

The Deposit Scheme for Drinks Containers (England and Northern Ireland) Regulations 2024

Questions from Wildlife and Countryside Link

The Deposit Scheme for Drinks Containers (England and Northern Ireland) Regulations 2024 introduces a deposit return scheme for drinks containers in England and Northern Ireland. Whilst Link is in principle very supportive of the regulations, there are a number of points where the explanatory material laid in support provides insufficient information about intended implementation. We therefore have some questions relating to the operation of the scheme as defined in the regulations.

- In regards to Schedule 3, “return point exemptions”, retailers can be exempted from providing return points on proximity grounds or premises grounds.
 - Exemptions on proximity grounds can be granted if “there is one or more alternative return points located within reasonable proximity to the premises specified in the application” but reasonable proximity is not defined.
 - Retailers can be exempted on premises grounds if “the location, layout, size, design, or construction of the specified premises does not permit, or does not easily permit, or cannot reasonably be altered to permit, the operation of a return point”. Again, this is not defined further in the regulations.

The lack of clarity surrounding the proposed exemptions could lead to an inadequate provision of return points if too many exemptions are granted, which would reduce collection rates due to greater inconvenience to scheme consumers. We would therefore be grateful if the committee could ask:

- **how the department intends for applications for exemptions on proximity and premises grounds to be assessed to ensure that exemptions do not affect consumers’ ability to return deposit items.**
- Although glass containers are included in the scope of the Packaging Extended Producer Responsibility scheme, we are concerned that the decision to exclude glass from the DRS could cause suppliers to increase use of glass containers in order to avoid deposits applying to their items. This could lead to an overall increase in the supply of glass containers. Given glass containers often have higher environmental impacts than plastic or aluminium containers, this could increase the overall environmental impact of drinks containers.¹ Not including glass also means glass items are more likely to be littered or not recycled than other containers, once the scheme is in place. Therefore, to properly assess the impact of the policy on the purposes set out in Schedule 8 of the Environment Act 2021 – (a) sustaining, promoting or securing an increase in the recycling or reuse of materials; and (b) reducing the incidence of littering or fly-tipping – it will be necessary to monitor whether use of glass increases and whether glass is recycled and littered at different rates to in-scope materials to avoid unintended consequences. We would therefore be grateful if the committee could ask the department, with respect to regulation 53:

¹ <https://digital.detritusjournal.com/articles/life-cycle-assessment-of-beverage-packaging/368>

- **whether the deposit management organisation will be required to report on the changes in usage, incidences of littering and recycling rates of drinks containers considered for inclusion in this scheme but ultimately exempted from the final scope (including glass).**
- Under Regulation 8, in-scope materials are defined as aluminium, polyethylene terephthalate (PET) plastic, or steel. It may be necessary to update this regulation to include other materials at a later date as packaging types develop. For example, the government may wish to include beverage cartons (e.g. Tetra Pak) or glass. We also note that under Regulation 52, Paragraph (2)(a) the deposit management organisation “must consider how its operational plan would adapt to and manage any expansion of the types of in-scope material”. However, within the current regulations there is no ability to update the list of in-scope materials. Additionally, once in place, adapting the infrastructure to include other beverage container formats and materials will be costly. We would therefore be grateful if the committee could ask the department:
 - **what monitoring, consultation and review mechanisms it intends to put in place to assess whether the list of in-scope materials needs to be updated**
- Under Regulation 68, Paragraph (1) “The deposit management organisation must make arrangements for the recycling of the in-scope material from which returned items are made.” However, the government has not taken the opportunity to leverage the DRS infrastructure to facilitate the scaling up of reuse and refill systems for drinks. Germany’s DRS system has this capability and, currently, 42% of beverages are sold in refillable containers.² Effective reuse systems can contribute to an increase in resource efficiency, resulting in lower environmental impact overall. The scheme should consider opportunities for supporting the scale-up of reuse and refill as well as recycling. We would therefore be grateful if the committee could ask the department:
 - **if it intends to enable reuse systems for beverage containers as well as recycling as part of the scheme.**

² <https://www.tomra.com/en/reverse-vending/media-center/feature-articles/germany-deposit-return-scheme>