

Position on the proposals of the EU Directive on the reduction of the impact of certain plastic products on the environment (SUP) and the initiative by the EU Budget Commissioner to introduce a new EU-wide plastics tax.

PROSPA is an alliance for co-operation and exchange between leading recovery organisations (PRO) in Europe, operating in countries that together represent over 50% of the population and over 60% of GDP of the EU -28¹. The members of PROSPA are fully committed to the implementation of the CEP measures and the general aims of the SUP Directive and welcome the opportunity to constructively contribute to the debate on these important and complex issues. In the following we document our position on four pressing issues regarding the implementation of EU policy:

1. Litter Clean Up Costs. Imposing financial responsibility for litter clean-up costs on PROs will not solve littering. PROs should only be financially responsible for the costs falling within their remit and influence – however, they are willing to engage in a coordinated stakeholder approach to decrease littering.

2. Policy Coherence. In implementing major change, policy coherence and coordination across all initiatives, Directives and programmes is essential. Also, it is important to ensure that the principles established in the PPWD are not compromised or superseded by the SUP directive.

3. 90% Collection Target of Single Use Plastic Bottles. Singling out certain sections of plastic packaging is not consistent with the Circular Economy Package overall, and may lead to reduced incentives to recycle other packaging formats. In many cases the costs of trying to achieve a separate collection target of 90% outweigh the benefits.

4. EU-wide Plastics Tax. This proposed new tax is not an environmental initiative and does not complement the aims of the CEP.

PROSPA's Key Policy Recommendations

1. Litter Clean Up Costs. Littering and marine debris, whether intentional or accidental, is caused by human behaviour and goes far beyond the topic of packaging. PROs recognise that they have a role to play in minimising littering and increasing recycling and are proactively involved in funding a range of measures towards this end. Key producer activities in this area are as follows:

¹ Membership of PROSPA: ARA - Austria, CITEO - France, Der Grüne Punkt - Germany, Sociedade Ponto Verde - Portugal, Rekopol - Poland, REPAK - Ireland, and Valpak - UK

- **Consumer Information, Educational and Awareness Campaigns.** Many PROs under their EPR remit currently run ongoing information and awareness campaigns, aimed at changing consumer behaviour to increase recycling. These campaigns contribute significantly to the prevention of littering and complement the effort of other stakeholders (i.e. the municipal authorities) to minimise the social, economic and environmental problems that result from litter.
- **Collection and Network Systems.** PROs continually invest in or contribute to the modernisation and improvement of waste management collection systems put in place to maximise and increase recycling levels of all packaging materials.
- **Traceability.** PROs provide reliable data which facilitates the monitoring, reporting and traceability on packaging materials throughout their life cycle.

Packaging producers – through their Packaging Recovery Organisations – should only be responsible for the costs which fall within their remit and influence. Simply switching the financial responsibility for litter clean up to producers does not address the root causes of littering. This proposal will do little to change behaviour and reduce littering, as producers do not necessarily have access to many of the policy areas that could influence behaviour such as enforcement and education. A combined set of strategies is necessary to address the issue of littering and many stakeholders from municipal authorities, enforcement authorities, NGOs to the general public all have a role to play.

Shifting the financial responsibility in this manner may be placing a significant additional burden on producers and may therefore be at the expense of other communication and waste management options such as building consumer awareness of recycling, eco design of packaging and further investment in the waste collection and recycling infrastructure.

2. Policy Coherence. PROsPA is concerned that the introduction of a new Directive on Single Use Plastics may, from a legislative perspective, run contrary to the principles of the EU Commission's Better Regulations agenda. In addition it may also lack coherence and be premature, given that existing legislation with the CEP Package, the Plastics Strategy and the amendment of the four waste Directives, aimed at decreasing waste generation, ensuring better control of waste management and improving recycling across the EU, is at a very early stage.

At Member State level, these Directives with their ambitious targets and other measures have yet to be transposed into national legislation. These developments represent a major shift in EU policy towards sustainable economic and social development and environmental protection. It will therefore take some time for existing CEP extended producer responsibility

legislation to take effect and before the impact of these policy changes can be fully assessed. The success of these important laws will largely depend on a functioning system of oversight and sanction for which neither the Commission nor many member states are yet sufficiently prepared.

Furthermore, it is important to ensure that the PPWD (which has art. 114 TFEU on Internal Market as its legal base) remains the overriding *lex specialis* for all packaging items covered within the scope of the SUP Directive.

The need for policy coherence applies also to the definitions contained in the SUP Directive which need to be further clarified. Legal clarity is essential for successful implementation of any Directive and in the SUP it is important to clarify terms such as “single-use plastic product”, “plastic”, “food containers”, “packets and wrappers”, etc.

3. 90% Collection Target of Single Use Plastic Bottles. As previously stated, PROsPA supports the objective of achieving higher recycling targets. However, the proposal to set a collection target of 90% for single use plastic drink bottles should be subject to a detailed cost benefit analysis, as there will inevitably be significant costs involved in achieving these new targets.

An unintended consequence of this target might be the diversion of funds from other sectors of the plastic packaging market and recycling systems which might achieve more significant results.

In addition, prior to any decision to implement a mandatory separate collection for plastic bottles, it would be of benefit to conduct market research of consumer behaviour, as well as national waste streams and collection systems, not only to establish both the size of the market for drinks containers and to identify consumer preferences, but also to determine the likely impact this target would have.

In keeping with the principle of subsidiarity, the objective of achieving significantly higher recycling rates for plastic bottles may be achieved more effectively at Member State level, thereby allowing operators the flexibility to develop appropriate solutions depending on the systems and circumstances in each Member State. In this regard, a non-binding rather than a mandatory 90% collection target is more appropriate.

4. EU-wide Plastics Tax. While it is being positioned as a contribution by each Member State based on plastic packaging that is not recycled, it is essentially a revenue raising exercise in the guise of a new plastics tax (at the rate of €0.80/kg).

This is not an environmental policy issue and will place an unreasonable and disproportionate financial burden on consumers in all Member States, as the costs of this tax will inevitably be borne by consumers.

There may also be unintended and as yet unidentified consequences of this proposed tax which may impact negatively on the environment and wider economy. The tax will not contribute to improving recycling more plastics, but rather drain funds away from badly needed investments in sorting and recycling infrastructure.