

# Green Growth community contributions to EU circular economy

## *Legal Recommendations*

Interreg  
Mediterranean



GREEN GROWTH

Project co-financed by the European  
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# TABLE OF CONTENTS

<u>INTRODUCTION</u>	2
THE INTERREG MED GREEN GROWTH COMMUNITY	2
THE 14 MODULAR PROJECTS	4
<u>CIRCULAR ECONOMY AND THE NEED FOR LEGAL RECOMMENDATIONS</u>	7
<u>DEFINITION OF LEGAL RECOMMENDATIONS</u>	9
LEGAL RECOMMENDATIONS IN THE MED GREEN GROWTH PROJECTS	10
<u>THE POLICY LINK: LOOKING AT ENABLERS AND BARRIERS TOWARDS A CIRCULAR ECONOMY MODEL</u>	12
<u>PROPOSING A ROADMAP FOR LEGAL RECOMMENDATIONS</u>	15
<u>METHODOLOGY FOR MEASURING PERFORMANCE IN ACHIEVING LEGAL RECOMMENDATIONS WITHIN TWGS</u>	19
STEP 1. CONDUCTING A SMALL-SCALE E-SURVEY (PILOT)	19
STEP 2. CONDUCTING QUALITATIVE FOCUS GROUP INTERVIEWS	20
STEP 3. CONDUCTING THE SECOND E-SURVEY ON ALL FOUR TWGS	23
<u>CONCLUSIONS</u>	29

# INTRODUCTION

This document is one of the policy outputs of the Interreg MED Green Growth Community and the Horizontal project SYNGGI- *“Synergies for Green Growth Initiative - Energizing the Impact of Innovation in the Mediterranean”*, which constitute the synthesis of the results, findings and recommendations of the Green Growth component of the Interreg MED 2014-2020 project. Its aim, as described in more detail in the following introductory paragraphs, is to establish the procedure and describe a methodology and roadmap for the formulation of the Legal Recommendations for the future phases of the project.

## The Interreg MED Green Growth Community

The Interreg MED Green Growth Community is a thematic community of projects in the framework of the European Cooperation Programme Interreg MED. Its aim is to support in its implementation period (Nov.'16 - Oct.'19) the Modular projects approved under the MED objective of “Green Growth” for communication and capitalization activities, as well as for producing unified findings that facilitate the transfer and communication of results to relevant stakeholders.

The Green Growth Community acts as a dynamic network to unify results and create a fruitful and collaborative environment for all implicated bodies enhancing cross-sectorial innovation practices among key Mediterranean stakeholders. Strong emphasis is given in the capitalization process, with the objective to create common policy outcomes to contribute to the vivid legal framework that needs constant revision and input, such as the EU Circular Economy Action Plan and other relevant environmental policies. In this context, the development of a methodology for delivering Legal Recommendations is included as one of the deliverables of the project. Moreover, in October 2019, the Community received the labelling by the Union of the Mediterranean (UfM). 43 countries endorsed the project for its potential to deliver concrete benefits to the citizens of the Euro-Mediterranean region and contribute to sub-regional and regional integration. The labelling of the Interreg MED Green Growth Community is in line with the Union for the Mediterranean’s mandate of advancing cooperation in the field of green, circular economy and sustainable development in the Northern Mediterranean and Western Mediterranean, with a view to transfer and capitalize to other countries of the region.

## INTERREG MED GREEN GROWTH COOPERATION AREA



The Interreg MED Green Growth community is one of the largest communities from the Interreg MED programme, including 14 Modular Projects (MPs). The synthesis and homogenization of the results of the Modular Projects was facilitated through the creation of Thematic Working Groups (TWGs):

- TWG1 - Sustainable Consumption and Production: Resource Efficiency
- TWG2 - Sustainable Consumption and Production: Smart and Green Public Services
- TWG3 - Waste prevention and management
- TWG4 - Competitiveness and innovation

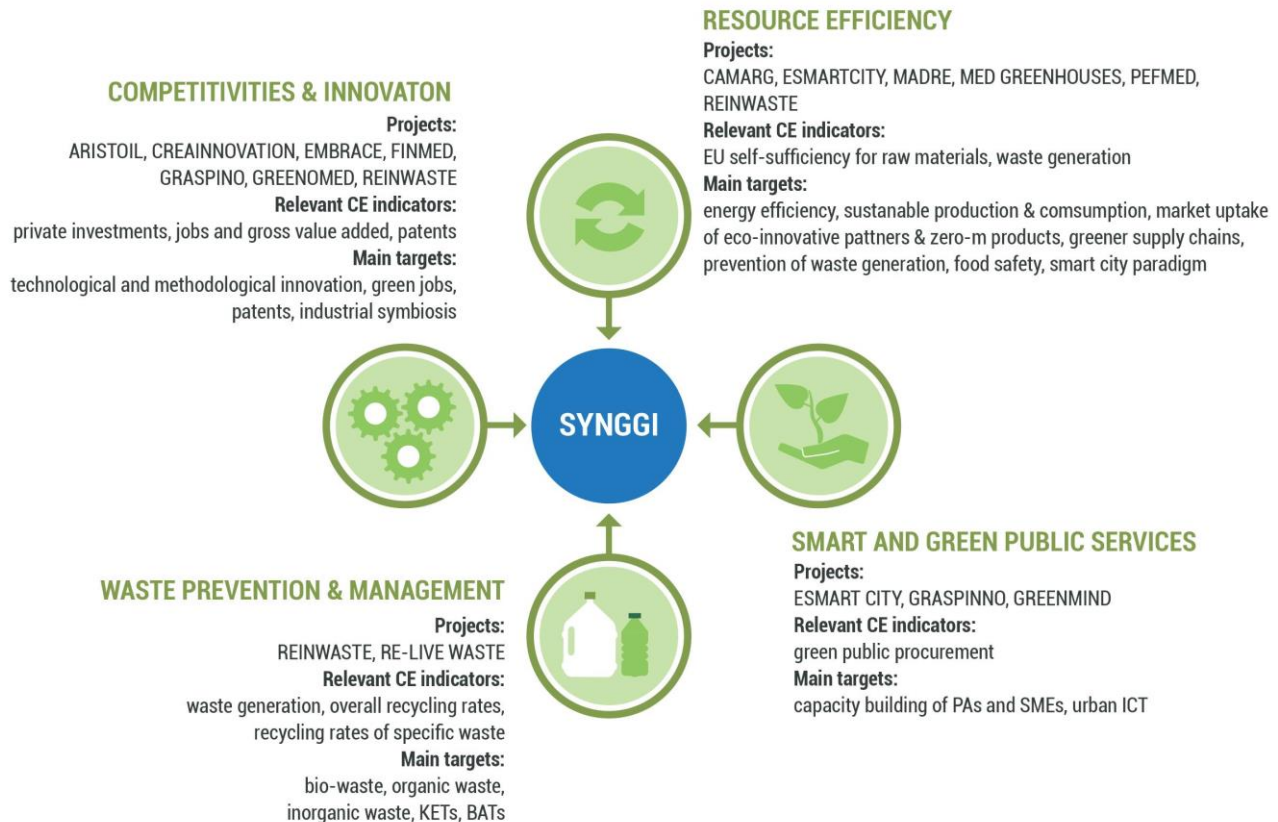
Work within the TWGs focused on exploring similarities, consistency and possible complementarities among the findings of the different modular projects. The results of this work are reflected in the following specific policy outcomes:

- Legal Recommendations
- Policy Recommendations
- Circular Economy White Papers
- Green Growth Book

## The 14 Modular Projects

The fourteen MED Modular projects under the objective of “Green Growth”, are diverse in their focus and approach, and were integrated within TWGs regarding their relevance to the key direction undertaken by each TWG, as follows:

### THE FOUR THEMATIC WORKING GROUPS



The projects:

**ARISTOIL** (*Reinforcement of Mediterranean olive oil sector competitiveness through development and application of innovative production and quality control methodologies related to olive oil health protecting properties*) reinforcing the competitiveness of the Mediterranean olive oil sector through the development and application of innovative production and quality control methodologies related to olive oil health protecting properties.

**CAMARG** (*Clusters of innovative zero-km Agro-food MARKET places for Growth*) supporting the marketing of local zero-km agro-food products, making the value chain less resource intensive.

**CREAINNOVATION** (*Create sustainable Innovation in SMEs using creative methods and processes*) promoting the adoption of creative entrepreneurship to sustainable innovation by SMEs.

**EMBRACE** (*European Med-clusters Boosting Remunerative Agro-Wine Circular Economy*) developing and implementing a toolkit for circular-economy oriented transnational meta-clusters in the wine and agro-food sectors.

**ESMARTCITY** (*Enabling Smarter City in the MED Area through Networking*) promoting the Smart City concept enabling cities to use energy more efficiently in buildings.

**FINMED** (*Boosting the financing of innovation for green growth sectors through innovative clusters services in the MED area*) boosting the financing of innovation in green growth sectors.

**GRASPINNO** (*Transnational model, strategies and decision support for innovative clusters and business networks towards green growth, focusing on green e-procurement in EE/RES10 for energy refurbishment of public buildings*) providing innovative green procurement solutions for energy savings/efficient refurbishment of public buildings.

**GREEN MIND** (*GREEN and smart Mobility INDUstry innovation*) strengthening transnational activities of clusters and agencies to support SMEs in exploiting the market opportunities of the raising demand for green and smart mobility products and services.

**GREENOMED** (*Mediterranean Trans-Regional Cooperation for green manufacturing innovation*) testing a trans-regional cooperation methodology to design and implement a European network of pilot plants to facilitate the uptake of green manufacturing technologies by companies (especially SMEs).

**MADRE** (*Metropolitan Agriculture for Developing an innovative, sustainable and Responsible Economy*) gathering stakeholders related to metropolitan and peri-urban agriculture and creating a transnational cooperation in the Mediterranean area to foster a change process in the urban food supply model.

**MED GREENHOUSES** (*Green Growth through the capitalization of innovative Greenhouses*) promoting, disseminating and transferring innovative approaches for the establishment of efficient greenhouses, minimizing water and energy demand.

**PEFMED** (*Uptake of the Product Environmental Footprint across the MED agro-food regional productive systems to enhance innovation and market value*) testing the applicability of the EU Product Environmental Footprint method in Mediterranean agro-food systems.



**REINWASTE** (*REmanufacture the food supply chain by testing INNovative solutions for zero inorganic WASTE*) promoting the adoption of greener innovative concepts in the agriculture and food industry to prevent inorganic waste.

**RE-LIVE WASTE** (*Improving innovation capacities of private and public actors for sustainable and profitable REcycling of LIVEstock WASTE*). Improving innovation capacities of public and private actors involved in managing waste from intensive livestock farming.

In addition to the networking role, the sharing of good practices, and the joint development of approaches, the Modular Projects also resulted in proposing solutions to common problems within the Mediterranean region, which in many cases may be turned into Policy and Legal Recommendations. Among the issues that were tackled and policy/legislation development fields addressed the following can be mentioned indicatively:

- Measuring the environmental footprint and resource efficiency of public and private sector may be challenging. This is coupled with the widespread lack of energy efficiency and renovation of buildings, while the integration between environmental and economic criteria in public procurement and capacities among private actors related to eco-innovation and green energy to participate in green e-tenders are also limiting factors.
- Low-cost and low-tech, labour intensive and rudimentary equipped agro-business, especially greenhouses, along with overproduction of nitrogen and over-application of slurry/manure, and general lack of treatment of organic and inorganic agro-food waste limit the progress of the sector towards a circular economy.
- Mobility data at the city level is scarce, often due to resistance in data sharing, is further aggravated by high cost for data aggregation and management.
- The operation of clusters for companies and stakeholders to connect, work together and transfer innovation is still limited, thus restricting access to tools, services and funds for SMEs to drive innovation.
- Consumer awareness and participation in “green” and “circular” products and services value chains is limited.

# CIRCULAR ECONOMY AND THE NEED FOR LEGAL RECOMMENDATIONS

According to the Ellen MacArthur Foundation,

*“A circular economy is based on the principles of designing out waste and pollution, keeping products and materials in use, and regenerating natural systems”.*

Although there is not a single, commonly accepted definition for Circular Economy, in practical and policy terms a number of baseline principles are broadly recognized as driving the process of transformation towards it. Those principles can be summarized as follows:

- Give priority to regenerative resources over single-use, finite resources;
- Preserve and extend the life of what is already made, rather than replacing it;
- Design for the future and not in terms of finite lifecycle and/or planned obsolescence;
- Use waste as a resource and reuse/recycle all materials;
- Incorporate digital technology, allowing optimized flows and reuse of resource streams;
- Rethink the business model.

The European Union promotes Circular Economy under the premises that in a circular economic model the value of products and materials is maintained for as long as possible; waste and resource use are minimized, and resources are kept within the economy when a product has reached the end of its life, to be used again and again to create further value. This results in creating secure jobs, promoting innovations, and creating competitive advantages, while providing a higher level of protection for humans and the environment.

As proposed by the study *Regulatory barriers for the Circular Economy* (2016), although efforts have been made to shift the economic model towards a more circular one, there are still many practical and, most importantly, regulatory barriers that to date hamper the progress towards a change in the business model and the transition towards Circular Economy. Resulting from



various studies, the regulatory barriers are multiple and touch upon various policies, directives, legislations and regulations. Their nature can be summarized in the following generic groups:

- Lack of definitions and gaps in legislation;
- Unclear definitions of targets in legislation, for example in the context of the Waste Framework Directive;
- Definition of especially restrictive (in application) hard numerical limits in regulation, for example, in the REACH and CLP regulation;
- Limited or incomplete implementation or enforcement of legislation, such as the Waste Framework Directive and the Exports and Shipment regulation;
- Different and conflicting national implementations of legislation (especially directives or national action plans), observed in the context of the Waste Framework Directive, Basel Convention and WEEE Directive;
- Legislations that conflict each other because as they represent conflicting values, for example with hygiene rules versus food waste.

Notwithstanding the importance of the above-mentioned barriers, it is however important to note that although regulatory barriers may be addressed by changes in policy and/or legislation, case studies show that removing regulatory barriers does not necessarily lead to automatic realization of the desired circular activity. Economic barriers may remain: e.g. market prices, technology lock-ins, consumer demands and attitude, etc.

To ensure the success of circularity it is important that before focusing on the removal of regulatory barriers, a thorough and more holistic assessment of the actual potential for circularity is undertaken.

Within this background, the Interreg MED Green Growth Community has developed a series of Policy Recommendations, which, in themselves propose a number of ways in which the MED Region can progress in implementing a Circular and Green Economy and Green Growth initiatives.

Still, and in order to turn the results of the Modular Projects into a long-term systemic change for the region, such policy measures need to be accompanied by the necessary changes in legislation.

**It is in this context that the SYNNGI project aims at the creation of a roadmap for Legal Recommendations for achieving policy objectives set by the Modular Projects, by ensuring legislative change at the after the project period.**

# DEFINITION OF LEGAL RECOMMENDATIONS

While the definition of Green Economy and Circular Economy are still being debated, lawmakers are starting to ask how the law relates to their objectives.

*“Law has a critical role to play in providing the foundation for accelerating the transition towards a green economy” especially as “it can be a conduit for transformative economic change”*

according to Achim Steiner, former UNEP Executive Director

International law and national law have a causal relationship regarding the transition to a green/circular economy: international law is a platform on which actors agree globally on common goals, processes and action, but it is the regional/national laws that provide the mechanisms to implement agreed goals in each particular context.

Law can therefore enable the transition towards the green/circular economy, and provide the necessary support through incentives and other means. For example, domestic laws, may act as a point of reference and solid basis for policy reforms. In addition, they can provide the baseline on which to develop and market green or circular products and services, for example by incorporating the recycling or end-of life disposal costs, or providing tax and other incentives, or put in place green procurement.

Law development and evolution and social changes as reflected in policy transformation are the two sides of an iterative process. At the same time, it is a two-way relation: the law is either the springboard from which social change and policy reform stems, while in other cases it reflects and incorporated in the legal body policy and social changes. Whichever the case, it is important to ensure that the two work in tandem, since policy concepts have influenced and were incorporated into legal rules, while new policies follow the path set by framework legislation.

## Legal Recommendations in the MED Green Growth projects

In the context of the Green Growth projects, Legal Recommendations can be described as forms of legislative proposals relevant to the main objectives of the Modular Projects, so that the latter may reach, improve, or contribute to existing National and/or EU Legislation, based on the foreseen and achieved outputs and outcomes of the Modular Projects.

A legal recommendation could have many forms, ranging from *softer* approaches that constitute a (formal or informal) engagement at local level, all the way to actual Legislative Proposals.

At the **national level**, three characteristics of legal tools are seen as especially useful for the transition to green/circular economy:

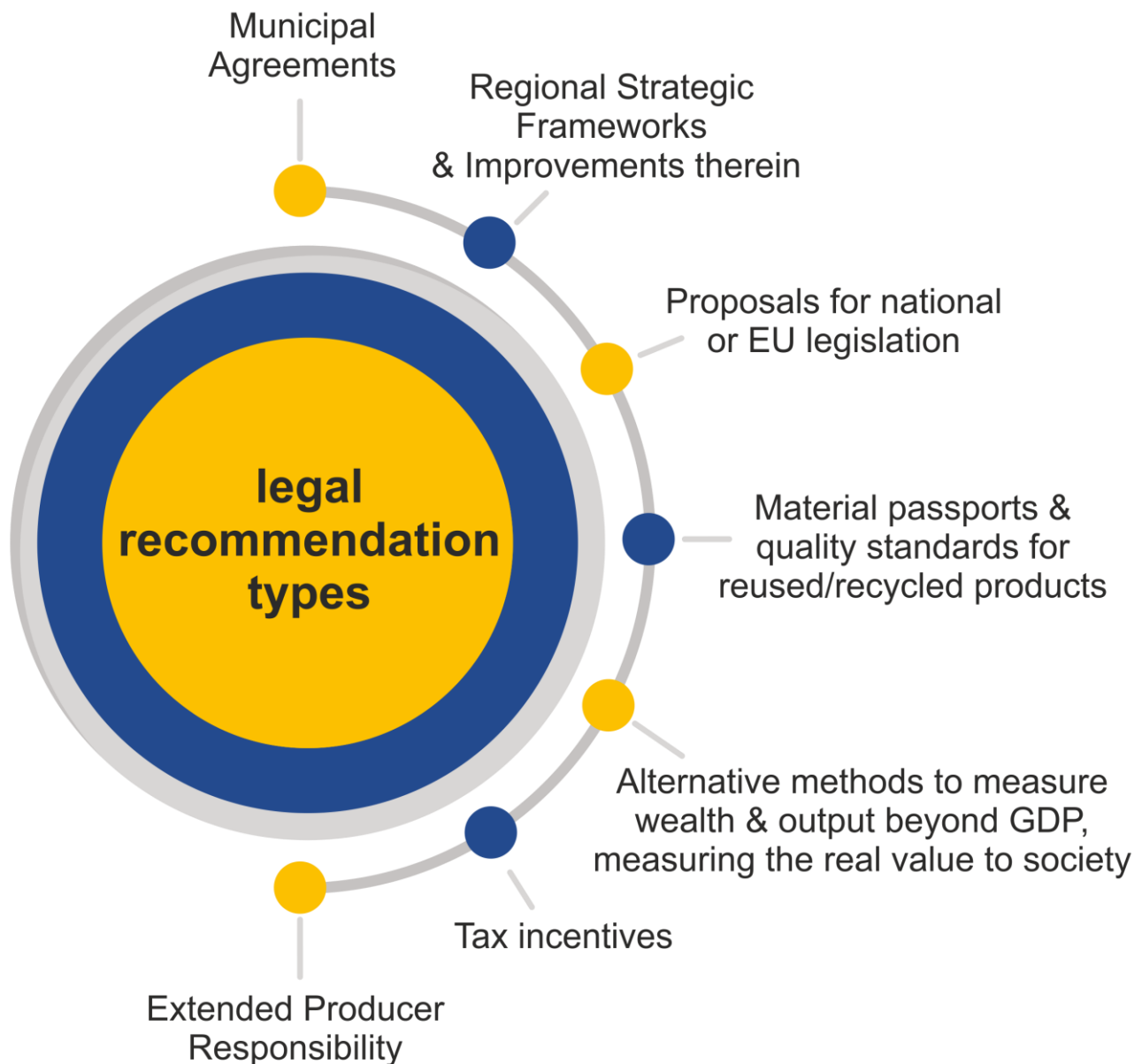
- Introducing sustainable development notions in the constitution
- establishing framework laws,
- reflecting sustainable development principles in court decisions

Due to their special relationship with socio-environmental concerns within their area, there is a tendency in the last few years to include more and more local governments in environmental and green economy related decision-making, which can be generally seen as a form of *mixed* decentralization, although this is rather a case of *multi-tiered governance*.

At the **regional level**, innovative policy frameworks to support greener economic growth have been identified in different regions of the world. Europe provides an interesting case study because it has been advancing greener regulation for a number of years. Through the EU treaties, states have undertaken new commitments that seek to facilitate the transition to a global green economy.

At the **international level**, various new instruments increasingly adopt market-based instruments (MBIs) to provide green economy incentives for low-carbon development, stewardship of ecosystems, or sustainable use of biodiversity.

From this multitude of legal tools and forms of law, in the context of the MED Green Growth projects **a number of legal recommendation types** were identified as most appropriate. The following could be mentioned indicatively:



# THE POLICY LINK: LOOKING AT ENABLERS AND BARRIERS TOWARDS A CIRCULAR ECONOMY MODEL

A number of studies have examined the process of transformation towards a Circular Economy in the context of a Green Economy model. In doing so, it is very important to identify the key barriers that need to be overcome by reinforcing the enablers, so that in both private (predominantly company) and public governance levels the appropriate policy and in often cases legal transformation may be undertaken. Some of the key barriers identified are:

- Lack of a supporting secondary raw material market
- Linear design of products
- Lack of infrastructure enabling a Circular Economy
- Lack of disclosures regarding the share of information and data in reporting on the basis of KPIs
- Lack of circular industry standards and guidelines
- Cost of business transformation, including the financing of new business models especially in unfavourable tax systems
- Costs of secondary products and raw materials, as opposed to the typically lower cost of virgin resources as current taxation systems tend to reward linear models
- Static business attitudes blocking transformation and reluctance to take a risk
- Lack of understanding of the concept of circularity and the benefits it holds, including targeted consumer demand
- Circularity is connected with more expensive processes due to resource prices, fossil fuel subsidies, and non-attribution of the cost of externalities
- Association of circular economy with waste only, while other business transformation opportunities may remain unexplored
- Tendering based only on lowest price

In order to respond to such barriers, enablers need to be put in place for the Circular Economy model to become viable and attractive, so that the private sector may find fertile grounds to develop, providing benefits to society.

Such key enablers that allow overcoming systemic barriers that impede the progress of a transformation towards a Circular Economy are:

- High-level commitment, with long-term vision that supports structural change
- Drive and attitude allowing attracting and retaining talent, and increasing productivity in a stimulating environment
- Transparency and reporting, also of non-financial information, and reporting on the basis of KPIs
- Thorough understanding by stakeholders of the concepts of value, circularity and opportunities
- Finding new business propositions in order to maintain market share and revenues in an environment of increasing competition
- Innovative ecosystems, partnerships and collaboration of both stakeholders and competitors
- Standardisation of requirements across the value chain
- Shared vision and certification use among key suppliers
- Product certification to track sustainability across the value chain
- Change of patterns in mobility and non-ownership levels Infrastructure, networks

In order to progress with the implementation of Circular Economy models, interventions are needed in different levels, including:

- The overall economic system
- Productive processes
- Product lifecycles
- Relationships among stakeholders

Some horizontal/generic aspects need to be addressed at a policy level and translated into legal recommendations. Analysis proposes the following basic themes for addressing the horizontal barriers to Circular Economy:

- Waste streams: legislation is often lacking not allowing the collection and pre-treatment of homogenous waste streams.
- Secondary resources use: legislation often obstructs the use of recycled materials in production processes, sometimes due to health and consumer protection concerns.
- Design for reuse, repair or recycling: this is often the result of lacking enforceable product requirements.

- Waste legislation focusing on quantities (weight-based collection or recycling targets) rather than on the qualities of recycled materials.
- Inconsistencies between existing regulations, e.g. related to REACH or End-of-Waste criteria, have also been mentioned in a variety of case studies.

By synthesizing the work carried out in the Modular Projects, the Interreg MED Green Growth community - SYNNGI project prepared specific proposed policies and interventions, which may be implemented through the cooperation among institutional, economic and social stakeholders.

**Policy recommendations will need to be taken into account when defining the specific Legal Recommendations at the local, national or EU levels, so that the Circular Economy and transition to a Green Growth model be based on appropriate policies supported by the appropriate legal framework**

Policy Recommendations of the Modular Projects look into different aspects of the above policy levels, and propose interventions within a broad spectrum, ranging from market structures and employment regulation, to infrastructure and technology transfer, for example looking into the need to include externalities in products valuation, and support special knowledge on circular economy in training schemes, to connect innovative technologies for resource efficiency to infrastructure design. Other sectors such as reinforcement of investment in support of circular economy and increasing awareness and understanding of the circular economy principles and practices.



# PROPOSING A ROADMAP FOR LEGAL RECOMMENDATIONS

In order to develop a Roadmap for the Legal Recommendations, basic assumptions, principles and procedures need to be taken into account.

**First**, it is important to decide what the Roadmap is expected to deliver. In the case of the Interreg MED Green Growth community, for the development of the Legal Recommendations in the next phases of the project the following assumptions were made:

- The Roadmap should reflect the overarching strategic objective of reinforcing Circular Economy in the MED Region, and propose the major legal steps for achieving this;
- A strong roadmap will need to have a clear and concise strategic rationale, which combines the policy recommendations with necessary legal tools and developments in order to serve to overall objective of reinforcing Circular Economy in the MED Region.

**Second**, the roadmap must be developed according to a series of principles:

- The process needs to be participatory and inclusive;
- Options chosen should lead to endorsement at the highest political level;
- Proposals and recommendations should emerge as a succession of logical steps;
- It takes into account the specific conditions of the country/region;

**Finally**, the roadmap should be able to answer a number of questions, namely:

- How to ensure that the plan proposed by it is relevant to national/regional objectives and ensures ownership by the stakeholders?
- What outputs will be produced and when?
- What are the timelines?
- Who will be the main actors?
- What will be the mechanisms for political support, endorsement and reporting?
- What are the capacity and skills needed to implement it?
- How can human and financial resources be secured for the implementation?
- How will implementation be monitored?

The identification and achievement of legal recommendations is not restricted to a single specific procedure or plan. Within the present report, a suggested roadmap is presented identifying those key steps and conditions that should be at least considered in order to define, design, negotiate and achieve further progress for the capitalization of legislative proposals and steps from various projects.

In order to develop the roadmap for proposing Legal Recommendations within the project's context, a number of suggested, indicative steps need to be taken, and specific conditions informing the appropriateness of the procedure be fulfilled.

As regards the steps that need to be taken in the context of a *Roadmap for achieving legal recommendations*, the following are suggested:

1. Identifying the relevant policies that affect the contents of the MPs and may benefit from their policy and legal recommendations
2. Defining a strategy to achieve policy objectives within the MPs and to synthesize those at the level of TWGs
3. Identifying possibilities and opportunities for translating the outcomes into policy recommendations
4. Developing contact with relevant institutional actors (departments, ministries, national or regional and EU Institutions)
5. Defining the form of the legal recommendation (e.g. a municipal agreement, a legislative proposal, a regional strategic framework)
6. Establishing a consultation process with relevant stakeholders
7. Achieving the Legal Recommendations
8. Sustaining and improving the status of the Legal Recommendations

The process can be presented in the following graph:



Figure 1: The Legal Recommendations Roadmap Helix

In addition to the above steps, a number of conditions need to be ensured so that the process of establishing Legal Recommendations will be performed appropriately and with success. Those conditions are:

- *Leadership and Ownership* - aiming at ensuring that the process is driven by a committed and capable party / actor that will safeguard that steps will be followed in a timely and correct manner, and other involved parties will be informed and mobilized;
- *Completeness and Inclusion* - therefore securing that the crucial components and considerations necessary for the development of an appropriate Legal Recommendation have been thoroughly examined and included in the process;
- *Governance for development and implementation* - by ensuring that the necessary procedures are put in place and actions taken so that all relevant stakeholders are included in the process of both development and implementation of the Legal Recommendation;
- *Means of implementation* - assessing as much as possible in advance the necessary means and resources (human, financial, political, etc.) for the implementation of the Legal Recommendation and ensuring that they are or will become available;
- *Monitoring and Assessment* - following the process *ex post* and securing that appropriate implementation is taking place, and corrective action is taken when and as needed, and reporting is taking place.

## METHODOLOGY FOR MEASURING PERFORMANCE IN ACHIEVING LEGAL RECOMMENDATIONS WITHIN TWGS

The methodology presented in this report was developed and used in order to identify the state of the art for the Modular Projects with respect to the development of Legal Recommendations.

The methodology was based on the use of two small-scale surveys on the basis of respective questionnaires, and an open discussion in the form of focus group process, as described analytically in the following section.

### Step 1. Conducting a small-scale E-survey (pilot)

The first small-scale survey was carried out in order to define the state of the art of each MP of the first Thematic Working Group (TWG1) in relation to the steps described above, leading to the development of a *Roadmap for achieving legal recommendations*.

Modular Projects were required to provide information in the form of pre-classified responses (drop-down menus) or free answers in order to identify:

- Policies that could be translated into legal recommendations
- Types of communication enacted for reaching out to policy and decision-making bodies;
- Impediments and barriers identified obstructing the achievement of legal recommendations
- Strategies to overcome barriers and impediments

The full [questionnaire](#) was developed online on Google Forms.

It should be noted that the first questionnaire proposed under Step 1 was developed as a pilot survey/test process, which was expected to lead towards the formulation of the content of the focus groups and interviews, and to allow developing the specific content of the second questionnaire, which was planned to constitute the main point of collection of information and identifying the state of the art of the Modular Projects.

A synopsis of results regarding the main questions that produced preliminary findings for the first pilot questionnaire is shown below:

- Modular Projects aim at producing a variety of Legal Recommendations including Policy Documents, Regional/Municipal Agreements and communicate the results to relevant EU DGs;

- Modular Projects have utilized various ways to communicate the policy recommendation to the national and EU Authorities;
- In terms of difficulties in communicating the results, the responses have identified various issues, including (in order of importance): Lack of lobbying and deficient communication, lack of consolidated results, difficulty in reaching relevant officers and lack of resources, with others ranging lower;
- Through the project's dissemination activities, the development of the Transnational Cluster, the Memorandum of Agreement.

In terms of overcoming the problems of communicating the results and the Legal Recommendations to the appropriate institutions, through the Modular Projects a number of follow-up activities have been proposed, including:

- Completing the process through another project;
- Keep involving policy makers to deliver the project results;
- When the pilots will have finished, communicate and disseminate the consolidated results to the objective stakeholders by seminars, training programs, success cases, etc.;
- Through the provision of more quality communication channels in the future and more efforts in direct promotion to the all relevant bodies on the national and EU levels of what the project really is and which policies it can positively have an impact on.

Following the completion of Step 1 it was considered important that the focus groups and second questionnaire for Steps 2 and 3 respectively look carefully into the key points that would allow the development of legal recommendations in the next project phase, by targeting issues including policies and legislative frameworks related to the Circular Economy, communication of such policies to legislative bodies and decision makers and existing barriers, and securing the long-term sustainability of project results.

## Step 2. Conducting qualitative focus group interviews

The second step of the process that was established for the formulation of the legal recommendations, was to carry out qualitative group interviews. The objective of the group interviews was to evaluate the projects' strategy towards achieving legislative proposals and overcoming the relevant legal barriers related to the projects' policy objectives.

The focus groups survey was built on the methodology of the semi-structured or non-structured interview process, based on the three (plus one) principal axes of interviews. The four axes that have been used as a guide for the interviews/discussion process were the following:

- Identification of relevant policies and legislative frameworks and their achievement within the project period (also in relevance with other relevant sessions of the workshop)
- Steps for forwarding these policies to the relevant authorities and translating them into legislative proposals
- Barriers in accessing the relevant authorities and translating the policies into legal recommendations
- Strategies for the Sustainability of the projects' policy outcomes in the period after the projects have been completed and buffer time legal recommendations.

The fourth axe was proposed to look into the long-term effects of the project outcomes, however the findings were not sufficient to draw conclusions as the project has not yet reached the needed maturity to provide the necessary answers.

The feedback from the different Modular Projects and participants in the group interviews has been structured under the are the four axes, by underlining the key points proposed by the Modular Projects:

### *Identification of policy objectives*

1. Policy objectives were identified by all Modular Projects. However, the spectrum of the policy objectives needs to be streamlined so that they can lead to specific policy and legal recommendations.
2. In order to achieve this, it was considered important the Modular Project focus on *one only* policy objective each, therefore allowing to translate it into legal recommendations.
3. One approach proposed for narrowing down the policy and legal objectives was for each Modular Project to select the policy objective that it would consider more feasible to achieve, despite the different needs at regional level within the partnership of each project.



4. The opinion that Modular Projects could also decide to move in different directions within the same project (regional, national, EU) was proposed.

### *Communication with authorities*

1. Exploiting the MED network, specifically by approaching Regional Authorities and Development Agencies within the consortiums was considered one of the most appropriate ways to reach decision makers.
2. Synergies between MPs in terms of contacts/stakeholders should be explored.
3. Capitalization of results of Adapt2change Project (LIFE+ project aimed at demonstrating adaptation of agricultural production to climate change and limited water supply) was proposed as regard the development of legal recommendations for issues related to agro-food operations.
4. Contact already established with regional government promoting a regional amendment promoting best practices so that those may be transferred to farmers.
5. Diffuse the knowledge/methodologies produced through Modular Projects to other Authorities and Ministries of other countries, as well as to develop a roadmap at country level.

### *Barriers to the development of legal recommendations*

1. The difficulty in approaching national authorities was a common characteristic in defining the barriers in developing legal recommendations.
2. For some projects, it was considered that development of recommendations was not foreseen in the project's design, leading to the problem of not having concrete results to present to decision makers.
3. There is no automatic way for translating regional conclusions and recommendations to national legal recommendations, although in some cases it was considered that the regional government participating in the Modular Project could submit proposals for legal recommendations to national authorities.

Based on the outcome of the open discussions with representatives from experts of all four Thematic Working Groups, the next steps were commonly defined for the design of the process of the legal recommendation surveying process. It was agreed to:

- prepare new template with open questions for the MPs;
- give guidelines and examples of answers and include the option in Google forms for the users to download their replies as well as to keep a technical record of what is replied.

Following the completion of Step 2 - Focus Groups Interviews, the design of the second questionnaire took place and it was dispatched to all Modular Projects as described in the next section.

### Step 3. Conducting the second E-survey on all four TWGs

The second Questionnaire was the result of the previous two steps of the process, i.e. the first pilot questionnaire and the open discussion/focus group process with all four TWGs Modular Projects. A total of 14 responses were received and analyzed.

The following basic principles were communicated to all Modular Projects, emerging from the conclusions of Steps 1 and 2:

- All projects have identified policy objectives, although they need to be narrowed down.
- Every project should try to focus on *one* policy objective so that it may be translated into legal recommendations more effectively.
- The projects should try to select the one which it would be more feasible to achieve
- Exploitation of the MED network, regional authorities and Development Agencies within the consortiums

The second [questionnaire](#) was also developed on Google Forms and communicated to all Modular Projects.

The responses to the questionnaire were systematically analyzed using the appropriate tools and the systematic presentation of replies is presented below, with key conclusions emerging from each question in the end of each section.

In the following paragraphs and tables, responses are presented in a systematic summary form, and conclusions regarding each are presented.

*Which is the one most relevant EU or National, Legal or Policy Directive in which your project's objectives and outputs are more highly related with?*

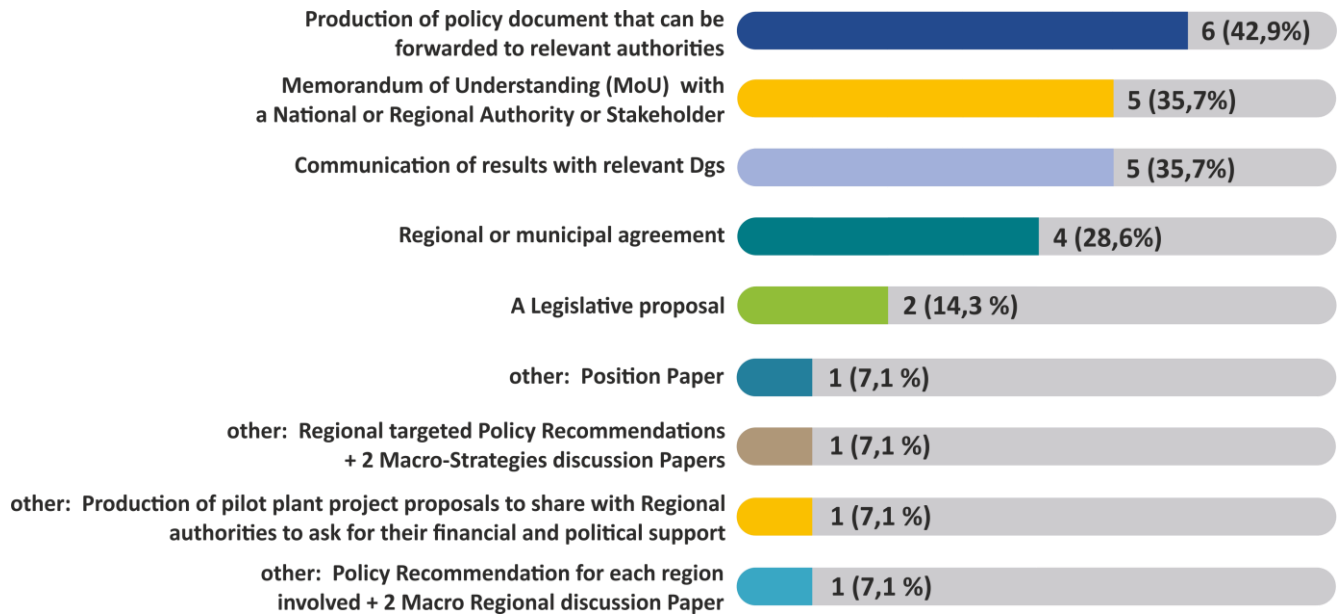
A number of replies were collected for this question, which being an open text question cannot be systematically presented in a statistical format. However, for purposes of completeness the key Policy Directives mentioned in the replies can be summarized as follows:

- COM/2015/0614: Closing the loop - An EU action plan for the Circular Economy
- Directive 2008/98/EC: Waste Framework Directive
- COM/2014/0440: Action Plan for SMEs and the pilot project "Boosting the circular economy amongst SMEs in Europe"
- EU2020 Strategy: A European Strategy for smart, sustainable and inclusive growth
- COM/2018/097: EU Action Plan for Financing Sustainable Growth
- COM/2001/0264: Sustainable Development Strategy and DOC 10917/06: Review of the Strategy
- Vanguard initiative: New Growth Through Smart Specialization
- Rural Development Programmes and Regional Operational Programmes
- EU proposal for a regulation (2019): European Parliament Position laying down rules on the making available on the market of CE marked fertilizing products
- Regulation (EC) No 1069/2009: Commission Regulation on health rules as regards animal by-products and derived products not intended for human consumption
- Regulation (EC) No 432/2012: Commission Regulation establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health
- Regulation (EC) No 1924/2006: Commission Regulation on nutrition and health claims made on foods
- Directive 2014/24/EU: Directive on Public Procurement

Most Modular Projects identified (at least) one relevant EU, National or Legal Policy Directive with which their project's results are connected. The EU Policies and Directives were identified as those most relevant for each of the Modular Project's objectives. However, it is obvious that due to the broad thematic dispersion of the Modular Projects, there is a very high diversity of

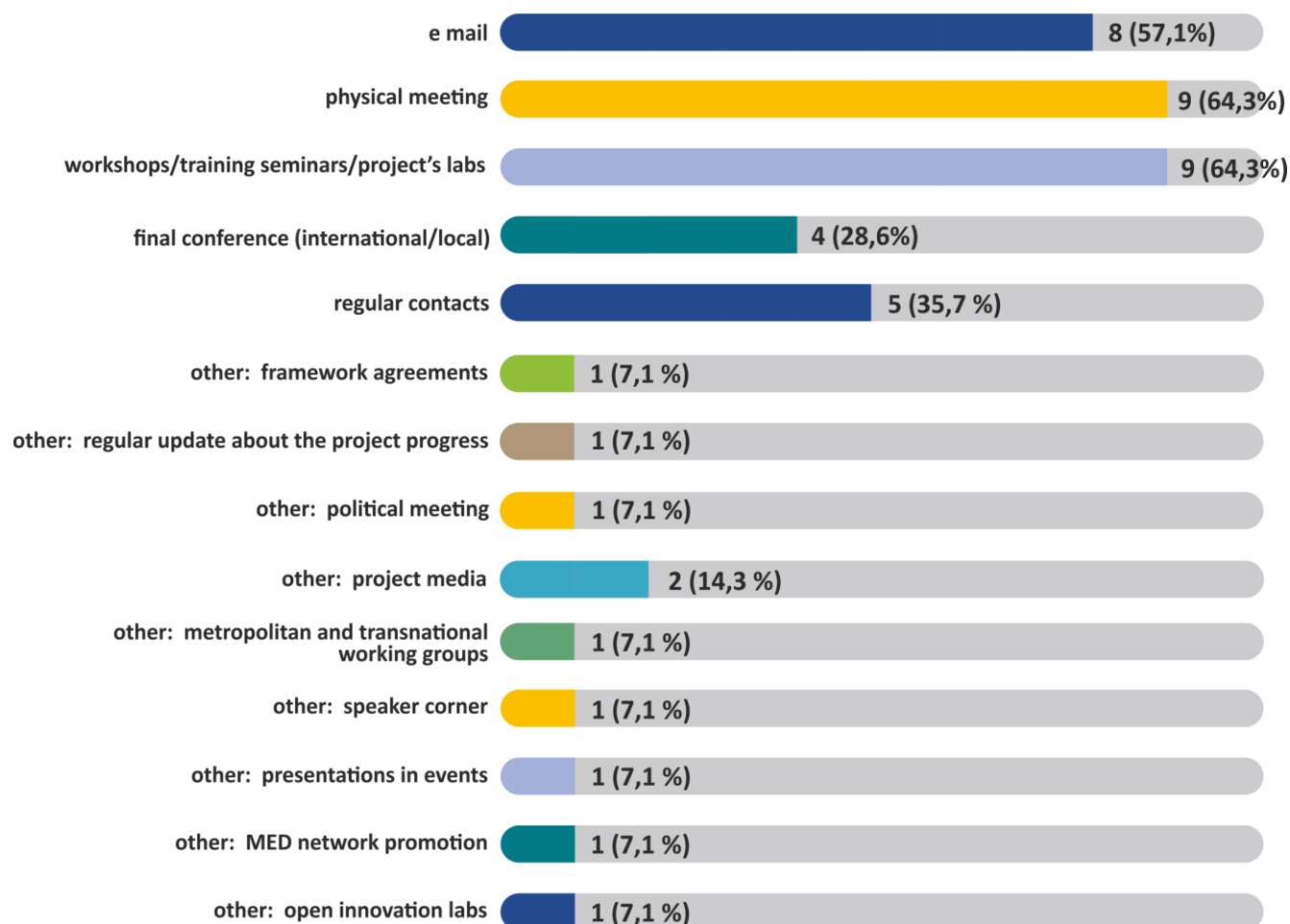
legal documents and policy fields, and it will be necessary to synthesize those in the next programming cycle, and identify from the outset of project the policy and legal field that will be addressed, so that the process will lead to effective legal recommendations.

*At which level does your project aspire to achieve its policy objectives?*



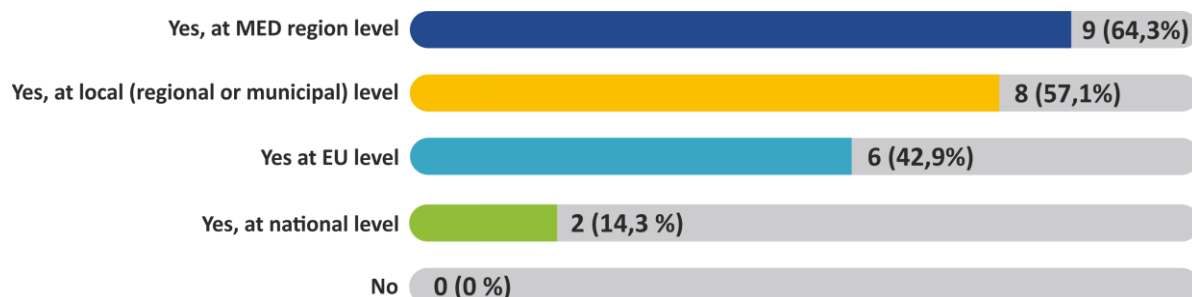
Most Modular Projects identified the development of a regional or national agreement, an MoU or legislation as the first outcome for the Legal Recommendation. However, a significant majority also opted for the communication of results and recommendations at the appropriate EU level (in most cases a DG) for their inclusion in the development of EU policies and legislation. Legislative proposals as such did not range high in the overall results (14.3%) which can be attributed to the fact that for many of the Modular Projects the development of legal recommendations was not one of the projects objectives from the outset. This will have to be addressed in the next programming cycle by incorporating the development of legal recommendations as a specific deliverable, as well as following the steps described above in the RoadMap, for reaching proper recommendations.

## *What type of communication have you established so far?*



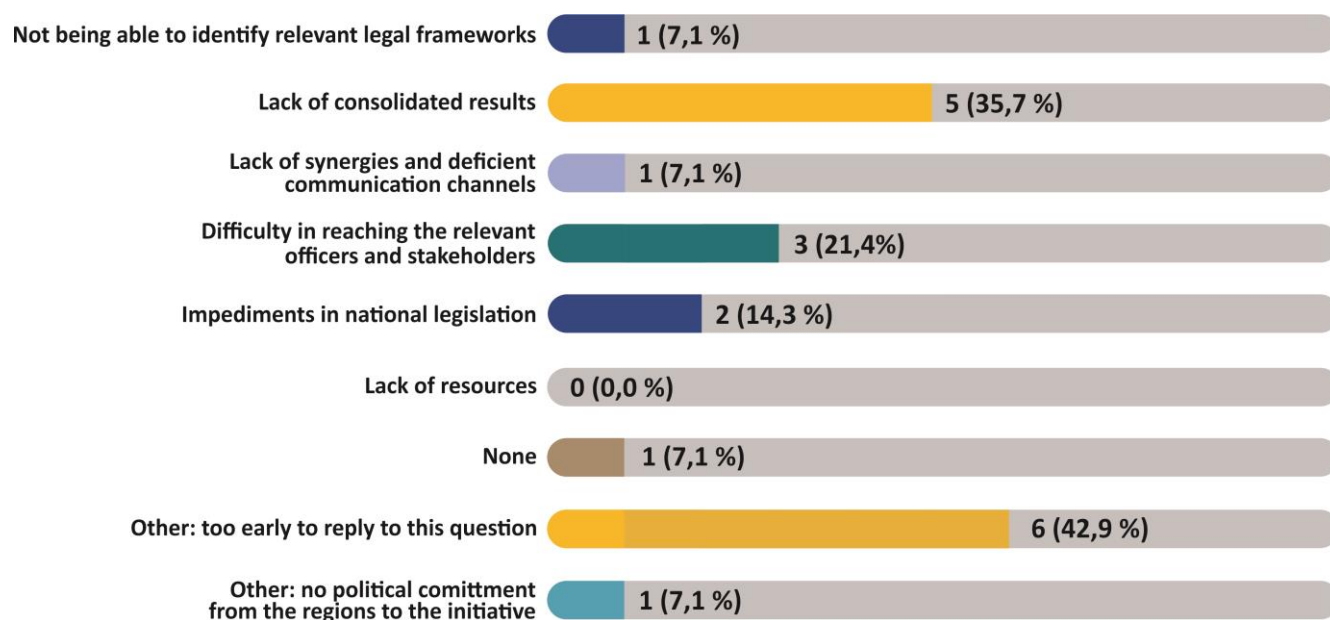
Workshops/Seminars and physical meetings have been indicated as the most appropriate types of communication, with the e-contact (by email) ranging third. Although it is certain that direct contact, either through direct physical meeting or with the involvement of many stakeholders is an extremely relevant type of communication allowing in-depth exchanges and cooperation, those are costly and time-consuming types of communication that cannot ensure the density and frequency needed for effective exchange. The fact that electronic communication and, even less, regular contacts (4<sup>th</sup> position) do not come higher indicated that in the next programming cycle more regular communication with the relevant authorities and decision makers needs to be built into the project design, allowing for the dissemination of project results and recommendations in policy making and legislation.

*Have you or are you planning to communicate your project to any relevant National or EU Authorities in terms of policy recommendations?*



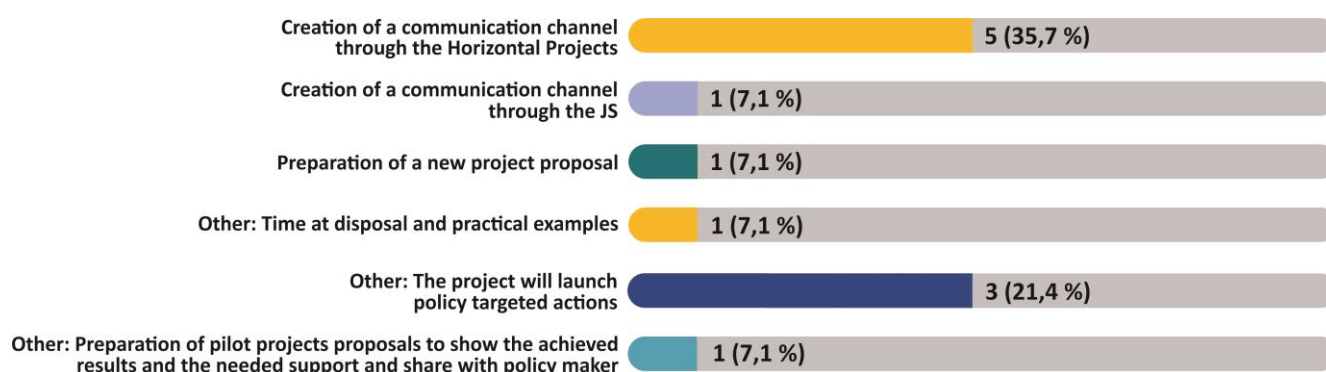
Most Modular Projects have identified the MED regional level as the most appropriate for the development of legal recommendations (64.3%), followed by those that proposed the local level (57.1%). In both cases, the development of the appropriate type of legal recommendation and the proper form of legal document needs to be identified. As it is most common to propose legislative measures at National or EU level, whereas at the MED or local level other types of tools, such as framework agreements, MoU etc. need to be selected. Finally, the EU Level has been selected as the most appropriate channel for communicating their results only by 42.9%, which may be to some extent attributed to the difficulty of the project to reach appropriate contacts in the EU institutions, but also to the lack of capacity in the projects to do so effectively.

*Which have been the main barriers in achieving your policy objectives in terms of translating them into legal recommendations?*



The lack of consolidated results, and the fact that many Modular Projects felt that it was too early to respond to this question have been identified as the main barrier when it comes to projects achieving their objectives in terms of translating them into legal recommendations. The fact that the legal recommendations were not a clear deliverable of (some) Modular Projects from the outset, indicates that the readiness level at the closing of the project was limited in terms of proposing legal recommendations. Again, this is a point to be addressed in the next programming phase, by building the development of legal recommendations as one of the deliverables from the start of the activities, in order to secure coherence and synthesis, while allowing the participatory process described in the RoadMap to take place in a timely manner.

### *How do you plan to overcome them?*



Building communication channels through Horizontal projects - Interreg MED thematic communities - is by far the preferred way of the Modular Projects for closing the gap and overcoming the weaknesses in delivering policy and legislative results. This preference is followed by incorporating in the projects specific policy actions. The two components can indeed increase very significantly the delivery of policy and legal results, by synthesizing the policy outcomes and effectively following the steps described in the RoadMap for the reaching of legal recommendations.



## CONCLUSIONS

The green economy agenda necessitates a change of approach, from many accepted practices in key sectors of the economy, and recognizing that “business as usual” economic practices cannot respond to global challenges such as climate change, loss of biodiversity, and the remaining worldwide inequality.

Policy makers and legislators are required to play a key role in spearheading policy change, and mobilization of resources, technologies, and financing for the green economy, as well as in creating and implementing laws and policies that will guide and support the transition in each sector.

Furthermore, today’s production and trade systems are not in a position to lead the world into a green economy, and this includes the difficulty and lack of progress in the creation of a multilateral/national/regional legal frameworks to advance the production/supply and trade related aspects of a green economy. It is very probable that laws and policies promoting full internalization of environmental and social costs will be challenging for other international trade and investment rules, including intellectual property, standards and protection of foreign investors.

In the UNEP’s report *Towards a Green Economy*, it was noted that between 1.0% to 2.5% of global GDP per year up to 2050 in key sectors is necessary to transition towards a green economy. In this context, green investments globally need to be spurred by national and international policy reforms. However, there is high likelihood that challenges concerning litigation risks may occur, because under investment treaties rights are granted to foreign investors that may come to contradiction with the principles and practices of green economy in terms of internalization of social and environmental “external” costs.

Another fundamental challenge is that the financial system has become more global since the 1980s, yet international legislation and regulation to balance this development are lacking. The sector rewards “short-termism”, which is not conducive to a long-term perspective that is required for a green economy.

In this global context, the establishment of a Circular Economy within the general backdrop of a Green Economy is a demanding process that necessitates very carefully crafted legal recommendations that address a great number of the above-mentioned challenges.

To achieve this, following very closely the proposed RoadMap for the development of legal recommendations need to be observed, and the steps need to be implemented fully, and in depth.

What emerges from the process followed in this phase of the project for the adoption of a methodology and roadmap for achieving legal recommendations showed that thorough planning of the project from the outset for this purpose is necessary, and a number of barriers need to be addressed before getting there.

To this end, an important overall finding was the difficulty of the majority of Modular Projects in all TWGs to achieve progress in most of the steps of the roadmap.

The analytical reasons for this difficulty may be explained on the basis of the replies collected from the two questionnaires and the focus groups, as follows:

- The development of Legal Recommendations is a highly demanding process, and the MPs were not necessarily prepared, also in terms of the appropriate capacities to deliver the final products on this.
- The Legal Recommendations very often coincide with policy preparatory work that is already taking place within the MPs; however, it is an important step to turn such policy recommendations into Legal Recommendations, and this requires different structures and capacities.
- Strong collaboration between different program levels and key stakeholders is needed for achieving the Legal Recommendations. Given that the collaboration is to a large extent secured as a result of the implementation of all MPs within the TWGs, a logical next step for future action is to focus more substantially on delivering the Legal Recommendations in the next planning and programming phase of Interreg Med.
- Communication among partners, MPs, stakeholders and the national/regional and EU institutions is key for achieving further progress and for translating project outcomes into Legal Recommendations.

Further to the analysis of the barriers and constraints faced by the MPs for the development of the Legal Recommendations, the following key conclusions have been reached as regards the

process for their development, and which need to be taken into account for the next programming period and design of the following phase of Interreg Med:

- Most policy recommendations are already linked to specific relevant EU, National or Legal policy Directives, with a focus that ranges according to each the projects' objectives and EU Policies and Directives, and hence may be turned into specific Legal Recommendations.
- Regional or national agreements, MoU or legislation can be identified as the most readily reachable form of Legal Recommendations, however, by effectively and efficiently communicating the results to appropriate EU institutions at the right level they may be incorporated in the development of EU Legal Recommendations.
- Although communication by email was identified as the most common way to establish contact with the relevant authorities for the promotion of the relative legislative proposals, a closer cooperation in the form of direct contacts, conferences, success case studies, and targeted activities are necessary to boost the exchange of communication and of the Recommendations.
- Because of the lack of consolidated results identified as a key barrier for achieving specific results in terms of translating them into legal recommendations, it is considered very important to build the specific objectives, as well as capacity and knowledge through appropriate expertise and partnerships in the next planning cycle so that Legal Recommendations will emerge.
- The difficulty to reach the appropriate key persons and frameworks was also identified as a key problem, and, to address this, the relevant institutions need to consider structures to receive and process specific Legal Recommendations for the future through projects and deliberations with stakeholders.
- Finally, one of the key actions to overcome barriers regarding Legal Recommendations is the bridging of a communication channel with the Horizontal projects.

The RoadMap for reaching Legal Recommendations as presented in this report, and described in Figure 1 (*Legal Recommendations RoadMap Helix*), needs to be followed carefully and the necessary actions and objectives need to be incorporated as central components in the projects, in order to lead to deliverables that can be proposed to decision makers at the appropriate level, leading to tangible Legal Recommendations.

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