Welsh Government

Response form

Proposals for enforcing business, public and third sector recycling regulations in Wales.

Proposals for enforcement of regulations under the Environmental Protection Act 1990, as amended by Part 4 of the Environment (Wales) Act 2016 and the Waste (Wales) Measure 2010.

Date of issue: 23 November 2022

Action required: Responses by 15 February 2023

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Please specify which sector you are representing:

1. A business
2. A third sector organisation
3. A public sector organisation
4. Local Authority waste collection service
5. A waste management company (e.g., private waste collector, waste handler, or re-processor, operators of incineration and co-incineration facilities, operator of landfill facilities)
6. None of the above *(please specify)*

**Question 1:** Is the proposed FMP of £300 for the offences at rows 1-2 in table 1 above proportionate? If not, why not? Please refer to other similar / comparable regimes if appropriate.

**Question 2:** Is the proposed FMP of £500 for the offences at rows 3-5 in table 1 above proportionate? If not, why not? Please refer to other similar / comparable regimes if appropriate.

**Question 3:** Is the proposal that liability for the penalty can be discharged by paying **50%** of the penalty within 28 days reasonable? If not, please explain your rationale and if appropriate, suggest an alternative approach. Please refer to other similar / comparable regimes if appropriate.

**Question 4:** Are the proposals for the early payment discount and late payment penalties reasonable? If not, please explain your rationale and if appropriate, suggest an alternative approach. Please refer to other similar / comparable regimes if appropriate.

**Question 5:** Is the proposal to allow regulators to impose VMPs for the breaches listed in table 1 reasonable? If not, please explain your rationale and if appropriate, suggest an alternative approach. Please refer to other similar / comparable regimes if appropriate.

**Question 6:** Do you think the proposal to allow regulators to impose stop notices for the breaches outlined in table 2 are appropriate? For example, in your view, would there be situations where such breaches would reach the threshold of presenting (or likely to present) a significant risk of causing harm to the environment? If not, why not?

**Question 7:** Do you agree this overall enforcement regime and the approach is reasonable and proportionate? If not, why?

**Question 8**: We would like to know your views on the effects that the business, public and third sector recycling regulations would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be?  How could positive effects be increased, or negative effects be mitigated?

**Question 9**: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

**Question 10**: 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.

Responses to consultations are likely to be made public, on the internet or in a report.  If you would prefer your response to remain anonymous, please tick here [ ]