



Llywodraeth Cymru  
Welsh Government

**Number: 53806**

## Welsh Government Consultation Document

# Amendments to Extended Producer Responsibility for Packaging to cover street binned and littered packaging waste in Wales

## Response Form

Date of issue: 30 January 2026

Action required: Responses 24 April 2026

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh  
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## Overview

This consultation seeks to gather stakeholders' views on policy options for including binned and ground litter in the scope of Extended Producer Responsibility for Packaging in Wales, including:

- Potential policy options for how to calculate producer fees for producers of littered packaging.
- How to allocate payments to local authorities, and how to account for efficiency and effectiveness in litter management.
- The definition of 'relevant authorities' who manage litter.

## How to respond

The closing date for responses is and you can respond in the any of the following ways:

**Online form:** Please complete the online consultation response form on the consultation internet page.

**Email:** Please download and complete the consultation response form and send it to:

[WelshGovernmentEPRProgramme@gov.wales](mailto:WelshGovernmentEPRProgramme@gov.wales)

Please include *53806 Amendments to Extended Producer Responsibility for Packaging to cover street binned and littered packaging waste in Wales* in the subject line.

**Post:** Please download and complete the consultation response form and send it to:

pEPR Policy Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Contact details

For further information:

pEPR Policy Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ  
Email: [WelshGovernmentEPRProgramme@gov.wales](mailto:WelshGovernmentEPRProgramme@gov.wales)

This document is also available in Welsh:

## **UK General Data Protection Regulation (UK GDPR)**

The Welsh Government will be data controller for Welsh Government consultations and for any personal data you provide as part of your response to the consultation.

Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation and that the Welsh Government may be under a legal obligation to disclose some information.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

### **Your rights**

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below

Data Protection Officer:  
Welsh Government  
Cathays Park  
CARDIFF  
CF10 3NQ  
e-mail: [dataprotectionofficer@gov.wales](mailto:dataprotectionofficer@gov.wales)

The contact details for the Information Commissioner's Office are:

Wycliffe House

Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel: 0303 123 1113  
Website: <https://ico.org.uk/>

## Consultation Response Form

Your name: **Scott Sherlock, Public Affairs Manager**

Organisation (if applicable): **AVA: The Vending & Automated Retail Association**

Organisation type:

- Business/Consultant
- Local Planning Authority
- Government Agency/Other Public Sector
- **Professional Bodies/Interest Groups**
- Voluntary Sector/Community Groups
- Other Group or Individual (not listed above)

Email / telephone number: **scott.sherlock@the-ava.com / +44 (0) 3300 883 267**

Your address: **Concept House, Cromwell Office Park, York Road, Wetherby, LEEDS LS22 7SU**

## Producer fees policy options

### Question 1

Which policy option for producer fees do you think is the best solution?

Please select one of the following options:

- Option A – flat rate
- Option B – commonly littered items
- Option C – hybrid
- Unsure or no preference
- An alternative solution – please provide details in the question below.

**The AVA does not support Options A, B, and C.**

#### Comments:

- **Option A**, while administratively simple, it fails to reflect actual litter prevalence of different packaging types, and it would unintentionally penalise producers whose packaging is rarely found as litter.
- **Option B**, estimates to recover only 64% of actual litter costs, leaving a massive gap which could lead to cross-subsidy, meaning some producers would end up paying for costs that their own packaging did not create.
- **Option C**, is the most complex administratively, which would be burdensome for our operators. Indeed, its multi-tiered framework requires precise, SKU-level data, extensive supplier coordination, and complex tracking systems not currently available or practical for the majority of our operators.

### Question 2

Please provide an explanation or reasons for your preferred policy option.

The AVA does not support Options A, B, and C. Instead, **we support the alternative solution which is a modulated fee type option**. It would achieve full cost recovery while protecting our operators from excessive administrative burdens.

### Question 3

**What do you think is the best way to ensure that producer fees are levied proportionally to producers supplying products to Wales?**

Please select one of the following options:

- Allocate a share of charges to all producers based on the share of the UK population that resides in Wales
- Use nation of sale data supplied by producers to identify the share of products sold in Wales for each producer
- **Another method – please provide details below.**
- Unsure or no preference

### Question 4

**Please provide an explanation or reasons for your answer to the previous question.**

The AVA favours an aggregated nation-of-sale allocation model because it delivers proportionality without the heavy administrative demands of full nation-of-sale reporting.

An aggregated model instead relies on existing distribution or delivery data, combined with industry-level consumption ratios, to estimate how much packaging is placed on the Welsh market. This removes the need for detailed SKU-level tracking or mapping individual product flows across UK nations. For our operators - who already face growing administrative workloads - this approach is far more workable and acceptable to us.

Even the Environment Agency recognises that while nation-specific data is useful for policymaking, collecting it should not create unnecessary early burdens. An aggregated model therefore offers a fair, practical and proportionate way to allocate producer fees to Wales while keeping the system manageable.

## Local authority payments, efficiency and effectiveness

### Question 5

**What is the best method of determining the total costs of local authority litter management (including emptying public bins and clearing ground litter) for packaging EPR?**

Please select one of the following options:

- Use cost estimates from recent research by WRAP
- Require local authorities to submit litter management cost data annually to PackUK
- **Another method – please give details below**
- Unsure or no preference

### Question 6

**Please provide an explanation or reasons for your answer to the previous question.**

**The AVA does not support either option.**

The first, using cost estimates from recent research by WRAP, is not ideal because it only captures 64% of items currently on the “commonly littered items list”. We do not support this option because it does not account for a third of items and it cannot be relied upon to estimate the cost for cleaning up litter.

The second, which requires local authorities to submit litter management cost data annually to PACKUK, is not supported by us either. Annual submissions would create huge administrative burdens for local authorities in Wales, all of which might report their figures in a different way making the overall data hard to compare and unreliable.

**The AVA supports another method: a standardised, independently audited national model using sample-based cost submissions.** This option is much more appealing because it uses one clear national method to work out litter-management costs, checked by an independent auditor, and only asking a small sample of local authorities for cost information every few years. This keeps the system accurate without making every local authority across Wales report large amount of data every year.

## Question 7

### What is the best method for allocating litter payments to each local authority?

Please select one of the following options:

- A flat rate for all litter, with litter payments to local authorities based on the tonnage of litter collected
- Different rates for different materials, with payments to local authorities based on both tonnage and composition of litter collected
- Allocate litter payments to local authorities based on population or number of households
- Allocate litter payments to local authorities based on area of relevant land from which litter is cleared
- A combination of the above
- Unsure or no preference
- **Another method (please provide details in the next question)**

## Question 8

Please provide an explanation or reasons for your answer to the previous question.

All of the listed options either oversimplify litter costs or introduce burdensome and unreliable data demands.

**The AVA recommends a national, standardised allocation model** that uses consistent costing methods and a representative sample of councils rather than full reporting from every authority. This avoids unnecessary administrative burden and helps produce more accurate, comparable and reliable data across Wales.

## Efficiency and effectiveness

### Question 9

**Do you agree that adjustments to local authority litter payments for efficiency and/or effectiveness should be delayed for twelve months after litter payments being introduced, to allow time to gather extra data on local authority litter management performance?**

Please select one of the following options:

- Yes – delay adjustments for twelve months after litter payments introduced
- No – introduce adjustments at the same time as introducing litter payments
- Unsure or no preference

### Question 10

**What do you think is the best way to account for efficiency in local authority litter management?**

Please select one of the following options:

- Cost per tonne of litter collected
- Cost per capita
- Cost per hectare
- A combination of the above
- Another method (please give details below)
- Unsure or no preference

The AVA recommends a national, standardised allocation model that uses consistent costing methods and a representative sample of councils rather than full reporting from every authority. This avoids unnecessary administrative burden and helps produce more accurate, comparable and reliable data across Wales.

### Question 11

**What do you think is the best way to account for effectiveness in local authority litter management?**

Please select one of the following options:

- COPLAR compliance audits
- Street cleanliness based on surveys – such as LEAMS
- Recycling rates of collected litter
- Evidence of a litter management strategy and action plan
- **A combination of the above**
- Another method (please give details below)
- Unsure or no preference

**Using a combination is fairer, more balanced, and more accurate.**

### Question 12

**Please provide an explanation or reasons for your answers to the previous three questions.**

## Relevant authorities

### Question 13

**Do you think that litter management payments should be made to other organisations that manage litter, as well as local authorities?**

Please select one of the following options:

- Yes
- **No**
- Unsure or no preference

### Question 14

**Do you support the idea of a bidding pot for other organisations who manage litter?**

Please select one of the following options:

- Yes
- No
- Unsure or no preference

### Question 15

**Do you have any alternative suggestions of how to address the issue of other organisations that manage litter? (other than local authorities). If so, please outline these here.**

The AVA does not believe or support making payments or creating a bidding pot for other organisations. Litter-management payments should go directly to local authorities, because they are the statutory bodies responsible for public-bin emptying, street cleaning, and ground-litter removal.

### Question 16

**Please provide an explanation or reasons for your answers to the previous three questions.**

The AVA does not believe or support making payments or creating a bidding pot for other organisations. Litter-management payments should go directly to local authorities, because they are the statutory bodies responsible for public-bin emptying, street cleaning, and ground-litter removal.

### All parts

A draft Regulatory Impact Assessment (RIA) has been prepared to support this consultation. (This is available as a separate document on the consultation website.)

### Question 17

**Please let us know if you have any comments on the RIA.**

The RIA seems to underestimate how difficult and time-consuming the proposed data and reporting requirements will be. EPR experience already shows that complex data systems have caused delays because organisations weren't ready for them. It also relies on WRAP litter data that only captures around 64% of litter by weight, so it may not reflect the full real-world cost of litter management.

Overall, the RIA needs a more realistic view of data quality, administrative burden, and system readiness.

## Question 18

**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

The AVA is the trade association for the vending industry, representing machine manufacturers, ingredient and cup suppliers, and vending machine operators across the United Kingdom and Ireland. Our operator members account for approximately 80% of the UK vending industry's £3.6bn annual turnover and employ around 19,500 people directly, with many more supported across the wider supply chain.

The AVA fundamentally rejects the principle that EPR costs should be expanded to cover street-binned and littered packaging waste in Wales. This is not simply a matter of technical design or fee calibration. The proposal represents a misallocation of responsibility, a departure from the polluter-pays principle, and a precedent that risks undermining both enforcement and public accountability.

### **Littering is unlawful behaviour and should not be normalised through EPR**

Littering is an illegal activity, and local authorities already possess statutory powers to deter, enforce against, and penalise individuals who litter. Transferring the costs of illegal behaviour to producers and manufacturers allows enforcement bodies to avoid using the powers they already hold and weakens the accountability of citizens for their actions.

EPR was not designed to subsidise failures in enforcement. Passing litter clean-up costs to producers risks creating a system where:

- Illegal behaviour is indirectly underwritten by compliant businesses, and
- The incentive for authorities to actively enforce littering offences is diluted.

Authorities should be expected to use existing enforcement powers, including fixed penalty notices and prosecutions, to recover costs directly from those responsible for littering, rather than shifting that burden onto producers who did not create the litter.

### **Packaging placed in public bins is not litter and should not be treated as such**

The AVA also rejects the notion that packaging placed correctly in public bins should attract additional EPR charges.

Public bins exist specifically to prevent littering. Encouraging their use is good public policy. Treating correctly binned packaging as a separate cost driver risks perverse outcomes, including:

- Disincentivising the provision and servicing of public bins, and
- Implicitly encouraging a “take it home” expectation that is neither realistic nor practical.

Local authorities already receive central government funding to provide and maintain public bins as part of their wider public realm responsibilities. Charging producers again for waste that has been disposed of correctly constitutes double charging, and in some cases - particularly for household-like packaging - triple charging once household EPR fees are also accounted for.

If, notwithstanding this objection, any costs are to be apportioned for bin waste, they must at a minimum reflect actual bin contents and packaging density, rather than proxy assumptions or broad averages.

#### **Double and triple charging risks are wholly unresolved**

For packaging types that are functionally indistinguishable from household packaging, extending EPR to cover litter and binned waste would result in producers paying multiple times for the same material under different classifications.

This is:

- Incompatible with proportionality,
- Economically inefficient, and
- Contrary to the stated objectives of EPR reform.

#### **The vending industry is being inappropriately captured**

Packaging used by vending operators is predominantly consumed within workplaces, controlled environments, or semi-closed settings, and does not typically enter the wider public realm.

Applying litter and street-bin charges to vending-supplied packaging demonstrates a lack of understanding of real-world consumption patterns in our sector. While we recognise the counter-argument that similar products may be sold in other retail settings, this only reinforces the flaws in the proposed system: it relies on inappropriate proxies and national assumptions rather than evidence-based attribution.

This is precisely why the AVA has raised sustained concerns about nation-of-sale data and its derivatives as tools for allocating litter costs.

### **The proposed fee models remain wholly unfit for purpose**

The three fee options presented - A, B, and C - remain unworkable, disproportionate, and unsupported by reliable data:

- **Option A** is blunt and unfair, entirely detached from actual litter behaviour, and obliges producers to pay for waste they did not generate.
- **Option B** relies on WRAP data that captures only around two-thirds of litter by weight, guaranteeing cross-subsidy and incomplete cost recovery.
- **Option C** is administratively complex and effectively unmanageable for vending operators operating multi-site, mixed-use supply chains.

Collectively, these options amount to regulatory overreach, not targeted environmental policy.

### **Nation of sale reporting cannot shoulder this policy**

While nation-of-sale reporting will become an obligation within EPR returns, its introduction has already been delayed due to recognised system and data readiness challenges. Building a new litter-charging framework on top of data infrastructure that regulators themselves have previously deemed unready is both premature and high risk.

Even with upcoming obligations, granular litter cost attribution remains disproportionate and unjustified for the purposes proposed here.

### **The RIA materially understates risk and complexity**

The Regulatory Impact Assessment significantly underplays:

- The administrative burden on producers and local authorities,
- The immaturity of underlying data systems,
- The operational risks associated with inconsistent authority-level reporting, and
- The consequences of relying on incomplete and non-representative WRAP data.

Experience from the implementation of wider pEPR reforms has already demonstrated that overly optimistic assumptions lead directly to enforcement delays and system instability.

### **AVA position**

This proposal is not workable. It misdirects responsibility for illegal littering, risks double and triple charging, imposes unjustified administrative burdens, and expands EPR beyond its appropriate scope. The AVA therefore strongly opposes the extension of EPR to cover street-binned and littered packaging waste in Wales.

However, should the Welsh Government choose to proceed regardless of these fundamental objections, the AVA has put forward a limited set of harm-reduction alternatives, including:

- A simpler modulated fee-type approach,
- An aggregated nation-of-sale allocation model, and
- A national, standardised litter cost model based on audited methodology and periodic sampled data.

These alternatives do not signal support for the policy direction. They reflect only the AVA's commitment to protecting its members from a framework that would otherwise be damaging, inequitable, and operationally unsustainable.

## **Confidentiality**

Responses to the consultation may be published. Your response will be anonymous.

However, if you would like your name to be published alongside your response, please tick the box.

I agree to my name being published alongside my response to this consultation.