

SCHEDULE 1

Regulations 16 and 17

Collection and reporting information

PART 1

Interpretation

1. In this schedule—
 - (a) “commencement date” means the date on which these Regulations come into force,
 - (b) “first reporting period” means—
 - (i) the period of six months starting on 1 January and ending on 30 June 2023,
 - (ii) where regulation 17(2)(b) applies, the period starting on the date on which these Regulations come into force and ending on 30 June 2023,
 - (c) “reporting period”, other than the first reporting period, means a period of six months, starting on 1 January or 1 July,
 - (d) “relevant period” means the data collection period for information required for the purposes of regulation 16, and the reporting period for the purposes of regulation 17,
 - (e) references to the weight of packaging in kilograms or tonnes are references to the actual, measured weight of that packaging in kilograms to the nearest kilogram, or in tonnes to the nearest tonne.

PART 2

General Information

2. The name, address and telephone number of the registered office of the producer or, if not a company, the head office or principal place of business of the producer.
3. The business name of the producer if different from that referred to in paragraph 2 above.
4. The name and contact details for the individual at the producer who is responsible for dealing with enquiries from SEPA.
5. The address for service of notices on the producer if different from that referred to in paragraph 2 above.
6. Where the producer is a partnership, the names of all the partners.
7. Each class of producer to which the applicant belongs.
8. If they belong to more than one class of producer, which of those classes constitutes their main activity as a producer.
9. Where the producer is a brand owner—
 - (a) details of all names, trademarks and other distinctive marks which appear on packaging for which the brand owner is responsible,
 - (b) whether the brand owner also produces packaging on which no name, trade mark or other distinctive mark appears.

PART 3

Information required from brand owners, packer/ fillers, importers, distributors and service providers

- 10.**—(1) This Part applies to producers who are—
- (a) brand owners, or for packaging for which there is no brand owner, packer/fillers,
 - (b) importers,
 - (c) distributors,
 - (d) service providers.
- (2) A small producer must keep records of the information in paragraph 11 and 13(1)(a), (b) and (d) as required by regulation 16(1).
- (3) A large producer (“LP”) must—
- (a) keep records of the information set out in paragraphs 11 to 17 for the data collection period as required by regulation 16(3), and
 - (b) as required by regulation 17(1)—
 - (i) report on that information in relation to the first reporting period and subsequent reporting periods,
 - (ii) where LP has instituted a system of reusing reusable packaging, in relation to the first reporting period alone, include information on all the reusable packaging LP has supplied which is still being used in the relevant period.
- 11.** The weight in kilograms of packaging in each packaging category the producer has supplied during the relevant period.
- 12.** The weight in kilograms of household packaging in each packaging category the producer has supplied during the relevant period.
- 13.**—(1) A breakdown for the packaging supplied in each packaging category during the reporting period, specifying—
- (a) whether the packaging is primary packaging, shipment packaging, secondary packaging, or tertiary packaging (its “packaging type”),
 - (b) the weight in kilograms of packaging supplied in each packaging type,
 - (c) the weight in kilograms of household packaging supplied which is primary packaging or shipment packaging,
 - (d) the weight in kilograms of packaging, and the number of units of packaging, in each packaging category which consist of drink containers.
- (2) In sub-paragraph (1)(d), a “drink container” means a bottle or can which—
- (a) contains or used to contain drink,
 - (b) is made wholly or mainly from polyethylene terephthalate (PET) plastic, glass, steel or aluminium,
 - (c) has a capacity of at least 50 millilitres but no more than three litres of liquid,
 - (d) is designed or intended to be sealed in an airtight and watertight state at the point of supply to a consumer in the United Kingdom,
 - (e) is not conceived, designed or marketed to be refilled or re-used in any other way by any person.

14. Producers who are brand owners must also keep records of, and report on, the information referred to in paragraphs 11 to 13 in relation to all packaging in each packaging category for which they are the brand owner, which is produced during the relevant period (whether or not by the producer), which they supply, or are treated as supplying under regulation 10(3).

15. Producers who are distributors must also, for each large producer subject to obligations under regulation 15(3) to whom the producer has supplied unfilled household packaging or other unfilled packaging during the relevant period, keep records of—

- (a) the identity of the producer,
- (b) the number of units of such packaging supplied,
- (c) the weight of unfilled packaging and of household packaging supplied to that producer.

16. Where the producer has instituted a system of reusable primary packaging, a description of that system, including the following information—

- (a) the weight in kilograms of all packaging supplied during the reporting period that is reusable or refillable,
- (b) the weight in kilograms of the packaging referred to in sub-paragraph (a) which is primary packaging,
- (c) whether the packaging referred to in sub-paragraph (b) is refilled—
 - (i) by the consumer, at home, or outside the home,
 - (ii) by the manufacturer or retailer, and if so whether it may be returned from the consumer's home for this purpose, or must be returned to the store or a collection point.

17.—(1) The weight in kilograms of household packaging supplied by the producer which consists of items listed in sub-paragraph (2).

(2) The following items are relevant for the purposes of sub-paragraph (1)—

- (a) packaging provided to consumers with take-away food or drink, including wraps, boxes, cups, cup-holders, bags, paper and straws,
- (b) packaging on confectionery, where the confectionery weighs less than 230 grams, including chewing gum packaging, and chocolate wrappers,
- (c) packaging on cigarettes, cigars, tobacco and e-cigarettes,
- (d) crisp packets or packaging on other savoury snacks, where the crisps or snacks weigh less than 60 grams,
- (e) packaging on single portions of food which can be consumed immediately without further preparation, including sausage rolls, sushi, sandwiches, biscuits and individual cakes,
- (f) cartons holding 850 millilitres or less of drink whose contents can be consumed immediately without dilution,
- (g) pouches containing less than 600 millilitres of drink, whose contents can be consumed immediately without dilution.

PART 4

Information required from online marketplace operators

18. Producers who are online marketplace operators—

- (a) must keep records of, and report on, the information set out in paragraphs 19 and 20,

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- (b) must provide a description to SEPA of the methodology they use to collate the information required under sub-paragraph (a).

19. The weight in kilograms of packaging in each packaging category the producer has supplied during the relevant period.

20. The weight in kilograms of household packaging in each packaging category the producer has supplied during the relevant period.

PART 5

Supply and discarding of packaging by nation

21. Producers who are subject to the data collection obligations in regulation 16 must maintain records of the following information—

- (a) for small producers, the information in paragraph 22(1),
- (b) for large producers who are brand owners, the information in paragraph 23,
- (c) for all other large producers, the information in paragraphs 22 and 23.

22.—(1) The weight in kilograms of—

- (a) all packaging the producer supplies, where the producer is a seller, online marketplace operator, distributor or service provider,
 - (b) all packaging the producer discards, where the producer is an importer,
- in a relevant year in each nation in the United Kingdom, in each packaging category.

(2) Producers who are sellers who sell secondary or tertiary packaging may estimate the amount of packaging which has been supplied to a nation in the United Kingdom in order to calculate the weight of packaging supplied to, or, where the producer is an importer, discarded in, that nation for the purposes of reports submitted in relation to the relevant years 2024, 2025 and 2026, but not in relation to any later years.

(3) Sub-paragraph (2) does not apply to packaging which is supplied directly by the seller to the person using it.

23.—(1) The amount of relevant packaging waste the producer has collected during the relevant period from persons other than the producer.

(2) The amount of packaging waste the producer has collected during the relevant period consisting of—

- (a) the producer’s own packaging waste,
- (b) packaging waste from other persons.

(3) How much of the waste referred to in sub-paragraph (2) was—

- (a) collected from each nation within the United Kingdom,
- (b) sent for recycling to another nation in the United Kingdom, identifying the nation concerned.

(4) The amount of waste declared under sub-paragraphs (1), (2) and (3) must be declared by weight, in kilograms, and be further broken down by packaging category.

(5) In sub-paragraph (1), packaging waste is “relevant packaging waste” if it is not collected from households for recycling by more than 75% of the relevant authorities in Scotland responsible for waste collection.

(6) In sub-paragraph (5), in relation to glass, “collected for recycling from households” includes glass deposited at a bring site by the occupier of a domestic property.