

The exceptions applied in this instance are:

Some information has been withheld under regulation 10(4)(d) (material in the course of completion, unfinished document, or incomplete data). This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in releasing the information as part of an open, transparent and accountable government. However, this is outweighed by the greater public interest in withholding information that is unfinished to ensure that only accurate and factual information is released into the public domain for consumers, retailers and producers.

Some information has been withheld under regulation 10(4)(e) (internal communication). This exception is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in releasing the information as part of an open, transparent and accountable government. However, this is outweighed by the greater public interest in allowing officials and ministers a space to discuss internally the development of any given policy.

Extracts of briefings received by the First Minister and/or Minister for Green Skills, Circular Economy and Biodiversity on the process and application for an Internal Market Act exemption between 01 January 2022 and 24 May 2023:

1. Extract of briefing for Inter-Ministerial Group for Environment, Food and Rural Affairs – 6 March 2023

ANNEX C - OBJECTIVES, HANDLING, SUGGESTED LINES AND RELEVANT BACKGROUND

<p style="text-align: center;">AGENDA ITEM 3 DRS (20 MINS) (SG Request)</p> <p style="text-align: center;"><i>Purpose: To discuss a potential exclusion to the UK Internal Market Act</i> <i>Paper: from Scottish Government</i></p> <p style="text-align: center;">LEAD MINISTER – MS SLATER</p>
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- [Redacted – Out of Scope]

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

[Redacted – Out of Scope]

Points to make:

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

IMA exclusion

- A UKG decision on an IMA exclusion is critical to business preparation and managing the period of non-alignment before rest of UK schemes launch more than two years later
- We have been and continue to follow the agreed process between UKG and devolved governments for excluding certain policies from the Internal Market Act, and this has been the subject of discussion with UKG for many months
- We have welcomed the constructive official level engagement with Defra, as we did for the previous exclusion on single use plastics
- As our paper to IMG sets out, we are now at the stage in the process where the relevant common framework has reached a clear conclusion to the seek the views of Ministers from each administration on an exclusion
- We consider that an exclusion should be agreed at pace and that it should be wide enough in scope to cover policy proposals across the four nations – let's avoid unnecessary, duplicative effort from other administrations on exclusions for your schemes. But, as a minimum, the exclusion must cover the Scottish DRS regulations in advance of our scheme launch on 16 August
- Understand Secretary of State [Thérèse Coffey] has had this under consideration; I urge [Minister Pow] today to make a clear, positive recommendation on an

exclusion which will unlock the next steps in securing a UK Government position and delivery plan

- Will Defra signal your support today, at least in principle, for an exclusion and will you confirm the date by when we will get a final UK government position? We need this clarity as soon as possible and by the end of March at the latest

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

[Redacted] / interaction with Internal Market Act

- The Scottish Parliament approved the Deposit and Return Scheme for Scotland Regulations in 2020. The Regulations were made for the purposes of environmental protection and are wholly within devolved competence
- There is an agreed process between UKG and DAs for excluding certain areas from the Internal Market Act
- SG has been following that process for excluding the deposit return scheme regulations from the Internal Market Act and it has been the subject of discussion with UKG for many months.
- It is the same process we went through to protect Scotland's ban on many single-use plastic products.
- We now need Defra, as lead policy department, to make a positive recommendation and manage consideration, engagement and decision-making processes across UK Government departments in reaching a UK Government decision
- Given the DRS Regulations are part of long-standing plans that will make an important contribution to our climate change and recycling targets, we expect a decision from the UK Government as soon as possible to give businesses the clarity they need and protect devolution

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

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- [Redacted – Out of Scope]

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

Background:

- [Redacted – Out of Scope]
- SG officials have followed the agreed four nation process for excluding certain areas within Common Frameworks from the IMA and have been seeking a specific exclusion for DRS from the IMA since 2022
- This is because it is SG’s view, and we understand this is accepted by UKG, that various provisions of our DRS regulations are likely to fall within the market access principles of the IMA. [Redacted]
- SG has presented our proposal in detail and responded to queries in the relevant Common Framework (Resources and Waste) group
- On 22 February, Defra confirmed in the Senior Officials Programme Board that no further information was required from Scottish Government in support of our case for an exclusion
- [Redacted]
- [Redacted]
- Should the Secretary of State recommend an exclusion, Defra would subsequently lead a Whitehall write-round to agree the UK Government position and, subject to outcome, be responsible for ensuring that a draft SI providing for the exclusion be put before the UK Parliament
- Defra has not shared a timeline for such steps but we consider any delay beyond a clear Defra recommendation at this IMG would appear to compress delivery timelines and add significant risk to securing an exclusion before the August launch

[Redacted – Out of Scope]

2. Extract of briefing for Inter-Ministerial Group for Environment, Food and Rural Affairs – 22 May 2023

ANNEX C - OBJECTIVES, HANDLING, SUGGESTED LINES AND RELEVANT BACKGROUND

**CHAIR REMARKS – MS SLATER
AGENDA ITEM 3
DRS (10 MINS)
0950 – 1000**

- [Redacted – Out of Scope]

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

Lines to rebut accusation we only asked for IMA exclusion in March this year

- SG has been following the agreed and published process for excluding the deposit return scheme regulations from the Internal Market Act and it has been the subject of discussion with UKG for nearly two years
- No-one in the UKG has disputed the timeline we published in February confirming this
- At the IMG meeting in March, UKG ministers acknowledged that SG has followed the agreed process at all times and indicated UK Ministers would likely reach a view by the next meeting

- That meeting took place on 17 April and frustratingly UK Ministers confirmed that no decision had been made and they were unable to provide a timeline for an exclusion
- UKG's delay in reaching a decision has created continuing uncertainty for business and undermined progress
- While the Office for the Internal Market can conduct reports into the functioning of the UK internal market, it has a purely advisory role and is focused solely on economic and technical impacts. It has no role in resolving disputes between governments
- The problem at the heart of this issue is the UKG's hugely damaging Internal Market Act. The Act radically undermines the powers of the Scottish Parliament, which why this Parliament voted to withhold consent to it in 2020

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

[Redacted]

SG has been following the agreed and published process for excluding the deposit return scheme regulations from the Internal Market Act and it has been the subject of discussion with UKG for nearly two years.

- No-one in the UKG has disputed the timeline we published in February confirming this
- At the March IMG, Defra ministers acknowledged that SG has followed the agreed process at all times and indicated UK Ministers would likely reach a view by the next meeting
- In the April IMG, it was disappointing that UK Ministers confirmed that no decision had been made and they were unable to provide a timeline for an exclusion
- This uncertainty was a major driver in our subsequent decision to delay the launch to 1 March 2024
- UKG subsequently raised new requests for information outwith the Common Frameworks process; we have responded in good faith and trust that the information supports an imminent and positive decision
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

DRS BACKGROUND

- Defra ministers have acknowledged that SG has fully followed the agreed and published process for excluding certain areas within common frameworks from the IMA
- Scottish Ministers were frustrated that, at the last IMG on 17 April, UKG Ministers confirmed that no decision had been made and they were unable to provide a timeline for an exclusion for DRS from the IMA
- [Redacted]
- [Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted – Out of Scope]

3. Extract of briefing for Inter-Ministerial Group for Environment, Food and Rural Affairs – 17 April 2023

AGENDA ITEM 2
DRS (20 MINS) (SG Request)

Purpose: To discuss a potential exclusion from the UK Internal Market Act

LEAD MINISTER – MS SLATER

- [Redacted – Out of Scope]

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

[Redacted]

Points to make:

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

IMA exclusion

- We have welcomed the constructive engagement with Defra, and the UKG’s recognition that we have and continue to follow the agreed Common Frameworks process for excluding certain policies from the IMA.
- But it is concerning that UKG links considerations on DRS delivery – which are devolved functions – with UKG agreement on an exclusion.
- And it is very disappointing that UK Government is still not able to confirm a decision on an exclusion from the IMA.
- It is not for UKG to “approve” devolved policy; we expect UKG to respect devolution and follow the evidence-based approach of the Common Framework which recommended an exclusion.
- Our view remains that such an exclusion should be wide enough in scope to cover policy proposals across the four nations but, as a minimum, cover the Scottish DRS regulations in advance of scheme launch.
- The delay in a UKG decision on an IMA exclusion is putting Scotland’s DRS at risk – it is increasingly a self-fulfilling prophecy in undermining producer and retailer readiness. And it will delay the consequent achievement of environmental benefits of reduced carbon emissions and littering.

- We are listening and responding to business – we are looking for UK Government also to listen to business and give them the certainty they need with an exclusion from the IMA.
- The exclusion has been the subject of discussion with UKG for many months; the continuing delay and uncertainty is unacceptable, and the matter is now critical for DRS implementation; Defra Ministers previously suggested a UKG decision was likely today – *when* can we expect a positive UKG decision on an exclusion and what is the timeline for delivering the amending legislation?

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

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- [Redacted – Out of Scope]

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

[Redacted – Out of Scope]

- [Redacted – Out of Scope]

[Redacted]

- The Scottish Parliament approved the Deposit and Return Scheme for Scotland Regulations in May 2020. The Regulations were made for the purposes of environmental protection and are wholly within devolved competence.
- The DRS Regulations were made several months before the UK Internal Market Bill was introduced to the UK Parliament in September 2020 and subsequently enacted at the end of 2020.

- There is an agreed and published process between UKG and DAs for excluding certain areas from the Internal Market Act.
- UKG has recognised that SG has fully followed the process for excluding DRS. It has been the subject of discussion with UKG for many months.
- We first raised the need for an exclusion in July 2021 when we proposed a broad exclusion which would have covered single-use plastics and DRS.
- This was not agreed by UK ministers, resulting in a narrow exclusion for single-use plastics only, and the ongoing process since October 2022 to secure a specific DRS exclusion.
- The 6 March IMG addressed the recommendation of the Resources and Common Framework that an exclusion should be sought.
- I again pressed for urgent clarity from UKG on this matter and by the end of March; UK Ministers considered they would likely reach a view by today's meeting.

[Redacted]

- No “formal request” was required to be made by SG at the IMG because that is not how the agreed and published process works.
- It is extremely disappointing to hear repeated inaccurate claims on the operation of the common frameworks exclusion process. This helps no-one – it undermines trust, reduces the effectiveness of the process, and denies clarity and transparency to business and consumers.
- This is at odds with the constructive engagement on Scotland's DRS that we have experienced from Defra and other parts of UKG.

Background

- SG has followed the agreed four nation process for excluding certain areas within Common Frameworks from the IMA and has been seeking a specific exclusion for DRS from the IMA since 2022.
- This is because it is SG's view, and we understand this is accepted by Defra, that various provisions of our DRS regulations are likely to fall within the market access principles of the IMA. [Redacted]
- On 13 February, the relevant common framework (Resources and Waste) agreed that: policy alignment was not possible ahead of Scotland's launch in August; without an exclusion, the IMA will have a significant effect on Scotland's DRS; and that ministers should consider an IMA exclusion.
- At the 6 March IMG, Ms Slater pressed Defra for clarity on UKG support for an exclusion and by end of March at the latest. Minister Pow suggested a decision may be likely by 17 April IMG.
- On 14 March, Ms Slater and officials gave evidence to the Net Zero, Energy and Transport Committee, noting that any attempts by UK Ministers to block an exclusion would have constitutional consequences that go well beyond DRS, and that UK Ministers would want to reflect carefully before taking such a step.
- On 3 April, the Cabinet Secretary for Net Zero and Just Transition wrote to the Secretary of State for Defra seeking urgent reassurance that the exclusion was progressing and offering a meeting.

- Officials continue to engage intensively with Defra. Defra emphasised that SG’s position was clear and that the proposed ministerial bilateral, although welcome, was not essential.
- [Redacted]
- This delay for further consideration by UK Government means that Defra will not be in a position to confirm a UK Government position on 17 April. The Secretary of State for Defra’s letter of 13 April in reply to the Cabinet Secretary sets this out and that UKG is unable to consider the exclusion until our DRS is finalised.
- We will continue to press UK Government on timelines and decoupling DRS delivery from agreeing an exclusion, but we assess there to be a high likelihood that we will not have a UKG decision within the time period required to give clarity as to whether an exclusion will be in force by 16 August launch.

[Redacted – Out of Scope]

4. Extract of briefing for Ministerial Assurance Group Meeting – 22 May 2023

Annex C: Lines on Internal Markets Act

- The Scottish Government has been following the agreed and published process for excluding the deposit return scheme regulations from the Internal Market Act and it has been the subject of discussion with UK Government for nearly two years. No-one in the UK Government has disputed the timeline we published in February confirming this.
- At the inter-ministerial group meeting in March, UK Government ministers acknowledged that the Scottish Government has followed the agreed process at all times and indicated UK Ministers would likely reach a view by the next meeting.
- That meeting took place on 17 April and frustratingly UK Ministers confirmed that no decision had been made and they were unable to provide a timeline for an exclusion.
- The UK Government’s delay in reaching a decision has created continuing uncertainty for business and undermined progress.
- [Redacted]

5. Extract of the briefing for the Minister for Green Skills, Circular Economy and Biodiversity appearance at the Net Zero, Energy and Transport Committee – 14 March 2023

<i>Date and Time of Committee Appearance</i>	14 March 2023 10.15 am
<i>Where</i>	T4.40 - Committee Room 2, the Fairfax Somerville Room

<p>Purpose of Evidence session</p>	<p>At its meeting on 8th March, the Committee agreed to invite you to provide evidence on the Deposit Return Scheme. You will already be attending this meeting of the Committee to discuss COP15.</p> <p>The purpose of this invitation is to provide an opportunity to better establish relevant facts around implementation of the scheme.</p>
<p>Official Support Required</p>	<p>[Redacted], Head, DRS Unit [Redacted]</p> <p>[Redacted], Head of UK Frameworks [Redacted]</p>
<p>Comms Support/Media handling</p>	<p>No proposed comms</p>

Briefing Contents

<p>Annex A</p>	<p>Committee Agenda</p>
<p>Annex B</p>	<p>Opening remarks (3 mins) <i>Attached separately</i></p>
<p>Annex C</p>	<p>Contents Page – page numbers to follow in final briefing pack</p>
<p>Annex D</p>	<p>Question Areas</p> <ul style="list-style-type: none"> • Internal Market Act • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope]

<p>Annex E – I</p>	<p>Background Briefing</p> <p>Annex E: Deposit Return Scheme</p> <ul style="list-style-type: none"> • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] • [Redacted – Out of Scope] <p>Annex F: UK Internal Market Act</p> <p>Annex G: Common Frameworks</p> <p>ANNEX H: [Redacted – Out of Scope]</p> <p>Annex I: [Redacted – Out of Scope]</p> <p>Annex J: [Redacted – Out of Scope]</p>
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INTERNAL MARKET ACT

QUESTION:

Can you confirm that the Scottish Government has followed the agreed process with the UK Government for agreeing an exclusion from the Internal Market Act?

The Scottish Government has, and continues to follow the agreed process for securing an exclusion for DRS from the Internal Market Act. This is acknowledged by UK Government ministers.

- The Scottish Parliament approved the Deposit and Return Scheme for Scotland Regulations in 2020. The Regulations are wholly within devolved competence.
- There is an agreed and published process between UK Government and devolved governments for excluding certain areas from the Internal Market Act.
- The Scottish Government has been following that process for excluding the deposit return scheme regulations from the Internal Market Act. It has been the subject of discussion with UK Government and the other devolved governments within the Resources and Waste Common Framework for many months.
- We have welcomed the constructive official level engagement with Defra and the other devolved governments during these many months.
- We first raised the need for an exclusion in July 2021 when we proposed a broad exclusion which would have covered single-use plastics and DRS.

- This was rejected by UK ministers, resulting in a narrow exclusion for single-use plastics only, and the ongoing process since October 2022 to secure a specific DRS exclusion.
- On 28 February, Scottish Government released an exchange of correspondence between the Deputy First Minister and Victoria Atkins at HMT and a timeline setting out steps undertaken to secure an exclusion.
- On 6 March, I met ministers and senior officials from each UK administration at the Inter-Ministerial Group on Environment, Food and Rural Affairs. This was the next step in intergovernmental discussion on the proposed exclusion. I again pressed for urgent clarity from the UK Government on this matter, and by the end of March at the latest. **UK Government ministers acknowledged that the Scottish Government has followed the agreed process at all times** and suggested UK Ministers would likely reach a view by the next inter-ministerial group on 17 April.
- It is now for Defra, as the lead UK Government department in this policy area, to manage consideration, engagement and decision-making processes across UK Government departments in reaching a UK Government position, which I await.
- I will keep Parliament updated on the exclusion process.

[Redacted]

- No formal request was made by the Scottish Government at the Inter-Ministerial Group meeting on 6 March because that is not how the agreed and published process works.
- The IMG addressed the finding of the Resources and Waste Common Framework that the views of ministers should be sought on the proposed exclusion as the framework agreed that:
 - o alignment of policies across the UK nations is not possible ahead of the Scottish DRS launch in August
 - o without an exclusion, the IMA will have a significant impact on the effect of Scotland's DRS
- There was clear and welcome shared interest across the UK and devolved governments in establishing effective deposit return schemes as part of commitments to tackle climate change.
- I again pressed for urgent clarity from UK Government on their support for an exclusion, and by the end of March at the latest.
- It is now for Defra, as the lead UK Government department in this policy area, to manage consideration, engagement and decision-making processes across UK Government departments in reaching a UK Government position which I await.

QUESTION:

What are the top three issues you are facing? What are you doing to address them?

1. INTERNAL MARKET ACT.

- [Redacted – Out of Scope]
- The Scottish Government has, and continues to follow the agreed process for securing an exclusion for DRS from the Internal Market Act. This is acknowledged by UK Government ministers.

ANNEX F

Background Briefing

UK INTERNAL MARKET ACT [Redacted]

ISSUE:

- SG officials have followed the agreed four nation process for excluding certain areas within Common Frameworks from the IMA and have been seeking a specific exclusion for DRS from the IMA since Autumn 2022
- This is because it is SG's view, and we understand this is accepted by Defra, that various provisions of our DRS regulations are likely to fall within the market access principles of the IMA. This means Scottish DRS obligations would apply to products produced in, or imported directly into Scotland, but not to products coming in to Scotland that are produced in, or imported via other parts of the UK. In other words, it would be possible for drinks producers outside Scotland to sell into Scotland without registering with the scheme and without charging a 20p deposit.
- SG officials presented the exclusion proposal in detail and responded to queries in the relevant Common Framework (Resources and Waste) group
- On 22 February, Defra confirmed in the Senior Officials Programme Board that no further information was required from Scottish Government in support of our case for an exclusion
- Press coverage, reflecting comments made by UK Ministers in the Commons and Lords (notably Secretary of State for Scotland and Defra minister, Lord Benyon), as well as briefing from "senior UK Government sources", claimed that SG has not yet requested an IMA exclusion for DRS, and that UKG is not minded to agree such an exclusion.
- On 28 February, the FM wrote to the PM, and Circular Economy Minister to Mr Gove, to counter the inaccurate information in the press reports including through the release of correspondence between DFM and HMT and publication of timeline setting out SG steps taken to secure an exclusion in line with the agreed process
- On 6 March, Circular Economy Minister attended the Inter-Ministerial Group on Environment, Food and Rural Affairs and again pressed for urgent clarity from UKG on its support for an exclusion, and by end of March at the latest. UKG ministers acknowledged that Scottish Government has followed agreed process, that waste management is a devolved policy and suggested a decision may be likely by the next IMG on 17 April.
- Should the Secretary of State recommend an exclusion, Defra would subsequently lead a Whitehall write-round to agree the UK Government position and, subject to outcome, be responsible for ensuring that a draft SI providing for the exclusion be put before the UK Parliament.

- **The process for securing an exclusion from the Internal Market Act for Scotland’s Deposit Return Scheme is underway.**
- The Scottish Parliament approved the Deposit and Return Scheme for Scotland Regulations in 2020. The Regulations are wholly within devolved competence.
- There is an agreed and published process between UK Government and devolved governments for excluding certain areas from the Internal Market Act.
- The Scottish Government has been following that process for excluding the deposit return scheme regulations from the Internal Market Act and it has been the subject of discussion with UK Government for many months.
- We have welcomed the constructive official level engagement with Defra since Autumn 2022, as we did for the previous exclusion on single use plastics.
- We are now at the stage in the process where the views of Ministers from each administration are being sought on an exclusion. This is in line with the findings of the Resources and Waste Common Framework that:
 - alignment of policies across the UK nations is not possible ahead of the Scottish DRS launch in August
 - without an exclusion, the IMA will have a significant impact on the effect of Scotland’s DRS
- On 6 March, I met ministers and senior officials from each UK administration at the inter-ministerial group on Environment, Food and Rural Affairs to again press for urgent clarity from the UK Government on this matter, and by the end of March at the latest.
- Given these are long-standing plans that will make an important contribution to our climate change and recycling targets, and will give businesses the clarity they need, we expect a decision from the UK Government as soon as possible.
- UK Government ministers acknowledged that the Scottish Government has followed the agreed process at all times. They suggested UK Ministers would likely reach a view by the next inter-ministerial group on 17 April.
- We will keep Parliament updated on the exclusion process.

- **Alister Jack’s claims regarding “requests” for exclusions for the scheme have no basis in fact.**
- No formal request was made by the Scottish Government at the inter-ministerial meeting on 6 March – that is not how the process works.
- Alister Jack has been unable to produce any evidence to back up his fixation with non-existent “formal requests”.
- Alister Jack told the House of Commons on 22 February – **[QUOTE]:** “*we have not been asked for an exemption for this under the rules of the UK Internal Market Act 2020 by the Scottish Government—no request for an exemption has come.*”
- This is untrue. The Scottish Government first raised the need for an exclusion in July 2021, when we proposed a broad exclusion which would have covered single use plastics and DRS.
- This was rejected by UK ministers, resulting in a narrow exclusion for single-use plastics only, and the ongoing process since October 2022 to secure a specific DRS exclusion.

- On 28 February we published correspondence between the Scottish Government and UK Government that clearly contradicts Alister Jack’s account. This includes:
- A letter from Deputy First Minister to the Chancellor and Secretary State for Levelling Up, Housing and Communities on 31 January 2022, that reads **[QUOTE]**: – *“I am sure the UK Government will not want to cut across the Scotland’s ability to establish a fully-effective DRS that will contribute directly to our shared climate goals, and deliver on the Scottish Parliament’s intentions. Therefore, this should be a straightforward issue to resolve between governments, and I am seeking your assurance now that UK Ministers will expedite a rapid solution, including an exclusion to the IMA”*
- The reply from Victoria Atkins MP, Financial Secretary to the Treasury, which said **[QUOTE]**: - *“I reiterate the UK Government’s support for the environmental objectives of the Scottish Government’s Container Deposit Return Scheme (DRS) [...] We recognise your concerns regarding the period of time between Scotland’s DRS launch date, in August 2023, and the launch of the rest of the UK’s schemes in October 2025. Defra has assured me that its officials are working closely with counterparts in the Scottish Government and BEIS to scope and understand any implications associated with the UKIMA for the delivery of Scotland’s DRS and welcome the constructive working relationships between officials as they go through these details.”*
- **Environmental NGOs have issued a joint letter to the Secretary of State for Scotland calling for him to grant an exclusion from the Internal Market Act to ensure Scotland’s DRS is not delayed (7 Mar):**
- The letter is signed by 17 organisations including Keep Britain Tidy, Woodland Trust Scotland, Keep Scotland Beautiful and WWF UK where they set out their support for the scheme:
 - **[QUOTE]**: *“It is first worth noting that the Scottish system will be identical in scope and operation to the Welsh system”*
 - **[QUOTE]**: *“Such a system brings broad economic and environmental benefits”*
 - **[QUOTE]**: *“The Scottish system has already been delayed by 867 days to accommodate industry demands for more time...that 867 day delay to the start date will lead to 380,000 tonnes of avoidable carbon emissions.*
 - **[QUOTE]**: *“delaying and undermining the Scottish system would have serious negative implications for confidence in those forthcoming English, Welsh and Northern Irish systems...We would therefore encourage you not to take decisions which would delay and undermine those environmental objectives while also jeopardising multi-million pound investments already made in preparation for this most basic circular economy measure.”*
 - [Redacted]
- The Scottish Government is satisfied that Scotland’s DRS Regulations are wholly within the powers of the Scottish Ministers.
- There is an agreed process between UK Government and devolved governments for excluding certain areas from the Internal Market Act.
- Scottish Government has been following that process for excluding the deposit return scheme regulations from the Internal Market Act and it has been the subject of discussion with UK Government for many months.
- [Redacted]