

Does the law drive reflexivity in companies to enhance plastics circularity? A case of the EU's Single-use Plastics Directive

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Plastics production and end-of-life mismanagement are having catastrophic effects on natural ecosystems while also impacting climate change and human health. Legislative acts hold an important place in society to govern private companies towards sustainability and legislation to govern the plastics challenge is only increasing. According to reflexive environmental law (REL), legislation can influence private actor reflexivity. It does this by building autonomy and accountability in companies, and adjustability of the law to drive companies to recognise their own impacts and rethink core processes and practices, or values and functions. However, it is not known what it is precisely in law that leads to positive rethinking for sustainability challenges, or when a negative rethinking and circumventing of the law manifests. Through interviews with upstream companies producing plastics, we provide novel evidence to understand the effect of the three reflexive drivers – autonomy, accountability and adjustability – on company reflexivity. As such, this study provides unique insights into understanding how governance tools from legal institutions affect the social and/or individual reflexivity at the organizational level. By looking at 'start-of-pipe' converters, the paper takes a circular economy (CE) approach to the plastics problem. Companies complying with the Single-Use Plastics Directive in the EU are selected as a case study due to the high-producing and consuming nature of EU countries, and its recent legislative push regarding single-use plastics which form the bulk of littered plastics. Results show how the Single-Use Plastics Directive fosters positive and negative reflexivity by companies on circular plastics innovations in the short and long term. Conclusions focus on REL's potential to identify how law should be strengthened and transformed to foster reflexivity by private firms and better support the system transition to circular plastics.