



COCOON
Interreg Europe



European Union
European Regional
Development Fund

Finance of Aftercare

Nicosia: 26 September 2018

Name: Msc. Jan Frank Mars

E-mail: janfrank.mars@rws.nl

Content



Finance of aftercare

1. Legislation of Aftercare
2. Polder Model (Clogies Dutchies)
3. Bottlenecks Provinces
4. Bottlenecks landfill operators
5. Next steps



Legislation Aftercare



Aftercare laid down in:
Environmental Management Act

Technical measures in Chapter 8

- Art. 8.47 (3) protection of soil and (ground)water. Linked with the Soil protection act

- Art. 8.49 describes the measures to be taken and the obligation for an aftercare plan with Decision of the Authority.

- Art. 8.50 Provincial Executive is the authority for aftercare



Legislation Aftercare



Aftercare laid down in:

Environmental Management Act

Financial measures chapter 15

- Art. 15.44 Provincial Executive set fee for aftercare this includes interest and investments in a Provincial owned fund
- Art. 15.45 Financial responsible landfill operator
- Art. 15.46 bank guarantee from landfill owner
- Art. 15.47 rules that the fund must comply with
- Art. 15.48 Fund can be a jointly by multiple provinces**
- Art. 15.49 unforeseen circumstances after the Decision are for cost of Province

Legislation Aftercare

Steps needed upon transfer of Landfill

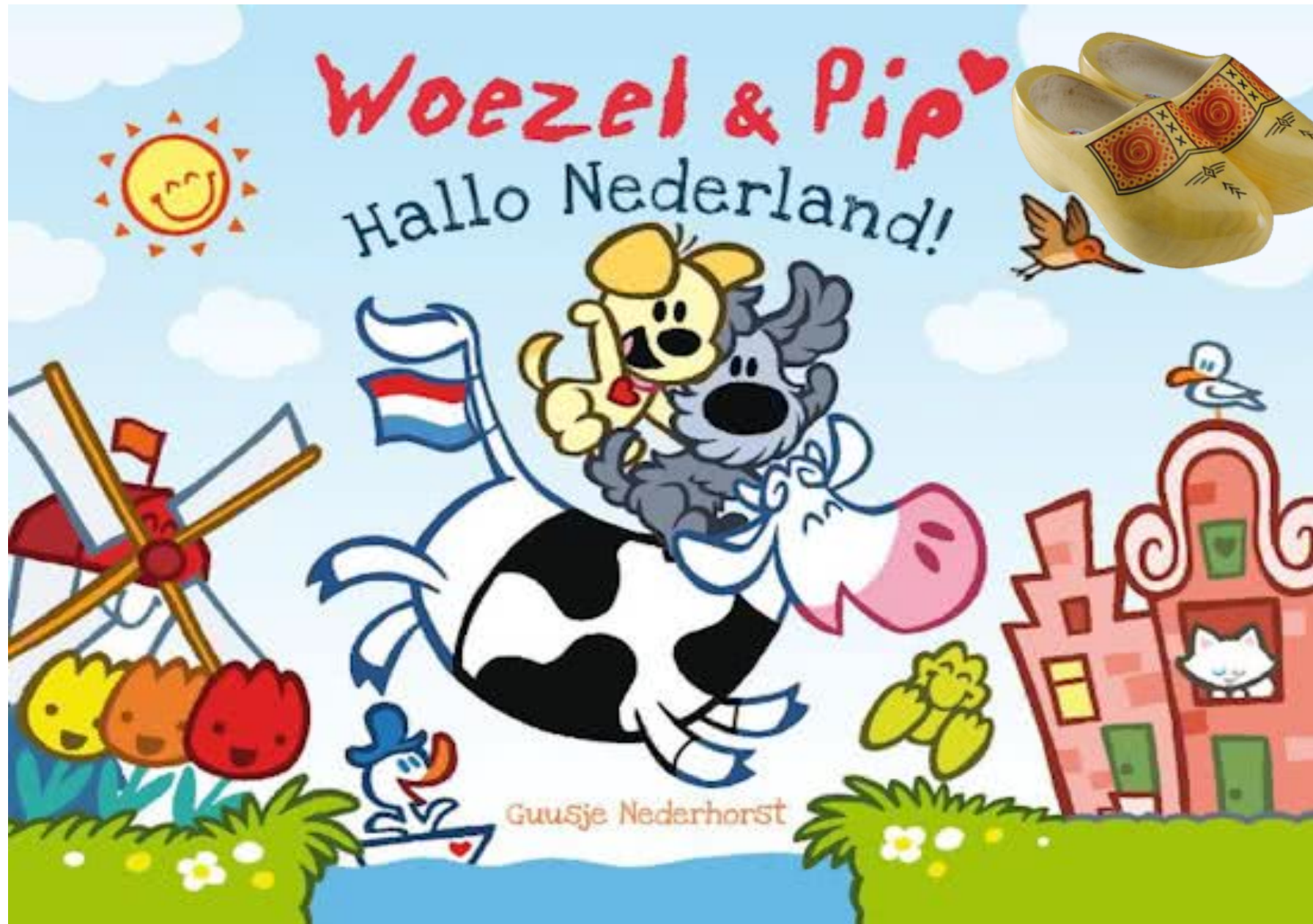


- check is complied with license obligations
- *special-purpose assets reached*
- settlement by additional Provincial levy
- Decision on aftercare plan



Art. 15.49 unforeseen circumstances after the Decision are for cost of Province !

Polder model: the Dutch way



Polder model: the Dutch way



Bottlenecks Provinces



- Landfill operator does not know his own landfill (transfer of ownership and bad administration)
- Multiple “owners” for liability: site owner, top-cover; monitoring, others
- Operator does not comply with license obligations
- Determine the levy for 20 years
 - Discussion about height of levy, due to crisis account rates (5%) are under pressure



- Aftercare plan revised every 5 years (does not happen in practice)
- Collision with other legislation eg. Soil protection Act.

Bottlenecks landfill operators



- The provinces have almost unlimited power.
- The account of provincial decisions must be paid by the operators. (Provinces have zero pain from bad investments)
 - Lowering the account rate by 0.5% -1.5% (starting from the 5%) means an increase in the special-purpose assets by 30 - 130%
- A shrinking and now national market demands uniformity in Provincial policy (**EMA Art. 15.48**)
 - Lack of uniformity leads to an uneven playing field and financial risks for landfill operators.
 - Management of the aftercare funds can be run professionally and with fewer risks through scale and spreading of investment risks



Next steps



Secretary of State
Ms. Stientje van Veldhoven

Mediator needed:

- The strict transfer of management and risk of a closed landfill at the time of formal closure
- The different policies of different provinces
 - for the aftercare funds
 - the calculation of the account rate
 - the calculation of special-purpose assets

Secretary of state is asked to mediate between landfill operators and Provinces