

For the future of our environment

POSITION STATEMENT

Collection of scheme packaging as part of Scotland's Deposit Return Scheme

ISSUED APRIL 2022

Purpose

This position statement supports the establishment of a network of return points for collecting, sorting and storing waste scheme packaging under Scotland's Deposit Return Scheme.

Where it is possible to separate the various types of scheme packaging at a return point and store them in compliance with an exemption from waste management licensing, SEPA will not enforce the requirement to register that exemption. Similarly, SEPA will not enforce the legal requirement to hold a waste management license to operate a return point for Scotland's Deposit Return Scheme where PET plastic, aluminium and steel scheme packaging is stored together (co-mingled), provided the conditions in this position statement are adhered to.

This position statement only applies to the operation of a return point as set out in The Deposit and Return Scheme for Scotland Regulations 2020.

Background

If you sell drinks (scheme articles) to consumers in Scotland, then (in most cases¹) from 1 March 2024 you must operate a return point and accept returns of empty drinks containers made from PET plastic, glass, steel or aluminium (scheme packaging). It is also possible to register to operate a voluntary return point from premises other than retail premises.

¹ For further information see our website (www.sepa.org.uk/regulations/waste/deposit-return-scheme/retailers/).

Under Scotland's Deposit Return Scheme, it should be as easy to return an item of scheme packaging as it was to buy the drink in the first place. Unless there are grounds to refuse it², a return point operator must accept any empty scheme packaging that is returned to their return point and store it until it is collected. Returned scheme packaging is waste.

From 1 March 2024, there will be many shops, retail outlets and hospitality venues that will be required to operate return points for scheme packaging and will be carrying out waste management activities – storing and sorting waste. It is an offence to carry out a waste management activity unless it is authorised by a waste management licence (WML) or is exempt from the requirement to hold a WML ('an exempt activity').

In order for the storage of scheme packaging at a return point to be an exempt activity³ it would need to be sorted and stored separately.

SEPA recognises that requiring return point operators to hold a WML to sort and then separately store waste scheme packaging would be disproportionate and may be a barrier to the effective implementation of the deposit return scheme.

For this reason, if you store mixed scheme packaging at a return point and do not hold a waste management licence, SEPA will not take enforcement action as long as you comply with the position set out below.

SEPA position

If you manage waste, including waste scheme packaging, you must comply with the requirements of Section 34 of the Environmental Protection Act 1990 (the Duty of Care Obligations). In particular, you must ensure that waste is managed in a manner that promotes high quality recycling and that mixing of dry recyclable materials does not result in lower quality material than would be achieved from full separation.

² For further information see our website (www.sepa.org.uk/regulations/waste/deposit-return-scheme/retailers/).

³ The applicable exempt activities would be Paragraph 11 or 17 Schedule 1 of the Waste Management Licensing (Scotland) Regulations 2011 – further details can be found here <https://www.sepa.org.uk/regulations/waste/activities-exempt-from-waste-management-licensing/>

SEPA will not take enforcement action against a return point operator who stores co-mingled waste scheme packaging at a return point without a waste management licence, provided the following conditions are met:

1. All waste scheme packaging must be stored securely.
2. Waste glass must be stored separately from waste PET plastic, aluminium and steel containers.
3. Waste scheme packaging must not be stored for longer than 12 months.
4. The activity must not endanger human health or the environment and must not:
 - cause a risk to water, air, soil, plants or animals;
 - cause a nuisance through noise or odours;
 - adversely impact the countryside or places of special interest.

If you operate a return point, separate, and then store all scheme packaging according to material type as a paragraph 11 or 17 exempt activity, you do not need to register this exempt activity with SEPA.

This position statement applies only in Scotland. The terms of this position statement may be subject to periodical review and be changed or withdrawn considering technological, regulatory or legislative changes, future government guidance or experience of its use. SEPA reserves its discretion to depart from the position outlined here and to take appropriate action to avoid any risk of pollution or harm to human health or the environment.

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