

Brussels, 9 April 2025
Case No: 90284
Document No: 1499338
Decision No: 051/25/COL

Ministry of the Environment, Energy and Climate
Borgartún 26
105 Reykjavík
Iceland

Dear Sir or Madam,

Subject: Letter of formal notice to Iceland concerning the Waste Management Plan and Waste Prevention Programme in Iceland

1 Introduction

By letter dated 24 April 2023,¹ the EFTA Surveillance Authority (the "Authority") informed the Icelandic Government of the opening of an own initiative case to assess Iceland's compliance with Articles 28 and 29 of Directive 2008/98/EC on waste ("the Waste Framework Directive" or "the Directive"),² as amended by Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste ("the Amending Directive").³

These provisions require the adoption of one or more waste management plans covering the entire geographical territory of the State and a waste prevention programme setting out specific quantitative and qualitative benchmarks for waste prevention measures, both of which must be evaluated every six years and revised as appropriate.

Prior to the opening of this case, the Authority had been assessing Iceland's implementation of the Waste Framework Directive under Case No 75692. On 29 March 2023, the Authority decided to close that case ("the Closure Decision"),⁴ and, at the same time, to open the present case in order to continue the assessment of the remaining issues and in light of the updated requirements introduced by the Amending Directive. In its Closure Decision, the Authority concluded that the Icelandic Government had addressed the issues identified, except for the adoption of waste management plans that covered the entire geographical territory of Iceland and of an updated waste prevention programme. The Authority took into account in its Closure Decision that the Amending Directive had updated the requirements in Articles 28 and 29 of the Waste Framework Directive, requiring the EEA EFTA States to modify their waste management plans and waste prevention programmes in line with Article 30(1) of the Waste Framework Directive.

In Iceland, the obligations in respect of waste management plans are intended to be met through the combination of a national waste management plan and local waste management plans made at municipal level. The obligations in respect of the waste prevention programme are intended to be met through a national waste prevention programme. At present, waste management plans are in place for some but not all

¹ Document No 1366828.

² OJ L 312, 22.11.2008, p. 3. As incorporated into the EEA Agreement at point 32ff of Annex XX by Joint Committee Decision No 85/2011 of 1 July 2011, which entered into force on 1 November 2012.

³ OJ L 150, 14.06.2018, p. 109. As incorporated into the EEA Agreement at point 32ff of Annex XX by Joint Committee Decision No 318/2021 of 29 October 2021, which entered into force on 1 August 2022.

⁴ Decision 050/23/COL (Document No 1337225). The Icelandic Government was informed by letter of 30 March 2023 (Document No 1325474), and by email of 3 April 2023 (Document No 1367836).

municipalities, and the national waste prevention programme adopted in 2016 has not been updated to align with the revised requirements introduced by the Amending Directive.

The Icelandic Government has therefore not ensured the adoption of waste management plans covering the entire geographical territory of Iceland or an updated waste prevention programme and as such, is in breach of Articles 28(1), 29 and 30(1) of the Waste Framework Directive, as amended.

2 Correspondence

On 24 April 2023,⁵ the Authority notified the Icelandic Government of the opening of the case and, inter alia, requested an update on the status and timing for the adoption of the local waste management plans which were known not to be in place at that time, as well as an update on the status and timing for the revision of the waste prevention programme.

On 5 June 2023,⁶ the Authority received an update from the Icelandic Government that 31 of 64 municipalities had adopted local waste management plans. The Government provided the Authority with an expected timeline for the remaining municipal waste management plans and stated that the national waste prevention programme was under revision and provided a timeline. The Government further clarified that the revision process for the waste prevention programme would take into account the amendments to Article 29 of the Waste Framework Directive introduced by the Amending Directive.

Dialogue and correspondence have continued between the Authority and the Icelandic Government.⁷ However, in respect of the waste management plans, the position communicated up to 13 December 2024⁸ and 16 December 2024⁹ was that eight municipalities were yet to adopt local waste management plans. In respect of the waste prevention programme, the position communicated up to 20 December 2024,¹⁰ was that it was still under revision and had not yet been updated to reflect the obligations arising from the Amending Directive.

3 Relevant EEA law

Article 28 of the Waste Framework Directive, as amended, requires EEA States to ensure that their competent authorities establish one or more waste management plans, covering the entire geographical territory of the State. It further sets the requirements for the content of the waste management plan.

Article 28, as amended, reads as follows:

“Waste management plans

⁵ Doc No 1366828.

⁶ Doc No 1376962.

⁷ Doc No, 1379433, 1402201, 1445176, 1427332, 1433148, and 1460470.

⁸ Doc No 1514168. The Icelandic Government informed the Authority that in the Eastern Region, a joint plan for four municipalities was set for public consultation in January 2025, with approval expected by April. Similarly, Vestmannaeyjabær aimed to finalize its waste management plan by April 2025, while Hornafjörður aimed for adoption by April as well, although its timeline remained tentative. The Government reported that the joint plan for Mýrdalshreppur and Skaftárhreppur remained incomplete with no available timeline. On 11 December 2024, the Ministry had issued a reasoned opinion to these municipalities under Article 6a(3) of the Waste Management Act No 55/2003 for failing to prepare and approve a local waste management plan.

⁹ Doc No 1514233. The Icelandic Government provided the update that the joint waste management plan for Mýrdalshreppur and Skaftárhreppur was expected to be adopted by April 2025.

¹⁰ Doc No 1514252. The Icelandic Government informed the Authority that the updated waste prevention programme had entered public consultation and that publication of the final documents was anticipated in summer of 2025.

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.

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 major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste, waste containing significant amounts of critical raw materials, or waste streams addressed by specific Union legislation;*
- (c) an assessment of the need for closure of existing waste installations, and for additional waste installation infrastructure in accordance with Article 16.*

Member States shall ensure that an assessment of the investments and other financial means, including for local authorities, required to meet those needs is carried out. This assessment shall be included in the relevant waste management plans or in other strategic documents covering the entire territory of the Member State concerned;

- (ca) information on the measures to attain the objective laid down in Article 5(3a) of Directive 1999/31/EC or in other strategic documents covering the entire territory of the Member State concerned;*
- (cb) an assessment of existing waste collection schemes, including the material and territorial coverage of separate collection and measures to improve its operation, of any derogations granted in accordance with Article 10(3), and of the need for new collection schemes;*
- (d) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;*
- (e) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems;*
- (f) measures to combat and prevent all forms of littering and to clean up all types of litter;*
- (g) appropriate qualitative or quantitative indicators and targets, including on the quantity of generated waste and its treatment and on municipal waste that is disposed of or subject to energy recovery.*

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.

5. Waste management plans shall conform to the waste planning requirements laid down in Article 14 of Directive 94/62/EC, to the targets laid down in Article 11(2) and (3) of this Directive and to the requirements laid down in Article 5 of Directive 1999/31/EC, and for the purposes of litter prevention, to the requirements laid down in Article 13 of Directive 2008/56/EC of the European Parliament and of the Council and Article 11 of Directive 2000/60/EC of the European Parliament and of the Council.”

Article 29 of the Waste Framework Directive, as amended, requires EEA States to establish a waste prevention programme. This article also sets requirements for the content of the waste prevention programme.

The Amending Directive introduced new requirements, including explicit obligations to incorporate measures from Article 9(1), assess the contribution of instruments in Annex IVa, and evaluate existing prevention measures. Additionally, EEA States must now adopt specific food waste prevention programmes as part of their national strategies.

Article 29, as amended, reads as follows (additions of the Amending Directive underlined):

“Waste prevention programmes

1. Member States shall establish waste prevention programmes setting out at least the waste prevention measures as laid down in Article 9(1) in accordance with Articles 1 and 4.

Such programmes shall be integrated either into the waste management plans required under Article 28 or into other environmental policy programmes, as appropriate, or shall function as separate programmes. If any such programme is integrated into the waste management plan or into those other programmes, the waste prevention objectives and measures shall be clearly identified.

2. When establishing such programmes, Member States shall, where relevant, describe the contribution of instruments and measures listed in Annex IVa to waste prevention and shall evaluate the usefulness of the examples of measures indicated in Annex IV or other appropriate measures. The programmes shall also describe existing waste prevention measures and their contribution to waste prevention.

The aim of such objectives and measures shall be to break the link between economic growth and the environmental impacts associated with the generation of waste.

2a. Member States shall adopt specific food waste prevention programmes within their waste prevention programmes.

5. The Commission shall create a system for sharing information on best practice regarding waste prevention and shall develop guidelines in order to assist the Member States in the preparation of the Programmes.”

Article 30(1) of the Waste Framework Directive requires EEA States to evaluate their waste management plans and waste prevention programmes at least every six years and revise them as appropriate and where relevant. It reads as follows:

“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.”

4 Relevant national law

The obligation to establish waste management plans and waste prevention programme in accordance with Articles 28 and 29 of the Waste Framework Directive is set out in the Waste Management Act No. 55/2003 (“the Waste Management Act”)¹¹ and Regulation no 803/2023 on Waste Management (“the Waste Management Regulation”).¹²

Article 5 of the Waste Management Act requires the relevant Minister to adopt a national waste management policy and a waste prevention policy, each covering a period of twelve years. These policies must set out waste prevention and management objectives, describe existing measures, and evaluate their effectiveness. The Environment Agency is responsible for drafting these policies and submitting them to the Minister, who must publish them for public consultation before adoption. The Minister is also required to assess, at least every six years, whether the policies require revision and update them where appropriate.

Article 6 of the Waste Management Act requires municipalities, individually or jointly, to adopt regional waste management plans covering a twelve-year period. These plans must align with national policies, set out measures for reuse, recycling, and disposal, and include an assessment of the region's waste management situation. Municipalities must also evaluate waste prevention measures and, where relevant, measures related to hygiene and plastic waste prevention. The Environment Agency is responsible for overseeing compliance with this obligation and may notify the Ministry if a municipality fails to adopt or update a plan. The Minister may then take further action, including issuing guidelines, delivering an opinion on the municipality's compliance, or instructing the municipality to correct the issue.

The Waste Management Regulation supplements these obligations by specifying additional content requirements for regional waste management plans. Article 5 introduces requirements for quantitative waste reduction targets, economic instruments promoting the waste hierarchy, separate waste collection assessments, and compliance monitoring measures.

¹¹ Lög um meðhöndlun úrgangs nr. 55/2003.

¹² Reglugerð um meðhöndlun úrgangs nr. 803/2023.

5 The Authority's assessment

5.1 Waste Management Plan

During the Authority's assessment leading to the Closure Decision of Case No 75692, the representatives of the Icelandic Government explained that a central waste management plan was to be adopted by the Government, having a coordinative role for the entire geographical territory of Iceland, and that the municipalities were required to draw up local waste management plans in line with the central waste management policy. The local waste management plans were expected to cover the more detailed content requirements set out in Article 28(2) to (5) of the Directive. Together, the central and local waste management plans were therefore intended to cover the entire geographical area of Iceland.

A central waste management policy was adopted and published by the Icelandic Government in June 2021, consisting of two main components: the waste prevention programme for 2016-2027 and a central waste management plan for 2021-2032.¹³

As noted in Section 2, the initial information received from the Icelandic Government on 5 June 2023 was that 31 out of 64 municipalities had adopted local waste management plans. The Government also provided a projected timeline for the completion of the remaining plans. However, the timelines for these outstanding plans have been repeatedly postponed, with continued delays in their adoption. According to the Icelandic Government's update of 13 December 2024, eight municipalities have yet to adopt a local waste management plan, the plans therefore not covering the entire geographical area of Iceland.

Article 28(1) of the Waste Framework Directive requires EEA States to ensure that their competent authorities establish one or more waste management plans, covering the entire geographical territory of the state. By failing to ensure that waste management plans cover the entire geographical territory of Iceland, the Icelandic Government has failed to fulfil its obligations under Article 28(1) of the Waste Framework Directive.¹⁴

5.2 Waste Prevention Programme

The Authority understands that in 2016, Iceland published its first waste prevention programme, for the period 2016-2027.¹⁵ As noted above, in 2021, the government released a central waste management policy, incorporating the 2016 waste prevention programme along with a new waste management plan for 2021–2032.¹⁶

¹³ The central waste management policy is available through this link:

<https://www.stjornarradid.is/library/02-Rit--skyrslur-og-skrar/Stefna%20um%20me%3%b0h%3%b6ndlun%20%c3%bargangs%202021-2032%20090621.pdf>

¹⁴ The Authority notes that Articles 28(2)–(5) of the Waste Framework Directive set out further details on the content and scope of waste management plans, including their objectives, assessment criteria, and necessary measures. The Amending Directive from 2018 entered into force in the EEA States on 1 August 2022, introducing, inter alia, amendments to Article 28. Pursuant to Article 30(1) of the Waste Framework Directive, EEA States are required to evaluate their waste management plans and waste prevention programmes at least every six years and revise them as appropriate and where relevant. Accordingly, the State must ensure that existing waste management plans are updated and revised as necessary to align with the amendments introduced by the Amending Directive. The current case focuses on whether plans have been put in place and this letter should not be taken as tacit acceptance by the Authority that these obligations have been complied with by the plans which are in place.

¹⁵ See the link to the waste prevention programme here: https://www.stjornarradid.is/media/umhverfisraduneyti-media/media/PDF_skrar/Saman-gegn-soun-2016_2027.pdf

¹⁶ See link to the national waste policy here: https://www.stjornarradid.is/library/02-Rit--skyrslur-og-skrar/UAR_stefnal_att_ad_hringarsarhagkerfi.pdf

As noted in Section 2, on 5 June 2023, the Icelandic Government informed the Authority that the national waste prevention programme was under revision. The Government further clarified that the revision process would take into account the amendments to Article 29 of the Waste Framework Directive introduced by the Amending Directive.

However, the timeline for the adoption of the revised prevention programme has been repeatedly postponed. According to the Icelandic Government's update from 20 December 2024, the revised waste prevention programme is expected to be published by summer 2025.

Article 30(1) of the Waste Framework Directive requires EEA States to evaluate their waste management plans and waste prevention programmes at least every six years and revise them as appropriate.

The national waste prevention programme was adopted in 2016. The Authority does not hold any information indicating that it has been revised since adoption in accordance with the applicable requirements. Consequently, more than six years have elapsed since the Icelandic Government last revised its national waste prevention programme.

Moreover, the Amending Directive, which became applicable in the EEA EFTA States on 1 August 2022, introduced new requirements for waste prevention programmes, making it appropriate for the Icelandic Government to revise its waste prevention programme in accordance with the amendments, in line with Article 30(1) of the Waste Framework Directive. More specifically, the amendments to Article 29 impose explicit obligations on EEA States, including obligations to incorporate measures from Article 9(1), assess the contribution of instruments in Annex IVa, and evaluate existing prevention measures. Additionally, EEA States must adopt specific food waste prevention programmes as part of their national strategies.

The 2016 waste prevention programme predates these requirements and has not been updated since to address the obligations introduced by the Amending Directive.

By failing to revise the waste prevention programme from 2016, Iceland has not fulfilled its obligations under Articles 29 and 30(1) of the Waste Framework Directive, as amended.

6 Conclusion

Accordingly, as its information presently stands, the Authority must conclude that, by failing to ensure that waste management plans cover the entire geographical territory of Iceland, the Icelandic Government has not fulfilled its obligations under Article 28(1) of the Waste Framework Directive. Furthermore, by failing to revise its waste prevention programme from 2016 in line with applicable requirements, Iceland has failed to comply with its obligations under Articles 29 and 30(1) of the Directive as amended.

In these circumstances, and acting under Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, the Authority requests that the Icelandic Government submits its observations on the content of this letter *within two months* of its receipt.

After the time limit has expired, the Authority will consider, in the light of any observations received from the Icelandic Government, whether to deliver a reasoned opinion in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice.

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