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| FRENCH REPUBLIC | | |
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| Ministry of the Ecological and Inclusive Transition | | |
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Decree No of

**on the prohibition of certain single-use plastic products**

NOR: […]

***Groups concerned:*** *natural persons or legal entities delivering, using, distributing or providing, whether for a fee or free of charge, certain single-use plastic products for the needs of their economic activity.*

***Subject:*** *conditions for application of the prohibition on providing certain single-use plastic products.*

***Entry into force:*** *The provisions of this decree shall enter into force on 1 January 2020, with the exception of the provisions of Article 3, whose entry into force is scheduled for 3 July 2021.*

***Notice:*** *the decree defines the conditions for application of the legislative provisions of the Environmental Code intended to prohibit the provision of certain single-use plastic products from 1 January 2020 onwards. In this context, it sets out the application procedures for Article L541-10-5(III) of the Environmental Code.*

***References:*** *the decree is issued pursuant to the first paragraph of Article L541-10-5(III) of the Environmental Code, inserted by Article 73 of Law No 2015-992 of 17 August 2015 on energy transition for green growth and amended by Article 28 of Act No 2018-938 of 30 October 2018 to balance trade relationships in the agricultural and food sector and provide food which is healthy, sustainable and accessible to all.*

**The Prime Minister,**

On the report of the Minister for the Ecological and Inclusive Transition and the Minister for Economy and Finance;

Having regard to Directive No 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste, notably amended by Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

Having regard to Directive 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment;

Having regard to Directive 90/385/EEC on the approximation of the laws of the Member States relating to active implantable medical devices;

Having regard to Directive 93/42/EEC concerning medical devices;

Having regard to the Environmental Code, especially Article L541-10-5(III) thereof, introduced by Article 73 of Law No 2015-992 of 17 August 2015 on energy transition for green growth and amended by Article 28 of Act No 2018-938 of 30 October 2018 to balance trade relationships in the agricultural and food sector and provide food which is healthy, sustainable and accessible to all;

Having regard to the observations made during the public consultation carried out between [day] [month] 2019 and [day] [month] 2019, pursuant to Article L123-19-1 of the Environmental Code;

Having regard to notification No [...] sent to the European Commission on [...],

**Hereby decrees:**

**Article 1**

In Book V, Title IV, Chapter III of the regulatory part of the Environmental Code, Section 21, subsection 1 is replaced by the following provisions:

‘Subsection 1: General provisions

Article D543-294

For the purposes of Article L541-10-5(III), the following definitions apply:

1. ‘plastic’: a material consisting of a polymer as defined in Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006, 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 natural polymers that have not been chemically modified;

2. ‘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 lifespan, multiple trips or rotations by being returned to a producer for refill, or which is not conceived, designed or placed on the market to be reused for the same purpose for which it was conceived;

3. ‘producer’: any natural or legal person that professionally manufactures, fills, sells or imports, irrespective of the selling technique used, including by means of distance contracts, single-use plastic products or filled single-use plastic products;

4. ‘provision/providing’: the supply of a product intended to be distributed, consumed or used on national territory in the context of a commercial activity, whether paid or free of charge;

5. ‘placing on the market’: providing for the first time on national territory;

6. ‘packaging’: products covered by Directive No 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste;

7. ‘cups and glasses’: cups and glasses made entirely of plastic;

8. ‘disposable plates for culinary use’: plates made entirely of plastic;

9. ‘cutlery’: the forks, knives, spoons and chopsticks mentioned in Part B of the Annex to Directive (EU) 2019/904, except those used in prisons, health establishments and in air, rail and sea transport;

10. ‘food trays, ice packs, salad bowls and boxes’ means food containers as specified in Part A of the Annex to Directive (EU) 2019/904, which are made entirely of plastic, used to contain food which is intended for immediate consumption, either on-the-spot or take-away, typically consumed from the receptacle, and which is ready to be consumed without any further preparation, such as cooking, boiling or heating;

11. ‘straws’: straws provided at the place of use or sold individually or in batches to the final consumer, except those covered by Directive 90/385/EEC or Directive 93/42/EEC;

12. ‘glass lids’ means lids for glasses or cups, which fall within the category of beverage cup lids within the meaning of Part A of the Annex to Directive (EU) 2019/904;

13 ‘products suitable for domestic composting’: products that meet the requirements of the approved French standard on the specifications of plastics suitable for domestic composting, as well as products lawfully manufactured or marketed in another EU Member State or in Turkey, or lawfully manufactured in another State party to the agreement on the European Economic Area that offer equivalent guarantees;

14. ‘bio-based material’: any material of biological origin, with the exception of materials incorporated into geological or fossilised formations;

15. ‘bio-based content’: the percentage, expressed as a fraction of the total carbon, of bio-based materials incorporated into the cup, glass or plate, determined according to a calculation method specified in a French standard, or any other international standard relating to determination of the bio-based carbon content of plastics that offers equivalent guarantees.

**Article 2**

In Book V, Title IV, Chapter III of the regulatory part of the Environmental Code, Section 21, subsection 2 is amended as follows:

1. Subsection 2 is now entitled: ‘Disposable plastic products’;

2. Article D543-295 is replaced by the following provision:

‘The products mentioned in the first paragraph of Article L541-10-5(III) whose provision is to cease shall be those made of single-use plastic, with the exception of packaging.’

3. Article D543-296 is replaced by the following provision:

‘The minimum bio-based content of the products mentioned in Article L541-10-5(III) shall be 50 % from 1 January 2020 onwards and 60 % from 1 January 2025 onwards.

**Article 3**

1. Article D543-294 is amended as follows:

a) point 7 is supplemented by the words: ‘and made partly of plastic, with a content greater than a maximum level set by a decree specifying the maximum permissible plastic content and the conditions under which the plastic content is progressively reduced’;

b) in point 8, the words: ‘*composés entièrement de plastique*’ (‘made entirely of plastic’) are replaced by the words: ‘*, y compris avec un film plastique, mentionnées à la partie B de l’annexe de la directive (UE) 2019/904*’ (‘including with a plastic film, mentioned in Part B of the Annex to Directive (EU) 2019/904’);

c) in point 9, the words: ‘*hormis ceux utilisés dans les établissements pénitentiaires, les établissements de santé et dans le transport aérien, ferroviaire et maritime*’ (‘except those used in prisons, health establishments and in air, rail and sea transport’) are deleted;

d) in point 11, the words: ‘*mises à disposition sur le lieu d’utilisation ou celles vendues à l’unité ou en lot au consommateur final*’ (‘provided at the place of use or sold to the final consumer by the unit or in batches’) are replaced by the words: ‘*qui sont mentionnées à la partie B de l’annexe de la directive (UE) 2019/904*’ (‘which are mentioned in Part B of the Annex to Directive (EU) 2019/904’);

2. In Article D543-295, the words: ‘*à l’exception des*’ (‘with the exception of’) are replaced by the words ‘*y compris les*’ (‘including the’);

3. Article D543-296 is supplemented by the following sentence: ‘However, the exemption mentioned in this same paragraph does not apply to disposable plates for culinary use, straws, cutlery and mixing sticks for beverages’.

**Article 4**

The provisions of this decree shall enter into force on 1 January 2020, with the exception of the provisions of Article 3, which shall enter into force on 3 July 2021.

**Article 5**

The Minister for the Ecological and Inclusive Transition and the Minister for Economy and Finance shall be responsible, insofar as it falls within their remit, for implementing this decree, which shall be published in the Official Journal of the French Republic.