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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 Romania  
*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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Delegations will find attached document SWD(2018) 423 final.

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## COMMISSION STAFF WORKING DOCUMENT

### The early warning report for Romania

#### *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 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; 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, Romania's recycling rate (including composting) reported to Eurostat was 13 %, while its landfilling rate was 69 %, one of the highest in Europe. Based on an analysis of existing and firmly planned policies in the area of waste management, Romania is considered 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:

- Romania's separate collection service, including for bio-waste, is not being sufficiently implemented;
- there are not enough economic incentives to move away from disposal;
- extended producer responsibility schemes for packaging are not efficient and do not fully cover the costs of separate collection;
- the necessary infrastructure is still lacking;
- more investment is needed in projects higher up the waste hierarchy (e.g. recycling) that go beyond treatment of residual waste; and
- public engagement in separate collection is very low.

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

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<sup>1</sup> [http://ec.europa.eu/environment/waste/framework/support\\_implementation\\_1st\\_phase.htm](http://ec.europa.eu/environment/waste/framework/support_implementation_1st_phase.htm)

<sup>2</sup> Roadmap for Romania: [http://ec.europa.eu/environment/waste/framework/pdf/RO\\_Roadmap\\_FINAL.pdf](http://ec.europa.eu/environment/waste/framework/pdf/RO_Roadmap_FINAL.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 phase 1 and 2 of the compliance promotion exercise. The early warning report: Romania.'

## OVERVIEW OF POSSIBLE ACTIONS TO IMPROVE PERFORMANCE

### Waste management plans

- 1) The necessary timely updates (by the end of 2018) of the county waste plans following the adoption of the national waste management plan.

### Extended producer responsibility (EPR) schemes

- 2) Establishment and enforcement of a national packaging clearing house system in line with the principles set out in the revised Waste Framework Directive<sup>5</sup> as general minimum requirements for extended producer responsibility (EPR). Duties to be assigned to such an authority would include:

- collecting and reporting national data on production and recycling/recovery of packaging;
- monitoring and auditing packaging EPR schemes;
- setting market shares and obligations for individual EPR schemes;
- tracking the activities of any producers that are not part of an EPR scheme.

The clearing house would create and manage a national registry for producers, importers and traders – thereby tackling free riders. Auditing the EPR schemes would also allow the clearing house to check whether recycling quotas are being met.

- 3) Introduction of a legal basis for creating a clearing house for waste electrical and electronic equipment (WEEE) in the relevant legislation<sup>6</sup>.
- 4) Requirement on the packaging producers to be audited by a third-party auditing company accompanied by fines for any infringements.
- 5) Financial contributions paid by producers to cover the costs of all of the aspects of waste management necessary to meet the recycling targets (separate collection, sorting and treatment operations, providing information for waste holders, data gathering and reporting, etc.).
- 6) Clear definition of individual EPR schemes' geographical coverage.

### Separate collection

- 7) 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.

<sup>5</sup> Directive (EU) 2018/851 amending Directive 2008/98/EC

<sup>6</sup> Note: Although calculation method 2 is not expected to apply to WEEE, action needs to be taken now in relation to this major waste stream, and there are parallels with the action required on packaging.

8) Establishment of a ‘blueprint for collection services’ that encourages a move towards door-to-door collection services wherever appropriate, with a view to increasing participation, increasing capture rates and reducing contamination.

9) Implementation of collection service requirements for commercial premises, as this may help to ensure that businesses separate their waste streams and subscribe to the appropriate collection services.

#### **Economic incentives**

10) Implementation of the landfill tax as soon as possible.

11) Setting up a mechanism to sanction local authorities which fail to implement the required collection services, and a further mechanism for issuing fines to local authorities which fail to meet recycling targets.

12) Review and clarification of waste-related revenue flowing into the Romanian Environment Fund and expenditure on waste. The review should consider how funds could be used to best support waste management.

13) Consideration of introducing a deposit refund scheme for beverage containers as a way to capture more high-quality material.

#### **Technical support to local authorities**

14) Development of a system at national level that provides technical support for municipalities, 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**

15) 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.

#### **Spending of EU funds**

16) Ensuring funds are distributed in such a way that the spending delivers value for money and are allocated to activities and equipment likely to deliver the results that are urgently needed – i.e. more dry recyclables captured through collection systems and lower subsequent loss rates, as well as better management of bio-waste. For the most part, EU funds are expected to be best channelled towards bio-waste collection and treatment, as well as recycling centres or civic amenity sites where needed.

**17)** EU funds could also go towards a transition from flat-fee waste charges to pay-as-you-throw schemes, setting minimum collection service standards and standards for recycling centres, and developing a capacity-building programme.