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To: Packaging
Subject: EA Communication - Removal of incorrect PRNs/PERNs



Producer Responsibility Regulatory Service - Packaging

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23 April 2021

Removal of Incorrect PRNs/PERNs

Dear Reprocessor / Exporter / Scheme / Producer

We are writing to formally communicate our position, in situations where PRNs (packaging waste recycling notes) issued by reprocessors or PERNs (packaging waste export recycling notes) issued by exporters accredited under The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (as amended) (the regulations) are found to be incorrect. This may be as a result of breaches of Conditions of Accreditation and/or offences committed under the regulations, for example, but not limited to:

- Evidence issued on non-packaging material
- Evidence issued on non UK packaging
- Evidence issued under the wrong material type or for the wrong amount
- Evidence issued in respect of packaging received or exported before the reprocessor or exporter was accredited
- Evidence issued on material exported to non-approved overseas reprocessors
- Evidence issued on material exported in breach of Transfrontier Shipments of Waste requirements
- Evidence issued on material that cannot be demonstrated to have been recycled
- Evidence issued fraudulently

In considering appropriate sanctions in response to identified non-compliance resulting in incorrect PRNs/PERNs being issued, in most cases we will request that the reprocessor/exporter corrects their data via a waste adjustment and/or agrees with the producer or scheme to remove the incorrect PRNs/PERNs from NPWD.

In exceptional circumstances, for example, if the operator(s) are uncooperative in removing/rebalancing incorrect PRNs/PERNs and/or

Got something to tell us or want to give feedback?

Get in touch with the packaging team on 0208 474 7609 or [email here](mailto:packaging@environment-agency.gov.uk)

Reporting non-compliance or intelligence

Any intelligence or suspected non-compliance with the packaging regulations (including unregistered producers) can be reported to your usual contact or emailed to packaging@environment-agency.gov.uk

You can report information anonymously instead by calling our environment incident hotline on 0800 80 70 60 or phone Crimestoppers on 0800 555111.

the non-compliance is of such a significant risk to the regime, we may escalate our enforcement response to cancellation of reprocessor/exporter accreditation and/or prosecution. In such circumstances, from

1 July 2021 onwards we reserve the right to remove (cancel) incorrect PRNs/PERNs from the regime ourselves.

Any decision by the Environment Agency to remove PRNs/PERNs will be on a case by case basis. We will take account of all the facts available to us, including any facts about the steps taken by all parties to ensure the validity of the PRNs/PERNs. Where we intend to remove PRNs/PERNs we will write to you explaining why, and will provide you with details of our internal review process if you want the decision reviewed.

The latest date we would seek to cancel incorrect PRNs/PERNs would be 31 January in the year following the relevant compliance period. This mirrors the regulatory deadline for schemes/producers to obtain PRNs/PERNs to meet their obligation and submit their statement or certificate of compliance in relation to the relevant compliance period.

Reprocessors and exporters should have robust quality assurance procedures in place to ensure the validity of PRNs/PERNs issued, as detailed in the application for accreditation and associated documentation. We encourage schemes and producers to implement and follow their own due diligence and quality assurance procedures to ensure PRNs/PERNs accepted are correct and accurate. All parties are expected to retain records for inspection demonstrating the validity of the PRNs/PERNs they issue/accept.

It is for each operator to determine the level of quality assurance they have in place, examples include (this is not an exhaustive list):

- Public register checks
- Requesting supporting documents which may include duty of care documentation (for example, waste transfer notes, hazardous waste consignment notes, annex VII documents and export notifications)
- Carrying out checks on the reprocessors/exporters stated sources of packaging to ensure the sources are genuine, and that these sources are likely to generate packaging. Check that the quantity of PRNs/PERNs being issued by the reprocessor or exporter appears reasonable based on their operation, size, capacity, number of staff etc.

This approach will help to ensure a fair and level playing field for all operators and improve the accuracy of data.

Regulatory approach

We will follow our [Enforcement and Sanctions Policy](#) in line with the [Regulators' Code](#) where we identify any non-compliance and this will be dealt with on a case by case basis.

Queries?

If you have any queries, please email us at packaging@environment-agency.gov.uk

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