

Specific regulatory cycle waste management in the context of European legislation

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Abstract. The adoption of legislative acts and construction law in the European Union is a complex process involving consideration of several factors which must be organized in such a way as to meet the situations and problems in all European Union countries. Developing European legislation involving the confrontation of two interests, namely the general European interest and the interests of Member States expressed at European level. Since the identification of problems to be solved at European level and until a binding legal document that provides solutions and ways to address the problems identified, there are several steps to be taken. The steps to be taken for the development of European legislation constitute a regulatory cycle in a specific field. This paper describes and analyzes a series of regulatory steps of focusing on environmental waste management.

Key Words: waste management, regulatory cycle, European legislation, programmatic document.

Introduction. Waste is a very complex issue at local, regional, European and global problem that is not easily addressed and resolved. This is a problem for economic actors faced with large amounts of waste generated from own production, waste according to existing legislation should be treated and managed them very seriously.

Public authorities and organizations from local and international to face the issue of waste management (Soporan et al 2011).

Waste in the population are associated with something repulsive, something that we want, and their inadequate management took a long time, even today there are many countries facing serious problems regarding waste management.

To overcome these problems the first thing to change is the perception of population and economic actors on waste. So try to create a bridge between perception mentioned above, it becomes old and the new conception of waste in the sense that they start becoming longer be regarded as an exploitable resource and bring many economic benefits.

Over the past 35 years has been a constant change in the treatment and management of waste reaching as their production is more controlled.

The current concept of the gaze waste as a resource, many companies have developed strategies and technologies to recycle their waste by profit from their sale. Therefore, all that waste remains a threat to the environment and society, they have perceived as one of the most serious environmental problems, compared to climate change and biodiversity loss.

Using our resources in the context of sustainable production and consumption is critical, but it can only be addressed through policies and strategies on waste (Soporan et al 2011).

To implement the actions set out in the policies expressed in terms of waste need short and long term strategies which in turn make their effects felt through binding laws and other documents mainly consultative and guidance in the secondary.

In the European Union (EU) when it comes to legislation and EU law we consider primary legislation and secondary legislation to which we add the judgments of the Court of Justice of the European Union, as will be presented in the next chapter.

EU law and adopting European legislation. EU law consists of primary legislation and secondary legislation or complementary latter is composed of legal acts issued by EU institutions.

In the Figure 1 is presented primary and secondary European legislation on waste illustration scheme is applicable to all areas of the European Union.

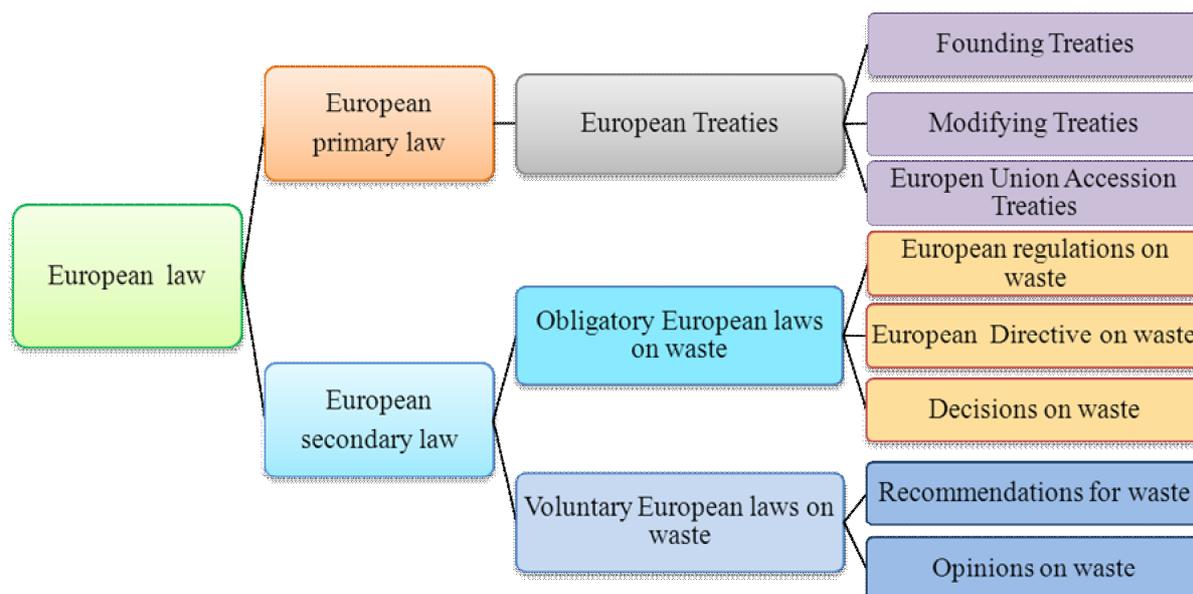


Figure 1. European law and EU legislation on waste.

Since the identification of problems to be solved at European level and until a mandatory legal document that provides solutions and ways to address the problems identified, there are several steps to be taken. These steps necessary for the development of European legislation constitute a regulatory cycle in a specific field, in this case being presented a series of environmental regulation specifying the subdomain waste.

The stages to a regulatory cycle waste. Elaboration of environmental policy on waste and European laws involves the mandatory of several steps for a complete cycle regulators. The Figure 2 shows the schematic stages of a cycle regulators at EU level in the waste.

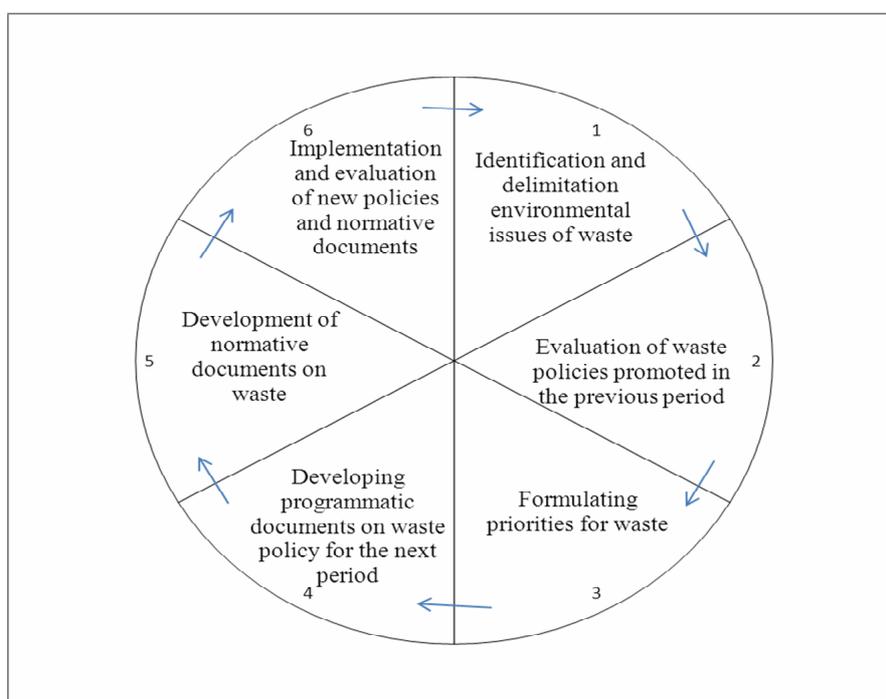


Figure 2. The European regulatory cycle stages and mechanisms influencing (Pop et al 2013).

The emergence of such a cycle regulators in the European Union should consider the actual situation and the impact of waste on the environment and economic and social

activities available.

To present the steps and understanding the mechanism of Figure 2, we will take as example at the European level programmatic document that is The Sixth Environment Action Programme, from its appearance and throughout the implementation phase with examples of waste.

In the first step the identification and delineation of environmental issues on waste held consultations to identify the national interest, European civil society and business.

Consultations are initiated by the European Commission (EC) is invited representatives of the Member States Summit, civil society representatives, business representatives, and not least the other institutions at European and national environmental experts on waste.

After such consultation the first stage of developing the 6th EAP (Environmental Action Programme) was established that the Member States of the European Union is manifested following general environmental problems, namely:

- the exponential growth of waste and qualitative diversification, in particular by increasing the hazard;
- the occurrence of health problems in the population due to degradation of environmental factors (use of dangerous pesticides, heavy pollution of water, air pollution);
- events related processes accentuation global warming and climate change manifestation (droughts and forest fires, extreme floods, heat waves);
- continued destruction of biodiversity in Europe (massive deforestation, ionizing radiation on plants and animals, accidents and natural disasters) (Communication 2001).

The second step is very important because it evaluates the previous program implementation.

The assessment is based on the program objectives precedent for settling medium of reaching these objectives.

Also to evaluate the previous program it is considered institutional perception European, national, regional and local perception of civil society and business.

After implementing a domain it is possible that problems have been resolved fully or partially, so the latter situation, they will be addressed in the next cycle regulators to resolve them, keeping continuity of a programmatic document to another.

In this sense are and conclusions expressed in the preamble of the 6th Environmental Action Programme, which provides that the previous program, in this case The Fifth Environmental Action Programme has made a number of improvements, but a number of serious environmental problems persist while new ones arise requiring further action by a new programmatic documents (Decision 2002).

Therefore, in addition to monitoring reports, even in the 6th EAP contents are made some observations on the previous program, focusing on what was done and what needs to be continued in the new program.

The third stage consists in centralizing initiative of the European Commission's views and putting them in the discussion of all other parties involved in the program, makes several priorities for action at European level.

Legal document that includes all of these recommendations, opinions and conclusions of the European Commission's Communication to the European Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions - COM /2001/0031 final, which is a proposal for programmatic document - "The 6th Environmental Action Programme " (Communication 2001).

For the proposal to be adopted and become mandatory for Member States, it goes through the procedure of adopting legislation from the European Union 6th EAP was adopted by the European Council and European Parliament Decision 1600/2002/EC of 22 July 2002, a decision which is binding on all Member States from the time of its publication in the Official Journal of the European Union (Decision 2002).

In the framework of the 6th Environment Action Programme (EAP) 6 - "Our Choice, Our Future" was established four priority areas: natural resources and waste; climate change; nature and biodiversity; health and quality of life.

By achieving these objectives are aimed at protecting the environment and

contributing to economic growth by encouraging innovation and entrepreneurship in the context of sustainable development (Soporan 2010).

The fourth step is to customize the document programmatically through thematic strategies.

In this stage have been developed that documents the European Union from the 6th EAP, including the seven thematic strategies of waste is "Thematic Strategy on Waste Prevention and Recycling." (Communication 2003).

This Thematic Strategy on waste prevention and recycling is a long term objective that the EU to become a recycling society that use waste as a resource, facilitating recycling and recovery activities in order to reduce the exploitation of natural resources.

The purpose of the Thematic Strategy on waste prevention and recycling is consistent with other strategies in the field, while helping to protect the environment and to the devastating impact it can have improper waste management.

This strategy is an important step, followed by the adoption of a flexible regulatory framework and promoting a society that avoids waste and uses resources from waste.

The fifth step refers to the adoption of legislation in the European Union with the premise program documents and reports for monitoring their implementation.

Legislative acts are mandatory under Article 288 of the Treaty on the Functioning of the European Union: the regulation has general application, its text must be directly applied by each Member State. Directive is mandatory as to the result to be achieved, Member States can determine the form and means by which this result will be achieved. The decision is also mandatory in its entirety, but if they are it will show recipients only limited applicability to these recipients (Treaty on the Function of the European Union 2010).

Usually legislative proposals at EU level are made by the European Commission but there are other players that can make legislative proposals. Parliament may adopt legislative proposals also a group of Member States may take the initiative. Court of Justice of the European Union, European Central Bank, European Investment Bank may submit claims for the adoption of a legislative act. Another type of initiative is the citizens that a large number of one million from at least one quarter of Member States may request the Commission to adopt legislative proposals in some areas.

Regarding waste management, due to the "Thematic Strategy for the prevention and recycling - COM (2005) 666", have been amended a number of laws but new ones appeared. Among these are just a few, the list is not exhaustive: Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives; Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on Waste Electrical and Electronic Equipment (WEEE); Council Decision 2008/763/EC establishing a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users; Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/25/EC; Regulation (EC) Nr. 221/2009 amending Regulation (EC) 2150/2002 on waste statistics as regards the powers conferred on the Commission; Regulation (EC) 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, as amended and supplemented; Regulation (EC) 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) no. 1013/2006 the European Parliament and of the Council to certain countries to which the OECD Decision (Organisation for Economic Co-operation and Development) on the control of transboundary movements of wastes does not apply.

In the Figure 3 is shown schematically the mechanism of adoption of legislative acts in the field of waste in the European Union in the implementation of the Sixth Environment Action Programme, based on the priorities set by him and Strategy on Waste Prevention and Recycling.

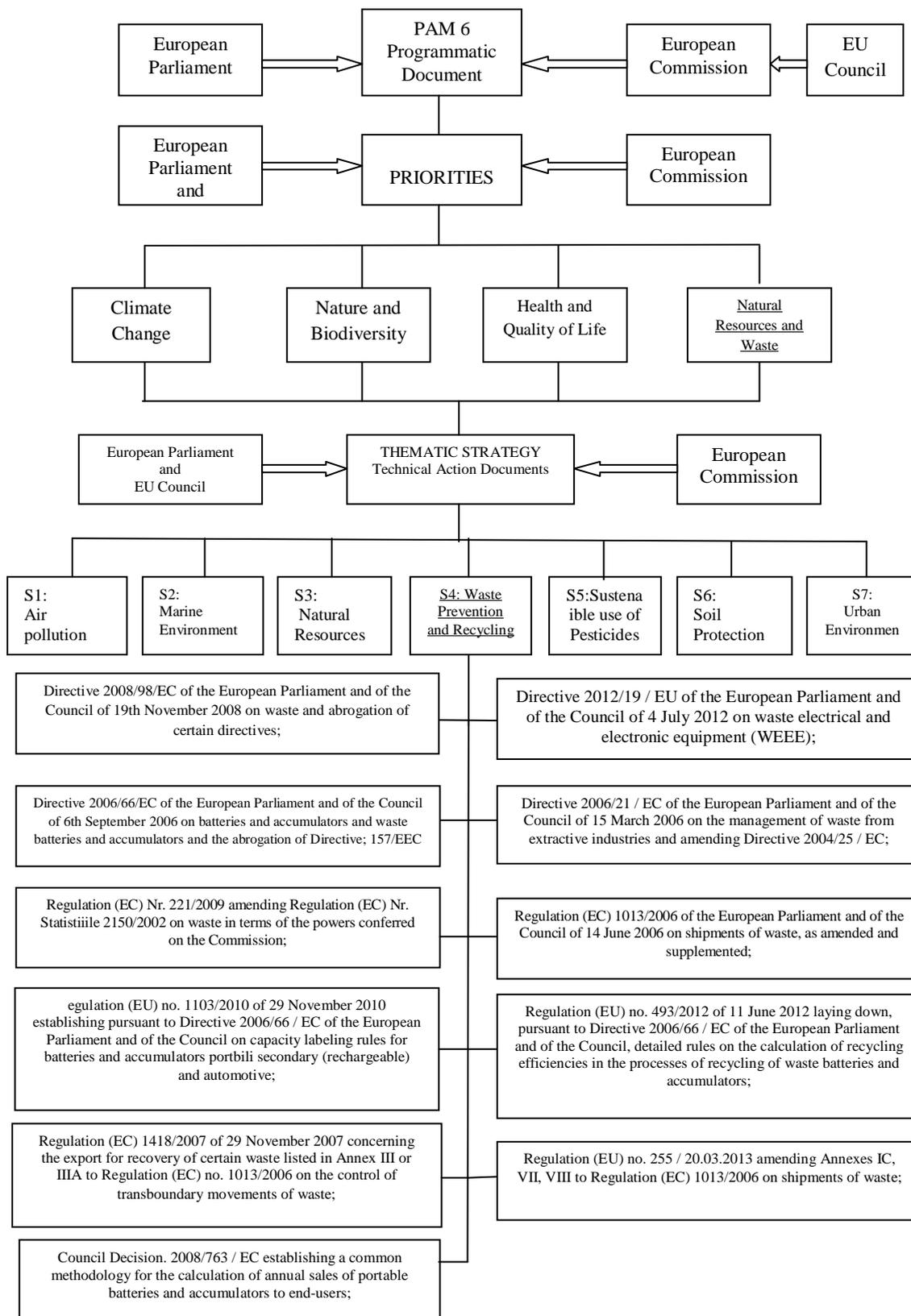


Figure 3. Mechanism of adoption of legislative acts in the field of waste in the European Union.

The sixth and final stage, which ends one cycle regulator is implementing and evaluating new policies and normative documents on waste.

In the case of the sixth environment action program under evaluation report made by the European Environment Agency concludes that the program has brought benefits to

the environment and to provide overall strategic direction for environmental policy but still a number of significant challenges in the environment, with repercussions if nothing is done to address those challenges (European Environment Agency 2010).

These challenges will be addressed with new ones and in the context of the Seventh Environment Action Programme adopted by Decision. 1386/2013/EU of the European Parliament and the EU Council of 20 November 2013.

Mechanism of adopting EU legislation is complex and must be thought so in the short term to act quickly and long for there to be continuity of actions.

At present the implementation of the Sixth Environment Action Programme is final, even if the conclusion of implementation was 2012, legislation developed under it still takes effect.

By decision 1386/2013/EU European Parliament and the Council adopted the Seventh Environment Action Programme entitled "General Program of Action for the environment by 2020 - a good life within our planet."

In its assessments are made on the implementation of the 6th Environment Action Programme (EAP) and the benefits that the implementation of the 6th EAP has brought environment. The objectives of the Seventh Environment Action Programme (EAP) are the following: protection of Union citizens environmental pressures and risks to health and welfare; increasing the maximum benefit Union environmental legislation by improving its implementation; Union transition to a green economy, competitive low-carbon and efficient in terms of resource use etc. (Decision 2013).

Following the adoption of this policy document at the end of 2013, starting this year - 2014 effects of the program began. The waste was adopted two important European Commission Communication: Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste, Directive 94/62/EC on packaging and packaging waste, the Directive 1999/31/EC Landfill Directive 2000/53/EC on end of life vehicles, Directive 2006/66/EC on waste electrical and electronic equipment. (COM (2014) 397 final); Commission Communication "Towards a circular economy: a zero waste to Europe." (Communication 2014).

These documents are part of Stage 3 of a cycle regulation and mandatory prerequisites drafting legislation at EU level, based on the objectives set by WFP in July.

Conclusions. Adoption laws and construction of EU legislation is a complex process involving consideration of several factors which must be well organized so as to include possible solutions to resolve situations and problems in all European Union countries.

In a regulatory cycle its succeeding stages are mutually dependent, since the first stage that is the identification and delineation of environmental issues and to the final stage, that of implementation and evaluation of new policies and normative acts.

Mechanism of adopting EU legislation is a process developed and well controlled at EU level, European legislation was adopted on the basis of well-defined policies and strategies.

Define policies and strategies are made by representatives of Member States, civil society, representatives of businesses and not least the European Commission, which usually is the one that has the initiative to adopt strategies or policies in the environmental and waste management.

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