

EUROPEAN POLICY BRIEF



ILLEGAL LOCALISED POLLUTION INCIDENTS IN THE EU

Policy Implications for the EU

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OVERVIEW OF CASE STUDY

Illegal localised pollution incidents within the EU are an example of smaller scale, localised environmental crime. Environmental crime of this type occurs across the EU, and includes instances of fly-tipping solid waste on land, discharges of pollutants to water, and localised air pollution, e.g. from illegal or 'backyard' burning of waste or improperly managed/regulated industrial sites. Whilst such crimes are often not undertaken in a systematic, coordinated or large-scale way, they nevertheless have a direct and visible impact on local communities and residents, spoiling local areas and landscapes, and damaging the environment and human health (e.g. by polluting water courses and land, attracting vermin and, in the case of illegal burning, generating smoke and emissions).

The case study on illegal localised pollution incidents within the EU provides an example of smaller scale, local-level crime to set within the wider context of the EFFACE study. The case study focuses mainly on the issue of deliberate fly-tipping/illegal waste dumping, with a specific focus on the UK and Ireland. The key causes of and motivations for fly-tipping include financial gain/savings (i.e. it is cheaper to dump waste than dispose of it legally, since waste taxes are avoided), lack of adequate waste collection and disposal facilities (or access to them), and ready availability of locations where fly-tipping can happen easily and without detection.

The case study finds that **illegal landfilling** is a problem across the EU Member States: in total, in 2009 (the latest year for which all Member States have reported to the European Commission), there were at least 3,286 non-hazardous landfills, at least 60 hazardous landfills, and at least 666 inert landfills operating outside of compliance with the EU Landfill Directive. A relatively limited amount of data was found on the number, type and location of **fly-tipping incidents**, and on the quantity of waste involved. Figures suggest that over 2.8 million tonnes of waste are illegally dumped in the EU-28 each year, and a citizen-led website listed well over 12,000 observed incidents of fly-tipping in the EU-28 by the end of 2014. In England (UK) there were over 4.2 million fly-tipping incidents from 2007-2011, with the number decreasing gradually year on year (down to 0.8 million in 2010-11). The majority of incidents (86%) involved a quantity of waste somewhere between a single black bag and a small van load; around 95% of incidents occurred on highways, council land, footpaths and alleyways; and 62% of incidents involved household-type waste. In Ireland, 47,585 tonnes of household waste was reported as fly-tipped and delivered to landfill between 2009

and 2012, and in 2012 Irish local authorities received 50,000 direct complaints of illegal dumping of waste. The economic costs of illegal waste dumping are significant: during 2012-2013, the Environment Agency for England & Wales spent around £17 million on tackling waste crime and an additional £5 million on an illegal waste sites task force. The cost to English local authorities of dealing with fly-tipping clearance and enforcement is estimated at between £36m and £51.6m per year, whilst the cost to private landowners of clean-up and disposal of fly-tipping may be in the region of £50-150m per year. In addition, the annual lost taxes and profits from illegal waste in England and Wales are estimated to total £668.3m (of which £224.3m is lost landfill tax and VAT).

In terms of enforcement activities, between 2007 and 2011, over 2.1 million legal actions (prosecutions, formal cautions, fines etc) related to fly-tipping were taken in England; the perpetrators of fly-tipping were identified in around 51% of cases, and around 96% of prosecutions were successful. There were at least 1,500 prosecutions/fines issued by Irish public authorities in 2012.

The case study is based on qualitative empirical analysis, including desk research.

POLICY IMPLICATIONS AND RECOMMENDATIONS FOR THE EU

The main institutions concerned with illegal waste dumping are those at the national and/or regional/local levels of governance, since the incidents addressed occur at the local level. They include national authorities such as environmental agencies or ministries (responsible for the creation and enforcement of relevant policy), regional/local authorities (involved in enforcement), police and tax authorities. The EU does not currently have a significant role, although some EU legislation is of relevance, most notably the Landfill Directive (1999/31/EC) which sets standards and requirements for landfill operations across the EU.

The case study concludes that given the localised nature of fly-tipping/illegal dumping incidents, it is not an area where EU level involvement is necessarily obvious. Member States would likely be resistant to any attempts to introduce EU legislation on fly-tipping, since it is largely a local/regional issue. However, the EU could perhaps contribute by making funding available (e.g. through the LIFE or INTERREG programmes) for exchange of information and best practices between local authorities in different Member States, to allow those with lower rates of success in dealing with fly-tipping/illegal waste dumping to learn from those who have had greater successes with tackling the issue. Efforts could also be made to encourage Member States to gather more systematic data on fly-tipping incidents, to help to assess the scale of the problem across the EU. This could help to identify whether it is an issue that could, in fact, usefully be the subject of more action at the EU level (whether legislative or not).

ABOUT EFFACE CASE STUDIES ON ENVIRONMENTAL CRIME

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"European Union Action to Fight Environmental Crime" (EFFACE) is a 40-months research project involving eleven European research institutions and think tanks. EFFACE assesses the impacts of environmental crime as well as effective and feasible policy options for combating it from an interdisciplinary perspective, with a focus on the EU. Project results include several case studies on the causes, actors and victims of different types of environmental crime as well as policy options and recommendations. For more information on EFFACE, see <http://www.efface.eu> or contact: envcrime@ecologic.eu

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