
STATUTORY INSTRUMENTS

2020 No. 904

The Waste (Circular Economy) (Amendment) Regulations 2020

PART 3

Amendments to secondary legislation

The Packaging (Essential Requirements) Regulations 2015

19.—(1) The Packaging (Essential Requirements) Regulations 2015(1) are amended as follows.

(2) In regulation 2(1)—

- (a) in the definition of “the Directive”, at the end insert “, as last amended by Council Directive (EU) 2018/852”;
- (b) in the definition of “the Waste Directive”, for “Council Regulation (EU) 2017/997” substitute “Directive (EU) 2018/851”.

(3) In Schedule 1—

(a) in paragraph 1—

(i) for sub-paragraph (2) substitute—

“(2) Packaging must be designed, produced and commercialised in such a way as to—

- (a) permit its reuse or recovery (including recycling), in line with the waste hierarchy, and;
- (b) minimise its impact on the environment when packaging waste or residues from packaging waste management operations are disposed of.”;

(ii) after sub-paragraph (3) insert—

“(4) In sub-paragraph (2)(a), the reference to “the waste hierarchy” is to be interpreted in accordance with—

- (a) in relation to England and Wales, regulation 12(1) and (2) of the Waste (England and Wales) Regulations 2011(2);
- (b) in relation to Scotland, paragraphs 6(2) and (3) of Schedule 4 to the Waste Management Licensing (Scotland) Regulations 2011(3);
- (c) in relation to Northern Ireland, regulation 17(1) and (2) of the Waste (Northern Ireland) Regulations 2011(4).”;

(b) after paragraph 3(4) insert—

“(5) Oxo-degradable plastic packaging is not to be considered as biodegradable.

(1) [S.I. 2015/1640](#). In regulation 2(1), the definition of “Directive” is prospectively revoked from IP completion day by [S.I. 2019/188](#) and the definition of “the Waste Directive” was amended by [S.I. 2018/942](#) and is prospectively amended from IP completion day by [S.I. 2019/188](#).

(2) [S.I. 2011/988](#), to which there are amendments not relevant to this regulation.

(3) [S.S.I 2011/228](#), to which there are amendments not relevant to this regulation.

(4) [S.I. 2011/127](#), to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) In sub-paragraph (5), “oxo-degradable plastic packaging” means plastic packaging made of plastic materials that include additives which catalyse the fragmentation of the plastic material into micro-fragments.”.