



Ευρωπαϊκό
Πανεπιστήμιο Κύπρου

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**Improving municipal waste management in
Cyprus from a legal perspective:
*A long way to go until 2020?***

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Topics for discussion



- 1. Introduction**
- 2. Transposition of the WFD into national law**
- 3. Practical Application of the WFD targets at national level**
- 4. Lessons to be learned**
- 5. Concluding Remarks - Discussion**



Introduction



EU Waste Legislation



Waste Framework Directive

“WFD”

2008/98/EC

Waste Incineration Directive
2000/76/EC

Landfill Directive 99/31/EC

**Packaging
and
Packaging
Waste
Directive**

**Batteries and
Accumulators
Directive**

**End of Life
Vehicles
Directive**

**Waste
Electrical and
Electronic
Equipment
Directive**

While progress has been made
due to these legislative instruments...



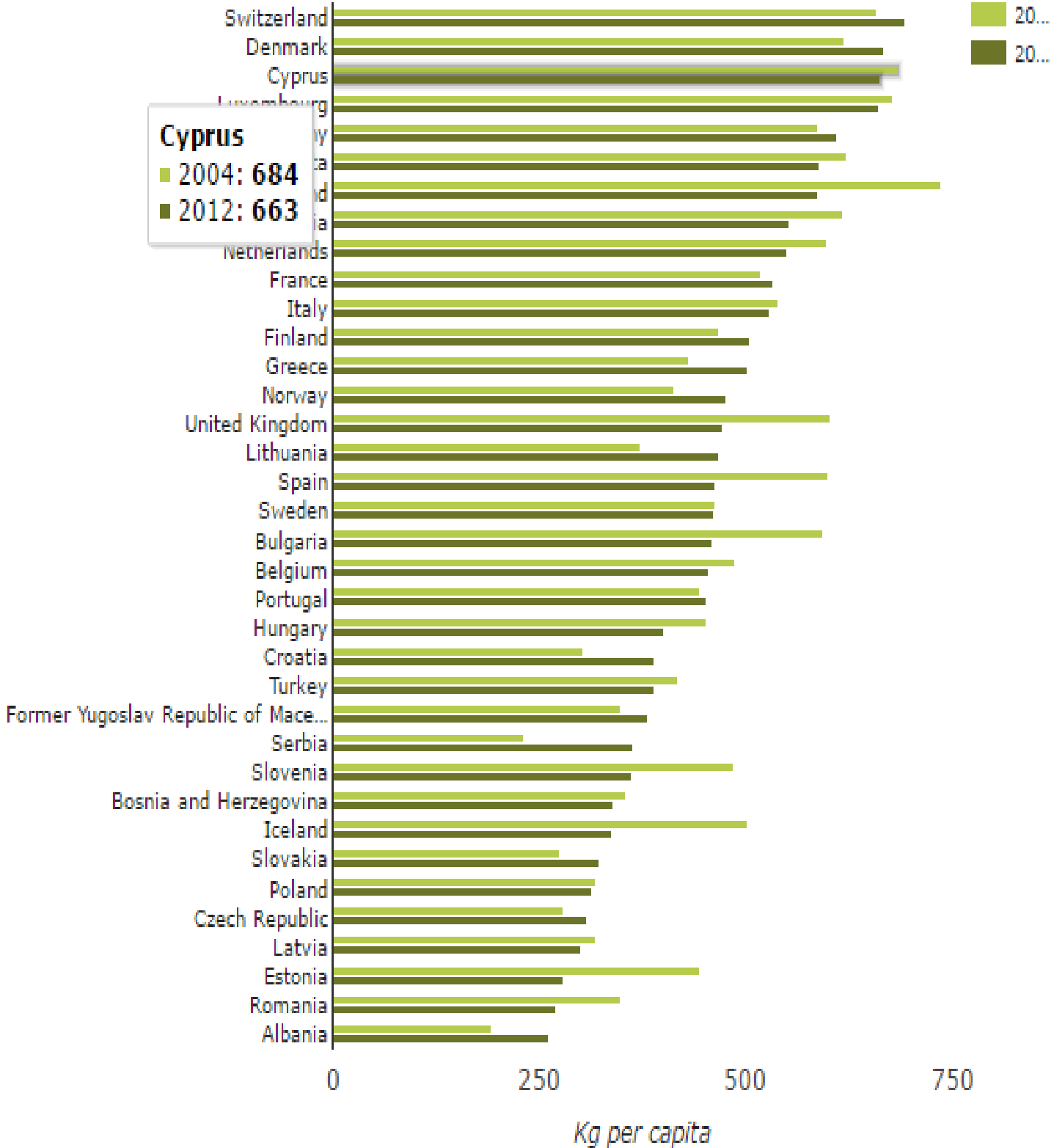
“Resource use is still largely **unsustainable** and **inefficient**, and waste is not yet properly managed”

Council Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet', (OJ L 354, 28.12.2013)



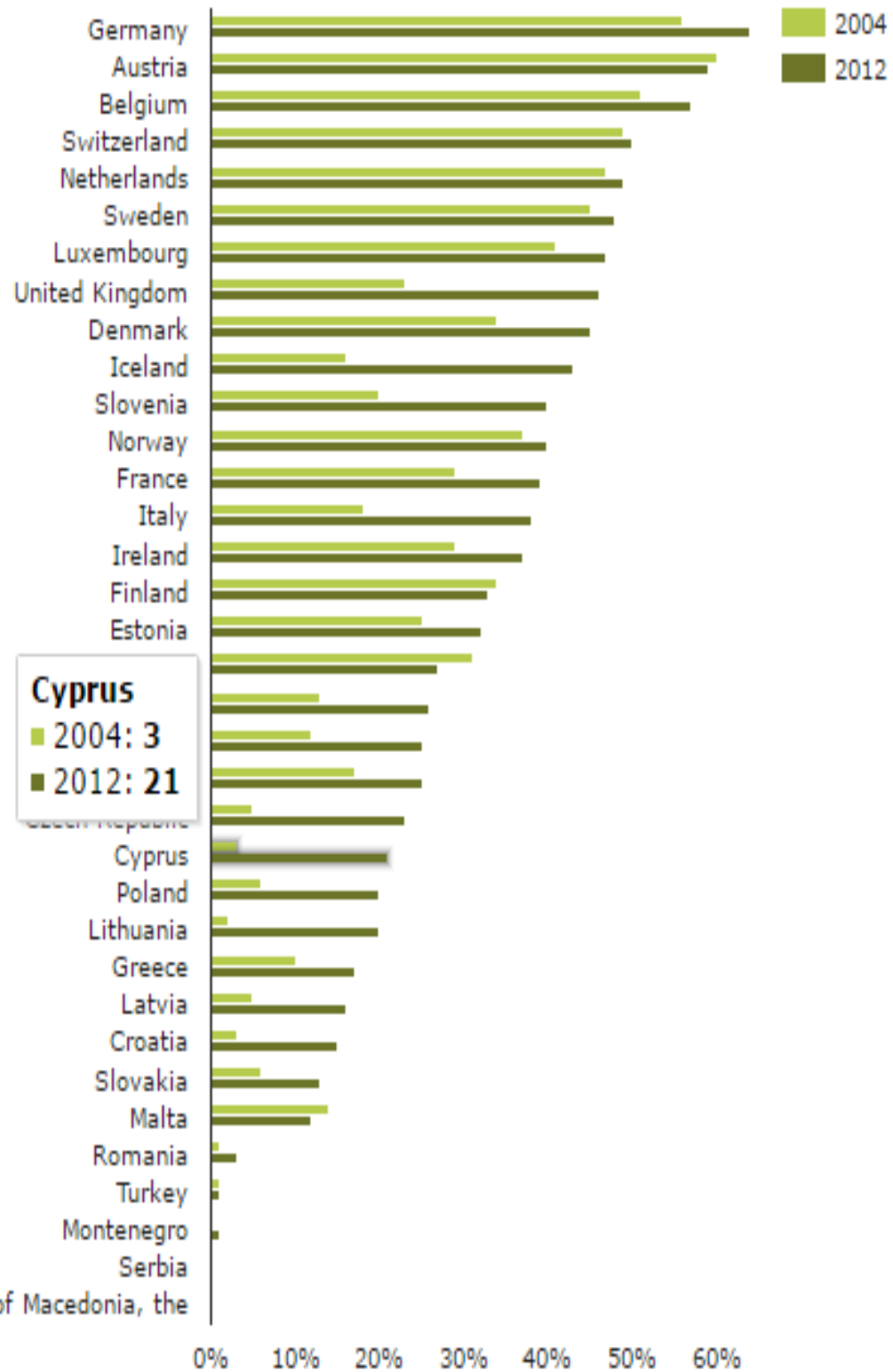
Municipal waste generated per capita in 36 European countries (2004 and 2012)

Source:
European
Environmental
Agency
Website



Municipal waste recycling in 35 European countries (2004 and 2012)

Source:
European
Environmental
Agency
Website





Why is this happening?





Transposition of the WFD into national law



General remarks

Waste Framework Directive 2008/98 - WFD

December 2010: Deadline for the transposition of the WFD into national law by different member states (Article 40 WFD)

June 2011: Reasoned opinion to five member states, including **Cyprus**, regarding their failure to inform the European Commission about the transposition of the WFD into national law (Article 258 TFEU)

November 2011: Transposition of the WFD into Cypriot law through the Cyprus Waste Law (Law 185(I)/2011)

→ The Cyprus Waste Law transposed almost *per se* the provisions of the WFD into national law



Re-Use and Recycling Targets



1. Separate collection of waste (Article 11(1) WFD)

→ **Article 13(3) of the Cyprus Waste Law:** “Subject to Article 12(2), **by 2015 separate collection shall be set up** for at least the following: **paper, metal, plastic and glass**”



Table 4-2: Results of the legal assessment

Requirement	Member State																											SUM									
	AT	BE Br	BE FI	BE Wa	BG	CY	CZ	DE	DK	EE	ES	FI	FR	EL	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK EW	UK Sco	UK Ni					
1. Article 3 (11) Definition separate collection																																		2	27	2	1
2. Article 10 (2) waste shall not be mixed"																																		1	18	8	5
3. Article 11 (1) high quality recycling"																																		3	13	7	9
4. Requirement technically practicable																																		1	22	5	4
5. Requirement economically practicable																																		1	21	6	4
6. Requirement environmentally practicable																																		1	20	7	4
7. Article 11 (1) quality standards																																		1	12	6	13
8. Article 11 (1) separate collection paper, metal, plastic and glass																																		2	12	16	2
9. Article 22 WFD: Bio-waste																																		4	9	16	3

not included	deviating	one:one	additional



2. Re-Use and Recycling of Waste Materials to be increased to a minimum of 50% (Article 11(2)(a) WFD)

→ **Article 13(4)(a) of the Cyprus Waste Law: “By 2020 the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50 % by weight”**

Obligations regarding the preparation of documents



1. Preparation of a Waste Management Plan (Article 28 WFD)

→ **Article 35 of the Cyprus Waste Law:** The **Council of Ministers**, after it receives a proposal by the Minister of Agriculture, Rural Development and Environment who consults on his behalf the Advisory Committee for the Management of Waste, **shall approve one or more waste management plans.**

2. Preparation of a Waste Prevention Program (Article 29 WFD)

→ **Article 36 of the Cyprus Waste Law:** The **Council of Ministers**, after it receives a proposal by the Minister of Agriculture, Rural Development and Environment who consults on his behalf the Advisory Committee for the Management of Waste, **shall approve waste prevention programs**

* *Although the original text of Article 36 included the **EU deadline of 12 December 2013** regarding the preparation of such a programme, after the introduction of the Waste Amending Law 3(1)/2016 this deadline was erased*

Comments regarding transposition of the WFD into Cypriot law



- All provisions / targets of the WFD were set for implementation at national level with almost one year delay.
- The Cypriot legislator has proceeded to an, in theory, **overall literal transposition of the provisions** and most importantly of the targets of the WFD into national law albeit minor exceptions.
- **No problems appear to derive from the transposing text itself** regarding the attainment of the targets set forth by the WFD

THEREFORE at this stage **the practical implementation of these delayed transposed targets has to be examined. To which extent have they actually been implemented so far?**



Practical implementation of the WFD's targets into national law



1. Separate collection of waste

→ According to the WFD by 2015 separate collection shall be set up for at least the following: **paper, metal, plastic and glass**

→ **Waste at local level is until now collected in a mixed manner.**

→ **Separate collection has been implemented only partly** by the collective system of Green Dot Cyprus (a private collective organisation created from producers) that offers separate collection **for packaging waste of paper, glass and PMD** (plastic, metals and drink cartons).

→ **This collective system collects also printed paper** (the cost of the collection paid by the local authority) **mixed with package paper.**

Reference: European Commission: Assessment of separate collection schemes in the 28 capitals of the EU: National factsheet on separate collection: Cyprus (070201/ENV/2014/691401/SFRA/A2)

1. Separate collection of waste

→ **At present this obligation is not fulfilled** by Cyprus despite its theoretical transposition in the Cyprus Waste Law and the fact that the **deadline for its practical implementation has expired at the end of 2015: NON-COMPLIANCE WITH EU LAW**

→ **The 2015 National Waste Management Plan** includes in its legislative targets the **introduction of a legislative measure by the end of 2016** regarding mandatory separate collection for paper, metal, plastic and glass **from local authorities: MUST ACTUALLY BE INTRODUCED IN ORDER TO STOP NON COMPLIANCE**

1. Re-use and Recycling of waste materials

“According to the WFD by 2020 the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass, shall be increased to a minimum of overall 50 % by weight”

High waste generation (663 kg/cap/y in 2012)

YET

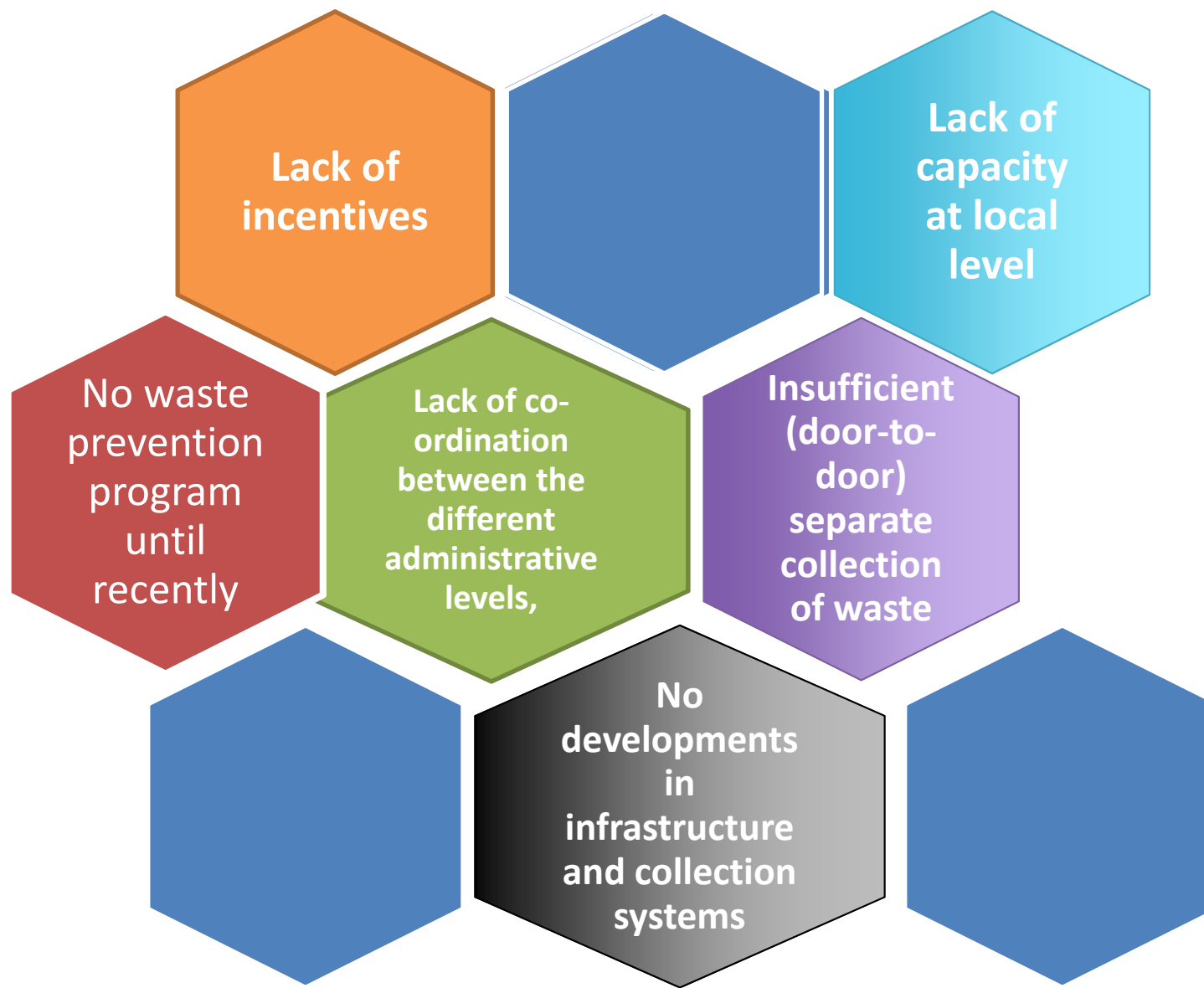
High increase in recycling rate (21% in 2012, from 3% in 2004)

YET

Relatively still too low rate (21%) to comply with the 50% set in the WFD which has to be met by 2020”.

1. Re-use and Recycling of waste materials

Why does such a low recycling percentage exist in Cyprus?



According to the National Waste Management Plan the target of 50% by 2020 shall be achieved within the following time frame.....



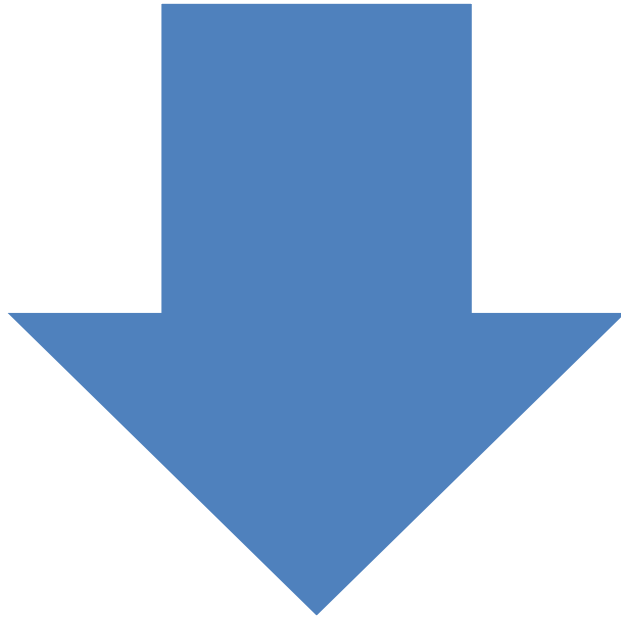
Target	2015	2016	2017	2018	2019	2020
Preparing for re-use and recycling of waste materials to be increased to a minimum of 50% by 2020	26%	30%	35%	40%	45%	50%

Cyprus needs to invest in municipal waste recycling in the next coming years in order to stick to this **demanding yet plausible time frame** in order to reach the recycling target of 50%



The **50% recycling target** is **indispensable** apart from a purely environmental but additionally from a **legal perspective** as this constitutes the **primary legal obligation** that **Cyprus embraces as a member state of the EU** in the context of the correct implementation and application of the WFD at national level.

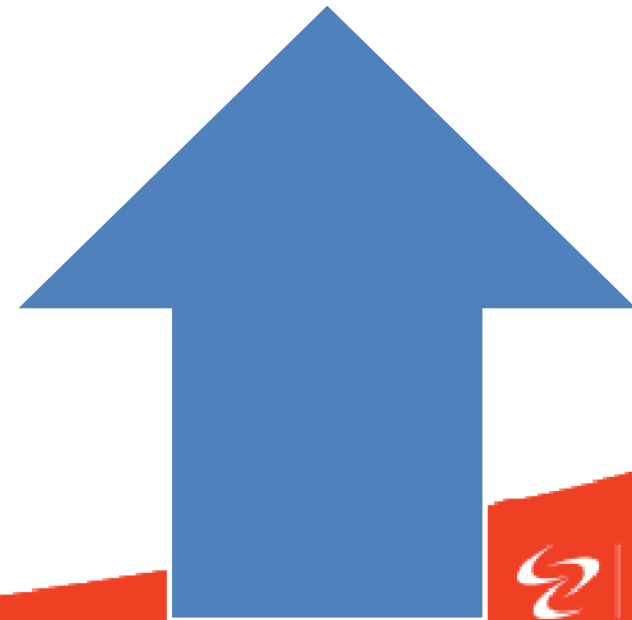




*“The **big increase** in performance in both **organic and material recycling** in 2010 could be a sign of an **increased effort** in Cyprus regarding **municipal waste management**”*

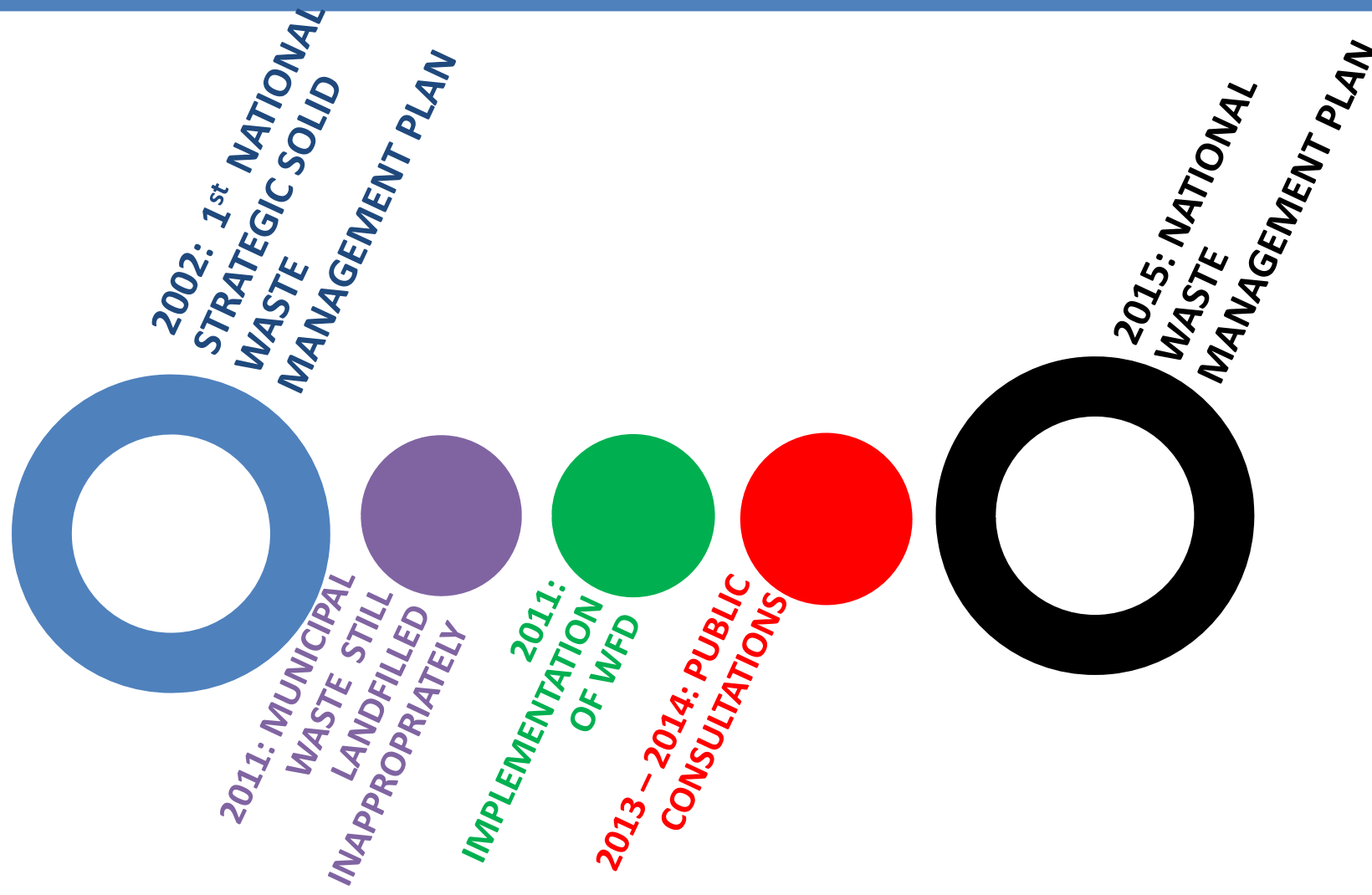


*More efforts are needed to “**develop separate collection at source** combined with the **required facilities** to ensure a high level of **recycling and composting**”*



Preparation of a National Waste Management Plan

→ According to the WFD one or more waste management plans shall be approved



Preparation of a National Waste Prevention Program

→ According to the WFD a waste prevention program had to be approved no later than 12 December 2013

National Waste Prevention Programme 2015 – 2021 adopted by in **November 2015**



Almost two years delay to implement this document, **not complying in this way** with Article 29 of the WFD

*This Waste Prevention Programme includes, as prescribed by the WFD, existing prevention measures and an evaluation of the usefulness of these measures through various examples.



Improving municipal waste management: lessons to be learned





The major problem faced by Cyprus at present, from a legal perspective, is its non-compliance with the 2015 target of separate collection of paper, metal, plastic and glass





This non-compliance is extra important due to the fact that separate collection of these waste materials forms the basis upon which the 50% recycling target shall be achieved.

What could actually help Cyprus reach this target, even a bit delayed?



2015 National Waste Management Plan includes economic incentives for local authorities, private companies and households to recycle or reduce waste such as:



- ✓ **Pay as you throw plans**
- ✓ **Penalties for not complying with national waste legislation**
- ✓ **Separate collection at source for all citizens for plastic, metal, glass and paper**



Yet additional instruments could be employed...



- Legislative imposition of a **landfill tax or ban**
- Legislative introduction of **mandatory separate collection of bio-waste**





Concluding Remarks - Discussion



A long way to go until 2020?

- Although delayed, the **EU legislative targets have been transposed *per se* in national legislation** as well as within the Municipal Waste Management Plan and Waste Prevention Program.
- Cyprus has not complied yet with its EU obligation regarding separate collection and **still has a long way to go regarding the achievement of this target as well as the realisation of the 50% recycling target** both being legislative obligations of this member state.
- **YET if Cyprus can actually follow the challenging Municipal Waste Management Plan** set forth at the end of last year, it **will be able to reach these results** and therefore comply in full with the WFD provisions.
- **At present though, the way is still long...**



THANK YOU!

