

Outlook Report of the Committee of the Regions on the implementation of the Directive on the Landfill of Waste (1999/31/EC) at Regional and Local Level

(2006/C 115/21)

THE COMMITTEE OF THE REGIONS:

Having regard to the request of the European Commission of 10 December 2004 to draw up an outlook report on the Implementation of the Directive on the Landfill of Waste (1999/31 EC) at Regional and Local Level, under Article 265(1) of the Treaty establishing the European Community;

Having regard to the cooperation protocol of September 2001 between the European Commission and the Committee of the Regions, which encourages the Committee of the Regions 'to draw up strategic documents reviewing matters which the Commission regards as important; these "outlook reports" shall explore in greater depth problems in areas where the Committee of the Regions has the appropriate local information resources';

Having regard to its President's decision of 20 January 2005 to instruct its Commission for Sustainable Development to draw up an outlook report on this subject;

Having regard to the Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste;

Having regard to the Report from the Commission to the Council and the European Parliament on the national strategies for the reduction of biodegradable waste going to landfills pursuant to Article 5(1) of Directive 1999/31/EC on the landfill of waste (COM(2005) 105 final);

Having regard to the Council Directive of 15 July 1975 on waste (75/442/EEC) (Waste Framework Directive) as amended by Directive 91/156/EEC, 91/692/EEC and by Decisions 76/431/EEC, 94/3/EC and 96/350/EC;

Having regard to its opinion on the Commission Communication towards a thematic strategy on the prevention and recycling of waste (COM(2003) 301 — CdR 239/2003 ⁽¹⁾);

Having regard to the results of the survey on the Implementation of the Directive on the Landfill of Waste (1999/31 EC) at Regional and Local Level commissioned by the Committee of the Regions ⁽²⁾;

Having regard to its draft outlook report (CdR 254/2005 rev. 1) adopted on 6 October 2005 by its Commission for sustainable development (rapporteur: Mr Wim van Gelder, Queen's Commissioner, Province of Zeeland (NL/EPP));

WHEREAS

- 1) over the last decades, the amount of waste generated in Europe has grown considerably. Waste prevention, waste treatment and disposal are among the main environmental challenges for the EU. Accordingly, the EU's Sixth Environment Action Programme identifies waste prevention and management as a top priority;
- 2) landfilling is still the predominant way of waste disposal in many parts of the EU. Landfills with low environmental standards often pose a threat to human health and the environment by polluting air, water and soil and contributing to global warming by generating greenhouse gases;
- 3) according to the so-called waste hierarchy, waste disposal should only be the last resort. Preference should be given to the prevention, re-use and recycling of waste;
- 4) the proximity principle and the goal of waste-disposal self-sufficiency at every level have been defined as cornerstones of EU waste policies,

unanimously adopted the following outlook report at its 62nd plenary session, held on 16 and 17 November 2005 (meeting of 17 November):

⁽¹⁾ OJ C 73, 23.3.2004, p. 63.

⁽²⁾ The study with the results of the survey will be published in the end of 2005. Almost 200 regional authorities from 23 Member States participated in the survey which took place in June/July 2005. Further details on the results of the survey can be found in the appendix (in English only).

1. Views of the Committee of the Regions

The Committee of the Regions

General remarks

1.1 **welcomes** the European Commission's request for the report as it is the first of its kind regarding the implementation of an EU Directive on environmental policy at regional and local level, thus deepening cooperation between the Commission and the Committee of the Regions;

1.2 **welcomes** the strong participation of regional and local authorities in its survey on the implementation of the Landfill Directive at regional and local level, which shows the importance of this Directive for the regional and local level;

1.3 **points out** that, on account of different demographic and geographic situations, different organisation structures and waste management systems in the Member States, their regions and municipalities, the picture of the implementation of the Landfill Directive at regional and local level in the EU-25 is diverse;

1.4 **underlines** that local and regional authorities in the EU-25 are responsible for the application of a significant part of the EU environmental policy of which waste management represents one of the most important aspects. In general, responsibilities for the granting of landfill permits, approval of landfill conditioning plans, closure procedures, control and inspection lie most often with regional authorities, while local authorities generally play a major role in the localisation of landfill sites and have responsibility for infrastructure for the collection of household waste. This highlights the need for close cooperation between all levels of government to implement the directive;

1.5 **highlights** that moving away from simple waste disposal towards more sustainable policies focusing on prevention, re-use, and recycling demands substantial efforts, requiring additional human and financial resources within regional and local authorities;

1.6 **concludes** that the effects of waste policies in general and policies on landfilling in particular are strongest felt at the local level and therefore requires a special involvement of local stakeholders. Local populations are consulted by the majority of regional and local authorities regarding the planned localisation of landfills and in the permitting procedure. While NGOs are consulted by about half of the authorities, local businesses are rarely involved;

Implementation efforts/current level of implementation

1.7 considers that, in most Member States, at national and/or regional level, significant efforts have been made to

transpose the Landfill Directive into national and/or regional legislation. However, a series of Member States did not respect the deadline ⁽³⁾ for the setting-up of a national strategy for the implementation of the reduction of biodegradable waste going to landfills thus delaying the achievement of the reduction targets;

1.8 **states** that the answers to the questionnaire and additional research have shown strong differences of the level of implementation in the EU. Many Member States, and accordingly a large number of local and regional authorities, are experiencing difficulties in complying with this directive, while others are adapting to its requirements without significant problems;

1.9 **points out** that, according to regional and local authorities, considerable efforts have been made to ensure that landfill sites comply with technical requirements. Further efforts will however be necessary in a series of Member States. A large majority of existing landfills are said to comply already with the requirements of the directive or to be upgraded by 2007, and that those not complying will then be closed down;

1.10 **notes** that existing landfills in new Member States at present generally have a lower compliance with the requirements of the Landfill Directive than landfills in old Member States, mainly due to the fact that there only is a short tradition of tackling waste problems and that national waste strategies have only recently been established;

1.11 **regrets** that, regarding the process of transposition and subsequent implementation in their respective Member States, the majority of local and regional authorities consider that they have not been informed or consulted sufficiently. There generally is a higher level of consultation in old Member States and a higher level of information in new Member States;

1.12 **welcomes** that the Landfill Directive played a role in increasing a transfer of responsibilities to regional and local authorities in dealing with landfills in several countries, especially in the new Member States, but **deplores** that these transfers have rarely been accompanied by a transfer of financial and human resources to fulfil the new tasks, thus placing additional burdens on regional and local authorities;

1.13 **affirms** that, also due to the implementation of the Landfill Directive, the amount of biodegradable waste sent to landfills has decreased. A greater decrease can be noted in areas where regional and local authorities had already put measures in place to reduce the amount of landfilled biodegradable waste before the Landfill Directive came into force, such as awareness-raising campaigns, the setting-up of separate collection infrastructures and statutory instruments (e.g. regulations on selective collection);

⁽³⁾ 16 July 2003 for the old Member States, 1 May 2004 for the new Member States.

1.14 **underlines** that the directive only prescribes targets for the diversion of waste *away* from landfilling, but does not set targets for the use of other waste treatment schemes, by e.g. setting targets for recycling as it has been, for example, in the Directive on waste of electrical and electronic equipment (WEE Directive);

Importance of landfill of waste

1.15 **reiterates** that there are great discrepancies within the EU regarding waste generation and treatment in general and the importance of landfilling in particular. Several Member States managed to decouple waste generation from economic growth, significantly reduced the amount of biodegradable waste going to landfills and already currently fulfil the future reduction targets set out in the directive. However, in other Member States, the generated amount of waste is steadily growing and landfilling is still predominant;

1.16 **points out** that in the future, a decrease in the importance of landfilling, at least for municipal waste, is to be expected throughout the EU. However, despite waste prevention and recycling initiatives, there will remain a need to dispose of non-combustible waste and non-recyclable residues and it is therefore expected that the landfill of waste will continue to have a role to play in the disposal chain;

Main implementation problems

1.17 **identifies** the following subjects as main problems which local and regional authorities have to face while implementing the Directive:

- a. *Meeting the targets for the reduction of biodegradable waste going to landfills:* Regional and local authorities, especially from Member States in which the national strategy for the reduction of biowaste has not yet or only recently been adopted, see this as a critical issue. This often corresponds with the lack of a developed market for the re-use of biodegradable waste in these countries. Moreover, a lack of effective tools for the reduction of biodegradable waste in national strategies is considered as a problem.
- b. *Design, operation and after-care of landfill sites:* The majority of the authorities consider design, operation and after-care to be difficult or difficult in some cases; after-care appearing to be the most difficult subject. The rigidity of technical requirements sometimes poses problems, because it does not leave room for specific adaptation to geological circumstances, innovative techniques or progressing knowledge.
- c. *Lack of funds and human resources:* Changing waste policies from mainly disposal to a more sustainable approach requires considerable financial and human resources. The

majority of regional and local authorities, in particular those from the new Member States and specifically while implementing the targets for biodegradable waste, regard the lack of these resources as a major problem.

- d. *Lack of public awareness:* Many regional and local authorities struggle to raise public awareness and motivate their citizens and businesses to cooperate in separated collection schemes.
- e. *Complexity of procedures:* As a result of the Landfill Directive, especially in countries without a formerly distinguished landfill policy, the procedures for permitting have become more complex and longer.
- f. *Fly-tipping:* Landfilling has often been a cheap way to dispose of waste. As landfill tariffs rise, fly-tipping often increases and requires strict counteraction.
- g. *Waste transports:* As a result of the Landfill Directive, many local landfill sites are being closed and new landfills serve larger areas. This often leads to an increase in transport which generates costs and has a negative impact on the environment. This problem can especially be felt in sparsely populated areas.
- h. *Lack of a level playing field:* Due to different time schedules for implementation, different environmental standards and disposal costs, and partially different definitions of recycling a level playing field between Member States (and sometimes also within one Member State) does not yet exist. As a consequence, there are often strong financial incentives to export — legally or illegally — waste to neighbouring countries, thus going against the proximity principle and the goal of waste-disposal self-sufficiency. Moreover, it also generates an increase in the transport of waste over long distances.
- i. *Danger of a too-narrow-approach:* There is a danger that the directive is giving an incentive for the reduction of municipal waste only, but neglects other waste categories where a reduction is also highly important, e.g. industrial waste.
- j. *Lack of guidelines:* It can be difficult to promote separate collection of biodegradable waste and establish a market for the re-use of such waste due to the inexistence of guidelines or references on this matter.

Costs and benefits

1.18 **concludes** that regional and local authorities report an increase of costs for the landfill of waste due to the implementation of the directive. However, the main burden is borne less by authorities than by landfill operators, citizens and businesses on whom operators pass on the cost increase;

1.19 **concludes** that only a minority of local and regional authorities received any specific funds partially or entirely covering the costs for the implementation of the Landfill Directive and that for those which received extra funds, the implementation of the directive in general appears to be less difficult;

1.20 **highlights** the positive environmental effect of the directive: in the perception of a large majority of regional and local authorities, the implementation of the directive has positive impacts on the environment. The positive effects regard the reduction of the landfill activity on surface water, groundwater, soil, air and human health. Furthermore, it can contribute to the reduction of greenhouses gases. Authorities who see little or no positive effect on the environment are often from Member States where legislation similar to the directive was already in place beforehand;

1.21 **points out** that, as a result of the implementation of the Landfill Directive, a reduction of the overall costs for the cleaning-up of landfill soil and groundwater in the future is expected;

1.22 **underlines** that a majority of local and regional authorities consider that the implementation of the Landfill Directive contributed to promoting more advanced landfilling technologies in comparison with the situation before implementation, therefore bringing about environmental and financial benefits, e.g. landfill gas recovery for energy production. However, the Directive does not leave room for the application of innovative techniques, thus promoting a standstill situation after the initial technological improvements;

1.23 **points out** that the implementation of the Landfill Directive, if it contributes to a diversification of waste treatment schemes, can help create new jobs in the waste sector;

1.24 **notes** that the large majority of regional and local authorities state that the tariff collected by the landfill operators entirely covers the landfill costs, thus fulfilling the requirements of the Landfill Directive; **warns** that the landfills where these requirements are not met and which are offering waste disposal at lower costs are likely to encourage waste exports. Moreover, low landfill tariffs do not provide enough incentive to dispose of waste in a more sustainable way;

1.25 **concludes** that steering of the waste (disposal) market with financial instruments, such as taxes on landfilling or other incentives, can stimulate the preferred route of disposal via alternative waste treatments;

1.26 **notes** that a majority of the Member States have a landfill tax in place and that the amount of tax differs widely. However, over a third of the regional and local authorities have not put into place a landfill tax or other financial incentives to

reduce the amount of biodegradable waste going to landfills. In the majority of the Member States where a landfill tax exists, it is assigned to general tax funds, but in some cases to specific environmental funds foreseen e.g. for promoting waste prevention and funding recycling schemes;

Success Factors:

1.27 **concludes** that the following success factors can be identified as being necessary for a successful implementation of the Landfill Directive:

- a. *A pro-active attitude:* It is apparent that certain developments on the implementation of what was to become the Landfill Directive in some Member States were initiated in the first half of the last decade, if not earlier. Due to this pro-active attitude, many regional and local authorities could comply relatively easily with the requirements on the set dates after the directive was transposed into national or regional legislation.
- b. *Placement of the implementation of the Directive in a broader context:* The implementation of the Directive should not be seen as an isolated policy measure. Waste disposal is a part of the management of material resources and has to be placed in this context at policy level. It is therefore important to develop integrated national, regional and local strategies which link it with other waste treatment schemes, but also with other policy areas, e.g. procurement and resource efficiency policy.
- c. *Giving regional and local authorities the means to fulfil their responsibilities:* Establishing new recycling and other alternative treatment schemes, setting up awareness-raising campaigns, upgrading landfills etc. requires knowledge and human and financial resources within regional and local authorities. A transfer of funds from higher levels of government or the possibility for authorities to introduce fiscal mechanisms is therefore often the prerequisite for meeting the targets of the Landfill Directive.
- d. *Cooperation of all levels of government and exchange of information:* As the task of putting the directive into practice in almost all Member States has to be fulfilled by different levels of government, a close cooperation between these levels is vital for a good implementation. This includes an exchange of knowledge on how the new, stricter requirements for the building, operation, closure and after-care of a landfill site can be met and how alternative treatment schemes can be put into place. Moreover, waste policy often has to overcome administrative borders of neighbouring municipalities and regions, e.g. when establishing common waste treatment facilities or recycling schemes.

- e. *Financial incentives*: As businesses mainly act according to economic logic, it is important to give incentives to reduce the amount of waste going to landfills by making landfilling more expensive, for example by means of a landfill tax.
- f. *Supporting alternatives*: To divert waste from going to landfills, waste holders need to be given economically viable waste treatment alternatives. Therefore, these alternatives, where inexistent or insufficient, have to be stimulated. To avoid an increase in waste transports, local solutions like home-composting or waste treatment facilities on company grounds have to be encouraged.
- g. *Combating fly-tipping*: Rising costs for waste treatment can lead to more illegal dumping. A combination of measures can prevent and discourage the disposal of waste in an illegal manner. These measures require, at least for a transitional period, that extra human resources are dedicated to this task.
- h. *Raising public awareness and stakeholders' consultation*: Active participation of citizens and businesses is indispensable for reducing the amount of waste being generated and landfilled. Therefore, communication campaigns and consultation of stakeholders, combined with effective infrastructure provisions, are necessary.

Best practices

1.28 **highlights** that numerous cases of best practice regarding the implementing the Landfill Directive exist throughout the EU. They concern innovative techniques as well as policy measures which have proved to be successful. Only a few are mentioned here:

a) Public awareness campaign

The **Devon Authorities Recycling Partnership** planned and implemented a six month county-wide waste awareness and education campaign. Following a bid, this local authority Partnership received £1.119M for a waste awareness/analysis campaign from the Department of Environment, Food and Rural Affairs (DEFRA).

The objectives of the campaign were:

- to increase the tonnage of recycled material, specifically by increasing the participation in recycling schemes and/or the quality and quantity of the material being put out for collection;
- to gather information on the usage of current recycling facilities and find out from the public why they do/do not

participate in recycling schemes that are available and to encourage them to participate;

- to use the information gathered to enable future publicity to be effective in raising public awareness.

The campaign consisted of four main parts: waste analysis, participation monitoring, doorstepping and media/education.

Key results of the campaign were:

- residents have positive feelings about recycling and want to participate;
- lack of participation is not due to apathy but largely to practical reasons such as no kerbside container, no transport facility, and no storage space;
- kerbside recycling is the most favoured method of recycling;
- kerbside recycling has seen a dramatic 31 % increase over the tonnage figures for the previous year;
- the growth in residual waste sent to landfill has been reduced to 0.88 % in 2002/03 as compared to 3.3 % in 2001/02;
- the public want to recycle cardboard and plastics and are looking for kerbside schemes to include these materials where they do not at present;
- television advertising has been shown to be the most effective media.

b) Combating fly-tipping

In the **City of Pezinok, Slovakia**, the closure of municipal landfills and higher landfill tariffs have encouraged fly-tipping.

Therefore, the following measures have been undertaken:

- enhance public awareness to overcome citizens' lack of information;
- improve environmental education in schools;
- set up an environmental police force and monitor closely how the public deals with its waste;
- give official bodies more powers to penalise those breaking the law on waste;
- increase penalties for individuals and companies, simplify sanctions procedures;
- place scrap iron collection points near landfills to cut waste put into landfills;

- place PET compactors near shops selling PET packaged goods;
- provide training for citizens in home composting;
- work with primary schools to organise collections of composite packaging;
- arrange payment for glass waste;
- increase tariffs for municipal waste;
- reduce tariffs for sorted waste.

c) Financial transfer for waste prevention and reduction projects

The **Italian Region Marche**, an Objective 2 area, has used EU Structural Funds for the implementation of its strategy to prevent and reduce the generation of municipal waste. This strategy was mainly put into practice by financing projects carried out at local level. Since there was a high level of participation of municipalities and good preliminary results, the Region has decided to continue this financing scheme after the EU funding had expired.

d) Landscaping of Landfill sites after closure

In the rather flat countryside of the Netherlands, Landfill sites, at 30 to 45 metres in height, stand out. For aesthetic purposes, special care is given to the landscaping of landfill sites. Furthermore, since space in the country is limited and therefore expensive, closed landfill sites are often given a recreative function. For this reason, and to raise the level of acceptance for landfill sites, a refurbishment is often carried out in the after-care phase.

An example of this is found in the former landfill site in the area of **Spaarnwoude**. After closure, this site was reconfigured into a recreational area containing the following facilities:

- indoor ski hall;
- mountaineering wall;
- hiking area;
- mountain biking route;
- sleigh ramp.

Furthermore, the area was planted with trees and bushes for a better fit into the surrounding area.

2. Recommendations

The Committee of the Regions

2.1 **recommends** to the Commission, the Member States and regional and local authorities to widely communicate the above-described success factors to support better implementation;

2.2 **suggests** to found an expert centre on which national, regional and local authorities, landfill operators, NGOs and other stakeholders can call on for information, advice on specific (technical and organisational) problems and exchange best practices and which can be given a function to contribute to put into practice the recommendations given in this report. It would be preferred if this expert centre were incorporated into an existing organisation as a new task;

2.3 **recommends** that innovative techniques and progressive knowledge are being reviewed periodically and communicated to stakeholders;

2.4 **recommends** to make the Landfill Directive a more integrated part of the EU waste policy, and to promote an integrated implementation rather than a sectoral one;

2.5 **appeals** to the Commission to facilitate, in particular via the upcoming strategy on waste prevention and recycling, the further development of recycling initiatives and, if appropriate, include supportive measures, especially in small Member States where the necessary economy of scale is harder to achieve;

2.6 **calls** on the Commission to make efforts in order to eliminate incentives for 'waste tourism' caused by different environmental standards of waste treatment/disposal between Member States and in order to accelerate the realisation of a level playing;

2.7 **calls for** a better coordination between national authorities responsible for landfill taxes. Naturally, in view of the considerable political sensitivity surrounding taxation in general, this would not necessarily involve the introduction of a Community-level harmonised landfill tax;

2.8 **recommends** to the Commission to closely monitor the implementation of the directive with studies and other preemptive work in order to help national, regional and local authorities complying with the requirements and to avoid infringement procedures. This includes assigning sufficient human resources to this task;

2.9 **invites** the Commission to examine if the decrease of biodegradable waste being landfilled has led to a shift towards measures which are more effective in reducing environmental impacts;

2.10 **calls on** the Commission to incorporate, when reviewing the Landfill Directive, more flexibility regarding:

- the requirements concerning the design and construction of landfill sites so they can be adjusted to local geological circumstances. This may be possible by means of incorporating the definition of the goal (a minimum protection level) rather than the means to that goal;
- innovative techniques in order to prevent a stand still situation where no use can be made from new developments;

2.11 **calls on** the Commission to include the regional and local dimension in the formulation of future European policy on waste management in general and the landfill of waste in particular;

2.12 **calls on** the Member States to ensure that their national strategies to reduce biowaste going to landfills do not only lead to diverting waste from being landfilled towards incineration, but also include measures which are more effective in reducing environmental impacts;

2.13 **calls on** the Member States to ensure that regional and local authorities are fully involved in the transposition measures regarding EU legislation when they carry, as with the Landfill directive, the main burden of putting it into practice;

2.14 **calls on** the Member States to ensure that transfer of responsibilities to regional and local authorities are accompanied by a transfer of resources;

2.15 **appeals** to the Member States to promote a close cooperation of all levels of government for the swift implementation of the directive;

2.16 **appeals** to regional and local authorities to fully involve all stakeholders in the decisions regarding landfills in particular and waste policy in general;

2.17 **offers** to play a significant partnering role in the consultations that are to accompany the further evaluation of the Landfill Directive in particular and waste policy in general.

Brussels, 17 November 2005.

The President
of the Committee of the Regions
Peter STRAUB
