

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (as amended)

SEPA Monitoring Plan 2020

Every day SEPA works to protect and enhance Scotland's environment, helping communities and businesses thrive within the resources of our planet.



We call this **One Planet Prosperity**

The Scottish Environment Protection Agency (SEPA) is required to monitor compliance with the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (“the Regulations”) as amended. We must also publish a plan outlining our monitoring strategy for each year. The Environment Agency (EA) monitors companies in England, Natural Resource Wales monitors those based in Wales, and the Northern Ireland Environment Agency monitors companies affected in Northern Ireland. Each regulator produces a separate monitoring plan.

1.1 Background

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (“the Regulations”) place legal obligations on most companies who have a turnover exceeding £2 million and who handle more than 50 tonnes of packaging and packaging materials per annum. Companies who meet both thresholds are known as ‘producers’. These companies are required to:

- register and submit data to SEPA or the appropriate agency by 7th April each year.
- submit an operational plan if the company has an obligation to recover more than 500t of packaging waste. The operational plan must detail the steps the company will take to meet their recovery obligations;
- meet specific recovery and recycling obligations;
- submit a Certificate of Compliance by 31st January each year and support this with evidence of compliance (i.e. evidence that the appropriate recovery and recycling has been carried out); and
- meet certain ‘consumer information obligations’ if the producer’s main activity is as a ‘seller’.

Alternatively, producers may join a compliance scheme that will meet their obligations on their behalf. Details of all UK registered compliance schemes are available on the website of the National Packaging Waste Database

(<https://npwd.environment-agency.gov.uk>)

Recovery and recycling is carried out by reprocessors or exporters who are accredited and they are monitored by SEPA, the Environment Agency (EA), Natural Resources Wales, and the Northern Ireland Environment Agency (NIEA) depending on their jurisdiction. They may generate Packaging Waste Recovery Notes or Packaging Waste Export Recovery Notes (PRNs or PERNs) in respect of each tonne of UK packaging waste that is recovered or recycled.

Obligated companies (producers) and compliance schemes can meet their recovery and recycling obligations by procuring the correct amount and material specific type of Recovery Notes as evidence of compliance.

SEPA's Producer Compliance and Waste Shipment Unit (PCWSU) is responsible for monitoring compliance against the requirements of the packaging waste regime.

1.2 The PCWSU main roles are outlined below

1.2.1 Producer registration and data submission:

SEPA monitors and reviews the information and data to verify that the producers have complied with the requirements placed upon them. We also make sure that dully made and accurate registrations are received no later than 7th April of each year. Any companies who fail to register by the deadline are followed up to bring them into compliance;

We also monitor the submission and assess the information contained in operational plans for those companies who have an overall recovery obligation greater than 500 tonnes.

1.2.2 Collation and verification of Data

The PCWSU is responsible for the collection of data on packaging handled by obligated producers registered with SEPA, and on packaging waste reprocessed in Scotland or exported by SEPA-accredited operators.

Data on packaging waste reprocessed and PRNs/PERNs issued are submitted every quarter via the National Packaging Waste Database (NPWD) (<https://npwd.environment-agency.gov.uk>). At the end of the year an annual return, including details of the revenue obtained from PRNs/PERNs and the use(s) to which this revenue has been put is submitted.

1.2.3 Compliance Monitoring of Producers and Scheme Members

Eight compliance schemes registered with SEPA for the year 2019 are: Compliance Link, CO2 Compliance, Ecosurety, Recycle-Pak, Valpak Scotland, Veolia Environmental Services, Wastepack and Scotpak.

SEPA monitors the performance of compliance scheme operators to check their progress towards meeting their membership's recovery and recycling obligations. We focus our scheme monitoring work on the assessment of a scheme's operational plans especially their procurement of evidence; the analyses of a scheme's member's data, their interaction and monitoring of their members.

We focus our producer monitoring on companies located in Scotland regardless of which UK compliance scheme they are registered with.

We carry out site visits to audit our producers on a risk basis mainly to verify that:

- the data submitted is correct.
- the company has accounted for all activities undertaken in the year and
- 'consumer information obligations' have been met where appropriate.

Our risk-based approach takes into account factors like frequency and type of data errors, competency of responsible person, size of producer's obligation, and range of packaging handling activities

Any producers identified at risk of not complying are proactively contacted and advised accordingly. We also send constant reminders about procurement of PRNs/PERNs to meet their obligations and submission of Certificates of Compliance.

1.2.4 Monitoring of Non Registered Companies

SEPA carries out routine searches to identify potential free-riders and companies who have not re-registered. We contact them to carry out an obligation assessment so that we can bring them into compliance.

A copy of the SEPA Enforcement Policy is available on the SEPA website (<https://www.sepa.org.uk/regulations/enforcement/>) and from any SEPA office.

1.2.5 Accreditation and Monitoring of Reprocessors and Exporters

We are required to determine any applications for accreditation as a reprocessor or exporter within 12 weeks of the application. We can only grant an accreditation where we are satisfied that the applicant has met and will continue to meet the requirements of the regulations.

SEPA aims to carry out a combination of desktop monitoring as well as routine and spot inspections and audits during the course of the year to ensure that the conditions of accreditation are being adhered to.

This includes the assessment and verification of quarterly data and that the PRNs and PERNs issued are on UK packaging waste which has been recovered/ recycled or exported in accordance with the regulations.

1.2.6 Enforcement Action

Our enforcement actions under the Regulations is taken in accordance with SEPA's Enforcement Policy. Non-compliant producers, compliance schemes, accredited companies and any person who is engaged in trading in or brokerage in relation to PERNs and PRNs may be issued with a formal or a final warning letter or may be reported to the Procurator Fiscal for potential prosecution. Companies accredited as reprocessors or exporters of packaging waste may also be issued with suspension or cancellation notices depending on the level of non-compliance.

A copy of the SEPA Enforcement Policy is available on the SEPA website (<https://www.sepa.org.uk/regulations/enforcement/>) and from any SEPA office.

1.4. Other activities

The Producer Compliance and Waste Shipment Unit handles enquiries on all technical aspects of the Regulations. We also provide advice and training to stakeholders on an ad-hoc basis which may include advisory visits tailored to meet specific needs.

We also liaise with Government and other Industry organisations on operational and strategic issues

1.5 SEPA Website

More information on Packaging Waste Regulations website can be accessed at <https://www.sepa.org.uk/regulations/waste/packaging-waste/>

All statutory Public Register information, including lists of producers, compliance schemes and lists of accredited exporters and reprocessors, can be accessed on the National Packaging Waste Database website (<https://npwd.environment-agency.gov.uk>)

SEPA's MONITORING PLAN FOR 2020

Monitoring Plan for 2020

Producer and Scheme Monitoring Activity	Predicted Companies	Monitoring Target
Registration Application Monitoring	52	52
Certificate of Compliance Monitoring (2019 compliance year)	55	55
Total Routine Producer Compliance Monitoring	298	74
Total Routine Compliance Scheme Inspections	8	8
Accreditation monitoring		
Routine compliance inspection of accredited reprocessors/exporters	37	30
Spot-check compliance reviews of accredited reprocessors / exporters and suppliers / customers (includes port checks and checks of container loading sites)	37	37

REPORT ON MONITORING ACTIVITIES IN 2019

Monitoring Activity	Predicted No. of Companies	Initial Monitoring Target	Actual No. of Companies	Revised Monitoring Target	Actual Monitoring Undertaken
SEPA Registration Application Monitoring	55	55	52	52	52
Monitoring of Certificates of Compliance (2018 Compliance Year)	55	55	55	55	55
Total Routine Producer Compliance Monitoring	321	80	298	74	50
Routine compliance inspections of accredited reprocessors/exporters ¹	25	20	33	24	31
Spot check reviews of accreditations (quarterly returns for reprocessors/exporters) and suppliers/customers	25	25	33	33	33

SECTION D - FURTHER ENQUIRIES AND OTHER USEFUL ADDRESSES

If you have any other enquiries about these Regulations please contact:

Producer Compliance and Waste Shipment Unit

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OTHER USEFUL ADDRESSES

THE ENVIRONMENT AGENCY

Waste & Industry Regulatory Services

Quadrant 2

99 Parkway Avenue,

Parkway Business Park

Sheffield

S9 4WG

Tel: 08708 506 506

SCOTTISH GOVERNMENT

Victoria Quay

Edinburgh

EH6 6QQ

Tel: 0131 244 0363

e-mail: waste.team@scotland.gov.uk

**NORTHERN IRELAND
ENVIRONMENT AGENCY**

Producer Responsibility Unit

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For information on accessing this document in an alternative format or language please either contact SEPA by telephone on 03000 99 66 99 or by email to

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If you are a user of British Sign Language (BSL) the Contact Scotland BSL service gives you access to an online interpreter enabling you to communicate with us using sign language.

<http://contactscotland-bsl.org/>

www.sepa.org.uk

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