



Advisory Committee on Packaging

23rd April 2018

Dear Secretary of State,

Reform to regulations relating to packaging

In the last six weeks WRAP, INCPEN (Industry Council for Packaging and the Environment) and Defra's Advisory Committee on Packaging (ACP) have consulted with a wide range of stakeholders to discuss how packaging regulatory reform could help to reduce the environmental damage caused by the way we use and dispose of packaging, especially plastic packaging. We held six workshops, each with a particular sector, and then brought everyone together to share our findings at a summit on packaging producer responsibility last week.

We are scheduled to meet with you at 1715 tomorrow (24th April) to discuss our recommendations for how you could reform the UK's regulations relating to packaging. In advance of that meeting, we have outlined our key recommendations below and given more detail in Annex 1. These broadly represent the desire of the whole packaging value chain. In total, we consulted with over 160 organisations and a list is included in Annex 2. A full set of notes from the workshops will be provided to Defra officials.

Everyone involved in the packaging value chain – from producers to local authorities and recyclers - has been keen to input. Businesses have been clear that they are willing to pay more into a packaging producer responsibility system to ensure that it is adequately funded and works effectively. This was on the proviso that money raised by the system is used to solve problems within it. It was also on the proviso that we must recognise the vital role that packaging plays in protecting and preserving the product it contains, particularly with regard to food. While the discussions centred on reform to packaging producer responsibility regulations, it was clear that wider policy measures will be needed which should be considered at the same time as comprehensive package.

All those we spoke to agreed that producers should be strongly encouraged to design packaging to be more recyclable. This will require agreement on what 'good' looks like through an Approved List defining what is and what is not deemed to be recyclable. This is important as some materials may be theoretically recyclable but not practically or economically so. We recommend that modulated fees, linked to the Approved List, that are high enough to drive change are used to penalise non-recyclability.

This will also allow packaging to be clearly and consistently labelled for consumers as recyclable or not recyclable. We know that people are confused by the current myriad of recycling systems; consistent collections and clear labelling will make it much easier for them to do the right thing. We need to make it easier for people whether at home, at work or on-the-go to recycle a core set of materials and be confident that the materials they recycle will not be burned, buried or end up in the oceans.

We recommend that local authorities are required to collect a core set of materials for recycling from householders. For plastic packaging this will need to include bottles, pots, tubs, trays and film. Funding for this could be provided (from extended producer responsibility) for local authorities that meet a minimum service standard (taking into account rurality and demographics). In the shorter-term, this could be moved

forward by asking the Environment Agency to ensure that local authorities and business waste providers comply with existing regulations on separate collections.

People will still need motivating to use their recycling services and consistent, proven communications can help to make recycling the norm. It was widely agreed that extended producer responsibility must also cover the cost of local and national communications. However, there is scope to use the current packaging regulations to require better consumer information now. The current Consumer Information Obligation requires producers to provide information on how to dispose of packaging. Under your current powers, you could amend this obligation to require producers to do more to encourage consumers to recycle. Local authorities we spoke to were also keen, as a back-stop measure, to be able to require their residents to recycle effectively (if all other measures fail to nudge the behaviour change needed). You could grant this by amending section 46 of the Environment Protection Act.

The potential for contamination in exported materials, especially plastics, to damage the environment and pollute the oceans was a particular concern. There was widespread agreement that more rigorous control is needed of materials that are exported. This would require stronger compliance monitoring and enforcement by the Environment Agency. The cost of this could be met by higher accreditation fees for recyclers and exporters. This would require HM Treasury to allow the Environment Agency to use compliance fees to fund enforcement activity.

Much of WRAP's work to increase recycling has been about creating markets for secondary materials. Markets are critical for the system to work effectively and to ensure that collected materials are recycled. Creating demand for recycled plastics could be driven quickly through public procurement – setting recycled content requirements for purchased goods. The Government could also consider other complementary fiscal measures such as virgin material taxes or tax relief on recycled plastics. The role of business is very important here too and initiatives like the UK Plastics Pact will help to drive markets through commitments to higher recycled content in plastic packaging.

Finally, to make all this work, we recommend establishing an independent arbiter, whose role would include developing and maintaining the Approved List of recyclable materials as well as agreeing how to distribute the funds that are raised.

We look forward to discussing all this with you on 24th April.

Kind regards,



Marcus Gover, CEO WRAP



Paul Vanston, CEO INCPEN



Phil Conran, Chair ACP

Annex 1 - Findings and Industry Recommendations on Reform to Regulations Relating to Packaging

Workshops were held for each of the following key groups: brands and retailers, local authorities, waste management companies, reprocessors, compliance schemes and SMEs. A final summit meeting was also held involving all those invited to the workshops, plus NGOs, devolved administrations and other government departments to present findings and seek consensus. The discussions centred on potential reform to producer responsibility although it quickly became clear that in order to help people do the right thing, wider policy needed to be considered as well as action taken by business to help deliver more rapidly. The following recommendations have come out of this consultation exercise and represent the key measures that industry believes should be taken forward for further consideration.

Underpinning principles

It was universally agreed that there is a need for radical change to the existing producer responsibility regime. This change needs to be cohesive with other policy instruments and consistent across the UK with greater transparency and accountability. It needs more effective compliance monitoring and enforcement with money raised by the system to be used for the system. The most important thing that came across is an overwhelming support to make it easier for people to do the right thing. Throughout the workshops there was support for an independent body that had an overarching remit across the five themes below. The role of the independent body would be to consult and then signal to the market what constitutes responsible packaging design and ensure that funds raised through the system are spent in the system in the most optimal way possible – making it easier for people to do the right thing.

Better packaging design

- As overall resource efficiency is challenging to adequately capture and incentivise there was agreement that recyclability is the right parameter to promote in packaging design.
- There was clear support for rewarding recyclability and penalising non-recyclability through modulated fees. These fees could, for example be directed at certain non-recyclable materials to encourage businesses to do the right thing.
- Brands and retailers told us that they require guidance on the best packaging choices to ensure that what they put on the market can be recycled when it reaches end-of-life.
- Our recommendation is that the supply chain should be encouraged to use an 'Approved List' of packaging. This would need to be developed by an independent organisation based on evidence and ensuring that there were no unintended consequences for other actors in the supply chain.
- For plastics, recycling data will need to be collected by polymer to support the use of modulated fees.
- We recommend stronger enforcement of Essential Requirements regulations.
- Wholesalers and on-line sellers are often not being captured under the system and a quick win may be to tighten the regulations around this.
- Higher re-melt targets for glass is potentially a quick win.
- Together these measures should drive packaging innovation here in the UK and more widely.

Making it easier for people, whether at home, at work and on-the-go

- Industry supports a mandatory national labelling scheme of packaging stating what is and is not recyclable (against an 'Approved List' as designated by an independent organisation).
- Producers could be required to fund national communications campaigns including behavioural change for on-the-go recycling and for local authorities to invest in improved local communications. This could be through extended producer responsibility, but in the short-term by reviewing requirements of Consumer Information Obligation under existing regulations.
- The role of education is also important. We believe there is more that can be done to educate the younger generation, in schools and elsewhere to create a generational change in behaviour so essential for long term sustainability.

Higher quality, consistent collections:

- There was support for collections of recovered materials to be at a consistently high standard.
- Consistency of material collection at the household, commercial and on-the-go need to be considered while taking into account differing levels of cost and performance associated with rurality and demographics.
- Our recommendation is that local authorities should be required to meet a minimum, consistent collection service - the cost of which should be funded by producers in accordance with extended producer responsibility.
- Materials consistency, combined with incentives to improve will result in significant economies of scale ensuring that collections are as cost efficient as possible. Potential measures outside of the producer responsibility system include requiring all business to present (separate) their waste for recycling.

High quality feedstock for reprocessing:

- There was considerable support from industry to ensure that the recovered materials that we export (in particular plastics) are of a high standard and do not pollute the oceans.
- Our main recommendation is that there should be tighter compliance monitoring and enforcement of existing export regulation, with the costs covered through accreditation charges. Allowing the Environment Agency (EA) to use funds raised from compliance for enforcement, giving greater direction on how civil sanctions can be used and strengthening waste export tracking are potential short-term measures.
- We propose a split target for plastics recycling – UK vs export (aiming for a higher proportion of recycling taking place in the UK).
- To support higher recycling we would like to see all reprocessors to be accredited (this could be achieved in part by utilising the existing waste permitting system).
- Together these measures may help to level the playing field between UK and overseas reprocessors and will also help drive more investment into UK recycling capacity. But ensuring a consistent, reliable supply of high quality materials can only go so far in encouraging manufacturers to use it.

Markets with strong demand for recycled content

- Industry told us that more needs to be done to help on the demand side, ‘pulling’ recovered materials into use in packaging and other products. Recycled content was felt to be an important area for plastic given that packaging is its largest market.
- It was agreed that it is very difficult to measure and incorporate recycled content under the current packaging regulations.
- There may be a case for fiscal disincentives for virgin materials that would help stimulate demand for recovered materials.
- We believe that there is more that Government can do to help develop markets for more recovered materials and show leadership. Our recommendation is that the UK Government increases its green procurement, specifying recycled content in the products it uses.

Annex 2 - List of organisations engaged in the process by WRAP, INCPEN and ACP

Ace UK	British Soft Drinks	Department for Business Energy and Industrial Strategy	FCC Environment	Local Authority Recycling Advisory Committee (LARAC)
ALDI	British Toy and Hobby Association	Department for Communities & Local Government	Food and Drink Federation	Local Government Association
Amaray	Britvic	Department for Environment, Food and Rural Affairs, Northern Ireland	Foodservice Packaging Federation	London Borough of Newham
arc21	Bucks County Council	Department of Agriculture Environment and Rural Affairs	Glass Recycle	London Waste and Recycling Board
Ardagh Packaging	Bunzl	Dixons	Greater Manchester Waste Disposal Authority	LRS Suntory (Lucozade Ribena)
Asda	Campaign to Protect Rural England	Dover District Council	Green Alliance	Marks and Spencer
Association of British Pharmaceutical Industry	Chase-Plastics	DS Smith	Greenpeace	McDonalds
Association of Convenience Stores	Choice Packaging Solutions Limited	Eco Veritas	Hampshire County Council	Metal Packaging Manufacturers Association
Ball Beverage Packaging	CIWM	Ecosurety	Highland Spring	MKD32 Ltd
Beer & Pub	Clean Tech	Ella's Kitchen	HM Treasury	Müller UK & Ireland
Biffa	Coca Cola European Partners	Environment Agency	Huhtamaki	National Association of Cider Makers
Biffa Polymers	Comply Direct	Environmental Services Association	Iceland	National Association of Waste Disposal Officers
Biffpack	Comply with Clarity	ERP Recycling	Innocent	Natural Resources Wales
BPIF Cartons	Complypak	Eunomia	Jayplas	Nestle
British Drinks Association	Confederation of Paper Industries	Euro Key Recycling	Keep Britain Tidy	
British Frozen Food Federation	Co-op	Europen	Keep Scotland Beautiful	
British Glass	CRN UK	Faerch Plast UK Ltd	Kent Resource Partnership	
British Hospitality Association	Crown Group		Kite Environmental Solutions	
British Plastics Federation	Cycle Link		LEDNet	
British Retail Consortium	Danish Crown		Lidl	
	Danone		Linpac	

Next	Recycling Association	Tech UK
Nipak Ltd		Tesco
North London Waste Authority	Recycling Technologies	TetraPak
Northern Ireland Environment Agency	Red Bull	The Environment Exchange
Novelis	Regen Waste	The RSA
O I	REPIC	Unilever
Ocado	Resource Association	UPM
On Pack Recycling Labelling (OPRL)	Resource London	URM Group
Packaging Federation	Richmond and Wandsworth Councils	Valpak
Packcare	RPC	Vanden Recycling
PAGB medicines	Sabic	Veolia
Palm	Sainsburys	Viridor
Paperpak	Scottish Environment Protection Agency	Waitrose
Pennine-Pack		Warburtons
Philip Tyler Polymers	Scottish Government	Wastepack
Plastipak	Seafish	Welsh Government
Premier Foods	Shanks (Renewi)	West Sussex County Council
Pret a Manger	Smart Comply (EA)	Wilko
Procter & Gamble	Starbucks	Wood Panel Industries Federation
Properpak	Suez	Wood Recyclers Association
Provision Trade Association	Surfers Against Sewerage	Yorwaste
Recap (Cambs)	Surrey Waste Partnership	Yum
Recoup	Synergy Compliance	Zero Waste Scotland
Recycle-Pak	Tata Steel	