
STATUTORY INSTRUMENTS

2007 No. 871

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

PART II

PRODUCERS AND OBLIGATIONS

Producers and producer responsibility obligations

4.—(1) This regulation is subject to regulations 5, 37, 38 and 39 and Schedules 8, 9 and 10.

(2) In respect of a year a person is a producer of a class specified in an entry in column 4 of Table 1 in Schedule 1 if—

- (a) in that year and the preceding year he performs the relevant functions of the class of producer specified in Column 1 of that Table in relation to that entry;
- (b) in the preceding year he made supplies of the materials or products specified in Column 2 of that Table in relation to that entry of a class in Column 3 of that Table in relation to that entry; and
- (c) in relation to that year he satisfies the threshold tests as provided by paragraph 3 of that Schedule,

and the other provisions of that Schedule shall also have effect for the purposes of determining whether a person is a producer of any class.

(3) Where in respect of a year a person is a producer and satisfies the provisions of Columns 1 to 3 of Table 1 in Schedule 1 in relation to more than one class of producer specified in an entry in Column 4 of that Table, whether or not in relation to the same materials or products specified in Column 2 of that Table, or the same transaction or process, for that year that person belongs to each such class.

(4) A person who is a producer in respect of a year has producer responsibility obligations in respect of that year, that is to say he must—

- (a) be registered as provided in regulation 6 (in these Regulations referred to as the “producer registration obligation”);
- (b) where he is—
 - (i) a producer, other than a small producer who has elected to follow the allocation method, ^{F1}... recycle packaging waste in relation to each of the classes of producer to which the producer belongs, as calculated under Schedule 2; or
 - (ii) a small producer who has elected to follow the allocation method, recycle packaging waste as calculated under paragraphs 2, 7 and 8 of Schedule 2,(in these Regulations referred to as the “[^{F2}recycling obligations]”);
- (c) furnish a certificate of compliance in respect of his [^{F2}recycling obligations] in accordance with regulation 21 (in these Regulations referred to as the “certifying obligation”); and

- (d) if his main activity is that of seller, provide information to consumers of the goods sold by him about—
- (i) the return, collection and recovery systems available to them;
 - (ii) their role in contributing to the reuse, recovery and recycling of packaging and packaging waste;
 - (iii) the meaning of related markings on packaging that he places on the market and that relates to his [^{F2}recycling obligations]; and
 - (iv) the chapter dealing with the management of packaging and packaging waste in any strategy prepared under section 44A or 44B of the 1990 Act (national waste strategy), (in these Regulations referred to as the “consumer information obligations”).

(5) A producer may only demonstrate compliance with his [^{F2}recycling obligations] through the acquisition of PRNs or PERNs or both.

(6) A PRN or PERN that relates to packaging waste delivered or exported for reprocessing in December in a year may be relied on by a producer to demonstrate compliance with his [^{F2}recycling obligations] either in that year or the following year.

(7) The appropriate authority shall issue guidance as to the provision of information under paragraph (4)(d) above and shall take such steps as may be appropriate to ensure that users of packaging, including in particular consumers, obtain the necessary information about the matters referred to in paragraph (4)(d).

Textual Amendments

- F1** Words in reg. 4(4)(b)(i) omitted (S.) (1.1.2021) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) Amendment \(Scotland\) Regulations 2020 \(S.S.I. 2020/387\)](#), regs. 1(1), **2(4)**; (E.) (1.1.2021) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/1336\)](#), regs. 1(1), **2(4)**; and (W.) (1.1.2021) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/1390\)](#), regs. 1(1), **2(4)**
- F2** Words in Regulations substituted (S.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) Amendment \(Scotland\) Regulations 2020 \(S.S.I. 2020/387\)](#), **reg. 2(2)**; (E.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/1336\)](#), **reg. 2(2)**; and (W.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/1390\)](#), **reg. 2(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Producer Responsibility Obligations (Packaging Waste) Regulations 2007, Section 4.