

Circular Economy Bill

Stage One Briefing

Action to Protect Rural Scotland



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As Parliament considers the Circular Economy Bill, Action to Protect Rural Scotland urges Members to support the Bill, while making the case for it to be strengthened in five key ways:

- setting takeback targets as default for producers as part of the product stewardship agenda;
- supporting refillable and reusable packaging;
- making the waste hierarchy explicit within the Bill;
- requiring public spending to take account of circularity; and
- introducing circularity reporting for companies in receipt of public funding.

Set targets for producer takeback

The concept of extended producer responsibility for products, not just packaging, is the most effective tool to deliver circularity. APRS believes this should be the default for all product categories, with exemptions or lead-in times only where unavoidable. This was the approach set out in the Scottish Government's 2016 strategy document [Making Things Last](#):

"We want to stimulate debate on a more comprehensive approach to producer responsibility, through a single framework for all product types that drives choices for reuse, repair and remanufacture, while more fully exposing and addressing the costs of recycling and disposal."

In a linear economy, products are made, sold, used, and then disposed of. All disposal costs are met by the public, by local government, and by the environment. There is no economic incentive to design for reuse, refurbishment, or even recycling, and so a race to the bottom leaves the public and councils forced to deal with what is now waste, not designed for circularity, typically with no facilities for single-stream collection.

If producers were to be required in law to take back a set proportion of their products, and to refurbish, reuse or even just recycle a percentage of those recovered, the economic incentive would flip. Such a system, gives new incentives to make recovered goods as easy as possible to manage in more circular ways. Companies which design for longevity, ease of refurbishment, etc., can then operate with lower costs than those who pay for recovering harder-to-manage products.

Ministers have committed in their 2030 Route Map to a product stewardship plan by 2025-26: *"in determining priority products, we are considering including mattresses, tyres and textiles."* All three are sensible product categories to consider, but represent only a small fraction of the currently linear goods where takeback would bring similar benefits.

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Far wider application of this principle would also align with the [NETZET Committee's Stage 1 Report](#), which said:

"We also believe care must be taken to strike the correct balance between encouraging behavioural change of consumers and the underlying responsibilities of producers. Producers must be responsible for the materials they create and distribute."

Binding targets on producers could also fill the void left by the delays to Scotland's deposit return system, without the complexities that inevitably arise when government designs such systems. A takeback requirement on producers of drinks containers, with targets for collection, would require them to collect via retailers, and perhaps to consider their own voluntary deposit arrangements (so no exemption to the Internal Market Act would be needed, and all materials could be included as originally intended).

Much of the Bill focuses on recycling, and some elements look below that in the hierarchy (e.g. anti-littering measures or the ban on the disposal of unsold goods). Even the recycling measures in the Bill as lodged assume no change to producer responsibility, but instead would require councils and the public to bear more of the costs associated with linear products. APRS therefore also agrees wholeheartedly with this comment by the Committee: *"The Committee also agrees with COSLA that action further up the waste hierarchy which prevents the need for recycling is also important and would reduce the burden on local authorities and consumers."*

Promote refillable and reusable packaging

Similar incentives should also be applied to packaging, whether for drinks, takeaway food, cosmetics, or other product categories. Systems of this sort, already in operation elsewhere, would reduce the demand for virgin materials and cut Scotland's carbon footprint. An obligation – over a suitable timescale – could be placed on retailers to stock a certain proportion of refillable goods within given categories, and on producers of such items to recover a target level of those products they sell.

As the excellent Zero Waste Scotland paper, recently published, [Reducing Resource Extraction And Use: Producer Responsibility For The Circular Economy](#) points out:

"Other companies could achieve the target by increasing the durability of goods, providing a longer guarantee, investing in repair facilities, adopting lease models, implementing consumer-repairable designs or increased takeback schemes, promoting refillable systems, and other actions."

Schemes of this sort already exist elsewhere for various packaging categories. A company called [Uzaje](#), operating in Paris on a non-statutory basis, are already collecting dirty packaging from 50 restaurants, catering services and 100 food retail and non-food distributors, and cleaning them for reuse.

Furthermore, in many other countries, targets have been set, giving examples Scotland can and should follow:

- France has a target of 10% of packaging on the market to be reusable by 2027
- Portugal has set a target of 30% of all packaging on the market to be reusable by 2030

- The German Packaging Act (VerpackG) introduces a target of 70% for beverage packaging.

Clarify the importance of the waste hierarchy

As the Bill stands, Sections 1(3) and 6(2) use identical language to set out five criteria for a circular economy, the first framing how the legally-required strategy must be drafted, and the other governing how targets set under it, if any, would have to be set. Both sections draw on elements of the waste hierarchy, a concept widely used for almost fifty years, but do not expressly commit to a hierarchy as such.

Although more complex and refined versions of the waste hierarchy exist, the version from the Waste Framework Directive, as transposed into UK law by [Section 34 of the Environmental Protection Act 1990](#), ranks Prevention first, then Preparing for Reuse, then Recycling, then Other Recovery, and finally Disposal.

APRS believes that this hierarchy, or a modernised version of it, should be embodied in the Bill, either as an overarching purpose clause of the sort discussed in the 1975 Renton Report¹ or through amendments to Sections 1 & 6 of the Bill. [Section 2 of the UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#) acts in a similar way, and indeed making the waste hierarchy explicit on the face of the Circular Economy Bill would contribute to alignment with EU standards in this area.

Require government to support circularity practices

Measures to ensure public sector spending in Scotland achieves sustainability standards and supports emissions reductions are already in place, such as the [sustainable procurement duty](#). The Circular Economy Bill currently places no equivalent circularity obligations on public bodies, nor have they been established through the 2014 Procurement Reform (Scotland) Act, and APRS believes a requirement of this sort should be adopted.

A version of this proposal also featured in the [2019 proposals from the Scottish Government](#) for a Circular Economy Bill. Section 6 said:

“we plan to use existing secondary legislation powers, in the 2014 Act, to add to this requirement so that public bodies will also have to specifically describe their approaches to meeting climate change and circular economy obligations in their procurement strategies, along similar lines to how they already describe their approaches to other obligations”.

The opportunities to use procurement in this space were also discussed in the Scottish Government’s 2016 circular economy strategy, Making Things Last), as follows:

“We recognise the potential for public procurement to support the development of a more circular economy in Scotland building on the statutory guidance on the sustainable procurement duty under the Procurement Reform (Scotland) Act 2014...”

Introducing circularity reporting

Similarly, APRS would encourage Members to press for circularity reporting as part of the process for applying for public sector grants and loans, such as those issued by the three

¹ page 150, recommendation 15

enterprise bodies. The amount of money spent in this way is substantial: the total enterprise, trade and support budget from [2023-24](#) was £423m.

This would be a flexible tool to deliver greater circularity without additional cost: there will be sectors where increased circularity would be more complex to achieve, and this proposal would not set targets for companies in receipt of public money, merely a requirement to assess how circular their existing practices are and to set out ways they intend to improve that, if possible, over the period covered by any grant or loan.

This is a long-standing idea, again featuring in Making Things Last:

“To help more businesses take practical steps to adopt more circular practices, the Enterprise Agencies will integrate circular economy thinking within mainstream support for business growth and innovation, working closely with Zero Waste Scotland.”

In November 2020, the [ECCLR Committee published a Green Recovery report](#), and Recommendation 71 supported this approach:

“The Committee recommends public funding must be accompanied by a published set of conditions on achieving relevant public objectives (e.g. net-zero, biodiversity, fair work, diversity and inclusion, circular economy). All applications for funds must include an action plan to achieve the conditions, with the detail proportionate to the scale of funding.”

Action to Protect Rural Scotland (APRS) is Scotland’s Countryside Charity. We have been working on the Circular Economy as part of our ‘Have you Got the Bottle’ campaign since 2015 and campaigning on issues of waste and litter since we were founded in 1926.

APRS campaign to protect, enhance and promote Scotland’s countryside and rural landscapes for everyone’s benefit, and we support others to do the same.

For more information please see www.aprs.scot