

The exceptions applied in this instance are:

Information has been withheld under regulation 10(4)(d) (material in the course of completion, unfinished documents or incomplete data). This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in releasing the information as part of an open, transparent and accountable government. However, this is outweighed by the public interest in ensuring that unfinished or incomplete information is not disclosed when it might misinform the public or give a misleading impression of the Scottish Government's view or position on the matter to which the information relates.

Information has been withheld under regulation 10(4)(e) (internal communications). This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in releasing the information as part of an open, transparent and accountable government. However, this is outweighed by the greater public interest in allowing Scottish Government officials and Ministers a private space to share free and frank views for the purpose of deliberation of any given policy.

Information and documentation has been withheld under regulation 10(5)(f) (prejudice to the interests of the person who provided the information). This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in releasing the information as part of an open, transparent and accountable government. However, disclosure of this particular information would, or would be likely to, prejudice substantially the confidentiality of said information and the commercial interests of those providing the information in confidence.

Finally, a small amount of information has been withheld under Regulation 11(2) – Personal Data as it contains personal information and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulations (GDPR) and in Section 34(1) of the Data Protection Act 2018. This exception is not subject to the 'public interest test'.

Copies of all correspondence between Circularity Scotland Ltd and the Scottish Government between 1 April 2023 and 18 July 2023:

From: Redacted <Redacted@gov.scot>
Sent: Tuesday, May 16, 2023 3:01 PM
To: Redacted <Redacted@Circularityscotland.com>; Redacted <Redacted@zerowastescotland.org.uk>; Redacted <Redacted@sepa.org.uk>
Subject: RE: FYI: Full page ad in Scottish Grocer

Hi [Redacted]

Some suggestions from me below. I've also changed the order slightly.

Thanks,
[Redacted]

[Redacted]

From: Redacted@Circularityscotland.com>
Sent: 16 May 2023 12:32
To: Redacted@zerowastescotland.org.uk>; [Redacted]@gov.scot>; <[Redacted]@sepa.org.uk>
Subject: FYI: Full page ad in Scottish Grocer

Hi all

Please let me know if you have any comments on this – Im happy and need to finalise by COP tomorrow.

Noted on the 'take away' comment [Redacted] from the direct mail, will change to reference 'packaged drinks' as we do on our website.

Its an ad, so designed to be high level info.

Cheers
[Redacted]
[Redacted]
Head of Marketing

Tel. + [Redacted]
Website: <https://circularityscotland.com/>
Follow us:



From: [Redacted]@gov.scot>
Sent: Tuesday, May 30, 2023 10:59 AM
To: [Redacted]Circularityscotland.com>; [Redacted]@zerowastescotland.org.uk>;

[Redacted]@sepa.org.uk>; [Redacted]@gov.scot>; [Redacted]@gov.scot>;
[Redacted]@circularityscotland.com>; [Redacted]@gov.scot>
Cc: [Redacted]@gov.scot>;
[Redacted]@Circularityscotland.com [Redacted]@zerowastescotland.org.uk [Redacted]
d]@Circularityscotland.com>;
[Redacted]@Circularityscotland.com [Redacted]@zerowastescotland.org.uk>;
[Redacted]@gov.scot>; [Redacted]@zerowastescotland.org.uk>;
[Redacted]@nhs.scot; [Redacted]@gov.scot>; [Redacted]@gov.scot>
Subject: RE: DRS Comms Weekly Check In

Hi all,

You may be aware that the Minister is giving a statement to parliament at 14:50 this afternoon. Given the prep needed in advance, I won't be able to join the meeting today but [Redacted] and/or others from the team are around if you still want to have a catch up.

Thanks,
[Redacted]

-----Original Appointment-----

From: [Redacted] @Circularityscotland.com>
Sent: 09 February 2023 16:30
To: [Redacted], [Redacted], [Redacted], [Redacted], [Redacted], [Redacted], [Redacted]
Cc: [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted]; [Redacted] @nhs.scot; [Redacted]@nhs.scot
Subject: DRS Comms Weekly Check In
When: 30 May 2023 14:00-15:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.
Where: Microsoft Teams Meeting

** MOVING TO TUESDAY FOR THE BANK HOL ON TH 29TH**

Please forward to anyone within your organisation that needs to attend.

We will use the master comms doc to discuss the activity gone and upcoming plans. [Redacted]

Cheers
[Redacted]

From: [Redacted] @gov.scot>
Sent: Wednesday, May 17, 2023 10:46 AM
To: [Redacted] @Circularityscotland.com>; [Redacted] @Circularityscotland.com [Redacted] @Circularityscotland.com>
Cc: [Redacted] @gov.scot>; [Redacted] @gov.scot>
Subject: The Deposit and Return Scheme for Scotland Amendment Regulations 2023

Hi all,

The updated Regs have now been laid with parliament:
<http://www.legislation.gov.uk/id/sdsi/2023/9780111057476>

I've attached the policy note which explains the updates.
Any questions, let us know.

Thanks,
[Redacted]

POLICY NOTE

THE DEPOSIT AND RETURN SCHEME FOR SCOTLAND AMENDMENT REGULATIONS 2023

SSI 2023/XXX

The above instrument was made in exercise of the powers conferred by sections 84, 89, 90 and 96(2) of the Climate Change (Scotland) Act 2009. The instrument is subject to the affirmative procedure.

Purpose of the instrument. To amend the Deposit and Return Scheme for Scotland Regulations 2020 (“the original Regulations”); specifically, to alter the full implementation date for Scotland’s Deposit Return Scheme (“DRS”) to 1 March 2024 make other amendments designed to support delivery and operation of a successful DRS, and technical amendments.

Policy Objectives

The main policy driver for Scotland’s Deposit Return Scheme (DRS) is to promote and secure an increase in recycling of materials by applying a deposit of 20p. This forms part of the Scottish Government’s response to the global climate emergency by ensuring the targeted materials are collected in larger quantities and separately to other materials, making them easier to recycle.

The original Regulations have already been amended by the Deposit and Return Scheme for Scotland Amendment Regulations 2022 to alter the original full implementation date to 16 August 2023. This instrument makes further amendments to delay the implementation date from 16 August 2023 and to simplify the scope of the DRS. This as a result of the uncertainty caused by the UK Government delaying the decision to exclude the scheme from the UK Internal Market Act 2020, and in response to an independent Gateway Review, an internal review of scheme readiness, and wider stakeholder concerns.

The main amendments made by this instrument are set out below. In addition, this instrument also makes a small number of other minor amendments to the original Regulations and makes transitional provisions in relation to producers who have already been registered by SEPA or applied to be registered.

The Annex to this policy note summarises the provisions in this instrument in relation to each of the main policy topics in order to assist with the understanding of the amendments to the original Regulations.

Change to implementation date

Regulation 4 amends the commencement date of the original Regulations from 16 August 2023 to 1 March 2024, following an internal review and independent Gateway review of the readiness of the Deposit Return Scheme in 2023, and engagement from stakeholders which suggested that many businesses would not be ready to implement the scheme by 16 August 2023. One of the reasons for businesses not being ready was a delay in investment caused by the fact that an exclusion to the UK Internal Market Act 2020 has yet to be agreed by the UK Government.

As a consequence of this change, a number of further amendments are made in order to bring the rest of the regulations in line with the revised launch date, in particular:

- in the definition of “scheme article” in regulation 3(2) of the original Regulations.
- in the information display obligation relating to sale of a non-scheme article in Scotland
- in the dates by which producers must apply for registration in 2024 and subsequent years, noting that the last registration date before DRS commences is 12 January 2024.
- in the dates from which a producer registration takes effect in 2024 and subsequent years.

Revised takeback obligations

This instrument revises obligations in relation to online takeback. The purpose of this amendment is to reduce the overall burden on the retail sector for enabling a ‘takeback’ service (collection of scheme items and returning of the deposit), through two key mechanisms: requiring only the largest grocery retailers to provide a takeback service (either directly or such as through a third party service on their behalf), and requiring those retailers to provide that service only to customers who state that they have a disability (within the meaning of the Equality Act 2010) or are aged 66 years and over. Consumers will not be asked to provide proof of eligibility to access a takeback service. Retaining a service for these consumers ensures that they are able to return scheme packaging and obtain a refund of deposits paid.

Eligible consumers are required to make a request for the provision of a takeback service from the large retailer within 6 months of purchase of a scheme article from that large retailer.

The amendments define large retailer in line with the definition of ‘designated retailer’ in the Groceries (Supply Chain Practices) Market Investigation Order 2009. This Order sets out a Groceries Supply Code of Practice (GSCOP) with which ‘designated retailers’ must comply. This means that in practice, the retailers who will be obligated under the new takeback obligation are the same retailers who are

designated retailers under GSCOP and who also sell scheme articles online to consumers in Scotland. The CMA has determined that those retailers have a groceries turnover of £1 billion and they therefore meet the definition of 'large retailer' in the amendments. As at 16 May 2023, the GSCOP currently applies to Amazon, Coop, Sainsbury's, Iceland, Morrisons, ASDA, Marks & Spencer, Waitrose, Tesco, Lidl, Aldi, B&M, Ocado, and Home Bargains. Retailers will not be obligated under the new takeback provisions unless they do distance retail sales of scheme articles in Scotland.

Revised takeback obligations follow Scottish Government consultation with the retail sector, which highlighted significant delivery challenges in providing an online takeback service, particularly for smaller retailers. Feedback from industry indicated that the existing takeback obligation, since it requires all online retailers to provide the service to all customers, is very burdensome, challenging to deliver, and creates additional complexity and environmental impact.

This instrument also ensures that retailers other than large retailers can choose to provide a distance takeback service. If they do, they are required to comply with the obligations of large retailers.

Consideration has been given to the minimum and maximum numbers of items of scheme packaging which should be collected. This followed consultation with stakeholders regarding the delivery challenges associated with the regulation 21(3A) of the original Regulations:

“(3A) If a single proposed return by a consumer contains a number of items of scheme packaging disproportionately greater than the number of scheme articles that a retailer providing a takeback service sells on average as part of a single transaction, that retailer may refuse to provide a takeback service to the consumer for that proposed return”

This instrument therefore sets a minimum threshold of 21 items of scheme packaging, in order to ensure that retailers are not obliged to provide a takeback service for a disproportionately small number of items. The requirement is to collect a reasonable maximum number of items of scheme packaging and ensures that the reasonable maximum number must take account of the modes of collection and storage used by the large retailer.

This minimises the risk around very high numbers of scheme articles being returned in a single collection which cannot feasibly be transported or handled by the large retailer (or the takeback service operating on their behalf).

This instrument introduces a right for large retailers to refuse packaging to address concerns raised by retailers as to the potential operational challenges and business impacts of the online takeback obligation. Therefore a large retailer may refuse to provide a takeback service relating to the condition of the scheme packaging to be returned – for example if the packaging is damaged, soiled or still full or if the packaging is not from a scheme article.

There are also new obligations on large retailers to ensure that the scheme is accessible and visible to eligible consumers:

- there is a time limit of 4 weeks for a large retailer to provide a takeback service following receipt of a request
- large retailers providing a takeback service are required to provide certain information to consumers regarding the takeback service.

Exclusion of low volume products

This instrument provides for a new category of 'low volume drink products'. These are products which would otherwise meet the definition of a scheme article but of which fewer than 5,000 units are marketed, offered for sale or sold by a producer to consumers in Scotland per year. Engagement with stakeholders, including drinks producers, wholesalers and specialist retailers, has highlighted that a large number of unique products are sold into Scotland at very low volumes. This places a disproportionate burden on producers of those products, particularly at the initial launch of DRS.

A low volume drink product cannot be marketed, offered for sale or sold to a consumer in Scotland unless the producer is either a registered producer or a listed producer with the Scottish Environment Protection Agency (SEPA). Producers of low volume drink products must provide to SEPA as part of their application estimated annual sales figures for each product in order to justify categorisation of a product as a low volume drink product. A producer of only low volume drink products must pay a listing fee of £365 unless annual turnover is under £85,000 per year, in line with requirements for registered producers. This provision reflects stakeholder concerns around the potential impacts of the scheme obligations on production and import of these small-scale products. Registered producers can also sell low volume drink products and if they do so, they are required as part of their registration process to provide to SEPA their estimated annual sales figures for each product in order to justify categorisation of a product as a low volume drink product.

Low volume drink products are removed from the definition of scheme articles, and therefore are exempt from all obligations associated with scheme articles – most notably the requirement to carry a deposit, and the requirements for producers to collect scheme articles from retailers. The Scottish Government considered the potential impacts of removing this obligation for such products on the overall viability of the scheme, given that no deposit will be chargeable for such items, and consumers will be unable to return packaging through DRS return points. However, analysis shows that low volume products represent an estimated 0.5% of total scheme articles, and the impact on the overall scheme will therefore be minimal while reducing regulatory costs for producers of specialist products and preserving consumer choice.

In order to ensure that consumers are aware that the drink product they are purchasing is not a scheme article, this instrument also requires a person selling or marketing a low volume drink product to make clear to the purchaser at the point of sale the fact that it is not a scheme article and therefore cannot be returned for a deposit.

Schedule 5 sets out further detail of the process for producers of low volume drinks products to apply for listing with SEPA. The requirements are similar to the requirements for registered producers of scheme articles, but reflect the reduced number of obligations and reporting requirements for producers of low volume products.

Amended minimum volume of scheme articles

This instrument adjusts the minimum volume of a scheme article from 50ml, to 100ml, thereby excluding drinks containers of under 100ml from the definition of a scheme article.

Engagement with stakeholders has highlighted several operational challenges for small containers under 100ml. These include labelling with compliant barcodes due to the small size of containers, and acceptance of small containers by reverse vending machines.

Exemption for retailers from acting as a return point where 90% or more of scheme articles are sold for consumption on the premises of sale

This instrument provides an exemption from acting as a return point for retailers that sell 90% or more of scheme articles for consumption on their premises. Hospitality retailers which exclusively sold scheme articles for consumption on the premises were already exempted from acting as return points, reflecting the fact that it was likely that very few scheme articles would leave the hospitality premises, and that these scheme articles would be retained by hospitality retailers for collection by producers or a scheme administrator.

Engagement with stakeholders has highlighted that many hospitality retailers sell a small proportion of scheme articles for consumption off the premises, which would mean, under the original Regulations, that they would have been required to operate a return point. However, acting as an open return point would be challenging for most hospitality retailers already selling the majority of containers for consumption on the premises, and was not considered to be significant in creating a returns network.

This instrument amends the original Regulations to provide that retailers selling 90% or more of scheme articles for consumption on the premises are exempted from operating as a return point. This threshold aligns with 90% collection targets for scheme articles set in schedule 3 of the original Regulations, enabling this target to be met by scheme packaging retained by the hospitality retailer on the premises from their sales of scheme articles for consumption on the premises. It also reflects the policy intent that the exemption from operating a return point applies only to hospitality retailers who are primarily selling drinks for consumption on the premises.

Retailers who are exempt from operating a return point on the basis of the low number of sales for consumption off the premises must keep records of the number of scheme articles sold for consumption both on and off the premises in order to be able to evidence their eligibility for this exemption to SEPA. Distance retail sales are

not included for calculating the total number of sales of scheme articles sold by the retailer for the purposes of this exemption.

Retailers selling more than 10% of scheme articles for consumption off the premises are still able, as under the original Regulations, to apply for an exemption from acting as a return point on the basis of either of proximity to another return point or of environmental health reasons. Analysis indicates that the overall impact of this exemption on the number of return points available will be minimal.

Right to refuse packaging in specific circumstances

This instrument provides for return point operators to refuse to accept returns of scheme packaging, based on packaging material type, where they do not permit any scheme articles made of that material type to be brought into, or held on, the premises for reasons of compliance with food safety or health and safety obligations. Engagement with stakeholders has highlighted that, in some situations, a retailer wishes to operate a return point but cannot allow some particular material types of scheme articles or scheme packaging onto the premises for health and safety or food safety concerns. For example, some leisure centres, schools and swimming pools do not permit any drinks containers made from glass to be brought into the premises, but they may wish to act as return points for other types of materials.

The original Regulations did not permit this as a return point must accept returns of scheme packaging made of any type of material. However, an exemption from acting as a return point could have been granted where access to the premises with one or multiple materials would have created a significant risk to health and safety or food safety. This could have had the unintended effect of removing a number of possible return points from the network that could not permit specific materials onto the premises, but wish to accept others, and with no other option but to apply for a full exemption from operating a return point.

A return point operator which makes use of this new provision must clearly display which materials they do not accept, the reason why, and the nearest return point which accepts this material, in order to ensure that the impact on the consumer's ability to return the item is minimal.

Retention of scheme packaging by hospitality retailers

This instrument places a new duty on hospitality retailers to retain scheme packaging for collection by, or on behalf of, a producer or a scheme administrator. Under the original Regulations, producers have a duty to collect scheme packaging from hospitality retailers, but there was no corresponding requirement for hospitality retailers to retain packaging for collection.

Definition of placed on the market

This instrument makes a technical amendment to the wording in paragraph 10 of Schedule 1 of the original Regulations by substituting "place on the market for" with "market, offer for sale or sell for the purposes of". The intention of this amendment is

to make the provision consistent with wording in paragraphs 7, 8, and 9 in respect of information to be provided by producers to SEPA.

Consultation

An extensive public consultation was carried out in 2018 to inform the design of Scotland's Deposit Return Scheme. The Scottish Government reviewed the implementation timetable in 2022 following an independent gateway review and engagement with industry stakeholders, resulting in a revised implementation date of 16 August 2023. Stakeholder engagement as part of scheme assurance processes throughout March and April 2023 included producers, retailers, the scheme administrator and hospitality sector representatives and raised concerns about scheme readiness. As a result of this and further stakeholder engagement these amendments to delay and simplify the scheme have been drafted to provide certainty of the scheme scope and sufficient time for businesses to prepare ahead of 1 March 2024.

Impact Assessments

The following impact assessments were published alongside the original Regulations: a final

Equality Impact Assessment, a Fairer Scotland Impact Assessment, an Islands Communities Impact Assessment, a final Business and Regulatory Impact Assessment, and a Strategic Environmental Assessment.

Updates will be made to the Equality Impact Assessment, Fairer Scotland Impact Assessment, Islands Communities Impact Assessment, and Business and Regulatory Impact

Assessment to reflect the changes proposed in these amendments to the regulations. As the amendments are assessed to have a non-significant impact on environmental outcomes, no update will be made to the Strategic Environmental Assessment.

Financial Effects

The modelling work undertaken by Zero Waste Scotland taking into account these amendments estimates that Scotland's Deposit Return Scheme will have an estimated Net Present Value (NPV) over 25 years in the range of **£564.2m - £583.0m**.

Scottish Government
Directorate for Environment and Forestry
May 2023

Annex

Description of provisions of the Deposit and Return Scheme for Scotland Amendment Regulations 2023

Delay in the full implementation date

1. Regulation 4 amends the commencement date of the original Regulations from 16 August 2023 to 1 March 2024.
2. Regulation 6(b) amends the date from which a drink is first made available to be marketed, offered for sale or sold by the producer from 16 August 2023 to 1 March 2024 in the definition of “scheme article” in regulation 3(2) of the original Regulations.
3. Regulation 8 amends the date from which information display obligations apply to any person who sells a non-scheme article or a non-Scottish article in Scotland from 16 August 2023 to 1 March 2024 in regulation 5 of the original Regulations.
4. Regulation 9 amends the dates by which a producer must apply for registration under regulation 7 of the original Regulations. Regulation 9(a) substitutes “1 March in any relevant year” with “12 January 2024”. Regulation 9(b) inserts a new subparagraph (aa) to which provides that, on or after 1 January 2025, an application must be made before 1 March in any relevant year.
5. Regulation 10(a) inserts a new provision to allow SEPA 42 days to consider an application for registration made before 12 January 2024. Regulation 10(b) substitutes “during any relevant year” with “made during any relevant year beginning on or after 1 January 2025” so that SEPA has 28 days to consider an application for registration made in any subsequent year.
6. Regulation 10(c)(i) amends the relevant date from which the registration takes effect from 1 April in a relevant year to 1 March 2024. Regulation 10(c)(ii) inserts a new subparagraph (aa) which provides that the relevant date from which the registration takes effect is 1 April in any subsequent relevant year.
7. Regulation 18 amends regulation 32(1) of the original Regulations by substituting 1 October 2026 with 1 October 2027 as the date by which the Regulations must be reviewed by the Scottish Ministers.
8. Regulation 20 amends paragraph 1 of schedule 3 to alter the collection targets as a result of the delayed implementation date. Regulation 20(a) substitutes “beginning 1 January 2024 and ending 31 December 2024” with “beginning 1 January 2025 and ending 31 December 2025” for the 80% collection target. Regulation 20(b) substitutes “1 January 2025 with 1 January 2026”, so that the 90% collection target applies from 2026 onwards.
9. Regulation 22 makes transitional provision for applications for producer registration received by SEPA before the coming into force date of these Regulations.
10. Paragraph (2) of regulation 22 provides that a producer registration granted by SEPA before the coming into force date of these Regulations will take effect from 1 March 2024. Paragraph (3) provides that a producer in these circumstances does not need to make a further application for the relevant year beginning 1 January 2024, nor pay a further fee.
11. Paragraphs (7) and (8) of regulation 22 provide that where an application for registration as a producer (within the meaning of regulation 6) has been received by SEPA but not yet determined before the coming into force date of these Regulations, the application is to be treated as having been received before 12 January 2024 in the relevant year beginning 1 January 2024 and does not need to be accompanied by the registration fee.

Distance Takeback

12. Regulation 15 substitutes regulation 21 of the original Regulations with a new regulation.

13. New regulation 21(1) defines a takeback service as being provided by a large retailer for a reasonable number of items of scheme packaging to enable the consumer to redeem the deposit.

14. New regulation 21(2)(b) defines a large retailer as having an annual turnover exceeding £1 billion with respect to the retail supply of groceries in the United Kingdom, or a subsidiary of such a retailer. A definition of groceries is provided at new regulation 21(2)(a). 15. New regulation 21(2)(c) defines a reasonable number of containers, so that there is a minimum threshold of scheme packaging for collection of 21 items and the reasonable maximum number of items takes account of the mode of collection and storage used by the large retailer.

16. New regulation 21(3) obligates large retailers to provide a takeback service free of charge to consumers who meet the eligibility criteria in new regulation 21(4). Eligible consumers are required to make a request for the provision of a takeback service from the large retailer within 6 months of purchase of a scheme article from that large retailer.

17. New regulation 21(4) contains the criteria for a consumer to be eligible for the provision of a takeback service from a large retailer. The criteria are that the consumer has a disability within the meaning of the Equality Act 2010, or is aged 66 or over.

18. New regulation 21(5)(a) stipulates a time limit of 4 weeks for a large retailer to provide a takeback service following receipt of a request. New regulation 21(5)(b) sets out the information display obligations for large retailers providing a takeback service.

19. New regulation 21(6) sets out the circumstances in which a large retailer may refuse to provide a takeback service in relation to the physical condition of the scheme packaging for which a takeback service has been requested.

20. New regulation 21(7) enables a large retailer providing a takeback service to apply a charge in respect of the collection and storage of scheme packaging, provided that the charge is reimbursed in certain circumstances.

21. Unless paragraph (9) applies, new regulation 21(8)(a) requires a large retailer to pay the deposit amount to the consumer for each item of scheme packaging returned to the large retailer or producer; and new regulation 21(8)(b) requires any charge applied by the large retailer in respect of the collection and storage of scheme packaging in accordance with new regulation 21(7) to be returned to the consumer.

22. New regulation 21(9) sets out the circumstances in which the requirement to pay the deposit amount and reimburse any charge applied to the consumer in accordance with new regulation 21(8) does not apply. The circumstances are (a) that a takeback service has been refused due the condition of the item of scheme packaging in accordance with new regulation 21(6) and consequently as a result of the refusal (b) that the number of items of scheme packaging does not otherwise meet the minimum threshold of 21 items.

23. New regulation 21(10) ensures that retailers other than large retailers can choose to provide a distance takeback service, and that if they do, they are required to comply with the obligations of large retailers as set out in new regulation 21.

24. New offences in relation to distance takeback obligations are inserted into regulation 31(8) of the original Regulations. Regulation 17(d)(i) makes it an offence

to contravene new regulation 21(3) (obligation to provide takeback service); regulation 17(d)(ii) makes it an offence to contravene new 21(5)(a) and (b) (obligation to provide a takeback service within 4 weeks of receipt of a request and to display information relating to the takeback service).

25. Regulation 17(d)(iii) makes it an offence to contravene new regulation 21(8) (obligation to pay a deposit sum and reimburse a charge to the consumer).

26. Regulation 17(d)(iv) makes it an offence to contravene new regulation 21(10) (voluntary provision of a takeback service voluntarily).

Exclusion of low volume products

27. Regulation 5 inserts definition of ‘listed producer’ and a new category of ‘low volume drink products’ into regulation 2(1) of the original Regulations. It also amends the definition of ‘producer’ in the original Regulations to include producers of low volume drink products.

28. Regulation 6(d) excludes low volume drink products from the definition of scheme article in regulation 3(2) of the original Regulations. Low volume drink products are therefore excluded from obligations associated with scheme articles.

29. Regulation 7 inserts a new regulation 3A in relation to low volume drink products.

30. New regulation 3A(1) prohibits a person from marketing, offering for sale or selling low volume drink products to a consumer in Scotland unless the producer is listed or registered (with SEPA) where those products are marketed, offered for sale or sold to a consumer in Scotland.

31. New regulation 3A(2) provides that person who markets, offers for sale or sells low volume drink products by an online retail sale is the operator; and for vending machine sales it is the owner of the vending machine, or the person with control and management of the premises in which it stands.

32. New regulation 3A(3) sets out the information display obligations for any person who markets, offers for sale or sells a low volume drink product in Scotland. New regulation 3A(4) sets out that schedule 5 (being inserted by regulation 21) makes further provision in relation to low volume drink products.

33. Regulation 16 inserts a new sub-paragraph (c) to regulation 26(1) of the original Regulations to provide a right of appeal to the Scottish Ministers if SEPA refuses an application for listing of a producer of a low volume drink product.

34. New offences in relation to low volume drink products are inserted into regulation 31(1) and (2) of the original Regulations. Regulation 17(a) inserts provision into regulation 31(1) to make it an offence to contravene new regulation 3A(1) and (3) (obligations in relation to low volume drink products).

35. Regulation 17(b) inserts provision into regulation 31(2) to make it an offence to knowingly or recklessly supply false information in connection an application for listing as a producer of a low volume product under paragraphs 5 to 8 of schedule 5, a notification of any material change in accordance with paragraph 14(c) of schedule 5 or a notification that a product is no longer a low volume drink product under paragraph 14(d) of schedule 5.

36. Regulation 19(b) amends schedule 1 of the original Regulations by inserting a new paragraph 12 which allows a registered producer to provide information to SEPA in relation to low volume drink products that it produces.

37. Regulation 21 inserts a new schedule 5 to make provision in relation to low volume drink products. Paragraphs 1 to 4 of new schedule 5 provide a definition of a

producer in respect of a low volume drink product. This is similar to the definition of a producer of scheme articles in regulation 6 of the original Regulations.

38. Paragraphs 5 to 12 of new schedule 5 set out the application process for producers of low volume drink products to apply to be listed with SEPA and the dates by which an application must be made. Producers of low volume drink products must pay the registration fee of £365 per year, noting that any producer with an annual turnover under £85,000 per year is exempt from this fee. Producers of low volume drink products must also provide to SEPA as part of their application for listing estimated annual sales figures for each product in order to justify categorisation as a low volume product.

39. Paragraph 13 of new schedule 5 sets out the circumstances and process to be followed by SEPA where SEPA may cancel the listing of a producer. Paragraph 14 contains the listed producer obligations in respect of subsequent applications for listing and notification requirements.

40. Paragraphs (4) to (6) of regulation 22 provides that where a producer of a low volume drink product had already had a producer registration granted by SEPA before the coming into force date of these Regulations, that registration will be treated as a listing granted, taking effect from 1 March 2024. In these circumstances a producer does not need to make a further application accompanied by a listing fee.

41. Paragraphs (7) and (9) of regulation 22 provide that where an application for registration as a producer (now within the meaning of paragraphs 1 to 4 of schedule 5) had been received by SEPA but not yet determined before the coming into force date of these Regulations, the application is to be treated as having been received before 12 January 2024 in the relevant year beginning 1 January 2024 and does not need to be accompanied by the listing fee.

Amend minimum container size to 100ml

42. Regulation 6(a) increases the minimum volume of a scheme article from 50 millilitres to 100 millilitres in the definition of scheme article in regulation 3(2) of the original Regulations.

Exemption for retailers from acting as a return point where 90% or more of scheme articles are sold for consumption on the premises of sale

43. Regulation 12(a) amends regulation 19 of the original Regulations to provide an exemption from operating a return point for a hospitality retailer that sells ninety or more per cent of scheme articles for consumption on the premises of sale. Distance retail sales are not included in the calculation of the total number of sales of scheme articles.

44. Regulation 12(b) inserts new paragraphs (3) and (4) to regulation 19 which place new requirements on retailers exempt under regulation 19 to display information stating that the premises are exempt and to keep and retain records.

45. Regulation 17(d)(ii) inserts a contravention of the new requirements in regulation 19(3) and 19(4) for retailers exempt under regulation 19(2) to display information and keep records as an offence into regulation 31(8) of the original Regulations.

Right to refuse returns of scheme packaging made of certain types of materials

46. Regulation 13 inserts new sub-paragraph (g) to regulation 20(4) which introduces a new right to refuse an item of scheme packaging if the criteria in paragraph (5) of regulation 20 are met.

47. Regulation 13 inserts new paragraph (5) to regulation 20 which contains criteria for the right to refuse an item of scheme packaging introduced by new regulation 20(4)(g).

48. The criteria contained in new regulation 20(5) are that the premises does not permit a particular type of material type on the premises for the purpose of ensuring that the return point operator is not at significant risk of being in breach of any legal obligation relating to food safety or health and safety, and that the scheme article is made of that type of material. In these circumstances where there is a right to refuse certain materials, new regulation 20(5)(d) provides information display obligations.

49. Regulation 17(d)(ii) inserts a contravention of the new requirement in regulation 20(5)(d) to display information as an offence into regulation 31(8) of the original Regulations.

Retention of scheme packaging by hospitality retailers

50 . Regulation 14 inserts new regulation 20A which places a duty on hospitality retailers to retain scheme packaging for collection by, or on behalf of, a producer or a scheme administrator.

51. Regulation 17(d)(ii) inserts a contravention of the requirement in new regulation 20A for hospitality retailers to retain scheme packaging for collection as an offence into regulation 31(8) of the original Regulations.

Definition of placed on the market

52. Regulation 19(a) amends the wording in paragraph 10 of Schedule 1 of the original Regulations by substituting “place on the market for” with “market, offer for sale or sell for the purposes of”, making it consistent with wording in paragraphs 7, 8, and 9 in respect of information to be provided by producers to SEPA.

From: [Redacted]@Circularityscotland.com>

Sent: Friday, April 14, 2023 10:35 AM

To: [Redacted] @zerowastescotland.org.uk>; [Redacted] @zerowastescotland.org.uk>; [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted] @sepa.org.uk>; [Redacted] @gov.scot>; [Redacted] @gov.scot>; Redacted] @zerowastescotland.org.uk>

Cc: [Redacted] @Circularityscotland.com>

Subject: RE: DRS Animation

[Deposit Return Scotland | Facebook](#)

[Deposit Return - Returning for Scotland \(@deposit return scotland\) • Instagram photos and videos](#)

[deposit return scotland \(@deposit return scotland\) | TikTok](#)

No probs [Redacted] – as per above.
Cheers
[Redacted]

From: [Redacted] @Circularityscotland.com>
Sent: 14 April 2023 09:57
To: [Redacted] @zerowastescotland.org.uk[Redacted] @zerowastescotland.org.uk>; [Redacted] @gov.scot; [Redacted] @gov.scot; [Redacted] @gov.scot; [Redacted] @gov.scot; [Redacted] @sepa.org.uk>; [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted] @zerowastescotland.org.uk>
Subject: RE: DRS Animation

Sorry all but this link will now include the mobile ready versions too [Redacted]

From: [Redacted] @Circularityscotland.com>
Sent: 13 April 2023 14:18
To: [Redacted] @zerowastescotland.org.uk>; [Redacted] @zerowastescotland.org.uk>; [Redacted] @gov.scot; [Redacted] @gov.scot; [Redacted] @gov.scot; [Redacted] @gov.scot; [Redacted] @gov.scot; [Redacted] @gov.scot; [Redacted] @sepa.org.uk>; [Redacted] @gov.scot>; [Redacted] @gov.scot>; [Redacted] @zerowastescotland.org.uk>
Cc: [Redacted] @Circularityscotland.com>
Subject: DRS Animation

Hi All,

Please see linked [here](#) our DRS 60s animation FYI. Feel free to use on your channels!

Cheers
[Redacted]

[Redacted]
Head of Marketing

Tel. + [Redacted]
Website: <https://circularityscotland.com/>
Follow us:



From: [Redacted] @Circularityscotland.com>
Sent: Friday, June 2, 2023 4:37 PM
To: [Redacted] @gov.scot>; [Redacted] @Circularityscotland.com>
Cc: [Redacted] gov.scot>; [Redacted] @circularityscotland.com>
Subject: RE: Media queries

Thanks [Redacted].

Wondering what you think but on glass you could say that we had set a 90% remelt target rising to 95% on launch.

On Innis and Gunn, Circularity Scotland advised Ministers that we would be ready to launch a successful DRS, with tried and tested systems and processes, in August and we will be ready to go in March.

Hope there's something of use in there.

[Redacted]

[Redacted]
Communications Manager
Tel[Redacted]
Website: <https://circularityscotland.com/>
Follow us:



From: [Redacted] @gov.scot <[Redacted] @gov.scot>
Sent: Friday, June 2, 2023 3:43 PM
To: [Redacted] @Circularityscotland.com [Redacted] @Circularityscotland.com>
Cc: [Redacted] @gov.scot>
Subject: Media queries

Hi both,

For info, a couple of queries to update you on.

Best,

[Redacted]

Global Radio

Journalist looking to better understand the ramifications of the IMA decision. Not to inform a particular piece – just for general awareness.

We're just going to send some background bullets on this – copied below for info.

Any issues, please let me know.

[Redacted]

Impact of removing glass

- Glass was integral to the scheme design, which was published back in 2019.
- At the time the regulations were passed by the Scottish Parliament in 2020, it was on the basis that all four UK nations would include glass in their respective schemes.

- The UK Government only announced it would not include glass in the scheme for England and Northern Ireland in March 2022.
- As recently as January 2023, Defra said that devolved nations could decide their own scope.
- As the scheme was designed to include glass, the business model was based on this and investment has already been made on that basis.
- Circularity Scotland Ltd (CSL) is a not-for-profit business reliant on fees from producers to operate.
- They have also invested in infrastructure that is designed with glass in mind – e.g. collection trucks, sorting centres.
- That investment has to be paid for - and now by a smaller proportion of producers
- CSL will also receive revenue from selling materials for recycling so removing glass removes a revenue stream.

The Minister also touched on this in her statement to parliament on Tuesday:
[Meeting of the Parliament: 30/05/2023 | Scottish Parliament Website](#)

Extended Producer Responsibility (EPR)

- Both the existing packaging producer responsibility scheme, and the proposed EPR reforms, include glass.
- However, drinks containers covered by Scotland’s DRS would not be subject to the more general UK-wide extended producer responsibilities for packaging.
- This ensures producers only pays one ‘producer responsibility’ charge per drink container.
- In practice, this means that a glass jam jar, for example, would be covered by EPR. If the UK Government had granted an exclusion to allow Scotland to include glass in the scheme, glass bottles would have been covered by DRS only.

Telegraph / Time / The I – Innes and Gunn

We’ve had several journalists looking for a response to comments from Innes and Gunn on GMS this morning (PA copy attached). Draft response below.

Circular Economy Minister Lorna Slater said:

“Scotland’s deposit return scheme is based on similar schemes in other European countries, which have been shown to be very effective in improving recycling rates and tackling littering.

“We have been in detailed conversations with producers, retailers and the hospitality sector since the UK Government’s 11th hour decision last Friday.

“Including plastic, metal and glass is best for the environment and maximises the economic benefits, too. Being forced by the UK Government to remove glass from our scheme risks significant knock-on effects for businesses.

“There is still time for the UK Government to reverse its last-minute decision and enable Scotland to go ahead with the scheme that our parliament voted for – including glass.”

Background

The deposit is 20p and is fully refundable. There is no evidence to support the claim that a typical shop would increase by the amounts suggested.

[Redacted] | **Communications: News (Net Zero and Just Transition)**

Senior Media Manager

Scottish Government, St Andrew's House

e: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)

m: [Redacted]

From: [Redacted] [@Circularityscotland.com](mailto:[Redacted]@Circularityscotland.com)>

Sent: Friday, June 9, 2023 1:41 PM

To: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] [@zerowastescotland.org.uk](mailto:[Redacted]@zerowastescotland.org.uk)[Redacted] [@sepa.org.uk](mailto:[Redacted]@sepa.org.uk)>; [Redacted] [@zerowastescotland.org.uk](mailto:[Redacted]@zerowastescotland.org.uk)>; [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>

Cc: [Redacted] [@Circularityscotland.com](mailto:[Redacted]@Circularityscotland.com)[Redacted] [@Circularityscotland.com](mailto:[Redacted]@Circularityscotland.com)>; [Redacted] [@Circularityscotland.com](mailto:[Redacted]@Circularityscotland.com)>; [Redacted] [@circularityscotland.com](mailto:[Redacted]@circularityscotland.com)>

Subject: CSL Update

All

For info, the team are out of the office now until Tuesday 13 June.

We have added a statement to the CSL website and a news item reflecting the SG release: <https://circularityscotland.com/about/news/>

If you need to get in touch over the next few days, please email me direct.

Thanks.

[Redacted]

[Redacted]

Chief Marketing and Communications Officer

From: [Redacted] [@Circularityscotland.com](mailto:[Redacted]@Circularityscotland.com)>

Sent: Wednesday, June 7, 2023 1:39 PM

To: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>

Cc: David McPhee <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Elisabeth Campbell <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>; [Redacted] [@Circularityscotland.com](mailto:[Redacted]@Circularityscotland.com)>

Subject: RE: Comms Today

Thanks.

From: [Redacted] [@gov.scot](mailto:[Redacted]@gov.scot)>

Sent: Wednesday, June 7, 2023 1:37 PM
To: [Redacted] @Circularityscotland.com>
Cc: [Redacted] @gov.scot; [Redacted] @gov.scot; [Redacted] @gov.scot>
Subject: RE: Comms Today

Hi [Redacted]

Parliament have just agreed to a Ministerial statement today at 14:50.

[Redacted]

From: [Redacted]
Sent: 07 June 2023 10:39
To: [Redacted] @Circularityscotland.com>
Cc: David McPhee <[Redacted] @gov.scot>; Elisabeth Campbell <[Redacted] @gov.scot>; [Redacted] gov.scot>
Subject: RE: Comms Today

Hi [Redacted]

Of course, we'll keep you updated on plans for today. We still don't have confirmation from parliament for a statement today (as they have to amend current business) but will let you know as soon as we hear.

Thanks,
[Redacted]

From: [Redacted] @Circularityscotland.com>
Sent: 07 June 2023 09:35
To: [Redacted] @gov.scot>
Cc: David McPhee <[Redacted] @gov.scot>; Elisabeth Campbell <[Redacted] @gov.scot>
Subject: Comms Today

Hi [Redacted]

We understand that the FM may make a statement on DRS this afternoon.

Can you please ensure that we have sight of this, or any other relevant comms, ideally in advance?

Many thanks.

[Redacted]

[Redacted]
Chief Marketing and Communications Officer

From: [Redacted] @Circularityscotland.com>
Sent: Tuesday, May 30, 2023 3:41 PM

To: [Redacted] @gov.scot>
Subject: RE: Ministerial Statement: Deposit Return Scheme

Thanks [Redacted].

[Redacted]
Communications Manager
Tel. [Redacted]
Website: <https://circularityscotland.com/>



From: [Redacted] @gov.scot
Sent: Tuesday, May 30, 2023 3:01 PM
To: [Redacted] @Circularityscotland.com>; [Redacted] @gov.scot[Redacted] @Circularityscotland.com>; [Redacted] @zerowastescotland.org.uk[Redacted] @sepa.org.uk>; [Redacted] @gov.scot; [Redacted] @circularityscotland.com>; [Redacted] @gov.scot
Cc: [Redacted] @Circularityscotland.com>; [Redacted] @zerowastescotland.org.uk[Redacted] @Circularityscotland.com>; [Redacted] @zerowastescotland.org.uk; [Redacted] @gov.scot; [Redacted] @zerowastescotland.org.uk; [Redacted] @nhs.scot; [Redacted] @nhs.scot; [Redacted] @gov.scot; [Redacted] @gov.scot
Subject: FW: Ministerial Statement: Deposit Return Scheme

Hi all,

As discussed on today's call, please see below a copy of the Minister's statement.

[Redacted]

[Redacted] | **Communications: News (Net Zero and Just Transition)**
Senior Media Manager
Scottish Government, St Andrew's House
e: [Redacted] @gov.scot
m: [Redacted]

From: Scottish Government <noreplycomms@gov.scot>
Sent: 30 May 2023 14:50
To: [Redacted]@gov.scot>

Subject: Ministerial Statement: Deposit Return Scheme

News From The Scottish Government

[Ministerial Statement on Deposit Return Scheme – 30 May 2023](#)

From: [Redacted]@Circularityscotland.com>
Sent: Thursday, June 8, 2023 8:50 PM
To: [Redacted]@zerowastescotland.org.uk>; [Redacted]@gov.scot>; [Redacted]@sepa.org.uk>; [Redacted]@gov.scot>;

[Redacted]@zerowastescotland.org.uk>; [Redacted]@circularityscotland.com>;
[Redacted]@Circularityscotland.com>; [Redacted]
@Circularityscotland.com>; [Redacted]@Circularityscotland.com>; Redacted
@zerowastescotland.org.uk>; Redacted @zerowastescotland.org.uk>
Subject: Re: DRS update today

Thanks for the update on your plans [Redacted],[Redacted].

Focus from our side for this week is the impact to our people, so we will look to externally facing marketing materials next week.

Have a great weekend all,

[Redacted]

From: Redacted @gov.scot>
Sent: 08 June 2023 15:43
To: Redacted @sepa.org.uk; Redacted @zerowastescotland.org.uk>; Redacted
@gov.scot; Redacted @Circularityscotland.com; Redacted
@zerowastescotland.org.uk>; Redacted @circularityscotland.com; Redacted
@Circularityscotland.com; Redacted @Circularityscotland.com; Redacted
@Circularityscotland.com; Redacted @zerowastescotland.org.uk>; Redacted
@zerowastescotland.org.uk>
Subject: RE: DRS update today

Hi all,

Happy with the wording below to be added to web pages.

Thanks,
[Redacted]

From: [Redacted]
Sent: 08 June 2023 14:58
To: Redacted @sepa.org.uk>; Redacted @zerowastescotland.org.uk>; Redacted
@gov.scot>; Redacted @Circularityscotland.com; Redacted
@zerowastescotland.org.uk>; Redacted @circularityscotland.com; Redacted
@Circularityscotland.com; Redacted @Circularityscotland.com; Redacted
@Circularityscotland.com; Redacted @zerowastescotland.org.uk>; Redacted
@zerowastescotland.org.uk>
Subject: RE: DRS update today

Thanks, [Redacted]

Just checking on this side and will come back to you ASAP.

Thanks,
[Redacted]

From: Redacted @gov.scot>

Sent: 07 June 2023 15:18

To: Redacted @Circularityscotland.com; Redacted @zerowastescotland.org.uk>;
Redacted @sepa.org.uk; Redacted @circularityscotland.com; Redacted
@Circularityscotland.com; Redacted @zerowastescotland.org.uk>; Redacted
@Circularityscotland.com; Redacted @Circularityscotland.com; Redacted
@zerowastescotland.org.uk; Redacted @zerowastescotland.org.uk>

Cc: Redacted @gov.scot

Subject: DRS update today

Hi all,

As you will be aware, the Minister has provided an update to parliament today.

Please see Scottish Government news release below.

I've also attached a copy of the Ministerial statement.

Best,

[Redacted]

[Redacted] | **Communications: News (Net Zero and Just Transition)**

Senior Media Manager

Scottish Government, St Andrew's House

e: Redacted @gov.scot

m: Redacted

[Deposit Return Scheme – 7 June 2023](#)

[Meeting of the Parliament: 07/06/2023 | Scottish Parliament Website](#)

From: Redacted @Circularityscotland.com>

Sent: Wednesday, June 7, 2023 11:02 AM

To: Redacted @zerowastescotland.org.uk>; Redacted @gov.scot>; Redacted
@gov.scot>; Redacted @gov.scot>; Redacted @Circularityscotland.com>

Cc: Redacted @zerowastescotland.org.uk>

Subject: RE: DRS media enquiries today 060323

Thanks Redacted This is all very useful.

[Redacted]

[Redacted]

Communications Manager

Tel. Redacted

Website: <https://circularityscotland.com/>

Follow us:



From: Redacted @Circularityscotland.com>
Sent: Saturday, June 3, 2023 11:02 AM
To: Redacted @Circularityscotland.com>; Redacted @citypress.co.uk; Redacted @gov.scot>
Subject: Re: First Minister writes to Prime Minister

Thanks [Redacted]

Sent from Outlook for iOS

From: Redacted @gov.scot>
Sent: Saturday, June 3, 2023 9:32 am
To: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>; Redacted @citypress.co.uk
Subject: Fwd: First Minister writes to Prime Minister

Hi - forwarding for awareness.

Best

[Redacted]

From: SG Communications <Redacted @gov.scot>
Sent: Saturday, June 3, 2023 9:00:41 am
To: Redacted @gov.scot>
Subject: First Minister writes to Prime Minister

First Minister writes to Prime Minister

Deadline for UK Government rethink on deposit return scheme.

First Minister Humza Yousaf has written to the Prime Minister urging him to revoke the UK Government's rejection of glass in Scotland's deposit return scheme (DRS) by Monday next week (5th June).

The First Minister said the UK Government's demands, including the removal of glass from DRS, would impact the environment, detrimentally affect businesses based in Scotland, and threaten the viability of the scheme.

The full text of the letter is below:

Rt Hon Rishi Sunak

Prime Minister

10 Downing Street

London

SW1A 2AA

02 June 2023

Dear Rishi,

On Friday 26 May the secretaries of state for DEFRA, LUHC and Scotland wrote to me indicating the UK Government is not prepared to agree a full exclusion from the Internal Market Act for Scotland's Deposit Return Scheme (DRS), and instead insist on the exclusion of glass, among other conditions.

These conditions will have a stark environmental impact and detrimentally impact businesses based in Scotland.

Specifically, the letter sets out that the UK Government is only prepared to agree to a temporary exclusion if we remove glass, agree a UK-wide cap on deposit levels, achieve reconciliation between scheme administrators to ensure fair distribution of payments, have one administration fee per participating company, and agreement of a single common UK logo. The removal of glass fundamentally threatens the viability of Scotland's DRS with reduced revenue for the scheme administrator.

Removing glass will also have a significant impact on business. For example, C&C Group – owners of the iconic Tennent's brand – has been explicit that the decision by the UK Government to remove glass threatens investment and jobs. Other Scottish businesses have raised similar concerns privately with us.

We cannot – and will not – put Scottish businesses at a competitive disadvantage by the UK Government’s eleventh hour changes to the range of materials included, impacting Scottish jobs, inward investment and potentially reducing choice for consumers in Scotland.

The UK Government had intended to include glass in the English DRS from 2019 right up until March 2022 – two years after our Regulations were passed by the Scottish Parliament, and we planned our scheme on this basis. As late as January 2023, the UK Government confirmed that it was for devolved governments to decide the scope of their DRS. The Welsh Government’s stated intention has been to include glass in their DRS, meaning that it is the English scheme which is out of step with the design of other UK schemes.

In relation to interoperability, we have already been working with your officials to ensure alignment and we agree in principle that this is desirable. The conditions imposed by your letter of 26 May, however, are so lacking in detail as to make this requirement effectively impossible to meet. The reality is that your scheme is at such an early stage of development that you are unable to provide the operational details required to allow the schemes to be interoperable. Businesses need certainty and they need it now – not in two years’ time when the UK Government scheme potentially, hopefully launches. The UK Government has significantly undermined the clarity and certainty that businesses unanimously tell us they need.

Businesses need firm evidence that the UK scheme will actually launch in 2025. There is no UK legislation in place yet or scheme administrator appointed. Until the full design and timescales of your DRS are in place it is unclear what operational detail we are being asked to align with or agree to.

In essence your letter asks the Scottish Government to either remove glass and sign up to a list of unfinalised and vague conditions to allow us to proceed in March 2024 or delay and align with a more limited UK Government scheme that is, frankly, unlikely to proceed in October 2025.

There are much wider consequences of the decision. This UK Government intervention at such a late stage demonstrates a major erosion of the devolution settlement. I urge you to revoke the conditions set out in your letter and grant a full exclusion for Scotland's DRS, to be implemented as per the regulations agreed by the Scottish Parliament in this area of devolved competence. Without this, the Scottish Government is not prepared to put Scottish businesses at a competitive disadvantage due to the last minute demands the UK Government has made. There is little doubt your Government's action have put the future of DRS in grave danger not only in Scotland but also in the rest of the UK due to the damage to consumer and investor confidence.

I would be grateful for a reply by close on Monday 5 June to enable my Cabinet to consider the matter and the Scottish Parliament to be updated thereafter.

HUMZA YOUSAF

Background

The Scottish Government asked the UK Government to grant a full exclusion under the Internal Market Act that would allow Scotland's all-in DRS, including glass, to go ahead in March 2024.

On Friday 26 May, after almost two years of discussion, the Scottish Government learned that the UK Government are only willing to grant a temporary exclusion if certain conditions are met, including the removal of glass from the scheme – a key part of Scotland's DRS proposals.

Contact Information

SG Communications

[Redacted]@gov.scot

During the hours of 09:00 – 17:30 Monday to Thursday and 09:00 – 17:00 on Friday please contact below, or contact

[Redacted] if out of hours.

First Minister - [Redacted]

Deputy First Minister and Finance - [Redacted]

NHS Recovery, Health and Social Care - [Redacted]

Education and Skills - [Redacted]

Justice and Home Affairs - [Redacted]

Wellbeing Economy, Fair Work and Energy - [Redacted]

Social Justice - [Redacted]

Net Zero and Just Transition, Rural Affairs, Land Reform and Islands -
[Redacted]

Corporate - [Redacted]

Constitution, External Affairs, Culture - [Redacted]

From: Redacted @Circularityscotland.com>

Sent: Tuesday, May 30, 2023 12:59 PM

To: Redacted @gov.scot>; Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk>; Redacted @sepa.org.uk>; Redacted @gov.scot>; Redacted @gov.scot>; Redacted @circularityscotland.com>; Redacted @gov.scot>

Cc: Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk>; Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk Redacted @gov.scot>; Redacted @zerowastescotland.org.uk; Redacted @nhs.scot; Redacted @gov.scot>; Redacted @gov.scot>

Subject: RE: DRS Comms Weekly Check In

Thanks [Redacted]

Can you advise if opposition parties are getting the statement in advance and if media are getting it under an embargo?

[Redacted]

[Redacted]

Communications Manager

Tel. Redacted

Website: <https://circularityscotland.com/>

Follow us:



From : Redacted @gov.scot>

Sent: Tuesday, May 30, 2023 12:31 PM

To: Redacted @Circularityscotland.com>; Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk>; Redacted @sepa.org.uk>; Redacted @gov.scot>; Redacted @gov.scot>; Redacted @circularityscotland.com>; Redacted gov.scot
Cc: Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk Redacted @gov.scot>; Redacted @zerowastescotland.org.uk; Redacted @nhs.scot; Redacted @nhs.scot; Redacted @gov.scot; Redacted @gov.scot
Subject: RE: DRS Comms Weekly Check In

Hi all,

I might make the first few mins of the call but just in case, anticipated comms handling for SG is –

- Issue text of the statement to media
- Tweet a clip from parliament
- Potentially undertake media bids (so far only ITV border asking)

Best,

[Redacted]

Redacted | **Communications: News (Net Zero and Just Transition)**

Senior Media Manager

Scottish Government, St Andrew's House

e: [Redacted]@gov.scot

m: [Redacted]

From: Redacted @Circularityscotland.com>

Sent: 30 May 2023 12:22

To: Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk>; Redacted @sepa.org.uk>; Redacted @gov.scot>; Redacted @gov.scot>; Redacted @circularityscotland.com>; Redacted @gov.scot>

Cc: Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk>; Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk; Redacted @gov.scot>; Redacted @zerowastescotland.org.uk; Redacted @nhs.scot; Redacted @nhs.scot; Redacted @gov.scot>; Redacted @gov.scot>

Subject: RE: DRS Comms Weekly Check In

Hi,

Thanks [Redacted]

It would still be useful to have the call but we will also need to dip out a bit earlier to listen to the statement.

All the best,
[Redacted]

[Redacted]
Communications Manager
Tel. [Redacted]
Website: <https://circularityscotland.com/>
Follow us:



From: Redacted @gov.scot>
Sent: Tuesday, May 30, 2023 10:59 AM
To: Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk>; Redacted @sepa.org.uk>; Redacted @gov.scot; Redacted @gov.scot; Redacted @circularityscotland.com>; Redacted @gov.scot
Cc: Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk>; Redacted @Circularityscotland.com Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk; Redacted @gov.scot; Redacted @zerowastescotland.org.uk; Redacted @nhs.scot; Redacted @nhs.scot; Redacted @gov.scot; Redacted @gov.scot
Subject: RE: DRS Comms Weekly Check In

Hi all,

You may be aware that the Minister is giving a statement to parliament at 14:50 this afternoon. Given the prep needed in advance, I won't be able to join the meeting today but [Redacted] and/or others from the team are around if you still want to have a catch up.

Thanks,
[Redacted]

-----Original Appointment-----

From: Redacted @Circularityscotland.com>
Sent: 09 February 2023 16:30
To: Redacted ; Redacted ; Redacted; Redacted; Redacted; Redacted; Redacted; Redacted
Cc: Redacted; Redacted; Redacted; Redacted; Redacted; Redacted; Redacted; Redacted; Redacted @nhs.scot; Redacted @nhs.scot
Subject: DRS Comms Weekly Check In

When: 30 May 2023 14:00-15:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.
Where: Microsoft Teams Meeting

** MOVING TO TUESDAY FOR THE BANK HOL ON TH 29TH**

Please forward to anyone within your organisation that needs to attend.

We will use the master comms doc to discuss the activity gone and upcoming plans. [Redacted]

Cheers
[Redacted]

From: Redacted @gov.scot>
Sent: Sunday, May 21, 2023 8:16 AM
To: Redacted @Circularityscotland.com>; Redacted @citypress.co.uk; Redacted @Circularityscotland.com>
Subject: RE: Media query - reverse vending machines - Sunday Mail

From what I can see, it looks like they went with comments from FM on compensation and didn't run the RVM story.

[Redacted]

Redacted | **Communications: News (Net Zero and Just Transition)**
Senior Media Manager
Scottish Government, St Andrew's House
e: Redacted@gov.scot
m: Redacted

From: Redacted @Circularityscotland.com>
Sent: 20 May 2023 22:39
To: Redacted @citypress.co.uk; Redacted @Circularityscotland.com>; Redacted @gov.scot>
Subject: Re: Media query - reverse vending machines - Sunday Mail

Thanks [Redacted]

Sent from Outlook for iOS

From: Redacted @gov.scot>
Sent: Saturday, May 20, 2023 9:11:56 PM
To: Redacted @citypress.co.uk <Redacted @citypress.co.uk>; Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>
Subject: RE: Media query - reverse vending machines - Sunday Mail

Forgot to update earlier but we just replied with the following.

Background –

Procurement of reverse vending machines for Scotland's deposit return scheme is a matter for return point operators.

Journalist pushed for confirmation of the incident but we have no information on it. Will see what, if anything, runs tomorrow.

Best

[Redacted]

Redacted | **Communications: News (Net Zero and Just Transition)**
Senior Media Manager

Scottish Government, St Andrew's House
e: Redacted@gov.scot
m: Redacted

From: Redacted
Sent: 20 May 2023 15:59
To: Redacted @citypress.co.uk>; Redacted @Circularityscotland.com; Redacted @Circularityscotland.com
Subject: RE: Media query - reverse vending machines - Sunday Mail

Thanks [Redacted], that's useful.

Redacted | **Communications: News (Net Zero and Just Transition)**
Senior Media Manager
Scottish Government, St Andrew's House
e: Redacted@gov.scot
m: Redacted

From: Redacted @citypress.co.uk>
Sent: 20 May 2023 15:58
To: Redacted @gov.scot>; Redacted @Circularityscotland.com; Redacted @Circularityscotland.com
Subject: Re: Media query - reverse vending machines - Sunday Mail

Hi [Redacted],

I've gone back to [Redacted] to say that's it not something I'm aware of, but would be a matter for the manufacturer or whoever ordered them as CSL isn't responsible for purchasing or installation or RVMs.

Thanks,

[Redacted]

Sent from Outlook for iOS

From: Redacted @gov.scot>
Sent: Saturday, May 20, 2023 2:29:57 PM
To: Redacted @Circularityscotland.com <Redacted @Circularityscotland.com>; Redacted @citypress.co.uk>; Redacted @Circularityscotland.com <Redacted @Circularityscotland.com>
Subject: Media query - reverse vending machines - Sunday Mail

Hi all,

We've got a query in from the Sunday Mail about reverse vending machines – see below.

I'm just checking on our side if this is something we're aware of but I'm not sure it's a valid claim.

Redacted

Redacted | **Communications: News (Net Zero and Just Transition)**

Senior Media Manager

Scottish Government, St Andrew's House

e: Redacted@gov.scot

m: Redacted

I'm writing a story about a consignment of reverse vending machines which has arrived in Scotland but is being held at the docks (I believe in Leith) because they don't read the barcodes on bottles and cans correctly. They will need to be returned or modified.

Can you please confirm and comment on this

Thanks

[Redacted]

[Redacted]

Political Editor

Sunday Mail

[Redacted]

[Redacted]

Redacted@sundaymail.co.uk

From: Redacted @Circularityscotland.com>

Sent: Friday, May 26, 2023 11:14 AM

To: Redacted @gov.scot>; David McPhee <Redacted @gov.scot>

Cc: Redacted @gov.scot>; Redacted @Circularityscotland.com; Redacted @circularityscotland.com>

Subject: RE: Comms Response - IMA

Thanks [Redacted] Understood.

From : Redacted @gov.scot>

Sent: Friday, May 26, 2023 10:52 AM

To: David Mcphee; Redacted @Circularityscotland.com>

Cc: Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @circularityscotland.com>

Subject: RE: Comms Response - IMA

Hi [Redacted],

For awareness, the below statement hasn't issued yet, we'll let you know when it does. However, the FM is at an event this morning where he will be doing clips with

media so it's likely he'll be asked about the UKG decision and will use the below lines.

Thanks,
[Redacted]

From: David McPhee <Redacted @gov.scot>
Sent: 26 May 2023 09:51
To: Redacted @Circularityscotland.com>; Redacted @gov.scot>
Cc: Redacted @gov.scot>; Redacted @Circularityscotland.com Redacted @circularityscotland.com >
Subject: RE: Comms Response - IMA

Our current working draft is below but this has not been cleared yet so may change:

[Redacted]

From : Redacted @Circularityscotland.com>
Sent: 26 May 2023 09:47
To: Redacted @gov.scot>
Cc: David McPhee <Redacted @gov.scot>; Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @circularityscotland.com>
Subject: Comms Response - IMA

Hi [Redacted]

Please can you keep us copied on the lines you are issuing in response to this morning's news?

For info, we will not be providing any comment at this stage.

[Redacted]

[Redacted]
Chief Marketing and Communications Officer

Website: <https://circularityscotland.com/>

Follow us:



From: Redacted @gov.scot>
Sent: Friday, May 19, 2023 5:10 PM
To: Redacted @Circularityscotland.com>; David McPhee <Redacted @gov.scot>; Redacted @gov.scot>
Cc: Redacted @Circularityscotland.com>; Redacted @gov.scot>
Subject: RE: SGF conference - Q&A

Hi all

I've copied our issued lines below for awareness.

Best,

[Redacted]

Redacted | **Communications: News (Net Zero and Just Transition)**

Senior Media Manager

Scottish Government, St Andrew's House

e: Redacted @gov.scot

m: Redacted

From: [Redacted]

Sent: 19 May 2023 15:30

To : Redacted @Circularityscotland.com>; David McPhee < Redacted @gov.scot>; Redacted @gov.scot>

Cc: Redacted @Circularityscotland.com>; Redacted @gov.scot>

Subject: RE: SGF conference - Q&A

[Redacted],[Redacted]

For awareness, we have received several bids for the Minister (all from the BBC)

- GMS – declined
- Lunchtime Live – declined
- DriveTime - declined
- BBC News – accepted
- The Seven - accepted

We also have queries on:

- **SG costs for setting up DRS (The Herald)**

A Scottish Government spokesperson said:

“All operational costs of running the scheme will be met by industry, and hundreds of millions of pounds of private investment has already been made.

“Scotland’s deposit return scheme is a priority project for this government and will be a major part of our efforts to reduce littering, cut emissions, and increase recycling.

“Since 2018, the Scottish Government has spent £218,565.83 which includes costs associated with consultation, publication of the 2020 and 2022 Regulations and associated documents, evaluations, independent reviews and assurance.”

- **SLTA comments on compensation (Scotsman, Herald) – SLTA lines below in case you haven't seen them.**

Circular Economy Minister Lorna Slater said:

"We have engaged with the UK Government in good faith on the exclusion for Scotland's deposit return scheme for nearly two years now. The UK government needs to do the right thing and agree an exclusion now to give businesses the certainty needed to prepare for the launch of the scheme in March.

"We are grateful to all businesses for the investment they have made in preparing for Scotland's deposit return scheme. This investment will be important for the success of the scheme.

"The UK Government will be responsible for their decision, and any implications it will have for all those businesses that would lose significant investment."

Background

The Scottish and UK Governments have been discussing an exclusion from the Internal Market Act for almost two years, following the process agreed by all four UK governments. The Scottish Government have published a summary of engagement and correspondence that substantiates this.

- There is no formal request in the exclusion process. The Common Framework process is available online:
<https://www.gov.uk/government/publications/process-for-considering-ukim-act-exclusions-in-common-framework-areas/process-for-considering-uk-internal-market-act-exclusions-in-common-framework-areas>
- The Scottish Government first raised the need for an exclusion in July 2021 and we have followed the process that was agreed between the UK and the devolved governments.
- The Scottish Government submitted a final paper on an exclusions proposal to the Resources and Waste Common Framework on 13 Feb 2023. This was the culmination of the continued engagement at official and ministerial levels on excluding DRS from the effects of the IMA.
- On 28 February, the Scottish Government published correspondence with the UK Government seeking an exclusion for the Deposit Return Scheme from the Internal Market Act and a timeline of activity to date:
<https://www.gov.scot/publications/internal-market-act-correspondence/>
- As the [publicly available Communique of the 6 March meeting](#) confirms, UK Ministers acknowledged the Scottish Government has fully followed the agreed process.

Best,

[Redacted]

Colin Wilkinson, SLTA managing director, said: “This gets more farcical by the day. In my view, the Internal Market Act issue is like building a 20-storey tower block then applying for retrospective planning permission. Who would be so presumptuous?”

“Lorna Slater has effectively torpedoed the scheme. Businesses have already pulled resources from preparing for the scheme and it is unlikely they’ll revisit it now until the IMA situation is resolved – if it ever is – before the end of the month.

“SLTA believes that supermarkets may be looking at removing drinks sales from home deliveries so they don’t then need to comply with takeback regulations. You can understand why – but what happens to people who rely on home deliveries? It’s another potential nail in the coffin for the farce that is DRS.

“Earlier this month, we said that while we welcome the fact the scheme’s implementation has been paused until March 2024, it is imperative that this should be used as a window of opportunity to revisit DRS and make it both workable and practicable for both businesses and consumers.

“If the scheme is cancelled and millions of pounds wasted, the Scottish Government will have to brace itself for the compensation claims that will inevitably start pouring in.”

Redacted | **Communications: News (Net Zero and Just Transition)**

Senior Media Manager

Scottish Government, St Andrew's House

e: Redacted @gov.scot

m: Redacted

From: [Redacted]

Sent: 18 May 2023 19:00

To: Redacted @Circularityscotland.com>; David McPhee <Redacted @gov.scot>; Redacted @gov.scot>

Cc: Redacted @Circularityscotland.com>; Redacted @gov.scot>

Subject: RE: SGF conference - Q&A

Hi [Redacted]

Here is our line, which has issued to Times and PA, and which we’ll use for any further queries this evening.

Best,

[Redacted]

Circular Economy Minister Lorna Slater said:

“We have engaged with the UK Government in good faith on the exclusion for Scotland’s deposit return scheme for nearly two years now. Despite following the mutually agreed process, we have still to be given necessary assurances that this will be provided in good time.

“This is creating uncertainty and confusion for all the businesses that have worked so hard to prepare for the scheme going live. I urge the UK Government to agree the exclusion by the end of May at the latest. Doing so is absolutely essential to the successful delivery of the scheme.”

Redacted | **Communications: News (Net Zero and Just Transition)**

Senior Media Manager

Scottish Government, St Andrew's House

e: Redacted @gov.scot

m: Redacted

From: Redacted @Circularityscotland.com>

Sent: 18 May 2023 17:48

To: David McPhee < Redacted @gov.scot>; Redacted @gov.scot>

Cc: Redacted @gov.scot>; Redacted < Redacted @Circularityscotland.com>;

Redacted @gov.scot>

Subject: RE: SGF conference - Q&A

Thanks David

Yes, [Redacted] sent over the transcript over.

See attached our statement. In addition to STV, we have responded to inquiries from The Times and Mail.

[Redacted]

From : David Mcphee

Sent: Thursday, May 18, 2023 4:58 PM

To: Redacted @Circularityscotland.com>; Redacted @gov.scot>

Cc: Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @gov.scot

Subject: RE: SGF conference - Q&A

I assume you have seen the transcript?

[Redacted]: It was raised at a recent meeting with CSL, who stated that, if you don't get permission from the internal markets act by the first of June, it is likely that they won't exist because of funding. Can I get an assurance from you that something will happen by the first of June or does that mean that mean that the government may step in and start funding CSL?

Minister: This is all very much sitting on the uncertainty about when exactly we're going to get an internal market act exemption. I was told I would get it on the 17th of April. So the First Minister wrote to the Prime Minister last week, setting a deadline of the end of May. **So if we haven't heard from them by the end of May - because of the concerns around the viability of the scheme going forward - we will have to make a proactive decision at that point as to whether the scheme is viable or not**, to move forward. I can't say exactly how that is going to fall out - we're still

working very closely with the UK government to make that happen. This is now at the highest this can go - this is First Minister talking directly to Prime Minister about this. It's at the highest possible level. I'm hoping to find out urgently but you're right, by the end of May we'll know one way or the other.

From: Redacted @Circularityscotland.com>

Sent: 18 May 2023 16:41

To: Redacted @gov.scot>; David McPhee <Redacted @gov.scot>

Cc: Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @gov.scot>

Subject: RE: SGF conference - Q&A

Thanks [Redacted]

We are drafting a statement for STV, echoing the Minister's response.

[Redacted]

From: Redacted gov.scot>

Sent: Thursday, May 18, 2023 4:36 PM

To: Redacted @gov.scot; Redacted @Circularityscotland.com>

Cc: Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @gov.scot

Subject: RE: SGF conference - Q&A

[Redacted],

For awareness, the Times has approached us for comment and STV will be running the story on this evening's news. [Redacted] is drafting a comment which we plan to issue proactively and can share with you. If you can let us know if you're approached that would be great.

Thanks,

[Redacted]

From: David McPhee <Redacted @gov.scot>

Sent: 18 May 2023 15:52

To: Redacted @gov.scot>; Redacted @Circularityscotland.com>

Cc: Redacted @gov.scot

>

Subject: RE: SGF conference - Q&A

[Redacted]

Happy to have a word to give you more detail if helpful

David

David McPhee

Deputy Director: Deposit Return Scheme

Directorate for Environment and Forrestry

Tel: Redacted

From : Redacted @gov.scot>

Sent: 18 May 2023 15:49

To: Redacted @Circularityscotland.com>

Cc: Redacted @gov.scot>; David McPhee < Redacted @gov.scot>

Subject: RE: SGF conference - Q&A

Also copying David M in case you want/need more of a readout.

From: Redacted @Circularityscotland.com>

Sent: 18 May 2023 15:29

To: Redacted @gov.scot>

Cc: Redacted @gov.scot>

Subject: RE: SGF conference - Q&A

Thanks [Redacted]

From: Redacted @gov.scot>

Sent: Thursday, May 18, 2023 3:27 PM

To: Redacted @Circularityscotland.com>

Cc: Redacted @gov.scot>

Subject: SGF conference - Q&A

Hi [Redacted]

David McPhee attended the SGF event today with the Minister and during the Q&A, SGF said that CSL said at a meeting if an IMA exclusion wasn't agreed by end of May, CSL wouldn't be financially viable (or words to that effect). The Minister apparently set out that we're pushing UK government for an exclusion and didn't get into the implications for CSL. However, I understand the Daily Mail and STV were present so you may get asked.

Copying [Redacted] who was also at the event and may be able to provide more details.

Thanks,
[Redacted]

[Redacted]

**Policy Engagement and Capability Manager
Circular Economy – Deposit Return Scheme
(Pronouns: she/her)**

M: Redacted

From: Redacted @Circularityscotland.com>

Sent: Wednesday, May 17, 2023 1:30 PM

To: Redacted @zerowastescotland.org.uk>; Redacted @gov.scot>; Redacted

@Circularityscotland.com>; Redacted @circularityscotland.com Redacted
@Circularityscotland.com>; Redacted @Circularityscotland.com>; Redacted
@sepa.org.uk>; Redacted @zerowastescotland.org.uk>; Redacted
@zerowastescotland.org.uk>; Redacted @zerowastescotland.org.uk>
Cc: Redacted @gov.scot>; Redacted @gov.scot>
Subject: RE: Regulations

Likewise, thanks for letting us know, [Redacted]. We'll also share.

[Redacted]

[Redacted]
Communications Manager
Tel. Redacted
Website: <https://circularityscotland.com/>
Follow us:



From: Redacted @gov.scot>
Sent: 17 May 2023 13:17
To: Redacted @Circularityscotland.com; Redacted @Circularityscotland.com;
Redacted @circularityscotland.com; Redacted @Circularityscotland.com; Redacted
@Circularityscotland.com; Redacted @sepa.org.uk; Redacted
@zerowastescotland.org.uk>; Redacted @zerowastescotland.org.uk>; Redacted
@zerowastescotland.org.uk>; Redacted @zerowastescotland.org.uk>
Cc: Redacted @gov.scot; Redacted @gov.scot
Subject: Regulations

Hi all,

Just to flag that the regulations were laid this morning and we have published a blog with an update.

It's fairly dry – just setting out what is changing and why: <https://blogs.gov.scot/rural-environment/2023/05/17/deposit-return-scheme-changes-laid-in-parliament-for-approval/>

We've put out posts on Twitter and LinkedIn and will use it as background when responding to media queries.

Best,

[Redacted]

Redacted | **Communications: News (Net Zero and Just Transition)**
Senior Media Manager
Scottish Government, St Andrew's House
e: Redacted @gov.scot
m: Redacted

From: Redacted @Circularityscotland.com>
Sent: Monday, May 15, 2023 4:14 PM
To: Redacted @gov.scot>; Redacted @Circularityscotland.com>
Cc: Redacted @gov.scot>
Subject: RE: For awareness - Media query - Helensburgh Advertiser

Thanks [Redacted].

Redacted Communications Manager
Tel. Redacted
Website: <https://circularityscotland.com/>

Follow us:



From: Redacted @gov.scot>
Sent: Monday, May 15, 2023 4:07 PM
To: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>
Cc: Redacted @gov.scot>
Subject: For awareness - Media query - Helensburgh Advertiser

Hi both,

We received a query from the Helensburgh Advertiser – full details and cleared line below for info.

Best

[Redacted]

A Scottish Government spokesperson said:

“Scotland’s deposit return scheme will reduce litter on our streets, increase the recycling of drinks containers and help meet our net zero ambitions and local authorities will play an important part in the scheme when it launches.

“We recently announced a package of measures to further support businesses, particularly small drinks producers, to participate in the scheme. We have also delayed the start date till 1 March 2024, giving industry more time to prepare.

“The Scottish Government and Circularity Scotland will continue to work closely with local authorities to help them get ready for the scheme going live, including how it will operate in schools and interact with free school meals.”

Background

The Circular Economy Minister announced a range of measures to support businesses prepare for the scheme on 20 April: [Changes to deposit return scheme - gov.scot \(www.gov.scot\)](https://www.gov.scot)

Administration of the scheme is being led by Circularity Scotland Ltd. They are responsible for operating the scheme and we would encourage businesses to contact them for guidance on how to prepare.

QUERY

I was just wondering if I could get a response to Councillor Ross Moreland's comments.

He said: "We are supportive of any measures which help to reduce carbon emissions as we work together to become net zero by 2045.

"The Deposit Return Scheme has an important part to play in potentially reducing litter, increasing recycling rates and cutting waste.

"However, it's clear that the scheme has considerable implications across Argyll and Bute for retail businesses, households, and pupils in receipt of free school meals and those who currently pay for meals.

"We believe that the Scottish Government must provide greater clarity on how it will operate and take steps to address the concerns which many of our businesses have about the practicalities of the scheme.

"We call on the Government to give careful consideration to the impact it will have on the wider community across Argyll and Bute."

If you could get a comment to me by 4pm that would be great

From: Redacted @Circularityscotland.com>

Sent: Tuesday, May 9, 2023 2:42 PM

To: Redacted @zerowastescotland.org.uk>; Redacted @zerowastescotland.org.uk>; Redacted @gov.scot>; Redacted @gov.scot>; Redacted @sepa.org.uk>; Redacted @gov.scot>; Redacted @gov.scot>

Cc: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>; Redacted @circularityscotland.com>

Subject: FW: Updated DRS Plan

Hi All,

As discussed in our comms catch up today, please see latest soft copy of the overarching strategy and marketing plan. I'll update the google doc spreadsheet with this latest plan, please note the WIP tab for the social posts/ideas as mentioned by Jamie.

If you could use the google doc to input your plans, we can start using this as the milestone planner across the 4 organisations. [Redacted]

Cheers

[Redacted]

Redacted
Head of Marketing



Tel. + Redacted
Website: <https://circularityscotland.com/>
Follow us:



From: Redacted @Circularityscotland.com>
Sent: Wednesday, May 17, 2023 10:16 AM
To Redacted @zerowastescotland.org.uk>; Redacted @Circularityscotland.com>
Cc: Redacted @circularityscotland.com>; Redacted @Circularityscotland.com>;
Redacted @Circularityscotland.com>; Redacted @zerowastescotland.org.uk>;
Redacted @gov.scot>; Redacted @zerowastescotland.org.uk Redacted
@zerowastescotland.org.uk>; Redacted @gov.scot>; Redacted @sepa.org.uk>;
Redacted @gov.scot>
Subject: RE: DRS Comms Weekly Check In

Hi,

[Redacted], hoping to come back to you soon on the website timelines. We have a proposal for hosting and maintenance for the site which is now with IT.

Will keep you posted.

[Redacted]

[Redacted]
Communications Manager
Tel. Redacted
Website: <https://circularityscotland.com/>
Follow us:



From: Redacted@Circularityscotland.com>
Sent: Tuesday, May 16, 2023 11:42 AM
To: Redacted @zerowastescotland.org.uk>
Cc: Redacted @circularityscotland.com Redacted @Circularityscotland.com>;
Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>;
Redacted @zerowastescotland.org.uk>; Redacted @gov.scot
Redacted@zerowastescotland.org.uk>; Redacted @zerowastescotland.org.uk>;
Redacted @gov.scot>; Redacted @sepa.org.uk>; Redacted @gov.scot
Subject: FW: DRS Comms Weekly Check In

Hi [Redacted]

Strangely I didn't get this email yesterday, [Redacted] had to forward it to me!

Can you share the environmental benefits video please? For DRS socials we are focussing on building followers before pushing out much content, but some content is in development now (see tab on google doc which maps the ideas).

I'll let [Redacted] share on CSL social channel plans for early June.
Also noted re LA Toolkit and thank you for kicking it off. We are still in development of our Wholesaler Toolkit but hoping to finalise within the next couple of weeks when I will share.

Cheers
[Redacted]

From: Redacted @Circularityscotland.com>
Sent: Thursday, February 9, 2023 4:30 PM
To: Redacted ; Redacted ; Redacted ; Redacted Redacted @gov.scot; Redacted @gov.scot
Cc: Redacted; Redacted; Redacted; Redacted; Redacted; Redacted; Redacted
Subject: DRS Comms Weekly Check In

When: 15 May 2023 14:30-15:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.
Where: Microsoft Teams Meeting

Please forward to anyone within your organisation that needs to attend.

We will use the master comms doc to discuss the activity gone and upcoming plans. [Redacted]

Cheers
[Redacted]

From: Redacted @Circularityscotland.com>
Sent: Wednesday, May 10, 2023 9:13 AM
To: Redacted @zerowastescotland.org.uk>; Redacted @gov.scot Redacted @zerowastescotland.org.uk>
Cc: Redacted @circularityscotland.com>; Redacted @sepa.org.uk>; Redacted @gov.scot>; Redacted Circularityscotland.com>; Redacted @citypress.co.uk
Subject: RE: Argyll and Bute Council DRS report

Thanks [Redacted].

[Redacted]
Communications Manager
Tel. Redacted
Website: <https://circularityscotland.com/>
Follow us:



From: Redacted @Circularityscotland.com>
Sent: 09 May 2023 17:19



- This/these change(s) to Scotland's deposit return scheme is/are subject to regulations to amend the Deposit Return Scheme for Scotland Regulations 2020 being laid in, and approved by, the Scottish Parliament.

I'm very much looking forward to meeting you all in person next week.

Kind regards

[Redacted]

[Redacted]

From: Redacted @Circularityscotland.com>

Sent: Friday, April 21, 2023 6:08 PM

To: Redacted @gov.scot>; Redacted @Circularityscotland.com>

Cc: Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @citypress.co.uk

Subject: RE: Quick query - Daily Mail

Hi [Redacted]

We would suggest the following:

Following feedback from some small producers, we are looking at ways to shorten the contract while ensuring that it remains commercially and financially consistent with the current agreement.

Thanks,

[Redacted]

[Redacted]

Communications Manager

Tel. Redacted

Website: <https://circularityscotland.com/>

Follow us:



From: Redacted

Sent: Friday, April 21, 2023 5:28 PM

To: 'Redacted >; <Redacted @Circularityscotland.com>

Cc: Redacted @gov.scot

Subject: RE: Quick query - Daily Mail

Hi [Redacted]

I'll seek some insight from the relevant business owners on this and see if we can respond.

Thanks,
[Redacted]

[Redacted]
Communications Manager
Tel. Redacted
Website: <https://circularityscotland.com/>
Follow us:



From: Redacted @gov.scot>
Sent: Friday, April 21, 2023 2:03 PM
To: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>
Cc: Redacted@gov.scot
Subject: Quick query - Daily Mail

Hello,

We had a query from the Mail yesterday evening, which I missed because I'd already finished up – see below.

I've picked up with officials on my side but they suggest it might be best to talk to you.

I understand there might be limits to what we can say just now? Any steer you can give?

Best,

[Redacted]

Are you able to provide any guidance on what this paragraph in the minister's speech actually means?

Finally I am aware of the concern that some businesses have around the size and complexity of the producer agreement with Circularity Scotland. To help with this I have asked Circularity Scotland to develop a short-form producer agreement which will help reduce the burden on these businesses

Redacted | **Communications: News (Net Zero and Energy)**
Senior Media Manager
Scottish Government, St Andrew's House
e: Redacted@gov.scot
m: Redacted

From: Redacted @Circularityscotland.com>
Sent: Thursday, April 20, 2023 2:52 PM
To: Redacted @gov.scot>; Redacted @Circularityscotland.com>
Subject: RE: Changes to deposit return scheme

Thanks [Redacted]

[Redacted]
Communications Manager
Tel. Redacted
Website: <https://circularityscotland.com/>

Follow us:



From: Redacted @gov.scot>
Sent: Thursday, April 20, 2023 2:46 PM
To: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>
Subject: Changes to deposit return scheme

Hi both

Just sharing our news release, which issued a few minutes ago

Best,

[Redacted]

[Redacted] | **Communications: News (Net Zero and Energy)**

Senior Media Manager
Scottish Government, St Andrew's House
e: Redacted @gov.scot
m: Redacted

From: Redacted @gov.scot
Sent: 20 April 2023 14:36
To: Redacted @gov.scot
Subject: Changes to deposit return scheme

News From The Scottish Government

Changes to deposit return scheme

Small businesses to benefit.

Craft drinks producers and pubs that provide off-sales are among those that will benefit from changes to Scotland's deposit return scheme.

Circular Economy Minister Lorna Slater has announced a range of measures to make it easier for drinks producers and retailers to prepare for the scheme, while

making sure environmental benefits are still delivered, and repeated the call on the UK Government to issue an exclusion for the scheme from the Internal Market Act.

The changes announced are:

- drinks containers of under 100ml will be excluded, removing miniatures and other smaller containers from the scheme
- products that sell fewer than 5,000 units per year will be excluded, which will particularly benefit craft producers
- all hospitality premises that sell the large majority of their drinks products for consumption on the premises will be exempt from acting as a return point
- the online application process for retailers to apply for an exemption from providing a return point has been simplified

Circular Economy Minister Lorna Slater said:

“Scotland’s deposit return scheme will reduce litter on our streets, massively increase the recycling of drinks containers and help meet our net zero ambitions.

“However, to realise these benefits DRS needs to be delivered in a way that works for businesses, especially for small drinks producers. The changes I have set out will make the scheme easier for industry to deliver – especially for craft producers – while still making sure the vast majority of drinks containers are captured for recycling.

“To move forward with certainty, the UK Government must stop delaying the long overdue exclusion from the Internal Market Act. This damaging Act was imposed on the Scottish Parliament after Brexit without its consent and creates confusion and uncertainty for businesses.

“After that Act was passed, we engaged in good faith, following the agreed process, and have done so for nearly two years now to agree an exclusion. The UK Government needs to at long last issue an exclusion, and recognise the right of the Scottish Parliament to enact legislation in devolved areas without interference.”

Background

Changes to Scotland’s deposit return scheme are subject to approval of the Scottish Parliament.

The current deposit return scheme regulations include all drinks from 50ml to 3 litres and place no lower limit on the volume of sales to qualify for the scheme.

Introducing a threshold of 5,000 units per year will remove many craft drinks and limited edition products. It is anticipated that this change will only remove around 0.5% of articles from the scheme but will remove the need for around 44% of businesses to apply a deposit to their products.

The Scottish Government will engage with hospitality businesses on the proportion of sales at which the hospitality measures will apply, to ensure a balance between support for businesses and accessibility for consumers.

Drinks producers will have until 12 January 2024 to register for the scheme.

Contact Information

Scottish Government

[Redacted]

Scottish Government

Redacted

Redacted @ gov.scot

From : Redacted @gov.scot>

Sent: 21 April 2023 10:03

To: Redacted @Circularityscotland.com; Redacted @sepa.org.uk>; Redacted @Circularityscotland.com; Redacted @gov.scot; Redacted @zerowastescotland.org.uk; Redacted @zerowastescotland.org.uk

Cc: Redacted @sepa.org.uk>

Subject: RE: Ministerial announcement - less than 5,000 items

Thanks Alison – we got asked for clarity on this and said similar to the below.

Best,

[Redacted]

Redacted | **Communications: News (Net Zero and Energy)**

Senior Media Manager

Scottish Government, St Andrew's House

e: Redacted@gov.scot

m: Redacted

From: Redacted @Circularityscotland.com>

Sent: 21 April 2023 09:35

To: Redacted @sepa.org.uk Redacted @Circularityscotland.com Redacted

@gov.scot>; Redacted @zerowastescotland.org.uk>; Redacted

@zerowastescotland.org.uk>; Redacted@gov.scot>

Cc: Redacted @sepa.org.uk>

Subject: RE: Ministerial announcement - less than 5,000 items

Thanks [Redacted]

That's really useful clarity.

[Redacted]

[Redacted]

Chief Marketing and Communications Officer

Website: <https://circularityscotland.com/>

Follow us:



From: Redacted Circularityscotland.com>

Sent: Monday, April 17, 2023 9:23 AM

To: Redacted @gov.scot>; Redacted @gov.scot>

Cc: Redacted @Circularityscotland.com>

Subject: RE: STUC Today

Thanks both.

[Redacted]

Chief Marketing and Communications Officer

Website: <https://circularityscotland.com/>

Follow us:



From: Redacted @gov.scot>

Sent: Monday, April 17, 2023 9:20 AM

To: Redacted @gov.scot Redacted @Circularityscotland.com>

Subject: RE: STUC Today

Hello,

Not expecting anything on DRS today.

However, he will be out and about with media, so he might get asked.

Our most recent lines copied below for info.

Best,

[Redacted]

Various - Deposit return scheme/ Internal Market Act

Thérèse Coffey has written to Ms McAllan on the process for excluding DRS from the Internal Market Act. The letter argues that, as the FM intends to make changes to the scheme, UKG cannot make a decision on IMA exclusion until this is finalised.

Circular Economy Minister Lorna Slater said:

"The UK Government has had more than enough time to make a decision. We have engaged in good faith with the common frameworks process for nearly two years so it is deeply disappointing that the UK Government is still dragging its feet.

"This is yet further evidence of the damaging impact of the Internal Market Act, which was imposed on the Scottish Parliament without its consent. The deposit return scheme regulations, and their implementation, are a wholly devolved matter. They are central to our aims to reduce litter, cut emissions and increase recycling and the scheme is strongly supported by the public. The UK Government should not be using this process to impose its views on the merits of legislation passed by the Scottish Parliament."

Background

The regulations to establish Scotland's deposit return scheme were passed by the Scottish Parliament in 2020. The Scottish Government first raised the need for an exclusion in July 2021 and we have followed the process that was agreed between the UK and the devolved governments.

The Scottish Government has published correspondence with the UK Government seeking an exclusion for Scotland's DRS from the Internal Market Act, alongside a detailed timeline of engagement:

<https://www.gov.scot/publications/internal-market-act-correspondence/>

At the most recent inter-ministerial group on Environment, Food and Rural Affairs on 6 March, the Circular Economy Minister again asked for urgent clarity from the UK Government on this matter.

Various - Deposit return scheme / business concerns

Business leaders - including the CBI, FSB, Scottish Chambers of Commerce - have written to the FM, asking for DRS to be delayed and reviewed.

A Scottish Government spokesperson said:

"We are committed to introducing this important scheme, which will be a major part of our efforts to reduce litter, cut emissions and increase recycling.

"Industry has made welcome progress in preparing for the scheme and we recognise that challenges remain. We are listening to businesses and are working hard to identify further options to support them, especially small producers. We will update Parliament in due course."

Redacted | Communications: News (Net Zero and Energy)

Senior Media Manager
Scottish Government, St Andrew's House
e: Redacted@gov.scot
m: Redacted

From: Redacted @gov.scot>
Sent: 17 April 2023 09:15
To: Redacted @Circularityscotland.com>; Redacted @gov.scot>
Subject: RE: STUC Today

Hi [Redacted],

I didn't know FM was speaking there. I can't imagine DRS coming up but hopefully his comms team will flag anything to [Redacted] if it does.

Thanks,
[Redacted]

From: Redacted @Circularityscotland.com>
Sent: 17 April 2023 09:08
To: Redacted @gov.scot>; Redacted @gov.scot >
Subject: STUC Today

Hi both

I understand FM is speaking at the STUC in Dundee today. Are we anticipating anything on DRS?

[Redacted]

[Redacted]
Chief Marketing and Communications Officer

Website: <https://circularityscotland.com/>
Follow us:



From: Redacted @Circularityscotland.com>
Sent: Thursday, April 13, 2023 5:06 PM
To: Redacted @gov.scot>
Subject: RE: Circularity Scotland - additional information and responses to supplementary questions

Okay, thanks for following up on this, [Redacted].

[Redacted]
Communications Manager
Tel. Redacted
Website: <https://circularityscotland.com/>
Follow us:



From: Redacted @gov.scot>
Sent: Thursday, April 13, 2023 4:46 PM
To: Redacted @Circularityscotland.com>
Subject: RE: Circularity Scotland - additional information and responses to supplementary questions

Thanks [Redacted]

On our call you asked about a recent Express story.

I think this was responded to by duty colleagues over the long weekend.

However, it does relate to a recent FOI. I don't think there was much new in our response – I think the Minister had said similar to parliament on the issue of handling fees.

Best,

[Redacted]

[Redacted] | **Communications: News (Net Zero and Energy)**
Senior Media Manager
Scottish Government, St Andrew's House
e: Redacted@gov.scot
m: Redacted

From: Redacted@Circularityscotland.com>
Sent: 12 April 2023 10:18
To: Redacted@gov.scot
Subject: FW: Circularity Scotland - additional information and responses to supplementary questions

Hi [Redacted]

As mentioned, here is the response to the NZET Committee.

Thanks,
[Redacted]

[Redacted]
Communications Manager
Tel. Redacted
Website: <https://circularityscotland.com/>

Follow us:



From: Redacted

Sent: Thursday, April 6, 2023 6:47 PM

To: Redacted @Parliament.Scot

Cc: cabsecnzjt@gov.scot; ministerforgsceb@gov.scot; director.enfor@gov.scot;
Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>;
Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>

Subject: Circularity Scotland - additional information and responses to supplementary questions

For the attention of Edward Mountain MSP, Convener of the Net Zero, Energy and Transport Committee, Scottish Parliament

Dear Convener,

Please find attached additional information and responses to supplementary questions from Circularity Scotland following senior executives' attendance at the committee session on 28 March, 2023.

We hope the committee finds the attached information useful.

Please do get in touch if any further information or clarification is required.

With kinds regards,
[Redacted]
Communications Manager, Circularity Scotland.

[Redacted]
Communications Manager
Tel. Redacted
Website: <https://circularityscotland.com/>
Follow us:

From: Redacted @Circularityscotland.com>
Sent: Thursday, April 13, 2023 5:05 PM

To: Redacted @gov.scot>; Redacted @Circularityscotland.com>
Subject: RE: Media query - FOI

Thanks [Redacted]

[Redacted]
Communications Manager
Tel. Redacted
Website: <https://circularityscotland.com/>
Follow us:

From: Redacted @gov.scot>
Sent: Thursday, April 13, 2023 4:44 PM
To: Redacted @Circularityscotland.com>; Redacted@Circularityscotland.com>
Subject: Media query - FOI

Hello,

For awareness, we were asked for a comment on the below release from the Liberal Democrats.

We issued the following response.

Best,

[Redacted]

LINE ISSUED

A Scottish Government spokesperson said:

"In line with the polluter pays principles, and just like similar schemes around the world, Scotland's deposit return scheme is being delivered by industry. Circularity Scotland Ltd is a private non-profit company, set up by producers, retailers and wholesalers. As a private company, they are not subject to the Freedom of Information Act.

"The Scottish Government is committed to reviewing the operation of Scotland's FOI regime, and is currently analysing the results of its recent consultation on Access to Information Rights in Scotland with the aim of publishing a report later in the spring.

"Access to information plays a critical role in ensuring openness and transparency – and the Scottish Government believes Scotland's FOI laws are robust and internationally respected."

Background

The deposit return scheme regulations set out the process for establishing a scheme administrator: <https://www.legislation.gov.uk/ssi/2020/154/part/4>

The application process for becoming a scheme administrator is here:
<https://www.gov.scot/publications/deposit-return-scheme-scheme-administration-form-and-template/>

LIB DEM RELEASE

Serious questions need answered as recycling firm excluded from freedom of information laws

Scottish Liberal Democrat climate emergency spokesperson Liam McArthur has today raised concerns about why the firm set up to administer the Scottish Government's deposit return scheme was created in a form which renders it exempt from Freedom of Information legislation.

This has left the public and parliamentarians reliant on leaked reports to reveal the £300,000 salary of Circularity Scotland chief executive David Harris.

Mr McArthur said:

"I can see why it might appeal to secretive ministers to have their unwieldy and expensive new administrative body sit above public questioning but it's terrible for transparent and effective governance.

"The public deserve to know why this organisation was set up like this, who took the decision and were alternative options considered, such as using a similar model to Crown Estate Scotland and Scottish Water? I have lodged a series of parliamentary questions looking to get answers.

"Dozens of countries around the world have successful deposit return schemes in place. Left in the hands of SNP and Green ministers, however, a good idea has turned into a mess risking business failure, consumer choice and public confidence. At the moment the only thing getting recycled is endless excuses.

"Further reform of Freedom of Information laws is needed and Scottish Liberal Democrats are clear that any organisation delivering services to the public sector should be open and accountable to the public."

ENDS

Notes to editors:

Mr McArthur's questions are as follows:

S6W-16232 Liam McArthur: To ask the Scottish Government for what reason Circularity Scotland was created as a private, not-for-profit company, and what the potential implications are for Freedom of Information legislation, in comparison to other companies and bodies that administer government schemes.

S6W-16233 Liam McArthur: To ask the Scottish Government whether it considered any other options for the Deposit Return Scheme administrator, which would have been subject to Freedom of Information legislation.

S6W-16234 Liam McArthur: To ask the Scottish Government, further to the answer to question S6T-01276 by Lorna Slater on 21 March 2023 and in relation to her comment that Circularity Scotland “does not provide a public service”, on what evidentiary basis it determined this to be the case, in light of the statement on the Circularity Scotland website that it is a “company created to benefit everyone in Scotland”.

S6W-16235 Liam McArthur: To ask the Scottish Government which minister decided that Circularity Scotland, as scheme administrator of the Deposit Return Scheme, would not be subject to Freedom of Information legislation, and on what date this decision was taken.

S6W-16236 Liam McArthur: To ask the Scottish Government what its position is on whether the arrangement whereby the Deposit Return Scheme administrator is not subject to Freedom of Information legislation currently meets the principles of the Council of Europe Convention on Access to Official Documents.

S6W-16237 Liam McArthur: To ask the Scottish Government what assessment it has made of any potential impact on relations between the Deposit Return Scheme administrator and producers where Circularity Scotland is not subject to Freedom of Information legislation.

S6W-16238 Liam McArthur: To ask the Scottish Government for what reasons Circularity Scotland was not established using a similar model to Crown Estate Scotland and Scottish Water.

S6W-16239 Liam McArthur: To ask the Scottish Government whether it will ensure that Circularity Scotland is subject to any forthcoming legislation on Freedom of Information in Scotland.

S6W-16240 Liam McArthur: To ask the Scottish Government what its position is on whether it can request that Circularity Scotland voluntarily responds to any requests for information regarding the company's role in the operation of the Deposit Return Scheme in line with the principles of Freedom of Information legislation.

S6W-16241 Liam McArthur: To ask the Scottish Government whether it invited Circularity Scotland to respond to its consultation on the post-legislative scrutiny of the Freedom of Information (Scotland) Act 2002.

From: Redacted @gov.scot>

Sent: Tuesday, April 11, 2023 3:14 PM

To: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>

Cc: Redacted @zerowastescotland.org.uk>; Redacted @zerowastescotland.org.uk>

Subject: As discussed - FM transcript

Hi all,

Please see below a rough note of exchange with FM from a visit today.

Best,

[Redacted]

Times

Are we any further forward on a pause to the DRS or some kind of exemption?

FM

So, actively looking at the options around the DRS to make sure when it does go live it is a scheme that will work practically on the ground. I'm taking some advice on that and we'll update Parliament in due course on that. I recognise the challenges particularly that small businesses have highlighted in relation to that.

Herald

Are you wedded to August 16 as the start date for that?

FM

I want the go-live date to be August, particularly as we know large producers are telling us to commit to that date, but more importantly than that we have to ensure that when we do go live we have a scheme that is not just able to be operational but that works and works well.

[Redacted] | Communications: News (Net Zero and Energy)

Senior Media Manager
Scottish Government, St Andrew's House
e: Redacted@gov.scot
m: Redacted

From: Redacted @gov.scot>
Sent: Tuesday, April 25, 2023 9:49 AM
To: Redacted @Circularityscotland.com>
Subject: RE: Early launch question

Thanks [Redacted]

From: Redacted @Circularityscotland.com>
Sent: 25 April 2023 09:47
To: Redacted @gov.scot>
Subject: RE: Early launch question

Hi [Redacted],

We've given this some thought and indirectly tested this with some retailers. We are fully supportive of doing something like this – indeed we may build this into our replan and make it happen. We are working with our IT provider to have pretty much a full system for the original go live date, and will have most of the operations infrastructure in place as well. We would also have the support of some of the RVM

suppliers – those linked to the retailers who are pressing ahead with implementation of RVMs as per original schedule.

Clearly there is a bit more planning to be done for the core delivery, and the commercials would need to work for all parties, but we are very much up for further discussions.

Best wishes
[Redacted]

[Redacted]
Programme Director
T: Redacted
Website: <https://circularityscotland.com/>
Follow us: [LinkedIn](#) & [Twitter](#)



From: Redacted @gov.scot>
Sent: Wednesday, April 19, 2023 9:58 AM
To: Redacted @Circularityscotland.com>
Subject: Early launch question

Hi [Redacted],

Ahead of catch up later, does CSL have a view on what would happen if a producer and retailer agreed to voluntarily 'launch' ahead of 01 March? E.g. hypothetical scenario where e.g. AG Barr and Aldi / Lidl agree to sell deposit-bearing drinks (with Scottish barcode only) and operate return points. Would CSL support?

Not suggesting at all this will happen (not something we're pushing either!) but we've been asked the question and helpful to have a view on any reasons this couldn't work in practice. SEPA have confirmed would be fine from regulatory perspective.

[Redacted]

[Redacted] | **Head of Deposit Return Scheme Unit, Circular Economy Division, Environment & Forestry | Scottish Government**

M: Redacted | **A:** 3GS Victoria Quay Edinburgh EH6 6QQ

From: Redacted @gov.scot>
Sent: Wednesday, May 24, 2023 1:56 PM
To: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>
Subject: RE: Discussion about <5k SKUs

Hi [Redacted],

I've just had another meeting put in the diary at 4pm – I'm trying to rearrange but if need be could you do 3.30 or 4.30?

[Redacted]

From: Redacted @Circularityscotland.com>
Sent: 24 May 2023 13:30
To: Redacted @Circularityscotland.com>; Redacted @gov.scot>
Subject: RE: Discussion about <5k SKUs

Hi [Redacted]

I can do 4 today, let me send you an invite.

Regards

[Redacted]
Business Architect
[Redacted]
Website: <https://circularityscotland.com/>
Follow us: [LinkedIn](#) & [Twitter](#)

From : Redacted @Circularityscotland.com>
Sent: Wednesday, May 24, 2023 1:24 PM
To: Redacted @gov.scot
Cc: Redacted @Circularityscotland.com>
Subject: RE: Discussion about <5k SKUs

Hi [Redacted]
I'm afraid I won't be able to do that but [Redacted] – if you are available could you have a call with [Redacted]?

Best wishes
[Redacted]

[Redacted]
Programme Director
T: [Redacted]
Website: <https://circularityscotland.com/>
Follow us: [LinkedIn](#) & [Twitter](#)

From: [Redacted]@gov.scot>
Sent: Wednesday, May 24, 2023 1:22 PM
To: Redacted @Circularityscotland.com>
Cc: Redacted @Circularityscotland.com>
Subject: RE: Discussion about <5k SKUs

Hi [Redacted],

I am only around today but could speak after 4pm?

[Redacted]

From: Redacted @Circularityscotland.com>
Sent: 24 May 2023 10:20
To: Redacted @gov.scot>
Cc: Redacted @Circularityscotland.com>
Subject: Discussion about <5k SKUs

Hi [Redacted]

Would you have some time (ideally this week) for a chat with me and [Redacted] (our business architect) on our interpretation and approach to implementation of the 5k SKU changes?

Thanks

[Redacted]

[Redacted]

Programme Director

T: Redacted

Website: <https://circularityscotland.com/>

Follow us: [LinkedIn](#) & [Twitter](#)

From: <[Redacted]@Circularityscotland.com>

Sent: Thu 25/05/2023 12:17

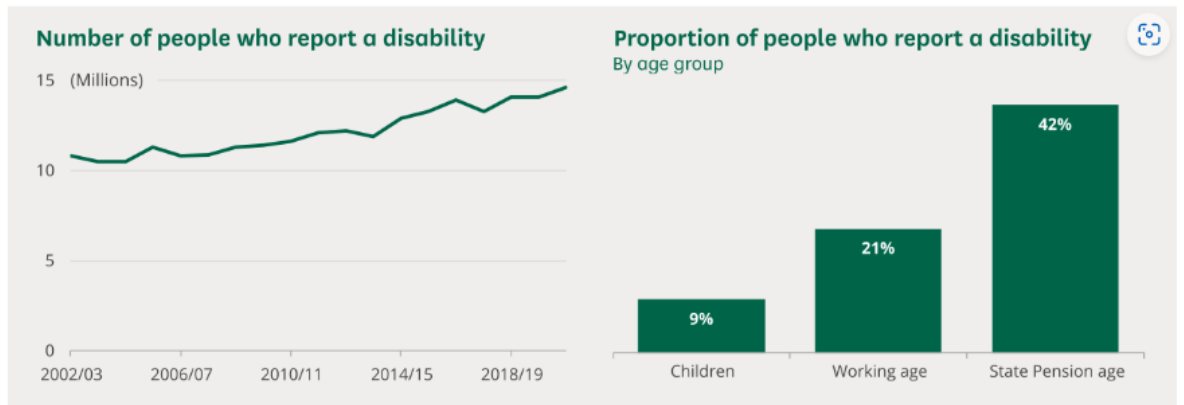
To: <[Redacted]@gov.scot>

Cc: <[Redacted]@Circularityscotland.com>; David McPhee <[Redacted]@gov.scot>; <[Redacted]@gov.scot>; <[Redacted]@gov.scot>; <[Redacted]@gov.scot>; <[Redacted]@gov.scot>

Subject: RE: Actions from Minister meeting

Thanks [Redacted]. This is a useful start but obviously a lot more data is needed to help scale and shape the nature of the service to be provided. I have a few questions etc:

- On the data as provided:
 - o On the Total market table, is it not the case that the sum of 19.798m is double counting? Surely the total market is the 10.508b figure and there is a missing line of 'other' totalling 1.22b?
 - o What is the meaning of the greyed out figures on both tables?
 - o Just to confirm – both datasets are for Scotland?
- On what more data is needed
 - o The figures are for total grocery sales. Could you ask retailers for the % of that allocated to scheme articles?
 - o Even with that data we would want some way to map £x spend on scheme articles to number of scheme articles – again retailers should have that data
 - o It is interesting that 27% of online spend is for 65+/retired, but doesn't consider those with a disability. The reference to the Equalities Act covers a very broad definition. A quick search found a research paper on the UKG site with this:



- Very roughly, 1.4m could be allocated to Scotland, of which 42% (c600k) are in Scotland
- I'm sure there is more data around but this is an important data point that needs developed
- You've mentioned geography already – distribution of online sales is also necessary. It certainly helps that there is now a defined list of retailers, but they would need to provide the specific sales location data [Redacted]
- Finally on top of all that is some way of estimating likely % of online sales to the target market that will actually come via takeback, rather than say through a store RVM

Given how long this has been drifting, I think (now that Scottish Government has resource) there is a valuable role for you to develop some form of service design specification. Whoever ends up building and delivering a takeback service will need something like that before they can meaningfully proceed.

In seeking information from retailers to obtain some of the data above there may be some leverage to deploy to persuade them to share it – the sooner there is a well researched service spec available the easier it will be for ANO to develop a centralised service – or for they themselves to consider delivering the service.

Best wishes

[Redacted]

[Redacted]

Programme Director

T: [Redacted]

Website: <https://circularityscotland.com/>

Follow us: [LinkedIn](#) & [Twitter](#)



From: <[Redacted]@gov.scot>

Sent: Wednesday, May 24, 2023 6:18 PM

To: <[Redacted]@Circularityscotland.com>

Cc: <[Redacted]@Circularityscotland.com>; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot;

[Redacted]@gov.scot

Subject: RE: Actions from Minister meeting

Hi [Redacted],

We procured a dataset from Kantar to understand total grocery spend and total online spend. The following data outlines the total consumer spend across the 9 largest retailers in Scotland. The second table includes the breakdown of online sales. Both include total sales figures for consumers aged 65 and over. According to the data, online sales equate to over 8% of total sales, and over 27% of these sales are made by those 65 and over.

[Redacted]

[Redacted]

I have got in touch with SRC to find out if they might be aware of any geographical data, and am awaiting a response.

Separately, I understand [Redacted] in my team is looking at finding some time for us to meet in the course of the next week and happy to add available data as a discussion point in this meeting.

Let me know if you have any questions. I will be on annual leave until Wednesday, however happy to have a quick chat if needed as soon as I am back.

Thanks,

[Redacted]

[Redacted]

Deposit Return Scheme

Online Takeback & Retail Team Leader
Directorate for Environment & Forestry
Scottish Government

From: Redacted @gov.scot>

Sent: Wednesday, May 24, 2023 4:31 PM

To: Redacted @Circularityscotland.com>; Redacted @gov.scot>; Redacted @gov.scot>

Cc: Redacted @Circularityscotland.com>; David McPhee <Redacted @gov.scot>

Subject: RE: Actions from Minister meeting

Thanks [Redacted]

Confirming actions are in hand – [Redacted] will get you data shortly, [Redacted] on top of other two points

I am back 7th June in theory but we'll see how that plays out in practice. Laptop will be packed (unfortunately)

[Redacted]

From: Redacted @Circularityscotland.com>
Sent: 24 May 2023 15:30
To: Redacted @gov.scot>
Cc: Redacted @Circularityscotland.com>
Subject: Actions from Minister meeting

Hi [Redacted]

Conscious (from your earlier email) that you are out for the rest of the week, and guessing that [Redacted] hasn't got to his actions from the call (!):

- Could you send over the data you referenced with regard to volumes for online takeback
- We will connect you to Valpak to discuss glass PRN
- We will also connect you to TC regarding glass

When are you back?

Best wishes

[Redacted]

[Redacted]
Programme Director
T: Redacted
Website: <https://circularityscotland.com/>
Follow us: [LinkedIn](#) & [Twitter](#)



From: Redacted @gov.scot>
Sent: Friday, May 12, 2023 5:08 PM
To: Redacted @Circularityscotland.com>
Subject: RE: Some questions on the proposed amended regulations

Hi [Redacted]

I will get back next week but quick answers as far as I am aware. The key distinction is between producers (what they must / can do) and products (which are more flexible).

[Redacted]

From: Redacted @Circularityscotland.com>
Sent: 12 May 2023 16:50
To: Redacted @gov.scot>
Subject: Some questions on the proposed amended regulations

Hi [Redacted]

We've been reviewing the draft regs to assess both the direct impact on system design and also to consider what policy or strategy adjustments we need to consider. Inevitably we have a few questions, and have underpinned them with some assumptions. Any help you can give would be appreciated.

Best wishes

[Redacted]

Some definitions and assumptions (terms in bold are from the regs)

- Hybrid producer – one with high volume and **low volume drink products**
- Low volume producer – one who only has **low volume drink products**
 - o A low volume producer is also a **listed producer** once listing is complete with SEPA
- Assumption – a hybrid producer, after registration, is both a **registered producer** and a **listed producer**

Questions for Scottish Government

1. Must a low volume producer only register with SEPA to become a **listed producer**? Para 5 of Schedule 5 indicates this producer *must* make the application to SEPA to become listed
Yes. Though there is a transitional provision to allow registered producers to become listed producers.
2. Can a low volume producer “opt out” of having products classed as “**Low Volume Drink Products**” and register products with sales <5000 units per annum with CSL for inclusion within the scheme ie classify as scheme articles? In that case they would be treated as scheme articles all the way through the system, including the requirement for RPs to collect them.
Yes. In that case they would become a registered or hybrid producer
3. Similarly for a hybrid producer, for their **low volume drink products**?
Yes
4. There is a related, opposite question here – is a scheme administrator obliged to accept the registration of **low volume drink products**? We are concerned about the scale of change to our systems to accommodate a new type of product which doesn't attract a deposit but for which a producer, who appoints us as scheme administrator, still has some obligations.
No. Though you may do if you wish to (e.g. you can notify of products already registered with you)
5. For a **hybrid producer** does that producer require to register its **low volume drink products** with SEPA, for listing, as well as register its scheme articles with the scheme administrator?
 - a. *As above para 5 of schedule 5 suggest they must, with no sign of any alternative options available*
A hybrid producer must notify SEPA of listed products – either directly or via the SA.
6. We are increasingly concerned about the consumer experience, in the face of an increasing range of types of containers associated with the scheme (scheme articles, **listed products**, non-Scottish articles, UK EANs which may or may not be scheme articles, products with logos and some without etc.). With the likelihood (requirement?) for low volume producers to only register their products with SEPA we will not have access to data associated with

those **listed products** and so can't include them on a consumer app. Not taking this as any form of commitment to build, is there a role for the regs to require SEPA to make available their list of **listed products** to any scheme administrator, for such a purpose?

- a. *More operationally we are keen to be able to access this data since it will be important in operating the bulk glass collection process (on the likely assumption that even if they are not scheme articles they will end up in the wheelie bins used for bulk glass collection and we would like to know the container weights)*

Not in Regs (I asked this q) as about producers (not products) but operationally we have had this discussion with SEPA.

Questions for SEPA

1. Can SEPA describe the approved methods they will allow under Schedule 5 para 7 (b) (ii) as unique codes to identify **listed products**? As you will know Circularity Scotland is requiring registered producers to use the GS1 standard to ensure that all scheme articles identifiers are unique.
2. Will SEPA make available to a scheme administrator, the list of **listed products** submitted to them under the registration process in schedule 5, so that a scheme administrator can incorporate them in any form of app or API we may build to support consumers and RPOs identifying scheme articles and those containers which are not scheme articles?

[Redacted]

Programme Director

T: Redacted

Website: <https://circularityscotland.com/>

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From: Redacted @gov.scot>

Sent: Wednesday, May 10, 2023 9:05 AM

To: Redacted @Circularityscotland.com>

Subject: RE: Can you do a quick call - suggestion for another participant on 10am call?

Perfectly happy for you to suggest to him – I was suggesting CSL due to your knowledge of the drinks market, so BSDA equally relevant

From: Redacted @Circularityscotland.com>

Sent: 10 May 2023 09:04

To: Redacted gov.scot>

Subject: RE: Can you do a quick call - suggestion for another participant on 10am call?

I was going to propose [Redacted] from BSDA – he can speak better than any of us to the nature of the UK drinks market

[Redacted]
Programme Director
T: Redacted
Website: <https://circularityscotland.com/>
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From: Redacted @gov.scot>
Sent: Wednesday, May 10, 2023 9:03 AM
To: Redacted @Circularityscotland.com>
Subject: RE: Can you do a quick call - suggestion for another participant on 10am call?

Morning [Redacted] – I'm in calls now until 10 but happy for you to bring others along

From: Redacted @Circularityscotland.com>
Sent: 10 May 2023 09:02
To: Redacted @gov.scot>
Subject: Can you do a quick call - suggestion for another participant on 10am call?

[Redacted]
Programme Director
T: Redacted
Website: <https://circularityscotland.com/>
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From: Redacted @gov.scot>
Sent: Tuesday, May 9, 2023 5:10 PM
To: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com
Redacted @Circularityscotland.com>
Cc: Elisabeth Campbell <Redacted @gov.scot>; David McPhee <Redacted @gov.scot>; Director of Environment & Forestry <director.enfor@gov.scot>; Redacted @gov.scot>
Subject: Meeting with Defra / DBT - drinks market in the UK
Importance: High

Afternoon [Redacted], [Redacted], [Redacted],

You'll be aware that we've been working with Defra to try to tie off outstanding questions about the IMA exclusion. So far most questions have been about the policy, but we have some questions from Dept Business & Trade on the overall drinks market in Scotland. I have suggested these would be far more competently answered by CSL than by me. With apologies for the short notice (but reflecting the pace at which we are pushing this work forward), Defra have asked if someone from CSL might be available to discuss tomorrow (Wednesday) mid-late morning? They are hoping that DBT analysts can attend to hear from you direct (we will also be there).

Grateful if you could let me know availability and I will liaise with Defra to get something in the diary.

Main questions are around:

- A broad market overview
- What trade looks like across the UK
- What types of businesses are affected by DRS
 - o Where businesses are based in UK
 - o Different sizes of business

Thanks,
[Redacted]

Redacted | **Head of Deposit Return Scheme Unit, Circular Economy Division, Environment & Forestry | Scottish Government**

M: Redacted | **A:** 3GS Victoria Quay Edinburgh EH6 6QQ

From: Redacted@gov.scot>

Sent: Tuesday, May 2, 2023 8:40 AM

To: Redacted @Circularityscotland.com>

Subject: RE: Question on the 5000 limit

Hi [Redacted]

This is a scenario I've spoken through with importers. Does this apply to a real world scenario or a hypothetical?

- From discussions with importers, this scenario seems unlikely given the way contracts work, but I accept it is a possibility
- Were this to be a real issue (at a major scale) – I will need to speak to SEPA. I think since it would already be a registered product with a deposit attached I would have an expectation that the producer selling <5k units would have no means of communicating to retailers further down the supply chain or for purpose of collection that it was not a scheme article (as indistinguishable from the same product with a deposit) and therefore would be in breach of obligations.

[Redacted]

From: Redacted @Circularityscotland.com>

Sent: 01 May 2023 12:51

To: Redacted @gov.scot >

Subject: Question on the 5000 limit

Hi [Redacted]

Would be keen for a chat early this week on the 5000 SKU change. Lots of questions – the latest is an interesting one:

- Product is a wine with the brand owner outside the UK
- Importer 1 imports 20k units – deposits etc as now
- Importer 2 imports 4000 units – pays/charge no deposit

- It's the same product with the same barcode, so RVMs will pay out irrespective of the purchase location. And importer 2 could claim unfair competition since importer 1 could be charging less, and not charging a deposit

Best wishes

[Redacted]

[Redacted]

Programme Director

T: Redacted

Website: <https://circularityscotland.com/>

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From: Redacted@Circularityscotland.com>

Sent: Friday, June 16, 2023 12:15 PM

To: David McPhee <Redacted @gov.scot>; Redacted Circularityscotland.com>; Redacted @Circularityscotland.com>

Cc: Kevin Quinlan <Redacted @gov.scot>; Elisabeth Campbell <Redacted @gov.scot Redacted @gov.scot>; Redacted @gov.scot>; Redacted @gov.scot>

Subject: RE: PACE Support

Thanks David,

I will share this with [Redacted] who leads on HR for us.

Kind regards

[Redacted]

From: David Mcphee

Sent: Friday, June 16, 2023 11:00 AM

To: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com Redacted @Circularityscotland.com>

Cc: Redacted @gov.scot; Redacted @gov.scot; Redacted @gov.scot; Redacted @gov.scot; Redacted @gov.scot>

Subject: PACE Support

[Redacted], [Redacted], [Redacted],

I realise there is a lot going on just now but I wanted to make you aware of the support that PACE could offer your staff if needed. I have provided some info below. I can get someone at PACE to get in touch if that would be helpful?

Partnership Action for Continuing Employment (PACE) is the Scottish Government's initiative for responding to redundancy situations. PACE is a partnership of organisations dedicated to providing you with the advice and guidance you may need if you are at risk of redundancy. We can help you take stock, consider your career options, and make the decisions that are right for you. Speak to an expert

adviser on 0800 917 8000 to find out more about the free and confidential support available to help you:

- understand the redundancy process, your rights and entitlements
- check what benefits you may be entitled to
- gain practical advice on getting a new job
- access career coaching services to help you decide on your next steps
- identify learning and training opportunities
- think about opportunities for self-employment.

For more information please:

Visit our website www.redundancyscotland.co.uk

Get personalised support using the [Redundancy Support Tool](#)

Phone our PACE helpline 0800 917 8000

Read the PACE National Guide - [click here](#) for details of all the support available and how to access it

Drop in to your local Skills Development Scotland Centre to speak to an adviser

- [click here to find details of your local centre](#)

Happy to discuss.

Thanks

David

David McPhee

Deputy Director: Deposit Return Scheme

Directorate for Environment and Forrestry

Tel: Redacted

From: Redacted [CircularityScotland.com](mailto:Redacted@CircularityScotland.com)>

Sent: Sunday, June 4, 2023 2:35 PM

To: Elisabeth Campbell <Redacted@gov.scot>; Redacted

<Redacted@CircularityScotland.com>; Redacted <Redacted@gov.scot>; Redacted

<Redacted@CircularityScotland.com>; Redacted <Redacted@CircularityScotland.com>

Cc: David McPhee <Redacted@gov.scot>; Kevin Quinlan <Redacted@gov.scot>

Subject: Re: URGENT - BBC Quote today

Hi,

Please see below.

Thanks,

[Redacted]

A spokesperson for Deposit Return Scheme administrator Circularity Scotland said claims that glass from the scheme would be crushed and used for aggregate were “totally inaccurate”.

The organisation, which represents drinks producers, retailers and trade bodies who are backing the DRS scheme, said it has set a high target for remelting glass so that it can be reused to make new drinks containers.

The spokesperson said: "Circularity Scotland has consistently stated that the Scottish Deposit Return Scheme has set a target of 90 per cent for the remelting and reuse of glass from the scheme's launch, rising to 95 per cent post-launch. Any claims to the contrary are totally inaccurate.

"These claims have seriously jeopardised a £10m investment in glass recycling planned for Scotland's Deposit Return Scheme."

Sent from Outlook for iOS

From: Elisabeth Campbell
Sent: Sunday, June 4, 2023 2:23:51 PM
To: Redacted @Circularityscotland.com>; Redacted @gov.scot <Redacted @gov.scot>; Redacted Circularityscotland.com>; Redacted @Circularityscotland.com; Redacted @Circularityscotland.com>
Cc: Redacted @gov.scot <Redacted @gov.scot>
Subject: RE: URGENT - BBC Quote today

Adding [Redacted] in [Redacted] absence.

Elisabeth Campbell
Deputy Director, Deposit Return Scheme

From: Campbell E (Elisabeth)

Sent: Sunday, June 4, 2023 2:12 PM
To: Redacted @Circularityscotland.com' <Redacted @Circularityscotland.com>; Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com'
Cc: McPhee D (David) <Redacted @gov.scot>; Quinlan K (Kevin) <Redacted @gov.scot >
Subject: URGENT - BBC Quote today
Importance: High

All,

Very sorry to bother you on a Sunday but I just wondered if you can possibly share the full quote on glass remelting that you gave the BBC today? Our spads and comms team are asking for it

Thanks,

Elisabeth Campbell
Deputy Director, Deposit Return Scheme

From: Redacted @Circularityscotland.com>
Sent: Monday, June 12, 2023 9:25 AM
To: Redacted @defra.gov.uk; Redacted @parliament.uk; Minister for Green Skills, Circular Economy and Biodiversity <MinisterforGSCEB@gov.scot>

Cc: First Minister <FirstMinister@gov.scot>; Redacted @defra.gov.uk; Redacted @defra.gov.uk; Kevin Quinlan <Redacted@gov.scot>
Subject: Letter For Attention Of Rebecca Pow MP and Lorna Slater MSP

Please find attached a letter for attention of Ministers Pow and Slater.

[Redacted]
Chief Executive
T: Redacted
Website: <https://circularityscotland.com/>
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[Redacted]

From: Redacted @Circularityscotland.com>
Sent: Tuesday, May 30, 2023 4:07 PM
To: Kevin Quinlan <Redacted@gov.scot>
Cc: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>; Redacted @gov.scot>; Elisabeth Campbell <Redacted@gov.scot>; David McPhee <Redacted@gov.scot>; Redacted @gov.scot>
Subject: RE: SEPA: DRS Analysis of impact of DRS Inter-operability conditions

[Redacted]

We have spent some time considering the various conditions and requirements associated with the IMA exemption letter. It should be no surprise that we are having great difficulty in producing even high level estimates of the impact of each element, given the lack of clarity and prescription in the letter, and the uncertainty about the process and timing of how to engage with the appropriate parties to seek that clarity. Rather than going through the document line by line and effectively writing a briefing document for your team to use in discussions with the Defra team, we think it a much more effective and efficient approach if we had the opportunity of direct engagement with Defra. We would be better positioned to understand and query their position, lay out the detail of how it impacts us, and respond directly to the inevitable set of follow up questions. Your assistance in making that happen would be appreciated.

In summary, however, our high level response to the letter is as follows:

- [Redacted]
- We are working through the revised financial model to assess the implication of the removal of glass. We anticipate we can deliver a financial model that is not too far from the current position
- Clearly consistency of container volume is needed, but we think we can accommodate a 150ml lower limit with little impact
- Consistency of collection across the UK is not possible to assess at this stage. We are being effectively asked to accommodate significant changes to our already designed network, without absolute clarity on the regulations and

how we would fund and remunerate it. We share the concerns expressed about others in terms of cross-subsidisation and are also concerned about how our costs are recovered in a pan-UK approach

- Consistency of registration and reporting is even more challenging to assess. There will need to be significant changes to our current built IT systems, and we need much more clarity on the processes, data sharing and reconciliation, security etc. before being able to develop a set of requirements that can be used for cost/schedule impact assessment. We can certainly envisage a steady state position where the stated ambition is delivered, but we have no idea of requirements, costs and the parties with whom we should engage to develop those requirements, and very limited capacity at this stage to deploy. In some ways the scheme is now starting to look like a partially integrated pan-UK system, but with little in the way of definition. As above, cross-subsidisation is also a key concern here.
- We support consistent use of barcodes across the UK and a single logo. As [Redacted] points out, though, the legislative path to achieve that is unclear and there remains a risk of divergence and wasted spend on the current logo if it does not prevail as the UK-wide logo

Despite the apparent negativity here, there is a positive theme. We can see a way to use the skills, experience and capability deployed to get us to the current position, to in turn deploy against these new challenges. We would like to work with you and Defra to lay out a plan to deliver the requirements in the IMA exemption letter, then look to bring in industry in support of that delivery.

I'm broadening the distribution to include our whole Executive team – this IMA challenge affects every part of our business and we are all working quickly to adapt to the changes it brings.

Best wishes
[Redacted]

[Redacted]
Programme Director
T: Redacted
Website: <https://circularityscotland.com/>
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From: Redacted @gov.scot>
Sent: Monday, May 29, 2023 2:59 PM
To: Redacted @sepa.org.uk; Redacted @sepa.org.uk; Redacted @sepa.org.uk
Redacted @Circularityscotland.com>
Cc: Redacted @gov.scot; Redacted @gov.scot; Redacted @gov.scot Redacted
@Circularityscotland.com>; Redacted @gov.scot
Subject: RE: SEPA: DRS Analysis of impact of DRS Inter-operability conditions

[Redacted]– many thanks.

[Redacted] – PSA. grateful if you can give us your perspective of issues of particular note for CSL over and above what is in the attached. Please do so as third column “CSL perspective” to enable us to get this off to DEFRA first thing to discuss with them. Thanks .

Kevin

Kevin Quinlan - Director Deposit Return Scheme, Scottish Government (tel: Redacted)

From: Redacted @gov.scot>
Sent: Sunday, May 28, 2023 2:43 PM
To: Redacted @Circularityscotland.com; Redacted @gov.scot; Redacted @Circularityscotland.com; Redacted sepa.org.uk>; Redacted @sepa.org.uk>; Redacted @zerowastescotland.org.uk; Redacted @zerowastescotland.org.uk
Cc: Redacted @gov.scot; Redacted @gov.scot; Redacted @gov.scot; Redacted @gov.scot; Redacted @gov.scot; Redacted @gov.scot

Subject: DRS Analysis of impact of DRS Inter-operability conditions?
Importance: High

Colleagues – please see below [Redacted] analysis of the impact of the interoperability conditions in the UKG letter attached. Grateful for your quick reactions by cop today if possible. Grateful also if you can join a Teams call at 9.30 tmrw Mon (I will send an appmt) to discuss interoperability and the impact of the glass issue. SG officials are meeting FM at 1130 to take stock. Thanks.

Kevin

As a note: 4 nations held workshops on interoperability at the start of the year to discuss all these issues. Defra had a slide deck that I think is on erdm (but erdm is down for maintenance this weekend).

There absolutely was commitment to all parties to work through the issues, but it is complex. We agreed the only ‘non-workable’ issue was material scope (and timelines) and would need to accept divergence in that area. Labelling is also very difficult without an IMA exclusion.

Interoperability:

- maximum cap on deposit levels will have to be agreed with the rest of the UK before the Scottish scheme launches to ensure maximum interoperability and ease of use for consumers
 - This is difficult to speak to without understanding in a bit more depth.
 - [Redacted]
 - If that means capping at 20p, I don’t see any issues with this.
 - rUK plan to allow the deposit management organisation to set the level of the deposit (which is why they are setting a cap), rather than setting in legislation. That also provides flexibility e.g. to have a different rate for multipacks, different material / sizes / alcohol etc.
 - Scotland is unable to allow the scheme administrator to set the deposit level (we don’t have the powers) but we have always said that we want

alignment. We have also argued that the Scottish scheme would provide evidence to inform the deposit level in rUK. Worth noting that there is an interaction with minimum unit pricing here (they want higher deposit for higher strength alcohol / lower deposit for multipacks) which exists in Scot + Wales but not England

- The legislative vehicle for any change to the deposit level (including a variable deposit) would be an amendment to DRS Regs. Legislatively it is relatively simple, the main implications are commercial
- Containers in scope are consistent across all schemes, with materials covering PET plastic, aluminium, and steel cans only
 - Disagreement on glass (I will not go into it here)
 - In principle agreement on other parameters of 'in scope', but Defra have not yet confirmed the container size. Their consultation states 50ml-3l, as per Scotland. However, we discussed 100ml with them when making changes. Northern Ireland pushing for 150ml to align with Ireland. Defra have not yet confirmed either way.
- Processes are in place for collections and refunds of scheme items sold and returned in any part of the UK, with scheme administrators reconciling to ensure fair distribution of payments;
 - All nations shared this intent and agreed to work towards this goal. My own view was that this would be a commercial matter for a scheme administrator(s), rather than a Regulatory one. Regulations are likely to be very difficult impose this as waste is fully devolved, so I am not sure how e.g. Scotland could require e.g. Wales to comply.
 - This is probably best answered by CSL as the wider issues are around cross-subsidisation e.g. if Scotland is more expensive to run because of remote geography, is it ok for English producers to cover that cost?
- Processes are in place to minimise the registration and reporting burden for producers, including only one administration fee required per participating company, and producers not required to join multiple schemes separately; and
 - All nations shared this intent and agreed to work towards this goal. I think there is already precedent for how this is done – for example the PRN registration system (PRNs are UK-wide, but producers register in one particular nation. I think EPR takes the same approach). SEPA would be best placed to answer how this works in practice.
 - The vehicle for this would probably be a joint SI / SSI that introduces the same registration requirements, data sharing and cost redistribution across the UK.
- One marking (e.g. barcode) for use throughout all parts of the UK
 - There is nothing in DRS Regulations about barcodes. I don't think that Scotland has the powers to mandate that at any rate.
 - It's up to businesses what stock keeping units they use. Some businesses already have different barcodes for different parts of the UK, in the same way that they also do for different products (e.g. single cans vs multi-pack cans).
 - Producers can use UK barcodes under the Scottish scheme. As this comes with a higher risk of fraud, some producers have chosen to create Scottish barcodes. If there was an interoperable UK-wide

scheme, there would be no need to do this, and so we would expect producers to use UK-wide barcodes.

- A single common UK logo, recognisable across all systems;
 - We definitely share this intent. Labelling powers are reserved, so Scotland cannot (and has not) introduced any labelling requirements.
 - We have stated many times that we would like a common UK-wide logo.
 - The legislative vehicle for this is unclear. UKG may be able to bring forward specific legislation on DRS labelling that applies across the UK. It is unlikely that UKG could introduce it via their DRS legislation, since that is devolved and wouldn't apply to Wales, Scotland and NI. As Wales, Scotland and NI could introduce labelling themselves, that would result in a situation where there was regulatory divergence (which would, ironically, require and IMA exclusion).

Other things on interoperability that are not mentioned:

- Trading standards: the issue around the price marking order creates an barrier to trade where Scotland launches first (because current interpretation requires different price markings on price marked pack in England vs Scotland). We have been asking UKG to resolve this for approx 10 months.
- Low volume products: The new exclusion for low volume products means that there could be different rules in different countries for what is in / out. I've been speaking to England and Wales who are both considering the change – in principle we would probably want to have one category across the whole of the UK (e.g. instead of 'sells fewer than 5,000 units in Scotland', would be 'sells fewer than e.g. 10,000 units in the UK)
- Online takeback: We have been working with Defra to try to make sure our Regs align with theirs...but they keep changing them so hard to do that!

From: Redacted @Circularityscotland.com>

Sent: Monday, May 29, 2023 9:09 AM

To: David McPhee <Redacted @gov.scot>; Redacted @Circularityscotland.com>

Cc: Kevin Quinlan <Redacted @gov.scot>; Redacted @gov.scot>; Elisabeth Campbell <Redacted @gov.scot>

Subject: RE: Recycling of Glass

Hi David

This is the line we are using (indeed used yesterday for the BBC) – “Circularity Scotland has set a remelt target of 90% to cullet, rising to 95%, to ensure that as much glass collected as possible is reused for drinks containers. Any claims that the majority of glass collected under Scotland's DRS would be used for road aggregate would be entirely untrue.”

Best wishes

[Redacted]

[Redacted]
Programme Director
T: Redacted
Website: <https://circularityscotland.com/>
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From: Redacted @gov.scot>
Sent: Monday, May 29, 2023 8:25 AM
To: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>
Cc: Redacted @gov.scot; Redacted @gov.scot>; Redacted @gov.scot
Subject: RE: Recycling of Glass

Thanks [Redacted]

From: Redacted @Circularityscotland.com>
Sent: 29 May 2023 08:24
To: David McPhee <Redacted @gov.scot>; Redacted @Circularityscotland.com>
Cc: Kevin Quinlan <Redacted @gov.scot>; Redacted @gov.scot>; Elisabeth Campbell <Redacted @gov.scot>
Subject: RE: Recycling of Glass

Hi [Redacted]

[Redacted] is on leave, but I'll get something to you shortly.

Best wishes
[Redacted]

[Redacted]
Programme Director
T: Redacted
Website: <https://circularityscotland.com/>
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From: Redacted @gov.scot>
Sent: Monday, May 29, 2023 8:22 AM
To: Redacted @Circularityscotland.com>
Cc: Redacted @gov.scot; Redacted @gov.scot>; Elisabeth.Campbell@gov.scot;
Redacted @Circularityscotland.com>
Subject: Recycling of Glass

Hi [Redacted]

I think I am right in saying that CSL have been asked in recent times about their intentions around glass recycling – with the accusation that the glass will be used for aggregate for roads rather than high quality recycling. Could you provide the lines

you have used against that accusation ([Redacted] had told me that the quality of glass recycling would actually be better under DRS than currently).

Thanks
David

David McPhee
Deputy Director: Deposit Return Scheme
Directorate for Environment and Forestry
Tel: Redacted

From: Redacted @Circularityscotland.com>
Sent: Wednesday, May 17, 2023 1:40 PM
To: David McPhee < Redacted @gov.scot>; Redacted @gov.scot>
Cc: Director of Environment & Forestry <director.enfor@gov.scot>; Redacted @Circularityscotland.com>
Subject: FW: IMA Related Request re Glass

David/[Redacted]

As will be obvious, the impact of any decision to take glass out of the scheme will have a very significant impact on Circularity Scotland. We are responding with urgency to [Redacted] request to assess the implications of any such change, but are very much restricting knowledge of this possibility to a small number of staff, until a decision is made and there is clarity on what impact that has on Circularity Scotland, its staff and its suppliers.

[Redacted]

Many thanks
[Redacted]

[Redacted]
Programme Director
T: Redacted
Website: <https://circularityscotland.com/>
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From : Redacted @gov.scot
Sent: Wednesday, May 17, 2023 12:47 PM
To: Redacted @zerowastescotland.org.uk; Redacted @Circularityscotland.com>
Subject: IMA Related Request re Glass

Hi [Redacted], [Redacted]

I hope you are well.

SG have received an urgent request for information regarding glass in relation to the IMA exemption. It is likely we will need to respond by COB today. I am awaiting confirmation of the ask but expect it to cover the areas below. I want to give you as

early sight as possible as we may need to ask you to contribute and or sense check our response.

1. Environmental benefits of including (format switching if excluded)
2. Competition / format switching
3. Consensus of stakeholders
4. Contractual & Compensation - who pays for sunk costs
5. Commercial model for CSL

Kind regards,
[Redacted]

[Redacted] | Operational Delivery Team Leader, Deposit Return Scheme | Scottish Government | Mobile: Redacted

From: Redacted @Circularityscotland.com>

Sent: Sunday, May 28, 2023 6:32 PM

To: Director of Environment & Forestry <director.enfor@gov.scot>

Cc: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com
Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>

Subject: RE: DRS Analysis of impact of DRS Inter-operability conditions?

[Redacted]

We have also been looking at the potential impact of the terms of the exemption.

Obviously this has a fundamental impact on the viability of Circularity Scotland and as Directors we must carefully consider our next steps. We are faced with some very serious decisions but have limited information on which to base our judgments.

Our initial assessment is that the interoperability point creates a number of material uncertainties, this is well explained by [Redacted] analysis. We are not comfortable to discuss how these impact Circularity Scotland in a public forum and must first get comfortable that there will be a Deposit Return Scheme, and a role for our company.

We urgently need written confirmation that The Scottish Government intends to proceed with the Scottish Deposit Return Scheme to which we were appointed as a Scheme Administrator, with a go-live date of 1st March 2024.

We also need to clearly understand where DEFRA see the UK wide scheme, in terms of live date and also the DMO process. It will be very difficult to understand the impact of any interoperability requirements without this, although being required to meet requirements of regulations which do not exist is worrying.

We are happy to attend the meeting on Monday but will not be in a position to discuss our situation.

Kind regards

[Redacted]

[Redacted]
Chief Executive

T: Redacted

Website: <https://circularityscotland.com/>

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From: Redacted @Circularityscotland.com>

Sent: Tuesday, April 25, 2023 9:32 AM

To: David McPhee <Redacted @gov.scot>; Redacted @gov.scot>

Cc: Director of Environment & Forestry <director.enfor@gov.scot>; Redacted @Circularityscotland.com>

Subject: Contact details for RVM suppliers in Scotland

Good morning David/[Redacted]/[Redacted]

At the review meeting last Friday [Redacted] promised to provide contact details for the RVM suppliers in Scotland – please see below. I think we are OK to provide email addresses although we may want to ensure the contacts below are OK with that.

Across these 5 companies are more than 40 employees, with the intent to build that up to more than 100 by go live. In addition there will be about another 60-70 staff in the UK and with other related companies (such as logistics service companies).

We have a good view of who has installed what and where but I think it appropriate that the suppliers decide whether or not to share those numbers directly with you. We certainly know that by the end of March there were well over 500 RVMs either installed or in the process of being installed, and several large retailers intend to complete their rollout by August.

I'm sure these suppliers would be happy to host demo visits for you and your team, and we would be happy to help make that happen.

Best wishes

[Redacted]

Company	Contact	Position	Location
[Redacted]	Redacted	Redacted	Redacted
	Redacted	Redacted	Redacted
[Redacted]	Redacted	Redacted	Redacted
	Redacted	Redacted	Redacted
[Redacted]	Redacted	Redacted	Redacted
	Redacted	Redacted	Redacted
[Redacted]	Redacted	Redacted	Redacted
	Redacted	Redacted	Redacted
[Redacted]	Redacted	Redacted	Redacted

[Redacted]
Programme Director
T: Redacted
Website: <https://circularityscotland.com/>
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From: David McPhee <Redacted @gov.scot>
Sent: Sunday, June 18, 2023 6:56 PM
To: Redacted @Circularityscotland.com>
Cc: Redacted @Circularityscotland.com>; Kevin Quinlan <Redacted @gov.scot>; Elisabeth Campbell <Redacted @gov.scot>
Subject: Commercially Sensitive discussions

Dear [Redacted]

Thanks for the discussions this weekend and the further information you have provided. We remain keen to continue to discuss how we can provide comfort to your staff while also further considering the options that you have set out for CSL. As part of this, the Scottish National Investment Bank's Shareholder team within SG have informed the Bank that we are discussing these options with you on what could be possible.

We are hopeful that this will give your board the comfort that they need to avoid starting administration procedures to allow us to consider these issues to their conclusion.

We would be happy to discuss these issues further on Monday, prior to your board call and/or after that call.

Kind Regards
David

David McPhee
Deputy Director: Deposit Return Scheme
Directorate for Environment and Forrestry
Tel: Redacted

From: David McPhee <Redacted @gov.scot>
Sent: Monday, June 5, 2023 9:58 PM
To: Kevin Quinlan <Redacted @gov.scot>; Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com' <Redacted @Circularityscotland.com>; Redacted @sepa.org.uk>; Redacted @sepa.org.uk>; Redacted @sepa.org.uk>; Redacted @zerowastescotland.org.uk>; Elisabeth Campbell <Redacted @gov.scot>; Redacted @gov.scot>; Redacted @gov.scot>; Redacted @zerowastescotland.org.uk>; Redacted @gov.scot>; Redacted @gov.scot>
Subject: Response from UK Government

To all,

See attached response from UK Government to the FM's letter on Friday. This has already been reported in the press.

Thanks
David

David McPhee
Deputy Director: Deposit Return Scheme
Directorate for Environment and Forrestry
Tel: Redacted

From: David McPhee <Redacted @gov.scot>
Sent: Monday, May 22, 2023 2:33 PM
To: Redacted @circularityscotland.com>; Redacted @circularityscotland.com>; Redacted @circularityscotland.com>
Cc: Director of Environment & Forestry <Redacted @gov.scot>; Elisabeth Campbell <Redacted @gov.scot>; Redacted @gov.scot>
Subject: Attendees at Ministerial Assurance Group

[Redacted],[Redacted],[Redacted]

Following the meeting earlier I had a look at the attendees for the meeting I agree with you that we do not have as much businesses as we should. [Redacted] from Barrs is on the list but due to an admin error (that we have only just discovered) his invite was sent to the wrong address so he will not attend today either.

We will look to rectify the attendance for future meetings and increase the number of businesses in attendance. I would have thought at the very least we would want Barrs and Tennents around the table.

Thanks
David

David McPhee
Deputy Director: Deposit Return Scheme
Directorate for Environment and Forrestry
Tel: Redacted

From: David McPhee <Redacted @gov.scot>
Sent: Thursday, May 11, 2023 5:57 PM
To: Redacted Circularityscotland.com>; Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>
Cc: Director of Environment & Forestry <Redacted @gov.scot>; Elisabeth Campbell <Redacted @gov.scot>
Subject: Letter from AG Barr to FM

[Redacted],[Redacted],[Redacted],

To see attached letter from AG Barr to the First Minister which may be of interest.

Thanks
David

David McPhee
Deputy Director: Deposit Return Scheme
Directorate for Environment and Forestry

From: Redacted @Circularityscotland.com>
Sent: Friday, April 14, 2023 2:36 PM
To: Redacted gov.scot>; Director of Environment & Forestry < Redacted @gov.scot>; Redacted @gov.scot>; Elisabeth Campbell < Redacted @gov.scot>; David McPhee < Redacted @gov.scot>
Cc: Redacted @Circularityscotland.com Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>
Subject: RE: CSL - remaining data questions

Hi [Redacted]

Please find attached analysis as requested below. Donald and I are available today for a talk though on the attached if required?

Kind Regards

[Redacted]
Management Consultant
T: Redacted
Website: <https://circularityscotland.com/>
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From: Redacted @gov.scot>
Sent: 13 April 2023 12:49
To: Redacted @Circularityscotland.com>; director.enfor@gov.scot;
Lorna.Ascroft@gov.scot; Redacted @gov.scot; Redacted @gov.scot
Cc: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>
Subject: RE: CSL - remaining data questions

Thanks [Redacted] and all, this is extremely helpful to see.

From my perspective (as I know we will be asked this), the final piece of analysis that would be needed our side is some indication of the impact of different thresholds for the 5k exclusion. You have done this for the container volume threshold (e.g. at different minimum ml), which allows us to be able to very clearly point to the impact of e.g. using a 100ml limit vs any other minimum threshold. I expect we would also need to do this for a low volume product threshold, if there is a decision to pursue that approach. We have not currently committed to any specific threshold, though producer groups have asked for 5k.

We wouldn't need specific detail on this one, but it would be extremely useful to have an indication of numbers in the following table if possible. If time is challenging to run analysis, just first column (no. scheme articles) is probably the most critical one.

SKU threshold	No scheme articles	No SKUs	No. producers with any SKUs below threshold	No producers with all SKUs below threshold
1,000				
2,000				
3,000				
4,000				
5,000	12,984,248	12,631	624	351
6,000				
7,000				
8,000				
9,000				
10,000				

Happy to chat if easier.

Thanks again,

[Redacted]

From : Redacted @Circularityscotland.com>

Sent: 11 April 2023 17:27

To: Redacted @gov.scot>; Director of Environment & Forestry < Redacted @gov.scot>; Redacted @gov.scot>; Campbell E (Elisabeth) < Redacted @gov.scot>; McPhee D (David) < Redacted @gov.scot>

Cc: Redacted @Circularityscotland.com Redacted @Circularityscotland.com>

Subject: RE: CSL - remaining data questions

Dear all

Please find attached analysis of SKU's under 5,000 per annum and containers <155ml.

If you have any queries please feel free to contact me while Irene is on annual leave.

Kind Regards

[Redacted]

Management Consultant

T: Redacted

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From: Redacted @gov.scot>

Sent: 11 April 2023 16:37

To: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>; Redacted @gov.scot; Redacted @gov.scot

Cc: Redacted @Circularityscotland.com>
Subject: RE: CSL - remaining data questions

Thanks [Redacted]

Elisabeth is ill today so copying Kevin and [Redacted] for awareness (grateful if you / [Redacted] can keep them in copy). Thanks for pulling this info together.

[Redacted]

From: Redacted @Circularityscotland.com>
Sent: 11 April 2023 16:29
To: Redacted @gov.scot>; Redacted @Circularityscotland.com>
Cc: Redacted @Circularityscotland.com>
Subject: RE: CSL - remaining data questions

Hi [Redacted]

As per our chat just now:

- [Redacted] will be issuing a note on the <5000 volume SKUs and also the 100ml assessment, in the next hour or so
- He's tried to contact Elizabeth on the packaging note topic but with no success – he'll keep trying tomorrow
- On the shortened producer agreement, we will offer a shortened version to producers who want to use that version, but there will be no change to the underpinning commercial and financial arrangements between the short and the standard versions.

Best wishes
[Redacted]

From: Redacted
Sent: Tuesday, April 11, 2023 3:10 PM
To: Redacted @gov.scot; Redacted @Circularityscotland.com>
Cc: Redacted @Circularityscotland.com>
Subject: RE: CSL - remaining data questions

Hi [Redacted]

I've just left a voicemail looking for a quick chat to confirm alignment. Bill is leading in Irene's absence and is concluding the analysis associated with SKUs with volume <5000 units. He is also trying to reach Elizabeth to confirm the requirement associated with packaging notes, as per the discussions late last Thursday.

Best wishes
[Redacted]

From: Redacted @gov.scot>
Sent: Tuesday, April 11, 2023 1:30 PM
To: Redacted @Circularityscotland.com>
Cc: Redacted @Circularityscotland.com>

Subject: CSL - remaining data questions

Importance: High

Afternoon [Redacted]

I understand from Kevin that [Redacted] was working on a couple of additional questions relating to financial implications of the options we are putting to the FM today. As I wasn't around on Thursday I don't have all the details, but wondering if you're any closer to the conversations?

Thanks,
[Redacted]

Redacted | **Head of Deposit Return Scheme Unit, Circular Economy Division, Environment & Forestry | Scottish Government**

M: Redacted | **A:** 3GS Victoria Quay Edinburgh EH6 6QQ

From: Kevin Quinlan <Redacted @gov.scot>
Sent: Saturday, May 27, 2023 4:41 PM
To: Redacted @Circularityscotland.com
Cc: Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>; Redacted @Circularityscotland.com>; Redacted @gov.scot>; Elisabeth Campbell <Redacted @gov.scot>; David McPhee <Redacted @gov.scot>; Redacted @gov.scot>; Redacted @gov.scot>
Subject: FW: Publication of letter to UKG

[Redacted]

PSA letter. It is a strongly worded but as you can imagine we are realistic about the extent to which UKG will change its mind. As I understand it our political advisors are still considering whether to publish the letter.

Consequently we need to continue to focus on collective energies to see whether there is a path through all this. We have a stocktake with the FM on Monday at 11.30. It would be good to have a word anytime you are free before then Monday am. Please let me know what time suits.

Thanks

Kevin

Kevin Quinlan - Director Deposit Return Scheme, Scottish Government (tel: Redacted)

From: Redacted @Circularityscotland.com>
Sent: Monday, June 5, 2023 4:09 PM
To: Redacted @gov.scot>
Cc: Redacted @gov.scot>; Director of Environment & Forestry <Redacted @gov.scot>; David McPhee <Redacted @gov.scot>; Elisabeth Campbell <

Redacted @gov.scot>

Subject: CSL Press Release 5 June 2023

Hi [Redacted]

Please see attached release which will be issued this afternoon.

[Redacted]

[Redacted]

Chief Marketing and Communications Officer

Website: <https://circularityscotland.com/>

Follow us:

Scotland and UK cannot afford to lose Deposit Return Scheme

- **Deposit Return Scheme Scotland ready to launch in March 2024 – even if glass is not included**
- **Businesses have invested c.£300m in DRS infrastructure and are creating more than 650 jobs**
- **DRS in Scotland must be platform for delivering schemes in rest of UK**
- **Scheme's benefits obscured by negative political debate**

Scotland and the UK cannot afford to lose the Deposit Return Scheme (DRS), the organisation set up by industry to deliver Scotland's scheme has warned.

Circularity Scotland, which was appointed by the Scottish Government in 2021 to administer the first scheme of its kind in the UK, said DRS has become mired in political differences. It said this has obscured the environmental and financial benefits of deposit return, evident in more than 50 other schemes around the world.

To date, circa £300 million has been invested in Scotland's scheme by drinks producers, retailers and business delivering the scheme's infrastructure. Alongside this, more than 650 jobs are being created across Circularity Scotland and its partners.

Circularity Scotland said the scheme – which will see a 20p deposit added to drinks containers to be refunded when they are returned empty – is crucial to Scotland's commitment to climate change targets and will remove hundreds of millions of bottles and cans from streets, beaches and green spaces. It will also play an important role in helping producers and retailers across Scotland deliver on their own commitments to Environmental, Social and Governance, and Net Zero targets.

The not-for-profit company was established by business and industry to meet their obligations to protect and clean up the environment. Its members, who include Coca Cola Europacific Partners, AG Barr, Heineken and Tennent Caledonian, stated at the time their commitment to the establishment of a DRS in Scotland to address the many litter and environmental issues caused by their packaging.

Circularity Scotland insisted that a Scottish pilot DRS which is then scaled up is the logical path to delivering “an interoperable pan-UK scheme”.

The Deposit Return Scheme will see millions of metal and plastic drinks containers recycled, dramatically increasing recycling rates in Scotland and contributing to the country's goal of achieving Net Zero emissions by 2045. A cross-party majority of MSPs voted for the regulations which established the Deposit Return Scheme in 2020.

The UK Government has not provided an Internal Market Act exemption for the inclusion of glass within the scheme at this time. However, Circularity Scotland said it has made good progress mitigating the very significant sunk costs for infrastructure relating to the glass element of the scheme in just a matter of days. It said that the groundwork is firmly in place for the Scottish scheme to still go live as planned on 1 March, 2024 without glass, and must form the pilot for deposit return elsewhere in the UK.

Chief Executive David Harris said: *“Over the last two years, Circularity Scotland has worked with our business and industry partners to build a scheme that Scotland can be proud of.*

“We have all invested millions of pounds, creating hundreds of jobs and have brought together the best and brightest people to deliver a ground-breaking scheme which can be the foundation for schemes elsewhere in the United Kingdom.”

Mr Harris said this investment was being threatened and confidence was being eroded by constant negative attitudes to the scheme and doubts being cast over its future.

He said: “I am disappointed at how the laudable aims of this scheme and its environmental and business benefits have become the target of negativity and misinformation. The scheme we have built for the people of Scotland brings together proven best practice from around the world.

“The Scottish Government has highlighted that the removal of glass from the scheme changes the economic model of the scheme and the breadth of the environmental benefits it will provide.

“However, there would be a risk to jobs and investment if the scheme does not go ahead for cans and plastic, not to mention the ongoing environmental impact we will see from too many of these containers continuing to end up as waste.

“We therefore ask everyone to get behind the scheme and we will continue to share our knowledge, expertise and innovation with our partners across the UK as they plan and develop their schemes.”

Turning to DRS scheme plans for England, Wales and Northern Ireland, Mr Harris warned that failing to go ahead with DRS in Scotland could have serious consequences elsewhere.

He said: *“Launching in Scotland is an essential vanguard and pathfinder for a scaled up and interoperable pan-UK scheme. Adopting this approach and avoiding a ‘big bang’ launch makes a lot of sense and is achievable.*

“Scotland is a valuable opportunity to prove the concept of a self-funding Deposit Return Scheme, accessible to all producers”

-ENDS-

Enquiries:

Circularity Scotland

[Redacted]

Redacted

Redacted @citypress.co.uk

Notes:

Circularity Scotland’s membership

Producer members: A.G. Barr plc; AB InBev UK Limited; Accolade Wines Limited; Asahi UK Ltd; Booker; Britvic Soft Drinks Limited; Coca-Cola European Partners Great Britain Limited; Danone Waters UK & Ireland; Diageo; Heineken UK Limited; Highland Spring Ltd; Nestlé Waters UK; Refresco Beverages UK Limited; Suntory Beverage and Food GB&I; Tennent Caledonian Breweries UK Limited.

Retail members: Co-operative Group Limited; Lidl Great Britain Limited; Marks and Spencer plc; Sainsbury’s Supermarkets Limited; Tesco Stores Limited; Aldi Scotland; Wm Morrison Supermarkets plc; Asda.

Trade associations: Association of Convenience Stores; National Federation of Retail Newsagents; Scottish Wholesale Association; SIBA; The British Beer and Pub Association; The British Soft Drinks Association; The Wine and Spirit Trade Association; The Scottish Grocers’ Federation.

Background

- Circularity Scotland is a not-for-profit membership company, established on behalf of industry to meet their obligations under the DRS as efficiently and cost-effectively as possible. Deposit return is a cornerstone of Scotland’s commitment to meeting its Net Zero targets. Membership of Circularity Scotland comprises producers, retailers, hospitality and wholesalers and trade associations, who together represent more than 90% of the market in Scotland.
- Businesses have invested circa £300 million in Scotland’s DRS at no cost to taxpayers.
- More than 650 jobs are being created across Scotland through Circularity Scotland and our partners.
- Biffa is creating DRS regional hubs at sites including Skye, Thurso, Oban, Dumfries, Dundee, Inverness, Motherwell, Aberdeen, Glasgow, Bonnyrigg and Grangemouth - creating opportunities nationwide.

- Circularity Scotland employs more than 50 people at its office in Glasgow.
- The Scottish Government's 2020 Strategic Environmental Assessment indicates that recycling of glass drink containers in Scotland is at 63%.
- More than 50 countries around the world have successfully implemented a deposit return scheme to tackle the blight of litter and contribute to a greener world. All four home UK nations have agreed that we need a DRS in the UK for the same reasons.