

Government Response: *The Packaging Waste (Data Collection and Reporting) (Wales) (Amendment) Regulations 2024*

Technical Scrutiny point 1: This point is noted. However, we do not think any amendment is necessary because the inclusion of the definition of “group of companies” in regulation 2(1) of the principal Regulations does not affect the clarity or purpose of the principal Regulations.

Technical Scrutiny point 2: This point is noted. We will ensure that the Regulations are amended prior to making as set out in the table below.

Technical Scrutiny point 3: This point is noted. We will ensure that the Regulations are amended prior to making as set out in the table below.

Technical Scrutiny point 4: This point is noted. However, we consider the legislation as drafted is sufficiently clear and do not believe that signposting this list in regulation 7A is necessary to provide certainty to the reader.

Technical Scrutiny point 5: The use of “other educational establishments” is consistent with Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012, which outlines whether certain types of premises in England and Wales are subject to collection and disposal charges for the collection of household waste and includes “schools, universities, and other educational establishments”. Examples of “other educational establishments” could include vocational colleges. We consider that maintaining this description will ensure clarity for producers and we consider that it is sufficiently clear to those potential establishments. We do not consider that further clarification of “other educational establishment” is necessary.

Technical Scrutiny point 6: This point is noted. However, we consider the legislation as drafted is sufficiently clear and do not believe any amendment is necessary to provide certainty to the reader.

Technical Scrutiny point 7: This point is noted. We will ensure that the Regulations are amended prior to making as set out in the table below.

Technical Scrutiny point 8: This point is noted. We will ensure that the Regulations are amended prior to making to address this as set out in the table below.

Technical Scrutiny point 9: This point is noted. We will ensure that the Regulations are amended prior to making to address this as set out in the table below.

Technical Scrutiny point 10: (i) This point is noted. We consider that it is clear to the reader that the obligation in new regulation 17A of the principal regulations can only refer to a large producer because only large producers are subject to the obligation in regulation 17 of the principal Regulations. However, we will ensure that the Regulations are amended prior to making as set out in the table below.

(ii) This point is noted. We consider that it is clear that the obligation in new regulation 17A of the principal regulations can only refer to a large producer because only large producers are subject to the obligation in regulation 17 of the principal Regulations. In addition, the reference in new regulation 22A(2) is clear that it refers to large producers because “the list” referred to in paragraph (1) only contains large producers. However, we will ensure that the Regulations are amended prior to making as set out in the table below.

Technical Scrutiny point 11: This point is noted. We will ensure that the Regulations are amended prior to making to address this as set out in the table below.

Technical Scrutiny point 12: This point is noted. We will ensure that the Regulations are amended prior to making to address this as set out in the table below.

Merit Scrutiny point 1: We consider that section 2(9)(d) of the Pollution Prevention and Control Act 1999 is relevant. We consider that some of the amendments in the Regulations may change the point of obligation under the principal Regulations from one type of producer to another (such as amendments to the “household packaging” definition) and so either increase the obligations of existing individual producers or places new obligations on producers who would not have had them under the principal Regulations (such as the amendments to the definition of “seller”), where the failure to collect/report data would be an offence.

Merit Scrutiny point 2:

Through four nation stakeholder forums and working groups, we carried out targeted engagement with key stakeholders to inform the amendments to the principal Regulations contained in these Regulations. These stakeholders included the NRW, Welsh Local Government Association, as well as key members of the packaging industry, as per section 2(4) of the Pollution Prevention and Control Act 1999.

Technical drafting corrections to be made prior to the making of the Regulations

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
Rheoliadau Gwastraff Pecynwaith (Casglu ac Adrodd am Ddata) (Cymru) (Diwygio) 2024	The Packaging Waste (Data Reporting and Collection) (Wales) (Amendment) Regulations 2024
In regulation 5, in sub-paragraphs (c)(i) and (c)(ii), “yn is-baragraff” will be replaced with “ym mharagraff”.	In regulation 5, in sub-paragraphs (c)(i) and (c)(ii), “sub-paragraph” will be replaced with “paragraph”.
In regulation 8, in the substituted regulation 7 of the principal Regulations, in paragraph (3)(b)(i), “ym mharagraff (i)” will be replaced with “ym mharagraff (2)(b)(i)”.	In regulation 8, in the substituted regulation 7 of the principal Regulations, in paragraph (3)(b)(i), “paragraph (i)” will be replaced with “paragraph (2)(b)(i)”.
In regulation 8, in the substituted regulation 7 of the principal Regulations, in paragraph (3)(b)(ii), “ym mharagraff (ii)” will be replaced with “ym mharagraff (2)(b)(ii)”.	In regulation 8, in the substituted regulation 7 of the principal Regulations, in paragraph (3)(b)(ii), “paragraph (ii)” will be replaced with “paragraph (2)(b)(ii)”.
	In the English text only, in regulation 8, in the substituted regulation 7 of the principal Regulations, in paragraph (8)(b)(ii), before “collect”, the text “designed to” will be inserted.
In the Welsh text only, in regulation 9, in the new regulation 7A of the principal Regulations, in paragraph (2)(d), “ddefnyddiwr” will be replaced with “dreuliwr”.	
In regulation 10, sub-paragraph (b) will be replaced as set out below.	In regulation 10, sub-paragraph (b) will be replaced as set out below.

<p><u>Current sub-paragraph (b)</u></p> <p>“(b) ym mharagraff (2), yn lle “paragraff (6)”, rhodder “paragraff (5)(b)(iii), (6) neu (7);”</p> <p><u>Will be replaced with:</u></p> <p>“(b) ym mharagraff (2)—</p> <p>(i) yn lle “paragraff (6)”, rhodder “paragraff (5)(b)(iii), (6) neu (7);</p> <p>(ii) yn lle “paragraff (4)”, rhodder “paragraffau (3) a (12A);”</p>	<p><u>Current sub-paragraph (b)</u></p> <p>(a) “(b) in paragraph (2), for “paragraph (6)”, substitute “paragraph (5)(b)(iii), (6) or (7);”</p> <p><u>Will be replaced with:</u></p> <p>“(b) in paragraph (2)—</p> <p>(i) for “paragraph (6)”, substitute “paragraph (5)(b)(iii), (6) or (7);</p> <p>(ii) for “paragraph (4)”, substitute “paragraphs (3) and (12A);”</p>
<p>In regulation 17, in the new regulation 17A of the principal Regulations, in paragraph (1), after “gynhyrchydd” the word “mawr” will be inserted.</p>	<p>In regulation 17, in the new regulation 17A of the principal Regulations, in paragraph (1), before “producer (“LP)” the word “large” will be inserted.</p>
<p>In regulation 19, in the new regulation 22A of the principal Regulations, in paragraph (2) and sub-paragraphs (a), (b), and (c), after “cynhyrchydd” the word “mawr” will be inserted.</p>	<p>In regulation 19, in the new regulation 22A of the principal Regulations, in paragraph (2) and sub-paragraphs (a), (b), and (c), before “producer” the word “large” will be inserted.</p>
<p>In regulation 20(e), “ym mharagraffau (a) a (b)” will be replaced with “yn is-baragraffau (a) a (b)”.</p>	<p>In regulation 20(e), “paragraphs (a) and (b)” will be replaced with “sub-paragraphs (a) and (b)”.</p>
<p>In regulation 20(g), the text “, is-baragraff (a)” will be removed.</p>	<p>In regulation 20(g), the text “,sub-paragraph (a)” will be removed.</p>
<p>Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.</p>	