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PLANNED OBSOLESCENCE: A HIDDEN THREAT TO ENVIRONMENTAL SECURITY AND THE RECENT EU POLICIES

PLANLI ESKİTME: ÇEVRESEL GÜVENLİK İÇİN GİZLİ BİR TEHDİT VE GÜNCEL AB POLİTİKALARI

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ABSTRACT

Through the fast-paced global economy, our planet witnesses worsening records in terms of global warming, ecological deterioration, and biodiversity losses each year. While there is 'over' or even 'hyper' consumption in various parts of the world, especially in the developed ones, resources are being depleted to meet infinite desires rather than basic needs. The growth in population and consumption is expected to further deplete natural resources and aggravate excessive waste generation. Behind the scenes, as one of the triggering strategies of this excessive and continuous consumption, planned obsolescence, which has been widely employed since the 1929 Great Depression, remains a prevalent strategy in practice. To draw attention to this hidden and well-established strategy, this study examines the planned obsolescence issue and its practices, seeks to answer why planned obsolescence poses a threat to environmental security, and evaluates the effectiveness of recent EU policies and actions to address this issue.

ÖZ

Hızlı tempolu küresel ekonomi doğrultusunda gezegenimiz küresel ısınma, ekolojik bozulma ve biyoçeşitlilik kayıpları ile ilgili her yıl daha da kötüleşen rekorlara tanık olmaktadır. Dünyanın farklı, özellikle de gelişmiş bölgelerinde 'aşırı' hatta 'hiper'

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tüketim yaşanmakta, kaynaklar temel ihtiyaçlardan ziyade sınırsız istekleri karşılamak için tüketilmektedir. Nüfus ve tüketimdeki artışların, doğal kaynakları daha da fazla tüketmesi ve aşırı atık oluşumunu ağırlaştırması beklenmektedir. Tüm bunların gerisinde, aşırı ve sürekli tüketimi tetikleyen stratejilerden biri olarak 1929 Büyük Buhranından sonra uygulanmaya başlayan planlı eskitme, günümüzde de yaygın bir strateji olarak uygulanmaya devam etmektedir. Bu gizli ve iyi kurgulanmış stratejiye dikkat çekmeyi amaçlayan bu çalışmada, planlı eskitme sorunu ve uygulamaları incelenmekte, planlı eskitmenin çevre güvenliği için niçin bir tehdit oluşturduğu yanıtlanmaya çalışılmakta ve bu sorunu ele almak için AB'nin son politika ve eylemlerinin etkinliği değerlendirilmektedir.

Keywords: Planned Obsolescence, ThrowAway Culture, Environmental Security, Sustainability.

Anahtar Kelimeler: Planlı Eskitme, Kullan-At Kültürü, Çevresel Güvenlik, Sürdürülebilirlik.

INTRODUCTION

The current linear economic model poses a serious threat to environmental and ecological security and undermines the foundation of our future. Since the industrial revolution, the heavy dependence of the system on raw materials and energy, as if infinite, resulted in growing environmental problems. Especially, with the climate crisis, biodiversity loss, and increasing threat of resource scarcity and pollution, it is clear that today's take-make use and throw model is not sustainable. According to the Living Planet Report 2020, the 'human enterprise' currently demands 1.56 times more than the amount our Earth can regenerate (WWF, 2020). If the current production and consumption patterns continue according to business as usual, the failure of vital natural systems is inevitable.

Today, 'over' or even 'hyper' consumption is experienced in most parts of the developed world to meet increasing demands rather than basic needs. The problem is as problematic as recently reported by the United Nations (UN), which highlights the fact that more people have mobile phones than toilets in the world (UN, 2022a). The global population has reached 8 billion as of 2022 and is projected to reach 8.5 billion and 11 billion by 2030 and 2100, respectively (UN, 2022b). The growth in population and consumption is expected to further deplete natural resources and aggravate excessive waste generation. Under the 2030 Development Agenda adopted by the UN General Assembly, within the preamble, the signatories declared that they will *'...protect the planet from degradation, including through sustainable consumption and production,*

sustainably managing its natural resources and taking urgent action on climate change'. Among the 17 Sustainable Development Goals (SDGs) to end poverty, combat inequality and overcome climate change, the objective of Goal 12 is 'Ensuring sustainable consumption and production patterns' which also requires tackling the throwaway culture indeed, especially that of the developed countries (UN, 2015). However, this phenomenon is not limited to western industrialized nations as it is increasingly observed in developing countries as well, especially aggregating with urbanization (Wijetunga, 2019; Cox et al., 2013).

At the roots of overconsumption culture, it is seen that planned obsolescence has been one of the hidden strategies of the firms, employed after the 1929 Great Depression for ending the depression and stimulating the stagnant markets (Andrews, 2015 cited in Sapmaz Veral, 2018: 142). Through planned obsolescence, the products' lifespans are intentionally shortened so purchases must be repeated and goods are to be replaced too frequently. It is usually cheaper and more convenient to buy a new one rather than to fix it, and 'fancy, trendy and shiny' style changes and software upgrades outmode many still functional items soon after their purchase. Thanks to the augmenting culture and advertising industry (Horkheimer and Adorno, 2017), these strategies have not only stimulated the market but also triggered continuous consumption and fostered the throwaway culture. Not surprisingly, the impact on environment has been devastating as planned obsolescence strategies accelerated the speed and the scale of environmental deterioration. Planned obsolescence still is a prevalent strategy in practice applied in a wide range of products from inkjet cartridges to mobile phones and washing machines; however, it is mostly difficult to prove that the obsolescence is on purpose.

Relevant policies and measures have started to be developed by the governments and today, there is an increased awareness and movement against planned obsolescence, especially among consumer organisations. The European Commission integrated built-in obsolescence into its circular economy package initially in 2015 and announced 'an independent testing programme on issues related to possible planned obsolescence practices' (EC, 2015). Later, in the 2020 Circular Economy Action Plan (CEAP), the Commission has taken more concrete steps against obsolescence practices in line with the Green Deal and 2050 climate neutrality objectives (EC, 2020). Under CEAP, through the 'Initiative on Empowering the Consumers for the Green Transition,'

a legislative proposal is tabled by the Commission on 30 March 2022, which introduces new consumer rights and strengthens consumer protection against unfair commercial practices, including early obsolescence as well (EC, 2022).

The fight against deceptive and unfair practices that have both negative impacts on society and environment, continues to be a substantial challenge for policymakers to tackle, where stricter regulations are necessary (Moreno, 2018). Bisschop et al. (2022) even argue to reframe these practices as a form of corporate environmental crime. Parliaments, governments, public institutions, civil society organizations and supervisory and surveillance authorities at the national levels should have a key role in this fight, while audit is a vital tool to detect these practices (Sapmaz Veral, 2022). In addition to the National Court of Accounts, Supreme Audit Institutions (SAIs) could take active responsibility both at the national level and by influencing global governance mechanisms (Köse, 2022) in this fight against deceptive actions exploiting society and environment. Last but not least, digital transformation has enormous potential for the future of audits (Köse and Polat, 2021), and it will be much more efficient and effective to tackle these unfair practices by making the most of digital tools, audits, and improved market surveillance.

In recent years, considerable literature has grown up around the issue of planned obsolescence, especially with the onset of circular economy discussions, while the theme has not been discussed much in the context of security discipline. This study aims to examine the planned obsolescence strategies and to answer why planned obsolescence poses a threat to environmental security. The second aim is to evaluate the effectiveness of the recent EU policies and actions to tackle this issue. Based on a narrative literature review, the first part starts with the analysis of the planned obsolescence concept regarding its origins, definitions, and types and gives examples of some identified planned obsolescence practices. Then, the second part discusses why planned obsolescence strategies pose a threat in terms of environmental security. In the third part, recent EU policies and measures against planned obsolescence practices are examined, with particular attention on the latest legislative proposal of the European Commission to tackle the issue. Finally, the study ends up with some discussions and recommendations for future work.

1. PLANNED OBSOLESCENCE ISSUE

1.1. The Concept of 'Planned Obsolescence' and Its Origins

The concept of planned obsolescence is not new. Its origin dates back to the 1929 Great Depression and the term appears to be formally used for the first time by Bernard London in 1932. According to Slade (2006), the application of planned obsolescence even dates back to the early 1900s, when DuPont reduced the durability of early versions of its nylon stockings through easily torn and stretched stockings to induce their replacement. The electric light bulb of the famous Phoebus Cartel from 1924, with an engineered shorter lifespan, is another popular example from the past planned obsolescence practice.

Until the 1929 Great Depression, a rather increased pace of economic growth and wealth was observed in industrialized countries driven by the new markets for novel inventions and services after World War I (Andrews, 2015: 306). However, through the Wall Street crash, the world economy spiralled into a depression and industrial production fell sharply. In 1932, Bernard London, an American real estate broker, proposed a plan to the US government to impose legal obsolescence regulations on consumer goods to end the depression. London wrote three papers in which he argued in favour of policies that facilitate planned obsolescence: Ending the Depression Through Planned Obsolescence (1932), The New Prosperity Through Planned Obsolescence: Permanent Employment, Wise Taxation and Equitable Distribution of Wealth (1934), and Rebuilding Prosperous Nations Through Planned Obsolescence (1935). In his paper 'Ending the Depression through Planned Obsolescence'; London criticized society as '*...people are disobeying the law of obsolescence. They are using their old cars, their old tires, their old radios, and their old clothing much longer than statisticians had expected...*' London suggested the US federal government print expiration dates on otherwise durable goods to become 'legally dead' after expiration and urge purchasing (Sapmaz Veral, 2018).

The widespread use of planned obsolescence was recognized and became a common reality by the late 1950s (Çetiner and Gündoğan, 2014) through the growing mass production along with the rising wealth (Valant, 2016). In 1954, during a talk at a local advertising club, Brook Stevens, an American industrial designer, defined the term as 'instilling in the buyer the desire to own something a little newer, a little better, a little sooner than is necessary' (Satyro et al., 2017),

through which the style of the products, as opposed to their reliability and performance, became the tool for much planned obsolescence (Burns, 2010). As Malinauskaite and Erdem (2021) point out, apart from adjusting the product design, it was also necessary to change consumer consumption culture hence the US created and exported consumerism as a new lifestyle (World Watch Institute, 1991). Accordingly, planned obsolescence along with the advertising sector prompted new purchases, fostered the linear economy, and contributed to a consumer society with a throwaway culture, also known as the 'Throwaway Society' (Valant, 2016; Andrews, 2015; Cooper, 2004; Packard, 1960).

Initially, a growing body of literature, especially in the economic literature, has emerged concerning planned obsolescence in different market structures and its effects on company sales and profits (Hattwick and Sailors, 1968; Dornoff and Adams, 1970; Reisman, 1973; Bulow, 1986; Swan, 1992; Waldman, 1993), where some of the literature highlighted its role in long term economic growth with additional advantages including an increase in R&D investments and technological progress (Fishman et al., 1991). Over the years, the concept has attracted criticisms of an increasingly wasteful consumer society (Cooper, 2005). In the 1960s, the throwaway culture began to be criticized while the issue of planned obsolescence began to be analysed as well (Valant, 2016). The first detailed critiques of planned obsolescence were made in The Waste Makers by Vance Packard (1960), where he defined planned obsolescence as an 'iron law' of American marketing and analysed diverse types of planned obsolescence together with their consequences in societies. Particularly during the twenty-first century, planned obsolescence as a business strategy became a cause and a symbol of overconsumption (Latouche, 2015), on which broader academic as well as societal discussions took place.

1.2. Definitions and Types of Obsolescence

London (1932) was the first to use the term planned obsolescence. Since then, there have been various definitions and several classifications of the concept. For Packard (1960), planned obsolescence is 'the systematic attempt of business to make us wasteful, debt-ridden, permanently discontented individuals'. According to Bulow (1986), planned obsolescence is the 'production of goods with uneconomically short useful lives so that customers will have to repeat purchase too frequently'. Guiltinan (2009) similarly explains the aim of planned obsolescence as to provoke buyers to replace their buying. According

to Cooper (2010), planned obsolescence is 'the outcome of a deliberate decision by suppliers that a product should no longer be functional or desirable after a predetermined period'. This definition is close to the one of Çetiner and Gündoğan (2014), who define planned obsolescence as 'an industrial design policy having potential benefits for producers since the shorter life cycle of products guarantees new purchases and affirms continuous demand for their products'.

Valant (2016) defines the term as 'the intentional production of goods and services with short economic lives, stimulating consumers to repeat purchases within a shorter period of time or simply too frequently' and also argues that the term itself can be used interchangeably with the term 'programmed obsolescence' and may refer to either product or technology obsolescence. According to the European Consumer Organization (BEUC) (2015), the concept of planned obsolescence is associated with 'a wide range of techniques that certain manufacturers might use to shorten the functional lifespan of products and force consumers to make premature replacements in order to continue selling in saturated markets' (cited in Valant, 2016).

Concerning its classifications, different classifications of obsolescence have been proposed. In 1957, Newman made a distinction between obsolescence types and defined psychological obsolescence as a strategy to persuade the public that style is an essential element in the desirability of one's product. According to Newman (1957), the older style becomes obsolete because it no longer satisfies the psychological needs of the consumer. In 1960, Packard categorized three distinct levels of the deepness of obsolescence, namely, obsolescence of function, obsolescence of quality, and obsolescence of desirability (Packard, 1960: 38). In obsolescence of function, known also as obsolescence of technology, a previous version becomes inferior through a new product or technology. In obsolescence of quality, the product falls out because it has worn out. Finally, in the obsolescence of desirability, also known as psychological obsolescence, by the introduction of newer and more exciting options, the belonging, although still functional, is rendered old.

According to Guiltinan (2009), there are two main obsolescence mechanisms; the first is the physical obsolescence mechanism, in which products are designed either with limited functional life or designed for limited repair. The second one is the technological obsolescence mechanism, in

which products are designed for fashion or style obsolescence as in the case of cosmetic changes in the automotive industry or designed for functional enhancement through adding or upgrading product features. Cellular phones incorporating digital TV, GPS, and other functionalities, or personal computer with more powerful processors, memory, etc. can be given as examples, making it attractive to replace the old ones that did not have these new features. Burns (2010) makes another classification as aesthetic obsolescence, which is linked to fashion and style; social obsolescence, linked to trends that change in society, technological obsolescence occurring due to technological change, and finally economic obsolescence, in which products are replaced because the repair is much more expensive than buying a new one.

Similarly, according to Valant (2016), product obsolescence in general can be driven by fashion and modern design as well as technological developments. Valant (2016) makes a distinction between different types of obsolescence: planned obsolescence where designing a product to have a shorter life or to function for only a limited number of operations; indirect obsolescence, occurring because the component required for repair is unobtainable or because it is uneconomic repairing the product; incompatibility obsolescence, as in the case of tablets and personal computers that cannot run efficiently after successive software updates of the operating system; and style obsolescence, related to marketing campaigns that can, for instance, lead to the replacement of perfectly functional mobile phones, gadgets or clothes, etc. (Valant, 2016: 2).

Latouche (2015) differentiates the three key features of obsolescence as programmed, symbolic and planned. In programmed obsolescence, the focus is on the generation of a functional fault that affects the performance of the product, whereas in symbolic obsolescence, the objects are positioned as status symbols. Lastly, in planned obsolescence, a product is forced to become obsolete by forcing the obsolescence of the requirements that are necessary for its functioning. Satryo et al. (2018) propose two mechanisms of planned obsolescence: the design for fast consumption, in which the industry designs products to artificially increase consumption of products. The other mechanism is the design for the restricted technological updates, which the industry uses this mechanism to induce consumers to change their IT items nearly every year.

Whilst many different classifications exist, it is important whether the obsolescence is intended instead of occurring naturally and unplanned. For consumer products, as planned obsolescence implies intent, some consumer organizations prefer the term avoidable obsolescence to make a distinction (Valant, 2016: 2) while the notion 'purposeful obsolescence' is also used (Gregory, 1947). Moreover, some scholars note that the legal classification and the scope are not adequate for countering planned obsolescence (Maggiolino, 2019) while there is also a need to address different nuances of planned obsolescence differently to repress effectively (Kaya, 2020).

1.3. Examples of Planned Obsolescence

This part exemplifies some planned obsolescence practices from past to present to show how planned obsolescence practices induce consumers to make new purchases and affect our buying habits. Ever since the classic example of Phobeus Cartel's agreement to decrease the light bulbs' lifespan in 1924, planned obsolescence practices have broadly been applied in a wide range of products from inkjet cartridges to mobile phones and from automobiles to garments. One of the early planned obsolescence practices was in the automotive industry where Ford and Chevrolet applied this strategy (Packard and McKibben, 1963 in Geçit, 2020). Satryo et al. (2017) presented another limited functional life design and repair case in the automotive sector through a vanity mirror in the sun visor of a Hyundai Tucson. After just three years of use of the vehicle, due to a broken plastic part in the mirror, which was practically impossible to be repaired, the entire sun visor must be replaced and only available from authorized dealers.

Planned obsolescence has dramatically increased with the rapidly changing technology and it is argued that the decrease in product lifespans is fastest among consumer electronics and mobile devices (Wieser, 2016). One of the early examples of planned obsolescence in technology in the early 1990s was IBM's operating system change in its personal computers, which in turn reduced the compatibility between its old and new computers (Waldman, 1993, 273). Another instance of the early-on decline of technological devices was Apple iPod, for which Apple insisted that it was cheaper to exchange the physical device than to replace only the battery (Strausz, 2006). Xerox and Kodak also decreased their photocopiers and micrographic equipment lifespan by designing their core components to become obsolete faster (Borenstein et al., 1995 cited in Agrawal et al., 2015). Similarly, there were concerns raised by some consumer

organisations that Epson, Hewlett Packard (HP), Brother, and Canon have been inserting sensors to decrease the lifespan of their inkjet printers' cartridges by halting their operation (Malinauskaite and Erdem, 2021; Geçit, 2020).

Another well-known example is the battery packs of smartphones, many of which are not easy to remove and in which batteries degrade and their replacement becomes very costly (Proske et al., 2016). The deceleration of smartphones through software updates without informing consumers, hence accelerating phones' substitutions can be seen in the cases of Apple and Samsung, for which some countries had already conducted investigations and each company was penalized (Malinauskaite and Erdem, 2021). For instance, for the 'batterygate' scandal, in 2020 Apple agreed to pay US$113 million to settle consumer fraud allegations in which 33 U.S. states accused the company of having deliberately slowed down the performance of its older mobile devices to boost its sales (Washington Post, 2020). In Italy, the Italian Competition Authority punished Apple and Samsung for not being transparent about the impact of the operating system updates on the performance of their smartphones, which induced customers to replace their phones (Maggioloni, 2019: 406). Making older versions of software unserviceable deliberately, even though they would technically be able to keep working as intended, as in the case of Adobe Flash Player or YouTube's Android application, is among the recent examples of obsolescence practices.

In addition to extensively planned obsolescence practices in the fashion industry where customers try to keep up with the season's trends while their pieces of clothes in perfect condition become obsolete quickly, other 'suspected' practices of planned obsolescence with the shortening median lifespans for white goods, consumer electronics, and even textbooks have been addressed in various consumer organizations' studies and projects (Valant, 2016; Huisman et al., 2012). However, as Valant (2016) pointed out, in most cases, planned obsolescence is not always easy to identify and it remains extremely difficult to prove that the obsolescence is planned, whereas one other phenomenon is the approval, even protection of the proven planned obsolescence practices of brands by some of their loyal customers, through brand advocacy, although it goes against their interests (Pineda and Salmoral, 2017 cited in Geçit, 2020: 228).

2. THE RELATION BETWEEN PLANNED OBSOLESCENCE AND ENVIRONMENTAL SECURITY

The main emphasis of environmental security is how environmental factors affect national and global security outcomes. It focuses on the impact of changing environmental conditions on 'traditional' or 'hard' security conditions (Engleke, 2013). In 1987, while the sustainable development concept was articulated in 'Our Common Future', it was also pointed out that the environment could be a cause of human conflict and violence, as noted: '...The deepening and widening environmental crisis presents a threat to national security- and even survival...' (Our Common Future, 1987). Ullman (1983) provided a classic definition of the relationship between natural resources and international security and drew attention to the declining supply: 'At the roots of most of the violent conflicts in history has been competition for territory and resources...conflict over resources is likely to grow more intense as demand for some essential commodities increases and supplies appear more precarious...'. Similarly, according to Thomas Homer-Dixon (1994) and his followers, natural resource scarcities, driven by increased demand, declining supply, or unequal access could threaten national and international security. As argued by Homer-Dixon (1994), the scarcity or abundance of natural resources such as fossil fuels, minerals, and fresh water could destabilize relationships between states and among groups within states, leading to conflict. Ecosystem degradation resulting from overexploitation, extreme pollution, and the effects of climate change have all the same negative consequences. Similarly, Esposito et al. (2015:13) drew our attention to political instability that may arise through competition for resources. Environmental change can lead to conflict and violence between states and among groups within states.

In discussing environmental security, Dalby (2002) emphasized the crucial importance of understanding the more destructive consequences of contemporary patterns of production and consumption. In the same vein, Barnett (2001) argued that consumption and redistribution were key concepts for environmental insecurity. He also drew attention to the difference in consumption levels between developed and developing countries and argued that overconsumption in industrialized countries was the primary cause of resource depletion and the overloading of planetary sinks. According to Barnett (2001), environmental degradation created a double vulnerability for those in

undeveloped areas, referred to as 'environmental insecurity'. Likewise, IPCC (2014) maintained that the ongoing degradation of natural resources and climate change would further deepen poverty and increase risks in less developed countries.

Until now, planned obsolescence has generated short life cycles and higher replacement rates causing voracious demands for raw materials and generating excessive amounts of waste. Yet economically, the system has also generated economic instability and supported inflation by pressuring the commodities price (Satyro et al., 2017; Echegaray, 2016; Andrews, 2015). As Çetiner and Özdoğan (2014) argued, hyper-consumerism caused by planned obsolescence has resulted in increasing volumes and types of both solid and hazardous wastes. In addition to waste generation, it was argued that the excessive use and loss of natural resources, environmental damage, pollution, and related damage to health have also been exacerbated by planned obsolescence (Maycroft, 2009; Guiltinan, 2009; Valant, 2016; Echegaray, 2016, Madden, 2014, Wieser, 2016).

According to the International Resource Panel (2022), in 2019, as the world has warmed 1.1-degrees since the pre-industrial era, society has also breached boundaries for extraction (Circularity Gap Report, 2022: 21). According to the World Bank's 'What a Waste 2.0' report, over 2 billion tonnes of municipal solid waste is generated annually. This amount is likely to increase in tandem with population growth, increasing income and urbanization simultaneously, whilst global waste is expected to reach 3.4 billion tonnes by 2050, more than double the rate of population expansion over the same period. The report noted that high-income countries produce around 34 percent of this amount despite having only 16 percent of the global population (The World Bank, 2018). Similarly, as hazardous waste is rapidly increasing in the domestic waste composition, the growing amount of e-waste is also of concern, where most illegal e-wastes from developing countries ends up in underdeveloped countries (Malinauskaite and Erdem, 2021), where waste is managed mainly by informal sector, usually in an unsafe way (UN, 2022a).

From the 1900s onwards, the use of global resource climbed from 7 billion tonnes a year to over 100 billion tonnes (Circularity Gap Report 2022: 15). It is highlighted that while only 8.6 percent is cycled back into the economy, the rest is wasted. Not only has material use been increasing, but also it has been accelerating, as in only 50 years global material use has nearly

quadrupled (Circularity Gap Report, 2022). Thus, all the materials used in mass manufacturing, including non-ferrous, precious metals, and rare earth metals must be continuously increased. Not surprisingly, the impact on the ecosystem is devastating. For instance, in Chile, the second-largest producer of lithium, drought is reported because of continuous mining (Malinauskaite and Erdem, 2021).

As the International Energy Agency (2022) highlights, copper sees the largest increase in terms of absolute volumes, but other critical minerals, notably silicon and silver for solar PV, rare earth elements for wind turbine motors, and lithium for batteries experience far greater rates of demand rise. As is the case with the other minerals, the world's demand for rare earth metals has also increased sharply over the last few years. Moreover, the issue is beyond just using resources faster than our planet can generate them; our global economic production is declining despite advances in technology and productivity. Because of continuous mining for the voracious demand for raw materials, both the mass and concentration of the metals extracted have started to decline, which increased the cost of mining (Esposito, 2017). It is noted that some metals are anticipated to be fully depleted if mineral extraction proceeds at the same rate (Henckens et al., 2014). It is argued that mining must be decreased by at least 63 percent to preserve copper in a sustainable way (Satryo et al., 2017). Likewise, antimony, which is indispensable for the electronics industry, will be depleted by 2050 unless its extraction rate is cut by 96 percent (Henckens et al., 2016). In addition, as Buruzs and Torma (2016) pointed out, rare earth metals are not limited to prevalence but are limited because of their limited access to specific countries and regions. As highlighted by the International Energy Agency (2022), the world needs to avoid new vulnerabilities brought on by high and volatile critical mineral prices or highly concentrated clean energy supply chains.

Accordingly, through further aggravating the pressure on the ecosystems, the planned obsolescence, and the throwaway culture inter alia, intersect with multiple issues within the environmental security, such as resource scarcity, energy security, climate change, water, food security, and public health and disease. Both developed and developing countries are affected by climate change, resource depletion, scarcity, tightening oil, fresh water, and food supplies, global pandemic disease outbreaks, global and regional migration patterns, and

other issues. However, negative impacts from the pressure on the ecosystem have an even more negative impact on poorer regions and vulnerable groups. Global environmental changes deepen social injustices and have negative impacts on environmental security and migration. This, in turn, also intersects with more traditional security issues, including economic development, trade, and international conflict. New political instabilities that may arise through competition for resources must be avoided, as there has already been an energy crisis after the war in Ukraine.

3. RECENT EU POLICIES TO TACKLE PLANNED OBSOLESCENCE

Relevant policies and measures have recently been started to be developed against planned obsolescence in several countries and today, there exists an increased awareness and movement, especially among consumer organisations. In the EU, France became the first country to define planned obsolescence as a criminal offense in its legislation. A definition of planned obsolescence in its consumer legislation has been introduced as 'a range of techniques through which a product has its life intentionally reduced by a producer in order to increase its replacement rate' (Valant, 2016). In addition, through the 'Energy Transition for Green Growth Act,' planned obsolescence has been outlawed and qualified as a criminal offence punishable by two years of prison and up to 300,000 Euro fine or a fine up to 5 percent of the company's average turnover (Maggiolino, 2019). It is noted that several class action lawsuits, mostly by NGOs and environmental agencies, have been brought against planned obsolescence cases and shortening lifespans across the EU (Malinauskaite & Erdem, 2021).

At the EU level, the planned obsolescence issue has been on the agendas of both the European Economic and Social Council and the European Consumer Association for a long time (Wieser, 2016), and European Parliament has also supported this process through its resolutions. In its circular economy action plan, the European Commission integrated built-in obsolescence initially in 2015, announced 'an independent testing program on issues related to possible planned obsolescence practices' (EC, 2015), and initiated work to detect such practices and ways to address them. Later, in the 2020 Circular Economy Action Plan (CEAP), the Commission took more concrete steps against obsolescence practices in line with the Green Deal and its 2050 climate neutrality objectives (EC, 2020). The new action plan announced several initiatives along the entire

life cycle of products, targeting the way products are designed, encouraging circular economy processes, and supporting sustainable consumption. Among these initiatives, through the 'Initiative for Empowering the Consumers for the Green Transition,' the Commission focused on the ways to improve consumer information and strengthen consumer protection against commercial practices including greenwashing and early obsolescence.

On 30 March 2022, the Commission announced a package under CEAP, comprising several measures targeting the sustainability of products sold on the EU market. This package, which places circularity at its centre, aims to make sustainable products the norm, boost circular business models and empower consumers for the green transition in the EU. The package included a proposal for 'Empowering Consumers for the Green Transition Directive,' which addresses protection against greenwashing and early obsolescence as well. In addition to this proposal, the package also included several other measures: A proposal for the 'Ecodesign for Sustainable Products Regulation', which extends the existing eco-design framework beyond energy-related products and broadens the scope of requirements for product sustainability; 'EU Strategy for Sustainable and Circular Textiles', with a vision to ensure that by 2030 textile products placed on the EU market will be 'long-lived, reusable and recyclable'; and a proposal for a 'Revised Construction Products Regulation', putting the regulatory framework for construction products in line with EU's sustainability and climate objectives (EC, 2022b).

In line with the climate and environment objectives of the European Green Deal, the proposal for a Directive on Empowering Consumers for the Green Transition, aims to ensure consumers get better information on products' sustainability features such as durability and reparability and strengthen consumer protection against greenwashing and premature obsolescence practices, which prevent consumers from choosing sustainable products (EC, 2022a). As important as the proposal for a Directive on Empowering Consumers for the Green Transition to address obsolescence is the proposal for the 'Eco-design for Sustainable Products Regulation,' which brings new rules for products' sustainability features throughout the entire lifespan, from their design to end-of-life. The proposal sets new requirements to make products more 'eco-friendly, resource and energy efficient, more durable, reliable, reusable, upgradable, repairable, and easier to maintain, refurbish and recycle'. Through the latest

information requirements, consumers will know the environmental impacts of their purchases; henceforth this will have a positive impact on the selection of more sustainable products. Delegated acts will be established for specific product groups and all regulated products will have digital product passports (EC, 2022b). Under CEAP, additionally the 'Right to Repair' initiative will also have a supportive role for longer lifespans, as it aims to encourage the repair of goods after purchase.

3.1. The Proposal for a Directive on Empowering Consumers for the Green Transition

The proposal for the Directive on Empowering Consumers for the Green Transition was presented by the European Commission on 30 March 2022, as part of the European Green Deal and the Circular Economy Action Plan. To enhance consumer rights and protect them so that they could actively contribute to the green transition, the proposal amends two directives protecting the interest of consumers at the Union level: the Unfair Commercial Practices Directive 2005/29/EC (UCPD) and the Consumer Rights Directive 2011/83/EU (CRD), respectively. While enabling consumers to take informed purchasing decisions thus contributing to more sustainable consumption, the proposal also targets unfair commercial practices that set a barrier for sustainable consumption choices, including greenwashing, early obsolescence practices, and the use of unreliable and non-transparent sustainability labels and information tools (EC, 2022a).

The UCPD is the main EU legislation protecting consumers against unfair commercial practices that occur before, during, and after a business-to-consumer transaction has taken place, while the CRD gives consumers the same strong rights across the EU, such as the information on the main characteristics of the goods and services consumers need to be given before the purchase of goods, services or digital content, or their right to cancel their purchases. It includes specific information requirements about the existence of the legal guarantee, along with additional commercial guarantees. However, it is not required to provide information on the reparability and the absence of commercial guarantees of durability. According to the UCPD, when promoting, selling, or supplying products, companies must give enough accurate information to enable consumers make an informed buying decision. They must provide all mandatory details in a 'clear and comprehensible manner' and in 'plain,

intelligible language'. If they fail to do so, their actions may be considered unfair. Consumers have the right to seek redress if they are treated unfairly. In the UCPD, consumers are protected against two main groups of unfair commercial practices. The first is misleading practices, either through action by giving false information or through omission by leaving out essential information. The second group is the aggressive practices that aim to bully consumers into buying. Certain commercial practices listed in Annex-I are on the blacklist, which is prohibited in all circumstances (EU, 2022). In case consumers are negatively affected, the general rules in the UCPD on misleading practices can be applied to early obsolescence practices, using a case-by-case assessment. However, as there are no specific rules defining such practices as unfair, it is difficult to enforce the Directive in this area (EC, 2022a).

The introduction part of the proposal refers to the need to amend the UCPD to counter obsolescence issue: '...the UCPD should also address several practices associated with early obsolescence, including planned obsolescence practices, understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a certain period of time..'. The proposal amends Annex I to the UCPD and bans certain practices related to the greenwashing and early obsolescence of goods. Annex I inserts the following points to counter obsolescence practices:

- Inducing the consumer into replacing the consumables of a good earlier than for technical reasons is necessary.
- Presenting goods as allowing repair when they do not or omitting to inform the consumer that goods do not allow repair in accordance with legal requirements.
- Claiming that a good has a certain durability in terms of usage time or intensity when it does not.
- Omitting to inform the consumer that a software update will negatively impact the use of goods with digital elements or certain features of those goods even if the software update improves the functioning of other features.
- Omitting to inform the consumer about the existence of a feature of a good introduced to limit its durability.

- Omitting to inform that a good is designed to limit its functionality when using consumables, spare parts or accessories that are not provided by the original producer (EC, 2022a).

As regards the durability, upgradeability, and reparability that have an important impact on products' lifespan, the proposal amends the list of pre-contractual information to be provided to the consumers set out under CRD, and six additional items are added to the list:

- information on the existence and length, of a producer's commercial guarantee of durability for all types of goods, when this information is made available by the producer;
- information that no information has been provided by the producer about the existence of a producer's guarantee of durability for energy-using goods;
- the existence and length of the period during which the producer commits to providing software updates for goods with digital elements;
- the existence and length of the period during which the provider commits to providing software updates for digital content and digital services;
- the reparability score of the good as applicable under Union law; and
- other repair information, should no reparability score be available at the Union level – such as information on the availability of spare parts and a repair manual (EC, 2022a).

However, it is seen that the proposal does not directly outlaw obsolescence practices and does not cover different types of obsolescence.

DISCUSSIONS, RESULTS AND CONCLUSION

Until now, planned obsolescence strategies have generated short life cycles and higher replacement rates in goods, causing voracious demands for raw materials and generating excessive amounts of waste, thus accelerating the speed and scale of environmental deterioration while exploiting society. These strategies have also contributed to economic instability and supported inflation by pressuring the commodities price. Last but not least, these strategies have

fostered today's throwaway consumption culture, which is becoming common among developing countries too. In a 'throwaway age', in which resource scarcities have intensified, planned obsolescence intensifies global competition for resources and puts intense pressure on the ecosystem, which in turn has the potential to create new vulnerabilities and conflicts. Moreover, negative impacts of the pressure on the ecosystem have even more negative impacts on poorer regions, causing 'environmental insecurity' and deepening already worsened social injustices as well. Accordingly, this study asserts that planned obsolescence and the throwaway culture, inter alia, pose an extreme threat to environmental security, and intersect with multiple issues in environmental security through intensified climate change, resource depletion, scarcity, tightening supplies, global pandemic disease outbreaks, and global and regional migration patterns. Those also intersect with more traditional security issues, including economic development, trade, and international conflict.

In the EU, the proposal on 'Empowering Consumers for the Green Transition Directive' tabled by the European Commission on 30 March 2022, aims to bring new consumer rights while also targeting several unfair commercial practices. Several actions concerning planned obsolescence are proposed to be added to the blacklist of the Unfair Practices Directive, such as provisions on 'inducing the consumer into replacing the consumables of a good earlier than for technical reasons' and omitting to inform the consumer about the 'negative impact of a software update' and 'the existence of a feature introduced to limit its durability'. Additionally, the proposal amends the list of pre-contractual information to be provided to the consumers to ensure better information on products' sustainability features, such as products' commercial guarantee of durability and its duration in units of time, the minimum period in which the producer provides software updates, the reparability score for the goods, and the availability of spare parts, where available and applicable.

The tabled proposal is an important step as it is the first legislative initiative to tackle obsolescence at the Union level. It may have a deterrent effect against premature obsolescence in terms of both the reputation of the enterprises and the compensation that companies might be obliged to pay, while also having a transformative effect on the EU's supply chain and its trade partners as well. Concerning the effectiveness of these measures, the new rules on information such as the length of the commercial guarantee of durability, the availability of

spare parts, and software updates, are intended to help consumers understand the expected lifespan of the products and purchase them accordingly. Consequently, if supported with the right policies and incentives, selective purchasing might be the strongest motivation for producers to produce more durable products and reduce obsolescence practices. The update to the blacklist of the Unfair Practices Directive and the inclusion of a provision on 'inducing the consumer into replacing the consumables of a good earlier than for technical reasons' tackle only a part of early obsolescence and do not ban obsolescence practices directly. However, to counter these practices effectively, the directive should ban obsolescence practices directly, and its scope should be extended to address all obsolescence types. In addition, the 'fancy, trendy, and shiny' new designs with short intervals, which certainly induce consumers to replace their goods as outmoding the previous designs quickly, could also be considered.

The right policies are of vital importance for combatting planned obsolescence practices and hindering the companies employing these strategies. It is important to establish a system in which these practices are prevented with an effective audit, reporting, verification, and sanctions supported by governments, along with the rising level of awareness in society. It will also be efficient and effective to tackle these practices through making the most of digital tools, audits, and improved market surveillance. Yet, most importantly, it is essential to counter today's culture to regain sufficiency and do more with less. Accordingly, this article also asserts that the scope of the fight against planned obsolescence strategies should be broadened to consider the socio-economic context.

The study contributes to our understanding of planned obsolescence strategies as a threat to environmental security and attempts to extend our knowledge of recent EU policies tackling these practices. The insights gained from this study may be of assistance to further studies to be undertaken by governments to address planned obsolescence strategies, and much more work will be required to determine the most effective policies to tackle the issue.

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PLANLI ESKİTME: ÇEVRESEL GÜVENLİK İÇİN GİZLİ BİR TEHDİT VE GÜNCEL AB POLİTİKALARI

Evren SAPMAZ VERAL

GENİŞLETİLMİŞ ÖZET

Tüketimin üretimi, üretimin tüketimi yarattığı hızlı tempolu doğrusal ekonominin arka planında aşırı tüketimi besleyen stratejilerden biri olarak planlı eskitme yer almaktadır. 1929 Büyük Bunalımından sonra piyasaları canlandırmak için başvurulan bu stratejiler, günümüzde çok geniş bir ürün yelpazesinde uygulanmaktadır. Farklı çeşitleri bulunan planlı eskitme stratejileri ile ürün ömürleri kasıtlı olarak kısaltılmakta, çabuk bozulan veya hızla demode olan ürünlerin yerine sürekli yenilerinin alınması teşvik edilmektedir. Pazarlama ve reklamcılık sektörlerinin de etkisiyle bu stratejiler kesintisiz bir tüketimi besleyerek 'kullan-at' ya da 'at gitsin' (Çoban, 2020) olarak da anılan tüketim kültürünü yerleştirmiştir.

Planlı eskitme stratejileri, ekolojik tahribatın hızını ve ölçeğini artırmakta, çevre üzerinde yıkıcı bir etki yaratmaktadır. Sınırlı bir kullanım ömrüne sahip, özelliklerini zamanla yitirecek ve işlevsiz hale gelecek ürünlerin tasarımı çevresel açıdan ciddi sorunlara sebep olmaktadır. Hızla tüketilen ancak bozulunca veya modası geçince bir kenara atılan ürünler, aşırı atık oluşumuna sebep olmakta ve kaynakları gereksiz yere tüketmektedir. Bunun yanında eskitmenin sebep olduğu yeni ürünlerin üretimi enerji ve hammadde kullanımını zorunlu kılmakta, kaynaklar üzerindeki baskıyı artırmaktadır. Planlı eskitmenin ekonomik etkileri de gözardı edilmemelidir; uygulanan stratejilerle tüketicilerin yeni ürünleri daha sık satın almaya teşvik edilmesi, tüketiciler için daha yüksek fiyatlara ve ekonomi üzerinde baskıya sebep olmaktadır. Kaynak kıtlığının baş göstermeye başladığı bir 'kullan-at' çağında, bu stratejiler kaynaklar için küresel rekabeti kızıştırmakta ve ekosistem üzerinde yoğun bir baskı oluşturmaktadır; tüm bunlar ise yeni güvenlik açıklarının oluşması ve çatışmalara sebep olabilecek istikrarsızlıklar için ciddi bir risk barındırmaktadır. Diğer taraftan, ekosistem üzerindeki baskı, yoksul bölgeler üzerinde daha fazla olumsuz etki yaratarak 'çevresel güvensizliğe' neden olmakta ve mevcut sosyal adaletsizlikleri daha da derinleştirmektedir. Bu doğrultuda, planlı eskitme ve kullan-at kültürü, çevresel güvenlik için ciddi bir tehdit oluşturmakta; iklim değişikliği, kaynakların tükenmesi, biyoçeşitlilik kayıpları, küresel salgınlar, küresel ve bölgesel göçlerin yanı sıra geleneksel güvenlik sorunları ile de kesişmektedir.

Son yıllarda planlı eskitme uygulamalarına karşı artan farkındalık, gerekli politikaların oluşturulması için hükümetler üzerinde baskı oluşturmaya başlanmıştır. AB'de, Avrupa Parlamentosu'nun da desteklediği bu süreçte Avrupa Komisyonu tarafından 30 Mart 2022'de açıklanan döngüsel ekonomi paketi altında yeni tüketici hakları getiren ve erken eskitme de dâhil olmak üzere aldatıcı ticari uygulamalara karşı tüketicilerin korumasını güçlendiren bir düzenleme teklifi sunulmuştur. 'Yeşil Dönüşüm için Tüketicilerin Güçlendirilmesine ilişkin Direktif Teklifi', 2011/83/AB sayılı AB Tüketici Hakları Direktifi'nde ve 2005/29/AT sayılı Haksız Ticari Uygulamalar Direktifi'nde önemli değişiklikler öngörmekte; tüketicilere, satış noktasında bir ürünün ne kadar süre dayanacak şekilde tasarlandığını ve nasıl onarılabileceğini bilme hakkı getirilmekte, tüketicilerin aldatılmaması gereken ürün özellikleri listesi güncellenmekte, yeşil yıkama ve erken eskitme gibi aldatıcı uygulamalar yasaklanmaktadır. Direktif Teklifi kapsamında, tüketicinin bir malın sarf malzemelerini teknik nedenlerle olduğundan daha erken değiştirmeye teşvik edilmesi ve yazılım güncellemesi ve ürün dayanıklılığını sınırlayacak bir özelliğin mevcudiyeti gibi ürün ömrünü kısaltacak olumsuz bir etki hakkında bilgilendirilmemesi gibi hususların Haksız Ticari Uygulamalar Direktifi'nin kara listesine eklenmesi önerilmektedir.

Sunulan düzenleme teklifi, erken eskitmeye ilişkin Birlik düzeyinde somut mücadeleye ilişkin ilk yasal düzenleme girişimi olması nedeniyle önemli bir adımdır; AB'nin tedarik zincirini ve AB'ye ihraç edilen ürün gruplarını da etkileyecek, AYM kapsamında AB'nin getireceği tüm düzenlemelerde olduğu gibi Türkiye için de önemli bir etkisi olacaktır. 2011/83/AB sayılı Tüketici Hakları Direktifi'nde ürün garantilerinin süresi, yedek parçaların mevcudiyeti ve yazılım güncellemeleri gibi bilgilerin, tüketicilerin ürünlerin beklenen kullanım ömrünü anlamalarına yardımcı olacağı, bu bilgilerin özellikle bilinçli tüketicilerin ürün seçimlerinde etkili olacağı, daha çevre dostu ve uzun ömürlü ürünlerin tercih edilmesinin de üretimin bu yönde şekillenmesi için teşvik edici olacağı düşünülmektedir. 2005/29/AT sayılı Haksız Uygulamalar Direktifi'nin yasaklı listesinin güncellenerek, ürün ömürlerine ilişkin yanlış ve/veya eksik bilgi verilmesi ve erken eskitmeye ilişkin bazı uygulamaların yasaklanması ise hem şirketlerin itibarı hem de yükümlü olabilecekleri tazminatlar açısından caydırıcılık sağlayacaktır. Ancak bu mücadelenin, farklı eskitme türleri ile mücadeleyi içerecek şekilde genişletilmesi ve eskitme uygulamalarının Fransa örneğinde olduğu gibi doğrudan yasaklanması gerektiği değerlendirilmektedir.

Toplumu ve çevreyi sömüren planlı eskitme uygulamalarıyla mücadele etmek için caydırıcı politikaların uygulanması, daha dayanıklı ürünlerin üretiminin ve tüketiminin sağlanması için gerekli teşviklerin sağlanması ve toplumun bilinçlendirilmesi büyük önem taşımaktadır. Bu süreçte, yasal altyapının desteklediği etkin bir denetim ve yaptırım sistemin kurulmasının yanında tüm paydaşların sürece dahil edilerek bilinçlendirme faaliyetleri ile toplumsal farkındalığın artırılması faydalı olacak, bu mücadele aynı zamanda BM 2030 Sürdürülebilir Kalkınma Gündeminde "sorumlu tüketim ve üretim kalıplarının sağlanması"na yönelik 12. SKA için çabalara katkı sağlayacaktır. Yüksek Denetim Kurumları'nın da denetimleri yoluyla katkısının olacağı bu süreçte (Atlı, 2022), dijitalleşmenin de getireceği avantajların kullanılması etkili olacaktır (Köse, 2022). Ancak temelde, bu sorunlar ile kaynağında mücadele edilmesi gerektiği; çevresel güvenlik açısından önemli bir tehdit oluşturan planlı eskitme ile mücadelenin kapsamının, sosyo-ekonomik bağlamı da dikkate alacak şekilde genişletilmesi gerektiği değerlendirilmektedir.