

No more time to waste for complying with the WFD 2020 target in Greece and Cyprus: A legal perspective

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23 June 2021



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Content of today's presentation

- Introduction: Waste Framework Directive (WFD)
- Proper implementation of WFD: Key findings for Greece and Cyprus
- Examples of main actions proposed for Greece and Cyprus and current status
- Article 258 TFEU: The right to refer a MS to the Court of Justice of the European Union (CJEU)
- Concluding remarks

INTRODUCTION

Waste Framework Directive (WFD) 2008/98/EC

2020 target
of 50 % preparation for reuse/recycling of municipal waste (Article 11 (2)(a))

2025 target
of **55%** preparation for reuse/recycling of municipal waste
(Article 11 (2)(c)) – Amending Directive (EU) 2018/851

2030 target
of **60%** preparation for reuse/recycling of municipal waste
(Article 11 (2)(d)) – Amending Directive (EU) 2018/851

2035 target
of **65%** preparation for reuse/recycling of municipal waste
(Article 11 (2)(e)) – Amending Directive (EU) 2018/851

New Landfill Directive (EU) 2018/850
No more than 10% of waste may go to landfills by 2035.

*Apart from setting targets
one of the key priorities of EU waste policy is the:*

**Proper implementation,
application and
enforcement
of EU waste legislation at national level**

How is this examined by the EU Commission?

According to Article 37 of the WFD (*as originally found*):

every 3 years,
Member States had to inform the Commission of the implementation of the Directive by submitting a sectoral report

The Commission shall publish a report on the implementation of the Directive

within 9 months of receiving the sectoral reports from the Member States

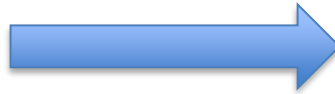
EU Commission, Report on the implementation of EU waste legislation,

including the early warning report for Member States at risk of missing the 2020 preparation for re-use/recycling target on municipal waste

COM(2018) 656 final.

At risk of missing the target...

14 Member States



- Bulgaria,
- Croatia
- **Cyprus**
- Estonia
- Finland
- **Greece**
- Hungary
- Latvia
- Malta
- Poland
- Portugal,
- Romania
- Slovakia
- Spain

KEY FINDINGS FOR GREECE AND CYPRUS

GREECE*

- **Municipal waste recycling rate**
(including composting):
17%
- **Landfilling rate:**
82%

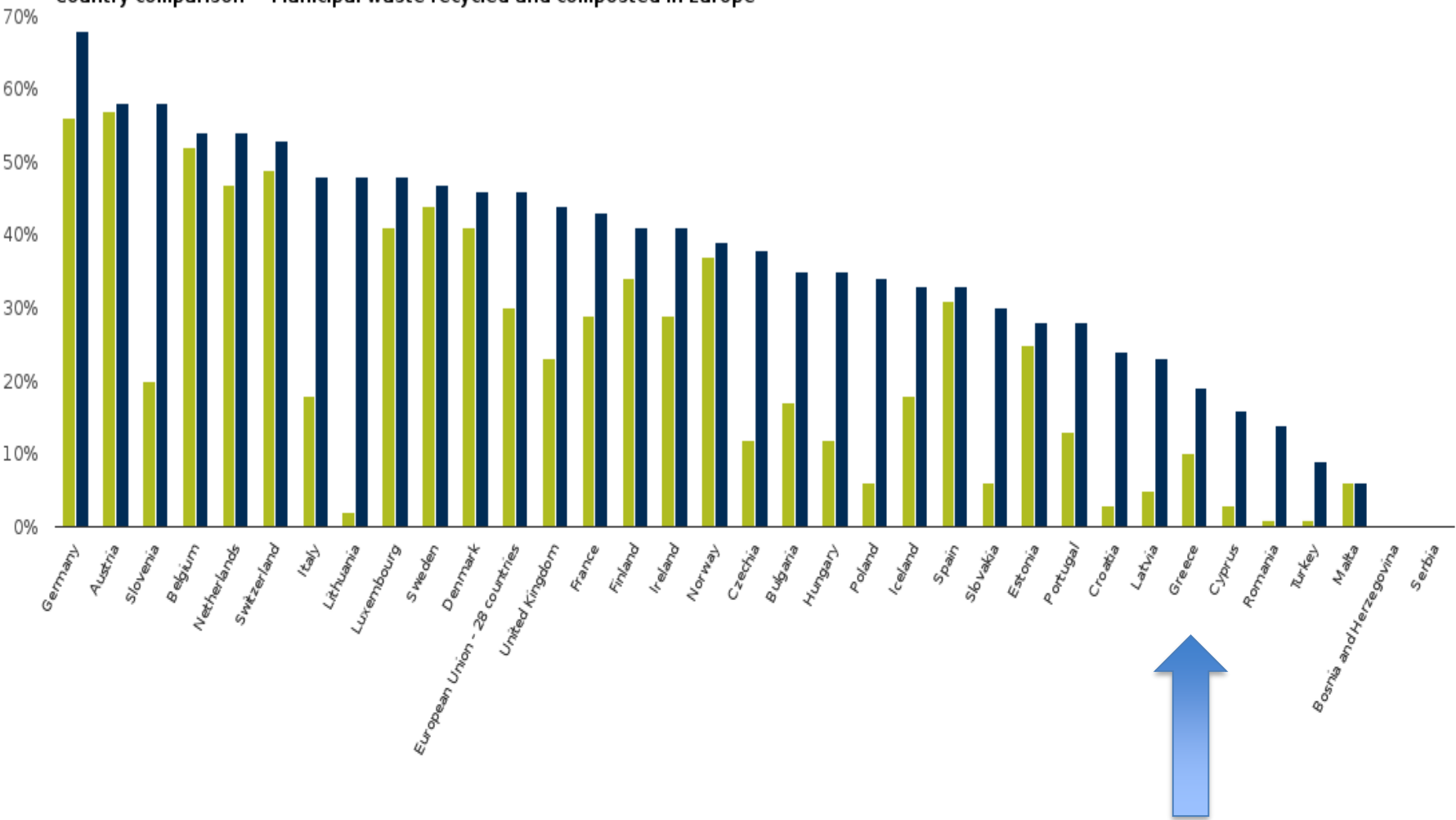
CYPRUS*

- **Municipal waste recycling rate**
(including composting):
17%
- **Landfilling rate:**
75%

*As reported to Eurostat in 2016

Country comparison — Municipal waste recycled and composted in Europe

2004
2017



Key findings for Greece:

Greece's **poor performance in waste management** is due to:

- the **absence of the infrastructure** needed for source separation of recyclables
- the general **public's low level of awareness**
- a **lack of financial incentives** and
- the **absence of relevant economic instruments.**

*According to the European Commission “the **economic recession** and **subsequent financial crisis in Greece** **have affected the waste sector**, leading to a decrease in waste generation but also to a sharp increase in informal recycling in recent years”.*

**European Commission, Commission Staff Working Document: The early warning report for Greece, SWD (2018) 418 final.*

Key findings for Cyprus:

Cyprus' **difficulties in implementing - in practice - EU waste law** are mainly due to:

- the **lack of infrastructure and collection systems** for recyclables and for diverting biodegradable waste away from landfills
- the **lack of coordination between different administrative levels** and insufficient capacity at the local level
- the **lack of incentives** (including the absence of economic instruments) to prevent waste and improve recycling.
- the **ineffective extended producer responsibility (EPR) scheme** for packaging and **the insufficient monitoring and enforcement of its activity.**

**European Commission, Commission Staff Working Document: The early warning report for Cyprus, SWD (2018) 415 final*

EXAMPLES OF
ACTIONS
PROPOSED FOR
GREECE AND
CYPRUS
&
CURRENT STATUS

POSSIBLE ACTIONS TO IMPROVE PERFORMANCE



GREECE

Introduction of pay- as-you-throw (PAYT) schemes

- **Not yet introduced:** Greece has not yet introduced mandatory PAYT schemes at municipal level / Limited experience regarding this matter gained mostly through pilot municipal programs → **Municipality of Elefsina**
- June 2021: Draft Bill:
- Including separate collection and 5 collections streams (including bio waste)
- *Municipalities to be given the opportunity to implement the PAYT system, by charging lower municipal fees to all those who produce less waste and / or recycle more (mandatory for all municipalities with a population greater than 20,000 from Jan 2028.*



CYPRUS

Roll out of pay-as-you-throw (PAYT) schemes

- **Not rolled out:** In practice, experience gained mostly through **pilot municipal programs** → *Municipality of Aglandjia*
- **YET** Draft Bill (Spring 2021) including PAYT scheme awaiting approval by new House of Parliament members
- **2 new main provisions:**
 - Establishment of a sorting system at source and separate collection of recyclable and organic / biological waste by local authorities
 - PAYT system – mandatory for all municipalities

GREECE

Implementation of the
landfill tax (set to apply
from 2018)

- **Not yet implemented**

- Draft Bill: June 2021
- Yet according to **Greece's recovery and resilience plan endorsed by the EU Commission last week:**

Key reform 4: Waste management and water reform for sustainable use of resource: *including the implementation of a landfill tax* (The landfilling tax shall be applied as of the first quarter of 2022 and the tariffs shall progressively increase until they reach the upper threshold of the landfilling tax by the third quarter of 2024).



CYPRUS

Introduction of a
landfill tax

- **Not yet introduced: Yet** it is a top priority after the practical implementation of the PAYT scheme

GREECE EU Funding

- 
- **ONGOING**
 - Example: “Implementation of a Waste Treatment Unit of the Prefecture of Serres”
 - Total investment for the project: EUR 32 274 687
 - EU’s Cohesion Fund contributing EUR 13 629 713 through the “Transport Infrastructure, Environment and Sustainable Development” Operational Programme for the 2014-2020 programming period.

CYPRUS

Adoption of binding municipal waste recycling targets for municipalities, with financial penalties if they are not met

- **Not adopted**

- According to the Draft Bill local authorities will help in reaching Cyprus WFD targets (including the preparation of action plans at local level)
- Yet not setting targets specifically for local authorities / municipalities → therefore no financial penalties will be imposed if these are not met.

CYPRUS

Repeal, or at least an increase in line with the consumer price index, of the maximum

legal waste fee level that citizens can be charged.

- **Not repealed yet.**

- Legal waste fee is an issue regulated within a different legislative framework (Law on Municipalities Law, L 111/85).
- Yet an attempt is currently made for changes to be introduced.
- Legal waste fee level eventually altered after the introduction of the PAYT scheme (as in Aglandjia)

Recycling rate of municipal waste (online data code: T2020_RT120)

Source of data: Eurostat

Settings: Default presentation



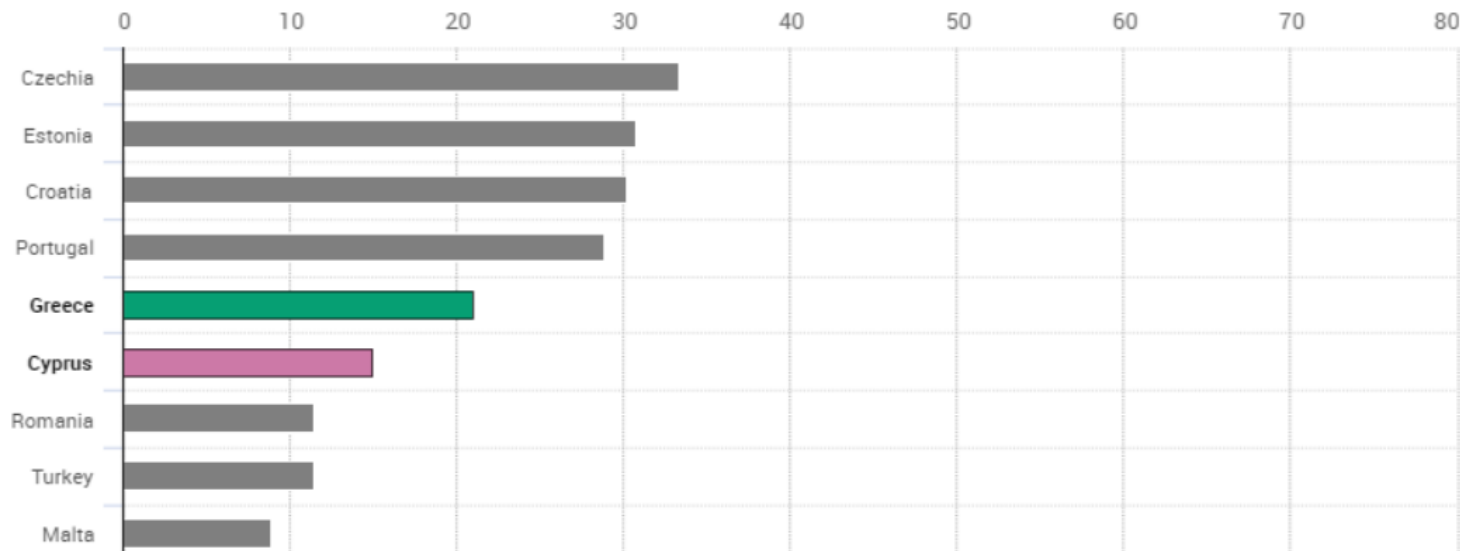
Table

Line

Bar

Map

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2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019

First Previous Next Last

THE RIGHT OF THE EU COMMISSION TO REFER A MEMBER STATE TO THE CJEU

Article 258 TFEU

Correct
implementation /
**Practical
application** of a
directive is a **Treaty
obligation** employed
by all **Member
States**, to which it is
addressed.

The **European
Commission**, has the
right, according to
Article 258 TFEU to
**refer a member state
to the CJEU in case it
has failed to fulfil
such an obligation**

→ *heavy fines could
then be imposed on
the MS concerned*

CONCLUDING REMARKS

- **Various important actions are currently taken at national level**, regarding the improvement of the waste management status in both member states (MS) and they must be credited for that.
- Yet changes are unfortunately **slow in realization** and **full of impediments**.
- Especially for Cyprus the ‘copy and paste’ approach – adopted similarly in other MS - “is followed by **frequent problems in applying the relevant EU standards in practice**. This suggests a rather increased need for control over compliance” (G Falkner (2018)).
- Greece and Cyprus **are still nowhere near in achieving SOON the 2020 WFD target of 50 %** preparation for re-use and recycling of municipal waste.
- Apart from the possibility of being referred to the CJEU for non compliance, what is more worrying is that **such a waste of time highly increases the possibility, for both MS, of missing the next waste recycling targets** adopted by the EU legislators, through Directive (EU) 2018/851.

**THANK YOU FOR
YOUR ATTENTION!**

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