

Regulatory position statement

How to comply with the calculation of glass re-melt recycling obligations

The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012 which came into force on the 11th December 2012 contain an error in the formula set down for the calculation of the new recycling by re-melt target for glass. This statement sets out the correct formula for implementation in the interim period before Defra amend the Regulations.

Background

In the consultation on recovery and recycling targets for packaging waste for 2013-2017, Defra outlined a proposal to require at least 63% of a producer's total glass recycling obligation to be met by PRNs/PERNs issued from re-melt applications. Following analysis of consultation responses, the Government announced at the Budget 2012 its intention to split the glass recycling target by end use (i.e. between re-melt and other recycling/recovery processes).

A mistake has been identified in the formula set down in the 2007 Regulations for the calculation of the recycling by re-melt target for glass. The error in the formula means that, whilst a producer's total recycling obligation for glass would not increase, the actual percentage to be achieved by re-melt would be higher than the intended 63%.

Corrective action

To correct the error Defra will amend the formula set down in paragraph 3(4) of Schedule 2 to the 2007 Regulations. Due to the legislative processes which need to be worked through to achieve this amendment, it is likely this will take at least 6 months to bring into force.

For the avoidance of doubt, the correct formula for calculation of the glass re-melt obligation is:

$$L \times B \times Y \times W = G$$

Where:

Y is the recycling target for glass prescribed in paragraph 6 of Schedule 2

L is the tonnage of glass handled in the previous year

B is the percentage obligation for that class of producer (as specified in paragraph 3(4) of Schedule 2)

W is the re-melt target for glass in that year (63% for 2013) – as specified in paragraph 3(6A) of Schedule 2

G is the amount by tonnage of glass packaging waste which is to be recycled by re-melt in the relevant year

The incorrect formula currently in the Regulations yields a higher re-melt obligation than the intended 63% and therefore the new formula will make it easier for producers to comply with their obligations.

Our approach

The 'statements of obligations' issued via the National Packaging Waste Database (NPWD) for 2013 obligations will base the calculation for the re-melt obligation on the correct formula given above, in line with the articulated policy and in anticipation of the correction that will be made to the Regulations as soon as possible this year.

We will expect compliance schemes or producers to achieve the re-melt obligation as calculated by NPWD and we will seek to enforce compliance with the re-melt obligation as calculated by NPWD.

The amendment to the 2007 Regulations to correct the error should not impact on schemes' or producers' ability to meet their glass obligations for 2013, provided that they are working towards the 63% recycling by re-melt target for glass which was consulted on and which will be used to calculate obligations within the NPWD system.

We expect schemes and producers to continue to comply with their other obligations, as set out in the 2007 regulations.

Enforcement

If you meet a glass recycling obligation by re-melt of 63% for 2013 we will not take enforcement action against you. If you fail to meet a glass recycling obligation by re-melt of 63% we will take enforcement action in line with our [Enforcement and Sanctions](#) statement. This can be found on the '[How we regulate you](#)' page in the Business & Industry section of our web site.

This position statement will cease to have effect once the correction has been made to the regulations.

MWRP RPS 147 Version: 1
Issued: June 2013