EXPLANATORY MEMORANDUM TO

The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2022

2022 No. 286

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under the powers conferred by section 50 of, and paragraphs 1(1) and 2(2) of Schedule 4 to, The Environment Act 2021 and is subject to the negative resolution procedure.

2. Purpose

2.1 The purpose of the Statutory Rule is to make a change to Producer Responsibility legislation so it can take into account the packaging waste targets for 2023.

3. Background

3.1. The EU Directive on Packaging and Packaging Waste (94/62/EC) introduced statutory producer responsibility into the management of packaging materials with the aim of minimising the impact of packaging waste on the environment through the reduction in the amount of packaging used. Producers are encouraged to reduce packaging through innovative design, and by setting challenging targets for the recycling of the waste. Packaging materials include all packaging waste throughout complex value chains, including pallets and pallet wrap, packing blankets, single use plastics, cans bottles, plastic film in food packaging and carrier bags.

3.2. The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 implement the European Commission (EC) Directive on Packaging and Packaging Waste (94/62/EC) which sets minimum recycling targets for packaging waste for all Member States.

3.3. These amended Regulations replace the EU recycling targets, in accordance with Directive (EU) 2018/852, with a recycling obligation on producers. They also establish new material specific recycling targets on obligated producers for paper/board, plastic, glass, aluminium, steel and wood as well as the specific re-melt target for glass.

4. Consultation

4.1. DAERA consulted on 2023 targets in March 2021 alongside the rest of the UK. There were 976 responses to the question on 2023 targets with 78% agreeing with the proposed targets, 9% disagreeing and 13% giving a response of neither. A large majority agreed with the proposed targets for 2023.

5. Equality Impact

5.1. In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. No adverse equality impacts have been identified under the Equality and Human Rights screening procedures. The Department considers the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

6.1. As these Regulations are to ensure that the relevant packaging waste targets for 2023 are implemented no major impact was identified.

7. Financial Implications

7.1. The Statutory Rule is not expected to have any significant financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The Implementation of the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2022 is still an EU obligation under the Withdrawal Agreement, this Statutory Rule ensures that necessary targets are in place for 2023.

10. Parity or Replicatory Measure

10.1 Producer responsibility is devolved and the other regions of the United Kingdom have made their own regulations, this amending Statutory Rule brings Northern Ireland legislation into line with the legislative changes in England, Scotland and Wales.

11. Additional information

11.1. The Implementation of the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2020 is still an EU obligation under the Withdrawal Agreement, this Statutory Rule ensures that necessary targets are in place for 2023.

12. Contact

12.1 Lesley Roberts at the Department of Agriculture, Environment and Rural Affairs, (Tel: 028 9056 9220 or email: lesley.roberts@daera-ni.gov.uk) can answer any queries.