

SCHEDULE 2

Licensors and Pub Operating Businesses

PART 2

Licensors

5. Where the head organisation is a licensor, for the purposes of determining whether the condition in regulation 11(2)(b) is met, only the following packaging or packaging materials are to be taken into account—

- (a) packaging or packaging materials that bear a trade mark of the head organisation for which a licence to use such trade mark has been granted under the licence agreement;
- (b) packaging associated with goods that bear a trade mark of the head organisation for which a licence to use such trade mark has been granted under the licence agreement; and
- (c) where the member is obliged to—
 - (i) purchase goods in packaging;
 - (ii) purchase goods and associated packaging or packaging materials to be used to contain or protect such goods or to facilitate the handling of or for the presentation of such goods;
 - (iii) purchase packaging or packaging materials to be used to contain or protect such goods or to facilitate the handling of or for the presentation of such goods;

from the head organisation or, where the head organisation has negotiated some or all of the terms of the supply, a supplier nominated or authorised by the head organisation under the licence agreement, such packaging or packaging materials.

6. Where the head organisation is a licensor—

- (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 a class or 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;
- (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 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 5.