

Advisory Committee on Packaging (ACP) – Minutes

Advisory Committee on Packaging Meeting	<i>1st August 2023, 1pm</i>
TATA Steel UK Ltd, Port Talbot, Wales and online	
<i>Attendees</i>	<i>Apologies for absences</i>
<p><u>Members:</u> Deep Sagar – Chair Graham Fox – Filler/Manufacturer Adrian Hawkes – Compliance Schemes Mike Baxter – Plastic Robert Fell – Aluminium Joseph Doherty – Waste Management Emma Beal – Local Authorities (England) Nicola Jones – Steel Andy Barnetson- Paper Matthew Demmon - Glass Stuart Hayward-Higham – Waste Management Karen Graley – Retailer Robbie Staniforth – Compliance schemes</p> <p><u>Officials:</u> Chris Preston – Defra Linda Crichton – Defra Vicky Burt – Defra (Secretariat) Andy Rees – WG Keith James – WRAP Bernard Gaffney – SEPA Ian Smirthwaite – EA Alex Hamilton – Welsh government (WG) Diane Carlisle – NIEA John Davies – NRW Christopher Eadie - NIEA Chris Grove – EA</p>	<p>John Dye – Wood James Bull – Retailer Tim Walker – Local Authorities (NI) Sokhna Gueye – Filler/Manufacturer Charmaine Beer – NI Department of Agriculture Environment and Rural Affairs (DAERA) Amy Scott – DAERA Ian Atkinson – Defra Pete Spink – EA Emma Bourne – Defra Mark Cherry - DAERA</p> <p>Louise Clark – WG Charles Holmes – SG Helen Little – Defra Howard Davies - WG Nat Chalamanda – SEPA Ruth Southern – WG Andrew Thomson – EA Janice Harris – DAERA</p>

Items	Agenda Item	Actions arising
1.	<p>Welcome, introductions, minutes of May 2023 meeting</p> <p>Chair thanked NJ for hosting and for an interesting site visit and thanked those who were able to attend in person in particular Andy Rees.</p>	

	<p>Welcome to Ian Smirthwaite (EA), who has taken over from Lyn Mclean.</p> <p>Apologies were recorded.</p> <p>Minutes of the last meeting were approved, to be added to EA website.</p>	
2.	<p>Chair's report</p> <p>The Chair's written report was noted and accepted, with no comments.</p>	
3	<p>Working groups' reports:</p> <p>(i) Future of ACP DS provided update. –.</p> <p>(ii) LC circulated draft paper within Defra for comment and agreed to follow up with SG regarding their engagement in this process.</p> <p>(iii) EPR Transition To take up later in the meeting.</p> <p>(vi) Reuse/refill KG provided update – engagement with Policy Connect, completed enquiry, workgroup to review outcome and draft recommendations at end of July. Would like to present findings to ACP. Also to follow up on reuse at WLWA as discussed by EB at our last meeting. Sarah Cunningham now the lead on reuse and refill within Defra. Proposal from WRAP received. Interest in glass reuse within packaging chain now, push from producers to give more consideration to WRAPs deposit return scheme for reuse for glass.</p> <p>v) Chemical recycling of plastic Consultation has been issued by HMRC on mass balance approach. MB volunteered to chair a group to prepare the ACP response; accepted by committee– discussion followed on the importance of the industry being aligned; considerations in relation to conversion for use a fuel and the links to the packaging regime and accreditation of facilities to issue PRNs. CG – requested for regulators to be involved.</p>	<p>KG to circulate dates for separate meeting and visit to WLWA facility</p>
4.	<p>Welsh Government Presentation</p> <p>The Welsh Government's short and medium-term priorities on packaging, circular economy, waste and recycling.</p> <p>Call for comments from members on proposals contained in presentation on non-domestic/business' recycling statutory instrument.</p>	

	<p>Discussion and questions followed around DRS.</p> <p>AR circulated presentation following meeting.</p>	
<p>5.</p>	<p>2023 Compliance - recycling obligations and Regulators' updates</p> <p>EA IS gave update.</p> <p>Producers:</p> <ul style="list-style-type: none"> • Contacted all compliance schemes to get updates regarding 589 drop offs - schemes have provided assurances that 158 producers were ready to be registered shortly. • Contacted the remaining 431 producers during June and 152 have re-registered. • Total outstanding obligation has dropped from 656,215t in May, to 391,405t in July. As of July, there remain 482 drop offs. The remaining drop offs will be contacted during August, and resources will focus on the largest producers who have yet to register. <p>Reprocessors and exporters:</p> <ul style="list-style-type: none"> • As of July - 452 accredited. This is an increase of 22 from the total in 2022. • In Q2 there were 4 cancellations (3 reprocessors and 1 exporter). • There were no suspensions in Q2 • Due to non-compliance issues, decision to no longer accredit reprocessors and exporters who are not operational to ensure the stability of the packaging regime. EA to communicate position to all reprocessors and exporters in its 2024 application for accreditation email reminder. <p>Enforcement (Q2 2023):</p> <ul style="list-style-type: none"> • Number of Enforcement Undertakings offers accepted – 9 • Number of completion certificates issued (cases closed) – 2 • Total financial contributions raised for environmental projects/charities - £14,900 <p>Discussion around whether regulators need more powers, balanced against the extra resources needed. Regulators happy as part of consultation to look at operability to feed back to Defra to make more operable and achieve higher level of compliance.</p> <p>NRW JD gave update - no significant issues or changes across producers and reprocessor/exporters in Wales.</p> <p>Two key updates/ongoing actions:</p> <ul style="list-style-type: none"> • Progressing with last 2 producer drop-offs for 2023 – both direct registrants. • Enforcement Undertakings in progress for 4 packaging producers that failed to meet 2022 obligations. <p>SEPA BG gave update:</p> <p>Producers:</p> <ul style="list-style-type: none"> • Total of Direct Registrants is 64 (compared with 60 as reported at May number ACP). 	<p>IS to forward breakdown of figures to DS to circulate</p>

	<ul style="list-style-type: none"> • Total number of compliance scheme members is 938 (compared with 912 as reported at May ACP). • Drop-offs – the number of ‘code K’ scheme leavers (i.e. producers not ready to register by 7th April) is 13 (it was 20 at the time of the May ACP); liaising with schemes to follow up remaining drop-offs. <p>Enforcement:</p> <ul style="list-style-type: none"> • Continuing to progress 3 investigations for producers who failed to comply for 2022 and dealing with 2 Enforcement Undertakings (unrelated to the 2022 investigations). <p>Reprocessor/Exporter Accreditations:</p> <ul style="list-style-type: none"> • 37 accreditations (12 exporter, 25 reprocessor) have been approved for 2023; this is an increase of 6 since the Feb ACP meeting (the total then was 31) • 1 application (exporter) submitted and being assessed. • As a comparison, the total number of accreditations (Rep/Exp) for 2022 was 37. <p>NIEA DC gave update:</p> <p>Producers:</p> <ul style="list-style-type: none"> • 14 drop-offs for 2023, all scheme members and are being followed up • 10 enforcement cases ongoing for non-compliances in 2022 <p>Accredited exporters:</p> <ul style="list-style-type: none"> • 2 plastics exporters were suspended in June and investigations are ongoing <p>The NIEA Packaging Compliance Monitoring Plan for 23/24 was published on the DAERA website in Q2. NIEA expects to lose at least 100 producers as the separate registration under the 2007 NI regs are not required under the new pEPR regulations.</p> <p>WRAP KJ gave update. Last week Defra published report on agricultural plastics which looked at policy options for recycling and design for an EPR scheme. WRAP to publish a report on plastic contamination in food waste. UK Plastics Pact news – engaging with members as to how to develop the pact in future. Further work to be done following proposal to Defra on reuse and refill.</p>	
6.	<p>Defra update</p> <p>LC - EB gave high-level brief on announcement last week of EPR deferral and alluded to upcoming announcements for CP to expand on.</p> <p>CP – in addition to deferral and EPR SI consultation – new Waste Prevention Programme (now Maximising Resource Minimising Waste) has been published. Working further up waste hierarchy – covers a number of sectors, packaging, textiles etc. Actions to support research and funding, carrying on existing policy, signalling consultations coming up.</p>	

	<p>Second policy announcement on food waste reporting, ministers keen for us to extend voluntary approach to reporting, even though strong support for mandating this.</p> <p>LC –consultation published on draft EPR Regulations (that will introduce measures such as labelling, cups, disposal cost fees and payments, recycling obligations). Looking for feedback on clarity of drafting and operability of the measures. Consultation closes on 9th October.</p> <p>Consequence of deferral – will continue with 2007 Regulations as is for 2024 compliance year. Need to introduce new targets for 2024. Consulted on targets as part of previous consultation on EPR up to 2030 but want to engage with ACP before finalising targets for 2024. Need to ensure we remain on a trajectory to meet proposed 2030 targets.</p> <p>Another implication of deferral – most likely will need another amendment to the Data SI. Producers will continue to be required to report data for 2023, but this data won't be used to calculate producer obligations. Data reported for 2024 will be used to determine producer obligations in 2025/26 (Year 1 of EPR). Amendments necessary to have the correct reporting requirements in place from January 2024. Further discussion needed with members in relation to definition of household packaging.</p> <p>Amendments to MRF Regulations – to introduce additional requirements on MFs to sort, sample and provide data on certain packaging. Regulations to be 'made' in autumn and will come into force in October 2024. Updated guidance to support these regulations now published.</p> <p>Discussion around the need for some pragmatism given now reporting against two systems (2007 regs and EPR), what does 'accurately as reasonably possible' now mean, two systems fundamentally different. Agreed by others and Defra.</p> <p>Discussion around further areas we want to come back to ACP on around PRN system.</p> <p>Discussion around delay in EPR being disadvantageous to LAs. CP noted that all these views and concerns should be expressed to government through this group and wider.</p>	
7.	<p>Updates from Scottish Government and DAERA</p> <p>None to note in meeting. NI update already circulated.</p>	
8.	<p>Updates from members</p> <p>Written updates from members were noted.</p> <p>DS thanked all for sending their written reports and asked for any further updates.</p>	

	<p>Steel NJ – no further update. Welcomes others to visit.</p> <p>Paper AB gave update – demand down, corrugated on lowest levels of demand since 2019, boom during lockdown falling away. Transit packaging and cartonboard more stable. ‘Papercycle’ recyclability assessment tool now live. Welcome delay to pEPR and engagement from EB of Defra.</p> <p>Local Authorities EB gave update – costs going up but no mechanism to increase revenue. The way the EA is implementing the POPS regulations is resulting in increased costs, in some cases waste management companies doubling charges. Cost implications of decision to require free collection of household ‘DIY’ waste at HWRCs estimated by county councils to be of the order of £0.5 - £1million per year per authority.</p> <p>Retailers KG gave update – still seeing customers struggling with cost of living, benefit of potentially less food waste so maybe driving better behaviours, grateful for interaction with Defra colleagues last week and today. Deferral of EPR has some welcome points but also disappointing – don’t want to see slow down or halt to work already done, need to keep work on this going forward.</p> <p>Compliance schemes RS /AH gave update – good engagement on data reporting by 1st October and better data reporting to meet EPR reporting deadline seen already. Discussion between members around reasons why PRN prices staying high.</p>	
<p>9.</p>	<p>Work plan</p> <p>EPR Working Group Chair suggested discussion on EPR Working Group which AH chairs. Suggested a working group on Welsh business regulations as well as EPR regulations which have been published, so ACP can respond to both. On Welsh regulations Members agreed to respond directly to AR. AR stressed the need for any comments to be sent immediately. AH sent list of suggestions to add to list of items to be collated by LC, which Defra might need specific views on:</p> <ol style="list-style-type: none"> 1. Recycling targets for 2024 and beyond 2. Revised timetable for data reporting and EPR payments 3. Scheme Administrator – constitution, timetable and appointment process 4. EPR fee estimates – timetable and process to determine 5. HH/non-HH guidance 6. Packaging distributor reporting 	<p>LC to get list of items together on what we need specific views on.</p>

	<p>7. By nation reporting 8. Enforcement and offences 9. IT systems – NPWD replacement NJ noted availability to get involved in this group.</p> <p>Plastic Packaging Tax General discussion on impact and whether the government could consider going further. This is in addition to recent to current consultation. MB – HMRC no planned revision to regulation for further 24 months, therefore issue whether anything to discuss in working group? Would an increase in PPT stimulate more demand? Suggests answer is ‘no’ and gave reasoning. Increase in PPT means potential increase in fraud and disadvantage UK manufacturers. Agreed to not pursue this group for now.</p> <p>Litter Chair suggested litter huge and growing problem. Could draw connection between this committee’s work and ordinary people. Should we encourage litter to be included in EPR? RF – litter taken out of regulations for good reason, criminal offence to litter so shouldn’t make producers pay for criminal offence, consumers should pay for this. EB – countered this as should look at root causes of littering. The way packaging designed means it doesn’t stay in bins, no incentive to put it in bins. Discussion followed around ways to tackle litter in relation to manufacturers, consumers and changing behaviours. Chair agreed to come back to this another time but was convinced we should be tackling this issue and influencing government. Support from members to come back to this early in 2024.</p> <p>Scheme Administrator In response to a question LC confirmed that the SA would sit within the public sector, and we were looking to do some co-design workshops with the packaging value chain over the coming weeks. This is to cover the membership of the SA board and overall governance arrangements and the delivery of the SA functions. Consideration was being given to setting up a ‘shadow’ SA team.</p>	
<p>8.</p>	<p>Any other business</p> <p>Chair thanked NJ again for hosting.</p> <p>Waste tracking update for next time.</p> <p>Any other items to discuss to be sent to DS or VB.</p> <p>Chair thanked members for attending – please contact DS re hosting next meetings.</p> <p>Next ACP meetings:</p> <ul style="list-style-type: none"> • 31st October 2023 1-4pm, Nobel House, London. • (5th February 2024 1-4pm, date and venue to be confirmed). 	

