



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

ADRODDIAD GAN Y PWYLLGOR DEDDFAU LEGISLATION COMMITTEE REPORT

**The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales)
Regulations 2002**

The Producer Responsibility Obligations (Packaging Waste) Regulations 1997 impose obligations on producers to recover and recycle packaging waste. The present regulations increase the percentage targets for recovery and recycling.

Standing Order 11.5

No points have been identified in respect of which the Committee needs to invite the Assembly to pay special attention.

General Observations

Section 93(3) of the enabling Act has the effect that except in the case of regulations implementing Community obligations, or international agreements, the Assembly must be satisfied as to the matters specified in subsection (6).

In the case of regulations implementing Community obligations or international agreements the Assembly is, under section 93(5), merely required to have regard to the matters specified in subsection (6).

The wording of the Preamble - "having regard to the matters specified in section 93(6) of that Act as required by section 93(5)" - and the fact that the explanatory note to the 1997 regulations indicates that they were made in order to attain the targets in Directive 94/62EC, indicates that the present regulations are made in implementation of Community obligations.

In these circumstances, the explanatory note should, as required by Statutory Instrument Practice (paragraph 2.101), identify the Community obligation which the regulations implement.

Mick Bates AM
Chair, Legislation Committee

16 April 2002