

Huw Irranca-Davies AS/MS
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion
Gwledig
Cabinet Secretary for Climate Change & Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA-HIDCC-5465-24

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
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9 August 2024

Dear Mike,

I am writing to inform the Committee of my intention to consent to the UK Government making and laying the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 (“the Regulations”).

The Regulations intersect with devolved policy and will apply to Wales. The Regulations will be made by the Secretary of State for Environment, Food and Rural Affairs under the following provisions of the Environment Act 2021:

- sections 50 - 52, 142(1), (6) and (10), and 143(1),
- paragraphs 1-5, 7 and 12 of Schedule 4,
- paragraphs 1-9 and 11-17 of Schedule 5, and
- paragraphs 1, 4, and 7-12 of Schedule 7.

Sections 50(3), 51(3) and, 52(4) of the Environment Act 2021 provide that such Regulations can be made by the Secretary of State in relation to Wales with the consent of the Welsh Ministers. The Regulations apply in relation to England, Scotland, Northern Ireland and Wales and a similar request for consent has been sent to Scottish Ministers and Northern Ireland Assembly Members.

The Regulations will revoke the previous Producer Responsibility Obligations (Packaging Waste) Regulations 2007 and the Packaging Waste (Data Collections and Reporting) (Wales) Regulations 2023 and introduce an Extended Producer Responsibility (EPR) scheme for packaging and packaging waste. Implementation of Extended Producer Responsibility is a Programme for Government commitment of this administration and this

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

scheme for packaging will require producers of packaging to pay the full net cost of managing packaging waste and the provision of public information about the disposal of packaging waste. This will result in the costs of managing packaging waste being met by the producers who use and supply packaging, applying the “polluter pays” principle. The producer fees will be raised by a scheme administrator jointly appointed by the four governments of the UK who will distribute these monies to local authorities. The scheme will also require producers to meet packaging recycling targets and to adopt a clear ‘Recycle/Do not recycle’ label so that it is easier for people to know how to recycle their packaging waste.

Collectively, the aim of these measures is to act as a clear incentive to producers to reduce unnecessary packaging, design packaging that is easy to recycle, encourage the use of reuseable and refillable packaging, and reduce packaging litter. The EPR scheme for packaging is therefore important in both tackling the climate and nature emergency and building a stronger, greener economy as we progress towards a net zero Wales.

Whilst it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence, in certain circumstances there are benefits in doing so collaboratively with the UK Government where there is a clear rationale for doing so. In this instance it will enable a a single UK-wide SI to make provision for the UK-wide scheme as has been consulted upon, thereby ensuring consistency of approach across the UK.. It is therefore appropriate that the Regulations are made on a UK-wide basis.

It is anticipated that the Regulations will be laid before the UK Parliament using the affirmative procedure and are expected to come into force in January 2025. Final confirmation of the laying of the Regulations will be subject to the legislative programme of the new UK administration.

I have also written to Llŷr Gruffydd, Chair of the Climate Change, Environment and Infrastructure Committee.

Yours sincerely,



Huw Irranca-Davies AS/MS

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