

POLICY NOTE

THE PRODUCER RESPONSIBILITY OBLIGATIONS (PACKAGING WASTE) AMENDMENT (SCOTLAND) REGULATIONS 2023

SSI 2023/336

The above instrument was made in exercise of the powers conferred by section 50 and paragraphs 1(1) and 2(2) of schedule 4 of the Environment Act 2021. The instrument is subject to the negative procedure.

Purpose of the instrument. To amend the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (“the 2007 Regulations”) to set the targets for recycling packaging waste that obligated producers must meet for 2024.

Policy Objectives

The 2007 Regulations apply to Great Britain. This instrument amends the 2007 Regulations for Scotland only; similar amending instruments to set the same level of targets are being made in relation to England and Wales by the UK Government. Northern Ireland has separate Regulations and will make similar changes in parallel.

The 2007 Regulations impose producer responsibility obligations, requiring producers to recycle a proportion of the packaging they place on the market to support achievement of overall recycling targets. Obligated producers are required to obtain evidence from accredited reprocessors and exporters to demonstrate that they have met these recycling targets.

Obligated producers are businesses that: manufacture raw materials for packaging; convert materials into packaging; fill packaging; sell packaging to the final user; lease out packaging; or import packaging or packaging materials into Great Britain. Businesses are exempt if they handle 50 tonnes or less of packaging, and/or have a turnover of £2 million or less.

The current recycling targets expire at the end of 2023. This instrument sets the recycling targets that obligated producers will have to meet in 2024 and is required to ensure that obligated producers continue to have producer responsibility obligations.

Along with the other UK governments, the Scottish Government is bringing forward a suite of reforms to the packaging producer responsibility system to introduce Extended Producer Responsibility (EPR) for packaging. Due to the decision to defer the introduction of packaging EPR to 2025, announced by the UK Government on 25 July 2023, the 2007 Regulations need to be updated to set overall and material-specific recycling targets for 2024.

The new packaging EPR legislation will set the recycling targets for producers once it comes into force. As this instrument is essentially an interim measure, designed to ensure that producers continue to have producer responsibility obligations for packaging until packaging EPR is established, the Scottish Government, and the other UK governments, consider that it is appropriate to maintain the targets for 2024 at the same level as for 2023, with the following exceptions:

- Wood, for which a slightly higher target has been set in response to stakeholder feedback and to reflect the recent recycling rate;
- The overall recycling target, which has been increased by 3 percentage points to increase producer responsibility overall while allowing producers a degree of flexibility over what materials to use to meet these targets;
- Glass re-melt, which has been increased by 3 percentage points to drive greater circularity in the glass sector.

Packaging EPR, once in place, will drive an increase in the quantity and quality of recycling collected across the UK.

Consultation

As set out above, these targets are being set for 2024 as an interim measure before packaging EPR comes in from 2025. Recycling targets for 2024 to 2030 were included in the public consultation on EPR carried out jointly by the Scottish Government and other UK governments, and responses were received from producers, key material organisations, trade bodies, and other stakeholders in the course of this consultation.

The proposed targets for 2024 set out in that consultation were based on the assumption that packaging EPR would be in place from 2024. This is no longer the case, as noted above. The UK Government, on behalf of the four governments, has led on work to amend the proposed targets for 2024 to reflect this, including further informal consultation with key stakeholders. The targets set out in these regulations are based on that work and have been agreed between the four UK governments.

Impact Assessments

As this instrument is aligned with provisions being introduced by the other UK governments on the basis of a UK-wide consultation and attendant Impact Assessment, the Scottish Government does not consider it necessary to carry out Scottish-specific impact assessments for this instrument. An impact assessment for packaging EPR was published alongside the government response on 26 March 2022.¹

Financial Effects

As this instrument is aligned with provisions being introduced by the other UK governments on the basis of a UK-wide consultation and attendant impact assessment (see above), the Scottish Government does not consider it necessary to carry out a Scottish-specific Business and Regulatory Impact Assessment (BRIA).

Scottish Government
Directorate for Environment and Forestry

8 November 2023

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063588/ep-final-impact-assessment.pdf