

# FSB Wales Business Briefing

## Single Use Plastics Legislation in Wales

### 31<sup>st</sup> October 2023

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#### Overview

Welsh Government is bringing in an Act that will make it a crime to supply, display, or offer certain single use plastics to consumers in Wales, even for free. The Act covers 10 types of single-use plastics products, as well as those made from 'oxo-degradable' plastic. The government plans to introduce this ban in stages, to give businesses time to use up their existing stock and find alternatives.

The first phase of the ban came into force on **October 30<sup>th</sup> 2023**. This includes items such as:

- Single-use plastic plates
- Single-use plastic cutlery
- Single-use plastic drink stirrers
- Single-use plastic sticks for balloons
- Single-use plastic-stemmed cotton buds
- Takeaway food containers made of '*expanded or foamed extruded polystyrene*'
- Single-use plastic drinking straws<sup>1</sup>
- Certain types of plastic cups

The second phase of the ban will be expected in **Spring 2026**. Welsh Government will be publishing more detailed guidance on this phase before the ban comes into force.<sup>2</sup> This will include items such as:

- Single-use plastic bags
- Polystyrene lids for drink and food containers
- Products made from a certain type of plastic called '*oxo-degradable*' plastic

While most of the single use plastics being banned will be made from 'synthetic' plastic, plastic derived from crude oil, natural gas, or coal, the Act also includes other types of single-use plastic such as:

- '*Bio-based*' plastics
- '*Fossil-fuel based compostable*' plastic

The ban will not apply to single-use products which are made of other types of material, such as wooden cutlery or cotton buds with cardboard stems. However, the ban will apply if the non-plastic alternative product is coated, lined, or laminated with plastic. For example, a single-use plate made of paper which is coated or lined with a layer of plastic.

The ban applies to the supply of products to consumers in Wales.<sup>3</sup> It will affect all businesses and organisations, and any person who owns or manages businesses or undertakings such as:

- A body corporate (business or company)

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<sup>1</sup>With exemptions for people who need them to eat and drink safely and independently.

<sup>2</sup>You can find the Welsh Government's draft guidance on the ban here:  
<https://www.gov.wales/sites/default/files/publications/2023-09/single-use-plastic-draft-guidance.pdf>

<sup>3</sup>The ban does not apply to the supply of these products between businesses. For example, a wholesaler can still supply part single-use plastic straws to a restaurant to provide to consumers who are exempt.

- A partnership
- A person acting as a sole trader
- A government body or other public service provider
- A charity, club, syndicate, or voluntary organisation

## What is happening elsewhere in the UK?

### Plastics Tax

The Plastic Packaging Tax (PPT) was introduced by the UK Government on **April 1st 2022**.<sup>4</sup> It currently imposes a tax rate of £210.82 per tonne on plastic packaging with less than 30% recycled plastic content. This tax applies to both newly manufactured and imported plastic packaging, including packaging on imported goods. It applies on products whether they are manufactured in the UK or imported into the UK.

Businesses must register for the PPT if they expect to import or manufacture 10 tonnes or more of finished plastic packaging components in the next 30 days or if they have imported or manufactured 10 tonnes or more of such components in the past 12 months. To comply with the PPT, businesses must submit quarterly returns to HMRC, providing information about the weights of plastic packaging components imported into the UK, manufactured in the UK, containing 30% or more recycled content, and those exempt from the tax.

To ensure compliance with PPT regulators, businesses should:

1. Gather the necessary data to prepare the tax return, including identifying the relevant packaging components and reporting their weight and recycled content
2. Process the collected data to determine whether PPT is applicable for each component and reporting the weight on the tax return, even if no tax is due
3. Maintain the proper records of plastic packaging data, submit quarterly returns, and make any necessary payments

### Summary of Single Use Plastics Bans elsewhere in the UK

England, Scotland, and Northern Ireland are in the process of implementing or have already implemented single-use plastic bans akin to the one in Wales. Below is a summary of the bans, but more information can be found on the Senedd Research website and the House of Commons Library.<sup>5</sup>

	Wales	England	Scotland
<b>Single-use plastic cutlery, plates, straws, and stirrers</b>	Yes, from October 2023	Yes, from October 2023	Yes, since 2022
<b>Expanded polystyrene food containers and cups</b>	Yes, from October 2023	Yes, from October 2023	Yes, since 2022
<b>All oxo-degradable plastics</b>	Yes, from Spring 2026	No	No

<sup>4</sup>UK Government guidance can be found here: <https://www.gov.uk/guidance/check-if-you-need-to-register-for-plastic-packaging-tax>

<sup>5</sup><https://research.senedd.wales/research-articles/plastic-free-july-breaking-up-with-plastic-across-the-uk/>  
<https://commonslibrary.parliament.uk/single-use-plastic-how-do-bans-differ-across-the-uk-and-eu/>

<b>Single-use plastic and polystyrene lids for cups or containers</b>	Yes, from Spring 2026	No	No
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### What have FSB Wales been doing?

In 2022, we responded and gave written evidence to the Climate Change, Environment, and Infrastructure Committee’s consultation on the draft Bill that was looking to make the ban.<sup>6</sup>

We highlighted that:

- Our research has consistently shown that small businesses recognise their responsibility and are supportive of efforts to reduce single-use plastics but they need the right support to do so
- Small businesses in Wales have faced and continue to face significant challenges in the current economic landscape -we asked Welsh Government to ensure they are considering the context that this legislation is being introduced within
- We suggested a transition period to allow small businesses the time they need to adjust and use up the end of their stock, alongside awareness raising and the provision of clarity for businesses on the complex legislation, especially regarding cross-border divergences in the UK
- There could be potential for accidental non-compliance as awareness raising campaign may not make contact with small ‘hard to reach’ businesses
- Finally, we asked Welsh Government to consider incentives for change that focuses on the positive, such as: driving innovation in non-plastic alternative materials, improving recycling infrastructure, and raising awareness generally. We want them to take a market shaping approach that makes the most of opportunities, providing finance for innovation, and developing skills and competitive companies to support the transition.

We also gave oral evidence in front of the Climate Change, Environment, and Infrastructure Committee following our written evidence.<sup>7</sup>

Following that, in August 2023, we responded to Welsh Government’s consultation on the enforcement of the ban.<sup>8</sup> We asked them to:

- Implement a ‘Think Small First Model’ within enforcement that takes into account from the outset how enforcement will disproportionately affect smaller businesses.
- To ensure
  - that enforcement timeframes are realistic and achievable
  - that monetary penalties were proportionate, and that warnings and stop notices were preferential to monetary penalties,
  - that forcing a business to stop trading altogether is only used as a last resort,
  - that they engage and help businesses who were willing to resolve the issue before using punitive measures.

<sup>6</sup>Find our written evidence here:

<https://business.senedd.wales/documents/s129037/SUP%2006%20Federation%20of%20Small%20Businesses.pdf>

<sup>7</sup>Find our oral evidence here: <https://business.senedd.wales/ieIssueDetails.aspx?IIid=39822&Opt=3>

<sup>8</sup>Summary of responses to the consultation can be found here:

<https://www.gov.wales/sites/default/files/consultations/2023-08/response-document-enforcing-bans-and-restrictions-on-certain-single-use-plastic-products.pdf>

## **Biodegradable and Compostable Plastics**

Following concerns raised by members here in Wales, we have flagged issues to Ministers, civil servants, the Senedd Climate Change Committee chair, and the Climate Change Committee regarding the definition of plastic used in the legislation. Specifically, how it includes compostable, biodegradable, and bio-based plastics. Similar definitions are being used elsewhere in other UK legislation, such as the Plastic Packaging Tax. This limits and adversely impacts the finding of innovative solutions to plastic packaging. We requested the Welsh Government reconsider this definition to avoid the potential negative impacts this may have on Welsh eco packaging manufacturers.

### **What have FSB been doing elsewhere?**

At a UK level, FSB Wales have been working with the FSB Westminster team on the issue of biodegradable and compostable plastics. FSB have engaged with Defra on the issue, but Defra have indicated that they are not going to reconsider their decision on biodegradable materials. More recently, FSB have also written to the UK Secretary of State for Environment, Food, and Rural Affairs and have asked to meet to discuss the ban and wider support for SMEs to comply with the single-use plastics ban. We have also raised the issue at Environment Plenaries hosted by the Broadway Initiative.

FSB Scotland responded to a Scottish Government consultation on single-use plastics last June and raised similar issues to the FSB Wales team. Interestingly, their Big Small Business Small Business Survey found that when asked 'Have you made any changes to your business with regards to Net Zero?', 31% of respondents cited yes, through reduction in the use or supply of single-use plastics. This is in line with FSB Wales research that demonstrates SME's willingness and recognition of their environmental responsibilities.

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### **Resources for businesses:**

#### **Welsh Government Guidance for Business:**

**[https://www.gov.wales/environmental-protection-single-use-plastic-products-wales-act?qclid=EAIaIQobChMIzYSSkZGqggMVEeXtCh2ffwIvEAAAYASAAEgLGTPD\\_BwE](https://www.gov.wales/environmental-protection-single-use-plastic-products-wales-act?qclid=EAIaIQobChMIzYSSkZGqggMVEeXtCh2ffwIvEAAAYASAAEgLGTPD_BwE)**

#### **UK Government Guidance (for England):**

**<https://www.gov.uk/guidance/single-use-plastics-ban-plates-bowls-trays-containers-cutlery-and-balloon-sticks>**

#### **Scottish Government Guidance**

**<https://www.gov.scot/publications/environmental-protection-single-use-plastic-products-scotland-regulations-2021-guidance/>**

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