

## Implementation of EU Landfill Legislation

### **What is at stake?**

- Elimination of uncontrolled landfills in the Community as a first priority
- Too many unauthorized landfills have led to infringement horizontal cases against (FR/IT/GR and ES)
- No sufficient data from MS about implementation
- Sustainable landfilling depends on implementation of waste acceptance criteria

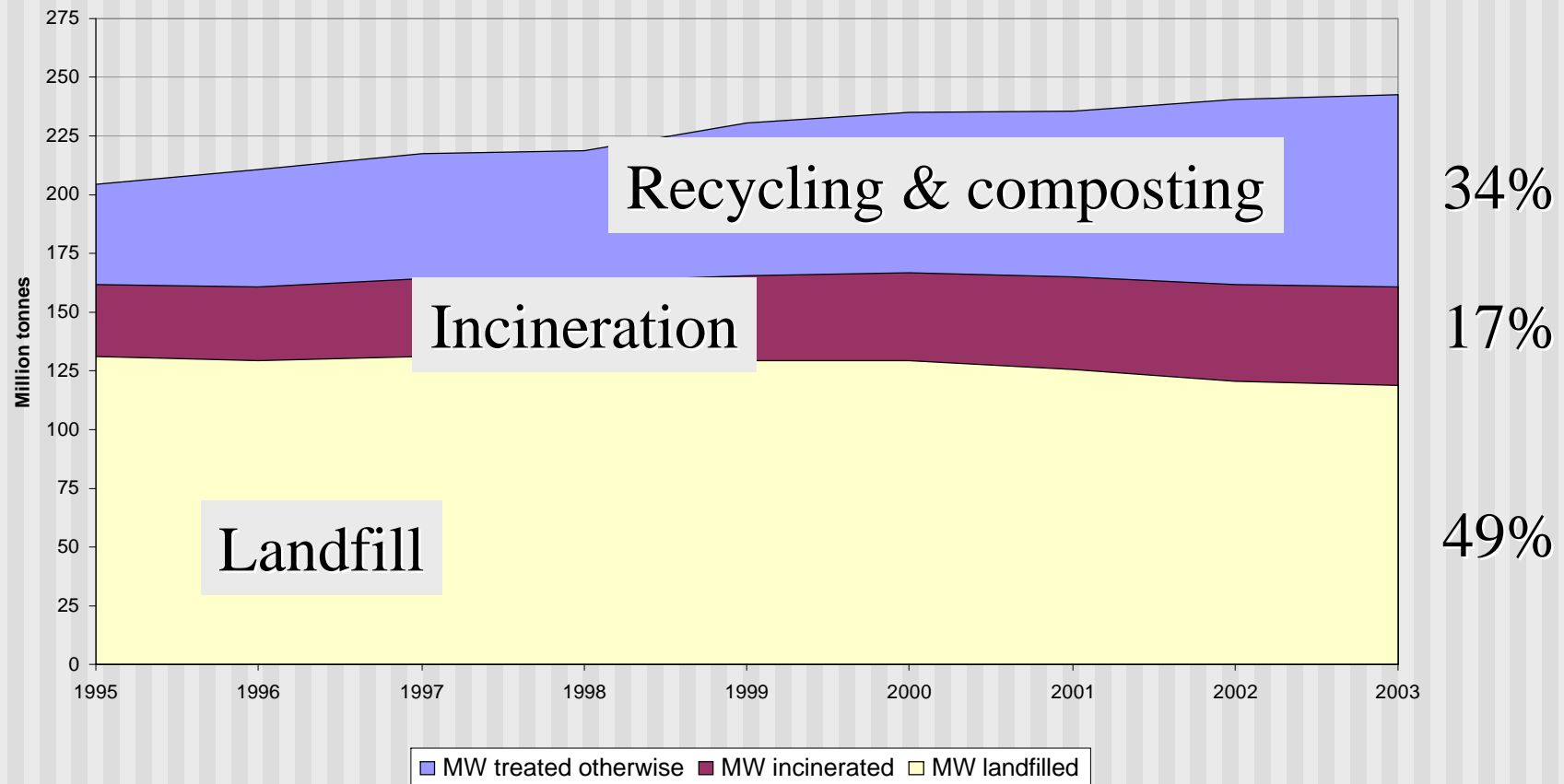
## Implementation of EU Landfill Legislation

# 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 by 16 July 2009
- Stepwise diversion of biowaste from landfills (Art.5)

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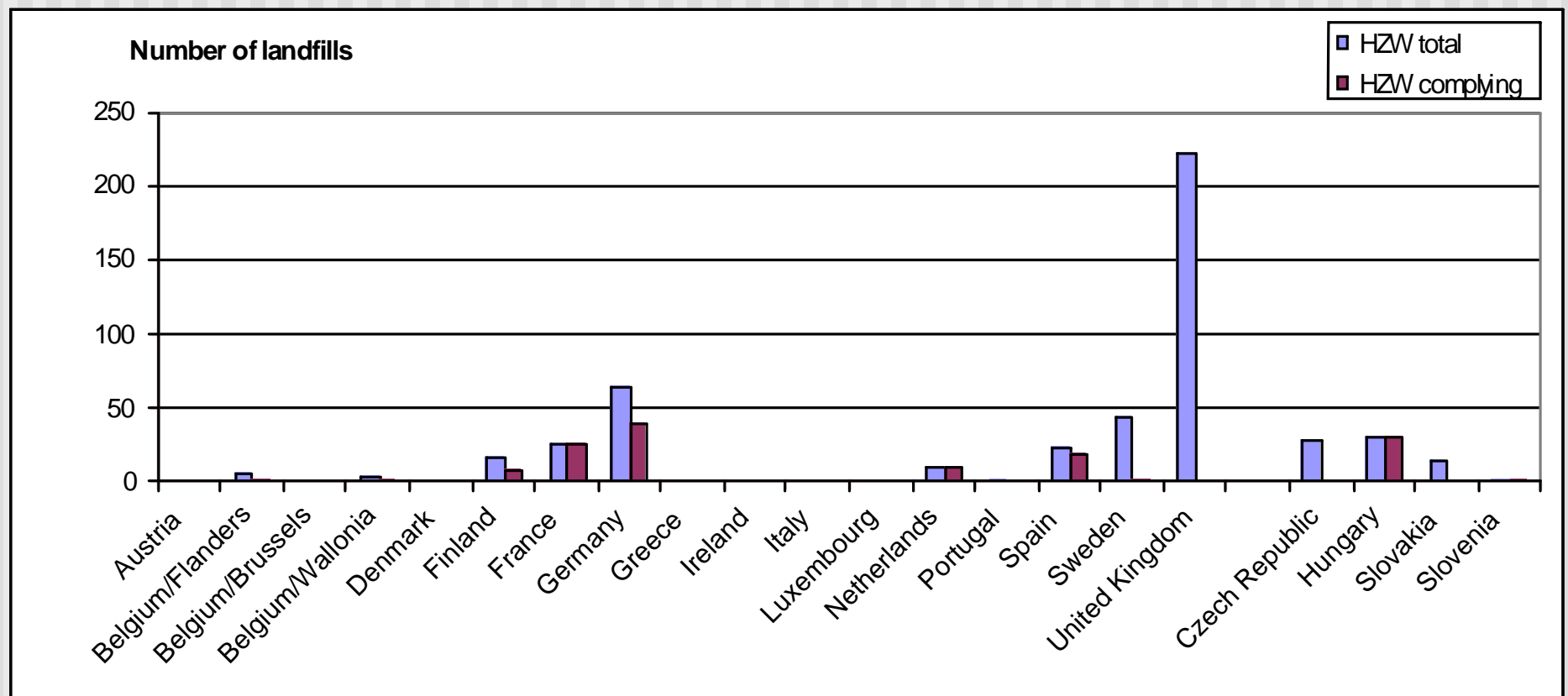
## Diversification from Landfills



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## Existing landfills

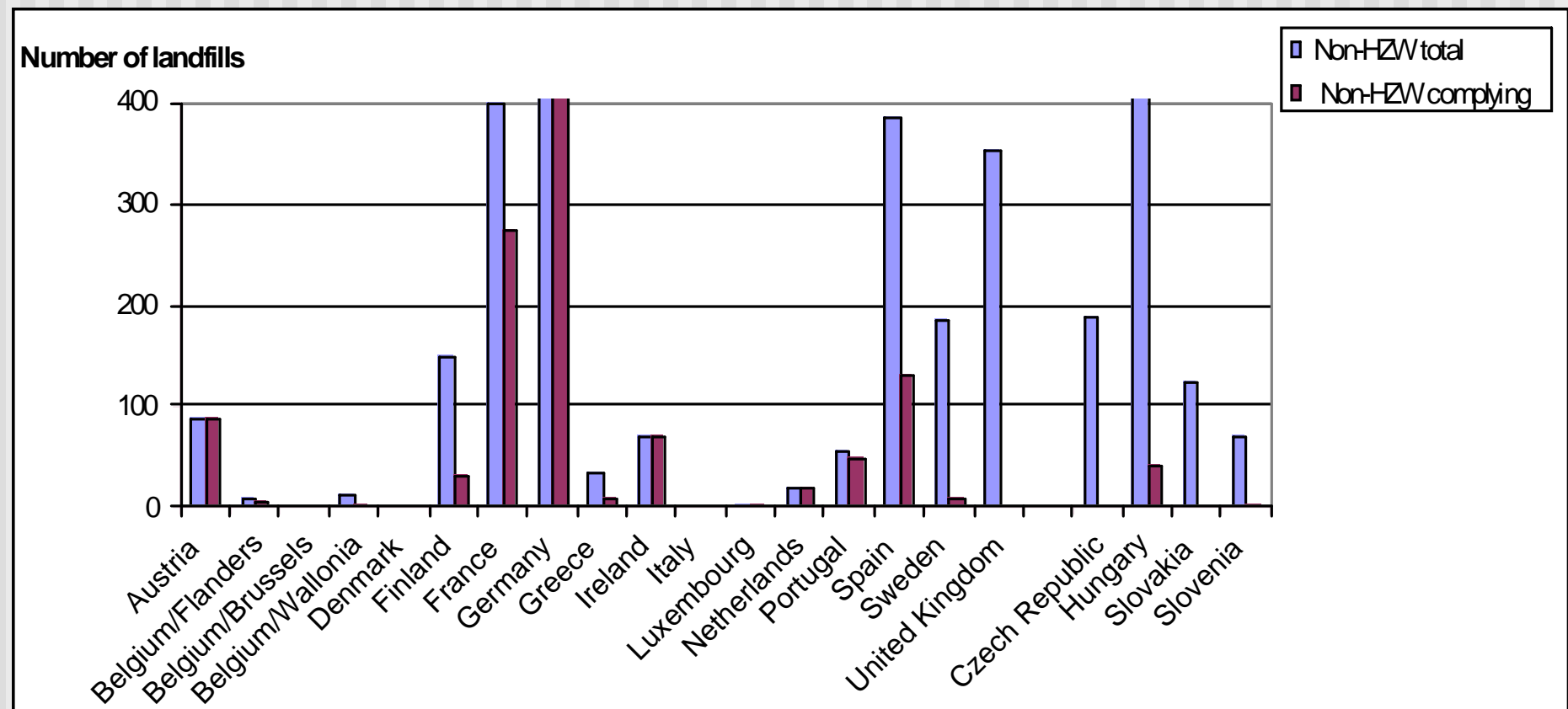
■ Figure 4a. Landfills for hazardous waste; total and complying with the directive



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## Existing landfills

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



## Implementation of EU Landfill Legislation

# Use of landfill gas (4.2 Annex I)

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

Implementation of EU Landfill Legislation

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

- Climate change relevance
- Deadline for submission of strategies:
  - EU-15: 16.07.2003
  - EU-12: as from date of accession
- 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

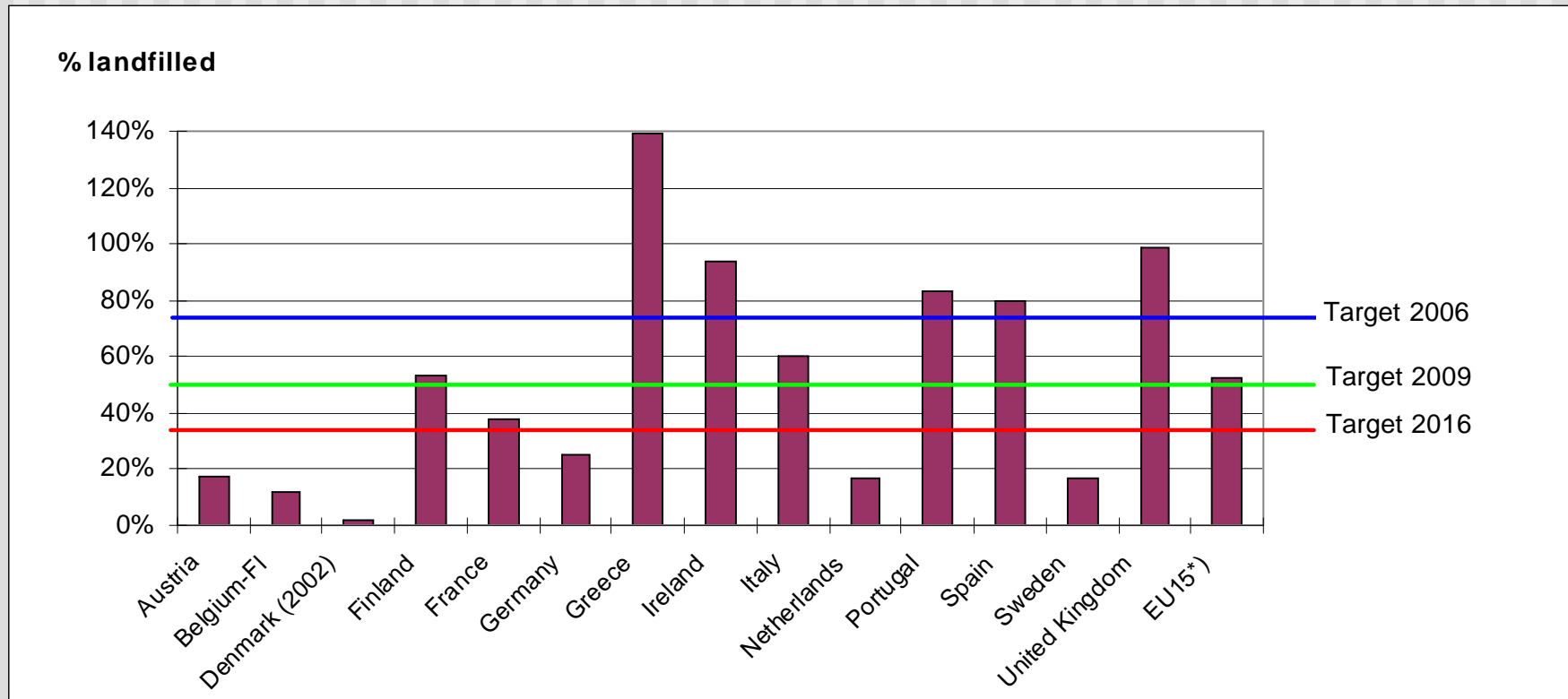
### ■ Problems:

- 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)

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# Art. 5 Strategy on biodegradable waste

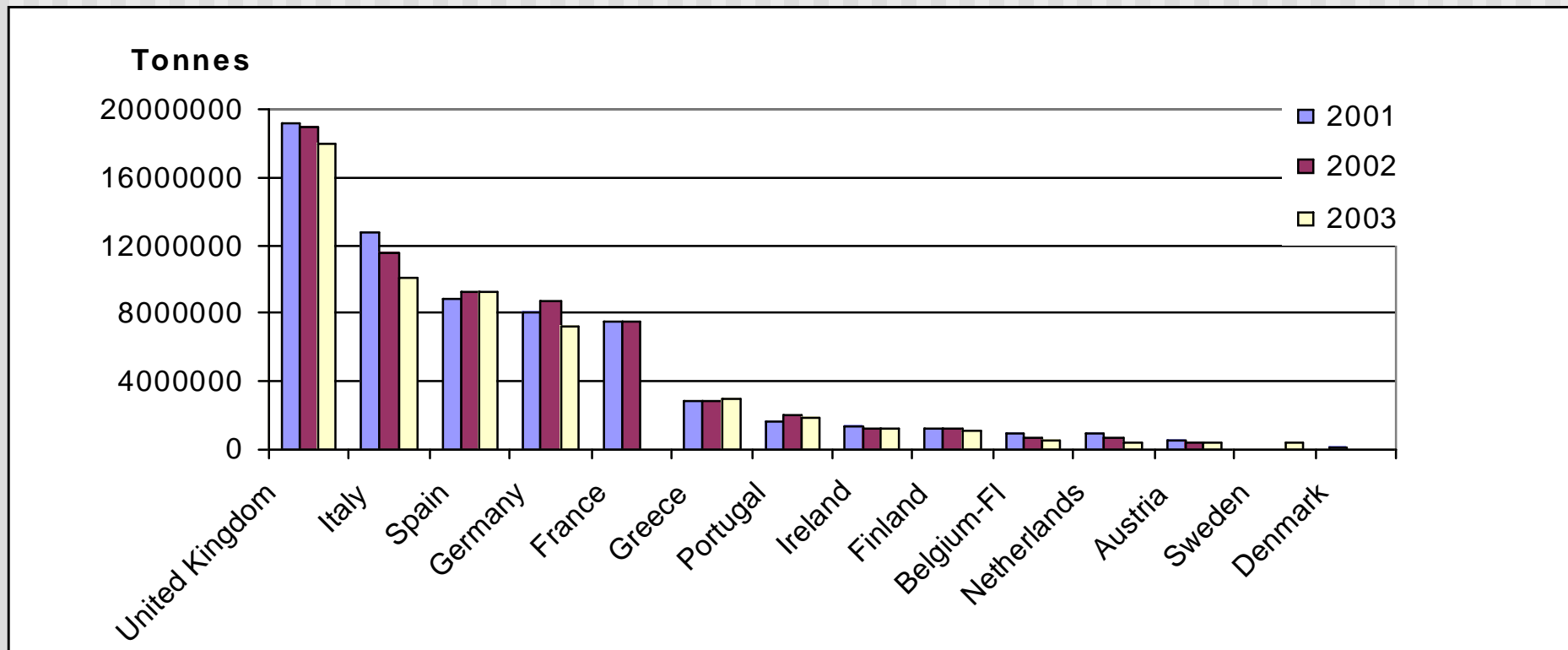
- **Figure 3. Biodegradable municipal waste distance to target, 2002**
- (Excluding Luxembourg and the Belgium regions Wallonia and Brussels)



## Implementation of EU Landfill Legislation

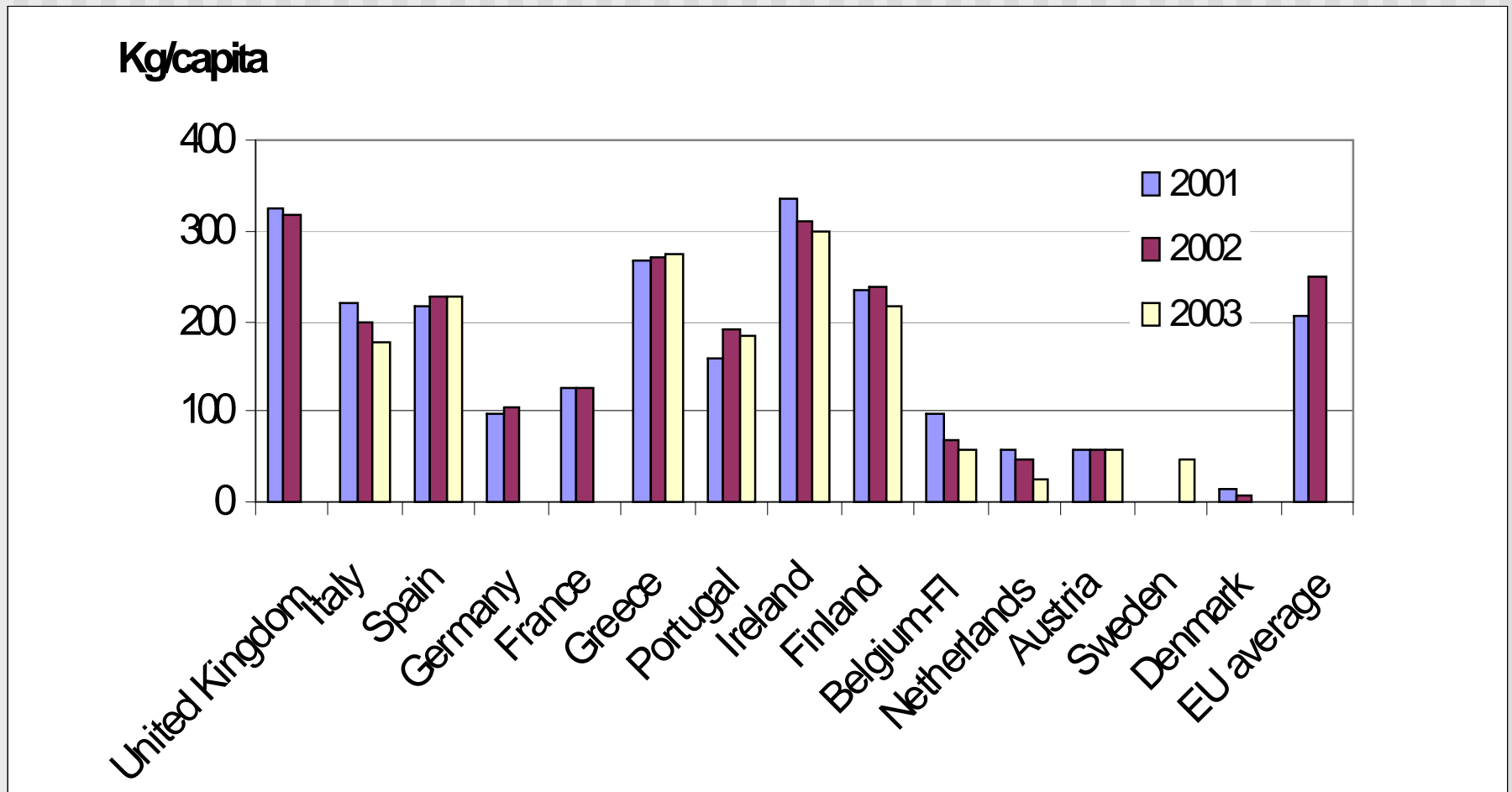
# Art. 5 Strategy on biodegradable waste

■ **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

- Council Decision 2003/33/EC applicable since 16 July 2005
- No transparency as to how waste acceptance criteria are applied in different MS.
- In 2008/2009 the Commission will seek information regarding the implementation rate in MS
- An ongoing IMPEL project is working on improving the understanding and knowledge of the Landfill Directive and Waste Acceptance Decision

## Implementation of EU Landfill Legislation

# 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

## Implementation of EU Landfill Legislation

# 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

## Implementation of EU Landfill Legislation

# 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

## Implementation of EU Landfill Legislation

# 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 breach of Art. 4,8,9, and 13 + Art. 14 LFD  
C-446/01 breach of Art. 4,9 and 13

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

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