Regeringskansliet

Annex to Decision, Section 1 on 19 February 2024

2024-02-19
KN2024/00397 (partially)

Ministry of Climate and Enterprise

Annex to the notification to the European Commission under Directive (EU) 2015/1535 of the draft Ordinance amending the Ordinance (2021:1002) on littering fees

Ordinance amending the Ordinance (2021:1002) on littering fees

With respect to the Ordinance (2021:1002) on littering fees[1], the Government hereby[2] prescribes:

that Sections 8-10, 12, 13, 15 and 28 shall cease to apply;

that nine new sections, namely Sections 8-10, 12, 13-13b, 15 and 28, worded as follows, shall be inserted.

Section 8 Producers shall pay littering fees to the Swedish Environmental Protection Agency every year, if they place on the Swedish market:

1. single-use plastic lids for cups;
2. flexible covers;
3. food boxes that are single-use plastic products;
4. cups that are single-use plastic products;
5. plastic bottles for beverages with a capacity of less than 0.6 litres;
6. beverage containers other than plastic bottles for beverages with a capacity of less than 0.6 litres;
7. tobacco products with filters;
8. filters;
9. lightweight plastic carrier bags;
10. balloons, or
11. wet wipes.

[1] Most recent wording of Section 15 2022:1425.

[2] Cf. Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, in the original wording. See also Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

Section 9 Littering fees shall be charged in the form of a variable product fee and a fixed annual fee:

1. The product fee shall be paid:

a) from 2024 by producers of the products referred to in Section 8, paragraphs 1 to 4 and 6 to 8; and

b) from 2025 by producers of the products referred to in Section 8, paragraphs 10 and 11.

2. The annual fee shall be paid:

a) from 2023 by producers of the products referred to in Section 8, paragraphs 1 to 9; and

b) from 2025 by producers of the products referred to in Section 8, paragraphs 10 and 11.

The product fees shall be paid in accordance with the regulations issued by the Swedish Environmental Protection Agency pursuant to Section 14. The annual fees shall be paid in accordance with Sections 16-18.

Section 10 The product fee shall cover the costs of:

1. cleaning up the litter of single-use products referred to in Section 8, paragraphs 1 to 4, 6 to 8, 10 and 11 at those places for which the municipality has cleaning responsibility under the Act (1998:814) laying down special provisions on street cleaning and signage;

2. administrating and planning the activities referred to in paragraph 1;

3. gathering and reporting data to be provided under this Ordinance or regulations issued pursuant to this Ordinance, and

4. providing information in order to reduce the negative impact on the environment from the litter of single-use plastic products.

The product fee shall not cover the costs of cleaning up litter that has washed ashore at the coast.

Section 12 The amount of the product fee shall be set by the Swedish Environmental Protection Agency in regulations issued pursuant to Section 14.

The product fee shall be set by allocating the costs incurred by the municipalities under Section 13 between the product categories covered by the product fee in accordance with Section 9. The costs shall be allocated based on the proportion of the total number of items measured in the litter survey that is to be carried out in accordance with Section 31 that is attributable to each product category. Thereafter, the cost per product category shall be allocated to each individual product within the product category by dividing the cost by the total number of products in the product category placed on the Swedish market in the previous calendar year.

Section 13 The costs incurred by the municipalities shall be determined on the basis of:

1. the proportion of the costs reported by the municipalities in accordance with Section 28 paragraphs 1 and 2 that is attributable to costs for the single-use products referred to in Section 8, paragraphs 1 to 4, 6 to 8, 10 and 11, calculated on the basis of the relevant product category's share in the total number of items that have been littered according to the litter survey that is to be carried out in accordance with Section 31; and

2. the Swedish Environmental Protection Agency's assessment of whether the costs reported by a municipality in accordance with Section 28, paragraphs 1

and 2 are too high, taking into account the population, population density, tourism and other factors that may affect the municipality's littering costs.

Section 13a The Swedish Environmental Protection Agency shall describe on its website the method used to assess municipalities' costs as referred to in Section 13, paragraph 2.

Section 13b Before the municipalities' costs are determined in accordance with Section 13, municipalities and producers shall be given the opportunity to comment on the Swedish Environmental Protection Agency's calculation of the costs.

Section 15 The amount of the product fee to be paid by each producer shall be calculated on the basis of the information provided on the number of products that the producer has placed on the Swedish market in the preceding calendar year:

1. pursuant to Chapter 11, Sections 1 and 2 of the Ordinance (2022:1274) on producer responsibility for packaging;
2. pursuant to Section 36 of the Ordinance (2021:998) on producer responsibility for certain tobacco products and filters;
3. pursuant to Section 18 of the Ordinance (2021:999) on producer responsibility for balloons; and
4. pursuant to Section 19 of the Ordinance (2021:1000) on producer responsibility for wet wipes.

Section 28 Municipalities shall report to the Swedish Environmental Protection Agency by 31 March each year:

1. the costs incurred by the municipality in the previous year for cleaning up litter in those places for which the municipality has cleaning responsibility under the Act (1998:814) laying down special provisions on street cleaning and signage;
2. the costs incurred by the municipality in the previous year for

a) administrating and planning the activities referred to in paragraph 1;

b) gathering and reporting data to be provided under this Ordinance or regulations issued pursuant to this Ordinance, and

c) providing information in order to reduce the negative impact on the environment from the litter of single-use plastic products; and

3. an estimate of the weight in kilograms of the cigarette butts cleaned up.

This Ordinance enters into force on 26 March 2024.