

SCHEDULE 2

Licensors and Pub Operating Businesses

PART 2

Licensors

5. Where the head organisation is a licensor, for the purposes of determining under paragraph 2(2) (b) above whether the threshold test in regulation 11(2)(b) is satisfied, 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 within 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,
 - (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 within 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,
 - (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.