

Copies of all correspondence between the Scottish Government and Circularity Scotland between 01/01/2023 and 28/02/2023:

From: [Redacted]@gov.scot <[Redacted].@gov.scot>
Sent: Thursday, February 23, 2023 8:18 AM
To: [Redacted].< [Redacted].@gov.scot>; [Redacted] <[Redacted].@Circularityscotland.com>; [Redacted].< [Redacted].@gov.scot>; [Redacted].@citypress.co.uk
Cc: [Redacted].@gov.scot; [Redacted].@gov.scot; [Redacted] [Redacted].@Circularityscotland.com>; [Redacted].< [Redacted].@Circularityscotland.com>
Subject: RE: Biffa contract query - Herald

Thanks [Redacted].

Just to add to this, it would be useful to know:

- Tender process – any specific procurement principles used to support a fair, inclusive, robust process (e.g. fair work, sustainability) etc.
- Whether any existing plans for local partnership working on any aspect
- Who other providers should speak to if concerns

Katriona

From: [Redacted].< [Redacted].@gov.scot>
Sent: 23 February 2023 08:08
To: [Redacted] < [Redacted].@Circularityscotland.com>; [Redacted].< [Redacted].@gov.scot>; [Redacted].@citypress.co.uk
Cc: [Redacted].< [Redacted].@gov.scot>; [Redacted].< [Redacted].@gov.scot>; [Redacted]. [Redacted].< [Redacted].@Circularityscotland.com>; Carmichael K (Katriona) < [Redacted].@gov.scot>
Subject: RE: Biffa contract query - Herald

Hi [Redacted] and [Redacted].

We've been asked for a stronger line on the Biffa contract for FMQs. Can you share some with us by 09:30? Doesn't necessarily have to be the final press lines, we just need factual bullet points.

Thanks,
[Redacted].

From: [Redacted] < [Redacted].@Circularityscotland.com>
Sent: 22 February 2023 16:47
To: [Redacted].< [Redacted].@gov.scot>; [Redacted].@citypress.co.uk
Cc: [Redacted].< [Redacted].@gov.scot>; [Redacted].< [Redacted].@gov.scot>; [Redacted].< [Redacted].@gov.scot>; [Redacted].< [Redacted].@gov.scot>; [Redacted].<

[Redacted].@Circularityscotland.com>
Subject: RE: Biffa contract query - Herald

Thanks [Redacted].

Will do.

[Redacted].

From: [Redacted].@gov.scot <[Redacted].@gov.scot>
Sent: Wednesday, February 22, 2023 4:41 PM
To: [Redacted]. [Redacted].; [Redacted].<[Redacted].@Circularityscotland.com>
Cc: [Redacted].<[Redacted].@gov.scot>; [Redacted].@gov.scot;
[Redacted].@gov.scot
Subject: Biffa contract query - Herald

Hi both,

Understand you've got this one too.

Would be grateful if you could share your lines once drafted.

We have generally made clear that contracts are a matter for CSL. However, this has also been raised in parliament by opposition MSPs, so I think it makes sense for us to have a response too.

Best,

[Redacted].

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

From: [Redacted].<[Redacted].@scotsman.com>
Sent: 22 February 2023 14:42
To: [Redacted].<[Redacted].@gov.scot>
Subject: Press Enquiry re DRS

Hi [Redacted].,

[Redacted]. at The Scotsman and Scotland on Sunday here, good chatting a moment ago. As mentioned, I'd be grateful if the SG could provide a response for a story I'm writing concerning the upcoming deposit return scheme (DRS).

Given one of the key drivers behind DRS is its huge potential to help the environment by reducing waste and driving emissions, the focus of my article is on the environmental track record of those companies involved in the scheme's delivery. There are two strands to the story, which fundamentally asks questions

about what, if any, consideration was given to these issues by the scheme's administrator, Circularity Scotland, and/or the Scottish Government..

Firstly, it addresses environmental issues surrounding Biffa, which was awarded a decade-long contract by Circularity Scotland last July, entrusting the firm with collecting billions of drinks containers and managing a network of bulking and counting centres across the country. My story points out that over the past four years, Biffa has been convicted twice in UK courts and fined £1.85 million for exporting poorly sorted and contaminated waste to Asian countries. It has been served with five enforcement actions by the Environment Agency over the same period.

My story also references Biffa's latest sustainability report, which shows that while the company has committed to having net zero emissions across its operations by no later than 2050, its total scope 1 emissions increased by 1,402 tCO₂e to 507,630 tCO₂e between 2021 and 2022. Once its total scope 3 emissions are taken into account, which includes indirect emissions and those that occur in its value chain, the emissions increased from 484,568 tCO₂ in 2021 to 622,120 tCO₂e last year.

My story also addresses similar issues at Biffa's owners, a US private equity firm called Energy Capital Partners (ECP). It points out that ECP placed sixth in the latest annual Greenhouse 100 polluters index, an academic study which pinpoints those firms responsible for the highest greenhouse gas emissions in the US, and notes that ECP was also identified as by far the largest private equity investor in US fossil fuel power plants in a 2022 study by Americans for Financial Reform.

[Redacted]., professor of economics and public policy at the University of Massachusetts, and one of the co-authors of the Greenhouse 100 study, told me that ECP was a "significant contributor to greenhouse gas emissions and hazards from industrial water pollution." [Redacted].research manager at Americans for Financial Reform, said ECP was part of a private equity industry trend of acquiring "polluting assets" other firms, particularly public companies and utilities, don't want to hold any more due to public, investor, and regulatory pressure.

The story also cites ECP's own data, published in its latest environmental, social and governance report, which shows that its financed emissions from power generation facilities stands at more than 53 million tonnes of CO₂ equivalent (MtCO₂e) a year, which is more than the total annual emissions across the country of Scotland.

It also notes that one of ECP's firms, Gopher Resource, was fined more than £260,000 by the US Occupational Safety and Health Administration in September 2021 for exposing workers to unsafe levels of lead exposure, despite being warned of the need for action since the previous March.

I have passed the above information to politicians and environmental campaigners in Scotland, who have questioned whether Biffa, and by association, ECP, are best placed to have such a central role in the DRS.

[Redacted]. [Redacted].for the Scottish Liberal Democrats, [Redacted]. "As a green initiative designed to encourage better environmental practices, the public could be

forgiven for expecting the partners involved in delivery to have a good environmental track record. Not so, it appears, from these figures.”

[Redacted]., a former director of Friends of the Earth Scotland and WWF Scotland [Redacted]. “Scotland's deposit return scheme is an important step forward but It is deeply disappointing that the firm actually handling all the cans and bottles is far from green. A company that has been fined hundreds of thousands for trying to dump contaminated waste in poor countries, and whose parent company is a big climate polluter, cannot be the right people to be delivering a key environmental scheme.”

For your information, I have contacted [Redacted].at CityPress, who is handling the PR for Circularity Scotland, but in light of the above, and the national importance of the DRS, I'd appreciate it if the government could address the below questions:

(i) Did the Scottish Government make any representations to Circularity Scotland that the environmental track record of Biffa should have been considered before it was awarded the logistics contract for the DRS, and given Biffa has been convicted not once, but twice, for exporting contaminated household waste marked for recycling, what confidence can the government have that it will properly process materials collected under the DRS?

(ii) Given Energy Capital Partners had already made a series of unsolicited and indicative takeover proposals to Biffa in June 2022 - the month before the logistics contract was announced - did the Scottish Government make any representations to Circularity Scotland that the environmental track record of ECP should be considered during the decision to award Biffa the logistics contract?

(iii) How does the Scottish Government respond to the criticisms put forward by Dr [Redacted]., a prominent environmentalist, and indeed, a vocal supporter of DRS?

I hope the above is clear and apologies for the lack of brevity, but I wanted to be as thorough as possible - that said, please don't hesitate to get in touch if you need any clarification on the above points. My deadline is 5pm tomorrow (Thursday 23 February).

Many thanks,
[Redacted].

[Redacted].Investigations Correspondent

The Scotsman & Scotland on Sunday

Direct / WhatsApp / Telegram: [Redacted].

Encrypted email: [Redacted].

Twitter: [Redacted].

[Redacted].View my online portfolio at [Redacted].

From: [Redacted] <[Redacted].@Circularityscotland.com>
Sent: 23 February 2023 09:28
To: [Redacted].< [Redacted]@gov.scot>; Director of Environment & Forestry <[Redacted].@gov.scot>
Cc: [Redacted].< [Redacted].@Circularityscotland.com>; Carmichael K (Katriona) <[Redacted].@gov.scot>
Subject: RE: Business org meeting today

Thanks [Redacted].

Could you please advise who the attendees of the meeting are?

[Redacted]
[Redacted]
T: [Redacted].
Website: <https://circularityscotland.com/>
Follow us: LinkedIn & Twitter



From: [Redacted].@gov.scot <[Redacted].@gov.scot>
Sent: Thursday, February 23, 2023 9:24 AM
To: [Redacted].@gov.scot; [Redacted] <[Redacted].@Circularityscotland.com>
Cc: [Redacted].< [Redacted].@Circularityscotland.com>; [Redacted]@gov.scot
Subject: Business org meeting today

Hi [Redacted],

Thanks for agreeing to attend the business org meeting this afternoon and apologies for leaving it until this morning to get in touch.

I've copied the agenda below which you'll hopefully have received already. I think DRS will come up in the business priorities slot leading into yours. I understand you were asking Katriona if you needed slides – it's often quite helpful for this meeting if there are slides although conscious a lot of the attendees will have been at various meetings with CSL/SG recently so maybe just a couple of high level ones setting out the key milestones and progress?

Kevin – are you able to dial into this meeting too? You'd be able to dial off at the same time as [Redacted] (16:20).

Thanks,

[Redacted].

Agenda

15:30 – 15:35 Welcome

15:35 – 16:05 Business Priorities

16:05 – 16:20 Update on Deposit Return Scheme

16:20 – 16:35 Update on Regulations Taskforce

16:35 – 16:50 Update from SG Health Improvement on Alcohol Promotion pre consultation

16:50 – 17:00 AoB & Close

[Redacted]. **Policy Engagement and Capability Manager**

Circular Economy – Deposit Return Scheme

(Pronouns: she/her)

Working from home – contact me on MS Teams

M: [Redacted].

From: [Redacted] <[Redacted].@Circularityscotland.com>

Sent: 07 February 2023 11:10

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

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

Subject: DRS Brand Assets

Hi All,

Nice to meet you all in person yesterday, I look forward to connecting more over the next 6 months and ensuring our comms are complementary and support each other.

Please find attached a couple of DRS brand elements for your use:

- **the DRS Brand Guidelines (WIP, elements still to be added, working to a finalised version within 2 weeks)**
- **social media branded template**

FYI, I've also attached our **high-level marketing plan in excel format**. I will use this to add the separate plans (within separate tabs) from each Scot Gov, ZSW and SEPA. Please can you send me your plans, ideally in excel [Redacted]. [Redacted]., [Redacted]. I will collate and then pop on Google drive as a live document we can all work from, I will pull key milestones onto a front tab and we can use this document at our weekly meetings.

Also, if you have not already done so, please go here <https://portal.circularityscotland.com/SignupRegistration/Signup> to sign up to our updates (tick the 'receive marketing information' box).

Thanks,
[Redacted]

[Redacted]
[Redacted]

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



From: [Redacted] <[Redacted].@Circularityscotland.com>
Sent: 02 February 2023 11:56
To: [Redacted].< [Redacted].@sepa.org.uk>; [Redacted].< [Redacted].@gov.scot>;
[Redacted].< [Redacted].@gov.scot>; [Redacted] <
[Redacted].@Circularityscotland.com>; [Redacted].<
[Redacted].@Circularityscotland.com>; [Redacted].<
[Redacted].@Circularityscotland.com>
Cc: [Redacted].@citypress.co.uk; [Redacted].@guyco.co.uk>
Subject: Global Support for Deposit Return

Hi all

Came across some interesting research on public support for deposit return schemes globally. Support in UK is growing.

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



From: [Redacted] <[Redacted].@Circularityscotland.com>
Sent: 22 February 2023 10:10
To: Huyton H (Harry) <[Redacted].@gov.scot>

Cc: [Redacted].< [Redacted].@gov.scot>; [Redacted]
[Redacted].@Circularityscotland.com>
Subject: DRS In Numbers

Hi Harry

See attached key scheme numbers.

[Redacted].
[Redacted].
[Redacted].

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

Follow us:



From: Director of Environment & Forestry <[Redacted].@gov.scot>
Sent: 14 February 2023 11:43
To: Carmichael K (Katriona) <[Redacted].@gov.scot>; [Redacted].<[Redacted].@gov.scot>
Subject: FW: Letter from [Redacted], Circularity Scotland to Retailers

Kevin

Kevin Quinlan - Director of Environment & Forestry, Scottish Government (tel: [Redacted]).

From: [Redacted].< [Redacted].@Circularityscotland.com>
Sent: 14 February 2023 11:41
To: Director of Environment & Forestry <director.enfor@gov.scot>
Subject: Letter from [Redacted], Circularity Scotland to Retailers

Please find attached an example of the letter that was sent to retailers following the call with Ms Lorna Slater on 31 January.

Kind regards

[Redacted].
[Redacted].Executive Assistant to CEO
and Board
T: [Redacted].
Website: <https://circularityscotland.com/>
Follow us: LinkedIn & Twitter



Updated emails pulled from Haydn Thomas (SG Official Inbox)

From: [Redacted].< [Redacted].@gov.scot>
Sent: Fri 03/02/2023 14:05
To: [Redacted] < [Redacted].@Circularityscotland.com>
Cc: [Redacted]@Circularityscotland.com
Subject: Day 1 charge / cash flow

Hi [Redacted]

Quick question to check I'm not misrepresenting anything (internal, not public). Does the day 1 charge (assume this is the main cashflow concern?) only relate to UKEANs, or is it also a requirement for Scottish EANs?

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] < [Redacted].@Circularityscotland.com>
Sent: Tue 14/02/2023 08:50
To: [Redacted].< [Redacted].@gov.scot>
Subject: FW: IWG Request for Backhaul Transparency - updated response

[Redacted].,

For you to share please as appropriate.

Simon

[Redacted]
[Redacted]
T: [Redacted].
Website: <https://circularityscotland.com/>
Follow us: LinkedIn & Twitter



From: [Redacted]
Sent: 10 February 2023 17:17
To: [Redacted].@brc.org.uk
Cc: [Redacted] <[Redacted].@Circularityscotland.com>
Subject: FW: IWG Request for Backhaul Transparency - updated response

Dear [Redacted],

Thanks for your email, I note that your members are asking for transparency on backhaul fees and will address the points that you have raised:-

[Redacted].

As we have stated we are happy to work with retail to get any concerns dealt with and deliver a successful go live on 16th August.

[Redacted]
[Redacted]
T: [Redacted].
Website: <https://circularityscotland.com/>
Follow us: LinkedIn & Twitter



From: [Redacted] <[Redacted].@brc.org.uk>
Sent: 12 December 2022 17:04
To: [Redacted] <[Redacted].@Circularityscotland.com>
Subject: IWG Request for Backhaul Transparency

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear [Redacted],

IWG Request for Backhaul Transparency

At the most recent IWG meeting Members agreed to take a collective view that CSL should provide a clear fee framework for backhaul. Below are the key reasons Members would like to see this. May I note this is the view of these Members, and does not necessarily represent the view of the Scottish Retail Consortium:

[Redacted].

Members would be happy to meet at CSL/Biffa's convenience to discuss this further. The SRC is happy to assist with the logistics of any meeting if that is appropriate. However, as all the businesses this would affect are also Members of CSL it may be more appropriate for you to host your own meeting with the relevant businesses.

Thanks

E



[Redacted]

Deputy Head
Scottish Retail Consortium

M: [Redacted].

A: Box 112, 12 Southbridge, Edinburgh, EH1 1DD

www.brc.org.uk/src/

registered office: 100 Avebury Boulevard, Central
Milton Keynes, MK9 1FH

From: [Redacted] <[Redacted].@Circularityscotland.com>

Sent: Thu 09/02/2023 19:05

To: [Redacted]<[Redacted].@gov.scot>

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

Subject: FW: Producer registration and fees emails

[Redacted].

You asked us to show you where we had indicated to industry that we were still working on cashflow solutions.

Kind regards

[Redacted]

[Redacted]

[Redacted]

T: [Redacted].

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

Follow us: LinkedIn & Twitter





13/12/2022

Circularity Scotland Announces Reduced Producer Fees for Scotland's Deposit Return Scheme

The Producer Registration Portal for Scotland's Deposit Return Scheme is now open. You can register to complete your submission.

Circularity Scotland have extensively reviewed the forecast producer fees which were previously issued in August 2022. The changes reflect updated assumptions following revised guidance from the Scottish Government regarding return point exemptions and an ongoing review of the scheme operating costs. The revised Producer Agreement is available on the secure area of our website.

The fees are calculated for each type of material, now reflecting the variations in collection costs as well as the sales revenues for collected materials.

The timing of cashflows from producers to the scheme administrator for deposits and the producer fee have also been extensively reviewed. The revised profile of payments will require less cash to be paid by producers at the point the scheme goes live.

Circularity Scotland will continue to work on initiatives to seek to further reduce the cashflow impact of the scheme on producers and optimise the cost of operating the scheme. We will update industry in due course.

What are the key adjustments?

- Reduction in the producer fee with a significant reduction for plastic and aluminium containers
- Reduction in the Day 1 charge for UK SKUs from 2.4 months to 3 weeks

What do these changes mean for producers?

- significantly reduced Day 1 cash requirements for producers
- all producer Deposit Return Scheme costs are reduced
- a more accurate allocation of scheme costs has been applied to the different material types

Looking at the detail:

Producer Fee	Previous (August 2023) Value	Updated Value
Plastic	3.17p	2.21p
Aluminium	3.42p	2.03p
Glass	4.45p	4.10p
Day 1 REAN Payment	2.4 months	3 weeks

More information will be released shortly on the calculation fees and administration of the scheme.

A guide to the Producer Agreement is available on the website. If you have further questions, please do not hesitate to contact our Customer Service team on 0141 401 0899 or via the contact form on our website: <https://circularityscotland.com/contact-us/>.

The Producer Registration Portal is being updated to reflect these changes and we will advise when this is available.

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



From: [Redacted].< [Redacted].@gov.scot>
 Sent: Fri 03/02/2023 17:00
 To: [Redacted] < [Redacted].@Circularityscotland.com>; [Redacted].< [Redacted].@zerowastescotland.org.uk>; [Redacted] < [Redacted].@sepa.org.uk>
 Cc: [Redacted] < [Redacted].@Circularityscotland.com>; [Redacted] < [Redacted].@Circularityscotland.com>; Carmichael K (Katriona) < [Redacted].@gov.scot>; [Redacted].< [Redacted].@gov.scot>
 Subject: FW: SRC Outstanding Operational Blueprint Issues - 3rd February 2023

All,

To see updated 'operational list' from SRC as signalled at the Tuesday meeting. From a quick scan, many already covered. Some also 'closed' but being questioned.

[Redacted].
From: [Redacted] < [Redacted].@brc.org.uk>
Sent: 03 February 2023 16:56
To: [Redacted].< [Redacted].@gov.scot>
Cc: [Redacted].| BRC < [Redacted].@brc.org.uk>; [Redacted] < [Redacted]@brc.org.uk>
Subject: SRC Outstanding Operational Blueprint Issues - 3rd February 2023

Dear [Redacted],

Over the last three days the SRC has done a initial round of engagement and pulled together what we believe to be the current outstanding issues urgently requiring guidance. We cannot promise this is an exhaustive list as Members are still conducting a review, but we felt in the interest of expediency it would be helpful to send you the interim document rather than wait for something complete. [Redacted]. and I, and Members, are happy to discuss the points in more detail, and we have shared details of the next meeting on the 15th of February.

Thanks

E



[Redacted]

Deputy Head
Scottish Retail Consortium

M: [Redacted].

A: Box 112, 12 Southbridge, Edinburgh, EH1 1DD

www.brc.org.uk/src/

registered office: 100 Avebury Boulevard, Central
Milton Keynes, MK9 1FH

From: [Redacted].< [Redacted].@gov.scot>
Sent: Tue 14/02/2023 20:45
To: [Redacted]< [Redacted].@Circularityscotland.com>
Cc: [Redacted] < [Redacted].@Circularityscotland.com>; [Redacted] < [Redacted].@Circularityscotland.com>
Subject: RE: SRC Outstanding Operational Issues

Thanks [Redacted]. That was my assumption, especially since the majority of positions read 'to be discussed between CSL and retailers'.

[Redacted].

From: [Redacted] < [Redacted].@Circularityscotland.com>

Sent: 14 February 2023 20:42

To: [Redacted].< [Redacted].@gov.scot>

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

Subject: Fwd: SRC Outstanding Operational Issues

Thanks [Redacted]. There is little of value in this document for us. Across the majority of these items we are dealing individually with retailers, each with a range of different positions, which further undermine the value of this document. Once [Redacted] is back we will review the merit (ie not wasting our time) of dealing with the SRC/ BRC and these topics.

Best wishes,
[Redacted]

Sent from Outlook for Android

From: [Redacted].@gov.scot <[Redacted].@gov.scot>
Sent: Tuesday, February 14, 2023 8:26:53 PM
To: [Redacted] <[Redacted].@Circularityscotland.com>
Cc: [Redacted] <[Redacted].@Circularityscotland.com>
Subject: FW: SRC Outstanding Operational Issues

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

FYI

From: [Redacted] <[Redacted].@brc.org.uk>
Sent: 14 February 2023 16:53
To: [Redacted].<[Redacted].@gov.scot>
Subject: Re: SRC Outstanding Operational Issues

On the areas of uncertainty, [Redacted]

From: [Redacted].@gov.scot <[Redacted].@gov.scot>
Sent: 14 February 2023 16:45
To: [Redacted] <[Redacted].@brc.org.uk>
Subject: RE: SRC Outstanding Operational Issues

Thanks [Redacted]. I had a look over. I think key points for me

- Feels like clearer on many points, some big things moved on in last two weeks.
- Plenty of points where we have 'possibly resolved' but may need further questions ironed out
- Some points not yet resolved and need urgent resolution.

Is that fair? Speak tomorrow

From: [Redacted].<[Redacted].@gov.scot>

Sent: Thu 02/02/2023 11:06
To: [Redacted].@Circularityscotland.com
Cc: [Redacted].< [Redacted].@gov.scot>
Subject: Online takeback discussion - next week
Hi [Redacted],

I'm based over at the Scottish Government, and I'm getting in touch to pick up discussions on DRS online takeback. I'll be working with [Redacted].over the coming weeks to develop and introduce amending regulations for online takeback, as per the Minister's public commitment before Christmas.

To support this work, we'd be keen to set up discussions with you and CSL colleagues on the various options, and how this might work and interact with the wider scheme. Clearly this work is required at pace to ensure clarity for all parties and meet parliamentary timetables, so I wanted to check if you and CSL colleagues could accommodate a workshop next week? I have suggested some times below that might work at this end, I'd be grateful if you could let me know how these suit.

At this stage I'm not suggesting that Biffa are part of this discussion initially, but if you feel that would be beneficial to bring them in at this stage very happy to consider.

I hope that makes sense, please let me know if any further info would be helpful.

Thanks,
[Redacted].
Suggested times

Thursday (9th)

- 11-1
- 2-4pm

Friday (10th)

- 9.30-11.30
- 1-3pm

[Redacted]. (he/him) (Why?)
Team Leader
Enfor: Circular Economy Division | Scottish Government
[Redacted].| [Redacted].@gov.scot

From: [Redacted].< [Redacted].@gov.scot>
Sent: Wed 01/02/2023 09:19
To: [Redacted].< [Redacted].@zerowastescotland.org.uk>;
[Redacted].@Circularityscotland.com

Cc: [Redacted].< [Redacted].@gov.scot>; [Redacted].< [Redacted].@gov.scot>;
[Redacted].< [Redacted].@gov.scot>
Subject: RE: DRS Exemption criteria - Proximity

Thanks all,

Content from my perspective.

[Redacted].

I hope that all makes sense!

[Redacted].

From: [Redacted].< [Redacted].@zerowastescotland.org.uk>

Sent: 31 January 2023 17:27

To: [Redacted].@Circularityscotland.com

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

Subject: DRS Exemption criteria - Proximity

Hi [Redacted],

I've completed the updates to the Proximity exemption criteria so thought I'd send this over now. I will be working on the Environmental Health criteria this week and hope to have it completed by end of day Friday so will send when done.

[Redacted]

If you or your team have any queries just ask.

Best regards,

[Redacted].| DRS Exemptions Service Manager | Zero Waste Scotland

Direct Line [Redacted].**Reception** [Redacted].

Email [Redacted].@zerowastescotland.org.uk

From: [Redacted].< [Redacted].@gov.scot>

Sent: Mon 06/02/2023 15:06

To: [Redacted] < [Redacted].@Circularityscotland.com>

Subject: RE: DRS letter from WSTA, SWA, SIBA, SWA, and Scotland Food and Drink

Hi [Redacted],

Also would be helpful to pick up tomorrow / Wednesday just so I understand CSL's perspective on this one and range of outcomes. I know a lot of work was done internally while I was on pat leave, so picking up all the various strands of that now back.

[Redacted].

From: [Redacted].) <[Redacted].@gov.scot>

Sent: Mon 06/02/2023 15:02

To: [Redacted] <[Redacted].@Circularityscotland.com>

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

[Redacted].@Circularityscotland.com>; [Redacted].<

[Redacted].@Circularityscotland.com>

Subject: RE: DRS letter from WSTA, SWA, SIBA, SWA, and Scotland Food and Drink

Yes please – on the phone to SEPA about it right now. [Redacted].will be in touch today

From: [Redacted] <[Redacted].@Circularityscotland.com>

Sent: 06 February 2023 14:57

To: [Redacted].<[Redacted].@gov.scot>

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

[Redacted].@Circularityscotland.com>; [Redacted].<

[Redacted].@Circularityscotland.com>

Subject: RE: DRS letter from WSTA, SWA, SIBA, SWA, and Scotland Food and Drink

Hi [Redacted].

We are working on the basis that we will take part in Friday's call but will of course abide by the pending decision the minister makes on that call.

Either way it might be helpful if we have some form of pre-call discussion. The issue of how to help (if at all) smaller producers has been bouncing around since before the conference, and despite testing a few hypotheses I don't think, between Scottish Government, SEPA and ourselves, we have found a solid approach. We have picked up in the last few weeks that many producers/trade associations, when seeking support in this area from government or SEPA, have been redirected to us. It's a bit frustrating for both parties, for obvious reasons, and most importantly we at Circularity Scotland aren't able to provide any clear direction to such producers. I think it would be valuable before the SIBA call to ensure we all have a view of a) what to say to producers with regard to the current position and b) to agree what the way forward to close this issue down once and for all (be that some form of 'exception' or worst case a clear understanding that there is no solution and that all accept the potential consequences of that position).

Thanks

[Redacted]

From: [Redacted].@gov.scot <[Redacted].@gov.scot>

Sent: 03 February 2023 15:18

To: [Redacted]<[Redacted].@Circularityscotland.com>

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

[Redacted].@Circularityscotland.com>; [Redacted].<

[Redacted].@Circularityscotland.com>

Subject: RE: DRS letter from WSTA, SWA, SIBA, SWA, and Scotland Food and Drink

Hi [Redacted],

I've not spoken to the Minister, but expect it would be helpful to have you (and SEPA) there if you are able to attend – aware things getting very busy for you towards end of next week. Minister thought format of BRC call helpful (able to bring in snr reps from CSL and SEPA on key issues) so expect that will be in her mind.

I will confirm early next week.

[Redacted].

From: [Redacted] <[Redacted].@Circularityscotland.com>

Sent: 03 February 2023 15:16

To: [Redacted].< [Redacted].@gov.scot>

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

[Redacted].@Circularityscotland.com>; [Redacted].<

[Redacted].@Circularityscotland.com>

Subject: RE: DRS letter from WSTA, SWA, SIBA, SWA, and Scotland Food and Drink

Hi [Redacted].

It's not clear if by ccing us the Minister is also inviting us to the call next week. Could you confirm either way?

Thanks

[Redacted]

From: [Redacted].@gov.scot <[Redacted].@gov.scot> **On Behalf Of** MinisterGSCEB@gov.scot

Sent: 03 February 2023 15:12

To: [Redacted] <[Redacted].@siba.co.uk>; MinisterGSCEB@gov.scot

Cc: [Redacted].@gov.scot; [Redacted].@gov.scot; [Redacted] <

[Redacted].@Circularityscotland.com>; [Redacted].<

[Redacted].@Circularityscotland.com>; [Redacted].@siba.co.uk;

[Redacted].@foodanddrink.scot; [Redacted]. <

[Redacted].@scottishwholesale.co.uk>; [Redacted] <[Redacted].@wsta.co.uk>;

[Redacted].@swa.org.uk

Subject: RE: DRS letter from WSTA, SWA, SIBA, SWA, and Scotland Food and Drink

Good afternoon

Thank you for your email.

Ms Slater would be pleased to meet (via Teams) on Friday 10 February at 9:00am – grateful if you can confirm this is suitable asap, please.

Kind regards

[Redacted].- Private Secretary to the Minister for Green Skills, Circular Economy and Biodiversity - Lorna Slater MSP

From: [Redacted] <[Redacted].@siba.co.uk>

Sent: 03 February 2023 13:37

To: Minister for Green Skills, Circular Economy and Biodiversity
<MinisterGSCEB@gov.scot>

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

[Redacted] <[Redacted].@Circularityscotland.com>; [Redacted].<

[Redacted].@Circularityscotland.com>; [Redacted]<[Redacted].@siba.co.uk>;

[Redacted].<[Redacted].@foodanddrink.scot>; [Redacted]<

[Redacted].@scottishwholesale.co.uk>; [Redacted]<[Redacted].@wsta.co.uk>;

[Redacted] <[Redacted].@swa.org.uk>

Subject: DRS letter from WSTA, SWA, SIBA, SWA, and Scotland Food and Drink

Dear Minister

Please find attached a letter signed by the Society of Independent Brewers, The Wine and Spirits Trade Association, the Scotch Whisky Association, Scotland Food and Drink and the Scottish Wholesale Association outlining our continued concerns about small producers and the Deposit Return Scheme.

The letter has been copied to CSL and your officials.

We look forward to your reply.

[Redacted]

Head of Public Affairs and Policy

[Redacted]. [Redacted].@siba.co.uk

From: [Redacted] <[Redacted].@Circularityscotland.com>

Sent: Thu 02/02/2023 14:33

To: [Redacted] [Redacted] @gov.scot>

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

[Redacted] @citypress.co.uk

Subject: RE: Lines on producer fees

Hi [Redacted]

[Redacted] is correct.

Only the very largest producers making more than 10 million units per year would be a required to underwrite the costs that would be incurred if the scheme was not operational

[Redacted]

From: [Redacted] @gov.scot <[Redacted] @gov.scot>
Sent: 02 February 2023 14:17
To: [Redacted] <[Redacted] @Circularityscotland.com>
Cc: [Redacted] @gov.scot; [Redacted] @gov.scot
Subject: Lines on producer fees

Hi [Redacted],

I've been catching up on yesterday's media storm on DRS! I heard [Redacted] on GMS and thought he came across really well.

One of the issues we thought we'd need a better understanding of so we can add to our lines is the point the I&G rep made about producers having to still pay fees even if the scheme is delayed. While we continue to reiterate the scheme will go live in August, I think we need a line to address this point which keeps cropping up (we currently have a query from the Daily Record (think they've approached you too) which states:

- we've now got less than a month to sign an agreement that *makes us financially liable for the costs* when it does fail

[Redacted] thought this might actually only affect bigger producers – is that correct? If so, do you have a succinct line that explains it?

Many thanks,

[Redacted]

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

Working from home – contact me on MS Teams

M: [Redacted]

From: [Redacted] <[Redacted] @gov.scot>
Sent: Fri 10/02/2023 15:58
To: [Redacted] <[Redacted] @Circularityscotland.com>
Cc: [Redacted] <[Redacted] @Circularityscotland.com>
Subject: RE: Meeting with Minister and Retailer CEOs on 31 January

Hi [Redacted],

I spoke to [Redacted] – he was looking for an attendee list for the BRC meeting. Attendees below, I'm afraid we don't have (and possibly couldn't share) emails.

Thanks,

[Redacted]

[Redacted]	Chief Executive	BRC
[Redacted]	Chief People and Corporate Affairs Officer	Asda
[Redacted]	Managing Director	Iceland

[Redacted]	Chief Executive Lidl UK	Lidl
[Redacted]	Chief Executive Officer	Sainsburys
[Redacted]	Head of Food	Scotmid
[Redacted]	Chief Executive Officer - UK & ROI	Tesco
[Redacted]	Managing Director Coop Food	Coop
[Redacted]	Chief Executive Officer	Morrisons
[Redacted]	Chief Executive Officer - Aldi UK	Aldi
[Redacted]	Operations Director	Marks and Spencer
[Redacted]	Director of Food and Sustainability	BRC
[Redacted]	Deputy Head	SRC

From: [Redacted]

Sent: 10 February 2023 14:21

To: Minister for Green Skills, Circular Economy and Biodiversity

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

Cc: Carmichael K (Katriona) <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>

Subject: RE: Meeting with Minister and Retailer CEOs on 31 January

Hi [Redacted],

For similar reasons, all the attendees for the BRC meeting was arranged through the Scottish Retail Consortium. I understand that it probably isn't CSL's preferred approach if they separately have a letter for the BRC, but that has been our route to contacting members to date.

It might be worth contacting [Redacted] [Redacted]@brc.org.uk or [Redacted] | BRC [Redacted]@brc.org.uk to ask if they are content to share details, or share a letter with attendees?

Sorry not to be more help!

[Redacted]

From: [Redacted] <[Redacted]@gov.scot> **On Behalf Of** Minister for Green Skills, Circular Economy and Biodiversity

Sent: 10 February 2023 14:16

To: [Redacted] <[Redacted]@Circularityscotland.com>

Cc: Minister for Green Skills, Circular Economy and Biodiversity

<MinisterGSCEB@gov.scot>; Carmichael K (Katriona) <[Redacted]@gov.scot>;

[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;

[Redacted] <[Redacted]@gov.scot>

Subject: FW: Meeting with Minister and Retailer CEOs on 31 January

Importance: High

Hi [Redacted]

Yes, I got your message, apologies for the delayed response – I've copied in policy colleagues who will be happy to liaise with you.

Kind regards

[Redacted] - Private Secretary to the Minister for Green Skills, Circular Economy and Biodiversity - Lorna Slater MSP

Scottish Government | St Andrew's House, Regent Road, Edinburgh EH1 3DG |
Email: MinisterGSCEB@gov.scot

From: [Redacted] <[Redacted]@Circularityscotland.com>

Sent: 10 February 2023 13:44

To: Minister for Green Skills, Circular Economy and Biodiversity
<MinisterGSCEB@gov.scot>

Cc: [Redacted] <[Redacted]@gov.scot>

Subject: Meeting with Minister and Retailer CEOs on 31 January

Importance: High

Hi [Redacted]

I'm not sure if you have managed to pick up my voicemail regarding the above. Following this meeting [Redacted] undertook to write to the retailers who attended the meeting and I believe a letter is going to them from Scottish Government on Monday.

I appreciate that you will not be able to share email addresses due to GDPR and so would you be able to forward [Redacted] letter to them?

I understand this letter has to go out today ahead of Scottish Government's letter on Monday so would appreciate if you or one of your colleagues could assist urgently.

Thanks

[Redacted]

[Redacted] Executive Assistant to CEO
and Board

T: [Redacted]

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

Follow us: LinkedIn & Twitter

From: [Redacted] <[Redacted]@gov.scot>

Sent: Wed 01/02/2023 10:46

To: [Redacted] <[Redacted]@Circularityscotland.com>

Subject: RE: Number of producers / scheme articles

Thanks [Redacted], I've had a question come back on this, possibly easier to answer?

Of the top 50 producers that you / [Redacted] often refer to, how many are based in Scotland? From email below it looks like 4 – is that correct?

Thanks
[Redacted]

From: [Redacted]<[Redacted] @Circularityscotland.com>
Sent: 23 January 2023 15:58
To: [Redacted] [Redacted]: RE: Number of producers / scheme articles

Hi [Redacted]

[Redacted],
Best wishes
[Redacted]

From: [Redacted] @gov.scot <[Redacted] @gov.scot>
Sent: 23 January 2023 08:43
To: [Redacted] <[Redacted] @Circularityscotland.com>
Subject: Number of producers / scheme articles

Hi [Redacted],

Quick question that would be very helpful if you have a quick answer. Does CSL have a (very rough will do) estimation of the number of (1) producers, and (2) scheme articles in Scotland based within vs outside Scotland selling into Scotland?

Thanks,

**[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] <[Redacted] @gov.scot>
Sent: Mon 13/02/2023 14:02
To: [Redacted]<[Redacted] @Circularityscotland.com>
Subject: RE: Possible regs tweak

Thanks [Redacted].

SEPA FAQ on it copied below, obviously that doesn't get around micropayments issue. If there are specific situations where this is an issue then might be able to look at it (schools spring to mind) – can see if would come up against quite a few

challenges if general (e.g. there's an issue is a retailer only issues voucher for own shop – particularly with exemptions)

If the retail or hospitality premises operates entirely cashless, SEPA would not expect the retailer to provide a physical cash deposit so long as wireless or electronic transfer is available. It is not acceptable to only offer the deposit as points or vouchers solely for redemption within a specific retailer's premises or on specific items.

From: [Redacted] <[Redacted] @Circularityscotland.com>
Sent: 13 February 2023 13:49
To: [Redacted] <[Redacted] @gov.scot>
Subject: Possible regs tweak

Hi [Redacted]
Currently doing Edinburgh roadshow. Speaking with tomra and retailers, and centres like hospitals and colleges over last few weeks. Growing concern about the perceived need to offer cash deposit refund. Big issue for cashless shops. Related is ability for machines to offer micropayments or card points electronically. Perception that regs or sepa won't allow. Would be worth a quick look to see if a tweak to regs might open this up.
Best wishes [Redacted]

From: [Redacted] <[Redacted] @gov.scot>
Sent: Fri 03/02/2023 13:02
To: [Redacted] <[Redacted] @Circularityscotland.com>
Cc: [Redacted] <[Redacted] @Circularityscotland.com>
Subject: RE: regs change

Thanks [Redacted] (via [Redacted]).

This covers my understanding of the issue, I will take away and consider. Do you know what SEPA's position is – I seem to remember that there was some ambiguity in the Regs about whether sales under bond had been 'placed on the Scottish market', but that SEPA had taken the view that they were.

Thanks
[Redacted]
From: [Redacted]<[Redacted] @Circularityscotland.com>
Sent: 03 February 2023 12:41
To: [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @gov.scot>
Subject: RE: regs change

Hi [Redacted]
See a suggestion from [Redacted] below. I suggest you contact him direct to discuss the detail.
Best wishes
[Redacted]

From: [Redacted] <[Redacted] @Circularityscotland.com>
Sent: 02 February 2023 20:09
To: [Redacted] <[Redacted] @Circularityscotland.com>
Subject: regs change

Hi [Redacted],

[Redacted]
Cheers

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



From: [Redacted] <[Redacted] @gov.scot>
Sent: Mon 06/02/2023 13:27
To: [Redacted] <[Redacted] @Circularityscotland.com>
Subject: RE: reply

FYI I also checked with SEPA and you are correct.

From: [Redacted]<[Redacted] @Circularityscotland.com>
Sent: 02 February 2023 14:51
To: [Redacted] <[Redacted] @gov.scot>
Subject: FW: reply

From: [Redacted]
Sent: 01 February 2023 16:53
To: [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>
Subject: RE: reply

I was about to ask SEPA for clarification but have now found the relevant bit of the regs. The combination of reg 11 (1) (h) and reg 16(2) says:

11 (1)(h) meet the minimum collection targets specified in schedule 3 in respect of scheme packaging containing a scheme article first made available by that producer to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland.

16 (2) In the case where more than one producer is registered through a scheme administrator—

(a) the obligation in regulation 11(1)(h) applies as if, for “that producer” there were substituted “all producers registered through the scheme administrator”,

Combined:

11 (1)(h) meet the minimum collection targets specified in schedule 3 in respect of scheme

packaging containing a scheme article first made available by all producers registered through the scheme administrator to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland.

I read that as meeting 90% collection for all packaging submitted by all our producers, on an aggregate basis.

The regs further say:

(b) where the producer is registered through a scheme administrator, by that scheme administrator, in accordance with regulation 16(1)(a). – which lets the individual producer off the hook for their collection rate for their products.

Cheers

[Redacted]

From: [Redacted] <[Redacted] @gov.scot>

Sent: Fri 17/02/2023 16:05

To: [Redacted] <[Redacted] @sepa.org.uk>; Director of Environment & Forestry <director.enfor@gov.scot>; [Redacted] <[Redacted] @sepa.org.uk>; Carmichael K (Katriona) <[Redacted] @gov.scot>; [Redacted] @Circularityscotland.com;

[Redacted] @Circularityscotland.com; [Redacted] @Circularityscotland.com

Cc: [Redacted] @Circularityscotland.com; [Redacted] <[Redacted] @sepa.org.uk>;

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

[Redacted] <[Redacted] @sepa.org.uk>

Subject: RE: SEPA lines - producer registration and compliance approach :

Enfor/CSL/SEPA Discussion 17 Feb 10am - ACTIONS AGREED

Thanks Jo.

[Redacted], [Redacted], is there anything you're able to share in terms of comms lines?

From: [Redacted] <[Redacted] @sepa.org.uk>

Sent: 17 February 2023 14:33

To: Director of Environment & Forestry <director.enfor@gov.scot>; [Redacted] <[Redacted] @sepa.org.uk>; Carmichael K (Katriona) <[Redacted] @gov.scot>; [Redacted] @Circularityscotland.com; [Redacted] @Circularityscotland.com;

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

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

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

[Redacted] <[Redacted] @sepa.org.uk>

Subject: RE: SEPA lines - producer registration and compliance approach :
Enfor/CSL/SEPA Discussion 17 Feb 10am - ACTIONS AGREED

OFFICIAL

Hi Again

Just to confirm – we agreed that there would be no specific reference to a Transition Plan approach in the ministerial announcement next week. CSL felt that their new measures of support addressed the administrative and financial challenges of small producers and we agreed that a Transition Plan would probably not be needed. I have shared a draft Transition Plan approach (with [Redacted] and Katriona) that might be possible if we needed to pick the option back up again – but it does come with some high risks/critical dependencies and significant additional collective effort/resource as SEPA cannot implement this alone – so not an option to be taken lightly.

Best wishes

[Redacted]

OFFICIAL

From: [Redacted]

Sent: 17 February 2023 14:03

To: director.enfor@gov.scot; [Redacted] <[Redacted]@sepa.org.uk>; [Redacted]@gov.scot; [Redacted]@Circularityscotland.com; [Redacted]@Circularityscotland.com; [Redacted]@Circularityscotland.com; [Redacted]@gov.scot

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

Subject: SEPA lines - producer registration and compliance approach :
Enfor/CSL/SEPA Discussion 17 Feb 10am - ACTIONS AGREED

OFFICIAL

Hi All

Some follow up information from SEPA from this morning's meeting.

Best wishes

[Redacted]

PRODUCER REGISTRATION LINES

Of the current **119** outstanding DRS queries in the SEPA DRS team inquiry log, there are **24** which relate to producers concerned about CSL producer agreement, and are therefore requesting an extension to the registration deadline.

As shared with CSL and SG earlier this week, a draft SEPA response was prepared for queries specifically about registration with SEPA. :

What if I miss the deadline to register with SEPA by 28 February 2023:

As set out in the Deposit and Return Scheme for Scotland Regulations 2020, producers must register with SEPA before 1 March every year – this

can be done via Circularity Scotland (Scheme Administrator) who will register with SEPA on your behalf, or directly with SEPA. We want as many producers as possible to register before 1 March 2023. However, as the scheme does not go live until 16 August 2023, SEPA may consider registrations to Scotland's Deposit Return Scheme beyond the 1 March 2023 deadline. This will not be possible for subsequent producer annual re-registration.

If a follow up query was directly asked in response to this line, as to how SEPA would consider late registrations our draft response:

For any producers seeking to register beyond the deadline, further information on the reason why the deadline may not be met and what actions would be required to resolve this may be requested to support SEPA's consideration of accepting a late registration.

As discussed at the meeting this morning, there is an important difference to be articulated between **registering with CSL** and **registering with SEPA** and I wonder if we could start to explain this more clearly with some relatively simple changes in language that we all use?

We all want as many producers as possible to **join/become a member/subscribe/sign-up** to Circularity Scotland, who will take on many of the producer obligations required by the Deposit and Return Scheme for Scotland Regulations 2020 (*see attached – what obligations remain with producers, and what obligations CSL can take on if a producer signs up*). [Redacted]

Any producers who want to sell their scheme articles in Scotland, need to be **registered** with SEPA and on the published **DRS Producer Register**. You can directly **register** with SEPA or via Circularity Scotland who will register you with SEPA.

For more information on **producer obligations** – Producers | Scottish Environment Protection Agency (SEPA)

For more information on **producer direct registration** with SEPA - Producer registration for Scotland's Deposit Return Scheme | Scottish Environment Protection Agency (SEPA)

In light of the changes (discussed this morning) that will be announced by CSL

Join now as a CSL member by 28 Feb; and

Register your scheme articles with CSL at a later date (*by when?*)

the need to separate out CSL and SEPA registration messages becomes even more important to clarify and communicate.

SEPA will keep the formal registration window open – it is NOT an offence if a producer is not registered by 28 February. As long as a producer is on the published DRS Producer Register before 16 August 2023, they can sell their scheme articles in Scotland. In theory, SEPA could accept registrations right up to 18 July 2023 – allowing 28 days for the registration determination period before go live. We do not, however, want to give producers the impression that they can put things off until this date, or give any excuse not to register with CSL.

How about this **updated line in response to the specific question to SEPA – what if I miss SEPA’s registration deadline of 28 February 2023?** SG/CSL to provide feedback on if this can work for you.

Producers who want to sell scheme articles to consumers in Scotland must be registered with SEPA and on the DRS Producer Register published by SEPA. As set out in the Deposit and Return Scheme for Scotland Regulations 2020, producers must register with SEPA before 1 March every year – this can be done via Circularity Scotland (Scheme Administrator) who will register with SEPA on your behalf, or directly with SEPA. We want as many producers as possible to register before 1 March 2023.

For producers who sign-up to the DRS Scheme Administrator and need more time to work with Circularity Scotland on setting up financial/administration systems, SEPA will accept producer registrations to Scotland’s Deposit Return Scheme beyond the 1 March 2023.

This extension will not be possible for subsequent annual re-registrations.

SEPA’S PRAGMATIC APPROACH TO COMPLIANCE

Our current line that has been frequently used is:

We understand the concerns regarding the operational challenges of Scotland’s Deposit Return Scheme and are working with obligated businesses to help them understand the Regulations, and what they need to do to comply. While we want to see as many obligated businesses as possible be ready and compliant for scheme go-live in August 2023. We remain committed to providing advice and guidance as the preferred route of achieving compliance for businesses who are striving to meet their obligations.

We could also add the following – which follow’s SEPA’s overall enforcement policy

We want to make it as easy as possible for everyone involved in the Deposit Return Scheme to understand and comply with their obligations. Our overall compliance approach is focused on enabling compliance with the law, with an emphasis on preventing non-compliance from occurring in the first place or from escalating significantly.

In our approach to regulating the Deposit Return Scheme, we will take account of the full spectrum of compliance that we expect to see within the Deposit Return Scheme. We will adjust our approach as necessary to ensure that

- *deliberate, persistent and serious non-compliance is brought into compliance or stopped*
- *we continue to help those who want to comply but are struggling to take action*
- *compliant businesses and DRS champions are recognised for their good practices.*

SEPA has published an extensive amount of information on its website to help producers understand their obligations www.sepa.org.uk/DRS . Ignorance of your obligations is not an acceptable excuse for not preparing for DRS and non-compliance with the regulations.

CHANGES TO CSL REGISTRATION (producers and scheme articles) AND ASSESSING ANY IMPACT ON REQUIREMENTS OF SEPA REGISTRATION

[Redacted] @Circularityscotland.com and [Redacted] @Circularityscotland.com – can you share information on the changes to CSL registration that will be announced next week, in particular registration of the business, and later registration of products/scheme articles and how this in turn relates to the registration of your members with SEPA, which does require information on products/scheme articles. If we can separate out the CSL and SEPA registrations and deadlines in our immediate communications, as noted above, I think we have a bit more time to work this detail through. Would be great if you can confirm this is the case, or if we need to meet/discuss this afternoon or first thing on Monday morning?

From: [Redacted] <[Redacted] @gov.scot>
Sent: Wed 15/02/2023 10:44
To: [Redacted] <[Redacted] @Circularityscotland.com>
Cc: Carmichael K (Katriona) <[Redacted] @gov.scot>
Subject: RE: Small producers

Hi [Redacted],

I'm free any time from 1pm

[Redacted]
From: [Redacted] <[Redacted] @Circularityscotland.com>
Sent: 15 February 2023 10:42
To: [Redacted] <[Redacted] @gov.scot>
Subject: Small producers

Hi [Redacted],

Could you let me know when you have some time to discuss our current thoughts and modelling on what can be achieved for small producers.

Thanks
[Redacted]

From: [Redacted] <[Redacted] @gov.scot>
Sent: Wed 08/02/2023 13:29
To: [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted]<[Redacted] @Circularityscotland.com>; Irene Steel <[Redacted] @Circularityscotland.com>

Cc: [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @gov.scot>; Carmichael K (Katriona) <[Redacted] @gov.scot>; [Redacted]<[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>
Subject: RE: VAT

Hi all,

Question is:

As it understand it, the UK Government has yet to reach a decision on how VAT will be applied to deposits as part of the scheme. Businesses in Scotland clearly deserve clarity on this issue. Can the Cab Sec provide any update as to the Scottish Government's latest engagement with the UK Government regarding this issue?

Our original answer is below, but we are being pushed to replace with "The Scottish Government understands that a decision has now been taken on VAT, and this should be communicated by UK Government soon". Any issues with that?

Original answer: We know how important it is for business to have clarity on VAT on deposits. We are working closely with UK Government to resolve this issue, and are seeking action to minimise risk to the Scottish scheme. Last week the Deputy First Minister again wrote to the Chancellor of the Exchequer to request that a decision be communicated this week at the latest.

From: [Redacted]
Sent: 08 February 2023 13:20
To: [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted]<[Redacted] @Circularityscotland.com>
Cc: [Redacted]<[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @gov.scot>; Carmichael K (Katriona) <[Redacted] @gov.scot>; [Redacted]<[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>
Subject: RE: VAT
Importance: High

Morning all,

Looking for what we can say on this urgently (by 13.30) – question in the chamber confirmed today.

[Redacted]
From: [Redacted]
Sent: 08 February 2023 10:46
To: [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted]<[Redacted] @Circularityscotland.com>
Cc: [Redacted]<[Redacted] @Circularityscotland.com>; [Redacted]<[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @gov.scot>; Carmichael K (Katriona) <[Redacted] @gov.scot>; [Redacted] <[Redacted]

@Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>
Subject: RE: VAT

Morning [Redacted], [Redacted],

Grateful if you could provide an update this morning on VAT, especially what can be said publicly. Expecting questions on it today / tomorrow in Parliament. At the moment we just have a holding line.

[Redacted], also linked to news this morning since it's something 'stuck' with UKG

[Redacted]

From: [Redacted]

Sent: 07 February 2023 13:56

To: [Redacted] <[Redacted] @Circularityscotland.com>

Cc: [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @gov.scot>; Carmichael K (Katriona) <[Redacted] @gov.scot>; [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>; Irene Steel <[Redacted] @Circularityscotland.com>

Subject: RE: VAT

Thanks all,

Let me know once you have a timeline so I can pass on this end – there are a few big ministerial meetings this week where it had been on the agenda.

[Redacted]

From: [Redacted] <[Redacted] @Circularityscotland.com>

Sent: 07 February 2023 13:47

To: [Redacted] <[Redacted] @gov.scot>

Cc: [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @gov.scot>; Carmichael K (Katriona) <[Redacted] @gov.scot>; [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>

Subject: RE: VAT

Hi [Redacted]

We're speaking with HMRC today at 3. The solution for payment of zero VAT is clear. However the point of non-redemption for the payment of VAT is less clear. E.g a wine bottle may take a year to return in normal circumstances compared to 3 days for a soft drink - is this an issue? [Redacted]

Kind regards

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



From: [Redacted] @gov.scot <[Redacted] @gov.scot>
Sent: Tuesday, February 7, 2023 1:39 PM
To: [Redacted] <[Redacted] @Circularityscotland.com>
Cc: [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @gov.scot>; [Redacted] @gov.scot
Subject: VAT

Hi [Redacted], [Redacted]

Just getting in touch on where you are on VAT? We've been holding back saying anything our end, but getting increasing number of questions on it (mostly because we were pushing so hard on it and have now stopped following HMT decision). I understood you were speaking again to HMT today.

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] <[Redacted] @gov.scot>
Sent: Fri 10/02/2023 08:34
To: [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @gov.scot>; [Redacted] <[Redacted] @gov.scot>
Cc: Carmichael K (Katriona) <[Redacted] @gov.scot>; [Redacted]<[Redacted] @Circularityscotland.com>; [Redacted]<[Redacted] @Circularityscotland.com>; [Redacted]<[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @Circularityscotland.com>
Subject: VAT - today

Morning [Redacted],

We are expecting HMT to write to SG and CSL today, setting out that a decision has been made on VAT and providing a factsheet from HMRC on VAT application. I have asked [Redacted] and [Redacted] to consider the most appropriate way for us to publicly communicate this information; I suggest we also join up with HMT and Defra to check there is comfort with comms positions as far as possible, and ideally try to avoid any surprises.

Grateful if CSL could let us know asap if there are concerns about timing, and any key messages you would look to get across. I understand you are also speaking to HMT at 11 today.

Many thanks,

[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] <[Redacted] @gov.scot>
Sent: Thu 09/02/2023 10:48
To: [Redacted]<[Redacted] @Circularityscotland.com>
Cc: [Redacted] <[Redacted] @Circularityscotland.com>; [Redacted] <[Redacted] @gov.scot>; [Redacted] <[Redacted] @gov.scot>
Subject: VAT comms

Hi [Redacted],

To update on VAT comms – spoke to HMT last night. Pushing them to make some form of announcement that we can then respond to with details of VAT outcome. I understand they have written to us, so we can use that as a hook our end. I've asked for something end of the week, I'll speak to HMT again today. Let me know if you are ok with this approach – we would obviously look to collaborate on any comms.

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] <[Redacted] @gov.scot>
Sent: Thu 23/02/2023 16:38
To: [Redacted] <[Redacted] @Circularityscotland.com>
Cc: [Redacted]<[Redacted] @Circularityscotland.com>
Subject: RE: Price mark pack

Hi [Redacted],

We are writing from senior official level to SCOTTS this week / early next week, which will be followed up by various industry letters. [Redacted]

[Redacted]

From: [Redacted] <[Redacted] @Circularityscotland.com>
Sent: 21 February 2023 14:51
To: [Redacted] <[Redacted] @gov.scot>
Cc: [Redacted] <[Redacted] @gov.scot>; [Redacted] <[Redacted] @Circularityscotland.com>
Subject: Price mark pack

Hi [Redacted],

Just in a call with SGF and PMP has been raised as an issue, Is there any update on this and a timeline for resolution.

Kind regards

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



From: [Redacted] <[Redacted] @gov.scot>
Sent: Wed 22/02/2023 09:58
To: [Redacted] @Circularityscotland.com'; [Redacted] @Circularityscotland.com'
Subject: Quick point - DRS debate

Hi both,

Sorry for the flurry of emails you must be receiving. I wondered if you have any potential lines on impact on existing glass reprocessors e.g. what CSL intend to do with glass collected, anything on quality, staying in Scotland, engaging with existing reprocessors etc? [Redacted]

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

