

EN

P-001454/2024

Answer given by Executive Vice-President Šefčovič
on behalf of the European Commission
(14.10.2024)

1. EU law requires Member States to ensure proper waste management, including to prepare for reuse or recycle at least 65%¹ and not landfill more than 10%² of their municipal waste by 2035. Incineration with energy recovery can provide appropriate treatment of non-recyclable residual waste³ by extracting energy and valuable materials, diverting it from landfilling or illegal dumping, and reducing greenhouse gas emissions and other pollution. To align waste infrastructure with the recycling targets, overcapacity in residual waste treatment should be avoided. No information indicates that this incinerator would contribute to incineration overcapacity or cause significant damage to the EU's environmental objectives.

2. Decisions on the type and location of waste treatment plants are in the competence of the Member States and are part of their waste management plans to implement EU waste legislation, ensuring a high level of environmental protection and the application of the principles of the waste hierarchy, proximity, self-sufficiency and polluter-pays. Without prejudice to the Commission's role as guardian of the Treaties, Member States are primarily responsible to ensure compliance with EU law, including as regards assessing possible environmental impacts of projects and verifying individual cases of potential breaches of the rules.

3. The waste hierarchy lays down a priority order favoring waste prevention and preparing for re-use, followed by recycling, and only then recovery, including energy recovery, while the least preferred option is disposal, such as incineration without energy recovery and landfilling of waste⁴. The Commission considers that the place of energy recovery in the waste hierarchy is still valid.

¹ 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.

² 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.

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'The role of waste-to-energy in the circular economy', COM(2017) 34 final.

⁴ Article 4 of Directive 2008/98/EC.