

## **EC takes Bulgaria to court for delays in providing Sofia with adequate waste disposal facilities**

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The European Commission is pursuing court action against Bulgaria for failing to properly implement EU waste law, reports Rapid. The case concerns inadequate waste disposal facilities in its capital, Sofia. Bulgaria should have had an adequate network of waste disposal installations in place by the time of its accession on 1 January 2007. However, Sofia continues to rely on the old sub-standard Sudohol landfill. Community funding is available to upgrade the capital's waste infrastructure. However, while the Bulgarian authorities have been working towards making important new investments, a solution remains some years away.

The European Commission is taking Bulgaria to the European Court of Justice for failing to put in place an adequate network of disposal installations for household waste in Sofia. This breaches EU waste law which establishes basic waste management requirements that Member States must meet to ensure a high level of protection for the environment and human health.

In October 2007, the Commission sent Bulgaria a first written warning about insufficient measures to establish an integrated network of household waste management facilities in the capital. Of the deficiencies identified by the Commission, the most important were the lack of a system and installations for the recovery and disposal of the city's household waste, the lack or inadequacy of temporary storage sites and the lack of adequate pre-treatment of the waste. The Commission sent a final written warning in December 2008.

Following a thorough assessment of the Bulgarian authorities' reply, the Commission concludes that Sofia will continue to lack the necessary facilities for several more years. While the Commission welcomes the fact that action has been taken towards planning an integrated waste management system for Sofia, there are still considerable uncertainties as to when adequate waste installations will be fully operational.

The Waste Framework Directive requires Member States to establish an integrated and adequate network of waste disposal facilities, taking into account the best available technologies. This network should enable waste to be disposed of in one of the nearest appropriate installations in order to guarantee a high level of protection for the environment and human health. The objective is to promote waste prevention, recycling and processing for re-use and ensure safe waste disposal.

Article 226 of the Treaty gives the Commission powers to take legal action against a Member State that is not respecting its obligations.

If the Commission considers that there may be an infringement of EU law that warrants the opening of an infringement procedure, it addresses a "Letter of Formal Notice" (first written warning) to the Member State concerned, requesting it to submit its observations by a specified date, usually two months.

In the light of the reply or absence of a reply from the Member State concerned, the Commission may decide to address a "Reasoned Opinion" (final written warning) to the Member State. This clearly and

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definitively sets out the reasons why it considers there to have been an infringement of EU law, and calls upon the Member State to comply within a specified period, usually two months.

If the Member State fails to comply with the Reasoned Opinion, the Commission may decide to bring the case before the Court of Justice. Where the Court of Justice finds that the Treaty has been infringed, the offending Member State is required to take the measures necessary to conform.

Article 228 of the Treaty gives the Commission power to act against a Member State that does not comply with a previous judgement of the European Court of Justice. The article also allows the Commission to ask the Court to impose a financial penalty on the Member State concerned.