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## 2.A. EU POLICY FOR CIRCULAR ECONOMY

### 2.A.1. New regional laws for circular economy in Spain

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**KEYWORDS:** Sustainable development – Circular economy – Environmental law – Innovative regulation – State’s basic laws – Additional regional laws for environmental protection

**ABSTRACT:** Under the presidency of Jean-Claude Juncker, in 2015 the European Commission adopted the EU Action Plan for the Circular Economy (SANTAMARÍA ARINAS, 2018). Four years later, the implementation of the plan has been finished by a Working Document prepared by the European Commission Staff [SWD(2019) 90 final]. It is a self-complacent working document that must be clarified both in an economic (LLORENTE-GONZÁLEZ y VENCE, 2019) and in a juridical sense (NOGUEIRA LÓPEZ, 2019; SANTAMARÍA ARINAS, 2019a). However, in this document it is said that “the circular economy is now an irreversible, global mega trend”. According to this affirmation, several “new challenges” are pointed out, that will have to be faced by the new European Commission, chaired by Ursula Von der Leyen for a few weeks now.

It must be noted that the actions proposed by the Plan does not only concern the European institutions, but also the Member States to some extent. Thus, waiting for the approval of new commitments, it seems appropriate to evaluate the set of statutes and regulations adopted during this time.

In Spain such period has been characterized by a high political instability, that could explain the lack of initiatives by Spanish central state’s institutions (PUENTES COCIÑA, 2018). However, some Autonomous Regions have taken the lead in that subject, adopting circular economy criteria in several Statutes on climate change and/or waste management. It is the case, in chronological order, of Cataluña, Navarra, Andalucía and Islas Baleares. But it is also the case of Castilla-La Mancha, that has been the first Region to adopt a specific Statute on circular economy (Ley 7/2019, de 29 de noviembre, de economía circular de Castilla-La Mancha).

The Statutes adopted by Cataluña and Navarra have already been the subject of academic papers (DE LA VARGA PASTOR, 2018; RUIZ DE APODACA, 2019), but there is currently no study that addresses whole set of statutes with juridical methodology. This paper tries to fill the gap by offering a critical and a compared analysis of the five Statutes. The objective is to assess the extent to which they incorporate truly innovative intervention techniques, beyond programmatic statements.

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## **2.A.2. Is circular economy compatible with strong market rules and competition law?**

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Keywords. Environmental Law, Circular Economy, Market rules, Better regulation, Competition Law, Enablers and barriers.

Since the birth of environmental concern, its impact on economic development has been a constant. The so-called “most relevant paradigm changes” in the EU Law and policies in recent times recapture that debate. On the one hand, the ambitious impulse of liberalization and administrative simplification, especially after the approval of the “Bolkestein Directive”; on the other, its compatibility with the novel Circular Economy (CE) Strategy that seeks to curb environmental collapse. The Circular Economy Strategy was meant to produce a “complete systemic change ... not only in technologies, but also in organization, society, financing methods and policies”. CE requires strong public planning and support. A comprehensive view of circular economy calls to go beyond waste and recycling and focus on design, production and consumption. The dynamics of multi-level, public-private and between companies’ collaboration, that are necessary for circular economy, can collide with elements clearly prevalent in the current legal order, such as liberalization for the constitution of a European internal market, Competition law or market unit.