

# Legislation Outlook

January 2025



**This monthly legislation briefing will help you plan for the maintenance of your ISO 14001, ISO 22301, ISO 27001, ISO 45001 and ISO 50001 systems.** We will provide advance warning about important legislation that will affect compliance with these standards, including relevant news, newly published guidance and government consultations, and any other significant legislation beyond the scope of the standards listed, which may potentially impact your organisation. We don't waste your time on items such as an increase in administrative fees, we only report on items of value.

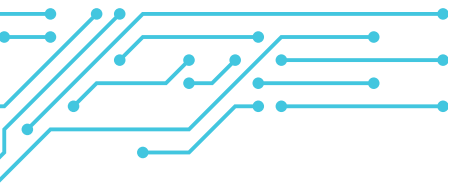
**A happy and prosperous New Year! This month sees important new packaging legislation coming into force at short notice over the Christmas break – see our Focus section for more information on how this will affect you.**

## Updated Standard-Related Legislation

### ISO 14001

#### Building (Procedure) (Scotland) Amendment Regulations 2024

These Regulations come into force in Scotland on 31st March 2028. They amend the Building (Procedure) (Scotland) Regulations 2004 to introduce a requirement for developers to provide an “energy and environmental design statement” with applications for a building and an “energy and environmental construction statement” with each completion certificate. These statements describe how the design and construction of the building complies with the mandatory standards relevant to the delivery of energy and environmental performance set out in paragraphs 3.13, 3.14, 3.28, 6.1 to 6.7, 6.10, 7.1 and 7.2 of Schedule 5 of the Building (Scotland) Regulations 2004.



## **Environmental Protection (Single-use Vapes) (Wales) Regulations 2024 and Environmental Protection (Single-use Vapes) Regulations (Northern Ireland) 2024**

These Regulations come into force in Wales and Northern Ireland on 1st June 2025 to prohibit the sale of single-use vapes. The Regulations make it an offence to supply, or offer to supply, single-use vapes in the course of a business. Penalties for initial offences include stop notices, fixed penalty fines or compliance notices, or enforcement undertakings. Failure to comply with enforcement undertakings can lead to a criminal proceeding being brought against the individual. Failure to comply with other notices can lead to unlimited fines or prison sentences.

A similar prohibition is coming into force in Scotland on 1st April 2025 and England on 1st June 2025 under separate Regulations.



### Streamline the management of your organisation's environmental impact with our Environmental Aspects Register

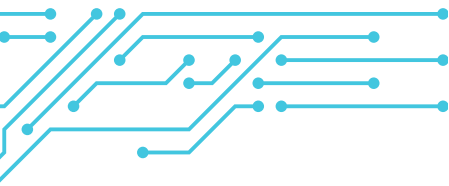
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## **Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England) (No. 2) (Amendment) Order 2024**

This Order comes into force on 31st January 2025 to indefinitely extend the prohibition on releasing common pheasant and red-legged partridge into European sites without a licence. The prohibition was previously due to expire on 30th May 2025.

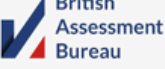


## ISO 14001 and ISO 45001

### Electrical Safety Standards for Private Tenancies Regulations (Northern Ireland) 2024

These Regulations come into force on 1st April 2025 and require private landlords in Northern Ireland to keep electrical systems in rental properties safe. Landlords must have all electrical installations checked by a qualified person at least every 5 years or before a new tenancy starts. For existing tenancies, checks must be done by 1st December 2025. Landlords must give tenants a copy of the inspection report within 28 days and provide it to new tenants, prospective tenants (on request), and the council (if asked). If repairs are needed, landlords must fix them within 28 days and get confirmation from a qualified person, and for urgent issues, landlords must act immediately. Councils can step in to arrange repairs and recover costs if landlords don't comply. Failure to follow these rules can result in fines.



 **First 4 Safety**

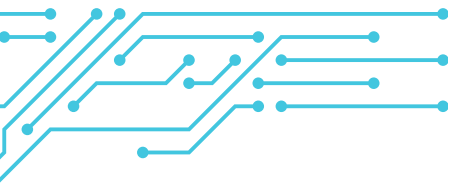
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## Consultation

### Environmental Permitting Standard Rules: Using IBAA in Construction

The Environment Agency has published a consultation seeking views on proposed new standard rules for using unbound incinerator bottom ash aggregate (IBAA) in construction as a deposit for recovery operation. The proposed standard rules only apply to IBAA produced from incinerator bottom ash from the incineration of municipal (household and business) solid waste, consisting mainly of brick, rubble, glass, ceramics, and stone. The consultation closes on 3rd March 2025.



## Energy Performance of Buildings

The Ministry of Housing, Communities and Local Government and Department for Energy Security and Net Zero have published a [consultation](#) seeking views on proposals to reform the Energy Performance of Buildings regime by:

- clarifying and consolidating regulations, and focusing on improving the applicability, quality, and data usage of energy certificates in domestic and non-domestic buildings;
- updating Energy Performance Certificates metrics;
- refining requirements for Energy Performance Certificates and Display Energy Certificates;
- improving data management protocols and strengthening quality control; and
- revising air conditioning inspection reports.

The consultation closes on 26th February 2025.



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## Focus

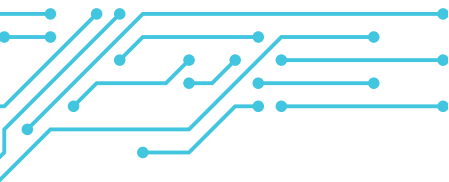
### Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024

The changes implemented by these [Regulations](#) were initially proposed in 2019, and have been extensively consulted on since then (see the March 2019, April 2021 and April 2022 issues of the Legislation Outlook), so the changes themselves won't come as a surprise to many. However, the legislation was published only 21 days prior to it coming into force on 1st January 2025. As this short notice period also included the Christmas break, we have published this additional guidance to assist with your compliance obligations.

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The main aim of the Regulations is to introduce Extended Producer Responsibility for packaging (pEPR), which makes producers responsible for the environmental impact of the packaging they supply and use, and financially responsible for the full costs of collecting and managing household packaging waste.

The Regulations also revoke and consolidate the following legislation, which contains the current producer responsibility obligations to recycle packaging waste to meet UK packaging recycling targets and to collect and report data on the amount and type of packaging supplied:

- the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (and all subsequent amendments);
- the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 (and all subsequent amendments);
- the Packaging Waste (Data Reporting) (England) Regulations 2023 (and all subsequent amendments);
- the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023 (and all subsequent amendments);
- the Packaging Waste (Data Reporting) (Scotland) Regulations 2023 (and all subsequent amendments); and
- the Packaging Waste (Data Reporting) (No. 2) Regulations (Northern Ireland) 2023 (and all subsequent amendments).

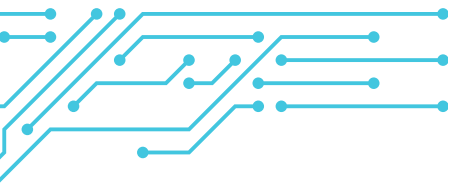
## **Who is affected?**

If you do any of the following, you will be regarded as a 'producer' of packaging:

- supply packaged goods to the UK market under your own brand;
- place goods into packaging;
- import products in packaging;
- own an online marketplace;
- hire or loan out reusable packaging; or
- supply empty packaging.

Your obligations will depend on whether you reach the thresholds to be classed as either a large producer or a small producer.

Large producers are producers with an annual turnover of more than £2m and supply more than 50 tonnes of packaging. Small producers are producers which do not meet the large producer thresholds, but have an annual turnover of more than £1million and supply more than 25 tonnes of packaging.



If you do not meet the small producer threshold, you will not have any obligations under the new Regulations.

For corporate groups, each member of the group that is a producer must add up their turnover and weight of packaging supplied; if these totals meet the threshold for either a large producer or a small producer as set out above, then each producer in the group is regarded as a large producer or small producer (dependent on which threshold has been met), regardless of whether they meet the criteria individually or not.

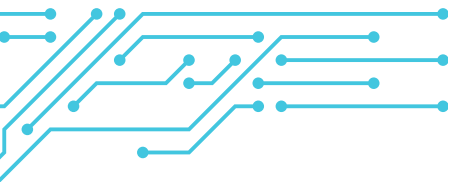
### **How will pEPR work?**

Waste is a devolved matter throughout the UK so, in order to prevent logistical difficulties presented by running separate schemes, the four UK governments have appointed a single Scheme Administrator to administer pEPR.

Under the pEPR scheme, large producers are required to report their packaging data annually and pay a disposal fee based on the costs incurred by local authorities in collecting and managing household packaging waste streams. The Scheme Administrator will calculate each producer's disposal cost fees based on the cost to local authorities of managing household packaging waste. From 2026, the Scheme Administrator will vary disposal fees based on the environmental sustainability of a producer's packaging. A producer can also offset these costs if they can demonstrate that they have collected and recycled packaging waste not ordinarily collected by local authorities for recycling.

### **What about the old producer responsibility obligations?**

Large producers will still need to ensure that a proportion of the packaging they supply by material type (card, glass, plastic, metal, etc.) is recycled and to provide evidence of recycling to the regulator. Higher recycling targets are set annually to target a UK packaging recycling rate of 75% by 2030. Large producers can continue to obtain PRNs (Packaging Waste Recycling Notes) or PERNs (Packaging Waste Export Recycling Notes) as evidence that they have met their individual recycling obligations and can also continue to join approved compliance schemes if they do not wish to comply directly with their legal obligations.



Reprocessors who recycle packaging waste in the UK and exporters who export packaging waste to be recycled overseas must register with the Environment Agency, Natural Resources Wales, the Department of Agriculture, Environment and Rural Affairs of Northern Ireland or the Scottish Environment Protection Agency (as appropriate) and submit data on a regular basis. Accredited reprocessors and exporters who issue PRNs and PERNs respectively will now need to report data monthly instead of quarterly, and exporters must retain evidence that exports have been received at the final overseas reprocessing site and the material recycled at that site.

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