

---

STATUTORY INSTRUMENTS

---

**2007 No. 871**

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

**PART IV**

**RECORDS, RETURNS AND CERTIFICATE**

**Producers—records and returns**

- 20.**—(1) A producer who is subject to the certifying obligation shall—
- (a) maintain, and retain for at least 4 years after the record is made, records of the information referred to in paragraph (2) below for a small producer who has elected to follow the allocation method or paragraph (3) for any other producer; and
  - (b) at the same time as he furnishes a certificate of compliance to the appropriate Agency in accordance with regulation 21, make a return to the appropriate Agency of that information.
- (2) The information to be recorded by a small producer who has elected to follow the allocation method is—
- (a) his turnover;
  - (b) the recycling allocation for the relevant year as provided in paragraph 8 of Schedule 2;
  - (c) the amount, in tonnes, of packaging waste which is to be recycled under the allocation method set out in paragraph 7 of Schedule 2; and
  - (d) the aggregate tonnage of packaging materials that have been received by an accredited reprocessor for recycling and that have been exported by an accredited exporter for recycling as set out in the PRNs or PERNs acquired.
- (3) The information to be recorded by any other producer is—
- (a) the amount in tonnes, to the nearest tonne, of packaging waste delivered respectively for recovery and for recycling to a reprocessor or exporter, by or on behalf of the producer as set out in the PRNs or PERNs acquired; and
  - (b) the total number of tonnes of each material which is the subject of the producer's recovery and recycling obligations.
- (4) The records maintained under paragraph (1)(a) above by a producer shall be made available, on demand, to the appropriate Agency.

**Producers—certifying obligation**

- 21.**—(1) Subject to regulations 5, 37 and 39 and Schedules 8 and 10, a producer shall furnish in accordance with this regulation a certificate of compliance to the appropriate Agency.

*Status: Point in time view as at 31/12/2020.*

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

(2) A certificate of compliance shall be furnished as evidence of whether or not the producer has complied with his recovery and recycling obligations for a relevant year and shall be furnished on or before 31st January in the year immediately following the relevant year.

(3) The provisions of Schedule 4 shall apply as regards the information to be contained in a certificate of compliance.

**Schemes—records and returns**

**22.**—(1) The operator of a scheme shall maintain, and retain for at least 4 years after they are made, records of the information referred to in paragraph (2) below, and make returns of that information to the appropriate Agency on or before 31st January in the year following the year to which the information relates.

(2) For each year the information is—

(a) the amount in tonnes, to the nearest tonne, of packaging waste delivered respectively for recovery and for recycling, to a reprocessor or exporter through the scheme as set out in the PRNs or PERNs acquired;

<sup>F1</sup>(b) ..... and

(c) the total number of tonnes of each material which is the subject of an obligation to recover and recycle for which the operator of the scheme is responsible under regulation 12(1).

(3) The records maintained under paragraph (1) above shall be made available, on demand, to the appropriate Agency.

(4) The operator of a scheme shall, by 31st January in 2008 and thereafter by 31st January in each year following the year to which the information relates, send a statement [<sup>F2</sup>signed by the approved person] to the appropriate [<sup>F3</sup>Agency] confirming whether or not the operator has complied with the requirements of regulation 12(1) for the previous year of registration.

**Textual Amendments**

- F1** Reg. 22(2)(b) omitted (24.2.2016) by virtue of [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **14(a)**
- F2** Words in reg. 22(4) inserted (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **10**
- F3** Word in reg. 22(4) substituted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **14(b)**

**[<sup>F4</sup>Notification of winding-up, receivership, administration, etc.**

**22A.**—(1) This regulation applies to—

- (a) the operator of a scheme;
- (b) a producer; or
- (c) a reprocessor or an exporter accredited in accordance with Part 5 (accreditation of reprocessors and exporters).

(2) A company or limited liability partnership to which this regulation applies shall inform the appropriate Agency as soon as is practicable upon becoming aware that one or more relevant circumstances apply or are about to apply to them.

(3) The operator of a scheme must inform the appropriate Agency as soon as is practicable upon becoming aware that one or more relevant circumstances apply or are about to apply to the scheme it operates.

- (4) For the purposes of this regulation “relevant circumstances” are—
- (a) a winding-up order has been made or a resolution for voluntary winding-up has been passed;
  - (b) a determination for a voluntary winding-up has been made;
  - (c) a receiver or a manager of the company or limited liability partnership’s undertaking has been duly appointed;
  - (d) its undertaking has entered administration;
  - (e) a voluntary arrangement proposed for the purposes of Part 1 of the Insolvency Act 1986 has been approved under that Part of the Act.]

**Textual Amendments**

- F4** Reg. 22A inserted (26.11.2010) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2010 \(S.I. 2010/2849\)](#), regs. 1(b), **11**

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

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