

EXPLANATORY MEMORANDUM TO
The Producer Responsibility Obligations (Packaging Waste) (Amendment)
Regulations (Northern Ireland) 2023

2023 No. 183

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above), which is to be laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under the powers conferred by section 50 of, and paragraphs 1(1) and 2(2) of Schedule 4 to, The Environment Act 2021 and is subject to the negative resolution procedure.
- 1.3. The Statutory Rule is due to come into operation on 01 January 2024.

2. Purpose

- 2.1. The purpose of the Statutory Rule is to make a change to Producer Responsibility legislation so it can take into account the packaging waste targets for 2024.

3. Background

- 3.1. The EU Directive on Packaging and Packaging Waste (94/62/EC) introduced statutory producer responsibility into the management of packaging materials with the aim of minimising the impact of packaging waste on the environment through the reduction in the amount of packaging used. Producers are encouraged to reduce packaging through innovative design, and by setting challenging targets for the recovery and recycling of the waste. Packaging materials include all packaging waste throughout complex value chains, including pallets and pallet wrap, packing blankets, single use plastics, cans bottles, plastic film in food packaging and carrier bags.
- 3.2. The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 implement the European Commission (EC) Directive on Packaging and Packaging Waste (94/62/EC) which sets minimum recovery and recycling targets for packaging waste for all Member States.
- 3.3. These amended Regulations replace the EU recovery and recycling targets, in accordance with Directive (EU) 2018/852, with a recycling obligation on producers. They also establish new material specific recycling targets on obligated producers for paper/board, plastic, glass, aluminium, steel and wood as well as the specific re-melt target for glass.

4. Consultation

- 4.1. The proposed recycling targets for 2024-30 were consulted on as part of the UK-wide consultation on EPR for Packaging, held from 24th March to 4th June 2021. A total of 1,241 responses were received to this

consultation, which were broadly in favour of the proposed recycling rates for 2024-30.

- 4.2. Due to the deferral of the EPR SI, further engagement has been undertaken with stakeholders to ensure that the targets are in line with the consultation proposals.
- 4.3. The recycling targets for 2024 reflect the proposed targets included in the EPR consultation, taking into account that the EPR proposals included a change to the point of obligation which would have implications for the split of costs.
- 4.4. A link to the full government response to the consultation can be found here: [EPR Consultation Government response template](#) .

5. Equality Impact

- 5.1. In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. No adverse equality impacts have been identified under the Equality and Human Rights screening procedures. The Department considers the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

- 6.1. As these Regulations are to ensure that the relevant packaging waste targets for 2024 are implemented no major impact was identified.

7. Financial Implications

- 7.1. The Statutory Rule is not expected to have any significant financial implications.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. The Implementation of the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2023 is still an EU obligation under the Withdrawal Agreement, this Statutory Rule ensures that necessary targets are in place for 2024.

10. Parity or Replicatory Measure

- 10.1. Producer responsibility is devolved, and the other regions of the United Kingdom are making their own regulations. This statutory rule brings Northern Ireland legislation into line with the legislative changes in England, Scotland and Wales.

11. Additional Information

- 11.1. The Implementation of the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2023 is still an EU obligation under the Withdrawal Agreement and Windsor

Framework, this Statutory Rule ensures that necessary targets are in place for 2024.

12. Contact

- 12.1. Laurence McCann at the Department of Agriculture, Environment and Rural Affairs, (Tel: 028 90569725 or email: Laurence.McCann@daera-ni.gov.uk) can be contacted with any queries around the regulation.