
STATUTORY INSTRUMENTS

2023 No. 219

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

PART 1

General

Producers

8.—(1) A person is a producer in relation to the packaging specified in this regulation if they perform in any nation of the United Kingdom the functions of one or more of the following in relation to packaging, either on their own behalf, or through an agent acting on their behalf, and in the course of business—

- (a) a brand owner;
- (b) a packer/filler;
- (c) an importer;
- (d) a distributor;
- (e) an online marketplace operator;
- (f) a service provider; or
- (g) a seller.

[^{F1}(2) Unless paragraph (3A) applies, and subject to paragraph (2C), a brand owner is a producer in relation to—

- (a) filled packaging on which that person's brand appears; and
- (b) any part of the packaging contained in, or forming part of, branded packaging (whether or not that part of the packaging is branded).]

[^{F2}(2A) Subject to paragraph (2C), when more than one brand appears on filled packaging, the owner of the brand who makes the first supply of the filled packaging is to be treated as the brand owner and producer in relation to that packaging.

(2B) In this regulation—

“brand” means a brand name, trade mark or other distinctive mark;

“branded packaging” means packaging on which the brand owner's brand appears;

“brand owner” means, subject to paragraph (2A), a person whose brand appears on an item of filled packaging.

(2C) Where different individual branded products or unbranded products (or both) are grouped together to be sold as a single sales unit—

- (a) the brand owner for an individual branded product within the sales unit is a producer in relation to the branded packaging on that individual product;

- (b) the packer/filler is a producer in relation to any unbranded packaging within the sales unit which is filled by the packer/filler.]
- (3) A packer/filler is a producer in relation to any filled packaging—
- (a) which is filled by the packer/filler; and
 - (b) for which there is no brand owner.
- [^{F3}(3A) A packer/filler is also a producer—
- (a) where—
 - (i) the packer/filler has filled packaging;
 - (ii) the packer/filler has put a brand on the packaging to assist with distribution, and not at the request of the brand owner; and
 - (iii) there is no other brand on the packaging;
 - (b) for any packaging which the packer/filler adds to branded packaging otherwise than at the request of the brand owner.]
- (4) An importer is a producer in relation to any filled packaging imported into the United Kingdom by the importer which is—
- (a) tertiary packaging, or secondary packaging; or
 - (b) any other packaging—
 - (i) for which there is no brand owner;
 - (ii) where the brand owner is not responsible for the import of the packaging; ^{F4}...
 - [^{F5}(iii) where the brand owner is responsible for the import of the packaging, but is not a large producer under these Regulations; or]
 - [^{F6}(iv) where the brand owner is not established in the United Kingdom.]
- [^{F7}(4A) An importer is also a producer in relation to any packaging imported by the importer into, and discarded in, the United Kingdom.]
- (5) A distributor is a producer in relation to any unfilled packaging which is—
- (a) manufactured or imported by the distributor; and
 - (b) supplied to a person who is not a large producer subject to obligations under regulation 15(3),
- except where a brand owner is treated as the producer of that packaging once it is filled.
- (6) An online marketplace operator is a producer in relation to—
- (a) any packaging on items which are sold on their online marketplace by a person, acting in the course of business, who is not established in the United Kingdom; and
 - (b) any unfilled packaging supplied on their online marketplace—
 - (i) by a person, acting in the course of business, who is not established in United Kingdom;
 - (ii) to a business which is not a large producer subject to obligations under regulation 15(3),
- provided that the packaging is received in the United Kingdom.
- (7) A service provider is a producer in relation to any reusable packaging, the first time that packaging is supplied, but not otherwise.
- (8) A seller of filled packaging to the consumer of that packaging is a producer in relation to that packaging, and for these purposes, the consumer is the person who last uses the packaging in question before discarding it.

(9) For the purposes of this regulation, a person acts “in the course of business” if they act in the ordinary course of conduct of a trade, occupation or profession.

Textual Amendments

- F1** Reg. 8(2) substituted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), regs. 1(2)(a), **6(a)**
- F2** Reg. 8(2A)-(2C) inserted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), regs. 1(2)(a), **6(b)**
- F3** Reg. 8(3A) inserted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), regs. 1(2)(a), **6(c)**
- F4** Word in reg. 8(4)(b)(ii) omitted (30.6.2023) by virtue of [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), regs. 1(2)(a), **6(d)(i)**
- F5** Reg. 8(4)(b)(iii) substituted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), regs. 1(2)(a), **6(d)(ii)**
- F6** Reg. 8(4)(b)(iv) inserted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), regs. 1(2)(a), **6(d)(iii)**
- F7** Reg. 8(4A) inserted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), regs. 1(2)(a), **6(e)**

Commencement Information

- I1** Reg. 8 in force at 28.2.2023, see [reg. 1\(2\)](#)

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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 8(2) words substituted by [S.I. 2024/359 reg. 8\(b\)\(i\)](#)
- reg. 8(2) words substituted by [S.I. 2024/359 reg. 8\(b\)\(ii\)](#)
- reg. 8(3)(b) substituted by [S.I. 2024/359 reg. 8\(e\)](#)
- reg. 8(5) words substituted by [S.I. 2024/359 reg. 8\(i\)\(ii\)](#)
- reg. 8(5)(b) substituted by [S.I. 2024/359 reg. 8\(i\)\(i\)](#)
- reg. 8(8) words substituted by [S.I. 2024/359 reg. 8\(j\)](#)

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](#)