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STATUTORY INSTRUMENTS

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**2005 No. 3468**

**The Producer Responsibility Obligations  
(Packaging Waste) Regulations 2005**

**PART V**

**ACCREDITATION OF REPROCESSORS AND EXPORTERS**

**Requirement for accreditation**

**23.—**(1) A person shall not issue a PRN unless he is at the time of the issue an accredited reprocessor or, where the PRN is of the type referred to in paragraph (6) of regulation 4 or paragraph (4) of regulation 12 was accredited at the time the material was received, and the PRN relates to packaging waste received by him for reprocessing on the site for which he is accredited.

(2) A person shall not issue a PERN unless he is at the time of the issue an accredited exporter or, where the PERN is of the type referred to in paragraph (6) of regulation 4 or paragraph (4) of regulation 12 was accredited at the time the material was received, and the PERN relates to packaging waste exported by him for reprocessing at a specified site or sites for which he is accredited under regulation 24.

**Application for accreditation**

**24.—**(1) An application for accreditation shall be made to the appropriate Agency—

- (a) in the case of a person wishing to be accredited—
  - (i) as a reprocessor in respect of each site for which he wishes to be accredited and stating which of the applicable recovery operations and which recyclable materials he wishes that accreditation to cover; or
  - (ii) as an exporter, in respect of the export of one or more recyclable materials for reprocessing at one or more specified sites outside the United Kingdom;
- (b) on a form made available by the appropriate Agency and including all the information specified on that form, being information which the appropriate Agency reasonably requires in order to determine the application;
- (c) accompanied by a business plan containing information on how the funds acquired from the issue of PRNs or PERNs are to be applied including information in respect of the following matters—
  - (i) the development of capacity for the collection and reprocessing of packaging waste and the development of new markets for materials or goods which have been made from recycled packaging waste;
  - (ii) arrangements for the collection and sorting of packaging waste; and
  - (iii) the strategy, including communications, to be adopted in order to achieve the matters described in paragraphs (i) and (ii) above; and
- (d) accompanied by a fee—

- (i) in the case of an applicant who undertakes to issue PRNs or PERNs for not more than 400 tonnes of packaging waste in the year to which the application relates, £500; or
- (ii) in any other case, £2590.

(2) An application for accreditation as—

- (a) a reprocessor to issue PRNs for the receipt of one or more specified recyclable materials at a specified site and for reprocessing in one or more specified recovery operations or a combination of such operations; or
- (b) an exporter, to issue PERNs for the export of one or more specified recyclable materials for reprocessing in one or more recovery operations at a specified site or sites outside the United Kingdom, or a combination of such operations,

shall be granted where the appropriate Agency is satisfied as to the matters set out in paragraph (3) below or, in any other case, shall be refused.

(3) The matters referred to in paragraph (2) are—

- (a) the contents of the business plan referred to in paragraph (1)(c) above;
- (b) where the application is made for accreditation as an exporter and relates to one or more reprocessing sites outside the European Community, that the requirements of Article 6(2) of the Packaging Waste Directive have been met in respect of each such site; and
- (c) that the application has been duly made in accordance with paragraph (1) above.

(4) The appropriate Agency shall notify the applicant in writing of its decision under paragraph (2) no later than 12 weeks after the application was made and, if the decision is a decision to refuse accreditation, such notification shall include reasons for the decision and a statement of the right of appeal under regulation 27(3)(a).

(5) Subject to regulation 26, where accreditation is granted under paragraph (2), it shall take effect—

- (a) where the application is made in the preceding year to that in which the person wishes to be accredited—
  - (i) from 1st January where the decision to accredit was made before that date; and
  - (ii) in all other cases, from the date of the decision,and shall remain in force until 31st December in the year for which the person has applied to be accredited;
- (b) where the application is made during the year in which the person wishes to be accredited, from the date of the decision, and shall remain in force until 31st December in that year.

(6) Where a reprocessor or exporter who has given the undertaking and paid the fee specified in paragraph (1)(d)(i) subsequently breaches that undertaking, he shall from the date of that breach be liable to pay to the appropriate Agency the sum of £2090 (being the balance of the fee which would have been payable under paragraph (1)(d)(ii) had the undertaking not been given).

(7) An application to extend the accreditation of an exporter to include a further site or sites to which he wants to export packaging waste for reprocessing shall be made to the appropriate Agency on the form specified in paragraph (1) and be accompanied by a fee of £110.

(8) An application to extend an exporter's accreditation to include a further site or sites located within the European Community shall be granted by the appropriate Agency where it is satisfied that the application has been made in accordance with paragraph (7) above, and in any other case be refused.

(9) An application to extend an exporter's accreditation to include a further site or sites located outside the European Community shall be granted by the appropriate Agency where it is satisfied that each of those sites meets the requirements of Article 6(2) of the Packaging Waste Directive and

is satisfied that the application was made in accordance with paragraph (7) above, and in any other case be refused.

### **Conditions of accreditation**

**25.** An accredited reprocessor or exporter shall comply with the conditions specified in and under Schedule 5.

### **Suspension and cancellation of accreditation**

**26.—(1)** The appropriate Agency may suspend or cancel the accreditation of a reprocessor or exporter where it appears to it that—

- (a) the person who is accredited has failed to comply with any of the conditions specified in or under Schedule 5; or
- (b) the person who is accredited has knowingly or recklessly supplied false information in his application for accreditation made under regulation 24 or in connection with compliance with any of the conditions specified in or under Schedule 5.

(2) Where the appropriate Agency is no longer satisfied that the requirements of Article 6(2) of the Packaging Waste Directive are met in relation to one or more reprocessing sites located outside the European Community, the appropriate Agency shall cancel the accreditation of an exporter to the extent that it relates to that site or those sites.

(3) Where the appropriate Agency suspends or cancels an accreditation under paragraph (1) or cancels the accreditation of an exporter to the extent that it relates to a site or sites under paragraph (2), it shall serve on the reprocessor or exporter concerned written notice of—

- (a) its decision to cancel or suspend (as the case may be) the accreditation;
- (b) the reasons for the decision;
- (c) the right of appeal under Part VI;
- (d) the date when the cancellation or suspension will take effect, not being earlier than the date of receipt of the notice; and
- (e) in the case of a suspension, the period of the suspension or any steps which are required to be taken in order to bring the suspension to an end.

(4) The accreditation of a reprocessor or exporter shall be deemed to be cancelled—

- (a) on the date on which either of the following occurs—
  - (i) the person who is accredited ceases to be the holder of a relevant authorisation; or
  - (ii) the person who is accredited ceases to be a reprocessor or exporter; or
- (b) in a case where the person who is accredited requests that his accreditation should be cancelled, with effect from the date for cancellation specified by that person.