

## SCHEDULE 2

Regulation 4(4)

## RECOVERY AND RECYCLING OBLIGATIONS

1.—(1) Except for a small producer who has elected to follow the allocation method, a producer's obligations to recover and recycle packaging waste in a relevant year are, in relation to each class of producer to which he belongs—

- (a) to recover an amount of packaging waste as provided in paragraph 3(1) below;
- (b) to recover by recycling a proportion of that packaging waste, as provided in paragraph 3(2) below; <sup>F1</sup>...
- (c) as part of the obligation to recover packaging waste as provided in paragraph (a) above, to recover by recycling an amount of packaging materials which is packaging waste, as provided in paragraph 3(3) below, [<sup>F2</sup>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**

- F1** Word in Sch. 2 para. 1(1)(b) omitted (11.12.2012) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2012 \(S.I. 2012/3082\)](#), regs. 1(1)(b), **4(2)(a)**
- F2** 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)**

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 recovered 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—

[<sup>F3</sup>“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—
  - (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

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(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 recovery target for the relevant year; and

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

[<sup>F4</sup>(2) The proportion of the packaging waste referred to in sub-paragraph (1) which is to be recovered by recycling, in relation to a class of producer to which the producer belongs in the years [<sup>F5</sup>2012 to 2017] is not less than 92% of the amount by tonnage of packaging waste represented by “Z” in sub-paragraph (1).]

(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 recover by recycling 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.

[<sup>F6</sup>(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—

[<sup>F7</sup>

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

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;

[<sup>F8</sup>“Y” is the percentage prescribed in paragraph 6 as the recycling target in respect of glass in relation to the relevant year;]

[<sup>F9</sup> ...

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

**Textual Amendments**

**F3** 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)**

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|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>F4</b> | Sch. 2 para. 3(2) substituted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), <b>17(3)</b>               |
| <b>F5</b> | Words in Sch. 2 para. 3(2) substituted (11.12.2012) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012 (S.I. 2012/3082), regs. 1(1)(b), <b>4(3)</b>    |
| <b>F6</b> | 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), <b>4(4)</b>                |
| <b>F7</b> | 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, <b>2(2)(a)</b>       |
| <b>F8</b> | 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), <b>2(2)(b)</b>        |
| <b>F9</b> | 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, <b>2(2)(b)</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  $6\% + 9\% + 37\% + 48\% = 100\%$ —

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- (i) on Class F supplies; and
- (ii) on Class A supplies, where the importer is also the final user or consumer.

[<sup>F10</sup>5. The following is prescribed as the recovery target “X”—

- (a) for the year 2018, 80%;
- (b) for the year 2019, 81%;
- (c) for the year 2020, 82%.]

**Textual Amendments**

**F10** Sch. 2 para. 5 substituted (1.1.2018) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2017 \(S.I. 2017/1221\)](#), regs. 1, **2(2)**

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 <sup>F11</sup>... —

[<sup>F12</sup>**Table 2: Recycling targets**

<i>Materials</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Glass	78	79	80
Plastic	53	55	57
Aluminium	58	61	64
Steel	79	82	85
Paper/Board	71	73	75
Wood	38	43	48]

**Textual Amendments**

**F11** 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)**

**F12** Sch. 2 para. 6 Table 2 substituted (1.1.2018) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2017 \(S.I. 2017/1221\)](#), regs. 1, **2(3)**

<sup>F13</sup>**6A.** .....

**Textual Amendments**

**F13** 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—

$$A \times B = Zs$$

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<sub>s</sub>” 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.

[<sup>F14</sup>8. The recycling allocation “B” is 30 for each of the years 2018 to 2020.]

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**Textual Amendments**

**F14** Sch. 2 para. 8 substituted (1.1.2018) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2017 \(S.I. 2017/1221\)](#), regs. 1, **2(4)**

**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.

[<sup>F15</sup>**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.]

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**Textual Amendments**

**F15** 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)**

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