



Law Society  
of Scotland

# Consultation response

Consultation on Reforms to the Packaging Waste Recycling Note (PRN) and Packaging Waste Export Recycling Note (PERN) System and Operator Approval

May 2022



## Introduction

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The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental Law Sub-committee welcomes the opportunity to respond to DEFRA's consultation on *Consultation on Reforms to the Packaging Waste Recycling Note (PRN) and Packaging Waste Export Recycling Note (PERN) System and Operator Approval*<sup>1</sup>. We do not seek to answer the consultation questions but have the following comments to put forward for consideration.

## General remarks

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### Interface with Deposit Return Schemes (DRS)

We consider that the interface between the PRN/PERN system and DRS requires careful consideration, particularly in the context of Scotland and DRS is due to be introduced earlier in Scotland (2023) than in the rest of the UK.

### **'Operator Competence' test for compliance schemes, reprocessors and exporters**

We are broadly supportive of the proposal to introduce a technical competence test for compliance schemes. Such a test would allow for any concerns regarding previous compliance history to be considered and provide a basis on which applications could be refused or removed by looking at an operator's management systems, technical and financial competence.

<sup>1</sup> <https://consult.defra.gov.uk/packaging-extended-producer-responsibility/reforms-to-the-prn-and-pern-systems/>



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