

POLICY NOTE

THE PACKAGING WASTE (DATA REPORTING) (SCOTLAND) AMENDMENT REGULATIONS 2024

SSI 2024/42

The above instrument was made in exercise of the powers conferred by sections 18 and 58, and paragraphs 14, 15, 17, 22, and 33 of schedule 2 of the Regulatory Reform (Scotland) Act 2014 (the “2014 Act”) and all other powers enabling them to do so. The instrument is subject to the negative procedure.

Summary Box

To make a number of amendments to 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 2024 to support introduction of Extended Producer Responsibility (EPR) for packaging, which the Scottish Government is bringing forward alongside the other UK governments (see the policy note for the data regulations, which were laid on 19 January 2023 and came into force on 28 February 2023, for more details).

The data regulations were amended by the Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023, which came into force on 30 June 2023 and addressed minor amends identified through industry scrutiny following the laying of the data regulations.

This SSI is required to amend the regulations in response to the decision to postpone the implementation of Scotland’s Deposit Return Scheme to October 2025. It also makes a small number of other amendments to clarify and tighten the data regulations. We have developed this working alongside the other UK governments, who will be making comparable legislation in the other UK parliaments.

EU Alignment Consideration

The Producer Responsibility (Packaging Waste) Regulations 2007 (“the 2007 regulations”) partially implemented European Parliament and Council Directive 94/62/EC on packaging and packaging waste and are also in line with other EU environmental and waste legislation, including Directive 2008/98/EC on waste. Directive (EU) 2018/852 made a number of amendments to Directive 94/62/EC, including an amendment obligating all Member States to set EPR schemes for packaging by 2024.

The 2007 regulations, and the data reporting regulations which this SSI amends, will be replaced by a UK SI which the Scottish Government and other UK governments are collaborating on, and intend to bring forward in autumn 2024. This SI will provide the legislative framework for the new EPR scheme on packaging which will continue our alignment with current EU law in relation to packaging and packaging waste.

There is currently a proposal for an EU Regulation on packaging and packaging waste which will replace Directive 94/62/EC; however, this has not yet been adopted and so the Scottish Government cannot comment on alignment with that Regulation at this point.

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 governments 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 limited. Businesses producing drinks were already required to report these under the 2007 regulations; this amendment ensures they will have to do so under the data regulations in line with the move to a new producer responsibility system. The other amendments will provide greater clarity for businesses.

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

February 2024