

# Response ID ANON-N7RC-R7SF-V

Submitted to **Consultation on reforming the UK packaging producer responsibility system**

Submitted on **2019-05-10 18:01:12**

## About You

### 1 What is your name?

**Name:**

Steve Read (On behalf of ADEPT)

### 2 What is your email address?

**Email:**

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### 3 Please provide information about the organisation/business you represent

**Which of the following best describes you?:**

Other (please provide details)

**What is the name of the organisation/business you represent? (If you are responding on behalf of yourself please write 'Individual'):**

The Association of Directors of Environment, Economy, Planning and Transport (ADEPT)

**What is the approximate number of staff in your organisation? (if applicable):**

N/A

**If you answered 'Other' above, please provide details::**

An Association of Local Government Directors

### 4 Please provide any further information about your organisation or business activities that you think might help us put your answers in context.

**Please answer below:**

The Association of Directors of Environment, Economy, Planning and Transport (ADEPT) is a membership based association of Local Government directors; a voluntary organisation with members across the country. Our primary role is to take the lead in transforming local authorities. We represent members' interests by proactively engaging central Government on emerging policy and issues, and promoting initiatives aimed at influencing Government policy. We achieve this by developing best practices and by responding to EU and UK Government initiatives and consultations.

### 5 Would you like your response to be confidential?

No

**If you answered 'Yes' above, please give your reason::**

## Background

### 6 Do you agree with the principles proposed for packaging EPR?

Yes

**Please briefly state the reasons for your response. Specifically, if you respond No, please identify which principles you do not agree with and explain why.:**

ADEPT believes that these principles will improve capture and quality of packaging material, improve transparency and accountability and place responsibility with the producers of packaging to think more sustainably when designing and selecting materials for packaging.

EPR should only be applied where viable end markets exist for target materials and that the entire cost (as per Article 8a of the Revised Waste Framework Directive) of recovery are met by producers.

This approach should also be complementary to the Deposit Return System, and requires effective governance to ensure compliance, good management and improved performance – waste prevention; reuse and recycling.

### 7 Do you agree with the outcomes that a packaging EPR should contribute to?

Yes

**If you answered No, please state which outcomes you do not agree with.:**

Yes, we believe these outcomes are a positive step in improving our impact on the environment, as well as encouraging sufficient high quality reprocessing capacity; more efficient waste management (recycling) systems and improved awareness and understanding of what people can and can't recycle in the UK –

coupled with the Deposit Return Scheme and providing Consistency in Collections.

ADEPT does however have concerns that some of the proposals for a new UK EPR for packaging may not deliver some of these outcomes, or at present is light on detail about how it might deliver these. For example, the provision of end markets for the increased materials that are expected and being pushed to be collected. ADEPT is also concerned about the measurement of one of the stated system delivery aims "the efficiency of the system for managing packaging waste increases". The current system is considered to deliver low cost compliance, but its limitations are well documented and recognised by the Government on p19 of the consultation. The current system cannot be used to benchmark future efficiencies within the new UK EPR system and success in this area will need more consideration and development.

## **8 Do you think these types of items not currently legally considered as packaging should be in scope of the new packaging EPR system?**

Yes

### **Please briefly state the reasons for your response and provide any information to support your view.:**

In the case of materials such as cling film and rolls of sacks the consumer has control over how much packaging they use and for what purpose. They have the option whether or not to substitute single-use material for multi-use containers (i.e. put your sandwiches or leftovers for storage in the fridge in a box rather than cover with film or foil). In that sense the householder is the producer.

However, subjecting these materials to EPR would encourage manufacturers to use appropriate materials. This is therefore a good opportunity to bring packaging type items into the system, as it will encourage better product design and recyclability of such items. In doing so more options will become available for consumers to make better informed choices. For example paper bags for sandwiches are likely to be more easily recyclable than plastic bags. A jiffy bag which can't be recycled may be replaced by manufacturers as they would be encouraged to design / source an alternative(s).

Whilst the public are starting to do the right thing and avoid single-use products (predominantly plastics at this stage), we do not believe there will be a significant change unless industry is forced to address the situation. It should also speed up a reduction in waste to landfill and either prevent waste or encourage the packaging industry to develop products that are more sustainable, reusable or recyclable. This would further reduce the amount of waste being sent to landfill and encourage the streamlining of materials for recycling.

It could be that packaging that is designed for multi-use (e.g. plastic bags with sealers) could be exempt. Although we would again question whether people do generally reuse these products or simply discard them after one single-use. An example would be when freezing and defrosting meat in plastic bags with sealers, as it would not be safe to reuse the bags. A more sustainable alternative would be a washable container such as a food storage box.

## **9 Which of these two classifications best fits with how your business categorises packaging?**

Neither

### **If neither, please say why, and provide a description of how your business categorises packaging:**

The concept of consumer facing packaging is useful, however the most important classification for local government will be the point where it has become waste i.e. in the hands of the consumer (household) or at a business (commercial) waste. Local Govt is primarily responsible for the former although some councils also offer commercial waste services.

As observed, household packaging waste will mainly be primary packaging except for delivery packaging or, for example, use of boxes provided at the checkout to take shopping home. Local government will see no distinction in practice between courier delivery box cardboard and, say, a breakfast cereal box. Both may be presented in the same stream for collection or disposal at an HWRS.

From a waste collection and disposal authority perspective, packaging is also generally categorised by the material it is made from, and accessing end markets either directly or through contractors is also determined by the material stream.

## **Part A: 1. Full net cost recovery**

### **10 Do you agree with our definition of full net cost recovery?**

Yes

### **Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT considers it is important that EPR funding properly addresses all the areas associated with the sustainable management of packaging so additional costs which should be covered are:

- Costs relating to provision of HWRC facilities for handling these materials
- Reasonable administration and data recording costs associated with running an effective and compliant service
- composition analyses (or other forms of analysis) to determine the quantities of packaging material in the general waste stream

ADEPT supports the proposal that producers should also fund national and local communication campaigns for recycling and littering as outlined in the consultation

### **11 Do you agree that producers should be required to fund the costs of collecting and managing household and household-like packaging waste? (i.e. all consumer facing packaging)**

Yes

**If No, please briefly state the reasons for your response and state what waste you think full net cost recovery should apply to.:**

**12 Do you agree that packaging for commercial/industrial applications should be out of scope for full net cost recovery?**

I don't know

**If No, please briefly state the reasons for your response.:**

ADEPT can see arguments for and against their inclusion. On the one hand, the cost of dealing with waste should be included in the price paid by the business to its contractor but this would not encompass the (minority) of waste disposed of illegally. If this cost is born by the business where the material becomes waste there is less onus on the producer of the goods concerned to reduce or design for recyclability. In either case most of the cost will, ultimately, fall on the end user but if included in scope there is incentive for producers to reduce that cost for their customers.

**13 We would welcome your views on whether or not producers subject to any DRS should also be obligated a under a packaging EPR system for the same packaging items.**

Yes they should

**Please briefly state the reasons for your response.:**

There will never be 100% capture of material via a DRS – but the important question – as highlighted in the document ...

"We also propose that producer fees cover the full cost to local authorities of dealing with littered and fly-tipped packaging waste. Further work would be required to determine these costs and would need to take account of the introduction of any DRS."

...is how much of DRS packaging will not be recovered via the DRS? We think the working assumption is that they should be included.

ADEPT is concerned that Government policies regarding consistency in material collections and extended producer responsibility might not integrate with the requirements of a DRS and this could lead to unnecessary competition for material.

**Part A: 2. Driving better design of packaging**

**14 Do you agree with the development of an 'approved list' of recyclable packaging to underpin the setting of either modulated fee rates or deposits?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

An approved list would give clarity. The list would need to be reviewed periodically in case of new materials becoming used, especially if any substitution of one material for another is to avoid paying for cost recovery.

**15 Do you think the payment of modulated fees or the payment of deposits with the prospect of losing some or all of the deposit would be more effective in changing producers' choices towards the use of easy to recycle packaging?**

Modulated fee

**Please briefly state the reasons for your response and provide any information to support your view.:**

This is more a question for the industry but it feels more straightforward for the producer to know what its costs are in advance and to avoid any scope for abuse of the system in terms of falsifying evidence where that would be required under a deposit system. The current PRN system is open – and has been subject - to such abuse.

We also note that: "This approach may require setting deposits at a rate which mean that producers could contribute more than the full net cost overall for packaging placed on the market". This would seem to be hard to justify when another, less burdensome, system is available.

**16 Do you think there could be any unintended consequences in terms of packaging design and use arising from:**

**Do you think there could be any unintended consequences in terms of packaging design and use arising from: - Modulated fees:**

I don't know / I don't have enough information

**Do you think there could be any unintended consequences in terms of packaging design and use arising from: - Deposit (for recyclable packaging) and fee (for non-recyclable packaging):**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

This proposal has echoes of the current PRN system in terms of having to provide evidence of packaging being recycled. We know from the current system that the focus has been on gaining evidence and not investing in the collection infrastructure. ADEPT has concerns that a similar situation could occur under this proposal. There is also scope for abuse of a deposit system in terms of falsifying evidence of recycling. The current PRN system is open – and has been subject to - such abuse.

One of the issues both systems might face is the imbalance between initial fees paid and the overall cost of the full net costs system. Both systems are likely to require a balancing each year of fees in against costs out. ADEPT would prefer to see a system that might initially see producers contribute slightly more than the costs and then get a rebate back at the end of the period rather than a system that sees them make top up contributions. Local authorities will need a degree of certainty of funding under the new EPR system (accepting that actual tonnages will vary to some extent from forecasts).

**17 Do you agree that the deposit approach should be designed to incentivise more closed loop recycling?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

Yes, all new policy and legislation should be designed to support the circular economy and closed loop recycling is a fundamental part of this. However, as we set out in response to Q52, encouraging closed loop recycling is more critical for materials that might otherwise be "downcycled" (eg plastic and glass) and less so where there are multiple high value secondary uses (eg metals). Some degree of lifecycle analysis should also be applied to ensure that closed loop does not have adverse carbon impacts.

**Part A: 3. Obligated producers**

**18 What do you consider to be the most appropriate approach to a single point of compliance, the Brand-owner or the Seller approach?**

Brand-owner

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT believes the obligation should be on those who have the greatest amount of influence over packaging design and the use of materials. The Brand-owner approach encourages up-stream responsibility and avoids de minimis exemptions. In many cases the seller will also be the brand-owner (e.g. supermarket own brands).

We don't understand the relevance of the argument that "the seller can provide the most accurate data on where products are bought by consumers". In terms of compliance, does it matter where the goods are purchased?

**19 If a single point of compliance approach was adopted, do you think the de-minimis should be:**

Retained and wholesalers and direct-to-retail sellers take on the obligation of those below the threshold?

**Please briefly state the reasons for your response and provide any information to support your view.:**

It would be preferable and more equitable to have all packaging covered under the scheme - but we can see the arguments for retaining a de-minimis threshold. The option of the obligation being taken on by wholesalers and direct-to-retail sellers would appear to be a fair way to address both points.

**20 Should small cafés and restaurants selling takeaway food and drinks whose packaging is disposed 'on the go' be exempt from being obligated?**

No

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT do not support an exemption as small cafés and restaurants should also take responsibility for purchasing and retailing products that have little or no packaging, and where packaging is required, they should ensure it is made from widely recyclable materials.

To be effective in tackling litter, small cafés and restaurants selling takeaway food and drinks should be included. This issue would be more straightforward if the brand-owner was responsible as we prefer.

**21 If shared responsibility is retained, is Option A or Option B preferable for including smaller businesses or the packaging they handle in the system?**

Option B (De-minimis threshold remains as is and obligations extended to distributors of packaging or packaged products)

**Please briefly state the reasons for your response and provide any information to support your view.:**

We note "the costs involved in regulating this number of additional businesses plus the burden on small businesses may outweigh the environmental and societal gains". On that basis, placing the onus on distributors of packaging or packaged products (or brand owners) seems a more logical and fairer way to fairly apportion costs.

**22 If you have stated a preference for A, do you think the de-minimis threshold should:**

Not Answered

**Please briefly state the reasons for your response and provide any information to support your view.:**

**23 Overall, do you have a preference for maintaining a shared responsibility compliance approach, or moving to a single point of compliance?**

Single point of compliance

**Please briefly state the reasons for your response and provide any information to support your view.:**

For simplicity in management, transparency, understanding and co-ordination, we believe a single point of compliance would be more effective.

**24 Do you have a preference for how small businesses could comply?**

Apply an allocation formula

**Please briefly state the reasons for your response and provide any information to support your view.:**

The contribution should be in proportion to turnover of goods in scope and an allocation formula would be the most appropriate means to do this – albeit a flat fee would probably be easier to administer. However if the responsibility for small business compliance is at the wholesaler level, this need not apply - which removes a potential burden on small businesses.

**25 Do you think that requiring operators of online marketplaces to take the legal responsibility for the packaging on products for which they facilitate the import would be effective in capturing more of the packaging that is brought into the UK through e-commerce sales?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT believes this would be the most effective way to account for this type of packaging within the scheme but enforcement could be an issue. There are on-line sellers who advertise themselves as UK based but ship their products direct from overseas. There would need to be a mechanism in place to ensure that these are identified and included.

#### **Part A: 4. Supporting improved collections and infrastructure**

**26 Do you agree that payments to local authorities for collecting and managing household packaging waste should be based on:**

**Do you agree payments to local authorities for collecting and managing household packaging waste should be based on: - provision of collection services that meet any minimum standard requirements (by nation):**

Yes

**Do you agree payments to local authorities for collecting and managing household packaging waste should be based on: - quantity and quality of target packaging materials collected for recycling:**

Yes

**Do you agree payments to local authorities for collecting and managing household packaging waste should be based on: - cost of managing household packaging waste in residual waste:**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT consider all three are important and we also strongly support the concept of Reference Recycling Collection Costs which are not really reflected in the three criteria above. Reference Recycling Collection Costs groups must be applied at the Waste Collection Authority level in two tier areas. In relation to the cost of managing household packaging waste in residual waste there will need to be a reference cost, rather than meet actual costs.

**27 Do you think we have considered all of the costs to local authorities of managing packaging waste?**

No

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT feels that most costs have been considered but for the avoidance of ambiguity the following should also be specifically acknowledged and accounted for:

- The (proportionate) costs of making HWRCs available to the public for receiving packaging waste
- The costs of collecting and disposing of packaging that is within the residual waste stream
- The costs of analyses to determine the quantities of packaging materials within the residual waste streams
- Haulage costs - those authorities without local reprocessing facilities should not be disadvantaged
- The costs of collecting, processing and /or disposing of littered packaging
- We would also like to see acknowledgement of, and proposals to address, any consequential costs for local authorities due to changes in the waste stream. These include impact of contractual claims relating to guaranteed tonnages or residual waste composition requirements (such as calorific value) which might alter as a result of policy change at national level. These will be specific to individual authorities but may be significant and long term so shouldn't be ignored.

**28 Do you agree with our approach to making payments for the collection of household-like packaging waste for recycling?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

Yes, provided that the Reference Recycling Collection Costs approach is taken.

ADEPT would hope to see the producer payments for household-like waste reflect the concept applied to household waste and that they cover the full net cost of collection. As businesses pay for their collections and waste collectors make profits from these collections there needs to be a robust and transparent process in place for these payments. Given that some waste management companies operate both the collections and the sorting facilities that waste is then taken to, the payment process needs to ensure that the opportunities to defraud the system are minimised.

There is also a need to ensure that collectors (whether private companies or local authority operated) deduct the producer payment element of the service to the customer in the price charged. There is a risk that collectors will receive a producer payment but not then reduce their charge to customers. This issue may be largely addressed through competition but small businesses who don't routinely review their service provider or have limited choice of provider may be at risk.

**29 Should businesses producing household-like packaging receive a payment for the costs of household-like packaging waste in residual waste?**

No

**Please briefly state the reasons for your response and provide any information to support your view:**

This risks removing any incentive for the business to recycle - unless they derived other income from the sale of segregated packaging waste.

**30 Are there other factors, including unintended consequences that should be considered in determining payments to:**

**Local authorities? Please explain the reasons for your response and provide any information to support your view:**

Central Government will need to consider how to treat payments to LAs and their contractors where household waste is co- collected with small business waste. This should not be onerous but the system must be auditable to mitigate risk of abuse as outlined above. ADEPT provided DEFRA with thoughts on options prior to publication of the Resources and Waste Strategy.

Minimum standards need to be set at a level that provides an efficient collection service with enough 'nudge' to ensure that residents are encouraged to maximise the recycling service.

ADEPT are very concerned that setting minimum refuse frequency to be fortnightly does not provide the incentive when several authorities are successfully operating lower frequency collections in combination with comprehensive recycling and weekly separate food waste services.

We would also observe the principle that "Producers should not be expected to cover the costs of inefficient service delivery..." could be compromised by obligating LAs to collect residual waste at a minimum frequently. This would, in effect, pass a cost of sub-optimal service efficiency to producers.

A further unintended consequence of restricting residual waste frequency will be to limit the Government's own policy aim to eliminate avoidable waste by 2050 (as set out in the 'Clean Growth Strategy'). It would also show a lack of confidence in the impact of the package of policies to promote a consistent, comprehensive range of materials for recycling which will minimise residual waste.

**For the collection and recycling of household-like packaging waste? Please explain the reasons for your response and provide any information to support your view:**

**31 Do you have any information that would help us to establish the costs incurred by local authorities and other organisations of cleaning up littered and fly-tipped packaging items?**

**Please provide any information below:**

ADEPT members have found that while Local Authorities should in theory be able to readily provide this information it has proved difficult as different authorities apportion costs in different ways between elements of a service. Central Government could however use a suitable consultant to gather more information, benchmark and be able to compare and contrast unit costs, as well as how definitions of fly tipping are applied.

**32 How do you think producer fees could be used to improve the management of packaging waste generated on-the-go?**

**Please answer below:**

ADEPT believe the strongest justification for DRS is around deterrence of littering. EPR would not have this same benefit as DRS which is a direct consumer incentive to return the packaging. While it would be possible to direct some EPR funds to the issue, ADEPT would urge caution in assuming that reserving funds for initiatives such as anti-litter campaigns and community clean up would have a significant impact.

**33 Do you have any information that would help us to establish the costs of collection and disposal of increased on-the-go provision?**

**Please answer below:**

**34 Do you agree that provision for the take back of single-use disposable cups for recycling should continue to be developed a voluntary basis by business prior to a government decision on whether disposable cups are included under an EPR scheme or DRS?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view:**

All positive voluntary schemes focused on waste prevention and recycling should be encouraged to continue until future clarity is provided by Government.

**35 Do you think the recycling of single-use disposable cups would be better managed through a DRS or EPR scheme?**

Both

**Please briefly state the reasons for your response and provide any information to support your view:**

DRS is suitable for consumer "on the go" situations but a high percentage of single-use disposable cups are used in business (i.e. office or other workspace), settings. An EPR system could cover this (if EPR is extended to business packaging waste as we argue it should be).

However if the whole system were to be based on EPR, there is no new incentive for "on the go" consumer responsibility and tackling litter.

**36 Do you think a recycling target should be set for single-use disposable cups?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT generally supports targets that help to drive positive change. However, to be effective, any targets would need to be reinforced with a penalty for poor performance.

## **Part A: 5. Helping consumers do the right thing – communications and labelling**

### **37 Should producer fees be used to support local service related communications delivered by local authorities?**

Yes

**Please briefly state the reasons for your response. Where available, please share evidence to support your view.:**

ADEPT would welcome the inclusion of funding support for communications which form a vital element of any scheme. There is also value in a nationally co-ordinated campaign with different stakeholders communicating and reinforcing the same messages. We suggest this is co-ordinated through WRAP to ensure all stakeholders are in broad agreement with the key messages and media.

### **38 Should producer fees be used to support nationally-led communications campaigns in each nation?**

Yes

**Please briefly state the reasons for your response. Where available, please share evidence to support your view.:**

Yes, one clear message via a national campaign would be very influential and help to cut through some of the public confusion around recycling.

### **39 Are there any circumstances where producers should be exempt from contributing to the cost of communications campaigns?**

No

**Please briefly state the reasons for your response. Where available, please share evidence to support your view.:**

ADEPT cannot think of any circumstances where producers should be exempt from contributing to the cost of communications campaigns. This is another example of where responsibility at the brand-owner level would help create a level playing field.

### **40 Do you agree it should be mandatory for producers to label their packaging as Recyclable/Not Recyclable?**

Not Answered

**Please briefly state the reasons for your response and provide any information to support your view.:**

Broadly yes, but ADEPT cautions that this question has scope for endless debate:

1. Should there be any non-recyclable packaging?
2. Anything is 'technically' recyclable, but a binary system such as this could be too simplistic and could increase confusion rather than decrease it if 'recyclable' items are not collected at the kerbside. As an example, cartons are currently on the list of approved 'recyclable' items, but are not a 'core material' in the consistency consultation. This is likely to lead to confusion and contamination for those authorities not collecting cartons at the kerbside. There is scope to mislead if facilities to recycle the product in question don't yet exist. Packaging should only be deemed as recyclable if technology exists and is widely available to recycle it to a product that has an end market.

ADEPT members have suggested a dynamic system where packaging is 'graded' in a similar way to the energy ratings on white goods. Packaging that is easily recyclable (PET bottles) would achieve a higher grading than that which is recyclable but not easily recycled (cartons). However we suggest this is tested with consumers prior to adoption to ensure it helps clarify things.

ADEPT urges that compostable packaging should be labelled 'not recyclable' until such time as it can be clearly differentiated and facilities exist to process it.

### **41 Do you think that the percentage of recycled content should be stated on product packaging?**

I neither agree nor disagree

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT feel brands should make their own decisions on this. percentage of recycled content is not an indicator that the packaging is the most sustainable option. There are a large number of messages that producers are obligated to put on their packaging, i.e. nutritional, allergenic, ingredients as well as, potentially, disposal information in the future. Increasing the number of messages that are required to be included will require more space and may dilute the message.

ADEPT also urges caution in assuming that all consumers will view higher recycled content as a positive feature and, consequently, will incentivise them to choose products on the basis that its packaging has lower recycled content. Some consumers may unjustifiably view some products with a high recycled content as inferior or less hygienic than those made with 100% virgin materials.

### **42 If you responded yes to the previous question, how could recycled content information be provided to consumers?**

**Please describe briefly.:**

### **43 Do you have any other proposals for a labelling system?**

Please describe briefly.:

**44 Do you have experience to suggest an appropriate lead-in time for businesses to incorporate any mandatory labelling requirements?**

Please describe briefly.:

## **Part B: 6. Packaging waste recycling targets to 2030**

**45 In your view, are the estimates made in the Material Flow reports for packaging waste arisings the best available data?**

I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.:

**46 Are you aware of any other factors which may affect the estimates of packaging waste entering the waste stream?**

I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.:

**47 In your view, are there other factors which may affect the amounts of obligated tonnage reported?**

I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.:

**48 Do you agree with the packaging waste recycling targets proposed for 2025?**

Yes

Please briefly state the reasons for your responses and provide any information to support your view:

Yes, but the extra amount assumed to come from "consistent collections" (table 3) looks overstated – Most Local Authorities already collect the core materials therefore uplifts of 4-5% in 2025 are, in our opinion, unrealistic, particularly if LAs are confined to a minimum of fortnightly residual collections . However we welcome the ambition of high targets.

**49 Do you agree with the packaging waste recycling targets proposed for 2030?**

Yes

Please briefly state the reasons for your responses and provide any information to support your view:

Yes, but the extra amount assumed to come from "consistent collections" (table 3) look overstated – Most Local Authorities collect the core materials, so uplifts of up to 12% (in the case of steel) by 2030 are, in our opinion, unrealistic particularly if LAs are confined to a minimum of fortnightly residual collections. However we welcome the ambition of high targets.

**50 Please provide your views on the policies and actions that could help us achieve an even higher overall packaging recycling rate, for example 75%, as well as your views on the costs associated with doing so.**

Please answer below:

ADEPT strongly urges Government not to put restrictions on collection frequency of residual waste. Experience and evidence from ADEPT members working over the last 20 years is that restricting refuse capacity through lower frequency collections is a key component in achieving higher packaging recycling rates and where properly introduced are acceptable to the vast majority of householders.

WRAP and other studies have confirmed ADEPT members' observations that many householders need a nudge to recycle in preference to just putting everything in the residual bin. Restricting residual capacity will save costs (to producers under an EPR scheme), support the drive to increase recycling and contribute to achievement of the Clean Growth Strategy goal of zero avoidable waste by 2050.

**51 Do you foresee any issues with obtaining and managing nation specific data?**

I don't know / I don't have enough information

Please briefly state the reasons for your responses and provide any information to support your view.:

**52 Should a proportion of each material target be met by "closed loop" recycling, e.g. as is the case for glass recycling targets?**

Yes

Please briefly state the reasons for your responses and provide any information to support your view.:

A caveated "Yes". We can see this is important for glass and possibly plastic which are often "downcycled" but this may be less important for, say, steel and aluminium. Once this has been smelted to a pure form it will be used again in a variety of high value uses and it is arguably less important that it is closed loop. Some degree of lifecycle analysis should also be applied to ensure that closed loop does not have adverse impacts .



ADEPT believes that requiring an input level for recycled content in plastic packaging would be a more effective measure than mandating closed loop recycling.

**53 Should government set specific targets for individual formats of composite packaging?**

Yes

**If yes, what key categories of composite packaging should be considered?:**

Yes, because both the proportions and abilities to recycle the different composite materials vary, so it would make more sense to set specific targets to reflect these variations. They can also be used to drive change where changed is required, and to avoid inertia. It will also incentivise the movement away from complex packaging (e.g. cartons) where more easily-recycled options exist.

**54 Do you agree with the proposed interim targets for 2021 and 2022 set out in Table 6?**

Yes

**Please briefly state the reasons for your responses and provide any information to support your view.:**

Yes, we agree as they appear to drive positive change.

**55 Do you agree with the proposal to increase the allocation method percentage to 35% for 2021 and 2022?**

Yes

**Please briefly state the reasons for your responses and provide any information to support your view.:**

**Part C: 7. Governance Models**

**56 Overall, which governance model for packaging EPR do you prefer?**

Model 2

**Please briefly explain your preference.:**

ADEPT feel that for local authorities there is little to choose between Models 2 and 3. They would be the most straightforward for LAs and minimises the number of transactions and complexity. It also supports consistency and transparency. We urge that Local Authorities should, along with producers, also be represented in the governance arrangements.

On balance Model 2 is more straightforward, has fewer actors. We note (page 99) and agree that "A single producer organisation would be more clearly sighted on obligated businesses that are not complying (free-riders). They would be the single scheme that every producer would be required to register with, which would make non-compliance more difficult.

Model 1 is more complex and requires more resource for the LAs to manage (as there would be periodic contract renewals with the compliance scheme). We are also concerned about the risk of "cherry picking" (see answer to Q58).

Model 4 predicated on the deposit / fee system which we do not favour.

**57 If you had to modify any of the models in any way to make them better suited to achieve the principles and outcomes government has set for packaging EPR what changes would you suggest?**

**Please describe briefly.:**

Local Authorities should, along with producers, be represented in the governance arrangements. Producers may be paying, but LAs provide the collection services and are closest to the communities who actually do the recycling. The commitments will only be met with LAs taking part in designing, running and reviewing the system.

The model should be designed to deal with the issues that have been highlighted regarding exported (sometimes ostensibly) recyclable waste and the evidence of recycling that can be attributed to it.

**58 Do you have any concerns about the feasibility of implementing any of the proposed governance models?**

Yes

**If yes, please provide specific reasons and supporting information for each governance models that you have concerns about:**

Model 1 is complex and will require more resources for Local Authorities to manage (as there would be periodic contract renewals with the bidding compliance scheme). The more operators there are in the system the more scope for costs where the system is based on fixed, transparent cost criteria for how much Local Authorities will be reimbursed.

We are also concerned that Model 1 will see Compliance Schemes target (or "cherry pick") Local Authorities in more affluent, higher yielding areas which could make it harder for other Local Authorities to engage. Safeguards could be put in place through the Advisory Body, but this creates complexity and will increase the overall system costs.

Option 4 - is untested in Europe and appears to have a complicated payment mechanism. There is also the suggestion that producers could end up paying more

than full cost recovery, which is an unreasonable and inefficient expectation.

**59 Do you think that any of the governance models better enable a UK-wide approach to packaging producer responsibility to be maintained whilst respecting devolved responsibilities?**

**Please describe briefly.:**

Our preferred Model 2 would achieve this objective. One single central body will have a strategic oversight that will benefit the UK as a whole. As it will interface with all LAs, it will be able to provide definition at the devolved level in accordance with any particular requirements.

**60 Stakeholders have suggested that a compliance fee mechanism similar to the arrangements currently in place under the WEEE producer responsibility scheme should be introduced if a competitive evidence market continues to operate such as in Model 1. Do you agree?**

No

**Please briefly state the reasons for your response and provide any information to support your view.:**

We favour Model 2 for the reasons stated above.

The WEEE producer responsibility scheme has seen issues over trading of evidence, as reported in LetsRecycle.com (10th April 2018): "The Producer Compliance Scheme Balancing System (PBS) has been under scrutiny because some in the WEEE sector believe that it may be being taken advantage of by schemes short of evidence, because it could come out as a cheaper way to obtain the evidence needed to account for recycling of WEEE.... The UK also missed its UK collection targets in 2017 by 16%".

**61 Should a Packaging Advisory Board be established to oversee the functioning of the EPR system and the compliance schemes in the competitive compliance scheme model 1 or do you think other arrangements should be put in place?**

Other – please provide details

**Please briefly state the reasons for your response and provide any information to support your view.:**

If Model 1 were adopted a Packaging Advisory Board would be essential. However ADEPT does not support Model 1 and suggest this body would add further to the complexity and number of actors (and potential points of failure) – which, in a fixed rate, transparent system, only add costs.

**62 Please let us know your thoughts as to whether the proposed single management organisation should be established on a not-for-profit basis or as a government Arm's Length Organisation.**

**Please answer below:**

ADEPT has no strong views on how the proposed single management organisation should be established.

**63 If such a management organisation is established as not-for-profit, one option is for government to invite proposals from potential operators and then issue a licence to operate for a defined period of time. Do you agree with this approach?**

Yes

**If no, would you like to suggest an alternative approach?:**

Yes, if the requirements of the scheme are very carefully defined and appropriate analysis of the bids is carried out. The process should be overseen by a body made up of representatives of stakeholders under an independent Chair.

**64 Should a single scheme be established for household/household-like packaging and C&I packaging as described for model 2?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

Yes, to ensure efficiency and avoid complexity in the management and operation of the scheme.

**65 Or, should there be a separate system for managing compliance for household/household-like packaging and C&I packaging as described for model 3?**

Not Answered

**If yes: could model 3 work as described? Or would additional mechanisms be required to make this approach work effectively? Please indicate what these might be.:**

**If no: do you have suggestions for an alternative approach?:**

**66 Under model 4 are producers more likely to:**

Not Answered

**Please briefly state the reasons for your response and provide any information to support your view.:**

This question is for producers to comment.

## **Part C: 8. Responsible management of packaging waste domestically and globally**

**67 Do you agree that government should seek to ensure export of packaging waste is undertaken in a transparent and environmentally responsible manner?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

It would be hard to think of reasons why a socially and environmentally responsible government would not wish to do this. Responsibility must extend to a national level as well as the producers. The National Audit Office's report in 2018 on the Packaging Recycling Obligations highlighted that exports of recycling are subject to fraud and error and there are financial incentives for companies to over-claim. There is also little tracking to ensure that waste is fully recycled which means that non-recycled material still attracts EPRNs which adds to environmental burdens in receptor countries and puts responsible UK processors at a commercial disadvantage.

**68 Do you agree that measures identified here would help ensure the export of packaging waste is undertaken in a transparent and environmentally responsible manner?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

**69 Have we missed potential measures that you believe need to be considered alongside those measures we have proposed?**

Yes

**If yes, please explain which potential measures should be considered.:**

There is an opportunity to align the reporting requirements of reproprocessors and local authorities. Moving the point at which evidence is issued to the point at which packaging waste has actually been reprocessed will necessitate clear information sharing requirements further up the supply chain for reasons of transparency and reporting. If accredited facilities/exporters were required to submit data returns, which would be subsequently verified by the regulator, this information could be pre-populated within a portal such as WasteDataFlow, enabling material providers to record waste flow modelling based on audited data. This would ensure a consistency of reporting and link components of the supply chain for which data is currently imperfect.

**70 Do you have any concerns about the feasibility and / or costs of implementing any of the proposed measures?**

Not Answered

**If yes, please provide specific reasons and supporting information for each measure that you have concerns about:**

## **Part C: 9. A more transparent system**

**71 Do you agree that accredited reproprocessors and exporters should be required to report their financial information?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view. If you answered no, how would you suggest transparency is provided on how income from the sale of evidence has been used to support capacity building?:**

ADEPT is unable to comment on the detail but strongly agree that "Every tonne of evidence issued must therefore be fully supported by a verifiable audit trail from the waste producer to the final reprocessor whether by a UK based reprocessor or an exporter". This must be addressed or the scheme will fail.

**72 Should accredited reproprocessors and exporters be required to generate evidence for every tonne of packaging waste that they process?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

Every tonne of evidence must be fully supported by a verifiable audit trail from the waste producer to the final reprocessor whether by a UK based reprocessor or an exporter. This must be addressed or the scheme will fail.

**73 Should accredited reproprocessors and exporters be required to report on the packaging waste they handle monthly?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

Monthly returns will assist the regulators keep track of obligated reproprocessors and exporters. Less frequent returns risk delay in spotting and acting on non-compliance.

**74 Do you think that any additional measures to those already described would be required to ensure transparent operating of the evidence market in model 4?**

Yes

**If yes, please provide details:**

ADEPT strongly supports the Government's proposal that "...if the final preferred governance model includes compliance schemes that they should be more tightly regulated. This would include a requirement to produce an annual strategic plan that sets out how they plan to meet the requirements of their members over the longer term. Annual reporting would cover items such as outcomes achieved, packaging waste recycled, packaging handled by their members and a breakdown of how producer fees have been spent. Oversight of all compliance schemes would be provided through a government board or other appointed regulator".

**75 Are there any additional requirements that should be placed on compliance schemes to ensure greater transparency of their operations and reporting?**

I don't know

**If Yes, please briefly state the reasons for your response and provide any information to support your view.:**

**76 Under a reformed system do you think compliance schemes should continue to be approved by the existing regulators or do you think a different approach is required?**

Other

**Please explain below:**

Either way the regulator (currently the EA) must be adequately resourced and be given appropriate enforcement capability.

**77 Are there any additional requirements of a single producer organisation to ensure transparency of its operation and reporting?**

Yes

**If yes, please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT contends that that local authority representation in the governance arrangements is vital. We would also like to see validation that Local Authority costs are actually being covered, regular review and this having meaningful Local Authority involvement. An appeal mechanism should be in place for those local authorities who believe that their full net costs are not actually being covered.

**78 Do you think there is a need to make more information on packaging available to consumers?**

No

**Please briefly state the reasons for your response and provide any information to support your view.:**

On-pack labelling should include basic – and verifiable - recyclability info. There is not necessarily a 'need' to go beyond this to make more information available to consumers. We welcome any initiative from producers to educate consumers on packaging, which may influence consumers buying habits and to demonstrate Corporate Social Responsibility. However such education must complement national messages and take pains not to add to confusion.

**Part C: 10. Compliance monitoring and enforcement**

**79 Are there other datasets that will be required in order to monitor producers in any of the proposed models?**

Yes

**If yes please explain which datasets will be needed:**

ADEPT would support the suggestion of a single publicly accessible central database where all weights are entered for every packaging type/format sold on the UK market. This would mean that producers would be required to determine their obligated tonnage through a consistent and transparent methodology.

**80 Is there a specific material, packaging type or industry sector whereby producing accurate data is an issue?**

Not Answered

**If yes, please provide further information on where producing accurate data may be an issue. :**

**81 Do you think a single database, as opposed to the current range of methodologies available, would be an effective alternative?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

A single database would provide a more consistent, effective and transparent approach.

**82 Do you agree that compliance schemes (models 1 and 3), the producer management organisation (model 2) or the scheme administrator (model 4) should be responsible for carrying out audits of producers, which should be reportable to the regulators?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT believe this is essential to provide a common, consistent, fair and transparent approach.

**83 Do you support the broadening of legally enforceable notices to obtain required information?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

Responsible obligated producers will wish to see a level playing field and a strong legal framework is required to deliver this.

**84 Are there other enforcement mechanisms that should be considered which would be timely and effective to bring producers into compliance, for example in relation to free riders?**

Yes

**If yes, please explain which other enforcement mechanisms should be considered:**

ADEPT supports the suggestion that powers should be available to request information from accountants and suppliers about the financial and business activities of a suspected free rider.

**85 Are there any further data that should be required to be collated / collected via compliance schemes or a single management organisation?**

**Please provide brief details.:**

**86 Do you think a penalty charge, as described, is the correct lever to ensure packaging recycling targets are met?**

I don't know

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT is reassured that Government "recognise that any penalty charge system should avoid any unintended consequences such as the value of the charge being more palatable than full compliance or conversely the charge being so high that other competitor schemes use the system to drive competitors schemes out of business by holding evidence that they do not themselves require to meet their obligations".

In relation to the latter issue we again point to a weakness of Models 1 and 3 and the risk, with a competitive approach, there will be cherry-picking of Local Authorities.

**87 Should stakeholders other than reprocessors or exporters be able to issue evidence of recycling?**

No

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT contends that evidence that material has left a MRF is not evidence of it being recycled. However we support the conclusion that (p111) "Facilities would therefore have to provide additional data if operating as an evidence point under a reformed packaging waste system" even if they were not issuing evidence of recycling. This data will be vital to verifying local authority repayments.

**88 Are there any additional enforcement powers that should be applied to waste sorters, MRFs and transfer stations handling packaging waste?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT believes that such operators should have a duty to keep and submit accurate records.

**89 Do you agree with the proposed amendments to enforcement powers relating to reprocessors and exporters?**

Yes

**Please briefly state the reasons for your response and provide any information to support your view.:**

ADEPT supports the Regulator's view

**90 Do you have any evidence to indicate that under any of the proposed governance models the likelihood of waste packaging being imported and claimed as UK packaging waste might increase?**

No

**If yes, please provide information on any evidence you have:**

**91 Is the current requirement for a sampling and inspection plan and subsequent auditing by the regulator sufficient to address any misclassification of imported packaging waste?**

Not Answered

Please briefly state the reasons for your response and provide any information to support your view.:

**92 Are there other mechanisms that could be considered that would prevent imported UK packaging waste being claimed as UK packaging waste under the proposed governance models?**

Not Answered

If yes, please explain which other mechanisms could prevent imported packaging waste being claimed as UK packaging waste:

### **11. Estimated costs and benefits**

**93 Do you have any additional data or information that will help us to further assess the costs and benefits (monetised or non-monetised) that these reforms will have?**

Please answer below:

No

**94 Do you have further comments on our impact assessment, including the evidence, data and assumptions used? Please be specific.**

Please answer below:

No

### **12. Further comments**

**95 If you have any other views or evidence that you think we should be considering when reforming the packaging waste regulations, which you have not yet shared, please add them here.**

Please answer below: