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Temporary Regulatory Position Statement

2025 Extended Producer Responsibility for Packaging (pEPR) Producer Data Requirements: Fibre-based composite material

1. Background

- 1.1 The Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 (the Packaging Regulations) became law on 1 January 2025. The Regulations impose various obligations on producers, compliance schemes and holding companies in Scotland including an obligation on certain large and small producers to collect data on fibre-based composite material and paper or board and report that data to SEPA.
- 1.2 SEPA has adopted this Temporary Regulatory Position to align with proposals to change the current definition of “fibre-based composite material” and add a new definition of “paper or board” in the Packaging Regulations to reflect the policy intent. This Temporary Regulatory Position enables producers who supply fibre-based composite material in 2025 to categorise, collect and report it to SEPA as paper or board, subject to compliance with the condition set out in paragraph 3.1 of this Temporary Regulatory Position Statement.
- 1.3 This Temporary Regulatory Position Statement applies to:
- (i) producers with an obligation to collect; and
 - (ii) producers, compliance schemes and holding companies with a duty to report (collectively referred to as “producers”) data specifically relating to fibre-based composite material and paper or board packaging materials for 2025 in terms of Regulation 34, Regulation 35(2) and (3) and Regulation 36(2) of the Packaging Regulations. (Subject to the effect of a producer being a member of a compliance scheme and/or group registration as per Regulation 39(1))

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- 1.4 This Temporary Regulatory Position Statement will be published on our website.

2. SEPA Position

- 2.1 Subject to the condition set out in paragraph 3.1 of this Temporary Regulatory Position Statement, for the purpose of a producer's collection and reporting requirements for 2025 (under Regulation 34, Regulation 35(2) & (3) and Regulation 36(2) of the Packaging Regulations) SEPA will:

- 2.1.1 accept fibre-based composite material supplied in 2025 being categorised (under Regulation 7(5) of the Packaging Regulations), collected and reported as paper or board; and
- 2.1.2 not normally treat this as a non-compliance for compliance assessment or enforcement purposes.

- 2.2 This Temporary Regulatory Position Statement only applies to those matters set out (a) in paragraphs 1.2. and 1.3. and (b) covered by the conditions set out in Section 3. It does not apply to any other regulatory requirements and does not detract from any other statutory requirements applicable under the Packaging Regulations.

3. Conditions That Apply

3.1 Specific Condition

A producer who supplies (as defined in Regulation 10 of the Packaging Regulations) any fibre-based composite material during 2025 must (a) keep written records evidencing that its layer or layers of plastic content is not more than 5% of the packaging material (fibre-based composite) by mass; and (b) provide copies of such written records to SEPA as soon as reasonably practicable upon request in order to be able to categorise, collect and report any fibre-based composite material supplied in 2025 as paper or board and for this Temporary Regulatory Position Statement to apply.

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3.2 General Conditions

- 3.2.1 This Temporary Regulatory Position Statement applies from date of issue until it expires on 31 January 2027.
- 3.2.2 The terms of this Temporary Regulatory Position Statement may be subject to periodical review and may be varied or withdrawn at any time.
- 3.2.3 SEPA reserves its discretion to depart from this Temporary Regulatory Position Statement and to take appropriate action as necessary.
- 3.2.4 This Temporary Regulatory Position Statement applies only in Scotland.

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