
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

The Deposit and Return Scheme for Scotland Regulations 2020

PART 3

Producers

CHAPTER 3

Producer Obligations

Producer obligations: general

- 10.**—(1) A registered producer must—
- (a) submit any subsequent application for registration within the time limits in regulation 7(2),
 - (b) provide any information reasonably requested by SEPA with regard to the producer obligations in regulation 11(1) or, as the case may be, 12(2),
 - (c) notify SEPA of any material change in the information provided in accordance with regulation 7(3)(b) and (c), within 28 days of the date of the change,
 - (d) notify SEPA in writing where the producer wishes to cancel the registration or has ceased to be a producer in respect of a relevant year.
- (2) The obligations in paragraph (1) must be discharged—
- (a) where the producer is registered in accordance with regulation 7(1)(a), by the producer, or
 - (b) where the producer is registered through a scheme administrator, by that scheme administrator, in accordance with regulation 16(1)(a).

Producer obligations: further provision

- 11.**—(1) A registered producer must—
- (a) collect and keep for at least four years from the date on which the information is collected a record of the information specified in paragraph (2),
 - (b) provide that information to SEPA in such form and at such intervals as SEPA may require,
 - (c) accept the return by a retailer or wholesaler of any scheme packaging that was—
 - (i) first made available by the producer to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland, and
 - (ii) sold by that producer to that retailer or wholesaler,
 - (d) pay a sum equal to the deposit to a retailer or wholesaler for each item of scheme packaging returned in accordance with sub-paragraph (c),
 - (e) within the time limits specified in the producer's operational plan, collect scheme packaging first made available by that producer to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland from any of the following—

- (i) a return point operator,
 - (ii) a retailer operating a takeback service,
 - (iii) a hospitality retailer,
- (f) within the time limits specified in the producer’s operational plan, pay to a person from whom the producer has collected scheme packaging in accordance with sub-paragraph (e) a sum equal to the deposit for each item of scheme packaging collected,
- (g) within the time limits specified in the producer’s operational plan, pay to the person from whom the producer has collected scheme packaging in accordance with sub-paragraph (e) a reasonable handling fee charged by that person for each item of scheme packaging collected,
- (h) meet the minimum collection targets specified in schedule 3 in respect of scheme packaging containing a scheme article first made available by that producer to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland.
- (2) The information referred to in paragraph (1)(a) is—
- (a) the number of scheme articles first made available by that producer to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland,
 - (b) whether the scheme packaging in which those scheme articles were contained or sold was made wholly or mainly from PET plastic, glass, steel or aluminium,
 - (c) the number of items of scheme packaging returned to the producer by wholesalers and retailers,
 - (d) the number of items of scheme packaging collected by the producer from each return point operator, retailer providing a takeback service and hospitality retailer.
- (3) The obligations in paragraph (1) must be discharged—
- (a) where the producer is registered in accordance with regulation 7(1)(a), by the producer, or
 - (b) where the producer is registered through a scheme administrator, by that scheme administrator, in accordance with regulation 16(1)(a).
- (4) For the purposes of this regulation—
- a “reasonable handling fee” is—
- (a) a fee charged by a return point operator in relation to scheme packaging returned by a consumer to that return point that takes into account the following—
 - (i) the costs of purchase, lease, maintenance and upkeep of any reverse vending machine associated with the collection and storage of scheme packaging,
 - (ii) the cost of materials used in respect of the collection and storage of scheme packaging,
 - (iii) the rental value of any floor space utilised solely for the collection and storage of scheme packaging, and
 - (iv) staff time dedicated solely to the collection and storage of scheme packaging,
 - (b) a fee charged by a retailer providing a takeback service in relation to scheme packaging returned through that takeback service, that takes into account the following—
 - (i) costs associated with use of a vehicle to collect scheme packaging,
 - (ii) the cost of materials used in respect of the collection and storage of that scheme packaging,
 - (iii) the rental value of any floor space utilised solely for the collection and storage of that scheme packaging,

- (iv) staff time dedicated solely to the collection and storage of that scheme packaging,
and
- (v) the delivery costs associated with return of that scheme packaging,
- (c) a fee charged by a hospitality retailer in relation to scheme packaging of scheme articles sold exclusively for the purposes of consumption on the premises of sale, that takes into account the cost of materials used in respect of the collection and storage of scheme packaging.

“wholesaler” means a person other than a producer that markets, offers for sale or sells a scheme article in Scotland other than by way of retail sale.

Producer obligations: producers registered through a scheme administrator

12.—(1) For the purpose of these Regulations, a “producer registered through a scheme administrator” is a producer that is registered following an application made by a scheme administrator on behalf of that producer under regulation 7(1)(b).

(2) A producer registered through a scheme administrator must—

- (a) maintain a record of the number and type of scheme articles first made available by that producer to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland, and
- (b) supply any information reasonably requested by that scheme administrator for the purposes of the scheme administrator’s compliance with the obligations in regulation 16(1) (a) to (c).