



**mouvement  
écologique**



# No advertisements in the mailboxes: Implementation must be controlled - unclear points still need to be clarified!

The Mouvement Écologique has been made aware by numerous citizens of problems with the implementation of the provisions of Article 12 of the new Waste Management Act of 9 June 2022 regarding advertising mail in letterboxes.

This article states the following:

« (6) En vue de prévenir l'abandon de déchets :

1° Le dépôt d'imprimés publicitaires sur les véhicules est interdit ;

2° Le lancement sur la voie publique, de confettis, serpentins et autres projectiles festifs, lorsqu'ils contiennent du plastique ou du métal, est interdit.

(7) À compter du 1er janvier 2024, le dépôt et la distribution d'imprimés publicitaires à vocation commerciale, à l'exception de la presse d'information gratuite, dans les boîtes à lettres sont interdits, sauf accord formel du destinataire. »

Based on this information, it appears that, on the one hand, the implementation of the law is not being adequately ensured by the public authorities and violations are not being prevented. On the other hand, there are questions about the interpretation of the law.

**The following points are of particular importance to ensure that the objectives of the law, saving resources and protecting privacy, are respected and the concerns of citizens are taken seriously:**

## The problems identified

### Free advertising newspapers

To date, free advertising newspapers have not been distributed to households with the "Keng Reklammen wgl." (no advertising please)-sticker on the letterbox. This is not least due to the legal interpretation that a free "newspaper" that is not based on a subscription between the publisher and a private individual but is distributed by a commercial actor (e.g. not a municipality or an association) and clearly pursues commercial purposes (e.g. contains more than 50 % advertising) is to be regarded as advertising. However, some publishers now consider their free advertising leaflet to be a "newspaper", which does not fall under the provision of the law. As a result, citizens receive these free publications from commercial players without being asked. In this sector, the new legislation has even led to a deterioration compared to the past, which was hardly desired by the legislator in this form.

### Sharp increase in advertising inserts in daily newspapers

An extremely large number of citizens have considerable problems with the fact that advertising inserts in daily newspapers have increased significantly. While the classic adverts that are printed in the newspapers themselves were not discussed in the reports, the larger flood of "inserts" has faced a quite strong opposition. The whole thing is perceived as a "circumvention" of the new legislation. While it was possible to avoid this before the new waste legislation came into force by affixing the sticker "Keng Reklammen wgl." (no advertising please), this is no longer the case when subscribing to a daily newspaper. Apparently, the customer has to resort to the digital edition of the newspaper to avoid this flood of advertising ...

## Distribution of “smaller advertising flyers” continues

Both larger and smaller companies / private individuals with commercial interests continue to distribute flyers to households that are clearly recognisable as advertising (fortune tellers, real estate companies, suppliers in the horeca sector, etc.) and it is not clear which state authority punishes this infringement and ensures that the law is being respected.

### “Advertisements” on parked cars

Advertising cards are also frequently attached to cars in car parks (under windscreen wipers, for example), and this prohibition is even explicitly stated in the law. Those who contacted us consider these advertising cards to be particularly problematic, as they are also plasticized. Citizens are not aware of the specific body to which they can direct these complaints.

### Information material from municipalities, associations, political parties

Some citizens have expressed the wish to no longer receive information from municipalities, among others. In the past, this information was also always sent to those households that had the “Keng Reklammen wgl.” sticker attached. This is because these are not commercial publishers, but actors in society who want to inform citizens. However, some citizens apparently see this differently, at least according to the feedback in the framework of the Mouvement Ecologique’s action.

The Mouvement Ecologique still stands by its basic position, that it is extremely important from a **democratic point of view** that municipalities in particular, but also associations and other actors, can pass on non-commercial messages to citizens. These are an essential component of democracy and also of vibrant communities.

It could be that some citizens only accept to receive commercial advertisements because they fear that otherwise, they won’t be informed about club life, etc. anymore. This could lead them to attaching a sticker stating that they wish to continue receiving advertising mailings, although they only want non-commercial information. Such kind of provision would therefore also be questionable from an ecological point of view.

**The Mouvement Ecologique therefore remains convinced that such non-commercial information may continue to be distributed to all households and should not be regarded as “advertising”.**

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**As it is important to ensure that the provisions are respected and dissatisfied citizens are informed of the ministry’s position on this matter in the first few months after new legislation comes into force, prompt action by the ministry would be necessary.**

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## The suggestions of the Mouvement Ecologique

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For the Mouvement Ecologique, it is essential that the following initiatives are secured in the short term by the Ministry of the Environment, Climate and Biodiversity:

### 1. immediately clarify the interpretation of Article 12 of the law and make improvements where necessary

There is a clear need to catch up:

- **Clarify and clearly regulate the issue of “free newspapers”:** It is highly problematic that - as mentioned - those newspapers that clearly have a purely commercial purpose now end up in the letterboxes of households that were previously spared this flood of advertising. The fact that the new Waste Act has led to a deterioration is counterproductive. The legislator should provide clarity here. If the law were to be interpreted in a way that these newspapers are still to be regarded as advertising, action would have to be taken against the publishers immediately. If the law is unclear in this area, it should be amended immediately to make it more precise.

### 2. Tackle non-compliance with the law!

The following measures are recommended in this regard:

- **Introduce a contact address for complainants:** It is the task of the Ministry of the Environment, Climate and Biodiversity to ensure that its law is respected. Therefore, the Ministry should immediately publish a “hotline” - “e-mail address” to which all citizens can address complaints. It should be clear how the ministry responds to violations of the law. The persons who have submitted the complaint must of course be informed of the consequences of their complaint.
- **Ensure consequences for disregard of legislation by the ministry:** The ministry must contact those actors who do not respect the law. In an initial phase, this may be done in a “soft” way. However, if an actor repeatedly fails to comply with the provisions, the penalties provided for must be implemented and they must also be informed.
- **Contacting daily newspapers:** The aim of the Waste Act was to avoid waste and conserve resources. Now that advertisers are increasingly having their advertising material distributed via daily newspapers, this objective is de facto being undermined. It should be pointed out that daily newspapers survived financially even BEFORE the new Waste Act, without this additional income. Contact should be made with those responsible at the newspapers in order to find a solution in the interests of resource conservation as well as their readers.

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