



Chapter 15. Waste

Definition of terms

1. § In this Chapter, "waste" means any substance or object that the holder discards or intends or is required to discard.

A substance or object will be deemed to be a by-product rather than waste if the substance or object

1. has occurred in a production process in which producing the substance or object is not the main objective,

2. can be used directly without any processing other than the processing that is standard industrial practice, and
3. will continue to be used in a way that is acceptable in health and environmental terms and that is not contrary to a law or other statute.

A substance or object that has been recovered and that meets the requirements for further use in accordance with regulations issued pursuant to section 39 or 40 ceases to be waste. Act (2016:782).

2. § In this Chapter, "waste prevention measures" means measures adopted before a substance or object has become waste and that are aimed at reducing the quantity of waste, reducing the quantity of hazardous substances in materials and products or reducing the adverse effects on human health and the environment to which waste gives rise. Act (2016:782).

3. § In this Chapter, "household waste" means waste generated by households and comparable waste from other sources. Act (2016:782).

4. § In this Chapter, "reuse" means to use something that is not waste again to fulfil the same function for which it was originally intended. Act (2016:782).

5. In this Chapter, "handle waste" means

1. to collect, transport, recover, dispose of or deal with waste in other physical ways, or

2. take action that does not involve dealing with waste physically but that is intended to ensure that waste is collected, transported, recovered, disposed of or changes owner or holder. Act (2016:782).

6. The following definitions apply in this Chapter:

recover waste: to take an action that means that waste will be used as a substitute for another material or to prepare it for such use or an action that means that waste is prepared for reuse,

prepare waste for reuse: to check, clean or repair something that is waste so that it can be reused without further treatment,

recycle waste: to process waste to produce new substances or objects that will not be used as fuel or filling material,

dispose of waste: to dispose of something that is waste without recovering it or without leaving it to a person to collect or remove, and treat waste: recover or dispose of waste. Act (2016:782).

7. § In this Chapter, "collect waste" means

1. to collect or receive waste, if this does not form part of the treatment of the waste, or
2. sort, store or otherwise deal with waste before it is forwarded to the place where the treatment will begin, if the action is not carried out by the producer of the waste at the location where the waste originated. Act (2016:782).

8. § The following definitions apply in this Chapter:

property owner: the owner of the property or the person that must be considered as the property owner in accordance with Chapter 1, section 5 of the Property Tax Act (1979:1152),

end-of-life vehicle: a car, bus or truck whose total weight does not exceed 3,500 kilograms and that is waste, and

car breaker: a person engaged in professional activities that are aimed at recovering or disposing of end-of-life vehicles. Act (2016:782).

9. § In this Chapter, "producer" means

1. professionally manufacture, import into Sweden or transfer a product or packaging, or
2. a person who, in their professional activities, generates waste that requires special measures for cleaning or environmental reasons. Act (2016:782).

The waste hierarchy

10. § A provision concerning the obligation to adopt waste prevention measures is contained in Chapter 2, section 5.

The person that treats waste or is responsible for ensuring that waste will be treated must ensure that

1. it is recovered by preparing it for reuse,

2. it is recycled, if such is more appropriate than 1,
3. recovered in another way, if such is more appropriate than 1 and 2, or
4. disposed of, if such is more appropriate than 1-3.

The treatment of the waste that best protects human health and the environment as a whole should be deemed most appropriate, if the treatment is not unreasonable. Act (2016:782).

The responsibilities of the waste holder

11. § The person holding the waste must ensure that the waste is handled in a manner that is acceptable in terms of human health and the environment.

A provision stating that an obligation to handle waste can be imposed on producers is contained in section 12 §. Provisions stating that an obligation to handle waste is and can be imposed on municipalities are contained in sections 20 § and 22 §. Act (2016:782).

Producer responsibility

12. § The Government or the authority designated by the Government may issue regulations on the obligation for producers to ensure that waste is collected, removed, recovered or

disposed of in a manner that is acceptable in terms of health and the environment. Such provisions may only relate to waste from activities carried on by the producers and waste that is made up of products or packaging that the producers manufacture, import into Sweden or transfer.

Regulations in accordance with the first paragraph on the obligation for a producer to handle waste consisting of products or packaging that the producer has not manufactured, imported into Sweden or transferred may only relate to the part of the waste that corresponds to the producer's market share for new products or packaging of that kind or is otherwise reasonably proportionate to the producer's activities. Act (2016:782).

13. The Government or the authority designated by the Government may issue, in order to promote waste prevention measures or waste management that is acceptable in terms of health and the environment, regulations on an obligation for the producers to 1. label a product or packaging, 2. provide information of importance for the producer responsibility on which substances and materials a product or packaging contains and on collection, degree of reuse, degree of recovery, or other conditions, and 3. ensure that products or packaging have a specific composition, reusability and recoverability.

Regulations in accordance with the first paragraph, subparagraph 3 may, in the case of products other than packaging, relate only to the obligations required as a result of Sweden's membership of the European Union. Act (2016:782).

14. § The Government or the authority designated by the Government may issue regulations

1. on an obligation for a producer to appoint a person to fulfil the producer's obligations in another Member State of the European Union, and

2. that state that the provisions applying to a producer in accordance with the regulations that have been issued pursuant to sections 12, 13 or 15 will also apply to a person that fulfils the producer's obligations on the producer's behalf. Act (2016:782).

15. § The Government or the authority designated by the Government may issue regulations on

1. an obligation for producers of packaging, producers of paper for newspapers, magazines, direct mail, catalogues or other similar paper products and producers of electrical or electronic products to ensure that the packaging, paper or the electrical and electronic products are covered by a collection system for recovery or reuse, and

2. permits for commercial operation of such a collection system.

Regulations in accordance with the first paragraph, subparagraph 1 may only relate to producers that are subject to regulations issued pursuant to section 12. Act (2016:782).

16. § The Government or the authority designated by the government may, with regard to matters concerning packaging for drinks ready for consumption made of plastic or metal, issue regulations

1. stating that collection systems for such packages must be designed so as to encourage, through payment of a deposit or premium, the return of the packaging to the system,

2. on an obligation for producers of such packaging to ensure that the packaging is labelled with information on the collection system,

3. on a prohibition for producers of such packaging from transferring or selling them unless they are covered by a collection system,

4. on a requirement for a permit for commercial bottling of drinks ready for consumption in such packages,

5. on a requirement for a permit for importing drinks ready for consumption in such packages into Sweden, and

6. a fee upon import and the other necessary measures to ensure that domestic packages of this kind and packages of this kind imported into Sweden are able to compete on equal terms. Act (2016:782).

Permit and notification obligation for certain waste management

17. § The Government or the authority designated by the Government may issue regulations stating that a permit or notification is required for commercial transportation of waste. Act (2016:782).

18. § The Government or the authority designated by the Government may issue regulations stating that notification is required to the authority designated by the Government or to the municipality to

1. collect waste commercially, or

2. commercially purchase or sell waste or act as an intermediary with regard to waste for disposal or recovery. Act (2016:782).

19. § The Government or the authority or municipality designated by the Government may issue regulations stating that notification is required to the authority designated by the Government or to the municipality to handle waste pursuant to section 24, second paragraph. Act (2016:782).

The municipality's responsibility

20. § Each municipality is responsible for ensuring that household waste in the municipality is recovered or disposed of.

The municipality must remove the waste from the property where the waste is located, if

1. removal is needed to protect human health and the environment and to safeguard individual interests, or

2. the property owner asks the municipality to remove the waste and such a request is not unreasonable in the circumstances. Act (2016:782).

21. § The Government or the authority designated by the Government may issue regulations on exceptions from the municipality's responsibility under section 20 in matters concerning waste covered by producer responsibility under regulations issued pursuant to section 12. Act (2016:782).

22. § The Government or the authority designated by the Government may, in matters concerning waste other than household waste, issue regulations stating that the municipality must be responsible for ensuring that the waste is recovered or disposed of and removed from the property where the waste is located. The regulations may only relate to waste that needs to be handled by the municipality for health or environmental reasons. Act (2016:782).

23. § When the municipality plans and decides how it will assume its responsibility under section 20 § or under regulations issued pursuant to section 22 §, the municipality must take into account the property owner's ability to handle waste itself in a way that is acceptable in terms of protection of human health and the environment and the existing needs for buildings of various types. Act (2016:782).

24. § If, in accordance with section 20 § or regulations issued pursuant to section 22 §, the municipality must be responsible for particular waste management, the management may not be carried out by a person other than the municipality or a person engaged by the municipality.

The first paragraph does not apply to a property owner that recovers or disposes of the waste on the property if such is carried out without risk of harm to human health or the environment.

A measure referred to in the second paragraph may require notification under regulations issued pursuant to section 19. Act (2016:782).

25. § The municipality may, in individual cases,

1. grant an exemption from the prohibition contained in section 24 §, first paragraph if there are particular reasons to do so and the person that must handle the waste pursuant to the exemption can do so in a way that is acceptable in terms of health and the environment, and
2. grant a permit for waste management as contemplated in section 24 §, second paragraph, despite the fact that no permit is required. Act (2016:782).

Prohibition on littering

26. § No person may leave litter outdoors in a place to which the public has access or can see into. Act (2016:782).

Prohibition on dumping and incineration

27. §/Ceases to apply U: on the date determined by the Government/ Waste may not be dumped or incinerated in Swedish territorial waters and in the Swedish economic zone. Nor may waste be dumped from or incinerated on a Swedish vessel or aircraft on or over the open sea. Waste intended to be dumped in or incinerated on the open sea must not be taken out of the country or out of the economic zone.

The provisions on dumping contained in the first paragraph do not apply to discharge of harmful substances from ships regulated in Act (1980: 424) on measures to prevent pollution from ships. Act (2016:782).

27. § /Enters into force I: on the date determined by the Government/ Waste may not be dumped or incinerated in Swedish territorial waters and in the Swedish economic zone. Nor may waste be dumped from or incinerated on a Swedish vessel or aircraft on or over the open sea. Waste intended to be dumped in or incinerated on the open sea must not be taken out of the country or out of the economic zone.

The provisions on dumping contained in the first paragraph do not apply to discharge of harmful substances from ships regulated in Act (1980: 424) on measures to prevent pollution from ships or discharges of sediment from ships regulated by the Ballast Water Act (2009:1165) or regulations issued in connection with that Act. Act (2016:784).

28. § The Government may issue regulations on exemptions from the prohibition on dumping contained in section 27 §, first paragraph for geological storage of carbon dioxide. Act (2016:782).

29. § The Government or the authority designated by the Government may, in individual cases, grant exemptions from the prohibition on dumping contained in section 27 §, first paragraph if the waste can be dumped without detriment to human health or the environment.

The authority that has granted an exemption in accordance with the first paragraph may,

1. order the person receiving the exemption to remedy nuisance caused by the dumping if the nuisance had not been foreseen when the exemption was granted, and
2. revoke the exemption in the event of non-compliance with a condition or regulation applying to the dumping or failure to remedy nuisance contemplated in an order under section 1. Act (2016:782).

Information on and management of waste arising in the course of commercial activities

30. § The Government or the authority designated by the Government may issue regulations stating that a person that generates waste other than household waste as part of commercial activities must leave the waste to a person who has a permit or who has issued the notice required for the waste management. Act (2016:782).

31. § The Government or the authority or municipality designated by the Government may issue regulations stating that a person that generates waste as part of its commercial activities must provide information to the municipality on the waste and its management. Act (2016:782).

End-of-life vehicles

32. § The Government or the authority designated by the Government may issue regulations stating that a car breaker must be authorised and regarding the conditions for authorisation of car breakers. Act (2016:782).

33. § The Government or the authority designated by the Government may issue regulations on

1. an obligation for a person that has acquired an end-of-life vehicle for scrapping to issue a certificate stating that the vehicle has been received for that purpose (certificate of receipt) and ensure that the vehicle is taken charge of by an authorised car breaker,
2. an obligation for the car breaker to provide information on the degree of reuse, the degree of recovery or other circumstances relating to the end-of-life vehicles handled by the car breaker,
3. an obligation for an authorised car breaker to issue a certificate stating that measures have been adopted for acceptable management of an end-of-life vehicle in terms of health and the environment (certificate of scrapping), and
4. the issue of the proof and certificates contemplated in sections 1 and 3. Act (2016:782).

Waste consisting of electrical and electronic products

34. § The Government or the authority designated by the Government may issue regulations stating that a person engaged in commercial activities aimed at pre-treating waste consisting of electrical or electronic products through dismantling, sorting or otherwise must have personnel or a quality system certified by a body accredited in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 and Act (2011:791) concerning Accreditation and Conformity Assessment.

Regulations in accordance with the first paragraph may only relate to measures required for reasons of reuse or recovery or other reasons relating to health or the environment. Act (2016:782).

Deposit of waste

35. § A permit for an activity involving the deposit of waste may be granted only if the person carrying out the activity gives security for the fulfilment of the obligations applying to the deposit activities in accordance with Chapter 16, section 3 or adopts another appropriate measure for such security. Act (2016:782).

36. § A person who carries out an activity involving deposit of waste must charge for all costs related to the deposit of waste. The cost estimates must include all costs for establishing and operating the deposit and, as far as possible, all costs that are necessary to fulfil the obligations applying to the deposit activity. Act (2016:782).

Geological storage of carbon dioxide

37. § A permit for geological storage of carbon dioxide may only be granted if the person carrying out the activity gives security in accordance with Chapter 16, section 3 § or adopts another appropriate measure to secure the fulfilment of the obligations applying to the activity in accordance with this Code, the Emissions Trading Act (2004:1199) and the regulations and permit conditions issued under these laws. Act (2016:782).

Waste management arrangements

38. § The Government or the authority designated by the Government may issue regulations on waste management arrangements. Act (2016:782).

Further regulations on waste

39. § The Government or the authority or municipality designated by the Government may issue necessary regulations on how waste must be handled for protection of human health or the environment. Act (2016:782).

40. § The Government or the authority designated by the Government may issue regulations on waste as otherwise required as a result of Sweden's membership of the European Union. Act (2016:782).

Municipal refuse collection systems

41. § Each municipality must have a waste collection system that must adopted by the municipal assembly. The waste collection system must contain a waste management plan and the regulations issued by the municipality pursuant to the Government's authorisation under this Chapter. The waste management plan must contain information on waste in the municipality and on the measures adopted by the municipality to reduce the quantity and hazardousness of the waste. Act (2016:782).

42. § Before the municipality adopts a waste collection system, the municipality must

1. consult, in an appropriate manner and to a reasonable extent, the property owners and authorities that may have a substantial interest in the waste collection system, and
2. present a proposal for a waste collection system for review for at least four weeks.

The municipality must provide information on the presentation on its website before the beginning of the presentation period. That information must include details of the main contents of the proposal, where it is presented and within what period and to whom comments must be submitted. Act (2016:782).

43. § When the municipality adopts the waste collection system, the municipality must take into consideration the comments received from the consultation and review in accordance with section 42. Act (2016:782).

44. § The provisions contained in sections 42 § and 43 § also apply to proposals for changes in a waste collection system.

A municipality need not present a proposal for changes in the waste collection system if the changes only affect a few property owners or are otherwise minor. Act (2016:782).

Obligation for municipalities to provide information

45. § The Government or the authority designated by the Government may issue regulations on an obligation for the municipalities to provide information on waste management and the contents of waste management plans. Act (2016:782).

Regulations for the Swedish Armed Forces

46. § The Government or the authority designated by the Government may issue specific regulations for activities carried out by the Swedish Armed Forces, the Swedish Fortifications Agency, the Swedish Defence Materiel Administration and the Swedish National Defence Radio Establishment that deviate from what is otherwise provided in this Chapter. Act (2016:782).