



British Glass

Date: 26th February 2026

Paper to Note: Legislative Process Concerns Regarding the Deposit Scheme for Drinks Containers (Wales) Regulations 2026

For: Senedd Legislation, Justice and Constitution Committee

From: British Glass

1. Summary

This paper sets out British Glass' concerns regarding the legislative process underpinning the Deposit Scheme for Drinks Containers (Wales) Regulations 2026 ("the Regulations"), particularly in relation to the handling of consultations, regulatory notifications, evidence reliance, impact assessment quality, and the UK Internal Market Act (UKIMA) exclusion procedure.

While British Glass continues to oppose the inclusion of glass in a Wales-only DRS on substantive grounds, this note focuses solely on procedural and constitutional issues relevant to the Committee's remit.

2. Concerns with the 2025 Consultation Process

The most recent Welsh Government consultation (18 August – 10 November 2025) placed substantial emphasis on reuse, with detailed proposals for a "reuse roadmap", phased targets and future regulatory frameworks. Although glass inclusion was referenced, the consultation questions and supporting materials predominantly targeted reuse themes, not the implications of a Wales only decision to include glass in the single-use DRS from October 2027. Indeed, the responses to the consultation and a Welsh Government reply have still not been published despite the laying of the regulations. British Glass is concerned that stakeholders were not meaningfully consulted on the crucial issue of creating a divergent glass obligation in Wales.

Furthermore, the Welsh Government notified the Regulations, including provisions on glass, to the World Trade Organisation before the public consultation closed.

This raises procedural concerns:

- It creates a reasonable impression that the Welsh Government had already settled its policy position on glass inclusion before the consultation had closed.
- It undermines the stated purpose of public consultation as an opportunity to influence the design of the scheme.

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Such timing gives consultees the perception that responses on glass inclusion could not have materially shaped the final regulatory approach. The Welsh Government has stated, in replies to these concerns, that previous consultations show public or industry support for including glass in a DRS. However, given that Wales withdrew from the UK wide approach in November 2024 and is now acting entirely alone on glass inclusion, consultations conducted under previous policy assumptions, where glass inclusion across the UK was being considered, cannot reasonably be relied upon as evidence of support for the new Wales-only model.

The Committee should note that no consultation has specifically asked stakeholders whether Wales should diverge from all other UK nations by including glass. This has prevented stakeholders from expressing informed substantive policy concerns to the Welsh Government and given no opportunity to discuss how these can be addressed before legislation is implemented.

3. Insufficient Impact Assessment in the Regulations

The [impact assessment](#) accompanying the Regulations is based on the 2021 three nations impact assessment and does not provide a sufficiently detailed analysis of:

- The impacts specific to Wales acting alone, including cross border market friction trade distortions, and the impact on consumers
- Producer level impacts, particularly the cost implications of running a glass only obligation in a small market.
- Interaction with UK wide Extended Producer Responsibility (EPR) obligations and Packaging Recovery Note flows.
- Operational feasibility of meeting very high (80%) return target in 2030 despite 0p deposit until 2031. This may also be in contravention of the Internal Markets exclusion.

Instead, it places much greater emphasis on Local Authority impacts and kerbside interactions, with limited assessment of the more complex market and supply chain effects of diverging from the rest of the UK.

British Glass believes that this does not meet the standard required for transparent, evidence-based lawmaking on a policy with wide ranging consequences on the Welsh economy.

4. Concerns Regarding the UK Internal Market Act Exclusion Process

The Welsh Government has stated that Wales required, and has obtained, an exclusion from the UKIMA to allow glass inclusion to proceed. However, British Glass is concerned that:

- The exclusion appears to have been sought late in the process and largely in response to industry pressure, rather than as part of a planned, fully transparent regulatory pathway.
- An ‘all or nothing’ approach was taken with no option of a Welsh DRS without glass given
- The Office for the Internal Market (OIM) does not appear to have been formally asked for an opinion, despite the significant implications for the functioning of the UK internal market.
- The Scottish Government’s earlier request for an exclusion to include glass in its own DRS was rejected, yet the Welsh Government request appears to have been accepted with comparatively limited scrutiny. The divergence in outcomes raises important procedural and constitutional questions.

5. Timing Concerns and the Proximity of the Senedd Election

The Regulations represent a major structural intervention in Wales’ packaging and recycling framework, with significant long-term impacts on producers, retailers, trade flows, and consumers. It is therefore concerning that the decision on a Wales only glass DRS is being pushed through shortly before the Senedd election, despite unresolved issues relating to cost modelling, interoperability, supply chain impacts, consumer choice and the UKIMA exclusion process.

British Glass recommends that the legislative process be paused and resumed urgently after the election, allowing:

- Proper scrutiny by a newly mandated Senedd
- A more thorough and balanced evaluation of the evidence
- A complete and transparent UKIMA exclusion process, including OIM engagement.

6. Conclusion

British Glass urges the Committee to scrutinise the procedural integrity of the Regulations on the following basis:

- A consultation that did not focus on the crucial policy divergence (glass inclusion)
- WTO notification before consultation closure
- Reliance on outdated consultations and impact assessment.
- A questionable and incomplete UKIMA exclusion process
- Pre-election legislative haste

We believe these points create a real risk that the Regulations are proceeding without adequate procedural foundations and therefore strongly recommend that the process be paused until after the Senedd election to ensure the Regulations are grounded in robust evidence, transparent procedure, and full constitutional scrutiny.