

# Packaging (Extended Producer Responsibility) Bill

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**B I L L**

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Require producers of packaging products to assume responsibility for the collection, transportation, recycling, disposal, treatment and recovery of those products; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Responsibilities of packaging producers**

- (1) The Secretary of State must make regulations under section 93 of the Environment Act 1995 (producer responsibility: general) to require packaging producers to assume responsibility for the exercise and costs of the activities in subsection (2) (and subsection (3) of that section shall not apply to regulations made in pursuance of that duty). 5
- (2) The activities are—
- (a) collection;
  - (b) transportation;
  - (c) recycling; 10
  - (d) disposal;
  - (e) treatment; and
  - (f) recovery
- of packaging produced by the liable producer of packaging.
- (3) For the purposes of this Act, a “packaging producer” is a person who— 15
- (a) produces and sells packaging that is used as packaging for other goods or material at the time of its sale, or
  - (b) sells packaging that is not used as packaging for other goods or material at the time of its sale.
- (4) Regulations under section 93 of the Environment Act 1995 in pursuance of the duty under subsection (1) must be laid before Parliament within six months of this section coming into force. 20

## 2 The Producer Responsibility Organisation

- (1) The Secretary of State must by regulations make provision for the creation of a single body to—
- (a) oversee the compliance of all packaging producers with the responsibilities in section 1; 5
  - (b) report on that compliance;
  - (c) issue certificates of producer responsibility to packaging producers that have met specified requirements.
- (2) That body shall be known as the Producer Responsibility Organisation (“PRO”). 10
- (3) The “specified requirements” in subsection (1)(c) may include meeting conditions relating to—
- (a) fulfilment of responsibilities under section 1;
  - (b) the design of packaging products including their recyclability and the materials used in the production of those products; 15
  - (c) the labelling of packaging products;
  - (d) participating in a scheme relating to the activities in section 1(2), such as a deposit return scheme for plastic bottles, as provided for in regulations;
  - (e) participating in public education and information programmes relating to the activities in section 1(2). 20
- (4) The Secretary of State may by regulations make provision for a scheme for a packaging producer to meet the costs of any of the activities in section 1(2) insofar as those activities have not been carried out by the packaging producer.
- (5) The regulations may make provision for— 25
- (a) the calculation of the costs of activities;
  - (b) the pooling and redistribution of payments relating to those costs.

## 3 Financial provisions

- (1) *These is to be paid out of money provided by Parliament—*
- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, or by a government department, and* 30
  - (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*
- (2) *There is to be paid into the Consolidated Fund any sums received by a government department by virtue of this Act.* 35

## 4 Regulations

- (1) A power to make regulations this Act—
- (a) is exercisable by statutory instrument;
  - (b) includes power to make different provision for different purposes;
  - (c) includes power to make supplementary, incidental, consequential, transitional, transitory and saving provision. 40
- (2) A statutory instrument containing regulations under this Act (other than section 5) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

**5 Short title, commencement and extent**

- (1) This Act extends to England and Wales only.
- (2) This section comes into force on the day on which this Act is passed.
- (3) The remaining provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.
- (4) This Act may be cited as the Packaging (Extended Producer Responsibility) Act 2018.

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## B I L L

To require producers of packaging products to assume responsibility for the collection, transportation, recycling, disposal, treatment and recovery of those products; and for connected purposes.

*Ordered to be brought in by Anna McMorrin,  
supported by Mary Creagh, Zac Goldsmith,  
Ben Lake, Kerry McCarthy,  
John McNally, Dr Matthew Offord,  
Jo Platt, Liz Saville Roberts,  
Mr Barry Sheerman, Alex Sobel,  
and Matt Western.*

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*Ordered, by The House of Commons,  
to be Printed, 13 June 2018.*

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