

**Scottish Government**  
**Consultation Response: Duty of Care**  
**Code of Practice for Managing Controlled Waste**

<https://www.gov.scot/publications/duty-care-code-practice-managing-controlled-waste-consultation-draft/>

The Vending & Automated Retail Association (AVA) is the trade body and representative voice for the automated 24-hour food and beverage industry across the UK. Our membership covers approximately 80% of the sector, the majority of whom are small and medium-sized enterprises (SMEs), including a substantial proportion of micro-businesses.

While we support the Scottish Government's aims to improve waste management and resource use - including the updated duty to separately collect plastic film from 31<sup>st</sup> March 2027 as outlined in the draft Code - we have significant concerns about the proportional impact on micro-businesses.

Many of these small operators do not have the administrative capacity, specialist waste knowledge, or procurement power of larger organisations. As a result:

- The proposed enforcement and fee structure risks disproportionately impacting micro-operators, where any penalty could be financially severe, especially when non-compliance results from lack of awareness rather than intent.
- Micro-businesses typically do not use national waste contractors and therefore are less likely to receive structured communication about regulatory changes. This increases the risk of unintentional non-compliance under the updated Code, which now carries obligations related to new materials (e.g., plastic film) and revised duties for all waste holders.

The draft Code sets out obligations not only for waste producers, but also for waste collectors and waste managers. Under the updated interpretation, vending operators - many of whom handle waste, in particular plastic film, arising from product restocking, packaging, or machine operation - may now fall into the category of "waste managers."

This reclassification significantly increases the regulatory burden on operators who:

- Do not generate large waste volumes.
- Have limited control over end-user disposal behaviours.
- Have historically been categorised as small-scale waste producers rather than managers.

We urge the Scottish Government to clarify how vending operators will be treated under the updated Code and to consider exemptions or simplified requirements for low-volume operators.

The updated Scottish Code reflects UK-wide policy developments, including the new UK-wide requirement for plastic film recycling effective from 2027. Given that vending operators routinely operate across multiple UK nations, regulatory alignment is critical. Divergence between the Scottish system and the rest of the UK would create:

- Increased administrative burden.
- Confusion among operators.
- Higher compliance costs due to differing waste segregation, documentation, or enforcement requirements.

We therefore strongly recommend that Scotland's implementation mirrors, as closely as possible, the framework used in the rest of the UK, both in technical requirements and enforcement approach.

Given the breadth of new expectations - particularly around the separation and management of additional recyclable waste streams - the AVA believes that clear, accessible and sector-specific communication is essential.

We therefore strongly recommend that:

- The Scottish Environment Protection Agency (SEPA) and the Scottish Government coordinate a dedicated communication strategy aimed specifically at small and micro-businesses ahead of the March 2027 implementation date.
- Communication should include practical guidance, simple compliance checklists, and examples tailored to small-format and mobile retail operations common in the automated vending industry.
- A phased awareness campaign beginning well before 2027 will significantly reduce the risk of accidental non-compliance and support smoother sector-wide adoption of new obligations.

We encourage the Government to ensure the enforcement approach remains risk-based and proportionate, recognising that:

- Micro-businesses produce comparatively low waste volumes.
- Their environmental risk profile is significantly smaller than that of larger waste producers or managers.
- Support and education should be prioritised over punitive action for first offences arising from misunderstanding of new duties.

The AVA supports the overarching aim of improving Scotland's waste management system and contributing to the Circular Economy & Waste Route Map to 2030. However, to ensure successful implementation of the updated Duty of Care Code of Practice - including the new plastic film separation requirements - it is essential that small and micro-businesses receive early, targeted, and practical guidance. The draft Code's broadened interpretation

of “waste managers” may also mean that many vending operators, who handle only small amounts of packaging waste during routine restocking and machine operation, are newly classified as waste managers. This would place a disproportionate regulatory and administrative burden on low-volume operators who have historically been treated as

small-scale waste producers. We therefore urge the Scottish Government and SEPA to provide clarity on how vending operators will be categorised, ensure the enforcement approach remains proportionate to the low environmental risk posed by micro-operators, and take account of these concerns when finalising the Code.