



04/07/2016

File ref n°:	405/09/ENVI
Member State:	IE
Commission service:	ENVI
Issue area:	Environment/WASTE
File nature:	Inquiry / Organization

Responsible Filehandler Commission service:

(ENV.D.3)

File history

- **08/05/2009:** Reception date
- **07/05/2009:** Draft file created by Environment / [REDACTED]
- **08/05/2009:** File submitted to Member State in EU PILOT database - Environment / [REDACTED]
- **26/05/2009:** File accepted by Member State - Ireland / [REDACTED]
 - Number of days between introduction and acceptance by Member State : 18
- **20/07/2009:** Deadline reached
- **26/10/2010:** Response rejected by Commission - Environment / [REDACTED]
- **15/12/2010:** File closed by Commission - Environment / ENV EU PILOT

File status (04/07/2016)

- **File status:** File closed (15/12/2010)

Title:

- **Background** The complaint relates to the former Irish steel-works at Haulbowline at Cobh in Cork Harbour. The complaint contends that the site includes a toxic waste landfill which is not covered by a valid waste permit for purposes of Community waste legislation, in particular Directive 75/442/EEC. It is understood that waste was deposited at the landfill after the date of application of the Directive and, also, that the site is currently under state control.

Issue Description:

- **English:** Background

The complaint relates to the former Irish steel-works at Haulbowline at Cobh in Cork Harbour. The complaint contends that the site includes a toxic waste landfill which is not covered by a valid waste permit for purposes of Community waste legislation, in particular Directive 75/442/EEC. It is understood that waste was deposited at the landfill after the date of application of the Directive and, also, that the site is currently under state control.

Relevant Community legislation

Directive 75/442/EEC on waste, now codified as Directive 2006/12/EC, provides that waste disposal sites should have a waste permit (Article 9), that holders of waste are obliged to have waste disposed of at a lawful undertaking (Article 8) and that waste should be disposed of without harm to the environment (Article 4). In Case C-494/01, Commission v Ireland, Ireland was condemned for systematic failure to ensure compliance with these requirements.

Directive 91/689/EEC on hazardous waste qualifies Directive 2006/12/EC by requiring a number of additional safeguards in relation to hazardous waste. Article 2 contains a duty to record and identify hazardous waste sites and not to mix hazardous wastes without other types of waste. Article 6 requires waste management plans to address hazardous waste disposal.

Information requested

The Irish authorities are asked to comment on the submissions made by the complainant. If the landfill is not covered by a permit, the Irish authorities are asked to outline the steps to be taken with timetable (if necessary including enforcement action) to ensure that the waste in the landfill is

covered by a valid waste permit as soon as possible, taking into account the requirements of both Directive 2006/12/EC and Directive 91/689/EEC. They are also asked to explain, for the purposes of Article 4 of Directive 2006/12/EC, the steps being taken - with timetable and budget - to ensure that the waste present in the landfill does not present a threat to the environment. The Irish authorities are also asked to provide a copy of the waste management plan which covers the disposal of the hazardous waste at Haulbowline.

- **Why the Member State response has been rejected by the Commission:** The Pilot investigation discloses that the Irish authorities have failed to ensure that the holder of waste contained in a waste site containing toxic waste located at the former Irish Steel works in Haulbowline, County Cork disposes of it in accordance with the provisions of Directive 2006/12/EC on waste (the Waste Framework Directive) - see in particular Articles 4, 8 and 9.

The failure to ensure compliance with the Waste Framework Directive represents evidence of an ongoing failure to fully comply with the judgment of the Court of Justice in Case C-494/01, Commission v Ireland.

For this reasons, the Haulbowline example has been cited in a letter of formal notice sent to Ireland SG(2010)D/14917;C(2010)6536 in relation to infringement 1999/5112."

Member state's response

- **Member State language:** In reference to the complaint, the subject of correspondence from the Commission on 7 May 2009 under the EU-Pilot process, concerning the regulatory status of waste deposited at the former steelworks on Haulbowline Island, County Cork my authorities wish to inform the Commission that the complainant has since formally indicated an intention to commence legal proceedings against the State in the High Court (see attached). It will be seen that these proceedings would embrace the matter which is the subject of the complaint to the Commission.

In these circumstances my authorities request an extension of time to respond to the letter of 7 May 2009 until 31 October 2009. In this period it is hoped it will become clear if this matter is to be tried before the Irish courts with consequent potential implications for how my authorities may need to address the complaint under the EU-Pilot.

Comments

- ▣ **26/10/2010** - ? / [REDACTED] - The Pilot investigation discloses that the Irish authorities have failed to ensure that the holder of waste contained in a waste site containing toxic waste located at the former Irish Steel works in Haulbowline, County Cork disposes of it in accordance with the provisions of Directive 2006/12/EC on waste (the Waste Framework Directive) - see in particular Articles 4, 8 and 9. The failure to ensure compliance with the Waste Framework Directive represents evidence of an ongoing failure to fully comply with the judgment of the Court of Justice in Case C-494/01, Commission v Ireland. For this reasons, the Haulbowline example has been cited in a letter of formal notice sent to Ireland SG(2010)D/14917;C(2010)6536 in relation to infringement 1999/5112."
- ▣ **15/12/2010** - ? / [REDACTED] - This case will be closed because there is an exting infringemnt (1999/5112).

Assessment of the response by Complainant

- **Response not accepted by complainant**
The letter sent is an information note that the subject of the complainant would be addressed by way of an existing infringement (1999/5112).

Further action

- No Follow up defined
- **Comments** This case will be closed because there is an exting infringemnt (1999/5112).

References

- **Filing Plan Heading (NomCom)** 04.02.02.004.007.013
- **Treated in SOLVIT** No information

Complaintant details

Complainant identity disclosure authorised, ID: 21583

- **Organisation Name** Friends of the Irish Environment
- **Address** Allihies,
- **Postcode** Co. Cork
- **Country** Ireland
- **Fax**
- **Complaintant language** English

- **Contact person** Tony Lowes
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