



Council of the
European Union

Brussels, 12 June 2023
(OR. en)

10478/23
ADD 2

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) 176 final

Subject: COMMISSION STAFF WORKING DOCUMENT
The early warning report for Bulgaria
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) 176 final.

Encl.: SWD(2023) 176 final



Brussels, 8.6.2023
SWD(2023) 176 final

COMMISSION STAFF WORKING DOCUMENT

The early warning report for Bulgaria

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) 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) 196 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 collected data and existing policies in the area of waste management, Bulgaria 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 distance between Bulgaria's current landfilling rate and its 2035 target to landfill no more than 10% of its municipal waste is of serious concern too. Commission studies and investigations⁴ have shown that, in some landfills, waste is not subject to treatment and stabilisation of its organic fraction. Therefore, in 2021 an infringement procedure was launched against Bulgaria⁵. Illegal dumping of waste is still a matter of concern in Bulgaria.

Municipal waste generation in Bulgaria was 407 kg/person in 2018, which is lower than the EU average of 496 kg/person. Packaging waste generated in 2019 was well below the EU average (79.5 kg/person vs 177 kg/person). This seemingly low figure may be an indication that significant quantities of packaging placed on the market, which is considered as generated packaging waste, are not reported.

¹An early warning report was issued for Bulgaria in 2018 (SWD(2018) 413 final). In total, 18 recommendations were drafted within the assessment. According to the Bulgarian authorities eleven recommendations therein were considered implemented, three partially implemented and four 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 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).

⁵ An infringement procedure was launched against Bulgaria for failing to comply with the Landfill Directive and the Waste Framework Directive (INFR(2021)2167).

In 2018, Bulgaria's municipal waste recycling rate was 31.5%, which is over 20 percentage points below the 2025 target, while the landfilling rate was 61%, almost three times the EU average. General trends in waste management are also of concern: the recycling rate improved marginally in the last 5 years (by about 8.4 percentage points from 2014), while the landfilling rate decreased only by about 8 percentage points in that period.

Bulgaria's excessively low rates of composting and anaerobic digestion are considered a key reason for this weak performance. Concerning biowaste, Bulgaria does not have enough capacity for the separate collection and the adequate treatment of about 0.8 million tonnes of this waste stream. Similarly, for compost produced from separately collected biowaste, the country still has no legally binding national quality standards or quality management system. The amount of municipal waste sent to landfill also remains too high.

In 2019, the overall recycling rate for packaging reached 61%, which is very close to the 2025 target (65%). No data were reported for the year 2020. However, there are issues with the quality of data on packaging (for example, there is a notable discrepancy between the low recycling rate for municipal waste and the rather high recycling rates for packaging waste, which is likely due to underreporting of packaging placed on the market). The data sets on municipal waste and packaging waste appear to be inconsistent, given that a large share of packaging waste is generated by households and so is part of municipal waste. Therefore, these data should be considered with caution.

Although considerable funding has been allocated to waste infrastructure, major improvements are still needed to bring the country's performance in waste management in line with the EU's waste hierarchy. Some of the main challenges facing waste management in the country are listed below.

- The infrastructure for treating biowaste is insufficient, and there is no clear plan to implement its separate collection. There are also no national standards for compost/digestate quality and no quality management system.
- There is a low density of bring points for packaging waste, and there are very limited economic incentives for its separate collection.
- There are data quality issues, mainly on packaging.

3. Key recommendations

Among the measures deemed necessary to support Bulgaria'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 increase separate collection of waste and develop waste recycling infrastructure, such as increasing the capacity to treat biowaste and supporting home composting.
3. Swiftly implement a national deposit-refund scheme for beverage packaging and a pay-as-you-throw system for businesses and households.
4. Improve the data quality management system on packaging waste to present consistent and verifiable data sets.

The table below lists the main actions to support Bulgaria's efforts to improve its performance in waste management.

4. Good practices

The following measures implemented by Bulgaria are considered good practices that that help to improve its recycling performance and could be replicated and that could help other Member States achieve the above-mentioned targets.

- Regional waste management associations in municipalities – Almost all 265 municipalities in Bulgaria have established regional waste management associations. Cooperation on waste management is explicitly provided for in national legislation, leading to economies of scale and a more efficient collection and treatment of municipal waste.
- Integrated economic instruments (fees and economic incentives) – A high landfill tax applies in Bulgaria, with a related deduction if certain targets are met. Article 64 of the Bulgarian Waste Management Act offers a strong incentive to municipalities: the ones which meet set recycling targets on municipal waste can get back up to 100% of the landfill tax contributions which they have paid. This is expected to reduce the amount of landfilled waste and increase the amount of recycled and recovered waste, provided that the capacity for separate collection and recycling increases.

OVERVIEW OF POSSIBLE ACTIONS TO IMPROVE PERFORMANCE

Governance

- 1) Address data quality issues, especially those related to waste generated from packaging placed on the market and the amount that has been recycled. Fully apply the criteria provided in the document *Guidance for the compilation and reporting of data on packaging and packaging waste according to Decision 2005/270/EC*. Carry out regular audits on extended producer responsibility organisations.
- 2) Set mandatory objectives or indicators for separate waste collection should be set by 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 financial rewards and penalties for those entities depending on whether they achieve the targets or not. Information on the performance of municipalities could also be made available to the general public to raise awareness (e.g. on a website).

Prevention

- 3) Foster coordination between the central government and local authorities to achieve EU objectives on waste prevention. Properly monitor implementation of waste prevention measures, increase the reuse of packaging and the prevention of non-recyclable municipal waste.

Separate collection

- 4) Introduce clear plans for the separate collection of biowaste and ensure citizens' participation through highly convenient collection services. Municipal bins for the separate collection of biowaste should be introduced alongside existing glass, paper, co-mingled (plastic and metal), and residual waste-stream bins. Minimum density standards for biowaste bring points should also be considered.
- 5) Swiftly implement a national deposit-refund scheme for beverage packaging (to collect plastic, aluminium and glass beverage packaging). This could include promoting multi-use packaging over single-use packaging.
- 6) Specify the minimum collection service for producer responsibility organisations, further increase the coverage of the extended producer responsibility system and increase the minimum density standard for packaging waste bins matching at least the residual waste collection ones.

Waste treatment

- 7) 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 action are needed, such as supporting home composting and increasing the capacity to treat all generated biowaste. This should be accompanied with strict national compost/digestate quality standards to produce high-quality compost and digestate.

Communication and awareness-raising

- 8)** Carry out awareness-raising activities specifically tailored to different target groups (e.g. households, commercial waste generators, schoolteachers and students) to increase participation in 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

- 9)** Bulgaria should speed up implementing 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.
- 10)** Introduce changes to the Packaging and Packaging Waste Ordinance to make it more effective. These changes should include specifying the minimum collection service for producer responsibility organisations, further increasing coverage of the extended producer responsibility system and increasing the minimum density standard for packaging waste bins.
- 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.