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Ìrean Àrainneachdail na h-Alba

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Caro Cowan
Deputy Director
Marine Directorate
Scottish Government

(By email)

22 January 2026

Dear Caro,

RE: ESS' Marine Litter analytical report recommendations

Thank you for your letter of 11 September 2025 providing further information and clarity on progress and planned action by the Scottish Government in relation to the recommendations made by ESS in our report '[Marine Litter: an assessment of sources, controls and progress in Scottish seas](#)'. ESS welcomes the positive ongoing engagement to address these recommendations since the publication of our report.

Recommendation 1

It was helpful to see a preview of the Scottish Government's Marine Litter Strategy mid-point review detailing progress towards meeting the objectives set under each Strategic Direction. I would be grateful if you could confirm when this review will be finalised and published?

ESS will continue to monitor the implementation of the Marine Litter Strategy, most notably Strategic Directions 1 and 2, and its coordination with the National Litter and Flytipping Strategy to tackle the most prominent sources of land-derived marine litter, such as sewage-related debris and macro- and microplastics. Over the longer term, ESS will continue to monitor how the Scottish Government applies and considers a source-to-sea approach when such opportunities arise, such as when developing new legislation and new policy.

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The constituents of marine litter include materials from terrestrial sources, so ESS will monitor similar legislative and policy developments concerning terrestrial waste where relevant.

ESS will seek an update from the Scottish Government on any relevant progress related to this recommendation by 30 September 2026.

Recommendation 2

ESS recognises the complexities of preventing plastic pellet loss across the supply chain in Scotland and the need for, and potential benefits of, aligning with international coordination. As expressed in my previous letter, ESS notes the Scottish Government's commitment to evaluating and assessing Scottish alignment with the European Commission's Regulation to prevent plastic pellet losses following its publication.

Regulation (EU) 2025/2365 came into force in the EU on 16 December 2025 and introduces new binding rules on the prevention of plastic pellet loss across the entire supply chain, with some articles coming into force immediately. It would be helpful to understand to what extent the Scottish Government has evaluated this Regulation and how it translates to developing domestic legislation and policy in Scotland.

In addition, for effective governance ESS would expect the Scottish Government to have a plan detailing actions to improve plastic pellet loss in Scotland. This should include the legislative and policy changes for implementing such improvements, including alternative mechanisms if the Scottish Government decides to not align with the published EU Regulation, and the intended timelines for delivering these. This appears to align with the Scottish Government's commitment to delivering improvements to pellet handling and management across the supply chain by 2028 and the necessary time expected to develop any domestic legislation, as noted in your last letter.

ESS will seek an update from the Scottish Government on this recommendation by 30 September 2026 but asks that the Scottish Government to provide an update to ESS earlier than this if they are able to do so. For example, providing detail on the outcomes of its critical evaluation of the EU Operation Clean Sweep Certification Scheme and evaluation of the EU plastic pellet loss Regulation would be helpful in this regard.

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Recommendation 3

While this recommendation focuses on adopting a circular economy to reduce problematic single-use plastics in the marine environment, the need to adopt a more circular economy towards consumption and waste production is recognised and targeted by many other policy areas, such as the draft Circular Economy Strategy, draft Climate Change Plan and the Scottish Biodiversity Strategy. It is vital that these policy drivers are joined-up to ensure they are as effective as they can be at reducing the consumption and littering of single-use plastic items.

Resources is one of the four priority environmental topics identified in [ESS' proposed new Strategy 2026-31](#), this includes securing sustainable resource use, reducing waste and developing a circular economy. Through the new priority and this analysis, ESS will continue to monitor progress against this recommendation through the Scottish Government's Circular Economy Route Map and Circular Economy Strategy. ESS also recognises that this recommendation came through its analytical work on marine litter but has much wider implications to other policy areas and welcomes engagement with other departments of the Scottish Government through our work where necessary.

It is encouraging to see that plastic wrappers and packets will be included under an Extended Producer Responsibility scheme for packaging. However, this doesn't address the production and consumption of these single-use items and therefore may not necessarily reduce their presence in terrestrial and marine litter. As highlighted in ESS' [response](#) to the draft Circular Economy Strategy consultation, further emphasis is needed on more effectively implementing the waste management hierarchy, incentivising good practice and underpinning it with targeted regulation to achieve the desired behaviour change.

ESS will seek an update from the Scottish Government on any relevant progress related to this recommendation by 30 September 2026.

Recommendation 4

ESS welcomes the further clarity provided on the work undertaken by the Scottish Government in developing policy options to tackle end-of-life fishing gear. ESS will seek an update from the Scottish Government by 30 September 2026 on the development of end-of-life fishing gear policy options and further information on resourcing to ensure long-term

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improvement of waste management for end-of-life fishing gear by 2028, as set out in the Scottish Biodiversity Strategy. In your letter to ESS on 30 April 2025 you explained that an extended producer responsibility scheme was not considered proportional at this time. Given this, ESS will also seek an update on how the environmental principles, specifically the Polluter Pays Principle, have informed the development of these policy measures.

The Circular Economy Strategy consultation details end-of-life fishing gear as a product stewardship priority. At this stage it is not clear exactly what this priority will achieve. As mentioned for recommendation 3, ESS will monitor the development of this policy through the Circular Economy Strategy and engage further with the Scottish Government on this topic.

Finally, this recommendation specifically seeks for the Scottish Government to establish a programme of work to identify the drivers and causes of fishing derived marine litter. It is encouraging that work is underway to improve the management of end-of-life fishing gear as a waste and ESS appreciates such action is likely to decrease its prevalence as a source of marine litter. However, ESS will monitor this recommendation and follow-up with the Scottish Government to understand how development of this policy area also considers the causes and drivers of marine-derived litter.

Recommendation 5

ESS welcomes the further information you have provided regarding the development of marine litter indicators for microplastics in marine sediment and plastic pellets on beaches. It is encouraging to see that four additional Scottish beaches will be considered for data collection under the OSPAR beach litter indicator and feed into the UK Marine Strategy. ESS will continue to monitor progress in developing marine litter indicators for microplastics given their prevalence in the marine environment.

ESS will also continue to monitor how UK Marine Strategy indicators are further developed to provide a more comprehensive understanding of marine litter, including key pathways (as identified in the UKMS Part One update in 2025) and the temporal flux of marine litter – information vital to reducing marine litter at source and fully understanding trends.

ESS is currently undertaking analytical work on seafloor integrity, including scrutiny of the associated monitoring programmes for this descriptor under the UK Marine Strategy.

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While this work focuses on benthic habitats, there may be additional, wider concerns and recommendations related to other descriptors, such as marine litter, raised as part of this ongoing analysis.

ESS will seek an update from the Scottish Government regarding progress on this by 30 September 2026.

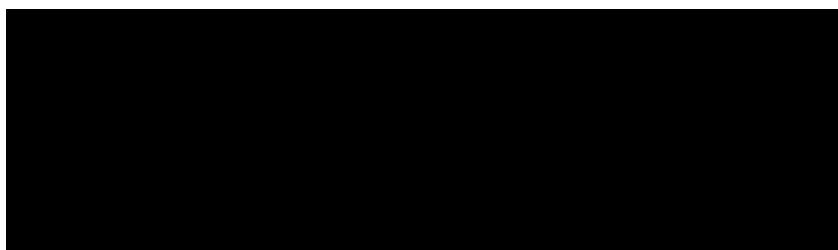
Recommendation 6

ESS welcomes the work undertaken on intentionally added microplastics. ESS asks for the Scottish Government to provide details on the outcome of discussions with the UK and Welsh governments and provide clarity on the proposed next steps. If the Scottish Government is not currently able to provide an update on this subject, ESS would welcome a commitment to do so within an appropriate timeframe.

ESS welcomes the Scottish Government's alignment with European Union environmental ambitions and commitment to assessing the recast Urban Waste Water Treatment Directive, as set out in their response to ESS' analytical report on storm overflows. ESS will continue to monitor and engage on this topic, including on the Scottish Government's commitments to assess the recast Urban Waste Water Treatment Directive and develop plans to update the Urban Wastewater Treatment (Scotland) Regulations 1994.

I look forward to receiving further updates from you by 30 September 2026 regarding action to address the points raised in this letter and the implementation of the recommendations made in our report.

Yours sincerely



Mark Roberts
Chief Executive