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STATUTORY INSTRUMENTS

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**2008 No. 413**

**ENVIRONMENTAL PROTECTION**

**The Producer Responsibility Obligations  
(Packaging Waste) (Amendment) Regulations 2008**

<i>Made</i>	- - - -	<i>19th February 2008</i>
<i>Laid before Parliament</i>		<i>21st February 2008</i>
<i>Coming into force</i>	- -	<i>14th March 2008</i>

These Regulations are made by the Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by sections 93 to 95 of the Environment Act 1995(1), after consultation in accordance with section 93(2) of that Act.

As these Regulations implement Article 6(1) of Council Directive [94/62/EC](#) on packaging and packaging waste(2), the Secretary of State has had regard to the matters specified in section 93(6) of that Act as required by section 93(5) of that Act.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2008 and come into force on 14 March 2008.

(2) These Regulations extend to Great Britain.

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

2.—(1) Schedule 2 (recovery and recycling obligations) to the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(3) is amended as follows.

(2) In paragraph 5—

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- (1) [1995 c. 25](#). Under section 57 of the Scotland Act [1998 \(c. 46\)](#), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Community law in respect of devolved matters, the Secretary of State's function in relation to implementing those obligations continues to be exercisable as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act [2006 \(c. 32\)](#), despite the transfer of the relevant functions of the Secretary of State so far as they are exercisable in relation to Wales to the Welsh Ministers by virtue of Article 2 and Schedule 1 of the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)) and section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006, the Secretary of State's function in relation to implementing obligations under Community law continues to be exercisable as regards Wales.
- (2) OJ No. L 365, 31.12.1994, p10, as amended by Council Regulation ([EC](#)) No. [1882/2003](#) (OJ No. L 284, 31.10.2003, p1), Council Directive [2004/12/EC](#) (OJ No. L 47, 18.2.2004, p26) and Council Directive [2005/20/EC](#) (OJ No. L 70, 16.3.2005, p17).
- (3) [S.I. 2007/871](#).

- (a) in sub-paragraph (c), for “68%” substitute “72%”;
- (b) in sub-paragraph (d), for “69%” substitute “73%”; and
- (c) in sub-paragraph (e), for “70%” substitute “74%”.

(3) In paragraph 6, in Table 2 (recycling targets), for the columns headed “2008”, “2009” and “2010” substitute the following columns—

<i>“2008</i>	<i>2009</i>	<i>2010</i>
78	80	81
35	38	40
68	68.5	69
67.5	68.5	69.5
26	27	29
20.5	21	22”

*Joan Ruddock*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

19th February 2008

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (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 out in Article 6(1) of Council Directive [94/62/EC](#) on packaging and packaging waste (OJ No. L 365, 31.12.1994, p10, as amended by Council Regulation [\(EC\) No. 1882/2003](#) (OJ No. L 284, 31.10.2003, p1), Council Directive [2004/12/EC](#) (OJ No. L 47, 18.2.2004, p26) and Council Directive [2005/20/EC](#) (OJ No. L 70, 16.3.2005, p17)). These Regulations change the recovery and recycling targets for 2008, 2009 and 2010 imposed on producers by the 2007 Regulations.

An Impact Assessment which shows the anticipated cost of compliance to businesses and the environmental benefits in respect of these Regulations may be obtained from the Producer Responsibility Unit, Zone 6D, Ergon House, Horseferry Road, London SW1P 2AL and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.