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EABEC Factsheet



Producer Responsibility Obligations (Packaging Waste) Regulations 1997

(Note: Correct as at September 1998. Does not include amendments to Regulations & PRN system)

There is already much in the way of guidance for businesses obligated under the Packaging Waste Regulations. Rather than repeat what has already been written this factsheet will enable you to:

- Optimise your use of the existing literature (Ref# refers reader to an entry in the Reference section)
- Find answers to questions that are poorly served by existing literature
- Anticipate changes in the legislation (including those that may result from the review process)
- Find organisations able to offer further assistance (Dir# refers reader to an entry in the Directory)

GUIDANCE ON COMPLIANCE

Copies of legislation Available from the Stationery Office (Dir 3)

A **User's Guide** (Ref 7) produced by DETR (Dir 1) answers many of the questions frequently posed by producers and reprocessors alike. A series of **Explanatory Notes** (Ref 5) clarifying complex issues are available from the Environment Agency (Dir 2). The Environment Agency also produces two booklets on the **Agencies' Interpretation of Packaging** (Ref 3) and **Guidance on Evidence of Compliance and Voluntary Accreditation of Reprocessors** (Ref 4).

An **Industry Code of Practice** will shortly be produced by Incpen (Dir 11).

Advice on compliance should be sought from the **Environment Agency**. Additional guidance is outlined in the reference section.

QUESTIONS AND ANSWERS

Q. DO THE REGULATIONS APPLY TO ME?

A. Refer to the Users Guide (p14-18). If in doubt contact the Environment Agency.

Q. IN WHICH PART OF THE PACKAGING CHAIN DO I FALL?

A. Refer to Chapter 5 of the User's Guide. Advice is available for firms obligated at multiple levels of the hierarchy. Schedule I of the regulations sets out the different classes of supply and is outlined in the User's Guide.

Q. WHICH PACKAGING CONTRIBUTES TOWARDS MY OBLIGATION?

A. Refer initially to 'The Agencies' Interpretation of Packaging.' Additional clarification for certain types of packaging can also be sought in a series of Explanatory Notes held by the Environment Agency. The User's Guide offers additional clarification regarding; transit packaging, imports, exports, special waste, wood (and other materials), production residues and reused packaging.

Q. WHERE MAY I FIND HELP WHEN CALCULATING MY OBLIGATION?

A. Chapter 6 of the Users Guide provides examples to help you calculate your obligation. Schedule 1 of the regulations (Users Guide Chp 5) clarifies activity obligations and classes of supply.

If you hold no data the Ready Reckoner (Ref 6) will assist you in quantifying waste streams. However, as of 1/1/2000 figures must be 'as accurate as possible' and estimates will no longer suffice. Several options exist:

- Calculating 1 week's arisings and multiplying by 52 (Inaccurate, not recommended)
- Process mapping, by referral to ETBPP Guides (Dir 5)
- Approaching a third party for assistance, such as a waste contractor or consultant
- Smaller firms obligated for the first time in 2000 may obtain a revised Ready Reckoner and 'off the shelf' data forms pending the review.

Q. WHERE MAY I FIND HELP WHEN FILLING IN THE DATA FORM?

A. Guidance is provided in Appendix II of the Users Guide.

Q. HOW MAY I REDUCE THE QUANTITY OF PACKAGING WASTE I PRODUCE?

- A.** Reducing the quantity of waste packaging will lower a company's recovery obligation and may in some cases take it below the threshold of obligation. The most practicable option is to increase the durability of packaging so it may be reused. Although reusable packaging will count towards the obligation the first time it is used, when on subsequent occasions it is re-used it need not be included in the calculation (Users Guide p9). Advice on reducing packaging waste is available from ETBPP and trade associations (see Directory below).

Q. WHAT CAN I DO IF I AM HAVING DIFFICULTY OBTAINING PRNs?

- A.** Firms following the individual route face these difficulties for a variety of reasons, several of which will be addressed in the government review. Options include:
- Passing on your obligation by joining a compliance scheme
 - Obtaining PRNs via a trading exchange such as Evidex (Dir 6) or the Environment Exchange (Dir 7)
 - Obtaining alternative documentary evidence from a non-accredited reprocessor

Q. MUST I USE AN ACCREDITED REPROCESSOR IN ORDER TO OBTAIN RECORDS OF COMPLIANCE?

- A.** No. There is no legal requirement for obligated companies to use accredited reproducers. For those companies 'going it alone' and choosing not to use accredited reproducers the following options are available:
- In-house reprocessing & accreditation
 - Use of a non-accredited reprocessor

In each case it will be necessary for the producer to submit a Certificate of Compliance to the EA on an annual basis. However, as PRNs may only be issued by accredited reproducers, it is also necessary for the producer to obtain alternative documentary evidence, as outlined in section 4.11 (Ref 4). This evidence must be obtained quarterly and, unlike PRNs, must be submitted to the EA by the end of each year. This places a greater administrative burden on producers, as they must personally supply the information that, in other circumstances would be sent direct from reprocessor to Agency. The EA is also likely to monitor non-accredited reproducers more frequently. Therefore, producers would be advised to incorporate evidence of compliance into environmental or quality management systems, allowing external verification by third party auditors. (See also Ref 4, Ref 13 p 2-247)

Q. HOW CAN I FIND ACCREDITED REPROCESSORS IN MY AREA?

- A.** Lists of accredited reproducers (only) are held by the Environment Agency. It may be worth contacting several reproducers to obtain the most favourable rate. Reproducers in general are listed in several environmental directories (Ref 13, 15) and also the yellow pages under 'Waste Disposal.'

Q. WHAT SHOULD I BE PAYING FOR PRNs?

- A.** The price of PRNs is determined by market forces and is therefore variable. Although Compliance Schemes may withhold this information from non-members, individual reproducers will provide quotes. To check the competitiveness refer to Materials Recycling Week (Ref 18). Environment Business Bulletin (Ref 16) also publishes prices on occasion. The Evidex and Environmental Exchange information systems (Dir 6, 7) also provide information on current rates for PRNs.

Q. WHAT ARE THE CHANGES PROPOSED BY THE GOVERNMENT REVIEW?

- A.** Following the Advisory Committee on Packaging's (ACP) report, the government issued a Consultation Paper. Copies of the Consultation Paper (Ref 9) or a Summary Note (Ref 10) may be obtained from DETR's Free Literature Service (Dir 1) The consultation period closed on 30/9/98.

Table 1: Summary of Main Proposals In The Review

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| <ul style="list-style-type: none">• Increasing registration fees to £900• An increase in recovery and recycling targets from 1999 (see Table 2)• Removal of wholesaler obligation. Likely to impact small firms in retail sector (1/1/2000)• Simpler data forms and Code of Practice to assist small firms• Obligation for producers to provide their suppliers with data on exports, production losses and special waste• Producers to achieve 25% recovery via household waste• Greater transparency with reproducers demonstrating reinvestment• Legislation on PRNs• Reproducers obligated to issue PRN to the deliverers of waste on request• Greater emphasis on waste minimisation.• Reuse of packaging to be encouraged. Obligation arising from first use (of reusable packaging) to be staggered over several years |
|---|

Table 2: National Targets: Existing & Proposed

Date	Existing (%)		Review Proposals (%)	
	Recovery	Recycling	Recovery	Recycling
1998	38	7	na	na
1999	38	7	40 - 42	9 - 11
2000	43	11	45	13
2001	52	16	55	18

Q. ARE THERE ANY DEADLINES THAT I SHOULD MEET?

Table 3: Deadlines to Existing and Proposed Legislation

Date	Event	Changes to legislation
31/12/98	Recovery & Recycling targets for 1998 met	
31/1/1999	Proof of compliance for 98 required by Agency from individually registered companies	
1/4/1999	Registration & fee required. 1998 data required	
31/12/1999	Recovery & Recycling targets for 1999 met	• Targets under review
1/1/2000	Minimum threshold lowered to £1 million turn-over	
1/1/2000	Wholesalers obligated	• Under review
1/1/2000	Wood and 'other packaging' contribute to obligation	
31/1/2000	Proof of compliance for 99 required by Agency from individually registered companies	
1/4/2000	Registration & fee required. 1999 data required	• May increase fee to £900 (under review) • Data supplied must be 'as accurate as reasonably possible.'
31/12/2000	Recovery & Recycling targets for 2000 met	• Targets under review
31/1/2001	Proof of compliance for 2000 required by Agency from individually registered companies	
1/4/2001	Registration & fee required. 2000 data required	
31/12/2001	Recovery & Recycling targets for 2000 met	• Targets under review

THE PACKAGING (ESSENTIAL REQUIREMENTS) REGULATIONS 1998

Sets limits on heavy metal content of packaging and introduces a general requirement to recycle and minimise within 'reasonable limits.' Effective from 31/5/98, Trading Standards will enforce from 1/1/99.

For copies of the Regulations (Ref 11) and Guidance Notes (Ref 12) see references below or search on www.hmso.gov.uk Alternatively contact EABEC's Information Liaison Officer on (01603) 593215

DIRECTORY

1. DETR	
Packaging Unit, Department of the Environment, DETR, Room 6/F8, Ashdown House, 123 Victoria Street, London SW1E 6DE Fax 0171 890 6559 www.detr.gov.uk	Responsible for policy formulation, consultation & review process. Produces following:
Consultation responses to: Sharon Osbourne, EB Packaging Unit, DETR, Room 6/F8. Free Literature Service Tel 0870 1226236	<ul style="list-style-type: none"> • Summary leaflet • Ready Reckoner • User's Guide

2. The Environment Agency	
Registration Packs available from: The Producer Responsibility Registration Unit, Thames Region Environment Agency, Wah Kwong House, 10-11 Albert Embankment, London SE1 7SP. Tel (0181) 305 4035	Regulator of the regulations. Offers advice on compliance & supplies following:
General Inquiries should be addressed to the relevant regional office of the Anglian Region or the General Inquiry Line 0645 333 111	<ul style="list-style-type: none"> • Agencies Interpretation on Packaging • Guidance on Evidence of Compliance... • Explanatory Notes • Definitive lists of compliance schemes & accredited reproprocessors

3. The Stationery Office	
General Inquiries (0171) 8730011 Orders (0171) 8739090 www.hmso.gov.uk	Supplies copies of Acts of Parliament, Statutory Instruments and government guidance

4. Office of Fair Trading	
Competitiveness Policy Division, Office of Fair Trading, Field House, 15-25 Bream's Buildings, London EC4A 1PR	Receives comments regarding the effects of the legislation upon competitiveness

5. Environmental Technology Best Practice Programme (ETBPP)	
Call the Environmental Helpline (0800) 585794	Offer free advice to business on a range of environmental issues including packaging. Produce case studies of best practice. Can offer firms free telephone advice via specialist consultants. Free site visits are also possible for firms with less than 250 staff.

6. Evidex Ltd	
David Burnikell, Chief executive, Evidex Ltd, 19 High street, Daventry, Northants, NN11 4BG. Tel 01327 879538 Fax 01327 879543 e-mail evidex@wam.co.uk	Electronic exchange forum set up by International Waste Paper Processors Association. Provides a facility for the trading of PRNs. Also provides information on current rates for PRNs and Compliance Scheme costs. Annual registration varies from £750-£6000.

7. Enviromac	
Angus MacPherson, 8 Henderland Rd, Edinburgh, EH12 6BB, Tel 0131 3372640 Fax 0131 3373639	To establish an electronic PRN trading system & bulletin board by end 1998. 'Environment Exchange' will be accessible via the internet Trading fee 25p/tonne

Industry Fora and Consultation Groups

8. Advisory Committee on Packaging (ACP)	
Peter Parker, Chairman (also of Incpen) Fountain house, 130 Fenchurch St, London, EC3M 5EE Tel 0171 6211472	Undertook a fundamental review of the Regulations, submitted to government May 1998. The ACP's recommendations are reproduced in the Consultation Paper

9. Operators Forum	
	DETR forum consisting of government, industry, compliance schemes, Local Authorities and the Environment Agency.

10. Environmental Services Association (ESA)	
(0171) 824 8882	Trade association for waste and environmental industries. Represented in Operators Forum but not ACP.

11. Industry Council on Packaging and the Environment (INCPEN)	
Tenterden House, 3 Tenterden St, London. W1R 9AH (0171) 409 0949	Trade body representing the packaging industry. Collects and disseminates information about the environmental affects of packaging and recycling.

12. Packaging Federation	
Chief Executive James Jensen (01442) 874 298	Trade body of packaging industry and government consultee.

Advice from Sectoral Organisations and Trade Associations

Sector	Contact
Aluminium	Aluminium Materials Association (0121) 633 4656
Glass	GLASMO (0114) 2686201
Paper	The Paper Industry Materials Organisation Ltd (01495) 350176
Plastics	VALUPLAST (advice to non-members) (0171) 457 5042, British Plastics Federation (0171) 4575000 Helpline (0991) 980070
Steel	Steel Materials Organisation (01495) 350176
Printing	The British Printing Industries Association

Information Liaison Officer	
Richard Burton , East Anglian Business Environment Club, Centre for Continuing Education, The Registry, University of East Anglia, Norwich NR4 7TJ Tel (01603) 593215 Fax (01603) 250035 eabec@uea.ac.uk	Offers an information and sign-posting service to EABEC members on waste management issues including the 'Packaging Regulations.' Produced this factsheet.

Compliance Schemes

A definitive list is available from the Environment Agency's Producer Responsibility Registration Unit. Lists are also frequently published in journals.

REFERENCES

1. *Producer Responsibility Obligations (Packaging Waste) Regulations 1997*, The Stationery Office Books, Publications Centre, PO Box 276, London SW8 5DT
2. *Industry Code of Practice*, Industry Council on Packaging and the Environment, Tenterden House, 3 Tenterden St, London. W1R 9AH (currently in draft form).
3. *The Agencies' Interpretation of Packaging*, The Environment Agency (under review)
4. *Guidance on Evidence of Compliance and Voluntary Accreditation of Reprocessors*, The Environment Agency (under review)
5. *Explanatory Notes*, The Environment Agency
6. *Ready Reckoner*, DETR, Publications Despatch Centre, Blackhorse Rd, London SE99 6TT Tel (0181) 6919191 (under review)
7. *User's Guide*, DETR, Publications Despatch Centre, Blackhorse Rd, London SE99 6TT Tel (0181) 6919191 (under review)
8. *How do they affect you? - Summary*, DETR, Publications Despatch Centre, Blackhorse Rd, London SE99 6TT Tel (0181) 6919191 (under review)
9. *Review of Producer Responsibility Obligations (Packaging Waste) Regulations 1997 A Consultation Paper*, DETR Free Literature Service (Ref 98 EP 0273) Tel (0870) 1226236
10. *Review of Producer Responsibility Obligations (Packaging Waste) Regulations 1997: Summary Note* DETR Free Literature Service (Ref 98 EP 0273 B) Tel (0870) 1226236
11. *The Packaging (Essential Requirements) Regulations 1998* (Statutory Instrument 1998 No.1165), The Stationery Office (ISBN 0 11 079016 2) £1.95, Tel (0171) 873 90902
12. *The Packaging (Essential Requirements) Regulations Government Guidance Notes*. DTI Orderline (quote ref. URN 98/840) Tel (0870) 1502500
13. *Waste Management* Croner Publications Ltd, Croner House, London Road, Kingston upon Thames, Surrey KT2 6SR Tel: 0181 5473333
14. *Environmental Management* Croner Publications Ltd, Croner House, London Road, Kingston upon Thames, Surrey KT2 6SR Tel: 0181 5473333
15. *Environment Business Directory* Information for Industry Ltd, 18-20 Ridgeway, London SW19 4QN Tel 0181 9442930
16. *Environment Business Bulletin* Information for Industry Ltd, 18-20 Ridgeway, London SW19 4QN Tel 0181 9442930
17. *The Waste Book* Contact Avis Greenwell, Environment Agency, 2 Bishop Square, St Albans Road West, Hatfield, Herts AL10 9EX, Fax 01707 632499 or search on <http://www.recycle.mcm.com>
18. *Materials Recycling Week* EMAP Business Communications, Maclaren House, 19 Scarbrook Rd, Croydon, Surrey CR9 1QH Tel 0181 2775000