

SINGLE USE PLASTICS

Position paper

June 2018

1. EU Plastics Strategy and objectives that must be fulfilled

Marine litter is a global concern which is gaining a lot of well-deserved attention. In addition to the visual pollution that this creates, the amount of waste present in the sea, along coastlines and waterways may also lead to potential economic and environmental challenges which have to be similarly looked at.

The European Commission's *Strategy on Plastics in a Circular Economy* aims to address plastic marine litter and the risk it poses to the marine environment. A.I.S.E. acknowledges the challenges currently faced by society in relation to marine litter. The association is supportive of a multi-stakeholder approach in addressing the issue of marine litter.

Over the years, A.I.S.E. has actively worked with its member companies on their efforts to be environmentally sound and reduce the ecological footprint of cleaning and maintenance products at all stages of the product life cycle, by developing and promoting voluntary initiatives encompassing sustainable production, design and consumption¹.

When it comes to addressing marine litter, the EU strategy should fulfill three purposes:

- (i) promote action at EU-level so as to avoid a disparity of regulatory actions and disjointed approach by Member States hindering the EU Single Market;
- (ii) align objectives and scope of action with other global jurisdictions in order to appropriately address the stated objective of reducing plastic leakage in the environment;
- (iii) ensure that any regulatory action taken is proportionate, effective and science-based.

2. On-the-go plastics

The association takes note of the Commission's recently published legislative initiative aimed at addressing the proliferation of marine litter, and *limiting the the impact of certain plastic products on the environment*, including fishing gear.

The detergents industry is working continuously to improve product design and ensure plastics recycling is made easier. It collaborates with local actors to increase collection rates of its plastics packaging through Extended Producer Responsibility schemes (EPR) and other tools available (e.g. Waste Free Oceans, Plastic Bank, etc), thus demonstrating the strong commitment of the sector to collection, sorting, and recycling. The industry is also committed

¹https://www.aise.eu/documents/document/20141016093528-aise_rollup2014_80_120_a4-2_voluntary_init_text.pdf

and willing to participate in the legislative process and the upcoming review (2019) of the essential requirements of the Packaging and Packaging Waste Directive, to help define core concepts such as “recyclability”.

In this current proposal however, A.I.S.E. sees a risk in banding together such a poorly defined concept as ‘single-use plastics’. Considering the shift in paradigm that is needed to address the marine litter challenge, A.I.S.E. recommends to refer to these products as ‘*on-the-go plastics*’ or ‘*on-the-go consumption*’. The language used in the legislative proposal should effectively help framing the discussions, as we believe ‘on-the-go consumption’ would inherently recognise the important role that consumers education must play in the debate.

We would also like to raise concerns regarding the legal basis of the SUP proposal. Article 192(1) on environment constitutes the legal basis for the proposal, while the Packaging & Packaging Waste Directive is based on article 114 on the Single Market. This difference could lead to policy coherence issues for packaging items. A.I.S.E. seeks to ensure that the environment legal basis for the SUP proposal will not undermine the smooth functioning of the EU Single Market for packaged goods.

3. Intent of the proposal and scope of action

A.I.S.E. seeks to maintain a clear distinction between litter and waste, as well as between on-the-go plastics (single-use plastics) and plastics used for other purposes. Detergents are by nature not single-use products, their packaging would not be found on European beaches as part of a littering problem, and should therefore remain out of the scope (usually a detergent packaging is used for several weeks, and disposal happens at home).

The definition provided by the Commission is also a source of concern as it stresses that anything that is not being “*reused or refilled*” should be targeted as single use plastics. Through the co-decision procedure, A.I.S.E. is concerned that the proposal may be diluted of its original intent (i.e. addressing littering sources and preventing such behaviour), or distorted by adding additional product categories (in addition to the 10 most common items found on EU beaches), which are not part of the littering issue. A.I.S.E. therefore calls for regulatory focus, for the scope to be clarified and limited to top 10 items found in the environment.

In this respect, it is important to understand the real routes of exposure to the environment. Many items of beach litter enter the environment via urban wastewater that has not been treated, via the operation of storm sewage overflows (SSO) or by wind drift from littered plastics on land.

Although there is no easy alternative, and this would require a longer time horizon and large investments, the Commission’s Impact Assessment does also recognise that Best Practices for wastewater treatment systems would improve infrastructure, thus increasing their ability to collect plastics flushed down the toilet.² A.I.S.E. calls for a consideration of Best Practices measures in the review of the evaluation of the Urban Waste Water Treatment Directive, and improved municipal garbage collection systems which will greatly help in this respect.

Finally, the Commission’s Regulatory Scrutiny Board has recognised that this proposal should focus on macro-plastics³. Mixing different (legislative) initiatives presented under the Plastics

²http://ec.europa.eu/environment/circular-economy/pdf/single-use_plastics_impact_assessment.pdf P.59-60

³http://ec.europa.eu/environment/circular-economy/pdf/single-use_plastics_proposal.pdf P.10

Strategy and addressing other sources of plastics pollution as part of this plastics initiative would only add confusion and would not be conclusive to efficient policy-making.

4. Domestic and industrial wet wipes

a. scope of action

The legislative proposal lists the plastic items that pose an environmental problem, i.e. those most commonly found on beaches (whereby the top 10 items represent 77% of all litter). As regards wet wipes, the Commission's Impact Assessment unfortunately does not provide a breakdown of wet wipes' count per functionality. It therefore considers that all '*cosmetics, domestic, and industrial wet wipes*' are equally contributing the environmental issue. A.I.S.E. questions why '*domestic and industrial wipes*' would be part of the environmental problem at all. Cleaning wet wipes are typically not thrown away by consumers in their toilets, nor are they used and discarded by families on their trips to the beach, as they are used strictly indoors.

The Commission aims to target product categories where flushing is the main problem (e.g. sanitary applications, cotton bud sticks). However, consumers or professional worker would not flush a cleaning wet wipe after use. It is therefore questionable whether the inclusion of cleaning wet wipes in the same grouping as sanitary applications (and suggesting the existence of the same pathway to the environment) would address the objectives of this legislation, and help prevent littering and improper disposal behaviour of consumers and fishermen.

b. Extended Producer Responsibility for wet wipes

EPR requirements are already covered by the recently adopted EU Waste Package, following years of discussion with EU member states and stakeholders. Before adding new requirements, A.I.S.E. calls for implementation of the waste acquis, and for time to be given to member states to transpose, implement and enforce these provisions. More specifically, A.I.S.E. has reservations about the EPR proposal for non 'on-the-go consumption' items such as cleaning wet wipes. It is highly unrealistic to consider that used wet wipes would be collected separately at local level. The proposed measure is therefore equivalent to a tax-only measure intended to cover the costs of cleaning operations in EU beaches. We do not consider it relevant or fair to be taxed on such a proposal. In addition, the Waste Framework Directive also recognises that the fight against litter requires a '*shared effort between competent authorities, producers and consumers*', meaning that burden should be shared between all parties.

A.I.S.E. supports improving the effectiveness and efficiency of packaging recycling programmes in the EU. The current proposal of the Commission requires member states to set up new EPR schemes for a set of products listed in the Annex. The majority of EU countries already have EPR schemes in place to which detergents companies contribute. It should be avoided that MS create separate EPR schemes for this proposal, and add additional costs to producers. Moreover, the cost of EPR should be proportionate to the responsibility and level of control of producers. A.I.S.E. therefore would like to raise concerns regarding the inclusion of litter clean-up costs imputed to industry, as companies are not the sources of littering.

c. Additional communications requirements

A.I.S.E. considers that education of consumers and fishermen plays a central role in addressing the littering in European beaches. The presence of food containers, cigarette butts, synthetic wipes, cups, lids, cutlery, straws and wrappers in the environment demonstrates a clear lack of consideration and/or awareness by polluters. Industry has important know-how in terms of

consumer education and nudging behaviour towards more sustainable products and practices⁴. It can contribute to solving the issue but it should be supported in its efforts by local, national, and European authorities.

A.I.S.E. members already started implementing a voluntary initiative which provides a new disposal labelling ('*Code of Practice*')⁵ aiming to help consumers dispose of wipes in the right place. This initiative to be implemented by October 2018 recommends moving the "Do Not Flush" symbol, usually found on the back or rear of the package, to the front of the package. It is not clear whether additional legal requirements proposed by this new initiative would provide greater clarity to consumers, in particular as member states might be free to develop their own schemes, thus potentially increasing uncertainty for business, and fragmenting the EU Single Market for wipes. This requirement should therefore be avoided as companies are in the process of voluntarily adapting their artwork, and will need to change it again if additional legal requirements are introduced on top.



⁴ <http://www.nudgingforgood.com/>

⁵ <https://www.aise.eu/our-activities/standards-and-industry-guidelines/do-not-flush-icon-on-wipes.aspx>