

WRITTEN QUESTION E-3998/08

by Kathy Sinnott (IND/DEM)

to the Commission

Subject: European legislation on building incinerators in Meath and Ringaskiddy

A recent radio broadcast (2 July 2008) from Mr John Ahern suggested that, if we in Ireland do not build incinerators in Meath and Ringaskiddy, the Commission will fine our government.

Does European legislation permit fines based on individual cases such as these?

What are the quotas Ireland must fill in terms of building incinerators?

Does the Commission know what legislation the Irish Government are referring to when they suggest that we could be fined for not building incinerators in Meath and Ringaskiddy?

Can the Commission indicate what overall legislation binds Ireland to build incinerators?

Furthermore, can the Commission indicate what quotas Ireland will have to fill with regard to building incinerators under the new Waste Framework Directive, which has just passed through Parliament?

Answer given by Mr Dimas

on behalf of the Commission

(1.10.2008)

"The Commission cannot impose fines on Member States – such fines can only be imposed by the European Court of Justice as a result of an infringement case.

European legislation (including the recently revised Waste Framework Directive) does not prescribe any quotas for waste incineration, nor does it oblige Member States to build waste incinerators if they do not wish so. Member States are obliged to meet the requirements of proper waste management enshrined in Community waste legislation, such as Directive 2006/12/EC on waste, Directive 1999/31/EC on landfills, and other waste Directives (see: <http://ec.europa.eu/environment/waste/index.htm>). They can meet these requirements without constructing incinerators.

In particular, Directive 2006/12/EC requires that Member States shall take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment. According to this Directive, Member States need to establish an integrated and adequate network of disposal installations, which may but does not have to include waste incineration facilities. In a judgment of 26 April 2005 in Case C-494/01, Commission v Ireland, the European Court of Justice ruled that Ireland did not have such an adequate network. Based on an increase in landfill capacity, Ireland has since argued that it now has an adequate network.

The Commission does not know what particular legislation the Irish Government (or the broadcast) could refer to. The conclusion that Community waste legislation obliges or will oblige Member States to build incinerators is, however, incorrect, and appears to be a misinterpretation of the obligations to properly manage the Irish waste."