

Identifying Legal Reforms to Support the Regenerative, Circular and Sharing Economy in Canada

EXECUTIVE SUMMARY

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Disclaimer

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“To date, efforts to tackle the climate change crisis have focused on a transition to renewable energy, complemented by energy efficiency. Though crucial and wholly consistent with a circular economy, these measures can only address 55% of emissions. The remaining 45% comes from producing the cars, clothes, food, and other products we use every day. These cannot be overlooked. The circular economy can contribute to completing the picture of emissions reduction by transforming the way we make and use products”. – **Ellen Macarthur Foundation**¹

“There is only one planet Earth, yet by 2050, the world will be consuming as if there are three. Global consumption of materials such as biomass, fossil fuels, metals and minerals are expected to double in the next forty years, while annual waste generation is projected to increase by 70% by 2050. The (world) needs to accelerate the transition towards a regenerative growth model that gives back to the planet more than it takes, advance towards keeping its resource consumption within planetary boundaries, and therefore strive to reduce its consumption footprint and double its circular material use rate in the coming decade”. – **EU Circular Economy Action Plan**²

Introduction

This project explores the opportunities inherent in Canadian law towards the shift from the linear economy to the regenerative, circular and sharing economy. It examines how the Canadian legal framework can be deployed, reformed and repositioned to facilitate the transition from the linear model of production and consumption to the regenerative, communal and distributive model of production and consumption – one that is regenerative and restorative by design. Therefore, this project answers this research question: what major reforms to Canadian law are required to facilitate the adoption of sustainable production and consumption models and enhance their effectiveness?

Background/Problem Context

The linear model of production and consumption, the “take-make-waste” model – where resources are extracted and disposed of is proving to be unsustainable and a danger to human health and the environment. Policymakers, governments, scholars and non-profit

¹ Ellen Macarthur Foundation, “Completing the Picture how the circular economy tackles climate change”, online: < <https://www.ellenmacarthurfoundation.org/our-work/activities/climate-change>>

² The EU Circular Economy Action Plan, COM/2020/98, online: < <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1583933814386&uri=COM:2020:98:FIN>>

organizations are recognizing this reality and exploring opportunities to reinvent current production and consumption models towards a more sustainable economy. The circular, sharing and regenerative economic model has been put forward in recent times as viable alternatives to the linear economy. These models aim to, “design out waste and pollution, keep products and materials in use and regenerate natural systems”.³ Countries, including Canada are exploring ways to transition the economy and production and consumption models towards the regenerative and circular model. Based on this, this project examines how the Canadian legal system can be employed and reformed to facilitate the adoption of the regenerative, circular and sharing economy in Canada.

Definition of key concepts

This section provides a brief definition of key concepts necessary for the understanding of subsequent discussions in this paper.

Economy, Production and Consumption

Economy can be defined as “a social domain that emphasizes the practices, discourses, and material expressions associated with the production, use, and management of resources”.⁴ Production is the creation of goods and services from tangible and intangible sources to satisfy consumers’ needs and desires. Consumption is “the process by which goods and services are put to final use by people”.⁵

Linear Economy

Linear model of production and consumption or the linear economy is an economic system where raw materials are transformed into products, consumed, and then disposed of to become waste. It is popularly referred to as the “take-make-waste” model. This is based on the assumption that natural resources are infinite, and the earth has the limitless capacity to absorb waste.⁶

³ Ellen Macarthur Foundation, “The Circular Economy in detail”, online: < <https://www.ellenmacarthurfoundation.org/explore/the-circular-economy-in-detail> >

⁴ James, Paul; with Magee, Liam; Scerri, Andy; Steger, Manfred B. (2015). *Urban Sustainability in Theory and Practice: Circles of Sustainability*. London: Routledge. p. 53.

⁵ Brian Roach, Neva Goodwin and Julie Nelson, “Consumption and the Consumer Society”, *Microeconomics in Context*, Fourth Edition. Routledge, 2019 p. 5.

⁶ Alan Murray, Keith Skene and Kathryn Haynes, “The Circular Economy: An Interdisciplinary exploration of the concept and application in a global context” (2017) 140 *Journal of Business Ethics* 369 at 373.

Circular Economy

The EU Circular Economy Action Plan defines the circular economy as “an economy where the value of products, materials and resources is maintained in the economy for as long as possible, and the generation of waste is minimized”.⁷ There are different definitions of the circular economy, however a common theme in all definitions is the need for a drastic change in production and consumption patterns and the phasing out of waste from the economy.⁸ The main strategies of the circular economy are reuse, repair, recycling, product recovery, durable product design and sustainable consumption patterns that are not ownership based. Practices such as reparability, reusability, leasing, remanufacturing, sharing, servitization, product business model are central to the attainment of the objectives of the circular economy.⁹

Sharing Economy

The sharing economy is defined as “an economic system in which assets or services are shared between private individuals, either free or for a fee, typically by means of the internet”.¹⁰ The sharing economy fosters non-ownership-based consumption models (ranks accessibility over ownership) and utilizes digital platforms to deliver services to consumers. Uber and Airbnb are popular sharing economy platforms where consumers share, lease and access products and services through the internet.¹¹

Extended Producer Responsibility

Extended Producer Responsibility (EPR) is an environmental sustainability policy which holds producers’ physically and financially responsible for their products at the end of their useful life. Producers are required to take back products at the end of their life to manage them either through reuse or recycling or remanufacturing.¹² The rationale behind EPR is that producers

⁷ Eleonore Maitre-Ekern, “Re-thinking producer responsibility for a sustainable circular economy from extended producer responsibility to pre-market producer responsibility” (2021) 286 *Journal of Cleaner Production* 1 at 2.

⁸ Rosa Maria Ballardini, Janne Kaisto & Jukka Simila, “Developing novel property concepts in private law to foster the circular economy” (2021) 279 *Journal of Cleaner Production* 1 at 1.

⁹ Raphaelle Stewart and Monia Niero, “Circular economy in corporate sustainability strategies: A review of corporate sustainability reports in the fast-moving consumer goods sector” (2018) 27:7 *Business Strategy and the Environment* 1005 at 1005

¹⁰ Sita Mishra, Sheetal Jain and Gunjan Malhotra, “The anatomy of circular economy transition in the fashion industry” (2020), *Social Responsibility Journal*, online: < <https://doi.org/10.1108/SRJ-06-2019-0216> >

¹¹ Russell Belk, “You are what you can access: Sharing and Collaborative consumption online” (2014) 67:8 *Journal of Business Research* 1595 at 1595.

¹² Louis Dawson, “Our Waste, our Resources; A Strategy for England – Switching to a circular economy through the use of extended producer responsibility” (2019) 21:3 *Environmental Law Review* 210 at 212

are in the best position to properly dispose their products to prevent environmental damage and diversion of waste to landfills. Furthermore, it is envisaged that if producers are held responsible for the end of life of their products, they would be incentivized to design durable, long-lasting and recyclable products. It could also urge producers to adopt more sustainable business models such as renting, leasing and product service business model wherein they retain ownership of products.¹³

Summary and Recommendations

Review of Canadian policies and regulations on sustainable production and consumption

Canada is yet to enact a comprehensive policy regulating the regenerative, circular and sharing economy; however, Canada has made certain regulations and policies at the federal and provincial level geared towards environmental sustainability and waste reduction. This section considers the extent to which the Waste-free Ontario Act and the Canada-wide action plan for Extended Producer responsibility can be deployed to foster the transition to the regenerative and circular economy in Canada.

Waste-Free Ontario Act

The Waste-Free Ontario Act seeks to transition Ontario's economy from the linear economy to the circular economy, increase resource recovery, improve waste collection and recycling systems and enhance waste reduction.¹⁴ The Waste-free Ontario Act comprises of the Resource Recovery and Circular Economy Act, the Waste Diversion Transition Act and the Strategy for a Waste-Free Ontario: Building the Circular Economy. It is the only legislation in Canada that expressly attempts to regulate the circular economy. The Resource Recovery and Circular Economy Act imposes a liability on producers to recover and reduce the waste associated with their product and empowers the provincial government to issue policies on resource recovery and waste reduction. The Waste Diversion Transition Act aims to facilitate

¹³ Kleoniki Pouikli, "Concretizing the role of extended producer responsibility in European Union waste law and policy through the lens of the circular economy" (2020) 20 ERA Forum 491 at 493.

¹⁴ John Georgakopoulos, "Waste-Free Ontario Act: Ontario's Proposed New Waste Reduction Regime", (1 December 2015), online: < <https://www.mondaq.com/canada/waste-management/447976/waste-free-ontario-act-ontario39s-proposed-new-waste-reduction-regime>>

the reduction, reuse and recycling of waste and facilitate the transition of current waste diversion programs to the new producer responsibility framework established under the Act.¹⁵

While the Act and the supporting strategy are commendable policies facilitating the shift towards the circular economy in Ontario, however its provisions, measuring and enforcement mechanism are not viable enough to promote the circular economy objectives. Majorly, the Act emphasizes waste reduction and extended producer responsibility in its pursuit of the circular economy objectives. While these aspects are useful aspects of the circular economy, they are only narrow aspects, an effective approach would be to emphasize waste prevention mechanisms such as reuse, repair and leasing. The major strategy of the circular economy is to keep materials and products in use in the economy for as long as possible through waste prevention mechanisms (reuse and repair) before resorting to waste reduction strategies such as resource recovery and recycling.

Canada-wide Action plan for Extended Producer Responsibility

The goal of this action plan is to provide guidance on the implementation of Extended Producer Responsibility (EPR) programs across all provinces in Canada, strengthen the utilization of EPR as an environmental sustainability tool and enhance consistency of EPR programs in Canada.¹⁶ The plan contains guidance on key elements that should be contained in EPR provincial programs in Canada. In line with the action plan, provinces have established EPR programs for different products.¹⁷ Commentators have however identified common shortcomings in provincial EPR programs in Canada. First, performance measurement standards – collection and recycling targets are weak and unclear, there is a need to impose clearer environmentally sustainable standards and waste diversion targets. Second, paucity of government oversight over EPR programs, a number of EPR programs are self-regulated. Third, many producers include EPR cost to product price at the point of purchase (environmental handling fee), thus, transferring the financial obligation of EPR to consumers.¹⁸ It is important for producers to be fully responsible (legally and financially) for the end of life of their product to provide them with the necessary incentive to design durable, long-lasting and recyclable products. Lastly, EPR programs could hinder the core objective of

¹⁵ Section 2, Resource Recovery and Circular Economy Act

¹⁶ Canadian Council of Ministers of the Environment, “Canada-Wide Action Plan for Extended Producer Responsibility” (October 2009), online: < https://www.ccme.ca/files/current_priorities/waste/pn_1499_epr_cap_e.pdf>

¹⁷ Duncan Bury, “Canadian Extended Producer Responsibility Programs: The Shift from Program Roll Out to Program Performance” (2013) 17:2 *Journal of Industrial Ecology* 167 at 167.

¹⁸ Duncan Bury, “Canadian Extended Producer Responsibility Programs: The Shift from Program Roll Out to Program Performance” (2013) 17:2 *Journal of Industrial Ecology* 167 at 167.

the circular economy, which is keeping products in use for as long as possible by bypassing waste prevention mechanisms (reuse and repair) and diverting waste to landfills. EPR programs with collection and waste targets could drive producers to focus on recyclability instead of designing durable products to keep products in the economy for as long as possible.¹⁹ This paper suggests that provincial EPR programs in Canada should focus on incentivizing producers to design durable products to keep products in the economy for as long as possible rather than measuring the success of EPR programs solely on the amount of waste diversion from landfills. Furthermore, EPR schemes can be expanded to facilitate waste prevention mechanisms and sustainable consumption patterns by making producers responsible for products before they become waste by encouraging product take back schemes and product service systems.

Canadian Law and the regenerative, circular and sharing economy

This section examines the challenges and opportunities in Canadian law- property law, intellectual property law, consumer protection law, contract law and corporate law towards the shift from the linear economy to the regenerative, circular and sharing economy.

Property Law

Property law paradigm in Canada as with many other jurisdictions is hinged upon economic efficiency and not environmental sustainability, thus, Canadian property law is largely still oriented towards the linear economy. This is aptly reflected in the fact that the most secured interest an individual can have over a property is ownership interest which comes with the right to exclude others from using or accessing the property, thus failing to provide the incentive to transition to more sustainable production and consumption models.²⁰ Also, property law regime promotes individual property ownership model rather than communal or joint ownership model. Conversely, leasing, renting, shareability, servitization are central to the promotion of the regenerative and circular economy. Rethinking ownership interest models is a key aspect of the transition to the regenerative economy, “instead of continuously manufacturing more products, existing products should be shared, rented, repaired, reused with the use of different business models”.²¹ These forms of business models are premised

¹⁹ Eleonore Maitre-Ekern, “Re-thinking producer responsibility for a sustainable circular economy from extended producer responsibility to pre-market producer responsibility” (2021) 286 *Journal of Cleaner Production* 1 at 3

²⁰ Rosa Maria Ballardini, Janne Kaisto & Jukka Simila, “Developing novel property concepts in private law to foster the circular economy” (2021) 279 *Journal of Cleaner Production* 1 at 3.

²¹ Annina Orasmaa, Louna Laurila and Henrik Liimatainen, “Rethinking Ownership: Producer ownership models in a circular economy” (December 2, 2020), online: < <https://www.sitra.fi/en/publications/rethinking-ownership/> >

on the understanding that a customer purchases the function the product provides not the product itself.²² The producer leases and rents products to consumers and retains ownership of the product. Since producers retain ownership of products, it is envisaged that they would be incentivized to design durable, repairable and long-lasting products, thereby limiting the environmental impact that comes with the “take-make-dispose” model.²³

The provincial sale of goods Act and consumer protection Act in Canada are still fixated on the regulation of sale and sole ownership of products with less than extensive regulation on leasing and joint ownership of products. Many provincial laws on sale of goods in Canada are silent or provides little regulation on leasing arrangements, therefore the warranties and protection granted to a buyer under the sale of goods Act may be inapplicable to a lessee under a lease of product arrangement.

To encourage leasing, sharing, product service arrangements and joint ownership of products, this paper suggests these reforms to Canadian property law:

- Provincial sale of goods Act and consumer protection laws be expanded to regulate lease agreements and product service arrangements. The protection granted to buyers such as implied warranties and conditions under provincial sale of goods Act be extended to lessees under lease agreements.
- Provincial sale of goods Act and consumer protection Act be expanded to recognize co-ownership and joint ownership of property arrangements and provisions should be made regulating the peculiar complexities of these arrangements. Issues such as joint owners’ priority over the property and the rights of co-owners should be expressly regulated.

Intellectual Property Law

Intellectual property law grants inventors the right to “exclude others from using or sharing” or repairing their patented property without their express permission.²⁴ The rationale behind granting inventors exclusive rights over patented property is to motivate and incentivize people

²² Smart Prosperity Institute, “Getting to a Circular Economy: A Primer for Canadian policymakers” (January 2018), online: <<https://institute.smartprosperity.ca/sites/default/files/spipolicybrief-circulareconomy.pdf>>

²³ Smart Prosperity Institute, “Getting to a Circular Economy: A Primer for Canadian policymakers” (January 2018), online: <<https://institute.smartprosperity.ca/sites/default/files/spipolicybrief-circulareconomy.pdf>>

²⁴ Rosa Maria Ballardini, Janne Kaisto & Jukka Simila, “Developing novel property concepts in private law to foster the circular economy” (2021) 279 *Journal of Cleaner Production* 1 at 3.

to create and develop inventions. On the other hand, sharing, repairing and refurbishing are crucial to the advancement of the regenerative, circular and sharing economy.²⁵ This raises concern surrounding how to balance inventors' exclusive rights with consumers' right to repair patented products.

Canadian intellectual property law²⁶ permits the repair of patented invention but disallows its reconstruction, however, the difference between repair and reconstruction is blurred which causes tension between inventors' exclusive rights and consumers' right to repair.²⁷ Case law has established that the nature of the invention and the extent of the repair carried out on the patented property will guide the court in determining if the work done on the patented product is a mere repair or a reconstruction.²⁸ The fundamental question is, did the buyer just extend the life of the patented product or create a new merchantable patented product? There is no clear guidance on how to determine this, each case will be decided based on its facts.²⁹

This paper suggests the following reforms to Canadian intellectual property law:

- Consumers should be granted the right to repair patented products even if the act of repair amounts to reconstruction provided the repair is not carried out to sell or share the patented product to others for profit or gain.
- Canadian intellectual property regulatory framework should be amended to encourage inventions that facilitates the transition to the regenerative and circular economy, this could be by expediting the registration process of such inventions.

Contract Law

The applicability of traditional contract rules to online sharing economy contracts may prove challenging due to the dynamics and complexities of these contracts.³⁰ Online sharing economy contractual relationship raises questions such as, is the consumer contracting with the service provider or the online platform? Is the online platform answerable for the actions

²⁵ Rosa Maria Ballardini, Janne Kaisto & Jukka Simila, "Developing novel property concepts in private law to foster the circular economy" (2021) 279 *Journal of Cleaner Production* 1 at 3.

²⁶ Section 42 of the Canada Patent Act, R.S.C., 1985, c.P-4

²⁷ Tesh W. Dagne and Gosia Piasecka, "The Right to Repair Doctrine and the Use of 3D Printing Technology in Canadian Patent Law" (2016) 14:2 *Canadian Journal of Law and Technology* 263 at 263

²⁸ *Rucker Co v. Gavel's Vulcanizing Ltd* (1985) 7 CPR (3d) 294 (FCTD)

²⁹ Deeth Williams Wall LLP, "Revisiting Patent Infringement Through Recycling or Repair", (April 10, 2013), online: <<https://www.dww.com/articles/revisiting-patent-infringement-through-recycling-or-repair>>

³⁰ Rolf H. Weber, "The Sharing Economy in the EU and the Law of Contracts" (2017) 85:6 *The George Washington Law Review* 1777 at 1795.

of the service provider? What are the remedies available to the consumer in case of breach and non-performance? How protected is the data of the consumer on online sharing economy platforms? What are the rules of formation of online contracts?

Canada has made certain laws and regulation governing some of the dynamics and intricacies of the contracts executed on online sharing economy platforms. For instance, the Federal Personal Information Protection and Electronic Documents Act (PIPEDA) and the BC Electronic Transactions Act and case law regulates the authenticity and use of electronic signatures.³¹ Generally, under these laws electronic signature or clicking on “I agree” suffices as consent for the contract.³² Whilst there are a number of regulations and laws governing electronic signatures and the formation of online contracts in Canada, it appears that due to multiplicity of overlapping regulations the position of the law in this regard is unclear. In addition, it is unclear if service providers are merchants under provincial consumer protection laws and if warranties and remedies under consumer protection laws would be applicable to consumers in online sharing economy contracts.

This paper suggests the following reforms to Canadian contract regime to effectively regulate online sharing economy contracts:

- There should be clarity on the requirements, standard and enforceability of electronic signature. Also, there should be expansive regulation on the formation of online contracts and the duty of service providers and online sharing economy platforms in the formation of online contracts.
- The definition of “merchant” in provincial consumer protection law should be expanded to cover service providers in online sharing economy contracts to bring the regulation of such contracts within the ambit of provincial consumer protection laws. Warranted and implied conditions contained in consumer protection laws should be extended to protect consumers in online sharing economy contracts.

Consumer Awareness/Protection Law

Consumers can be steered toward sustainable consumption patterns if regulations requiring information disclosure on product durability, reparability and lifespan via product labelling are

³¹ Singleton Reynolds, “Electronic Signatures in a Time of Social Distancing in BC” (April 1, 2020), online: < <https://www.singleton.com/2020/04/electronic-signatures-in-a-time-of-social-distancing/>>

³² Option Consommateurs, “Sharing economy: The Canadian perspective” (June 2017), online: < <https://option-consommateurs.org/en/research-reports/>>

implemented. Also, regulations granting consumers the right to repair and providing tax incentives for repair activities could foster repair, leasing and sharing activities.³³ In addition, consumers should be educated on their role in the transition from the linear economy to the regenerative and circular economy and the need to alter their consumption patterns.³⁴

In Canada, the Consumer Packaging and Labelling Act prohibits false labelling of products. Product labels should include information such as the product descriptions, product net quantity and manufacturer's identity and address.³⁵ In addition to this minimum labelling standard, there are voluntary environmentally friendly label programs which aim to assist consumers in recognizing environmentally friendly products.³⁶ However, these programs do not expressly promote the objectives of the regenerative and circular economy. Furthermore, despite advocacy efforts pushing for consumers' right to repair, consumers do not have a right to repair damaged products under the law in Canada.³⁷

This paper recommends the following reforms to Canadian law to encourage consumers adopt sustainable consumption practices:

- Producers should be required to disclose information on product durability, repairability and lifespan via product labelling to consumers. Furthermore, consumer education and awareness campaigns should be developed to educate consumers on the need to adopt sustainable consumption patterns.
- Provincial consumer protection laws should be amended to grant consumers the right to repair their damaged products. In addition, the law should remove institutional barriers to consumers' right to repair. Producers should be required to design repairable products, make repair spare parts available to consumers (should be affordable and easily accessible) and provide information on how to repair their products.

³³ Eleonore Maitre-Ekern and Carl Dalhammar, "Towards a hierarchy of consumption behaviour in the circular economy" (2019) 26:3 Maastricht Journal of European and Comparative Law 394 at 397.

³⁴ Eleonore Maitre-Ekern and Carl Dalhammar, "Towards a hierarchy of consumption behaviour in the circular economy" (2019) 26:3 Maastricht Journal of European and Comparative Law 394 at 397.

³⁵ OSLER, "Packaging and Labelling", online: < <https://www.osler.com/en/resources/business-in-canada/browse-topics/selling/packaging-and-labelling>>

³⁶ Government of Canada, "Environmental Labelling Programs – Ecolabels", online: < <http://www.ic.gc.ca/eic/site/oca-bc.nsf/eng/ca02742.html>>

³⁷ Sabrina Wilkinson, "When Will Canadians have the right to repair?" (January 2, 2020), online: < <https://www.policyalternatives.ca/publications/monitor/when-will-canadians-have-right-repair>>

- Tax incentives and reliefs encouraging sustainable consumption patterns should be established. For instance, tax reliefs should be provided for repair activities to encourage consumers opt for product repair instead of replacement.

Corporate Law

Companies/Producers have myriads of roles to play in the transition from the linear economy to the regenerative and circular economy. These roles include waste reduction in production process, designing of sustainable products, product labelling, adoption of sustainable business models, extended producer responsibility etc. In particular, sustainable product design (durable, repairable and long lifespan) is crucial to the advancement of the regenerative and circular economy. If products are designed to be durable, repairable with a long lifespan, products would be utilized for as long as possible in the economy and consumers would be encouraged to repair damaged products, thus, reducing waste.³⁸ In addition, companies need to adopt corporate sustainability standards and business models required for the advancement of the circular and regenerative economy.³⁹ This corporate sustainability standards and circular economy business model include product service business model, leasing, sustainable product design, waste reduction in production process, product recovery standards, remanufacturing of products etc.⁴⁰

Although, the Consumer Product Safety Act regulates product manufacturing and safety of consumer products in Canada, however no specific law requires producers to design sustainable products (durable, repairable and long-lasting products). Also, the adoption of corporate environmental sustainability standards and sustainable business models by companies in Canada is largely voluntary. Some voluntary standards require waste reduction in production process; however, most voluntary standards do not directly promote the objectives of the regenerative and circular economy.⁴¹

³⁸ Andrea Urbinati, Davide Chiaroni, Vittorio Chiesa, “Towards a new taxonomy of circular economy business models” (2017) 168 *Journal of Cleaner Production* 487 at 488.

³⁹ Tiberio Daddi, Domenico Ceglia, Guia Bianchi and Marcia Dutra de Barcellos, “Paradoxical tensions and corporate sustainability: A focus on circular economy business cases” (2019) 26:4 *Corporate Social Responsibility and Environmental Management* 770 at 770.

⁴⁰ Akeel Almagtome, Maithm Khaghaany & Saime Once, “Corporate Governance Quality, Stakeholders’ Pressure, and Sustainable Development: An Integrated Approach” (2020) 5:6 *International Journal of Mathematical, Engineering and Management Sciences* 1077 at 1077.

⁴¹ Laurence Clement Roca and Cory Searcy, “An analysis of indicators disclosed in corporate sustainability reports” (2012) 20:1 *Journal of Cleaner Production* 103 at 105.

To strengthen the role of producers/manufactures in the transition from the linear economy to the regenerative and circular economy, this paper suggests the following reforms to Canadian corporate law:

- Producers should be required to design durable, repairable and long-lasting products to keep products in use in the economy for as long as possible. Monitoring and enforcement standards should be set to ensure compliance with sustainable product design standard.
- Producers should be encouraged to adopt corporate sustainability standards and business models geared towards the advancement of the regenerative and circular economy. They should be required to adopt waste reduction strategies in production process and circular economy business models such as product service business model, leasing model and sustainable product design model.

Conclusion

This executive summary highlighted the opportunities inherent in Canadian law towards the shift from the linear economy to the regenerative, circular and sharing economy. It revealed that while certain Canadian policies promoting environmental sustainability can be employed to facilitate the adoption of sustainable production and consumption models in Canada, however they need to be reformed to be better suited to attain the objectives of the regenerative and circular economy. In its analysis of substantive Canadian law (property law, intellectual property law, consumer protection law, contract law and corporate law), this paper revealed that these areas of law need to be substantially reformed to facilitate the transition from the linear economy to the regenerative, circular and sharing economy in Canada.

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