



Position Paper

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EDA position paper on the calculation of litter clean-up costs

Recommendations for the development of the future guidelines

- Litter should be avoided in the first place via good collection infrastructure, innovative product design, and education
- The future guidelines should maintain the focus on those single-use plastics products that are found the most on beaches in the Union
- The system should be designed to ensure that producers will pay proportionally to their level of responsibility for the products littered
- An in-depth impact assessment should be performed evaluating which single-use plastic products actually end up as marine litter, and assess the tendency to be littered accordingly
- The tendency to be littered could also be based on data on consumption patterns, on how a product is designed and for which intended purpose
- The calculation of the costs should be made only once responsibilities have been clearly identified and quantified

The European Dairy Association (EDA) welcomes the publication of the Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment. We appreciate the EU Commission's efforts in tackling the problem of marine plastic pollution, and we are fully committed to contribute fighting littering.

The Single-Use Plastics (SUP) Directive calls on the European Commission to publish guidelines for criteria, in consultation with Member States, on the costs of cleaning up litter. For this purpose, the Commission has commissioned a study to assess the options to set these guidelines.

The dairy industry is willing to make every effort to help prevent littering and to cover the costs of litter clean-up for the products which it places on the market. With this paper, we would like to support the work of the Commission by providing our recommendations for the development of the future guidelines on the calculation of litter clean-up costs, which would set fair and harmonised fees contributing to the littering clean-up costs of dairy products falling under the scope of this Directive.

Litter clean-up costs in Single-Use Plastics Directive

For readability, the main provisions related to clean-up costs in the Single-Use Plastics Directive are quoted below.

Article 8 requires that producers of food containers, packets and wrappers, beverage containers and cups listed in Section I of Part E of the Annex cover the costs of cleaning up litter resulting from those products, as well as the costs of their subsequent transport and treatment. It further specifies that:

- The costs to be covered shall not exceed the costs that are necessary to provide the services referred to therein in a cost-efficient way and shall be established in a transparent way between the actors concerned;
- The costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf;
- The calculation methodology shall be developed in a way that allows for the costs of cleaning up litter to be established in a proportionate way;



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- To minimise administrative costs, Member States may determine financial contributions towards the costs of cleaning up litter by setting appropriate multiannual fixed amounts.

In addition, in relation to packaging, Article 8 also calls for Member States to define in a clear way the roles and responsibilities of all relevant actors involved, in line with Directive 94/62/EC.

As established in Article 17 on Transposition, Member States will have to transpose the provisions set out in Article 8 by 31 December 2024 (in relation to extended producer responsibility schemes established before 4 July 2018 by 5 January 2023), including by means of agreements between the competent authorities and the economic sectors concerned.

EDA recommendations

- To begin with, litter should be avoided in the first place via good collection infrastructure, innovative product design, and education.
- In general, the future guidelines should maintain the focus on those single-use plastics products that are found the most on beaches in the Union – in line with Recital 7. The emphasis should be on the most frequently littered items – also in line with article 12, which specifies that the tendency to be littered should play a decisive role in order to determine whether a food container is to be considered as a single-use plastic product for the purposes of this Directive, in addition to the criteria set in Section I of Part E of the Annex and the guidance provided in Recital 12 and the abovementioned Recital 7.
- We would advise to perform an in-depth impact assessment (ideally bi-annual) or conduct a study clarifying the category of products (e.g. water, juice, milk) that actually ends up as marine litter, and assess the tendency to be littered accordingly. The tendency to be littered could also be based on how a product is designed (see Recital 12 and criteria in the Annex) and for which intended purpose.
- The system should be designed to ensure that producers will pay proportionally to their level of responsibility for the products littered, and contribute to the costs of litter clean-up only for products which they are responsible for. Within each of the 10 categories of SUP products there are many products that are more or less littered and may be put on the market by different producers. The calculation of the costs covered by each individual producer should not disregard the share that the products of this producer has within a category of SUP products, and their tendency to be littered. Otherwise some sectors, including the dairy sector, runs the risk to be penalised unfairly due to other food and beverages containers. For example, whilst the material used as packaging of dairy products is to a great extent made of plastic, the contribution of these products to littering is basically below detection level as most of them need cooling and are consumed chilled, meaning in places where waste collection is usual (home, canteens, etc.).
- Moreover, it should be taken into account that many products other than single-use plastic products are littered and will have an impact on the costs of cleaning up actions and subsequent transport and treatment: producers of single-use plastics products shall not be charged for the cleaning up of non-SUP litter.
- The total costs for producers has to include the costs producers already pay for cleaning up litter - there are collection systems in some countries where industry already contributes financially to cleaning and collection: double taxation must be avoided.
- The calculation of the costs should be made only once responsibilities have been clearly identified and quantified, including responsibilities of public actors. All actors should work together and the costs and responsibility should be shared along the chain, at all levels: as stated in Recital 35 “the fight against litter is a shared effort between competent authorities, producers and consumers”. For example, EPR schemes



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should generate funds to undertake measures aimed to prevent litter, including anti-litter education programmes and awareness raising campaigns, as well as structural or organisational measures, such as the installation of waste and recycling bins where litter is most often observed and their effective maintenance and collection. The performance of the municipality in charge of the cleaning up should also be monitored.

In light of the aforementioned considerations, we ask for a fair and harmonised setting of the fees for producers contributing to the clean-up costs of the single-use plastic products belonging to the 10 categories of items most littered on beaches.

We will continue to take our responsibilities towards plastic pollution in the framework of EPR schemes as conceived in the Packaging and Packaging Waste Directive and integrated by the SUP Directive with regard to single use plastic items. Nevertheless, clean-up costs' sharing should be better defined and proportionate in terms of roles and responsibilities of each actor.

In addition, many dairy products require specific handling at production, in transportation and in the consumer's home. Thus, we are always keen to remind that the design of dairy packaging needs to ensure safety and quality as a non-negotiable baseline, and also plays an integral part in reducing food waste by keeping dairy products fresh and safe for longer.