
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Producer Responsibility Obligations (Packaging Waste) Regulations 1997 (“the 1997 Regulations”), which impose on producers obligations to recover and recycle packaging waste, and related obligations. They are made in implementation of Articles 6(1) and 13 of Directive [94/62/EC](#).

Regulation 2 makes a number of amendments to the 1997 Regulations, including in particular—

- (a) amending the definitions of “packaging waste” and “producer responsibility obligations”, and inserting definitions of “recyclable material”, “SIC code”, “special producer” and “waste”;
- (b) increasing the turnover threshold for 2000 and later years to £2,000,000;
- (c) removing the category of “wholesaler” from those on whom producer responsibility obligations are imposed;
- (d) requiring producers with over £5 million turn over and applying for individual registration with an Agency to include an operational plan showing the steps to be taken to comply with their obligations;
- (e) increasing the fees for registering producers and schemes by 27%;
- (f) imposing obligations on the Secretary of State and sellers to provide the necessary information to users of packaging about methods of reuse, recovery and recycling of packaging and packaging waste, in accordance with Article 13 of the Directive;
- (g) providing for data to be supplied on a form provided by the appropriate Agency;
- (h) permitting producers using reusable packaging to spread their obligations over four years;
- (i) requiring the appropriate Agency to publish details of its monitoring policy from 2000 onwards; and
- (j) changing the percentage activity obligations of converters from 11% to 9%; of packers/fillers from 36% to 37%; and of sellers from 47% to 48%.

Regulation 3 revokes certain provisions of the 1997 Regulations in consequence of the coming into force of the Competition Act 1998.

A Regulatory Impact Appraisal has been prepared in connection with these Regulations. It has been placed in the Library of each House of Parliament, and copies may be obtained from EB Division, Department of the Environment, Transport and the Regions, Ashdown House, 123 Victoria Street, London SW1E 6DE (telephone 0171–890–6567).

The volume entitled “Indexes to the United Kingdom Standard Industrial Classification of Economic Activities 1992”, referred to in the definition of “SIC code”, is available from the Stationery Office (telephone 0171–873–9090), price £22.50.