

Consultation name: Draft Circular Economy Strategy

Consultation lead: Scottish Government

Date of submission: January 2026

1. Environmental Standards Scotland (ESS) welcomes the opportunity to respond to the Scottish Government's consultation on its [draft Circular Economy Strategy](#). ESS has responded to specific questions in this consultation and our response to those is included below.

2. ESS is a non-ministerial office directly accountable to Scottish Parliament, since 1 October 2021, it has been a component of the system of environmental governance in Scotland following the UK's exit from the European Union and the end of oversight of implementation of European Union environmental law by the European Commission and the European Court of Justice. ESS' remit is to:

- ensure public authorities, including the Scottish Government, public bodies and local authorities, comply with environmental law
- monitor and take action to improve the effectiveness of environmental law and its implementation

Vision and outcomes

To what extent do you agree with the vision and outcomes for the strategy?

3. Neither agree or disagree.

Do you have any comments on the vision?

4. The vision is necessarily high-level with a positive long-term goal. However, it could be more explicit about the necessary environmental change that is needed, beyond the overarching statement about being a net zero and nature positive nation. For example, the high-level economic and societal goals are expanded with some additional description in the vision.

There is a clear need for systemic change in how effective national approaches are to ensuring the waste management hierarchy is applied. SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound) interim statutory targets would also add credibility, improve the scope for monitoring and reporting against the long-term vision and ensure that it is actionable. An effective legislative framework for long-term goals also supports more effective scrutiny and better allows for swift and effective remedial action if it is identified that progress is off-track.

It is helpful to connect the vision to the wider policy landscape, for example to the Climate Change Plan, however further clarity would be welcome on what happens if other strategies and plans do not meet their targets where it would impact this strategy. While integration across different policy regimes is positive, there is also the risk of fragmentation and lack of delivery if crosscutting goals are not well defined.

Resources is one of the four priority environmental topics identified in [ESS' draft Strategy 2026-31](#) which has been consulted on from 5 December to 9 January 2026.

This includes securing sustainable resource use, reducing waste and developing a circular economy.

Do you have any comments on the outcomes?

5. The outcomes are broadly positive and add further detail to the overarching vision although, while they are necessarily broad and strategic, further detail could be more explicitly included on key elements such as implementing the waste management hierarchy. There is also scope to better recognise the complementary nature of both incentivising good practice and underpinning it with targeted regulation to achieve the desired behaviour change.

The phrase “the most circular way possible” (when talking about resource extraction) is vague and unlikely to mean something explicit to all readers. It would be beneficial to define what is meant by this phrase and to set out how that will be achieved through policy and regulation. For example, will this include whole supply-chain monitoring and due diligence supported by a robust regulatory framework, or is this through voluntary good practice at a site level?

Policy Mechanisms

To what extent do you agree with the policy mechanisms identified?

6. Neither agree or disagree.

Do you have any comments on the policy mechanisms identified?

7. The policy mechanisms appear comprehensive however the regulatory framework and enforcement tools underpinning their implementation could be much clearer. Whether provided in the strategy or as part of a supporting action plan, this section would be strengthened by the inclusion of statutory measures linked to each policy mechanism, with detail on responsible authorities, enforcement frameworks and binding targets, quotas and other commitments such as timelines.

Do you have any comments on the associated plans and priorities?

8. As noted in response to question 5, clarity on the detail of how these policy mechanisms will be implemented, monitored and enforced is needed. Whether provided in the strategy or as part of a supporting action plan, this section would be strengthened by the inclusion of statutory measures linked to each policy mechanism, with detail on responsible authorities, enforcement frameworks and binding targets, quotas and other commitments such as timelines.

More effective monitoring and evaluation would also improve implementation and allow for effective scrutiny. For example, through standardised reporting, independent scrutiny and provision of data via a public dashboard to allow members of the public, businesses and relevant sectors to understand progress against the vision and targets. Further clarity on resourcing and interim measures as well as a robust framework for monitoring and reporting to support swift and effective remedial action if it is identified that progress is off-track would significantly improve this strategy. This should be supported by the inclusion of a summary of lessons learnt and gap analyses of previous policy measures and plans, as this is a complex policy area with a range of interdependencies and learning from previous measures helps to ensure a robust evidence base for interventions.

Priority Sectors

To what extent do you agree with the priority sectors identified?

9. Neither agree or disagree.

Do you have any comments on the priority sectors identified?

10. The five priority sectors are relevant and appropriate, however it is important that the strategy and proposed measures to support it recognise the full range of tools available to effect change and ensure clarity and coherence across the different plans and strategies that set targets to deliver actions. In particular, the transport priority sector references the measures set out in the draft Climate Change Plan, but more

detail could be provided on what action is required to achieve a circular economy for this sector within this strategy as the priorities identified are reliant on collaboration at a UK and international level.

Further detail could be more explicitly included on key elements such as implementing the waste management hierarchy more effectively. There is scope to better recognise the complementary nature of both incentivising good practice and underpinning it with targeted regulation to achieve the desired behaviour change. Priorities and actions within these sectors should be supported by effective monitoring and reporting to enable robust scrutiny of implementation and delivery.

ESS' has made several recommendations to the Scottish Government in our marine litter analytical report ([Marine-Litter-an-assessment-of-sources-controls-and-progress-in-Scottish-seas-October-2024.pdf](#)) that are relevant to the circular economy. In particular, more progress is needed on use of plastics, including single-use plastics, and management of plastic waste and litter. This applies both to the marine environment, which was the focus of our analysis, and to the aquatic and terrestrial environments.

Product Stewardship

Do you have any comments on the proposed approach to product stewardship?

11. ESS welcomes the adoption of an evidence-based approach to product stewardship prioritisation and in particular the recognition of end-of-life fishing gear as a priority, in line with ESS' recommendations to the Scottish Government in our marine litter analytical report ([Marine-Litter-an-assessment-of-sources-controls-and-progress-in-Scottish-seas-October-2024.pdf](#)). As noted in further correspondence with the Scottish Government on progress against the recommendations in the report, it is important that clarity is provided publicly on proposals and activities to ensure continued progress.

Circular Economy Monitoring and Indicator Framework

Are there any changes or additions that you would like to suggest in relation to the Circular Economy Monitoring and Indicator Framework to ensure it is fit for purpose?

- No
- Yes (If yes, please specify below in relation to the framework as a whole and under the relevant outcome sub-questions below if in relation to specific indicators/outcomes)

Effective monitoring and evaluation of the strategy and the measures and policies that implement it is essential to support delivery and allow robust scrutiny of the strategy. Indicators need to be appropriately targeted, timely and provide a comprehensive overview of the implementation of policy measures and their effect.

ESS welcomes the planned work to develop indicators and engagement with academics and the focus on UK coherence. Material flow accounts are identified as a data source underpinning a number of the draft indicators. In its current form the Scottish material flow accounts are based on data with a significant lag time to publication. This will limit the value and timeliness of these indicators and the scope to use an effective evidence base to evaluate policies. Monitoring and evaluation of the strategy and its delivery should include proactive review of the indicators and identification or development of data sources that can support early identification and rapid evaluation of insufficient progress and the need for remedial action if required.