

Delivering Scotland's circular economy - proposed Circular Economy Bill

Consultation paper: [Delivering Scotland's circular economy - proposed Circular Economy Bill: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/consultation/consultation-gov.scot)

1. Do you agree there should be a duty on Scottish Ministers to publish a Circular Economy Strategy every 5 years?

Yes

No

Neither agree nor disagree

2. Do you have any further thoughts on a statutory duty to produce a Circular Economy Strategy?

We welcome the suggestion that the strategy would include detail on resource reduction plans. These should set out how to meet the targets, with outcomes, milestones and aligned budget resource; and Ministers must report progress to parliament on an annual basis. This would be similar to the Climate Change Plan in terms of scrutiny. Ideally reporting should be also linked into the National Performance Framework.

3. Do you think we should take enabling powers to set statutory targets in relation to the circular economy?

Yes

No

Neither agree nor disagree

4. Do you have any comments in relation to proposals to set statutory targets?

Holistic tracking through a 'monitoring framework' should include measurement of Scotland's global footprint. If this framework is to ensure 'that the wider social, economic and environmental impacts ... are taken into account' this must extend to the impact we have globally. Indicators such as carbon footprint or material footprint should take into account the effect of our decisions and actions overseas.

We do not agree that material footprint targets will not be a helpful mechanism in understanding and reducing Scotland's impact. By focussing on what a country consumes rather than produces, and by accounting for inputs drawn from anywhere in the world, this measure provides a useful estimate of the total use of raw materials by a society which, in turn, represents a significant part of their overall impact on the planet and its people.

Monitoring and tracking is useful, however additional targets will be needed to make sure that all sectors play their part and we need re-use targets to ensure that products are re-used where possible.

Scotland's responsibility extends to our waste exports. Whilst waste exports are a reserved matter, Scotland can introduce measures to take responsibility for our own waste and address the current system which has enabled increased export of waste including high profile record fines. Scotland

lacks the capacity to manage all of its own waste. Scottish waste exports have tripled since 2004 to 1.4Mt (which is 31% of Scotland's total waste arising in 2019)¹.

Greenpeace's recent investigation found thousands of tonnes of UK plastic being illegally dumped and burned in Turkey causing environmental and health fears. The European Environment Agency report similar problems with waste exports from Europe: "Many of the countries to which the EU exports its plastic waste are still in their infancies with respect to developing waste management. Imported waste is often not processed in accordance with European standards and might even be dumped or burned in unregulated ways. This is despite the fact that EU waste legislation states that recovery operations on exported waste must take place under 'broadly equivalent conditions' to those within the EU. Many stakeholders in south-east Asia profit from a lack of legal operators and the failure of authorities to cope with the increased imports."

Exporting waste to countries with inadequate infrastructure to process it is a failure of global responsibility and Scotland can address this by reducing the amount of waste for exports, setting reduction targets, and improving our own recycling facilities.

The monitoring framework should set targets for reducing waste exports, and the Circular Economy Strategy should introduce measures to enable Scotland to increase its capacity of recycling facilities to handle our own waste. Waste reporting should be improved and include final end destination.

A duty should be placed on Scottish Ministers to report annually on Scotland's progress towards these targets.

5. Should a dedicated Circular Economy public body be established?

Yes

No

Neither agree nor disagree

6. Please provide evidence to support your answer to question 5

7. If a Circular Economy public body were to be established, what statutory functions should it fulfil?

The public body should be an advisory body. It must be independent from government and be adequately resourced.

8. Do you agree that the Scottish Government should have powers to ban the destruction of unsold durable goods?

Yes

No

Neither agree nor disagree

¹ SEPA (2022) 2020 Limited Waste Data Tables <https://www.sepa.org.uk/environment/waste/waste-data/waste-data-reporting/waste-data-for-scotland/>

9. Do you have any comments in relation to proposals to ban the destruction of unsold durable goods?

10. Are there particular product categories that you think should be prioritised?

11. Are there product categories that should be excluded from such a ban?

12. The previous consultation showed broad support for the proposal that Scottish Ministers should have the power to set charges for environmentally harmful items, for example single-use disposable beverage cups. Is there any new context or evidence that should be taken into account in relation to this proposal?

13. Do you have any further comments on how a charge on environmentally harmful items should be implemented?

14. The previous consultation showed broad support for the proposal that Scottish Ministers should have the power to require mandatory public reporting of unwanted surplus stock and waste. Is there any new context or evidence that should be taken into account in relation this proposal?

15. The previous consultation showed broad support for the proposal that food waste should be a priority for regulations. Is there any new context or evidence that should be taken into account in relation this proposal?

16. Are there other waste streams that should be prioritised?

17. The previous consultation showed broad support for the proposal that Scottish Ministers should have powers to place additional requirements on local authorities in order to increase rates and quality of household recycling. Is there any new context or evidence that should be taken into account in relation to the proposal?

18. The previous consultation showed broad support for the principle that there should be greater consistency in household recycling collections. Is there any new context or evidence that should be taken into account?

19. The previous consultation showed broad support for the principle of moving away from the current voluntary approach to Scotland's Household Recycling Charter towards a more mandated approach, whereby implementation of the Charter and its supporting Code of Practice becomes a statutory obligation. Is there any new context or evidence that should be taken into account?

20. Do you agree that Scottish Ministers should have the power to introduce statutory recycling targets for local authorities?

Yes

No

Neither agree nor disagree

21. If you agree with Q.20, do you agree that Scottish Ministers should have the power to introduce and set financial incentives for local authorities to meet these targets, or penalties should these targets not be met?

Yes

No

Neither agree nor disagree

22. Please explain your answer

Local authorities will need sufficient resources to provide services to meet these targets.

23. The previous consultation showed broad agreement that householders' existing obligations are not sufficient. Is there any new context or evidence that should be taken into account?

24. Do you agree with the principle that local authorities should have more powers to enforce recycling requirements?

Yes

No

Neither agree nor disagree

25. Please add any additional comments

This must be handled fairly and any additional needs that people have should be taken into account.

26. Are there further powers, if any, for Scottish Ministers, and/or local authorities, that should be considered in order to incentivise positive household behaviours, to support waste reduction and increased recycling in Scotland?

In any public messaging, the reason for reducing waste and increasing recycling should link both local environmental impacts that people have a direct connection to; and also to the global development impacts, and the ethical responsibility that we all have to reduce waste.

27. Are there any other legislative measures that you consider Scottish Government should take to strengthen recycling and reuse at a household level, helping accelerate the rate and quality of household recycling in Scotland?

28. Please add any additional comments

Business recycling collection zoning

Proposal 11: Business recycling collection zoning

29. Do you agree with the principle of Scottish Ministers, and local authorities if appropriate, taking on the necessary powers to explore and trial commercial waste zoning approaches in Scotland?

Yes

No

Neither agree nor disagree

30. Please add any additional comments:

31. The previous consultation showed broad support for the proposal that Scottish Ministers should have the powers to introduce a new fixed penalty regime for littering from vehicles. Is there any new context or evidence that needs to be taken into account?

32. The previous consultation showed broad support for the principle that the registered keeper of a vehicle bears primary responsible for offences such as littering from or in relation to their vehicle (for example by passengers or people using that vehicle at that time). Is there any new context or evidence that needs to be taken into account?

Seizure of vehicles

Proposal 13: Seizure of vehicles

33. The previous consultation showed broad support for the principle that enforcement authorities should be given powers to seize vehicles linked to waste crime. Is there any new context or evidence that should be taken into account?

34. Taking into account the accompanying EQIA, are there any additional likely impacts the proposals contained in this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above?

The proposals in this consultation should also be assessed for impact on people with the 'protected characteristics' living outside Scotland, particularly in the global south. Any impact assessment should use a 'policy coherence for sustainable development' approach so that impacts are assessed at local and global level. For example, changes to value chains and waste cycles that would result from circular economy procurement strategies by public bodies here in Scotland will likely have impacts on communities in the global south.

Business and regulation

35. Taking into account the accompanying BRIA, do you think that the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any business or sector?

Children's Rights and Wellbeing Impact Assessment

36. Taking into account the accompanying CRWIA, do you think that the proposals contained in this consultation are likely to have an impact on children's rights and wellbeing?

Islands Communities Impact Assessment

37. Taking into account the accompanying ICIA, do you think that the proposals contained in this consultation are likely to influence an island community significantly differently from its effect on other communities in Scotland?

Fairer Scotland Duty

38. Taking into account the accompanying Fairer Scotland Assessment summary template, do you think that the proposals contained in this consultation are likely to have an impact in relation to the Fairer Scotland Duty?

Environment

39. Do you think that the proposals contained in this consultation are likely to have an impact on the environment?

40. Do you have any other comments that you would like to make, relevant to the subject of this consultation, that you have not covered in your answers to other questions?

Proposals for a circular economy in the Scottish context cannot be created in a vacuum, and must be explicitly linked to implications on a global level, for people and planet, not just the local environment. Moreover, for an inclusive transformation to a circular economy at any level - local or planetary - we cannot overlook the systemic issues of unequal power relations entrenched in global value chains or waste cycles, between rich countries and poor countries. Therefore, these proposals should explicitly acknowledge this reality and seek to include social and economic impact assessments at global level, especially for poor countries.

Historically, in the context of sustainable development, failure to explicitly consider the needs and lived experiences of marginalized populations (women, indigenous people, people with disabilities etc.) has resulted in poor development outcomes. Furthermore, evidence demonstrates that the climate and nature emergencies are felt most severely in the global south, and have been historically caused disproportionately by early industrialised countries like Scotland in the global north. Going further with proposals is therefore a question of social, economic and environmental justice for those living in poorer more vulnerable places across the global south.

We would like to see an inclusion on the face of the bill that a key feature of a circular economy is that it is socially and economically inclusive at local and global levels, while ensuring restoration and regeneration of our natural systems. Doing this properly sets an example globally which is vital for achieving a more sustainable world. In addition it would be worth acknowledging that adopting a circular economy approach can contribute directly to achieving a significant number of SDG targets. The strongest relationships exist between CE practices and the targets of SDG 6 (Clean Water and Sanitation), SDG 7 (Affordable and Clean Energy), SDG 8 (Decent Work and Economic Growth), SDG 12 (Responsible Consumption and Production), and SDG 15 (Life on Land).

Assessing the global impacts of policies introduced to make our economy less wasteful and more sustainable should be assessed using a 'Policy Coherence for Sustainable Development' approach.

Question 5. To what extent do you agree with the measures proposed in this package to improve recycling from households? Please provide evidence to support your answer if possible. [Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Not answered]

Question 6. Are there any further measures that you would like to see included in the Route Map to improve recycling from households and incentivise positive behaviours?

Recycling facilities should be easily identifiable and there should be consistency in receptacles and collections. Labelling on packaging needs to be improved as to whether an item is suitable for recycling.

Question 7. To what extent do you agree with the measures proposed in this package to improve recycling from commercial businesses? Please provide evidence to support your answer if possible.

[Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Not answered]

Question 8. Are there any further measures that you would like to see included in the Route Map to improve waste recycling from commercial businesses?

Question 9. To what extent do you agree with the measures proposed in this package to embed circular construction practices? Please provide evidence to support your answer if possible.

[Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Not answered]

Question 10. Are there any further measures that you would like to see included in the Route Map to embed circular construction practices?

Mandatory standards, targets and requirements would be more effective than voluntary approaches.

Question 11. To what extent do you agree with the measures proposed in this package to minimise the impact of the disposal of residual waste? Please provide evidence to support your answer if possible. [Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Not answered]

Question 12. Are there any further measures that you would like to see included in the Route Map to minimise the impact of disposal?

There are considerable quantities of recyclable materials in residual waste. Waste facilities could be mandated to pre-sort residual waste prior to disposal to remove recyclable material.

Question 13. To what extent do you agree with the measures proposed in this package to support action across the circular economy? Please provide evidence to support your answer if possible.

[Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Not answered]

Measures to support action across the circular economy must be explicitly linked to implications on a global level, for people and planet, not just the local environment.

Question 14. Are there any further measures that you would like to see included in the Route Map to support action across the circular economy?

There needs to be a sustained general awareness raising campaign to increase understanding of what a circular economy is, why we need one – which should include addressing the global impact of our decisions and actions in Scotland - and how everyone can get involved.

Question 15. To what extent do you agree with the principles proposed to underpin future circular economy targets? Please provide evidence to support your answer if possible. [Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Not answered]

Principle 1: Achieve net zero by 2045. - Over half of our carbon footprint comes from imported products and services. Future targets should align with net zero consumption emissions, rather than territorial emissions which don't take account of emissions from the goods we import from other countries. We need to take responsibility for the impact of Scottish consumption abroad.

Principle 2: Reduce the material footprint of our resources and waste – Agree – and we must acknowledge and reduce our global material footprint.

Principle 3: Maximise the value of our circular economy – if value is taken in the wider sense, to include the true social value (rather than market value) then we agree with this principle.

Principle 4: Align with the EU - agree