

---

WELSH STATUTORY INSTRUMENTS

---

**2024 No. 400**

**The Packaging Waste (Data Collection and Reporting) (Wales) (Amendment) Regulations 2024**

**Amendment of regulation 8 (producers)**

**10.** In regulation 8—

(a) for paragraph (1), substitute—

“(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 or first UK owner,
- (d) a distributor,
- (e) an online marketplace operator,
- (f) a service provider, or
- (g) a seller.

(1A) No person may be treated as performing one of the functions listed in paragraph (1) for the purposes of this regulation unless they are established in the United Kingdom.”;

(b) in paragraph (2)—

- (i) for “paragraph (6)”, substitute “paragraph (5)(b)(iii), (6) or (7)”;
- (ii) for “paragraph (4)”, substitute “paragraphs (3) and (12A)”;

(c) in paragraph (3)—

- (i) for “Subject”, substitute “Unless paragraph (6) or (7) applies, and subject”;
- (ii) for “paragraph (4)”, substitute “paragraph (12A)”;
- (iii) at the end, insert “and any packaging contained in, or forming part of, that packaging (whether or not that part of the packaging is branded).”;

(d) omit paragraph (4);

(e) in paragraph (5), for sub-paragraph (b) substitute—

“(b) where one (or more) of the following applies—

- (i) there is no brand owner established in the United Kingdom,
- (ii) the brand owner is not a large producer, or
- (iii) the only brand on the packaging relates to the packaging and not to the product contained in that packaging.”;

(f) for paragraphs (7) and (8), substitute—

- “(7) An importer (“IM”) is a producer in relation to any packaging imported into the United Kingdom to which paragraph (8) applies—
- (a) for which the IM is the importer, and
  - (b) which is—
    - (i) filled packaging, or
    - (ii) packaging discarded by the IM in the United Kingdom.
- (8) This paragraph applies to packaging—
- (a) for which there is no brand owner established in the United Kingdom,
  - (b) where the brand owner is not responsible for the import of the packaging, or
  - (c) where the brand owner is responsible for the import of the packaging but is not a large producer.”;
- (g) after paragraph (8), insert—
- “(8A) A first UK owner is a producer in relation to any packaging where—
- (a) the packaging is packed or filled in the United Kingdom on behalf of a person who is not established in the United Kingdom,
  - (b) at the time it is packed or filled, no person established in the United Kingdom is or has been the owner of the packaging, and
  - (c) the filled packaging is supplied to the first UK owner.”;
- (h) in paragraph (9)—
- (i) for sub-paragraph (b), substitute—

“(b) supplied to any person, other than a large producer who fills or packs the packaging before supplying it to any other person,”;
  - (ii) for the closing words, substitute—

“except where a large producer who is a brand owner or a packer/filler is the producer in relation to that packaging under paragraph (2), (3), (5) or (6) once the packaging is filled.”;
- (i) in paragraph (12) for “consumer” both times it occurs, substitute “final user”;
- (j) after paragraph (12), insert—
- “(12A) Where different individual products are grouped together to be sold as a single sales unit, this regulation must be applied separately to determine the producer of—
- (a) the packaging for each individual product within the sales unit, and
  - (b) the packaging for the sales unit as a whole, including any packaging within the sales unit which is not part of the packaging of any individual product within that sales unit.”