



Department
for Environment
Food & Rural Affairs

Business Readiness Forum

Resources & Waste

5 September 2023

Housekeeping

- MS Webinar for this forum
- There is no question function for this BRF presentation but you are able to use the 'raise hand function' when prompted

Agenda

| | | |
|---------------|-------------------------------------|--|
| 10:00 – 10:05 | Welcome and updates | Kayti Boorman, Stakeholder Engagement, Resources & Waste |
| 10:05 – 10:10 | Regulatory Position Statement (RPS) | Chris Grove, Environment Agency |
| 10:10 – 10:25 | Reporting Packaging Data (RPD) | Peter Collins, Digital Team, Resources & Waste |
| 10:25 – 10:35 | Franchise Guidance | Jonathan Coldicott, Environment Agency |
| 10:35 - 10:40 | Statutory Instrument (SI) | Update given by host |
| 10:40 – 10:55 | Single Use Plastic (SUP) | Maria Alemao, Plastics and International Policy |
| 10:55 – 11:05 | Scheme Administrator (SA) | Georgia Ricketts and Jono Glassey, Participatory Design for Delivery |

Agenda

| | | |
|---------------|---|--|
| 11:05 – 11:20 | Extended Producer Responsibility Engagement | Barbara Leach, Fees and Payments Calculator Lead |
| 11:20 – 11:30 | Round-Up, Next Meeting, Close | Kayti Boorman, Stakeholder Engagement, Resources & Waste |

Regulatory Position Statement

Chris Grove
Environment Agency

Regulatory Position Statements (RPS)

The Environment Agency (Regulator in England) and the Scottish Environment Protection Agency (Regulator in Scotland) have now issued Regulatory Position Statement's (RPS) which confirms no legal enforcements will be taken as long as data, as per the regulations, is submitted by 31 May 2024 for businesses registered in England and Scotland.

Reporting Data

- Notwithstanding the publication of the RPS's for businesses registered in [England and Scotland](#), we encourage obligated producers to use all reasonable endeavours to report packaging data by the current reporting dates of 1 October 2023 and 1 April 2024 wherever possible.
- This packaging data is vital to our work and will be used to improve the modelling of illustrative base fees, which we know obligated producers need in order to plan effectively for their businesses. Without this reported packaging data, we cannot provide producers with the indicative costs they urgently require.
- The more data we have to work with the more accurate the illustrative base fees will be. We will share these first estimates by the end of 2023/early 2024.

Questions



Reporting Packaging Data

Peter Collins

Head of Digital

Resources & Waste

Department for Environment, Food and Rural Affairs

Reporting Packaging Data

- Large producers who are obligated under the new Extended Producer Responsibility (EPR) regulations to report their packaging data to the appropriate regulator in England, Northern Ireland, Scotland and Wales will need to create an account on the new Report Packaging Data (RPD) online service via gov.uk and enrol as a producer.
 - You can check to see if you need to report packaging data by checking the guidance on gov.uk.
 - Obligated large producers will need to report two sets of data for 2023 – from January to June, and July to December. If you don't have all the data from January to June, you can report data from March to June instead.
 - In 2023, obligated producers in Wales do not have to report data from January to June, but producers can choose to report that data if they wish.
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Reporting Packaging Data

- As well as detailed guidance, we've released some short videos on our DEFRA YouTube channel to help producers through the account creation and enrolment process.
 - Further videos to support producers making their own data submission will be made available from 13th September 2023.
 - There is also a helpdesk dedicated to RPD:
 - Email: EPRCustomerService@defra.gov.uk or Telephone: 0300 060 0002
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Questions



Franchise Guidance

Jonathan Coldicott
Principal Technical Officer
Environment Agency

Licensors – licensed packaging

Schedule 2, paragraph 5

Only the following packaging or packaging materials are to be taken into account—

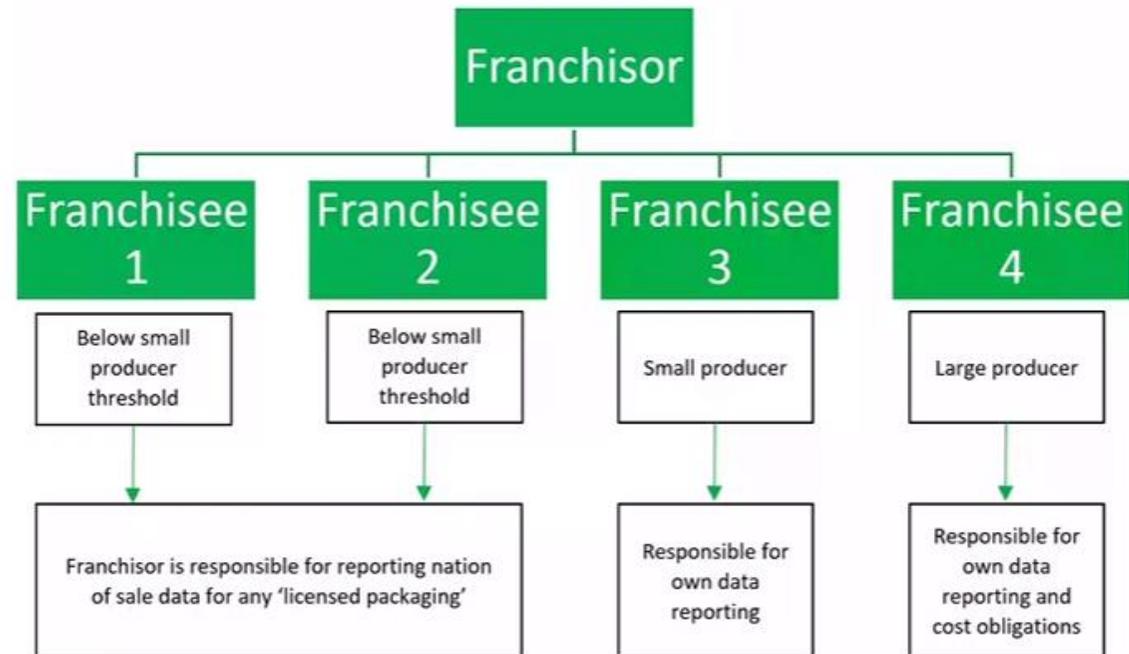
- a) packaging or packaging materials that bear a trade mark of the head organisation
- b) packaging associated with goods that bear a trade mark of the head organisation;
and
- c) where the member is obliged to—
 - i. purchase goods in packaging;
 - ii. purchase goods and associated packaging or packaging materials
 - iii. purchase packaging or packaging materials;

From the head organisation or, where the head organisation has negotiated some or all of the terms of the supply, a supplier nominated or authorised by the head organisation under the licence agreement, such packaging or packaging materials.

Licensors

- The licensor rules under EPR work differently to the 2007 regulations
- 2007 regulations
 - Licensor reports all 'licensed' packaging handled by licensees that are below the producer threshold
 - Licensor picks up the recycling obligation on licensed packaging handled by licensees below the producer threshold
- Extended Producer responsibility
 - Licensor reports 'licensed' packaging handled by licensees that are below the small producer threshold (25–50 tonnes of packaging & +£1 million turnover)

Licensors



Questions



Statutory Instrument (SI)

Update by host

EPR Statutory Instrument (SI) Consultation

| | |
|--------------------------------------|---|
| W/C 11th September | Wednesday 13th – Producer fees Thursday 14th – Labelling provisions |
| W/C 18th September | Tuesday 19th – Disposal costs and Local Authority payments Thursday 21st – Reprocessor and exporter requirements |
| TBC | Cup takeback scheme engagement |
| 9th of October | Consultation closes |

Single Use Plastics (SUP) - England

Maria Alemao / Mark Wilkes

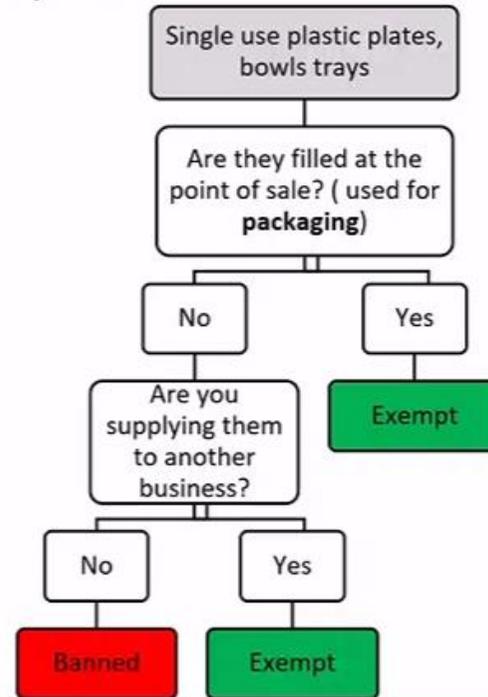
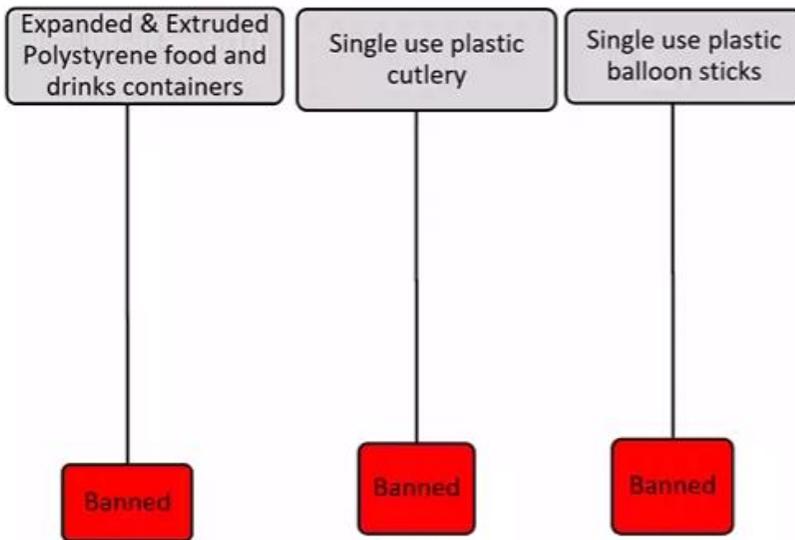
Plastics & International Policy

Resources & Waste

Department for Environment, Food and Rural Affairs

Single Use Plastics (SUP)

Are you ready? From 1 October 2023, it will be an offence to supply or sell the following items in England. [Guidance](#) for businesses has been published:



Single Use Plastics (SUP)

Plates, trays, and bowls used as packaging

The ban on the supply of single-use plastic plates, trays, and bowls will not apply to plates, trays, and bowls, that are used as packaging.

What counts as packaging?

This is a plate, bowl, or tray sold filled or filled at the point of sale.



Illustrative examples include:

- A plate, bowl, or tray pre-filled with food before sale, e.g., a pre-filled salad bowl
- A plate, bowl, or tray filled with food at the point of sale, e.g., at the counter of a takeaway
- A plate, bowl, or tray containing food covered with clingfilm prior to sale
- A selection of sandwiches on a tray, regardless of whether or not the tray is covered
- A plate, bowl, or tray used at a self-serve salad bar
- A plate, bowl, or tray used for delivery of food to a house

Single Use Plastics (SUP)

Context of other single-use plastic policies

Subject to existing restrictions:

- Single use plastic straws
- Single use plastic drink stirrers
- Plastic stemmed cotton buds
- Microbeads in rinse-off personal care products
- *We also continue to have a 10 pence charge for single-use plastic carrier bags.*

Single Use Plastics (SUP)

Definitions

Plastic definition

- Plastic is defined as a material consisting of a polymer to which additives and substances have been added and which can function as the main structural component of final products, with the exception of natural polymers that have not been chemically modified.
- This includes bio-based plastic, biodegradable plastic, compostable plastic, and recycled plastic. This is consistent with current single-use plastic regulations.
- With reference to the definition of plastic above, this includes items with a plastic lining.

Single-use

- Single-use means the item is not designed or intended to be reused.

Enforcement

Non-statutory options – e.g., warnings or advice. We're encouraging the use of non-statutory options where appropriate initially, especially in the first 6 months when some businesses may be familiarising themselves with the new requirements.

Enforcement powers come from the Regulatory Enforcement and Sanctions Act 2008. Sanctions include compliance notice, fixed monetary penalty, stop notice, enforcement notice.

Previous SUP legislation (straws, stirrers, and cotton buds + microbeads) has been updated to provide for fixed monetary penalties.

Applying the United Kingdom Internal Market Act



Only applies to trays and bowls.*

If trays and bowls can be sold legally in the part of the UK they are produced in or imported into (i.e. Wales, Scotland, or Northern Ireland), they can be legally sold in England.

*Because of the United Kingdom Internal Market Act 2020 (Exclusions from Market Access Principles: Single-Use Plastics) Regulations 2022.

Commonly asked questions

After 1 October 2023, can I continue to sell existing stock purchased before 1 October?

No.

Can I continue to sell this cup made from a different type of plastic to expanded and extruded polystyrene, e.g., a polypropylene cup?

Yes. Only expanded and foamed extruded polystyrene cups are banned.

Can I continue to sell reusable plastic items, e.g., reusable plastic cutlery?

Yes

Questions



Scheme Administrator Design Sprint

Jono Glassey

Participatory Design for Delivery

Resources & Waste

Department for Environment, Food and Rural Affairs

Scheme Administrator Design Sprint

- We have committed to introducing more participatory engagement on aspects of scheme design and delivery with members of the value chain. The initial focus is on SA design however there will be future sprints on other topics and we will extend out for volunteers who may be keen to get involved as we work through different areas of the programme through this PDD-approach
- The purpose of this Sprint is to draw from producers and wider value chain expertise to explore how external actors could be more involved in and/or own delivery of Scheme Administrator functions, for both the start of pEPR delivery and in the longer term.
- The Sprint will use a combination of higher-level sessions with Producer representatives and detailed workshops with technical experts as volunteered from across the value chain to explore what external ownership and delivery of SA functions could look like in practice.
- Over this five-week sprint, we intend to arrive at a recommended outline for enabling a more producer-involved Scheme Administrator from the start of the scheme, a defined proposal for a longer-term target-model cognisant of legal, commercial and classification considerations, and an outline for this transition.

Scheme Administrator Design Sprint

- The recommendations and outcomes from this Sprint directly contribute to the finalisation of the SI drafting and commercial processes for establishing the SA. As such, these Sprints are being carried out to a very limited timeline.
- Due to the very limited time and the technical level of detail that workshops will cover, we have had to keep the number of attendees limited while also making efforts to ensure sector and value-chain representation and input.

Producer Representatives

Role: provide the perspective of Obligated Producers in terms of what ownership and involvement in the Scheme Administrator means, SA functions of interest, and supporting the development of the end target model.

Size: 8-12 Members

Who: Members representing a range of producer sectors – both specific businesses and through trade associations.

Value Chain Technical Experts

Role: provide the detailed expertise and understanding to work through options and solutions for what ownership and delivery of functions and SA activity looks like in practice.

Size: 12-20 Members

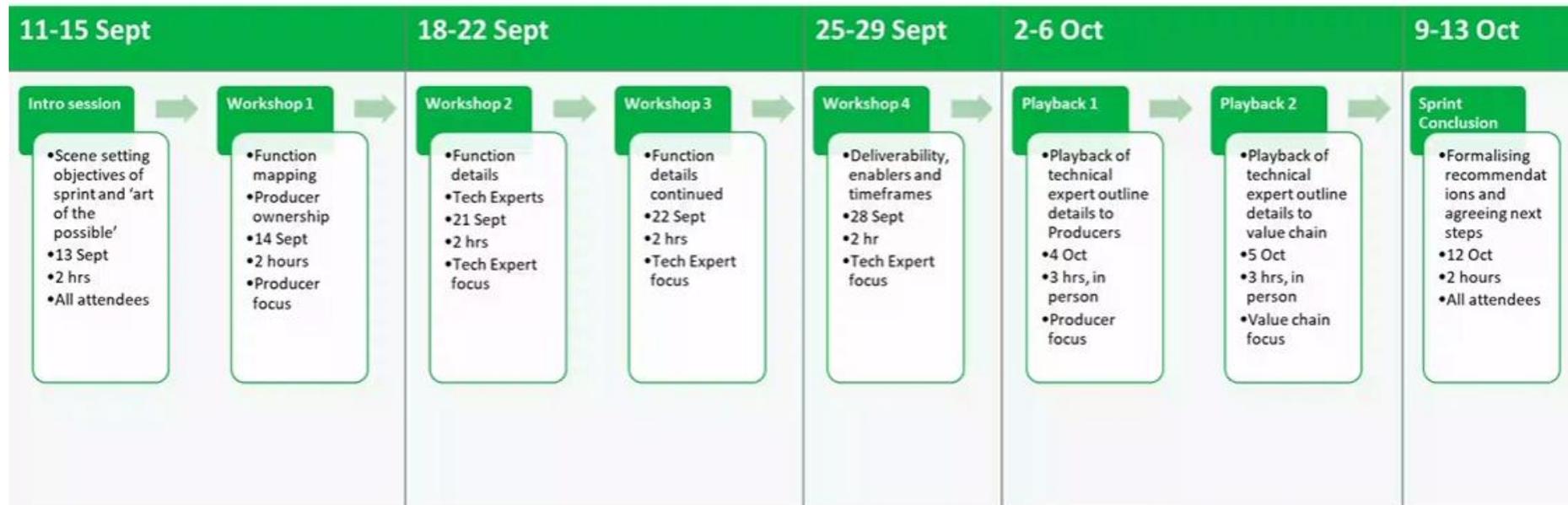
Who: People with technical expertise in setting up similar schemes internationally, or similar functions within organisations, as well as experts from across the value chain who can provide sector expertise and specifically in a UK context.

Value chain involvement:

- While this Sprint is producer focussed, we will involve the wider value chain through the technical experts and a specific session focussed on getting the wider value chain feedback on the Sprint work
- Updates for all interested parties will be provided at the BRF and LARF, and through the CPR fortnightly newsletter

Scheme Administrator Design Sprint

- The recommendations and outcomes from this Sprint directly contribute to the finalisation of the SI drafting and commercial processes for establishing the SA.
- As such, these Sprints are being carried out to a very limited timeline and are scheduled to run over 5 weeks



Note: Dates are indicative only and subject to change

Questions



Shadow Scheme Administrator

Georgia Ricketts

Head of EPR policy and SA Establishment

Resources & Waste

Department for Environment, Food and Rural Affairs

Shadow Scheme Administrator



Scheme Administrator Steering Group

Proposal: Appointment Process for Producer Representation



Timeline



Questions



Extended Producer Responsibility (EPR) Engagement

Barbara Leach

Fees and Payments Calculator Lead
Resources & Waste

Opportunities for participatory design on modulated fees:

Obligated Producer Focus All subject to confirmation

| Designing the vision for fee modulation | Designing specific aspects of fee modulation | Designing an approach for 'difficult' materials | Discussing drivers of producer choices | Reviewing and commenting on proposals |
|---|--|--|---|--|
| Whole value chain workshop with breakouts to flesh out short, medium and longer term vision across the whole value supply chain | London Packaging Week Presentation, exhibition stand and drop-in clinic for producers on modulated fees detail | Online roundtable + surgery for producers with non-substitutable packaging | Webinar presentation on Kantar's research with breakouts for discussion | Online survey for the whole value chain to feedback on proposals for modulating fees in the early years of packaging EPR |
| Whole value chain | Producers Compliance schemes | Producers Compliance schemes | Producers | Producers Compliance schemes |
| Likely central London/ Excel Centre | ExCel London | Online | Online | Online |
| Max 200; open registration with a quota of places for producers | Open to all exhibition attendees | By application (details of the process by end September) | Open to all via online registration | Open to all |
| w/c 2 October TBC | 21 & 22 September | w/c 6 November | Early to mid November | Mid November – early December |

Opportunities for participatory design on modulated fees: Sessions aimed at other groups All subject to confirmation

| Designing specific aspects of fee modulation | | | | Reviewing and commenting on proposals |
|---|---|---|---|--|
| LARAC Conference Session on why modulation matters, taking views on which packaging ought to be disincentivised | Virtual session with local government network groups with a waste/recycling focus, explaining modulation and taking views | Workshop with parallel sessions and breakouts to draw out other stakeholder views on using modulation to achieve desirable outcomes | One-to-one interviews with material organisations to draw out their views and concerns about modulation | Online survey for the whole value chain to feedback on proposals |
| LAs and waste/recycling industry | LA Network Bodies | Green groups, consultants, academia | Material organisations | Whole value chain |
| Birmingham NEC LARAC Conference | Virtual | Likely central London | Teams meetings | Online |
| Open to all LARAC conference attendees | By invitation | Max 100; open to all via registration | By invitation | Open to all |
| Thursday 11 October 16.30 – 17.30 | w/c 16 October TBC | w/c 16 October | Mid to end of October | Mid November – early December |

Questions



Next Meetings

Future Business Readiness Forums

- 3 October, 10am – 11:30am
- 7 November, 10am – 11:30am
- 5 December, 10am – 11:30am

Future events

Come and see us at Stand A80, London Packaging Week – ExCel
London, 21st & 22nd September 2023

www.londonpackagingweek.com

Thank you