
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in sections 11 and 22 of, and paragraph 1 of Part 1, of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. In particular the Regulations update previous EU Exit amendments made in 2019 to take account of changes which have been made to various EU Directives by the EU Circular Economy Package. This includes updating cross-references which existing EU Exit SIs insert into legislation, where the cross-references have become out of date due to recent legislative changes and updating modifications to Directives which no longer work because the Directives have been amended by the Circular Economy Package. The Regulations also amend references to ‘exit day’ in existing EU Exit SIs, to refer instead to IP completion day. In addition, the Regulations take into account recent Department for Environment, Food & Rural Affairs (Defra) EU exit legislation changes made through the Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020.

The Regulations are also made in exercise of powers in paragraph 11M of Part 1C of Schedule 2 to the European Union (Withdrawal) Act 2018 and contain minor amendments to the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 (via amendments to the Waste (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019) to implement the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement.