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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (S.I. 2007/871) (the “2007 Regulations”), which implement Article 6(1) of Council Directive 94/62/EC on packaging and packaging waste (OJ No L 365, 31.12.1994, p 10) as amended by Directive 2004/12/EC of the European Parliament and of the Council (OJ No L 47, 18.2.2004, p 26).

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ No L 24, 21.7.1998, p 37), as last amended by Council Directive 2006/96/EC (OJ No L 363, 20.12.2006, p 81).

Regulation 3 amends definitions in the 2007 Regulations. Regulation 4 amends regulation 5 of the 2007 Regulations to impose direct requirements in relation to the payment of fees and provision of information on producers who become members of registered schemes.

Regulation 5 amends regulation 7(4)(c) of the 2007 Regulations to remove parts of the exemption for small producers in relation to the information that must be provided to the appropriate Agency each year. This also inserts a new regulation 7(4)(ca) to preserve parts of this exemption for small producers.

Regulation 9 amends regulation 14 of the 2007 Regulations to change when applications for scheme registrations must be made and what information must accompany these applications. Regulation 11 inserts a new regulation 22A into the 2007 Regulations to create an obligation on operators of schemes, producers and accredited reprocessors and exporters to provide information to the appropriate Agency about circumstances including winding-up orders, the appointment of a receiver and entering administration.

Regulation 12 amends regulation 24 of the 2007 Regulations to change what must be included in business plans submitted as part of an application for accreditation by a reprocessor or exporter. Regulation 14 changes who may be specified as an approved person for the purpose of issuing certificates of compliance and signing the specified forms.

Other amendments include:

- (a) changes to paragraph 1(2) of Schedule 1 regarding the allocation of producer obligations for those carrying out packer/filler and convertor obligations and a change to paragraph 4(2)(b)(iii) to remove packaging or packaging materials exported from the United Kingdom to a marine installation from the exclusion from the calculation of a producer’s recovery and recycling obligations (regulation 16);
- (b) replacement of the definition used to determine the amount of packaging and packaging materials handled by producers for the purpose of calculating their recovery targets; recovery, recycling and small producer recycling allocation targets for the years between 2010 and 2012 are provided in amendments to paragraphs 5, 6 and 8 of Schedule 2 (regulation 17);
- (c) changes to the annual reports provided to the appropriate Agency by accredited reprocessors and exporters and removing the requirement to provide a report from an independent auditor (regulation 19).

An impact assessment which shows the anticipated cost of compliance to businesses and the public sector and the environmental benefits in respect of these Regulations may be obtained from the

**Status:** *This is the original version (as it was originally made).*

Producer Responsibility Unit, Zone 6D, Ergon House, Horseferry Road, London SW1P 2AL and is available alongside the Explanatory Memorandum and the instrument on the OPSI website.