OFFERYNNAU STATUDOL CYMRU

2020 Rhif 1390 (Cy. 308)

DIOGELU'R AMGYLCHEDD, CYMRU

Rheoliadau Rhwymedigaethau Cyfrifoldeb Cynhyrchwyr (Gwastraff Deunydd Pacio) (Diwygio) (Cymru) 2020

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn y diwygio Rheoliadau Rhwymedigaethau Cyfrifoldeb Cynhyrchwyr (Gwastraff Deunydd Pacio) 2007 (O.S. 2007/871) o ran Cymru. Mae'r Rheoliadau hynny'n gosod rhwymedigaeth ar gynhyrchwyr i adennill ac ailgylchu gwastraff deunydd pacio er mwyn cyrraedd y targedau adennill ac ailgylchu a nodir yn Erthygl 6(1) o Gyfarwyddeb 94/62/EC Senedd Ewrop a'r Cyngor ar ddeunydd pacio a gwastraff deunydd pacio (OJ Rhif L 365, 31.12.94, t. 10).

Mae'r Rheoliadau hyn yn rhoi targedau ailgylchu ar gyfer cynhyrchwyr yn lle targedau adennill ac ailgylchu'r UE. Maent hefyd yn amrywio'r targedau ailgylchu ar gyfer deunyddiau penodol i gynhyrchwyr sydd o dan rwymedigaeth ar gyfer papur, plastig, gwydr, alwminiwm, dur a phren yn ogystal â'r targed aildoddi penodol ar gyfer gwydr. Mae'r dyraniad ailgylchu ar gyfer cynhyrchwyr bach ar gyfer 2018 i 2020 wedi ei newid ar gyfer 2021 a 2022.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth yr Is-adran Effeithlonrwydd Adnoddau a'r Economi Gylchol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

WELSH STATUTORY INSTRUMENTS

2020 No. 1390 (W. 308)

ENVIRONMENTAL PROTECTION, WALES

The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020

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) in relation to Wales. 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, p. 10).

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.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Resource Efficiency and Circular Economy Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2020 Rhif 1390 (Cy. 308)

DIOGELU'R AMGYLCHEDD, CYMRU

Rheoliadau Rhwymedigaethau Cyfrifoldeb Cynhyrchwyr (Gwastraff Deunydd Pacio) (Diwygio) (Cymru) 2020

Gwnaed	*1 Rhagfyr 2020*
Gosodwyd gerbron Senedd Cymru	*3 Rhagfyr 2020*
Yn dod i rym	*1 Ionawr 2021*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 93(1) ac (8) a 94(1)(b), (c) a (d) a (7) o Ddeddf yr Amgylchedd 1995 ("y Ddeddf")(**1**).

Mae Gweinidogion Cymru wedi ymgynghori yn unol ag adran 93(2) o'r Ddeddf ac maent wedi eu bodloni ynglŷn â'r materion a bennir yn adran 93(6).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Rhwymedigaethau Cyfrifoldeb Cynhyrchwyr (Gwastraff Deunydd Pacio) (Diwygio) (Cymru) 2020 a deuant i rym ar 1 Ionawr 2021.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(**1**) 1995 p. 25. Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol o ran Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006, a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau a roddwyd i'r Cynulliad bellach yn arferadwy gan Weinidogion Cymru.

WELSH STATUTORY INSTRUMENTS

2020 No. 1390 (W. 308)

ENVIRONMENTAL PROTECTION, WALES

The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020

Made	*1 December 2020*
Laid before Senedd Cymru	*3 December 2020*
Coming into force	*1 January 2021*

The Welsh Ministers make 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")(**1**).

The Welsh Ministers have consulted in accordance with section 93(2) of the Act and are satisfied as to the matters specified in section 93(6).

Title, commencement and application

1.—(1) The title of these Regulations is the Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 and they come into force on 1 January 2021.

(2) These Regulations apply in relation to Wales.

(**1**) 1995 c. 25. The powers of the Secretary of State were transferred in relation to Wales, by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006, the functions conferred on the Assembly are now exercisable by the Welsh Ministers.

Diwygio Rheoliadau Rhwymedigaethau Cyfrifoldeb Cynhyrchwyr (Gwastraff Deunydd Pacio) 2007

2.—(1) Mae Rheoliadau Rhwymedigaethau Cyfrifoldeb Cynhyrchwyr (Gwastraff Deunydd Pacio) 2007(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn y Rheoliadau hyn, yn lle "recovery and recycling obligations", ym mhob lle y mae'n digwydd, ac eithrio'r diffiniad o'r ymadrodd hwnnw yn rheoliad 2(2), rhodder "recycling obligations".

(3) Yn rheoliad 2(2)—

(a) hepgorer y diffiniad o "energy recovery";

(b) yn y diffiniadau o "PERN" a "PRN", yn lle "recovery" rhodder "recycling";

(c) yn y diffiniad o "producer responsibility obligations" hepgorer "recovery and";

(d) yn y diffiniad o "recovery" hepgorer y geiriau o "and for the purposes of" hyd at y diwedd;

(e) hepgorer y diffiniad o "recovery and recycling obligations";

(f) yn lle'r diffiniad o "recycling obligations" rhodder—

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

(4) Yn rheoliad 4(4)(b)(i) hepgorer "recover and".

(5) Yn rheoliad 7(4)(ca)(i)(aa)—

(a) yn lle "recover" rhodder "recycle";

(b) hepgorer y geiriau o "and of this" hyd at y diwedd.

(6) Yn rheoliad 16(3), yn lle "recover", ym mhob lle y mae'n digwydd, rhodder "recycle".

(7) Yn rheoliad 20(3) hepgorer "respectively for recovery and".

(8) Yn rheoliad 22(2)—

(a) yn is-baragraff (a) hepgorer "respectively for recovery and";

(b) yn is-baragraff (c) hepgorer "recover and".

(9) Yn rheoliad 24—

(a) ym mharagraff (1)(a)(i), yn lle "recovery" rhodder "recycling";

(b) ym mharagraff (2), yn lle "recovery", yn y ddau le y mae'n digwydd, rhodder "recycling".

(**1**) O.S. 2007/871; yr offerynnau diwygio perthnasol yw O.S. 2008/1941, 2010/2849, 2012/3082, 2016/241, 2016/1146, 2017/1221, 2020/904.

Amendment of Producer Responsibility Obligations (Packaging Waste) Regulations 2007

2.—(1) The Producer Responsibility Obligations (Packaging Waste) Regulations 2007(**1**) 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".

(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 it occurs, substitute "recycling".

(**1**) S.I. 2007/871; relevant amending instruments are S.I. 2008/1941, 2010/2849, 2012/3082, 2016/241, 2016/1146, 2017/1221, 2020/904.

(10) Yn Atodlen 2—

(a) yn y pennawd hepgorer "Recovery and";

(b) ym mharagraff 1(1)—

(i) yn y geiriau o flaen is-baragraff (a)—

(aa) ar ôl "allocation method", mewnosoder "and subject to paragraph 1A,";

(bb) hepgorer "recover and";

(ii) yn is-baragraff (a), yn lle "recover" rhodder "recycle";

(iii) hepgorer is-baragraff (b);

(iv) yn is-baragraff (c)—

(aa) yn lle "recover", yn y lle cyntaf y mae'n digwydd, rhodder "recycle";

(bb) yn lle "recover by recycling" rhodder "recycle";

(c) ar ôl paragraff 1, mewnosoder—

"**1A.**—(1) For the purposes of paragraph 1(1)(a), where ∑Q is greater than ∑Z, a producer's obligation is to recycle an amount of packaging waste equal to ∑Q.

(2) In this paragraph—

(a) "∑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) "∑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) ym mharagraff 3—

(i) yn is-baragraff (1)—

(aa) yn lle "recovered" rhodder "recycled";

(bb) yn y diffiniad o "X", yn lle "recovery" rhodder "recycling";

(cc) yn y diffiniad o "Z", yn lle "recovered" rhodder "recycled";

(ii) hepgorer is-baragraff (2);

(iii) yn is-baragraff (3), yn lle "recover by recycling" rhodder "recycle";

(iv) yn is-baragraff (4), yn y fformiwla, yn lle "67" rhodder "72";

(e) yn lle paragraff 5 rhodder—

(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 ∑Q is greater than ∑Z, a producer's obligation is to recycle an amount of packaging waste equal to ∑Q.

(2) In this paragraph—

(a) "∑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) "∑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) ym mharagraff 6, yn lle Tabl 2 rhodder—

"**Table 2**

Recycling targets

Materials	*2021*	*2022*
Glass	81	82
Plastic	59	61
Aluminium	66	69
Steel	86	87
Paper/Board	79	83
Wood	35	35";

(g) yn lle paragraff 8 rhodder—

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

(11) Yn Atodlen 3, yn Rhan 3, ym mharagraff 11(b) hepgorer "is to be recycled through the scheme and by which it".

(12) Yn Atodlen 7, ym mharagraff 2 hepgorer is-baragraff (c).

"**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

Materials	*2021*	*2022*
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).

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
1 Rhagfyr 2020

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
1 December 2020

©Ⓗ Hawlfraint y Goron 2020

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

http://www.legislation.gov.uk/id/wsi/2020/1390

ISBN 978-0-348-20685-2