



THE IMPORTANCE OF LEGAL AND TECHNICAL INSTRUMENTS OF ENVIRONMENTAL POLICY

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ABSTRAKT

Príspevok sa zaoberá problematikou trvalo udržateľného rozvoja a nástrojmi na jeho podporu. Tematika trvalo udržateľného rozvoja sa radí medzi priority ako dosiahnuť medzinárodnú spoluprácu pri riešení medzinárodných problémov ekonomického, sociálneho, kultúrneho alebo humanitárneho charakteru a pri podpore a podnecovaní rešpektovania ľudských práv a základných slobôd pre všetkých bez ohľadu na rasu, pohlavie, jazyk alebo náboženstvo.

KEŤOVÉ SLOVÁ: *environment, vývoj, trvale udržateľný rozvoj*

ABSTRACT

This contribution deals with the issue of sustainable development and instruments to support it. The issue of sustainable development is one of the priorities of achieving international cooperation in solving of international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without regard to race, sex, language or religion.

KEY WORDS: *environment, development, sustainable development*

INTRODUCTION

Global system trends and challenges associated with population dynamics, urbanization, diseases and pandemics, accelerating technology change and unsustainable economic growth contribute to making it difficult to tackle environmental challenges and achieve sustainable development. In order to ensure long-term prosperity, measures need to be taken to address these problems.

Experience with the criteria developed in voluntary policies could be adapted to facilitate the development of binding criteria. In particular, the link between product and system criteria will be important for future development.

European regulations provide a dynamic framework for product policies to improve the environmental performance of products throughout their life cycle. The policies of the European Union are flexible so that they can adapt to changing conditions of technology and markets. Their requirements and criteria are revised to reflect technical innovations such as development of materials, technologies and production processes. The scope of product policies is continuously reviewed to address relevant new product groups.



Legal and technical instruments of environmental policy

The European Union's product policy frameworks are their potential complementarity, ensuring synergies and overcoming potential inconsistencies. The "Roadmap to a resource-efficient Europe" (Kom (2011) 571), part of the Europe 2020 strategy, calls for sustainable consumption and production by 2050 and proposes to use a voluntary and mandatory approach for several products and services.

During the product design process, in addition to technical, economic and business requirements, environmental aspects have become not only added value but also a requirement. The proposal has a strong impact on environmental impacts in other phases of the product life cycle, such as production, distribution, use and end of life. If these impacts are predicted and taken into account at an early design stage, it is easy to improve the environmental performance of products. Therefore, several regulations of the European Union encourage manufacturers to create products with respect to the whole life cycle. To anticipate future environmental requirements, often leads the company to competitive advantages.

Efforts to eliminate the adverse impacts of human activities causing serious environmental problems have recently focused on the implementation of so called voluntary pro-environment-oriented policy instruments. Global environmental problems have an ever-worsening trend, for example, natural lowland forests, subtropics and tropics are dwindling, farming soil deteriorates as a result of degradation, seawater pollution is increasing, vulnerable marine ecosystems are being destroyed, plant and animal species irreversibly disappear.

The Sustainable Development agenda is one of the priorities and away how to get international cooperation in solving of international economic, social, cultural or humanitarian issues and promoting the respect for human rights and fundamental freedoms for all regardless of race, gender, language or religion.

To have a long-term positive impact on development, it must be sustainable. Sustainable development says about the effort to ensure for the Earth's resources that we use for economic growth will be available for future generations as well. Attention currently being devoted to the threats of global climate change is an example of how human freedom and human development can be disrupted when the interests of economic growth and development are separated from environmental concerns. Solving of the current environmental problems is not just a matter of a technical solution, that has been developed, either as a response to an environmental problem or in a more progressive approach as a preventive one. It should be a change in the value orientation of man, as an individual, but also of society and of all mankind.

The main objective of sustainable development is to ensure the environmental, social and economic sustainability of growth, with particular emphasis on protecting and improving the environment, taking into account the principle "pays who pollutes".

Recently, in the field of environmental policy enforcement, the range of pro-environment-oriented voluntary approaches has been significantly expanded. There is a tendency to increase the diversity of instruments based largely on voluntary pro-environment-oriented activities of producers and the growing environmental awareness of all stakeholders. Several procedures have been progressively standardized. Along with their practical expansion, their research began, focusing not only on exploring theoretical aspects but also on generalizing the practical experience gained from individual studies.

Environmental management is a set of voluntary environmental policy instruments that enable a system approach to address environmental problems and to continually improve organizational behaviour.

Environmental management systems (EMS; ISO 14001: 2015), Eco-Management and Audit Scheme (EMAS), environmental product labelling, and green procurement are some examples of voluntary environmental instruments, it means, they are neither enforced by law nor motivated by any form of stimuli, and their non-application is not punished. These are tools of a preventive strategy implemented in the form of measures aimed at the reducing of environmental pollution.



In July 2008, the Commission EU proposed a package of actions and proposals on SCP and Sustainable Industrial Policy (SIP) (COM(2008)0397), which aimed to improve the environmental performance of products throughout their life cycle, to increase consumer awareness and demand for sustainable goods and production technologies, to promote innovation in EU industry and to address international aspects. These proposals build on and complement existing EU policies such as the Integrated Product Policy (IPP), which was the first to officially introduce Life Cycle Thinking (LCT) into European policies. The aim of LCT is to identify potential improvements to goods and services which would lower environmental impacts and reduce the use of resources across all stages of the life cycle of a product or service (raw materials/supply chains/product use/end-of-life: the effects of disposal and possibilities for re-use or recycling). The SCP Action Plan led to initiatives in the following areas: extension of the Eco-design Directive, revision of the Ecolabel Regulation, revision of the Eco-management and Audit Regulation, legislation on Green Public Procurement, the Resource Efficiency Roadmap, and the Eco-Innovation Action Plan. These instruments are an integral part of the EU's renewed Sustainable Development Strategy (EU SDS), the 2009 review of which reinforced the EU's long-standing commitment to meeting the challenges of sustainable development.

ISO 14001: 2015 specifies the requirements for an environmental management system that an organization can use to enhance its environmental performance. ISO 14001:2015 is intended for use by an organization seeking to manage its environmental responsibilities in a systematic manner that contributes to the environmental pillar of sustainability. ISO 14001: 2015 helps an organization achieve the intended outcomes of its environmental management system, which provide value for the environment, the organization itself and interested parties. Consistent with the organization's environmental policy, the intended outcomes of an environmental management system include: enhancement of environmental performance; fulfilment of compliance obligations; achievement of environmental objectives. ISO 14001:2015 is applicable to any organization, regardless of size, type and nature, and applies to the environmental aspects of its activities, products and services that the organization determines it can either control or influence considering a life cycle perspective. ISO 14001:2015 does not state specific environmental performance criteria.

The EU Eco-Management and Audit Scheme is a premium management instrument developed by the European Commission for companies and other organisations to evaluate, report, and improve their environmental performance. EMAS is open to every type of organisation eager to improve its environmental performance. It spans all economic and service sectors and is applicable worldwide. Eco-Management and Audit Scheme stands for:

- performance - EMAS supports organisations in finding the right tools to improve their environmental performance. Participating organisations voluntarily commit to both evaluating and reducing their environmental impact;
- credibility - third party verification guarantees the external and independent nature of the EMAS registration process;
- transparency - providing publicly available information on an organisation's environmental performance is an important aspect of EMAS. Organisations achieve greater transparency both externally through the environmental statement and internally through employees' active involvement.

The Eco-Management and Audit Scheme Regulation 1836/93 was first introduced in July 1993 as an environmental policy tool devised by the European Commission in a step towards fulfilling the Community's goal of sustainable development. EMAS has been open for voluntary participation by organisations since April 1995. Its scope initially restricted participation to companies in the industrial sector. In 2001 the revised Regulation (EC) No 761/2001 ("Eco-Management and Audit Scheme II") was adopted. Its main elements were the extension of the scope of EMAS to all sectors of economic activity including local authorities, and the integration of the international environmental management system standard EN ISO 14001. In 2009 the Eco-Management and Audit Scheme Regulation was revised and modified for the second time. Regulation (EC) No 1221/2009 ("Eco-Management and Audit Scheme III") came into effect on 11 January 2010.



Eco-Management and Audit Scheme III includes the following new elements:

- Revised audit cycles to further improve applicability for SMEs (click here for further information)
- Corporate registrations to ease administrative and financial burdens on organisations with several EMAS registered sites
- Environmental core indicators to adequately document environmental performance
- Introduction of EMAS Global to make EMAS accessible to organisations and sites worldwide

In 2017 Annexes I, II and III of the Eco-Management and Audit Scheme Regulation were amended to include the changes associated with the revision of the ISO 14001: 2015 standard. The Commission Regulation (EU) 2017/1505 amending these annexes entered into force on 18/09/2017. To provide easier access to the up-to-date EMAS requirements, the Commission has also produced an informal consolidated version of the EMAS Regulation that includes the amended annexes.

Since January 9th 2019, also an amended Annex IV of the Eco-Management and Audit Scheme regulation (EU Commission Regulation EU 2018/2026) is in place. This amendment includes an update of EMAS' core indicators and the language of the environmental statement. It also allows EMAS organisations new opportunities to report on their environmental performance and to use the organisation's EMAS environmental statement also for other reporting obligations.

In 2015, the UN set an ambitious 15-year plan to address some of the most pressing issues faced by the world. The Sustainable Development Goals (SDGs) represent an ambitious plan to enhance peace and prosperity, eradicate poverty and protect the planet. They are recognized globally as essential to the future sustainability of our world. This plan of action calls on the contribution from all elements of society, including local and national governments, business, industry and individuals. To be successful, the process requires consensus, collaboration and innovation.

According to the proactive of a pro-sustainable approach strategy promoting, some efforts are gradually being made to move the environmental problems after their creation to solutions that are technically preventive and sustainable throughout the life cycle of technology and products. Environmental protection is evolving dynamically and it is becoming a crucial part of society's life. Gradually, the behaviour of producers and consumers is changing, and by preventive measures, the principle of voluntary and public participation in solving environmental problems is increasingly being applied. Environmental management systems for industrial and manufacturing activities are implemented, and increased attention is paid to the impact of products themselves (such as consumer products, semi-finished products and materials) on the environment.

CONCLUSION

The challenge is now to integrate sustainability into this picture. Sustainable development aims at the continuous improvement of the quality of life and well-being for present and future generations. Global pressure to increase resource efficiency, and the efforts to improve sustainability could become an important source of innovation and an important asset for industry's competitiveness.

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