

EPR Consultation – Warwickshire Waste Partnership Final Draft, 26 May 2021

- Q1 Name
Warwickshire Waste Partnership
This consultation response is submitted on behalf of the Warwickshire Waste Partnership and should be read as equal to six responses from: North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford District Council, Warwick District Council, Warwickshire County Council.
- Q2 Email address
waste@warwickshire.gov.uk
- Q3 Organisation type
Local Authority
- Q4 Would you like your response to be confidential?
No
- Q5 Government will need to understand the needs of users to build digital services for Extended Producer Responsibility. Would you like your contact details to be added to a user panel for Extended Producer Responsibility so that we can invite you to participate in user research (e.g. surveys, workshops and interviews) or to test digital services as they are designed and built?
Yes

What we want to achieve – principles, outcomes and targets

- Q6 Do you agree or disagree with the proposed framework for setting packaging targets? (P30)
a. Agree
b. Disagree
c. Neither agree nor disagree
If you disagree, please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP agrees with the majority of the proposed framework for setting packaging targets. We support the concepts of circularity and closed loop recycling and believe there are benefits to materials being recycled in this manner. However, in some cases costs of collecting material for closed loop recycling has outweighed any additional income that closed loop recycling might attract. If material is to be diverted to closed loop recycling end markets, the costs of collection to enable this will need to be paid to local authorities and be seen as part of an effective system.

- Q7 Do you agree or disagree that the business packaging waste recycling targets set for 2022 should be rolled over to the calendar year 2023? (P32)
a. Agree
b. Disagree
c. Neither agree nor disagree
If you disagree, please provide the reason for your response.

This approach would give the businesses impacted some level of consistency during the change from the current system to the new extended producer responsibility system.

Q8 Do you agree or disagree that the recycling target to be met by 2030 for aluminium could be higher than the rate in Table 3? (P36)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

It is unclear how much of any recycling increase is expected to come just from EPR. It is also unclear what percentage of the current aluminium recycling rate will be diverted to the DRS system in future, and so not fall under the EPR target.

Q9 Do you agree or disagree with the proposed minimum target to be met by 2030 for glass set out in table 3? (P36)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

Glass bottles and jars are well catered for through Warwickshire local authority kerbside and HWRC collections. It is therefore reasonable that a high recycling rate for non-DRS glass packaging could be achieved.

Q10 What should the glass re-melt target for 2030 for non-bottle packaging be set at? (P37)

Please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP believes that local authorities should be part of the discussions that determine any remelt specific target for glass packaging. The economics of glass recycling have been such that any potential additional income for providing colour separated glass for remelt has been outweighed by the additional costs to collect it separately. Any remelt target will have to be set on the basis that it may require additional funding from producers into the system to achieve high levels of colour separation from kerbside and HWRC collections. This will impact on aspects of the payment system and benchmarking of an efficient service.

Q11 Do you agree or disagree with the proposed minimum target to be met by 2030 for plastic set out in table 3? (P37)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

WARWICKSHIRE WASTE PARTNERSHIP has concerns about the sorting and end market capacity for films and flexibles in the short and medium term in the UK. We also have concerns about the likelihood of the levels of increases predicted in table two, especially relating to DRS.

Q12 Do you think a higher recycling target should be set for wood in 2030 than the minimum rate shown in Table 3? (P38)

a. Yes

b. No

c. Unsure

Please provide the reason for your response.

As outlined in the consultation, higher targets could have unintended consequences of drawing material away from other markets and potentially having a negative impact on reuse.

Q13 If higher recycling targets are to be set for 2030, should a sub-target be set that encourages long term end markets for recycled wood? (P38)

a. Yes

b. No

c. Unsure

Please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP supports the concept of promoting long term end markets for wood recycling.

At this point we would also like to appeal for extended producer responsibility to be extended, as soon as possible, to other materials that are more commonly recycled or disposed of at HWRCs. This would include, but not be limited to, hard to recycle items such as mattresses, carpet, hard plastics and bulky furniture like sofas and divan beds.

Q14 Do you agree or disagree with the proposed minimum target to be met by 2030 for steel set out in table 3? (P39)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

Countrywide, collection services for steel are already mature and no new services are likely to emerge as part of the consistent collections policy so any increase in steel recycling will require national and targeted ongoing communications at levels much higher than there has been previously.

Q15 Do you agree or disagree with the proposed minimum target to be met by 2030 for paper/card set out in table 3? (P39)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

Countrywide, collection services for card packaging are already mature and no new services are likely to emerge as part of the consistent collections policy so any increase in card recycling will require national and targeted ongoing communications at levels much higher than there has been previously.

Q16 Do you agree or disagree with the proposal to set recycling targets for fibre-based composites? (P41)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

WARWICKSHIRE WASTE PARTNERSHIP has concerns about the sorting and end market capacity for fibre-based composites in the short and medium term in the UK. Inclusion in the core set of materials that local authorities would be obliged to collect will stimulate the provision of capacity, in time. However, if they are included in the core set from too early a date, it creates an expectation to the public that all councils will collect them for recycling, and if there is not capacity for this, there will be damage to public confidence in recycling.

Q17 Do you agree or disagree that there may be a need for closed loop recycling targets for plastics, in addition to the plastics packaging tax? (P43)

a. Agree

b. Disagree

c. Neither agree nor disagree

Please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP agrees that there are clear environmental benefits to closed loop recycling. However, UK plastics recycling capacity appears to have diminished recently, meaning that we are very reliant on export to end markets. There are lots of legitimate and appropriate closed loop end markets in other countries, but due to media portrayal of some waste from the UK ending up causing pollution in destination countries, the public perceive all exporting of recycling as a bad thing. It is hoped that there will be stimulation of more capacity for closed loop recycling in the UK or Europe, due to the UK EPR and England consistency proposals.

Q18 Please indicate other packaging material that may benefit from closed loop targets. (P43)

Glass has been mentioned within the consultation document for a possible closed loop recycling target. There are often increased collection costs associated with colour separated glass collection that any increased income from closed loop end markets does not always cover.

Producer Obligations for Full Net Cost Payments and Reporting

Q19 Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme? (P50)

a. Agree

b. Disagree

c. Neither agree nor disagree

*WARWICKSHIRE WASTE PARTNERSHIP believes that this is the most suitable place in the supply chain to apply compliance. We believe the seller may be in less of a position to drive better product design than the brand owner.

Q20 Are there any situations where the proposed approach to imports would result in packaging being imported into the UK which does not pick up an obligation (except if the importer or first-owner is below the de-minimis, or if the packaging is subsequently exported)? (P51)

Where available, please share evidence to support your view.

WARWICKSHIRE WASTE PARTNERSHIP is not aware of situations that the proposed approach would not cover.

Q21 Of Options 2 and 3, which do you think would be most effective at both capturing more packaging in the system and ensuring the smallest businesses are protected from excessive burden? (P54)

a. Option 2

b. Option 3

c. Neither

d. Don't know

If you answered 'neither', please provide the reason for your response and describe any suggestions for alternative approaches to small businesses.

Q22 If either Option 2 or 3 is implemented, do you consider there to be a strong case to also reduce the de-minimis threshold as set out in Option 1? (P54)

- a. Yes
- b. No**
- c. Unsure

Please provide the reason for your response.

If option three is implemented in a manner that is intended, then as outlined in the consultation it should encompass the majority of packaging that would otherwise fall under the de-minimis level. Reducing the de-minimis level, whilst implementing option three, increases the administrative burden on small businesses without increasing the capture of packaging within the obligations.

Q23 Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging? (P56)

- a. Yes**
- b. No
- c. Unsure

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

WARWICKSHIRE WASTE PARTNERSHIP believes that this material should be brought into a UK EPR system, as it will be collected and treated/disposed of in the UK and therefore UK local authorities are currently bearing the cost of this packaging. To follow through on the polluter pays principle and the concept of full net cost recovery, operators of online marketplaces must be obligated.

Q24 Do you foresee any issues with Online Marketplaces *not* being obligated for packaging sold through their platforms by UK-based businesses? (P56)

- a. Yes
- b. No
- c. Unsure**

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

Q25 This proposal will require Online Marketplaces to assess what packaging data they can collate and then, where there are gaps to work together to create a methodology for how they will fill those gaps. Do you think there are any barriers to Online Marketplaces developing a methodology by the start of the 2022 reporting year (January 2022)? (P56)

- a. Yes
- b. No
- c. Unsure**

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

Q26 Is there any packaging that would not be reported by the obligation as proposed? (except for packaging that is manufactured and sold by businesses who sit below the de-minimis) (P59)

- a. Yes
- b. No
- c. Unsure**

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

Q27 Do you agree or disagree that the allocation method should be removed? (P60)

- a. Agree**
- b. Disagree
- c. Neither agree nor disagree

Producer Disposable Cups Takeback Obligation

Q28 Do you agree or disagree that a mandatory, producer-led takeback obligation should be placed on sellers of filled disposable paper cups? (P67)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response and/or suggest any alternative proposals for increasing the collection and recycling of disposable cups.

WARWICKSHIRE WASTE PARTNERSHIP observes that there has been some progress on take back of disposable cups on a voluntary basis. There is very strong support from the partnership for a mandatory take back scheme for disposable cups.

However, even if take back was made mandatory, disposable cups will still appear in local authority recycling and residual waste collections and in litter, especially as the DRS consultation has stated that cups will not be included in that system. Producer responsibility is being implemented thoroughly in other areas of packaging and should include disposable cups, so that local authorities are receiving full cost recovery for this type of packaging. Given that disposable cups are often consumed on-the-go, they can easily end up as litter and so are a particular cost burden on local authorities.

The performance of EPR requirements on single use cups should be reviewed at suitable regular intervals. If recycling levels are lower than could be expected, introducing charges on them or moving them into the DRS system should be considered to instigate behaviour change.

Q29 Do you agree or disagree with the proposed phased approach to introducing any takeback obligation, with larger businesses/sellers of filled disposable paper cups obligated by the end of 2023, and the obligation extended to all sellers of filled disposable paper cups by the end of 2025? (P67)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide a reason for your response and/or how you think the mandatory takeback obligation should be introduced for sellers of filled disposable cups.

Modulated Fees and Labelling

Q30 Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established? (P72)

a. Yes

b. No

c. Unsure

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

Q31 Do you agree or disagree that the Scheme Administrator should decide what measures should be taken to adjust fees if a producer has been unable to self-assess, or provides inaccurate information? This is in addition to any enforcement action that might be undertaken by the regulators. (P75)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

Q32 Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling? (P82)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

WARWICKSHIRE WASTE PARTNERSHIP supports the mandated use of clear and consistent labelling indicating if packaging is recyclable or not. This is a vital element of this overhaul of packaging waste strategy and has the potential to greatly increase recycling quantity and quality and reduce expensive contamination. The labelling requirements must be linked with requirements in England under the consistent collections policy. We would also want to see other “recycling labels” removed from packaging as much as possible, as these are often misleading and meaningless to a consumer. The label should be unambiguous and say ‘Recycle at the kerbside’ with a tick or ‘Do not recycle at the kerbside’ with a cross. There should be a nationwide communications campaign to demonstrate the labelling and local authority communications can link in with this.

WARWICKSHIRE WASTE PARTNERSHIP supports Option 2, a single labelling system, as this will be the easiest for the public to understand and for wide-spread national promotion. OPRL-style labelling or similar would work; it is well recognised by consumers and is widely used by the retail and packaging industry already.

Warwickshire Waste Partnership thinks that Option, 1, approved labelling, could work if that means that manufacturers are given a restricted set of approved standard-wording labels to choose from to suit their packaging size and colour palette.

Offering manufactures design freedom and then putting each design through an approval process would be inefficient and could still lead to a range of labelling which would be too broad to be impactful, recognisable, clear and easily understood.

Regarding the information within the labelling, plastic film and flexibles will be the exception where the instruction does not sit within the binary format. We agree with the line from page 23 of the consistency consultation: ‘Until household collection of plastic film is fully in place, packaging labelling would need to instruct the consumer to take their film to the nearest front of store recycling point, or to check if the material can be recycled locally by their local authority.’ It also needs to be made clear when items should be presented together, e.g. metal lid reattached to a wine bottle, or separately, e.g. plastic film removed from plastic tray.

Q33 Do you agree or disagree with the proposal that all producers could be required to use the same ‘do not recycle’ label? (P82)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

WARWICKSHIRE WASTE PARTNERSHIP strongly supports this concept. The design needs to be standardised, clear and eye catching. Clear and controlled labelling will increase recycling and reduce non-target contamination, especially if linked to a national behaviour change campaign. WARWICKSHIRE WASTE PARTNERSHIP supports the use of OPRL-like label design and wording. It is already familiar to consumers and the design is based on thorough research. Its use would also cause minimal change to the large number of producers using it already.

Q34 Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements? (P82)

a. Yes

b. No

c. Unsure

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

Adoption of the OPRL labelling would provide even greater certainty that the timescales could be met, given the number of producers and packaging that already carry the OPRL labelling.

Q35 Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses? (P82)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

The requirement to label packaging needs to be placed at the point in the process where it will be most effective and efficient to do so. Where this is needs to be clearly defined and the rules and regulations regarding the type of labelling adhered to.

Q36 Do you think it would be useful to have enhancements on labels, such as including 'in the UK' and making them digitally enabled? (P83)

a. Yes

b. No

c. Unsure

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

WARWICKSHIRE WASTE PARTNERSHIP believes that the messaging OPRL has built up over the years is successful and well recognised and acted upon by consumers is because of its simplicity. Whilst there may be benefit from promoting other messages on packaging, they must be done in such a way that does not detract from the recycle/don't recycle message to the consumer. We do not believe that "in the UK" will materially enhance consumer understanding of the labelling. WARWICKSHIRE WASTE PARTNERSHIP would support digitally enabled labelling.

Q37 Do you agree or disagree that local authorities across the UK who do not currently collect plastic films in their collection services should adopt the collection of this material no later than the end of financial year 2026/27? (P85)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response and/or what date you consider local authorities could collect films and flexibles from. Please share any supporting evidence to support your views.

WARWICKSHIRE WASTE PARTNERSHIP is concerned about the viability of meeting this target for the following reasons:

- UK sorting infrastructure will not be ready by this date. Existing UK MRFs will require significant extra investment in equipment upgrades. Extra space will be required at the sorting facility and many MRFs will not have the footprint to accommodate the extra equipment.
- MRF contract changes will be needed as they develop the ability to accept, sort and send films and flexibles to recycling end markets. Any costs associated with this sort of change would need

to be covered by the EPR funding. This includes any ongoing changes in gate fees as result of films and flexibles being collected.

- Recycling end markets for this material do not exist at the scale required, especially not within the UK and Europe. The public are becoming increasingly against their waste being exported outside Europe, due to the media reporting on UK waste plastic causing pollution in importing countries. Potential new end markets are being developed, for example chemical recycling. However, these are still at the test stage and it is unclear how scalable these will be and how much capacity they will end up providing.
- It will be difficult for local authorities to communicate to residents about the definition of films and flexibles. We note that in the consistency consultation, films are poorly defined. It is unclear whether all films, for example crisp packets, biscuit wrappers, ready meal lids and pet food pouches will be included, or if it will only be the stretchy (LDPE?) film of bread bags, carrier bags and bubble wrap listed in the consistency wording. Colleagues from DEFRA, when quizzed on this at an LGA discussion on the consultations, were not able to say what would be in scope.
- Films and flexibles will not be presented 'clean' for collection by the public. They are likely to be contaminated with food and still attached to other packaging. We do not think that thought has been given to how the sorting and reprocessing infrastructure will be set up to cope with this.
- It will be difficult to collect films and flexibles at HWRCs. There will be difficulties in keeping control of this light material that is easily taken by the wind. It will also be very difficult to control quality, cleanliness and contamination, especially if bank-style containers are used to prevent the material escaping by being blown away.

It is reasonable to require local authorities to start collecting film and flexibles at a point at which there is suitable sorting capacity available to them within a practical haulage distance, taking into account existing contractual commitments. Stable end markets would also need to be available.

Q38 Do you agree or disagree that collections of plastic films and flexibles from business premises across the UK could be achieved by end of financial year 2024/5? (P85)

a. Agree

b. Disagree

c. Neither disagree nor agree

If you disagree, please provide the reason for your response and/or what date you consider this could be achieved by. Please share any evidence to support your views.

The lack of UK sorting infrastructure and recycling end markets which led to Warwickshire Waste Partnership to disagree that local authorities should collect films and flexibles no later than 26/27 (Q37) is still relevant to material collected from businesses. Most of this type of waste will be household-like, so it is hard to understand how it will be possible to collect this earlier than 26/27, although it should be done as soon as is viable. Household-like dry recycling from businesses can be more contaminated than that from households.

Warwickshire Waste Partnership accepts that there may be more opportunity for completely separate collections of film from business that generate this in quantity as a single, clean waste stream, which could then help those businesses meet an earlier date for collections of that waste. However, there will still need to be sorting capacity and recycling end markets for this.

Q39 Do you think there should be an exemption from the 'do not recycle' label for biodegradable/compostable packaging that is filled and consumed (and collected and

taken to composting/anaerobic digestion facilities that accept it), in closed situations where reuse or recycling options are unavailable? (P87)

a. Agree

b. Disagree

c. Neither agree nor disagree

Please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP strongly feels that this type of packaging should carry a 'Do not recycle at the kerbside' message. Anaerobic digestion and open windrow composting facilities cannot process compostable packaging. The move to separately collected food waste will phase out the use of in-vessel composting for kerbside-collected biowaste, so it is pointless to consider whether this technology can handle compostable packaging (which ours currently cannot anyway). If a regulated standard for home compostable packaging is developed, this could be an additional label used alongside the 'Do not recycle at the kerbside' standard label. These messages would need researching and testing before being approved.

We do not believe that it will be possible to ensure that items are solely used in closed situations, although we would support events or venues working to take back packaging used on their premises for appropriate recycling or composting using additional on-site communications. On-pack messaging is designed to inform the consumer what they can do with that packaging in their household collections and so the packaging label should reflect that most commonplace situation. The label biodegradable should not be allowed to be used and regulation of the packaging industry to better control the labelling of materials as biodegradable or compostable is urgently needed.

Q40 Do you consider that any unintended consequences may arise as a result of the proposed approach to modulated fees for compostable and biodegradable plastic packaging? (P87)

a. Yes

b. No

c. Unsure

If you answered 'yes', please detail what you think these unintended consequences could be and provide any suggestions for how they may be avoided.

Warwickshire Waste Partnership agrees with the information in the consultation about the environmental and recycling / composting industry operational challenges that biodegradable and compostable packaging creates. We agree that it should initially attract higher modulated fee rates than packaging that is more readily recycled using current systems. We would welcome further work within the value chain on developing lower carbon, plant-based packaging, but alternative packaging entering the consumer packaging chain without properly established and paid-for sorting capability and end markets is very problematic for local authorities, stuck between the retail chain and the waste management chain.

Payments for Managing Packaging Waste

Q41 Do you agree or disagree with the proposed definition and scope of necessary costs? (P90)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail why and provide any costs you think should be included under the definition of necessary costs.

WARWICKSHIRE WASTE PARTNERSHIP broadly supports the proposed scope of necessary costs.

Necessary costs should include, but not be limited to:

- Costs arising from contract changes resulting from new EPR policies.

- The cost of any changes in tonnages or calorific value of residual waste as a result of removing recyclables from disposal/recovery.
- The ongoing costs of communications with residents to achieve high capture and low contamination rates.
- Cost impact for Teckal/contracted-out services. There may be a need to unpick roles and duties within contracts to establish what elements relate to packaging collections.
- Risk of non-viable contracts and appropriate support for local authorities.
- Infrastructure changes as a result of EPR implementation will need to be funded. This could be one off capital costs as well as ongoing revenue costs.
- Service changes will have impacts on current costs of collection. Authorities will need to undertake new modelling and route optimisation if new materials are to be collected and these costs should be covered by producers.
- Necessary costs may be inflated if all LAs implement service changes at the same time as result of the market reaction to being in a strong supply position.
- Relevant enforcement costs will need to form part of necessary costs if local authorities are going to seek to ensure that residents place the correct materials into the correct container.

Q42 Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks? (P96)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail any issues you think there are with this approach and how you think payments should instead be calculated.

Warwickshire Waste Partnership understands that, in time, due to consistent collections regulations, English local authorities will align to offer more similar kerbside waste services. However, some authorities are starting from a point where their services are already close to the consistent collection stipulations and others are far from that model of operating. There are potential issues regarding what is deemed “a cost effective and efficient” service and it could be a means by which producers will not have to pay full net costs. WARWICKSHIRE WASTE PARTNERSHIP would argue strongly against this concept. There may be value in establishing a theoretical reference cost for each individual local authority as a benchmark. But again, a model will never truly be able to calculate real world costs so there should be no financial penalties for an authority that is not achieving a predicted cost profile for very valid reasons. Rather, support and assistance should be offered to understand why that might be happening and what steps can be taken to improve performance.

WARWICKSHIRE WASTE PARTNERSHIP believes that the application of a set of standards against which payment can be made or withheld is not implementing the producer pays principle, proper producer responsibility or full net cost recovery. There are merits in the grouping together of local authorities and even the calculation of reference costs, but these should not be used as a level above which payments will not be made.

Local authorities are continually seeking to become more efficient and find ways of making our services as cost effective as possible. It will be rare that a service is operating in an inefficient manner.

WARWICKSHIRE WASTE PARTNERSHIP is concerned regarding the six groupings that were originally proposed or even the nine that has since been suggested; that is far too few to allow for legitimate differences that impact on cost. The size of the authority will affect the economies of scale available to it to deliver services. An urban area in the north of England could be in the same group as a London Borough based on deprivation index, but the costs of labour will be vastly

different. There are also higher costs of disposal in rural parts of the UK, due to a lack of reprocessing infrastructure.

WARWICKSHIRE WASTE PARTNERSHIP understands the concept of having groupings for benchmarking purposes but feels that more work needs to be done to form a view on the appropriate number of groups and the meaningful criteria by which a group is determined. Local authorities will need confidence in the formation of any groupings and there will also need to be a suitable appeals process for local authorities who believe they have been placed in an incorrect grouping. Being stuck in an incorrect group will result in many local authorities unable to achieve the benchmark cost for their group and so not receiving their full net costs.

WARWICKSHIRE WASTE PARTNERSHIP is concerned about disposal and treatment contracts, where the large scale, future commitments and historical nature of these contracts mean that they could be less likely to meet a theoretical benchmark cost. There are also concerns about the potential short length of any transition period to move to a benchmarked service cost.

A payment system based on modelled costs and groupings will always mean some authorities are not receiving the costs they would reasonably expect to. Therefore, WARWICKSHIRE WASTE PARTNERSHIP strongly recommends that a move from a system of modelled costs to a system of actual costs is planned and implemented by 2028 at the latest. If confidence can be given to local authorities that they will be moving to a system of actual cost payments, they will be more likely to accept a modelled costs payments system when EPR is first implemented in 2023, in order to begin the payments in that short timeframe.

Q43 Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net of an average price per tonne for each material collected? (P99)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

WARWICKSHIRE WASTE PARTNERSHIP is concerned about how netting off income will work where material is handled by a third party, such as a waste management company. Given this is the majority of cases, there is concern about how much of the income is and will be passed back to local authorities and this then means they are losing out compared to a gross payment system. The Scheme Administrator should be responsible for material income, as is proposed for the DMO in the DRS consultation.

In general, local authorities are poorly placed to deal with market fluctuations of material prices and budgets have suffered as result of market volatility in the past. Having the surety of EPR payments on a gross basis covering actual costs will enable local authorities to provide consistent levels of service provision. It will also make the payments system from the scheme administrator to local authorities much simpler and efficient without having to calculate and net off material income.

In the event that local authorities keep responsibility for material income, WARWICKSHIRE WASTE PARTNERSHIP strongly believes that the income should be based on actual values and not any reference values. The use of reference values further erodes the concept of full net cost recovery within the system.

WARWICKSHIRE WASTE PARTNERSHIP would support different payment rates based on the different collections systems (i.e. kerbside sort, twin stream, co-mingled) to allow for the

variations that exist at present and ensure local authorities retain the ability to implement the best collection systems for their area and circumstances. There also needs to be consideration to schemes that collect from flats and communal premises as these will have a different cost profile from “standard” kerbside systems. Payments rates for these types of collections will need building into the payment system.

Q44 Do you agree or disagree that the Scheme Administrator should have the ability to apply incentive adjustments to local authority payments to drive performance and quality in the system? (P101)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

Whilst WARWICKSHIRE WASTE PARTNERSHIP agrees with the principle, it would depend on how the incentive was designed and applied as to whether this had support.

The whole issue of quality is subjective and will need a great deal of work to enable a clear and objective definition to be agreed upon. At present there are comingled systems that are delivering paper and glass to end markets and those end markets are happy with the quality of the material. There are also single stream glass collections that are not delivering into a closed-loop stream but comingled systems that are. In a drive to push material to the highest perceived quality possible, we may be in danger of cutting off viable and valid end markets in favour of only closed loop applications.

The incentive payments need to be seen as genuine incentives and not placed almost as penalties on those authorities that cannot access them even though they collect in a manner which is effective and efficient for their area and circumstances.

Areas with high numbers of flats and communal premises may need additional payments as achieving low contamination is much more challenging.

The system will need to have in place a suitable review or appeals process within it. This would enable the Scheme Administrator to be challenged if it was reasonably felt the incentive system they were putting in place appeared unfair.

Q45 Do you agree or disagree that local authorities should be given reasonable time and support to move to efficient and effective systems and improve their performance before incentive adjustments to payments are applied? (P101)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

Whilst WARWICKSHIRE WASTE PARTNERSHIP broadly agrees, there are potentially some significant changes that local authorities will have to make to implement the collection of the core set of materials and other EPR policies. There may well be capacity issues within the waste industry and associated sectors such as collection vehicle and container supply, as well as sorting and reprocessing capability. Data collection and management could also have issues.

Each local authority will have a set of circumstances that will influence their ability to change and the speed at which that change can take place. This must be taken into account in terms of the support and time they are given to make the required changes.

Q46 Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance? (P101)

a. Yes

b. No

c. Unsure

Please provide the reason for your response.

Governments cannot claim to be implementing producer responsibility or the polluter pays principle if the full net costs of collection are being withheld. If a local authority is making the efforts to increase performance in effectiveness and efficiency to the desired level, then they should receive a guaranteed minimum payment. Guaranteed levels would also greatly assist local authorities in their budget planning and setting.

Minimum levels of payment would also help take account of the authorities that are at the edges of their family group and so may find it more difficult to achieve the benchmarked performance for that group.

In the absence of legislation which allows enforcement of recycling, local authorities are limited in what they can achieve and so should not be penalised if residents and business in their area do not comply and hence they cannot achieve expected performance.

Q47 Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks? (P101)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail why you think incentive adjustments should not be applied to encourage local authorities to exceed their recycling performance benchmarks?

Warwickshire Waste Partnership believes that producer responsibility means that each local authority should receive the full net costs for delivering their service. If a local authority is exceeding the level of benchmarked performance, then they are already likely to be receiving a higher level of payment. It might also be the case that an authority is seen to be performing well as they have been placed in the wrong benchmarking group. Additional funding should therefore be aimed at those authorities that for legitimate reasons are not achieving the desired level of performance. For funds to be made available to do that, funding cannot be taken from other authorities' full net cost payments.

There is likely to be a role for funding or incentives that promotes innovation and allows collection trials and experiments to take place that could lead to increases in recycling or efficiencies in collection.

Q48 Do you agree or disagree that unallocated payments should be used to help local authorities meet their recycling performance benchmarks, and contribute to Extended Producer Responsibility outcomes through wider investment and innovation, where it provides value for money? (P102)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

WARWICKSHIRE WASTE PARTNERSHIP supports the principle of supporting local authorities meet their recycling performance benchmarks and contribute to EPR outcomes through wider

investment and innovation. However, WARWICKSHIRE WASTE PARTNERSHIP believes that a fundamental aspect of EPR is that of “full net cost” being applied to dealing with packaging throughout its whole life. If local authorities are receiving their full net costs, then there should not be unallocated payments and so we are concerned that there is a suggestion there may be unallocated payments within a full net cost system. Local authorities should receive their full net costs regardless of their performance. A suitable system should then be introduced that would assist in increasing performance of recycling levels for all authorities, whether their rate is considered high or not. If a system did exist where there were producer funds available after full net costs have been met, then these funds should be used to help local authorities try to achieve performance benchmarks in the first instance.

Q49 Do you agree or disagree that residual payments should be calculated using modelled costs of efficient and effective systems based on the average composition of packaging waste within the residual stream? (P103)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

WARWICKSHIRE WASTE PARTNERSHIP disagrees with this concept because there are potential issues regarding what is deemed an “efficient” service and it could mean producers will not have to pay full net costs. There may be value in establishing a theoretical reference cost for each individual local authority as a benchmark, but again, a model will never truly be able to calculate real world costs so there should be no financial penalties for an authority that is not achieving a predicted cost profile for very valid reasons. Rather, support and assistance could be offered to understand why an authority’s costs maybe higher than the benchmark and if anything can be done to improve it.

The large majority of local authority residual disposal services are undertaken by a third party under contract and so have been subject to market forces and competition. Also local authorities are continually finding ways of making their services as efficient as possible. It should be rare that a service is operating in an inefficient manner.

Whilst the use of compositional analysis makes sense, it needs allow for and take account of the various regional and socio-economic differences that impact on local authorities across the UK. As stated in relation to collection costs, WARWICKSHIRE WASTE PARTNERSHIP does not believe that six family groups, or even 9, are wide enough to take account of the level of differences that exist.

Where the residual payment relates to the disposal aspect of packaging there are concerns that modelling will need to be done to a more detailed level than six or nine family groups. Disposal contracts and costs can be influenced by a variety of external factors that the family grouping system may not accommodate. Contracts tend to be let for longer periods, so there will be more historical influences relating to disposal contracts that the potential family grouping system would not pick up on and take account of.

WARWICKSHIRE WASTE PARTNERSHIP would therefore strongly urge that disposal payments take a different approach to the modelling and family group benchmark approach. With far fewer disposal authorities in the UK than there are collection authorities this should be reasonable exercise and system to implement by the time payments are due to start in October 2023. Any

additional work involved in this, such as waste compositional analysis, would need to be funded through producer payments.

Q50 Do you agree or disagree that a disposal authority within a two-tier authority area (England only) should receive the disposal element of the residual waste payment directly? (P103)

a. Agree

b. Disagree

c. Neither agree nor disagree

*WARWICKSHIRE WASTE PARTNERSHIP agrees with the principle of payments being made to the tier of authority that incurs the relevant costs. Where the authority incurs costs related to disposal, they should receive that payment, and likewise for collection. Any payments relating to sorting and transfer should also be paid to the authority that has arranged the service and incurs the costs associated with it. Under the EPR system there should be no passporting of EPR collection and disposal payments between tiers of authority.

Q51 Do you agree or disagree that there remains a strong rationale for making producers responsible for the costs of managing packaging waste produced by businesses? (P109)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

WARWICKSHIRE WASTE PARTNERSHIP believes that including packaging waste produced by businesses is appropriate under EPR and the concept of the polluter pays principle. It would also help to achieve national recycling targets as well as delivering wider environmental and carbon benefits.

Increased home working because of the Covid pandemic has diverted some household-like waste packaging from businesses to domestic disposal systems. Including packaging waste produced by businesses would allow local authorities to provide efficient and effective collections to businesses utilising the infrastructure provided for household packaging waste management, helping to reduce the collection cost for producers, the associated carbon impacts and helping drive the change to packaging that is easily recycled.

Including packaging waste produced by businesses would simplify treatment and accounting at processing and recycling facilities where material origins are not clear.

Q52 Do you agree or disagree that all commercial and industrial packaging should be in scope of the producer payment requirements except where a producer has the necessary evidence that they have paid for its management directly? (P111)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

WARWICKSHIRE WASTE PARTNERSHIP believes more detail is required on what is considered "necessary evidence". There needs to be suitable processes in place to prevent creating a loophole that allows a producer to avoid the "polluter pays" principle and their obligations under EPR.

Q53 Which approach do you believe is most suited to deliver the outcomes being sought in paragraph 8.84? (P115)

a. Option 1

b. Option 2

- c. Option 3
- d. All could work
- e. I do not know enough to provide a view

*WARWICKSHIRE WASTE PARTNERSHIP does not support option three. There is not enough detail to make an informed opinion and fully consider all the relevant aspects to decide between options one and two. This is concerning given the large role that local authorities have in collecting business waste.

Q54 Do you disagree strongly with any of the approaches above? (P115)

- a. Yes
- b. No
- c. Unsure

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

Warwickshire Waste Partnership does not support option three; it would be the most difficult for local authority trade waste services to implement.

Warwickshire Waste Partnership has concerns regarding the operation and management of all three options as they are presented and with the limited detail available.

When added together, local authority trade waste services have a large market share. Each authority serves many local business customers, requiring resources to provide the associated financial and customer service elements of running this service.

The consultation proposals focus on medium and large businesses customers, that would be expected to have standard regular collections and the space to house a variety of containers. This is not representative of the typical local authority trade waste customer. They may have bag collections, more regular collections and little space to store or segregate waste prior to collection.

Q55 Do you think there will be any issues with not having either Packaging Recovery Notes/Packaging Export Recovery Notes or the business payment mechanism (and as a result recycling targets) in place for a short period of time? (P119)

- a. Yes
- b. No
- c. Unsure

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

The PRN system has proved to lack transparency and so WARWICKSHIRE WASTE PARTNERSHIP would oppose any continued use of PRNs, even for an interim time.

However, it is often claimed that PRNs support material prices, although the lack of transparency in the system makes this hard to verify. If the PRNs are removed before full net cost payments are made to local authorities, then there will need to be measures in place to ensure that any material income to local authorities is maintained at existing levels.

Q56 Do you agree or disagree with the proposal to introduce a sampling regime for packaging waste as an amendment to the MF Regulations in England, Wales and Scotland and incorporation into new or existing regulations in Northern Ireland? (P123)

- a. Agree
- b. Disagree
- c. Neither agree nor disagree

If you disagree, please detail why you think the proposed sampling regime for packaging waste should not be incorporated as an amendment to MF Regulations in England, Wales and Scotland and incorporated into new or existing regulations in Northern Ireland?

WARWICKSHIRE WASTE PARTNERSHIP believes that careful consideration will need to be given to the design of the sampling protocol. It needs to be designed in a way that is fair to both collectors and reprocessors. This means there needs to be clear definitions in place for non-target material that is an operational concern but does not impact material quality, and genuine contamination that then impacts on material quality. The protocol should not be designed in a way that leaves loopholes that will reduce or remove justifiable payments to local authorities and other waste collectors.

Q57 Do you agree or disagree with the proposal to require all First Points of Consolidation to be responsible for sampling and reporting in accordance with a new packaging waste sampling and reporting regime? (P124)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please detail who you think should be required to meet the packaging sampling and reporting regime for Extended Producer Responsibility purposes?

If a first point of consolidation is a transfer station that only deals with household waste from one local authority and no sorting is undertaken, then WARWICKSHIRE WASTE PARTNERSHIP believes that such a facility should not be considered the first point of consolidation. WARWICKSHIRE WASTE PARTNERSHIP would question whether it was reasonable to sample waste at a facility in those circumstances rather than at the MRF where these materials were being transported on to and where sampling infrastructure is already in place.

WARWICKSHIRE WASTE PARTNERSHIP would like to see further work done on what is reasonable to consider a first point of consolidation.

Q58 Do you agree or disagree that the existing MF Regulations' de-minimis threshold of facilities that receive 1000 tonnes or more per annum of mixed waste material would need to be removed or changed to capture all First Points of Consolidation? (P124)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

It should be recognised that the costs of sampling of smaller facilities will be proportionally bigger than for large MRFs and that the full costs of sampling will need to be covered by producer payments.

Q59 Do you think the above list of materials and packaging formats should form the basis for a manual sampling protocol? (P126)

a. Yes

b. No

c. Unsure

If you answered 'no', what other materials, format categories or level of separation should be included as part of the manual sampling protocol?

It may be advantageous to include materials that may fall within EPR in the future, such as film and flexibles. It might also help to include disposal paper cups as one way in which the performance of in-store takeback can be assessed.

Q60 Do you think it is feasible to implement more rigorous sampling arrangements, as suggested above, within 6-12 months of the regulations being in place? (P126)

a. Yes

b. No

c. Unsure

If you answered 'no', please provide the reason for your response and detail what should be considered in determining an appropriate implementation period.

While WARWICKSHIRE WASTE PARTNERSHIP believes it may be feasible within 12 months, this would depend on the level of sampling required and any changes needed at sorting sites to accommodate the new sampling regime.

Q61 Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime? (P127)

a. Yes

b. No

c. Unsure

If you answered 'no', please detail why you think it should not be considered as a medium to long-term method of sampling?

WARWICKSHIRE WASTE PARTNERSHIP would need to see the results of the further research into these sampling methods before it felt able to say with certainty that this technology could be used from 2025. Any systems and technology that make the sampling regime both more effective and more efficient should be explored and introduced if they are cost effective.

There will need to be proof that the level of accuracy and performance is to a consistent and acceptable level before it is introduced. The impacts on possible sorting capacity and throughput will also need to be considered.

Q62 Do you think existing packaging proportion protocols used by reprocessors would provide a robust and proportionate system to estimate the packaging content of source segregated materials? (P128)

a. Yes

b. Yes, with refinement

c. No

d. Unsure

If you answered 'no', please detail why you think these would not be suitable to use to determine the packaging content in source segregated material.

Source segregated material in this instance would need clearer definition. For example, nearly all source segregation collections have mixed cans and plastics which need further sorting and so will probably need to undergo some sort of sampling as well. WARWICKSHIRE WASTE PARTNERSHIP would be concerned with any system that is carried over to the new EPR system that had links with the PRN system given the shortcomings that the PRN system had.

Q63 Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility? (P128)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

Whilst WARWICKSHIRE WASTE PARTNERSHIP agrees with the principle of setting output material quality standards, they need to be carefully designed. They should not be used by reprocessors as a means to pass elements of their costs down the chain to MRFs and collectors. It may be

unrealistic in some circumstances for material to be presented to reprocessors as they would ideally want it.

There have been examples where reprocessors have pushed for providers to supply materials at a higher quality than they need, even though they have processes in place to take material of a different composition. It needs to be recognised that there are many markets for the same materials. They can all have a role to play in increasing recycling levels of packaging and it is not just the perceived “high quality” end markets that all material should aim for, as this is unrealistic and not viable.

Q64 Do you agree or disagree that material facilities that undertake sorting prior to sending the material to a reprocessor or exporter should have to meet those minimum standards in addition to just assessing and reporting against them? (P129)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

Whilst WARWICKSHIRE WASTE PARTNERSHIP agrees with the principle of meeting minimum output material quality standards, they need to be carefully defined. They should not be used by reprocessors as a means to pass elements of their costs down the chain to MRFs and collectors. It may be unrealistic in some circumstances for material to be presented to reprocessors as they would ideally want it.

There have been examples where reprocessors have pushed for providers to supply materials at a higher quality than they need, even though they have processes in place to take material of a different composition. It needs to be recognised that there are many markets for the same materials. They can all have a role to play in increasing recycling levels of packaging and it is not just the perceived “high quality” end markets that all material should aim for, as this is unrealistic and not viable.

Q65 Do you think any existing industry grades and standards could be used as minimum output material quality standards? (P129)

a. Yes

b. No

c. Unsure

If you answered ‘yes’, please provide evidence of standards you think would be suitable for use as minimum output material standards.

Q66 Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis? (P132)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

Q67 Do you agree or disagree that household and business packaging waste management payments should be based on previous year’s data? (P132)

a. Agree

- b. Disagree*
- c. Neither agree nor disagree*

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

Whilst WARWICKSHIRE WASTE PARTNERSHIP would suggest that payments are made on data that is more recent, this will not then always take account of seasonality impacts on waste production and packaging consumption. It is also the case that currently it takes over 6 months for the data in Waste Data Flow to be fully validated and published.

WARWICKSHIRE WASTE PARTNERSHIP suggests the concept of a rolling 12-month data set is explored. This would take into account seasonal data much better. Only if such a concept cannot be made into a workable solution should the previous year's data be used.

Litter Payments

Q68 Do you agree or disagree that the costs of litter management should be borne by the producers of commonly littered items based on their prevalence in the litter waste stream as determined by a composition analysis which is described in option 2? (P137)

- a. Agree**
- b. Disagree*
- c. Neither agree nor disagree*

If you disagree, please provide the reason for your response and/or provide an alternative approach to litter management costs being based on a commonly littered basis.

WARWICKSHIRE WASTE PARTNERSHIP supports this concept but would like more detail on how obligations might be assessed using compositional analysis.

Compositional analysis will need take account of seasonal variations and variations in daytime and night-time economies. There are also places that are affected by litter from events. These aspects would need to be factored into any calculations on producer obligations.

Q69 In addition to local authorities, which of the following duty bodies do you agree should also receive full net cost payments for managing littered packaging? Selecting multiple options is allowed. (P140)

- a. Other duty bodies*
- b. Litter authorities*
- c. Statutory undertakers*
- d. None of the above*
- e. Any other(s) - please specify.**

Options a-c are unclear in their definition which is why WARWICKSHIRE WASTE PARTNERSHIP has selected "other". If full net costs payments are extended beyond local authorities it should only be to bodies that have a statutory duty to clear litter from publicly accessible land.

WARWICKSHIRE WASTE PARTNERSHIP thinks that voluntary group payments are best suited to being made by local authorities from the payments they receive under EPR as part of the wider litter management responsibilities of local authorities.

Q70 Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land? (P140)

- a. Agree**
- b. Disagree*
- c. Neither agree nor disagree*

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

WARWICKSHIRE WASTE PARTNERSHIP thinks that the contribution should be extended to other land, although this would need clear definition.

Within the litter payments there would need to be a distinction between littering and fly-tipping that falls under the payments remit and fly-tipping that does not.

Q71 Do you agree or disagree that local authority litter payments should be linked to improved data reporting? (P141)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

Whilst WARWICKSHIRE WASTE PARTNERSHIP supports the use of improved data, the process for collecting that data must be efficient and be able to be applied consistently across all local authority areas. It also needs to be designed in such a way that does not disadvantage or advantage any particular type of local authority.

It can be difficult to record exactly what items and materials have been littered when it is mixed in with other things. There also needs to be a clear definition between litter and fly tipping to ensure consistent reporting, as it is acknowledged there are probably differences in reporting across local authorities at present.

Therefore, more detail is needed on the level of reporting, the systems involved and the process for collating data before a more informed view can be taken on this aspect of EPR policy.

Any changes in data reporting would be as a result of the EPR policy, so therefore any costs associated with changes in data reporting must fall within the remit of the litter payments.

There needs to be balance between improved data reporting and the costs and efforts associated with collecting, processing and collating it. Packaging, whilst a litter problem, is not the sole component of litter and so EPR litter payments will only relate to a proportion of litter costs.

Q72 Do you agree or disagree that payments should be linked to standards of local cleanliness over time? (P141)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

WARWICKSHIRE WASTE PARTNERSHIP is concerned about this proposal. Some local authorities experience higher levels of litter that the local authority does not have the power to influence. Any system of payments linked to cleanliness would need to be sophisticated enough to take this into account. Fair groupings regarding cleanliness standards are likely to differ from the groupings for packaging collection. Other land use types, such as university or railway line can impact on an area's cleanliness and yet a local authority has no control over this.

Local authorities have control over what, when and how they clear up litter, but little control in whether an item is littered in the first place. This requires a big change in public behaviour. Littering is still a problem in places where money has been invested in communications and behaviour change campaigns over a number of years. To then expect local authorities to change

citizen behaviour is unrealistic without radical new measures and policies in place, over and above those outlined in EPR.

The issue of the cost involved in monitoring and reporting standards is a concern to the WARWICKSHIRE WASTE PARTNERSHIP and these would need to be included within the litter payments.

In the past, as part of the Best Value Performance Indicator system, local authorities used to monitor and report on cleanliness standards (BVPI 199). This was time consuming and also contained a large element of subjectivity. Whilst this might have been acceptable for performance standards, when there are payments linked to this, there would need to be a much more robust process in place and WARWICKSHIRE WASTE PARTNERSHIP has concerns that such a system can be implemented.

Packaging is only a portion of all litter and so this process, if instigated, would need to be able to differentiate between packaging cleanliness standards and non-packaging cleanliness standards.

As with a lot of the questions in the consultation there is not enough detail to support this proposal. There could be support for payments linked to cleanliness if the detail of how this would be done and to what extent was known. Such a system would need to take account of the points made above and be reasonable and fair for each local authority area and not used as a means by which producer funds could be held back from local authorities, thereby reducing producer costs.

Scheme Administration and Governance

Q73 Do you agree or disagree that the functions relating to the management of producer obligations in respect of household packaging waste and litter including the distribution of payments to local authorities are managed by a single organisation? (P147)

a. Agree

b. Disagree

c. Neither agree nor disagree

*WARWICKSHIRE WASTE PARTNERSHIP supports this proposal. It is the cleanest, simplest and most efficient way to manage payments to all the local authorities across the UK.

Q74 Overall which governance and administrative option do you prefer? (P147)

a. Option 1

b. Option 2

c. Neither option 1 nor option 2

Please provide the reason for your response.

Warwickshire Waste Partnership believes that the creation of a central body allows for strategic oversight that will be beneficial to developing end markets, collection, improved packaging design and higher recycling. It would be a huge benefit for local authorities to only deal with one organisation, as in option 1; there would be no procurement or contracting issues. Option 1 has a level of simplicity and clarity would be very beneficial not just to LAs but the system as a whole. The fact that this model reduces the need to issue evidence and so cuts out the market aspect and trading, is a move to a simpler system that should be a benefit to producers and others. Other market areas and activities can bring about efficiencies for producers meeting their obligations. There must be efficiencies in running a single body as opposed to numerous compliance schemes alongside a single body.

Option 1 also addresses a failing within the current PRN system of reprocessors not being required to issue PRNs, resulting in inaccurate data and on occasions exaggerated costs for compliant organisations. Requiring all exporters and reprocessors of packaging waste to seek accreditation and to report centrally all tonnage data will ensure transparency across the supply chain and ensure that accurate data is used to inform service updates, target setting and overall compliance. WARWICKSHIRE WASTE PARTNERSHIP think that local government should be involved in the governance of the single body and that it should not be a purely producer-managed organisation. We believe it will strengthen the relationships between producers and local authorities and enable the single body to have insight into indispensable local authority operations that will aid its decision making and efficient use of funds.

Option 1 also ensures that local authorities who collect trade waste will have certainty that they will receive payments from one organisation. A concern for local authorities regarding option 2 is that they will receive payments for household waste from the single body, but payments for household-like trade waste from a variety of compliance schemes.

WARWICKSHIRE WASTE PARTNERSHIP thinks that there are some general principles and ways of working that they believe should be present regardless of the model selected.

- Any model must avoid the evidence stockpiling and profiteering that we have witnessed under the current system.
- The model must have full net cost recovery at its heart and so a suitable level of funds must be captured from producers to ensure full costs flow to those collecting the materials.
- The systems within a model relating to “evidence” and payments must be as simple and transparent as possible.
- The model chosen should not introduce undue burdens on local authorities, especially if these are then not included in the funding.
- The cashflow is critical to local authorities: a system whereby they get too far in arrears is not feasible.
- There cannot be a situation where there is a shortfall in the funds producers pay into the costs of local authorities.

If Option 2 were to go forward, WARWICKSHIRE WASTE PARTNERSHIP would expect to see payments to local authorities for both household waste and household-like waste administered by the single body. Having a disjointed system whereby local authorities have payments for household waste from a single body and payments for household-like from compliance schemes will add inefficiency to the system and increase administrative costs and account management costs to local authorities which they may not be able to get back under producer payments.

Q75 How do you think in-year cost uncertainty to producers could be managed? (P149)

- a. A reserve fund*
- b. In-year adjustments to fees*
- c. Giving individual producers flexibility to choose between options 1) and 2)*
- d. No preference**
- e. Need more information to decide*

Q76 Under Option 1, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes? (P150)

- a. Yes**

- b. No
- c. Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

Q77 Under Option 2, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes? (P150)

- a. Yes
- b. No
- c. Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

WARWICKSHIRE WASTE PARTNERSHIP does not support option 2.

Q78 Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator? (P153)

- a. Agree
- b. Disagree
- c. Neither agree nor disagree

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

Whilst WARWICKSHIRE WASTE PARTNERSHIP agrees with the ambition of the timetable, it is still challenging and also leaves several challenges for the Scheme Administrator after it is appointed to meet the longer timetable for collecting producer fees and starting local authority payments.

Q79 If the Scheme Administrator is appointed in January 2023 as proposed, would it have sufficient time to mobilise in order to make payments to local authorities from October 2023? (P153)

- a. Yes
- b. No - from workshop one
- c. Unsure

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

WARWICKSHIRE WASTE PARTNERSHIP are keen to see the October 2023 implementation date achieved, but the timetable is challenging. There will be a need for training of local authority finance officers. Any costs associated with this will need to be part of the EPR payments to local authorities.

Q80 Do you agree or disagree with the approval criteria proposed for compliance schemes? (P156)

- a. Agree
- b. Disagree
- c. Neither agree nor disagree

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

Q81 Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test? (P156)

- a. A Compliance Scheme Code of Practice
- b. A 'fit and proper person' test for operators of compliance schemes
- c. Both
- d. Neither

e. Unsure

Please provide the reason for your response.

Q82 Do you agree or disagree with the proposed reporting requirements for Option 1? (P157)

a. Agree

b. Disagree

c. Neither agree nor disagree

Q83 Do you agree or disagree with the proposed reporting requirements for Option 2? (P157)

a. Agree

b. Disagree

c. Neither agree nor disagree

Reprocessors and Exporters

Q84 Do you agree or disagree with the proposal that all reprocessors and exporters handling packaging waste will be required to register with a regulator? (P164)

a. Agree

b. Disagree

c. Neither agree nor disagree

If you disagree, please provide the reason for your response and detail any exemptions to the registration requirement that should apply.

Q85 Do you agree or disagree that all reprocessors and exporters should report on quality and quantity, of packaging waste received? (P164)

a. Agree

b. Disagree

c. Neither agree nor disagree

**WARWICKSHIRE WASTE PARTNERSHIP thinks that there needs to be a clearly defined and real-life approach to quality measurement and not an excuse to try to gold-plate material standards that has the impact of pushing costs down the chain where they cannot be met or recovered. The measurement of quality needs to take into account the variety of end markets and applications accessible to packaging materials.*

Q86 What challenges would there be in reporting on the quality of packaging waste received at the point of reprocessing and/or export? (P164)

Please provide specific detail on any processes, measures and/or costs that would be necessary to address these challenges.

Reporting accurately on quality and quantity of packaging is key to ensuring the success of the scheme and flow of payments. Robust systems will need to be put in place in order that this is achieved. There is already concern around the current PERN system in that packaging that is of poor quality is being classed as recycled but may not be in reality, either totally or large proportions of it.

Q87 Do you think contractual arrangements between reprocessors and material facilities or with waste collectors and carriers are a suitable means for facilitating the apportionment and flow of recycling data back through the system to support Extended Producer Responsibility payment mechanisms, incentives and targets? (P164)

a. Yes

b. No

c. *Unsure*

If you answered 'no', please provide the reason for your response and suggest any alternative proposals for using the quantity and quality data reported to support payments, incentives and targets.

There are likely to be different data needs and systems in place under the EPR scheme than there are now. The current contact arrangements may not be sufficient to provide the levels of reporting that are expected. Any data systems that are brought in to meet EPR requirements will need to have their implementation costs and ongoing costs covered by producer payments.

Q88 Do you agree or disagree that exporters should be required to provide evidence that exported waste has been received and processed by an overseas reprocessor? (P165)

a. **Agree**

b. *Disagree*

c. *Neither agree nor disagree*

If you disagree, please detail why you think exporters should not have to provide this evidence.

Q89 Do you agree or disagree that only packaging waste that has achieved end of waste status should be able to be exported and count towards the achievement of recycling targets? (P165)

a. **Agree**

b. *Disagree*

c. *Neither agree nor disagree*

If you disagree, please detail why you think it would not be necessary for waste to meet end of waste status prior to export.

Q90 Do you agree or disagree that there should be a mandatory requirement for exporters to submit fully completed Annex VII forms, contracts and other audit documentation as part of the supporting information when reporting on the export of packaging waste? (P165)

a. **Agree**

b. *Disagree*

c. *Neither agree nor disagree*

If you disagree, please detail why you think these additional registration requirements on exporters are not required.

Q91 Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators? (P165)

a. **Agree**

b. *Disagree*

c. *Neither agree nor disagree*

If you disagree, please detail why you think it would not be necessary to undertake additional inspections and provide any alternative arrangements which could be implemented.

Compliance and Enforcement

Q92 Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system? (P169)

a. **Agree**

b. *Disagree*

c. Neither agree nor disagree

If you disagree, please detail any perceived problem or issues with the proposed regulation of the system and provide comments on how the system could be regulated more effectively.

There is a concern that the regulators will not have the resources needed to undertake these new inspection and enforcement duties. Thought needs to be given as to how the right level of resources can be provided to ensure the system is suitably regulated.

Q93 Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present? (P169) **No**

Q94 In principle, what are your views if the regulator fees and charges were used for enforcement? (P171)

Agreed

Q95 Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed in 12.26, such as prosecution? (P171)

Sanctions need to be relevant to the action that has triggered them and set at a level that acts as a deterrent. Regulators may need a suite of sanctions at their disposal within the EPR system.

Implementation Timeline

Q96 Do you agree or disagree with the activities that the Scheme Administrator would need to undertake in order to make initial payments to local authorities in 2023 (as described above under Phase 1)? (P176)

a. Agree

b. Disagree

c. Neither agree nor disagree

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

Q97 Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical? (P176)

a. Yes

b. No

c. Unsure

If you answered 'no', please provide the reason for your response and detail any practical issues with the proposed approach.

Q98. Do you prefer a phased approach to implementing Extended Producer Responsibility starting in 2023 with partial recovery of the costs of managing packaging waste from households or later implementation, which could enable full cost recovery for household packaging waste from the start? (P176)

a. Phased approach starting in 2023

b. Later implementation

c. Unsure

Please provide the reason for your response.

WARWICKSHIRE WASTE PARTNERSHIP understands that the timeline for having a phased approach in 2023 is challenging. However, we would want to see producer payments being made at the earliest opportunity.

Q99 Of the options presented for reporting of packaging data for 2022 which do you prefer? (P179)

a. Option 1

b. Option 2

c. Neither

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

Whilst WARWICKSHIRE WASTE PARTNERSHIP has indicated a preference for option 2, as we believe this is the most complete reporting method, there is a concern that by doing this there could be over-reporting of self-managed waste in order to reduce producer payment levels. WARWICKSHIRE WASTE PARTNERSHIP would want assurances that a rigorous compliance and review process was in place that mitigated against this risk and ensured accurate reporting of packaging data.

Q100 Are there other data required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023? (P179)

a. Yes

b. No

c. Unsure

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

Annex One

Q101 Which of the definitions listed above most accurately defines reusable packaging and could be applied to possible future reuse/refill targets or obligations in regulations. (P187)

a. Definition in The Packaging (Essential Requirements) 2015

b. Definition in The Packaging and Packaging Waste Directive (PPWD)

c. Definition adopted by The UK Plastic Pact/The Ellen MacArthur Foundation

d. None of the above

If you think none of these definitions accurately define reuse/refillable packaging please provide the reason for your response, including any suggestions of alternative definitions for us to consider.

Q102 Do you have any views on the above listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations? (P189)

Please provide evidence where possible to support your views.

WARWICKSHIRE WASTE PARTNERSHIP would support measures that increase the amount and use of refillable and reusable packaging. These measures need to be considered in relation to the possible impacts on the packaging that might then be displaced from the current collection systems and how this affects their operation and efficiency.

Q103 Do you agree or disagree that the Scheme Administrator should proactively fund the development and commercialisation of reuse systems? (P189)

a. Agree

b. Disagree

c. Neither agree nor disagree

Please provide the reason for your response.

With reuse standing above recycling in the waste hierarchy, it is appropriate that reuse systems are explored and expanded. This must be done on the basis that they create environmental benefits and embrace the underlying principles of the circular economy.

Q104 Do you agree or disagree that the Scheme Administrator should look to use modulated fees to incentivise the adoption of reuse and refill packaging systems? (P189)

a. Agree

b. Disagree

c. Neither agree nor disagree

Please provide the reason for your response.

Modulated fees, if designed well, will drive better environmental performance of packaging.