



Extended Producer Responsibility for Packaging - Consultation

Briefing 21-31

May 2021

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland. For information only to England, Northern Ireland and Wales.

Key Issues:

The UK Government has committed to introducing Extended Producer Responsibility for Packaging, and has released this second consultation with over 100 questions regarding the proposals for the introduction of the new scheme. APSE would encourage all of our members in Scotland to consider how this consultation may affect their service.

The consultation closes on 4 June 2021 and can be completed by [clicking here](#). To read the full consultation document, please [click here](#).

1.0 Introduction

Extended Producer Responsibility is an approach utilised worldwide that places the financial cost of managing products once they reach end of life on producers; this incentivises producers to make products more sustainable. The current producer responsibility system for packaging has been in place since 1997. Since the original system was in place, recycling of packaging waste has increased from 25% in 1997 to 63.9% in 2017.

A joint consultation was published by the four governments representing the UK in 2019 with proposals for the reform of the system. The responses to this consultation were strongly supportive of the outcomes and principles underpinning the reforms, and broadly supportive of

the proposals. This second consultation focuses on how the scheme will function, and responses will help inform policy decisions on key aspects of the scheme, such as governance, recycling targets and implementation timelines.

2.0 Consultation questions

The consultation has over 100 questions split across 14 separate categories. The consultation is separated in this way to allow for partial responses to be submitted. The categories are:

1. What we want to achieve: packaging waste recycling targets
2. Producer obligations for full net cost payments and reporting
3. Producer obligations: disposable cups takeback
4. Modulated fees, labelling and plastic films recycling
5. Payments for managing packaging waste: necessary costs
6. Payments for managing packaging waste from households
7. Payments for managing packaging waste from businesses
8. Payments for managing packaging waste: data and reporting requirements
9. Payments for managing packaging waste: reporting and payment cycles
10. Litter payments
11. Scheme administration and governance
12. Reprocessors and exporters
13. Compliance and enforcement
14. Implementation timeline

3.0 Proposals

A general overview of the main proposals are outlined below:

1. What we want to achieve: packaging waste recycling targets

● **Minimum recycling targets for each of the six main packaging materials**

Yearly business targets for plastic, card, steel, aluminium, glass and wood. Overall, the target for Extended Producer Responsibility packaging would be 73% by 2030.

- **Introduction of a recycling target for additional packaging materials**
Such as fibre-based composite packaging (food and drink cartons and single use paper cups).
- **'Closed loop' recycling targets**
To be considered in 2025. "A re-melt target for glass will be retained".
- **Introducing obligations to increase reusable / refillable packaging**
With plans for reuse proposals in 2023 and obligations from 2025.

2. Producer obligations for full net cost payments and reporting

- **Single point of obligation**
Only one business is obligated to pay waste management costs for any one piece of packaging.
- **Options for bringing packaging handled by small businesses within the Extended Producer Responsibility system**
For example, through a lower minimum threshold or through unfilled packaging so the obligations apply to their supplier.
- **Obligating online marketplaces**
This would ensure filled packaging that is imported and sold direct to customers would be obligated under the system.

3. Producer obligations: disposable cups takeback

- **Mandatory cup takeback and recycling requirement**
Businesses would be required to takeback and recycling disposable paper cups and provide a separate collection of used cups either instore and/or at front of shop collection points; this would extend to accepting all disposable paper cups.

4. Modulated fees, labelling and plastic films recycling

- **Varied packaging waste management costs**

The consultation suggests that packaging waste management costs should be varied to reflect different criteria, so that positively contributing packaging leads to lower fee rates.

- **Mandatory recyclability labelling**

To provide consumers with clarity regarding what they can and can't recycling. as soon as is feasible or by the end of 2026/27.

- **Plastic film and flexible packaging collection**

As soon as is practical, this material should be required to be collected.

5. Payments for managing packaging waste: necessary costs

- **Necessary costs**

Necessary costs are broadly defined as:

- operational costs "to collect, manage and dispose of packaging waste"
- support costs "in achieving scheme outcomes and targets, including communications, efficiency reviews, data gathering, supporting local authorities in contract negotiations, etc"

6. Payments for managing packaging waste from households

- **Proposed payments**

Proposed payments should be "based on both the tonnages and quality of packaging waste collected and recycled". "A Scheme Administrator should be encouraged to support local authorities to improve and meet performance benchmarks, to obtain their full payments".

7. Payments for managing packaging waste from businesses

- **Three approaches**

There are proposals for three different approaches to facilitate payments from packaging producers to businesses generating packaging waste. Two foresee a clear role for organisations known as compliance schemes, whilst one foresees full responsibility for payments placed on a Scheme Administrator.

8. Payments for managing packaging waste: data and reporting requirements

- **Introducing additional manual sampling requirements**

This will provide reliable data to support payment calculations.

- **Minimum output material quality standards for material facilities**

This would be monitored through compositional testing.

9. Payments for managing packaging waste: reporting and payment cycles

- **Modulated fees**

It is proposed that producers pay packaging waste management fees on the tonnage of packaging they placed on the market in the previous calendar year and that payments to local authorities for the provision of waste management services for household packaging waste and to businesses are made quarterly in arrears.

10. Litter payments

- **Responsibility for the costs of bin and ground litter**

There is a proposal that “producers of commonly littered packaging items are made responsible for the costs directly attributable to their management”. This includes costs incurred by local authorities and other local bodies such as charities, not for profit organisations, representative bodies for prevention.

11. Scheme administration and governance

- **Two options:**

1) A single administrator

2) Multiple compliance schemes with certain functions undertaken by a scheme administrator

The consultation also notes that “government is of the view that those aspects of the scheme that interface with local authorities are best managed by a single organisation”.

12. Reprocessors and exporters

- **New registration and reporting requirements for reprocessors / exporters of packaging waste**

Government is looking into developing the digital infrastructure for producers to register and submit evidence of packaging which has been placed on the market.

13. Compliance and enforcement

- **Four environmental regulators to be the primary regulators**

These would be the Environment Agency, Natural Resources Wales, Scottish Environment Protection Agency and the Northern Ireland Environment Agency.

- **Regulator charges “should better reflect the costs incurred in compliance monitoring activities”**

Respondents to the previous consultation also suggested that higher penalties should be proposed for non-compliance, and higher enforcement costs than the cost of compliance.

14. Implementation timeline

- **Overall target date of 2023**

This is the target date for implementing Extended Producer Responsibility.

- **Successful administrator aimed for appointment in early 2023**

This will allow for the current schedule to be maintained.

- **Payments for household packaging waste to local authorities from late 2023**

Initial payments are expected in October 2023.

4.0 APSE Comment

APSE encourages all of our local authority members in Scotland to respond to this consultation, particularly those within waste and cleansing, as all local authority services performing these functions are included in the full net cost proposals. APSE has a long-held policy position which is

supportive of the principle of the producer pays, when it comes to waste and packaging, as always how any such scheme is implemented will require important clarity on implications for local authorities.

Scottish authorities need to consider what they expect to see in terms of modelled costs, especially those with rural and island-based services. Other areas they should consider asking questions around include whether payments of the local authority block grant will be fully retained, with this funding being additional, or whether it is likely to be removed or cancelled out. As well as making representation around the collection of films and flexibles with regards to potential infrastructure funding for things like separate containers. For authorities that operate their own MRFs, it will be important to consider the costs for resources such as additional sampling, staff time and other factors. There is a definite need for local authorities to understand how Extended Producer Responsibility for Packaging will affect their work going forward, therefore APSE would suggest that local authorities look at these proposals in detail, and make strong representations on any elements which could potentially impact on their local authority service.

APSE would encourage our members to make use of the APSE Scotland advisory groups to discuss these topics both for the consultation and for the work that will follow on. These are free to attend for members; previous meetings' slides and notes can be [accessed online](#).

Reminder: APSE has set up a COVID-19 Information Hub to deal with frontline service issues as they arise, ensuring greater resilience and learning between each other during this difficult time. You can access this hub by [clicking here](#) and you can also join our WhatsApp Support Network by [clicking here](#).

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