

RIVISTAGIURIDICA
DELL'
AMBIENTE

diretta da

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Abstract

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*Economia circolare - plastic free - plastic tax - risk management
politica economica - green economy - sistema di decisioni*

The theories of circular economics are part of the research initiated by the Meadows Report of 1972, which continued with the studies of the Nobel Prize winner Sen after the oil crisis of 1973, who sustained that the technological developments have made up for the continuing scarcity of resources.

Many international agreements have emerged from the debate, which in turn have generated a multitude of regulatory instruments for achieving the ambitious objectives underlying the agreements.

One of these tools, the most important for the circular economy, is the eco-design.

Promoting the circular economy in the plastics sector means promoting innovation in design. In Corporate Social responsibility the eco design is the first commitment. The innovation of eco-design must serve not to delay the moment when the waste flows into landfill, but must stimulate the dialectic between new skills, various skills (probably the recovery of objects will lead to the rebirth of manual trades), activate new processes inspired by new paradigms.

In the plastics sector, the decomposition of the product creates immediate efficiency for optimization of the burner of the incinerator and the so-called noble plastics can be better separated and reused.

In a circular economic system with a dynamic decision system (v. Rasmussen, Risk Management in a dynamic society: a modeling problem) it is not a matter of giving people what they want or believe they want, but it's about creating an ecosystem where people can ask themselves what they want.

And the levers that move these choices must be almost exclusively internal. Politics must create rewarding conditions, but the incentive must come from the opportunity of the business idea, regardless of the fiscal policy of the administration.

Abstract

GIUSEPPE TEMPESTA

*Eco design - circular economy - waste management
Polluter pays - product life cycle - prevention - extended producer responsibility
plastics - packaging - Directives UE*

The theme of eco-design is fundamental in the circular economy, a concept that requires reflection on the development model, in which the environment is a real driver of economic and social development.

The principles of the circular economy are: design without waste (design out waste), building resilience through (bio) diversity, relying on energy from renewable sources, increasing the life span of the product by designing new products that are made to last, thinking systemically.

Eco-design finds its discipline within the regulatory framework of waste management, which has been formed through numerous legislative interventions.

The Waste Regulation is inspired by a series of principles deriving from the Europe- an Community law: the principles of precautionary and preventive action, of correction, as a priority at source, of damages caused to the environment, "the polluter pays".

The concept of eco-design has been defined in the context of the so-called integrated product policy, outlined by the EU with the Commission's Green Paper of 7 February 2001. The design phase represents the central point of the integrated product policy, since it is in this phase that the manufacturer can make the decisions which will have a decisive influence on the environmental impact of the asset.

The Eco design Directive states "the integration of environmental aspects in the product design with the aim of improving its environmental performance during its entire life cycle" (Directive 2009/125).

The Directive 2009/125 provides for the elaboration of a series of production specifications which the products connected to energy (any good that has an impact on energy consumption during use) must comply with in order to be placed on the market. The measures for the eco-compatible design of the products must take into account the following stages of the product life cycle: selection and use of raw materials; manufacture;

conditioning; transportation and distribution; installation and maintenance; use; end of life, in the sense of a product which has reached the end of its first use until final disposal.

In the plastics sector, the provisions on eco-design are contained in Directive 2008/98 on waste (amended by Directive 2018/851) and in Directive 94/62 on packaging and packaging waste (amended by Directive 2018/852) and are carried out through the principles of "prevention" and "extended responsibility of the producer" (EPR).

The "prevention" consists in adopting measures that reduce: a) the quantity of waste, also through the re-use of the products or the extension of their life cycle; b) the negative impacts of waste produced on the environment and human health; c) the content of dangerous substances.

The principle of prevention is declined in the Environment Consolidated Law Articles 179 and 180.

The principle of "extended producer responsibility" commits the Member States to introduce regulations which provide for the manufacturer's obligation to reduce the overall environmental impact of the design, production, marketing, consumption and waste disposal.

The actual application of eco-design in the field of plastics, particularly in packaging, will depend on how national legislators will decline the EPR tool in the implementation of the Directives.