



Department
for Environment
Food & Rural Affairs

Seacole Building
4th Floor
2 Marsham Street
London
SW1P 4DF

T: 03459 33 55 77
helpline@defra.gov.uk
www.gov.uk/defra

[Redacted]

By email: [Redacted]

Our ref: EIR2023/17881
12 October 2023

Dear [Redacted],

REQUEST FOR INFORMATION: Deposit Return Scheme

Thank you for your request for information of 13 September 2023 about the Deposit Return Scheme. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

1. *Any letters, emails, SMS, WhatsApp, Signal, Telegram or other electronic messages and all other communications such as direct messaging by way of social media platforms including LinkedIn, Facebook and Instagram between representatives of the Glass Manufacturing Industry and any Minister, between 1 March 2021 and 31 March 2022, concerning:*
 - a. *the inclusion or exclusion of glass in any DRS;*
 - b. *the “Ministerial Decision” to exclude glass from any DRS referred to by Helen Little at the Advisory Committee for Packaging hybrid meeting on 2 May 2023; and*
 - c. *the recent policy statement entitled: “Scottish Deposit Return Scheme – UK internal market exclusion” and the decision therein to exclude glass as a condition of the temporary exclusion under the Internal Market Act 2020.*

2. *Any internal minutes of meetings, briefings to Ministers or their advisors and any correspondence between Ministers or their advisors, between 1 March 2021 and 31 March 2022, concerning:*
 - a. *the inclusion or exclusion of glass in any DRS;*
 - b. *the “Ministerial Decision” to exclude glass from any DRS referred to by Helen Little at the Advisory Committee for Packaging hybrid meeting on 2 May 2023; and*
 - c. *the recent policy statement entitled: “Scottish Deposit Return Scheme – UK internal market exclusion” and the decision therein to exclude glass as a condition of the temporary exclusion under the Internal Market Act 2020.*

3. *Details of any engagement about the DRS (meetings and all electronic*



communications) outside the formal consultation process for the DRS, that reference the inclusion or exclusion of glass from the ambit of DRS, with any stakeholder that is or has been a manufacturer or supplier or retailer or user of glass packaging or a trade association or other organisation representing any such manufacturer(s) or supplier(s) or retailer(s) or user(s) of glass packaging (“Glass Manufacturing Industry Stakeholder”) between 1 March 2021 and 31 March 2022, including information concerning which private companies and trade associations in the glass manufacturing industry were consulted to obtain views on trade and the impact on retail.

4. *Any information concerning whether the Department for Business, Energy & Industrial Strategy was consulted about the DRS and if so, any correspondence between that Department and Defra Minister between 1 March 2021 and 31 March 2022 concerning the DRS.*
5. *The full responses provided by Glass Manufacturing Industry Stakeholders to the initial DRS Consultation and Second DRS Consultation. To be clear, we are not requesting Defra’s summaries of responses.*

We enclose a copy of the information you requested in the annexes below:

- Annex 1:
 - British Glass letter to SoS - March 2021
 - Rebecca Pow response to British Glass - April 2021
 - Yvette Cooper MP letter to Rebecca Pow - March 2021
 - Rebecca Pow response to Yvette Cooper MP response - April 2021
 - Robert Halfon MP letter to SoS - August 2021
 - SoS response to Robert Halfon MP - October 2021
 - British Glass letter to Jo Churchill [plus attachment] - January 2022
 - Jo Churchill response to British Glass - March 2022
- Annex 2:
 - Email to Ministers with options on scope - May 2021
 - Email to Ministers with options on scope - Attachment - May 2021
 - DRS scope ministerial meeting decision form - June 2021
 - Waste reforms meeting - SoS readout - June 2021
- Annex 3:
 - BBPA and Defra emails - March 2022
 - BRC and Defra email - March 2022
 - BRC and Defra email attachment - March 2022
 - British Glass and Defra emails - March to August 2021
 - British Glass and Defra meeting readout - May 2021
 - British Glass and Defra email - Dec 2021
 - British Glass and Defra emails - January 2022
 - British Glass and Defra intro emails - January 2022
 - British Glass and Defra intro emails attachment - January 2022
 - Heineken and Defra readout - March 2022
 - INCPEN and Defra email - May 2021
 - MKD32 Ltd and Defra email - December 2021
 - MKD32 Ltd and Defra email attachment - December 2021
 - SIBA and Defra emails - October 2021
 - SIBA and Defra emails attachment - October 2021
- Annex 4:
 - EPR write round letter email - February 2022

- EPR write round letter attachment - February 2022
- EPR write round letter attachment (IA) - February 2022
- BEIS and Defra email - February 2022
- Annex 5:
 - Bryson Recycling Ltd - DRS consultation response 2019
 - Amcor - DRS consultation response 2019
 - The Packaging Federation - DRS consultation response 2019
 - SUEZ Recycling & Recovery UK - DRS consultation response 2019
 - British Glass - DRS consultation response 2019
 - The Recycling Association - DRS consultation response 2019
 - Ardagh Group - DRS consultation response 2021
 - Encirc - DRS consultation response 2021
 - O-I Glass Limited - DRS consultation response 2021
 - MKD32 - DRS consultation response 2021
 - Ardagh Group2 - DRS consultation response 2021
 - URM UK Ltd - DRS consultation response 2021
 - Beatson Clark Ltd - DRS consultation response 2021
 - Ciner Glass Ltd. - DRS consultation response 2021

The 2021 responses for British Glass and Allied Glass Containers can be found here: <https://www.gov.uk/government/publications/deposit-return-scheme-consultation-eir202305194>

The information released as above has been redacted to the extent that it constitutes personal data relating to persons other than you, under regulations 12(3) and 13(1) and (2A) of the EIRs. These regulations exempt personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would breach any of the data protection principles in Article 5(1) of the UK General Data Protection Regulation (GDPR).

We consider that disclosure of this information is likely to breach the first data protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data because the information relates to non-SCS parties who are not public facing officials.

Some of the information in the zip file is being withheld as it falls under the exception in regulation 12(5)(d) of the EIRs, which provides for the exception from disclosure if this would adversely affect the confidentiality of a public authority's proceedings where the confidentiality arises from statute or common law. In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure. In considering this exception we have also applied a presumption in favour of disclosure, as required by regulation 12(2) of the EIRs.

We recognise there is a public interest in the disclosure of information relating to The Deposit Return Scheme for drink containers (DRS). However, it is also important that Defra can carry out its formal policy making processes in confidence. Defra carries out consultations in order to have free and frank conversations with stakeholders as part of its policy making processes, and the preservation of confidentiality is necessary to allow these processes to continue. We consider that the confidentiality arises from the common law expectation that this information is kept confidential. As this has created an expressed expectation of confidentiality and, combined with the necessary quality of confidence of the information, it means that Defra has a duty of confidence in relation to these proceedings.

Information disclosed in response to this EIRs request is releasable to the public. In keeping with the spirit and effect of the EIRs and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on GOV.UK, together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

[Redacted]

Information Rights Team

InformationRequests@defra.gov.uk

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

Most documents produced by Defra will be protected by Crown Copyright. Most Crown copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information please see [The National Archives website](#).

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to ^[Redacted], Head of Information Rights via email at InformationRequests@defra.gov.uk and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure.

The ICO can be contacted using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>