STATUTORY RULES OF NORTHERN IRELAND

2008 No. 373

PUBLIC HEALTH

The Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations (Northern Ireland) 2008

Made - - - -	*9th September 2008*
Coming into operation	*13th October 2008*

The Department of the Environment in exercise of the powers conferred by sections 2(2) of the European Communities Act 1972(**1**) and Articles 3-5 of the Producer Responsibility Obligations (Northern Ireland) Order 1998(**2**).

These Regulations are made for the implementation of Article 6(2) of Council Directive 94/62/EC on packaging and packaging waste.

The Department of the Environment was designated(**3**) for the purpose of section 2(2) of the European Communities Act 1972 in relation to measures in relating to the prevention, reduction and elimination of pollution caused by waste and the management of packaging and packaging waste.

Accordingly, after consultation in accordance with Article 3(2) of the Producer Responsibility Obligations (Northern Ireland) Order 1998 and being satisfied as to matters specified in Article 3(6) of that Order as required by Article 3(5) of that Order, the Department makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Producer Responsibility Obligations (Packaging Waste) (Amendment No.2) Regulations (Northern Ireland) 2008 and come into operation on 13th October 2008.

(2) The Interpretation Act (NI) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(**1**) 1972 c.68
(**2**) S.I. 1998/1762 (N.I. 16)
(**3**) The Department was designated under the European Communities (Designation) Order 1996 under Article 2 and the Schedule (S.I. 1996/266)
(**4**) 1954 c.33 (N.I.)

Amendment of the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007

2.—(1) The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007(**5**) are amended as follows.

(2) In Regulation 23(2) (requirement for accreditation), for "packaging waste exported by him for reprocessing to a specified reprocessing site or sites", there is substituted "an export of packaging waste for reprocessing".

(3) Regulation 24 (application for accreditation) as amended as follows—

(a) For sub-paragraph (1)(a)(ii) there is substituted—

"(ii) as an exporter, in respect of the export of one or more recyclable materials for reprocessing outside the United Kingdom;"

(b) For sub-paragraph (2)(b) there is substituted—

"(b) an exporter, to issue PERNs for the export of one or more specified recyclable materials for reprocessing in one or more recovery operations outside the United Kingdom, or a combination of such operations,"

(c) For sub-paragraph (3)(b) there is substituted—

"(b) (i) where the application is made for accreditation as an exporter and relates to one or more reprocessing sites outside the European Community, that the requirements of Article 6(2) of the Packaging Waste Directive have been met in respect of each site; or

(ii) where the application is made for accreditation as an exporter and relates to one or more reprocessing sites outside the European Community, but it is not possible for the applicant at the time of the application to specify the site or sites to which the export of one or more specified recyclable materials for reprocessing is taking place, that the requirements of Article 6(2) of that Directive are met in respect of each such export;".

(4) Regulation 26 (suspension and cancellation of accreditation) is amended as follows—

(a) For paragraph (2) there is substituted—

"(2) Where the Department is no longer satisfied that the requirements of Article 6(2) of the Packaging Waste Directive are met in relation to the export of one or more specified recyclable materials for reprocessing at one or more reprocessing sites outside the European Community, the Department shall cancel the accreditation of an exporter to the extent that it relates to any such export which does not meet those requirements."

(b) In paragraph (3), for "the extent that it relates to a site or sites under" there is substituted "pursuant to".

(5) Schedule 5 (conditions of accreditation) is amended as follows—

(a) For paragraphs 1(d) and (e) there is substituted—

"(d) PERNs shall not be issued for more than the total amount of packaging waste which an accredited exporter exports for reprocessing 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;"

(b) For paragraph 1(r) there is substituted—

(**5**) S.R. 2007/198