

**To: INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD**

**On: 29 MAY 2019**

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**Report by: DIRECTOR OF ENVIRONMENT & INFRASTRUCTURE**

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**Heading: CONSULTATION ON REFORMING THE UK PACKAGING  
PRODUCER RESPONSIBILITY SCHEME**

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## **1. SUMMARY**

- 1.1 On 18 February 2019 the Department of Environment, Food & Rural Affairs (DEFRA), on behalf of the UK, Scottish and Welsh Governments, opened a consultation regarding possible reforms to the UK Packaging Producer Responsibility Scheme. The consultation document sought views on measures to reduce the amount of unnecessary and difficult to recycle packaging and increase the amount of packaging that can and is recycled through reforms to the packaging producer responsibility scheme. It also proposed that the full net costs of managing packaging waste are placed on those businesses who use packaging and who are best placed to influence its design, consistent with the polluter pays principle and the concept of extended producer responsibility.
- 1.2 The current system of producer responsibility for packaging has been in place since 1997 and has had the effect of increasing recycling of packaging waste from 25% to 64.7% in 2016. All UK and EU packaging targets have been met during this period. Stakeholders have expressed concerns over the transparency of the current system including how income from the sale of evidence has supported packaging waste recycling; that local authorities receive very limited direct financial support for managing packaging waste; and there is not a level playing field for domestic reprocessing.
- 1.3 Responses to the consultation will help to design an effective extended producer responsibility scheme for packaging and will put in place the necessary regulatory framework to deliver change.

- 1.4 A further consultation will be issued in early 2020 seeking views on the preferred approach and the proposed specific regulatory measures required. The proposed date for commencement of the new measures is 2023.
  - 1.5 Renfrewshire Council fully supports the proposals and objectives as outlined in the response to the consultation attached as Appendix 1. The closing date for the consultation was 13 May 2019. It was not possible to allow the Board the opportunity to consider a response prior to submission. A response was therefore submitted on behalf of the Council by the due date and is now attached for the homologation of the Infrastructure, Land and Environment Policy Board.
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## **2. RECOMMENDATIONS**

It is recommended that the Infrastructure, Land and Environment Policy Board:

- 2.1 Notes the consultation carried out by DEFRA on reforming the UK packaging producer responsibility system; and
  - 2.2 Homologates the Council's submitted consultation response as detailed in Appendix 1 to this report.
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## **3. BACKGROUND**

### **Consultation on Reforming the UK Packaging Producer Responsibility System**

- 3.1 The current packaging producer responsibility system operates UK-wide. The consultation concerns the whole of the UK and is being undertaken by DEFRA on behalf of the the UK, the Scottish and the Welsh governments The UK has agreed to consult on behalf of Northern Ireland because of the historic UK-wide approach to packaging producer responsibility.
- 3.2 The UK government and the governments in Scotland and Wales are committed to maximising value from resources and minimising waste through the circular use of materials. Ambitions have increased due to an increase in public consciousness in tackling packaging waste.
- 3.3 In several policy documents commitments have been made as to ways to explore and to better incentivise producers to manage resources more efficiently. This includes placing responsibility on businesses for the environmental impact of their products and for the full net costs of managing products at end of life.
- 3.4 The proposals that are being consulted on are as follows:
  - The definition of full net cost recovery and approaches to recover full net costs from producers

- Incentives to encourage producers to design and use packaging that can be recycled
- The businesses that would be obligated under a packaging extended producer responsibility system
- Producer funding is used to pay local authorities for the collection and management of household packaging waste and to support the collection for recycling of household-like packaging arising in the commercial waste
- Mandatory labelling on all packaging to indicate if it is recyclable or not
- New packaging waste recycling targets for 2025 and 2030, and interim targets for 2021 and 2022.
- Alternative models for the organisation and governance of a future packaging extended producer responsibility system
- Measures to strengthen compliance monitoring and enforcement including for packaging waste that is exported for recycling.

### **Implications for Local Authorities**

3.5 The management of packaging waste costs UK local authorities in the region of £820m per year. The proposals in this consultation would mean that: -

- funding to meet these costs will transfer from central government and local tax payers to businesses
- local authorities will be paid by producers for collecting and managing packaging that arises in household waste
- local authorities will have to collect all recyclable packaging that is identified through household collection services
- collection services will have to meet with any minimum standards required in each nation
- this will lead to more consistent service provision across the country

### **Implications for Consumers**

3.6 Consumers will have clarity on what packaging items can be recycled and those that cannot be recycled. For items that be recycled they will be able to recycle them wherever they live. Combined with more consistent collection services this will reduce confusion and contribute to more packaging being recycled, less contamination and hence better-quality materials. Consumers will be asked to take more responsibility and may be asked to recycle things differently. Good quality and reliable collections and effective communications will be crucial to keep them informed and motivated.

### **Related Measures and Consultations**

- 3.7 The Scottish Government has announced it plans for the deposit return scheme (DRS) for single use drinks containers (plastic bottles, cans and glass) quoting 20p deposit on those items. The UK and Welsh governments are consulting on this.
- 3.8 The UK government is consulting on the requirement for segregation of recycling from household waste, for England only. This has been regulated in Scotland following the introduction of the Waste (Scotland) Regulations 2012

and supplemented by the subsequent commitments by local authorities to transition towards the household waste recycling charter and code of practice.

- 3.9 Renfrewshire Council implemented further segregation of recycling materials in December 2018 and restricted capacity of residual waste by moving to 3 weekly collections for standard households.
- 3.10 HM Treasury is consulting on the introduction of a new tax on the production of and import of plastic packaging from April 2022. This tax will provide a clear economic incentive for businesses to use recycled material in the production of plastic packaging, which in turn will create a greater demand for the material.

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### **Implications of the Report**

- 1. **Financial** – None
  - 2. **HR & Organisational Development** – None
  - 3. **Community Planning** – None
  - 4. **Legal** - None
  - 5. **Property/Assets** - None
  - 6. **Information Technology** - None
  - 7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
  - 8. **Health & Safety** – None
  - 9. **Procurement** – None
  - 10. **Risk** – None
  - 11. **Privacy Impact** – None
  - 12. **CoSLA Policy Position** – CoSLA supports the proposals and objectives of the reform.
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### **List of Background Papers**

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (as amended)

The Packaging (Essential Requirements) (Amendment) Regulations 2015

Plastic Packaging Tax

EU Circular Economy Package

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**Response ID ANON-N7RC-RFHA-U**

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

Submitted on **2019-05-13 16:10:06**

**About You**

**1 What is your name?**

**Name:**

Karen Anderson

**2 What is your email address?**

**Email:**

karen.anderson@renfrewshire.gov.uk

**3 Please provide information about the organisation/business you represent**

**Which of the following best describes you?:**

Local government

**What is the name of the organisation/business you represent? (If you are responding on behalf of yourself please write 'Individual'):**

Renfrewshire Council

**What is the approximate number of staff in your organisation? (if applicable):**

Not applicable

**If you answered 'Other' above, please provide details::**

**4 Please provide any further information about your organisation or business activities that you think might help us put your answers in context.**

**Please answer below:**

Local Authority-

responsible for collections of household and business waste and managing

contracts for the waste disposal, recycling and waste processing. additional

responsibility for providing Household Waste Recycling Centres for (Household

Waste only).

**5 Would you like your response to be confidential?**

No

**If you answered 'Yes' above, please give your reason::**

## Background

### 6 Do you agree with the principles proposed for packaging EPR?

Yes

**Please briefly state the reasons for your response. Specifically, if you respond No, please identify which principles you do not agree with and explain why.:**

Renfrewshire Council welcomes and fully supports the

principles and objectives of this proposal. In particular

that;

Producers will bear the full net cost of managing packaging, including cost of collection, recycling, disposal, the clear-up of littered and fly tipped packaging and communications relating to recycling and tackling litter.

Fees raised from obligated businesses will be used to support the collection of a common set of packaging materials by Local Authorities and that appropriate measures are being put in place to ensure that costs to local authorities are met.

Labelling of materials will be simplified for the public and businesses and that this will incorporate alternative routes for recycling such as the deposit return schemeDo you agree with the outcomes that a packaging EPR should contribute to?

Yes

**If you answered No, please state which outcomes you do not agree with.:**

In particular the key outcomes for Local Authorities areas follows-

minimisation of packaging waste ensuring that minimum

quantities are produced by householders and businesses

reduction in residual waste as more packaging will be designed

to be recyclable

reduction in litter (supported by the Deposit Return Scheme)

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

Yes

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

The use of single use packaging at a household level should be discouraged and the householder should be incentivised to seek more sustainable methods of storage at home. This will lead to greater awareness of costs and environmental impact. This in turn should lead to a reduction in waste at householder level.

It should however be noted that many of these items are not currently targeted recycling materials in current LA recycling schemes due to contamination and processing issues.

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

Primary, secondary, tertiary

**If neither, please say why, and provide a description of how your business categorises packaging:**

**Part A: 1. Full net cost recovery**

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

Yes

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

It is essential that LA's are able to recover the net costs associated with collecting, processing and disposing of packaging waste. At present less than 7% of the costs of managing household packaging waste are covered by producers. Taking account of the true costs will drive producers to reduce packaging, innovate to replace unrecyclable packaging and increase reuse materials in closed loop cycles. This concept, in conjunction with the DRS in Scotland, will also reduce littering.

Funding for consumer communications will lead to better quality and quantity of recycling materials being produced at kerbside and innovation in packaging techniques and trends will allow consumers more sustainable choices in terms of packaging. This is particularly the case in terms of purchasing foods and supplies.

The impact of the DRS scheme in Scotland will result in processing costs for remaining recyclate increasing as the "more valuable" materials are removed from the waste stream. Therefore it is essential that LA's are funded to collect, process and treat remaining materials.

**10 Do you agree that producers should be required to fund the costs of collecting and managing household and household-like packaging waste? (i.e. all consumer facing packaging)**

Yes

**If No, please briefly state the reasons for your response and state what waste you think full net cost recovery should apply to.:**

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

Yes

**If No, please briefly state the reasons for your response.:**

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

Yes they should

**Please briefly state the reasons for your response.:**

Not all DRS materials will be recovered through any proposed scheme.

## **Part A: 2. Driving better design of packaging**

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

Yes

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

This concept will assist by reducing packaging that has a higher environmental impact. It should lead to the elimination of packaging materials that cannot be recycled such as polystyrene and many containers used for storing and cooking foods such as carbon black plastics. This will lead to a reduction in "well intentioned" contamination of household recycling waste streams where public confusion can add significantly to processing of non target materials.

**14 Do you think the payment of modulated fees or the payment of deposits with the prospect of losing some or all of the deposit would be more effective in changing producers' choices towards the use of easy to recycle packaging?**

Modulated fee

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

The fees set would cover the full net system cost managing packaging waste.

This system drives more sustainable design decisions resulting in significant environmental benefits with a shift towards using recyclable plastics. The positive reduction on carbon impact will resonate with public.

**15 Do you think there could be any unintended consequences in terms of packaging design and use arising from:**

**Do you think there could be any unintended consequences in terms of packaging design and use arising from: - Modulated fees:**

No

**Do you think there could be any unintended consequences in terms of packaging design and use arising from: - Deposit (for recyclable packaging) and fee (for non-recyclable packaging):**

No

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

Both options drive towards more sustainable use of recyclable materials as opposed to "hard to recycle" materials. There are sufficient alternatives for industry to use given the introduction of either incentive.

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

Yes

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

Closed loop recycling is a better environmental outcome and market evolution will encourage inward investment in processing plants in the UK and help promote a circular economy.

**Part A: 3. Obligated producers**

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

Brand-owner

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

This reduces the burden on smaller business and brand owners would have the capacity to act quickly and effectively to changes in fee/deposit system. It should increase the drive towards reducing unnecessary packaging and a move away from hard to recycle materials.

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

Retained and wholesalers and direct-to-retail sellers take on the obligation of those below the threshold?

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

This will ensure that small businesses are not unduly

burdened by complying with the obligations. Targets

are already being met by the existing thresholds.

Bringing up to 910,000 additional businesses into the EPR system may outweigh the environmental and societal gains.

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

Yes

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

Impact of compliance would be an undue burden to those businesses.

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

Option B (De-minimis threshold remains as is and obligations extended to distributors of packaging or packaged products)

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

Undue burden on small businesses to remove or reduce de-minimis.

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

Not Answered

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

Not applicable.

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

Single point of compliance

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

The obligation should rest with the business who has the greatest amount of

influence over packaging design and use of materials. Experience in other EU

countries suggests that this system is successful and less complex in terms

of incentives and drivers.

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

Apply an allocation formula

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

Fairer system allowing for variations in turnover.

**24 Do you think that requiring operators of online marketplaces to take the legal responsibility for the packaging on products for which they facilitate the import would be effective in capturing more of the packaging that is brought into the UK through e-commerce sales?**

Yes

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

This is an area of significant growth in the UK and measures should be put in place to recover the costs.

Regulators will be able to monitor the operators of online market places and this will be less of a burden than attempting to monitor overseas producers.

**Part A: 4. Supporting improved collections and infrastructure**

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

**Do you agree payments to local authorities for collecting and managing household packaging waste should be based on: - provision of collection services that meet any minimum standard requirements (by nation):**

Yes

**Do you agree payments to local authorities for collecting and managing household packaging waste should be based on: - quantity and quality of target packaging materials collected for recycling:**

Yes

**Do you agree payments to local authorities for collecting and managing household packaging waste should be based on: - cost of managing household packaging waste in residual waste:**

Yes

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

It is necessary to ensure that national standards are complied with in terms of collecting target materials to stimulate inward investment by the provision large quantities of high quality materials.

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

No

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

The costs of managing and communicating with residents who continually fail to comply with recycling schemes and contaminate waste streams has not been quantified or addressed. Many of these issues need staff to engage effectively with householders.

There is no statutory duty on a householder to recycle and no penalty for failing to recycle or for contaminating recycle in Scotland. This matter needs addressed and enforcement funded.

The ongoing costs of providing and analysing data has not been quantified.

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

Yes

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

It supports the same principles as for household waste and ensures that business sector would be rewarded for recycling.

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

Yes

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

Currently there is a statutory obligation on businesses to segregate and recycle target materials. Businesses performance in this area is significantly less than general householders despite their legal obligation. This mechanism would incentive businesses to recycle more.

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

**Local authorities? Please explain the reasons for your response and provide any information to support your view:**

Net costs to local authorities leaves them exposed to market fluctuations and significant budget uncertainty. Gross costs would be a more palatable option.

Many authorities in Scotland contract processing recycling services and timescales of introduction of fees should take into account existing processing contracts that perhaps run beyond the scheme commencement date. These contracts by design net off income in the form of gate fees.

There are implications to national procurement bodies such as Scotland Excel as contracts will require to be amended to take cognisance of new EPR.

**For the collection and recycling of household-like packaging waste? Please explain the reasons for your response and provide any information to support your view:**

See comments above.

In addition to this many Councils co-mingle household and commercial routes to ensure collections are efficient. It will be challenging to proportion costs to each of the different streams for collection.

**30 Do you have any information that would help us to establish the costs incurred by local**

**authorities and other organisations of cleaning up littered and fly-tipped packaging items?**

**Please provide any information below:**

Information specific to packaging waste is not currently collected and could only be determined using waste data analysis as most materials are disposed as residual waste.

We would be happy to engage in a waste analysis if this was funded for the Council.

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

**Please answer below:**

Investing in appropriate recycling litter containers for Local Authorities

and ensuring that contamination is kept to a minimum. Ensuring that

funding for replacement bins is also addressed.

Funding additional collection and processing costs for recyclates.

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

**Please answer below:**

Estimated at £265,000.

**33 Do you agree that provision for the take back of single-use disposable cups for recycling should continue to be developed a voluntary basis by business prior to a government decision on whether disposable cups are included under an EPR scheme or DRS?**

Yes

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

Disposable cups are challenging as they are not normally made from easily recycled materials. Local Authority waste processing contracts would not usually have this material in scope and as such are often put into recycling and classed as a contaminant.

More public education and awareness is needed over this packaging material so that the public are aware of the cost and the environmental consequences of using disposable cups.

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

Both

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

**your view:**

This would remove a percentage of the material from the household/litter infrastructure.

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

Yes

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

To drive reduction in use of single use cups and removal of material from domestic and street sweeping collections.

**Part A: 5. Helping consumers do the right thing – communications and labelling**

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

Yes

**Please briefly state the reasons for your response. Where available, please share evidence to support your view.:**

Scotland is further ahead in terms of implementing the Household Waste Recycling Charter.

Lack of understanding about recycling packaging materials leads to both "well intentioned" contamination where the wrong types of plastics and films are placed in recycling bins.

Equally there are other people who do not recycle to the maximum extent for fear of "contaminating" the recycling bin with wrong materials.

Significant budget constraints have affected the resources allocated to staff and communications materials. The public need regular reminders in relation to recycling and the financial and environmental cost of failing to comply with schemes.

Local campaigns can focus on challenging areas and local issues such as limited space for infrastructure.

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

Yes

**Please briefly state the reasons for your response. Where available, please share evidence to support your view.:**

It is essential that local campaigns are supplemented and supported by key

national campaigns to drive the messages to the public. Consistency in terms

of material collected will make it easier to campaign nationally.

National campaigns will also be required to raise awareness of DRS schemes. This has

caused much social media debate on the necessity for new recycling infrastructure in the Renfrewshire area. Social media is another area that requires to be addressed as many of the public "seek advice" from others by this means.

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

No

**Please briefly state the reasons for your response. Where available, please share evidence to support your view.:**

All producers should share the burden of the cost of communication campaigns even if they contribute their own campaigns such as has happened with some coffee shop chains as they are trying to reduce the demand for single use cups.

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

Yes

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

Lack of clear and consistent labelling is a significant barrier

to the public choosing to recycle an item or not. Some items

say that they are recyclable yet they are not a target material

for a local authority.

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

Yes

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

It allows consumers to make informed choices as to the products they use. Public awareness in relation to plastics waste is heightened at present due to media concern over plastics in the ocean.

Many consumers would not mind paying a slightly higher premium if they knew that materials were more sustainable and had less environmental impact.

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

**Please describe briefly.:**

This must be presented in simple terms, perhaps with a percentage recycling content. In order for the public to gauge if this percentage is good in terms of the product then it could be supplement by red, amber and green. This labelling is currently used in food and would be intuitive to the public.

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

**Please describe briefly.:**

That exported/imported materials also have the same system applied.

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

**Please describe briefly.:**

Many materials have a long shelf life and non-labelled products will remain in circulation for a long period of time.

**Part B: 6. Packaging waste recycling targets to 2030**

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

I don't know / I don't have enough information

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

I have access to waste data flow as a local authority and often streams of waste are estimated at processors if several businesses use the facility so they may not be robust in terms of providing detailed impact analysis.

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

Yes

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

Estimated tonnages (commercial/householder), level and scale of waste analysis, sources of waste.

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

Yes

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

Companies who do not wish to register for

financial reasons such as free-riders.

Companies who are not legitimately

describing their waste to avoid additional

cost. Companies/processors who illegally

dispose of waste.

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

Yes

**Please briefly state the reasons for your responses and provide any information to support your view:**

The rates are achievable for all streams assuming that data is correct.

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

Yes

**Please briefly state the reasons for your responses and provide any information to support your view:**

Again the rates are challenging but achievable. In terms of paper and wood, some further focus will be required to achieve this.

**49 Please provide your views on the policies and actions that could help us achieve an even higher overall packaging recycling rate, for example 75%, as well as your views on the costs associated with doing so.**

**Please answer below:**

Robust producer responsibility regulations and stronger enforcement of regulations along with additional powers to "punish" non-compliance, under performance and offenders.

Better regulation and enforcement of householders with a statutory duty to recycle. Measures to allow public to be fined for non-compliance with schemes.

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

No

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

Scotland already uses waste data flow for household and commercial waste. This can be amended to ensure that the data incorporates any additional information required for the purposes of the regulation.

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

Yes

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

This promotes a circular economy and if modulated fees were used this could incentivise recycling back to similar packaging and stimulate a closed loop economy.

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

Yes

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

Composite packaging should be discouraged as it is generally difficult to recycle.

Modulated fees should be used to ensure that obligations are representative of the types of packaging used and additional costs reflect the investment required to collect, sort and reprocess materials.

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

I neither agree nor disagree

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

Renfrewshire Council is not in a position to comment on this matter.

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

I neither agree nor disagree

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

Renfrewshire Council is not in a position to comment on this matter.

## **Part C: 7. Governance Models**

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

Model 1

**Please briefly explain your preference.:**

The scheme uses modulated fees to

incentivise recycling and recovers full net

costs. The compliance model is familiar to

businesses.

Producer fees would be used for communications and litter initiatives.

Schemes would compete for LA packaging waste and enter into contracts. LA's are familiar with this type of contractual arrangement with compliance schemes. Arbitrator arrangements would be put in place by the Board to resolve any issues arising.

Model 1 has strengthened accreditation arrangements for exports of packaging waste.

This model is widely used in other European countries.

**56 If you had to modify any of the models in any way to make them better suited to achieve the principles and outcomes government has set for packaging EPR what changes would you suggest?**

**Please describe briefly.:**

Consideration should be given to Nationally administered contracts for Waste

Processing such as Scotland Excel's dynamic purchasing scheme. Pay gross cost to

LA's to avoid market fluctuations.

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

Yes

**If yes, please provide specific reasons and supporting information for each governance models that you have concerns about:**

Timing of existing contractual obligations.

Net cost recovery leaves Council's subject to market fluctuations and budget uncertainty. Gross cost paid to Councils would eliminate this risk.

**58 Do you think that any of the governance models better enable a UK-wide approach to packaging producer responsibility to be maintained whilst respecting**

**devolved responsibilities?**

**Please describe briefly.:**

Scottish policy on the Environment and its legislative background and statutory duties is very different from other UK countries and this would need to be considered in terms of merging arrangements UK wide.

Any model would require to be discussed with all devolved administrations.

**59 Stakeholders have suggested that a compliance fee mechanism similar to the arrangements currently in place under the WEEE producer responsibility scheme should be introduced if a competitive evidence market continues to operate such as in Model 1. Do you agree?**

Yes

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

Business sectors are familiar with this model and there is assurance that none of the local authorities are excluded from access to fully funded collections.

This however does not deal with the issue of poor performance of a scheme for WEEE where the numbers of compliance schemes are limited. The proposed advisory board would address this shortfall.

**60 Should a Packaging Advisory Board be established to oversee the functioning of the EPR system and the compliance schemes in the competitive compliance scheme model 1 or do you think other arrangements should be put in place?**

Packaging Advisory Board

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

The appointment of a packaging advisory board will ensure that outcomes are delivered and provide governance with an additional level of scrutiny and oversight to ensure that all schemes are performing as they should be.

The arrangements can be negotiated per nation.

**61 Please let us know your thoughts as to whether the proposed single management organisation should be established on a not-for-profit basis or as a government Arm's Length Organisation.**

**Please answer below:**

The Council has no views in relation to this matter.

**62 If such a management organisation is established as not-for-profit, one option is for government to invite proposals from potential operators and then issue a licence to operate for a defined period of time. Do you agree with this approach?**

Yes

**If no, would you like to suggest an alternative approach?:**

The Council has no views in relation to this matter.

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

No

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

Separate schemes should be organised as the C&I packaging system is already established for those producers.

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

No

**If yes: could model 3 work as described? Or would additional mechanisms be required to make this approach work effectively? Please indicate what these might be.:**

**If no: do you have suggestions for an alternative approach?:**

**65 Under model 4 are producers more likely to:**

Not Answered

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

The Council has no views in relation to this matter.

## **Part C: 8. Responsible management of packaging waste domestically and globally**

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

Yes

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

Half of packaging waste is exported therefore the UK is currently reliant on export markets. The UK must ensure that if exported recycle is destined for countries where regulations are

inadequate in terms of protecting the environment that the material is recycled. There is currently a heightened awareness of pollution from plastics in UK media. Inadequate measures for recycling and high levels of contamination could potentially cause serious reputational damage to a member st

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

Yes

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

The introduction of mandatory accreditation of UK reproprocessors will allow a better measure of the packaging waste which is in the system. This measure will ensure a higher level of market stability.

The measure to require exporters to register within the jurisdiction of the regulatory authority within which they operate and to register their principle place of business will ensure that issues relating to correct regulatory authority will be avoided.

The measure to ensure that accreditation fees better reflect regulatory effort will allow better enforcement of regulations.

Enhanced requirements for Waste Shipment regulation recording will give assurance that exports packaging waste are compliant and appropriately recycled/recovered.

The measure to pre-report shipments will ensure that inspections can take place

by regulators before the shipment leaves the UK. Enhanced measures to ensure

that recyclate is fit for processing will protect unfit materials being exported and

possibly disposed of illegally.

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

No

**If yes, please explain which potential measures should be considered.:**

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

No

**If yes, please provide specific reasons and supporting information for each measure that**

you have concerns about:

**Part C: 9. A more transparent system**

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

Yes

**Please briefly state the reasons for your response and provide any information to support your view. If you answered no, how would you suggest transparency is provided on how income from the sale of evidence has been used to support capacity building?:**

It ensures that the regulator is able to establish how PERN revenue has been raised. It will also allow regulatory scrutiny over rejected loads. It is also vital to give assurance that exports are being sold at reasonable market rates.

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

Yes

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

It improves transparency and increases data regarding flow of packaging waste and records . This provides increased certainty that exports have been treated in an environmentally sustainable manner.

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

I don't know

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

The Council has no views in relation to this matter.

**73 Do you think that any additional measures to those already described would be required to ensure transparent operating of the evidence market in model 4?**

I don't know

**If yes, please provide details:**

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

I don't know

**If Yes, please briefly state the reasons for your response and provide any information to**

**support your view.:**

**75 Under a reformed system do you think compliance schemes should continue to be approved by the existing regulators or do you think a different approach is required?**

Yes, approved as now

**Please explain below:**

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

I don't know

**If yes, please briefly state the reasons for your response and provide any information to support your view.:**

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

Yes

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

Costs for processing could be added to the information on packaging.

#### **Part C: 10. Compliance monitoring and enforcement**

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

No

**If yes please explain which datasets will be needed:**

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

No

**If yes, please provide further information on where producing accurate data may be an issue. :**

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

Yes

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

Transparency.

**81 Do you agree that compliance schemes (models 1 and 3), the producer management organisation (model 2) or the scheme administrator (model 4) should be**

**responsible for carrying out audits of producers, which should be reportable to the regulators?**

I neither agree nor disagree

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

The Council has no views in relation to this matter.

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

Yes

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

Reduce the impact of free-riders and ensure appropriate funding is paid to support the scheme.

**83 Are there other enforcement mechanisms that should be considered which would be timely and effective to bring producers into compliance, for example in relation to free riders?**

No

**If yes, please explain which other enforcement mechanisms should be considered:**

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

**Please provide brief details.:**

The Council has no views in relation to this matter.

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

Yes

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

Provided that the penalty is in excess of the avoidance and that all avoidance is recovered.

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

Yes

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

Local Authorities use MRF providers for the majority of waste processing contracts.

The addition of additional stakeholders will attract additional funding to operate the scheme.

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

No

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

Proposed measures are sufficient.

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

Yes

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

Provides better regulation.

**89 Do you have any evidence to indicate that under any of the proposed governance models the likelihood of waste packaging being imported and claimed as UK packaging waste might increase?**

No

**If yes, please provide information on any evidence you have:**

**90 Is the current requirement for a sampling and inspection plan and subsequent auditing by the regulator sufficient to address any misclassification of imported packaging waste?**

Yes

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

Audits undertaken to support the plan.

**91 Are there other mechanisms that could be considered that would prevent imported UK packaging waste being claimed as UK packaging waste under the proposed governance models?**

No

**If yes, please explain which other mechanisms could prevent imported packaging waste being claimed as UK packaging waste:**

**11. Estimated costs and benefits**

**92 Do you have any additional data or information that will help us to further assess the costs and benefits (monetised or non-monetised) that these reforms will have?**

**Please answer below:**

No

**93 Do you have further comments on our impact assessment, including the evidence, data and assumptions used? Please be specific.**

**Please answer below:**

No further comments.

## **12. Further comments**

**94 If you have any other views or evidence that you think we should be considering when reforming the packaging waste regulations, which you have not yet shared, please add them here.**

**Please answer below:**

no information

## **Consultee Feedback on the Online Survey**

**95 Overall, how satisfied are you with our online consultation tool?**

Neither satisfied nor dissatisfied

**Please give us any comments you have on the tool, including suggestions on how we could improve it.:**