

SCHEDULE 2 **E+W+S**

Regulation 4(4)

^{F1}... RECYCLING OBLIGATIONS

Textual Amendments

F1 Words in Sch. 2 heading 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(10)(a)**; (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(10)(a)**; 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(10)(a)**

1.—(1) Except for a small producer who has elected to follow the allocation method [^{F2}and subject to paragraph 1A], a producer's obligations to ^{F3}...recycle packaging waste in a relevant year are, in relation to each class of producer to which he belongs—

- (a) to [^{F4}recycle] an amount of packaging waste as provided in paragraph 3(1) below;
- ^{F5}(b)
- (c) as part of the obligation to [^{F6}recycle] packaging waste as provided in paragraph (a) above, to [^{F7}recycle] an amount of packaging materials which is packaging waste, as provided in paragraph 3(3) below, [^{F8}and
- (d) in relation to glass, to recycle by re-melt an amount of glass packaging which is glass packaging waste, as provided in paragraph 3(4),]

and are calculated by aggregating his obligations in relation to each class of producer to which he belongs in respect of that year.

Textual Amendments

- F2** Words in Sch. 2 para. 1(1) inserted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(10)(b)(i)(aa)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(10)(b)(i)(aa)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(10)(b)(i)(aa)**
- F3** Words in Sch. 2 para. 1(1) 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(10)(b)(i)(bb)**; (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(10)(b)(i)(bb)**; 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(10)(b)(i)(bb)**
- F4** Word in Sch. 2 para. 1(1)(a) substituted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(10)(b)(ii)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(10)(b)(ii)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(10)(b)(ii)**
- F5** Sch. 2 para. 1(1)(b) 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(10)(b)(iii)**; (E.) (1.1.2021) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment)

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Changes to legislation: There are currently no known outstanding effects for the The Producer Responsibility Obligations (Packaging Waste) Regulations 2007, SCHEDULE 2. (See end of Document for details)

	(England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), 2(10)(b)(iii) ; 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(10)(b)(iii)
F6	Word in Sch. 2 para. 1(1)(c) substituted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), 2(10)(b)(iv)(aa) ; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), 2(10)(b)(iv)(aa) ; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), 2(10)(b)(iv)(aa)
F7	Word in Sch. 2 para. 1(1)(c) substituted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), 2(10)(b)(iv)(bb) ; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), 2(10)(b)(iv)(bb) ; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), 2(10)(b)(iv)(bb)
F8	Sch. 2 para. 1(1)(d) and preceding word inserted (11.12.2012) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012 (S.I. 2012/3082), regs. 1(1)(b), 4(2)(b)

[^{F9}1A.—(1) For the purposes of paragraph 1(1)(a), where $\sum Q$ is higher than $\sum Z$, a producer’s obligation is to recycle an amount of packaging waste equal to $\sum Q$.

(2) In this paragraph—

- (a) “ $\sum Q$ ” means the sum of Q, as calculated in accordance with paragraph 3(3), for each recyclable material handled by the producer in the preceding year and for each class of producer to which the producer belongs,
- (b) “ $\sum Z$ ” means the sum of Z, as calculated in accordance with paragraph 3(1), for each class of producer to which the producer belongs.]

Textual Amendments

F9 Sch. 2 para. 1A inserted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(10)(c)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(10)(c)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(10)(c)**

2. Where a small producer has elected to follow the allocation method, his obligations to recycle packaging waste in a relevant year are to recycle an amount of packaging waste as provided in paragraphs 7 and 8 below.

3.—(1) The amount of packaging waste to be [^{F10}recycled] by a producer in relation to a class of producer to which he belongs is calculated as follows—

$$P \times C \times X = Z$$

where—

[^{F11}“P” is the amount of packaging and packaging materials handled in Great Britain by the producer in the preceding year, calculated to the nearest tonne by—

- (a) taking into account packaging, including reused transit packaging, or packaging materials, which were imported into the United Kingdom by the producer; and
- (b) excluding—

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- (i) reused sales packaging or primary packaging as defined in paragraph 1(a) of Article 3 of the Packaging Waste Directive;
- (ii) production residues from the production of packaging or packaging materials or from any other production process occurring before, during or after the producer handled the packaging or packaging materials;
- (iii) any packaging or packaging materials so supplied which were exported from the United Kingdom by the producer or which to the producer’s reasonable knowledge were otherwise exported from the United Kingdom (except to a marine installation); and
- (iv) reused transit packaging (except reused transit packaging imported into the United Kingdom);]

“C” is the percentage prescribed in paragraph 4 below in relation to the class of producer;

“X” is the percentage prescribed in paragraph 5 below as the [F12recycling] target for the relevant year; and

“Z” is the amount by tonnage of packaging waste which is to be [F13recycled] within the relevant year.

F14(2)

(3) Where in the preceding year the producer has handled any recyclable material (whether in the form of packaging or packaging materials), the producer shall [F15recycle] an amount of packaging waste consisting of that material calculated as follows—

$$M \times C \times Y = Q$$

where—

“M” is the amount in tonnes to the nearest tonne of the recyclable material (whether in the form of packaging or packaging materials) handled in Great Britain by the producer in the preceding year;

“C” is the percentage prescribed in paragraph 4 below in relation to the class of producer;

“Y” is the percentage prescribed in paragraph 6 below as the recycling target for the relevant year; and

“Q” is the amount by tonnage of packaging waste consisting of that material which is to be recycled in the relevant year.

[F16(4) Where in the preceding year the producer has handled any glass (whether in the form of packaging or packaging materials), the producer shall recycle by re-melt an amount of glass packaging waste calculated as follows—

[F17 F18

$$\frac{L \times B \times Y}{100} = G$$

where—

“L” is the amount to the nearest tonne of the glass (whether in the form of packaging or packaging materials) handled in Great Britain by the producer in the preceding year;

“B” is the percentage prescribed in paragraph 4 in relation to the class of producer;

[F19“Y” is the percentage prescribed in paragraph 6 as the recycling target in respect of glass in relation to the relevant year;]

F20 ...

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“G” is the amount by tonnage of glass packaging waste which is to be recycled by re-melt in the relevant year.]

Textual Amendments

- F10** Word in Sch. 2 para. 3(1) substituted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(10)(d)(i)(aa)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(10)(d)(i)(aa)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(10)(d)(i)(aa)**
- F11** Words in Sch. 2 para. 3(1) substituted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **17(2)**
- F12** Word in Sch. 2 para. 3(1) substituted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(10)(d)(i)(bb)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(10)(d)(i)(bb)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(10)(d)(i)(bb)**
- F13** Word in Sch. 2 para. 3(1) substituted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(10)(d)(i)(cc)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(10)(d)(i)(cc)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(10)(d)(i)(cc)**
- F14** Sch. 2 para. 3(2) 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(10)(d)(ii)**; (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(10)(d)(ii)**; 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(10)(d)(ii)**
- F15** Word in Sch. 2 para. 3(3) substituted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(10)(d)(iii)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(10)(d)(iii)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(10)(d)(iii)**
- F16** Sch. 2 para. 3(4) inserted (11.12.2012) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012 (S.I. 2012/3082), regs. 1(1)(b), **4(4)**
- F17** Words in Sch. 2 para. 3(4) substituted (20.12.2016) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2016 (S.I. 2016/1146), regs. 1, **2(2)(a)**
- F18** "72" is substituted for "67" in the formula in Sch. 2 para. 3(4) (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(10)(d)(iv)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(10)(d)(iv)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(10)(d)(iv)**
- F19** Words in Sch. 2 para. 3(4) inserted (24.7.2013) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2013 (S.I. 2013/1857), regs. 1(b), **2(2)(b)**
- F20** Words in Sch. 2 para. 3(4) omitted (20.12.2016) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2016 (S.I. 2016/1146), regs. 1, **2(2)(b)**

4.—(1) The following percentages are prescribed as the percentages for the following classes of producer—

(a) manufacturer	6%;
(b) convertor	9%;
(c) packer/filler	37%;
(d) seller	48%;
(e) secondary provider	85%; and
(f) service provider	85%.

(2) The following percentages are prescribed for the class of importer—

- (a) the manufacturer's percentage, that is 6%—
- (i) on Class A supplies, where the importer also carries out the functions of a convertor;
 - (ii) on Class B supplies, where the relevant packaging or packaging materials are supplied, by the distributor who receives them, to a convertor; and
 - (iii) on Class C supplies to a convertor;
- (b) the manufacturer's and the convertor's percentages aggregated, that is $6\% + 9\% = 15\%$ —
- (i) on Class A supplies, where the importer also carries out the functions of a packer/filler;
 - (ii) on Class B supplies, where the relevant packaging or packaging materials are supplied, by the distributor who receives them, to a packer/filler;
 - (iii) on Class C supplies to a packer/filler; and
 - (iv) on Class G supplies;
- (c) the manufacturer's, the convertor's and the packer/filler's percentages aggregated, that is $6\% + 9\% + 37\% = 52\%$ —
- (i) on Class A supplies where the importer also carries out the functions of a seller;
 - (ii) on Class B supplies where the relevant packaging or packaging materials are supplied, by the distributor who receives them, to a seller; and
 - (iii) on Class C supplies to a seller;
- (d) the manufacturer's, the convertor's, the packer/filler's and the seller's percentages aggregated, that is $6\% + 9\% + 37\% + 48\% = 100\%$ —
- (i) on Class F supplies; and
 - (ii) on Class A supplies, where the importer is also the final user or consumer.

[^{F21}5. The following is prescribed as the recycling target "X"—

- (a) for the year 2021, 76%,
- (b) for the year 2022, 77%.]

Textual Amendments

F21 Sch. 2 para. 5 substituted (S.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) Amendment \(Scotland\) Regulations 2020 \(S.S.I. 2020/387\)](#), regs. 1(1), **2(10)(e)**; (E.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(England\) Regulations 2020](#)

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(S.I. 2020/1336), regs. 1(1), **2(10)(e)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(10)(e)**

6. The following percentages are prescribed as the recycling target “Y” in respect of the recyclable material specified in the first column in relation to the years indicated ^{F22}... —

[^{F23}Table 2

Recycling targets

<i>Materials</i>	<i>2021</i>	<i>2022</i>
Glass	81	82
Plastic	59	61
Aluminium	66	69
Steel	86	87
Paper/Board	79	83
Wood	35	35]

Textual Amendments

F22 Words in Sch. 2 para. 6 omitted (20.12.2016) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2016 (S.I. 2016/1146), regs. 1, **2(3)(a)**

F23 Sch. 2 para. 6 Table 2 substituted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(10)(f)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(10)(f)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(10)(f)**

^{F24}**6A.**

Textual Amendments

F24 Sch. 2 para. 6A omitted (20.12.2016) by virtue of The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2016 (S.I. 2016/1146), regs. 1, **2(4)**

7.—(1) The amount of packaging waste to be recycled by a small producer who has elected to follow the allocation method is calculated as follows—

$$A \times B = Z_s$$

where—

“A” = a/1,000,000;

“a” is the annual turnover of the producer in the last financial year in respect of which audited accounts are available before the relevant date, rounded up to the nearest ten thousand pounds;

“B” is the recycling allocation for the relevant year prescribed in paragraph 8 below; and

“Z_s” is the amount of packaging waste (in tonnes) which is to be recycled in the relevant year.

(2) For the purposes of this paragraph, a small producer shall carry out his recycling obligations by recycling the recyclable material he handled which is predominant by weight.

[^{F25}8. The recycling allocation “B” is 35 for each of the years 2021 and 2022.]

Textual Amendments

F25 Sch. 2 para. 8 substituted (S.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) Amendment \(Scotland\) Regulations 2020 \(S.S.I. 2020/387\)](#), regs. 1(1), **2(10)(g)**; (E.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/1336\)](#), regs. 1(1), **2(10)(g)**; and (W.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/1390\)](#), regs. 1(1), **2(10)(g)**

9. Paragraph 4(2) of Schedule 1 applies for the purposes of this Schedule, but as though the words “For the purposes of paragraph 3(b) above,” and the words “other than a Class A supply,” were omitted.

10. Where the appropriate Agency is satisfied that a producer has instituted a system of using reusable packaging which has a life of at least four years, the producer’s obligations under this Schedule in relation to that packaging may be discharged by equal instalments over four years commencing with the year in which that packaging is first used.

[^{F26}11. For the purposes of this Schedule, “recycling by re-melt” means the recycling of waste glass packaging or packaging materials using a method that melts the glass before it is re-formed into a product.]

Textual Amendments

F26 Sch. 2 para. 11 inserted (11.12.2012) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2012 \(S.I. 2012/3082\)](#), regs. 1(1)(b), **4(9)**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Producer Responsibility Obligations (Packaging Waste) Regulations 2007, SCHEDULE 2.