

Waste Management

Packaging Waste Management Plan

(a) Attainment of recovery and recycling targets. The purpose of Directive 94/62/EC of the European Parliament and of the Council of European Union, is the harmonisation of the national measures concerning the management of packaging and packaging waste, in order, on the one hand, to prevent or reduce any impact on the environment and, on the other hand, to ensure the functioning of the internal market and to avoid obstacles to trade and distortion and restriction of competition. The specific quantitative targets for recovery/recycling and the specified timetable for their implementation, as set out in article 6 of the Directive, were also incorporated in article 6 of the national laws on packaging and packaging waste, of 2002 to 2006.

On the basis of the above article, by 31.12.2005 at least 50% of the weight of packaging waste should be recovered and at least 25% recycled. According to the relevant report which was prepared by the Environment Service, for the recovery and recycling of packaging waste in Cyprus for 2005, the total percentage of actual recovery and recycling of packaging waste was only 11,1%, while, according to the report which was submitted by the Environment Service to the European Commission, this percentage was 25,2% for 2006. Therefore, the targets set by the European Directive have only been partially achieved.

(b) Transfer of the provisions of Directive 2004/12/EC and of Decisions 2005/20/EC and 2005/270/EC to the National Law for the amendment of

the Laws on Packaging and Packaging Waste, of 2002-2006. According to article 16(1) of Directive 94/62/EC, in cases where a member state intends to enact any legislation concerning technical standards and regulations, within the frames of the above Directive, it is obliged to communicate them in advance to the European Commission, before their enactment, so that the Commission may ascertain whether these are in line with the Directive or not. According to a relevant legal opinion of the Law Office, dated 27.9.2006, concerning the interpretation of the above article of the Directive, the obligation in question constitutes an essential means of preventive control by the Commission, for the protection of the free movement of goods. Therefore, a violation of this obligation may constitute a critical procedural infringement, possibly implying illegality of the national legislation, rendering its invocation and implementation impossible. Also, according to article 12 of Law No. 72(I)/2003, which establishes the procedure to be followed for the communication of the technical specifications of other requirements and rules relevant to the services of the information society, every technical rule which is established or adopted without the prescribed procedure being followed is invalid.

We observed that the above prescribed procedure was not followed in the case of the Packaging and Packaging Waste (Amendment) Law of 2006 (No. 48(I)/2006), which was enacted for the purpose of harmonising the national legislation with the Directive and the Decisions of the European Commission, which are referred to above. The Technical Committee for the Management of Packaging Waste of DG Environment of the European Commission, at its meeting of 29.11.2006, pointed out that 8 member states, including Cyprus,

out of the 22, whose legislation was harmonised with the Directive 2004/12/EC, had failed to adopt the procedure for the provision of information in the field of technical standards and regulations, a fact which may lead to the imposition of a financial penalty on each country.

In view of the above, and prior to the publication of the cancellation of the above amendment of the Law, the Environment Service prepared a new draft bill for its substitution, which was submitted to the Law Office on 17.8.2007 for legal review, which was completed on 15.2.2008. It is our understanding that the procedure for the provision of technical information, as described in the Directive 98/34/EC, will be followed.

(c) Programme for a collective waste management system in the Larnaka, Famagusta and Pafos Districts. The Cyprus Chamber of Commerce and Industry, together with a number of obliged packaging waste managers, had registered, in 2003, a non-profit company for the collective management of packaging, within the framework of their responsibilities for the recovery and recycling of their packaging, according to Law 32(I)/2002.

On the basis of the provisions of the Packaging and Packaging Waste Laws of 2002-2006 and the relevant Regulations, the Minister of Agriculture, Natural Resources and Environment approved, on 21.7.2008, the system for the collective management of packaging and packaging waste of the aforesaid company until 31.7.2012. This system is the only collective system operating in Cyprus, covering the Districts of Nicosia and Limassol. As this system, according to the estimations of the Ministry and of the Environment Service, contributes significantly to the efforts of recycling, as well as to the solution of the problems relating to the accumulation of waste at the Sanitary Landfills,

the Ministry decided to recommend to the Council of Ministers the extension of the above programme to the Larnaka, Famagusta and Pafos Districts. Within the framework of a relevant study submitted to the Ministry by the aforesaid company, regarding the extension of the programme, a subvention was claimed from the Government, for the annual amount of £600.000, for each of the three years, i.e. for the total of £1.800.000 (€3.075.482).

The Commissioner for State Aid Control, in his letter of 1.2.2008 addressed to the Director General of the Ministry, had stated, inter alia, that the part concerning the financing of the general informative campaign, for £900.000, does not constitute state aid and may hence be approved immediately by the Council of Ministers and applied in such a way so that the operating expenses of the company are not subsidised, at least at this stage. With regard to the subsidisation of the operating expenses of the company, the Commissioner stated that this matter will be evaluated after the clarification by the European Commission, on whether Directive 94/62/EC obliges the financial agencies to cover the entire cost of managing the system or there is the possibility for the member states to cover part of this cost. For the above matter, the Environment Service asked, on 31.1.2008, for the views of the Chairman of the Technical Committee for the Management of Packaging Waste of DG Environment of the European Commission, which have not yet been given officially.

As stated above, according to article 6 of the Law, by 31.12.2005 at least 50% of the weight of packaging waste should be recovered, and at least 25% recycled. The attainment of the above quantitative targets in the first year of the operation of the system, i.e. during the period 1.8.2006-31.7.2007, was

included in the terms for the approval of the system of the company, according to which their non-attainment may constitute a reason for the revocation of the approval. We observed that, according to the relevant report which was prepared by the company on the recovery of packaging waste for the period 1.8.2006-31.7.2007, the total percentage of the actual recovery and recycling of packaging waste was only 7%.

(d) Hazardous waste.

(i) According to the provisions of Directive 2006/12 of the European Parliament and of the Council on waste, which includes hazardous waste, as defined in Directive 91/689, the member states shall take the appropriate measures to establish an integrated and adequate network of installations for the disposal of waste and shall draw up a waste management plan. In order to comply with these provisions, the Strategy for the Management of Waste was prepared in 2004 according to article 9 of Law No. 215(I)/2002 and a number of private installations dealing with specific types of hazardous waste were licensed. There are still some pending applications for the issue of licences, which cannot be examined by the Environment Service, since the relevant permits for the installations of the applicants have not yet been issued by the Department of Town Planning and Housing.

For the management of the types of hazardous waste which are not covered by the private installations, for which the recorded quantities are too small to attract investment interest from the private sector, the Environment Service, following an invitation for tenders, assigned, inter alia, the design of an integrated system for the management of

hazardous waste in Cyprus to a joint venture of foreign private consultants. The final report of the consultants was submitted to the Service on 7.12.2007, and since then the consultations with the affected Communities and the submission of the report to the Council of Ministers for a final decision, are pending.

(ii) According to article 40 of Law No. 215(I)/2002, the Competent Authority should keep a register, in which to record the licences issued for the management of hazardous waste, as well as any subsequent alterations on these, and details of applications submitted and the results of the inspections which are carried out. We observed that the above register is still being compiled and updated, and, as a result, the data required by the relevant legislation.

(e) Disposal of domestic sewage. On the basis of the provisions of the Control of the Pollution of Water and Soil Law of 2002, sewage of households or enterprises of the Nicosia and Larnaka Districts, which are not served by the sewerage system, should be disposed of at the station of Vathia Gonia, which is the only plant for the treatment of domestic sewage, regarding areas not yet serviced by sewerage systems in these Districts. According to the existing Regulations, a fee is imposed by the Department of Water Development, for the disposal of domestic sewage originating from households and enterprises at this plant.

Ever since fees were imposed, there have been strong reactions from the part of the sewage cleaners, many of whom are refusing to receive the relevant invoices for the fees for disposal at the Vathia Gonia plant since January 2007, on the grounds that the imposition of fees has led to illegitimate

competition between them, since some of their colleagues are illegally disposing of the sewage in fields or the conveyers of the Sewerage Boards, instead of disposing of it at Vathia Gonia and paying the relevant fee. According to the records kept by the Department of Water Development, 272 126 cubic metres of domestic waste were received for processing during 2007 at the Station of Vathia Gonia, compared to 323 654 cubic metres in 2006, i.e. there was a decrease of 16%. Part of this decrease is attributed to the extension of the sewerage system, yet another part is potentially due to the increasing illegal disposal of sewage in other sites.

According to the records kept by the Department of Road Transport, 84 licences of category "A" are in issue in the Nicosia and Larnaka Districts, relating to sewage collection vehicles, while only 58 of these, are recorded in the system of the Vathia Gonia plant for the disposal of sewage. It is possible that the owners of the remaining 26 vehicles are potentially disposing of the sewage in other sites and we suggested the investigation of this matter by the Environment Service, which is the Competent Authority.

The Permanent Secretary of the Ministry informed us that an informative meeting was held regarding pollution caused by the disposal of urban sewage, to which representatives of the associations of sewage cleaners were also invited. However, he also noted the inadequacy of control of the illegal disposals, by the Environment Service, as these are usually made during the night or at remote sites, and that efforts should be made, in cooperation with the Department of Road Transport, the Police and the Local Authorities, for the elimination of this phenomenon.