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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

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

**PART VII**

**AGENCIES' POWERS & DUTIES**

**Monitoring**

- 31.**—(1) The appropriate Agency shall monitor in accordance with this regulation—
- (a) compliance with their producer responsibility obligations by persons who are or may be producers;
  - (b) compliance by operators of schemes with the obligations referred to in regulation 12(1) ;
  - (c) compliance by operators of schemes with the conditions referred to in regulation 13(4);
  - (d) compliance by persons who are accredited reprocessors or exporters with the conditions specified in or under Schedule 5; and
  - (e) compliance by producers and operators of schemes with operational plans submitted under these Regulations.
- (2) The duty referred to in paragraph (1) above includes a duty to monitor—
- (a) the registration of producers as required by regulation 6;
  - (b) the accuracy of the information provided by producers pursuant to regulations 7 and 8;
  - (c) the accuracy of the returns furnished to the appropriate Agency by a producer under regulation 20;
  - (d) the accuracy of the information contained in certificates of compliance furnished to the appropriate Agency under regulation 21;
  - (e) the accuracy of the information provided by an operator of a scheme pursuant to regulations 14 and 15; and
  - (f) the accuracy of the returns provided to the appropriate Agency by an operator of a scheme under regulations 13(5)(c) and 22.
- (3) For the purposes of the discharge of its functions under these Regulations, the appropriate Agency may, by notice in writing served on—
- (a) any person who has, or who the appropriate Agency has reason to believe has, producer responsibility obligations under regulation 4;
  - (b) in relation to any person who is a member of a registered scheme, the operator of that scheme;
  - (c) any person who is, or who the Agency has reason to believe is, issuing PERNs or PRNs;
  - (d) any person who is engaged in trading in, or brokerage in relation to, PERNs or PRNs; or
  - (e) any accredited reprocessor or exporter,

require him to maintain such records, and furnish such returns to the appropriate Agency, of such information specified in the notice as the appropriate Agency reasonably considers it needs for those purposes, in such form and within such period following service of the notice, or at such time, as is so specified.