

Circular Economy (Scotland) Bill

Consultation response from: AVA: The Vending & Automated Retail Association

Is a statutory requirement needed for a circular economy strategy?

Not necessarily but there does need to be a strategy which underpins proposals for action to ensure that they form a coherent whole. We look forward to such a strategy that will give certainty, drive investment and provide a consistent approach to developing the circularity of materials and recycling to support investment by industry.

The strategy should be evidence based and supported by impartial impact assessments. The impact assessments should be subject to peer review and scrutinised by the Regulatory Policy Committee.

We believe that there should be no de minimis when it comes to the actions resulting from the strategy.

Is there anything else you would like to say about a circular economy strategy? (Section 1 – 5)

We are concerned that smaller business, which will be most proportionally financially impacted by the proposals, should be consulted. More efforts need to go into ensuring that they are aware of forthcoming changes.

This is a changing landscape and frequent reviews will be required to take account of changes in legislation and consumer response to other legislation.

How should circular economy strategies be aligned with climate change plans and other environmental targets (including biodiversity goals)?

We agree circular economy plans should promote the better use of resources which includes getting more use out of goods and materials to save resources. However, it is important to take a holistic view and ensure that recycling and reuse consume lower amounts of energy or water and produce carbon dioxide than single use.

Are statutory circular economy targets needed?

Yes, because this gives certainty and drives investment. But statutory targets must be in line with those in the other three UK nations and ideally with EU targets. Targets are defined in forthcoming Extended Producer Responsibility legislation and Scotland's targets should be in alignment with these. The uncertainty over the Deposit Return Scheme also needs to be resolved promptly.

The metrics for measuring progress towards targets also need to be common across the four nations of the UK. Experience on EPR suggests that it will be important to ensure that these metrics are understood by industry and sufficient time needs to be allowed for adequate consultations.

Circular economy targets support business and industry investment providing time-based certainty for the longer term.

Evidence suggests that the introduction of Extended Producer Responsibility (EPR) measures and Deposit Return Scheme (DRS), will significantly improve recycling infrastructure, enable consumers to choose recycling over general waste and create a new economy for a valuable recyclable material. We believe that these measures will drive change and enable both the industry and government to better achieve it targets.

Is there anything else you would like to say about powers to introduce circular economy targets? (Sections

6 and 7)

Government and Ministers' enabling powers should only be used when the proposals have undergone a consultative process and with the appropriate impact assessments and review of science-based evidence. The ability to amend and review targets should be possible with a consultative process with the relevant stakeholders based on impact assessments and real-life experience.

Powers to introduce circular economy targets should not discourage voluntary agreements and investment in innovation.

Consideration must be made of the impact on targets of UK legislation such as modification to the Plastic Packaging Tax and to EPR modulation.

Proposals must also take account the development of reprocessing facilities and targets must be developed in conjunction with these resources. The introduction of new facilities not only depends on investment but also planning consent.

Restrictions on the disposal of unsold consumer goods

If insufficient time is allowed after the introduction of a ban to allow stocks to be used up then the banned items inevitably get wasted. We are pleased that Scotland did conduct a national campaign for its recent SUP bans unlike the UK government which is failing to reach small independent operators for its forthcoming bans. We very much hope future bans and policies impacting on retailers will be communicated clearly to all retailers. There should also be a minimum 6 months period to sell banned stocks from the date the ban comes into force and not from the date legislation is passed by the Scottish Parliament.

The proposals must allow for disposal of food and drink product recalls which can sometimes be diverted to charities and sometimes have to be disposed of as waste.

Charges for single-use items

Should Scottish Ministers have powers to make regulations that require suppliers of goods to apply charges to single-use items?

Any charges or levies should always be preceded by consultation to ensure that it is the best way to achieve the desired objective. For example, the [Single-use cups and on-the-go fibre-composite food packaging report](#) by [WRAP](#) and [VALPAK](#) reviewed the impact of various policy measures on the optimisation of resources in connection with single use fibre composite cups and food packaging. Having considered charges, partial and full bans it concluded that collection and recycling offered the greatest net benefit.

The impact of recent bans on single use packaging should be evaluated before any others are considered to ensure that there are no unintended complications arising from such bans. Bans on single use items do not only have an impact on the environment but also logistics, costs and hygiene issues.

As a particular example, mandatory retailer takeback of paper cups will come into force across the UK 2025. Charges on paper cups should not be considered until after this scheme has been given the time to prove its effectiveness. All four nations are signatories to EPR which includes mandatory retailer take back of paper cups.

Is there anything else you would like to say about charges for the supply of single-use items? (Section 9)

The language relating to charges needs to be clarified. For example, an environmental cause could be anything from a local authority project to contributions to a range of charities or NGOs and the management of funds from charges needs to be clear.

The wording used at present demonstrates that consultations are needed to identify the issues around

collection and distribution of charges. The experiences of other nations will guide such consultations. This in particular with reference to the Vending & Automated Retail market where over two thirds of vending or coffee solutions are 'free-vend' so have no mechanism by which to charge the consumer for their single cup use.

How do you think Scottish Ministers should use their powers to have the greatest impact in transitioning to a circular economy?

To have the greatest impact on transitioning to a circular economy they should tackle those issues proven to have the greatest impact and not assumed to have an impact or to be politically expedient. As examples why is there is nothing in the strategy about cigarette filters, chewing gum, car tyres, water usage / quality, air quality and textiles.

To have the greatest impact all stakeholders need to be involved in the process, voluntary agreement should be encouraged and actions taken be sure not to discourage them. Industry has already shown its willingness for example developing the first [National Cup Recycling Scheme \(NCRS\)](#), which includes 23 waste operators who actively collect paper cups. The UK has the capacity to recycle ALL the paper cups placed on the market and recognises the quality of the fibre used in paper cups.

Ministers should use their powers to encourage the development of new reprocessing facilities and use their powers to support planning applications.

The circular economy must be for everyone and not be to the detriment of those on the lowest incomes. A committee will be required to review the potential for regressive policies.

Household waste onward – NO AVA RESPONSE

1st September 2023