

**EXPLANATORY MEMORANDUM TO  
THE PRODUCER RESPONSIBILITY OBLIGATIONS (PACKAGING  
WASTE) (AMENDMENT) REGULATIONS 2008**

**2008 SI No. 413**

1. This explanatory memorandum has been prepared by the Department for Environment Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

- 2. Description**

This instrument amends the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (S.I. 2007/871) (“the 2007 Regulations”) by increasing the packaging waste recovery and recycling targets in the 2007 Regulations for 2008, 2009 and 2010 (with the exception of the recycling target for 2008 for paper/board and wood, and the recycling target for 2009 for wood, which are unchanged).

- 3. Matters of special interest to the Joint Committee on Statutory Instruments**

Not applicable

- 4. Legislative Background**

4.1 This instrument amends the 2007 Regulations. The 2007 Regulations impose on producers the obligation to recover and recycle packaging waste, and related obligations, in order to attain the recovery and recycling targets set in Council Directive 94/62/EC on packaging and packaging waste (as amended by Council Regulation (EC) No 1882/2003, Council Directive 2004/12/EC and Council Directive 2005/20/EC (“the Directive”).

4.2 This instrument is made under the powers in sections 93-95 of the Environment Act 1995. Under section 93(2) of the Environment Act 1995 there is a statutory requirement to consult with bodies or persons whose interests are likely to be substantially affected by the instrument. Public consultation was carried out in 2007 on the proposed changes.

- 5. Extent**

5.1 This instrument extends to Great Britain.

5.2 Similar Regulations will be made in Northern Ireland.

- 6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

7.1 The Directive came into force in 1994. It aims to harmonise 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. At the same time, it aims to avoid obstacles to trade and the distortion and restriction of competition within the Community.

7.2 Article 6(1) of the Directive, as amended, sets minimum recovery and recycling targets for packaging waste for the period to 2008, which then have to be sustained over subsequent years. The UK must achieve the Directive targets by 31 December 2008 and thereafter it will have to ensure that at least this level of recovery and recycling is sustained. The Directive targets are:

Minimum recovery	60%
Recycling	55% - 80%
Differentiated material-specific recycling targets of:	
Glass	60%
Paper/board	60%
Metals	50%
Plastics	22.5%
Wood	15%

7.3 The targets in the Directive are implemented in Great Britain through the 2007 Regulations. The 2007 Regulations translate the EU targets into a set of targets for Great Britain which reflect domestic packaging markets and waste arisings. The targets are set at a higher level than the Directive targets to take account of the de minimis threshold in the 2007 Regulations.

7.4 The 2007 Regulations impose obligations on businesses handling more than 50 tonnes of packaging and with a turnover of more than £2 million where the business is involved in manufacturing raw materials for packaging; converting materials into packaging; filling packaging; selling packaging to the final user, leasing out packaging or importing packaging/ packaging materials into Great Britain.

7.5 Analysis of the data used to set the targets in the 2007 Regulations indicates that the 2008 Directive targets would not be met in glass, metals, plastic and overall recovery. In order to correct this, this instrument increases the recovery and recycling targets in the 2007 Regulations for 2008, 2009 and 2010 (with the exception of the recycling target for 2008 for paper/board and wood, and the recycling target for 2009 for wood, which are unchanged).

7.6 The Government consulted on the changes it is now proposing to make including with the Advisory Committee on Packaging (ACP). The ACP is a body which represents the packaging industry and was appointed by

Ministers to monitor the effectiveness of the Regulations and advise Government as and when changes are needed.

## **8. Impact**

8.1 An Impact Assessment is attached to this memorandum.

8.2 The impact on the public sector is negligible.

## **9. Contact**

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