

Cross-industry's comments on draft Commission guidelines laying down criteria on the costs of cleaning up litter in accordance with Article 8(4) of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment

Brussels, July 2023

The below signatories welcome the fact that the Commission is making progress on guidelines laying down criteria on the costs of cleaning up litter in accordance with Article 8 of the Single-Use Plastics Directive (SUPD). Those guidelines are much awaited by the industry and governments to facilitate effective implementation of the litter clean-up obligations foreseen in the SUPD, to ensure a fair allocation of the costs and to avoid a fragmented implementation of Article 8 across the EU.

However, we believe that some elements of the guidelines could be improved and, therefore, we respectfully offer the following constructive comments to help strengthen the efficacy of the document:

1. First, given that the guidelines are aimed at ensuring harmonisation of the implementation of the litter clean-up costs across the EU, the margin of manoeuvre granted to Member States should be limited to what is absolutely necessary to adapt to the local circumstances. With this in mind, we strongly recommend that **a more prescriptive list of what could constitute the “necessary costs” should be included** to avoid the emergence of a patchwork of potentially contradictory or conflicting interpretations and methods at national level.
2. Secondly, **the calculation of the costs should be updated regularly (ideally on yearly basis)** to account for the potential reduction in the amount of litter caused by the products covered by the SUPD obligations. Indeed, the prevalence of single-use plastic litter and the littering behaviours of some citizens are likely to evolve due to the awareness-raising actions envisaged by the SUPD and more effective waste management measures, e.g. mandatory DRS for beverage containers, collection and recycled content targets, all of which will likely increase the separate collection rates and de facto reduce the littering. It is therefore key to regularly adjust the fees and their allocation to reflect the makeup of waste actually littered.
3. It is also important to ensure that the costs are shared effectively and proportionally between the different relevant stakeholders. **More details should therefore be provided on the cost attribution and a method should be developed to ensure all sectors covered by the obligation pay their fair share.**
4. The guidelines also focus mainly on the costs of cleaning and transporting litter but barely refer to the revenue generation from the collection and sorting of certain materials. When relevant, it is important to mention that **any revenue generated from the valuable materials collected and sorted should be taken into account and deducted** from the fees imposed on producers, on the basis of the EPR net-cost principle.
5. We are also questioning the following quote: *“The results of the studies indicate average annual costs of littering per capita to be between 5 € (for Italy) – 21 € (for Austria) when extrapolated on national level.”* Indeed, these figures come from a [benchmarking study](#) done in 2020, involving only a few Member States, using litter data from 2017 or older, and including total litter costs (and, therefore, a much wider ambit than the scope of the SUPD). We believe **it would be more helpful and accurate if the guidelines were to refer to more recent data per Member State.**

6. Finally, it is paramount to indicate that **the fees collected must be exclusively used for the purpose intended**, i.e. clean up, transport and treatment of the litter in scope. No other use of the fees collected should be permitted. The same logic should apply to the fixed costs.

We thank you in advance for taking our comments into consideration and remain available should you have any questions.

Kind regards,

List of Signatories:

360° Foodservice

ACE – The Alliance for Beverage Cartons and the Environment

EBPC – The European Balloon and Party Council

EUROPEN – The European Organisation for Packaging and the Environment

EVA – The European Vending & Coffee Service Association

Independent Retail Europe

NMWE – Natural Mineral Waters Europe

Serving Europe

Tobacco Europe

UNESDA – Soft Drinks Europe

