

EN

E-005468/2021

Answer given by Mr Sinkevičius
on behalf of the European Commission
(25.2.2022)

Article 13 of the Landfill Directive¹ lays down strict requirements for closure and after-care procedures for landfills. This includes the operator's responsibility after a landfill has been definitely closed, e.g. for maintenance, monitoring and control in the after-care phase and for monitoring and analysing landfill gas and leachate from the site and the groundwater regime in the vicinity of the site. Specific provisions apply including for the after-care phase as regards monitoring of emission data: water, leachate and gas control, and ground-water protection². According to Article 13 of the Waste Framework Directive³, Member States shall take the necessary measures to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular (a) without risk to water, air, soil, plants or animals, (b) without causing a nuisance through noise or odours and (c) without adversely affecting the countryside or places of special interest.

The Groundwater Directive⁴ (GWD) requires Member States to comply with the principle of non-deterioration and take measures to prevent and limit inputs of pollutants into groundwater. Under Article 5 of the GWD, Member States shall prevent deterioration of the chemical status for water body, identify and reverse any upward trend, and report⁵ on those trends.

The Commission does not have sufficient elements to assess whether this particular landfill complies with EU waste and water legislation. Without prejudice to the Commission's powers as guardian of the Treaties, Member States' competent authorities are primarily responsible to ensure compliance with EU law.

¹ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, OJ L 182, 16.7.1999, p. 1–19, amended by Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018, OJ L 150, 14.6.2018, p. 100–108.

² Annex III.

³ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, OJ L 312, 22.11.2008, p. 3–30, as amended by Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May, OJ L 150, 14.6.2018, p. 109–140.

⁴ Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration, OJ L 372, 27.12.2006, p. 19–31.

⁵ The Commission will carry out a general assessment (covering inter alia groundwater issues) of Member States' third River Basin Management Plans, which have to be notified to the Commission by March 2022.