This Statutory Instrument has been laid in consequence of a defect in S.I. 2012/3082 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2013 No. 1857

ENVIRONMENTAL PROTECTION

The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2013

Made - - - - 23rd July 2013

Coming into force in accordance with regulation 1(b)

These Regulations are made by the Secretary of State as respects England, Scotland(**a**) and Wales(**b**) in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**c**) and sections 93 to 95 of the Environment Act 1995(**d**).

These Regulations implement Article 6(1) of European Parliament and Council Directive 94/62/EC on packaging and packaging waste(**e**) ("Packaging Waste Directive") and section 93(3)(a) of the Environment Act 1995 applies.

The Secretary of State makes these Regulations—

(a) after consultation in accordance with section 93(2) of the Environment Act 1995;

(b) having regard to the matters specified in section 93(6), as required by section 93(5) of that Act; and

(c) in accordance with the duty in section 93(7) of that Act.

A draft of these Regulations has been laid before and approved by a resolution of each House of Parliament in accordance with paragraph 2 of Schedule 2 to the European Communities Act 1972 and section 93(10) of the Environment Act 1995.

(**a**) Under section 57 of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under European Union law in respect of devolved matters, the Secretary of State's function in relation to implementing those obligations continues to be exercisable as regards Scotland. Section 57 is amended by S.I. 2011/1043.

(**b**) Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32), despite the transfer of the relevant functions of the Secretary of State so far as they are exercisable in relation to Wales to the Welsh Ministers by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006, the Secretary of State's function in relation to implementing obligations under European Union law continues to be exercisable as regards Wales. Paragraph 5 of Schedule 3 to the Government of Wales Act 2006 is amended by S.I. 2011/1043.

(**c**) 1972 c. 68. Section 2(2) is amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(**d**) 1995 c. 25. Section 94 is amended by section 3(1)(b) of, and paragraph 6 of Schedule 2 to, the Competition Act 1998 (c. 41) and by S.I. 2000/311, 2004/1261 and 2011/1043.

(**e**) OJ No L 365, 31.12.1994, p 10; Article 6 of Directive 94/92/EC was amended by Directive 2004/12/EC of the European Parliament and of the Council (OJ No L 47, 18.2.2004, p 26).

Citation and commencement

1. These Regulations—

(a) may be cited as the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2013; and

(b) come into force on the day after the day on which they are made.

Amendment of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007

2.—(1) Schedule 2 to the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(**a**) is amended as follows.

(2) In paragraph 3(4) —

(a) for "L x B x W = G" substitute "L x B x Y x W = G"; and

(b) after the definition of "B" insert—

""Y" is the percentage prescribed in paragraph 6 as the recycling target in respect of glass in relation to the relevant year;".

de Mauley
Parliamentary Under Secretary of State
23rd July 2013 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (S.I. 2007/871) (the "2007 Regulations"), which implement Article 6(1) of the European Parliament and Council Directive 94/62/EC on packaging and packaging waste (OJ No L 365, 31.12.1994, p 10). The 2007 Regulations, in particular provisions in Schedule 2 to those Regulations, were amended by the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2012 (S.I. 2012/3082) (the "2012 Regulations").

Regulation 2 amends paragraph 3(4) of Schedule 2 to the 2007 Regulations (as inserted by the 2012 Regulations) by substituting an amended formula for the calculation of the amount of glass packaging waste that a producer must recycle by re-melt. The amended formula ensures that the glass re-melt target is applied to a producer's glass recycling obligation.

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ No L 24, 21.7.1998, p 37).

A full impact assessment was prepared for the 2012 Regulations; no separate assessment has been carried out for this instrument as no further impact on the private, voluntary or public sectors is foreseen.

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(**a**) S.I. 2007/871, as amended by S.I. 2010/2849 and 2012/3082; there are other amending instruments but none is relevant.

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