



Law Society
of Scotland

Written evidence

Electronic Waste and the Circular Economy

April 2020



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental Law Sub-committee welcomes the opportunity to respond to the Environmental Audit Committee's Inquiry on Electronic Waste and the Circular Economy¹. We have the following comments to put forward for consideration.

General comments

We welcome the proposals to develop a circular economy for electronic goods. We recognise the importance of these proposals and how they fit with the developing environmental programme. However, we note the importance of integrated environmental policies and consider that it is crucial that the details of circular economy arrangements for electronic goods and arrangements for Waste Electrical and Electronic Equipment (WEEE) dovetail with other environmental regulation. A number of existing and developing policies contribute to, and interact with, the circular economy and therefore, we consider that it is important that steps towards a circular economy for electronic goods are considered in light of other developing laws and policy. For example, how does this work fit with the plans for extended producer responsibility as set out in the Environment Bill? We note comments within Defra's evidence² that "by the end of 2020 Government will consult on changing the waste electrical and electronic equipment (WEEE) producer responsibility regime". We look forward to considering that consultation in due course.

Consideration is also required as to how far aspects of circular economy and electronic waste are reserved or devolved and the extent to which consistency is sought between the UK Government and the devolved administrations. This is principally a political matter but the establishment of common frameworks may be merited with a view to reducing the possibility of environmental regulatory tourism. In relation to producer

¹ <https://committees.parliament.uk/work/170/electronic-waste-and-the-circular-economy/>

² <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environmental-audit-committee/electronic-waste-and-the-circular-economy/written/104873.pdf>

responsibility provisions in the Environment Bill, we note that Roseanna Cunningham MSP, Cabinet Secretary for the Environment, Climate Change and Land Reform, noted in an evidence session to the Scottish Parliament's Environment, Climate Change and Land Reform Committee in October 2019³ that Scottish Government were in agreement with plans in relation to producer responsibility, suggesting that a common framework will be capable of agreement. Having the various elements of environmental policy in this area working smoothly together will be essential for success. It is important that proposals integrate with planned arrangements for a Circular Economy Bill in Scotland, recognising that the Bill's introduction has been delayed as a result of Coronavirus.

For further information, please contact:

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³ <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12328>