



### **KEY MESSAGE POINTS ON SUP DIRECTIVE's EPR Cost under article 8:**

- The scope of litter clean-up costs attributable to the obligated industry must be entirely consistent with the legislative provisions within Article 8 of EU/2019/904 (Single Use Plastics Directive).
- Any activities that incur costs under Article 8 of EU/2019/904 must be organised and entirely consistent with the 'Minimum Requirements' for EPR schemes as established in Article 8a of the Waste Framework Directive (2008/98/EC) as revised by EU/2018/851. These include clear definition of roles/responsibilities of all actors, proper reporting and auditing, equal treatment of producers, cost-effectiveness, transparency and accountability.
- Therefore, in the case of cigarette butt litter, an allocation of costs per weight is suitable to identify the apportioning of costs for an EPR scheme, while a unit based allocation would be distorting and disproportionate for the cigarettes butts. Similarly, a cost allocation by volume could be disproportionate for other litter items such as food containers.
- An inaccurate accounting method based on simplistic metrics risks a cross-subsidy from one obligated sector to another, particularly in the case littering data is only available for a particular sector, but not consistently for all SUP items in scope of the Directive. This cannot be allowed to happen. As such, apportioning cost needs to be transparently related to real-costs and measured by an activity-based-counting (ABC) across the whole litter collection, litter clean-up, transportation and treatment process and not based solely on a final reductive measure.
- Any methodology for apportioning costs also needs to be harmonized across all obligated sectors to likewise avoid a cross-subsidy.
- Any calculation of litter clean-up costs needs to reflect actual incidence of litter found in the public environment rather than be solely based on the amount of product placed on the market. This latter measure can be used to subsequently apportion costs, but only based on actual publicly observed litter. In fact, as foreseen by the Directive costs covered should be related to the cleaning up of litter in public spaces, as opposed places widely accessible to the public but under the management responsibility of private entities with commercial purposes (e.g. private roads, private beaches, private events etc.).



**KEY MESSAGE POINTS ON SUP DIRECTIVE's *Product Marking under article 7(1)*:**

- Marking requirements need to be subject to a test of 'proportionality'. Requirements for placement of product marking requirements should allow producers a reasonable level of flexibility to reflect the technical specificities of packaging variants (SKUs).
- Measures should be readily understood, actionable and capable of eliciting a change in consumer behavior.
- The use of pictograms would facilitate the marking on products that are widely distributed across multiple member states.
- Producers should be given sufficient lead time to apply new marking requirements on their product packaging without causing unintended waste of obsolete packaging materials and loss of finished goods. This requires the Implementing Act under article 7(2) of Directive EU/2019/904 to become available as per the defined date (July 3<sup>rd</sup> 2020) with no further delay, or in case of a delayed adoption of the Implementing Act under article 7(2), a change of the Directive in article 17(1) with regard to the entry into force of marking requirements under article 7.
- With specific reference to Marking Requirements for Tobacco Product Filters, it should be considered that the very strict rules already apply to tobacco packaging, which, among others, mandate combined health warnings to be placed on the front and back side of the pack to rotate on an annual basis. For this reason, the Commission should consider the adoption of a specification, according to which implementation of the new SUP pack markings requirements would be harmonized with the first next combined health warnings rotation date in each Member-State, over the year 2021.

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