



Council of the
European Union

Brussels, 12 June 2023
(OR. en)

10478/23
ADD 14

ENV 672
COMPET 608
MI 508
AGRI 314
IND 308
CONSOM 225
ENT 131

COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 8 June 2023

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.: SWD(2023) 196 final

Subject: COMMISSION STAFF WORKING DOCUMENT
The early warning report for Poland
Accompanying the document
REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS identifying Member States at risk of not meeting the 2025 preparing for re-use and recycling target for municipal waste, the 2025 recycling target for packaging waste and the 2035 municipal waste landfilling reduction target

Delegations will find attached document SWD(2023) 196 final.

Encl.: SWD(2023) 196 final



Brussels, 8.6.2023
SWD(2023) 196 final

COMMISSION STAFF WORKING DOCUMENT

The early warning report for Poland

Accompanying the document

Report From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions

identifying Member States at risk of not meeting the 2025 preparing for re-use and recycling target for municipal waste, the 2025 recycling target for packaging waste and the 2035 municipal waste landfilling reduction target

{COM(2023) 304 final} - {SWD(2023) 175 final} - {SWD(2023) 176 final} -
{SWD(2023) 180 final} - {SWD(2023) 181 final} - {SWD(2023) 182 final} -
{SWD(2023) 183 final} - {SWD(2023) 184 final} - {SWD(2023) 185 final} -
{SWD(2023) 186 final} - {SWD(2023) 187 final} - {SWD(2023) 188 final} -
{SWD(2023) 189 final} - {SWD(2023) 195 final} - {SWD(2023) 197 final} -
{SWD(2023) 198 final} - {SWD(2023) 199 final} - {SWD(2023) 200 final}

1. Introduction

The early warning report aims to assist Member States at risk of failing to meet: (i) the 2025 target of 55% for the preparing for re-use and the recycling of their municipal waste (this target is set out in Article 11(2)(c) of Directive 2008/98/EC); and (ii) the 2025 target of 65% for the recycling of their packaging waste (this target is set out in Article 6(1)(f) of Directive 1994/62/EC). It also provides an update on how Member States are performing against the 2035 target to send no more than 10% of their municipal waste to landfill (this target is set out in Article 5(5) Directive 1999/31/EC).

This report builds on previous support provided by the Commission to help Member States comply with EU law on municipal waste management, including, where relevant, the early warning report from 2018¹.

The assessment underpinning the early warning report identified 18 Member States at risk of missing the 2025 preparing for re-use and recycling target for municipal waste, 10 of which are also at risk of missing the 2025 recycling target for all packaging waste.

This assessment is based on a collaborative and transparent process involving the Member States concerned, the European Environment Agency², and an in-depth analysis of the most recent policy developments in the Member States. This process also involved extensive consultation with the Member State authorities in charge of waste management. The possible actions identified during this process are based on existing best practices and aim to help Member States meet the 2025 targets, and as such they focus on policy measures which can be taken in the short term. These actions should be seen as complementary to those recommended in the roadmaps which were drawn up as part of preceding compliance-promotion activities and to those recommended in the Environmental Implementation Review³.

2. Key findings

Based on the analysis of the data collected and existing policies in the area of waste management, Poland is considered to be at risk of missing: (i) the 2025 target of 55% for the preparing for re-use and the recycling of its municipal waste ; and (ii) the 2025 target to recycle 65% of its packaging waste. The gap between Poland's current landfilling rate and the 2035 target to landfill no more than 10% of its municipal waste is also of concern.

The overall municipal waste recycling rate in Poland remained rather stable between 2016 and 2019, respectively at 34.8 and 36%. In 2020 the municipal waste recycling rate reported by Poland increased to 38.7%, however it is still 16.3 percentage points below the 2025 target of 55%. The application of the EU's new calculation rules for municipal waste recycling⁴ might result in a lower recycling rate. The amount of municipal waste sent to landfill remains too high (in 2020, the landfill rate was 39.8%).

The overall recycling rate for packaging waste slightly decreased in recent years, falling by 3.6 percentage points from 2015 to 2019. The reported recycling rate for all packaging waste in 2019 was 55.5%, 9.5 percentage points below the 2025 target. Plastic is the packaging waste stream of most concern as plastic

¹ An early warning report was issued for Poland in 2018 (SWD(2018) 426 final). A total of six recommendations were provided. In the annex to the Early Warning Assessment related to the 2025 Targets for Municipal and Packaging Waste are listed 5 of 6 recommendations. According to the Polish authorities, 4 of the report's recommendations are considered as being implemented, and 1 as not implemented.

² EEA and ETC/CE (2022). Early Warning Assessment Related to the 2025 Targets for Municipal and Packaging Waste (<https://www.eea.europa.eu/publications/country-profiles-early-warning-assessments>)

³ European Commission (2022). Environmental Implementation Review 2022. COM/2022/438 final. (https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=comnat%3ACOM_2022_0438_FIN)

⁴ Commission Implementing Decision (EU) 2019/1004.

packaging was recycling was 18.5 percentage points below the 50% recycling target. The packaging-recycling rates might also be reduced by the future application of the new calculation rules⁵.

Poland has recently put in place several measures to address the situation and achieve the mentioned targets. However, this has not yet resulted in measurable effects, and efforts should be stepped up significantly in order to reach all 2025 targets. Current recycling performance in the country is impacted by:

- low capture rates of biowaste in the separate collection system combined with insufficient recycling capacity for separately collected biowaste;
- landfilling and incineration remaining the predominant forms of waste treatment in Poland;
- need to increase the capture rate of packaging waste in the separate collection system, in particular of challenging fractions like plastic; introducing a mandatory deposit-refund schemes can increase capture rates.

3. Key recommendations

Among the measures deemed necessary to support Poland's efforts to improve its performance in waste management, three main recommendations are listed below.

1. Support preparing for re-use of municipal waste and re-use systems for packaging.
2. Further develop waste treatment infrastructure associated with the higher steps of the waste hierarchy (such as increasing treatment capacity for biowaste and supporting home composting).
3. Increase the efficiency of separate-collection systems and swiftly implement a national deposit-refund scheme for beverage packaging (including by promoting multi-use systems among local bottlers).
4. Extend a pay-as-you-throw system to all households, and fully introduce the cost-coverage rules as part of extended producer responsibility for packaging.

The table below lists some possible actions to support Poland's efforts to improve its performance in waste management.

4. Good practices

The following measures implemented by Poland are considered good practices that help to improve its recycling performance.

- Identification of individual households producing waste – In 2021, regulations⁶ were introduced enabling the identification of the individual households producing waste, via labelling of containers or bags intended for the collection of municipal waste. This helped the country to meet its obligations on separate waste collection, in particular in multi-apartment blocks (e.g. by identifying separate accounts for individual households).
- Supporting home composting – To support home composting, in 2019⁷ a partial exemption to the waste fee was introduced for property owners who compost their waste at home. This not only encourages home composting, it also makes it possible to better monitor this composting, because to obtain this exemption, home-composting must be reported by households to the municipality.

⁵ Commission Implementing Decision 2019/665.

⁶ Journal of Laws of 2021, item 1648, <https://dziennikustaw.gov.pl/DU/rok/2021/pozycja/1648>.

⁷ Journal of Laws of 2019, item 1579, as amended, <https://dziennikustaw.gov.pl/DU/rok/2019/pozycja/1579>.

OVERVIEW OF POSSIBLE ACTIONS TO IMPROVE RECYCLING PERFORMANCE

Governance

- 1) Closely monitor the efficiency of separate-collection systems being rolled-out across the country. Monitoring should focus on capture rates and the quality of the recyclables. Improve data-collection methodologies across different national entities involved in waste statistics to ensure the consistency and accuracy of data reported to Eurostat.
- 2) Set mandatory objectives or indicators for separate waste collection at the level of the bodies in charge of the collection of municipal waste (e.g. municipalities) in order to monitor, enforce and achieve higher capture rates. This could be complemented with a system of performance-bound financial rewards and penalties dependant on the achievement of the targets. Information on the performance of municipalities could also be made available to the general public to raise awareness (e.g. by publishing on a website).

Prevention

- 3) Take measures to increase re-use and to prevent the generation of non-recyclable municipal waste.
- 4) Swiftly adopt the national waste-management plan (KPGO 2022-2028), integrating the waste prevention programme. Also promote coordination between central government and local government to achieve the EU's waste-prevention objectives. Closely monitor the implementation of waste prevention measures, and set aside sufficient budgetary resources for this monitoring.

Separate collection

- 5) Improve the effectiveness of the existing door-to-door separate collection system and monitor its implementation. Particular attention should be paid to: (i) the newly introduced obligation to collect biowaste and compliance with this obligation by municipalities and waste generators across the country; and (ii) plastic packaging which poses the most challenges in terms of recycling performance.

Waste treatment

- 6) Support preparing for reuse of municipal waste and further develop waste-treatment infrastructure associated with the higher steps of the waste hierarchy. Firm plans and concrete actions are needed, such as supporting home-composting and increasing treatment capacity for biowaste in order to fully cover the generated biowaste (via new treatment plants and the transformation/modernisation of existing mechanical-biological treatment plants). Also consider introducing a quality-management system for compost from biowaste to build trust in compost quality among compost users.

Communication and awareness raising

- 7) Maintain and reinforce awareness raising activities about waste prevention, littering and separate collection. A set of national communication materials should be developed that: (i) are addressed to the general public for use at local level; (ii) have clear and consistent messages; and (iii) have a particular focus on biowaste, separate collection and sound management of waste. These materials should be used in awareness-raising activities on social media and the internet and at civic amenity sites.

Extended producer responsibility and economic instruments

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| <p>8) Expand the application of the pay-as-you-throw system for both businesses and households to attain higher capture rates for recyclable fractions and reduce residual waste. Local authorities could be supported through guidance on how to design the incentive mechanisms.</p> |
| <p>9) Swiftly implement the planned mandatory deposit-refund system for recycling and promote multi-use systems among local bottlers to increase reuse and closed-loop recycling.</p> |
| <p>10) Implement economic instruments to incentivise waste management focused on the higher steps of the waste hierarchy. Reconsider the tax exemption for waste that is landfilled after having been treated in mechanical-biological treatment plants and waste-incineration taxes. This will help to make reuse, preparation for reuse, and recycling economically attractive and reduce dependency on landfilling. The economic incentives should be designed and sufficiently large to be effective and steer waste management up the waste hierarchy. Landfill taxes that increase over time in correlation to specific targets are considered the most effective.</p> |
| <p>11) Stepping up efforts to establish reuse systems for packaging will bring environmental benefits and help Member States in complying with the EU packaging recycling targets.</p> |