



EUROPEAN PARLIAMENT

2009 - 2014

*Committee on Petitions*

13.1.2011

## NOTICE TO MEMBERS

Subject: **Petition 1322/2008 by E.S (German), on dioxin pollution in the town of Yakimovo-Montana in north-west Bulgaria**

### 1. Summary of petition

The petitioner complains that there is serious dioxin pollution in the town of Yakimovo-Montana in north-west Bulgaria. This pollution caused by the incineration of waste deposited at the local rubbish tip with no intervention by the responsible authorities. As the waste consists of plastic, car tyres, waste oil and plant protection products, incineration produces dioxin vapours, which are extremely dangerous to health. The petitioner therefore calls on the European Parliament to intervene to ensure compliance with applicable EU legislation in this respect.

### 2. Admissibility

Declared admissible on 20 February 2009. Information requested from Commission under Rule 192(4).

### 3. Commission reply, received on 19 June 2009.

Article 4 of the Waste Framework Directive<sup>1</sup> (WFD) requires Member States to take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and harming the environment. It provides that Member States shall take the necessary measures to prohibit the abandonment, dumping or uncontrolled disposal of waste.

Article 8 provides that Member State shall take the necessary measures to ensure any holder of waste either has it handled by a private or public waste collector, or recovers or disposes of

<sup>1</sup> 2006/12/EC of 27.4.2006 OJ L 114 of 27.4.2006

it himself following the provisions of the relevant EU legislation. For example, in the case where waste is being disposed of in a landfill, the requirements laid down in the Landfill Directive<sup>1</sup> need to be followed accordingly.

The present petition raises concerns because of the apparent persistent nature of the illegal dumping and illegal waste burning in the concerned area with the potential adverse public health implications that this may entail. As with other illegal activities, illegal waste activities do not in themselves necessarily disclose a fault on the part of the public authorities: however, a failure to adequately and effectively control such activities would contravene the requirements of the WFD.

Against this background, the Commission will seek information from Bulgaria on what steps it is taking to ensure that the apparent pattern of persistent dumping in the concerned area is brought to an end.

#### **4. Commission reply**, received on 17 December 2009.

On 1 July 2009, Bulgaria replied to the Commission's letter of 17 April 2009 in the following terms:

Household waste may no longer be deposited at landfills in the Municipality of Yakimovo. These are to be shut down and recultivated within the regulatory time limit.

During the last inspection of the uncontrolled landfill in Maliya Gred, carried out by the Montana RIEW in the Municipality of Yakimovo on 20 May 2009, no cases of incineration were ascertained, and there were no traces of incineration or burning of household waste.

From March 2008 onwards, household waste has no longer been dumped in Maliya Gred. Since then the Municipality of Yakimovo has transported and deposited household waste collected from settlements in the municipality at the regional landfill in Montana, after purchasing 89 'Beaver' containers and a waste disposal vehicle (a Mitsubishi Canter). The containers have been distributed to the villages of the Municipality of Yakimovo on the basis of population size. The waste is collected at regular intervals. Each month a committee appointed by the mayor checks the removal of the containers and the cleanliness of their surrounds.

Under the National Programme "From Social Assistance to Employment" the Yakimovo municipal administration has appointed persons responsible for the cleanliness of the populated area and the uncontrolled landfill in Maliya Gred. They monitor the situation on a daily basis and see to the prevention of fires. In fact, in order to prevent future fires at Maliya Gred, on 21 and 22 May 2009 the Municipality of Yakimovo organised the transport of 40 tons of earth to the landfill, with which the waste was sealed and contained. Prohibition signs have been erected at the landfill. The residents of Yakimovo have been notified that it is forbidden to dump household waste at the landfill.

For the Municipality of Yakimovo, a technical project entitled "Closure of uncontrolled landfills in the municipalities of Boychinovtsi, Krivodol and Yakimovo" has been prepared under the PHARE 2004 Project BG 2004/016-711.11 04/ESC/G/PPP/A-006/Se/2 "Cleaning

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<sup>1</sup> 1999/31/EC of 26.04.1999 OJ L 182 of 16.7.1999

of uncontrolled landfills in the municipality of Yakimovo".

In parallel, on 15 July 2009, the Commission wrote to all Member States in order to ascertain the situation concerning landfills affected by Article 14 of the Landfill Directive, 1999/31/EC<sup>1</sup>. That is, existing non-compliant landfills operating at the time of the directive's transposition time (in the case of Bulgaria upon Accession time, that is, 1 January 2007). By 16 July 2009, such landfills should have been brought into line with EC standards or closed down altogether. The Commission awaits confirmation in this respect from the Bulgarian authorities.

Based on the information provided by Bulgaria, the Commission is of the opinion that enforcement efforts have been made to redress the waste situation in the municipality of Yakimovo. The Commission cannot detect at this point any violation of the relevant EC waste legislation.

Once the information referred to above under Article 14 of the Landfill Directive becomes available to the Commission, it will be possible to ascertain whether existing non-compliant landfills have been effectively closed down as set out in the Landfill Directive.

##### **5. Commission reply, received on 11 May 2010.**

In their letter of 28 September 2009, the Bulgarian authorities acknowledged the existence of 140 substandard landfills falling under the scope of Article 14 of the Landfill Directive<sup>2</sup>, that is to say existing non-compliant landfills operating at the time of the directive's transposition (in the case of Bulgaria upon accession, that is, 1 January 2007). This information was only of a general nature and did not refer specifically to each of the substandard landfills.

The Commission is currently assessing this information together with the information received from all other Member States as part of a compliance-check exercise. It will take all the necessary measures in order to ensure that the requirements of Article 14 of the Landfill Directive are fully complied with in all Member States.

##### **6. Commission reply, received on 13 January 2011.**

The Commission wrote to the competent authorities on this case. In their reply of 15 October 2010, the Bulgarian authorities produced relevant information that leads the Commission to believe that the Montana regional landfill for non-hazardous waste is operated in compliance with national Decision No 162-N1-IO-AO of 2010, issued by the Minister for the Environment and Water.

On 23 August 2010, the Montana Regional Environmental and Water Inspectorate (RIOSV) inspected the Montana regional landfill and the adjacent land on the right bank of the Ogosta, near the mouth of the leachate drainage pipe. It was concluded that no pollution was found.

Furthermore, the inspection of the landfill and the local waste water treatment plant, located on the same premises, showed that leachate from the unsorted household waste cells is collected in the plant. The two seals on the stopcocks were checked to ensure they were unbroken. The stopcocks are sealed closed to make sure no leachate spills into the drainage

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<sup>1</sup> OJ L 182, 16.7.1999, p. 1-19

<sup>2</sup> Directive 1999/31/EC, OJ L 182, 16.7.1999, p. 1-19

ditch.

Taking the above into account, the Commission can conclude that, based on the information received on this case, the Montana regional landfill is not in violation of EU legislation.