

EXPLANATORY MEMORANDUM TO
THE PRODUCER RESPONSIBILITY OBLIGATIONS (PACKAGING WASTE) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2013

SR 2013 No. 262

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment (the Department) to accompany S.R. 2013 No. x which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by Article 3(1) and Article 4(1)(b),(c) and (d) of the Producer Responsibility Obligations (Northern Ireland) Order 1998 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations revoke The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012 and are required to set new recovery and recycling targets for packaging waste for a five-year period from 2013 to 2017 (inclusive).

3. Background

- 3.1. The European Union Directive on Packaging and Packaging Waste (94/62/EC) sets overall recovery and recycling targets for packaging waste together with material specific recycling targets for glass, paper, wood, steel, plastic and aluminium. The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 implement the requirements of the Directive.
- 3.2. Previous recovery and recycling targets were in place until the end of 2012, therefore new targets were required from 1st January 2013 to negate the risk of infraction through non-compliance.

4. Consultation

- 4.1. Northern Ireland participated in a UK-wide consultation between 16 December 2011 and 10 February 2012. Seven responses were received from stakeholders in Northern Ireland, all of which were supportive of an increase in the recovery and recycling targets.

5. Equality Impact

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

6. Regulatory Impact

- 6.1. An Impact Assessment was carried out by Defra on a UK-wide basis and was attached as an appendix to the consultation document. A copy is available on the DOE website at www.doeni.gov.uk/waste.

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 Statutory Rule implements the EU Directive on Packaging and Packaging Waste (94/62/EC) which sets minimum recovery and recycling targets for packaging waste in Member States.

10. Parity or Replicatory Measure

- 10.1. Amending legislation to introduce the same recovery and recycling targets was introduced in England, Scotland and Wales, coming into force on 1st January 2013.

11. Additional Information

- 11.1. These Regulations revoke The Producer Responsibility Regulations (Packaging Waste) (Amendment) Regulations 2012. The revocation is required to ensure compliance with the obligation to notify the European Commission of amendments to technical standards in accordance with the Technical Standards Directive 98/34 /EC. Following notification, Member States are required to observe a standstill period of 3 months to allow for consideration of their content. Failure to comply with this results in regulations being unenforceable in domestic courts.
- 11.2. The Department's understanding was that NI was included as part of the UK Member State notification to the European Commission, however this was not the case, with NI being omitted from the notification. Consequently, the Department has notified the EC of the technical changes and following completion of the 3-month standstill period has made these Regulations.
- 11.3. The Regulations also include a correction to the glass remelt calculation formula. Following publication of the 2012 Regulations an error was discovered, which if applied, would require obligated glass producers to obtain a significantly higher percentage of remelt than the 63% intended. These Regulations will correctly apply the remelt target to the 81% glass recycling target.

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The Statutory Rule is made under Article 3(1) and Article 4(1)(b),(c) and (d) of the Producer Responsibility Obligations (Northern Ireland) Order 1998 and is subject to negative resolution procedure.

Purpose

These Regulations revoke The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012 and are required to set new recovery and recycling targets for packaging waste for a five-year period from 2013 to 2017 (inclusive).

Background

The European Union Directive on Packaging and Packaging Waste (94/62/EC) sets overall recovery and recycling targets for packaging waste together with material specific recycling targets for glass, paper, wood, steel, plastic and aluminium. The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 implement the requirements of the Directive.

The current targets run until the end of 2012, therefore new targets are required from 1st January 2013 to ensure that we continue to meet the Directive's recovery and recycling rates and negate the risk of infraction through non-compliance.

Consultation

Northern Ireland participated in a UK-wide consultation between 16 December 2011 and 10 February 2012. Seven responses were received from stakeholders in Northern Ireland, all of which were supportive of an increase in the recovery and recycling targets.

Equality Impact

There are no equality issues associated with these Regulations.

Regulatory Impact

An Impact Assessment was carried out by Defra on a UK-wide basis and was attached as an appendix to the consultation document. A copy is available on the DOE website at www.doeni.gov.uk/waste.

Financial Implications

There are no financial implications associated with these regulations.

Section 24 of the Northern Ireland Act 1998

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

EU Implications

The Statutory Rule implements the EU Directive on Packaging and Packaging Waste (94/62/EC) which sets minimum recovery and recycling targets for packaging waste in Member States.

Parity or Replicatory Measures

Amending legislation to introduce the same recovery and recycling targets was introduced in England, Scotland and Wales, coming into force on 1st January 2013.

Additional Information

These Regulations revoke S.R. 2012 No.437 which did not comply with notification and standstill arrangements set by the European Commission under the Technical Standards Directive 98/34/EC. UK notification was sent to the Commission but due to an oversight did not include Northern Ireland.