

Consultation on Extended Producer Responsibility for Packaging

No.	Question	Proposed Response
	What is your name?	Oliver Burt
	What is your email address?	Oliver.burt@reading.gov.uk
	Which best describes you? Please provide the name of the organisation/business you represent and an approximate size/number of staff (where applicable).	Local Government (re3 is a partnership of three Unitary Authorities in Berkshire, Bracknell Forest, Reading and Wokingham Borough Councils)
	Would you like your response to be confidential?	No
	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?	Yes
	<u>4. What we want to achieve: packaging waste recycling targets</u>	
6	Do you agree or disagree with the proposed framework for setting packaging targets? a. Agree b. Disagree c. Neither agree nor disagree If you disagree, please provide the reason for your response.	Agree
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? a. Agree b. Disagree c. Neither agree nor disagree If you disagree, please provide the reason for your response.	Agree
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? a. Agree b. Disagree c. Neither agree nor disagree If you disagree, please provide the reason for your response.	Neither agree nor disagree (We do not support the immediate introduction of the DRS elements of the wider legislative package and therefore wish to make no logically contradictory submissions in relation to targets)

<p>9</p>	<p>Do you agree or disagree with the proposed minimum target to be met by 2030 for glass set out in table 3?</p> <p>a. Agree b. Disagree c. Neither agree nor disagree</p> <p>If you disagree, please provide the reason for your response.</p>	<p>Neither agree nor disagree</p> <p>(We do not support the immediate introduction of the DRS elements of the wider legislative package and therefore wish to make no logically contradictory submissions in relation to targets)</p>
<p>10</p>	<p>What should the glass re-melt target for 2030 for non-bottle packaging be set at?</p>	<p>We do not feel qualified to comment on the precise target. It should take into account factors such as the structural integrity of packaging, product safety and the availability of secondary cullet. However, if levels above the current 2021/22 target of 72% are practically possible, a higher target should be set.</p>
<p>11</p>	<p>Do you agree or disagree with the proposed minimum target to be met by 2030 for plastic set out in table 3?</p> <p>a. Agree b. Disagree c. Neither agree nor disagree</p> <p>If you disagree, please provide the reason for your response.</p>	<p>Neither agree nor disagree</p> <p>(We do not support the immediate introduction of the DRS elements of the wider legislative package and therefore wish to make no logically contradictory submissions in relation to targets)</p>
<p>12</p>	<p>Do you think a higher recycling target should be set for wood in 2030 than the minimum rate shown in Table 3?</p> <p>a. Yes b. No c. Unsure</p> <p>Please provide the reason for your response.</p>	<p>Unsure.</p> <p>We do not feel qualified to comment on the precise target. High/er levels of wood recycling are potentially possible dependent on the approach taken by the EA to reviews into wood recycling and the separation of different types of wood.</p>
<p>13</p>	<p>Q13. 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?</p> <p>a. Yes b. No c. Unsure</p> <p>Please provide the reason for your response.</p>	<p>Yes.</p>
<p>14</p>	<p>Do you agree or disagree with the proposed minimum target to be met by 2030 for steel set out in table 3?</p> <p>a. Agree b. Disagree c. Neither agree nor disagree</p> <p>If you disagree, please provide the reason for your response.</p>	<p>Neither agree nor disagree</p> <p>(We do not support the immediate introduction of the DRS elements of the wider legislative package and therefore wish to make no logically contradictory submissions in relation to targets)</p>
<p>15</p>	<p>Do you agree or disagree with the proposed minimum target to be met by 2030 for paper/card set out in table 3?</p> <p>a. Agree b. Disagree c. Neither agree nor disagree</p>	<p>Agree</p>

	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?	Agree
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? a. Agree b. Disagree c. Neither agree nor disagree Please provide the reason for your response.	Agree (The case for closed-loop targets can and should be established now. The level of targets could, as discussed, be reviewed in consideration of the impact of EPR.)
18	Please indicate other packaging material that may benefit from closed loop targets	Metal and/or glass packaging
	<u>5. Producer obligations for full net cost payments and reporting</u>	
19	Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme? a. Agree b. Disagree c. Neither agree nor disagree	Agree
20	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)?	No view
21	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?	Option 3 (This is Government's preference and is designed to reduce burdensome admin for smaller producers)
22	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?	Unsure
23	Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging?	No (We consider there to be a risk of double counting from online market places)
24	Do you foresee any issues with Online Marketplaces not being obligated for packaging sold through their platforms by UK-based businesses?	No
25	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)?	Yes (Timelines are already very challenging and could only realistically be met with greater resource being devoted.)
26	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)?	Unsure
27	Do you agree or disagree that the Allocation Method should be removed?	Agree

		(Actual obligation not allocated obligation is appropriate)
	<u>Producer obligations: disposable cups takeback</u>	
28	Do you agree or disagree that a mandatory, producer-led takeback obligation should be placed on sellers of filled disposable paper cups?	Agree
29	Do you agree or disagree with the proposed phased approach to introducing any 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?	Agree
	7. Modulated Fees & Labelling	
30	Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established?	Yes
31	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 action that might be undertaken by the regulators.	Disagree (It should be clear at the outset, that a higher fee (sufficient to discourage failures in self-assessment) will be levied in applicable cases)
32	Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling?	Disagree Ease of compliance by consumers should be fundamental to the package of measures. That should be Government's principal aim, even if this is at the risk of losing some ease for producers.
33	Do you agree or disagree with the proposal that all producers could be required to use the same 'do not recycle' label?	Agree
34	Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements?	Yes (However we should recognise that as new labelling is phased-in, consumers will begin to expect that the information on the label is correct and that the recyclability of packaging will be matched by services)
35	Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses?	Agree
36	Do you think it would be useful to have enhancements on labels, such as including 'in the UK' and making them digitally enabled?	Yes. Purposeful information and functionality should be encouraged.
37	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 the end of financial year 2026/27?	Disagree (1) The collection of waste is not a problem and could

		<p>be arranged, with relative ease by the 2026/27. However, there is little value in collecting material which (as currently) would be considered a contaminant by reprocessors.</p> <p>(2) There are likely contractual issues for some LAs around the processing of material for which no sustainable markets currently exist. These must not be left for councils to resolve alone, given the imposition of new operating conditions and the likely reductions in funding that will ensue from this package of legislation.</p> <p>If the secure capacity for recycling film is established by 2026/27 and the contractual issues were satisfactorily resolved, then the answer to this question would be 'Agree'.</p>
38	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?	<p>Neither Agree nor Disagree</p> <p>(Co-collection with household waste would seem sensible and also still need to ensure that reprocessing capacity exists)</p>
39	Do you think 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 situations where reuse or recycling options are unavailable?	<p>Disagree</p> <p>(This material does not currently seem compatible with closed-loop and circular economy principles)</p>
40	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?	<p>Unsure</p>
	<h2>8. Payments for managing packaging waste</h2>	
41	Do you agree or disagree with the proposed definition and scope of necessary costs?	<p>Agree</p>
42	Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks?	<p>Agree</p> <p>(Though we do not agree that the Scheme Administrator should be able to change how payments are calculated without reasonable and meaningful checks and balances (evidence and a genuinely</p>

		balanced, representative and consultative approach).
43	Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net of an average price per tonne for each material collected?	<p>Disagree.</p> <p>At present many LAs are adequately funded to collect waste and are also able to keep (at least a share of) the revenue from material sales. The proposed system effectively discounts the sales of material from the cost of collection. It is a clear reduction in funding compared with current conditions. Furthermore, long-term (WDA) contracts often have revenue-sharing commitments in them which may put the LA at risk of contract breach if material values are removed in this way.</p> <p>Material values should be retained in full by the LA, at least until a fair transition and any contractual issues are resolved fairly for LAs.</p>
44	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?	<p>Disagree</p> <p>It remains possible that the Scheme Administrator will simply be an extension of the producers, who are incentivised to reduce costs to them at every opportunity. As above (Q42), more assurance needs to be given over the equitability of the Scheme Administrator and a voice for LAs within it.</p>
45	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?	Agree
46	Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance?	Agree
47	Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks?	<p>Neither Agree nor Disagree</p> <p>(There's a danger that the Scheme Administrator, at the instruction of producers, will not itself be incentivised to equitably reward over-performance)</p>
48	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?	<p>Agree</p> <p>(How does Defra think there will be unallocated payments... unless comments at Q44 are founded and the Scheme Administrator will be</p>

		expected to bear-down on any and all payments to LAs by Producers)
49	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?	Disagree (The scheme should not use the average composition across the waste stream, that is too blunt an instrument. Analyses of composition must be done far more widely and used for accurate modelling of costs per area)
50	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?	Agree (For each higher-tier/UA)
51	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?	Agree
52	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?	Agree
53	Which approach do you believe is most suited to deliver the outcomes being sought in paragraph 8.84?	Option 1 (The per tonne approach is most closely aligned to the producer pays principle and, likely actual costs)
54	Do you disagree strongly with any of the approaches above?	Yes (Option 3 is concerning from the perspective of likely actual practice. Contamination of the free bin is likely)
55	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
56	Do you agree or disagree with the proposal to introduce a sampling regime for packaging waste as an amendment to the MF Regulations in England, Wales and Scotland and incorporation into new or existing regulations in Northern Ireland?	Agree (This requirement exists already, building on that seems sound)
57	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 (Contamination can most accurately be tracked at the 'First Point')
58	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?	Agree
59	Do you think the above list of materials and packaging formats should form the basis for a manual sampling protocol?	Unsure
60	Do you think it is feasible to implement more rigorous sampling arrangements, as suggested above, within 6-12 months of the regulations being in place?	Unsure

61	Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime?	Agree (This is already being used in some MRFs and could supplement manual sampling. Care needs to be taken that it does not wholly replace manual sampling until it can do as good a job.)
62	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?	Unsure
63	Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility?	Disagree (The Market already applies this via prices/acceptance. The supply chain does not need another layer of administration added to MRF operators or LAs who fund them)
64	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?	Disagree (What would be the point? The market either accepts the material or doesn't – which is already the case)
65	Do you think any existing industry grades and standards could be used as minimum output material quality standards?	Unsure (Again, what would this add to the system which is purposeful and worth measuring?)
66	Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis?	Agree
67	Do you agree or disagree that household and business packaging waste management payments should be based on previous year's data?	Disagree (The gap is too long and would make actual performance harder to align with service activity)
9. Litter payments		
68	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?	Agree
69	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? Selecting multiple options is allowed.	<input type="checkbox"/> Other duty bodies <input checked="" type="checkbox"/> Litter authorities <input checked="" type="checkbox"/> Statutory undertakers <input type="checkbox"/> None of the above <input checked="" type="checkbox"/> Any other(s) - please specify* *Volunteer Sector, and any other organisations that incur costs from litter.
70	Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land?	Agree

71	Do you agree or disagree that local authority litter payments should be linked to improved data reporting?	<p>Agree</p> <p>(This should be factored-in to the EPR payment received for litter)</p>
72	Do you agree or disagree that payments should be linked to standards of local cleanliness over time?	<p>Disagree</p> <p>(Litter and Cleanliness is a local issue, part of the relationship between the council and local residents (and what they respectively consider to be appropriate))</p>
10. Scheme Administration and Governance		
73	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?	<p>Agree</p> <p>(The independence of the Scheme Administrator must be paramount and Government must retain a key role. LAs must have a meaningful and proportionate role in any governance, reflecting not just its role in the supply chain but also the views of residents (as opposed to just ‘consumers’). The above LA role must be given effect before any procurement commences so an LA voice is present from commencement in 2021 and must remain throughout.</p>
74	Overall which governance and administrative option do you prefer?	<p>Option 1</p> <p>(Compliance Schemes have been shown to increase costs (e.g. WEEE) and don’t obviously offer any benefit in this case)</p>
75	How do you think in-year cost uncertainty to producers could be managed?	<p><input checked="" type="checkbox"/> A reserve fund</p> <p><input type="checkbox"/> In-year adjustment to fees</p> <p><input type="checkbox"/> Giving individual producers flexibility to choose between options 1) and 2)</p> <p><input type="checkbox"/> No preference</p> <p><input type="checkbox"/> Need more information to decide</p> <p>(Whilst supportive of this idea, we note that potential fluctuations in payments to LAs are not considered with anything like as much concern. This is important because LAs provide a suite of important local services the budget/s for which which, under the terms described herein, may</p>

		be impacted by the Producers applying pressure to the Scheme Administrator and any subsequent change in calculation methodology)
76	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?	Yes.
77	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?	Yes.
78	Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator?	Neither Agree nor Disagree (The timeline for the appointment of a Scheme Administrator is an ambitious one)
79	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?	Unsure
80	Do you agree or disagree with the approval criteria proposed for compliance schemes?	Agree
81	Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test?	<input type="checkbox"/> A Compliance Scheme Code of Practice <input type="checkbox"/> A 'fit and proper person' test for operators of compliance schemes <input checked="" type="checkbox"/> Both <input type="checkbox"/> Neither <input type="checkbox"/> Unsure
82	Do you agree or disagree with the proposed reporting requirements for Option 1?	Agree
83	Do you agree or disagree with the proposed reporting requirements for Option 2?	Agree
	11. Reprocessors and Exporters	
84	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
85	Do you agree or disagree that all reprocessors and exporters should report on quality and quantity, of packaging waste received?	Agree
86	What challenges would there be in reporting on the quality of packaging waste received at the point of reprocessing and/or export?	Reprocessors already sample input quality and, within the UK, this could likely be built-upon to the standard required. For exports, that would be more difficult as the reprocessors would not be required to comply with UK law. Here again though, it might be worth considering whether

		additional requirements are needed, above those already existing in the market.
87	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?	Yes
88	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 (Exporters/Brokers must play the definitive (and often a greater) role in ensuring assurance of end destinations. This is something that can only really be achieved by the UK Government and this legislative package is a great opportunity)
89	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 (Example: If PET bottles are cleaned and flaked and the flakes are exported that could satisfy the conditions here... though 'end of waste' might still need to be redefined in order to achieve that, as the 'product' could still be assessed as being waste)
90	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
91	Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators?	Agree (Reprocessors will need to comply with all auditors, 3rd party or otherwise. We have considerable experience of this and it is sometimes quite hard to get reprocessors to support visits and/or provide meaningful information on process outcomes)
	12. Compliance and enforcement	
92	Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system?	Agree
93	Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present?	No further suggestions
94	In principle, what are your views if the regulator fees and charges were used for enforcement?	Agreement
95	Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed in 12.26, such as prosecution?	Agree (With prosecution reserved for serious and/or repeated non-compliance)

	13. Digital Design (no questions)	
	14. Implementation timeline	
96	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)?	Neither Agree nor Disagree (we cannot say whether other
97	Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical?	Yes (The schedule is incredibly tight. While we recognise there is urgency in drafting, consulting and finalising these plans, the Environment Bill could help the delivery phase by building-in some further time. The reprocessors, facilities and markets, that do not currently exist to the required scale and scope, would all benefit)
98	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?	<input checked="" type="checkbox"/> Phased approach starting in 2023 <input type="checkbox"/> Later implementation <input type="checkbox"/> Unsure
99	Of the options presented for reporting of packaging data for 2022 which do you prefer?	Option 2 (Would give a better view over packaging as a whole)
100	Are there other data required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023?	Unsure
Annexes		
101	Which of the definitions listed above most accurately defines reusable packaging and could be applied to possible future reuse/refill targets or obligations in regulations.	<input type="checkbox"/> Definition in The Packaging (Essential Requirements) 2015 <input type="checkbox"/> Definition in The Packaging and Packaging Waste Directive (PPWD) <input type="checkbox"/> Definition adopted by The UK Plastic Pact/The Ellen MacArthur Foundation <input checked="" type="checkbox"/> None of the above
102	Do you have any views on the above listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations?	These targets should align with the Waste Prevention Plan currently out for consultation.
103	Do you agree or disagree that the Scheme Administrator should proactively fund the development and commercialisation of reuse systems?	Agree
104	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?	Agree
