



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Net Zero, Energy and Transport Committee

**Tuesday 7 May 2024**

**Session 6**



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**NET ZERO, ENERGY AND TRANSPORT COMMITTEE  
16<sup>th</sup> Meeting 2024, Session 6**

**CONVENER**

\*Edward Mountain (Highlands and Islands) (Con)

**DEPUTY CONVENER**

\*Ben Macpherson (Edinburgh Northern and Leith) (SNP)

**COMMITTEE MEMBERS**

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

\*Jackie Dunbar (Aberdeen Donside) (SNP)

\*Monica Lennon (Central Scotland) (Lab)

\*Douglas Lumsden (North East Scotland) (Con)

\*Mark Ruskell (Mid Scotland and Fife) (Green)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Clare Adamson (Motherwell and Wishaw) (SNP)

Sarah Boyack (Lothian) (Lab)

Maurice Golden (North East Scotland) (Con)

Gillian Martin (Minister for Energy, Just Transition and Fair Work)

Graham Simpson (Central Scotland) (Con)

**CLERK TO THE COMMITTEE**

Peter McGrath

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Net Zero, Energy and Transport Committee

Tuesday 7 May 2024

*[The Convener opened the meeting at 09:02]*

### Circular Economy (Scotland) Bill: Stage 2

**The Convener (Edward Mountain):** Good morning, and welcome to the 16th meeting in 2024 of the Net Zero, Energy and Transport Committee.

Today is day 1 of our consideration of the Circular Economy (Scotland) Bill at stage 2. I welcome to the meeting the Minister for Energy, Just Transition and Fair Work, Gillian Martin, and her supporting officials, and the non-committee members who will be present to move amendments. Sarah Boyack and Maurice Golden are here in the room, and Clare Adamson is online. Graham Simpson will also attend the meeting. Sarah Boyack and Maurice Golden will speak in the first debate; Clare Adamson and Graham Simpson will not.

As this is day 1 of the stage 2 proceedings and this is the first time that the committee has had stage 2 proceedings, I will briefly outline how the proceedings work.

Members should have with them or on their laptops a copy of the bill as introduced. They should also have the marshalled list of amendments, which sets out the amendments in the order in which they will be disposed of, and the groupings of amendments, which sets out the amendments in the order in which they will be debated. For anyone who is watching the meeting, those documents are available on the bill page on the Scottish Parliament's website.

There will be one debate on each group of amendments. The member who lodged the first amendment in the group will speak to and move that amendment and, if they wish to, they will speak to other amendments in the group. I will then call other members who have amendments in the group to speak to, but not to move, their amendments, and to speak to other amendments in the group if they so wish. I will then call any other members who wish to speak in the debate. If you wish to speak, you should indicate that to me or to the clerks. I will then call the minister if she has not already spoken in the debate.

Finally, I will call the member who moved the first amendment in the group to wind up. At that

point, they should indicate whether they wish to press or withdraw the amendment. If the amendment is pressed, I will put the question on it; if they wish to withdraw the amendment, I will ask whether any member present objects. If there is an objection, I must put the question on the amendment.

If they are moved, later amendments in a group are not debated again when they are reached and I will put the question on them straight away. If a member whose amendment has already been debated does not wish to move it when it is called, they should simply say, "Not moved." Unless anyone else then says that the amendment is moved, I will move on to the next amendment on the marshalled list.

If there is a division, I remind everyone present that it is only committee members who may vote. The choices are yes, no or abstain. As all members of the committee are present, voting will be by a show of hands; it is important that you keep your hands raised until the clerk has recorded your names.

It looks as though we are ready to go. I stress that it is day 1; it will be interesting to see how far we get today. I make no promises—I am in your hands.

#### Before section 1

**The Convener:** Amendment 92, in the name of Sarah Boyack, is grouped with amendment 131. I call Sarah Boyack to move amendment 92 and speak to all amendments in the group.

**Sarah Boyack (Lothian) (Lab):** Thank you very much, convener, and thank you for running through the exact instructions for how we move or not move our amendments. I also welcome Gillian Martin, who is attending in her role as minister.

Amendment 92, in my name, would insert a section on the purpose of a circular economy. A number of stakeholders have called for a purpose section, and I am grateful to Action to Protect Rural Scotland for supporting the drafting of my amendment. I opted for "purpose" rather than "definition," because I think that a definition of a circular economy might be too narrow for what we are trying to achieve with the bill and because changes are happening in relation to the circular economy agenda, which I wanted to reflect.

Having a purpose section in the bill would help to provide clarity on what we want a circular economy to look like, which would ensure that the strategy and targets that will be created as a result of the bill are coherent. It would also send a signal to industry and consumers to consider their actions and behaviours and think about what they can change to ensure that goods, products and materials are being kept in use for longer—that is,

to not just talk about the waste hierarchy but get on and manage waste in line with it.

A purpose section would also send a signal to the wider public sector. Local authorities are taking decisions every day on managing their waste services. Setting out the purpose of a circular economy here in Scotland would help them to make decisions for the long term to ensure that we progress towards a circular economy now and over the longer term.

Amendment 131, in the name of Maurice Golden, is similar to my amendment and contains a number of the same features. If members agree with setting out the purpose of a circular economy in the bill, I ask that they agree to my amendment.

I would be happy to look at amendments to achieve cross-party consensus at stage 3, because I hope that there is an appetite to strengthen the bill today.

I move amendment 92.

**The Convener:** I call Maurice Golden to speak to amendment 131 and any other amendments in the group.

**Maurice Golden (North East Scotland) (Con):** The committee might have wanted one purpose amendment, but it has two to choose from, which is beneficial.

It is important that we have an indication of the purpose of the bill in the bill itself so that we have accountability for the Scottish Government. There are many similarities between Sarah Boyack's amendment and mine. If either is chosen, there would be a subsequent opportunity to tighten up the amendment at stage 3, which would be useful for the bill.

As set out in proposed subsection (a) of the section that amendment 131 would insert, it is important that the

"goods, products and materials are circulated in as high a value state for as long as possible in order to extract the maximum economic, social and environmental value from them."

That would be beneficial. Ultimately, it is for the committee to decide which of those purpose clauses can aid our movement towards a circular economy and improve the bill.

**The Convener:** Does any other member wish to speak?

**Monica Lennon (Central Scotland) (Lab):** Yes, thank you, convener. I welcome the minister and her officials. The amendments from Sarah Boyack and Maurice Golden are helpful. Having the purpose of a circular economy set out in the bill is helpful and common sense.

There is a lot of similarity in the amendments. It is helpful to see the explicit reference to the reduction of the use of virgin materials in Sarah Boyack's amendment, but there is common ground between the amendments. I also recognise that the stakeholders have been helpful. I am minded to support amendment 131 in Sarah Boyack's name, but I hope that further discussion can take place on getting cross-party agreement.

I am sorry but I have got my numbers mixed up—it is amendment 92 that is Sarah Boyack's amendment. I support Sarah Boyack's amendment 92; I think that Maurice Golden's amendment is similar, but some of the language is a bit tighter. I hope that we can see some cross-party agreement on that area today.

**The Convener:** Thank you, Monica. Does anyone else want to come in?

**Mark Ruskell (Mid Scotland and Fife) (Green):** Yes, thank you, convener. I certainly take on board a lot of the stakeholders' comments about the need for clarity in the bill, but I am a little bit concerned about creating a definition of a circular economy at this point that is effectively fixed and immovable and cannot change over time. The sector is developing rapidly and there is a rapidly developing understanding of the circular economy, so I would appreciate some thoughts on that from the members who lodged the amendments when they are winding up.

Also, I think that it would be setting a precedent to have a purpose clause in the circular economy bill. I would be interested to know whether there are other areas of legislation where a purpose clause has been beneficial in focusing legislation on a particular area. I am not aware of that, but I will note with interest the minister's comments and Sarah Boyack's closing comments.

**The Minister for Energy, Just Transition and Fair Work (Gillian Martin):** Although I understand the sentiments behind amendments 92 and 131, I am afraid that I cannot support them. In the first place, both amendments claim to set out a purpose for a circular economy for the whole bill, but in reality they simply attempt to describe a circular economy. Specifically, amendment 92 describes a circular economy with reference to the waste hierarchy and both amendments refer to just transition principles under the Climate Change (Scotland) Act 2009. I strongly agree that the waste hierarchy and just transition principles are important considerations, which is why the Scottish Government has lodged amendments 136 and 137, which require that the Scottish ministers have specific regard to both of those when preparing a circular economy strategy.

Amendments 136 and 137 have direct legal effect and will allow the Parliament to hold

ministers to account for the content of the strategy that will provide an overall framework for wider policy in this area. In contrast, amendments 92 and 131 are not linked to the substantive sections of the bill, nor do they impose any duties or obligations, so they would have no legal effect.

The term “circular economy” appears only in sections 1 to 7 of the bill, and the remaining sections of the bill mostly amend other legislation. In the bill as introduced, sections 1 and 6 set out a list of criteria for what constitutes a circular economy that ministers must have regard to when preparing the strategy and making regulations to set targets. Unlike the proposed purpose clauses in amendments 92 and 131, the list of criteria for what constitutes a circular economy has legal effect because ministers must have regard to those matters when preparing the strategy and making regulations to set targets.

In addition—this was one of Mark Ruskell’s points—there is no accepted international definition of a circular economy and including one in the bill would risk the terminology becoming outdated. In short, the Scottish Government’s view is that the amendments do not work legally and therefore would not add value to what is already in the bill. On that basis, I am afraid that I cannot support them.

**The Convener:** I ask Sarah Boyack to wind up and to press or withdraw amendment 92.

09:15

**Sarah Boyack:** It is good to get feedback from colleagues. The overall ambition is to strengthen the bill, because it was suggested on a number of occasions that the bill is a recycling bill, rather than a circular economy bill. From the start, my amendment 92 has sought to strengthen and highlight that, and to reflect that we need to be ambitious, but not overly so. That is why I did not try to achieve a world first with a definition of the circular economy and have used definitions that are already available.

I welcome Monica Lennon’s comments on reducing the use of virgin materials. I totally accept Mark Ruskell’s comments about the need for clarity—that is partly what we are trying to achieve. We are also trying to get people to gear up and think about how they can invest now. There is a worry that the circular economy elements of the bill are not strong enough and that we are looking at the recycling end of the spectrum, rather than thinking about how we redesign, repurpose and reuse materials. That is why amendment 92 is worded in the way that it is.

On the minister’s comments, it is good to think about the waste hierarchy and just transition from the start, because they must be involved in

everything that happens thereafter. I welcome the fact that amendments 136 and 137 were lodged. I want a joined-up and ambitious approach, which has to be in place up front in the bill. I will press amendment 92 but I have no expectations, because there is a competition with amendment 131.

The content of my amendment should be at the start of the bill to get the discussion going. I am happy to talk to colleagues afterwards to see whether we can tighten things for stage 3.

**The Convener:** For clarity, so that members are aware and so that there is no doubt about it, I will explain that, if it came down to a casting vote—that would be unusual in a committee of seven members—I as convener would always cast my casting vote in the same way as I voted on the amendment.

The question is, that amendment 92 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division. I apologise that it will take time, as the clerks must record every name.

**For**

Lennon, Monica (Central Scotland) (Lab)  
Lumsden, Douglas (North East Scotland) (Con)  
Mountain, Edward (Highlands and Islands) (Con)

**Against**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Ruskell, Mark (Mid Scotland and Fife) (Green)

**The Convener:** The result of the division is: For 3, Against 4, Abstentions 0.

*Amendment 92 disagreed to.*

*Amendment 131 not moved.*

### Section 1—Circular economy strategy

**The Convener:** Amendment 93, in the name of Sarah Boyack, is grouped with amendments 132, 181, 182, 208 to 210, 94, 183, 95 to 97, 133, 98, 134, 135, 184, 185, 136, 137, 137A, 138, 139, 211, 140, 122, 212, 99, 123, 186 and 213. If amendment 140 is agreed to, amendment 122 will be pre-empted.

**Sarah Boyack:** There are rather a lot of amendments in the group. A number of my amendments would enhance the circular economy elements of the bill, with a focus on strategy.

The first couple of amendments in my name seek to strengthen the presence of the just transition principles. Amendment 93 would require the Scottish ministers to

“set out how the just transition principles are applied in the ... strategy”.

That is backed up by amendment 98, which would require the Scottish ministers to have regard to the just transition principles in preparing the strategy.

Amendment 99, in my name, makes it clear that, where the just transition principles are referenced in section 1, they have the same meaning as under the Climate Change (Scotland) Act 2009. Those principles concern the importance of reducing emissions in Scotland in a way that

“supports environmentally and socially sustainable jobs ... supports low-carbon investment and infrastructure ... develops and maintains social consensus through engagement with workers, trade unions, communities, non-governmental organisations, representatives of the interests of business and industry and such other persons as the Scottish Ministers consider appropriate ... creates decent, fair and high-value work in a way which does not negatively affect the current workforce and overall economy”

and

“contributes to resource efficient and sustainable economic approaches which help to address inequality and poverty.”

The Just Transition Partnership is keen to see those principles in the bill, and the committee’s report referred to that. The committee took a lot of evidence, and I know that a lot of reflection went into its recommendations.

Amendment 181, in my name, would require ministers to act in accordance with the “do no harm” principle in the circular economy strategy, and amendment 213 would clarify the definition of that principle that was to be used in the bill.

Amendments 94 to 97, in my name, would strengthen the terminology in the bill. That was a particular ask of Friends of the Earth Scotland, which the committee report referred to. The dictionary definition of the word “thing” says that it refers to an object that cannot be precisely described. Retaining the word “things” in the bill would leave us in a precarious position in using the eventual act to help us achieve the circular economy, particularly in ensuring that materials—not just objects—were captured in the scope of the legislation. I have a strong preference for the phrase “goods, products and materials”, which is so much better than “things”. That would really help stakeholders and those who will be implementing the bill on a day-to-day basis.

Amendment 184, in my name, would set out in the bill the waste hierarchy, which contains the seven Rs of waste management. The amendment would require ministers to have regard to the waste hierarchy when developing the circular economy strategy.

I appreciate that, through amendment 136, the Scottish Government would look to adopt the

hierarchy that is set out in the European Union waste directive framework. However, I feel that the waste hierarchy that I have proposed is gaining traction globally. It helps producers and consumers to rethink their behaviour when it comes to the goods, products and materials that they use every day so that, when products reach the end of their life or the end of their use, people do not just automatically put them in the bin—instead, they consider whether there is a further use for them. I hope that, in relation to the circular economy, that will get people to think further up the waste stream and to think about how products are designed in the first place, so that products can be reused.

I return to the point that I made in my opening comments—I am concerned that we are not being ambitious enough. The Scottish Government’s proposed hierarchy refers to “disposal” and “other recovery”. It would be useful to get clarity from the minister on whether that covers incineration and whether that sits with, or in opposition to, the Scottish Government’s actions to move away from incineration in the long term.

Amendment 212, in my name, builds on the commitment on product stewardship, as detailed in the circular economy route map, and it comes on the back of suggestions from the APRS, which I very much thank for help with drafting. I hope that I have captured its comments in my remarks.

Producer responsibility and product stewardship are key areas where we can take concrete action in line with the waste hierarchy to redesign products so that they are designed from scratch to be kept in use for as long as possible. That encourages better product design, especially for durability and efficient recovery, and it inverts the current incentive structures, which favour producers who externalise their costs on to the environment more than their competitors do.

Amendment 212 would put product stewardship on a statutory footing and ensure that a plan is developed, so that producers are aware of the Scottish Government’s clear intentions. With extended producer responsibility—EPR—many businesses are already working on that, and having a product stewardship plan would help to further that work.

**Douglas Lumsden (North East Scotland) (Con):** Will the member take an intervention?

**Sarah Boyack:** You have managed to get in at almost my last line.

**Douglas Lumsden:** I want to understand a bit more about how “producer takeback” under amendment 212 could work with supply chains that run across the different borders in the United Kingdom. Would that approach be compatible with the United Kingdom Internal Market Act 2020?



Would that have to be investigated a bit further down the line?

**Sarah Boyack:** Part of this is about Governments working together, giving each other a heads-up on what they are doing and doing proper intergovernmental work. There are also lessons to be learned from the deposit return scheme—somebody is going to mention that in today's discussion.

This is doable if we take the right constructive approach, which is what the businesses that lobbied us all in the past couple of years want. They are not against innovation; the issue is having early information and working collaboratively and constructively with the Government.

Convener, you will be delighted to hear that I am coming to the end. Important amendments to section 1—from Mark Ruskell, Maurice Golden, Monica Lennon, Lorna Slater, Clare Adamson and Ben Macpherson—would also strengthen the bill, and I am very much looking forward to the discussion. It is unusual to support so many amendments that colleagues have lodged, but there is a raft of constructive amendments to the section. In different ways, they would all strengthen the bill, make it more effective and genuinely promote the delivery of a circular economy.

I hope that colleagues will be constructive and keen to support my amendments to section 1. I move amendment 93.

**The Convener:** Monica Lennon will speak to amendment 132 and other amendments in the group.

**Monica Lennon:** This is quite a big group of amendments, and it is important. We want the strategy to be strong and effective and, I hope, to lead to policy coherence.

I have a few amendments in the group—amendments 132, 134 and 185—that all aim to improve the content of the strategy. Amendment 132 would do that by ensuring that the circular economy strategy considers the impact on the rest of the world of material consumption in Scotland. For example, items of so-called fast fashion are frequently bought in Scotland and they end up in landfill overseas. The issue is about how we can be more thoughtful about that.

I will look back at the important evidence that we heard from stakeholders at stage 1. We heard from Circular Communities Scotland the example of the Atacama desert in Chile and the appeal that we in Scotland should be not adding to the problem but helping to reduce it. In the spirit of circularity, I should say that the dress that I am wearing was from a swish event that was run by a

local business, which asked people to bring along clothes and do a bit of a clothes swap to try to divert unwanted clothing from ending up in landfill and being shipped overseas. That was a small action, but businesses such as the Parkville hotel in Blantyre and the Angels hotel in Uddingston are backing those kinds of initiatives. If anyone is wondering about the dress—in case they recognise it as their own—that is where it came from.

**Douglas Lumsden:** I am not going to ask where I can buy clothes for myself. I am trying to understand a little bit more about amendment 132 and trying to measure the impact. How could we measure and monitor that? I am really struggling to understand.

**Monica Lennon:** That is a really good question from Douglas Lumsden. We can talk about the dress later. Amendment 132 simply says that we

“must consider and account for the extraterritorial impact of material consumption in Scotland”.

Saying “consider and account for” means that the amendment is not overly prescriptive, but we need to start thinking about the different tools, mechanisms and data that are available. It is about getting better at reporting. I will come on to talk about my other amendments, which make us think a bit more about due diligence and public procurement, but it is really wrapped up in what Sarah Boyack said about a just transition. If we simply say that it is too difficult at this level, we will not put anything into the bill and we will not really make the changes that we need to make. If Douglas Lumsden cannot support that today, I hope that we can have a further conversation.

Amendment 134 would strengthen the strategy's care and regard for due diligence, which I have just mentioned, in respect of environmental protection and human rights. A couple of weeks ago, I sponsored Fashion Revolution Scotland to have a stand near the chamber. I know that many members here stopped to chat and sewed buttons on to the map of Scotland. That was about having fun and getting people to have a conversation, but it was also about reflecting on environmental and human rights disasters that have happened in the name of fast fashion and other economic activities, such as the Rana Plaza disaster in Bangladesh, which cost the lives of thousands of people and left many others with life-changing injuries.

09:30

What we do in Scotland has an impact. My amendments support Sarah Boyack's amendment 181, which requires ministers to

“act in accordance with the ‘do no harm’ principle”,

as called for by the Scottish Catholic International Aid Fund and Siembra Colombia in their joint submission to the committee. I am grateful that my amendments are supported by Friends of the Earth Scotland.

Can I speak about a couple of other amendments?

**The Convener:** Now is your chance.

**Monica Lennon:** I am looking to you for guidance.

Sarah Boyack's amendments 93, 98 and 99 would align the bill with the just transition principles that I mentioned. Those of us who have studied the process closely will know that that was a key recommendation in the committee's stage 1 report, and it is important that the just transition runs through all areas of Government policy, strategy and legislation. I recognise that amendment 137, which is supported by the minister, also seeks to achieve that, but I am a little concerned that that amendment might not be strong enough, because it requires the strategy only to

"have regard to the just transition principles".

Sarah Boyack's amendments would strengthen that requirement and ensure that the strategy is properly aligned with those principles.

Amendment 137A, from Maurice Golden, seeks to strengthen the minister's amendment by including a more comprehensive list of items that the strategy must have regard to. However, it does not solve the weakness that is inherent in the choice of the word "regard".

I support amendments 182, 183 and 186, in the name of Mark Ruskell. Amendment 182 would bring further clarity about how the strategy relates to transition minerals and about how we can improve in that important area.

Although amendments 184 and 136 have the same general aim of ensuring that the waste hierarchy is included in the strategy, amendment 184, in the name of Sarah Boyack, is stronger than amendment 136, which is supported by the minister. I would be interested to hear the minister's comments on that.

I will get all my questions out now. I have a question about some of the language in Bob Doris's amendment 209, which I hope that he can explain. The amendment talks about "regions of Scotland". Although the amendment would make important provisions, I am keen to understand why it refers to regions rather than to council or local authority areas.

To go back to Maurice Golden, amendment 140 would align the strategy with the Climate Change (Scotland) Act 2009. I support that.

If I understand this correctly, amendment 122, in the name of Ben Macpherson, will fall if we back amendment 140. Because I welcome amendment 122, which is about construction waste, I wonder whether there is a way to bring it back later if it does not make it today. As convener of the cross-party group on construction, I know that the industry is constantly looking for ways to innovate around the circular economy and the climate crisis, so there is a lot of support for the inclusion of such an amendment, and I will be interested to see what happens with amendment 122. I will stop there.

**The Convener:** I call Mark Ruskell to speak to amendment 182 and other amendments in the group.

**Mark Ruskell:** I will speak first about amendments 182 and 186, which address the use of key minerals, which are sometimes called transition minerals, in our transition towards green energy. Members will be aware of many of the social and environmental impacts of minerals such as lithium, cobalt, nickel, iron ore and copper, which are all critical to the development of renewable energy and of battery systems. I acknowledge that the renewable energy industry is doing increasingly impressive work on circularity and on addressing the impact of transition minerals, but we need to go further, because the roll-out of renewable energy will continue apace and the limitations of those minerals will not go away. We need a focus and a plan from Government to drive that.

I acknowledge that Scotland currently does not have a strategy for the renewable energy sector for sourcing those minerals and that the UK has a critical minerals strategy. Although there is an acknowledgement in the draft energy strategy of the role of those minerals, there is not exactly a plan at the moment that will ensure that their availability and the environmental and social impacts of their use will be addressed.

Amendments 182 and 186 would require the circular economy strategy to include improvement plans for transition minerals for the energy sector. That would promote a more responsible and resilient approach to securing those essential resources. I hope that the Government will be open to working with me on a way forward on that.

Amendment 183 is linked to amendment 191, which we will come to later. It addresses concerns from Scottish Environment LINK that ministers need to give priority to the most damaging materials that are circulating in the economy. I have resisted putting in a specific list of those materials, because I think that that will change over time. However, members will, obviously, be aware of some of the more problematic materials at the moment, such as PFAS—perfluoroalkyl and

polyfluoroalkyl substances—or forever chemicals, which we see in packaging. Flame retardants in mattresses and upholstered furniture are a particular problem at the moment.

Amendment 183 would add in section 1(3) a requirement for ministers, in having regard to processes for the design and distribution of products, to focus in on particular minerals that are the most harmful and polluting over their life cycle. It would be up to Government to determine what the most problematic materials are.

**Graham Simpson (Central Scotland) (Con):** I am curious. I know that Mark Ruskell is saying that he would like to leave that to Government, but it is his amendment. It refers to

“giving priority to materials which are most harmful or polluting”.

How would we define that? How would we establish what is most harmful or polluting?

**Mark Ruskell:** Although we have left the European Union, we still, thankfully, have a vast amount of environmental regulation that defines materials that are polluting and problematic and which impact on human health. We also have Environmental Standards Scotland, which is constantly reviewing existing legislation and making suggestions to Government and agencies about how we can better enforce that legislation, change the law and enhance environmental protection. The process of developing environmental legislation is continuous; indeed, new materials and new scientific evidence will continually come forward and change our understanding of which materials are problematic in their impact on human health and the environment. I do not think that it is right to fix in time today a list of problematic chemicals, given that scientific understanding and the work of our regulators continue apace within the European Union and outside it.

This is an area for flexibility. Members will recognise the danger of putting a list into legislation. A lot of lists have been brought forward this morning. The danger is that we will leave something out because we do not think that it is a problem now. However, it can, of course, be a problem going forward.

In answer to the question, I believe that the process of environmental regulation is robust enough to ensure that Government will be able to choose to take action on particular materials that are problematic.

Those are pretty much all the comments that I want to make. However, I was struck by a comment that Sarah Boyack made about amendment 136, which is the minister’s alternative amendment in relation to embedding the waste

hierarchy in the legislation. She made a point about where incineration sits within the waste hierarchy. The Government has made substantial progress in weaning us off incineration in this country and prohibiting the development of more waste incinerators where they are unnecessary. I would be interested to hear the minister’s views about how that approach to the waste hierarchy puts incineration in its appropriate place, which is right at the bottom. We should not be relying on incineration any more.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** It has been a really interesting debate so far. “Just transition” has become a bit of a buzzword in recent months, but what does it mean in practice for workers, businesses or communities that are dependent on a particular sector to keep their local economy going? That issue led to my working with the Just Transition Partnership to flesh out what that might mean in practice and how the strategy could take account of that.

The purpose of amendment 208 is to require the Scottish Government to outline, with reference to the just transition principles, the potential impact of any circular economy strategy on the workforce, communities, employers and regions. I will return to the issue of regions, which Monica Lennon referred to.

Amendment 209 is to require the Government to include a plan on how it will support those that are impacted. We should identify how the strategy could impact on the workforce, communities, employers and regions, but doing so would clearly not be enough. We must take appropriate actions to support all those that will be impacted. That is what amendments 208 and 209 try to achieve.

Let us look at the scale of some of the sectors. Take construction. According to a census in 2023, 231,000 people are employed in the sector, which was worth £13 billion to the Scottish economy in 2022. However, if you were to ask people in construction whether they would recommend that as a career to others, 28 per cent would not do so. The sector needs 4,000 new employees every year to wash its face and to keep going as a sector. That vital sector of the Scottish economy will clearly be impacted by the Circular Economy (Scotland) Bill—that is the point—but it must be done in a just, appropriate and planned way.

The agriculture sector has nearly 67,000 employees. That is a particularly good sector to pick not only because of the very regionalised nature of many of the jobs but because of the additional add-on value that it must sustain in local economies.

I say to Monica Lennon that I picked the term “regions” because you have to pick a terminology

somehow. The impact of the bill and the strategy could straddle local authority areas, so should we pick a political boundary or should we just refer to regions? I am open minded as to what that looks like.

I get that—

**Graham Simpson:** Will the member take an intervention?

**Bob Doris:** Yes, Mr Simpson.

**Graham Simpson:** I am curious to know what you mean by “regions”. Do you mean regions in Scottish parliamentary terms or are you referring to the old-style regions that we used to have in Scotland? I am just not clear. When we have something in law, we need to be clear about what we mean.

My second question is on the same theme. What do you mean by “communities”? That could mean different things to different people.

**Bob Doris:** I thank Mr Simpson for the intervention, which I hope is intended to be a helpful one that seeks clarity on what is in the bill rather than one that seeks to go against its policy aims.

When I say “regions”, I suppose that I mean geographical areas. I am not certain that more clarity is needed, but Mr Simpson makes the point that perhaps it might be, and that is something that I could reflect on.

We had a similar debate on communities before. Do we mean communities as in smaller geographical areas, or do we mean communities of interest? I am not convinced that there is a need for more clarity, Mr Simpson, but I can see how an argument could be made that perhaps more clarity might be desirable.

That takes us—

**Monica Lennon:** Will Bob Doris give way on that point?

**Bob Doris:** I absolutely will.

**Monica Lennon:** Thank you for the clarification. I heard what you said about “just transition” having become a bit of a buzzword, but I think that it is important that we keep reminding ourselves and everyone else that the just transition cause has come from workers and trade unionists. When we talk about just transition, it is very much rooted in the experience of workers, and we need a worker-led transition.

Again, I welcome amendment 208. Having heard Bob Doris’s explanation, I am less concerned about the definition of “regions” and “communities”. We can perhaps look at that again after stage 2. However, it strikes me that, if the

intention is to advance a just transition, then it is also about that place-based approach. Grangemouth, for example, is obviously important in my parliamentary region but it is also of national importance to Scotland. I do not know whether that helps Bob Doris with his thinking. I hope that we all support what he is trying to do with the amendment.

Graham Simpson is probably right that those who have to do the reports and think about accountability might wonder what we mean by references to regions and different localities of Scotland. However, I think that Bob Doris can overcome those issues.

09:45

**Bob Doris:** That is a helpful intervention from Monica Lennon, which explains to anyone watching the proceedings why we have a three-stage parliamentary process to iron out all these things. It is an essential part of passing good legislation.

On the role of workers and unions, the latter are at the heart and core of the Just Transition Partnership that I spoke to ahead of lodging amendments 208 and 209 and I pay tribute to them, because they were keen to see not just the workforce but employers and communities be part of that just transition.

The minister referred previously to amendment 137, which mentions just transition. I have to say that it is quite concise about that. However, what I am trying to achieve is perhaps around the delivery of a just transition across the various sectors of the Scottish economy rather than around the strategy itself. Something in the bill must give specific reference to the policy intent, which my amendment would do. I am open minded about the wording of the amendment and whether it would best sit in the strategy section or elsewhere, but I think that we must return to that point.

I will hold my position for the moment and listen with interest to what the minister says when she speaks to her amendments.

**The Convener:** Thank you, Bob. I am sure that you did this on purpose: I was not intending to declare an interest but, as you mentioned agriculture, I remind committee members that I am involved in a farming partnership in Moray, so I am directly involved in agriculture. I thought that I would have to declare that when we got to fly-tipping, which most farmers have suffered, but I do it now to be completely transparent, although I will not take part in the debate.

I call Maurice Golden to speak to amendment 210 and any other amendments in the group.

**Maurice Golden:** I will make some general points as a result of the debate on the amendments.

First, replacing “things” with “goods, products and materials” is useful. Secondly, it is important that just transition be embedded in the bill. Thirdly, although we should have regard to global supply chains, the committee has to be confident that, where the amendment suggests such, we are able to monitor and audit those materials. That is a general comment, because I think that we will come to that point again later.

I would appreciate the minister’s comments on incineration. We need to be cautious about using terms such as “a ban” on new incinerators. For example, a new incinerator opened in Aberdeen last month, which suggests to me that there is not a ban—or nothing in that form—on them. My understanding from Colin Church’s excellent report on the subject is that, from 2027 onwards, incinerators will be at “overcapacity”, to the extent that it is highly unlikely that finance would be available or that companies would be looking to go through the planning and construction of a new incinerator.

**Douglas Lumsden:** Will Maurice Golden concede that, although the new energy-from-waste plant in Aberdeen opened only recently, it had been in the planning since 2016? I declare an interest, in that I am a former councillor of Aberdeen City Council.

**The Convener:** Thank you for that clarification.

**Maurice Golden:** Yes. The number of incinerators in planning throughout Scotland far exceeds what could be required for Scotland, even if we miss a variety of targets. I gently point out that we need to be cautious about our language. I would appreciate the minister’s comments about incinerators and the application of the waste hierarchy, which is a general theme throughout the amendments in this group and others.

Amendment 210 is an encouragement to the Scottish Government to ensure that we have a refillables promotion plan. Refillables are becoming increasingly common in the European Union, with some really interesting projects. I would like Scotland to lead the way. Having a refillables promotion plan would be helpful—particularly and crucially for smaller businesses or third sector organisations that might struggle to develop an entire system around, in this case, refillables. That is important. The Government could have a role in supporting them in that.

**Mark Ruskell:** Will Maurice Golden confirm that the bill does not need new powers for the development of refillables and refillable schemes in Scotland? As I understand it, those powers are in the Environment Act 2021. Is that not right? We

therefore do not need more legislation. However, I accept his desire for more refillable schemes to come forward.

**Maurice Golden:** I gently point out that we do not need a circular economy strategy to be legislated on either, but that is a key part of the bill. The Scottish Government has already done it without legislation and could do so again. However, we are where we are, and we can play only with what is in front of us. If we remove anything that is not strictly required, I suggest that there will not be much for us to talk about.

**Bob Doris:** The member says that we do not need a circular economy strategy bill in order to get on with a circular economy strategy, but does he accept that the Parliament is moulding in statute what a circular economy strategy should look like—how it should be monitored and reported on—and that the bill structures such a strategy according to the will of the Parliament rather than the will of the Government? Putting it on a statutory footing empowers the Parliament. Does Mr Golden support putting the strategy on a statutory footing?

**Maurice Golden:** What is key is that a circular economy strategy is defined in the legislation. I thank Bob Doris for supporting my amendment 210, which would be the logical conclusion of the argument: that the refillables promotion plan could also be moulded by the Parliament. That is really useful.

I have been waiting eight years for the bill, so I am delighted to be able to contribute to the circular economy strategy as a parliamentary process—rather than a Government process through which I would just find out about the strategy. That is great news. My point was that legislation is not required in order to make a circular economy strategy. However, I am delighted to be part of that process.

**Bob Doris:** May I intervene further? That was all really interesting stuff, Mr Golden, but, perhaps through my own carelessness, I did not hear you say at any point that you support having the strategy on a statutory footing. Will you confirm it?

**Maurice Golden:** Yes.

**The Convener:** I remind members to try not to hold conversations between themselves but to do it through me. That would make life easier. Back to you, Mr Golden, unless you have finished.

**Maurice Golden:** I turn to the purpose of the other amendments in the group. As we have touched on, amendment 133 seeks to ensure that products are

“managed in line with the waste hierarchy”,

and amendment 135 seeks to provide that the circular economy strategy must, where possible,

ensure that waste is managed locally. For example, only 2 per cent of the plastics that are collected for recycling in Scotland are recycled in Scotland. Amendment 135 does not mandate that plastic be recycled in Scotland, because it might not be possible to have a plastic-recycling facility in Scotland. I would like there to be one, but if that is not possible, there we are. That is an indication of where I was going with that amendment.

Amendment 137A says that, in preparing the circular economy strategy, ministers must have regard to

“the desirability of goods, products and materials being managed as locally as possible”.

They must also ensure that

“the prevention of harmful goods, products and materials”

is considered, along with

“global just transition principles”

and

“due diligence in supply chains”.

I will link amendment 140 to amendment 122. I considered naming specific sectors in the bill, but I felt that, in mirroring the climate change plan, amendment 140 provides the flexibility to include the relevant sectors that are mentioned in the plan and in the Climate Change (Scotland) Act 2009.

If we deviate from that approach, it becomes quite tricky to highlight a specific sector. As we have discussed, there are sectors that are at the forefront now as regards our thinking on the circular economy, but which might drop down the agenda. For example, food waste, which is referred to in amendment 122, is partly a subset of household waste. The construction sector is incredibly important, but if we highlight one sector over another—as amendment 122 seeks to do—we quickly go down a rabbit hole, especially given the technological advances that are made.

However, Ben Macpherson’s other amendment in the group is interesting and could potentially be beneficial, and it could be worked on, because we might want to have some sector-specific analysis. Again, it would be helpful for the minister and the Scottish Government to provide us with information on sector targeting, what might be achieved, what is possible and what lies within the parameters of the Scottish Government and the Scottish Parliament to do in that area. I am conscious of how important the construction sector is, and it should be part of the circular economy.

**The Convener:** Bob Doris prompted me to make a declaration, and Douglas Lumsden has done the same for Jackie Dunbar, who also feels the need to make a declaration.

**Jackie Dunbar (Aberdeen Donside) (SNP):** I declare that I, too, was a councillor on Aberdeen City Council before I became an MSP.

**The Convener:** Did you know about the incineration plant—or rather, the recycling plant?

**Jackie Dunbar:** I was part of the energy from waste plant process from the very start.

**The Convener:** Perfect—“energy from waste”. I have now got the name right.

I call the minister to speak to amendment 136 and other amendments in the group.

**Gillian Martin:** First, I will speak to the Scottish Government amendments 136, 137, 138 and 139. Following the committee’s recommendations in the stage 1 report, the Scottish Government lodged a number of amendments to strengthen the provisions in section 1 of the bill in relation to the circular economy strategy.

The committee welcomed the principle of placing the strategy on a statutory basis and recommended that the strategy

“must focus action and resources on measures further up the waste hierarchy than is currently the case.”

I agree that focusing action high up the waste hierarchy is crucial. Amendment 136 will ensure that, in preparing the strategy, ministers must have regard to the waste hierarchy. The description of the waste hierarchy that is set out in amendment 136 derives from article 4 of the waste framework directive. Amendment 136 will ensure that ministers take into account the use of resources in the circular economy in line with that established framework for the waste hierarchy.

Incineration has been mentioned by a number of members, including—initially—Sarah Boyack. Incineration is part of the waste hierarchy, but it is at the lower end of that hierarchy.

We also want to ensure that we keep in alignment with the European Union on that, and that we refer to an established waste hierarchy that sectors are familiar with, already use and recognise.

10:00

**Maurice Golden:** Would the Scottish Government consider rebanding different types of incineration? For example, pyrolysis, as defined by the Scottish Environment Protection Agency, is included in incineration. Further, an energy from waste system is different from a pure incinerator and could, therefore, be rebanded. Would the Scottish Government consider working with SEPA to delimit the different types of incineration?

**Gillian Martin:** I will consider that point, which is an interesting one, given that a lot of incineration

plants are involved in district heating: one of the oldest incineration waste-to-energy plants, which is in Shetland, is used for municipal heating. We need to bear in mind that incineration need not only involve burning waste but can provide other advantages to communities.

I agree with the committee that just transition principles are relevant. Ensuring a just transition is central to the development of a circular economy. Forgive me if I do not agree with people who say that just transition is a buzzword; it is absolutely central.

**Bob Doris:** The point that I was seeking to make is that it has to be more than just a phrase that people drop into conversation to say that they are doing something. It should not become a buzzword; it must be a reality. That is the point of the amendments that I have lodged.

**Gillian Martin:** I assure Mr Doris that a just transition is embedded throughout a lot of the Government's thinking across portfolios. I will come to that later.

Ensuring a just transition is central to the development of a circular economy. Amendment 137 would ensure that the just transition principles that are set out in section 35C of the Climate Change (Scotland) Act 2009 are taken into account by ministers in the development of the circular economy strategy.

The committee also emphasised the importance of behavioural change. I agree with that view, so amendment 138 proposes an additional requirement that, in developing the circular economy strategy, the Scottish ministers must have regard to the kinds of behavioural change that are needed to meet the strategy's objectives.

Finally, the committee called for a clearer link in the bill between the strategy and the targets. Those are already linked by the criteria for a circular economy being repeated in the same terms in sections 1 and 6. However, amendment 139 would go further and put a specific obligation on ministers to have regard to the targets in preparing the strategy.

Together, amendments 136 to 139 provide for a comprehensive and broad-reaching circular economy strategy that takes into account a range of relevant factors. The amendments also impact on some of the amendments that have been lodged.

I want to make a point about the use in the legislation of the phrase "have regard to", which means, in effect, that ministers must take account of the principles in preparing the strategy. We think that that is the appropriate level of compliance.

I will talk about some of the amendments that have been lodged by other members. Several amendments refer to just transition principles. As I have said, I agree that ensuring a just transition is central to the development of a circular economy. That is why I have lodged amendment 137, which will ensure that the just transition principles are taken into account in the development of the circular economy strategy.

More widely, our approach to just transition planning is guided by our just transition planning framework and the national just transition outcomes that are described in that framework. I would like to provide reassurance that circular economy principles are, therefore, being considered as part of on-going just transition planning work, particularly in relation to supporting economic, job, place and environmental outcomes.

However, I would say that just transition is wider than that, because it is also about ensuring that people are not disadvantaged unnecessarily, and the word "communities" could also refer to, for example, people in rural areas or those who have mobility issues. We must always take into account the possible unintended consequences of what we are doing, for good reason, and think about how they might impact on people. I agree with Bob Doris's comments on that.

The Government is committed to just transition plans for high-emitting sectors, sites and regions. We began with our energy strategy and just transition plan, which will be published in the summer. We are also developing sectoral plans for agriculture and land use, the built environment and construction, and transport. I will take those forward with my colleagues who have responsibility for those portfolio areas. Work is also well under way on the just transition plan for Grangemouth and the site plan for the Grangemouth industrial cluster.

Amendment 93 would, I believe, add unnecessary detail to the circular economy strategy. If Government amendment 137 is accepted, the Scottish ministers will have to "have regard to" just transition in the development of the strategy, so it will already be considered. Amendments 98 and 99 are not necessary, given amendment 137, which will require ministers to have regard to just transition principles in developing the strategy.

Circular economy principles should be embedded across all sectors of the economy, which is why they are already being considered as part of just transition policy. Requiring the level of detail that is referred to in amendments 208 and 209 to be included in the circular economy strategy would be burdensome; those matters will be considered as part of the sector-specific plans

that are already in development. For those reasons, the Scottish Government cannot support Sarah Boyack's amendments 93, 98 and 99 or Bob Doris's amendments 208 and 209.

I will move on to other amendments that have been mentioned. I agree with the principle and sentiment that Monica Lennon expresses in amendment 132. The wider extraterrestrial—did I say extraterrestrial? *[Laughter.]* I realise why everyone is looking at me as though I am a bizarre person. The wider

“extraterritorial impact of material consumption”

is an important consideration. The Scottish Government is already required to annually publish carbon footprint statistics, which include statistics on embedded carbon from imported goods and experimental statistics that outline the embedded material requirements by country of origin in 2019 that were associated with final consumption in Scotland. Zero Waste Scotland also publishes material flow accounts, which consider imported goods.

Monica Lennon mentioned the impact of waste that is exported to other countries, but I am afraid that the policy on that is reserved to the UK Government. We need to be clear about what we can and cannot influence. Exports are a matter that is reserved to the UK Government, and the carbon footprint is based on broad trade and is heavily dependent on emissions from other countries, over which Scotland has no control. However, I am happy to reflect on what we can reasonably and feasibly do ahead of stage 3. I cannot support amendment 132 as it stands, but we will take it away and have a look at what we can include that recognises the wider impacts that Monica Lennon mentioned.

**Monica Lennon:** I appreciate that we have not had a chance to have a conversation about the amendments, given recent changes. I welcome the minister's comments and hope that there will be an opportunity to meet her and her officials ahead of stage 3.

**Gillian Martin:** Given the changes in ministerial responsibility, there has been very little time for me to have meetings with members, but there will be time to do that ahead of stage 3.

I turn to Sarah Boyack's amendments 181 and 213. Although the principle of “do no harm” is a worthy aspiration, the principle, as it is defined in amendment 213, would be impossible for the Scottish ministers to comply with in developing the circular economy strategy. Given the global nature of trade in products and materials, it would simply not be possible to identify and alleviate all adverse consequences in affected populations in other countries. For those reasons, the Government cannot support amendments 181 and 213.

I turn to amendments 182 and 186, on transition minerals. I am grateful to Mr Ruskell for raising the important issue of the resources that are required for the transition to a circular economy. Minerals, some of which are rare, are critical for that transition, including materials that are involved in the production of batteries in wind turbines, which have been mentioned by Mr Ruskell, and in electric vehicles.

Amendment 182 refers to “transition minerals”, and amendment 186 provides a definition of them. They are often called “critical minerals”. I must argue against the inclusion of the proposed requirement in the bill. The bill needs to be future proofed, and what is critical for the energy sector in the 2020s may no longer be critical in the 2040s or 2050s. There is already a great deal of innovation happening across the world, and even just in Scotland, on the materials that are being used for batteries, for example. New technologies may later be developed that do not need the same minerals, or improved processes for recycling and recovery of minerals from existing uses may have greatly increased their supply. For that reason, I am afraid that I cannot support amendments 182 and 186.

I agree, however, that the issue is an important one. Zero Waste Scotland has published energy infrastructure materials mapping research, which outlines material requirements up to 2050, including for critical materials such as lithium, and that research will be taken into account as part of on-going policy development.

**Mark Ruskell:** If the minister feels that it is not appropriate to put such a provision in the bill, is there another way for the Scottish Government to work with industry to ensure that the aspiration to deal with critical minerals in a sustainable way can be reflected elsewhere in policy—in the energy strategy, for instance?

**Gillian Martin:** As I have said, we will take into account what has been mentioned with regard to the policy direction. The energy strategy is reaching its final stages before its publication in the summer, but I will have a look at what we have in there and at what can perhaps be signposted by way of stronger action in this area.

I am afraid that the Scottish Government cannot support Maurice Golden's amendment 210. I fully support the premise that a system for refillables brings many benefits compared with single use. We all have refillables operations in our constituencies across Scotland, and they do a great job. Having a refillables plan is in line with our vision for a circular economy, but I do not consider it necessary to include such a requirement in the bill. The powers that exist in the Environment Act 2021 to make provisions in relation to producer responsibility could be used to



deliver refillables proposals. In addition, one purpose of the forthcoming reforms to extend the producer responsibility obligations in relation to packaging is to encourage and further incentivise reuse and refill.

We will continue to work with the UK Government and other devolved Governments, along with industry, to promote the reuse of drinks containers. Reuse and refill will, of course, be central to the development of our circular economy strategy. I agree that any plans that are set out in the strategy should include measures that are designed to cut waste, to challenge the current approach to production, to promote sustainable choices and to encourage reuse. That can include plans for refillables, if appropriate.

If Mr Golden would be happy not to move his amendment 210, I would be happy to work with him to consider his proposals for refillables plans as part of our broader work on the circular economy and our engagement with the UK Government and the other devolved nations on this important topic.

On Sarah Boyack's amendments 94 to 97, I agree that replacing the word "things" with "goods, products and materials" provides additional clarity to sections 1 and 6, so I am happy to support those amendments.

**The Convener:** I am smiling at the acceptance that "things" does not mean very much.

**Gillian Martin:** Thank you.

Amendment 183, from Mark Ruskell, refers to

"giving priority to materials which are most harmful or polluting across the material's life cycle".

That is a worthy aim, but such materials are difficult to define in law. Some materials that are harmful are also necessary—for example, pesticides and certain other chemicals that are controlled and managed through other regimes, such as the registration, evaluation, authorisation and restriction of chemicals regulations, or REACH. For that reason, I cannot support amendment 183.

The Scottish Government cannot support amendment 133, from Maurice Golden, or amendment 184, from Sarah Boyack. I agree that having regard to the waste hierarchy is crucial and I noted earlier that the description of the waste hierarchy that is set out in the Government's amendment 136 derives from article 4 of the waste framework directive. Amendment 136 will ensure that ministers take into account the use of resources in a circular economy, in line with the established legal framework of the waste hierarchy.

10:15

It will also ensure consistent application of the waste hierarchy across waste-related legislation in Scotland. For that reason, I cannot support amendment 184, in the name of Sarah Boyack, nor can I support amendment 133, which I believe is unnecessary. My view is that, in the interests of seeking continued EU alignment, we should continue to use the definition of "waste hierarchy" that is enshrined in the EU waste framework directive.

Monica Lennon's amendments 134 and 185 would introduce the concept of "due diligence" with regard to environmental protection and human rights. Due diligence with regard to procurement is important, and our national procurement legislation, the Procurement Reform (Scotland) Act 2014, has already established a national legislative framework for public procurement that supports sustainable economic growth by delivering economic, social and environmental benefits.

The sustainable procurement duty in the 2014 act requires contracting authorities to "consider" and "act" on opportunities to

"improve ... economic, social, and environmental wellbeing".

Contracting authorities with a procurement spend of £5 million or more in any financial year must set out, in an organisational procurement strategy, how they intend to comply with the sustainable procurement duty and their

"policy on ... the procurement of fairly and ethically traded goods and services".

They must also report on compliance with that strategy in their annual procurement reports and, in the interests of transparency, both procurement strategies and annual procurement reports must be published.

In addition, a significant body of rights that derives from the European convention on human rights is already hard-wired into the devolution settlement. In fact, it is already unlawful for Scottish public authorities to act in a way that is incompatible with those rights. Further rights—in particular, economic, social, cultural and environmental rights—and non-discrimination will be the subject of a Scottish human rights bill.

I recognise that reflecting those duties in a circular economy strategy may be helpful, and I acknowledge the value of an approach that is founded on a commitment to the on-going improvement and enhancement of due diligence processes. While I cannot support amendments 134 and 185, for the reasons that I have set out, I am, again, happy to work with the member ahead of stage 3 to establish what more we can do to

usefully embed those duties in existing frameworks.

I am afraid that I cannot support amendment 135, in the name of Maurice Golden. Although a circular economy may provide significant opportunities for communities, for example in repair and reuse, it is not always the case, given the logistical and economic realities—for instance, in our many island communities—that all waste material should be treated “as locally as possible”. However, I take on board Maurice Golden’s points about having more repair and reuse take place in Scotland in general.

Similarly, amendment 137A, in the name of Maurice Golden, refers to

“the desirability of goods, products and materials being managed as locally as possible”,

but that will not always be viable, logistically or economically. The amendment also refers to

“the prevention of harmful goods, products and materials”.

As I said with regard to amendment 183, however, some goods, products and materials that could be classified as harmful are also necessary, and are managed under other regimes such as the REACH regime. Amendment 137A also refers to “just transition” and “due diligence”, to which I have already spoken. For those reasons, I cannot support the amendment.

Amendment 211, in the name of Clare Adamson, refers to the Scottish ministers having

“regard to safety considerations that may arise as a result of the circular economy strategy, including electrical safety considerations.”

Health and safety are clearly valid concerns, but they are subject to their own regimes, which means that it is unnecessary to provide such detail in the strategy. I cannot, therefore, support amendment 211; I note that Clare Adamson has not yet spoken to it.

**The Convener:** She has not, but she will.

**Gillian Martin:** Okay—apologies to Clare Adamson. Again, she knows very well the regimes that exist across the whole of the UK.

**The Convener:** I will clarify that, if she wants to, Clare Adamson can intervene by indicating in the normal way, and I will bring her in. However, she will be speaking next. I do not want to stifle debate, but, if Clare Adamson is happy with that, I will let the minister continue.

**Gillian Martin:** The Scottish Government cannot support amendment 140, in the name of Maurice Golden. Section 1(5), on page 2 of the bill, already requires that

“The circular economy strategy must be prepared with a view to achieving consistency ... between the objectives and plans set out in ... the climate change plan”.

The amendment, which refers to the sectors that must already specifically be included in the climate change plan, is unnecessary.

I move to amendments 122 and 123, in the name of Ben Macpherson. I agree that construction waste, food waste and household waste would necessarily be considered and prioritised as part of the development of the first circular economy strategy. Those are all priorities in the draft circular economy route map and, therefore, will be considered in the development of the strategy. The route map has a specific focus on reducing food and construction waste, as you would expect, given that they are at the top of the issues that we have with waste more generally.

Construction is a sector in our climate change plan and is central to our forthcoming consultation on delivering a just transition for the built environment, which will include consideration of the circular economy. The approach in section 1(4) is that

“the Scottish Ministers must have particular regard to sectors and systems most likely to contribute to developing a circular economy”

strategy rather than specifying particular sectors and systems. That will allow future strategies the flexibility to focus on the most relevant sectors and systems of the time, which would be informed by relevant research and engagement. Including specific sectors in the bill would limit that flexibility. I agree with Maurice Golden, who also made that point.

Therefore, I cannot agree to Ben Macpherson’s amendments 122 and 123. However, ahead of stage 3, I would be happy to look at what we can consider in that area around, for example, criteria for identifying sectors rather than naming the sectors themselves in the bill.

Product stewardship is the substance of amendment 212, in the name of Sarah Boyack. We recognise the importance of the topic, which is why we are already committed to creating a product stewardship strategy, as set out in the draft circular economy route map.

Our proposed product stewardship plan, which is due to be developed and published by 2025-26, will include at least three priority products for which a range of product stewardship measures will be identified alongside clear delivery timelines. For each product, we will consider both the action that we can take in Scotland under devolved powers and our expectations of the UK Government where effective action relies on reserved powers.

As set out in our draft route map, determining the products and the measures to be taken must be decided on the basis of a robust evidence-based approach, selecting the right strategy for the right products. Agreeing to amendment 122 would pre-empt the thorough research that will evidence the most effective measures for driving product stewardship.

We recognise the need for a strategic approach to product stewardship across the waste hierarchy, from production and consumption through to recycling and end-of-life management. We welcome the suggestions for measures to consider as part of the product stewardship design process. Although it would not be appropriate to commit to them legislatively at this stage, we will consider the measures as part of our on-going work to develop the product stewardship plan. I would be extremely happy to work with MSPs while we develop our product stewardship strategy as part of our broader work on the circular economy.

I think that that deals with all the amendments in this group, convener.

**The Convener:** Thank you very much, minister. It is now Clare Adamson's time to speak to amendment 211 and the other amendments in the group. Good morning, Clare.

**Clare Adamson (Motherwell and Wishaw) (SNP):** Good morning. I will limit my comments to the probing amendment 211 in my name.

The minister has alluded to my long-term interest in all things safety. I lodged my amendment in the hope that the requirement to have regard to safety concerns can be embedded in the bill, in order to inform consumer and household behaviour with regard to, in particular, the use and safe disposal of electrical products. I firmly believe that consumer behaviour will be key to the success of the bill and its intentions.

Consumer awareness is a long-term concern of such stakeholders as trading standards officers, the Scottish Fire and Rescue Service and the charity Electrical Safety First, which I have worked with on the amendment. Seventy-two per cent of all house fires in Scotland involve an element of electrical safety, with the majority of those fires caused by electrical products.

The bill sets out principles that call for things to be kept in use for as long as possible and it allows for target setting for the reuse of products. That is a potential problem, in that older and potentially unsafe products could be used by consumers if repairs of electrical products were undertaken by unqualified people or parts were used that might have been sourced from online or other unregulated marketplaces, thus introducing danger to the products.

We have a long-term concern about the safety of second-hand electrical products. It is also well understood and well documented that there is limited consumer awareness of the necessity for electrical products to be registered with the product manufacturer so that potential safety recalls can be communicated to consumers.

With regard to household waste, the imposing of duties on households and of target setting on local authorities could present an opportunity to address the issues emerging through the disposal of lithium-ion batteries, which have become a significant cause of fires in recent times. With the proliferation of e-bikes and e-scooters, there has been an increase in fires caused by those items, but lithium-ion batteries appear in most rechargeable products, from electrical toothbrushes to rechargeable vapes. It is really important that there is consideration for that issue somewhere in the bill, to ensure that products are safe and that consumers are kept safe. We have recently seen the impact of major fires that were caused by thermal runaway from lithium-ion batteries in waste disposal areas, which causes extreme disruption and environmental damage.

Convener, I heard the minister's comments on the amendment. It is a probing amendment, so at this stage I will not move it, but I would like it if the minister had an opportunity to comment now on what I have had a chance to say.

**The Convener:** We will come later to whether you move the amendment, but thank you for that indication. I call the deputy convener, Ben Macpherson, to speak to amendment 122 and any other amendments in the group.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** Thank you, convener. In speaking to my amendments 122 and 123, I first want to thank the Built Environment Forum Scotland, the Royal Institute of Chartered Surveyors in Scotland and the Chartered Institute of Building in Scotland for their engagement on the amendments and their collaboration. I also thank the minister for her engagement on the issues that are raised in the amendments and for her comments earlier. I also thank the previous minister, Lorna Slater MSP, and the previous special adviser, Harry Huyton, and acknowledge their important work on the bill. I thank colleagues for their comments on my amendments 122 and 123 while moving their amendments.

During our stage 1 evidence process, we heard a number of contributions emphasising the extent of construction waste in Scotland. Indeed, some stakeholders stated that around 50 per cent of the waste in the Scottish economy comes from construction. Therefore, I thought that it was important to give consideration to whether construction, as such a large contributor of waste

in the Scottish economy, should be mentioned in the bill, particularly considering that other specific issues are mentioned in the bill, including single-use items, household waste and littering from vehicles, all of which contribute less to Scotland's quantum of waste across the board.

10:30

However, I listened carefully to what the minister and Mr Golden said about thinking about whether we want to list specific sectors in the bill. In explicitly stating construction work, construction and demolition waste, food waste and household waste in amendment 122, and their definitions in amendment 123, all of which come from the code of practice for managing controlled waste, which is linked to the Environmental Protection Act 1990, I sought to cite not only the construction industry as defined in current regulation and law, but food waste as an area of priority that was raised during our stage 1 evidence, and household waste because it is already mentioned in the bill in other sections.

I take the point about not wanting, at this juncture, to list in the bill particular sectors for inclusion in the strategy, but I ask the minister and colleagues to continue to consider that into stage 3.

**The Convener:** I take the point that the committee has heard about the importance of construction waste and food waste and I understand the point that Maurice Golden made about listing items. I wonder whether there is a way for the minister to work with you to come up with a way to define those particular items, because they seem to be items that were brought to us throughout stage 1. Would you be prepared to work with the minister if she gave you an assurance about trying to find a way of including them?

**Ben Macpherson:** I am absolutely open to and enthusiastic about working with the minister into stage 3, and also with colleagues across the Parliament, as we continue to consider the areas that make the biggest contribution to waste in Scotland.

**Douglas Lumsden:** If construction waste is not going to be in the bill, I am trying to think where else it could be mentioned. Could the construction industry have its own waste strategy? If it is not in the bill, how might it be handled?

**Ben Macpherson:** The points that have been made by colleagues and the minister about maintaining flexibility are important, but in the current times and for the years ahead, construction will need to be a main area of focus if the bill is to have practical meaning and make the difference that is envisaged. I was therefore

pleased to hear the minister's comments about the route map and I will also be pleased to hear comments from Bob Doris, who wants to come in.

**Bob Doris:** I thank the deputy convener for giving way. Ben Macpherson is right to identify the demands that there will be on construction and how it manages waste, as well as all the evidence that we took during our stage 1 evidence sessions. For balance, does Ben Macpherson agree that construction is also a key contributor to net zero? With better construction and energy standards, and better quality new-build homes in this country—not just in terms of where we stay, but in office buildings—and in retrofitting, construction is a key sector for managing us towards net zero and tackling our climate challenges. It is a key partner.

**Ben Macpherson:** I absolutely agree with Mr Doris's comments. I would add that we need to move to a position where the construction industry can reduce waste in the construction process at the large-scale end of house building all the way to when, for example, somebody refits a bathroom or a kitchen, by thinking about how much reuse there is of those materials. A wholesale approach is needed to enable the construction industry and those who work in it to make an even more significant contribution to the net zero journey.

We have had an important debate on the issues. I have noted the minister's points and I urge colleagues, including the Government, to think, ahead of stage 3, about the importance of construction in the process and in the legislation's having an impact and how much more reference we might want to make to construction, whether that is in the bill or not. We will continue that process of consideration together.

**The Convener:** Thank you. I am looking around to see whether anyone else wants to contribute on this group—specifically, the minister, because two questions have been raised, by Clare Adamson and Ben Macpherson, and I wonder whether she wants to respond to them before we move to Sarah Boyack.

**Gillian Martin:** In response to Clare Adamson, I recognise, as always, her long-standing work on health and safety. Obviously, she will know that health and safety is a reserved matter and that all electrical items should comply with the legislation on that.

She made mention of the handling of materials that are used in electrical items as part of the circular economy strategy. I assure her that safety concerns will be referred to in the strategy. In saying what is expected on those items, it will make reference to a lot of reserved areas. That is an important discussion to have.

To give Ben Macpherson even more assurance, I can say that construction will be prioritised in the

waste route map, for obvious reasons. Waste in construction is still a real concern. A specific just transition plan will be associated with the built environment, in which the circular economy and the waste associated with the sector will be mentioned in great detail. The sector is also taken account of in the forthcoming climate change plans. It is important that Ben Macpherson raised the fact that we still have to have serious action in the construction sector, in order to reduce the waste that is associated with it. I thank him for raising that.

**Mark Ruskell:** Perhaps the minister is sensing concerns across the committee that, despite action in sectors such as construction having been identified years ago as being important, Governments have not followed that through into waste route maps and programmes of work. Perhaps she is sensing frustration across the committee that despite construction being an area of significant resource use with a significant impact when it comes to climate change, there is a concern that the Government as a whole has not moved effectively to prioritise it. Clearly, a discussion is to be had between now and stage 3 on what action from the whole Government looks like, and what reassurances the Government can give committee members, across parties, that such action will follow.

I recognise that the minister is very new in post.

**Gillian Martin:** The bill is one thing, but the development of the strategy after that will be the meat on its bones. I totally appreciate that there has not been as much movement as there could be, else we would not have the statistics that are associated with the construction industry.

**The Convener:** A few other members want to contribute.

**Graham Simpson:** I will focus on Clare Adamson's amendment 211. I listened very carefully to the arguments. I was not sure about the amendment, particularly when listening to the minister; however, when Clare Adamson spoke, she persuaded me. She made a very powerful argument as to why the amendment should go forward. She said that she would not move the amendment, but I urge her to do so, because I would like to know what the committee's view of it would be. If members had listened to Clare Adamson, they would have to have been persuaded by what she said.

I say to Ben Macpherson that, if he feels confident that the minister's assurance about stage 3 is strong enough, that is fine. He, too, made a strong argument, and could move his amendments 122 and 123. However, if he is assured by what the minister said, he should not do so.

I strongly urge Clare Adamson to move amendment 211.

**Douglas Lumsden:** I want to make a couple of points, convener. The first is about construction.

During the evidence sessions, we heard that the amount of waste produced by the construction industry is huge. If we can make an impact on that, we will take huge steps towards reducing waste overall. I understand that that should not be addressed in the bill itself because, as Maurice Golden said, our biggest polluters might change, and it is important to have flexibility. However, I would like to know what is going to be done in that regard.

**Gillian Martin:** I was exercising discipline earlier when, with everyone talking about construction, I showed my hand by noting that I am the convener of the cross-party group on construction. Does Douglas Lumsden agree that there is a lot of innovation and good practice happening across construction already and that many in the industry would probably welcome being included in the strategy, because there is a feeling of disconnection, with people not being listened to by everyone across Government, which means that some of that good practice is not being shared and learned from? The idea is not to have a go at sectors; rather, it is to bring them in and have them at the table. Is there a danger that we might lose some of that opportunity if we do not have those sectors referenced in the strategy?

**Douglas Lumsden:** I apologise to the construction industry if I sound like I am demonising it. My question to Ben Macpherson was about where a list would be if it were not in the bill. There could be a strategy on best practice that the industry feeds into—perhaps that would be the best way forward.

I also want to speak about Clare Adamson's amendment 211, which addresses real safety concerns. We agree that we should be reusing electrical tools and so on as much as possible, but we need to do it in a careful and considered way. Clare Adamson also mentioned lithium batteries for household goods, which are a big concern, especially when they end up in a recycling centre—Jackie Dunbar knows all too well the fire risk in that regard. The issue is wider than lithium batteries for household goods, because we are seeing more batteries for energy storage. That will be a problem, so Clare Adamson's amendment 211 is very good.

On Bob Doris's amendments 208 and 209, it is right that we consider the impact of the plans. We need to ensure that there are no unintended consequences on areas such as agriculture.

I completely agree with the intention of Sarah Boyack's amendment 212, but I have concerns in

relation to the United Kingdom Internal Market Act 2020. I am sure that we will have lots of discussions about the issue in the weeks ahead. Some suppliers are already doing great work on take-back, and I am concerned that the amendment might undermine some of that, although I could be wrong.

I agree with the minister about the issue of extraterritorial—not extraterrestrial—principles that Monica Lennon’s amendment 132 deals with. Once again, I agree with the intention of the amendment but, to make the bill meaningful, we have to ensure that its provisions can be monitored and measured correctly. That might be difficult in relation to that amendment, but I acknowledge that Monica Lennon will take the issue away and consider it further. I will support her in the future if she can put my fears to rest on that issue.

**The Convener:** I call Sarah Boyack to wind up and press or withdraw amendment 93.

10:45

**Sarah Boyack:** I am slightly under pressure. The range of amendments that colleagues have lodged is good. It clearly shows that, having taken evidence, committee members have an appetite to strengthen the bill and ensure that it delivers in the way that it can and must do.

I am delighted that the minister is happy to accept my removal of the word “things” and the inclusion of the words “goods, products and materials”. That is constructive and I hope that it will strengthen the bill.

On the issue of the just transition partnership, there is clearly competition between members’ amendments. I am keen to push my amendment, because I crafted my proposal in light of what I think that the just transition partnership team was after, but it is up to the committee to decide what it prefers.

I add to the declarations of interests the fact that I have voluntarily declared in the register of members’ interests on the Parliament’s website a long-term commitment in relation to Friends of the Earth Scotland.

On my amendment 184 and the European waste directive, I will have a look at the issue before stage 3. I am very committed to it, but I will reflect on what colleagues have said.

There has been a really good debate, and what really strikes me is the appetite for action. Maurice Golden made the link to the climate change plan and noted that we do not have it yet so there is a big gap in terms of action. The refillables promotion plan is about increasing awareness, linking to companies, improving deliverability and,

again, tackling day-to-day issues, but we need to consider how we can ramp those things up.

I turn to Monica Lennon’s amendments on human rights and procurement. As somebody said, the procurement legislation was passed in 2014 but there is still a gap between the ambition and the delivery. Those of us who were privileged to be in Parliament in 2013 will remember the horrendous experience at the Rana Plaza. That was over a decade ago now. The companies that bought materials from the companies that were producing at Rana Plaza were some of the most well known, fashionable companies in our clothing supply chain. Those of us who are interested in the subject know that the fast fashion movement has developed massively, but I wonder how aware people who buy clothes from such producers really are of the terms and conditions, the costs and the import issue. As Britain and Scotland have moved out of supplying fashion, a global question has developed that we need to address.

There has been strong support for Clare Adamson’s amendment 211, on electrical safety. It, too, is about increasing awareness and getting strategic action in place. More fires are happening, and examples have been given of waste products, but there is also an important point about the supply of products that are not good enough. I am thinking of discussions that we have had in the cross-party group on sustainable transport, which Graham Simpson convenes, for example on e-bikes. People are going under the radar and there are products that are not safe. We need the issue to be higher up the agenda.

**Graham Simpson:** Clare Adamson made that point powerfully, and it is why she should move her amendment 211—or, if she does not, why somebody else should move it. We must do better on e-bike batteries and the second-hand market. It is not just about fire safety. That is important, but there is also the question of how we reuse products. I cannot say strongly enough that Clare Adamson really should move her amendment. I know that she is probably not going to, but somebody else should, because it is so important.

**The Convener:** Interventions should involve a question rather than a statement. I am sure that your question was whether Sarah Boyack agrees with you.

**Sarah Boyack:** Thank you for that strategic intervention, convener. Yes. The point here is that lower standards mean cheaper goods, but that, whether we are talking about fashion or electrical goods, that is not good in a number of ways. Graham Simpson’s point was well made.

**Monica Lennon:** I am loving Graham Simpson’s enthusiasm for Clare Adamson’s amendment. I recognise Clare’s long-standing

work on health and safety matters. We did not find out whether our deputy convener managed to get his iron repaired, which was a feature of the stage 1 debate. He will be glad that I have reminded him of that.

There is a really important link between repair, safety and just transition. If we are going to get it right on repair, reuse and so on, we need to remember that there is a big skills issue here. We need to give employers certainty about training and address all the requirements and the need for investment around that. Does Sarah Boyack agree that there is a lot of merit in Clare Adamson's amendment and that, whether it is moved today or not, we are all keen to further the conversation before stage 3?

I think that Ben Macpherson wants to intervene, convener. I do not know the etiquette. Should we go back to Sarah Boyack first? *[Interruption.]* The convener is busy. Ben, I will bring you in. *[Laughter.]*

**The Convener:** What a wonderful allegation. I am not busy; I am trying to work out how far interventions go in the winding-up speeches and how much longer Sarah Boyack has to go. I am conscious that we are under a lot of pressure. I will allow Ben Macpherson to come in—I think that he intimated that he wanted to.

**Ben Macpherson:** I thank Sarah Boyack for taking the intervention. To add to Monica Lennon's points about skills, do colleagues agree that having the necessary infrastructure—places for people to go in order to engage with the circular economy—is important? We will consider that in due course in relation to amendment 128.

**Sarah Boyack:** Absolutely. That was an important intervention by the deputy convener. Skills are critical for delivering a circular economy, because we will need them in every single community and local authority across Scotland. I am sure that we will come back to the issue of how we deliver that later.

I move on to Ben Macpherson's amendments 122 and 123 about the issues that he raised at stage 1 on construction, on which I totally agreed with him. Action on the matter needs to be ramped up—the committee recognised that in its report on the extensiveness of construction material waste. There is something about working with businesses, but also something about prioritising investment in existing buildings and on the nature of the materials used, which is way more efficient than demolition and starting again from scratch. As the world changes at a rate of knots in relation to digital relationships and retail, there are important issues around town centre renewal. I hope that, if Ben Macpherson negotiates with the

minister, we do not lose the amendments on construction from the bill, because they are critical.

Mark Ruskell's amendments 182 and 183 on transition materials are really important. They go back to the discussion that we had about e-bikes, batteries and renewables. These materials are critical. Although technology is moving at pace and, as the minister pointed out, we could be thinking about the matter differently in the 2040s or 2050s, it is actually a "now" issue. We need to influence the producers in a constructive way so that we get more efficient, safer products that we can all buy. That is absolutely critical in relation to the use of minerals. We need to question that. I would much prefer those points to be in the bill, given the importance of the issue, which goes back to human rights and production.

There have been several references to other pieces of legislation such as the 2019 act, the Procurement Reform (Scotland) Act 2014 and the Environment Act 2021. What all those references had in common was the fact that we are not making fast enough progress and that this bill is critical to our economy, our environment and our communities.

We will come on to local authorities later, but I want to finish on the point that this is our opportunity to deliver. This issue is really important and I hope that, if members do not move their amendments today, we can come back to them in advance of stage 3—that was a welcome offer and there will be a queue at your door, minister.

I will press amendment 93.

**The Convener:** Before we go any further, I want to clarify what I was trying to do when Monica said that I was otherwise engaged. What I was clarifying in my brain and with the clerks was rule 9.10.14 of standing orders, which states that if a member does not move an amendment, any other member present at the committee—not just committee members, but any other member present at the meeting—can move it. The procedure is that I first ask whether the member is going to move the amendment; if the member says "Not moved" I then say "Not moved"; anyone who wants to amend that then has the opportunity to do so. I wanted to clarify that.

The question is, that amendment 93 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Lennon, Monica (Central Scotland) (Lab)  
Lumsden, Douglas (North East Scotland) (Con)  
Mountain, Edward (Highlands and Islands) (Con)

**Against**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

**The Convener:** The result of the division is: For 3, Against 4, Abstentions 0.

*Amendment 93 disagreed to.*

*Amendments 132, 181, 182 and 208 to 210 not moved.*

*Amendment 94 moved—[Sarah Boyack]—and agreed to.*

*Amendment 183 not moved.*

*Amendments 95 to 97 moved—[Sarah Boyack]—and agreed to.*

*Amendment 133 moved—[Maurice Golden].*

**The Convener:** The question is, that amendment 133 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Lennon, Monica (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)

**Against**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

**The Convener:** The result of the division is: For 3, Against 4, Abstentions 0.

*Amendment 133 disagreed to.*

*Amendments 98 and 134 not moved.*

*Amendment 135 moved—[Maurice Golden].*

**The Convener:** The question is, that amendment 135 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Lennon, Monica (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)

**Against**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

**The Convener:** The result of the division is: For 3, Against 4, Abstentions 0.

*Amendment 135 disagreed to.*

*Amendments 184 and 185 not moved.*

11:00

*Amendment 136 moved—[Gillian Martin].*

**The Convener:** The question is, that amendment 136 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

**Abstentions**

Lennon, Monica (Central Scotland) (Lab)

**The Convener:** The result of the division is: For 6, Against 0, Abstentions 1.

*Amendment 136 agreed to.*

*Amendment 137 moved—[Gillian Martin].*

*Amendment 137A moved—[Maurice Golden].*

**The Convener:** The question is, that amendment 137A be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Lumsden, Douglas (North East Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)

**Against**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

**Abstentions**

Lennon, Monica (Central Scotland) (Lab)

**The Convener:** The result of the division is: For 2, Against 4, Abstentions 1.

*Amendment 137A disagreed to.*

**The Convener:** The question is, that amendment 137 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

**Abstentions**

Lennon, Monica (Central Scotland) (Lab)



**The Convener:** The result of the division is: For 6, Against 0, Abstentions 1.

*Amendment 137 agreed to.*

*Amendments 138 and 139 moved—[Gillian Martin]—and agreed to.*

**The Convener:** I call amendment 211, in the name of Clare Adamson.

**Clare Adamson:** I will not move amendment 211.

**Douglas Lumsden:** I will move it, convener.

*Amendment 211 moved—[Douglas Lumsden].*

**The Convener:** The question is, that amendment 211 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Lennon, Monica (Central Scotland) (Lab)  
Lumsden, Douglas (North East Scotland) (Con)  
Mountain, Edward (Highlands and Islands) (Con)

**Against**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Ruskell, Mark (Mid Scotland and Fife) (Green)

**The Convener:** The result of the division is: For 3, Against 4, Abstentions 0.

*Amendment 211 disagreed to.*

**The Convener:** I call amendment 140, in the name of Maurice Golden. I remind members that, if amendment 140 is agreed to, I will not be able to call amendment 122 because of a pre-emption.

*Amendment 140 moved—[Maurice Golden].*

**The Convener:** The question is, that amendment 140 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Lennon, Monica (Central Scotland) (Lab)  
Lumsden, Douglas (North East Scotland) (Con)  
Mountain, Edward (Highlands and Islands) (Con)

**Against**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Ruskell, Mark (Mid Scotland and Fife) (Green)

**The Convener:** The result of the division is: For 3, Against 4, Abstentions 0.

*Amendment 140 disagreed to.*

**The Convener:** I call amendment 122, in the name of Ben Macpherson.

**Ben Macpherson:** Considering what the minister said and to enable further consideration ahead of stage 3, I will not move amendment 122.

*Amendment 122 not moved.*

*Amendment 212 not moved.*

**The Convener:** I call amendment 99, in the name of Sarah Boyack.

**Sarah Boyack:** I will not move amendment 99, but I would like to discuss the matter with the minister in advance of stage 3.

*Amendment 99 not moved.*

*Amendments 123, 186 and 213 not moved.*

*Section 1, as amended, agreed to.*

**The Convener:** Considering the time that it has taken to get through this group of amendments, it would be appropriate to have a nine-minute pause. We will come back at 11.15.

11:06

*Meeting suspended.*

11:15

*On resuming—*

## **Section 2—Consultation on strategy**

**The Convener:** Welcome back to our session on stage 2 of the Circular Economy (Scotland) Bill. Amendment 1, in the name of Maurice Golden, is grouped with amendments 187, 188, 2, 3, 189, 80 and 190. I call Maurice Golden to move amendment 1 and speak to all the amendments in the group.

**Maurice Golden:** Amendment 1 requests

“co-design of all aspects of the circular economy strategy with ... public sector, private sector and third sector bodies”.

I think that such a collaborative, co-design approach is broadly the Scottish Government’s intention—it has been deployed or is intended to be deployed in work with local authorities, for example.

Amendment 190 gently pushes the Scottish Environment Protection Agency to ensure that any waste guidance that it publishes accords with the circular economy strategy. It seeks to ensure that things such as the definitions of “waste”, “end of life”, “end of waste” and “duty of care” are constantly considered and updated in the context of the circular economy—because, as the committee will be aware, once something is defined as waste and enters into waste legislation, particular practices have to be carried out.

An intention of both the circular economy and the bill is to keep materials, products and goods—

not “things”—in circulation for as long as possible. If an item is reused, whether that be through resale or sharing, it does not involve waste legislation. Although amendment 190 is quite a gentle nudge, it is a nod to SEPA that we as a committee and indeed as a Parliament would like it to have the circular economy in mind when regulating the environment.

Overall, the group is very positive. I move amendment 1.

**The Convener:** Bob Doris wants to clarify something, which I am happy for him to put on the record.

**Bob Doris:** I meant to say this at the start of the session. There are huge time constraints on us and, lots of times, members will withdraw or not press amendments on the basis that we will engage with the minister ahead of stage 3. However, rather than members saying that every single time, it can be inferred that that is a set process for many amendments during the passage of the bill. I get it that amendments are in the gift of the Presiding Officer at stage 3, but I want to put that on the record.

**The Convener:** It is helpful to put it on the record that members do not need to say that every time they choose not to move an amendment. It is absolutely their right to engage with the minister and to lodge an amendment at stage 3. It is beyond my scope to say whether such an amendment would be accepted, as you rightly said.

**Monica Lennon:** Bob Doris is trying to be helpful, as ever, but it is also worth acknowledging that we are in an unusual situation. We have had a change of minister—that can happen—and the minister has explained that she has had very little time to engage directly with the committee members. That must also be the case for the many other members who have a big interest in the bill. From the stage 1 evidence and report, we can see that many stakeholders and people across Scotland have engaged with it.

Many of us have had conversations with ministers and officials, and there has been a change of minister, so we want to get as much assurance as we can that time will be made available so that not only members of the committee but others who have amendments will have time to engage meaningfully with the Government. I think that the minister has been hinting today that that will be the case, but we all want further reassurance about it.

**The Convener:** I see the minister nodding, so perhaps we can leave it at that. She is happy to engage. The committee gave the Government extra time to engage, but there was not a huge amount of extra time, so extra work will be

required. I am sure that, by nodding, the minister was implying that she is happy to do that.

I go back to Bob Doris, who will speak to amendment 187 and other amendments in the group.

**Bob Doris:** I have been working on amendment 187 with the Scottish Catholic International Aid Fund, which I thank for its efforts. It is keen—and I agree—that

“relevant policy makers, human right defenders and environmental experts from the Global South”

should be consulted in the development of our circular economy strategy.

SCIAF has suggested that participants from Scotland’s partner countries—such as Malawi, Zambia, Rwanda and Pakistan—could be included. I have not named any countries in my amendment. I am keen for the amendment to be as flexible as possible, to maximise its opportunity to be useful to the Government and to make a meaningful contribution to ensuring that the global south is properly consulted. Those who are closest to the harm that is caused by our consumption and who understand global needs should be included in the development and implementation of our circular economy strategy.

The circular economy strategy does not sit in isolation. A truly circular economy needs to take account of the impact on the global south. We must look at it through both ends of the telescope. I am sure that the Scottish Government will want to look at the impact on the global south, anyway—

**Douglas Lumsden:** Will the member take an intervention?

**Bob Doris:** Let me finish this point, and then I will.

We have to look at the impact through our side of the telescope and from the global south’s side—we need to look from both sides of the lens at the same time, if you like.

**Douglas Lumsden:** I want to understand how the consultation would take place. If the consultation were widened too far, could that delay the strategy?

**Bob Doris:** I can offer significant reassurances on that with an example from the Glasgow climate dialogues that were held during the 26th United Nations climate change conference of the parties—COP26. At that, the Scottish Government and Glasgow City Council deliberately platformed the global south when looking at the challenges that we had in relation to climate, as a way of embedding our work with our key partners in the global south into our everyday actions in relation to net zero and the climate challenge.

Not specifying the detail in the bill would give the Scottish Government significant flexibility to ensure that it could embed the consultation in a way that was not overly burdensome or time consuming.

I do not have much more to say about the amendment, convener.

**Graham Simpson:** Will the member take an intervention?

**Bob Doris:** Maybe I will have more to say after Mr Simpson's question.

**Graham Simpson:** I am going to refer to the amendment in my later comments, but I want Bob Doris to clear something up for me, if he can. What does he mean by the global south? I cannot find any precise definition of that. It could be a very long list of countries.

**Bob Doris:** That is a reasonable point, and I anticipated that it would be made not only by Graham Simpson but by the minister. I did not want to deviate from the wording that I agreed with SCIAF, but I appreciate that there may be a need to tighten it up.

As soon as we define the global south, we could perhaps exclude some places, so we need to give the Scottish Government a degree of latitude and flexibility. That is also why this may turn out to be a probing amendment. Perhaps the wording will be tightened up, and it will be brought back at stage 3.

The important thing is that, in the co-design process with other groups, which was mentioned earlier, we need to make sure that the global south—however we define it, Mr Simpson—is part of the discussions, not just on our terms but in a way that means that we hear directly from those partners about the real-life impact on their part of the world.

I will leave it at that and draw my remarks to an end, convener.

**The Convener:** I call Sarah Boyack to speak to amendment 188 and other amendments in the group.

**Sarah Boyack:** Amendment 188, in my name, would ensure that the Scottish Government sought representations and views from international organisations that work in international development both on the strategy and on achieving the United Nations sustainable development goals in Scotland and around the globe.

It is important to pass the amendment, because our actions in Scotland can have an impact on populations around the globe. We know that waste is often sent offshore and that we outsource our waste problem to developing countries. That not

only impacts on the environment there; it also incurs significant carbon emissions. I have seen for myself the impact in Bangladesh of waste from western countries—it is literally dumped on the foreshore, and it is absolutely horrific.

My amendment would ensure that stakeholders with views on those issues were consulted on the strategy that comes forward, and that Scotland takes steps now and in the future to ensure that we reduce the level of offshored waste and the carbon emissions that are associated with that waste.

I turn to amendment 187, in the name of Bob Doris. He spoke positively about the need to address the issue in question. I think that the amendment is trying to achieve a similar aim to my own. However, in crafting my amendment, I tried to anticipate and reflect the fact that things change and relevant stakeholders change. I have tried to provide flexibility in my amendment to reflect that, and it is not overburdensome on ministers to prove that they have consulted relevant stakeholders that represent the global impact.

I hope that that addresses Douglas Lumsden's question about what the global south is. It would be up to ministers to engage in those conversations and to talk to companies that export waste from Scotland. I hope that members will think about supporting my amendment 188.

Among other amendments in the group, I very much support Maurice Golden's amendment 1 on co-design and the suggestion that SEPA should review its waste guidance to ensure that it is in line with the circular economy strategy. That is fundamental, because SEPA is hugely influential and it is important that, as a key stakeholder in the Government, it is ahead of the game in ensuring that the bill is maximising its impact.

I have spotted that Graham Simpson has a couple of amendments in the group that give us a choice. If it was up to me and I had a vote, I would say that his proposal for requiring publication of the strategy within one year, rather than within six months, is probably better and more pragmatic. However, if the minister wanted to override my view and say that she was ready to publish the strategy tomorrow, I would be more than happy to see what happened.

On those remarks, convener, I shall conclude.

**The Convener:** I call Graham Simpson to speak to amendment 2 and any other amendments in the group.

**Graham Simpson:** As Sarah Boyack just said, I have a couple of amendments in the group to section 3 of the bill, which is "Publication and laying of strategy". The bill says that

“Ministers must ... publish the circular economy strategy ... and ... lay a copy of”

it “before the ... Parliament” within “2 years” of section 3 coming into force. In my view, that displays a lack of ambition and a pace of working that really should have no place in Government. It is real life-in-the-slow-lane stuff and it is not good enough. I am sure that the minister who is now in charge of the bill would agree with me on that—I hope so.

Amendments 2 and 3 are alternatives to each other. They would reduce that rather ponderous timescale to either one year or six months and I invite committee members to take their pick. Committee members could, if they wish, revert to the old Lorna Slater timetable, or they could choose to turbo-boost the bill under the dynamism of Gillian Martin; I hope that she proves me right on that.

**Monica Lennon:** Would the member agree to give way?

**Graham Simpson:** Yes—I certainly will.

**Monica Lennon:** I am grateful to Graham Simpson. I hear that he is inviting us into the fast lane with him, but is he not a little bit concerned that six months might just be a little too much of a challenge? We would want any Government to be able to do this properly. Is six months really reasonable?

11:30

**Graham Simpson:** I say to Monica Lennon that that is why I have provided the committee with a choice of six months or one year.

**Monica Lennon:** What would your preference be?

**Graham Simpson:** It is entirely up to the committee, but if we are to take the pragmatic approach suggested by Sarah Boyack—

**The Convener:** This is becoming a conversation and when we are doing stage 2 debates, I get nervous of conversations. I remind you to speak through the chair; I would appreciate that.

**Monica Lennon:** I am sorry; I cannot see Graham’s face at this moment. My question was whether Mr Simpson has a preference. I know that he has two amendments and that he is offering us a choice, but does he have a strong preference?

**Graham Simpson:** I am always happy to have conversations with Ms Lennon—she knows that. I was going to say that if we are to take the pragmatic approach suggested by Ms Boyack—I am a pragmatist—the committee would go for one year rather than six months. If I had a preference,

it would be for a year, but others might have a different view.

Maurice Golden invites us to agree that the circular economy strategy should be co-designed with the public sector, private sector and third sector bodies. I was a little surprised that Mr Golden used that awful phrase “co-design”, which is so favoured by those who want to sound well-meaning but do not really mean it. He is not in that camp at all, being a circular economy titan. Phraseology aside, he is right to say that the production of any such strategy should not be left to ministers and civil servants alone.

I turn to my good friend Bob Doris, whose amendment 187, which was absolutely fascinating, also suggests people who should be consulted. I am not really sure what the amendment means by “relevant policy makers” or “human right defenders”, which could mean almost anyone, but its call for

“environmental experts from the Global South”

to be included has me most foxed. Mr Doris has not really cleared that up, because he does not—

**Bob Doris:** Will the member give way?

**Graham Simpson:** I will.

**Bob Doris:** I am hoping that at this point we can stay away from turbo-boosting and fast lanes, and even titans, as Mr Simpson said earlier. There is a policy intent in amendment 187 and I absolutely acknowledge, having used the specific words that SCIAF was keen to see in the bill in this probing amendment, that there is a need for much more clarity.

However, I think that Mr Simpson is long in the tooth enough in this place to know what the underlying policy intent is. The nations and regions in the global south—however we define it, Mr Simpson—are the true experts on much of this stuff, because they are experiencing the direct impacts of many of the climate challenges that we have today and the bill has to take that into account in order for there to be a truly circular economy strategy.

Will Mr Simpson confirm that, despite the need for clarity and a bit more carefulness in relation to definitions, the underlying policy intent is positive? I am not clear whether Mr Simpson’s issue is with the clarity or the policy intent. Perhaps it is both.

**Graham Simpson:** I am glad that Mr Doris has finished there. I think that the most important thing is the language that we use when we lodge amendments. If someone is going to lodge an amendment that includes phrases such as “the Global South”, I would suggest, convener, that they really ought to know what they mean by that. It is not really good enough for Mr Doris to say that

it is all down to SCIAF and that he does not really know what “the Global South” means.

**Bob Doris:** Will the member take an intervention?

**Graham Simpson:** If Mr Doris is prepared to clear up the point, I will give way again.

**Bob Doris:** Mr Simpson, I want to have consensus here. I genuinely do not think that you are meaning to be obtuse—perhaps you are. There is an underlying policy intent about ensuring that the global south, however we define it—I have accepted the lack of clarity in that regard—should be consulted.

Yes, I lacked brevity when asking my previous question, which was: does Mr Simpson agree with the policy intent? I am still not clear on that.

**Graham Simpson:** The problem is that I am not clear what the policy intent is behind Bob Doris’s amendment. I really am not. I am pretty sure that other committee members who have been listening as closely as I have will also be unclear about that. However, we can be clear that, were we to agree to the amendment—I am pleased to hear that Mr Doris is minded not to move it, but we will discover that later—we could end up in a situation in which ministers have a huge list of people and a long list of countries across the globe with which they are expected to consult. I just think that that would be completely impractical. I am pretty sure that the minister would say that as well. Hopefully, Mr Doris will not move amendment 187.

**The Convener:** I call Mark Ruskell to speak to amendment 189 and any other amendments in the group.

**Mark Ruskell:** My amendment 189 is simple. It should be clear to members that the bill requires ministers to report to the Parliament on progress in meeting the objectives under the strategy. However, there is a gap. To my mind, if ministers have been unable to meet their objectives, there needs to be an additional requirement that they must report back to the Parliament on what additional measures they will take to meet those objectives before the next reporting round. Members will know that we have very similar provisions in a range of legislation, including on the climate.

I turn to the interesting debate about amendments 187 and 188, the essence of which is about leadership. It is about having a dialogue with the global south, which is dramatically impacted by our resource overconsumption and the environmental and social impact of waste. I am not sure that that needs legislation, but Bob Doris is right to point to the amazing work that was done through the Glasgow climate dialogues ahead of

COP26, which had real resonance around the world. That was about the communities in the global south, the experts and us in the developed north being part of the conversation about how we tackle climate change in a fair and just way. That approach was hugely powerful, but it did not require legislation to do that.

However, if the Government does not want to go down the legislative route, I want to hear from the minister what initiatives the Government can put in place to take the debate, and the awareness of our consumption and its global impacts, into a space where those can land and lead to change.

**Sarah Boyack:** Will the member take an intervention?

**Mark Ruskell:** I will in a second.

I would also point to the climate package that was announced a couple of weeks ago. The Scottish Government’s intention is to drive forward citizens panels, citizens assemblies and participative democracy in that space. Consumption is a very important part of our climate impact, so I hope that some kind of initiative and leadership can be shown on that.

**Sarah Boyack:** Your point about leadership is critical. I very much agree with you that, at COP26, Scotland put itself on the world stage in terms of best practice. Through the bill, we have an opportunity to follow up that best practice by embedding in legislation not just leadership, but an obligation on the current and future Governments to have conversations to make sure that we are not offshoring our emissions and our waste. I hope that you will consider supporting my amendment on the basis of that principle, which would deliver on the very issues that you have just raised.

**Mark Ruskell:** The principle is important, but I am not clear what the options might be for the Government to take that forward as a meaningful piece of work.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 included a requirement to establish a citizens assembly. I do not think that there would be a need for more legislation to revisit a citizens assembly on climate. I see parallels with this issue. Yes, one way forward would be to bootstrap it and put it into legislation, but I am looking for leadership from the Scottish Government, whatever that looks like, whether that is put into legislation or it is a non-legislative measure.

Graham Simpson’s amendments 2 and 3 show the inevitable tension between Maurice Golden and Graham Simpson on turbocharging co-design. We must recognise that we have to take people with us: we have to take businesses and communities with us. A lot of careful work was

done in the early years, right the way through to the implementation of the deposit return scheme. Members who have sat on this committee and looked at the evidence, heard about the work of Lorna Slater and scrutinised Circularity Scotland and others will recognise that that model was being developed and came very close to being implemented. That emphasises for me the importance of co-design. It is important.

I think that the Government is pursuing co-design in a meaningful way right now, and to simply put an arbitrary timescale on the development of a circular economy strategy, just for the sake of it, would not be a good way forward. We need work to progress at pace on all the areas in the circular economy strategy, but that will take some time, and just putting “six months” or “1 year” on it, as in the amendments, is a little churlish. It underestimates the depth of the work that is needed with stakeholders to work this through and the depth of work that was put in place for the deposit return scheme.

**Graham Simpson:** Does Mark Ruskell accept that there is already a timescale in the bill? It is two years. I am just suggesting that it should be one year or six months—preferably one year, as I said earlier.

**Mark Ruskell:** I accept that Graham Simpson wants to put other options on the table, but we have also heard in the debate that there are sectors, such as construction, in which there has not been enough significant progress. To be honest, that will take time. It will take more than six months to—

**Maurice Golden:** Will Mark Ruskell take an intervention?

**Mark Ruskell:** Hang on a minute—let me finish the sentence.

It will take more than six months to develop a strategy around construction and for the strategy to move into sectors in which there perhaps has not been that focus or development over time. I will leave my comments there.

**The Convener:** The answer is no, Mr Golden. Therefore, I call Douglas Lumsden to speak to amendment 80 and the other amendments in the group.

**Douglas Lumsden:** Thank you, convener. Amendment 80 is, I think, quite simple; it would just change the reporting period from two and a half years to one year. We often hear talk of the climate emergency and everything else, and, if we are serious about doing this, it is time to, if not turbocharge—I do not want to say that—some of our timelines, then really up the pace. That is why I propose changing the reporting period to 12 months.

I turn to the other amendments in the group. The co-design approach and working with local authorities, which Maurice Golden has mentioned, will be vital for all the work that we are doing, so that is absolutely key. Amendment 190 is about a review by SEPA, which is another key partner, so that is a fairly sensible approach.

Amendment 187, in the name of Bob Doris, sounds good, but, in practice, I think that it would be unworkable. In the lead-up to COP, it was probably a bit easier, because people were getting together anyway. It would be a bit harder to do that when looking at the circular economy strategy.

**Bob Doris:** I thank Mr Lumsden for his tone and his constructive demeanour in raising concerns. There is an underlying policy intent here, which, as Mr Ruskell has said, might not have to be captured in the bill. Do you agree, Mr Lumsden, with the underlying intent to make sure, however we define it, without going down that road, that we engage meaningfully with the global south?

**Douglas Lumsden:** I agree with the intent. It is just that what we have in the amendment that you have lodged is, I believe, unworkable. I do not see how it can be brought forward. Amendment 189, in the name of Mark Ruskell, also sounds good, and I think that it is workable, so I am happy to support that amendment.

Graham Simpson mentioned the timescale and whether it should be six months, one year or two years. Mr Simpson is right to point out the already arbitrary two-year target, and the aim is to reduce that time period. I have reflected on the proposal for a one-year period, but what I will say is that, if we are serious about this and if we believe that urgent action is needed, we need to look at the timescales and reduce them as much as possible while ensuring that they remain practical.

11:45

**The Convener:** I am looking to see whether any other members want to say anything before I make a couple of points. I am happy to bring in Monica Lennon first.

**Monica Lennon:** I just wanted to make an observation. Bob Doris has done some really important work with SCIAF and others on amendment 187. I have listened to what colleagues have had to say and I think that it is right for Bob to be questioned on how his proposal might be delivered, but I am slightly concerned that some colleagues seem to be suggesting that they do not know what is meant by “human right defenders” or “the Global South”. Perhaps that makes the point that amendment 187 is really important—

**Douglas Lumsden:** Will Monica Lennon take an intervention?

**Monica Lennon:** I will, in a second.

I think that it is important that we mainstream this into our work. Perhaps the language in the amendment could be worked on, but the policy intent is really important. We all recognise that the climate and nature emergencies impact disproportionately on nations in the global south, including on indigenous people, who often are the human rights defenders risking their lives day in, day out, to defend their land, culture and loved ones. I just do not want anyone who is listening in today to think that we do not see the relevance of or the connections involved in this bill, because it all comes back to the polluter pays principle and the old saying, “Think globally, act locally.” We might not find a way of addressing the issue today—and I realise that we have not yet heard from the minister—but I want to make it clear that these are really important concepts. Many people look to Scotland as a leader on, for example, loss and damage, and if we are not sure of the meaning of those terms, we as members will collectively have to work harder on that.

I would be grateful to hear from Douglas Lumsden.

**Douglas Lumsden:** For me, this is not about some of us perhaps not understanding the meaning of those terms or what they might be. The fact is that we are putting them into legislation, so it has to be clear what is meant by “human right defenders” or “relevant policy makers”. That is where the questions arise in my head. People might come along in 10 years’ time, pick up the bill and wonder, “Hold on—am I a human rights defender or not?” That is why what goes into the legislation has to be clear. That is the issue that is being raised, not whether people understand what those terms might be.

**Monica Lennon:** Obviously, a debate is required on the matter, but it is important that we go back to the evidence that we took at stage 1 and look at the submissions that we had from stakeholders who are experts in this area. I am sure that all colleagues, given a bit more time and space, could find agreement on this, but I would like to hear from the minister.

**The Convener:** I just want to make a couple of points, if I may.

First, I think that amendment 187 in the name of Bob Doris is interesting, and I understand where it has come from, given the evidence that we have received. My problem with it, however, is that I love tight legislation, because it stops arguments and disagreements.

I just note that there are, I believe, 78 countries in the global south. If I am right, the original definition related to countries that suffer from poor economic development and which perhaps lack democracy and have problems with their location, but it has since been changed to cover countries that have been affected by development—or more developed nations. I have real problems with that; I know of countries that are surrounded by other countries that are part of the global south, but they are not part of the global south themselves. As a result, they are excluded, even though, geographically, they are in the same position.

I therefore urge Mr Doris, as a committee member, to reconsider whether these things are defined correctly in his amendment, and perhaps to lodge a slightly different amendment at stage 3.

I am happy to give way to you, Mr Doris.

**Bob Doris:** I acknowledge that the Scottish Catholic International Aid Fund has suggested as a starting point the partner countries in the global south with which Scotland already has relationships.

I also acknowledge that amendment 187 is broadly drawn. That was quite deliberate; it is, in fact, a probing amendment to flush out concerns ahead of revision at stage 3. I will take your sage advice on board in this instance, convener.

**The Convener:** I hope that you take it in the way that it was meant.

My other point is on amendments 2 and 3, which have been lodged by Graham Simpson. They are interesting. The timescale that is set by amendment 2 is quite tight. Interestingly, we have the option of voting on amendment 2 before we vote on amendment 3. If amendment 2 fails, amendment 3 will have the opportunity to be passed. My problem, as a parliamentarian looking to the future, is that the timescale in the bill would mean that the issue that Graham Simpson is trying to address would not come up until May 2026, unless things go remarkably astray in May 2026, when there will be an election. The whole strategy would be launched after Parliament has gone into recess, which would mean a huge heap of problems in terms of allowing proper parliamentary scrutiny. Although I would love to turbocharge it, I think it is unrealistic to do so.

I would definitely support amendment 12 and the two-year period. If those fail, there are good grounds for using a period of 18 months to ensure that the Parliament can properly scrutinise legislation before it goes into recess for an election. Those are my views.

I am looking around to see whether there are other views: it appears that there are not, so I call the minister to make closing comments.

**Gillian Martin:** Thank you, convener. I also thank members for an interesting discussion about the points that have been raised.

The Government cannot support amendment 1, in the name of Maurice Golden. “Co-design” is not a term that is defined in legislation, so arriving at a workable definition that is acceptable to all those who engage in co-design would be difficult and time consuming and we want to get going. I will not use Graham Simpson’s terminology here.

**Douglas Lumsden:** Will the minister give way?

**Gillian Martin:** If you will let me, I will finish and get a bit of my point out before I take an intervention.

Consultation will, of course, be central to the development of a workable and meaningful circular economy strategy. I agree that that should include private, public and third sector bodies. Section 2 of the bill already requires consultation of the general public and other persons whom the Scottish ministers consider appropriate, when preparing the strategy, which would include public, private and third sector bodies.

The circular economy touches on every part of society, and I support the principle of broad engagement. As such, I am happy to reflect on what Mr Golden has proposed and to see how we can broaden the consultation requirements ahead of stage 3. Although we cannot support the wording of amendment 1 as it is just now, there could be movement on that, and I absolutely get the point. I will take Douglas Lumsden now, if he wants to come in.

**Douglas Lumsden:** Thank you, minister, for taking my intervention.

I often hear about the co-design approach and had thought that it was embedded in the national care service, so I am surprised that the wording of amendment 1 cannot be accepted, although I accept what you said in your latter points on Maurice Golden’s amendment.

**Gillian Martin:** Mr Lumsden rightly points out that co-design is something that could happen across many areas of Government, but there is no actual legal definition of it. It is a proposal to have stakeholder engagement in order to work out a workable strategy; the bill to which you referred enables co-design. I hope that Mr Lumsden gets that I agree with Mr Golden on the wider point about widening consultation and am happy to do that.

Amendments 187 and 188 rightly recognise the impact that decisions that are taken here in Scotland can have on the global south. It was good to hear so many members recognising that civic Scotland and the Scottish Government have

taken a leading role in that in their work in COP26 and COP28.

We are the first country to put forward proposals on loss and damage and to take the discussion about climate justice to the fore in everything that we do. Climate justice is an important consideration and an important concern of our Government across multiple portfolios.

Although I fully appreciate the sentiment and the intention behind amendment 187, I cannot support it because the very broad way in which it is framed would make identifying the relevant stakeholders and experts in the global south too uncertain in legal terms, and it would therefore not be possible for ministers to properly identify statutory consultees.

However, we will always listen to the views of stakeholders in the global south. I refer to the fact that Ms Slater, in taking the bill forward as she did from the start, engaged with and consulted stakeholders thoroughly until the bill was handed over to me. We will always listen to representative organisations. This has been a useful discussion.

With regard to amendment 188, I appreciate the sentiment, but

“such persons or organisations that may be affected or interested by the strategy, in particular any international organisations”

is too broad a description to be deliverable. The consultation requirement in the bill already requires ministers to consult

“such persons as they consider appropriate”,

which would therefore allow ministers to consult international organisations. Indeed, we consult international organisations and engage with international partners; many ministers do so, across their daily work.

However, as with amendment 1, I am happy to consider whether we can work together to broaden the consultation requirements ahead of stage 3 to include the kinds of categories of persons that amendments 187 and 188 envisage. I hope that we can arrive at something that we all agree with.

Amendment 189, which is in the name of Mark Ruskell, will strengthen the reporting requirements for the circular economy strategy. I thank Mr Ruskell for lodging the amendment. It will add value to the bill, so I am happy to support it.

Amendments 2 and 3 relate to section 3 of the bill, which currently requires ministers to

“publish the circular economy strategy”

and lay it before Parliament within two years of the section coming into force. Effectively, the provision in the bill gives ministers and stakeholders two years to develop the strategy, including



stakeholder engagement, consultation, analysis of the responses and revision of the draft strategy in the light of those responses.

**Sarah Boyack:** It is really striking that the first circular economy strategy was produced in 2016. There has been a huge amount of consultation on the bill. Are we not, therefore, at a point at which ministers could just crack on? It has been observed already that two years—not from now, but from when the bill is approved and adopted—is quite a long time off and we will be into the next session of Parliament. Again, there is something to say about leadership and getting moving on that critical agenda.

**Gillian Martin:** On one hand, I agree that lots can be started now, because there has been a great deal of engagement. However, throughout the morning, lots of references have been made to where there has not been movement or sufficient engagement. In fact, in the group of amendments that we are talking about, members have asked for the consultation to be even wider than it has been.

Allowing two years for the development of a strategy is reasonable. The intention would be to engage with a wide range of stakeholders in developing the strategy and assessing the likely impacts. I do not want to curtail that vital engagement; indeed, I am taking on board quite a lot of what has been said this morning about extending it.

**The Convener:** Will the minister take an intervention?

**Gillian Martin:** I will in a second, but I really want to get to the end of my point.

I say to Graham Simpson that I am not personally about the fast lane: I am about going in the right direction with stakeholders behind me and about the careful consideration that Mark Ruskell mentioned. The consultation time period that is set out in the guidance for statutory environmental assessments under the Environmental Assessment (Scotland) Act 2005 alone could take six months. For those reasons we do not support amendments 2 and 3, so I ask Graham Simpson not to press them. I think that we rush things at our peril, to be honest.

12:00

**The Convener:** Do you take my point about a strategy being produced as the Parliament goes into recess for an election? I can perhaps understand your arguments with regard to the proposals for a six-month or 12-month reporting period, but if you were to lodge an amendment that changed the period to, say, 18 months, you would ensure that the Parliament and the very people who have put so much time and effort into

making all this correct, including committee members, get a chance to express a view.

**Gillian Martin:** I am listening to you, convener, but I am smiling wryly as I do so. If things had gone a certain way last week, we would have been having a Scottish Parliament election in a few weeks.

**The Convener:** I am not going to take that, minister, because you interrupted me slightly. I will say, though, that there would still have been an election in 2026, so this would have come about anyway. I am just trying to de-conflict the two things, which I suggest is the correct way of doing this.

**Gillian Martin:** I am sorry if you thought that I interrupted you, convener. I thought that you had finished. You had made your point, and I have taken it. The proposal of an 18-month period has been mooted, but it is in neither of the amendments that are under consideration. On amendments 2 and 3, I ask Graham Simpson not to move them, although I imagine that he will.

For similar reasons, the Scottish Government cannot support amendment 80, which is in the name of Douglas Lumsden. Section 5 requires that Scottish ministers report on progress on objectives and plans in the circular economy strategy 30 months after the publication of each strategy. In other words, there is a requirement for a progress report at the halfway point of each strategy. I think that that strikes a balance between ensuring that the Scottish Government is accountable for progress on each circular economy strategy, and our not imposing onerous reporting burdens that would distract from delivering policy. Our view is that amendment 80, by imposing annual reporting on the strategy, would go too far in that direction and should be resisted.

**Douglas Lumsden:** Do you not feel that if we leave the report too long—for two and a half years, say—we might be seriously off track by the time that reporting is carried out, and we will have less time to adjust? If we were to report after a year, we could see how far we are from the targets, then make changes to put us back on track.

**Gillian Martin:** We are required to report at the halfway point, and I think that that is sufficient. Members are always welcome to write to ministers asking for updates on whether targets are being met in the intervening period, but the proposed approach strikes the right balance.

On amendment 190, in the name of Maurice Golden, the circular economy sits at the heart of the Scottish Environment Protection Agency's published "One Planet Prosperity: A Waste to Resources Framework", which recognises that the organisation has a clear role in helping Scotland to

move to a more circular economy and that it is in a unique position for protecting Scotland's environment while helping to create prosperity through greater resource efficiency. The framework already guides SEPA's work on waste and resources, and SEPA guidance already takes account of a circular economy in which resources are recirculated in the context of there being high levels of environmental protection.

More than 100 individual pieces of SEPA guidance relate to waste management activities and are generally on legal, technical or pollution issues—for example, interpretation of legal definitions, practical guidance on consigning special waste, landfill waste acceptance criteria, odour abatement and when a recycled product such as compost ceases to be waste. It also includes guidance on UK schemes, such as the scheme on producer responsibility.

Mr Golden said that amendment 190 is a “nudge” in a certain direction, but I hope that I have demonstrated that SEPA has already embedded such action in all its activities. All the guidance already takes into account the regulators code of practice, SEPA's statutory purpose and its waste to resources framework, so requiring that all waste guidance be reviewed would be a significant undertaking with the prospect of there being no significant change, given that SEPA guidance is already in line with that framework. SEPA will also be involved in, and consulted on, development of the strategy.

In short, therefore, I believe that amendment 190 is unnecessary and could be overly burdensome on SEPA. On that basis, I cannot support it.

**Maurice Golden:** For the record, are you confident that there have been no examples across Scotland of, for example, bits of kit from the oil and gas sector being landed in Aberdeen and defined by SEPA as waste, but for which it could be argued, from a circular economy perspective, that they are products—indeed, valuable products—that could be resold? Because of interpretation by SEPA or a different interpretation from another environment agency, such things could be, and often are, not defined as waste. Is it on the record that that just never occurs in Scotland?

**Gillian Martin:** Mr Golden is welcome to interrogate SEPA about its decisions. It is not for me to answer on behalf of SEPA about an example on which I do not have detail. If you will forgive me, I will not walk into that one.

**Monica Lennon:** I am interested to hear whether the minister will put on the record that SEPA already has a lot of waste guidance on its books. My understanding of amendment 190 is

that it is about the procedure for review to ensure that SEPA's guidance remains aligned with the circular economy strategy. That is my interpretation.

Will the minister explain to committee members what she sees as being the mechanism for SEPA to ensure that its guidance, and how it is used, remains up to date, particularly where there is a lot of guidance on the books already? There is a need for a bit of reassurance around capacity and the schedule to ensure that guidance remains fit for purpose and aligned with the circular economy strategy.

**Gillian Martin:** I do not make quite the same interpretation as Monica Lennon has of Maurice Golden's amendment 190, which would require that all the guidance be reviewed. Ms Lennon mentioned capacity, which is what I would be worried about if we were asking for a review of all that when guidance is already in place and we already have a framework embedded in what SEPA does. *[Interruption.]* I am answering Ms Lennon, if you would forgive me.

The regulated code of practice and the waste to resources framework are the mechanism that Ms Lennon asked about. Obviously, SEPA will be working to review the framework in line with any changes to legislation and in response to the strategy that we will produce.

We might have different interpretations of the intention of amendment 1. I cannot support it, because our interpretation is slightly different.

**The Convener:** I turn to Maurice Golden to wind up, and to press or seek to withdraw amendment 1.

**Maurice Golden:** I am quite happy to withdraw amendment 1.

Overall, in relation to Bob Doris's amendment 187, an enhanced duty of care by SEPA might help to improve traceability of waste, perhaps with reference to global supply chains rather than to the global south.

On timescales, we should be aware—particularly given that the purpose provisions were withdrawn—that the circular economy strategy, as it is defined by the bill at this moment, is essentially a waste and litter strategy. It is therefore not going to be transformational; it is, unfortunately, very much a rehash of existing strategies, branded as a circular economy strategy. That is where we are. As far as I can tell, that is the scope at the moment.

The bill has been eight years in the making and we have a climate emergency on our hands. Taking all that into account, I imagine the strategy is very nearly drafted and, therefore, that it could be done very quickly. I appreciate the minister's

points about consultation periods around said strategy, which could undoubtedly delay things. For a starter for 10, however, I note that with eight years of work and dozens of people working on it, the bill is pretty much good to go—subject to amendments, which might or might not change things.

On the SEPA guidance, if the circular economy strategy is already embedded, it will be a really quick process to review it. If it is already there, there is very little to be done. I therefore urge that we do that.

I gently point out that the whisky industry does not produce waste; it produces by-products. If SEPA applied that approach to other sectors—again, with the mitigations that it has to have regarding health and safety and pollutants—and if there was a general approach that we do produce not waste, but by-products, that would help to fulfil the desire for a circular economy. I might come back at stage 3 with more examples—AstroTurf is a good one and wind turbine blades are another. My interpretation is that SEPA has a little bit more to do, but the minister has made it clear that it is already there. If it is already there, the amendment will not change anything.

**The Convener:** Can you confirm that you wish to withdraw amendment 1, Mr Golden?

**Maurice Golden:** Yes.

*Amendment 1, by agreement, withdrawn.*

**The Convener:** Amendment 141, in the name of Maurice Golden, is grouped with amendment 151.

**Maurice Golden:** Essentially, the motivation behind the two amendments in this little group is, in some way, shape or form, to recreate the UK Climate Change Committee for the circular economy. That impartial body has worked wonders in holding the Scottish and UK Governments to account on net zero. There is a role for such a body in Scotland with regard to the circular economy, and, based on my experience in the sector over a number of years, I struggle to see how other bodies could fulfil it.

For example, the funding through Waste Aware Scotland, the Waste and Resources Action Programme and Zero Waste Scotland has essentially fulfilled similar but drastically changeable functions over the years, even though the Scottish Government has been consistent and in control since 2007. Construction has been mentioned a lot today. Members might be surprised to learn that Zero Waste Scotland's construction support programme has, to my recollection, been cancelled twice. It was started; the Scottish Government took a different view and ditched it; it was restarted; and then it was ditched

again. I am not aware of its current status—it might well be back. It is a similar situation with textiles.

The role of the proposed advisory body, which I think would be particularly helpful for the committee, would be to scrutinise Government policy and, critically, its application. We might assume that, if the same Government was in charge, there would be consistency in the application of policy.

Definitively, in this space, another major change—

**Graham Simpson:** Will the member take an intervention?

**Maurice Golden:** I will, but I want to finish this point about consistency.

Another major change has been the diversion of millions of pounds from supporting local authorities to supporting businesses. I am not commenting on whether that is correct or incorrect, but a lot of the amendments that we are considering are about supporting local authority funding. That move was, at least in part, a result of a change in emphasis that was not scrutinised by the Parliament. The fact is that people might not even know that fairly major changes in policy application were happening, and an advisory body would scrutinise such changes and make them transparent. If a policy intention changes, as is legitimate for the Government to do, we and the people of Scotland deserve to know about it.

I will give way to Mark Ruskell and then Graham Simpson.

**Mark Ruskell:** I would be looking for a bit more detail on this between stages 2 and 3, because, at this point, I am not very clear how an advisory body would work with Zero Waste Scotland, given its existing role. I am not sure how much a new body would cost and whether it would be best for it to work on a Scotland-wide or a UK-wide basis to make best use of resources. Those are the areas of uncertainty.

12:15

**Maurice Golden:** I am happy to work with the Government on those points. Zero Waste Scotland is a private not-for-profit company, so we need to be cautious; my understanding is that it is largely reliant on the Scottish Government for funding and, as a result, you can imagine that, in order to manage its risks, it has to do what the Scottish Government asks it to do, given that the Scottish Government is paying it. I would see the advisory body utilising the excellent reports and analysis that Zero Waste Scotland produces, which members will have seen at first hand. Zero Waste Scotland could be useful to that function and that

body, but I appreciate that there is more work to be done to put flesh on the bones of the proposal.

**Graham Simpson:** My question follows on from that. Do you see this role being taken on by an existing or brand new body?

**Maurice Golden:** It would be useful if the body were brand new and, therefore, independent. I appreciate Mark Ruskell's point about considering whether this could be a UK-wide function—that might make more sense—but in that case we would also need a UK-wide circular economy strategy.

One alternative could be to make the advisory role a function of the UK CCC, which is an existing body. My reticence about Zero Waste Scotland having the role is that, in essence, the Government would be funding itself to tell itself how it is doing with delivering policy. That would indeed be circular, but it is not the sort of circularity that we want.

**Monica Lennon:** You already answered my question in part when you clarified that the intention is for the new body to be independent and not funded by the Scottish Government, but what do you anticipate will be the funding model? Have you discussed the idea with the UK Climate Change Committee?

**Maurice Golden:** No, I have not, but it would be worth while to have a joint UK-wide funding model, if possible. However, the body that takes on the role might be required to be funded by the Scottish Government, as there will be no one else to fund it. There might be other sources of funding, but that will depend on whether the amendments progress.

**Monica Lennon:** You have said that you want the body to be independent of Government and that you think the funding flow is important. Are we being asked to support something that is fully independent in its remit and funding model, or would you be comfortable with a body that would be set up to be independent, but which would be fully or partly funded by the Scottish Government?

**Maurice Golden:** Yes, that might be a necessity, and it would be similar to how, say, independent commissioners operate. A good example would be the Scottish Veterans Commissioner; that body is funded, but it is also independent. There is a difference between an organisation such as Zero Waste Scotland, all of whose functions are funded by the Scottish Government, and a specific body or entity that is designed to scrutinise the Government. Does my formulation make sense?

**Jackie Dunbar:** You mentioned the veterans commissioner. Does that mean that you want a commissioner to carry out this work?

**Maurice Golden:** No. I was just highlighting an example of something that the Scottish Government funds and which I think most members would agree is independent. The two things can sit alongside each other.

**Jackie Dunbar:** Thank you for the clarity.

**Sarah Boyack:** As a further intervention, is there an opportunity to reconfigure Zero Waste Scotland so that it is able to use the expertise that it clearly has and which is of huge benefit, while at the same time ensuring that it has independence on this issue? We have to be thoughtful in setting up new organisations. I totally understand the ambition behind Mr Golden's amendment 141, but I want to tease out its implications and understand whether there might be other ways of delivering its aim.

**Maurice Golden:** The short answer is yes. That is why amendment 151 makes it clear that it could be a public body—that is the only thing that I would say. Zero Waste Scotland is on the journey towards that end, but it is not currently a public body. There could be an opportunity to reconfigure it to fulfil that task; for example, it is not uncommon in lawyers' offices to have Chinese walls to ensure that, even within the same office, there is an ability to scrutinise actions. That might be another opportunity for Zero Waste Scotland.

**The Convener:** Thank you, Mr Golden. A lot of members have had a chance to debate amendment 141, but, as I do not see anyone else wanting to come in, I will go to the minister.

**Gillian Martin:** Amendments 141 and 151 relate to the designation of either a new advisory body or an existing body to provide advice to Scottish ministers on their functions with regard to the circular economy strategy and targets. It seems to be envisaged that such a body's role would be similar to that fulfilled by the existing Climate Change Committee under the Climate Change (Scotland) Act 2009.

I acknowledge that it is extremely important to regularly monitor and report on the strategy and targets, but I do not agree that it is necessary for a new advisory body to be established for the purposes set out in amendment 151. Section 5 of the bill requires ministers to lay a report on progress before the Scottish Parliament halfway through the expected five-year duration of the circular economy strategy, while section 7 provides for regulations to set out progress towards achieving circular economy targets. Such a report must also be laid before the Scottish Parliament.

I do not consider the setting up of a new body to be a good use of taxpayers' money. We already have several circular economy bodies that fulfil similar roles. [*Interruption.*] If the member who is

seeking to intervene will let me finish my point, I will give way after that.

We came to that conclusion when we considered responses to questions in the bill consultation on the establishment of a new circular economy public body. Concern was raised that such a body could duplicate existing provision and lead to unnecessary administration and cost. Scotland already has a relatively new independent body in Environmental Standards Scotland, which scrutinises and assesses the effectiveness of environmental law and public authorities' compliance with it and is accountable to the Scottish Parliament. Progress against waste and recycling targets and the development of the circular economy are analytical priorities in ESS's existing strategic plan.

Moreover, the Climate Change Committee typically includes recommendations on circular economy and waste as part of its duties under the Climate Change (Scotland) Act 2009. Finally, Zero Waste Scotland, which has been mentioned a lot, already provides advice and support to ministers on the delivery of their objectives. It is already working on construction waste, which I think was mentioned earlier, and it engages with relevant businesses on best practice.

I am not sure who was trying to intervene earlier—I do not know whether it was Mr Golden.

**Maurice Golden:** In lodging my amendments, I was intending not to create an advisory body, but to achieve consistent scrutiny and application of Government policy. As I know from first-hand experience from the stopping of the textiles programme, people become worried about their jobs. That, in itself, is a waste of money. Has the minister any thoughts on how we could achieve consistency in application, which was the intention behind my amendments?

**Gillian Martin:** I take Maurice Golden's point on the intention behind his amendments, but I go back to my point that a range of bodies fulfil similar roles. I do not consider it an option to designate an existing body as the advisory body. No one body would fit the remit that the amendments envisage. Environmental Standards Scotland assesses public authorities' compliance with environmental law and is accountable to the Scottish Parliament, but it has not been set up to give advice to ministers, while, as I have said, Zero Waste Scotland already provides advice and support to ministers in the delivery of the objectives. I will not rehearse everything that I have already said in that respect.

I also note that, although the committee mentioned in its stage 1 report the strong views of some stakeholders about the creation of an independent oversight body, it did not consider the

issue as having sufficient importance to be included in the committee's report recommendations. For those reasons, the Government does not support amendments 141 and 151.

**Graham Simpson:** Just for clarity, I point out that Maurice Golden's amendment 151 would not require ministers to set up a new body; the actual wording is that they must "designate" a body as an advisory body. I have heard what the minister has had to say, but is she against the principle of having such an advisory body?

**Gillian Martin:** Zero Waste Scotland is Scotland's circular economy expert and already provides advice and support to ministers on the delivery of the objectives in that area. It will complete its transition to becoming a non-departmental public body this year, and that will be taken forward in amendments 174 and 180.

**Maurice Golden:** Will the minister take an intervention?

**The Convener:** Mr Golden, we are about to come to your winding-up remarks on your own amendments, and the minister has come to a natural conclusion. I am conscious that everyone wants to debate the matter, and it is great that they want to do so, but there are some constraints on us.

Mr Golden, I now ask you to wind up, and perhaps you can make the point that you were going to make as part of that. I also ask whether you wish to press or withdraw amendment 141.

**Maurice Golden:** We have had a really useful discussion. It must be noted that the designated body could be an existing body, as suggested in amendment 141, and I think that there is more to consider in the proposals with regard to consistency in application of funding, policy direction and sector plans. Ultimately, I think that an advisory body would be useful, but, given the comments, I will seek to withdraw amendment 141.

*Amendment 141, by agreement, withdrawn.*

*Amendments 187 and 188 not moved.*

*Section 2 agreed to.*

### **Section 3—Publication and laying of strategy**

*Amendment 2 not moved.*

*Amendment 3 moved—[Graham Simpson].*

**The Convener:** The question is, that amendment 3 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Lennon, Monica (Central Scotland) (Lab)  
Lumsden, Douglas (North East Scotland) (Con)  
Mountain, Edward (Highlands and Islands) (Con)

**Against**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Ruskell, Mark (Mid Scotland and Fife) (Green)

**The Convener:** The result of the division is: For 3, Against 4, Abstentions 0.

*Amendment 3 disagreed to.*

*Section 3 agreed to.*

*Section 4 agreed to.*

**Section 5—Reporting on strategy**

*Amendment 189 moved—[Mark Ruskell]—and agreed to.*

*Amendment 80 moved—[Douglas Lumsden].*

**The Convener:** The question is, that amendment 80 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Lumsden, Douglas (North East Scotland) (Con)  
Mountain, Edward (Highlands and Islands) (Con)

**Against**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Lennon, Monica (Central Scotland) (Lab)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Ruskell, Mark (Mid Scotland and Fife) (Green)

**The Convener:** The result of the division is: For 2, Against 5, Abstentions 0.

*Amendment 80 disagreed to.*

*Section 5, as amended, agreed to.*

12:30

**After section 5**

*Amendment 190 moved—[Maurice Golden].*

**The Convener:** The question is, that amendment 190 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Lennon, Monica (Central Scotland) (Lab)  
Lumsden, Douglas (North East Scotland) (Con)  
Mountain, Edward (Highlands and Islands) (Con)

**Against**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Ruskell, Mark (Mid Scotland and Fife) (Green)

**The Convener:** The result of the division is: For 3, Against 4, Abstentions 0.

*Amendment 190 disagreed to.*

**The Convener:** We have come to a logical break in the scrutiny of the stage 2 amendments of the Circular Economy (Scotland) Bill. I could go on a bit longer, but we would be getting into a big group of amendments that we would not complete, so I am stopping here.

I say to committee members and the minister that I will need to speak with the clerks post this meeting, as we are behind where we had intended to be at this stage. I therefore put it on record that we will have to consider an early start next week, if we are not going to get where we need to be, given that we have allowed three weeks in the timetable for debating stage 2 amendments and we are now at the end of week 1.

I thank the minister and her officials and conclude this part of our stage 2 consideration of the bill. Timings for next week will be published, and we will start with the group on circular economy targets: duty to make regulations and pre-laying procedure for first regulations.

With that, I close the meeting.

*Meeting closed at 12:32.*

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