

# Pro-Direct pays charity after 9 years of waste packaging errors

The Environment Agency accepted an Enforcement Undertaking (EU) from the Newton Abbot-based firm for failure to register as a packaging producer and not taking steps to recover and recycle its packaging waste under the Producer Responsibility Obligations (Packaging Waste) Regulations 2007.

Pro-Direct Group Ltd has made a financial contribution of £19,906.21 to Devon Wildlife Trust and introduced new measures to make sure it is compliant by registering with a compliance scheme, training staff, and using a new weighing process.

Jake Richardson, Senior Technical Officer for the Environment Agency, said:

Enforcement Undertakings allow businesses to address historical non-compliance under the Packaging Regulations. A suitable environmental project benefits from a financial contribution and we are assured steps have been taken to ensure compliance with the regulations.

But if we encounter producers deliberately taking advantage of the system, we will pursue other enforcement options in line with our Enforcement and Sanctions policy, which includes prosecution.

Steve Hussey of Devon Wildlife Trust said:

We'll be using this funding to support the work of our Wembury Marine Centre, near Plymouth. Each year the centre welcomes thousands of visitors along with dozens of school groups through its Wildlife Champions project.

Each visitor gets to experience and learn about the rich marine environments that exist around our shores. Each person leaves with a better understanding of the marine creatures that live there and how they can help conserve them for the future.

Packaging Regulations reduce the amount of packaging waste entering landfill sites by requiring obligated businesses (producers) to contribute financially towards the recovery and recycling of packaging waste.

## **The regulation/s the company did not meet:**

The aim of the Packaging Regulations is to achieve a more sustainable approach to dealing with packaging materials by ensuring that businesses take responsibility for the packaging used in their operations. This in turn

reduces the amount of packaging produced and the material going to landfill.

Pro-Direct Group Ltd has acknowledged that by not following the regulations they avoided paying the Environment Agency's annual registration fees, and they did not fund the recovery and recycling of packaging waste:

- In the years 2009 – 2017: Regulation 40(1)(a) – a failure to register under the Producer of Responsibility Obligations (Packaging Waste) Regulations 2007.
- In the years 2009 – 2017: Regulation 40(1)(b) – a failure to recover/recycle under the Producer of Responsibility Obligations (Packaging Waste) Regulations 2007.

If a business or organisation produces or uses packaging, or sells packaged goods, they may be classed as an obligated packaging producer.

Companies are an 'obligated' packaging producer' if they (or the UK group of companies they are part of) meet both of the following criteria:

- handled 50 tonnes of packaging materials or packaging in the previous calendar year
- have a turnover of more than £2 million a year (based on the last financial year's accounts)

### **What is an Enforcement Undertaking?**

An Enforcement Undertaking is a Civil Sanction available to the Environment Agency (EA) as an alternative sanction to prosecution or monetary penalty for dealing with certain environmental offences. It is a legally binding voluntary agreement proposed by a business (or an individual) when the EA has reasonable grounds to suspect that an environmental offence has occurred.

Enforcement Undertakings for environmental offences were introduced under the Environmental Civil Sanctions (England) Order 2010 and the Environmental Civil Sanctions (Miscellaneous Amendments) (England) Regulations 2010.

Accepting an Enforcement Undertaking is always at the discretion of the EA but if accepted enables firms and individuals who have damaged the environment or operated outside of legislative requirements to offer to complete actions which will address the cause and effect of their offending, including making a payment to a suitable environmental project.

EUs can be offered for offences including polluting rivers, breaching permit conditions designed to protect communities, or not registering and follow recycling/recovery obligations. The Environment Agency then carefully considers whether the actions offered by the offender are acceptable.

### **Why use Enforcement Undertakings?**

- Businesses will voluntarily secure compliance now and in the future, without attracting a criminal record
- The environment, local community and those directly affected by the offending can benefit through actions being offered in an EU

- They allow the EA to deal with the less intentional and polluting offending in a more proportionate way than prosecution through the criminal courts

The Environment Agency reserves the right to prosecute, where offenders do not follow the terms of an Enforcement Undertaking offer.