

2005 No. 329

PUBLIC HEALTH

**The Producer Responsibility Obligations (Packaging Waste)
(Amendment) Regulations (Northern Ireland) 2005**

Made - - - - - *5th July 2005*

Coming into operation *8th August 2005*

The Department of the Environment, in exercise of the powers conferred on it by Article 3(1) of the Producer Responsibility Obligations (Northern Ireland) Order 1998(a), and of all other powers enabling it in that behalf, after consultation in accordance with Article 3(2) of that Order, and having regard to the matters specified in Article 3(6), hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 8th August 2005.

(2) In these Regulations, “the principal Regulations” means the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 1999(b).

Amendments to the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraph (2).

(2) In regulation 21B—

(a) in paragraph (1), omit sub-paragraph (b);

(b) for paragraph (3) substitute—

“(3) The Department shall notify the applicant in writing of its decision under paragraph (2).”;

(c) for paragraph (5) substitute—

“(5) Subject to regulation 21D, where accreditation is granted under paragraph (2), it shall take effect—

(a) where the application for accreditation and the decision thereon are made prior to 1st January of the year in which the applicant wishes to be accredited (“the accredited year”), from 1st January of that year;

(b) in all other cases, from the date of the decision on the application,

and shall remain in force until 31st December in the accredited year.”.

(a) S.I. 1998/1762 (N.I. 16)

(b) S.R. 1999 No. 115, as amended by S.R. 1999 No. 496, S.R. 2002 No. 239 and S.R. 2004 No. 106

Sealed with the Official Seal of the Department of the Environment on 5th July 2005.

(L.S.)

Ian Maye

A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Producer Responsibility Obligations (Packaging Waste) Regulations 1999 (the 1999 Regulations), which impose on producers obligations to recover and recycle packaging waste, and related obligations, in order to attain the targets in Article 6(1) of Directive 94/62/EC.

Regulation 2 amends regulation 21B of the 1999 Regulations to allow reprocessors and exporters to apply for accreditation at any time throughout the year. Any accreditation that is granted will, if it is applied for and granted before the end of the year in respect of the subsequent year, be valid from 1st January and in all other cases from the date of the decision, and shall subsist until 31st December in that year.

Sub-paragraph (2)(a) removes the requirement to have applied for accreditation as a reprocessor or exporter by the 30th of September in the year preceding the year in which he is applying to be accredited.

Sub-paragraph (2)(b) removes the requirement for the Department to have notified the applicant of its decision by the 30th November, although the requirement to notify in writing remains.

Sub-paragraph (2)(c) is amended so that where accreditation is granted in the proceeding year to that to which the application relates, from the 1st January and in all other cases, from the date of the decision. Accreditations subsist until 31st December.

A full regulatory impact assessment has now been produced for this instrument as it has no impact on the cost of business.

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