

## Defra FAQs – 29 November 2022

We have collated some of the most commonly asked questions.

**Question:** Some businesses have a closed-loop recycling system where they collect the packaging (e.g., meal trays) back from the customer, meaning they are not left as household waste and are instead returned and reprocessed. How does this fit when defining household/non-household packaging?

**Answer:** If it is closed loop, it can be recycled curb side. It cannot be offset from your Local Authority cost obligation; it is only things that aren't commonly recycled by Local Authorities that you would be able to offset against your household payment obligation.

You can continue with the current system; if you take the packaging back and have it reprocessed, and have evidence of that reprocessing, you can use that as part of your PRN obligation.

**Question:** The guidance states, 'you must submit the weight of packaging that ends up (or is likely to?end up) as household waste.' What does "likely" mean?

**Answer:** If you sell bulk catering packaging direct to a restaurant café, and you are confident and have evidence you can provide to the regulator that the packaging was emptied and disposed of by the business, then that is not household packaging.

If it is sold through a third party, and you are the manufacturer brand owner, and you sell it to a wholesaler and the wholesaler sells it on to someone else. You won't have evidence that the packaging has definitely been consumed and disposed of by the final business user, so you would class that as household packaging.

**Question:** Is data required on all packaging that we put on the market, no matter if it does or does not end up as household waste i.e., packaging going to a B2B market?

**Answer:** Yes

**Question:** There?are many smaller items that are included in packaging, labels, tape etc.? Do we need to weigh all of these??

**Answer:** Yes

**Question:** Selling empty packaging

(1) How are businesses that sell empty packaging to know whether the businesses that they sell to are below the threshold listed? Currently, we do not collect or hold this information and cannot be directly inferred by either the value or volume of any sales we make to them

(2) Since we do not hold this information, we might assume that our customer will fulfil the EPR obligations for the packaging in question. If that is not the case, will it be the responsibility of the customer to inform their supplier if they are below the threshold and therefore the EPR obligations are not being met??

**Answer:** Businesses are required to engage with their customers to understand if they are likely to be obligated. Once producers have begun to register, they will be placed onto a public register, where businesses supplying packaging can see if their customers are obligated or not.

To further support businesses in this assessment prior to the public register, the Government has published guidance to help understand if they are obligated under EPR is available on [gov.uk](https://www.gov.uk). An interactive obligation checker will be released in due course.?

**Question:** Many products will already be in store/storage where the packaging data collection point has now passed, these items will be sold past 1 January 2023. Will agreed methodology be accepted for a period of time that will not disadvantage the lack of data given the current data collection timeframes??

**Answer:?**The products will already have been manufactured; the required data will be known.?The collection of data will be at the point of supply. If the stock has been manufactured and already stored in December 2022 yet sold in January 2023, the point of supply in January 2023?is the point of data collection.

**Question:** What is the definition of ‘to handle’ packaging?

**Answer:** This cover anything from manufacturing yourself, receiving packaging that you have purchased to fill, receiving packaged goods that you have ordered, to taking ownership (at some point in the chain) of packaging as it is brought into the country and/or distributed around the supply chain.

**Question:** What is the definition of fibre based composite packaging?

**Answer:** It covers packaging made of paperboard or paper fibres, laminated with plastic (and that may have layers of other materials) that forms a single unit.