

Producer Responsibility Obligations (Packaging Waste) Regulations 2007

(as amended) General Guidance Note

REPIC operates two packaging waste compliance schemes:

- REPIC, approved by the Environment Agency to operate in Great Britain; and
- REPIC NI, approved by the Northern Ireland Environment Agency to operate in Northern Ireland.

We have two schemes as separate regulations apply to Great Britain and Northern Ireland.

What regulations cover packaging waste?

The UK is currently transitioning from the packaging compliance regime that has been largely in place since 1997 under legislation referred to as the “Packaging Waste Regulations” to implement Extended Producer Responsibility (EPR). The publication of the “Data Reporting Regulations” is the first stage of this transition, which requires businesses who are classed as producers to report packaging supplied from the 2023 calendar year onwards.

EPR will replace the Packaging Waste Regulations, with the current timescale for this being 2025. In the interim, many producers will need to report data under both the Packaging Waste Regulations and EPR, therefore please also read our separate EPR briefing note to ascertain if you need to report data under both regimes.

In addition to the above Regulations which provide for the recycling of packaging that producers place on the market in the UK, the following Regulations apply to packaging and affect many businesses:

- **Plastic Packaging Tax (PPT)** - Importers and manufacturers of plastic packaging components are subject to PPT if they manufacture or import more than 10 tonnes of finished plastic packaging components in any 12 month period. Businesses affected by PPT are required to register with HMRC, submit data and pay PPT quarterly.
- **Packaging Essential Requirements** - Businesses that import, pack/fill, affix a trademark or brand, or recondition packaging for reuse are also required to comply with the Essential Requirements. Under these Regulations, businesses have responsibilities with respect to the design, use and composition of packaging and must comply with specified limits, for example with respect to heavy metals.

These are obligations you must meet yourself directly.

You can join a REPIC packaging scheme to meet your obligations under the Packaging Waste Regulations, the Data Reporting Regulations and in future under EPR. It is your obligations under the Packaging Waste Regulations that we refer to in this briefing note.

What is packaging?

Packaging is “all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer”.

It can include:

- Sales packaging or primary packaging, this is packaging that constitutes a sales unit to the final user or consumer at the point of purchase;
- Grouped packaging or secondary packaging, this is packaging that constitutes at the point of purchase, the grouping of a certain number of sales units, which can be removed from the product without affecting its characteristics; and
- Transport packaging or tertiary packaging, this is packaging to facilitate transportation and handling of a number of sales units of grouped packaging in order to prevent physical handling and transport damage.

Are you a packaging producer?

An organisation is a packaging producer if they meet all of the following criteria:

- perform a relevant activity on packaging in the current year and the preceding year; and
- handled over 50 tonnes of packaging in the preceding year; and
- had an annual turnover of over £2 million based on their latest accounts that were delivered to Companies House prior to 7th April in the current year.

Handling packaging refers to undertaking a relevant activity on packaging (or have another company do this for you), where you own that packaging and with exception of any imported packaging that you discard, you then supply it to another party.

Where a business does not have a UK registered office, a supply is considered to have taken place when a person makes a supply on behalf of the owner of the packaging. If the overseas owner of the packaging has a UK presence such as an address or a physical operation, they are classed as having made the first supply of the packaging. This mirrors the requirements of the Batteries Regulations, however, differs to the WEEE Regulations in which businesses do not need to have a UK presence

The relevant activities for packaging are:

- **Manufacturing** packaging materials such as producing cellulose which will be made into plastic film;
- **Converting** packaging materials into packaging, such as making plastic pellets into a carrier bag;
- **Packing /filling** packaging such as placing beans into a steel tin;
- **Selling** packaging to the end-user of the packaging, such as selling the tin of beans to a consumer;
- **Importing** packaging or packaging materials into the UK.

Packaging materials are:

- Paper / cardboard
- Glass
- Plastic
- Steel
- Aluminium
- Wood
- Other, for example, cord, hessian, rubber or jute

Organisations can be classed as producers in either GB or NI, or in both. Producers that exceed the 50 tonne threshold, but not separately in each of GB and NI, can register for all their UK obligations in whichever of these is their principal place of business. If they exceed the thresholds in both, they need to register as a producer in each of GB and NI.

When organisations are members of a UK group, the turnover and tonnage thresholds apply collectively to each member of the group that handles packaging. This means that if collectively the group exceeds 50 tonnes of packaging handled and £2 million turnover in their latest accounts, every member of the group that handles packaging is a producer, even if they only handle a few kilograms.

What are my obligations as a packaging producer?

If your company's turnover exceeded £5 million in your last accounts, you need to submit data detailing the quantity of each packaging material that you performed each relevant activity on in the previous calendar year and the quantity of each packaging material that you exported. Many producers perform more than one activity on the same piece of packaging and will need to know both the origin and the destination of their packaging to provide this necessary data.

If your company's turnover was less than £5 million in your latest accounts, you can either submit the data in the format detailed above in the next calendar year, or you can report using the Allocation Method. This is a simpler reporting option, requiring only the main packaging material you handled and your turnover, rounded to the nearest £10,000.

You are also required to register every year, which involves submitting company information such as your Companies House registration number, SIC code and turnover and making payment of the Agency registration fee at the same time as you submit your data. You need to apply for a Producer Packaging Registration number, from the National Packaging Waste Database (NPWD) before you can do this.

If you are part of a UK Group, you can register as an individual company, or alternatively, as a group. This means that a holding company and one or more subsidiaries register together, which incurs lower agency registration fees than if each company within the group registers separately.

The packaging data you have produced will determine your recycling obligation, which is the quantity of packaging waste recycling that you will need to finance in that year. This is achieved through purchase of Packaging Recovery Notes (PRNs) or Packaging Export Recovery Notes (PERNs) from accredited reprocessors or exporters. Even if you recycle your own packaging waste, you will still need to acquire PRNs.

Once you have acquired all your PRNs or PERNs, or at latest by 31st January the following calendar year, you must submit a certificate of compliance to the appropriate environment agency. This must demonstrate that you have acquired sufficient PRNs or PERNs for each packaging material for which you are obligated.

Producers can either meet their obligations by registering directly with the appropriate environment agency or they can join a compliance scheme such as REPIC or REPIC NI. When a producer joins a compliance scheme, whilst they must still collect packaging data and pay compliance scheme invoices, which typically include an Administration fee, PRN charges and environment agency fees, the compliance scheme takes on their legal obligations for registration, purchasing PRNs and PERNs and for submitting a certificate of compliance. Producers joining either of the REPIC compliance schemes will also receive advice on the data required and an audit, typically site-based in the first year of membership to verify their data meets the requirements of the Regulations in being "as accurate as reasonably possible".

What information will I need to provide as a member of the REPIC Packaging Scheme?

You will need to provide the company information that we need to register you and your completed packaging data form detailing the quantity of each packaging material that you performed a relevant activity on in the previous calendar year, no later than 28th February each year. We also request your supporting working files.

We undertake a detailed review of the data you send to us, agreeing any revisions required prior to obtaining the signature of an Approved Person.

We ask you to check the information you have provided to us for registration purposes on a regular basis and notify us within 14 days of any changes.

How else could the Packaging Waste Regulations affect me?

If your main activity is as a seller of packaging, you also have a Consumer Information Obligation. This requires you to provide information to consumers of packaging to enable them to recycle the packaging you have supplied. The information you are required to provide includes details of Government's waste strategies, the meaning of the markings on packaging, the importance of recycling packaging and how consumers can do this.

If you are a seller and join a REPIC compliance scheme, we meet this obligation for you.