

Plastic Pollution: Analysis of the Current Legal Framework and Perspectives on Future Governance

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Abstract : Since the beginning of mass production, plastic items have been crucial in our daily lives. Thanks to their physical and chemical properties, plastic materials have proven almost irreplaceable in a number of economic sectors such as packaging, automotive, building and construction, textile, and many others. At the same time, the disruptive consequences of plastic pollution have been progressively brought to light in all environmental compartments. The overaccumulation of plastics in the environment, and its adverse effects on habitats, wildlife, and (most likely) human health, represents a call for action to decision-makers around the globe. From a regulatory perspective, plastic production is an unprecedented challenge at all levels of governance. At the international level, the design of new legal instruments, the amendment of existing ones, and the coordination among the several relevant policy areas requires considerable effort. Under the pressure of both increasing scientific evidence and a concerned public opinion, countries seem to slowly move towards the discussion of a new international 'plastic treaty.' However, whether, how, and with which scopes such instrument would be adopted is still to be seen. Additionally, governments are establishing regional-based strategies, prone to consider the specificities of the plastic issue in a certain geographical area. Thanks to the new Circular Economy Action Plan, approved in March 2020 by the European Commission, EU countries are slowly but steadily shifting to a carbon neutral, circular economy in the attempt to reduce the pressure on natural resources and, parallelly, facilitate sustainable economic growth. In this context, the EU Plastic Strategy is promising to change the way plastic is designed, produced, used, and treated after consumption. In fact, only in the EU27 Member States, almost 26 million tons of plastic waste are generated herein every year, whose 24,9% is still destined to landfill. Positive effects of the Strategy also include a more effective protection of our environment, especially the marine one, the reduction of greenhouse gas emissions, a reduced need for imported fossil energy sources, more sustainable production and consumption patterns. As promising as it may sound, the road ahead is still long. The need to implement these measures in domestic legislations makes their outcome difficult to predict at the moment. An analysis of the current international and European Union legal framework on plastic pollution, binding, and voluntary instruments included, could serve to detect 'blind spots' in the current governance as well as to facilitate the development of policy interventions along the plastic value chain, where it appears more needed.

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