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STATUTORY INSTRUMENTS

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**2007 No. 871**

**The Producer Responsibility Obligations  
(Packaging Waste) Regulations 2007**

**PART I  
GENERAL**

**Citation, commencement and extent**

- 1.—(1) These Regulations may be cited as the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 and shall come into force on the day after the day on which they are made.  
(2) These Regulations extend to Great Britain.

**Interpretation and notices**

- 2.—(1) In these Regulations—  
“the Packaging Waste Directive” means Council Directive [94/62/EC](#)(1) on packaging and packaging waste;  
[<sup>F1</sup>“the Waste Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste;]  
“the 1995 Act” means the Environment Act 1995(2); and  
“the 1990 Act” means the Environmental Protection Act 1990.  
[<sup>F2</sup>“PRONIR” means the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007;]  
(2) In these Regulations—  
“accredited exporter” means an exporter who is accredited by the appropriate Agency under regulation 24;  
“accredited reprocessor” means a reprocessor who is accredited by the appropriate Agency under regulation 24;  
“allocation method” means the method set out in paragraph 7 of Schedule 2 for calculating the recycling obligations of a small producer who has elected under regulation 7 to follow this method;  
[<sup>F3</sup>“appropriate [<sup>F4</sup>Agency]” means—  
(a) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate [<sup>F4</sup>Agency] in England, the Environment Agency;

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(1) OJNo. L 365, 31.12.1994, p. 10, as last amended by Council Directive [2005/20/EC](#), OJ No. L 70, 16.3.2005, p.17.  
(2) [1995 c. 25](#).

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- (b) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate [<sup>F4</sup>Agency] in Scotland, SEPA;
- (c) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate [<sup>F4</sup>Agency] in Wales, the Natural Resources Body for Wales;
- (d) for the purposes of any provision of these Regulations relating to the obligations of any other person—
  - (i) the Environment Agency, where at the beginning of the relevant year the person’s registered office or principal place of business is in England;
  - (ii) SEPA, where at the beginning of the relevant year the person’s registered office or principal place of business is in Scotland;
  - (iii) the Natural Resources Body for Wales, where at the beginning of the relevant year the person’s registered office or principal place of business is in Wales;
  - (iv) at the election of the person, the Environment Agency, SEPA or the Natural Resources Body for Wales, where at the beginning of the relevant year the person does not have a registered office or principal place of business in Great Britain;
  - (v) in relation to schemes, where there is more than one operator of a scheme and such operators have registered offices or principal places of business in England and in Scotland (but not in Wales)—
    - (aa) the Environment Agency where the operators have elected to apply for approval of the scheme from [<sup>F5</sup>that Agency]; or
    - (bb) SEPA where the operators have elected to apply for approval of the scheme from [<sup>F6</sup>that Agency];
  - (vi) in relation to schemes, where there is more than one operator of a scheme and such operators have registered offices or principal places of business in Wales and in Scotland (but not in England)—
    - (aa) the Natural Resources Body for Wales where the operators have elected to apply for approval of the scheme from [<sup>F7</sup>that Body]; or
    - (bb) SEPA where the operators have elected to apply for approval of the scheme from [<sup>F8</sup>that Agency];
  - (vii) [<sup>F9</sup>in relation to schemes, where there is more than one operator of a scheme and such operators have registered offices or principal places of business in England and in Wales (but not in Scotland)—
    - (aa) the Environment Agency, where the operators have elected to apply for approval of the scheme from that Agency; or
    - (bb) the Natural Resources Body for Wales, where the operators have elected to apply for approval of the scheme from that Body;]
  - (viii) [<sup>F9</sup>in relation to schemes, where there is more than one operator of a scheme and such operators have registered offices or principal places of business in England, in Scotland and in Wales—
    - (aa) the Environment Agency, where the operator has elected to apply for approval of the scheme from that Agency;
    - (bb) SEPA, where the operator has elected to apply for approval from that Agency; or
    - (cc) the Natural Resources Body for Wales, where the operator has elected to apply for approval from that Body;]]

“appropriate authority” means—

- (a) for the purposes of regulation 4(7)—
  - (i) the Secretary of State in relation to England;
  - (ii) the National Assembly for Wales in relation to Wales;
  - (iii) the Scottish Ministers in relation to Scotland;
- (b) <sup>F10</sup> .....
- (c) <sup>F10</sup> .....
- (d) for the purposes of any provision in these Regulations relating to the exercise of functions in respect of determining appeals against decisions of the Environment Agency <sup>F11</sup> ... , the Secretary of State; <sup>F12</sup> ...
- (da) [<sup>F13</sup>for the purposes of any provision in these Regulations relating to the exercise of functions in respect of determining appeals against decisions of the Natural Resources Body for Wales—
  - (i) where the decision was made prior to 1st October 2013, the Secretary of State;
  - (ii) where the decision was made on or after 1st October 2013, the Welsh Ministers;]
- (e) for the purposes of any provision in these Regulations relating to the exercise of functions in respect of determining appeals against decisions of SEPA, the Scottish Ministers;

[<sup>F14</sup>“approved person” means the person for the time being approved under regulation 34 for the purpose of—

- (a) issuing certificates of compliance under regulation 21 and signing the form referred to in regulation 7(4)(c) or (ca) or 19(2)(b) in relation to a particular producer; or
- (b) signing the form referred to in regulation 14(3)(c) and the statement referred to in regulation 22(4) in relation to a particular operator of a scheme;]

“calculation year” means the year preceding an obligation year;

“common database” means the electronic database held jointly by the Environment Agency and SEPA in which information under regulation 36(1) and (2) is placed.

“consumer information obligations” has the meaning given to it in regulation 4(4)(d);

“disposal” has the meaning given to it in Article 3(10) of the Packaging Waste Directive;

[<sup>F15</sup>“DOENI” means the Department of the Environment in Northern Ireland;]

“energy recovery” has the meaning given to it in Article 3(8) of the Packaging Waste Directive;

“exporter” means a person who, in the ordinary course of conduct of a trade, occupation or profession, owns and exports packaging waste for reprocessing outside the United Kingdom;

[<sup>F16</sup>“financial year” in relation to a person—

- (a) where the person is a company is determined as provided in section 390(1) to (3) of the Companies Act 2006; and
- (b) in any other case has the meaning given in section 390(4) of the Companies Act 2006, but as if the reference there to an undertaking were a reference to that person;]

[<sup>F17</sup>“marine installation” means any artificial island, installation or structure at sea, other than a vessel;]

“obligation year” means, for the purposes of this regulation and Schedule 10, a year in respect of which it is being considered whether a person is a producer;

“organic recycling” has the meaning given to it in Article 3(9) of the Packaging Waste Directive;

- “packaging” has the meaning given to it in Article 3(1) of the Packaging Waste Directive;
- “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” has the meaning given to it in Article 3(2) of the Packaging Waste Directive; but does not include packaging that became waste outside the United Kingdom;
- “partnership” has the meaning given in section 1 of the Partnership Act 1890(3);
- “PERN” means a packaging waste export recovery note issued by an accredited exporter on a form supplied to him by the appropriate Agency, as evidence of the export of the tonnage of packaging waste specified in the note for reprocessing outside the United Kingdom;
- “preceding year” means the year preceding a relevant year;
- “PRN” means a packaging waste recovery note issued by an accredited reprocessor on a form supplied to him by the appropriate Agency, as evidence of the receipt of the tonnage of packaging waste specified in the note for reprocessing within the United Kingdom;
- “producer” has the meaning given in regulation 4 and includes a small producer unless otherwise stated, and the classes of producer are those set out in column 4 of Table 1 in Schedule 1;
- “producer responsibility obligations” are the producer registration, recovery and recycling, certifying and consumer information obligations specified in regulation 4;
- “recovery” means any of the applicable operations provided for in [F18Annex II] to the Waste Directive and for the purposes of these Regulations incineration at waste incineration plants with energy recovery shall be treated as if it is recovery; and “recover” and “recovery operation” shall be construed accordingly;
- “recovery and recycling obligations” has the meaning given in regulation 4(4)(b);
- “recyclable material” means—
- (a) glass;
  - (b) aluminium;
  - (c) steel;
  - (d) paper/board;
  - (e) plastic; or
  - (f) wood,
- and packaging materials composed of a combination of any of those materials are to be treated as made of the material which is predominant by weight;
- “recycling” has the meaning given to it in Article 3(7) of the Packaging Waste Directive; and “recycle” shall be construed accordingly;
- “recycling obligations” means the obligation to recycle set out in regulation 4(4)(b)(ii);
- “relevant authorisation” means—
- (a) [F19a permit granted under regulation 13(1) of [F20the Environmental Permitting (England and Wales) Regulations 2010]] or [F21under the Pollution Prevention and Control (Scotland) Regulations 2012];
  - (b) [F22an authorisation granted under section 6 of the 1990 Act];
  - (c) [F22a waste management licence granted under section 36 of the 1990 Act; or]

- (d) [<sup>F23</sup>an exemption registered under [<sup>F24</sup>regulation 19 of the Waste Management Licensing (Scotland) Regulations 2011].]

[<sup>F23</sup>an exempt waste operation under [<sup>F20</sup>the Environmental Permitting (England and Wales) Regulations 2010] or any other operation exempt from the requirements of section 33(1)(a) and (b) of the Environmental Protection Act 1990 under those Regulations;]

“relevant date” means—

- (a) 7th April in the obligation year; or  
(b) where an application for registration is made in a circumstance set out in regulation 7(3), or as required by paragraph 10 of Schedule 10, the date of the application;

“relevant year” means the year referred to in regulation 4(2), that is to say a year in respect of which a person is a producer;

“reprocessing site” means a site at which reprocessing takes place;

“reprocessor” means a person who, in the ordinary course of conduct of a trade, occupation or profession, carries out one or more activities of recovery or recycling, and “reprocessing” shall be construed accordingly;

“reuse” has the meaning given to it in Article 3(5) of the Packaging Waste Directive;

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

“SEPA” means the Scottish Environment Protection Agency;

[<sup>F25</sup>“SIC code” means a code included in “Indexes to the UK Standard Industrial Classification of Economic Activities 2007” published by the Office for National Statistics in 2009;]

[<sup>F26</sup>“signatory” means a natural person who creates an electronic signature;]

“small producer” means a producer <sup>F27</sup>... whose turnover in the last financial year—

- (a) in respect of which audited accounts are available; or  
(b) where audited accounts are not required, in respect of which accounts are available, before the relevant date was £5,000,000 or less; and where audited accounts are required they shall be considered to be available when the annual accounts have been delivered to the registrar under [<sup>F28</sup>section 441 of the Companies Act 2006];

“transit packaging” means—

- (a) grouped packaging or secondary packaging, as defined in paragraph (b) in Article 3(1) of the Packaging Waste Directive; or  
(b) transport packaging or tertiary packaging as defined in paragraph (c) in Article 3(1) of the Packaging Waste Directive;

[<sup>F29</sup>“turnover” means, in relation to a person, their turnover as defined in section 539 of the Companies Act 2006 but as if the references to a company were references to that person;]

“year” means a calendar year beginning on 1st January.

- (3) Where—

- (a) notices are to be served on a producer under regulations 7(7)(a), 10 or 11(3);  
(b) information is to be provided by a producer under regulations 7 or 8;

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(c) fees are to be paid by a producer under regulation 9(2); or  
 (d) records and returns are to be maintained and furnished by a producer under regulation 20, they shall be served on, provided, paid, or maintained and furnished by, in the case of a partnership, a partner acting on behalf of the partnership, and references in these Regulations to the producer shall be read accordingly.

(4) Where there is more than one operator of a scheme—

- (a) notices to be served on the operator of the scheme under [<sup>F30</sup>regulation 13, 13A, 13B, 13C, 14 or 17] shall be served on the operator stated under regulation 14(3)(h);
- (b) where information is to be provided by the operator of the scheme under regulations 14 and 15, fees are to be paid by the operator of the scheme under regulation 16, records and returns are to be maintained and furnished by the operator of the scheme under regulation 22, and appeals may be made by the operator of the scheme under regulation 27, they shall be provided, paid, or maintained and furnished, and such appeals may only be made, by the operator stated under regulation 14(3)(h),

and references in these Regulations to the operator of the scheme shall be read accordingly.

(5) 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;
- (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
- [<sup>F31</sup>(d) “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;]

### Textual Amendments

- F1** Words in reg. 2(1) substituted (3.8.2016) by [The Waste \(Meaning of Recovery\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/738\)](#), regs. 1(1), 7
- F2** Words in reg. 2(1) inserted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), 3(a)
- F3** Words in reg. 2 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 4 para. 274\(2\)](#) (with Sch. 7)
- F4** Words in reg. 2(2) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), 3(b)(i)(aa)
- F5** Words in reg. 2(2) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), 3(b)(i)(bb)(i)
- F6** Words in reg. 2(2) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), 3(b)(i)(bb)(ii)
- F7** Words in reg. 2(2) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), 3(b)(i)(bb)(iii)
- F8** Words in reg. 2(2) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), 3(b)(i)(bb)(iv)
- F9** Words in reg. 2(2) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), 3(b)(i)(bb)(v)
- F10** Words in reg. 2(2) omitted (24.2.2016) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), 3(b)(ii)

- F11** Words in reg. 2(2) omitted (18.7.2013) by virtue of The Natural Resources Body for Wales (Consequential Provision) Order 2013 (S.I. 2013/1821), arts. 1(2), **23(2)** (with art. 24)
- F12** Word in reg. 2(2) omitted (18.7.2013) by virtue of The Natural Resources Body for Wales (Consequential Provision) Order 2013 (S.I. 2013/1821), arts. 1(2), **23(2)** (with art. 24)
- F13** Words in reg. 2(2) inserted (18.7.2013) by The Natural Resources Body for Wales (Consequential Provision) Order 2013 (S.I. 2013/1821), arts. 1(2), **23(3)** (with art. 24)
- F14** Words in reg. 2(2) substituted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **3(a)**
- F15** Words in reg. 2(2) inserted (24.2.2016) by The Producer Responsibility Obligations (Packaging Waste) (Miscellaneous Amendments) Regulations 2016 (S.I. 2016/241), regs. 1(b), **3(b)(iii)**
- F16** Words in reg. 2(2) substituted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **3(b)**
- F17** Words in reg. 2(2) inserted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **3(c)**
- F18** Words in reg. 2(2) substituted (S.) (27.3.2011) by The Waste (Scotland) Regulations 2011 (S.S.I. 2011/226), reg. 1(1), **Sch. para. 20(1)(a)**  
Words in reg. 2(2) substituted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), **Sch. 4 para. 23(2)(b)** (with regs. 2, 47(2))
- F19** Words in reg. 2(1) substituted (E.W.) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), reg. 1(1)(b), **Sch. 21 para. 52(2)** (with regs. 69-72)
- F20** Words in reg. 2(2) substituted (E.W.) (6.4.2010 immediately after S.I. 2009/3381 comes into force) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1), **Sch. 26 para. 35** (with reg. 1(2))
- F21** Words in reg. 2(2) substituted (7.1.2013) by The Pollution Prevention and Control (Scotland) Regulations 2012 (S.S.I. 2012/360), reg. 1(2), **Sch. 11 para. 17(2)** (with reg. 71)
- F22** Words in reg. 2(1) omitted (E.W.) (6.4.2008) by virtue of The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), reg. 1(1)(b), **Sch. 21 para. 52(3)** (with regs. 69-72)
- F23** Words in reg. 2(1) substituted (E.W.) (6.4.2008) by The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538), reg. 1(1)(b), **Sch. 21 para. 52(4)** (with regs. 69-72)
- F24** Words in reg. 2(2) substituted (S.) (27.3.2011) by The Waste (Scotland) Regulations 2011 (S.S.I. 2011/226), reg. 1(1), **Sch. para. 20(1)(b)**
- F25** Words in reg. 2(2) substituted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **3(d)**
- F26** Words in reg. 2(2) inserted (22.7.2016) by The Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 (S.I. 2016/696), reg. 1, **Sch. 3 para. 6(a)**
- F27** Words in reg. 2(2) omitted (26.11.2010) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **3(e)(i)**
- F28** Words in reg. 2(2) substituted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **3(e)(ii)**
- F29** Words in reg. 2(2) substituted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **3(f)**
- F30** Words in reg. 2(4)(a) substituted (24.2.2016) by The Producer Responsibility Obligations (Packaging Waste) (Miscellaneous Amendments) Regulations 2016 (S.I. 2016/241), regs. 1(b), **3(c)**
- F31** Words in reg. 2(5)(d) substituted (22.7.2016) by The Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 (S.I. 2016/696), reg. 1, **Sch. 3 para. 6(b)**

### Exclusion of charities from producer responsibility obligations

3. Parts II, III and IV of these Regulations do not apply to a charity within the meaning given in section 506 of the Income and Corporation Taxes Act 1988(4).

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