

WRITTEN QUESTION P-0578/06  
by Giovanni Procacci (ALDE)  
to the Commission

Subject: Waste management

Under Law No 308 of 15 December 2004 the Italian Parliament empowered the Italian Government to reorganise, coordinate and supplement environmental legislation by means of one or more legislative decrees.

The procedure for the adoption of the draft decree laying down environmental provisions that has been drawn up as a result is now nearing completion.

The draft decree contains six sections. Section 4 deals with waste management and the reclamation of polluted land, with the stated aim of replacing the existing legislation in this area, consisting mainly of consolidated Legislative Decree No 22 of 5 February 1997.

Article 16 of Directive 94/62/EC<sup>1</sup> of 20 December 1994 on packaging and packaging waste, as subsequently amended, expressly provides that 'before adopting such measures, Member States shall notify the drafts of measures which they intend to adopt [...] to the Commission'.

Furthermore, Article 20 of Council Directive 75/442/EEC<sup>2</sup> of 15 July 1975 on waste, as subsequently amended, expressly provides that 'Member States shall communicate to the Commission the texts of the main provisions of national law' which they intend to adopt (see also Article 3 of the directive, which further establishes the principle of notification).

The Court of Justice has confirmed the principle that Member States are obliged to inform the Commission in good time of any legislative proposal concerning waste and the management thereof.

Given the above, what steps has the Commission taken, or does it intend to take, to ensure that the Member State complies with the prior notification requirement, including suspending the legislative procedure in order to enable the necessary cooperation actually to take place?

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<sup>1</sup> OJ L 365, 31.12.1994, p. 10.

<sup>2</sup> OJ L 194, 25.7.1975, p. 39.