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.