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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**The Packaging Waste (Data Reporting)  
(England) Regulations 2023**

**PART 1**

**General**

**Supply**

**10.**—(1) In these Regulations, a person “supplies” packaging or packaging materials if that person does any of the following, either themselves or through an agent acting on their behalf, in relation to packaging or packaging materials owned by that person—

- (a) selling, hiring out or lending;
- (b) providing in exchange for any consideration other than money;
- (c) providing in or in connection with the performance of any statutory function; or
- (d) giving as a prize or otherwise making a gift.

(2) Where the packaging or packaging materials are owned by a person who does not have a registered office or principal place of business in the United Kingdom, a supply takes place when a person who is established in the United Kingdom performs any of the functions in paragraph (1)(a) to (d) on behalf of the owner in relation to that packaging or packaging materials.

(3) Where the packaging is branded packaging, within the meaning of regulation 8(2), the brand owner is to be treated for the purposes of these Regulations as supplying that packaging even if the brand owner does not do any of the actions listed in paragraph (1) in relation to the packaging.

(4) Paragraph (3) does not apply in relation to—

- (a) any packaging which is imported into the United Kingdom by—
  - (i) an importer, unless the importer is acting as an agent for the brand owner; or
  - (ii) an online market operator;
- (b) any reusable packaging supplied by a service provider.