

POLICY NOTE

THE PACKAGING WASTE (DATA REPORTING) (SCOTLAND) AMENDMENT REGULATIONS 2023

SSI 2023/160

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by sections 18 and 58, and paragraphs 14, 22, and 33 of schedule 2, of the Regulatory Reform (Scotland) Act 2014 and all other powers enabling them to do so. The instrument is subject to the negative procedure.

Purpose of the instrument. To correct minor errors and omissions in the Packaging Waste (Data Reporting) (Scotland) Regulations 2023 (the “data regulations”). The data regulations require producers of products to collect and/or report data on the amount and type of packaging that they place on the market as part of Extended Producer Responsibility (EPR) for packaging.

Policy Objectives

The data regulations require producers of products to collect and/or report data about the packaging they place on the market in the course of 2023 to support introduction of Extended Producer Responsibility (EPR) for packaging, which the Scottish Government is bringing forward alongside the other UK administrations. (See the policy note for the data regulations, which were laid on 19 January 2023 and came into force on 28 February, for more details.)

Subsequent work with our partners in the other UK administrations as we continue to work to introduce packaging EPR, and industry scrutiny following the laying of the data regulations, has identified a number of necessary amendments to the data regulations and the analogous legislation that was laid in the other UK parliaments.

Working with the other administrations, we have developed this SSI, and analogous legislation to be made in the other nations of the UK, to address the required amendments. This will:

- Provide clarity to industry regarding producers’ reporting obligations;
- Ensure producers submit all the information required for calculating their 2024 obligations;
- Remove some potential loopholes in the data regulations;
- Ensure the reporting requirements are fully aligned with the digital system that producers will use to report their data.

Care has been taken to minimise inconvenience to producers. In the case where a reporting requirement is being added that is not present in the existing data regulations (for packaging imported into the UK and discarded by the importer), these data are already required to be collected under the data regulations and under the Producer Responsibility Obligations (Packaging Waste) Regulations 2007.

Consultation

Detailed consultation has been carried out as we have developed our policy on packaging EPR: see the policy note for the data regulations for details. The amendments set out in this SSI are being taken forward by all four UK administrations in response to stakeholder feedback.

Impact Assessments

A partial Business and Regulatory Impact Assessment (BRIA) was completed for the data regulations: see those regulations for details.

Financial Effects

The direct impact of this instrument on businesses is very limited because, as set out above, care has been taken not to require the reporting of data that are not already collected by business.

For the financial impacts of the data regulations and of packaging EPR more generally, see the policy note and partial BRIA associated with those regulations.

Scottish Government
Directorate for Environment and Forestry

22 May 2023