



Legislation

This section presents a summary of current UK and European Packaging Legislation.

Producer Responsibility Obligations (Packaging Waste) Regulations 1997

The UK Packaging Waste Regulations implement part of the European Packaging Waste Directive. They were introduced in 1997 as the Producer Responsibility Obligations (Packaging Waste) Regulations 1997 and have since been amended by SI (Statutory Instrument) 1999 No 1361 and SI 1999 No 3447.

The aim of the regulations is to meet the recovery and recycling targets in the European Directive by increasing the amount of used packaging that is recycled, composted or burned with energy recovery. The targets for obligated companies are set higher than those in the Directive to compensate for the fact that the UK Government excluded small companies from the Regulations.

If a company handles more than 50 tonnes of packaging a year and has an annual turnover exceeding £2 million, it has to comply with the law as follows:

- In January each year send the Environment Agency or SEPA (in Scotland) evidence that the previous year's obligation has been met.
- In April, pay a fee to the Agency/SEPA and complete a form showing the tonnage of packaging handled, recovered and recycled in the previous year.
- In June, provide a compliance plan to the Agency/SEPA. Or, a company can join an "exemption scheme" which will carry out the above requirements on behalf of its members.

The Environment Agency (EA) is the Government agency responsible for ensuring compliance with the Regulations for companies and schemes whose registered or principal offices are in England and Wales. Scottish Environment Protection Agency (SEPA) is the Scottish equivalent of the EA.



Legislation

The major Compliance Schemes are:

Valpak Ltd

Stratford Business Park
Banbury Road
Stratford-upon-Avon
CV 37 7GW
Tel: 084506 825725
Fax: 084506 825329
info@valpak.co.uk

Onyxpak (175 members)

Onyx House
401 Mile End Road
London
E3 4PB
Tel: 020 8983 1000
Fax: 020 8983 0100
onyxpak@onyxpak.co.uk

Biffpack (329 members)

Biffa Waste Services Ltd
Coronation Road
Cressex
High Wycombe
Bucks
HP12 3TZ
Tel: 01494 556565
Fax: 01494 449841
biffpack@biffa.co.uk

Wastepack UK Ltd (360 members)

Pishiobury House
Pishiobury Drive
Sawbridgeworth
Herts
CM21 0AF
Tel: 01279 721721
Fax: 01279 725754
Compliance@wastepack.co.uk

Source: INCPEN website
See www.incpen.org



Legislation

The Packaging Waste Directive (94/62/EC)

The Packaging Waste Directive 1994 set recycling targets that would have to be met in 2001. These targets for 2001 included a minimum of 50 per cent of all packaging to be recovered (recycling plus 'incineration with energy recovery'); a minimum of 25% of all packaging to be mechanically recycled and no material allowed to be recycled at a rate of lower than 15%.

The revision of these targets for 2005 began in 2001 but this lengthy and protracted process was only completed early in 2004. New Directive 2004/12/EC was published in the Official Journal on 18 February 2004 and the deadline for implementation by Member States is 18 August 2005.

The key changes are to the recycling targets:

- No later than 31 December 2008, 60% as a minimum by weight of packaging waste will be recovered or incinerated at waste incineration plants with energy recovery
- No later than 31 December 2008, between 55% as a minimum and 80% as a maximum by weight of packaging waste will be recycled
- No later than 31 December 2008 the following minimum recycling targets for materials contained in packaging waste will be attained: 60% by weight for glass, 60% by weight for paper and board, 50% by weight for metals, 22.5% by weight for plastics (counting exclusively plastics-to-plastics recycling), and 15% by weight for wood
- Greece, Ireland, Portugal and the ten countries joining the EU in May must meet the targets between 2011 and 2015. Countries can exceed maximum recycling targets as long as they avoid market distortions or hamper other states' efforts to comply.



Legislation

Targets for 2004-2008

The UK Government has announced business recovery and recycling targets for 2004-2008 and other changes. In Scotland and Wales the changes will be made by the Scottish Executive and by the Welsh Assembly Government respectively.

The Government intends to increase the business targets for packaging waste from the present 59% recovery and 19% material-specific recycling. The targets include differential material-specific recycling targets (in anticipation of similar thinking in the proposed revised Packaging Directive), with many materials facing substantial increases.

Whilst the proposed targets for plastics packaging seem low in comparison, these need to be taken into the context of i) what the Directive is proposing, ii) the overall ability to recycle plastics packaging in the UK.

Packaging recovery and recycling business targets (%)

	2004	2005	2006	2007	2008
Paper	65	66	68	69	70
Glass	49	55	61	66	71
Aluminium	26	28	30.5	33	35.5
Steel	52.5	55	58	60	61.5
Plastic	21.5	22	22.5	23	23.5
Wood	18	19	20	20.5	21
Overall recovery	63	65	67	69	70



Legislation

European legislation

(Updated 2001)

The European Packaging and Packaging Waste Directive (94/62/EC) requires that certain levels of recycling will be met in all member states by June 2001:

- 25%-45% of all packaging shall be recycled
- 50-65% shall be recovered by 2001
(recycling plus incineration with energy recovery).

There is also a minimum of 15% for any one material type and this is considered to be aimed at plastics, ensuring that they do not fall too far behind while the average level is supported by other materials. (Both the Directive and the UK regulations are no more specific than plastics – there are no specific requirements for EPS.)

Links to relevant articles in EPS News:

www.eps.co.uk/newsletters/2003_2_may/news_2003_2_4_legislation.htm

http://www.eps.co.uk/newsletters/2003_3_august/news_2003_3_4_weedirective.htm