss of quality or structural integrity following multiple appropriate washing or cleaning cycles)</p> <p>4.1 Durability: multiple-use products withstand multiple appropriate washing/ cleaning cycles without losing quality or structural integrity. Cutlery; plates; straws; stirrers made entirely of china, metal or durable plastic would fall outside the scope of the SUPD</p>
Product-specific criteria		Description and examples
Cutlery Plates Straws Stirrers		Product specific definitions provided in Chapter 6.2, falling in following product categories: Disposable catering supplies (39222100-5); Disposable cutlery and plates (39222110-8).

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<p>Not medical device [Straws only]</p>	<p>Does not fall within scope of Council Directive 90/385/EEC or Council Directive 93/42/EECly indicated</p>	<p>Article 1(2)(a) of Council Directives 90/385/EEC and 93/42/EEC include within the definition of medical devices articles used for the alleviation of or compensation for an injury or handicap. Therefore, where it is used by individuals who are medically unable to independently consume food or drink without one, a straw would fulfil the definition of a 'medical device' (to be further clarified).</p>
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Types of cutlery, plates, straws, stirrers	General criteria		Product-specific criteria		Fulfilment of all general and specific criteria?
	Plastic	Single-use	Non-durable material	Not a medical device	
<p>Single-use <u>plastic</u> cutlery, plates, straws, stirrers <u>made wholly of plastic</u></p> 	YES	YES	YES	YES	INCLUDED
<p><u>Non-plastic</u> single-use cutlery, plates, straws, stirrers <u>predominantly made partly of plastic, e.g. made predominantly of non-plastic but with plastic-lined straws/stirrers with a plastic lining / coating</u></p> 	YES	YES	YES	YES	INCLUDED

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Types of cutlery, plates, straws, stirrers	General criteria		Product-specific criteria		Fulfillment of all general criteria
<p>Single-use plastic flexible straws attached to / integrated into drinks box</p> 	YES	YES	YES	YES	INCLUDED (under Art 5)
<p>Single-use plastic cutlery attached to / integrated into food packaging</p>	YES	YES	YES	YES	INCLUDED (under Art 5)
<p>Single-use cutlery, plates, straws, stirrers not made of plastic, e.g. paper- or wood-based without a plastic lining / coating</p> <p>Non-plastic single-use cutlery, plates, straws, stirrers without plastic linings / coatings</p> 	NO	YES	YES	YES	EXCLUDED: Product does not contain plastic

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Types of cutlery; plates; straws; stirrers	General criteria		Product-specific criteria		Fulfillment of all general criteria
<p>Multiple-use cutlery, plates, straws, stirrers not made of plastic but of durable material, e.g. ceramics or metal, with plastic lining / coating</p> <p>Non-plastic, durable cutlery, plates; straws; stirrers</p> 	YES	NO	NO	YES	EXCLUDED: Product not intended for single-use
<p>Multiple-use durable breakable plastic cutlery; plates; straws; stirrers</p> 	YES	NO	NO	YES	EXCLUDED: Product not intended for single use
Plastic straws provided for use as a medical device	YES	YES	YES	NO	EXCLUDED: Product intended for use as medical device

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6.4 BALLOONS AND BALLOON STICKS

1. Product description in the Directive

Balloons are addressed in Article 8 and 10, whereas balloon sticks are subject to Article 5 of the SUP Directive, but are not defined as such in the Directive. The Annex to the Directive (Parts E.ii (2) and G(7)) provides some further product-specific references, as included Table 7.1.

Table Error! No text of specified style in document. 26-1: Descriptions of balloons and balloon sticks in the SUPD

Relevant product-specific descriptions	
Balloons:	
1.	Annex Part Eii(2): "Balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers".
2.	Annex Part Part G(7): "Balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers".
Balloon sticks:	
1.	Annex Part B(6): "Sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, including the mechanisms of such sticks".

1. Product definitions and criteria

Where the SUP Directive does not provide for definitions and criteria for the product category 'balloons' (single-use cutlery; plates; straws; and stirrers), a definition is provided in this paragraph based on relevant sources and reference material:

1. **Balloon** typically refers to a non-porous bag of light material that can be inflated with air or gas, used for decoration at parties or as a children's toy (refs). Balloon stick typically refers to a stick which is attached to air-filled balloons to support them to give an impression that it is floating⁴¹. When placed on the market, these items are primarily included within the following CPV code⁴²: *Toy balloons and balls (37525000-4)*.
2. **Balloon stick**: 'Sticks to be attached to and to support balloons' (Part B(6) of the Annex to the SUP Directive)

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1. Product-specific exemptions explicitly laid out in the SUP Directive

According to the Annex of the Directive (Parts E.ii (2) and G (7)) 'balloons for industrial or other professional uses and applications that are not distributed to consumers' should be excluded from the relevant provisions of the SUP Directive.

⁴¹ Balloon stick definition derived from a report produced for Department for Environment, Food & Rural Affairs (Defra). A preliminary assessment of the economic impacts of a potential ban on plastic cutlery, plastic plates and plastic balloon sticks, 2018. Accessed online: http://sciencesearch.defra.gov.uk/Document.aspx?Document=14419_3280DefraPlasticBansPCBFinal.pdf

⁴² See reference 26

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Similarly, Part B(6) of the Annex excludes “Sticks to be attached to and to support balloons for industrial or other professional uses and applications that are not distributed to consumers, including the mechanisms of such sticks” from the scope of the SUP Directive.

The **point of purchase, distribution channel** and **type of end user** are important elements determine whether balloons are intended for domestic or professional use.

The following should be considered ‘for industrial or professional use’:

1. balloons, and the sticks to be attached to support those balloons, which are sold through industrial or professional channels, e.g. Business to Business;
2. balloons, and the sticks to be attached to support those balloons for industrial or professional use or applications, e.g. research, [weather balloons](#), industrial, professional decoration, and that are not distributed to consumers.

However, balloons, and balloon sticks which are sold through **Business to Consumers channels** or distributed to ~~non-professional~~ private consumers, e.g. balloons, and balloon sticks which can be purchased by individual consumers at a shop, or are distributed to consumers at a private event, are not considered as professional or industrial use or application, but instead for domestic use. These products are therefore included in the scope of the SUP Directive. [Also balloons and balloon sticks for which the intended use is unclear \(“dual-use balloons”\) are included in the scope of the SUP Directive.](#)

1. Distinction between single and multiple-use balloons and balloon sticks

Based on the guidance provided in Part 1, **product design characteristics** help to distinguish between balloons and balloon sticks that are single-use, and those that can be considered multiple-use. These following product characteristics apply:

1. Reusable or refillable nature of the product:

A multiple use product is conceived, designed or placed on the market for refill or reuse. In other words, it is intended to be used more than once during its expected useful or functional life, without losing product functionality, physical capacity or quality.

Balloons, which are designed and placed on the market to be used more than once during their expected life span (i.e. useful or functional life before final disposal), without losing their functionality, physical capacity or quality, can be considered ‘multiple use’.

2. Product durability:

Ability of the balloon to withstand multiple deflations and re-inflations; ability of a balloon stick to maintain structural integrity when bent. **Material composition and thickness** can indicate whether a balloon stick is sufficiently durable to be used more than once. Additional design considerations for balloons include how the air is kept inside of the balloon (i.e. use seals and closure mechanisms) and whether it can be re-/de-inflated multiple times (i.e. use of a re-usable valve).

1. Balloons purchased ready-filled with air or helium are considered to be ‘single-use’ due to the inability of the customer to refill these. Self-filling balloons (with integral filling mechanism) are also considered to be ‘single-use’.
2. The absence of valve or seal to enable multiple inflations and deflations. Balloons, which require the application of a knot, string or ribbon to the neck in order to prevent air from

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escaping, loose quality through unknitting and reknitting. They are therefore considered to be 'single-use'.

Examples of plastic inflatable plastic balloons; balloon sticks designed, conceived and marketed for multiple use are available in Europe:

1. **Reusable** plastic inflatable toys or inflatable personal floatation devices;
2. **Reusable** plastic balloon stands.
 1. Product overview and list of illustrative examples

Table Error! No text of specified style in document._27 summarises the main general and product-specific criteria provided by the SUP Directive to define the types of balloons; balloon sticks covered. Guidance is provided on how to interpret the general and product-specific criteria, along with illustrative examples on whether certain types of balloons; balloon sticks are included or excluded under the SUP Directive in Table Error! No text of specified style in document._28.

Table Error! No text of specified style in document._27+2: Main criteria and guidance indicators to define SUP balloons; balloon sticks

General criteria	Guidance indicators	Description and examples
Plastic product	Made wholly or partially of plastic	Product contains plastic (for definition of plastic, see Part 1). Product contains plastic (guidance in Part 1)
	Material consisting of a polymer, which can function as a main structural component	Polymer(s) as defined in REACH (for definition of plastic, see Part 1). Polymer(s) as defined in REACH
	Exception for "natural polymers that have not been chemically modified"	General guidance on interpreting the exception for "natural polymers that have not been chemically modified" is provided in Part 1. Latex does not qualify as a natural non-chemically modified polymer, and latex balloons are thus covered by the SUP Directive
Single-use		<p>Product design characteristics:</p> <p>Seals, valves and closure mechanisms:</p> <ol style="list-style-type: none"> 1. The absence of valve or seal to enable multiple inflations and deflations. Balloons, which require the application of a knot, string or ribbon to the neck in order to prevent air from escaping, loose quality through unknitting and reknitting. They are therefore considered to be 'single-use'. 2. Inflatable toys or personal safety equipment designed to be inflated and deflated via a (re)closable valve, with no loss of quality or functionality between uses, are considered to be 'multiple use'. <p>Refill systems:</p> <ol style="list-style-type: none"> 1. Balloons purchased ready-filled with air or helium

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		are considered to be 'single-use' due to the inability of the customer to refill these. Self-filling balloons (with integral filling mechanism) are also considered to be 'single-use'.
Product-specific criteria	Guidance indicators	Description and examples
Distributed to consumers (not for industrial or professional use)	Point of sale or distribution channel	The professional or industrial use or application of balloons can be determined by the point of purchase or distribution channel and by type of end user. Balloons sold in B2C channels or distributed to non-professional private consumers indicates that they are not for professional use.

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Types of balloons; balloon sticks	General criteria		Product-specific criteria	Fulfilment of all general and product-specific criteria?
	Plastic	Single-use	Intended for domestic use	
Single-use latex balloons for domestic use or application 	YES	YES	YES	INCLUDED
Single-use mylar or foil balloons intended for domestic use or application 	YES	YES	YES	INCLUDED
Single-use plastic balloon sticks intended for domestic use 	YES	YES	YES	INCLUDED
Reusable, plastic, inflatable toys and 'selfie-frames' including reusable valve 	YES	NO	YES	EXCLUDED: Product intended multiple use

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Types of balloons; balloon sticks	General criteria		Product-specific criteria:	Fulfilment of all general and product-specific criteria?
	Plastic	Single-use	Intended for domestic use	
Reusable; plastic balloon stands 	YES	NO	NO	EXCLUDED: Product intended multiple use
Balloons for industrial uses and applications e.g. hot-air balloon, weather balloon. 	YES	NO	NO	EXCLUDED: Product intended for professional or industrial use

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2. SANITARY TOWELS (PADS); TAMPONS; AND TAMPON APPLICATORS

1. Product description in the Directive

Sanitary towels (pads), tampons and tampon applicators covered by the SUP Directive are not as such defined in the SUP Directive. Recital 19 refers to the need for measures to address the presence of hazardous chemical substances in the interest of women's health.

The following section provides further clarification on what are "sanitary towels (pads), tampons and tampon applicators" under the SUP Directive. Although the examples included are non-exhaustive, they serve to provide additional guidance on how to interpret the definitions and requirements of the SUP Directive.

2. Product definitions and criteria

As the SUP Directive as such does not provide for definitions for this product category (sanitary towels (pads), tampons and tampon applicators), product criteria in this paragraph are derived from other relevant sources and reference material.

Single-use sanitary towels can be defined as hygiene products used to absorb and retain menstrual fluid, generally intended to be disposed of after single use.

Single-use sanitary towels are often composed of multiple layers including an absorbent core, which is mainly made of cellulosic and synthetic fibres and absorb the fluid. For the purposes of the SUP Directive, sanitary towels refer not only to **pads or napkins**, but also **panty liners** as these products are a sub-category of "sanitary pads" and as such fulfil the criteria of a single-use plastic product.

The main difference between panty liners and sanitary pads lies in the performance and the thickness of both products. **Sanitary pads**, which are typically thicker (13-17 mm), are generally used to absorb high volumes of fluid e.g. absorbency for ~~menstrual fluid/daily vaginal discharge, light menstrual flow, post-intercourse discharge~~, urinary incontinence, ~~spotting~~ etc. Panty liners, on the other hand are thinner (2-3 mm) and intended to absorb lower volumes of fluid e.g. ~~daily vaginal discharge, light menstrual flow, post-intercourse discharge, spotting~~. Both products are made of four principle layers, composed of similar materials, and have the same "tendency to become marine litter" with regard to inappropriate disposal i.e. if flushed down toilets after use and may enter the marine environment through the waste water treatment system.

Single use tampons are defined as a disposable plug designed to be inserted into the vagina during menstruation to absorb menstrual fluid, generally intended to be disposed of after single use^{43,44}.

SUP tampons are essentially composed of three layers including an absorbent core, which is made of either viscose, cotton, polyester, or a mixture of these fibres⁴⁵. They can be contained in a tampon applicator, usually composed of coated paper (containing a thin plastic sheet) or hard plastic. While some categories of tampons are made of cotton, many come with a plastic netting. The latter refers

43 National Geographic Society (September 6, 2019) Written by Alejandra Borunda. "The Story of Plastic: How tampons and pads became so unsustainable" Accessible at: www.nationalgeographic.com/environment/2019/09/how-tampons-pads-became-unsustainable-story-of-plastic/

44 Friends of the Earth (October 15, 2018) "Plastic periods: menstrual products and plastic pollution" Accessible at: <https://friendsoftheearth.uk/plastics/plastic-periods-menstrual-products-and-plastic-pollution>

45 EDANA. (2019, December). Absorbent Hygiene Products components Pad/Liners. Retrieved from: <https://www.edana.org/nw-related-industry/nonwovens-in-daily-life/absorbent-hygiene-products/feminine-care>

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to a thin layer of non-woven or perforated plastic film used to help reduce fibre loss and facilitate the insertion and removal of tampons.

3. Single-use sanitary towels, tampons and tampon applicators

Single-use plastic tampons and sanitary towels are designed to be used **only once**, for a **limited** period of time of 4 to 8 hours in most cases. They are disposed of after removal from underwear (sanitary towels) or vagina (tampons).

Single-use **tampon applicators** are also used **only once**, to insert the tampon into the vagina during menstruation. The conventional tampon applicator is disposed of once it has served this unique purpose.

This **single rotation** defines these products as single-use, regardless of the amounts of fluids absorbed during usage. Finally, once SUP tampons and sanitary towels have been removed, they are intended to be disposed of as any washing process would degrade the overall structure and performance of the product, preventing them from being re-used.

4. Product overview and list of illustrative examples

Table Error! No text of specified style in document._29 summarises the main general and product-specific criteria provided by the SUP Directive to define the types of sanitary towels, tampons and tampon applicators covered. Guidance is provided on how to interpret the general and product-specific criteria, along with examples on whether certain types of sanitary towels, tampons and tampon applicators are included or excluded under the SUP Directive in Table Error! No text of specified style in document._30.

Table Error! No text of specified style in document._29-30: Main criteria of the SUPD and guidance to define SUP sanitary towels, tampons and tampon applicators

General criteria		Description and examples
Plastic product	Made wholly or partially of plastic	Product contains plastic (for definition of plastic, see Part 1). Product contains plastic (Guidance in Part 1)
	Material consisting of a polymer, which can function as a main structural component	Polymer(s) as defined in REACH (for definition of plastic, see Part 1). Polymer(s) as defined in REACH
	Exception for "natural polymers that have not been chemically modified"	Part 1 provides guidance to determine whether the fibre in question fulfils the criteria for the exception for "natural polymers that have not been chemically modified". Sanitary towels and tampons, which are made of natural polymers which are not chemically modified, including cotton, and regenerated cellulose, i.e. viscose and lyocell, fall outside the scope of the SUP Directive.
Single-use	Product design characteristics of sanitary towels, tampons and tampon applicators intended for single-use include:	
	1. no potential to wash and reuse them multiple times, as the washing processes degrades the structure and function of the product.	
	2. Part 1 provides general guidance on distinguishing	

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General criteria	Description and examples
	between single versus multiple-use products. 3. Reusable (washable) sanitary towels, sanitary pads or menstrual pads are available on the market (see list of examples)

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Type of sanitary towels, tampons and tampon applicators	General criteria		Fulfilment of relevant general and product-specific criteria?
	Plastic	single-use	
<p>Sanitary towel, tampon and tampon applicator which contains plastic</p> <p>Annex Part B, Chapter 3 – Includes all categories of sanitary towels regardless of the shape, size, thicknesses and absorbency level containing plastics and intended to be disposed of after use e.g. panty liner, regular or medium flow pads, heavy flow pads, overnight pads.</p> <p>Sanitary towel Panty liner Tampon Tampon applicator</p> 	YES	YES	INCLUDED
Sanitary towels (including panty liners), or tampons which do not contain plastic	NO	YES	EXCLUDED: No plastic contained in the product
<p>Reusable (washable) menstrual products (which can be washed and reused multiple times without and degradation of their structure, intended function and performance) such as washable cloth pads, reusable menstrual cup (alternative to tampon), period underwear (washable panty with integrated absorption pad)</p> <p>Washable cloth pads Reusable menstrual cup Period underwear (washable panty with integrated absorption pad)</p>	NO / Washable pads that do not contain plastic	NO	EXCLUDED: Products are not single-use

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Type of sanitary towels, tampons and tampon applicators	General criteria		Fulfillment of relevant general and product-specific criteria?
	Plastic	Single-use	
  	plastic (e.g. clip for washable cloth pads)		

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4. WET WIPES

1. Product description in the Directive

Wet wipes are defined in the Annex to the Directive (Parts D, E and G) as follows:

“pre-wetted personal care and domestic wipes”.

Table Error! No text of specified style in document.-31 provides an overview of the relevant descriptions of single-use plastic wet wipes in the SUP Directive.

Table Error! No text of specified style in document.-319-1: Descriptions of wet wipes in the SUP Directive

Descriptions provided by the SUP Directive

Annex Parts D, E and G: *“Wet wipes, i.e. pre-wetted personal care and domestic wipes”*

Recital 12: *“Wet wipes for personal care and domestic use should also be within the scope of this Directive, whereas industrial wet wipes should be excluded.”*

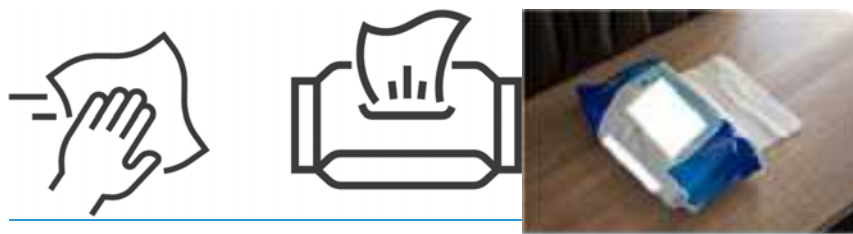
2. Product criteria and categories

The following main criteria are provided by the SUP Directive to determine whether a single-use wet wipe is included:

1. *“pre-wetted”*
2. *“personal care and domestic wipes”*

In light of the above, a wet wipe in the context of the SUP Directive can be understood as a small piece of pre-moistened or pre-wetted material containing plastic and which is conceived, designed and placed on the market for single-use (disposable) and intended for personal care e.g. personal hygiene or domestic use e.g. household cleaning purposes. Furthermore, these products are typically sold on the market in packs containing several single-use wet wipes as illustrated in Figure Error! No text of specified style in document.-2.

Figure Error! No text of specified style in document.-2: Illustration of SUP wet wipes covered by SUP Directive



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The following table provides a non-exhaustive list of the wet wipe categories covered or excluded from SUP Directive^{46,47}:

Table Error! No text of specified style in document_320-2: Non-exhaustive list of wet wipe categories covered or excluded from SUP Directive

Product category: wet wipes	
Covered by SUP Directive	Personal care
	1. Baby wipes
	2. skin hand cleansing wipes
	3. Facial/cosmetic wipes (e.g. facial masks or "sheet masks", face cleaning/make-up removal wipes)
	4. Intimate care wipes e.g. for female hygiene purposes
	5. Toilet tissue wipe
	Domestic use
	6. Household cleaning wipes used to remove stains and clean surfaces such as floors, bathrooms, kitchens, furniture, windows, TV and computer screens, etc.
	7. Disinfection wipes intended for domestic use
	8. Spectacle (eye glasses) cleaning wipes intended for domestic use
9. Car wipes intended for domestic use	
10. Pet wipes intended for domestic use	
Excluded from	Industrial wet wipes

46 EDANA. (2019). EDANA input to scope of the Single-Use Plastics Directive.

47 EDANA. (n.d). Industrial wipes. Retrieved from: www.edana.org/ow-related-industry/nonwovens-in-daily-life/wipes/industrial-wipes

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SUP Directive	Examples of wet wipes used in industry <u>only</u>
	1. Automotive wipes (surface preparation, polishing, oil and chemical absorbents) intended for industrial or professional use
	2. Electronic and computer industry wipes (dust removal, delicate and intricate cleaning wipes) intended for industrial or professional use
	3. Food industry wipes (machine cleaning, maintenance, fluid absorbent, hand cleaning wipes) intended for industrial or professional use
	4. Janitorial wipes (polishing, equipment cleaning and maintenance, wet floor cleaning, dust removal) intended for industrial or professional use
	5. Manufacturing, engineering and maintenance wipes (machine cleaning, maintenance, fluid absorbent, hand cleaning wipes) intended for industrial or other professional use
	6. Optical industry wipes (polishing, dust removal wipes) intended for industrial or professional use
	7. Printing industry wipes (machine cleaning, maintenance, fluid absorbent, hand cleaning wipes) intended for industrial or professional use
	8. Transportation industry wipes (vehicle cleaning and maintenance, window cleaning wipes) intended for industrial or professional use
	Professional use
Examples of wet wipes intended for professional use:	
1. Medical/healthcare wipes such as hospital grade disinfectant wipes to clean and disinfect surfaces and intended for industrial or professional use	
2. Medical/healthcare wipes such as patient care wipes for human hygiene purposes and intended for industrial or professional use	

Wet wipes for which it is unclear if the the intended use is industrial/professional or domestic ("dual-use wipes") are included in the scope of the SUP Directive.

1. Product-specific exemptions

According to Recital 12: "Wet wipes for personal care and domestic use should also be within the scope of this Directive, whereas industrial wet wipes should be excluded."

While not explicitly mentioned in the SUP Directive, wet wipes, which are conceived, designed and placed on the market for **professional use**, such as **medical/healthcare wipes** would not meet the criterion for personal care or domestic use. These products are therefore not considered to fall within the scope of the SUP Directive.

The **point of purchase**, **distribution channel** and **type of end user** are important elements that should be considered in order to determine whether certain wet wipes are intended for domestic or professional use. For instance, wet wipes sold through professional distribution channels e.g. B2B channels, and which are used by healthcare professionals are considered to be intended for professional use and would not be included in the scope of the SUP Directive. However, wet wipes which are sold in B2C channels and distributed to non-professional private consumers e.g. wet wipes, which can be purchased by individual consumers at a pharmacy and used at home are not

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considered as professional use. These products are therefore included in the scope of the SUP Directive.

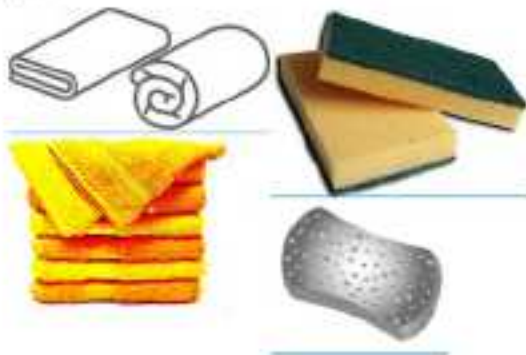
2. Distinction between single and multiple-use wet wipes

The distinction between single and multiple-use wet wipes is relatively straightforward as single-use wet wipes are purposely conceived, designed and placed on the market to be used just once before disposal. Some examples of multiple-use, alternative products to SUP wet wipes available in the EU are provided in Figure Error! No text of specified style in document.-3 and include:

1. Washable cloth towels or handkerchiefs, usually made of bamboo or cotton, and which are designed to allow for re-use after washing;
2. Sponges, which are intended to be washed with cold water after use, allowing for re-use;
3. Cotton pads or balls used in combination with lotions e.g. soaps, anti-bacterial gels, or make-up removal creams, as an alternative to single-use plastic wet wipes intended to remove make-up⁴⁸.

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Figure Error! No text of specified style in document.-3: Illustration of multiple-use alternative products to SUP wet wipes



1. Product overview and list of illustrative examples

Table Error! No text of specified style in document._33 summarises the main general and product-specific criteria provided by the SUP Directive to define the types of wet wipes covered. Guidance is provided on how to interpret the general and product-specific criteria, along with examples on whether certain types of wet wipes are included or excluded under the SUP Directive in Table Error! No text of specified style in document._34.

Table Error! No text of specified style in document._33-3: Main criteria of the SUPD and guidance to define SUP wet wipes

General criteria	Description and examples
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⁴⁸ Rezero, Zero Waste Europe, ReLoop. (2019, November). The environmental & economic costs of single-use menstrual products, baby nappies & wet wipes. Retrieved from: https://zerowasteurope.eu/wp-content/uploads/2019/12/hfp_single_use_menstrual_products_baby_nappies_and_wet_wipes.pdf

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Plastic product	Made wholly or partially of plastic	Product contains plastic (for definition of plastic, see Part 1). Product contains plastic (guidance in Part 4)
	Material consisting of a polymer, which can function as a main structural component	Polymer(s) as defined in REACH (for definition of plastic, see Part 1). Polymer(s) as defined in REACH.
	Exception for "natural polymers that not been chemically modified"	Part 1 provides guidance to determine whether the fibre in question fulfils the criteria for the exception for "natural polymers that have not been chemically modified". Wet wipes, which are made of natural polymers which are not chemically modified, including cotton, and regenerated cellulose, i.e. viscose and lyocell, fall outside the scope of the SUP Directive.
Single-use		Product design characteristics indicating that the wet wipe is single-use, include: Product has been purposely designed, conceived and placed on the market to be used just once before disposal. Nature of packaging: for example, it is not possible or would be very difficult to reintroduce the wipe back into its original packaging after a single use. Product labelling information e.g. written or visual instructions indicating single-use (i.e. to be disposed after a single use).
Product-specific criteria		Description and examples
Pre-wetted	Final product composition	Pre-wetted wipes contain an impregnation liquid which has been added to the wipe before it is placed on the market and sold. Dry wipes i.e. not pre-wetted are outside of the scope of the SUP Directive.
Personal care and domestic use	Intended use/point of sale and distribution channel	The following guidance provides additional clarifications on whether the wet wipe is intended for personal care or domestic use: Personal care: a wet wipe intended to be used for hygiene purposes. These include cleansing and caring of skin of both human adults and babies e.g. baby wipes, cosmetic/make-up removal wipes, intimate care wipes, etc. Domestic use: a wipe intended to be used in domestic premises. These include wet wipes used for household cleaning purposes e.g. wipes used to clean kitchen and bathroom surfaces, wet wipes used to clean personal vehicles, spectacle cleaning wipes, etc. Industrial wet wipes are explicitly excluded from the scope

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		SUP Directive (Recital 12). Further, wet wipes which are intended for professional use instead of domestic use are not included in the scope of the SUP Directive. The professional use of wet wipes can be determined inter alia by the point of purchase, professional distribution channel and type of end user.
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Table Error! No text of specified style in document_c340-4: How are different types of wet wipes considered under the SUP Directive?

Type of wet wipes	General criteria		Product-specific criteria		Fulfilment of relevant general and product-specific criteria?
	Plastic	Single-use	Pre-wetted	Personal care or domestic use	
Wet wipe which contains plastic (see Part B chapter 3)	YES	YES	YES	YES	INCLUDED
Wet wipe which does not contain plastic	NO	YES	YES	YES	EXCLUDED: Product is not wholly or <u>partially</u> made of plastic
Pre-wetted wipe (e.g. which can be indicated on product packaging as follows: "pre-moistened towelettes" or "pre-wetted")	YES	YES	YES	YES	INCLUDED
Dry wipe (e.g. not pre-wetted before placed on the market; can also be indicated on product packaging as follows: "skin cleansing dry wipes")	YES	YES	NO	YES	EXCLUDED: Product is not "pre-wetted"
Personal care wet wipe (e.g. which can be indicated on product packaging as follows: "makeup-removal wet wipes" or "Baby wipes")	YES	YES	YES	YES	INCLUDED
Domestic use wet wipe (e.g. which can be indicated on product packaging as follows: "Multipurpose household cleaning wipe")	YES	YES	YES	YES	INCLUDED

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Type of wet wipes	General criteria		Product-specific criteria		Fulfilment of relevant general and product-specific criteria?
	Plastic	Single-use	Pre-wetted	Personal care or domestic use	
Industrial wet wipe (e.g. wet wipes used in industry)	YES	YES	YES	NO	EXCLUDED; Product is considered to be an industrial wet wipe
Professional use wet wipe (e.g. medical/healthcare wipes sold through professional B2B distribution channels and intended for use by healthcare professionals)	YES	YES	YES	NO	EXCLUDED; Product is not intended for domestic use

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4. TOBACCO PRODUCTS WITH FILTERS; FILTERS MARKETED FOR USE IN COMBINATION WITH TOBACCO PRODUCTS

1. Product description in the Directive

Tobacco products with filters, and filters marketed for use in combination with tobacco products, are defined in Article 3(18) of the SUP Directive as

"tobacco products" as defined in point (4) of Article 2 of Directive 2014/40/EU", which further defines tobacco products as "products that can be consumed and consist, even partly, of tobacco, whether genetically modified or not".

The Annex to the Directive (Parts D (3), E III and G (5)) defines this product category as: "Tobacco products with filters and filters marketed for use in combination with tobacco products".

The table below provides an overview of the relevant descriptions that relate to tobacco products with filters, and filters for use in combination with tobacco products, according to the SUP Directive.

Table Error! No text of specified style in document. 3510-4: Descriptions of tobacco products with filters, and filters, in the SUP Directive

Relevant product-specific descriptions
Article 3 (18) refers to "tobacco products" as defined in point (4) of Article 2 of Directive 2014/40/EU".
Annex Parts D (3), E III and G (5) describe "tobacco products" as "Tobacco products with filters and filters marketed for use in combination with tobacco products".
Point 4 of Article 2 of Directive 2014/40/EU, defines "tobacco products" as follows: "tobacco products" means products that can be consumed and consist, even partly, of tobacco, whether genetically modified or not;"

2. Product criteria

The main criteria to determine whether a 'tobacco product with filter, or a filter marketed for use in combination with a tobacco product' falls within the product scope of the Directive, are:

1. Product is a tobacco product (as defined in Point 4 of Article 2 of Directive 2014/40/EU, i.e. "products that can be consumed and consist, even partly, of tobacco, whether genetically modified or not") and Product contains a filter; e.g. a cigarette or cigar; or
2. Product is a separate filter for use with tobacco products: e.g. a filter tip or mini filter.
 1. Distinction between single and multiple-use tobacco products with filters, and filters marketed for use in combination with tobacco products:

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As explained in Part 1, the assessment whether a tobacco product with a filter, or a filter marketed for use in combination with tobacco products, is considered as single-use or multiple-use has to be done taking account of the product design characteristics.

In relation to the product design characteristics, the majority of tobacco products with filters and filters marketed for use in combination with tobacco products are intended to be used just once before disposal. The tobacco product is burned during use, and the remaining filter component discarded.

2. Product overview and list of illustrative examples

Table Error! No text of specified style in document._36 summarises the main general and product-specific criteria provided by the SUP Directive to define the types of tobacco products with a filter or filters marketed for use with tobacco products covered. Guidance is provided on how to interpret the general and product-specific criteria, along with illustrative examples on whether certain types of tobacco products with a filter, or filters marketed for use with tobacco products, are included or excluded under the SUP Directive in [Table 10-3](#).

Table Error! No text of specified style in document._36(10-3) Main criteria of the SUPD and guidance to define SUP tobacco products with a filter or filters marketed for use with tobacco products

General criteria		Description and examples
Plastic product	Made wholly or partially of plastic	Product contains plastic (for definition of plastic, see Part 1). Product contains plastic (part 1)
	Material consisting of a polymer, which can function as a main structural component	Polymer(s) as defined in REACH (for definition of plastic, see Part 1). Polymer(s) as defined in REACH
	Exception for "natural polymers that not been chemically modified"	Part 1 provides general guidance for interpreting the exception for "natural polymers that have not been chemically modified". Tobacco products with filters or filters marketed for use in combination with tobacco products containing cellulose acetate are deemed to constitute a chemically modified polymer and fall within the scope of the SUP Directive.
Single-use		Product design characteristics that indicate that the product has not been purposely designed, conceived and placed on the market to be used more than once; in other words, they are not suitable, nor marketed for multiple-use.
Product-specific criteria	Guidance indicators	Description and examples

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Tobacco product with filter or filter marketed for use in combination with tobacco products	Composition of product	Product is a tobacco product (as defined in Point 4 of Article 2 of Directive 2014/40/EU, i.e. “products that can be consumed and consist, even partly, of tobacco, whether genetically modified or not”) containing a filter: e.g. a cigarette or cigar; or Product is a separate filter for use with tobacco products: e.g. a filter tip or mini filter
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Table Error! No text of specified style in document.:3740-0: How are different types of tobacco products with filters and filters marketed for use in combination with tobacco products considered under the SUP Directive?

Type of tobacco product or filter	General criteria		Product-specific criteria	Fulfillment of all general and product-specific criteria?
	Plastic	Single-use	Tobacco product with filter or filter marketed for use in combination with tobacco products	
Cigarette or cigar with filter containing plastic 	YES	YES	YES	INCLUDED
Separate single-use filters containing plastic  	YES	YES	YES	INCLUDED
Electronic cigarette or vape products, including plastic or non-plastic filters 	YES	NO	NO	EXCLUDED: Product not intended for multiple use; product does not contain tobacco

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Type of tobacco product or filter	General criteria		Product-specific criteria	Fulfilment of all general and product-specific criteria?
	Plastic	Single-use	Tobacco product with filter or filter marketed for use in combination with tobacco products	
 <p>Electronic device to be used with heated tobacco product including single-use filter containing plastic Heated tobacco product including filter</p>	YES	YES (the filter)	YES	<p>INCLUDED</p> <p>While the electronic device is used, the tobacco product is intended for use, the tobacco filters are shown</p>
<p>Loose tobacco e.g. for use in a pipe or hand-rolled cigarette</p> 	NO	YES	NO	<p>EXCLUDED: Product is not made wholly or partly of plastic; product does not contain a filter</p>

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