

**NORTH LANARKSHIRE COUNCIL
REPORT**

<p>To : ENVIRONMENTAL SERVICES COMMITTEE</p> <hr/> <p>From : DIRECTOR OF ENVIRONMENTAL SERVICES</p> <hr/> <p>Date : 29 September 1998 Ref : WB/SP</p>	<p>Subject : Consultation Paper Review of the Producer Responsibility Obligations (Packaging Waste) Regulations 1997</p>
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PROPOSED DECISION

To agree to the recommendations contained in the report.

BACKGROUND

In response to the European Directive governing recycling of waste, the Government introduced The Producer Responsibility Obligations (Packaging Waste) Regulations 1997. In light of information obtained from the first annual return in terms of these Regulations, the Government now considers it necessary to bring forward proposals to enhance the level of recycling of packaging waste to 52% by the year 2001.

To assess how this could be achieved the Government requested the Advisory Committee on Packaging to undertake a review of the Regulations and has invited comments on a number of options and proposals put forward by the Advisory Committee.

The options proposed and the Department's responses thereto form the body of this report.

REPORT

Although the review consists of thirteen Chapters and eight Annexes, most of these relate to operational matters of interest only to obligated businesses and regulatory matters which are the responsibility of the Scottish Environment Protection Agency (SEPA). The remaining matters of interest to the Local Authority are addressed in this report. The Consultation Paper is extremely complex but the remainder of this Report attempts to summarise the main proposals.

At present businesses which generate more than 50 tonnes of Packaging Waste per annum and have a turnover of more than £5 m per annum require to be registered with SEPA and are designated "Obligated Businesses". In the year 2000 the turnover figure will be reduced to £1m and this will have a marked effect on the number of "Obligated Businesses", which will rise from the original prediction of 900 to over 19,000.

Separate Targets

The Regulations require by the year 2001 that each sector - packer/filler, converter, retailer and raw materials manufacturer - must play an equitable part in recovering packaging from the domestic waste stream. By the year 2001 "Obligated Businesses" have to recycle 50% of their total recovery obligation, 25% of this recycling target requires to be met by domestic packaging waste. One of the main proposals is the development of separate targets for

domestic and commercial packaging waste. It is considered that this would lead to greater equity in the part played by each of the sectors above and would strengthen the role of local authorities in facilitating recycling.

There is a fear, however, that during the months leading up to the target year 2000, Obligated Businesses may ignore their obligation to recycle 25% of domestic packaging waste. The Department of Environment, Transport and the Regions (DETR) consider that it is imperative that action be taken immediately, possibly in association with local authorities, to ensure a guaranteed existence and possible enhancement of recycling collection schemes and initiatives presently provided by local authorities. The DETR, contrary to the views of the Advisory Committee, propose to have separate targets for domestic packaging waste. This would be achieved in conjunction with proposed changes to the Packaging Waste Recovery Notes (PRNs).

This Department agrees with the principle of introducing separate targets. However, in light of the present financial constraints and staffing levels, difficulties, are foreseen if we were to undertake such an exercise. The present partnership between local businesses and the Council in recycling activities requires to be protected and, where possible, expanded.

PRN System

It is also proposed to make operational changes to the present PRN system based on the views expressed by the vast majority of Obligated Businesses. The two main areas of concern are :-

1. Transparency:

How do the accredited reprocessors decide on the price of PRNs and what do they do with the revenue generated from the sale of PRNs ?

2. Who Receives PRNs

The Consultation Papers also raised concern over who received PRNs and three options were submitted for consideration, namely :-

- (a) Issuing PRNs to deliverers of waste on request.
- (b) Issuing PRNs to obligated businesses or their representatives only.
- (c) Issuing PRNs on expanded Agency guidance.

The DETR have expressed a preference for the option of issuing PRNs on expanded Agency guidance. However, the Advisory Committee recommended that PRNs should be issued to obligated businesses or their representatives only as a means of avoiding secondary trading or fraud.

RECOMMENDATIONS

- That the Council agree to the introduction of separate targets for domestic and commercial packaging waste.
- That the Council agree to the issuing of PRNs to obligated businesses or their representatives only.

M'Kenzie L. Hutton