

Implementation of EU Landfill Legislation

Main Problems to tackle

- 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>

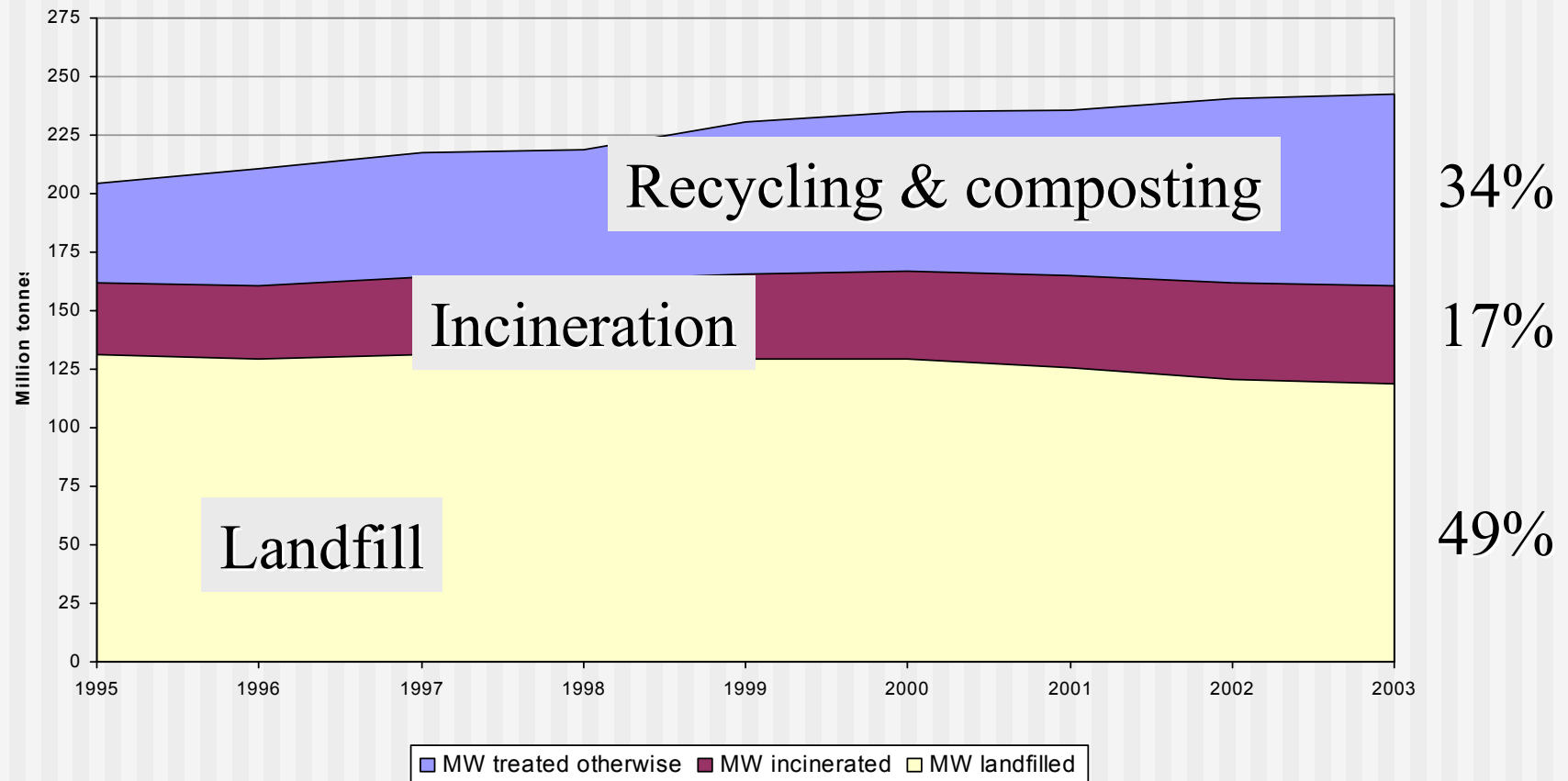
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Facts and Figures on Landfills

- 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

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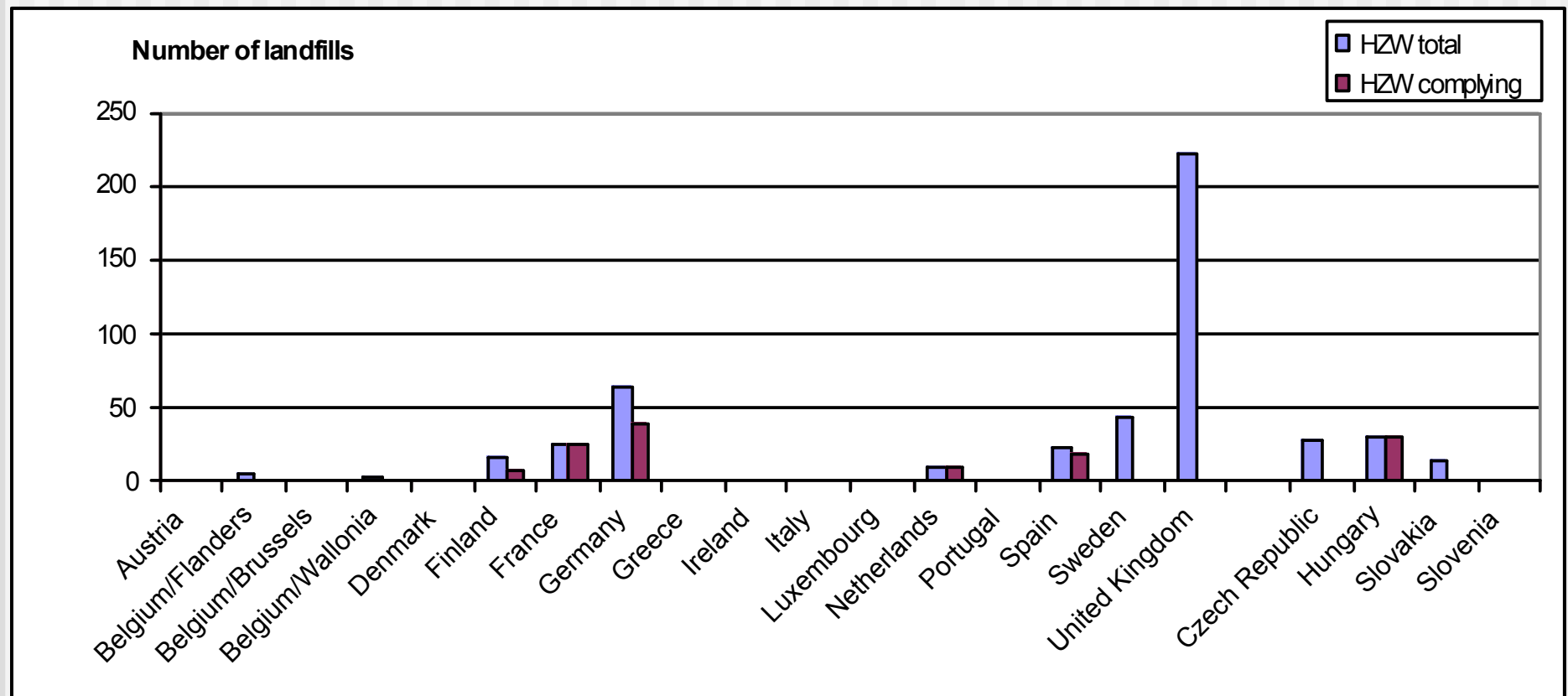
Diversification from Landfills



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Existing landfills

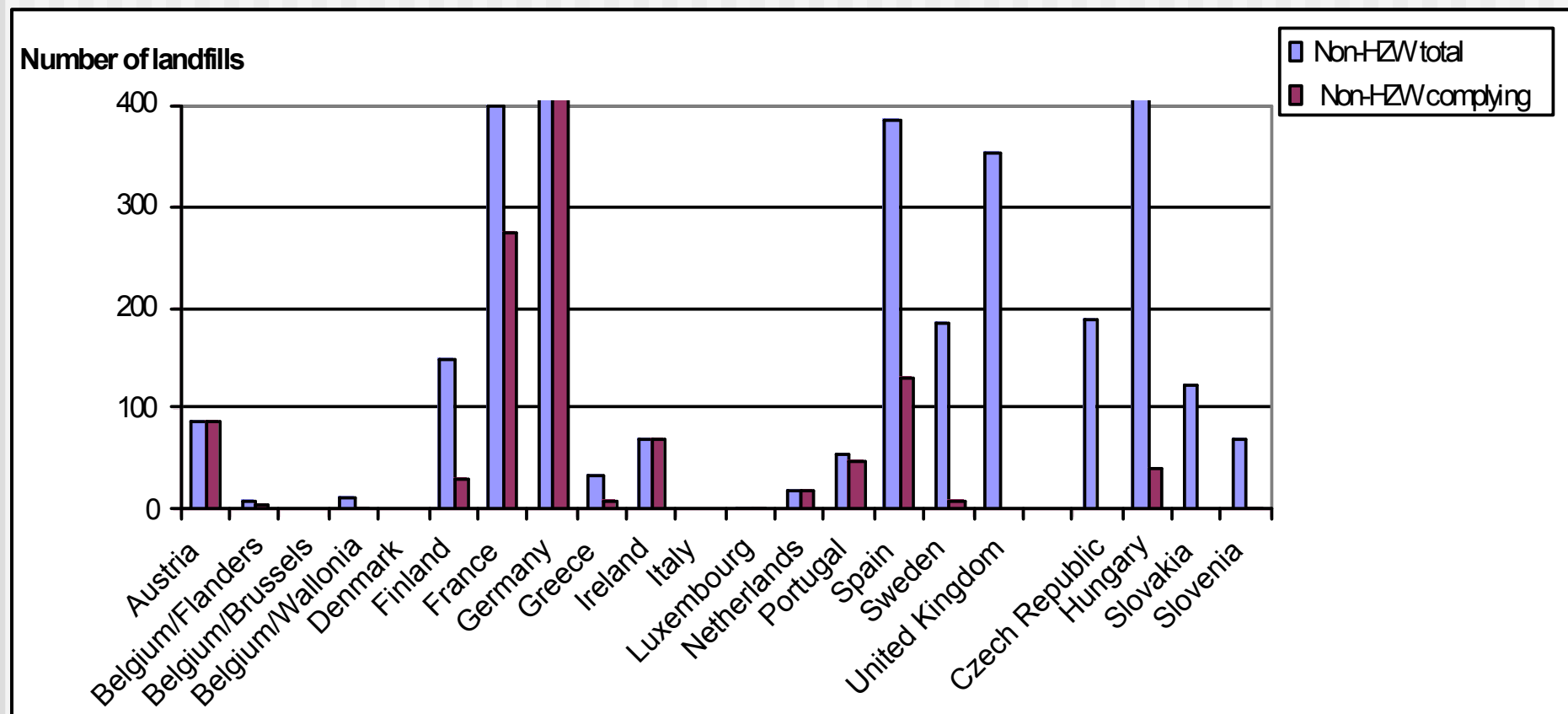
■ Figure 4a. Landfills for hazardous waste; total and complying with the directive



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Existing landfills

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



Use of landfill gas (4.2 Annex I)

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

Art. 5 Strategy on biodegradable waste

- 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

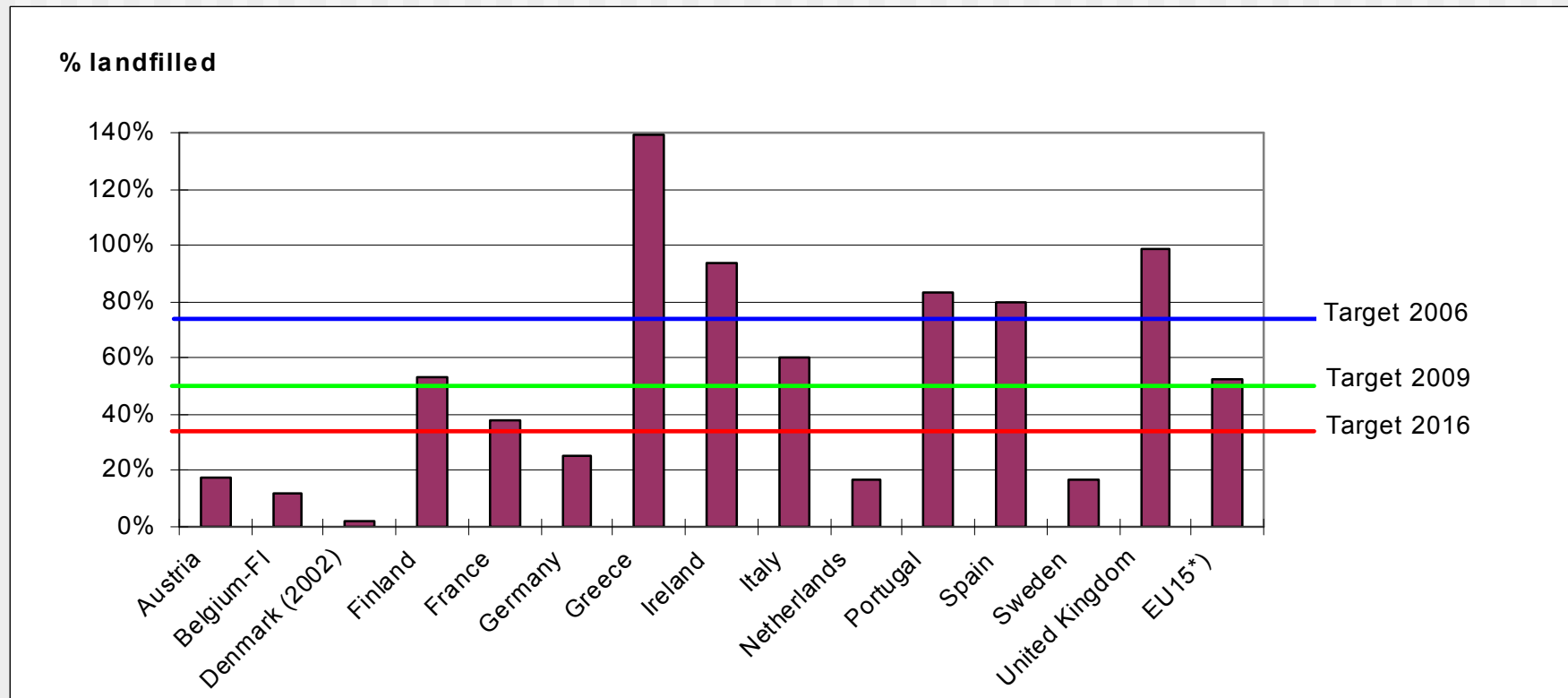
■ Problems:

- 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

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Art. 5 Strategy on biodegradable waste

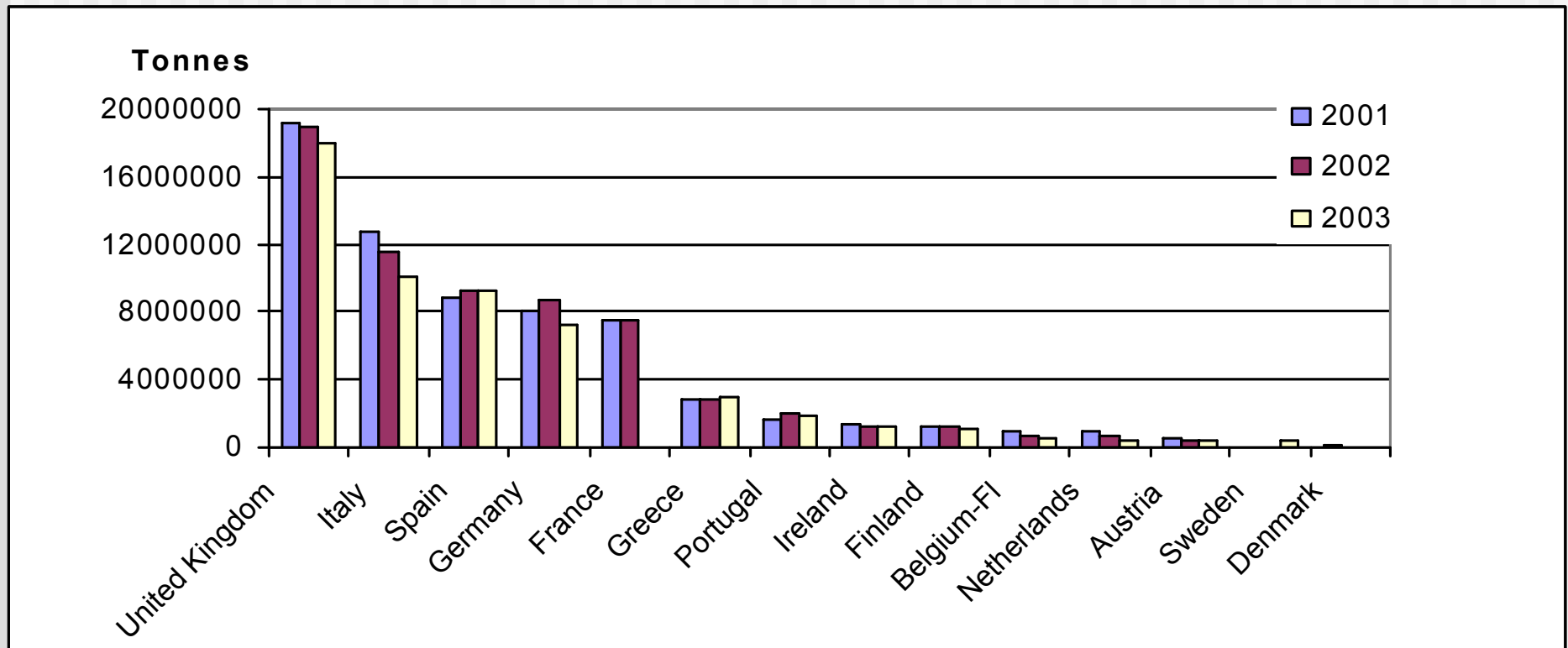
- **Figure 3. Biodegradable municipal waste distance to target, 2002**
- (Excluding Luxembourg and the Belgium regions Wallonia and Brussels)



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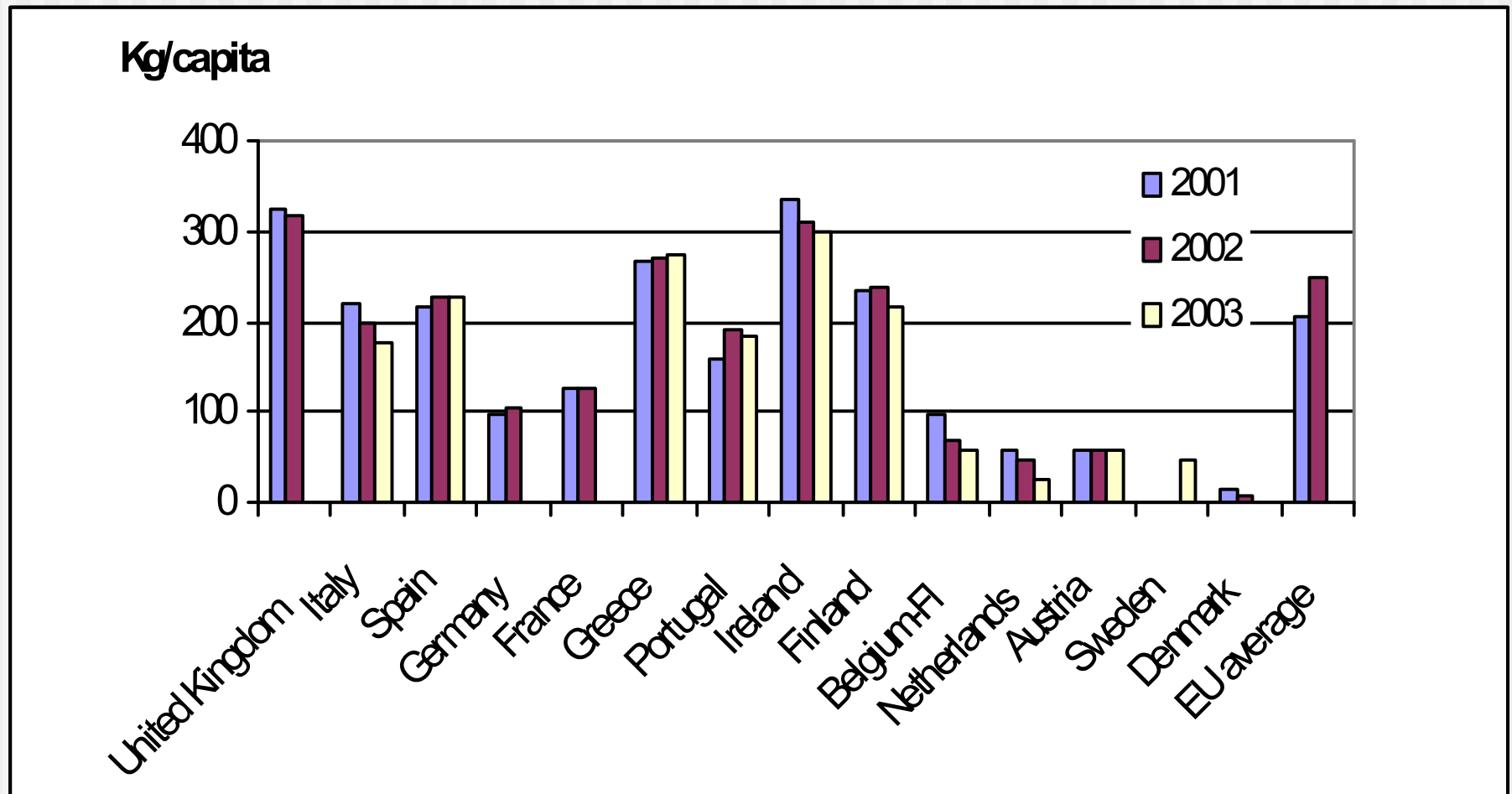
Art. 5 Strategy on biodegradable waste

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



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Art. 5 Strategy on biodegradable waste



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Waste acceptance criteria

- 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.

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Enforcement

- 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

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Questions in infringement procedures

COM/France C-423/05

- 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

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Questions in infringement procedures

C- 494/01 Ireland

- 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

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Questions in infringement procedures

references to some relevant case law.

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