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COMMISSION STAFF WORKING DOCUMENT

Implementation Plan

Accompanying the document

Proposal for a Directive of the European Parliament and of the Council

reviewing the targets in Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, and 1999/31/EC on the landfill of waste, amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EC on waste electrical and electronic equipment

{COM(2014) 397 final}

{SWD(2014) 207 final}

{SWD(2014) 208 final}

{SWD(2014) 209 final}

Implementation Plan¹

1. Title of the document for the proposed act:

Implementation Plan for the Proposal for a Directive of the European Parliament and of the Council reviewing the targets in Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, and 1999/31/EC on the landfill of waste, amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EC on waste electrical and electronic equipment (WEEE), and repealing certain Decisions.

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3. Introduction

The present proposal is based on the legal obligation to review the waste management targets of three waste-related Directives: Directive 2008/98/EC on waste, Directive 1999/31/EC on the landfill of waste, and Directive 94/62/EC on packaging and packaging waste. The proposal aims at translating into the EU legislation the objectives set out in the Resource Efficiency Roadmap² and the 7th Environmental Action Plan³. It also aims at improving the implementation of the waste hierarchy in all Member States, in order to move the EU towards a circular economy through more waste reduction, increased reuse and recycling, limiting incineration of recyclable waste as well as a phasing out of landfilling.

The proposal is based on ex-post evaluations – including a ‘fitness check’ study covering the packaging and packaging waste Directive –, as well as on an ex-ante evaluation using a

¹ This Implementation Plan is provided for information purposes only. It does not legally bind the Commission on whether the identified actions will be pursued or on the form in which they will be pursued.

² COM (2011) 571

³ Decision 1386/2013/EU of 20 November 2013, OJ L 354, 28.12.2012, p. 171

European reference model on waste generation and management. The results of these evaluations have been used in the impact assessment accompanying the proposal.

4. Deliverables and implementation challenges

4.1. Deliverables

The proposal offers a stable framework for waste management in the EU based on a mid-term vision (2030). It contains new targets and additional means to ensure their proper implementation.

The main amendments of the proposal include:

- Increase recycling/preparation for re-use of municipal waste to 70% in 2030;
- Increase packaging waste recycling/preparation for re-use to 80% in 2030 with material specific targets;
- Phase out landfilling by the introduction of progressive landfill bans first on recyclable including biodegradable waste (by 2025) then on all recoverable waste (by 2030);
- Take measures aimed at reducing food waste generation by 30% by 2025;
- Introduce an early warning system to anticipate and avoid possible compliance difficulties;
- Ensure full traceability of hazardous waste;
- Increase the cost-effectiveness of Extended Producer Responsibility schemes by defining minimum conditions;
- Simplify drastically the reporting obligations and alleviating obligations facing SMEs;
- Harmonise and streamline the calculation of the targets and improve the reliability of key statistics;
- Improve the overall coherence by aligning definitions and removing obsolete legal requirements.

This proposal is expected to provide a clear and robust perspective to guide long term investment strategies focused on prevention, reuse and recycling as well as the future use of EU regional funds which should focus on the first steps of the waste hierarchy in line with the proposed targets.

4.2. Challenges

The main challenges can be summarized as follows:

1) reaching the targets within the deadlines (especially for the less advanced Member States), which includes:

- the adaptation of waste management plans at national, regional or local levels
- the optimal use of existing and, where needed, development of new infrastructures for waste separate collection and treatment
- measures to ensure civil society participation in source separation of waste
- the development of administrative capacities for the enforcement and the coordination between competent authorities at all levels
- the progressive reduction in the use of landfilling capacities and in some Member States of overcapacities for some treatment options lower in the waste hierarchy
- the adoption and implementation of economic instruments aiming at increasing prevention, reuse and recycling while covering the potential additional costs

2) monitoring waste management operations and delivering timely reliable statistics, which includes:

- the improvement of data collection methods
- the development of validation and reporting schemes
- the setting up of an 'early warning' mechanism at Commission level to regularly monitor MS performances and anticipate possible problems of implementation

5. Support Actions:

5.1. Challenge 1 "Reaching the target within the deadline"

The proposed targets were defined on the basis of the levels already met today in the most advanced Member States. Deadlines were then calculated taking into account the time needed for all MS (based on past progression rates) so that all MS would be able to respect the proposed targets and the proposed deadlines. This approach is considered as prudent as new techniques have emerged at all levels of the recycling chain (separate collection, sorting, recycling) which should allow less advanced MS to make rapid progress in the coming years. In addition, the mid-term approach (with final deadline in 2030) allows for the necessary flexibility in implementation.

The proposed targets were also fixed in a 'synergetic' and consistent way so that landfilling is progressively reduced while recycling of municipal and packaging waste is increasing at a similar rhythm. They are also consistent with existing requirements (e.g. separate collection by 2015, recycling and landfill diversion targets).

Possible Commission Actions:

In the **legislative proposal**, specific measures are proposed in order to **promote best practices** notably through the '**early warning**' procedure (and related compliance action

plan aiming at ensuring the adoption of key instruments having proven to be efficient in most advanced MS), the proposed improvements of **EPR schemes** (minimum requirements and guidance to MS). A **derogation** mechanism for the first deadline (2020) is also proposed, in association with the adoption of a conditional compliance action plan

In addition, the Commission has launched in 2013 a **compliance-promotion exercise** which aims at assessing and monitoring the implementation of EU waste legislation as well as providing technical guidance and recommendations in order to support Member States efforts. This exercise includes interactive exchange with the MS, notably through the assessment of national and/or regional waste management plans, the organisation of seminars and the elaboration of implementation roadmaps adapted to the specific challenges of the different MS. So far the 10 less performing Member States were covered. It is the intention of the Commission to continue these efforts by covering additional MS and by monitoring the progress accomplished in the 10 MS already covered.

Experience gained from the compliance-promotion exercise

Based on the experiences made in other Member States and the problems encountered during the compliance-promotion exercise 2012-2013, the recommendations to the participating MS generally comprise to:

- Introduce taxes on landfill/MBT/incineration to make recycling an economic viable option or if taxes are already in place to significantly increase these. Revenues from the taxes should be used to support separate collection, awareness raising and modern infrastructure, focusing on prevention, re-use and recycling.
- Establish/improve and control separate collection systems.
- Expand systems to door-to-door separate collection schemes as soon as possible and undertake pilot projects on separate collection to develop solutions for local circumstances.
- Initiate/intensify awareness raising and information designed for different target groups.
- Reform administrative structures and procedures to simplify administration of waste management, e.g. bundle capacities via inter-municipal associations and harmonise systems in place by providing guidelines on administrative and practical approaches.
- Support local authorities in setting up separate collection schemes (by incentives and/or penalties) and other central tasks (e.g. tendering procedures).
- Extend and improve the monitoring and transparency of existing EPR schemes via intensified inspection and enforcement activities, accompanied by guidance.
- Update national and regional WMPs including measures on how to achieve legally binding targets and objectives.
- Enforce national strategies on bio-waste management.
- Revise statistics by aligning reporting to EUROSTAT guidelines.

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| <ul style="list-style-type: none">- Use EU funding to finance infrastructure and initiatives related to the first steps of the waste hierarchy. |
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In addition, the Commission will develop specific initiatives for the promotion of good practices concerning waste prevention, efficient separate collection as well as the management of C&D waste and hazardous waste.

A reference **modelling tool** has been developed by the Commission in association with the European Environment Agency with the objective of regularly assessing the distance to target in all MS, analysing ex ante the expected progress in terms of waste management and identifying Member States at risk of not meeting the target. This model will be used in the context of the 'early warning' procedure. It could also be used by volunteer MS to support the planning of waste management strategies at national level.

The European Environment Agency is also in charge of the **review of the Waste Prevention Programmes (WPP)** in accordance to Article 30, §2 (includes sharing of good practices).

The Commission has also defined for the **use of regional funds (ERDF/CF)** a set of ex-ante conditionalities for the next programming period 2014-2020 (including for waste). These conditions already include the taking up of best practices. The Commission works in close collaboration with MS to ensure the optimal use of EU funds with a priority given to investments and technical assistance related to the first steps of the waste hierarchy (prevention, reuse and recycling). In addition, when relevant, the Commission has proposed 'country specific recommendations' in the context of the Annual Semester recommending an appropriate use of economic instruments in the field of waste management.

The new **LIFE regulation** includes the possibility of funding projects in support of implementation of waste management policies.

Those measures should ensure that the less advanced MS are taking advantage of the experience and good practices from best-performing MS. It should help them to design the appropriate package of measures and leapfrog the implementation stages in order to capture rapidly the potential benefits (including direct cost savings, reduced greenhouse gas and air pollutants emissions, job creation, easier access to raw materials) linked with the achievement of the upgraded targets.

Possible Member State Actions:

The following actions can be taken by the MS:

- ensure that **sufficient resources** are made available at national, regional and local levels for the planning, enforcement and operational aspects of waste management policies
- provide **training and technical assistance** in order to optimize the use of existing or build the necessary new capacities, especially at local level for municipal waste management
- where necessary, develop a **dialogue** with the Commission about waste management planning and implementation issues

- raise **awareness** and involve stakeholders (private sector, NGO's and the citizens-consumers)
- make a proper use of structural funds and other **sources of funding** to accelerate the necessary changes
- apply **key economic instruments** (in particular, landfill/incineration taxes, extended producer responsibility schemes, pay-as-you-throw schemes, subsidies/penalties for local authorities to ensure the development of separate collection) which have proved to be efficient in changing the behaviour of the concerned actors in applying the waste hierarchy and in generating financial means to develop waste management operations accordingly.

5.2. Challenge 2 "Monitoring and quality reporting"

Possible Commission Actions:

The **legislative proposal** aims to clarify the key **definitions** related to the most relevant indicators and targets. It also clarifies and simplifies **reporting modalities** and **calculation methods**. The proposal also includes the creation of **electronic waste registries** by MS (see below) as well as the obligation of third party independent verification of key statistics before they are transmitted to Eurostat.

In addition, the Commission will take the following actions:

- increased **guidance** on data collection and reporting t, in line with the targets and the waste hierarchy
- reinforcement of **quality checks and validation procedure** - **exchange of good practices** through regular workshops involving Member States

Possible Member State Actions:

Member States should ensure that **sufficient resources** are made available at national, regional and local level for the monitoring of waste management policies, notably the data collection, their statistical treatment, their validation as well as the proper reporting and validation processes in liaison with the Commission services.

They should also develop **electronic waste registries**, as foreseen in the proposal.

MS need to put in place **transparent data reporting schemes** to be used by public and private actors, notably municipalities, EPR schemes, waste management companies and recyclers.

Member States should also set up **training** for local/regional authorities and relevant stakeholders. In addition, they can participate in **exchange platforms and peer reviews** with other authorities and Eurostat.

6. Summary table

| Implementation challenge | Support action | Timing |
|---|--|---|
| <p>1) Reaching the targets within the deadline (especially for the less advanced Member States): development of infrastructures (for separate collection and treatment), adaptation of waste management plans, enforcement and coordination between authorities at all levels, reduction in the use of landfilling capacities, implementation of economic instruments.</p> | <p>Commission:</p> <ul style="list-style-type: none"> - <i>Legislative proposal:</i> <ul style="list-style-type: none"> • ‘early warning’ procedure (and related compliance action plan) • minimum requirements for EPR (and related guidance) • conditional derogation mechanism for the first deadline (2020) - <i>Compliance-promotion exercise:</i> <ul style="list-style-type: none"> • technical guidance and specific initiatives for the promotion of good practices concerning waste prevention, efficient separate collection as well as the management of C&D waste and hazardous waste.. • assessment of national and/or regional waste management plans • organisation of seminars • implementation roadmaps including country-specific recommendations - <i>Country specific recommendations in the context of the Annual Semester</i> - <i>Modelling tool (with the EEA)</i> - <i>EEA Review of Waste Prevention Programmes</i> - <i>EU funding :</i> <ul style="list-style-type: none"> • ex-ante conditionalities • close collaboration with MS in definition of investments programmes • LIFE (integrated) projects in support of implementation | <p>2017(1st reporting deadline), 2022, 2027</p> <p>After adoption</p> <p>2018</p> <p>2013-2016</p> <p>Annual (ongoing)</p> <p>2014 (permanent)</p> <p>Annual (as from 2014)</p> <p>2014-2020</p> <p>Yearly calls</p> |
| | <p>Member States:</p> <ul style="list-style-type: none"> - sufficient resources made available at | |

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| | <p><i>national, regional and local levels for the planning, the enforcement and the operational aspects of waste management policies</i></p> <ul style="list-style-type: none"> - <i>training and technical assistance in order to build the necessary capacities, especially at local level</i> - <i>dialogue with the Commission about planning and implementation</i> - <i>raise the awareness and involve stakeholders</i> - <i>optimal use of structural funds and other sources of funding</i> - <i>implement key economic instruments (in particular, landfill tax, EPR schemes, pay-as-you-throw schemes)</i> | <p><i>Permanent</i></p> <p><i>Permanent</i></p> <p><i>Compliance exercise: 2014-2016</i></p> <p><i>Early warning: 2017, 2022, 2027</i></p> <p><i>Permanent</i></p> <p><i>2014-2020</i></p> <p><i>Permanent</i></p> |
| 2) Monitoring and quality reporting | <p>Commission:</p> <ul style="list-style-type: none"> - <i>legislative proposal (more precise definitions of key indicators, clarification of reporting modalities and calculation methods, creation of electronic waste registries, third party verification)</i> - <i>guidance on data collection and reporting</i> - <i>reinforcement of Commission's capacities for quality checks and validation</i> - <i>exchange of good practices through regular workshops</i> | <p><i>After adoption (incl. implementing act)</i></p> <p><i>Starting 2014</i></p> <p><i>2015</i></p> <p><i>Permanent (ongoing)</i></p> |
| | <p>Member States:</p> <ul style="list-style-type: none"> - <i>sufficient resources are made available at national, regional and local levels for the monitoring of waste management policies</i> - <i>develop electronic waste registries</i> - <i>develop validation procedures, including third party verification processes</i> - <i>set up trainings</i> - <i>participate in exchange platforms and peer</i> | <p><i>Permanent</i></p> <p><i>2016</i></p> <p><i>2016</i></p> <p><i>2015</i></p> |

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| | <i>reviews</i> | <i>Permanent (ongoing)</i> |
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