

Issues raised by petitioners in relation to the application of the Waste Management Directive, and related directives, in the Member States of the European Union

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The Committee on Petitions adopted the own-initiative report by Carlos José Iturgaiz Angulo (EPP, ES) on the issues raised by petitioners in relation to the application of the Waste Management Directive, and related directives, in the Member States of the EU. The committee notes that it has declared admissible 114 petitions over the period 2004-2010 alleging breaches of this regulatory framework from the following Member States: Italy, Greece, France, Spain, Ireland, Bulgaria, the UK, Poland, Romania, Germany, Austria, Hungary, Lithuania, Malta, Portugal and Slovakia. It calls on Member States to **transpose Directive 2008/98/EC (the Waste Framework Directive (WFD))** and to ensure full compliance with all its requirements, in particular establishing and implementing **comprehensive waste management plans**. Members note that there are several reasons why waste management plans in compliance with the WFD are not in place: these include a lack of implementation and enforcement, properly trained personnel at local and regional level and coordination at national level; insufficient controls at EU level, and failure to allocate adequate resources and the lack of a fine system. **On-site inspection and enforcement capacity** needs to be strengthened at Member State and EU level in order to ensure better compliance with waste legislation.

They also call on the Commission carefully to monitor the transposition by the Member States of Directive 2008/99/EC on the protection of the environment through criminal law which defines a **minimum number of serious environment-related offences** and requires Member States to provide for **more dissuasive criminal penalties** for this type of offence.

The report calls upon public authorities to recognise that major investments are required to establish correct waste management strategies, infrastructure and facilities in most Member States. Authorities should give consideration to **earmarking an appropriate proportion of Cohesion Fund resources** for this purpose or seeking direct financing from the European Investment Bank.

Member States which are confronted with manifest waste crises are asked to consider the fact that more efficient waste management strategies provide **opportunities for both employment creation and revenue enhancement** while ensuring environmental sustainability through reuse, recycling and recovery of energy from waste. The need for closer cooperation between authorities at local, regional and national levels is emphasised in the report, as is dialogue between public authorities, private-sector operators and affected populations.

Members note that the Commission has stepped up support – including EUR 4.1 billion in 2005/6 – to improve implementation and enforcement of the EU waste acquis at national level, but that at the end of 2009, infringement cases related to waste nevertheless constituted 20% of all environmental infringements. They call on the Commission for **more specific guidance to be provided for competent authorities in order to assist them with the correct implementation of the waste acquis** but note that the resources available at European level are currently inadequate. Complementary financial and administrative measures should be taken to provide better guidance and training facilities for officials working in the waste sector.

The committee feels that the establishment of a **new EU Agency for waste management is not desirable** and considers that the present institutional structure at EU level – based upon the Commission’s DG Environment and the **European Environment Agency** as a centre of expertise and excellence – is more cost-effective, although these must be further reinforced in order to provide more active oversight and enforcement. The Commission is asked to **identify the more systemic weaknesses in the implementation of waste-related directives** by the Member States, such as inadequate networks of waste management facilities, excessive reliance on land filling, growing amounts of waste produced per capita or poor recycling rates. The existing European Environment Agency could assist with this process and play a more constructive role in reporting on Member State waste management strategies and identifying weakness by assessing the compliance of waste management plans established by Member States with EU legislation.

Members go on to recall that the **waste cycle hierarchy** is a key element in Directive 2008/98/EC and should constitute the basis for all waste management. They urge the promotion of **greater environmental awareness among the population** about the advantages of efficient waste management, proposing, amongst others, a common EU standard for colour-coding categories of waste for sorting and recycling be agreed so as to facilitate and improve citizens’ participation in the waste process.

The committee stresses the fundamental importance of the full implementation of Directive 85/337/EEC (the **Environmental Impact Assessment Directive**) and the need for Member States to ensure that a complete environmental impact assessment is conducted before any decision is taken to establish or construct a new waste facility, notably an incinerator or methanisation plant, or – as a last resort – a new landfill.

The Commission is urged to:

- reinforce the public-private partnership network for projects of the awareness campaigns, and support the ‘clean up the world’ campaign, for which over 400 MEPs have signed a written declaration supporting the event, which is expected to be supported by millions of volunteers next year;
- propose more specific criteria for the location of landfills in relation to local housing, schools or health facilities in order to ensure more robust guarantees against potential risks to human health and the environment;
- fully recognise the linkage of effective environmental legislation regarding historical heritage sites and the conservation and promotion of biodiversity – such as that contained in the Water Framework Directive and the Habitats and Wild Birds Directives – with the EIA and Strategic Environmental Assessment Directives and with legislation regarding the management of waste.

Members note that urgent attention is needed as regards the open and illegal dumping of mixed and unidentified waste and call for the **enforcement of strict management controls**. In accordance with the **IPPC Directive** (2008/1, revised by Directive 2010/75), competent authorities must establish strict control over the handling of specific types of industrial waste, regardless of its origin. The committee recommends:

- the imposition of **adequate and dissuasive fines and penalties for the illegal disposal of waste**, especially toxic and hazardous waste. Illegal dumping in the countryside of highly contaminated chemical or radioactive waste should be punished with very severe sentences;
- effective measures to combat any **infiltration of waste management by organised crime** and against any connections between organised crime and industry or public authorities.

Lastly, Members recommend that, if public funds are allocated to private enterprises to manage waste processing, effective financial monitoring over the use of these funds should be put in place to guarantee legal compliance with EU rules.

