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WELSH STATUTORY INSTRUMENTS

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**2023 No. 798**

**The Packaging Waste (Data Collection  
and Reporting) (Wales) Regulations 2023**

**PART 2**

**Producers and obligations**

**Data collection obligations**

**16.**—(1) The data collection obligations in this regulation are as follows.

*Small or large producer: brand owner or packer/filler*

(2) For the purpose of regulation 15(2)(a), a producer who is a brand owner or packer/filler must maintain for each data collection period, and retain for at least 7 years after the end of the data collection period to which they relate—

- (a) where the producer is a small producer, the information referred to in paragraph 10(2) of Schedule 1, or
- (b) where the producer is a large producer—
  - (i) the information referred to in paragraphs 10(3)(a) and 20(b) of Schedule 1,
  - (ii) evidence of the amount of packaging waste which they have collected and sent for recycling, as reported on under paragraph 22(1) and (3) of Schedule 1, and
  - (iii) evidence that any relevant packaging waste included in the packaging waste referred to in paragraph (ii) has been recycled.

*Small or large producer: distributor, importer or service provider*

(3) For the purpose of regulation 15(3)(a), a producer who is a distributor, importer or service provider must maintain for each data collection period, and retain for at least 7 years after the end of the data collection period to which they relate—

- (a) where the producer is a small producer, records of the information referred to in paragraphs 10(2) and 20(a) of Schedule 1, or
- (b) where the producer is a large producer—
  - (i) records of the information referred to in paragraphs 10(3)(a) and 20(c) of Schedule 1,
  - (ii) evidence of the amount of packaging waste which they have collected and sent for recycling, as reported on under paragraph 22(1) and (3) of Schedule 1, and
  - (iii) evidence that any relevant packaging waste included in the packaging waste referred to in paragraph (ii) has been recycled.

*Small or large producer: online marketplace operator*

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Packaging Waste (Data Collection and Reporting) (Wales) 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

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(4) For the purpose of regulation 15(4)(a), a producer who is an online marketplace operator must maintain for each data collection period, and retain for at least 7 years after the end of the data collection period to which they relate—

- (a) where the producer is a small producer, records of the information referred to in paragraphs 17(a) and 20(a) of Schedule 1, or
- (b) where the producer is a large producer, records of the information referred to in paragraphs 17(b) and 20(c) of Schedule 1.

*Small or large producer: seller*

(5) For the purpose of regulation 15(5), a producer who is a seller must maintain for each data collection period, and retain for at least 7 years after the end of the data collection period to which they relate—

- (a) where the producer is a small producer, records of the information referred to in paragraph 20(a) of Schedule 1, or
- (b) where the producer is a large producer, records of the information referred to in paragraph 20(c) of Schedule 1.

*Licensor and pub operating business*

(6) For the purpose of regulation 15(7), a producer who is a licensor or a pub operating business must maintain for each data collection period, and retain for at least 7 years after the end of the data collection period to which they relate, records of the information referred to in paragraph 20(d) of Schedule 1.

(7) In these Regulations, “relevant packaging waste” is—

- (a) packaging waste that is not collected from households for recycling by more than 75% of the relevant authorities in Wales responsible for waste collection, and
- (b) reusable packaging which has been re-used and has become waste, whether or not it is collected from households for recycling by more than 75% of relevant authorities in Wales responsible for waste collection.

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**Commencement Information**

**II** Reg. 16 in force at 17.7.2023, see [reg. 1\(2\)](#)

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**Changes and effects yet to be applied to :**

- reg. 16(2)(b)(ii) words substituted by [S.I. 2024/400 reg. 15\(a\)](#)
- reg. 16(3)(b)(ii) words substituted by [S.I. 2024/400 reg. 15\(b\)](#)

**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. 2024/400 reg. 20\(b\)\(i\)\(bb\)](#)
- Sch. 1 para. 10(1A) inserted by [S.I. 2024/400 reg. 20\(b\)\(ii\)](#)
- Sch. 1 para. 21(1)(c) inserted by [S.I. 2024/400 reg. 20\(h\)\(ii\)](#)
- reg. 6(7) inserted by [S.I. 2024/400 reg. 7\(b\)](#)
- reg. 7A inserted by [S.I. 2024/400 reg. 9](#)
- reg. 8(1)(1A) substituted for reg. 8(1) by [S.I. 2024/400 reg. 10\(a\)](#)
- reg. 8(8A) inserted by [S.I. 2024/400 reg. 10\(g\)](#)
- reg. 8(12A) inserted by [S.I. 2024/400 reg. 10\(j\)](#)
- reg. 17A inserted by [S.I. 2024/400 reg. 17](#)
- reg. 20(3) inserted by [S.I. 2024/400 reg. 18](#)
- reg. 22A inserted by [S.I. 2024/400 reg. 19](#)