

EU Adopts Historic Litter Prevention Policy

Shared responsibility for litter and prevention of littering has been established in revised waste legislation supporting EU circular economy plan

For the first time ever, the EU is to have a “joined up” policy on litter and prevention of littering set down in a binding legislative text. So far, little profile has been given to the topic by the European Commission, the European Parliament and the EU’s 28 member countries sitting in the Council of Ministers. Yet the new rules are *potentially a breakthrough moment* in fighting litter.

The new EU litter prevention policy includes *a series of concrete measures* that have the potential to effect major positive change, with *responsibility clearly shared by everyone who has a stake in the litter challenge* – EU, national and local governments; producers of goods that often end up in the litter stream; civil society organisations; and, of course, ordinary citizens.

The new policy makes the link between *tackling litter generated on the land to address the marine litter crisis*. Since its inception in 2013, the Clean Europe Network has been a lone voice at EU level calling for concerted EU action on land-based litter prevention, notably to address marine litter. If properly implemented by Member States, this new policy will signal *a major step forward in tackling urban and rural littering* across the continent and stem the flow of litter to the seas.

Successful implementation of the new EU litter prevention policy set down in *the revised Waste Directive* will have a vital knock-on effect for *marine litter reduction* because 80% of marine litter comes from the land. If we prevent litter on the land we reduce the risk of it leaking to the seas.

In parallel *the European Commission must also ensure that Member States properly enforce the EU Water and Marine Environmental Framework Directives* so that litter is stopped from entering the seas via untreated water discharges and from the periodic opening of storm overflow systems, sending huge volumes of unfiltered drain water into rivers and estuaries along with the litter it carries.

The *December 2015 proposals from the European Commission to modernise EU waste legislation in support of a circular economy in Europe* for all products and materials were in review and negotiation for two years. In the coming weeks, the final legal text adopted by the European Parliament on 18 April needs to be “rubber stamped” by the EU’s Council of Ministers, which has already agreed the content of the legislation. Once this is done, EU member countries will have 24 months to transpose it into national measures. The new policy should, therefore, be in operation by mid-2020.

8 Breakthrough Actions on EU Litter Prevention

*Revised EU Waste Directive establishes **shared responsibility for litter and prevention of littering** and a series of clear legal requirements*

*Itemised below are the main actions directly related to litter and the prevention of littering that will have to be implemented in EU member countries. A range of general obligations are also included in the Directive to promote sustainable production and consumption, more reuse and better product design and to address infrastructure. These also have the potential to contribute to litter reduction, but are not reviewed here. **Article numbers under each Action refer to the relevant articles of Directive 2008/98/EC on Waste.***

Breakthrough Action 1: Shared responsibility for litter

A comprehensive policy on litter has been set out around the concept that “the fight against litter should be a **shared effort between competent authorities, producers and consumers**” and explicitly making **the link between land-based and marine litter**.

Everyone with a responsibility regarding littering is now required to play a defined role.

→ **Recitals 33,34 and 35** (see next section where these are reproduced in full)

Breakthrough Action 2: Littering to be an offence across the EU

Dropping litter must be made an offence in all EU countries and **penalties for littering shall be effective, proportionate and dissuasive**.

Citizens who do not take their responsibility seriously will be breaking the law and subject to fines or other sanctions and member states must police this.

→ **Article 36** on “Enforcement & penalties” – **Paragraph 1** is expanded to refer explicitly to littering

Breakthrough Action 3: Mandatory National Litter Prevention Strategies

Member states must each develop a **national litter prevention strategy as an integral part of their so-called national Waste Management Plan** which they are required to submit periodically to Brussels¹, and, of course, implement. In future, national plans will be required “**to combat and prevent all forms of littering and to clean-up all types of litter**”.

All types of litter would include, for example, tobacco waste, chewing gum, packaging, newspapers and magazines, paper personal hygiene products, and others.

→ **Article 28** on “Waste management plans” – **A new point (f)** on littering is added to **Paragraph 3**

¹ **Research by the Clean Europe Network shows that the vast majority of existing national waste management plans contain no substantive strategy whatsoever on litter prevention.**

Breakthrough Action 4: Link land, water & marine litter strategies

National prevention obligations will now require member states to take full account of **EU marine environment and water directives** when litter prevention strategies are developed and implemented, notably through their national Waste Management Plans.

This underlines that litter prevention on the land will help cut marine litter. Prevention at source is vital but more can be done to ensure that the requirements of EU water regulations are better enforced to ensure water borne litter is stopped before the water is discharged to rivers and the sea.

→ **Article 9** on “Prevention of waste” – **Paragraph 1** expanded (**indent k**) to aim to halt marine litter.

→ **Article 28** on “Waste management plans” – **Paragraph 5** expanded to link litter prevention to EU marine environment & water rules.

Breakthrough Action 5: Identify & address products that get littered

As part of the general requirement to prevent waste generation, member states must **identify products that are the main sources of littering**, notably in the natural and marine environments, and **take measures to prevent and reduce litter from such products**.

While many problem products are already known, there are variations between individual member states’ local litter challenges. This requirement will help member states clarify the right combination of measures to tackle local litter situations.

→ **Article 9** on “Prevention of waste” – **Paragraph 1** is expanded (**indent k**) to create this new obligation.

Breakthrough Action 6: Producer responsibility for litter prevention campaigns

For the first time, **producers will be required to pay for public information and communication campaigns** on prevention of littering, through existing producer responsibility schemes which are mostly for used packaging. Member states are required to ensure that financial contributions paid into the schemes cover this. **Products not covered by an existing scheme will also have to be tackled by Member States** (see [Action 3](#), above).

Today’s on-the-go lifestyles increase the risk of certain products being dropped as litter. In the vast majority of EU countries, producers of such products currently do nothing to address their responsibility in this regard. Now they must contribute financially to behaviour change programmes.

→ **New Article 8a** on “General minimum requirements for producer responsibility schemes” – **Paragraphs 2, 3 (c) and 4 (a)** create this new obligation.

→ **Article 28** on “Waste management plans” – **A new point (f)** on littering is added to **Paragraph 3**.

Breakthrough Action 7: Member states to raise awareness

Member States are also required to **develop and support campaigns to raise awareness** on the issues surrounding **waste prevention and littering**.

In practice, this requirement is likely to see governments working with producer responsibility organisations to raise awareness and promote behavioural change. One way for government to control the cost will be to require relevant sectors to contribute to producer responsibility schemes to promote behaviour change.

→ **Recital 30**

→ **Article 9** on “Prevention of waste” – **Paragraph 1** is expanded (**indent 13**) to create this new obligation.

→ **A new Annex IVa** on “Examples of economic instruments” – **Example 13** refers to public awareness on litter reduction.

Breakthrough Action 8: Information exchange

The Commission is charged with promoting **information exchange** between member states and the actors involved in producer responsibility schemes on practical implementation of the new requirements, including best practices, to ensure – among a range of other things – the **prevention of littering**.

The Commission will publish the results of this exercise and may provide guidelines where relevant².

→ **Article 8** on “Extended producer responsibility” – **A new Paragraph 5** is included to create this new obligation.

Concerning Municipal Waste:

A proposal to include litter was not retained in the legal definition of “municipal waste” on the request of the EU member states. This is regrettable because it potentially takes litter out of the scope of the municipal waste reduction targets set by the legislation.

That said, the so-called “recitals” at the beginning of the legislation explain and motivate the various legal articles that follow and in Recital 6 the following is clearly stated:

“Municipal waste should be defined as waste from households and waste from other sources, such as retail, administration, education, health, accommodation, food and other services and activities, which is similar in nature and composition to household waste. Therefore, municipal waste should include, inter alia, waste from park and garden maintenance, such as leaves, grass and trees clipping, and **waste from market and street cleaning services, such as the content of litter containers and sweepings** except materials such as sand, rock, mud or dust.

It is to be hoped that member states will see litter prevention as a way to meet municipal waste reduction targets.

*On the following pages, see the how the EU describes and puts in context its new policy on **shared responsibility for litter**.*

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² *Given that the English words “litter” and “littering” do not translate easily into most EU languages, a first set of guidelines could be in relation to what constitutes litter and littering to help Member States and their relevant authorities implement their obligations.*

How the EU Describes its New Litter Prevention Policy

*For the first time, the EU institutions spell out a **shared responsibility for litter and prevention of littering** in the revised Waste Framework Directive.
This policy is enacted through **a set of binding legal requirements**.*

“Litter, whether in cities, on land, in rivers and seas or elsewhere, has direct and indirect detrimental impacts on the environment, the wellbeing of citizens and the economy, and the costs to clean it up present an unnecessary economic burden for society.

Member States should take measures aimed at preventing all forms of abandonment, dumping, uncontrolled management or other forms of discarding of waste. Additionally, Member States should also take measures to clean up litter present in the environment, irrespective of its source or size and regardless of whether waste has been discarded wilfully or by negligence.

Measures to prevent and reduce litter from products that are the main sources of littering in the natural and marine environments could consist of, inter alia, improvements in waste management infrastructure and practices, economic instruments and awareness raising campaigns. When considering a measure having restrictive effects on intra EU-trade, Member States should be able to demonstrate that the measure in question is adequate to attain the objective of preventing and reducing littering in the natural and marine environment, does not go beyond what is necessary to attain that objective and does not constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

The fight against litter should be a shared effort between competent authorities, producers and consumers. **Consumers** should be incentivised to change their behaviour including through education and awareness-raising, while **producers** should promote the sustainable use of and contribute to appropriate end-of-life management of their products.”

“Litter in the marine environment is a particularly pressing problem, and Member States should take measures that aim at halting the generation of marine litter in the Union, thereby contributing to the goal of the 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly on 25 September 2015 to prevent and significantly reduce by 2025 marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution by 2025.

Since marine litter, in particular for plastic waste, stems to a large extent from land-based activities caused mainly by poor solid waste management practices and infrastructure, littering by citizens and lack of public awareness, specific measures should be laid down in waste prevention programmes and waste management plans. These measures should contribute to the goal of achieving good environmental status in the marine environment by 2020 as laid down in Directive 2008/56/EC of the European Parliament and of the Council [*establishing a framework for Community action in the field of marine environmental policy*³]. In accordance with that Directive, Member States are required to establish specific strategies and measures and update them every six years. They are also required to regularly report, starting in 2018, on the progress to maintain or achieve the goal of good environmental status. Measures to tackle litter in Directive 2008/98/EC should therefore be coordinated with the measures required under [*the afore-mentioned*] Directive 2008/56/EC and Directive 2000/60/EC of the European Parliament and of the Council [*establishing a framework for Community action in the field of water policy*⁴].”

Additions [*italicised inside square brackets*] have been added for ease of reference.

12 March 2018

³ ***Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (OJ L 164, 25.6.2008, p. 19).***

⁴ ***Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).***

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**.

For more information: Visit our website [here](#)

Clean Europe Network members include:

AVPU - Association des Villes pour la Propreté Urbaine (FR)
Håll Sverige Rent (SE)
Hold Norge Rent (NO)
Hoia Eesti Merd (EE)
Hold Denmark Rent (DK)
IG saubere Umwelt (CH)
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Keep Northern Ireland Beautiful (Northern Ireland/UK)
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