



Environment briefing note | February 2017

#10ThingsSH You need to know about product stewardship, packaging and packaging waste

If your business (or your parent company) has an annual turnover of more than £2 million and "handles" over 50 tonnes of "packaging" per year, restrictions on packaging and packaging waste will apply to your business if it operates in the UK or in the EU. And despite the Brexit uncertainty, these rules will apply in the UK despite Brexit, as the underlying EU Directives have now been fully transposed into domestic legislation.

In this note we set out the ten things business should know about packaging and packaging waste.

What does "handles" and "packaging" even mean?!

1. Businesses "handling" packaging includes businesses dealing in the raw materials for packaging, businesses converting raw materials into packaging, businesses packaging goods, or businesses selling or importing packaging.
2. "Packaging" is any material that is used to hold, protect, handle, deliver and present goods, from raw materials to finished goods.

Yes my business handles packaging, so what?

3. Producers (those businesses that manufacture, use and handle packaging) must register with the regulator (e.g. the Environment Agency in England), supply a certificate of compliance regarding their recovery and recycling obligations and demonstrate to the regulator that they have recovered or recycled specified tonnages of packaging waste each year. Alternatively, businesses can take the slightly easier approach and sign up with the [National Packaging Waste Database](#) which will take care of the details for you.

Does your business pack or fill products into packaging? Does your business recondition packaging, or even import packaging? Does your business do as little as affix its name or logo to packaging? If the answer to any of these questions is yes, then the business must ensure that:

4. Packaging volume and weight is the minimum necessary to maintain levels of safety and hygiene.
5. Packaging must be manufactured so as to permit reuse, recycling or recovery in accordance with specific requirements.
6. Packaging must not contain more than maximum permitted levels of cadmium, mercury, lead and hexavalent chromium, and the use of noxious or hazardous substances must be minimised where the packaging is going to be incinerated or landfilled.
7. Businesses will be exempt, however, if the packaging manufactured, packed or filled for direct export outside the EU without being placed on the market inside the EU.

Businesses' obligations don't just end there...

8. Businesses must keep records of technical specifications of packaging evidencing compliance for four years from the date on which packaging / packaged goods were placed on the market.
9. If your business' main activity is to sell direct to consumers, be aware the business must provide information to consumers about the return, collection and recovery of packaging waste.

Could your business be in breach, and if so, what are the consequences?

10. Regularly auditing the practices of a business, using independent advisors where expedient, is essential to ensuring compliance with the packaging and packaging waste rules. Failure to comply with the recycling and recovery requirements and the packaging standards constitutes an offence and businesses can potentially face an unlimited fine!

How can Stephenson Harwood help?

More than ever, environment and planning issues are at the heart of law and policy, impacting every business sector - Stephenson Harwood's Environment Group helps its clients successfully navigate these complex regulatory frameworks.

To keep track of our full Product Stewardship Series keep an eye on **Stephenson Harwood's news and insights page**, or follow us on Twitter **@SH_EnviroPlan** and look out for our hashtag **#10thingsSH**.

For further information please contact us.



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