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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

**The Producer Responsibility Obligations (Packaging Waste) (Amendment) (England) Regulations 2003**

**Amendment of Part I (General)**

4.—(1) In regulation 2(1)—

(a) insert at the appropriate alphabetical places—

““accredited exporter” means an exporter who is accredited by the appropriate Agency under regulation 21B;”;

““accredited reprocessor” means a reprocessor who is accredited by the appropriate Agency under regulation 21B;”;

““appropriate Agency” means—

(a) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate Agency in England, the Environment Agency;

(b) for the purposes of any provision of these Regulations relating to the obligations of any other person means—

(i) the Environment Agency, where at the beginning of the relevant year the person’s registered office or principal place of business is in England or Wales;

(ii) SEPA, where at the beginning of the relevant year the person’s registered office or principal place of business is in Scotland; or

(iii) at the election of the person, either the Agency or SEPA, where at the beginning of the relevant year the person does not have a registered office or principal place of business in Great Britain, or there is more than one operator of the scheme and such operators have registered offices or principal places of business in either England or Wales and in Scotland;”;

““approved person” means the person for the time being approved under regulation 27 for the purpose of issuing certificates of compliance under regulation 23 and signing the form referred to in regulation 6(4)(c) or 17A(2) in relation to a particular producer;”;

““exporter” means a person who, in the ordinary course of a trade, occupation or profession, owns and exports packaging waste for reprocessing outside the United Kingdom;”;

““PERN” means a packaging waste export recovery note issued by an accredited exporter for the purposes of Part IVA of these Regulations, on a form supplied to him by the appropriate Agency, as evidence of the export of the tonnage of packaging waste specified in the note for reprocessing outside the United Kingdom;”;

““PRN” means a packaging waste recovery note issued by an accredited reprocessor for the purposes of Part IVA of these Regulations, on a form supplied to him by the appropriate Agency, as evidence of the receipt of the tonnage of packaging waste specified in the note for reprocessing within the United Kingdom;”;

- (b) for the definition of “recyclable material” substitute—
    - ““recyclable material” means—
    - (a) glass;
    - (b) aluminium;
    - (c) steel;
    - (d) paper/fibreboard;
    - (e) plastic; or
    - (f) wood;and packaging materials composed of a combination of any of those materials are to be treated as made of the material which is predominant by weight;”;
  - (c) at the end of the definition of “reprocessor” insert “and “reprocessing” shall be construed accordingly”;
  - (d) in the definition of “SIC Code” for the references to “1992” and “1997”, in each case substitute “2003”; and
  - (e) omit the definition of “special producer”.
- (2) In regulation 2(2)(a) for “undertaking” substitute “condition”.
- (3) In regulation 2(3)(a) for “17(3), 31(5) and (10)” substitute “and 17(3)”.