

(English version)

**Question for written answer E-002756/24
to the Commission
Pasquale Tridico (The Left)
(4 December 2024)**

Subject: Question to the Commission on the Scala Coeli (CS) landfill case

In Decree No 4180/2010, the Calabria Region authorised the construction of a landfill site for special non-hazardous waste in the 'Case Pipino' area of the municipality of Scala Coeli. Subsequently, in Decree No 14284/2019, it approved the extension of the site, which is located in an agricultural area with certified organic production and traditional cattle farms.

This authorisation was granted despite:

1. the Public Property Agency's rejection of the site's delisting, upheld by the High Court of Public Waters (judgment No 94/2024);
2. the negative opinions of the technical assessment structure and the Department of Agriculture, which were overridden by conflicting notes and biased expert reports;
3. the absence of planning permission to build in an area at risk of earthquakes and the subsequent execution of illegal works.

In 2022, consignments began arriving, in breach of integrated environmental authorisation (AIA) requirements, with improper access across the Patia stream and without a functioning leachate treatment plant. On 22 June 2023, a massive leachate spill, through illegally installed pipes, contaminated the surrounding area, flowing to the Ionian Sea.

In view of the above:

1. How does the Commission view this regional waste policy in the light of the EU Directives?
2. Has it launched, or does it intend to launch, a ‘best available techniques’ monitoring procedure in accordance with Directive 2010/75/EU?
3. Does it consider there to have been any violation of Community law on public health, and what action it will take?

Submitted: 4.12.2024

Answer given by Ms Roswall on behalf of the European Commission
(10 February 2025)

1. The competent authority may only authorise a landfill site if strict environmental and health requirements of the Landfill Directive ⁽¹⁾ are complied with. The characteristics of the site, or the corrective measures to be taken, shall indicate that the landfill does not pose a serious environmental risk ⁽²⁾. The location of the landfill must take into consideration requirements relating to e.g. distance to residential and recreation areas, waterways, water bodies, agricultural or urban sites; the existence of groundwater, coastal water or nature protection zones in the area; the geological and hydrogeological conditions in the area; and the risk of flooding, subsidence, landslides or avalanches on the site ⁽³⁾. Regional waste policy and measures to improve environmentally sound waste management are set out in the Calabria Region’s waste management plan of March 2024 established under the Waste Framework Directive ⁽⁴⁾.
2. As a result of the recently revised Industrial Emissions Directive ⁽⁵⁾, Best Available Techniques reference documents will be developed for landfills, starting mid-2025.
3. Member States have a primary responsibility to monitor the application of the relevant legal provisions and to take the necessary steps for enforcement. In its role as guardian of the Treaties, the Commission monitors the situation and may decide to take appropriate action. The Commission aims to swiftly follow up on systemic issues involving the application of EU law in EU countries. However, one-off instances of this are better dealt with at national level, as long as there are available remedies, including judicial ones. In these cases, it is up to the national courts to apply and enforce rights under EU law ⁽⁶⁾.

⁽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 I, Section 1.2 and Article 8 of the Landfill Directive.

⁽³⁾ Annex I, Section 1.1 of the Landfill Directive.

⁽⁴⁾ Article 28-33 of 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.

⁽⁵⁾ Directive (EU) 2024/1785 of the European Parliament and of the Council of 24 April 2024 amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste, OJ L, 2024/1785, 15.7.2024.

⁽⁶⁾ As set out in the communication of 19 January 2017 (EU law: Better results through better application — C/2016/8600, OJ C 18, 19.1.2017, p. 10-20) and in the communication of 13 October 2022 (COM(2022) 518 final — Enforcing EU law for a Europe that delivers).