

A snapshot in the legal transition towards sustainable materials management in EU environmental law – Is the EU on the right track?

Since it is impossible to pinpoint the exact stage in the legal transition towards sustainable materials management in the EU, the aim of the paper is to get an overview of where the EU stands at the moment and of where it is heading to. The study therefore describes the current applicable legal framework, and explains some important developments and – more importantly – tries to identify the flaws. In this regard, it is noteworthy to mention that the recently appointed European Commission (EC) officially halted the Circular Economy Package (adopted on December 16, 2014), which establishes a common and coherent framework to promote the sustainable use of materials and includes a legislative proposal that inter alia gradually increases the waste recycling targets and bans the landfilling of recyclable wastes. The EC, however, assured to come up with a new, more comprehensive and economic-driven proposal next year.

Like many other States or regions, the EU is experiencing a transition towards the sustainable use of materials; policies are being presented on a regular basis, often including a horizon way ahead. Legislation is, however, somewhat lagging behind, leaving a patchwork of laws in place that do not necessarily correspond or connected with one another. One example is that waste legislation increasingly tries to boost recycling, whereas the key legislation for chemical substances (REACH Regulation) requires a strict information supply on safety and compositions, which is hard to live up to for recyclers. Another shortcoming is that even though 'life cycle thinking' has been incorporated into several legislations, a systems perspective should in many cases still be adopted or strengthened. In addition, there is little room for the introduction of new concepts, such as Enhanced Landfill Mining, which advocates an integrated approach of waste recovery instead of disposal. All in all, the sustainable use of materials remains a much debated and important issue in the EU.