



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Petitions*

---

14.9.2010

## **WORKING DOCUMENT**

on the fact-finding mission to Campania, Italy, from 28 to 30 April 2010

Committee on Petitions

Rapporteur: Judith A. Merkies

The Delegation which visited Campania was composed of three official members, designated by the Petitions Committee and four ex-officio members who are elected members of the European Parliament from Campania. When organising fact-finding visits, members from the country concerned are not eligible to participate in an official capacity. The report is prepared under the authority of the leader of the delegation, to which all its members have contributed.

### **Members of the delegation**

Judith A. Merkies (Leader of the Delegation) (S-D, Netherlands)

Peter Jahr (EPP, Germany)

Margrete Auken (Greens, Denmark)

### **Ex-officio Members**

Erminia Mazzoni, Chairman of the Petitions Committee. (EPP - Italy)

Crescenzo Rivellini (EPP - Italy)

Andrea Cozzolino (S-D - Italy)

Vincenzo Iovine (ALDE - Italy)

### **Purpose of the mission**

The objectives of the visit were to investigate the allegations contained in the 15 petitions received<sup>1</sup>, and previously discussed in Committee, both during the previous legislature and most recently in December 2009, when petitioners were heard, and January 2010, when the national authorities were given the opportunity to present their position.

Members of the delegation met with the petitioners and with local communities which are the most directly affected by this situation, with companies which are administering the various waste facilities visited, and with the responsible local, regional and national authorities. To get an independent view the opinion of scientific researchers was sought (geologists, epidemiologists, environmentalist, sociologist). Meetings took place in Naples, Benevento and on sites visited.

This report draws upon the observations of members during their stay and on a large number of documents which were made available to members or which were obtained in order to further substantiate elements of the report or respond to general research requirements..

---

<sup>1</sup> 683/2005 by Vincenzo Marmora on landfill at Basso dell'Olmo  
31/2007 by Giampiero Angeli on toxicology in animals  
26/2007 by Monica Sepe on projected landfill at Valle delle Masseria  
587/2007 by Marina Salvatore on waste in Campania  
756/2007 by Giovanni Roviello on landfill at Ariano Irpino  
789/2007 by Gigliola Izza on Ecobales at Taverna del Ré  
910/2007 by Francesco di Pasquale on waste in Campania  
991/2007 by Vincenzo Gala on waste in Campania  
12/2008 by Francesco Miglino on transparency regarding incinerators  
16/2008 by Francesco Castelli on waste in Campania  
209/2008 by Sebastiano Perrone on waste in Campania  
347/2008 by Tommaso Esposito on the incinerator at Acerra  
955/2008 by F.K. on the landfill at Chiaiano  
1011/2008 by Antonia Schiatarella on the landfill at Chiaiano  
1082/2008 by Raffaele Pacilio on illegal burning of tires

## Legislation concerned

The following table provides an overview of EC Legislation, invoked by the petitioners:

Directive No	Also	Title	Issue
92/43/EEC		Habitats	location of landfills Salerno province
1999/31/EC		Landfill	Chiaiano, Terzigno
2000/532/EC	91/689/EEC	Hazardous waste	burning of tires
2000/76/EC		Waste incineration directive	minimum requirement for waste incineration
2001/77/EC		Electricity from renewable sources	Fuel for Acerra
2003/35/EC	85/337/EEC;97/11/EEC	Aarhus	Public consultation
2006/12/EC 2008/98/EC	75/442/EEC;91/156/EEC	Waste Framework Directive	Integrated & adequate framework for disposal installations
2008/8/EC	96/61/EC	IPPC	Industrial plants subject to integrated environmental permit regime

Italy has been sentenced by the European Court of Justice for infringements of some of these Directives in 2007 and most recently in 2010.

Case no		Directives infringed	Ruling
C-135/05	hazardous waste and landfills	75/445/EEC, 91/156/EEC, 1999/31/EC	26-Apr-07
C-297/08	absence of integrated waste strategy in Campania	2006/12/EC (codif 75/442/EEC)	04-Mar-10

The Directive on the landfill of waste (1999/31/EC) in particular has an important impact on people's daily lives. It is of key importance to the Committee which frequently receives petitions on this subject. It contains 34 recitals which taken together may be said to constitute the parameters of the aims and objectives of the law, in addition to Article 1 concerning the overall objective. Member States are under an obligation to apply this Directive since April 2001, for previously existing landfills the rules became binding eight years later. The parameters include:

- the fact that landfills should be adequately monitored, including visual inspection at entry, and managed to prevent or reduce potential adverse effects on the environment and risks to public health;
- that it is necessary to indicate clearly the requirements with which landfill sites must comply as regards location, conditioning, management, control, closure and preventive and protective measures to be taken against any threat to the environment in the short

as well as in the long-term perspective, and more especially against pollution of groundwater by leachate infiltration into the soil;

- the provision of stringent operational and technical requirements on the waste and landfills, to provide for measures, procedures and guidance to prevent or reduce as far as possible negative effects on the environment in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including greenhouse effect, as well as any resulting risk to human health from the landfilling of waste during the whole life-cycle of the landfill

Among the general requirements for landfills, contained in annex 1 of the Directive is one which relates to "the distances from the boundary of the site to residential or recreational areas, waterways, water bodies or other agricultural or urban sites." Consideration should also be given to the existence of groundwater, coastal water or nature protection zones in the area.

## **Background**

The waste crisis in the province of Campania is the most dramatic chapter of a history of problematic waste management in many parts of Italy, including Lazio, Calabria, Sicilia, and perhaps emblematic for a more general historical neglect and lack of economic development in the south of Italy. In all of these regions, a waste emergency was declared in the 1990's; Government Commissioners with special powers and funds were nominated. In most cases, these Commissioners were the presidents of the regions concerned or prefects.

Governor Rastrelli was the first to be nominated Waste Commissioner for Campania in 1994. He put forward what looked like an ambitious plan to move away from the use of landfills - most of them full and heavily polluted - to an integrated waste management cycle. It would rest on the production of high quality waste derived fuel (CDR or Ecobales) for the production of energy through incinerators. The organic residue was to be used for the regeneration of existing landfills. In parallel, there was a strategy for reducing and recycling household waste.

A tender for the organisation of the whole waste cycle, i.e. the construction of two incinerators and seven production plants for Ecobales and organic waste was won by FIBE on 20th March 2000, yet the failure of FIBE to fulfil the conditions of the contract is seen by many people as one of the root cause of many of today's problems.

The sorting of waste to produce Ecobales and organic waste was done without due regard for compliance with the law; a key issue concerns the lack of waste filtering or selection. For example, waste which is considered to be dangerous, which includes much industrial waste, toxic or radio-active waste, mineral oils, used tyres, inflammable liquids and so on, should never be mixed or stored with household waste or organic waste. The result is that an estimated six million Ecobales of substandard quality and under suspicion for containing toxic waste have accumulated. Furthermore, since there was nowhere to incinerate them, they have piled up on temporary storage sites and landfills have filled up with unsorted, maybe even polluted, waste. The Delegation visited such temporary storage sites at Taverna del Ré and Ferandelle; the population is deeply concerned about air and water pollution and the impact on their health. Today, the backlog of Ecobales is considered to be "mummified", which

means that their calorific content is too high for them to be incinerated in the presently available incinerator.<sup>1</sup>

The first incinerator at Acerra only came on-stream in March 2010. The reasons for the delay of the first and only incinerator to function so far are multiple. The place chosen, Acerra, was already a heavily polluted area, where inhabitants had been promised a clean up of the environment years ago. Construction was, partly as a result of this, delayed by interminable legal battles, not only regarding the location of the plant, but also regarding the technical specifications proposed by FIBE which were totally anachronistic. The plant as it stands today, and which was visited by the delegation, was therefore not completed by FIBE, but by Partenope Ambiente, who updated the project and is now responsible for its management. FIBE is currently under investigation<sup>2</sup>

Moreover progress in waste reduction and the recycling of household waste has been minimal; inhabitants of Naples today produce an average of 2.2 kg waste/day (compared with the EU average of 1,4 kg) and only 8% is recycled (compared with the EU average of 23%)<sup>3</sup>. Thus, household and other waste has continued to be brought to landfills indiscriminately, in some cases apparently mixed with different types of industrial waste. Since many landfills have been declared areas of strategic interest, Citizens and local authorities have been prevented from verifying what is actually brought there. A large majority of landfills are privately run and it is not at all clear on the basis of which licence or permit; many are said to be - or have been - under the control of the Camorra and organised criminal groups. The delegation visited two closed private landfills in Salerno province, Basso dell'Olmo and Macchia Soprano, as well as the designated site for a new landfill at Valle delle Masseria

During the most recent waste emergency at which time most petitions were submitted, a law was promulgated on 14 July 2008,<sup>4</sup>

- putting the national Civil Protection Agency (CPA) in charge of the waste management cycle,
- fixing the end date of the emergency as at 31 December 2009,
- designating waste sites as “of strategic interest” and putting them under military supervision and subject to the official secrets law,
- authorising the establishment of ten landfills and four incinerators,
- setting compulsory recycling targets for municipalities and provinces (2009: 25%; 2010:35%; 2011:50%)

The delegation visited the landfills at Chiaiano and Terzigno, as well as the incinerator at Acerra.

The Commissioner system itself has come under heavy criticism and several judicial enquiries are underway. The management of waste by emergency commissioners is therefore seen by much of the population as part of the problem, rather than the solution.

---

<sup>1</sup> Linee di Piano 2010-2013 per la Gestione dei Rifiuti Urbani, p.37

<sup>2</sup> The Petitions Committee has taken due note of the contradictory evidence on this paragraph provided by Impreglio spa, Fisia Italmimpianti spa and Fibe spa. The documents can be consulted in the secretariat

<sup>3</sup> Eurostat Press Release 43/2010 - 19 March 2010, figures for 2008, which was during the height of the crisis and so may not reflect the present situation

<sup>4</sup> D.L. 23 maggio 2008, n 90 convertito in legge del 14 luglio 2008 n.123

It is important to note that the European Commission decided in 2007 to suspend payment of €135 millions in contributions from the 2006-2013 financing period to waste-related projects and a further €10.5 millions from the 2000-2006 financing period until the commissioner structure is abolished.

The key feature of emergency rule by Commissioners is their authority to derogate from regulations and controls, including for example, exemption from environmental impact assessment and public procurement legislation, and they seem to have almost uncontrolled access to public funds. They had, moreover, the authority to decide which companies were contracted to provide transport, perform works, the location of plants, landfills and incinerators, and they were under no obligation to inform local authorities and inhabitants about the decisions taken.

Consequently, during the state of emergency, decisions were usually taken in a hurry and without regard for the population's concern. All discussions about location, kind and quantity of waste brought to the landfills or about the objective need for four new incinerators were suspended in order to find more and more space to put old and new waste quickly and without control. The subject of waste was conceived as a purely logistical problem and any considerations of environmental safety, health, or any medium or long term management considerations related to sorting, recycling or reduction of waste were relegated so as to become virtually insignificant.

Citizens who protested against the situation or tried to propose alternative approaches were marginalised or ignored. Petitioners complained for example, that they were unable to obtain clear information as to what is really going on in their territory, which in many cases has suffered a long history of illegal dumping or pollution. Some media maintain on the other hand, that the main responsibility for the waste crisis lies on the shoulders of the people and parties who did not want incinerators and landfills in their territories. They are accused of succumbing to the “not in my backyard” (NIMBY) syndrome.

The main response on the part of the national political authorities has been to place waste sites and the Acerra incinerator under strict army control. Even local police do not have authority in these areas, as the delegation witnessed. Recently, there have been some arrests during public demonstrations. Elected local representatives, including the mayor of Marano (close to Chiaiano) was forbidden access to his own constituency for several months. It is clear that the relationship between the citizens and the authorities has been severely damaged; to borrow from the report on waste management for Benevento province: "The waste management emergency and the prolonged government by Commissioner have produced a deep laceration in the relations between citizens and institutions, a climate of mistrust, which needs to be repaired without fail through a pact in order to avoid that a similar situation could ever arise again."

Quite clearly, key aspects of European legislation which has been specifically designed to protect the environment and the health of citizens and provide for a coherent public waste management programme have been seriously breached, first by the long period of complacency, corruption and inertia, followed by an unsuccessful attempt to resolve the

problem, and then by the short period of emergency measures which have undermined public trust in their institutions.

In February 2010, the Campania Region adopted the "Guidelines for the management of urban waste 2010-2013"<sup>1</sup> and the law ending 15 years of emergency waste management took effect. This means that the responsibility for the management of the waste cycle is now transferred back to the region. The five provinces are to manage the collection and sorting of household waste, and of landfill sites landfills, while the CPA will continue to be responsible for another year for incinerators. The provinces may also ask the CPA to assist them in managing the whole cycle for another year. The law on state secrets and the role of the army are also prolonged for another year.

In the regional elections at the end of March 2010 a new governing majority was elected and was in the process of forming a government at the time of the visit.

### **Organised crime**

Members were made aware of the implication of organised criminal groups in the lucrative waste process. The association between organised crime and waste management goes back a long time. There is evidence that toxic waste from industries in the North of Italy has been imported and dumped in hundreds of illegal landfills or indeed the sea, for decades by the Camorra. If the alleged scale of this illegal activity is anywhere near to the reality, it is inconceivable that the authorities, or at least some of them, were not aware of it. The newly elected authorities have clearly declared that they are tackling the problem, i.a. by enforcing strict traceability of waste brought to the landfills.

A perhaps lesser known element is the employment of large numbers of so-called "socially useful workers" in the early years of the 21st century, to work in the separation plants, which were supposed to produce Ecobales. This group goes back to the social upheaval and urban crises of the 1970's. It all started with a Cholera epidemic in 1974, which put fishermen from the port of Naples out of work. The authorities took measures to retrain them and provide them with jobs in the public sector. The effect was to draw other categories of unemployed to create cooperatives - of different political hues - to demand similar lifelines. Their activities degenerated and became increasingly violent, akin to urban guerrilla, some with close links to the Camorra. A system developed for a racket of fictitious jobs run by criminal bosses. It is from this reservoir that some 2300 staff was recruited. Apparently, only around 200 actually turn up for work.<sup>2</sup>

The management by emergency Commissioners and their lack of success in overcoming the problems, aggravated by the absence of institutional checks and balances, has only served, according to many observers, to create new opportunities for organised crime. The Camorra stepped in where politicians and authorities failed and provided solutions - and probably rewards for silence and threats for those who dared speak out.

### **Findings of the Delegation**

---

<sup>1</sup> A.G.C. 21 Programmazione e Gestione dei Rifiuti, Deliberazione n 75 del 5 febbraio 2010

<sup>2</sup> Gabriella Gribaudo: Il ciclo vizioso dei rifiuti campani

Meeting with the national authorities: Task Force, Council of Ministers (Prof Roberto Adam), Civil Protection Agency ( Dr Nicola Dell'Acqua); Campania Government: Dr Raimondo Santacroce)

The CPA presented their achievements, since the most recent emergency and law no 123 (14 July 2008), when they were called in to resolve the acute crisis. Their mandate was to make the rubbish disappear from the streets of Naples and return responsibility for waste management to the region by the end of 2009. They perceived their mission therefore as short term and consider it accomplished in so far as:

- a) The incinerator at Acerra is operational and supplying electricity to the grid and generating revenue of € 8000/day<sup>1</sup> All waste derived fuel supplied to Acerra as of 2010 is treated beforehand and thus presents no environmental danger, with certified measurement data to prove it. They estimate the need for two further incinerators in the near future.
- b) Five out of originally 10 planned landfills have been established on previously polluted sites, cleaned up to comply with legislation and are now operational. Permits for two more landfills have been obtained. The region is taking over responsibility with three years of autonomy for landfill capacity.
- c) Municipalities were offered a system of incentives and penalties in order to achieve ambitious targets for reducing waste quantities and improving the percentage of recycled waste. The target for recycled rubbish was 25% by the end of 2009, a figure questioned by some members. While progress was acknowledged, there are large differences between municipalities. Further efforts are required to reduce quantities of waste, estimated presently at 2200t/day
- d) Arrests of ca 1000 persons caught for illegal dumping of waste were reported.

Members questioned the representatives on the ECJ ruling of 4 March 2010, on the continued heavy emphasis on the use of landfills and the question of how to deal with the legacy from the past. Their response was that they were prepared to vouch for the safety and compliance of all installations established under their responsibility, but not for those before their time. The discussion reflected that the CPA were clearly preparing to withdraw. The ex-officio members thanked the CPA for having resolved the acute crisis; they spoke of the need to increase rates of recycling, of the problem of dealing the legacy of Ecobales and the need to construct more incinerators.

Visits to Chiaiano (NA), Terzigno (NA), Basso dell'Olmo (SA), Macchia Soprano (SA), Valle della Masseria landfills, storage sites at Taverna del Ré (NA) and Fernadelle (CA), incinerator at Acerra (NA)

The delegation entered the **Chiaiano** landfill site from the opposite entrance to where the petitioners and press representatives were expecting them. Under the mantle of the site being of "strategic interest", the CPA did not intend to authorise access for petitioners or press, although it had been requested officially beforehand.

---

<sup>1</sup> The Petitions Committee has taken due note of the contradictory evidence on this sentence provided by Impreglio spa, Fisia Italimpianti spa and Fibe spa. The documents can be consulted in the secretariat

The leader of the delegation engaged in a protracted negotiation in order to obtain authorisation. Eventually, a compromise emerged that a nominative list of journalists could be approved for access to the sites scheduled for visits on the following day. Thus the visit to Chiaiano landfill went ahead without petitioners and journalists.

In its report, the CPA describes the clean-up of the site in late 2008/early 2009. It was partly contaminated by heavy metals and asbestos. Their efforts were put to the test by the heavy rainfalls of the most recent winter and had stood up to it, according to the CPA.

A visual inspection by the members of the delegation gave the impression that the necessary precautions to prevent seepage into aquifers had been taken by placing a lining on the floor of the landfill. The petitioners claim that the lining was torn before waste was deposited on top of it entailing a risk of groundwater pollution. There was also evidence that the waste was covered by soil, as is required. It is of course, difficult to know whether this is a regular feature or punctual for the benefit of the visitors. Its location in a protected area poses a problem.

The CPA claimed that the waste brought to this site was checked for toxic elements, though there was no evidence for any monitoring system; there was a monitor for nuclear (mostly hospital) waste at the entrance. At the same place, the CPA pointed out two video cameras, which monitor deliveries transmitted 24/7 to a website, accessible to everyone.

The location of the **Terzigno** landfill is in the perimeter of the Vesuvius National Park - a site of Community interest and Special Protection Zone - is in itself an aberration. The CPA report says that an Environmental Impact Study has been conducted and approved by the Ministry of Environment. One must be permitted to question the objectivity and validity of such a study in the light of observations made during the visit.

The landfill presently operational (SARI) is based on a former illegal landfill, which has been rather superficially cleaned up and prepared for receiving what members were told was household waste. A visual inspection by the members - the delegation was accompanied by the Mayor of the village, who had been admitted for the first time, and journalists - revealed that many precautions including sealing of the floor with impermeable lining, regular covering of waste layers with soil, check for nuclear waste at the entrance - were in place. Again, the petitioners claim that the floor lining is not in compliance with the rules, entailing a risk of groundwater contamination. Among the visible waste, the leader of the delegation immediately spotted a tire and a canister marked for toxic liquids, a sign that the waste had not been properly separated before being deposited on the landfill. A permit was unable to be produced on request although members were given access to a radio-active screening counter at the site entrance.

The law foresees the opening of a second adjacent landfill (Vitiello), also inside the National Park - which petitioners strongly oppose. The delegation was able to walk there, accompanied by local people and petitioners and with a military escort from the SARI site and view the disused open quarry which has been designated as a landfill. Even bearing in mind that former quarries are often used for landfill facilities, this particular site within the boundaries of a designated nature protection area of considerable international prestige and natural beauty

seems entirely inappropriate and alternatives should be carefully considered. Since its return, the Delegation has received assurances that the Vitiello landfill will not be established.

All three landfill sites visited in Salerno province, closed landfills at **Basso dell'Olmo**, **Macchia Soprano** and site for projected landfill at **Valle della Masseria**, are located in an area which falls under the Habitats Directive 92/43/EEC as well as under a 2003 Italian law classifying it as wetlands zone of national interest. All three sites are on slopes running down to the bed of the river Sele. The risk of water pollution through run-off and seepage reaching the river was evident and strict controls should be established and measures taken to prevent such an occurrence.

Within the confines of Campagna municipality the Basso dell'Olmo landfill is now closed because it is full. It is under private management. It lies immediately above an aquifer. The Mayor of Campagna, Mr Biagio Luongo, sentenced on 22 December 2009 for resisting the establishment of this landfill destined for organic household waste and incombustible dry residue - accompanied the delegation on its visit. Extraction of biogas from the landfill is ongoing.

Macchia Soprano (Serre municipality), visited in the company of the mayor of Serre, Mr Palmiro Cornetta, is equally closed, because it is full and intended for extraction of biogas. It lies on a steep escarpment entailing a more acute risk of run-off towards the river.

The petitioners are suggesting the construction of catchment barriers downhill from both landfills, to ensure that water reserves are protected in the long term. This seems eminently sensible and essential.

The site of Valle della Masseria is listed in the ordinance as designated for the creation of a landfill under emergency rule. Its situation in idyllic landscape makes it seem absurd. The delegation was later assured that Salerno province has applied for deletion of this site from the legal act.

The delegation observed from the outside two sites where Ecobales were stored. The first one at **Taverna del Ré** covers some 2km<sup>2</sup> to a height of about 5 metres under black tarpaulins - an impressive and imposing sight. One part of the site is under sequestration by the judiciary in the context of a civil suit against its private sector operator. It was difficult for the members under the circumstances to see clear evidence of pollution or ascertain whether the material contains toxic residue or is suitable for incineration. However, the sheer extent of the area covered is a dramatic illustration of the size of the problem of an enormous backlog of waste requiring disposal. The petitioners allege water and air pollution and a noticeable impact on health statistics, with increased rates of mortality from cancer and other afflictions. As the delegation was not able to enter the sites, it was not able to assess what the Ecobales contain in reality.

The second Ecobale storage site at **Ferandelle** is managed by the CPA. According to their report it contains three categories of waste; unsorted, refuse derived fuel and organic. The site looked unstructured, there was no evidence of sorting activity, an installation for organic waste looked unutilised. A total of 502,000 tons is to be disposed of in the San Tammaro landfill.

The delegation visited the waste fuelled incinerator at **Acerra**. The plant was built by Partenope Ambiente, a public-private partnership including the municipalities of Brescia and Milano, which have built similar installations. They were awarded a prize for excellence by Columbia University in 2006. Members were informed that no environmental impact assessment had been required under the terms of the emergency legislation.<sup>1</sup>

The director, Mr Antonio Buonomo, accompanied also by the mayor of Acerra, Mr Tommaso Esposito, guided the delegation through the plant which started full operations on 1 March 2010, making the period for evaluation very short. The incinerator is located on a previously polluted and now rehabilitated site, acknowledged by the delegation to be coherent with the practice in other Member States. The supply of Ecobales from the Caivano separating plant is alleged by the operators to be of a higher standard than the fuel used in Brescia. The petitioners alleged that unsorted waste is being used and causing technical problem which was denied by the operators. The members were unfortunately unable to confirm or deny such allegations. The main waste containment area was observed where tonnes of loose, apparently household waste are lifted by crane and deposited into the incinerator.

As regards emissions, they are, the delegation was informed, constantly monitored in both stacks with the results of the monitoring available to the general public via the plant website. The recorded values so far have been within all safety limits. The petitioners claimed that particle dust values (PM10) exceeded the regulatory limits; there is no evidence that emissions from the incinerator would be a contributory factor. One important outstanding question relates to how the ashes from the incinerator are disposed; the plant authorities said they were exported to a special site in Germany while others said they were deposited in Terzigno/SARI landfill. Members did not observe the incineration of Ecobales as such and did not receive precise information regarding the content substance of the Ecobales.

The delegation underlined that the operation of incinerators should not be seen as a solution for waste disposal in the long term, but as a part of an integrated waste management cycle, where incineration should count for a diminishing part as reduction and recycling are prioritised.

### **Meeting with petitioners**

Roughly 60 petitioners and members of the press had gathered to meet the delegation at the end of the first day. Perhaps the most striking feature of the interventions from petitioners was the transmission of their sense of frustration, of a total breakdown in communications between citizens and authorities, of a deficit in democracy. They spoke of the hydrological and geological risks related to the sites where landfills are established, (Chiaiano), of the violation of national parks (Terzigno, Serre), of physical and psychological violence suffered at the hands of the army - the Mayor of Marano - of high levels of pollution and health hazards, borne out by statistics, of the incapacity or lack of will on the part of all levels of Italian institutions to seek a long term solution, or to listen to alternative proposals presented by the citizens.

---

<sup>1</sup> The Petitions Committee has taken due note of the contradictory evidence on this paragraph provided by Impreglio spa, Fisia Italimpianti spa and Fibe spa. The documents can be consulted in the secretariat.

## Meeting with experts

The president of Benevento province, Mr Aniello Cimitile, hosted a meeting with geologists, environmentalists, health experts and sociologists in Benevento, which gave the delegation an opportunity to hear scientific evidence:

The geologists related the seismic and hydrological risks. In particular, serious potential hazards were considered likely at the Terzigno landfill sites in the event of seismic activity and major leaks were said to be highly plausible with potentially serious consequences for the communities and water courses downhill in the valley below.

The health experts spoke of increased mortality data, though there appeared to be some doubt about the statistical soundness of the data

The environmentalists spoke of the overall situation. One highlighted the influx of toxic waste to Campania, subsequently disposed of mostly illegally and uncontrolled. Another spoke of the need for civic education and reduction in waste volume.

The sociologist related her research on participatory democracy, which has concluded that there is a huge gap.

## Meeting with provincial authorities

The presidents of the five provinces which make up Campania region related their plans, now that they have reassumed responsibility for waste management.

**Naples**, represented by Mr Giuseppe Caliendo: A provincial enterprise had been contracted for all waste management in Naples province. A system of incentives and penalties was in place to engage municipalities and citizens in an effort to reduce volume and increase recycling of waste. Rates varied significantly between municipalities and were reflected in the price they were charged per ton of waste (€60-€102/ton). Efforts were heavily concentrated on this aspect and a strong message needed to go out to citizens. Downstream, plants for organic waste and treatment of glass, metal, plastic, paper needed to be created. Naples needed to create more capacity to treat its own waste, rather than exporting it to other provinces or abroad. They were ready to coordinate efforts with the regional plan within the constraints of available resources.

**Benevento**, represented by the president of the province, Mr Aniello Cimitile: During the emergency, Benevento was repeatedly called upon to help other provinces, Naples in particular. Under the emergency rule by Commissioner a number of landfills and temporary storage sites for Ecobales in hydrologically fragile areas were opened without consultation of the population or authorities, which would not have passed scrutiny under normal circumstances. The province had commissioned an expert study to outline its waste management strategy for the period 2010-2012. The emphasis is entirely on waste reduction and recycling, increasing it to 75%, followed by appropriate processing of materials, including non-recyclable materials. Another incinerator was required, according to the president.

**Caserta**, represented by the president of the province Mr Domenico Zinzi. As the poorer immediate neighbour of Naples, which indeed receives much of its refuse in addition to having to deal with its own, the new administration felt overwhelmed by the challenge of dealing with the heavy waste legacy from the past, in addition to building up an integrated waste management cycle. In particular the new administration is painfully aware of the lack of

funding to implement any plans. The president warned that if results were not achieved within two years, there was a serious risk of a new emergency.

**Avellino**, represented by president of the province Mr Cosimo Sibia: As a much smaller province - it accounts for only 7% of waste in Campania - the situation was less critical than elsewhere. It hosted two landfills on its territory, Ariano Irpino, which is closed and awaiting clean up, and Savignano Irpino, which is scheduled to operate for another three years before closing. The rate of recycling had reached 31% in Avellino. They were awaiting the regional plan for industrial and special waste.

**Salerno**, represented by delegate for the environment, Mr Giovanni Romano: He considered the main problem to be the quantity of waste produced and wanted to see the packaging industry to shoulder its responsibility. The planned landfill at Valle della Masseria would not be implemented, a change of the law was being requested. An incinerator was scheduled to be built in Salerno. The establishment of the Macchia Soprano landfill was considered to have been a mistake with hindsight, financial help for the clean-up of Macchia Soprano and Basso dell'Olmo landfills had been requested. He acknowledged that the petitioners' concerns were reasonable, but they were not borne out by any evidence of risks. Like all other provinces, funding for implementing ambitious plans was considered to be a serious stumbling block. Municipalities have been badly affected by the financial crisis. Like his colleagues, he feared that if concrete results did not materialise, there might be a new emergency in a few years. Funding from the central government had been requested.

All provincial representatives appealed to the delegation to be given the means and resources to move away from crisis management towards a sustainable waste management system.

ARPAC, the environmental protection agency for Campania, gave an account of its monitoring activity for air and water quality in the vicinity of waste management sites. 35 controls had been carried out in Salerno province. In general, measurement had not exceeded levels coherent with general levels, in particular of PM10 -of particular concern to petitioners - in the Naples area.

### **Meeting with president of Campania region, Stefano Caldoro**

The president had taken office only a few weeks earlier and not yet finalised the formation of his government. He suggested that another meeting should be scheduled with the minister for environment, when appointed. He affirmed that the issue of waste management was at the top of his priority list, he was looking for close collaboration with the EU institutions and models of good practice to develop and modernise an integrated waste management programme. He recognised that toxic waste has found its way into landfills, an issue which needed to be addressed without delay. Above all, he realised that a serious effort was required to rebuild dialogue and confidence between citizens and government. He wished to transmit a message of a spirit of cooperation.

### **Summary conclusions and recommendations: from crisis management to waste management.**

The background and reasons for the waste crisis in Campania are extremely complex as parts

of this report demonstrate. Suffice it to say that successive national governments of different hues and commissioners have not managed to solve this deep-rooted problem, which impacts on the health and well-being of hundreds of local communities, despite spending considerable amounts of public funds. At this point it does not seem useful to apportion blame, it would appear more important to look ahead, while drawing important lessons from the failure of past policies. With a new regional government in place in Campania, the emergency formally over and the ruling of the European Court of Justice, the opportunity has arisen to bring all stakeholders together in pursuit of solutions which pave the way for a fully compliant integrated waste management cycle.

The CPA has practically fulfilled its mission and eased the pressure, giving the regional authorities roughly three years of autonomy in terms of landfill capacity and one functioning incinerator. Some of the decisions taken during its watch, notably regarding the siting of landfills, were taken in a hurry, without due consultation and were often ill-advised. This has consequences. Let there be no misunderstandings, the waste crisis in Campania is not over; it lies dormant, with a high risk that it could erupt again. Furthermore, many landfills are in private hands and the authorities seem to have little control or knowledge over what goes in there and how they are managed.

The present waste cycle relies heavily on landfill and incineration. While both landfills and waste incinerators (not to mention methanisation plants) are in use elsewhere in the EU, they should not be seen as the solution to waste management. They are, or should be, an integrated part of an effective coordinated programme of waste management. A very energetic effort is required to diminish the volume of waste and tip the balance towards waste prevention, reduction, re-use and recycling, by providing the adequate infrastructure. More emphasis must be placed on recovery of organic waste especially in this broadly agricultural region - an element which seems to have received little attention so far.

It is of paramount importance for the authorities to re-establish a dialogue with the citizens by demonstrating transparency and openness and thus engaging the population. Likewise the population needs to cooperate with the authorities by demonstrating civic responsibility and behaviour in their everyday habits regarding waste by making efforts to generate less of it and to dispose of it in the appropriate way.

Based upon the observations of members, it is clear that a number of important and urgent decisions are required which, at the same time, would constitute important signals of a change of approach.

1. The landfill at Terzigno is situated in a National Park as well as a UNESCO Heritage site. This landfill does not currently meet the requirements of the Landfill Directive, in particular Article 11 on waste acceptance procedures, or the Habitats Directive. Although the site infrastructure has been recently developed, there are a number of serious and obvious shortcomings which include geological factors. The imminent threat of expanding the existing SARI site and the opening of the planned second Vitiello site within the perimeter of the national park is in such circumstances

unacceptable and suitable alternatives meeting the criteria of EU regulations need to be identified urgently.<sup>1</sup>

2. The enormous quantities of Ecobales accumulated in stockpile sites, especially on the Taverna del Ré site, are a priority for removal and disposal when their precise content has been properly assessed. At this point in time incineration is the only practical means and the area will need to be properly rehabilitated.
3. The open and illegal dumping of mixed and unidentified waste near the Ferandelle site, as seen during the mission, needs urgent attention and must be subject to strict management controls. An explanation must be given for the lack of use of the site planned for reception of organic waste and, if it fulfils the criteria laid down by the Waste Management Directive, it should become operational.

#### Recommendations:

*Integrated waste management plan:* The "Guidelines for the management of urban waste 2010-2013" should be transformed into a concrete and detailed plan of action with both a short and long term horizon in order to satisfy, in particular, Directive 2006/12/EC, articles 4 and 5. The plan must include benchmarks for measuring progress and clearly spell out responsibilities for implementation and the resources allocated. A qualitative and transparent system for data collection has to be put in place. The ruling of the court of 4 March, 2010 should be addressed in this manner. Furthermore, approval by DG Environment of such a plan for action is one of the conditions for liberating the blocked funds of € 135 million by the European Commission. The waste management plan should include the cleaning up of polluted areas as well as providing training, information, and support facilities to local authorities and operators. It should be compatible and complementary to a national waste strategy, (an obligation of the Landfill Directive, article 5) and other regions must be prepared to adapt their own waste management plans to accommodate Campania's urgent requirements. For too long, Campania has been a net recipient of industrial and household waste from other regions which it was ill-prepared to manage; this was an aggravating factor during the waste crisis.

*Democratic legitimacy:* In accordance with Directive 2003/35/EC, in particular article 2 "Public consultation concerning plans and programmes" the dialogue between the citizens and the authorities and between different levels of government must be rebuilt. The citizens must be engaged and heard, trust must be re-established. Military supervision is counterproductive to transparency or any reasonable perception of normality. However, the presence of the armed forces is based on a political decision, and the delegation experienced very good cooperation from the military staff. According to the Aarhus Convention citizens have the right to be informed of the situation in their own territory. It is the duty of the authorities to provide information and to motivate citizen to develop a responsible attitude and behaviour. The formal abolition of emergency rule by Commissioner must be fully implemented; it

---

<sup>1</sup> The Landfill Directive 1999/31/EC in Annex 1, requires authorities to take into account the geological and hydrogeological conditions in the area, as well as other criteria including risks of landslides, existence of nature protection zones and so on.

constitutes an essential criterion for releasing the blocked Community funds.

*Resources:* An appropriate budget must be allocated by the Italian national and regional authorities. It should foresee the financing of the whole waste cycle, structure and operations. The infrastructure required is important and costly; it includes recycling plants and an adequate network of refuse sites for citizens to bring refuse other than what is collected door-to-door, and over and above the already existing sorting plants for separation of waste into waste for fuel and organic residue. A precise road-map is required, explaining the conditions and incorporating a timeline for the EU to provide its financial support again. However, the funds suspended should be employed to help kick-start the beginning of the roll out, provided Italy is able to show real effort and ambition to comply with EU law. The funds suspended by the Commission amount to € 135 millions for the 2007-2013 financing period and a further € 10.5 millions from the 2000-2006 financing period, subject to the infringement procedure on which the ECJ rules on March 4, 2010.

*Implementation:* The implementation of the waste management plan and respect for the waste cycle hierarchy is key. Priority must be given to waste prevention, reduction, re-use and recycling and to the organisation of separated waste collection, in accordance with Directive 2006/12/EC, article 3, in particular b (i). The system for rewarding good behaviour and penalising non-compliance should be strengthened and measures taken to prevent waste being disposed of outside the official and organised circuit. Several petitioners explained that in the cases of separated waste collection the waste is dumped in the same landfill afterwards. This is totally unacceptable and must cease immediately. Moreover, at the moment it is much more profitable for municipalities and provinces to send waste to landfills (€90/ton) than to separate it (€200/ton). The regional government should consider a zero tolerance approach in order to create a decisive break with the past and to build up an organization corresponding to the levels of ambition of the plan. Waste management does not only concern the collection of waste but policies leading to its reduction. A structural dialogue with the packaging industries as well as the distribution and convenience stores must be created as soon as possible and must be an integral part of the plan.

*The legacy from the past:* The incinerator at Acerra was built without citizens or local communities having access to information about whether the existing environmental impact assessment rules had been respected. Severe doubts remain about the characteristics of the waste which is burned and the possible residue of toxic substances produced and which remain as ash or slurry.<sup>1</sup> The disposal of the "mummified" Ecobales with the appropriate technology should be addressed in the waste management plan. Only officially accredited landfill sites, compatible with the EU Landfill Directive, should be used. Their location should be clearly indicated; all other sites must be phased out and declared illegal. Penalties for the uncontrolled dumping of waste should be substantially increased as a deterrent.

*Industrial and special waste:* As only one petition concerns the management of industrial, toxic and special waste, the Petitions Committee has not focused on these topics during the mission or in the report. However, the management of industrial waste, which is potentially

---

<sup>1</sup> The Petitions Committee has taken due note of the contradictory evidence on this paragraph provided by Impreglio spa, Fisia Italmimpianti spa and Fibe spa. The documents can be consulted in the secretariat.

more harmful and toxic than household waste, must be in full conformity with the IPPC Directive (the Seveso Directive) currently under revision. The authorities must establish strict control over the handling of these specific types of waste, regardless of its origin and specially designated sites must be established which are commensurate with the provisions of the EU Directives. Appropriate infrastructure has to be developed for industrial, special and toxic waste.

The design and implementation of a coherent waste cycle is the responsibility of the Italian authorities. However, the Petition Committees calls upon the European Commission to vigilantly monitor and support Italy in its renewed efforts to comply with EU law. The Petitions Committee requests to be kept informed of the answers supplied by Italy. The national, regional and local authorities might want to engage in bilateral or multilateral exchange and support processes, learning from best-practice elsewhere. The Petitions Committee is ready and prepared to take an active role in this process and commits itself to follow developments closely and return to the region in late 2011 or early 2012.

The delegation wishes to thank its hosts for providing their support during its mission and welcomes the prospect of a continuous open dialogue in the future.

PS. On 22 June, 2010, the Delegation and ex-officio Members met with Alderman for Environment and Waste Management for Campania, Mr Giovanni Romano. He made a comprehensive statement providing details on the proposed new waste management strategy. He signalled the willingness of the authorities to work with the Committee on Petitions to ensure full respect of the European Directives in the waste management policy of the region. He sought the support of the Committee for release of the funding withheld by the European Commission under the conditions already established.<sup>1</sup>

---

<sup>1</sup> The Secretariat has a more detailed note on the meeting, available on request.