Improving municipal waste management in Cyprus from a legal perspective:

A long way to go until 2020?

Dr Thalia Prastitou Merdi

4th International Conference on Sustainable Solid Waste Management
Limassol, Cyprus, 23 June 2016
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

- 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”

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


**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.

- **Definitions**
  - Article 2

- **Extended Producer Liability / Polluter Pays Principle**
  - Article 11 & 23

- **Hazardous Waste Conditions**
  - Annex III

- **Waste Hierarchy**
  - Article 9

- **By Product End of Waste Status**
  - Articles 6 & 7

- **Permits / Exemption from Permits**
  - Articles 25 & 28

- **Re – Use and Recycling Targets / Submission of Documents Obligations**
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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Member State</th>
<th>SUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Article 3 (11) Definition separate collection</td>
<td>AT BE BE Br BE Br BG CY CZ DE DK EE FI FR EL HR HR HU IE IT LT LU LV MT NL PL PT RO SE SI SK UK E W UK Sco UK Ni</td>
<td>2 27 2 1</td>
</tr>
<tr>
<td>2. Article 10 (2) waste shall not be mixed</td>
<td>AT BE BE Br BE Br BG CY CZ DE DK EE FI FR EL HR HU IE IT LT LU LV MT NL PL PT RO SE SI SK UK E W UK Sco UK Ni</td>
<td>1 18 8 5</td>
</tr>
<tr>
<td>3. Article 11 (1) high quality recycling</td>
<td>AT BE BE Br BE Br BG CY CZ DE DK EE FI FR EL HR HU IE IT LT LU LV MT NL PL PT RO SE SI SK UK E W UK Sco UK Ni</td>
<td>3 13 7 9</td>
</tr>
<tr>
<td>4. Requirement technically practicable</td>
<td>AT BE BE Br BE Br BG CY CZ DE DK EE FI FR EL HR HU IE IT LT LU LV MT NL PL PT RO SE SI SK UK E W UK Sco UK Ni</td>
<td>1 22 5 4</td>
</tr>
<tr>
<td>5. Requirement economically practicable</td>
<td>AT BE BE Br BE Br BG CY CZ DE DK EE FI FR EL HR HU IE IT LT LU LV MT NL PL PT RO SE SI SK UK E W UK Sco UK Ni</td>
<td>1 21 6 4</td>
</tr>
<tr>
<td>6. Requirement environmentally practicable</td>
<td>AT BE BE Br BE Br BG CY CZ DE DK EE FI FR EL HR HU IE IT LT LU LV MT NL PL PT RO SE SI SK UK E W UK Sco UK Ni</td>
<td>1 20 7 4</td>
</tr>
<tr>
<td>7. Article 11 (1) quality standards</td>
<td>AT BE BE Br BE Br BG CY CZ DE DK EE FI FR EL HR HU IE IT LT LU LV MT NL Pl PT RO SE SI SK UK E W UK Sco UK Ni</td>
<td>1 12 6 13</td>
</tr>
<tr>
<td>8. Article 11 (1) separate collection paper, metal, plastic and glass</td>
<td>AT BE BE Br BE Br BG CY CZ DE DK EE FI FR EL HR HU IE IT LT LU LV MT NL Pl PT RO SE SI SK UK E W UK Sco UK Ni</td>
<td>2 12 16 2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Not included</th>
<th>Deviating</th>
<th>One:one</th>
<th>Additional</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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”
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?

- Lack of incentives
- No waste prevention program until recently
- Lack of coordination between the different administrative levels
- Insufficient (door-to-door) separate collection of waste
- Lack of capacity at local level
- No developments in infrastructure and collection systems
- No waste prevention program until recently
According to the National Waste Management Plan the target of 50% by 2020 shall be achieved within the following time frame:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparing for re-use and recycling of waste materials to be increased</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to a minimum of 50% by 2020</td>
<td>26%</td>
<td>30%</td>
<td>35%</td>
<td>40%</td>
<td>45%</td>
<td>50%</td>
</tr>
</tbody>
</table>
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"
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.


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!