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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order confers additional powers on the Scottish Environment Protection Agency (“SEPA”) to enable it to enforce the requirements of the Deposit and Return Scheme for Scotland Regulations 2020 (“the DRS regulations”) by reflecting an additional offence added by the Deposit and Return Scheme for Scotland Amendment Regulations 2022, and to enforce the requirements of the Packaging Waste (Data Reporting) (Scotland) Regulations 2022 (“the Data Reporting Regulations”).

It amends the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 (“the 2015 Order”) so that, where the additional offence is committed under the DRS Regulations or offences are committed under the Data Reporting Regulations, SEPA may also exercise its powers under the 2015 Order to impose a fixed or variable monetary penalty, or to accept an enforcement undertaking.