

## Implementation of EU Landfill Legislation

### **Main Problems to tackle**

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- Elimination of uncontrolled landfills in the Community is first priority
- No sufficient data from MS about implementation
- Too many unauthorized landfills (horizontal cases against FR/IT and probably ES.)
- Sustainable landfilling depends on implementation of waste acceptance criteria
- See for ref.: COR study 2005 on implementation of the Landfill Directive at regional and local level  
<http://www.cor.europa.eu/de/documents/studies.htm>

# ***What is the Issue ?***

**Growing  
technosphere**

To physical stock: 10  
tons

**Extraction:  
16 tons**

**Disposal:  
6 tons**

2 t/cap CO<sub>2</sub>  
3.5 t/cap waste  
0.5 t/cap agr waste

**Source**

**Sink**



***Threats to ecosystem services***

# *The Vision: integrating Resources, Products and Waste Policies*

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Thematic  
Strategy on the  
Prevention  
and Recycling of  
waste

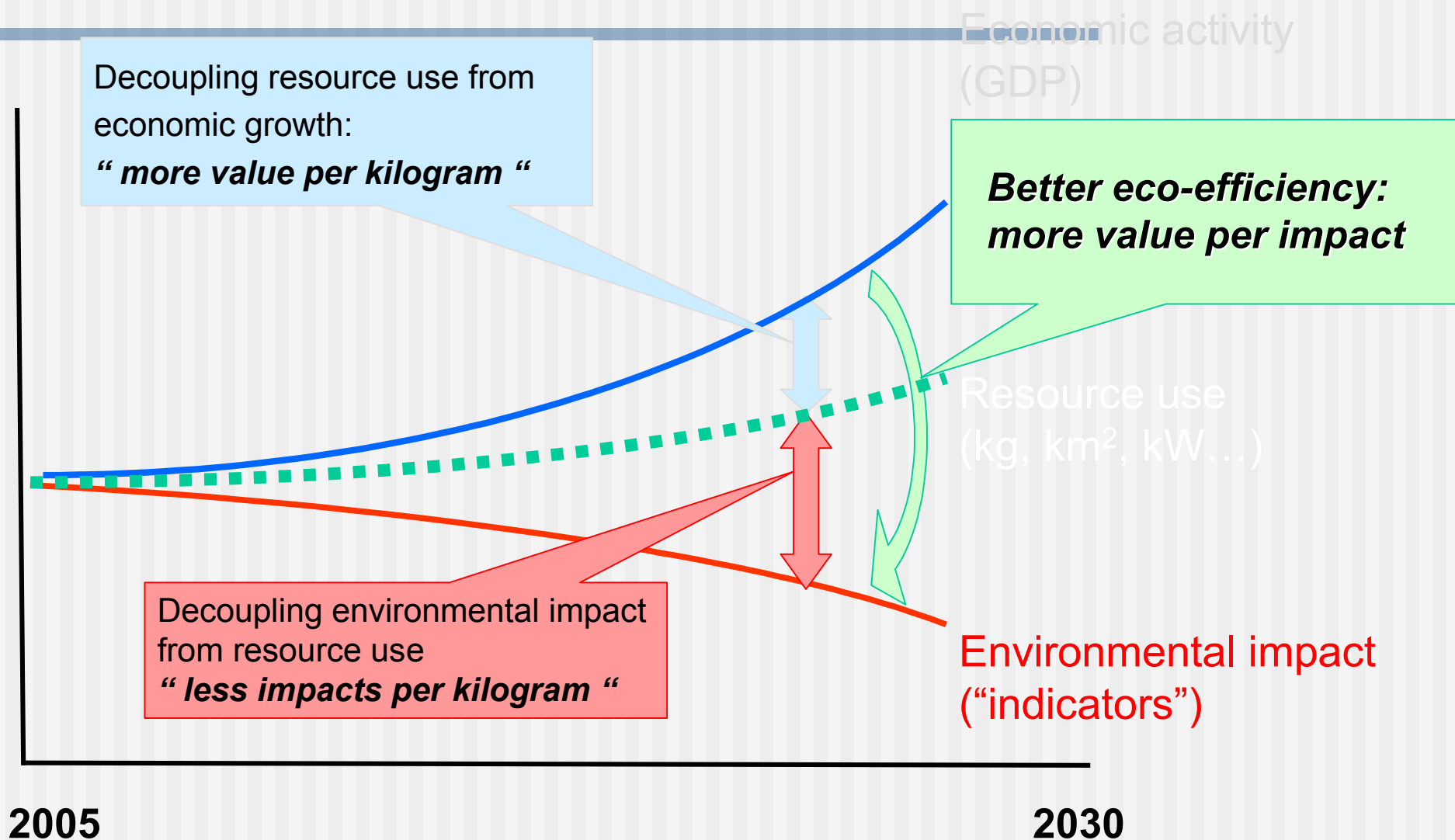


Thematic  
Strategy on  
Sustainable  
Use of  
Resources

**I**ntegrated **P**roduct **P**olicy / **S**ustainable **P**roduction & **C**onsumption

**Similar policies: Circular Economy, 3Rs, SMM (OECD)**

# Objective: Decoupling





# Waste Prevention and Recycling Strategy

COM(2005)666 final



## Framework Legislation

**Waste Framework Dir.**  
(Dir.2006/12/EC, formerly 75/442/EEC)  
To be revised

~~**Hazardous Waste Directive**  
Dir. 91/676/EEC~~

**Waste Shipment Regulation**  
(Reg. (EEC) 259/93)  
*Just revised – Reg. (EC) 2006...*

## Waste Treatment Operations

**Incineration**  
89/369 & 429 (MW) 94/67 (HW)  
Replaced by 2000/76/EC

**Landfill**  
99/31/EC

**Recycling**  
*EU Standards, ..., as part of Recycling Strategy*

## Waste Streams

~~**Waste Oils**  
Dir. 75/439/EEC~~

*repeal with WFD revision*

~~**Titanium Dioxide**  
Dir. 78/176/EEC~~

*Simplify in 2006*

**Sewage Sludge**  
Dir. 86/278/EEC

*Up-date in 2007*

**Batteries and Accumulators**  
Dir. 91/157/EEC & 93/86/EEC  
COM(2003)723

*New proposal in co-decision*

**Packaging and Packaging Waste**  
Dir. 94/62/EC

**PCBs**  
Dir.96/59/EC

**End-of-life Vehicles**  
Dir 2000/53 EC

**Waste electric and electronic equipment**  
Dir.2002/95EC

**Restriction of Hazardous Substances**  
Dir.2002/95EC

**Mining Waste**  
Dir 2006/21/EC

## Implementation of EU Landfill Legislation

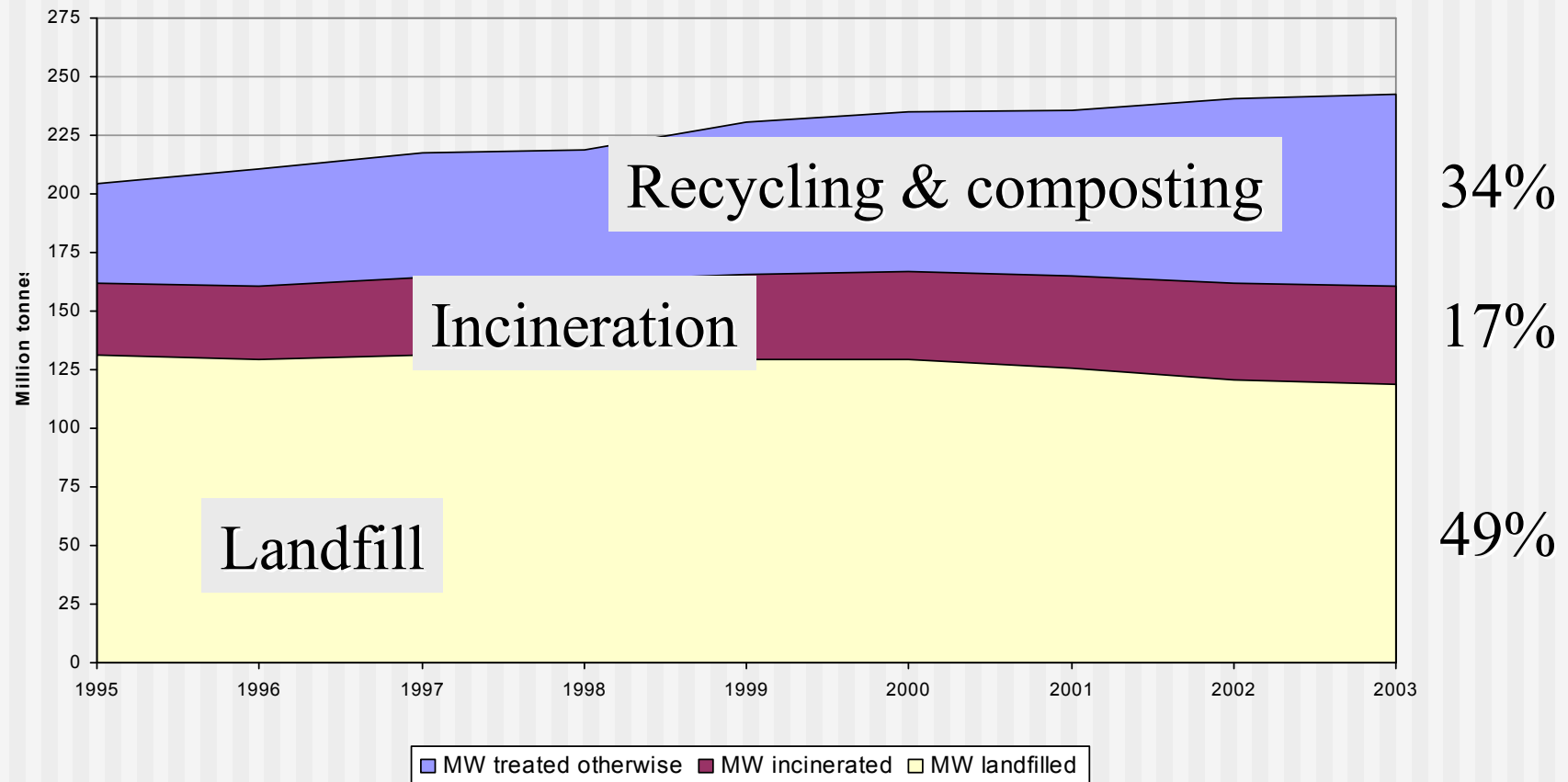
# Facts and Figures on Landfills

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- 49% of EU-25 total municipal waste was landfilled (2003). Some landfill over 90%
- Existing landfills in the EU-15:
  - hazardous waste: 504 (141 comply)
  - non-hazardous waste: 6286 (1267 comply)
  - inert waste: 3416 (925 comply)
- Full compliance with environmental requirements 16 July 2009
- Stepwise diversion of biowaste from landfills

# Implementation of EU Landfill Legislation

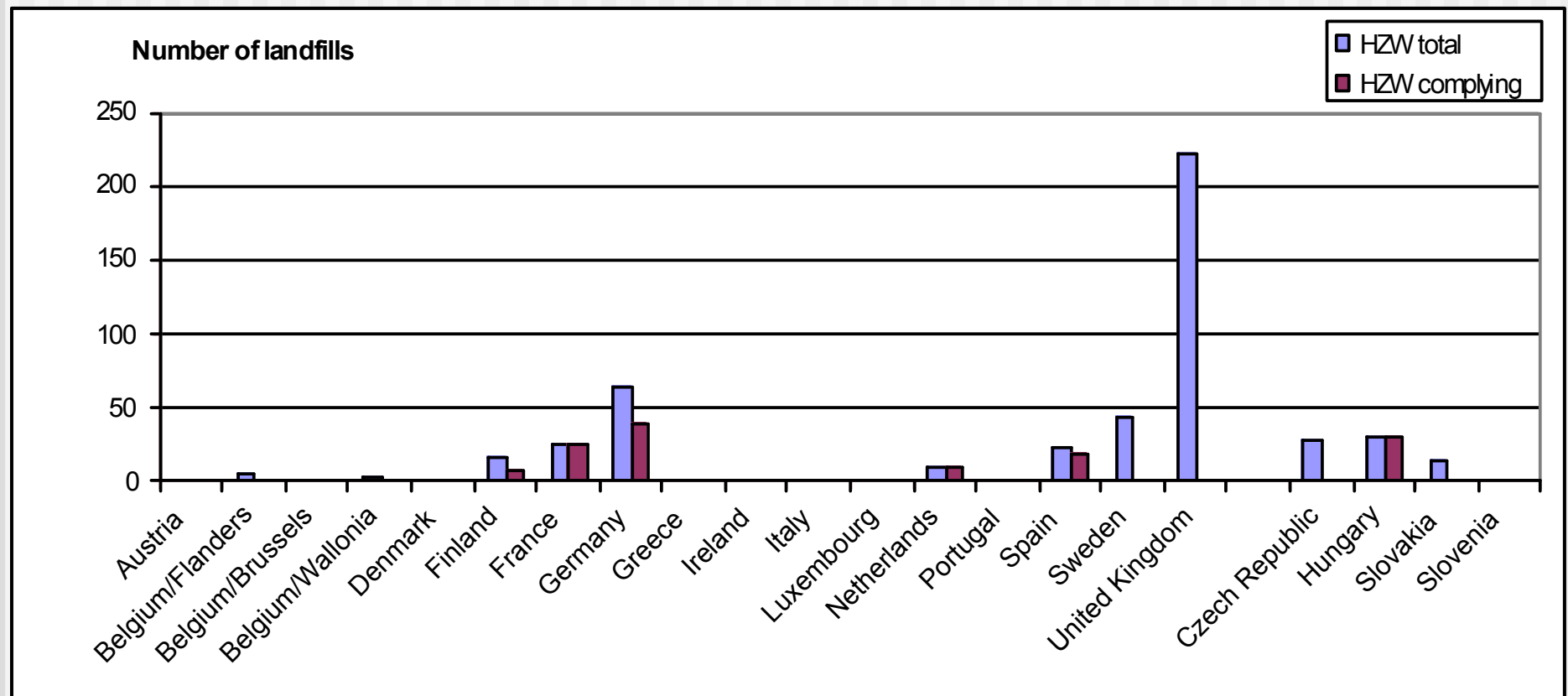
## Diversification from Landfills



# Implementation of EU Landfill Legislation

## Existing landfills

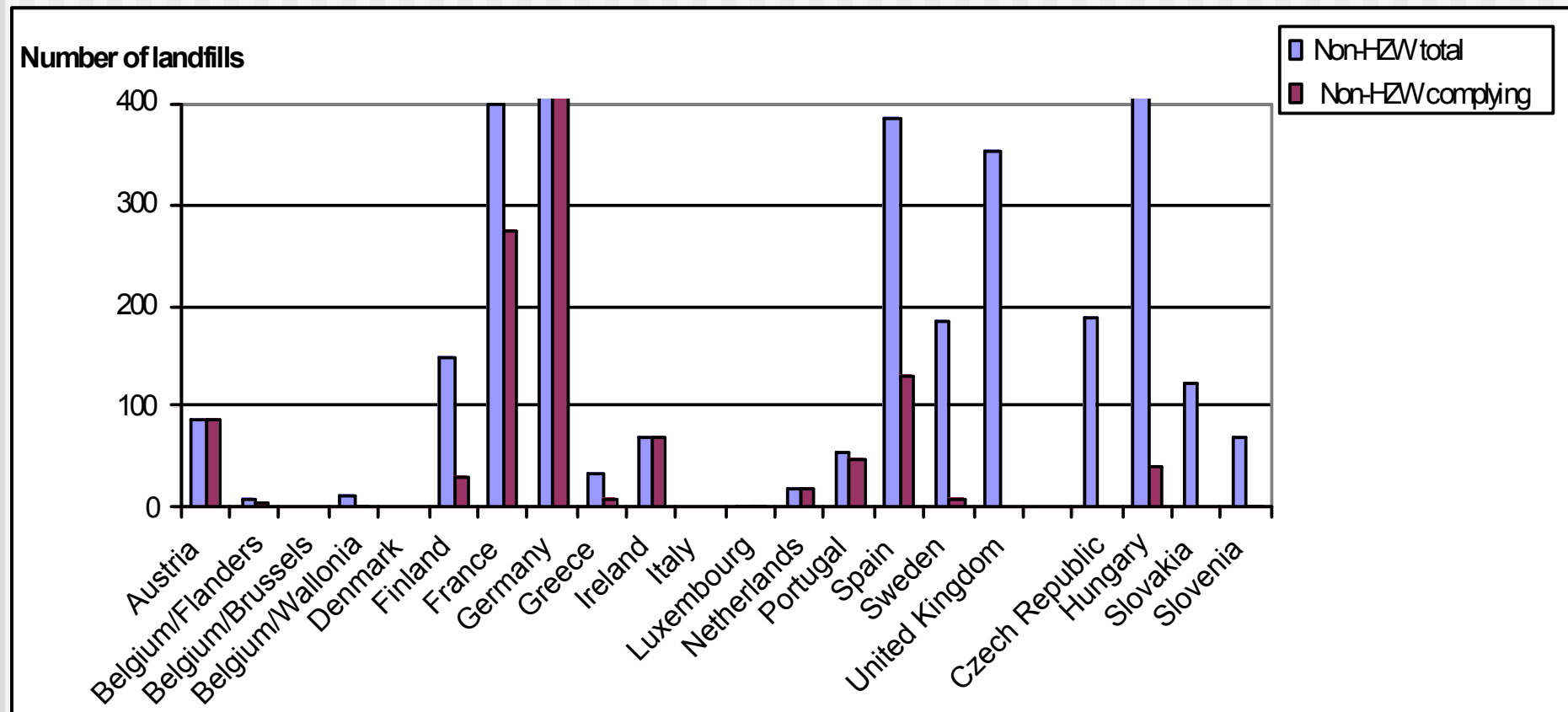
■ Figure 4a. Landfills for hazardous waste; total and complying with the directive



# Implementation of EU Landfill Legislation

## Existing landfills

- Landfills for non-hazardous waste; total and complying with the directive



## Use of landfill gas (4.2 Annex I)

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- Relevance for climate change policy
- Data from all MS. **BAT** ought to be sought
  - Potential for improvement through advanced technology
  - Examples: -Sansenhecken disctrict landfill DE
    - Ammässou landfill (Espoo)
- Technical guidelines submitted by some MS. Exchange to be considered.

## **Art. 5 Strategy on biodegradable waste**

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- Climate change relevance
- Deadline for submission of strategies:  
Old MS: 16.07.2003  
New MS: as from Mai 2004
- Reduction targets for some MS difficult to achieve. What are the reasons?
  - Lack of market for biowaste
  - Lack of public awareness

## Art. 5 Strategy on biodegradable waste

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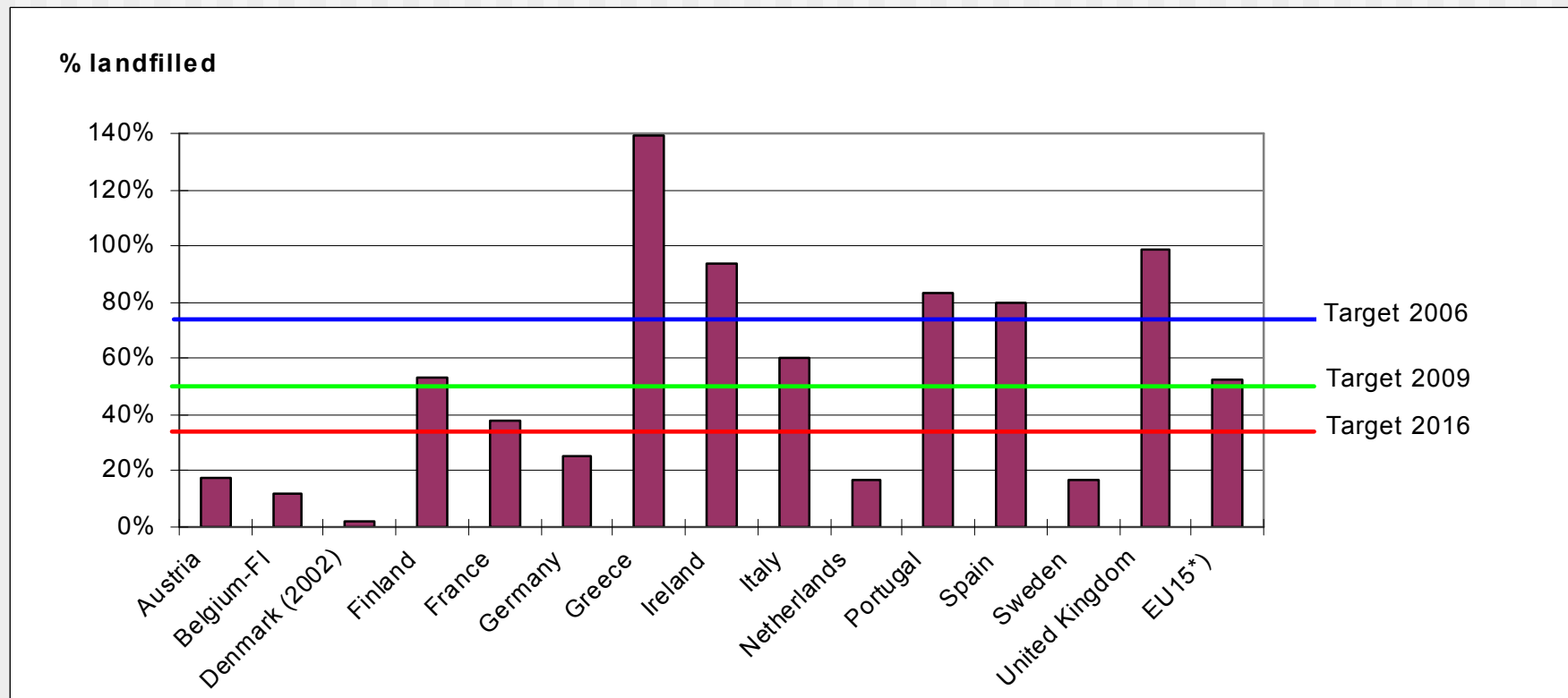
### ■ Problems:

- Definition of “biodegradable waste” standards in all MS should be the same -->  
A uniform interpretation is still pending despite Art. 2 (m) LD
- How far are MS who have not achieved the Art. 5 targets ?
- Data problem - **biodegradable waste produced in 1995:**  
**MS**      EUROSTAT See Art. 5(2)
- MS data not useful throughout

## Implementation of EU Landfill Legislation

# Art. 5 Strategy on biodegradable waste

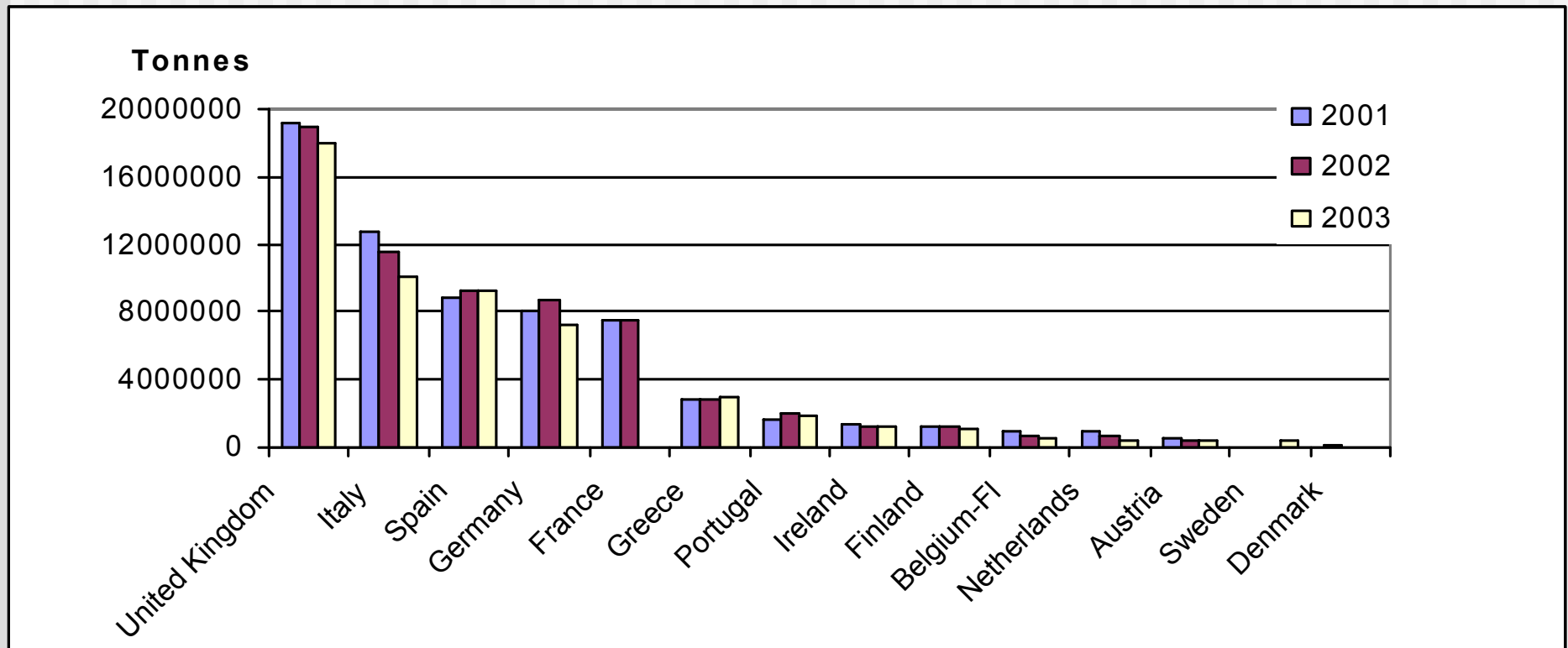
- **Figure 3. Biodegradable municipal waste distance to target, 2002**
- (Excluding Luxembourg and the Belgium regions Wallonia and Brussels)



## Implementation of EU Landfill Legislation

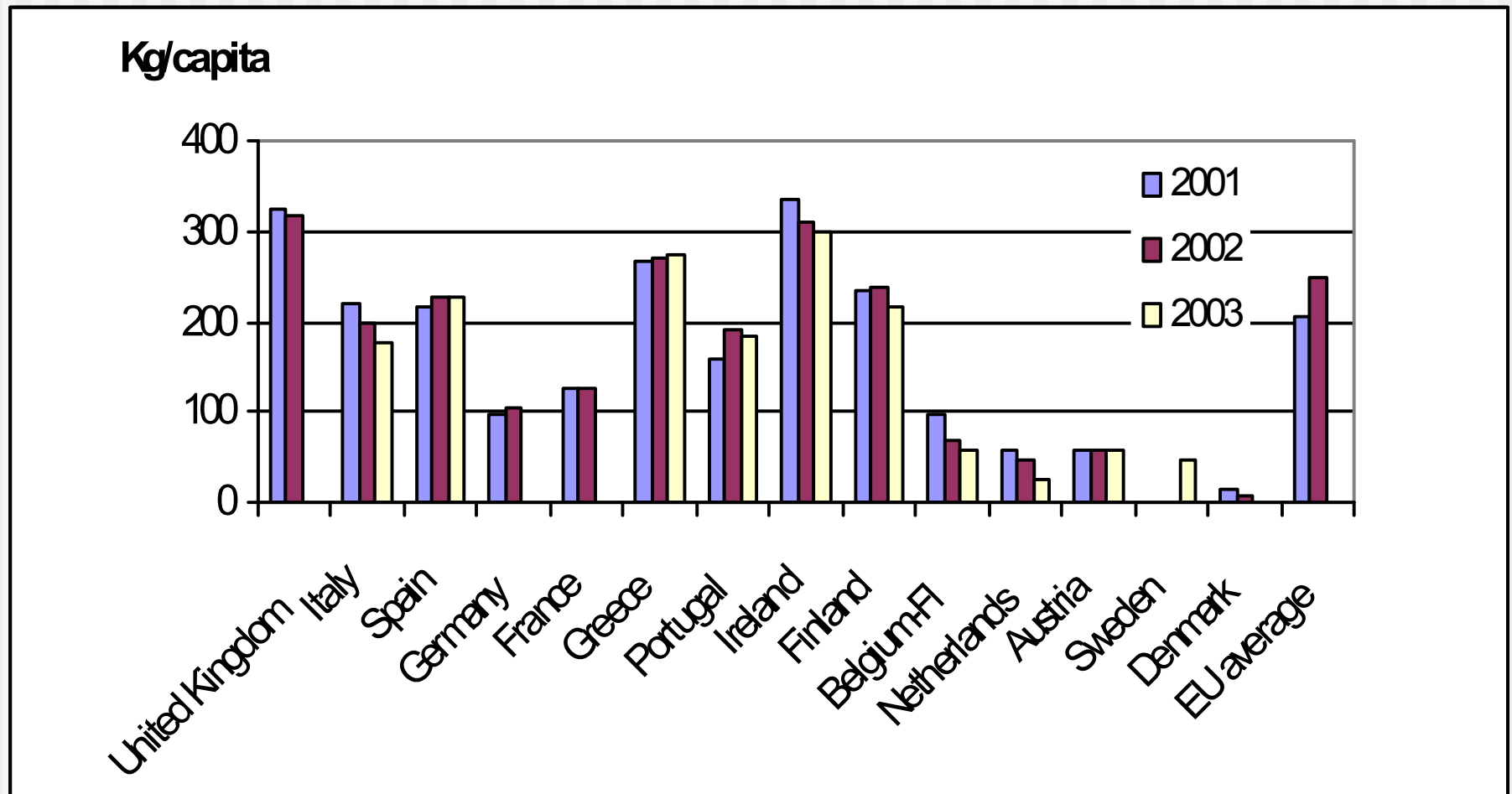
# Art. 5 Strategy on biodegradable waste

■ **Figure 2a. Tonnes of biodegradable municipal waste Landfilled, 2001-2003**



## Implementation of EU Landfill Legislation

# Art. 5 Strategy on biodegradable waste



## Implementation of EU Landfill Legislation

# **Waste acceptance criteria**

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- There is little transparency about how waste acceptance criteria are applied in different MS.
- Apparently a number of MS have not replied to the implementation report (EL/UK)
- There is no knowledge about how criteria are applied in the new MS.

## Implementation of EU Landfill Legislation

# Enforcement

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- Infringement proceedings Art. 226 EC
  - Letter of formal notice
  - Reasoned opinion
- Infringement proceedings Art. 228 EC
  - Lump sum or penalty depend on:
    - Seriousness of infringement (factor x)
    - Duration (factor x)
    - Deterrent effect (factor x)
- daily penalties of 140.000€ or a lump sum of 20.Mio € are not uncommon

## Implementation of EU Landfill Legislation

# Questions in infringement procedures

COM/France C-423/05

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- Interpretation of Art. 14 Dir. 1999/31/EC
- Art. 8 Directive on waste 2006/12/EC
- Art. 4 Directive on waste 2006/12/EC
- Art. 9 Directive on waste 2006/12/EC

## Implementation of EU Landfill Legislation

# Questions in infringement procedures

C- 494/01 Ireland

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- Failure to comply with Art. 4,5,6,8,9,10,12,13,14 Directive 2006/12/EC on waste
- Failure to comply with Art. 10 EC by unsatisfactorily responding to a request for information

## Implementation of EU Landfill Legislation

# Questions in infringement procedures

references to some relevant case law.

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IE: C-494/01 persistent failure to transpose

UK: C-62/03 on failure to transpose WFD

IT: C-270/03 and subsequent Art 228 letter for wrongly exempting waste collectors.

IT: preliminary ruling –Niselli C-456/02 on waste definition  
4 Art. 228 cases C-383/02, C-516/03, C-375/02, C-447/03  
mostly on breach of Art. 4 and 8 WFD

EL: C-387/97 Koroupitos landfill (leading case) 228 procedure  
C-112/06 on the same substance  
C-502/03 for > 1000 illegal sites

ES: C-157/04 La Gomera  
C-446/01

FR: C-423/05 presently in Court for unauthorized landfills  
C-172/04

DE: C-6/03 relevant for interpreting of Art. 5 LD