

Regulatory Decision

RBB-C19-029 Registration of Producers of Packaging Waste

This position applies as a temporary contingency measure only. It is subject to review.

This Regulatory Decision relates to the requirement for producers who have obligations under the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 to apply to register with Natural Resources Body of Wales (NRW) or through a compliance scheme by 7 April 2020. It explains our approach where producers were unable to submit a registration by the 7 April 2020 and/or were unable to provide complete and accurate information for the purposes of applying to register due to the impact of 'Covid 19' (coronavirus).

Our Decision

Registration on or before 7 April 2020

An obligated producer of packaging must submit an application to register with NRW or through a compliance scheme on or before 7 April 2020.

Where it was not reasonably practicable for a producer to apply to register on or before the 7 April 2020 as a result of the impact of Covid 19 and/or the measures the government has introduced, we will not take enforcement action for the offence of not being registered providing you;

- apply to register as soon as it is reasonably practicable to do so and in any event by 7 July 2020 and
- satisfy the criteria that the delay in registration was a result of Covid 19 and
- the impact of Covid 19, and any resulting measures you have taken in response, are documented in full. Such documents are to be retained for one year and made available to NRW officers on request.

Where, applications to register are submitted on or before 7 July 2020, we will not charge the late registration fee of £110.

Information provided as part of an application to register as a producer of packaging waste

Information required to be provided with an application to register as a producer must be as accurate as reasonably possible, where that is not the case, an application can be refused. It is also both an offence and grounds for cancellation of a registration to knowingly or recklessly provide false or misleading information.

We will not refuse an application to register as a producer or take enforcement action in respect of information supplied to us which is inaccurate or incomplete if it is not reasonably practicable to provide accurate and complete information at the time it is provided as a result of the impact of Covid 19, provided you;

- have taken appropriate measures to provide information that is as accurate and complete as possible
- supply the correct and/ complete information as soon as reasonably practicable and in any event by 7 July 2020.
- document in full the measures taken to determine the information, which is or maybe incomplete or inaccurate, which is supplied as part of your registration. Such documents are to be retained for one year and made available to NRW officers on request.

Where information is resubmitted by the 7 July 2020, we will not charge the resubmission fee of £220.

Enforcement

A Regulatory Decision means that Natural Resources Wales will not normally take enforcement action against you provided:

- your activity meets the description set out in this RD
- you comply with the conditions set out in this RD
- your activity does not, and is not likely to, cause environmental pollution or harm human health

Where a decision to not take enforcement action is made the decision will be documented by NRW.

This Regulatory Decision will be reviewed by 7 July 2020.