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COVER NOTE

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

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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 Portugal
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 target on municipal waste

Delegations will find attached document SWD(2018) 422 final.

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The early warning report for Portugal

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 target 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 comply¹ with EU law in the area of municipal waste management. This resulted in country-specific roadmaps² 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 Review³.

2. Key findings

In 2016, Portugal's municipal waste recycling rate (including composting) reported to Eurostat was 31 %, while its landfilling rate was 45 %. Based on an analysis of existing and firmly planned policies in the area of waste management, Portugal is considered at risk of missing the 2020 target of 50 % preparation for re-use/recycling of municipal waste.

The assessment⁴ that underpins the early warning report concludes that the separate collection of recyclables, including bio-waste, is not yet effective and Portugal relies heavily on treatment of mixed municipal waste. In addition, the economic incentives to support recycling are insufficient and the extended producer responsibility (EPR) schemes in Portugal do not fully cover the costs of separate collection.

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

¹ http://ec.europa.eu/environment/waste/framework/support_implementation.htm

² Roadmap for Portugal:

http://ec.europa.eu/environment/waste/framework/pdf/facsheets%20and%20roadmaps/Roadmap_Portugal.pdf

³ http://ec.europa.eu/environment/eir/country-reports/index2_en.htm

⁴ 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 phase 1 and 2 of the compliance promotion exercise. The early warning report: Portugal.'

OVERVIEW OF POSSIBLE ACTIONS TO IMPROVE PERFORMANCE

Contribution of Mechanical Biological Treatment (MBT) facilities to recycling

- 1) Review of the calculations that are currently being used to determine the contribution to the target that is assumed to come from increased recycling in MBT facilities.
- 2) Assessment whether the current projected MBT performance is realistic and, if necessary, review of the efficiency of policies that encourage separate collection to consider whether they will be sufficient to make up for the shortfall.

Separate collection

- 3) Assessment of the current fee levels (to be paid by the waste management systems that do not meet recycling targets) to consider if these are high enough to serve as an incentive to introduce the effective separate collection systems. Depending on the results a review of fees may need to be considered urgently.
- 4) Review of waste collection scheme funding by Agencia Portuguesa do Ambiente (APA) and Entidade Reguladora dos Serviços de Águas e Resíduos (ERSAR) to ensure that there is enough funding to roll out door-to-door collection schemes.
If funding is deemed insufficient, consideration of additional funding sources, taking into account:
 - a. the changes in funding that will occur following the review of the household waste fee, which will come into effect in 2019; and
 - b. the scope for increasing the fees paid by packaging producers.
- 5) Consideration of introducing legislation to ensure that the producer responsibility schemes (PROs) develop deposit refund systems.

Technical support to municipalities

- 6) 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

- 7) 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.

- 8)** Optimum use of the communication budget by APA via:
- a.** taking a more active role in identifying areas where funding is most needed, ensuring campaigns are carried out alongside collection service updates;
 - b.** ensuring that funding can be accessed by municipalities, especially by the better-performing, larger municipalities; and
 - c.** putting in place methods by which municipalities can learn from each other.