

## BRC/NIRC RESPONSE TO THE DAERA CONSULTATION FOR THE REDUCTION OF SINGLE-USE PLASTIC BEVERAGE CUPS AND FOOD CONTAINERS

### General questions on approach

Q1. What size of businesses should the proposed policies apply to? (select all that apply)

- Small (1-49 employees)
- Medium (50-249 employees)
- Large (250+ employees)
- None of the above

If the NI Government is to introduce **an effective policy measure**, there needs to be a coherent approach from the start so that there is a level-playing field among the concerned businesses.

All businesses using the items in scope should be obligated, regardless of their size, in order to achieve the desired impacts (high rates of recovery and recycling, consumer consumption). The approach should be consistent especially as the independent coffee shops operating across the UK are taking up a large and growing portion of the market share. In 2019 alone, the number of independent operators and branded coffee chains increased, reaching 7,066 and 8,222 shops respectively ([source](#)).

By obligating businesses of all sizes, the policy would preserve a level playing field and lead to a significant increase in the points at which consumers can return their cups for recycling, helping to achieve recycling of as many SUP beverage cups as possible. Given that two thirds of the cups placed on the market are from outside the National Cup Recycling Scheme membership, not including the rest of the sector from the beginning would hamper progress from the very start.

Q2. Are you aware of any other policy options, not including those already listed, that would be suitable to achieve the stated policy aims?

- YES
- NO

If YES, please explain

The BRC shares NI Government's ambition to increase recycling rates and tackle litter through a comprehensive and coherent policy framework that builds collection (on the go and curbside) and recycling infrastructure for all materials, including SUP items.

We would urge DAERA to continue to develop and fully implement the packaging Extended Producer Responsibility (EPR) proposals that are being developed across the UK, rather than targeting specific types of food and drink packaging. We believe that a holistic and comprehensive policy approach is required for the management of packaging waste across the industry and across the UK.

The reduction of hard to recycle SUP beverage cups and food containers will be effectively met through an efficient packaging EPR system as it will disincentivise the industry (by means of modulated fees) from putting difficult to recycle/non-recyclable packaging on the market in the first place. The impacts of the modulation are expected to affect the amount of the packaging placed on the market and subsequently its consumption by consumers, ultimately driving the industry and the

*consumers towards more sustainable (reusable and refillable) and recyclable options and delivering a reduction in SUP beverage cups and food containers.*

*We also believe that packaging EPR will be more effective in ensuring that packaging materials are actually collected for recycling. There needs to be a focus on increasing recycling and ensuring the UK has the infrastructure to handle more of its waste itself. Under the new packaging EPR rules, sellers of filled disposable paper cups will have a takeback obligation that will require them to provide for the separate collection of used cups (either generated in-store or consumed 'on-the-go'), through both instore and front of shop collection points, and to arrange for the collection and recycling of these cups. This takeback requirement would be extended to accepting all disposable paper cups at these collection points irrespective of brand or where the drink was purchased, therefore significantly contributing to capturing materials and preventing littering.*

*DAERA should implement packaging EPR in line with the rest of the UK and apportion part of the revenue to on-the-go, material segregation, on the go recycling bins to tackle littering, as well as improve the enforcement of anti-littering measures.*

*Furthermore, with the upcoming Plastics Packaging Tax incentivising the incorporation of 30% recycled content in plastics packaging in the whole of the UK, and the upcoming packaging EPR reform in the UK to incentivise packaging to become more recyclable itself, the proposed measures appear unnecessary at this stage as legislative change is already coming. All the proposed items in scope would fall under the plastics packaging tax and EPR reform, and so banning/restricting these items could limit the use of recycled content and ultimately the circularity of packaging within NI.*

*Finally, our members are concerned about the cumulative effect of the proposal in the light of the changing framework on packaging. The cost to industry, and especially to hospitality, of different regulations coming in at once is significant, in addition to the already existing pressures caused by the pandemic, Brexit and wider taxation (businesses rates).*

## Materials in scope

**SUP beverage cups:** three policies are modelled for SUP cups:

- A ban on their use, which could be implemented fully immediately or phased in over a period of time giving companies time to adapt;
- A levy of 25p on each cup; and
- A voluntary scheme or schemes implemented by businesses that make use of SUP cups, which may comprise a range of charges for cups, discounts for MU cups and communication efforts. This is modelled as having the same effect as a 10p levy.

It is proposed that the levy should take the form of a charge that is visible to the consumer - so it would be shown on menus, receipts or similar. For the ban and the levy, the policy would provide for an exemption for uses in the healthcare sector, where SUP items may be needed for the purpose of infection control. No exemption is needed within the context of a voluntary scheme

**SUP food containers:** three policies are also modelled for Scope 1 SUP food containers. As defined, the policy options applied to Scope 1 food containers are broadly similar to those modelled for cups:

- A ban on their use, which could be implemented fully immediately or phased in over a period of time giving companies time to adapt;
- A levy of 50p on each SUP food container; and

- A voluntary scheme or schemes implemented by businesses that make use of SUP food containers, which may comprise a range of charges for food containers, discounts for consumers who use MU food containers and communication efforts. This is modelled as having the same effect as a 25p levy

The proposed levy is higher than that proposed for a SUP beverage cup, because although the value of foodstuffs sold in SUP food containers varies considerably, a meal sold in a food container may often be of significantly higher value than a cup of tea or coffee, making the impact of a 25p levy proportionately smaller.

There is an exemption for Scope 1 food containers used in the healthcare sector, and in the current modelling Scope 2 food containers have not been included as explained in the introduction.

**Q3: Which of following items, if any, should be included within the scope of proposed policy measures? (select all that apply)**

- Plastic single-use cups
- Card single-use cups lined with plastic
- Takeaway food containers (food containers provided with meals purchased to take off the premises) – Scope 1
- Pre-filled food containers – Scope 2
- Self-fill food containers (food containers that the customers fill themselves before purchase e.g. at a salad bar) – Scope 1
- Other

If 'other' please explain below

*BRCA members would welcome alignment across the four nations in relation to the items in scope of packaging reduction policy measures, as many businesses operate on a UK-wide scale. For retailers, inconsistency in policy measures across the UK results in additional operational costs (with regards to systems and administrative costs). Retailers would prefer a consistent approach to the SUP beverage cups and food containers across the UK as any misalignments will have implications for IT systems but also for their ability to keep the costs down for consumers in NI.*

*We believe that, at a minimum, the NI model should at least align with models seen in other devolved nations (e.g. England, Scotland and Wales). These nations are consulting on items aligned with the EU Single Use Plastics Directive; however, this NI consultation is broader in scope and may create discrepancies amongst the devolved nations, particularly for businesses and customers who operate across the entire UK.*

**Q4: In your view is it practical to include pre-filled (Scope 2) plastic food containers, including those which are plastic-lined, within the scope of these policies?**

- YES
- NO
- DON'T KNOW

If 'yes' please explain

**Q5: In addition to plastic, should any other materials be included in future measures? (select all that apply)**

- Metal
- Glass

- Paper/card
- None of the above
- Other

If 'other' please explain below

*The BRC believes that single use packaging of all materials should be removed where it does not result in unintended adverse impacts in terms of higher product waste or damage to products.*

*Switching from one form of single use packaging to another can result in higher environmental impacts. We would strongly recommend the NI Government to rely on science-based data and relevant full life-cycle assessments to justify the inclusion of additional materials in the scope of the proposed measures.*

*From a material innovation perspective, it's worth having a comprehensive view of the current role and purpose of single use cups when comparing to the availability of replacement options (reusable being the only realistic option). In other EU markets like for example in France, the ban on plastic coffee lids has led to a huge shortage of pulp and a big lack of capability from producers to supply the alternative paper lids in sufficient quantities, which resulted in driving the cost of these products up.*

**Q6: If a levy were to be introduced, who should pay it, producers or consumers? (select one)**

- Producers
- Consumers
- Other

If 'other' please explain below

*We do not believe that introducing a levy on SUP beverage cups and food containers is the most appropriate measure and would prefer that the industry retains the ability to choose whether or not to charge the customers. If the NI Government intends to introduce a levy applicable across the industry, our members would welcome further engagement and discussion so that the measure does not disproportionately affect NI customers and distorts competition within the concerned businesses in NI.*

*We do not believe that producers should be paying the levy as they will be already financially contributing to the environmental costs by means of EPR payments, including litter payments. If a levy were to be introduced on businesses, this would represent an unfair double-edged sword of packaging-related policies.*

*Customers are price-sensitive, our recent Future Consumer Index ([BRC/EY Future Consumer Index](#), September 2021) revealed that only very few individuals will say they do not desire to behave more sustainably but when you introduce competing priorities like price and convenience sustainable behaviors often do not feature in the eventual outcomes.*

*With this in mind, if we are to deliver the desired outcomes (i.e. better recycling and less littering) it is important to fully understand consumers' attitude to levies, bearing in mind the divide between intention and action. From our members perspective, it remains unclear from the consultation documents whether the levy will genuinely deliver the consumer behaviour change that is expected.*

*Furthermore, it is important to bear in mind the overall impact of the measure on the consumers weekly basket and the wider costs of living, especially as other levies, such as carrier bag levy, will be significantly increasing in 2022. We would recommend the NI Government to give due consideration to consumers' reaction to the cumulative effect of the measures, if a levy were to be introduced and*

paid by them. From our members experience, people don't respond well to any levies or measures that affect the running and costs of their everyday life (ex: mandatory wearing of masks in shops).

Abuse of shop workers is a genuine issue that the industry is continuously facing. Our members front line workers are dealing with an alarming level of frictions on a daily basis which is likely to intensify should the wider public not be fully aware of the new levy, why it is being introduced and by whom. The BRC would expect the NI Government to take full ownership of what could potentially be an unpopular measure and guarantee that a solid communication campaign is undertaken early enough to raise NI citizens' awareness.

## Results

### SUP Beverage cups

**Q7: In your view, if no policies or measures were to be introduced, what is the earliest date that the market might develop and supply single-use non-plastic cups? (select one)**

- They are already available
- The market would not develop and supply single-use non-plastic cups
- 2022
- 2023
- 2024
- 2025
- 2026+
- Don't know
- Other

If 'other' please explain below

The BRC believes that single use packaging of all materials should be removed where it does not result in unintended adverse impacts in terms of higher product waste or damage to products.

Most alternatives in the form of bioplastics do exists, however, under the EU SUPD, they are still classed as plastics. Non-plastic solutions have been tried and tested many times but at the moment there are any commercially viable products that have been tested and produced at large scale. The ones that exist do not offer sufficient protection for consumers, particularly in the case of very hot liquids or where liquids have been left to sit in containers for long lengths of time.

In relation to the market development and supply of single-use non plastic cups, it's worth looking at what is happening in the EU. In France, the ban on plastic coffee lids has led to a huge shortage of pulp and a big lack of capability from producers to supply the alternative paper lids in sufficient quantities, which resulted in driving the cost of these products up.

Another challenge that the market is currently facing relates to health and safety requirements. In many instances, businesses cannot rely on bio-based plastics because cups are also regulated by Health and Safety Regulations.

It's also important to underline that most alternatives are not always recyclable, and can still end up as litter and, from a technical perspective, still need a plastic lining for the purposes of being able to contain liquid. It should not be assumed that the supply of non-plastic beverage cups will necessarily have better environmental outcomes. Switching from one form of single use packaging to another can result in higher environmental impacts. We would encourage the NI Government to undertake thorough life cycle assessments, including a carbon footprint assessment.

Businesses do have a responsibility to drive material innovation from a design/functionality

*perspective but also consumer behaviour perspective, but the costs of this innovation are high and are often impacted by the vast amount of changing legislation and the associated administrative compliance requirements.*

**Q8: Please describe the single-use non-plastic cup that is already available. (Only answer if 'they are already available' was selected for the previous question)**

*The NextGen consortium is investing millions of dollars into startups to identify, accelerate and scale commercially viable, circular foodservice packaging solutions. Given that cross industry bodies such as NextGen closed loop partners are investing such amounts yet are still unable to commercialise at scale such innovations provide a sense of the challenge that the industry is trying hard to resolve. However, despite these investments we are unable to commercialise such innovations at this point in time.*

**Q9: If a ban were to be introduced on SUP beverage cups (including plastics or bioplastics) how should the ban be implemented? (select one)**

- Fully implemented from the outset
- Phased in over 6 months
- Phased in over 1 year
- Other

If 'other' please explain below

*We do not support the introduction of a ban on SUP beverage cups as this would have detrimental and disruptive consequences to the industry with no clear evidence of environmental gains whilst also greatly impacting the consumption of beverages in NI. Introducing a ban would be going beyond of what originally is being intended – i.e. achieving packaging consumption reduction, rather than beverage consumption reduction (i.e. coffee sales decline).*

*Such a measure is also likely to have unintended consequences such disrupting the already existing and successful industry's voluntary initiatives, shifting to alternative materials without clear evidence of the overall life cycle assessments of impacts, and ultimately pushing busy consumers on the go to develop unsustainable behaviors such as throwing away items intended for reuse or designed for recycling. We would also question the realistic enforcement and policing of such a measure across the NI.*

*Hard to recycle packaging materials are already facing fiscal measures and should not be subject to an outright ban on beverage cups. Market-driven incentives/disincentives will allow retailers to continue to provide hot drinks services for customers whilst minimising the environmental impact of the packaging used.*

*In terms of biodegradable and compostable materials, there is a lot of consumer confusion around the terminology and there is no consistency across the food service organisations in terms of adequate recycling technology.*

**Q10: If a levy were to be introduced on SUP beverage cups (including plastics or bioplastics) what year should a levy on SUP beverage cups (of any scope) be introduced? (select one)**

- 2022
- 2023
- 2024

- 2025
- 2026+
- Other

If 'other' please explain below

We do not believe that introducing a levy on SUP beverage cups is the most appropriate measure and would prefer that the industry retains the ability to choose whether or not to charge the customers. If the NI Government intends to introduce a levy applicable across the industry, our members would welcome further engagement and discussion so that the measure does not disproportionately affect NI customers and distorts competition within the concerned businesses in NI.

BRC members would strongly recommend that NI Government provides enough lead in time for businesses to get ready for the implementation of the measure (operational and administrative considerations) and that it takes full ownership and lead on setting up early consumers communication and awareness campaigns.

**Q11: If a levy were to be introduced on SUP beverage cups (including plastics or bioplastics) what level should it be set at? (select one)**

- £0.10-£0.24
- £0.25-£0.49
- £0.50-£0.74
- £0.75-£1.00

- Other

If 'other' please explain below

We do not believe that introducing a levy on SUP beverage cups is the most appropriate measure and would prefer that the industry retains the ability to choose whether or not to charge the customers. If the NI Government intends to introduce a levy applicable across the industry, our members would welcome further engagement and discussion so that the measure does not disproportionately affect NI customers and distorts competition within the concerned businesses in NI.

BRC members believe that SUP beverage cups reduction would be better achieved through a voluntary retailer-led scheme where businesses that make use of the SUP beverage cups should have the choice to set the level of the charge(s) and having the freedom to incentivise customers behaviour through discounts. The introduction of a levy would prevent the industry from rewarding customers doing the right thing and reusing its multi-use coffee cup.

We do not have any comments as to what level should the levy be set at for SUP beverage cups. The industry does not yet know the true cost of plastic packaging tax, packaging EPR reform and DRS but what is clear is that significant costs are looming.

The BRC recommends the NI Government to have due assessment of the unintended financial implications of the increase of the charge bearing in mind that NI households have lower wages than anywhere in the UK (source: Office of National Statistics), have half of the discretionary income of Great British Households (source: Asda Income Tracker May 2021) and that NI adults have the most unsecured debt of all the UK regions with 1 in 5 of NI adults over-indebted (source: Financial Conduct Authority, The Financial Lives Survey).

Retailers would prefer a consistent approach to the level of charge across each of the devolved nations. A misalignment with the rest of the UK will have implications for retailers IT systems and will also be disruptive for the food-on-the go market, and ultimately causing confusion to UK citizens

*that will face different levies across the UK. Should a levy be introduced, our recommendation would be to have a common levy level in all four nations.*

**Q12: Do you believe a voluntary scheme for SUP beverage cups, of any form, would be effective in meeting the goal of a significant reduction in SUP cup use?**

Yes

No (If answered no, do not complete next two questions)

What design of voluntary scheme would be successful in terms of administration, monitoring, and applications?

*The design of a voluntary scheme for SUP beverage cups could have the following features:*

- Industry-led incentives for reusable use
- Industry-led disincentives for single-use - i.e., a voluntary single use cup charge
- Takeback schemes in store for single use cups to ensure segregation at source

**Q13: What are the key elements for a successful voluntary scheme for SUP beverage cups? (select all that apply)**

- The ability to in some way enforce signatories to enact the agreement
- For either internal or external monitoring to be conducted
- For a significant amount of the affected organisations (by sales volume) to be signed up
- A consumer facing communications campaign explaining the purpose and aims of the agreement
- For the agreement to contain agreed action for all signatories to undertake
- For signatories to the agreement to have flexibility in achieving the aims of the agreement
- Other

If 'other' please explain below

#### SUP food containers

**Q14: In your view, if no policies or measures were to be introduced, what is the earliest date that the market might develop and supply SUNP (including plastic lining) food containers? (select one)**

- They are already available
- The market would not develop and supply SUNP food containers
- 2022
- 2023
- 2024
- 2025
- 2026+
- Don't know
- Other

If 'other' please explain below

The BRC believes that single use packaging of all materials should be removed where it does not result in unintended adverse impacts in terms of higher product waste or damage to products.

It should not be assumed that the supply of non-plastic food containers will necessarily have better environmental outcomes, especially if there are no consistent collections on the go and curbside of that material. Switching from one form of single use packaging to another can result in higher environmental impacts. We would encourage the NI Government to undertake thorough life cycle assessments, including a carbon footprint assessment, of single-use non-plastic food containers and alternatives.

It is also essential to remember that shifting to single-use non-plastic items is not the solution to reduce citizens littering behaviour, especially if there is a risk of over-reliance on materials that do not have the best environmental benefits for the desired application, as well as a risk of leading to more irresponsible behaviours based on the belief that materials will simply degrade in the environment.

Businesses do have a responsibility to drive material innovation from a design/functionality perspective but also consumer behaviour perspective, but it is important to underline that the costs of this innovation are high and are often impacted by the vast amount of changing legislation and the associated administrative compliance requirements.

In relation to the market development and supply of single-use non plastic food containers, it is important to remember that many businesses are currently facing health and safety requirements from food-related legislation/regulations, which may in some instances, prevent the use of certain materials in food contact applications.

**Q15: Please describe the SUNP food container that is already available. (Only answer if 'they are already available' was selected for the previous question)**

**Q16: What types of food containers should be targeted by the proposed measures? (select all that apply)**

- Takeaway food containers (food containers provided with meals purchased to take off the premises)
- Pre-filled food containers
- Self-fill food containers (food containers that the customers fill themselves before purchase e.g. at a salad bar)
- Other

If 'other' please explain below

*The following points have been raised by our members:*

- How would be rotisseries packaging impacted by such as measures?
- NI Government should consider the impacts on nutrition and diets should salads and smoothies packaging be in scope - there is here a risk of moving people away from healthy options and risk of losing customers
- Important to consider how these measures would impact people who are frequently travelling by plane/train where there is no washing facilities (hygiene aspect) and there is no alternatives readily accessible to them.

In addition, the use of language relating to 'takeaway', particularly in relation to 'pre-fill' and 'self-fill' containers is confusing. It could be interpreted that a takeaway container must either be pre-fill or self-fill, and not a third option (takeaway). It is important that definitions of items in scope are clear and not open to interpretation. This is the case for formats, material and the environment in which they are used.

Please note that hygiene is a critical issue with regards to the public using their own containers for hot and cold ready to eat food prepared on the premises.

**Q17: If a ban on SUP food containers were introduced how should the ban be implemented? (select one)**

- Fully implemented from the outset
- Phased in over 6 months
- Phased in over 1 year

Other

If 'other' please explain below

We do not believe that an outright ban of SUP food containers is the most appropriate solution as it would disproportionately impact the food-on-the go sector, disrupt consumers consumption without offering access to more sustainable alternatives at scale.

Such a policy measure would leave the hospitality and retail sector with no effective packaging solutions for food consumed on the go. It is important to note that alternative materials to plastics does not always result in a lower environmental impact or reduction in litter and must be based on a full LCA.

We do not support the introduction of a ban on SUP food containers as this would have detrimental and disruptive consequences to the industry with no clear evidence of environmental gains whilst also greatly impacting the consumption of beverages in NI. Introducing a ban would be going beyond of what originally is being intended – i.e. achieving packaging consumption reduction, rather than food consumption reduction (i.e. food on the go sales decline).

It is worth flagging an interesting guidance from the Food Safety Authority of Ireland in relation to reusable containers and cups, which indicates that business could be liable if a customer became ill as a result of the overall hygiene within the business, which could potentially be due to accepting reusable containers and cups that were not clean or in good condition (e.g. cracked or chipped).

For many businesses and consumers, trust in high level of hygiene has been particularly key during the pandemic, and many outlets stopped using own containers due to handling risks.

We would advise the NI Government to give due consideration to all the risks involved in accepting reusable containers or cups and put in place proper systems to deal with this.

**Q18: Is there an alternative method of introducing the ban, not mentioned in this consultation?**

- Yes
- No

If 'yes' please explain

**Q19: In what year should a ban on SUP food containers be introduced? (select 1 option for each row, put cross in selected box)**

*BRCA members do not support an outright ban on SUP food containers*

*Please note that takeaway food containers' cannot be defined separately from 'pre-filled' or 'self-fill' food containers as they are either one or the other.*

Takeaway food containers	<input type="checkbox"/> 2022	<input type="checkbox"/> 2023	<input type="checkbox"/> 2024	<input type="checkbox"/> 2025	<input type="checkbox"/> 2026	<input type="checkbox"/> Later
Pre-filled food containers	<input type="checkbox"/> 2022	<input type="checkbox"/> 2023	<input type="checkbox"/> 2024	<input type="checkbox"/> 2025	<input type="checkbox"/> 2026	<input type="checkbox"/> Later
Self-fill food containers	<input type="checkbox"/> 2022	<input type="checkbox"/> 2023	<input type="checkbox"/> 2024	<input type="checkbox"/> 2025	<input type="checkbox"/> 2026	<input type="checkbox"/> Later

**Q20: If a levy on SUP food containers were introduced what level should it be set at? (select one)**

- £0.25-£0.49
- £0.50-£0.74
- £0.75-£0.99
- £1.00-£1.24
- £1.25-£1.50
- Other

If 'other' please explain below

*We do not believe that introducing a levy on SUP food containers is the most appropriate measure and would prefer that the industry retains the ability to choose whether or not to charge the customers. If the NI Government intends to introduce a levy applicable across the industry, our members would welcome further engagement and discussion so that the measure does not disproportionately affect NI customers and distorts competition within the concerned businesses in NI.*

*BRCA members would strongly recommend that NI Government provides enough lead in time for businesses to get ready for the implementation of the measure (operational and administrative considerations) and that it takes full ownership and lead on setting up early consumers communication and awareness campaigns.*

*We do not have any comments as to what level should the levy be set at for SUP beverage cups. The industry does not yet know the true cost of plastic packaging tax, packaging EPR reform and DRS but what is clear is that significant costs are looming.*

*The BRC recommends the NI Government to have due assessment of the unintended financial implications of the increase of the charge bearing in mind that NI households have lower wages than anywhere in the UK (source: Office of National Statistics), have half of the discretionary income of Great British Households (source: Asda Income Tracker May 2021) and that NI adults have the most*

unsecured debt of all the UK regions with 1 in 5 of NI adults over-indebted (source: Financial Conduct Authority, The Financial Lives Survey).

Retailers would prefer a consistent approach to the level of charge across each of the devolved nations. A misalignment with the rest of the UK will have implications for retailers IT systems and will also be disruptive for the food-on-the go market, and ultimately causing confusion to UK citizens that will face different levies across the UK. Should a levy be introduced, our recommendation would be to have a common levy level in all four nations.

**Q21: Would a levy be effective in reducing the consumption of pre-filled plastic food containers?**

- Yes
- No
- Don't know

**Q22: How could a levy on pre-filled plastic food containers be implemented in terms of scheme administration, monitoring, and applications? (Only answer if 'yes' was selected for the previous question)**

We do not believe that a levy on pre-filled plastic food containers should be considered as this could have detrimental unintended consequences on pre-filled food sales. The Government should give careful consideration to the extent of how packaging legislation is being used to regulate food and meals sales. We would urge the NI Government to focus on the recyclability of pre-filled plastic food containers through packaging EPR.

**Q23: Why would a levy on pre-filled SUP food containers be ineffective? (Only answer if 'no' was selected for the previous question)**

Such a levy would be ineffective for the following reasons:

- Would go beyond packaging reduction and would affect food sales which is not the original purpose
- Would increase the overall costs of consumers' weekly basket
- Would not guarantee that the monies raised will be rejected in the development of an on the go recycling infrastructure for this type of packaging
- the impacts on nutrition and diets should salads and smoothies packaging be in scope – there is here a risk of moving people away from healthy options and risk of losing customers
- Uncertainty around the availability at scale of single-use non plastic food containers and the technical functionality to accommodate all food and already made meals

**Q24: Would a levy on producers be more or less effective in reducing consumption of SUP packaging than a levy on consumers? (select one)**

- More
- The same
- Less
- Don't know

We do not believe that introducing a levy on SUP food containers is the most appropriate measure and would prefer that the industry retains the ability to choose whether or not to charge the customers. Our members would welcome further engagement and discussion so that a potential levy does not disproportionately affect NI customers and distorts competition within the concerned businesses in NI.

We do not believe that producers should be paying the levy as they will be already financially contributing to the environmental costs by means of EPR payments, including litter payments. If a levy were to be introduced on businesses, this would represent an unfair double-edged sword of packaging-related policies.

Customers are price-sensitive, our recent Future Consumer Index ([BRC/EY Future Consumer Index, September 2021](#)) revealed that only very few individuals will say they do not desire to behave more sustainably but when you introduce competing priorities like price and convenience sustainable behaviors often do not feature in the eventual outcomes.

Furthermore, it is important to bear in mind the overall impact of the measure on the consumers weekly basket and the wider costs of living, especially as other levies, such as carrier bag levy, will be significantly increasing in 2022. We would recommend the NI Government to give due consideration to consumers' reaction to the cumulative effect of the measures, if a levy were to be introduced and paid by them. From our members experience, people don't respond well to any levies or measures that affect the running and costs of their everyday life (ex: mandatory wearing of masks in shops).

Abuse of shop workers is a genuine issue that the industry is continuously facing. Our members front line workers are dealing with an alarming level of frictions on a daily basis which is likely to intensify should the wider public not be fully aware of the new levy, why it is being introduced and by whom. The BRC would expect the NI Government to take full ownership of what could potentially be an unpopular measure and guarantee that a solid communication campaign is undertaken early enough to raise NI citizens' awareness.

**Q25: Do you believe a voluntary scheme for SUP food containers, of any form, would be effective in meeting the proposed reductions?**

Yes

No

If 'yes' what design of voluntary scheme would be successful in terms of scheme administration, monitoring, and applications?

**Q26: What are the key elements for a successful voluntary scheme for SUP food containers? (select all that apply)**

The ability to in some way enforce signatories to enact the agreement

For either internal or external monitoring to be conducted

For a significant amount of the effected organisations (by sales volume) to be signed up

A consumer facing communications campaign explaining the purpose and aims of the agreement

For the agreement to contain agreed action for all signatories to undertake

For signatories to the agreement to have flexibility in achieving the aims of the

agreement

Other

If 'other' please enter below

## Preferred approach

### Q27: Do you agree with the results of the modelling? (one per row)

Cups	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Food Containers	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

If 'no' for cups please explain here

*We question whether the figures have been adjusted to reflect takeaway / restaurant sector since the pandemic began. Trade is estimated to be 20% lower in November 2021 than it was in November 2019, the year attributed to the data. The takeaway sector continues to be in turmoil and apart from rising Covid rates a loss of public confidence is now facing a rapid rise in food prices.*

If 'no' for food containers please explain here

*We question whether the figures have been adjusted to reflect takeaway / restaurant sector since the pandemic began. Trade is estimated to be 20% lower in November 2021 than it was in November 2019, the year attributed to the data. The takeaway sector continues to be in turmoil and apart from rising Covid rates a loss of public confidence is now facing a rapid rise in food prices.*

### Q28: What is your preferred option to meet the proposed reductions? (one per row)

Cups	<input type="checkbox"/> Ban	<input type="checkbox"/> Levy	<input checked="" type="checkbox"/> Voluntary scheme	<input type="checkbox"/> Other
Food containers	<input type="checkbox"/> Ban	<input type="checkbox"/> Levy	<input type="checkbox"/> Voluntary scheme	<input checked="" type="checkbox"/> Other

Cups 'other' please specify

Food containers 'other' please specify

Please describe why this is your preferred option for cups.

*BRCA members believe that a voluntary scheme or schemes implemented by businesses that make use of SUP cups, which may comprise a range of charges for cups would deliver the most appropriate and less disruptive policy measure that would contribute to SUP beverage cups and food containers reduction.*

*We wish to underline the positive effects and impacts of voluntary takeback initiatives led by retailers. Many of our members have been supportive and invested in recycling initiatives. Such industry-led schemes have ensured that continued investment in national infrastructure to recycle*

*these cups is carried on from businesses and municipalities.*

Please describe why this is your preferred option for food containers.

*The best way to improve the sustainability of these items is to focus on their recyclability and collections. We recommend including them in the packaging extended EPR scheme, enhancing curbside collections and investing the profits from EPR in adequate recycling infrastructure in the UK.*

*At present it is not possible to understand what the technically and environmentally sound alternatives could be. Widescale alternatives to single use plastic food containers are not yet developed. Time is needed to develop an alternative Impact Assessment to assess further proactive and preventative action.*

## Administration and enforcement

**Q29: What should the proposed measures include to be successful/effective? (select all that apply)**

- Penalties for non-compliance, for example, fines
- Provision of clear guidance on, scope, obligations, actions etc...**
- Creation of a scheme administrator/regulator
- Provision of independent monitoring**
- Other

If 'other' please explain below

**Q30: Who should monitor the impact of the measures? (select only one)**

- DAERA
- The Northern Ireland Environment Agency (NIEA)**
- An independent organisation (e.g., a charity)
- A newly created public body
- The companies affected
- Don't know
- Other

If 'other' please explain below

*We wish to underline our members concerns regarding the cumulative effect of the proposal in the light of the changing framework on packaging. Whilst members appreciate the political ambition, BRC members also wish to raise the financial implications to industry and consumers of such a measure, especially when combined with other policy measures such as the Plastic Packaging tax, new packaging EPR and DRS, as well as the additional and cumulative administrative burden for retailers (reporting, reprogramming tales, training employees...) that would be associated with the proposed policy measures.*

**Q31: If a levy were adopted how should any funds raised from the collection of levies be distributed? (Please pick only 3 including 'other')**

- Regulation and enforcement of the measures
- Waste reduction initiatives
- Litter campaigns
- To encourage recycling
- Wildlife/ecological initiatives
- SUP reduction activities
- Other

If 'other' please explain below

*BRC members do not support the introduction of an industry-wide levy on SUP beverage cups and food containers and prefer a voluntary retailer-led scheme approach that would allow some flexibility in the way businesses would choose to work (joint initiative or individual actions) to reduce the usage of SUP beverage cups and food containers.*

*It is our understanding that a part of the voluntary retailer-led scheme, businesses will have the freedom to decide whether to add a charge or offer incentives for customers to use alternatives.*

*BRC members have expressed concerns as to who retains the power to distribute the monies raised, rather than how it is done. Our members believe that any monies collected should be allocated to NI environmental causes of their choice and at their discretion rather than retained and distributed by the NI Government to government schemes. Members also believe that communication around the redistribution of the raised monies could have been and should be better managed.*