



## Consultations on a Circular Economy Bill and Route Map Response from Stop Climate Chaos Scotland August 2022

### **Introduction**

[Stop Climate Chaos Scotland](#) (“SCCS”) is a diverse coalition of over 60 civil society organisations in Scotland who campaign together on climate change. Our members include environment, faith and belief groups, international development organisations, trade and student unions and community groups. We believe that the Scottish Government should take bold action to tackle climate change, with Scotland delivering our fair share of action in response to the Paris Agreement and supporting climate justice around the world.

We welcome the opportunity to respond to these consultations on “[Proposals for a Circular Economy Bill](#)” and “[Delivering Scotland's circular economy - route map to 2025 and beyond](#)” by means of this written submission. SCCS is aware that many of our members, including Friends of the Earth Scotland and Circular Communities Scotland, and stakeholders beyond our coalition, including Scottish Environment LINK, will be providing detailed responses to these consultations. We particularly commend and support these responses and as such, we do not intend to respond to the individual questions. As our comments are strategic, this submission takes the form of a written contribution, rather than seeking to answer the specific questions in the online consultations.

### **Climate context**

Global warming of 1°C has already taken place since the pre-industrial period, almost entirely due to human emissions of greenhouse gases. The impacts are already being felt and further emissions make these increasingly worse. The Paris Agreement aims for countries to work to limit warming to well below 2°C and to aim for 1.5°C above pre-industrial levels. The UN’s Intergovernmental Panel on Climate Change (IPCC)<sup>1</sup> states that restricting global warming to the 1.5°C level would require a 45% reduction in net human-caused emissions of CO<sub>2</sub> by 2030, global carbon net neutrality by mid-century, and then the removal of billions of tonnes of atmospheric carbon dioxide for the rest of the century. The IPCC also stated that there are fewer than 12 years to make the necessary changes; we must therefore act now.

In August 2021, the IPCC issued the starkest warning yet about human impact on the planet, including more intense heatwaves and more extreme weather events, with some changes now inevitable and irreversible<sup>2</sup>. The UN Secretary General branded the findings a “code red for humanity”<sup>3</sup>. The science is now overwhelming: without concerted action we’re headed towards climate catastrophe; with the poorest communities and future generations suffering the most.

“As First Minister of Scotland, I am declaring that there is a climate emergency.  
And Scotland will live up to our responsibility to tackle it.”

Rt. Hon. Nicola Sturgeon MSP, 28 April 2019<sup>4</sup>.

In April 2019, the First Minister ‘formally’ declared a climate emergency<sup>5</sup>. This language was subsequently central to Scottish Government policy and statements – for instance, the (then) Cabinet

<sup>1</sup> IPCC Special Report: Global Warming of 1.5°C, October 2018. <https://www.ipcc.ch/sr15/>

<sup>2</sup> <https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/>

<sup>3</sup> <https://www.bbc.co.uk/news/science-environment-58130705>

<sup>4</sup> <https://www.ukpol.co.uk/nicola-sturgeon-2019-speech-at-snp-conference/>

<sup>5</sup> <https://www.bbc.co.uk/news/uk-scotland-scotland-politics-48077802>



Secretary's statement in May 2019<sup>6</sup> and the 2019-20 Programme for Government<sup>7</sup>. It remains a key element of policy with one of the six chapters within the Scottish Government – Scottish Green Party Shared Policy Programme entitled “Responding to the climate emergency”<sup>8</sup>. The co-operation agreement also creates a Cabinet Sub-Committee on the Climate Emergency “to provide cross-Government leadership and coordination of efforts to tackle climate change”<sup>9</sup>.

In May 2019, the UK Climate Change Committee (CCC) recommended that Scotland could reach a net zero target for greenhouse gases by 2045 (ahead of the UK, which could meet the same target by 2050)<sup>10</sup>. The Scottish Government swiftly accepted these recommendations<sup>11</sup> and have now legislated to secure net zero emissions by 2045, with an interim target of a 75% reduction by 2030<sup>12</sup>.

Meeting these ambitious and welcome targets will not be possible without addressing issues of waste and consumption.

“Major changes are required across the Scottish economy, requiring lasting, systemic changes in most sectors.”

Climate Change Committee, December 2021<sup>13</sup>

### **Climate and the economy**

Around four-fifths of Scotland's carbon footprint comes from the products and materials we use<sup>14</sup> and, as well as impacting our climate, the extraction and processing of raw materials is one of the key drivers of biodiversity loss<sup>15</sup>. A more 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. Such a circular economy is based on the principles of designing out waste and pollution, keeping products and materials in use, and regenerating natural systems. It offers, therefore, an approach to contribute to reducing emissions from waste and consumption.

This background is acknowledged in the Ministerial Foreword to the consultations – yet, the detail of the proposals and how their implementation will reduce (and, importantly, be shown to reduce) emissions is limited. In particular, while the overall intentions of the proposals set out are commendable, we believe there is scope for considerable improvements that could strengthen the package of proposals.

To provide such a robust package requires clear targets, a strategy that commits to the necessary measures to meet those targets, a monitoring framework that measures and openly reports on progress towards those targets, and a scrutiny/review process that requires measures to be amended should progress be inadequate. At present, some parts of this package are proposed – but those parts are insufficiently interrelated and the absence of clear, statutory targets undermines the good intent.

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<https://www.gov.scot/publications/global-climate-emergency-scotlands-response-climate-change-secretary-roseanna-cunninghams-statement/>

7 <https://www.gov.scot/news/protecting-scotlands-future/>

8 <https://www.gov.scot/publications/scottish-government-and-scottish-green-party-shared-policy-programme/>

9 <https://www.gov.scot/publications/scottish-government-and-scottish-green-party-cooperation-agreement/>

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<https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf>

11 <https://www.gov.scot/news/climate-change-action-1/>

12 <https://www.legislation.gov.uk/asp/2019/15/enacted>

13 <https://www.theccc.org.uk/publication/progress-reducing-emissions-in-scotland-2021-report-to-parliament/>

14 <https://www.gov.scot/publications/scotlands-carbon-footprint-1998-2018/>

15 <https://www.resourcepanel.org/reports/global-resources-outlook>



## **Targets**

If the aim of Scotland's circular economy bill and strategy is (as it should be) to reduce material consumption to sustainable levels in a just and fair way by 2045, there must be appropriate targets set. SCCS supports calls for these to be based on measurements of carbon emissions and material consumption. Both must be reduced if material consumption is to become sustainable. These targets should be statutory, ideally set in the primary legislation as is the case in relation to Scotland's wider emissions' reduction targets.

Other respondents will support more detailed arguments in relation to the level and nature of such targets. SCCS' view is that, at the very least, these targets must be compatible with (and contribute to) our emissions' reduction targets. This means that the emissions 'envelopes' for waste and other aspects of the circular economy must be in line with the Climate Change Committee's recommendations for meeting statutory emissions targets. All sectors use materials; therefore, all 'envelopes' in the Climate Change Plan must include emissions' reductions associated with the transition to a circular economy.

However, emissions arising from consumption of goods and services from outside of Scotland are not included within the formal inventory of Scotland's emissions and reduction targets. Despite this, they are measured<sup>16</sup> and remain an issue to be addressed if Scotland is to make its fair contribution to the global change needed to address climate change. After all, consumption in Scotland is our use of resources - and Scotland should be responsible for those emissions. This importance is recognised by s.35(18) of the Climate Change (Scotland) Act 2009, as amended, which requires that the Climate Change Plan:

*"must also set out the Scottish Ministers' proposals and policies for taking, or supporting, action to reduce emissions of greenhouse gases (whether in Scotland or elsewhere) which are produced by or otherwise associated with the consumption and use of goods and services in Scotland."*

**The setting of a clear (and statutory) greenhouse gas emissions-based target to reduce Scotland's carbon footprint to zero by 2045 (with an interim target to reduce Scotland's carbon footprint by 75% by 2030) would be an ideal policy to be able to report in the next Climate Change Plan. The Circular Economy Bill would be the place to introduce such a target,** as well as regular reporting on progress (see below). In addition, s.35(18) of the 2009 Act might be amended by the Circular Economy Bill, to reflect those new statutory targets - and thus ensure that future Climate Change Plans include the necessary policies.

## **Strategy**

SCCS welcomes and supports the proposal to require Scottish Ministers to produce a Circular Economy Strategy. However, the proposals at present are insufficiently robust.

In our view, the proposed strategy should be based on the model of the Climate Change Plan, both in terms of content and in relation to scrutiny and reporting. The Strategy must set out the policies and proposals by which Scottish Ministers intend the consumption-related emissions' targets (and other Circular Economy targets) to be met.

Further, there should be a statutory requirement to consult widely on the draft strategy (and to take account of consultees' responses), and the final draft should be subject to Parliamentary approval. Ministers should also be required to report regularly on the implementation of the strategy, and the policies and proposals therein, along with progress towards the targets. Where progress is not 'on track' Ministers should be required to update the policies and proposals to address that insufficient progress.

## **Joined up government**

If the laudable aims of these consultations are to be met, the concepts and principles of a circular economy must be **genuinely and completely embedded** across all Scottish Government departments and public bodies. Current efforts, such as NPF4 and NSET have been tokenistic.

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<sup>16</sup> <https://www.gov.scot/publications/scotlands-carbon-footprint-1998-2018/>



To achieve this will mean both 'sector level' approaches to circularity and considerable 'internal' efforts by Scottish Government management to ensure that all policy-making is consistent. It will also require duties on the wider public sector.

One sector where greater attention is necessary is agriculture and other land management. Although food waste is addressed in the consultations, the inputs to the food production system and the linear operation of the food system and of land management are neglected. For instance, the maintenance of our soil resources (a key and non-renewable input to the food production) is the cornerstone of circularity in this sector. This bill could require Ministers to produce a Soil Plan, either as part of the proposed 5 yearly strategy or separately. Such a plan should set out how policies will require and encourage the nurturing and regeneration of our soils. A second example of 'linearity' in the agriculture system is the use of nitrogen - most nitrogen applied is manufactured, but there is considerable wastage, resulting in emissions and water pollution. 'Closing the nitrogen loop' and preventing this waste would be an example of circularity - as well as contributing to reducing emissions of greenhouse gases.

The Bill must also include a duty on public bodies to act in such a way as to contribute to the new Circular Economy 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.

### **Conclusion**

SCCS welcomes the opportunity to make this written submission to these consultations on "Proposals for a Circular Economy Bill" and "Delivering Scotland's circular economy - route map to 2025 and beyond".

Our primary concern is that the consultations (and the specific proposals therein), while set in the context of the climate emergency and acknowledging the emissions arising from a non-circular economy, do not contain sufficiently robust proposals to address these issues.

Our key recommendations are that:

- The Circular Economy Bill should introduce a clear (and statutory) greenhouse gas emissions-based target to reduce Scotland's carbon footprint to zero by 2045 (with an interim target to reduce Scotland's carbon footprint by 75% by 2030).
- The proposed Circular Economy Strategy must set out the policies and proposals by which Scottish Ministers intend the consumption-related emissions' targets (and other Circular Economy targets) to be met.
- Ministers should also be required to report regularly on the implementation of the strategy, and the policies and proposals therein, along with progress towards the targets.
- The Bill must include a duty on public bodies to act in such a way as to contribute to the new Circular Economy targets.
- 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. The European Green Public Procurement Guidelines should be followed.