

**2024 No. 1332**

**ENVIRONMENTAL PROTECTION**

**The Producer Responsibility Obligations (Packaging and  
Packaging Waste) Regulations 2024**

*Made* - - - - *11th December 2024*

*Coming into force in accordance with regulation 1(2) and (3)*

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These Regulations are made by the Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by sections 50, 51, 142(1) and (6) and 143(1) of, and paragraphs

1 to 5, 7 and 12 to 19 of Schedule 4 and paragraphs 1 to 9 and 11 to 17 of Schedule 5 to, the Environment Act 2021 (“the Act”)(a).

The Scottish Ministers have consented to the making of these Regulations in relation to Scotland, the Welsh Ministers have consented to the making of these Regulations in relation to Wales, and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland has consented to the making of these Regulations in relation to Northern Ireland, in accordance with sections 50(3) and 51(3) of the Act.

In accordance with paragraphs 8 and 20 of Schedule 4 and paragraphs 10 and 18 of Schedule 5 to the Act, the Secretary of State has consulted persons appearing to the Secretary of State to represent the interests of those likely to be affected by these Regulations.

The Secretary of State is satisfied that the Regulations satisfy the requirements set out in paragraph 9 of Schedule 4 to the Act.

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 143(5)(b) of the Act.

## PART 1

### General

#### **Citation, commencement, extent and application**

1.—(1) These Regulations may be cited as the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024.

(2) These Regulations come into force on the 21st day after the day on which they are made, except as provided in paragraph (3).

(3) The following provisions come into force on the day after the day on which these Regulations are made—

- (a) this regulation;
- (b) regulations 2(1), 3, 7(1) to (4) and 57(1), for the purposes of interpretation of the provisions listed in sub-paragraphs (c), (d) and (e);
- (c) Chapter 2 of Part 5;
- (d) regulation 127;
- (e) Schedule 7.

(4) These Regulations extend to England and Wales, Scotland and Northern Ireland and apply to England, Wales, Scotland and Northern Ireland.

#### **Interpretation**

2.—(1) In these Regulations—

“the 1990 Act” means the Environmental Protection Act 1990(b);

“the 2007 Regulations” means the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(c);

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(a) 2021 c. 30.  
(b) 1990 c. 43.  
(c) S.I. 2007/871.

“the 2007 (NI) Regulations” means the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007(a);

“the 2023 Data Regulations” means—

- (a) the Packaging Waste (Data Reporting) (England) Regulations 2023(b);
- (b) the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023(c);
- (c) the Packaging Waste (Data Reporting) (Scotland) Regulations 2023(d); or
- (d) the Packaging Waste (Data Reporting) (No. 2) Regulations (Northern Ireland) 2023(e);

“administration fee” has the meaning given in regulation 57(1);

“appropriate agency” has the meaning given in regulation 5;

“appropriate authority” means—

- (a) the Secretary of State in relation to England;
- (b) the Welsh Ministers in relation to Wales;
- (c) the Scottish Ministers in relation to Scotland;
- (d) DAERA in relation to Northern Ireland;

“approved person”, in relation to a producer, holding company, scheme operator, reprocessor or exporter, means a person notified by that producer, holding company, scheme operator, reprocessor or exporter to the appropriate agency under regulation 132 as an approved person for the purposes of any provision of these Regulations which requires something to be done by an approved person;

“assessment year” has the meaning given in regulation 57(1);

“binned packaging waste” means packaging which is collected from public bins by relevant authorities and which is—

- (a) in England, Wales or Scotland, any litter or refuse collected under section 89(1)(a), (c) or (f) of the 1990 Act(f);
- (b) in Northern Ireland, litter collected under article 7(1)(a) or (5), 12(10) or 12C(3) of the Litter (Northern Ireland) Order 1994(g);

“body corporate” includes an LLP;

“brand” means a brand name, trade mark or other distinctive mark;

“branded packaging” means packaging on which a brand owner’s brand appears;

“brand owner” has the meaning given in regulation 16(1);

“charging scheme” means a charging scheme referred to in paragraph 9 of Schedule 1;

“commonly binned or littered items” means items on the list of commonly binned or littered items of packaging compiled by the scheme administrator under paragraph 9 of Schedule 7;

“compliance scheme” means a scheme whose members for the time being are (or would be if the scheme were registered in accordance with these Regulations), by virtue of these Regulations and their membership of that scheme, exempt from certain producer responsibility obligations, and a “registered compliance scheme” is a compliance scheme which is registered in accordance with these Regulations;

“consumer” means an individual acting for purposes which are outside that individual’s trade, business, craft or profession;

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(a) S.R. 2007 No. 198.

(b) S.I. 2023/219, amended by S.I. 2023/721 and 2024/359.

(c) S.I. 2023/798 (W. 127), amended by S.I. 2024/400 (W. 72).

(d) S.S.I. 2023/7, amended by S.S.I. 2023/160 and 2024/42.

(e) S.R. 2023 No. 25, amended by S.R. 2023 No. 106 and 2024 No. 80.

(f) There are amendments to section 89 which are not relevant to these Regulations.

(g) S.I. 1994/1896 (N.I. 10). Article 12C was inserted by section 17(2) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23).



“corporate group” means a holding company and its subsidiaries;

“DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

“deposit item” means a deposit item for the purposes of a relevant deposit scheme, and includes in relation to a relevant deposit scheme in Scotland—

- (a) packaging which is scheme packaging under the Deposit and Return Scheme for Scotland Regulations 2020(a); or
- (b) returnable packaging as provided for in regulations made under section 84 of the Climate Change (Scotland) Act 2009(b);

“disposal” has the meaning given in Article 3(19) of the Waste Directive;

“disposal costs” has the meaning given in regulation 57(1);

“disposal fee” has the meaning given in regulation 57(1);

“distributor” has the meaning given in regulation 19(1);

“drink” has the meaning given in regulation 6;

“drink container” means a bottle or can which—

- (a) contains or used to contain drink;
- (b) is made wholly or mainly from polyethylene terephthalate (PET) plastic, glass, steel or aluminium;
- (c) has a capacity of at least 150 millilitres but no more than three litres of liquid;
- (d) is designed or intended to be sealed in an airtight and watertight state at the point of supply to a consumer in the United Kingdom; and
- (e) is not conceived, designed or marketed to be refilled or reused in any other way by any person,

together with any label applied to it and its lid or other closures;

“enforcement agency” has the meaning given in regulation 114;

“established in the United Kingdom” is to be interpreted in accordance with regulation 4;

“exempt packaging” means packaging which is exempt in relation to a producer in accordance with regulation 11;

“exporter” has the meaning given in regulation 84(1);

“fibre-based composite material” means packaging material which is made of paperboard or paper fibres, with a layer of plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand;

“first UK owner” has the meaning given in regulation 18(1)(b);

“financial year”, in relation to the scheme administrator, a relevant authority or the appropriate agency, means a period from 1st April to the following 31st March;

“fit and proper person” means a person whom the appropriate agency has determined is a fit and proper person in accordance with regulation 131;

“ground litter” means litter collected by relevant authorities in discharge of their duties under section 89(1)(a), (c) or (f) of the 1990 Act, or under article 7(1)(a) or (e) of the Litter (Northern Ireland) Order 1994, but does not include in either case any binned packaging waste;

“group registration” means a registration of a holding company, and one or more subsidiaries which are producers, with the appropriate agency under paragraph 3(b) of Schedule 9;

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(a) S.S.I. 2020/154, amended by S.S.I. 2022/76 and 2023/201 and 334.  
(b) 2009 asp 12.

“holding company” has the same meaning as in section 1159(1) of the Companies Act 2006(a), read with section 1159(4) of, and Schedule 6 to, that Act;

“household packaging” has the meaning given in regulation 8;

“household packaging waste” has the meaning given in regulation 9;

“importer” has the meaning given in regulation 18(1)(a);

“issue”, in relation to a PRN or PERN, has the meaning given in regulation 84(1);

“large producer” has the meaning given in regulation 23(a);

“liable producer”, in relation to an assessment year, has the meaning given in regulation 60(1);

“licensor” has the meaning given in paragraph 1 of Schedule 10;

“LLP” means a limited liability partnership registered under the Limited Liability Partnerships Act 2000(b);

“medical packaging” has the meaning given in paragraph (2);

“NRW” means the Natural Resources Body for Wales;

“online marketplace” has the meaning given in paragraph (3);

“online marketplace operator” has the meaning given in regulation 20(1);

“overseas reprocessing site” has the meaning given in regulation 84(1);

“packaging” has the meaning given in regulation 7;

“packaging category”, in relation to packaging and packaging materials, means one of the categories referred to in regulation 7(5);

“packaging litter” means any packaging which has become litter;

“packaging materials” means materials used in the manufacture of packaging and includes raw materials and processed materials prior to their conversion into packaging;

“packaging sub-category” means a subdivision of a packaging category specified by the scheme administrator under regulation 7(11);

“packaging waste” means any packaging or packaging material which is waste, but does not include packaging which is discarded and becomes waste outside the United Kingdom;

“packer/filler” has the meaning given in regulation 17(1);

“partnership” means a partnership within the meaning of the Partnership Act 1890(c) or a limited partnership under the Limited Partnerships Act 1907(d), but does not include an LLP;

“PERN” has the meaning given in regulation 84(1);

“primary packaging” has the meaning given in regulation 7(1)(a);

“PRN” has the meaning given in regulation 84(1);

“producer” has the meaning given in regulation 15(1);

“producer responsibility obligations” means the obligations in paragraphs (1) to (3) of regulation 25;

“public bin” means a receptacle for waste material—

- (a) maintained by a relevant authority in a street or public place, and
- (b) designed to collect waste material to be sent for recovery or disposal;

“pub operating business” has the meaning given in paragraph 8 of Schedule 10;

“recovery”, except in regulation 6(3), has the meaning given in Article 3(15) of the Waste Directive;

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(a) 2006 c. 46. Section 1159(4) provides that in that section and Schedule 6 “company” includes any body corporate.

(b) 2000 c. 12.

(c) 1890 c. 39.

(d) 1907 c. 24.

“recyclable” in relation to packaging or packaging materials, means any packaging which is, or packaging materials which are, capable of being recycled;

“recyclability”, in relation to packaging, is the quality of being recyclable;

“recyclability assessment” means an assessment of the recyclability of packaging supplied by a producer;

“recycling” has the meaning given in Article 3(17) of the Waste Directive, and “recycle” is to be construed accordingly;

“recycling obligations” means the obligations in regulations 25(2)(a) and 40 and Schedule 5;

“relevant authority” means—

- (a) a waste collection authority;
- (b) a waste disposal authority;
- (c) a district council established under section 1 of the Local Government Act (Northern Ireland) 1972(a);
- (d) the Council of the Isles of Scilly;

“relevant deposit scheme” means—

- (a) a deposit scheme established in regulations made under Schedule 8 to the Environment Act 2021; or
- (b) a deposit and return scheme established in the Deposit and Return Scheme for Scotland Regulations 2020 or in regulations made under section 84 of the Climate Change (Scotland) Act 2009,

which is in operation in any part of the United Kingdom;

“relevant group member” has the meaning given in paragraph 1 of Schedule 9;

“relevant year”, in relation to a person, means a calendar year in respect of the whole or any part of which that person is a producer;

“reporting period”, in relation to any information specified in regulation 35, 36 or 37 that is to be reported to the appropriate agency, or information specified in regulation 38 that is to be reported to the Environment Agency, means a period specified in that regulation for which that information is required to be reported by, or in relation to, a producer;

“reprocessing site” and “reprocessor” have the meanings given in regulation 84(1);

“reuse” means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

“reusable packaging” means packaging which has been designed to be used multiple times by being refilled or reused for the same purpose for which it was conceived;

“scheme administrator” means the person appointed pursuant to regulation 58;

“scheme operator” means the operator of a compliance scheme;

“secondary packaging” has the meaning given in regulation 7(1)(b);

“seller” has the meaning given in regulation 22(1);

“SEPA” means the Scottish Environment Protection Agency;

“service provider” has the meaning given in regulation 21(1);

“shipment packaging” has the meaning given in regulation 7(4);

“SIC code” means a code included in “Indexes to the UK Standard Industrial Classification of Economic Activities 2007” published by the Office for National Statistics in 2009, as those indexes are amended from time to time(b);

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(a) 1972 c. 9 (N.I.).

(b) The Indexes are published online by the Office for National Statistics at: <https://www.ons.gov.uk/methodology/classificationsandstandards/ukstandardindustrialclassificationofeconomicactivities/uk-sic2007> and information on how to obtain a hard copy may be obtained by contacting the Office for National Statistics,

“small producer” has the meaning given in regulation 23(b);

“subsidiary” has the same meaning as in section 1159(1) of the Companies Act 2006, read with section 1159(4) of, and Schedule 6 to, that Act;

“supply”, in relation to packaging, has the meaning given in regulation 10;

“tertiary packaging” has the meaning given in regulation 7(1)(c);

“trade mark” has the same meaning as in the Trade Marks Act 1994(a) (see section 1 of that Act);

“turnover” means, in relation to a person, that person’s turnover as defined in section 539 of the Companies Act 2006(b) but as if the references to a company were references to that person;

“waste” has the meaning given in Article 3(1) of the Waste Directive, read with Articles 5 and 6 of that Directive;

“waste collection authority” has the meaning given in section 30(3) of the 1990 Act(c);

“the Waste Directive” means Directive 2008/98/EC of the European Parliament and of the Council on waste(d), as last amended before IP completion day by Directive (EU) 2018/851(e), and as read in accordance with regulation 3;

“waste disposal authority” has the meaning given in section 30(2) of the 1990 Act;

“waste income” means the income earned by a relevant authority through the sale of household packaging waste for recycling, other recovery operations or disposal.

(2) In these Regulations, “medical packaging” means immediate packaging or outer packaging on a medicinal product, a veterinary medicinal product or a medical device, and for the purposes of this definition—

- (a) “immediate packaging”, “outer packaging” and “medicinal product” have the meanings given in regulations 2 and 8 of the Human Medicines Regulations 2012(f);
- (b) “medical device” has the meaning given in regulation 2(1) of the Medical Devices Regulations 2002(g); and
- (c) “veterinary medicinal product” has the meaning given—
  - (i) in England, Wales and Scotland, in regulation 2(1) of the Veterinary Medicines Regulations 2013(h); and
  - (ii) in Northern Ireland, in Article 4(1) of Regulation (EU) 2019/6 of the European Union and of the Council on veterinary medicinal products(i).

(3) In these Regulations, “online marketplace” means a website or mobile application which facilitates the sale or other supply of goods through the website or mobile application by persons other than the operator, whether or not the operator also supplies goods through the online marketplace, and for the purposes of this definition—

- (a) references to a “website or mobile application” include any means by which information is made available on the internet;
- (b) an online marketplace facilitates the sale or other supply of goods if it allows a person to—

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Classifications and Harmonisation Unit, Government Buildings, Cardiff Road, Newport, South Wales NP10 8XG (tel: +44(0)1329 444970 email: classifications.helpdesk@ons.gsi.gov.uk).

- (a) 1994 c. 26.
- (b) 2006 c. 46. There are amendments to section 539 which are not relevant to these Regulations.
- (c) 1990 c. 43. There are amendments to section 30 which are not relevant to these Regulations.
- (d) OJ L312, 22.11.2008, p. 3.
- (e) OJ L150, 14.6.2018, p. 109.
- (f) S.I. 2012/1916, to which there are amendments not relevant to these Regulations.
- (g) S.I. 2002/618; amended by S.I. 2008/2936 and 2019/791 and, in relation to Northern Ireland, by S.I. 2021/905. There are other amending instruments but none is relevant.
- (h) S.I. 2013/2033.
- (i) OJ L4, 7.1.2019, p. 43.

- (i) offer goods for sale or offer to supply goods otherwise than by sale; and
- (ii) enter into a contract for the sale or other supply of those goods;
- (c) “the operator” means the online marketplace operator.

(4) In these Regulations, a reference to any EU regulation or EU tertiary legislation is a reference to that regulation or legislation as it is amended by domestic law in any part of the United Kingdom from time to time.

### **Modification of the Waste Directive**

**3.—**(1) For the purposes of these Regulations, the Waste Directive is to be read in accordance with paragraphs (2) to (4).

(2) A reference to one or more member States in a provision of the Waste Directive imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the authority, agency or local authority which, immediately before IP completion day, was responsible for the United Kingdom’s compliance with that obligation or able to exercise that discretion.

(3) Article 5 is to be read as if—

- (a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;
- (b) after paragraph 1 there were inserted—

“1A. Any decision as to whether a substance or object is a by-product must be made—

- (a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and
- (b) having regard to any guidance published by the appropriate authority or the appropriate agency for the purposes of this Article.”;

(c) paragraphs 2 and 3 were omitted.

(4) Article 6 is to be read as if—

- (a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;
- (b) after paragraph 1 there were inserted—

“1A. Any decision as to whether a substance or object has ceased to be waste must be made—

- (a) in accordance with any regulations or retained direct EU legislation setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
- (b) having regard to any guidance published by the appropriate authority or the appropriate agency for the purposes of this Article.”;

(c) in paragraph 2—

- (i) the first subparagraph were omitted;
- (ii) in the second subparagraph, for “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;
- (iii) the third and fourth subparagraphs were omitted;

(d) paragraph 3 were omitted;

(e) in paragraph 4—

- (i) in the first subparagraph—
  - (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set out as referred to in paragraph 1A(a), the appropriate agency”;

- (bb) the second sentence were omitted;
- (ii) in the second subparagraph—
  - (aa) for “Member States” there were substituted “The appropriate agency”;
  - (bb) “by competent authorities” were omitted.

### **Establishment in the United Kingdom**

**4.**—(1) For the purposes of these Regulations, a person is established in the United Kingdom if—

- (a) that person is habitually resident in the United Kingdom;
- (b) the registered office of that person, or if the person does not have a registered office, their head office or principal place of business, is in the United Kingdom; or
- (c) subject to paragraph (2), the person has a branch or postal address in the United Kingdom.

(2) Paragraph (1) applies as if sub-paragraph (c) were omitted for the purposes of Part 6 (reprocessors and exporters).

### **Appropriate agency**

**5.**—(1) In these Regulations, “appropriate agency” means—

- (a) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate agency in England, the Environment Agency;
- (b) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate agency in Scotland, SEPA;
- (c) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate agency in Wales, NRW;
- (d) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate agency in Northern Ireland, DAERA.

(2) For the purposes of any provision of these Regulations relating to the obligations of a producer, a scheme operator or an exporter, “appropriate agency” means—

- (a) the agency specified in paragraph (1) in relation to the nation of the United Kingdom where, on the registration date, that person’s registered office, or if that person is not a body corporate registered in the United Kingdom, its head office or principal place of business in the United Kingdom, is located; or
- (b) where, on the registration date, the person does not have a registered office, head office or principal place of business in the United Kingdom—
  - (i) if the person gave a notice under regulation 3(3) of the 2023 Data Regulations specifying the nation of the United Kingdom in which the person wished to be treated as established for the purposes of those Regulations, the agency specified in paragraph (1) in relation to that nation;
  - (ii) otherwise, the Environment Agency, SEPA, NRW or DAERA at the election of that person.

(3) For the purposes of any provision of these Regulations relating to the obligations of a reprocessor, “appropriate agency” means, in relation to each reprocessing site operated by the reprocessor, the agency specified in paragraph (1) in relation to the nation of the United Kingdom in which that reprocessing site is located.

(4) A person to whom paragraph (2)(b)(ii) applies must make one election for the purposes of that paragraph by giving notice in writing to the appropriate agency concerned, and that election may not be changed.

(5) When an appropriate agency receives notice of an election under paragraph (4), that agency must notify each other appropriate agency in the United Kingdom.

(6) For the purpose of paragraph (2), the “registration date” is the date by which the producer, scheme operator or exporter concerned is required to submit an application for registration under regulation 28, 51 or 86, as applicable.

## **Drink**

6.—(1) For the purposes of these Regulations, “drink” means—

- (a) water suitable for human consumption;
- (b) a beverage suitable for human consumption;
- (c) a sports drink suitable for human consumption; or
- (d) a liquid which constitutes a beverage or sports drink suitable for human consumption if it is—
  - (i) diluted;
  - (ii) combined with crushed ice, or processed so as to create crushed ice;
  - (iii) combined with carbon dioxide; or
  - (iv) prepared by way of a process that involves any combination of the processes mentioned in paragraphs (i) to (iii),  
such as fruit squash or fruit cordial.

(2) Paragraph (1)(d) does not include any liquid which is used only—

- (a) to add flavour to, or enhance the flavour of, a beverage or sports drink suitable for human consumption; or
- (b) to sweeten a beverage or sports drink suitable for human consumption,

such as coffee flavouring syrup, sugar syrup or hot sauce.

(3) “Sports drink” means a liquid which is advertised or marketed as a product to enhance physical performance, accelerate recovery after exercise or increase muscle mass, or other similar liquid.

## **Packaging and packaging categories**

7.—(1) For the purposes of these Regulations, “packaging” means all products made of any materials of any nature to be used for the containment, protection, handling, delivery or presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer, including non-returnable items used for those purposes, but only where the products are—

- (a) primary packaging, which is packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase;
- (b) secondary packaging, which is packaging that—
  - (i) is conceived so as to constitute at the point of purchase a grouping of a certain number of sales units, whether that grouping is supplied as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale; and
  - (ii) can be removed from the product without affecting the product’s characteristics; or
- (c) tertiary packaging, which is packaging that—
  - (i) is conceived so as to facilitate the handling and transport of one or more sales units, or secondary packaging, for example by preventing damage from physical handling and transport damage; and
  - (ii) is not a road, rail, ship or air container.

(2) The following items are also to be treated as packaging on the basis of the criteria set out below—

- (a) items that are within the definition in paragraph (1), without prejudice to other functions which the item in question may perform, unless the item is an integral part of a product and it is necessary to contain, support or preserve that product throughout its lifetime and all elements are intended to be used, consumed or disposed of together;
- (b) items designed and intended to be filled at the point of sale and disposable items supplied, filled or designed and intended to be filled at the point of sale, provided they fulfil a packaging function described in paragraph (1);
- (c) packaging components and ancillary elements integrated into packaging are considered to be part of the packaging into which they are integrated, and ancillary elements hung directly on, or attached to, a product which performs a packaging function are considered to be packaging unless (in either case) they are an integral part of the product and all elements are intended to be used, consumed or disposed of together.

(3) Schedule 5 to the Packaging (Essential Requirements) Regulations 2015(a) contains illustrative examples of the application of the criteria set out in paragraph (2).

(4) For the purposes of these Regulations, “shipment packaging” means tertiary packaging on, or that is used to contain, items which are supplied or are intended to be supplied to a consumer.

(5) For the purposes of these Regulations, packaging and packaging waste is to be treated, subject to paragraphs (6) to (10), as falling into one of the following packaging categories, depending on the material from which the packaging is made—

- (a) aluminium;
- (b) fibre-based composite materials;
- (c) glass;
- (d) paper or board;
- (e) plastic;
- (f) steel;
- (g) wood; or
- (h) other materials.

(6) Paragraphs (7) to (15) apply for the purposes of any—

- (a) calculations, assessments or modulations to be made under Part 5; and
- (b) descriptions in Schedule 4 of information to be collected and reported by or on behalf of producers.

(7) Where an item of packaging consists of two or more components (for example, a jar, its lid and its label) which are made of different materials referred to in paragraph (5) (“paragraph (5) materials”), each component is to be treated separately, unless paragraph (8) applies.

(8) Where an item of packaging referred to in paragraph (7) is a drink container and the component which is predominant by weight (“the predominant component”) is made of any paragraph (5) material other than glass, the whole of the drink container is to be treated as made of the same material as the predominant component.

(9) Where an individual component of an item of packaging, or the whole item of packaging if it does not consist of different components, is composed of a combination of paragraph (5) materials, that component or item is to be treated as made of the material which is predominant by weight, unless paragraph (10) applies.

(10) Where a component or item of packaging referred to in paragraph (9) is composed of a combination of paragraph (5) materials in equal proportions by weight, each of those materials is to be treated separately.

(11) The scheme administrator may specify packaging sub-categories by sub-dividing the packaging categories listed in paragraph (5).

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(a) S.I. 2015/1640.



- (12) The scheme administrator may exercise the power in paragraph (11) by—
- (a) specifying different packaging sub-categories for the purposes of different provisions; and
  - (b) specifying, for the purposes of any of those provisions—
    - (i) packaging sub-categories which are to apply only in relation to one or more specified classes of producers; or
    - (ii) different packaging sub-categories in relation to different classes of producers.

(13) The scheme administrator must consult the appropriate agencies before exercising the power in paragraph (11).

(14) A specification made under paragraph (11) must—

- (a) subject to paragraph (15), be published at least 12 months before it applies; and
- (b) apply for one or more full calendar years.

(15) Paragraph (14)(a) does not apply in relation to specifications applying to the calendar years 2025 and 2026, which must be published as soon as possible after this regulation comes into force.

(16) The scheme administrator must publish each year a list of any packaging sub-categories specified under paragraph (11), including for each packaging sub-category—

- (a) the packaging category of which it is a sub-division;
- (b) the provisions to which that packaging sub-category is relevant;
- (c) where applicable, the classes of producer to which that packaging sub-category applies;
- (d) the calendar years for which that packaging sub-category applies;

and any amendments to that list, in the way appearing to the scheme administrator to be most appropriate for the purpose of bringing it to the attention of producers and other persons appearing to the scheme administrator to have an interest.

### **Household packaging**

**8.—**(1) In these Regulations, “household packaging”, except in the expression “household packaging waste”, means any primary packaging or shipment packaging other than—

- (a) primary packaging supplied by a producer in relation to which the conditions in paragraph (2) or the conditions in paragraph (3) are satisfied;
- (b) shipment packaging supplied by a producer in relation to which the conditions in paragraph (3) are satisfied; and
- (c) packaging imported by an importer and discarded in the United Kingdom by that importer.

(2) The conditions in this paragraph are that—

- (a) the packaging has been supplied directly by a producer to a business or a public institution; and
- (b) that business or public institution does not supply to any other person—
  - (i) the packaging; or
  - (ii) the product which the packaging contains in its packaged form.

(3) The conditions in this paragraph are that the packaging—

- (a) is for a business product; and
- (b) is not reasonably likely to be disposed of in a household bin or public bin.

(4) For the purposes of paragraph (2)(b)(ii), a product which is supplied to another person is to be treated as being supplied in its packaged form unless all packaging is removed from the product before it is supplied.

(5) For the purposes of paragraph (3)(a), packaging is for a business product if it is—

- (a) supplied with a business product; or

- (b) unfilled packaging which—
    - (i) is made for use with a business product; and
    - (ii) the supplier of the packaging has evidence will be used with a business product.
- (6) In this regulation—
- “business product” means a product which is designed only for use by a business or a public institution;
- “household bin” means a receptacle designed to collect waste material from a household which is not a business or a public institution;
- “public institution” means—
- (a) a school, university or other educational establishment;
  - (b) a hospital or the practice of a general medical practitioner or dentist;
  - (c) a nursing home or other residential home;
  - (d) a government department;
  - (e) a relevant authority;
  - (f) a court or tribunal;
  - (g) a person who discharges public functions under any enactment;
  - (h) a charity or not for profit body; or
  - (i) a penal institution.
- (7) For the purposes of the definition of “public institution” in paragraph (6)—
- “charity” has the same meaning as in regulation 12;
- “dentist” means a person registered in the dentists register kept under section 14(1) of the Dentists Act 1984(a);
- “general medical practitioner” means a person registered in the General Practitioner Register kept by the General Medical Council under section 34C of the Medical Act 1983(b);
- “government department” includes—
- (a) any part of the Scottish Administration;
  - (b) a Northern Ireland department;
  - (c) the Welsh Government;
- “not for profit body” means a body which, by virtue of its constitution or any enactment—
- (a) is required, after payment of outgoings, to apply for charitable or public purposes the whole of its income and any capital which it expends; and
  - (b) is prohibited from directly or indirectly distributing among its members any part of its assets otherwise than for charitable or public purposes.

### **Household packaging waste**

**9.—(1)** In these Regulations, “household packaging waste” means packaging waste which is household waste, but does not include—

- (a) any waste for which a collection charge may be made by a relevant authority under regulations made under section 45(3) of the 1990 Act or article 20(3) of the Waste and Contaminated Land (Northern Ireland) Order 1997(c);
- (b) any waste from a place of worship;
- (c) any ground litter or binned packaging waste; or

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(a) 1984 c. 24; relevant amending instruments are S.I. 2005/2011, 2007/3101 and 2019/593.  
 (b) 1983 c. 54. Section 34C was inserted by S.I. 2010/234.  
 (c) S.I. 1997/2778 (N.I. 19).

- (d) any packaging waste which is discarded together with food waste in a receptacle for food waste where the food waste in that receptacle is collected separately from other household waste by the relevant authority collecting that waste.

(2) In this regulation—

“food waste”—

- (a) in relation to England, means waste that—
  - (i) at any time before becoming waste, was food; or
  - (ii) is biodegradable waste arising from the processing or preparation of food, and for these purposes “food” means food intended for human consumption but does not include drink;
- (b) in relation to Wales, has the meaning given in section 34D(5) of the 1990 Act as it applies in Wales(a);
- (c) in relation to Scotland, has the meaning given in section 75(7B) of the 1990 Act as it applies in Scotland(b);
- (d) in relation to Northern Ireland, has the meaning given in article 2(2) of the Waste and Contaminated Land (Northern Ireland) Order 1997(c);

“household waste” has the meaning given by—

- (a) in Scotland, section 75 of the 1990 Act(d), read with the Controlled Waste Regulations 1992(e);
- (b) in England and Wales, section 75 of the 1990 Act(f), read with the Controlled Waste (England and Wales) Regulations 2012(g);
- (c) in Northern Ireland, article 2(1) of the Waste and Contaminated Land (Northern Ireland) Order 1997, read with the Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013(h);

“place of worship” means—

- (a) in England and Wales, a hereditament or premises exempted from local non-domestic rating by virtue of paragraph 11 of Schedule 5 to the Local Government Finance Act 1988 (places of worship etc.)(i);
- (b) in Scotland, a hereditament or premises exempted from local non-domestic rating by virtue of section 22 of the Valuation and Rating (Scotland) Act 1956 (churches etc.)(j);
- (c) in Northern Ireland, any hereditament which is distinguished as exempt from rates by virtue of article 41(2)(b) of the Rates (Northern Ireland) Order 1977(k) in so far as it relates to purposes connected with public religious worship.

## Supply

10.—(1) For the purposes of these Regulations—

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- (a) Section 34D was inserted into the 1990 Act, in relation to Wales, by section 66(1) of the Environment (Wales) Act 2016 (anaw 3).
  - (b) Subsection (7B) was inserted into the 1990 Act, in relation to Scotland, by S.S.I. 2012/148.
  - (c) The definition of “food waste” was inserted into article 2(2) by S.R. 2015 No. 14.
  - (d) Relevant amendments to section 75 in relation to Scotland have been made by paragraph 88(3) of Schedule 22 to the Environment Act 1995 (c. 25), paragraph 17 of Schedule 3 to the Regulation of Care (Scotland) Act 2001 (asp 8) and S.S.I. 2005/22.
  - (e) S.I. 1992/588.
  - (f) Relevant amendments to section 75 in relation to England and Wales have been made by paragraph 88(3) of Schedule 22 to the Environment Act 1995 (c. 25) and S.I. 2006/937 and 2019/620.
  - (g) S.I. 2012/811.
  - (h) S.R. 2013 No. 255, amended by S.R. 2014 No. 117, S.R. 2018 No. 200, S.I. 2019/289 and S.R. 2020 No. 285.
  - (i) 1998 c. 41. Paragraph 11 was amended by paragraph 3 of Part 1 of Schedule 10 to the Local Government Finance Act 1992 (c. 14).
  - (j) 1956 c. 60. Section 22 was substituted by paragraph 10 of Schedule 13 to the Local Government Finance Act 1992 (c. 14).
  - (k) S.I. 1997/2157 (N.I. 28).

- (a) a supply of packaging is made where the owner of the packaging does any of the following, either themselves or through an agent acting on their behalf—
  - (i) sells, hires or lends the packaging;
  - (ii) provides the packaging in exchange for any consideration other than money;
  - (iii) provides the packaging in, or in connection with, the performance of any statutory function; or
  - (iv) gives the packaging as a prize or otherwise makes a gift of it;
- (b) a supply of packaging is also to be treated as being made where the packaging is discarded in the cases referred to in paragraph (6).

(2) For the purposes of these Regulations, where a supply of packaging is made as described in paragraph (1)(a), the person who “supplies” the packaging is the person referred to in paragraph (1)(a), except where a different person is treated as supplying the packaging under paragraph (3) or (5).

(3) Where a supply of branded packaging is made as described in paragraph (1)(a), the brand owner is to be treated, subject to paragraph (4), as supplying that packaging even if the person referred to in paragraph (1)(a) is not the brand owner.

(4) Paragraph (3) does not apply—

- (a) where the brand owner for the packaging is the brand owner by virtue of regulation 16(1)(b);
- (b) in relation to any packaging which is imported into the United Kingdom by—
  - (i) an importer, unless the importer is acting as an agent for the brand owner; or
  - (ii) an online marketplace operator; or
- (c) in relation to any reusable packaging supplied by a service provider.

(5) Where a supply of packaging is made on an online marketplace, and the person referred to in paragraph (1)(a) is not established in the United Kingdom, the online marketplace operator is to be treated as supplying that packaging.

(6) Where a brand owner, importer or first UK owner discards in the United Kingdom any packaging which is specified in paragraph (7) in relation to that class of producer, that producer is to be treated as supplying that packaging.

(7) The packaging referred to in paragraph (6) is—

- (a) in relation to a brand owner, branded packaging which—
  - (i) is imported into the United Kingdom by the brand owner or by another person on behalf of the brand owner; and
  - (ii) is not supplied to any person before being discarded;
- (b) in relation to an importer, packaging which is imported into the United Kingdom by the importer;
- (c) in relation to a first UK owner, packaging which—
  - (i) has not been supplied before coming into the ownership of the first UK owner; and
  - (ii) is not supplied to any person by the first UK owner before being discarded.

### **Exempt packaging**

**11.—**(1) Packaging is exempt packaging in relation to a producer (“P”), for the purposes of these Regulations, where the packaging is—

- (a) reused packaging, other than reused packaging imported into the United Kingdom;
- (b) any packaging exported from the United Kingdom by P including packaging exported through an agent acting on P’s behalf or which to P’s reasonable knowledge is otherwise exported from the United Kingdom, other than any packaging exported from the United Kingdom to a marine installation;

(c) packaging which is a deposit item for the purposes of a relevant deposit scheme.

(2) In paragraph (1)(b), “marine installation” means any artificial island, installation or structure at sea, other than a vessel.

### **Exclusion of charities**

**12.** These Regulations do not apply to a charity, and for these purposes, “charity” means—

- (a) anything which is a charity—
  - (i) within the meaning of section 1(1) of the Charities Act 2011<sup>(a)</sup> or section 1(1) of the Charities Act (Northern Ireland) 2008<sup>(b)</sup>; or
  - (ii) for the purposes of section 202 of the Corporation Tax Act 2010<sup>(c)</sup>; and
- (b) any body entered in the Scottish Charity Register under the Charities and Trustee Investment (Scotland) Act 2005<sup>(d)</sup>.

### **Charges for applications etc.**

**13.—**(1) The charges specified in paragraphs 2 to 6 of Schedule 1 apply for the matters set out there, subject to the provisions in paragraphs 7 to 9 of Schedule 1.

(2) Any reference in these Regulations to a charge in a paragraph of Schedule 1 means the charge specified in that paragraph (“the specified charge”), except that—

- (a) where the specified charge is abated under paragraph 7 of Schedule 1, the reference means the amount, if any, that is payable after such abatement;
- (b) where the specified charge has been increased for inflation under paragraph 8 of Schedule 1, the reference means the charge as so increased;
- (c) where the specified charge has been superseded by a charge specified in a charging scheme as referred to in paragraph 9 of Schedule 1, the reference means the charge payable under that charging scheme.

### **Electronic documents etc.**

**14.** In these Regulations—

- (a) any document which is to be provided or given to any person may be provided or given to that person by electronic means if the document is capable of being reproduced by that person in legible form;
- (b) any requirement to make, keep or retain a record or to maintain a register may be satisfied in electronic form if the text is capable of being produced by the person subject to the requirement in a legible documentary form;
- (c) any requirement for a signature may be satisfied by an electronic signature incorporated into the document and, for these purposes, “electronic signature” means data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign.

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(a) 2011 c. 25.

(b) 2008 c. 12 (N.I.).

(c) 2010 c. 4. Section 202 has been amended by paragraph 27(2) of Schedule 6 to the Finance Act 2010 (c. 13), section 35(5) of the Finance Act 2014 (c. 26) and S.I. 2012/964.

(d) 2005 asp 10.

**PART 2**  
**Producers and obligations**  
**CHAPTER 1**  
**Classes of producer**

**Producers**

- 15.**—(1) A person is a producer for the purposes of these Regulations if the person—
- (a) is established in the United Kingdom;
  - (b) is one or more of the following (referred to in these Regulations as classes of producer)—
    - (i) a brand owner;
    - (ii) a packer/filler;
    - (iii) an importer or first UK owner;
    - (iv) a distributor;
    - (v) an online marketplace operator;
    - (vi) a service provider; or
    - (vii) a seller; and
  - (c) performs the functions in relation to packaging specified in such of regulations 16 to 22 as apply to that class or those classes of producer—
    - (i) in the United Kingdom;
    - (ii) in the course of business; and
    - (iii) either themselves or through an agent acting on their behalf.
- (2) Regulations 16 to 22—
- (a) give the meanings of the expressions in paragraph (1)(b)(i) to (vii); and
  - (b) specify the packaging in relation to which each class of producer is a producer under these Regulations.
- (3) Where two or more products are grouped together to be sold as a single sales unit, it is to be determined separately in accordance with regulations 16 to 22 who is a producer in relation to—
- (a) the packaging for each individual product within the sales unit; and
  - (b) the packaging for the sales unit as a whole, including any packaging within the sales unit which is not part of the packaging of any individual product within that sales unit.
- (4) Paragraphs (5) and (6) apply in any case where, under any of regulations 16 to 22, whether a person (“P”) is a producer in relation to an item of packaging is dependent on whether another producer with a function in relation to that packaging, or to whom P supplies that packaging (“the other producer”), is a large producer.
- (5) If P has evidence of whether the other producer is a large producer in the year in which P supplies the packaging, the other producer is to be treated as being a large producer, or not a large producer (as the case may be) in accordance with that evidence.
- (6) If P does not have evidence as referred to in paragraph (5), the other producer is to be treated as a large producer if, in the preceding year, the other producer was—
- (a) registered as a large producer under these Regulations; or
  - (b) listed on a list of large producers published by the appropriate agency under—

- (i) regulation 22A of the Packaging Waste (Data Reporting) (England) Regulations 2023(a), the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023(b) or the Packaging Waste (Data Reporting) (Scotland) Regulations 2023(c); or
- (ii) regulation 23A of the Packaging Waste (Data Reporting) (No. 2) (Northern Ireland) Regulations 2023(d).

### **Brand owners**

**16.**—(1) In these Regulations, a “brand owner” means, subject to paragraph (3)—

- (a) a person whose brand appears on an item of filled packaging; or
- (b) where a brand is owned by a body corporate that is not established in the United Kingdom and is a member of a corporate group, any body corporate in that group which—
  - (i) is established in the United Kingdom; and
  - (ii) supplies an item of filled packaging on which that brand appears.

(2) Subject to paragraphs (3) and (4), a brand owner is a producer in relation to—

- (a) filled packaging on which—
  - (i) that person’s brand appears, where that person is a brand owner by virtue of paragraph (1)(a); or
  - (ii) the brand of a body corporate in the same corporate group as that person appears, where that person is a brand owner by virtue of paragraph (1)(b); and
- (b) any part of the packaging contained within, or forming part of, packaging referred to in sub-paragraph (a) (whether or not that part of the packaging is branded).

(3) Subject to paragraph (4), when more than one brand appears on filled packaging, the owner of the brand who makes the first supply of the filled packaging is to be treated as the brand owner and producer in relation to—

- (a) that packaging; and
- (b) any packaging contained in or forming part of that packaging, whether or not that part of the packaging is branded.

(4) A brand owner is not a producer in relation to—

- (a) any packaging in relation to which a packer/filler is a producer under regulation 17(2)(c), (d) or (e);
- (b) any packaging in relation to which an importer is a producer under regulation 18(2), and which is packaging to which regulation 18(3)(b) applies; or
- (c) any packaging in relation to which a first UK owner is a producer under regulation 18(4).

### **Packer/fillers**

**17.**—(1) In these Regulations, a “packer/filler” means a person who puts goods into packaging.

(2) A packer/filler is a producer in relation to any packaging which is filled by the packer/filler if—

- (a) there is no brand owner for the packaging;
- (b) the brand owner is not a large producer;
- (c) the only brand on the packaging relates to the packaging and not to the product contained in that packaging;

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(a) S.I. 2023/219; regulation 22A was inserted by S.I. 2024/359.  
(b) S.I. 2023/798 (W.127); regulation 22A was inserted by S.I. 2024/400 (W.72).  
(c) S.S.I. 2023/7; regulation 22A was inserted by S.S.I. 2024/42.  
(d) S.R.2023 No. 25; regulation 23A was inserted by S.R. 2024 No. 80.

- (d) the packer/filler has put a brand on the packaging to assist with distribution, otherwise than at the request of the brand owner, and there is no other brand on the packaging; or
- (e) the packer/filler has added the packaging to branded packaging otherwise than at the request of the brand owner.

### **Importers and first UK owners**

**18.**—(1) In these Regulations—

- (a) an “importer”, in relation to packaging which is imported, means—
  - (i) the person responsible for importing the packaging; or
  - (ii) where the person referred to in paragraph (i) is not established in the United Kingdom, the first person established in the United Kingdom who takes ownership of the packaging;
- (b) a “first UK owner”, in relation to packaging which is not imported, means the first person established in the United Kingdom who takes ownership of that packaging in the United Kingdom.

(2) An importer is a producer in relation to any packaging which—

- (a) is imported into the United Kingdom by the importer;
- (b) is either—
  - (i) filled packaging supplied by the importer; or
  - (ii) filled or unfilled packaging discarded by the importer in the United Kingdom; and
- (c) is packaging to which paragraph (3) applies.

(3) This paragraph applies to packaging—

- (a) for which there is no brand owner established in the United Kingdom;
- (b) where the brand owner is not responsible for the import of the packaging; or
- (c) where the brand owner is responsible for the import of the packaging, but is not a large producer under these Regulations.

(4) A first UK owner is a producer in relation to any packaging where—

- (a) the packaging is packed or filled in the United Kingdom on behalf of a person who is not established in the United Kingdom;
- (b) at the time it is packed or filled, no person established in the United Kingdom is the owner of the packaging; and
- (c) the filled packaging is supplied to the first UK owner.

### **Distributors**

**19.**—(1) In these Regulations, a “distributor” means a person who manufactures or imports unfilled packaging and supplies that packaging to another person.

(2) Subject to paragraph (3), a distributor is a producer in relation to any unfilled packaging which is—

- (a) manufactured or imported by the distributor; and
- (b) supplied to any person, other than a large producer who fills or packs the packaging before supplying it to any other person.

(3) But a distributor is not a producer in relation to unfilled packaging described in paragraph (2) if a large producer who is a brand owner, a packer/filler or a first UK owner is the producer in relation to that packaging under regulation 16, 17 or 18(4) once the packaging is filled.



### **Online marketplace operators**

**20.**—(1) In these Regulations, an “online marketplace operator” means, in relation to an online marketplace, the person who controls access to, and the contents of, the online marketplace provided that the person is involved in—

- (a) determining any terms and conditions applicable to the sale or other supply of the goods supplied on the online marketplace;
- (b) processing, or facilitating the processing, of payment for those goods; and
- (c) the ordering or delivery, or facilitating the ordering or delivery, of those goods.

(2) An online marketplace operator is a producer in relation to—

- (a) any packaging on items which are—
  - (i) supplied on the online marketplace by a non-UK supplier; and
  - (ii) received in the United Kingdom; and
- (b) subject to paragraph (3), any unfilled packaging which is—
  - (i) supplied on the online marketplace by a non-UK supplier, to a business other than a large producer which is a brand owner, packer/filler or first UK owner; and
  - (ii) received in the United Kingdom.

(3) But an online marketplace operator is not a producer in relation to unfilled packaging described in paragraph (2)(b) if a large producer who is a brand owner, a packer/filler or a first UK owner is the producer in relation to that packaging under regulation 16, 17 or 18(4) once the packaging is filled.

(4) In this regulation “non-UK supplier” means a person who—

- (a) supplies goods on an online marketplace in the course of business; and
- (b) is not established in the United Kingdom.

### **Service providers**

**21.**—(1) In these Regulations, a “service provider” means a person who supplies reusable packaging to a user of that packaging where the supply is made by hiring out or lending the packaging.

(2) A service provider is a producer in relation to any reusable packaging the first time the packaging is supplied (and not if it has previously been supplied to any user).

### **Sellers**

**22.**—(1) In these Regulations, a “seller” means a person who—

- (a) is not a service provider; and
- (b) supplies filled packaging to a final user of that packaging.

(2) A seller is a producer in relation to filled packaging which the seller supplies to a final user.

(3) For the purposes of this regulation, the final user of filled packaging is the person who last uses the packaging for the containment, protection, handling, delivery or presentation of the goods with which it is filled.

## **CHAPTER 2**

### **Threshold criteria and overview of producer responsibility obligations**

### **Large and small producers**

**23.** In these Regulations—

- (a) a “large producer” means a producer who, in relation to a relevant year—

- (i) satisfies the criteria in regulation 24(1), read together with paragraphs (3) to (7) of that regulation; or
- (ii) is a large producer by virtue of paragraph 2(1) of Schedule 9 (groups of companies);
- (b) a “small producer” means a producer who, in relation to a calendar year—
  - (i) satisfies the criteria in regulation 24(2), read together with paragraphs (3) to (7) of that regulation, but is not a large producer; or
  - (ii) is a small producer by virtue of paragraph 2(2) of Schedule 9.

**Threshold criteria: large and small producers**

**24.—**(1) A person satisfies the criteria in this paragraph in relation to a relevant year (“year Y”) if—

- (a) that person’s turnover was more than £2,000,000 in the last financial year that ended before 7th April in year Y-1 in respect of which audited accounts are available; and
- (b) in year Y-2 the person supplied in aggregate more than 50 tonnes of packaging.
- (2) A person satisfies the criteria in this paragraph in relation to year Y if—
  - (a) that person’s turnover was more than £1,000,000 in the last financial year that ended before 7th April in year Y-1 in respect of which audited accounts are available; and
  - (b) in year Y-2 the person supplied in aggregate more than 25 tonnes of packaging.
- (3) Where the person (“CB”) is a body corporate resulting from the merger of two or more bodies corporate—
  - (a) CB’s turnover in the financial year in which the merger took place, and in any subsequent financial year if no audited accounts are yet available for CB, is to be calculated for the purposes of this regulation as the sum of the turnovers of each merged body corporate in the last financial year ending before the merger for which audited accounts are available;
  - (b) CB is to be treated as having supplied in the calendar year in which the merger took place the sum of the amounts of packaging supplied by each of those bodies corporate in the calendar year preceding that year.
- (4) Where the assets and liabilities of a body corporate (“CB”) have been divided between two or more bodies corporate (“new bodies”)—
  - (a) each new body is to be treated as having a turnover, in the financial year in which the division took place and in any subsequent financial year if no audited accounts are yet available for the new body, equal to—

$$\frac{A}{XA} \times XT$$

where—

- “A” is the value of the assets of the new body immediately after the division;
- “XA” is the value of the assets of CB immediately before the division; and
- “XT” is the turnover of CB in the last financial year ending before the division for which audited accounts are available;

- (b) each new body is to be treated as having supplied an amount of packaging in the calendar year in which the division took place equal to—

$$\frac{A}{XA} \times XP$$

where “A” and “XA” have the meanings given in sub-paragraph (a), and “XP” means the amount of packaging supplied by CB in the calendar year preceding that year.

- (5) In this regulation—

- (a) “year Y-1” means the calendar year preceding year Y, and “year Y-2” means the calendar year preceding year Y-1;
- (b) audited accounts are to be treated as being available, in relation to a body corporate which is under a duty to deliver annual accounts to the registrar of companies, where annual accounts have been so delivered;
- (c) any reference to audited accounts being available is to be treated, in relation to a person who is not required to produce audited accounts, as a reference to accounts being available.

(6) For the purposes of this regulation, the amount of packaging supplied by a person (“P”) in a year is the amount supplied in the United Kingdom in respect of which P was a producer under Chapter 1 of this Part in that year, calculated in tonnes to the nearest tonne, excluding packaging which at the time of its supply was exempt packaging.

(7) If, in a year, P performed the functions of two or more classes of producer in relation to packaging—

- (a) all packaging in relation to which P performed any such function is to be taken into account for the purposes of paragraph (1)(b), (2)(b), (3)(b) and (4)(b); but
- (b) the same item of packaging is not to be taken into account more than once for those purposes.

### **Producer responsibility obligations**

**25.**—(1) Subject to paragraph (4), in relation to any relevant year in which a producer (“P”) is a large producer or a small producer, P must—

- (a) be registered with the appropriate agency in accordance with Chapter 1 of Part 3;
- (b) keep the records specified in relation to P in regulation 34(1), in accordance with regulation 34(2);
- (c) report to the appropriate agency the information specified in relation to P in—
  - (i) regulation 35(1), if P is a large producer; or
  - (ii) regulation 36(1), if P is a small producer,
 in accordance with that regulation and regulation 39; and
- (d) if regulation 38(1) applies to P, report to the Environment Agency the information specified in that paragraph, in accordance with that regulation and regulation 39.

(2) Subject to paragraph (4), in relation to any relevant year in which P is a large producer and is one or more of the classes of producer in regulation 15(1)(b)(i) to (vi), P must also—

- (a) recycle packaging waste in each packaging category of packaging supplied by P, in accordance with regulation 40;
- (b) keep the evidence specified in regulation 34(3), in accordance with that paragraph;
- (c) furnish a certificate of compliance to the appropriate agency in respect of P’s recycling obligations, in accordance with regulation 41.

(3) In relation to any relevant year in which P is a liable producer for the purposes of Part 5, P must also—

- (a) assess, in accordance with regulation 26, the recyclability of the household packaging P supplies;
- (b) keep records of those assessments, in accordance with regulation 34(5); and
- (c) report those assessments to the appropriate agency, in accordance with regulations 37 and 39.

(4) Paragraphs (1) to (3) are subject to—

- (a) regulation 42 (effect of compliance scheme membership); and
- (b) paragraph 5(1)(a) of Schedule 9 (effect of corporate group registration).

(5) Paragraph (3) does not apply in relation to household packaging which consists of—

- (a) exempt packaging; or
- (b) subject to regulation 136(2), drink containers made of any material other than glass.

(6) The scheme administrator may direct that, for one or more relevant years following the coming into force of this regulation, paragraph (3) is not to apply to online marketplace operators in relation to household packaging which they are treated under regulation 10(5) as supplying.

(7) The scheme administrator may only make a direction under paragraph (6) if it is satisfied that it would be disproportionately burdensome for online marketplace operators to ensure that recyclability assessments are carried out for that packaging.

### **Recyclability assessments**

**26.** A producer who is required by regulation 25(3)(a) to assess the recyclability of packaging which the producer supplies (a “recyclability assessment”)—

- (a) may assess the recyclability of the packaging itself, or arrange for a recyclability assessment to be carried out by a third party;
- (b) must ensure that the recyclability assessment is carried out in accordance with the methodology and guidance published by the scheme administrator under paragraph 7 of Schedule 7; and
- (c) must keep the recyclability assessment under review, and update it or carry out a further assessment if—
  - (i) the design, manufacture or composition of the packaging is changed;
  - (ii) the methodology referred to in sub-paragraph (b) is changed in a way that is likely to affect the outcome of the assessment; or
  - (iii) there is likely to be a change to the outcome of the assessment for any other reason.

## **CHAPTER 3**

### **Insolvency, etc., of producers**

#### **Insolvency, etc., of producers**

**27.**—(1) This regulation applies where, in a relevant year—

- (a) an insolvency event—
  - (i) referred to in paragraph 2(a) to (d) of Schedule 2 takes place in relation to a producer which is a body corporate;
  - (ii) referred to in paragraph 3(a) to (d) or (f) of Schedule 2 takes place in relation to a producer which is a partnership; or
  - (iii) referred to in paragraph 4(a) or (b) of Schedule 2 takes place in relation to a producer who is an individual,and, in any of those cases, the producer ceases trading;
- (b) a producer which is a partnership is dissolved; or
- (c) a producer who is an individual dies or becomes incapacitated.

(2) Where this regulation applies, the producer referred to in paragraph (1) (“the first producer”)—

- (a) ceases to be subject to any producer responsibility obligations for the relevant year; and
- (b) ceases to be liable to pay disposal fees or administration fees under regulation 60, if and to the extent that another person becomes liable to pay those fees under paragraph (3)(b).

(3) Any person who carries on the activities of the first producer following an event referred to in paragraph (1) (“the new producer”) is to be treated as a producer and—

- (a) has the producer responsibility obligations of the first producer for the relevant year and the following two years regardless of whether the new producer meets the threshold criteria to be a large producer or small producer in those years; and
  - (b) is liable to pay any disposal fees or administration fees that were due from the first producer under Part 5.
- (4) The new producer must—
- (a) within 28 days of beginning to carry on the activities of the first producer, inform the appropriate agency in writing of—
    - (i) that fact, and the date on which it began to carry on those activities; and
    - (ii) the nature and date of the event referred to in paragraph (1) which occurred to the first producer; and
  - (b) apply to be registered in accordance with regulation 28(2).

## PART 3

### Producer responsibility obligations

#### CHAPTER 1

##### Registration of producers

#### **Application for producer registration**

**28.**—(1) A producer who is required by regulation 25(1)(a) to be registered for a relevant year must submit an application for producer registration to the appropriate agency—

- (a) in relation to 2025, on or before 1st April 2025;
- (b) in relation to 2026 or any subsequent year, on or before—
  - (i) 1st October in the year preceding the relevant year, in the case of a large producer who is one or more of the classes of producer in regulation 15(1)(b)(i) to (vi); or
  - (ii) 1st April in the relevant year, in the case of—
    - (aa) a large producer who is a seller and no other class of producer; or
    - (bb) a small producer.

(2) A producer who is required by regulation 27(4)(b) to register after taking over the activities of another producer must submit an application for producer registration to the appropriate agency—

- (a) on or before the date on which the first producer referred to in regulation 27 would have been required to apply for registration under paragraph (1); or
- (b) if later, before the end of a period of 28 days beginning with the day on which the producer begins to carry on the activities of the first producer.

(3) Where any of the following occurs after the date specified in paragraph (1) or (2) by which an application for producer registration must be submitted for a relevant year—

- (a) a person becomes a producer in respect of that year, but is not a member of a compliance scheme;
- (b) the producer is given notice that an application by the producer for registration for the relevant year is refused; or
- (c) a producer is a member of a compliance scheme and—
  - (i) the producer is given notice that the application for registration of the compliance scheme for the relevant year is refused, or the registration of the compliance scheme is cancelled; or
  - (ii) the producer ceases to be a member of the compliance scheme,

an application, or further application, for producer registration must be submitted by the producer before the end of a period of 28 days beginning with the day on which that event occurs.

(4) Paragraph (3) applies where an event in sub-paragraph (c) of that paragraph occurs, irrespective of whether the scheme operator had previously submitted an application for producer registration in relation to the producer for the relevant year.

### **Making an application for producer registration**

**29.**—(1) An application for producer registration must—

- (a) be made in such manner as the appropriate agency specifies;
- (b) contain the information set out in Schedule 3;
- (c) be accompanied by such other information as the appropriate agency reasonably requires to determine the application.

(2) The application must be signed by the approved person of the producer to verify the information contained in or provided with the application.

(3) The application must be accompanied by payment of—

- (a) the charge in paragraph 2(1) of Schedule 1; and
- (b) the additional charge in paragraph 2(2) of Schedule 1, if the application is made after the date specified in regulation 28(1), (2) or (3) as applicable.

### **Determination of applications for producer registration**

**30.**—(1) An application for producer registration must be granted where—

- (a) the producer is subject to producer responsibility obligations;
- (b) the application complies with the requirements in regulation 29; and
- (c) the appropriate agency is satisfied that—
  - (i) all information provided in accordance with regulation 29(1) is as accurate as reasonably possible;
  - (ii) the charge payable in accordance with regulation 29(3)(a), and where applicable the additional charge payable in accordance with regulation 29(3)(b), has been paid;

and must otherwise be refused.

(2) Where an application for producer registration is granted—

- (a) the appropriate agency must, within 28 days of the application being granted, serve on the producer notice in writing that the producer is registered, and of the registration number assigned to the producer;
- (b) the appropriate agency must inform the scheme administrator where the application states that the producer is liable to pay disposal fees under regulation 60 and provide the scheme administrator with the information contained in or provided with the application for that producer; and
- (c) the producer is to be treated as having been registered—
  - (i) where the application was made within the time limit specified in regulation 28(1) or (2), from the beginning of the relevant year;
  - (ii) where the application was made within the time limit specified in regulation 28(3), from the date of the relevant occurrence;
  - (iii) in any other case, from the date specified in the confirmation, until any cancellation of the producer's registration in accordance with regulation 32 or the expiry of the registration.

(3) Where an application for producer registration is refused, the appropriate agency must, within 28 days of the decision to refuse the application, serve on the producer notice in writing of that decision, including—

- (a) the reasons for refusing the application; and
- (b) a statement as to the right of appeal under regulation 104(1)(a).

**Conditions of registration of a producer**

**31.** Registration of a producer (“P”) is subject to the following conditions—

- (a) that P complies with the obligations set out in—
  - (i) regulation 25(1)(b) and (c); and
  - (ii) if applicable to P, regulation 25(1)(d), (2) and (3);
- (b) that P provides any information reasonably requested by the appropriate agency with regard to the obligations referred to in paragraph (a) above, or in relation to the registration, before the end of the period of 28 days beginning with the day after the day on which the request was made;
- (c) that P informs the appropriate agency of—
  - (i) any change in P’s circumstances which relate to the registration, and, where P is a partnership, any change of partners; and
  - (ii) any material change in the information provided in accordance with regulation 29(1)(b) or (c),  
within 28 days of the occurrence of any such change;
- (d) that P informs the appropriate agency as soon as reasonably practicable if P becomes aware that any of the relevant circumstances in Schedule 2 applies or is about to apply to P; and
- (e) that P informs the appropriate agency if P has ceased to be a producer in respect of a year.

**Cancellation of registration of producers**

**32.—(1)** The appropriate agency may cancel the registration of a producer where it appears to the appropriate agency that—

- (a) the producer is in breach of any of the conditions in regulation 31;
- (b) the producer knowingly or recklessly supplied to a scheme operator information which is false or misleading in a material particular, to be used in connection with an application for the producer’s registration; or
- (c) the applicant for producer registration knowingly or recklessly supplied information which is false or misleading in a material particular, in connection with the application, or in connection with compliance with any of the conditions in regulation 31.

**(2)** The appropriate agency must cancel the registration of a producer where—

- (a) it appears to the appropriate agency that any of the circumstances referred to in regulation 27(1) apply in relation to the producer; or
- (b) it is notified that the producer—
  - (i) has become a member of a compliance scheme and been registered by the scheme operator pursuant to regulation 43(3)(a); or
  - (ii) has otherwise ceased to be subject to producer responsibility obligations in respect of the relevant year.

**(3)** Before cancelling a registration under paragraph (1) or (2), the appropriate agency must serve on the producer concerned written notice of—

- (a) its decision to cancel the registration;
- (b) the reasons for the decision;
- (c) the date when cancellation will take effect, not being earlier than—

- (i) in the case of cancellation under paragraph (1) or (2)(a), the expiration of the time limit in paragraph 2 or 4 of Schedule 11, as applicable, for bringing an appeal against the notice; or
  - (ii) in the case of cancellation under paragraph (2)(b), 5 working days after the date of the notice;
  - (d) the right of appeal under regulation 104(1)(b), where applicable; and
  - (e) if the cancellation is under paragraph (1), and the grounds for cancellation constitute an offence, a statement identifying which offence in regulation 115 or 118 it appears to the appropriate agency is being committed by the producer.
- (4) Paragraph (3) does not apply where a registration is being cancelled because the producer has died.
- (5) The appropriate agency must inform the scheme administrator if it cancels the registration of a producer who is a liable producer under regulation 60.

## CHAPTER 2

### Record-keeping and reporting obligations

#### Information to be collected and reported by producers

33. Schedule 4 specifies descriptions of information—

- (a) about which producers are required to collect data under regulation 34; and
- (b) which, subject to regulation 39(1), certain producers are required to report under regulations 35 to 38.

#### Record keeping obligations

34.—(1) A producer (“P”) of a class specified in the first column of Table 1 must, in relation to the packaging specified in the corresponding entry in the second column, collect the data specified in the paragraphs of Schedule 4 listed in the corresponding entry in—

- (a) the third column, if P is a large producer; or
- (b) the fourth column, if P is a small producer.

**Table 1**

#### Data to be collected by large and small producers

<i>Class of producer</i>	<i>Packaging in relation to which data collection obligation applies</i>	<i>Descriptions of data to be collected by a large producer (references are to paragraph numbers in Schedule 4)</i>	<i>Descriptions of data to be collected by a small producer (references are to paragraph numbers in Schedule 4)</i>
Brand owner	Packaging for which P is a producer by virtue of regulation 16.	2, 3, 5, 6, 7, 9, 10, 12, 13	2, 5, 7
Packer/filler	Packaging for which P is a producer by virtue of regulation 17.	2, 3, 5, 6, 7, 9, 10, 12, 13	2, 5, 7
Importer or first UK owner	Packaging for which P is a producer by virtue of regulation 18.	2, 3, 5, 6, 7, 9, 10, 11, 12, 13	2, 5, 7, 11
Distributor	Packaging for which P is a producer by virtue of regulation 19.	2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13	2, 5, 7, 11
Online marketplace	Packaging for which P	2, 3, 4, 8, 11, 12, 13	2, 3, 4, 11



operator	is a producer by virtue of regulation 20.		
Service provider	Packaging for which P is a producer by virtue of regulation 21.	2, 3, 5, 6, 7, 9, 10, 11, 12, 13	2, 5, 7, 11
Seller	Packaging for which P is a producer by virtue of regulation 22.	11, 12, 13, 14	11, 14

(2) A producer must keep any data which the producer is required to collect under paragraph (1) for at least 7 years after the end of the reporting period to which the data relate.

(3) If P is a large producer who is a brand owner, packer/filler, importer or first UK owner, distributor, online marketplace operator or service provider, P must—

(a) retain evidence—

(i) of the amount of relevant packaging waste which P has collected from consumers and sent for recycling as referred to in regulation 62(2), and reported on under paragraph 12 of Schedule 4;

(ii) that the relevant packaging waste referred to in paragraph (i) has been recycled; and

(b) keep that evidence for at least 7 years after the activity to which the evidence relates.

(4) In paragraph (3)(a), “relevant packaging waste” means—

(a) reusable packaging which has been used at least once and has become waste; or

(b) any other packaging waste which is collected from households for recycling by less than 75% of the relevant authorities in the United Kingdom responsible for waste collection,

but, subject to regulation 136(2), not including drink containers made from any material other than glass.

(5) If P is a liable producer for the purposes of Part 5, P must retain records of recyclability assessments carried out in accordance with regulation 25(3) for at least 7 years after the record is made.

### Reporting obligations: large producers

35.—(1) A large producer (“LP”) of a class specified in the first column of Table 2 must, in relation to the packaging specified in the corresponding entry in the second column, report to the appropriate agency in accordance with paragraphs (2) to (4) and regulation 39 the descriptions of data specified in the third column, for the reporting period specified in the fourth column.

**Table 2**

#### Data to be reported to the appropriate agency: large producers

<i>Class of producer</i>	<i>Packaging in relation to which data reporting obligations apply</i>	<i>Descriptions of data to be reported (references are to paragraphs of Schedule 4)</i>	<i>Reporting period</i>
Brand owner	Packaging for which LP is a producer by virtue of regulation 16	2, 3, 5, 6, 7, 9, 10, 12, 13	6 months
Packer/filler	Packaging for which LP is a producer by virtue of regulation 17	2, 3, 5, 6, 7, 9, 10, 12, 13	6 months
Importer or first UK owner	Packaging for which LP is a producer by virtue of regulation 18	2, 3, 5, 6, 7, 9, 10, 12, 13	6 months
		11	12 months

Distributor	Packaging for which LP is a producer by virtue of regulation 19	2, 3, 5, 6, 7, 9, 10, 12, 13	6 months
		11	12 months
Online marketplace operator	Packaging for which LP is a producer by virtue of regulation 20	2, 3, 12, 13	6 months
		4, 11	12 months
Service provider	Packaging for which LP is a producer by virtue of regulation 21	2, 3, 5, 6, 7, 9, 10, 12, 13	6 months
		11	12 months
Seller	Packaging for which LP is a producer by virtue of regulation 22	11, 12, 13	12 months

(2) Reports of data for which Table 2 specifies a 6 monthly reporting period must be submitted to the appropriate agency—

- (a) on or before 1st October each year, for the period from 1st January to 30th June in that year; and
- (b) on or before 1st April each year, for the period from 1st July to 31st December in the previous year.

(3) Reports of data for which Table 2 specifies a 12 monthly reporting period must be submitted to the appropriate agency on or before 1st April each year, for the previous calendar year.

(4) The first reports under this regulation must be submitted to the appropriate agency on or before 1st April 2025, for the period 1st January to 31st December 2024 or 1st July to 31st December 2024 as applicable.

(5) In relation to a report submitted for a period specified in paragraph (4), paragraphs (1) to (3) are subject to paragraph 2(1) and (2) of Schedule 15.

### Reporting obligations: small producers

**36.**—(1) A small producer (“SP”) of a class specified in the first column of Table 3 must, in relation to the packaging specified in the corresponding entry in the second column, report to the appropriate agency every 12 months, in accordance with paragraphs (2) and (3) and regulation 39, the descriptions of data specified in the third column.

**Table 3**

#### Data to be reported to the appropriate agency: small producers

<i>Class of producer</i>	<i>Packaging in relation to which data reporting obligations apply</i>	<i>Descriptions of data to be reported (references are to paragraphs of Schedule 4)</i>
Brand owner	Packaging for which SP is a producer by virtue of regulation 16.	2, 5, 7
Packer/filler	Packaging for which SP is a producer by virtue of regulation 17.	2, 5, 7
Importer or first UK owner	Packaging for which SP is a producer by virtue of regulation 18.	2, 5, 7, 11
Distributor	Packaging for which SP is a producer by virtue of regulation 19.	2, 5, 7, 11
Online marketplace operator	Packaging for which SP is a producer by virtue of regulation 20.	2, 3, 4, 11
Service provider	Packaging for which SP is a producer by virtue of regulation 21.	2, 5, 7, 11
Seller	Packaging for which SP is a	11

producer by virtue of regulation 22.
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(2) Reports under this regulation must be submitted to the appropriate agency on or before 1st April each year, for the previous calendar year.

(3) The first reports under this regulation must be submitted to the appropriate agency on or before 1st April 2025, for the calendar year 2024.

(4) In relation to a report submitted for 2024, paragraphs (1) and (2) are subject to paragraph 2(4) of Schedule 15.

### **Obligation to report results of recyclability assessments**

**37.**—(1) A producer that is a liable producer for the purposes of Part 5 must report to the appropriate agency every 6 months the results of its recyclability assessments of the household packaging supplied by the producer, in accordance with paragraphs (2) and (3) and regulation 39.

(2) Reports under this regulation must be submitted to the appropriate agency—

- (a) on or before 1st October each year, for the period from 1st January to 30th June in that year; and
- (b) on or before 1st April each year, for the period from 1st July to 31st December in the previous year.

(3) The first reports under this regulation must be submitted to the appropriate agency on or before 1st October 2025, for the period 1st January to 30th June 2025.

### **Obligation to report data on plastic or paper bags supplied in England**

**38.**—(1) A large producer or small producer who—

- (a) is a seller; and
- (b) supplies plastic or paper bags in England,

must report to the Environment Agency every 12 months, in accordance with paragraphs (2) and (3) and regulation 39, the information specified in paragraph 14 of Schedule 4.

(2) Reports under this regulation must be submitted to the Environment Agency on or before 1st April each year, for the previous calendar year.

(3) The first reports under this regulation must be submitted to the Environment Agency on or before 1st April 2026, for the period 1st January to 31st December 2025.

### **Reporting obligations: general provisions**

**39.**—(1) The obligations of producers under regulations 35 to 38 are subject to—

- (a) regulation 42(2)(a) (producers: effect of compliance scheme membership); and
- (b) paragraph 5 of Schedule 9 (corporate groups: effect of group registration).

(2) All reports submitted to the appropriate agency or to the Environment Agency under this Chapter must be—

- (a) as accurate as reasonably possible;
- (b) verified by the signature of an approved person of the producer; and
- (c) submitted in such form as that agency specifies.

(3) Where a producer becomes aware that any information contained in a report which the producer has submitted to the appropriate agency or the Environment Agency under this Chapter was wrong or inaccurate, the producer must—

- (a) submit an amended report to that agency containing the correct information; and
- (b) pay that agency the charge in paragraph 2(3) of Schedule 1 for resubmitting a report.

## CHAPTER 3

### Recycling and certification obligations

#### Recycling obligations

**40.**—(1) Subject to regulation 42(2)(b) and to paragraph 5(1)(a) of Schedule 9, a large producer must comply with the recycling obligations set out in Schedule 5.

(2) A large producer may only demonstrate compliance with its recycling obligations through the acquisition of PRNs or PERNs or both.

(3) Subject to paragraph (4), a PRN or PERN that is issued in respect of packaging waste received for recycling at a reprocessing site or an overseas reprocessing site may only be used to demonstrate compliance with a large producer's recycling obligations for the year in which the packaging waste is received for recycling at that site.

(4) A PRN that is issued in respect of packaging waste received for recycling at a reprocessing site, or a PERN that is issued in respect of packaging waste received for recycling at an overseas reprocessing site, in the December of a year may be relied on by a large producer to demonstrate compliance with its recycling obligations either in that year or in the following year.

#### Certification obligation

**41.**—(1) A producer who has recycling obligations for a relevant year must submit, in accordance with this regulation, a certificate of compliance to the appropriate agency as evidence of whether the producer has complied with those obligations.

(2) A certificate of compliance must be submitted on or before 31st January in the year immediately following the relevant year.

(3) A certificate of compliance must—

- (a) state whether the producer has complied with its recycling obligations for the relevant year; and
- (b) be signed by an approved person of the producer to verify that statement.

(4) A certificate of compliance must also contain the following information—

- (a) the name of the producer to which the certificate relates;
- (b) the name of the approved person verifying the certificate;
- (c) the date of the certificate.

## PART 4

### Compliance schemes

#### CHAPTER 1

##### General

#### Producers: effect of compliance scheme membership

**42.**—(1) Where, in relation to a relevant year, a producer—

- (a) is a member of a registered compliance scheme on the date specified in regulation 28(1) by which the producer would, but for this paragraph, be required to apply for registration;
- (b) remains a member of the compliance scheme until the end of the relevant year; and
- (c) satisfies the conditions in paragraph (3),

the producer is exempt from complying for the relevant year with its registration obligation under regulation 25(1)(a).

(2) Where a producer is a member of a registered compliance scheme throughout the whole of a relevant year, and satisfies the conditions in paragraph (3), the producer is exempt from complying for the relevant year with—

- (a) its reporting obligations under regulation 25(1)(c);
- (b) in the case of a producer to whom regulation 25(2) applies, its recycling obligations and certification obligation under that paragraph; and
- (c) in the case of a producer to whom regulation 25(3) applies, its reporting obligations under regulation 25(3)(c).

(3) The conditions in this paragraph are that the producer—

- (a) provides any information the scheme operator reasonably requests which is necessary for the purposes of meeting its obligations under regulation 43(3) in relation to that producer, within a reasonable period of receiving such a request; and
- (b) pays any fee required for membership of the compliance scheme.

### **Obligations of compliance schemes**

**43.**—(1) A compliance scheme must be—

- (a) approved in accordance with regulation 47; and
- (b) registered in accordance with regulation 51, for each year that the scheme operates.

(2) A compliance scheme must have a single scheme operator, which must be a person established in the United Kingdom.

(3) The scheme operator must, in relation to a relevant year, carry out such of the following obligations that every producer who is a member of the compliance scheme would have had but for membership of the scheme—

- (a) the registration obligations under regulation 25(1)(a) and Chapter 1 of Part 3;
- (b) the reporting obligations under regulation 25(1)(c) and (d) and Chapter 2 of Part 3;
- (c) the recycling obligations under regulations 25(2)(a) and 40.

(4) For the purposes of paragraph (3), Part 3 applies to a scheme operator to the extent, and with the modifications, set out in regulation 44.

(5) Paragraph (3) is subject to regulation 46 in relation to a producer who joins or leaves a compliance scheme during a relevant year.

(6) The scheme operator must—

- (a) keep records, and submit reports to the appropriate agency, in accordance with regulation 55; and
- (b) submit an annual statement of compliance to the appropriate agency in accordance with regulation 56.

### **Producer responsibility obligations carried out by scheme operators**

**44.**—(1) For the purposes of regulation 43(3)(a) (obligation of scheme operator to carry out registration obligations of scheme members)—

- (a) the scheme operator must make an application for registration of a producer on or before the date by which the producer would have been required under regulation 28 to make that application if the producer were not a member of the compliance scheme;
- (b) regulations 29 and 30 apply in relation to the application, with the modifications that—
  - (i) the application must be signed by the approved person of the scheme operator to verify the information contained in or provided with the application;
  - (ii) the charges payable for the application are those in paragraph 4 of Schedule 1; and
  - (iii) the notice required to be served by the appropriate agency under regulation 30(2)(a) or (3) must be served on the scheme operator;

- (c) the conditions in regulation 31 apply to the registration, with the modification that the first reference to P in each sub-paragraph is to be treated as including a reference to the scheme operator;
- (d) regulation 32 applies in relation to the registration, with the modification that the grounds in paragraph (1) for cancelling the registration are to be treated as including the ground that it appears to the appropriate agency that the scheme operator is in breach of a condition in regulation 31 which applies to the scheme operator by virtue of sub-paragraph (c) above.

(2) For the purposes of regulation 43(3)(b) (obligation of scheme operator to carry out reporting obligations of scheme members) regulations 35 to 39 apply in relation to a report made by a scheme operator, with the modifications to regulation 39 that—

- (a) the report must be verified by the signature of the approved person of the scheme operator; and
- (b) the charge payable for resubmitting a report under regulation 39(3) is the charge in paragraph 3(3) of Schedule 1.

(3) For the purposes of regulation 43(3)(c) (obligation of scheme operator to carry out recycling obligations of scheme members), regulation 40 applies with the modification that all references to a large producer are to be treated as including references to the scheme operator.

### **Provision of information by producers to compliance schemes**

**45.**—(1) This regulation applies where a producer who is—

- (a) a member of a compliance scheme; or
- (b) applying for membership of a compliance scheme,

provides to the scheme operator any information which the scheme operator will need to rely upon for any of the purposes in paragraph (2).

(2) Those purposes are—

- (a) an application under regulation 51 to register the compliance scheme for a registration year;
- (b) carrying out any of the obligations referred to in regulation 43(3) in relation to the producer; or
- (c) complying with the obligations in regulation 55.

(3) A producer who provides to a scheme operator any information referred to in paragraph (1) must—

- (a) ensure that the information provided to the scheme operator is verified by the signature of the approved person of the producer; and
- (b) ensure that the information is as accurate as reasonably possible.

### **Mid-year changes to compliance scheme membership**

**46.**—(1) Where a person who is a producer in respect of a relevant year (“P”) becomes a member of a compliance scheme during that year, the scheme operator must carry out the whole of P’s relevant obligations in relation to that year.

(2) Where P ceases to be a member of a compliance scheme during a relevant year, subject to paragraph (3) P must comply with the whole of its producer responsibility obligations in relation to that year.

(3) Where P ceases to be a member of one compliance scheme (“the first scheme”) and becomes a member of another compliance scheme (“the second scheme”) during that year, the scheme operator of the first scheme is not required to perform any of P’s relevant obligations for that year and the scheme operator of the second scheme must carry out the whole of those obligations in relation to that year.

(4) Paragraphs (1), (2) and (3) apply also in relation to an obligation which was carried out or partly carried out, or was due to have been carried out, by another person before the date of the change referred to in those paragraphs.

(5) In this regulation, “relevant obligation” means an obligation referred to in regulation 43(3).

## CHAPTER 2

### Approval of compliance schemes

#### **Application for approval of a compliance scheme**

**47.—**(1) An application for approval of a compliance scheme must be made in writing to the appropriate agency by the scheme operator and must—

- (a) contain—
  - (i) the name and address of the scheme operator; and
  - (ii) such other information as may be required by the appropriate agency;
- (b) be accompanied by a copy of—
  - (i) the constitution of the scheme;
  - (ii) the rules with which a member of the scheme is obliged to comply;
  - (iii) the procedures under which the scheme operator enforces the rules against a member of the scheme; and
  - (iv) an operational plan for the next three years which complies with Part 1 of Schedule 6, for approval by the appropriate agency.

(2) The charge in paragraph 3(1) of Schedule 1 must be paid by the scheme operator when an application for approval is made.

(3) An application for approval of a compliance scheme must be determined by the appropriate agency before the end of a period of 12 weeks starting with the day on which—

- (a) the appropriate agency has received the application and all the accompanying documentation referred to in paragraph (1); and
- (b) the charge referred to in paragraph (2) has been paid.

(4) An application for approval of a compliance scheme must be granted where—

- (a) the application meets the requirements in paragraph (1) and the charge referred to in paragraph (2) has been paid;
- (b) the appropriate agency is satisfied that—
  - (i) the compliance scheme is likely to subsist for a period of at least 3 years;
  - (ii) the scheme operator will be able to meet the conditions in regulation 48; and
  - (iii) the scheme operator is a fit and proper person to be an operator of a compliance scheme; and

(c) the appropriate agency approves the scheme operator’s operational plan, and must otherwise be refused.

(5) Where an application for approval of a compliance scheme is determined—

- (a) the appropriate agency must serve on the scheme operator notice in writing of its decision within 28 days of the day on which that decision is made;
- (b) if the application has been refused, the notice must include—
  - (i) the reasons for the refusal; and
  - (ii) a statement as to the right of appeal under regulation 104(2)(a).

(6) Approval of a compliance scheme under this regulation, or treatment of a compliance scheme as being approved under paragraph 9(1) of Schedule 15, ceases to be valid on the occurrence of any of the following events—

- (a) a conviction of the scheme operator for an offence under—
  - (i) these Regulations;
  - (ii) the 2007 Regulations;
  - (iii) the 2007 (NI) Regulations; or
  - (iv) the 2023 Data Regulations;
- (b) the scheme operator notifying the appropriate agency under regulation 56 that it did not comply with the requirements of regulation 43 for the previous year of registration;
- (c) the scheme operator failing to comply, where applicable, with any additional conditions imposed under regulation 48(2);
- (d) a change in the person who is the scheme operator.

(7) Where any of the events in paragraph (6)(a), (b) or (c) occurs, and the scheme operator wishes to continue to operate the compliance scheme, a further application for approval in accordance with paragraph (1) must be made—

- (a) within 28 days of the day on which an event mentioned in paragraph (6)(a) or (c) above occurred; or
- (b) within 14 days of the day on which an event mentioned in paragraph (6)(b) occurred.

### **Conditions of approval of a compliance scheme**

**48.—**(1) Approval of a compliance scheme under regulation 47 is subject to the following conditions—

- (a) the scheme operator complies with the obligations set out in regulation 43;
- (b) the scheme operator takes reasonable steps to ensure that any information provided to it by scheme members which the scheme operator provides to the appropriate agency, or uses for a purpose referred to in regulation 45(2), is as accurate as reasonably possible;
- (c) the scheme operator acquires PRNs or PERNs in a manner which least hinders the ability of any large producer or any other scheme operator to acquire PRNs or PERNs;
- (d) the scheme operator provides any information reasonably requested by the appropriate agency for the purposes of monitoring compliance pursuant to regulation 109(1)(b);
- (e) in relation to any year in which the compliance scheme is registered under regulation 51, the scheme operator complies with the conditions in regulation 53(c) and (d);
- (f) where the scheme operator proposes to make any material change to the operational plan approved by the appropriate agency under regulation 47(4)(c) or 52(1)(d), the scheme operator—
  - (i) must submit a revised operational plan to the appropriate agency for approval; and
  - (ii) may not implement the change before the revised operational plan has been approved;
- (g) where the scheme operator is a partnership, it notifies the appropriate agency in writing of any change proposed to the partners at least 12 weeks before the day on which the change will take effect or, if later, within 28 days of the scheme operator becoming aware that the change will take effect or has taken effect;
- (h) the scheme operator provides records and returns to the appropriate agency as required by regulation 55;
- (i) the scheme operator informs the appropriate agency as soon as reasonably practicable if the scheme operator becomes aware that any of the insolvency events in Schedule 2 has taken place or is about to take place in relation to it.

(2) Where the approval of a compliance scheme has ceased to be valid under regulation 47(6) and the scheme operator has made a further application for approval of the scheme under regulation 47(7), the appropriate agency may, if it grants the application, make approval of the



scheme subject to any of the following additional conditions in relation to any year in which the scheme is registered under regulation 51, namely that the scheme operator—

- (a) complies with 50% of its total recycling obligations before 30th June;
- (b) complies with 75% of its total recycling obligations before 30th September;
- (c) makes returns to the appropriate agency of information demonstrating compliance with the conditions set out at sub-paragraphs (a) and (b) on or before 15th July and 15th October respectively;
- (d) does not accept any new members into the scheme.

(3) Any additional conditions imposed under paragraph (2) cease to apply at the beginning of the year following the approval year if the appropriate agency is satisfied that in the approval year the scheme operator complied with—

- (a) the obligations under regulation 43(3); and
- (b) the additional conditions.

(4) If additional conditions imposed under paragraph (2) cease to apply by virtue of paragraph (3), the appropriate agency must serve written notice of the cessation on the scheme operator within 28 days of the date on which the appropriate agency is satisfied in accordance with paragraph (3).

(5) In paragraph (3), “approval year” means the year for which approval was granted on an application under regulation 47(7).

#### **Withdrawal of approval of a compliance scheme**

**49.**—(1) The appropriate agency may withdraw approval of a compliance scheme—

- (a) where it appears to it that—
  - (i) the scheme operator is in breach of any of the conditions in regulation 48(1) or (2);
  - (ii) the scheme operator knowingly or recklessly supplied information which is false or misleading in a material particular, in connection with the application for approval or registration of the compliance scheme, or in connection with compliance with the conditions in regulation 48(1) or (2); or
  - (iii) the scheme operator is not a fit and proper person, or has at any time ceased to be a fit and proper person, to operate a compliance scheme; or
- (b) at the request of the scheme operator.

(2) Before withdrawing approval of a compliance scheme, the appropriate agency must serve on the scheme operator written notice of—

- (a) its decision to withdraw approval;
- (b) where approval is being withdrawn under paragraph (1)(a)—
  - (i) the reasons for the decision;
  - (ii) the right of appeal under regulation 104(2)(c); and
- (c) the date and time when the withdrawal takes effect, which must be no earlier than the date and time of service of the notice.

(3) Where approval of a compliance scheme has ceased to be valid under regulation 47(6), and no further application has been made in accordance with regulation 47(7), the approval is to be treated as withdrawn, and the appropriate agency must serve written notice on the scheme operator of its withdrawal.

(4) The notice served under paragraph (3) must include—

- (a) the reasons why the approval has ceased to be valid; and
- (b) a statement that the approval is to be treated as withdrawn, with effect from the date of the notice.

(5) The scheme operator of a compliance scheme in relation to which approval is withdrawn under this regulation must, within 14 days of the date on which the scheme operator received notice of the withdrawal, give each scheme member a notice in writing containing the following information—

- (a) a statement that approval of the scheme has been withdrawn and the date when the withdrawal took effect, or will take effect, as the case may be;
- (b) the reasons for the withdrawal; and
- (c) the obligations under regulations 25 and 46(2) of a producer who ceases to be a member of a registered compliance scheme.

### **Voluntary withdrawal of approval**

**50.**—(1) A request for the withdrawal of approval made under regulation 49(1)(b) must—

- (a) be made in writing to the appropriate agency on or before 9th July in a year;
- (b) be accompanied by evidence that the scheme operator—
  - (i) will cease to operate the compliance scheme at the end of the year in which the request is made; and
  - (ii) has notified its members before 9th July in that year that it no longer intends to operate a compliance scheme in the following year.

(2) When the appropriate agency receives a request under regulation 49(1)(b), if the appropriate agency is satisfied by the evidence provided pursuant to paragraph (1), the appropriate agency must withdraw the compliance scheme’s approval with effect from the end of the year in which the request is received.

(3) The scheme operator must, notwithstanding the withdrawal of approval of a compliance scheme under paragraph (2), submit to the appropriate agency by the following 31st January the report required by regulation 55 and the compliance statement required by regulation 56 for the last year of the compliance scheme’s operation.

## **CHAPTER 3**

### **Registration of compliance schemes**

#### **Application for registration of a compliance scheme**

**51.**—(1) An application for registration of a compliance scheme for a year (“the registration year”) must be made to the appropriate agency by the scheme operator—

- (a) on or before 1st April 2025, in relation to 2025; and
- (b) on or before 1st October in the year preceding the registration year in relation to subsequent years.

(2) An application for registration of a compliance scheme must—

- (a) be made in such manner as the appropriate agency specifies;
- (b) contain the information set out in Part 2 of Schedule 6;
- (c) be accompanied by such other information as the appropriate agency reasonably requires in order to determine the application;
- (d) be accompanied by an operational plan containing the information required by Part 1 of Schedule 6, which has been approved by the appropriate agency under regulation 47(1)(b)(iv) or 48(1)(f), updated to the date on which the application for registration of the scheme is submitted; and
- (e) except where the compliance scheme is registered in respect of the year preceding the registration year, be accompanied by evidence that the scheme is approved by the appropriate agency.

(3) Where a compliance scheme is approved after the date specified in paragraph (1) for applying for registration, the scheme operator must apply for registration as soon as practicable after receiving notice of the approval.

(4) The charge in paragraph 3(2) of Schedule 1 must be paid when the application is made.

(5) An application for the registration of a compliance scheme must be signed by an approved person of the scheme operator to verify the information contained in or accompanying the application.

(6) Any information provided under this regulation must be as accurate as reasonably possible.

### **Determination of application for compliance scheme registration**

**52.**—(1) An application for registration of a compliance scheme must be granted where—

- (a) the scheme operator has complied with regulation 51(2) and (5);
- (b) the scheme operator has paid the charge referred to in regulation 51(4);
- (c) the appropriate agency is satisfied that the information provided in accordance with regulation 51(2) satisfies regulation 51(6); and
- (d) the compliance scheme is approved by the appropriate agency,

and must otherwise be refused.

(2) Where an application for registration of a compliance scheme is granted—

- (a) the appropriate agency must, within 28 days of its decision, serve on the scheme operator notice in writing of its decision; and
- (b) the compliance scheme is to be treated as registered from the date specified in the notice under sub-paragraph (a) until any cancellation of the scheme's registration in accordance with regulation 54.

(3) Where an application for registration of a compliance scheme is refused, the appropriate agency must, within 28 days of the decision to refuse the application, serve on the scheme operator notice in writing of that decision, setting out—

- (a) the reasons for the decision;
- (b) a statement as to the right of appeal under regulation 104(2)(d); and
- (c) a statement that operating a compliance scheme without complying with the requirement to register the compliance scheme under regulations 43(1)(b) and 51 is an offence under regulation 116(a).

(4) Where an application for registration is refused on the grounds of failure to meet the requirements of regulation 51(2)(e), the scheme operator must make an application for approval of the compliance scheme in accordance with regulation 47 before making a further application for registration of the scheme under this regulation.

### **Conditions of registration of a compliance scheme**

**53.** Registration of a compliance scheme is subject to the conditions that the scheme operator—

- (a) complies with the obligations set out in regulation 43 and the conditions of the compliance scheme's approval set out in regulation 48;
- (b) provides any information reasonably requested by the appropriate agency with regard to the condition in paragraph (a) above;
- (c) within 28 days of any change in the membership of the scheme, notifies the appropriate agency in writing of that change;
- (d) informs the appropriate agency in writing of any material change in the information provided in accordance with regulation 51(2)(b) or (c) within 28 days of the occurrence of any such change;

- (e) provides records and reports to the appropriate agency as required by regulation 55 and a statement of compliance as required by regulation 56;
- (f) complies with the most recent version of the compliance scheme's operational plan that has been submitted to and approved by the appropriate agency.

### **Cancellation of registration of a compliance scheme**

**54.**—(1) The appropriate agency may cancel the registration of a compliance scheme where it appears to the appropriate agency that the scheme operator—

- (a) is in breach of any of the conditions set out in regulation 53; or
- (b) has knowingly or recklessly supplied information to the appropriate agency which is false or misleading in a material particular, in connection with the application for registration, or with compliance with the conditions set out in regulation 53.

(2) The appropriate agency must cancel the registration of a compliance scheme if it withdraws approval of the scheme.

(3) Before cancelling the registration of a compliance scheme the appropriate agency must serve on the scheme operator written notice of—

- (a) its decision to cancel the registration;
- (b) the reasons for the decision;
- (c) the right of appeal under regulation 104(2)(e); and
- (d) the date and time when the cancellation will take effect, which must be no earlier than the date and time of service of the notice.

(4) A scheme operator must give written notice to each member of the compliance scheme immediately if the scheme operator receives notice of cancellation of the scheme's registration under paragraph (3).

## **CHAPTER 4**

### **Compliance schemes: records, reports and certificates**

#### **Records and reports**

**55.**—(1) A scheme operator must maintain, and retain for at least seven years after they are made, records for each calendar year of—

- (a) the information reported to the appropriate agency under regulation 43(3)(b) in relation to each producer that is a member of the compliance scheme in that year;
- (b) the total number of tonnes of packaging waste in each packaging category in relation to which the scheme operator is responsible under regulation 43(3)(c) for carrying out recycling obligations;
- (c) the amount in tonnes, to the nearest tonne, of packaging waste in each packaging category received for recycling at a reprocessing site, or at an overseas reprocessing site as set out in the PRNs or PERNs acquired by the scheme operator.

(2) The scheme operator must report the information referred to in paragraph (1)(b) and (c) to the appropriate agency in accordance with paragraphs (3) and (4).

(3) Reports under paragraph (2) must be made for each calendar year and submitted to the appropriate agency on or before 31st January in the year following the year to which the information relates.

(4) A report under paragraph (2) must be—

- (a) made in such form as the appropriate agency specifies;
- (b) as accurate as reasonably possible; and
- (c) verified by the signature of an approved person of the scheme operator.

(5) The records maintained under paragraph (1) must be made available, on demand, to the appropriate agency.

### **Statement of compliance**

**56.**—(1) In relation to each year that a compliance scheme is registered, the scheme operator must send a statement to the appropriate agency in accordance with this regulation.

(2) The statement required by paragraph (1) must be sent to the appropriate agency by 31st January in each year following the year to which the statement relates.

(3) The statement must—

- (a) confirm whether or not the scheme operator has complied with the requirements which apply to the compliance scheme under regulation 43 for the previous year of registration; and
- (b) be signed by an approved person of the scheme operator to verify that statement.

## **PART 5**

### **Disposal costs**

#### **CHAPTER 1**

##### **General**

### **Interpretation of this Part**

**57.**—(1) In this Part and in Schedule 7—

“administration fee” means the fee payable to the scheme administrator for each assessment year by liable producers under regulation 60(2)(b) and by liable holding companies under paragraph 6(1)(b)(ii) of Schedule 9;

“assessment year” means a period commencing on 1st April in one year and ending on 31st March in the following year in respect of which—

- (a) the chargeable disposal costs of each relevant authority are to be assessed; and
  - (b) a disposal fee and an administration fee are payable by each liable producer,
- and “assessment year” preceded by a year means the assessment year commencing on 1st April in that year;

“chargeable administration costs” has the meaning given in regulation 65(2);

“chargeable disposal costs”, in relation to a relevant authority and an assessment year, means—

- (a) the relevant authority’s net efficient disposal costs for that assessment year, unless paragraph (b) applies; or
- (b) where the relevant authority’s net efficient disposal costs for that assessment year are adjusted under regulation 72(8), those costs as so adjusted;

“disposal costs” means—

- (a) the costs of relevant authorities referred to in regulation 69(1) as read together with paragraphs (2) and (3) of that regulation; and
- (b) public information disposal costs;

“disposal fee” means the fee payable to the scheme administrator for each assessment year by liable producers under regulation 60(2)(a) and by liable holding companies under paragraph 6(1)(b)(i) of Schedule 9;

“efficient disposal costs” has the meaning given in regulation 70(6);

“liable holding company”, in relation to an assessment year, means a holding company which is part of a group registration and is liable under paragraph 6(1)(b) of Schedule 9 to pay disposal fees and administration fees to the scheme administrator for that assessment year;

“modulate” has the meaning given in regulation 64(3);

“net efficient disposal costs” means the efficient disposal costs in an assessment year, less expected waste income for that year, as determined under regulation 71(3);

“public information disposal costs” means costs incurred by the scheme administrator in providing a public information service about—

- (a) the management of packaging waste; and
- (b) the prevention of packaging litter.

(2) Where packaging sub-categories have been specified under regulation 7(11) for a packaging category (“the sub-divided packaging category”) for the purposes of a provision in this Part, any reference in that provision to a packaging category is to be read, in relation to the sub-divided packaging category, as a reference to those packaging sub-categories.

(3) In this Part—

- (a) references to packaging, or to any description of packaging, do not include—
  - (i) exempt packaging; or
  - (ii) subject to regulation 136(2), drink containers made of any material other than glass;
- (b) references to packaging waste or to any description of packaging waste do not, subject to regulation 136(2), include drink containers made of any material other than glass.

## CHAPTER 2

### The scheme administrator

#### **Scheme administrator**

**58.**—(1) The Secretary of State for Environment, Food and Rural Affairs, the Welsh Ministers, the Scottish Ministers and DAERA acting jointly—

- (a) must appoint the scheme administrator for the purposes of these Regulations, when this regulation comes into force, and whenever the office of scheme administrator becomes vacant;
- (b) may revoke the appointment of the scheme administrator.

(2) The scheme administrator is to have the functions conferred on it by these Regulations.

(3) Schedule 7 makes further provision in relation to the scheme administrator.

#### **Power to direct the scheme administrator**

**59.**—(1) Where paragraph (3) applies, the appropriate authorities may, acting jointly, direct the scheme administrator—

- (a) to take the action specified in the direction; or
- (b) to refrain from taking the action specified in the direction.

(2) Where paragraphs (3) and (4) apply, a single appropriate authority may direct the scheme administrator—

- (a) to take the action specified in the direction; or
- (b) to refrain from taking the action specified in the direction.

(3) This paragraph applies if—

- (a) the scheme administrator is acting, proposing to act, or failing to act; and
- (b) in the opinion of each of the appropriate authorities who are issuing the direction, that action or failure to act is likely to have an adverse impact on the environmental effects

which the extended producer responsibility for packaging policy is intended to achieve, as set out in a statement under regulation 127.

(4) This paragraph applies if—

- (a) the direction relates solely to the performance by the scheme administrator of its functions in the nation of the United Kingdom for which the authority giving the direction is the appropriate authority; and
- (b) the direction does not concern any matter outside the competence of the appropriate authority in question.

(5) The appropriate authorities may not issue a direction to the scheme administrator under paragraph (1) or (2) unless—

- (a) the statement required under regulation 127 has been published; and
- (b) the appropriate authorities issuing the direction have consulted the scheme administrator on the terms of the proposed direction.

(6) A direction given under paragraph (1) or (2) must—

- (a) explain why the appropriate authorities consider that the conditions in paragraph (3) and, where applicable, paragraph (4) are satisfied;
- (b) specify what action the scheme administrator is to take, or to refrain from taking;
- (c) give the reasons for requiring the scheme administrator to take, or refrain from taking, the action specified in the direction.

(7) The scheme administrator must comply with any direction given under this regulation.

(8) A copy of a direction given under paragraph (1) or (2) must be published by the appropriate authorities.

(9) In paragraph (3)(b), “the extended producer responsibility for packaging policy” means the policy of imposing extended responsibility on producers in relation to packaging and packaging waste, including the imposition of liability on producers to pay disposal fees.

## CHAPTER 3

### Producer responsibility for disposal and administration costs

#### **Liability of producers to pay annual disposal and administration fees**

**60.**—(1) A producer is a liable producer in relation to an assessment year if, in the calendar year ending on the 31st December preceding the start of that assessment year, the producer—

- (a) is a brand owner, a packer/filler, an importer or first UK owner, a distributor, an online marketplace operator or a service provider;
- (b) is a large producer; and
- (c) supplies household packaging.

(2) A producer must, for each assessment year in relation to which the producer is a liable producer, pay to the scheme administrator in accordance with regulation 68—

- (a) a disposal fee; and
- (b) an administration fee.

(3) The scheme administrator must for each assessment year, as soon as reasonably practicable after the start of the assessment year—

- (a) calculate for each liable producer the amounts of—
  - (i) the disposal fee payable by that producer, in accordance with regulations 61 to 64 and 66; and
  - (ii) the administration fee payable by that producer, in accordance with regulations 65 and 66; and
- (b) serve a notice of liability on each liable producer in accordance with regulation 67.

(4) In relation to corporate bodies that are registered with the appropriate agency as a group under paragraph 4 of Schedule 9, this Chapter applies subject to the modifications in paragraph 6 of Schedule 9.

### Calculation of disposal fees

**61.**—(1) The disposal fee payable by a liable producer for an assessment year is to be calculated as the sum of—

$$A + B + C$$

where—

“A” is the sum of the fee for each packaging category of household packaging supplied by the liable producer, as calculated under regulation 62 and, where regulation 64 applies, modulated under that regulation;

“B” is the liable producer’s share of the public information disposal costs expected to be incurred by the scheme administrator, calculated under regulation 63;

“C” is the provision for impairments calculated for the liable producer under regulation 66(4)(a).

(2) Regulations 62 and 63 are subject to paragraph 7(2) of Schedule 15 in relation to calculations made under those regulations for the 2025 and 2026 assessment years, and regulation 63 is also subject to paragraph 7(3) of Schedule 15 in relation to calculations made under that regulation for the 2025 assessment year.

### Calculation of disposal fee: household packaging waste

**62.**—(1) The scheme administrator must, for each liable producer, calculate the fee for each packaging category of household packaging supplied by that producer in accordance with the following formula—

$$\frac{D}{E} \times CW$$

where—

“D” is the sum of the chargeable disposal costs of all relevant authorities for the assessment year in relation to household packaging waste in that packaging category;

“E” is the total weight in tonnes of household packaging in that packaging category which the scheme administrator calculates has been supplied by all liable producers in the calendar year ending before the start of the assessment year;

“CW” is the weight in tonnes of household packaging in that packaging category reported by or in relation to the producer as having been supplied in the calendar year ending before the start of the assessment year, after subtraction of the weight in tonnes of waste in that packaging category which is off-set under paragraph (2).

(2) In calculating CW for a packaging category for the purposes of paragraph (1), the scheme administrator must off-set the weight in tonnes of relevant packaging waste in that packaging category which the liable producer—

- (a) has collected from consumers and sent for recycling at the liable producer’s own cost; and
- (b) has evidence has been recycled.

(3) In calculating E for the purposes of paragraph (1), the scheme administrator—

- (a) must take into account all household packaging reported by or in relation to all liable producers; and
- (b) may estimate the weight, if any, of household packaging which has been supplied by liable producers where it appears to the scheme administrator that reporting obligations



have not been complied with, or have not been fully complied with, in relation to the household packaging they have supplied.

(4) In this regulation, “relevant packaging waste” has the meaning given in regulation 34(4).

### **Calculation of disposal fee: costs of providing public information**

**63.**—(1) The scheme administrator must calculate each liable producer’s share of public information disposal costs as the sum of the amounts calculated for that producer under paragraphs (2), (4) and (6).

(2) Each liable producer’s share of public information disposal costs under this paragraph is the amount calculated in accordance with the formula—

$$PIC \times \frac{CW}{TW}$$

where—

“PIC” is the total amount of public information disposal costs which the scheme administrator assesses under regulation 75 are likely to be incurred in the assessment year, less any part of that amount which the scheme administrator divides between certain producers under paragraphs (3) and (4) or paragraphs (5) and (6);

“CW” is the weight in tonnes of household packaging reported by or in relation to the liable producer for whom the calculation is being made as having been supplied in the calendar year ending before the start of the assessment year;

“TW” is the total weight in tonnes of household packaging calculated by the scheme administrator as having been supplied by all liable producers in the calendar year ending before the start of the assessment year.

(3) Where a public information campaign relates only to packaging and packaging waste in certain packaging categories, the scheme administrator may choose to divide the costs of that campaign only among liable producers supplying household packaging in those packaging categories, in which case paragraph (4) applies.

(4) Where this paragraph applies, the scheme administrator must calculate the share of the costs of the campaign for which each producer referred to in paragraph (3) is liable, in accordance with the formula in paragraph (2) where—

“PIC” is the total amount of costs which the scheme administrator assesses are likely to be incurred in the assessment year in relation to that campaign;

“CW” is the weight in tonnes of household packaging in the packaging categories in question reported by or in relation to the liable producer for whom the calculation is being made as having been supplied in the calendar year ending before the start of the assessment year;

“TW” is the total weight in tonnes of household packaging in those packaging categories calculated by the scheme administrator as having been supplied by all liable producers in the calendar year ending before the start of the assessment year.

(5) Where a public information campaign relates only to the prevention of packaging litter, the scheme administrator may choose to divide the costs of that campaign only among liable producers who supply commonly binned or littered items of household packaging, in which case paragraph (6) applies.

(6) Where this paragraph applies, the scheme administrator must calculate the share of the costs of the campaign for which each producer referred to in paragraph (5) is liable, in accordance with the formula in paragraph (2) where—

“PIC” is the total amount of costs which the scheme administrator assesses are likely to be incurred in the assessment year in relation to that campaign;

“CW” is the weight in tonnes of commonly binned or littered items of household packaging reported by or in relation to the liable producer for whom the calculation is being made as having been supplied in the calendar year ending before the start of the assessment year;

“TW” is the total weight in tonnes of commonly binned or littered items of household packaging calculated by the scheme administrator as having been supplied by all liable producers in the calendar year ending before the start of the assessment year.

- (7) In calculating TW for the purposes of paragraph (2), (4) or (6), the scheme administrator—
- (a) must take into account all packaging reported by or in relation to all liable producers for whom the calculation under that paragraph is being made; and
  - (b) may estimate how much, if any—
    - (i) household packaging, where calculating TW for the purposes of paragraph (2);
    - (ii) household packaging in a packaging category, where calculating TW for the purposes of paragraph (4); or
    - (iii) commonly binned or littered items of household packaging, where calculating TW for the purposes of paragraph (6),has been supplied by liable producers where it appears to the scheme administrator that reporting obligations have not been complied with, or have not been fully complied with, in relation to the packaging they have supplied.

### **Household packaging waste disposal fees: modulation**

**64.**—(1) This regulation applies in relation to the calculation of disposal fees payable by liable producers for the 2026 assessment year and subsequent assessment years.

(2) Subject to paragraphs (12)(b) and (13), the scheme administrator must, for each liable producer, modulate in accordance with this regulation the amounts calculated under regulation 62 (“household packaging waste disposal fees”) for each packaging category of household packaging supplied by the producer.

(3) In this regulation, to “modulate” an amount means to—

- (a) apply an increase to the amount;
- (b) apply a reduction to the amount; or
- (c) leave the amount unchanged,

for the purposes in paragraph (4).

(4) Those purposes are—

- (a) to reflect the extent to which household packaging supplied by the producer in the packaging category in question is environmentally sustainable; and
- (b) to incentivize the producer to use packaging which is more environmentally sustainable.

(5) Where the scheme administrator modulates an amount that has been calculated for a liable producer under regulation 62, it must use the modulated amount in calculating the disposal fee payable by the producer.

(6) For the purposes of this regulation, packaging is “environmentally sustainable” if it is designed and manufactured to reduce—

- (a) its impact on the environment; and
- (b) the generation of waste.

(7) In assessing the extent to which household packaging is environmentally sustainable, the scheme administrator must take into account one or more of the following factors—

- (a) whether the packaging is reusable;
- (b) the extent to which the packaging is reused;
- (c) the recyclability of the packaging;
- (d) the environmental impacts of the manufacture, transportation and use of the packaging;
- (e) the environmental impact of the packaging when it becomes waste.

(8) Where a liable producer has not provided sufficient information to enable the scheme administrator to determine for the purposes of paragraph (4)(a) the degree of environmental sustainability of all the household packaging supplied by that producer in a packaging category, the scheme administrator is to treat that packaging as having the same degree of environmental sustainability as the least environmentally sustainable household packaging in that packaging category.

(9) The scheme administrator must, in determining how to modulate a household packaging waste disposal fee, take into account any foreseeable environmental implications of its proposed decision.

(10) Where a household packaging waste disposal fee or part of such a fee relates to medical packaging, the scheme administrator must, in modulating that fee, take into account whether any other legislation which applies to the medical packaging prevents the producer from using, or restricts the ability of the producer to use, more environmentally sustainable packaging.

(11) The scheme administrator may not modulate household packaging waste disposal fees for an assessment year in a way which, taking all those modulations together, has the effect of increasing the total of those fees to an amount which is greater than the total amount of net efficient disposal costs likely to be incurred by relevant authorities in that assessment year in relation to household packaging waste.

(12) The scheme administrator—

- (a) must modulate household packaging waste disposal fees under this regulation in accordance with the statement of policy published by the scheme administrator under paragraph 8 of Schedule 7; and
- (b) may not make any modulations unless it has published that statement.

(13) Where paragraph (14) applies, the scheme administrator may defer starting to modulate household packaging waste disposal fees for online marketplace operators, either for one or more packaging categories or for all packaging categories, until a later assessment year than the 2026 assessment year.

(14) This paragraph applies if—

- (a) the scheme administrator specifies packaging sub-categories for the purposes of paragraph 3 of Schedule 4 in relation to classes of producers other than online marketplace operators; and
- (b) the scheme administrator considers that—
  - (i) it would be significantly more burdensome for online marketplace operators than for other classes of producers to be required to collect and report the information referred to in paragraph 3 of Schedule 4 for those packaging sub-categories; and
  - (ii) that burden would be disproportionate to the environmental benefit of modulating the fees for online marketplace operators.

### **Calculation of administration fee**

**65.**—(1) The scheme administrator must, for each assessment year—

- (a) determine its chargeable administration costs, in accordance with paragraph (2); and
- (b) calculate the amount of the administration fee payable by each liable producer, in accordance with paragraph (3).

(2) For the purposes of paragraph (1)(a), “chargeable administration costs” means the amount which the scheme administrator considers will enable it—

- (a) to meet the expenses, other than public information disposal costs, that it expects to incur in that assessment year in carrying out its functions or for any incidental purposes;
- (b) to pay any interest on relevant borrowing, and to repay the principal of any relevant borrowing which is repayable during the assessment year; and
- (c) to meet relevant commencement expenses.

(3) The administration fee payable by each liable producer must be calculated as—

$$F + G$$

where—

“F” is the liable producer’s share of chargeable administration costs, which is to be calculated by dividing the amount determined by the scheme administrator under paragraph (1)(a) between all liable producers in the same proportions as disposal fees are divided between liable producers for that assessment year; and

“G” is the provision for impairments calculated for the liable producer under regulation 66(4)(b).

(4) In paragraph (2)—

“relevant borrowing” means any money borrowed by the scheme administrator which has been used for the purpose of meeting expenses incurred in relation to its assumption or exercise of functions under these Regulations;

“relevant commencement expenses” means expenses incurred by the scheme administrator in preparation for the exercise of its functions under these Regulations.

### **Provision for impairments**

**66.**—(1) The scheme administrator must, for each assessment year, determine the percentage of (A+B), and of F, which is to be added to those amounts as provision for impairments.

(2) In these Regulations, an “impairment” means a fee or part of a fee charged to a liable producer which the scheme administrator is unable to recover, due to the producer’s insolvency or any other reason.

(3) The scheme administrator must make the determination under paragraph (1) in accordance with IFRS Accounting Standards<sup>(a)</sup>.

(4) The scheme administrator must calculate, for each liable producer—

(a) the amount (“C”) to be included in the liable producer’s disposal fee for the assessment year as a provision for impairments, where C is equal to the relevant percentage of (A+B);

(b) the amount (“G”) to be included in the liable producer’s administration fee for the relevant year as a provision for impairments, where G is equal to the relevant percentage of F.

(5) In this regulation—

“(A+B)” means the sum of A and B, where “A” and “B” have the meanings given in regulation 61;

“F” has the meaning given in regulation 65(3);

“the relevant percentage” means the percentage determined by the scheme administrator under paragraph (1) for the assessment year.

### **Notice of liability**

**67.**—(1) The scheme administrator must, for each assessment year, serve on each liable producer notice in writing of—

(a) the disposal fee payable by that producer for the assessment year; and

(b) the administration fee payable by that producer for the assessment year.

(2) That notice must—

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(a) IFRS Accounting Standards are published by the International Accounting Standards Board. They are available to view at <https://www.ifrs.org/issued-standards/list-of-standards/> (registration for a free account is required). Hard copies can be purchased online at <https://shop.ifrs.org>.

- (a) state the amount of the disposal fee due, and set out how that amount has been calculated, including the details in sub-paragraphs (b), (c) and (d);
  - (b) state the amount of packaging waste reported by the producer which has been off-set against the total amount of household packaging supplied by the producer for the purposes of regulation 62(1), and how that off-set has been applied;
  - (c) where the amounts calculated under regulation 62 have been modulated under regulation 64, state for each packaging category of household packaging supplied by the producer—
    - (i) whether the amount calculated under regulation 62 has been increased, reduced or left unchanged;
    - (ii) the amount of any increase or reduction;
    - (iii) the reasons for the decisions referred to in paragraphs (i) and (ii);
  - (d) state how much of the disposal fee is a provision for impairments;
  - (e) state the amount of the administration fee due, and set out how that amount has been calculated, including how much of the administration fee is a provision for impairments;
  - (f) the dates on which instalments of the disposal fee and administration fee are due, and the amount of each instalment;
  - (g) if interest is payable on any amounts referred to in sub-paragraph (f) which are not paid by the due dates—
    - (i) a statement to that effect; and
    - (ii) the rate of interest payable;
  - (h) a statement that the amount payable by the producer is subject to change following a recalculation under Chapter 5.
- (3) The notice must also—
- (a) provide information on the scheme administrator’s complaints procedure;
  - (b) state the rights of appeal available under regulation 105.

**Payments and interest**

**68.**—(1) A producer who has received a notice of liability under regulation 67 must pay the disposal fee and the administration fee stated in the notice for the assessment year to the scheme administrator in quarterly instalments, or as otherwise specified in the notice of liability, by the date or dates specified in the notice of liability (the “due date”).

(2) The scheme administrator may, if the notice of liability includes a statement in accordance with regulation 67(2)(g), charge a producer interest at the rate stated in that notice on the amount of any disposal fees which are not paid by the producer by the due date.

(3) Any disposal fee or interest which is owed to the scheme administrator under this regulation may be recovered as a debt due to the scheme administrator.

(4) A liable producer contravenes this paragraph (and, accordingly, is liable to civil sanctions under regulation 121 and Schedule 13) if the producer fails to pay an amount specified in a notice of liability by 50 days after the due date.

CHAPTER 4

Assessment of disposal costs

**Disposal costs of relevant authorities for household packaging waste**

**69.**—(1) For the purposes of this Chapter, the disposal costs incurred by a relevant authority in relation to the management of household packaging waste include—

- (a) the costs of recovery operations (including recycling) and disposal operations in relation to that waste, including—
  - (i) collection;

- (ii) sampling, sorting and other operations preliminary to the recovery or disposal of waste;
  - (iii) recovery and disposal operations;
  - (iv) storage;
  - (v) transfer; and
  - (vi) export;
- (b) the costs of managing that waste through household waste recycling centres, including the costs referred to in sub-paragraph (a) in relation to such waste;
  - (c) the costs to the authority of providing public information about the management of household packaging waste, including the costs associated with both the planning and the execution of any information campaigns;
  - (d) the costs of marketing household packaging waste recovered for recycling.
- (2) For the purposes of paragraph (1)—
- (a) disposal costs include the costs of maintaining, operating and renewing vehicles, waste containers and receptacles, and other equipment, buildings and premises required for the recovery and disposal operations referred to in paragraph (1)(a) and (b);
  - (b) a “household waste recycling centre” is a place provided by a relevant authority in its area for the depositing of household waste by residents in its area and the recovery or disposal of such waste.
- (3) Where any of the processes referred to in paragraph (1) are undertaken—
- (a) by the relevant authority using its own staff, the costs of the process concerned are to be treated as including the costs of staff and other administrative or managerial costs associated with that process;
  - (b) by a third party on behalf of the authority, the costs of the process concerned are to be treated as the sum of—
    - (i) the amount charged to the authority by the third party for providing services to the authority in connection with that process, and
    - (ii) the administrative and managerial costs to the authority arising from the arrangements with the third party.

**Assessment by the scheme administrator: relevant authority disposal costs**

**70.**—(1) The scheme administrator must, for each relevant authority, make the assessments required by this regulation—

- (a) as soon as reasonably practicable after this regulation comes into force, for the 2025 assessment year; and
  - (b) by 1st November in 2025 and each subsequent year, for the assessment year beginning on the following 1st April.
- (2) The scheme administrator must assess for each relevant authority—
- (a) the efficient disposal costs of the relevant authority in providing a waste management service for household packaging waste in the assessment year—
    - (i) in total; and
    - (ii) for each packaging category of household packaging waste that the relevant authority is likely to manage in that assessment year; and
  - (b) the weight, in tonnes, of household packaging waste in each packaging category that the relevant authority is likely to manage in that assessment year.
- (3) In assessing the efficient disposal costs referred to in paragraph (2)(a), the scheme administrator must, for the 2027 assessment year and any subsequent assessment year, take into account the factors referred to in regulation 73(1)(c).

- (4) The scheme administrator must assess—
- (a) the total weight, in tonnes, of household packaging waste likely to be managed by all relevant authorities in the assessment year; and
  - (b) the sum of the efficient disposal costs of all relevant authorities in the assessment year in providing a waste management service for household packaging waste.
- (5) The scheme administrator must assess, for each packaging category of household packaging waste—
- (a) the total weight, in tonnes, of household packaging waste in that packaging category which is likely to be managed by all relevant authorities in the assessment year;
  - (b) the weight of household packaging waste assessed under sub-paragraph (a) which is likely to be sent for recycling in the United Kingdom or exported for recycling in the assessment year;
  - (c) the weight of household packaging waste assessed under sub-paragraph (a) which is likely to be subject to recovery operations other than recycling or to disposal operations in the United Kingdom in the assessment year; and
  - (d) the sum of the efficient disposal costs of all relevant authorities in the assessment year in providing a waste management service for household packaging waste in that packaging category.
- (6) In this regulation, the “efficient disposal costs” of a relevant authority are the disposal costs the relevant authority would incur if it provided an efficient waste management service.
- (7) For the purpose of paragraph (6), a relevant authority provides an efficient waste management service if the disposal costs of the authority are as low as reasonably possible, taking into account—
- (a) the waste management service provided by the authority; and
  - (b) any other factors specific to that authority, or to the area in relation to which it exercises its waste management functions, which in the opinion of the scheme administrator are likely to affect its disposal costs.

**Adjustments to disposal costs: waste income and determination of net efficient disposal costs**

**71.**—(1) The scheme administrator must, for each assessment year, make the assessment in paragraph (2) and the calculations in paragraphs (3) and (4) in relation to each relevant authority—

- (a) as soon as reasonably practicable after this regulation comes into force, for the 2025 assessment year; and
- (b) by 1st November in 2025 and each subsequent year, for the assessment year beginning on the following 1st April.

(2) The scheme administrator must assess the amount of waste income which the relevant authority is likely to receive in the assessment year through the sale of household packaging waste for recycling, other recovery operations or disposal, in each packaging category of household packaging waste that the authority is likely to manage in the assessment year.

(3) The scheme administrator must calculate the net efficient disposal costs of the relevant authority for each packaging category of household packaging waste that the authority is likely to manage in the assessment year, in accordance with the formula—

$$EDC - EWI$$

where—

“EDC” means the efficient disposal costs of the relevant authority for that packaging category of household packaging waste, as assessed under regulation 70(2)(a)(ii); and

“EWI” means the expected waste income of the relevant authority for that packaging category of household packaging waste, as assessed under paragraph (2).

(4) The scheme administrator must determine the total net efficient disposal costs of the relevant authority for the assessment year by adding together the amounts calculated under paragraph (3) for each packaging category of household packaging waste that the authority is likely to manage in the assessment year.

#### **Adjustments to disposal costs: effective service**

72.—(1) In each assessment year commencing with the 2028 assessment year, the scheme administrator must assess the extent to which each relevant authority is providing an effective waste management service in relation to household packaging waste (an “effectiveness assessment”).

(2) The scheme administrator may also make effectiveness assessments in the 2026 and 2027 assessment years if it is satisfied that it has sufficient data to make those assessments in relation to all relevant authorities for that assessment year.

(3) In making an effectiveness assessment in relation to a relevant authority, the scheme administrator may consider the following factors, where relevant to the relevant authority, together with any other factors the scheme administrator considers relevant—

- (a) the amount of household packaging waste in each packaging category likely to be managed by the relevant authority in the assessment year;
- (b) the proportion of that packaging waste which is being recycled by or on behalf of the relevant authority;
- (c) any factors specific to the relevant authority or to the area in relation to which the relevant authority exercises its waste management functions, which in the opinion of the scheme administrator are likely to affect the performance of that relevant authority, including but not limited to the factors referred to in regulation 73(1)(c);
- (d) government policies on waste management in any part of the United Kingdom, and regulatory requirements affecting waste management, so far as they are relevant to the relevant authority;
- (e) the waste management service provided by other relevant authorities in a comparable position to the first relevant authority;
- (f) how much household packaging waste a relevant authority in a comparable position to the first relevant authority would be able to manage in a year through recycling, other recovery operations and disposal operations if it was following good practice in waste management.

(4) The scheme administrator must take into account any factors referred to in paragraph (3)(c)—

- (a) in making an effectiveness assessment in relation to a relevant authority for the 2027 assessment year, or for a later assessment year;
- (b) in assessing, as part of an effectiveness assessment for any assessment year, whether a relevant authority is in a comparable position to other relevant authorities for the purposes of paragraph (3)(e) and (f).

(5) In assessing what amounts to good practice for the purposes of paragraph (3)(f), the scheme administrator may consider local, national or international examples of good practice.

(6) If the scheme administrator assesses that a relevant authority is not providing an effective waste management service it must—

- (a) give notice in writing to the relevant authority, setting out the reasons why the scheme administrator considers that the authority is not providing an effective waste management service;
- (b) provide the relevant authority with a reasonable opportunity to discuss with the scheme administrator—
  - (i) the scheme administrator’s assessment;



- (ii) the waste management service being delivered by the relevant authority in relation to packaging waste; and
- (iii) how that service can be improved to make it more effective;
- (c) after complying with sub-paragraphs (a) and (b), propose actions for the relevant authority to take to improve its waste management service so that it is providing an effective waste management service (“improvement actions”).

(7) Paragraph (8) applies if, at the expiry of a period specified by the scheme administrator to the relevant authority when proposing improvement actions, the scheme administrator considers that the relevant authority—

- (a) is still not providing an effective waste management service; and
- (b) is not doing everything the authority can be reasonably expected to do to improve its waste management service in order to provide an effective waste management service.

(8) Where this paragraph applies, the scheme administrator may adjust the chargeable disposal costs of the relevant authority for the following assessment year, by applying to the relevant authority’s net efficient disposal costs a reduction of such percentage as the scheme administrator considers appropriate to take account of the extent to which the waste management service provided by the authority is not an effective one.

(9) But the scheme administrator may not reduce the chargeable disposal costs of a relevant authority for an assessment year to an amount which is less than 80% of its net efficient disposal costs for that year.

(10) Where the scheme administrator reduces a relevant authority’s chargeable disposal costs under paragraph (8), it must calculate—

- (a) the relevant authority’s chargeable disposal costs for each packaging category of household packaging waste that the relevant authority is likely to manage in the assessment year, by applying the percentage reduction determined under paragraph (8) to the relevant authority’s net efficient disposal costs for each such category as calculated under regulation 71(3); and
- (b) the relevant authority’s total chargeable disposal costs, by applying that percentage reduction to the relevant authority’s total net efficient disposal costs as calculated under regulation 71(4).

(11) In this regulation—

- (a) references to providing an effective waste management service are to providing an effective waste management service in relation to household packaging waste; and
- (b) in paragraph (8), “the following assessment year” means the assessment year after the assessment year in which the scheme administrator makes a determination under paragraph (7).

### **Procedure for assessments**

**73.—**(1) In making any assessments or adjustments under regulations 70, 71 and 72, the scheme administrator may—

- (a) use data available in relation to a relevant authority relating to the years before the assessment year or data relating to the assessment year, to the extent that such data can be verified by the scheme administrator;
- (b) supplement that data with any comparative data which the scheme administrator considers relevant; and
- (c) use a standard model adjusted to reflect the factors specific to the relevant authority, including any or all of the following factors—
  - (i) the frequency, pattern and type of collections of household packaging waste in the area of that authority (“the relevant area”);
  - (ii) the population density in the relevant area;

- (iii) the type and accessibility of dwellings in the relevant area;
- (iv) the levels of deprivation in the relevant area;
- (v) government policies and the regulatory requirements affecting waste management to which the authority is subject;
- (vi) any other factor the scheme administrator considers relevant to the assessment.

(2) The scheme administrator must, in making any of the assessments and adjustments referred to in paragraph (1)—

- (a) subject to paragraph (3), consult with the relevant authority concerned;
- (b) seek to support the achievement of the effects set out in the policy statement published under regulation 127; and
- (c) seek to incentivise—
  - (i) the prevention of packaging becoming waste;
  - (ii) an increase in the reuse of packaging, and the quality and quantity of packaging waste materials recycled; and
  - (iii) a reduction in the disposal of packaging waste;
- (d) take into account the guidance published by the scheme administrator under paragraph 6 of Schedule 7.

(3) Paragraph (2)(a) does not apply in relation to any assessment made in relation to the 2025 assessment year.

(4) The scheme administrator may request from the relevant authority any information needed to enable it to make the assessments and adjustments referred to in paragraph (1).

### **Notice of assessment**

**74.—**(1) The scheme administrator must, in relation to each assessment year, give each relevant authority a notice in writing (an “assessment notice”) in accordance with this regulation.

(2) An assessment notice must be given—

- (a) as soon as reasonably practicable after this regulation comes into force, in relation to the 2025 assessment year; and
- (b) by 1st November in 2025 and each subsequent year, in relation to the assessment year beginning on the following 1st April.

(3) An assessment notice must include the following information—

- (a) the scheme administrator’s assessments, for the assessment year to which the assessment notice relates, of the relevant authority’s—
  - (i) efficient disposal costs for each packaging category;
  - (ii) waste income for each packaging category;
  - (iii) net efficient disposal costs for each packaging category; and
  - (iv) chargeable disposal costs;
- (b) information showing how each of the amounts referred to in sub-paragraph (a)(i) to (iv) has been determined;
- (c) if a reduction has been made to the relevant authority’s net efficient disposal costs under regulation 72(8)—
  - (i) the amount of the reduction; and
  - (ii) an explanation of the reasons for the reduction, including the reasons why the scheme administrator has determined that the relevant authority is still not providing an effective waste management service;
- (d) the total payments which the scheme administrator anticipates making to the relevant authority in the financial year to which the assessment notice relates;

- (e) the date or dates on which payments are expected to be made to the relevant authority, and the payment method that will be used;
  - (f) a statement that the amount to be paid to the relevant authority is subject to change following a determination under regulation 76(4) or a recalculation under Chapter 5.
- (4) An assessment notice must also include—
- (a) information on the scheme administrator’s complaints procedure; and
  - (b) a statement of the right of appeal under regulation 105.

**Assessment of disposal costs: scheme administrator public information services**

**75.—**(1) The scheme administrator must determine the costs it expects to incur in the assessment year in providing a public information service about each of the matters specified in paragraph 4(1) of Schedule 7.

(2) The costs to be taken into account in that assessment include costs associated with carrying out any of the activities specified in paragraph 4(2) of Schedule 7 in relation to those matters.

(3) Where a public information service is provided—

- (a) by the scheme administrator using its own staff, the cost of providing that service is to be treated as including the costs of staff and other associated administrative or managerial costs;
- (b) by a third party on behalf of the scheme administrator, the cost of providing that service is to be treated as the sum of—
  - (i) the amount charged to the scheme administrator by the third party for providing that service to the scheme administrator in connection with that process; and
  - (ii) the associated administrative and managerial costs of the scheme administrator.

(4) In making the assessment under paragraph (1), the scheme administrator may take into account any available data, including data relating to years preceding the assessment year.

**Distribution to relevant authorities and the scheme administrator**

**76.—**(1) The scheme administrator must apply the disposal fees received, or due to be received, from producers under Chapter 3 in—

- (a) making payments to relevant authorities towards their chargeable disposal costs; and
- (b) meeting the scheme administrator’s public information disposal costs.

(2) The scheme administrator must ensure that, so far as possible, where sufficient disposal fees have been received, or are due to be received, from liable producers—

- (a) the amount paid to a relevant authority in relation to an assessment year is equal to the chargeable disposal costs of the relevant authority for that assessment year; and
- (b) its public information disposal costs are met.

(3) A scheme administrator is not required to distribute to relevant authorities more than the total amount of disposal fees that has been received, or is due to be received, from producers, after taking account of its public information disposal costs.

(4) Where the disposal fees received, or expected to be received, from producers under these Regulations are not sufficient to cover the total chargeable disposal costs of all relevant authorities and the public information disposal costs of the scheme administrator, the scheme administrator may determine—

- (a) what proportion of the total amount of those disposal fees is to be—
  - (i) distributed to relevant authorities; and
  - (ii) applied in meeting its public information disposal costs; and
- (b) how the total amount to be distributed to relevant authorities is to be divided between those authorities.

(5) Payments must be made to relevant authorities in quarterly instalments during the financial year, at the end of each quarter, or following such other period as may be determined by the scheme administrator.

(6) Where, as a result of a determination under paragraph (4), the scheme administrator intends to change the amounts or dates of payments to a relevant authority that were stated in an assessment notice given to the relevant authority under regulation 74, the scheme administrator must—

- (a) give the relevant authority notice in writing of that change; and
- (b) set out in that notice the reason for the change.

### **Relevant authorities: costs of providing information**

77.—(1) A relevant authority may, by invoicing the scheme administrator in accordance with paragraph (6), charge the scheme administrator its reasonable costs of providing information to the scheme administrator where—

- (a) the scheme administrator has requested the information under regulation 73(4);
- (b) the relevant authority provides the information pursuant to a consultation under regulation 73(2)(a), and the conditions in paragraph (2) are satisfied; or
- (c) the relevant authority provides the information in support of a complaint, made in accordance with the scheme administrator's complaints procedure, about an assessment or adjustment made under regulations 70 to 72 or a recalculation made under regulation 80 in relation to the relevant authority, and the conditions in paragraph (3) are satisfied.

(2) The conditions in this paragraph are that—

- (a) before providing the information, the relevant authority submits a proposal in writing to the scheme administrator which—
  - (i) describes the information which the relevant authority wishes to submit to the scheme administrator;
  - (ii) explains why the relevant authority wishes to submit that information; and
  - (iii) gives the date by which the relevant authority proposes to submit the information;
- (b) the scheme administrator gives the relevant authority notice in writing that, if the relevant authority submits that information, or such part of that information as is specified in the notice, by a date specified in the notice, the scheme administrator will meet the relevant authority's reasonable costs of providing the information; and
- (c) the relevant authority provides to the scheme administrator the information specified in the notice under sub-paragraph (b) by the date specified in that notice.

(3) The conditions in this paragraph are that the scheme administrator—

- (a) decides as a result of the complaint to revise the assessment, adjustment or recalculation complained about in the relevant authority's favour; and
- (b) considers the information was relevant to its decision.

(4) Where the scheme administrator receives a proposal from a relevant authority under paragraph (2)(a), it must, within 3 months of receiving the proposal—

- (a) give the relevant authority a notice under paragraph (2)(b); or
- (b) inform the relevant authority that it does not agree to meet its costs of providing any of the information, giving the reason for that decision.

(5) Where the scheme administrator determines a complaint about a matter referred to in paragraph (1)(c) in the relevant authority's favour, the scheme administrator must notify the relevant authority in writing for the purposes of paragraph (3)(b)—

- (a) which, if any, of the information provided by the relevant authority it considers relevant to its decision; and

- (b) its reasons, if it considers that any of the information provided by the relevant authority was not relevant.
- (6) A relevant authority—
  - (a) may only invoice the scheme administrator for the costs of providing information to the scheme administrator after it has provided that information;
  - (b) may not issue more than one such invoice in each assessment year; and
  - (c) may include in an invoice the costs of providing information—
    - (i) in the assessment year in which the invoice is issued; and
    - (ii) in the last 3 months of the previous assessment year, provided that those costs have not previously been invoiced.

## CHAPTER 5

### Recalculations

#### Recalculations

- 78.**—(1) The scheme administrator may—
- (a) where regulation 79(1) applies, recalculate the amount of—
    - (i) the disposal fee;
    - (ii) the administration fee; or
    - (iii) both of those fees,
 payable by a liable producer in relation to an assessment year,
  - (b) where regulation 80(1) applies, recalculate the chargeable disposal costs of a relevant authority in relation to an assessment year.
- (2) The scheme administrator may carry out a recalculation—
- (a) subject to regulation 81(3), at any time during the assessment year (an “interim recalculation”); and
  - (b) subject to regulation 81(5) to (7), at any time after the end of the assessment year (a “year-end recalculation”).

#### Recalculation of disposal and administration fees

**79.**—(1) The scheme administrator may recalculate the amount of the disposal fee payable by a liable producer in relation to an assessment year if the scheme administrator considers that there is likely to be a material difference between the amount that the producer has previously been assessed as being liable to pay and that amount as recalculated because the scheme administrator—

- (a) receives further information relating to a matter referred to in paragraph (2)(a);
- (b) discovers an error in the calculation of the liability of the producer;
- (c) determines that the total amount of disposal fees received or recoverable from all liable producers is likely to be greater or less than the sum of—
  - (i) the total chargeable disposal costs of all relevant authorities; and
  - (ii) the public information disposal costs of the scheme administrator; or
- (d) reasonably considers on any other ground that there is likely to be such a material difference.

(2) A recalculation of the disposal fee payable by a liable producer for an assessment year is to be carried out by re-making the calculations in regulations 61 to 64 and 66(4)(a) for the producer, taking into account—

- (a) any further information relevant to those calculations which the scheme administrator has received since the producer's disposal fee for that assessment year was previously calculated, including information relating to—
  - (i) the amount of household packaging in each packaging category supplied by the producer, or by all liable producers, in the calendar year ending on the 31st December before the start of the assessment year;
  - (ii) the total chargeable disposal costs of all relevant authorities for the assessment year; or
  - (iii) the amount of public information disposal costs incurred by (or, in the case of an interim recalculation, expected to be incurred by) the scheme administrator in the assessment year;
- (b) the outcome of any complaint or appeal by the producer relating to the calculation of the producer's disposal fee for the assessment year;
- (c) any other matters which the scheme administrator considers relevant.

(3) The scheme administrator may recalculate the amount of the administration fee payable by a liable producer in relation to an assessment year if the scheme administrator considers that there is likely to be a material difference between the amount that the producer has previously been assessed as being liable to pay and that amount as recalculated because—

- (a) the scheme administrator has recalculated the disposal fee payable by the producer for the assessment year;
- (b) the chargeable administration costs of the scheme administrator for the assessment year are greater or less than previously determined by the scheme administrator;
- (c) the scheme administrator discovers an error in the calculation of the liability of the producer;
- (d) the scheme administrator determines that the total amount of administration fees received or recoverable from all liable producers is likely to be greater or less than the chargeable administration costs of the scheme administrator; or
- (e) the scheme administrator reasonably considers on any other ground that there is likely to be such a material difference.

(4) A recalculation of the administration fee payable by a liable producer is to be carried out by re-making the calculations in regulations 65 and 66(4)(b) for the producer, taking into account—

- (a) any changes since the producer's administration fee for that assessment year was previously calculated to—
  - (i) the disposal fee payable by the producer for the assessment year; or
  - (ii) the chargeable administration costs of the scheme administrator for the assessment year;
- (b) the outcome of any complaint or appeal by the producer relating to the calculation of the producer's administration fee for the assessment year;
- (c) any other matters which the scheme administrator considers relevant.

(5) Where the scheme administrator determines upon a recalculation under this regulation that the amount of the disposal fee or the administration fee which a liable producer is liable to pay in relation to an assessment year is greater or less than the amount previously notified to the producer—

- (a) the scheme administrator must serve on the producer a notice under regulation 82;
- (b) if the producer's recalculated disposal fee is greater than the amount paid by the producer to the scheme administrator in relation to the assessment year, the producer is liable to pay to the scheme administrator the difference between those amounts;
- (c) if the producer's recalculated disposal fee is less than the amount paid by the producer to the scheme administrator in relation to the assessment year, the scheme administrator must refund or credit to the producer the difference between those amounts.

### **Recalculations: chargeable disposal costs**

**80.**—(1) The scheme administrator may recalculate the chargeable disposal costs of a relevant authority in relation to an assessment year if the scheme administrator considers that there is likely to be a material difference between that relevant authority's chargeable disposal costs as previously calculated and those costs as recalculated because the scheme administrator—

- (a) receives further information relating to a matter referred to in paragraph (2)(a);
- (b) discovers an error in the calculation of any element of the chargeable disposal costs in relation to the relevant authority; or
- (c) reasonably considers on any other ground that there is likely to be such a material difference.

(2) A recalculation of the chargeable disposal costs of a relevant authority is to be carried out by re-making the assessments and adjustments in Chapter 4 for that relevant authority, taking into account—

- (a) any further information relevant to those assessments and adjustments which the scheme administrator has received since the relevant authority's chargeable disposal costs were previously determined, including information as to—
  - (i) the efficient disposal costs of the relevant authority for the assessment year;
  - (ii) the waste income received (or, in the case of an interim recalculation, likely to be received) by the relevant authority in the assessment year;
  - (iii) the scheme administrator's assessment of the effectiveness of the waste management service provided by the relevant authority for the purposes of regulation 72;
- (b) the outcome of any complaint or appeal by the relevant authority relating to the determination of the relevant authority's chargeable disposal costs for the assessment year;
- (c) any other matters which the scheme administrator considers relevant.

(3) Where the scheme administrator determines, upon a recalculation under this regulation, that the amount of a relevant authority's chargeable disposal costs in relation to an assessment year is greater or less than the amount previously notified to the relevant authority—

- (a) the scheme administrator must give the relevant authority a notice under regulation 83;
- (b) if the relevant authority's recalculated chargeable disposal costs are greater than the amount paid to the relevant authority in relation to the assessment year, the scheme administrator must increase the amount to be paid to the relevant authority under regulation 76 in the assessment year in which the recalculation is made, or a subsequent assessment year, to cover the difference;
- (c) if the relevant authority's recalculated chargeable disposal costs are less than the amount paid to the relevant authority in relation to the assessment year, the scheme administrator must deduct the amount of the excess from the amount to be paid to the relevant authority under regulation 76 in the assessment year in which the recalculation is made, or a subsequent assessment year.

### **Recalculations: supplementary**

**81.**—(1) The scheme administrator may carry out an interim recalculation or a year-end recalculation in relation to—

- (a) a single liable producer or relevant authority;
- (b) more than one liable producer or relevant authority, at the same or different times; or
- (c) all liable producers or relevant authorities.

(2) The scheme administrator may, in relation to the same liable producer or relevant authority, carry out in relation to an assessment year—

- (a) both an interim recalculation and a year-end recalculation; or

(b) more than one of either type or both types of recalculation.

(3) The scheme administrator may determine that no further interim recalculations in relation to an assessment year are to be commenced after a date in the assessment year specified by the scheme administrator.

(4) If the scheme administrator makes a determination under paragraph (3), it must give notice of that determination to all liable producers and relevant authorities.

(5) The scheme administrator may not make a year-end recalculation—

(a) more than 4 years after the end of the assessment year to which the recalculation relates (“the four-year period”), unless paragraph (6) applies; or

(b) more than 10 years after the end of the assessment year to which the recalculation relates, in any event.

(6) This paragraph applies if—

(a) the scheme administrator obtains information giving it reasonable grounds to consider that there is likely to be a material difference as referred to in regulation 79(1) or 80(1) after the end of the four-year period; and

(b) the scheme administrator did not obtain the information earlier because of—

(i) deliberate action or omission by a producer, or a relevant authority or a person acting on their behalf; or

(ii) the failure by a producer to comply with its obligations under these Regulations.

(7) Where paragraph (6) applies, the scheme administrator must complete any subsequent recalculation as soon as reasonably practicable after the scheme administrator has obtained the new information.

(8) Whether to carry out a recalculation, and subject to paragraphs (3) to (7) the timing of any recalculation, are matters for the discretion of the scheme administrator, and no liable producer or relevant authority has a right to have a recalculation carried out, or to have a recalculation carried out within any particular time.

(9) Paragraph (8) does not apply to a recalculation which is necessary to give effect to a decision of an appeal body.

(10) Any notice served on a liable producer by the scheme administrator under regulation 67 or 82 remains valid unless it is withdrawn by the scheme administrator or replaced by a new notice, and the producer remains liable to pay the amount specified in such a notice notwithstanding that the scheme administrator—

(a) is carrying out a recalculation, or a further recalculation, of the producer’s disposal fee or administration fee; or

(b) has grounds for carrying out such a recalculation.

### **Recalculation notices: producers**

**82.**—(1) Paragraph (2) applies where the scheme administrator has carried out a recalculation under regulation 79 of the disposal fees or administration fees of one or more liable producers for an assessment year.

(2) Where this paragraph applies, the scheme administrator must serve on each affected producer a notice in writing which must—

(a) state the revised amount of the disposal fee or administration fee payable by the producer for the assessment year;

(b) set out how that revised amount has been calculated;

(c) where the producer’s disposal fee or administration fee has been revised, include a statement of account for the assessment year setting out—

(i) the amount, if any, which the producer has paid towards that fee for the assessment year;



- (ii) if the amount paid by the producer is less than the producer's revised disposal fee or administration fee for the assessment year, the amount owed by the producer;
- (iii) if the amount paid by the producer is greater than the producer's revised disposal fee or administration fee for the assessment year, the amount which the producer is entitled to be credited or refunded;
- (d) where the producer owes an amount, state the date by which that amount must be paid;
- (e) where a credit or refund is due to the producer, state—
  - (i) whether a credit or a refund will be made; and
  - (ii) the date on which the credit or refund will be made;
- (f) include any other information which would be required by regulation 67(2) in a notice of liability under that regulation;
- (g) provide information on the scheme administrator's complaints procedure; and
- (h) set out the right of appeal under regulation 105(1)(b).

(3) A notice issued in relation to an assessment year to an affected producer under paragraph (2) replaces any notice previously served on the producer under regulation 67 or this regulation in relation to that assessment year.

(4) Regulation 68 (payments and interest) applies in relation to an amount owed by a producer pursuant to a notice under paragraph (2).

(5) In this regulation an "affected producer" means a producer whom the scheme administrator has determined upon a recalculation is—

- (a) liable to pay an increased disposal fee in respect of an assessment year; or
- (b) entitled to be credited or refunded part of the amount of the disposal fee the producer has paid, or has previously been notified that it is liable to pay, in respect of the assessment year.

### **Recalculation notices: relevant authorities**

**83.**—(1) Paragraph (2) applies where the scheme administrator has carried out a recalculation under regulation 80 of the chargeable disposal costs of one or more relevant authorities.

(2) Where this paragraph applies, the scheme administrator must give each affected relevant authority a notice in writing which must—

- (a) state the revised amount of the relevant authority's chargeable disposal costs for the assessment year;
- (b) set out how that revised amount has been calculated;
- (c) include a statement of the difference between—
  - (i) each of the costs for the assessment year notified to the relevant authority under regulation 74; and
  - (ii) the relevant authority's revised chargeable disposal costs for the assessment year, as calculated under regulation 80;
- (d) state the amount which will be—
  - (i) paid to the relevant authority; or
  - (ii) deducted from the monies to be distributed to the relevant authority;
- (e) state the date when—
  - (i) any additional distribution will be made to the relevant authority; or
  - (ii) the deduction referred to in sub-paragraph (d)(ii) will be made;
- (f) provide information on the scheme administrator's complaints procedure; and
- (g) set out the right of appeal under regulation 105(4)(a)(iii).

(3) A notice in relation to an assessment year given to an affected relevant authority under paragraph (2) replaces any notice previously given to the relevant authority under regulation 74 or this regulation in relation to that assessment year.

(4) In this regulation an “affected relevant authority” means, in relation to a recalculation under regulation 80, a relevant authority whose chargeable disposal costs in respect of an assessment year are revised by the scheme administrator upon that recalculation.

## PART 6

### Reprocessors and exporters

#### CHAPTER 1

#### Interpretation

#### Interpretation

**84.**—(1) In this Part and in Schedule 8—

“accredited” means accredited under Chapter 3 of this Part to issue PRNs or PERNs;

“exporter” means a person who, in the ordinary course of business, exports for recycling outside the United Kingdom packaging waste which—

- (a) is owned by that person; or
- (b) that person has owned, prior to transferring ownership of it to an operator of an overseas reprocessing site;

“issue”, in relation to a PRN or PERN, means to supply to a producer or scheme operator, or to the representative of a producer or scheme operator, and an accredited reprocessor or exporter who is also a producer or scheme operator may issue a PRN or PERN to itself;

“overseas reprocessing site” means a site outside the United Kingdom at which recycling of packaging waste takes place;

“PERN” means a packaging waste export recycling note issued by an accredited exporter in a format specified by the appropriate agency, as evidence that the tonnage of packaging waste specified in the note has been exported and received for recycling at an overseas reprocessing site;

“PRN” means a packaging waste recycling note issued by an accredited reprocessor in a format specified by the appropriate agency, as evidence that the tonnage of packaging waste specified in the note has been received for recycling at a reprocessing site;

“relevant authorisation” has the meaning given in paragraph (3), read together with paragraphs (4) and (5);

“reprocessing site”, except in the expression “overseas reprocessing site”, means a site in the United Kingdom at which recycling of packaging waste takes place;

“reprocessor” means a person who, in the ordinary course of business, carries out one or more recycling activities in relation to packaging waste;

“sampling and inspection plan”—

- (a) in relation to a reprocessor (“R”), means a plan setting out R’s arrangements for undertaking sampling and inspection of the packaging waste received for recycling at a reprocessing site operated by R;
- (b) in relation to an exporter (“E”), means a plan setting out E’s arrangements for undertaking sampling and inspection of the packaging waste E exports;

“tonnage band” means one of the following ranges of amounts of packaging waste—

- (a) up to 500 tonnes;
- (b) up to 5,000 tonnes;

- (c) up to 10,000 tonnes; or
- (d) over 10,000 tonnes.

(2) In this Part and Schedule 8—

- (a) a reference to a “category” of packaging waste is a reference to packaging waste composed of one of the materials listed in regulation 7(5)(a) to (g);
- (b) a reference to an accreditation “corresponding” to a registration, or vice versa, is a reference to—
  - (i) a registration and an accreditation held by, or applied for by, the same reprocessor which relate to the same category of packaging waste recycled at the same reprocessing site; or
  - (ii) a registration and an accreditation held by, or applied for by, the same exporter which relate to the same category of packaging waste.

(3) In this Part and Schedule 8, “relevant authorisation”, in relation to a reprocessor or exporter, means any authorisation, licence, permit or registration listed in paragraph (4) which that person is required by any legislation to have, in order to—

- (a) carry out any of the activities which that person carries out in relation to packaging waste; or
- (b) operate any site at which that person carries out those activities.

(4) The authorisations, licences, permits and registrations referred to in paragraph (3) are—

- (a) a waste management licence granted under section 36 of the 1990 Act(a);
- (b) a permit granted under—
  - (i) regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2016(b);
  - (ii) the Pollution Prevention and Control (Scotland) Regulations 2012(c); or
  - (iii) regulation 10 of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(d);
- (c) an authorisation granted under the Environmental Authorisations (Scotland) Regulations 2018(e);
- (d) an authorisation granted under article 6 of the Industrial Pollution Control (Northern Ireland) Order 1997(f);
- (e) a licence granted under article 8 of the Waste and Contaminated Land (Northern Ireland) Order 1997(g);
- (f) registration as a carrier of waste, under—
  - (i) the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(h);
  - (ii) the Control of Pollution (Amendment) Act 1989(i) and the Waste (England and Wales) Regulations 2011(j); or

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(a) Section 36 of the 1990 Act was repealed by S.I. 2007/3538 in relation to England and Wales and remains in force in relation to Scotland only. There are amendments to section 36 in relation to Scotland which are not relevant to these Regulations.

(b) S.I. 2016/1154.

(c) S.S.I. 2012/360.

(d) S.R. 2013 No. 160. Regulation 10 is amended by S.R. 2014 No. 304.

(e) S.S.I. 2018/219.

(f) S.I. 1997/2777 (N.I. 18). Article 6 is amended by S.R. 2003 No. 46 and 2005 No. 285.

(g) S.I. 1997/2778 (N.I. 19). There are amendments to article 8 which are not relevant to these Regulations.

(h) S.I. 1991/1624. The Regulations were revoked in relation to England and Wales by S.I. 2011/988 (partially) and 2015/426 (remainder), and they remain in force in relation to Scotland only.

(i) 1989 c. 14. By virtue of regulation 24 of S.I. 2011/988, provisions of the Act have effect with the modifications set out in that regulation, in relation to the registration of carriers of controlled waste under Part 8 of S.I. 2011/988.

(j) S.I. 2011/988; relevant amending instruments are S.I. 2013/755 and 2014/656.

- (iii) the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999<sup>(a)</sup>;
  - (g) registration as a broker or dealer of waste, under—
    - (i) the Control of Pollution (Amendment) Act 1989 and the Waste (England and Wales) Regulations 2011;
    - (ii) the Waste Management Licensing (Scotland) Regulations 2011<sup>(b)</sup>; or
    - (iii) the Waste Management Licensing Regulations (Northern Ireland) 2003<sup>(c)</sup>.
- (5) A requirement for a person to have a relevant authorisation for an activity is to be treated as met if the activity does not require an authorisation listed in paragraph (4) by virtue of—
- (a) an exemption registered under regulation 19 of the Waste Management Licensing (Scotland) Regulations 2011;
  - (b) an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2016;
  - (c) registration in connection with exempt activities under regulation 18 of the Waste Management Licensing Regulations (Northern Ireland) 2003.

## CHAPTER 2

### Registration

#### **Registration: reprocessors**

**85.—(1)** A reprocessor (“R”) must, on and after 1st January 2026, be registered with the appropriate agency—

- (a) separately for each category of packaging waste recycled at each reprocessing site operated by R;
- (b) for any year in which that category of packaging waste is recycled at that reprocessing site.

(2) R must submit to the appropriate agency a separate application for registration as a reprocessor for each category of packaging waste recycled at each reprocessing site for which R wishes to be registered, stating in each case which recycling operations R wishes that registration to cover.

(3) An application for registration under this regulation must be made—

- (a) on or before 1st October 2025; or
- (b) if later, before the end of a period of 28 days starting with the day on which R first recycles the category of packaging waste to which the application relates at the reprocessing site to which the application relates.

(4) An application for registration under this regulation must—

- (a) be made in such form and manner as the appropriate agency specifies;
- (b) contain the information set out in paragraphs 1 to 9 of Schedule 8;
- (c) be accompanied by a sampling and inspection plan for the reprocessing site to which the application relates, for approval by the appropriate agency; and
- (d) be accompanied by such other information as the appropriate agency reasonably requires to determine the application.

(5) The charge in paragraph 5(1) of Schedule 1 must be paid for each application for registration made by a reprocessor, when the application is made.

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<sup>(a)</sup> S.R. 1999 No. 362, amended by S.R. 2011 No. 127; there are other amending instruments but none is relevant.

<sup>(b)</sup> S.S.I. 2011/228; relevant amending instruments are S.S.I. 2012/360 and 2018/391.

<sup>(c)</sup> S.R. 2003 No. 493; relevant amendments are made by section 65 of the Environment Act 2021 (c. 30) and by S.R. 2006 No. 280, 519, 2009 No. 76, 2011 No. 78, 127.

(6) Any information provided by a reprocessor to the appropriate agency in, or in relation to, an application for registration must be as accurate as reasonably possible.

### **Registration: exporters**

**86.**—(1) An exporter (“E”) must, on and after 1st January 2026, be registered with the appropriate agency—

- (a) separately in relation to each category of packaging waste that E exports for recycling;
- (b) for any year in which E exports that category of packaging waste for recycling.

(2) E must submit to the appropriate agency a separate application for registration as an exporter for each category of packaging waste that E wishes to be registered to export for recycling outside the United Kingdom.

(3) An application for registration under this regulation must be made—

- (a) on or before 1st October 2025; or
- (b) if later, before the end of a period of 28 days starting with the day on which E first exports the category of packaging waste to which the application relates.

(4) An application for registration under this regulation must—

- (a) be made in such form and manner as the appropriate agency specifies;
- (b) contain the information set out in paragraphs 10 to 18 of Schedule 8;
- (c) be accompanied by a sampling and inspection plan for approval by the appropriate agency; and
- (d) be accompanied by such other information as the appropriate agency reasonably requires to determine the application.

(5) The charge in paragraph 5(1) of Schedule 1 must be paid for each application for registration made by an exporter, when the application is made.

(6) Any information provided by an exporter to the appropriate agency in, or in relation to, an application for registration must be as accurate as reasonably possible.

### **Determination of registration applications**

**87.**—(1) An application for registration as a reprocessor or an exporter must be determined by the appropriate agency before the end of a period of 12 weeks starting with—

- (a) the day on which an application in accordance with regulation 85(4) or 86(4) is submitted to the appropriate agency; or
- (b) if later, the day on which it receives payment of the charge payable for the application under regulation 85(5) or 86(5).

(2) The appropriate agency may require the applicant to amend the arrangements described in its sampling and inspection plan as a condition of granting registration.

(3) Subject to paragraph (4), an application for registration must be granted where—

- (a) the applicant has complied with regulation 85(4) to (6) or regulation 86(4) to (6), as applicable;
- (b) the appropriate agency is satisfied that the applicant holds all relevant authorisations; and
- (c) the appropriate agency approves the arrangements proposed in the sampling and inspection plan,

and must otherwise be refused.

(4) The appropriate agency may refuse an application for registration under this regulation if the agency considers, on reasonable grounds, that the applicant has supplied information in, or in relation to, the application which is false or misleading in a material particular.

(5) When an application for registration has been determined—

- (a) the appropriate agency must serve on the applicant notice in writing of its decision within 28 days of the day on which it is made; and
- (b) if the application has been refused, the notice must include—
  - (i) the reasons for the refusal; and
  - (ii) the right of appeal under regulation 104(3)(a).

(6) The appropriate agency may require the applicant to pay the charge in paragraph 5(2) of Schedule 1, if the arrangements described in the applicant's sampling and inspection plan are changed before registration, whether at the request of the appropriate agency or otherwise.

### Conditions of registration and annual charge

**88.**—(1) A registration granted to a reprocessor or an exporter is subject to the conditions that the reprocessor or exporter (“RE”) must—

- (a) operate in accordance with the sampling and inspection plan approved by the appropriate agency under regulation 87(3)(c);
- (b) provide any information reasonably requested by the appropriate agency with regard to the obligation referred to in sub-paragraph (a);
- (c) inform the appropriate agency in writing of—
  - (i) any change in RE's circumstances which relates to the registration and, where RE is a partnership, any change of partners; and
  - (ii) any material change in the information provided in accordance with regulation 85(4)(b) or 86(4)(b),
 within 28 days of the occurrence of any such change;
- (d) provide records and reports to the appropriate agency as required by regulation 91;
- (e) pay any charges due to the appropriate agency under these Regulations;
- (f) give notice to the appropriate agency in writing that RE wishes to cancel the registration where RE has ceased, or intends to cease by the end of the year in which the notice is given—
  - (i) in the case of a reprocessor, to recycle the category of packaging waste to which the registration relates at the reprocessing site to which the registration relates;
  - (ii) in the case of an exporter, to export for recycling the category of packaging waste to which the registration relates;
- (g) continue to hold, and comply with, all relevant authorisations;
- (h) comply, where applicable, with—
  - (i) the Transfrontier Shipment of Waste Regulations 2007(a);
  - (ii) Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste(b); and
  - (iii) Commission Regulation (EC) No 1418/2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply(c);
- (i) inform the appropriate agency as soon as reasonably practicable if RE becomes aware that a circumstance in Schedule 2 has happened or is about to happen to it.

(2) RE must, in relation to each registration that it holds, pay the annual charge in paragraph 5(3) of Schedule 1 to the appropriate agency no later than 30th September in each year after the year in which the registration is granted, unless RE has given notice to the appropriate agency

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(a) S.I. 2007/1711; relevant amending instruments are S.I. 2008/9, 2014/861 and 2019/590.

(b) EUR 2006/1013, amended by S.I. 2019/473, 590, 2020/1455, 2021/785.

(c) EUR 1418/2007, amended by S.I. 2019/590 and 2021/785.

under paragraph (1)(f) that it wishes the registration to be cancelled at or before the end of that year.

### **Variation of sampling and inspection plan**

**89.**—(1) If a registered reprocessor or exporter (“RE”) wishes to operate otherwise than in accordance with the sampling and inspection plan approved by the appropriate agency under regulation 87(3)(c) or 97(1)(a) (“the approved plan”), RE must—

- (a) submit an amended sampling and inspection plan to the appropriate agency; and
- (b) pay the charge—
  - (i) in paragraph 5(2) of Schedule 1 where the plan has been approved under regulation 87(3)(c); or
  - (ii) in paragraph 6(4) of Schedule 1, where the plan has been approved under regulation 97(1)(a).

(2) The appropriate agency must determine whether it approves the amendments to the plan, and serve on RE notice in writing of its decision, before the end of a period of 12 weeks starting with—

- (a) the date on which it receives the amended sampling and inspection plan; or
- (b) if later, the date on which it receives payment of the charge referred to in paragraph (1)(b).

(3) RE must continue to operate in accordance with the approved plan until the appropriate agency notifies it that the amendments are approved.

### **Cancellation of registration of reprocessors and exporters**

**90.**—(1) The appropriate agency may cancel a registration with it of a reprocessor or an exporter (“RE”) where it appears to the appropriate agency that—

- (a) RE is in breach of any of the conditions of that registration in regulation 88(1); or
- (b) RE knowingly or recklessly supplied information which is false or misleading in a material particular, in connection with RE’s application for that registration, or in connection with compliance with any of the conditions of that registration in regulation 88(1).

(2) The appropriate agency must cancel all registrations with it of RE where it appears to the appropriate agency that—

- (a) RE has died or become incapacitated, or one of the relevant circumstances referred to in paragraph 4 of Schedule 2 applies to RE and RE has ceased trading;
- (b) if RE is a body corporate or a partnership one of the relevant circumstances referred to in paragraph 2 or 3 of Schedule 2 applies to RE and RE has ceased trading; or
- (c) if RE is a partnership, RE has been wound up.

(3) Before cancellation of a registration under paragraph (1) or (2) above, the appropriate agency must serve on RE written notice of—

- (a) its decision to cancel;
- (b) the reasons for the decision;
- (c) the date when cancellation will take effect, not being earlier than the date of receipt of the notice;
- (d) the right of appeal under regulation 104(3)(b); and
- (e) a statement advising RE that failure to comply with the requirement for registration in regulation 85 or 86 constitutes an offence under regulation 117.

(4) Paragraph (3) does not apply where a registration is being cancelled because RE has died.

## **Records and reporting requirements for registered reprocessors and exporters**

- 91.**—(1) Registered reprocessors and exporters must—
- (a) maintain, and retain for at least 7 years after the record is made, records of the information set out in paragraph 20 or 21 of Schedule 8, as applicable;
  - (b) report that information to the appropriate agency—
    - (i) in quarterly reports, before the 21st day of the month following the end of the quarter; and
    - (ii) in annual reports, before 21st March in the year following the year to which the report relates;
  - (c) make the records available to the appropriate agency on demand.
- (2) The quarterly and annual reports required under paragraph (1)(b) are to be—
- (a) made in such form as the appropriate agency specifies;
  - (b) verified by the signature of an approved person of the reprocessor or exporter.
- (3) Where a reprocessor or exporter (“RE”) with a registration under this Chapter also has a corresponding accreditation under Chapter 3—
- (a) paragraph (1) does not apply to RE in relation to packaging waste to which that accreditation applies; and
  - (b) the record keeping and reporting obligations of RE in relation to that packaging waste are those specified in the conditions of accreditation in Part 3 of Schedule 8.

### **CHAPTER 3**

#### **Accreditation**

## **Prohibition on issuing PRNs and PERNs unless accredited**

- 92.**—(1) A person (“R”) must not, on or after 1st January 2026, issue a PRN unless—
- (a) the PRN relates to packaging waste received for recycling at a reprocessing site operated by R;
  - (b) at the time the packaging waste is received at that reprocessing site, R is accredited in accordance with this Chapter to issue PRNs in relation to the recycling of the category of packaging waste to which the PRN relates at that reprocessing site; and
  - (c) the PRN is issued either—
    - (i) in the same year that the packaging waste is received at that reprocessing site; or
    - (ii) no later than 31st January in the following year.
- (2) A person (“E”) must not, on or after 1st January 2026, issue a PERN unless—
- (a) the PERN relates to packaging waste exported by E to an overseas reprocessing site for recycling;
  - (b) at the times the packaging waste is exported to, and received by, that overseas reprocessing site, E is accredited to issue PERNs in relation to the export of the category of packaging waste to which the PERN relates for recycling at that overseas reprocessing site; and
  - (c) the PERN is issued either—
    - (i) in the same year that the packaging waste is received at that overseas reprocessing site; or
    - (ii) no later than 31st January in the following year.



### **Requirements for accreditation**

**93.**—(1) A person may not be accredited under this Chapter to issue PRNs in relation to a category of packaging waste recycled at a reprocessing site unless the person is—

- (a) a reprocessor;
- (b) established in the United Kingdom; and
- (c) registered under regulation 85 in relation to that category of packaging waste and reprocessing site.

(2) A person may not be accredited under this Chapter to issue PERNs in relation to a category of packaging waste exported to an overseas reprocessing site unless the person is—

- (a) an exporter;
- (b) established in the United Kingdom; and
- (c) registered under regulation 86 in relation to the export of that category of packaging waste to overseas reprocessing sites for recycling.

(3) Paragraphs (1)(c) and (2)(c) do not prevent a person who applies for a registration from applying for a corresponding accreditation at the same time, or before the application for registration has been determined, but in such a case the appropriate agency must determine the application for registration first.

### **Applications for accreditation: reprocessors**

**94.**—(1) This regulation applies to a reprocessor wishing to be accredited under this Chapter to issue PRNs in a year or part of a year (“R”).

(2) R must make a separate application to the appropriate agency for accreditation for each category of packaging waste recycled at each reprocessing site for which R wishes to issue PRNs.

(3) Each application must—

- (a) state—
  - (i) the reprocessing site and the category of packaging waste in relation to which the application is being made;
  - (ii) the tonnage band of packaging waste in that category to be recycled at that reprocessing site for which the applicant is applying to be accredited to issue PRNs; and
  - (iii) all information specified on the application form; and
- (b) be accompanied by—
  - (i) R’s sampling and inspection plan for the reprocessing site to which the application relates; and
  - (ii) R’s business plan, which must include the information specified in regulation 96(4).

(4) R must provide the appropriate agency with any other information the appropriate agency reasonably requires in order to determine the application.

### **Applications for accreditation: exporters**

**95.**—(1) This regulation applies to an exporter wishing to be accredited under this Chapter to issue PERNs in a year or part of a year (“E”).

(2) E must make a separate application to the appropriate agency for accreditation for each category of packaging waste exported by E for which E wishes to issue PERNs.

(3) Each application must—

- (a) state—
  - (i) the category of packaging waste for which the application is being made;

- (ii) the tonnage band of packaging waste in that category which E intends to export for recycling, for which E wishes to be accredited to issue PERNs;
  - (iii) if known at the time of making the application, the name and address of each overseas reprocessing site to which E intends to export that category of packaging waste;
  - (iv) all information specified on the application form; and
- (b) be accompanied by—
- (i) E’s sampling and inspection plan; and
  - (ii) E’s business plan, which must include the information specified in regulation 96(4).
- (4) E must provide the appropriate agency with any other information the appropriate agency reasonably requires in order to determine the application.

**Applications for accreditation: general requirements**

**96.—**(1) An application by a reprocessor or exporter (“RE”) for an accreditation under this Chapter must be—

- (a) made in such form and manner as the appropriate agency specifies; and
  - (b) signed by an approved person of RE to verify the information provided in the application and the documents accompanying it.
- (2) Any information provided by RE in, or in relation to, an application for accreditation must be as accurate as reasonably possible.
- (3) The following charge must be paid at the time the application is made—
- (a) the charge in paragraph 6(1) of Schedule 1, for an application by a reprocessor; or
  - (b) the charge in paragraph 6(2) of Schedule 1, for an application by an exporter.
- (4) For the purposes of regulations 94(3)(b)(ii) and 95(3)(b)(ii) a reprocessor or exporter’s business plan must contain information on how its revenue from the issue of PRNs or PERNs is to be applied, including information on expenditure in respect of the following matters—
- (a) investment in infrastructure for recycling or exporting, including both the development of new infrastructure, and support and maintenance of existing infrastructure;
  - (b) price support provided for buying packaging waste or selling recycled packaging waste;
  - (c) support for business collections;
  - (d) communications, including national and local information campaigns, and direct contacts with suppliers;
  - (e) the development of new markets for materials or goods made from recycled packaging waste in the United Kingdom and overseas;
  - (f) the development of new uses for recycled packaging waste.
- (5) The appropriate agency may request RE to amend RE’s sampling and inspection plan or business plan as a condition of granting an accreditation.
- (6) If RE amends its sampling and inspection plan or business plan before an application for accreditation has been determined, whether at the request of the appropriate agency or otherwise—
- (a) RE must submit an amended plan to the appropriate agency; and
  - (b) the appropriate agency may require RE to pay the charge in paragraph 6(4) of Schedule 1 before it determines whether it approves, or is satisfied with the contents of, the plan.

**Determination of accreditation applications**

**97.—**(1) An application by a reprocessor or exporter for an accreditation under this Chapter—

- (a) must be granted where the appropriate agency approves RE's sampling and inspection plan and is satisfied as to the matters set out in paragraph (2), and
  - (b) in any other case, must be refused.
- (2) The matters referred to in paragraph (1)(a) are—
- (a) that the application has been made in accordance with—
    - (i) regulation 94 or 95, as applicable; and
    - (ii) regulation 96;
  - (b) that any charges payable in relation to the application have been paid;
  - (c) that RE—
    - (i) has a registration that corresponds to the accreditation RE has applied for; and
    - (ii) is a fit and proper person to be granted an accreditation;
  - (d) the contents of RE's business plan;
  - (e) where the application is made by an exporter for an accreditation and relates to one or more overseas reprocessing sites, that any recycling operations taking place on each such site take place under conditions that are broadly equivalent to requirements applicable to reprocessing sites in the United Kingdom.
- (3) The appropriate agency must, within 12 weeks of the day on which it has received an application which complies with paragraph (2)(a) and (b)—
- (a) determine the application; and
  - (b) serve on the applicant notice in writing of its decision.
- (4) Where the decision is to grant an accreditation to a reprocessor, the decision notice must state—
- (a) the category of packaging waste and the reprocessing site in relation to which the accreditation is granted;
  - (b) the tonnage band for which the reprocessor is accredited to issue PRNs; and
  - (c) if applicable, any special conditions subject to which the accreditation is granted.
- (5) Where the decision is to grant an accreditation to an exporter, the decision notice must state—
- (a) the category of packaging waste in relation to which the accreditation is granted;
  - (b) the tonnage band for which the exporter is accredited to issue PERNs;
  - (c) except where the application was made without specifying any overseas reprocessing sites, the overseas reprocessing site or sites in relation to which accreditation is granted; and
  - (d) if applicable, any special conditions subject to which the accreditation is granted.
- (6) If the decision is to refuse an accreditation, or to grant an accreditation subject to any special conditions, the decision notice must include the reasons for the decision and, where applicable, a statement of the right of appeal under regulation 104(3)(c) or (d).
- (7) Subject to paragraph (8) and to regulation 100, where an accreditation is granted it is to take effect—
- (a) where the application is made in the preceding year to that in which the person wishes to be accredited—
    - (i) from 1st January where the decision to accredit is made before that date; and
    - (ii) in all other cases, from the date of the decision,
 and it remains in force until the end of the calendar year for which the person has applied for the accreditation;

- (b) where the application is made during the year in which the person wishes to be accredited, from the date of the decision, and it remains in force until the end of that calendar year.

(8) Where an exporter has not identified in their application for accreditation the overseas reprocessing sites to which the exporter wishes to export packaging waste for recycling, their accreditation does not take effect until one or more overseas reprocessing sites have been added to the accreditation on an application under regulation 99(3).

(9) In this regulation, a “special condition” means a condition of an accreditation specified by the appropriate agency, which is to apply in addition to the conditions referred to in regulation 98(b)(i) and (ii).

### **Conditions of accreditation**

**98.** An accreditation granted to a reprocessor or exporter (“RE”) under this Chapter is subject to the conditions that RE—

- (a) continues to meet the requirements for accreditation in regulation 93(1) or (2), as applicable;
- (b) complies with—
  - (i) the conditions of registration in regulation 88;
  - (ii) the conditions in Part 3 of Schedule 8; and
  - (iii) any special conditions specified by the appropriate agency under regulation 97(5)(d) in the grant of accreditation;
- (c) informs the appropriate agency in writing of—
  - (i) any change in RE’s circumstances which relates to RE’s accreditation and, where RE is a partnership, any change of partners; and
  - (ii) any material change in the information provided in accordance with regulation 94(3) or 95(3),  
at least 28 days before the occurrence of any such change, or, if later, as soon as reasonably practicable after RE becomes aware that the change is going to occur or has occurred; and
- (d) does not issue any PRNs or PERNs otherwise than in accordance with regulation 92.

### **Variation of accreditation**

**99.—(1)** A reprocessor or exporter (“RE”) may apply to the appropriate agency to vary an accreditation under this Chapter by increasing the tonnage band of a category of packaging waste for which RE is accredited to issue PRNs or PERNs.

- (2) An application under paragraph (1) must—
  - (a) be made in such form and manner as the appropriate agency specifies;
  - (b) state the new tonnage band of packaging waste for which RE wishes to be accredited; and
  - (c) be accompanied by payment of the charge in paragraph 6(5) of Schedule 1.
- (3) An exporter (“E”) may apply to the appropriate agency to vary an accreditation to specify one or more overseas reprocessing sites, or additional overseas reprocessing sites, in respect of which E is accredited to issue PERNs in relation to packaging waste of the category specified in the accreditation which it exports for recycling to those sites.
- (4) An application under paragraph (3) must—
  - (a) be made in such form and manner as the appropriate agency specifies;
  - (b) state the name and address of each overseas reprocessing site that E wishes to be specified in the accreditation; and

(c) be accompanied by payment of the charge in paragraph 6(6) of Schedule 1 for each such overseas reprocessing site.

(5) An application under paragraph (1) or (3) must be granted by the appropriate agency where—

- (a) the application has been made in accordance with paragraph (2) or (4), as applicable;
- (b) the charge payable for the application has been paid;
- (c) the appropriate agency is satisfied that RE has complied with, and will continue to comply with, the conditions of accreditation referred to in regulation 98(b); and
- (d) in the case of an application under paragraph (3), the appropriate agency is satisfied that the recycling operations at each overseas reprocessing site take place under conditions that are broadly equivalent to requirements applicable to reprocessing sites in the United Kingdom,

and in any other case must be refused.

(6) The appropriate agency must, within 12 weeks of the day on which the agency has received an application which complies with paragraph (2) or (4), as applicable—

- (a) determine the application; and
- (b) serve on the applicant notice in writing of its decision.

(7) If the application is refused, the notice of decision must include the reasons for the decision and, where applicable, a statement of the right of appeal under regulation 104(3)(e).

### **Suspension and cancellation of accreditation**

**100.**—(1) The appropriate agency may suspend or cancel an accreditation held by a reprocessor or exporter (“RE”) under this Chapter where it appears to it that—

- (a) RE has failed to comply, or there are reasonable grounds for considering that RE is likely to fail to comply, with any of the conditions specified in regulation 98;
- (b) RE has knowingly or recklessly supplied information which is false or misleading in a material particular to the appropriate agency in, or in connection with—
  - (i) an application for a registration under regulation 85 or 86;
  - (ii) an application for an accreditation under regulation 94 or 95;
  - (iii) an application to vary an accreditation under regulation 99; or
  - (iv) any other requirement of these Regulations; or
- (c) RE is not, or has at any time ceased to be, a fit and proper person.

(2) Where the appropriate agency is no longer satisfied that the requirements in regulation 97(2)(e) or 99(5)(d), as applicable, are met in relation to an overseas reprocessing site covered by an accreditation held by an exporter, the appropriate agency must suspend or cancel the accreditation to the extent that it relates to exports to that site.

(3) The appropriate agency must cancel an accreditation of RE where RE’s corresponding registration is cancelled under regulation 90.

(4) Where the appropriate agency suspends or cancels an accreditation under paragraph (1), (2) or (3), it must serve on RE written notice of—

- (a) its decision to suspend or cancel (as the case may be) the accreditation;
- (b) the reasons for the decision;
- (c) the right of appeal under regulation 104(3)(f);
- (d) the date when the suspension or cancellation will take effect, not being earlier than the date of receipt of the notice; and
- (e) in the case of a suspension, the period of the suspension or any steps which are required to be taken in order to bring the suspension to an end.

(5) An accreditation of RE is deemed to be cancelled—

- (a) on the date on which RE ceases—
  - (i) to hold a relevant authorisation; or
  - (ii) to be a reprocessor or exporter; or
- (b) in a case where RE requests that the accreditation should be cancelled, with effect from the date for cancellation specified by RE.

## PART 7

### Corporate Groups, Licensors and Pub Operating Businesses

#### **Packaging supplied by corporate groups**

**101.** The provisions of Schedule 9 apply to corporate groups.

#### **Packaging supplied by licensors and their licensees, and by pub operating businesses and their tenants**

**102.**—(1) Part 1 of Schedule 10 applies to licensors.

(2) Part 2 of Schedule 10 applies to pub operating businesses.

## PART 8

### Appeals

#### **Interpretation**

**103.** In this Part, “appeal body” means—

- (a) in relation to England and Wales, the First-tier Tribunal;
- (b) in relation to Northern Ireland, the Planning Appeals Commission;
- (c) in relation to Scotland, for an appeal under—
  - (i) regulation 104, the Scottish Ministers;
  - (ii) regulation 105, the sheriff.

#### **Right of appeal: decisions of the appropriate agency and civil sanctions**

**104.**—(1) A producer may appeal to the appeal body against a decision of the appropriate agency—

- (a) to refuse to grant an application for registration under regulation 30(1); or
- (b) to cancel the producer’s registration under regulation 32(1).

(2) A scheme operator may appeal to the appeal body against a decision of the appropriate agency—

- (a) to refuse to grant an application for approval of a compliance scheme under regulation 47(4);
- (b) to grant approval subject to additional conditions under regulation 48(2);
- (c) to withdraw approval of a compliance scheme under regulation 49(1)(a) or (3);
- (d) to refuse to grant an application for registration of a compliance scheme under regulation 52(1);
- (e) to cancel the registration of a compliance scheme under regulation 54(1) or (2).

(3) A reprocessor or exporter may appeal to the appeal body against a decision of the appropriate agency—

- (a) to refuse to grant an application for a registration under regulation 87(3) or (4);
- (b) to cancel a registration under regulation 90(1) or (2);
- (c) to refuse an accreditation under regulation 97(1);
- (d) to grant an accreditation subject to a special condition under regulation 97(4)(c) or 97(5)(d);
- (e) to refuse to vary an accreditation under regulation 99(5); or
- (f) to suspend or cancel accreditation under regulation 100(1), (2) or (3).

(4) A holding company may appeal to the appeal body against a decision of the appropriate agency—

- (a) to refuse to grant an application for a group registration under regulation 30 as applied by paragraph 4(4) of Schedule 9;
- (b) to cancel a group registration under regulation 32 as applied by paragraph 4(6) of Schedule 9.

(5) An approved person may appeal to the appeal body against a decision of the appropriate agency—

- (a) to refuse to approve a delegation of the approved person's functions under regulation 133(3); or
- (b) to withdraw such an approval under regulation 134(5).

(6) A person—

- (a) on whom a civil sanction has been imposed under regulation 121; or
- (b) to whom an enforcement cost recovery notice has been issued under regulation 123,

may appeal to the appeal body against the imposition of that sanction or the issue of that notice.

(7) A person who has applied under paragraph 23 of Schedule 13 for a certificate that an enforcement undertaking has been complied with may appeal to the appeal body against a decision not to issue such a certificate.

### **Right of appeal: disposal costs and scheme administrator costs**

**105.**—(1) A producer may appeal to the appeal body against a decision of the scheme administrator—

- (a) to serve a notice of liability to pay a disposal fee or administration fee on the producer under regulation 67;
- (b) to serve a notice of a revised fee on the producer under regulation 82.

(2) A holding company may appeal to the appeal body against a decision of the scheme administrator—

- (a) to serve a notice of liability to pay a disposal fee or administration fee on the holding company under regulation 67 (as applied in relation to the holding company by paragraph 6 of Schedule 9) in relation to relevant group members within a group registration;
- (b) to serve a notice of a revised fee on the holding company under regulation 82 (as applied in relation to the holding company by paragraph 6 of Schedule 9) in relation to such relevant group members.

(3) The grounds for an appeal under paragraph (1) or (2) are that—

- (a) the producer or holding company is not liable to pay a disposal fee or administration fee; or
- (b) the amount which the producer or holding company has been assessed as being liable to pay has been miscalculated.

(4) A relevant authority may appeal to the appeal body against—

- (a) a decision of the scheme administrator—
    - (i) assessing its chargeable disposal costs under Chapter 4 of Part 5;
    - (ii) as to the amount to be distributed to the relevant authority under Chapter 4 of Part 5;  
or
    - (iii) recalculating its chargeable disposal costs under Chapter 5 of Part 5;
  - (b) a notice by the scheme administrator under regulation 76(6) that it intends to reduce a payment to the relevant authority;
  - (c) a decision by the scheme administrator under regulation 77(5), where it has determined a complaint by the relevant authority and that paragraph applies, that information provided by the relevant authority in support of the complaint was not relevant to its decision.
- (5) The grounds for an appeal under paragraph (4)(a) are that—
- (a) the chargeable disposal costs of the relevant authority have been miscalculated;
  - (b) the scheme administrator has reduced the disposal costs of the relevant authority when it was not entitled to do so under regulation 71(3) or 72(8);
  - (c) that the scheme administrator has failed to comply with a procedural requirement in Chapter 4 or 5 of Part 5 which applies in relation to the decision in question;
  - (d) that the scheme administrator has failed to pay the correct amount to the relevant authority under regulation 76.
- (6) The ground for an appeal under paragraph (4)(b) is that the scheme administrator’s determination of how to apportion the total amount available to be divided between relevant authorities is wrong.
- (7) The ground for an appeal under paragraph (4)(c) is that the information provided by the relevant authority in support of the complaint was relevant to the decision to uphold the complaint.
- (8) No appeal may be brought under paragraph (1), (2) or (4)(a) or (b) of this regulation unless the appellant has first brought a complaint under the scheme administrator’s complaints procedure about the decision or notice appealed against.
- (9) Expressions used in this regulation which are defined in regulation 57(1) have the meanings given in that regulation.

**Procedure on appeals**

**106.**—(1) The appeal body may, in relation to a decision, or the imposition of a civil sanction or issue of a notice which is the subject of an appeal under regulation 104 or 105—

- (a) quash the decision, or withdraw the civil sanction or the notice, in whole or in part;
  - (b) confirm the decision, civil sanction or notice, in whole or in part;
  - (c) vary the decision, civil sanction or notice in whole or in part;
  - (d) take any steps the appropriate agency or the scheme administrator could take in relation to the matters giving rise to the decision, or the act or omission giving rise to the civil sanction or the notice;
  - (e) remit the decision, including a decision whether to confirm the civil sanction or the notice, or any matter relating to that decision, to the appropriate agency or the scheme administrator.
- (2) Where an appeal is made to the Scottish Ministers, they may—
- (a) appoint any person to exercise on their behalf, with or without payment, the function of determining the appeal; or
  - (b) refer any matter involved in the appeal to such person as the Scottish Ministers may appoint for the purpose, with or without payment.
- (3) Where an appeal is made to the Scottish Ministers or the Planning Appeals Commission, if the appellant so requests, or the Scottish Ministers or Planning Appeals Commission so decide, the appeal must be in the form of a hearing.



(4) Schedule 11 makes further provision about the procedure on an appeal.

### **Status pending appeal**

**107.**—(1) Where an appeal is made to the appeal body under regulation 104 or 105, subject to paragraphs (2) and (3), the decision, civil sanction or notice which is the subject of the appeal has effect until the appeal is determined or withdrawn, unless the appeal body decides otherwise.

(2) Any—

- (a) civil sanction imposed under regulation 121, other than a compliance notice; or
- (b) enforcement cost recovery notice issued under regulation 123,

which is the subject of an appeal is suspended until the appeal is determined or withdrawn.

(3) In the case of an appeal under regulation 104(1)(b), the decision appealed against does not have effect until the appeal is dismissed or withdrawn; and if the appeal is dismissed or withdrawn the decision has effect from the day after the day on which the appeal is dismissed or withdrawn.

### **Determination of appeals**

**108.** Where, following an appeal under regulation 104 or 105, the appeal body determines that a decision of the scheme administrator or the appropriate agency (“the decision maker”) is to be varied or remitted to the decision maker for reconsideration, the decision maker must—

- (a) comply with any directions given to it by the appeal body; and
- (b) take any steps necessary to give effect to the appeal body’s determination.

## **PART 9**

### **Monitoring and enforcement**

#### **CHAPTER 1**

#### **Powers and duties of the appropriate agency**

### **Monitoring**

**109.**—(1) The appropriate agency must monitor—

- (a) compliance by producers with—
  - (i) their producer responsibility obligations; and
  - (ii) the conditions of their registration in regulation 31;
- (b) compliance by scheme operators with—
  - (i) the obligations referred to in regulation 43; and
  - (ii) the conditions referred to in regulation 48(1);
- (c) compliance by reprocessors and exporters with the requirement to register in regulations 85(1) and 86(1) respectively;
- (d) compliance by registered reprocessors and exporters with the conditions of registration in regulation 88;
- (e) compliance by reprocessors and exporters with the prohibition in regulation 92 on issuing PRNs or PERNs unless the conditions for issuing PRNs or PERNs in that regulation are met;
- (f) compliance by accredited reprocessors and exporters with the conditions of accreditation in regulation 98(b) to (d).

(2) The appropriate agency must also monitor the accuracy of the information provided to the appropriate agency by producers, scheme operators, reprocessors and exporters—

- (a) in, or in relation to, any application under these Regulations;
  - (b) in any report, statement or certificate required by these Regulations.
- (3) The appropriate agency must, as part of the monitoring undertaken under paragraph (1)(a), monitor a sample of producers each year.

### **Powers to obtain information**

**110.**—(1) The appropriate agency may, by notice in writing served on a person specified in paragraph (2), require that person to—

- (a) maintain records of any information specified in the notice which the appropriate agency reasonably considers it needs for the purposes of its monitoring and enforcement functions under these Regulations; and
  - (b) supply to the appropriate agency any such information—
    - (i) in such form; and
    - (ii) at such time, or within such period following service of the notice, as is specified in the notice.
- (2) The persons referred to in paragraph (1) are—
- (a) a person who has, or who the appropriate agency has reason to believe has, producer responsibility obligations;
  - (b) a scheme operator;
  - (c) a registered or accredited reprocessor or exporter; or
  - (d) a person who is, or who the appropriate agency has reason to believe is—
    - (i) issuing or purporting to issue PRNs or PERNs; or
    - (ii) engaged in trading in, or brokerage in relation to, PRNs or PERNs.

### **Monitoring plans and reports**

**111.**—(1) The appropriate agency must provide to the appropriate authority by 1st December, and publish by 31st December, in each year its proposed monitoring plan in respect of the following calendar year, describing—

- (a) its policy in relation to the monitoring it is required to carry out under regulation 109;
  - (b) details of the monitoring it proposes to carry out in the following calendar year, including details of its proposals to monitor a sample of producers under regulation 109(3).
- (2) The appropriate agency must publish by 31st May in each year, beginning with the year 2026, a report setting out—
- (a) the monitoring and enforcement activities it has undertaken in the previous calendar year; and
  - (b) the extent to which those activities have implemented its monitoring plan for the year reported on, including a description of its performance against the monitoring plan.

## **CHAPTER 2**

### **Powers of entry etc.**

#### **Powers of entry etc: England, Wales and Scotland**

**112.**—(1) A person who appears suitable to the appropriate agency may, for the purposes of that agency's functions under these Regulations, be authorised in writing by that agency to exercise the powers specified in paragraph (2).

(2) The powers specified in this paragraph are powers corresponding to those set out in section 108(4)(a) to (l) of the Environment Act 1995(a) (“the 1995 Act”).

(3) In relation to the exercise of powers conferred under paragraph (1), provisions corresponding to the following provisions of the 1995 Act apply—

- (a) in relation to England and Wales—
  - (i) section 108(6) to (7A), (7C) to (7F), (12), (12A) and (13); and
  - (ii) paragraphs 2 to 6 of Schedule 18;
- (b) in relation to Scotland—
  - (i) section 108(6) to (7E), (12) and (13);
  - (ii) section 108A; and
  - (iii) paragraphs 2 to 6 of Schedule 18

(4) For the purposes of this regulation, the 1995 Act is to be read with the modifications in paragraph 1 of Schedule 12.

### **Powers of entry etc: Northern Ireland**

**113.**—(1) A person who appears suitable to DAERA may, for the purposes of DAERA’s functions under these Regulations, be authorised in writing by DAERA to exercise the powers specified in paragraph (2).

(2) The powers specified in this paragraph are powers corresponding to those set out in article 72(2)(a) to (k) of the Waste and Contaminated Land (Northern Ireland) Order 1997(b) (“the 1997 Order”).

(3) In relation to the exercise of powers conferred under paragraph (1), provisions corresponding to the following provisions of the 1997 Order apply—

- (a) article 72(4), (5), (9) and (10); and
- (b) paragraphs 2 to 5 of Schedule 4.

(4) For the purposes of this regulation, the 1997 Order is to be read with the modifications in paragraph 2 of Schedule 12.

## **PART 10**

### **Offences and Civil Sanctions**

#### **CHAPTER 1**

##### **General**

### **Interpretation**

**114.** In this Part and in Schedule 13—

“compliance notice” means a notice requiring a person to take such steps as are specified in the notice, within such time as is specified in the notice, to ensure that a contravention of a provision of these Regulations does not occur, continue or recur;

“enforcement agency” means—

- 
- (a) 1995 c. 25. Section 108 has been amended in relation to England and Wales by paragraph 5 of Schedule 10 to the Environment Act 2021 (c. 30) and S.I. 2016/475, and in relation to Scotland by section 46(2) of the Regulatory Reform (Scotland) Act 2014 (asp 3). There are other amendments to section 108 which are not relevant. Section 108A was inserted by section 46(3) of the Regulatory Reform (Scotland) Act 2014 (asp 3).
  - (b) S.I. 1997/2778 (N.I. 19). Section 72 has been amended by section 11(2) of, and Schedule 2 to, the Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011 (c. 5) and by S.I. 2007/611 (N.I. 3). There are other amendments to section 72 which are not relevant.

- (a) the appropriate agency, in relation to—
  - (i) an offence under regulation 115, 116, 117 or 118; or
  - (ii) any civil sanction specified in the table in Part 1 of Schedule 13, other than a civil sanction referred to in sub-paragraph (b);
- (b) the scheme administrator, in relation to a civil sanction imposed for a contravention of regulation 68(4) or paragraph 6(1) of Schedule 9 (failure to pay disposal or administration fees by 50 days after the due date);

“enforcement undertaking” means a written undertaking given by a person to the enforcement agency to take such action as may be specified in the undertaking within such period as may be so specified;

“fixed monetary penalty” means a penalty of the amount specified in paragraph 2(1) of Schedule 13;

“Scottish enforcement agency” means—

- (a) SEPA;
- (b) the scheme administrator, so far as it is imposing a civil sanction provided for in these Regulations in Scotland;

“variable monetary penalty” means a penalty of such amount as is determined by the enforcement agency.

## CHAPTER 2

### Offences and penalties

#### **Offences: producers**

**115.**—(1) It is an offence for a producer to whom regulation 25(1) applies—

- (a) to carry on business as a producer without being registered, at any time at which the producer is required by regulation 25(1)(a) to be registered;
- (b) to fail to apply to the appropriate agency for registration by the date specified in regulation 28(1), (2) or (3), as applicable;
- (c) to fail to keep records as required by regulation 25(1)(b); or
- (d) to fail to report information which the producer is required to report by regulation 25(1)(c) or, where it applies to the producer, regulation 25(1)(d) or (3)(c);
- (e) to fail to make a report of any of the information referred to in sub-paragraph (d) by the date on which that report is required to be made under regulation 35, 36, 37 or 38.

(2) Paragraph (1)(a) and (b) do not apply in respect of any period during which, under regulation 30(2)(c), the producer is treated as having been registered.

(3) It is an offence for a producer to whom regulation 25(2) applies to fail—

- (a) to comply with the producer’s recycling obligation referred to in regulation 25(2)(a);
- (b) to keep evidence as required by regulation 25(2)(b);
- (c) to furnish a certificate of compliance as required by regulation 25(2)(c).

(4) A registered producer who does not comply with a condition of registration in regulation 31(b) or (c) (provision of information to the appropriate agency) commits an offence.

#### **Offences: scheme operators**

**116.** It is an offence for a scheme operator—

- (a) to operate a compliance scheme without registering the compliance scheme under regulations 43(1)(b) and 51(1);
- (b) to breach a condition of the compliance scheme’s registration in regulation 53;

- (c) to fail to carry out the obligation to apply for the registration of a member of the compliance scheme under regulation 43(3)(a);
- (d) to fail to make an application referred to in sub-paragraph (c) by the date on which that application is required to be made under regulation 44(1)(a);
- (e) to fail to report information in relation to a member of the compliance scheme which the scheme operator is required to report under regulations 43(3)(b) and 44(2);
- (f) to fail to make a report of any of the information referred to in sub-paragraph (e) by the date on which that report is required to be made under regulation 35, 36, 37 or 38, as those regulations apply by virtue of regulation 44(2);
- (g) to fail to carry out the recycling obligations under regulation 43(3)(c) and 44(3);
- (h) to fail to keep records and make returns to the appropriate agency as required by regulations 43(6)(a) and 55;
- (i) to fail to submit a statement of compliance to the appropriate agency as required by regulation 56;
- (j) to fail to give each member of the compliance scheme—
  - (i) the notice required by regulation 49(5) if approval of the compliance scheme is withdrawn; or
  - (ii) the notice required by regulation 54(4) if registration of the compliance scheme is cancelled.

#### **Offences: reprocessors and exporters**

**117.**—(1) It is an offence for a person to—

- (a) operate a reprocessing site at which a category of packaging waste is recycled or accepted for recycling, without being registered with the appropriate agency in accordance with regulation 85 as a reprocessor of that category of packaging waste at that reprocessing site; or
- (b) export a category of packaging waste without being registered with the appropriate agency in accordance with regulation 86 as an exporter of that category of packaging waste.

(2) A reprocessor with a registration under regulation 85 or an exporter with a registration under regulation 86 commits an offence if the reprocessor or exporter—

- (a) fails to comply with a condition of that registration in regulation 88; or
- (b) contravenes a requirement in regulation 91 or in Part 2 of Schedule 8.

(3) It is an offence for a person to—

- (a) issue a PRN otherwise than in accordance with regulation 92(1);
- (b) issue a PERN otherwise than in accordance with regulation 92(2); or
- (c) issue a PRN or a PERN pursuant to information which is false or misleading in a material particular, knowing the information to be false or misleading or being reckless as to whether it is false or misleading.

(4) A reprocessor or exporter who has an accreditation to issue PRNs or PERNs commits an offence if the reprocessor or exporter fails to comply with a condition of that accreditation in regulation 98 or Part 3 of Schedule 8.

#### **Further offences**

**118.**—(1) A person who provides any information to the appropriate agency in connection with that agency's functions under these Regulations, or who provides to a scheme operator any information referred to in regulation 45(1), commits an offence if—

- (a) the information is false or misleading in a material particular; and

- (b) the person provides the information knowing it to be false or misleading, or being reckless as to whether it is false or misleading.
- (2) It is an offence for a person to fail without reasonable excuse—
  - (a) to comply with any requirement imposed in a notice under regulation 110(1); or
  - (b) to give an officer of an appropriate agency any assistance or information which that officer reasonably requires in the exercise of their powers under regulation 112.
- (3) It is an offence for a person intentionally to delay or obstruct a person authorised by the appropriate agency—
  - (a) in carrying out monitoring under regulation 109; or
  - (b) in the exercise of their powers under regulation 112.
- (4) Where in accordance with Schedule 9 there is a group registration, the holding company commits an offence if it does not comply with an obligation referred to in sub-paragraph (1)(b) or (c) or (2)(a) or (b) of paragraph 5 of Schedule 9.
- (5) A person commits an offence if that person fails to comply with a compliance notice imposed, or an enforcement undertaking given and accepted, under regulation 121.

### **Penalties for offences**

- 119.** An offence under any of regulations 115 to 118 is punishable—
- (a) on conviction on indictment, by a fine; or
  - (b) on summary conviction—
    - (i) in England and Wales, by a fine;
    - (ii) in Scotland or Northern Ireland, by a fine not exceeding the statutory maximum.

### **Offences: supplementary**

- 120.**—(1) Where—
- (a) an offence under these Regulations has been committed by a body corporate, partnership or unincorporated association; and
  - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
    - (i) a relevant individual; or
    - (ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(2) If an offence committed by a person under these Regulations is due to the act or default of some other person, that other person is also guilty of the offence and liable to be proceeded against and punished accordingly, whether or not proceedings for the offence are taken against the first-mentioned person.

- (3) In paragraph (1), “relevant individual” means—
- (a) in relation to a body corporate—
    - (i) a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity;
    - (ii) where the affairs of the body are managed by its members, a member;
  - (b) in relation to an LLP, a member;
  - (c) in relation to a partnership, a partner;
  - (d) in relation to an unincorporated association, a person who is concerned in the management or control of the association.

CHAPTER 3  
Civil Sanctions

**Civil sanctions**

**121.**—(1) Where an enforcement agency to which the table of civil sanctions in Part 1 of Schedule 13 applies is satisfied on the balance of probabilities that a person has contravened a requirement or prohibition specified in that table (a “relevant requirement or prohibition”), the enforcement agency may, in relation to that contravention—

- (a) impose on that person—
  - (i) a fixed monetary penalty in accordance with Part 2 of Schedule 13;
  - (ii) a variable monetary penalty in accordance with Part 3 of Schedule 13; or
  - (iii) a compliance notice in accordance with Part 4 of Schedule 13; or
- (b) accept an enforcement undertaking from that person, in accordance with Part 5 of Schedule 13,

where, in the entry in the table for the relevant requirement or prohibition, “yes” is stated in the column for that civil sanction.

(2) Where an enforcement agency is satisfied on the balance of probabilities that—

- (a) a relevant requirement or prohibition has been contravened by a body corporate, partnership or unincorporated association; and
- (b) the contravention occurred with the consent or connivance of, or was attributable to any neglect on the part of—
  - (i) a relevant individual; or
  - (ii) an individual purporting to act in the capacity of a relevant individual,

the enforcement agency may impose a specified civil sanction on, or accept an enforcement undertaking from, that individual as well as the body corporate, partnership or unincorporated association.

(3) If the enforcement agency is satisfied, on the balance of probabilities, that the contravention of a relevant requirement or prohibition by a person is due to the act or default of some other person, the enforcement agency may also impose a specified civil sanction on that other person, or accept an enforcement undertaking from that other person, whether or not such a sanction is imposed on, or such an undertaking is accepted from, the first-mentioned person.

(4) An enforcement agency, other than a Scottish enforcement agency, may recover a fixed monetary penalty or a variable monetary penalty—

- (a) as a civil debt; or
- (b) on the order of a court, as if payable under a court order.

(5) In this regulation—

- (a) “relevant individual” has the meaning given in regulation 120(3);
- (b) “specified civil sanction” means a civil sanction specified in the table in Part 1 of Schedule 13 as applying in relation to the relevant requirement or prohibition in question.

(6) This regulation is subject to regulation 122 in respect of its application to Scottish enforcement agencies.

**Civil sanctions: Scottish enforcement agencies**

**122.**—(1) In regulation 121(1), sub-paragraphs (a)(i) and (ii) and (b) do not apply to SEPA.

(2) In regulation 121, paragraphs (2) and (3) only apply to SEPA to the extent to which they relate to a compliance notice issued by SEPA under regulation 121(1)(a)(iii).

(3) The scheme administrator may recover a fixed monetary penalty or a variable monetary penalty which it has imposed in Scotland as a civil debt, and the amount is recoverable as if it

were payable under an extract registered decree arbitral bearing a warrant for execution issued by a sheriff of any sheriffdom.

(4) The Lord Advocate may issue, and from time to time revise, guidance to the scheme administrator on the exercise of its functions relating to enforcement measures in Scotland.

(5) The scheme administrator must have regard to any guidance issued under paragraph (4) in exercising those functions in Scotland.

### **Enforcement cost recovery notices**

**123.**—(1) An enforcement agency other than SEPA may serve a notice (“an enforcement cost recovery notice”) on a person on whom a variable monetary penalty notice or compliance notice has been served requiring that person to pay the costs incurred by the enforcement agency in relation to the imposition of that notice up to the time of its imposition.

(2) SEPA may serve an enforcement cost recovery notice on a person on whom a compliance notice has been served requiring that person to pay the costs incurred by SEPA in relation to the imposition of that notice up to the time of its imposition.

(3) The costs referred to in paragraphs (1) and (2) include in particular—

- (a) investigation costs;
- (b) administration costs;
- (c) costs of obtaining expert advice (including legal advice).

(4) The enforcement cost recovery notice must specify—

- (a) how payment must be made;
- (b) the amount required to be paid and the period in which payment must be made, which must not be less than 28 days beginning with the day on which the enforcement cost recovery notice is served;
- (c) the grounds for imposing the notice;
- (d) the right of appeal; and
- (e) the consequences of failure to comply with the notice in the specified period.

(5) The person on whom the notice is served may require the enforcement agency to provide a detailed breakdown of the amount.

(6) The person required to pay costs is not liable to pay any costs shown by that person to have been unnecessarily incurred.

(7) The person required to pay costs may appeal—

- (a) against the decision of the enforcement agency to impose the requirement to pay costs; or
- (b) against the decision of the enforcement agency as to the amount of those costs.

(8) An enforcement agency other than a Scottish enforcement agency may recover any costs required to be paid under an enforcement cost recovery notice—

- (a) as a civil debt; or
- (b) on the order of a court, as if payable under a court order.

(9) A Scottish enforcement agency may recover as a civil debt any costs required to be paid under an enforcement cost recovery notice, and the amount is recoverable as if it were payable under an extract registered decree arbitral bearing a warrant for execution issued by a sheriff of any sheriffdom.

### **Payment of penalties into Consolidated Fund etc**

**124.**—(1) Where an enforcement agency receives any penalty under this Part, the agency must pay it into the relevant fund.

(2) In paragraph (1), “the relevant fund” means—



- (a) the Consolidated Fund, in relation to a penalty received by—
  - (i) the Environment Agency;
  - (ii) the scheme administrator, except where the penalty was imposed in Wales, Northern Ireland or Scotland;
- (b) the Welsh Consolidated Fund, in relation to a penalty received by—
  - (i) NRW;
  - (ii) the scheme administrator, where the penalty was imposed in Wales;
- (c) the Consolidated Fund of Northern Ireland, in relation to a penalty received by—
  - (i) DAERA;
  - (ii) the scheme administrator, where the penalty was imposed in Northern Ireland;
- (d) the Scottish Consolidated Fund, in relation to a penalty received by a Scottish enforcement agency.

### **Withdrawing or amending a notice**

**125.**—(1) An enforcement agency other than SEPA may at any time in writing—

- (a) withdraw a fixed monetary penalty notice;
- (b) withdraw, or reduce the amount specified in, a variable monetary penalty notice or an enforcement cost recovery notice;
- (c) withdraw a compliance notice, or amend the steps specified in the notice so as to reduce the amount of work necessary to comply with the notice.

(2) SEPA may at any time in writing withdraw a compliance notice, or amend the steps specified in the notice so as to reduce the amount of work necessary to comply with the notice.

### **Publication of enforcement action**

**126.**—(1) Where a civil sanction is imposed under this Part, the appropriate agency must publish in the public register maintained under regulation 129—

- (a) details of the contravention in respect of which the civil sanction has been imposed;
- (b) where the civil sanction is a fixed monetary penalty, whether liability to the penalty has been discharged by payment of the penalty following the notice of intent and without further action being taken;
- (c) whether an enforcement undertaking has been entered into.

(2) The information referred to in paragraph (1) must be entered on the register within 28 days after the day on which a civil sanction is imposed, liability to a fixed monetary penalty is discharged, or an enforcement undertaking is accepted, as the case may be.

(3) The scheme administrator must provide the information described in paragraph (1) in relation to any civil sanction it has imposed to the appropriate agency for publication in the register under paragraph (1).

(4) Where a civil sanction which has been imposed is overturned on appeal, the enforcement agency which imposed the civil sanction must ensure that any information relating to that civil sanction is removed from the register.

## **PART 11**

### **Miscellaneous and supplementary**

#### **Policy statement**

**127.**—(1) The appropriate authorities must jointly publish a statement setting out—

- (a) the intended environmental effects of the extended producer responsibility for packaging policy;
  - (b) how that policy is intended to achieve those effects.
- (2) In paragraph (1), “the extended producer responsibility for packaging policy” has the meaning given in regulation 59(9).

### **Guidance and protocols**

**128.**—(1) Each appropriate agency may from time to time publish its own guidance consisting of such information or advice as it considers appropriate in relation to the operation of any provision of these Regulations.

(2) The appropriate agencies must jointly publish—

- (a) guidance about the criteria which they will apply in determining whether a person is a fit and proper person for the purposes of these Regulations;
- (b) guidance for producers about the evidence which may be used to demonstrate that the conditions in regulation 8(2) or (3) (household packaging) are met;
- (c) a list of protocols applying in the United Kingdom which are approved by all the appropriate agencies for the purposes of paragraph 22(2)(b) of Schedule 8.

(3) The appropriate agencies may take the following factors into account in the preparation of guidance under paragraph (2)(b)—

- (a) the size and weight of packaging;
- (b) whether the supply of a product is subject to any restrictions imposed by or under primary legislation;
- (c) how available a product or its packaging is to consumers;
- (d) whether a product is likely to be used by a business in a household;
- (e) any other factors the appropriate agencies consider relevant.

### **Public register**

**129.**—(1) The appropriate agencies must jointly maintain and make available in accordance with this regulation a register relating to—

- (a) the producers registered in accordance with Part 3;
- (b) the compliance schemes—
  - (i) approved in accordance with Chapter 2 of Part 4;
  - (ii) registered in accordance with Chapter 3 of Part 4;
- (c) the reproprocessors and exporters—
  - (i) registered in accordance with Chapter 2 of Part 6;
  - (ii) accredited in accordance with Chapter 3 of Part 6.

(2) The register must contain the information prescribed in Schedule 14.

(3) The appropriate agencies must ensure that the register can be inspected online.

(4) The register may be kept in any form but must be indexed, arranged and searchable so that members of the public can readily trace information contained in it.

(5) The appropriate agencies must enter information on the register as soon as reasonably practicable after it comes into their possession.

(6) Nothing in this regulation or in Schedule 14 requires the register to contain—

- (a) any information relating to, or to anything which is the subject-matter of, any criminal proceedings, including prospective proceedings, at any time before those proceedings are finally disposed of; or

- (b) any information which has been superseded by later information after 7 years have elapsed from the day on which that later information is entered in the register.

### **Database of reported information**

**130.**—(1) The appropriate agencies must establish a common database, managed by or on behalf of the appropriate agencies for the purposes of this regulation, to contain—

- (a) in relation to each producer—
  - (i) the information under paragraph 11 of Schedule 3 contained in the application for registration of the producer;
  - (ii) the information reported—
    - (aa) by the producer under Chapter 2 of Part 3; or
    - (bb) in relation to the producer, by a scheme operator under the provisions of that Chapter as applied by regulation 44, or by a holding company under paragraph 5 of Schedule 9;
- (b) in relation to each compliance scheme, the information referred to in regulation 56(3)(a) reported by the scheme operator under that regulation;
- (c) in relation to each reprocessor with an accreditation under Chapter 3 of Part 6, the information reported under paragraph 26(1) of Schedule 8;
- (d) in relation to each exporter with an accreditation under Chapter 3 of Part 6, the information reported under paragraph 29(1) of Schedule 8.

(2) Each appropriate agency must, as soon as reasonably practicable after receiving the data referred to in paragraph (1)—

- (a) collate that data and add it to the database; and
- (b) publish a report of the data in aggregated and anonymised form.

(3) Each appropriate agency must, by 30th April in each year, provide each appropriate authority with an annual report summarising the aggregated data received by the agency in relation to the previous calendar year.

### **Fit and proper person test**

**131.**—(1) This regulation applies where the appropriate agency is determining whether—

- (a) a scheme operator is a fit and proper person for the purposes of regulation 47(4)(b) or 49(1)(a); or
- (b) a reprocessor or exporter is a fit and proper person for the purposes of regulation 97(2)(c) or 100(1)(c).

(2) The appropriate agency may not determine that a person is a fit and proper person unless the appropriate agency is satisfied that the person will comply or will secure compliance with the conditions which apply—

- (a) to the approval of a registered compliance scheme, where the person is a scheme operator;
- (b) to any accreditation granted to the person, where the person is a reprocessor or an exporter.

(3) In determining whether a person is a fit and proper person, the appropriate agency may take into account—

- (a) whether the person, or a relevant associate of the person, is failing, or has in the past failed, to comply with—
  - (i) any of the conditions described in paragraph (2), whether imposed under these Regulations, the 2007 Regulations or the 2007 (NI) Regulations; or
  - (ii) any regulatory requirements applying to that person or that person's activities;

- (b) whether the person, or a relevant associate of the person, has been convicted of a relevant offence;
- (c) the nature and seriousness of any failure to comply referred to in sub-paragraph (a), or of any relevant offence referred to in sub-paragraph (b); and
- (d) any other factor which the appropriate agency considers relevant to its determination.

(4) For the purposes of sub-paragraph (3)—

“regulatory requirements” means requirements imposed in or under primary or secondary legislation or assimilated EU law, including but not limited to requirements relating to the protection of the environment;

“relevant associate” means—

- (a) where the person whose status as a fit and proper person is being considered (“A”) is an individual—
  - (i) any company of which A is or has been a director, manager, secretary or other similar officer, or over which A has, or has had, significant control;
  - (ii) any partnership of which A is, or has been, a partner;
  - (iii) any LLP of which A is, or has been, a member;
  - (iv) any individual who is an officer of a company referred to in paragraph (i), a partner of a partnership referred to in paragraph (ii), or a member of an LLP referred to in paragraph (iii);
- (b) where A is a partnership, a partner or former partner;
- (c) where A is an LLP, a member or former member;
- (d) where A is a body corporate—
  - (i) a current or former director, manager, secretary or other similar officer;
  - (ii) any other body corporate of which a director, manager, secretary or other similar officer of A is or has been a director, manager, secretary or other similar officer;
  - (iii) any body corporate within the same group as A, or over which a person who has significant control over A also has significant control; and
  - (iv) any person who is a member of that body corporate;
- (e) where A is an unincorporated association, any officer of the association, or member of its governing body;
- (f) an employee of—
  - (i) A;
  - (ii) a partnership of which A is or has been a partner;
  - (iii) an LLP of which A is or has been a member;
  - (iv) a body corporate of which A is or was a director, manager, secretary or other officer;
- (g) any other person who plays a significant role in—
  - (i) the making of decisions about how the whole or a substantial part of A’s activities are to be managed, controlled or operated; or
  - (ii) the actual management, control or operation of the whole or a substantial part of those activities;
- (h) a person who is an approved person in relation to A;

“relevant offence” means an offence which the appropriate agency considers to be relevant to the determination referred to in paragraph (1).

(5) For the purposes of the definition of “relevant associate” in paragraph (4)—

“group” means a parent undertaking and its subsidiary undertakings, and for this purpose “parent undertaking” and “subsidiary undertakings” have the meanings given in section 1162 of the Companies Act 2006, read with Schedule 7 to that Act<sup>(a)</sup>;

“significant control” has the meaning given in section 790C of, and Part 1 of Schedule 1A to, the Companies Act 2006<sup>(b)</sup>.

### **Approved persons**

**132.**—(1) This regulation applies to any person (a “relevant person”) who is—

- (a) a producer that is registered or applying for registration, or a holding company that has registered or is applying for registration of a corporate group;
- (b) the scheme operator of a compliance scheme that is approved or in respect of which an application for approval has been made;
- (c) a reprocessor or exporter that is registered or applying for registration.

(2) A relevant person must—

- (a) subject to paragraph 8 of Schedule 15, inform the appropriate agency by notice in writing of the names of one or more individuals meeting the criteria in paragraph (4), who are to be their approved person or persons; and
- (b) inform the appropriate agency by notice in writing of any changes to their approved person or persons.

(3) A notice under paragraph (2) must be given in such form and manner, and include such information, as the appropriate agency specifies.

(4) The persons who may be an approved person are—

- (a) where the relevant person is an individual, that individual;
- (b) where the relevant person is a partnership, a partner in that partnership;
- (c) where the relevant person is an LLP, a member of that LLP;
- (d) where the relevant person is a company registered in the United Kingdom, a director or company secretary of that company;
- (e) where the relevant person is an unincorporated association, an individual who has control or management of that association; or
- (f) where the relevant person is a company which does not have a registered office in the United Kingdom, an individual who has control or management of the relevant person.

### **Delegation of approved persons’ functions**

**133.**—(1) An approved person may delegate their functions to any other person (a “delegate”), subject to the delegation being approved by the appropriate agency under this regulation.

(2) An application to delegate an approved person’s functions must be made in accordance with regulation 134.

(3) The appropriate agency must grant the application if it is satisfied, taking into account the factors specified in paragraph (4), that the proposed delegate is capable of carrying out the functions on behalf of the approved person, and must otherwise refuse the application.

(4) The factors mentioned in paragraph (3) are—

- (a) if the proposed delegate is an employee of the relevant person, the proposed delegate’s level of seniority;

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(a) 2006 c. 46.

(b) Section 790C was inserted by paragraph 1 of Schedule 3 to the Small Business, Enterprise and Employment Act 2015 (c. 26), and amended by S.I. 2016/136, 2017/693, 694, 2019/348. Schedule 1A was inserted by paragraph 2 of Schedule 3 to that Act.

- (b) if the proposed delegate is not an employee of the relevant person, the nature of the proposed delegate's relationship with the approved person;
- (c) the degree of the proposed delegate's knowledge of, or access to, information necessary for the purposes of carrying out the functions on behalf of the approved person; and
- (d) any other factor which the appropriate agency reasonably thinks is relevant.

(5) Where a delegation of an approved person's functions has been approved under this regulation—

- (a) either the approved person or the delegate may perform those functions;
- (b) the performance of a function by the delegate is to be treated as an act of the approved person;
- (c) the approved person is responsible for ensuring that any functions performed by the delegate are performed in accordance with these Regulations.

(6) In this regulation—

“function” means anything which a provision of these Regulations requires to be done by an approved person;

“the relevant person” has the same meaning as in regulation 132.

#### **Delegation of approved persons' functions: supplementary**

**134.**—(1) An application to delegate an approved person's functions must be—

- (a) made in such form and manner as the appropriate agency specifies; and
- (b) signed by the approved person and the proposed delegate.

(2) The appropriate agency must, within 28 days of the day on which it receives an application under regulation 133—

- (a) determine the application; and
- (b) serve written notice of its decision on the applicant and the proposed delegate.

(3) An approval granted under regulation 133 may be for such period, or subject to such conditions, as the appropriate agency may specify.

(4) A notice under paragraph (2)(b) must set out—

- (a) where the application is granted, any conditions to which the approval is subject;
- (b) where the application is refused—
  - (i) the reasons for that refusal; and
  - (ii) the right of appeal under regulation 104(5).

(5) The appropriate agency may decide to withdraw an approval granted under regulation 133 if it is no longer satisfied of the matter referred to in regulation 133(3).

(6) Where an approval is withdrawn under paragraph (5), the appropriate agency must serve on the approved person and the delegate written notice of—

- (a) the decision to withdraw approval;
- (b) the reasons for the decision;
- (c) the date on which the withdrawal takes effect; and
- (d) the right of appeal under regulation 104(5).

(7) An approved person may revoke a delegation which has been approved under regulation 133.

(8) Where an approved person proposes to revoke a delegation under paragraph (7), the approved person must give notice in writing of the revocation to the appropriate agency and the delegate, stating the date on which the revocation takes effect.

## Information sharing

**135.**—(1) Any information provided to an appropriate agency or the scheme administrator under these Regulations may be shared with any other of those bodies.

(2) Each appropriate agency and the scheme administrator must enter into appropriate arrangements with each other to ensure that they each have access to the information they require in order to exercise their functions under these Regulations.

## Implementation of relevant deposit schemes

**136.**—(1) Paragraph (2) applies if, on 1st January 2028, no relevant deposit scheme has come into operation in any part of the United Kingdom.

(2) If this paragraph applies—

- (a) in relation to the period beginning on 1st January 2028 and ending at the end of the calendar year in which a relevant deposit scheme comes into operation in any part of the United Kingdom—
  - (i) regulation 7 (packaging and packaging categories) applies as if paragraph (8) were omitted;
  - (ii) regulation 25 (producer responsibility obligations) applies as if paragraph (5)(b) were omitted;
  - (iii) regulation 34 (record keeping obligations) applies as if, in paragraph (4), the words from “but” to the end were omitted;
- (b) regulation 57 (interpretation of Part 5: disposal costs) applies as if, in paragraph (3), subparagraphs (a)(ii) and (b) were omitted, in relation to the assessment year beginning on 1st April 2028 and each subsequent assessment year, unless a relevant deposit scheme has come into operation in any part of the United Kingdom before the start of that assessment year.

## Transitional, transitory and saving provisions

**137.** Schedule 15 (transitional, transitory and saving provisions) has effect.

## Consequential amendments

**138.** Schedule 16 (consequential amendments) has effect.

## Revocations

**139.**—(1) The instruments listed in paragraph 1 of Schedule 17 are revoked.

(2) The instruments listed in paragraph 2 of Schedule 17 are revoked on 1st January 2026.

## Review

**140.**—(1) The appropriate authorities must from time to time—

- (a) carry out a joint review of the regulatory provision contained in these Regulations; and
- (b) publish a report setting out the conclusions of the joint review.

(2) The first report must be published before 31st December 2028.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015<sup>(a)</sup> requires that a report published under this regulation must, in particular—

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(a) 2015 c. 26.

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

11th December 2024

*Mary Creagh*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

## SCHEDULE 1

Regulation 13

### Charges

#### **Payment of charges**

**1.**—(1) The charges set out in paragraphs 2 to 6 of this Schedule are payable for the matters set out in those paragraphs, subject to paragraphs 7 to 9.

(2) The charges payable under this Schedule for an application, submission or notification are payable to the appropriate agency by the person making the relevant application, submission or notification, and are due and payable in full on the making of the relevant application, submission or notification.

(3) Where for any reason an application is refused or withdrawn, the appropriate agency is not under any obligation to refund the whole or any part of a charge that has been paid for the application, unless the application is withdrawn before the appropriate agency has begun to consider it.

#### **Producers**

**2.**—(1) The charge for an application for registration of a producer under regulation 29 is the total of—

- (a) £2,620 for a large producer other than a producer referred to in paragraph (d);
- (b) £1,216 for a small producer other than a producer referred to in paragraph (d);
- (c) £2,579 in addition to the charge in paragraph (a), (b) or (d), as appropriate, where the producer is an online marketplace operator;
- (d) for producers which are subsidiaries to be registered as part of a group registration—
  - (i) £558 for each producer for the first 20 subsidiaries which are to be so registered;
  - (ii) £140 for each producer from the 21st subsidiary to the 100th subsidiary which are to be so registered.

(2) The additional charge referred to in regulation 29(3)(b) for a late application for registration of a producer is £332.

(3) The charge referred to in regulation 39(3)(b) and paragraph 3(2)(b) of Schedule 15 for resubmitting a report is £714 for each producer in relation to which amended information is submitted.



### **Compliance schemes**

3.—(1) The charge for an application for approval of a compliance scheme under regulation 47 is £8,174.

(2) The charge for an application for registration of a compliance scheme under regulation 51 is £13,804.

(3) The charge referred to in regulation 44(2)(b) and paragraph 3(7)(a) of Schedule 15 for resubmitting a report is £430 for each producer in relation to which amended information is submitted.

### **Registration of producers which are compliance scheme members**

4.—(1) The charge for an application by a scheme operator for producer registration for members of a compliance scheme is the total of—

- (a) £1,685 for each large producer other than a producer referred to in paragraph (d) for which the application is made;
- (b) £631 for each small producer other than a producer referred to in paragraph (d) for which the application is made;
- (c) £2,579 in addition to the charge in paragraph (a), (b) or (d), as appropriate, for each producer which is an online marketplace operator;
- (d) for producers which are subsidiaries and are to be registered as part of a group registration—
  - (i) £558 for each producer for the first 20 subsidiaries which are members of the scheme;
  - (ii) £140 for each producer from the 21st subsidiary to the 100th subsidiary which is a member of the scheme;

(2) The charge for late submission of an application for producer registration made by a scheme operator is £332 for each member of the compliance scheme for whom the scheme operator applies for registration late where none of the events described in regulation 28(3) has occurred.

(3) Where—

- (a) a producer is a member of a compliance scheme;
- (b) the producer's registered office or, if it does not have a registered office in the United Kingdom, its head office or principal place of business in the United Kingdom, is in a different nation of the United Kingdom to that of the scheme operator; and
- (c) the appropriate agency for that producer has made a charging scheme which makes different provision for the charges listed in sub-paragraphs (1) and (2),

the scheme operator must pay the charges set by the appropriate agency, instead of those specified in sub-paragraphs (1) and (2), in relation to that producer.

### **Reprocessors and exporters: registration**

5.—(1) The charge for an application by a reprocessor for a registration under regulation 85, or by an exporter for a registration under regulation 86, is £2,921.

(2) The charge for amendment of a reprocessor or exporter's sampling and inspection plan under regulation 87(6) or 89 is £428.

(3) The annual charge referred to in regulation 88(2) is £1,324.

### **Reprocessors and exporters: accreditation**

6.—(1) The charge for an application by a reprocessor for an accreditation under regulation 94 is the amount specified in sub-paragraph (3) for the tonnage band stated in the application (the "stated tonnage band").

(2) The charge for an application by an exporter for an accreditation under regulation 95 is the sum of—

- (a) the amount specified in sub-paragraph (3) for the stated tonnage band; and
- (b) £216 for each overseas reprocessing site specified in the application.

(3) The amounts referred to in sub-paragraphs (1) and (2)(a) are—

- (a) £500 where the stated tonnage band is up to 500 tonnes;
- (b) £2,000 where the stated tonnage band is up to 5,000 tonnes;
- (c) £3,000 where the stated tonnage band is up to 10,000 tonnes;
- (d) £3,631 where the stated tonnage band is over 10,000 tonnes.

(4) The charge for amendments to the sampling and inspection plan or the business plan referred to in regulation 96(6) is £428.

(5) The charge for an application by a reprocessor or exporter under regulation 99(1) to vary an accreditation by increasing the tonnage band is to be determined in accordance with the following formula—

$$(B - C) + D$$

where—

“B” is the charge specified in paragraph (3) for the new stated tonnage band;

“C” is the amount previously paid by the applicant under paragraph (1) or (2)(a) when the application for the accreditation was submitted;

“D” is an additional processing charge of £100.

(6) The charge for an application by an exporter under regulation 99(3) to vary an accreditation by adding one or more overseas reprocessing sites to it is £216 for each overseas reprocessing site specified in the application.

### **Abatement**

7. The appropriate agency may, by notice to the person liable for any charge specified in this Schedule, waive or reduce the charge if it considers it to be significantly disproportionate in a particular case, having regard to the actual costs and expenses incurred or to be incurred by the appropriate agency in relation to the activity for which the charge is imposed.

### **Annual increases for inflation**

8.—(1) The charges specified in this Schedule are to increase annually on 1st September in each year starting on 1st September 2026, in line with any increase in the Consumer Prices Index published by the Office for National Statistics as at 31st March of the same year.

(2) Each appropriate agency must publish details of charges which have increased in accordance with sub-paragraph (1).

### **Charging schemes**

9. A charge specified in this Schedule ceases to apply if it is superseded by a charge provided for in a charging scheme made under—

- (a) section 41(1)(n) of the Environment Act 1995(a), by the Environment Agency, NRW or SEPA; or
- (b) article 76A of the Waste and Contaminated Land (Northern Ireland) Order 1997(a), or regulation 20B of the Waste Management Licensing Regulations (Northern Ireland) 2003(b), by DAERA.

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(a) 1995 c. 25. Section 41(1)(n) was inserted by section 64(2) of the Environment Act 2021 (c. 30).

## SCHEDULE 2 Regulations 27, 31, 48(1), 88(1) and 90(2)

### Insolvency events

**1.** In this Schedule—

“the 1986 Act” means the Insolvency Act 1986(c);

“the 2016 Act” means the Bankruptcy (Scotland) Act 2016(d);

“the 1989 Order” means the Insolvency (Northern Ireland) Order 1989(e).

**2.** For the purposes of these Regulations, an insolvency event takes place in relation to a body corporate where—

- (a) an order for its winding up is made by the court under Part 4 or 5 of the 1986 Act or Part 5 or 6 of the 1989 Order;
- (b) a resolution for its voluntary winding up is passed under section 84 of the 1986 Act or article 70 of the 1989 Order(f);
- (c) an administrative receiver, within the meaning of section 251 of the 1986 Act or article 5(1) of the 1989 Order, is appointed;
- (d) it enters administration within the meaning of paragraph 1(2)(b) of Schedule B1 to the 1986 Act(g) or paragraph 2(2)(b) of Schedule B1 to the 1989 Order(h);
- (e) a voluntary arrangement takes effect under Part 1 of the 1986 Act or Part 2 of the 1989 Order.

**3.** For the purposes of these Regulations, an insolvency event takes place in relation to a partnership where—

- (a) an order for its winding up is made by the court under Part 5 of the 1986 Act or Part 6 of the 1989 Order;
- (b) a resolution for voluntary winding up is passed under section 84 of the 1986 Act or article 70 of the 1989 Order;
- (c) an administrative receiver, within the meaning of section 251 of the 1986 Act or article 5(1) of the 1989 Order, is appointed;
- (d) it enters administration within the meaning of paragraph 1(2)(b) of Schedule B1 to the 1986 Act or paragraph 2(2)(b) of Schedule B1 to the 1989 Order;
- (e) a voluntary arrangement takes effect under Part 1 of the 1986 Act or Part 2 of the 1989 Order;
- (f) in Scotland, sequestration is awarded;
- (g) an interim trustee is appointed under section 54 of the 2016 Act on an application or petition for sequestration.

**4.** For the purposes of these Regulations, an insolvency event takes place in relation to an individual where—

- (a) a bankruptcy order is made;
- (b) in Scotland, sequestration is awarded;

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(a) S.I. 1997/2778 (N.I. 19). Article 76A was inserted by section 65(1) of the Environment Act 2021.

(b) S.R. 2003 No. 493. Regulation 20B was inserted by section 65(6) of the Environment Act 2021.

(c) 1986 c. 45. Some provisions of the 1986 Act have effect, with modifications, in relation to LLPs by virtue of article 5 of S.I. 2001/1090 and in relation to some partnerships by virtue of S.I. 1994/2421.

(d) 2016 asp 21.

(e) S.I. 1989/2405 (N.I. 19). Some provisions of the 1989 Order have effect, with modifications, in relation to LLPs by virtue of article 5 of S.R. 2004 No. 307 and in relation to some partnerships by virtue of S.R. 1995 No. 225.

(f) Section 84 of the 1986 Act and article 70 of the 1989 Order were amended by S.I. 2007/2194; there are other amendments to both those provisions but none is relevant.

(g) Schedule B1 to the 1986 Act was inserted by section 248(2) of, and Schedule 16 to, the Enterprise Act 2002 (c. 40).

(h) Schedule B1 to the 1989 Order was inserted by article 3(2) of, and Schedule 1 to, S.R. 2005 No. 1455.

- (c) an interim receiver is appointed under section 286 of the 1986 Act or article 259 of the 1989 Order on a bankruptcy petition;
- (d) an interim trustee is appointed under section 54 of the 2016 Act on a petition for sequestration;
- (e) a debt relief order is made under Part 7A of the 1986 Act<sup>(a)</sup> or Part 7A of the 1989 Order<sup>(b)</sup>;
- (f) a voluntary arrangement takes effect under section 260 of the 1986 Act or article 234 of the 1989 Order.

## SCHEDULE 3

Regulation 29

### Information required for producer registration

- 1.** The name, address and telephone number of—
  - (a) the place where the producer is habitually resident, or
  - (b) the registered office of the producer or, if the producer does not have a registered office, the head office or principal place of business of the producer.

**2.** If the producer is not habitually resident in the United Kingdom, or if the registered office, head office or principal place of business of the producer is not in the United Kingdom, the address of the branch or postal address of the producer in the United Kingdom.

**3.** The business name of the producer if different from that referred to in paragraph 1 above.

**4.** The name and contact details, including an email address, of an individual at the producer who is responsible for dealing with enquiries from the appropriate agency.

**5.** The address for service of notices on the producer if different from that referred to in paragraph 1 above.

**6.** Where the producer is a partnership, the names of all the partners.

**7.** Which of the functions described in regulations 16 to 22 the producer performs in relation to packaging.

**8.** If the producer performs more than one such function, which function constitutes the producer's main activity as a producer.

**9.** The relevant SIC code for the function the producer performs in relation to packaging or, where the producer performs more than one such function, for the function which constitutes the producer's main activity as a producer.

**10.** The producer's turnover in the financial year referred to in paragraphs (1)(a) and (2)(a) of regulation 24, calculated in accordance with that regulation.

**11.** Except where the application is made under regulation 28(2), the amount in tonnes of packaging which the producer has supplied, in the calendar year referred to in paragraphs (1)(b) and (2)(b) of regulation 24, calculated in accordance with that regulation.

**12.** Whether or not the producer is liable to pay disposal fees under regulation 60 for the assessment year starting on 1st April in the calendar year for which the producer is applying for registration.

**13.** Where the producer is a brand owner—

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(a) Part 7A of the 1986 Act was inserted by section 108(1) of, and Schedule 17 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(b) Part 7A of the 1989 Order was inserted by section 1 of the Debt Relief Act (Northern Ireland) 2010 (c. 16).

- (a) details of all names, trade marks and other distinctive marks which appear on packaging for which the brand owner is responsible, and
- (b) whether the brand owner also produces packaging on which no name, trade mark or other distinctive mark appears.

## SCHEDULE 4

Regulations 33 to 36 and 38

### Producer reporting information

#### PART 1

##### Interpretation

1.—(1) In this Schedule, all references to the weight of packaging or packaging waste are to that weight in kilograms, and any requirement to report a weight of packaging or packaging waste is to be interpreted as a requirement to report the actual, measured weight of that packaging in kilograms to the nearest kilogram.

(2) Where packaging sub-categories have been specified under regulation 7(11) for a packaging category (“the sub-divided packaging category”) for the purposes of a paragraph of this Schedule, any reference in that paragraph to a packaging category is to be read, in relation to the sub-divided packaging category, as a reference to those packaging sub-categories.

(3) Where this Schedule refers to the weight of household packaging, or a description of household packaging, which a producer supplied, packaging may only be excluded from that weight under regulation 8(1)(a) on the grounds that the conditions in regulation 8(2) or the conditions in regulation 8(3) are met if the producer can provide evidence that those conditions are met.

(4) In this Schedule, references to packaging, or to any description of packaging, do not include packaging which at the time of its supply was exempt packaging.

#### PART 2

##### Descriptions of information

2. The weight of packaging in each packaging category which the producer supplied during the reporting period.

3. The weight of household packaging in each packaging category which the producer supplied during the reporting period.

4. A description of the methodology used by the producer to collate the information required under paragraphs 2 and 3.

5. A breakdown of the packaging in each packaging category which the producer supplied during the reporting period, specifying—

- (a) whether the packaging is—
  - (i) primary packaging;
  - (ii) secondary packaging;
  - (iii) tertiary packaging other than shipment packaging; or
  - (iv) shipment packaging,(its “packaging type”); and
- (b) the weight in kilograms of packaging supplied in each packaging type.

**6.** The weight of household packaging in each packaging category which the producer supplied during the reporting period which is—

- (a) primary packaging;
- (b) shipment packaging.

**7.** The weight of packaging, and the number of units of packaging, in each packaging category which the producer supplied during the reporting period which consists of drink containers.

**8.—(1)** In relation to each relevant producer to whom the producer (“D”) supplied unfilled household packaging or other unfilled packaging during the reporting period—

- (a) the identity of the relevant producer;
- (b) subject to sub-paragraph (3), the producer registration number assigned to that relevant producer under regulation 30(2)(a);
- (c) the number of units of such packaging which D supplied to that relevant producer during the reporting period; and
- (d) the weights of—
  - (i) unfilled packaging; and
  - (ii) unfilled household packaging,which D supplied to that relevant producer during the reporting period.

(2) In this paragraph, a “relevant producer” means a large producer, other than a large producer who is a seller (and no other class of producer).

(3) In relation to a supply which takes place before 1st October 2025 a producer registration number need not be recorded.

**9.** Where the producer has instituted a system of reusing reusable packaging—

- (a) a description of that system; and
- (b) the weight in each packaging category of—
  - (i) all packaging which the producer supplied during the reporting period that is reusable or refillable; and
  - (ii) packaging referred to in paragraph (i) which is primary packaging.

**10.** The weight in kilograms of household packaging in each packaging category supplied by the producer during the reporting period which consists of commonly binned or littered items.

**11.—(1)** The weight in kilograms of—

- (a) all packaging supplied by the producer, where the producer is a seller, online marketplace operator, distributor or service provider; or
- (b) all packaging discarded by the producer in the United Kingdom which the producer is treated under regulation 10(6) as having supplied, where the producer is a brand owner, importer or first UK owner,

during the reporting period in each nation of the United Kingdom, in each packaging category.

(2) For the purposes of reports submitted in relation to 2025, 2026 and 2027—

- (a) producers who are sellers who supply secondary packaging, or tertiary packaging other than shipment packaging, may estimate the amount of that packaging which has been supplied to a nation of the United Kingdom in order to calculate the weight of packaging supplied to that nation;
- (b) producers who are importers who import secondary packaging, or tertiary packaging other than shipment packaging, may estimate the amount of that packaging discarded in a nation of the United Kingdom in order to calculate the weight of packaging discarded in that nation.

**12.**—(1) The weight in kilograms, in each packaging category, of relevant packaging waste which the producer has collected from consumers and sent for recycling during the reporting period.

(2) In sub-paragraph (1), “relevant packaging waste” has the same meaning as in regulation 34(4).

**13.**—(1) The weight in kilograms of—

- (a) packaging waste which the producer has collected during the reporting period—
  - (i) consisting of the producer’s own packaging waste; and
  - (ii) consisting of packaging waste from other persons;
- (b) packaging waste referred to in paragraph (a) which was collected from each nation of the United Kingdom; and
- (c) packaging waste referred to in paragraph (a) which was collected from one nation of the United Kingdom and sent for recycling to another nation of the United Kingdom, identifying the nation from which it was collected and the nation to which it was sent.

(2) In sub-paragraph (1), references to “packaging waste” do not include packaging waste which is, or was before it became waste, a deposit item for the purposes of a relevant deposit scheme.

**14.** The number of plastic or paper bags supplied in England in the following categories—

- (a) single use carrier bags, within the meaning of the Single Use Carrier Bags Charges (England) Order 2015(a);
- (b) bags made wholly or partly of plastic which—
  - (i) are supplied for use as packaging for food items including bread, fruit or vegetables; and
  - (ii) are not carrier bags within sub-paragraph (a);
- (c) paper bags, of any thickness, which have handles, and which are not sealed.

## SCHEDULE 5

Regulation 40

### Recycling obligations

**1.**—(1) A producer’s obligations to recycle packaging waste in a relevant year are—

- (a) for each packaging category the producer supplies, to recycle an amount of packaging waste in the corresponding packaging waste category (“the required amount”), as provided in paragraph 2(1); and
- (b) in relation to glass, to satisfy part of the required amount by recycling an amount of glass packaging waste by re-melt, as provided in paragraph 2(2),

and are calculated by aggregating the producer’s obligations in relation to each specified packaging category supplied by the producer in that year.

(2) For the purposes of this Schedule—

- (a) “packaging waste category” means a category of packaging waste specified in the first column of Table 1 in paragraph 3; and
- (b) “specified packaging category” means a packaging category or group of packaging categories corresponding to a packaging waste category.

**2.**—(1) The amount of packaging waste to be recycled by a producer (“PR”) in a packaging waste category corresponding to a packaging category which PR supplies is calculated as follows—

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(a) S.I. 2015/776, to which there are amendments not relevant to these Regulations.

$$X \times Y = Z$$

where—

“X” is the amount in tonnes of packaging in that packaging category supplied by PR in the preceding year;

“Y” is the percentage prescribed in paragraph 3 as the recycling target for that packaging waste category for the relevant year; and

“Z” is the amount in tonnes of packaging waste in that packaging waste category which is to be recycled in the relevant year.

(2) Where in the preceding year PR has supplied any glass packaging, PR must recycle by re-melt an amount of glass packaging waste calculated as follows—

$$T(L \times Y) = G$$

where—

“T” is the percentage target prescribed in paragraph 4 for the relevant year;

“L” is the amount in tonnes of glass packaging supplied by PR in the preceding year;

“Y” is the percentage prescribed in paragraph 3 as the recycling target for glass for the relevant year; and

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

(3) For the purposes of calculating X in sub-paragraph (1) and L in sub-paragraph (2), the amount of packaging in a packaging category, or glass packaging, supplied by PR is the amount supplied by PR in the United Kingdom in respect of which PR is a producer under any of regulations 16 to 21, calculated to the nearest tonne, excluding packaging which is exempt packaging either at the time of its supply or in the relevant year.

3. The following percentages are prescribed as the recycling target “Y” in respect of the category of packaging waste specified in the first column in relation to the years 2025 to 2030 as indicated—

**Table 1**

<i>Category of packaging waste</i>	<i>2025</i>	<i>2026</i>	<i>2027</i>	<i>2028</i>	<i>2029</i>	<i>2030</i>
Plastic	55%	57%	59%	61%	63%	65%
Wood	45%	46%	47%	48%	49%	50%
Aluminium	61%	62%	63%	64%	65%	67%
Steel	80%	81%	82%	83%	84%	85%
Paper, board or fibre-based composite material	75%	77%	79%	81%	83%	85%
Glass	74%	76%	78%	80%	82%	85%

4. The following percentage targets are prescribed as the recycling targets “T” for glass packaging waste to be achieved by re-melt for the years 2025 to 2030 as indicated.

**Table 2**

<i>2025</i>	<i>2026</i>	<i>2027</i>	<i>2028</i>	<i>2029</i>	<i>2030</i>
75%	76%	77%	78%	79%	80%

5. 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.



**6.** For the purposes of this Schedule, recycling “by re-melt” means the recycling of waste glass packaging using a method that melts the glass before it is re-formed into a product.

## SCHEDULE 6

Regulations 47 and 51

### Compliance schemes

#### PART 1

##### Contents of operational plan

**1.** The information to be contained in the operational plan referred to in regulation 47(1)(b)(iv) for a compliance scheme is information demonstrating each of the matters in paragraphs 2 to 8.

**2.** That sufficient financial resources and technical expertise will be available to enable the scheme operator to perform its recycling obligations under regulation 43(3)(c).

**3.** How the recycling obligations of the scheme operator under regulation 43(3)(c) will be performed as regards each category of packaging waste relevant to those obligations including—

- (a) the names and addresses of the reprocessors or exporters, or both, which the scheme operator intends to use; and
- (b) the amounts to the nearest tonne of packaging waste in each category which the scheme operator proposes to recycle in the three years immediately following that year’s registration.

**4.** The steps the scheme operator proposes to take to recycle packaging waste in any of the categories relevant to the recycling obligations of the scheme operator under regulation 43(3)(c) in order not to affect adversely the interests of any producer who is a member of the compliance scheme, and whose recycling obligations are predominantly in relation to another category of packaging waste.

**5.** In relation to PERNs and PRNs which the scheme operator expects to acquire in each quarter of the three years immediately following that year’s registration, the tonnage of packaging waste in each category to which they are expected to relate.

**6.** The contracts the scheme operator anticipates will be made with reprocessors or exporters or both and packaging waste suppliers in the three years immediately following that year’s registration.

**7.** How the scheme operator is assisting reprocessors to direct resources at—

- (a) increasing the capacity for the collection and recycling of packaging waste; and
- (b) encouraging the development of markets for materials or goods made from packaging waste that has been recycled.

**8.** How information referred to in regulation 45(1) is to be monitored under a monitoring plan so that the scheme operator can meet its obligations under regulation 43.

#### PART 2

##### Information required for compliance scheme registration

**9.** The name of the compliance scheme.

**10.** The name of the scheme operator, and where the scheme operator is a partnership, the names of all the partners.

**11.** The address and telephone number of—

- (a) the registered office of the scheme operator; or
- (b) if not a company, the head office or principal place of business of the scheme operator.

**12.** The name and contact details, including an email address, of an individual at the scheme operator who is responsible for dealing with enquiries from the appropriate agency.

**13.** The business name of the scheme operator, if different from the name referred to in paragraph 10.

**14.** The address for service of notices on the scheme operator if different from that referred to in paragraph 11.

**15.** Full particulars of the agreement for the constitution of the scheme, including—

- (a) the point at which a producer is considered to be a member of the compliance scheme;
- (b) a sample of the contract between the scheme operator and members of the compliance scheme;
- (c) any rules or regulations to be observed by members of the compliance scheme.

**16.** In relation to each producer who is a member of the compliance scheme—

- (a) the information listed in Schedule 3;
- (b) the producer's turnover in the financial year referred to in paragraphs (1)(a) and (2)(a) of regulation 24, calculated in accordance with that regulation; and
- (c) the amount, in tonnes, of packaging the producer supplied in the calendar year referred to in paragraphs (1)(b) and (2)(b) of regulation 24, calculated in accordance with that regulation;
- (d) the name and contact details, including an email address, of an individual at the producer who is responsible for dealing with enquiries from the appropriate agency.

**17.** Which of the functions described in regulations 16 to 22 each member of the compliance scheme performs in relation to packaging.

**18.** If a member performs more than one such function, which function constitutes that member's main activity as a producer.

**19.** The relevant SIC code for the function each member of the compliance scheme performs in relation to packaging or, where the member performs more than one such function, for the function which constitutes that member's main activity as a producer.

**20.** Confirmation that the scheme operator has, where applicable, satisfied the requirements in regulations 55 and 56.

## SCHEDULE 7

Regulation 58

### The scheme administrator

#### **Power to delegate functions**

**1.—(1)** The scheme administrator may enter into an agreement with a public body or with a private sector body for that body to perform any of the functions of the scheme administrator on behalf of the scheme administrator.

(2) The scheme administrator must obtain the consent of each of the appropriate authorities before entering into an agreement under sub-paragraph (1).

(3) References in these Regulations to the scheme administrator include a reference to any body which is performing any functions of the scheme administrator pursuant to an agreement entered into under sub-paragraph (1).

## Principles

2. In exercising its functions, the scheme administrator is to act in accordance with the following principles—

- (a) that it must act fairly in—
  - (i) the treatment of relevant authorities and producers across the United Kingdom;
  - (ii) the exercise of any discretions conferred on it by these Regulations; and
  - (iii) the recovery of disposal fees and administration fees owed by producers and holding companies, and the distribution under these Regulations of the amounts received by it in respect of disposal fees;
- (b) that it must take into account differences in circumstances and, where it considers it appropriate, adjust the way in which it exercises its functions to reflect those different circumstances, in different parts of the United Kingdom;
- (c) the need to incentivise—
  - (i) the use of environmentally sustainable packaging;
  - (ii) the prevention of packaging becoming waste;
  - (iii) an increase in the reuse of packaging, and in the quantity and quality of packaging materials recycled; and
  - (iv) a reduction in the disposal of packaging waste;
- (d) the need to support the provision of efficient and effective waste management services by relevant authorities;
- (e) the need to use its resources in the most efficient and effective way;
- (f) the need to facilitate achievement of the environmental effects set out in the policy statement published under regulation 127;
- (g) that it must exercise its functions transparently, accounting fully for all monies received by it, and disbursed by it in the exercise of its functions;
- (h) that it is not to earn a profit from carrying out its functions under these Regulations.

## Communications

3.—(1) The scheme administrator must make and maintain effective arrangements for—

- (a) communicating with; and
- (b) where required by these Regulations, or the scheme administrator otherwise considers it appropriate to do so, consulting,

the persons referred to in sub-paragraph (2).

(2) Those persons are—

- (a) producers, packaging manufacturers, scheme operators, relevant authorities and waste management companies, or, where appropriate, persons appearing to the scheme administrator to represent the interests of any of those classes of persons; and
- (b) any other persons appearing to the scheme administrator to have a legitimate interest in—
  - (i) the way in which it exercises its functions; or
  - (ii) the development of—
    - (aa) its proposals to exercise its functions; or
    - (bb) its strategy or annual operational plan.

## Public information

4.—(1) The scheme administrator must make available to members of the public, and to businesses that discard packaging waste, information on—

- (a) the reuse of packaging;
- (b) the recovery, including recycling, and disposal of packaging waste; and
- (c) the prevention of packaging litter.

(2) The scheme administrator may satisfy the obligation in sub-paragraph (1) by any of the following measures—

- (a) conducting, or making arrangements for, national or local public information campaigns—
  - (i) to inform members of the public and businesses how to manage their packaging waste;
  - (ii) to encourage members of the public and businesses to reuse and recycle more packaging waste;
  - (iii) on the prevention of packaging litter;
- (b) providing information or advice to the public on any of the matters referred to in paragraph (a) by any other means;
- (c) publishing information on packaging, including on the recyclability of different types of packaging in use, and the extent to which different producers are using recyclable packaging and other types of environmentally sustainable packaging.

(3) In determining the type of public information campaigns to be carried out, and what the focus of those campaigns should be, the scheme administrator may take account of the following factors—

- (a) the recycling rates of packaging waste of different packaging categories;
- (b) the packaging waste items collected for recycling by relevant authorities, and whether any new items are added to recycling collections;
- (c) differences in recycling behaviour of members of the public and businesses and differences in collection systems in different areas within the United Kingdom; and
- (d) any other factor the scheme administrator considers relevant.

#### **Guidance, etc., to producers**

**5.**—(1) The scheme administrator may provide, or arrange for the provision of, information, guidance, and any other support the scheme administrator considers necessary, to businesses which are producers, to assist them in understanding and meeting their disposal cost obligations under these Regulations.

(2) The scheme administrator may determine what level of information, guidance or other support is required for the purposes of this paragraph, taking into account the needs of different classes of producer.

(3) In sub-paragraph (1), “disposal cost obligations” means—

- (a) the obligation to pay disposal fees and administration fees under Part 5; and
- (b) any other obligations which are connected to that obligation, including obligations to keep records, make reports of information, and carry out recyclability assessments, which are used for the purposes of calculating the producer’s disposal fees and administration fees.

#### **Guidance, etc., to relevant authorities**

**6.**—(1) The scheme administrator must produce guidance on the methodology and procedure that the scheme administrator will use and, where relevant, the factors that the scheme administrator will take into account, in—

- (a) assessing the efficient disposal costs of relevant authorities under regulation 70;
- (b) assessing the waste income of relevant authorities under regulation 71; and

- (c) determining whether to adjust, and making adjustments to, the net efficient disposal costs of relevant authorities under regulation 72(8).
- (2) The scheme administrator must publish the guidance under sub-paragraph (1) as soon as reasonably practicable after regulations 70 to 72 come into force, in such a manner that it is likely to come to the attention of relevant authorities, producers and any other persons likely to have an interest in the guidance.
- (3) The scheme administrator must, each year—
- (a) review the guidance under sub-paragraph (1); and
  - (b) publish revised guidance by 1st November in that year, if it decides to amend the guidance which is to apply in relation to assessments and adjustments for the following assessment year.
- (4) The scheme administrator may provide, or arrange for the provision of—
- (a) guidance to relevant authorities on the information the scheme administrator needs to assess the chargeable disposal costs of a relevant authority for the purposes of Chapter 4 of Part 5; and
  - (b) information, guidance, advice and any other support the scheme administrator considers necessary to relevant authorities as to how they may—
    - (i) deliver efficient and effective waste management services; and
    - (ii) increase the amount of packaging waste collected for recycling.
- (5) The scheme administrator may determine what level of information, guidance, advice or other support is required for the purposes of sub-paragraph (4), taking into account the needs of different relevant authorities.

### **Methodology and guidance on assessment of recyclability**

7. The scheme administrator must—
- (a) develop, or arrange for the development of, and maintain—
    - (i) a methodology which producers must use to assess the recyclability of the packaging they supply;
    - (ii) guidance on the use of that methodology;
  - (b) publish that methodology and guidance in the way appearing to the scheme administrator to be most appropriate to bring them to the attention of producers.

### **Statement of policy on modulation of disposal fees**

- 8.—(1) The scheme administrator must prepare and issue a statement of its policy with respect to modulating under regulation 64 the amounts calculated under regulation 62 and used in determining a liable producer's disposal fee, in which it explains the circumstances in which those amounts may be increased, reduced or left unchanged.
- (2) Subject to sub-paragraph (6), before issuing a statement of policy under sub-paragraph (1), the scheme administrator must—
- (a) send a draft of the proposed statement to each of the appropriate authorities; and
  - (b) publish a draft of the proposed statement in the way appearing to the scheme administrator to be most appropriate for the purpose of bringing it to the attention of producers and other parties appearing to the scheme administrator to have an interest in the policy.
- (3) The draft must be accompanied by notice that representations about the proposal may be made by an appropriate authority, by producers who are liable to pay disposal fees or by any other person having an interest in the proposal, to the scheme administrator within a specified time, which may not be less than 28 days after the day on which that notice is given.

(4) Before issuing the statement, the scheme administrator must have regard to any written representations made to it in accordance with sub-paragraph (3).

(5) If the statement is issued, the scheme administrator must publish with it an account, in general terms, of the written representations made to it in accordance with sub-paragraph (3), and the scheme administrator's response to them.

(6) Sub-paragraphs (2) to (5) apply in relation to all statements of policy (including revised statements of policy), except for the first statement of policy published by the scheme administrator under sub-paragraph (1).

(7) The scheme administrator must—

- (a) publish the first statement of policy issued under sub-paragraph (1) as soon as practicable after the day on which the scheme administrator is appointed under regulation 58;
- (b) review its statement of policy at least once every three years, and if necessary issue a revised statement of policy.

## **Lists**

**9.**—(1) The scheme administrator must compile a list of items of packaging which are commonly disposed of in public bins or as ground litter (“commonly binned or littered items”), from the best evidence available to the scheme administrator.

(2) The scheme administrator must compile a list of—

- (a) the items which are collected for recycling from households by each relevant authority in each part of the United Kingdom;
- (b) those items which are collected for recycling from households by more than 75% of the relevant authorities in the United Kingdom responsible for waste collection.

(3) The scheme administrator must update the lists compiled under sub-paragraphs (1) and (2) at least once every two years after they are first published, and if the scheme administrator considers it necessary, more often.

(4) The scheme administrator must publish the lists compiled under sub-paragraphs (1) and (2), and any updated versions of those lists, in the way which appears to the scheme administrator to be most likely to draw them to the attention of producers, relevant authorities and any other persons appearing to the scheme administrator to have an interest in the lists.

## **Complaints procedure**

**10.** The scheme administrator must establish a procedure to manage and resolve complaints by producers and relevant authorities as to the way in which the scheme administrator exercises its functions under the Regulations, including in particular—

- (a) complaints by liable producers in relation to the assessment of—
  - (i) the disposal fee or the administration fee which they are liable to pay for an assessment year under regulation 60(2); or
  - (ii) any recalculation of their disposal fee or administration fee under regulation 79; and
- (b) complaints by relevant authorities in relation to—
  - (i) the assessment of their chargeable disposal costs under regulations 70 to 72;
  - (ii) any decision concerning the payments they are due to receive towards their chargeable disposal costs under regulation 76; or
  - (iii) any recalculation of their chargeable disposal costs under regulation 80.

## **Strategy**

**11.**—(1) The scheme administrator must before the end of the period of 6 months beginning with the date on which it is appointed publish a strategy setting out—

- (a) its objectives and functions;
- (b) the outcomes it will seek to achieve;
- (c) its governance arrangements;
- (d) how it proposes to deliver its objectives and to exercise its functions;
- (e) how, by performing its functions, it will contribute to—
  - (i) the use of environmentally sustainable packaging by producers who are subject to obligations under these Regulations;
  - (ii) the provision of efficient and effective waste management services by relevant authorities, and the collection of a common set of packaging materials for recycling from households;
  - (iii) enabling consumers and businesses to discard packaging waste correctly through the provision of public information and communication campaigns;
  - (iv) the achievement of the environmental effects set out in the policy statement required under regulation 127;
  - (v) the achievement of other relevant policy objectives in each nation of the United Kingdom.
- (f) its approach to engaging with stakeholders and other organisations having a legitimate interest in the way in which it performs its functions;
- (g) how it will measure and report on—
  - (i) the delivery of its objectives;
  - (ii) the impact of the contributions referred to in paragraph (e).

(2) Before publishing the strategy, the scheme administrator must send a draft of its proposed strategy to each appropriate authority, and allow the authority at least one month to make representations to the scheme administrator on the strategy.

(3) The scheme administrator must take any representations made to it under sub-paragraph (2) into account in finalising its strategy for publication.

(4) If the scheme administrator makes any changes to its strategy, it must publish an updated version as soon as reasonably possible.

(5) The strategy must be reviewed and updated at intervals of not more than 5 years after it is first published.

### **Operational plan**

**12.—**(1) The scheme administrator must publish an operational plan each year by 28th February setting out—

- (a) its priorities for the financial year starting on the following 1st April (“the operational year”);
- (b) forecasts of—
  - (i) the total amount of chargeable disposal costs of all relevant authorities in the operational year;
  - (ii) the amounts of public information disposal costs and administration costs the scheme administrator expects to incur in the operational year;
  - (iii) the amounts of disposal fees and administration fees it will seek to recover in the operational year;
- (c) the approach it proposes to take in the operational year to calculating disposal fees payable by liable producers and assessing chargeable disposal costs of relevant authorities under Part 6;
- (d) the public information campaigns and other communications activities it proposes to conduct in the operational year;

- (e) any other activities it intends to carry out in the operational year; and
- (f) the key performance indicators it will apply.

(2) Before publishing the operational plan, the scheme administrator must send a draft of its proposed operational plan to each appropriate authority and allow the authority at least one month to make representations to it on the plan.

(3) The scheme administrator must take any representations made to it under sub-paragraph (2) into account in finalising its operational plan.

(4) If the scheme administrator makes any changes to its operational plan, it must publish an updated version as soon as reasonably possible.

### **Annual report**

**13.**—(1) The scheme administrator must publish a report each year by 30th September which—

- (a) describes the activities undertaken by the scheme administrator in the exercise of its functions during the financial year ending on 31st March of that year;
- (b) sets out—
  - (i) the total amount of disposal fees raised from producers;
  - (ii) the total amount paid to each relevant authority towards its disposal costs;
  - (iii) how the scheme administrator has used its resources in the most efficient and effective way;
- (c) describes—
  - (i) the impact of its fees policy on the use of environmentally sustainable packaging; and
  - (ii) the contribution the scheme administrator has made to the achievement of the outcomes described in its strategy;
- (d) sets out what activities the scheme administrator has undertaken in the United Kingdom as a whole and, where relevant, in each nation of the United Kingdom;
- (e) describes its performance against the key performance indicators for the United Kingdom as a whole and, where relevant, for each nation of the United Kingdom.

(2) Before publishing the report, the scheme administrator must send a draft of its proposed report to each appropriate authority and allow the authority at least one month to make representations to the scheme administrator on the report.

(3) The scheme administrator must take any representations made to it under sub-paragraph (2) into account in finalising its report.

### **Accounts**

**14.**—(1) The scheme administrator must—

- (a) keep proper accounts and proper accounting records in relation to the exercise of its functions under these Regulations (“the relevant functions”);
- (b) prepare in respect of each financial year a statement of accounts giving a true and fair view of the state of affairs and the income and expenditure of the scheme administrator in relation to the relevant functions, including details of—
  - (i) the fees paid to the scheme administrator by producers under regulation 60(2);
  - (ii) the amounts distributed under regulation 76 to—
    - (aa) each relevant authority; and
    - (bb) relevant authorities in each nation of the United Kingdom; and
  - (iii) any amounts owed to, and by, the scheme administrator.

(2) Each statement of accounts must—



- (a) be consistent with IFRS Accounting Standards; and
- (b) comply with any directions given jointly by all of the appropriate authorities, so far as those directions are consistent with IFRS Accounting Standards, as to—
  - (i) its content and form;
  - (ii) the methods and principles to be applied in preparing it.

(3) The scheme administrator must publish the statement of accounts prepared under subparagraphs (1) and (2) before 30th September after the end of the financial year to which it relates.

(4) In this paragraph “accounting records” include all books, papers and other records of the scheme administrator relating to, or to matters dealt with in, the accounts required to be kept by virtue of this paragraph.

## SCHEDULE 8 Regulations 85, 86, 91 and 98

### Reprocessors and exporters

#### PART 1

##### Information for registration

#### **Reprocessors**

**1.** The name of the reprocessor, and the address and telephone number of the registered office of the reprocessor or, if not a company, the head office or the principal place of business of the reprocessor.

**2.** The name and contact details, including an email address, of an individual at the reprocessor who is responsible for dealing with enquiries from the appropriate agency.

**3.** The trading name of the reprocessor if different from that the name referred to in paragraph 1.

**4.** The address for service of notices on the reprocessor if different from that referred to in paragraph 1.

**5.** Where the reprocessor is a partnership, the names of all the partners.

**6.** The name and address of the reprocessing site for which the application is being made.

**7.** A list of all the categories of packaging waste the site is authorised by a relevant authorisation to accept and recycle, with details of the weight of packaging waste in each category which the site is authorised to accept and recycle.

**8.** The category of packaging waste for which the application is being made.

**9.** Information on the recycling operations the reprocessor wishes the registration to cover, including the classification of each operation provided for in Annex 2 to the Waste Directive.

#### **Exporters**

**10.** The name of the exporter, and the address and telephone number of the registered office of the exporter or, if not a company, the head office or the principal place of business of the exporter in the United Kingdom.

**11.** The name and contact details, including an email address, of an individual at the exporter who is responsible for dealing with enquiries from the appropriate agency.

**12.** The trading name of the exporter if different from the name referred to in paragraph 10.

**13.** The address for service of notices on the exporter if different from that referred to in paragraph 10.

**14.** Where the exporter is a partnership, the names of all the partners.

**15.** The category of packaging waste for which the application is being made.

**16.** The locations in the United Kingdom from which the packaging waste is to be exported by the exporter.

**17.** In relation to each overseas reprocessing site to which the exporter will export the packaging waste, where known at the date of the application—

- (a) the name and address of the overseas reprocessing site; and
- (b) a telephone number and email address of the operator of the site.

**18.** Information on the recycling operations carried out at the overseas reprocessing sites specified under paragraph 17, including the classification of each operation provided for in Annex 2 to the Waste Directive.

## PART 2

### Reporting requirements

**19.—**(1) In this Part, “reporting period” means—

- (a) a quarter, in the case of a registered reprocessor or exporter; or
- (b) a month, in the case of an accredited reprocessor or exporter.

(2) A report under paragraph 20 or 21 must be—

- (a) made in the form specified by the appropriate agency; and
- (b) verified by an approved person of the reprocessor or exporter.

**20.** A reprocessor must report the following information to the appropriate agency for each category of packaging waste handled at each reprocessing site for which they are registered—

- (a) the weight of packaging waste in that category received at the reprocessing site for recycling in the reporting period;
- (b) details of each person from whom packaging waste was received at the reprocessing site for recycling, including—
  - (i) the name, address, telephone number and email address of that person;
  - (ii) a description of the role that person has in relation to the packaging waste, with details of what they do to the waste (for example, details of any sorting, cleaning or processing activities, or transportation of the waste, carried out by that person);
- (c) the weight of packaging waste in that category recycled in the reporting period by the reprocessor at the reprocessing site;
- (d) the weight of packaging waste in that category received at the reprocessing site in the reporting period which was not recycled by the reprocessor at the site (“unrecycled packaging waste”);
- (e) the weight of unrecycled packaging waste in that category which, in the reporting period, was—
  - (i) sent to another reprocessor;
  - (ii) exported; or
  - (iii) sent to any other facility or site;
- (f) the final destination in the United Kingdom of all unrecycled packaging waste in that category, identifying each facility or site to which that unrecycled packaging waste was sent in the reporting period.

**21.** An exporter must report the following information to the appropriate agency for each category of packaging waste for which they are registered—

- (a) the weight of packaging waste in that category received by the exporter for exporting in each reporting period;
- (b) details of the persons in the United Kingdom from whom the packaging waste was received by the exporter, including—
  - (i) the name, address, telephone number and email address of that person;
  - (ii) a description of the role that person has in relation to the packaging waste;
- (c) the weight of packaging waste in that category exported for recycling in the reporting period, and details of each overseas reprocessing site to which any of that waste was exported;
- (d) the weight of packaging waste in that category exported for recycling in the reporting period which was—
  - (i) refused by the recipient destination; or
  - (ii) stopped during the course of export;
- (e) the weight of packaging waste referred to in sub-paragraph (d)(i) and (ii) which has been repatriated in the reporting period;
- (f) details of the weight of packaging waste in that category received by the exporter in the reporting period which has not been exported by the exporter (“unexported packaging waste”);
- (g) the weight of unexported packaging waste in that category which, in the reporting period, was—
  - (i) sent to a reprocessor in the United Kingdom;
  - (ii) sent to another exporter in the United Kingdom; or
  - (iii) sent to any other facility or site in the United Kingdom;
- (h) the final destination in the United Kingdom of all unexported packaging waste in that category, identifying each facility or site to which that unexported packaging waste was sent in the reporting period.

**22.—(1)** In this Part, a reference to the weight of packaging waste received for recycling is to the weight in tonnes of the recyclable proportion of that packaging waste, calculated in accordance with sub-paragraphs (2) and (3).

(2) The recyclable proportion may be calculated as one of the following amounts—

- (a) the actual weight of packaging waste in a category received by the reprocessor for recycling, or by the exporter for exporting to an overseas reprocessing site for recycling, after deduction of everything which is not packaging waste in that category;
- (b) the percentage of packaging waste specified in any protocol for packaging waste recycling which is approved by the appropriate agencies as applying to recycling of that category of packaging waste; or
- (c) the amount identified by applying the sampling and inspection plan approved by the appropriate agency under regulation 97(1)(a) in relation to the category of packaging waste in question.

(3) The “recyclable proportion” is not to include any packaging waste which—

- (a) is not in the same category of packaging waste as the waste being recycled; or
- (b) does not originate in the United Kingdom.

## PART 3

### Conditions of Accreditation

#### Application of conditions

**23.**—(1) A reprocessor who has an accreditation for a year (an “accreditation year”) must comply with—

- (a) the conditions in paragraphs 24(1) to (4), 25, 31 and 32 in relation to any PRNs which the reprocessor issues pursuant to that accreditation, including PRNs which the reprocessor issues after the end of the accreditation year under regulation 92(1)(c);
- (b) the condition in paragraph 24(5) by the end of the year following the accreditation year;
- (c) the condition in paragraph 26(1) (monthly reports) for each month starting with February in the accreditation year and ending with February in the following year;
- (d) the condition in paragraph 26(2) (annual report) by 28th February in the year following the accreditation year;
- (e) the condition in paragraph 30 during the accreditation year.

(2) An exporter who has an accreditation for an accreditation year must comply with—

- (a) the conditions in paragraphs 27, 28, 31 and 32 in relation to any PERNs which the exporter issues pursuant to that accreditation, including PERNs which the exporter issues after the end of the accreditation year under regulation 92(2)(c);
- (b) the condition in paragraph 29(1) (monthly reports) for each month starting with February in the accreditation year and ending with February in the following year;
- (c) the condition in paragraph 29(2) (annual report) by 28th February in the year following the accreditation year;
- (d) the condition in paragraph 30 during the accreditation year.

#### Conditions applying to reprocessors

**24.**—(1) A reprocessor may only issue a PRN in relation to packaging waste if the packaging waste is received for recycling at a reprocessing site, and is of a category of packaging waste, for which the reprocessor has an accreditation at the time the waste is received.

(2) A reprocessor may not issue a PRN for more than the recyclable proportion, as calculated in accordance with paragraph 22, of packaging waste which meets the conditions in sub-paragraph (1).

(3) A reprocessor must not, in relation to a category of packaging waste and a reprocessing site, issue PRNs for more packaging waste than—

- (a) the upper limit of the tonnage band for which the reprocessor is accredited; or
- (b) the amount which the reprocessor has capacity to recycle at that reprocessing site by the end of the year after the year in which it is received.

(4) A reprocessor must ensure that any PRN it issues which relates to packaging waste received for recycling in December of a year specifies that fact.

(5) A reprocessor must recycle at the reprocessing site at least the amount of packaging waste in each category received at that site for which it has issued PRNs, by no later than the end of the year following the year in which the packaging waste was received at the site.

**25.** A reprocessor must, in relation to each PRN it issues, keep records—

- (a) identifying the load of packaging waste to which the PRN relates, and when that waste was recycled; and
- (b) of evidence demonstrating—

- (i) that the issue of the PRN was in accordance with paragraph (1), and the amount of packaging waste for which the PRN was issued was in accordance with paragraph 24(2);
- (ii) that the packaging waste received for recycling at the reprocessing site has been recycled.

**26.**—(1) A reprocessor must provide a monthly report to the appropriate agency before the 21st day of each month setting out—

- (a) for each category of packaging waste in respect of which the reprocessor issued PRNs in the previous calendar month—
  - (i) the tonnage of packaging waste for which PRNs were issued by the reprocessor in that month;
  - (ii) the average price per tonne of packaging waste received by the reprocessor for the sale of PRNs in that month;
  - (iii) the total revenue generated by the reprocessor from the sale of PRNs in that month;
- (b) the information set out in paragraphs 20 and 25.

(2) A reprocessor must provide an annual report to the appropriate agency before 28th February in each year which sets out—

- (a) all the information provided in the reprocessor's monthly reports which relate to each month of the previous calendar year;
- (b) the amount of revenue generated from the sale of PRNs in the previous calendar year;
- (c) what that amount has been spent on, including information on the matters set out in regulation 96(4) and accounting for the whole of that amount;
- (d) any deviation during the previous calendar year from the reprocessor's business plan, explaining the reasons for it.

(3) The reports required to be made by a reprocessor under sub-paragraphs (1) and (2) must be—

- (a) in the form specified by the appropriate agency; and
- (b) verified by the signature of an approved person of the reprocessor.

### **Conditions applying to exporters**

**27.**—(1) An exporter may only issue a PERN in relation to packaging waste if—

- (a) the packaging waste—
  - (i) is of a category for which the exporter has an accreditation at the time of its export; and
  - (ii) has been exported for recycling at an overseas reprocessing site specified in that accreditation;
- (b) the packaging waste has been exported in accordance with the legislation referred to in regulation 88(1)(h);
- (c) the exporter—
  - (i) is the legal owner of the packaging waste at the point of export; or
  - (ii) the exporter has transferred legal ownership of the packaging waste to the person responsible for the operation of the overseas reprocessing site to which the waste is exported, and that person is its legal owner at the point of export;
- (d) the exporter has evidence that the packaging waste has been received at the overseas reprocessing site, and of the tonnage of packaging waste received;
- (e) the exporter has up-to-date information that the recycling operations taking place at the overseas reprocessing site take place under conditions that are broadly equivalent to requirements applicable to reprocessing sites in the United Kingdom.

(2) An exporter must not issue a PERN for more than the recyclable proportion, as calculated in accordance with paragraph 22, of packaging waste which meets the conditions in sub-paragraph (1).

(3) An exporter must ensure that any PERN it issues which relates to packaging waste received at an overseas reprocessing site for recycling in December of a year specifies that fact.

(4) An exporter must not, in relation to a category of packaging waste, issue PERNs for more packaging waste than the upper limit of the tonnage band for which the exporter is accredited.

(5) An exporter who exports packaging waste to an overseas reprocessing site via an interim site which handles the waste before the waste is sent on to its final destination at an overseas reprocessing site—

- (a) must, before exporting packaging waste to an interim site, provide to the appropriate agency in such manner as the appropriate agency specifies—
  - (i) the name and address of the interim site; and
  - (ii) an email address and telephone number of the operator of the site;
- (b) may only issue PERNs for the weight of packaging waste received for recycling at the overseas reprocessing site.

**28.** An exporter must, in relation to each PERN it issues, keep records—

- (a) identifying the load of packaging waste to which the PERN relates, and when that waste was exported for recycling; and
- (b) of evidence demonstrating—
  - (i) that the issue of the PERN was in accordance with paragraph (1), and the amount of packaging waste for which the PERN was issued was in accordance with paragraph 27(2);
  - (ii) that the packaging waste to which the PERN relates has been received for recycling at the overseas reprocessing site to which it has been exported, and the tonnage of packaging waste received at the overseas reprocessing site;
  - (iii) that the packaging waste to which the PERN relates has been recycled by no later than the end of the year after the year in which it is received at the overseas reprocessing site.

**29.—**(1) An exporter must provide a monthly report to the appropriate agency before the 21st day of each month setting out—

- (a) for each category of packaging waste in respect of which the exporter issued PERNs in the previous calendar month—
  - (i) the tonnage of packaging waste for which PERNs were issued by the exporter in that month;
  - (ii) the average price per tonne of packaging waste received by the exporter for the sale of PERNs in that month;
  - (iii) the total revenue generated by the exporter from the sale of PERNs in that month;
- (b) the information set out in paragraphs 21 and 28.

(2) An exporter must provide an annual report to the appropriate agency before the end of February in each year which sets out—

- (a) all the information provided in the exporter's monthly reports which relate to each month of the previous calendar year;
- (b) the amount of revenue generated from the sale of PERNs in the previous calendar year;
- (c) what that amount has been spent on, including information on the matters set out in regulation 96(4) and accounting for the whole of that amount;
- (d) any deviation during the previous calendar year from the exporter's business plan, explaining the reasons for it.

- (3) The reports required to be made by a exporter under sub-paragraphs (1) and (2) must be—
- (a) in the form specified by the appropriate agency; and
  - (b) verified by the signature of an approved person of the exporter.

**Conditions applying to both reprocessors and exporters**

**30.** A reprocessor or exporter must—

- (a) implement the business plan referred to in regulation 94(3)(b)(ii) or 95(3)(b)(ii);
- (b) operate in accordance with the sampling and inspection plan approved by the appropriate agency under regulation 97(1)(a); and
- (c) implement all other procedures and policies set out in their application for an accreditation and in any subsequent application to vary an accreditation.

**31.** A reprocessor or exporter—

- (a) must not issue PRNs or PERNs to any person other than a producer or scheme operator or their representative;
- (b) must issue PRNs or PERNs in a manner which least hinders the ability of any person to acquire PRNs and PERNs;
- (c) may not issue PRNs or PERNs in relation to any packaging waste which is a deposit item;

**32.** The records required to be kept by a reprocessor under paragraph 25 or by an exporter under paragraph 28 must be—

- (a) maintained for each month in a summary log in a format specified by the appropriate agency;
- (b) retained by the reprocessor or exporter for at least 7 years after the end of the year in which the record is made; and
- (c) made available to the appropriate agency on demand.

**SCHEDULE 9**  
**Corporate Groups**

Regulation 101

**PART 1**  
**General**

**Application and interpretation**

**1.**—(1) This Schedule applies where, in relation to a relevant year, two or more bodies corporate in the same corporate group are each producers.

(2) In this Schedule—

“relevant group member” means a body corporate which is—

- (a) a producer; and
- (b) a member of a corporate group, two or more members of which are producers;

“the threshold criteria” means the criteria in paragraph (1) or (2) of regulation 24 read together with paragraphs (3) to (7) of that regulation.

**Large and small producers: application of thresholds to relevant group companies**

**2.**—(1) If, in relation to a relevant year—

- (a) the aggregate of the turnovers of each relevant group member in a corporate group in the financial year referred to in regulation 24(1)(a) satisfies the threshold criterion in that paragraph; and
- (b) the aggregate of the amounts of packaging supplied by each relevant group member in the calendar year referred to in regulation 24(1)(b) satisfies the threshold criterion in that paragraph,

every relevant group member in the corporate group is a large producer in relation to the relevant year, whether or not it would satisfy those criteria if it were not a member of the group.

(2) If, in relation to a relevant year—

- (a) the aggregate of the turnovers of each relevant group member in a corporate group in the financial year referred to in regulation 24(2)(a) satisfies the threshold criterion in that paragraph; and
- (b) the aggregate of the amounts of packaging supplied by each relevant group member in the calendar year referred to in regulation 24(2)(b) satisfies the threshold criterion in that regulation; but
- (c) one or both of the criteria in paragraph (1)(a) and (b) are not satisfied,

each relevant group member is a small producer in relation to the relevant year, whether or not it would satisfy the tests referred to in sub-paragraphs (a) and (b) if it were not a member of the group.

### **Individual and group registrations**

**3.** Subject to regulation 42, a relevant group member must comply with its obligation under regulation 25(1)(a) to be registered with the appropriate agency for a relevant year by—

- (a) being registered separately for that year with the appropriate agency as required by regulation 25(1)(a), in which case the relevant group member has its own obligations under these Regulations; or
- (b) being registered for that year with the appropriate agency as part of a group registration on an application under paragraph 4, in which case paragraphs 5 and 6 apply.

### **Application for group registration**

**4.—(1)** An application to the appropriate agency for a group registration must be made by the holding company of a corporate group, whether or not the holding company is a producer.

(2) The application must be submitted to the appropriate agency—

- (a) in relation to 2025, on or before 1st April 2025;
- (b) in relation to 2026 or any subsequent year, on or before—
  - (i) the date specified in regulation 28(1)(b)(i), if any of the relevant group members included in the application would be required to apply for registration by that date if they were applying for registration separately; or
  - (ii) the date specified in regulation 28(1)(b)(ii) in any other case.

(3) The application must—

- (a) be made in such form and manner as the appropriate agency specifies;
- (b) include the information set out in Schedule 3 for each body corporate to be included in the group registration;
- (c) be accompanied by such other information as the appropriate agency may reasonably require to determine the application;
- (d) be verified by the signature of an approved person of the holding company; and
- (e) be accompanied by payment of the sum of—



- (i) the charge under paragraph 2(1)(a) to (c) of Schedule 1 for the holding company (which in the case of a holding company which is not a producer is payable as if it were a producer);
  - (ii) the charge under paragraph 2(1)(d) of Schedule 1 for each subsidiary; and
  - (iii) the additional charge for late registration under paragraph 2(2) of Schedule 1 for the holding company and for each subsidiary, if the application is made after the date referred to in sub-paragraph (2).
- (4) Regulation 30 applies to the application with the modifications that—
- (a) the reference to “the producer” in paragraph (1)(a), the first reference in paragraph (2)(a) and the references in paragraphs (2)(b) and (3) were references to the holding company;
  - (b) the second and third references to “the producer” in paragraph (2)(a) and the reference in paragraph (2)(c) were references to each body corporate included in the application;
  - (c) the reference to “the producer’s registration” in paragraph (2)(c) were a reference to “that body corporate’s registration”.
- (5) If registration is granted, the registration is subject to—
- (a) the condition that the holding company and each subsidiary registered as part of the group registration comply with the obligations which they have respectively under paragraph 5 below; and
  - (b) the conditions in regulation 31(b) to (e), read with the modifications that—
    - (i) the first reference to P in regulation 31(c), the first and second references in regulation 31(d) and the first reference in regulation 31(e) were references to the holding company; and
    - (ii) all other references to P were references to the holding company or any subsidiary registered as part of the group registration.
- (6) Regulation 32 applies in relation to the registration, with the modifications that—
- (a) the references to “a producer” in the opening words of paragraphs (1) and (2), and to “the producer” in paragraph (2)(b), were references to the group;
  - (b) the references to “the producer” in paragraphs (1)(a) and (b) were references to the holding company or any subsidiary registered as part of the group registration;
  - (c) the reference in paragraph (1)(a) to the conditions in regulation 31 were a reference to the conditions in sub-paragraph (5) above;
  - (d) paragraph (2)(a) does not apply; and
  - (e) the notice required by paragraph (3) is to be served on the holding company.
- (7) If any of the circumstances in regulation 27(1) applies to a relevant group member in the group registration, the holding company must apply to the appropriate authority to amend the group registration by removing that relevant group member from the registration.

**Effect of group registration: producer responsibility obligations**

- 5.—(1) Where there is a group registration—
- (a) the relevant group members in the group registration, other than the holding company, are exempt from complying with their obligations under paragraph (1)(a), (c) and (d), paragraph (2) and paragraph (3)(a) and (c) of regulation 25 for the relevant year;
  - (b) the holding company, whether or not it is a producer, must comply with the obligations in paragraph (1)(c) and (d) and paragraph (3)(a) and (c) of regulation 25 which each relevant group member in the group registration that is a producer would have had, but for paragraph (a);
  - (c) the holding company and a subsidiary registered as part of the group registration must both keep—

- (i) the records specified in relation to the subsidiary in regulation 34(1), in accordance with regulation 34(2); and
  - (ii) records of any assessments carried out of the recyclability of the packaging which the subsidiary supplies, in accordance with regulation 34(5).
- (2) Where, under paragraph 2, each relevant group member in a group registration is a large producer—
- (a) the holding company has recycling obligations for the relevant year which are the aggregate of the recycling obligations which each relevant group member in the group registration would have had but for the group registration; and
  - (b) the holding company must provide to the appropriate agency a certificate of compliance in accordance with regulation 41 in relation to those recycling obligations.
- (3) For the purposes of sub-paragraph (1)(b), regulation 39 applies in relation to reports made by the holding company, with the modifications that—
- (a) the report must be verified by the signature of the approved person of the holding company; and
  - (b) the references to a producer in paragraph (3) are to be treated as references to the holding company.
- (4) For the purposes of sub-paragraph (2)(a), regulation 40 applies with the modifications that references to a large producer are to be treated as references to the holding company.

**Effect of group registration: liability for disposal fees and administration fees**

- 6.—(1) Where one or more relevant group members in a group registration, other than the holding company, is a liable producer under regulation 60 in relation to an assessment year—
- (a) the liability of each of those persons under regulation 60(2) to pay disposal fees and administration fees is transferred to the holding company; and
  - (b) the holding company is liable to pay to the scheme administrator in accordance with regulation 68—
    - (i) an amount equal to the sum of the disposal fees, and
    - (ii) an amount equal to the sum of the administration fees,
 which would, apart from this paragraph, be payable by each relevant group member in the group registration.
- (2) For the purposes of sub-paragraph (1), the provisions referred to in sub-paragraphs (3) and (4) apply with the modifications in those sub-paragraphs.
- (3) Chapter 3 of Part 5 applies with the modifications that—
- (a) in regulations 60(3) and 61 to 66, any reference to a fee payable by a liable producer is to be treated as a reference to a fee payable by the holding company in relation to a relevant group member which is a liable producer;
  - (b) the notice of liability required by regulations 60(3)(b) and 67 is to be served on the holding company and is to state—
    - (i) the total amounts of the disposal fees and administration fees payable by the holding company under sub-paragraph (1)(b)(i) and (ii) above;
    - (ii) the information in regulation 67(2)(a) to (e) for the holding company, if it is a liable producer, and for each relevant group member whose liability has transferred to the holding company;
    - (iii) the information in regulation 67(2)(f) to (h) and (3), with regulation 67(2)(h) being read as if the reference to the producer were a reference to the holding company.
- (4) In Chapter 5 of Part 5, regulations 78(1)(a), 79, 81 and 82 apply with the modifications that references to a liable producer, an affected producer or the producer are to be treated as references to the holding company, except for the reference to the producer in regulation 79(2)(a)(i) which is

to be treated as a reference to the holding company, if it is a liable producer, and to any relevant group member whose liability has transferred to the holding company.

## PART 2

### Mid-year changes

#### **Producer joining a corporate group**

7. Paragraphs 8 to 11 apply where a corporate body which is a producer (“NC”) joins a corporate group and becomes a relevant group member.

8. NC must be registered with the appropriate agency either—

- (a) separately as referred to in paragraph 3(a); or
- (b) by being added to a group registration under Part 1 of this Schedule, and for the purposes of this paragraph—
  - (i) such registration is effected upon notice being given by the holding company to the appropriate agency of the change in the group registration; and
  - (ii) where prior to joining the group of companies the company was registered with the appropriate agency, the appropriate agency must cancel that registration, and regulation 32(3) applies to that cancellation as it applies to a cancellation under regulation 32(2).

9.—(1) Where, in relation to the year in which NC joins the corporate group, NC is added to a group registration—

- (a) if NC satisfies the threshold criteria as an individual producer, paragraph 5 applies as if NC had been part of the group registration for the whole year;
- (b) if NC does not itself satisfy the threshold criteria, paragraph 5 applies with the modification in sub-paragraph (2).

(2) The obligation of the holding company is to be calculated as a proportion of the company’s recycling obligations, disposal fee obligations and administration fee obligations for the year in which it joins the group, such proportion being calculated as provided in paragraph 11.

10.—(1) Where in relation to the year in which NC joins the corporate group, NC is registered separately with the appropriate agency—

- (a) if NC satisfies the threshold criteria as an individual producer, NC must comply with its obligations under these Regulations for that year;
- (b) if NC does not itself satisfy the threshold criteria, NC must comply with its obligations under these Regulations for that year as varied by sub-paragraph (2).

(2) The obligation of NC is to be calculated as a proportion of its recycling obligations, disposal fee obligations and administration fee obligations for the year in which it joins the group, such proportion being calculated as provided in paragraph 11.

11. The proportion referred to in paragraphs 9(2) and 10(2) is to be calculated as  $\frac{G}{H}$  here—

“G” is the number of days in the relevant year during which the company is a member of the corporate group; and

“H” is the number of days in the relevant year.

#### **Producer ceasing to be a member of a corporate group**

12. Paragraphs 13 and 14 apply where a relevant group member (“XC”) ceases to be a member of a corporate group.

**13.** Where, in relation to the year during which XC leaves the corporate group, XC is registered with the appropriate agency as part of a group registration—

- (a) if XC satisfies the threshold criteria as an individual producer—
  - (i) XC must register with the appropriate agency as required by regulation 25(1)(a) within a period of 28 days starting with the day on which XC ceases to be a member of the group, and regulations 29 to 32 apply as if this were an occurrence specified in regulation 28(3)(a); but
  - (ii) the holding company must comply with XC’s obligations under these Regulations for that year;
- (b) if XC does not satisfy the threshold criteria as an individual producer, the holding company must continue to comply with the obligations under these Regulations which XC had for that year as a relevant group member.

**14.** Where, in relation to the year during which XC leaves the corporate group, XC is registered separately with the appropriate agency—

- (a) if XC itself satisfies the threshold criteria, XC must comply with its obligations under these Regulations for that year as an individual producer;
- (b) if XC does not itself satisfy the threshold criteria, the holding company must comply with the obligations under these Regulations which XC had for that year as a relevant group member.

#### **Producer changing corporate groups**

**15.** Paragraphs 16 and 17 apply where a relevant group member (“CC”) of one corporate group (“the first group”) ceases to be a member of that group and, in the same calendar year, becomes a member of another corporate group (“the second group”).

**16.** Where, immediately before leaving the first group, CC is registered with the appropriate agency as part of a group registration, the holding company of the first group must continue to comply with CC’s obligations under these Regulations for the whole of the year in which CC changes groups.

**17.** Where, immediately before leaving the first group, CC is registered separately with the appropriate agency, CC must comply with its obligations under the Regulations for the whole of the relevant year.

## **SCHEDULE 10**

Regulation 102

### **Licensors and Pub Operating Businesses**

#### **PART 1**

##### **Licensors**

#### **Meaning of “licence agreement”, “licensor” and “licensee”**

**1.** In this Part of this Schedule—

- (a) a “licence agreement” means an agreement or a number of related agreements in or under which one person (the “licensor”) grants another person (the “licensee”) a licence that—
  - (i) allows the licensee to use a trade mark as the name under which the licensee sells or otherwise supplies from premises goods that are associated with that trade mark; and
  - (ii) includes an obligation (whether expressed as a positive obligation or as a prohibition or restriction) on the licensee that relates to the presentation of those premises; and

- (b) “licensor” and “licensee” are to be interpreted in accordance with sub-paragraph (a).

### **Obligations of licensors**

**2.—**(1) A licensor (“LR”) has the obligations set out in paragraphs 5 and 6, where the case in paragraph 3 or the case in paragraph 4 applies.

(2) Where the case in paragraph 4 applies, LR’s obligations under paragraphs 5 and 6 are in addition to LR’s producer responsibility obligations.

**3.** The case in this paragraph is that—

- (a) LR—
  - (i) is a producer, and has a turnover which meets the criterion in regulation 24(2)(a); but
  - (ii) does not have producer responsibility obligations, because the amount of packaging supplied by LR does not meet the criterion in regulation 24(2)(b);
- (b) one or more of LR’s licensees are producers, but do not have producer responsibility obligations because they do not meet one or both of the criteria in regulation 24(2); and
- (c) the total amount of packaging specified in paragraph 7 which is supplied by LR and the licensees referred to in sub-paragraph (b) meets the criterion in regulation 24(2)(b).

**4.** The case in this paragraph is that—

- (a) LR has producer responsibility obligations;
- (b) one or more of LR’s licensees are producers, but do not have producer responsibility obligations because they do not satisfy one or both of the criteria in regulation 24(2);
- (c) the total amount of packaging specified in paragraph 7 which is supplied by the licensees referred to in sub-paragraph (b) meets the criterion in regulation 24(2)(b).

**5.—**(1) Where LR has obligations under this Part, LR must collect the data referred to in sub-paragraph (2) in relation to packaging specified in paragraph 7 which is supplied by—

- (a) LR and the licensees referred to in paragraph 3(b), where the case in paragraph 3 applies; or
- (b) the licensees referred to in paragraph 4(b), where the case in paragraph 4 applies.

(2) The data referred to in this paragraph are the data specified in—

- (a) paragraph 11 of Schedule 4 (which for this purpose is to be read as if references to “the producer” were references to the persons referred to in sub-paragraph (1)(a) and (b)); and
- (b) paragraph 14 of Schedule 4, if the relevant packaging supplied by any of the persons referred to in sub-paragraph (1)(a) or (b) includes plastic or paper bags supplied in England.

(3) LR must—

- (a) use its best endeavours to obtain from its licensees the data which LR is required by sub-paragraph (1) to collect; and
- (b) make an estimate, and record it, in any case in which it is unable to obtain such data.

(4) LR must keep the data collected under sub-paragraph (1) and a record of any estimates made under sub-paragraph (3)(b) for at least 7 years after the end of the reporting period to which the data relate.

**6.—**(1) LR must report every 12 months—

- (a) to the appropriate agency, the data specified in paragraph 11 of Schedule 4; and
- (b) to the Environment Agency, the data specified in paragraph 14 of Schedule 4,

which it has collected under paragraph 5(1), or estimated under paragraph 5(3)(b), in relation to the packaging specified in paragraph 7.

(2) Regulation 39 applies to LR in relation to information which LR is required to report under sub-paragraph (1), as it applies to a producer in relation to information which the producer is required to report under Chapter 2 of Part 3.

7. For the purposes of paragraphs 3 to 6, the packaging specified in this paragraph is—

- (a) packaging that bears, or for goods that bear, a trade mark of LR, where a licence to use that trade mark has been granted to LR’s licensees under their licence agreement;
- (b) packaging for goods supplied by a licensee, where the licensee has been required by its licence agreement to purchase—
  - (i) the packaged goods; or
  - (ii) the goods, and packaging for them,either from LR, or from a supplier nominated or authorised by LR with whom LR has negotiated some or all of the terms of their supply to the licensee.

## PART 2

### Pub Operating Businesses

#### Meaning of “pub operating agreement”, “pub operating business” and “tenant”

8.—(1) In this Part of this Schedule—

- (a) a “pub operating agreement” means an agreement or a number of related agreements in or under which—
  - (i) one person (a “pub operating business”) grants a tenancy or lease of premises referred to in sub-paragraph (2) to another person (a “tenant”); and
  - (ii) the tenant is under an obligation to purchase from the pub operating business, or from a person or persons nominated or authorised by or on behalf of the pub operating business, some or all of the alcohol (or, in Northern Ireland, intoxicating liquor) to be supplied on or from the premises;
- (b) “pub operating business” and “tenant” are to be interpreted in accordance with paragraph (a).

(2) The premises referred to in this sub-paragraph are premises—

- (a) in respect of which a premises licence is in force; and
- (b) that are used by the tenant—
  - (i) in England and Wales, for—
    - (aa) the sale by retail of alcohol for consumption on the premises or both on and off the premises; or
    - (bb) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, for consumption on the premises or both on and off the premises;
  - (ii) in Scotland, for the sale by retail or supply of alcohol for consumption on the premises or both on and off the premises;
  - (iii) in Northern Ireland, for the sale of intoxicating liquor by retail for consumption either in or off the premises, or for consumption off the premises.

#### Obligations of pub operating businesses

9.—(1) A pub operating business (“PB”) has the obligations set out in paragraphs 12 and 13, where the case in paragraph 10 or the case in paragraph 11 applies.

(2) Where the case in paragraph 11 applies, PB’s obligations under paragraphs 12 and 13 are in addition to PB’s producer responsibility obligations.

**10.** The case in this paragraph is that—

- (a) PB—
  - (i) is a producer, and has a turnover which meets the criterion in regulation 24(2)(a); but
  - (ii) does not have producer responsibility obligations, because the amount of packaging supplied by PB does not meet the criterion in regulation 24(2)(b);
- (b) one or more of PB’s tenants are producers, but do not have producer responsibility obligations because they do not meet one or both of the criteria in regulation 24(2); and
- (c) the total amount of packaging specified in paragraph 14 which is supplied by PB and the tenants referred to in sub-paragraph (b) meets the criterion in regulation 24(2)(b).

**11.** The case in this paragraph is that—

- (a) PB is a producer and has producer responsibility obligations;
- (b) one or more of PB’s tenants are producers, but do not have producer responsibility obligations because they do not satisfy one or both of the criteria in regulation 24(2);
- (c) the total amount of packaging specified in paragraph 14 which is supplied by the tenants referred to in sub-paragraph (b) meets the criterion in regulation 24(2)(b).

**12.—(1)** Where PB has obligations under this Part, PB must collect the data referred to in sub-paragraph (2) in relation to packaging specified in paragraph 14 which are supplied by—

- (a) PB and the tenants referred to in paragraph 10(b), where the case in paragraph 10 applies; or
- (b) the tenants referred to in paragraph 11(b), where the case in paragraph 11 applies.

(2) The data referred to in this sub-paragraph are the data specified in—

- (a) paragraph 11 of Schedule 4 (which for this purpose is to be read as if references to “the producer” were references to the persons referred to in sub-paragraph (1)(a) and (b)); and
- (b) paragraph 14 of Schedule 4, if the relevant packaging supplied by any of the persons referred to in sub-paragraph (1)(a) or (b) includes plastic or paper bags supplied in England.

(3) PB must—

- (a) use its best endeavours to obtain from its tenants the data which PB is required by sub-paragraph (1) to collect; and
- (b) make an estimate, and record it, in any case in which it is unable to obtain such data.

(4) PB must keep the data collected under sub-paragraph (1) and a record of any estimates made under paragraph (3)(b) for at least 7 years after the end of the reporting period to which the data relate.

**13.—(1)** PB must report every 12 months—

- (a) to the appropriate agency, the data specified in paragraph 11 of Schedule 4; and
- (b) to the Environment Agency, the data specified in paragraph 14 of Schedule 4,

which it has collected under paragraph 12(1) or estimated under paragraph 12(3)(b) in relation to the packaging specified in paragraph 14.

(2) Regulation 39 applies to PB in relation to information which PB is required to report under sub-paragraph (1), as it applies to a producer in relation to information which the producer is required to report under Chapter 2 of Part 3.

**14.** For the purposes of paragraphs 10 to 13, the packaging specified in this paragraph is packaging for goods that a tenant is required by their pub operating agreement to purchase from PB or from a person nominated or authorised by PB.

## PART 3

### Interpretation

#### Interpretation of this Schedule

- 15.**—(1) In Parts 1 and 2 of this Schedule—
- (a) “premises” means any sales outlet on which packaging is handled and includes any land, vehicle, vessel, mobile plant and stall;
  - (b) references to the criteria in regulation 24(2)(a) or (b) (threshold criteria for small producers) are to those criteria read together with regulation 24(3) to (7).
- (2) For the purposes of paragraph 8 of this Schedule—
- (a) in relation to England and Wales—
    - (i) “alcohol” has the same meaning as in section 191 of the Licensing Act 2003(a);
    - (ii) “premises licence” has the same meaning as in section 11 of that Act;
    - (iii) “sale by retail”, in relation to any alcohol, has the same meaning as in section 192 of that Act;
    - (iv) “supply of alcohol” has the same meaning as in section 14 of that Act;
  - (b) in relation to Scotland—
    - (i) “alcohol” has the meaning given in section 2 of the Licensing (Scotland) Act 2005(b);
    - (ii) “premises licence” has the meaning given in section 17 of that Act;
  - (c) in relation to Northern Ireland—
    - (i) “intoxicating liquor” has the meaning given in article 2 of the Licensing (Northern Ireland) Order 1996(c);
    - (ii) “premises licence” means a licence for premises granted under article 7 or 11 of that Order(d);
    - (iii) “sale by retail” means a sale at any one time to any one person of quantities not exceeding—
      - (aa) 9 litres or 1 case of spirits or wine; or
      - (bb) 21 litres or 2 cases of beer or cider.

## SCHEDULE 11

Regulation 106(4)

### Procedure on appeals

#### Application

**1.**—(1) Paragraph 2 applies to a person who wishes to appeal to the First Tier Tribunal under regulation 104 or 105.

- (2) Paragraphs 3 to 6 apply to a person who wishes to appeal to—
- (a) the Planning Appeals Commission under regulation 104 or 105; or
  - (b) the Scottish Ministers under regulation 104.

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(a) 2003 c. 17. Section 191 was amended by section 135 of the Policing and Crime Act 2017 (c. 3) and S.I. 2006/2407.  
(b) 2005 asp 16. Section 2 was amended by section 54 of the Air Weapons and Licensing (Scotland) Act 2015 (asp 10).  
(c) S.I. 1996/3158 (N.I. 22). The definition of intoxicating liquor in article 2 was amended by section 27 of, and Schedule 2 to, the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7).  
(d) Article 7 was amended by section 4(1) of the Licensing Act (Northern Ireland) 2016 (c. 24), section 25(2) of the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (c. 7) and S.I. 2004/1994 (N.I. 17).



(3) Paragraph 7 applies to a person who wishes to appeal to the sheriff under regulation 105.

### **Appeals to First Tier Tribunal**

**2.**—(1) A person referred to in paragraph 1(1) must appeal to the First Tier Tribunal in accordance with the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009<sup>(a)</sup> (“the 2009 Rules”), and the 2009 Rules apply to the appeal, subject to the modification in sub-paragraph (2).

(2) Rule 22 of the 2009 Rules applies to an appeal brought under these Regulations as if rule 22(1)(b) required the notice of appeal to be received by the Tribunal—

- (a) in the case of an appeal under regulation 104, within 2 months of the date on which notice of the decision to which the appeal relates was sent to the appellant; or
- (b) in the case of an appeal under regulation 105, within 2 months of the date on which any complaint relating to that decision under the scheme administrator’s complaints procedure has been completed.

### **Appeals to Planning Appeals Commission or Scottish Ministers**

**3.**—(1) A person referred to in paragraph 1(2) must appeal to the Planning Appeals Commission or to the Scottish Ministers (“the relevant appeal body”), as the case may be, by notice in writing (a “notice of appeal”) sent to the relevant appeal body.

(2) The notice of appeal must be accompanied by—

- (a) a statement of the grounds of appeal;
- (b) a copy of the following documents—
  - (i) the decision or notice which is the subject-matter of the appeal;
  - (ii) any relevant application;
  - (iii) in the case of an appeal to the Planning Appeals Commission, any correspondence between the appellant and the scheme administrator or the appropriate agency or document relevant to the appeal; and
  - (iv) any other document on which the appellant intends to rely for the purposes of the appeal;
- (c) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be determined on the basis of written representations; and
- (d) in the case of an appeal to the Planning Appeals Commission, payment of the fee in regulation 9(1) of the Planning Fees (Deemed Planning Applications and Appeals) Regulations (Northern Ireland) 2015<sup>(b)</sup>.

**4.**—(1) Subject to sub-paragraph (2), the notice of appeal must be given within the period of 2 months beginning with—

- (a) in the case of an appeal under regulation 104, the day on which notice of the act or decision to which the appeal relates was sent to the appellant; or
- (b) in the case of an appeal under regulation 105, the day on which the scheme administrator’s complaints procedure has been completed in relation to that act or decision.

(2) In the case of an appeal to the Scottish Ministers, the Scottish Ministers may at any time allow a notice of appeal to be given after the expiry of the period mentioned in sub-paragraph (1)(a).

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(a) S.I. 2009/1976.

(b) S.R. 2015 No. 136.

5. Where under regulation 106(3) the appeal is by way of a hearing, the person hearing the appeal must, unless that person has been appointed to determine the appeal under regulation 106(2)(a), make a written report to the relevant appeal body of that person's conclusions, including where relevant any findings of fact, and recommendation as to the determination of the appeal with the reasons for the recommendation.

6.—(1) The relevant appeal body or other person determining an appeal must give the appellant notice in writing of the decision and the reasons for the decision.

(2) If the relevant appeal body determines an appeal after a hearing under regulation 106(3), it must provide the appellant with a copy of any report made under paragraph 5.

(3) The relevant appeal body or other person determining an appeal must, at the same time as notifying the appellant of the decision, send a copy of any document sent to the appellant under this paragraph to—

- (a) the appropriate agency, if the appeal concerns a decision of the appropriate agency; or
- (b) the scheme administrator, if the appeal concerns a decision of the scheme administrator.

### **Appeals to the Sheriff**

7. A person referred to in paragraph 1(3) must appeal to the sheriff within the period of 2 months beginning with the day on which any complaint under the scheme administrator's complaints procedure about the decision to which the appeal relates has been completed.

## **SCHEDULE 12**

Regulations 112 and 113

### **Powers of entry etc.**

#### **Modifications to the 1995 Act**

1.—(1) In this paragraph, "the 1995 Act" has the meaning given in regulation 112(2).

(2) For the purposes of regulation 112, the provisions of section 108 and 108A of, and Schedule 18 to, the 1995 Act referred to in regulation 112 are to be read with the modifications in sub-paragraphs (3) to (10).

(3) Those provisions are to be read as if—

- (a) references to an authorised person were references to a person authorised under regulation 112(1);
- (b) references to an enforcing authority were references to the appropriate agency.

(4) Section 108(4) is to be read as if—

- (a) in paragraph (a), the words "(or, in an emergency, at any time and, if need be, by force)" were omitted;
- (b) paragraphs (d) and (g) were omitted;
- (c) in paragraph (f)—
  - (i) references to articles or substances in relation to which samples may be taken were to packaging, packaging materials and packaging waste; and
  - (ii) the power in that paragraph to take samples of the air, water or land in, on, or in the vicinity of, the premises were omitted;

(d) in paragraph (h)—

- (i) the reference to any article or substance as is mentioned in paragraph (g) were to any sample of packaging, packaging materials or packaging waste taken under section 108(4)(f) as modified by paragraph (c) above;
- (ii) in sub-paragraph (iii)—

- (aa) the reference to an offence were to an offence under any of regulations 115 to 118 or regulation 120;
  - (bb) for the words from “a variation notice” to the end, there were substituted “the imposition of a civil sanction under regulation 121 or under the Environmental Regulations (Enforcement Measures) (Scotland) Order 2015(a)”;
  - (iii) sub-paragraph (iv), as it applies to Scotland, were omitted;
  - (e) in paragraph (k)—
    - (i) references to records were to the records and returns required to be kept and provided to the appropriate agency under these Regulations, or under the 2023 Data Regulations;
    - (ii) references to information recorded in computerised form included any information recorded electronically;
  - (f) in paragraph (ka) as it applies to England and Wales, in sub-paragraph (ii) the words “(other than an article or substance within paragraph (g))” were omitted;
  - (g) in paragraph (ka) as it applies to Scotland, the reference to an offence under any of the pollution control enactments, or under section 40(1) of the Regulatory Reform (Scotland) Act 2014, were to an offence under these Regulations.
- (5) Section 108(6) is to be read as if the words “Except in an emergency” and “or to take heavy equipment on to any premises which are to be entered” were omitted.
- (6) Section 108(7) is to be read as if the words “Except in an emergency” were omitted.
- (7) Section 108(7A) as it applies to England and Wales is to be read as if, for the words “subsections (7B) and (7C)”, there were substituted “subsection (7C)”.
- (8) Section 108(7A) as it applies to Scotland is to be read as if the words “to seize and remove documents” were omitted.
- (9) Paragraphs 2 to 6 of Schedule 18 are to be read as if—
- (a) any reference to a designated person were to a person authorised in writing by the appropriate agency to exercise on its behalf any power conferred by regulation 112;
  - (b) any reference to a relevant power were to a power conferred by regulation 112.
- (10) Paragraph 6(1) of Schedule 18 is to be read as if any reference to section 108(4)(a) or (b) or (5) of the 1995 Act were to regulation 112.

### **Modifications to the 1997 Order**

2.—(1) In this paragraph, “the 1997 Order” has the meaning given in regulation 113(2).

(2) For the purposes of regulation 113, the provisions of article 72 of, and Schedule 4 to, the 1997 Order referred to in regulation 113 are to be read with the modifications in sub-paragraphs (3) to (8).

(3) Those provisions are to be read as if—

- (a) references to an authorised person were references to a person authorised under regulation 113(1);
- (b) references to an enforcing authority were references to DAERA.

(4) Article 72(2) is to be read as if—

- (a) in paragraph (a), the words “(or, in an emergency, at any time and, if need be, by force)” were omitted;
- (b) paragraphs (d) and (g) were omitted;
- (c) in paragraph (f)—

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(a) S.S.I. 2015/383.

- (i) the reference to articles or substances in relation to which samples may be taken were to packaging, packaging materials and packaging waste;
  - (ii) the power in that paragraph to take samples of the air, water or land in, on, or in the vicinity of, the premises were omitted;
- (d) in paragraph (h)—
- (i) the reference to any article or substance as is mentioned in paragraph (g) were to any sample of packaging, packaging materials or packaging waste taken under article 72(2)(f) as modified by paragraph (c) above;
  - (ii) in sub-paragraph (iii)—
    - (aa) the references to an offence were to an offence under regulation 115;
    - (bb) for the words from “a variation notice” to the end, there were substituted “the imposition of a civil sanction under regulation 121 of the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024”;
- (e) in paragraph (j)—
- (i) references to records were to the records and returns required to be kept and provided to the appropriate agency under these Regulations, or under the 2023 Data Regulations;
  - (ii) references to information recorded in computerised form included any information recorded electronically.
- (5) Article 72(4) is to be read as if the words “Except in an emergency,” and “or to take heavy equipment on to any premises which are to be entered,” were omitted.
- (6) Article 72(5) is to be read as if the words “Except in an emergency,” were omitted.
- (7) Paragraphs 2 to 5 of Schedule 4 are to be read as if—
- (a) any reference to an authorised person were to a person authorised in writing by DAERA to exercise on its behalf any power conferred by regulation 113;
  - (b) any reference to a relevant power were to a power conferred by regulation 113.
- (8) Paragraph 5 of Schedule 4 is to be read as if any reference to article 72(2)(a) or (b) or (3) of the 1997 Order were to regulation 113.

## SCHEDULE 13

Regulation 121

### Civil sanctions

#### PART 1

##### Table of civil sanctions

**1.**—(1) The following table sets out requirements and prohibitions for the contravention of which the enforcement agency in relation to the contravention concerned (see the definition of “enforcement agency” in regulation 114) has power to impose civil sanctions.

(2) The power of an enforcement agency to impose a civil sanction for contravention of a requirement or prohibition specified in the table is subject to, and exercisable in accordance with, regulations 121 and 122 and Parts 2 to 5 of this Schedule.

**Table**

<i>Requirement or prohibition</i>	<i>Fixed Monetary Penalty</i>	<i>Variable Monetary Penalty</i>	<i>Compliance Notice</i>	<i>Enforcement Undertaking</i>
<b>Producers</b>				

Regulations 25(1)(a) and 27(4)(b) (registration obligations)	No	Yes	Yes	Yes
Regulation 25(1)(b), (2)(b) and (3)(b) (obligations to keep records and evidence)	Yes	No	No	No
Regulation 25(1)(c) and (d) and (3)(c) (reporting obligations)	No	Yes	Yes	Yes
Regulation 25(2)(a) (recycling obligation)	No	Yes	Yes	Yes
Regulation 25(2)(c) (certification obligation)	Yes	No	No	No
Regulation 25(3)(a) (obligation to carry out recyclability assessments)	No	Yes	Yes	Yes
Regulation 28(1) to (3) (requirement to apply to the appropriate agency for registration by the date specified in regulation 28(1), (2) or (3) as applicable)	No	Yes	No	No
Regulation 31(b) to (e) (requirements to provide information to the appropriate agency)	Yes	No	No	No
Regulations 35(2) to (4), 36(2) and (3), 37(2) and 38(2) (requirements to make reports to the appropriate agency by the dates specified)	No	Yes	No	No
Regulation 68(4) (requirement to pay disposal fees and administration fees no later than 50 days after the due date)	No	Yes	Yes	Yes
<b>Scheme operators</b>				
Regulation 43(1)(b) (obligation to register a compliance scheme)	No	Yes	Yes	Yes
Regulation 43(3)(a) (obligation to apply for registration of scheme members)	No	Yes	Yes	Yes
Regulation 43(3)(b) (obligation to report information relating to scheme members)	No	Yes	No	Yes
Regulation 43(3)(c) (compliance scheme recycling obligation)	No	Yes	Yes	Yes
Regulation 43(6)(a) (obligation to keep records and submit reports)	No	Yes	Yes	Yes
Regulation 43(6)(b) (obligation to submit statement of compliance)	No	Yes	Yes	Yes
Regulation 44(1)(a) (requirement to apply for registration of a scheme member by the date specified)	No	Yes	No	No
Regulation 44(2) (requirement to make reports under regulations 35 to 38, as applied by regulation 44(2), by the date specified in the regulation in question)	No	Yes	No	No
Regulations 49(5) and 54(4) (obligations to provide information)	No	Yes	Yes	Yes

to scheme members in connection with withdrawal of approval and cancellation of registration)				
Regulation 53 (obligation to comply with conditions of registration)	No	Yes	Yes	Yes
<b>Reprocessors and exporters</b>				
Regulations 85(1) and 86(1) (obligation to register)	No	Yes	Yes	Yes
Regulation 88(1) (duty to comply with conditions of registration)	No	Yes	Yes	Yes
Regulation 91 (record-keeping and reporting requirements)	Yes	No	Yes	Yes
Regulation 92(1) and (2) (prohibition on issuing PRNs or PERNs other than in accordance with specified conditions)	No	Yes	Yes	Yes
Regulation 98 (duty to comply with conditions of an accreditation)	No	Yes	Yes	Yes
Regulation 117(3)(c) (prohibition on issuing PRNs or PERNs pursuant to false or misleading information)	No	Yes	Yes	Yes
<b>Holding companies with a group registration</b>				
Regulation 31(b) to (e) as applied by Schedule 9, paragraph 4(5) (requirements to provide information to the appropriate agency)	Yes	No	No	No
Schedule 9, paragraph 5(1)(b) (reporting obligations in relation to relevant group members)	No	Yes	Yes	Yes
Schedule 9, paragraph 5(2)(a) (recycling obligations)	No	Yes	Yes	Yes
Schedule 9, paragraph 5(2)(b) (certification obligation)	Yes	No	No	No
Schedule 9, paragraph 6(1) (requirement to pay disposal fees and administration fees no later than 50 days after the due date)	No	Yes	Yes	Yes
<b>Licensors</b>				
Schedule 10, paragraph 5 (record keeping obligations)	Yes	No	No	No
Schedule 10, paragraph 6 (reporting obligations)	No	Yes	Yes	Yes
<b>Pub Operating Businesses</b>				
Schedule 10, paragraph 12 (record keeping obligations)	Yes	No	No	No
Schedule 10, paragraph 13 (reporting obligations)	No	Yes	Yes	Yes
<b>General</b>				
Regulation 110(1) (duty to comply with notice to maintain records and provide information to the appropriate agency)	Yes	No	No	Yes

Regulation 118(1) (provision of false or misleading information)	No	Yes	Yes	No
Regulation 118(2) (failure to comply with reasonable request of the appropriate agency)	Yes	No	Yes	Yes
Regulation 118(3) (delaying or obstructing an authorised person)	Yes	No	No	Yes
Regulation 118(5) (breach of a compliance notice or enforcement undertaking)	No	Yes	Yes	Yes

## PART 2

### Fixed monetary penalties

**2.—**(1) The amount of a fixed monetary penalty under these Regulations is £1,000.

(2) A fixed monetary penalty may not be imposed on a person on more than one occasion in relation to the same act or omission, unless the act or omission is a continuing act or omission.

**3.—**(1) Where an enforcement agency proposes to impose a fixed monetary penalty on a person, the enforcement agency must serve on that person a notice of its intention to do so (a “notice of intent”).

(2) The notice of intent must include—

- (a) the grounds for imposing the fixed monetary penalty;
- (b) the amount of the penalty;
- (c) information as to—
  - (i) the right to make representations and objections within a period of 28 days beginning with the day on which the notice of intent is received (“the 28 day period”);
  - (ii) the circumstances in which the enforcement agency may not impose the penalty.

**4.** A person on whom a notice of intent is served may within the 28 day period make written representations and objections to the enforcement agency in relation to the proposed imposition of the fixed monetary penalty.

**5.—**(1) If the person who has received a notice of intent does not discharge liability within the 28 day period by paying the amount specified in paragraph 2(1) to the enforcement agency, the enforcement agency may, after considering any representations or objections made during that period, serve a final notice imposing a fixed monetary penalty.

(2) Where the contravention to which the notice of intent relates is a criminal offence, the enforcement agency may not serve a final notice on the person if the enforcement agency is satisfied on the balance of probabilities that the person would not, by reason of any defence, be liable to be convicted of that offence.

**6.** A final notice must include information as to—

- (a) the amount of the penalty;
- (b) the grounds for imposing the penalty;
- (c) how payment may be made;
- (d) the period of 56 days within which payment must be made;
- (e) details of the increase in the amount of the penalty for late payment;
- (f) the right of appeal and the effect of regulation 107(2) (suspension of penalty where an appeal is made); and
- (g) the consequences of non-payment.

**7.—**(1) The person receiving the final notice may appeal against it.

(2) The grounds for appeal are—

- (a) that the decision is based on an error of fact;
- (b) that the decision is wrong in law;
- (c) that the decision is unreasonable.

**8.—**(1) The penalty must be paid within a period of 56 days beginning with the day of receipt of the final notice, unless an appeal is made within that period.

(2) If the penalty is not paid and an appeal is not made within that 56 day period, the amount of the penalty is increased by 50%.

(3) In the case of an appeal—

- (a) the penalty must be paid within a period of 28 days beginning with the date of the determination of the appeal if the appeal is unsuccessful, or the date on which the appeal is withdrawn; and
- (b) if the penalty is not paid within that 28 day period, the amount of the penalty is increased by 50%.

**9.—**(1) If a notice of intent to impose a fixed monetary penalty is served on any person in relation to a contravention which is an offence (“the related offence”), no criminal proceedings may be instituted against that person for the related offence before the expiry of a period of 28 days beginning with the day on which the notice of intent is served.

(2) If, in relation to a contravention which is an offence, a person has paid a fixed monetary penalty, or has discharged liability for a fixed monetary penalty within the 28 day period referred to in sub-paragraph (1), that person may not by reason of the contravention be convicted at any time of the related offence, unless the contravention is a continuing act or omission.

## PART 3

### Variable monetary penalties

**10.—**(1) A variable monetary penalty may not be imposed on a person on more than one occasion in relation to the same act or omission, unless the act or omission is a continuing act or omission.

(2) Where a variable monetary penalty is imposed in relation to the contravention of a requirement, and that contravention is an offence under regulation 115 that is punishable on summary conviction by a fine, the amount of the variable monetary penalty may not exceed the maximum amount (if any) of that fine.

(3) Where a variable monetary penalty is imposed on a producer for contravening regulation 68(4) (failure to make a payment due under regulation 68(1) by 50 days after the due date), the amount of the variable monetary penalty is to be calculated as an amount equal to the higher of—

- (a) 20% of the disposal fees and administration fees owed by that producer which are unpaid 50 days after the due date; or
- (b) 5% of the turnover of the producer reported under paragraph 10 of Schedule 3.

(4) Where a variable monetary penalty is imposed on a holding company of a corporate group which has a group registration for contravening regulation 68(4) as applied by paragraph 6(1) of Schedule 9, the amount of the variable monetary penalty is to be calculated as an amount equal to the higher of—

- (a) 20% of the disposal fees and administration fees owed by that holding company which are unpaid 50 days after the due date; or
- (b) 2% of the collective turnover of the members of the corporate group that are included in the group registration.



(5) Before imposing a variable monetary penalty or serving a notice of intent in relation to any contravention other than that referred to in sub-paragraph (3) or (4), the enforcement agency may require the person to provide such information as is reasonable to establish the amount of any financial benefit arising as a result of the contravention.

**11.**—(1) Where an enforcement agency proposes to impose a variable monetary penalty on a person, the enforcement agency must serve on that person a notice of its intention to do so (a “notice of intent”).

(2) The notice of intent must include—

- (a) the grounds for imposing the variable monetary penalty;
- (b) the amount of the penalty;
- (c) information as to—
  - (i) the right to make representations and objections within a period of 28 days beginning with the day on which the notice of intent is received (“the 28 day period”);
  - (ii) the circumstances in which the enforcement agency may not impose the penalty.

**12.** A person on whom a notice of intent is served may within the 28 day period make written representations and objections to the enforcement agency in relation to the proposed imposition of the variable monetary penalty.

**13.**—(1) After the end of the period for making representations and objections, the enforcement agency must, after considering any representations or objections made within the 28 day period, decide whether to impose the variable monetary penalty in the notice of intent, with or without modifications.

(2) Where the contravention to which the notice of intent relates is a criminal offence, the enforcement agency may not serve a final notice on a person if the enforcement agency is satisfied on the balance of probabilities that the person would not, by reason of any defence, be liable to be convicted of that offence.

**14.** A final notice for a variable monetary penalty must include information as to—

- (a) the amount of the penalty;
- (b) the grounds for imposing the penalty;
- (c) how payment may be made;
- (d) the period within which payment must be made which must be not less than 28 days;
- (e) the right of appeal and the effect of regulation 107(2) (suspension of penalty where an appeal is made); and
- (f) the consequences of non-payment.

**15.**—(1) The person receiving the final notice may appeal against it.

(2) The grounds for appeal are—

- (a) that the decision is based on an error of fact;
- (b) that the decision is wrong in law;
- (c) that the amount of the penalty is unreasonable;
- (d) that the decision is unreasonable for any other reason.

(3) Where an appeal is made against the issue of a final notice, the penalty must be paid within a period of 28 days beginning with the date of the determination of the appeal if the appeal is unsuccessful, or the date on which the appeal is withdrawn.

**16.**—(1) If a notice of intent for a variable monetary penalty is served on any person in relation to a contravention which is an offence (“the related offence”), no criminal proceedings may be instituted against that person for the related offence before the expiry of a period of 28 days beginning with the day on which the notice of intent is served.

(2) If, in relation to a contravention which is an offence, a person has paid a variable monetary penalty, or has discharged liability for a variable monetary penalty within the 28 day period referred to in paragraph (1), that person may not by reason of the contravention be convicted at any time of the related offence, unless the contravention is a continuing act or omission.

## PART 4

### Compliance notices

**17.**—(1) Subject to sub-paragraph (2), a compliance notice may not be imposed on a person on more than one occasion in relation to the same contravention of these Regulations, unless the contravention is a continuing act or omission.

(2) Sub-paragraph (1) does not prevent another compliance notice being imposed on a person under this paragraph if any earlier compliance notice imposed on that person in relation to the same act or omission has first been withdrawn.

(3) Where contravention of a requirement is a criminal offence under these Regulations, the enforcement agency may not impose a compliance notice on a person for contravention of that requirement if the enforcement agency is satisfied on the balance of probabilities that the person would not, by reason of any defence, be liable to be convicted of that offence.

**18.** A compliance notice must include information as to—

- (a) the grounds for imposing the notice;
- (b) what steps the person receiving the notice must take and the period within which those steps must be completed;
- (c) the right of appeal; and
- (d) the consequences of failing to comply with the notice.

**19.**—(1) The person receiving the notice may appeal against it.

(2) The grounds for appeal are—

- (a) that the decision to impose the notice is based on an error of fact;
- (b) that the decision is wrong in law;
- (c) that the nature of the requirement is unreasonable;
- (d) that the decision is unreasonable for any other reason.

## PART 5

### Enforcement undertakings

**20.**—(1) An enforcement undertaking must specify—

- (a) action to secure that the contravention in relation to which the enforcement undertaking is given does not continue or recur;
- (b) action to secure that the position is, so far as possible, restored to what it would have been if the contravention had not occurred;
- (c) action (which may include the payment of a sum of money) to secure a benefit or improvement to the environment, such as the prevention of littering, or an increase in the reuse and recycling of packaging;
- (d) the period within which each of the actions specified must be completed.

(2) It must include—

- (a) a statement that the enforcement undertaking is made in accordance with this Part;
- (b) the terms of the enforcement undertaking; and

(c) a statement of how and when the person giving the enforcement undertaking is considered to have discharged it.

(3) The enforcement undertaking may be varied, or the period within which an action specified in the enforcement undertaking must be completed may be extended, if both parties agree in writing.

**21.** If an enforcement agency has accepted an enforcement undertaking then, unless the person from whom the undertaking is accepted fails to comply with the undertaking or any part of it—

- (a) where the contravention in relation to which the enforcement undertaking was given is an offence, that person may not by reason of that contravention be convicted at any time of that offence;
- (b) the enforcement agency may not impose on that person any fixed monetary penalty, variable monetary penalty, or compliance notice in respect of that contravention.

**22.—**(1) Each enforcement agency must establish and publish the procedure for entering into an enforcement undertaking with it.

(2) The enforcement agency must consult such persons as it considers appropriate before doing so.

(3) When an enforcement agency accepts an undertaking the enforcement agency may publish it in whatever manner it sees fit.

**23.—**(1) An enforcement agency which is satisfied that an enforcement undertaking has been complied with must issue a certificate to that effect to the person who gave the undertaking.

(2) An enforcement agency may require the person who gave the undertaking to provide sufficient information to determine whether the undertaking has been complied with.

(3) The person who gave the undertaking may at any time apply for such a certificate.

(4) The enforcement agency must make a decision as to whether to issue such a certificate, and give written notice of the decision to the applicant, within 14 days of such an application.

(5) The person to whom the notice is given may appeal against a decision not to issue a certificate on the grounds that the decision—

- (a) was based on an error of fact;
- (b) was wrong in law;
- (c) was unreasonable;
- (d) was wrong for any other reason.

**24.—**(1) A person who has given inaccurate, misleading or incomplete information in relation to an enforcement undertaking is regarded as not having complied with it.

(2) An enforcement agency may by notice in writing revoke a certificate issued under paragraph 23 if it was issued on the basis of inaccurate, incomplete or misleading information.

**25.—**(1) This paragraph applies where an enforcement undertaking is not complied with.

(2) The enforcement agency may, in relation to the contravention for which the enforcement undertaking was given, either—

- (a) impose any other type of civil sanction specified in the Table in Part 1 as being available for the contravention in question; or
- (b) if the contravention for which the enforcement undertaking was given is a criminal offence (a “related offence”), bring proceedings for the related offence.

(3) The action referred to in sub-paragraph (2)(a) or (b) may be taken in addition to bringing proceedings for the offence under regulation 118(5) of failing to comply with the enforcement undertaking.

(4) If a person has complied partly but not fully with an enforcement undertaking, that part-compliance must be taken into account in the imposition of any criminal or other sanction on the person.

(5) Criminal proceedings for a related offence which is triable summarily may be instituted at any time within a period of 6 months beginning with the day after the last day of the period within which the action specified in the enforcement undertaking was required under paragraph 20(1)(d) to be completed.

## SCHEDULE 14

Regulation 129

### Public register

- 1.** The name and address of the registered office, head office or principal place of business of—
  - (a) each producer registered under Chapter 1 of Part 3;
  - (b) in relation to each registered compliance scheme—
    - (i) the scheme operator; and
    - (ii) each member of the scheme;
  - (c) each registered reprocessor and exporter; and
  - (d) each reprocessor and exporter accredited to issue PRNs or PERNs.
- 2.** The number assigned to each producer, compliance scheme, reprocessor and exporter on registration.
- 3.** In relation to each registered producer—
  - (a) whether the producer is a large producer or a small producer;
  - (b) whether the producer is subject to recycling and certification obligations under regulation 25(2);
  - (c) whether the producer is required to pay disposal fees under regulation 60;
  - (d) if the producer is subject to the obligations referred to in sub-paragraph (b), a statement as to whether a satisfactory certificate of compliance has been furnished in accordance with regulation 41.
- 4.** In relation to each registered compliance scheme—
  - (a) the date on which the scheme was approved under regulation 47;
  - (b) a statement as to whether the scheme operator has—
    - (i) complied with its obligations under regulation 43(3); and
    - (ii) provided a statement of compliance in accordance with regulation 56.
- 5.** In relation to registered reprocessors and exporters, and accredited reprocessors and exporters—
  - (a) the trading name, address and telephone number of the reprocessor or exporter;
  - (b) details of each registration and accreditation held by the reprocessor or exporter, including the category of packaging waste and the reprocessing site or overseas reprocessing site(s) specified in the registration or accreditation;
  - (c) in relation to any recovery operation to be used, the appropriate classification of the applicable operation provided for in Annex 2 to the Waste Directive;
  - (d) in relation to each accreditation held by the reprocessor or exporter—
    - (i) the accreditation reference number assigned by the appropriate agency;
    - (ii) the reprocessing site address for an accredited reprocessor;
    - (iii) the tonnage band (within the meaning given in regulation 84(1)) of packaging waste for which the reprocessor or exporter is accredited to issue PRNs or PERNs;
    - (iv) whether monthly returns and annual returns have been provided in accordance with the conditions in paragraph 26 or 29 of Schedule 8;

- (v) whether the appropriate agency has served a notice under regulation 100(4) to suspend or cancel the accreditation; and
  - (vi) whether the accreditation has been suspended or cancelled.
6. Any information which the appropriate agency is required to publish under regulation 126.

## SCHEDULE 15

Regulation 137

### Transitional, transitory and saving provisions

#### **Record-keeping obligations**

- 1.—(1) This paragraph applies where—
- (a) under a provision of the 2007 Regulations, the 2007 (NI) Regulations or the 2023 Data Regulations which has been revoked by these Regulations—
    - (i) a person (“A”) was under a duty to keep records or evidence of a specified matter; and
    - (ii) if the provision in question specified a period for which the records or evidence were to be kept, that period has not expired on or before the revocation date; and
  - (b) there is a corresponding duty under these Regulations for persons of A’s description to keep records or evidence of the specified matter, or of a matter of a similar description to the specified matter.
- (2) Where this paragraph applies—
- (a) the duty referred to in sub-paragraph (1)(b) is to be treated as applying to A in relation to the records or evidence referred to in sub-paragraph (1)(a), subject to paragraph (b) below;
  - (b) if the revoked provision specified a period for which the records or evidence were to be kept, the date until which A is required to keep the records or evidence is the date until which A would have been required to keep them under the revoked provision if it remained in force.
- (3) In sub-paragraph (1)—
- (a) “specified” means specified in the Regulations in question;
  - (b) “the revocation date” means the date of revocation of the provision of the 2007 Regulations, 2007 (NI) Regulations or 2023 Data Regulations in question.

#### **Producers: transitional reporting obligations for 2024 data**

2.—(1) In a report under regulation 35 for a period of 6 or 12 months ending on 31st December 2024, a large producer (“LP”) must, instead of reporting the information specified in Table 2 in regulation 35(1), report to the appropriate agency, subject to sub-paragraph (2), the information which LP would have been required to report under the 2023 Data Regulations for that period if those Regulations had not been revoked.

- (2) But—
- (a) LP must not include any information in the report under regulation 35 which it has reported to the appropriate agency in a report under the 2023 Data Regulations for that period or for a part of that period;
  - (b) LP may treat any non-consumer shipment packaging which it supplied during the relevant period as if it were secondary packaging or tertiary packaging, for the purposes of reporting how much primary, secondary, tertiary and shipment packaging in each packaging category, and how much household packaging in each packaging category, LP supplied in the relevant period;

- (c) LP must report to the appropriate agency as soon as practicable any of the information referred to in sub-paragraph (1) if LP had an obligation under the 2023 Data Regulations to report that information to the appropriate agency by a date before the coming into force of this paragraph but has not done so.

(3) In paragraph (2)(b), “non-consumer shipment packaging” means shipment packaging, as defined in the 2023 Data Regulations, which LP supplied to a person other than a consumer.

(4) In a report under regulation 36 for the calendar year 2024, a small producer (“SP”) must, instead of reporting the information specified in Table 3 in regulation 36(1), report to the appropriate agency the information of which SP was required to keep records for that year under—

- (a) regulation 16 of the Packaging Waste (Data Reporting) (England) Regulation 2023, the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023 or the Packaging Waste (Data Reporting) (Scotland) Regulations 2023; or
- (b) regulation 17 of the Packaging Waste (Data Reporting) No. 2) Regulations (Northern Ireland) 2023,

except for the information referred to in sub-paragraph (5) below, and subject to sub-paragraphs (6) and (7).

(5) A producer who under the 2023 Data Regulations was required for the calendar year 2024 to maintain records of the information in—

- (a) paragraph 22(1) of Schedule 1 to the Packaging Waste (Data Reporting) (England) Regulations 2023, the Packaging Waste (Data Reporting) (Scotland) Regulations 2023 or the Packaging Waste (Data Reporting) (No. 2) Regulations (Northern Ireland) 2023; or
- (b) paragraph 21(1) of Schedule 1 to the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023,

must report that information to the appropriate agency on or before 1st December 2025, subject to sub-paragraphs (6) and (7).

(6) This sub-paragraph applies where—

- (a) the 2024 Data Amendment Regulations amended the record-keeping obligations of a producer referred to in sub-paragraph (4) or (5), or conferred record-keeping obligations on such a producer where the producer did not previously have such obligations; and
- (b) the producer does not have sufficient data to report the information referred to in sub-paragraph (4) or (5), as applicable, for the period before the amendment date.

(7) Where sub-paragraph (6) applies, the producer—

- (a) is not required to submit a report which includes information for the period beginning with 1st January 2024 and ending immediately before the amendment date; but
- (b) must submit a report for the period from the amendment date to 31st December 2024.

(8) In sub-paragraphs (6) and (7)—

“the 2024 Data Amendment Regulations” means—

- (a) the Packaging Waste (Data Reporting) (England) (Amendment) Regulations 2024(a);
- (b) the Packaging Waste (Data Collection and Reporting) (Wales) (Amendment) Regulations 2024(b);
- (c) the Packaging Waste (Data Reporting) (Scotland) (Amendment) Regulations 2024(c); or
- (d) the Packaging Waste (Data Reporting) (No. 2) (Amendment) Regulations (Northern Ireland) 2024(d);

“the amendment date” means—

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(a) S.I. 2024/359.  
(b) S.I. 2024/400 (W. 72).  
(c) S.S.I. 2024/42.  
(d) S.R. 2024 No. 80.

- (a) 1st April 2024, in relation to a producer who was established in England, Wales or Scotland for the purposes of the 2023 Data Regulations;
- (b) 1st May 2024, in relation to a producer who was established in Northern Ireland for the purposes of the 2023 Data Regulations.

**Producers: amendment of reports submitted under the 2023 Data Regulations**

- 3.—(1) This sub-paragraph applies where—
- (a) a producer has submitted a report to the appropriate agency under the 2023 Data Regulations; and
  - (b) the producer becomes aware that the report was wrong or inaccurate.
- (2) Where sub-paragraph (1) applies, the producer must—
- (a) submit an amended report to the appropriate agency containing the correct information; and
  - (b) pay the appropriate agency the charge in paragraph 2(3) of Schedule 1.
- (3) This sub-paragraph applies where, before this paragraph came into force, a large producer (“LP”)—
- (a) reported information to the appropriate agency for the 6-month period ending on 30th June 2024 or 31st December 2024 (“the relevant period”) under—
    - (i) regulation 17 of the Packaging Waste (Data Reporting) (England) Regulations 2023, the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023 or the Packaging Waste (Data Reporting) (Scotland) Regulations 2023; or
    - (ii) regulation 18 of the Packaging Waste (Data Reporting) (No. 2) Regulations (Northern Ireland) 2023; and
  - (b) in that report, included non-consumer shipment packaging in the amount of household packaging in a packaging category, or in the amount of shipment packaging in a packaging category, which LP reported that it supplied in the relevant period.
- (4) Where sub-paragraph (3) applies, LP may—
- (a) submit an amended report to the appropriate agency for the relevant period; and
  - (b) in that amended report, treat any non-consumer shipment packaging which LP supplied during the relevant period as if it were secondary packaging or tertiary packaging, for the purposes of reporting how much primary, secondary, tertiary and shipment packaging in each packaging category, and how much household packaging in each packaging category, LP supplied in the relevant period.
- (5) If LP elects to submit an amended report under sub-paragraph (4), the report must be—
- (a) made in such form and manner as the appropriate agency specifies;
  - (b) submitted to the appropriate agency on or before 31st December 2025; and
  - (c) verified by the signature of an approved person of LP.
- (6) No charge is payable for resubmitting a report, if the report is only amended in accordance with sub-paragraph (4).
- (7) Where, under the 2023 Data Regulations, a scheme operator has reported information to the appropriate agency in relation to a producer, this paragraph applies to the scheme operator as it does to a producer with the modifications that—
- (a) the charge payable by the scheme operator for submitting an amended report under sub-paragraph (2) is the charge in paragraph 3(3) of Schedule 1; and
  - (b) an amended report under paragraph (4) must be verified by the signature of an approved person of the scheme operator.
- (8) In this paragraph, “non-consumer shipment packaging” has the same meaning as in paragraph 2(3).

#### **Producers: transitional reporting obligations for 2025 data**

4.—(1) Sub-paragraph (2) applies if the date on which regulations 34 to 36 come into force (“the commencement date”) is after 1st January 2025.

(2) Where a producer does not have sufficient data to report in accordance with regulation 35 or 36, as applicable to that producer, for the period beginning with 1st January 2025 and ending immediately before the commencement date (“the pre-commencement period”), the producer—

- (a) is not required to submit a report which includes information for the pre-commencement period; but
- (b) must submit a report in accordance with regulation 35 or 36, as applicable—
  - (i) for the period from the commencement date to 30th June 2025, in the case of information which, but for this paragraph, the producer would be required to report for a period of 6 months beginning on 1st January 2025;
  - (ii) for the period from the commencement date to 31st December 2025, in the case of information which, but for this paragraph, the producer would be required to report for a period of 12 months beginning on 1st January 2025.

#### **Producers: scaling up of data reported for part of a reporting period**

5.—(1) This paragraph applies—

- (a) in relation to a reporting period commencing on 1st January 2024, where a producer has reported relevant data to the appropriate agency for only part of that reporting period—
  - (i) under the 2023 Data Regulations or under paragraph 2(1) of this Schedule, by virtue of—
    - (aa) regulation 2(2) of the Packaging Waste (Data Reporting) (England) (Amendment) Regulations 2024 or the Packaging Waste (Data Reporting) (No. 2) (Amendment) Regulations (Northern Ireland) 2024;
    - (bb) regulation 3(2) of the Packaging Waste (Data Collection and Reporting) (Wales) (Amendment) Regulations 2024; or
    - (cc) regulation 18(2) of the Packaging Waste (Data Reporting) (Scotland) (Amendment) Regulations 2024; or
  - (ii) under paragraph 2(4) or (5) of this Schedule, by virtue of paragraph 2(6) and (7); and
- (b) in relation to a reporting period commencing on 1st January 2025, where a producer has reported relevant data to the appropriate agency for only part of that reporting period, by virtue of paragraph 3 of this Schedule.

(2) Where this paragraph applies, the appropriate agency must, in relation to each description of relevant data reported by the producer, calculate an adjusted amount (“the scaled-up amount”) in accordance with the formula—

$$A \times \frac{C}{B}$$

where—

“A” means the amount in tonnes or kilograms, as applicable, reported by the producer;

“B” means the number of days in the reporting period for which the producer has reported that amount;

“C” means the number of days in the whole reporting period.

(3) The scaled-up amounts calculated under sub-paragraph (2) are to be used—

- (a) if the producer has recycling obligations, for the purpose of calculating those obligations under Schedule 5;



(b) if the producer is a liable producer under Part 5, for the purpose of calculating the disposal fee and administration fee payable by the producer under that Part.

(4) In this paragraph, “relevant data” means an amount of packaging, household packaging or packaging waste, or of a description of packaging, household packaging or packaging waste, which a producer was or is required to report to the appropriate agency—

(a) in relation to a reporting period in 2024, under—

(i) regulation 17 of, and Schedule 1 to, the Packaging Waste (Data Reporting) (England) Regulations 2023, the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023 or the Packaging Waste (Data Reporting) (Scotland) Regulations 2023;

(ii) regulation 18 of, and Schedule 1 to, the Packaging Waste (Data Reporting) (No. 2) Regulations (Northern Ireland) 2023; or

(iii) paragraph 2 of this Schedule;

(b) in relation to a reporting period in 2025, under regulation 35 or 36 of, and Schedule 4 to, these Regulations.

### **Producers: transitional packaging**

6.—(1) Where a report submitted by a large producer (“PR”) under regulation 35 in relation to a period ending on 31st December 2024 (a “regulation 35 report”) includes information about transitional packaging, PR may choose to submit a report to the appropriate agency containing the information in sub-paragraph (2).

(2) The information in this sub-paragraph is the proportion of transitional packaging in each packaging category which a producer has been required to recycle under the 2007 Regulations or the 2007 (NI) Regulations (“P”), calculated as follows—

$$P = AP \times SP$$

where—

“AP” is the amount in kilograms of transitional packaging which has previously been taken into account to calculate the recycling obligations of a producer under the 2007 Regulations or the 2007 (NI) Regulations;

“SP” is the sum of the percentages of that packaging which any class of producer has been required to recycle under the 2007 Regulations or the 2007 (NI) Regulations, as set out in paragraph 4 of Schedule 2 to those Regulations.

(3) In sub-paragraphs (1) and (2), “transitional packaging” means packaging about which PR has reported information in a regulation 35 report, which has already been the subject of recycling obligations under regulation 4(4)(b) of, and Schedule 2 to, the 2007 Regulations or the 2007 (NI) Regulations.

(4) If PR submits a report under sub-paragraph (1), it must be submitted—

(a) in accordance with regulation 39(2); and

(b) on the date on which PR submits a regulation 35 report for the period referred to in sub-paragraph (1).

(5) Where PR has submitted a report under sub-paragraph (1) in relation to transitional packaging in a packaging category, paragraph 2(1) of Schedule 5 applies with the modification in sub-paragraph (6) for the purposes of calculating PR’s recycling obligation in relation to that packaging category.

(6) The modification is that, in calculating the value of X for the packaging category for the purposes of the formula in paragraph 2(1) of Schedule 5, there shall be excluded from the amount of the transitional packaging in that packaging category which PR supplied in the reporting period a proportion of that amount equal to the value of P for that packaging category as calculated in accordance with sub-paragraph (2).

### **Producers: calculation of disposal fees**

7.—(1) The scheme administrator may, for the purpose of calculating disposal fees and administration fees payable by producers for the 2025 assessment year, use data reported to the appropriate agency by or in relation to producers under the 2023 Data Regulations, and the appropriate agency may share such data with the scheme administrator for that purpose.

(2) Where, under paragraph 5(3) of this Schedule, scaled-up amounts are used for the purpose of calculating the disposal fee payable by a producer—

- (a) in calculating CW for the purposes of regulations 62(1) and 63(2), (4) and (6), the definitions of CW in those paragraphs have effect with the modification that any reference to a weight reported by or in relation to the producer as having been supplied in a calendar year is to be treated as a reference to the scaled-up amount of that weight;
- (b) in calculating E for the purposes of regulation 62(1), regulation 62(3)(a) has effect with the modification that the scheme administrator must take into account, where applicable, the scaled-up amounts of the household packaging reported by or in relation to producers as referred to in that paragraph;
- (c) in calculating TW for the purposes of regulation 63(2), (4) or (6), regulation 63(7)(a) has effect with the modification that the scheme administrator must take into account, where applicable, the scaled-up amounts of the packaging reported by or in relation to producers as referred to in that paragraph.

(3) In relation to the calculation of disposal fees for the 2025 assessment year, regulation 63(5) to (7) have effect as if references to commonly binned or littered items of household packaging were references to items of household packaging listed in—

- (a) paragraph 17(2) of Schedule 1 to the Packaging Waste (Data Reporting) (England) Regulations 2023, the Packaging Waste (Data Reporting) (Scotland) Regulations 2023 or the Packaging Waste (Data Reporting) (No. 2) Regulations (Northern Ireland) 2023; and
- (b) paragraph 16(2) of Schedule 1 to the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023.

(4) In sub-paragraph (2), references to “scaled-up amounts” have the meaning given in paragraph 5(2).

### **Producers: approved persons**

8.—(1) This sub-paragraph applies where, in relation to a producer, a person has been approved by the appropriate agency under—

- (a) regulation 24(1) of the Packaging Waste (Data Reporting) (England) Regulations 2023, the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023 or the Packaging Waste (Data Reporting) (Scotland) Regulations 2023; or
- (b) regulation 25(1) of the Packaging Waste (Data Reporting) (No. 2) Regulations (Northern Ireland) 2023,

for the purposes specified in that regulation, and that approval remained in effect immediately before this paragraph came into force.

(2) Where sub-paragraph (1) applies, that person is to be treated as an approved person of the producer for the purposes of these Regulations, unless the producer informs the appropriate agency otherwise by a notice under regulation 132(2)(b).

### **Compliance schemes**

9.—(1) Where a compliance scheme has been approved under the 2007 Regulations or the 2007 (NI) Regulations and that approval remains in effect immediately before Part 4 of these Regulations comes into force, the compliance scheme is to be treated as having been approved for the purposes of these Regulations until 1st February 2026 unless—

- (a) the scheme operator gives the appropriate agency notice in writing that it wishes the approval of the scheme to be withdrawn before that date; or
- (b) the appropriate agency withdraws approval of the scheme under regulation 49 of these Regulations.

(2) The scheme operator of a compliance scheme referred to in sub-paragraph (1) is subject to the obligations imposed on scheme operators under these Regulations.

### **Reprocessors, exporters, PRNs and PERNs**

**10.**—(1) Notwithstanding the revocation of Part 5 of the 2007 Regulations and Part 5 of the 2007 (NI) Regulations on 1st January 2026—

- (a) a reprocessor or exporter who, in relation to 2025, is accredited under Part 5 of either of those Regulations (“RE”) is to be treated as being accredited under that Part until 31st January 2026 for the purposes of issuing PRNs or PERNs in relation to packaging waste received or exported before 31st December 2025, unless—
  - (i) RE informs the appropriate agency that it wishes its accreditation to be cancelled; or
  - (ii) the appropriate agency cancels or suspends RE’s accreditation;
- (b) RE must continue to comply until 28th February 2026 with the obligations imposed on reprocessors and exporters under the 2007 Regulations or the 2007 (NI) Regulations in relation to RE’s accreditation for 2025.

(2) For the purposes of sub-paragraph (1)(a), regulation 26 (suspension and cancellation of accreditation) of the 2007 Regulations and of the 2007 (NI) Regulations continue to have effect until 31st January 2026 as if they had not been revoked.

(3) For the purposes of sub-paragraph (1)(b), regulation 25 and Schedule 5 (conditions of accreditation) of the 2007 Regulations and of the 2007 (NI) Regulations continue to have effect until 28th February 2026 as if they had not been revoked.

(4) A producer or compliance scheme may rely on PRNs and PERNs acquired from a reprocessor or exporter accredited under Part 5 of the 2007 Regulations or Part 5 of the 2007 (NI) Regulations in the year to 31st December 2024, which have not been used to demonstrate compliance with their recycling obligations under those Regulations in that year, to demonstrate compliance with their recycling obligations under these Regulations in 2025.

(5) A producer or compliance scheme may rely on PRNs and PERNs acquired from a reprocessor or exporter accredited under Part 5 of the 2007 Regulations or Part 5 of the 2007 (NI) Regulations in the year to 31st December 2025, to demonstrate compliance with their recycling obligations under these Regulations in 2025 or 2026.

### **Information notices**

**11.**—(1) Any information notice served by the appropriate agency on a person continues to have effect on and after the relevant date notwithstanding the revocation of the provision under which it was served, and is to be treated on and after the relevant date as if it were a notice under regulation 110 of these Regulations.

(2) But sub-paragraph (1) does not apply if the information notice—

- (a) was complied with before the relevant date; or
- (b) specified a period for compliance which ended before, or a date for compliance which was before, the relevant date.

(3) In this paragraph—

- (a) “information notice” means a notice under—
  - (i) regulation 31(3) of the 2007 Regulations or the 2007 (NI) Regulations;
  - (ii) regulation 23(3) of the Packaging Waste (Data Reporting) (England) Regulations 2023, the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023 or the Packaging Waste (Data Reporting) (Scotland) Regulations 2023; or

- (iii) regulation 24(3) of the Packaging Waste (Data Reporting) (No. 2) Regulations (Northern Ireland) 2023;
- (b) “the relevant date” means—
  - (i) the date on which this paragraph comes into force, except in relation to an information notice referred to in sub-paragraph (ii);
  - (ii) 1st January 2026, in relation to an information notice under regulation 31(3)(c), (d) or (e) of the 2007 Regulations or the 2007 (NI) Regulations.

**Appropriate agencies: reports**

**12.**—(1) Each appropriate agency must publish by 31st May 2025 a report setting out the monitoring and enforcement activities it has carried out in 2024 under—

- (a) the 2007 Regulations or the 2007 (NI) Regulations, as applicable; and
- (b) the 2023 Data Regulations.

(2) Each appropriate agency must, in the first report that it publishes under regulation 111(2), set out (in addition to the matters specified there) the monitoring and enforcement activities it has carried out in 2025 under the 2007 Regulations or the 2007 (NI) Regulations.

## SCHEDULE 16

Regulation 138

### Consequential amendments

**Amendment of the 2007 Regulations**

**1.**—(1) The 2007 Regulations are amended as follows.

(2) In regulation 2—

- (a) in paragraph (1), omit the definition of “PRONIR”;
- (b) in paragraph (2)—
  - (i) omit the definitions of “allocation method”, “approved person”, “calculation year”, “consumer information obligations”, “DOENI”, “financial year”, “marine installation”, “obligation year”, “producer responsibility obligations”, “recycling obligations,” “relevant date”, “relevant year”, “SIC code”, “small producer” and “turnover”;
  - (ii) in the definition of “appropriate authority”, in paragraph (a), for “regulations 2A, 2B and 4(7)” substitute “regulations 2A and 2B”;
- (c) omit paragraphs (3) and (4).

(3) Omit Parts 2 and 3.

(4) Omit regulations 20 to 22.

(5) In regulation 22A—

- (a) in paragraph (1), omit sub-paragraphs (a) and (b);
- (b) omit paragraph (3).

(6) In regulation 27, omit paragraphs (1) and (2).

(7) Omit regulation 30.

(8) In regulation 31—

- (a) in paragraph (1), omit sub-paragraphs (a) to (c);
- (b) omit paragraph (2);
- (c) in paragraph (3), omit sub-paragraphs (a) and (b).

(9) Omit regulation 32.

- (10) In regulation 33, in paragraph (1), omit sub-paragraph (a).
- (11) Omit regulations 34 and 34A.
- (12) In regulation 36, omit paragraphs (2) and (4).
- (13) Omit Part 8.
- (14) In regulation 40—
  - (a) omit paragraphs (1) to (3);
  - (b) in paragraph (5), omit “or furnishes information to which regulation 19 applies to an operator of a scheme”;
  - (c) omit paragraph (8);
  - (d) in paragraph (9), for “(8)” substitute “(7)”.
- (15) In each of regulations 40A(1) and 40B(1), omit the entries in the table relating to regulation 40(1)(a), 40(1)(b), 40(1)(c), 40(3), 40(8)(a) and 40(8)(b).
- (16) Omit Parts 11 and 12.
- (17) Omit Schedules 1 to 4.
- (18) In Schedule 5, at the end insert—
 

“3. In paragraph 1(g) and (k), references to producers or operators of schemes include, in relation to the year 2025, persons who are producers or scheme operators under the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024.”.
- (19) In Schedule 7—
  - (a) in paragraph 1, omit sub-paragraphs (a) and (b);
  - (b) omit paragraphs 3 and 4.
- (20) Omit Schedules 8 to 10.

### **Amendment of the 2007 (NI) Regulations**

- 2.—(1) The 2007 (NI) Regulations are amended as follows.
- (2) In regulation 2—
  - (a) in paragraph (1), omit the definition of “PROR”;
  - (b) in paragraph (2), omit the definitions of “allocation method”, “approved person”, “calculation year”, “consumer information obligations”, “financial year”, “marine installation”, “obligation year”, “organic recycling”, “preceding year”, “producer responsibility obligations”, “recycling obligations”, “relevant date”, “relevant year”, “SIC code”, “small producer” and “turnover”;
  - (c) omit paragraphs (3) and (4).
- (3) Omit Parts 2 and 3.
- (4) Omit regulations 20 to 22.
- (5) In regulation 22A—
  - (a) in paragraph (1), omit sub-paragraphs (a) and (b);
  - (b) omit paragraph (3).
- (6) In regulation 27, omit paragraphs (1) and (2).
- (7) Omit regulation 30.
- (8) In regulation 31—
  - (a) in paragraph (1), omit sub-paragraphs (a) to (c);
  - (b) omit paragraph (2);
  - (c) in paragraph (3), omit sub-paragraphs (a) and (b).
- (9) Omit regulation 32.

- (10) In regulation 33, in paragraph (1), omit sub-paragraph (a).
- (11) Omit regulations 34 and 34A.
- (12) In regulation 35, in paragraph (2)(h)(i), for “regulations 20, 22 and 25” substitute “regulation 25”.
- (13) Omit regulation 36.
- (14) Omit Part 8.
- (15) In regulation 40—
  - (a) omit paragraphs (1) to (3);
  - (b) in paragraph (5), omit “or furnishes information to which regulation 19 applies to an operator of a scheme”;
  - (c) omit paragraph (8);
  - (d) in paragraph (9), for “(8)” substitute “(7)”.
- (16) Omit Schedule 1.
- (17) Omit Schedules 2 to 4.
- (18) In Schedule 5, at the end insert—
 

“3. In paragraph 1(g) and (k), references to producers or operators of schemes include, in relation to the year 2025, persons who are producers or scheme operators under the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024.”.
- (19) In Schedule 7—
  - (a) in paragraph 1, omit sub-paragraphs (a) and (b);
  - (b) omit paragraphs 3 and 4.
- (20) Omit Schedules 9 to 11.

#### **Amendment of the Waste Batteries and Accumulators Regulations 2009**

- 3.** In the Waste Batteries and Accumulators Regulations 2009(a)—
  - (a) in regulation 52(2)(e)(iii)(cc), after “2007” insert “or the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024”;
  - (b) in paragraph 7 of Schedule 3, in sub-paragraph (1)(c), after “2007” insert “or the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024”.

#### **Amendment of the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013**

- 4.** In the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013(b), in Part 2 of the Schedule, after paragraph (k), insert—
 

“(l) An offence under the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024.”.

## SCHEDULE 17

Regulation 139

### Revocations

- 1.** The following instruments are revoked—

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(a) S.I. 2009/890.  
 (b) S.I. 2013/2258.

- (a) the Packaging Waste (Data Reporting) (England) Regulations 2023**(a)**;
- (b) the Packaging Waste (Data Reporting) (England) (Amendment) Regulations 2023**(b)**;
- (c) the Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023**(c)**;
- (d) the Packaging Waste (Data Reporting) (Scotland) Regulations 2023**(d)**;
- (e) the Packaging Waste (Data Reporting) (No. 2) Regulations (Northern Ireland) 2023**(e)**;
- (f) the Packaging Waste (Data Reporting) (No. 2) (Amendment) Regulations (Northern Ireland) 2023**(f)**;
- (g) the Packaging Waste (Data Reporting) (England) (Amendment) Regulations 2024**(g)**;
- (h) the Packaging Waste (Data Collection and Reporting) (Wales) (Amendment) Regulations 2024**(h)**;
- (i) the Packaging Waste (Data Reporting) (Scotland) (Amendment) Regulations 2024**(i)**;
- (j) the Packaging Waste (Data Reporting) (No. 2) (Amendment) Regulations (Northern Ireland) 2024**(j)**.

**2.** The following instruments are revoked on 1st January 2026—

- (a) the 2007 Regulations;
- (b) the 2007 (NI) Regulations;
- (c) the Producer Responsibility Obligations (Packaging Waste) (Amendment No. 2) Regulations 2008**(k)**;
- (d) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2008**(l)**;
- (e) the Producer Responsibility Obligations (Packaging Waste) (Amendment No. 2) Regulations (Northern Ireland) 2008**(m)**;
- (f) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010**(n)**;
- (g) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2010**(o)**;
- (h) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012**(p)**;
- (i) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2013**(q)**;
- (j) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2013**(r)**;
- (k) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2016**(s)**;

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- (a) S.I. 2023/219.
  - (b) S.I. 2023/721.
  - (c) S.I. 2023/798 (W. 127).
  - (d) S.S.I. 2023/7.
  - (e) S.R. 2023 No. 25.
  - (f) S.R. 2023 No. 106.
  - (g) S.I. 2024/359.
  - (h) S.I. 2024/400 (W. 72).
  - (i) S.S.I. 2024/42.
  - (j) S.R. 2024 No. 80.
  - (k) S.I. 2008/1941.
  - (l) S.R. 2008 No. 77.
  - (m) S.R. 2008 No. 373.
  - (n) S.I. 2010/2849.
  - (o) S.R. 2010 No. 396.
  - (p) S.I. 2012/3082.
  - (q) S.R. 2013 No. 262.
  - (r) S.I. 2013/1857.
  - (s) S.R. 2016 No. 79.

- (l) the Producer Responsibility Obligations (Packaging Waste) (Miscellaneous Amendments) Regulations 2016**(a)**;
- (m) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2016**(b)**;
- (n) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2017**(c)**;
- (o) the Producer Responsibility Obligations (Packaging Waste) (Amendment No. 2) Regulations (Northern Ireland) 2017**(d)**;
- (p) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020**(e)**;
- (q) the Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020**(f)**;
- (r) the Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020**(g)**;
- (s) the Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020**(h)**;
- (t) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2022**(i)**;
- (u) the Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2022**(j)**;
- (v) the Producer Responsibility Obligations (Packaging Waste) (Amendment) (England and Wales) Regulations 2022**(k)**;
- (w) the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2023**(l)**;
- (x) the Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations (Northern Ireland) 2023**(m)**;
- (y) the Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2023**(n)**;
- (z) the Producer Responsibility Obligations (Packaging Waste) (Amendment) (England and Wales) Regulations 2023**(o)**.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations impose requirements on producers of packaging who are established in the United Kingdom. They require producers to register with the appropriate agency, to collect and report data in relation to packaging they supply, and to assess the recyclability of packaging they supply. They also require certain producers to meet recycling obligations and to pay annual fees as a contribution to the net costs of local authorities providing a waste management service in

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- (a) S.I. 2016/241.
  - (b) S.I. 2016/1146.
  - (c) S.R. 2017 No. 3.
  - (d) S.R. 2017 No. 230.
  - (e) S.R. 2020 No. 345.
  - (f) S.S.I. 2020/387.
  - (g) S.I. 2020/1336.
  - (h) S.I. 2020/1390 (W. 308).
  - (i) S.R. 2022 No. 286.
  - (j) S.S.I. 2022/330.
  - (k) S.I. 2022/1222.
  - (l) S.R. 2023 No. 183.
  - (m) S.R. 2023 No. 219.
  - (n) S.S.I. 2023/336.
  - (o) S.I. 2023/1244.



relation to household packaging waste, and the costs of providing public information about disposal of packaging waste. They establish a scheme administrator to administer the provisions on disposal costs and to distribute amounts collected from producers. They also regulate compliance schemes which perform obligations on behalf of producers who are scheme members, and reprocessors and exporters of packaging waste.

Part 1 (regulations 1 to 14) contains interpretation and other general provisions. Regulation 13 and Schedule 1 prescribe charges payable for applications and other matters specified in the Regulations.

Part 2 (regulations 15 to 27) contains provision about producers. Chapter 1 specifies the producers, and classes of producers, which may have obligations under these Regulations and, in relation to each class of producer, the packaging in relation to which producers of that class may have obligations. Chapter 2 (regulations 23 to 26) sets out the threshold criteria which determine whether a producer is a large producer or a small producer for the purposes of these Regulations, gives an overview of the producer responsibility obligations of large producers and small producers, and makes provision about assessments of the recyclability of packaging. Chapter 3 (regulation 27) makes provision about the effect of insolvency and other events on a producer's obligations.

Part 3 (regulations 28 to 41) contains more detailed provisions about producer responsibility obligations. Chapter 1 contains provision about registration of producers. Chapter 2 and Schedule 4 contain provision about record-keeping and reporting obligations. Chapter 3 and Schedule 5 contain provision about recycling and certification obligations.

Part 4 (regulations 42 to 56) contains provision about the obligations of compliance schemes and their operators, including requirements for the approval and registration of such schemes, and about the effect of compliance scheme membership upon a producer's obligations.

Part 5 (regulations 57 to 83) contains provision about disposal costs and disposal fees. Chapter 1 contains interpretation provisions. Chapter 2 provides for the appointment of a scheme administrator and Schedule 7 makes further provision about the functions of the scheme administrator and the principles it must follow. Chapter 3 makes certain large producers which supply household packaging ("liable producers") liable to pay disposal fees and administration fees to the scheme administrator and provides for the calculation of those fees. It includes provision for the "modulation" of disposal fees payable by a liable producer (regulation 64), that is, for the scheme administrator to be able to adjust those fees to reflect the extent to which household packaging supplied by the producer is environmentally sustainable, and to incentivize the use of more environmentally sustainable packaging. Chapter 4 makes provision about the assessment by the scheme administrator of the "chargeable disposal costs" of relevant authorities (local authorities with waste collection or disposal functions), that is, the amounts which relevant authorities are entitled to be paid by the scheme administrator out of the disposal fees it collects from liable producers, in respect of the costs those authorities incur in relation to the management of household packaging waste. Chapter 5 provides for the recalculation in certain circumstances of amounts calculated or assessed under Chapters 3 and 4.

Part 6 (regulations 84 to 100) and Schedule 8 regulate reprocessors who recycle packaging waste at reprocessing sites in the United Kingdom and exporters who export packaging waste to be recycled at overseas reprocessing sites. Chapter 1 contains interpretation provisions. Chapter 2 provides for the registration of reprocessors and exporters. Chapter 3 prohibits the issue of PRNs or PERNs (that is, documents which may be used by producers and scheme operators as evidence of compliance with their recycling obligations) by anyone other than a reprocessor or exporter who issues them in accordance with an accreditation granted by the appropriate agency. It makes provision about accreditation and imposes record keeping and reporting requirements on accredited reprocessors and exporters.

In Part 7 (regulations 101 and 102), regulation 101 and Schedule 9 make provision about the application of producer responsibility obligations where two or more members of a corporate group are each a producer, including provision for group registrations. Regulation 102 and

Schedule 10 apply certain record-keeping and reporting requirements to licensors and pub operating businesses.

Part 8 (regulations 103 to 108) and Schedule 11 contain provisions about appeals.

Part 9 (regulations 109 to 113) and Schedule 12 contain provisions about monitoring and enforcement by the appropriate agencies.

Part 10 (regulations 114 to 126) and Schedule 13 contain provisions about offences and civil sanctions.

Part 11 (regulations 127 to 140) contain miscellaneous and supplementary provisions. Regulation 137 and Schedule 15 make transitional, transitory and saving provisions. Regulation 139 and Schedule 17 contain revocations.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is published alongside these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk) and available from the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London, SW1P 4DF.

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