

2008 No. 77

PUBLIC HEALTH

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

Made - - - - - *29th February 2008*

Coming into operation - - - - - *6th April 2008*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 2(2) of the European Communities Act 1972(a) and Articles 3-5 of the Producer Responsibility Obligations (Northern Ireland) Order 1998(b).

These Regulations are made for the implementation of Article 6(1) of Council Directive 94/62/EC on packaging and packaging waste.

The Department of the Environment was designated(c) for the purpose of section 2(2) of the European Communities Act 1972 in relation to measures in relating to the prevention, reduction and elimination of pollution caused by waste and the management of packaging and packaging waste.

Accordingly, after consultation in accordance with Article 3(2) of the Producer Responsibility Obligations (Northern Ireland) Order 1998 and being satisfied as to the matters specified in Article 3(6) of that Order as required by Article 3(5) of that Order, the Department makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2008 and come into operation on 6th April 2008.

(2) The Interpretation Act (NI) 1954(d) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

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

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

(a) 1972 c.68

(b) S.I.1998/1762 (N.I. 16)

(c) The Department was designated under the European Communities (Designation) Order 1996 under Article 2 and the Schedule (S.I. 1996/266)

(d) 1954 c.33 (N.I.)

(2) In Regulation 2(2) for the definition of the “Waste Directive” substitute “means Council Directive 2006/12/EC on waste;”.

(3) In Regulation 35(3) and (4) and paragraph 1(1) and (3) of Schedule 8 for the phrase “justice of the peace” in each instance where it occurs, substitute “lay magistrate”; and

(4) In paragraph 1(1) of Schedule 8, for the words “the justice” substitute “the lay magistrate”

(5) In Schedule 2 (recovery and recycling obligations)

(a) In paragraph 5(c), for “68%” substitute “72%”.

(b) In paragraph 5(d), for “69%” substitute “73%”.

(c) In paragraph 5(e), for “70%” substitute “74%”.

(6) In paragraph 6, Table 2 (recycling targets) there is substituted—

“Table 2: Recycling targets

<i>Material</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Paper target	66.5	67	67.5	68.5	69.5
Glass target	65	69.5	78	80	81
Aluminium target	29	31	35	38	40
Steel target	56	57.5	68	68.5	69
Plastic target	23	24	26	27	29
Wood target	19.5	20	20.5	21	22”

Sealed with the Official Seal of the Department of the Environment on 29th February 2008.



Wesley Shannon

A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 (the “2007 Regulations”). These Regulations correct an error in the 2007 Regulations in respect of the definition of the Waste Directive. 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, p.10, as amended by Council Regulations (EC) No. 1882/2003 (OJ No. L 284, 31.10.2003, p.1), Council Directive 2004/12/EC (OJ No. L 47, 18.2.2004, p.26) and Council Directive 2005/20/EC (OJ No. L 70, 16.3.2005, p.17)). These Regulations increase the recovery and recycling targets 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.