



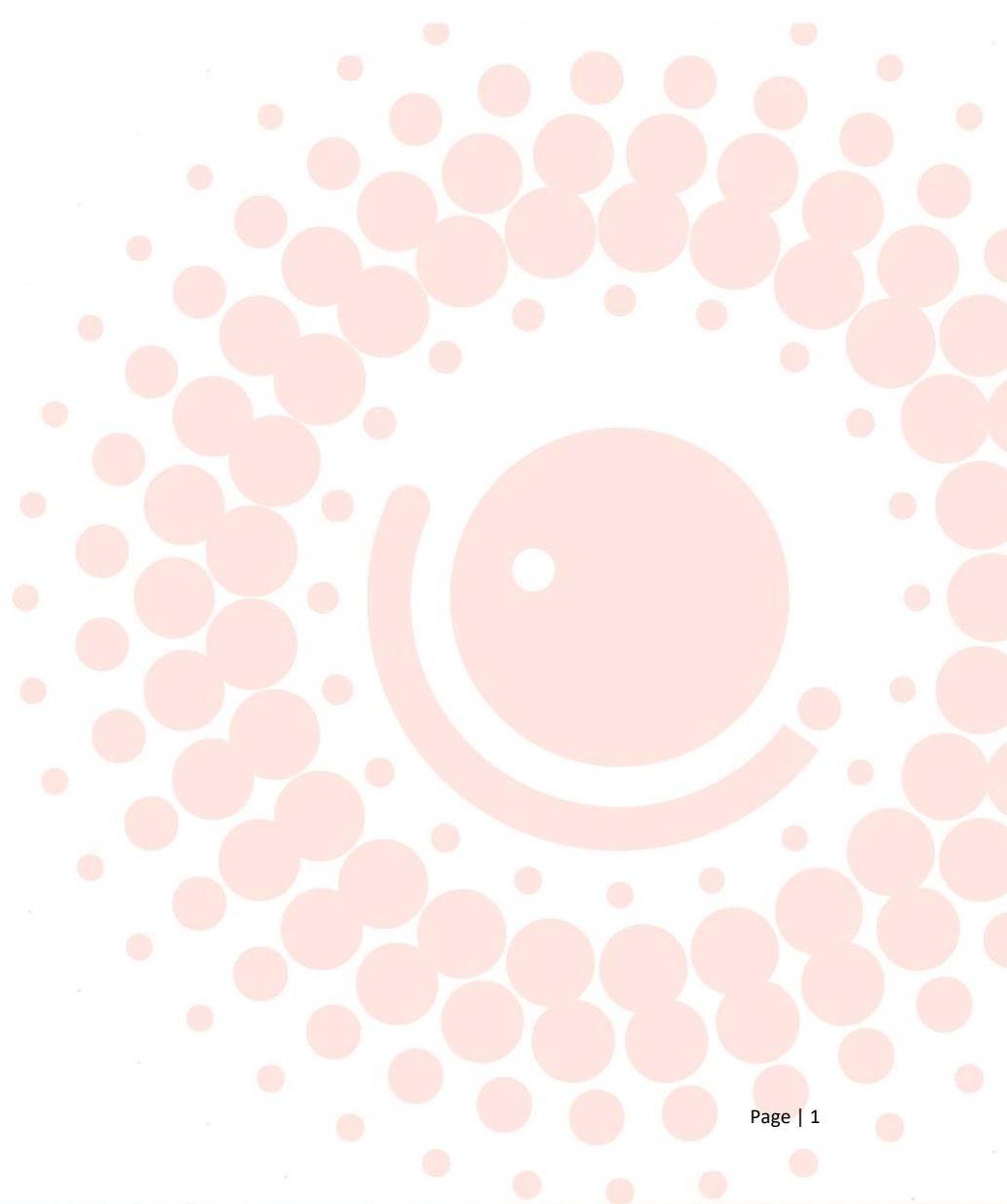
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# UK 2023

Packaging Legislative Analysis

## Contents

Overarching Packaging Requirements .....	2
Extended Producer Responsibility (EPR).....	4
Recycling Targets .....	12
Plastics Regulation .....	13
Deposit Return Schemes.....	19
Consistent Recycling Collections – England .....	21
End of Life Labelling .....	22



## LEGISLATION - UNITED KINGDOM

### Extended Producer Responsibility (EPR)

Extended Producer Responsibility Regulations are the new way in which UK organisations responsible for packaging must carry out their recycling responsibilities. The UK Government has carried out several public consultations ahead of implementing the regulation to ensure it is fit for purpose. At the initial consultation, the Government put forward a number of key principles and outcomes to underpin the EPR Reform proposals, which are summarised below:

- The policy should be **clear and coherent**, with clear roles, responsibilities, outcomes and targets, and work coherently with other policies, including wider waste policy
- EPR Reform should **encourage design for recyclability** by either varying fees based on set recyclability criteria (known as modulated fees), or by incentivising recycling via deposit and refund model
- Costs and fees to the producer should **implement the “polluter pays” principle**, with producers paying fair costs for the **full net costs (FNC)** for end-of-life of the packaging they place on the market
- The system should **minimise the risk of waste crime** and **ensure compliance** of all parties within the system
- It should be **easy for consumers to do the right thing**, with clear and consistent labelling of what can and cannot be recycled

#### Definition of Packaging

As part of the implementation of EPR, the definition of packaging is diverging from the current primary, secondary and tertiary classifications. Full Net Costs (FNCs) will apply to the following new packaging definitions:

- HH (household) packaging – consumer-facing packaging from kerbside collections
- HH-like (also referred to as Non-Household Municipal, or NHM) packaging – similar packaging waste but arising from businesses e.g. offices, restaurants etc

FNC do not apply to commercial and industrial (C&I) packaging used in distribution and transit.<sup>1</sup>

#### EPR Reform Consultations

The UK Government opened its second consultation on 24th March 2021 regarding plans to introduce an Extended Producer Responsibility scheme for packaging across the UK by 2023 (now delayed to 2024). The consultation document included the following proposals:

- Minimum recycling targets for the six packaging materials, equating to an overall recycling rate for packaging covered by EPR of 73% by 2030
- Covering of full net costs (FNC) of managing packaging waste including:
  - The collecting, sorting and recycling of packaging waste from households and businesses
  - The collecting and disposing of packaging in the residual waste stream from households only

<sup>1</sup> [https://consult.defra.gov.uk/extended-producer-responsibility/extended-producer-responsibility-for-packaging/supporting\\_documents/Extended%20Producer%20Responsibility%20Impact%20Assessment.pdf](https://consult.defra.gov.uk/extended-producer-responsibility/extended-producer-responsibility-for-packaging/supporting_documents/Extended%20Producer%20Responsibility%20Impact%20Assessment.pdf)



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- Litter and refuse management costs, including bin and ground litter
- Single point of obligation, whereby a single producer is responsible for the cost of managing a piece of packaging
- A mandatory cup takeback and recycling requirement placed on businesses selling filled disposable fibre-based composite cups to provide for the separate collection of used cups (either generated in-store or consumed 'on-the-go')
- Fees by material to be varied to reflect criteria such as recyclability (eco-modulation)
- Mandatory recyclability labelling on packaging no later than the end of 2026
- The expectation that labelling will be introduced on different packaging types in line with requirements for their separate collection by local authorities (e.g. flexible plastic films).
- Broad labelling requirements to be set out in legislation to provide consumers with clarity regarding what they can and cannot recycle
- Plastic films and flexibles should be collected for recycling as soon as is practical, and the costs of achieving this paid by producers
- Bio-degradable, bio-based and compostable plastic packaging will not be considered recyclable under packaging EPR and will therefore attract higher fee rates than packaging that contributes positively to scheme outcomes
- Payment for management of packaging waste from households with broad principles underpinning the implementation of payment mechanisms including:
  - The scope of 'necessary costs'
  - Costs paid by producers should be for the delivery of 'efficient and effective' services
  - Payments should be based on both the tonnages and quality of packaging waste collected and recycled
- Payment for management of packaging waste from businesses
- Payment for management of packaging disposed of in the litter stream
- Producers of commonly littered packaging items be made responsible for the costs that are directly attributable to their management, both as bin and ground litter

**The consultation closed on 4th June 2021 after receiving 1,341 responses.**

**On 26th March 2022, the UK Department for Environment, Food & Rural Affairs (DEFRA) published The Extended Producer Responsibility for Packaging Summary of consultation responses and Government response document. This document recognised that the reforms require 'detailed work to implement, and must ensure deliverability, allow businesses time to prepare and avoid placing a burden on consumers.'**<sup>2</sup>

**Since the consultation, the EPR reforms have been modified in the following ways:**

- **EPR will be implemented in a phased manner from 2024, rather than 2023, focusing on payments for household packaging waste and packaging in street bins managed by local**

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1063589/epr-consultation-government-response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063589/epr-consultation-government-response.pdf)



**Appendix**

## Introducing aura

### About Us

At the heart of our business is a sheer fascination with packaging and the impact it has on our world. Packaging's relationship with the environment is complex and we work with true ethical partners to educate, unite like-minded thinkers and share knowledge.

A global business, the reference point for packaging sustainability, utilising knowledge and data to provide the justification required to drive positive change.

### Services

Our expertise falls into three categories designed to deliver a strategic programme focused on the sustainability goals of our clients. These services are supported by a multi-disciplinary team made up of packaging, sustainability, technology and retail experts committed to making a measurable difference every day.

#### Consulting – Pioneering Packaging Strategy

We are packaging sustainability pioneers committed to true partnerships, focused on the delivery of mutual goals.

Our breadth of packaging sustainability knowledge across substrates, design, technical packaging, legislation, and recyclability allows us to evolve strategies to make a measurable difference both now and in the future.

Our Consultants build road maps for global change, our Technical Engineers develop specifications to refine the impact of your packaging and our Supplier Success Managers are on hand to assist with client education, communications and engagement.

As a result, we will deliver a robust strategy compliant with your sustainability goals aligned to current and future legislation.





### Technology – Managing Sustainability Everyday

We provide live data and control to deliver the accurate information you require to make real time decisions that impact your business and our planet.

**e-halo** is an unrivalled packaging sustainability platform combining state-of-the-art technology with consulting services, designed to manage the changing landscape of global packaging legislation, compliance, and sustainability commitments.

**e-halo** provides packaging component data at a granular level, making sustainable packaging part of everyday decision making.

**e-halo** manages compliance to evolving legislation and recyclability requirements with a comprehensive reporting suite allowing for real-time measurement against your business and sustainability targets.



### Insights – Data Driven Decisions

We utilise knowledge and data to provide the justification required to drive positive change.

**Data Management** – We interact with digital information every day. We gather, check, manage and translate data into valuable insights that our clients can use to measure and motivate positive change.

**Horizon Futures** – We offer horizon scanning services for global packaging legislation across 54 countries and for this we are unique. We interpret legislation rather than just quoting a legal directive, to help you understand the current and future packaging landscape. We then consider how emerging trends might potentially affect current policy and practice, enabling our clients to take a longer-term strategic approach to packaging sustainability.

## Our Management Team

We are packaging sustainability pioneers committed to true partnership, which means to us a relationship focused on the delivery of the mutual goals of our business and that of our clients.

### **Visionary**

Pioneering strategies which educate, unite and influence change

### **Responsible**

Real-time data drives the changes needed to positively impact our planet

### **Honest**

Decisions are informed, and our communications are authentic

### **Collaborative**

Ethical Partnerships unify our mutual goals to create a vision fit for the future



**Greg Lawson**  
Managing Director



**Gillian Garside-Wight**  
Consulting Director



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Marketing Director

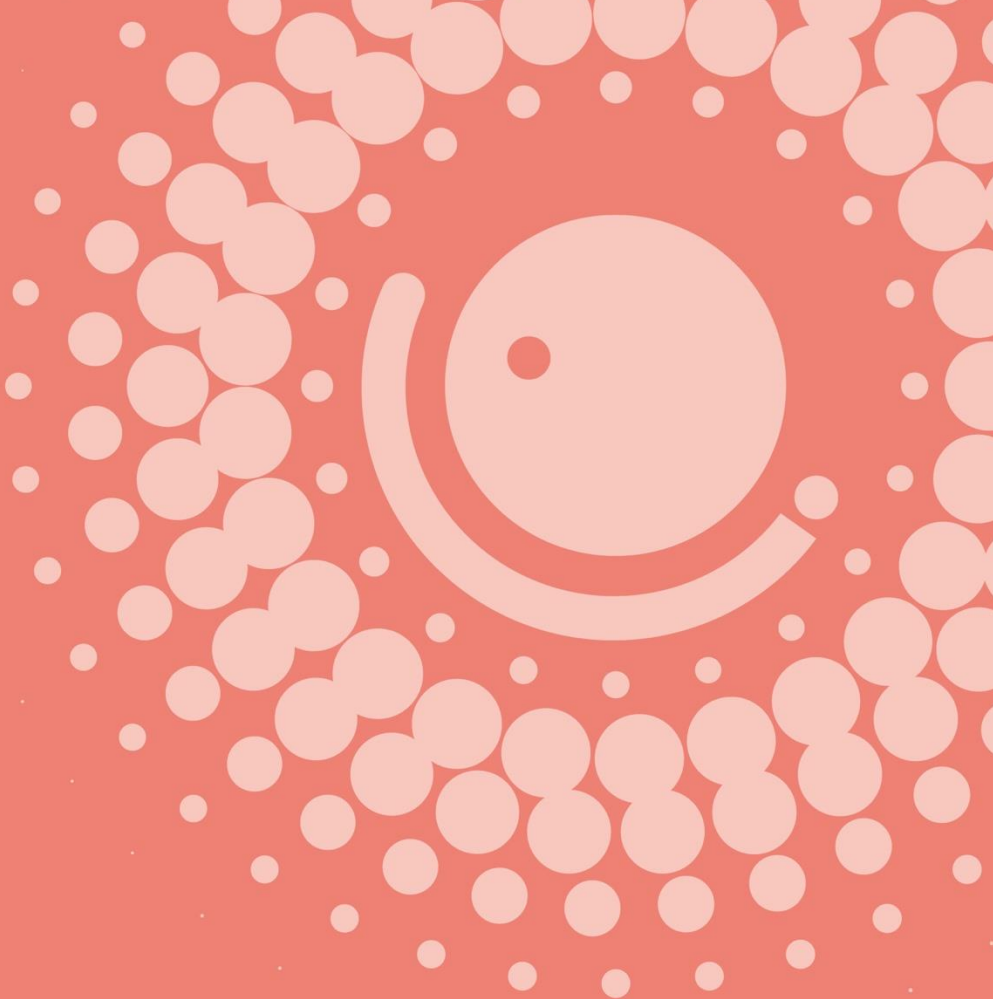


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Thank you from Team Aura