

# **Ordinance of the Federal Government**

## **Ordinance prohibiting the placing on the market of certain single-use plastic products and products made from oxo-degradable plastic**

### **(Single-Use Plastics Ordinance – EWKVerbotsV)\*\***

**of 20 January 2021**

On the basis of Section 24 number 4 in conjunction with Section 67 of the Circular Economy Act (KrWG) of 24 February 2012 (Federal Law Gazette I p. 212), of which Section 24 number 4 was amended by Article 1 number 18 of the Act of 23 October 2020 (Federal Law Gazette I p. 2232), the Federal Government, after consulting the parties concerned and under observance of the rights of the Bundestag, hereby decrees as follows:

#### **Section 1**

##### **Scope**

This Ordinance shall apply to the placing on the market of certain single-use plastic products and products made from oxo-degradable plastic. This Ordinance shall apply irrespective of whether or not the products are placed on the market as packaging as defined in Section 3 subsection (1) of the Packaging Act (VerpackG).

#### **Section 2**

##### **Definitions**

For this Ordinance, the following definitions shall apply:

1. single-use plastic product:

A product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer or distributor for refill, or re-used for the same purpose as that for which it was conceived;

2. plastic:

A material consisting of a polymer in accordance with Article 3 point 5 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396 of 30 December 2020, p. 1), last amended by Regulation (EU) 2020/507 (OJ L 110 of 8 April 2020, p.1), as amended, to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of materials made from natural polymers that have not been chemically modified;

3. oxo-degradable plastic:

Plastic materials that include additives which, through oxidation, lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition;

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\* This Ordinance transposes Articles 5 and 14 of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155 of 12 June 2019, p. 1).

4. placing on the market:

The first making available of a product on the market within the territorial scope of this Ordinance;

5. making available on the market:

Any supply of a product for distribution, consumption or use on the market in the course of a commercial activity.

### Section 3

#### **Restrictions on placing on the market**

(1) The following single-use plastic products shall not be placed on the market:

6. Cotton bud sticks; exceptions are cotton bud sticks falling within the scope of Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117 of 5.5.2017, p. 1; L 117 of 3 May 2019, p. 9; L 334 of 27 December 2019, p. 165), amended by Regulation (EU) 2020/561 (OJ L 130 of 24 April 2020, p. 18), as amended,
7. Cutlery, in particular forks, knives, spoons and chopsticks,
8. Plates,
9. Drinking straws; exceptions are drinking straws falling within the scope of Regulation (EU) 2017/45,
10. Beverage stirrers,
11. Sticks to be attached to and to support balloons, including the mechanisms of such sticks; exceptions are sticks for balloons for industrial or professional uses and applications that are not distributed to consumers, including the mechanisms of such sticks.
12. Food containers made of expanded polystyrene, i.e. receptacles such as boxes, with or without a cover, used to contain food which
  - a) is intended for immediate consumption, either on-the-spot or as a take-away meal,
  - b) is typically consumed from the receptacle, and
  - c) is ready to be consumed without any further preparation, such as cooking, boiling or heating;Beverage containers, cups for beverages, plates, bags and packets such as wrappers containing food are not food containers within the meaning of this Ordinance,
13. Beverage containers made of expanded polystyrene, including their caps and lids, and
14. Cups for beverages made of expanded polystyrene, including their covers and lids.

(2) Products made from oxo-degradable plastic shall not be placed on the market.

### Section 4

#### **Regulatory offences**

A regulatory offence within the meaning of Section 69 subsection (1) number 8 of the Circular Economy Act shall be deemed to have been committed by anyone who wilfully or negligently places a product on the market in contravention of Section 3 of this Ordinance.

Section 5

**Entry into force**

This Ordinance shall enter into force on 3 July 2021.