

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

### *Draft Text*

With regard to the Ordinance (2021:1002) on littering fees, the following is laid down<sup>1</sup>

*that* Sections 27 and 29 shall be repealed;

*that* the heading immediately preceding Section 27 shall be deleted;

*that* Paragraphs 5, 8 to 10, 12, 13, 15, 17, 18 and 24 to 26 shall read as follows;

*that* three new sections, namely Section 8a, 15a, and 17a, shall be introduced with the following wording.

**Section 5<sup>2</sup>** For the purposes of this Ordinance, the following terms and definitions shall apply:

*plastic, placing on the Swedish market, making available on the market, single-use product, single-use plastic product, cup, beverage container, lunch box and lightweight plastic carrier bag*: same as in Ordinance (2021:996) on single-use products;

*plastic bottle, flexible wrapper and packaging producer*: same as in Ordinance (2022:1274) on producer responsibility for packaging;

*tobacco products, filters, butts and producers of filters or tobacco products with filters*: same as in Ordinance (2021:998) on producer responsibility for certain tobacco products and filters;

*balloon and balloon producer*: same as in Ordinance (2021:999) on producer responsibility for balloons; and

*wet wipes and producer of wet wipes*: the same as in Ordinance (2021:1000) on producer responsibility for wet wipes.

**Section 8<sup>3</sup>** Each year, producers obliged to report under Chapter 11, Section 1 of the Ordinance (2022:1274) on producer responsibility for packaging shall pay littering fees to the Swedish Environmental Protection Agency if they make available on the Swedish market:

1. single-use plastic lids for cups;
2. flexible wrappers;
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 beverage bottles with a capacity of less than 0.6 litres; or
7. lightweight plastic carrier bags.

<sup>1</sup> 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.

<sup>2</sup> Most recent wording 2022:1425.

<sup>3</sup> Most recent wording 2024:71.

**Section 8a** Each year, producers shall pay littering fees to the Swedish Environmental Protection Agency if they place on the Swedish market:

1. tobacco products with filters;
2. filters;
3. balloons; or
4. wet wipes.

**Section 9<sup>4</sup>** Littering fees shall be charged in the form of a variable product fee and a fixed annual fee.

The product fee shall be paid:

1. from 2024, by producers of the products referred to in Section 8(1) to (4) and (6), and Section 8a(1) and (2); and
2. from 2025, by producers of the products referred to in Article 8a(3) and (4).

The annual fee shall be paid:

1. from 2023, by producers of the products referred to in Section 8, and Section 8a(1) and (2); and
2. from 2025, by producers of the products referred to in Section 8a(3) and (4).

**Section 10<sup>5</sup>** The product fee shall cover the costs of:

1. cleaning up the single-use products referred to in Section 8(1) to (4) and (6), and Section 8a, and which have been littered in the places for which the municipality has a responsible refuse collection responsibility under the Act (1998:814) containing 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<sup>6</sup>** The product fee amount 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 on the basis of the proportion that each product category represents in the total number of items measured in the litter measurement to be carried out pursuant to Section 31. 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 or made available on the Swedish market.

The product fee amount shall be set by the Swedish Environmental Protection Agency in regulations issued pursuant to Section 14. The amount of the product charges shall be reviewed, if necessary, but at least every three years.

<sup>4</sup> Most recent wording 2024:71.

<sup>5</sup> Most recent wording 2024:71.

<sup>6</sup> Most recent wording 2024:71.

The Swedish Environmental Protection Agency shall rely on the latest available data on the costs incurred by municipalities and the number of products placed or made available on the Swedish market.

**Section 13<sup>7</sup>** The Swedish Environmental Protection Agency shall annually determine the costs incurred by the municipalities on the basis of:

1. the proportion of the costs reported by the municipalities pursuant to Section 28(1) and (2), consisting of the costs for the single-use products referred to in Section 8(1) to (4) and (6), and Section 8a, calculated on the basis of the proportion of these product categories of the total number of items measured in the litter measurement to be carried out pursuant to Section 31; and

2. the Swedish Environmental Protection Agency's assessment of whether the costs reported by a municipality in accordance with Section 28(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 15<sup>8</sup>** The amount to be paid by each producer of the products referred to in Section 8 in product fees for a given year (the contribution year) shall be calculated on the basis of the information provided pursuant to Chapter 11, Sections 1 and 2 of Ordinance (2022:1274) on producer responsibility for packaging, regarding the number of products made available on the Swedish market by a producer during the year preceding the contribution year.

**Section 15a** The amount to be paid by each producer of the products referred to in Section 8a in product fees for a given year (the contribution year) shall be calculated on the basis of the information provided regarding the number of products placed on the Swedish market by a producer during the year preceding the contribution year

1. pursuant to Section 36 of the Ordinance (2021:998) on producer responsibility for certain tobacco products and filters;

2. pursuant to Section 18 of the Ordinance (2021:999) on producer responsibility for balloons; and

3. pursuant to Section 19 of the Ordinance (2021:1000) on producer responsibility for wet wipes.

**Section 17<sup>9</sup>** For each calendar year, a producer shall pay an annual fee of SEK 3 000 per product category if it makes available on the Swedish market products in the product categories:

1. single-use plastic lids for cups;

2. flexible wrappers;

3. food boxes that are single-use plastic products;

4. cups that are single-use plastic products: or

5. beverage containers other than plastic beverage bottles with a capacity of less than 0.6 litres.

**Section 17a** For each calendar year, a producer shall pay an annual fee of SEK 3 000 per product category if it places on the Swedish market products in the product categories:

<sup>7</sup> Most recent wording 2024:71.

<sup>8</sup> Most recent wording 2024:71.

<sup>9</sup> Most recent wording 2024:36.

1. filters;
2. balloons; or
3. wet wipes.

**Section 18<sup>10</sup>** For each calendar year, a producer shall pay an annual fee of SEK 1 800 per product category if it makes available on the Swedish market products in the product categories:

1. plastic bottles for beverages with a capacity of less than 0.6 litres;
2. lightweight plastic carrier bags.

**Section 24** The collected product fees shall be distributed among the municipalities. Product fees shall be paid out as compensation for activities referred to in Section 10 on the basis of an individual municipality's share of the municipalities' costs determined in accordance with Section 13 for the year preceding the contribution year to which the payment relates.

**Section 25** The product fees shall be distributed among and paid to the municipalities at least once per calendar year.

**Section 26** In individual cases, the Swedish Environmental Protection Agency shall determine the proportion of the revenue from the product fees to be allocated to a municipality and on the payment to the municipality.

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This Ordinance shall enter into force on [x March 2025].

<sup>10</sup> Most recent wording 2024:36.