



Extended Producer Responsibility: Basic facts and key principles

POLICY PERSPECTIVES

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Extended Producer Responsibility

Basic facts and key principles



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The GAP for EPR is an international partnership between the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the World Wide Fund for Nature (WWF) and the OECD, hosted by PREVENT Waste Alliance. It receives circular economy support from the Ellen MacArthur Foundation and is in close collaboration with the United Nations Environment Programme (UNEP). The GAP for EPR provides a one-stop-shop for EPR. It strives to create a common understanding of EPR, build an international community to share EPR knowledge and expertise, and offer technical support on EPR development worldwide.

This policy paper draws upon literature that have been widely reviewed, scrutinised and endorsed by experts and governments, including the OECD, the UN network, the WWF, the European Union (EU), the GIZ and the PREVENT Waste Alliance. An earlier version of this document was reviewed by the OECD Working Party for Resource Productivity and Waste (WPRPW) and the OECD Environment Policy Committee (EPOC). The document was also reviewed by the PREVENT Waste Alliance's EPR expert pool.

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1 Introduction

The Extended Producer Responsibility (EPR) policy approach is a group of economic instruments¹ that raise revenues and set incentives for the collection and recovery of material at the post-consumer stage of the product lifecycle. Producers have an integral role in implementation of EPR policies. Producers have agency to reduce the impacts of their products throughout the product lifecycle, including by improving design and waste management.

This document synthesises the current implementing experience with the EPR policy approach to provide policymakers with knowledge on the definitions, successes and enabling conditions for EPR. It draws upon a narrow set of documents that have been widely reviewed, scrutinised and endorsed by subject matter experts, including from the OECD, United Nations (UN) agencies, the EU, WWF, GIZ and the PREVENT Waste Alliance (see References). Several of these organisations have partnered to create the Global Action Partnership for EPR (GAP for EPR)², which developed this paper.

The paper consists of two main parts. The Basic facts section answers several frequently asked questions about EPR. The section Principles and considerations for EPR policy and governance introduces the rich literature in EPR policy guidance, highlighting a few illustrative examples. The EPR policy approach was developed conceptually in the 1990s as a framework for addressing the growing volume and complexity of waste. Previously, the public sector had typically financed and physically operated waste management. Beginning with deposit refund systems for beverage containers, followed by requirements set by governments for producers to ‘take-back’ and achieve recycling targets for packaging in the 1990s, policymakers have increasingly turned to the EPR policy approach to address the dual issues of the volume and complexity of waste, including plastics waste.

In recent years, policymakers have increasingly embraced the EPR approach. The geographic scope of its use continues to grow, with more countries developing EPR systems. There is rising support among industry stakeholders for use of EPR to boost recycling rates. For example, in 2021, a group consisting of more than 100 major businesses in the packaging value chain (convened by the Ellen MacArthur Foundation) published a strong statement in support of EPR as a policy approach.³

¹ Both financial and operational forms of EPR can be established with economic instruments.

² The GAP for EPR is an information and help resource. [Global Action Partnership for EPR - Home \(prevent-waste.net\)](https://prevent-waste.net/)

³ Statement available at: [Extended Producer Responsibility: Statement \(ellenmacarthurfoundation.org\)](https://ellenmacarthurfoundation.org/extended-producer-responsibility-statement)

2 Basic facts

What is Extended Producer Responsibility?

EPR is a policy approach that makes producers responsible for their products along the entire lifecycle, including at the post-consumer stage.⁴ An EPR policy is characterised by the shifting of responsibility (physically and/or economically; fully or partially) upstream to producers; and the provision of incentives to producers to take into account environmental considerations when designing their products. Governments that embrace the EPR approach use a suite of policy instruments to shift financial—and sometimes operational—responsibility of waste management and material recovery from governments to producers.

In **financial EPR**, the public sector operates the collection system of covered products and recoups the costs from producers. **Not a tax**, EPR compliance schemes may trigger a fee for producers, but the fee pays for a service. Fee schemes typically aim to cover the full net costs of operating the collection and recovery or treatment of covered products, promote eco-design among producer responsibility organisations (PROs) members, support the recycling industry and organise awareness campaigns—usually in partnership with local authorities—to improve sorting at the source (i.e. collection and recycling costs, minus revenue from recycled material). **Operational EPR** is when producers are responsible for establishing the collection of waste and recovery whilst also covering operating costs. Producer responsibility is commonly tied to performance targets (collection, recycling or reuse targets) that need to be met. While producers can sometimes implement EPR individually, they commonly do so collectively, by forming PROs. EPR schemes can blend characteristics of financial and operational EPR. However, EPR by itself is insufficient to address the bevy of environmental impacts of plastics. It should be a part of a larger suite of policy instruments, through an integrated and coordinated approach. Common complementary efforts include phase-out of unnecessary and problematic plastic products and chemicals of concern, demand reduction through re-use or refill system promotion, effective enforcement of product design standards, and set up of environmental standards in waste management and subsidies and/or economic incentives for stakeholders (e.g. ‘pay as you throw’ policies for households).

What products or material do EPR systems cover?

EPR systems have to date targeted specific product sectors (not materials like plastics). The range of products and materials covered by EPR systems has expanded over the years, starting from producer-funded deposit refund systems for beverage containers since at least the 1970s. In the 1990s, countries started to adopt EPR policy instruments for packaging. In the 2000s, the

⁴ Definitions of EPR differ by organisation and government. This brief takes the OECD definition (given above) because it is a broad definition, whilst some other definitions more narrowly define the approach to just mandatory policies or just product take back requirements.

EU put into effect directives that required its member states to implement EPR for Waste Electronic and Electrical Equipment (WEEE), batteries, accumulators and vehicles, and encouraged adoption of EPR for packaging. An in-depth review of global EPR adoption as of 2011 found the following product categories constituted the largest portion of EPR schemes: electronics (35 per cent), packaging (17 per cent), vehicles (12 per cent) and tyres (18 per cent) (Organisation for Economic Co-operation and Development [OECD] 2016).

The EU's single use plastics directive (passed in 2019 to reduce marine plastic pollution) is generating a wave of EPR system development and adoption in product sectors where plastics are commonly utilised, including construction materials, electronics, textiles, fishing and vehicles (see New developments in the design and use of EPR). This directive is driving European countries to expand EPR to products that are typically found in litter surveys.

What impact does EPR have?

The long-standing experience with EPR (in some product groups up to 30 to 50 years) shows that, it has successfully contributed to:

- improvements in transparency regarding material and financial flows;
- a shift of end-of-life (EoL) management costs of products from local governments to producers and consumers, whilst ensuring dedicated, ongoing and sufficient funding;
- increases in the volume of separate collection of waste, where this is beneficial; and
- increases in material recovery (e.g. recycling) rates (OECD 2016).

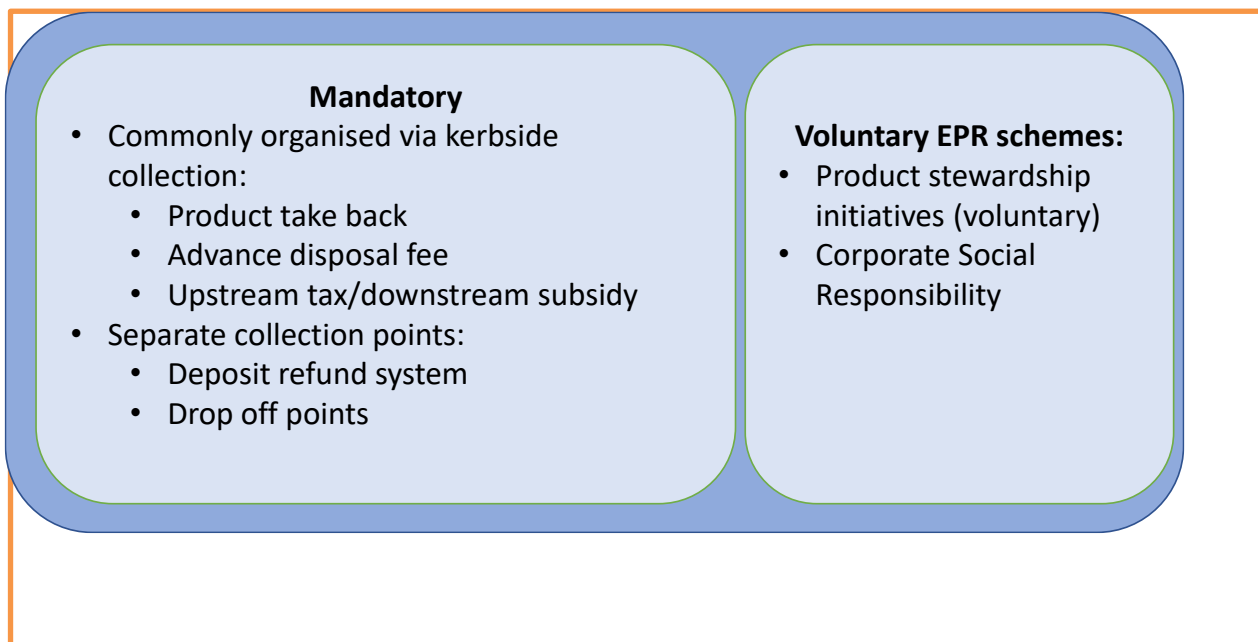
Additionally, EPR has the potential to provide producers with incentives for the design of more easily recyclable or re-useable products. However, to create effective product design incentives there is a need for careful modulation of EPR fees (variable fees based on product characteristics), something that has emerged only relatively recently in some European, Latin American and North American EPR systems. EPR policy development has thus far been an iterative process, and governments continue to trial innovative policies that are expanding the reach of the EPR approach (see box).

New developments in the design and use of EPR

EPR has been successful in delivering better waste collection and recycling in developed economies, and for the product groups where it has mostly been applied. There are now efforts to further improve the approach to address additional objectives and additional product groups which use plastics (e.g. fishing gear, tobacco product filters and textiles). There is also a movement to introduce greater specificity of fee structures, so-called **eco-modulation or advanced fee modulation**, to reward design of products that ease recycling or recovery. This is done by changing the fee structure based on product characteristics. In addition, some countries are trying innovative EPR policies to encourage re-use or to make producers responsible for litter clean-up costs of their products (Brown, Laubinger and Börkey 2023).

What are the differences between mandatory and voluntary EPR?

EPR systems are **mandatory** where governments have set laws requiring that all producers of a certain product should finance or operate waste management and material recovery. Whilst EPR necessarily engages businesses, governments need to invest in the development of its own operational, administrative and enforcement capacity and know how to ensure they can partner with and oversee regulated producers. In markets where mandatory EPR policy instruments do not exist, producers are committing to **voluntary** schemes via their own product stewardship or Corporate Social Responsibility (CSR) initiatives.



Business-led schemes have not been a sustainable, long-term funding solution, although they can be a helpful first step towards mandatory EPR. For example, in South Africa, voluntary efforts proved limited in revenue generation and scope, but lead to introduction of a mandatory EPR scheme in 2021 (Deutsche Gesellschaft für Internationale Zusammenarbeit 2022).

Available evidence suggests that **mandatory EPR systems are more effective than voluntary systems**, due to better monitoring and enforcement and less free riding, which enables a levelled playing field for industry actors and expands the scope of covered wastes. Voluntary systems tend to be confined to a few champion companies and usually aim at specific products or product

categories where firms have an incentive to take back products because it is profitable to do so, such as polyethylene terephthalate (PET) bottles (OECD 2016).

At what level of governance does EPR occur?

EPR policy is typically made by governments at the level of the authority for the provision of waste collection and material recovery. In most countries, national governments lead EPR policy implementation and oversight. In some federal countries such as the United States of America (USA), sub-national governments have established and led EPR implementation.

EPR fees do not follow the export of used durable goods and there is currently no precedent of effectively addressing this issue (see box below). Where EPR is mandatory, all products (domestically produced and imports) put on the domestic market must comply with the same requirements. This means that EPR usually does not represent a trade barrier, nor does it negatively impact the competitiveness of domestic producers.

Despite the absence of international mechanisms for EPR, there is widespread consensus that some harmonisation within one country and between countries would be beneficial. Harmonisation across EPR systems regarding the scope of product coverage, reporting requirements and especially data formats and definitions, could help reduce transaction costs and ensure compliance, especially for product groups where the same producer operates in multiple national markets. Harmonisation can also help promote fair competition in markets where several EPR systems co-exist, such as within the USA, Canada or the EU's single market. On the other hand, extensive standardisation across different countries reduces opportunities to tailor policy to local conditions (e.g. different legal systems, different setting and cost structures of waste management systems, the existence of the informal sector), and there is not a wide consensus on where to strike the balance when it comes to harmonisation of EPR at the global level (OECD 2016).

Geographic scope of EPR

The transboundary movements of used durable goods (e.g. vehicles, textiles or electronic products) means that when these products become waste in other markets, they are not captured by the collection and recycling requirements of the EPR system where the product was placed on the market. This creates externalities in financing the collection and treatment in the market where they eventually become waste and results in undervalued EPR fees in the market of origin. There is ongoing discussion about fees following the transboundary movement of goods, however, to date this remains a theoretical concept due to its complexity (Brown, Laubinger and Börkey 2023).

Another frequent debate concerns the need for greater harmonisation and coordination between existing national or sub-national EPR schemes, given that many products are designed for regional or global markets and that fragmented requirements lead to lower effectiveness and higher compliance costs. But at the same time, considerations linked to differences in national context (policy and regulation, and socio-economic conditions), governance, monitoring and evaluation, and funding, management and disbursement are also necessary. The EU and Canada, where EPR schemes exist at the province level are examples where efforts towards harmonisation have been undertaken.

3 Principles and considerations for EPR policy and governance

There is an extensive literature available on EPR policy development, implementation and governance, which draws on decades of experience of researchers and practitioners, much of which has been developed through inter-governmental processes⁵. This section aims to illustrate (but not exhaust) the breadth of the existing literature with a selection of example principles and considerations. Governments and EPR stakeholders will find a broader set of guidance, as well as more details by going directly to the source documents listed at the end of this paper (see References).

Clear definition of responsibility

Policy should clearly define which actors are to be considered a producer and what their roles are, to ensure the regulated community is informed and can comply. A clear definition of producer helps to identify which companies are responsible for complying with EPR law. International supply chains mean that several companies may take possession of material and products before the consumer. Typically, responsibility falls to companies that place the product on the market, i.e. brands, retailers or importers. Similarly, EPR policy should clearly define the scope of targeted products or material.

Key guidance for policy design

1. Responsibilities should be defined to achieve the goals and objectives of EPR. These responsibilities can be assumed primarily by producers or shared among different stakeholders. In the latter case, different stakeholders have different responsibilities, for example, the producer being responsible for financing and reporting, consumers for discarding the product at established collection points, the retailer or municipality for making available collection points and the authorised waste management companies for the collection and treatment of the waste (Basel Convention 2019).

Target setting

Target setting on obligation of collection, recycling and recovery enhances the effectiveness of EPR to increase collection and recovery rates. The establishment of binding targets should be informed by an assessment of costs and benefits as well as consultation with stakeholders (see

⁵ Processes include OECD declassification of its 2016 guidance and the EU's amendment process for its waste framework directive.

Stakeholder Coordination). Targets should also be ambitious but feasible, possibly increasing over time as the capacity to achieve them improves. Clear definitions can help identify who is responsible for achieving targets.

Key guidance for policy design

2. Periodically review the targets of EPR policies and adjust their ambition in line with waste management and resource productivity policy objectives; take account of the costs and benefits of proposed targets and establish them in consultation with stakeholders (OECD 2016).
3. EPR policy should be designed to prioritise actions according to the waste hierarchy (reduction, reuse and recycling) and encourage efforts towards a sustainable circular economy. It requires a clear and detailed set of quantitative targets for reduction, reuse and recycling (World Wide Fund for Nature [WWF] 2020).
4. Targets should consider gradual growth, considering timeframes for new enterprises to be set up. The establishment of EPR will be an important input to boost new projects, as targets do assure a demand for waste management capacity (Basel Convention 2019).

Stakeholder Coordination

Where there is tendency towards contentious relationships amongst stakeholders, EPR systems can adopt a specific dialogue mechanisms that can help conflict resolution. For example, Canada's nationwide action plan for EPR was developed in consultation with stakeholders, including municipalities, industry, government and brand owners (Environment 2022).

Key guidance for policy design

5. Organise a formal and regular dialogue between the involved stakeholders (Basel Convention 2019).
6. EPR requires a genuine and transparent process of collaboration and open sharing among key stakeholders throughout the entire value chain of waste management in any specific country (WWF 2020).

Transparency

The governance of EPR systems should be transparent to provide effective means for assessing their performance and accountability. For example, France requires and then publishes the annual data that compliance schemes report to the central regulator (ADEME n.d.).

Key guidance for policy design

7. As with other contract-based interactions, monitoring mechanisms are imperative for checking whether all the services required under an EPR system are being provided. Specifically, monitoring systems should oblige the waste management companies involved to verify their activities. For this to work in practice, all companies, facilities and plants involved in the system must be registered, and each must keep records of inputs and outputs (PREVENT Waste Alliance 2020).

8. Ensure that records of all revenues and expenses are published, along with annual reports and audits done by external auditors (PREVENT Waste Alliance 2020).

9. EPR policy should include instruments to combat corruption. Financing and financial flows must be transparent and involved institutions should be disclosed. Greater transparency of information enables better monitoring, benchmarking and comparison. Results of the monitoring should be made publicly available (e.g. in annual PRO reports). This information can, for example, include collection, recycling and reuse rates achieved by EPR schemes (WWF 2020).

Government capacity

The EPR approach requires partnership with governments, who provide oversight and enforcement. Partnerships with governments are particularly vital in financial EPR systems, in which public authorities play an important role in organising waste collection and treatment and related communication with households and businesses.

Even when producers take on an operational role, governments need to have administrative capacity to oversee the businesses and civil society organisations operating the system, as the high costs generated by EPR may incentivise producers to rely on others to fulfil the industry's obligations. Online sales and a lack of awareness of obligations may in part drive free riding (OECD 2019). Beyond enforcing against free riding, governments should ensure environmental and social standards are met and facilitate a just transition regarding the informal sector.

Achieving such administrative capacity requires financial resources and know how, which may be particularly difficult in low- and middle-income countries (LMICs) that have not yet achieved nationwide coverage of and enforcement of regulation concerning collection and environmentally sound treatment of waste.

Kenya is pursuing a phased implementation and governance of its packaging EPR system. It plans to begin with promoting compliance and addressing free riding, followed by strategic investments, then targets setting and complementary regulatory measures. This iterative approach may help ensure the government further develops its capacity during the early stages of implementation (Macharia 2024). India developed an online portal for producers, importers and brand owners, which requires that they register through the Central Pollution Control Board (Central Pollution Control Board 2022). South Africa is pursuing a system where all producers of identified products and PROs must register with its environmental ministry (Forestry, Fisheries and the Environment Republic of South Africa 2020).

Key guidance for policy design

10. Appoint at least one body independent of private interests or entrust a public authority to oversee the implementation of extended producer responsibility obligations (European Commission 2012).
11. In mandatory systems, governments should establish consistent and credible means for enforcing EPR obligations, including registers of producers, accreditation of PROs and appropriate sanctions (OECD 2016).
12. Governments and industry should co-operate to establish effective, adequately resourced monitoring systems; in some circumstances, they may consider establishing an independent monitoring body financed by a tax on PROs (OECD 2016).
13. The development of a single electronic register of producers for each jurisdiction, as well as a simple mechanism allowing suspected free riders to be reported, would assist enforcement (OECD 2019).

Ensuring fair competition for provision of services and within product markets

The fulfilment of EPR obligations can enable anti-competitive behaviour by some producers and waste managers. Collective implementation of EPR enables economies of scale, but the potential concentration of management services may increase incentives for collusion and for setting barriers to entry. Good practices for fair and competitive procurement, tendering and informal workers integration are equally relevant for EPR systems.

Key guidance for policy design

14. Competition impact assessments should be integrated into the design of EPR policies, and these should issue easily accessible guidance or information regarding their consideration of EPRs (OECD 2016).
15. Services such as waste collection, sorting, and treatment, should be procured by transparent, non-discriminatory and competitive tenders. Factors that should be considered in this regard include providing for sufficient but not excessive contract duration, sufficient scale to provide incentives for investment and adequate scale and level of aggregation to facilitate bidding by all qualified firms including waste pickers organisations under a 'Just Transition' process (OECD 2016).
16. Obligations for producers should not adversely affect small and medium-sized enterprises or waste pickers organisations (e.g. by adapting reporting requirements, by providing training and assistance) while still requiring all involved stakeholders to play by the same rules (WWF 2020).

How to involve the informal waste sector

An estimated 20 million informal waste⁶ workers are engaged in recycling globally. Informal waste pickers play an important role in providing waste services and are quite effective in collecting material of economic value. But there are serious environmental concerns over informal ‘downstream’ operations such as the recycling and treatment of waste, as these operations often use crude processes that are not environmentally sound.

There are also serious social and public health concerns surrounding informal waste management. It is often marginalised or vulnerable groups, including migrants, women, the unemployed, disabled people and children, who engage in waste picking, sometimes both working and living in dreadful circumstances at dumpsites. Countries need to find ways to integrate and formalise workers engaged in the informal waste sector and allow for a **just transition** to secure their positive contribution, while mitigating environmental, health and social impacts. It is desirable that informal workers become one of the constituencies when designing the governance structure of EPR systems or PRO to ensure their participation.

Brazil’s 2010 National Solid Waste Policy is an example of recognising the contributions of and formalising the previously informal waste sector. The policy requires that waste picker cooperatives (*catadores*) be recognised and prioritised, which has led to their formal partnership with producers which provide investment in exchange for data on collection (Rutkowski 2021). Informal recyclers have formed cooperatives, gaining municipal and in some cases, national recognition, in⁷ India, Mexico, Colombia (Medina 2005) and South Africa. This has enabled them to become legitimised channels for collecting and processing.

Key guidance for policy design

17. Informal recyclers should be invited to contribute their experience and expertise in all relevant public decision-making processes. They should be engaged in the design, monitoring and evaluation of recycling and valorisation systems, as well as the definition of quality standards (OECD 2016).

18. Formalisation can take different forms such as setting up cooperatives, employment agreements or business partnerships, and include various measures such as building trust and ease of registration (PREVENT Waste Alliance 2024).

19. The regulatory framework must allow for a just transition to the formal economy, without discrimination, irrespective of the worker or entrepreneur status (WIEGO 2022).

20. When including waste pickers, it is necessary to ensure Environmental Sustainability Management (ESM), worker health and safety and to prevent child labour. The inclusion of waste pickers in cooperatives, associations and companies, and their training, should encourage their formalisation (Basel Convention 2019).

21. Any waste management interventions should include consultation with the informal waste management sector (if present) to ensure inclusive solutions and safeguard the livelihoods and fundamental human rights (e.g. income security, safe working conditions, training and upskilling and ending child labour) of waste workers (WWF 2020).

⁶ Informal recycling refers to waste recovery activities that are not supported or recognised by the public sector’s waste management authorities.

⁷ The authors do not intend to establish an exhaustive list.

4 Conclusion

Extended Producer Responsibility (EPR) is a policy approach that makes producers responsible for their products along the lifecycle, including at the post-consumer stage. Decades of experience with EPR suggests that, if done properly, it increases transparency, mobilises significant financial resources and consequently increases collection and material recovery rates of targeted products. With fee modulation, it can also incentivise design change and possibly reduce the use of primary materials.

In the extensive literature available on EPR policy design, implementation and governance, there are common principles that have been linked with successful EPR schemes. These include establishing clear definitions of producers and their obligations (such as setting targets for collection and recovery) and developing stakeholder coordination. EPR schemes require partnership with governments to ensure a levelled playing field and fair competition. Schemes should be transparent to enable monitoring and evaluation and must recognise and integrate the work of the informal sector.

5

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Extended Producer Responsibility: Basic facts and key principles

Extended Producer Responsibility (EPR) is a policy approach that makes producers responsible for their products along the entire lifecycle, including at the post-consumer stage. This policy paper summarises the current consensus on the EPR policy approach.

By taking stock of what's known and well established in the literature, it aims to foster a common understanding of the EPR approach and to provide guiding principles for its successful implementation. This paper makes a valuable contribution to an increasing number of policy debates and processes that are ongoing, both at national and international levels, in areas as such as plastics, electric and electronic waste and textiles.

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