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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 24 September 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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Subject: COMMISSION STAFF WORKING DOCUMENT  
The early warning report for Malta  
*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 on the  
implementation of EU waste legislation, including the early warning report  
for Member States at risk of missing the 2020 preparation for re-  
use/recycling targets on municipal waste

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Delegations will find attached document SWD(2018) 421 final.

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## COMMISSION STAFF WORKING DOCUMENT

### The early warning report for Malta

#### *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

**on the implementation of EU waste legislation, including the early warning report for Member States at risk of missing the 2020 preparation for re-use/recycling targets on municipal waste**

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## 1. Introduction

This early warning report is part of the Commission's overall implementation report and aims to assist Member States at risk of failing to meet the 2020 target of 50 % preparation for re-use/recycling of municipal waste set out in Article 11(2)(a) of Directive 2008/98/EC. It builds on previous support provided by the Commission to help Member States comply<sup>1</sup> with EU law in the area of municipal waste management. This resulted in country-specific roadmaps<sup>2</sup> being drawn up for the relevant Member States.

The assessment underpinning the early warning report is based on a collaborative and transparent process involving the Member States concerned and an in-depth analysis of their most recent policy developments. This also involved extensive consultation with the authorities in charge of waste management.

The possible actions identified during this process are based on the existing best practices and aim to help Member States in meeting the 2020 municipal waste preparation for re-use/recycling target; they therefore focus on policy measures that can be taken forward in the short term. These actions should be seen as complementary to those recommended in the roadmaps that were drawn up as part of the preceding compliance promotion activities and to the recommendations made in the Environmental Implementation Review<sup>3</sup>.

## 2. Key findings

In 2016, the municipal waste recycling rate (including composting) reported by Malta to Eurostat was 7 %, while the landfill rate was 83 %. Based on an analysis of existing and firmly planned policies in the area of waste management, Malta is considered to be at risk of missing the 2020 target of 50 % preparation for re-use/recycling of municipal waste.

The assessment<sup>4</sup> that underpins the early warning report concludes that Malta still faces serious difficulties in its implementation of EU waste law, mainly due to lack of infrastructure and collection systems for recyclables and bio-waste. Progress is also hampered by the lack of coordination between different administrative levels and insufficient capacity at the local level, and more generally by a lack of incentives (including economic instruments) to prevent waste and improve recycling. Moreover, the extended producer responsibility (EPR) scheme for packaging in Malta, along with its monitoring and enforcement, have been somewhat ineffective.

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

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<sup>1</sup> [http://ec.europa.eu/environment/waste/framework/support\\_implementation.htm](http://ec.europa.eu/environment/waste/framework/support_implementation.htm)

<sup>2</sup> Roadmap for Malta:

[http://ec.europa.eu/environment/waste/framework/pdf/facsheets%20and%20roadmaps/Roadma\\_Malta.pdf](http://ec.europa.eu/environment/waste/framework/pdf/facsheets%20and%20roadmaps/Roadma_Malta.pdf)

<sup>3</sup> [http://ec.europa.eu/environment/eir/country-reports/index2\\_en.htm](http://ec.europa.eu/environment/eir/country-reports/index2_en.htm)

<sup>4</sup> Eunomia Research & Consulting *et al.* (2018) 'Study to identify Member States at risk of non-compliance with the 2020 target of the Waste Framework Directive and to follow up phases 1 and 2 of the compliance promotion exercise. The early warning report: Malta.'

## OVERVIEW OF POSSIBLE ACTIONS TO IMPROVE PERFORMANCE

### Responsibility for waste collection and data management

- 1) Amendment of the Local Councils Act on responsibility for waste and recycling, clarifying the role of Wasteserv and other stakeholders in household waste collection systems (including packaging and bio-waste), including by:
  - making the local councils responsible for the collection of all household waste. This would include residual, recycling and organic waste.
  - clarifying the roles and responsibilities alongside funding obligations. This would allow the services (and their financing) provided by producer responsibility organisations (PROs), local councils, Wasteserv and commercial operators to be better coordinated.
- 2) Setting out reporting requirements on local councils for waste managed within their locality, including requirement to report data on household waste and recycling, as well as any commercial or other waste streams they manage. This would allow poor performers to be identified more easily for better targeted actions. It would also enable underperforming councils to be held to account.
- 3) Implementation of a programme to prevent commercial businesses from free-riding within household waste collection services, including:
  - an obligation on local councils to provide/arrange for the collection of commercial waste from premises within their locality if requested to do so.
  - an adequate service charge to be paid by the businesses for waste collection and disposal to the authority or company that arranges it.
- 4) Compilation of independent data on household waste and commercial waste recycling, while ascribing any recycle losses at sorting facilities as accurately as possible to either commercial or household sources.
- 5) Conducting a major audit of collection performance to identify system inefficiencies preventing higher yields of recyclables.

### Separate collection

- 6) Development of national minimum service standards for waste collection (including bio-waste) to specify, for example, the type and volume of containers, minimum and maximum frequency of collection and type of vehicle used, taking into account the type of housing stock, typical climate, etc.

### **Technical support to local councils**

- 7) Development of a system at national level that provides technical support for local councils, specifically in the following areas:
- a. choosing collection services;
  - b. service procurement;
  - c. service management;
  - d. communication campaigns;
- coupled with active sharing of good ideas and practices that can improve efficiency in terms of cost reduction and improvement in performance..

### **Communication and awareness raising**

- 8) Development of a set of national communications materials addressed to the public for use at local level, with clear and consistent messages, and with particular focus on bio-waste. These materials should be used as part of awareness-raising campaigns, in leaflets and at civic amenity sites.

### **Economic incentives for households and local councils**

- 9) Introduction of complementary economic incentives for households in the form of pay-as-you-throw schemes.
- 10) Introduction of ‘top-down’ mandatory recycling targets for local councils, in addition to minimum standards of service, as an incentive for councils to take the appropriate care to implement and operate high-quality recycling services and meet their targets, accompanied by specific fines for non-compliance, e.g. by significantly increasing the landfill tax or applying non-compliance fees to every tonne of waste disposed of above the target level.

### **Spending of EU funds**

- 11) In terms of funding requirements in the coming years, the specific focus should be on projects supporting higher levels in the waste hierarchy, including separate collection, bio-waste treatment plants and sorting facilities.

### **Extended Producer Responsibility (EPR) schemes**

- 12) Detailed market monitoring by the Environment and Resources Authority (or via third-party annual audits) to audit all producers and gain a much clearer understanding of packaging waste (and other waste streams).
- 13) Strengthening the regulator’s capacity to enable better enforcement of producer registration and fee collection, including for imported packaging.
- 14) Thorough review of EPR schemes to identify shortcomings in the current system (and also to assess it in the light of new general minimum requirements for EPR schemes laid down in the revised Waste Framework Directive).
- 15) Consideration of increasing the packaging targets to be met by PROs.

**16)** Ensuring that the costs of collection and recycling or disposal of packaging are fully covered by packaging waste producers. This would help to reduce the burden on local authorities related to the funding required for the separate collection and onward management of waste.

**17)** Implementation of a deposit refund system for beverage containers in line with the government's planning.