

Abstract

Institutional framework for sustainable material flows

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1 Legal Framework

The EC Treaty constitutes a demanding legal framework: The general environmental objectives in Art. 2 EC (“a high level of protection and improvement of the quality of the environment”) are completed by the specific objectives fixed in Art. 174 EC. The integration clause (Art. 6 EC) states that “environmental protection requirements must be integrated into the **definition** and **implementation** of the Community policies and activities – in particular with a view to promoting sustainable development”. In a comparative perspective (e.g. Art. 20a German Constitution) the treaty provisions are quite specific and far-reaching.

2 Political Task in general

The EC Treaty lays upon the European Community a political task, which can be paraphrased as “Mobilize Improvement Potential” with the following elements:

1. **Analyze** sectors with improvement capacity.
2. **Identify** the relevant actors and the incentives/impediments which influence their behaviour.
3. **Modify** the institutional framework.

3 Regulation and management of hazardous substances/material flows

In applying the three **AIM**-Steps to the regulation of hazardous substances (or more general: material flows) it is obvious that options to minimize the risks for human health and the environment are to be identified all along the “substance and product chain” including the production, the phase of utilization and the “end of life-treatment”.

In order to exhaust those reduction potentials a cooperation of different (private and public) actors is needed in many cases. Also different fields of regulation are affected. Risk minimization measures concerning existing chemicals are to be designed including the instruments of the *IPPC*-Directive and the *Water Framework* Directive. Of high relevance are also the various elements of the EC-Product Policy (e.g. Directives on *End of Life Vehicles* or *WEEE/RoHS*).

4 Institutional analysis

The incentives and impediments relevant for the different actors are not only influenced by the legal framework and other “formal institutions” but also by “informal institutions”, such as professional norms (*comme il faut* in the community of engineers or scientists) or general fairness rules.

Any organisation is surrounded by various external institutions but also driven by internal institutions, both formal and informal. In order to understand and influence the behaviour of the individual actors within an organisation (company, public authority or NGO) the whole institutional context is to be scrutinized. In the next step the possibilities to modify the institutional framework are to be considered with regard to effectiveness and efficiency (or a legal perspective: in the light of the principle of proportionality).

5 Political decision making process and cooperation of actors

Institutional analysis offers as a result different political options; among them institutional innovations such as new forms of information exchange or cooperation mechanisms between different actors.

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¹ The term „institution” is not used in the sense of “political institutions” (organizations or legal entities, e.g. EC Institutions like European Parliament or European Commission) but rather in the meaning of the social sciences: Institutions are the formal as well as the informal rules and the mechanisms of control and sanctions which influence individual behaviour.