

ATODLEN

Insertion of new Part IVA (Accreditation of Reprocessors and Exporters)

5. After regulation 21 insert —

“PART IVA

ACCREDITATION OF REPROCESSORS AND EXPORTERS

Requirement for accreditation

21A.—(1) A person shall not at any time after 31st December 2004 issue a PRN unless he is at the time of the issue an accredited reprocessor 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 at any time after 31st December 2004 issue a PERN unless he is at the time of the issue an accredited exporter and the PERN relates to packaging waste exported by him for reprocessing outside the United Kingdom.

Application for accreditation

21B.—(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 specified in Part II of Schedule 3 and which recyclable materials he wishes that accreditation to cover;
 - (ii) as an exporter, in respect of the export of one or more recyclable materials for reprocessing in one or more applicable recovery operations outside the United Kingdom;
- (b) before 30th September in the year immediately prior to that for which the reprocessor or exporter wishes to be accredited, the latter being a year not earlier than the year 2005;
- (c) on a form made available by the appropriate Agency and including all the information specified on that form, being information which the Agency reasonably requires in order to determine the application;
- (d) 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 (i) and (ii) above; and
- (e) accompanied by a fee of —

Statws This is the original version (as it was originally made).

- (i) in the case of an applicant who undertakes to issue PRNs or PERNs for 400 tonnes or less of packaging waste in the year to which the application relates, £500; or
 - (ii) in any other case, £2590.
- (2) The appropriate Agency shall —
- (a) where it is satisfied as to the contents of the business plan referred to in paragraph (1)(d) above, and where it is otherwise satisfied that the application has been duly made in accordance with paragraph (1), grant accreditation to—
 - (i) 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 applicable recovery operations; or
 - (ii) an exporter, to issue PERNs for the export of one or more specified recyclable materials for reprocessing in one or more applicable recovery operations outside the United Kingdom,and in each case subject to the conditions imposed by or under regulation 21C; or
 - (b) in any other case, refuse the application.
- (3) The appropriate Agency shall, unless otherwise agreed with the applicant, notify him in writing of its decision under paragraph (2) before 30th November in the year in which the application is made.
- (4) Where the decision notified under paragraph (3) is a decision to refuse accreditation, the notification shall include reasons for that decision.
- (5) Subject to regulation 21D, where accreditation is granted under paragraph (2), it shall take effect at the beginning of the year following that in which the application is made and shall remain in force for the duration of one year.
- (6) Where a reprocessor or exporter who has given the undertaking and paid the fee specified in sub-paragraph (e)(i) subsequently breaches that undertaking, he shall from the date of that breach; be liable to pay to the Agency the balance of the fee which would have been payable under paragraph (1)(e)(ii), that is to say, the sum of £2090.

Conditions of accreditation

21C. An accredited reprocessor or exporter shall comply with the conditions specified in and under Schedule 2A.

Suspension and cancellation of accreditation

21D.—(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 2A; or
- (b) the person who is accredited has knowingly supplied false information in his application for accreditation made under regulation 21B or in connection with compliance with any of the conditions specified in or under Schedule 2A.

(2) Before suspending or cancelling an accreditation under paragraph (1), the appropriate Agency 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 IV of these Regulations;
 - (d) the date when the cancellation or suspension will take effect, not being earlier than 28 days from the date of the notice; and
 - (e) in the case of a notification of suspension, the period of the suspension or any steps which are required to be taken in order to bring the suspension to an end.
- (3) 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.
- (4) For the purposes of paragraph (3) “relevant authorisation” means—
- (a) a permit granted under regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000⁽¹⁾;
 - (b) a waste management licence granted under section 36 of the 1990 Act; or
 - (c) an exemption registered under regulation 18 of the Waste Management Licensing Regulations 1994⁽²⁾.”.

⁽¹⁾ S.I 2000/1973, to which there are amendments not relevant to these Regulations.

⁽²⁾ S.I 1994/1056, amended by S.I. 1995/288, 1996/593, 1998/606, 2000/1973; there are other amending instruments but none are relevant.