
DRAFT STATUTORY INSTRUMENTS

2023 No.

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

PART 1

General

Interpretation

2.—(1) In these Regulations, “the Waste Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste⁽¹⁾, as last amended by Directive (EU) 2018/851⁽²⁾, and as read in accordance with regulation 4.

(2) In these Regulations—

“the 2007 Regulations” means the Producer Responsibility Obligations (Packaging Waste) Regulations 2007⁽³⁾;

“approved person” means the person for the time being approved under regulation 24 for the purpose of verifying information provided by a producer—

(a) to the Environment Agency under regulation 17(4)(b); and

(b) to the operator of a scheme under regulation 19(2)(b)(ii);

“brand owner” has the meaning given in regulation 8(2);

“consumer” means an individual acting for purposes which are outside that individual’s trade, business, craft or profession;

“data collection obligations” means the obligations in regulation 16;

“data collection period” has the meaning given in regulation 16(7);

“data reporting obligations” means the obligations in regulation 17;

“disposal” has the meaning given in Article 3(19) of the Waste Directive;

“distributor” means a person who manufactures or imports unfilled packaging and supplies that packaging to another person;

“drink” has the meaning given in regulation 5;

“exempt packaging” means packaging which is exempt in relation to a producer in accordance with regulation 12(2);

“fibre-based composite material” means packaging material which is made of paperboard or paper fibres, laminated with plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand;

(1) OJ L312, 22.11.2008, p. 3.

(2) OJ L150, 14.6.2018, p. 109.

(3) S.I. 2007/871 amended by S.I. 2007/3538; 2010/675, 2849; 2012/360; 2013/1821, 7555; 2016/241, 696, 7338; 2018/721; 2019/188; 2020/387, 904, 1390.

“household packaging” has the meaning given in regulation 7;

“importer” means—

- (a) the person responsible for importing filled packaging into the United Kingdom, whether or not that packaging ends up being supplied, or
- (b) where the person referred to in paragraph (a) of this definition is not present in the United Kingdom, the first person in the United Kingdom who takes ownership of the packaging;

“large producer” means a producer who satisfies—

- (a) the criteria in regulation 11(1); or
- (b) the criteria in regulation 11(3);

“licence agreement” has the meaning given in regulation 9(3);

“licensee” has the meaning given in regulation 9(3);

“licensor” has the meaning given in regulation 9(1);

“online marketplace operator” means the operator of a website, or any other means by which information is made available over the internet, which facilitates the sale of goods through the website or other means by persons other than the operator, whether or not the operator also sells goods through the online marketplace;

“operator” in relation to an online marketplace, means the person who controls access to, and the contents of, the online marketplace provided that the person is involved in—

- (a) determining any terms and conditions applicable to the sale of goods;
- (b) processing, or facilitating the processing, of payment for the goods; and
- (c) the ordering or delivery, or facilitating the ordering or delivery, of the goods;

“packaging” has the meaning given in regulation 6;

“packaging category” means one of the categories referred to in regulation 6(4);

“packaging materials” means materials used in the manufacture of packaging and includes raw materials and processed materials prior to their conversion into packaging;

“packaging waste” means any packaging or packaging material which is waste, but does not include packaging which is discarded and becomes waste outside the United Kingdom;

“packer/filler” means a person who puts goods into packaging;

“premises” has the meaning given in regulation 9(3);

“primary packaging” has the meaning given in regulation 6(1)(a);

“producer” has the meaning given in regulation 8;

“pub operating agreement” has the meaning given in regulation 9(3);

“pub operating business” has the meaning given in regulation 9(2);

“recovery” has the meaning given in Article 3(15) of the Waste Directive;

“recycling” has the meaning given in Article 3(17) of the Waste Directive;

“registered scheme” means a scheme which is registered in accordance with the 2007 Regulations;

“relevant authority” means—

- (a) a waste collection authority;
- (b) a waste disposal authority;
- (c) the Council of the Isles of Scilly;

“relevant year” means a calendar year in respect of which a person is a producer;

“reuse” has the meaning given to it in Article 3(13) of the Waste Directive;

“reusable packaging” means packaging which has been designed to be used multiple times by being refilled or reused for the same purpose for which it was conceived;

“scheme” means a scheme which is (or if it were registered in accordance with the 2007 Regulations would be) a scheme whose members for the time being are, by virtue of Part 3 of these Regulations and their membership of that scheme, exempt from the requirement to comply with their data reporting obligations;

“secondary packaging” has the meaning given in regulation 6(1)(b);

“seller” means a person who supplies packaging to a user or a consumer of that packaging, whether or not the packaging has been filled at the time of the supply;

“service provider” means a person who supplies reusable packaging to a user of that packaging where the supply is made by hiring out or lending the packaging;

“shipment packaging” has the meaning given in regulation 6(1)(d);

“small producer” means a producer who—

- (a) satisfies the criteria in regulation 11(2), but not those in regulation 11(1); or
- (b) satisfies the criteria in regulation 11(4), but not those in regulation 11(3);

“tenant” has the meaning given in regulation 9(3);

“tertiary packaging” has the meaning given in regulation 6(1)(c);

“trade mark” has the same meaning as in the Trade Marks Act 1994(4) (see section 1 of that Act);

“turnover” means, in relation to a person, their turnover as defined in section 539 of the Companies Act 2006(5) but as if the references to a company were references to that person;

“UK regulator” means—

- (a) the Environment Agency;
- (b) the Natural Resources Body for Wales;
- (c) the Scottish Environment Protection Agency; or
- (d) the Department of Agriculture, Environment and Rural Affairs for Northern Ireland;

“waste” has the meaning given in Article 3(1) of the Waste Directive, read with Articles 5 and 6 of that Directive;

“waste collection authority” has the meaning given in section 30(3) of the Environmental Protection Act 1990(6);

“waste disposal authority” has the meaning given in section 30(2) of the Environmental Protection Act 1990.

(3) For the purposes of the definition of “online marketplace operator”, an online marketplace facilitates the sale of goods if it allows a person to—

- (a) offer goods for sale; and
- (b) enter into a contract for the sale of those goods.

(4) In these Regulations—

- (a) any document which is to be provided or given to any person may be provided or given to that person by electronic means if the document is capable of being reproduced by that person in legible form;

(4) 1994 c. 26. Section 1 was amended by S.I. 2018/825.

(5) 2006 c. 46. There are amendments to section 539 which are not relevant to these Regulations.

(6) 1990 c. 43. There are amendments to section 30 which are not relevant to these Regulations.

- (b) any requirement to make, keep or retain a record or to maintain a register may be satisfied in electronic form if the text is capable of being produced by the person subject to the requirement in a legible documentary form;
- (c) any requirement for a signature may be satisfied by an electronic signature incorporated into the document, and for these purposes, “electronic signature” means data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign.