RESPONDING TO THE CIRCULAR ECONOMY CONSULTATIONS

A guide on responding to the Scottish Government's consultations on a draft Circular Economy Route Map and Proposals for a Circular Economy Bill

July 2022

Introduction

Scotland has had a Circular Economy Strategy, *Making Things Last*[1] since 2016, and there has been some valuable work since then. However, the approach to date has been inadequate both in ambition and scope. The Scottish Government recently published two important consultations which will form the basis for circular economy policies and actions going forward.

Scottish Environment LINK welcomes the proposals put forward by the Government but believes that they can be bolder and would like to see additional actions in certain areas. It is encouraging all organisations which are concerned about our environment, our carbon footprint and the social implications of continuing to consume more of the world's resources to make submissions and has produced this guide to assist.

The way we use and waste materials is unsustainable. In Scotland the average person consumes 18.4 tonnes of materials every year which is more than double sustainable levels[2]. Around four-fifths of Scotland's carbon footprint comes from the products and materials we use[3] and, as well as impacting our climate, the extraction and processing of raw materials is one of the key drivers of biodiversity loss[4]. We need to be much wiser in our use of materials and a more circular economy offers an approach to do this.

In a more circular economy[5] we will extract less raw material from the planet, make better use of materials we have, and waste less. This will reduce the emissions which are embedded in materials and products we use[6]. It also reduces our impact on biodiversity by lessening habitat destruction and pollution. What's more, a circular economy offers jobs[7] and a more resilient trajectory[8], with more efficient and resilient supply chains and a focus on restorative systems.

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[1] https://www.gov.scot/publications/making-things-last-circular-economy-strategy-scotland/

[2] https://www.zerowastescotland.org.uk/research-evaluation/material-flow-accounts-mfa

[3] https://www.gov.scot/publications/scotlands-carbon-footprint-1998-2018/

[4] https://www.resourcepanel.org/reports/global-resources-outlook

[5] A circular economy (as opposed to a 'take, make, use, discard' linear economy), aims to optimise the use of materials, for example by sharing products, and making products that last a long time and are easy to repair and re-use. A circular economy is based on the principles of designing out waste and pollution, keeping products and materials in use; and regenerating natural systems.

[6] https://www.ellenmacarthurfoundation.org/publications/completing-the-picture-climate-change

[7] https://zerowasteworld.org/zerowastejobs/ , https://www.zerowastescotland.org.uk/sites/default/files/Jobs_Scotland_online6.pdf ,

[8] https://greenallianceblog.org.uk/2020/06/02/a-circular-economy-will-protect-us-against-future-shocks/ https://www.ellenmacarthurfoundation.org/news/covid-19-insights-build-back-better-with-the-circular-economy

The Route Map and the Bill are an important opportunity to set Scotland on this path. Below we make some specific suggestions, and also give information and pose some questions which respondents can use to develop responses from their own points of view

How to respond

This guide is intended to help you to respond to two Scottish Government consultations on the circular economy.

1. **The draft Circular Economy Route Map sets out the Scottish Government's plans for work on the circular economy**
2. **The Proposals for a Circular Economy Bill include the new powers that the Scottish Government needs in order to deliver its plans in the Route Map.**

Both consultations are important and will be analysed separately.

1. **Guide to responding to the Scottish Government draft Circular Economy Route Map.**

This guide to the **Scottish Government Consultation on a draft Circular Economy Route Map** is based on suggestions made at a joint Scottish Environment LINK / Friends of the Earth Scotland event: *Materials Matter – A circular economy for Scotland: Have your say*; and additional ideas that LINK members and other organisations we work with have put forward in recent discussions.

Please open the consultation on the draft Circular Economy Route Map
https://consult.gov.scot/environment-forestry/scotlands-circular-economy-routemap/

If you have time, there is more background information in the 'supporting documents' – Delivering Scotland's circular economy A Route Map to 2025 and beyond.

The consultation includes the following questions. Please answer as fully or otherwise as you wish. You can skip questions, and if you have ideas that don't seem to fit into any of the identified packages, you can include them in answer to Q14. In general, we agree with most of the measures proposed in this consultation. Our suggestions are in blue text (for some questions we don't have expertise or additional information, so these are blank on purpose) – but this is your response, so do include any ideas you have.

Question 1. To what extent do you agree with the measures proposed in this package to promote **responsible consumption, production and re-use**? Please provide evidence to support your answer if possible.

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

Question 2. Are there any further measures that you would like to see included in the Route Map to promote responsible consumption, production and re-use?

This a big area and really important – how to change the way we make things, how to encourage re-use and how to encourage more responsible consumption. Can you think of other things the Scottish Government should do?

Some retailers such as IKEA and H&M already offer to take back used items. This best practice should be built on - all furniture and clothes retailers could be required to take back used items. This

could be extended to other product groups such as electrical items, or across the board. It would help mainstream re-use and encourage retailers to think about how they can re-use their products or materials instead of relying on new raw materials and, ultimately, feed through to design such that products are both made from secondary materials and designed to retain value.

Are there items that you think should be banned now? The Government has banned the sale and manufacture of some of the most commonly littered single use plastics; but what else could be banned?

LINK members[9] proposes that single-use crockery and cutlery is banned from 'closed settings' – i.e. where people consume the food and drink in a defined area.

It has been suggested that the proposed action in the draft Route Map to 'develop a prioritised approach to charges and bans on environmentally damaging products' should extend to all products that can not be safely reused or recycled being banned or phased out, except essential items with no current alternative.

The charge being proposed for single use beverage cups should be extended to single-use food containers. Take-aways and providers of on-the-go food should be required to offer to serve their food or beverage in reusable containers – this is the law in Germany.

We should have deposit return schemes for reusable cups and food containers. Again, Germany has experience of this.

Could we do more to tackle single-use packaging? Should a small charge be levied on all single-use bags, including the very small ones, to encourage people to bring reusable bags for loose items?

In France, plastic food packaging is banned for about 30 types of fruit and vegetables – should we follow suit.

Should there be a repair incentive voucher scheme as in Austria to encourage people to get things repaired? LINK members would like to see proposals for a repairability index so products have labels showing how repairable they are.

Question 3. To what extent do you agree with the measures proposed in this package to **reduce food waste**? Please provide evidence to support any identified opportunities and challenges associated with the measures in your answer if possible. [Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Not answered]

Question 4. Are there any further measures that you would like to see included in the Route Map to reduce food waste?

The measures are welcome, but neither strong enough nor comprehensive enough. What else can we do to address waste and pollution in our food sector?

LINK members would like to see the mandatory reporting on food surplus and waste for businesses apply to catering outlets as well as food retailers, and should to their supply chains.

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[9] Where this paper refers to LINK members, it includes those members who supported these positions in previous LINK publications, for example https://www.scotlink.org/publication/call-for-a-strong-circular-economy-bill-for-scotland/ or https://www.scotlink.org/wp-content/uploads/2019/12/LINK-CE-consultation-response-Dec-2019-1.pdf

Food waste reduction plans should be mandatory rather than voluntary.

Looking beyond food waste, the Route Map should look at how we produce food, especially protein. A co-developed protein strategy, to make use of waste and by-products and ensure protein is produced sustainably, should be included.

The Route Map should also include measures to take care of our soils to ensure they are regenerated, not polluted and not eroded. We need a National Soil Plan which reports on a 5-year cycle on the state of Scotland's soils and monitors soil loss/health, with ambitious targets to increase soil carbon.

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]

LINK members would also like to emphasise the importance of delivering a comprehensive re-use service (as well as recycling).

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?

Here you can add your own ideas about how household recycling could be improved. LINK members want a recycling system such that everyone has access to easily identifiable recycling facilities, there is consistency in collections across Scotland, packaging and products are clearly labelled as to whether they are suitable for recycling, and there is a sustained public awareness campaign. This requires significant investment and lessons can be learnt from Wales which has achieved much higher recycling rates.

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]

LINK partners from the resource management sector have concerns about the fourth proposal on waste zoning along the lines of the reservations cited in the draft Route Map.

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]

The measures are welcome, but not strong enough.

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

LINK partners from the construction sector think that The Scottish Government should set mandatory standards, targets and requirements for the construction sector, rather than relying on 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. Some waste facilities already pre-sort residual waste prior to disposal to remove valuable material. LINK members suggest that this best practice should become mandatory.

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]

The measures are welcome, but LINK members would like to see stronger measures on procurement. We need to ensure that the norm is for public spending to support the principles of a circular economy.

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 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 – 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.

Principle 2: Reduce the material footprint of our resources and waste – agree

Principle 3: Maximise the value of our circular economy – if value is taken in the wider sense, to include the true social value, then we agree with this principle. We caution against being driven by market value.

Principle 4: Align with the EU - agree

We suggest a 5th Principle: Achieve nature positive by 2030. Some damaging aspects of our linear economy, especially the leakage of harmful materials, impact biodiversity and would not necessarily be covered by the other principles.

2. **Guide to responding to the Scottish Government Proposals for a Circular Economy bill.**

This guide to the **Scottish Government Consultation on the proposals for a Circular Economy bill** contains key points drawn from LINK's call for a strong circular economy bill and other suggestions made at a joint Scottish Environment LINK / Friends of the Earth Scotland event: *Materials Matter – A circular economy for Scotland: Have your say*; and additional ideas that LINK members and other organisations we work with have put forward in recent discussions.

Scottish Environment LINK – A Circular Economy for a Fairer Footprint

If you want to do a very quick response, please agree with all proposals. If you have a bit more time, please think about additional things you think the Scottish Government should do and include these.

Please open the consultation on proposals for a Circular Economy bill
https://consult.gov.scot/environment-forestry/scotlands-circular-economy-legislation/

There is more background information if you click on 'read the consultation paper' and 'supporting documents' and go to Delivering Scotland's Circular Economy – A Consultation on Proposals for a Circular Economy Bill.

The consultation includes the 40 questions. Please answer as fully or otherwise as you wish. You can skip questions, and if you have ideas that don't seem to fit into any of the questions, you can include them in answer to Q40. Our suggestions are in blue text – but this is your response, so do include any ideas you have.

1. Do you agree there should be a **duty on Scottish Ministers to publish a Circular Economy Strategy every 5 years?**
 A) Yes
 B) No
 C) Neither agree nor disagree

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

LINK members think that such a Strategy should be on a par with the Climate Change Plan in terms of scrutiny. The Strategy must set out how consumption and other CE targets are going to be met, measures to address harmful materials and chemicals and obligations on different sectors. Sector level plans, including farming and aquaculture, should be included as part of the Strategy and link to Just Transition Plans. There needs to be aligned investment.

3. Do you think we should take enabling **powers to set statutory targets in relation to the circular economy?**
A) Yes
B) No
C) Neither agree nor disagree

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

LINK members think that statutory consumption targets need to be set as soon as possible and there needs to be a commitment to do this by 2025 at the latest. New targets should include material and carbon footprint targets to drive policy to reduce our overall consumption of raw materials, especially those that have the biggest carbon impacts. LINK members would also like to see a reuse target and a more ambitious food waste target of 50% by 2030.

The Bill must include a duty on the relevant minister to report annually on the new CE targets.

5. Should a dedicated **Circular Economy public body be established**?
A) Yes
B) No
C) 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?

It is important that advisory, regulatory and delivery powers should be separated – see LINK publication Governance Matters. LINK members think that the Circular Economy public body should be an advisory body, like the Scottish Land Commission. Regulation and executive functions should be carried out by Scottish Government, Local Authorities and SEPA.

8. Do you agree that the Scottish Government should have powers to **ban the destruction of unsold durable goods**?
A) Yes
B) No
C) Neither agree nor disagree

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

A suggestion is that the scope should be widened to include returned goods that are reusable.

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?

No, nothing should be excluded.

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? L

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

Given the purpose of introducing such a charge is to influence consumer behaviour and reduce the consumption of particular products, care needs to be taken to prevent consumers from switching to equally or more environmentally harmful alternatives. This may involve parallel interventions to compliment the charge in achieving its aims. For example, LINK members think that in parallel with introducing a charge on single-use cups, there needs to be government led intervention to encourage re-useable cup deposit schemes, and, further, single-use crockery and cutlery needs to be banned from closed settings.

When a charge is implemented, it should be done so as comprehensively as possible.

Given this was consulted on previously and the urgency we face, secondary legislation should be introduced in this bill to implement the above measures.

As a general principal, if a charge is for packaging or something that is typically sold together with something else, the charge should be applied in a cost neutral way, such that the total cost remains the same but is split between the cost of the package and the cost of the contents.

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?

LINK members think it is important that this requirement is extended to supply chains to reveal more of the life cycle impact of products and encourage businesses to work with their supply chains to reduce waste.

Given this was consulted on previously and the urgency we face, secondary legislation should be introduced in this bill to implement the above measures.**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?

This should be rolled out to all waste streams. Order of priority should align with the environmental harm caused by the waste stream.

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?

Latest household recycling figures show a small decline in recycling rates, highlighting the imperative of interventions to improve household recycling.

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?

LINK is aware that the code of practice might need revising before it is suitable to be mandated across Scotland given the variations in population densities/ housing type.

20. Do you agree that Scottish Ministers should have the power to introduce statutory recycling targets for local authorities?
A) Yes
B) No
 C) 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?
A) Yes
B) No
C) Neither agree nor disagree

22. Please explain your answer

LINK members agree with these propositions with the condition that Local Authorities have sufficient resource to provide the services to meet the 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?
A) Yes
B) No
C) Neither Agree nor Disagree

25. Please add any additional comments

LINK members would add that this must be exercised fairly and additional needs people might have taken into account. Additionally, people need to have access to clearly identifiable recycling facilities, and products and bins must be clearly labelled in a consistent fashion.

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?

LINK's ENGO partners in Europe are supporting of powers to introduce charges or other incentives to increase recycling and reduce household residual waste. Charges or other incentives are successfully used in many European countries[10]. They should not be introduced until all households have access to comprehensive recycling infrastructure/ collection and should be implemented fairly, for example, any standard charge associated with residual waste collection be accompanied by a reduction in council tax.

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?

LINK members think that local authorities should be required to facilitate increased re-use through a comprehensive re-use service driven by a 're-use charter'.

28. Please add any additional comments

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?
A) Yes
B) No
C) Neither agree nor disagree

30. Please add any additional comments:

LINK is aware of concerns around commercial zoning in terms of impact on local SME providers. We support efforts to reduce air pollution, emissions and noise, but would like to see this balanced with the above.

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?

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https://greenbestpractice.jrc.ec.europa.eu/node/7#:~:text=Pay%2Das%2Dyou%2Dthrow%20(PAYT)%20is%20a,to%20the%20waste%20management%20system.

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?

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?

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?

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?

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?

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?

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?

Additional ideas from LINK members and attendees of our workshop:

The bill should introduce powers for the Government to require public bodies and all other organisations over a certain size to report on their scope 3 emissions annually.

Sector level plans, including farming and aquaculture, should be included as part of the proposed Strategy. Plans should include targets, outcomes, milestones and aligned budget resource. Sector Plans must look at supply chains and inputs to the sectors as well as making best use of the products/materials and reducing waste. A protein strategy and its implementation has an important function in reducing our environmental footprints and needs to be linked to a Sector Plan for farming.

Care for our soil is the corner stone of a circular economy. This bill must require Ministers to produce a Soil Plan, either as part of the proposed 5 yearly strategy or separately, which details how to nurture and regenerate our soils.

The Bill must include a duty on public bodies to act in such a way as to contribute to the new CE targets. All funding, investment, public procurement, and policies and plans should be scrutinised against circular economy principles and material impacts, and opportunities sought to reduce such impacts.

Measures to address procurement, to ensure that all public spending aligns with the circular economy, need to be stronger and may require changes to legislation. Procurement decisions need to be based on the long term cost of the purchase, including operating and end of life costs, and carbon and material footprint considerations, as well as other criteria such as supporting local supply chains. Public bodies must be required to report on the impact of procurement including its footprints. The European Green Public Procurement Guidelines should be followed.

Data and data access is important. Data collected needs to be accessible to the public.

If satisfactory measures on chemical traceability are not introduced at a UK level, Scotland must use powers under the Environment Act to introduce clear traceability.

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