

Government Response: The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 (Commencement No. 1) Order 2023

Merit Scrutiny point 2:

During the passage of the Environmental Protection (Single-use Plastic Products) (Wales) Bill (“the Bill”) through the Senedd, the Minister for Climate Change highlighted that its prohibition of single-use plastic products would be implemented in two phases. The first phase would include single-use plastic products which had been subject to consultation in 2020 and legislative action at both UK and European Union level.

The second and final phase would include products not banned elsewhere in the UK (single-use plastic carrier bags, polystyrene lids for cups and takeaway food containers and products made of oxo-degradable plastics). This phased approach is intended to provide businesses with additional time to transition away from these products and source alternatives. It will also allow for amendments to be made to the Single Use Carrier Bags Charge (Wales) Regulations 2010. The Minister for Climate Change also noted further consideration was being given to emerging scientific evidence on the environmental impacts of oxo-degradable/oxo-biodegradable plastics.

Details of the timetable for the commencement of the second phase are still being finalised, however the Minister for Climate Change has committed to commencing the prohibition of the remaining products before the end of this Senedd term (March 2026).

Merit Scrutiny point 3:

As stated throughout the passage of the Bill in the Senedd, the Welsh Government’s position is, and remains, that where the Senedd legislates in non-reserved areas, it does so free from the requirements of the United Kingdom Internal Market Act 2020. This means that the prohibitions provided in the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 will be fully effective and enforceable regardless of the regulatory positions elsewhere in the United Kingdom.