

Temporary Regulatory Position Statement

2025 Extended Producer Responsibility for Packaging (pEPR) Liable Producer Recyclability Assessment Obligations for the period 1 January to 30 June 2025

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 producers liable for payment of disposal fees (liable producers) to assess the recyclability of household packaging they supply and to retain records and report data relating to this to SEPA.
- 1.2 In order to provide sufficient time for producers to comply with PackUK's Recyclability Assessment Methodology to be applied in relation to household packaging supplied in 2025, SEPA has adopted this Temporary Regulatory Position to allow liable producers additional time to comply with their recyclability assessment (RA) obligations for the reporting period **1st January to 30th June 2025 (H1)** or rely as an alternative, on the RA made for the next reporting period **1st July to 31st December 2025 (H2)**.
- 1.3 This Temporary Regulatory Position Statement applies to:
- (i) producers with an obligation to assess the recyclability of household packaging they supply and keep records of RAs and
 - (ii) producers, compliance schemes and holding companies with a duty to report (collectively referred to as "liable producers")

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the results of the RA of the household packaging for the first half of the 2025 compliance period (H1) in terms of Regulations 25(3), 26, 34 (5) and 37 and 39 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))

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

2. SEPA Position

- 2.1 Subject to the conditions set out in Section 3 of this Temporary Regulatory Position Statement if a liable producer doesn't comply with their RA, record keeping and reporting (referred to in paragraph 1.3) for the period **1st January to 30th June 2025 (H1)**, SEPA will not normally treat this as a non-compliance for compliance assessment or enforcement purposes provided that a liable producer complies with their RA, record keeping and reporting obligations (referred to in paragraph 1.3) for:

(a) the period 1st July to 31st December 2025 (H2), on or before 1st April 2026
or

(b) the periods 1st January to 30th June 2025(H1) and 1st July to 31st December 2025(H2) on or before 1st April 2026.

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

3. Conditions That Apply

- 3.1 This Temporary Regulatory Position Statement applies from date of issue until it expires on 31 January 2027.
- 3.2 The terms of this Temporary Regulatory Position Statement may be subject to periodical review and may be varied or withdrawn at any time.
- 3.3 SEPA reserves its discretion to depart from this Temporary Regulatory Position Statement and to take appropriate action as necessary.
- 3.4 This Temporary Regulatory Position Statement applies only in Scotland.
- 3.5 **NOTE:** Before deciding whether or not to rely upon this Temporary Regulatory Position Statement it is essential that a producer liable to pay disposal fees under the Packaging Regulations (liable producer) reads and considers in full the [statement published by the Scheme Administrator, PackUK](#), to understand how its reliance on this Temporary Regulatory Position Statement will affect its disposal fee liability under the above regulations for the assessment year 1 April 2026 to 31 March 2027.

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