

Consultation on Extended Producer Responsibility for Packaging

June 2021

Environment Links UK (ELUK) brings together environment and animal protection organisations to advocate for the conservation and protection of wildlife, countryside and the marine environment. The network comprises the combined memberships of Wildlife and Countryside Link, Scottish Environment LINK, Wales Environment Link and Northern Ireland Environment Link. Taken together, Environment Links UK members have the support of over eight million people in the UK. This response is supported by the following ELUK member organisations:

- British Mountaineering Council
- CPRE, the countryside charity
- Environmental Investigation Agency
- Friends of the Earth (England)
- Friends of the Earth (Scotland)
- Froglife Trust (Scotland)
- Greenpeace UK
- Keep Britain Tidy
- Keep Scotland Beautiful
- Marine Conservation Society
- Surfers Against Sewage
- Whale and Dolphin Conservation
- WWF-UK
- Zoological Society of London

Environment Links UK is working in partnership with:

- Reloop

EXECUTIVE SUMMARY

Since the UK Government's first round of packaging waste reform consultations in 2019, the world has experienced huge upheaval as result of the Covid-19 pandemic. Many of us have gained a greater understanding and appreciation of the natural world on our doorsteps, with a related awareness of the blight inflicted by litter. Indeed, there is evidence that this last year has seen unprecedented levels of litter.¹

¹ <https://www.keepbritaintidy.org/news/new-campaign-launched-face-littering-epidemic-parks>

The Government's Extended Producer Responsibility (EPR) reforms offer a meaningful chance to tackle the root causes of our environmental problems, fully adopting the "polluter pays" principle and shifting the costs of pollution onto those who profit from placing large amounts of packaging on the market. We will judge the success of these policies on how effectively they drive a system focused on packaging waste prevention, with a wholesale transition to re-usable alternatives and closed-loop recycling.

The environment sector welcomes the long overdue and timely attention to resources; the UN has reported that resource extraction and processing causes 90% of global biodiversity loss and water stress, as well as 50% of overall carbon emissions.² This is an important opportunity to address the shortcomings of a packaging system regarded as inefficient at best and broken at worst. We welcome that the Government recognises that a major overhaul is needed and plans to properly embed concepts such as the polluter pays principle and extended producer responsibility in UK packaging legislation.

At the same time, we believe improvements are still needed. It remains unclear how the intentions around waste minimisation and resource efficiency in the Resources and Waste strategy will translate into action on the ground. Questions remain about whether the consultations' proposals will add up to a coherent, sustainable system.

In examining this consultation we have identified several important shortcomings. These are:

- **Reduction is too often ignored:** We cannot recycle our way out of the current packaging crisis, which requires a reduction-led strategy to phase out all non-essential, single-use packaging and a transition to a refillable, reusable society. We believe the Government must do much more to first prevent waste generation and reduce harm, as dictated by the waste hierarchy. An obvious place to start would be to set legally binding reduction targets. Reduction can easily be incentivised through the modulated fee structure - the less you use the less you pay - and there also needs to be a concerted effort to incentivise reuse.
- **The proposals on reusable and refillable packaging lack detail:** While we welcome the inclusion of a section on reusable and refillable packaging, it is notable that this is included in the annex. There is huge potential to use EPR funds to deliver a transformation of our packaging systems. Following the lead of France, the Government should consider how the Scheme Administrator could devote a proportion of EPR funds towards supporting reusable packaging schemes in sectors such as home deliveries or take-aways.
- **Recycling targets for many materials are not sufficiently ambitious:** The proposed recycling rates for packaging in scope of EPR remain unambitious. For example, the target is for only 56% of in-scope plastic packaging to be recycled by 2030.
- **The Government cannot continue to drag its heels on phasing out single-use cups and facilitating a transition towards reusable cups.** The introduction of a "latte levy" could signal the Government's intentions towards this. However, this will require an extension of powers in the Environment Bill to charge for single-use items of all materials, not just plastics.
- **It is not just about plastic:** All materials have environmental consequences and we need to revolutionise the packaging system as a whole rather than focusing on substituting one single-use material for another. We believe, for example, that the Environment Bill's

² UN International Resource Panel, 2019, Global resources outlook 2019: natural resources for the future we want

proposed charge on single use plastic, rather than all materials, could lead to perverse shifts to avoid the tax, with negative environmental consequences.

- **The success of EPR depends on delivery of all proposed waste reforms:** If EPR is to succeed in tackling the impacts of the packaging value chain, including waste, and in driving recycling rates, it must be delivered alongside DRS and consistent collections of household waste reforms. Delays to DRS, in particular, and continuing questions over whether it will be delivered as a comprehensive 'all-in' system, undermine the Government's credibility in this area.
- **The Government must deliver the next stages of EPR as soon as possible:** EPR for packaging must be delivered by 2023 and EPR must be introduced as soon as is practicable for other resource intensive sectors such as textiles and construction.

Finally, we welcome that EPR is being taken forward on a four-nation basis, but each nation's overall approach to tackling packaging pollution may well be disrupted by the implications of the Internal Market Act, at least for Wales and Northern Ireland, where less of this area is devolved. We hope that the issues can be settled between the four Governments' Ministers. We want to ensure there is a broad unified approach across the UK to make it simple for both businesses and citizens to navigate. However, nations must be able to raise the bar on their environmental policies and try out new mechanisms, and the Welsh Government has suggested the Internal Market Act may hinder this innovation.³

Detailed Response

About you

1. What is your name?

Environment Links UK (ELUK): Wildlife and Countryside Link, Scottish Environment LINK, Wales Environment Link and Northern Ireland Environment Link

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

Please tick one option. If multiple categories apply, please choose the one which best describes the organisation you are representing in your response.

- Academic or research
- Business representative organisation/trade body
- Charity or social enterprise
- Community group
- Consultancy
- Distributor
- Individual
- Local government
- Non-governmental organisation

³ <https://record.assembly.wales/Plenary/6563>

- Product designer/manufacturer/pack filler
- Packaging designer/manufacturer/converter
- Operator/reprocessor
- Exporter
- Retailer including Online Marketplace
- Waste management company
- Other

If you answered 'other', please provide details

The ELUK network comprises the combined memberships of Wildlife and Countryside Link, Scottish Environment LINK, Wales Environment Link and Northern Ireland Environment Link

4. Would you like your response to be confidential?

No

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?

Yes

[What we want to achieve: packaging waste recycling targets](#)

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

- Agree
- Disagree
- Neither agree nor disagree

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

We support establishing a clear framework for packaging recycling targets and the proposals outlined in the consultation provide the basis for these. However, consistent with our response to the 2019 consultation on Reforming the UK Packaging Producer Responsibility System,⁴ a focus on recycling alone will not tackle the systemic problem of over-consumption of single-use packaging. This requires a clear focus on reduction and waste prevention to meet the UK's ambitious climate change targets.

⁴<https://www.wcl.org.uk/docs/Environment%20Links%20UK%20response%20to%20Extended%20Producer%20Responsibility%20consultation.pdf>

We would expect to see the development of a target related to point one in the framework - 'That unnecessary packaging - packaging that is not required to protect a product or excess packaging - is avoided; this will help reduce packaging and packaging waste'. Although stated as an outcome, there is little to suggest this will be followed through - indeed estimates on the costs of managing packaging waste show an estimated marked increase in packaging over time.

Action at the recycling stage is too late into the life cycle of a product to deliver the kind of carbon savings that will be required to meet ambitious emissions reduction targets.⁵ For example, while single-use plastic packaging is sometimes heralded as a means of increasing shelf-life, growth in the application of plastic packaging has increased alongside growth in food waste, with a significant proportion of food thrown away still inside plastic packaging.⁶ It would be a missed opportunity if these EPR reforms do not reflect deep-reduction emission strategies.

This missed opportunity is also demonstrated by point 4 of the proposed framework - rather than pursue recycling of single-use cups, these reforms should support a transition to reuse where possible. In 2018, the Paper Cup Recovery and Recycling Group (PCRRG) launched a national coffee cup recycling scheme, setting a target of 8% recycling which, in itself, is unambitious. However, it missed this target, managing to collect and recycle only 6% of coffee cups placed on the market.⁷ This equates to 150 million cups which is a fraction of the 2.5 billion cups placed on the UK market each year. Additionally, PCRRG members are currently subsidising the recycling of coffee cups by paying a premium of £70 per tonne to waste collectors, in contrast to the paper PRN price of £17.95 (as of 15th May 2021).⁸ The recycling of coffee cups is neither impactful nor commercially sustainable and greater consideration should therefore be given to supporting prevention and reuse to align with the waste hierarchy.

Although point 6 of the framework demonstrates the Government's intention to introduce targets to incentivise the adoption of reuse and refill systems, the Government missed a useful opportunity to start this conversation in the first EPR consultation. And the 2025 implementation date for these targets equates to "kicking this issue into the long grass". The recently published consultation on England's Waste Prevention Programme sets out the Government's intentions to pursue reduction and reuse policies across a number of resource intensive sectors. However, the proposals lack concrete policy ideas to drive greater resource efficiency and prevent waste. Furthermore, explicit incentives to promote reuse and refill through the EPR scheme would support the proposed Environment Bill target of increasing resource efficiency and reducing residual waste for Resources and Waste.

A further caveat of the singular policy focus on recycling is the lack of consideration for impacts throughout material supply chains. Point 5 of the framework attempts to address this by proposing the introduction of "closed loop" recycling targets, whereby the use of recycled materials will displace demand for virgin materials and therefore reduce the impacts during extraction and processing of materials. While we welcome the retention of the glass re-melt target,

⁵ <https://www.ciwem.org/assets/pdf/Policy/Policy%20Position%20Statement/Waste-Management-and-Climate-Change.pdf>

⁶ Friends of the Earth Europe, 2018. Unwrapped: How throwaway plastic is failing to solve Europe's Food Waste Problem. Available at: http://www.foeeurope.org/sites/default/files/materials_and_waste/2018/unwrapped_-_throwaway_plastic_failing_to_solve_europes_food_waste_problem.pdf

⁷ <https://www.foodservicefootprint.com/disposable-cup-recycling-group-misses-8-target/>

⁸ <https://www.packagingnews.co.uk/news/environment/prn-pricewatch/prn-pricewatch-week-ending-14-may-2021-24-05-2021>

2025 is not soon enough to establish targets for other materials. At the very least, establishing a roadmap to achieve this ambition will be a useful signal to industry when exploring what investments to make. Many businesses are already pursuing their own initiatives to achieve closed loop recycling⁹ and the Government should match their ambition by requiring this approach sooner rather than later.

However, there is also a risk of perverse consequences when pushing closed loop recycling and this must not lead to worse environmental outcomes. For example, although recycling glass has positives - when one tonne of glass is recycled, about 580kg CO₂ is saved throughout the supply chain, air pollution is reduced by 20% and water pollution cut by 50%¹⁰ - it still requires an enormous amount of energy to recycle. There is also a growing concern that emerging technologies such as chemical recycling require too much energy which may negate its benefit.¹¹ Reducing the volume of materials we use and adopting greater reuse should be prioritised over recycling.

Another area for concern is around the accumulation of chemicals throughout recycling processes. The circular economy will only be successful in the long term if stakeholders – including the public – are confident in the quality of recycled material. PFAS chemicals - known as “forever chemicals” because they accumulate and linger in the environment and in wildlife, and can be harmful to human health - are still present, especially in fast-food packaging.¹²

All the above makes the case for a greater focus on incentivising a transition to reusable packaging systems and as a policy approach, EPR has the scope to accelerate this transition.

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?

- Agree
- Disagree
- Neither agree nor disagree

We support the existence of targets but we do not agree to the proposal to rollover the 2022 targets as this would stall progress in this area. The pandemic has been a challenging time for businesses and, while waste collection volumes have dropped off by as much as 35% during this time,¹³ this should not be an excuse for a softening of targets.

We also believe the consultation does not provide sufficient justification for this approach and it raises the question whether this proposal is related to the ambiguous phasing in of the suite of packaging waste reforms. Despite the current pandemic situation, the Government has still set a higher recycling rate target for businesses in 2021-2022, which we believe undermines the case for rolling over recycling rate targets from 2022 to 2023. And if the targets are rolled over, more

⁹ <https://www.letsrecycle.com/news/latest-news/unilever-signs-recycled-plastics-deal-with-valor/>

¹⁰ <https://www.recyclenow.com/recycling-knowledge/how-is-it-recycled/glass>

¹¹ <https://chemtrust.org/wp-content/uploads/Chemical-Recycling-Eunomia.pdf>

¹² <https://english.arnika.org/publications/throwaway-packaging-forever-chemicals-european-wide-survey-of-pfas-in-disposable-food-packaging-and-tableware>

¹³ <https://www.letsrecycle.com/news/latest-news/covid-19-hits-londons-commercial-waste-sector/>

ambitious targets than usual should be established for 2024 to play catch-up for the lack of progress in 2023.

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?

- Agree
- Disagree
- Neither agree nor disagree

We agree that the proposed targets should be higher as they are not sufficiently ambitious and these additional aluminium materials must be included as part of consistent collections. We must also seek to minimise material losses from the system - for example better capture of incinerator bottom ash (IBA), although with better collection and supporting infrastructure, less valuable materials will go to incineration. Green Alliance has outlined how in 2017, 26 per cent of the UK's aluminium recycling rate came from material recovered after incineration.¹⁴

The significance of recycled material usage to displace requirement for virgin materials is particularly relevant for aluminium, when considering the full life cycle impacts of the supply chain. In the case of aluminium this includes the impacts of mining for bauxite and the associated water stresses resulting from extraction and production.¹⁵ However, we want to stress that the focus on recycling should not distract from taking steps to reduce the amount of material used in the first place and accelerating a transition to reuse and refill systems. Furthermore, we would want to see a complete move away from incineration in the near future.

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

- Agree
- Disagree
- Neither agree nor disagree

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

We welcome the proposed target being higher than that of the PPWD, however we believe that the proposed minimum target should be even higher to drive even greater recycling ambition. And similar to aluminium, there are significant benefits to increasing recycled material usage to displace the use of virgin materials. Virgin material use for glass leads to high environmental impacts in the supply chain due to extraction and processing and targets should aim to drive glass recycling as high as possible, given the significant carbon savings outlined above.

However, any action on recycling should be underpinned with policies such as modulated fees and targets to drive glass packaging weight reduction and greater reuse systems, for which glass is a suitable material. For instance, there has been recent growth in the more traditional milk deliveries

¹⁴ https://green-alliance.org.uk/resources/Closing_the_loop.pdf

¹⁵ The UK's Packaging Materials Footprint Report - WWF and Eunomia - May 2021

by milkmen.¹⁶ The overall priority should be a reduction of resource use of glass given the environmental impact of transporting this heavier material.

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

A high remelt target is the fundamental to a successful closed loop approach to glass recycling, the benefits of which are mentioned above.

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

- Agree
- Disagree
- Neither agree nor disagree

We disagree because this target is disappointingly unambitious, especially given that it factors in business recycling rates which are higher than those from kerbside. Additionally, higher targets will likely drive more urgent activity to increase plastic recycling but this comes with a caveat - if there are no repercussions for missing them, they become meaningless.

The forecast exponential growth of plastic production and the damage of plastic pollution is well-known; without significant action, there may be more plastic than fish in the ocean, by weight, by 2050.¹⁷ Reuse would facilitate the removal of unnecessary plastics so that what remains is only that which is absolutely essential for the food system. Recovery and recycling of flexible plastic packaging, representing around a fifth of the consumer packaging market,¹⁸ remains the biggest challenge,

Given that beverage containers will be obligated under a DRS, this presents an ideal opportunity to double down on the collection and recycling of other plastic packaging formats which are currently under-collected e.g. pots, tub and trays, household and bathroom packaging. And to achieve even higher targets, the Government must accelerate the inclusion of flexible plastic packaging in the core set of materials collected at kerbside ahead of the proposed 2025/26 target date. The urgency of this is clear from the significant amount of film found in Turkey originating from the UK.¹⁹

The success of Tesco's recent "soft plastics" take back initiative across 10 stores underlines the consumers willingness and appetite to return these materials for recycling. The trial started in 2018 and has since collected 120 tonnes of plastic for recycling. It has now rolled out to 171 stores and so far there has been an impressive volume of material coming back to stores.²⁰

However, even more of a priority than recycling is driving reduction in the amount of plastic we consume plus accelerating a shift to reuse and refill systems. Reduction can easily be incentivised through the modulated fee structure - the less you use the less you pay - and there needs to be a concerted effort to incentivise reuse also (see responses to questions 101-104).

¹⁶ <https://www.telegraph.co.uk/news/2020/03/23/milk-deliveries-return-fashion-britain-works-home-coronavirus/>

¹⁷ <https://docs.google.com/document/d/1XGejkoqC31vX0jZI-2G3-h0y9m7bPGq/edit>

¹⁸ The UK's Packaging Materials Footprint Report - WWF and Eunomia - May 2021

¹⁹ <https://www.greenpeace.org.uk/resources/trashed-plastic-report/>

²⁰ <https://www.tescopl.com/news/2021/tesco-to-launch-uk-s-biggest-network-of-recycling-points-for-soft-plastic/>

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

- Yes
- No
- Unsure

We welcome the fact that targets are more ambitious than the EU. However, more environmental gains could be achieved through the greater reuse of wood. The main consideration is that wood is not sent to incineration and is instead recycled. Where wood is used for secondary and tertiary packaging applications, these formats should be replaced by reusable / returnable systems. Delivery pallets are a great example of a standardised global system in action.

Despite wood only making up a small fraction of packaging, we should not be complacent with the low levels of wood recycling.

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?

- Yes
- No
- Unsure

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

- Agree
- Disagree
- Neither agree nor disagree

We welcome high targets for steel, which indicate that there is a high probability that they could be achieved. While this can be applauded, there is still a lot more to deliver when it comes to the full life cycle impacts of steel. Steel is an ideal material for reusable applications given its durability, items such as water bottles.

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

- Agree
- Disagree
- Neither agree nor disagree

Of all the targets laid out, we believe this target is closer to representing the ambition required overall. The overall usage of paper and card packaging has increased; this has been driven by greater home deliveries as a result of coronavirus lockdowns.²¹ Paper for packaging for UK consumption is potentially low impact, however there is little transparency of the sourcing of paper and the end market destinations for recycled paper.

²¹ The UK's Packaging Materials Footprint Report - WWF and Eunomia - May 2021

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

- Agree
- Disagree
- Neither agree nor disagree

We welcome the proposal to set recycling targets for fibre-based composites but of even greater importance is the need to reduce the use of these materials in the first instance and promote reusable alternatives, especially in relation to coffee cups.

As mentioned in our response to question 3, coffee cup PRNs are currently subsidised by industry and this underlines the reality that it is not currently economically viable to recycle them, thereby distorting reality of the market.

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?

- Agree
- Disagree
- Neither agree nor disagree

We strongly recommend that domestic closed-loop recycling, or more preferably, closed loop refillable packaging, should be encouraged through the EPR system. There is overwhelming evidence that plastics are being disposed of in other countries which do not have the necessary infrastructure to recycle the material. This results in plastics escaping into the natural environment.

We would still caution against over-dependency on 'closed loop' recycling of plastics to tackle the plastic pollution issue given the limited recyclability of plastic as a material. Every time plastic is recycled, the polymer chain grows shorter and its quality decreases, meaning that it can only be recycled a finite number of times; so each time plastic is recycled, additional virgin material is needed to "upgrade" its quality. In this sense, plastic is not a material that can be used sustainably and within a 'closed loop' system.

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

All materials would benefit; the use of recycled material offsets the need for virgin material and the associated climate and biodiversity impacts.²²

Producer obligations for full net cost payments and reporting

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?

- Agree

²² WWF and Eunomia materials footprint report, May 2021

- Disagree
- Neither agree nor disagree

In theory we agree. We approve of the shift to a single point of compliance, as the most effective means of ensuring the accountability necessary to inspire responsible design decisions. Brand owners and retailers seem well placed to take responsibility for these changes and drive changes along the supply chain. To support this, the UK Governments need to introduce monitoring to ensure this outcome is achieved.

However, this does not exonerate the rest of the supply chain to take responsibility for packaging placed on the market and all stakeholders need to work together to achieve the goal of reducing the full lifecycle impacts of packaging.

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)? Q20

Where available, please share evidence to support your view.

The important principle with import is that they are obligated at some point, it does not matter who covers it. The onus is firmly on the Government to identify where this obligation sits. At present, market surveillance and regulation is poor and needs proper funding.

It is also important to note that online marketplaces and energy labelling aren't properly labelled.

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 2
- Option 3
- Neither
- Don't know

These two options have not been sufficiently evidenced for us to state a position either way. The decision has to be based on what would obligate the most packaging.

As such, we would advocate for the de minimis to be substantially lowered, if not removed entirely, in line with other European EPR schemes. Research by Eunomia has suggested that the UK Government should reduce the de minimis requirements for participation in a producer responsibility scheme to include companies that place more than 1 tonne of packaging on the market. In this model, for those that remain below the threshold we would seek for wholesalers and direct sellers to take on their packaging obligations so as not to place disproportionate regulatory burden and upfront costs on smaller businesses (in line with the EU Waste framework directive) and to drive use of less environmentally harmful packaging at source.

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?

- Yes
- No
- Unsure

While we would support a significant lowering/elimination of the de minimis threshold, we acknowledge the additional burden on small businesses from this approach. Based on what is outlined in the consultation, we would support options 2 and 3; if these options result in the most amount of packaging being captured under the scheme. However, there is still insufficient information on the amount of packaging that would be reduced.

If lowered, the de minimis should align with the 10 tonnes threshold set for the Plastic Packaging Tax to minimise confusion for the smaller businesses who would be obligated for both.

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

- Yes
- No
- Unsure

The Government must show intent to tackle packaging waste from this ever-growing market, including from unfilled packaging.

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

- Yes
- No
- Unsure

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

We do not have the expertise to comment in detail on this. However, this is still a strong growth market therefore it is important that the reforms are future proofed to take into account as many scenarios as possible with relation to online selling. There are potential loopholes if UK-based businesses can sell packaging through an online marketplace and avoid their obligations. As a guiding principle, online marketplaces should be treated in the same way as bricks and mortar retailers who would be obligated for packaging.

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
- No
- Unsure

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

We do not have the expertise to comment in detail on this. However, we would note that this is potentially problematic given the suggestion of a self-assessment approach, rather than the Government providing a methodology that the online marketplaces have to use. In general, these businesses are tech and data collection experts and they should be expected to use their expertise to accurately report on their packaging data.

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)?

- Yes
- No
- Unsure

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

We cannot immediately think of additional packaging which would not be reported but we believe there is an opportunity to capture problematic items which perform a packaging-type function such as cling film.

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

- Agree
- Disagree
- Neither agree nor disagree

We agree with the removal of the Allocation Method given its impact on capturing more waste, however businesses should be supported to transition onto the scheme.

Producer obligations: disposable cups takeback

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

- Agree
- Disagree
- Neither agree nor disagree

We are happy to support the Government in their intention to introduce a mandatory, producer-led takeback obligation, however this should only serve as an interim solution on the pathway to phasing out single-use cups and transitioning to reusables. The waste hierarchy lists prevention above recycling, and EPR must incentivise reduction in use of single-use paper cups. A takeback scheme would not address the need to reduce the number of paper cups in the first place and will not take into account the amount of resources and energy needed to manufacture them. The use of paper cups should be phased out in favour of a reuse system.

However, while paper cups are still in use, they must be considered within scope of an EPR system. Single-use packaging-type items like paper cups are currently not legally considered as packaging, despite many of these items being consumed in a similar way to packaging eligible under EPR regulations. There is a risk that if these are not considered in the scope of the system, there may be a significant rise in their usage; providing a loophole and encouraging market distortions – for example, retailers and businesses may switch to extensive use of paper cups.

Excluding these items may discourage a shift to reusable packaging formats. EPR must encourage a cultural norm that reduces the use of single-use items like paper cups and encourages customers to bring and reuse their own. Some coffee outlets and cafes already charge a higher price for beverages if customers require a disposable cup, and a lower price if they bring their own. This kind of initiative could further incentivise producers and retailers to encourage reuse from their customers. A study in 2017 found that a person must use their reusable cup 20-100 times to make up for the greenhouse gas emissions of the disposable cups they are replacing.²³ This means a reusable cup could bring net benefits in under a year.

Success of any takeback scheme would have to be measured not only by the tonnage of paper cups recovered and recycled, but also by the reduction of paper cup consumption over time with a view to phasing them out altogether.

29. 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?

- Agree
- Disagree
- Neither agree nor disagree

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.

In the absence of a more easily recyclable material for coffee cups, a mandatory takeback scheme is the very minimum measure the Government should be introducing. As mentioned above, the PCRRG's voluntary takeback scheme was introduced in 2018 but has made little impact, failing to reach their 8% collection target.

In relation to delaying the obligation on smaller businesses who use/sell single-use cups, we would support their inclusion in the mandatory takeback requirement by 2023. Smaller, independent coffee shops are more likely to seek "sustainable" alternatives to conventional plastic-lined cups, however these good intentions have led to the use of "compostable" cups which are problematic at their end of life. But this demonstrates their willingness to support sustainable options. Also, by adding in volumes from smaller businesses, it increases the economies of scale for recyclers where, currently they do not exist as mentioned in our response to question 6.

²³ <https://www.anthropocenemagazine.org/2017/07/reusable-or-disposable-which-coffee-cup-has-a-smaller-footprint/>

Furthermore, there is currently insufficient capacity to recycle the UK's paper cup waste so significant investment to expand the system. There are only three paper cup recyclers in the UK with a combined capacity way below the volume of paper cups we consume annually - assuming volumes increase as a result of the mandatory takeback obligation, we will not be able to recycle it all.

The Government cannot continue to drag its heels on phasing out single-use cups and facilitating a transition towards reusable cups. The introduction of a "latte levy" could signal the Government's intentions towards this. However, this will require an extension of powers in the Environment Bill to charge for single-use items of **all** materials, not just plastics.²⁴

[Modulated fees, labelling and plastic films recycling](#)

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

- Yes
- No
- Unsure**

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

It is difficult for us to establish a position either way as these are still high level principles and are unsupported by detail. However, the overarching strategic framework moves us in the right direction.

We note that "where a packaging format/material that is not easily recycled may be the only option available to the producer (e.g. blister packs for pharmaceuticals) a different modulation rate for that product may apply, for a limited transitional period or until such time as a viable alternative becomes available". However, it is unclear which packaging formats will be defined as 'the only option available' as in general, there are almost always alternatives available if the right incentives and regulations encouraged their usage.

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 that might be undertaken by the regulators.

- Agree
- Disagree**
- Neither agree nor disagree

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

Based on our interpretation of this question, we strongly disagree with the move to allow producers to self-assess the recyclability of their packaging. This move seems destined to add to

²⁴ Environment Bill - Clause 54: Charges for single use plastic items (1) Schedule 9

the administrative burden on businesses, increase the likelihood that mistakes are made and that differing interpretations emerge, add considerable bureaucracy for both businesses that will have to interpret recyclability and the regulator who will have to audit the decision making process carried out by all packaging producers.

We believe the discounted 'approved list' process could have been used to address the packaging decisions highlighted in the consultation: under that system, difficult to remove sleeves or labels could be defined as non-recyclable and banned, as could the use of certain inks. The proportion of allowable plastic in laminated board and paper could also be set.

We believe businesses would benefit more from clear guidance from the Government or scheme administrator, rather than having to interpret recyclability themselves, which will result in a more confused and less efficient system.

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

- Agree
- Disagree
- Neither agree nor disagree

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

We do not wholly agree with the Government's preferred option for labelling. The priority outcome for labelling must be a consistent appearance without allowing brands and retailers to adapt them in any way, not even colours and fonts. We do not support the option for producers developing their own labels. This does not support consumers with consistent visual cues and fails to deliver high levels of compliance.

The primary aim is to minimise consumer confusion so they are as engaged as possible in recycling packaging correctly. OPRL's extensive consumer research shows the multiplicity of recycling symbols already available confuses consumers and reduces their likelihood to act on the information. Consistent label designs using the Recycle Now iconography with clear, concise calls to action score highest in consumer confidence in understanding and actual understanding of the message.

This harmonised approach will also minimise the bureaucracy that would be involved with approving and monitoring the compliance of multiple labelling approaches.

With regards to option 2, we believe the consistent approach to labelling could be achieved with multiple schemes in operation, as long as there is strict adherence to the guidelines for the labels. Additionally, having multiple labelling schemes could offer ancillary services and competitive prices for businesses.

Whatever is decided, the approach must be based on a common categorisation of what packaging is recyclable or not recyclable, determined by the EPR scheme administrator. And recyclability should be determined by what is actually recycled and not what is simply technically possible to recycle, as per OPRL's existing approach.

Independent monitoring and enforcement of mandatory labelling regulations are critical to ensuring adherence to labelling guidelines.

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

- Agree
- Disagree
- Neither agree nor disagree

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

Based on our response to question 36, it is clear that clarity of information is crucial for consumers. A standard 'do not recycle' label would aid consumer understanding.

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

- Yes
- No
- Unsure

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

On the basis that the timing for the implementation of dry recycling from households is 2023, then the binary labelling timeline should be by October 2023. The timing of labelling updates should align with this. Otherwise, businesses will no doubt take until 2024/25 to make the required updates, well after consistency in household collections is introduced. Ideally, all labelling should be in place by 2023 to match the introduction of consistent collections.

There is prior form in relation to labelling updates - businesses were notified of changes to nutrition information labelling 18 months before the requirement to implement the changes. These changes were far more involved as the nutritional composition of every food product had to be reassessed based on new guidance. By comparison, recycling labelling should be more straightforward.

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

- Agree
- Disagree
- Neither agree nor disagree

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

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
- No
- Unsure

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

Digitally enabled enhancements on labels should only be considered where they add value of some description. The Welsh Government, with PolyTag, is piloting a digital method for tracking packaging as part of potential Deposit Return Schemes,²⁵ and learnings from this could be shared with the other nations to see if and how digital labelling can help with tracking materials. However, as yet, it is unclear what kind of value this will add to the process and any exploration of digital technologies must not stall the implementation of these policies. But, if for example, a scanned barcode could tell someone if that material qualifies locally for a Deposit Return Scheme, local kerbside collection, or needs to be recycled in another area, that could be very useful, especially with different collection systems in each local authority area, let alone each country.

However, when considering 'in the UK' labels, consideration must be made to the differing regulatory environments in the devolved nations. With the consistency consultation applying only to England, there is potential for inconsistencies across the devolved nations which 'in the UK' packaging labels may confuse. We would urge the UK Government to work with the devolved administrations to resolve these potential issues.

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 end of financial year 2026/27?

- Agree
- Disagree
- Neither agree nor disagree

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.

Yes, and there should be even greater urgency with the date advanced from 2026/27. If this timeline is dependent on LA waste collection contract changes, then the Government should provide the necessary support to accelerate the changes to make this happen sooner. Moreover, this requirement should explicitly cover multi-material flexible formats which may include paper and aluminium as part of their structure.

There is clearly an appetite from householders to recycle these materials, as demonstrated by the retailer's own initiatives to take back "soft plastics". Tesco, for example, first started testing soft plastics recycling facilities in a ten-store trial in 2018, and customers brought back 120 tonnes of plastic for recycling.²⁶ With the ease of kerbside recycling, householders would be expected to recycle large quantities of these materials.

²⁵ <https://gov.wales/new-digital-deposit-return-scheme-plastic-bottles-be-trialled-households-conwy-county>

²⁶ <https://www.tescopl.com/news/2021/tesco-to-launch-uk-s-biggest-network-of-recycling-points-for-soft-plastic/>

Currently, flexible films make up 26% of all consumer plastic packaging by weight and even greater by unit. Flexible packaging is used to pack 40% of all food products in Europe and accounts for 10% of all packaging materials used.²⁷ This demonstrates there is a huge volume of material which is currently not being consistently captured as part of a circular system.

To drive ambition, industry and government produce a roadmap on how the sector will reach accelerated collection goals for plastic films. This must also include an investment roadmap plus effective policies to drive the reduction of film usage. And additional consideration is where these materials are recycled. It is imperative that the capacity to deal with what's collected is developed domestically to avoid exports of plastic waste, including poor quality plastic waste, being mismanaged in countries which lack adequate waste infrastructure.²⁸

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?

- Agree
- Disagree
- Neither agree nor disagree

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 agree that this is a positive ambition however, due to the impact from covid, the volume of waste collected from businesses has declined and the bigger opportunity is to accelerate the implementation of flexible packaging collections from household. Industry's confidence to make investments in infrastructure to deal with these materials will be dependent on the volume available and the creation of end markets for the recycled output. This requires action to collect plastic films from both households and businesses as soon as possible.

Given the volume of material placed on the market, a closed loop approach to recycling flexibles must be the priority. Compliance with the Plastic Packaging Tax will stimulate demand for recycled materials which can go back into flexible packaging. Chemical recycling is currently being explored by businesses as a way to deal with these materials and the output from these processes is within the scope of the definition of recycled content. As yet, this technology is in its infancy but we must ensure the impacts of these processes do not negate the environmental benefit of recycling them in the first place. The long-term viability of these technologies has yet to be proven but risk areas include energy use, yield and quality of both input and output materials. Indeed, a recent report notes that "important details around mass flows, chemical use and the viability of the processes in real-life waste management circumstances are largely incomplete".²⁹

39. 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

²⁷ https://ceflex.eu/wp-content/uploads/2019/04/FPE-sustainability-key-messages-factsheet-small-GB_web.pdf

²⁸ <https://www.greenpeace.org/international/press-release/47759/investigation-finds-plastic-from-the-uk-and-germany-illegally-dumped-in-turkey/>

²⁹ <https://chemtrust.org/wp-content/uploads/Chemical-Recycling-Eunomia.pdf>

and taken to composting/anaerobic digestion facilities that accept it), in closed loop situations where reuse or recycling options are unavailable?

- Agree
- Disagree
- Neither agree nor disagree

Please provide the reason for your response.

We agree that in very specific situations there may be a role for biodegradable/compostable packaging in genuinely closed loop situations (but we have yet to see evidence of any completely closed-loop setting). Where there is an attempt to create a closed loop setting, we believe these better suited to reusable / deposit systems.

We do not agree that these items should be exempt from the "do not recycle" label - nor should these items be eligible for the "recycle" label but rather be clearly labelled compostable with instructions to send for "industrial / home composting". In addition, there is insufficient evidence provided here as to the exact 'closed loop situations' the government believes present difficulties for reuse or recycling. We would also note that the Eunomia report referenced in the consultation states that "where using reusable products or packaging is feasible, this will generally be preferable over the use of single use/ disposable packaging" and that this should guide the Government's approach to this issue.

There will be an opportunity for more prescriptive use of compostables such as tea bags or food waste bags where there are universal food waste collections following introduction of consistency measures. Following the BEIS Call for Evidence, more thinking is needed on the appropriate and effective uses of compostables / biobased / biodegradable packaging and accessibility to appropriate anaerobic digestion facilities to deal with them effectively.

The feasibility of adopting reusable products and packaging should be assessed as a priority over the use of single use items.

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?

- Yes
- No
- 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.

This is a grey area and therefore they should be treated separately to conventional materials. There are advantages with some bio-based materials, however there is a need to treat them separately. Unintended consequence could be the stifling of potentially useful innovation in this space.

There is already a premium associated with using these products and there is a risk their unfavourable treatment as part of the modulated fee structure will increase costs further. Many small businesses trying to do the right thing by purchasing these items should be made aware that

they are, in fact, deemed “not recyclable” and arguably even more unsustainable and do not deliver the promised environmental benefits.

Payments for managing packaging waste: necessary costs

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

- Agree
- Disagree
- 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.

We welcome the improved clarity on the definition and scope of “necessary costs” and call for transparency on where money is spent, the proportion being assigned to different activities and the value-add resulting from this compared to the current system.

We note the proposal in the Waste Prevention Programme to direct EPR funds to reuse/repair circular economy hubs and would support this approach. We also note the reference in Section 1.12 of this consultation that fees will deliver funding to “incentivise greater uptake of reuse and refill business models and systems” and would strongly support this use of funds.

We would support the inclusion of costs relating to litter collection as these stem directly from the large amounts of packaging being placed on the market. The ‘prevention at source’ principle should apply to this issue, whereby those who place these items on the market and, in doing so, profit from their sale, are responsible for its environmental and societal harm.

As a guiding principle, EPR reforms should also consider environmental costs beyond end-of-life disposal, otherwise they are failing to fulfil the polluter pays principle. The OECD definition of the “polluter pays” principle requires polluters to internalise the cost of potential pollution in the production process (built-in costs), rather than placing the burden on society to deal with end of life costs.³⁰

As EPR evolves, the Government should consider how these (often offshored) wider environmental and social costs could be internalised into the scheme through modulation to inspire design for reduction and reusability, as well as sustainable sourcing (with different standards depending on the packaging material). The consequences of irresponsible sourcing – for example, pre-production plastic pellet loss, or use of harmful chemical additives – could be monetised and applied to producers.

The UK Governments should also consider consulting on variable charging, or ‘pay as you throw’ schemes, in order to ensure that, while producers bear the primary costs and responsibility for the packaging they produce, accountability for bad practice exists along all points of the waste disposal chain, including consumers.

Payments for managing packaging waste from households

³⁰ Pearce D & Helm D, Oxford Review of Economic Policy, 19(3):438-50, 1990.

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

- Agree
- Disagree
- 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.

We support the principle that Local Authorities with similar characteristics are grouped together to establish the benchmark for that particular type of LA. We also note the increased costs associated with largely rural or island areas and their need for greater resources to deliver an efficient and effective system.

Determining the socio-economic as well as the physical / geographical characteristics of local authorities will be critical to ensuring household engagement with recycling and therefore the success rates for each local area.

This approach would also facilitate best practice sharing to drive improvements for all LAs within a given category.

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 off an average price per tonne for each material collected?

- Agree
- Disagree
- Neither agree nor disagree

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

We support the principle as a way to equalise the funding received by local authorities, but any approach to make payments fairer needs to be based on detailed analysis of what the different categories of LAs are collecting and to ensure they receive appropriate funding for the waste they manage. Additionally, there is uncertainty as to how this approach will reflect real world pricing and account for material price fluctuations.

Regardless of the final approach, there needs to be total transparency and accountability from the Scheme Administrator in determining how payments are made.

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?

- Agree
- Disagree
- Neither agree nor disagree

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

We agree with this approach however it must be delivered in an equitable way and be based on categorised Local Authorities. And in line with our response to the previous question, there needs to be total transparency from the Scheme Administrator in deciding how incentives are awarded.

There is a risk that LAs will be unfairly penalised if they are locked into a contract with an underperforming waste management company and financial penalties may only make improvement more difficult.

Government should also consider the introduction of an incineration tax as an incentive for recycling, with proposals brought forward which similarly take into account the different socio-economic and physical / geographical characteristics of local authorities.

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

Disagree

Neither agree nor disagree

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

We agree that timelines for transitions should take account of factors such as existing waste contracts and determinations of the current state of their recycling systems.

Especially important will be the financial support for LAs given that central government funding has decreased by 49% in the last 7 years and only 14% of LAs have seen an increase in their waste budget in the last 3 years.

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

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

Yes

No

Unsure

Please provide the reason for your response.

We agree with this approach, however minimum conditions linked to improved performance must be attached. The example of 80% could be too high and, perversely, may be an incentive to do very little.

We are also aware that LAs have statutory obligations to deliver such as social care, with the budgetary pressures resulting from their unique characteristics. Working on the principle that LAs

want to improve all their services, the Government should acknowledge that central funding cuts have made investment in waste services more difficult and EPR cannot be a substitute for adequate central government funding. Consideration should also be made to the fact that LAs may end up taking on risk from investing in infrastructure which may not result in increased recycling rates (leading to the associated financial penalties). This may serve as a disincentive to invest in new infrastructure.

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?

- Agree
- Disagree
- Neither agree nor disagree

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

We agree with these proposals provided funding is put towards the "greater good" of achieving overarching objectives including targeted funds to underperforming LAs to pull them up with conditions attached such as improving environmental performance. Any payments must be made transparently and according to consistent criteria.

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?

- Agree
- Disagree
- Neither agree nor disagree

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

We agree with the approach of using an average composition, and modelling is a viable option to support this, as long as it is applied in a transparent and equitable way, based on LA characteristics. It would also require regular baseline analysis to monitor changes in residual waste composition.

One example of comprehensive analyses of kerbside compositions was undertaken by Project Integra (PI), a partnership between the 11 Waste Collection Authorities (WCAs) in Hampshire, Hampshire County Council, the Unitary Authorities of Portsmouth and Southampton, and Veolia UK.³¹ This is an example of the comprehensive analysis required to ensure the calculation of residual waste payments are fair.

Another example is that of the study carried out by RPS in 2017. RPS was commissioned by WRAP, on behalf of the Department of Agriculture, Environment and Rural Affairs (DAERA), to undertake a study of the composition of household waste collected at the kerbside in Northern Ireland. The

³¹ <https://documents.hants.gov.uk/project-integra/WasteCompositionAnalysis-october2018.pdf>

study found that 55% of the contents of the residual bin is made up of waste types that could commonly be recycled at the kerbside. This comprised almost 10% dense plastics, just under 10% plastic film and 15.6% paper and card. However, the packaging element of the dense plastics and the paper/card streams was found to be 4.8% in each case, showing how important it is that the analysis is granular enough to extract the actual percentage of packaging waste eligible under EPR. With regard to plastic film, the packaging percentage cannot be extracted due to the inclusion of bin bags within the plastic film stream. Again, highlighting the importance of accurate sampling techniques and detailed analysis. Establishing reliable and accurate modelled costs of efficient and effective systems, based on recent composition data, is imperative to ensure low performing LA schemes are not rewarded, and high recycling performance is incentivised.

The impact of DRS implementation on the residual waste stream will need to be regularly monitored.

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
- Disagree
- Neither agree nor disagree

Payments for managing packaging waste from businesses

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
- Disagree
- Neither agree nor disagree

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

We agree with this principle but would require further detail with more developed thinking required before making additional comments.

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
- Disagree
- Neither agree nor disagree

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

We agree and would call for the inclusion of evidence of disposal treatment to contribute to wider objectives. It is important to note that sending waste to landfill is disincentivised by the landfill tax and there is an opportunity to introduce a tax to disincentivise sending waste to incineration.

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

- Option 1
- Option 2
- Option 3
- All could work
- Do not know enough to provide a view

We are unable to highlight a preferred option as there is not enough detail provided in the consultation and the environmental benefit of each is not adequately explained.

Whichever option is adopted must contribute towards the overarching aim of the reforms.

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

- Yes
- No
- Unsure

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

As above - we do not believe there is sufficient information to make a judgement on the proposed options. Whichever option is adopted must contribute towards the overarching aim of the reforms.

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?

- Yes
- No
- Unsure

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

It is difficult to conclude whether there will be any issues since a "short period" of time has not been defined in the consultation. However, it would be unacceptable to have a period of any length of time where producers are not obligated to take responsibility for their waste and work towards achieving recycling targets.

[Payments for managing packaging waste: data and reporting requirements](#)

56. 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
- Disagree
- Neither agree nor disagree

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.

While we agree with the proposal to incorporate a packaging waste sampling regime, alongside this we would call for the overall strengthening of the existing material facilities regulations which are not currently fit for purpose.

Improved regulation of waste facilities is pivotal to the success of the EPR reforms and to delivering the ambitious aims of this policy. All UK nations urgently require better resourcing of their environment agencies if they are to uphold any regulations. To highlight this issue, the Environment Agency only carried out a third of planned inspections in 2016/17 and three unannounced audits the following year.³²

There have been numerous reports of poor-quality plastic waste shipments which already contravenes the Basel Convention.

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
- Disagree
- Neither agree nor disagree

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

We support the principle of requiring all FPOCs to be responsible for sampling and reporting but this comes with risks.

A main concern is that the FPOC system is complex and leads to multiple accounting. Whatever system is adopted needs to ensure this doesn't continue. In addition, FPOC responsibilities need to take into account how local authorities approach kerbside collections i.e. co-mingled vs. separate material streams. How kerbside collections will be harmonised across the UK is yet to be determined as part of the government's consultation process for England and the direction adopted by devolved governments.

³² <https://www.nao.org.uk/wp-content/uploads/2018/07/The-packaging-recycling-obligations.pdf>

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
- Disagree
- Neither agree nor disagree

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

We agree with this proposal to assist in capturing as much material as possible.
Call out risks e.g. breaking up of larger FPOCs to fall below the de minimis?

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

- Yes
- No
- Unsure

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

We agree with the list as a starting point and going forward, there should be scope to expand beyond this.

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

- Yes
- No
- Unsure

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

Implementing these arrangements within 6-12 months would be a feasible target for implementation. However, we believe that the government can demonstrate a strong level of ambition by bringing forward the timeline to earlier than 6 months.

To deliver this, businesses need support and there must be a better resourced EA /NIEA across the board to carry out planned independent inspections as well as unannounced audits. The Environment Agency is under-resourced, with audits and site inspections down 25 per cent between 2014 and 2018, while the number of agency employees fell by 10 per cent from 2010.³³ The Chairwoman of the Environment Agency has said herself that it "does not have the resources it needs to do these things as effectively as we and the public would like".³⁴

³³ <https://www.thetimes.co.uk/article/environmental-breaches-soar-as-prosecutions-collapse-6kmp7w0nw>

³⁴ <https://www.thetimes.co.uk/article/times-letters-marcus-rashford-and-free-school-meals-b6hxbmtg>

As well as loss of the majority of EU funding, government departments for the environment in Northern Ireland have seen a significant cut in resources, with the NI environmental budget falling by approximately 20% since 2009/10.³⁵

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

- Yes
- No
- Unsure

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

We do think this technology should be introduced. However, this cannot delay progress with manual sampling and support must be given to fund the introduction of any new technology. Whilst technology is being explored, we need to put in place a robust sampling regime.

The automated detection approach is an ongoing area of research and a potential future method of collecting the data. Trials in Northern Ireland show that it is already in use to measure contamination and, in some cases, to identify specific products in MFs but that there's a good deal of work to be done before it might be recommended.

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?

- Yes
- Yes, with refinement
- No
- Unsure

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.

We agree with this in principle however, we need a frequent and robust sampling regime alongside a well-resourced Environment Agency / NIEA. These will be crucial for delivering a robust assessment of the levels of packaging waste as a proportion of overall materials collected.

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

- Agree
- Disagree
- Neither agree nor disagree

³⁵ [Brexit Position Statement: Future of Environmental Protection in Northern Ireland](#)

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

We agree, however, again there are ongoing challenges with monitoring and enforcement with the Environment Agency / NIEA, as mentioned above.

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?

Agree

Disagree

Neither agree nor disagree

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

We agree that minimum quality standards should be met at the first point of consolidation, with materials which don't meet the standards separated out and forward processed accordingly. This approach will drive the value of materials they're selling on and placing greater shared responsibility throughout the waste supply chain.

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

Yes

No

Unsure

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

We agree that existing industry grades and standards could be used to determine minimum quality output. However, in line with the 2018 Resources and Waste Strategy for England,³⁶ there is an opportunity to review existing standards in order to drive greater closed loop recycling while still maintaining the highest standards possible to protect human health and negative environmental outcomes.³⁷ Standards cannot be compromised and must be independently verified to mitigate the risk of fraudulent claims. This also requires a fully resourced EA to support independent checks and audits.

The introduction of an all-in deposit return system across all four nations of the UK will also play a huge role in improving material quality for those waste streams.

[Payments for managing packaging waste: reporting and payment cycles](#)

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

³⁶ <https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

³⁷

- Agree
- Disagree
- Neither agree nor disagree**

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

Whatever mechanism is adopted, the priority must be that local authorities are always effectively funded to provide the best service possible.

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

- Agree
- Disagree
- Neither agree nor disagree**

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

As per our response to question 66, we would reiterate that we would support what works best for the system to ensure adequate funding for local authorities. However, there needs to be a robust verification and reconciliation process in place so businesses ultimately pay the right amount for what they're placing on the market.

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
- Disagree
- Neither agree nor disagree

We would support the inclusion of costs relating to litter collection as these stem directly from the large amounts of packaging being placed on the market. This is fully in line with the aims of the Scheme and the polluter pays principle that the costs of litter should be borne by the producers. Although we agree with option 2; over time, we would like to see the prevalence of brands in litter composition reflected in the costs to producers, as described in option 3. This is both a fairer approach and would incentivise those brands to take measures to minimise littering, such as investments in reusable schemes.

And as previously stated, the 'prevention at source' principle should also apply to this issue, whereby those who place these items on the market and, in doing so, profit from their sale, are responsible for its environmental and societal harm.

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? Please select all that apply.

- Other duty bodies**
- Litter authorities**
- Statutory undertakers**
- None of the above
- Any other(s) - please specify

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

In addition to the above, voluntary organisations who organise litter picks / clean ups where packaging litter is prevalent should be able to apply for funds to cover costs. The Marine Conservation Society, for example, calculates the cost of their beachwatch programme at £200k while the volunteer time is worth an estimated £100k per year.

In order to benefit from this, organisations should be required to provide evidence of their activity alongside the benefits gained from undertaking it.

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

- Agree**
- Disagree
- Neither agree nor disagree

We agree however we would note that not all land areas are equal and there may be additional cost implications when accessibility to clean up is difficult. This is linked into local authority categorisation based on area e.g. coastal vs. urban.

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

- Agree**
- Disagree
- Neither agree nor disagree

The improved data reporting should be used to highlight areas for preventative action; such as policies to promote reusable cups and takeaway food containers, and/ or obligations on certain brands or producers.

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

- Agree
- Disagree
- Neither agree nor disagree**

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

As presented, this proposal is too subjective. Any approach would have to be objective in its criteria and data driven based on beneficial outcomes e.g. less litter.

Furthermore, there is an opportunity to link payments to the successful outcomes of litter prevention activity undertaken by LAs. This needs to be clearly evidenced through transparent reporting against defined KPIs, appropriate for the given LA based on its characteristics.

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?

74. Overall which governance and administrative option do you prefer?

We would support a governance approach which delivers the optimal environmental outcomes. Key principles must be independent oversight, fair and non-monopolistic pricing, and a strong focus on delivering environmental targets.

It is crucial that the estimated £2.7 billion is fully accounted for and delivers “value for money” for all stakeholders in order to achieve the overarching aims of these reforms.

We agree with the Government’s view about the benefits of a UK-wide structure rather than through multiple compliance schemes. However, the Government must continue to work closely with the devolved nations’ governments to ensure that this works effectively across the four nations.

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

- A reserve fund
- In-year adjustment to fees
- Giving individual producers flexibility to choose between options 1) and 2)
- No preference
- Need more information to decide

As per previous comments, any proposals to manage uncertainty should ensure that local authorities receive funding to cover full net costs associated with effective management of packaging waste in a timely manner.

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?

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?

Whatever the contract period agreed for the Scheme Administrator, there must be penalties in place for underperformance and contract break clauses and performance review cycles based on targets. They should be assessed on whether they are achieving strategic targets set out in the Resources and Waste Strategy and the 25 Year Environment Plan. There needs to be flexibility to allow for changes which will serve to deliver the aims more effectively.

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

- Agree
- Disagree
- Neither agree nor disagree

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

Regardless of the timeline proposed and the final nature of the organisation, our priorities are that the management organisation should be as transparent and accountable as possible and is established to achieve the most effective environmental outcome.

One vehicle we would encourage to achieve this is through appointments to the Board of Directors of the organisation to be split across stakeholders, including representation from NGOs, academics with expertise in packaging waste and an even split of representation across the packaging supply chain. Board chairs should also be subject to regular re-appointment and fixed term board appointments.

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?

- Yes
- No
- Unsure

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

We believe this could be a manageable timeline and the appointment of the Scheme Administrator must be made with consideration of their ability to meet this deadline.

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

- Agree
- Disagree
- Neither agree nor disagree

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

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

- A Compliance Scheme Code of Practice
- A 'fit and proper person' test for operators of compliance schemes
- Both
- Neither
- Unsure

Please provide the reason for your response.

We welcome the more rigorous approach towards appointing compliance schemes and ensuring that they deliver the criteria associated with EPR. There should also be consideration for making the voluntary code of practice for compliance schemes a mandatory requirement. Ensuring that 'fit and proper' people are employed in this area is welcome.

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

- Agree
- Disagree
- Neither agree nor disagree

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

- Agree
- Disagree
- Neither agree nor disagree

We also need to see independent verification on progress and performance.

[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 the quality and quantity of packaging waste received?

Agree

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

Views included in response below.

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?

Unsure - further views included in response below.

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?

Neither agree nor disagree - further views included below.

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?

Neither agree nor disagree - further views included below.

As long as "end of waste" status is meaningful which means effective monitoring to ensure quality standards are met. Repeat call for properly funded EA etc. In the case of plastic waste exports, they should be banned etc.

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?

Neither agree nor disagree - further views included below.

Whatever works to ensure poor quality waste isn't exported. Plus effective policing etc.

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

Agree

General comments on reprocessors and exporters

The following is a summary of our views in relation to questions 84-91.

It is our understanding that, under the 2007 Packaging Waste Regulations, reprocessors and exporters are already required to register with a regulator in order to issue PRNs/PERNs. We strongly support this ongoing requirement and call for better enforcement going forward. However, as with many other responses in this consultation, the Environment Agency must be adequately funded to deliver on its duties to police the system effectively.

Regarding quality and quantity of packaging waste received, we strongly agree that all reprocessors and exporters should regularly report on this. Although we note the mention of the EA in relation to developing an effective evidence reporting mechanism, the consultation does not explicitly outline the repercussions for failing to meet the required standards. As previously mentioned, effective policing of the system is essential to driving improvements and deterring bad behaviour.

If the system is not effectively policed, the challenges in reporting quality of packaging waste, both at the point of domestic reprocessing or prior to export, will be magnified. This is especially relevant when it comes to exports of plastic waste. Mitigating the very visible impacts of our poorly managed waste relies on having a watertight approach to monitoring the content of all that we export (to cover illegal shipments).

Given the UK is the world's second largest producer of plastic waste (99kg per person per year), our views on export will focus mainly on this area. In 2020, the UK exported around 537,000 metric tonnes - equivalent to 51% of our packaging waste.³⁸ We are producing and consuming quantities of plastic beyond what can be dealt with at a domestic level, and the waste management sector has become structurally dependent on exporting plastic waste at scale to poorer countries with less stringent regulation that do not have the capacity to manage it in a socially and environmentally responsible manner. The top three countries for UK waste exports are, for example, Turkey (39%), Malaysia (12%) and Poland (7%); all three countries have exceedingly high mismanagement rates, with up to 90% sent to landfill.³⁹ More recently, Turkey has banned imports of plastic waste.⁴⁰

A well-managed and transparent waste trade system could, in theory, align supply and capacity and lead us to a circular economy. However, the reality on the ground underscores that this is not possible due to chronic plastic waste leakage and mismanagement in receiving countries and uneven economic playing fields around the world which are readily exploited by a multiplicity of actors, including organised criminals, corrupt officials, and unscrupulous traders.

The UK committed to ban the export of plastic waste to non-OECD countries in 2019, and Ministers have repeatedly pledged to uphold environmental standards post-Brexit⁴¹. Yet, after transposing the Basel amendments, the UK is still allowing contaminated and difficult-to-recycle plastic waste to be exported to non-OECD countries. Despite clear recognition of harm and mismanagement, these shipments are still being permitted under the new rules. Yet even if the Government were to follow through on this commitment, 79% of UK waste currently goes to countries that are in the

³⁸ From January to December 2020 1,051,836 metric tonnes of plastic packaging waste was either accepted or exported. Environment Agency. National packaging waste database (NPWDB), accessed February 2021, Available at: <https://npwd.environment-agency.gov.uk/Public/PublicSummaryData.aspx>

³⁹ OECD (2019). Turkey Highlights 2019, p.5. OECD Environmental Performance Reviews. Available at: <http://www.oecd.org/env/country-reviews/Highlights-Turkey-2019-ENGLISH-WEB.pdf> For the adverse impact of UK waste sent to Turkey see: <https://www.greenpeace.org/international/press-release/47759/investigation-finds-plastic-from-the-uk-and-germany-illegally-dumped-in-turkey/>

⁴⁰ <https://www.theguardian.com/world/2021/may/19/turkey-to-ban-plastic-waste-imports>

⁴¹ The Conservative and Unionist Party (2019). Get Brexit Done: Unleash Britain's Potential. The Conservative and Unionist Party Manifesto, p.43. Available at: https://assets-global.websitefiles.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf

OECD (such as Turkey) that would not be affected by the proposed ban⁴². The UK has so far failed to follow the EU's lead in banning exports to non-OECD countries, but still have the opportunity to match and even exceed EU ambition as part of upcoming legislative revisions.

Through EPR modulated fees, there is a clear opportunity to incentivise recovery and reprocessing of waste within the UK versus exporting waste for treatment. Packaging waste intended for export must be priced at a much higher rate than waste intended for domestic reprocessing. However, it is unlikely this financial disincentive will switch off exports completely, in part due to lack of capacity in the UK.⁴³ By incentivising domestic waste processing demand, businesses will have greater confidence to invest in domestic capacity, especially for closed loop recycling. And this will be further incentivized by the proposals to increase the evidence and greater due diligence relating to exports, forcing businesses to tighten up their processes and ensure materials are dealt with responsibly wherever they end up.

It is currently unclear whether there will be a genuine economic incentive to cease waste exports vs. dealing with waste domestically. We call for the UK Government to undertake an urgent modelling exercise to understand at what level the fees need to be set at in order to achieve this objective.

All that said, the UK Government should urgently reconsider the principle of exporting waste to developing countries and should proactively introduce a suite of policies to take full responsibility for the UK's packaging waste footprint. These should include setting ambitious targets to drive down use of packaging materials, a time-bound phasing down of the export of plastic waste, significant investment in UK recycling infrastructure supplemented by targets on UK-based recycling and stringent measures to end incineration as a method of waste management.

With regards to the proposed measures, the accreditation process should be bolstered through the creation of a green list for export, with restrictions on the export of certain polymers and formats, as well as unsorted waste and contamination levels which prevent recycling.

Compliance and enforcement

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

- Agree
- Disagree
- Neither agree nor disagree

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

See below for views on this.

⁴² ENDS Report, February 2021. MAPPED: The UK's plastic waste exports. Available at: https://webcache.googleusercontent.com/search?q=cache:ZbjlMKxeP_sJ:https://www.endsreport.com/article/1707873/mapped-uks-plastic-waste-exports+&cd=1&hl=en&ct=clnk&gl=uk

⁴³ For more on waste exports see the Link response to the UK Plan for Waste Shipments which called for a number of reforms including a UK-wide threshold for waste contamination of 0.5% and a ban on all plastic waste exports outside of the UK <https://www.wcl.org.uk/docs/Consultation%20Response%20-%2001.03.2021%20-%20UK%20Plan%20for%20Waste%20Shipments%20.pdf>

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

See below for views on this.

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

In answer to questions 92-95, we believe that compliance and enforcement is a crucial element to the success of these reforms and must be undertaken in a timely manner. All this will be essential for understanding whether the scheme is delivering on its objectives and must be done in a transparent way. Enforcement must be a meaningful deterrent for those parties operating in a less than scrupulous way.

And to repeat, the Government must recognise that effective enforcement requires investment in the relevant environment agencies, see above for more.

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)?

- Agree
- Disagree
- Neither agree nor disagree

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

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

- Yes
- No
- Unsure

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

Based on the proposals, especially in relation to setting up the Scheme Administrator, we believe this is a feasible and practical approach and the government needs to commit to making these reforms happen.

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?

- Phased approach starting in 2023
- Later implementation
- Unsure

Please provide the reason for your response.

The priority must be delivering these reforms as soon as possible. Undoubtedly there will be calls for a delayed start on the premise of enabling full cost recovery from the outset. However, there is no guarantee stakeholders will be ready at the later stage either.

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

- Option 1
- Option 2
- Neither

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

We need to have the most holistic approach to reporting of packaging data in 2022 to set the tone for the level of required reporting for the reformed system. This completeness of reporting will also provide a useful baseline upon which to move forward.

100. 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?

- Yes
- No
- Unsure

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

We note the absence of a requirement to report on exported vs. domestically reprocessed packaging waste. In line with the aims of EPR, we believe this is an important element of the reporting in 2022 and will provide a baseline upon which to measure the success of the reforms in disincentivising exports.

101. 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?

Further information to help answer this question (and the 4 that follow) can be found in Annex 1 of the consultation document.

- Definition in The Packaging (Essential Requirements) 2015
- Definition in The Packaging and Packaging Waste Directive (PPWD)
- Definition adopted by The UK Plastic Pact/The Ellen MacArthur Foundation
- None of the above

"Reuse is the operation by which packaging is refilled or used for the same purpose for which it was conceived, with or without the support of auxiliary products present on the market, enabling the packaging to be refilled. Reusable packaging: Packaging or packaging component which has been

designed to accomplish or proves its ability to accomplish a minimum number of trips or rotations in a system for reuse.”

The selected definition allows for “reuse” of packaging which is not part of a returnable system. However, this still requires a clearer definition of reusable and refillable compared to single-use. In addition, “reusable” and “refillable” cannot be conflated with “repurposable”, which some industry stakeholders push as being the same. For example, a single use plastic beverage bottle which has not been specifically designed to be reused, cannot and should not be defined as reusable. However, it can be repurposed if the consumer refills it with another beverage. Therein lies the distinction.

We would also highlight the positive aspects of the PPWD such as the requirement that “the packaging is recoverable when it becomes waste”. Reusable packaging should also be designed for recycling and there should also be incentives to incorporate recycled content into reusable plastic packaging where safe. The proposed Deposit Return Scheme presents an opportunity for collection of reusable containers as a starting point.

The importance of monitoring the number of reuse rotations will be a critical measure going forward. Packaging designed for reuse will inherently require more material to make it more robust. However, we must not end up in the situation as reflected with Bags for Life where consumers are estimated to use these in a single use manner; buying around one bag a week.⁴⁴

Advances in technology and the growth in online shopping / home deliveries are enablers for shifting towards greater reuse. This is demonstrated by Loop⁴⁵ and also the use of QR codes for brands such as the Body Shop⁴⁶ and Beauty Kitchen⁴⁷.

102. 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.

We would advocate for a combination of options 2 and 4 which, in combination, serves a carrot and a stick. An approach based on percentages could lead to the current situation with Bags for Life referenced above. We would advocate for a packaging reduction target, adjustments in packaging recycling targets, and mandating certain products to be reusable.

Although there have been a plethora of reuse and refill initiatives by both smaller and larger retailers, as yet none of these have taken hold. This indicates the need for stronger Government signals to prioritise reuse and give businesses the confidence to move in this direction. If the Government is serious about meeting the proposed Environment Bill targets for resources and waste - increasing resource efficiency and reducing residual waste - reuse is a key lever for achieving both of these.

We are starting to see key industry bodies are starting to turn their attention to this space - reusable packaging formats and systems are aplenty but a major concern continues to be how to

⁴⁴ <https://www.theguardian.com/environment/2021/apr/18/supermarket-bags-for-life-must-cost-more-to-cut-plastic-use-urge-campaigners>

⁴⁵ [Loop shopping platform launches in UK - letsrecycle.com](#)

⁴⁶ [Refill Scheme | Refill Stations | The Body Shop®](#)

⁴⁷ [Our Refill Stations Have Arrived! – Beauty Kitchen](#)

engage consumers. The Industry of Grocery Distribution is developing plans to undertake a consumer insights project that assesses the potential scalability of different reuse delivery models from a consumer perspective, and to understand the barriers and opportunities for change as well as the levers of behaviour change. The IGD's interest in this topic is yet another indication that industry stakeholders are keen to explore how reuse can work in practice for all.

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

- Agree
- Disagree
- Neither agree nor disagree

We strongly agree with this proposal. The UK should follow the lead of France where 5% of EPR funds go to reuse schemes, which will total around 50 million euros a year. These funds are intended to help develop reuse, reduce waste, and to contribute to job creation.⁴⁸

Government can play a big part in our transition to a reusable society, by mandating the use of reusable packaging for certain product categories and sectors. And the Scheme Administrator can facilitate this transition - for example, by providing financial support for initial start-up costs for reuse systems, e.g. purchasing reusable takeaway containers and to support innovation in reuse, e.g. improved reusable container design or more effective communications to drive changes in consumer behaviour. Additionally, reuse needs to become the norm especially in the product categories where consumers are more willing to engage in this approach.

The Scheme Administrator could also support the adaptations required by supply chains to transition to reuse packaging systems. This could be further supported by a requirement to introduce standardised packaging formats for items such as bottles, takeaway containers and tubs; allowing for the same design to be reused and refilled by different brands and product lines.

It is clear both the Government and the Scheme Administrator have key roles to play in levelling the playing field to give reuse the best possible chance of success.

There is great potential for reuse to support social enterprises and to develop proposals through Local Enterprise Partnerships (LEPs) and LAs. Indeed in the Waste Prevention Programme document it is proposed that LEPs are supported with funds from EPR to develop 'circular economy hubs'.

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
- Disagree
- Neither agree nor disagree

⁴⁸ <https://circulareconomy.europa.eu/platform/sites/default/files/anti-waste-law-in-the-daily-lives-of-french-people.pdf>

We would argue strongly that it is imperative for reusable packaging to be treated favourably under EPR modulated fees to incentivise reuse and refill systems, otherwise it will be a wasted opportunity to signal the Government's intent.

We acknowledge there is some complexity which will require a balance between incentivising reusable and refillable packaging vs. market proliferation of heavier reusable items to take advantage of potentially lower modulated fees. To avoid a "bags for life" scenario we would ideally have a system whereby the number of uses can be tracked to ensure we are maximising the benefit of reusable packaging. Technologies such as QR codes and blockchain already exist and would be poised to support this.

Additionally, compositional analysis of waste could include a requirement to report on reusables found such as bags for life. This could support ongoing analysis of whether favourable modulated fees are delivering on the desired objectives.

We would highlight the work by the Welsh Government who are undertaking a trial on trackable packaging using QR codes (DDRS).

Again, it is important to highlight how any single action on reuse must be part of a wider suite of measures. These include a reduction target, more effective tracking and holding to account of businesses putting reusables on the market, and financial support for development of reuse / refill systems. And all this must be underpinned by a strong regulatory framework.