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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2015) 260 final
Subject:	COMMISSION STAFF WORKING DOCUMENT Implementation Plan Accompanying the document Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste

Delegations will find attached document SWD(2015) 260 final.

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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 amending Directive 2008/98/EC on waste

Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste

Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste

Proposal for a Directive of the European Parliament and of the Council 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(2015) 593 final}
{COM(2015) 594 final}
{COM(2015) 595 final}
{COM(2015) 596 final}

Implementation Plan[1]

1. Title of the document for the proposed act:

Implementation Plan for the Proposals for Directives of the European Parliament and of the Council amending:

- *Directive 2008/98/EC on waste;*

- *Directive 94/62/EC on packaging and packaging waste;*

- *Directive 1999/31/EC on the landfill of waste, and;*

- *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).*

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3. Introduction

The present proposals are 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 proposals aim at translating into the EU legislation the objectives set out in the Resource Efficiency Roadmap[2] and the 7th Environmental Action Plan.[3] They also aim at

[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, 28.12.3012, p. 171

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 gradual reduction of landfilling.

The proposals are based on ex-post evaluations – including a 'fitness check' study covering, *inter alia* the Packaging and Packaging Waste Directive – as well as on an ex-ante evaluation using a European reference model on waste generation and management. The results of these evaluations have been used in the impact assessment accompanying the proposals.

4. Deliverables and implementation challenges

4.1. Deliverables

The proposals offer a stable framework for waste management in the EU based on a mid/long term vision (2030). They contain new targets and additional means to ensure their proper implementation. In summary, the proposals aim to:

The proposals offer a stable framework for waste management in the EU based on a long-term vision (2030). It contains new targets and additional means to ensure their proper implementation. In summary, the proposals aim to:

- Increase recycling/preparation for re-use of municipal waste by setting binding EU-wide targets for 2025 (60%) and 2030 (65%);

- Increase recycling/preparation for re-use of packaging waste by setting binding EU-wide targets, including material specific ones, for 2025 and 2030;

- Reduce landfilling of municipal waste through the introduction of a binding target for 2030 of maximum 10%;

- Take better into account the situation of each Member State by allowing time extensions of maximum 5 years for those Member States with the biggest implementation challenges;

- Harmonise and streamline the calculation of the targets and improve the reliability of key statistics;

- Promote preparation for re-use by different measures, including the possibility to take a into account wider spectrum of activities in the calculation of the targets;

- Promote the use of economic instruments at national level to provide adequate financial incentives to ensure better implementation of the waste hierarchy;

- Measures aimed at waste prevention and boosting actions at national level to reduce food waste generation;

- 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 common minimum requirements;

- Simplify drastically the reporting obligations and alleviating obligations facing SMEs;

- Improve the overall coherence by aligning definitions and removing obsolete legal requirements.

These proposals are 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 recycling;
- measures to ensure civil society participation in source separation of waste;
- the development of administrative capacities for enforcement and coordination between competent authorities at all levels;
- the progressive reduction in the use of landfilling capacities without creating possible over capacities for residual waste, such as incineration or low grade mechanical biological treatment; and
- the adoption and implementation of economic instruments aiming at increasing prevention, reuse and recycling.

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

- the improvement of data collection methods; and
- the development of more advanced and reliable systems for data verifications and reporting schemes.

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 achieved today in the most advanced EU countries or regions. Deadlines were then calculated by taking into account what would be a realistic time-frame for each of the MS in light of past performances. This approach also takes into account the fact new techniques emerged at all levels of the recycling chain (separate collection, sorting, recycling) should allow less advanced MS to make rapid progress in the coming years. In addition, the proposed long-term approach (with final deadline in 2030) allows for the necessary flexibility in implementation. Finally, 7 Member States starting from a less favourable situation according to officially reported statistics, will be given the possibility to obtain 5 additional years to meet the targets on municipal waste (both on recycling and landfilling).

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 increased at a similar pace. They are also consistent with existing requirements (e.g. separate collection by 2015, continuation of existing recycling and landfill diversion targets).

Possible support actions by the Commission:

In the **legislative proposal**, specific measures are proposed in order to **promote best practices,** notably the '**early warning'** procedure and the proposed requirements on **EPR schemes**. A time **extension** mechanism is also proposed for those Member States that start from a more challenging position. Member States making use of such extension are required to establish a detailed implementation plan to ensure that progress in made. If necessary, on the basis these plans, the Commission will be able to provide these Member States with additional recommendations and technical assistance.

In addition, in 2013, the Commission already launched a **compliance-promotion exercise** which aimed at assessing and monitoring the implementation of EU waste legislation as well as providing technical guidance and recommendations to support Member States. This exercise included interactive exchange with national authorities, 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 individual Member States. So far 17 Member States (starting with the less performing) were covered by the exercise and it is the Commission's intention to monitor progress and, if needed, carry out similar exercises again in the future.

Experience gained from the compliance-promotion exercise (2013-2015)

Key recommendations discussed with Member States during the 2013-2015 compliance promotion exercise include:

- Introduce and gradually increase charges on landfill/MBT/incineration. Revenues from these charges should be used to support separate collection, awareness raising and the creation of modern infrastructure, focusing on prevention, re-use and recycling.

- Establish/improve and control separate collection systems.

- Expand systems for 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 better 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.

- Use EU funding to finance infrastructure and initiatives related to the first steps of the waste hierarchy.

In addition, the Commission has launched 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** for the management of municipal waste 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 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 was also already 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 uptake of key 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.

Last but not least, the Commission has adopted together with the revised waste targets and Action Plan to promote the Circular Economy. The Plan and the proposed waste targets are mutually supportive: several actions proposed in the Action Plan will help meeting the proposed waste targets. For instance various actions are proposed in the Plan to improve the recyclability, reparability and reusability of products placed on the EU market. A specific action is foreseen on plastics to improve their recyclability or biodegradability. Other actions are proposed to boost green public procurement. On the other side, increasing re-use and recycling of waste will concretely and directly contribute to the creation of a circular economy.

Possible actions by the Member States:

The following actions can be taken at national level:

- 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 charges, 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 actions by the Commission:

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 Member States and more stringent rules for EPR schemes to ensure the reliability of the data collected.

In addition, the Commission intends to:

- increase and improve **guidance** on data collection and reporting, in line with the targets and the waste hierarchy;
- reinforce of **quality checks and validation procedure**;
- promote **exchange of good practices** through regular workshops involving Member States.

Possible actions by the Member States:

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 integrated **electronic waste registries**.

Member States 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***
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.*	***Commission:*** *- Legislative proposal:* • *'early warning' procedure* • *minimum requirements for EPR (and related guidance)* • *time derogation mechanism accompanied with a compliance plan* *- Compliance-promotion exercise:* • *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* *- Country specific recommendations in the context of the Annual Semester* *- Modelling tool (with the EEA)* *- EEA Review of Waste Prevention Programmes* *- EU funding :* • *ex-ante conditionalities* • *close collaboration with MS in definition of investments programmes* • *LIFE (integrated) projects in support of implementation*	*2022, 2027* *After adoption* *2025 and 2030* *2013-2017* *Annual (ongoing)* *Annual (as from 2014)* *2014-2020* *Yearly calls*
	Member States: *- sufficient resources made available at national, regional and local levels for the*	*Permanent*

	planning, the enforcement and the operational aspects of waste management policies *- training and technical assistance in order to build the necessary capacities, especially at local level* *- dialogue with the Commission about planning and implementation* *- raise the awareness and involve stakeholders* *- optimal use of structural funds and other sources of funding* *- implement key economic instruments (in particular, landfill/incineration charges, EPR schemes, pay-as-you-throw schemes)*	*Permanent* *Compliance exercise: 2014-2017* *Early warning: 2022, 2027* *Permanent* *2014-2020* *Permanent*
2) Monitoring and quality reporting	***Commission:*** *- legislative proposal (more precise definitions of key indicators, clarification of reporting modalities and calculation methods, creation of electronic waste registries)* *- guidance on data collection and reporting* *- reinforcement of Commission's capacities for quality checks and validation* *- exchange of good practices through regular workshops*	*After adoption (incl. implementing act)* *Starting 2015* *2015/2016* *Permanent (ongoing)*
	Member States: *- sufficient resources are made available at national, regional and local levels for the monitoring of waste management policies* *- develop electronic waste registries* *- set up trainings* *- participate in exchange platforms and peer reviews*	*Permanent* *2016* *Permanent* *Permanent (ongoing)*