

2020 No. 1336

ENVIRONMENTAL PROTECTION, ENGLAND

**The Producer Responsibility Obligations (Packaging Waste)
(Amendment) (England) Regulations 2020**

<i>Made</i>	- - - -	<i>23rd November 2020</i>
<i>Laid before Parliament</i>		<i>24th November 2020</i>
<i>Coming into force</i>	- -	<i>1st January 2021</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 93(1) and (8) and 94(1)(b), (c) and (d) and (7) of the Environment Act 1995 (“the Act”)(a).

The Secretary of State has consulted in accordance with section 93(2) of the Act and is satisfied as to the matters specified in section 93(6).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 and come into force on 1st January 2021.

(2) They apply in England only.

Amendment of Producer Responsibility Obligations (Packaging Waste) Regulations 2007

2.—(1) The Producer Responsibility Obligations (Packaging Waste) Regulations 2007(b) are amended as follows.

(2) In these Regulations, for “recovery and recycling obligations” in every place that it occurs, except for the definition of that expression in regulation 2(2), substitute “recycling obligations”.

(3) In regulation 2(2)—

- (a) omit the definition of “energy recovery”;
- (b) in the definitions of “PERN” and “PRN”, for “recovery” substitute “recycling”;
- (c) in the definition of “producer responsibility obligations” omit “recovery and”;
- (d) in the definition of “recovery” omit the words from “and for the purposes of” to the end;
- (e) omit the definition of “recovery and recycling obligations”;
- (f) for the definition of “recycling obligations” substitute—

“recycling obligations” has the meaning given in regulation 4(4)(b);”.

(4) In regulation 4(4)(b)(i) omit “recover and”.

(a) 1995 c. 25.

(b) S.I. 2007/871; relevant amending instruments are S.I. 2008/1941, 2010/2849, 2011/988, 2012/3082, 2013/1857, 2016/241, 2016/1146, 2017/1221, 2019/188, 2020/904.

- (5) In regulation 7(4)(ca)(i)(aa)—
 - (a) for “recover” substitute “recycle”;
 - (b) omit the words from “and of this” to the end.
- (6) In regulation 16(3), for “recover”, in every place that it occurs, substitute “recycle”.
- (7) In regulation 20(3) omit “respectively for recovery and”.
- (8) In regulation 22(2)—
 - (a) in sub-paragraph (a) omit “respectively for recovery and”;
 - (b) in sub-paragraph (c) omit “recover and”.
- (9) In regulation 24—
 - (a) in paragraph (1)(a)(i), for “recovery” substitute “recycling”;
 - (b) in paragraph (2) for “recovery”, in both places that it occurs, substitute “recycling”.
- (10) In Schedule 2—
 - (a) in the heading omit “Recovery and”
 - (b) in paragraph 1(1)—
 - (i) in the words before sub-paragraph (a)—
 - (aa) after “allocation method”, insert “and subject to paragraph 1A,”;
 - (bb) omit “recover and”;
 - (ii) in sub-paragraph (a), for “recover” substitute “recycle”;
 - (iii) omit sub-paragraph (b);
 - (iv) in sub-paragraph (c)—
 - (aa) for “recover”, in the first place that it occurs, substitute “recycle”;
 - (bb) for “recover by recycling” substitute “recycle”;
 - (c) after paragraph 1, insert—

“**1A.**—(1) For the purposes of paragraph 1(1)(a), where $\sum Q$ is greater than $\sum Z$, a producer’s obligation is to recycle an amount of packaging waste equal to $\sum Q$.

(2) In this paragraph—

 - (a) “ $\sum Q$ ” means the sum of Q, as calculated in accordance with paragraph 3(3), for each recyclable material handled by the producer in the preceding year and for each class of producer to which the producer belongs;
 - (b) “ $\sum Z$ ” means the sum of Z, as calculated in accordance with paragraph 3(1), for each class of producer to which the producer belongs.”;
 - (d) in paragraph 3—
 - (i) in sub-paragraph (1)—
 - (aa) for “recovered”, substitute “recycled”;
 - (bb) in the definition of “X”, for “recovery” substitute “recycling”;
 - (cc) in the definition of “Z”, for “recovered” substitute “recycled”;
 - (ii) omit sub-paragraph (2);
 - (iii) in sub-paragraph (3), for “recover by recycling” substitute “recycle”;
 - (iv) in sub-paragraph (4), in the formula, for “67” substitute “72”;
 - (e) for paragraph 5 substitute—

“**5.** The following is prescribed as the recycling target “X”—

 - (a) for the year 2021, 76%;
 - (b) for the year 2022, 77%.”;
 - (f) in paragraph 6, for Table 2 substitute—

“Table 2

Recycling targets

<i>Materials</i>	<i>2021</i>	<i>2022</i>
Glass	81	82
Plastic	59	61
Aluminium	66	69
Steel	86	87
Paper/Board	79	83
Wood	35	35”;

(g) for paragraph 8 substitute—

“8. The recycling allocation “B” is 35 for each of the years 2021 and 2022.”.

(11) In Schedule 3, in Part 3, in paragraph 11(b), omit “is to be recovered through the scheme and by which it”.

(12) In Schedule 7, in paragraph 2, omit sub-paragraph (c).

Rebecca Pow

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

23rd November 2020

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (S.I. 2007/871). Those Regulations impose on producers the obligation to recover and recycle packaging waste in order to attain the recovery and recycling targets set out in Article 6(1) of European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ No L 365, 31.12.94, p10).

These Regulations replace the EU recovery and recycling targets with recycling targets on producers. They also vary the material specific recycling targets on obligated producers for paper, plastic, glass, aluminium, steel and wood as well as the specific re-melt target for glass. The recycling allocation for small producers for 2018 to 2020 is changed for 2021 and 2022.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Producer Responsibility Unit at the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London SW1P 4DF and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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