

Consultation on Extended Producer Responsibility for Packaging

Please note, not all questions are relevant to local authorities, and only the questions to which NFDC will be responding are included here.

Some of the questions need to be read alongside the consultation document, found here:
https://consult.defra.gov.uk/extended-producer-responsibility/extended-producer-responsibility-for-packaging/supporting_documents/23.03.21%20EPR%20Consultation.pdf

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.

The Council does agree on the proposed framework however, we believe that more weight should be given to the targets around reusable and refillable packaging. Currently only one bullet point is dedicated to this despite the important role that this type of packaging will play in the future to meet the Governments aims to move waste up the hierarchy to waste prevention. Government should introduce targets and obligations sooner than 2025.

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.

If the “non-can” elements of the overall aluminium stream were to be made compulsory materials for LAs at kerbside, then there is no reason why the target could not be significantly higher and more in line with steel, glass etc.

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.

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.

Without further clarity in policy decisions as detailed in 4.26, it is not possible to say.

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.

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.

The Council does agree with the principle of setting targets, however recognises that there is currently limited reprocessing for these types of material in the UK. Government and industry will have to work together to overcome these issues.

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.

Yes, we would like to see closed loop recycling targets for plastic, this will ensure that we can start to measure progress towards Circular Economy targets.

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

Please answer here

This would have to be on a case-by-case basis, where there is clear evidence showing environmental advantages of closed loop recycling.

[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

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.

While the Council supports this proposal, we also believe that consumers should be incentivised to use reusable cups as per the waste hierarchy. Implementing schemes such as this might make consumers feel less guilty about using paper cups as consumers know they are being recycled, however it does not make steps to reduce waste in the first place.

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

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.

Although thorough processes and procedures will have to be put in place to ensure that producers with a large turnover do not just pay the fees rather than changing their packaging. The modulation needs to be sufficient to provide strong business cases for producers to change packaging design.

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

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.

The Council disagrees with the preferred option because we believe it would be simpler if all packaging had the same labelling rather than there being a range of different labels on packaging. If packaging is obliged to have the same 'do not recycle' label, then it would be preferable if packaging had the same label for packaging which can be recycled. This makes the approach more streamlined and consistent and consumers will know exactly what labels they should be looking for.

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

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.

The timescales relating to mandatory labelling rely heavily on the consistency outcome and how long it will take for all local authorities to be able to collect and recycle the 'core' set of recyclables. It would not be helpful if packaging was labelled recyclable before appropriate collection and reprocessing were implemented across all local authorities in England.

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.

The Council agrees with this as an aspiration, however end markets for plastic film are still being developed and tested and it is unclear how scalable these will be and how much capacity they will be able to provide. Additionally, there is a concern about how clean film and flexibles would be presented for recycling by the public, and how well sorting infrastructure can cope with such small, light pieces. These issues need to be addressed before it is decided that local authorities will begin to collect plastic films.

[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

[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

The Council agrees with this proposal in principle. However, there is not enough information or detail on the proposed methodology for us to comment further – for example there are some questions surrounding how it will be decided whether a system is 'effective and efficient'. We also have questions about whether the benchmarks will be changed if the circumstances of individual

authorities change. Whatever methodology is used to calculate payments must be intelligent enough to reflect local circumstances across a vast range of Council areas, all with different characteristics. It should not be underestimated how complex local council collections costs can be. The consultation document says that the modelled approach should have “broad support for the methodology” but we are only able to give this in principle at this stage, because there is not enough detail on the modelling.

Finally in 8.23 of the consultation document, it states that the scheme administrator could adopt this model. If they chose not to, there would need to be sufficient independent oversight or approval of whatever system they adopt as an alternative.

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 of 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.

It would be useful to have some more clarity around the per tonne payment. For example, if a council is receiving material income consistently under the national average price per tonne, they will not be benefiting from full cost recovery. Also, two tier areas need to be taken account of here. For example, in Hampshire as of 2022, the County Council will retain income from sale of recyclables, it will not be passed back to NFDC. So if material value is deducted from our EPR payment, we will not be achieving full cost recovery for collection of packaging waste.

Also, how does a per tonne payment fit into the waste prevention agenda – a per tonne payment seems to encourage more waste.

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

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

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

- Yes
- No
- Unsure

Please provide the reason for your response.

We agree with this proposal because regardless of their performance local authorities still process a significant amount of packaging therefore, producers should be obligated to pay some of these costs even if the local authority is low performing. Also, there may be a range of reasons why an authority is low performing (such as resident behaviour) some of which a local authority cannot directly control so they should not be penalised for this. Finally, it may take some authorities longer to adopt more efficient collection systems, and they should not be penalised during the transitional period.

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.

However, we would like to emphasise that we believe that there should be adequate support for low performers such as financial support, otherwise these low performing authorities may be left behind and may never be able to improve their recycling rates if they do not receive appropriate support.

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

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

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

There needs to be some consideration here to ensure that both WCAs and WDAs in a 2-tier area are incentivised to improve performance and rewarded accordingly. E.g. a WCA could invest significant money into improving its performance. A consequence of this could be reduced packaging in the residual waste stream, and as a result the WDA could receive higher than full net cost payment, despite it not being involved in the improvements made at WCA level.

In addition all these proposed measures must ensure that waste prevention is not disincentivised.

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

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

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.

We agree with this proposal however, implementing it may pose challenges. The transfer station infrastructure may have to be updated or even moved if there is not enough space on site which would take a considerable amount of time. It may also increase transfer station queue times which can impact the effectiveness of collection rounds. There needs to be full understanding of the costs of sampling, to ensure these costs are covered under EPR. For example significant capital investment may be needed to create the sampling infrastructure. Finally, it is not clear how the new sampling regime would account for situations where household and commercial waste are collected on the same collection vehicle.

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

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

- Yes
- No
- Unsure

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.

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.

Agree, as long as the standards are realistic, and not arbitrary. They need to be based on understanding of the issues caused for reprocessors if the minimum levels are exceeded.

[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.

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.

[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.

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.

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.

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.

We agree with this proposal in principle but only on the proviso that the additional costs of data collation are accurately measured and reimbursed via EPR.

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

- Agree
- Disagree
- Neither agree nor disagree

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

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.

The Council believes that the creation of a central body is the preferable governance option as this means that local authorities will only have to deal with one organisation. Furthermore, only having a Scheme Administrator will allow the process to be more streamlined and effective rather than certain tasks having to be divided between the Scheme Administrator and Compliance Schemes.

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.

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.

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.

We cannot speak for the other parts of the waste/packaging sector. In relation to LAs, the challenges around calculating costs and payments are particularly evident, and the timeline needs to reflect this complexity.

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

Please provide the reason for your response.

This must align with Consistency and DRS timelines

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

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.

Developing and commercialising reuse systems should be funded as according to the waste hierarchy, waste prevention is the most important goal therefore any proposal to achieve this should be encouraged.

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.