
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 7

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

PART 3

Producers and schemes

Producers and scheme membership

19.—(1) Where a producer is a member of a registered scheme throughout a relevant year, the producer is exempt from its data reporting obligations under regulation 17 for the relevant year.

(2) Paragraph (1) does not apply unless the producer—

- (a) provides any information the operator of the scheme requests for the purposes of meeting its obligations under regulation 20 within a reasonable period of receiving such a request,
- (b) ensures that the information provided—
 - (i) is in such form as the scheme operator and SEPA may direct,
 - (ii) is verified by the signature of the approved person of the producer,
 - (iii) is as accurate as reasonably possible,
- (c) pays any fee required for membership of the scheme.

Schemes: general provisions

20.—(1) The operator of a registered scheme (“OS”) must carry out the data reporting obligations under regulation 17 of each producer who is a member of the scheme that OS operates, provided that the producer satisfies the conditions in regulation 19(2).

(2) OS must retain records of any information provided to OS by its members to enable OS to make the reports required under paragraph (1), for at least 7 years after the date on which the report is submitted to SEPA.

Mid-year changes

21.—(1) This regulation applies with regard to changes in membership of a registered scheme.

(2) Subject to paragraphs (3) and (4), where a person who is a producer in respect of a year becomes a member of a registered scheme during that year, the data reporting obligations of the producer for that year, referred to in regulation 20(1), must be performed through the scheme.

(3) Subject to paragraph (4), where a person who is a producer in respect of a year ceases to be a member of a registered scheme during that year, that person must comply with their data reporting obligations for that year.

(4) Where a person who is a producer in respect of a year ceases to be a member of one registered scheme (“the first scheme”) and becomes a member of another registered scheme (“the second scheme”) during that year, the first scheme is not required to perform any of the producer’s data

reporting obligations, referred to in regulation 20(1), and all such obligations must be performed through the second scheme.