The litter problem

We understand that, given the nature of the litter problem, and the principles of EPR, the tobacco industry has a role to play in ensuring that Tobacco Product Filter (TPF) are kept from flowing into the environment.

Indeed, we recognise that (TPF) litter can be unsightly, and that there are various reasons why it makes sense to ensure that TPF are not a blight on the landscape in general.

The problem seems likely to have been worsened by the progressive implementation of restrictions on smoking indoors, especially in places where people socialise. Cigarette butts are frequently found in close proximity to offices, pubs, clubs, cafes and restaurants.

Our role in finding a solution

We accept, therefore, the desirability of improving matters in this regard, and indeed, are fully aligned that our industry should pay proportionate (our ‘fair share’) of relevant costs

The industry aspires to a situation where no TPF are littered, but instead, the resulting waste is discarded by consumers in appropriate receptacles. It will be important, therefore, to ensure that the infrastructure for public waste collection is well organised, and efficiently serviced.

It follows that we are keen to see that those who own or operate premises such as offices, pubs, clubs, cafes and restaurants, have responsibility to ensure that their staff and customers behave responsibly, not least given the objectives of the Directive (and Recital 16) which aim to reduce littering of TPF.

Proportionality and costs

The establishment of cleanliness standards, where feasible under statutory regulations, may help to ensure that cleaning activities performed by public services are conducted cost efficiently and the corresponding cost attribution to producers under EPR schemes is proportionate and transparent.

This would most likely be based partly on (a) input specifications, and (b) outputs (as indicated by visual inspections / surveys).

The exact choice of clean-up techniques to be used by public authorities may vary across types of location. However, consistent with the approach discussed above, and once suitable awareness raising measures are in place (including ‘nudge-based’ interventions), our expectation would be that the prevalence of TPF litter can be significantly reduced.

Where and when clean-up of litter is required, apportionment of costs should reflect the nature of the technique used. Where treatment / disposal is concerned, the costs are all likely to be apportioned on a weight basis, and indeed, this might be a suitable area for using multiannual (more or less) fixed amounts linked to sales and weighted average treatment / disposal costs.

Where collection is concerned, most mechanical techniques will be defined principally by weight or volume (in respect of what can be collected). Purely manually performed clean-up activities may be required for specific public areas and should be limited to the extent possible to ensure cost efficiency; they should be measured with the time required to perform such activity. The proportion of the costs of each technique that are genuinely ‘variable’ should also be considered. Our preference is for minimal resort to manual pick-up reflecting our view that:

1. Appropriate infrastructure can minimise the requirement for litter clean-up (of TPF); and
2. Manual pick-up is likely to be an expensive and ineffective approach, albeit one which may be appropriate to continue to be used in some limited and specific circumstances.

The Portuguese example

Legislation passed recently in Portugal sensibly requires, amongst others:

1. Provision of infrastructure for collecting TPF waste at a range of premises where TPF might otherwise be littered;
2. Clean up of areas within 5 metres of their premises;
3. Fines for non-compliance; and
4. Responsibilities for enforcement.

The law might not be perfect, but its scope seems appropriate. Our industry is more likely to pay costs that exceed what is necessary if public authorities do not exert their influence – (whether through legislation, or licensing powers, or other means)– to require infrastructure to be introduced, cleaning to take place on the immediate surrounds, and enforcement of these regulations to be enacted.

Going forward

The industry welcomes a broad involvement and discussion with involved stakeholders to develop cost efficient and proportionate solutions that help reducing the prevalence of litter of single use plastic items in the environment.

The creation of Guidelines by the European Commission for criteria on the cost of cleaning up litter under article 8(4) of Directive (EU) 2019/904 will help to establish consistent approach and a level playing field across Member States which will help to foster the Internal Market in the EU.

*Brussels, 20th February 2020*