



15.4.2019

NOTICE TO MEMBERS

Subject: Petition No 0211/2017 by Jose Luis Ordoñez Fernández (Spanish) on the composting plant at Fuentepelayo, Segovia

1. Summary of petition

The petitioner complains that solid and liquid waste from the Fuentepelayo composting plant near Segovia is being deposited on farmland around Aguilafuente, and is polluting water resources.

2. Admissibility

Declared admissible on 11 July 2017. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 31 January 2018

The situation described by the petitioner points to a possible breach of EU waste legislation, notably Article 13 of Directive 2008/98/EC¹, on 'Protection of human health and the environment', which requires that Member States take the necessary measures to ensure that waste management is carried out without endangering human health and the environment.

However, there is no indication that this situation constitutes a general practice or any systematic failure to comply with EU law and, for that reason, it does not fall within the priorities set by the Commission in its Communication² C/2016/8600 regarding its strategic approach to the enforcement of EU law.

Conclusion

¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Text with EEA relevance) - OJ L 312, 22.11.2008, p. 3–30

² Communication from the Commission — EU law: Better results through better application C/2016/8600 - OJ C 18, 19.1.2017, p. 10–20

Since the Member States are primarily responsible for implementing EU law, the Commission considers that these cases are dealt with more efficiently by the redress mechanisms that ensure the effective legal protection in the fields covered by EU law at national level.

Therefore, in view of the available information, the Commission does not intend to further investigate this case.

4. Commission reply (REV), received on 15 April 2019

Subsequent to contacting the Spanish competent authorities, the Commission received a copy of the letter dated 19 November 2018 addressed to the Committee on Petitions. Additionally, upon request, the Commission received a report from the “Confederacion Hidrografica del Duero” (management body of the river Duero).

The plant operator holds a non-hazardous waste treatment permit since 2006. The main activity of the plant is to treat biodegradable waste to produce compost for the treatment of soil. Since 2010, the “Confederacion Hidrografica” has filed four complaints. In addition, since 2015, the regional enforcement authorities have regularly inspected the plant following complaints related to foul odour. As a follow-up, structural issues and illegal disposal of waste in adjacent plots of land were detected. Consequently, urgent measures were issued for the plant to stop accepting more waste; to treat the accumulated waste in the premises; and to clean up the waste illegally disposed. Since 2016, a lawsuit was brought against the plant operator which is ongoing at the regional court. For that reason, all actions stemming from the filed complaints were suspended pending the ruling.

Meanwhile, the regional authorities carried out the clean-up operation at the cost of the operator. Moreover, the authorities have carried out analyses of soil and air concluding that the tests have not revealed the existence of contaminants in soils and that although there was a foul odour it could not be established that it was due exclusively to the plant in question.

Currently, the plant is no longer in operation; however the vessels in the premises containing leachate are full and at risk of overflowing, thus posing a threat to human health and the environment.

Conclusion

The Commission notes that the regional competent authorities have handled the case for some time, including through taking legal steps and that the plant has stopped operation.

As there are still potential hazards to human health and the environment and the legal case is ongoing, the Commission expects the Spanish authorities, who are primarily responsible for ensuring the correct implementation of EU law, to continue to undertake the necessary redress mechanisms to ensure full compliance with the relevant legislation.