

NATIONAL ENVIRONMENT PROTECTION MEASURE (USED PACKAGING MATERIALS) – APPLICATION THRESHOLDS

A variation to the National Environment Protection (Used Packaging Materials) Measure [herein referred to as 'the NEPM'] was accepted by the National Environment Protection Council (NEPC) on 1 July 2005. This variation reflects the National Packaging Covenant which was endorsed by NEPC on 1 July 2005 and commenced on 15 July 2005.

The NEPM applies to brand owners. Clauses 9 and 16 of the NEPM set out brand owners' obligations. Clause 11 sets out exemptions/deemed compliance that would release a brand owner from the obligations set out in Clauses 9 and 16.

In addition to Clause 11, Clause 12 of the NEPM states:

it is not the intention of Council that enforceable obligations will be placed on brand owners that do not significantly contribute to the waste stream.

In accordance with the *National Environment Protection Council Act 1994* (Commonwealth) and the corresponding Act in each jurisdiction, NEPC endorsed the following NEPM Application Thresholds on 23 June 2006:

1. Brand owners with an annual turnover¹ of \$5 million or greater in Australia will be subject to the NEPM obligations.
2. Brand owners with annual revenue of under \$5 million in Australia will be exempt from the NEPM obligations.

Refer to the NEPM for a full list of definitions for the terms referred to above. Copies of the NEPM are available from:

http://www.ephc.gov.au/pdf/upm/UPM_NEPM_varied_July_05.pdf

¹ The following definitions of turnover apply to the above thresholds, these definitions are consistent with those used by the National Packaging Covenant Industry Association (NPCIA) for determining industry contributions to Covenant funding arrangements.

Packaging User: total sales of packaged finished goods sold into the consumer marketplace in Australia, including industrial applications and sales for public events eg. for sporting events.

Wholesaler/Retailer: total sales of packaged finished goods.

Household Paper Supplier: total sales of paper products for household used by manufacturer or distributor of such products.