
STATUTORY INSTRUMENTS

1997 No. 648

**The Producer Responsibility Obligations
(Packaging Waste) Regulations 1997**

PART II

PRODUCERS AND OBLIGATIONS

Producers and producer responsibility obligations

3.—(1) This regulation is subject to regulations 4, 29 and 30.

(2) In respect of a year a person is a producer of a class specified in an entry in column 4 of the Table set out in Schedule 1 if—

- (a) in that year and the preceding year he performs the relevant functions of the class of producer specified in Column 1 of that Table in relation to that entry;
- (b) in the preceding year he made supplies of the materials or products specified in Column 2 of that Table in relation to that entry of a class in Column 3 of that Table in relation to that entry; and
- (c) in relation to that year he satisfies the threshold tests as provided by paragraph 3 of that Schedule,

and the other provisions of that Schedule shall also have effect for the purposes of determining whether a person is a producer of any class.

(3) Where in respect of a year a person is a producer and satisfies the provisions of Columns 1 to 3 of the Table in Schedule 1 in relation to more than one class of producer specified in an entry in Column 4 of that Table, whether or not in relation to the same materials or products specified in Column 2 of that Table, or the same transaction or process, for that year that person belongs to each such class.

(4) For the purposes of these Regulations—

- (a) “relevant year” is the year referred to in paragraph (2) above, that is to say a year in respect of which a person is a producer; and
- (b) “preceding year” is the year immediately preceding a relevant year.

(5) A person who is a producer in respect of a year has producer responsibility obligations in respect of that year, that is to say he shall—

- (a) be registered as provided in regulation 5 (in these Regulations referred to as the “producer registration obligation”); and
- (b) for the year 1998 and subsequent years—
 - (i) take reasonable steps to recover and recycle packaging waste (in these Regulations referred to as the “recovery and recycling obligations”) in relation to each of the classes of producer to which the producer belongs, calculated as provided in Schedule 2, and

(ii) furnish a certificate of compliance in respect of his recovery and recycling obligations in accordance with regulation 23 (in these Regulations referred to as the “certifying obligation”).

(6) The recovery and recycling obligations of producers are to enable the United Kingdom to attain the recovery and recycling targets for Member States set out in article 6(1) of Directive [94/62/EC](#) and those targets are set out in Schedule 10.

Exclusions and limitations

4.—(1) Where a producer is a member of a registered scheme throughout a relevant year—

- (a) the producer is exempt from complying with his producer responsibility obligations for the relevant year; and
- (b) the recovery and recycling obligations with which, but for his membership of the scheme, the producer would have had to comply in relation to the relevant year shall be performed through the scheme.

(2) These Regulations do not apply to a charity within the meaning given in section 506 of the Income and Corporation Taxes Act 1988⁽¹⁾.

(3) The producer responsibility obligations of the producer class of wholesaler apply only in respect of the year 2000 and subsequent years.

(4) A special producer as defined in Part III of Schedule 3 shall have producer responsibility obligations as provided in Part IV of that Schedule and shall provide records and returns to the appropriate Agency in accordance with Part V of that Schedule.

(1) 1996 c. 1.