
DRAFT STATUTORY INSTRUMENTS

2023 No.

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

PART 1

General

Exempt packaging

12.—(1) A producer is not subject to data collection obligations or data reporting obligations in relation to any packaging or packaging materials which is exempt in relation to that producer.

(2) Packaging and packaging materials are exempt in relation to a producer (“P”) for the purposes of these Regulations, where the packaging or packaging materials are—

- (a) reused packaging which is primary packaging;
- (b) production residues from the production of packaging or packaging materials or from any other production process occurring before, during or after P handled the packaging or packaging materials;
- (c) any packaging or packaging materials exported from the United Kingdom by P, including packaging or packaging materials exported through an agent acting on P’s behalf or which to P’s reasonable knowledge were otherwise exported from the United Kingdom (with the exception of any packaging or packaging materials exported from the United Kingdom to a marine installation);
- (d) reused secondary or tertiary packaging, with the exception of any such reused packaging imported into the United Kingdom; or
- (e) packaging which is scheme packaging.

(3) In paragraph (2)(c), “marine installation” means any artificial island, installation or structure at sea, other than a vessel.

(4) In paragraph (2)(e), “scheme packaging” means the packaging for a Scottish scheme article that is conceived or designed to come in direct contact with a drink (within the meaning of regulation 2 of the Deposit and Return Scheme for Scotland Regulations 2020(1)), and does not include packaging conceived or designed to group together multiple components in a multipack.

(5) For the purposes of paragraph (4), a “Scottish scheme article” means a “scheme article” within the definition given in regulation 3(2) of the Deposit and Return Scheme for Scotland Regulations 2020, read as if, in paragraph (b) of that definition, for “16 August 2023” there were substituted “1 January 2023”.