



Circular Economy (Scotland) Bill

Submission to the Net Zero, Energy and Transport Committee, at stage 1, by Stop Climate Chaos Scotland

August 2023

[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 make a submission to the Committee’s stage 1 consideration of the Circular Economy (Scotland) Bill. 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 consultation.

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.

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 irreversible¹. The UN Secretary General branded the findings a “code red for humanity”². The science is now overwhelming: without concerted action we’re headed towards climate catastrophe; with the poorest communities and future generations suffering the most.

In response to this crisis, the then First Minister ‘formally’ declared a climate emergency³, in April 2019, and the the Scottish Government has legislated (following the advice of the UK Committee on Climate Change) to secure net zero emissions by 2045, with an interim target of a 75% reduction by 2030⁴.

Progress towards these targets has been significant - with emissions now at almost half of the 1990 baseline year⁵. However, this remain insufficient with annual targets missed in eight of the last twelve years⁶. Moreover, in the context of the Circular Economy Bill, it should be noted that, despite some progress in reducing territorial emissions, those from our consumption of goods and services from overseas continue to increase⁷. Yet, s.35(18) of the Climate Change (Scotland) Act 2009 (as amended) provides that “the [Climate Change] plan must also set out the Scottish Ministers' proposals and policies for taking, or supporting,

¹ <https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/>

² <https://www.bbc.co.uk/news/science-environment-58130705>

³ <https://www.bbc.co.uk/news/uk-scotland-scotland-politics-48077802>

⁴ <https://www.legislation.gov.uk/asp/2019/15/enacted>

⁵ <https://www.gov.scot/publications/scottish-greenhouse-gas-statistics-2021/>

⁶ <https://www.bbc.co.uk/news/uk-scotland-65960717>

⁷ <https://www.theccc.org.uk/2022/12/07/scotlands-climate-targets-are-in-danger-of-becoming-meaningless/>



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 Circular Economy (Scotland) Bill therefore provides an ideal opportunity to establish a framework, powers and policies to address consumption emissions and provide the basis on which the next Climate Change Plan can meet the requirements of s.35(18) and these emissions can be reduced.

Circular Economy Targets

SCCS supports calls for the circular economy targets in the Bill to be based on both carbon emissions and material consumption, creating two targets to measure progress towards a circular economy: carbon and material-based consumption reduction. Both material consumption and the carbon impact of consumption must be reduced for Scotland’s material use to become sustainable. These targets should be statutory, mandatory and ideally set in the primary legislation of the Circular Economy Bill, as is the case in relation to Scotland’s existing emissions’ reduction 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.

The setting of a clear (mandatory 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.

Recommendation: The Circular Economy Bill should be amended to include statutory, mandatory carbon and material consumption reduction targets in the primary legislation of the Bill.

There is also a case (in part to help achieve the consumption targets) for setting reuse targets, as well as recycling targets. In addition, there is a strong case for key sectoral targets, such as for food waste and textile waste reduction, to be on the face of the bill.

Circular Economy Strategy

SCCS welcomes and supports the requirement on Scottish Ministers to produce a Circular Economy Strategy in the Bill. However, the strategy requirements in the Bill 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. Progress should be assessed by a sufficiently resourced independent body. Where progress is not ‘on track’ Ministers should be required to update the policies and proposals to address that insufficient progress.

In developing the strategy, the Scottish Government must ensure that it contributes to achievement of emissions’ reductions targets as well as the new mandatory carbon and material consumption reduction targets. It should also recognise the links between the circular economy and all sectors of the economy, seeking to ‘drive circularity’ into all sectors. One key sector (especially given its importance to emissions’ reduction) will be the land use



and the bioeconomy - to reduce nitrogen and phosphorus waste and improve the circularity of food/timber production systems.

Creating a circular economy will affect the lives of many people, both in Scotland and internationally those involved in supply chains to and from Scotland. That transition must be a just one to ensure people's lives, health and environment are protected. However, there is no mention of a just transition in the Bill. The Bill should align with the Just Transition principles set out in section 35 of Climate Change (Scotland) Act to ensure a just transition domestically and adopt the aim to 'do no harm' as set out as a strategic priority by the Just Transition Commission to minimise negative social impacts of international supply chains.

Recommendation: The strategy in the Circular Economy Bill should mirror the scrutiny and reporting requirements of the Climate Change Plan. It must include domestic and international Just Transition principles.

Joined up government

If the laudable aims of the Bill 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. The Bill requires alignment with the Climate Change Plan and Environmental Policy Strategy but other key Government strategies, such as the National Planning Framework 4 (NPF4), National Strategy for Economic Transformation (NSET) and Just Transition plans go unnamed.

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.

Recommendation: The Bill should explicitly state a requirement to align with NPF4, NSET and Just Transition Plans. It should introduce duties on public bodies to contribute to the circular economy targets and public procurement requirements.

Finally, in addition to the above major comments, SCCS would also observe that:

- The proposed restrictions on the disposal of unsold consumer goods are welcome but safeguards are necessary to ensure that the waste hierarchy (reuse over recycling) and social impacts are prioritised.
- The proposed statutory code of practice for recycling must be reviewed to ensure it fully prioritises reuse provision over recycling. The current co-design process set out in the forthcoming Route Map should review and improve the code of practice on this basis.

