



Fédération Européenne des Activités du Déchet et de l'Environnement
European Federation of Waste Management and Environmental Services
Europäische Föderation der Entsorgungswirtschaft

FEAD POSITION ON ENVIRONMENTAL CRIME

June 2007

FEAD is the European Federation which represents the European waste management industry. Our members are national waste management associations, which have an approximate 60% share in the household waste market and handle more than 90% of industrial and commercial waste in Europe, with a collective annual turnover of approximately € 50 billion.

We have 19 members from 18 EU Member States and Norway. FEAD represents companies with activities in all forms of waste management. These companies employ over 300 000 people who operate around 3 000 controlled landfills, 1 350 recycling and sorting centres, 1 000 composting sites and 350 incinerators and play an important role in the determination of the best environmental option for waste management problems.

Introduction

In the past years, we have witnessed a number of unfortunate environmental disasters which had some or significant relation to European legal persons and cross-border activities. The unlawful management of dangerous substances or the unlawful operation of a plant, to mention just a few examples, might put human health and the environment at risks and should not pass unnoticed.

FEAD welcomes incentives calling for greater corporate social responsibility.

Activities

The list of activities in the proposed Directive on the protection of the environment through criminal law ("Environmental Crime Directive") illustrates how diverse activities causing significant harm to the environment might be. Focus in the directive should therefore remain on the environmental impacts.

FEAD therefore welcomes the broad scope of the Environmental Crime Directive and its holistic approach.

Implementation

Member States have been left flexibility as to how the Environmental Crime Directive is incorporated into national legislation. Whilst a flexible approach is welcomed, this should not be at the expense of effective and consistent implementation across the EU in the first place.

Consequently, FEAD calls for a proper implementation and enforcement of the European environmental legislation.

Waste management

FEAD promotes environmentally sound waste management. The sector must comply with a wide range of legislation and regulation, including: the Waste Framework Directive, the Waste Shipments Regulation, the Waste Incineration Directive, the Landfill Directive ... and the Integrated Pollution Prevention and Control (IPPC) Directive. This legislative package, properly implemented and enforced provides a high level of environmental and human health protection.

FEAD strongly supports legislative instruments aiming at safeguarding the environment and creating clear provisions for all operators.

APOH, Slovakia
ARS, Romania
ASELIP, Spain
AVFALL NORGE, Norway
AVFALL SVERIGE, Sweden

BDE, Germany
CAOH, Czech Republic
ESA, UK
FEBEM-FEGE, Belgium
FISE, Italy

FLEA, Luxembourg
FNADE, France
IWMA, Ireland
JLY, Finland

KSZGYSZ, Hungary
PASEPPE, Greece
PIGO, Poland
VA, Netherlands
VÖEB, Austria

Transboundary activities

European waste management companies have obtained the knowledge, competence and capacity to treat European waste in accordance with the stringent laws. Illegal transport and dumps of waste outside the European Union should therefore be banned.

Efforts to identify, investigate and prevent illegal transboundary activities are welcomed and fully supported by FEAD.

Hazardous waste management

The IPPC Directive requires all operators dealing with hazardous waste to have official permits. The revision of the Waste Framework Directive must not dilute the control of hazardous waste.

FEAD supports strict requirements on permitting, control and traceability of hazardous waste management in order to avoid significant harm to the environment.

Criminal offences

Although welcoming the Environmental Crime Directive, FEAD questions whether it is appropriate to take EU-wide approach to criminal law. Member States must react firmly to activities causing significant harm to the environment. However, substantial different traditions, sanctions and structures in the criminal legislation across Europe might weaken the overall intention and enforcement of the Directive.

Conclusion

FEAD hopes that the proposed Environmental Crime Directive will benefit the environment and ensure that the Member States react firmly to activities causing significant harm to the environment.
