

The exceptions applied in this instance are:

Some information has been withheld under regulation 10(4)(e) (internal communication). 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 a private space for officials to share confidential information on the development of any given policy.

Some 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'.

ANNEX B

Copies of all briefings notes that were provided to Lorna Slater before she met with Rebecca Pow, Parliamentary Under-Secretary of State for Environmental Quality and Resilience, on 14 June 2023:

Minister for Green Skills, Circular Economy and Biodiversity – Meeting with UKG Minister for Environmental Quality and Resilience – 14 June 2023

Date and Time of Meeting	14 June 2023 15:15-15:45
Where	Microsoft Teams
Purpose of meeting	To discuss the implications of the UK Government's IMA exclusion to the Scottish DRS, interoperability with the UK DRS and next steps.
Official Support Required	David McPhee, Deputy Director, Deposit Return Scheme [REDACTED], <u>Head of DRS Policy Unit</u>
Comms Support/Media handling	No proposed comms

Briefing Contents

Annex A	Meeting Agenda and Top Lines
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ANNEX A

Meeting Agenda and Top Lines

1. Impact of delay of DRS in Scotland and way forward
2. Collaborative Approach to Interoperability
3. DMO Selection

Opening context

[Redacted]

- As a result of the conditions set for a UK Internal Market Act exclusion, the Scottish Government have been left with no other option than to reset the timescale of DRS and delay the launch until October 2025 at the earliest.
- I am extremely frustrated and disappointed that DRS will now take longer than needed, and see this as an unacceptable attack on devolution.
- Nevertheless, I hope that we both share the view that DRS is critical to protecting our environment and improving recycling – in all parts of the UK – and that if possible we should work together to ensure effective DRS' across the UK.

1. Impact of delay of DRS in Scotland and way forward

- I must impress upon you the seriousness of the situation for many businesses in Scotland, having made hundreds of millions of pounds of investment ahead of scheme launch in a matter of months.
- [Redacted]
- You will know the very serious risk that this poses to schemes across the UK in terms of business confidence and future financing.

Certainty

- Businesses have consistently told me that they need certainty, commitment and confidence to move forward with preparations for any DRS scheme.
- Businesses need confidence in order to commit to investing and preparing for an October 2025 launch.
- [Redacted]

Collaborative Approach to Interoperability

- I am fully committed to interoperability – so long as this means conditions are not imposed on devolved nations.
- I know that officials have been working closely to work through the relevant issues and emphasise that this work must be done at pace.
- I would like us to agree to task officials to work through interoperability issues at pace on a four nations basis, with decisions taken collaboratively.
- Additionally, I would welcome a commitment to ensuring we have strong governance and engagement processes in place across nations.
- I would also like to ask officials to ensure that solutions already developed in Scotland – with industry – are shared to ensure that schemes elsewhere in the UK can learn from experiences in Scotland

[Redacted]

2. DMO Selection/CSL

- CSL wrote to us both this week setting out the challenges they are facing to set out the risk of a permanent loss of DRS capability in the UK, and the significant barriers posed to future finance and investment.

- I would welcome the opportunity to explore how we can ensure that capability and investment is not lost.

[Redacted]