
STATUTORY INSTRUMENTS

2007 No. 871

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

PART III

REGISTRATION: PRODUCERS AND SCHEMES

[^{F1}Conditions of approval of a scheme

- 13A.—**(1) Approval of a scheme under regulation 13 is subject to the following conditions—
- (a) the operator of the scheme complies with the obligations set out in regulation 12(1);
 - (b) the operator of the scheme monitors the accuracy of information to which regulation 19 applies, so that the operator may reasonably discover when a scheme member has not complied with regulation 19(2)(c);
 - (c) the operator of the scheme acquires PRNs or PERNs in a manner which least hinders the ability of any other operator to acquire PRNs or PERNs pursuant to regulation 12(3);
 - (d) the operator of the scheme maintains sufficient financial resources to acquire PRNs or PERNS pursuant to regulation 12(3);
 - (e) the operator of the scheme maintains access to, and sufficient financial resources to pay for, the expertise necessary for the purposes of calculating the [^{F2}recycling obligations] referred to in regulation 12(1);
 - (f) the operator of the scheme provides any information reasonably requested by the appropriate Agency for the purposes of monitoring compliance pursuant to regulation 31(1)(b) or (c);
 - (g) in relation to any year in which the scheme is registered under regulation 14—
 - (i) the operator of the scheme informs the appropriate Agency in writing of—
 - (aa) any change in the person who is the operator of the scheme and, in the case where the operator of the scheme is a partnership, or where there is more than one operator of a scheme, any change of partners or operators;
 - (bb) any material change in the information provided in accordance with regulation 14(3)(b);
 - (cc) any material change in the further information provided in accordance with regulation 14(3)(c); and
 - (dd) any change in the operator stated under regulation 14(3)(h),
within 28 days of the occurrence of any such change; and
 - (ii) the operator of the scheme complies with the requirement set out in regulation 15A;
and
 - (h) the operator of the scheme provides records and returns to the appropriate Agency as required by regulation 22.

(2) Approval of a scheme pursuant to regulation 13(4) is subject to the following additional conditions in relation to any year in which the scheme is registered under regulation 14—

- (a) the operator of the scheme complies with 50% of the total [^{F2}recycling obligations] of the scheme before 30th June;
- (b) the operator of the scheme complies with a further 50% of the remaining [^{F2}recycling obligations] before 30th September;
- (c) the operator of the scheme makes returns to the appropriate Agency of information demonstrating compliance with the conditions set out at sub-paragraphs (a) and (b) on or before 15th July and 15th October respectively;
- (d) the operator pays the fee under regulation 16(3) to the appropriate Agency; and
- (e) the operator of the scheme does not accept any new members into the scheme.

(3) The additional conditions set out in paragraph (2) cease to apply at the beginning of the year following the approval year if the appropriate Agency is satisfied that in the approval year the operator complied with—

- (a) the obligations under regulation 12(1); and
- (b) the additional conditions set out in paragraph (2).

(4) If the additional conditions set out in paragraph (2) cease to apply by virtue of paragraph (3), the appropriate Agency shall serve written notice of the cessation within 28 days of the date on which the appropriate Agency is satisfied in accordance with paragraph (3).

(5) In paragraph (3), “approval year” means the year for which approval was granted pursuant to regulation 13(4).]

Textual Amendments

- F1** Regs. 13A-13C inserted (24.2.2016) by [The Producer Responsibility Obligations \(Packaging Waste\) \(Miscellaneous Amendments\) Regulations 2016 \(S.I. 2016/241\)](#), regs. 1(b), **8** (with reg. 23(2)(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)**

Changes to legislation:

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