

**Question for written answer P-5321/2010
to the Commission**
Rule 117
János Áder (PPE)

Subject: The Austrian incineration plant planned for the Heiligenkreuz Industrial Park continues to violate the principles of self-sufficiency and proximity

I was sad to read the response given to my written question No P-2559/10 (8.6.2010), the reasoning of which I consider to be misleading, contradictory and superficial and which I can therefore not accept.

1. It is misleading, as my question did not criticise cross-border cooperation between Member States but the fact that the planned plant would incinerate around ten times the amount of waste produced annually in the Austrian 'Land' concerned. It follows that waste would be sent from other Länder and other countries for incineration, which would clearly lead to waste tourism. This would violate the principle laid down in Article 16 of Directive 2008/98/EC¹ (self-sufficiency and proximity), according to which waste must be disposed of or recovered in the facility nearest to where it is produced.
2. It is contradictory, as your response also acknowledges 'that the Member States must, when drawing up waste management plans, ensure that the capacity of waste disposal facilities is sufficient for the amount of waste produced'. This principle is being breached in this case, particularly as another incinerator in the same region (Frohnleiten, Graz), with a capacity of 425 000 tonnes per year, has already been authorised – construction of which has not begun because Austria does not have sufficient combustible waste.
3. I am particularly sad that, when drafting its response, the Commission completely disregarded the legal interpretation of the European Court of Justice², which states that, in the case of waste management, the principle of proximity also means that each Member State, region and municipality will have to ensure that its own waste is collected locally and disposed of as close as possible to where it is produced, in order, inter alia, to limit the transport of waste. This also derives from Article 191 (2) TFEU, which states that environmental damage should as a priority be rectified at source.

In the light of the above, does the Commission still maintain that the principles of self-sufficiency and proximity are not being violated?

¹ OJ L 312, 22.11.2008, p. 3.

² Case No C-2/90, Commission v. Belgium, point 34.