
DRAFT STATUTORY INSTRUMENTS

2023 No.

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

PART 1

General

Establishment in England and the United Kingdom

3.—(1) In these Regulations, a person is established in—

(a) England if—

- (i) that person is habitually resident in England;
- (ii) the registered office of that person, or if they do not have a registered office, their head office, or principal place of business, is in England; or
- (iii) paragraph (2) applies;

(b) the United Kingdom if—

- (i) that person is habitually resident in the United Kingdom; or
- (ii) the registered office of that person, or if they do not have a registered office, their head office, or principal place of business, is in the United Kingdom.

(2) This paragraph applies if—

- (a) the registered office of that person, or if they have no registered office, their head office or principal place of business of that person is outside the United Kingdom;
- (b) the person has a branch or postal address in England; and
- (c) the person has not given notice to the Environment Agency under paragraph (3).

(3) Where a person to whom paragraph (2)(a) applies has a branch or postal address in England and in one or more other countries in the United Kingdom, that person may elect to be treated as established in one of those other countries instead of in England by giving notice to the Environment Agency.

(4) A notice given under paragraph (3) must specify the country in which the person giving the notice wishes to be treated as established for the purposes of these Regulations.

(5) When the Environment Agency receives notice of an election under paragraph (3), the Environment Agency must notify the UK regulator in the country specified in the notice.