

## **EXPLANATORY MEMORANDUM TO**

### **The Producer Responsibility Obligations (Packaging Waste) (Amendment No. 2) Regulations (Northern Ireland) 2017**

**S.R. 2017 No. 230**

#### **1. Introduction**

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

#### **2. Purpose**

- 2.1. These Regulations amend the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 and are required to set new business recycling targets for waste packaging materials, to operate from 2018 to 2020.

#### **3. Background**

- 3.1. Statutory minimum recycling and recovery targets on packaging producers are set down in the European Commission Directive on Packaging and Packaging Waste (94/62/EC). The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 initially implemented the Directive by setting 'business recycling targets' which reflect the packaging markets and packaging waste arisings. Business recycling targets are intermittently revised to ensure continued UK compliance with the targets under the Packaging Directive.

#### **4. Consultation**

- 4.1. A UK-wide consultation was open from 29th November 2016 until 6th January 2017. The consultation sought views on which of three options would most appropriately ensure that the UK continues to comply with the EU Packaging Directive targets, whilst maximising the benefits for consumers, businesses and the environment. Detailed figures were included, with Impact Assessments.
- 4.2. Overall, eight responses were received, three of which came from respondents in Northern Ireland. The majority of responses were supportive of the targets set out in these amendment Regulations.

#### **5. Equality Impact**

- 5.1. There are no equality issues associated with these Regulations.

#### **6. Regulatory Impact**

- 6.1. The impacts of these Regulations are technical in nature and are not expected to place any direct additional burdens on businesses, charities, voluntary bodies or the public sector generally. The effect on the relevant

obligated businesses is assessed as minimal as producer responsibility arrangements are already in place and these Regulations provide clarity on future levels. A UK-wide Regulatory Impact Assessment was carried out and can be obtained from Environmental Policy Division, DAERA, 2nd Floor, Klondyke Building, Cromac Avenue, Gasworks Business, Lower Ormeau, Belfast BT7 2JA.

## **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. The Statutory Rule complies with the provisions set out in Section 24.

## **9. EU Implications**

9.1. The Regulations are required to ensure continued compliance with European Commission Directive on Packaging and Packaging Waste (94/62/EC).

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

10.1. Corresponding amendments are being introduced in Great Britain through The Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations 2017. These will be laid on 7th December 2017.

## **11. Additional Information**

11.1. Not applicable.