

Response ID ANON-3RTD-8UPS-D

Submitted to **Extended Producer Responsibility for Packaging**

Submitted on **2021-06-03 11:14:49**

About you

1 What is your name?

Name:

Nicki Souter

2 What is your email address?

Email:

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3 Which best describes you? Please provide the name of the organisation/business you represent and an approximate size/number of staff (where applicable).

Business representative organisation/trade body

If you answered 'other', please provide details :

Organisation name:

Resource Management Association Scotland

Organisation size:

75 members

4 Would you like your response to be confidential?

Confidential:

No

If you answered 'yes' please provide your reason.:

We would like to state that the views, information, and opinions expressed in this consultation response do not necessarily represent the views of all RMAS members.

5 Government will need to understand the needs of users to build digital services for Extended Producer Responsibility. Would you like your contact details to be added to a user panel for Extended Producer Responsibility so that we can invite you to participate in user research (e.g. surveys, workshops, interviews) or to test digital services as they are designed and built?

Add my contact details:

Yes

What we want to achieve: packaging waste recycling targets

6 Do you agree or disagree with the proposed framework for setting packaging targets?

Disagree

If you disagree, please provide the reason for your response.:

We broadly agree with much of the framework detailed for setting and delivering targets. We do have concerns that by establishing a centralised scheme administrator to ensure compliance on behalf of producers then producers have no choice or freedom in terms of how they comply. If this body fails to achieve national targets then producers cant fail but the scheme does.

Financial responsibility is important, but we also believe that true responsibility means that producers are directly responsible for their choices, their partners and the delivery of targets. This encourages active participation, choice of working partners and opportunities open up for more to achieve truly sustainable outcomes for their packaging.

We also believe that flexibility will also be need to be constructed into the proposed approach to implementing packaging EPR to ensure it is designed and built, fit for purpose with the needs for different parts of the UK where required, for example in Northern Ireland where the European Union's Packaging Waste Directive must continue to apply.

7 Do you agree or disagree that the business packaging waste recycling targets set for 2022 should be rolled over to the calendar year 2023?

Neither agree nor disagree

If you disagree, please provide the reason for your response.:

Any targets establish a degree of challenge but realistic and represent a driver for incremental growth and a sensible rate over time. This should be on the basis of comparison to previous years performance and with due consideration to other impacts.

Longer-term targets set (such as those proposed for 2030 in the consultation) should be driven by sets of annual targets that create step change year on year and increase recycling rates to meet the longer-term target.

8 Do you agree or disagree that the recycling target to be met by 2030 for aluminium could be higher than the rate in Table 3?

Neither agree nor disagree

If you disagree, please provide the reason for your response.:

9 Do you agree or disagree with the proposed minimum target to be met by 2030 for glass set out in table 3?

Neither agree nor disagree

If you disagree, please provide the reason for your response.:

10 What should the glass re-melt target for 2030 for non-bottle packaging be set at?

Please provide the reason for your response. :

11 Do you agree or disagree with the proposed minimum target to be met by 2030 for plastic set out in table 3?

Neither agree nor disagree

If you disagree, please provide the reason for your response.:

12 Do you think a higher recycling target should be set for wood in 2030 than the minimum rate shown in Table 3?

Unsure

Please provide the reason for your response.:

13 If higher recycling targets are to be set for 2030, should a sub-target be set that encourages long term end markets for recycled wood?

Unsure

Please provide the reason for your response.:

14 Do you agree or disagree with the proposed minimum target to be met by 2030 for steel set out in table 3?

Neither agree nor disagree

If you disagree, please provide the reason for your response.:

15 Do you agree or disagree with the proposed minimum target to be met by 2030 for paper/card set out in table 3?

Neither agree nor disagree

If you disagree, please provide the reason for your response.:

16 Do you agree or disagree with the proposal to set recycling targets for fibre-based composites?

Neither agree nor disagree

If you disagree, please provide the reason for your response.:

17 Do you agree or disagree that there may be a need for 'closed loop' recycling targets for plastics, in addition to the Plastics Packaging Tax?

Neither agree nor disagree

Please provide the reason for your response. :

It is essential that any Closed Loop target is measurable, achievable and deliverable.

18 Please indicate other packaging material that may benefit from 'closed loop' targets?

Please answer here:

19 Which of the definitions listed below most accurately defines reusable packaging that could be applied to possible future reuse/refill targets or obligations in regulations?

Not Answered

If you selected 'none of the above', please provide the reason for your response, including any suggestions of alternative definitions for us to consider. :

20 Do you have any views on any of the listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations? Please provide evidence where possible to support your views.

Please answer here.:

21 Do you agree or disagree that the Scheme Administrator should proactively fund the development and commercialisation of reuse systems?

Not Answered

Please provide the reason for your response.:

22 Do you agree or disagree that the Scheme Administrator should look to use modulated fees to incentivise the adoption of reuse and refill packaging systems?

Not Answered

Please provide the reason for your response.:

Producer obligations for full net cost payments and reporting

23 Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme?

Agree

24 Are there any situations where the proposed approach to imports would result in packaging being imported into the UK which does not pick up an obligation (except if the importer or first-owner is below the de-minimis, or if the packaging is subsequently exported)?

Where available, please share evidence to support your view. :

'grey' or 'parallel' imports, where an importer imports goods into the UK that are owned by the non-UK arm of a multi-national brand that also has a UK-based arm.

25 Of Options 2 and 3, which do you think would be most effective at both capturing more packaging in the system and ensuring the smallest businesses are protected from excessive burden?

Neither

If you answered 'neither', please provide the reason for your response and describe any suggestions for alternative approaches to small businesses.:

We understand the Government's desire to capture as much packaging as possible and we also comprehend the logic being applied the detailed preferred approach (Option 3), however we have concerns.

For example, it is not always the case that manufacturers know who the final seller of their packaging is and what nation those sellers are based in. For example, manufacturers may supply packaged goods to a "national" retailer's distribution centre but would not know if the retailer subsequently moves goods into other UK nations from that location. Alternatively, should government adopt Option 2, the term 'distributor' may need to be amended to packaging wholesaler or merchant.

The most appropriate approach may be a combination of Options 2 and 3, where the obligation falls on the either packaging supplier or wholesaler. Where a wholesaler works with brands below the reduced exemption threshold, they should acquire the obligation, but in cases where packaging is directly supplied to exempt businesses, the supplier should acquire the obligation.

Manufacturers would also be well placed to meet new labelling requirements should they not apply to businesses below the retained or reduced de minimis thresholds, however it must be noted that it is not universal practice for manufacturers of unfilled packaging to label packaging as recyclable or not prior to distributing this packaging to businesses. Packaging is typically labelled when filled, in this case, by the small businesses. We therefore believe it would be more suitable for the labelling requirement to remain with the brand owners, including small companies, although we would encourage Government undertake further investigations in this area.

26 If either Option 2 or 3 is implemented, do you consider there to be a strong case to also reduce the de-minimis threshold as set out in Option 1?

Yes

Please provide the reason for your response. :

There remains an argument for reducing the existing de minimis thresholds, as this would increase the number of companies with an obligation and as such more to contribute to the system than currently. This would not only spread system costs more evenly across all producers in the packaging supply chain but also reduce the prevalence of freeriding. We also believe it focusses those businesses on objectives to recover as much of their own waste packaging, in a high-quality system to reduce their costs and reduce their financial burden. It may also lead to higher quality recycling from smaller premises and compliments regulations such as the waste Scotland regulations.

We also believe that reducing the de minimis exemption thresholds must be undertaken in combination with Government also implementing a combination of Options 2 or 3.

27 Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging?

Yes

If you answered 'yes', please provide the reason for your response.:

Appears to be a reasonable proposal, as this would be consistent with the proposed rules for any other packaging supplier of importers. The Government should clarify that where the supply of unfilled packaging via online marketplaces is to UK-based brand owners, those brand owners should acquire the obligation.

It appears that the consultation document uses 'online marketplaces' and 'UK-based online marketplaces' interchangeably, which confuses the interpretation of the proposals. Clarity must be provided as which online marketplaces Government intends to place obligations on, be it online marketplace operator registered in the UK, those with a UK office or warehouse or marketplaces that do not have a presence in the UK but instead sell to consumers and businesses based in the UK. This may need to be further legal investigation and testing to ensure any definition is appropriate and enforceable.

28 Do you foresee any issues with Online Marketplaces not being obligated for packaging sold through their platforms by UK-based businesses?

Unsure

If you answered 'yes', please provide the reason for your response.:

It is difficult to cater for de minimis business and micro business selling through on-line platforms

29 This proposal will require Online Marketplaces to assess what packaging data they can collate and then, where there are gaps to work together to create a methodology for how they will fill those gaps. Do you think there are any barriers to Online Marketplaces developing a methodology in time for the start of the 2022 reporting year (January 2022)?

Not Answered

If you answered 'yes', please provide the reason for your response.:

30 Is there any packaging that would not be reported by the obligation as proposed below (except for packaging that is manufactured and sold by businesses who sit below the de-minimis)?

Yes

If you answered 'yes', please detail what packaging would not be reported by this approach.:

Greater clarity may be needed for wording around Full Net Cost so that producers understand the obligations of these parties also extend to cover reusable packaging they sell, not just that they hire or loan.

The reporting by UK nation obligation proposed to be placed on distributors, online marketplaces, sellers and service providers will likely need to cover packaging not sold in the conventional sense. Examples includes free issue packaging, promotional items, loaned packaging, packaging around donated goods and internal use (secondary/tertiary) packaging to business consumers.

The current packaging regulations mention packaging as 'supplied' not sold. We would therefore like to encourage Government to consider continuing the use of 'supplied'.

Finally, the Government needs to be mindful of placing a reporting obligation on manufacturers supplying transit packaging to distribution centres. As these distribution centres may subsequently move packaging onward to locations in other UK nations with the manufacturer having little to no knowledge of these movements, manufacturers and suppliers may find it difficult to accurately meet their reporting obligation in this instance. Government may need to implement specific measures for such parties in respect of meeting the by nation reporting obligation.

31 Do you agree or disagree that the Allocation Method should be removed?

Agree

Producer obligations: disposable cups takeback

32 Do you agree or disagree that a mandatory, producer-led takeback obligation should be placed on sellers of filled disposable paper cups?

Not Answered

If you disagree, please provide the reason for your response and/or suggest any alternative proposals for increasing the collection and recycling of disposable cups.:

33 Do you agree or disagree with the proposed phased approach to introducing the takeback obligation, with larger businesses/sellers of filled disposable paper cups obligated by the end of 2023, and the obligation extended to all sellers of filled disposable paper cups by the end of 2025?

Not Answered

If you disagree, please provide the reason for your response and/or how you think the mandatory takeback obligation should be introduced for sellers of filled disposable cups.:

Modulated fees, labelling and plastic films recycling

34 Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established?

No

If you answered 'no' please provide the reason for your response, being specific with your answer where possible.:

In general, we would agree but the system and framework must be simple, easily understood and therefore of the greatest use when designing packaging. Overly complex measures and methodologies cause unnecessary costs, confusion and could result in the wrong outcomes.

A simple graded system based on recyclability would probably work best.

More complexity can be built into the system over time and based on operational knowledge and experience. It is essential that the collection infrastructure is stable and in place before this system becomes overly complex. Surely a product designed for recyclability is wholly dependent on a collection and recycling infrastructure capable of accepting the item and vice versa. This whole area should be supported with the designers in mind and communications and support put in place to assist them.

Fee modulation and methodologies should be communicated well in advance of their implementation to give as greater period as possible to brands to allow them to make design choices or make changes based on firm proposals.

Business like uniformity and where possible rules and methodologies relating to fee modulation should be aligned or compliment utilised abroad.

35 Do you agree or disagree that the Scheme Administrator should decide what measures should be taken to adjust fees if a producer has been unable to self-assess, or provides inaccurate information? This is in addition to any enforcement that might be undertaken by the regulators.

Agree

If you disagree, please provide the reason for your response.:

Consistent modulation criteria across all producers are vital to the effective implementation of the packaging fee modulation system and best ensures it delivers the intended outcomes across industry.

Poor data and poor data collection should not be given as an excuse for poor results from producers. Commercial tools are available and are cost effective solutions to high quality, granular data. It also means producers are more in control of their costs as opposed to making high or low estimates.

36 Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling?

Neither agree nor disagree

If you disagree, please provide the reason for your response.:

RMAS members broadly agree Government's proposed approach but, it may be preferential to instead mandate a single labelling scheme (Option 2) to further reduce consumer confusion. Simplified labelling helps non-UK based packaging producers overseas whose packaging will be placed on the UK market. Keep it simple.

It will be difficult to ensure that direct imports to consumers through on-line services may be hard to manage and regulate.

If option 1 is taken forward then it should fall within the remit of an industry led scheme administrator.

37 Do you agree or disagree with the proposal that all producers could be required to use the same 'do not recycle' label?

Neither agree nor disagree

If you disagree, please provide the reason for your response.:

38 Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements?

Unsure

If you answered 'no' please provide the reason for your response.:

39 Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses?

Neither agree nor disagree

If you disagree, please provide the reason for your response.:

40 Do you think it would be useful to have enhancements on labels, such as including 'in the UK' and making them digitally enabled?

Unsure

If you answered 'yes', please state what enhancements would be useful.:

41 Do you agree or disagree that local authorities across the UK who do not currently collect plastic films in their collection services should adopt the collection of this material no later than end of financial year 2026/27?

Agree

If you disagree, please provide the reason for your response and/or what date you consider local authorities could collect films and flexibles from. Please share any evidence to support your views. :

We believe that wherever possible this should be done sooner as long as it does not adversely impact the quality of recycling.

42 Do you agree or disagree that collections of plastic films and flexibles from business premises across the UK could be achieved by end of financial year 2024/5?

Agree

If you disagree, please provide the reason for your response and/or what date you consider this could be achieved by. Please share any evidence to support your views. :

We follow the same principle as above and often commercial, industrial and retail outlets will be able to separate, aggregate and prepare items more easily and in larger, cleaner volumes.

43 Do you agree or disagree that there should be an exemption from the 'do not recycle' label for biodegradable/compostable packaging that is filled and consumed (and collected and taken to composting/anaerobic digestion facilities that accept it), in closed loop situations where reuse or recycling options are unavailable?

Agree

Please provide the reason for your response.:

RMA believe that the vast majority of biodegradable/compostable packaging is picked out at front end depackaging units and classed as none recyclable packaging. There obviously are situations where singulated streams are able to be introduced to AD plants and IVC centres in full knowledge that the whole load is contaminant free and suitable for the plant but this is not the "common" situation. It does give a perceived problem as the UK Plastic Pact contains targets for compostable and biodegradable packaging.

Moving from this stance could confuse consumers further.

44 Do you consider that any unintended consequences may arise as a result of the proposed approach to modulated fees for compostable and biodegradable plastic packaging?

Unsure

If you answered 'yes', please detail what you think these unintended consequences could be and provide any suggestions for how they may be avoided.:

Payments for managing packaging waste: necessary costs

45 Do you agree or disagree with the proposed definition and scope of necessary costs?

Neither agree nor disagree

If you disagree, please detail why and provide any costs you think should be included under the definition of necessary costs.:

There is a balance to be struck between setting parameters for efficient and effective systems without overfunding or underfunding the system.

There are benefits to assigning cost of waste management operations and other activities to producers, it makes sense to include them within the scope of 'necessary' costs. This includes, for example, full net costs for recycling, consumer communications around recycling, some communication in respect of litter prevention and modulated fees.

We must be careful not to overburden business with costs which are harder to argue as being environmentally beneficial or just to add to producer bills when there is no clear "100%" link between the producer and the impact.

For example:

1) It does seem logical to completely assign litter costs to producers. What they can do to prevent litter is limited. They can encourage right activity through campaigns, messaging and labels. They can change designs and pay for enforcement of the regulations, but ultimately producers are not responsible for littering. As a result, we firmly believe the transference of costs in respect of litter should be shared between producers, enforcement authorities and other stakeholders.

2) The rationale for the transference of costs for business waste packaging management, particularly commercial & industrial (C&I) waste is challenging as these costs are currently not met by the public funding and are instead funded by businesses. The waste management operations currently handling the C&I stream are already efficiently managed, to the extent that C&I is frequently a value producing waste stream.

The proposals in the business waste options could well favour larger national companies and not SMEs or regional collectors. We feel this is the case when large corporate bodies direct and manage the delivery of DRS in Scotland and this favours the national and multinational bodies and not the existing SME infrastructure.

RMAS members think there is more value and opportunities apparent in boosting the performance of household-like packaging waste management through the transference of cost to producers. In respect of business packaging waste, we think the focus should be on reforms to target necessary costs payable by producers on improving existing recycling collections from smaller business waste producers whose waste is more likely to include household-like packaging and smaller quantities of C&I packaging arising in smaller quantities with more costly logistics (e.g. high street stores, hospitality). The system for dealing for C&I packaging from larger waste producers could then be largely left to existing arrangements to manage.

We would also like to note that the estimated costs of communications to both households and businesses (roughly £750,000) appears low in comparison to previous Government and industry estimates. We believe raising the budget for communications directed at this sector would give greater benefits in respect of recycling performance and reduced littering.

Payments for managing packaging waste from households

46 Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks?

Neither agree nor disagree

If you disagree, please detail any issues you think there are with this approach and how you think payments should instead be calculated.:

RMAS generally supports and believes in the proposed approach detailed to deliver cost-effective, efficient systems and represent good value for money for those obligated businesses. We also believe that good practice should be supported.

The difficulty is ensuring that don't simply receive a bonus payment and the costs move beyond "full net cost" to "full net cost plus". All performance bonuses should be challenging, measured and delivered well and that they can be clearly evidenced.

We also feel that some local authorities should not be left open to underpayment.

This system requires continuous improvement, rigour and audit. Underperformance should be supported by a capped fund for a limited period of time to help those underperforming but they must be held to task in terms of delivering real change.

47 Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net off an average price per tonne for each material collected?

Disagree

If you disagree, please detail how material value should be netted-off a local authority's payment.:

RMAS believe that the calculation agreed should net off the price for the material collected, and the net off should be based on a commonly agreed, centrally determined assessment of the net costs of recycling.

However, we believe the cost netted off should not be a single centrally-determined figure that applies to all local authorities. Instead, local determinants of costs and benchmarks that account for differing geographical circumstances (which can determine costs, for example distance to reprocessors) should be adopted. This determination should be the role of the scheme administrator.

All calculations should be based on actual market data and robust evidence which should be published and made available for scrutiny by producers and others seeking efficient and effective systems improvements.

48 Do you agree or disagree that the Scheme Administrator should have the ability to apply incentive adjustments to local authority payments to drive performance and quality in the system?

Neither agree nor disagree

If you disagree, please detail why you think the ability to apply an incentive adjustment should not apply.:

On the on the evidence of real and beneficial performance delivery against robust targets.

49 Do you agree or disagree that local authorities should be given reasonable time and support to move to efficient and effective systems and improve their performance before incentive adjustments to payments are applied?

Disagree

If you disagree, please provide the reason for your response.:

It should be from Day 1

50 Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance?

Yes

Please provide the reason for your response.:

51 Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks?

Not Answered

If you disagree, please detail why you think incentive adjustments should not be applied to encourage local authorities to exceed their recycling performance benchmarks.:

52 Do you agree or disagree that unallocated payments should be used to help local authorities meet their recycling performance benchmarks, and contribute to Extended Producer Responsibility outcomes through wider investment and innovation, where it provides value for money?

Not Answered

If you disagree, please detail how you think any unallocated payments to local authorities should be used.:

53 Do you agree or disagree that residual payments should be calculated using modelled costs of efficient and effective systems based on the average composition of packaging waste within the residual stream?

Not Answered

If you disagree, please detail how you think residual waste payments should instead be calculated.:

54 Do you agree or disagree that a disposal authority within a two-tier authority area (England only) should receive the disposal element of the residual waste payment directly?

Not Answered

Payments for managing packaging waste from businesses

55 Do you agree or disagree that there remains a strong rationale for making producers responsible for the costs of managing packaging waste produced by businesses?

Disagree

If you disagree, please provide the reason for your response.:

RMA's members understand the reasoning behind investigating this approach but think that the approach is unreasonable. We believe it gives producers no opportunity to intervene or manage costs and that it favours larger national waste management operators.

We believe that a system utilising the skills and experience of a smaller number of more highly regulated compliance schemes operating within an enhanced version of the existing system would allow for more choice, more productive partnerships and opportunities to create greater efficiencies and a local level.

Larger businesses also benefit from being able to motivate and direct staff to separate and manage packaging streams in such a way as they can move the material on for recycling. As such they can gain evidence of that recycling and then use this to offset their compliance bills through their own actions and arrangements.

They can do this by delivering evidence to schemes.

56 Do you agree or disagree that all commercial and industrial packaging should be in scope of the producer payment requirements except where a producer has the necessary evidence that they have paid for its management directly?

Disagree

If you disagree, please provide the reason for your response.:

As per our response above - we believe the rationale for transferring the cost of managing business packaging waste to producers, particularly C&I waste, is not strong. In our view, the business waste stream already has well established and highly effective systems in place to bulk collect and recycle packaging waste, which in many cases has a value and does not involve any cost to the public purse of local authorities.

We think a mechanism enabling C&I waste producers to contract and gain evidence of recycling could then be used to offset their obligations. This opportunity should be open to both retail brands and brands - at the moment it appears to be just retail brands. This should only be allowed using reprocessor evidence and duty of care and waste transfer notes. Greater data security would be required to ensure that only legitimate operators could support this area but could be a way of driving illegal operators from the market.

57 Which approach do you believe is most suited to deliver the outcomes being sought below?

Do not know enough to provide a view

58 Do you disagree strongly with any of the options listed in the previous question?

Yes

If you answered 'yes', please explain which and provide your reason.:

None of the above proposed systems meet the needs of producers and some options would damage the SME resource and waste management sector. A single methodology and system for the whole of the UK removes choice, removes competition and does nothing to improve services to customers.

A free bin approach simply invites contamination and an abdication of producer responsibility for waste producers.

Zoning feels as close to a anti competitive option as system could offer.

We believe that a compliance schemes led rebate is the best way forward.

59 Do you think there will be any issues with not having either Packaging Recovery Notes/Packaging Export Recovery Notes or the business payment mechanism (and as a result recycling targets) in place for a short period of time?

Unsure

If you answered 'yes', please detail what issues you think there will be.:

Payments for managing packaging waste: data and reporting requirements

60 Do you agree or disagree with the proposal to introduce a sampling regime for packaging as an amendment to the MF Regulations in England, Wales and Scotland and incorporation into new or existing regulations in Northern Ireland?

Agree

If you disagree, please detail why you think the proposed sampling regime for packaging waste should not be incorporated as an amendment to MF Regulations in England, Wales and Scotland and incorporated into new or existing regulations in Northern Ireland.:

61 Do you agree or disagree with the proposal to require all First Points of Consolidation to be responsible for sampling and reporting in accordance with a new packaging waste sampling and reporting regime?

Agree

If you disagree, please detail who you think should be required to meet the packaging sampling and reporting regime for Extended Producer Responsibility purposes.:

62 Do you agree or disagree that the existing MF Regulations' de-minimis threshold of facilities that receive 1000 tonnes or more per annum of mixed waste material would need to be removed or changed to capture all First Points of Consolidation?

Neither agree nor disagree

If you disagree, please detail why you think a de-minimis threshold is required.:

63 Do you think the following list of materials and packaging formats should form the basis for a manual sampling protocol?

Unsure

If you answered 'no', what other materials, format categories or level of separation should be included as part of the manual sampling protocol?:

64 Do you think it is feasible to implement more rigorous sampling arrangements within 6-12 months of the regulations being in place?

Unsure

If you answered 'no', please provide the reason for your response and detail what should be considered in determining an appropriate implementation period. :

65 Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime?

Unsure

If you answered 'no', please detail why you think it should not be considered as a medium to long-term method of sampling.:

66 Do you think existing packaging proportion protocols used by reprocessors would provide a robust and proportionate system to estimate the packaging content of source segregated materials?

Yes, with refinement

If you answered 'no', please detail why you think these would not be suitable to use to determine the packaging content in source segregated material.:

67 Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility?

Agree

If you disagree, please provide the reason for your response.:

68 Do you agree or disagree that material facilities that undertake sorting prior to sending the material to a reprocessor or exporter should have to meet those minimum standards in addition to just assessing and reporting against them?

Agree

If you disagree, please provide the reason for your response.:

69 Do you think any existing industry grades and standards could be used as minimal output material quality standards?

Yes

If you answered 'yes' please provide evidence of standards you think would be suitable for use as minimal output material standards.:

Payments for managing packaging waste: reporting and payment cycles

70 Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis?

Not Answered

If you disagree, please provide the reason for your response and/or suggest any alternative proposals.:

71 Do you agree or disagree that household and business packaging waste management payments should be based on previous year's data?

Not Answered

If you disagree, please provide any concerns you have with the proposed approach and/or any alternative proposals.:

Litter payments

72 Do you agree or disagree that the costs of litter management should be borne by the producers of commonly littered items based on their prevalence in the litter waste stream as determined by a composition analysis which is described in option 2?

Neither agree nor disagree

If you disagree, please provide the reason for your response and/or provide an alternative approach to litter management costs being based on a commonly littered basis.:

Our preferred approach is option 2. Much more work needs to be done to find a fair and accurate way to apportion costs. A much more robust system for assessing litter, litter content and responsibility is needed in general throughout the UK.

73 In addition to local authorities, which of the following duty bodies do you agree should also receive full net cost payments for managing littered packaging? Please select all that apply.

None of the above

If you selected 'Any other(s)' - please specify here.:

It is important that landowners, roads contractors, waterways authority and others needed to ensure that they had originally costed the prevention and collection of litter from their land. This has been missing in contracts for many years and as a result a problem. It does not feel right the whole cost of litter collection, infrastructure and disposal be placed onto the shoulders of the producers alone. Surely consumers take some responsibility.

More work should be done to remove illegal operators from the waste management sector by using new technology and data systems as well as reporting requirements. For example linking WTNs and DVLA data.

74 Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land?

Disagree

If you disagree, please provide the reason for your response.:

75 Do you agree or disagree that local authority litter payments should be linked to improved data reporting?

Not Answered

If you disagree, please detail why you think litter payments should not be linked to improved data reporting.:

76 Do you agree or disagree that payments should be linked to standards of local cleanliness over time?

Neither agree nor disagree

If you disagree, please provide the reason for your response.:

Litter cleanliness has sometimes been driven more by Councilor intervention, lack of infrastructure, events and proximity to schools and other high footfall areas and it would be wrong to link payments to standards of cleanliness when these are so poorly managed and addressed.

Scheme administration and governance

77 Do you agree or disagree that the functions relating to the management of producer obligations in respect of household packaging waste and litter including the distribution of payments to local authorities are managed by a single organisation?

Not Answered

78 Overall which governance and administrative option do you prefer?

Option 2

Please provide the reason for your response.:

Option 2 provides more choice and support for producers and the SME sector to work together to create cost efficiencies, drive effective partnerships and deliver quick and real opportunities for improvements.

Whilst we believe there are certain functions to be delivered by the producer responsibility system that are better suited to being managed on a UK-wide basis rather than through multiple compliance schemes, such as the setting of fees payable and dispersal of fees to bodies responsible for the management of waste packaging, however there are clear benefits of retaining elements of commercial competition in some areas of the producer responsibility system for packaging waste that extend beyond the commercial interest of compliance schemes to be retained within the system.

The likely loss of systems, knowledge, resources and expertise developed by compliance schemes means these would need to be re-established within a new central organisation. This is bound to increase the timescale required for implementation considerably.

There is also great risk in establishing a new central body at 100% scale suggested in option 1. There is a need for staff, systems for operations and finance, data

security, contracts, agreed methodologies and communications/ engagement responsibilities to be put in place. Compliance schemes operating at higher governance and entry level requirements can do this immediately.

A single national administrator appears to dilute the concept of producer responsibility, because the responsibility to meet recycling targets is taken on by the scheme administrator.

Administrator ensures that schemes/PROs approved to operate within the EPR system do so to higher standards than currently approved schemes do. Schemes working collaboratively with SMEs and reproducers offer choice to producers in respect of compliance service provider, incentivising competing providers to pursue efficiency gains.

Producers have access to personalised packaging compliance services at negotiable costs in conjunction with companies in the resource, recycling and waste sector.

There are certain tasks which fit a centralised body better – litter, communications, payment to LAs, agreement of methodologies with industry, fee modulation for example.

79 How do you think in-year cost uncertainty to producers could be managed?

A reserve fund

80 Under Option 1, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes?

Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.:

81 Under Option 2, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes?

Not Answered

If you answered 'no', please detail what you think would be an appropriate contract length.:

82 Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator?

Not Answered

If you disagree, please provide the reason for your response.:

83 If the Scheme Administrator is appointed in January 2023 as proposed, would it have sufficient time to mobilise in order to make payments to local authorities from October 2023?

No

If you answered 'no' please provide the reason for your response.:

The proposed implementation timetable is very challenging and will ultimately depend on minimal slippage of the process at any stage by Government, regulators, industry, and other key stakeholders.

The greater the rush to implement the greater the risk built into the delivery. The less time given to preparing and informing each stakeholder as to what will be required of them, the less chance of delivery and value for money.

Should the proposed phased implementation of EPR be taken forward, Government should take a leading role in providing more detailed guidance as early in the process as possible, outlining what liable businesses should do in advance of changes. This clarity will also afford industry crucial time to determine if packaging changes are required which would in turn provide them with an opportunity to mitigate the significant cost increases reform are expected to place on them through designing packaging for recyclability.

84 Do you agree or disagree with the approval criteria proposed for compliance schemes?

Agree

If you disagree, please provide the reason for your response.:

85 Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test?

Both

Please provide the reason for your response.:

86 Do you agree or disagree with the proposed reporting requirements for Option 1?

Not Answered

87 Do you agree or disagree with the proposed reporting requirements for Option 2?

Not Answered

Reprocessors and exporters

88 Do you agree or disagree with the proposal that all reprocessors and exporters handling packaging waste will be required to register with a regulator?

Agree

If you disagree, please provide the reason for your response and detail any exemptions to the registration requirement that should apply.:

89 Do you agree or disagree that all reprocessors and exporters should report on the quality and quantity, of packaging waste received?

Agree

90 What challenges would there be in reporting on the quality and quantity of packaging waste received at the point of reprocessing and/or export?

Please also provide specific detail on any processes, measures and/or costs that would be necessary to address these challenges.:

91 Do you think contractual arrangements between reprocessors and material facilities or with waste collectors and carriers are a suitable means for facilitating the apportionment and flow of recycling data back through the system to support Extended Producer Responsibility payment mechanisms, incentives and targets?

No

If you answered 'no', please provide the reason for your response and suggest any alternative proposals for using the quantity and quality data reported to support payments, incentives and targets.:

92 Do you agree or disagree that exporters should be required to provide evidence that exported waste has been received and processed by an overseas reprocessor?

Agree

If you disagree, please detail why you think exporters should not have to provide this evidence.:

93 Do you agree or disagree that only packaging waste that has achieved end of waste status should be able to be exported and count towards the achievement of recycling targets?

Agree

If you disagree, please detail why you think it would not be necessary for waste to meet end of waste status prior to export.:

94 Do you agree or disagree that there should be a mandatory requirement for exporters to submit fully completed Annex VII forms, contracts and other audit documentation as part of the supporting information when reporting on the export of packaging waste?

Agree

If you disagree, please detail why you think these additional registration requirements on exporters are not required.:

95 Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators?

Agree

If you disagree, please detail why you think it would not be necessary to undertake additional inspections and provide any alternative arrangements which could be implemented.:

Compliance and enforcement

96 Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system?

Agree

If you disagree, please detail any perceived problem or issues with the proposed regulation of the system and provide comments on how the system could be regulated more effectively.:

97 Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present?

Please answer here:

98 In principle, what are your views if the regulator fees and charges were used for enforcement?

Please answer here:

We think the enforcement role is essential.

99 Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed below, such as prosecution?

Please answer here:

We think the existing system should remain in place to allow for enforcement action which is proportional and appropriate and allows for the producer to have the chance for civil sanctions if sensible or a day in court if they wish.

We would also like to highlight the importance of data systems to support the whole management of data flows, producer identification and removal of illegal activity.

Implementation timeline

100 Do you agree or disagree with the activities that the Scheme Administrator would need to undertake in order to make initial payments to local authorities in 2023 (as described above under Phase 1)?

Not Answered

If you disagree, please provide the reason for your response.:

101 Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical?

Not Answered

If you answered 'no', please provide the reason for your response and detail any practical issues with the proposed approach.:

102 Do you prefer a phased approach to implementing Extended Producer Responsibility starting in 2023 with partial recovery of the costs of managing packaging waste from households or later implementation, which could enable full cost recovery for household packaging waste from the start?

Not Answered

Please provide the reason for your response.:

103 Of the options presented for reporting of packaging data for 2022 which do you prefer?

Not Answered

If you answered 'neither' please suggest an alternative approach.:

104 Are there other datasets required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023?

Not Answered

If you answered 'yes', please detail which datasets will be needed.: