

Brighton & Hove City Council Response: Extended Producer Responsibility Consultation

The first five questions were about the respondent / responding organisation.

6. Do you agree or disagree with the proposed framework for setting packaging targets?

- Agree
- Disagree
- Neither agree nor disagree

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

7. Do you agree or disagree that the business packaging waste recycling targets set for 2022 should be rolled over to the calendar year 2023?

- Agree
- Disagree
- Neither agree nor disagree

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

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

- Agree
- Disagree
- Neither agree nor disagree

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

This needs to be considered in relation to the decisions made regarding the DRS scheme. If an 'On the Go' approach is chosen for DRS, the target for EPR will need to be higher (to accommodate the inclusion of multipack and larger size receptacles).

9. Do you agree or disagree with the proposed minimum target to be met by 2030 for glass set out in table 3?

- Agree
- Disagree
- Neither agree nor disagree

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

10. What should the glass re-melt target for 2030 for non-bottle packaging be set at?

Please provide the reason for your response.

72% minimum. The EPR glass re-melt target should align with the target for DRS.

11. Do you agree or disagree with the proposed minimum target to be met by 2030 for plastic set out in table 3?

- Agree
- Disagree
- Neither agree nor disagree

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

The infrastructure will need to be in place for an effective system.

There are concerns about the sorting and end market capacity for films and flexibles in the short and medium term in the UK.

12. Do you think a higher recycling target should be set for wood in 2030 than the minimum rate shown in Table 3?

- Yes
- No
- Unsure

Please provide the reason for your response.

Higher targets will drive the shift from energy recovery to recycling and reuse.

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

- Yes
- No
- Unsure

Please provide the reason for your response.

Yes, if they encourage long term end markets

14. Do you agree or disagree with the proposed minimum target to be met by 2030 for steel set out in table 3?

- Agree
- Disagree
- Neither agree nor disagree

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

Agree the targets on the understanding that Government clearly explains how tonnages will be calculated and how Local Authorities will receive EPR payments on this basis.

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

- Agree
- Disagree
- Neither agree nor disagree

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

16. Do you agree or disagree with the proposal to set recycling targets for fibre-based composites?

- Agree
- Disagree

Neither agree nor disagree

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

17. Do you agree or disagree that there may be a need for 'closed loop' recycling targets for plastics, in addition to the Plastics Packaging Tax?

- Agree
 Disagree
 Neither agree nor disagree

Please provide the reason for your response.

A closed loop ensures the best environmental outcomes and aligns with climate emergency policies.

18. Please indicate other packaging material that may benefit from 'closed loop' targets?

Please answer here

In keeping with Circular Economy principles, sub targets for closed loop recycling could be set for all materials to encourage treatment higher within the waste hierarchy.

19. Which of the definitions listed below most accurately defines reusable packaging that could be applied to possible future reuse/refill targets or obligations in regulations

Further information to help answer this question (and the 4 that follow) can be found in Annex 1 of the consultation document.

- Definition in The Packaging (Essential Requirements) 2015
 Definition in The Packaging and Packaging Waste Directive (PPWD)
 Definition adopted by The UK Plastic Pact/The Ellen MacArthur Foundation
 None of the above

If you selected 'none of the above', please provide the reason for your response, including any suggestions of alternative definitions for us to consider.

20. Do you have any views on any of the listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations? Please provide evidence where possible to support your views.

Please answer here.

21. Do you agree or disagree that the Scheme Administrator should proactively fund the development and commercialisation of reuse systems?

- Agree
 Disagree
 Neither agree nor disagree

Please provide the reason for your response.

Producers should fund the development of reuse systems via the SA to ensure development across the whole of the country

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

- Agree
 Disagree
 Neither agree nor disagree

Please provide the reason for your response.

The modulated fee structure should support the same aims as waste hierarchy and ensure producers use packaging that can be refilled/reused in preference of any single use packaging

EPR funds should also be used to actively communicate the benefits of reusable/refillable packaging to the consumer to drive behaviour change and increase demand.

Producer obligations for full net cost payments and reporting

23. Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme?

- Agree
 Disagree
 Neither agree nor disagree

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

Where available, please share evidence to support your view.

Not sure

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

- Option 2
 Option 3
 Neither
 Don't know

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

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

- Yes
 No
 Unsure

Please provide the reason for your response.

27. Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging?

- Yes
 No
 Unsure

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

The Online Marketplace should be obligated where producers/brand owners are not already obligated.

28. Do you foresee any issues with Online Marketplaces not being obligated for packaging sold through their platforms by UK-based businesses?

- Yes
 No
 Unsure

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

It could create a means of obligation avoidance

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

- Yes
 No
 Unsure

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

The timeline is ambitious as the just appointed SA will need to review and agree in a very short space of time.

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

- Yes
 No
 Unsure

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

31. Do you agree or disagree that the Allocation Method should be removed?

- Agree
 Disagree
 Neither agree nor disagree

Producer responsibility

Producer obligations: disposable cups takeback

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

- Agree
 Disagree
 Neither agree nor disagree

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

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

- Agree
 Disagree
 Neither agree nor disagree

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

Modulated fees, labelling and plastic films recycling

34. Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established?

- Yes
 No
 Unsure

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

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

- Agree
 Disagree
 Neither agree nor disagree

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

A minimum fee level should be set out clearly in regulations. It should be high enough to firmly discourage producers from failing to meet the requirements and ensure local authorities are covered for all costs associated with the collection and processing of materials from non-compliant producers

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

- Agree
- Disagree
- Neither agree nor disagree

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

Option 1 may allow flexibility for the producer. Preference is for Option 2 as it allows a single, agreed, cross product label that will be more recognisable for the consumer and simpler to communicate across all platforms.

37. Do you agree or disagree with the proposal that all producers could be required to use the same 'do not recycle' label?

- Agree
- Disagree
- Neither agree nor disagree

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

All labelling should be standard to avoid confusion.

38. Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements?

- Yes
- No
- Unsure

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

39. Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses?

- Agree
- Disagree
- Neither agree nor disagree

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

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

- Yes
- No
- Unsure

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

It ensures the efficient and effective flow of funds be created by digitally enhancing labelling via eg QR codes, barcodes

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

- Agree
 Disagree
 Neither agree nor disagree

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

End markets for reprocessing will need to be available and it's not yet clear whether this will be possible. Councils should be able to negotiate extensions where it's not possible to introduce collections by the target date.

Brighton & Hove does not currently collect plastic films. Costs and timescale to renegotiate and change our contract to handle this material will be significant and would need to be covered, as will upgrading the MRF technology, purchase of any vehicles and any reconfiguration to our collection operations.

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

- Agree
 Disagree
 Neither agree nor disagree

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

Whilst, the collection of plastic films and flexibles from businesses are feasible, the recycling of the waste will be difficult and costly due treatment arrangements and availability of end markets.

43. Do you agree or disagree that there should be an exemption from the 'do not recycle' label for biodegradable/compostable packaging that is filled and consumed (and collected and taken to composting/anaerobic digestion facilities that accept it), in closed loop situations where reuse or recycling options are unavailable?

- Agree
 Disagree
 Neither agree nor disagree

Please provide the reason for your response.

It should clearly labelled "do not recycle" to prevent it being misidentified by householders and to prevent potentially harmful microplastics in the environment and contamination of recyclable materials.

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

- Yes
 No
 Unsure

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

Payments for managing packaging waste: necessary costs

45. Do you agree or disagree with the proposed definition and scope of necessary costs?

- Agree
 Disagree
 Neither agree nor disagree

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

The list of necessary costs is unclear about some important cost areas, including:

- Contractual costs (e.g. variation or breakage)
- Additional disposal contract costs e.g. related to failure to achieve guaranteed minimum tonnages, changes in calorific value
- Additional procurement costs
- Costs associated with waste composition change
- Transitional costs for changes to services
- Indirect costs related to administration of the scheme

Payments for managing packaging waste from households

46. Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks?

- Agree
 Disagree
 Neither agree nor disagree

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

In principle, we agree that payments should be based on good practice. However, there is insufficient information, regarding what constitutes an efficient and effective system to properly answer this question. The system needs to be reflective of individual authority circumstances and have adequate incentive through funding to improve any inefficient schemes which otherwise may risk remaining. It could lead to a two-tier system where those with efficient systems receive funding to maintain performance but those underperforming are denied the opportunities to improve. Authorities who may be stuck with inefficient systems should still be recognised financially for improvements they make.

47. Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net off an average price per tonne for each material collected?

- Agree
 Disagree
 Neither agree nor disagree

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

The formula should represent the waste disposal contract arrangements at the time the calculation is made. For example, if the council receives no income from a stream or it is accounted for in a variable gate fee, it should not be deducted again. The council must receive full net cost recovery of collection irrespective of the ability to get the highest material values.

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

- Agree
- Disagree
- Neither agree nor disagree

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

This could help achieve objectives, but our input is essential to ensure that incentive adjustments are reasonable and drive performance improvements.

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

- Agree
- Disagree
- Neither agree nor disagree

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

It is good producers and LAs will work more closely. However, further definition of the timescale and support is needed.

50. Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance?

- Agree
- No
- Unsure

Please provide the reason for your response.

A guaranteed minimum proportion will provide some budget certainty, which is valuable. However, there should be incentives through the scheme to maximise quality and quantity of recycling and minimise residual waste.

51. Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks?

- Agree
- Disagree
- Neither agree nor disagree

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

The EPR system is incentive based, so yes however it should not divert funds away from poor performers and encourage improvements.

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

- Agree
 Disagree
 Neither agree nor disagree

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

It is not clear why there would be unallocated (withheld) costs. This needs clarity and further detailed discussion with LAs.

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

- Agree
 Disagree
 Neither agree nor disagree

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

Residual waste composition varies considerably between authorities. This is an opportunity to understand the differences through the funding of regular composition analyses for each authority which must be fully funded under EPR. It should lead to composition analyses becoming more efficient through economies of scale and technological advancement (e.g. AI).

The definition of the 'residual waste stream' should include rejects from MRFs and other sorting facilities.

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

- Agree
 Disagree
 Neither agree nor disagree

Payments for managing packaging waste from businesses

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

- Agree
 Disagree
 Neither agree nor disagree

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

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

- Agree
 Disagree
 Neither agree nor disagree

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

57. Which approach do you believe is most suited to deliver the outcomes being sought below?

- Option 1
 Option 2
 Option 3
 All could work
 Do not know enough to provide a view

58. Do you disagree strongly with any of the options listed in the previous question?

- Yes
 No
 Unsure

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

[Compliance schemes could lead to focusing on costs rather than other outputs](#)

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

- Yes
 No
 Unsure

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

[Payments for managing packaging waste: data and reporting requirements](#)

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

- Agree
 Disagree
 Neither agree nor disagree

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

Agree. Further clarification is needed on definitions of contamination as packaging may be collected in waste streams that include other target items as part of the collection scheme, which should not be classed as packaging contamination.

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

- Agree
- Disagree
- Neither agree nor disagree

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

Sampling should take place as early as possible in the process. The cost of any additional sampling must be wholly borne by the producers.

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

- Agree
- Disagree
- Neither agree nor disagree

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

More composition analysis funded by EPR should take place

63. Do you think the following list of materials and packaging formats should form the basis for a manual sampling protocol?

- Yes
- No
- Unsure

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

64. Do you think it is feasible to implement more rigorous sampling arrangements within 6-12 months of the regulations being in place?

- Yes
- No
- Unsure

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

We would need to better understand the current expectations and changes required with the contractor

65. Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime?

- Yes
- No
- Unsure

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

It would need to be technically feasible and cost effective.

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

- Yes
- Yes, with refinement
- No
- Unsure

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

67. Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility?

- Agree
- Disagree
- Neither agree nor disagree

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

The market should determine if material from a MRF is of sufficient quality.

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

- Agree
- Disagree
- Neither agree nor disagree

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

The quality standards need to be set by the market.

69. Do you think any existing industry grades and standards could be used as minimal output material quality standards?

- Yes
- No
- Unsure

If you answered 'yes' please provide evidence of standards you think would be suitable for use as minimal output material standards.

Payments for managing packaging waste: reporting and payment cycles

70. Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis?

- Agree
- Disagree
- Neither agree nor disagree

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

71. Do you agree or disagree that household and business packaging waste management payments should be based on previous year's data?

- Agree
- Disagree
- Neither agree nor disagree

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

Agree provided the producers take the full financial responsibility for the packaging they place on the market.

Litter payments

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

- Agree
- Disagree
- Neither agree nor disagree

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

This is fair and in-line with the producer pays principle. The producer of frequently littered products will be incentivised to find ways to reduce littering.

73. In addition to local authorities, which of the following duty bodies do you agree should also receive full net cost payments for managing littered packaging? Please select all that apply.

- Other duty bodies
- Litter authorities
- Statutory undertakers
- None of the above
- Any other(s) - please specify

If you selected 'Any other(s)' - please specify here.

Any Other - All organisations that incur costs for managing litter and have been approved by the LA for that area, including the voluntary sector.

74. Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land?

- Agree
 Disagree
 Neither agree nor disagree

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

75. Do you agree or disagree that local authority litter payments should be linked to improved data reporting?

- Agree
 Disagree
 Neither agree nor disagree

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

Good data reporting should form part of an 'optimised system' for litter collection and management.

76. Do you agree or disagree that payments should be linked to standards of local cleanliness over time?

- Agree
 Disagree
 Neither agree nor disagree

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

If the payment is linked to tonnage of litter collected and managed, the onus is on the local authority to collect litter to the extent that it deems sufficient for its residents. LAs should be involved in developing any system to measure this, to ensure it is fair and achievable.

Scheme administration and governance

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

- Agree
 Disagree
 Neither agree nor disagree

78. Overall which governance and administrative option do you prefer?

- Option 1
 Option 2
 Neither Option 1 nor Option 2

Please provide the reason for your response.

A Single SA should ensure transparency and fairness, with unilateral accountability and non-bias towards parties. The introduction of competing compliance schemes could undermine the polluter pays principle by focusing on reducing the costs of compliance.

79. How do you think in-year cost uncertainty to producers could be managed?

- A reserve fund
- In-year adjustment to fees
- Giving individual producers flexibility to choose between options 1) and 2)
- No preference
- Need more information to decide

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

Option 1 - Scheme Administrator delivers all functions.

- Yes
- No
- Unsure

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

Anything shorter would not give enough stability to all parties involved in the scheme, allowing it to develop and grow.

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

Option 2 - Scheme Administrator delivers functions related to household packaging waste and litter.

- Yes
- No
- Unsure

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

This time period is long enough to give stability allowing confidence in the necessary investment and flexibility to adapt with the scheme.

82. Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator?

- Agree
- Disagree
- Neither agree nor disagree

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

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

- Yes
 No
 Unsure

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

This is an ambitious timescale as there is much to do. The timescales needs to consider the introduction of legislation, contract procurement, SA appointment, and having a suitable payment mechanism in place in time, and any delays to these

84. Do you agree or disagree with the approval criteria proposed for compliance schemes?

- Agree
 Disagree
 Neither agree nor disagree

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

85. Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test?

- A Compliance Scheme Code of Practice
 A 'fit and proper person' test for operators of compliance schemes
 Both
 Neither
 Unsure

Please provide the reason for your response.

To give confidence there needs to be a Code of Practice which includes the need for a 'fit and proper person' test to be an operator of a compliance scheme.

86. Do you agree or disagree with the proposed reporting requirements for Option 1?

- Agree
 Disagree
 Neither agree nor disagree

87. Do you agree or disagree with the proposed reporting requirements for Option 2?

- Agree
 Disagree
 Neither agree nor disagree

[Reprocessors and exporters](#)

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

- Agree
 Disagree
 Neither agree nor disagree

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

89. Do you agree or disagree that all reprocessors and exporters should report on the quality and quantity, of packaging waste received?

- Agree
 Disagree
 Neither agree nor disagree

90. What challenges would there be in reporting on the quality and quantity of packaging waste received at the point of reprocessing and/or export?

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

Unsure

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

- Yes
 No
 Unsure

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

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

- Agree
 Disagree
 Neither agree nor disagree

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

Ensuring accurate data for all packaging waste that has genuinely been recycled will give confidence.

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

- Agree

- Disagree
 Neither agree nor disagree

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

Unclear how waste that has yet to be actually recycled could be classified as 'end of waste' prior to export. It could also potentially be open to abuse.

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

- Agree
 Disagree
 Neither agree nor disagree

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

95. Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators?

- Agree
 Disagree
 Neither agree nor disagree

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

This will help to give confidence in the recycling of materials as well as verifying data to be accurate.

Compliance and enforcement

96. Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system?

- Agree
 Disagree
 Neither agree nor disagree

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

The Regulator will need to have sufficient resources and funding to be able to undertake this role effectively.

97. Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present?

Please answer here

98. In principle, what are your views if the regulator fees and charges were used for enforcement?

Enforcement should be covered by these fees

99. Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed below, such as prosecution?

Yes, provided they are proportionate to the level of non-compliance and increased in line with the number of occurrences. It should include prosecutions where multiple non-compliances have occurred or where the level of non-compliance warrants it.

Implementation timeline

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

- Agree
- Disagree
- Neither agree nor disagree

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

This is an ambitious timescale as there is much to do. The timescales need to consider the introduction of legislation, contract procurement, SA appointment, and having a suitable payment mechanism in place in time, and any delays to these.

101. Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical?

- Yes
- No
- Unsure

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

This is an ambitious timescale as there is much to do. The timescales need to consider the introduction of legislation, contract procurement, SA appointment, and having a suitable payment mechanism in place in time, and any delays to these.

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

- Phased approach starting in 2023
- Later implementation
- Unsure

A phased approach could enable unforeseen implementation issues to be resolved and ensure the later implementation is successful. Early funds allow investment in collections and composition analysis too.

103. Of the options presented for reporting of packaging data for 2022 which do you prefer?

- Option 1
- Option 2
- Neither

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

104. Are there other datasets required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023?

- Yes
- No
- Unsure

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