

Progetto L2C – Modulo II

Prof. Wolgast

Lez. 2.2 - NATIONAL LEGAL FRAMEWORK



Topics

National Legal Framework:

- ▶ Germany
- ▶ Italy
- ▶ Poland



- ▶ Germany in general is known for its strong waste management tradition (Di Foggia and Beccarello, 2022)
- ▶ But the existing legal landscape fails to differentiate between waste management and circular economy:
 - ▶ Fragmented regulations that impede real change
 - ▶ No unified legal framework for the circular economy

- ▶ Focus instead: ensure safe and reliable waste treatment, but: regardless of the potential for resource utilization

- ▶ Companies and consumers lack incentives to minimize waste when there are cost-effective alternatives
- ▶ Waste management lags behind in terms of innovation compared to air pollution control or climate protection (Gehrke et al., 2014)
- ▶ For the challenges of resource efficiency and raw material security recycling efforts alone is probably not sufficient

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What are possible solutions to this problem?

- **German Sustainability Code** (DNK) or the Circular Economy Initiative (CEID, 2023), which was established in 2019 under the German Federal Ministry of Education and Research (BMBWF)
- Products that are intentionally **designed for reparability**
→ Roadmap for a circular and resource-efficient economy
- **Difficulty:** product manufacturers, who often incorporate planned obsolescence into their products

Problem in general:

- No financial support from governments/credit institutions
- No appropriate technology, technical/financial resources
- Low-skilled environmental management/experts
- Lack of government support (e.g. provisions of funds, trainings, laws and regulations, national and European)
- Lack of legal certainty and too many standards

Circular Economy Law
(Bundesumweltministeriums, o.D.):

- **Reorganising the Law** on Closed Cycle Management and Waste (of 24 February 2012)
- Act to **Promote** Circular Economy **and Safeguard** the Environmentally compatible management of Waste



- **Purpose:** circular economy to conserve natural resources and ensure the protection of people and the environment in the generation and management of waste
- Due to changes in EU guidelines, the laws in Germany also **had to be adapted** and additional rules were included



For example (Bundesumweltministerium):

- System of **product responsibility** included the duty of care
- **Separate collection requirement** for waste is to be strengthened
- Federal agencies and institutions will be obliged to **give preference to products that are resource-conserving, low-waste, repairable, low-pollutant and recyclable** (provided that no unacceptable additional costs arise)



The duty of care (Bundesumweltministerium):

- Requires the **preservation of the usability of products** and allows their disposal only as a last resort
- **Transparency obligation** that can be used so that reports are required on the handling of surplus goods, returns or measures to maintain the use of the products



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Summary: Germany's Challenges

- ▶ Fragmented legal frameworks
- ▶ The need to prioritize product design for reparability
- ▶ The active involvement of SMEs
→ Initiatives like CEID or the DNK are giving hope



Review Questions

- ▶ Name two initiatives offering hope for a circular economy in Germany
- ▶ What is a proposed change in the Circular Economy Law in Germany?




"National Strategy for the Circular Economy"


- ▶ Taking steps to improve **the market** for secondary raw materials, **extend** producer and consumer **responsibility**, promote sharing practices and "products as a service"



- ▶ **Includes:** digital waste traceability system, tax incentives for recycling, a taxation system favoring recycling over landfilling, promotion of reuse and repair actions
- ▶ **Strengthens existing regulatory tools and applies them**



- ▶ Still in the process, but has made **significant progress**
- ▶ Rate of circular use of materials in Italy is higher than the EU average, with a **recycling rate of 68%** (EU: 35%)
- ▶ **Challenge:** policies that underestimate the potential of the circular economy and hinder its robust advancement



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- ▶ The government has approved the **"Transition Plan 4.0"**
- ▶ Includes fiscal measures to **incentivize green investment** and circular economy actions in SMEs and support companies with digital transition projects and investments



Review Questions

- ▶ What challenge does Italy face despite its high circular use of materials?



POLAND



Government made a **Roadmap for Transformation** focusing:

- ▶ Areas such as sustainable industrial production/ consumption, bio-economy, new business models, implementation and financing



Law on Deposit System

- ▶ Introduction of a 50-penny deposit for disposable plastic bottles, reusable glass bottles, and metal cans
- ▶ Obligation for businesses that market beverages to display information about the amount of the deposit on those packages



- ▶ Stores with an area of more than 200 square meters are to enter the system on a mandatory basis
- ▶ New regulations are scheduled to take effect on January 1, 2025



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Single use plastic directive Implementation

Entry into force of regulations:

- **Keeping records** of products
- Obligation to register the Waste Database (BDO)
- Placing **certain products on the market are forbidden** (disposable plastic packaging and accessories)
- Obligation to print information on the packaging on **how to segregate packaged waste**

- **Obligation to collect fees** from consumers for issuing single-use plastic packaging (takeaway food) and keeping records of this
- **Obligation to provide consumers with alternatives** to plastic products

- Producers are additionally obliged to **conduct social** education regarding the use and recycling of the materials from which their packaging is produced
- **Failure to comply** with obligations arising from the acts may be **punished with fines of up to PLN 500,000**

Extended Producer Responsibility

- Liability of producers of packaging, electrical and electronic equipment, batteries and accumulators, and end-of-life vehicles
- Legislative work is currently underway in Poland to **implement the provisions of the Extended Producer Responsibility (EPR) policy** approach

- August 2021 and January 2022:

- The Polish legislator has submitted **two projects amending the Act on Packaging and Packaging Waste Management** and some other acts (UCB1, Kancelaria Prezesa Rady Ministrów, 2023)

Review Questions

- What policy approach is Poland working to implement regarding producer responsibility?
- What is the main theme or take away from the unit?

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SUMMARY REVIEW QUESTIONS

- ▶ What policy approach is Poland working to implement regarding producer responsibility?
- ▶ Name two initiatives offering hope for a circular economy in Germany

- ▶ What is a proposed change in the Circular Economy Law in Germany?
- ▶ What challenge does Italy face despite its high circular use of materials?
- ▶ What is the main theme or take away from the unit?

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