

CTPA response to Defra Consultation on Reforming the UK Packaging Producer Responsibility System

About you

Q1. What is your name?

Christine Lawson

Q2. What is your email address?

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This is optional, but if you enter your email address you will be able to return to edit your consultation response in Citizen Space at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation.

Q3. Which best describes you? Please provide the name of the organisation/business you represent and an approximate size/number of staff (where applicable).

[CTPA, the Cosmetic, Toiletry and Perfumery Association](#), is the trade association representing the UK's cosmetics industry. [Membership](#) covers 80 - 85% of the UK cosmetics market by value, and comprises large multi-national companies, SMEs and suppliers to the industry.

Market Value

The UK cosmetics market was worth £9.7 billion at retail sales price in 2018 **[1]** and the UK cosmetics industry employs 200,000 people. There are at least 320 cosmetic producers in the UK; many of these are small and medium-sized enterprises (SMEs). The UK has the fourth largest concentration of cosmetics SMEs in the EU. Every 10 workers employed by the industry will support two jobs in the value chain, such as professionals using cosmetics, beauticians, hairdressers and stylists **[2]**.

500 million people across the EU use cosmetic products each day, adding to their personal self-esteem and thereby contributing positively to growth and productivity as well as to society as a whole.

(Please tick only one option. If multiple categories apply to you please choose the one which best describes you and which you are representing in your response.) (Required)

- **Business representative organisation/trade body**
- Packaging designer
- Packaging manufacturer / converter
- Product manufacturer / pack filler
- Distributor
- Retailer
- Waste Management Company
- Reprocessor
- Local government
- Community group
- Non-governmental organisation
- Charity or social enterprise
- Consultancy
- Academic or research
- Individual
- Other
- If you answered 'Other' above, please provide details:

Q4. Please provide any further information about your organisation or business activities that you think might help us put your answers in context. (Optional)

In the UK and across the EU the manufacture and supply of cosmetic products is governed by the EU Cosmetic Products Regulation (EU No. 1223/2009) and its amendments [3], hereafter referred to as the Cosmetics Regulation. This Regulation and its amendments are directly applicable in all 28 EU Member States and EEA countries. The Cosmetics Regulation stipulates the requirements for labelling, safety assessment, product notification, good manufacturing practice (GMP) and ingredients for cosmetic products. The primary objective of the Cosmetics Regulation is maintaining a high level of human safety, and each cosmetic product must be the subject of a safety assessment performed by a duly qualified professional before it is placed on the market. The Responsible Person is responsible for ensuring compliance with all aspects of the Cosmetics Regulation.

The Cosmetics Regulation is enforced in the UK via the UK Cosmetic Products Enforcement Regulations 2013 [4] which specifies the role of the authorities, the penalties and the enforcement process. The Competent Authority for implementing the Cosmetics Regulation in the UK is the Department for Business, Energy and Industrial Strategy (BEIS) and enforcement in the UK is carried out by Trading Standards.

A cosmetic product is clearly defined in the Cosmetics Regulation as:

“a substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours.”

The Recitals to the Cosmetics Regulation also provide an indicative list of products that may fall within the scope of this definition:

“Cosmetic products may include creams, emulsions, lotions, gels and oils for the skin, face masks, tinted bases (liquids, pastes, powders), make-up powders, after-bath powders, hygienic powders, toilet soaps, deodorant soaps, perfumes, toilet waters and eau de Cologne, bath and shower preparations (salts, foams, oils, gels), depilatories, deodorants and anti-perspirants, hair colorants, products for waving, straightening and fixing hair, hair-setting products, hair-cleansing products (lotions, powders, shampoos), hair-conditioning products (lotions, creams, oils), hairdressing products (lotions, lacquers, brilliantines), shaving products (creams, foams, lotions), make-up and products removing make-up, products intended for application to the lips, products for care of the teeth and the mouth, products for nail care and make-up, products for external intimate hygiene, sunbathing products, products for tanning without sun, skin-whitening products and anti-wrinkle products. ”

It is important to note that there is a fundamental safety requirement under the Cosmetics Regulation that stipulates the requirement for each cosmetic product to be the subject of a safety assessment performed by a duly qualified professional before it is placed on the market. The safety assessor looks at the individual ingredients, how they are used in the final product and whether the finished product is safe. This evaluation includes the relevant characteristics of packaging material, in particular purity and stability and any potential interaction between packaging and product during the proposed life of the product.

Annex I of the Cosmetics Regulation describes the information that needs to be considered in the content of the Cosmetic Product Safety Report (CPSR). Section 4 provides details with regard to impurities, traces, information about the packaging material :

- The purity of the substances and mixtures
- In the case of traces of prohibited substances, evidence for their technical unavoidability.
- The relevant characteristics of packaging material, in particular purity and stability.

Point 3.4 of Commission Implementing Decision 2013/674/EU on Guidelines on Annex I to Regulation (EC) No 1223/2009 [5] further expands on this.

These requirements of the Cosmetics Regulation have been adopted by the UK within the UK Cosmetics Regulation in the case of a 'no deal' scenario where the UK leaves the EU.

Q5. Would you like your response to be confidential?

Yes / **No**

If you answered 'Yes' above, please give your reason:

Our approach – Principles;

6. Do you agree with the principles proposed for packaging EPR?

- (a) Yes**
- (b) No
- (c) I neither agree nor disagree

Please briefly state the reasons for your response. Specifically, if you respond No, please identify which principles you do not agree with and explain why.

Principles aligned with Article 8a 'general minimum requirements' of the revised Waste Framework Directive EU/2018/851 [6].

It should be noted that behavioural change is not always entirely achievable when there are some products for which packaging composition is subject to statutory requirements.

Outcomes - what we are hoping to achieve;

7. Do you agree with the outcomes that a packaging EPR should contribute to?

- (a) Yes**
- (b) No
- (c) I neither agree nor disagree

If you answered No, please state which outcomes you do not agree with.

However, as above, it should be noted that behavioural change is not always entirely achievable when there are some products for which packaging composition is subject to statutory requirements.

Definition of packaging and packaging waste;

8. Do you think these types of items not currently legally considered as packaging should be in scope of the new packaging EPR system?

- (a) Yes
- (b) No**
- (c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to

support your view.

There are current definitions for packaging according to the Directive 94/62/EC on Packaging and Packaging Waste [7], however CTPA would be open to extending the scope if there is robust scientific evidence.

For industry to have consistency across markets, alignment with EU-wide definitions is very important.

Types of packaging and sources of packaging waste;

9. Which of these two classifications best fits with how your business categorises packaging?

- (a) Primary, secondary, tertiary
- (b) Consumer-facing and distribution/transit
- (c) Neither – please say why, and provide a description of how your business categorises packaging**

As a trade association, our members would fit into both categories or could even categorise packaging differently.

Part A: Packaging extended producer responsibility – key principles

1. Full net cost recovery

10. Do you agree with our definition of full net cost recovery?

- (a) Yes**
- (b) No, it does not fulfil the Polluter Pays Principle
- (c) No, it goes beyond the Polluter Pays Principle

Please briefly state the reasons for your response and provide any information to support your view.

The vast majority of CTPA's members who have contributed to our response agree with the elements of Article 8a of the revised Waste Framework Directive.

However, while some members agree that packaging-generating industries should bear some responsibility for their contribution to waste management, they feel that should be borne across all sectors who generate waste.

11. Do you agree that producers should be required to fund the costs of collecting and managing household and household-like packaging waste, i.e. all consumer facing packaging?

- (a) Yes**
- (b) No
- (c) I don't know

If No, please briefly state the reasons for your response and state what waste you think full net cost recovery should apply to.

As before, some members feel it is disproportionate to put the full responsibility for the cost of waste management only on the producers (i.e. those who sell the products within packaging).

12. Do you agree that packaging for commercial/industrial applications should be out of scope for full net cost recovery?

- (a) Yes
- (b) No**
- (c) I don't know

If No, please briefly state the reasons for your response.

Given the proposed aim of incentivising more sustainable behaviour to increase the quantity of high quality recycle available, the principles should apply whatever the application.

13. We would welcome your views on whether or not producers subject to any DRS should also be obligated under a packaging EPR system for the same packaging items.

- (a) Yes they should
- (b) No they should not**
- (c) I don't know

Please briefly state the reasons for your response.

The general principle should be that no packaging should be charged multiple times, whether that be via DRS or the proposed plastics tax.

2. Driving better design of packaging

14. Do you agree with the development of an 'approved list' of recyclable packaging to underpin the setting of either modulated fee rates or deposits?

- (a) Yes
- (b) No
- (c) I neither agree nor disagree**

Please briefly state the reasons for your response and provide any information to support your view.

How would this be determined? Would it be informed by current technology available? If, in the future, technology was developed for other materials to be recovered and recycled, that should be encouraged.

15. Do you think the payment of modulated fees or the payment of deposits with the prospect of losing some or all of the deposit would be more effective in changing producers' choices towards the use of easy to recycle packaging:

- (a) Modulated fee**
- (b) Deposit (for recyclable packaging) and fee (for non-recyclable packaging)
- (c) I don't know / I don't have enough information

Please briefly state the reasons for your response and provide any information to support your view.

Success would be driven by the magnitude and transparency of such a fee.

16. Do you think there could be any unintended consequences in terms of packaging design and use arising from?

- (a) Modulated fees
- (b) Deposit (for recyclable packaging) and fee (for non-recyclable packaging)**
- (c) I don't know / I don't have enough information

Please briefly state the reasons for your response and provide any information to support your view.

The deposit approach is not the most appropriate. Recycling to an equivalent application/grade is not guaranteed owing to impurities and gradual technical degradation. It would also require a tracking system to provide evidence of recycling to an equivalent application. This would be even more complicated, if not impossible, if the products were mostly exported.

A deposit system would require significant up-front payments, presenting potential cash-flow issues.

17. Do you agree that the deposit approach should be designed to incentivise more closed loop recycling?

- (a) Yes
- (b) No
- (c) I neither agree nor disagree**

Please briefly state the reasons for your response and provide any information to support your view.

3. Obligated producers

18. What do you consider to be the most appropriate approach to a single point of compliance, the Brand-owner or the Seller approach?

- (a) Brand-owner
- (b) Seller
- (c) Other
- (d) I don't support moving to a single point of compliance

Please briefly state the reasons for your response and provide any information to support your view.

To explain why no option has been chosen, we are aware that some members of CTPA favour the retention of the current distribution of costs packaging EPR along the value chain. However, if the single point of compliance was further along the supply chain (the brand-owner or seller) this may better incentivise innovative design.

That said, we did receive the comment that a single-point of compliance might be appealing for a stream-lined revenue collecting perspective, but it does not acknowledge the equal share of responsibility that different parts of the supply chain bear for packaging waste. Whichever part it therefore falls on, will be bearing a greater than fair responsibility for addressing innovative solutions etc, as well as the increased administrative burden and costs of recouping

parts of the fee along the supply chain. A single-point of compliance which fell on industry/CTPA members, together with the proposed increase in EPR fees, is likely to have significant financial impact which goes beyond incentivising packaging reform or contributing to waste management and could potentially directly affect the profitability and viability of some products. In the instances where packaging type is determined by statutory regulation and there is little option for flexibility, this impact is further compounded.

19. If a single point of compliance approach was adopted, do you think the *de-minimis* should be:

- (a) **Replaced with a lower turnover threshold?**
- (b) Retained and wholesalers and direct-to-retail sellers take on the obligation of those below the threshold?
- (c) Other, please state
- (d) Don't know

Please briefly state the reasons for your response and provide any information to support your view.

All packaging placed on the market should be in scope. Article 8a(1)d of Directive EU/2018/851 (the revised Waste Framework Directive) requires 'equal treatment of producers of products regardless of their origin or size'. Therefore, there should be no *de minimis* or it should be reduced to an absolute minimum.

20. Should small cafés and restaurants selling takeaway food and drinks whose packaging is disposed 'on the go' be exempt from being obligated?

- (a) Yes
- (b) **No**
- (c) Don't know

Please briefly state the reasons for your response and provide any information to support your view.

Linked to a lower threshold *de minimis* or none; all packaging should be in scope.

21. If shared responsibility is retained, is Option A or Option B preferable for including smaller businesses or the packaging they handle in the system?

- (a) **Option A (Lower or remove the *de-minimis*)**
- (b) Option B (De-minimis threshold remains as is and obligations extended to distributors of packaging or packaged products)
- (c) Other, please state
- (d) I don't know

Please briefly state the reasons for your response and provide any information to support your view.

Article 8a(1)d of Directive EU/2018/851 (the revised Waste Framework Directive) requires 'equal treatment of producers of products regardless of their origin or size without placing a disproportionate regulatory burden on producers, including small and medium-sized enterprises, of small quantities of product'. Therefore, there should be no *de minimis* or it should be reduced

to an absolute minimum by perhaps introducing a single payment for businesses under a certain size.

22. If you have stated a preference for A, do you think the de-minimis threshold should:

- (a) Be reduced (please state your suggested threshold)**
- (b) Be removed entirely

Please briefly state the reasons for your response and provide any information to support your view.

The lowered threshold could be based on turnover or business type.

23. Overall, do you have a preference for maintaining a shared responsibility compliance approach, or moving to a single point of compliance?

- (a) Shared responsibility
- (b) Single point of compliance

Please briefly state the reasons for your response and provide any information to support your view.

To explain why no option has been chosen, we are aware that certain members of CTPA favour the retention of the current distribution of costs packaging EPR along the value chain. However, if the single point of compliance was further along the supply chain (the brand-owner or seller) this may better incentivise innovative design.

That said, we did receive the comment that a single-point of compliance might be appealing for a stream-lined revenue collecting perspective, but it does not acknowledge the equal share of responsibility that different parts of the supply chain bear for packaging waste. Whichever part it therefore falls on, will be bearing a greater than fair responsibility for addressing innovative solutions etc, as well as the increased administrative burden and costs of recouping parts of the fee along the supply chain. A single-point of compliance which fell on industry/CTPA members, together with the proposed increase in EPR fees, is likely to have significant financial impact which goes beyond incentivising packaging reform or contributing to waste management and could potentially directly affect the profitability and viability of some products. In the instances where packaging type is determined by statutory regulation and there is little option for flexibility, this impact is further compounded.

24. Do you have a preference for how small businesses could comply?

- (a) Pay a flat fee**
- (b) Apply an allocation formula
- (c) Other, please describe

Please briefly state the reasons for your response and provide any information to support your view.

Small businesses will need to understand the benefits at a local level.

25. Do you think that requiring operators of online marketplaces to take the legal responsibility for the packaging on products for which they facilitate the import would

be effective in capturing more of the packaging that is brought into the UK through e-commerce sales?

- (a) **Yes**
- (b) No
- (c) Other, please suggest options

Please briefly state the reasons for your response and provide any information to support your view.

As per Article 8a(5) of Directive EU/2018/851 (the revised Waste Framework Directive)

4. Supporting improved collections and infrastructure

26. Do you agree payments to local authorities for collecting and managing household packaging waste should be based on:

- (a) provision of collection services that meet any minimum standard requirements (by nation);
- (b) **quantity and quality of target packaging materials collected for recycling;**
- (c) cost of managing household packaging waste in residual waste.

Please briefly state the reasons for your response and provide any information to support your view.

As an industry we are keen to use recycled and recyclable materials wherever possible taking into consideration safety implications, however currently the quantity and quality of recyclate we need simply isn't available. The new system must encourage improvement.

27. Do you think we have considered all the costs to local authorities of managing packaging waste?

- (a) Yes
- (b) **No**
- (c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

Introduction of a Deposit Return scheme will dramatically affect the economics of dealing with a less profitable stream of waste minus the most valuable fractions that would have been removed from the waste stream. The new system must encourage improvement in the quantity and quality of recyclate available.

28. Do you agree with our approach to making payments for the collection of household-like packaging waste for recycling?

- (a) Yes
- (b) No
- (c) **I neither agree nor disagree**

Please briefly state the reasons for your response and provide any information to support your view.

Under the current system industry is responsible for the packaging waste they generate which is a balanced approach.

29. Should businesses producing household-like packaging receive a payment for the costs of household-like packaging waste in residual waste?

- (a) Yes
- (b) No**
- (c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

It is still waste.

30. Are there other factors, including unintended consequences that should be considered in determining payments to:

- (a) Local authorities?

Please explain the reasons for your response and provide any information to support your view

- (b) For the collection and recycling of household-like packaging waste?

Please explain the reasons for your response and provide any information to support your view.

Local authorities should be judged relative to each other. This should include any actions or omissions that impact the quantity or quality of recycled packaging waste such as lack of guidance on collections or any lack of enforcement.

31. Do you have any information that would help us to establish the costs incurred by local authorities and other organisations of cleaning up littered and fly-tipped packaging items?

NO

32. How do you think producer fees could be used to improve the management of packaging waste generated on-the-go?

Sources of on-the-go packaging waste should firstly be within scope. This would then generate revenue for appropriate communication, collection and enforcement.

33. Do you have any information that would help us to establish the costs of collection and disposal of increased on-the-go provision?

NO

34. Do you agree that provision for the take back of single-use disposable cups for recycling should continue to be developed a voluntary basis by business prior to a government decision on whether disposable cups are included under an EPR scheme or DRS?

- (a) **Yes**
- (b) No
- (c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

35. Do you think the recycling of single-use disposable cups would be better managed through a DRS or EPR scheme?

- (a) DRS
- (b) **EPR**
- (c) Both
- (d) None of these options

Please briefly state the reasons for your response and provide any information to support your view.

36. Do you think a recycling target should be set for single-use disposable cups?

- (a) Yes
- (b) **No**
- (c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

Targets should be set for packaging in general and materials specifically regardless of use.

5. Helping consumers do the right thing – communications and labelling

37. Should producer fees be used to support local service related communications delivered by local authorities?

- (a) **Yes**
- (b) No
- (c) I neither agree nor disagree

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

The quantity and quality of recycled packaging waste requires communication of appropriate, targeted guidance on collections and potential penalties.

38. Should producer fees be used to support nationally-led communications campaigns in each nation?

- (a) **Yes**
- (b) No
- (c) I neither agree nor disagree

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

This will require a unified system but as above, the quantity and quality of recycled packaging waste requires communication of appropriate, targeted guidance on collections and potential penalties.

39. Are there any circumstances where producers should be exempt from contributing to the cost of communications campaigns?

- (a) Yes
- (b) No**
- (c) I neither agree nor disagree

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

This is an obligation under 8a(4)(a) point 2 EU/2018/851 – ‘costs of providing adequate information to waste holders’.

40. Do you agree it should be mandatory for producers to label their packaging as Recyclable/Not Recyclable?

- (a) Yes
- (b) No
- (c) I neither agree nor disagree**

Please briefly state the reasons for your response and provide any information to support your view.

The OPRL scheme is a well-established starting point for any labelling. However, whilst this would greatly simplify the message for consumers, any labelling must not prove to be a barrier to the free movement of goods as the claims may not be true in other national jurisdictions.

41. Do you think that the percentage of recycled content should be stated on product packaging?

- (a) Yes
- (b) No**
- (c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

This does not necessarily facilitate improved recovery and could potentially confuse the message. It is more important to ensure unrecyclable items do not contaminate recycling streams. It could also create unnecessary waste if the percentage of recycled content used in a product changes and the producer has to redesign the packaging.

42. If you responded yes to the previous question, how could recycled content information be provided to consumers? Please describe briefly.

N/A

43. Do you have any other proposals for a labelling system? Please describe briefly.
Numbering bins (1, recyclable and 2, non-recyclable) so that the corresponding number appears on the packaging. This would enable the correct collection in the UK but would be meaningless in other national jurisdictions so could not be considered a false claim.

44. Do you have experience to suggest an appropriate lead-in time for businesses to incorporate any mandatory labelling requirements?
Mandatory labelling is not supported.

Part B: Packaging waste recycling targets

Packaging waste recycling targets to 2030

45. In your view, are the estimates made in the Material Flow reports for packaging waste arisings the best available data?

- (a) Yes
- (b) No
- (c) I don't know / I don't have enough information to comment.**

Please briefly state the reasons for your responses and provide any information to support your view.

As an association, CTPA does not have enough information to comment.

46. Are you aware of any other factors which may affect the estimates of packaging waste entering the waste stream?

- (a) Yes
- (b) No
- (c) I don't know / I don't have enough information to comment.**

Please briefly state the reasons for your responses and provide any information to support your view.

As an association, CTPA does not have enough information to comment.

47. In your view, are there other factors which may affect the amounts of obligated tonnage reported?

- (a) Yes
- (b) No
- (c) I don't know / I don't have enough information to comment.**

Please briefly state the reasons for your responses and provide any information to support your view.

Would on-line sales be factored in correctly?

48. Do you agree with the packaging waste recycling targets proposed for 2025?

- (a) Yes
- (b) No
- (c) I neither agree nor disagree**

Please briefly state the reasons for your responses and provide any information to support your view.

The proposed recycling targets for 2025 exceed the corresponding EU targets for all individual materials and total packaging, however these targets are dependent on improvement of collection and recycling infrastructure.

49. Do you agree with the packaging waste recycling targets proposed for 2030?

- (a) Yes
- (b) No
- (c) I neither agree nor disagree**

Please briefly state the reasons for your responses and provide any information to support your view.

The proposed recycling targets for 2030 match the corresponding EU targets for all individual materials and total packaging, however these targets are dependent on improvement of collection and recycling infrastructure.

50. Please provide your views on the policies and actions that could help us achieve an even higher overall packaging recycling rate, for example 75%, as well as your views on the costs associated with doing so.

- No Deposit Return Scheme, which would divert materials and resources away from the EPR scheme.**
- Increasing consumer awareness**
- Standard recycling protocols throughout the UK**

51. Do you foresee any issues with obtaining and managing nation specific data?

- (a) Yes**
- (b) No
- (c) Don't know

Please briefly state the reasons for your responses and provide any information to support your view.

Recycling rates would require the provision of a breakdown of products placed on the market by nation. Obligated producers are unable to provide data for products provided to distributors to sell in all parts of the UK. Retailers could not exclude cross-border shopping between the home nations.

Since recycling operations are carried out on a UK-wide basis, cross-nation shipments are probable.

52. Should a proportion of each material target be met by "closed loop" recycling, e.g. as is the case for glass recycling targets?

- (a) Yes
- (b) No
- (c) I don't know / I don't have enough information to comment.**

Please briefly state the reasons for your responses and provide any information to support your view.

As an association, CTPA does not have enough information to comment.

53. Should government set specific targets for individual formats of composite packaging?

- (a) Yes
- (b) No
- (c) I don't know / I don't have enough information to comment.**

If yes, what key categories of composite packaging should be considered? Please briefly state the reasons for your responses and provide any information to support your view.

As an association, CTPA does not have enough information to comment.

54. Do you agree with the proposed interim targets for 2021 and 2022 set out in Table 6?

- (a) Yes
- (b) No**
- (c) I neither agree nor disagree

Please briefly state the reasons for your responses and provide any information to support your view.

As already stated, Article 8a(1)d of Directive EU/2018/851 (the revised Waste Framework Directive) requires 'equal treatment of producers of products regardless of their origin or size'. The interim business targets impose a higher target on those obligated to off-set the materials placed on the market by de-minimis businesses.

55. Do you agree with the proposal to increase the allocation method percentage to 35% for 2021 and 2022?

- (a) Yes
- (b) No
- (c) I neither agree nor disagree**

Please briefly state the reasons for your responses and provide any information to support your view.

As an association, CTPA does not have enough information to comment.

Part C: Governance arrangements

7. Governance models

56. Overall, which governance model for packaging EPR do you prefer?

- (a) Model 1
- (b) Model 2**
- (c) Model 3
- (d) Model 4

Please briefly explain your preference.

Model 1 or Model 2, or a combination of them both, are workable models to which industry could adapt. Model 2 is the most transparent and easiest to understand. It also simulates proven and well-established models used in other EU countries, however this could be modified to remove the requirement

for one large organisation by sharing responsibility and utilizing much of the expertise existing within the current structures and compliance schemes to introduce some level of competition. It is also lacking a strategic, longer term element such as incentivising reproprocessors to liaise and work on collections or together with Local Authorities.

57. If you had to modify any of the models in any way to make them better suited to achieve the principles and outcomes government has set for packaging EPR what changes would you suggest?

As proposed above.

58. Do you have any concerns about the feasibility of implementing any of the proposed governance models?

- a) Yes**
- b) No
- c) If yes, please provide specific reasons and supporting information for each governance models that you have concerns about.

Model 1 approximates to the current system. Either Model 1, or Model 2, or a combination of them both, are workable models to which industry could adapt. Model 4 is untested and without empirical support. It also appears to discriminate between different sectors of obligated industry; Not all sectors can operate closed loops.

59. Do you think that any of the governance models better enable a UK-wide approach to packaging producer responsibility to be maintained whilst respecting devolved responsibilities?

A hybrid based on Model 2 would allow all sectors, governments and regulators to be involved in driving and maintaining a UK-wide system.

60. Stakeholders have suggested that a compliance fee mechanism similar to the arrangements currently in place under the WEEE producer responsibility scheme should be introduced if a competitive evidence market continues to operate such as in Model 1. Do you agree?

- (a) Yes
- (b) No
- (c) I don't know / I don't have enough information**

Please briefly state the reasons for your response and provide any information to support your view.

61. Should a Packaging Advisory Board be established to oversee the functioning of the EPR system and the compliance schemes in the competitive compliance scheme model 1 or do you think other arrangements should be put in place?

- (a) Packaging Advisory Board**
- (b) Other – please provide details

Please briefly state the reasons for your response and provide any information to support your view.

This could work with a hybrid model to best represent all four nations'

governments as well as all parts of the packaging value chain.

62. Please let us know your thoughts as to whether the proposed single management organisation should be established on a not-for-profit basis or as a government Arm's Length Organisation.

Not-for-profit would ensure that all resources are utilised in a transparent, constructive way.

63. If such a management organisation is established as not-for-profit, one option is for government to invite proposals from potential operators and then issue a licence to operate for a defined period of time. Do you agree with this approach?

- (a) **Yes**
- (b) No
- (c) If no, would you like to suggest an alternative approach?

64. Should a single scheme be established for household/household-like packaging and C&I packaging as described for model 2?

- (a) **Yes**
- (b) No
- (c) I don't know / I don't have enough information

Please briefly state the reasons for your response and provide any information to support your view.

65. Or, should there be a separate system for managing compliance for household/household-like packaging and C&I packaging as described for model 3?

- (a) Yes
- (b) **No**
- (c) If yes: could model 3 work as described? Or would additional mechanisms be required to make this approach work effectively, please indicate what these might be?
- (d) If no: do you have suggestions on an alternative approach?

This adds to complexity and reduces transparency.

66. Under model 4 are producers more likely to?

- (a) Manage their own compliance?
- (b) **Join a compliance scheme**

Please briefly state the reasons for your response and provide any information to support your view.

Many of our members would not have the necessary resources to manage their own compliance, however, Model 4 is not supported.

8. Responsible management of packaging waste domestically and globally

67. Do you agree that government should seek to ensure export of packaging waste is undertaken in a transparent and environmentally responsible manner?

- (a) **Yes**
- (b) No
- (c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

It would be wholly unacceptable to consider doing otherwise. We should lead by example.

68. Do you agree that measures identified here would help ensure the export of packaging waste is undertaken in a transparent and environmentally responsible manner?

- (a) **Yes**
- (b) No
- (c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

The aim, ultimately, should be to ensure resources and infrastructure are in place to handle all the waste we produce. Not only is this a moral imperative, it also enables maximum value to be added to the waste material and ensures circularity of resources.

69. Have we missed potential measures that you believe need to be considered alongside those measures we have proposed?

- (a) Yes
- (b) **No**
- (c) If yes, please explain which potential measures should be considered.

70. Do you have any concerns about the feasibility and/or costs of implementing any of the proposed measures?

- (a) **Yes**
- (b) No
- (c) If yes, please provide specific reasons and supporting information for each measure that you have concerns about.

Concerns over model 1 as it is so close to the existing system and model 4 which is untested. We would need to ensure that all four nations work closely with the whole packaging value chain to ensure effective implementation.

9. A more transparent system

71. Do you agree that accredited reprocessors and exporters should be required to report their financial information?

- (a) **Yes**
- (b) No
- (c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view. If you answered no, how would you suggest transparency is provided on how income from the sale of evidence has been used to support capacity building?

Industry will need to have confidence in the system that they are financing as well as the required transparency.

72. Should accredited reprocessors and exporters be required to generate evidence for every tonne of packaging waste that they process?

- a) **Yes**
- b) No
- c) I don't know

Please briefly state the reasons for your response and provide any information to support your view.

This information is necessary for reporting as well as ensuring transparency.

73. Should accredited reprocessors and exporters be required to report on the packaging waste they handle monthly?

- a) **Yes**
- b) No

74. Do you think that any additional measures to those already described would be required to ensure transparent operating of the evidence market in model 4?

- (a) Yes
- (b) No
- (c) I don't know**

If yes, please provide details

As model 4 is untested, there is more risk that it is likely to require additional measures

75. Are there any additional requirements that should be placed on compliance schemes to ensure greater transparency of their operations and reporting?

- (a) Yes**
- (b) No
- (c) I don't know

If Yes, please briefly state the reasons for your response and provide any information to support your view.

There are current obligations under Directive EU/2018/851 (the revised Waste Framework Directive) on transparency of financial and material flows.

76. Under a reformed system do you think compliance schemes should continue to be approved by the existing regulators or do you think a different approach is required?

- (a) Yes, approved as now**
- (b) Other, please explain

77. Are there any additional requirements of a single producer organisation to ensure transparency of its operation and reporting?

- (a) Yes
- (b) No
- (c) I don't know**

If yes, please briefly state the reasons for your response and provide any information to support your view.

As an association, CTPA does not have enough information to comment.

78. Do you think there is a need to make more information on packaging available to consumers?

- a) **Yes**
- b) No

Please briefly state the reasons for your response and provide any information to support your view.

Clear, harmonised messaging on recyclability will improve the quantity and quality of recycle, improve trust in recycling infrastructure and enable consumers to make informed, well considered decisions.

10. Compliance monitoring and enforcement

79. Are there other datasets that will be required in order to monitor producers in any of the proposed models?

- (a) Yes
- (b) No**

If yes please explain which datasets will be needed.

80. Is there a specific material, packaging type or industry sector whereby producing accurate data is an issue?

- (a) Yes**
- (b) No

If yes, please provide further information on where producing accurate data may be an issue.

A reduction in the *de minimus* will bring more SMEs into scope. This will require accurate reporting and enforcement.

81. Do you think a single database, as opposed to the current range of methodologies available, would be an effective alternative?

- (a) Yes**
- (b) No

Please briefly state the reasons for your response and provide any information to support your view.

A central national reporting system will be required to meet the needs of the devolved nations.

82. Do you agree that compliance schemes (models 1 and 3), the producer management organisation (model 2) or the scheme administrator (model 4) should be responsible for carrying out audits of producers, which should be reportable to the regulators?

- (a) Yes**
- (b) No
- (c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

To ensure transparency and proper functioning of whichever model.

83. Do you support the broadening of legally enforceable notices to obtain required information?

- (a) Yes
- (b) No
- (c) I neither agree nor disagree**

Please briefly state the reasons for your response and provide any information to support your view.

As an association, CTPA does not have enough information to comment.

84. Are there other enforcement mechanisms that should be considered which would be timely and effective to bring producers into compliance, for example in relation to free riders?

- a) Yes
- b) No

If yes, please explain which other enforcement mechanisms should be considered.

As an association, CTPA does not have enough information to comment.

85. Are there any further data that should be required to be collated / collected via compliance schemes or a single management organisation? Please provide brief details.

As an association, CTPA does not have enough information to comment.

86. Do you think a penalty charge, as described, is the correct lever to ensure packaging recycling targets are met?

- a) Yes
- b) No
- c) I don't know**

Please briefly state the reasons for your response and provide any information to support your view.

As an association, CTPA does not have enough information to comment.

87. Should stakeholders other than reprocessors or exporters be able to issue evidence of recycling?

- a) Yes
- b) No**
- c) I don't know

Please briefly state the reasons for your response and provide any information to support your view.

Clear unequivocal evidence must be provided that a material has been physically recycled either here or overseas. Too many stakeholders would muddy this message.

88. Are there any additional enforcement powers that should be applied to waste sorters, MRFs and transfer stations handling packaging waste?

- a) Yes
- b) No

If yes, please explain which other enforcement powers should be available.

As an association, CTPA does not have enough information to comment.

89. Do you agree with the proposed amendments to enforcement powers relating to reprocessors and exporters?

- (a) Yes
- (b) No

(c) I neither agree nor disagree

Please briefly state the reasons for your response and provide any information to support your view.

90. Do you have any evidence to indicate that under any of the proposed governance models the likelihood of waste packaging being imported and claimed as UK packaging waste might increase?

- (a) Yes
- (b) No

If yes, please provide information on any evidence you have.

As an association, CTPA does not have enough information to comment.

91. Is the current requirement for a sampling and inspection plan and subsequent auditing by the regulator sufficient to address any misclassification of imported packaging waste?

- (a) Yes
- (b) No

Please briefly state the reasons for your response and provide any information to support your view.

As an association, CTPA does not have enough information to comment.

92. Are there other mechanisms that could be considered that would prevent imported UK packaging waste being claimed as UK packaging waste under the proposed governance models?

- a) Yes
- b) No
- c) If yes, please explain which other mechanisms could prevent imported packaging waste being claimed as UK packaging waste.

As an association, CTPA does not have enough information to comment.

11. Estimated costs and benefits

93. Do you have any additional data or information that will help us to further assess the costs and benefits (monetised or non-monetised) that these reforms will have?

94. Do you have further comments on the associated Impact Assessment, including the evidence, data and assumptions used? Please be specific.

12. How will we know when we've been successful?

95. If you have any other views or evidence that you think we should be considering when reforming the packaging waste regulations, which you have not yet shared, please add them here.

References:

[1] The Cosmetic, Toiletry and Perfumery Association "[Cosmetics Industry in Figures](#)" Kantar Worldpanel April 2019 (under preparation)

[2] The Cosmetic, Toiletry and Perfumery Association "[Getting the Best from Exiting the EU](#)"

[3] L342/59 "[Regulation \(EC\) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products \(recast\)](#)"

[4] Statutory Instruments 2013 No. 1478 "[The Cosmetic Products Enforcement Regulations 2013](#)"

[5] [Commission Implementing Decision](#) 2013/674/EU on Guidelines on Annex I to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products

[6] Directive [EU/2018/851](#) (the revised Waste Framework Directive)

[7] Directive 94/62/EC on [Packaging and Packaging Waste](#)