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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 Spain  
*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) 425 final.

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## COMMISSION STAFF WORKING DOCUMENT

### The early warning report for Spain

#### *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 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, Spain's municipal waste recycling rate (including composting) reported to Eurostat was 30 %, while its landfilling rate was 57 %. Based on an analysis of existing and planned policies in the area of waste management, Spain is considered at risk of missing the 2020 target of 50 % preparation for re-use/recycling for municipal waste.

The assessment<sup>4</sup> that underpins the early warning report concludes that slow progress in recycling rates is due to a lack of harmonisation of the separate collection obligation (e.g. for bio-waste) between the Autonomous Communities and a lack of economic instruments (e.g. landfill tax, incineration tax) set up at national level. In addition, while the recycling targets have been cascaded down to the regional level, there are no instruments in place to enforce them at municipal level. Separate collection is not yet being carried out effectively in many municipalities. On the whole, there is not enough coordination between the national, regional and local levels, including as regards planning and use of the waste treatment infrastructure.

The table below lists possible actions to support Spain'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 Spain:

[http://ec.europa.eu/environment/waste/framework/pdf/facsheets%20and%20roadmaps/Roadmap\\_Spain.pdf](http://ec.europa.eu/environment/waste/framework/pdf/facsheets%20and%20roadmaps/Roadmap_Spain.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: Spain.'

## OVERVIEW OF POSSIBLE ACTIONS TO IMPROVE PERFORMANCE

### Separate collection

- 1) Introduction of compulsory separate collection of food and garden waste in national legislation, accompanied by a set of qualitative criteria, such as minimum collection rates and minimum collection quality standards (e.g. minimum frequency of collection or maximum plastic contamination rate).
- 2) Introduction of binding separate collection targets at municipal level, with penalties for non-compliance to enforce them.

### Economic instruments

- 3) Introduction of mandatory municipal waste charges for households, accompanied by an indication of the minimum cost recovery level for waste management. These financial resources should support the necessary changes in waste collection and treatment.
- 4) Introduction of a harmonised taxation scheme for waste disposal (i.e. landfill and incineration) operating across all Autonomous Communities.

### Monitoring

- 5) Publication by the Ministry of Agriculture, Fishing, Food and Environment of an annual review of municipal waste management in each region, including:
  - regional performance in terms of recycling rates and distance to target;
  - operational measures implemented in the waste sector;
  - investments in the waste sector;
  - economic and legal instruments put in place by the regions.
- 6) Collection of the information by the Ministry on commercial waste that is privately managed and could contribute to the overall municipal waste recycling rate.

### Technical support to municipalities

- 7) 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 programmes

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