
STATUTORY INSTRUMENTS

2007 No. 871

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

PART V

ACCREDITATION OF REPROCESSORS AND EXPORTERS

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 reprocessing site for which he wishes to be accredited and stating which of the applicable [^{F1}recycling] operations and which recyclable materials he wishes that accreditation to cover; or
 - [^{F2}(ii) as an exporter, in respect of the export of one or more recyclable materials for reprocessing 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;
 - [^{F3}(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) investment in infrastructure and the development of capacity for the collection, sorting, treatment and reprocessing of packaging waste;
 - (ii) funding provided to other persons involved in the collection of packaging waste;
 - (iii) reductions in the prices of, and the development of new markets for, materials or goods made from recycled packaging waste;
 - (iv) the costs of complying with obligations in these Regulations;
 - (v) funds retained for future investment;
 - (vi) the development of a communications strategy for consumers of packaging made from recyclable materials; and]
 - (d) accompanied by a fee of—
 - (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, £505; or
 - (ii) in any other case, £2616.
- (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 reprocessing site and for reprocessing in one or more specified [^{F4}recycling] operations or a combination of such operations; or
- [^{F5}(b) an exporter, to issue PERNs for the export of one or more specified recyclable materials for reprocessing in one or more [^{F4}recycling] operations 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;
- [^{F6}(b) where the application is made for accreditation as an exporter and relates to—
 - (i) one or more reprocessing sites outside the [^{F7}United Kingdom], that [^{F8}any recovery or recycling operations taking place in each such site take place under conditions that are broadly equivalent to requirements applicable to reprocessing sites in the United Kingdom] ; or
 - (ii) one or more reprocessing sites outside the [^{F9}United Kingdom], but it is not possible for the applicant at the time of the application to specify the site or sites to which the export of one or more specified recyclable materials for reprocessing is taking place, that the requirements [^{F10}applicable to the shipment of waste from the United Kingdom] are met in respect of each such export;]
- (c) that the application has been duly made in accordance with paragraph (1) above; and
- (d) the reprocessor or exporter will comply with the conditions specified in or under Schedule 5.

(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 £2111 (being the balance of the fee which would have been payable under paragraph (1)(d)(ii) had the undertaking not been given) [^{F11}within 28 days of the breach].

[^{F12}(7) An application to extend the accreditation of an exporter to include a further reprocessing site or sites to which they want 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—

- (a) £85 for the first form submitted as part of the application; and

(b) £35 for each additional form submitted as part of the application.]

^{F13}(8)

(9) An application to extend an exporter's accreditation to include a further reprocessing site or sites located outside the [^{F14}United Kingdom] shall be granted by the appropriate Agency where it is satisfied that each of those sites meets [^{F15}requirements that are broadly equivalent to requirements applicable to reprocessing sites in the United Kingdom] and is satisfied that the application was made in accordance with paragraph (7) above, and in any other case be refused.

Textual Amendments

- F1** Word in reg. 24(1)(a)(i) substituted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(9)(a)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(9)(a)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(9)(a)**
- F2** Reg. 24(1)(a)(ii) substituted (19.7.2008) by Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations 2008 (S.I. 2008/1941), regs. 1(1), **4(2)**
- F3** Reg. 24(1)(c) substituted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **12(a)**
- F4** Word in reg. 24(2) substituted (S.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 (S.S.I. 2020/387), regs. 1(1), **2(9)(b)**; (E.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2020 (S.I. 2020/1336), regs. 1(1), **2(9)(b)**; and (W.) (1.1.2021) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1390), regs. 1(1), **2(9)(b)**
- F5** Reg. 24(2)(b) substituted (19.7.2008) by Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations 2008 (S.I. 2008/1941), regs. 1(1), **4(3)**
- F6** Reg. 24(3)(b) substituted (19.7.2008) by Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations 2008 (S.I. 2008/1941), regs. 1(1), **4(4)**
- F7** Words in reg. 24(3)(b)(i) substituted (31.12.2020) by S.I. 2019/188, **reg. 12(4)(a)(i)(aa)** (as substituted by The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), regs. 1(3), **11(6)(d)**)
- F8** Words in reg. 24(3)(b)(i) substituted (31.12.2020) by S.I. 2019/188, **reg. 12(4)(a)(i)(bb)** (as substituted by The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), regs. 1(3), **11(6)(d)**)
- F9** Words in reg. 24(3)(b)(ii) substituted (31.12.2020) by S.I. 2019/188, **reg. 12(4)(a)(ii)(aa)** (as substituted by The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), regs. 1(3), **11(6)(d)**)
- F10** Words in reg. 24(3)(b)(ii) substituted (31.12.2020) by S.I. 2019/188, **reg. 12(4)(a)(ii)(bb)** (as substituted by The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), regs. 1(3), **11(6)(d)**)
- F11** Words in reg. 24(6) added (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **12(b)**
- F12** Reg. 24(7) substituted (26.11.2010) by The Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations 2010 (S.I. 2010/2849), regs. 1(b), **12(c)**
- F13** Reg. 24(8) omitted (31.12.2020) by virtue of S.I. 2019/188, **reg. 12(4)(b)** (as substituted by The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), regs. 1(3), **11(6)(d)**)

Changes to legislation: There are currently no known outstanding effects for the The Producer Responsibility Obligations (Packaging Waste) Regulations 2007, Section 24. (See end of Document for details)

- F14** Words in reg. 24(9) substituted (31.12.2020) by S.I. 2019/188, **reg. 12(4)(c)(i)** (as substituted by The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), regs. 1(3), **11(6)(d)**)
- F15** Words in reg. 24(9) substituted (31.12.2020) by S.I. 2019/188, **reg. 12(4)(c)(ii)** (as substituted by The Waste and Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1540), regs. 1(3), **11(6)(d)**)

Changes to legislation:

There are currently no known outstanding effects for the The Producer Responsibility Obligations (Packaging Waste) Regulations 2007, Section 24.