

EXPLANATORY MEMORANDUM TO

The Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations (Northern Ireland) 2023

SR 2023 No. 219

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 1st February 2024.

2. Purpose

- 2.1. The purpose of the Statutory Rule is to amend the Producer Responsibility legislation to update the formula used in the calculation of the amount of glass packaging waste to be recycled by re-melt.

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. This new SR updates the specific glass re-melt target for obligated producers.

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 broadly in line with the consultation proposals.
- 4.3. The re-melt target for glass broadly reflects the proposed target 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 this Regulation makes only a small change to the formula for the calculation of glass re-melt 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 No.2) Regulations (Northern Ireland) 2023 will contribute to NI meeting its obligations under the Windsor Framework in respect of the Packaging and Packaging Waste directive (94/62/EC) as the re-melt target for glass contributes to the EU 70% target for glass and the EU 65% target by weight of all packaging waste recycling (no later than 31 December 2025) specified in the Directive.

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 amendment will alter the formula used in the calculation of glass re-melt by changing the figure of "72" to "75".

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.