



EPR

obligations and opportunities

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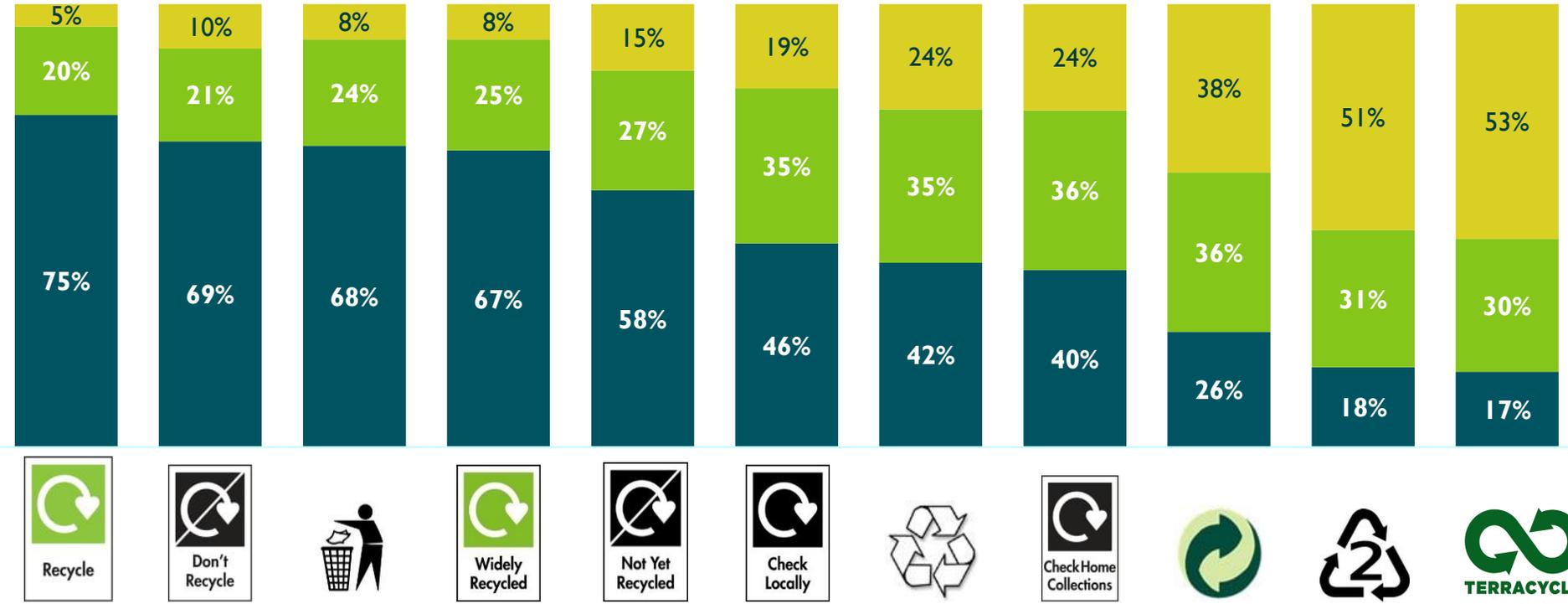
OPRL – What we do

- Simple and consistent Recycle and Refill Labels
- Recycling Labels are based on collections, recyclability and end-markets
- Widely used and recognised labels
- Tools and membership support when you need it
- Collaboration and knowledge share
- Additional products and services



Recognised
and inspire
confidence in
9 in 10
consumers

High levels of consumer confidence



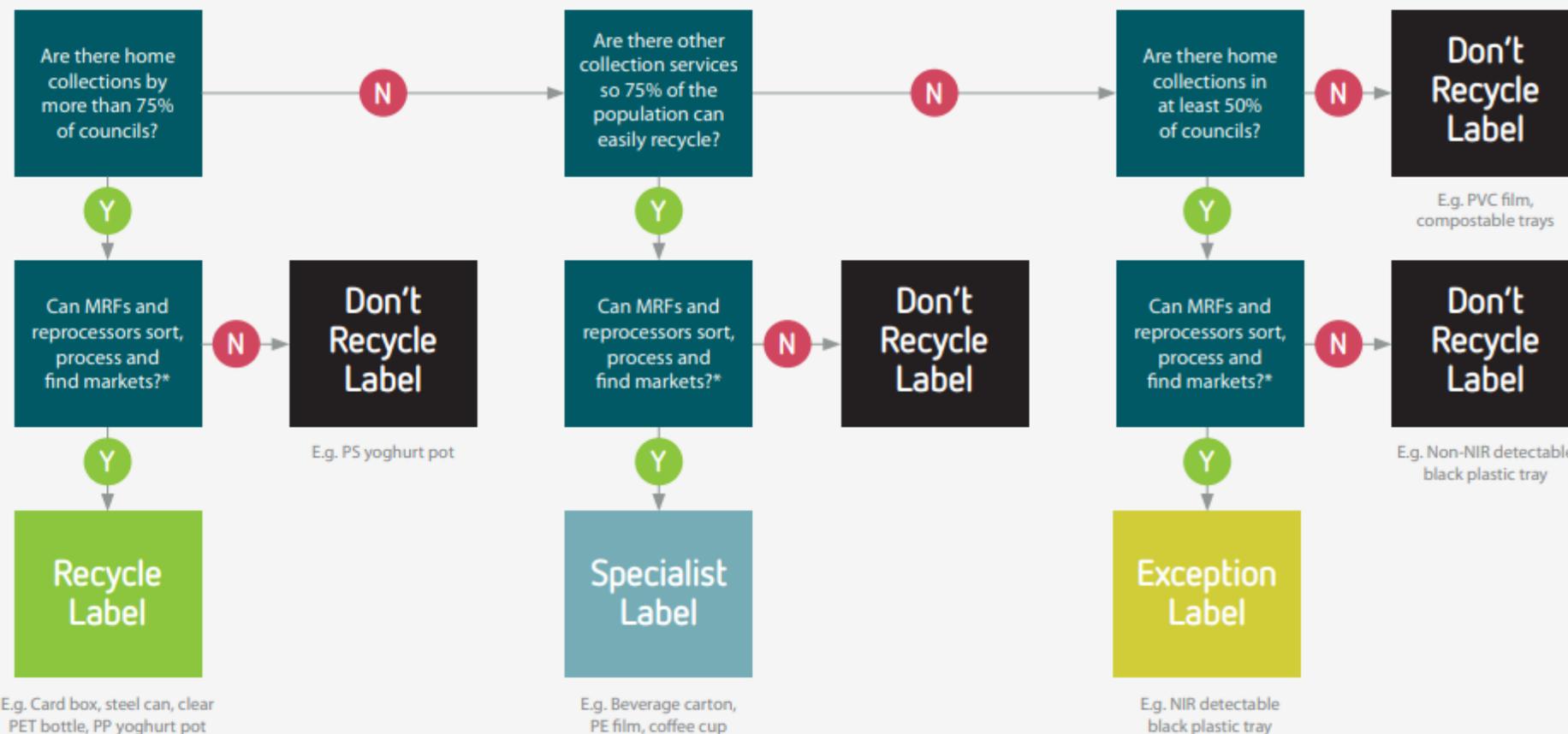
■ I am very certain what this label means
 ■ I'm not sure what this label means

■ I think I know what this label means but I'm not certain

OPRL labels continue to be the most widely understood

How labels are defined

Recyclability Labelling Decision Tree



* A full analysis of infrastructure capability is available via the PREP tool. The new labelling tool will also prompt you with the tests needed.

These include:

- Size – is the pack bigger than 40mm in two dimensions?
- Weight and compatibility of barriers and coatings
- Presence of minor incompatible components
- Polymer choice and compatibility
- Colour and NIR detectability

Our labels



Recycle

Used when:

1. More than 75% of UK councils collect for recycling
2. Industry guidance shows infrastructure sorts and processes for recycling
3. Material is sold on as recyclate



Do Not Recycle

Used when fewer than 50% of UK councils collect for recycling or more than 50% of councils collect but industry guidance shows infrastructure cannot sort or no viable market exist for recyclate



Additional labels



Specialist*

Used for a small number of materials which may not always be collected through household recycling collections



Refill

Used for a small number of materials which may not always be collected through household recycling collections



Multi Component

Used for a small number of materials which may not always be collected through household recycling collections



UK Only

Used for a small number of materials which may not always be collected through household recycling collections

OPRL

Refill Labels



- The packaging was designed to be refilled with its original product a minimum of 10 times
- Refill systems are available to at least 75% of the UK population who had availability to purchase it initially
- Refill systems will be available for a minimum of 3 years
- The packaging can be refilled without risk to the consumer
- The packaging and refill/reuse comply with any relevant standards

Why do we need labels

- A recent UK survey (Barratt Homes found that over $\frac{3}{4}$ of respondents put items into the recycling bin without checking whether they can be recycled
- Commonly recycled items were thought to be unrecyclable, such as glass bottles which 35% thought were not recyclable
- **Internationally** a poll by the Institute of Scrap Recycling Industries (ISRI) and Earth911 found that 65% do not understand what plastics are acceptable in roadside collection
- The Carton Council of North America found that 67% say they would assume a package is not recyclable if it did not have a recycling symbol or language that it was
- 57% of consumers first look at a product's packaging for recycling information before turning to other sources

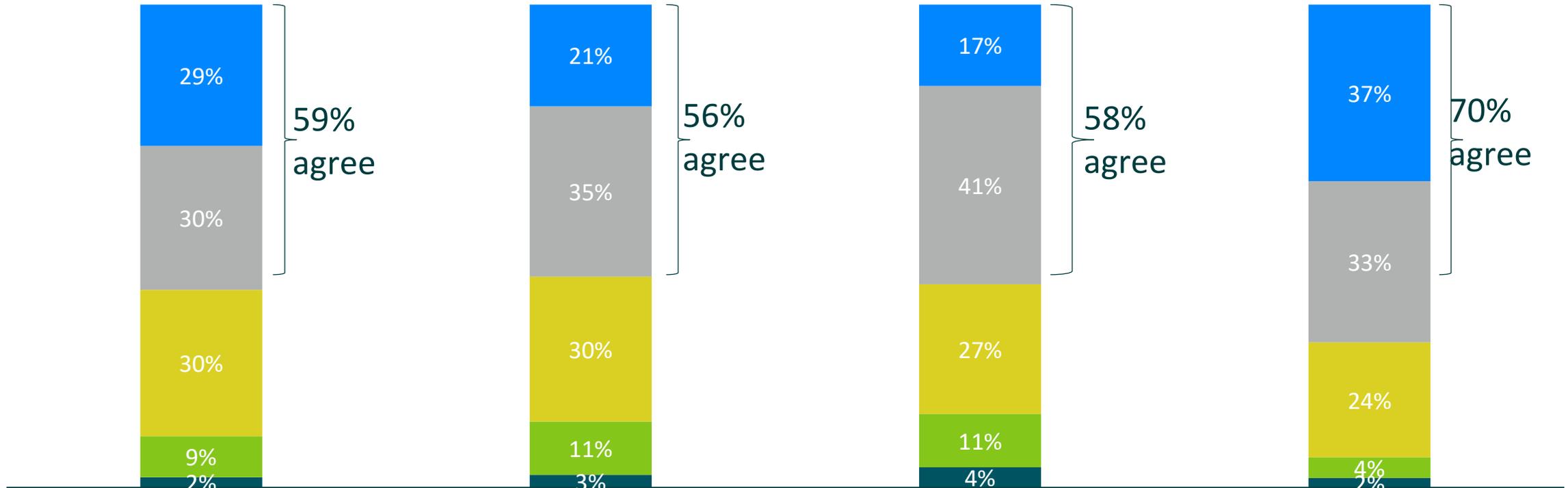


Packaging News Survey

EPR & Labelling

- Respondents mainly food and beverage (63%), then household goods, personal care, pharmaceutical, food service, luxury goods, ecommerce, automotive, and clothing
- 74% are aware of EPR – but only 28% are fully aware of EPR's impact
- Only 17% clearly understand their obligations under EPR
- 66% have knowledge gaps and/or need to know more
- 71% know they need to label all consumer packaging with recycling information as part of their EPR obligations
- 57% know how to make sure they carry the right labels on their packaging showing consumers if packaging is collected, recycled and has an end market

Packaging News Survey EPR & Labelling



EPR is a real gamechanger for the UK packaging industry

EPR will radically alter the way packaging is designed in the UK

EPR will improve the UK's recycling rates

EPR will be an economic burden on business

Timeline – Looking back

- **Feb – May 2019** - 1st consultations on reforming the UK packaging producer responsibility system
 - **Mar – Jun 21** 2nd consultations on separate policies: EPR, DRS and consistency
 - **26 Mar 22** Summary of consultation responses and Government response published for EPR consultation
 - **28 Feb 2023** Packaging Waste (Data Reporting) (England) Regulations 2023
 - **25 July 23** 1 year delay (Oct 24 – Oct 25) to payment of fees announced
 - **28 July – 9 Oct 23** Consultation on the draft Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024
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What data?

Producers report their packaging tonnages broken down by:

- Material categories (plastic, glass, wood, paper/card, fibre-composite, aluminium, steel, other)
- Packaging type (primary, shipment, secondary, transit/tertiary)
- Whether packaging is likely to be disposed of in households or non-households bins
- Under which producer activity was the packaging supplied (i.e. brand owner vs packer/filler vs importer and so on)

There will also be extra categories including:

- Commonly street-binned materials (defined in legislation)
- Self-managed collections

Data & Takeback

Digital platform that will allow producers to register and report their data which will be shared with the SA and the regulators

- Producers will be able to submit evidence of self-managed packaging waste in order to reduce its payment obligation for the same type of household packaging
 - Could be **‘front of store’** or **‘post-back’** schemes or other schemes
 - Only where material is not required to be collected for recycling by local authorities (LAs) and can provide evidence of its reprocessing
- Need to declare in which part of the UK it was discarded as waste, to enable recycling rates to be calculated for each country (apart from ‘post-back’ packaging)

Who is obligated?

Producer Type	Waste Cost Obligations	Nation of Sale Obligations
Brand Owner	Yes	No
Packer/Filler	Yes	No
Importer	Yes	Yes
Service Provider	Yes	Yes
Distributor	Yes	Yes
Online Marketplace	Yes	Yes
Seller	No	Yes

Waste Cost Obligations		Turnover		
		< £1m	£1m - £2m	> £2m
Packaging Tonnage	< 25 tonnes	No Obligation	No Obligation	No Obligation
	25 - 50 tonnes	No Obligation	Reporting Only	Reporting Only
	> 50 tonnes	No Obligation	Reporting Only	Full Obligation

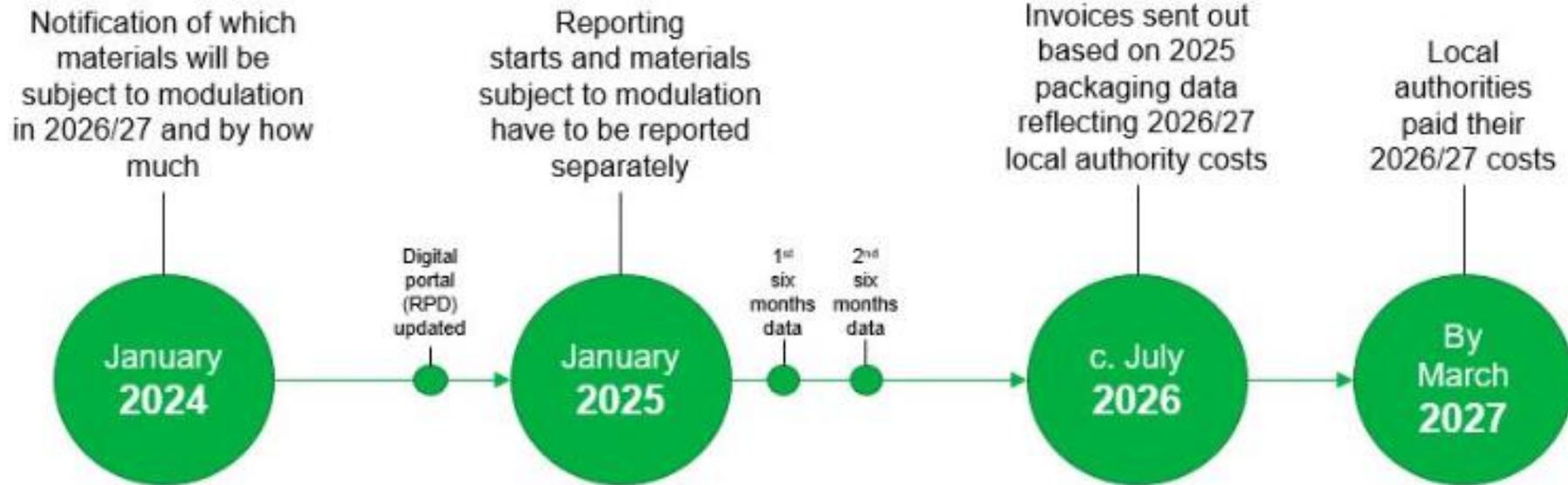
Nation of Sale Obligation		Turnover	
		< £1m	> £1m
Packaging Tonnage	< 25 tonnes	No Obligation	No Obligation
	> 25 tonnes	No Obligation	Reporting Only

Obligation checker:

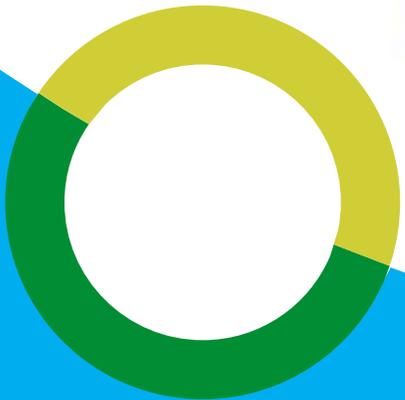
www.gov.uk/guidance/check-if-you-need-to-report-packaging-data



Timeline – Moving forward



YEAR 1 OF MODULATED FEES
YEAR 2 OF EPR



EPR & Labelling

- Office for Product Safety & Standards (OPSS) will be the labelling authority
- All compostable and biodegradable packaging will be required to be given 'Do Not Recycle' label

Regulations will state:

- Requirement to assess packaging to determine its recyclability
- Minimum size requirements which will align with nutrition labelling
- Wording i.e. Recycle / Do Not Recycle

Guidance

- Colour
- Multi-component
- Additional information (calls to action)



EPR & Labelling

- Primary and shipment will be required to label packaging using the Recycle Now mark and relevant wording (Recycle / Do Not Recycle)
- Producers could choose to subscribe to a labelling scheme and use the services provided by that scheme
- Brand owners and importers will be required to label their packaging
- Distributors (of unfilled plain packaging) will be required provide packaging recyclability information to the small businesses they supply
 - Some flexibility as to how the users provide that recyclability information to consumers



What's confirmed

- Producers will be responsible for determining the recyclability of their packaging and the appropriate label. Depending on your obligation and who you sell to you might have to do this yourself or your supplier might do it for you
- Consistent collections, vital for determining recyclability at scale, will cover glass, plastics, paper and card, metal, food waste and garden waste
- Despite much pressure for a private sector Scheme Administrator for EPR, Treasury have determined that it will be a public sector
- If you sell filled fibre-based drinks cups and employ 10FTE, you will need to provide a takeback scheme, not just for the cups you sell. You must use a label on your cups to indicate this.

Key labelling proposals in the draft regulations

- The size requirements for the label vary depending on whether the largest surface of the packaging is above or below 80 square cm
- Where there is more than one component, the labels can be on outer/main component or on each component
- Labelling does not apply to any packaging where the surface area of the largest surface of packaging is less than 25 square centimetres
- Labelling schemes will probably be subject to SA approval or UKAS accreditation.



Key labelling proposals in the draft regulations (cont..)

- Recycling information applies to medical and veterinary packaging but can be on leaflet or electronically
 - Unbranded unfilled packaging needs to carry labelling information but does not need to be on pack
 - Recyclability assessments need to be saved for at least 7 years and produced on demand
 - The label must contain the RN swoosh, and the words 'Recycle' or 'Do Not Recycle', as the OPRL labels do.
 - OPSS will be the labelling authority responsible for monitoring and enforcement, with ability to issue civil sanctions inc. financial
 - If a producer is unwilling or unable to provide sufficient information, then packaging will be deemed as worst in class, and charged as such.
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Key labelling proposals in the draft regulations (cont..)

Factors taken into account in determining the environmental sustainability of household packaging (one or more):

- (a) whether the packaging is reusable;
- (b) the extent to which the packaging is reused;
- (c) the recyclability of the packaging;
- (d) the environmental impact of creating the packaging;
- (e) the environmental impact of the packaging when it becomes waste;
- (f) the environmental implications of any adjustment proposed to the disposal fee for a packaging category



Further aspects

- Producer fees will be based on two factors:
 - Base fee – material type
 - Modulated fee – sustainability of the packaging type

And cover 8 packaging materials:

(a) aluminium

(b) fibre-based composite materials

(c) glass

(d) paper or board

(e) plastic

(f) steel

(g) wood, or

(h) other materials.



Off-setting obligations

2) In calculating the weight in tonnes of household packaging in that packaging category

(1), the scheme administrator must off-set the weight in tonnes of relevant packaging waste in that packaging category—

(a) which *the producer* has collected and sent for recycling at *the producers* cost (“recycled material”); and

(b) which satisfies the conditions in paragraph (4),

(3)recycled material may be included in the relevant packaging waste off-set under that paragraph whether or not that material would be assessed as recyclable in accordance with the methodology and guidance published by the scheme administrator on recyclability

Off-setting obligations

(4) The conditions *to qualify for off setting* are that—

(a) the recycled material does not consist of—

(i) drink containers,

(ii) exempt packaging, or

(iii) items which are collected from households for recycling by more than 75% of relevant authorities, unless the item concerned is reusable packaging which has become waste;

(b) *The producer* has evidence that the recycled material has been recycled.



OPRL requirements for take back/ self managed waste

To meet ISO and OPRL requirements to be classed as widely recycled and carry a specialist OPRL recycle label eg Recycle at Recycling Point the takeback scheme must;

1. Be accessible to at least 75% of UK population
2. Not conflict with Local Authority kerbside collections
3. Not be restricted to one brand or product.
4. Not require a purchase to be made before an item can be recycled
5. Have full transparency that the collected material is recycled

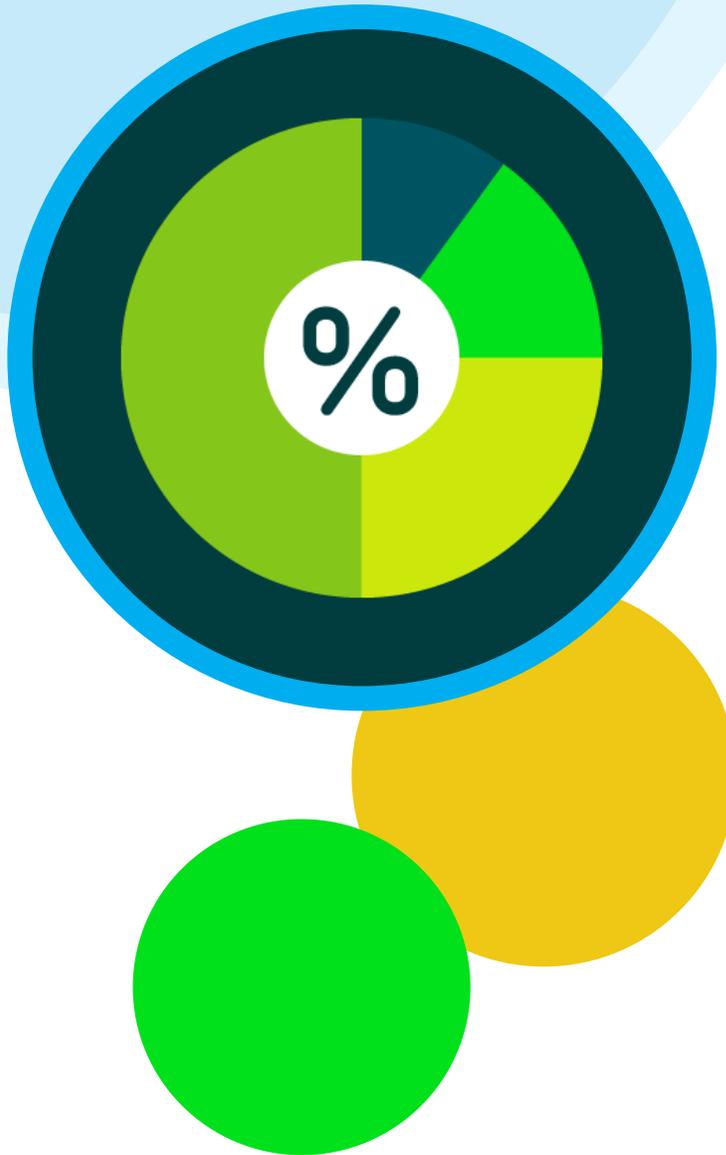
Not clear how labelling would work in DEFRA proposals

The Consultation

- Aims to gather feedback on the draft regulations for EPR of packaging:
 - reflects previous government response
 - ease of implementation
- UK-wide consultation
- Closing date 23:59 9th Oct 2023
- [Online survey](#) to give your responses

Also with DEFRA

- Register for future events
- Subscribe to the Resources & Waste Newsletter



Thoughts and questions?





Thank You

Contact us at members@oprl.org.uk

 www.oprl.org.uk