

AVA ENVIRONMENT & SUSTAINABILITY COMMITTEE NEWSLETTER

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Welcome to the AVA Environmental Newsletter

Extended Producer Responsibility (EPR)



Department
for Environment
Food & Rural Affairs

The big news this time is that Defra has decided to put back the starting date for Extended Producer Responsibility (EPR) by a year, starting from 2025 – for everything except the reporting of the amount of packaging companies use.

Just to remind you, companies with a turnover of greater than £1 million and an eligible packaging use of greater than 25 tonnes a year must report on how much packaging they have put on the market every 6 months. When EPR is finally introduced, companies with a turnover of greater than £2 million and an eligible packaging use of greater than 50 tonnes will have to pay fees dependent on the amount of packaging and the difficulty of recycling it (called “modulated fees”). The tonnage that matters is the amount with your brand on it. If your company sells drinks in cups with your brand then all the packaging associated with the cups counts towards the tonnage, but if there is no brand at all then the manufacturer of the cups takes responsibility for the tonnage even if there is only a manufacturing batch number or date code on the bottom of the cup. However, this does mean that operator companies that use cups with no marking at all will have to make a return if they use enough cups. The AVA has calculated that a yearly throughput of 2.7 million cups (that is 200 machines doing just over 250 cups a week) will be enough to make the operator company liable for reporting and over 5.4 million a year will be liable for payment.

Operators who fulfil the tonnage and turnover requirements for modulated fees may also be liable for purchase of Packaging Recycling Notes (PRNs) for secondary, tertiary and shipping packaging. If you have any doubt as to whether you will have to report your packaging usage to Defra, do contact the office. Or check the Defra [website](#).

Defra have asked for the reporting of data for the new packaging categories for the first six months of 2023 to be made by 18th October, although the reporting of data will not be mandatory until May 2024 at which time the first and second six-month periods of 2023 are to be made.

Deposit Return Schemes

The introduction of a Deposit Return Scheme in Scotland has been deferred. The earliest introduction date now is October 2025. The development of the Scheme is coordinated through DEFRA to deliver a UK wide solution. As a result of the delay in implementation of EPR the Deposit Return Scheme in the UK has also been delayed by at least a year, it is expected that it will follow EPR introduction.



The Defra scheme does not include glass, although both Wales and Scotland are intending its inclusion. Wales is also in favour of a digital based scheme.

The [Re-Turn](#) deposit scheme in Ireland is going ahead and will go-live from February of 2024. The scheme will require that only registered products within the scheme scope are sold on the market, these products will carry the Re-Turn logo. There is a use up period for old un-marked stock until June 2024. The deposit will be 15c for containers up to 500ml and 25c for larger containers up to 3ltrs.

Vending is exempt from offering a rebate/return point, but must register and apply for [exemption](#).

Packaging Labelling



A requirement of EPR will include the labelling of packaging to assist consumers understanding of correct disposal once its use is finished. The labelling scheme will be binary in application, either [Recycle or Do Not Recycle](#).

Compostable Packaging will have to carry the "Do Not Recycle" logo.

Mandatory Cup Takeback

Along with EPR, plans for mandatory cup collection have also been delayed until 2025, but our industry still needs to show that it is making progress in order to avoid the introduction of cup levies.

Mandatory takeback will require businesses selling filled disposable paper cups to provide for the separate collection of used cups



through both instore and point of service collection points, and to arrange for the collection and recycling of these cups. The takeback requirement would extend to accepting all disposable paper cups at these collection points irrespective of brand or where the drink was purchased. The obligation to takeback used cups will include all business serving filled disposable paper cups with more than 10 full time employees. An obligated business will be required to confirm both the numbers of cups they serve, and the numbers of cups taken back for recycling; the business will have to be operated as part of a recognised used cup collection and recycling scheme.

It is the industry development of paper cup recycling that has led to the inclusion of Mandatory Paper Cup Takeback as part of the Extended Producer Responsibility legislation that will be introduced from 2025. There is adequate paper mill capacity in the UK to recycle all paper cups used. The industry led collection of used paper cups is now led by the National Cup Recycling Scheme, initially operating through the high street coffee shops it is now open to all vending and retail businesses serving filled paper cups.

Managing the takeback of used paper cups as member of the NCRS will bring access to participating waste management companies; there are currently 25 regional and national operators, who provide the most straight forward solution to collection and recycling. It is possible that these waste management companies may already be involved with the client of a vending operator.

The NCRS can be reached at: [National Cup Recycling Scheme](#) or call **01789 208793**.

Single Use Plastic Products Ban: England 1st October.

Single-use plastics ban in England



The ban on the use of a range of single use plastic products came into effect in England from 1st October. It is now an offence to use:

- Single-use plastic plates, bowls and trays.
- Single-use plastic cutlery and balloon sticks.
- Cups and food containers made of expanded or foamed polystyrene.

This includes all types of single-use plastic, including biodegradable, compostable and recycled. It covers items wholly or partly made from plastic, including coating or lining.

It is however acceptable to continue using plastic plates, bowls and trays when they are used as packaging to serve food at the point of sale.

Single Use Plastic Products Ban: Wales 30th October

Perhaps overshadowed by the English bans and restrictions, you could easily have missed the Welsh Government's confirmation on 20 September that Phase One of its SUP bans will begin on 30 October 2023.

This first phase includes:

- Single-use plastic plates – this includes paper plates with a laminated plastic surface.
- Single-use plastic cutlery – for example forks, spoons, knives.
- Single-use plastic drinks stirrers.
- Cups made of expanded or foamed extruded polystyrene.
- Takeaway food containers made of expanded or foamed extruded polystyrene.
- Single-use plastic balloon sticks.
- Single-use plastic-stemmed cotton buds.
- Single-use plastic drinking straws – with exemptions for people who need them.

This means there are two differences between Wales and England: the bans do not include plastic bowls and trays, and there is no exemption for plastic plates when used as packaging. So, plastic plates may be used by operators to serve food in England, but not in Wales. Businesses may continue to trade the banned items with each other, but not sell or provide directly to the public.

Like England, bans apply if the item is “coated, lined, or laminated with plastic”, with paper plates coated or lined with plastic used as an example. All plastics are included, including bio-based ones.

Paper Cup Levy & Taxes

There continues to be very real possibility of the introduction of levies and taxes on single use cups and food containers.

The recently concluded Circular Economy Consultation in Scotland seeks to provide powers to Scottish Government to introduce charges for single use packaging including paper cups. The Scottish Advisory Group on the Introduction of Paper Cup Charges remain committed to the introduction of charges in 2025.

The Irish government will impose a levy of 20 cents on the sale of coffee in single use cups before the end of this year, although there is considerable and continuing rejection of the notion across Irish hospitality industry. The coffee shop market has introduced a used cup collection scheme, The Cup Collective, to counter the imposition of the tax.

After lobbying by the AVA, the Irish Government has granted exemption to the tax where there is no charge made for the drink, including free-vend vending sites.

The outcome of the Northern Ireland consultation on charges for single use cups and food containers remains in abeyance.

The AVA consider the early demonstration of used paper cup collection and recycling ahead of the Mandatory Takeback required under EPR is the best way to offset the introduction of cup levies and taxes in the UK.

Competition and Markets Authority Green Claims Code



There appear to be a growing number of products, in particular single use cups, being placed on the market backed by a range of environmentally based claims suggesting the product to be groundbreaking in every respect.

The AVA encourages all members to remind themselves of the Competition and Markets Authority's **Green Claims Code** (GCC):

- The claim is accurate and clear for all to understand.
- There is up-to-date, credible evidence to show that the green claim is true.
- The claim clearly tells the whole story of a product or service; or relates to one part of the product or service without misleading people about the other parts or the overall impact on the environment.
- The claim doesn't contain partially correct or incorrect aspects or conditions that apply.
- Where general claims (eco-friendly, green or sustainable for example) are being made, the claim reflects the whole life cycle of the brand, product, business or service and is justified by the evidence.
- If conditions (or caveats) apply to the claim, they're clearly set out and can be understood by all.
- The claim won't mislead customers or other suppliers.
- The claim doesn't exaggerate its positive environmental impact, or contain anything untrue – whether clearly stated or implied.
- Durability or disposability information is clearly explained and labelled.
- The claim doesn't miss out or hide information about the environmental impact that people need to make informed choices.
- Information that really can't fit into the claim can be easily accessed by customers in another way (QR code, website, etc.).
- Features or benefits that are necessary standard features or legal requirements of that product or service type, aren't claimed as environmental benefits.
- If a comparison is being used, the basis of it is fair and accurate, and is clear for all to understand.

All claims, particularly those for “Plastic Free, Compostable, and Recyclable”, should be supported by evidence available to vending operators, of certification audited by organisation recognised by United Kingdom Accreditation Services (UKAS) endorsing the validity of the claim in the UK.

The CMA and other bodies – such as Trading Standards Services or sector regulators – are taking an increased interest in environmental claims and it is likely that unsupported claims will be questioned in court.

The **Waste Collection Consistency Consultation** in England response has been published - at last - as Simpler Recycling.

- By 31 March 2025, non-household premises, including businesses (except business with under 10 full-time equivalent employees – defined as 'micro-firms') must recycle all recyclable waste streams, excluding garden waste and plastic film.
- By 31 March 2026, local authorities will collect all recyclable waste streams, excluding plastic film, from all households in England, with a weekly food collection for every household, unless 'transitional arrangements are agreed'.
- By 31 March 2027, micro-firms must recycle all recyclable waste streams, excluding garden waste.
- By 31 March 2027 Plastic film collections from all properties starts.

This means all English businesses, councils, schools, hospitals and households. will recycle the same materials: metal, glass, plastic, paper and card and food waste.

It will be necessary for individual business to seek the guidance of their waste provider as collections systems are introduced.

Welsh Business Collection and Recycling

Welsh workplace recycling is changing. From 6 April 2024, it will be law for all businesses, charities and public sector organisations to sort their waste for recycling. This also applies to all waste and recycling collectors and processors who manage household-like waste from workplaces.

The Welsh Government is introducing this law to improve the quality and quantity of recycled waste. The following materials will need to be separated for collection, and collected separately:

- Food
- Paper and card
- Glass
- Metal, plastic and cartons
- Unsold textiles
- Unsold small waste electrical and electronic equipment (sWEEE)

There will also be a ban on:

- Sending food waste to sewer (any amount)
- Separately collected waste going to incineration and landfill
- All wood waste going to landfill.

Paper and card can be mixed together in the same container, and metal, plastic, and cartons can also be mixed together.



And - as a footnote: It is nice to see that the new fully recyclable [British Legion Poppy](#) is being made by our old friends at [James Cropper](#). 50% of it comes from recycled coffee cups! Full details in this [BBC](#) article.

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