



MUNICIPAL WASTE EUROPE

– promoting public responsibility for waste

Municipal Waste management is a **Service of General Interest (SGI)**.
Respect for subsidiarity rules out the need for detailed or limiting EU-legislation on the practical execution of SGI's.

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The management of municipal waste is a Service of General Interest

To fulfil the subsidiarity principle, waste management needs to be the responsibility of local and regional authorities.

Many European countries have assigned the responsibility for organising the collection and treatment of municipal waste by law to the local authorities. This confirms the nature of this service as a service of general interest. There is a clear logic behind this approach. Municipal waste management cannot be considered to be a regular commercial activity:

- The goal of municipal waste management is a mission of general interest: protection of human health and environment;
- The continuity and the quality of the service is a necessity as the citizens are obliged to use it;
- All inhabitants should have equal access to a reasonable service for disposal of their waste, so the service must cover the whole geographical area of a municipality, region or state;
- In case of failure of a collection system, it is impossible for the local authorities to stand aside;
- Municipal waste management is a collective service, often under control of public authorities;
- The nature and way of organisation of the service is often decided unilaterally under the form of local regulations;
- Municipal waste management is mostly financed by local charges or taxes;
- Variable fees for municipal waste management are in many cases not entirely cost covering
- An essential part of sustainable municipal waste management is to engage the public through promotion and consultation towards prevention of waste production, an activity which can hardly be expected from a commercial company;
- Different aspects of municipal waste management are in themselves economically not viable.

The European Court has confirmed the nature of general interest for municipal waste management activities

Through a number of court cases, the European Court of Justice have stated that management of household waste is a need in the general interest, and a general task, for example in the case C-360/96 (BFI Holding, Arnhem), and case C-480/06 (Germany, Stadtreinigung Hamburg). Both cases identify objectively waste management as a public and general need and within the organisational freedom of the public authorities to provide these services.

Municipal waste management should be organised on the level of local authorities

It is inevitable that integrated waste management is organised close to the citizens. The way of collection should be decided on a local level, to make sure that the service provided meets the needs of all citizens. Local situations and needs can vary greatly both between and within countries, cities and regions and thus the organisation of the waste management should be decided on the basis of the local conditions. For instance, industrial composting may be favoured in some regions, whereas home composting may be preferable in other surroundings, based on local conditions or demographic situations.

Local authorities should have the greatest degree of flexibility, consistent with the principle of subsidiarity, in determining outcomes and methods for managing waste in their areas.

Municipalities should be given the power to choose the best form of waste management on the basis of the local situation and needs, so as to achieve the environmental targets set at EU-level. Waste collection should be organized in a specific way, adapted to local circumstances. This allows optimal community service and full participation by all citizens. As the way of treatment often has an important impact on the way of collection, an integrated approach – from prevention up to treatment – should be managed at the local level. There is freedom to organise waste management in any way available, including inter-municipal organisations as well as publicly owned enterprises.

Respect for the principle of subsidiarity requires a reserved approach from the EU institutions

Subsidiarity is an important principle in EU-legislation based on the Lisbon Treaty and ensures decisions are made as close to the citizens as possible. Respect for subsidiarity requires that the EU institutions should be reserved in preparing legislation, which might have an important impact on the organisation of services that are clearly of general interest and for which crucial decisions have to be taken on the local level.

Therefore, Municipal Waste Europe finds that legislation on the practical organisation of an SGI such as municipal waste management, which might limit the room for policy decisions on the local level, has to be avoided. The framework legislation for waste management requires a national waste management plan with application of the waste hierarchy and then the local and regional authorities are to carry out the plans through their regional and local waste management plans, fully incorporating the subsidiarity principle.

Municipal Waste Europe is the European association representing municipalities responsible for waste management and their publicly owned waste management companies. The association is founded in 2008 with the aim to promote public responsibility for waste and to provide a platform for policy input. The members come from Austria, Belgium, Denmark, Finland, Germany, Iceland, Italy, Norway, the Netherlands, Portugal, Sweden and the United Kingdom. For further information please see www.municipalwasteurope.eu or contact secretary general Gunnel Klingberg, gunnel.klingberg@municipalwasteurope.eu, telephone +32 2 229 2145.