

Waste management: landfill

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This report aims to inform the other Community institutions, the Member States and the public about the **implementation of the EU legislation on waste over the period 2004-2006**. It covers [Directives 2006/12/EC on waste](#), 91/689/EC on hazardous waste, 75/439/EEC on waste oils, 86/278/EEC on sewage sludge, [94/62/EC on packaging and packaging waste](#), 1999/31/EC on the landfill of waste, [2002/96/EC on waste electrical and electronic equipment](#), and [2000/53/EC on end-of-life vehicles](#).

As regards the implementation of this Directive, the report recalls that the Landfill Directive is intended to prevent or reduce the adverse effects of the landfill of waste on the environment, in particular on surface water, groundwater, soil, air and human health. It sets stringent technical requirements for landfill sites, specific requirements for waste acceptance on the sites, and introduces landfill categories depending on the waste intended to be disposed of. The Directive obliges Member States to ensure that competent national authorities issue permits to operate the sites. One of the key provisions includes targets for a gradual diversion of biodegradable municipal waste from landfills in order to reduce methane emissions, coupled with technical requirements for capture and treatment of landfill gas.

Implementation: the practical implementation of the Landfill Directive remains highly unsatisfactory and considerable efforts need to be undertaken to improve it. **Ten years after the adoption of the Directive, not all Member States report having transposed and implemented all its provisions** and the Commission continues to open a significant number of infringement cases against Member States for bad transposition or implementation of this legislation. It receives on a daily basis a **vast number of complaints related to illegal landfills** lacking the permits required by EU waste legislation, causing serious adverse effects to the environment and risks to human health. These complaints have demonstrated a general and persistent nature of significant implementation deficiencies in a large part of the EU. In the cases observed, Member States have often tolerated serious deficiencies for long time periods without ensuring that illegal activities are brought to an end and punished. A large number of landfills do not comply with the requirements of the Directive and there is a real risk that a vast majority of Member States will not meet the deadline of 16 July 2009 by which all sub-standard landfills that existed before the introduction of the Directive need to comply with its requirements (unless specifically derogated). Only nine Member States report having met the 2006 targets for the diversion of biodegradable municipal waste from landfills and capture of landfill gas appears insufficient.

The problem seems particularly acute in the EU-10 where landfilling remains a predominant option since no alternative waste management infrastructure is available. Despite a quick progress in these countries in closing sub-standard landfills, efforts need to be stepped up to ensure full compliance.

In 2009, 13 non-conformity cases and 11 bad application cases were pending against Member States related to the Landfill Directive. In response to these systemic failures of Member States to properly implement the EU waste legislation, the Commission has taken a strategic approach. **So-called "horizontal" infringements and court cases have been launched** addressing the lack of national infrastructures and effective enforcement measures. Vast numbers of individual cases have been used as illustrations. This approach allows problems to be solved in more places than if focus would only have been on individual landfill sites.

General conclusions: whilst Community legislation is reasonably well transposed into national legislation, although sometimes with significant delays, the lack of adequate enforcement causes widespread failure in achieving the agreed environmental protection objectives in practice. The implementation and "real-world" application of waste legislation in the reporting period 2004-2006

remained unsatisfactory in many areas. As demonstrated by a large number of infringement cases, the state of practical implementation remains critical in respect of the Waste Framework Directive, the Landfill Directive, and the Waste Shipment Regulation where coordinated efforts are required to bring the situation in line with the legislation.

In particular, it is advisable that, together with the Commission, Member States and The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) increase their actions to bridge the implementation gap of the Landfill Directive. Also in various Member States the results of the WEEE, Packaging and ELV directives remained below the agreed binding targets and numerous infringement cases continued to be open.

Even though progress was made in some Member States, huge implementation efforts need to be undertaken in many countries. **Some reported problems are particularly common in countries which joined the Community in 2004 where over 90% of waste continues to be landfilled.**

Efforts need to be stepped up in order to bring the waste management infrastructure in line with the requirements of the Community legislation, including:

- creating separate collection systems for different waste streams,
- education of citizens,
- investments in pre-treatment of waste before its final disposal.

These efforts are crucial to make the letter of law effectively protect the environment and human health.