

OPINION

Guidance on identifying and describing the products covered by the Single-Use Plastics (SUP) Directive

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The German Association of Local Public Utilities „Verband kommunaler Unternehmen“ (VKU) represents around 1,500 local public utilities in Germany, operating in the sectors of energy, water/waste water, waste management and telecommunication. In 2017 the members of VKU, with their 268,000 employees, generated a turnover of more than 116 billion Euros of which around 10 billion Euros were reinvested. In the end-customer segment, VKU's member companies have a market share of 61 percent in the electricity market, 67 percent in the natural gas market, 86 percent in the drinking water sector, 70 percent in heating supply market and 44 percent in the market of waste-water disposal. They also dispose of 31,500 tons of municipal waste each day and take a vital role in ensuring recycling rates of 68 percent, which rate the highest within the EU. Additionally, more and more local public companies are committed to the expansion of broadband networks. The number of public companies active in this field has more than doubled in the last four years: alone in 2017 around 180 companies invested over 375 million Euros. Since 2013 they have been increasing their investments by around 30 percent each year and expand future-proof infrastructures for the digital community (i. e. fiber optics or Wi-Fi) anywhere in Germany.

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The Association of Local Public Utilities (VKU) supports the main objective of the SUP Directive to prevent and reduce the impact of certain plastic products on the environment, in particular the marine environment and human health. A top priority of local public utilities is building up permanent structures, oriented towards the needs and future challenges of local and regional communities, their citizens and economy. VKU strives for facilitating the transition to a European circular economy through effective and sustainable municipal waste management and recycling.

VKU welcomes the ambitious provisions of the SUP Directive, particularly with regard to the extended producer responsibility regulated in Art. 8. For the first time, producers can be held accountable for their production. Local public utilities can be given financial support in their cleaning services, which is until now paid by fees or the general tax budget.

We are aware that due to the rapid legislative process, the Directive does not fully address all the essential aspects, which thus needs to be ensured in the guidelines. Although they are not legally binding, different from the Directive itself, they constitute an indispensable support for member states and authorities responsible for the implementation.

VKU would like to thank you for the opportunity to comment. In the following, we would like point out our key points in detail.

OBJECTIVE SCOPE OF THE DIRECTIVE

VKU generally agrees with the proposed products covered by the SUP Directive as mentioned in the draft report from 31 March 2020. From our point of view, the Directive should allow member states to go beyond its scope, by keeping the possibility for member states to apply the municipal cleaning-up costs to all single-use packaging which tend to be littered, irrespective of the material composition. Littering should be tackled independently of materials in order to prevent alternative strategies to ecologically questionable products.

These products could pollute the environment to the same extent and entail the same municipal cleaning effort. Therefore, a holistic approach should be targeted to encourage a real change in consumption, disposal and production patterns.

In Germany, we already notice a rise of questionable innovative products, whose environmental impact has not yet been sufficiently assessed. Products no longer covered by the scope of the Directive would cease the EPR scheme so that

awareness-raising investments already done would not be compensated. This can be prevented by covering all products tending to be littered in the guidelines.

VKU welcomes the wide definition of plastic in the context of the SUP Directive, which should be repeatedly stated in the guidelines. Products made of supposedly biodegradable plastics and bio-based plastics should fall within the scope of the Directive. We welcome the understanding that the function of the plastic component matters rather than the percentage. This should again be explicitly stated in the guidelines.

In order to address the litter problem as a whole, member states need a certain level of certainty and therefore a reference in the guidelines allowing them to go beyond the scope. During the stakeholder workshops already some member states mentioned to do so.

SUBJECTIVE SCOPE OF THE DIRECTIVE

With regard to the scope and required definitions, the sewer network, as a public waste collection system, should be included in the scope of litter clean-up actions. VKU welcomes the SUP Directive's requirements for single-use plastic items that are often incorrectly disposed of through the sewerage system, in particular wet wipes and hygiene products. The incorrect disposal of wet wipes in a toilet is comparable to the incorrect disposal of waste in public places. Furthermore, the municipal system of sewage treatment plants is comparable to a public collection system for waste. Disposal via the sewerage system can cause considerable economic damage to sewerage networks by clogging pumps and pipes. The current developments related to the COVID-19 crisis even intensify the problem of incorrect disposal of wet wipes. In general, cigarette filters are also being disposed of in public toilets and thus end up in the municipal sewage system.

DISTINCTION BETWEEN SINGLE AND MULTIPLE-USE

Regarding the distinction between single and multiple-use products, various criteria such as life span, refill ability and design of the packaging must be considered. However, criteria such as suitability for immediate consumption and the number of portions packed should be used with caution.

Fruit packaging would not fall within the scope of the SUP Directive due to the previously recommended washing of the content for lack of suitability for immediate consumption. Especially in summer time, packaging of strawberries or raspberries is often littered in public places, as the recommended washing is not

carried out. Consequently, a differentiation of the criteria immediate consumption should be made between necessary preparatory measures (cooking in the microwave) or recommended preparatory measures (washing of fruit).

The number of packaged items should not be the only relevant criteria for distinguishing between single and multiple-use packaging. For example, packages of barbecue goods, pastries or sweets contain several portions. However, these are consumed in public spaces and left there. In addition, the consumption of barbecue products requires a preparation process, so that they do not fall within the scope of the SUP Directive. However, again in summer time, this waste accounts for a considerable amount of the waste generated in public parks, beaches and lakes.

Taking this into account, the distinction between single and multiple-use products should mention whether the packaging is very likely to be littered in public places and thus has harmful effects on the environment. The definition of multiple-use packaging, in particular as manufacturers might try to generate a fictitious reusability, should explicitly clarify that the packaging must be intended to be reused several times for the same purpose and that its actual return and reuse is made possible by adequate logistics and encouraged by appropriate incentive systems.