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PLASTICS AND LOBBYING

- lobby group success in the decision-making phase of
a policy

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Abstract

In June 2019, a new legislation was in place targeting plastic pollution in the EU, banning the 10 most found single-use plastic products (SUP: s) found in the marine environment. This was an important legislation where the EU lobby groups, mainly the environmental and the industry groups, were lobbying the decision-makers. This thesis tries to analyse the lobbying process taking place during the decision-making period of this EU policy, the directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment (i.e., the SUP-directive). The thesis has three research questions that it tries to answer: which of the lobby group type, environmental or industry, has been most successful in the decision-making phase of the directive, which aspects of the policy did the respective interest groups try to be successful on, and which aspects of the policy did the respective groups have success on. Drawing inspiration from previous research on lobbying success and lobbying influence, I have developed an analytical tool to find the different lobby groups' ideal points in legislation. This is made to analyse the groups' success on the issues of this policy. The findings show that although the environmental group wanted a stronger legislation, that group was more successful in its lobbying on this SUP-directive. The group's ideal points were most like the proposed legislation from the Commission and in the final directive. The industry was successful in some respects in its lobbying, although not to the same amount as the environmental group.

Key words: European Union, lobbying, lobbying success, environmental policy, single-use plastics.

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1. Introduction

The issue of plastics is an increasing, and serious, phenomenon that centres around plastic litter and plastics found in our seas, fields, and streams, which is harmful for our environment (Parker 2021). An increasing number of plastics is produced each year, more than 380 million metric tons (Benoit et al, 2021, p.6) (MT)¹. Of all plastics produced worldwide it is not even 10 percent that is ever recycled, with 12 percent having been burnt and the remainder found in soils, oceans, and landfill (Geyer 2020).

From the local to the supranational level, environmental issues - such as the serious plastics issue - are put on the political agenda. In June 2019 there was an important legislation put in place, aimed at reducing plastic pollution in the EU. Following the legislation, several important steps have been taken to reduce plastics in the environment: in 2021, the European Commission (Commission) adopted guidelines on single-use plastics products (SUP:s), and the EU no longer allows certain SUP-items on the market. From October 2021 there were new rules on separate collection of plastic beverage bottles and recently, in February 2022, new rules were put in place to reduce the consumption of plastic food containers and beverage cups (Commission 2023).

It is easy to assume that the politicians decide over environmental legislation, or policy issues in general. But there has long been an impact by lobby groups trying to influence legislation, although to what end is difficult to know for sure. Lobby groups have long been acting behind closed doors to try and influence different political issues, and their success or impact on different policies has been debated in the literature. We have limited knowledge on lobbying influence or lobbying success in the decision-making phase of a policy in general. In this plastic policy, we do not know how much the policymaking was influenced by lobby groups.

According to Hauser, the EU has a primarily regulatory body with a relatively small budget and sparse staff, and therefore rely on lobbyists for technical information (Hauser 2011:680). By themselves, parliamentarians do not have enough resources to be up-to-date and informed on all the issues they are to vote on, and because of this, they depend heavily on lobbyists for technical information and knowledge on specific policy issues (Van Schendelen 2013:325). Members of EU institutions does also not want to leave office which is why they act in ways to avoid opposition in too high amount, to policies which they are to decide upon, which makes them open for interest group's support, such as information, expertise and backing, in exchange for defending the interest groups' interests and offer opposition to those that do not support them (Dür, Bernhagen and Marshall 2015:7).

¹ 1 MT equals roughly 1,1 tons

Lobbying could be said to be a double-edged sword when it comes to the issue of legitimacy, it can both contribute to and undermine the legitimacy of the EU. On the one hand, lobbying could be said to impact the EU institutions democratic deficit, if citizens thought that policymakers were not 'in charge' over policy issues. On the other hand, the Commission described in a working paper in 2000 that even though the decision-making process in the EU is legitimised by the elected representatives, NGOs can contribute in "fostering a more participatory democracy both within the European Union and beyond". Thus, there is a need to find out more about the different lobby groups' influence, which this thesis is a contribution to. The Commission has consequently invited NGOs to participate in European governance (2000:4), according to previous research, these invitations function as a response to the debates on the EU's democratic deficit and to increase the legitimacy, although it matters *how* the NGOs take part in EU governance (Junk 2016:236).

The plastic issue is a relatively recent issue since the Commission launched its plans for a plastic strategy in January 2017, and presented its *European Strategy for Plastics in a Circular Economy* in January 2018, with a legislation in place in 2019. It is interesting to notice that before the release of the strategy, the Commission held 92 meetings with lobby groups, whereof 16 were with NGOs and 70 meetings held with the industry (Corporate Europe Observatory 2018). It seems that the EU was eager for input from lobbyists on this issue, and not only rely on inhouse expertise. The Commission had so many more meetings with industry, than with NGO:s, and according to an article from 2018 this could be because the Commission wanted voluntary commitments from producers to be able to reach the goals set out in the plans for the strategy (Corporate Europe Observatory 2018).

After the release of the strategy the Commission proposed a legislation for a directive to the European Parliament (Parliament), which was approved in a directive in October 2018, that I will describe further below. The issue has been highly debated by policymakers and by lobbyists, representing the plastic industry as well as environmental interest groups, having strong arguments from the beginning when plastic was put on the agenda, to the approved legislation. It seems a consensus on the plastics issue is difficult to achieve, since plastic is both a problem and a solution, depending on which way you look at it.

Despite the importance of interest group influence, our knowledge of influence on various policies is limited. As I will describe more in the chapter on previous research there is a lot of research done on lobbying in different phases, such as in the agenda-setting phase of concerning framing of an issue. There is research also done on lobbying influence, however since "influence" is more difficult to measure there are mixed results from the literature on interest groups influence and different views on what constitutes "influence". I will describe this more in the chapter of previous research.

There have further been studies made about interest group influence and success that has found group type to be the explaining factor to success. Apart from Dür and Mateo in a study from 2014 and Binderkrantz and Pedersen's study from 2019, the studies on group type has focused on the period of 2010 and earlier. There is limited amount of research looking at the EU level and that studies lobby group influence or success of an environmental issue, and even less looking at more recent policies. There is therefore need for more research in this area. It is also interesting to study this issue since previous research has given mixed results regarding the possibilities to affect policy.

There are several phases in a policy process where a lobby group could exert influence. In the agenda-setting phase for example, before an issue has been put on the table, or in the decision-making phase. It would also have been a possibility to study the lobby groups' influence regarding the framing of the plastics issue. I have however chosen to narrow down my study to the decision-making phase, i.e., from the time when an issue is put on the agenda. I have chosen this phase because the decision-making phase is an important phase for interest groups to try and influence the policymakers in the EU. It is when the Commission has put forth a proposal and interest groups can then contact the Council, the Parliament, and the Commission as well to try and influence the legislation (Klüver 2013:181). Another argument for choosing the decision-making phase is that there is a lack of research in this area and that the research that exists gives mixed results on lobbying influence and success, why there is a need for more research.

An additional argument is that there are documents available to analyse since it is important for the interest groups to show their views. It would have been more difficult to study the agenda-setting phase and before there is a proposal, since views during this time are not always put down in paper. Lobby group success is not always documented and the lobbying that takes place in the agenda setting phase is therefore more difficult to study. It would also be too big a study to include the agenda-setting phase as well as the decision-making phase, which is why I made this choice.

To gain knowledge of my chosen lobby groups' impact on the policymaking in the decision-making phase of this issue, I will make a qualitative text analysis of the documents from the interest groups regarding the plastic strategy and SUP-directive and of the EU-documents adhering to the issue. There are several position papers, letters to parliamentarians (MEP:s) and other documents that are relevant to the plastics issue and in the same time period as the decision-making phase. A text analysis of these documents may give a good picture of the lobby groups' ideal points of a possible legislation. Regarding the choice of method, I am inspired by the research by Dür et al regarding ideal points, which I will describe more in chapter 3. Analysing ideal points is one way to know more about lobby group success, since it is possible by comparing the respective interest groups' ideal points with the

proposal for a legislation and the final legislation, to know which group that is closest to the legislation.

To sum up, I examine if group type, non-governmental or business, impacts on level of success in the plastics issue. By studying the respective groups' ideal points and compare this to the proposal for a directive and the final directive, it is possible to learn more about the lobbying success. I can assume that the lobby groups have had some kind of impact on policy, and tried to be successful, in this issue of plastic, since they have had meetings with the Commission and represent large organisations affected by the legislation.

1.1 Plastics and the environmental impacts

Plastics is an important material and used daily all over the world. The plastics industry has of course benefited from this useful material which has made plastics a large and important industry in the European Union (EU). In 2017 the European plastic industry had a turnover of 330 billion euros which increased to little over 400 billion euros in 2021 and the industry ranks 8th in Europe in industrial value-added contribution, after the manufacturing of electrical equipment. Moreover, the European plastic industry includes over 52,000 companies and gives employment to 1,5 million people (PlasticsEurope 2023:b). Plastic industry then being an important job provider in the EU, as well as an important part of the EU economy.

Furthermore, plastics is a common material, found in many products used by people on a regular basis. The upside for people to use plastics, with the material's durability and light weight, is nevertheless a downside and threat to animals. The animals eat plastic products, often single-use plastics (SUPs) like straws, bottle caps, and other items thrown away after use, thinking that it is food which makes them stay hungry and become inactive, and even die. Since plastic floats in the water, other harmful examples include birds and sea turtles getting stuck in old fishing nets made from plastic, unable to become free and they ultimately die if they do not receive help (Daly 2018).

It is also difficult to get rid of plastics in the environment, since petroleum-based plastic, such as PET bottles, do not decompose in the same way that organic material does (Harris 2021). The plastics durability is what makes it so difficult to break down and degrade (Pollution Solutions 2015). Apart from an example where a student in 2008 managed to show that a specific type of bacteria could break down plastic (Kawawada 2008), the only proven way for plastic to break down is by photodegradation. This is a slow process, not uncommon to take up to 50 years or more (longer if the item is under water), when the material's substance is changed through photons, particularly found in the rays of the sunlight, and finally broken down (Pollution Solutions 2015). Although, when plastic is

finally broken down into hundreds of smaller pieces, apart from being harmful for birds and other animals that eat the plastic, it also releases toxic chemicals like bisphenol A (BPA) and PS oligomer. This is dangerous for animals, humans, and the environment.

There seem to be lots of reasons then, environmental as well as with concern to animals and the human health, to make a change regarding plastic production. The arguments range from favouring of a total stop of production of oil-based plastic, favouring production of biodegradable plastic (Harris 2021) and like the industry favouring more funding to waste systems and informative campaigns to citizens to make them stop littering. Having in mind the large and important part of the EU economy that the plastic industry makes up for, whereas much plastic is produced still that is oil-based, many people and companies are still very dependent on the current plastic production. However, that the EU policymakers now have acknowledged the need to put plastic litter on the political agenda, and regulated it in a directive in 2019, signifying the importance of acting on the growing and already considerable problem that plastic litter constitutes in the EU.

1.2 Research aim and question

This study will have a qualitative and investigative approach trying to analyse lobbying success in the decision-making phase of a policy. This phase begins with the formal adoption of the legislative proposal by the Commission, and includes the time period when the Council, the European Parliament and to some extent the Commission bargain based on the proposal first made by the Commission about the design of the final legislative act. (Klüver 2013:178). I will find the respective interest groups ideal points and analyse these in comparison to the proposal and the final directive on plastics and draw conclusions on which group type that has had more success on the issue.

1.2.1 Research aim

My aim with this master thesis is to study which lobby group type that has had the most success in the decision-making process regarding the plastics issue in the recent SUP-directive. The two types are the environmental group, represented by Rethink Plastic, and the industry lobby group, represented by PlasticsEurope. I will first look at what the two interest groups have as ideal points in legislation concerning the plastics issue, and then analyse and compare this with the proposal for a directive and the final directive. In so doing I will be able to find out about the interest groups success regarding the policy, and how successful the respective groups have been in determining what is in and what is left out of the policy.

1.2.2 Research question

Following this specified aim, my research questions are formulated as follows.

Research question 1: *Which of the lobby group type, environmental or industry, has been most successful in the decision-making phase on the directive (EU) 2019/904 on reducing the impact of certain plastic products on the environment?*

Research question 2: *Which aspects of the policy did the respective interest groups try to be successful on?*

Research question 3: *Which aspects of the policy did the respective interest groups have success on?*

1.3 Disposition

This thesis comprises 7 chapters. The first chapter, introduction, gives the reader a first glance to the plastic issue and includes both research aim and questions as well as disposition. Following this first chapter, Chapter 2 describes previous research and describes the theoretical framework used throughout this study. Chapter 3 involves the methodological approach and design, i.e., where sampling procedures are explained regarding the case, choice of lobby groups and of material as well as method to make the text analysis. Chapter 4 is the analysis and results; Chapter 5 gives the conclusive discussions regarding the results; Chapter 6 is the references, and Chapter 7 is the Appendices.

2. Previous research on lobbying and lobbying success

In this chapter I will begin with describing previous research regarding lobby groups on a general level and then discuss the research on lobby group influence and success. This is necessary in turn to understand what explains success, and how to measure it, and regarding which role group type (e.g. NGO or business types) has for affecting a policy.

2.1 Previous research on lobby groups

There has been much research done about lobbying or interest groups in the last two decades and the studies have been made on different topics.

There is much research on EU lobbying using case studies and process tracing, even if it has seen a decrease since 2007 to the benefit of quantitative and inferential analysis (Bunea and Baumgartner 2014). Researchers Voltolini and Eising has studied underexplored policy areas such as EU foreign policy, and by using process tracing and case studies in research on framing and lobbying could offer insight on what constitutes successful ‘framing’ (Voltolini and Eising 2017). A much-researched topic has further been political access of interest groups (Binderkrantz and Pedersen 2016:306) as well as studies on exchange models (first developed in the 1960s) to explain lobbying (Levine and White 1961:587) or exchange theories (Greenwood et al 1992, Pappi and Henning 1999).

Regarding the studies made on agenda-setting and policy formulation in the EU, the literature seems to suggest that the EU is particularly open for issues to be raised on a regular basis by agenda-setters (Daviter 2007:655). I will describe further the possibility to have successful lobbying in the agenda-setting phase in the chapter on lobby group success.

Furthermore, there are a lot of research done on framing of a policy by lobby groups in the EU, for instance by Voltolini 2016, Boräng et al 2014, Eising et al 2015 as well as Klüver and Mahoney 2015.

2.2 Lobby group success

2.2.1 Defining influence and success

Binderkrantz and Pedersen have in their study made a discussion between the definition of access and how to measure interest group access. They argue that access is not the same thing as influence, although a crucial step towards having political influence, since influence is difficult to define and measure and has been the topic of research numerous times since 1960s (Binderkrantz and Pedersen 2016:306f).

It is important to have in mind that the research uses different words to describe how interest groups' affect policy legislation. Some researchers use the term "success" while others prefer to write about "influence". There is a difference between the terms although they are similar. Since influence assumes causality, i.e., if actors are influential depend on them being able to obtain preferred policies (in their view), and at the same time averting policies they do not like, depending on the actions or properties of the influential actors (Dür, 2008). Dür et al write that they cannot rule out that actors attain their policy goals on pure "luck", rather than influence, they argue however that interest group type is key variable in explaining interest group success (2015:953f). This is an important aspect for me in this thesis, since it suggests that I cannot measure influence but instead try to analyse interest group success in this case.

Since it is fair to presume that there is a similarity between the terms, I have included research on both influence and success and choose to write about both terms. The purpose of the research on both interest group influence and success is to find out more about if a group got what they wanted or not, and to some extent how much. Ultimately the research on both terms is interested in the same phenomenon, but influence is difficult to observe empirically and that is why I choose to use the term success.

When trying to identify influence or success it is also essential to look at the challenges associated with finding good measures of group success (Dür 2008, Leech 2010). Mahoney states that there is a difficulty in operationalising the concept of interest group influence which is why scholars have avoided studying it (2007). Klüver writes that although it should be of central concern to analyse interest group influence, there are only few researchers that have studied influence (2013). This aspect is important to have in mind as it determines the possibilities to learn more about the influence exerted by the lobby groups in question in this thesis.

There is thus a difficulty in studying lobbying influence. According to Lowery, "There is a deep paradox in our attention to influence. Simply put, we all look for it, but rarely find evidence of it" (2013:1). Previous studies include Smith 1995, Baumgartner and Leech 1998 and Burstein and Linton (2002) that got similar results, that lobbyists sometimes strongly influence Congressional voting, sometimes have a marginal influence, and sometimes fail to exert influence (Baumgartner and Leech 1998:134). A newer study reported that most lobbyists fail to even get their issue on the policy agenda (Baumgartner et al 2009). In the literature, there is then an uncertainty in the lobbying environment and mixed conclusions on how lobby groups influence policy (Lowery 2013).

Lobby groups may have influence or success in the agenda-setting phase, i.e., where success means the possibility to put issues on the agenda. There is much research done on lobbying in agenda-setting,

e.g. Bunea 2013, Klüver 2011 (consultation period) and Daviter 2017. I am however interested in lobby success in the decision-making phase, which is the lobbying taking place from when there is a formal adoption of a legislative proposal by the Commission to a finished legislation. During this time there is a bargaining between the Council, the Parliament, and the Commission about the final legislation (Klüver 2013:181).

2.2.3 Influence and success in the decision-making phase

There are many possibilities for interest groups to try and influence during the decision-making phase of an EU policy. From the time there is a proposal on the table from the Commission, the groups can establish informal and formal contacts with the Council, the Parliament, and the Commission to shape the final legislative act (Klüver 2013:181).

Up to the mid-00s, there were only few studies that focused on interest group power and success in Europe, both at the national level and the EU level (Dür and de Bièvre 2007). The ones that did research in this area are for instance Bernhagen and Bräuninger 2005, Henning 2004, Michalowitz 2004, Dür 2005 and Dür 2008. According to Eising, many studies in this time researched why interest groups use access or voice strategies, why they form coalitions, and whether a specific system of interest representation can be classified as pluralist, corporatist, or network like (Eising 2004). The following decade, there were several focusing on interest group influence in the EU, such as Beyers, Eising and Maloney 2013 and Klüver 2011.

Furthermore, there are researchers that link interest group characteristics to group's influence over policy outcomes. Groups with more resources should exert more influence, than those with little resources (Dür & de Bièvre 2007).

Stevens and De Bruycker have also studied what role economic resources has for lobby influence. They have studied when and in what way more affluent interest groups wield influence over policy outcomes, focusing on 41 policy issues in the EU and making 183 expert surveys with lobbyists. Previous research has shown that it is unclear how much resources matter for lobbying influence, still the researchers argue in this study that economic resources matter but that their effect is conditional on the media salience of policy issues (2020).

Other researchers, such as Dür 2008a, Eising 2007 and Gerber 1999, have also previously made studies on the importance of group resources on influence, and arguing that they contribute to lobby influence by increasing the capacity to provide expert information. However, another study by Flöthe suggests that if resources are important to enhance a group's ability to supply information, this is

problematic for resource poor groups since they become disadvantaged when lobbying policymakers. Flöthe argues that resources such as financial means, are less important than previously thought. Instead, groups can rely on other resources, such as political capacities (Flöthe 2019).

More recently there are several researchers that has shown an interest to studying success by lobby groups in the decision-making phase of a policy. Dür, Bernhagen and Marshall have made an important study where they wanted to know when and why does a certain group, e.g., business interest group, gain or lose in relation to a policy. They argue that group type is an important factor to explain the interest groups' success on a policy (2015). I will write more about their study under the headline "Group type affects lobby success".

2.2.4 Research on group type and lobbying success

In the following section I will describe the research that has found group type to be an explanatory factor of influence, both in a direct and indirect way. Some research suggests that business groups tend to be more influential in lobbying politicians in the decision-making phase, and some research suggests that citizen groups and environmental groups (NGO's) are more influential. I will describe this further.

There has been research that has studied what factors that shape group influence, such as Baumgartner et al 2009, Binderkrantz and Rasmussen 2015, Klüver 2009 and Mahoney 2009 (2019: 83). In a study by Binderkrantz and Pedersen it was the choice of strategy and the resources that resulted in economic groups and citizen groups being successful in influencing politics.

Binderkrantz and Pedersen studied what effect group type has for lobbying influence. They made a theoretical model where they linked group type, lobbying strategies, and lobbying success and then comparing economic and citizen groups. They discuss economic groups as being more on the "inside" in politics and more likely to use "insider strategies" contacting decision-makers directly, while citizen groups engage more in "outsider" politics affecting agenda-setting. Citizen groups they mean are better at lobbying agenda-setting and targeting the public and media, and economic groups better at influencing the administration. They find that group type has both a direct and an indirect effect on lobbying success, as shown in their study of lobbying success in UK and Denmark (2019). According to the researchers, it is important not to come to the quick solution that economic groups influence policy, and citizen groups does not. They mean that agenda setting is an important group priority, and it could be seen as more important to influence the understanding of political issues gradually than on specific regulations under consideration (2019:93).

In this plastic policy that I have chosen to study and applying the reasoning of Binderkrantz and Pedersen, one could expect the business group would be more influential than the environmental group in the decision-making phase. Since they find that economic groups are better than citizen groups at influencing in the decision-making phase.

Dür and Mateo studied public opinion and interest group influence in 2014, and regarding how citizen groups derailed the Anti-counterfeiting trade agreement (ACTA). In this case, citizen groups could profit from public opinion while business groups did not become successful. There was wide-spread displeasure with the proposal and demonstrations all over Europe, and the researchers were interested to know how a relatively resource-poor campaign could stop the ACTA-agreement, that had lots of support by a broad business coalition. There was a mobilization of the civil society that contributed to that the proposal was voted down in the Parliament. Dür and Mateo argues that public opinion has an effect on interest group behaviour, and that public opinion shapes policy outcomes. They also mean that public opinion and interest group lobbying are interdependent, not only on this policy issue but in a broader sense as well (Dür and Mateo 2014). In this study, group type was an indirect explanatory factor for success, since public opinion was used by citizen groups to affect policy.

Likewise, there are a few researchers that has made a systematic assessment of the success of many actors across many policy issues in the EU. These are Dür, Bernhagen and Marshall 2015, Klüver 2013 and Mahoney 2008. The first mentioned study argue that group type is a key variable in explaining interest group success, while the two other researchers argue it is not.

As mentioned before, the study by Dür, Bernhagen and Marshall from 2015 was one of the first that systematically assessed the success of many actors across many policy issues in the EU. It was made with interviews and using the approach initially developed by Thomson, Stokman, Achen and König (2006) to try and locate policy actors' positions spatially along an issue continuum ranging from 0-100. (single-peaked preferences) As Dür, Bernhagen and Marshall show in their study, business interest groups try and influence public policy on a large scale in the EU, but not all lobbyists can expect to succeed in their endeavours. The researchers studied positions of over 1000 non-state-actors on 112 controversial issues included in 70 different legislative proposals from the Commission between 2008-2010. They have three hypotheses: 1) Business actors are less successful than citizen groups; 2) business actors are more successful in lobbying on EU legislation the less conflictual a policy episode is; 3) business actors are more successful in lobbying on EU legislation when the European Parliament only has limited legislative powers.

Their results show that business interest groups want to keep things as they are while the Commission and citizen groups seek to change policies. It is also more common that businesses are not successful

in achieving their policy outcomes. Citizen groups are often more positive towards new regulation and proposals made by the Commission, since they lead to legislation, and they can expect considerable gains compared with status quo. As mentioned, Dür, Bernhagen and Marshall argue that group type is a key variable in explaining interest groups success (Dür, Bernhagen and Marshall 2015).

As mentioned, Klüver in her book about lobbying in different policy stages from 2013, does not come to the same conclusion as Dür, Bernhagen and Marshall, where they find that group type is a key variable explaining success. Klüver made a quantitative study with a multilevel regression analysis comparing interest group influence at different stages of the policy-making process. The policy proposals in question are dated between 2000 – 2008. In the decision-making phase of a policy in the EU, she argues that group characteristics does not affect lobbying success, but finds that the aggregated information supply, citizen support, and economic power of issue-specific lobbying coalitions are decisive for interest group influence (Klüver 2013:201).

Apart from the above-mentioned research, there is also other research that argues that business actors are successful at promoting their agenda and averting policies that are socially desirable but costly for business, like environmental or labour regulation. These are for instance Dür and De Bièvre 2007, Schneider and Baltz 2003 and Streeck and Schmitter 1991. Applying their views, one could assume that business would be more successful regarding the plastic policy since it would be a costly environmental regulation for businesses.

On the other hand, research also suggests that the EU as an institutional structure work more beneficially for citizen groups to further their interests. Such as Geddes 2000, Mazey and Richardson 1993, although this research goes a few years back. This view would mean in my case that Rethink Plastic would have a good opportunity to influence on this plastic policy.

In conclusion, there been studies made about interest group influence and success that has found group type to be the explaining factor to success, both qualitative and quantitative studies. Apart from Dür and Mateo that studied ACTA in 2014 and Binderkrantz and Pedersen with their study on lobbying in the UK and Denmark in 2019, these studies have focused on the time period of 2010 and earlier. Even Dür et al from 2015 which I have been inspired of in this thesis, uses material from 2008-2010. I have not found more recent studies looking at the EU level and that studies lobby group influence of an environmental issue. There is therefore need for more research in this area. Since previous research has been mixed regarding what possibilities there are for lobbyists to be successful or influence a policy it is also interesting to study this issue.

There are both research that suggest that business is more influential in lobbying in the decision-making phase, as well as research that suggest that citizen groups are more influential. This raises the

question on what one could assume in this plastic policy issue, which group have had more success? On the one hand we could expect that business would be successful because research from Binderkrantz and Pedersen argue that business is better at lobbying in the decision-making phase of a policy. On the other hand, we could expect environmental groups to be successful in affecting this policy, because previous research from Dür, Bernhagen and Marshall argue that citizen groups more often want a legislation in place than remain at the status quo. However, it is important not to draw the quick conclusion that the environmental group would have been influential only because there now is a legislation in place. There is also the issue of how strong this legislation is, if the business group has diminished some of the writings and if the initial texts were stronger. There is a need to study this further to find out the role that group type played for the lobby groups to be successful in the policy process.

3. Methodological approach and design

3.1 Case description and choice of method

I have chosen to study lobby group success regarding an issue of plastic recently debated in the EU. Since lobby groups affect policymaking in some way, I want to find out which of the two chosen lobby groups that have had more success on the plastic policy from the time that the issue was put on the agenda, i.e., the decision-making phase. I am inspired by a method regarding lobby groups' *ideal points*, used by the researchers Dür, Bernhagen and Marshall, which I will describe further. I will however, inspired by Dür et al, develop my own model that analyses the different actors' ideal points.

According to Dür, Bernhagen and Marshall, the key to researching lobbyist's role regarding policymaking is the matter of success. The authors use an approach where they take their departing point of view from the assumption that an actor has an *ideal point* on an issue, from where that organisation direct their lobbying and, in the end, wish to see a certain policy outcome. They write: "Following this logic, an actor lobbying on an issue gain if a political decision brings a policy closer to the actor's ideal point than it would be in the absence of the decision, and she loses if the decision moves the policy further away from her ideal point" (Dür et al 2015:955).

The authors measure success by this assumption that they call *single-peaked preferences* and try to calculate the absolute difference between an actor's ideal point and the outcome, using data gathered from interviews (Ibid, p.962f). I would like to apply this logic on my thesis, where I would investigate, based on my data, whether the approved directive on plastic is further or closer away from the different lobby groups' ideal points.

To be able to apply this method, it is necessary to first identify and define the respective groups' ideal points, i.e., to know what the different interest groups opinions are. Dür et al acknowledges two important aspects, related to finding the ideal points and applying the approach. The first aspect includes defining the time period which they choose to focus on in their study, i.e., when in the policy-making stages they identify the respective ideal points. In their study, they focus on the time between when a new regulation or directive is formed by the agenda setter, the European Commission, to the ultimate decision by the policymakers in the European institutions. Since they argue that a lot of lobbying takes place during this stage, they do not focus on the time *before* an issue is put on the agenda. Even though e.g., business organisations may be successful in keeping issues from even being put on the EU agenda in the first place (Ibid, p.954). The second important aspect has to do with the fact that when the authors try to analyse whether interest groups have been successful, they do not necessarily study the level of influence (Ibid). As mentioned before, influence assumes causality and

you cannot rule out pure luck in getting their way, which is why the authors choose to study interest group success, where group type is key variable (2015:953f).

Drawing inspiration from Dür et al, it is possible to analyse the success of lobbying from the respective groups that took place from the time when the regulation on plastic was proposed by the Commission in May 2018 and up to the time when the directive was voted and approved by the European Parliament in October 2018.

Dür et al made a spatial analysis from 95 structured interviews conducted with officials from the Commission, that was responsible for relevant legislative proposals between the years 2008-2010. Inspired by an approach first developed by Thomson, Stokman, Achen and König (2006), Dür et al asked officials to locate the opinions from policy actors most far away from each other, spatially along either end of a visual representation of an issue continuum ranging 0-100. The policy positions favoured by the different EU institutions were then added to the issue continuum, along with the outcome of the policy and the so-called reversion point – the point where the outcome is located if no agreement is made (Dür et al, 2015:960f). This analysis, together with coding of the documents and content analysis of positions papers, made it possible to see if the outcome were closer to one policy actor or another, as well as the positions favoured initially by the EU institutions.

I have selected two interest groups² that I will investigate in this thesis regarding the level of influence that they may have had regarding the plastics issue. I will study Rethink plastic, which is an environmental lobby group representing 9 large non-governmental organizations (NGOs) as well as many citizens active in lobbying the plastics issue (Rethink Plastic, 2023). I will also study PlasticsEurope, being a plastic industry lobby group representing in turn plastic manufacturers and the group consists of about 100 member companies (PlasticsEurope, 2023:a). I have chosen these two groups because they are large and powerful, Rethink Plastic represent big organizations that are actively trying to influence the plastics issue, and PlasticsEurope represent large companies from the plastic industry. I have also chosen these two because they have both had meetings with the Commission before the release of the plastics strategy, PlasticsEurope had 13 of the meetings and Rethink Plastic had 8 meetings with the Commission (Corporate Europe Observatory 2018).

To analyse the respective interest groups' success on the SUP-directive, I have developed an ideal point analytical tool. The tool was made by including the conflict dimensions that I have found with the different positions regarding the proposals that the Commission has for the SUP-directive. I have then analysed which groups' ideal point that was closest to the outcome. This line of thinking is inspired by the single-peaked preference approach used by Dür et al (2015). I have not used their

²The terms interest group and lobby group will be used interchangeably throughout this thesis.

approach entirely since they made a quantitative study with a large amount of non-state actors and considering many legislative acts proposed by the Commission. Instead, I have developed this analytical tool inspired by Dür et al, to try and find the respective groups' ideal points as well as calculate their respective success on the issues.

Another difference with the model used by Dür et al, is that they asked officials to locate the policy actors' positions spatially along an issue continuum ranging from 0 to 100. They wanted the positions of the two most divergent non-state actors, with respect to the proposal by the Commission, but also policy alternatives initially favoured as well as positions by the EU institutions and the reversion point (point where the outcome would be if no agreement would be found). In this thesis, I have included positions from the Commission in the proposal and the other EU institutions in the directive as well as what I have found to be the ideal points of the interest groups. Instead of putting them spatially along an issue continuum, I have made an analytical tool to make the different positions clear.

3.1.1 Justification of case and issue selection

I have chosen to study lobbying success in the decision-making phase in the plastic issue, focused on plastic litter and plastic waste in the EU, because of several factors.

To begin with, I have found a lot of research on lobbying in the agenda-setting phase and related to framing of an issue, but I have not found as much regarding lobbying influence or success in the decision-making phase. As previously mentioned, several researchers describe the difficulty in operationalising the concept of interest group influence which is a reason that so few scholars have studied it. Our knowledge of lobbying influence and success is thus limited, and because of mixed results from previous research, there is a need for more research.

There has been some research on group type to be the explanatory factor of success, but apart from Dür and Mateo in a study from 2014 and Binderkrantz and Pedersen's study from 2019, the studies on group type has had the focus of 2010 and earlier. I have not found any more recent research that analyses lobby group type in relation to success on the decision-making phase in environmental issues and on the EU level. There has also been a lack of research on group type as explanatory factor for success in general, and the research that exists comes with different results on what effect group type has. This shows that there is a need for more recent research on this subject and the research in this thesis can be helpful to fill that research gap.

It is also theoretically interesting to study group type as an explanatory factor for success in this SUP-case because of several factors. First, the SUP-directive is an environmental issue and there is a lack of research on lobbying success relating to environmental issues. Second, this study concerns only one policy on the EU level and makes it possible to make a more thorough analysis on this case. The little research that exists in this field has dealt with quantitative studies, where the focus was not in-depth but concerning many legislative policies. Or there has been a study on lobbying in two European countries, which is good for studying lobbying on the national level, but which fail to see the lobbying on group type on the EU level. Third, as the policy resulted in legislation, there is a need to know more about how strong this legislation is. As previous studies from Dür et al show, business interest groups want to keep things as they are while the Commission and citizen groups seek to change policies. Has this been the case in this policy as well? Did the business group try to diminish the content of the proposal?

A fourth reason for studying this SUP-policy is that there are two distinct “sides” representing the environment respective the industry, which we know have been active in trying to influence the issue through letters, reactions in media and voluntary commitments from the industry. This shows that the lobby groups have been active in trying to affect legislation which makes the issue interesting as a study object. A fifth reason could be that the Commission had many meetings with the lobby groups before presenting the Strategy which shows that the Commission wanted input from lobbyists. This SUP-case is therefore because of several reasons interesting to analyse regarding group type and how it affects level of success.

It is also a relatively recent issue since the directive was decided in October 2018, the Council of the EU approved it in December 2018 and the directive was published in June 2019. Plastics has been on the agenda further than that, but not dealt with in a separate strategy, such as in the Commission’s plastic strategy from January 2018, the strategy that comes closest is the thematic strategy for waste from 2005 which mentions plastic a few times. Furthermore, apart from a directive reducing the consumption of lightweight plastic carrier bags in 2015, plastic has not been the subject for specific legislation to drastically diminish plastic litter in the environment in the EU until now. The directive, from June 2019, (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment, is a recent and important milestone in the ever-important fight against plastic waste in the environment.

Moreover, I believe that plastics is one of the most important environmental issues that the EU needs to deal with now, to prevent plastic litter in the environment from reaching unseen levels and reaching such a destructive point from where there is no turning back. Plastic is harmful for both humans,

animals and the environment when found in our streams, fields and seas, and legislative initiatives from the EU level are needed, since Member States alone cannot tackle this vast problem.

3.2 Lobby groups

3.2.1 Sampling process

There are many interest groups that are active in lobbying environmental issues in the EU. I have chosen two large umbrella groups that I believe could be said to represent the two main sides in the recent plastic debate. For the one-part Rethink Plastic, representative interest group for the environmental NGOs, and for the other part, PlasticsEurope, which represent the plastic industry in the EU. I have chosen these two lobby groups since they are both large groups which in turn represent other members, companies, and organisations, and since they have been active in lobbying the recent single-use plastic directive, approved in October 2018, as well as invited to the conference on the strategy on plastics in September 2017 and been part of meetings with the Commission on the plastics strategy. They are thought to have been included in crucial events leading up to the approved directive and would as such have been holders of important “inside-information” regarding the content of the proposal, what was left out of the proposal by the Commission, and how the debate has been regarding this plastic issue. This makes them very interesting to study regarding finding out more about their supposed success on this important policy issue.

3.2.2 The lobby groups

Rethink Plastic consists of 9 large European NGOs, which in turn have thousands of active members and groups in all the member states in the EU. Members of Rethink Plastic includes: ClientEarth, EEB (European Environmental Bureau), Seas at Risk, CIEL (Center for International Environmental Law), ECOS (Environmental Investigation Agency), Surfrider Foundation Europe, Greenpeace, Zero Waste Europe, and Environmental Investigation Agency. According to their website, they “bring together policy and technical expertise from a variety of relevant fields, and work with European policymakers to design and deliver policy solutions for a future that is free from plastic pollution”. Rethink Plastic is also part of the larger movement *Break Free From Plastic*, with over 11 000 member organizations and citizens involved (Rethink Plastic 2023).

PlasticsEurope is a large pan-European association with more than 100 member companies, which represent manufacturers in the European plastic industry. The members of PlasticsEurope are together responsible for producing more than 90% of all polymers in Europe. PlasticsEurope supports the

World Plastics Council (WPC) and the Global Plastics Alliance (GPA) (PlasticsEurope 2023:a,c). PlasticsEurope writes on their website that they are increasing their efforts to reduce plastics waste, promote the reuse and collection and recycling of plastic waste, and have accelerated the transition to a circular economy in response. “We are striving to achieve “zero plastics to landfill” and 100% recovery of plastics waste”. PlasticsEurope means that a transformation requires that all value chain actors work together, meaning manufacturers, brand owners, consumers, recyclers, policymakers (PlasticsEurope 2023:a). Members include i.e. Borealis, Chevron Philips, ExxonMobil Chemical Company, Shell Chemicals Europe, and Versalis (PlasticsEurope 2023:c).

3.3 Documents

The decision-making phase of the policy on plastics (SUP), can be said to range from when the Commission presented its strategy in January 2018 to when the final directive was in place in June 2019. I have previously written about the decision-making period, which is why I am only shortly describing it now.

My material consists of official EU-documents which are the strategy from the Commission, the proposal for a directive and the final law, as well as documents from Rethink Plastic and PlasticsEurope during the decision-making period. All material is from 2018 and 2019, except from the White paper that is from 2017. I am describing this further below, but I am including this document because it comes so close to the strategy from the Commission in time and includes what could be thought of as important thoughts on the plastic issue.

The following documents are all documents that I have found that pertains to either Rethink Plastic or PlasticsEurope and regards the specific plastic regulation. These are the documents that I will make a text analysis of. List of material:

RethinkPlastic:

- **White paper, 20/11-17, on EU:s Strategy on Plastics in Circular Economy**, *“White paper for an ocean free from plastic bottles”*.
- **Policy paper, 30/8-18, Zero Waste Europe and HEJ Support**, about the need for changes in the proposed directive (in art. 1, 6, 7 and 10) concerning menstrual poverty (single-use menstrual products) and diminishing of dangerous substances in menstrual protection products, *“Reusable & toxic-free menstrual products – making women’s lives better while fighting plastic pollution”*.

- **Response to packaging value chain position paper, 22/9-2018**, "Civil Society and Progressive Businesses Put to Rest Single-Use Plastic Directive Fears".
- **Letter, 4/10 2018**, 4 points to members of the ENVI Committee, "*To the Members of the European Parliament: cut single-use plastics!*".
- **Letter, 17/10-2018**, 6 ideal points till MEP, "*European Parliament: halt the tide of single-use plastics!*".

PlasticsEurope:

- **Voluntary commitment, 16/1-18**, at the same time as the publishing of the commission's strategy in January 2018.
- **PlasticsEurope reacts on EU Directive on single use plastics, 30/5-2018.**
- **Position paper, 22/8-2018**, with 9 recommendations of the commission's proposal, "*Position paper – Joint statement from the packaging value chain associations on the single-use plastics proposal*".

EU-documents:

- **Strategy, 16/1-2018.** A European Strategy for Plastics in a Circular Economy, COM/2018/028 final.
- **Proposal for a Directive (EU) 2019/904, 28/5-18**, of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment.
- **Directive (EU) 2019/904, 5/6-19**, 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.

3.5 Methodological discussion

The most difficult task in this study is how to measure influence or success. Since it determines the answer on my research questions, on which interest group was most successful concerning their lobbying on the plastics directive and which aspects they were or were not successful on. In the research, many try to measure interest group "success", which is similar but not the same as measuring "influence". Dür et al also write that their model does not answer the question of influence, but if groups were successful. I am also aware that supposed influence or group success could be dependent on other factors as well, such as group resources and strategies which I do not focus on in this thesis.

Furthermore, I have chosen to make a qualitative text analysis of documents to know more about lobby success in the specific policy issue in the EU. I am aware that there are upsides in instead making a quantitative study, since there is a possibility to include a large amount of data and information on many lobby groups and their supposed success. However, there are also downsides, which are that these studies do not explain the processes behind the lobbying or what constitutes successful lobbying (Voltolini and Eising 2017:355). There has also been a decrease in the qualitative studies of lobbying since 2013, to the benefit of more quantitative research with large-N studies (Ibid).

I have chosen to study lobbying success in the decision-making phase of the SUP-directive in the EU. I will study the EU-directive 2019/904 on the reduction of the impact of certain plastic products on the environment (SUP:s), the proposal preceding the directive, the strategy from the Commission from 2018, and material from the interest groups including: letters, position papers, policy papers and a voluntary commitment from the industry group. Through analysing the material, I will establish conflict dimensions which I will put into an analytical tool that I have developed, together with the different ideal points it makes it possible to find out which group has been more successful, and which have tried to be successful in lobbying.

I have chosen to study the strategy document from the Commission, since it is the Commission that develops its legislative proposal that is passed on to the Council and the European Parliament for legislative discussion. According to Klüver it is the Commission that has the monopoly of initiative in the first pillar which is arguably the most important one (2013).

As I have written about before, I could have chosen to study lobbying and lobbying success in the agenda-setting phase of the policy or regarding framing of the plastics issue. Lobbyists could be successful in impacting a policy both in the agenda-setting phase and in framing of an issue. There are a lot of research regarding both lobbying when it comes to framing of a policy issue and in agenda-setting. There are however not as much research concerning lobbying influence or success, since this is difficult to measure and there are different views on what constitutes success or influence, as well as the difficult in ruling out other factors.

It would have been interesting to also study the documents adhering from the time before the initial draft from the Commission, since the Commission held meetings before the proposal from the Commission. However, including the agenda-setting would prove difficult since it is difficult to know who decides what should be on the agenda. There are also a lot of research on agenda-setting already. Since there is a lack of research on group type explaining success, and especially in later years, there is a research gap to study lobby group type in relation to successfully impacting policy on the EU level and regarding environmental issues.

If I would have chosen to study framing or agenda-setting it would have been necessary to also make interviews of the respective interest groups, Rethink Plastic and PlasticsEurope and then analyse these to know more about the supposed influence of the actors. Otherwise, the material would have been too limited since lobbying as mentioned in agenda-setting and framing is not put into documents. Since I am studying the decision-making period and there are plenty of documents and material during this period, I will not be depended on or needed to make interviews but study the material.

3.6 Qualitative text analysis on documents - Text analysis of EU-documents and interest groups' documents

3.6.1 Introduction to making a text analysis of documents – finding ideal points

I will make a text analysis of all material that I have found from Rethink plastic and PlasticsEurope concerning the SUP-directive and the plastic strategy.

I am inspired by the single-peaked preference approach that measures success and is used by Dür et al. According to Dür et al it is possible with their approach to measure the difference between the actors' ideal point and the outcome, and allowing to see which actor is closer to the outcome and thus more successful (Dür et al 2015:13). They argue that an actor is more successful the more it manages to pull the outcome closer to its ideal point (2015).

Since Dür et al makes a quantitative approach and uses interviews in their study, and I am making a qualitative study, I am developing my own analytical tool to find the respective groups' ideal points and to analyse the differences to find out which group was more successful, and which tried to be successful on which issues. The purpose of the interviews in the study by Dür et al was to establish conflict dimensions (issues) within the proposals, as well as the policy positions taken by the various actors on the issues (2015:13). I argue that I can establish these conflict dimensions through analysing the material, which means finding the different ideal points and conflict dimensions through analysing the position papers, letters, and reactions as well as voluntary commitments and the official EU documents. According to the researchers, identifying unidimensional issues is important to locate actors in the policy space and for measuring success (Ibid).

I will start by analysing the Commission's strategy, wherein I will find the starting point regarding what the Commission wants in terms of actions from the industry and authorities in the Member states regarding plastics and plastics waste. As a response to the Strategy, the plastic industry published its voluntary agreement which lays out the ambitions and targets that the industry chooses themselves in

terms of recycling targets etc. Rethink plastic also gives a response to the Strategy, and through analysing the Strategy and the groups' responses I will gain a good understanding of what the different actors think in terms of measures on reducing plastic waste and littering as well as recycling goals. This is important for undertaking the analysis of the proposal for the legislation.

I will then analyse the proposal for a legislation, which the lobby groups give their views on. Then I will put these opinions into the analytical tool that I am developing. These views can be seen as different conflict dimensions of the proposal that the groups have strong opinions on, such as regarding e.g., what the legal base should be for the directive and if there should be extended producer responsibility (EPR) schemes. I have no clear hypotheses about these dimensions, but I have an open approach, which means these dimensions have occurred during my time studying the documents. They also seem most sensitive and of interest for the lobby groups. At last, comparing these opinions with the final directive, I will gain a good understanding of where the different actor's ideal points are regarding a plastic legislation. In this analytical tool is then a collection of ideal points regarding several important issues. These issues are what could be described as conflict dimensions, as mentioned above, and could thereby be used to find the policy positions and to see if an actor pulled the outcome closer to its ideal point. This in turn is used to measure the level of success, depending on how close the ideal point/positions were to the outcome.

4. Analysis and results

4.1 Introduction

This thesis focuses on analysing lobby group success during the decision-making period of the single-use plastic products directive (SUP). The decision-making period starts from when the Commission publishes its strategy, the European Strategy for Plastics in a Circular Economy, in January 2018 to when the final directive is in place in June 2019.

The interest groups were active in trying to influence already in 2017. It was when the Commission launched its plans for a plastic strategy in 2017, on a conference aimed at helping the industry become more circular and resource efficient. The commission invited a broad range of actors, including speakers from Zero Waste Europe (member of Rethink Plastic), Borealis (member of PlasticsEurope) and the Executive Director of PlasticsEurope, Karl-Heinrich Foerster, as well as a panellist from Seas at Risk (Rethink Plastic member) (European Commission, 2017).

The first document that I have analysed is the strategy, which focuses on reducing EU plastic pollution, diminish the harm for the environment and considers a legislative initiative on SUPs, with a goal that all plastic packaging should be recyclable by 2030 (Eur-lex 2018). The lobby groups have different opinions on what the recycling goal should be which I will return to later on.

Furthermore, I have analysed the proposal from the Commission on a directive which was presented in May 2018. It introduced a ban on SUPs and EU wide rules to target the 10 most found single-use plastic products in the marine environment (European Commission, 2023). The interest groups give their response to the proposal, which I will show more further on in this chapter.

Lastly, I have analysed the final directive, which was approved by the Parliament in October 2018, the Council of the EU then gave its preliminary approval in December 2018 (European Council 2018). After the second debate in the Parliament in March 2018, the directive was ultimately approved in June 2019 (European Commission 2022:b).

The analysis is divided into three parts, first an analysis of views from the interest groups on the Commissions' Strategy and then an analysis on the views on the proposal for the directive on SUP:s, followed by a comparison with the final directive. I have described the documents that I have analysed in chapter 3.3. The analysis begins with a descriptive overview of Plastics on the EU agenda and a timeline of events.

4.1.2 Plastic on the EU agenda

It is difficult to know for sure when plastics started being seen within the EU agencies as a problem. A report assigned to the Commission, DG III, in 1999, describes the potentials of chemical recycling technologies to deal with plastic waste, in particular PVC (polyvinyl chloride, a widely produced synthetic plastic polymer) waste, which could be relevant for the EU for the future. The document also assesses the environmental aspects of the waste management structures. There seem to have been a debate for some years, already when this report came, between the industry and the environmentalists regarding plastic PVC. These debates have in some EU Member States led to informal measures against PVC, which could be seen as barriers to trade, why an EU policy on PVC would be preferable, according to the report. The authors of the report write: “*The environmentalists pursue a ban, industry aims to improve its environmental performance and believes that from an overall viewpoint there is no reason for such far-reaching measures against their material*” (TNO-report 1999). The same year, a report was also published regarding the costs of using mandatory markings (e.g., ISO code) in EU plastic converter industry (manufacture plastic products) to increase rates of recycling and reuse, although without considering the positive benefits from mandatory marking (Commission 1999).

Looking at documents from the years 2000 and onwards, plastic waste is mentioned in a communication from the Commission in December 2005, but only on one page regarding the supposed increase of plastic waste in years to come (Eur-lex, Com/2005/0666 final), and then in a following report from the Commission in January 2011, where plastic is mentioned once regarding further elaboration of the EU’s recycling policy but without any specific policy recommendation on plastics (Eur-Lex, Com/2011/0013 final). The earliest mentioning that I have found of a possible regulation on plastic waste is the final report by the Commission from April 2011, *Plastic waste in the environment*. It raises the question of the need for recycling and reuse of plastic products and presents five policy options regarding regulatory changes, where three are mentioned as more promising: sustainable packaging guidelines; agricultural plastic recovery and recycling guidelines; and recycled plastics and bioplastics phasing targets) (Commission 2011:a). However, according to a final report of an analysis of the public consultation on a green paper on a strategy on plastic waste, from November 2013, plastic had until then not been addressed separately by EU waste legislation, depending on “a horizontal waste stream that cuts across several sectors and waste types” (Commission 2013).

I have also researched the latest Environmental Action Plans (EAPs), to see whether plastic is found in the documents. Even though the 6th EAP (2002-2012) identifies several important environmental areas, including the need to produce 7 thematic strategies (the thematic strategy for waste prevention and recycling does mention plastics), the 6th EAP does not specifically mention plastic. Plastic is not mentioned either in the Final Report for the Assessment of the 6th EAP (Commission 2001,

Commission 2011:b). The same goes for the 7th EAP (2014-2020), where plastic is not particularly mentioned. What is mentioned is the need to prevent and reduce impacts of waste on a general level and reducing the overall impact of resource use and improving the efficiency by applying waste hierarchy: prevention, preparing for reuse, recycling, other recovery, and disposal (Commission 2014). This of course could include plastic, but it is left to the reader to decide. In the current and 8th EAP (2022-2030) there are six priority objectives to 2030. They focus around achieving the 2030 greenhouse gas emission reduction target and climate neutrality by 2050; enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change; advancing towards a regenerative growth model and the transition to a circular economy; pursuing a zero-pollution ambition, including for air, water and soil and protecting the health and well-being of Europeans; protecting, preserving and restoring biodiversity, and enhancing natural capital; reducing environmental and climate pressures related to production and consumption (particularly in the areas of energy, industry, buildings and infrastructure, mobility, tourism, international trade and the food system (Commission 2022:a). Since plastics is a commonly used material and can be found in different areas, including those mentioned in the latest EAP, I gather that plastics is included although not particularly mentioned.

To conclude, plastic was not talked about in any further degree in the beginning of the 2000s up to the present decade. Plastic was mentioned in relation to waste in 2005, but not in more than three instances, and in documents from 1999, but then more in a discussion on possible ways to recycle plastic PVC, but without reaching any agreement that I have found.

Timeline for the plastics issue with relating published EU-documents (not including press releases):

- Communication, A Thematic Strategy on the prevention and recycling of waste, Commission, December 2005³.
- Report, on the Thematic Strategy on the Prevention and Recycling of Waste, Commission, January 2011⁴.
- Final report, *Plastic waste in the environment*, Commission DG ENV, April 2011⁵.

³Communication: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52005DC0666>

⁴Report: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011DC0013>

⁵Final report: <http://ec.europa.eu/environment/waste/studies/pdf/plastics.pdf>

- Final report, *Study on coherence of waste legislation*, Commission DG ENV, august 2011⁶.
- Final report, *Implementing EU Waste Legislation for Green Growth*, Commission DG ENV, November 2011⁷.
- Green Paper, *On a European Strategy on Plastic Waste in the Environment*, Commission, March 2013⁸.
- Final report, *Analysis of the public consultation on the green paper “European Strategy on Plastic Waste in the Environment”*, Commission DG ENV, November 2013⁹.
- Proposal, for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags, 2013/0371 (COD), November 4, 2013¹⁰.
- Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags, April 2015¹¹.
- (Analysis begins) European Strategy for Plastics in a Circular Economy, Commission, January 2018¹².
- 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, Commission, May 2018¹³.
- (Analysis ends) Final act of the directive published, June 2019¹⁴.

⁶Final report: http://ec.europa.eu/environment/waste/studies/pdf/Coherence_waste_legislation.pdf

⁷Final report: <http://ec.europa.eu/environment/waste/studies/pdf/study%2012%20FINAL%20REPORT.pdf>

⁸Green paper: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52013DC0123>

⁹Final report: http://ec.europa.eu/environment/waste/studies/pdf/green_paper_plastic.pdf

¹⁰Proposal: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2013%3A0761%3AFIN>

¹¹Directive: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015L0720>

¹²Plastics strategy: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1516265440535&uri=COM:2018:28:FIN>

¹³Proposal: http://ec.europa.eu/environment/circular-economy/pdf/single-use_plastics_proposal.pdf

¹⁴ Final act: <https://eur-lex.europa.eu/eli/dir/2019/904/oj>

- Following the SUP-directive: Commission adopts SUP-guidelines (after directive) and implementing decision on reporting on fishing gear, May 2021; Stop for certain SUP-items on the EU-market and marking requirements enter into force (after directive), July 2021; Commission adopts rules for separate collection of waste SUP-beverage bottles, October 2021; Commission adopts rules for reduction of consumption of SUP-food containers and beverage cups, February 2022¹⁵.

4.2 Analysis of positions

In this chapter, I start with analysing the Strategy, because it is the “key element” to transition Europe towards a carbon neutral and circular economy (Commission 2023) and it is where the EU presents measures which the interest groups have different opinions about. The strategy becomes part of the EU’s circular economy action plan, which shows the importance it plays for reducing plastic waste. Then I analyse the proposal for the directive and the different interest groups’ views of the proposal, which is where I find the different conflict dimensions, and which is compared with the final directive.

4.2.1 Analysis of the strategy

The Strategy lists the measures proposed for national authorities and industry in the second Annex, which the interest groups give their views on, since it requires action from both authorities and industry itself. As mentioned, the Commission had more meetings with the industry lobbyists before the strategy was presented, probably to gain more voluntary commitments to reach the targets set out in the strategy. The industry group was however not as welcoming as the Commission would have hoped. To find the interest groups ideal points, I have analysed their views on the Commission’s proposals. They are sorted into headlines: production and distribution; consumption; and recycling – “end-to-life”, based on plastic products circle in the economy. The strategy takes a stand for a more environmentally friendly view on plastics, although being respectful to industry. See the Appendix 1 for more information on the Strategy and how I have sorted the views under separate headlines.

The interest groups are in general positive towards the strategy. However, Rethink Plastic goes further than the Commission in its recommendations on actions needed to diminish plastics in the environment. The lobby group would not act against any of the proposed improvements in the Strategy, when it comes to making industry take more responsibilities or urging national authorities to do more when it comes to plastics and recycled material. However, they want to go further and reduce the production of plastic bottles overall, by banning the production of plastic water bottles containing

¹⁵ Commission 2023: https://environment.ec.europa.eu/topics/plastics/single-use-plastics_en

less than 50 cl and focusing on larger containers (1 L and more). They want a dialogue with industrial stakeholders to come up with new policies to produce water bottles by focusing on large containers (Surfrider Foundation Europe 2017:6).

PlasticsEurope, on the other side, are positive towards some of the measures, such as more spending on research and more cooperation to diminish plastics leakages. In general, they want less significant measures. They want a lower recycling goal than the Commission (and RP). They use words like “circular economy”, “efficiency” and “suitable solutions” in their voluntary commitment, which means that they are willing to become more environmentally friendly only if it is in their best interest to do so. They do also propose some concrete actions, e.g., more sustainable plastics solutions along the value chain and a strengthened programme to prevent plastics leakages, although most efforts regard making consumers stop littering and increased spending on research.

4.2.1.1 Production and distribution

Alternatives to SUP:s

The strategy promotes alternatives to single-use plastic items (e.g. in catering and takeaways) that are more environmentally friendly. Although both groups are positive towards this, Rethink plastic (RP) goes further since they want to reduce both production and distribution of plastic products (Surfrider Foundation Europe 2017:6f), and PlasticsEurope (PE) focus mainly on funding research on alternative materials (PlasticsEurope 2018).

Plastic leakage measures

The Commission further want the industry to make cross-industry agreements to avoid spillage of plastic pellets and reduce the release of microplastics in the environment. The Commission also want national authorities to take action to reduce leakage of plastics in the environment, prevent plastic waste and increase recycling. RP are positive towards diminishing plastics in the environment, including microplastics and want an increase in recycling. PE also support this proposal, where they want to prevent plastic leakages into the environment and want more cooperation to reduce plastic leakages. They want to strengthen their industry programme on preventing pellet loss (including the whole value chain, transport, and logistics as well), which is a clear response to the Commission. They do not write specifically about microplastics, but instead move responsibility from the producer to the consumer in promoting educational projects to change consumer behaviour on littering (PlasticsEurope 2018). This is a typical response from PlasticsEurope, where they want to change focus from producer responsibility regarding plastic waste in the environment, to the consumer and the need for education on littering.

R&D and remove negative effects of production

The Commission would also like the industry to increase infrastructure and R&D investment regarding plastic waste and set up private investment funds that could work against any external effects of production. Once again, RP are positive towards the Commission's proposal since they want the industry to take more responsibility and pay for research on how to diminish plastics in the environment. PE are positive towards funding more research to fill knowledge gaps on plastic litter in the marine environment but are vague on more specific measures: "with a view to identify suitable solutions" (PlasticsEurope 2018). Although PE also want to further research into alternative feedstocks, in line with the Commission, they do not write that they support setting up a private fund.

Eco-design

The Commission want the industry to take concrete steps on material and product design aspects and develop, where appropriate, product requirements under the Ecodesign Directive (Commission 2018). RP agree with this since they want to improve the eco-design of plastic bottles and have an environmental impact study before products enter the market (Surfrider Foundation Europe 2017:6). PE want new eco-design guidelines for plastics packaging and standardization of best practices. Both RP and PE are therefore positive towards the Commission's proposal.

Bans

RP goes further than the Commission since they want to reduce the distribution of plastic bottles, limit the sale of disposable plastic bottles, and instead sell reusable containers. They also want to encourage the installation of water fountains in stores and at festive and sporting events. They want to ban the use of plastic water bottles in cafés, hotels, and restaurants, and replace them with reusable ones. (Surfrider Foundation Europe 2017:7).

4.2.1.2 Consumption

Consumption

The Commission does surprisingly not write that they want to limit consumption of plastic material in the Strategy. Rethink Plastic goes further regarding consumption, where they want to reduce the consumption of plastic bottles (Surfrider Foundation Europe 2017:7). This is a difference between the Commission and RP, who otherwise are on the same side on most issues in the Strategy. It could depend on that the Commission want voluntary commitments from the industry, and if the Commission comes off too strong, the industry might not be inclined to go along with the tougher measures on other areas regarding diminishing plastics in the environment.

Awareness measures

RP want to inform and educate as to the pollution caused by plastic bottles and negative health effects, run campaigns; encourage reusable alternatives and public water fountains in sporting events and in schools (Surfrider Foundation Europe 2017:7). PlasticsEurope want to prevent plastics leakage into the environment and increase consumer awareness with educational projects in the Member States. Otherwise, they do not mention consumption reduction, which also shows that PE is not interested in limiting consumption but want to put the responsibility back on the consumer (PlasticsEurope 2018).

4.2.1.3 Recycling and “end-to-life”

Recycling goal

The Commission proposed already in 2015 that by 2025 at least 55 percent of all plastics packaging in the EU should be recycled. In the strategy this goal has been raised to that by 2030 all plastics packaging placed on the EU market is reusable or easily recycled. Rethink plastic is positive towards this goal, they want to go further with a binding target with 100% of plastic bottles are recycled by 2030 (Surfrider Foundation Europe 2017:7).

PlasticsEurope does not accept the Commission’s proposal but have the ambition to reach 60% for plastics packaging by 2030, and 100% re-use, recycling and/or recovery of all plastics packaging in the EU-28, Norway and Switzerland by 2040 (PlasticsEurope 2018). There is thus a discrepancy between the Commission and RP on one hand, and on the other the plastics manufacturers who want a lower goal for recycling. They do however not explain this lower goal, however, it is possible they do not see economic benefits with a goal to reach 100% recycling or re-use by 2030.

The Commission also presents many other measures concerning recycling, but the interest groups do not write specifically negative about these actions. These are e.g. making national authorities raise awareness of littering, consider fines (if there are none), clean-up activities and remove illegal and non-compliant landfills. They also want authorities to engage internationally to curb plastic litter and prevent plastic leakage. They propose that industry play a more active part in a cross-border circular plastics economy.

Extended producer responsibility

The Commission also proposes new rules on Extended Producer Responsibility (EPR) and want authorities to put in place EPR-schemes or deposit schemes. RP are positive towards these measures because they also propose e.g., actions to raise awareness of littering, having deposit-return systems and recycling waste and EPR, including bottles (Surfrider Foundation Europe 2017:7). PE seem positive towards more actions on recycling and raising awareness but does not mention EPR systems in their response to the Commission’s strategy (PlasticsEurope 2018). This is probably because they

are not positive towards extended EPR-schemes (which put the cost at the industry) but since the strategy does not lay down any concrete goals for the industry, but measures, the industry in its response to the Strategy want to present only positive actions.

The measures proposed for the industry regarding recycling are to increase infrastructure and R&D investment in areas of direct relevance to achieving the strategy's objectives. They also propose the industry to globally play an active part in supporting an integrated, cross-border circular plastics economy, including through the development of a global protocol for plastics (for a list on all measures proposed by the Commission, see the Appendix and the Strategy from 2018). PE also write that they want to fund more research on alternative materials (PlasticsEurope 2018).

4.2.2 Analysis of the proposal for the directive

The proposal for a directive from May 2018 covers the most found single-use plastics products, standing for about 86 % of all found single-use plastics on beaches in the EU (Eur-lex 2018:c).

As mentioned, I am looking at a several so-called conflict dimensions, or issues within the proposal that the lobby groups express opinions about. I have chosen to focus on these mainly because the groups have different opinions on these issues and because they are central elements of the proposal. I will list them first and then give a more thorough description below. The dimensions are: 1a) legal base – environment or internal market; 1b) the objective; 2a) the scope; 2b) closed or open product list; 3) definitions of plastic; 4) consumption reduction; 5) restrictions on placing on the market; 6) product requirements; 7) marking requirements; 8) extended producer responsibility (EPR); 9) separate collection; 10) awareness raising measures and 11) references to the packaging and packaging waste directive (PPWD) (extra conflict dimensions). I have included the extra conflict dimensions that has not to do with specific articles but are wishes from PlasticsEurope foremost on additions or complements regarding the PPWD.

On a general note, Rethink Plastic wants to make Europe a leader in curbing plastic pollution. They write: *“The proposed single-use plastics directive, in its present form, could reduce pollution by more than half for the most littered single-use plastic items, avoiding environmental damage which would otherwise cost €22 billion by 2030, and avoiding the emission of 3.4 million tonnes of CO2 equivalent by 2030. These figures could be even higher, should the measures proposed be further strengthened”*. The organisations are believers of this directive, in the opportunity it presents to prevent plastic pollution and reduce Europe's part in the global plastic pollution crisis (Rethink Plastic, #breakfreefromplastic, ecopreneur.eu, WWF, 22/9- 2018). However, they also believe the goals and measures could be even stronger.

RP want to amend articles 1b (objectives) and 7 (marking requirements) and complement article 6 (product requirements) and 10 (awareness raising measures) in the SUP-proposal for a start, to reduce the consumption of SUP:s and ensure non-toxic products and materials (Zero Waste Europe & HEJ Support, 30/8- 2018). They also want the directive to have Environment as a legal base, read more further down.

Furthermore, Rethink Plastic write to the Parliament (ENVI Committee) that “*the Commission’s proposal is good, but we trust that the Parliament has greater ambition.*” They call on the parliamentarians to ensure reduction and reuse come first: “we need to reduce the quantity of single-use plastics we use by incentivising reusable alternatives, ensuring concrete reduction targets for food containers, cups and bottles and extending the list of items subject to market restrictions to include polystyrene containers, very lightweight plastic carrier bags and oxodegradable plastics” (Rethink Plastic, 4/10-18).

PlasticsEurope on the other hand, are worried that some policies risk being contrary to an efficient internal market and will lead to diverse measures taken in the Member States. They do not agree that producers should have the sole responsibility for litter clean-up and have different views than the Commission, where they believe they go too far or limit and hinder an efficient and secure Internal Market. PE would like to see a smaller directive, with less far-going proposals on plastic products.

PlasticsEurope want to fully assess the implications of the proposed measures. They write: “*We urge the European Parliament and Council to thoroughly assess the impact of all the proposed measures and ensure they are supported by an evidence-based and complete impact assessment*”. The organisations believe that the Commission’s proposal is not fully thought through, regarding the consequences for plastic producers. For instance, since there is no assessment of the costs of litter clean-up vs other possible measures and how efficient it is that producers pay for litter clean-up.

4.2.2.1a Legal base: environment or internal market?

The Commission proposes that the legal base should be the environment, this means that it is legally based on Article 192 of the TFEU, the Treaty of the Functioning of the European Union. They write that the purpose of the directive is to protect the environment, to prevent and reduce the impact of certain plastic products on the environment and in particular the marine environment. The best way to achieve this objective, they write, is to base the proposal on environment.

Rethink plastic agree with the Commission and argues that the legal base must be Environment. RP write that since the purpose of the legislation is to protect the environment, and since the Circular Economy Package has Environment as legal base, it is only fitting that the directive is also legally based on Environment (Rethink Plastic, #breakfreefromplastic, ecopreneur.eu, WWF, 22/9- 2018).

The industry group argue on the other hand, that the legal base should be the internal market, which would be the same as the Packaging and Packaging Waste Directive (PPWD). There is a risk of market fragmentation if PPWD and SUP have different legal bases, which the Commission also acknowledges in its explanatory memorandum: “risk of market fragmentation when Member States take measures in an uncoordinated manner” (PlasticsEurope 2018:a).

However, RP mean that to not have Environment as a legal base could mean potentially precluding important Member state action on these significant contributors to marine plastic pollution.

PE mean that the proposal of SUP introduces legal uncertainty for Member States and adds compliance complexity for businesses. Since the PPWD is legally based on 114 TFEU on Internal Market to protect the free circulation of packed goods in the EU, while the SUP proposal has article 192 TFEU on Environmental Protection as its legal base, the PPWD needs to remain the overriding legislation for the packaging items covered in SUP-proposal. This would provide legal certainty and avoid fragmentation of packaging policy and its impacts. Therefore, the PPWD needs to remain the overriding *lex specialis* for the packaging items covered in the SUP proposal (PlasticsEurope 2018:a).

4.2.2.1b The objective

The Commission describe the objective of the directive in Article 1, e.g., to prevent and reduce the impact of certain plastic products on the environment.

Rethink Plastic want this article to be amended to ensure that: “the objective of the directive includes transitioning to a non-toxic circular economy; the directive aims at a reduction in the consumption of single-use plastics, with sustainable business models, and non-toxic products and materials (Zero Waste Europe & HEJ Support, 30/8- 2018).” (It can be added that Article 4 in the directive include writings of the need of a reduction in consumption of single-use plastic products.)

PE does only comment the article by writing that they support the overarching objective, which is to reduce marine litter in the seas. Although they write that marine litter is a result of a combination of factors, such as poor waste management at national and regional level, lack of proper waste management in some parts of the world and inappropriate littering behaviour (PlasticsEurope 2018:b).

The Commission write in the objective that they want to promote the transition to a circular economy with environment-friendly innovative business models, and PE also mention the importance of setting ambitious targets to achieve a fully circular and resource efficient Europe (PlasticsEurope 2018). The difference in opinion is *how* one achieves the SUP-directives’ objective of a circular and environmentally friendly economy.

4.2.2.2a The scope

Scope (article 2): PlasticsEurope want that the directive shall only apply to the products listed in the Annex and plastic fishing gear, same list in all EU. Rethink plastic does not express an opinion. In the Commission's proposal is stated that the directive applies to SUP-products listed in the Annex and plastic fishing gear. There is not a clear success in this case, since RP did not have an opinion and PE wanted the word "only" within the text, which was not the case.

4.2.2.2b Closed or open product list in the Annex?

In the proposal to the directive, the Commission writes in Article 2 that the directive will apply to the single-use plastic products listed in the Annex and to fishing gear containing plastic. There is no Annex in the proposal, but there is one in the official directive. The interest groups have however early on given their view on the products that can be on the list in the final directive.

PlasticsEurope want a closed product list ("*...we call on the Parliament and Council to provide a closed, well-defined product list that cannot be interpreted differently or extended individually by Member States*"). The packaging organisations mean it creates legal uncertainty if Member States can add products to the products list in the annex during transposition and risks distortive consequences for the Internal Market in the implementation of the Directive at national level (PlasticsEurope 2018:a).

Rethink Plastic want an open rather than a closed product list, depending on that they think Member States must be allowed to add additional products to the Annex lists during transposition, with the purpose of addressing any other nationally significant sources of plastic pollution. RP mean it is unlikely that the possibility to add products to the product list, during transposition, creates legal uncertainty or risk distortive consequences for the internal market. A closed list would mean that Member States cannot add SUP-products that are harmful for the environment but that are not listed in the annexes. This violates the principles of proportionality and subsidiarity. Also, a closed list would preclude action on non-listed SUP:s, where Article 193 of TFEU allows more stringent protective measures under legislation adopted under an environmental legal base, as long as they are compatible with EU Treaties (Rethink Plastic, #breakfreefromplastic, ecopreneur.eu, WWF, 22/9- 2018).

4.2.2.3 Definitions – 'beverage cups' or single-use plastics?

The Commission has chosen to include a list of definitions in Article 3 where they explain some of the most important words used in the directive, e.g., "plastic", "single-use plastic product" and "fishing

gear”. This can seem trivial, but the interest groups have strong opinions on these definitions.

PlasticsEurope want to clarify the scope of the Directive with clearer definitions in Article 3 (*“We advocate for clearer definitions, and we will work constructively with the EU institutions to clarify these definitions in order to provide legal clarity and avoid different interpretations at EU and national level”*). This means that they want to make the definitions in the Directive more detailed and they are negative towards using general words. For instance, instead of “plastic” and “single-use” definitions, use “beverage cups”, “food containers”, “beverages” etc. They also want a definition of “litter clean-up”, to avoid different interpretations at EU and national level (PlasticsEurope 2018:a).

Rethink Plastic mean that there is a risk that any clarifications to definitions narrows the scope of the directive. RP can be positive towards minor alterations to the definitions, but only those that do not weaken the directive and narrow its scope. They support the proposed definition of plastics, with the amendment that it does not need to “function as a main structural component of final products” (Rethink Plastic, #breakfreefromplastic, ecopreneur.eu, WWF, 22/9- 2018).

Rethink Plastic further stress the importance to support the Commission’s definition of plastics, and of single-use products, ensuring products with a plastic lining are included. They write to parliamentarians: “Discourage the development of a “marine biodegradable” standard – biodegradable and compostable single-use plastics aren’t a solution to the plastic pollution crisis” (Rethink Plastic, 4/10-18). This means that RP are afraid that if PE gets their way, to remove “plastic” or “single-use plastic product” from the directive and instead use more detailed words like “beverage cups”, the directive will be weakened.

RP further wants a strong definition of single-use plastic and to avoid that items simply relabelled as “reusable” might fall out of the scope of the Directive. They write further: “We suggest the definition, “single use plastic product’ means a product that is made wholly or partly from plastic and that is conceived, designed or placed on the market to be used over a short time span, without multiple refill or reuse trips or rotations to a producer, before it is discarded” (Rethink Plastic, 17/10-2018). This suggestion is close to the proposal made by the Commission, which indicates that both RP and the Commission wants a strong definition of “single-use plastic product”. This means that PE does not align with its views regarding the Commissions’ proposal for definitions.

4.2.2.4 Consumption reduction

In Article 4 the Commission writes that it wants to reduce the consumption of single-use plastic products, and the products in question are listed in Part A in the Annex (not in the proposal, but in the final directive). PlasticsEurope does not want this writing in the directive, they write that it is because it is a risk it leads to different measures and that the SUP-directive conflicts with PPWD. PE is against it because it would diminish production of single-use plastic products. RP argue that the writings are appropriate and compatible and want to reduce consumption even further.

PE rates the well-functioning of the internal market very high, they do not want the requirement for Member States to take necessary measures to reduce consumption of certain SUP:s. This is because of the risk of creating a spread of a lot of different measures and, as a result, a less efficient functioning of the internal market. (They also see a problem with article 7 and its marking requirement measures, that could diverge between Member States.)

PlasticsEurope want to protect the internal market for packaging, including single-use plastic packaging, and packaged products, and therefore want to make sure that there is not a conflict between the SUP-directive and PPWD (“...we call on the Parliament and Council to introduce an amendment to Article 4 on Consumption Reduction and Article 17 on Transportation to ensure that they are without prejudice to PPWD Article 16 on Notification and Article 18 on Freedom to place on the market¹⁶”).

PlasticsEurope also want harmonised boundary conditions to ensure proportionate and non-discriminatory measures under Article 4. This means they want to make sure that measures listed under Article 4 are proportionate and non-discriminatory (PlasticsEurope 2018:a).

In a response to the plastic packaging industry, Rethink Plastic argues that the proposed measures in Articles 4 (and 7) will not prohibit the free movement of packaging and packaging goods. RP mean that since the legal base Environment is appropriate, it does not require making references to the PPWD, which they are afraid will attempt to restrict the ability of Member States to adopt ambitious measures.

Rethink Plastic mean that environmental legislation that is adopted under Article 192 of the TFEU is compatible with the internal market. They also argue that the risk of market fragmentation, which the

¹⁶ Article 18 of Directive 94/62/EC on Freedom to place on the market: “Member States shall not impede the placing on the market of their territory of packaging which satisfies the provisions of this Directive”.

plastic organisations refer to in their position paper, is grossly misrepresented. The plastics organisations argue against Article 4 and 7, in their current form, but, according to the NGO:s it is because of the risk of market fragmentation that the Commission acts for a new policy on the EU level and pushes forward the need for a harmonised legislative framework to prevent and reduce marine litter and so measures from the Member States are focused to specific SUP:s and fishing gear containing plastics. RP mean that referring to the PPWD would only lead to confusion, instead they mean that treaties provide safeguards to allow the EU and Member States to protect the environment while also respecting the internal market (e.g. TFEU on the free movement of goods require measures to be proportional and non-discriminatory) (Rethink Plastic, #breakfreefromplastic, ecopreneur.eu, WWF, 22/9- 2018).

RP write further that a reference in Article 4 to Article 18 of the PPWD should be removed. Because Member States need to be able to adopt restriction measures for items listed in Annex A, i.e. food containers and beverage cups (Rethink Plastic, 17/10-2018).

4.2.2.5 Restrictions on placing on the market – bans or voluntary agreements?

Article 5 is about banning products from the market, i.e. restriction that prohibits Member States from placing products on the market that are single-use plastics and listed in Part B of the Annex. RP support article 5 and see bans as necessary. PE does not want bans and rather want voluntary agreements, and therefore want to change article 5.

Rethink plastic see bans as necessary and more efficient than voluntary agreements to halt marine pollution. RP write that the Commission has already performed an up-to-date impact assessment, and another one is therefore not needed. They support expanding the monitoring provisions of the directive, in order to collect data on the consumption of SUP:s and the impacts of the measures (Rethink Plastic, #breakfreefromplastic, ecopreneur.eu, WWF, 22/9- 2018).

PE does not want bans of plastic products and mean that it is only a shortcut and cannot solve the problem with plastic products ending up in the marine environment. PE argues further that bans will not achieve the structural change that is needed to build a sustainable and resource efficient economy. They mean that alternative products may not be more sustainable and therefore we should not be too hasty with banning plastic products (PlasticsEurope 2018:b).

Like PlasticsEurope's views on Article 4, PE want there to be harmonised boundaries also on market restrictions under Article 5. They write: *“Parliament and Council to introduce certain harmonised boundary conditions to make sure that market restrictions under Article 5 of the proposal, and*

measures listed under Article 4 on Consumption Reduction are proportionate and non-discriminatory". Article 5 includes bans on products, which the packaging value chain (business interest group) wants to introduce only after an assessment has been made in Member States of the appropriateness of a ban vs other measures such as voluntary agreements and public-private partnerships to ensure proportionality (PlasticsEurope 2018:a).

Rethink Plastic write, as a response to the plastic producers, that Article 5 is necessary since it aims at preventing marine pollution and should therefore stay in the directive. Article 5 requires market restrictions for SUP:s, and has nothing to do with design of products which the industry claim and therefore want the article to be removed. Rethink Plastic writes: "*These two articles [Articles 5 and 6, my addition] are specific to – and inspired by – the prevention of marine pollution and therefore are appropriately included here* (Rethink Plastic, #breakfreefromplastic, ecopreneur.eu, WWF, 22/9-2018)".

RP further writes in a letter from October that they want to keep items added to the market restriction list (Annex B) in Ries' report, i.e., very lightweight plastic bags, polystyrene food and drink containers, and products made of 'oxo-degradable' plastic. "These plastics have significant negative impacts on the marine environment, and all have easily available alternatives, thus there is no reason to continue using them and increase plastic pollution" (Rethink Plastic, 17/10-2018).

4.2.2.6 Product requirements

The Commission lists the product requirements in Article 6. PE want to remove this Article, and RP want to keep it and complement it further.

PlasticsEurope want PPWD to be the only legal provision regarding packaging design requirements, and do not want any requirements on packaging design in the SUP-directive. They write: "*To ensure legal clarity, the Essential Requirements in the PPWD should remain only legal provision containing eco-design requirements for packaging.*" The organisations representing the plastic industry want to improve Article 5 (market restrictions that impact packaging) and remove Article 6 (market requirements) (PlasticsEurope 2018:a).

Rethink Plastic does, not surprisingly, not agree with this assessment. They mean that Article 6 is important and should remain in the directive, since packaging design requirements are key in preventing plastic pollution. The NGOs write that it is unclear why the plastic producers want PPWD to be the only legal provision regarding eco-design requirements. Article 6 requires plastic caps and lids of beverage containers to be attached to the container to prevent their loss to the environment, not

caring about the design as long as the cap or lid is attached. The Article also states that the Commission should request the European standardisation organisations to develop harmonised standards relating to that requirement, a common and industry friendly approach, according to the NGOs and Rethink Plastic (Rethink Plastic, #breakfreefromplastic, ecopreneur.eu, WWF, 22/9- 2018).

Apart from this, Rethink Plastic also want to complement Article 6, in order to ensure that the product requirement for all products referred to in the Directive prevent the use of hazardous chemicals in their composition (Zero Waste Europe & HEJ Support, 30/8- 2018).

In a letter to the ENVI Committee, Rethink Plastic also stress to ensure much higher collection of plastic waste by having significantly improved marking and product requirements, as well as new collection targets, deposit-refund schemes (DRS), and a minimum recycled content target for beverage containers (Rethink Plastic, 4/10-18).

4.2.2.7 Marking requirements

The Commission further lists marking requirements in Article 7. RP want to amend this article, while PE sees a problem with it risking market fragmentation.

Rethink Plastic think that this article should be amended so that: “all of the product information listed in Article 7 is provided to consumers (not allowing manufacturers to pick their preferred one); a new point is added on the provision of information on the availability of existing alternatives; a new point is added on the product’s inclusion of components meeting the properties of Article 57 of Regulation 1907/2006 or which have been identified in accordance with the procedure described in Article 59(1) of Regulation (EU) No 1907/2006, establishing the candidate list for substances of very high concern (SVHC) (Zero Waste Europe & HEJ Support, 30/8- 2018)”.

As mentioned, PlasticsEurope see a problem with article 7 and its marking requirement measures, that could diverge between Member States. They see a problem with the legal base being Environment, and Article 192 TFEU, since there is a risk of market fragmentation, which the Commission also mention: “risk of market fragmentation when Member States take measures in an uncoordinated manner” (PlasticsEurope 2018:a).

Rethink Plastic argues that the proposed measures in Article 7 will not prohibit the free movement of packaging and packaging goods. RP mean that since the legal base Environment is appropriate, it does not require making references to the PPWD, which they are afraid will attempt to restrict the ability of Member States to adopt ambitious measures (Rethink Plastic, #breakfreefromplastic, ecopreneur.eu, WWF, 22/9- 2018).

4.2.2.8 Extended producer responsibility

In Article 8 the Commission proposes an extended producer responsibility scheme, for fishing gear containing plastic and single-use plastic products. RP want to keep the article, while PE want to remove the extension of EPR.

Rethink Plastic are positive to the proposal since they see it as a requirement that companies take responsibility for waste prevention and clean-up. *“These measures facilitate positive incentives for producers to better design products for reuse and recycling, as well as to improve collection rates”*. According to RP the proposed measures are consistent with the polluter-pay principle and aim to ensure that producers of the relevant SUP:s take responsibility for the waste phase of their products, incl. both the costs of waste management and clean-up (Rethink Plastic, #breakfreefromplastic, ecopreneur.eu, WWF, 22/9- 2018).

In a letter to the ENVI Committee, within the European Parliament, Rethink plastic further mention the importance to strongly support the EPR-schemes for single-use plastics that include coverage of cleanup and waste management costs. *“Support collection and recycling targets and new EPR schemes for fishing gear”* (Rethink Plastic, 4/10-18)

PlasticsEurope on the other hand mean that litter clean-up and prevention is not the sole responsibility of producers and should not be the only ones paying. PE write: *“We call on Parliament and Council to remove the extension of EPR (extended producer responsibility¹⁷, my add.) financial obligations to litter clean-up costs as the sole responsibility of producers (Article 8), especially given the critical role of other actors in addressing the root causes of littering”*. According to PE, the root causes of litter are poor solid waste management practices and infrastructure, littering by citizens and lack of public awareness. They argue that since producers are already financing EPR schemes they should not have to solve the litter problem alone. Instead, there need to be improved waste management systems and infrastructure, including sewage systems, be educational programmes and enforcement of anti-littering laws and EU wastewater legislation (PlasticsEurope 2018:a).

4.2.2.9 Separate collection (article 9):

PlasticsEurope want a new paragraph, to ensure assessments are made before measures are taken on EPR schemes. Rethink plastic does not express an opinion. There was not a paragraph in the

¹⁷ extended producer responsibility, means producers are responsible for end of life collection and treatment for certain products

Commission's proposal that made sure assessments were made before measures are taken on EPR schemes.

4.2.2.10 Awareness raising measures

The Commission write about awareness raising measures in Article 10. Rethink Plastic think that Article 10 should be complemented so that: "measures are implemented to inform consumers of the impact of plastic and its chemical composition on human health; reusable menstrual products are made widely available in each member state, in particular in large retailers and pharmacies; and awareness-raising measures on alternatives to single use menstrual products are carried out, including through school programmes" (Zero Waste Europe & HEJ Support, 30/8- 2018). PE does not comment on this Article.

Rethink plastic writes further about specific provisions on sanitary items, because of the large number of sanitary products (made out of 90% plastic) that is thrown away. RP mean that there need to be awareness raising programmes on reusable alternatives to single-use menstrual products, in schools, and Member States should ensure reusable alternatives, including in pharmacies and large retailers (Rethink Plastic, 17/10-2018). PE also wants awareness raising measures, and proposes awareness raising campaigns, which lead to responsible consumption and an understanding that waste is a resource (PlasticsEurope 2018:b).

4.2.2.11 References to the PPWD (extra conflict dimensions)

The Commission has several references to the packaging and packaging waste directive (PPWD), 94/62/EC, in the proposal:

- 1) There is a reference on p. 3 two times: "The proposal is consistent with and complements the EU's established legislation in the field of waste and water, in particular the Waste framework directive, the directive on packaging and packaging waste, marine strategy framework directive and the urban waste water treatment directive", and a footnote on PPWD.
- 2) There is also a reference on p.7 regarding that it is better to have a SUP-directive addressing all single-use plastic products in one legal instrument, than amending several other legislations such as i.e. the packaging and packaging waste directive.
- 3) There is a reference on p. 13, that says that there already is legislation, i.e., the packaging and packaging waste directive, which includes consumption reduction objectives for lightweight

plastic carrier bags, and the SUP-directive involves complementary EPR and awareness raising measures.

- 4) Reference on p 19f, regarding that existing union legislation and policy instruments provide some regulatory responses to address marine litter. “In particular, plastic waste is subject to overall Union waste management measures and targets, such as the recycling target for plastic packaging waste (in PPWD) and the recently adopted objective in the Plastic strategy to ensure that all plastic packaging is recyclable by 2030.”
- 5) In article 3, p.26. Only that packaging means packaging as in PPWD.

PlasticsEurope want references to the PPWD since, as mentioned under the headline 1 legal base, they want the SUP-directive to have the same legal base as the PPWD which is the internal market. They also see the PPWD as the prevailing directive and that a SUP-directive is unnecessary, which is why references to the PPWD is important for PE since it renders the SUP-directive less important for plastic products and in consequence the plastic industry. Rethink plastic does not want references to the PPWD since they want the SUP-directive to be the prevailing directive, and therefore references to the PPWD is unnecessary.

PlasticsEurope also want these additions/alterations:

- 1) Harmonised boundary conditions: PE want to add to the directive that it is without prejudice to PPWD article 18, and that text is added that member states should make assessments before adopting measures to ensure proportionate and non-discriminatory measures. Rethink plastic does not have an opinion on this but believes it is unnecessary to reference the PPWD. There is no reference in the way PE wants to PPWD in the proposal.
- 2) Proportionate and non-discriminatory measures: PlasticsEurope want a new recital 26 added with reference to 2015/1535, making sure articles 16 and 18 of PPWD are not compromised. Rethink plastic does not have an opinion on this, and there is not added text in the proposal.
- 3) Transposition (article 17): PlasticsEurope want an addition to paragraph 2, with reference to directive 2015/1535 and PPWD (94/62/EC). Rethink plastic does not express an opinion. There was no addition with this reference in the proposal.

4.2.3 Analysis and comparison

As described in the methodological part, I have developed an ideal point analytical tool which describes the different conflict dimensions and positions taken by the respective actors on the proposal and the final directive. This in turn will make it possible to find the respective ideal points and to find out which lobby group that was successful and in what regard. The analytical tool is visible below.

It is important to have in mind that other actors could have been successful as well in deciding the final directive, the Parliament, or the Council for instance. As Dür et al shows however, the citizen groups, Rethink plastic in this case, are frequently in alliance with both the Commission and the Parliament, pushing for change (Dür et al 2015).

4.2.3.1 Ideal point analytical tool – views, changes, and success

In the analytical tool that I have made, I have only included those issues that the interest groups have had views on and would therefore be thought of as important, i.e., conflict dimensions. I have included views if only one group has had an opinion, but if neither group has expressed a view, I have not included it. Since I am measuring the groups supposed success, it is only meaningful to include the issues and dimensions where they express opinions.

The first headline is “Conflict dimensions”, which gathers the different issues that the groups have expressed different opinions on. Then I have a headline on the positions favoured by the Commission in the proposal followed by the position in the directive, after the Parliament and the Council have had their say. I have then a headline that is the lobby groups ideal points followed by a headline of which lobby group that were successful regarding that conflict dimension or issue. There is an explanatory analysis after the analytical tool that explains the different stands and results.

Conflict dimensions	Proposal	Directive	Rethink plastic ideal point	PlasticsEurope ideal point	Lobby group success
1a. Legal base	Environment, art. 192 TFEU (p.6,18)	Environment, art. 192 TFEU (p.1)	Environment	Internal market (reference to PPWD)	RethinkPlastic
1b. The objective	No amendment	No amendment	Amend the article, to a	Support the overarching objective	PlasticsEurope

			non-toxic circular economy		
2a. The scope	Directive applies to SUP-products listed in the Annex and plastic fishing gear (p.25)	Directive applies to SUP-products listed in the Annex, products from oxo-degradable plastic and plastic fishing gear (p.8)	No opinion	Directive shall only apply to the products listed in the Annex and plastic fishing gear, same list in all EU.	No success
2b. Closed or open product list	The directive should only cover the most found SUP-products (recital 7, p.20)	The directive should only cover the most found SUP-products (recital 7, p.3) (no cap on 10 products)	Open list	Closed list. The directive should only cover the 10 most found SUP-products	Rethink plastic
3. Definitions – clearer or not (art.3)	Definitions of ‘plastic’, ‘single-use plastic product’ etc, not naming products specifically (p.25f)	Definitions of ‘plastic’, ‘single-use plastic product’ etc, not naming products specifically. Additions made. (p.8f)	Support proposed definitions, with small adjustment	Clearer definitions of ‘plastic’ and ‘single-use’, naming products specifically (beverage cups, food containers etc)	RethinkPlastic

4. Consumption reduction (art.4)	Consumption reduction (p.26)	Consumption reduction, reference to PPWD although Member States can impose restrictions in derogation from PPWD, art.18. No amendment with assessments. (p.9f)	Support art.4 (no reference to PPWD)	Critical, want amendment to art. 4 (without prejudice to PPWD), and measures must be proportionate and non-discriminatory. PE also want amendment of need of assessments before adopting measures.	PE, reference to PPWD as PE wants, but entail that exceptions can be made from PPWD, so not as PE wants. Also addition of proportionate and non-discriminatory. (No amendment with assessment)
5. Market restrictions – bans or voluntary agreements (art. 5)	Ban (no placing on market of the SUP-products listed in Part B, Annex) (p.26)	Ban (no placing on the market of SUP-products in Part B, Annex and products from oxodegradable plastic. No assessment.) (p.10)	Support art.5, pro bans.	Oppose, no market restrictions or bans (only in PPWD). Add need of assessment and voluntary agreements.	Rethink plastic
6. Product requirements (art. 6)	SUP-products allowed only if plastic caps and lids are attached to the container (p.26f)	SUP-products allowed only if plastic caps and lids are attached to the container. Additions made on recycled plastic. (p.10f)	Support art. 6	Oppose, no requirements (only in PPWD)	Rethink plastic

7. Marking requirements (art. 7)	Clear marking information on SUP-products listed in Part D, Annex. (p.27)	Clear marking information on SUP-products listed in Part D, Annex, and harmonised marking specifications. (p.11)	Support (is not a threat to PPWD and environmental legal base good)	Oppose (risk market fragmentation, increased by environmental legal base)	Rethink plastic (although addition of harmonised specifications to calm PE)
8. Extended producer responsibility (EPR) schemes (art. 8)	EPR (including clean up litter costs) (recital 15-20, p.22f; p.27)	EPR (including clean up litter costs), and additions on what costs producers cover. (recital 16, 21-24, 27-28, p.5ff; p.12)	Support	Oppose, want to remove art. 8. (Especially remove clean up litter costs for producers) Producers should not be the only ones responsible.	Rethink plastic
9. Separate collection (art. 9)	Separate collection, including deposit-refund schemes or establish EPR. (p.28)	New paragraph added on best practices (p.13)	No opinion	New paragraph, ensure assessments are made before measures are taken on EPR schemes.	PE, a new paragraph was added on best practices on deposit-refund schemes, although no assessments mentioned.
10. Awareness raising measures	Measures are included (a), (b).	Measures are included (a), (b), (c). (c) is the impact of inappropriate means of waste disposal	Complement the article.	No comment (but support awareness raising measures)	Rethink plastic, although not as the group wanted but the article was complemented.

11. References to the PPWD, Extra dimensions:					
- References to PPWD (directive 94/62/EC)	Two times in p.3, one in p.7, p.13 and p.20 (not in recital 10, p.20). One in art 3 (p.26).	Footnote in p.2, the references in proposal to PPWD removed. Added: 16 references to PPWD, 94/62/EC*.	RP does not want reference to PPWD, and especially not in art. 4 and 7.	Addition reference to PPWD, the directive is without prejudice to provisions in PPWD.	Rethink plastic
- Harm-onised boundary conditions	No reference to PPWD or on making assessments before adopting measures. (recital 11, p.20f)	No reference to PPWD or on making assessments before adopting measures. Text added on proportionate and non-discriminatory restrictions (Recital 14, p.4)	No opinion (but does not believe it necessary to reference PPWD in art. 4 and 7)	Add, without prejudice to PPWD art 18; add that member states should make assessments before adopting measures to ensure proportionate and non-discriminatory measures.	PlasticsEurope, although no reference to PPWD; text added about proportionate and non-discriminatory restrictions.
- Proportionate and non-discriminatory measures	No proposal	Reference to 2015/1535 in art. 4, measures adopted should be proportionate and non-discriminatory (p.10f)	No opinion	New recital 26 added, reference to 2015/1535, make sure articles 16 and 18 of PPWD are not compromised.	PlasticsEurope (although the reference lies not in recital 26, but in art. 4, and is a bit different)

- Transposition (art. 17)	No addition (p.31)	Addition made in paragraph 2, but no reference to other directives. (p.17)	No opinion	Addition to paragraph 2, with reference to directive 2015/1535 and PPWD (94/62/EC).	No success
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*= 8 in favour of environmentalist view, 1 footnote, 1 in favour of industry, 6 for clarification reasons.

4.2.3.2 Interest group success

4.2.3.2.1 On a general note, who was more successful?

My findings in this thesis are that business success is limited relative to the success of citizen groups. Instead of wanting change in policies, the business group mostly defend the status quo, while citizen groups together with the Commission and Parliament want and push for policy change. This is what I found in this SUP-case, since RP supported the SUP-directive or had wishes to strengthen it and had coinciding views (with the Commission) in almost all the articles in the legislation, which would also indicate that they were successful in relaying their views.

In the second chapter on previous research, I have described the research by Dür et al and regarding their argument that business succeed more when there is a less conflictual policy episode, and where they consequently receive less opposition from other actors. To return to this discussion and apply their thinking on this issue, where the results show that business was not successful, it would indicate that the plastics issue was a conflictual policy episode. We know that the environmental group were active in lobbying this issue, and, according to my findings, successful in lobbying the policymakers, which could be said to indicate more opposition for the business group. Thus, proving Dür et al right in their thinking, that business loses when there is a conflictual policy episode.

It is important to point out that Dür et al also writes that influence is not the same thing as success, and I cannot therefore say that I found that one group or the other were influential. RP was successful in the case of the SUP-directive, but if that means that they influenced the policy or simply were lucky, is difficult to say. There could also have been other factors that I have not investigated, such as financial resources or the media influence. To know about influence it could also have been beneficial to interview the Commissioners or the representatives from the lobby groups. But even with interviews, it would have been difficult to know for sure if the lobby groups were influential in affecting policy. My

findings are therefore that it is not possible to find the lobby group influence regarding this SUP-directive, but that Rethink plastic could be said to succeed in impacting policy since their views coincided most with the directive. However, RP would have preferred to see a larger directive but were still pleased with the SUP-directive.

There can be said to be two sides debating the SUP-directive. The side supported by the Commission and Rethink plastic, and the other side supported by the industry. Rethink plastic was almost on every issue in support of the Commission's proposal. In their written documentation they are positive towards the proposal from the Commission or would like to strengthen the SUP-directive and stand against the industry's proposals. As example, the text about (10) awareness raising measures were strengthened, since in the proposal were only (a) and (b) included, and in the final directive was (c) added, with addition of the impact of inappropriate means of waste disposal of those single-use plastic products on the sewer network. Which was what Rethink plastic wanted, although not as strong as Rethink plastic's proposal.

The industry could be said to be against the SUP-directive in general, and believe that it would have been enough with the policies in the PPWD, since they already regulate plastic products, product restrictions, design aspects, etc. However, it is evident from analysing the documents, that the industry, in most cases, do not chose to remove articles but instead suggest references to the PPWD, which render the provisions less important (and PPWD the prevailing directive). The big debate could therefore be said to be about which directive should be the prevailing one, the SUP-directive or the PPWD. The two documents are very different, SUP standing for a more environmentalist approach and the PPWD a more business-friendly view, which is seen not in the least through their different legal bases, the internal market (PPWD) or the environment (SUP). As could be seen from the analytical tool, Rethink plastic had most success in relation to PlasticsEurope. RP's view coincided with the final directive on almost every issue, which could be said to be a win for Rethink plastic. In some cases, PlasticsEurope got their way since the SUP-directive was changed from proposal to directive in their favour. There were also some cases where there was an unclear success, article 2 and article 17, which mean that I could not analyse whether the change was in favour of either group.

The EU institutions, along with Rethink plastic, regards the SUP-directive above other directives on plastic products. This is evident in a provision, recital 10 in the final directive, that explains that the SUP-directive is *lex specialis*, regarding the PPWD (94/62/EC) and 2008/98/EC. This means that when there is a conflict with the other directives the SUP-directive prevails, such as concerning con-

sumption reduction, production requirements, marking requirements and EPR (extended producer responsibility). This signifies a strong directive with the primary objective to protect the environment (foremost the marine environment) from plastic litter. It also gives more support to the environmental group which argued for a strong directive that could make a difference on plastic pollution.

4.2.3.2.2 Regarding the issues...

Regarding dimension 1a, the legal base, PlasticsEurope wanted it to be the internal market, which is the same as PPWD, and include a reference to the PPWD, packaging and packaging waste directive. The Commission's proposal, which was also supported by Rethinkplastic, prevailed and environment (i.e. Article 192 of the Treaty of the Functioning of the European Union) became the legal base, which is presented in the beginning of the preamble. This could mean that the Commission listened to the environmental lobby group, which was influential, although the industry had a different opinion.

Concerning dimension 1b, the objective, Rethink plastic want to amend the article to include a non-toxic circular economy. PlasticsEurope does not write about that specific suggestion but support the overarching objective. PlasticsEurope could be said to be successful on this issue, although this was a small provision and it could also be that the Commission thought that the proposal from RP was too far-fetched.

When it concerns the dimension 2a the scope, the proposal and the directive are nearly the same. In the proposal it says that the directive applies to SUP-products listed in the Annex and plastic fishing gear, and in the directive is added "products from oxo-degradable plastic". Neither of the groups had an opinion of adding that text, but PE wanted the directive to only apply to the products listed. In the end neither group had a win, since the word "only" was not in the directive and RP did not have an opinion on this article.

Rethink plastic also succeeded in dimension 2b, that there was no cap on the product list, that PE wanted, to limit the number of products that the directive covers. This means that countries can add products during transposition, an open product list. Of course, the industry would not want any more products to be banned or regulated by the SUP-directive, which was why they went against this proposal.

Rethink plastic was also more successful regarding dimension 3: definitions (article 3); dimension 5: market restrictions with the inclusion of bans (not voluntary agreements that PE wanted) (article 5),

dimension 6: product requirements (article 6); dimension 7: marking requirements (although provisions on harmonised marking specifications that PE wanted) (article 7).

PlasticsEurope was also positive regarding dimension 4, consumption reduction (article 4) with a reference to PPWD, but that entails that exceptions can be made from PPWD which is not entirely what PE wants, although they wanted a reference to PPWD. In that article was also included a text about proportionate and non-discriminatory measures, a change from the proposal to the final directive which PE wanted which signifies some success. PE was also successful regarding dimension 9 separate collection (article 9), where a new paragraph was added on best practices on deposit-refund schemes, although no assessments mentioned.

Rethink plastic was successful regarding dimension 8, EPR schemes since these were included in the final directive and in several places in the recital (recital 15-20 in the proposal, recital 16, 21-24, 27-28 in the directive; article 8). The EU institutions and Rethink plastic supported the proposal and the provisions in the directive that Member States should introduce EPR schemes to cover the necessary costs of waste management and clean up litter. That means that the producers should pay for litter clean up and waste management. The industry did not agree that producers should be the only ones responsible for these costs, but in the end, their group was not successful. It is however difficult to see if it was the Commission's idea at first, since I am not looking at the agenda-setting phase, or if the decision-makers were affected by the Rethink plastic lobbying. Still, RP was happy with the writings on EPR in the directive.

Rethink plastic was also successful regarding dimensions 10, awareness raising measures. This text was strengthened, compared to the initial proposal from the Commission which more visibly signify a success for Rethink plastic. Regarding other issues the views were often coinciding between the EU institutions and RP, but in this case the text was changed in favour of RP.

Regarding the extra conflict dimensions 11, references to the PPWD. RP was happy that there was no reference to the PPWD in recital number 10 in the directive, among the extra dimensions. PE wanted a reference saying that the directive on SUP:s is without prejudice to provisions in PPWD, since they in general wanted PPWD to be the directive in place to regulate plastic products.

In the proposal there were several references to the PPWD, as mentioned. Most of these were removed. However, in the final directive were 16 references added to the PPWD (See Appendix 2 to see how I have sorted the references and read what they are about). These are included to strengthen the

environmental legislation (go above the PPWD) which is the case for references (1), (3), (4), (5), (7), (8), (10), (11), or added for clarification reasons (6), (9), (12), (13), (15), (16); one as a footnote (2), and only one were in support of PlasticsEurope (14), and then relating to the format of the report that the Member states shall make to the Commission. It is evident then that the additions regarding the PPWD were in half the cases (8) relating to the SUP-directive going beyond the PPWD in terms of being more environmentally friendly, and in the rest for clarification reasons (6), (1) as a foot note and only one (1) pro the industry. This was all in all a win for Rethink plastic.

PE were somewhat successful on the extra dimension harmonised boundary conditions, recital 11 in proposal and 14 in directive. Although there was no reference to PPWD in that instance, that PE wanted, the final directive had text added about the need for proportionate and non-discriminatory restrictions. That Member States should ensure that before implement an obligation through market restrictions, they should ensure that the actions are proportionate and non-discriminatory. This was a win for PE, since they regard making assessments before implementing restrictions as important, and this paragraph suggests that Member States must think over e.g., how the implementation affects the market before restricting products.

There were some issues where it was difficult to see the which group that was more successful, such as regarding in dimension 2a the scope (article 2) and the extra dimensions and specifically article 17, transposition. However, these issues do not seem to be of any large importance since RP did not express any views on them.

4.2.3.2.3 Answering the research questions

My first research question is: which of the lobby group type, environmental or industry, that has been most successful in the decision-making phase on the directive (EU) 2019/904 on reducing the impact of certain plastic products on the environment. The findings show that the environmental group was most successful in the decision-making phase of the SUP-directive. That means that their view, relative to PlasticsEurope, most coincided with the final directive.

However, on many conflict dimensions (issues), the environmental group had the same, or nearly the same, view as the Commission in the proposal. In most cases, it was not the case that the lobby group had a tougher approach and that the Commission and decision-makers listened and changed the policy from the proposal to the final directive. In a few instances though, Rethink plastic had a tougher view which in some way contributed to a change from the proposal to the directive. I will describe these below.

An example where Rethink plastic had a stronger approach which led to a change in policy is regarding awareness raising measures. Here, there is a clear strengthening of the policy, even if it is not precisely as RP wanted. In the proposal there are measures included and an (a) and (b). This leads to complementing the article with (a), (b) and (c), with the impact of inappropriate means of waste disposal. Although not exactly as the group wanted, it was a win for Rethink plastic, since the policy was complemented.

Another example of a success for Rethink plastic is regarding references to the PPWD. In the analysis I have sorted these as extra conflict dimensions, this is partly because they don't refer to any one article, but also because PlasticsEurope seem to put a lot of weight on pursuing references to the PPWD in the directive. It seems as if this is very important for PE, since this would render the SUP-directive less important and thus a less intrusive legislation for the industry in means of changing production etc. If there are references to the PPWD, that legislation is important (as before), without references there is a tougher legislation to adhere to. However, even though there were added 16 references to the PPWD in the SUP-directive, these were (as shown before) in support of Rethink plastic's view or mainly for clarification reasons.

Rethink plastic did not want any references to PPWD, especially in article 4 and 7, but deemed in unnecessary to reference this directive since it may diminish the SUP-directive. Therefore, since there were so many references in favour of RP's view regarding the PPWD, this is a strong success for Rethink plastic.

My findings suggest that Rethink plastic's lobbying was partly the factor to this change. It cannot be out ruled however that there also were other factors that decided the change, such as parliamentarians by themselves or media. Still, this was a win for Rethink plastic, since references to PPWD was one of the conflict dimensions that the PlasticsEurope group really had strong opinions about.

The second research question regards which aspects of the policy that the respective interest group tried to be successful on. The answer is on all ten conflict dimensions that are analysed the lobby groups tried to affect the positions, and then there are extra conflict dimensions that were mainly where PE tried to be successful.

PlasticsEurope tried to influence the SUP-directive in that there would be a reference to PPWD saying that PPWD would be the superior legislation (*lex specialis*) over the SUP-directive, which would entail that product and marking requirements would be only in PPWD and not in the SUP-directive. PE also tried to be successful regarding EPR-schemes, that there would be no extension of producer responsibility, but in the end, there were EPR-schemes.

Regarding the extra conflict dimensions, PlasticsEurope tried in many instances to get references included which were in support of PPWD, but this did not go their way as shown before. Even though there were references added, these references were all-in-all in favour of RP which would signify a win for RP.

The third research question entails which aspects of the policy that the respective interest groups have success on. The environmental group, RP, had success regarding the definitions, market restrictions which included bans on some plastic products, product requirements, marking requirements, regarding EPR-schemes, awareness raising measures and in particular concerning PPWD-references. PE were in a little way successful in that there were references to PPWD in the SUP-directive, but they were contrary to what PE wanted, said that the SUP-directive would be the superior legislation, i.e., when there is a conflict between the two directives – the SUP-directive is the prevailing directive. PE were successful however regarding separate collection and had some success regarded text added about the need for proportionate and non-discriminatory restrictions. These successes were however small compared to the successes made by the environmental group.

5. Conclusion, discussion of results

The European Union today faces a large problem with pollution and plastic products found in the environment, and in particular the marine environment. The Commission therefore arranged a conference to discuss the future of plastics in a circular economy, which was followed by a plastics strategy, a proposal for a directive and then a final directive in June 2019.

I have found two large interest groups to be active in trying to affect the single-use plastics-directive, Rethink plastic (RP) which represented the environmental groups, and PlasticsEurope (PE), representing the industry. My research questions are which of the lobby group type that has been most successful in the decision-making phase of the directive on SUP:s, and which aspects of the policy that the interest groups had success on or try to be successful on.

To be able to analyse the level or type of success these lobby groups had on the SUP-directive, I have developed an ideal points analytical tool, where I have put in the different groups ideal points as well as the positions taken by the EU regarding SUP:s. This tool is inspired by the single-peaked preference approach used by Dür et al in 2015.

My findings in this thesis are like some of the findings by Dür et al on EU legislative politics, namely that business success is limited relative to the success of citizen groups. Instead of wanting change in policies, business groups mostly defend the status quo, while citizen groups together with the Commission and Parliament want and push for policy change. This is what I found in this SUP-case as well, since RP supported the SUP-directive, which is now in place, they could be thought of as successful. Their ideal points were most like the views and the articles in the final directive.

At the same time, there is also research from Binderkrantz and Pedersen, as mentioned in chapter two, that argues that business groups are more influential than citizen groups in the decision-making phase of a policy. My findings are a bit different from their findings, since applying their reasoning would mean that the business group would be more influential at lobbying in the decision-making phase in the plastics issue, which was not case. However, I have not looked at the agenda-setting phase, which according to Binderkrantz and Pedersen is where the environmental group is better at lobbying. There are also other factors that Binderkrantz and Pedersen see as important, which is resources and choice of strategy, which I have not focused on at in this thesis.

The results thus show that the environmental lobby group type was most successful in the decision-making phase of the SUP-directive. The environmental group, RP, had success regarding the

definitions, market restrictions which included bans on some plastic products, product requirements, marking requirements, regarding EPR-schemes, awareness raising measures and regarding references to the PPWD. It was mainly the two last mentioned issues, regarding awareness raising measures and references to the PPWD that the environmental group managed to attain a strengthening of the legislation. In the other cases, the views from the EU institutions coincided with those of Rethink plastic, which makes it difficult to see how much the lobby group affected the legislation. Rethink plastic tried to be successful regarding that there would be no reference to the packaging and packaging waste directive (PPWD), although there finally were limited references to PPWD, as mentioned these cases benefited RP or were inserted for clarification reasons.

PlasticsEurope tried to influence the SUP-directive in that there would be a reference to PPWD saying that PPWD would be the superior legislation (*lex specialis*) over the SUP-directive, which would entail that product and marking requirements would be only in PPWD and not in the SUP-directive. PE were successful in that there were references to PPWD in the SUP-directive, but they were contrary to what PE wanted, stating that the SUP-directive would be the superior legislation, i.e., when there is a conflict between the two directives – the SUP-directive is the prevailing directive. PE was also somewhat successful regarding the objective, where they supported the overarching objective instead of the more detailed one suggested by RP.

PE also tried to be successful regarding EPR-schemes, that there would be no extension of producer responsibility, but in the end, there were EPR-schemes. PE were successful however regarding separate collection and some success regarded text added about the need for proportionate and non-discriminatory restrictions. These successes were however limited compared to the successes made by the environmental group.

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7. Appendix

Appendix 1, The Strategy

Strategy, 16/1-2018.

A European Strategy for Plastics in a Circular Economy, COM/2018/028 final. (Eur-lex 2018)

The Strategy entails two documents, the first part where the Commission presents its vision for a circular economy for plastics, and the second part which entail the Annexes: Annex 1 (list of future EU measures to implement the Strategy), Annex 2 (list of measures recommended to national authorities and industry), and Annex 3 the Pledging Campaign.

Below is the list of measures recommended to national authorities and industry, in the Annex 2, since this is of main interest for the thesis. This is made to know how I have sorted the different measures into different headlines, which is then used in the analysis of the strategy in the thesis, chapter 4.2.1.

List of measures proposed regarding production/distribution, consumption, and recycling (coloured markings my addition):

Key measures to improve the economics and qualities of plastics recycling

- favour reusable and recycled plastics in public procurement (national and regional authorities) (production)
- make better use of taxation and other economic instruments to 1) reward the uptake of recycled plastics and favour reuse and recycling over landfilling and incineration, 2) step up separate collection of plastics waste and improve the way in which this is done. (national and regional authorities) (recycling)
- Put in place well-designed EPR schemes and/or deposit systems, in consultation with the relevant sectors. (national and regional authorities) (recycling)
- Make voluntary commitments in support of the strategy's objectives, in particular as regards the uptake of recycled plastics. (national and regional authorities) (recycling)
- Take concrete steps to improve dialogue and cooperation across the value chain, in particular on material and product design aspects. (industry) (production)

- Make voluntary commitments in support of the strategy's objectives, in particular as regards the uptake of recycled plastic. (industry) (recycling)

Key measures to curb plastic waste and littering

- Raise awareness of littering and consider fines, where they do not exist already; promote beach clean-up activities (national and regional authorities). (consumption)
- Step up waste collection, particularly near the coasts, and improve coordination between the authorities responsible for waste management, water and the marine environment (national and regional authorities). (recycling)
- Step up efforts to eradicate illegal and non-compliant landfills (national and regional authorities). (consumption, recycling)
- Develop national monitoring of marine litter on the basis of harmonised EU methods (national and regional authorities). (consumption)
- Engage in regional seas conventions, in particular to develop regional plans against marine litter. (national and regional authorities). (consumption)
- Consider introducing EPR, in particular to provide incentives for collecting discarded fishing gear and recycling agricultural plastics (national and regional authorities). (recycling)
- Consider introducing deposit refund schemes, in particular for beverage containers (national and regional authorities). (recycling)
- Promote existing alternatives to single-use plastic items (e.g. in catering and take-aways), where these are more environmentally beneficial (industry). (production)
- Pursue and implement cross-industry agreements to reduce the release of microplastics in the environment (industry). (production)
- Put in place measures to avoid spillage of plastic pellets (industry). (production)
- Make better use of economic instruments, especially to raise the cost of landfilling and incineration and promote plastic waste recycling and prevention (national, regional and local authorities) (recycling)
- Make greater use of public procurement and funding to support plastic waste prevention and recycling of plastics (national regional and local authorities) (recycling)

- Increase infrastructure and R&D investment in areas of direct relevance to achieving the strategy's objectives (industry) (**production**, **consumption**, **recycling**)
- Contribute to work on setting up a private investment fund to offset the environmental externalities of plastic production (industry) (**production**)

Key measures to harness global action:

- Globally: engage in international for a to develop a global response to the increase in marine litter (national and regional authorities) (**consumption**)
- Globally: take domestic action to reduce the leakage of plastics in the environment, prevent plastic waste and increase recycling (national and regional authorities) (**production**, **consumption** and **recycling**)
- Globally: play an active part in supporting an integrated, cross-border circular plastics economy, including through the development of a global protocol for plastics (industry) (**production**, **consumption**, **recycling**) (Eur-lex, 2018)

Appendix 2,

References in the SUP-directive,

16 references, these are shown to visualize how I have sorted them to get the number 8 pro RP, 6 for clarification reasons, 1 foot note and 1 pro PE. Search for "94/62/EC" in the directive to find the reference, here is the list:

1. P.2, recital, proper waste management is important for the prevention of all litter. This text states that there are some policy instruments that provide some regulatory responses to address marine litter, including in the PPWD. However, the impact of those measures are not sufficient. (pro RP)
2. Footnote to no 1.
3. P. 3, the SUP-directive is lex specialis in relation to the PPWD and 2008/98/EC. (pro RP)
4. P.3, Ibid (prop RP)
5. P.5, legislation regarding caps and lids used for beverage containers, additional product design requirements on top of the requirements in PPWD. (pro RP)

6. P.5, commission should take into account different properties of packaging materials, life cycle assessments, in the context of review pursuant the PPWD, article 9(5). (clearer)
7. P.7, establish a minimum separate collection target for beverage bottles in member states, which will support reaching the recycling targets for packaging waste set in PPWD. (pro RP)
8. P.8, article 2 – scope. SUP-directive shall prevail over PPWD or 2008/98/EC. (pro RP)
9. P.9, article 3 – definitions. Packaging means packaging as defined in point 1 of article 3, PPWD. (clearer)
10. P.10, article 4 – consumption reduction. Member states may impose market restrictions in derogation from article 18 of PPWD. (Pro RP)
11. P.12, article 8 – EPR, point 2. Member states shall ensure that producers of SUP:s cover the costs pursuant to the EPR provisions in the directives 2008/98/EC and PPWD, and also cover more costs (mentioned in the directive). (SUP-directive goes above the PPWD, pro RP)
12. P.12, article 8 – EPR, point 5. Member states shall define clearly the roles and responsibilities of all actors involved, regarding packaging the roles and responsibilities are defined in line with PPWD. (clearer)
13. P.14, article 13 – information systems and reporting, point 3. Member states shall report information to the Commission. The commission shall review the data and publish a report of its review. The report shall be made after the first reporting of data by the Member states and then at intervals, as in PPWD. (clearer)
14. P.15, article 13, point 4. Reporting data information, the format developed in accordance with art. 12, PPWD, shall be taken into consideration (prop PE)
15. P.18, Part E (on EPR), point 5. Lightweight plastic carrier bags as defined in point 1c, art.3, PPWD. (clearer)
16. P.19, Part G (awareness raising), point 8. Lightweight plastic carrier bags as defined in point 1c, art. 3, PPWD. (clearer)