

**EXPLANATORY MEMORANDUM TO**  
**The Producer Responsibility Obligations (Packaging Waste) (Amendment)**  
**Regulations (Northern Ireland) 2016**

**S.R. 2016 No. 79**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 3(1) and Article 4(1)(s) and (t) of the Producer Responsibility Obligations (Northern Ireland) Order 1998 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. The purpose of this instrument is to amend certain provisions of the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007.
- 2.2. The amendments will reduce regulatory burdens by removing the requirement to provide operational plans and enabling producers to delegate the signing of reporting and monitoring requirements to the most appropriate person in the company.

**3. Background**

- 3.1. The concept of Producer Responsibility is an overarching principle that requires packaging producers to take responsibility for the products they place on the market.
- 3.2. The European Union Directive on Packaging and Packaging Waste (94/62/EC) is a Single Market Directive that came into force in 1994. It aims to harmonise national measures for the management of packaging waste and prevent or reduce the impact of packaging and packaging waste on the environment, by encouraging minimisation and reuse and by setting recovery and recycling targets.
- 3.3. The packaging waste regulations have been in place for a significant period of time. Discussions with businesses, administrators and regulators provided an opportunity to review how the regulations were working in practice and for appropriate proposals to be made via consultation.

**4. Consultation**

- 4.1. Northern Ireland participated in a UK-wide consultation between 27th March 2015 and 22nd May 2015. Overall, 53 responses were received from a wide range of stakeholders, 5 of which came from respondents in Northern Ireland.
- 4.2. Overall responses were supportive of the proposals with the majority of the Northern Ireland respondents favouring a streamlined application process and a reduction in administrative burdens.

## **5. Equality Impact**

- 5.1. It was determined at the time of consultation that amendments made by this Rule would have no impact in terms of Section 75 of the Northern Ireland Act 1998.

## **6. Regulatory Impact**

- 6.1. An Impact Assessment was carried out on a UK-wide basis and is published on the [legislation.gov.uk](http://legislation.gov.uk) website.

## **7. Financial Implications**

- 7.1. There are no financial implications associated with these regulations.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. This Statutory Rule complies with the provisions set out in Section 24.

## **9. EU Implications**

- 9.1. The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 implement the European Commission (EC) Directive on Packaging and Packaging Waste (94/62/EC). The amendments in the Statutory Rule ensure continued compliance with the Directive.

## **10. Parity or Replicatory Measure**

- 10.1. Amending legislation to introduce these provisions has been introduced in England, Scotland and Wales.

## **11. Additional Information**

- 11.1. Not applicable.