

# Notes on the EU Legal Situation



**CLEAN EUROPE NETWORK**

Eamonn Bates - Secretary General

Mooimakers Workshop on Tackling Cigarette Butts

28 June 2016, Vilvoorde

## 7 Breakthrough Propositions for litter & prevention of littering

- **Citizens** are concerned about litter in their communities – surveys show it is a top priority, a top complaint...
- **Local politicians** respond to that as best they can
- **The press and national political leaders** are “obsessed” with marine litter
- **80% of marine litter** comes from the land...
- **Marine litter cannot be solved** without proper prevention on land
- Yet, **land litter prevention is not a political priority for ministers!**

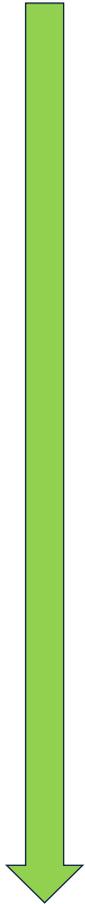
# The “rising tide” of litter at EU level

Eamonn Bates, Clean Europe Network  
Secretary General



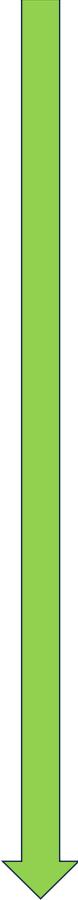
# Litter: EU level policy drivers

**2010**



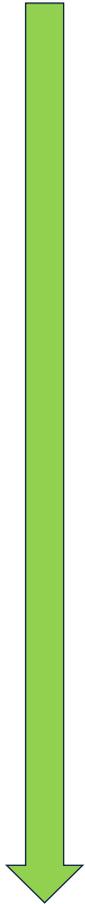
- **Marine litter crisis starts to get attention**
- **Commission plastics waste in environment report**
- **Italy: ban of plastics carrier bags**
- **1<sup>st</sup> Let's Clean Up Europe Day**
- **European Commission legalises Italian ban**

# Litter: EU level policy drivers

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- **European Parliament and Member States toughen bags ban**
  - **Circular Economy Package**
  - **EPR for litter in proposed Waste Directive**
  - **The Netherlands: debate on extension of deposit return scheme to smaller beverage containers to fight litter**

# Litter: EU level policy drivers

**2015**



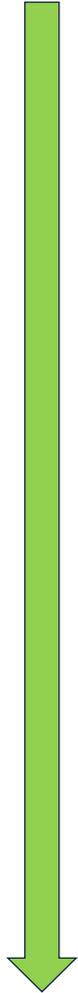
- **France: ban of plastics carrier bags...**
- **... and of disposable tableware**
- **Germany: Berlin cup tax rumours created a debate**
- **UK: expert consulting team advocates a range of measures to stop litter**
- **UK & Belgium: consider deposit-return for small PET bottles and cans to fight litter**

# Litter: EU level policy drivers



- **G7 in Berlin: reduce marine litter by 50% by 2025**
- **G7: restrict packaging and single use items on land**
- **Belgium: the three federal regions consider a national Deposit-Return Scheme for beverage cans and PET bottles**
- **Netherlands: Deposit Return Scheme shelved, pending results of a new industry-funded prevention scheme for schools and clubs**

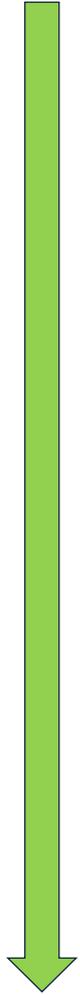
# Litter: EU level policy drivers



- **December 2015: new Circular Economy Package**
- **December 2015: new proposed Waste Directive → shared responsibility for litter with EPR for litter prevention communications**
- **2016: Belgium “mothballs” DRS proposal in favour of a €17 million annual litter prevention programme paid for by industry**
- **France notifies its ban on traditional “disposable tableware” to the European Commission**

# Litter: EU level policy drivers

- French proposed ban adopted as law despite criticism (applies only as of 2020) and immediately challenged in courts in France for breaking EU law
- NGOs call for bans and restrictions on single use plastics to solve marine litter
- March 2017 MEPs adopt package of amendments on Waste Directive that strengthen litter provisions
- Politicians fail to make the link between land-based and marine litter
- EU plastics strategy – marine litter



**2017**

# A Circular Economy for Europe

- **2 December 2015**: the European Commission presented:
  - A **comprehensive plan for reform** to promote a circular economy in the EU
    - *envisages a series of specific initiatives in the near future*
    - ***relevance/impact on litter & littering unsure***
  - A set of **legislative proposals** to update EU waste laws
    - *on the table right now*
    - ***comprehensive coverage of litter/littering***

# Shared responsibility for litter

- **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.

## 7 Breakthrough Propositions for litter & prevention of littering (1)

1. First ever definition of litter at EU level
2. Dropping litter to be an offence all over EU
3. National/Regional Waste Management Plans must have a litter prevention strategy
4. Common European litter measurement methodology
5. Member States to identify products that are main sources of litter

## 7 Breakthrough Propositions for litter & prevention of littering (2)

6. Producers required to pay for litter prevention communications campaigns
7. Definition of municipal waste extended to cover collected litter

# Member State responsibility

- **obliges member state governments to develop litter prevention strategies in their national waste management plans**
- prepared periodically and shared with Brussels
- national plans must “**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)
- 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.**

# Producer responsibility

- **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.**
- Obligation 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
- **Tobacco, gum, newspapers, tissue, etc. need to be included somehow...**

# Citizen responsibility

- EU law will make littering **an offence everywhere, 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.**

# Shared responsibility: product coverage

- 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.**

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# EU Institutional Players



ENVIRONMENT COMMITTEE

**Key spokesperson:**

Simona Bonafè, MEP (IT – Socialist)



EU ENVIRONMENT MINISTERS

WORKING PARTY

**Key conveners over next 6 months:**

Estonian Presidency of the Council



DIRECTORATE GENERAL ENVIRONMENT

**Key arbiter over next 6 months:**

Commissioner Vella and his Waste Unit

# Timing

- **European Parliament**
  - Bonafè Report and amendments adopted March 2017
- **Council of Ministers**
  - Working Party has reviewed proposals
- **Inter-institutional negotiations**
  - summer 2017 → agreement late-2017?

# Timing

- Pan-European shared responsibility for litter could be a reality on the ground in 2019/2020
- Including an obligation on producers – all producers – to take a share of the responsibility

**Thank you for your attention!**



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