



HM Revenue
& Customs

Plastic Packaging Tax

Consultation Document

Publication date 11 March 2020

Closing date for comments 20 May 2020

Subject of this consultation:	The Plastic Packaging Tax which from April 2022 will apply to plastic packaging manufactured in or imported into the UK containing less than 30% recycled plastic.
Scope of this consultation:	At Budget 2020, the government announced key decisions it had taken for the design of Plastic Packaging Tax in light of stakeholder responses to the previous consultation in 2019. This document provides more information on these announced areas, as well as asking for views on areas of the tax design which have been further refined as we move closer to the implementation date.
Who should read this:	The government would like to hear from businesses, individuals, tax advisers, trade and professional bodies and other interested parties.
Duration:	11 March 2020 – 20 May 2020 (10 weeks).
Lead official:	Alex Marsh, HM Revenue and Customs.
How to respond or enquire about this consultation:	The response template can be found on the gov.uk page https://www.gov.uk/government/consultations/plastic-packaging-tax-policy-design Responses or enquiries should be sent by 20 May 2020, by e-mail to indirecttaxdesign.team@hmrc.gov.uk or by post to: Alex Marsh, 3rd Floor Ralli Quays, Stanley Street, M60 9LA.
Additional ways to be involved:	In order to engage with businesses and individuals who would be affected by the proposals in this consultation, the government will be consulting key stakeholders and interested parties on the proposals through meetings. If you would like to be included in a consultative meeting, please contact us via the email above.
After the consultation:	The government will aim to analyse responses and publish a formal responses document within 12 weeks after the end of the consultation period.
Getting to this stage:	The responses to the government's Call for Evidence on single-use plastic waste in 2018 highlighted that using recycled plastic is often more expensive than using new plastic. At Budget 2018, the government proposed to use a new tax to encourage the use of recycled plastic and has taken the responses from the first consultation, published in 2019, into consideration to develop the proposals presented here.
Previous engagement:	During the first consultation period, the government had meetings with various stakeholders to discuss the impact of the initial proposals. The government also conducted market research to improve understanding of the packaging industry.

Contents

1.	Introduction	4
2.	Overview of the consultation.....	6
3.	The scope of the tax	8
4.	Liability for the tax	13
5.	Excluding small operators ('de minimis').....	20
6.	Evidence requirements	23
7.	Exports.....	28
8.	Registration, returns and enforcement.....	31
9.	Understanding commercial practices	35
10.	Assessment of impacts	36
11.	Summary of consultation questions	38
12.	About you.....	41
13.	The consultation process	43
	Annex A: List of stakeholders consulted	46

1. Introduction

- 1.1 At Budget 2018, the government announced that it will introduce a world leading tax on plastic packaging from April 2022. The tax will encourage the use of recycled plastic instead of new plastic within packaging. It will create greater demand for recycled plastic, and in turn stimulate increased levels of recycling and collection of plastic waste, diverting it away from landfill or incineration.
- 1.2 This document marks the next stage in the consultation process. So far, the government has:
 - Held a [Call for Evidence](#) (March 2018) to explore how the tax system or charges could be used to reduce the amount of single-use plastic waste and published a [Summary of Responses](#) (August 2018)
 - Launched a [Consultation](#) seeking views on the initial Plastic Packaging Tax design (February 2019) and published a [Summary of Responses](#) (July 2019)
- 1.3 At Budget 2020, the government announced that Plastic Packaging Tax will apply at a rate of £200 per tonne of plastic packaging which does not contain at least 30% recycled plastic. This will apply to plastic packaging which has been manufactured in, or imported into, the UK. The government will keep the rate of the tax and the 30% recycled plastic threshold under review to ensure that the tax remains effective in increasing the use of recycled plastic.
- 1.4 At Budget 2020, in response to feedback from the previous consultation, the government announced that it will:
 - Extend the scope of Plastic Packaging Tax to imported filled plastic packaging that does not contain at least 30% recycled plastic content, rather than just imports of unfilled plastic packaging
 - Exempt businesses that manufacture or import less than 10 tonnes of plastic packaging in a 12 month period from the requirement to pay the tax. This will ensure the administrative burden and cost of collecting the tax are not disproportionate to the environmental harms the tax seeks to address
- 1.5 The tax will complement the reformed Packaging Producer Responsibility Regulations. These reforms will encourage businesses to design and use plastic packaging that is easier to recycle and discourage the creation of plastic packaging which is difficult to recycle. They will also make businesses responsible for the cost of managing the packaging they place on the market when it becomes waste. These measures, together with the government's proposals to increase consistency in household recycling collections across local authorities and businesses, will increase the supply of easier-to-recycle plastic. The government believes that tax and regulatory reform together will provide businesses with the right incentives to recognise the impact of their plastic packaging decisions and drive the development and use of more sustainable packaging. The tax and regulatory changes will be delivered as separate measures given the high level of complexity any combined system would bring. However, the government will continue to ensure that the tax complements the reformed packaging regulations.

What is the government consulting on?

- 1.6 This consultation seeks views on the detailed design, implementation and administration of Plastic Packaging Tax to ensure it best meets the government's environmental objectives while placing only proportionate burdens on business. Chapters 3 to 8 set out what the government is consulting on and include specific questions on:
 - a. Chapter 3: The scope of the tax
 - b. Chapter 4: Liability for the tax
 - c. Chapter 5: Excluding small operators (de minimis)
 - d. Chapter 6: Evidence requirements
 - e. Chapter 7: Exports
 - f. Chapter 8: Registration, returns and enforcement
- 1.7 The government is also seeking to refine its assessment of the impact of Plastic Packaging Tax as set out in Chapter 10.
- 1.8 At Budget 2020, the government announced that Plastic Packaging Tax will be charged at a rate of £200 per tonne where less than 30% recycled plastic is used in packaging. The rate of the tax and the percentage of recycled content are not within the scope of this consultation.

2. Overview of the consultation

This chapter sets out how the design of the tax is covered in this consultation, signposting in particular the areas which have changed since the previous consultation.

The scope of the tax (see Chapter 3)

- 2.1 Plastic packaging containing less than 30% recycled plastic will be within the scope of Plastic Packaging Tax (hereafter “the tax”) unless it is covered by an exemption or otherwise excluded. This chapter updates stakeholders on the definitions the government proposes to use for key technical terms such as ‘plastic’ and ‘packaging’ including packaging-type products that do not fulfil a packaging function until they are used by the end consumer. Information is also provided on how plastic must be the ‘predominant material by weight’ for the packaging components to be taxable. The chapter explains the expansion of the tax to include imported filled plastic packaging following stakeholder feedback to the previous consultation, and flags the possible special treatment required for the packaging used to transport imported goods. The government is also considering whether a narrow exemption for the immediate packaging of licensed human medicines is necessary and is inviting views on its feasibility.

Liability for the tax (see Chapter 4)

- 2.2 This chapter outlines how UK manufactured and imported plastic packaging will be charged and who the chargeable person will be. Where further ancillary processes are carried out on the packaging, such as laminating, printing, cutting and forming, the government proposes these be disregarded for the purposes of the tax and that liability should remain with the manufacturer of the original packaging. Where others in the supply chain, including operators of online marketplaces and fulfilment houses, knew or had reasonable grounds to suspect that the tax had not been accounted for, the government proposes the tax liability will be extended on a joint and several basis.

Excluding small operators - de minimis (see Chapter 5)

- 2.3 Businesses that manufacture or import less than 10 tonnes of plastic packaging annually will not need to register for the tax. This consultation seeks views on the proposals covering how this will operate in practice, including estimating and monitoring tonnage. The government is particularly interested in the views of small businesses above the 10 tonne de minimis and what impact the tax will have on them.

Evidence requirements (see Chapter 6)

- 2.4 Businesses above the de minimis threshold will need to provide evidence that their plastic packaging contains at least 30% recycled plastic or is exempt from the tax, and pay tax on any remaining plastic packaging based on its tonnage. The government understands that in some cases existing business records and audit trails for the weight and recycled plastic content will be useful evidence here, such as that which is provided for other international standards or recognised regulators. The consultation sets out examples of these records and business due diligence and seeks views on their feasibility.

Exports (see Chapter 7)

- 2.5 Plastic packaging which is manufactured or imported to be exported directly to an overseas customer will not be subject to the tax. In the previous consultation the government proposed to offer a credit scheme for goods which were exported after the tax had been paid (indirect exports). Respondents noted that a credit scheme may be difficult to comply with, so in this consultation the government is seeking views on an alternative scheme to limit the need to use the credit scheme. This new scheme would suspend the tax on plastic packaging intended for export whilst it passed through the supply chain and tax would only be payable if it was diverted onto the UK market. The government is particularly interested in scenarios where this system of increased supply chain control would or would not be preferable to claiming a credit.

Registration, returns and enforcement (see Chapter 8)

- 2.6 From April 2022 UK manufacturers and importers of plastic packaging who reach and exceed the de minimis threshold will be required to register with HMRC and account for any tax that is due. The tax will be accounted for through quarterly tax returns. A group facility to register for the tax has been proposed to ensure the reporting requirements are not burdensome to business. This would enable a number of businesses to be able to report together as a single taxable person. HMRC will introduce a compliance and enforcement regime to support the introduction of the tax. This will include powers to maintain compliance and sanctions to address non-compliance with the tax.

Understanding commercial practices (see Chapter 9)

- 2.7 The government appreciates this might be the first time some stakeholders have engaged with the consultation process for this tax, and in this chapter there is the opportunity to comment more widely on its design.

Assessment of impacts (see Chapter 10)

- 2.8 The government has provided a full summary of impacts for the introduction of the tax in this consultation document and welcomes feedback on these assessments.

3. The scope of the tax

This chapter sets out the government's updated proposals on how to define key terms that will be used in the tax, as well as the scope of the tax and whether it is feasible to create a limited exemption for some of the plastic packaging used for licensed human medicines.

Definition of plastic

3.1 In the previous consultation, the government proposed drawing on the definition of 'plastic' in Article 3 of Directive (EU) 2019/904, which states:

'plastic' means a material consisting of a polymer as defined in Article 3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified.

3.2 The vast majority of respondents agreed with drawing on this definition, with some respondents also recommending the inclusion of alternative plastics, such as those which are bio-based, biodegradable and compostable. The government believes that alternative plastics can play a role in addressing single-use plastic waste if used in the right circumstances. However, further evidence is needed on the impact of widespread adoption of such materials, and it is right to include them within scope of the tax at this stage with the exception of cellulose-based polymers as explained below. As part of the Bioeconomy Strategy, the government is working with industry and the research community to better understand the impact of using bio-based, biodegradable and compostable plastics and will keep their treatment in the tax under review.

3.3 Following engagement with industry experts, the government intends to modify the above definition of plastic for the purposes of the tax to:

'plastic' means a material consisting of a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, with the exception of cellulose-based polymers that have not been chemically modified.

3.4 This will remove part of the original definition which states "...and which can function as a main structural component of final products...". This is because there can be types of packaging where plastic may not be the main structural component but it is still the predominant material by weight i.e. plastic is the single largest component by weight in a mixed-material item (see paragraph 3.8 below). In these cases, the packaging will be considered plastic for the purposes of the tax.

3.5 The revised definition will also narrow the 'natural polymer' exceptions to those which are 'cellulose-based' to avoid instances of novel plastics or blends being developed to avoid the tax.

Definition of packaging

3.6 In the previous consultation the government proposed that the definition of packaging would be based on definitions in the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 and the underlying Packaging Waste Directive (94/62/EC), which states:

'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. Non-returnable items used for the same purposes shall also be considered to constitute packaging.'

- 3.7 While this definition is a useful starting point, the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 do not extend to packaging-type products that do not fulfil their function as packaging before they are sold directly to end consumers for their use. For example, they capture the packaging around a roll of cling-film on a supermarket shelf but not the cling-film itself. The government welcomes views on diverging from this position so that these items come within the scope of the tax because they contribute to the environmental harm which the tax will address. This approach should also be simpler for businesses to administer as it will not always be known at the point the tax is due where in the supply chain the item will be used as packaging. The government does not intend to capture items which are designed for longer term and likely repeated storage by consumers, such as plastic storage boxes, within its definition of packaging and welcomes views on this, particularly any other examples of packaging-type items which stakeholders would view as 'storage' rather than packaging.

Multi material packaging

- 3.8 The government previously proposed that for types of packaging which are made of multiple materials, those that are 'predominantly plastic by weight' would be classified as plastic packaging. This means that when each material within the packaging is considered separately, if plastic is the single greatest material by weight, the whole item is considered "plastic packaging". For example, if a 10 gram item of packaging is made of 4 grams of plastic, 3 grams of aluminium and 3 grams of cardboard, all 10 grams will be considered plastic packaging for the purpose of this tax. Likewise, if the 10 gram item was 3 grams of plastic, 4 grams of aluminium and 3 grams of cardboard, none of the item would be taxable.
- 3.9 Some responses to the previous consultation suggested that the tax should include within its scope all packaging which contains any plastic to discourage businesses shifting to difficult to recycle multi material packaging as a way of avoiding the tax. The government is confident that a reformed producer responsibility system for packaging will complement the tax design and discourage this shift towards the manufacture of difficult to recycle multi material packaging. Reforms to the producer responsibility system for packaging will look to incentivise businesses to design and use packaging that can be recycled more easily, and discourage the use of packaging that is more difficult to recycle as well as packaging which is difficult to manage when it becomes waste.

Question 1. Do you agree with the revised definition of plastic, which removes the 'main structural component' test and limits the exclusion to 'cellulose-based' polymers? Please outline your reasoning.

Question 2. Do you agree that packaging-type products that do not fulfil a packaging function until they are used by the end consumer should be included

in the tax unless they are for longer term storage? Please outline your reasoning.

Imports of filled plastic packaging

- 3.10 In the previous consultation the government proposed that the tax would be chargeable on all UK manufactured packaging and on imports of unfilled plastic packaging.
- 3.11 The majority of respondents who expressed a view were concerned by the exclusion of imported filled plastic packaging. The most common reason for this was the potential negative impact on the competitiveness of UK manufacturing. Some commented that UK businesses may be encouraged to fill plastic packaging overseas to avoid the tax. A number of respondents also noted that it may undermine the environmental rationale of the tax if a sizeable proportion of plastic packaging placed on the UK market was excluded from the scope of the tax.
- 3.12 The government will extend the scope of the tax to include imports of filled plastic packaging. This will ensure that plastic packaging placed on the UK market is subject to similar tax treatment, irrespective of whether it has been manufactured in the UK or overseas.

Packaging used to transport imported goods

- 3.13 The government understands that there are limited records of transport packaging used on imports, such as pallets, crates and pallet wrap. Transport packaging is sometimes applied and removed a number of times at different stages of the supply journey by the transporter, depending on the need for protection and stability. The importer will often have little to no control over, or even knowledge of, the amount or type of transport packaging used. As a result, the government believes the burden on taxable persons for evidencing the recycled plastic content of this packaging would be disproportionate to the environmental impact of the packaging.
- 3.14 The government therefore proposes that packaging used to transport imported goods should not be in the scope of the tax. The government will keep this under review as changes to industry practices may make it feasible to include transport packaging in the future.
- 3.15 The government intends to define transport packaging using the definition from the Packaging Waste Directive (94/62/EC), which states:
- '..... packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packaging in order to prevent physical handling and transport damage. Transport packaging does not include road, rail, ship and air containers.'*
- 3.16 Where transport packaging is itself the good which is being imported, this will be subject to the tax just like any other unfilled packaging otherwise UK manufacturers would be placed at a disadvantage. The government does not believe that including unfilled transport packaging within the scope of the tax would be any more burdensome for businesses than any other type of imported unfilled packaging but welcomes views on this from respondents.

Question 3. Do you have any observations on the government's proposed approach to excluding plastic packaging used to facilitate the transport of imported goods?

Medical packaging

- 3.17 The regulatory requirements for medical packaging can make including recycled plastic particularly challenging. The government has not received any evidence indicating that recycled plastic is currently approved to be used in this type of packaging and understands that the process to adapt this packaging in a sufficiently safe way is more challenging than for other packaging types.
- 3.18 Human medicines placed on the UK market are predominantly licensed by the Medicines and Healthcare products Regulatory Agency (MHRA), with a small proportion being directly licensed by the European Medicines Agency (EMA). For each medicine, the licensing process involves extensive stability testing to ensure the safety and effectiveness of the packaged medicine during its shelf life, especially for packaging in immediate contact with the medicine. These testing requirements mean there are greater barriers to including recycled plastic, which go beyond sourcing concerns, than other applications such as food contact packaging. As a result, the tax may have unavoidable impacts on patients and vulnerable people, not only from the potential costs if manufacturers pass these on, but also from availability of medicines for the UK market.
- 3.19 To maximise the incentive on businesses to use recycled plastic, the government, as a general rule, believes it is important to include types of plastic packaging even where it may be challenging to increase the level of recycled plastic. This will encourage further investment in recycling infrastructure and innovation required to overcome these challenges. Only examples where there is significant and unavoidable risk to human health would warrant consideration of a different treatment. However, this different treatment would also need to be feasible for HMRC to assure, and so will be reliant upon robust work already done by the regulator in any relevant space. The government believes that plastic packaging for human medicines may be a small and unique example of this, both across all plastic packaging and within those used by the medical sector, but it is still considering the merit of the case for treating such packaging differently.
- 3.20 Given these unique circumstances, including the potentially unavoidable impacts on patients and vulnerable people, the government is considering a narrow exemption for medical packaging covering all human medicines licensed to be placed on the UK market under the Human Medicines Regulations 2012. As the regulatory requirements are greatest for the packaging in direct contact with the medicine, the exemption will be limited to such packaging. This is defined as 'immediate packaging' in the Human Medicines Regulations 2012.
- 3.21 The government does not currently propose to exempt packaging for medical devices from the tax as the testing requirements for devices can vary significantly depending on the function of the device. Unlike licensed human medicines, the government's current understanding is that there is no clear list held by a regulator or other relevant body of all devices approved to be used in the UK which HMRC officers could

reference as part of their assurance work. The government also believes that exempting the packaging for medical devices would be too wide reaching and in some cases would exempt packaging that allows for the inclusion of recycled content, with no or minimal additional burden. The government welcomes views on its proposal for the packaging of medical devices.

- 3.22 The government proposes that any potential exemption would require the taxable person to have evidence at the time the tax would be chargeable to ensure the packaging has been commissioned for use as immediate packaging for licensed human medicines. If this evidence is satisfactory, the packaging will never cross the tax point and a credit system will not be necessary.

Question 4. Do you think it is feasible to provide evidence that packaging has been commissioned for use as immediate packaging for licensed human medicines at the time the tax is chargeable? If not, please explain why.

Question 5. Would the proposed exemption cause any market distortion or other unintended consequences? If yes, please provide more details.

Defining recycled plastic

- 3.23 In the previous consultation, the government proposed using International Organization for Standardization (ISO) standard 14021:2016 when developing the definition for defining recycled plastic. This definition includes both 'post-consumer' waste and 'pre-consumer' waste (with the exception of scrap and regrind). Following a majority of responses agreeing with this approach, the government will continue to use this as the basis for the definition.
- 3.24 Some responses to the previous consultation highlighted that including pre-consumer waste in the definition could lead to wasteful manufacturing processes, abusing the definition of recycled plastic. By allowing pre-consumer waste to be considered recycled plastic, businesses may purposefully manufacture plastic packaging for waste. This would enable them to use it as material input for their production line where market conditions (i.e. the cost of recyclate) create a financial incentive, categorising it as recycled plastic. The government proposes that pre-consumer waste will only be considered recycled plastic for the purposes of the tax if it has been treated by a separate reprocessing facility.
- 3.25 In the previous consultation, most respondents agreed with the government's proposal to allow all methods of recycling plastic in order to promote innovation and support the development of new recycling methods. The government will therefore permit all methods of recycling plastic waste other than scrap and regrind as restricted in the ISO standard to be used to produce recyclate. This means that material from chemical recycling plants will be considered recycled plastic. The government will keep this under review as additional evidence on the environment impact of any new recycling methods emerges.

Threshold of recycled plastic

- 3.26 As announced at Budget 2020, the government will set an initial rate of £200 per tonne for plastic packaging that does not contain at least 30% recycled plastic. This will provide a clear economic incentive for businesses to use more recycled plastic in their packaging.

4. Liability for the tax

Businesses who manufacture in the UK, or import plastic packaging into the UK will be liable to pay the tax, subject to relevant exemptions and the small operator threshold explained in chapter 5. This chapter outlines the government's proposals for when the tax will be chargeable and who the chargeable person will be.

The charge to the tax

- 4.1 The government's aim is that the treatment of all taxable plastic packaging, irrespective of whether it has been manufactured in or imported into the UK, should be as closely aligned as possible. The government is seeking to achieve this by establishing a set of underlying conditions which will trigger the tax charge when they first apply to plastic in the UK that is not in any other way exempted.
- The plastic is capable for use as packaging and is either;
 - in fact, used as packaging (e.g. imported filled packaging)
 - commissioned by or on behalf of a person for use as packaging
 - speculatively manufactured or imported to be used as packaging
 - manufactured or imported for a non-packaging use but later designated as packaging, or
 - otherwise exists in such a way that a reasonable person would conclude from the circumstances that it is designed or conceived for packaging use
- 4.2 These conditions will also apply to plastic packaging which has been subject to the tax, relieved at export, and then re-imported to the UK.
- 4.3 The government welcomes views on whether the general principles outlined above raise any issues for any particular plastic packaging products. The government expects there will be limited cases where products which have met these criteria and had tax paid on them are then used for non-packaging purposes. The government also welcomes views on this.

UK based production

- 4.4 As welcomed by the majority of respondents to the previous consultation, the point at which the tax will be charged is when materials are converted into plastic packaging and the conditions set out above are first met. This will ensure the person likely to have the most knowledge about the weight, composition and recycled plastic content of the packaging is liable for the tax.
- 4.5 The government also asked about how to give certainty on which manufacturer is liable when there are multiple manufacturers in the supply chain. Respondents had mixed views but generally agreed that the person liable should be well placed to provide information on recycled plastic content, and that it is reasonable to expect that person to know when the raw materials have been converted into packaging. To help provide clarity, the government is proposing that where some further ancillary processing will take place to a packaging component, such as laminating, printing, cutting and forming, this will be disregarded for the tax and the manufacturer of the principal item will remain liable as they are best placed to know its weight, composition and recycled content. For example, if a manufacturer makes an amount of film, which is then printed on and cut into labels, it will be considered to be packaging at the

point the film is first manufactured. For a soft drinks bottle, this would mean that the manufacturer of the 'pre-form' is liable for the tax as only further forming is required.

Question 6. Do you agree the proposed charging conditions will ensure that the UK manufacturer of plastic packaging is liable for the tax? If not, please explain why.

Question 7. Do you foresee any issues for specific packaging components due to the proposed approach of disregarding further ancillary processes for the purposes of the tax? Please explain what these issues are.

Imported packaging

- 4.6 The conditions at paragraph 4.1 will also be applied to imported packaging. Imported packaging presents additional complexity compared to UK manufactured packaging due to the nature of the supply chains and the role of customs intermediaries such as agents, brokers, hauliers and freight-forwarders. To provide clarity and certainty to businesses, the government proposes to tax imported plastic packaging when it is first commercially exploited in the UK. This means the first point in time chargeable plastic packaging is controlled, moved, stored, is subject to an agreement to sell, or otherwise used in the UK in the course or furtherance of business.
- 4.7 The government proposes that the tax point will be the date the plastic packaging enters free circulation, that is to say the date it has cleared any customs controls or, if none, its entry into the UK. Any goods which are under customs control for the entire time they are in the UK and then exported will not trigger the charge to tax. Beyond the scope of this consultation, the government is developing its policy on 'Freeports'. How the tax will interact with Freeports will be considered in more detail as the policy design advances.
- 4.8 Packaging which is imported for personal or non-business use by the first customer in the UK is not "commercially exploited" and will likewise therefore not trigger the tax charge even if the packaging is subsequently used by a business later on. The government will monitor whether this presents any risks and adapt its approach if necessary.

Taxable person for imported goods

- 4.9 To ensure that customs intermediaries such as agents, brokers, hauliers and freight-forwarders are not inadvertently made liable for the tax where the government proposes they should not be, the government proposes the taxable person will be the person on whose behalf the plastic packaging is first commercially exploited in the UK (i.e. being transported, stored etc). The government believes that this person will be the most likely to have control over the design of the plastic packaging, including whether plastic is the predominant material by weight, its level of recycled plastic content and its weight, and access to the information and evidence necessary to account for the tax. Whilst agents and other service providers will not routinely be treated as commercially exploiting packaging, there may be circumstances where they are made liable or jointly and severally liable for a tax liability (see paragraphs 4.16-4.20).

- 4.10 The person on whose behalf the plastic packaging is first commercially exploited in the UK will be required to register with HMRC and account for the tax in the same way as UK manufacturers, and the de minimis rules set out in chapter 5 will apply equally to both.
- 4.11 The government welcomes views on how to make as clear as possible who the taxable person is for imported plastic packaging. Where goods are commercially imported into the UK with an accompanying import declaration, the government proposes that the “consignee” as shown on these documents is most likely to be the person on whose behalf the goods are commercially exploited and so, where this person is in business, they would most likely be the taxpayer. In addition, these people are likely to hold a purchase invoice for the imported goods. Where the consignee can demonstrate that they are acting on behalf of a principal (e.g. the consignee is storing goods on behalf of another business) then that business, the principal, would be the registerable person.

Import examples

- 4.12 Below are four examples of how the government intends the above proposals will work in practice:

Example 1. A Ltd buys goods involving plastic packaging from an overseas seller which are then imported into the UK. The goods are released into free circulation and delivered to A Ltd’s warehouse on 11/04/2022. In this example, A Ltd is the taxable person, and the tax point is 11/04/2022. It is irrelevant whether the premises at which the goods were first received is operated by A Ltd or another business acting on A Ltd’s behalf, or if the goods were handled by a freight forwarder etc.

Example 2. On 20/04/2022, a private individual buys goods involving plastic packaging from an overseas seller, which are then imported into the UK, released into free circulation on 23/04/2022, and delivered to the buyer’s address on 25/04/2022. In this example there is no charge to tax because the goods are not being commercially exploited in the UK. It is irrelevant whether the goods were temporarily stored or sorted at business premises in the UK if the goods were imported into the UK in response to the customer’s order.

Example 3. On 20/04/2022, a private individual buys goods involving plastic packaging from an overseas seller. These goods are drawn from the seller’s stock which is already in the UK, this stock had been imported and released into free circulation on 11/04/2022, and then stored in a third-party storage facility awaiting a UK sale. In this example, the overseas seller is the taxable person because the plastic packaging is being stored (‘commercially exploited’) on their behalf by the third-party storage provider, and the tax point is 11/04/2022.

Example 4. An overseas company imports goods involving plastic packaging into a UK storage and distribution facility operated by B Ltd. The goods are released to free circulation and delivered to B Ltd's warehouse on 11/04/2022. B Ltd advertises the goods on behalf of the overseas company which are sold on 20/04/2022. B Ltd handles the onward shipment of the goods and collects payment for the sale. In this example, the overseas company is the business on whose behalf the goods are commercially exploited and so is the taxable person, and the tax point is 11/04/2022. B Ltd could be held joint and severally liable for any unpaid tax if they knew or had reasonable grounds to suspect that the overseas seller had not accounted for the tax.

Question 8. Do you have any observations on the proposed treatment of imports of plastic packaging, particularly linking the tax point to “first commercial exploitation” i.e. when it is controlled, moved, stored, is subject to an agreement to sell, or otherwise used in the UK in the course or furtherance of business?

Question 9. Do you agree the “consignee” on import documentation is likely to be the taxable person for imports of plastic packaging? In what scenarios might someone else be the person on whose behalf the plastic packaging is commercially exploited?

Further information and detail on liability

- 4.13 The government does not intend to relieve packaging that is damaged or otherwise unfit for use, exchanged, bartered, given away for free (as a loss-leader or otherwise) or where payment for the goods is not received or it in any other way generates a “bad debt”. If this packaging has less than 30% recycled plastic content, it will still have the same associated negative environmental impact as other types of plastic packaging. Packaging that becomes damaged or otherwise unfit for use as packaging includes packaging damaged in transport from the manufacturer of the packaging to their customers. Packaging given away free of charge includes samples of packaging and packaging around goods given as gifts.
- 4.14 Packaging which is damaged during manufacture before it is capable of use as packaging will not be liable for the tax, given it has not yet reached the tax point. This reflects the position outlined in the previous consultation and means that no adjustments will be needed on tax returns to account for these products. The government expects that the majority of this packaging will either be reused within production processes or enter recycling waste streams to produce high quality, uncontaminated recycled plastic rather than being sent to landfill or incinerated.

Question 10. Do you agree that packaging that is damaged after the tax has become due should not be relieved? If not, please explain why you think this packaging should be relieved.

Invoicing for Plastic Packaging Tax

- 4.15 Respondents to the previous consultation highlighted that the customers of plastic packaging manufacturers and importers often have influence over the specification and design of the packaging. To encourage the behavioural shift towards using more

recycled plastic material, the government proposes that where a customer buys plastic packaging directly from the taxable person which is within the scope of the tax, the taxable person should make this visible on their sales invoice. This will increase the visibility of the tax and show businesses how much more they are paying for their plastic packaging by not switching to using more recycled plastic content. It could also potentially help businesses further down the supply chain claim a tax credit on any goods which are subsequently exported. For more information on export credits see chapter 7.

Question 11. Do you foresee any difficulty or added costs with the proposal for the taxable person to incorporate the amount of Plastic Packaging Tax onto the sales invoice, and if so, could this information be provided to customers in any other way?

Joint and several liability

- 4.16 Following support in the previous consultation the government proposes to extend joint and several liability for the tax to other persons in the supply chain in certain limited situations. Where the liable person does not account for the tax, joint and several liability allows HMRC to collect tax due from other people involved in the supply chain. As recognised by many respondents to the previous consultation, this will help tackle avoidance and evasion, and aligns with the approach used in other tax regimes.
- 4.17 Some respondents to the previous consultation suggested that the government should be aware of the additional administrative burden joint and several liability may cause. Taking this into account, the government will only consider joint and several liability in cases where the business knew or had reasonable grounds to suspect that the tax had not been accounted for. Businesses that can demonstrate to the satisfaction of HMRC that they have conducted sufficient due diligence on the packaging they receive will not be held jointly and severally liable for the tax.
- 4.18 To minimise the opportunity for tax avoidance and non-compliance in a way which does not produce disproportionate burdens for business, the government is considering joint and several liability in particular where:
- Businesses in the supply chain have influence over the design of plastic packaging, for example the business who commissioned particular packaging from a manufacturer
 - Suppliers of plastic material incorrectly state that it is recycled. If these businesses knowingly supply mis-describe virgin plastic material as recycled plastic material, they may be held jointly and severally liable for any tax that should have been paid by UK based manufacturers or importers who received plastic material from them
 - Fulfilment houses store goods for overseas clients with no fixed UK establishment. This includes online marketplaces which operate their own fulfilment house
 - Operators of third-party warehouses facilitate the storage and distribution of imported goods involving plastic packaging by importers that neither have a fixed establishment nor a branch in the UK
 - Operators of Registered Export Premises (REPs) facilitate the storage and removal of goods involving plastic packaging which were either not intended for export or which were not exported. Further information on REPs can be found in chapter 7.

- 4.19 Businesses such as freight forwarders who handle chargeable plastic packaging on behalf of an importer will not be made jointly and severally liable unless they knew or had reasonable grounds to suspect that the tax had not been accounted for, or if they take ownership of the plastic packaging before it becomes chargeable in line with the usual rules for imported goods. The general rule is that the principal for whom the agent is acting should be liable, unless these conditions apply.
- 4.20 Members of a Plastic Packaging Tax group will be held jointly and severally liable for all the debts of all group members. More information about groups can be found in chapter 8.

Overseas sellers, online marketplaces and fulfilment houses

- 4.21 The government recognises the potential challenges presented from collecting taxes from overseas sellers operating through an online marketplace or other fulfilment house models which mean they do not have a UK permanent establishment. Operators of fulfilment houses have a unique role in facilitating the sales of third-party business in the UK by creating the relationship between seller and customer, as well as holding goods on behalf of third-parties. In March 2018, the government made online marketplaces jointly and severally liable for the unpaid VAT of overseas sellers.
- 4.22 Where a fulfilment house operator knew or had reasonable grounds to suspect that the tax had not been accounted for by a business selling through their platform or facility, the government proposes that the operator will be held jointly and severally liable for any unpaid tax arising on sales through their platform or facility. This could arise if, for example, HMRC notified the fulfilment house operator that one of their sellers was not meeting their Plastic Packaging Tax obligations. The fulfilment house operator's liability would be limited to tax liabilities arising after the point the operator knew or had reasonable grounds to suspect that the tax had not been accounted for.
- 4.23 When the government made online marketplaces jointly and severally liable for any unpaid VAT from overseas sellers on their platforms in 2018, they obligated the online marketplace to check that the trader was registered for VAT. The government does not intend to introduce this same requirement for Plastic Packaging Tax when it commences in 2022 but may revisit this in the future if a requirement for increased due diligence from fulfilment house operators becomes necessary.
- 4.24 Taxable persons who are overseas present a particular compliance challenge for HMRC. The government believes that making third-party online marketplace and fulfilment house operators joint and severally liable would significantly lower the risk of non-compliance from overseas businesses.

Question 12. Are the proposals for joint and several liability reasonable? If not, please say why?

Question 13. Do you envisage any problems with extending joint and several liability to online marketplaces and fulfilment house operators who knew, or had reasonable grounds to suspect that the tax had not been accounted for on sales made through their platform?

Question 14. Will extending joint and several liability to third-party fulfilment house operators and online marketplaces be sufficient to deter overseas sellers from non-compliance with the tax? If not, what other steps should HMRC consider?

5. Excluding small operators ('de minimis')

The government wants to ensure that the administrative burdens for businesses manufacturing and/or importing small amounts of plastic packaging, and the costs of administering and collecting the tax, are not disproportionate to the environmental harms the tax seeks to address. To achieve this, the government proposed in the previous consultation that only businesses over a minimum threshold, or a 'de minimis', would be in scope of the tax. This chapter sets out more detail on the government's de minimis proposals.

Approach to de minimis

- 5.1 At Budget 2020, the government announced the de minimis will be based on weight and set at 10 tonnes. This means if an operator manufactures and/or imports 10 tonnes or more of plastic packaging within a 12 month period they become liable for the tax. By taking this approach, the government believes the vast majority of plastic packaging will be retained within the scope of the tax whilst limiting the disproportionate burden on business. It also limits the costs of administering and collecting the tax, which may outweigh the tax revenue. In the previous consultation, the government set out three threshold options; respondents' views on these were mixed with no clear preferred option. The government has since concluded two of the previously proposed options - a dual threshold based on turnover and manufacture and/or importation weight, and universal relief on the first portion of chargeable packaging - are not as closely aligned with the environmental rationale of the tax as one based on weight. For example, further industry research has indicated that business turnover does not always correlate with the tonnage of plastic packaging manufactured and/or imported and so cannot be used as a reliable proxy.
- 5.2 The government still expects operators below the de minimis to work towards increasing the recycled plastic content in their packaging, particularly if as their businesses grow, they become liable to the tax in the future. We will continue to work with Defra to understand how their reforms to the packaging producer responsibility regulations will work in relation to the de minimis of the tax.

Tax avoidance risks

- 5.3 The previous consultation outlined the risk of disaggregation, where businesses artificially split to form smaller companies each with their own de minimis threshold. To tackle this risk, the previous consultation proposed making provisions to ensure that all connected companies (using the 'connected persons' definition set out in section 1122 of the Corporation Tax Act 2010) are treated as a single entity when determining whether they are able to benefit from the de minimis. The government intends to take this proposal forward. Further information on the approach to connected companies can be found in chapter 8.

Packaging to be included in de minimis calculation

- 5.4 The government proposes that businesses calculating their tonnages for the purposes of the de minimis will need to include all plastic packaging whether it is:

- Above or below 30% recycled plastic content
- Destined for subsequent export
- Within the scope of the proposed medical exemption

5.5 This should provide simplicity and recognises that at manufacture and disposal, all packaging is equally environmentally harmful.

5.6 The government is not proposing businesses include:

- Transport packaging brought into the UK applied on imported goods (Chapter 3)
- Packaging relating to goods whilst they are covered by customs procedure, i.e. before they have entered free circulation (Chapter 4)

Record keeping

5.7 In keeping with the aim to minimise burdens on businesses below the de minimis, the government proposes that only businesses above the threshold will be legally required to maintain records of plastic packaging tonnage and recycled plastic. The government recognises that small businesses under the de minimis, particularly those potentially liable for imported plastic packaging, may not have information on packaging volumes as part of their normal business practice. To assist businesses with estimating whether their tonnage is over the de minimis threshold, the government intends to provide:

- Guidance of what 10 tonnes of plastic packaging looks like in practice, across a range of packaging types
- An online calculator that uses a 'representative sample' of packaging, for example, the packaging for the most commonly imported products. The calculator will help estimate what volume of imports of that product equates to 10 tonnes of packaging. Businesses can then use this estimate to establish if they are likely to be close to the de minimis and thus need to take further action
- Guidance recommending how often businesses should check their tonnages for ongoing assurance of whether they are above the de minimis

5.8 The guidance will recommend that businesses who estimate their tonnage to be below the de minimis retain evidence of their calculations. While this record keeping will not be mandated, where businesses can show they have taken reasonable care in calculating that they are below threshold, HMRC will take this into account when considering any penalty if they were later found to be over the de minimis.

Calculating the de minimis

5.9 Some taxes that have a de minimis threshold use a 'forward' and 'backward' look test, including VAT and the Soft Drinks Industry Levy. These tests stipulate the period over which the de minimis threshold should be considered, and when registration comes into effect once either test is met. For Plastic Packaging Tax, the government proposes to apply the de minimis as follows:

- a. Backward look: applies on a rolling past 12 month basis. Businesses who are unsure whether they fall below de minimis when looking over the past 12 months should use the guidance and tools set out above. Depending on the initial estimate, HMRC recommends:

- I. Where the estimate is 9 tonnes or under: repeat check either two yearly (under 7.5 tonne estimate) or annually (7.6 to 9 tonnes). However, businesses should repeat the check earlier if circumstances change which mean they may be over the de minimis.
- II. Where the estimate is 9 to 9.9 tonnes: monitor and keep up to date records of total tonnage of plastic packaging, but with no requirements to retain evidence of recycled plastic content. The latter is only required if the 10 tonne threshold is met.

Where the total plastic packaging manufactured and/or imported in the past 12 months is 10 tonnes or greater, the date of liability to be registered is the first day of the second month after their total plastic packaging met the threshold. For example, where a business goes over the 10 tonne threshold on 15 December, their date of registration will be 1 February.

- b. Forward look: a business will come within the scope of the tax if at any time they expect the amount of plastic packaging manufactured and/or imported in the next 30 days alone will be 10 tonnes or greater. Where this test is met, the date of liability to be registered is the date when they first formed that expectation. As before, businesses can use the guidance and tools set out above to help determine if they exceed de minimis on a forward look.

Question 15. Do you agree with the proposed guidance and tools to help business determine if they are above or below the de minimis? What other help could the government provide?

Question 16. Do you agree with the approach to record keeping for businesses below de minimis? If you disagree, please suggest what alternative approaches would be more appropriate and why.

Question 17. Do you agree with the proposed forward and backward look test to apply the 10 tonne threshold? If you disagree, please suggest what would be more suitable and provide evidence to support your view.

6. Evidence requirements

This chapter sets out the government's updated proposals to help businesses fulfil their Plastic Packaging Tax obligations and safeguard the tax from avoidance and evasion.

- 6.1 In the previous consultation, the government proposed to align the reporting requirements with existing business records where they are sufficient, and that it would consider additional measures to ensure compliance. The majority of respondents who expressed a view on the government's approach to compliance thought that it was proportionate and appropriate. Many respondents agreed that businesses should be required to conduct due diligence and maintain records to evidence the levels of recycled plastic in their packaging.

Records and evidence taxable businesses will need

6.2 Businesses will need to hold evidence of:

- The total weight of all plastic packaging manufactured in and imported into the UK excluding packaging which is used to transport imported goods and any packaging before it is in free circulation
- The proportion of recycled plastic as a percentage of total plastic by weight
- Whether the packaging is predominantly plastic by weight
- How the packaging meets the conditions for an exemption (where relevant)
- The date the packaging was manufactured, imported into free circulation, exported or removed from a Registered Export Premises for use in the UK

6.3 Businesses already obligated under the Packaging Recovery Note system will already hold some of this information and will also be able to use it for the purposes of the tax.

Calculating the proportion of recycled plastic

6.4 Feedback from the previous consultation suggested that the mass balance calculation is a commonly used recycled plastic calculation method, both domestically and internationally. As the mass balance approach can be calculated using different formulas, the government's preferred approach is that businesses use the following formula:

$$\text{Recycled plastic content \%} = \frac{\text{mass of recycled plastic}}{\text{mass of all plastic inputs}} \times 100$$

6.5 Businesses will need to calculate the proportion of recycled plastic based on a production run or units that are produced continuously by a single production line. For a production run, all packaging manufactured should be uniform in weight and recycled plastic calculated as an average across the output. For imports, this evidence will need to be sought from the overseas manufacturer.

6.6 To ensure a level playing field for businesses, the government is seeking views on whether it would be reasonable to stipulate that a mass balance approach must be used for the purposes of calculating Plastic Packaging Tax liability. If other methods can be demonstrated to calculate the recycled plastic content accurately, the

government may consider having a small number of other approved calculation methods.

Question 18. Do you agree with the government's proposal to restrict calculations of recycled plastic content to approved methods? If not, please explain why. What methods other than the proposed mass balance approach should be considered?

Question 19. Where businesses are importing plastic packaging with at least 30% recycled content, will it be feasible for them to obtain the mass balance evidence from overseas manufacturers? What other ways could importers demonstrate the proportion of recycled plastic?

Evidence of recycled plastic content

6.7 All packaging within the scope of the tax will be presumed to contain less than 30% recycled plastic unless it can be proved otherwise with sufficient evidence. The government understands that in some cases, businesses currently keep records to show the levels of recycled plastic in their packaging, particularly in sectors such as food and cosmetics where packaging is regulated. Documents currently used for this include production specifications, contracts, production certificates, purchase orders and sales invoices. Some businesses already audit their supply chains to national and international standards, and where this is the case, HMRC will recognise these audits as evidence for Plastic Packaging Tax calculations unless errors in the underlying calculations are found (see further detail at paragraph 6.15).

Calculating the weight of the packaging

6.8 When businesses report their liability, they will need to know the total weight of packaging they manufactured and imported within the relevant period. The government recognises that it would be unreasonable to require businesses to weigh each individual item of packaging.

6.9 The government proposes that businesses should carry out tests on their liable packaging to know its average weight and that many businesses already calculate the weights of their products. They can then use this average weight when calculating their liability from a given production run.

Question 20. Do you agree with the government's proposed method for calculating the weight of the packaging? If not, please explain why and how you would calculate it.

Evidence of the weight of the packaging

6.10 In the first instance, it will be for businesses to evidence their tonnage of plastic packaging they have manufactured or imported. To assure that the tonnage has been correctly calculated, HMRC will have the power to cross-check the information declared with other government departments. For example, checking the details of packaging declared under the packaging producer responsibility scheme.

6.11 The government proposes that HMRC will have power to make a best judgement assessment of the weight and where reasonable, inspect the packaging and arrange

for a sample of the packaging to be weighed. Where this is not possible, HMRC could make an estimate, for example, by comparing the weight of similar packaging.

- 6.12 If the tonnage claimed leads to an understatement of tax, an assessment of the liability will be made.

Predominantly plastic by weight

- 6.13 Where packaging is not declared as predominantly plastic but HMRC officers have reason to believe this is incorrect, businesses will need to provide evidence to demonstrate the materials used in the manufacture of the packaging and their calculations of the relevant proportions.

- 6.14 Where sufficient information cannot be provided, HMRC officers will make a reasoned judgement based on information at their disposal relating to similar packaging.

Types of evidence businesses could provide

- 6.15 The government understands that businesses may hold a wide variety of evidence now to demonstrate their recycled plastic content and calculations of tonnage, so will not prescribe exactly what evidence businesses should provide. The government envisages that businesses could draw on multiple documents from the list below, or others if they decide they are more suitable:

Product specification	Manufacturers, and in some cases importers, should have agreed a product specification with a buyer. This could help evidence the proportion of recycled plastic, weight of the packaging, whether it is predominantly plastic, or is exempt from the tax.
Contracts	Contracts should refer to the product specification and evidence the quantity of plastic packaging. This could help evidence the proportion of recycled plastic, weight of the packaging, whether it is predominantly plastic, or is exempt from the tax.
Production certificates and certificates of conformity	These certificates should demonstrate the physical inputs and outputs of each production run. This could help evidence the proportion of recycled plastic in the packaging.
Business accounting systems	There may be a high level of traceability through internal accounting systems. The accounting system should track the recycled plastic through the manufacturing process. This could help evidence all information that HMRC require.
Accreditations and international standards	Accreditation bodies such as the International Organization for Standardization (ISO) or the British Retail Consortium (BRC) use a number of standards; we recognise that some international standards require businesses to be able to trace the level of recycled plastic in their packaging. This could help evidence the proportion and source of recycled plastic, weight of the packaging, whether it is predominantly plastic, or is exempt from the tax.
Quality Assurance audits	Quality Assurance audits (either internally or by reputable third-parties) can demonstrate the level of recycled plastic and the

	weight of the packaging. This could also help evidence whether packaging is predominantly plastic, or if it is exempt from the tax.
Sales and purchase invoices	Invoices may reflect the quantities of the packaging supplied, weight of the waste, recycled plastic feedstock, date of sale and tax paid by the taxable person. The date of sale could help evidence the date the packaging is imported or manufactured.
Environmental Agency etc. accreditation and equivalent approvals from other bodies.	Businesses can obtain permits or exemptions for reprocessing waste to create recycled material from the Environment Agency, Natural Resources Wales, the Northern Ireland Environment Agency and the Scottish Environmental Protection Agency. Where reprocessors of waste claim a credit note under the Packaging Recovery Note scheme, they are required to register with the relevant environmental protection agency. Businesses who manufacture plastic packaging could check that the recycled plastic comes from a registered reprocessor. This could help to evidence the source of recycled plastic in the packaging. There are equivalent international accrediting bodies who may be used by imports of recycled plastic; these will be considered on a case by case basis. However, the accreditors will not have an active role in assuring the tax.

6.16 For imported packaging, taxable persons will need to provide evidence generated by the overseas manufacturer of the packaging, or evidence that the taxable person or a competent third-party has audited the supply chain on their behalf. This evidence could include any of the evidence in the table above.

6.17 The government welcomes views on whether there are any issues with providing this evidence of recycled plastic and tonnage, and whether there are any additional documents that could be used to evidence recycled plastic in packaging or other information required by HMRC.

Question 21. Are the types of evidence within the government’s list appropriate for proving recycled plastic content and the other information required by HMRC? Are there any additional sources of evidence which could be used? If so, please provide details.

Due Diligence

6.18 Taxable businesses will be expected to carry out due diligence on their supply chains and processes which form the basis of the calculations underpinning their Plastic Packaging Tax returns. The following are examples of the due diligence businesses could undertake:

- Where a manufacturer purchases recycled plastic, they should check whether their supplier is an accredited waste reprocessor
- Where someone is offering recycled plastic for a price which is unrealistically low, given market conditions at the time, the purchaser may want to consider whether it is genuine recycled plastic

- A manufacturer of plastic packaging could intermittently check that the level of virgin plastic and recycled plastic in each product run is consistent and should have sufficient checks in place to ensure that the final product matches the product specification
- A manufacturer could take samples from production lines and weigh the packaging to check that the average weight of the samples is the same as the declared weight of the packaging
- If a business imports unfilled packaging, they will be able to weigh samples of the packaging in the same way as domestic manufacturers

6.19 The government will work with industry to identify whether there are any other new or existing due diligence checks which would help ensure packaging matches the product specification. This will help the government to draft guidance for businesses, so they are equipped to protect themselves from substandard materials and make it harder for rogue traders to undercut legitimate businesses.

Question 22. What further due diligence could businesses reasonably conduct to ensure their products meet the relevant specifications for tonnage and recycled plastic?

7. Exports

This chapter sets out the government's updated approach for exports of plastic packaging. As set out in the government's initial consultation, UK manufacturers will not be disadvantaged because exported plastic packaging will be relieved from the tax.

Treatment of exports

7.1 The government's initial proposal was that packaging directly exported by the taxable person would never become liable to the tax, and a tax credit would be available to the taxable person where the tax had been paid prior to export. Over half those who responded to the question agreed with the government's proposals, though some noted that the requirements for the credit scheme may make it difficult to use in practice.

Direct exports

7.2 The government is exploring whether it will be possible to exempt exports made directly by the manufacturer or the importer before the tax has been triggered. The government will use the consultation period to better understand how plastic packaging for 'direct export' is commissioned and how it aligns with the 'commercial exploitation' criteria set out in chapter 4. Views are also welcome on what evidence businesses could produce prior to the tax being charged to show that packaging will be exported.

Registered Export Premises (REP) scheme

7.3 The government has considered the difficulty some businesses might have claiming a credit for exported goods on which tax would ordinarily be paid. In response, the government proposes allowing plastic packaging which at the point the tax is due, is known to be destined for export by someone other than the manufacturer or importer (an 'indirect export') to move through the supply chain with the tax suspended. This should reduce the number of instances where a credit will be necessary.

7.4 The scheme, which will be known as the "Registered Export Premises" (REP) scheme, will allow the plastic packaging to be transferred under tax suspension from one REP to another until the plastic packaging is exported. It will also allow activities such as pack-filling and labelling to be done to the goods in REPs without the tax becoming due. Businesses and goods within the REP scheme will be subject to a number of controls and conditions.

7.5 Tax on plastic packaging will only be suspended in the following circumstances:

- A business possesses an order or contract to supply an overseas customer
- Businesses suspend tax for packaging manufactured or imported to be exported in line with continuing contracts on the assumption those contractual obligations will continue.

7.6 In practice, this means that tax can be suspended for plastic packaging which is manufactured or imported to fulfil an existing export contract. Operators of a REP will need to have evidence of these contractual arrangements before the tax can be suspended.

- 7.7 To operate a REP, businesses will need to register with HMRC in advance of receiving any plastic packaging. The REP operator must be able to distinguish between packaging held in tax suspension, non-taxable packaging, and tax paid plastic packaging, although packaging in each of those packaging types does not need to be held in a physically separate location or space.
- 7.8 There is no limit to the number of REPs that plastic packaging can pass through prior to export. However, the government expects plastic packaging held in tax suspension will be exported within 6 months and welcomes views on this proposed duration.
- 7.9 Operators of a REP will be required to keep sufficient records to identify the relevant plastic packaging, the tax liability that would otherwise become chargeable, and the date that the plastic packaging was placed in and removed from each REP.
- 7.10 Where there is a change of intention and goods are diverted onto the UK market the tax suspension will cease and the REP operator will be required to notify the manufacturer or importer who first placed the goods into tax suspension. That manufacturer or importer will then be required to pay the tax on this plastic packaging.
- 7.11 The government wishes to prohibit the act of speculatively including plastic packaging in REPs and so will require evidence, such as contractual documentation, to demonstrate the intention to export. In certain circumstances REP operators may be held as jointly and severally liable, detail of this can be found in chapter 4. The government welcomes views on whether this new system of supply chain control where goods are going to be exported would be preferable to only allowing relief for indirect exports through a credit scheme.

Tax credits

- 7.12 Plastic packaging which has passed a tax point but is subsequently exported may qualify for a tax credit. Only the original taxable person will be able to claim this credit, providing they have sufficient evidence to support their claim. Information will therefore need be passed from the exporter to the taxable person. It will be for businesses to agree arrangements for the sharing of information within the supply chain.
- 7.13 The tax credit can be used to offset Plastic Packaging Tax payable in the tax period that the packaging is exported or a subsequent period.

Transport packaging on export

- 7.14 Just as with packaging used to facilitate the transport of imported goods, the government is aware of the difficulty of tracking and evidencing transport packaging on goods for export. Industry engagement suggests that packaging can be applied and removed through the supply chain, for example by transporters while goods are in transit, and as goods are disaggregated and re-aggregated within warehouses and factories.
- 7.15 If transport packaging was allowed to enter a REP with the tax suspended, each time this packaging was removed it would create a taxable event, and the REP operator would need to report to the original manufacturer or importer that tax was due. Likewise, it would not be feasible for HMRC to assure the provenance of transport packaging at export for the purposes of a credit claim given the lack of knowledge and

documentation. Therefore, the government does not propose allowing relief for transport packaging used on exports but welcomes views on a different approach where exported transport packaging could be offered relief, particularly where it is used on direct exports.

Question 23. Are there any observations or issues you can see with the government's proposals to provide relief for exported plastic packaging through direct exports, REPs and tax credits? Please provide details of any alternative methods of relieving exports you would recommend.

Question 24. Do you agree with the proposed information requirements to evidence the proposed export reliefs? If not, please explain how you could evidence the export.

Question 25. Do you agree with the proposal not to relieve transport packaging used on exports? If not, do you have any suggestions on how transport packaging could be offered relief?

8. Registration, returns and enforcement

This chapter sets out the registration and returns requirements for the tax, and the compliance and enforcement regime HMRC will operate to ensure a level playing-field for all.

- 8.1 From April 2022, UK manufacturers and importers of plastic packaging who exceed the 10 tonne de minimis threshold as set out in chapter 5 will need to account for the tax. In advance of April 2022, HMRC will provide support and guidance for businesses, and the portal to register for the tax will be open in good time to enable business to set up for the commencement.
- 8.2 In the previous consultation, the government proposed that manufacturers and importers would be required to register for the tax and file returns on information related to their liable packaging on a 'digital by default' basis. The majority of respondents to the consultation agreed with these proposals. The government has considered the views for alignment with existing tax regimes as well as the packaging producer responsibility scheme, though recognises alignment with both of these will not always be possible. This consultation builds on these proposals to set out further detail on how the system will work.
- 8.3 HMRC will have the powers necessary to ensure compliance, as well as appropriate sanctions for non-compliance.

Registration process and requirements

- 8.4 When registering for the tax, a responsible person in the business will be required to provide certain information, which may include:
- the name and address of the business
 - their VAT or Corporation Tax number, if applicable
 - the tonnage of plastic packaging manufactured or imported in last 12 months
 - the responsible person at the business
 - addresses of sites where packaging is manufactured, and where packaging is imported to
 - addresses of premises they want to register as Registered Export Premises
 - their bank details
 - a Packaging Recovery Note producer registration number if the business has one
- 8.5 Businesses who manufacture or import plastic packaging in quantities which fall under the 10 tonne de minimis threshold will not be required to register. Businesses close to the de minimis threshold will be expected to monitor their manufacture and import tonnages and will be required to register if they exceed the de minimis, as explained in chapter 5.
- 8.6 Businesses who have Registered Export Premises (REPs) but who do not have to register for any other purposes will only be required to register their REPs. Further details on REPs can be found in chapter 7.

Question 26. Do you consider these registration requirements to be appropriate? If not, please specify why.

Group registrations

- 8.7 In the previous consultation, some respondents suggested that the government consider group registrations to make the reporting requirements less burdensome. Following consideration of these views, the government proposes to permit group registrations, which would allow two or more businesses within a corporate structure to register for the tax as a single taxable person.
- 8.8 Groups must nominate a 'representative member' to file a single return and make a single payment for each period on behalf of all members. Members of a group are jointly and severally liable for the debts of all members. More information about joint and several liability can be found in chapter 4.
- 8.9 The eligibility conditions for forming a group have been based on those used in other indirect taxes and will be as follows:
- Group members must be corporate bodies
 - An entity may not be a member of more than one group at any one time
 - The representative member of the group must be UK-resident or have a permanent establishment in the UK
 - All members should be under common control for the purposes of the [Companies Act 2006](#).
- 8.10 Under the last condition above, all members of a group will be 'connected' for the purposes of the de minimis test outlined in chapter 5. Therefore, the group will share a single de minimis threshold.

Question 27. Do you agree that the group eligibility criteria are appropriate? If not, please specify why.

Question 28. In your view, are businesses eligible to form a group likely to make use of this facility? If so, please estimate the value of savings that may be offered by registering and reporting as a group.

Deregistration

- 8.11 Manufacturers or importers will be able to deregister when they stop producing or importing plastic packaging, or when they fall below the de minimis threshold for 12 months as set out below.
- 8.12 Businesses who exceed the de minimis threshold and register for the tax will be required to remain registered for at least 12 months. If they then fall below the de minimis threshold they will have to provide HMRC with nil returns for a period of time, after which they can apply to be deregistered. The business will need to demonstrate that they have been operating below the de minimis threshold for a continuous 12 month period, at which point they can deregister. A business falling below the de minimis threshold will not be entitled to repayments of the tax paid during the period they were above the de minimis threshold.

Question 29. Do you agree that these deregistration requirements are appropriate? If not, please specify why.

Filing returns and other requirements

- 8.13 Once registered, businesses will be required to submit a quarterly tax return online. This is similar to existing tax regimes, such as the Soft Drinks Industry Levy. This will include information about the plastic packaging manufactured or imported during the relevant period, the tax to be paid, and details of any exemptions or credits the taxable person is claiming. Businesses will be required to make an electronic payment of the tax due.
- 8.14 Businesses will be required to return details of the plastic packaging they have manufactured and/or imported and show how much tax is due. This will include the following:
- the tonnage of liable packaging manufactured in the UK
 - the tonnage of liable packaging imported into the UK
 - the tax liability of the packaging
- 8.15 In order to qualify for exemptions, businesses will need to report on:
- the tonnage of liable packaging exported from the UK
 - the tonnage of packaging they manufacture or import with more than 30% recycled content
 - the tonnage of any exempted packaging they manufacture and/or import

Question 30. In your view, will the reporting requirements be straightforward to comply with? If not, please provide details of any issues you expect.

Tax agents and intermediaries

- 8.16 The government is looking to understand instances where businesses use third-party agents and intermediaries to help meet their tax obligations, in particular where these third-parties file returns on behalf of the business. The government would like to hear directly from these third-party agents about the services they expect to provide to help their clients meet their obligations.

Question 31. Do you intend to use a third-party agent to help meet your obligations for the tax or are you an agent expecting to provide this service? Would you expect their responsibilities to include filing your returns?

Question 32. Please provide details of the expected costs to your business of registering for the tax, and any expected one-off and on-going costs of completing, filing and paying the return, excluding any expected tax liability.

Enforcement powers

- 8.17 In order to ensure compliance with the tax, HMRC will use enforcement and inspection powers that are currently used to administer other taxes. For example, by requiring businesses to provide HMRC with information and documents that can help to calculate the correct level of tax.
- 8.18 The powers will enable HMRC to challenge the content of a return, compulsory register a business, and assess for additional liability where appropriate. These powers were set out in the previous consultation.

Penalties

- 8.19 HMRC applies penalties to encourage people to meet their tax obligations. Penalties act as a sanction to those who do not meet their obligations and reassure those that do that they are not going to be disadvantaged. HMRC does not use penalties as a method of raising revenue but as a deterrent to those who fail to pay the right amount of tax or fail to comply with legal requirements required for the administration of the tax.
- 8.20 In the previous consultation, the government proposes to align with the penalties which are used more widely across HMRC regimes for breaches such as late registration, late filing, late payment, failure to provide information, failure to keep records and incorrect notifications. As respondents were supportive of this approach the government will pursue alignment with existing penalties as far as possible.
- 8.21 The government will consider introducing criminal offences for manufacturers and importers who are liable for the tax and who have failed to register or who are fraudulently evading the tax. Additional penalties and sanctions may include criminal prosecution and civil penalties. HMRC will not have powers to seize untaxed goods when the tax commences in April 2022, but the government may revisit this based on lessons learned from the initial implementation of the tax.
- 8.22 Where businesses do not agree with HMRC's decision to issue penalties or the decision to treat the plastic as taxable, HMRC's decision will be appealable.
- 8.23 Some tax and duty regimes require businesses to demonstrate they are sufficiently "fit and proper" before they can operate in a particular area, such as Excise warehousing. HMRC is considering how it could use evidence of repeated non-compliance across any taxes and duties to affect a person's approval to operate in other regimes. The government is exploring the application of 'tax conditionality' which would make the issuing and renewal of some other government licences or registrations conditional on tax compliance. This would mean that non-compliance in Plastic Packaging Tax could mean businesses have other approvals removed, which the government believes would be a strong deterrent to non-compliance. Consideration of 'conditionality' is ongoing.

Question 33. Do you consider that HMRC's approach to powers and penalties is appropriate? If not, please specify why.

9. Understanding commercial practices

The government welcomes the information provided by respondents to the previous consultation which provided vital detail and contributed to further policy refinement.

- 9.1 Recognising that some stakeholders may not have previously engaged with the consultation process for the tax, the government welcomes any further information which could be relevant to the design and implementation of the tax, now that further details have been set out. Please note that the tax rate of £200 per tonne and the 30% recycled plastic content are not within the scope of this consultation.

Question 34. Unless already covered in your responses to other questions within this document or the previous consultation, please tell us about the plastic packaging manufactured or imported by your business and how you think your business would be impacted by the tax, including additional administrative burdens?

10. Assessment of impacts

Summary of Impacts

Exchequer impact (£m)	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
	+/-	+/-	+/-	+240	+235	+220
Economic impact	<p>The tax will provide a clear economic incentive for businesses to use recycled material in their plastic packaging, which will create greater demand for this material and in turn stimulate increased levels of recycling and collection of plastic waste, diverting it away from landfill or incineration.</p> <p>This measure is not expected to have any significant macroeconomic impacts.</p>					
Impact on individuals, households and families	<p>This measure is not expected to impact individuals unless businesses pass on the charge. It is expected that if all the tax is passed on to individual consumers, the cost to consumers will be small as plastic packaging usually makes up a very small amount of the total cost of goods. On this basis we expect customer experience to stay broadly the same. There is not expected to be any impact on family formation, stability or breakdown.</p>					
Equalities impacts	<p>It is not anticipated that this measure will impact on groups sharing protected characteristics.</p>					
Impact on businesses and Civil Society Organisations	<p>This measure is expected to impact on up to an estimated 20,000 manufacturers and importers of plastic packaging. One-off costs include familiarisation with the new rules, training for staff, registration with HMRC, and developing the required reporting framework to complete tax returns. On-going costs could include completing, filing and paying tax returns, keeping appropriate records (including those required to claim the export credit), and amending returns. There will also be new registrations and de-registrations each year. Customer experience could be negatively impacted as this is a new tax that businesses will need to understand and comply with. However, to support businesses HMRC will develop clear guidance and other tools to help businesses understand and meet their obligations.</p> <p>It is expected that the impact on businesses will be significant and the overall impact will depend on the design of the tax. One of the intentions of this consultation is to gain a better understanding of these impacts.</p> <p>There is expected to be no impact on civil society organisations.</p>					

<p>Impact on HMRC or other public sector delivery organisations</p>	<p>HMRC expects to incur one-off capital costs to develop the system for collecting the tax. There will also be on-going resource costs for HMRC to implement this change, monitor compliance and meet customer service needs.</p> <p>HMRC will incur estimated costs of £6.59m developing a new IT system to support this tax, together with £11.36m in staff costs. There may also be extra costs incurred by the Ministry of Justice as a result of this new tax, which will be quantified in due course.</p>
<p>Other impacts</p>	<p>Justice Impact Test: In line with other taxes, there will be civil and criminal penalties for failing to comply with the tax, including penalties for failure to register, failure to file returns and failure to pay the tax. A full Justice Impact Test will be completed.</p> <p>Environmental impact assessment: The rationale of this tax aims to increase the use of recycled content in plastic packaging and it is anticipated that as a result of the tax there will be a significant increase in the amount of plastic packaging with greater than 30% recycled plastic. Recycled plastic has a carbon footprint that can be up to four times lower than that of virgin plastic. The policy may also help to divert plastics from landfill or incineration, and drive recycling technologies within the UK.</p> <p>Other impacts have been considered and none have been identified.</p>

Question 35. Do you have any comments on the assessment of equality and other impacts in the Tax Impact Assessment?

11. Summary of consultation questions

The scope of the tax – chapter 3

Question 1. Do you agree with the revised definition of plastic, which removes the ‘main structural component’ test and limits the exclusion to ‘cellulose-based’ polymers? Please outline your reasoning.

Question 2. Do you agree that packaging-type products that do not fulfil a packaging function until they are used by the end consumer should be included in the tax unless they are for longer term storage? Please outline your reasoning.

Question 3. Do you have any observations on the government’s proposed approach to excluding plastic packaging used to facilitate the transport of imported goods?

Question 4. Do you think it is feasible to provide evidence that packaging has been commissioned for use as immediate packaging for licensed human medicines at the time the tax is chargeable? If not, please explain why.

Question 5. Would the proposed exemption cause any market distortion or other unintended consequences? If yes, please provide more details.

Liability for the tax – chapter 4

Question 6. Do you agree the proposed charging conditions will ensure that the UK manufacturer of plastic packaging is liable for the tax? If not, please explain why.

Question 7. Do you foresee any issues for specific packaging components due to the proposed approach of disregarding further ancillary processes for the purposes of the tax? Please explain what these issues are.

Question 8. Do you have any observations on the proposed treatment of imports of plastic packaging, particularly linking the tax point to “first commercial exploitation” i.e. when it is controlled, moved, stored, is subject to an agreement to sell, or otherwise used in the UK in the course or furtherance of business?

Question 9. Do you agree the “consignee” on import documentation is likely to be the taxable person for imports of plastic packaging? In what scenarios might someone else be the person on whose behalf the plastic packaging is commercially exploited?

Question 10. Do you agree that packaging that is damaged after the tax has become due should not be relieved? If not, please explain why you think this packaging should be relieved.

Question 11. Do you foresee any difficulty or added costs with the proposal for the taxable person to incorporate the amount of Plastic Packaging Tax onto the sales invoice, and if so, could this information be provided to customers in any other way?

Question 12. Are the proposals for joint and several liability reasonable? If not, please say why?

Question 13. Do you envisage any problems with extending joint and several liability to online marketplaces and fulfilment house operators who knew, or had reasonable grounds to suspect that the tax had not been accounted for on sales made through their platform?

Question 14. Will extending joint and several liability to third-party fulfilment house operators and online marketplaces be sufficient to deter overseas sellers from non-compliance with the tax? If not, what other steps should HMRC consider?

Excluding small operators ('de minimis') – chapter 5

Question 15. Do you agree with the proposed guidance and tools to help business determine if they are above or below the de minimis? What other help could the government provide?

Question 16. Do you agree with the approach to record keeping for businesses below de minimis? If you disagree, please suggest what alternative approaches would be more appropriate and why.

Question 17. Do you agree with the proposed forward and backward look test to apply the 10 tonne threshold? If you disagree, please suggest what would be more suitable and provide evidence to support your view.

Evidence requirements – chapter 6

Question 18. Do you agree with the government's proposal to restrict calculations of recycled plastic content to approved methods? If not, please explain why. What methods other than the proposed mass balance approach should be considered?

Question 19. Where businesses are importing plastic packaging with at least 30% recycled content, will it be feasible for them to obtain the mass balance evidence from overseas manufacturers? What other ways could importers demonstrate the proportion of recycled plastic?

Question 20. Do you agree with the government's proposed method for calculating the weight of the packaging? If not, please explain why and how you would calculate it.

Question 21. Are the types of evidence within the government's list appropriate for proving recycled plastic content and the other information required by HMRC? Are there any additional sources of evidence which could be used? If so, please provide details.

Question 22. What further due diligence could businesses reasonably conduct to ensure their products meet the relevant specifications for tonnage and recycled plastic?

Exports – chapter 7

Question 23. Are there any observations or issues you can see with the government's proposals to provide relief for exported plastic packaging through direct exports, REPs and tax credits? Please provide details of any alternative methods of relieving exports you would recommend.

Question 24. Do you agree with the proposed information requirements to evidence the proposed export reliefs? If not, please explain how you could evidence the export.

Question 25. Do you agree with the proposal not to relieve transport packaging used on exports? If not, do you have any suggestions on how transport packaging could be offered relief?

Registrations, returns and enforcement – chapter 8

Question 26. Do you consider these registration requirements to be appropriate? If not, please specify why.

Question 27. Do you agree that the group eligibility criteria are appropriate? If not, please specify why.

Question 28. In your view, are businesses eligible to form a group likely to make use of this facility? If so, please estimate the value of savings that may be offered by registering and reporting as a group.

Question 29. Do you agree that these deregistration requirements are appropriate? If not, please specify why.

Question 30. In your view, will the reporting requirements be straightforward to comply with? If not, please provide details of any issues you expect.

Question 31. Do you intend to use a third-party agent to help meet your obligations for the tax or are you an agent expecting to provide this service? Would you expect their responsibilities to include filing your returns?

Question 32. Please provide details of the expected costs to your business of registering for the tax, and any expected one-off and on-going costs of completing, filing and paying the return, excluding any expected tax liability.

Question 33. Do you consider that HMRC's approach to powers and penalties is appropriate? If not, please specify why.

Understanding commercial practices – chapter 9

Question 34. Unless already covered in your responses to other questions within this document or the previous consultation, please tell us about the plastic packaging manufactured or imported by your business and how you think your business would be impacted by the tax, including additional administrative burdens?

Assessment of impacts – chapter 10

Question 35. Do you have any comments on the assessment of equality and other impacts in the Tax Impact Assessment?

12. About you

Businesses, organisations and individuals may have different perspectives, and we are interested in understanding the context of the answers you give to all the questions in this consultation. When responding to the consultation, please provide the following:

A1. Your name

A2. Your e-mail address

A3. Who are you submitting this response on behalf of? Please provide the name of the organisation/business you represent. (Please tick only one option. If multiple categories apply to you, please choose the one which best describes you and which you are representing in your response.)

- Business representative organisation/trade body
- Packaging designer
- Packaging manufacturer / converter
- Product manufacturer / pack filler
- Distributor
- Online marketplace
- Fulfilment house operator
- Retailer
- Plastic packaging importer
- Plastic packaging exporter
- Waste Management Company
- Re-processor
- Local government
- Community group
- Non-governmental organisation
- Charity or social enterprise
- Consultancy
- Academic or research
- Individual
- Other
- If you answered 'Other' above, please provide details

A4. If you are in business, where is your business established?

- England
- Scotland
- Northern Ireland
- Wales
- Isle of Man
- Other EU - please state
- Non EU - please state

A5. If you are in business, how many staff do you employ across the UK?

- Fewer than 10

- 10 - 49
- 50 - 249
- More than 249
- Prefer not to say

A6. Are you an obligated packaging producer under Producer Responsibility (Packaging Waste) Regulations in the UK?

A7. If you are a business that manufactures or imports plastic packaging, how many tonnes of plastic packaging do you manufacture or import annually?

A8. Please provide any further information about your organisation or business activities that you think might help us put your answers in context.

A9. Would you like your response to be confidential? Why? (Please note the information on confidentiality is on pages 43 and 44.)

13. The consultation process

This consultation is being conducted in line with the Tax Consultation Framework. There are 5 stages to tax policy development:

- Stage 1 Setting out objectives and identifying options.
- Stage 2 Determining the best option and developing a framework for implementation including detailed policy design.
- Stage 3 Drafting legislation to effect the proposed change.
- Stage 4 Implementing and monitoring the change.
- Stage 5 Reviewing and evaluating the change.

This consultation is taking place during stage 2 of the process. The purpose of the consultation is to seek views on the detailed policy design and a framework for implementation of a specific proposal, rather than to seek views on alternative proposals.

How to respond

A summary of the questions in this consultation is included at chapter 11.

The response template can be found on the gov.uk page <https://www.gov.uk/government/consultations/plastic-packaging-tax-policy-design>

Responses or enquiries should be sent by 20 May 2020, by e-mail to indirecttaxdesign.team@hmrc.gov.uk or by post to: Alex Marsh, 3rd Floor Ralli Quays, Stanley Street, M60 9LA.

Please do not send consultation responses to the Consultation Coordinator.

Paper copies of this document or copies in Welsh and alternative formats (large print, audio and Braille) may be obtained free of charge from the above address. This document can also be accessed from [HMRC's GOV.UK pages](#). All responses will be acknowledged, but it will not be possible to give substantive replies to individual representations.

When responding please say if you are a business, individual or representative body. In the case of representative bodies please provide information on the number and nature of people you represent.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018, General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that under FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with, amongst other things, obligations of confidence. In view of this it would

be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on HM Revenue and Customs.

Consultation Privacy Notice

This notice sets out how we will use your personal data, and your rights. It is made under Articles 13 and/or 14 of the General Data Protection Regulation.

Your Data

The data

We will process the following personal data:

Name
Email address
Postal address
Phone number
Job title

Purpose

The purpose for which we are processing your personal data is: The Plastic Packaging Tax Consultation.

Legal basis of processing

The legal basis for processing your personal data is that the processing is necessary for the exercise of a function of a government department.

Recipients

Your personal data will be shared by us with HM Treasury.

Retention

Your personal data will be kept by us for six years and will then be deleted.

Your Rights

- You have the right to request information about how your personal data are processed, and to request a copy of that personal data.
- You have the right to request that any inaccuracies in your personal data are rectified without delay.
- You have the right to request that any incomplete personal data are completed, including by means of a supplementary statement.
- You have the right to request that your personal data are erased if there is no longer a justification for them to be processed.
- You have the right in certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted.

Complaints

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113
casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

Contact details

The data controller for your personal data is HM Revenue and Customs. The contact details for the data controller are:

HMRC
100 Parliament Street
Westminster
London SW1A 2BQ

The contact details for HMRC's Data Protection Officer are:

The Data Protection Officer
HM Revenue and Customs
7th Floor, 10 South Colonnade
Canary Wharf, London E14 4PU
advice.dpa@hmrc.gsi.gov.uk

Consultation Principles

This call for evidence is being run in accordance with the government's Consultation Principles.

The Consultation Principles are available on the Cabinet Office website:
<http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

If you have any comments or complaints about the consultation process please contact:

John Pay, Consultation Coordinator, Budget Team, HM Revenue and Customs, 100 Parliament Street, London, SW1A 2BQ.

Please do not send responses to the consultation to this address.

Annex A: List of stakeholders consulted

The following businesses and organisations were consulted with during the previous consultation:

A Plastic Planet
Aerian
Aggregate Industries UK
Alliance for Beverage Cartons and the Environment
Amcor
Amey Plc
Anglian Water
Antrim and Newtownabbey Borough Council
Arc21
Ards and North Down Borough Council
Association of Accounting Technicians
Association of British HealthTech Industries
Association of Directors of Environment, Economy, Planning and Transportation
Association of Manufacturers of Domestic Appliances
Association of the British Pharmaceutical Industry
Basildon Borough Council
Bedford Borough Council
Benders Paper Cups
Bericap UK Ltd
Biffa
Bio-based and Biodegradable Industries Association
Birmingham City Council
Blackburn with Darwen Borough Council
Bolsover District Council
Boots UK
Borough of Pendle
BPIF Cartons
Braintree District Council
Broadland District Council
British Beer & Pub Association
British Brands Group
British Generic Manufacturers Association
British Plastics Federation
British Retail Consortium
British Soft Drinks Association
British Toy & Hobby Association
Britvic Plc
Broadland District Council
Bryson Recycling Ltd
Business In The Community

Cambridge County Council
Carlton Packaging
Cast Metals Federation
Castle Point Borough Council
Celebration Paper and Plastics Ltd
Central Bedfordshire Council
Charpak Ltd
Chartered Institute of Taxation
Chartered Institution of Wastes Management
Chemical Business Association
CHEP UK
Cheshire East Borough Council
Cheshire West and Chester Council
Chiltern, South Bucks and Wycombe District Councils
City of Bradford Metropolitan District Council
Coca-Cola
Comply Direct Ltd
Co-op
Cosmetic Toiletry and Perfumery Association
Costa Coffee
Council for Responsible Nutrition UK
Coveris
Cumbria County Council
Dairy UK
Danone UK & Ireland
David Rose Packaging Solutions
Delaware North UK
Deloitte
Derbyshire County Council
Devon Authorities Strategic Waste Committee
Devon County Council
Dover District Council and Folkestone & Hythe District Council
Dow UK Ltd
Dreamy Hollow Leisure Ltd
DS Smith plc
Durham County Council
East London Waste Authority
East Sussex County Council
Ecosurety Ltd
Elmbridge Borough Council
Environmental Industries Commission
Environment Links UK
Environmental Packaging Solutions
Environmental Policy Forum
Environmental Services Association
Epping Forest District Council
Epsom and Ewell Borough Council
Essex County Council

Faerch UK Ltd
Fareham Borough Council
Fauna and Flora International
FCC Environment
Fermanagh and Omagh District Council
Fidra
Fluid Technology Generation Ltd
Food and Drink Federation
Food Standards Agency
Foodservice Packaging Association
Fresh Produce Consortium
Frugalpac Ltd
FuturEcoLogic Ltd
Gaia Sustainable Retail Ltd
GlaxoSmithKline
Global Brands Ltd
Gloucester City Council
Grantham Centre for Sustainable Futures
Greater London Authority
Greater Manchester Combined Authority
Green Alliance
Greggs plc
Guildford Borough Council
Hampshire County Council
Harlow Council
Harrison Packaging
Harrogate Spring Water Ltd
Hertfordshire Waste Partnership
Huhtamaki
ICAEW
Iceland Foods Ltd
IG Design Group UK Ltd
Imerys
Industry Council for Packaging and the Environment
Innocent Drinks
Interlink Packaging (UK) Ltd
IVC Brunel Healthcare Ltd
J Williams & Associates
Japan Tobacco International
Joint Waste Solutions
Keco Ltd
Keep Britain Tidy
Kent Resource Partnership
Kettering Borough Council
Kirklees Council
Klöckner Pentaplast
KM Packaging Services Ltd
Law Society of Scotland

Lecher Coatings Ltd
Leeds City Council
Leicester City Council
Leicestershire County Council
Lewes District and Eastbourne Borough Councils
Lightweight Containers BV
Lincolnshire County Council
Lincolnshire Waste Partnership
Lisburn and Castlereagh City Council
Local Authority Recycling Advisory Committee
Local Government Association
London Borough of Haringey
London Borough of Havering
London Borough of Islington
London Borough of Merton
L'Oréal UKI
Luton Borough Council
Make UK
Mars
McDonald's
Medway Council
Merseyside and Halton Waste Partnership
Mid and East Antrim Borough Council
Mole Valley District Council
Molson Coors Brewing Company UK&I
Monmouth Town Council
Moores Furniture Group Ltd
Muller UK&I LLP
NACM CiderMakers Ltd
National Association of Waste Disposal Officers
National Office for Animal Health
Natural England
Natural Hydration Council
Nestlé UK & Ireland
New Forest District Council
Newcastle City Council
Norfolk County Council
Norfolk Waste Partnership
North East Derbyshire District Council
North London Waste Authority
Nottinghamshire County Council
Novamont SpA
Ocado Plc
Orsted UK
Oxford City Council
Oxfordshire County Council
Oxfordshire Environment Partnership
Packaging Scheme Forum

PAGB
Paper Cup Alliance
Peterborough City Council
Pippa Hill Sculpture
Plastic Energy Ltd
Plastic Oceans Foundation UK
Plymouth City Council
Policy Connect
Portsmouth City Council
Potato Processors Association Ltd
Premier Flexible Packaging
Princes Limited
Proctor and Gamble
Professional Publishers Association
Project Integra
Properpak Ltd
Pura Velo Ltd
Qeng Ho Ltd
R.H.Smith & Sons (Wigmakers) Ltd
Rainbow Cosmetics
Rebel Kitchen
RECOUP
Recycle-Pak (Scotland) Ltd
Recycling technologies
Reigate and Banstead Borough Council
REPIC Ltd
Resource Association
Richmond and Wandsworth Councils
Rotherham Metropolitan Borough Council
Royal Borough of Kingston Upon Thames
RPC Group Plc
RPC-BPI Recycled Products
Rutland County Council
Ryedale District Council
Sainsbury's Supermarkets Ltd
Sco-Fro Group Ltd
Seda UK
Sharp Interpack (Group Guillin)
Sheffield City Council
Smart Comply
Social Style Ltd
Sodexo
Somerset Waste Partnership
South Gloucestershire Council
South Lakeland District Council
South London Waste Partnership
South Norfolk Council
Southern Cross Packaging Ltd

Staeger Clear Packaging
SUEZ Recycling & Recovery UK Ltd
Surfers Against Sewage
Surrey Environment Partnership
Surrey Heath Borough Council
Synergy Compliance Ltd
The Automatic Vending Association
The Company Chemists' Association
The Decorative Panels Group
The Environment Exchange
The Independent Packaging Environment and Safety Forum
The Industrial Packaging Association
The International Meat Trade Association
The Joint Trade Association
The Packaging Federation
The Polymer Processing Research Centre
Tobacco Manufacturers Association
Torbay Council
Travis Perkins Plc
Trigon Snacks Trading Ltd
UK Chemical Industries Association
UK Environmental Law Association
Unilever UK & Ireland
Urology Trade Association
Valpak Ltd
Vegware
Viridor
Vitacress Ltd
Wastepack Ltd
Way to Eco Ltd
Wealden District Council
West London Waste Authority
Whitbread
Woking Borough Council
WRAP
WYG
Wyre Council
Your Ideal Business Partner
Zip-Pak (ITW UK Ltd)