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Swedish measures to stop plastic pollution

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Introduction

Plastic pollution represents one of the most significant environmental challenges today. As businesses navigate the complex issue of plastic waste globally, legal frameworks and policies continue to evolve. This article focuses on the legal framework and policies in Sweden that are in place to tackle plastic pollution.

In recent years, there has been an increase in Swedish legislation aiming to reduce plastic waste. This is due to the need for Sweden to implement EU directives and reach its national environmental goals.

EU Single-Use Plastics Directive

On 5 June 2019, the European Union adopted the EU Single-Use Plastics Directive,⁽¹⁾ which contains several measures on how member states should address the negative impact of certain plastic products on the environment. Some single-use plastic items are banned, while others should be reduced by decreased consumption. Other measures and changes include:

- product labelling;
- information measures;
- national reduction targets;
- increased collection targets; and
- extended producer responsibility.

The plastic products regulated in the EU Single-Use Plastics Directive are those that occur most frequently as litter on land and at sea. The EU Single-Use Plastics Directive is based on the circular perspective that plastic is a valuable raw material and resource. The primary goal of the EU Single-Use Plastics Directive is to reduce the amount of waste.

As a result of the EU Single-Use Plastics Directive, EU member states must introduce a range of requirements and measures to prevent and reduce the negative impact of plastics on the environment.

On 3 November 2021, the Swedish government decided on several new regulations to implement the EU Single-Use Plastics Directive into Swedish legislation. Sweden has chosen to take some additional national measures, and Swedish legislation partially goes beyond the EU Single-Use Plastics Directive. The first new rules came into effect on 1 January 2022.

Working to combat littering

The Swedish Environmental Protection Agency has been tasked with developing a national waste management plan for Sweden.

"Littering" is included in the new waste management plan as one of the areas where the need for action is considered significant. The Swedish Environmental Protection Agency has identified several important parts to Sweden's work to combat littering, including:

- establishing a functional organisation, including a clear responsibility to drive the work forward and enabling cooperation across administrative boundaries;
- mapping and measuring littering, including providing a basis for monitoring development, designing measures and evaluating efforts made;
- setting goals and measures for reducing littering, including preventive measures such as involving children and young people in preschools and schools, organising litter picking days, and cooperating with local entrepreneurs; and
- communicating the work and exchanging experiences, and setting a budget for the strategic work.

Even though littering is prohibited in Sweden, a large proportion of litter still ends up on streets and squares, in nature and along the coasts. Since municipalities are responsible for cleaning streets and public areas, littering issues often fall on the municipality's plate.

As part of the effort to combat littering, Sweden has introduced penalties where those who litter can be fined or imprisoned, depending on the severity and extent of the littering. In less serious cases, the police can issue a fine of 800 Swedish kronor. From 1 January 2022,

the fine also applies to those who throw small litter on the ground, such as cigarette butts, chewing gum and candy wrappers.

Prohibited products

Some plastic products, where good replacement alternatives exist, are completely banned in the European Union. "Good replacement alternatives" mean that the product is already on the market in another material or as a multi-use alternative. The ban on certain single-use plastic products in Sweden applies from 1 January 2022.

Sweden has chosen to introduce a few additional national bans. From 30 April 2022, it is forbidden to use confetti that contains plastic outdoors. This is because the municipalities have reported increased littering in the form of plastic confetti. It is impossible to clean up and its use outdoors contributes to the supply of microplastics in nature.

Another national ban is that from 1 January 2024, disposable cups containing more than 15% plastic will not be allowed in Sweden. The Swedish Environmental Protection Agency has the authority to issue regulations on exceptions to the ban if there are special reasons and has, therefore, investigated what need there may be for such exceptions. The agency does not consider the needs identified in the survey to require exceptions.

Producer responsibility

As part of the efforts to combat plastic littering, producer responsibility has been introduced for balloons, wet wipes, fishing gear, and certain tobacco products and filters. There have also been changes to the existing producer responsibility for packaging. In Sweden, there is also an expanded producer responsibility, which means that producers should bear the cost of awareness-raising measures, collection in public systems and cleaning up their products.

Sanctions

If a company with producer responsibility does not adhere to the legislation, this may result in an environmental sanction fee. If the new regulations on disposable products are violated, the Swedish Environmental Protection Agency, as the supervisory authority, will impose environmental sanction fees. The violations that result in an environmental sanction fee, according to the regulation on disposable products, are specified in the Regulation on Environmental Sanction Fees.⁽²⁾

In some cases, a business operator may be allowed to sell out its inventory of goods that are now prohibited, or unmarked products that are subject to labelling requirements. Whether the goods may be sold depends on whether they have been released onto the market before 1 January 2022.

Littering fees

From 1 January 2023, the Regulation on Littering Fees⁽³⁾ applies. The purpose of this regulation is to reduce the negative impact on the environment from littering of disposable products in outdoor environments. This will be achieved by making the producer financially responsible for waste management and spreading information about littering. Therefore, the following disposable products have been subject to littering fees, to be paid by the producer:

- disposable plastic lids for cups;
- flexible covers;
- disposable plastic food containers;
- disposable plastic cups;
- plastic bottles for drinks with a volume of less than 0.6 litres;
- other drink containers than plastic bottles for drinks with a volume of less than 0.6 litres;
- tobacco products with filters;
- filters;
- thin plastic carrier bags;
- balloons; and
- wet wipes.

The littering fees consist of two parts: a variable product fee and a fixed annual fee. Most of the littering fees are to be distributed to municipalities as compensation for cleaning up the disposable products that litter the environment.

Littering fees are to be paid annually to the Swedish Environmental Protection Agency. The annual fee is to be paid from 2023 and the product fee from 2024.

Comment

The calculations show that 80-85% of marine litter in the European Union consists of plastic. Of this, 50% is made up of single-use plastic products. It remains to be seen what effects the new legislation will have in practice and whether the amount of plastic waste in nature will decrease.

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Endnotes

(1) 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.

(2) 2012:259.

(3) 2021:1002