

Waste and waste water management legislation - The practical outcome

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MStR Law

- Internationally Active Law Firm
- Seat in Athens , Contacts throughout Greece and Europe
- Occupation with Environmental Law
- Expertise in Renewable Energy Law and Waste management



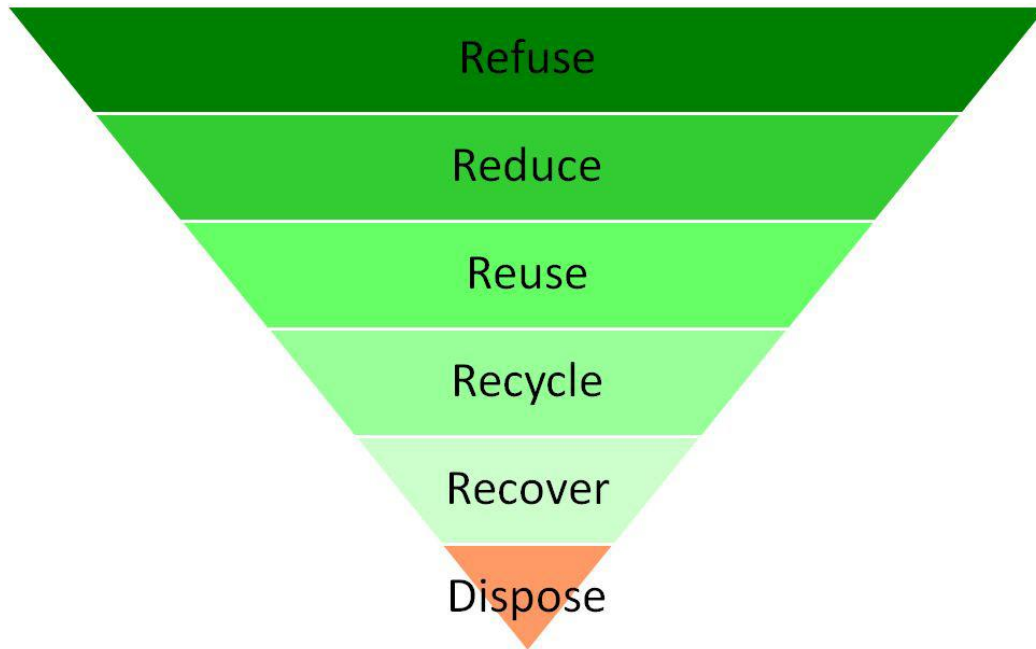
I. The legal framework

A. Provisions of national and EU law

- Modernisation of national law through secondary EU law
- Multiple convictions of Greece by CJEU due to compliance failure
 - Directive 2008/98/EE on Waste, transposed in Greek Law via Law 4042/2012
 - Directive 91/271/EOK concerning urban waste water treatment, transposed in Greek Law via JMD 5673/400/1997
 - Law 2939/2001 on alternative management of waste
 - AMC 15-15/12/2015 validating the National Plan of Waste Management and the National Strategic Plan for the Prevention of Waste Production

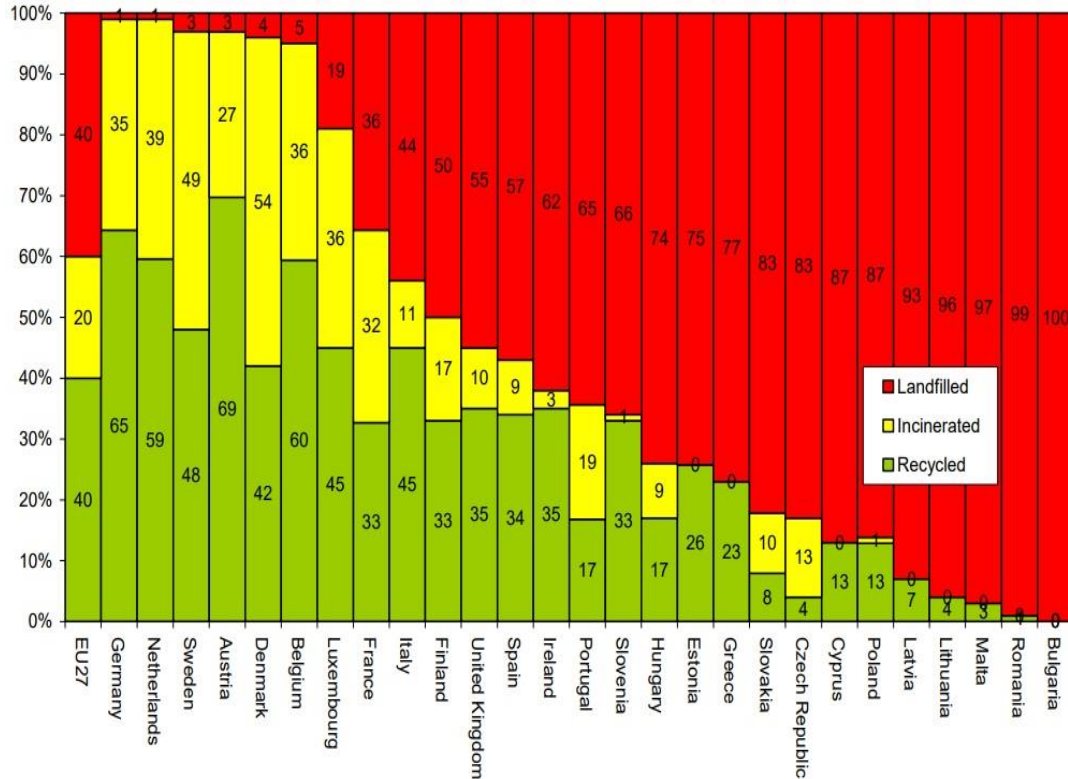
B. Classification of actions regarding waste management in Greece

Waste Pyramid



- Classification according to Directive 2008/98/EE
- However, according to the National Plan Of Waste Management, the disposal of Waste in landfills is preferable than the incineration of waste for energy recovery
- Therefore, Energy Recovery mainly includes biogas production through anaerobic degradation and biodiesel production through used oil

Incineration of Waste in Europe and in Greece specifically



- No incineration of Waste facility in Greece
- Incineration considered as a high nuisance act for the environment by the Greek Legislator
- Additional disadvantages for incineration option: lack of recycling culture, problematic separation of waste leading to a possibly high toxicity of it
- Abortion of relevant plans in Lesvos and Rhodes

C. General Principles of Waste Management


- The polluter should pay
- Increased liability of the manufacturer
- Precautionary Principle
- Transparency in the waste management legislation and administration

D. Objectives of Greek Legislator for the year 2020

- National Strategic Plan for the Prevention of Waste Production


- Concerning glass, metal and paper  recycle 65% of their weight
- Concerning bio waste  recycle 40% of their weight

- National Plan for Waste Management


- Ensures the public character of Waste Management – However there is plenty of space for private initiatives through PPPs.
- Minimum Costs for the Citizens
- Reuse and Recycle process  applied on 50% of the solid waste
- Landfill limited to a 30% of the solid waste

- National Plan for Dangerous Waste Management


E. Latest developments

- New legal framework for recycling put to vote in the Parliament 
- Confrontation of tax evasion in recycling sector regarding the recycling fee
- Return of the fee to the citizens and the real economy
- Implication of a special recycling fee in thin plastic bag amounting to 0.03 Euros at first and to 0.07 Euros from 01.01.2019
- The fee will be accrued to the National Organisation for Recycling
- Introduction of Pay as you Throw principle in recycling sector

F. Pay as you Throw principle

- The PaT principle is part of the new legal framework for Recycling with goal to raise the awareness of local communities
- As far as waste management is concerned the relevant community fees depend on the surface which is powered from the electric energy supplier  This leads to injustice
- PaT as a successful pilot programme implied on Eleusis (2009)

G. Financing and PPPs

- National Strategic Framework Reference 2014-2020 
1.028,5 M Euros for the management of solid waste
- The below funds were recently announced by the Ministry of Environment and Energy
 - 51 M Euros ensured by the revision clause, taken place at the second half of year 2017
 - 10 M Euros from national funds regarding the close and rehabilitation of uncontrolled landfills
 - 10 M Euros for the Development of Infrastructure another 10 M Euros for the development of the local plans for waste management plus a fund concerning exactly the financing of Greek island

Public Private Partnerships (PPPs)

- The Private Initiative is of paramount importance due to the lack of national resources
- Public Private Partnerships ensure high quality services provided by the private sector while the control of the project remains to the public sector
- The Private sector finances the project in whole or partially. The payment takes place after the completion of the project under the scheme of «availability payments»

Further Financing

- JESSICA initiative allows the easier exploitation of the EU funds regarding plans of urban development
- Funds could also be available from the Green Fund and the Life Programme of the EU
- The Life Programme is the financial instrument of the EU for the environment

II. The implementation of the legislation

A. The risks of a possible investment

- Not in my backyard phenomenon



Further Obstacles leading to uncertainty

- Lack of a real strategic plan throughout the territory, lack of coordination between the local and regional authorities
- Problematic System of Expropriations leading to multiple costs and Delays
- Lack of Cadastral and Forest Maps
- Complicated and fragmented legal framework, problematic administration of justice

B. The lack of Compliance with EU Standards

Multiple Convictions from the CJEU regarding the uncontrolled disposal of Solid Waste

- A definitive solution is still expected for the closing and rehabilitation of the uncontrolled landfills, although there has been made a significant progress since the first conviction in 2005
- 16 such landfills are in operation today, while the thirteen of them are located in the Greek Islands, where a possibility for investments arises
- The example of Peloponnesos, where a solution seems to finally emerge via a PPP.

Conviction Imposed by the CJEU concerning the disposal Of Water Waste

- In 2006 the first conviction of Greece arised (C-440/06), due to the non-existence of infrastructure processing water waste in 23 communities
- The deadline for the construction and operation of these facilities had expired since December of 2000
- In October 2015 the CJEU convicted again Greece (C-176/14) for six of the above communities, which continued not complying with the initial decision (a one-off payment of 10 M EUR was ordered plus a payment of 3,640 M EUR for every half year of non-compliance)
- An auction is expected to take place in the following months for the construction of certain of these facilities

Conclusion

- A certain possibility for investments arises, via the PPP's Contracts.
- In addition, investments in the field of the waste water management and closing/rehabilitation of uncontrolled landfills seem to be of crucial importance and great urgency.
- Political and Legal Risks are although plenty
- MStR is willing to guide your investment and minimize the arising risks

Thank you for your attention

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