



24.6.2010

## NOTICE TO MEMBERS

**Subject: Petition 1769/2009 by Mario Silvan De Blas (Spanish), on the recycling of solid urban waste in the municipality of Valpielago, León.**

### 1. Summary of petition

The petitioner is seeking compliance by the municipality of Valpielago, where he lives, with Law 11/97 on the recycling on solid urban waste and Community legislation relating to the treatment of solid urban waste, indicating that the authority is currently failing to comply with the relevant provisions.

### 2. Admissibility

Declared admissible on 16 March 2010. Information requested from Commission under Rule 202(6).

### 3. Commission reply, received on 24 June 2010.

The petitioner draws the Commission's attention to the fact that the municipality of Valdepiélago in Leon, Spain, does not seem to be complying with EU and national legislation relating to the recycling of urban waste. He claims that there is 0% recycling in the municipality of Valdepiélago.

The Commission's comments on the petition

Proper implementation of EU waste legislation is among the key priorities of EU environmental policy and overseen by the Commission, however, the application and implementation of national legislation is a matter for national authorities.

According to EU waste policy, as many materials as possible should be recovered, preferably by recycling, if waste cannot be prevented or prepared for re-use. The EU Waste Framework

Directive<sup>1</sup> aims to enhance the use of waste as a resource by recycling and other recovery operations. The directive lays down a five-step hierarchy of waste treatment operations. This places waste prevention at the top followed by - in descending order - preparation for re-use, recycling, other recovery (including energy recovery) and safe disposal. It has to be noted, however, that this hierarchy does not constitute an absolute rule but applies as a priority order. Member States are required to take measures to encourage the options that deliver the best overall environmental outcome. The fact that no recycling takes place in the municipality of Valdepiélago, but does in other areas of Spain cannot, therefore, be considered as evidence of an infringement of the EU Waste Framework Directive.

It is important to underline that, although Member States have a margin of discretion when they implement the above hierarchy of waste treatment operations, they have to achieve certain targets for recovery, recycling and collection of waste. In addition, all waste management operations shall comply with high environmental and health standards and be subject to permitting requirements, regular inspections and monitoring.<sup>2</sup>

It is also clear that there still are unused recycling potentials across the EU leaving more than half of the existing resources embedded in waste completely unused. If the new EU Waste Framework Directive were to be correctly implemented and applied by Member States, this would allow a move towards a recycling society in the EU as a whole. The Commission is, therefore, proactively assisting Member States in preparing the proper implementation of the provisions laid down by the EU Waste Framework Directive. Measures taken by the Commission include the organisation of awareness events, preparation of guidance documents, assistance in the legal interpretation of key provisions of waste legislation and fostering the exchange of best practice among Member States.

## Conclusions

The fact that recycling does not take place in the municipality of Valdepiélago but does in other areas of Spain cannot be taken as evidence of an infringement of the EU Waste Framework Directive or any other EU waste requirement. These requirements, including the targets for collection, re-use, recycling and recovery for different waste streams, are addressed to Member States which have to achieve them within the state's territory as a whole.

The Commission is closely monitoring the steps and achievements of all Member States, including Spain, in implementing the new EU Waste Framework Directive, including its waste hierarchy, with a view to enabling the EU as a whole to move towards a recycling society. Members of the Petitions Committee can refer to progress reports on this work provided on the Commission's Europa website.<sup>3</sup>

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<sup>1</sup> Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2009 on waste, OJ L 114, 27.4.2006, to be replaced by 12 December 2010 by Directive 2008/98 of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives, OJ L 312, 22.11.2008.

<sup>2</sup> Articles 4, 34-36 and Chapter II-IV of Directive 2008/98/EC.

<sup>3</sup> <http://ec.europa.eu/environment/waste/reporting/index.htm>,  
[http://ec.europa.eu/environment/waste/reporting/pdf/flash\\_report.pdf](http://ec.europa.eu/environment/waste/reporting/pdf/flash_report.pdf).