

# Response ID ANON-N7RC-RF2J-E

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

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## About You

### 1 What is your name?

**Name:**

Emily Nichols

### 2 What is your email address?

**Email:**

emily@r-e-a.net

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

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

Business representative organisation/trade body

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

The Renewable Energy Association (REA)

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

17

**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:**

The REA is a not-for-profit trade association, representing British renewable energy producers and promoting the use of renewable energy in the UK. It has around 550 corporate members, making it the largest renewable energy trade association in the UK. The REA helps its members build commercially and environmentally sustainable businesses whilst increasing the contribution of renewable energy to the UK's electricity, heat, transport and green gas needs. Its membership also includes composters, following merger with Association for Organics Recycling (formerly the Composting Association) in 2013. The REA has 208 members who have joined its 'Organics Recycling Group' (many of these operate commercial composting facilities), 208 members who have joined its 'Biogas Group' (many of these operate commercial scale anaerobic digestion facilities) and out of these, 89 members have joined both groups. Additionally, the REA also represents the energy from waste sector, with members involved in the delivery of advanced conversion technologies and traditional energy recovery projects.

The REA endeavours to achieve the right regulatory framework for renewables and organic waste recycling to deliver an increasing contribution to the UK's electricity, heat, recycling and transport needs. The Wood Heat Association is a subsidiary of REA, the largest renewable energy industry association in the UK. More info about the REA is at <https://www.r-e-a.net/about>

Renewable Energy Assurance Limited is a subsidiary of the REA. It's certification schemes include: assessing and certifying the quality of waste-derived composts and digestates that meet end-of-waste rules; the industrial and home compostability of packaging and non-packaging materials and finished products, the amount of bio-based (see below) content in packaging and non-packaging products, and the amount of recycled content in packaging and non-packaging products. More information is available at <http://www.renewableenergyassurance.org.uk/>

### 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?

I neither agree nor disagree

**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.:**

The REA agrees with overarching principles 1 to 4 (p 20 of consultation doc).

Principle 5 states: 'All packaging should be labelled as recyclable or not recyclable to make it easier for people to recycle and dispose of packaging waste; with

the labelling scheme addressing packaging that may be collected via alternative routes such as a DRS.'

Plastic-like packaging that is compostable needs to be appropriately included in the UK Packaging Producer Responsibility System (UKPPRS). According to current EPR rules, 'plastic' packaging material types are eligible to be recycled but 'other' packaging material types are only eligible for recovery or disposal.

Version 9 (dated June 2015) of the UK environment agencies' 'Agreed positions and Technical Interpretations – Producer Responsibility for Packaging' guidance says this: 'Compostable/bio-degradable plastics made of plant based products should be classified as 'other''. Unfortunately, this means that compostable/bio-degradable plastics that adequately biodegrade in organic recycling facilities can only be counted as having been recovered, not recycled.

Under the revised UKPPRS, compostable plastic packaging that is independently certified compliant with BS EN 13432 should become classified as a type of plastic rather than as 'other' packaging material. It is then likely that more of it would be directed towards and fed into Organic Recycling (R3) facilities (as named and described in the current Accreditation Table for Waste Technical Packaging) to be recycled by biodegradation.

Provided contamination (e.g. by plastic packaging) is low enough, dry (high solids) anaerobic digestion facilities with a composting phase (for further biodegrading digested solids) could feed in compostable plastic packaging, while wet (low solids) anaerobic digestion facilities could remove such packaging and sent it to a suitable composting facility (within or outside their own business). The classification change we have called for should mean that a lower percentage of compostable packaging ends up in recycling systems for mechanically/dry/chemically recyclable plastics.

The current agreed positions guidance says that 'Cellulose based products should be classified as paper/board' and this is a type of packaging material that the current system allows to be recycled. Therefore, compostable packaging made from paper or cardboard can be recycled in R3 facilities.

The REA calls for the revised UKPPRS to allow independently certified compostable packaging made from any type of material to be allowed to be recycled in R3 facilities. (Tests and criteria for in compostability standards – e.g. BS EN 13432 - cover disintegration, biodegradation, potentially toxic elements concentrations, ecotoxicity, and require the compostable packaging does not have a negative effect on compost quality.)

Assuming such allowance would be written into the revised UKPPRS, we ask that compostable packaging is allowed to be labelled as:

a) 'recyclable with garden waste' where the packaging is suitable for biodegrading in an organic recycling facility that does not accept animal by-products (please see <https://www.r-e-a.net/news/green-light-for-compostables>); or

b) 'recyclable with food waste or food waste collected with garden waste' where the packaging: contains or contained a former foodstuff (as defined in animal by-products regulations); contains or contained any type of catering waste which, if biodegraded in a composting or anaerobic digestion facility, requires that the facility has approval for treating animal by-products); contains or contained any other type of animal by-product that is allowed to be composted or anaerobically digested in a facility with approval for treating animal by-products); or arises as waste in such a way that the packaging becomes classed as waste that is subject to animal by-products regulations.

In the case of recycling with garden waste, compostable bags/sacks for containing garden waste are relevant and in our answer to question 8 we have called for 'consumer-facing bin and caddie liners and sacks/bags for containing consumers' wastes' to become legally defined as packaging'.

We also recommend that government works with industry on whether compostable packaging labelling should include a 'check locally' type of instruction alongside the 'recyclable with...' part of the labelling. We are aware that OPRL plans to cease including 'check locally' in the packaging labelling resources it provides. The REA believes the check locally issue needs careful consideration, including dialogue with organic recycling companies. We have not yet discussed this particular aspect of potential future labelling with our members.

Directing the majority of compostable packaging into organic recycling facilities would ensure that most of it is recycled in the system intended. In our answer to question 50 we have stated which packaging applications seem appropriate for compostable packaging; such targeting aims to keep the amount of compostable packaging waste manageable within R3 organic recycling facilities and other composting and AD facilities that biodegrade such packaging under a recovery classification because their compost / digestate and biogas outputs do not comply with end-of-waste criteria.

## **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.:**

The system delivery outcomes government has proposed should also include: 'That there is sufficient capacity in the UK for organic recycling of compostable packaging'.

Organic recycling as defined in the Environment Agency's 'Accreditation Table for Waste Technical Packaging' (4 Sept 2014) is an R3 recycling activity. Such facilities include the biodegradation of compostable packaging in industrial composting and 'dry' (high solids) anaerobic digestion where it has a following aerobic treatment phase for dewatered, digested solids.

## **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.:**

Their management after being discarded must not negatively impact the reformed UKPPRS and if they become legally considered as packaging a higher percentage of such wastes is likely to be recycled in future.

The types of items that should legally become packaging include consumer-facing bin and caddie liners and sacks/bags for containing consumers' wastes. Such

inclusion would mean there is a greater challenge ahead to meet packaging waste recycling targets but importantly for the organic waste recycling sector, the organics recyclers registered as reprocessors could issue PRNs for biodegrading compostable liners/bags/sacks and gain PRN income at rates appropriate for having recycled this kind of packaging.

In the REA's response to the government's Consultation on Consistency in Household and Business Recycling Collections in England we have called for all liners/bags/sacks that are used for containing source-separated food and garden (including use as liners in kitchen caddies and bins for food waste) to be compostable and soil biodegradable. This ties in with the rest of our answer above to this question.

Question 8 also asks about paper cups which are primarily sold for use in the home, which are not currently classified as packaging. We believe their inclusion or not should depend on how they would be recycled. In the case of paper cups that are sold empty, those with a plastic or plastic-like lining could be produced as 'compostable and soil biodegradable' ones in future.

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

Neither

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

We do not have a view on the best fit classification because most of the REA's members are not manufacturers, suppliers or users of packaging products.

## **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.:**

The FNCR definition seems reasonable for supporting the polluter pays principle. Compostable packaging would be biodegraded in organic recycling facilities so there would not be any 'revenue from the sale of materials for recycling' to subtract from the costs; that makes sense.

We do NOT support the subtraction of revenue from the sale of compost and digestate outputs from organic recycling facilities because residues of compostable packaging should be absent or negligible.

### **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.:**

### **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.:**

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

I don't know

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

We have not spent time on issues associated with interface of a DRS with the revised UKPPRS.

## **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.:**

An approved list of recyclable packaging would help stakeholders to correctly identify the types and forms of recyclable packaging that can be dry-/mechanically-/chemically-recycled. The REA agrees that a clear definition of 'recyclable/recyclability' would be required for those types of recyclable packaging and Defra's proposed three fundamental elements suit those types.

Government has also written that 'materials/formats not on the 'approved' list would be those that cannot be recycled'. Compostable packaging needs to be considered because technically it can be organically recycled, in practice a range of it is being organically recycled (currently in approximately 22 composting facilities in the UK), and we have called (in our answer to question 6) for 'biodegradable plastic packaging that is suitable for biodegradation in organic recycling facilities' to be classified as 'plastics' rather than 'other' (which would mean they become recyclable under the revised UKPPRS).

With this in mind, we suggest that an approved list of organically recyclable packaging is established and that the fundamental elements to determining if packaging is organically recyclable are that;

1. the packaging item is independently certified compliant a standard specified in end-of-waste criteria for waste-derived composts or in end-of-waste criteria for waste-derived digestates,
2. it can be collected with source-separated biodegradable wastes, and
3. it biodegrades in organic recycling such that the biodegradation process and its compost output, or digestate and biogas outputs comply with end-of-waste criteria.

Relevant end-of-waste criteria:

England, Wales and Northern Ireland's end-of-waste criteria are specified in the Quality Protocol for Compost (<https://www.gov.uk/government/publications/quality-protocol-for-the-production-and-use-of-compost-from-waste>) and the Quality Protocol for Anaerobic Digestate (<https://www.gov.uk/government/publications/quality-protocol-anaerobic-digestate>). Respectively, their rules require that compost production, quality and labelling is certified compliant with the British Standards Institution's PAS 100 and that digestate production, quality and labelling is certified compliant with the BSI's PAS 110.

England and Wales's end-of-waste criteria for biogas derived from waste are specified in the quality protocol for biomethane from waste (<https://www.gov.uk/government/publications/quality-protocol-biomethane-from-waste>)

Scotland's end-of-waste criteria are stated in its guidance on Regulation of Outputs from Composting Processes (which include certification of conformity to PAS 100, <https://www.sepa.org.uk/media/219843/wst-g-050-regulation-of-outputs-from-composting-processes.pdf>) and in its Position Statement on Regulation of Outputs from Anaerobic Digestion Processes (which include certification of conformity with PAS 110, <https://www.sepa.org.uk/media/219842/wst-ps-016-regulation-of-outputs-from-anaerobic-digestion-processes.pdf>).

When considering our above suggested fundamental element 1, government should also consider the EU Fertilising Products Regulation (expected to soon be published and enter into force in EU countries) if all, or parts of it, become applicable in the UK (depends on timing and nature of Brexit). This regulation will set criteria for a range of fertilising, soil improving and other product types, some of which are waste derived and when compliant, achieve end-of-waste status. As far as the REA is aware this regulation does not specify independent certification of packaging that is suitable for biodegradation in organic recycling facilities; amongst other input materials allowed it refers to 'bio-waste within the meaning of Directive 2008/98/EC resulting from separate bio-waste collection at source'.

**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.:**

The modulated fee approach seems less complicated and fee levels would link clearly with 'approved list' recyclable/recycled materials/formats and 'off-list' non-recyclable materials/formats. In addition, Defra proposes that modulated fee levels will 'reflect the costs of their management at end of life'.

**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:**

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

**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):**

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

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

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

No

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

Government's proposals for closed and open loop are as follows: 'If a recycled material substitutes for the equivalent virgin material it is considered closed loop recycling regardless of the application (e.g. plastic packaging or plastic pipes). If recycled content is replacing a different material or its properties change in the recycling process it is open loop recycling.'

The deposit approach should not focus only on closed loop recycling. Life-cycle analysis, up-cycling and proximity in packaging product flows and its management when waste should also influence what happens. Additionally, Regulation EC 282/2008's requirements set a significant barrier to closed-loop recycling for food grade packaging applications. Approaches that increase the percentage of packaging waste recycled and the quality of recycled packaging waste should be favoured.

Closed or open loop when organically recyclable packaging is biodegraded?

Organically recyclable packaging is often made of bio-based material, i.e. material which is made from biomass (e.g. plants), which is a renewable resource, not fossil fuels. The Bio-based and Biodegradable Industries Association (BBIA) could provide information about the range of bio-based material content in organically recyclable packaging. Suitable proportions of bio-based content should be taken into account when drafting definitions of closed and open loop in the

context of organically recyclable packaging.

We note that the BBIA's response to the government's consultation on Plastic Packaging Tax includes this: 'For bio-based and biodegradable packaging recovered through organic recycling there are no barriers to adopting a 30% renewable carbon content and we would welcome that percentage growing over time'.

Packaging that is wholly plant- / biomass-based, which is biodegraded in an organic recycling facility and then compost/digestate derived from it (and other biodegradable wastes) is applied to soils or used as an ingredient in manufactured topsoils or growing media should be regarded as closed loop recycled. Plant material returns, via such packaging and recycling, to help grow more plant material. Organically recycled packaging that is part plant- / biomass-based; its plant-based content could be considered closed loop recycled.

If government decides it is necessary to apply a definition of open loop recycling to some organically recyclable packaging, the definition should acknowledge that it will biodegrade when it is recycled or recovered in a composting facility or anaerobic digestion facility with one or more composting phases.

### **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?**

I don't support moving to a single point of compliance

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

The REA supports points made by Ecosurety in answer to this question.

'Moving to a single point of compliance is a moot issue. The shared responsibility within the current system is one of the most successful aspects when compared to other countries. Having a broad-range of the business community being responsible for packaging placed on the market ensures greater general awareness and understanding that leads to wider societal benefits.

We do not believe that a change to sellers/brand-owners will reduce the producer community significantly [enough] for administrative benefits to [occur] as many retailers have own-branded goods for which they would still be responsible.

Changing to a single point of compliance would cause significant transitional issues. The sector chosen to bear the costs [is] unlikely to be able to pass on the cost - through commercial negotiations - to other actors in the process of producing and selling packaged goods. This approach would have a disproportionate effect on the sector chosen to bear the direct cost burden.

Additionally, moving to a single point is likely to create reporting requirements for sectors of the value chain that would not have any financing requirements. For example, if the point of compliance moves to brand-owner, retailers would still need to report the information on where packaging was sold to deliver on the requirements of devolved administrations. This would require adequate monitoring and enforcement to ensure the data is provided, further supporting the theory that there would be no administrative or reduced enforcement benefits derived from the change. Furthermore, it would create a parallel data set for "packaging sales by nation" from retailers [who] may not match the "placing on the market data" from brand-owners.'

#### **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.:**

The REA supports replacement with a lower turnover threshold if one can be set that excludes ONLY micro-businesses, not also small businesses. There are many small businesses in the UK and we suspect that a significant proportion of them generate packaging wastes. We have estimated that non-compostable plastic wastes (packaging and non-packaging) cause the UK organics recycling industry significant costs (very conservatively, £7.26 million per annum, excluding VAT) when removing approximately 78,080 tonnes of them from biodegradable waste per annum and sending them mainly to Energy-from-Waste facilities (some goes instead to landfill).

(Micro-business: employs fewer than 10 employees (or their full time equivalent) or has an annual turnover or balance sheet no greater than €2 million.

Small business: 'According to the UK's Companies Act 2006, a small company is defined as one that does not have a turnover of more than £6.5 million, a balance sheet total of more than £3.26 million and does not have more than 50 employees.'

Significance of micro-businesses in the UK: According to a report by the Better Regulation Executive in 2010, 'Businesses with fewer than 10 employees account for 96% of UK businesses and around 7 million jobs.'

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/31614/10-1251-lightening-the-load-regulatory-impact-smallest-businesses](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/31614/10-1251-lightening-the-load-regulatory-impact-smallest-businesses)

If the threshold we have called for cannot be set we support option (b); current threshold retained and wholesalers and direct-to-retail sellers take on the obligation of those below the threshold. This should influence packaging choices made by small- and micro-businesses but it would make the revised PPR system more complicated. Another potential disadvantage is that wholesalers and direct-to-retail sellers might decide to allocate their obligation costs in a way that maintains as much profit as possible but which does not support the aims of the revised UKPPRS, i.e. the non-recyclable packaging doesn't become as expensive as it would do if the obligation costs were properly passed through into product pricing.

#### **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:**

These types of business, regardless of their classification as micro- or small-businesses, should NOT be exempt from being obligated because they generate a) some packaging that is unsuitable for recycling via the system for dry recyclable wastes [e.g. because it retains smears/traces of animal-derived food/drink], b) other packaging that ends up in residual waste and is likely not to be subsequently recycled, and c) a proportion of the packaging becomes littered and does not subsequently, adequately biodegrade in the natural environment.

If government decides that the reformed UKPPRS will not obligate micro-businesses that sell food/beverages for consumption on-the-go AND will not obligate other kinds of micro-businesses, then our answer to question 19 becomes option b), which we believe would be the best option for positive effects on packaging choices given government's decision on who can and who can't be obligated.

**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?**

I don't know

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

Under a shared responsibility approach option B appeals because it will obligate far fewer businesses (approx 910,000 according to government estimate) than option 'A with no de-minimis', and fewer businesses than option 'A with lower de-minimis'. It might be a proportionate approach that achieves a reasonable costs and benefits. However, we ask that government carefully considers that option A is likely to result in the greatest reductions of non-recyclable packaging, which should support increased quality and quantity of dry-recycled recyclates and reduced residual waste management costs. There are multiple beneficial effects when non-recyclable packaging is avoided or substituted by recyclable packaging. A key influence on the decision making should be the extent to which distributors of packaging and packaged products can be expected to move to using recyclable packaging under a shared responsibility approach.

**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.:**

Not applicable given our answer to question 21.

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

Shared responsibility

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

Our answer is the same as Ecosurety's: 'The current system gives an incentive to all parties involved in the value-chain to minimise packaging. Under a 'full net cost' new system this motivation would be amplified throughout the chain.'

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

Pay a flat fee to include a contribution to a communications fund

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

Our answer is the same as Ecosurety's: 'The flat fee is preferable to balance administrative burden against the requirement for equal treatment of all producers. VAT registered companies handling less than 1 tonne of packaging should be able to comply by paying a flat fee.'

**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.:**

The structure of the consultation document implies that on-line distance selling is only considered inclusion under the shared responsibility approach. Packaging imported via on-line distance selling needs to be controlled by the revised system irrespective of whether a 'single point of compliance' or 'shared responsibility' approach is chosen.

If brand owners were to be chosen as the single point of compliance under the single point of compliance approach it seems unlikely that regulators would have jurisdiction to enforce the revised PPR regulations on overseas brand-owning producers where packaging products and packaged products are imported to the UK via online trade carried out via online marketplaces.

Online marketplaces would need to make significant changes to comply but they are significant (currently 70 - 75% of international online trade is carried out via online marketplaces according to European Commission estimates); tackling this now will be easier than trying to do so later.

**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):**

No

**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:**

No

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

Option b) is the only one that will maximise the quantity and quality of target packaging materials collected for recycling. It would be more costly to measure and connect with payments to local authorities than option a) but benefits from focussing on quantity and QUALITY of target packaging collected should give us best opportunity to achieve the aims of the reformed PPR system. Option c) appears to provide little incentive for local authorities to separately collect recyclable packaging for recycling.

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

I neither agree nor disagree

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

If the costs of educating and communicating with householders are included in what's described as collection costs then these important aspects have also been included in government's consideration of all costs.

The consultation document says government anticipates using a formula-based approach for making [packaging] producer payments that take account of 'the cost of collection provisions for the management of packaging waste and the quantity and quality of packaging waste materials collected for recycling'. The document also includes: 'An important consideration in determining payments for any given transaction along the value chain is ownership of the materials and at what point income is received for the materials' and goes on to say 'This will require further consideration as proposals for packaging EPR are developed further'.

In the case of compostable packaging it biodegrades when fed into composting or anaerobic digestion+composting processes or is contaminant if it's in gets into 'dry recyclable' waste streams. So there is no compostable packaging recycle to sell into markets. We acknowledge that some particles of compostable packaging become microbial biomass or remain in the compost/composted digestate as 'organic matter' and 'organic carbon'. We do not believe that income from the sale of waste-derived composts / digestates that achieve product status should be transacted, even partially, back along the compostable packaging value chain.

The revised system should ensure that local authorities receive adequate income to cover their costs of co-collecting, from household sources, compostable packaging plus an adequate amount of biodegradable non-packaging waste (because an adequate proportion of the latter is needed for successful biodegradation of the compostable packaging waste in composting and digestion+composting facilities). The income to local authorities should also adequately compensate them for costs they incur when compostable packaging is delivered (with other biodegradable waste) to such facilities for biodegradation (gate fees are charged per tonne of waste delivered).

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

I neither agree nor disagree

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

It seems broadly okay for dry-recyclable packaging but sorting/transfer stations that bulk up this kind of waste are likely to want to have/keep a proportion of the [packaging] producer payments into the system to cover their costs of obtaining and providing evidence of the 'quantity and type of packaging waste recycled'. Or are they expected to increase their gate fees so they can keep the part of gate fee income that would cover these specific costs?

The intended payments approach may also be okay for compostable packaging collected with biodegradable waste that is bulked up at some transfer stations, subject to our point about keeping gate fee income associated with obtaining and providing the necessary evidence. It should also be anticipated that a number of vehicles that collect household-like, compostable packaging waste from businesses/other public sector organisation sources will deliver their loads directly to composting or digestion+composting facilities. This scenario needs to be borne in mind when deciding how the payments system will work.

**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.:**

Such payments would reduce business efforts to a) minimise their use of packaging, b) choose recyclable packaging where they have to use packaging, and c) direct their recyclable packaging into collection services for recyclable wastes.

**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:**

There probably are other factors we have not yet identified.

**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:**

There probably are other factors we have not yet identified.

**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:**

No.

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

**Please answer below:**

Yes, a proportion of the fees should cover the costs of local authorities providing on-the-go bins for a) dry-recyclable packaging (collected in the same on-the-go bins as dry-recyclable non-packaging wastes) and b) litter/general/residual waste (the financial contribution corresponding with the proportion of packaging waste that is measured in or calculated as likely to be in such bins). A proportion of the fees should also at cover the costs of collecting those packaging wastes and the gate fee costs that local authorities pay for the treatment (by recycling or recovery) or disposal of those wastes.

Packaging waste producer payments to cover the full net costs of this provision could work in a similar way as for kerbside collected household wastes and there would need to be regular composition analysis of the dry-recyclable wastes collected in order that obligated producers pay full net costs for the proportion of this waste stream that is packaging. Similar analysis of the proportion of packaging waste in on-the-go bins for general wastes seem appropriate for determining full net costs in this part of the recovery system.

**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:**

Ecosurety provided the following useful information in its response: 'A cost benefit analysis from the #LeedsByExample on-the-go recycling trial has indicated that the trialled indoor plastic and can recycling bins equalled a net benefit of £4.46 per month per bin with an estimated payback period of 12 years. However, Recycling Reward Machines equalled a net cost of £612 per month per machine and operated at a loss, despite attracting the lowest levels of material contamination. A full report into the #LeedsByExample on-the-go recycling trial [was] be made available on the 9th May at a House of Commons [hosted] launch event.'

**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:**

Pack fillers and sellers of disposable hot and cold drinks cups should do more between now and 2023 to take them back and arrange for their recycling. We envisage their system could become adapted and integrated into the revised EPR and the potential DRS.

Progress has already been made; in the UK a number of business-to-business collections of food+compostable packaging (including compostable hot and cold drinks cups) wastes from cafés and restaurants are being delivered to approximately 22 composting facilities for treatment.

**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 have answered c) both but this is not something we have investigated in depth during this consultation.

Some single-use disposable cups would not be captured for recycling within a DRS. Consequently we should take the opportunity to capture and recycle a greater proportion of single-use disposable cups by taking them into account in the revised EPR scheme, in a way that rewards the right behaviour and appropriate parties.

**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.:**

A recycling target for this specific type of packaging would be a clear driver for beneficial change and could be revised in future having taken account of progress and other relevant factors.

**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.:**

Householders dispose of some of the consumer-facing packaging targeted in this consultation. Collection of these wastes from households is carried out by local authorities and effective, local, service-related communications are vital for achieving householder participation in dry-recyclables and food / food+garden /



garden waste collection rounds and capture rates (of these wastes) at levels that mean the system is cost effective.

### 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.:**

Our caveat is that local service related communications - for household and household-like packaging wastes collected by or on behalf of local authorities - should have priority for producer fee funding in the unlikely event that total funds from producer fees are insufficient for meeting local communications needs and nationally-led communications campaigns.

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

I neither agree nor disagree

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

Consider whether obligated producers' fees should partly be used for local service and/or towards nationally-led communications if they seek to ensure that staff/workers in businesses put recyclable packaging waste in the right bin, where the bin contents are collected and recycled via services provided by other businesses.

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

I neither agree nor disagree

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

The REA agrees that packaging that is recyclable through the waste management systems for dry recyclables (e.g. packaging made of paper, cardboard, non-biodegradable plastics, metal and glass).

In the case of organically recyclable packaging it should be labelled as we have suggested in our answer to question 17 (please take into account what we wrote about 'check locally'). In addition, this type of packaging must include the certification mark of an independent certification body that has certified the product compliant with a standard specified in relevant end-of-waste criteria (e.g. BS EN 13432). Independent certification is required in England, Wales and Northern Ireland's end-of-waste criteria for waste-derived composts and is also required for 'biodegradable plastic packaging' that is used for 'collecting food waste' in these countries' end-of-waste criteria for waste-derived digestates (see paragraph B.2 in its Appendix B of the Quality Protocol: anaerobic digestate).

Certified organically recyclable packaging must also include the product's unique certification code, so that stakeholders can easily check that the product has a valid certificate, that it matches key characteristic information on its certificate, and has been certified by a competent certification body.

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

I neither agree nor disagree

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

Dry-recyclable packaging

The percentage of recycled content should be stated on product packaging provided it is feasible to state a percentage that is sufficiently accurate and verifiable (preferably via product sample testing but if that's not feasible by assessing records of packaging production).

Compostable plastic-like packaging

The percentage of bio-based carbon content (that which is derived from biomass) should be stated on compostable plastic-like products or be made available by product manufacturers/suppliers. Such products should include polylactic acids made from plant materials such as cornstarch. (See our answer to question 42 for more information about bio-based content.)

The German independent certification body DIN Certco already provides a bio-based content assessment and certification service; that service is already used by some UK producers of compostable packaging. Our subsidiary company Renewable Energy Assurance Limited (REAL) also offers a bio-based content assessment and certification service which it operates in partnership with DIN Certco. This means there is already a UK-based point of contact for packaging industry enquirers who want their product's bio-based contents to be assessed for certification (<http://www.renewableenergyassurance.org.uk/compostable-packaging-bio-based-materials/bio-based-materials>).

Compostable packaging that is not plastic-like

Some compostable packaging is made from paper or other cellulosic fibres such as bagasse (the relatively dry pulpy residue left after the extraction of juice from sugar cane). We believe it would not be worth the expense of requiring the bio-based content of such packaging to be tested, certified and declared on those products or in information that manufacturers/suppliers of those products must supply. Perhaps the revised UKPPRS could set a natural cellulosic fibres % weight for weight content-in-product threshold above which bio-based testing, certification and declaration would not be required?

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

**Please describe briefly.:**

The bio-based content of products which are wholly or partly produced from bio-based raw materials

We write about this here because bio-based content assessment and certification can be done on compostable base materials, intermediate materials, additives and final packaging products.

To become certified under DIN Certco's bio-based certification scheme (and through its partnership service with REAL), a bio-based raw material, intermediate, additive or final product must contain at least 20 % bio-based carbon (when tested according to ASTM D6866) and at least 50 % organic carbon (when tested according to DIN 18128).

DIN Certco's bio-based certification scheme licences the use of its appropriate certification mark in on or in association with the product, along with the product's certification code ('registration number'). The 3 versions of the certification mark differ and the one used on the product must correspond with its bio-based content; Biobased 20 – 50 %, Biobased 50 – 85 %, and Biobased > 85 % (see <https://www.betalabservices.com/biobased/din-certco.html>)

Information about certified bio-based products can be seen at [https://www.dincertco.tuv.com/search/companies\\_with\\_product?locale=en&title\\_id=410](https://www.dincertco.tuv.com/search/companies_with_product?locale=en&title_id=410)

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

#### **Please describe briefly.:**

The REA has written about some aspects of appropriate labelling for compostable packaging products in our answer to question 6.

We emphasise the importance of requiring independent certification of conformance with a specified, appropriate standard for compostability. This necessary because we have found products on the market where the manufacturer has self-claimed compostability but does not have the evidence to support the claim. Products that carry false claims of compostability undercut the market for genuinely compostable products and cause problems at organics recycling facilities and operator mistrust of other products that carry compostability claims. It is important that certified finished form compostable products bear a certification mark and unique certification code.

Any product that is too small to bear certification marking and coding could instead be packaged with a label that shows that the product inside is certified compostable. This marking and code bearing help individuals identify which packaging and non-packaging products are compostable and enables efficient third party checks on whether each product marked compostable has a valid certificate issued by an independent certification body.

A note about compostable packaging made almost entirely from cellulosic material (e.g. paper or bagasse): where the packaging includes glue (e.g. along seams in the case of bags), is coloured and/or includes printed on inks it would need to be certified compostable. Biodegradation of product part that includes glue would need to be assessed as well as whether potentially toxic elements within the pigments used in the colourant/ink are at low enough concentrations.

The UK nations' end-of-waste criteria for composts derived from source-segregated biodegradable wastes\* do - in one or more relevant documents - in effect require that compostable packaging and non-packaging products are independently certified compliant with one or more of the specified compostability standards (BS EN 13432, BS EN 14995 or ASTM D 6400).

[\* England, Wales and Northern Ireland's end-of-waste criteria are specified in the Quality Protocol for Compost (<https://www.gov.uk/government/publications/quality-protocol-for-the-production-and-use-of-compostfrom-waste>) and the Quality Protocol for Anaerobic Digestate (<https://www.gov.uk/government/publications/quality-protocol-anaerobic-digestate>). Respectively, their rules require that compost production, quality and labelling is certified compliant with the British Standards Institution's PAS 100 and that digestate production, quality and labelling is certified compliant with the BSI's PAS 110. Scotland's end-of-waste criteria are stated in its guidance on Regulation of Outputs from Composting Processes (which include certification of conformity to PAS 100, <https://www.sepa.org.uk/media/219843/wstg-050-regulation-of-outputs-from-composting-processes.pdf>) and in its Position Statement on Regulation of Outputs from Anaerobic Digestion Processes (which include certification of conformity with PAS 110, <https://www.sepa.org.uk/media/219842/wst-ps-016-regulation-of-outputs-from-anaerobic-digestionprocesses.pdf>).

Similarly in England, Wales and Northern Ireland's end-of waste criteria for digestates derived from source-segregated biodegradable wastes\*, biodegradable plastic packaging used for collecting food waste must be independently certified compliant with BS EN 13432, ASTM D6400 or DIN V 54900 if it is fed into the anaerobic digestion process. We believe that the UK nations' end-of-waste criteria for digestates derived from source-segregated biodegradable wastes need to be reviewed in respect of their requirements that control which compostable packaging and non-packaging products can be fed through appropriate anaerobic digestion systems (e.g. 'dry' AD with a following phase of composting) and which products must be independently certified compostable.

The BBIA's response to this consultation includes that they will 'work with stakeholders to ensure these materials are clearly labelled and identified to assist recognition and facilitate recycling'. We intend to work with the BBIA on developing labelling guidance and believe it should cover: certification of packaging (and non-packaging) product conformance to relevant biodegradation standards, correct disposal after use, certification of bio-based content, a more consistent look that works across the range of product types, the current certification marks licenced for use by the relevant certification bodies, and the steps that have been and could/should be taken towards using a single certification mark in the UK in future.

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

#### **Please describe briefly.:**

Our subsidiary REAL has experience in relation to certification of compostable and bio-based packaging and non-packaging products. We have not suggested lead-in times because we assume that in the case of compostable and bio-based packaging that existing certification schemes would not be required to change the standards/criteria against which they assess product conformance nor would they need, at least in the short term, to develop and licence the use of a single certification mark for compostable packaging (and non-packaging) products placed on the UK market.

Aspects of compostable and bio-based packaging labelling guidance/requirements that don't relate to certification would probably require at least 6 months for discussion, development and agreement. We have not researched how long the packaging designers, manufacturers and supply chain would need for bringing new-system labelled products into use.

## **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.:**

The REA does not have data on packaging waste arisings so we are not well placed to comment on the estimates in the Material Flow reports.

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

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.:**

### **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?**

I neither agree nor disagree

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

We are concerned about the differences between estimated packaging waste arisings calculated using POM estimates and bottom up analysis based on estimated waste tonnages and waste composition data.

Government writes that 'data from the National Packaging Waste Database and the Material Flow reports has been used as the basis of the proposed recycling targets and cost-benefit analysis' and it has carried out a 'sensitivity analysis which reflects the potential range in base data'. Government believes the targets proposed for 2025 are achievable; we do not have information that suggests otherwise.

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

I neither agree nor disagree

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

The consultation document refers to 7 elements of reform which are not taken into account in packaging waste amounts and targets calculations which 'should allow for higher recycling rates to be achieved by 2030'. These elements might result in recycling rates higher than 70 % by 2030; the REA does not have information/analysis that leads us to agree or disagree.

### **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:**

The REA's following suggestions are focussed on the potential future role for compostable packaging within the revised UKPPRS. Such packaging has potential to contribute towards a higher overall packaging recycling rate.

\*Rules that control whether compostable packaging can be collected with other source-segregated biodegradable wastes\*

The revised UKPPRS provisions relevant to compostable packaging need to work in conjunction with any non-UKPPRS rules that control which types of waste can be co-collected with source separated biodegradable wastes. For example, we have in mind what will be allowed to be co-collected with food waste, food and garden waste, and garden waste in England's future service standards that aim to improve consistency in waste collection.

The BBIA's response to this UKPPRS consultation recommended the following and the REA supports that it is considered and may need some adaption:

'We recommend:

'Biowaste collections should allow the co-collection of compostable packaging. As the Government's intention is to finance bin liners, logic demands that packaging can be collected with biowaste. [The REA's response to this consultation includes that bin liners become classified as packaging under the revised UKPPRS.]

Biowaste should be defined as per the Waste Framework Directive 2018/851 Article 1.3 point b.4.:

"bio-waste" means biodegradable garden and park waste, bio and kitchen waste from households, offices, restaurants, wholesale, canteens, caterers and retail premises and comparable waste from bio processing plants;"

Further, biowaste should include the provisions under the EU 2018/851 WFD [see

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018L0851&from=EN>] as per Article 22 and namely that:

"Member States may allow waste with similar biodegradability and compostability properties [e.g. compostable bin/caddy liners – the BBIA's note] which complies with relevant European standards or any equivalent national standards for packaging recoverable through composting and biodegradation, to be collected

together with bio-waste.”

\*Applications where compostable packaging (and non-packaging) products seem the most practical solution\*

The REA believes there is a role for guidance on applications where compostable packaging is the most practical solution. Such guidance should be agreed with relevant industries and be regularly reviewed and updated so that technological progress in compostable packaging and waste management systems is taken into account.

The following list has been proposed by the BBIA and we have added a few comments shown in square brackets:

1. Applications which always accompany a material whose only recycling route is organics recycling (composting), and frequently cause contamination and cannot be recycled if made from plastic:
  - a) tea bags and coffee pads [not currently packaging]
  - b) sticky labels on fruit/vegetables
  - c) food preparation disposable gloves [not currently packaging]
  - d) plastic coffee pods
2. Applications where inevitable bio contamination and/or mixed-material construction renders conventional packaging unsuitable for mechanical recycling:
  - a) foodservice disposables (plates, bowls, food containers, trays/dishes, napkins/serviettes [not currently packaging], sandwich boxes, bread and cake window bags, hot and cold drinks cups and lids)
  - b) condiment sauce sachets and pouches
3. Applications where the item is too small or otherwise impractical for mechanical recycling:
  - a) candy and sweet wrappers and others that are commonly littered
4. Applications which can be used or reused as a liner for a kitchen food waste caddy or a kerbside food waste bin:
  - a) lightweight carrier bags (not 'bags for life'),
  - b) bin/caddie liners for food waste collections [in our answer to question 8 we called for consumer-facing bin/caddie liners and sacks/bags for containing consumers' wastes to become legally classified as packaging],
  - c) very lightweight fruit and vegetable bags
  - d) lightweight fresh produce packaging (e.g. the Waitrose banana bag, bags containing salads, spinach, broccoli, etc.)
5. Magazine wraps – may be reused to collect householder food waste, to take from kitchen to the food waste bin

The following comments are from the REA's response to the government's consultation Consultation on Consistency in Household and Business Recycling Collections in England which we think are worth also making in this response. In that response we called for compostable liners and carrier bags to also be soil-biodegradable so that if even a very low percentage of such bag/liner pieces less than 2 mm (in any dimension) were to be present in compost/digestate, stakeholders could be confident that those pieces would biodegrade in the soil to which the compost/digestate is applied.

Comments about item 4 b): 'Such liners are useful where food wastes are destined for treatment at composting facilities, 'dry AD' facilities that have a composting phase for separated digested solids, and other AD facilities that could send pre-digestion removed liners to local composting facilities (provided contamination by non-compostable liners is low enough).'

Comments about 4 a): 'The substitution of lightweight, non-compostable plastic carrier bags by certified compostable and soil-biodegradable carrier bags would be beneficial if, after use as a carrier bag, most of them were to be used to line kitchen food waste caddies and outdoor/kerbside food waste bins and then be biodegraded at composting or digestion facilities. This would direct such carrier bags away from the waste streams that go to dry recycling facilities and materials reprocessors, give them a dual use, reduce the plastic contamination problems that composting and AD facilities experience, and reduce consumer and food service business use of single-use and/or lightweight plastic carrier bags.

Given that government has proposed covering the costs of local authority supply of free liners to householders, the use of compostable and soil biodegradable carrier bags as food caddie / bin liners after their use as carrier bags would reduce the number of liners that local authorities need to supply. This would mean that central government funding to cover costs of free liner provision would be lower than they'd otherwise be. Similarly, the bags referred to in item iii above could subsequently be used for containing food waste, also reducing the number of liners that would be used.

Supply and use of certified compostable and soil-biodegradable carrier bags fits in local authority areas where food waste is collected and treated at composting facilities, 'dry AD' facilities that have a composting phase for separated digested solids, and other AD facilities that could send pre-digestion removed carrier bags to local composting facilities (provided contamination by non-compostable liners is low enough).'

Lastly, on 'where do compostables fit, the BBIA's response to this consultation has stated: '...we believe that compostables do not have a role to play where plastics can be easily recycled – water, juice and milk bottles, pallet shrink wrap, long shelf life products etc'. The REA supports this statement and anticipates that guidance on applications for compostable packaging would take into account UK Plastics Pact plans in support of reaching the pact targets (specifically applicable to plastic packaging, including compostable plastic packaging).

\*Compostable packaging and payments into the revised UKPPRS\*

Organic recycling of compostable packaging should receive the same financial recognition as mechanical recycling. Therefore the contributions of compostable packaging producers should flow back to compostable packaging recyclers.

By paying composting and anaerobic digestion facilities for the organic recycling of compostable materials, those facilities would have the financial resources to

undertake more monitoring of the quality of source-segregated biodegradable wastes coming from household and business sources and therefore be able to drive the collection systems to reduce contamination.

Compostable packaging should be included in the revised UKPPRS and obligated producers/organisations (whether a single point of compliance or shared responsibility is chosen) should pay into the system at the level of 'easily recycled materials' and according to what kind of material the product is made of:

- payments into the system for compostable polymer products (they are plastic-like and can be made from fossil or bio-based sources) should be equivalent to those for recyclable plastics; and
- payments into the system for compostable cellulosic products (e.g. paper and bagasse) should be equivalent to those for recyclable paper.

Payments into the system also need consideration in terms of compostable products that have polymer components and cellulose components, or – if such products exist – that are a composite material combining polymer and cellulose.

\*Packaging Recovery Notes for recycling compostable packaging\*

Under the revised UKPPRS, any kind of independently certified compostable packaging (whether it is made of plastic-like material, paper, bagasse or any other suitable material) should be eligible to be recycled in an R3 organic recycling facility (see our answer to question 6).

When organics recyclers registered as reprocessors issue PRNs for biodegrading compostable packaging, the PRN income they gain should be at rates appropriate for having recycled this kind of 'easy to recycle' packaging. Their PRN income per tonne of compostable packaging organically recycled should cover the costs of biodegrading that packaging and the costs of biodegrading an amount of biodegradable non-packaging waste that needs to be co-biodegraded with the compostable packaging (it will not adequately and un-problematically biodegrade on its own in these facilities).

We note that under the current EPR system 'evidence [of recycled packaging] can only be issued on packaging and not on any contamination'. When revising the UKPPRS we ask government to consider whether and how organics recyclers would be financially compensated for the costs they incur when removing any non-compostable packaging (from a biodegradable waste stream that includes compostable packaging) and sending it for recovery (e.g. at an Energy-from-Waste facility) or disposal (e.g. landfill or incineration without energy recovery) are covered.

\*Checking compostable packaging amounts organically recycled\*

To verify compostable packaging tonnages biodegraded, each organic recycler issuing PRNs should be independently audited (using waste characterisation tests) based upon total tonnage of organic (biodegradable) waste treated per annum. The BBIA has provided the following example which shows the frequencies used in Italy:

- less than 10,000 tonnes per annum of organic inputs; 1 x waste characterisation test
- per annum,
- 10,001 - 50,000 tonnes per annum of organic inputs; 2 x waste characterisation tests,
- 50,001 - 200,000 tonnes per annum of organic inputs; 4 x waste characterisation tests, and
- more than 200,000 tonnes per annum of organic inputs; monthly waste characterisation tests.

Reprocessor fees applicable to organic recyclers of compostable packaging

We have read that under the current EPR system, evidence of recycled packaging can only be issued by approved UK reprocessors or exporters in the form of, respectively, PRNs and PERNs. Reprocessors and exporters have to provide quarterly returns showing the amount of packaging they have received and the amount of PRNs they have issued. Evidence can only be issued on packaging and not on any contamination. A reprocessor/exporter who issues less than 400 tonnes of evidence a year must pay a fee of £505, while a reprocessor/exporter who issues more than 400 tonnes of evidence a year must pay £2,616 for approval.

Under the revised UKPPRS the fees applicable to reprocessors of compostable packaging may need to be different as well as the 400 tonne threshold that separates small reprocessors from larger ones. Total biodegradable waste intake to organics recycling facilities would not be anywhere close to 100 % compostable packaging. The REA could assist government in researching appropriate fees and an appropriate small-to-larger reprocessor threshold for reprocessors of compostable packaging.

## **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?**

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.:**

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

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

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

In the case of dry-recyclable packaging items the REA does not have a view. In the case of compostable packaging made of composite materials, the relevant standards and certification organisations' certification scheme rules require that the whole packaging item complies with the relevant standard's criteria. So for

these types of packaging it would not be necessary to set specific targets for individual formats of composite packaging.

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

I neither agree nor disagree

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

The REA agrees with the rationale for why obligated business targets (up to the year 2022) need to be higher than the proposed UK packaging recycling targets (for 2025 and 2030). We do not have data/evidence that suggests Defra's modelling/calculations should be done differently.

**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.:**

Allocation is done by multiplying the business's annual turnover (in £m) by a factor set by government; as we understand it the factor will become 35 %. The REA does not have data/evidence that suggests the factor should be something different from 35 %.

**Part C: 7. Governance Models**

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

Model 1

**Please briefly explain your preference.:**

Our answer is the same as Ecosurety's: 'We prefer a hybrid which predominantly blends the characteristics of Models 1 and 2. Please see full explanation here: <https://www.ecosurety.com/centralised-competition-model/>'

**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 agree with principles suggested in the BBIA's response to this consultation. Whichever model is chosen, the REA would like to see that the following principles apply (in addition to others the government has proposed):

1. the views of packaging producers (including compostable packaging producers), are represented in overseeing and administering the system;
2. government plays a significant role in ensuring the system is fair, effectively policed, and applied across all producers and equally across all four nations;
3. the system allows for competition;
4. the system allows for changes in materials and innovative packaging so these are not either priced out or technically excluded;
5. the system includes a clear process for products to be considered for reclassification;
6. unreasonably high profit margins not allowed to be generated from administration fees if any administration is done by any organisation that is allowed to generate profits; and
7. an unreasonably high trading surplus is not allowed to be generated from administration fees if any administration is done by any organisation that is allowed to generate a trading surplus.

**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:**

Our answer is the same as Ecosurety's: 'Models 2 and 4 have significant implementation issues. The transition between the current system in 2022 and the new system in 2023 (as proposed) will be extremely problematic for these two models. The government would not be able to rely upon the technical and producer liaison expertise of compliance schemes to assist the implementation of the new system. It is highly likely that some producers will be left unaware of their obligations if [model 2 or model 4 is] implemented, as is.'

**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.:**

Our answer is the same as Ecosurety's: 'Models 1, 2 and 3 will enable a UK-wide approach. Model 4, where monies may be retained centrally and not accessible to devolved authorities, could be problematic.'

**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.:**

Our answer is the same as Ecosurety's: 'Furthermore, government officials should urgently work to amend the regulations and allow for a compliance fee

mechanism in 2019. If granted by the secretary of state (as referenced under WEEE regulations), this would help to prevent fraudulent activities from occurring and ensure that producers are still responsible to finance the current system. This fund could be used to communicate transitional arrangements for 2022/2023 or be strategically invested in increasing recycling infrastructure.'

**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.:**

Our answer is the same as Ecosurety's and we have inserted some additions shown in square brackets:

'The role and remit of the Packaging Advisory Board, as outlined, is not sufficient. Hence the hybrid model proposed [in Ecosurety's answer to question 56].'

'Packaging Management Organisation

- Establish the 'approved' list of recyclable [and compostable] packaging and propose the modulation formula for schemes to charge producer members
- Administer arrangements for supporting [anti-] litter / communications campaign in each nation
- Allocate costs from local authorities and businesses for household/household like packaging to compliance schemes, using rurality groups
- Administer Compliance Fee fund
- Oversee functioning of whole system to advice government'

[The REA also suggests, given the importance of the approved list, that at regular and appropriate intervals the PMO consults on what changes should be made to the list.]

**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:**

It should be a not-for-profit organisation as anything else would enable profit to be built into a system which is mandatory for obligated producers and thus has the effect of increasing full net costs which have to be recovered from them.

**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?:**

Our answer is the same as Ecosurety's: 'We recommend the period of time is not less than 10 years.'

**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.:**

Our answer is the same as Ecosurety's: 'As experienced elsewhere in Europe, we do not believe monopolistic EPR regimes provide the best value for money to citizens nor do they deliver greater recycling rates. There must be an element of competition, linked to material market dynamics, in the new system.'

Furthermore, a single point of failure for meeting the targets is a significant risk. Compliance schemes with a legal duty and commercial imperative to meet the recycling target have been very successful in ensuring the targets are reached.'

**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?:**

Our answer is the same as Ecosurety's: 'C&I packaging should count towards the targets and be treated in the same way as other packaging formats. However, C&I should not be included in the full net cost recovery definition. An alternative approach is recommended that recognises the need for the separation of commercial/competitive and centralised elements of the system.'

<https://www.ecosurety.com/centralised-competition-model>

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

Join a compliance scheme?

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

The REA anticipates that the vast majority of obligated producers who are smaller size businesses would join a compliance scheme and that some of the larger businesses would manage their own compliance. There are likely to be many more small size obligated producers than large size ones so it seems likely that most of the obligated producers would join a compliance scheme.

## **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.:**

Transparency is necessary for our awareness of how our exported packaging waste is managed and it would be disappointing if the government did not try to ensure that such packaging waste is managed in environmentally responsible ways.

**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.:**

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

Yes

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

Our answer is the same as Ecosurety's: 'Nothing within proposals outlined stimulate domestic reprocessing over export of waste. We strongly urge the government to implement a stimulus for recycling to occur domestically.'

**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:**

Our answer is the same as Ecosurety's: 'Detail of the proposals for overseas inspections is required before an accurate assessment of the costs/feasibility can be made. We agree that the accreditation fees should better reflect the regulatory effort. However, we also require further information on the magnitude of such fees before assessment can be made.'

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

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

I neither agree nor disagree

**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?:**

This isn't a subject the REA has investigated within the consultation period.

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

I don't know

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

Government has proposed the following: '..accredited reprocessors and exporters should be required to generate evidence for all the packaging waste they process/recycle and that there is a mechanism to ensure they issue evidence into the market within a certain time period. Where they are unable to sell this evidence, they should be declared to the regulator.'

Considering organic recycling of compostable packaging, it would not be cost-effective nor practical do to 'prepared waste' composition analysis on all compostable packaging fed into the biodegradation phase/phases. As written in a previous answer, compostable packaging needs to be biodegraded along with an adequate proportion of other biodegradable waste. As the compostable packaging is expected to adequately biodegrade within the facility's biodegradation treatment timescale, that packaging could be said to have been processed/recycled by the end of such treatment period. Therefore, organics recyclers are not expected to delay issuing their evidence into the market. Declaration to the regulator would seem a harsh step if they were unable to sell their evidence due to an issue which is beyond their control.

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

I don't know



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

Our answer to question 50 includes an example of how often accredited organic recycling reprocessors could be independently audited. Question 73 is about what the required frequency should be for accredited reprocessors to report packaging wastes they handle monthly. For organic recyclers, we'd need to do some research into what frequencies of waste composition analysis would be reasonable for inclusion in calculation of their reports on compostable packaging waste handled. Such facilities collectively represent a wide range of total annual throughputs of biodegradable wastes, so obtaining the evidence required for monthly reporting could be too onerous for small scale accredited organic recycling reprocessors.

**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?**

I don't know

**If yes, please provide details:**

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

I don't know

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

**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?**

I don't know

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

**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.:**

Primarily they want to be able to find out, by looking on the packaging item, which bin they should put it in after use. For other information, on-line and printed formats could provide the additional information they may want, e.g. why recycle my packaging, how and where is it recycled?

In the case of compostable packaging our answer to question 6 tackles the 'which bin?' issue and we have recommend that government works with industry on whether its labelling should include a 'check locally' / 'check local acceptance' instruction. If such an instruction is decided necessary, some consumers may want to know why they need to check local acceptance in their food / food and garden waste / garden waste bin and this could be explained in off-pack information (e.g. local authority websites and the printed guidance they produce for householders).

We wrote about the relevance of assessing and certifying the bio-based content of compostable packaging in our answers to questions 41 and 42. Such information is relevant to stakeholders who choose or influence what materials packaging is made of, e.g. when considering whether to develop or choose compostable or 'dry recyclable' packaging. We suspect that the bio-based content of compostable packaging is/would be of interest to a proportion of consumers but we are aware that many of them are confused about which packaging is recyclable and what symbol means what. We think government should talk with industry about the relevance of bio-based content in the range of consumer-facing packaging and if it is decided relevant, how it should be communicated to them and/or be included in product labelling.

## **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?**

Yes

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

Our answer is the same as Ecosurety's: 'Placed on market data by nation may need to be a separate dataset if a single point of compliance is adopted.'

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

No

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

The consultation document refers here to currently available options for [obligated?] producers of packaging to determine the amount of packaging handled / placed on the market. This question seems to be about placing on the market but not also how the packaging is managed after it becomes waste. With that in mind, we are not aware that there would be problems with production of accurate data about how much compostable packaging is placed on the market.

**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.:**

Our answer is the same as Ecosurety's: 'We believe that packaging data placed on the market is an obtainable fact. Competition between data solution providers, as would be likely under governance model 2, leads to two different obligations on the same packaging material which is an undesirable outcome. Furthermore, there is no requirement to provide packaging information along the supply chain making it difficult in some circumstances for those with the "sell" obligation to obtain accurate information from packaging suppliers. The resultant onsite packaging weighing leads to further disparity between the figures reported via different data providers.'

**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.:**

Our answer is the same as Ecosurety's: 'Part of the additional requirements on compliance schemes, as outlined in our alternative model, should be the auditing of producers and reprocessors/exporters. This approach would maximise the benefit of having compliance schemes and help to reduce the workload for regulators.'

**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?**

Yes

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

Our answer is the same as Ecosurety's: 'The government should consider a limited-period amnesty for free riders to encourage greater registration.'

**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.:**

This isn't a subject the REA has investigated within the consultation period.

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

Yes

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

**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 REA assumes that UK organisations that compost or 'digest then compost' compostable packaging would remain classified as reprocessors, which would be fine.

We also support Ecosurety's answer: 'The risk of fraud is too great to have additional parties issuing evidence.'

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

Yes

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

Our answer is the same as Ecosurety's: 'MRF code of practice should become a statutory minimum standard.'

**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?**

Yes

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

**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?**

No

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

## **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:**

While preparing the REAs's response we have also read and commented on drafts of the BBIA's response to this consultation. Their response includes useful data and information that's relevant to compostable packaging and its potential future role in the revised UKPPRS. Their response code is: ID ANON-N7RC-R7KZ-8

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

**Please answer below:**

No further comments.

## **12. Further comments**

**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:**

No further comments.

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

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

Satisfied

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