# **Temporary Regulatory Position Statement**

## **2024 & 2025 pEPR Packaging Data Requirements**

### **1. Background**

* 1. The Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 (the Packaging Regulations) became law on 1 January 2025. The Regulations impose various obligations on producers, compliance schemes and holding companies in Scotland including an obligation on producers to collect data on the packaging they supply to others, and on producers, compliance schemes and holding companies to report some of that data to SEPA. The Packaging Waste (Data Reporting) (Scotland) Regulations 2023 (the Data Regulations), revoked by the Packaging Regulations, imposed similar obligations on producers, compliance schemes and holding companies to collect and report some of that data to SEPA. ***(Note that these obligations do not apply to exempt packaging or to charities as defined in Regulations 12 and 13 of the (now revoked) Data Regulations and Regulations 11 and 12 of the Packaging Regulations.)***
  2. This Temporary Regulatory Position Statement applies to:

1. producers with an obligation to collect; and
2. producers, compliance schemes and holding companies with a duty to report

data specifically relating to nation of sale and self-managed organisational waste for 2024 and 2025 compliance periods as follows: -

* 1. 2024 Data collected under the Data Regulations to be reported under the Packaging Regulations

1.3.1 Under Regulation 16 of the (now revoked) Data Regulations, certain large and small producers were required to collect the following data for the period **1 January to 31 December 2024:**

* Nation of sale data - Schedule 1, Part 5, paragraph 22 of the Data Regulations

* Self-managed organisational waste data - Schedule 1, Part 5, paragraph 23 of the Data Regulations

1.3.2 Under Regulation 35(4) and 36(3) of the Packaging Regulations, this data requires to be reported to SEPA as follows:-

* Nation of Sale data - **on or before 1 April 2025** for the period **1 January to 31 December 2024** or **on or before 1 December 2025** for the period referred to above or the period **1 April to 31 December 2024**, as applicable.
  + - Self-managed organisational waste data - **on or before 1 April 2025** for the period **1 January to 31 December 2024** **or for the period 1 July to 31 December 2024**, as applicable, ,

***(Note:- These reporting obligations are subject to the effect of compliance scheme membership and/or group registration as per Regulation 39(1) of the Packaging Regulations.)***

* 1. 2025 Data to be collected and reported under the Packaging Regulations

1.4.1 Under Regulation 34 of the Packaging Regulations, certain large and small producers are required to collect the following data for the period **1 January to 31 December 2025**:

* Nation of sale data – Schedule 4, Part 2, paragraph 11 of the Packaging Regulations
* Self-managed organisational waste data – Schedule 4, Part 2, paragraph 13 of the Packaging Regulations

1.4.2 Under Regulation 35(2) and (3) and Regulation 36(2) of the Packaging Regulations this data requires to be reported to SEPA as follows:-

* Nation of sale data **- on or before 1 April 2026** (for the period 1 January to 31 December 2025) and
* Self- managed organisational waste data **- on or before 1 October 2025**(for the period 1 January to 30 June 2025) and **on or before 1 April 2026** (for the period 1 July to 31 December 2025or 1 January to 31 December 2025, as applicable).

***(Note:- These reporting obligations are subject to the effect of compliance scheme membership and/or group registration as per Regulation 39(1) of the Packaging Regulations.)***

* 1. SEPA has adopted this Temporary Regulatory Position in recognition of the potential impact that data collection and reporting obligations under the Data Regulations and the Packaging Regulations, specifically for nation of sale and self-managed organisational waste, may have upon producers, compliance schemes and holding companies. These data collection and reporting obligations do not directly affect the key obligations in the Packaging Regulations – namely, a producer’s disposal fees obligation or a producer’s recycling obligations. (Nation of sale and self-managed organisational waste data will be used to determine individual UK nation recycling targets.)
  2. This Temporary Regulatory Position Statement will be published onour website.

### **2. SEPA Position**

* 1. Subject to the conditions set out in Section 3 of this Temporary Regulatory Position Statement, any failure by a producer, compliance scheme or holding company to comply with the regulatory packaging data collection and reporting requirements referred to in paragraphs 1.2-1.4 will not normally be treated by SEPA as a non-compliance for compliance assessment or enforcement purposes.
  2. This Temporary Regulatory Position Statement only applies to those matters set out (a) in paragraphs 1.2 – 1.4 and (b) covered by conditions set out in Section 3. It does not apply to any other regulatory requirements and does not detract from any other statutory requirements applicable under the Producer Responsibility Obligations (Packaging Waste) Regulations 2007, the Data Regulations and the Packaging Regulations.

**3. Conditions That Apply**

3.1 This Temporary Regulatory Position Statement applies from date of issue until it expires on 31 December 2026 .

3.2 The terms of this Temporary Regulatory Position Statement may be subject to periodical review and may be varied or withdrawn at any time.

3.3 SEPA reserves its discretion to depart from this Temporary Regulatory Position Statement and to take appropriate action as necessary.

3.4 This Temporary Regulatory Position Statement applies only in Scotland.

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