

# **Consultation on Extended Producer Responsibility for Packaging**

## **About you**

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

**Emma Beal**

**Chair of National Association of Waste Disposal Officers**

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

This is optional, but if you enter your email address you will be able to return to edit your consultation response in Citizen Space at anytime until you submit it. You will also receive an acknowledgement email when you submit a completed response.

**EmmaBeal@westlondonwaste.gov.uk**

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

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

- ☐ Academic or research
- ☐ Business representative organisation/trade body
- ☐ Charity or social enterprise
- ☐ Community group
- ☐ Consultancy
- ☐ Distributor
- ☐ Individual
- ☐ Local government
- ☐ Non-governmental organisation
- ☐ Product designer/manufacture/pack filler
- ☐ Packaging designer/manufacture/converter
- ☐ Operator/reprocessor
- ☐ Exporter
- ☐ Retailer including Online Marketplace
- ☐ Waste management company
- ☒ Other

If you answered 'other', please provide details

**National Association of Waste Disposal Officers representing a significant number of Local Authorities throughout the UK**

## Organisation size

### 4. Would you like your response to be confidential?

If you answered 'yes' please provide your reason.

**No**

**5. Government will need to understand the needs of users to build digital services for Extended Producer Responsibility. Would you like your contact details to be added to a user panel for Extended Producer Responsibility so that we can invite you to participate in user research (e.g. surveys, workshops, interviews) or to test digital services as they are designed and built?**

**Yes**

You can read a [Privacy Notice](#) that explains how your information is safeguarded in relation to user research, what we will and won't do with it, how long it will be kept and how to opt out of user research if you change your mind.

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

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

### 7. Do you agree or disagree that the business packaging waste recycling targets set for 2022 should be rolled over to the calendar year 2023?

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

**8. Do you agree or disagree that the recycling target to be met by 2030 for aluminium could be higher than the rate in Table 3?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

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

Please provide the reason for your response.

**The EPR glass re-melt target should align with the target for DRS. This will ensure the best environmental outcomes for glass as a material, irrespective of how it is collected**

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

- ☐ Agree
- ☐ Disagree
- ☒ Neither agree nor disagree

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

**NAWDO has concerns about the sorting and end market capacity for films and flexibles in the short and medium term in the UK.**

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

- ☐ Yes  
☒ No  
☐ Unsure

Please provide the reason for your response.

**Wood packaging should strictly follow the Hierarchy being re-used wherever possible (with a target) and then recycled, rather than being disposed of.**

**13. If higher recycling targets are to be set for 2030, should a sub-target be set that encourages long term end markets for recycled wood?**

- ☐ Yes  
☐ No  
☒ Unsure

Please provide the reason for your response.

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

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

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

**We agree the targets 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.**

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

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

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

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

**17. Do you agree or disagree that there may be a need for 'closed loop' recycling targets for plastics, in addition to the Plastics Packaging Tax?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

Please provide the reason for your response.

**Ensures best environmental outcomes and aligns with climate emergency policies**

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

Please answer here

**No strong view**

## **Producer obligations for full net cost payments and reporting**

**19. Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

**20. Are there any situations where the proposed approach to imports would result in packaging being imported into the UK which does not pick up an obligation**

**(except if the importer or first-owner is below the de-minimis, or if the packaging is subsequently exported)?**

Where available, please share evidence to support your view.

**No view**

**21. Of Options 2 and 3, which do you think would be most effective at both capturing more packaging in the system and ensuring the smallest businesses are protected from excessive burden?**

- ☐ Option 2
- ☐ Option 3
- ☐ Neither
- ☒ Don't know

If you answered 'neither', please provide the reason for your response and describe any suggestions for alternative approaches to small businesses.

**22. If either Option 2 or 3 is implemented, do you consider there to be a strong case to also reduce the de-minimis threshold as set out in Option 1?**

- ☐ Yes
- ☐ No
- ☒ Unsure

Please provide the reason for your response.

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

- ☒ Yes
- ☐ No
- ☐ Unsure

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

**The Online Marketplace should be obligated in the instances where producers/brand owners are not already obligated.**

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

- ☐ Yes
- ☒ No
- ☐ Unsure

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

**25. This proposal will require Online Marketplaces to assess what packaging data they can collate and then, where there are gaps to work together to create a methodology for how they will fill those gaps. Do you think there are any barriers to Online Marketplaces developing a methodology in time for the start of the 2022 reporting year (January 2022)?**

- ☒ Yes
- ☐ No
- ☐ Unsure

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

**The timeline is challenging but potentially achievable with enough resource. However, the SA will need to review and agree which may be difficult if they have only just been appointed (assuming procurement and appointment goes to plan).**

**26. Is there any packaging that would not be reported by the obligation as proposed below (except for packaging that is manufactured and sold by businesses who sit below the de-minimis)?**

- ☐ Yes
- ☐ No
- ☒ Unsure

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

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

## **Producer obligations: disposable cups takeback**

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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.

**29. Do you agree or disagree with the proposed phased approach to introducing the takeback obligation, with larger businesses/sellers of filled disposable paper cups obligated by the end of 2023, and the obligation extended to all sellers of filled disposable paper cups by the end of 2025?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and/or how you think the mandatory takeback obligation should be introduced for sellers of filled disposable cups.

## **Modulated fees, labelling and plastic films recycling**

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

- ☒ Yes
- ☐ No
- ☐ Unsure

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

**31. Do you agree or disagree that the Scheme Administrator should decide what measures should be taken to adjust fees if a producer has been unable to self-assess, or provides inaccurate information? This is in addition to any enforcement that might be undertaken by the regulators.**

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

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

**A minimum fee level set at significantly above that for non-recyclable materials should be set out clearly in the regulations. This should be set high enough to firmly discourage producers from failing to meet the requirements and ensure local authorities are covered for any and all costs associated with the collection and processing of materials from non-compliant producers**

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

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

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

**Preference should be on ease for the consumer rather than ease for the producer. Option 1 may allow flexibility for the producer but we must make it as simple and clear for the consumer to recycle all recyclable packaging with the minimum of confusion, if targets are to be achieved. Preference is for Option 2 as it allows a single, agreed, cross product label that will be a) more recognisable for the consumer and b) simpler to communicate across all platforms.**

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

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

- ☒ Yes
- ☐ No
- ☐ Unsure

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

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

**36. Do you think it would be useful to have enhancements on labels, such as including 'in the UK' and making them digitally enabled?**

- ☒ Yes
- ☐ No
- ☐ Unsure

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

**Futureproofing to ensure the efficient and effective flow of funds could be created by digitally enhancing labelling via eg QR codes, barcodes, smart ink**

**37. Do you agree or disagree that local authorities across the UK who do not currently collect plastic films in their collection services should adopt the collection of this material no later than end of financial year 2026/27?**

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and/or what date you consider local authorities could collect films and flexibles from. Please share any evidence to support your views.

**Some Local Authority contracts don't currently include the processing of plastic films. Costs and timescale to renegotiate and change contracts to handle this material will be significant and would need to be covered, as will potential upgrading of MRF technology and purchase of any required vehicles.**

**If the collection of plastic films was introduced from April 2027 and the material was labelled as recyclable, it is conceivable that significant costs will be incurred to deal with contamination created from residues on films, or the contamination levels will become unsustainable and other recyclable items may be compromised both in terms of quality and sales value, having a detrimental effect on achieving targets.**

**38. Do you agree or disagree that collections of plastic films and flexibles from business premises across the UK could be achieved by end of financial year 2024/5?**

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and/or what date you consider this could be achieved by. Please share any evidence to support your views.

**Collections of plastic films and flexibles from domestic properties and businesses should be introduced at the same time. Local Authority business waste and recycling collections are not necessarily undertaken by a dedicated vehicle and vehicles may collect from a mix of domestic and business premises within a given collection round area. If plastic film collections from businesses were required before domestic collections this would require local authorities to separate business collections from domestic collections and mobilise for this change in requirement twice.**

**Whilst, the collection of plastic films and flexibles from businesses are feasible, subject to full net costs being met, the recycling of the waste will be difficult and costly due to the reasons set out in the response to Q37 above i.e. treatment arrangements, outlets etc.**

**39. Do you agree or disagree that there should be an exemption from the 'do not recycle' label for biodegradable/compostable packaging that is filled and**

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

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

Please provide the reason for your response.

**Unless it can be absolutely guaranteed that biodegradable/compostable packaging will only be used closed loop situations, it should clearly labelled “do not recycle” to prevent it being misidentified by householders and to prevent potentially harmful microplastics in the environment. It is difficult to see how an absolute guarantee can be achieved under current circumstances, however should innovative solutions be demonstrably achievable then they should be kept under review and assessed on their individual merits.**

**40. Do you consider that any unintended consequences may arise as a result of the proposed approach to modulated fees for compostable and biodegradable plastic packaging?**

- ☒ Yes
- ☐ No
- ☐ Unsure

If you answered 'yes', please detail what you think these unintended consequences could be and provide any suggestions for how they may be avoided.

**NAWDO considers there is a balance to strike to provide a legitimate route though AD treatment and setting the modulated fee at an appropriate level. Things to keep in mind are a potential producer/manufacture unintended behaviour shift to more types of plastic/compostable package as the modulated fee may be attractive no matter which level it is set compared to the single use packaging. Care should be taken the modulated fee does not encourage undesirable behaviours.**

**[Payments for managing packaging waste: necessary costs](#)**

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

- ☐ Agree  
☒ Disagree  
☐ Neither agree nor disagree

If you disagree, please detail why and provide any costs you think should be included under the definition of necessary costs.

**The list of necessary costs is broad but misses, or is unclear about some important cost areas, including:**

- **Contractual breakage costs**
- **Additional disposal contract costs e.g. related to failure to achieve guaranteed minimum tonnages (assuming significant waste decreases), changes in calorific value**
- **Additional procurement costs**
- **Costs associated with waste composition change**
- **Transitional costs that some LAs will incur as they change services**
- **Indirect costs related to administration of the scheme**

## **Payments for managing packaging waste from households**

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

- ☐ Agree  
☒ Disagree  
☐ Neither agree nor disagree

If you disagree, please detail any issues you think there are with this approach and how you think payments should instead be calculated.

**NAWDO agrees with basing payments on good practice, however there is insufficient information, regarding what constitutes an efficient and effective system, to effectively answer the question. Under the proposals, the SA is being given control on what determines an efficient and effective system and LAs are unable to influence this. We strongly feel that collection and disposal authorities should be given significant representation on the board of the SA, and be fully involved in its procurement. This would enable LAs, who have significant experience of delivering the waste services, to help to pragmatically determine what is an efficient and effective system.**

**43. Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net off an average price per tonne for each material collected?**

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

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

**Average material values can drive unhelpful practices. Local authorities must receive full net cost recovery of collection irrespective of their ability to get the highest material values. Anything other than this will result in eg zero incentive to innovate closed loop solutions.**

**44. Do you agree or disagree that the Scheme Administrator should have the ability to apply incentive adjustments to local authority payments to drive performance and quality in the system?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

**NAWDO agree that this could help achieve objectives. However Local Authority input is essential to ensure that incentive adjustments are reasonable and drive performance improvements.**

**45. Do you agree or disagree that local authorities should be given reasonable time and support to move to efficient and effective systems and improve their performance before incentive adjustments to payments are applied?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

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

- ☒ Agree  
☐ No  
☐ Unsure

Please provide the reason for your response.

**A guaranteed minimum proportion will provide some budget certainty, which is valuable to Local Authorities. However, we believe Authorities should be incentivised through the scheme to maximise quality and quantity of recycling and minimise residual waste.**

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

- ☐ Agree  
☐ Disagree  
☒ Neither agree nor disagree

If you disagree, please detail why you think incentive adjustments should not be applied to encourage local authorities to exceed their recycling performance benchmarks.

**Local Authority input is essential to ensure that incentive adjustments are reasonable and drive performance improvements.**

**48. Do you agree or disagree that unallocated payments should be used to help local authorities meet their recycling performance benchmarks, and contribute to Extended Producer Responsibility outcomes through wider investment and innovation, where it provides value for money?**

- ☐ Agree  
☐ Disagree  
☒ Neither agree nor disagree

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

**It is not clear why there would be unallocated (withheld) costs, and there needs to be further detailed discussion and understanding on this.**

**49. Do you agree or disagree that residual payments should be calculated using modelled costs of efficient and effective systems based on the average composition of packaging waste within the residual stream?**

- ☐ Agree  
☒ Disagree  
☐ Neither agree nor disagree

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

**Residual waste composition does (and could continue to) vary considerably between authorities. This is an opportunity to understand these differences far better through the funding of regular composition analyses for each authority. This must be fully funded under EPR. It should lead to composition analyses becoming more efficient through economies of scale and technological advancement (e.g. AI).  
The definition of the 'residual waste stream' needs to include rejects from MRFs and other sorting facilities.**

**50. Do you agree or disagree that a disposal authority within a two-tier authority area (England only) should receive the disposal element of the residual waste payment directly?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

**We believe that the Scheme Administrator should deal with the upper tier Authority in any two-tier area. This will simplify the administration of the system.**

## **Payments for managing packaging waste from businesses**

**51. Do you agree or disagree that there remains a strong rationale for making producers responsible for the costs of managing packaging waste produced by businesses?**

- ☐ Agree  
☐ Disagree  
☐ Neither agree nor disagree

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

**52. Do you agree or disagree that all commercial and industrial packaging should be in scope of the producer payment requirements except where a producer has the necessary evidence that they have paid for its management directly?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

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

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

**This option, also known as the 'per tonne approach', is the option that is best linked to producer pays principle and the actual costs of managing the waste. The second one involves compliance schemes, which adds complication. The third is a 'free bin' option which appears to have potential for exploitation, i.e. contamination of the free bin.**

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

- ☒ Yes
- ☐ No
- ☐ Unsure

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

**Option 3 appears to have potential for exploitation, i.e. contamination of the free bin.**

**55. Do you think there will be any issues with not having either Packaging Recovery Notes/Packaging Export Recovery Notes or the business payment mechanism (and as a result recycling targets) in place for a short period of time?**

- ☐ Yes
- ☐ No

☒ Unsure

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

## **Payments for managing packaging waste: data and reporting requirements**

**56. Do you agree or disagree with the proposal to introduce a sampling regime for packaging as an amendment to the MF Regulations in England, Wales and Scotland and incorporation into new or existing regulations in Northern Ireland?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

If you disagree, please detail why you think the proposed sampling regime for packaging waste should not be incorporated as an amendment to MF Regulations in England, Wales and Scotland and incorporated into new or existing regulations in Northern Ireland.

**Building on, and improving, the existing legislation seems logical.**

**57. Do you agree or disagree with the proposal to require all First Points of Consolidation to be responsible for sampling and reporting in accordance with a new packaging waste sampling and reporting regime?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

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

**Sampling should take place as early as possible in the process so that contamination issues can be linked to the source and addressed. The cost of any additional sampling must be wholly borne by the producers.**

**58. Do you agree or disagree that the existing MF Regulations' de-minimis threshold of facilities that receive 1000 tonnes or more per annum of mixed waste**

**material would need to be removed or changed to capture all First Points of Consolidation?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

**Our position is that more composition analyses should take place and these should be fully funded by EPR payments.**

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

- ☐ Yes
- ☐ No
- ☒ Unsure

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

**The current list appears simplistic and we question if it should be specified at this early stage? Would it be best for producers (the Scheme Administrator) to determine this?**

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

- ☐ Yes
- ☐ No
- ☒ Unsure

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

**Again, should this be up to the Scheme Administrator to determine?**

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

- ☒ Yes
- ☐ No
- ☐ Unsure

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

**More work is clearly needed to see if this is technically feasible and cost effective, but a target date should serve to speed up development of the technology.**

**62. Do you think existing packaging proportion protocols used by reprocessors would provide a robust and proportionate system to estimate the packaging content of source segregated materials?**

- ☐ Yes
- ☐ Yes, with refinement
- ☐ No
- ☒ Unsure

If you answered 'no', please detail why you think these would not be suitable to use to determine the packaging content in source segregated material.

**We are unclear if these are robust enough to provide accurate data**

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

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

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

**The market should determine if material from a MRF is of sufficient quality. This will be reflected in cost/income for the material, which should work its way through the system.**

**64. Do you agree or disagree that material facilities that undertake sorting prior to sending the material to a reprocessor or exporter should have to meet those minimum standards in addition to just assessing and reporting against them?**

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

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

See answer to Q63

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

- ☐ Yes
- ☐ No
- ☒ Unsure

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

### **Payments for managing packaging waste: reporting and payment cycles**

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

**Needs to align with other reporting cycles and have an annual reconciliation. Local Authorities should be paid a proportion of fixed costs in advance which would give them budget certainty, with performance paid on a quarterly basis to capture actual performance.**

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

**We agree provided the previous year's data includes all the relevant costs to ensure that the producers take the full financial responsibility for the packaging they place on the market. Given the seasonal variation and the nature of packaging, Government may wish to consider a 12 month rolling period to capture these variations. Only if this cannot be achieved then a static previous year's figures should be used with an annual reconciliation.**

## **Litter payments**

**68. Do you agree or disagree that the costs of litter management should be borne by the producers of commonly littered items based on their prevalence in the litter waste stream as determined by a composition analysis which is described in option 2?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and/or provide an alternative approach to litter management costs being based on a commonly littered basis.

**This is fair and in-line with the producer pays principle. The producer of frequently littered products will be incentivised to find ways to reduce littering.**

**69. In addition to local authorities, which of the following duty bodies do you agree should also receive full net cost payments for managing littered packaging? Please select all that apply.**

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

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

**Any Other - All organisations that incur costs for managing litter and have been approved by the LA for that area, including the voluntary sector.**

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

**This is fair and in-line with the producer pays principle.**

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please detail why you think litter payments should not be linked to improved data reporting.

**Good data reporting should form part of an 'optimised system' for litter collection and management. Therefore this should be factored in to the EPR payment received for litter.**

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

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

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

**This could overcomplicate things. If the payment is linked to tonnage of litter collected and managed, the onus is on the local authority to collect litter to the extent that it deems sufficient for its residents. If after consultation it is deemed that standards are to be developed, then LAs should be involved in that development to ensure it is fair, equitable and achievable.**

## Scheme administration and governance

**73. Do you agree or disagree that the functions relating to the management of producer obligations in respect of household packaging waste and litter including the distribution of payments to local authorities are managed by a single organisation?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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. NAWDO agrees 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 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 given 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.

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

- ☒ Option 1
- ☐ Option 2
- ☐ Neither Option 1 nor Option 2

Please provide the reason for your response.

**Option 1 provides clarity of purpose for the Scheme Administrator with its role and responsibilities being able to be clearly defined. Introducing compliance schemes as an interface with producers to meet their obligations introduces another layer of complexity and it's hard to see what value it would add to the arrangements that will need to be put in place to deliver the objectives of the scheme. The IA supporting the Consultation suggests that introducing compliance schemes will lead to increased costs and additional interfaces although it is recognised that Producers are used to working with compliance schemes.**

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

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

**A reserve fund managed by the Scheme Administrator would 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.**

**76. Under Option 1, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes?**

Option 1 - Scheme Administrator delivers all functions.

- ☒ Yes
- ☐ No
- ☐ Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

**This time period is long enough to give stability to all parties involved in the scheme allowing confidence in the necessary investment without being so long that it will not have the flexibility to grow & adapt with the changing landscape.**

**77. Under Option 2, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes?**

Option 2 - Scheme Administrator delivers functions related to household packaging waste and litter.

- ☒ Yes
- ☐ No
- ☐ Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

**This time period is long enough to give stability to all parties involved in the scheme allowing confidence in the necessary investment without being so long that it will not have the flexibility to grow & adapt with the scheme.**

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

- ☐ Agree
- ☐ Disagree
- ☒ Neither agree nor disagree

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

**The timeline for launching the procurement process to appointment of the SA seems ambitious given the complexity of all that is involved from preparation of the ITT, evaluation of bids and mobilisation of the awarded SA. It is not clear how much float has been built into the programme to allow for unforeseen hiccups or even a potential challenge to the bidding process.**

**79. If the Scheme Administrator is appointed in January 2023 as proposed, would it have sufficient time to mobilise in order to make payments to local authorities from October 2023?**

- ☐ Yes
- ☐ No
- ☒ Unsure

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

**The SA has an incredible amount of administration work to undertake from Jan 2023 to be able to make any payments with confidence to Local Authorities in Oct 2023. Prospective bidders should be asked to submit their own programmes to demonstrate how this timeline could realistically be met recognising the number of Local Authorities and producers involved & the systems that would need to be established in realistic timescales.**

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

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

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

Please provide the reason for your response.

**In order to give confidence in the compliance schemes that are established there needs to be a Code of Practice which includes the need for a 'fit and proper person' test to be an operator of a compliance scheme.**

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

## **Reprocessors and exporters**

**84. Do you agree or disagree with the proposal that all reprocessors and exporters handling packaging waste will be required to register with a regulator?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and detail any exemptions to the registration requirement that should apply.

**This is essential such that the scheme is managed and monitored effectively and all packaging is accounted for.**

**85. Do you agree or disagree that all reprocessors and exporters should report on the quality and quantity, of packaging waste received?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

**This is essential such that the scheme is managed and monitored effectively and all packaging is accounted for.**

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

Please also provide specific detail on any processes, measures and/or costs that would be necessary to address these challenges.

**Reporting accurately on quality and quantity of packaging is key to ensuring the success of the scheme and flow of payments. Robust systems will need to be put in place in order that this is achieved.**

**87. Do you think contractual arrangements between reprocessors and material facilities or with waste collectors and carriers are a suitable means for facilitating**

**the apportionment and flow of recycling data back through the system to support Extended Producer Responsibility payment mechanisms, incentives and targets?**

- ☐ Yes
- ☐ No
- ☒ Unsure

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.

**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 on their data obligations.**

**88. Do you agree or disagree that exporters should be required to provide evidence that exported waste has been received and processed by an overseas reprocessor?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please detail why you think exporters should not have to provide this evidence.

**Ensuring accurate data for all packaging waste that has genuinely been recycled is a core principle behind the success of the scheme**

**89. Do you agree or disagree that only packaging waste that has achieved end of waste status should be able to be exported and count towards the achievement of recycling targets?**

- ☐ Agree
- ☐ Disagree
- ☒ 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.

**It is not clear how this would work in practice – end of waste classification is usually obtained by the material going through a treatment process. Hence it is unclear how waste that has yet to be actually recycled could be classified as ‘end of waste’ prior to export. It could also potentially be open to abuse.**

**90. Do you agree or disagree that there should be a mandatory requirement for exporters to submit fully completed Annex VII forms, contracts and other audit documentation as part of the supporting information when reporting on the export of packaging waste?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

If you disagree, please detail why you think these additional registration requirements on exporters are not required.

**Ensuring accurate data for all packaging waste that has genuinely been recycled is a core principle behind the success of the scheme**

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

- ☒ Agree
- ☐ Disagree
- ☐ 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.

**This will help to give confidence in the recycling of materials as well as verifying data to be accurate.**

## **Compliance and enforcement**

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

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.

**The Regulator will need to have sufficient resources and funding to be able to undertake this role effectively.**

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

Please answer here

**NAWDO has nothing further to add**

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

**It seems appropriate that enforcement is covered by these fees**

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

**NAWDO support the use of instant penalties as long as they are a) proportionate to the level of non-compliance and b) increased in line with the number of occurrences. There must also be a point where prosecutions must be sought after multiple non-compliances have occurred over a given period. However, if the level of non-compliance is deemed significant by the regulator in any given instance, then prosecution should be sought immediately.**

## **Implementation timeline**

**96. Do you agree or disagree with the activities that the Scheme Administrator would need to undertake in order to make initial payments to local authorities in 2023 (as described above under Phase 1)?**

- ☐ Agree
- ☐ Disagree
- ☒ Neither agree nor disagree

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

**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.**

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

- ☒ Yes
- ☐ No
- ☐ Unsure

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

**The timeline is very tight and relies on the necessary legislation being in place and the SA being appointed. Ideally it would be preferable if full net costs could be met in 2023 but realistically this would be very difficult to achieve and hence a prudent approach needs to be taken. Making payments to authorities to collect additional packaging materials for recycling beyond the core materials needs to be tempered with markets being available for those materials – citing packaging film is a good example where there are currently very limited markets and little evidence to suggest that this will have changed by 2023.**

**98. Do you prefer a phased approach to implementing Extended Producer Responsibility starting in 2023 with partial recovery of the costs of managing packaging waste from households or later implementation, which could enable full cost recovery for household packaging waste from the start?**

- ☒ Phased approach starting in 2023
- ☐ Later implementation
- ☐ Unsure

**Flow of funding to support the cost of managing packaging in the waste stream by producers should be forthcoming from 2023 recognising the limitations are such that full net cost recovery will not be possible until 2024. However, the relationship in 2 tier authorities with regards to the payment of recycling credits for packaging waste that is recycled will need to be assessed as to what level of funding will still be required to support waste collection authorities during the transition period.**

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

- ☒ Option 1
- ☐ Option 2
- ☐ Neither

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

**Option 1 would only include the packaging which producers would be obligated to meet full net costs but a complete view of all packaging managed by producers would be seen under Option 2. This should be reviewed on a regular and timely manner with a view to the potential of moving to option 2 if appropriate to do so.**

**100. Are there other datasets required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023?**

- ☐ Yes
- ☐ No
- ☒ Unsure

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

**NAWDO does not have detailed insight into all information that may be required by the SA to determine the full costs.**

**101. Which of the definitions listed below most accurately defines reusable packaging that could be applied to possible future reuse/refill targets or obligations in regulations**

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

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

If you selected 'none of the above', please provide the reason for your response, including any suggestions of alternative definitions for us to consider.

**None of the definitions fully encompass re-usable packaging but the UK Plastic Pact is the most comprehensive one. However, it doesn't include the**

**need for re-usable packaging itself to be recyclable once it has reached its end of life.**

**102. Do you have any views on any of the listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations? Please provide evidence where possible to support your views.**

Please answer here.

**These targets should align with the Waste Prevention Plan currently also out for consultation.**

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

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

Please provide the reason for your response.

**Producers should fund the development of reuse systems via the SA which will have a UK wide overview to ensure development across the whole of the country**

**104. Do you agree or disagree that the Scheme Administrator should look to use modulated fees to incentivise the adoption of reuse and refill packaging systems?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

Please provide the reason for your response.

**The Resource and Waste Strategy supports the movement of waste up the waste hierarchy therefore the modulated fee structure should support the same aim and ensure producers use packaging that can be refilled/reused in preference of any single use packaging**

**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.**

