11.5.2010

NOTICE TO MEMBERS

Subject: Petition 1292/2009 by Mr. Juozas Imbrasas (Lithuanian), on alleged breaches of EC environmental legislation in connection with the planned waste incineration plant in Vilnius

1. Summary of petition

The petitioner challenges the decision of the local authorities to build a regional municipal waste incineration plant in Vilnius, arguing that the approval process would have breached the provisions of Directive 2000/76/EC on incineration of waste, Directive 96/61/EC concerning integrated pollution prevention and control and Directive 2008/98/EC on waste. According to the petitioner, the planned waste incineration plant will be located next to the water treatment installations for Vilnius, half a kilometre from the densely populated Jociunai village and two kilometres from the Paneriai Forest, a site proposed for classification within the Natura 2000 network. The petitioner claims that the future plant will incinerate about 250.000 tones of municipal waste and the environmental impact assessment carried out would be incomplete. He argues that alternative locations were not adequately assessed. The petitioner asks the European Parliament to take the necessary steps to ensure that the Lithuanian authorities do observe the European legislation.

2. Admissibility

Declared admissible on 16 December 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 11 May 2010.

Installations for the incineration of municipal waste (household waste and similar commercial, industrial and institutional wastes) with a capacity exceeding 3 tonnes per hour fall within the scope of Directive 2008/1/EC concerning integrated pollution prevention and control (hereinafter: the IPPC Directive see point 5.2 of Annex I)[1].

The IPPC Directive requires installations falling under its scope to operate in accordance with permits including emission limit values based on best available techniques (BAT), designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole. The prevention or reduction of emissions to air, water and soil should, therefore, be dealt with in the environmental permits issued in accordance with the IPPC Directive.

The Commission has adopted a number of BAT reference documents (BREFs) covering the activities that fall within the scope of the IPPC Directive, that are to be taken into account by the competent authorities when establishing BAT-based emission limit values, equivalent parameters or technical measures for such installations. A BREF on waste incineration was adopted in August 2006.

With regard to Directive 1985/337/EEC on the assessment of the effects of certain public and private projects on the environment (the EIA Directive)[2] and to the evaluation of the alternative locations for the waste plant, the Commission has been informed that the EIA procedure has not yet been completed. It is, therefore, too early to envisage a potential breach of the EIA Directive.

Conclusion

The Commission will request information from the Lithuanian authorities to assess how the provisions of the IPPC, EIA and Habitats and Birds Directives are being implemented with regard to the specific installation. It will also seek information with regard to the possible link to the health of the citizens in the area.

[1] OJ L 24, 29.7.2008, p.8
[2] OJ L 216, 3.8.1991, p. 40–40