
WELSH STATUTORY INSTRUMENTS

2020 No. 1390 (W. 308)

ENVIRONMENTAL PROTECTION, WALES

The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020

<i>Made</i>	- - - -	<i>1 December 2020</i>
<i>Laid before Senedd Cymru</i>		<i>3 December 2020</i>
<i>Coming into force</i>	- -	<i>1 January 2021</i>

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 93(1) and (8) and 94(1)(b), (c) and (d) and (7) of the Environment Act 1995 (“the Act”)(1).

The Welsh Ministers have consulted in accordance with section 93(2) of the Act and are satisfied as to the matters specified in section 93(6).

Title, commencement and application

1.—(1) The title of these Regulations is the Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 and they come into force on 1 January 2021.

(2) These Regulations apply in relation to Wales.

Amendment of Producer Responsibility Obligations (Packaging Waste) Regulations 2007

2.—(1) The Producer Responsibility Obligations (Packaging Waste) Regulations 2007(2) 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) 1995 c. 25. The powers of the Secretary of State were transferred in relation to Wales, by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006, the functions conferred on the Assembly are now exercisable by the Welsh Ministers.

(2) S.I. 2007/871; relevant amending instruments are S.I. 2008/1941, 2010/2849, 2012/3082, 2016/241, 2016/1146, 2017/1221, 2020/904.

- (d) in the definition of “recovery” omit the words from “and for the purposes of” to the end;
- (e) omit the definition of “recovery and recycling obligations”;
- (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”, in every place that it occurs, substitute “recycle”.
- (7) In regulation 20(3) omit “respectively for recovery and”.
- (8) In regulation 22(2)—
 - (a) in sub-paragraph (a) omit “respectively for recovery 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”, in both places it occurs, substitute “recycling”.
- (10) In Schedule 2—
 - (a) in the heading omit “Recovery and”;
 - (b) in paragraph 1(1)—
 - (i) in the words before sub-paragraph (a)—
 - (aa) after “allocation method”, insert “and subject to paragraph 1A.”;
 - (bb) omit “recover and”;
 - (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 that 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) omit “is to be recovered through the scheme and by which it”.
- (12) In Schedule 7, in paragraph 2 omit sub-paragraph (c).

1 December 2020

Lesley Griffiths
Minister for Environment, Energy and Rural
Affairs, one of the Welsh Ministers

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 the Regulations)

These Regulations amend the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (S.I. 2007/871) in relation to Wales. Those 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, p. 10).

These Regulations replace the EU recovery and recycling targets with recycling targets on producers. They also vary the material specific recycling targets on obligated producers for paper, 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.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Resource Efficiency and Circular Economy Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.