



LITTER AND LITTERING IN THE PROPOSED WASTE DIRECTIVE

Briefing Note

February 2016



CLEAN EUROPE NETWORK



The Clean Europe Network is the leading pan-European network fighting every day for a litter-free Europe

European Commission Proposes Six Provisions on Litter and Littering

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January 2016

General

The Clean Europe Network welcomes the fact that the EU Commission has recognised the European and international dimensions of the litter challenge. After all, litter crosses borders. The Commission is right to demand that performance is improved all across the EU. That said, our experience tells us that solutions must in practice be developed at local level adapted to local situations.

Who we are

An Taisce (IE)

Association des Villes pour la Propreté Urbaine (FR)

Der Grüne Punkt (DE)

Hål Sverige Rent (SE)

Hoia Eesti Merd (EE)

Hold Danmark Rent (DK)

Interessengemeinschaft für eine saubere Umwelt (CH)

Indevuilbak (BE/VL)

Keep Baltic Tidy

Keep Britain Tidy (UK/ENG)

Keep Northern Ireland Beautiful (UK/NI)

Keep Scotland Beautiful (UK/SCO)

Keep Wales Tidy (UK/WAL)

Nederland Schoon (NL)

Paisaje Limpio (ES)

Vacances Propres (FR)



In brief...

The European Commission's proposal for a Directive on waste of 2 December 2015 (COM(2015)595) puts forward a comprehensive approach to tackling litter, notably by promoting prevention.

In putting forward provisions that concern national and local authorities, producers of items that often end up as litter and EU citizens, the Commission has adopted a "shared responsibility" approach to this challenge. This is the first time that litter and littering has been included so comprehensively in EU legislative proposals. Here, in a nutshell, is what the Commission proposes:

- **EU member states** to take responsibility for addressing littering and litter in their policies and programmes and to take steps to make sure citizens respect the rules;
- **producers** to take responsibility for communicating litter prevention information to citizens;
- **EU citizens** to take their personal responsibility of not dropping litter, or potentially face legal consequences.

The Commission appears to have taken a balanced approach and the Clean Europe Network appreciates the emphasis on prevention of littering as priority. Prevention is always better than clean-up.

The Commission proposals explained

For Member States

Most EU member states don't have either national or subnational litter prevention strategies. Therefore, the Commission now proposes **to oblige member state governments to develop litter prevention strategies in their national waste management plans**. The latter must be prepared periodically and shared with Brussels. From now on, these national plans will need "to combat all forms of littering and clean-up all types of litter" (that could include, for example, tobacco waste, chewing gum, packaging, newspapers and magazines, tissue paper, and others).

The Commission will facilitate **exchange of expertise and best practice at EU level**.

Significantly, it is also proposing **an obligation on all member states to prohibit littering and apply appropriate penalties on those who break the law**.

The Commission proposals explained (*continued*)

For Producers

In parallel, the Commission proposes that **producers whose products frequently end up as litter, take on a clear responsibility to communicate to the users or consumers of their products about litter prevention**. This obligation would be implemented in practice via the so-called “producer responsibility organisations” (set up by producers in the member states) to manage collectively the individual responsibility of companies to guarantee appropriate collection and waste management of their products once they have been used.

For Citizens

For citizens, EU law will make littering **an offence, with the possibility of consequent sanctions**. On the other hand, **incentive systems may be introduced** that will be directed at them in the name of litter prevention, **to encourage less littering and more recycling**.

In plain language, we interpret this to mean the Commission encourages consideration of charges, taxes and potentially even restrictions by member state authorities.

Types of litter covered

We conclude that the requirement on member states to take “measures to combat all forms of littering and clean up all types of litter” will in practice mean that the **obligations to be placed on product groups already served by producer responsibility organisations (notably, packaging) will also have to be extended to product groups like tobacco, chewing gum, newspapers & magazines, paper handkerchiefs and others**, all of which are frequently dropped as litter.

Litter and municipal waste

The Commission has proposed **extension of the definition of municipal waste** to include: waste from market cleansing; waste from street cleaning services, including street sweepings; the content of litter containers; and waste collected from park and garden maintenance activities. Much of this already is – or can become – litter. This is important because any attempts to extend producer responsibility to cover municipal waste management could in the future include the costs of urban cleansing.

Please see page 3 for the precise legal texts proposed by the European Commission.

Why tackling litter is so important

Litter damages the environment and harms wildlife. There is strong evidence to suggest that litter contributes to unwanted elements getting into the food chain with potential **health effects**.

The Clean Europe Network estimates that **litter clean-up costs the taxpayer €11 to €13 billion annually in the EU**, public money which could, in part at least, be better spent on other priorities.

Litter has all sorts of other **societal impacts and hidden costs**. Presence of litter contributes to feelings of insecurity. Dirty, littered neighbourhoods tend to be zones where higher crime levels are reported. Clean neighbourhoods, on the other hand, promote a sense of civic pride in the community.

The wind and waterways carry litter all across the continent to the seas and the oceans. As **80% of marine litter comes from the land**, the problem in our seas cannot be tackled realistically without stopping littering on the land.

The Commission proposals to tackle litter and littering in the proposed Waste Directive of 2 December are thus **a major step forward for litter prevention across the EU**.

Provisions on Litter/Littering in the proposed Waste Directive (COM(2015)595)

REFERENCE 2008 DIRECTIVE

Recitals

Chapter I *Subject matter, scope and definitions: Article 3 (covers Waste Definitions)*

Chapter II *General Requirements: Article 8 (covers Extended producer responsibility)*

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ARTICLE IN 2015 PROPOSAL

Recital 25

"Littering has direct detrimental impacts on the environment and the wellbeing of citizens, and high clean-up costs are an unnecessary economic burden for society. The introduction of specific measures in waste management plans and proper enforcement by competent authorities should help eradicate this problem."

Article 1 (2) (a)

Article 3 is amended as follows:
the following point 1a is inserted:
1a. "municipal waste" means

"(a)..
(b)..
(c) market cleansing waste and waste from street cleaning services, including street sweepings, the content of litter containers, waste from park and garden maintenance."

Article 1 (7) (c)

Article 8 is amended as follows:
the following paragraph 5 is added:

" 5. The Commission shall organise an exchange of information between Member States and the actors involved in producer responsibility schemes on the practical implementation of the requirements defined in Article 8a and on best practices to ensure adequate governance and cross-border cooperation of extended producer responsibility schemes. This includes, inter alia, exchange of information on the organisational features and the monitoring of producer responsibility organisations, the selection of waste management operators and the prevention of littering. The Commission shall publish the results of the exchange of information."

Article 1 (8)

The following Article 8a is inserted:

'Article 8a

General requirements for extended producer responsibility schemes

" 2. Member States shall take the necessary measures to ensure that the waste holders targeted by the extended producer responsibility schemes established in accordance with Article 8, paragraph 1, are informed about the available waste collection systems and the prevention of littering. Member States shall also take measures to create incentives for the waste holders to take part in the separate collection systems in place, notably through economic incentives or regulations, when appropriate."

IMPACT

Sets up the rationale for introduction of binding measures at EU level on litter/littering

For the first time, defines litter as part of municipal waste at EU level

Establishes at EU level a structured exchange of information between key actors on prevention of littering

Places an obligation on Extended Producer Responsibility organisations to run communications activities on prevention of littering

4. LITTER AND LITTERING IN THE PROPOSED WASTE DIRECTIVE

REFERENCE 2008 DIRECTIVE

**Chapter V
Plans and programmes:
(Article 28 covers Waste
Management Plans)**

**Chapter VI
Inspections And records:
(Article 36 covers
Enforcement and penalties)**

ARTICLE IN 2015 PROPOSAL

Article 1 (16) (a) (ii)

"3. Waste Management plans shall contain as appropriate and taking into account the geographical level and coverage of the planning area at least the following:

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*Article 28 paragraph 3 is amended as follows:
the following point (f) is added:*

Measures to combat all forms of littering and to clean up all types of litter

Article 1 (20)

In Article 36, paragraph 1 is replaced by the following:

"1. Member States shall take the necessary measures to prohibit the abandonment, dumping or uncontrolled management of waste including littering."

IMPACT

Places an obligation on Member States to develop litter prevention strategies at national level

Requires Member States to make littering illegal, so that it can be subject to sanctioning

About the Clean Europe Network

The **Clean Europe Network** (the **Network**) is a pan-European platform where organizations active in the field of litter prevention share experience, expertise, best practice and research with a view to improving litter prevention across the EU. It aims to develop common programmes/methodologies in areas where there is added-value in a European approach. Work covers communications to stakeholder audiences (especially to citizens) to promote litter prevention; measurement and assessment of litter and littering; and, practical improvement of litter management. The **Network's** work programme is directly relevant to many priority objectives under **the EU's 7th Environmental Action Programme** (7EAP); to furtherance of **EU Waste policy**; and to the EU's overarching programme to become a **Resource Efficient Europe**.

Our Vision **A litter free Europe by 2030**

Our Mission **To work towards a litter-free Europe by:**

- **Changing behaviour and reducing litter at all levels within Europe;**
- **Stimulating greater litter prevention activity - focusing particularly on younger generations; and,**
- **Encouraging the application of greater resources to this end in EU member states and across wider Europe.**

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