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Darren Harvey

SECESSION and DISSOLUTION in EUROPEAN UNION MEMBER STATES:

A Prospective Analysis of the Consequences for European Union Membership

Claas Oehlmann

The Vision of a **"EUROPEAN CIRCULAR ECONOMY"** and the Need to Further Develop
the **COMMON EUROPEAN WASTE LEGISLATION**



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Frank Hoffmeister, Aktuelle Rechtsfragen in der Praxis der europäischen Außenhandelspolitik, ZEuS 2013, 385-401.

Der Beitrag zeichnet nach, wie sich die europäische Handelspolitik in der jüngsten Praxis entwickelt hat. Der Autor bespricht die Konturen der Verbandskompetenz unter Einbezug jüngerer EuGH-Rechtsprechung und der einschlägigen Passagen im Urteil des Bundesverfassungsgerichts zum Lissabon-Vertrag. Dabei kommt er zum Ergebnis, dass die Union für die Bereiche Waren, Dienstleistungen, handelspolitische Aspekte des geistigen Eigentums und Investitionsschutz ausschließlich zuständig geworden ist, dies aber von Seiten des Rates bestritten wird. Im zweiten Schritt wird die Rollenverteilung zwischen Union und Mitgliedstaaten in der Welthandelsorganisation eingefangen und das innereuropäische Verfahren zur Wahl des WTO-Generaldirektors analysiert. Hoffmeister thematisiert schließlich Rechtsfragen zu den Umwelt- und Sozialstandards in Freihandelsabkommen und deren vorläufige Anwendung. Er kommt zum Schluss, dass die von Lissabon gewollte Dynamisierung der europäischen Handelspolitik zum Teil stattgefunden hat und stellt sich auf den Standpunkt, dass das Parlament seine Zuständigkeit mit Maß ausgeübt hat, was wiederum die demokratische Legitimität der europäischen Handelspolitik gestärkt hat.

Darren Harvey, Secession and Dissolution in European Union Member States: A Prospective Analysis of the Consequences for European Union Membership, ZEuS 2013, 403-447.

In what many observe to be a direct result of the current economic crisis, separatist movements around Europe are enjoying an unprecedented rise in popularity and influence. Following years of peace and relative political stability, the demands from various regional movements for greater autonomy or even complete independence are growing in intensity with the outcomes of recent elections in places like Scotland, Flanders and Cataluña raising many questions about the makeup of existing EU member states. Should separatist movements succeed in their ambitions to redefine national legal and political landscapes, what would the consequences be for both pre-existing member states and newly created independent entities with regards to EU membership? Would the European Union, in its current form, be both willing and able to address the many complex legal issues that would arise from the division of one or more of its member states? In light of the forthcoming referendum on Scottish independence from the United Kingdom, the first part of this paper shall focus on the specifics of this case in an attempt to answer the broader question of how an instance of secession from an existing member state may impact EU membership. The second section of this paper focuses on the hypothetical scenario of a complete dissolution of an existing EU member state and the ways in which this not entirely farfetched occurrence could be handled with regards to EU membership.

Claas Oehlmann, The Vision of a „European Circular Economy“ and the Need to Further Develop the Common European Waste Legislation, ZEuS 2013, 449-488.

The European waste legislation as a field of law with a dynamic evolution within the last decades can be seen as an example for an integrated approach to solve transnational, and in this case environmental, problems in the European Union. The first common legislative framework for waste management at the European level was the Directive 75/442/EEC on waste in 1975. This Directive defined that the objective of all provisions relating to waste disposal must be the protection of human health and the environment. Now, after about 40 years of common European waste policy and legislation, the challenges for the European waste sector are changing dramatically. These challenges are described in two policy papers. Firstly, the „Roadmap to a Resource Efficient Europe“, published by the European Commission in 2011 within the framework of the Strategy Europe 2020, and secondly, the 7th Environmental Action Programme „Living well, within the limits of our planet“. In summary it can be stated that the

new interpretation of the role of waste management introduced by these two policy documents implies a three-dimensional approach: Besides the initial intension of waste management to prevent risks for human health and the environment („environmental dimension“), a second „resource dimension“ with the goal to use waste EU-wide as a resource for secondary raw materials was established. Furthermore, a third „climate dimension“ with the aim to make use of the great potential to reduce greenhouse gas emissions from waste treatment activities was added. In this context this paper aims to interpret the political vision and the empirical data of Europe’s waste management to discuss possible options to further develop the legislative framework in the law field of waste. It is shown that the waste treatment methods used in the member states of the EU differ by far from the provision of the new understanding of waste treatment and that the existing legislation has to be revised to establish a coherent framework for Europe’s way to a „European Circular Economy“.