

STATUTORY INSTRUMENTS

2023 No. 219

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.

[^{F1}(1A) In these Regulations, an importer is to be treated as “supplying” packaging or packaging materials which the importer imports into and discards in the United Kingdom.]

(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 [^{F2}actions] 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 [^{F3}marketplace] operator;
- (b) any reusable packaging supplied by a service provider.

Textual Amendments

- F1** Reg. 10(1A) inserted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), regs. 1(2)(a), **8(a)**
- F2** Word in reg. 10(2) substituted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), regs. 1(2)(a), **8(b)**
- F3** Word in reg. 10(4)(a)(ii) substituted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), regs. 1(2)(a), **8(c)**

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Packaging Waste (Data Reporting) (England) Regulations 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

11 Reg. 10 in force at 28.2.2023, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to :

- reg. 10(2) omitted by [S.I. 2024/359 reg. 9\(b\)](#)
- reg. 10(3) words substituted by [S.I. 2024/359 reg. 9\(c\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 10(1)(aa) inserted by [S.I. 2024/359 reg. 17\(b\)\(i\)\(bb\)](#)
- Sch. 1 para. 10(1A) inserted by [S.I. 2024/359 reg. 17\(b\)\(ii\)](#)
- Sch. 1 para. 22(1)(c) inserted by [S.I. 2024/359 reg. 17\(h\)\(ii\)](#)
- Sch. 1 para. 13(3) substituted by [S.I. 2024/359 reg. 17\(c\)\(ii\)](#)
- Sch. 1 para. 22(2)(b) words inserted by [S.I. 2024/359 reg. 17\(h\)\(iii\)](#)
- reg. 6(7) inserted by [S.I. 2024/359 reg. 6\(b\)](#)
- reg. 77A substituted for reg. 7 by [S.I. 2024/359 reg. 7](#)
- reg. 8(1)(1A) substituted for reg. 8(1) by [S.I. 2024/359 reg. 8\(a\)](#)
- reg. 8(2A) words inserted by [S.I. 2024/359 reg. 8\(c\)\(iii\)](#)
- reg. 8(2A) words substituted by [S.I. 2024/359 reg. 8\(c\)\(i\)](#)
- reg. 8(2A) words substituted by [S.I. 2024/359 reg. 8\(c\)\(ii\)](#)
- reg. 8(2C) omitted by [S.I. 2024/359 reg. 8\(d\)](#)
- reg. 8(3A) words inserted by [S.I. 2024/359 reg. 8\(f\)\(i\)](#)
- reg. 8(3A)(a)(i) word inserted by [S.I. 2024/359 reg. 8\(f\)\(ii\)](#)
- reg. 8(3A)(b) words omitted by [S.I. 2024/359 reg. 8\(f\)\(iii\)](#)
- reg. 8(4)(4A) substituted by [S.I. 2024/359 reg. 8\(g\)](#)
- reg. 8(4B) inserted by [S.I. 2024/359 reg. 8\(h\)](#)
- reg. 8(8A) inserted by [S.I. 2024/359 reg. 8\(k\)](#)
- reg. 10(1A)(a) inserted by [S.I. 2024/359 reg. 9\(a\)\(i\)](#)
- reg. 10(1A)(b) words in reg. 10(1A) renumbered as reg. 10(1A)(b) by [S.I. 2024/359 reg. 9\(a\)\(ii\)](#)
- reg. 17A inserted by [S.I. 2024/359 reg. 13\(2\)](#)
- reg. 20(3) inserted by [S.I. 2024/359 reg. 14](#)
- reg. 22A inserted by [S.I. 2024/359 reg. 15](#)