

POLICY NOTE

THE PRODUCER RESPONSIBILITY OBLIGATIONS (PACKAGING WASTE) AMENDMENT (SCOTLAND) REGULATIONS 2022

SSI 2022/330

The above instrument was made in exercise of the powers conferred by section 50 and schedule 4 of the Environment Act 2021. The instrument is subject to the negative procedure.

Purpose of the instrument. To amend the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (“the 2007 Regulations”) to set the targets for recycling packaging waste that obligated producers must meet for 2023.

Policy Objectives

The 2007 Regulations apply to Great Britain. This instrument amends the 2007 Regulations for Scotland only; similar amending instruments to set the same level of targets are being made in relation to England and Wales by the UK Government. Northern Ireland has separate Regulations and will make similar changes in parallel.

The 2007 Regulations impose producer responsibility obligations on producers of packaging to recycle a proportion of the packaging they place on the market to support achievement of overall recycling targets. Obligated producers are required to obtain evidence from accredited reprocessors and exporters to demonstrate that they have met these recycling targets.

Obligated producers are businesses that: manufacture raw materials for packaging; convert materials into packaging; fill packaging; sell packaging to the final user; lease out packaging; or import packaging or packaging materials into Great Britain. Businesses are exempt if they handle 50 tonnes or less of packaging, and/or have a turnover of £2 million or less.

The current recycling targets expire at the end of 2022. This instrument sets the recycling targets that obligated producers will have to meet in 2023 and is required to ensure that obligated producers continue to have producer responsibility obligations.

Along with the other UK administrations, the Scottish Government is bringing forward a suite of reforms to the packaging producer responsibility system with the intention of creating Extended Producer Responsibility (EPR) for packaging. The four administrations consulted on proposals for packaging EPR from March-June 2021 and published a government response setting out their policy intentions on 26 March 2022.¹ Packaging EPR is intended to be in place from 2024 onwards.

The new packaging EPR legislation will set the recycling targets for producers once it comes into force. As this instrument is essentially an interim measure, designed to ensure that

¹ [EPR Consultation Government response March 2022 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/107143/epr-consultation-response-march-2022.pdf)

producers continue to have producer responsibility obligations for packaging until packaging EPR is established, the UK and Devolved Administrations consider that it is appropriate to maintain the targets for 2023 at the same level as for 2022. Packaging EPR, once in place, will drive an increase in the quantity and quality of recycling collected across the UK.

Consultation

As set out above, these targets are being set for 2023 as an interim measure before packaging EPR comes in from 2024. Recycling targets for 2023 were included in the public consultation on EPR carried out jointly by the UK and Devolved Administrations. The Scottish Government is amending the 2007 Regulations in relation to Scotland and introducing recycling targets for 2023 in line with the responses to the consultation received from producers, key materials organisations, trade bodies, and other stakeholders in the course of this consultation. The targets have been agreed between the UK and the Devolved Administrations.

Impact Assessments

As this instrument is aligned with provisions being introduced by the other UK administrations on the basis of a UK-wide consultation and attendant Impact Assessment, the Scottish Government does not consider it necessary to carry out Scottish-specific impact assessments for this instrument. An impact assessment for packaging EPR was published alongside the government response on 26 March 2022.²

Financial Effects

As this instrument is aligned with provisions being introduced by the other UK administrations on the basis of a UK-wide consultation and attendant impact assessment (see above), the Scottish Government does not consider it necessary to carry out a Scottish-specific Business and Regulatory Impact Assessment (BRIA).

Scottish Government
Directorate for Environment and Forestry

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² [EPR Impact Assessment March 2022 \(publishing.service.gov.uk\)](#)