

*Status: Point in time view as at 09/01/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, SCHEDULE 6. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6

Section 52

#### RESOURCE EFFICIENCY INFORMATION

#### PART 1

#### REQUIREMENTS

##### *General power*

- 1 (1) The relevant national authority may by regulations make provision for the purposes of requiring specified persons, in specified circumstances, to provide specified information about the resource efficiency of specified products.
- (2) The regulations may not make such provision in relation to a product which is—
  - (a) a medicinal product, within the meaning of the Human Medicines Regulations 2012 (S.I. 2012/1916);
  - (b) a veterinary medicinal product, within the meaning of the Veterinary Medicines Regulations 2013 (S.I. 2013/2033);
  - (c) food, within the meaning of article 2 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
- (3) Sub-paragraph (2) does not prevent the regulations making provision in relation to a product which is not within that sub-paragraph, but is packaging for a product which is within that sub-paragraph.

##### **Commencement Information**

**II** Sch. 6 para. 1 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

##### *Meaning of “information about resource efficiency”*

- 2 (1) Information about resource efficiency, in relation to a product, means information which—
  - (a) is within sub-paragraph (2) or (3), and
  - (b) is relevant to the product’s impact on the natural environment.
- (2) The information within this sub-paragraph is information about—
  - (a) the expected life of the product;
  - (b) aspects of the product’s design which affect its expected life;
  - (c) the availability or cost of component parts, tools, or anything else required to repair or maintain the product;

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- (d) whether the product can be upgraded, and the availability or cost of upgrades;
  - (e) any other matter relevant to repairing, maintaining, remanufacturing or otherwise prolonging the expected life of, the product;
  - (f) the ways in which the product can be disposed of at the end of its life (including whether and to what extent it can be recycled, and whether materials used in it can be extracted and reused or recycled).
- (3) The information within this sub-paragraph is information about—
- (a) the materials from which the product is manufactured;
  - (b) the techniques used in its manufacture;
  - (c) the resources consumed during its production or use;
  - (d) the pollutants (including greenhouse gases within the meaning of section 92 of the Climate Change Act 2008) released or emitted at any stage of the product’s production, use or disposal.

**Commencement Information**

**I2** Sch. 6 para. 2 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

*Persons on whom requirements may be imposed*

- 3 The regulations may impose requirements to provide information in relation to a product on a person only if the person is a person connected with the manufacture, import, distribution, sale or supply of the product.

**Commencement Information**

**I3** Sch. 6 para. 3 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

*Examples of provision that may be made*

- 4 The regulations may include provision—
- (a) about how information about a product is to be provided (for example, by affixing a label to the product);
  - (b) conferring on specified persons the function of determining whether specified products or materials have specified properties or characteristics (for example, whether they can be recycled) and publishing the results of such determinations;
  - (c) specifying a scheme for classifying products by reference to matters about which resource efficiency information must be provided;
  - (d) requiring information provided about a product to be determined according to specified criteria (for example, according to results published by virtue of paragraph (b) or classification schemes under paragraph (c)).

**Commencement Information**

**I4** Sch. 6 para. 4 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

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### *Consultation etc requirements*

- 5 (1) Before making regulations under this Part of this Schedule the relevant national authority must—
- (a) consult any persons the authority considers appropriate, and
  - (b) have regard to the matters in sub-paragraph (2).
- (2) The matters are—
- (a) the extent to which the proposed regulations are likely to reduce the product’s impact on the natural environment at any stage of its production, use or disposal;
  - (b) the environmental, social, economic or other costs of complying with the regulations;
  - (c) whether exemptions should be given, or other special provision made, for smaller businesses.
- (3) The requirement in sub-paragraph (1)(a) may be met by consultation carried out before this paragraph comes into force.

#### **Commencement Information**

**I5** Sch. 6 para. 5 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

### *Interpretation*

- 6 In this Part of this Schedule—
- “natural environment” has the same meaning as in Part 1 of this Act (see section 44);
  - “product” includes a product which is a component part of, or packaging for, another product;
  - “specified” means specified in, or determined in accordance with, the regulations.

#### **Commencement Information**

**I6** Sch. 6 para. 6 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

## **PART 2**

### **ENFORCEMENT**

### *General power*

- 7 The relevant national authority may by regulations (“Part 2 regulations”) make provision about the enforcement of requirements imposed by regulations (“Part 1 regulations”) made by the authority under Part 1 of this Schedule.

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**Commencement Information**

**I7** Sch. 6 para. 7 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

*Powers to confer functions*

- 8 (1) Part 2 regulations may include provision conferring functions on one or more persons specified in the regulations (each of whom is an “enforcement authority” for the purposes of this Part).
- (2) Part 2 regulations may include provision—
- (a) conferring functions involving the exercise of discretion;
  - (b) for the functions of an enforcement authority to be exercised on its behalf by persons authorised in accordance with the regulations.
- (3) Part 2 regulations may include provision requiring an enforcement authority to issue guidance about the exercise of its functions.

**Commencement Information**

**I8** Sch. 6 para. 8 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

*Monitoring compliance*

- 9 Part 2 regulations may include provision conferring on an enforcement authority the function of monitoring compliance with requirements imposed by Part 1 regulations (which may include the function of testing or assessing products).

**Commencement Information**

**I9** Sch. 6 para. 9 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

*Records and information*

- 10 Part 2 regulations may include provision—
- (a) requiring persons on whom requirements are imposed by Part 1 regulations to keep records;
  - (b) requiring persons on whom requirements are imposed by Part 1 regulations to provide records or other information to an enforcement authority;
  - (c) requiring an enforcement authority to make reports or provide information to the relevant national authority.

**Commencement Information**

**I10** Sch. 6 para. 10 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

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### *Powers of entry etc*

- 11 (1) Part 2 regulations may include provision conferring on an enforcement authority powers of entry, inspection, examination, search and seizure.
- (2) Part 2 regulations may include provision—
- (a) for powers to be exercisable only under the authority of a warrant issued by a justice of the peace, sheriff, summary sheriff or lay magistrate;
  - (b) about applications for, and the execution of, warrants.
- (3) Part 2 regulations must secure that the authority of a warrant is required for the exercise of any powers conferred by the regulations to—
- (a) enter premises by force;
  - (b) enter a private dwelling without the consent of the occupier;
  - (c) search and seize material.

#### **Commencement Information**

**III** Sch. 6 para. 11 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

### *Sanctions*

- 12 (1) Part 2 regulations may include provision—
- (a) for, about or connected with the imposition of civil sanctions in respect of—
    - (i) failures to comply with Part 1 regulations or Part 2 regulations, or
    - (ii) the obstruction of or failure to assist an enforcement authority;
  - (b) for appeals against such sanctions.
- (2) Part 2 regulations may include provision—
- (a) creating criminal offences punishable with a fine in respect of—
    - (i) failures to comply with civil sanctions imposed under Part 2 regulations, or
    - (ii) the obstruction of or failure to assist an enforcement authority;
  - (b) about such offences.
- (3) In this paragraph “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).
- (4) Part 2 regulations may include provision for the imposition of sanctions of that kind whether or not—
- (a) the conduct in respect of which the sanction is imposed constitutes an offence,
  - (b) the enforcement authority is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008, or
  - (c) the relevant national authority may make provision for the imposition of sanctions under that Part.

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**Commencement Information**

**I12** Sch. 6 para. 12 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

*Costs*

- 13 Part 2 regulations may include provision—
- (a) requiring persons on whom requirements are imposed by Part 1 regulations to pay costs incurred by an enforcement authority in performing its functions;
  - (b) authorising a court or tribunal dealing with any matter under Part 1 regulations or Part 2 regulations to award to an enforcement authority costs incurred by it in performing its functions in relation to that matter.

**Commencement Information**

**I13** Sch. 6 para. 13 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

*Consultation requirement*

- 14 (1) Before making Part 2 regulations the relevant national authority must consult any persons the authority considers appropriate.
- (2) The requirement in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.

**Commencement Information**

**I14** Sch. 6 para. 14 in force at 9.1.2022 for E.W.S., see s. 147(2)(b)

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