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Copied to UKSIs@parliament.scot

12 November 2025

Dear Edward,

**THE PRODUCER RESPONSIBILITY OBLIGATIONS (PACKAGING AND PACKAGING WASTE) (AMENDMENT) REGULATIONS 2025
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

Thank you for confirmation that the Scottish Parliament agreed on 7 October 2025 that it was content for Scottish Ministers to give their consent to the Producer Responsibility Obligations (Packaging and Packaging Waste) (Amendment) Regulations 2025¹, including Scottish devolved matters, as set out in the notification to the Parliament. This SI was laid in UK Parliament on 3 November 2025. I will write again to committee once this is made to confirm that consent granted aligns with the final provisions.

The SI allows for PackUK, the scheme administrator of Extended Producer Responsibility for Packaging (pEPR), to appoint a Producer Responsibility Organisation (PRO) to perform specified statutory functions under the regulations on PackUK's behalf as well as provide advice, recommendations or support to PackUK in relation to the performance of those functions by PackUK.

Appointments of a PRO are subject to the consent of each of the four national authorities. PackUK must obtain the consent of Scottish Ministers on the appointment of the PRO, the proposed duration of the appointment, and the functions it proposes that the PRO will perform, ensuring that Scotland's interests and circumstances are protected.

Certain functions will remain with PackUK and will not be delegated. This includes collection and distribution of pEPR fees and payments, including underpinning model ownership and final decision on methodologies and modelling approach.

¹ [The Producer Responsibility Obligations \(Packaging and Packaging Waste\) \(Amendment\) Regulations 2025](#)
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Where a PRO is appointed to exercise specific functions, such as the calculation of local authority disposal costs, it is bound by the terms of the regulations in the same way as PackUK. It would, for example, have to consider the relevant factors under regulation 73(1)(c) – which includes population density and the type and accessibility of housing. There would therefore be no need to replicate these considerations.

The application process for a PRO is currently open and will close on 12 December 2025. PackUK intends to appoint the PRO in March 2026. Once appointed, PackUK will begin the transfer of functions to the PRO gradually, over a multi-year period, to support ongoing delivery of pEPR, subject to agreement as outlined above.

My officials and PackUK have been engaging closely with COSLA on the upcoming changes to the methodology of local authority cost modelling. Payment calculations in the second year of the scheme (2026/27) have prioritised stability, in line with requests from local government. We anticipate more significant changes from 2027/28 to account for new services such as household collection of plastic films and co-design of the new household recycling code of practice. However, the Scottish Government has asked PackUK to produce a 'roadmap' to set out planned changes to payments in future years, and ensure that local government are involved in the development of that roadmap. This seeks to improve transparency and allow local government to plan for any changes that could impact payment amounts, especially those related to service provision or effectiveness.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely,

GILLIAN MARTIN

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