

Thursday 3 February 2011

## Waste crisis in Campania

P7\_TA(2011)0041

### European Parliament resolution of 3 February 2011 on the waste crisis in Campania

(2012/C 182 E/04)

*The European Parliament,*

- having regard to Council Directive 75/442/EEC of 15 July 1975 on waste <sup>(1)</sup>, in particular Article 4 thereof,
- having regard to Council Directive 91/689/EEC of 12 December 1991 on hazardous waste <sup>(2)</sup>, in particular Article 2 thereof,
- having regard to Council Directive 1999/31/EC of 26 April 1999 on landfill of waste <sup>(3)</sup>, in particular Article 11 thereof and Annex II thereto,
- having regard to the revised Framework on Directive Waste (2008/98/EC) <sup>(4)</sup>, in particular Articles 17 and 18 thereof,
- having regard to its resolution of 19 November 2003 on the follow-up report on Council Directive 75/442/EEC (Waste Framework Directive) <sup>(5)</sup>,
- having regard to its resolution of 16 September 1998 on the communication from the Commission to the European Parliament and the Council concerning the application of the directives on waste management <sup>(6)</sup>,
- having regard to the Working Document on the fact-finding mission by its Committee on Petitions to Campania, Italy, from 28 to 30 April 2010 <sup>(7)</sup>,
- having regard to Law 123/2008 of the Italian Republic promulgated on 14 July 2008,
- having regard to Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law <sup>(8)</sup>,
- having regard to the judgment of the European Court of Justice in Case C-135/05 of 26 April 2007,
- having regard to the judgment of the European Court of Justice in Case C-297/08 of 4 March 2010,
- having regard to Articles 191 and 260 of the Treaty on the Functioning of the European Union (TFEU),

<sup>(1)</sup> OJ L 194, 25.7.1975, p. 39.

<sup>(2)</sup> OJ L 377, 31.12.1991, p. 20.

<sup>(3)</sup> OJ L 182, 16.7.1999, p. 1.

<sup>(4)</sup> OJ L 312, 22.11.2008, p. 3.

<sup>(5)</sup> OJ C 87 E, 7.4.2004, p. 400.

<sup>(6)</sup> OJ C 313, 12.10.1998, p. 99.

<sup>(7)</sup> PETI\_DT(2010)442870.

<sup>(8)</sup> OJ L 328, 6.12.2008, p. 28.

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- having regard to Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment <sup>(1)</sup>, in particular Article 2 thereof,
- having regard to the Aarhus Convention,
- having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the waste crisis in Campania is the most complex chapter in a history of problematic waste management in many parts of Italy, including Lazio, Calabria and Sicily, whereas a waste emergency was declared in the 1990s, and whereas government commissioners with special powers and funds were appointed,
- B. whereas Italian Decree Law No 195 of 31 December 2009 officially declared the state of emergency ended and, as from that date onward, delegated responsibility for waste management to the provincial authorities,
- C. whereas on 5 October 2010 a working document reporting on the fact-finding mission to Campania, Italy, from 28 to 30 April 2010, undertaken in response to the many petitions submitted concerning waste management problems in the region, was adopted by Parliament's Committee on Petitions,
- D. whereas a new crisis, following that of summer 2007, arose shortly after the adoption of the report on the fact-finding mission by the Committee on Petitions; whereas the announcement of the consequent exceptional measures, such as the opening of new landfills, was followed by massive protests,
- E. whereas the initial solution, involving the production of 'Ecobales' and organic waste, was not carried out correctly, so that the waste bales could not be disposed of; and whereas, owing to the lack of waste filtering or sorting procedures, an estimated amount of over seven million tonnes of 'Ecobales' of substandard quality were produced,
- F. whereas the first incinerator at Acerra only came on stream in March 2010, and whereas its operation has been hampered by the lack of appropriate infrastructure for the separation and treatment of waste and concerns remain regarding the disposal of the toxic ash produced by the incineration process,
- G. whereas the progress made in terms of waste reduction and the recycling of household waste has been minimal and household and other waste has continued to be brought to landfills indiscriminately, in some cases apparently mixed with various types of industrial waste,
- H. whereas many landfills have been declared areas of strategic interest, so that members of the public, mayors and local authorities, including the police, have been prevented from checking what is actually brought there,
- I. whereas the key feature of the management of the waste crisis is the practice of derogating from regulations and controls, including, for example, the granting of exemptions from environmental impact assessments and public procurement legislation; whereas commissioners were appointed with the authority to decide on the location of plants, landfills and incinerators and to select contractors, without proper consultation of or the provision of information to local authorities and local residents about the decisions taken; and whereas the system involving the management of waste by emergency commissioners has come under heavy criticism and given rise to judicial proceedings and is actually seen by much of the population as part of the problem, owing to its lack of transparency and the lack of institutional supervision, rather than the solution,

<sup>(1)</sup> OJ L 156, 25.6.2003, p. 17.

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- J. whereas under the Aarhus Convention citizens have the right to be informed of the situation in their own territory and it is the duty of the authorities to provide information and to motivate citizens to develop a responsible attitude and forms of behaviour; whereas in accordance with Directive 2003/35/EC Member States are required to ensure that the public is given early and effective opportunities to participate in the preparation and modification or review of any plans or programmes which have to be drawn up,
- K. whereas no proper attention was paid to members of the public who protested at the situation or tried to propose alternative approaches; whereas the national political authorities have placed waste sites and the Acerra incinerator under strict army control; whereas recently there have been some arrests during public demonstrations about the matter, showing that the relationship between the public and the authorities has been damaged as civil discontent increases over time,
- L. whereas in 2007 the Commission decided to suspend payment of EUR 135 million in contributions from the 2006-2013 financing period to waste-related projects and a further EUR 10,5 million from the 2000-2006 financing period until the commissioner structure is abolished,
- M. whereas in most cities progress in terms of waste reduction and the recycling of household waste has been minimal; whereas, remarkably, significant progress has been made in some cities in the separation and collection of household waste, although the waste cycle still relies heavily on landfill and incineration, contrary to the guidelines laid down in the new Waste Framework Directive (2008/98/EC); whereas a waste management plan is currently being assessed in terms of its compliance with the principles laid down in EU waste legislation regarding the hierarchy of treatment and the safe use of landfills or incineration,
- N. whereas no checks are carried out on the quality of household waste and the dumping of hazardous waste in illegal sites, and whereas the fact that geological and hydrological factors have not been taken properly into account in decisions on the location of landfills at sites such as Chiaiano has given rise to serious risks of the contamination of surrounding soil and groundwater; whereas this is in violation of Articles 17 and 18 of the Waste Framework Directive, and of the Landfill Directive,
- O. whereas in its judgment of 26 April 2007 in Case C-135/05 the Court of Justice declared that, firstly, by not adopting all the necessary measures to ensure, in particular, that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and, secondly, by not prohibiting the abandonment, dumping or uncontrolled disposal of waste, the Italian Republic had failed to fulfil its obligations under Community law; whereas in its recent judgment of 4 March 2010 in Case C-297/08 the Court declared that, by not adopting all the necessary measures for the region of Campania, the Italian Republic has failed to fulfil its obligations under Articles 4 and 5 of Directive 2006/12/EC,
- P. whereas the Commission has not received a final version of the waste management plan for the Region of Campania, in keeping with the Court of Justice ruling; whereas Parliament has, however, noted a draft waste management plan presented after the 31 December 2010 deadline,
- Q. whereas, in its resolution of 16 September 1998 on the application of the directives on waste management, it has already called for the systematic initiation of infringement proceedings against Member States which fail to comply with all the provisions of the directives in question and to provide a quarterly list of cases against defaulting Member States brought before the Court of Justice, including a list of cases already ruled on by the Court and a list of fines levied by the Court; and whereas, in its resolution of 19 November 2003 on the follow-up report on the Waste Framework Directive, it called for thorough and consistent monitoring and coordination of the implementation of the waste legislation in force,
- 1. Calls for a sustainable solution to be urgently identified that meets EU criteria, namely the implementation of a waste management plan under which, in accordance with Directive 2008/98/EC, respect for the waste cycle hierarchy is fundamental; asks the Commission to keep it informed about developments, including the implementation of a waste management plan, and compliance with the Court of Justice ruling of 4 March 2010 and EU rules;

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2. Points out that compliance with EU law on waste in Campania calls for very energetic efforts to cut the volume of waste and tip the balance towards waste prevention, reduction, re-use and recycling by providing the appropriate infrastructure, and notes that more emphasis must be placed on the recovery of organic waste, particularly in this largely agricultural region; recommends that the data should be verified and that a system of exchanges of best practice established;
3. Considers that the exceptional measures employed over long periods by the Italian authorities, including the appointment of special commissioners or the designation of waste sites as being of 'strategic interest' under army control, have been counterproductive and fears that the established lack of transparency in the management of waste by the public authorities has facilitated rather than inhibited the increased involvement of organised crime groups both in official waste management in the region and in the illegal disposal of industrial waste; calls, therefore, for much greater transparency on the part of the various authorities responsible;
4. Stresses the importance of rebuilding trust by means of structured dialogue between the public and the various authorities involved and between the various levels of government; deplores the criminal charges brought by the authorities against some members of the public peacefully demonstrating against the opening of new landfills and the violence employed by the security forces against demonstrators; is convinced that it is only by actively involving and informing the public throughout the whole process that a sustainable solution can be found over time to the waste problems faced by the region;
5. Reiterates the fact that the Commission is currently withholding EU structural funds intended for Campania, funds that will be released only once the waste management plan is actually consistent with EU law;
6. Draws attention to the 7 million tonnes of 'Ecobales', whose contents are currently being examined, accumulated in stockpiles, especially on the Taverna del Ré site, and emphasises the importance of prioritising their removal and disposal once their precise contents have been properly assessed; insists that the disposal of the 'Ecobales' must be carried out using appropriate forms of treatment and addressed in the context of the waste management plan, with locations being clearly established for each treatment and lawful practices employed;
7. Notes that urgent attention must be paid to the open, illegal dumping of mixed and unidentified waste near the Ferandelle site, and calls for the enforcement of strict management controls; reminds the competent authorities that, in order to comply fully with the IED/IPPC Directive (Directive 2010/75/EU), they must establish strict controls on the handling of specific types of industrial waste, regardless of their origin; points out, further, that specially designated sites must be established which are consistent with the provisions of the relevant EU directives, thereby ensuring that an appropriate infrastructure for industrial, special and toxic waste is developed; requests an explanation for the failure to use the site planned for the reception of organic waste and calls for it to be put into operation, provided it fulfils the criteria laid down in the Waste Management Directive; calls for the monitoring of unlicensed, privately run landfills and appropriate action to ensure compliance with EU rules;
8. Deplores the previous decision to open landfills in protected areas within the Vesuvius National Park, such as in Terzigno; strongly opposes any plans to expand these landfill sites and welcomes the decision not to open a second landfill in Terzigno (Cava Vitiello);
9. Notes that the Commission has stated that locating landfills in Natura 2000 sites is not as such a breach of EU law and also notes that areas have been designated or are already in use as landfills in national parks, Natura 2000 sites and UNESCO heritage areas, in compliance with EU law; raises the issue as to whether this poses ecological or health risks; takes the view that siting landfills in protected natural or cultural areas is incompatible with environmental law; requests the Commission to amend EU waste legislation so as to categorically prohibit landfills in Natura 2000 sites; proposes that the Commission should apply to the Court of Justice for an injunction if existing landfills in protected natural areas are extended or new ones opened in Natura 2000 sites;

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10. Urges the Italian Government to act in connection with this matter in a manner consistent with EU law, and, in particular, to comply with the two latest judgments of the Court of Justice, to respect the resulting deadlines for compliance set by the Commission and to correct all the stated breaches of the EU law, in keeping with its obligation to take measures to ensure that the *acquis communautaire* is respected at all levels;

11. Calls on the Commission to do everything in its power to monitor the efforts made by the competent authorities in Italy to ensure that waste is properly collected, separated and treated, for example by means of systematic inspections, and to urge the regional authorities to submit a credible waste management plan; calls on the Commission to invite a European Parliament delegation to take part in the inspections;

12. Stresses that the design and implementation of the waste cycle is the responsibility of the Italian authorities; considers that the cost of cleaning up the sites in Campania which have been contaminated by pollution from various forms of waste should not be borne by the taxpayers, but rather, in accordance with the polluter-pays principle, by those responsible for the pollution;

13. Notes that Italy did not notify its transposition of Directive 2008/99/EC on the protection of the environment through criminal law by the deadline of 26 December 2010, but expects Italy to comply fully with the directive and to impose penalties accordingly for the waste-related offences listed in the directive, including on legal persons when the relevant conditions are met;

14. Calls on the Commission to monitor developments and to make use of the powers conferred on it, including by bringing a further action seeking financial penalties (under Article 260 TFEU), in such a way as to ensure that the Campania authorities comply without delay with the relevant judgment of the Court of Justice, in line with the ruling laid down in the Court's judgment of 12 July 2005 in Case C-304/02 *Commission v France* [2005] ECR I-6263, in particular making sure that the existing landfills comply with EU law;

15. Instructs its President to forward its position to the Council, the Commission and the Government and Parliament of Italy.

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## Increased coordination of cancer research in the European Union

P7\_TA(2011)0042

### Declaration of the European Parliament of 3 February 2011 on the need for increased coordination of cancer research in the European Union

(2012/C 182 E/05)

*The European Parliament,*

— having regard to Rule 123 of its Rules of Procedure,

- A. whereas cancer remains the leading cause of death in Europe, and whereas cancer research is undertaken mainly at national level and is significantly fragmented, unequal and diverse across the EU, and thus lacking in coordination at EU level,
- B. recognising that there is an urgent need to foster self-sustaining cooperation in, and coordination of, research,