

Consultation on Extended Producer Responsibility for Packaging – Response from Association of Directors of Environment, Economy, Planning and Transportation (ADEPT)

Word template to help organisations formulate responses internally with colleagues.

Important to note that Questions 19-23 in this document are actually within Annex 1 of the Consultation document itself and numbered Q101-104 so all questions from number 19 onwards do not match the consultation document but do match DEFRA's Citizen Space. I have highlighted in yellow the number that cross references to the consultation document.

About you

1. What is your name?

ADEPT (Association of Directors of Environment, Economy, Planning and Transportation)

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.

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

If you answered 'other', please provide details

[Local government network](#)

Organisation name

[Association of Directors of Environment, Economy, Planning and Transportation \(ADEPT\)](#)

Organisation size

The Association of Directors of Environment, Economy, Planning and Transport (ADEPT) represents Place Directors from county, unitary and metropolitan authorities, along with Directors of Local Enterprise Partnerships and corporate partners drawn from key service sectors. ADEPT members are at the very heart of maximising sustainable growth in communities throughout the UK. We deliver the projects that are key to unlocking broader economic success and creating more resilient communities, economies and infrastructure

4. Would you like your response to be confidential?

No

If you answered 'yes' please provide your reason.

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.

ADEPT considers the Extended Producer Responsibility recycling targets for six packaging materials (plastic, card, steel, aluminium, glass, wood) set initially to 2030 is supported. However consideration should be given to not just consider weight based targets but wider environmental outcomes to deliver the right behaviour changes from all in the supply chain including producers and the Scheme Administrator. Firm commitments should also be made to establish recycling targets for fibre based composite packaging including disposable paper cups and to incentivise adoption of re-fillable and re-usable packaging systems. Including where these materials best fit in collection, sorting and treatment systems.

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 consultation document and impact assessment shows numerous figures in tables 2 and 3. Table 3 shows for 2024 71% target for and for 2030 81% target. WRAP Glass Flow 2025 Report indicates an average growth in glass packaging recycling to 2025 as being 7.4%.

The EPR consultation document states the re-melt target is 72% for 2021 and 2022. Therefore, targets need to be realistic whilst stretching to deliver continuous improvement. ADEPT considers there may be unintended consequences to deliver positive steps and continuous improvement to deliver better environmental outcomes if targets are not ambitious.

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.

The EPR consultation document and impact assessment shows numerous figures in tables 2 and 3. Table 3 Target for plastic in 2024 showing 41% and 2030 showing 56%.

Key consideration in the setting of future recycling targets for plastic packaging is the contribution from plastic films and flexibles. With around a third of the 2.4mt of plastic packaging being films and flexibles and around half of this consumer packaging, the recyclability of these materials and their collection for recycling is a key consideration in the setting of future targets.

Plastics is an area the public and wider organisations want to see changes and resources managed better to deliver better environmental outcomes. Table 3 already demonstrates the current performance as 41% with 2030 proposing 56% is this ambitious enough?

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.

Unsure – this will depend on where the additional recycled material is pulled from – it needs to be away from recovery/biomass rather than preventing wood from being re-used which may be an unintended consequence.

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.

ADEPT encourages the need for sustainable long-term markets and be aligned to the principles of Waste Prevention and there is concern that wood may be moved away from re-use into recycling to meet higher targets. This could be an unintended consequence.

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.

Whilst ADEPT agrees that the targets given in Table 3 do seek an improvement it would appear that those used in the Impact Assessment are higher than those in Table 3.

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.

Whilst ADEPT agrees that the targets given in Table 3 do seek an improvement it would appear that those used in the Impact Assessment are higher than those in Table 3.

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.

This would encourage higher end markets.

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

ADEPT considers the Scheme Administrator should determine this by regularly reviewing with stakeholders to enable innovation, investment and incentives to deliver better environmental outcomes through closed loop recycling.

19. 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

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.

ADEPT considers the Definition adopted by The UK Plastic Pact/The Ellen MacArthur Foundation is close but believes this should aligned to the Waste Prevention Consultation findings. For example, better capture the principles prevent excess use of materials in producing products and during transit. Those who place their products on the market and consumers who purchase should make responsible decisions. From Prevention through to production and consumption.

-Packaging waste should be designed with prevention, durability, reuse, recyclability through to when it becomes waste. Therefore, setting product design requirements, circular economy, ecodesign measures through to the polluter pays principles. The SA and/or producers could have some criteria to meet for example:

1. same purpose for which it was conceived, with or without the support of auxiliary products present on the market, enabling the packaging to be refilled;
2. Packaging or packaging component which has been designed to accomplish or proves its ability to accomplish a minimum number of trips in its lifetime by being refilled or reused for the same purpose number of trips or rotations in a system for reuse; and
3. The packaging is recoverable when it becomes waste.

20. 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

Please answer here.

ADEPT considers more approaches could be incorporated to deliver step changes and drive the right behaviours for example:

1. Waste Prevention – principles;
2. Re-use target on packaging/alternatives ‘in scope’ material or products list; and
3. An obligation on some sectors to operate and contribute funds that are dedicated to financing repair, reuse and refill operations.

ADEPT considers the unintended consequences could be to focus on quick wins (containers and beverages) by the Scheme Administrator and value supply chain which already has the basic infrastructure without tackling the areas where innovation and investment is necessary to deliver better environmental outcomes. This could include the necessary reforms of obligations on some sectors to operate and contribute funds that are dedicated to financing repair, reuse and refill operations

21. 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

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

Please provide the reason for your response.

ADEPT agrees that the Scheme Administrator should actively promote waste prevent and re-use

22. 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

- ☐ Agree
☐ Disagree
☒ Neither agree nor disagree

Please provide the reason for your response.

ADEPT considers if packaging waste has a reuse target this would lead to better environmental outcomes. There needs to be further consideration around a lower modulated fee, the purpose of further incentives would need to be understood to ensure better environmental outcomes and behaviours are being rewarded. Possibly worth considering the full life cycle: at some point the product will become waste and reusable packaging must be recyclable at end of life. Rather than the Scheme Administrator incentivising wider fiscal measures be better for example tax concessions. These would be transparent and help build public trust and help drive consumer behaviour changes.

Producer obligations for full net cost payments and reporting

23. 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

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

24. 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

Whilst ADEPT does not have a strong view, there is a shared understanding this is particularly challenging and complex. This is due to the nature of the supply chains and the role of intermediaries such as agents, brokers, hauliers and freight-forwarders. Government would need to continue to work with the regulators to ensure that the obligations on imported packaging will be picked up by a producer (subject to any de-minimis arrangement)

Unintended consequences – SA should work closely with Government on the below areas:

- Importers of filled packaging should be obligated for that packaging under the Extended Producer Responsibility scheme.*
- Unfilled packaging that is imported is obligated at the point where it is filled or packed in the UK, or if sold to an unobligated producer.*
- Any imported packaging (unfilled or filled) that is subsequently exported, and can be evidenced as such, would not incur obligations under Extended Producer Responsibility.*

25. 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

- ☐ 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.

26. 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

- ☒ Yes
- ☐ No
- ☐ Unsure

Please provide the reason for your response.

ADEPT considers there is a balance to strike and not being overly burdensome for small businesses. ADEPT does believe where possible the issue around 'free riders' should be addressed. ADEPT would support the principle of lowering the de-minimis level to reduce the number of free riders in keeping with the polluter pays principle.

27. Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging? Q23

- ☐ Yes
- ☒ No
- ☐ Unsure

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

The brand owner should be the obligated producer regardless of where the packaging/product is sold and hence there would be a risk of duplication and confusion as to where the responsibilities lie.

28. Do you foresee any issues with Online Marketplaces not being obligated for packaging sold through their platforms by UK-based businesses? Q24

- ☐ Yes
- ☒ No
- ☐ Unsure

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

29. 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

- ☒ Yes
- ☐ No
- ☐ Unsure

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

ADEPT considers the lead in time to be challenging. There will be the inevitable upfront resources needed to deliver the data reporting, process and system changes etc. The Standardisation of methodologies (only a few) will be challenging in the timescales. Gap analysis of missing information agreeing the methodology with multiple brand owners in a year could be an unrealistic timescale. In addition, some who fall in scope of the obligations may not be aware or have considered the short timescale implications. ADEPT considers the SA should keep this under regular review to ensure remains adaptable and reflects changes overtime to continue to deliver better environmental outcomes.

30. 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

- ☐ Yes
- ☐ No
- ☒ Unsure

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

31. Do you agree or disagree that the Allocation Method should be removed? Q27

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

ADEPT does agree the allocation method should be removed as this is not consistent with polluter pays principle and the consultation document and supporting information evidences, so few are used.

Producer obligations: disposable cups takeback

32. Do you agree or disagree that a mandatory, producer-led takeback obligation should be placed on sellers of filled disposable paper cups? Q28

- ☒ 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.

ADEPT supports the principle obligated sellers should be able to decide how to deliver on their obligation either by joining an existing takeback scheme, by putting in place their own arrangements or by developing new schemes.

33. 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

☒ 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.

ADEPT considers that all those selling disposable cups should be obligated from 2023, not just the larger businesses. The unintended consequences are public confusion, communication messaging challenges and yet further delay to delivering Government's ambitious step changes and environmental outcomes. The alignment of dates is critically important to ensure consumers are onboard, risk is appropriately managed, and the polluter pays principle adopted – actions drive change. The unintended consequences can be seen in behaviours through the value supply chain for example change from plastic straws to paper straws – to minimise fiscal taxation exposure, however, had any consideration been given to driving better environmental outcomes.

Modulated fees, labelling and plastic films recycling

34. Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established? Q30

☒ Yes

☐ No

☐ Unsure

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

35. 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. Q31

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

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

ADEPT considers that the consequences of failing to meet obligations should be clear and transparent and open to scrutiny. It does not support the Scheme Administrator being able to come to a separate arrangement with a producer that has failed to meet its obligations.

36. Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling? Q32

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

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

Option 2 leads to much greater clarity for the consumer.

37. Do you agree or disagree with the proposal that all producers could be required to use the same 'do not recycle' label? Q33

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

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

38. Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements? Q34

- ☒ Yes
- ☐ No
- ☐ Unsure

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

ADEPT considers this a suitable time period, if possible, accelerate and bring forward e.g. earlier start of 2024 to give consumers greater clarity as early as possible.

39. Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses? Q35

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

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

40. Do you think it would be useful to have enhancements on labels, such as including 'in the UK' and making them digitally enabled? Q36

- ☒ Yes
- ☐ No
- ☐ Unsure

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

ADEPT considers enhancements around laser imprint (digital embossing of a barcode) would help. Many products don't remain intact once in contact with moisture, collection and sorting systems identification of product and obligated producers and fees would require changes from the current positions/circumstances. This may also help with future Deposit Return Scheme (DRS) systems, tracking, leakages through to other systems and obligating producers, investment and costs into the right systems and flow of materials etc.

41. 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

- ☐ 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.

ADEPT considers this can only occur if the Scheme Administrator is in place and able to support Local Authorities to make this change. There are transitional costs, costs of system-change, end markets for the materials, and sorting facilities need to adapt / upgrade to enable materials to be collected, sorted, separated, and moved through the supply chain in a cost effective and efficient manner. Unintended consequences would be around ineffective and inefficient systems, reduced payments to local authorities, and materials in the incorrect system leading to loss of confidence and public mistrust as well as contamination of quality recycle.

42. 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

- ☐ 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.

ADEPT considers this can only occur if the Scheme Administrator is in place & able to support businesses to make this change. There are transitional costs, costs of system-change, end markets for the material, and sorting facilities need to adapt / upgrade to enable materials to be collected, sorted, separated, and moved through the supply chain in a cost effective and efficient manner. Unintended consequences would be around ineffective and inefficient systems, reduced payments to local authorities, and materials in the incorrect system leading to loss of confidence and public mistrust.

43. 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? Q39

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

Please provide the reason for your response.

ADEPT considers where the 'reuse or recycling options are unavailable' refers to other packaging being used instead of compostable packaging and that packaging is then placed in the residual bin. The compostable packaging would have to be solely relevant to the actual event where 'closed loop' recycling/composting was in place and there would need to be evidence that the packaging had genuinely been composted to a PAS standard after the event.

ADEPT supports that in principle a route for using this packaging should be considered further, based on delivering better environmental outcomes. Any such exemptions to be set out in the Extended Producer Responsibility regulations and kept under review. There could be unintended consequences and care would need to be taken to ensure that the packaging was indeed being recycled/composted.

44. 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

- ☒ 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.

Annex 6 of the consultation document and DEFRA own call for evidence in July 2019 provides no strong evidence base to allow compostable packaging through AD and composting treatment. The emerging body of evidence suggests that microplastics pose risks to animal health and the natural environment, and more work is required to establish if they have an impact on human health. There are potential unintended consequences that could arise as a result of a growth in use of compostable plastics.

ADEPT considers that there is a balance to strike to provide a legitimate route through AD treatment and setting the modulated fee at an appropriate level. There is more evidence base work to do, ADEPT would suggest the other unintended consequence maybe the Scheme Administrator should take care to ensure the modulated fee does not drive undesirable behaviours e.g. producer /manufacturers behaviour shift to more types of plastic/compostable packaging as the modulated fee may be attractive no matter which level it is set compared to the single use packaging. These types of unintended consequence occurred with other regulations for example WEEE.

Payments for managing packaging waste: necessary costs

45. Do you agree or disagree with the proposed definition and scope of necessary costs? Q41

- ☐ 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.

ADEPT Broadly agrees but notes the Government's preference is for costs to be apportioned using a formula-based approach.

The mechanism used to account for geographic, socio-economic and other factors that impact on cost and performance should also take into account existing local authorities' contracting arrangements and local variations in waste management systems and technology currently in use. The proposed changes may require significant amendments to existing contracts or in some cases early termination, in particular for long term PFI/PPP contracts. The costs of these changes should also be included in the necessary costs and cannot easily be apportioned using a formula-based approach.

Local Authorities should be part of the governance arrangements for the Scheme Administrator to ensure that the implications on the collection and sorting of obligated materials are fully understood, and the impacts on local authorities are cost neutral especially in the early years of implementation while developing a funding mechanism that reflects the actual costs borne by individual local authorities to avoid individual local authorities having to meet costs arising from implementing EPR.

Local authorities require capital to provide the infrastructure and incur costs to service capital debt. Operational costs should include costs associated with establishing, maintaining and operating vehicle depots, transfer stations etc for collection & disposal of packaging waste and should include both capital and revenue. Necessary costs should also include costs to support the development of infrastructure including planning costs and consultancy support. Enforcement costs should also be included.

Guidance and support should be provided for local authorities to procure sufficient collection, processing and treatment capacity to avoid overprovision for materials diverted into other schemes (e.g. Deposit Return Scheme (DRS) and reduced quantities as EPR takes effect.

Payments for managing packaging waste from households

46. Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks? Q42

- ☐ 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.

ADEPT broadly agrees with the principle but greater clarity is required as to what this means in practice. .

Further consultation is required when the details of all aspects of the Resources and Waste Strategy have been clarified and the crossover impacts between the various elements of the strategy (EPR, DRS, Consistency in collections, OPRL, etc.), the differing timescales for implementation and the overall impacts are better understood.

ADEPT stated in its previous consultation response that the current system cannot be used to benchmark future efficiencies within the new UK EPR system and success in this area will need more consideration and development.

The system used should recognise that collection and treatment systems need to reflect the varying nature of individual local authorities' technical, contractual, local and environmental circumstances.

Local Authorities should be part of the governance arrangements for the Scheme Administrator to ensure that the implications on the collection and sorting of obligated materials are fully understood, and the impacts on local authorities are cost neutral especially in the transition period and early years of implementation in order to develop a funding mechanism that reflects the actual costs borne by individual local authorities to avoid individual local authorities having to meet costs arising from implementing and managing EPR.

Payments should take account of existing local authorities' downstream contracting arrangements and the varying requirements in different areas to make the transition to more efficient and effective systems that can deliver wider carbon benefits as well as improved recycling performance and good practice.

ADEPT would prefer that a fixed payment is made to each Local Authority to recognise that they will all be incurring costs regardless of performance (80% is suggested in the consultation) and that performance payments are then made to then reflect actual performance in comparison to their peers – this would allow some certainty for budget setting purposes. This method of payment could then be reviewed on a regular basis, say 5 years.

47. 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

- ☐ Agree
☒ Disagree
☐ Neither agree nor disagree

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

ADEPT agrees that the producers should take the risk of material price fluctuations. However it considers the use of an average price per tonne would risk some Local Authorities continuing to take risk on market price & hence having to meet costs arising from the policies in the short term and during any period of transition.

The risk on fluctuating material values should rest with the packaging producers not local authorities and this would not be the case in some Local Authorities.

Payments should take account of existing local authorities' contracting arrangements, the variations in risk share and availability of local recycling infrastructure that can drive variations in income from the sale of materials.

Use of a per tonne payment does not reflect the varying environmental/carbon impacts of the different materials collected.

Local Authorities should be part of the governance arrangements for the Scheme Administrator to ensure that the impacts on local authorities are cost neutral especially in the transition period and early years of implementation in order to develop a funding mechanism that reflects the actual costs borne by individual local authorities to avoid individual local authorities having to meet costs arising from implementing and managing EPR and follow the "polluter pays" principle.

48. 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

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

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

ADEPT considers emphasis should be given to providing the necessary support and capital investment to local authorities to drive performance and quality in systems and stimulate the development of infrastructure to improve recycling performance and quality that could also deliver carbon reduction and wider benefits.

The interdependence with, the potential for crossover with, and the differences between the timescales for implementing the various elements of the Resources and Waste Strategy (e.g. On Package Recycling Labelling, Deposit Return Schemes and Consistency in Collections) may impact on local authorities' abilities to deliver performance and quality improvements in the system in the short to medium term.

Local Authorities should be part of the governance arrangements for the Scheme Administrator to ensure that the impacts on local authorities are cost neutral especially in early years of implementation while developing incentive adjustments to avoid individual local authorities having to meet costs arising from implementing EPR and follow the "polluter pays" principle.

49. 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

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

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

ADEPT broadly agree but consideration needs to be given to the varying nature of local authorities' structures, governance arrangements, existing systems, contracting arrangements and local infrastructure that can influence what is a "reasonable" timescale before applying adjustments to incentive payments. The levels of support required will vary by local authority. The potential for differences between the timescales for implementing the various elements of the Resources and Waste Strategy (e.g. On Package Recycling Labelling, Deposit Return Schemes and Consistency in Collections), changes in producers' behaviour and consumer behaviour will impact on the timescales and local authorities' abilities to deliver performance and quality improvements in the system.

50. Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance? Q46

- ☒ Yes
- ☐ No
- ☐ Unsure

Please provide the reason for your response.

ADEPT considers that revisions to funding systems need to recognise that local authorities collect and treat other recyclable materials besides packaging which will not be funded by EPR and are currently funded in many two tier authorities (where responsibilities for waste management are shared) by recycling credit payments.

Greater clarity is required on the floor level of the minimum payments and all future funding mechanisms for all local authority waste management services.

Existing local authority contracting arrangements will apportion risk on material income in different ways. The risk on fluctuating material values should rest with the packaging producers not local authorities to follow the “polluter pays” principle.

ADEPT would prefer that a fixed payment is made to each Local Authority to recognise that they will all be incurring costs regardless of performance (80% is suggested in the consultation) and that performance payments are then made to then reflect actual performance in comparison to their peers – this would allow some certainty for budget setting purposes. This method of payment could then be reviewed on a regular basis, say 5 years.

51. Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks? Q47

- ☒ 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.

EPR should not hamper overperformance of recycling which could bring wider environmental and carbon benefits.

Local authorities are well placed to stimulate the green economy, the development of UK based recycling infrastructure, improvements in the recycling of materials which are not included in EPR, R&D, innovation, skills development and the creation of employment opportunities.

52. 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? Q48

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

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

ADEPT broadly agrees but greater clarity is required on what the benchmarks are and how realistic and achievable the recycling benchmarks set for local authorities.

53. 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

- ☐ Agree
☒ Disagree
☐ Neither agree nor disagree

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

The preference for modelled costs is noted.

ADEPT stated in its previous consultation response that the current system is considered to deliver low cost compliance, but its limitations are well documented and recognised by the Government and should not be used to benchmark future efficiencies within the new UK EPR system and success in this area will need more consideration and development.

The system used should recognise that collection and treatment systems need to reflect the varying nature of individual local authorities' technical, contractual, local constraints and environmental circumstances.

The proposed changes may require significant amendments to existing contracts or in some cases (in particular long term PFI/PPP contracts) early termination and re-procurement that cannot easily be apportioned using a modelled costs approach.

Use of modelled costs risks penalising some local authorities and benefiting others resulting in some local authorities having to meet costs arising from the policies in the short term and during any period of transition to a more advanced model that reflects the actual costs incurred by all local authorities.

Payments should take into account existing local authorities' contracting arrangements and the varying requirements in different areas to make the transition to more efficient and effective systems that deliver carbon benefits as well as recycling good practice.

ADEPT is concerned that Government policies regarding consistency in material collections and a DRS might not integrate as intended with the extended producer responsibility and this could lead to competition for materials between the schemes.

Modelled costs should take into account factors outside of local authorities' control (e.g. competition between EPR and DRS schemes for the same materials, the current lack of clarity on Consistency in Collections, differential timescales for implementing other elements of the Resources and Waste Strategy such as DRS and OPRL, consumer confusion over whether packaging can be recycled, consumer behaviour and packaging producers' behaviour).

We would also like to see acknowledgement of, and proposals to address, any consequential costs for local authorities due to changes in the waste stream. These include impact of contractual claims relating to guaranteed tonnages or residual waste composition requirements (such as calorific value, minimum biodegradable content) which might alter because of policy change at national level. The proposed changes may require significant amendments to existing contracts or in some cases early termination of long term PFI/PPP contracts that cannot easily be apportioned using a modelled cost approach.

ADEPT would prefer to see a system that might initially see producers contribute slightly more than the costs and then get a rebate back at the end of the period following an annual reconciliation rather than a system that sees them make top up contributions. This would

ensure that local authorities are not left with a cost burden at the end of the year, incentivise continuous improvement and follow the “polluter pays” principle.

54. 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

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

ADEPT thinks that greater clarity is also required on the flow of funding for the collection and management of all waste in two tier authorities where a proportion of the costs are currently met by the payment of recycling credits which includes funding for materials that are not packaging.

ADEPT would prefer to see a system that might initially see producers contribute slightly more than the costs required and then get a rebate back at the end of the period following an annual reconciliation rather than a system that sees them make top up contributions. This would ensure that local authorities are not left with a cost burden at the end of the year, incentivise continuous improvement and follow the “polluter pays” principle.

Payments for managing packaging waste from businesses

55. 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? Q51

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

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

ADEPT think that including packaging waste produced by businesses would help to achieve national recycling targets as well as delivering wider environmental and carbon benefits.

Increased home working since COVID has diverted, and will continue to divert, some waste packaging from businesses to domestic disposal systems.

Including packaging waste produced by businesses would allow local authorities to provide efficient and effective collections to businesses utilising the infrastructure provided for household packaging waste management helping to reduce the collection cost for producers, the associated carbon impacts and helping drive the change to packaging that is easily recycled. Including packaging waste produced by businesses would simplify treatment and accounting at processing and recycling facilities where material origins are not clear.

Including packaging waste produced by businesses would promote takeback and source segregation systems to help improve material capture and quality.

There is also a need to ensure that collectors (whether private companies or local authority operated) deduct the producer payment element of the service to the customer in the price charged. There is a risk that collectors will receive a producer payment but not then reduce their charge to customers

56. 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? Q52

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

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

ADEPT think greater clarity is required on what is considered “necessary evidence” to prevent creating a loophole that allows a producer to avoid the “polluter pays” principle

57. Which approach do you believe is most suited to deliver the outcomes being sought below? Q53

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

ADEPT think the governance arrangements for the Scheme Administrator should include a requirement for local authorities to influence the decision as to which approach is most suitable to ensure that the impacts on local authorities are cost neutral especially in the transition period and early years of implementation. This would avoid individual local authorities having to meet costs arising from implementing and managing EPR and follow the “polluter pays” principle. Tonnage based systems do not reflect the differing environmental and carbon impacts of individual packaging materials.

58. Do you disagree strongly with any of the options listed in the previous question? Q54

- ☒ Yes
☐ No
☐ Unsure

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

ADEPT stated in its previous consultation response that the current system is considered to deliver low cost compliance, but its limitations are well documented and recognised by the Government

The option chosen needs to:

- recover the full cost of collecting and managing packaging waste following the “polluter pays” principle;*
- be transparent and provide producers with visibility of reporting and how their fees have been used;*

- *be more granular reporting by material, packaging format (bottle, tub, jar, etc) and in the case of plastics by polymer;*
- *contribute to higher recycling targets;*
- *provide direct support for consumer communications to encourage recycling of packaging waste and reduce consumer confusion;*
- *reduce the production of poor quality/poorly designed packaging and contamination;*
- *account for material that is contamination and not EPR packaging;*
- *avoid producers meeting their obligations by purchasing performance rather than by taking specific action to increase the reduction and recycling of packaging;*
- *promote the design and use of more sustainable and recyclable packaging;*
- *create an even playing field for packaging waste that is recycled in the UK and that which is exported to stimulate growth in UK reprocessing capacity and reduce reliance on export markets;*

59. 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

- ☒ Yes
☐ No
☐ Unsure

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

Not having a system at all could lead to misreporting fraud and abuse.

A lack of recycling targets could hamper the pace of change in the system and create a risk of delaying improvements that could deliver wider environmental and carbon benefits.

The current PRN and PERN systems are open to, and have been subject, to abuse.

Could result in producers not bearing the full financial responsibility for the of end-of-life management of packaging.

Payments for managing packaging waste: data and reporting requirements

60. 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

- ☒ 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.

ADEPT broadly agrees but greater clarity required on the revised sampling requirements especially for smaller bulking points where the available space is limited.

61. 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

- ☒ 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.

ADEPT agrees with the principle but a de-minimums level for small bulking points where there are space limitations and where packaging is extracted from Anaerobic Digestion facilities.

62. 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

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

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

ADEPT agrees as this would help to avoid materials "leaking" out of the system.

As stated in previous responses, something needs to be in place for those facilities that cannot physically sample at these points due to space constraints.

63. Do you think the following list of materials and packaging formats should form the basis for a manual sampling protocol? Q59

- ☐ 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?

ADEPT suggests inclusion of films and flexibles and other materials which are likely be included in EPR at a later date to help to accurately baseline the quantities of these materials.

Clarity is required on the option to measure materials which could fall into DRS to avoid double counting between EPR and DRS.

ADEPT suggests including compostable packaging to help quantify and monitor the amount in use.

The sampling protocol needs to be flexible to changes in producers' behaviour that stimulates changes to the packaging materials in use.

64. Do you think it is feasible to implement more rigorous sampling arrangements within 6-12 months of the regulations being in place? Q60

- ☐ 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.

ADEPT broadly yes but It would depend on the level of increased sampling required and the capacity required to provide the additional space and mobilise the set-up of the arrangements.

65. Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime? Q61

- ☒ 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.

Provided that:

the technology is proven to be reliable and accurate before introduction and performance is regularly calibrated after introduction to ensure continued accuracy;

the cost to develop, implement, maintain and operate visual detection technology forms part of necessary costs;

the technology should not delay the sorting process and reduce available capacity to process materials.

66. 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

- ☐ 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.

The packaging proportion protocols used by reprocessors require regular audit to ensure protocols remain appropriate.

The protocols could be amended where there is robust and auditable evidence of a significant variation.

67. Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility? Q63

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

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

68. 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

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

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

Providing the cost for achieving the minimum standard is met by the producers in accordance with the "polluter pays" principle and not passed to local authorities.

69. Do you think any existing industry grades and standards could be used as minimal output material quality standards? Q65

- ☒ Yes
- ☐ No
- ☐ Unsure

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

ADEPT suggests that there should be a mechanism introduced to promote continuous improvement in the minimum output material quality standard.

Payments for managing packaging waste: reporting and payment cycles

70. Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis? Q66

- ☒ Agree

- ☐ Disagree
☐ Neither agree nor disagree

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

Quarterly reporting would be aligned with other reporting cycles and should include an annual reconciliation/wrap up process.

Quarterly reporting would allow in year assessment of the likelihood of targets being achieved and adjustments to be made in the system to encourage improved performance if required. Local authorities have well established systems for analysing composition and reporting performance that are transparent, reliable and regularly audited to prevent fraud. Existing systems could be developed and expanded with suitable support and use of technology to reduce the timescales for verification and validation.

ADEPT would prefer that a fixed payment is made to each Local Authority to recognise that they will all be incurring costs regardless of performance (80% is suggested in the consultation) and that performance payments are then made to then reflect actual performance in comparison to their peers – this would allow some certainty for budget setting purposes. This method of payment could then be reviewed on a regular basis, say 5 years.

71. Do you agree or disagree that household and business packaging waste management payments should be based on previous year's data? Q67

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

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

ADEPT agrees provided that the previous year's data includes all relevant costs to ensure that producers bear the full financial responsibility for the of end-of-life management of packaging they place on the market.

ADEPT suggests that there should be an annual reconciliation/wrap up process to account for any in year changes.

ADEPT would prefer that a fixed payment is made to each Local Authority to recognise that they will all be incurring costs regardless of performance (80% is suggested in the consultation) and that performance payments are then made to then reflect actual performance in comparison to their peers – this would allow some certainty for budget setting purposes. This method of payment could then be reviewed on a regular basis, say 5 years.

Litter payments

72. 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

- ☒ 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.

ADEPT agrees providing that this includes all relevant costs to ensure that producers bear the full financial responsibility for the management of packaging that is littered.

Clarity is required on the inclusion of packaging that is fly-tipped as well as littered.

73. 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

- ☒ 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.

ADEPT thinks clarity is required on the inclusion of Highways England.

ADEPT thinks clarity required on the inclusion of packaging that is fly-tipped as well as littered.

74. Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land? Q70

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

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

ADEPT agrees provided the funding is in addition to that which local authorities receive for the management of litter on public land and not deducted from that amount.

75. Do you agree or disagree that local authority litter payments should be linked to improved data reporting? Q71

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

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

ADEPT agrees providing the costs of improved gathering and reporting of data on packaging in litter are also met by producers through the EPR system.

76. Do you agree or disagree that payments should be linked to standards of local cleanliness over time? Q72

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

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

ADEPT agrees providing the necessary support and funding is provided by producers to ensure improvements in the standards of local cleanliness can be achieved in a reasonable timescale. There are existing recognised duties, codes of practice and standards for local cleansing that payments should be linked to however there needs to be recognition that it can be difficult to maintain standards in some environments at certain times or after certain events (e.g. post COVID lockdown picnics in public spaces, after concerts or major events).

Scheme administration and governance

77. 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

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

The appointment and governance of the Scheme Administrator (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. ADEPT 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. There will need to be KPIs within the contract and a performance management framework in place to monitor performance. 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 represented fairly. Accountability of the SA is also unclear unless it will just be through a contractual arrangement.

The SA will be a large national body but ADEPT would hope that the SA will have a sense of place in that it will recognise that there will be significant regional variations.

78. Overall which governance and administrative option do you prefer? Q74

- ☒ 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. It is likely that the costs of a single scheme administrator approach will be lower than the combined running costs of a scheme administrator and compliance schemes, due to some duplication or overlap of functions by the compliance schemes and the scheme administrator and the need for a level of engagement between the organisations.

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

Q75

- ☒ 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.

A reserve fund would also allow for innovation and step change within a year

80. 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

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. The option to extend is helpful. In addition there should be a performance management framework in place along with contract termination clauses for failure to perform.

81. 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? Q77

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. The option to extend is helpful. In addition there should be a performance management framework in place along with contract termination clauses for failure to perform.

82. Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator? Q78

- ☐ 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. Details of the type of the procurement are unclear – a dialogue process will take much longer & is more uncertain in terms of timescales than a simpler specification/output tender.

83. 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

- ☐ 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 and the systems that would need to be established in realistic timescales. These programmes should then become contractually binding and form part of the Performance Management Framework

84. Do you agree or disagree with the approval criteria proposed for compliance schemes? Q80

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

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

85. Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test? Q81

- ☐ 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.

86. Do you agree or disagree with the proposed reporting requirements for Option 1? Q82

- ☒ Agree
☐ Disagree
☐ Neither agree nor disagree

87. Do you agree or disagree with the proposed reporting requirements for Option 2? Q83

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

Reprocessors and exporters

88. 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

- ☒ 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.

89. Do you agree or disagree that all reprocessors and exporters should report on the quality and quantity, of packaging waste received? Q85

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

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

90. 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

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. There is already concern around the current PERN system in that packaging that is of poor quality being sent for recycling such as being contaminated with food waste

91. 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

- ☒ 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

92. 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

- ☒ 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

93. 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

- ☐ 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. There is potential for unintended consequences. Whilst there are clear benefits of reprocessing with the UK and stimulating markets locally, some packaging will need to be exported – eg glass being returned to wine producing countries but there is also potential for packaging waste to be constantly in transit with no clear destination for reprocessing.

94. 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

- ☒ 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

95. Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators? Q91

- ☒ 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

96. Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system? Q92

- ☒ 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.

97. Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present? Q93

Please answer here

ADEPT has nothing further to add but the current regulator would probably be best placed to answer this question.

98. In principle, what are your views if the regulator fees and charges were used for enforcement? Q94

It seems appropriate that enforcement is covered by these fees

99. Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed below, such as prosecution? Q95

The level of penalty should be proportionate to the level of non-compliance ranging from a fixed penalty notice for minor breaches to prosecution for major offences. However the fine will need to be significant enough to change behaviour rather than paying fine as being the least worst option!

Implementation timeline

100. 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)? Q96

- ☐ 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. These programmes should then become contractually binding and form part of the Performance Management Framework.

101. Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical? Q97

- ☒ 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 & flexibles is a good example where there are currently very limited markets and little evidence to suggest that this will have changed by 2023.

102. 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

- ☒ 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 for obligated materials during the transition period.

Local Authorities will need to start planning for changes prior to 2023 but it is not clear how these transitions costs will be met – ADEPT would like clarity on this.

103. Of the options presented for reporting of packaging data for 2022 which do you prefer? Q99

- ☐ Option 1
- ☒ Option 2
- ☐ Neither

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

Option 2 as the producers will need to undertake full reporting although Option 1 could be used as a stepping stone towards this.

104. 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

- ☐ Yes
- ☐ No
- ☒ Unsure

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

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

