

## Submission from Green Alliance

The Regulations transpose the 2020 Circular Economy Package (CEP), which is welcome. However, there is an error in the Explanatory Memorandum which states that “It is making all the legislative changes required to transpose the 2020 Circular Economy Package (CEP) measures on behalf of England and Wales, apart from some amendments relating to hazardous waste which Defra is making for England only”. This statement is not correct in relation to the transposition of the main targets in the CEP, which we believe raises an important question of transparency. While the Regulations do indeed transpose the headline municipal waste recycling target from the CEP – 65 per cent by 2035 – they do not transpose the interim CEP targets for municipal waste recycling – 55 per cent by 2025 and 60 per cent by 2030. The [Policy Statement](#), published by Defra, DAERA and the Scottish and Welsh governments on 30 July, also fails to recognise this. (It is worth noting, though, that existing targets in Wales and Scotland exceed those mandated by the CEP, and that only Wales, which has statutory interim targets in place, is on course to meet its goal.) The government should explain this transposition gap and the rationale for it.

There is also a concern about timeliness. The government consulted on transposing some parts of the package, notably the [packaging specific targets and changes to extended producer responsibility](#) in early 2019. The original transposition deadline was 5 July 2020 and, while coronavirus has understandably led to delays in legislative timetables, the government has been notably silent on its transposition plans and timescales, including in its response to this [parliamentary question](#) from Dr Matthew Offord asking what the government’s plans were to make the CEP law. In her response on 19 June, environment minister Rebecca Pow did not mention any plans to bring the full package into law and because of the delays there was no time for consultation on the government’s Policy Statement which would have allowed the above omission to be queried.

The provisions on extended producer responsibility (Article 8a of the revised Waste Framework Directive, 2008/98/EC), for example, are not included in the Annex I summary of measures that will be altered through this SI. This is a key change through the CEP that will see producers held responsible for at least 80 per cent of the end of life costs of what they place on the market.

The government has said that it will go further and ensure that producers – of packaging at least – are held responsible for 100 per cent of costs, which is welcome. A joint initial consultation on behalf of all the governments was held last year. However, the consultation only covered packaging and we are still awaiting proposals for other materials streams. Also, the second round of consultations on packaging, which were expected early this year and intended to set out the government’s proposals, have been delayed and we are not expecting them now until next year.

We are concerned that the slipping of this timeline means that the reforms for packaging and other materials streams that have not been consulted on will not be in place according to the deadline set out by the CEP. The CEP mandates that: “Member States shall take measures to ensure that extended producer responsibility schemes that have been established before 4 July 2018, comply with this Article by 5 January 2023.” (That means we should have reforms in place for waste electrical and electronic equipment, end of life vehicles and batteries, as well as packaging, by January 2023.)

**8 September 2020**