

SCHEDULE 2

Licensors and Pub Operating Businesses

PART 3

Pub operating businesses

7.—(1) Where the head organisation is a pub operating business, for the purposes of determining whether the condition in paragraph 11(1)(b) is met, only packaging or packaging materials specified in sub-paragraph (2) are to be taken into account.

(2) The packaging or packaging materials referred to in sub-paragraph (1) are packaging or packaging materials that contain the goods that are the subject of the obligation to purchase from the head organisation or person nominated or authorised by that head organisation under the pub operating agreement, whether or not the goods have been packed or filled in the packaging or packaging materials when they are purchased by the member.

8. Where the head organisation is a pub operating business—

(a) where there is a situation falling in paragraph 2(1)(a) or (b) above and the conditions in paragraph 2(2) above have been met, the head organisation—

(i) is deemed to be a producer of one or more classes specified in regulation 8; and

(ii) has data collection obligations in respect of its own activities, where applicable, and those of its members in respect of the packaging or packaging materials set out in paragraph 5; or

(b) where there is a situation falling in paragraph 2(1)(c) above and the conditions in paragraph 2(2) above have been met, the head organisation—

(i) has obligations as a producer in respect of its own activities;

(ii) is deemed to be a producer of one or more classes specified in regulation 8; and

(iii) has data collection obligations in respect of the activities of its members in respect of the packaging or packaging materials set out in paragraph 7(2).