

# EU Circular Economy Law

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PhD Seminar – Sustainability Law  
Oslo, 11 October 2022

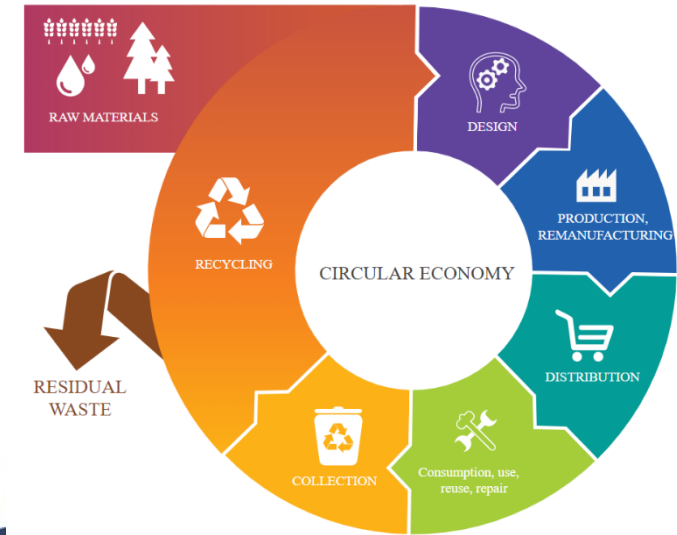
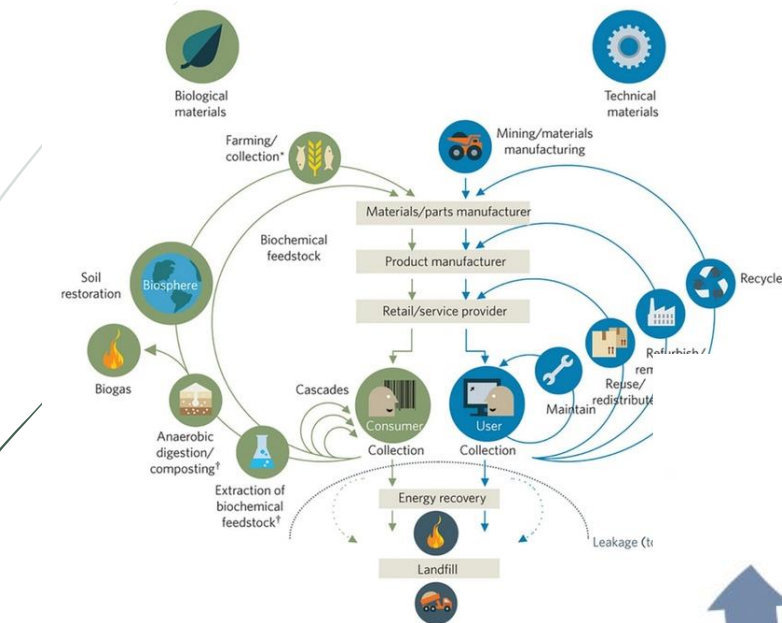
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# Content of the presentation

- Why a circular economy?
- Circularity and Sustainability
- The history of waste management policies
- Current and upcoming EU legislative framework
  - Ecodesign
  - Consumer protection

# The circular economy?



# The curse of the linear model



# Premature obsolescence

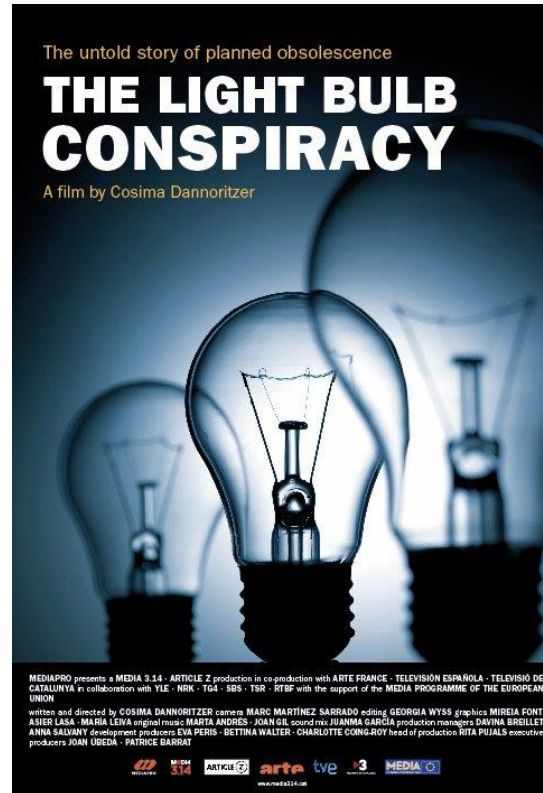
Material durability



Technological innovation



Planned obsolescence



Reparability



Psychological obsolescence



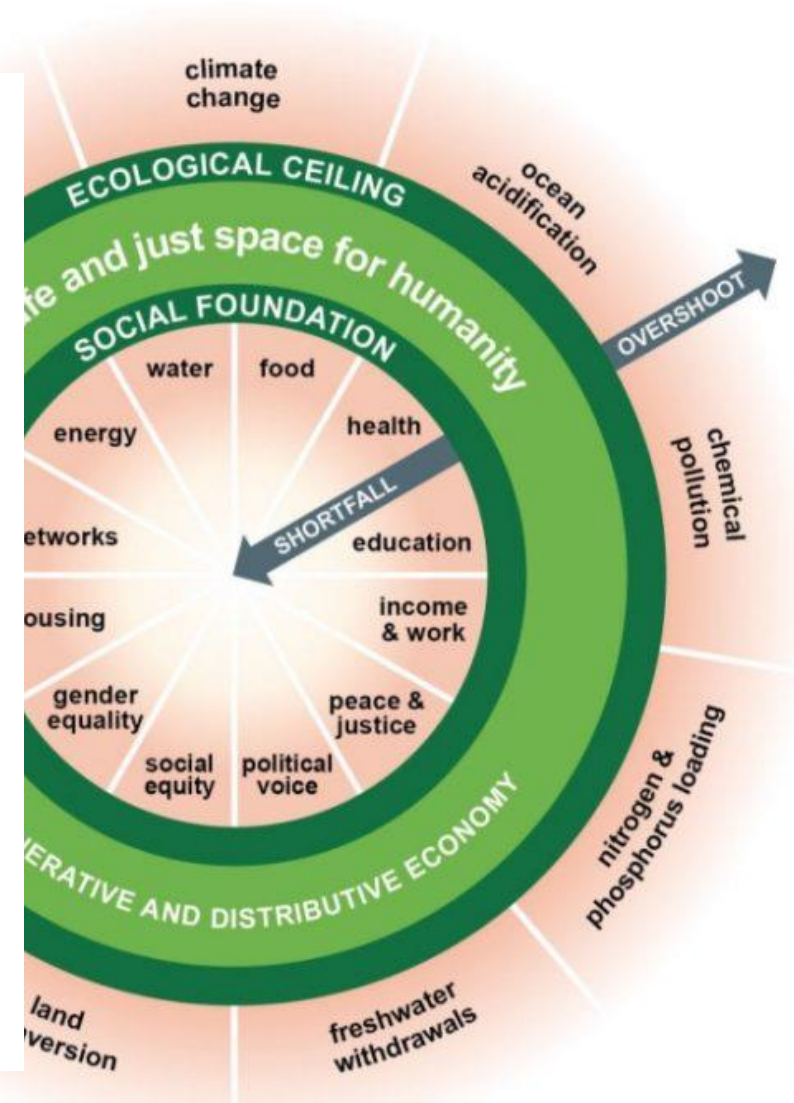
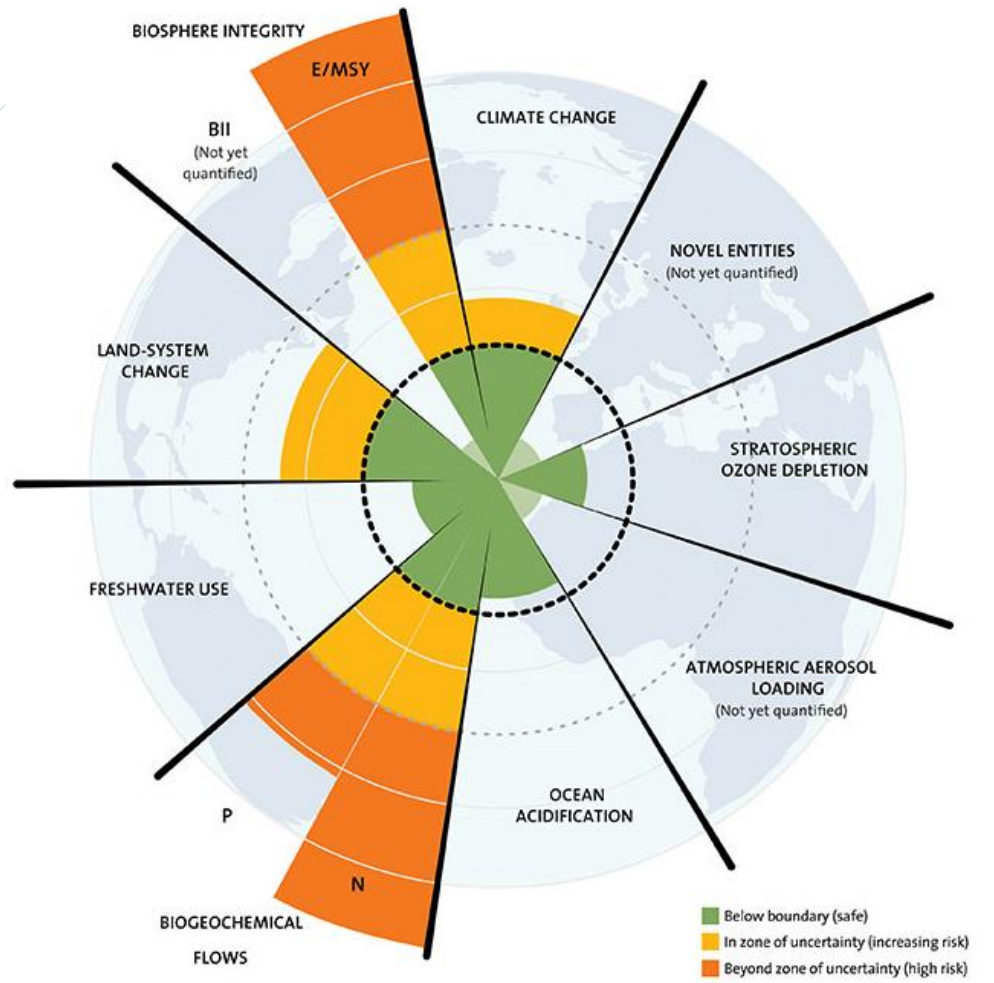


# Ending the Depression Through Planned Obsolescence

By Bernard London, 1932

I would have the Government assign a lease of life to shoes and homes and machines, to all products of manufacture, mining and agriculture, when they are first created, and they would be sold and used within the term of their existence definitely known by the consumer. After the allotted time had expired, these things would be legally “dead” and would be controlled by the duly appointed governmental agency and destroyed if there is widespread unemployment. New products would constantly be pouring forth from the factories and marketplaces, to take the place of the obsolete, and the wheels of industry would be kept going and employment regularized and assured for the masses.

# Sustainability

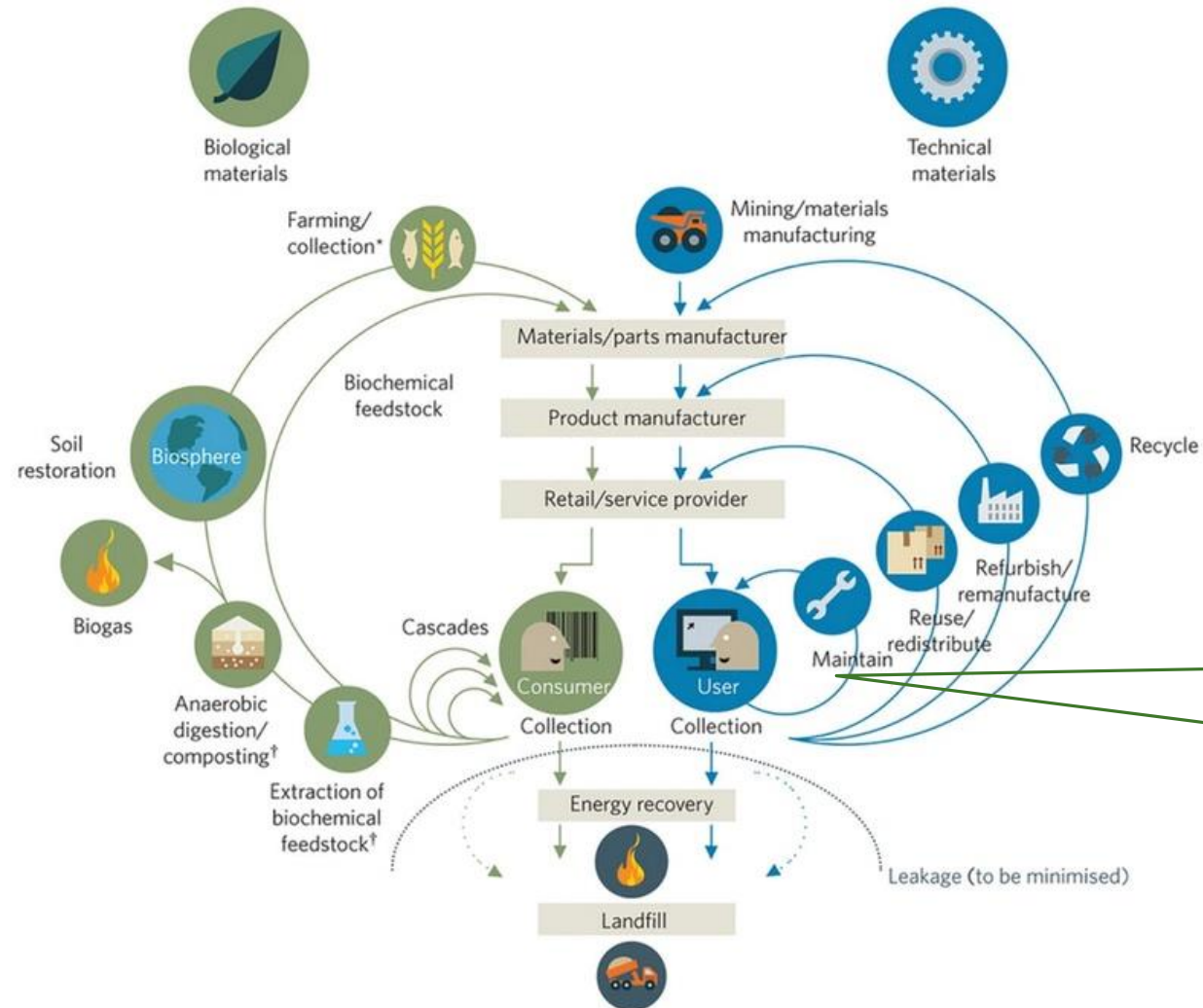


The planetary boundaries framework  
The safe and just space for humanity

Source: Stockholm Resilience Centre, based on analysis in Persson et al 2022 and Steffen et al 2015  
Source: Kate Raworth

# A sustainable circular economy

An economy  
based on  
sufficiency and  
justice



Extend the lifespan  
of products through  
maintenance,  
repair, re-use, and  
remanufacture.



# EU Circular Economy Action Plans

COM(2014) 398



Brussels, 2.7.2014  
COM(2014) 398 final

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS

**Towards a circular economy:  
A zero waste programme for Europe**

{SWD(2014) 206 final}  
{SWD(2014) 211 final}

COM(2015) 614



Brussels, 2.12.2015  
COM(2015) 614 final

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL,  
THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

**Closing the loop - An EU action plan for the Circular Economy**

COM(2020) 98



Brussels, 11.3.2020  
COM(2020) 98 final

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL,  
THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

**A new Circular Economy Action Plan**

**For a cleaner and more competitive Europe**

# Four waves of waste policy

- **1st wave: 1970s**
  - *From waste dumping to incineration*
  - Aim: secure human health
- **2nd wave: 1980s**
  - *Commodity recycling*
  - Aim: reduce overall volume of waste
- **3rd wave: 2000s**
  - *Specificity recycling and material recovery*
  - Aim: retain and create value
- **4th wave: 2010s**
  - *Circular Economy*
  - Aim: manage resource constraints



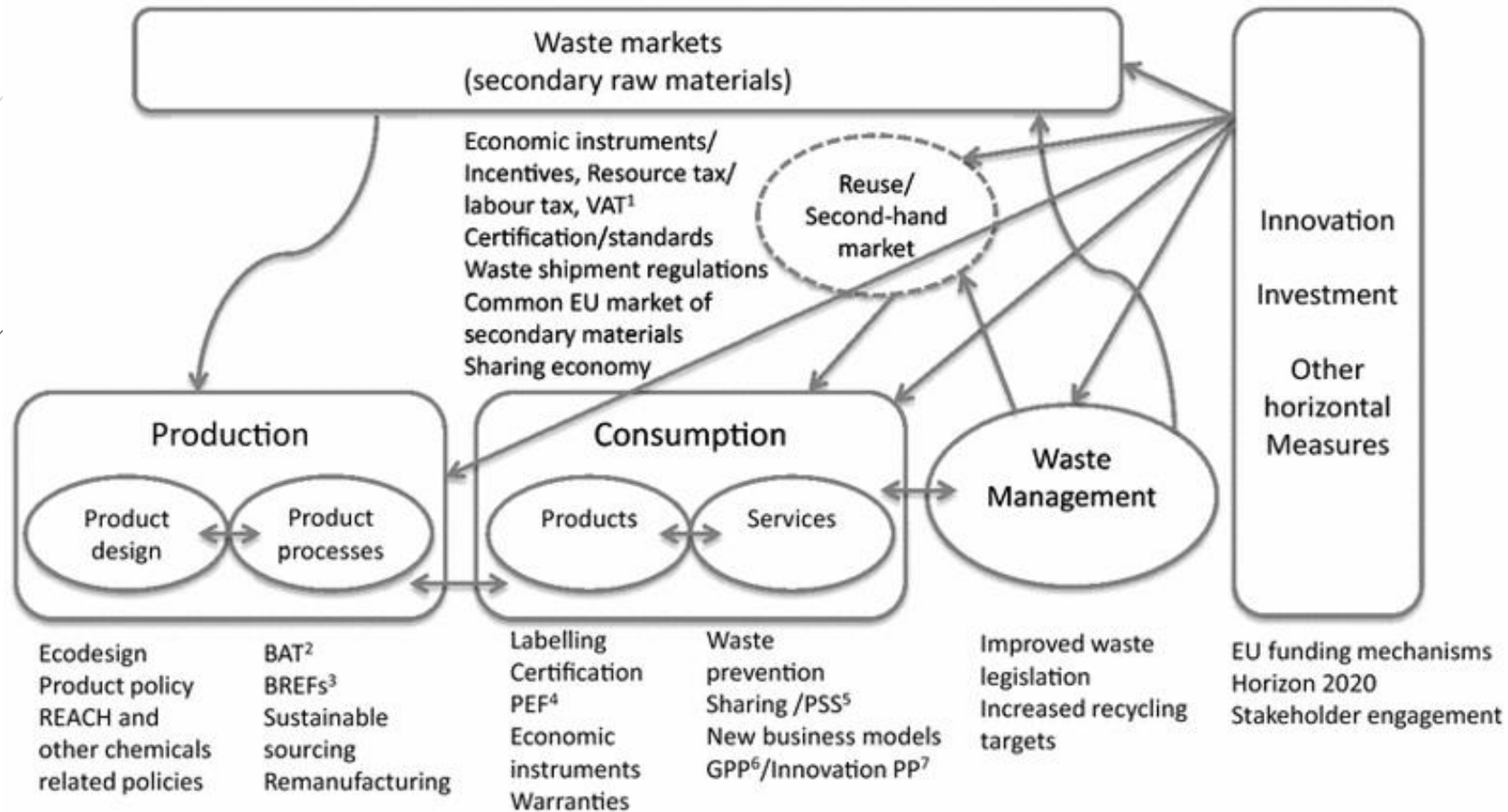
# 5th wave?

## *Sustainable CE*

- **Aim: secure a safe and just space for humanity**
  - minimise production and consumption (sufficiency)
  - Increase prosperity for all (social justice)
- Systemic change through:
  - Product lifetime extension (ecodesign, maintenance, repair and reuse)
  - Promotion of sustainable business models (and sanction of unsustainable ones)
  - Transformed consumption (empowerment and constraints)
  - Adaptive governance, equity and participation
- Policy approach:
  - Precautionary and transparent
  - Mix of instruments



# EU circular economy policy landscape



Source: Milios 2017.

<sup>1</sup> Value Added Tax; <sup>2</sup> Best Available Techniques; <sup>3</sup> BAT Reference documents; <sup>4</sup> Product Environmental Footprint; <sup>5</sup> Product-Service System; <sup>6</sup> Green Public Procurement; <sup>7</sup> Public Procurement



# EU Sustainable Product Strategy, 2022

- Regulation on Ecodesign for Sustainable Products, COM(2022) 142 final
- Ecodesign and Energy Labelling Working Plan 2022-2024 (2022/C 182/01)
- EU Strategy for Sustainable and Circular Textiles
- Revision of the Construction Products Regulation
- Empowering Consumers in the Green Transition

# On regulating production

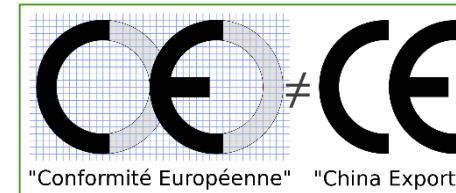


# Ecodesign...

- **Framework Directive 2009/125/EC**

- energy-related products (e.g. lightbulbs, fridges, vacuum cleaners)
- 'placing on the market and/or putting into service'

- CE marking



- Adoption of ecodesign requirements for individual product groups through

- Implementing measures: minimum mandatory requirements (coordinated by EU Commission) → 31 product groups

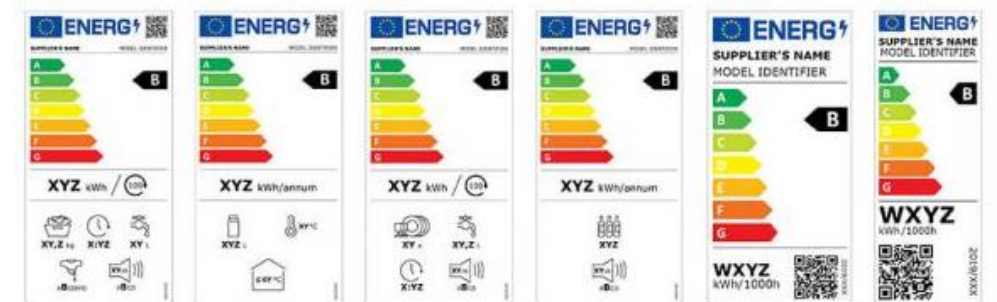
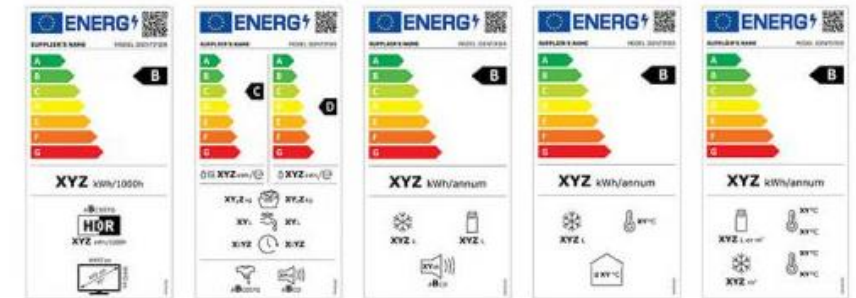
Or

- Self-regulation: voluntary agreements (developed by industry)

- National market surveillance

# ...and energy labelling

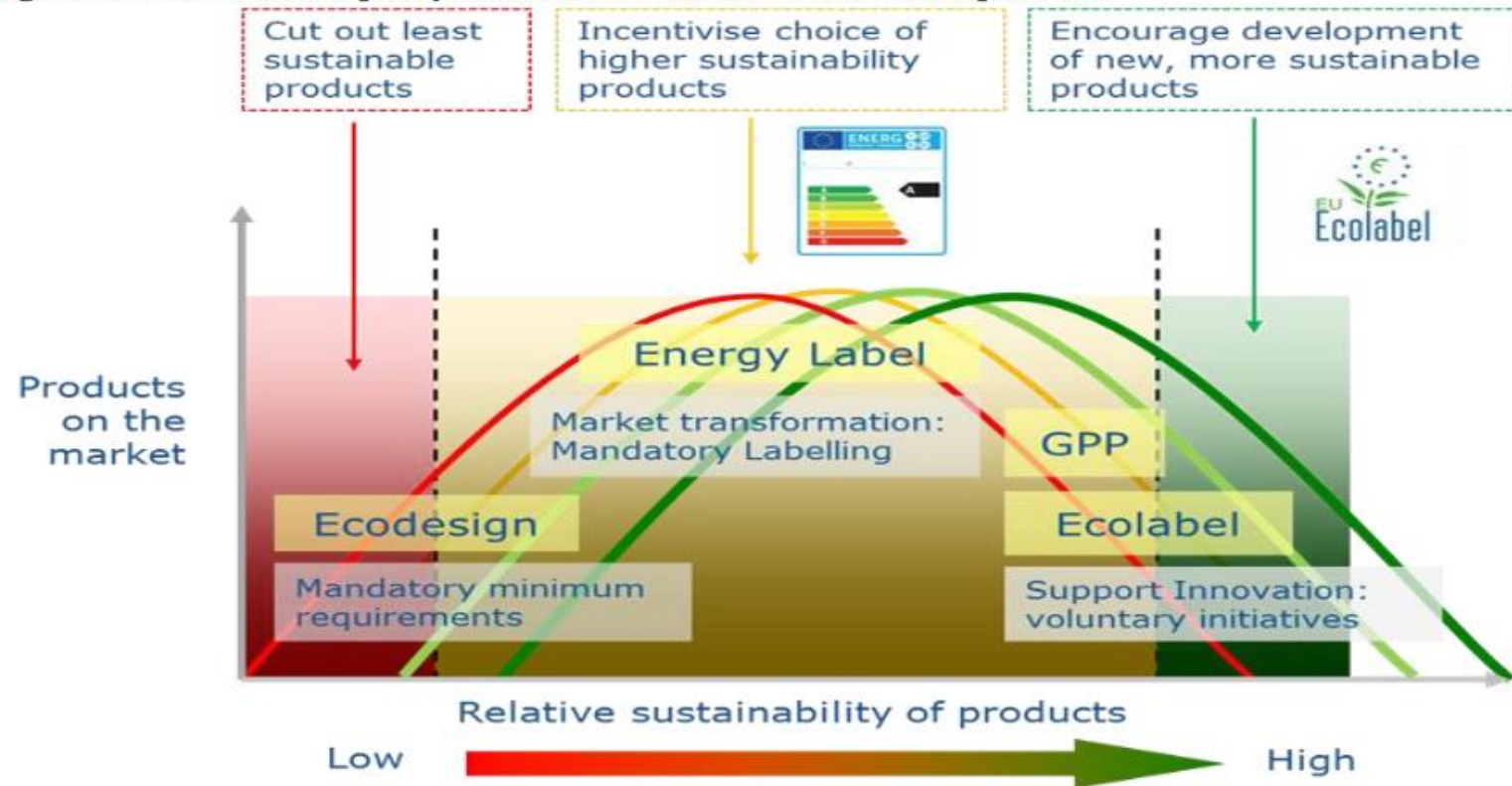
- **Regulation (EU) 2017/1369**
  - 15 product groups regulated
- Main obligations:
  - **Suppliers:** place an accurate label on each individual unit
  - **Dealers:** display the label and make available the product information sheet





# The advantages of a policy mix

**Figure 1: Illustration of policy instruments aimed at sustainable products**



Source: EU Commission, SWD(2019) 91 final

# Proposed Ecodesign for Sustainable Products Regulation, COM(2022) 142 final



- Scope: all products
- Delegated acts for:
  - product durability and reliability; reusability; upgradability, reparability, maintenance and refurbishment; energy and resource efficiency; presence of substances of concern in products; recycled content in products; remanufacturing and recycling; carbon and environmental footprints; expected generation of waste materials.
- Digital Product Passport
- Labels (future repair score system?)
- Mandatory green public procurement criteria
- Destruction of unsold goods



France's repair index

# On regulating consumption



# Consumer protection laws

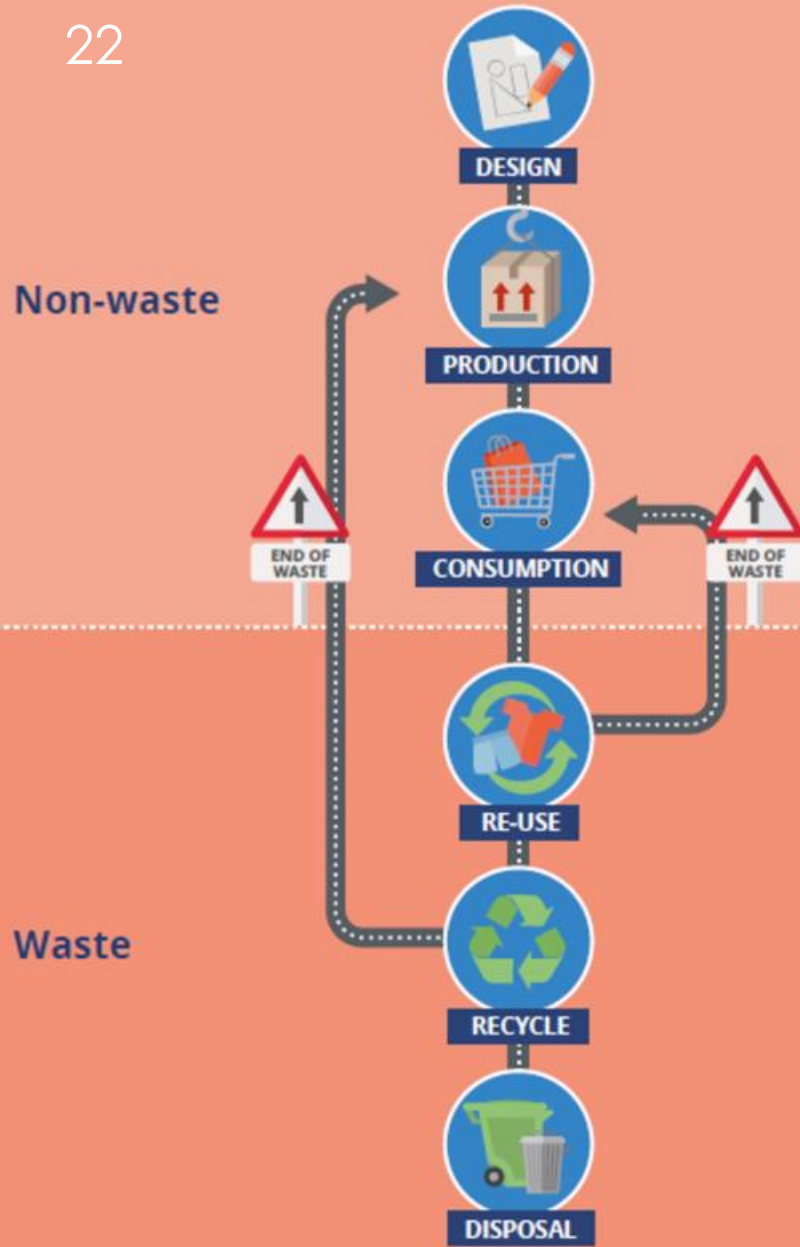
- Some of the most relevant instruments
  - Inform about the main characteristics of their products (Directive 2011/83/EU)
  - Protect against unfair commercial practices (Directive 2005/25/EC)
  - Provides legal guarantees for faulty products (Directive EU 2019/771)



# Proposed Consumer Empowerment Directive COM(2022) 143 final

- Information on the existence and length of a producer's **commercial guarantee of durability**
- Ten additional **unfair commercial practices**, including generic environmental claims or omitting information about features that may limit the durability or functionality of the good (e.g. software update)
- New **misleading actions**, including false information product's 'environmental or social impact', 'durability' and 'reparability'

## Current framework



## Possible future framework



# Selected list of references

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Thank you for your attention!

