

**Councillor Claudia Webbe**  
**Executive Member for Environment and Transport**  
**Labour Member for Bunhill Ward**



Plastic Packaging Tax consultation  
Energy and Transport Tax team  
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Dear Madam/Sir,

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

I have pleasure in enclosing my response to the government's Consultation on reforming the UK packaging producer responsibility system on behalf of Islington Council. We will submit separate responses to the other three related consultations, namely Plastic Tax, Introducing a Deposit Return Scheme and Consistency in Household and Business Recycling Collections.


We broadly welcome the proposals set out in these consultations. We support the move towards ensuring that producers of goods bare full responsibility for the environmental and financial impact of those products including the full net cost of collection and disposal. To ensure this happens in practice, careful consideration must be given to what net full cost recovery consists of, particularly in high-density inner-city Boroughs with high proportions of purpose-built flats.

We support the aims of these proposals which include a reduction in difficult-to-recycle packaging and unnecessary packaging as well as increased packaging recycling and which support the waste hierarchy, implementation of circular economy principles and should result in the achievement of higher recycling rates.

In conjunction with a new deposit return scheme (DRS) the new EPR for packaging should also reduce littering of packaging waste which will benefit the natural environment.

We welcome the consultations as a packaging and support the introduction of all three sets of proposals, which complement and support each other.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Claudia Webbe', with a long horizontal stroke extending to the left.

**Councillor Claudia Webbe**  
**Executive Member for Environment and Transport**



# Islington Council's response to the Consultation on reforming the UK packaging producer responsibility system

## Questions and responses

### About you

#### **Q1. What is your name?**

Councillor Claudia Webbe

#### **Q2. What is your email address?**

[Claudia.webbe@islington.gov.uk](mailto:Claudia.webbe@islington.gov.uk)

#### **Q3. Which best describes you?**

Local government

#### **Q4. Please provide any further information about your organisation or business activities that you think might help us put your answers in context. (Optional)**

London Borough of Islington provides services and information to the residents and businesses of Islington. It is a waste collection authority undertaking collection of domestic and commercial recycling and refuse.

As an inner city London Local Authority, the tenth most densely populated borough in the Country, we are uniquely able to provide insight into what measures will help to improve recycling, waste reduction and resource efficiency on behalf of our residents and businesses.

#### **Q5. Would you like your response to be confidential?**

No

### Our approach

#### Principles

#### **Q6. Do you agree with the principles proposed for packaging EPR?**

(a) Yes

However, implementing the changes requires a long term commitment for increased financial support to local authorities to enable challenging targets to be met. We recognise that the details of the changes and therefore the details of any specific commitments (including distribution of any funding between authorities) would be decided following future consultations if the policies proceed as currently indicated but it is essential that this information is provided as soon as practicable. We are also concerned to ensure that the particular challenges of increasing recycling in dense urban environments is properly calculated and fully recognised in both payment calculations and standards.

Reasons for our response:

Businesses will bear the full costs of managing the packaging they handle or place on the market under the proposed new scheme. The principle of an extended producer responsibility (EPR) regime is that producers are responsible for the impact of the products that they place on the market from 'cradle to grave'. Whilst the current packaging EPR makes everyone in the packaging chain, above a de-minimis, responsible, it does not make producers responsible for the full costs of managing packaging waste, which undermines the principle of EPR. The consultation document notes that "At most around 10% of costs are covered; but our analysis indicates that less than 7% of the costs of managing household packaging waste are covered by producers." Therefore, in particular we support principle 3 – that businesses will bear the full costs of managing the packaging they handle or place on the market.

The proposed packaging EPR will better implement the waste hierarchy and more clearly support the principles of the circular economy than the present scheme. The reformed EPR will not incentivise reuse specifically. However, the second proposed principle of the new scheme is that businesses will be incentivised to reduce unnecessary and difficult-to-recycle packaging and to design and use packaging that is recyclable. As a result, the proposed new scheme should more clearly support the waste hierarchy and the principles of the circular economy than the present arrangement.

The proposed packaging EPR will provide for improved consumer information on packaging which should result in reduced contamination and more effective recycling. For any EPR scheme to work effectively the product users must understand their role and act accordingly. At present, the consumer information obligations for packaging waste are unclear, which coupled with weak enforcement, has led to uncoordinated implementation of the consumer information obligations for packaging waste. This has resulted in different obligated businesses within the current scheme providing different information about how consumers should recycle the packaging on the products that they buy. As a result, consumers are often confused about what to do when they come to dispose of a product and its packaging which leads to less effective recycling and higher levels of recycling contamination than we want. With current household recycling rates in north London static at 32% we therefore particularly support the principle for the new regime to address packaging labelling – principle 5 – ensuring all packaging is labelled as recyclable or not recyclable. This links with the separate consultation on consistency of collections, which we also, broadly, support.

With regard to principle 5, clearer labelling, there are multiple examples where packaging labelling is not clear. In partnership with NLWA, we are targeting better labelling of nappies. Research commissioned by NLWA, from Keep Britain Tidy, showed that 32% of expectant parents and 29% of parents of babies or toddlers selected a bin other than their general waste bin for the disposal of dirty nappies. 13% of those putting dirty nappies in the wrong bin took their information from on-package labelling.

Separately, we regularly receive enquiries from our residents asking about which plastic packaging can be recycled, referring to the On Pack Recycling Labels, or the polymer number icons, the 'green dot' or other labels, leading to much confusion.

Outcomes - what we are hoping to achieve

**Q7. Do you agree with the outcomes that a packaging EPR should contribute to?**

(a) Yes

The outcomes, which include a reduction in difficult-to-recycle packaging and unnecessary packaging as well as increased packaging recycling, support the waste hierarchy, implementation of circular economy principles and should result in the achievement of higher recycling rates. In conjunction with a new deposit return scheme (DRS) the new EPR for packaging should also reduce littering of packaging waste which will benefit the natural environment.

The outcomes which includes an increase in high quality reprocessing capacity in the UK should reduce export of packaging for reprocessing and recycling. Therefore it should help to create more employment in UK, reduce the carbon foot print of packaging processing and improve the robustness of the system by limiting illegal practices, whereby waste packaging is exported, PERNs claimed, but packaging never recycled.

In addition, we feel that the outcomes should also include

- more closed loop recycling, and
  - more packaging to be recycled closer to, or in the UK
- to make the recycling of packaging as sustainable as possible

#### Definition of packaging and packaging waste

**Q8. Do you think these types of items not currently legally considered as packaging should be in scope of the new packaging EPR system?**

(a) Yes

All of the items listed should be included in an EPR as they are all difficult to recycle products with a high environmental impact.

We would like to see paper cups, as in hot an cold beverage carton included in a Deposit Return Scheme or a point of sale tax similar to the plastic bag charge (a so called 'latte levy')

#### Types of packaging and sources of packaging waste

**Q9. Which of these two classifications best fits with how your business categorises packaging?**

Not applicable, as a Local Authority.

#### Part A: Packaging extended producer responsibility Key principles

##### 1. Full net cost recovery

**Q10. Do you agree with our definition of full net cost recovery?**

(a) Yes

We support the definition of full net cost recovery, and in particular welcome the inclusion of the costs of providing information to consumers on recycling packaging waste and anti-littering and the costs of clean-up of littered and fly-tipped packaging within the scope of the definition.

However, we are unclear how income from the sale of recyclable packaging will be netted off. We are concerned that if the income netted off is an average annualised amount per tonne for example, that it may be insufficient incentive for materials recycling facilities (MRFs) to get the best possible price for the sale of the packaging material for recycling. The way the system is structured will need to ensure that the commercial/market incentives for the trading of recyclate are maintained.

The consultation document notes that there is an expectation that recycling costs per tonne of packaging will decrease over time. There is no detail in the consultation document or impact assessment about how this has been modelled. It will be important for all parties to understand better how the costs have been and will continue to be calculated in order to understand how 'full cost' recovery has been determined.

The calculated collections costs must take into account the particular difficulties of collecting high quantities of quality recycle from high-density inner-city areas such as Islington.

**Q11. 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?**

(a) Yes

**Q12. Do you agree that packaging for commercial/industrial applications should be out of scope for full net cost recovery?**

(b) Yes

Businesses generally meet the cost of managing packaging for commercial and industrial applications which are generally used for business to business transactions. However, wooden pallets are often fly-tipped, therefore should be included in the net cost.

**Q13. We would welcome your views on whether or not producers subject to any DRS should also be obligated under a packaging EPR system for the same packaging items.**

(b) Yes they should

EPR should be viewed as the over-arching system for incentivising businesses to make improvements to the way in which waste packaging is managed and recycled. DRS is primarily a consumer behaviour change mechanism and therefore serves a different purpose and achieves a different objective. Both compliment each other nevertheless and each will operate more effectively as a result of the other.

Any relevant obligation met under DRS should be counted towards EPR and not have the obligation 'double counted'. This is different from not being obligated under both systems.

## 2. Driving better design of packaging

**Q14. Do you agree with the development of an 'approved list' of recyclable packaging to underpin the setting of either modulated fee rates or deposits?**

(a) Yes

Clarity and consistency of labelling for consumers can only be brought about if there is an approved list of what can and cannot be recycled, and recycling will be more effective if the labelling is clear. However, the practicalities are that different MRFs accept different ranges of materials so it will be important to find a way in which the national variability of what can and cannot be recycled is incorporated during any transitional period.

The consultation document notes that determination of whether something is recyclable or not will include whether it can be collected and sorted for recycling at an acceptable cost. In our experience it is very helpful to have the ability to explain to consumers that whilst something might be technically capable of being recycled,

that it is too expensive to do so or that the end markets don't exist for a particular item which is labelled as 'recyclable' i.e. hard plastic. If this type of information was available nationally through an approved list, it would give consumers much more confidence in the reasoning behind different recycling decisions.

**Q15. 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?**

(b) Deposit (for recyclable packaging) and fee (for non-recyclable packaging)

This approach in our opinion would provide a direct incentive to obligated producers to move faster towards circular economy. It would should be clearer and more transparent than modulated fee providing producers with full knowledge of their packaging life cycle and impact on environment.

**Q16. Do you think there could be any unintended consequences in terms of packaging design and use arising from a) Modulated fees, or b) Deposit and fee?**

(b) Deposit (for recyclable packaging) and fee (for non-recyclable packaging)

There appear to be advantages to both systems. However potential unintended consequence of the modulated fee approach is that it might not promote a high change in product use and design once the system is up and running. A danger could be once a product is on the approved list the incentive to further improve the design of the packaging is not driven by the fee. This could mean a plateau in design improvements, recycling rates and end market capacity and development. A way of mitigating this would be a regular review of the approved list with a tightening or the criteria for a product to get on the approved list.

A deposit scheme, as described, seems to incentivise more closed loop, product to product recycling, which we would support.

**Q17. Do you agree that the deposit approach should be designed to incentivise more closed loop recycling?**

(a) Yes

A fiscal signal to include easily recyclable material, whether that be a deposit/fee or modulated fee, raises awareness of the need to design in recyclability from the outset and the deposit approach also provides the opportunity to incentivise closed loop recycling.

It would lower carbon footprint of new products.

It could stimulate more UK based manufacturing

### 3. Obligated producers

**Q18. What do you consider to be the most appropriate approach to a single point of compliance, the Brand-owner or the Seller approach?**

(a) Brand-owner

The current system of shared responsibility across the packaging chain has worked well since its introduction, but we note that this creates the potential for four separate organisations to be obligated for one unit of packaging – the material manufacturer, the converter, packer-filler and seller. We also recognise the risk of the

price signal being diluted by having a shared responsibility approach. As a result, we support reform to a single point of compliance.

We support compliance at the brand-owner level on the basis that the brand owners are the ones putting the product forward to the market but have no further evidence to support this view.

**Q19. If a single point of compliance approach was adopted, do you think the de-minimis should be:**

(a) Replaced with a lower turnover threshold?

Replacing the de-minimis with a lower turnover threshold still retains the principle of producers being obligated under producer responsibility legislation, albeit that very small and micro-businesses would be exempt such as an independent café that fills takeaway boxes at the point of purchase.

A move to retain the de-minimis threshold and obligate wholesalers and direct-to-retail sellers of unfilled packaging seems to undermine the principle of producer responsibility – because the wholesalers and direct-to-retail sellers would have to pay the fees on the unfilled packaging products that they sell to producers (albeit that the prices they would charge would be inclusive of EPR obligations).

**Q20. Should small cafés and restaurants selling takeaway food and drinks whose packaging is disposed 'on the go' be exempt from being obligated?**

(a) No

These have high impact on the litter in local area. Being obligated would help them appreciate this impact and encourage them to innovate towards a circular economy.

We also note that much of the packaging sold (takeaway cartons, beverage cups) are not included in the proposed DRS scheme, so exempting small cafes from EPR too would exempt them from any meaningful obligation to reduce the environmental impact of the waste from their operations.

**Q21. If shared responsibility is retained, is Option A or Option B preferable for including smaller businesses or the packaging they handle in the system?**

We do not think shared responsibility should be retained so have not answered this question.

**Q22. If you have stated a preference for A, do you think the de-minimis threshold should:**

Not applicable

**Q23. Overall, do you have a preference for maintaining a shared responsibility compliance approach, or moving to a single point of compliance?**

(a) Single point of compliance

Please briefly state the reasons for your response and provide any information to support your view. Please see our response to question 18.

**Q24. Do you have a preference for how small businesses could comply?**

(a) Pay a flat fee to include a contribution to a communications fund

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



A flat fee appears to be the least burdensome administratively on small businesses.

**Q25. 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?**

(a) Yes

More and more people now buy on-line and this trend will continue. It is important therefore that these operators should be included within the EPR framework.

Operators of online marketplaces should, as a matter of principle be sharing some of the producer responsibility burden associated with the packaging for which they facilitate the import and then pass into UK consumers' homes and waste.

These are digital businesses so the ease of compliance should be high and the costs of ensuring accurate reporting relatively low. However, incorporating these businesses into the EPR framework is inevitably likely to result in some self-reporting.

#### 4. Supporting improved collections and infrastructure

**Q26. Do you agree payments to local authorities for collecting and managing household packaging waste should be based on:**

- (a) provision of collection services that meet any minimum standard requirements (by nation);
- (b) quantity and quality of target packaging materials collected for recycling;
- (c) cost of managing household packaging waste in residual waste

Yes, we agree that the payments to local authorities for collecting and managing household packaging waste should be based on all of the above measures, with the focus being on identifying the true collection and disposal costs for delivering a service that meets the minimum standard requirements. Depending on circumstance, such as population density, proportion of purpose built flats and so on, it is harder for some Local Authorities to collection high quantities of quality material for the same cost, and should not be financially disadvantaged as a result, so the financial calculation should focus less on b, than on a and c.

A long-standing complaint of producers and retailers has been the varying collection systems provided by local authorities across the country and that as a result communication about recycling on a national scale is more difficult. Collection services which meet minimum standard requirements by nation would help to address this and ensure that the efficacy of communications is maximised.

Consistent collections in tandem with the requirement for minimum recycled content in plastic packaging on which HM Treasury is consulting concurrently should stimulate the markets to drive down the gate fees and up the price of MRFs plastic output.

Quality of recycling is an important measure and we support the proposal to factor it into the payments to local authorities, however high-density urban areas with highly mobile populations, where only communal provision is possible should be provided with some extra help or this should be factored into a formula.

We note that the consultation states that if additional packaging items, such as film plastic waste produced by households (which is mostly LDPE) and compostable plastic packaging, were to be required to be collected from households in the future then producers would be expected to cover these costs. However, in some cases these items are collected and recycled already. We would recommend that the system is sufficiently flexible to allow for the costs of other materials than those which are mandated should be able to be recovered too if they contribute to the producers' targets.

More thought needs to be given to the reference costs for making payments to the following groupings of local authorities in England. Those used so far do may properly reflect the costs of collection in the capital, particularly in inner city areas. Namely:

- R1 Predominantly urban, higher deprivation
- R2 Predominantly urban, lower deprivation
- R3 Mixed urban/rural, higher deprivation
- R4 Mixed urban/rural, lower deprivation
- R5 Predominantly rural, higher deprivation
- R6 Predominantly rural, lower deprivation]

**Q27. Do you think we have considered all of the costs to local authorities of managing packaging waste?**

(a) No

The consultation document notes that producers should not be expected to cover the costs of inefficient service delivery and their financial contribution should not exceed the costs necessary to provide those services (Section 1). However, we are concerned that the detail is not provided to understand how the efficiency of a collection service will be assessed and whether, if some costs have been excluded, a service may be erroneously judged as being inefficient.

The need to provide consistent collections, including the additional separation of materials, is likely to require additional bulking bays for separate materials at transfer facilities. It is unclear if the full costs of additional bulking bays at transfer facilities have been incorporated.

We are unsure if collection depot running costs have been included.

A key piece of work is to understand how much the costs of managing packaging waste vary between local authorities in London within the different rurality groupings provided and ideally other comparable authorities outside of London. Undertaking collections in London is more expensive for all sorts of reasons (labour costs, sub-optimal depot infrastructure, journey times, mayoral transport and clean air requirements etc.). Further work is needed to ensure that the costing modelling is comprehensive, particularly for urban authorities such as our own.

We are also concerned that the payments for packaging waste in residual waste which will be based on the average disposal gate fee for household waste for landfill or incineration, using either national average rates or regional average rates have sufficient granularity. If residual waste is transported to a region with very different disposal costs it is important that this is reflected in the payments so that the producing local authority is properly recompensed.

**Q28. Do you agree with our approach to making payments for the collection of household-like packaging waste for recycling?**

(a) Yes

We support the principle of payments for the collection of household-like packaging waste for recycling being similar to those for household waste, namely a formula which takes into account the cost of collection, proportion of target recyclable packaging materials in the waste stream and weight of target materials recovered for recycling. However, our comments regarding omissions as set out in response to question 27 also apply to household-like packaging waste collected from businesses.

**Q29. Should businesses producing household-like packaging receive a payment for the costs of household-like packaging waste in residual waste?**

(b) No

Since businesses pay a direct charge for collection of waste (unlike householders) it would disincentivise businesses to recycle their household-like packaging. It would also work against the separate proposal in the Consistency of Collections consultation to require businesses to separate out their recyclable waste for separate collection.

**Q30. Are there other factors, including unintended consequences that should be considered in determining payments to:**

**(a) Local authorities?**

There will be a period of transition as the new EPR system is implemented and appropriate transitional arrangements should be put in place to protect Local Authorities from any financial shortfall.

**(b) 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.**

None.

**Q31. 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?**

We do not as yet. However, the cost drivers around the services are complex. This is an aspect that requires further detailed engagement with local government to establish the data required to inform policy.

**Q32. How do you think producer fees could be used to improve the management of packaging waste generated on-the-go?**

Yes. Local authorities could receive an additional payment if their on-the-go recycling system meets the minimum standard (dry materials) for kerbside services. This would complement the proposed DRS system.

The net full cost recovery system should include on the go payments, including communications so that there would be an incentive for local authorities to make their on-the-go provision consistent with their kerbside service.

**Q33. Do you have any information that would help us to establish the costs of collection and disposal of increased on-the-go provision?**

Yes

Islington Council provides extensive on-the-go provision. We would be happy to share information on the infrastructure and servicing costs to DEFRA at the when the full net cost recovery costs are being reviewed.

**Q34. 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?**

(a) No.

The measures introduced to date on a voluntary basis are encouraging, but inadequate. Only a few cafes and restaurants operate such schemes and there are often not obvious when they are offered. Furthermore, most single use disposable cups are disposed of outside the café and recycling or take back options are extremely limited.

We have called on the government to introduce a point of sale tax on single use disposable beverage cups and urge the government to include these items in EPR and/or DRS to ensure a significant reduction in use and increase in recycling rates.

**Q35. Do you think the recycling of single-use disposable cups would be better managed through a DRS or EPR scheme?**

(b) EPR

Single use cups are widely littered, and managing them is significant cost to local authorities. Our preference is to see measures taken to encourage the application of the waste hierarchy to this form of packaging as soon as possible. While a DRS for cups could have benefits, particularly in respect of litter, the overarching goals of policy in this area should be waste prevention – encouraging people to move towards the use of reusable cups instead. A DRS is less likely to be effective in achieving this than a point of sale charge.

It is appropriate that single use cups should fall within the scope of EPR, which will ensure that local authorities are appropriately resourced to manage cups that arise in the residual waste, recycling and street litter streams. Bringing cups (and many other items, such as thin carrier bags, food containers and cigarette butts) within the scope of EPR will in any case be a requirement of the Single Use Plastics Directive, and there would be change management advantages in recognising as many of these requirements as possible at an early stage. However, the additional costs that EPR this would be likely to apply to a cup will be relatively small, and unlikely to bring about significant behaviour change on their own – hence the call for an additional scheme to drive prevention.

**Q36. Do you think a recycling target should be set for single-use disposable cups?**

(a) Yes

Voluntary action taken by businesses so far delivered very little, however we see continued growth in number of cups placed on the market. The emphasis should, however, be in reducing the number of cups used by incentivising reuse.

5. Helping consumers do the right thing – communications and labelling

**Q37. Should producer fees be used to support local service-related communications delivered by local authorities?**

(a) Yes

We support the use of producer fees for local service-related communications, but this support could be on the proviso that suitably flexible national branding is used and that the money is ring-fenced for communications.

Local communication is a key to a successful local service and must be fully supported. Local Authorities are best placed to design effective communication campaigns for their populations, housing and collection types. There should be provision to use variety of tools necessary to communicate with the audience, from training care takers on housing estates to using targeted social media ads.

Local communications can be targeted and customised and are a vital part of the communications mix, reducing the 'bystander bias' of national activity. Examples from other sectors to support the need for local communications including the National Blood Transfusion Service which became far more effective at gaining blood donors when it changed its communications from national messaging about giving blood, to a more localised approach saying that the local hospital was running low on supplies. Spotify has also localised its communications to attract more users.

Local communications will also be particularly important in the transition period before consistency of collections is in place across each nation. However, it will remain important if the consistency will be introduced to account for demographic composition, housing types and i.e. type of receptacles and frequency of collection.

**Q38. Should producer fees be used to support nationally-led communications campaigns in each nation?**

(a) Yes

We suggest that it is appropriate for funding to be used for national branding, research and communications materials but not for communications campaign delivery until consistent collections are in place.

**Q39. Are there any circumstances where producers should be exempt from contributing to the cost of communications campaigns?**

(b) No

**Q40. Do you agree it should be mandatory for producers to label their packaging as Recyclable/Not Recyclable?**

(a) Yes

Consumers are often confused about what to do when they come to dispose of a product and its packaging which leads to less effective recycling and higher levels of recycling contamination. Labelling must also be clear about whether the packaging and the contents are recyclable. Labelling on nappy packs, for example, that indicate the product (the packaging) is recyclable has been shown to be a key cause for used nappies being placed in recycling containers.

With current household recycling rates in Islington plateauing at 31% we particularly support the principle for the new regime to address packaging labelling – principle 5.

This proposal is of course predicated on Local Authorities collecting at least a minimum range of materials which we also support.

**Q41. Do you think that the percentage of recycled content should be stated on product packaging?**

(a) Yes

Labelling about the recycled content of the packaging would reinforce consumer messaging about the outcome of recycling, i.e. that the material consumers recycle gets made into new products.

**Q42. If you responded yes to the previous question, how could recycled content information be provided to consumers?**

The labelling could be colour coded like energy efficiency ratings, or a circle with the proportion of recycling content in a different colour, like a pie chart.

**Q43. Do you have any other proposals for a labelling system?**

No.

**Q44. Do you have experience to suggest an appropriate lead-in time for businesses to incorporate any mandatory labelling requirements?**

No – this is a question for producers.

Part B: Packaging waste recycling targets

6. Packaging waste recycling targets to 2030

**Q45. In your view, are the estimates made in the Material Flow reports for packaging waste arisings the best available data?**

(C) I don't know / I don't have enough information

**Q46. Are you aware of any other factors which may affect the estimates of packaging waste entering the waste stream?**

(b) No

**Q47. In your view, are there other factors which may affect the amounts of obligated tonnage reported?**

(C) I don't know / I don't have enough information

**Q48. Do you agree with the packaging waste recycling targets proposed for 2025?**

(c) I neither agree or disagree

**Q49. Do you agree with the packaging waste recycling targets proposed for 2030?**

(c) I neither agree or disagree

**Q50. 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.**

To maximise the amount of packaging waste from households there will need to be a huge programme of behaviour change brought about through a variety of means. Local authority work shows that good communications can be effective in increasing recycling.

However, it has also shown it will only go so far and we believe that in order to really maximise capture of materials a two step approach should be taken.

Firstly, the enforcement options available to help compel the use of convenient and reliable recycling systems should be enhanced. Islington Council has a compulsory recycling policy which means that you must recycle anything that you can recycle using the services provided to your home. This is intended only for householders who persistently do not recycle, despite education, engagement and encouragement. Change to the EPA 1990 have taken away these enforcement options. We would urge the government to rescind these changes to enable responsible Local Authorities providing quality services to take reasonable measures to ensure households take responsibility for their waste (producer responsibility in action).

Following this, forms of direct charging for household waste collections should be considered. Evidence from other countries has shown this to be a very effective policy instrument in bringing about behaviour change in households. Further research on this would need to be undertaken but the policy has the potential to be self-financing and so the costs to producers is minimised.

It would be a big change for the UK and for residents and would not be without its problems. However, these problems should not be used as an excuse not to do it and there is plenty of learning from other countries on how barriers can be effectively overcome.

**Q51. Do you foresee any issues with obtaining and managing nation specific data?**

We are not able to answer this question.

**Q52. Should a proportion of each material target be met by “closed loop” recycling, e.g. as is the case for glass recycling targets?**

(a) Yes

As we seek to transition to a more circular economy it would be helpful if the producer responsibility packaging waste regulations could assist us to do so. It could reduce exposure to raw materials price fluctuations and reduce reliance on imported raw materials. There would also need to be clarification whether a closed loop application outside the UK counted. The additional costs of collection and sorting that may be incurred to deliver material for a closed loop application would need to be covered if closed markets are more costly to provide material for.

**Q53. Should government set specific targets for individual formats of composite packaging?**

(a) Yes

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

We don't have enough knowledge of the packaging sector to answer this question but we support the principle of setting targets for composite packaging recycling. We would support measures to include sweet wrappers, crisps packaging and single use cups, pouches and tetrapacks.

**Q54. Do you agree with the proposed interim targets for 2021 and 2022 set out in Table 6?**

(c) I neither agree or disagree

**Q55. Do you agree with the proposal to increase the allocation method percentage to 35% for 2021 and 2022?**

(c) I neither agree or disagree

Part C: Governance arrangements

7. Governance models

**Q56. Overall, which governance model for packaging EPR do you prefer?**

(b) Model 2

Please briefly explain your preference.

Many other countries operate a single governance model, so it is a well-established approach for packaging compliance and the costs and operating model are known.

A single governance model simplifies the current regime of competing compliance schemes which has delivered compliance and at a low cost but which has led to a fragmented approach where the whole scheme costs and investment back into recycling collection services is not as transparent as we would wish.

**Q57. 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?**

Model 1: Enhanced near-to-business as usual - compliance schemes.

Due to the competitive nature of the market under this model, schemes would compete for local authority services as with the WEEE compliance approach now. In order to provide a comprehensive service, it would be necessary to include a mechanism to prevent the most costly-to-collect-from local authorities from being without a compliance scheme provider into which all schemes would have to contribute.

This model requires the transfer of a proportion of funds to an independent board which would run communications campaigns on behalf of the schemes. In order to ensure that this worked well it would probably be necessary to establish a governance structure whereby one of the compliance schemes took the legal lead. Prior to the establishment of WRAP the National Waste Awareness Initiative as it was then known, (now Recycle Now) was run by a board. However, because there was a need to let contracts to communications agencies, research agencies etc. that board then had to become a legal entity in order effectively deliver the campaign. A quicker approach is to let one of the member organisations take the lead.

The complexity of each compliance scheme working alongside the DRS would possibly also require a combined management body to ensure a coherent system was created.

Model 2: Single not-for-profit producer management organisation

No suggestions

Model 3: Separate schemes for household/household-like packaging and commercial/industrial packaging.

Data collection management would be one of the most difficult aspects of this model, because with different schemes responsible for household/household-like packaging and commercial/industrial packaging no-one organisation would have a complete picture of the progress towards recycling target achievement. A data



sharing arrangement would be required with one of the schemes taking the lead for providing information to government.

Communications funding for reducing littering would also need to be co-ordinated between the schemes because communications to reduce littering does not necessarily need to distinguish between the sources of the litter or if it does communications require co-ordination.

Model 4: Deposit-based government managed system.

The consultation document notes that the Government has not found a similar scheme operating elsewhere so it could include a number of unknown costs and risks.

One difficulty of this model is how best to approach compliance in the four nations – which government would manage the scheme or is it proposed that there would be four separate schemes, one for each nation? If so, this may not lead to as coherent a system without the creation of an additional co-ordinating body.

**Q58. Do you have any concerns about the feasibility of implementing any of the proposed governance models?**

b) No

All of the models are feasible, but some as indicated above would require more time and complex structural arrangements to put be put in place in order to make them effective.

**Q59. 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?**

We do not have a view.

**Q60. 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?**

(a) Yes

Firstly because of the requirement to provide support for authorities who have not been able to award a contract to a compliance scheme for whatever reason. The compliance fee can be set to ensure that each scheme pays into a fund which can support the provision of services to such local authorities.

Secondly because it would potentially be able to fund comprehensive communications.

**Q61. 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?**

We are unsure about the alternatives so cannot comment upon this question.

**Q62. 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.**

There are pros and cons of each approach but on balance we recommend a non-for-profit basis.



**Q63. 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?**

(a) Yes

**Q64. Should a single scheme be established for household/household-like packaging and C&I packaging as described for model 2?**

(a) Yes

A single scheme can ensure a co-ordinate approach to data collection and reporting of the same.

**Q65. Or, should there be a separate system for managing compliance for household/household-like packaging and C&I packaging as described for model 3?**

(a) No

**Q66. Under model 4 are producers more likely to?**

**(a) Manage their own compliance?**

**(b) Join a compliance scheme?**

We do not have a view on this.

#### 8. Responsible management of packaging waste domestically and globally

**Q67. Do you agree that government should seek to ensure export of packaging waste is undertaken in a transparent and environmentally responsible manner?**

(a) Yes

To ensure we do not send packaging waste to export markets that may not operate under strict environmental controls and to reassure the public that their waste is being dealt with responsibly.

**Q68. Do you agree that measures identified here would help ensure the export of packaging waste is undertaken in a transparent and environmentally responsible manner?**

(a) Yes

**Q69. Have we missed potential measures that you believe need to be considered alongside those measures we have proposed?**

(b) No

**Q70. Do you have any concerns about the feasibility and / or costs of implementing any of the proposed measures?**

(a) Yes

The transition period will be complex as producers and local authorities move to the new system, consistent collections come into force and a DRS is implemented, assuming that all three new measures are implemented. Coupled with any complexities introduced as a result of Brexit, this could lead to unforeseen delays and costs.

## 9. A more transparent system

**Q71. Do you agree that accredited reprocessors and exporters should be required to report their financial information?**

(a) Yes

A requirement to report financial information will provide confirmation to show how the income from the sale of evidence has been used to support capacity building, thereby supporting the transparency principle number 8 of the governance principles behind the reform to the packaging regime.

**Q72. Should accredited reprocessors and exporters be required to generate evidence for every tonne of packaging waste that they process?**

a) Yes

**Q73. Should accredited reprocessors and exporters be required to report on the packaging waste they handle monthly?**

a) Yes

**Q74. 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?**

(a) Yes

The risk with this model is that schemes pay more than they need at the start of the year. Accurate estimates would be required, particularly for small businesses where paying the fee up-front could cause unnecessary cash-flow difficulties.

**Q75. Are there any additional requirements that should be placed on compliance schemes to ensure greater transparency of their operations and reporting?**

(a) No

**Q76. 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?**

(a) Yes, approved as now

**Q77. Are there any additional requirements of a single producer organisation to ensure transparency of its operation and reporting?**

(b) No

**Q78. Do you think there is a need to make more information on packaging available to consumers?**

a) Yes

We know there is confusion about the recyclability of packaging and whether recycling information on packaging refers to the product or the packaging. Clear labelling indicating whether an item is recyclable or not, consistently applied to all packaging products will help. A consistent set of recyclable materials will also mean consistent information is given to householders, wherever they live.

## 10. Compliance monitoring and enforcement

**Q79. Are there other datasets that will be required in order to monitor producers in any of the proposed models?**

We are not able to answer this question.

**Q80. Is there a specific material, packaging type or industry sector whereby producing accurate data is an issue?**

We are not able to answer this question.

**Q81. Do you think a single database, as opposed to the current range of methodologies available, would be an effective alternative?**

(a) Yes – if it is possible.

**Q82. 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?**

We are not able to answer this question.

**Q83. Do you support the broadening of legally enforceable notices to obtain required information?**

(a) Yes

**Q84. 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?**

We are not able to answer this question.

**Q85. Are there any further data that should be required to be collated / collected via compliance schemes or a single management organisation?**

Yes.

It would be helpful to link the data sets in a reformed EPR with the number and type of complaints received through the packaging essential requirements regulations. In theory with a better EPR scheme and improved design for recyclability there should be fewer complaints about packaging design, but it would be interesting and useful to capture this information.

**Q86. Do you think a penalty charge, as described, is the correct lever to ensure packaging recycling targets are met?**

We are not able to answer this question.

**Q87. Should stakeholders other than reprocessors or exporters be able to issue evidence of recycling?**

(b) No

**Q88. Are there any additional enforcement powers that should be applied to waste sorters, MRFs and transfer stations handling packaging waste?**



a) No

**Q89. Do you agree with the proposed amendments to enforcement powers relating to reprocessors and exporters?**

(a) Yes

**Q90. 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?**

(b) No

**Q91. 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?**

We are not able to answer this question.

**Q92. 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? Unsure**

We are not able to answer this question.

**Q93. 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?**

No

**Q94. Do you have further comments on the associated Impact Assessment, including the evidence, data and assumptions used? Please be specific.**

No

**Q95. 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.**

