

# 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 European Parliament adopted by 632 votes to 18, with 22 abstentions, a resolution 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 resolution notes that **petitions on environmental issues consistently constitute the primary group of petitions** received and those on waste represent an important sub-group. It also 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 (over 10 petitions each), Bulgaria, the UK, Poland, Romania, Germany (3-10 petitions each), Austria, Hungary, Lithuania, Malta, Portugal and Slovakia (1 petition each).

A large majority of petitions on waste concern waste management facilities, with about 40% concerning the permitting procedure for planned new plants and another 40% referring to the operation of existing ones, of which 75% concern landfills and 25% concern incinerators, while the remaining petitions raise problems of overall waste management. The deadline for transposition of the WFD was December 2010, yet only six Member States complied, and the Commission is taking active measures to ensure that the remainder complete transposition and begin implementation urgently.

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, failure to allocate adequate resources and the lack of a fine system. Moreover, the Member States – at national, regional and local level – bear the main responsibility for implementing EU legislation.

Members call on the Member States to **transpose the WFD without further delay** and to ensure full compliance with all its requirements, in particular establishing and implementing comprehensive waste management plans, including the timely conversion of all the set goals within the framework of European 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 resolution calls upon public authorities to recognise that **major investments are required** to establish correct waste management strategies, infrastructure and facilities in most Member States, and believes that they should give consideration to earmarking an **appropriate proportion of Cohesion Fund resources** for this purpose or seeking direct financing from the European Investment Bank. Members consider that on-site inspection and enforcement capacity needs to be strengthened at Member State and EU level. They therefore urge Member States to strengthen their capacity for inspections, monitoring and other actions at all stages of the waste management chain to better enforce waste legislation, and call on the Commission to make provision for specific procedures enabling the subsidiarity principle to be fully applied in the event of serious shortcomings on the part of Member States.

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.

Parliament calls 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 notes 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.

Members feel 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.

Parliament recalls that the **waste cycle hierarchy is a key element** in Directive 2008/98/EC and, pursuant to the directive, should constitute the basis for all waste management. It notes also that economic arguments speak in favour of following the waste hierarchy and focus first on prevention, then on reuse and recycling before incineration for energy and that wasteful and unsustainable landfills should be avoided as far as possible. It proposes that 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 and understanding of the waste process, and considers that this may assist Member States' efforts to increase recycling rates significantly and quickly.

The Member States are called upon 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;
- take measures to **foster greater acceptance by populations** in the vicinity of existing or planned waste management facilities, by demonstrating that the permitting and operating authorities are respecting the rules correctly and in full transparency.

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.

The resolution notes 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**. Members recommend:

- 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. Members believe that illegal dumping in the countryside of highly contaminated chemical or radioactive waste should be punished with very severe sentences commensurate with the dangers this practice poses for people and the environment;
- 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, Parliament recommends 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.