
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 345

ENVIRONMENTAL PROTECTION

The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020

Made - - - - 18 December 2020

Coming into operation 11 January 2021

The Department of Agriculture, Environment and Rural Affairs makes these Regulations in exercise of the powers conferred by Articles 2(3), 3(1) and 4(1) of the Producer Responsibility Obligations (Northern Ireland) Order 1998(1) and now vested in it(2).

The Department of Agriculture, Environment and Rural Affairs makes these Regulations after consultation in accordance with Article 3(2) of the Producer Responsibility Obligations (Northern Ireland) Order 1998, being satisfied as to the matters specified in Article 3(6) of that Order as required by Article 3(5) of that Order and (c) in accordance with the duty in Article 3(7) of that Order.

Citation and commencement

1. These Regulations may be cited as the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 and come into operation on 11 January 2021.

Amendment of the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007

2.—(1) The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007(3) are amended as follows.

(2) In these Regulations, for “recovery and recycling obligations” in every place that it occurs, except for the definition of that expression in regulation 2(2), substitute “recycling obligations”.

(3) In regulation 2(2)—

- (a) omit the definition of “energy recovery”;
- (b) in the definitions of “PERN” and “PRN”, for “recovery” substitute “recycling”;
- (c) in the definition of “producer responsibility obligations” omit “recovery and”;

(1) [S.I. 1998/1762 \(N.I. 16\)](#) relevant amendments are [S.I. 2003/311](#) and [2011 c. 5 \(N.I.\)](#)

(2) The Department of the Environment was dissolved by section 1(9) of the Departments Act (Northern Ireland) 2016 and, by virtue of Article 8(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016, its functions for the purposes of these Regulations were transferred to the Department of Agriculture, Environment and Rural Affairs

(3) [S.R. 2007 No. 198](#); relevant amendments are [S.R. 2017 No. 3](#), [S.R. 2017 No. 230](#)

- (d) omit the definition of “recovery and recycling obligations”;
- (e) “recycling” has the meaning given to it in Article 3 of the Waste Directive;
- (f) for the definition of “recycling obligations” substitute ““recycling obligations” has the meaning given in regulation 4(4)(b);”.
- (4) In regulation 4(4)(b)(i) omit “recover and”.
- (5) In regulation 7(4)(ca)(i)(aa)—
 - (a) for “recover” substitute “recycle”;
 - (b) omit the words from “and, of this,” to the end.
- (6) In regulation 16(3), for “recover” substitute “recycle” in every place that it occurs.
- (7) In regulation 20(3)(a) omit “respectively for recovery and”.
- (8) In regulation 22(2)—
 - (a) in sub-paragraph (a) omit “respectively for recovery and”; and
 - (b) in sub-paragraph (c) omit “recover and”.
- (9) In regulation 24—
 - (a) in paragraph (1)(a)(i), for “recovery” substitute “recycling”;
 - (b) in paragraph (2) for “recovery” substitute “recycling” in every place that it occurs.
- (10) In Schedule 2—
 - (a) in the heading omit “Recovery and”;
 - (b) in paragraph 1(1)—
 - (i) for “, a producer’s obligations to recover and” substitute “and subject to paragraph 1A, a producer’s obligation to”;
 - (ii) in sub-paragraph (a), for “recover” substitute “recycle”;
 - (iii) omit sub-paragraph (b);
 - (iv) in sub-paragraph (c)—
 - (aa) for “recover”, in the first place it occurs, substitute “recycle”;
 - (bb) for “recover by recycling” substitute “recycle”;
 - (c) after paragraph 1, insert—

“**1A.**—(1) For the purposes of paragraph 1(1)(a), where $\sum Q$ is greater than $\sum Z$, a producer’s obligation is to recycle an amount of packaging waste equal to $\sum Q$.

 - (2) In this paragraph—
 - (a) “ $\sum Q$ ” means the sum of Q , as calculated in accordance with paragraph 3(3), for each recyclable material handled by the producer in the preceding year and for each class of producer to which the producer belongs;
 - (b) “ $\sum Z$ ” means the sum of Z , as calculated in accordance with paragraph 3(1), for each class of producer to which the producer belongs.”;
- (d) in paragraph 3—
 - (i) in sub-paragraph (1)—
 - (aa) for “recovered”, substitute “recycled”;
 - (bb) in the definition of “ X ”, for “recovery” substitute “recycling”;
 - (cc) in the definition of “ Z ”, for “recovered” substitute “recycled”;
 - (ii) omit sub-paragraph (2);

- (iii) in sub-paragraph (3), for “recover by recycling” substitute “recycle”;
- (iv) in sub-paragraph (4), in the formula, for “67” substitute “72”;
- (e) For paragraph 5 substitute—
 - “5. The following is prescribed as the recycling target “X”—
 - (a) for the year 2021, 76%;
 - (b) for the year 2022, 77%.”;
- (f) In paragraph 6, for Table 2 substitute—

“Table 2

Recycling targets

<i>Materials</i>	<i>2021</i>	<i>2022</i>
Glass	81	82
Plastic	59	61
Aluminium	66	69
Steel	86	87
Paper/Board	79	83
Wood	35	35”;

- (g) For paragraph 8 substitute—
 - “8. The recycling allocation “B” is 35 for each of the years 2021 and 2022.”.
- (11) In Schedule 3, in Part 3, in paragraph 11(b)—
 - (a) for “recovered” substitute “recycled”;
 - (b) omit “and by which it is to be recycled through the scheme”.
- (12) In Schedule 7, in paragraph 2, omit sub-paragraph (c).

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 18th December 2020



John Mills
A senior officer of the Department of Agriculture
Environment and Rural Affairs

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 ([S.R. 2007 No. 198](#)) (the “2007 Regulations”). The 2007 Regulations impose on producers the obligation to recover and recycle packaging waste in order to attain the recovery and recycling targets set out in Article 6(1) of European Parliament and Council [Directive 94/62/EC](#) on packaging and packaging waste (OJ No L 365, 31.12.94, p10), as last amended by [Directive \(EU\) 2018/852](#).

These Regulations replace the EU recovery and recycling targets, in accordance with [Directive \(EU\) 2018/852](#), with a recycling obligation on producers. They also establish new material specific recycling targets on obligated producers for paper/board, plastic, glass, aluminium, steel and wood as well as the specific re-melt target for glass. The recycling allocation for small producers for 2018 to 2020 is changed for 2021 and 2022.

A full impact assessment of the effect that this Rule will have on costs to business and the voluntary sector is available from the Producer Responsibility Unit at the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London SW1P 4DF and is published with the Explanatory Memorandum alongside this Rule on www.legislation.gov.uk.