

Response ID ANON-N7RC-R7S7-D

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

Submitted on **2019-05-10 16:51:41**

About You

1 What is your name?

Name:

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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'):

Belfast City Council - Waste Management Service

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

3000 across the whole Council, 400 approx within the Waste Service

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:

We are the largest local council in Northern Ireland and are a unitary authority, responsible for both waste collection and disposal.

We are members of arc21 and have contributed to the arc21 collective response to this consultation. We are supportive of the arc21 responses, however, where appropriate, we have also added additional, sometimes Belfast specific, comments.

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.:

We support the arc21 response to this Question:

Although implementing the changes requires us to have confidence in the long term commitment for increased financial support to councils. We recognise that the details of the changes and therefore the details of any specific commitments (including distribution of any funding between authorities) would be decided following future consultations if the policies proceed as currently indicated but it is essential that this information is provided as soon as practicable. We are also concerned to ensure that the particular challenges of increasing recycling in dense urban environments is properly calculated and fully recognised in both payment calculations and standards.

- Because businesses will bear the full costs of managing the packaging they handle or place on the market under the proposed new scheme. The principle of an extended producer responsibility (EPR) regime is that producers are responsible for the impact of the products that they place on the market from 'cradle to grave'. Whilst the current packaging EPR makes everyone in the packaging chain, above a de minimis, responsible, it does not make producers responsible for the full costs of managing packaging waste, which undermines the principle of EPR. The consultation document notes that "At most around 10% of costs are covered ; but our analysis indicates that less than 7% of the costs of managing household packaging waste are covered by producers." Therefore, in particular we support principle 3 – that businesses will bear the full costs of managing the packaging they handle or place on the market.

- Because the proposed packaging EPR will better implement the waste hierarchy and more clearly support the principles of the circular economy than the present scheme. The reformed EPR will not incentivise reuse specifically. However, the second proposed principle of the new scheme is that businesses will be

incentivised to reduce unnecessary and difficult-to-recycle packaging and to design and use packaging that is recyclable. As a result, the proposed new scheme should more clearly support the waste hierarchy and the principles of the circular economy than the present arrangement.

- Because it will provide for improved consumer information on packaging which should result in reduced contamination and more effective recycling. For any EPR scheme to work effectively the product users must understand their role and act accordingly. At present, the consumer information obligations for packaging waste are unclear, which coupled with weak enforcement, has led to uncoordinated implementation of the consumer information obligations for packaging waste. This has resulted in different obligated businesses within the current scheme providing different information about how consumers should recycle the packaging on the products that they buy. As a result consumers are often confused about what to do when they come to dispose of a product and its packaging which leads to less effective recycling and higher levels of recycling contamination than we want.

7 Do 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 addition to supporting the arc21 response to this question (The accompanying Impact Assessment to this consultation states that the money raised through the system should fund better recycling collections, domestic recycling infrastructure and services under clear conditions that deliver overall system savings. The consultation document does not mention the aim to deliver overall system savings and in fact states that there is sufficient high quality reprocessing capacity in the UK to handle the increasing quantities of packaging waste for recycling) we would also add that, with our experience in Belfast, through "The Collaborative Network" that we are involved with, increased capacity in Northern Ireland is required for the increased range of materials.

We would also be in support of the CIWM draft response to this question:

Yes, with one caveat. While most of the outcomes are linked to tangible delivery mechanisms and / or incentivisation measures (e.g. modulated fees will act directly to deliver the changes to packaging design mentioned), we believe that insufficient attention has been paid to explicit measures to ensure "that there is sufficient high quality reprocessing capacity in the UK to handle the increasing quantities of packaging. Full net cost recovery should ensure that there is more funding in the system to support additional domestic infrastructure but other well documented factors also influence the business case, including market price volatility, challenging export markets, and tighter controls on exports being proposed both in this consultation and through measures currently being debated at an EU level. The plastics packaging tax will act as a driver but a whole system approach needs to be taken to the development of the necessary infrastructure across all materials if the UK is genuinely committed to this stated outcome.

8 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.:

We are in support of the arc21 response to this question:

- Out of the list of possible additional items (foil, cling film, jiffy bags, paper cups and [rolls of] sandwich bags not currently legally considered as packaging the only one we consider should be included in the new EPR is jiffy bags. We expect, although have no data to verify this, that jiffy bags are used as much by producers and packer fillers as well as in the home e.g. for online sales of products, so for this reason would like to see them included in the EPR. They are also difficult to recycle.

- We would like to see paper cups considered for some type of EPR in due course, but a separate scheme for single-use cups of any type is likely to be more relevant (rather than just focussing on paper ones).

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

Not Answered

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

N/A

Part A: 1. Full net cost recovery

10 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.:

We support the arc21 response to this question:

- Whilst arc21 generally supports the definition of full net cost recovery, we feel that there are some gaps which need to be covered. It is important that the coverage of costs properly addresses all the areas associated with the sustainable management of packaging. This needs to include the costs of making household waste and recycling centres available to the public for receiving packaging waste as well the costs of clean-up of littered and fly-tipped packaging. It also needs include the costs of collecting packaging that is within the residual waste stream as well as the packaging within the dry recycling stream. To work out the quantities of packaging materials within the residual stream, composition analyses (or other forms of analysis) will be required, and the costs of these will also need to be covered. We do welcome the inclusion of the costs of providing information to consumers on recycling packaging waste and anti-littering.

- arc21 is unclear how income from the sale of recyclable packaging will be netted off. We are concerned that if the income netted off is an average annualised amount per tonne for example, that it may be insufficient incentive for materials recycling facilities (MRFs) to get the best possible price for the sale of the packaging material for recycling. The way the system is structured will need to ensure that the commercial/market incentives for the trading of recyclate are maintained.

- The consultation document notes that there is an expectation that recycling costs per tonne of packaging will decrease over time. There is no detail in the consultation document or impact assessment about how this has been modelled. It will be important for all parties to understand better how the costs have been and will continue to be calculated in order to understand how 'full cost' recovery has been determined.

In addition, we would stress that, from a Belfast (City Council) perspective, the cost of the clean up and recovery of fly tipped packaging waste can be quite significant.

We would support the proposal (from LARAC) that producers should also fund national and local communication campaigns for recycling and littering as outlined in the consultation.

We would also agree with the CIWM draft comments to this question:

We believe that further work is needed on the extent to which producers are expected to cover the costs of littered or fly-tipped packaging. If producers have:

- made every effort to ensure their packaging is recyclable and is labelled as such in line with any new labelling scheme
- covered the cost of collection, transport and recycling of their packaging – including improvement of 'on the go' recycling collection infrastructure
- covered the cost of disposal of their packaging in the residual waste stream
- contributed to a central communications fund covering recycling and anti-litter messages

then it could be argued that they have discharged their responsibility in so far as they are able and it is questionable whether they should cover the cost of socially irresponsible and/or criminal behaviour by consumers or businesses.

It is important that full net cost recovery covers compliance monitoring and enforcement to ensure transparency, credibility and effectiveness of the system and reduce the risk of free riders.

11 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.:

N/A

12 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.:

N/A

13 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.:

We support the arc21 response to this question:

Whilst arc21 believes that a DRS is likely to reduce the quantity of drinks containers within residual waste, it will not eliminate it. Therefore there will still be costs associated with collecting and managing the drinks containers within the residual waste stream, so EPR is needed to ensure that these costs are covered and encourage producers to do everything in their power to make sure that drinks containers are captured.

In addition, we would stress the importance of establishing an EPR system first and that a DRS would follow.

We support the CIWM draft response to this question:

CIWM believes further consideration of this question is needed should the proposal for a DRS be taken forward. Producers should not be 'double-charged' but if both systems are not closely aligned, CIWM believes that there is the risk of sub-optimal outcomes and unintended consequences – with some members expressing the view that DRS should be integrated into the EPR regime rather than sit as a separate system.

Key considerations include:

- contributing to a DRS scheme does not discharge all of the full net cost responsibilities as defined in this EPR consultation, and this question is not answered adequately in the DRS consultation;
- it is not clear in either consultation how the measures to incentivise recyclability (i.e. modulated fees) would apply to DRS obligated packaging – which is essential to achieving the stated overarching principle of increasing packaging recyclability;
- full alignment is necessary to ensure that neither regime (if they are separate) confers a cost advantage over the other or results in double charging to achieve similar outcomes;
- some DRS obligated material is likely to end up in household waste, so there will at the very least need to be an effective and transparent mechanism for cross-subsidy between the two regimes.

Part A: 2. Driving better design of packaging

14 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.:

We support the arc21 response to this question:

Clarity of labelling for consumers can only be brought about if there is an approved list of what can and cannot be recycled, and recycling will be more effective if the labelling is clear. Please see our response to question 6 for evidence of the importance of clear labelling. However, the practicalities are that different MRFs accept different ranges of materials so it will be important to find a way in which the national variability of what can and cannot be recycled is incorporated during any transitional period.

15 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.:

We support the arc21 response to this question:

Modulated fee:

■ We support a modulated, placed on the market (POM), fee for producers - whereby they pay fees based upon the quantity and types/formats of packaging they handle - as the best approach for changing producers' choices towards the use of easy-to-recycle packaging.

A modulated fee would send a clear signal to producers and designers to consider end-of-life at the design stage. Fees could be flexible allowing for the fees to be adapted as new packaging types come onto the market such as compostable, or biodegradable packaging or packaging with electronic sensors for example in-built, and could be set to take account of composite materials.

Deposit and fee:

■ This approach is similar to how the energy market operated for a period of time with companies paying upfront based upon an estimate of their annual energy use and then a repayment at the year-end based upon their ranking in the market. It may be useful to look at why this system was changed.

■ In our view a deposit (for recyclable packaging) and fee (for non-recyclable packaging) is likely to be too difficult to operate and potentially make it more difficult for businesses to budget for their annual costs of compliance.

■ Although the deposit and fee approach would potentially be more responsive to market pricing – with deposits returned based upon the real cost of recycling, the risk with this approach is that producers could contribute more than the full net cost overall of packaging placed on the market – which the consultation document recognises.

■ Although the deposit and fee is attractive, because it is more likely than a modulated fee to stimulate a circular economy approach; on balance we support the modulated fee.

16 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:

Yes

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):

Yes

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

We support the arc21 response to this question:

Both modulated fees and a deposit/fee approach are expected to encourage producers to substitute less easily recycled material for more easily recycled material in their product packaging. However, the provision of materials and recycling facilities varies across the country. So, one unintended consequence as the result of the substitution of one material for another could be that the average transport distances could increase for both transporting materials for packaging manufacture and at the end of life to packaging recycling facilities.

In addition, we support the CIWM draft response to this question:

If the modulated fee approach is used, the fee structure should be devised in such a way to avoid a cliff edge when a target is met – i.e. that it continues to incentivise the good packaging design and recyclability beyond the achievement of the recycling targets.

Whichever approach is adopted, it will have to be based on or aligned to the 'approved list' of recyclable packaging, the development of which will require full supply chain consultation and will need to be based on robust life cycle analysis to reduce the risk of unintended consequences such as material substitution that increases overall environmental impact.

17 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.:

In Belfast, under our Waste Framework Strategy, we have heavily invested in a system that produces quality materials to support a Circular Economy Model. We would therefore support measures and approaches designed to incentivise more closed loop recycling.

We are also supportive of the arc21 response to this question:

A fiscal signal to include easily recyclable material, whether that be a deposit/fee or modulated fee, raises awareness of the need to design in recyclability from

the outset and the deposit approach also provides the opportunity to incentivise closed loop recycling.

We are also supportive of the CIWM draft comments that the stimulation of a more closed-loop recycling approach would require:

a clear definition of closed-loop recycling

- a detailed life cycle analysis for each material
- a detailed understanding of the market capacity for closed-loop recycling, given that it will not be appropriate/achievable for some packaging materials and formats, and the impact on current open-loop recycling markets.

Part A: 3. Obligated producers

18 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.:

We support the arc21 response to this question:

The current system of shared responsibility across the packaging chain has worked well since its introduction, but we note that this creates the potential for four separate organisations to be obligated for one unit of packaging – the material manufacturer, the converter, packer-filler and seller. We also recognise the risk of the price signal being diluted by having a shared responsibility approach. As a result, we support reform to a single point of compliance.

■ We support compliance at the brand-owner level on the basis that the brand owners are the ones putting the product forward to the market but have no further evidence to support this view. Brand owners and sellers are best placed to answer this question.

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

Replaced with a lower turnover threshold?

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

We support the arc21 response to this question:

Replacing the de-minimis with a lower turnover threshold still retains the principle of producers being obligated under producer responsibility legislation, albeit that very small and micro-businesses would be exempt such as an independent café that fills takeaway boxes at the point of purchase.

■ A move to retain the de-minimis threshold and obligate wholesalers and direct-to-retail sellers of unfilled packaging seems to undermine the principle of producer responsibility – because the wholesalers and direct-to-retail sellers would have to pay the fees on the unfilled packaging products that they sell to producers (albeit that the prices they would charge would be inclusive of EPR obligations).

■ Whilst we note the littering impact of packaging placed on the market by takeaway businesses our view is that it is better to introduce the new system first as proposed with a lower threshold and then review it at a later date if it becomes clear that the exemption of very small businesses is causing a problem.

20 Should small cafés and restaurants selling takeaway food and drinks whose packaging is disposed ‘on the go’ be exempt from being obligated?

No

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

We support the arc21 response to this question:

Small cafés, restaurants, fish and chip shops and other takeaway outlets produce packaging waste which is commonly littered. Whilst drinks containers are likely to be covered by a DRS, other items e.g. food takeaway boxes, will not be. Making these businesses obligated under EPR would encourage them to produce less, and/or more reusable, packaging.

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

Not Answered

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

We support the arc21 response to this question:

We do not think shared responsibility should be retained so have not answered this question.

22 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.:

We support the arc21 response to this question:

We have no meaningful information that would enable us to provide a response.

23 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.:

We support the arc 21 response to this question - i.e. please see our response to Q 18.

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

Not Answered

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

We support the arc 21 response to this question:

We have no meaningful information that would enable us to provide a response.

25 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.:

We support the arc21 response to this question:

Operators of online marketplaces should, as a matter of principle be sharing some of the producer responsibility burden associated with the packaging for which they facilitate the import and then pass into UK consumers' homes and waste.

■ These are digital businesses so the ease of compliance should be high and the costs of ensuring accurate reporting relatively low. However, incorporating these businesses into the EPR framework is inevitably likely to result in some self-reporting.

Given that more and more people now buy on-line it seem perverse to exempt these businesses from the overall regime.

Part A: 4. Supporting improved collections and infrastructure

26 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.:

We support the arc21 response to this question:

Yes, we agree that the payments to councils for collecting and managing household packaging waste should be based on all of the above measures.

■ A long-standing complaint of producers and retailers has been the varying collection systems provided by councils across the country and that as a result communication about recycling on a national scale is more difficult. Collection services which meet minimum standard requirements set by each nation would help to address this and ensure that the efficacy of communications is maximised.

■ We note that the consultation states that if additional packaging items, such as film plastic waste produced by households (which is mostly LDPE) and compostable plastic packaging, were to be required to be collected from households in the future then producers would be expected to cover these costs. However, in some cases these items are collected and recycled already. We would recommend that the system is sufficiently flexible to allow for the costs of other materials than those which are mandated should be able to be recovered too if they contribute to the producers' targets.

■ Payments which are sensitive to the cost of managing household packaging waste in the residual stream is sensible.

■ However, we are concerned that the reference costs which will be used for making payments will properly reflect the situation throughout Northern Ireland.

27 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.:

In Belfast, we are considering significant capital costs as a council to support our new household collection systems. We would stress that costs should be a true reflection of full costs, including haulage, operations and logistics.

We would be in support of the arc21 response to this question:

The consultation document notes that producers should not be expected to cover the costs of inefficient service delivery and their financial contribution should not exceed the costs necessary to provide those services (Section 1). However, we are concerned that the detail is not provided to understand how the efficiency of a collection service will be assessed and whether, if some costs have been excluded, a service may be erroneously judged as being inefficient.

■ The need to provide consistent collections, including the additional separation of materials, is likely to require additional bulking bays for separate materials at transfer facilities. It is unclear if the full costs of additional bulking bays at transfer facilities have been incorporated.

■ Thirdly we are unsure if collection depot running costs have been included.

■ A key piece of work is to understand how much the costs of managing packaging waste vary between councils We are also concerned that the payments for packaging waste in residual waste which will be based on the average disposal gate fee for household waste for landfill or incineration, using either national average rates or regional average rates have sufficient granularity. If residual waste is transported to a region with very different disposal costs it is important that this is reflected in the payments so that the producing local authority is properly recompensed.

There is also a lack of clarity about items recycled from residual waste such as in an MBT plant.

Also, as mentioned in the response to Q.10a, we are concerned that the following costs might be missed:

- the costs of making household waste and recycling centres (we would also add in bring banks) available to the public for receiving packaging waste
- well the costs of clean-up of littered and fly-tipped packaging
- the costs of collecting packaging that is within the residual waste stream as well as the packaging within the dry recycling stream
- the costs of analyses to determine the quantities of packaging materials within the residual waste streams

28 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.:

We support the arc21 response to this question:

We support the principle of payments for the collection of household-like packaging waste for recycling being similar to those for household waste, namely a formula which takes into account the cost of collection, proportion of target recyclable packaging materials in the waste stream and weight of target materials recovered for recycling. However, our comments regarding omissions as set out in response to question 27 also apply to household-like packaging waste collected from businesses.

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

No

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

We support the arc21 response to this question:

There should already be an incentive for businesses to recycle because they pay for the costs of their waste service, so a payment should not be needed. However, if it would help to capture more of the material then it perhaps could be considered at a later date.

30 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:

We support the arc21 response to this question:

There will be a period of transition as the new EPR system is implemented. Two options are provided for in the consultation document regarding the ownership of packaging waste recovered for recycling which need to be factored into considerations regarding payments to councils. If ownership of material is retained by producers then councils could be paid their gross costs and hence would no longer bear the risk of fluctuating material prices. Or, as now, councils could continue to receive income for the sale of their recyclable packaging materials and this income would need to be taken account in payments made to councils as producers are required to pay net costs. During the transition period between the current and new regime and depending on which option above is considered there may be a need to consider operating both systems side by side. Transitional arrangements should be taken into consideration.

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:

We support the arc21 response to this question:

None to note.

31 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:

We would signpost you to "Keep Northern Ireland Beautiful"

(<https://www.keepnorthernirelandbeautiful.org/cgi-bin/greeting?instanceID=1>)

- an environmental charity dedicated to making Northern Ireland a cleaner and more pleasant place in which to live. KNIB may have data available that could help with this.

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

Please answer below:

We would be in support of a number of responses to this question:

arc21 response:

One option may be for councils to receive an additional payment if their on-the-go recycling system is identical to the minimum standard (dry materials) for kerbside services. This could be introduced at a later date but it would be necessary not to disadvantage smaller rural authorities with limited on-the-go provision.

■ Another option would be to ensure that communications provision included on-the-go so that there would be an incentive for councils to make their on-the-go provision consistent with their kerbside service.

CIWM draft response:

By funding improved and adequately resourced on-the-go collection provision and anti-litter communication campaigns.

LARAC response:

As outlined in the consultation document the infrastructure for on the go recycling could be improved and so this is an area where producer fees could contribute. However, from our experience, on the go recycling bins are very poorly used and the public do not use the correct bins for the correct materials, and so the bins end up contaminated with the wrong recycling materials and non-recyclable materials. Therefore, there is a massive public awareness and campaign that needs to be undertaken if we are going to see the behaviour change needed to make a comprehensive on the go recycling infrastructure viable.

33 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:

We support the arc21 response to this question:

As on-the-go material is mixed with household kerbside collected waste for disposal, we do not have separate costs available.

We can add however, that Belfast City Council operated on the go recycling since 2002 but as a stand alone the costs proved prohibitive and the service was redesigned to include other collection systems (such as litter bins).

We would signpost you to RECOUP <http://www.recoup.org/> as they might have some research data available that perhaps help with this.

34 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:

We support the arc21 response to this:

Given the volume of single use disposable cups being used and thrown away and the voluntary measures already in place the Government should take a short amount of time to review the evidence on the effectiveness of these schemes and then implement a mandatory regime.

In addition, we would add that Belfast City Council's experience is that Member interest in this area is developing fast and the council has recently cut its usage of single use cups (in-house) by a significant amount.

35 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:

We support the arc21 response to this question:

EPR would encourage producers to shift away from single-use and/or a move to more easily recyclable single use cups.

o DRS would encourage consumers to return their disposable cups for recycling or reuse

o DRS could be a good way to incentivise reuse, rather than just return for recycling.

36 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.:

Yes but in agreement with the arc21 response, it would be preferable to incentivise refillable / reusable cups rather than recycling.

We would also support CIWM comments that:

The roll out of EPR approaches to other waste streams, in this case a subset of packaging but a discreet waste stream nonetheless, will require targets to be set.

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

37 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.:

We support the arc21 response to this question:

We support the use of producer fees for local service-related communications, but this support could be on the proviso that suitably flexible national branding is used and that the money is ring-fenced for communications.

■ Local communications can be targeted and customised and are a vital part of the communications mix, reducing the 'bystander bias' of national activity.

Examples from other sectors to support the need for local communications including the National Blood Transfusion Service which became far more effective at gaining blood donors when it changed its communications from national messaging about giving blood, to a more localised approach saying that the local hospital was running low on supplies. Spotify has also localised its communications to attract more users.

■ Local communications will also be particularly important in the transition period before consistency of collections is in place across each nation.

38 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.:

We support the arc21 response to this question:

We suggest that it is appropriate for funding to be used for national branding, research and communications materials but not for communications campaign delivery until consistent collections are in place.

39 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.:

We support the arc21 response to this question:

We cannot think of any reasons for exemption

40 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.:

We support the arc21 response to this question:

Because as noted in our response to question 6 consumers are often confused about what to do when they come to dispose of a product and its packaging which leads to less effective recycling and higher levels of recycling contamination than we want.

In addition, we support the LARAC response to this question:

LARAC supports the mandated use of labelling indicating if packaging is recyclable or not. LARAC would also want to see other "recycling labels" removed from packaging as these are often misleading and meaningless from a consumer recycling advice point of view.

Current recycling labelling which states 'check locally' is not helpful for residents. Labelling needs to be clear and unambiguous. The recyclability of packaging should therefore be linked to the core consistency materials identified for collection at kerbside.

LARAC believes that OPRL should be taken forward as the mandatory label for recycling in the UK. It is already well recognised by consumers, has built up a wealth of consumer insight and knowledge and is widely backed and used by the retail and packaging industry already.

41 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.:

We support the arc21 response to this question:

Because labelling about the recycled content of the packaging would reinforce consumer messaging about the outcome of recycling, i.e. that the material consumers recycle gets made into new products.

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

Please describe briefly.:

We support the arc21 response to this question:

The labelling could be colour coded like energy efficiency ratings.

43 Do you have any other proposals for a labelling system?

Please describe briefly.:

No

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

Please describe briefly.:

We support the arc21 response to this question:

We have no meaningful information that would enable us to provide a response.

Part B: 6. Packaging waste recycling targets to 2030

45 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.:

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

No

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

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

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.:

48 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:

Yes -we agree

49 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:

Yes - we agree

50 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:

Belfast City Council would be keen to explore Pay as you Throw initiatives, such as incentivised systems, in order to overcome public inertia to drive beyond our targets.

51 Do you foresee any issues with obtaining and managing nation specific 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.:

52 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.:

We support the arc21 response to this question:

As we seek to transition to a more circular economy it would be helpful if the producer responsibility packaging waste regulations could assist us to do so.

In addition, we are also in support of CIWM draft comments on this question:

If the stimulation of more closed-loop recycling is a desired outcome, it will require:

- a clear definition of closed-loop recycling
- a detailed life cycle analysis for each material
- a detailed understanding of the market capacity for closed-loop recycling, given that it will not be appropriate/achievable for some packaging materials and formats, and the impact on current open-loop recycling markets.

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

Yes

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

We support the arc21 response to this question:

We do not have sufficient knowledge and detailed information of the packaging sector that would enable us to provide a response. However, we do support the principle of setting targets for composite packaging recycling.

We also support the LARAC response to this question:

LARAC believes that setting targets for individual formats will significantly improve sorting and recycling infrastructure for these products that are currently not easy for local authorities to find end markets for from kerbside collected material.

Packaging such as gel pouches, crisp packets and tetrapak type packaging should be considered for individual targets.

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

Yes

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

We support the arc21 response to this question:

The targets proposed take account of current performance and the required trajectory, so seem reasonable, although it is unclear if any implications of Brexit have been incorporated.

55 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.:

We agree with the arc21 response to this question:

We are not aware of any conclusive evidence that would enable us to provide a response.

Part C: 7. Governance Models

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

Model 2

Please briefly explain your preference.:

We support the arc21 response to this question:

Many other countries operate a single governance model – so it is a well-established approach for packaging compliance and the costs and operating model are known.

- A single governance model simplifies the current regime of competing compliance schemes which has delivered compliance and at a low cost but which has led to a fragmented approach where the whole scheme costs and investment back into recycling collection services is not as transparent as we would wish.
- Model 2 is underpinned by modulated fees which we believe will be the best approach for changing producers' choices towards the use of easy-to-recycle packaging.

57 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.:

We support the arc21 response to this question:

Model 1: Enhanced near-to-business as usual - compliance schemes.

- Due to the competitive nature of the market under this model, schemes would compete for local authority services as with the WEEE compliance approach now. In order to provide a comprehensive service, it would be necessary to include a mechanism to prevent the most costly-to-collect-from councils from being without a compliance scheme provider into which all schemes would have to contribute.
- This model requires the transfer of a proportion of funds to an independent board which would run communications campaigns on behalf of the schemes. In order to ensure that this worked well it would probably be necessary to establish a governance structure whereby one of the compliance schemes took the legal lead. Prior to the establishment of WRAP the National Waste Awareness Initiative as it was then known, (now Recycle Now) was run by a board. However, because there was a need to let contracts to communications agencies, research agencies etc. that board then had to become a legal entity in order effectively deliver the campaign. A quicker approach is to let one of the member organisations take the lead.
- The complexity of each compliance scheme working alongside the DRS would possibly also require a combined management body to ensure a coherent system was created.
- Model 2: Single not-for-profit producer management organisation.
- Model 3: Separate schemes for household/household-like packaging and commercial/industrial packaging.
- Data collection management would be one of the most difficult aspects of this model, because with different schemes responsible for household/household-like packaging and commercial/industrial packaging no-one organisation would have a complete picture of the progress towards recycling target achievement. A data sharing arrangement would be required with one of the schemes taking the lead for providing information to government.
- Communications funding for reducing littering would also need to be co-ordinated between the schemes because communications to reduce littering does not necessarily need to distinguish between the sources of the litter or if it does communications require co-ordination.
- Model 4: Deposit-based government managed system.
- The consultation document notes that the Government has not found a similar scheme operating elsewhere so it could include a number of unknown costs and risks.

58 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:

We support the arc21 response to this question:

All of the models are feasible, but some as indicated above would require more time and complex structural arrangements to put be put in place in order to make them effective.

59 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.:

We support the arc21 response to this question:

Yes – Model 2, because there could be single not-for-profit management organisations within each nation.

60 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.:

We support the arc21 response to this question:

- Firstly because of the requirement to provide support for authorities who have not been able to award a contract to a compliance scheme for whatever reason. The compliance fee can be set to ensure that each scheme pays into a fund which can support the provision of services to such councils.
- Secondly because it would potentially be able to fund comprehensive communications.

61 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?

Not Answered

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

We support the arc21 response to this question:

We are unsure about the alternatives so cannot comment upon this question.

62 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:

We support the arc21 response to this question:

There are pros and cons of each approach but on balance we recommend a non-for-profit basis

63 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?:

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

Yes

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

65 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?:

We support the arc21 response to this question:

This may be better addressed by others who are closer to the detail of how compliance can operate.

66 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.:

We support the arc21 response to this question:

We have no meaningful information that would enable us to respond.

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

67 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.:

We support the arc21 response to this question:

arc21 are hopeful the introduction of these measures will help to improve the economic climate and proportionately more of the packaging waste will be recycled locally. However even with local developments in infrastructure the option to export will continue to exist. Ensuring appropriate standards and transparency will be important to ensure competitive fairness and assist with public perceptions.

68 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.:

We support the arc21 response to this question:

arc21 broadly agrees that the measure identified could assist in improving the system regarding the export of packaging waste. However, the system will only

ever be as good as the regulation of it and if changes are to be made, they must be backed up with appropriate resources for the regulators to undertake the actions they need to maintain the system in the desired manner. The measures proposed need to include this in their design and ensure that adequate funds are generated to undertake appropriate regulatory activities in relation to the export of packaging waste.

69 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.:

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

Yes

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

We support the arc21 response to this question;

The transition period will be complex as producers and councils move to the new system, consistent collections come into force and a DRS is implemented, assuming that all three new measures are implemented. Coupled with any complexities introduced as a result of Brexit, this could lead to unforeseen delays and costs.

Part C: 9. A more transparent system

71 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?:

We support both the arc21 and LARAC responses to this question:

arc21:

A requirement to report financial information will provide confirmation to show how the income from the sale of evidence has been used to support capacity building, thereby supporting the transparency principle number 8 of the governance principles behind the reform to the packaging regime.

LARAC:

If any form of PRN is retained in the new EPR system there might be a suspicion that the system has not been truly reformed.

LARAC is uncertain how requiring reporting of financial information in the manner proposed will lead to better transparency than currently. As a concept it could well do so, but the provision of fully audited financial accounts is too high level and vague. More detail is needed on what types of financial information will be requested, relating to what and reported to what level of detail. In theory there are requirements under the PRN system to report spend in certain areas, but this has not helped transparency of the system. Much more detail and assurances need to be given by Governments on proposals in this area to allay fears from local authorities that this is true producer responsibility reform and that transparency on funds will change in such a way that we have confidence that they are being spent of true system change to increase recycling.

LARAC is in favour of much more detailed reporting (and suitable auditing of) detailed information on spending of funds on infrastructure and collection of packaging waste.

72 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.:

We support the arc21 response to this question:

arc21 believes that evidence for every tonne of packaging waste should be generated where this is of relevance to the governance model that has been chosen.

We believes there is merit in keeping market trading to a minimum within the new system to then mitigate against some of the issues that have caused problems with the PRN system.

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

Yes

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

74 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?

Yes

If yes, please provide details:

We support the arc21 response to this question:

The risk with this model is that schemes pay more than they need at the start of the year. Accurate estimates would be required, particularly for small businesses where paying the fee up-front could cause unnecessary cash-flow difficulties.

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

No

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

76 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:

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

Yes

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

We support the LARAC response to this question:

There is a lot more detail to be developed in this area. The high-level actions outlined in the consultation are a starting point but there needs to be further discussion across the industry as to how the single organisation is managed and monitored.

An annual action plan may be more relevant in this instance than others, but it should be short and punchy and focused on the key areas of activity. The annual reporting should also focus on a set of key indicators and performance targets set with input from all stakeholders, including local authorities. These could be reported on a more frequent basis, quarterly for example. That said the monitoring needs to be robust and meaningful but not become a burden on the single organisation and draw funds away needlessly from the actual task in hand of recycling packaging waste.

78 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.:

We support the arc21 response to this question:

We understand there is a perception of confusion about the recyclability of packaging and whether recycling information on packaging refers to the product or the packaging. In particular, we also find that residents want information about why if you take two different products made of the same material, one may be recyclable and the other not. A single link to a helpline and a website containing comprehensive packaging recycling information may suffice.

Part C: 10. Compliance monitoring and enforcement

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

Not Answered

If yes please explain which datasets will be needed:

Don't know

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

Not Answered

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

Don't know

81 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.:

Consistency

82 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?

Yes

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

This should be done in accordance with Duty of Care Legislation.

We are also supportive of the LARAC response to this question:

For model 1 and model 3 LARAC has concerns about compliance schemes undertaking audits on companies who are their members as there is an obvious potential for a conflict of interest. Given compliance schemes compete for members there could be a situation where one scheme undertakes an audit that the

member believes is unfair and so the member moves to another compliance scheme. LARAC does not want to see an unwieldy system that introduces potential inefficiencies, but we believe there should be a process by which a proportion of the audits undertaken by compliance schemes are reviewed by the regulator for quality purposes. This will give all stakeholders reassurance that the system is robust and reduce the possibility of disputes across compliance schemes about how they approach this aspect of their activities and any accusations of trying to gain market advantage through less than full audit processes.

83 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.:

84 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?

Not Answered

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

Unsure

85 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.:

We are supportive of the arc21 response to this question:

It would be helpful to link the data sets in a reformed EPR with the number and type of complaints received through the packaging essential requirements regulations. In theory with a better EPR scheme and improved design for recyclability there should be fewer complaints about packaging design, but it would be interesting and useful to capture this information.

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

I don't know

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

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

No

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

The e-docs system should be considered within this context and electronic tracking of evidence should be in line with a new improved e-docs system.

88 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.:

89 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.:

90 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:

91 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?

Not Answered

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

Unsure

92 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?

Not Answered

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

Unsure

11. Estimated costs and benefits

93 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

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

Please answer below:

No

12. Further comments

95 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:

Not at this time

Consultee Feedback on the Online Survey

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

Very satisfied

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