

Party	Liability under Producer Responsibility regime	Liability under waste legislation	Points to consider
<b>Technology developers</b>	Companies with a UK base may be "producers" with take back obligations as manufacturers placing on the UK market for the first time	Will need to comply with waste duty of care if taking back batteries for recycling and recovery and will need to comply with storage and transport requirements	<ul style="list-style-type: none"> <li>Technology developers who avoid having a UK base will not be caught by the producer responsibility regime</li> <li>Technology developers may benefit from early collaboration with approved battery treatment operators to ensure that their batteries can be economically recycled when they cease to operate</li> </ul>
<b>Energy Storage Companies, developers and other buyers</b>	Companies with a UK base may be "producers" with take back obligations if they are importing and placing on the UK market for the first time	Will need to comply with waste duty of care if taking back batteries for recycling and recovery and/or when discarding spent batteries and will need to comply with storage and transport requirements	<ul style="list-style-type: none"> <li>Energy storage companies and other buyers who buy from UK based manufacturers will not be "producers"</li> <li>Energy storage companies and other buyers who import purely for their own use may not be placing on the market and so would not be "producers", although they would be responsible for the costs of recycling their own batteries</li> <li>Whether the energy storage company or other buyer or the EPC contractor is the "producer" may depend on the contract between them</li> </ul>
<b>EPC contractors and equivalent suppliers</b>	Companies with a UK base may be "producers" with take back obligations if they are importing and placing on the UK market for the first time	Will need to comply with waste duty of care if taking back batteries for recycling and recovery and will need to comply with storage and transport requirements	<ul style="list-style-type: none"> <li>EPC contractors who buy from UK based manufacturers will not be "producers"</li> <li>Whether the EPC contractor or the energy storage company or other buyer is the "producer" may depend on the contract between them</li> </ul>
<b>Site owners</b>	Will not be a producer solely through their capacity as site owner	<p>Will need to comply with storage requirements</p> <p>If any waste batteries are abandoned at the site then the site owner will need to comply waste duty of care and will need to comply with transport requirements</p>	<ul style="list-style-type: none"> <li>Site owners will need to ensure they build in suitable protections into leases and other documents</li> </ul>
<b>Project funders</b>	Will not be a producer solely through their capacity as funder	Will not be subject to the waste duty of care or transport requirements solely through their capacity as funder	<ul style="list-style-type: none"> <li>Project funders need to understand who will be meeting the costs of compliance with the producer responsibility regime and waste legislation and how this may affect the values of their security</li> <li>Project funders need to consider whether they could be left in the position of site owner or another party in the project in the event of insolvency</li> </ul>

Burgess Salmon is holding a Webinar on Battery Storage Projects in Autumn 2016. **If you are interested in our Webinar, please contact Paul Kitson at [paul.kitson@burgess-salmon.com](mailto:paul.kitson@burgess-salmon.com)**  
 For further information on producer responsibility, environmental regulation or Burgess Salmon's work on battery storage contact Ross Fairley, Simon Tilling, or Nick Churchward.

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