

AIPOLG
Agencies' and Industry Packaging Operational Liaison Group
10th September 2009
Hosted by Wincanton, Daventry

Attendees

Industry: A Hawkes, A Doran

EA: S Stocks, C Grove, C Chambers,

SEPA: N Chalamanda

NIEA: G Evans

DEFRA: R Rawlings (by phone)

Apologies

Industry: A Green, S Gough, P Gaffney

SEPA: P McKell

1. Introductions

1.1 Andy Doran welcomed to the AIPOLG as a reprocessor representative

1.2 Robert Rawlings of DEFRA and Gwyneth Evans of NIEA introduced as not attended previous meetings. Gwyneth attending on behalf of Eugene Kelly who is currently acting as Land & Resources Manager.

2. Meeting Notes

2.1 In the past members of the group have shared responsibility of draft Meeting Action Notes which in some instances has delayed public availability. Carly Chambers has offered to collate all in the future.

2.2 Terms of Reference and meeting notes are now on NPWD in the public reports section.

Email to all packaging customers to highlight their availability **C Chambers**
Representatives list needs compiling. Contact details to be forwarded to Carly **ALL**
Representatives list of contacts to be put on NPWD **C Chambers**

3. Agencies Producer Responsibility Structural Change, Roles and Escalation

Environment Agency

3.1 Recognising scope and importance of Producer Responsibility, the EA has appointed a senior manager, Sue Stocks, to oversee Producer Responsibility as part of National Trading & Regulatory Services which also covers the following regimes: International Waste Shipments; Landfill Allowance Trading; Restriction, Evaluation, Assessment of Chemicals; Emissions Trading and Carbon Reduction Commitment.

- 3.2 Carly Chambers has been appointed as Producer Responsibility Regulatory Services Manager who is responsible for the national operational delivery. PRRS has been restructured to promote resilience and consistency of service across all the PR regimes of packaging, WEEE and batteries, by utilising regulatory officers and specialists to perform common activities across the 3 regimes, moving away from a previous model whereby staff specialised in one regime.
- 3.3 Chris Grove and his team of Technical Advisors remain in National Technical Services providing technical support on all aspects of the producer responsibility regimes to PRRS and the Area Environment Management Teams whom compliance monitor producers, reprocessors/exporters and investigate freeriders.
- 3.4 Adrian Harding is no longer the Producer Responsibility Policy Advisor and has moved on to new areas of work, with Mike Keast now fulfilling the position.
- 3.5 Industry is advised that the appropriate escalation route should be via Carly Chambers and Sue Stocks who will liaise with Chris Grove and Mike Keast as required.

EA to send update contacts to all customers

C Chambers

- 3.6 Query raised as to why some email communications have the address ne-weee@. This makes traceability of emails difficult. This could be a possible consequence of producer registration confirmation being extracted from WEEE IT System.

Agencies to investigate solution.

CChambers

SEPA

- 3.7 Producer Responsibility Unit has now merged with the Transfrontier Shipment of Waste (TFS) team and is now called Producer Compliance and Waste Shipment Unit. Patrick McKell has been appointed as the Unit Manager with Nathaniel Chalamanda still providing Technical & Operational support .
- 3.8 Officers have also been allocated as 'Account Managers' to compliance schemes
- 3.9 With the expansion of the new Producer Compliance and Waste Shipment Unit. More staff are currently being recruited.

4. Packaging Q2 Metrics and Regulators Activity

- 4.1 Graphs of material specific obligation versus reprocessing + export + carry forward evidence from 2008 shared as an example of some of the indicators the EA uses in monitoring UK data.
- 4.2 Analysis shows that volume of obligation is being maintained despite concern at the end of 2008 at the number of companies dropping out of the regime due to incapacity. The EA analysis of compliance scheme leavers has identified some have merged with other companies and their obligation has still been counted. Tonnage associated with leavers from the regime was found to be negligible. Current Public Register Drop-off status shows we only have 120 companies who have not responded to our initial enquiries (investigations ongoing and enforcement action as appropriate.) Tonnage equates to 40,500T of obligation.
- 4.3 EA confirmed that the regulators are producing complete and timely reports of UK reprocessing and export data in addition to the dynamic reporting functionality on NPWD. The use of suspension warning notices for reprocessors & exporters who fail to provide their quarter returns on time does mean all data is submitted within 12 days after the deadline allowing the agencies to fix a data report each quarter.

4.4 Quarter 2 Compliance Scheme desktop monitoring still highlights status of obligation and evidence versus scheme operational plan to be a common issue, with 19 out of 23 EA schemes asked to revise their operational plan. Valpak raised the issue that invariably they will always be contacted each quarter due to the size of their obligation. Valpak acknowledge that the 10% variance from purchasing plan criteria should be investigated but do not agree with the other threshold (variance of 50,000T) as this can represent only 2% in some of their material obligations.

EA to review criteria

C Chambers

4.5 In 2008 compliance scheme risk profile criteria were developed in NPWD. The EA are about to pilot this to identify the level of compliance monitoring necessary in addition to the desktop monitoring routinely performed. The outcomes will determine which schemes will receive a compliance visit.

5. Steel Recycling

5.1 The discussion around the increasing trend in Steel exports identified a feeling that there is UK steel reprocessing capacity but UK reprocessors do not necessarily accept material containing more than 10% contaminants. Should schemes help reprocessors source cleaner material? Consensus was that the quality of waste exported is influenced by other commercial factors and not Producer Responsibility driven. ACP task force last meeting scheduled for 21st September.

6. ACP Scheme Event – feedback and next steps including Code of Practice

6.1 Event was successful and good feedback received from attendees.

Next Event to be considered for early February 2010 with focus on what the regulation amendments consultation means operationally.

A Hawkes/S Gough

Invitees to include NIEA and SEPA and invitation to encompass all schemes.

R Rawlings

6.2 Proposed Scheme Code of Practice (CoP) not discussed at the ACP Scheme Event.

CoP draft needs further work. Does the draft raise the bar sufficiently on good practice? The Agencies are happy to input to this industry led initiative.

This item has been on the agenda for a while and a target timeline was agreed allowing CoP to be included in 2010 Operational Plans (due 31/01/10)

Industry to revise CoP and propose adoption at ACP on 22nd October and agree ownership (Paper to summarise objective)

A Hawkes/S Gough

CoP to be incorporated into Agencies Operational Plan guidance in December

C Grove

Feedback from schemes to be obtained at Feb ACP Scheme Event

A Hawkes/S Gough

Agencies to feedback on uptake and quality after operational plan assessment in Feb/Mar 2010, trial in 2010 Risk Profile criteria and collate outcomes

C Chambers

7. Data Providers/Obligation Calculators Update

7.1 Agencies have been working with Valpak & DHL on the understanding that although there is no jurisdiction, it is of benefit to evaluate the accuracy of the data providers calculating a significant proportion of UK Obligation.

7.2 Sample measurement of weights used in the respective data providers/obligation calculators is almost complete

Individual report to DHL and Valpak on outcomes of review to be collated C Grove

Overview report to ACP and Industry on outcomes of trial exercise C Grove

Agencies to consider how to build into routine monitoring C Grove/P McKell

7.3 If plan is to extend approach to other Data Provider/Obligation Calculators, consider Valpak feedback re 'audit' approach to smaller providers may not promote co-operation.

8. Technical Issues

8.1 Reporting of Converter and pack/fill obligations. EA position remains the same as previously indicated to schemes and direct registrants. Overall the obligations must be reported to the Agencies on these two activities. Anticipating that the regulations will be amended on this matter the Agencies will not require that pack/fillers start picking up the conversion obligations where a conversion takes place in the same production process. This is provided that the conversion obligation is currently being picked up by the converter. Where the conversion obligation is not be reported, the default position will be to follow the current regulatory requirement.

9. Outstanding Actions from 27th March 2009 Meeting

9.1 Schemes to be advised which of their member producers have been audited by the Agencies can commence with the understanding that reporting may not be fully up to date.

EA to promote timely population of NPWD C Grove

Quarterly Reporting to commence at Q3 Desktop Monitoring round C Chambers

10. AOB

10.1 Industry enquiry whether there are plans to facilitate electronic application payment in NPWD. No immediate plan to introduce payment online. Payment can be received by credit card over the phone, cheque or BACS.

10.2 Industry enquiry about possible impact of civil penalties consultation on Producer Responsibility. DEFRA plans? Something to monitor going forward.

10.3 For awareness there is also a zero waste consultation at the moment

10.4 Agencies noted the reduced industry representation at this meeting and no requests for agenda items received before to meeting. Does the group remain useful? Is it a timing issue or an indication that issues needing to be discussed are becoming less important?

Feedback from S Gough, PGaffney, A Green to be collated and communicated to C Chambers before next meeting A Hawkes/A Doran

ACP requested to nominate a new Direct Registrant representative.

Dates for 2010 to be agreed at next meeting

11. Date of Next Meeting

Telecon scheduled for 1st December 2009.