

SCHEDULE 5 **E+W+S**

Regulation 25

CONDITIONS OF ACCREDITATION

1. The conditions referred to in regulation 25 are that—
  - (a) PRNs shall not be issued for more than the total amount of packaging waste which—
    - (i) is received for reprocessing on the reprocessing site of a reprocessor in the year or the part of the year for which he is accredited; and
    - (ii) will be capable of being reprocessed on the site for which he is accredited no later than the end of the following year;
  - (b) a reprocessor may only issue a PRN in respect of packaging waste once that packaging waste has been received for reprocessing on that reprocessing site;
  - (c) PRNs which relate to packaging waste received for reprocessing in December of a year shall specify that fact;
  - (d) PERNs shall not be issued for more than the total amount of packaging waste which an accredited exporter exports for reprocessing to the specified overseas reprocessing sites notified to and approved by the appropriate Agency in the year or part of the year for which he is accredited;
  - (e) a PERN may only be issued once the packaging waste that it relates to has been exported for reprocessing to the specified overseas reprocessing sites notified to and approved by the appropriate Agency;
  - (f) PERNs which relate to packaging waste exported in December of a year shall specify that fact;
  - (g) where a PRN or PERN has not been issued by 31st January in any year in respect of an amount of packaging waste received for reprocessing or exporting in the previous year, a PRN or PERN for that amount shall not be issued to producers or operators of schemes, or to the representatives of producers or operators of schemes but shall be issued to the appropriate Agency on or before 15th February in that year;
  - (h) any blank PRN or PERN forms not issued and remaining blank in the book of PRNs or PERNs of a reprocessor or exporter are the property of the appropriate Agency and are to be returned to the appropriate Agency on demand;
  - (i) the weight of packaging waste recorded on a PRN or PERN shall be—
    - (i) rounded up to the nearest whole tonne where the part tonne is 0.5 or more;
    - (ii) rounded down to the nearest whole tonne where the part tonne is less than 0.5;
  - (j) duplicate copies of all PRNs and PERNs issued shall be retained and made available for inspection by the appropriate Agency at all reasonable times;
  - (k) subject to sub-paragraph (g) above, PRNs and PERNs may only be issued to producers or operators of schemes, or to the representatives of producers or operators of schemes;
  - (l) one or more substitute PRNs or PERNs shall be issued, on request, to the holder of an original PRN or PERN in exchange for the original, provided that—
    - (i) the aggregate tonnage of the substitute or substitutes so issued remains equal to that exchanged;
    - (ii) where the packaging waste was received or exported in December, the substitute shall also specify that fact;
    - (iii) the substitute PRNs or PERNs relate to the same year as the original; and
    - (iv) no substitutes which relate to packaging waste received for reprocessing in any given year may be issued after 31st January in the following year;

**Status:** Point in time view as at 16/03/2007.

**Changes to legislation:** There are currently no known outstanding effects for the The Producer Responsibility Obligations (Packaging Waste) Regulations 2007, SCHEDULE 5. (See end of Document for details)

- (m) records shall be maintained for each quarter year on a form made available for the purpose by the appropriate Agency, shall be retained for at least 4 years after the end of the year in which the record is made and shall be made available to the appropriate Agency on demand;
- (n) reports shall be provided to the appropriate Agency before each of 21st April, 21st July, 21st October and 28th February in respect of the previous quarter year on—
  - (i) the tonnage of packaging waste received or exported for reprocessing in that quarter;
  - (ii) the tonnage of packaging waste reprocessed in that quarter;
  - (iii) the number of PRNs or PERNs issued in that quarter; and
  - (iv) a list of all PRNs and PERNs issued,on a form provided by the appropriate Agency;
- (o) a report shall be provided to the appropriate Agency before 28th February in each year which sets out—
  - (i) all the information provided in the quarterly reports which relate to the whole of the previous year; and
  - (ii) the amount of revenue received in the previous year from the sale of PRNs or PERNs and a statement of what it has been spent on;
- (p) except in the case of a reprocessor or exporter who has made the undertaking specified in regulation 24(1)(d)(i) for the whole of the year in which he is accredited, a report shall be provided to the appropriate Agency in the format specified by the appropriate Agency which—
  - (i) is from an independent auditor; and
  - (ii) confirms to the satisfaction of the appropriate Agency that the PRNs or PERNs issued by the reprocessor or exporter in relation to the previous year are consistent with the tonnage of packaging waste received or exported for reprocessing in relation to that year,before 28th February in the subsequent year;
- (q) a reprocessor or exporter must—
  - (i) as far as possible implement the business plan referred to in regulation 24(1)(c);
  - (ii) undertake sampling and inspection of packaging waste received or exported for reprocessing, in accordance with a plan approved by the appropriate Agency; and
  - (iii) comply with such other conditions as the appropriate Agency may specify in the notification of a grant of accreditation;
- (r) a PERN may only be issued in respect of packaging waste that is exported in accordance with [Council Regulation \(EEC\) No. 259/93](#) of 1st February 1993 on the supervision and control of shipments of waste within, into and out of the European Community<sup>(1)</sup>, as amended by [Commission Regulation \(EC\) No. 2557/2001](#)<sup>(2)</sup>.

**2. For the purposes of this Schedule—**

- (a) “issue” in relation to a PRN or PERN means to sell or otherwise supply to a producer or operator of a scheme or to the representative of a scheme or operator of a scheme, and a reprocessor or exporter may issue a PRN or PERN to himself;
- (b) “quarter year” means the first, second, third and fourth three months of the year; and
- (c) “independent auditor” means—

(1) OJNo. L30, 6.2.1993, p.1.

(2) OJ No. L349, 31.12.2001, p.1.

- (i) an auditor who would be eligible for appointment as company auditor of the reprocessor or exporter under Part II of the Companies Act 1989<sup>(3)</sup>; or
- (ii) an environmental auditor who is—
  - (aa) registered with a supervisory body approved by the appropriate Agency; and
  - (bb) not ineligible for appointment as a company auditor of the reprocessor or exporter on the ground of lack of independence under section 27 of the Companies Act 1989.

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(3) 1989 c. 40, to which there are amendments not relevant to these Regulations.

**Status:**

Point in time view as at 16/03/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the The Producer Responsibility Obligations (Packaging Waste) Regulations 2007, SCHEDULE 5.