

DLA Piper – Extended Producer Responsibility (EPR) – EU and UK

History

The EU and UK has for a long time led the world on the introduction of mandatory extended producer responsibility schemes.

EU/UK schemes have been in place for approximately 20 years, in particular in the following categories:

- Packaging
- Waste electrical and electronic equipment (WEEE)
- Batteries
- End of Life Vehicles

EU/UK Schemes

Packaging

- Directive 94/62/EC (Packaging and Packaging Waste Directive)
- Adoption: 20 December 1994
- The first major legislative enablement of EPR albeit not specifically mandated originally, but significantly enhanced and made mandatory in 2018



Waste electrical and electronic equipment (WEEE)

- Directive 2002/96/EC (WEEE Directive)
- Adoption: 27 January 2003
- First EU instrument to impose structured, mandatory EPR on electronics (take-back, financing, registration schemes).



Batteries

- Directive 2006/66/EC (Batteries Directive)
- Adoption: 6 September 2006
- Established full lifecycle EPR for batteries (collection, treatment, recycling all funded by producers)



End of Life Vehicles

- Directive 2000/53/EC (ELV Directive)
- Adoption: 18 September 2000
- Introduced producer responsibility for vehicles at end-of-life and required free take-back and dismantling/recycling obligations financed by producers



EPR Schemes

- In their original forms, each of these EPR schemes took the form of a Directive requiring implementation by individual EU Member States (which at the time of implementation included the UK (a long time before Brexit), resulting in a lack of harmonisation across the EU and UK and considerable divergence in scheme design/key requirements and enforcement.
- DLA Piper has specialist EPR attorneys in all key UK/EU locations including UK, Germany, France, Spain, Belgium, Italy, Netherlands, Ireland, Poland and the Nordic countries.
- Our attorneys have helped hundreds of clients over many years navigate compliance with these schemes, including scope and applicability assessment, cascading of compliance obligations through supply chains, reporting, re-structuring of route to market to reduce/eliminate EPR duties as well as handling investigations and prosecutions by regulators regarding alleged non-compliance with these regimes.

EPR Schemes *cont.*

Recent overhauls of these regimes on which DLA Piper has advised extensively:

More recently, both the EU and UK have engaged in major overhauls of and replacement of these regimes with modernised, 21st Century EPR regimes fit for the digital age. Specifically, this has resulted in the enactment of:

- The fully recast EU Packaging and Packaging Waste Regulation enacted on 19 December 2024 the first provisions of which kick in from August 2026
- The quite separate UK Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024
- The fully recast EU Batteries Regulation which came into force in August 2023 but applies in phases from 2024
- Updates to the EU WEEE Directive made in 2024 which significantly clarified certain aspects of the WEEE EPR regime.

DLA Piper attorneys in the UK and EU have helped clients engage in detailed advocacy related to the legislative negotiations leading to these new regimes and subsequently advised clients across multiple sectors implement the necessary compliance measures to ensure compliance.

