

Code of Practice on Sampling and Reporting at Materials Facilities

Consultation draft

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**Code of Practice
on
Sampling and Reporting at Materials Facilities**

1. Introduction and Scope

1. This Code of Practice (“the Code”) sets out the requirements for sampling and reporting of materials handled by materials facilities (MFs). The purpose of this Code is to provide guidance to those authorised to operate an MF on the discharge of certain duties, specifically the duties in section 34(2L)(b) of the Environmental Protection Act 1990. If you are uncertain about what your facility needs to do to comply with the Code, you should contact SEPA.

2. If you are authorised to operate a materials facility (an “authorised MF operator”) then you must comply with this Code or risk being deemed noncompliant with the conditions of your authorisation. That is the case whether you:
 - a) Hold a waste-management licence;
 - b) Are exempt from the requirement to hold a waste-management licence under paragraph 11 and/or 17 of the Waste Management Licensing (Scotland) Regulations 2011;
 - c) Hold a PPC permit.

3. Different categories of MF have different obligations under this Code. In particular, an MF that receives or is likely to receive less than 1,000 tonnes of dry recyclable waste (mixed or single stream) in any reporting year does not have any obligations under this Code. Table 1 summarises the obligations of different categories of MF.

Table 1

Category of Materials Facility	Obligations under this Code
A facility which sorts dry recyclable waste into specified output material, ¹ handling 1,000 tonnes or more of dry recyclable waste per annum	<ul style="list-style-type: none"> • Section 3: general obligations • Section 4: input sampling obligations • Section 5: output sampling obligations • Section 6: next and end destination reporting obligations
A facility which consolidates or ‘bulks’ dry recyclable waste from two or more suppliers, handling 1,000 tonnes or more of dry recyclable waste per annum	<ul style="list-style-type: none"> • Section 3: general obligations • Section 4: input sampling obligations • Section 6: next and end destination reporting obligations

¹ Commonly known as a Materials Recovery Facility (MRF)

A facility which consolidates or 'bulks' dry recyclable waste, from a single supplier (even if it handles 1,000 tonnes or more of dry recyclable waste per annum)	<ul style="list-style-type: none"> No obligations under this Code
Any facility handling less than 1,000 tonnes of dry recyclable waste per annum	<ul style="list-style-type: none"> No obligations under this Code

4. The Code has been prepared under section 34(7) of the Environmental Protection Act 1990 (as amended). It replaces the Code of Practice issued by the Scottish Ministers on 2 March 2015. This new Code makes some substantial changes from the previous Code. In particular, it increases the required sampling frequency for input sampling, introduces new material categories to be sampled and reported, and brings certain bulking facilities into scope (as set out in Table 1 above). The purpose of these changes is to support the introduction of extended producer responsibility (EPR) for packaging by providing the data required for the packaging EPR Scheme Administrator to calculate local authorities' disposal costs.
5. Section 7 defines key terms used throughout this Code. If you are unsure about the meaning of any terms used, you should contact SEPA.

2. Monitoring and Enforcement

2.1. Notification to SEPA

6. Authorised MF operators receiving, or likely to receive, 1,000 tonnes or more of dry recyclable waste in any reporting year, and who have obligations under the code in line with Table 1, are required to notify SEPA immediately that they are in scope. SEPA should also be advised if circumstances change such that the facility is no longer in scope.
7. Where an MF has not previously received 1,000 tonnes or more of dry recyclable waste in any reporting year and, during the course of a reporting year, proceeds to receive 1,000 tonnes or more of dry recyclable waste for the first time, the authorised MF operator must notify SEPA immediately that they are in scope. At the time of notification, the authorised MF operator must seek agreement from SEPA on a timescale for commencement of sampling and reporting. However, sampling must commence no later than the second reporting period after the date on which the cumulative total of dry recyclable waste received in that reporting year reaches 1,000 tonnes.

2.2. Enforcement

8. Compliance with the requirements of this Code is a condition of the authorised MF operator's waste-management licence and/or PPC permit or, as the case may be, exemption from the requirement to have a waste-management licence. Compliance will be enforced by SEPA.
9. All those subject to the conditions of the Code should be aware that section 34(10) of the Environmental Protection Act 1990 makes provision for any Code issued under section 34(7) to be admissible as evidence in any legal proceedings, for example in determining whether an authorised MF operator has failed to comply with the duty of care in section 34 of the 1990 Act or their authorisation conditions by failing to comply with the terms of the Code.

3. General obligations

This section applies to any MF operator with input sampling requirements under section 4, and/or output sampling requirements under section 5, and/or next and end destination reporting requirements under section 6.

3.1. Recording and reporting obligations

10. Authorised MF operators with sampling obligations under this Code must report the results of material sampling to SEPA every three months.
11. Under the Code the first reporting period will start on 1 October 2024, and testing should commence from this date. In any year, there will be four reporting periods. Reports must be submitted in electronic format in a form specified by SEPA and within one month of the end of the reporting period as set out below:
 - a) 1 April to 30 June with reports to SEPA due by 31 July.
 - b) 1 July to 30 September with reports to SEPA due by 31 October.
 - c) 1 October to 31 December with reports to SEPA due by 31 January.
 - d) 1 January to 31 March with reports to SEPA due by 30 April.
12. All information obtained and recorded under this Code must be kept for a minimum of seven years from the date it was recorded and must be made available to SEPA upon request.

3.2. Sampling

13. This subsection sets out some general rules applying to both input sampling under section 4 and output sampling under section 5 of this Code.
14. If the sample contains material fragments, they will be deemed to contain the same proportions of material grades as those making up the non-fragment section of the input sample. It is therefore not expected that operators

separate fragments into their relevant category, but simply record and report the total fragments, which will be apportioned automatically.

15. Glass does not need to be separately identified as packaging, unless SEPA directs the authorised MF operator to do so, specifies the minimum number of samples required for each supplier, and gives at least four weeks' notice prior to commencement of the reporting period during which the samples are to be taken.
16. The authorised MF operator must ensure that the sampling methodology used to analyse the composition results in samples that are representative of the materials comprising the waste material from which they are taken. This is to ensure that samples accurately reflect the composition of the overall waste material. The sampling methodology must be recorded and made available to SEPA upon request.

4. Input sampling and reporting obligations

This section applies to any authorised MF operator handling 1,000 tonnes or more of dry recyclable waste per annum and:

- Sorting dry recyclable waste into specified output material, and/or
- Consolidating or 'bulking' dry recyclable waste from two or more suppliers.

4.1. Input sampling obligations: general

17. An authorised MF operator with input sampling obligations must, for each named supplier:
 - a) Measure the total weight in tonnes of mixed dry recyclable waste received at the facility, during each reporting period, from that supplier;
 - b) Take samples of the mixed dry recyclable waste received at the facility, during each reporting period, from that supplier;
 - c) Measure the total weight in tonnes of single stream dry recyclable waste received at the facility, during each reporting period, from that supplier;
 - d) Take samples of single stream dry recyclable waste received at the facility during each reporting period, from that supplier;
 - e) Sort samples into target, non-target and non-recyclable materials, and measure weight and the composition of each sample.
18. Sampling must be carried out in accordance with subsection 4.2.

4.2. Requirements for sampling

19. One sample must be taken for every 75 tonnes of dry recyclable waste received at the MF from each supplier.

20. Each sample taken must weigh at least 55kg. The average weight per sample must be 60 kg or more. A sample may be collected in several parts contemporaneously, provided that no part weighs less than 20 kg.
21. The composition of a sample is determined by reference to:
 - a) The types and weight in kilograms of target material, non-target material and non-recyclable material that is contained in the sample, and
 - b) The types and weight in kilograms of packaging that is contained in each type of target material, non-target material and non-recyclable material including by reference to drink containers (and their parts including the lid or other seal of the container) as a type of packaging.
22. Material that is identified in a sample must, *at a minimum*, be separately identified by reference to the following types:
 - a) Glass,
 - b) Paper,
 - c) Cardboard,
 - d) Steel,
 - e) Aluminium,
 - f) Other plastic,
 - g) Plastic pots, tubs and trays,
 - h) Plastic bottles,
 - i) Plastic film and other flexible plastic,
 - j) Fibre-based composite material.

4.3. Transferred or rejected loads

23. Dry recyclable waste received at a sorting facility that is not sorted at the receiving facility and is instead transferred to another MF for sorting need not be sampled. However, the weight of this material, each location where this material is sent, the identity of each supplier and, where appropriate, each buyer, must be recorded.
24. Where an authorised MF operator has rejected a load received at the facility, in the case of each rejected load, the reason for rejection must be recorded, along with the weight, the location where that load was then sent, and the identity of the supplier and, where appropriate, the buyer. An authorised MF operator is not required to sample rejected loads to establish their composition.

4.4. Recording and reporting requirements

25. In each reporting period, the authorised MF operator must record the information in Table 2 and report it to SEPA.

Table 2

Category	Recording and reporting requirement
General	<ul style="list-style-type: none"> • The total weight in tonnes of input material received at the facility, from each named supplier, during that reporting period
Sampling data	<ul style="list-style-type: none"> • The weight in kilograms and composition of each input material sample taken at the authorised MF from each named supplier during the reporting period, plus the date of each batch and name and address of the supplier • The total number of input samples taken, for each named supplier during the reporting period • The total weight in kilograms of all input samples taken, for each named supplier during the reporting period
Rejected and transferred loads	<p>For each load rejected or transferred:</p> <ul style="list-style-type: none"> • The total weight in tonnes rejected or transferred • The identity of the supplier and, where appropriate, the buyer • The date of rejection/transfer • The reason for rejection/transfer • Where the rejected/transferred material was sent

5. Output sampling and reporting obligations

This section applies to any authorised MF operator handling 1,000 tonnes or more of dry recyclable waste per annum and sorting dry recyclable waste into specified output material.

5.1. General

26. An authorised MF operator with output sampling obligations must take samples of the output material separated at that facility in a reporting period, and measure the composition of those samples, by identifying the materials comprising that sample, by reference to:
- a) The type and weight in kilograms of target material, non-target material and non-recyclable material that is contained in the sample, and
 - b) The types and weight in kilograms of packaging that is contained in each type of target material, non-target material and non-recyclable material that is identified in that sample, including by reference to drink

containers including the lid or other seal of the container as a type of packaging.

- 27. Sampling must be carried out in accordance with subsection 5.2.
- 28. An authorised MF operator with output sampling obligations must measure the total weight in tonnes of target, non-target and non-recyclable material that leaves the facility in each reporting period.

5.2. Requirements for sampling

- 29. For each material, one sample of the minimum weight specified in Table 3 must be carried out, once per the amount of tonnes specified in the same row of Table 3. Where a sample contains multiple materials, the applicable minimum frequency is to be determined by the material in the sample which has the lowest number in the second column of Table 3, and the minimum weight of the sample is to be the minimum weight of sample associated with that material.

Table 3

Material	Minimum frequency of sampling (tonnes)	Minimum weight of sample (kilograms)
Glass	50	10
Paper*	60	50
Cardboard*	60	50
Metal (aluminium, steel, or both)	20	10
Plastic	15	20
Fibre-based composite	60	50
*For paper and cardboard, the total sample may be obtained in smaller parts of not less than 20 kg, collected contemporaneously.		

- 30. The output material specified in paragraph 29 must, *at a minimum*, be identified by reference to the grade of material making up each batch of output material, set out in Table 4.

Table 4

Material category	Grades
Card and paper	Cardboard
	Newspapers and magazines
	Mixed paper
Plastics	High Density Polyethylene (HDPE) bottles

	Natural HDPE bottles
	Coloured HDPE bottles
	Polyethylene Terephthalate (PET)
	Clear and light blue PET bottles
	Coloured PET bottles
	Polypropylene (PP)
	Mixed plastic bottles
	Pots, tubs and trays (PTT)
	Mixed rigid plastic
	Mixed plastic
	Plastic film
Metals	Aluminium
	Steel
Glass	Mixed coloured glass (container / glass fibre)
	Mixed coloured glass (aggregate* / glass sand) *while status as recyclate remains
	Green glass
	Clear (flint) glass
	Brown (amber) glass
Fibre-based Composite	Wax coated paper cups
	Other fibre-based composite food and drink cartons

31. For all output material, listed in Table 4 or otherwise, the authorised MF operator must define which fractions are target material, non-target material and non-recyclable material based on the purchase specification they have agreed with a reprocessor, or company acting on their behalf. Purchase specifications should be kept on record to support decisions made on the categorisation of the different material fractions. The grade of each material should also be recorded within the relevant forms used for sampling and testing materials.

5.3. Recording and reporting requirements

32. In each reporting period, the authorised MF operator must record the information in Table 5 and report it to SEPA.

Table 5

Category	Recording and reporting requirement
General	<ul style="list-style-type: none"> The total weight in tonnes of output material by reference to the type of target, non-target and non-

	recyclable material that leaves the MF in the reporting period
Sampling data	<ul style="list-style-type: none"> • The weight in kilograms and composition of each output material sample by reference to the type and grade of target, non-target and non-recyclable material that is contained in the sample • The total number of output samples taken for each output material • The total weight in kilograms of all output samples taken for each output material
Material leaving the MF for sorting	<ul style="list-style-type: none"> • The total weight in tonnes of dry recyclable waste that leaves the MF for sorting at another MF during a reporting period and where it is sent.

6. Next and end destination recording and reporting

This section applies to any authorised MF operator handling 1,000 tonnes or more of dry recyclable waste per annum and:

- Sorting dry recyclable waste into specified output material, and/or
- Consolidates or 'bulking' dry recyclable waste from two or more suppliers.

6.1. Recording and reporting requirements

33. An authorised MF operator with obligations under this section must record the following information and report it to SEPA for each type of material leaving the facility in each reporting period:

- a) The end destination or, where this is not available, the next destination for the materials leaving the facility (including the relevant authorisation/permit/licence numbers, and where appropriate export destination details).
- b) The use to which the material will be put and/or the treatment to which the material will be subjected at the end destination or, where this is not available, the next destination.
- c) The location (country, region, city) to which the materials are to be sent.

6.2. Confidentiality

34. All information collected by SEPA under this section will be treated as confidential, in keeping with its commercially sensitive nature.

35. Notwithstanding paragraph 34, SEPA may share information collected under this section with the Scottish Government, Zero Waste Scotland, and the EPR scheme administrator (or any person who is exercising functions on the

Scheme Administrator's behalf), who will continue to treat the information as commercially confidential.

7. Definitions used in this Code of Practice

36. The following definitions are used in this Code of Practice. The singular includes the plural and the plural the singular.

Authorised MF operator - Any person authorised to operate a materials facility (including those operating under a paragraph 11 and 17 exemptions under the Waste Management Licensing (Scotland) Regulations 2011)

Buyer - A person or organisation who has arranged to purchase output material from the authorised MF operator. This includes but is not limited to end users and intermediaries.

EPR scheme administrator - A person who is appointed by or under regulations made under section 51, and paragraph 4 of Schedule 5, of the Environment Act 2021, as the scheme an administrator of a scheme for producer responsibility for disposal costs.

Fibre-based composite material - Packaging material which is made of paperboard or paper fibres, with a layer of plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand.

- a. Drink-water suitable for human consumption,
- b. a beverage suitable for human consumption,
- c. a sports drink suitable for human consumption, or
- d. a liquid which constitutes a beverage or sports drink suitable for human consumption if it is—
 - i. diluted,
 - ii. combined with crushed ice, or processed so as to create crushed ice,
 - iii. combined with carbon dioxide, or
 - iv. prepared by way of a process that involves any combination of the processes mentioned in paragraphs (i) to (iii), such as fruit squash or fruit cordial.

Paragraph (d) does not include any liquid which is used only—

- a. to add flavour to, or enhance the flavour of, a beverage or sports drink suitable for human consumption, or
- b. to sweeten a beverage or sports drink suitable for human consumption, such as coffee flavouring syrup, sugar syrup or hot sauce.

“Sports drink” means a liquid which is advertised or marketed as a product to enhance physical performance, accelerate recovery after exercise or build bulk, or other similar liquid.

Drink container - A bottle or can which—

- a. contains or used to contain drink;
- b. is made wholly or mainly from polyethylene terephthalate (PET) plastic, glass, steel or aluminium;
- c. has a capacity of at least 150 millilitres but no more than three litres of liquid;
- d. is designed or intended to be sealed in an airtight and watertight state at the point of supply to a consumer in the United Kingdom; and
- e. is not conceived, designed or marketed to be refilled or reused in any other way by any person,

together with any label applied to it and its lid or other closures.

Dry recyclable waste - Separately collected waste, where such waste is made up of one of the packaging categories.

Dry recyclable waste stream - Dry recyclable waste of the same type.

Input material - Dry recyclable waste received at the facility for consolidation or sorting.

Material fragments - Target, non-target and non-recyclable material that is made up of:

- a. In the largest proportion of glass material, fragments of that material that measure less than 13 millimetres along their longest dimension, and
- b. In relation to all other types of output material and for mixed dry recyclable waste, fragments of material measuring less than 55 millimetres along their longest dimension.

Materials facility - A facility where dry recyclable waste is treated in order to separate that waste into a dry waste stream or streams (a “materials recovery facility”, or a facility where dry recyclable waste is consolidated into bulk quantities (whether as a first point of consolidation or following the first consolidation of bulk quantities, transferred from other suppliers), for the purpose of selling it, or transferring it to other facilities or persons to enable that material to be prepared for reuse or recycling.

Operating a materials facility does not include—

- a. activity at a facility or part of a facility where all the waste material received during a reporting period as specified in the Materials Recovery Code is attributable exclusively to a single supplier, unless the facility or part of a facility is a materials recovery facility,
- b. activity at a bring site (as defined in section 45C(7) of the Environmental Protection Act 1990,
- c. the waste management of WEEE, or waste batteries.

Mixed dry recyclable waste - Dry recyclable waste material that consists of two or more packaging categories mixed together.

Non-recyclable material - Waste material that is not capable of being recycled.

Non-target material - A material that is capable of being recycled but is not a target material for the MF.

Output material - A batch of material that is produced from a separating process for dry recyclable waste at a MF is and is made up of a material in one of the packaging categories, in the largest proportion.

Packaging - All products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer, including non-returnable items used for the same purposes, but only where the products are primary, secondary, or tertiary packaging (as defined in article 3(1) of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste, as amended), or shipment packaging.

Packaging categories - The following categories:

- a. Glass
- b. Metal
- c. Paper
- d. Cardboard
- e. Plastic
- f. Fibre-based composite

Recycling - As defined in Article 3(17) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (as amended), and any references to “recycled” or “recyclable” are to be construed accordingly.

Reporting year - 1 April to 31 March in the following year

SEPA - The Scottish Environment Protection Agency

Separately collected waste - Waste collected and transported in accordance with section 34(2I) of the Environmental Protection Act 1990.

Shipment packaging - Packaging, in addition to primary packaging, on items which are sold online or by a mail order which are either delivered direct to the purchaser or collected by the purchaser from a shop or other collection point after they have been purchased.

Single stream - A single dry waste stream.

Supplier - In relation to a batch of dry recyclable waste received at a MF:

- a. Where that batch comprises material collected pursuant to arrangements made by a waste collection authority under section 45(1)(a) or (b) of the Environmental Protection Act 1990(a), that authority is the supplier;

- b. Where that batch has been transferred from another MF or group of facilities, the authorised MF operator of that MF or group of facilities from which that material was transferred is the supplier;
- c. In any other case, the person or organisation who collected the material or, if that person or organisation is not known, the person or organisation responsible for delivering it to the MF is the supplier;
- d. Where the batch comprises material from more than one supplier, and the proportion of that batch attributable to a particular supplier cannot accurately be ascertained, a reasonable estimate of the proportion is sufficient.

Target material - A material that is specifically targeted by the authorised MF operator of a materials facility as destined to be separated out from other material to facilitate its recycling.



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