STATUTORY RULES OF NORTHERN IRELAND

2007 No. 198

The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007

PART 2

PRODUCERS AND OBLIGATIONS

Producers and producer responsibility obligations

4.—(1) This regulation is subject to regulations 5, 37, 38 and 39 and Schedules 9, 10 and 11.

(2) In respect of a year a person is a producer of a class specified in an entry in column 4 of Table 1 in Schedule 1 if—

(a) in that year and the preceding year he performs the relevant functions of the class of producer specified in Column 1 of that Table in relation to that entry;

(b) in the preceding year he made supplies of the materials or products specified in Column 2 of that Table in relation to that entry of a class in Column 3 of that Table in relation to that entry; and

(c) in relation to that year he satisfies the threshold tests as provided by paragraph 3 of that Schedule,

and the other provisions of that Schedule shall also have effect for the purposes of determining whether a person is a producer of any class.

(3) Where in respect of a year a person is a producer and satisfies the provisions of Columns 1 to 3 of Table 1 in Schedule 1 in relation to more than one class of producer specified in an entry in Column 4 of that Table, whether or not in relation to the same materials or products specified in Column 2 of that Table, or the same transaction or process, for that year that person belongs to each such class.

(4) A person who is a producer in respect of a year has producer responsibility obligations in respect of that year, that is to say he must—

(a) be registered as provided in regulation 6 (in these Regulations referred to as the "producer registration obligation");

(b) where he is—

(i) a producer, other than a small producer who has elected to follow the allocation method, recover and recycle packaging waste in relation to each of the classes of producer to which the producer belongs, as calculated under Schedule 2; or

(ii) a small producer who has elected to follow the allocation method, recycle packaging waste as calculated under paragraphs 2, 7 and 8 of Schedule 2,

(in these Regulations referred to as the "recovery and recycling obligations");

(c) furnish a certificate of compliance in respect of his recovery and recycling obligations in accordance with regulation 21 (in these Regulations referred to as the "certifying obligation"); and

(d) if his main activity is that of seller, provide information to consumers of the goods sold by him about—

  (i) the return, collection and recovery systems available to them;

  (ii) their role in contributing to the reuse, recovery and recycling of packaging and packaging waste;

  (iii) the meaning of related markings on packaging that he places on the market and that relates to his recovery and recycling obligations; and

  (iv) the chapter dealing with the management of packaging and packaging waste in any strategy prepared under Article 18 of The Waste and Contaminated Land (Northern Ireland) Order 1997 (national waste strategy),

(in these Regulations referred to as the "consumer information obligations").

(5) A producer may only demonstrate compliance with his recovery and recycling obligations through the acquisition of PRNs or PERNs or both.

(6) A PRN or PERN that relates to packaging waste delivered or exported for reprocessing in December in a year may be relied on by a producer to demonstrate compliance with his recovery and recycling obligations either in that year or the following year.

(7) The Department shall issue guidance as to the provision of information under paragraph (4)(d) above and shall take such steps as may be appropriate to ensure that users of packaging, including in particular consumers, obtain the necessary information about the matters referred to in paragraph (4)(d).

Producers and Scheme membership

5. Where a producer is a member of a registered scheme throughout a relevant year he is exempt from complying with his producer responsibility obligations for the relevant year.