

## ANNEX B

**Q1: Copies of all correspondence between the Minister for Green Skills, Circular Economy and Biodiversity (including with her Private Office and officials) and a) businesses and b) trade associations relating to the Deposit Return Scheme. Within GDPR guidelines, this should make clear which organisations are corresponding with the Minister/her office in each instance:**

**From:** McPhee D (David) <[Redacted]@gov.scot>  
**Sent:** Tuesday, June 6, 2023 8:01 AM  
**To:** [Redacted]@naturalsourcewaters.org.uk>  
**Subject:** RE: Meeting tomorrow

Sorry [Redacted], do you mean for a specific meeting at 1pm or you'd like to chat at 1pm? If the former I don't have anything in. If you just want to chat at 1pm I could do that for 15 mins.

Thanks  
David

**From:** [Redacted]< [Redacted]@naturalsourcewaters.org.uk>  
**Sent:** 06 June 2023 07:51  
**To:** David McPhee <[Redacted]@gov.scot>  
**Subject:** RE: Meeting tomorrow

No problem at all. I land at 11am so won't be able to do that.

I will see you at 1pm,

Thanks[Redacted]

**From:** [Redacted]@gov.scot  
**Sent:** Tuesday, June 6, 2023 7:48 AM  
**To:** [Redacted]< [Redacted]@naturalsourcewaters.org.uk>  
**Subject:** RE: Meeting tomorrow

Hi,

Tied up much of the morning but available at 11 if that works?

Thanks  
David

**From:** [Redacted]< [Redacted]@naturalsourcewaters.org.uk>  
**Sent:** 06 June 2023 07:45  
**To:** David McPhee <[Redacted]@gov.scot>  
**Subject:** Meeting tomorrow

Hi David,

I was wondering if you might have time to catch up after the meeting tomorrow? I have a flight back to London at 4.30pm, so probably need to head to the airport by 3pm latest.

Do you also know when the agenda is going to be circulated?

Thanks  
[Redacted]

[Redacted]  
General Manager



Phone: [Redacted]

[www.naturalsourcewaters.org.uk](http://www.naturalsourcewaters.org.uk)

**Please note: My working hours are Monday, Wednesday and Thursday**



Corporate Member  
Supporter 2022

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[Redacted]SRC [Redacted]@brc.org.uk>; [Redacted]< [Redacted]< @nfrn.org.uk>;  
[Redacted]@nfrn.org.uk>; [Redacted]< [Redacted]@sgfscot.co.uk>; [Redacted]  
[Redacted]  
@acs.org.uk>; [Redacted]< <[Redacted]< @acs.org.uk>; [Redacted]< <[Redacted]<  
<[Redacted]< @tesco.com>; [Redacted]< @tesco.com>; [Redacted]< <[Redacted]<  
@asda.co.uk>; [Redacted]< @morrisonspc.co.uk>; [Redacted]< @lidl.co.uk;  
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spencer.com; [Redacted]< @scotmid.co.uk; [Redacted]< @johnlewis.co.uk;  
[Redacted]< @scottishhospitalitygroup.com; [Redacted]< @subclub.co.uk;  
[Redacted]< @gmail.com; [Redacted]< @ukhospitality.org.uk; [Redacted]<  
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@naturalsourcewaters.org.uk; [Redacted]< @naturalsourcewaters.org.uk;  
[Redacted]< @highlandspringgroup.com; [Redacted]< @highlandspringgroup.com;  
[Redacted]< @waters.nestle.com; [Redacted]< [Redacted]< @foodanddrink.scot>;  
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[Redacted]< scottishwholesale.co.uk; [Redacted]< swa.org.uk>; [Redacted]<  
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@stalliance.co.uk>; [Redacted]< <[Redacted]< @gov.scot>; [Redacted]<  
<[Redacted]< @gov.scot>; [Redacted]< <[Redacted]< @zerowastescotland.org.uk>;  
[Redacted]< <[Redacted]< @gov.scot>; Kevin Quinlan <[Redacted]< @gov.scot>;  
Gavin Corbett <[Redacted]< @gov.scot>; [Redacted]< <[Redacted]< @gov.scot>;  
Elisabeth Campbell <[Redacted]@gov.scot>; [Redacted]< <[Redacted]<  
@nhs.scot>; [Redacted]< <[Redacted]< @gov.scot>; [Redacted]< <[Redacted]<  
@sgfscot.co.uk>; [Redacted]< <[Redacted]< @asda.co.uk>; [Redacted]<  
<[Redacted]< @oneooneretail.co.uk>; [Redacted]< @aldi.co.uk; [Redacted]<  
<[Redacted]< @Circularityscotland.com>; [Redacted]< @sepa.org.uk>; [Redacted]<  
@zerowastescotland.org.uk; [Redacted]< @rvmsystems.com>; [Redacted]<  
@morrisonspc.co.uk>; [Redacted]< @morrisonspc.co.uk>; [Redacted]<  
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@amazon.co.uk>; [Redacted]< @biffa.co.uk; [Redacted]< @filshill.co.uk;  
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[Redacted]< @britvic.com; [Redacted]< @redbull.com; [Redacted]< @suntory.com;  
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[Redacted]< @carlsbergmarstons.co.uk; [Redacted]< @diageo.com; [Redacted]<

@diageo.com; [Redacted]< @heineken.co.uk; [Redacted]< @molsoncoors.com;  
[Redacted]< @danone.com; [Redacted]< @danone.com; [Redacted]<  
@danone.com; [Redacted]< @waters.nestle.com; [Redacted]< [Redacted]<  
@Circularityscotland.com>; [Redacted]< @Circularityscotland.com>; [Redacted]<  
@sepa.org.uk>; [Redacted]< @sainsburys.co.uk>; [Redacted]< @diageo.com;  
[Redacted]< @tomra.com; [Redacted]< @tomra.com; [Redacted]< @sielaff.de;  
[Redacted]< @sielaff.co.uk; [Redacted]< @sielaff.co.uk; [Redacted]< @acmplc.com;  
[Redacted]< @ecovend.com; [Redacted]< @envipco.com; [Redacted]<  
@envipco.com; [Redacted]< @tomra.com; DG Net Zero <DGNetZero@gov.scot>;  
[Redacted]< @scotmid.co.uk; [Redacted]< [Redacted]< @siba.co.uk>; [Redacted]<  
@marks-and-spencer.com>; [Redacted]< <[Redacted]< @marks-and-spencer.com>;  
[Redacted]< @lidl.co.uk>; [Redacted]< @lidl.co.uk>; [Redacted]< @aldi.co.uk>  
[Redacted]< @morrisonspc.co.uk>; [Redacted]< @johnlewis.co.uk>; [Redacted]<  
@sgfscot.co.uk>

With sincere apologies for some of you who may receive this twice but I had become aware of some people who were missing from the list so have added names and may have inadvertently added names more than once. Apologies

To all,

Apologies for the late notice but was hoping that you would be able to join a meeting with the First Minister tomorrow morning on the Deposit Return Scheme. The proposed agenda is:

1. Update on current position
2. Stakeholder views
3. Next Steps

Please note that this will be a virtual meeting only

Some of you already have a meeting in the diary with the First Minister at 1pm but this meeting will now replace that meeting. We will send a cancellation for this meeting.

Kind Regards  
David

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Microsoft Teams meeting  
**Join on your computer, mobile app or room device**  
[Redacted]< Meeting ID: [Redacted]<  
Passcode: [Redacted]<  
[Redacted]< **Or call in (audio only)**  
[Redacted]< United Kingdom, Edinburgh  
Phone Conference ID[Redacted]<

[Redacted]< SCOTS Connect - Please note - You must have the explicit permission of the organiser to record this meeting and its attendees, using any technology.  
Learn more | Help | Meeting options

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**From:** McPhee D (David) <[Redacted]@gov.scot>  
**Sent:** Tuesday, June 6, 2023 4:14 PM  
**To:** [Redacted]< @agbarr.co.uk>  
**Subject:** RE: Deposit Return Scheme - Discussion with First Minister

Thank you [Redacted]< I appreciate that and apologies the time has had to change.

Kind Regards  
David

**From:** [Redacted] < @agbarr.co.uk>  
**Sent:** 06 June 2023 15:43  
**To:** David McPhee <[Redacted]@gov.scot>  
**Subject:** Re: Deposit Return Scheme - Discussion with First Minister

Hi David

Thanks for the heads up - I am afraid I am due to be in a board meeting tomorrow at the allotted time - I have asked [Redacted]< to attend and if I can slip out for 30 mins I will join too.

Just wanted to let you know personally.

Regards

[Redacted]<

[Redacted] Chief Executive

A.G.BARR p.l.c.  
Tel: [Redacted]  
Dir: [Redacted]

---

**From:** McPhee D (David) <[Redacted]@gov.scot>  
**Sent:** Tuesday, June 6, 2023 7:25 PM  
**To:** [Redacted] @fyneales.com>  
**Cc:** [Redacted] @siba.co.uk>  
**Subject:** RE: Deposit Return Scheme - Discussion with First Minister

Sure thing and apologies for the late notice – I only spotted you weren't on the invite earlier today for some reason

**From:** [Redacted] <[Redacted]@fyneales.com>  
**Sent:** Tuesday, June 6, 2023 7:24 PM  
**To:** David McPhee <[Redacted]@gov.scot>  
**Cc:** [Redacted] <[Redacted]@siba.co.uk>  
**Subject:** RE: Deposit Return Scheme - Discussion with First Minister

David –

Could you add [Redacted] to the call please, so we can co-ordinate our response?

Cheers,

[Redacted]



[Redacted]  
Managing Director

phone: (+44) [Redacted]  
mobile: (+44) [Redacted]  
email: [Redacted]@fyneales.com  
[Redacted]  
www.fyneales.com

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**From:** McPhee D (David) <[Redacted]@gov.scot>  
**Sent:** Tuesday, June 6, 2023 1:14 PM  
**To:** [Redacted]@sgfscot.co.uk; [Redacted]@sgfscot.co.uk; [Redacted] <[Redacted]@sgfscot.co.uk>; [Redacted]@oneooneretail.co.uk  
**Cc:** [Redacted] (Deposit Return Scheme) <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>  
**Subject:** RE: Meeting with Minister, Lorna Slater MSP and the Scottish Grocers' Federation

[Redacted]

You will have seen that there is now an invite to a meeting with FM tomorrow at 11:30 on DRS for a range of stakeholders. To avoid duplicating discussions we are cancelling the meeting this afternoon with the Minister and can pick up issues at the meeting tomorrow.

Apologies for the late notice.

Happy to discuss.

Thanks  
David

[Redacted]

---

[Redacted]

[Redacted]

[Redacted]

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**From:** McPhee D (David) <[Redacted]@gov.scot>  
**Sent:** Tuesday, June 6, 2023 4:12 PM  
**To:** [Redacted] <[Redacted] @diageo.com>; [Redacted] @beerandpub.com>; [Redacted] @gov.scot>  
**Subject:** RE: FM Meeting - Diageo Attendee

Hi [Redacted]

It is virtual now as the meeting has been extended to a wider group so FM's office have decided to cover the meeting fully virtually.

Thanks  
David

**From:** [Redacted] <[Redacted] @diageo.com>  
**Sent:** 06 June 2023 15:49  
**To:** [Redacted] <[Redacted] @beerandpub.com>; David McPhee <[Redacted]@gov.scot>; [Redacted] <[Redacted] @gov.scot>  
**Subject:** RE: FM Meeting - Diageo Attendee

Thank you [Redacted] and thank you David – I have the invite now.

Is there a reason it is now virtual only?

Best  
[Redacted]  
**From:** [Redacted] <[Redacted] @beerandpub.com>  
**Sent:** 06 June 2023 15:09  
**To:** [Redacted] @gov.scot; [Redacted] @gov.scot  
**Cc:** [Redacted] <[Redacted] @diageo.com>  
**Subject:** FM Meeting - Diageo Attendee

Hi David, [Redacted]  
[Redacted] (cc'd) from Diageo was due to attend the 1pm meeting tomorrow in-person but hasn't received the invite to the new meeting at 11.30am.

Would you be able to send her the details (doesn't allow me to forward on)?

Cheers,  
[Redacted]  
[Redacted] SENIOR POLICY MANAGER  
[Redacted] [Redacted] @beerandpub.com



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**From:** McPhee D (David) <[Redacted]@gov.scot>  
**Sent:** Wednesday, June 7, 2023 1:00 PM  
**To:** [Redacted] <[Redacted] @scottishhospitalitygroup.com>  
**Subject:** RE: SHG Survey

Thanks [Redacted]

**From:** [Redacted] <[Redacted] @scottishhospitalitygroup.com>  
**Sent:** Wednesday, June 7, 2023 12:58 PM  
**To:** David McPhee <[Redacted]@gov.scot>  
**Subject:** Re: SHG Survey

Hi David



Sorry, just left the office

The question was yes or no to:

DRS should continue with cans and plastic from March 2023

Regards  
[Redacted] Scottish Hospitality Group  
Tel: [Redacted]

Sent on the move so please excuse any typos

On 7 Jun 2023, at 12:37, [Redacted]@gov.scot wrote:

Thanks [Redacted] – can you send the actual question and also how many businesses responded?

**From:** [Redacted] <[Redacted]@scottishhospitalitygroup.com>  
**Sent:** Wednesday, June 7, 2023 12:29 PM  
**To:** David McPhee <[Redacted]@gov.scot>  
**Subject:** SHG Survey

Hi David

Please see below

<image001.png>

Regards

[Redacted] Scottish Hospitality Group  
[Redacted]@scottishhospitalitygroup.com  
www.scottishhospitalitygroup.com  
Tel: [Redacted]

---

**From:** McPhee D (David) <[Redacted]@gov.scot>  
**Sent:** Tuesday, June 6, 2023 6:35 PM  
**To:** [Redacted] [Redacted]@scotmid.co.uk>  
**Subject:** RE: 1130 tomorrow

Sure, can you give me his email

**From:** [Redacted] <[Redacted]@scotmid.co.uk>  
**Sent:** Tuesday, June 6, 2023 6:33 PM  
**To:** David McPhee <[Redacted]@gov.scot>  
**Subject:** 1130 tomorrow

David

I tried to forward the meeting invite to [Redacted] our Head of food.

The forward function is not available.

Could you add him to the circulation please?

thanks

[Redacted] Head of Store Implementation

M. [Redacted]

T. [Redacted]



\*\*\*\*\*

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checks as it considers appropriate.

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**From:** [Redacted] <[Redacted] @Parliament.scot> **On Behalf Of** Slater L (Lorna), MSP

**Sent:** Tuesday, June 6, 2023 3:09 PM

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

**Subject:** FW: DRS in Scotland Towards and Alternative Model.

**Importance:** High

**From:** [Redacted] <[Redacted] @tomra.com>

**Sent:** Tuesday, June 6, 2023 2:53 PM

**To:** Slater L (Lorna), MSP <Lorna.Slater.MSP@Parliament.scot>

**Cc:** [Redacted] <[Redacted] @tomra.com>

**Subject:** DRS in Scotland Towards and Alternative Model.

**Importance:** High

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Dear Minister

Thank you for taking the time to meet with us last Friday. I thought it might be useful to briefly summarise the key points we mentioned during the call, particularly in light of your announcement to Parliament today that the Scottish government will take some additional time to decide on the best way forward for DRS.

As we discussed we share the view that excluding glass reduces the overall environmental benefits to the scheme. However, based on our experience of working in different markets, our very flexible manufacturing systems and on our in-depth knowledge of our customers, we are strongly of the view that the scheme remains entirely viable even if glass is excluded.

Our initial analysis shows that:

1. RVMs which have already been delivered to retailers can be modified to ensure they can run at full capacity without glass.
2. Retailers who have not yet placed orders will benefit from the exclusion of glass – RVMs which do not take glass are typically smaller and less costly.
3. We can recalibrate our manufacturing and supply systems to ensure that sufficient numbers of non-glass RVMs are available to customers for a March 2024 go live date.
4. The key dependencies are that a decision on the UK government's 'conditional exemption' is made quickly and that the March 2024 go live date remains unchanged. The greatest threat to the investment by retailers and by TOMRA is that we delay the scheme again.

5.

Polling has shown that 70% of people in Scotland support DRS and want Scotland to be the first nation of the UK to go live. We believe that Scotland going live first will enable us to achieve significant environmental benefits, protect the considerable investment already made in scheme infrastructure and enable Scotland to shape the development of the schemes across the UK.

I trust this is helpful and would be very happy to discuss further with you.

Yours sincerely

[Redacted]

[Redacted] **Vice-President for Public Affairs UK & Ireland**

**TOMRA Collections UK Ltd |M: +[Redacted] |E: [Redacted] @tomra.com**



**LEADING THE RESOURCE REVOLUTION**

\*\*\*\*\*

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

**Sent:** Tuesday, June 6, 2023 8:13 AM

**To:** Huyton H (Harry) <[Redacted] @gov.scot>; Quinlan K (Kevin) <[Redacted] @gov.scot>

**Cc:** [Redacted] <[Redacted] @biffa.co.uk>; Minister for Green Skills, Circular Economy and Biodiversity <MinisterforGSCEB@gov.scot>

**Subject:** Fwd: URGENT: Letter from CEO of Biffa to First Minister regarding Deposit Return Scheme

Gents

Can you please ensure the First Minister has received this?

Many thanks.

[Redacted] [Redacted]

[Redacted]

Begin forwarded message:

[Redacted]

**From:** [Redacted] <[Redacted]@aldi.co.uk>  
**Sent:** Wednesday, June 7, 2023 7:31 PM  
**To:** David McPhee <[Redacted]@gov.scot>  
**Subject:** RE: FM Call

Hi David,

Sorry, just getting round to emailing you back - been a hectic day!

Thanks, and appreciate the offer of participating. In any normal circumstance, we would have been fighting tooth and nail to protect the investment but the uncertainty over timeframes, reduced income etc were just too much cost and risk to accept moving forward.

I know it's not what anyone in Scot Gov wanted to hear today, not did I, after the work that has went into DRS but the restrictions were going to prove overly burdensome.

As always, if there is anything else needed please let me know.

Kind regards

[Redacted]

[Redacted] Real Estate Director

**ALDI Bathgate**

Real Estate

Pottishaw Road, Jct 4/M8

Bathgate

EH48 2FB

United Kingdom

Tel: +[Redacted]

Fax: [Redacted]

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**From:** [Redacted]@gov.scot <[Redacted]@gov.scot>  
**Sent:** 07 June 2023 12:31  
**To:** [Redacted] <[Redacted] @aldi.co.uk>  
**Subject:** RE: FM Call

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Thanks [Redacted] I couldn't see you on the call but glad you got to chip. [Redacted]

Thanks  
David

**From:** [Redacted] <[Redacted] @aldi.co.uk>  
**Sent:** Wednesday, June 7, 2023 11:59 AM  
**To:** David McPhee <[Redacted]@gov.scot>  
**Subject:** FM Call

Hi David

I am still on the call if the FM wishes to come back, I am in a shared room with others at the Defra meeting in London. Audio was muted but I can pick up separately if you need to discuss?

Let me know what suits best.

Kind regards

[Redacted]  
[Redacted] Real Estate Director  
**ALDI Bathgate**  
Real Estate  
Pottishaw Road, Jct 4/M8  
Bathgate  
EH48 2FB  
United Kingdom  
Tel: +[Redacted]  
Fax: [Redacted]

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**From:** McPhee D (David) <[Redacted]@gov.scot>  
**Sent:** Wednesday, June 7, 2023 3:21 PM  
**To:** [Redacted] | SRC <[Redacted]@brc.org.uk>  
**Subject:** RE: SRC: DRS Delay Provides Opportunity to Deliver a Well-Designed Scheme

Thanks [Redacted]

**From:** [Redacted] | SRC <[Redacted]@brc.org.uk>  
**Sent:** Wednesday, June 7, 2023 3:18 PM  
**To:** David McPhee <[Redacted]@gov.scot>  
**Cc:** [Redacted] <[Redacted]@gov.scot>  
**Subject:** FW: SRC: DRS Delay Provides Opportunity to Deliver a Well-Designed Scheme

Just FYI. Nothing there we didn't say this morning.  
E

### **SRC: Lessons must be learned from sorry DRS saga**

*7<sup>th</sup> June 2023*

In a preliminary response to the Circular Economy Minister's statement to the Scottish Parliament on the deposit return scheme, **Ewan MacDonald-Russell**, Deputy Head of the Scottish Retail Consortium, said:

"The Scottish Retail Industry is proud of its commitment to the environment and sustainability, including working towards our 2040 Net Zero target and working across the supply chain to move towards a circular economy. Within that framework Scotland's retailers have very significantly invested in good faith to deliver a deposit return scheme. That includes years of engagement with government, development of systems and store refits, and a financial commitment which already runs into the tens of millions.

"Today's announcement has serious implications for that investment, which has been committed at a time where retailers have devoted every other effort to grappling with the cost-of-living crisis. Retailers will need to take time to fully understand the implications of today's decisions and consider what the most appropriate next steps are. In the short-term retailers are likely to pause any further investment until we have a clear operational plan and a final credible critical path to delivering the scheme.

“Lessons must be learned from this sorry DRS saga. In the longer term this announcement provides an opportunity for the four home nations of the UK to come together to develop a comprehensive delivery plan, focused on consumers, based on delivering a coherent, comprehensive, clear, and cost-effective deposit return scheme which can increase recycling and move to a more circular economy. Hitherto the scheme has been bedevilled by a rush to unachievable dates and a failure to take on board businesses reasonable and practical suggestions; there is an urgent need to move beyond that and deliver this as a project without the politics.

**Mr MacDonald-Russell** added:

“More broadly, in the days and weeks ahead this regrettable episode should be seen as an opportunity to think anew about how the four home nation governments work together when they have similar public policy goals or objectives in certain areas. This is particularly so with so many environmental and public health regulatory initiatives under consideration across the UK. That’s not to question where powers reside. However, perhaps a key lesson to learn from deposit return is it’s to the benefit of consumers and those firms tasked with implementing public policy when the four home nation administrations engage collegiately and work together to introduce aligned regulatory measures in a sensible and cost-effective manner, one which minimises complexity and helps retailers keep down prices for customers.”

**Ends**

**For media enquiries:**

**Scottish Retail Consortium**

[Redacted]

T: [Redacted]

E: [Redacted] @brc.org.uk

### **About the Scottish Retail Consortium**

*The SRC's purpose is to make a positive difference to the retail industry and the customers it serves, today and in the future.*

*Retail is an exciting, dynamic and diverse industry which is going through a period of profound change. The SRC is committed to ensuring the industry thrives through this period of transformation. We tell the story of retail, work with our members to drive positive change and use our expertise and influence to create an economic and policy environment that enables retail businesses to thrive and consumers to benefit.*

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**Q2: All available documents (i.e. notes, minutes, or other recorded material) held by the Office of the Minister for Minister for Green Skills, Circular Economy and Biodiversity relating to engagements between the Minister and businesses or trade associations primarily or solely concerning the Deposit Return Scheme; ”**

**BRIEFING FOR THE FIRST MINISTER**

**Meeting with Deposit Return Scheme Stakeholders**

**07 June 2023**

<b>Key message</b>	<ul style="list-style-type: none"> <li>• Thank you for taking the time to meet with me at such short notice.</li> <li>• I am grateful to all businesses for the investment they have made in preparing for Deposit Return Scheme (DRS).</li> <li>• I remain committed to the benefits of a successful Deposit Return Scheme.</li> <li>• I am deeply frustrated at the UK Government’s conditional and temporary exclusion from the UK Internal Market Act for the DRS.</li> <li>• I understand this will have a significant and wide ranging impact on businesses.</li> <li>• I want to use today’s meeting to understand:             <ul style="list-style-type: none"> <li>○ The views from business on proceeding with a DRS on 1 March without Glass.</li> <li>○ Views from business on delivering a DRS in line with UK and what this means for support for Circularity Scotland (CSL) and how else business may prepare</li> </ul> </li> </ul>
<b>What</b>	<ul style="list-style-type: none"> <li>• Meeting with DRS stakeholders to discuss their views on (1) when the Scottish DRS should go live and (2) understand whether they will support CSL financially should they want the scheme to be delayed.</li> </ul>
<b>Why</b>	<ul style="list-style-type: none"> <li>• Without the support of businesses, successful delivery of the scheme on 1 March 2024 in highly unlikely.</li> <li>• [Redacted]</li> </ul>
<b>Who</b>	<ul style="list-style-type: none"> <li>• Stakeholders from the Producers, Retailers, Wholesalers and Hospitality following sector will attend.</li> </ul>
<b>Where</b>	Teams Meeting [Redacted]
<b>When</b>	Wednesday, 7 June 2023 11:30-12:30

<b>Likely themes</b>	<ol style="list-style-type: none"> <li>1. Do businesses support DRS go live on 1 March 2024 (without glass)?</li> <li>2. If not, will businesses support CSL until a UK wide DRS is introduced in October 2025 (at the earliest)?</li> </ol>
<b>Media</b>	No media invited to the meeting
<b>Supporting official</b>	Kevin Quinlan, Director – Deposit Return Scheme Division [Redacted] David McPhee, Deputy Director – Deposit Return Scheme Division [Redacted] Elisabeth Campbell, Deputy Director – Deposit Return Scheme Division [Redacted]
<b>Attached documents</b>	Annex A – Agenda and Summery Annex B – Top Lines: Welcome & Purpose of Meeting Annex C – Discussion: Questions for Stakeholders Annex D – Additional Supporting Lines Annex E – Circularity Scotland Annex F – [Redacted] Annex G – Case for Glass Annex H – FMQ (attached separately)

## Annex A

### Agenda and Summary

#### Agenda

1. **Welcome & Purpose of Meeting** **(11:30 -11:35, 5 minutes)**
2. **Discussion** **(11:35 -12:25, 50 minutes)**
  - a) Support for DRS without glass go live on 1 March 2024; and
  - b) If delay is preferred, what are businesses plans to ensure delivery of DRS in the future and will business support CSL until UK wide DRS is launched in October 2025 at the earliest)
3. **Sum Up & Agree Next Steps** **(12:25 -12:30, 5 minutes)**

#### **Background on Meeting**

- On 26 May UK Government granted a conditional exemption to the IMA for the Scottish DRS.
- This meeting was organised to provide an opportunity to engage directly with businesses as to their views on proceeding with a Scottish DRS without glass on 1 March 2024. If they do not wish to proceed then, we wish to understand what businesses plans are to deliver DRS in line with UK whether businesses will financially support Circularity Scotland in the event the scheme is delayed to align the a UK wide DRS – in October 2025 at the earliest.

#### **Conditional Exemption to IMA for DRS**

- On Friday 26 May 2023, the UKG granted a partial exemption for the DRS.

- A summary of the conditions are:
  - The materials included in all countries must be the same – meaning that Scotland cannot include glass
  - A maximum deposit limit to be agreed with the UK Government.
  - Processes are in place to allow deposits to be redeemed anywhere in the UK when other schemes are up and running.
  - 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.
  - One marking (e.g. barcode) for use throughout all parts of the UK, and a single common UK logo, recognisable across all systems.

### **Desired Outcome from Meeting**

- The information gathered at this meeting will help to decide whether the Scottish DRS can go ahead on 1 March 2024 and, if not, what businesses plans are to deliver a DRS along with the rest of the UK and whether businesses will support CSL until a UK wide DRS is introduced in October 2025 (at the earliest).

### **Sensitivities**

- Many businesses have invested significantly in preparation for DRS. For example, many producers and retailers have invested significantly in sunk costs in preparation for glass being included in the DRS.
- [Redacted].
- The exclusion of glass means DRS producer fees paid per scheme article will increase significantly, increasing costs for businesses.
- A decision to proceed with a DRS without glass may place companies that predominantly use glass containers as opposed to cans or plastic containers at a competitive disadvantage.
- Many businesses note that they support DRS but are now looking to align with a UK scheme

**Annex B**

### **Welcome & Purpose of Meeting**

**[Redacted]**

- Thank you very much for meeting at such short notice.
- I am deeply frustrated and disappointed at the UK Government's decision to refuse a full IMA exclusion which would have allowed the scheme to have continued as designed and voted on by the Scottish Parliament.
- Despite detailed engagement over the last two years this is an eleventh hour attempt by the UK Government to sabotage Scotland's DRS.
- It is treating the Scottish Parliament and businesses trading in Scotland that are impacted by the DRS with contempt.
- We have always been clear that we will continue to work closely with the other UK nations as they establish their deposit return schemes to ensure schemes were aligned as much as possible when they were launched.

- However, we have been asked to align with a scheme that doesn't even exist.
- I am grateful to all businesses for the investment they have made in preparing for DRS.
- I remain committed to the benefits of a successful Deposit Return Scheme.
- I am keen to engage with you on your views around the current situation and to ensure that we understand how businesses feel we can best meet the environmental and economic aims of DRS given this situation

**You may wish to invite the following people to offer views on behalf of their sector@**

- **Large producers** – [Redacted] – British Soft Drinks Association
- **Large Producers** – [Redacted] – British Beer and Pubs Association
- **Large Retail** [Redacted] – Scottish Retail Consortium
- **Large Retail** – [Redacted] – Aldi
- **Small Producers** – [Redacted] Scotland Food and Drink
- **Small producers** – [Redacted] – Society of Independent Brewers
- **Small Retail** – [Redacted] – Scottish Grocers Federation
- **Small Retail** – [Redacted] [Redacted] – Federation of Independent Retailers

**Annex C**

**[Redacted]**

- I would like to use the time today to ensure I fully understand:
  1. What businesses views are on a go-live on 1 March 2024, without glass?
  2. If not and the desire is to align with a UK scheme, how will businesses work to ensure that this is possible including whether you will support Circularity Scotland until a UK wide DRS is introduced – which will be October 2025 at the earliest

**[Redacted]**

- If DRS fail, how would you ensure that you have a vehicle to meet your obligations of a DRS in October 2025?
- If UK Government were unable to deliver a scheme in October 2025 would you still want alignment on timescales or would you support Scotland then going first?

**Annex D**

**[Redacted]**

**TIMELINE FOR DECISION**

- We are looking to provide certainty as soon as possible
- It is essential that we consider fully the implications of any decision.
- It is absolutely right we take the necessary time consult with businesses and scheme delivery partners on next steps. We are doing that at pace.

## **COMPENSATION**

- We are grateful to all businesses for the investment they have made in preparing for DRS and we remain committed to the delivery of a successful Deposit Return Scheme.
- We are looking very seriously at where this leaves the viability of the Scottish scheme and talking to businesses, delivery partners and other organisations over the coming days and weeks.
- I intend to provide an update to parliament as soon as possible.

## **ALIGNMENT WITH UK SCHEMES**

- We have always been clear that we will continue to work closely with the other UK nations as they establish their deposit return schemes to ensure schemes were aligned as much as possible when they were launched.
- However, the conditions imposed on us by the UK government make that impossible to do.
- We have been asked to align with a scheme that doesn't even exist.
- We have been asked to proceed with our scheme, without glass, but also ensure there is consistency of bar codes and logos across all schemes. Schemes that do not exist and are not even at the planning stage.

## **A SCOTTISH PILOT**

- The UK Government says it wants Scotland to act as a pilot for DRS. It is not the intention of devolution that devolved nations simply act as path-finders before the UK as a whole does it "properly".
- Nevertheless, it is true that Scotland is very far ahead of UKG in developing the thinking and detail that turns plans into realities.
- There is much that other parts of the UK can learn and adopt from Scotland. Indeed the path to there being deposit return facilities available across the UK is swiftest and easiest if Scotland is able to proceed as this Parliament planned.
- So to use the language of the UKG what would a Scottish pilot look like? It would mean recognising that in core matters such as regulations, administrative set up, fees and budgets, logistics, contracts and much else besides Scotland has done much of the work.
- It would see the Scottish scheme given a fair wind to proceed as planned and on the basis on which it has evolved. It would allow for changes to the way it works in light of learning and experience. But in this version, a good faith version, it would rule out changes mid-course, without agreement and without being based on experience to date.
- That is not what we have been offered it seems. We have been offered interoperability, but not as a shared, mutually agreed partnership approach. Scotland (and Wales) have been told that in matters of alignment there is one line that matters – that of England's.
- That is not a pilot. It is a shifting of goal-posts, an undermining of certainty when what is needed is clarity. Is there a will to work more co-operatively? On the part of the UK Govt, it would be nice, but not seeing any evidence so far.

## **UNDERMINING DEVOLUTION**

- The UK government's decision undermines the right of this parliament to pass and deliver regulations in clearly devolved areas.
- The Scottish Parliament approved the Deposit and Return Scheme for Scotland Regulations in 2020 – before the introduction of the Internal Market Act. The Regulations are wholly within devolved competence.
- The problem at the heart of this issue is the UK Government's hugely damaging Internal Market Act.
- The Internal Market Act radically undermines the powers of the Scottish Parliament, which is why this Parliament voted to withhold consent to it in 2020.

## **GATEWAY REVIEWS**

- There have been a series of independent Gateway Reviews undertaken throughout the design of the Deposit Return Scheme, with the most recent carried out in March.
- The Scottish Government is considering carefully the recommendations from this review, and will share these and its response with the Net Zero, Energy and Transport Committee soon.
- Gateway Review teams normally speak with 12-15 interviewees including relevant commercial and external stakeholders (e.g. prime contractors and consultants).
- For the latest review, reviewers spoke to 45 people which included CSL, a range of producers, retailers, wholesaler, hospitality representatives, SEPA, Zero Waste Scotland and Scottish Government.

## **IMPACT ON PRODUCER FEES**

- CSL are working on their revised producer fees based on glass being removed
- Current estimates are that increase will be less than they originally feared but still 10% to 20% for some producers
- CSL are speaking to producers to work through the detail should the scheme go ahead in March without Glass

## **COMPETITIVE DISADVANTAGE**

- Removing Glass will put some businesses at a disadvantage as they only operate with cans but their competitors use glass
- This could have an impact on iconic businesses such as Tennents but potentially others.
- While many businesses have welcomed the removal of glass there is a danger it removes a level playing field for businesses

**Annex E**

**[Redacted]**

**[Redacted]**

- We have been working closely with Circularity Scotland to establish the viability of the scheme following the UK Government's last minute intervention.

- While removing glass has significant implications for our scheme, there are additional conditions imposed by the UK Government including agreeing to a cap on deposit levels and registration process.
- These conditions ask us to align with a scheme that doesn't yet exist – creating more uncertainty for business.
- It is important to listen to all businesses and understand the implications of these conditions, which is why my Government have been engaging with you regularly in recent days.

**Annex F**

**[REDACTED]**

**Annex G**

## **Case for Glass**

**[Redacted]**

- Glass is one of the three main materials used to make single-use drinks containers and accounts for more than a quarter of all the containers due to be included in our Deposit Return Scheme.
- To put that into context, the Scottish DRS will include an estimated 560 million containers that reach the Scottish market each year.
- Of the 51 territories and countries operating deposit return schemes, 45 include glass.
- Even the UK Government's own analysis of deposit return schemes across the UK showed that the social benefits of reduced litter, emissions saved and to the economy are increased by 64% when glass is included (from £3.6bn to £5.9bn).
- Glass is one of the most common items to pollute our beaches and broken glass poses a hazard to the public and wildlife.
- It also poses a threat to local authority, private sector and voluntary clean-up crews. Including it in DRS will help reduce the amount of littered glass.

### **Increases the value of the scheme**

- The DRS business case estimated that including glass in the DRS increases the net present value of DRS by £248m over 25 years compared to excluding glass.
- [Redacted]

### **Caters to public support**

- There is broad public support for the inclusion of glass in the DRS in Scotland, an August 2019 survey published by Zero Waste Scotland demonstrated strong public support (85%) for the inclusion of glass.
- Given glass makes up more than a quarter of all containers in the scheme, including it will play an important part in normalising behaviour and increasing capture rates.

### **Inclusion of glass is standard practice in DRS**

- The inclusion of glass in other Deposit Return Schemes is normal, of the 44 territories currently operating deposit return schemes, only four of them do not include glass. These are Kiribati, Netherlands, Norway & Sweden.
- We are pleased that Wales will also include glass in their scheme.
- Not including glass in the scheme will result in a narrower scheme in England, and runs counter to the Conservative's own manifesto.
- We will continue to work closely with the UK and devolved governments to maximise interoperability of the schemes when they go live, and hope that the UK government will, over time, follow the other UK nations and reconsider its decision to exclude glass.

### **Scotland's DRS has been designed to include glass**

- We recognise that the costs of operating the scheme are higher when including glass, however the benefits of operating the scheme with glass are greater.
- The DRS business case estimated that including glass in the DRS increases the net present value of DRS by £248m over 25 years compared to excluding glass.
- The ECCLR Committee report recognised that it would be difficult and more expensive to phase in glass at a later point.
- The ECCLR Committee report also stated that the scheme 'should be as comprehensive as possible' which is advice which we have followed.
- Circularity Scotland and their primary logistics partner, Biffa, have included glass in all their planning. For example, the machinery and sites required to process glass have been acquired, along with the personnel to operate them.
- Retailers who have decided to use Reverse Vending Machines (RVMs) have also already purchased units designed to process glass, as well as PET plastic and metal.
- [Redacted]
- [Redacted]
- Including glass brings whole sectors of industry (e.g. wine, spirits) into the scope of DRS which makes the scheme further reaching and inclusive.

### **DRS will take pressure off of Local Authority Waste Services**

- DRS will mean that local authorities will have less waste to handle, as well as reducing litter and associated clean-up costs, which is good for residents and council budgets.
- £46m of public money is spent every year removing litter and fly tipping from the Scottish environment.
- We are supporting local authorities to prepare for the introduction of the scheme and our £70m Recycling Improvement Fund is delivering one of the biggest investments in recycling in Scotland in a generation.
- Many deposit return schemes in Europe operate alongside kerbside collections including Norway, Germany and Croatia
- Local authorities have a regulatory requirement to collect and carry dry recyclable waste, including glass. There is a derogation from the requirement



for separate collections for glass, and co-mingling is acceptable under certain conditions.

- To help inform planning for the introduction of DRS and the impact on kerbside recycling collection, Zero Waste Scotland are modelling different options for glass collection after DRS is operational. Any changes to kerbside glass collection should be informed by an assessment of the specific impacts in each local authority area. I am aware that there are a number of different collection systems across Scotland and one approach is unlikely to suit every location, but this modelling will help local authorities make informed decisions on the most effective and efficient way to meet the obligation to provide a glass recycling service. I am grateful to the many local authorities that have provided data to assist with this modelling. The outputs will be shared with all local authorities this Summer and Zero Waste Scotland will be available to discuss the implications and options with individual authorities.

### **DRS encourages a high-quality glass recycle**

- Currently between 20-50% of glass is not suitable for closed loop recycling due to the way it is currently collected and processed in Scotland (Mixed & Crushed).
- Section 34 of the Environmental Protection Act 1990 already requires those handling waste to ensure that it is handled in a fashion that promotes high-value recycling, and will apply in relation to the handling of returned scheme packaging, including glass.
- DRS will significantly increase the quantity and quality of glass recyclate, creating an aggregated and high-quality feedstock for reprocessing – anticipated to be 1.3 million tonnes over 25 years
- A significant proportion of this is projected to be clear glass which we know to be in high demand.
- Local authorities will continue to collect glass containers not captured through deposit return, as required by the Environmental Protection Act 1990, through The Waste (Scotland) Regulations 2012
- Scotland's Code of Practice for managing controlled waste makes clear that the use of recovered glass cullet in re-melt applications to create new glass products is considered an example of high-quality recycling and so should be prioritised. Current best practice is not to crush glass. While we think the existing Code of Practice is sufficient, if necessary we can consider revisiting it to make specific provision for DRS materials.

## **ANNEX H**

### **FMQ**

Latest version of DRS FMQ is attached as a separate document in the briefing email to Private Office.

[Redacted]