

Waste Management Planning

Spain

Legal Analysis

Justice and Environment 2011

Waste Management Planning

Spain

Legal Analysis

Introduction

[Directive 2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008 on **waste** and repealing certain Directives regulates in a general manner the waste management planning framework in the Member States. The purpose of the current questionnaire is **to have a snapshot view by answering 5 + 1 questions** on the status of waste management planning in the respective Member State.

Q1

Please describe the legal framework regulating waste management planning in your country!

Please list relevant national laws and the most important provisions relating to government-organized waste management planning!

In Spain the legal framework changed with the transposition of Directive 2008/98/EC through the National Law 22/2011, 28th July. This law establishes a new logic in the waste regulation, introducing the principles of the European law and the new definitions/concepts of domestic waste and other. It organizes the competences of state, regional and local agencies.

The waste management plans approved, state and regional, in Spain before the new law, were relating the former Law 10/1998, who transposed the Directives of 1991, the Law 11/1997, about packing and packing's waste, Royal Decree 653/2003 about incineration, Royal Decree 1481/2001, about domestic waste landfills.

Integrated National Waste Plan 2008-2015 approved by the Ministers Council on 26th December 2008. It integrates different types of wastes (domestic, toxic, agricultural and industrial, polluted soils, etc) and took in account the regional waste plans by every of the 17 Comunidades Autónomas (Autonomous Regions).

There is no Plan started regarding the new Directive and the new Spanish Law.

WFD Article 28

Waste management plans

1. Member States shall ensure that their competent authorities establish, in accordance with Articles 1, 4, 13 and 16, one or more waste management plans. Those plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.

Q2

Please describe according to what territorial distribution the waste management plans are prepared by the government (national, sub-national, regional, sub-regional, etc.)!

Since the environmental management is a shared responsibility between the different levels of government, there will be one framework waste management plan from the State, and 17 regional waste management plans in accordance with article 14 of the Law 22/2011. Local agencies can prepare waste management programs in conformity with the framework waste management plan and the regional plan.

Every agency will prepared a Waste Prevention Program before 12th December 2013.

WFD Article 28

2. The waste management plans shall set out an analysis of the current waste management situation in the geographical entity concerned, as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of this Directive.

3. The waste management plans shall contain, as appropriate and taking into account the geographical level and coverage of the planning area, at least the following:

(a) the type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;

(b) existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific Community legislation;

(c) an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure in accordance with Article 16, and, if necessary, the investments related thereto;

(d) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;

Q3

Please detail how the national waste management plan deals with future landfill capacities and how much such capacity it is planning for the future within the country!

The present National Management Plan has no provisions about future landfill capacities, and only detects that 68% of urban waste go to landfills in Spain and it is needed to reduce this amount. It recognizes the existence of 243 illegal landfills.

WFD Article 28

3. (e) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.

4. The waste management plan may contain, taking into account the geographical level and coverage of the planning area, the following:

- (a) organisational aspects related to waste management including a description of the allocation of responsibilities between public and private actors carrying out the waste management;*
- (b) an evaluation of the usefulness and suitability of the use of economic and other instruments in tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market;*
- (c) the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers;*
- (d) historical contaminated waste disposal sites and measures for their rehabilitation.*

Q4

Please detail to what extent the national waste management plan deals with historical contaminated waste disposal sites and what does it say about them!

The national waste management plan contains provisions on historical contaminated waste disposal sites regarding mining activities only.

The Plan establishes deadlines for the approval of a methodology to evaluate the risk of historical contaminated waste disposal sites and a Restoration Plan for this sites (before 2012).

WFD Article 28

5. Waste management plans shall conform to the waste planning requirements laid down in Article 14 of Directive 94/62/EC and the strategy for the implementation of the reduction of biodegradable waste going to landfills, referred to in Article 5 of Directive 1999/31/EC.

WFD Article 30

Evaluation and review of plans and programmes

1. Member States shall ensure that the waste management plans and waste prevention programmes are evaluated at least every sixth year and revised as appropriate and, where relevant, in accordance with Articles 9 and 11.

2. The European Environment Agency is invited to include in its annual report a review of progress in the completion and implementation of waste prevention programmes.

Q5

Please detail if the previous national waste management plan has been reviewed after 6 years pursuant to the obligation set by the Directive!

No, it was approved in 2008.

WFD Article 31

Public participation

Member States shall ensure that relevant stakeholders and authorities and the general public have the opportunity to participate in the elaboration of the waste management plans and waste prevention programmes, and have access to them once elaborated, in accordance with Directive 2003/35/EC or, if relevant, Directive 2001/42/EC of the European Parliament and of

the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

(1). They shall place the plans and programmes on a publicly available website.

Q+1

Please describe if there has been sufficient public participation in the most recent waste management planning process on the national or sub-national level and if the waste management plans are publicly available on the internet!

There were possibilities for the public participation through the publication of the draft in the website of the Ministry of Environment and the possibility to participate in the SEA process. The results of the participation are not analyzed in the document, as it is needed. The Plan is available thanks to the publication on the Official Diary, but not in the Ministry of Environment's website

Contact information:

name: Eduardo Salazar Ortuño
organization: J&E
address: C/ Apóstoles 10, 1º B, Murcia
tel/fax: 968211439/968227191
e-mail: info@justiceandenvironment.org
web: www.justiceandenvironment.org

The Work Plan of J&E has received funding from the European Union through its LIFE+ funding scheme. The sole responsibility for the present document lies with the author and the European Commission is not responsible for any use that may be made of the information contained therein.

