

# Resolving problems of fragmentation of environmental protection in European Union law?

*An analysis of Life-Cycle Thinking  
in product regulation*



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# Content of the presentation

- What does fragmentation mean in product regulation?
  - Horizontal fragmentation
  - Vertical fragmentation
- The EU product policy and Life-Cycle Thinking
- Life-Cycle Thinking to guide:
  - the adoption, and
  - the transposition and implementation of the law
- Summing up

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# Horizontal fragmentation

- Different **legal basis**, different **objectives**:
  - environmental protection; functioning of the internal market; competitiveness; standardisation
- Environment versus market → an example:
  - Waste prevention
  - Product regulation

# Vertical fragmentation

- **Competing competences:**
  - The European Union, Member States, local governments
- **Discretionary powers in implementation → an example:**
  - Public Procurement
  - Life-Cycle Costing

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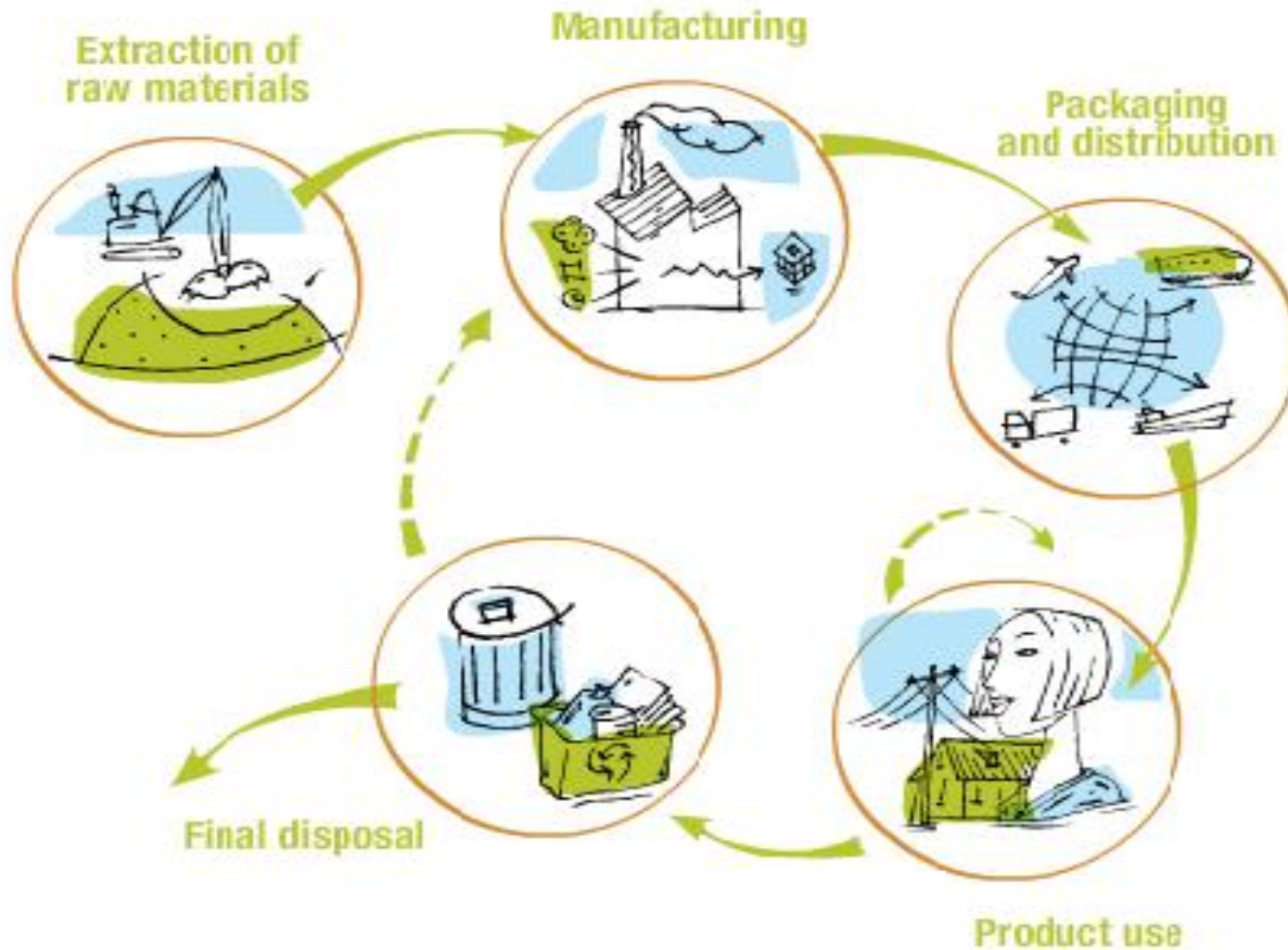
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# Integrated Product Policy (IPP)

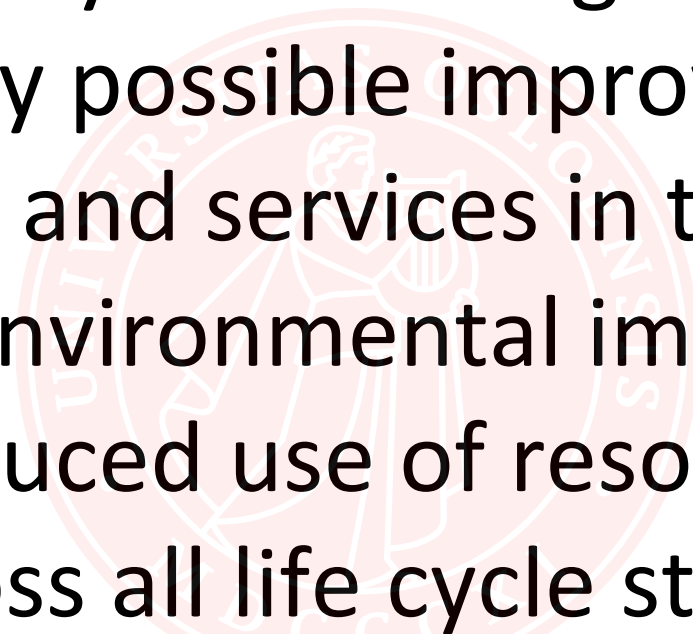
- Communication from the European Commission of 18 June 2003, *IPP - Building on Environmental Life-Cycle Thinking*, COM(2003) 302 final
- Need for a “policy that looks at the **whole of a product's life-cycle** [and ensures] that environmental impacts throughout the life-cycle are addressed **in an integrated way**”



# Life Cycle



Source: [www.ciraig.org](http://www.ciraig.org) (2008)

A large, faint, circular watermark of the University of Cambridge seal is centered in the background. It features a figure holding a book and a staff, surrounded by the text "UNIVERSITY OF CAMBRIDGE" and "1584".

“Life-Cycle Thinking seeks to identify possible improvements to goods and services in the form of lower environmental impacts and reduced use of resources across all life cycle stages.”

*European Commission - Joint Research Centre*

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# Guiding the legislators

- Give flesh to the integration principle (Article 11 TFEU)
  - E.g. Ecodesign Directive 2009/125/EU
- Establish a uniform framework for:
  - EU institutions, and
  - Member States

# Guiding public authorities

- Ensure a consistent approach:
  - Avoid unclear concepts
- Always consider the bigger picture:
  - What is the purpose?
  - How can it be best achieved?

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# Summing up

**Life-Cycle Thinking** is the key to:

1. Reinforce the integration principle
2. Frame the activity of legislators
3. Guide the application of the law





Thank you for you attention!

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