

Status: Point in time view as at 30/09/2022.

Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, PART 1. (See end of Document for details)

SCHEDULES

SCHEDULE 7

RESOURCE EFFICIENCY REQUIREMENTS

PART 1

REQUIREMENTS

General power

- 1 (1) The relevant national authority may by regulations make provision for the purposes of requiring specified products, in specified circumstances, to meet specified resource efficiency requirements.
- (2) The regulations may not make such provision in relation to a product which is—
 - (a) an energy-related product, within the meaning of the Ecodesign for Energy-Related Products Regulations 2010 (S.I. 2010/2617);
 - (b) a medicinal product, within the meaning of the Human Medicines Regulations 2012 (S.I. 2012/1916);
 - (c) a veterinary medicinal product, within the meaning of the Veterinary Medicines Regulations 2013 (S.I. 2013/2033);
 - (d) food, within the meaning of article 2 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
- (3) Sub-paragraph (2) does not prevent the regulations making provision in relation to a product which is not within that sub-paragraph, but is packaging for a product which is within that sub-paragraph.

Commencement Information

- I1** Sch. 7 para. 1 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
- I2** Sch. 7 para. 1 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Meaning of “resource efficiency requirements”

- 2 (1) “Resource efficiency requirements”, in relation to a product, means requirements which—
 - (a) are within sub-paragraph (2) or (3), and
 - (b) are relevant to the product’s impact on the natural environment.
- (2) The requirements within this sub-paragraph are requirements relating to—
 - (a) aspects of the product’s design which affect its expected life;

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- (b) the availability or cost of component parts, tools, or anything else required to repair or maintain the product;
 - (c) whether the product can be upgraded, and the availability or cost of upgrades;
 - (d) any other matter relevant to repairing, maintaining, remanufacturing or otherwise prolonging the expected life of, the product;
 - (e) the ways in which the product can be disposed of at the end of its life (including whether and to what extent it can be recycled, and whether materials used in it can be extracted and reused or recycled).
- (3) The requirements within this sub-paragraph are requirements relating to—
- (a) the materials from which the product is manufactured;
 - (b) the techniques used in its manufacture;
 - (c) the resources consumed during its production or use;
 - (d) the pollutants (including greenhouse gases within the meaning of section 92 of the Climate Change Act 2008) released or emitted at any stage of the product’s production, use or disposal.
- (4) Resource efficiency requirements may be specified by reference to standards prepared by a specified person.

Commencement Information

- I3** Sch. 7 para. 2 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
I4 Sch. 7 para. 2 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Persons on whom requirements may be imposed

- 3 The regulations may impose resource efficiency requirements on a person only if the person is connected with the manufacture, import, distribution, sale or supply of the product.

Commencement Information

- I5** Sch. 7 para. 3 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
I6 Sch. 7 para. 3 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Examples of provision that may be made

- 4 (1) The regulations may include provision—
- (a) prohibiting a product being distributed, sold or supplied unless it meets resource efficiency requirements;
 - (b) requiring persons connected with the manufacture, import, distribution, sale or supply of a product to provide information to other such persons.
- (2) The regulations may include provision—
- (a) about how and by whom a product’s compliance with resource efficiency requirements is to be determined;
 - (b) for appeals against such determinations;

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- (c) about how a product’s compliance with resource efficiency requirements is to be evidenced (for example, by affixing a label or applying a marking to a product).

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- I7** Sch. 7 para. 4 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)
I8 Sch. 7 para. 4 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Consultation etc requirements

- 5 (1) Before making regulations under this Part of this Schedule the relevant national authority must—
- (a) consult such persons as the authority considers appropriate, and
 - (b) where sub-paragraph (3) or (4) applies, publish for the purposes of the consultation—
 - (i) the authority’s assessment of the matters it must be satisfied of, and
 - (ii) a draft of the regulations.
- (2) The requirements in sub-paragraph (1) may be met by consultation carried out, and assessments and draft regulations published, before this paragraph comes into force.
- (3) Before making regulations under this Part of this Schedule in relation to a new product, the relevant national authority must be satisfied that—
- (a) the product has a significant impact on the natural environment at any stage of its production, use or disposal,
 - (b) the proposed regulations would be likely to reduce the product’s impact on the natural environment,
 - (c) the benefit of that would be significant as against the likely environmental, social, economic or other costs of the proposed regulations, and
 - (d) a reduction in the product’s impact on the natural environment could not be achieved as effectively without making the regulations.
- (4) Before making regulations under this Part of this Schedule which—
- (a) specify additional resource efficiency requirements in relation to a product, or
 - (b) specify additional persons who must meet resource efficiency requirements in relation to a product,
- the relevant national authority must be satisfied of the matters in sub-paragraph (3) (b) to (d).
- (5) A “new product” means a product in relation to which there are no existing regulations made by the relevant national authority under this Part of this Schedule.
- (6) Before making regulations under this Part of this Schedule the relevant national authority must consider whether exemptions should be given, or other special provision made, for smaller businesses.

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- I9** Sch. 7 para. 5 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)

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I10 Sch. 7 para. 5 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

Interpretation

6 In this Part of this Schedule—

“natural environment” has the same meaning as in Part 1 of this Act (see section 44);

“product” includes a product which is a component part of, or packaging for, another product;

“specified” means specified in, or determined in accordance with, the regulations.

Commencement Information

I11 Sch. 7 para. 6 in force at 9.1.2022 for E.W.S., see s. 147(2)(c)

I12 Sch. 7 para. 6 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(e)

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