Product Packaging Compliance Manual

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Product Packaging Compliance Manual

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SECTION 1: FOUNDATION AND GOVERNANCE

1.1 Introduction, Scope, and Applicability

This **Product Packaging Compliance Manual** is provided by PackMentor to **[Client Name]** and serves as the definitive source for all mandatory design specifications... related to the packaging of **[Client Name]** products globally. Compliance with this Manual is the legal responsibility of **[Client Name]** as the producer.

Purpose:

The primary purpose of this Manual is to:
- Ensure absolute compliance with all local, national, and international packaging regulations, including Extended Producer Responsibility () and material safety laws.
- Mitigate legal, financial, and reputational risk associated with non-compliant packaging, including fines, product recalls, and market access restrictions.
- Establish consistent quality and safety standards across our entire supply chain and product portfolio.

Scope and Applicability:

This Manual applies to **all employees, contractors, suppliers, and third-party partners** involved in the design, sourcing, manufacturing, filling, labelling, and distribution of packaging used for [Company Name] products.

The requirements contained herein apply to the following packaging types:

- **Primary (Sales) Packaging:** Packaging that contacts the product and constitutes the final sales unit (e.g., bottles, films, trays).

- **Secondary (Grouped) Packaging:** Packaging that groups multiple primary units (e.g., cartons, display boxes).

- **Tertiary (Transport) Packaging:** Packaging designed to facilitate handling and transport (e.g., pallets, shrink wrap, stretch film).

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1.2 Definitions and Terminology

The following terms and abbreviations are used throughout this Manual and in related compliance documentation (including the Quick-Reference Fliers):

Term	Definition
CoC	**Certificate of Compliance:** A document issued by a supplier certifying that a material or component meets specified legal and regulatory standards (e.g., Heavy Metal limits).
EPR	**Extended Producer Responsibility:** A policy approach that assigns producers (importers, brand owners) financial and/or physical responsibility for the treatment or disposal of post-consumer packaging waste.
FCM	**Food Contact Material:** Any material intended to come into contact with foodstuffs. These materials are subject to strict migration and safety testing.
ppm	**Parts per Million:** The unit of measure used to express the concentration of heavy metals in packaging materials (100 ppm=0.01%).
Primary Packaging	Packaging that is in direct contact with the product (also known as Sales Packaging).
Secondary Packaging	**Packaging that groups multiple Primary Packaging units together** (e.g., cardboard sleeves, display trays, or outer cartons that hold multiple retail units). This packaging is removed before consumption.
Restricted Substance	Any substance whose use is legally limited or banned in packaging due to health or environmental concerns (e.g., PFAS, heavy metals).
Tertiary Packaging	Packaging conceived to facilitate the transport of a number of sales items or grouped packages in order to prevent physical transport or handling damage (e.g., pallets, shrink wrap, stretch film).

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1.3 Roles, Responsibilities, and Training

Compliance with this Manual is a shared corporate responsibility. Key departmental roles include:

Role/Department	Primary Responsibility
Design/R&D	Ensuring packaging design meets the Essential Requirements (Section 2.1) for minimization and recoverability.
Sourcing/Procurement	Vetting suppliers and obtaining all necessary Certificates of Compliance {CoC) for materials and restricted substances.
Quality Control (QC)	Performing line checks, verifying Labelling Standards (Section 4), and managing the CoC documentation archive.
Logistics/Finance	Tracking and accurately reporting the weight and material composition of all packaging placed on the market for EPR compliance (Section 3).

SHARED RESPONSBILITY: PACKAGING COMPLIANCE WORKFLOW

Required Training:

A core component of our compliance strategy is ongoing education. Therefore, all employees and contractors in relevant roles (as outlined in Section 1.3) are to complete an annual training session covering the contents of this Manual and all current Quick-Reference Fliers

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SECTION 2: MATERIAL COMPOSITION AND RESTRICTED SUBSTANCES

2.1 The Essential Requirements Policy

All packaging placed on the market by [Client Name] must comply with the foundational "Essential Requirements," which govern design, material volume, and end-of-life planning.

Essential Requirement	Mandatory Design Principle	Evidence/Audit Requirement
1. Minimization	Packaging must be limited to the minimum adequate volume and weight required to maintain product safety, hygiene, and consumer acceptance. Avoid excessive empty space.	Design Sign-Off: Must include justification for material choice and calculation of empty space ratio.
3. Recoverability	Packaging must be designed to be either Reusable, Recyclable, or Recoverable (e.g., energy recovery) at the end of its life cycle.	Recyclability Assessment: Must classify the material against regional standards (Grade A, B, C or equivalent) and demonstrate viable separation.
2. Source Reduction	Noxious or hazardous substances must be minimized in the packaging material and in any resulting waste (ash, leachate, or emissions) upon disposal/recovery.	Materials Specification Sheet: Must list all intentional additives and certify the material's environmental profile.

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2.2 Restricted Substance Policy: Heavy Metals (The 100 Rule)

This policy mandates strict control over four regulated heavy metals, which are prohibited above trace levels.

2.2.1 The Limit

The sum of the concentration levels of the following four regulated metals in the final packaging or any single packaging component (including inks, adhesives, and coatings) **must not exceed 100 parts per million ()** by weight.

Regulated Heavy Metal	Chemical Symbol
Lead	Pb
Cadmium	Cd
Mercury	Hg
Hexavalent Chromium	Cr6+

2.2.2 Compliance and Documentation (CoC Procedure)

Compliance is verified through the **Certificate of Compliance (CoC)** process:

1. **Mandatory CoC:** The Sourcing/Procurement team must obtain a current, signed CoC from the supplier for every batch or shipment of packaging components used.
2. **CoC Content**: The CoC must explicitly certify that the material has been assessed and that the aggregate concentration of Pb, Cd, Hg, and Cr6+ does not exceed 100 ppm.
3. **Traceability**: Each CoC must be linked directly to the specific supplier, material code, and date of purchase/batch number.
4. **Retention:** All CoC documents must be archived for a minimum of four years from the date the packaged product was placed on the market, in line with regulatory requirements.

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2.3 Restricted Substance Policy: Chemical Bans

The intentional use of certain chemicals is strictly prohibited due to their persistent environmental or health risks.

2.3.1 Per- and Polyfluoroalkyl Substances (PFAS)

Policy: The intentional use of PFAS (the "forever chemicals") is BANNED in all food contact packaging materials used by [Company Name].

Verification: Sourcing must obtain written verification from all food contact packaging suppliers confirming the material is "Intentionally Added PFAS-Free."

2.3.2 Polyvinyl Chloride (PVC) and Other Toxics

PVC: The use of Polyvinyl Chloride (PVC) is highly restricted and discouraged due to environmental concerns over its lifecycle. Alternative materials (PET, HDPE, PP) must be prioritized. Any use of PVC must be approved by the [Client Name] Head of R&D and the Compliance Officer.

BPA: Bisphenol A (BPA) is BANNED in all internal linings or components of packaging intended for use with infant or baby products.

2.4 Food Contact Materials (FCM) and Migration

For all Primary Packaging (FCMs):

Principle: FCMs must be manufactured under **Good Manufacturing Practices (GMP)** and must not transfer their constituents to the food in quantities that endanger human health, change the food's composition, or degrade its sensory qualities (taste, smell).

Testing: Suppliers of FCMs must provide evidence of migration testing, certifying that the material complies with specific regulatory limits (e.g., 10/2011 or equivalent standards). Test reports must accompany the for these critical materials.

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SECTION 3: END-OF-LIFE RESPONSIBILITY (EPR & SUSTAINABILITY)

3.1 Extended Producer Responsibility (EPR) Obligation

The UK Extended Producer Responsibility (EPR) scheme for packaging mandates that producers bear the full net cost of managing their packaging waste at its end-of-life. Compliance is mandatory for [Client Name] if the following thresholds are met:

Producer Status	Annual UK Turnover	Annual Packaging (Tonne)	Primary Obligation
Small Producer	£1 million or more	25 - 50 tonnes	Annual Data Reporting
Large Producer	£2 million or more	50 tonnes or more	Bi-Annual Data Reporting and Financial Fees

3.1.1 Financial Obligations (Large Producers Only)

If [Client Name] is classified as a Large Producer, financial obligations will include:

- Local Authority Waste Management Fee: Paid to the scheme administrator to cover the cost of collecting and managing household packaging waste. This fee is subject to modulation (see 3.3).
- Packaging Recovery Notes (PRN/PERN): Purchased to meet statutory recycling targets for all materials placed on the market.

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3.2 Mandatory Data Reporting Requirements

Accurate data collection is the cornerstone of EPR compliance. **[Client Name]** is responsible for collecting and retaining auditable data for all packaging handled or supplied to the UK market.

All reporting must be in kilograms (Kg) and segmented by:

3.2.1 Packaging Material Type

All packaging must be categorized by one of the following eight material streams:

- Aluminium
- Glass
- Paper or Cardboard
- Plastic
- Steel
- Wood
- Fibre-based Composite
- Other (e.g., Cork, Rubber, Silicone—must be specified)

3.2.2 Packaging Class

Class	Definition
Primary	Sells unit packaging (e.g., jar, bottle, carton).
Secondary	Groups primary units for sale (e.g., shrink-wrap on a multipack).
Shipment	Packaging used for e-commerce deliveries (e.g., mailing bag, outer box).
Tertiary	Transit/Logistics packaging (e.g., pallet, pallet wrap, banding).

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3.2.3 End-of-Life Waste Stream

Data must be split to determine financial liability:

Household Packaging: All Primary and Shipment packaging, unless proven otherwise. This packaging incurs the EPR Waste Management Fee.

Non-Household Packaging: Packaging discarded by commercial users (e.g., B2B packaging, most Secondary and Tertiary). This only incurs the PRN/PERN obligation.

Public Bin Packaging: Packaging commonly collected from street bins (e.g., on-the-go food/drink packaging). This is subject to higher fees.

3.3 Design for Circularity and Fee Modulation

The EPR scheme employs a **modulating fee structure** to incentivise the design of easily recyclable packaging and penalise hard-to-recycle materials.

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3.3.1 Principle of EPR Fee Modulation

The Waste Management Fee for Household Packaging will be higher for materials deemed 'Hard-to-Recycle' (e.g., multi-layer films, black plastic, non-recyclable composites) and lower for materials with proven, high-quality recycling streams (e.g., mono-material PET, glass).

Compliance Note: Design decisions (Section 2) must be directly linked to EPR fees. Choosing a RED-rated material will result in significantly higher costs **for [Client Name]**.

3.3.2 Recycled Content Policy

While the UK EPR system primarily focuses on weight reporting and recyclability, all plastic packaging placed on the market is subject to **the UK Plastic Packaging Tax (PPT).**

[Client Name] Policy on Recycled Content:

All Plastic Packaging Components must contain a minimum of 30% Post-Consumer Recycled (PCR) content by weight.

Exception: The PPT may be paid on packaging below the 30% threshold. This decision must be reviewed and approved by the VP of Supply Chain and Finance.

Verification: Suppliers must provide a certified declaration of PCR content for every packaging component supplied.

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Section 4: Mandatory Compliance and Marking

4.1 UK Product and Packaging Marking

The UK requires specific markings to be legally placed on products and their packaging to demonstrate compliance with a range of health, safety, and environmental standards.

A. UKCA Mark

- **What it is:** The **UK Conformity Assessed (UKCA) mark** is the product marking used for goods being placed on the market in **Great Britain** (England, Scotland, and Wales), covering most products that previously required the CE mark.
- **Relevance to Packaging:** While primarily for the product itself (e.g., electronics, machinery, toys), the mark and importer details are often placed on the packaging where the product is too small, or the marking requirements permit.
- **Current Status:** Due to government announcements, the **CE mark** (EU standard) is currently accepted indefinitely for most products in Great Britain. Businesses can now use **either** the UKCA or CE marking for a wide range of goods.

B. CE Mark

- **What it is:** The **Conformité Européenne (CE) mark** is the declaration that a product complies with EU health, safety, and environmental protection legislation.
- **Relevance:** It remains mandatory for selling goods in the **European Union** and is still recognized in **Northern Ireland**. Its continued acceptance in Great Britain (alongside the UKCA mark) simplifies compliance for many producers.

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4.2 Mandatory Recycling Labelling (EPR)

The UK Extended Producer Responsibility (EPR) regulations will mandate clear, standardised recycling labels on all consumer-facing packaging.

- **Deadline:** The mandatory labelling requirement for most materials is due to be enforced from **April 2027** (pushed back from the original 2026 date).
- **The Standard:** The government has agreed to use the principles and format of the **Recycle Now** mark, which aligns with the **OPRL (On-Pack Recycling Label)** system.
- **The Requirement:** Producers will be required to label their packaging with clear instructions: **'Recycle'** or **'Do Not Recycle'**. This decision must be based on the UK-wide collection infrastructure, as determined by the **Recyclability Assessment Methodology (RAM)**.

Scope: This applies to all consumer packaging, even for businesses that might be exempt from the full EPR fee payments (e.g., very small businesses).

4.3 The Plastic Packaging Tax (PPT) Mark

The PPT mark is not a physical mark applied to packaging, but an internal certification that impacts financial reporting.

- **The Tax Trigger:** The UK Plastic Packaging Tax applies to any plastic packaging component manufactured in, or imported into, the UK that contains **less than 30% recycled plastic** content.
- **The Rate:** As of April 2025, the tax rate is **£223.69 per metric tonne** of non-compliant plastic packaging (subject to annual increase).
- **The Certification (Internal):** For plastic packaging to be exempt from the tax, the producer/importer must have robust, verifiable evidence (**due diligence**) that the recycled content is at least 30% by weight. This evidence is a crucial part of the compliance and supply chain documentation.
- **Reporting Threshold:** The tax effects businesses that manufacture or import **10 tonnes or more** of finished plastic packaging components over a 12-month period. Even if a business uses 100% compliant recycled content, they must still register and report their data if they meet this weight threshold.

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Section 5: Quality Control, Testing, and Documentation

This section defines the internal procedures, testing requirements, and documentation standards necessary to ensure the accuracy of packaging data and demonstrate compliance with all UK packaging regulations, including Extended Producer Responsibility (EPR) for Packaging and the Packaging (Essential Requirements) Regulations 2015.

5.1. Quality Assurance and Methodology for Data Collection

Accurate data is the foundation of EPR compliance. We must maintain a robust system of quality assurance to ensure all reported weights, material types, and recyclability assessments are as accurate as reasonably possible.

5.1.1. Data Collection Methodology Document

A formal **Data Collection Methodology** document will be maintained and periodically reviewed (at least annually) to detail the following:

- **Sampling Strategy:**
  - Procedures for selecting representative samples of packaging from all product lines.
  - Justification for sample sizes and grouping of similar products.
  - Frequency of repeat sampling (e.g., quarterly) to account for production/supplier changes.
- **Measurement and QA Process:**
  - Procedure for weighing all packaging components (primary, secondary, shipment, tertiary).
  - Documentation of the use of **calibrated scales** and their calibration schedule.
  - Process for identifying and verifying packaging material types (e.g., Plastic type: PET, PP, PE; Metal: Aluminium, Steel).
  - QA checks on the classification of packaging as 'Household' vs. 'Non-Household'.
- **Version Control:**
  - System for managing updates to packaging specifications, Bill of Materials (BOM), and supplier information.
  - Designated individuals responsible for data gathering, input, processing, and final approval/sign-off prior to reporting.

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5.2. Recyclability Testing and Quality Control (RAM)

Compliance with the Recyclability Assessment Methodology (RAM) requires a stringent, documented process to justify all Green, Amber, and Red classifications, which directly impact Waste Management Fees.

5.2.1. Recyclability Assessment Record

For all household and commonly street-binned packaging components, a **Recyclability Assessment Record** must be maintained for a minimum of **seven (7) years**. This record must include:

Requirement	Description of Record/Evidence
Component Details	Full name, product code, material(s), total weight, and material percentage breakdown.
RAM Classification	The determined RAG (Red/Amber/Green) rating for the component.
5-Stage Assessment	Documentation proving compliance (or non-compliance) with the 5 stages of RAM: 1. Classification, 2. Collection, 3. Sortation, 4. Reprocessing, 5. Application.
Separability Assessment	Justification for whether components are 'easily separable by hand' (assessed separately) or 'inseparable' (assessed together).
Technical Specifications	Supporting documents from suppliers (e.g., material declarations, ink/adhesive specifications, heavy metal test reports).
Review Log	Date of initial assessment and log of subsequent reviews/updates (e.g., following a RAM version update or design change).

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5.2.2. Proving 'Green' Status (Testing)

To justify a 'Green' rating where material specifications might be challenged (e.g., inks, barrier layers, contamination), third-party lab testing or documented compliance with recognised industry standards may be required.

- **Testing Protocol:** Any in-house or third-party testing used to support a RAM rating (e.g., to confirm ink wash-off compatibility) must be documented, including the lab, date, specific test method, and result.
- **Automatic Red Flags:** A procedure must be in place to check for and immediately flag components that result in an automatic 'Red' rating (e.g., certain black plastic types, packaging < 40mm in two dimensions, excessive contamination).

5.3. Compliance with Essential Requirements

The Packaging (Essential Requirements) Regulations 2015 requires packaging to be minimised, reusable/recoverable, and free from excessive heavy metals.

5.3.1. Technical Documentation File

A **Technical Documentation File** must be kept for a period of **four (4) years** from the date the packaging was last placed on the market, ready to be provided to an enforcement authority (e.g., Trading Standards) within 28 days of a request. This file must contain evidence of compliance with:

1. **Minimisation of Volume and Mass:** Documentation of packaging design review, including justification that the volume and weight of the packaging is the minimum necessary to maintain the required levels of safety, hygiene, and acceptance.
2. **Heavy Metal Concentration Limits:** Test certificates or supplier declarations demonstrating that the total concentration of lead, cadmium, mercury, and hexavalent chromium is below the limit of **100 ppm** by weight.
3. **Recoverable/Recyclable Nature:** A declaration that the packaging is recoverable in the form of material recycling (demonstrated by the RAM assessment), energy recovery, or composting (where applicable).

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5.4. Records Management and Retention

All EPR and Essential Requirements records must be managed centrally and retained for the statutory period.

Documentation Type	Minimum Retention Period	Responsible Department
Data Reporting Methodology	7 years	Compliance/Operations
Raw Packaging Data (weights, types)	7 years from the end of the reporting period	Compliance/Operations
Recyclability Assessment Records (RAM)	7 years	Compliance/Sustainability
Technical Documentation File (Essential Requirements)	4 years from the date packaging was last placed on the market	Compliance/Technical
EPR Registration & Submission Records	Permanently (or 7+ years)	Compliance/Finance

5.5. Auditing and Continuous Improvement

Regular internal audits are essential to maintain compliance.

1. **Internal Audit Schedule:** Compliance data and processes will be subject to an internal audit at least **annually** to check data accuracy, sampling fidelity, and adherence to the RAM.
2. **External Verification:** Data will be submitted to an Approved Person (if required for large producers) or an independent Compliance Scheme for verification.
3. **Improvement Log:** A continuous improvement log will track non-conformities, data anomalies, and opportunities identified through RAM assessments. This log will drive packaging design changes to improve recyclability and reduce future EPR costs.

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Section 6: Compliance Requirements & Data Management

Compliance with the UK's Extended Producer Responsibility (EPR) for Packaging is mandatory for organizations meeting the specified thresholds. This section outlines the core compliance duties, the critical data reporting requirements, and the associated timelines.

6.1 Compliance Obligations

All obligated producers must register on the Report Packaging Data (RPD) portal and fulfil their obligations based on their producer size:

Data Category	Large Producer Reporting Detail	Small Producer Reporting Detail
Packaging Activity	Must be reported under one or more categories (e.g., Supplied under your brand, Packed or Filled, Imported, etc.).	Required.
Material & Weight	Weight (in kg) for 8 core materials: Aluminium, Fibre-based Composite, Glass, Paper/Cardboard, Plastic, Steel, Wood, and 'Other'.	Weight (in kg) for the 8 core materials.
Packaging Class	Primary, Secondary, Shipment, or Tertiary.	Required.
Packaging Type	Must be classified as Household or Non-Household. Additional breakdown is required for public-bin packaging, drinks containers, reusable packaging, and self-managed waste.	Only required to report the total weight of packaging and the weight/number of household drinks containers.
Nation Data	Annual reporting required to detail the UK nation (England, Scotland, Wales, Northern Ireland) where the packaging was sold, hired, loaned, gifted, or discarded.	Annual reporting required.
Recyclability Assessment	Large Producers must assess and report the recyclability (Red/Amber/Green rating) of household packaging from 1 January 2025 using the Recyclability Assessment Methodology (RAM).	Not required.

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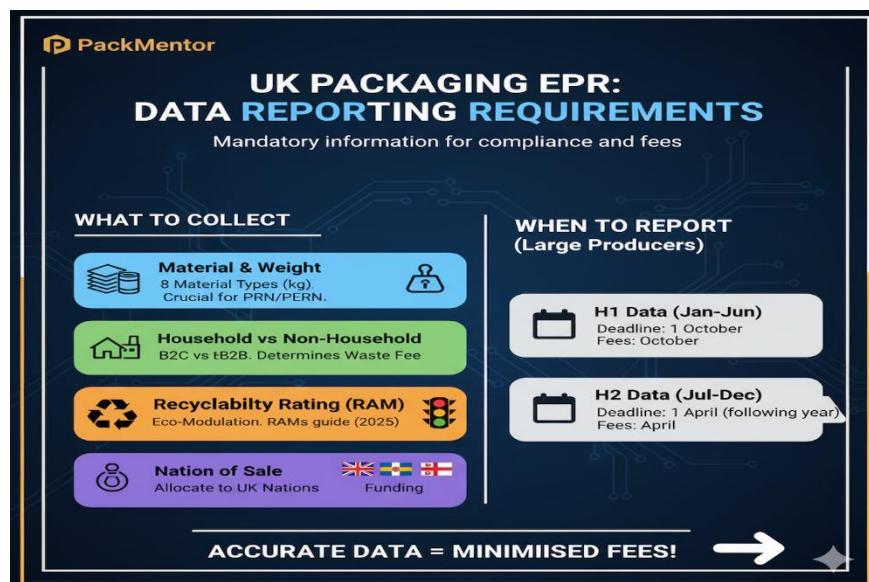PackMentor

Key Financial Obligations (Large Producers):

Local Authority Waste Management Fee: Payable directly to the Scheme Administrator, this fee covers the cost of collecting and disposing of household packaging waste.

Packaging Recovery Notes (PRNs) / Packaging Export Recovery Notes (PERNs): These must be purchased to demonstrate that the producer has met their legal recycling obligation.

Eco-Modulation of Fees: From the **2026/27 financial year** (based on 2025 data), fees will be adjusted according to the recyclability of the packaging materials, with less recyclable materials incurring a higher fee.

6.2 Packaging Data Reporting Requirements

Accurate and granular data collection is fundamental to EPR compliance. Producers must record detailed information on all packaging supplied or imported into the UK market.

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Packaging Data Reporting Requirements

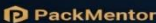| Data Category	Large Producer Reporting Detail	Small Producer Reporting Detail
Material & Weight	Weight (in kg) for 8 core materials: Aluminium, Fibre-based Composite, Glass, Paper/Cardboard, Plastic, Steel, Wood, and 'Other'.	Weight (in kg) for the 8 core materials.
Packaging Class	Primary, Secondary, Shipment, or Tertiary.	Required.
Packaging Activity	Must be reported under one or more categories (e.g., Supplied under your brand, Packed or Filled, Imported, etc.).	Required.
Packaging Type	Must be classified as **Household or Non-Household**. Additional breakdown is required for public-bin packaging, drinks containers, reusable packaging, and self-managed waste.	Only required to report the total weight of packaging and the weight/number **of household drinks containers.**
Nation Data	Annual reporting required to detail the UK nation (England, Scotland, Wales, Northern Ireland) where the packaging was sold, hired, loaned, gifted, or discarded.	Annual reporting required.
Recyclability Assessment	Large Producers must assess and report the recyclability (Red/Amber/Green rating) of household packaging from 1 January 2025 using the **Recyclability Assessment Methodology (RAM).**	Not required.

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6.3 Key Data Reporting Deadlines

Producers must adhere to strict deadlines for submitting their packaging data to the RPD service. It is a legal requirement to keep all data and evidence for at least 7 years.

Producer Type	Reporting Period	Submission Deadline
Large Producer	1 January – 30 June	**1 October** (of the same year)
Large Producer	1 July – 31 December	**1 April** (of the following year)
Small Producer	1 January – 31 December	**1 April** (of the following year)
Nation Data (All Obligated)	1 January – 31 December	**1 December** (first report for 2024 data); **1 April** (for 2025 data onwards)

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Section 7: Supply Chain Data Management & Operational Compliance

Effective management of the supply chain is paramount to ensuring accurate packaging data collection and adherence to all regulatory requirements. This section outlines the processes and responsibilities for managing packaging data and specifications from external suppliers and internal operational departments.

7.1 Supplier Onboarding and Data Collection

Accurate packaging data from suppliers is non-negotiable for EPR compliance.

7.1.1 Supplier Data Requirements

- All packaging suppliers (materials, components, finished packaging) must provide [Client Name] with the following certified data upon supply and with any material changes:
- Material Type(s): Clear declaration of the primary and secondary materials used (e.g., PET, PP, Glass, Paperboard, Aluminium, Steel, Composite, Wood, Other).
- Net Weight (kg): Accurate weight of each packaging component or finished package.
- Recycled Content (%): Specific declaration of post-consumer recycled (PCR) content, especially for plastic packaging (critical for PPT exemption).
- Recyclability Status: Supplier's assessment of the material's recyclability according to prevailing industry standards (to aid in [Client Name]'s RAM assessment).
- Certificates of Compliance CoCs: As detailed in Section 2, for heavy metals, food contact suitability, and any other restricted substances.

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7.1.2 Supplier Data Integration Process

- **Standardised Request:** Sourcing/Procurement will use a standardised data request form or portal for all packaging suppliers.
- **Initial Vetting:** All new suppliers of packaging or packaging components must undergo a compliance vetting process to ensure they can provide the required data and certifications.
- **Regular Review:** Supplier data must be reviewed at least **annually**, or immediately upon any packaging design change, material change, or change in supplier.

7.2 Contractual Agreements & Due Diligence

Formal agreements with suppliers must include clauses that mandate compliance with packaging regulations and data provision.

7.2.1 Supplier Contracts

All contracts with packaging suppliers must include specific clauses requiring:

- Adherence to [Client Name]'s Product Packaging Compliance Manual.
- Provision of all mandatory packaging data (weights, materials, PCR content) on request and with each shipment/batch.
- Provision of valid Certificates of Compliance CoCs for restricted substances and food contact materials.
- Indemnification for costs incurred by [Client Name] due to supplier non-compliance (e.g., fines from inaccurate data).

7.2.2 Due Diligence Records

- **[Client Name]** must maintain auditable records demonstrating due diligence in managing packaging compliance across the supply chain. This includes:
- Records of supplier communications requesting data.
- Received CoCs and data sheets.
- Internal reviews of supplier data for accuracy.

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7.3 Internal Operational Data Flow

Effective internal communication and data flow are crucial for accurate reporting.

7.3.1 Departmental Responsibilities for Data

Department	Key Data Contribution
Packaging Design/R&D	Initial material specifications, weights, and recyclability assessments (RAM).
Sourcing/Procurement	Supplier data, CoCs, purchase volumes, and material changes.
Production/Operations	Actual packaging used in production, waste rates, and inventory movements.
Logistics/Sales	UK nation of sale data, Household vs. Non-Household splits for shipped products.
Finance	Consolidates all data for final submission, manages payment of fees and taxes.

7.3.2 Data Aggregation and Verification

- All departmental data must flow into a central **Master Packaging Data File**. This file is the single source of truth for EPR reporting.
- **Centralised System:** Implement a dedicated system or robust spreadsheet for aggregating data from all sources.
- **Verification:** Regular reconciliation of data points (e.g., purchased packaging vs. packaging used in finished goods) to identify discrepancies.
- **Change Management:** A formal process for recording and updating packaging data when changes occur (e.g., new packaging launch, material substitution, supplier change).

7.4 Exported Packaging Data

- Only packaging placed on the UK market incurs an EPR obligation.
- **Exclusion Policy:** Packaging supplied with products that are subsequently exported out of the UK should be excluded from **[Client Name]**'s EPR data calculation.
- **Documentation:** Maintain robust records of all exported products and their associated packaging to justify exclusions during an audit. This includes shipping documents and proof of export.

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Section 8: Compliance, Enforcement, and Penalties

This section outlines the regulatory bodies, their powers, and the range of enforcement actions and financial penalties that may be imposed for failure to comply with the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 (UK EPR).

Nation	Enforcement Body
England	The Environment Agency (EA)
Wales	Natural Resources Wales (NRW)
Scotland	The Scottish Environment Protection Agency (SEPA)
Northern Ireland	The Northern Ireland Environment Agency (NIEA)

These agencies are empowered to conduct audits, request information, and impose civil and criminal sanctions.

8.2 Regulator Audits and Investigations

The enforcement agencies employ a risk-based approach to compliance monitoring, which includes unannounced inspections, data analysis, and formal audits.

8.2.1 Audit Triggers

- An organisation may be selected for an audit if any of the following triggers are identified:
- **Inaccurate or Incomplete Data:** Significant discrepancies or inconsistencies in the reported packaging data.
- **Late or Missing Submissions:** Failure to meet registration or reporting deadlines.
- **Non-Registration:** Operating as an obligated producer without registering.
- **High-Risk Profile:** Changes in company size, mergers, acquisitions, or high tonnage of problematic materials.
- **Random Selection:** Part of routine, sector-based, or geographical compliance campaigns.

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8.2.2 Right of Entry

Authorised officers have the power to enter business premises to conduct inspections, examine documents, and request information necessary to verify compliance. **[Client Name]** personnel must be cooperative and provide all necessary records promptly.

8.3 Penalties and Sanctions for Non-Compliance

Non-compliance can result in a range of legal and financial sanctions, categorised as civil sanctions or, for the most serious breaches, criminal prosecution.

8.3.1 Civil Sanctions

The enforcement agencies can impose the following civil sanctions:

Sanction Type	Description	Maximum Penalty/Consequence
Fixed Monetary Penalty (FMP)	Imposed for minor, record-keeping, or administrative breaches (e.g., failure to provide requested information).	£1,000 (Increases if not paid within 56 days)
Variable Monetary Penalty (VMP)	Used for more serious breaches, such as failure to register, failure to report data, or provision of false/misleading information.	Up to £3 million per breach (Uncapped in the most serious cases under the Environment Act 2021 powers)
Compliance Notice	A formal instruction requiring [Client Name] to take specific steps to remedy a breach and achieve compliance within a set timeframe.	Failure to comply can lead to a VMP or criminal prosecution.
Enforcement Undertaking (EU)	A voluntary agreement offered by the producer to remedy the cause and effect of the non-compliance (e.g., funding an environmental project, paying historical compliance costs).	Accepted in lieu of a VMP or prosecution; details are publicly published.
Sanction Type	Description	Maximum Penalty/Consequence

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8.3.2 Criminal Prosecution

For severe or persistent breaches, the enforcement agency may pursue criminal prosecution. A criminal conviction carries significant reputational damage, uncapped fines determined by the courts, and potential custodial sentences for responsible directors or officers.

8.4 Key Areas of Enforcement Risk

[Client Name] must focus compliance efforts on the following high-risk areas:

- **Failure to Register:** Operating above the turnover and tonnage thresholds without registering by the statutory deadline.
- **Data Inaccuracy:** Mis-reporting of packaging materials, especially the Household vs. Non-Household split, which directly impacts the Waste Disposal Fee calculation.
- **False or Misleading Information:** Intentionally submitting incorrect data, including false claims about packaging recyclability or PCR content.
- **Poor Record Keeping:** Failure to retain the required records (for at least **7 years**) to substantiate all reported data figures and calculations.

8.5 Internal Response to Enforcement Action

Any notification from an enforcement agency (e.g., a notice of intent to issue a penalty, or an audit request) must be immediately escalated.

- **Immediate Notification:** The recipient of the notice must immediately inform the **Compliance Lead** and the **Legal Team**.
- **Information Hold:** An internal instruction will be issued to preserve all relevant documents and communications related to the matter.
- **Coordinated Response:** All communication with the enforcement agency will be managed centrally by the **Compliance Lead** and **Legal Team** to ensure a consistent and legally sound defence or remedial action plan.

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Appendices: Critical Upcoming Legislation & Dates (2026-2027)

This section highlights key, upcoming regulations that require proactive planning in product and packaging design, production, and labelling.

Deposit Return Scheme (DRS) (UK-Wide)	Single-use drink containers (150ml - 3L) made of PET plastic, aluminium, and steel. Wales will also include glass.	**October 1, 2027** (UK-wide launch)	**Plan for packaging change:** Containers must feature a new, common DRS logo (to be set by the Deposit Management Organisation (DMO)) and unique barcode/QR code for tracking and deposit refund.	**Delayed but Aligned:** The schemes across England, Scotland, and Northern Ireland are working towards a common 2027 launch and a single deposit value. A DMO is being set up to run the scheme.
Mandatory Recycling Labelling (EPR)	All primary and shipment packaging supplied to UK consumers.	**Currently Delayed** (Likely Post-2027)	**Maintain OPRL/Recycle Now standard:** While the mandatory deadline is removed for now, continue to apply clear recycling instructions, such as using the **OPRL or Recycle Now** marks, to meet current best practice and be ready for future legislation.	**Temporary Removal:** The UK government has temporarily removed the mandatory labelling requirement from the first phase of EPR to ensure compatibility with potential future EU/Northern Ireland regulations. The requirement will be reintroduced later.
EPR Eco-Modulation of Fees	All obligated packaging placed on the market.	**Expected 2026** (Fees based on 2025 data)	**Assess Recyclability:** Packaging fees paid by obligated producers will be adjusted ('modulated') based on how recyclable the packaging is. Less recyclable material = higher fee. Use the Government's **Recyclability Assessment Methodology (RAM)** to design for a lower fee.	**Imminent Financial Impact:** This is the most significant immediate financial incentive to switch to easily recyclable materials. The data submitted in 2025 will directly impact the cost of compliance in 2026.

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Summary of Design Imperatives

- DRS Containers: A full redesign of drink container labelling will be necessary to accommodate the new DMO-specified logo and identification marker (likely a unique barcode or QR code).
- Recyclability is Cost: Start your packaging design with the RAM in mind. A 'Red' (non-recyclable) rating will result in the highest compliance fee. Aim for 'Green' or 'Amber' rated materials to minimize your future financial burden.
- Flexibility is Key: The mandatory labelling is a moving target. Continuously monitor official guidance from Defra and the appointed DMO to ensure the design team is ready to implement new labels immediately upon confirmation.

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1 Packaging EPR Compliance Manual: Review and Update Frequency

A best practice approach integrates regulatory requirements with an internal continuous improvement cycle.

Component	Recommended Frequency	Triggering Events	Best Practice Rationale
Full Compliance Manual/Methodology Review	**Annually** (at a minimum)	- New EPR regulations published (e.g., fee modulation updates, new data requirements). - Major organisational changes (e.g., M&A, new production sites, significant new product lines). - Results of the annual internal or external EPR audit.	Ensures all aspects align with the latest legislation (which often updates annually) and reflects the current business structure.
Packaging Data Collection Methodology	**At least once per reporting cycle** (e.g., annually for Small Producers, bi-annually for Large Producers in the UK)	- Change in raw material suppliers. - Significant packaging design changes (material, weight, format). - Introduction of a new Product/SKU line or discontinuation of a major one.	Critical for ensuring data accuracy, especially since fees are becoming modulated based on material and recyclability. The methodology often needs to include assessment under the **Recyclability Assessment Methodology (RAM) from a certain date.**
Internal Process & System Checks	**Quarterly**	- Major system updates (e.g., new ERP, PLM, or compliance software). - Onboarding of a new key team member in compliance or data teams.	Maintains data integrity and process resilience, ensuring documentation is up-to-date and team members are following the latest steps.

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2. EPR Packaging Training Requirements and Schedule

Training should be tiered based on the staff's level of involvement, ensuring that everyone understands the "why" and those handling the data understand the "how" and "what."

Department/Role	Training Content Focus	Recommended Frequency
EPR Core Team (Compliance, Data Management, Finance Leads)	**Deep Dive:** Detailed legislation, reporting deadlines, data collection methodology, audit requirements, fee calculation logic (including eco-modulation).	**Annually** (post-regulation update) + **Ad-hoc** (on significant regulation changes).
Packaging/R&D/Design	**Eco-Design & Modulation:** Impact of design choices on EPR fees, Recyclability Assessment Methodology (RAM), preferred/problematic materials, targets for recycled content.	**Annually** (aligned with product strategy) + **Ad-hoc** for new design guidelines.
Procurement/Supply Chain	**Supplier Data:** Requirements for supplier-provided data (e.g., material weight, recyclability certification), contract clauses for data compliance, tracking imported/exported packaging.	**Annually** + Upon on-boarding of new critical suppliers.
Sales/Marketing	**Claims & Labelling:** Rules around on-pack recyclability labels, environmental claims (e.g., "fully recyclable"), and avoiding misleading claims.	**Bi-annually** + **Ad-hoc** when launching a new product or campaign.
All Employees	**Awareness:** The purpose of EPR, the company's commitment, the financial and reputational risk of non-compliance, and internal contacts for questions.	**Annually** (e-learning module) + **Initial on-boarding** for new employees.

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3. Key Performance Indicators (KPIs) for Packaging EPR Compliance

KPIs should measure compliance efficiency, financial impact, and progress toward sustainability goals driven by EPR.

KPI Category	Key Performance Indicator (KPI)	Calculation/Metric	Target/Goal Example
Compliance & Data Quality	**Data Accuracy Rate**	Percentage of packaging SKUs with complete, validated, and documented material data (including RAM rating).	**98%**+ of all current SKUs.
Reporting Timeliness	Number of late/missed internal and external reporting deadlines.	**Zero** missed deadlines.	
Audit Performance	Number of significant/minor non-conformities found in the external EPR audit.	**Zero** significant non-conformities.	
Financial Performance	**EPR Fee/Cost per Tonne**	Total annual EPR fees (reporting + waste management + PRNs) divided by total tonnes of packaging placed on the market.	**Reduction** of X% year-over-year, or a target rate below the industry average.
Cost Avoidance from Eco-Design	Total saving in EPR fees due to packaging redesigns (e.g., shifting from 'Red' to 'Green' RAM-rated material).	EPR Fee original–EPR Fee	
Continuous Improvement	**% of Recyclable Packaging**	Weight of packaging classified as 'Green' or 'Amber' (highly/widely recyclable) as a percentage of total packaging weight.	**90%** of household packaging rated 'Green' or 'Amber' by a target date.
Recycled Content Utilisation	Total weight of post-consumer recycled (PCR) content used as a percentage of total packaging weight for applicable materials (e.g., plastic).	**Achieve X%** PCR content across relevant packaging types by year-end.	

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4. Structure of a Continuous Improvement Plan (CIP)

The CIP should follow a **Plan-Do-Check-Act (PDCA)** cycle, specifically targeting the KPIs above.

Plan:
- o Goal Setting: Set SMART goals based on KPI performance (e.g., "Reduce overall EPR fee/tonne by 5% within 12 months by increasing 'Green' rated packaging to 80% of total weight").
- o Root Cause Analysis: Identify the core reasons for current gaps (e.g., "Poor supplier data on imported packaging" or "Slow internal approval process for eco-friendly material adoption").
- o Action Plan Development: Define specific projects (e.g., "Implement automated supplier data portal," "Redesign top 10 plastic SKUs").

Do:
- o Implement Projects: Execute the actions defined in the Plan, ensuring resources and accountability are assigned (e.g., R&D team begins redesign, IT team deploys new data system).
- o Training & Communication: Roll out updated training and communicate changes to affected stakeholders (e.g., Procurement, Design).

Check:
- o Monitor KPIs: Regularly review the defined KPIs (monthly/quarterly) to track progress against the set goals.
- o Internal Audit: Conduct scheduled internal audits on the data collection methodology and compliance processes.
- o Methodology Review: Perform the annual review of the compliance manual to ensure the new processes are captured.

Act:
- o Corrective Actions: Address any non-conformities or underperforming KPIs found during the "Check" phase.
- o Standardise: If a new process or design change is successful, embed it into the standard operating procedures and update the compliance manual.
- o New Cycle: Use the results and lessons learned to define the new set of goals for the next "Plan" phase.

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