



31.10.2014

## NOTICE TO MEMBERS

**Subject: Petition 0144/2013 by Stefano Zanardi (Italian), on waste processing in the Parma area (Italy)**

### **1. Summary of petition**

The petitioner is complaining about the construction of a waste-to-energy plant with a waste incineration capacity of 13 000 tonnes per annum.

This waste-to-energy plant will be located in the middle of the ‘food valley’, the hub of a very large number of agro-industrial sites dedicated, in particular, to the production of high-quality charcuterie and cheeses, such as Parmigiano-Reggiano.

In this regard, there are concerns over increased environmental pollution with consequences for agro-industrial production and a call for increased separated waste collection.

### **2. Admissibility**

Declared admissible on 5 November 2013. Information requested from Commission under Rule 216(6).

### **3. Commission reply, received on 31 October 2014**

The petitioner claims that the waste-to-energy plant will presumably discourage separate waste collection, cause air pollution and have an impact on the quality of foods produces in the region.

The Commission agrees that separate collection of different fractions of municipal solid waste is essential to promote recycling. However, there will always remain a non-recyclable fraction

of waste.

As part of a comprehensive waste management strategy, incineration in waste-to-energy plants that are compliant with the requirements of Directive 2010/75/EU (Industrial Emissions Directive, IED) can be an environmentally sound option to treat this waste, using the energy to produce heat and electricity. The latest available figures show that 20% of municipal solid waste produced in Italy in 2012 was incinerated. This figure is below the EU average (24%) and therefore construction of this incineration capacity does not necessarily jeopardise the development of recycling in Italy.

The IED requires installations falling under its scope to operate in accordance with permits based on the best available techniques (BAT) and the emission limit levels associated with BAT. Without prejudice to this general rule, the IED itself sets emission limit values and monitoring obligations for waste incineration plants, which have to be complied with by all such plants as a minimum.

Member States have primary responsibility to ensure compliance with the requirements of the Directive and it is for the competent authorities to ensure that the applicable emission limits are met, including through environmental inspections and penalties. The IED includes specific provisions to ensure effective public participation in the permitting process for the operation of industrial installations. The public concerned must be adequately consulted before the permit is eventually granted.

Projects similar to the one subject to the petition fall under point 10 of Annex I<sup>1</sup> to Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (Environmental Impact Assessment Directive). For such projects, Member States must ensure that an assessment of their environmental effects is performed before development consent is given.

### Conclusions

On the basis of the information provided by the petitioner, the Commission has not identified a breach of applicable EU legislation and will not follow-up on this petition. Subject to compliance with relevant requirements under EU law, the Commission cannot interfere with decisions taken by competent authorities of Member States as regards the location of waste management facilities.

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<sup>1</sup> Waste disposal installations for the incineration or chemical treatment as defined in Annex I to Directive 2008/98/EC under heading D9 of non-hazardous waste with a capacity exceeding 100 tonnes per day.