



21.9.2018

NOTICE TO MEMBERS

Subject: Petition 1653/2013 by Jean Papadopoulos (Belgian), on behalf of 360 residents of the affected area, on manifest irregularities regarding the management of the 'Ioannina Hellenic' landfill site (Epirus, Greece)

1. Summary of petition

The petitioner refers to the 'Ioannina Hellenic' landfill site, that was commenced 2005 and completed in autumn 2011 with EU funding. He complains that:

- (a) the landfill site is in an unsuitable location outside the original survey area and on a hillside, from where it empties into the nearby Araxthos river. Furthermore, springs flowing from the hillside supply water to surrounding villages;
- (b) the soil around the landfill area is being destabilised by heavy rainfall causing subsidence;
- (c) the landfill site is situated opposite a much-visited Byzantine monastery; the Antiquities Board takes the view that the landfill site should be relocated;
- (d) a representative of the contractor has admitted that leakage from the landfill site has been a major problem from the outset, resulting in contamination of groundwater and nearby springs and hence of surface water;
- (e) while the scientific committee set up to investigate has concluded that the problems are real, the landfill site is still in operation, resulting in continued pollution.

The petitioner indicates that appeals to the Greek Council of State have been rejected following cursory examination of the facts. He attributes this to widespread corruption within the Greek public service which is being covered up by senior government appointees, by openly untruthful politicians and by the Greek Parliament itself. The petitioner wonders how it is possible for the EU to continue funding such projects, given the blatant infringements of its own legislation and such obvious corruption. He calls on the European Parliament to seek the introduction of legal provisions for the removal from office all elected or appointed individuals guilty of such untruthfulness.

2. Admissibility

Declared admissible on 4 June 2014. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 31 October 2014

The sanitary landfill (XYTA) of Ioannina is a project whose construction started in the programming period 2000-2006 under the Regional Operational Programme "Epirus" and continued as a bridge project under the OP "Environment and Sustainable Development" 2007-2013.

As regards the claims of the petitioner on the location of the sanitary landfill, it should be noted that there is no EU provision prohibiting the location of a landfill in the proximity of inhabited areas, rivers or cultural assets.

Still, it is of a critical importance that a landfill is constructed in full compliance with the EU and national rules, all mitigation measures have been properly applied and its operation is closely monitored and periodically controlled. The Commission services have asked information as regards the compliance of the operation of the landfill and will keep the European Parliament informed on the reply of the Greek authorities.

4. Commission reply (REV), received on 26 August 2015

In their reply to the Commission's request for information, the Greek authorities have reported that problems of pollution in nearby water sources to the Elliniko landfill were detected in March 2012. The Greek authorities proceeded with the establishment of a scientific committee by decision of the Governor of the Region that undertook an investigation of the problem and the proposal of measures in order to eliminate and remedy any deficiencies for the smooth operation of the project. According to the said investigation, up to now no responsibility is attributed to the construction (failure of the cell or the treatment facilities).

More particularly, the committee in its report has pointed out that, taking into account the absence of other contaminating activities in the area, the cause of pollution may be the area of the landfill and contaminating outflow could be coming from the landfill cell. The committee proceeded as well with a number of proposals for the smooth operation of the landfill, including works to remove rainwater, to continue the sampling and to investigate further the possibility of cell leakage.

The Greek authorities have implemented the above proposals, for instance removing the rainwater, while, according to the information received, the investigation with regard to the cell leakage has not resulted in problems with the waterproofing of the cell.

Member States have the obligation not only to transpose the EU Directives in the area of environment into national law, but also the obligation to apply their provisions effectively and completely, in this case to the concrete situations relating to individual landfills. Thereafter, the competent national authorities – administrative and judicial – have the responsibility to adequately enforce the national provisions transposing the above Directives, i.e. to correct the situation and apply sanctions in case of violations of their provisions.

The Commission does not have the competence to conduct inspections in Member States in order to investigate compliance of a given landfill with the above EU Directives.

The Commission notes that both Directives have been properly transposed into Greek law.

Conclusion

If a landfill is functioning in violation of Directives 99/31/EEC and 2008/98/EC, the petitioner is in the first place called upon to exercise his/her rights and to use the national procedures and means of redress in order to seek remedial action. National competent authorities are the first port of call for properly addressing deficiencies such as those highlighted in the petition. Should national authorities not take adequate measures to address these deficiencies, over a protracted period of time, we invite the petitioner to inform the Commission.

The Greek authorities have informed the Commission that they continue to monitor the situation. The Commission from its side will continue to monitor the operation of this project within the context of the 2007-2013 Environment and Sustainable Development programme.

5. Commission reply (REV II), received on 31 October 2017

According to the latest information, as a result of a number of interventions (suggested by a scientific committee established by decision of the Governor of the Region of Epirus), the proper operation of the Ioannina landfill has now been ensured.

The Commission is not aware of any new information indicating that there are currently problems with the Ioannina landfill. On that basis it will not further investigate this case.

6. Commission reply (REV III), received on 21 September 2018

Since the Committee meeting of 21 March 2018, there has been no change regarding the landfill. According to the information in the possession of the Commission, as a result of a number of corrective interventions undertaken in the landfill site in 2013-2014 (suggested by a scientific committee established by decision of the Governor of the Region of Epirus in 2012), the proper operation of the landfill has been ensured.

There is no specific information indicating and proving the violation of EU environmental legislation available to the Commission regarding the Ioannina sanitary landfill. Consequently, the Commission does not intend to further investigate this petition.