



23.3.2021

NOTICE TO MEMBERS

Subject: Petition 0720/2012 by Vincenzo Crea (Italian), on behalf of the ANCADIC, on an increase in environmental diseases in and around Lazzaro in Motta San Giovanni (Reggio Calabria)

1. Summary of petition

The petitioner expresses concern at the growing incidence of cancerous tumours in an area of the province of Reggio Calabria, presumably as a result of environmental pollution and toxic waste discharge sites, indicating that increasing environmental pollution of the area concerned has also been registered by the provincial health authorities.

2. Admissibility

Declared admissible on 2 October 2012. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 30 October 2013

EU legislation does not contain any specific rules on conducting medical screenings to examine the reasons for increases in the incidence of environmental diseases and their possible correlation with environmental quality (air, water). It is up to the competent Italian authorities to assess if the alleged unlawful waste tips can be directly linked to observed harmful health effects.

Instead, EU environmental legislation sets rules concerning waste management aimed to minimize the above mentioned risks.

General provisions are established in Directive 2008/98/EC on waste¹ (the "Waste Framework

¹ OJ L 312, 22.11.2008, p. 3-30.

Directive"), which requires Member States to take the necessary measures to ensure that waste management is carried out without endangering human health and the environment (Article 13 of this directive).

The more detailed provisions concerning landfilling waste are incorporated in Directive 1999/31/EC¹ on the landfill of waste (the "Landfill Directive") which provides for measures to prevent or reduce as far as possible negative effects on the environment as well as any resulting risk to human health, from landfilling of waste. This directive only allows landfilling of waste in specifically defined landfills which meet the technical standards and requirements of the Landfill Directive. Article 14 of the Landfill Directive requires Member States to ensure that after 16 July 2009 substandard landfills are no longer in operation. Article 6(a) of the Landfill Directive provides that only waste that has been subject to treatment is landfilled. Council Decision 2003/33/EC² provides criteria and procedures for the acceptance of waste at landfills in accordance with the principles set out in Annex II to the Landfill Directive.

This means that any dumping of waste at any place that does not comply with the requirements for a landfill would contravene the Landfill Directive as well as the Waste Framework Directive.

The Commission has launched a number of infringement procedures over the years against Italy, with reference to the incorrect application of the Landfill Directive and Waste Framework Directive, several of which resulted in Italy being condemned by the Court of Justice.

As concerns the illegal landfills which, according to the petitioner, exist in Motta San Giovanni (Reggio Calabria), it must be pointed out that Calabria is one of the Italian regions covered by ongoing infringement procedure 2003/2077 concerning numerous illegal landfills on the whole Italian territory. However, it seems that the alleged illegal landfills mentioned by the petitioner are not covered by infringement procedure 2003/2077.

As concerns the inadequate treatment of urban waste waters in Motta San Giovanni, it must be pointed out that the agglomeration of Motta San Giovanni is covered by ongoing infringement procedure 2004/2034 regarding the breach in several Italian regions of Directive 91/271/EEC³.

Conclusions

The Commission will contact the competent Italian authorities in order to clarify the allegations of the petitioners and to verify compliance with EU environmental legislation in the situations described in the cases not covered by ongoing infringements procedures.

4. Commission reply (REV), received on 30 April 2014

Within its EU Pilot investigation the Commission has asked the Italian authorities to provide

¹ OJ L 182, 16.7.1999, p. 1-19

² OJ L 11, 16.1.2003, p.27

³ Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment 91/271/EEC (OJ L 135, 30.5.1991, p. 40).

clarifications on the illegal landfills which, according to the petitioner, exist in Motta San Giovanni (Reggio Calabria).

After having assessed the information provided by the Italian authorities in November 2013, the Commission decided to ask for further clarifications in March 2014. The Commission will keep the European Parliament informed on the follow-up on the case.

5. Commission reply (REV.II), received on 29 August 2014

Within the ongoing EU Pilot investigation the Italian authorities have provided the following information:

- a. As regards the former municipal landfill in Motta San Giovanni, this site, officially closed in 2003, has been monitored by ARPA Calabria (the regional environmental agency) and it is planned to carry out analyses aimed at ascertaining whether the site is contaminated. If the analyses show that the site is contaminated, the site will be included in the Calabria regional programme for the clean-up of contaminated sites (which is being updated). However, if the analyses show that the site is not contaminated, the authorities will consider the possibility of restarting to use the site as a landfill.
- b. As regards the several illegal landfills which allegedly exist in the municipality of Motta San Giovanni – namely, the waste tipped in an abandoned quarry in the Lazzaro district and the waste tipped in the Torrente San Vincenzo and in the Torrente Oliveto –, the Italian authorities state that they are not aware of their existence.
- c. As regards the composting plant operated by the company "Eco Services" in Motta San Giovanni, following seizure of the plant by the judicial authorities in 2012, a screening procedure under Directive 2011/92/EU¹ (EIA Directive) has been launched in order to establish if the plant is likely to have significant effects on the environment and if, therefore, a full environmental impact assessment is necessary.

Since several aspects, in particular as regards point b) above, require further clarification, in July 2014 the Commission asked the Italian authorities further questions. The Commission will keep the European Parliament informed on the follow-up of the case.

Finally, as concerns the inadequate treatment of urban waste waters in Motta San Giovanni, it must be pointed out that the agglomeration of Motta San Giovanni is covered by an ongoing infringement procedure regarding the breach in several Italian regions of Directive 91/271/EEC². In the framework of this infringement procedure, by ruling of 19/7/2012 (C-565/10) the EU Court condemned Italy for having breached Directive 91/271/EEC. This ruling covers 109 agglomerations in 8 Italian regions, including Calabria. Since then, the Commission has been monitoring the progress made by the Italian authorities in building the infrastructure necessary to comply with the ruling.

¹ Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ L 026, 28.01.2012, p. 1).

² Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p. 40).

6. Commission reply (REV. III), received on 28 November 2014

In September 2014 the Italian authorities provided the following further clarifications in the framework of the EU Pilot investigation :

- a) As regards the former municipal landfill in Motta San Giovanni, analyses carried out on samples of waste taken from the landfill have shown that it does not contain hazardous waste.

However, the Italian authorities confirm that further analyses will be carried out aimed at ascertaining whether the site is contaminated. If the analyses show that the site is contaminated, the necessary decontamination measures will be taken.

In this connection, the Italian authorities confirm that the Calabria regional programme for the clean-up of contaminated sites ("decontamination programme") is being updated. In addition, the Italian authorities point out that, once updated, the decontamination programme will be integrated into the Calabria regional plan for waste management, which is also being updated.

- b) As regards the several illegal landfills which allegedly exist in the municipality of Motta San Giovanni – namely, the waste tipped in an abandoned quarry in the Lazzaro district and the waste tipped in the Torrente San Vincenzo and in the Torrente Oliveto –, the Italian authorities have provided the following information:

- Waste tipped in an abandoned quarry in the Lazzaro district: It appears that waste coming from the ENEL power plant in Brindisi was deposited in this private area between 2003 and 2007. The area has been seized by the judicial authorities and criminal proceedings are still ongoing. In the meantime, analyses carried out by ARPA Calabria (the regional environmental agency) have shown that the area is not contaminated and that there is no radioactivity.
- Waste tipped in the Torrente San Vincenzo and in the Torrente Oliveto: The Municipality of Motta San Giovanni has cleaned up these sites several times in the last years, and it appears that at present there is no more abandoned waste.

- c) As regards the composting plant operated by the company "Eco Services" in Motta San Giovanni, the Italian authorities confirm that a screening procedure under Directive 2011/92/EU¹ (EIA Directive) is ongoing aimed at establishing if the plant is likely to have significant effects on the environment. In the meantime, measures taken have considerably reduced the odours coming from the plant.

The above information shows that the Italian authorities have taken measures aimed at ensuring compliance with the relevant EU environmental legislation in the situations mentioned by the petitioner.

However, since the petitioner has sent additional information concerning another site where it is alleged that waste has been abandoned (former industrial site "ex Liquil

¹ Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ L 026, 28.01.2012, p. 1).

Chimica" in Montebello Jonico), in October 2014 the Commission asked the Italian authorities to provide clarifications concerning this further site.

Conclusion

The Commission will keep the European Parliament informed on the follow-up of the case.

7. Commission reply (REV. IV), received on 30 June 2015

In its previous communication, the Commission concluded that the information gathered through EU Pilot investigation 5610/13/ENVI until September 2014 showed that the Italian authorities have taken measures aimed at ensuring compliance with the relevant EU environmental legislation in the situations mentioned by the petitioner.

However, since the petitioner had in the meantime sent additional information concerning another site where waste has been abandoned, i.e. the former industrial site "ex Liquil Chimica" in Montebello Jonico, in October 2014 the Commission asked the Italian authorities to provide clarifications concerning this further site.

In January 2015 the Italian authorities provided the requested clarifications concerning the former industrial site "ex Liquil Chimica" in Montebello Jonico. More in particular, the Italian authorities communicated the following:

- In February 2014 the Municipality of Montebello Jonico ordered the owner of the site to remove the abandoned waste;
- Since the owner of the site did not comply with the above order, the Municipality of Montebello Jonico asked ARPACAL (the Calabria regional environmental agency) to carry out analyses on the abandoned waste in order to determine its exact nature and decide which would be the most appropriate way to recover or dispose of this waste.

Conclusions

The information gathered through EU Pilot investigation 5610/13/ENVI shows that the Italian authorities have taken measures aimed at ensuring compliance with the relevant EU environmental legislation in the situations mentioned by the petitioner, including the former industrial site "ex Liquil Chimica" in Montebello Jonico.

Therefore, the Commission has closed the EU Pilot investigation 5610/13/ENVI.

In any case, the Commission would like to point out that it has taken several initiatives concerning the waste management situation in Italy, including Calabria.

In particular, the Commission launched infringement procedure 2003/2077 concerning illegal landfills in the whole Italian territory including Calabria. In the framework of this infringement procedure, in December 2014 the EU Court of Justice condemned Italy to pay fines for not having executed the previous judgment of 2007 which had declared the breach by Italy of the relevant EU legislation on landfills and waste management.

In addition, in 2014 the Commission launched EU Pilot investigation 7043/14/ENVI aimed at monitoring the measures taken by all the Italian regions, including Calabria, to adopt or update their waste management plans as required the Waste Framework Directive¹.

Therefore, the Commission, while closing EU Pilot investigation 5610/13/ENVI, will continue monitoring the waste management situation in Italy, including Calabria, in the framework of both infringement procedure 2003/2077 and EU Pilot investigation 7043/14/ENVI.

8. Commission reply (REV V), received on 29 June 2016

The waste management situation in Italy continues to be under examination by the Commission.

In particular, two infringement procedures cover the environmental problems related to waste.

One infringement procedure concerned illegal landfills on the whole Italian territory including Calabria. The Court of Justice of the EU has rendered a judgment condemning Italy to pay fines for not having executed the initial CJEU judgment of 2007, which declared the breach of the relevant EU legislation on landfills and waste management.

The second infringement procedure aims at monitoring the measures taken by all the Italian regions, including Calabria, to adopt or update their waste management plans as required by the Waste Framework Directive². In the framework of this procedure, the Italian authorities have informed the Commission that the revision of the waste management plan for the Region Calabria is ongoing and should be completed by October 2016.

9. Commission reply (REV VI), received on 31 May 2017

Calabria is one of the Italian regions whose waste management system is under the scrutiny of the Commission. Through the execution of the judgment of the Court of Justice of the European Union condemning Italy to pay fines for the irregular landfills existing on the whole Italian territory, including Calabria, the Commission is monitoring the situation in the region as far as the illegal dumping sites are concerned.

In the other infringement procedure including Calabria, the regional authorities adopted on 19 December 2016 an updated waste management plan as required by the Waste Framework Directive³. This plan is currently being assessed by the Commission services.

10. Commission reply (REV VII), received on 31 January 2018

The waste management system in Calabria is under examination in two infringement procedures. In the first one concerning the irregular landfills existing in the whole Italian

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 of 22.11.2008, p. 3).

² 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 of 22.11.2008, p. 3).

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 of 22.11.2008, p. 3).

territory, Italy has been condemned by the Court of Justice of the European Union (CJEU) to pay fines. 23 landfills located in Calabria are still included in this procedure. Through the execution of the judgment of the CJEU the Commission is monitoring the situation in the region as far as the illegal dumping sites are concerned.

The other infringement procedure covering Calabria concerns the adoption and revision of waste management plans as required by the Waste Framework Directive¹. Calabria has adopted a revised waste management plan at the end of 2016, which has been assessed by the Commission services. The shortcomings identified in the plan were subsequently addressed by the Italian authorities and the plan received a positive opinion as far as the respect of the *ex-conditional*ity for waste is concerned.

Conclusions

The Commission will continue to monitor closely the landfills situation in Italy through the execution of the CJEU judgment.

11. Commission reply (REV VIII), received on 30 September 2019

The Commission's observations

In February 2017, the Commission has received the notification of the adoption of a revised waste management plan for the Region Calabria, as required by the Waste Framework Directive². The waste management plan sets the framework within which the management of waste is carried out. It defines the objectives to be pursued and puts in place the network of waste management installations needed to achieve them.

In addition to that, the Region Calabria is included in the infringement procedure on irregular landfills for which Italy has been condemned by the Court of Justice of the European Union to pay fines. Out of the 43 irregular landfills located in Calabria, initially included in the procedure, 18 landfills still need to be put in conformity.

Conclusion

Through the execution of the judgment of the Court of Justice of the European Union, the Commission is monitoring the situation in the region as far as the illegal dumping sites are concerned.

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 of 22.11.2008, p. 3).

² 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 of 22.11.2008, p. 3.

12. Commission reply (REV IX), received on 23 March 2021

The petition raises the question of incorrect management of the landfill of Motta San Giovanni (Calabria). Additionally, it mentions the fact that several illegal landfills are located in the area.

The existence of several illegal landfills in the Calabria region is confirmed by the fact that out of the 200 landfills included in the infringement procedure on irregular landfills, for which Italy has been condemned by the Court of Justice of the European Union to pay fines¹, 43 landfills are located in Calabria. At present, 11 of those landfills still need to be put in conformity.

During the summer 2000, serious disruption in the collection of waste was reported in some areas of the region, in particular in the city of Reggio Calabria, exposing the difficulties existing in waste management in Calabria.

The Commission expected to receive by 5 July 2020 (date of transposition of Directive (EU)2018/851, amending Directive 2008/98/EC²) the revised regional waste management plan and waste prevention programme, which should include appropriate measures and actions preventing in the future the insurgence of emergency situations. The Italian authorities have not yet officially informed the Commission of the adoption of a revised version of the plan.

It should be underlined that having waste management plan(s) established in accordance with Article 28 of Directive 2008/98/EC on waste is not only a fundamental requirement for an efficient planning of waste management, but also a pre-condition for investments supported by the European Regional Development Fund (ERDF) and the Cohesion Fund in promoting the transition to a circular economy. This pre-condition ensures that EU co-financed investments are the result of strategic and well-designed planning developed to meet waste management-related objectives and targets.

The importance of the instrument may lead the Commission, when appropriate, to take enforcement measures against those Member States which have not communicated their revised waste management plans and/or waste prevention programmes.

In addition to the above-mentioned problems in waste management, the petitioner has most recently reported concerns in relation to the wastewater treatment. In this respect, it should be recalled that the Commission has opened four infringement procedures against Italy for violation of Directive 91/271/EEC³, involving a total of almost 900 agglomerations, located in various regions of Italy, where the collection and/or treatment of urban waste does not comply

¹ Judgment of the Court of Justice of the European Union of 2 December 2014 in Case C-196/13.

² Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste, OJ L 150, 14.6.2018, p. 109–140.

³ Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, OJ L 135, 30.5.1991, p. 40–52.

with the provisions of the Directive. The agglomeration of Motta San Giovanni is included in the ongoing infringements, as well as several other agglomerations in Calabria.

Conclusion

The Commission is monitoring the situation in the region as far as the illegal dumping sites are concerned through the execution of the judgment of the Court of Justice of the European Union. Likewise, the Commission is monitoring progress in the context of the urban wastewater treatment within the framework of the ongoing infringement procedures.