

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.

SCHEDULE 2

Regulation 15(8)

Licensors and Pub Operating Businesses

PART 1

General

1.—(1) A head organisation is subject to data collection obligations under regulation 16(6) in the situations set out in paragraph 2(1) below where the conditions in paragraph 2(2) below are met.

(2) Where a head organisation has such obligations—

- (a) paragraph 6 below applies to determine the obligations of a licensor,
- (b) paragraph 8 below applies to determine the obligations of a pub operating business.

2.—(1) The situations referred to in paragraph 1 above are that—

- (a) the head organisation and one or more of its members would, but for the fact that they do not all satisfy one or both of the threshold tests in regulation 11(2), each have obligations under these Regulations,
- (b) two or more members of the head organisation would, but for not satisfying one or both of the threshold tests in regulation 11(2), each have obligations under these Regulations,
- (c) the head organisation has obligations under these Regulations and one or more of its members would, but for a failure to satisfy one or both of the threshold tests in regulation 11(2), each have obligations under these Regulations.

(2) The conditions referred to in paragraph 1 above are that—

- (a) the head organisation satisfies the threshold test relating to turnover in regulation 11(2)(a), and
- (b) subject to paragraphs 3 and 4 below, the head organisation and one or more of its members, or its members alone, in one of the situations in sub-paragraph (1)(a), (b) or (c) above, together satisfy the threshold test relating to packaging handled in regulation 11(2)(b).

3. Where the head organisation does not have the information necessary for the purposes of Parts 2 and 3 the organisation—

- (a) must use its best endeavours to obtain such information,
- (b) where despite having used its best endeavours it nevertheless does not have such information it must produce its best estimate and that estimate must be used for the purposes of Parts 2 and 3.

4. For the purposes of this schedule—

- (a) “head organisation” means a licensor or pub operating business as defined in regulation 9,
- (b) “member” means—
 - (i) where the head organisation is a licensor, a licensee being the person granted a licence to use a trade mark by the licensor under a licence agreement as provided for in regulation 9,

- (ii) where the head organisation is a pub operating business, a tenant being the person granted a lease or tenancy by the pub operating business as provided for in regulation 9.

PART 2

Licensors

5. Where the head organisation is a licensor, for the purposes of determining under paragraph 2(2) (b) above whether the threshold test in regulation 11(2)(b) is satisfied, only the following packaging or packaging materials are to be taken into account—

- (a) packaging or packaging materials that bear a trade mark of the head organisation for which a licence to use such trade mark has been granted under the licence agreement,
- (b) packaging associated with goods that bear a trade mark of the head organisation for which a licence to use such trade mark has been granted under the licence agreement, and
- (c) where the member is obliged to—
 - (i) purchase goods in packaging,
 - (ii) purchase goods and associated packaging or packaging materials to be used to contain or protect such goods or to facilitate the handling of or for the presentation of such goods,
 - (iii) purchase packaging or packaging materials to be used to contain or protect such goods or to facilitate the handling of or for the presentation of such goods,

from the head organisation or, where the head organisation has negotiated some or all of the terms of the supply, a supplier nominated or authorised by the head organisation under the licence agreement, such packaging or packaging materials.

6. Where the head organisation is a licensor—

- (a) where there is a situation falling within paragraph 2(1)(a) or (b) above and the conditions in paragraph 2(2) above have been met, the head organisation—
 - (i) is deemed to be a producer of a class or classes specified in regulation 8,
 - (ii) has data collection obligations in respect of its own activities, where applicable, and those of its members in respect of the packaging or packaging materials set out in paragraph 5,
- (b) where there is a situation falling within paragraph 2(1)(c) above and the conditions in paragraph 2(2) above have been met, the head organisation—
 - (i) has obligations as a producer in respect of its own activities,
 - (ii) is deemed to be a producer of one or more classes specified in regulation 8,
 - (iii) has data collection obligations in respect of the activities of its members in respect of the packaging or packaging materials set out in paragraph 5.

PART 3

Pub operating businesses

7.—(1) Where the head organisation is a pub operating business, for the purposes of determining under paragraph 2(2)(b) above whether the threshold test in regulation 11(2)(b) is met, only packaging or packaging materials specified in sub-paragraph (2) are to be taken into account.

(2) The packaging or packaging materials referred to in sub-paragraph (1) are packaging or packaging materials that contain the goods that are the subject of the obligation to purchase from the head organisation or person nominated or authorised by that head organisation under the pub operating agreement, whether or not the goods have been packed or filled in the packaging or packaging materials when they are purchased by the member.

8. Where the head organisation is a pub operating business—

- (a) where there is a situation falling within paragraph 2(1)(a) or (b) above and the conditions in paragraph 2(2) above have been met, the head organisation—
 - (i) is deemed to be a producer of one or more classes specified in regulation 8,
 - (ii) has data collection obligations in respect of its own activities, where applicable, and those of its members in respect of the packaging or packaging materials set out in paragraph 7(2),
- (b) where there is a situation falling in paragraph 2(1)(c) above and the conditions in paragraph 2(2) above have been met, the head organisation—
 - (i) has obligations as a producer in respect of its own activities,
 - (ii) is deemed to be a producer of one or more classes specified in regulation 8,
 - (iii) has data collection obligations in respect of the activities of its members in respect of the packaging or packaging materials set out in paragraph 7(2).