
STATUTORY INSTRUMENTS

2007 No. 871

**The Producer Responsibility Obligations
(Packaging Waste) Regulations 2007**

PART III

REGISTRATION: PRODUCERS AND SCHEMES

Application for approval of a scheme

13.—(1) An application for approval of a scheme by the appropriate [^{F1}Agency] shall be made in writing by the operator of the scheme and shall—

- (a) contain the following information—
 - (i) the name and address of the person who proposes to operate the scheme; and
 - (ii) information which demonstrates that—
 - (aa) the scheme is likely to subsist for a period of at least 5 years; and
 - (bb) the operator of the scheme is likely to be able to meet its expected [^{F2}recycling obligations] for that period; and
- (b) be accompanied by the following documentation—
 - (i) a copy of the constitution of the scheme;
 - (ii) a copy of the rules with which a member of the scheme is obliged to comply; and
 - (iii) a copy of the procedures under which the operator of the scheme would enforce the rules against a member of the scheme.

(2) Subject to paragraphs (3) and (4), an application for approval of a scheme shall within 28 days of receipt of the application be granted [^{F3}where the appropriate Agency] is satisfied that—

- (a) the scheme is likely to subsist for a period of at least 5 years;
- (b) the operator of the scheme is likely to be able to meet its expected [^{F2}recycling obligations] for that period,

and otherwise be refused.

[^{F4}(2A) Where an application for approval is granted, the appropriate Agency shall notify the operator of the scheme in writing of its decision within 28 days of making that decision.]

(3) A further application for approval in accordance with paragraph (1) shall be made on the occurrence of—

- (a) a change in the person who is the operator of the scheme;
- (b) a conviction of the operator of the scheme for an offence under these Regulations;
- (c) the operator of the scheme notifying the appropriate [^{F5}Agency] under regulation 22(4) that he did not comply with the requirements of regulation 12(1) for the previous year of registration; or

- (d) a failure by the operator of the scheme to comply, where applicable, with the additional conditions set out [^{F6}in regulation 13A(2)],

within 28 days of the occurrence of an event mentioned in sub-paragraph (a), (b) or (d) above or within 14 days of the occurrence of the event mentioned in sub-paragraph (c) above.

(4) Where the operator of the scheme has notified the appropriate [^{F7}Agency] under regulation 22(4) that he did not comply with the requirements of regulation 12(1) the appropriate [^{F7}Agency] may, whether or not it is not satisfied as to the matters set out in paragraph (2) above, grant approval subject to the additional conditions set out in [^{F8}regulation 13A(2)].

[^{F9}(5) Where the conditions in paragraph (7) are met, an operator may elect to make an application for approval by DOENI under paragraph (1).]

[^{F9}(6) Where an operator so elects—

- (a) functions of the appropriate Agency in relation to the application under this regulation shall be carried out by DOENI on behalf of the appropriate Agency; and
- (b) until the application has been determined, the operator may not make an application to the appropriate Agency under paragraph (1) in relation to the same or substantially the same scheme.]

[^{F9}(7) The conditions are—

- (a) the operator's registered office or principal place of business is in Northern Ireland; and
- (b) the operator proposes to apply to DOENI in relation to the same year for approval of the scheme under regulation 13(1) of PRONIR.]

[^{F9}(8) For the purposes of these Regulations, an act of DOENI performing the functions of the appropriate Agency pursuant to paragraph (6)(a) is to be treated as an act of the appropriate Agency.]

Textual Amendments

- F1** Word in reg. 13(1) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(a)** (with reg. 23(1)(3))
- F2** Words in Regulations substituted (S.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) Amendment \(Scotland\) Regulations 2020 \(S.S.I. 2020/387\)](#), **reg. 2(2)**; (E.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/1336\)](#), **reg. 2(2)**; and (W.) (1.1.2021) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/1390\)](#), **reg. 2(2)**
- F3** Words in reg. 13(2) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(b)** (with reg. 23(1)(3))
- F4** Reg. 13(2A) inserted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(c)** (with reg. 23(1)(3))
- F5** Word in reg. 13(3)(c) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(d)(i)**
- F6** Words in reg. 13(3)(d) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(d)(ii)**
- F7** Word in reg. 13(4) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(e)(i)**
- F8** Words in reg. 13(4) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(e)(ii)**
- F9** Reg. 13(5)-(8) substituted for reg. 13(5)-(10) (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **7(f)**

Changes to legislation:

There are currently no known outstanding effects for the The Producer Responsibility Obligations (Packaging Waste) Regulations 2007, Section 13.