



30.8.2012

NOTICE TO MEMBERS

Subject: Petition 1150/2011 by Leovigildo Paton Selles (Spanish), on inadequate services provided to the Urbanisation of Les Mallaes, municipality of Pedralba (Valencia)

1. Summary of petition

The petitioner, who lives in an urbanisation separate from the municipality's nucleus, complains that the local authorities do not provide adequate municipal services to the urbanisation, despite the fact that their inhabitants pay municipal taxes. He specifically denounces that there is no waste treatment, stating that waste is burnt in a landfill, releasing toxic pollutants into the air of the area. He also mentions that accesses to the urbanisation, as well as the maintenance of the streets within it, are poor and result in important damages to infrastructure and cars when it rains. Finally, the petitioner points to a lack of adequate police presence.

2. Admissibility

Declared admissible on 6 February 2012. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 20 April 2012

The Commission is of the opinion that the petitioner's allegations regarding non-treatment of the municipal waste and burning of waste disposed of in the municipal landfill causing air pollution may constitute, if proven, a violation of the EU waste legislation.

Such illegal waste activities would need to be adequately and effectively controlled by the competent authorities in order to ensure compliance with Articles 13 and 15 of the Waste

Framework Directive¹ regarding the protection of the environment and of human health and the responsibility for waste management, respectively, both transposed into Spanish law by Law 22/2011 of 28 July and Article 6 of the Landfill Directive² regarding the treatment of waste before disposal, transposed into Spanish law by Decree 1481/2001 of 27 December. It is primarily for the national authorities to ensure the correct application of the aforementioned legal provisions.

Conclusion

In the light of the allegations submitted by the petitioner, the Commission has asked the Spanish authorities for clarifications and will keep the Petitions committee informed of any further developments.

4. Commission reply (REV.), received on 30 August 2012

This case has been closed by the Commission on the basis of the report provided by the Valencia Autonomous Community of 18 May 2012. The report provides the following relevant information:

- The landfill operator holds a valid permit provided in June 2010, however no operational activity has been initiated.

- The inspection carried out in March 2012 by the competent services and triggered by the petition, reveals neither waste disposals nor any waste burning at the site (as claimed by the petitioner).

¹ 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.

² Directive 1999/31/EC of the Council of 26 April 1999 on the landfill of waste, OJ L 18, 16.7.1999.