

EUROPEAN PARLIAMENT

2004



2009

Committee on Petitions

20.02.2009

NOTICE TO MEMBERS

Subject: **Petition 0598/2007 by Cathal McCarthy (British), Weston Gardens Residents Association on lack of appropriate measures to prevent anti-social behaviour and criminal activity against the Weston Gardens estate (Limerick, Ireland)**

1. Summary of petition

The petitioner denounces the numerous acts of anti-social behaviour and criminal activity suffered by the residents of Weston Gardens (Limerick, Ireland). The petitioner argues that, over the years, criminals have taken advantage of a green area between Weston Gardens and the neighbouring estate of Ballinacurra Weston in order to harass and intimidate the residents of the former estate. The petitioner maintains that several houses on Weston Gardens have been set on fire and that garbage is illegally dumped on its properties, forcing many residents to move out. According to the petitioner, attempts by local police and Limerick City Council to solve this situation, including the building of a fence between the Ballinacurra Weston and Weston Gardens have proved successful only in the short term. The petitioner asks the European Parliament to exert pressure on the Limerick City Council in order to speed up the assessment of possible solutions to these problems, as the situation of the residents in Weston Gardens is quite intolerable.

2. Admissibility

Declared admissible on 24 October 2007. Information requested from Commission under Rule 192(4).

3. Commission reply, received on 12 February 2008.

The petitioner raises several issues concerning the serious effects of anti-social behaviour in

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his neighbourhood. Community legislation aspects are limited to the issue of waste management. The petitioner considers this to be a problem for the following reasons:

- There is persistent illegal dumping in green areas and regular illegal burning of rubbish;
- There is a lack of regular waste collection from residences in the neighbourhood.

Article 4 of the Waste Framework Directive¹ (WFD) requires Member States to take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and harming the environment. It provides that Member States shall take the necessary measures to prohibit the abandonment, dumping or uncontrolled disposal of waste.

Article 8 provides that Member State shall take the necessary measures to ensure any holder of waste either has it handled by a private or public waste collector or recovers or disposes of it himself following the provisions of the relevant EU legislation. For example, in the case where waste is being disposed of in a landfill, the requirements laid down in the Landfill Directive² need to be followed accordingly.

In 2005, following Commission legal action, the European Court of Justice ruled against Ireland³ for the lack of implementation of the WFD. In particular, the Court found that there was a structural problem in that the Irish authorities showed a widespread and unacceptable tolerance of illegal waste activities. Since then, Ireland has stepped up efforts to improve its enforcement practices. In particular, more resources have been allocated to Irish local authorities to enforce waste rules, a national complaint-handling system has been set up and an Office of Environmental Enforcement based within Ireland's Environmental Protection Agency has been charged with overseeing the performance of local authorities. The Commission is currently following up this ruling and in June 2007 sent Ireland a first written warning because of a number of shortcomings. In particular, while enforcement practices have improved, not enough measures have yet been taken to ensure that the results required under the WFD are consistently achieved.

In the light of the foregoing, the present petition raises concerns because of the apparent persistent nature of the illegal dumping and illegal waste burning in a residential area with the potential adverse public health implications that this may entail. As with other illegal activities, illegal waste activities do not in themselves necessarily disclose a fault on the part of the public authorities: however, a failure to adequately and effectively control such activities would contravene the requirements of the WFD.

Conclusions

Against this background, the Commission will seek information from Ireland on what steps it is taking to ensure that the apparent pattern of persistent dumping in the middle of this residential area will be brought to an end.

4. Commission reply, received on 20 February 2009.

¹ 2006/12/EC of 27.4.2006 OJ L 114 of 27.4.2006

² 1999/31/EC of 26.04.1999 OJ L 182 of 16.7.1999

³ Case C-494/01

In their letter of 8th February 2008, Ireland replied to the Commission's enquiries related to this case with the following observations:

The Irish authorities are satisfied that all measures have been taken and will continue to be taken to ensure that EU waste legislation is implemented correctly. They report that three private companies are operating in the Limerick City area. Limerick City Council has ascertained that one of the permitted waste collectors works with a smaller vehicle able to access the narrow roads leading to the estate and, therefore, it is in a position to collect the waste. Also, Limerick City Council operates a scheme to assist low income householders with waste collection costs. Additionally, the Council provides street cleaning services.

During 2007, the competent service dealt with 68 instances of illegal dumping, burning and general cleaning of the public areas. Also, the Limerick City Council dealt with twelve complaints in relation to burnt out cars and other illegal dumping in the area. All complaints were investigated and resolved. All in all, the Limerick City Council has ensured that waste collection services are in place to deal with the needs of the households in the area and is proactive in dealing with the instances of illegal dumping and other breaches of waste legislation.

Taking the above information into account, the Commission believes that the Irish authorities have provided adequate waste collection in the Weston Gardens estate and have effectively dealt with several cases of illegal dumping in the estate. Therefore, based on this information, the Commission believes that there is no infringement of Community law.