

1. The competent national authority shall ensure that landfills comply with the strict requirements of the Landfill Directive¹. A permit may not be given unless the characteristics of the site, or the corrective measures to be taken, indicate that the landfill does not pose a serious environmental risk². The location of the landfill must take into consideration distance to residential and recreation areas, waterways, water bodies, the existence of groundwater, coastal water, and the geological and hydrogeological conditions in the area³. During the landfill's operation and after-care, water control, leachate management, protection of soil, groundwater and surface water shall be ensured⁴. The competent national authority shall inspect the site to ensure that it complies with the permit⁵. Control and monitoring shall be made according to detailed provisions⁶.

2. Polluters shall take preventive and remedial action in accordance with the Environmental Liability Directive⁷ with regard to significant damage or imminent threat thereof they have caused. Member States have the primary responsibility to monitor the application of EU law, ensure the required process and take necessary enforcement steps. 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. However, individual cases such as this are better dealt with at national level, using the available remedies, including judicial ones. In these cases, it is up to the national courts to apply and enforce rights under EU law⁸.

¹ As defined by Article 2(g) of 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 Annex I, Sections 2-3 of the Landfill Directive.

⁵ E.g. Articles 8 and 13 of the Landfill Directive.

⁶ Articles 12-13 and Annex III of the Landfill Directive.

⁷ Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, OJ L 143, 30.4.2004, p. 56–75.

⁸ 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).