Under the Waste Framework Directive\(^1\), Member States are required to take measures so as to ensure that waste management is carried out without endangering human health and without harming the environment\(^2\). In particular, Member States have to ensure that, where re-use, recycling or other recovery operations in line with the waste hierarchy are not undertaken, waste undergoes safe disposal operations\(^3\).

Moreover, under Article 6(2) of the Habitats Directive\(^4\), Member States must take appropriate steps to avoid, in areas designated as Special Protection Areas under the Birds Directive\(^5\), the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of the Directive.

Without prejudice to the Commission’s role as guardian of the Treaty, Member States’ authorities have the primary responsibility for ensuring compliance with EU law and have the powers to control the legality of the acts of the national public administration.

It is the competence of the national authorities to define the specific measures to be taken in order to comply with the obligations laid down in the above-mentioned directives in cases such as the one mentioned by the Honourable Member.

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\(^2\) Article 13, Directive 2008/98/EC.

\(^3\) Article 10(1) and Article 12, Directive 2008/98/EC.
