

## Consultation on Extended Producer Responsibility for Packaging

### Response from London Environment Directors' Network (LEDNet) and London Councils' Transport and Environment Committee (TEC)

Important to note: The questions are numbered in line with the numbering in the consultation document, with the questions within Annex 1 numbered as Q101-104

#	Question	LEDNet/TEC response
<b>About you</b>		
Q1	What is your name?	Dimitra Rappou
Q2	What is your email address?	<a href="mailto:dimitra.rappou@londoncouncils.gov.uk">dimitra.rappou@londoncouncils.gov.uk</a>
Q3	Which best describes you?	Local government
Q4	If you are responding on behalf of an organisation, what is its name?	London Councils' Transport and Environment Committee (TEC) and London Environment Director's Network (LEDNet)
Q5	<b>Government will need to understand the needs of users to build digital services for Extended Producer Responsibility. Would you like your contact details to be added to a user panel for Extended Producer Responsibility so that we can invite you to participate in user research (e.g. surveys, workshops, interviews) to test digital services as they are designed and built?</b>	Yes, but we would like to coordinate attendance and involvement with other local authority stakeholders.

## What we want to achieve: packaging waste recycling targets

<p>Q6</p>	<p><b>Do you agree or disagree with the proposed framework for setting packaging targets?</b> <input type="checkbox"/>          Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree <input type="checkbox"/> If you disagree, please provide the reason for your response.</p>	<p>Agree subject to the following considerations.</p> <ul style="list-style-type: none"> <li>• It is acknowledged in the document and more widely that the underpinning data is currently poor, especially relating to business waste. Therefore, consideration should be given to revisiting later targets in light of better data to ensure they are challenging but realistic.</li> <li>• The timetable for the application of material specific targets should not drive premature mandatory collection of those materials where the necessary collection and treatment infrastructure is not yet in place to ensure the materials will be recycled as intended.</li> <li>• Proposals for setting targets to incentivise refillable and reusable packaging are welcome, but we are concerned that processes and behaviours that embed recycling in the interim could undermine a subsequent shift to container refill and reuse.</li> <li>• We support the concept of closed loop recycling targets. However, the costs of collecting material of a sufficient quality for closed loop recycling can outweigh any additional recyclate income. The practical ability of delivering sufficiently high quality recyclates in some settings and any additional costs should be a key consideration – not least in terms of full net cost recovery.</li> <li>• Consideration should be given to not just consider weight-based targets, but also wider environmental outcomes</li> <li>• Overall we would seek the most ambitious, granular targets attainable including for closed loop recycling and reuse where this is supported by robust evidence.</li> </ul>
<p>Q7</p>	<p><b>Do you agree or disagree that the business packaging waste recycling targets set for 2022 should be rolled over to the calendar year 2023?</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree <input type="checkbox"/> If you disagree, please provide the reason for your response.</p>	<p>Agree. Given the need to correct the current data issues and provide more granular data, it is reasonable that there is a period of consolidation in the initial stages.</p>

Q8	<b>Do you agree or disagree that the recycling target to be met by 2030 for aluminium could be higher than the rate in Table 3?</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.	Agree in principle subject to the subsequent provision of more detailed data on the breakdown of aluminium and steel cans to be captured under each of the DRS and EPR systems and the realism of these.
Q9	<b>Do you agree or disagree with the proposed minimum target to be met by 2030 for glass set out in table 3?</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.	Agree in principle subject to the subsequent provision of more detailed data on the expectations around the recycling of glass packaging in scope of EPR collected through local authority systems.
Q10	<b>What should the glass re-melt target for 2030 for non-bottle packaging be set at?</b> Please provide the reason for your response.	The evidence base and assumptions need to be better explained and it is important local authorities should be part of the discussions that determine any remit specific target.
Q11	<b>Do you agree or disagree with the proposed minimum target to be met by 2030 for plastic set out in table 3?</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.	Neither agree nor disagree. We have concerns about the sorting and end market capacity for films and flexibles in the short and medium term in the UK.
Q12	<b>Do you think a higher recycling target should be set for wood in 2030 than the minimum rate shown in Table 3?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Please provide the reason for your response.	Unsure. Any target should not undermine current and potential reuse and the wider benefits of supporting the wood recycling sector beyond packaging should be taken into account.
Q13	<b>If higher recycling targets are to be set for 2030, should a sub-target be set that encourages long term end markets for recycled wood?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Please provide the reason for your response.	Yes. Subject to the caveats under Q12.
Q14	<b>Do you agree or disagree with the proposed minimum target to be met by 2030 for steel set out in table 3?</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.	Agree on the understanding that Government confirms that IBA metals will be included within the targets and clearly explains how tonnages will be calculated and how Local Authorities will receive EPR payments on this basis.

Q15	<p><b>Do you agree or disagree with the proposed minimum target to be met by 2030 for paper/card set out in table 3?</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>Agree but subject to ongoing monitoring of likely significant future shifts in the amount of paper/card packaging in the household waste stream as a result of trends in online shopping.</p>
Q16	<p><b>Do you agree or disagree with the proposal to set recycling targets for fibre-based composites?</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>Agree. However, this should be based on a clear evidence base and would depend on the sorting and reprocessing infrastructure available. The material should not be added to the list for mandatory local authority collections until the prerequisite treatment and reprocessing infrastructure is in place. Most London LAs collect composite cartons, but if this was extended to hot drinks cups, then there may be operational limitations in terms of co-collecting, and may therefore require segregated collections (e.g. point of sale). Without an incentive (such as with the DRS), these consumer-type goods are heavily reliant on public participation. There needs to be a percentage based target, so incentive is still there to reduce overall tonnage. There is also a question about other types of laminated packaging e.g. sandwich cartons, and how they would be dealt with.</p>
Q17	<p><b>Do you agree or disagree that there may be a need for 'closed loop' recycling targets for plastics, in addition to the Plastics Packaging Tax?</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree Please provide the reason for your response.</p>	<p>Agree, on the basis that it supports the circular economy, is the best environmental outcome and increases the confidence of waste producers in the wider system</p>
Q18	<p><b>Please indicate other packaging material that may benefit from 'closed loop' targets?</b> Please answer here</p>	<p>No strong view</p>

<b>Producer obligations for full net cost payments and reporting</b>		t
Q19	<b>Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme? Q19</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree	Agree. This is in line with international best practice. There needs to be a single point of responsibility and it is clear that the current diluted responsibilities cannot drive the systemic change sought.
Q20	<b>Are there any situations where the proposed approach to imports would result in packaging being imported into the UK which does not pick up an obligation (except if the importer or first-owner is below the de-minimis, or if the packaging is subsequently exported)? Q20</b> Where available, please share evidence to support your view.	No view although the regulators should be sufficiently adaptable to address any significant gaps in the system should they emerge.
Q21	<b>Of Options 2 and 3, which do you think would be most effective at both capturing more packaging in the system and ensuring the smallest businesses are protected from excessive burden? Q21</b> <input type="checkbox"/> Option 2 <input type="checkbox"/> Option 3 <input type="checkbox"/> Neither <input type="checkbox"/> Don't know If you answered 'neither', please provide the reason for your response and describe any suggestions for alternative approaches to small businesses.	Option 3
Q22	<b>If either Option 2 or 3 is implemented, do you consider there to be a strong case to also reduce the de-minimis threshold as set out in Option 1? Q22</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Please provide the reason for your response.	Unsure. It depends if option 3 under Q21 works as it should, in which case there is no net benefit on balance in increasing the burden on small businesses.
Q23	<b>Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging? Q23</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	Unsure. The imperative to ensure that there are no gaps in the system of obligations should be balanced against other considerations such as potential double counting of material and proportionality.

	If you answered 'yes', please provide the reason for your response.	
Q24	<b>Do you foresee any issues with Online Marketplaces not being obligated for packaging sold through their platforms by UK-based businesses? Q24</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'yes', please provide the reason for your response.	Unsure
Q25	<b>This proposal will require Online Marketplaces to assess what packaging data they can collate and then, where there are gaps to work together to create a methodology for how they will fill those gaps. Do you think there are any barriers to Online Marketplaces developing a methodology in time for the start of the 2022 reporting year (January 2022)? Q25</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'yes', please provide the reason for your response.	Yes. The timeline is challenging, but potentially achievable with enough resource.
Q26	<b>Is there any packaging that would not be reported by the obligation as proposed below (except for packaging that is manufactured and sold by businesses who sit below the de-minimis)? Q26</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'yes', please detail what packaging would not be reported by this approach.	Unsure
Q27	<b>Do you agree or disagree that the Allocation Method should be removed? Q27</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree	Agree - This is in line with the polluter pays principle

<b>Producer obligations: disposable cups takeback</b>		
Q28	<b>Do you agree or disagree that a mandatory, producer-led takeback obligation should be placed on sellers of filled disposable paper cups? Q28</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response and/or suggest any alternative proposals for increasing the collection and recycling of disposable cups.	Agree. Any mandatory takeback system should work with the existing, voluntary, takeback systems already in place in some areas.
Q29	<b>Do you agree or disagree with the proposed phased approach to introducing the takeback obligation, with larger businesses/sellers of filled disposable paper cups obligated by the end of 2023, and the obligation extended to all sellers of filled disposable paper cups by the end of 2025? Q29</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response and/or how you think the mandatory takeback obligation should be introduced for sellers of filled disposable cups.	On balance agree. Whilst we would seek the introduction of mandatory takeback as soon as possible (at least for above de minimis enterprises) we do have concerns about consumer confusion which would need to be addressed by clear communications.
<b>Modulated fees, labelling and plastic films recycling</b>		
Q30	<b>Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established? Q30</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'no' please provide the reason for your response, being specific with your answer where possible.	Yes. However, this is under the assumption that local government/MRF/waste industry reporting will align with obligated producer reporting so that materials can be tracked through the system. The practicalities of this should also be considered from the outset.
Q31	<b>Do you agree or disagree that the Scheme Administrator should decide what measures should be taken to adjust fees if a producer</b>	Agree. It would make sense that it is the Scheme Administrator that is the body that actions the measures that should be taken to adjust the fees. However, there should be a clear understanding that all

	<p><b>has been unable to self-assess, or provides inaccurate information? This is in addition to any enforcement that might be undertaken by the regulators. Q31</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>unassessed packaging and /or packaging that has provided inaccurate information will be classed as unrecyclable. The timelines for implementation appear more than adequate (especially if using a common labelling scheme that many packaging producers already use). Further, by classing unassessed packaging as unrecyclable, it would incentivise producers to ensure that they complete the self-assessment in good time. It is felt that the use of allowing ‘broadly equivalent’ may delay early adoption of applying the self-assessment tool.</p>
Q32	<p><b>Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling? Q32</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>Disagree. Whilst we understand the reasoning behind the Government’s preference for Option 1, we strongly disagree with Option 1 as the preferred approach. Option 2 should be the adopted approach.</p> <p>Local authorities are best placed to inform on how effective communications have been with consumers, whether that is business or householders. For many years local authorities have implemented national, regional and local communications campaigns, in the most part trying to use consistent branding and messaging. This hasn’t resulted in a step change in the behaviour of residents pushing them to recycle materials, even those that are deemed easy to recycle (cardboard, cans, glass, plastic bottles etc). As such, and in part the reason for this series of consultations, and the Government’s own push for consistency, recycling needs to be made easier for the consumer, whether that be householders or businesses. Therefore without a single clear and consistent label for both “Recycle” and for “Don’t Recycle” consumer confusion will continue and the aspirations for increased quality and quantity of recycling will not be realised.</p> <p>Having a variety of labels as set out in Option 1, albeit with the Government specifying the criteria the labels must meet, is potentially going to lead to more, not less, confusion amongst consumers. There should be one mandated packaging label to enable clear information to be passed on to the consumer, thereby reducing the need for more nuanced communications to</p>

		<p>householders. It is not the belief that by having the proposed potential variety of labels that are approved, but by mandating the 'do not recycle' label, that this will be enough to lessen the confusion among consumers. Having variations in the labelling is not looking at this from the consumers point of view. From a local authority perspective, we would then potentially have to use 'all' variations in our communications to households and businesses.</p> <p>We therefore firmly believe that OPRL should be taken forward as the mandatory label for recycling in the UK. It is already well recognised by consumers, has built up a wealth of consumer insight and knowledge and is widely backed and used by the retail and packaging industry already.</p> <p>We have some further points to make with regard to labelling and the level and likely impact on consumer choice as to where to deposit the item, as set out below:</p> <ul style="list-style-type: none"><li>• The recyclability of a piece of packaging is stated in the consultation as being determined on at least three criteria: that the packaging item can be collected and sorted, that reprocessing facilities are available and that a market exists for the reprocessed material. A fourth criterion should be included as to how easy the package is to recycle by the consumer, for example having to separate sleeves off bottles, separate film from containers. This impacts on the quality of recycled material.</li><li>• It has been noted that the packaging materials that form a part of the DRS will not be subject to mandatory labelling. It is felt that mandatory labelling should apply to DRS materials, which will ensure those that don't want to use or are unable to use the DRS, e.g. those that are housebound, are still made aware that the packaging is recyclable in local authority collections. Alternatively the DRS labelling should state that the material is recyclable in local authority schemes.</li><li>• There should be clear advice on whether each component is recyclable or not, but each separate component would not be required to be labelled. We believe that each separate element</li></ul>
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		<p>should be labelled as 'recycle' or 'do not recycle'. This again would ensure ease of use for the consumer, and assist in reducing contamination at the reprocessing site.</p> <ul style="list-style-type: none"><li>• Whilst it is recognised that there is a need for interim labelling solutions, care should be taken in the transition period whereby there will be instances where some items will not be able to be recycled locally (and therefore will contaminate the recycling stream), or where items are labelled as not recyclable, which then may undermine usage through schemes such as Terracycle.</li><li>• Where most compostable and biodegradable plastic packaging will be considered as not recyclable, care over the terms and messaging used by companies must be carefully monitored and assessed as this may be one area where the interim labelling solution would be used. Often such packaging used in magazines, for example, are often labelled with use as a food waste liner or put in your garden waste bin or home compost.</li><li>• Care over the wording applied to the labelling needs to be taken, such as 'packaging recyclable, contents not': a huge contamination problem is used nappies in the recycling stream. Studies undertaken with NLWA show that product labelling is part of the cause of the contamination.</li><li>• The use of the other "recycling labels" should be removed from packaging as these are often misleading and meaningless from a consumer recycling advice point of view.</li></ul> <p>As mentioned earlier in this question's response, there is an obligation on the part of the consumer, and making it easy for them to understand what is recyclable and not recyclable is key to them using local authority services. The consultation document rightly points out that consumers also have a responsibility to dispose of packaging waste correctly. Increasing the consumer's knowledge of the packaging they can and can't recycle and enabling consumers to play their part in correctly managing packaging waste is a key outcome of our reforms.' In many instances the issue comes down to whether residents will be putting the recycling in the right bin. The</p>
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		<p>Government should therefore recognise that if consumers don't play their part, as is currently the case in certain instances, then local authorities need the powers to address this. At present local authorities work extremely hard to ensure that the material collected is of a suitable quality for the end markets they supply. However, they have few tools available to them to compel residents to use the collection service correctly. We require:</p> <ul style="list-style-type: none"> <li>• The return of credible s46 enforcement powers to compel householders to recycle and not to contaminate, especially as large amounts of money will be invested in paying for the materials to be recycled;</li> <li>• The review of s46 obligations (currently on the occupier) to place obligations on the individual or institution best placed to control the waste presented (whether that be householder, the landlord or the managing agent);</li> <li>• Clear and unambiguous powers to charge for the clearance and differential costs of treatment/disposal of waste set out in contravention of a s46 notice.</li> </ul>
Q33	<p><b>Do you agree or disagree with the proposal that all producers could be required to use the same 'do not recycle' label? Q33</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>Agree. We strongly agree with this proposal, as this will further assist with enabling consumers to do the right thing. However, this has to be coupled with a mandatory single 'recycle' labelling scheme. We support the use of OPRL labels design and wording on this going forward. It is already familiar to consumers and has a depth of research behind it that supports how it is designed and used on packaging. Its use would also cause minimal change to producers using it already through their membership of OPRL. The membership of OPRL is such that this would cover a large number of producers and packaging that is already on the market.</p>
Q34	<p><b>Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements? Q34</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'no' please provide the reason for your response.</p>	<p>Yes. We agree that the proposed timescales provide sufficient time for business to adapt and adopt. Adoption of the OPRL labelling going forward would provide even greater certainty that the timescales could be met given the number of producers and packaging that already carry the OPRL labelling.</p>

Q35	<p><b>Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses?</b> Q35 <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>Agree. A labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses. Not requiring them to adopt labelling will undermine the effectiveness of the scheme and not present consumers with clear information as to what to do with the packaging.</p>
Q36	<p><b>Do you think it would be useful to have enhancements on labels, such as including 'in the UK' and making them digitally enabled?</b> Q36 <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'yes', please state what enhancements would be useful.</p>	<p>Unsure. The messaging OPRL has built up over the years is successful and well recognised and acted upon by consumers is because of its simplicity. Whilst there may be benefit from promoting other messages on packaging, they must be done in such a way that does not detract from the recycle/don't recycle message to the consumer.</p> <p>OPRL labels do not currently have "in the UK" to differentiate from other labels and research shows the OPRL label is well understood, well recognised, and well used. Therefore, we don't believe that "in the UK" will materially enhance consumer understanding of the OPRL labelling. However, restricting the use of other labels is cleaner and more beneficial to the communications message than adding to the OPRL label.</p> <p>Digitally enhanced labelling should only be used as a source of additional information – the label alone should provide a consumer with a sufficient level of information to know how to dispose of an item. Most consumers are unwilling to seek out further information about recycling of their own accord. Digital enhancements can add utility when it's acknowledged that they hold only niche appeal. If "check locally" is still a necessary inclusion on recycling labels, digitally enhanced labels which link directly to postcode-specific recycling information for that product could be helpful, but the majority of consumers are unlikely to refer to digitally enhanced labelling, and the ability to tailor labelling to localities should not be viewed as an alternative to standardising the range of material collected.</p>

Q37	<p><b>Do you agree or disagree that local authorities across the UK who do not currently collect plastic films in their collection services should adopt the collection of this material no later than end of financial year 2026/27? Q37</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response and/or what date you consider local authorities could collect films and flexibles from. Please share any evidence to support your views.</p>	<p>Agree. MRF operator response required to consider if timescale is realistic, and how financially viable. New burdens also need to be considered. Plastic film is a light but sometimes voluminous material, and may affect collection methods (particularly kerbside sort, but more generally, container sizes). Also there is potential for food waste contamination, particularly the requirement for consumer-friendly definitions of "plastic films" should also be considered..</p> <p>Plastic film is a material currently difficult to separate and has low /no market value. The MRFs have issues with the sorting and processing of flexibles and may take a long time for MRFs to adapt. Given the delay in releasing the consultation on 'consistency', more detail is needed such as volume, requirement for additional collection containers.</p> <p>There also may be impact on ground litter and bring banks may also have a role to play, particularly for materials that may be problematic in a comingled stream.</p>
Q38	<p><b>Do you agree or disagree that collections of plastic films and flexibles from business premises across the UK could be achieved by end of financial year 2024/5? Q38</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response and/or what date you consider this could be achieved by. Please share any evidence to support your views.</p>	<p>Agree. We should not deviate from arrangements for separately collected materials and keep it the same as for the household element. Reprocessing and markets need to be in place for any materials in scope of separate collections. Collections are also dependent on MRF technology and contracts. New burdens also need to be considered, as light material may affect collection methods (particularly kerbside sort). Food waste contamination also needs to be considered, particularly where paper is collected via comingled collections.</p>
Q39	<p><b>Do you agree or disagree that there should be an exemption from the 'do not recycle' label for biodegradable/compostable packaging that is filled and consumed (and collected and taken to composting/anaerobic digestion</b></p>	<p>Disagree. If an item of household packaging cannot be collected for recycling through the household waste collection services, then it should have a 'do not recycle' label. It could be this labelling is changed to a certain clear message (such as "home compost"), but</p>

	<p><b>facilities that accept it), in closed loop situations where reuse or recycling options are unavailable? Q39</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree Please provide the reason for your response.</p>	<p>these messages would need researching and testing before being approved.</p>
<p>Q40</p>	<p><b>Do you consider that any unintended consequences may arise as a result of the proposed approach to modulated fees for compostable and biodegradable plastic packaging? Q40</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'yes', please detail what you think these unintended consequences could be and provide any suggestions for how they may be avoided.</p>	<p>Yes. Depends where it sits in the fee "banding" - would not want it replaced by items that have a worse carbon footprint. With financial incentives and targets to meet, producers will innovate to achieve these aims at least cost. Therefore, there needs to be consideration of the current alternatives on the market and price accordingly. Other considerations include the fact that modulated fees change to reflect the market; they are not fixed, with an ability to vary. The criteria used to set the price should also be considered and how they would they compare against normal recyclable packaging, as well as the impact of these items potentially contaminating other recycle streams.</p>
<p><b>Payments for managing packaging waste: necessary costs</b></p>		

<p>Q41</p>	<p><b>Do you agree or disagree with the proposed definition and scope of necessary costs? Q41</b></p> <p><input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail why and provide any costs you think should be included under the definition of necessary costs.</p>	<p>Neither Agree nor Disagree. This does not fully reflect all costs of operations in the narrative or in Table 7. It may be the intent of DEFRA to include the full range of costs but much more detail is needed.</p> <p>Other relevant costs could include:</p> <ul style="list-style-type: none"> <li>- Transitional costs (capital and revenue) to move to new systems – especially where this involves a change in materials or collection methods.</li> <li>- Enforcement and 'nudge' costs, to increase participation and prevent abuse. Access to recycling services in terms household numbers is greater than actual participation. Increasing recycling rates may require some level of compulsion using appropriate level of enforcement powers.</li> <li>- Contract variation costs should be included as a one off item where changes are required - perhaps with a separate application process for assessment and refunding of necessary costs including legal costs, and overheads of the variation process. This should also include the potential for some existing contracts to become no viable in light of the significant changes, and the termination costs that might result.</li> <li>- Scheme compliance costs including data management, funding claims and reporting of outcomes.</li> <li>- Changes in gate fees due to differences in material compositions required for compliance, or where greater quantities of material result in higher gate fees where supply of material exceeds processing capacity.</li> </ul> <p>There should be a general catch all term where account is taken in modelling, or disbursement, of other costs that are necessarily incurred as part of complying with the new requirements and which can be apportioned at least in part directly to packaging materials. For some areas there may be a significant habit shift required by householders - especially in urban areas, more than of service delivery costs; most householders will already have recycling services for most target materials, and the problem in lower</p>
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performing areas is for them to use these correctly. Increasing performance in areas where services are already in place, may be as much a case of having powers that can be used effectively, as it is one of using resources. For communally provided services particularly, such as blocks of flats current section 46 powers (Environmental Protection Act 1990) are largely ineffective as it is not possible to create a section 46 requirement, such as a requirement to separate waste into separate types, on a property manager or landlord. Whilst it is possible to notify residents in accordance with s46, they are rarely able to influence the provision of waste bins and other infrastructure. The modelling mechanism would need to recognise compensate for 'London costs', and regional variations in cost need to be reflected - e.g. London Living Wage and associated living costs which would increase labour costs; the cost of land for waste handling and management infrastructure, i.e. a London weighting factor on all costs in the model.

**Payments for managing packaging waste from households**

<p>Q42</p>	<p><b>Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks? Q42 <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail any issues you think there are with this approach and how you think payments should instead be calculated.</b></p>	<p>Disagree. Difficult to disagree on the key drivers identified, but the whole concept rests on the modelling system capturing with reasonable accuracy the actual necessary costs of providing services, whilst still recognising that operating in some environments will necessarily require a higher or lower cost for providing services, and will have varying degrees of success in material capture. More information is required on "a cost effective and efficient" service, as it could be a means by which producers do not have to pay full net costs. There is also a possible conceptual flaw in that a model based on historic costs may not capture actual future costs of service delivery. For example, future food waste collection will be much more costly in treatment terms because new Anaerobic Digestion facilities built now to accommodate food waste from new services do not benefit from renewable energy subsidies that were available in the past. The assumptions coded into the modelling system will also have the effect of homogenising local authority services – methods will need to converge in order to maximise cost efficiencies to avoid the risk that some costs are left uncovered. This in itself may inhibit innovation – some of the best systems now were cost or performance risks when first proposed. There could be a tendency by councils to chase tonnes to get the rate per tonne payment – especially where they are already recycling successfully - rather than promote avoidance of waste. Any effort to increase the recycling rate throughout the UK must recognise a need to direct resources at the areas where recycling is most difficult, e.g. deprived urban environments where the greatest concentration of uncaptured material can be found, but where operating conditions are often most difficult.</p> <p>Any model is unlikely to be able to capture the granularity of service costs in different authorities where the services provided and costs incurred will have developed over time to meet local needs in the best way. Matters such as frequencies and volume of collections; enforcement approaches and requirements on householders; and the range of services provided are the outcome both of the local</p>
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		<p>democratic process, and the practical realities in each council area. The funding regime must therefore achieve a workable balance between 'model based funding' where resources are allocated based on modelled costs and tonnage outcomes on one hand; and 'needs based funding' where some resources are made available to improve services, and raise recycling rates in those areas where those outcomes are most needed. This is best achieved by having Local Authority representation in the governance process for the scheme administrator.</p>
Q43	<p><b>Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net off an average price per tonne for each material collected? Q43</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail how material value should be netted-off a local authority's payment.</p>	<p>Disagree. While the principle of deducting a material value from payments is reasonable, this needs to include assessment of both realistic quality achievable, transport distance and other factors. A council collecting colour separated kerbside glass using a stillage vehicle, in the vicinity of a glass reprocessor has a substantial operational cost advantage that an urban co-mingled authority can never have. But separate glass collection with colour separation is not practically achievable in most urban settings – most glass will be collected mixed and sent for further sorting, with a different value attached to the material, and any price deduction should be based on this practical reality. Any system of 'netting-off' material prices must take account of these real world conditions.</p> <p>Some of the best results in terms of quality are not realistically achievable in all areas due to differences in geography and collection logistics, and regularly reviewed benchmarked prices per tonne for different operating contexts should be set for different materials. A system of benchmarked prices would give a real UK-wide costing within the system for different material types and end markets, and thereby provide realistic market driven cost signals to producers, which may influence material choices at the production stages. This would encourage consideration of the whole range of operating contexts throughout the UK by producers in determining packaging material choices.</p>

		<p>The risk of not operating benchmarked costs per tonne of materials, would be that individual councils will direct disproportionate effort towards those materials that are most easily recovered to higher quality requirements most cost effectively in their local context, which may not be the materials that have the highest environmental benefit in recycling. Conversely, councils collecting in environments where co-mingled collections are a practical necessity may not have the resources to increase recycling because price deductions, would mean the payments received fell well below full net cost recovery.</p>
Q44	<p><b>Do you agree or disagree that the Scheme Administrator should have the ability to apply incentive adjustments to local authority payments to drive performance and quality in the system? Q44</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail why you think the ability to apply an incentive adjustment should not apply.</p>	<p>Agree. It's not easy to dispute this, but incentive payments should be based on regularly reviewed benchmarked prices per tonne for different operating contexts should be set for different materials (see Q47 above for more detail on this suggestion). Some current investment may not easily or quickly fit with the new system, so the transitional period and transitional requirements will be important - there is no value in providing no funding for those currently using the 'wrong methods' if that simply prevents them from changing due to lack of funding. This can be offset by specific incentive funding to overcome barriers or achieve transition, and not simply to subsidise the further success of those already operating in favourable environments. There should be a presumption that incentive payments are mainly linked to improvement of lower performers, so the mechanism should reward improvement above benchmarked tonnage rather than enable full value retention which may disproportionately reward existing successful areas. The core funding model should prioritise supporting lower performances as a required priority to avoid a 'winner takes all' outcome, where the existing successful areas would receive funding for existing success and less successful areas would have difficulty investing to improve. The range of discretion left in these proposals for the future scheme administrator is so wide, that while the overall proposals set out appear fair, the way in which they may later be implemented and their effect is very uncertain.</p>

<p>Q45</p>	<p><b>Do you agree or disagree that local authorities should be given reasonable time and support to move to efficient and effective systems and improve their performance before incentive adjustments to payments are applied? Q45</b> <input type="checkbox"/></p> <p>Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree <input type="checkbox"/> If you disagree, please provide the reason for your response.</p>	<p>Agree. The system should seek to bring forward any necessary capital investment to the earliest possible point, along with other projects that may have a long lead time, such as contract variations, so that delays to introducing necessary changes in service delivery terms are minimised. There will also need to be a recognition within the system that efficient and effective system will look different in different operating contexts (e.g. high rise and high density urban environments will have entirely different cost and performance profiles when compared to lower density street level services.). The cost and complexities of changing contracting arrangements will also be very different, and will have different timescales over which changes can be agreed at reasonable cost.</p>
<p>Q46</p>	<p><b>Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance? Q46</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure</p> <p>Please provide the reason for your response.</p>	<p>Yes. This would ensure that all LAs benefit from the "producer pays" principle, recognising that regardless of the material quality / amount collected for recycling, all LAs will be incurring the cost of managing this waste and will not always have control over how it is presented. The stated purpose of the EPR regime is to increase performance generally, and emphasis is placed throughout the consultation on supporting the lower performers in achieving increases. This is unlikely to be achieved on a purely performance based funding system. A 'winner takes all' system where payment is based on performance outcomes and not necessary costs would be likely to incentivise the most successful, whilst giving little incentive for the poorer performers to improve.</p> <p>Some projects to deliver increases may require significant investment and/or effort, and may involve a degree of uncertainty as to how successful they may be. Underpinning this commitment and investment by guaranteeing minimum proportions of cost in EPR payments will support this kind of innovation where the results are uncertain.</p> <p>There may be scope for partnership working, and other shared arrangements for improving performance and reducing costs, which may be disincentivised if there are no minimum guarantees of</p>

		payments - especially where there is an existing disparity between potential partners' performance.
Q47	<p><b>Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks?</b> Q47 <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p> <p>If you disagree, please detail why you think incentive adjustments should not be applied to encourage local authorities to exceed their recycling performance benchmarks.</p>	<p>Disagree. Our understanding is that there won't be benchmarks for individual local authorities - just 9 different "types". This may therefore not reflect the true situation in an individual borough. Any incentives should not be to the detriment of lower-performing LAs that may be facing different challenges and requiring support. Instead of incentivising to exceed a target, those benchmarks could instead better reflect a borough's capabilities and individual situation.</p> <p>There should be a presumption that incentive payments are mainly linked to improvement of lower performers. This would ensure that the mechanism should reward improvement above benchmarked tonnage rather than enable full value retention which may disproportionately reward existing successful areas. The core funding model should prioritise supporting lower performances as a required priority to avoid a 'winner takes all' outcome, where the existing successful areas would receive funding for existing success and less successful areas would have difficulty investing to improve. The range of discretion left in these proposals for the future scheme administrator is so wide, that while the overall proposals set out appear fair, the way in which they may later be implemented and their effect is very uncertain. More detail of the required outcomes and methods of funding distribution should be produced in the form of statutory guidance for the Scheme Administrator to follow, so that there is transparency about funding to give stakeholders confidence to commit resources to improving performance with some assurance that funding will remain available to support services.</p>
Q48	<p><b>Do you agree or disagree that unallocated payments should be used to help local authorities meet their recycling performance benchmarks, and contribute to Extended Producer Responsibility outcomes through wider investment and innovation, where it</b></p>	<p>Agree on the basis that it is needed in order to continue driving performance. However, we are concerned that it references collection contracts when many local authorities have in-house services, so no collection contract. Unallocated payments should be used to help LAs. This could potentially be used in a way to force boroughs to undertake larger collection contracts that aren't</p>

	<p><b>provides value for money? Q48</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail how you think any unallocated payments to local authorities should be used.</p>	<p>necessarily beneficial to them. There needs to be a localised approach. Unallocated payments could be used for strategic development, where it is required. There should be a strong emphasis on improving the worst performing areas and providing resources for doing so. Unallocated payments could be provided through a project fund to which councils could bid for funds.</p>
Q49	<p><b>Do you agree or disagree that residual payments should be calculated using modelled costs of efficient and effective systems based on the average composition of packaging waste within the residual stream? Q49</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail how you think residual waste payments should instead be calculated.</p>	<p>Disagree. There could be wide demographic disparities in waste types depending on cultural, social, lifestyle and income related factors - especially after the introduction of DRS, and presumed removal of much of the drinks container fraction. The proposal is to include modelled payments that set out what could be achieved that makes allowance for these factors so that those who are not efficient do not get compensated for poor performance, but those that are achieving good results in difficult conditions receive a fair share to underpin both existing costs and investment in improvements. This would be best delivered with the inclusion of regular sampling funded by the EPR scheme for councils on a suitable scale and frequency to create updated benchmarks - which would also have the secondary benefit of providing a useful and up to date composition dataset that could help stimulate private sector investment in treatment capacity.</p>
Q50	<p><b>Do you agree or disagree that a disposal authority within a two-tier authority area (England only) should receive the disposal element of the residual waste payment directly? Q50</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p>	<p>Agree, as long as appropriate agreements are in place to ensure an appropriate sum is allocated to the collection authority. Some major urban areas operate within Joint Waste disposal Authorities, which rather than being funded by a direct council tax precept (such as in county/district areas), are funded by a levy on the collection authorities, who would otherwise have unitary responsibilities for both functions. A JWDA specific solution would therefore be required, as the levy would not incentivise recycling under this arrangement. Further sector specific consultation will be needed with JWDA stakeholders to identify solutions.</p>

## Payments for managing packaging waste from businesses

Q51	<p><b>Do you agree or disagree that there remains a strong rationale for making producers responsible for the costs of managing packaging waste produced by businesses?</b></p> <p><b>Q51</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>Agree - the leakage of transit and similar packaging into the household waste stream also should be considered. The implications of targets not being met should be sufficiently large to ensure that the appropriate drivers are in place.</p>
Q52	<p><b>Do you agree or disagree that all commercial and industrial packaging should be in scope of the producer payment requirements except where a producer has the necessary evidence that they have paid for its management directly?</b></p> <p><b>Q52</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>Agree. Since commercial &amp; industrial packaging is often the same as household or household-like and C&amp;I packaging can also end up left with consumers through home deliveries or wholesale retail activities. It is difficult to distinguish between C&amp;I and HH or HH-like packaging at the point of collection. Take-back/ mail-back schemes should only be used for difficult to recycle packaging to avoid a plethora of take-back schemes that undermine the central packaging collection system for mainstream materials.</p>
Q53	<p><b>Which approach do you believe is most suited to deliver the outcomes being sought below?</b></p> <p><b>Q53</b> <input type="checkbox"/> Option 1 <input type="checkbox"/> Option 2 <input type="checkbox"/> Option 3 <input type="checkbox"/> All could work <input type="checkbox"/> Do not know enough to provide a view</p>	<p>Of the three options presented, Option 3 would probably deliver the best solution in relative terms. However, as with the other two options, it would potentially lead to street scene and air quality issues with a potentially uncontrolled proliferation of waste containers and collectors. We have specific concerns about the clearance of contaminated recycling containers under Option 3, although this is a concern for all of the options. As the bodies responsible for the maintenance of street scene and also the provider of last resort for commercial waste collections all the options could place a very considerable additional unfunded new burden on local authorities. However, the potential street scene impacts would be no doubt a concern more widely.</p> <p>All three options, particularly options 1 and 2, are open to fraud, cherry picking and other unintended outcomes. Furthermore, if the proposals set out in the consistency consultation around zoning/franchising, co-collection of business waste and business support are introduced after the introduction of any of the business</p>

		<p>waste options under EPR or the business waste recycling requirements more widely than it would be a very complex undertaking to reconcile the various strands at a local level retrospectively.</p> <p>As set out in the consistency consultation research indicates that most businesses are unlikely to be substantially motivated by cost reductions in waste as it is generally a small part of their turnover and seek direct business support to assist them in making the required changes. If enforcement of the business waste producer requirements through s52 of the Environment Bill is through the EA in England then this is also unlikely to provide a substantial incentive for them to contribute to the ambitions around business waste recycling as the EA does not have significant experience of local enforcement against small businesses and are unlikely to have the necessary resources. As such all three options will not deliver on their intended outcomes whilst placing a huge financial burden on the packaging industry. They will also lead to considerable negative localised impacts felt by business, the public and local authorities. We therefore support none of the options set out in the consultation document. We instead support the alternative '4th option' that has been considered by the EPR Business Waste Sprint Group. Under this option local authorities would be funded through the Scheme Administrator to each be the provider of a free bin service for micro and small businesses in their areas (with larger businesses having the option to opt in) alongside the introduction in parallel of funded direct support for business waste producers and zoning/franchising. The detail, including the benefits, of this option are set out in more detail in the papers circulated to that group which we endorse.</p>
Q54	<p><b>Do you disagree strongly with any of the options listed in the previous question? Q54</b> <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure <input type="checkbox"/> If you answered 'yes', please explain which and provide your reason.</p>	<p>Yes, we disagree. Risk of fraud, duplication, inefficiency, unnecessary complexity and lack of performance are very likely outcomes of all 3 models where a multitude of less scrupulous private waste collectors collect HH-like/ C&amp;I EPR material. Our preference is Option 4 as per our response to Q53.</p>

Q55	<p><b>Do you think there will be any issues with not having either Packaging Recovery Notes/Packaging Export Recovery Notes or the business payment mechanism (and as a result recycling targets) in place for a short period of time? Q55</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'yes', please detail what issues you think there will be.</p>	<p>No. All efforts should be made to ensure that the full cost payment mechanism is introduced on time and, failing that, the existing system should roll over for any transitional period at the very least. No system will cause problems with local authority evidencing of the figures which might not be accepted as evidence.</p>
<p><b>Payments for managing packaging waste: data and reporting requirements</b></p>		
Q56	<p><b>Do you agree or disagree with the proposal to introduce a sampling regime for packaging as an amendment to the MF Regulations in England, Wales and Scotland and incorporation into new or existing regulations in Northern Ireland? Q56</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail why you think the proposed sampling regime for packaging waste should not be incorporated as an amendment to MF Regulations in England, Wales and Scotland and incorporated into new or existing regulations in Northern Ireland.</p>	<p>Agree. There should be a sampling regime in place, as long as this is included in the cost recovery outlined in 8.5. Please see answer to Q57 for further detail. Also consider whether it is fair to bring facilities like basic waste transfer stations / bulking facilities in scope.</p>
Q57	<p><b>Do you agree or disagree with the proposal to require all First Points of Consolidation to be responsible for sampling and reporting in accordance with a new packaging waste sampling and reporting regime? Q57</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail who you think should be required to meet the packaging sampling and reporting regime for Extended Producer Responsibility purposes.</p>	<p>Disagree. Depends on various factors - the size of the facility, distance for vehicles to direct deliver, type of facility / activity and extent of the sampling. For many boroughs the first point of consolidation would be a waste transfer station. Some waste transfer facilities may not be set up in a way that would allow for very detailed sampling due to, for example, space constraints and the fact that the operation is simply a bulking facility. Should it be based on the size of the facility, or will the sampling method make allowances depending on the circumstances, particularly given the proposal to change or remove the de-minimis threshold in the</p>

		current MRF Regs. It doesn't appear to distinguish between different types of waste transfer stations. Furthermore, the calculated costs do not include some key elements, e.g. set up costs, equipment etc. and this could adversely impact smaller facilities. Many Waste Transfer Stations receiving DMR do not have the space to safely sample this material. If the WTS is being used as to bulk DMR prior to transporting it onto a MRF, the MRF should be responsible for sampling the DMR, as is the case with current MF Regulations. However, there is a concern that if it is not in scope how costs of a transfer station will be paid.
Q58	<p><b>Do you agree or disagree that the existing MF Regulations' de-minimis threshold of facilities that receive 1000 tonnes or more per annum of mixed waste material would need to be removed or changed to capture all First Points of Consolidation? Q58</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail why you think a de-minimis threshold is required.</p>	Agree, however there are concerns around practicalities as per response to question 57.
Q59	<p><b>Do you think the following list of materials and packaging formats should form the basis for a manual sampling protocol? Q59</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'no', what other materials, format categories or level of separation should be included as part of the manual sampling protocol?</p>	Agree, assuming the materials quoted reflect both in-scope packaging, as well as any materials included in upcoming consistency rules.
Q60	<p><b>Do you think it is feasible to implement more rigorous sampling arrangements within 6-12 months of the regulations being in place? Q60</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'no', please provide the reason for your response and detail what should be considered in determining an appropriate implementation period.</p>	No, given the additional burden this may place on some MRFs and WTFs in terms of the practicalities of setting up sampling operations. For example, additional space required to increase the frequency of samples from every 125 tonnes to every 25 tonnes will be significant. Views of MRFs will be useful for this answer.

Q61	<p><b>Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime? Q61</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'no', please detail why you think it should not be considered as a medium to long-term method of sampling.</p>	<p>Yes. This technology is rapidly improving, and the more demand there is for it, the more commercially available and affordable it will become. Using it as an enhanced method of sampling, rather than mandating, will help to drive this. In future it is likely to become an industry standard. Views of MRF operators will be useful for this answer.</p>
Q62	<p><b>Do you think existing packaging proportion protocols used by reprocessors would provide a robust and proportionate system to estimate the packaging content of source segregated materials? Q62</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes, with refinement <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'no', please detail why you think these would not be suitable to use to determine the packaging content in source segregated material.</p>	<p>We are not clear whether the existing packaging proportion protocols used by reprocessors would provide a robust and proportionate system as we do not know how these protocols currently apportion packaging based on the customer delivering the material (e.g., type of business, local authority household collections, etc) but we did agree that minimum output material quality standards should be set for sorted packaging materials at a MRF. Existing industry standards may be appropriate for output material quality standards, but it depends on what the material will be used for.</p>
Q63	<p><b>Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility? Q63</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>Yes. This technology is rapidly improving, and the more demand there is for it, the more commercially available and affordable it will become. Using it as an enhanced method of sampling, rather than mandating, will help to drive this. In the future it is likely to become an industry standard.</p>
Q64	<p><b>Do you agree or disagree that material facilities that undertake sorting prior to sending the material to a reprocessor or exporter should have to meet those minimum standards in addition to just assessing and reporting against them? Q64</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>Agree. However, depends if the material is due to be transported to another facility for further sorting / refinement, reprocessed or exported. Therefore, perhaps a definition is required regarding the stage in the sorting process where this needs to be measure, and a robust auditing process to avoid partially sorted materials not being refined further prior to entering reprocessing / export.</p>

Q65	<p><b>Do you think any existing industry grades and standards could be used as minimal output material quality standards? Q65</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure</p> <p>If you answered 'yes' please provide evidence of standards you think would be suitable for use as minimal output material standards.</p>	Unsure - this is a question for MRF operators and reprocessors.
<b>Payments for managing packaging waste: reporting and payment cycles</b>		
Q66	<p><b>Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis? Q66</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p> <p>If you disagree, please provide the reason for your response and/or suggest any alternative proposals.</p>	Agree. The process set out is where producers pay quarterly, and LAs are paid quarterly would provide a rational cashflow based method for receiving and disbursing funds
Q67	<p><b>Do you agree or disagree that household and business packaging waste management payments should be based on previous year's data? Q67</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p> <p>If you disagree, please provide any concerns you have with the proposed approach and/or any alternative proposals.</p>	Disagree. This should be the default but the system should be capable of responding to unusual circumstances or significant changes - drawing experience from the impact of COVID. Consumptions patterns can vary based on a range of circumstances. Significant changes include the addition of new materials to previously consistent collections - e.g. following business decisions to change packaging types for products.
<b>Litter payments</b>		
Q68	<p><b>Do you agree or disagree that the costs of litter management should be borne by the producers of commonly littered items based on their prevalence in the litter waste stream as determined by a composition analysis which is described in option 2? Q68</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p> <p>If you disagree, please provide the reason for your response and/or provide an alternative approach</p>	<p>Agree subject to the following considerations.</p> <ul style="list-style-type: none"> <li>• It is not clear if fly tipped packaging is in scope.</li> <li>• All relevant costs should be included in scope. It is notable that the enforcement of ground litter appears to be excluded. It should be in scope as one of many activities that can contribute to the efficient delivery on the scheme objectives but that the use of enforcement powers is entirely at the discretion of individual local authorities.</li> <li>• Further to this and, as accepted in the consultation document, the costs of ground and bin litter are different with the further likelihood that proposals such as mandatory collection of plastic film for</li> </ul>

	to litter management costs being based on a commonly littered basis.	recycling could contribute to ground litter the Government should consider calculating and recovering the costs of ground and bin litter separately. <ul style="list-style-type: none"> <li>• Compositional analysis will need to take account of seasonal variations and variations in daytime/night-time economies in certain areas. There are also areas that might be affected by events more than others in relation to litter, so these aspects would need to be factored into any calculations on producer obligations.</li> </ul>
Q69	<b>In addition to local authorities, which of the following duty bodies do you agree should also receive full net cost payments for managing littered packaging? Please select all that apply. Q69</b> <input type="checkbox"/> Other duty bodies <input type="checkbox"/> Litter authorities <input type="checkbox"/> Statutory undertakers <input type="checkbox"/> None of the above <input type="checkbox"/> Any other(s) - please specify If you selected 'Any other(s)' - please specify here.	Any other. All non-commercial bodies with a statutory or similar obligation to clear litter from publicly accessible non-commercial land should receive payments. However, this should be with the same cost contribution for equivalent local authority land and with the same standards for data reporting/litter strategy adoption when or if equivalent full net cost recovery systems are implemented. However, voluntary litter picks relating to local authority land should be funded via local authorities to enable the best consideration in the round as to how best to manage litter in a given area.
Q70	<b>Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land? Q70</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.	Yes, but subject to further future considerations around scope and definitions in particular. Funding is in addition to that which local authorities receive for the management of litter on public land and not deducted from that amount.
Q71	<b>Do you agree or disagree that local authority litter payments should be linked to improved data reporting? Q71</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail why you think litter payments should not be linked to improved data reporting.	Yes. We fully accept that the current data systems on litter are lacking. Whilst local government bears a significant responsibility for this, the lack of clear guidance from government and the lack of rigour in the auditing of waste data flow and similar data has also contributed heavily. Clear and rigorous guidance is needed, not least in the distinction between ground litter, fly tips and household side waste as well as the apportionment of co-collected bin and ground litter for reporting purposes. We welcome the consolidation of cleanliness standards although local government should be closely involved in any review. A clear set of definitions should be introduced and adhered to in defining litter, fly tips and

		household/commercial side waste - which are frequently blurred. For the avoidance of doubt, the costs of reporting through any future enhanced systems should be borne by producers.
Q72	<p><b>Do you agree or disagree that payments should be linked to standards of local cleanliness over time? Q72</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p> <p>If you disagree, please provide the reason for your response.</p>	Disagree. The drivers around litter levels (not least deprivation) are not static in any given area and a range of factors come into play. Local authorities have limited control over the amount of ground litter generated. Enforcement of household waste and litter offences is not included in scope of the system. This is a significant omission given that it offers a potentially cost-effective way to reduce ground litter (whilst mindful that they are powers to be used at the discretion of individual local authorities). In addition the cost of monitoring and reporting standards would need to be included within any litter payments. Packaging is only a proportion of all litter, so this process, if instigated, would need to be able to differentiate between packaging cleanliness standards and non-packaging cleanliness standards.
<p><b>Scheme administration and governance</b></p>		
Q73	<p><b>Do you agree or disagree that the functions relating to the management of producer obligations in respect of household packaging waste and litter including the distribution of payments to local authorities are managed by a single organisation? Q73</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p>	Agree. This is important to ensure consistency in this complex area. The appointment and governance of the SA is critical to making the EPR scheme work such that producers meet the full net costs of managing the packaging that they produce and waste management systems that are put in place are efficient and effective. We agree that it should be a not for profit organisation although it is difficult to see who might be interested in operating it as such unless they had a vested interest – in which case it would not be an independent body. The governance structure of the SA needs to reflect the stakeholders involved in the system and hence it is essential that local government has a role to play given it is such a key player in the success of this scheme. Little detail has been provided around

		<p>governance arrangements, but there should be a seat for a local government representative on any governing Board. It is not clear how managing the SA through a contractual arrangement with Government allows for stakeholder engagement and feedback to both producers and local authorities. The process for award is to be competitive, but it is not clear how bids will be assessed and what criteria will be used for awarding the contract. Also, there is no detail around performance management of the SA and KPIs. SAs are expected to outline how stakeholders will be represented as part of the scheme management, but it is unclear how much of a role local authorities will have on the overall scheme administration or indeed in developing the ITT documentation such that their interests are truly represented.</p>
Q74	<p><b>Overall which governance and administrative option do you prefer? Q74</b> <input type="checkbox"/> Option 1 <input type="checkbox"/> Option 2 <input type="checkbox"/> Neither Option 1 nor Option 2 Please provide the reason for your response.</p>	<p>Neither. What is proposed is a commercially procured contractor representing the packaging industry, which will have a duty to deliver the target recycling rates at lowest achievable cost to the producers. There is no provision for increasing recycling beyond the target levels, although there may be benefits (economic; resource efficiency &amp; circular economy; carbon impact; resource scarcity etc) to producers and/or the wider economy for higher recycling to be achieved. This commercial focus does nothing to address possible market failure, as a producer led organisation (even if not for profit) is likely to be unable to challenge the producers' business model itself - it can only achieve its objectives with greater efficiency within the constraints of the prevailing market model. There may be situations where the wider public interest (and possibly even the collective self interest of the producers), are obscured by short term competitive pressures. There should be a publicly accountable agency to manage the scheme that is tasked with serving the public interest. This might initially be limited to achieving stated recycling, reuse and reduction rates, but could potentially set higher future requirements where it was realistic to raise standards beyond minimum targets where centralised action might address market failures or achieve wider economic or environmental objectives. The</p>

		agency should operate according to transparent statutory guidance, in accordance with the aims set out in publicly transparent strategies. This gives an assurance that the strategy actively seeks to set minimum standards for recycling, including for individual materials, rather than risk market failure where producers may prefer to pay the cost of residual disposal, than pay the cost for recycling – especially where unsustainable forms of packaging may have other commercial benefits for producers. This does not prevent the possibility of producer compliance schemes registering with the agency, on the same basis as set out in the consultation.
Q75	<p><b>How do you think in-year cost uncertainty to producers could be managed? Q75</b> <input type="checkbox"/> A reserve fund <input type="checkbox"/> In-year adjustment to fees <input type="checkbox"/> Giving individual producers flexibility to choose between options 1) and 2) <input type="checkbox"/> No preference <input type="checkbox"/> Need more information to decide</p>	A reserve fund. This carries the least risk that payments to local authorities will not be forthcoming for any reason in any given year and contingency needs to be built into the system in the most responsive way. This would also minimise the risk to producers of in year fluctuations in cost. However, producers would need to contribute to set up the fund and hence a mechanism to enable this to happen would need to be devised and agreed. A reserve fund would also allow for innovation and step change within a year.
Q76	<p><b>Under Option 1, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes? Q76</b> Option 1 - Scheme Administrator delivers all functions. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'no', please detail what you think would be an appropriate contract length.</p>	Yes. However, we have concerns about the many unknowns in the system (not least to currently poor data) and the need to potentially significantly change approach before 2030 if there are issues so flexibility required. There should be a performance management framework in place along with contract termination clauses for failure to perform.

Q77	<p><b>Under Option 2, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes?</b></p> <p><b>Q77</b> Option 2 - Scheme Administrator delivers functions related to household packaging waste and litter. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'no', please detail what you think would be an appropriate contract length.</p>	<p>Yes. However, we have concerns about the many unknowns in the system and the need to potentially significantly change approach before 2030 if there are issues. The implications of a shorter contract would presumably be reduced under this option as there would still be continuity of the compliance schemes and any strategic development plans that they have. There should be a performance management framework in place along with contract termination clauses for failure to perform.</p>
Q78	<p><b>Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator? Q78</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>Agree. Clearly we would like it sooner but the timetable does not appear to reflect any opportunity for milestones to be expedited.</p>
Q79	<p><b>If the Scheme Administrator is appointed in January 2023 as proposed, would it have sufficient time to mobilise in order to make payments to local authorities from October 2023? Q79</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure If you answered 'no' please provide the reason for your response.</p>	<p>Unsure. It is a substantial challenge for such a highly complex system to be launched and delivered, even on a phased basis in such a short space of time. The consultation makes clear that the scheme administrator will make the decision as to whether to use modelled or actual costs, and whether to use the modified WRAP model or develop another if the decision is taken to use modelled costs. From appointment through a presumably competitive process, to adopting the funding distribution approach, determining the costs through modelling or assessment and distributing funding in 9 months, risks making a decision in undue haste. It would make more sense for the key decisions on the initial funding allocation process to be made in advance of the appointment by and then administered, rather than determined by the scheme administrator, for the early years (even if the administrator then consults on changes from the initial system for later years). This would require a data submission or claim process by councils well ahead of the appointment of the scheme administrator.</p>

Q80	<p><b>Do you agree or disagree with the approval criteria proposed for compliance schemes? Q80</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please provide the reason for your response.</p>	<p>Agree. However, if there are compliance schemes competing against each other there would need to be a careful process of cross-referencing proposals to ensure that they are not chasing the same evidence/opportunities and that development work does not cut across each other/create inefficiencies in the system.</p>
Q81	<p><b>Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test? Q81</b> <input type="checkbox"/> A Compliance Scheme Code of Practice <input type="checkbox"/> A 'fit and proper person' test for operators of compliance schemes <input type="checkbox"/> Both <input type="checkbox"/> Neither <input type="checkbox"/> Unsure Please provide the reason for your response.</p>	<p>Both - The code of practice and tests should be as rigorous as possible and properly enforced.</p>
Q82	<p><b>Do you agree or disagree with the proposed reporting requirements for Option 1? Q82</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p>	<p>Agree. However, there should be a further level of detail below that set out to specify precisely the detail of the reports. In terms of development activity through modulated fees to enable materials such as cartons and plastic film to be added to compulsory collections there should be detailed reporting requirements to ensure that progress is 'on track' such that there will not be unplanned transitional periods.</p>
Q83	<p><b>Do you agree or disagree with the proposed reporting requirements for Option 2? Q83</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p>	<p>Agree. However, there should be a further level of detail below that set out to specify precisely the detail of the reports. In terms of development activity through modulated fees to enable materials such as cartons and plastic film to be added to compulsory collections there should be detailed reporting requirements to ensure that progress is 'on track' such that there will not be unplanned transitional periods.</p>

## Reprocessors and exporters

Q84	<p><b>Do you agree or disagree with the proposal that all reprocessors and exporters handling packaging waste will be required to register with a regulator? Q84</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p> <p>If you disagree, please provide the reason for your response and detail any exemptions to the registration requirement that should apply.</p>	<p>Agree. However, the EA has been under-resourced for many years which has allowed significant gaps to arise in the enforcement of waste regulation. Fees may need to be higher in the earlier years to ensure the system is 'match ready' as early as possible. Introducing a requirement in theory and properly resourcing it to ensure credible enforcement are fundamentally different. The penalties around breaches of due diligence and duty of care in this country should be severe to both serve as a deterrent and support the resourcing of the system. Civil remedies should be introduced for those further down the chain of transfer as resources for reputational damage and the requirement for registration with a regulator should be extended more widely.</p>
Q85	<p><b>Do you agree or disagree that all reprocessors and exporters should report on the quality and quantity, of packaging waste received? Q85</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p>	<p>Agree. This is essential such that the scheme is managed and monitored effectively and all packaging is accounted for. We would assume that this is already picked up through the current acceptance arrangements, but if it isn't then it would seem sensible to include this to ensure material quality throughout the process.</p>
Q86	<p><b>What challenges would there be in reporting on the quality and quantity of packaging waste received at the point of reprocessing and/or export? Q86</b> Please also provide specific detail on any processes, measures and/or costs that would be necessary to address these challenges.</p>	<p>Potential under resourcing of enforcement combined with incentives to over report quality and quantity. Requirements should be very prescriptive and properly enforced. It is likely to incur additional costs if extra measures need to be implemented to ensure accurate reporting. Also volatility of markets at times needs to be considered, where material could end up diverted elsewhere in the case of export of materials.</p>
Q87	<p><b>Do you think contractual arrangements between reprocessors and material facilities or with waste collectors and carriers are a suitable means for facilitating the apportionment and flow of recycling data back through the system to support Extended Producer Responsibility payment mechanisms, incentives and targets? Q87</b> <input type="checkbox"/></p>	<p>Unsure. Supply of accurate and timely data is key to having confidence in the EPR system and trying to eliminate fraud. Contractual arrangements set out the obligations of the parties. However, there may be differing requirements, and different contracts may have differing data requirements set into them. It should be a legal requirement on all data holders to provide the required information to the SA in a timely manner. This will avoid misinterpretation of the requirement and ensure all parties are clear</p>

	<p><b>Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure</b> If you answered 'no', please provide the reason for your response and suggest any alternative proposals for using the quantity and quality data reported to support payments, incentives and targets.</p>	<p>on their data obligations. Additionally, given the volatility of international markets, there may be variable arrangements / spot purchasing of materials / involvement of brokers (broker not referenced at all within proposal). Any contractual arrangements should be backed by clear and unambiguous guidance.</p>
Q88	<p><b>Do you agree or disagree that exporters should be required to provide evidence that exported waste has been received and processed by an overseas reprocessor? Q88</b>  <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail why you think exporters should not have to provide this evidence.</p>	<p>Agree</p>
Q89	<p><b>Do you agree or disagree that only packaging waste that has achieved end of waste status should be able to be exported and count towards the achievement of recycling targets? Q89</b>  <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail why you think it would not be necessary for waste to meet end of waste status prior to export.</p>	<p>Agree. We would assume that this is already picked up through the current acceptance arrangements, but if it isn't, then it would be sensible to include to ensure material quality throughout the process.</p>
Q90	<p><b>Do you agree or disagree that there should be a mandatory requirement for exporters to submit fully completed Annex VII forms, contracts and other audit documentation as part of the supporting information when reporting on the export of packaging waste? Q90</b>  <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail why you think these additional registration requirements on exporters are not required.</p>	<p>Agree.</p>

Q91	<p><b>Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators? Q91</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail why you think it would not be necessary to undertake additional inspections and provide any alternative arrangements which could be implemented.</p>	<p>Agree. This will help to give confidence in the recycling of materials as well as verifying data to be accurate.</p>
<p><b>Compliance and enforcement</b></p>		
Q92	<p><b>Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system? Q92</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree If you disagree, please detail any perceived problem or issues with the proposed regulation of the system and provide comments on how the system could be regulated more effectively.</p>	<p>Agree. We have concerns however that there will be more of a focus on local government collectors over the private sector. The local government sector is fundamentally easier to regulate as the private sector is far more fragmented. There should be a level playing field and not a de-facto two tier system. We are concerned more widely that the regulators will not have the resources to undertake these new inspection and enforcement duties. Thought needs to be given as to how the right level of resources can be provided to ensure the system is suitably regulated.</p>
Q93	<p><b>Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present? Q93</b> Please answer here</p>	<p>As above these should demonstrate that the monitoring and inspection regime targets compliance to most effect and broadly across all part of the chain and does not just target the 'low-hanging fruit'.</p>
Q94	<p><b>In principle, what are your views if the regulator fees and charges were used for enforcement? Q94</b> Please answer here</p>	<p>Agree. However, the scope of any civil or other penalties should take into account reputational and other impacts on parties further down the waste chain of any offences.</p>
Q95	<p><b>Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed below, such as prosecution? Q95</b> Please answer here</p>	<p>Agree. Clearly there will be minor or unintentional breaches and there should always be significant scope for discretion by the regulator. However, prosecution should always be available as an option in significant cases. The options and triggers should be kept under constant review to ensure that the necessary proportionate deterrents are in place.</p>

<b>Implementation timeline</b>		
Q96	<p><b>Do you agree or disagree with the activities that the Scheme Administrator would need to undertake in order to make initial payments to local authorities in 2023 (as described above under Phase 1)?</b> Q96 <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree</p> <p>If you disagree, please provide the reason for your response.</p>	<p>Neither agree nor disagree. Given the payments are not performance based, there is insufficient detail of how the funding is intended to be distributed between councils to respond to this meaningfully. If this is distributed by some transparent process – such as by household numbers, or through a claim/distribution process based on objective criteria laid down for the scheme administrator to follow these may be the activities required. However, if arrangements for setting payments to different authorities had not already been determined and agreed, with all data gathering requirements previously undertaken prior to the appointment of the scheme administrator, there would need to be additional activities to complete the elements to achieve the proposed timetable. The activities highlighted appear to all be required in order to make payments to Local Authorities from 2023, but it is not clear whether it is comprehensive and whether other activities will be required. As part of the ITT submission, bidders should be asked to set out all of the activities that are required along with a realistic timeline such that this can be assessed. These programmes should then become contractually binding and form part of the Performance Management Framework.</p>
Q97	<p><b>Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical?</b> Q97 <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure</p> <p>If you answered 'no', please provide the reason for your response and detail any practical issues with the proposed approach.</p>	<p>Yes. Phased implementation would be necessary – not least as a range of other important changes beyond this consultation, and also related to waste management matters, will also be occurring over a similar timeframe (e.g. consistency of collection service changes). Although the timescales are challenging it is important they are met – not least to enable full net cost recovery on in line with the consistency requirements in relation to packaging materials.</p>

Q98	<p><b>Do you prefer a phased approach to implementing Extended Producer Responsibility starting in 2023 with partial recovery of the costs of managing packaging waste from households or later implementation, which could enable full cost recovery for household packaging waste from the start? Q98</b> <input type="checkbox"/> Phased approach starting in 2023 <input type="checkbox"/> Later implementation <input type="checkbox"/> Unsure Please provide the reason for your response.</p>	<p>Phased implementation, starting in 2023 would be better. This is a large and complex set of changes, and despite the challenges of the early start, and whatever the scope of the starting changes, it is better to mobilise some aspects of the change earlier, to give them chance to become operational and effective, before then moving to later phases. It is also likely that the early experience of the first stages will inform the development of later stages and lead to overall improvements in the effectiveness of the new system</p>
Q99	<p><b>Of the options presented for reporting of packaging data for 2022 which do you prefer? Q99</b> <input type="checkbox"/> Option 1 <input type="checkbox"/> Option 2 <input type="checkbox"/> Neither If you answered 'neither' please suggest an alternative approach.</p>	<p>Option 2 - A complete picture of packaging flows is needed given the complexities.</p>
Q100	<p><b>Are there other datasets required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023? Q100</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure</p>	<p>Unsure</p>
<p><b>Annex 1: Refillable/reusable packaging</b></p>		
Q101 (survey Q19)	<p><b>Which of the definitions listed below most accurately defines reusable packaging that could be applied to possible future reuse/refill targets or obligations in regulations? Q101 from the annex in the consultation document</b> Further information to help answer this question (and the 4 that follow) can be found in Annex 1 of the consultation document. <input type="checkbox"/> Definition in The Packaging (Essential Requirements) 2015 <input type="checkbox"/> Definition in The Packaging and Packaging Waste Directive (PPWD) <input type="checkbox"/> Definition adopted by The</p>	<p>We do not have a firm view, but consider that it makes sense to use to an existing legislative definition such as already used in the Packaging (Essential Requirements) legislation.</p>

	UK Plastic Pact/The Ellen MacArthur Foundation <input type="checkbox"/> None of the above	
Q102 (survey Q20)	<b>Do you have any views on any of the listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations? Please provide evidence where possible to support your views. Q102 from the annex in the consultation document</b> Please answer here.	We would encourage the government to consider visible mandated measures to ensure that reuse and refill is not just incentivised, but necessary. Examples include requiring proportions of shop space to be allocated to refill systems or requiring certain products that lend themselves to refill options to be marketed in refillable packaging (mineral water, beer bottles etc). Any proposals must not only enable reuse, but ensure reuse actually happens. Targets should be measurable and based on actual reuse practice, rather than estimates or allocations. We note the reference in the accompanying DRS consultations to RVMs that are able to crush containers, including glass. This seems to be directly contrary to any proposals for reuse schemes that rely on consumers returning reusable bottles (for example) that come with a returnable deposit. The focus should be on enabling such reuse schemes on a large scale rather than designing them out in favour of recycling.
Q103 (survey Q21)	<b>Do you agree or disagree that the Scheme Administrator should proactively fund the development and commercialisation of reuse systems? Q103 from the annex in the consultation document</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree Please provide the reason for your response.	Agree. Reuse and refillable packaging is in many instances an environmentally preferable packaging option, but may require a shift in technologies and logistics to enable a significant shift. This will require direct financing, in part through the scheme operator. The prompt introduction of reuse targets would further support this shift.
Q104 (survey Q22)	<b>Do you agree or disagree that the Scheme Administrator should look to use modulated fees to incentivise the adoption of reuse and refill packaging systems? Q104 from the annex in the consultation document</b> <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither agree nor disagree Please provide the reason for your response.	Agree. In addition to our answer to Q103, this does require the modulated fees system to have sufficient levels to enable the right drivers towards reuse for the right products. EPR funds should also be used to actively communicate the benefits of reusable/refillable packaging to the consumer to drive behaviour change and increase demand.