



Council of the
European Union

036098/EU XXVI. GP
Eingelangt am 25/09/18

Brussels, 25 September 2018
(OR. en)

12500/18
ADD 15

ENV 619
COMPET 622
MI 664
AGRI 440
IND 255
CONSOM 264
ENT 177

COVER NOTE

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

No. Cion doc.:	SWD(2018) 426 final
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Subject:	COMMISSION STAFF WORKING DOCUMENT The Early Warning report for Poland <i>Accompanying the document</i> 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 compliance with Article 11(2)a of Directive 2008/98/EC
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Delegations will find attached document SWD(2018) 426 final.

Encl.: SWD(2018) 426 final

Brussels, 24.9.2018
SWD(2018) 426 final

COMMISSION STAFF WORKING DOCUMENT

The Early Warning report for Poland

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
compliance with Article 11(2)a of Directive 2008/98/EC**

{COM(2018) 656 final} - {SWD(2018) 413 final} - {SWD(2018) 414 final} -
{SWD(2018) 415 final} - {SWD(2018) 416 final} - {SWD(2018) 417 final} -
{SWD(2018) 418 final} - {SWD(2018) 419 final} - {SWD(2018) 420 final} -
{SWD(2018) 421 final} - {SWD(2018) 422 final} - {SWD(2018) 423 final} -
{SWD(2018) 424 final} - {SWD(2018) 425 final}

1. Introduction

This 'Early Warning report' is part of the Commission's overall implementation report and aims to assist Member States at risk of non-compliance with the 2020 target for recycling of municipal waste set out in Article 11(2)(a) of Directive 2008/98/EC. It builds on previous support of the Commission to Member States to comply¹ with EU law in the area of municipal waste management which resulted in country-specific roadmaps².

The assessment underpinning the early warning report is based on a collaborative and transparent process involving Member States and, based on an in-depth analysis of the most recent policy developments in each Member State at risk of non-compliance and involving extensive consultation with the authorities in charge of waste management.

The suggested priority actions resulting from this assessment aim at ensuring achievement of the 2020 municipal waste recycling target and thus focus on policy measures to be taken forward in the short term. These priority actions should be seen as complementary to those identified in the roadmaps resulting from the preceding compliance promotion activities and to the recommendations made in the Environmental Implementation Review³.

2. Key findings of the 'Early Warning report for Poland'

In 2016, Poland's municipal waste recycling rate (including composting) reported to Eurostat was 44% while the landfilling rate was at 36%. Based on an analysis of existing and firmly planned policies in the area of waste management, and of Poland's performance according to the calculation method selected for compliance with the 2020 target (reported recycling rate of 27% in 2015), Poland is considered at risk of non-compliance.

The analysis⁴ of the study underpinning the early warning report concludes that the separate collection of recyclables is not yet effective, that economic incentives for citizens to separate waste are missing and that the Extended Producer Responsibility schemes in Poland do not operate efficiently. In addition, some questions regarding the quality of waste data undermine the reliability of the high recycling rates reported to Eurostat.

A range of measures to support Poland's efforts to improve its performance in waste management has been identified. The following list summarises these recommended priority actions for Poland.

¹ http://ec.europa.eu/environment/waste/framework/support_implementation_1st_phase.htm

² Roadmap for Poland: http://ec.europa.eu/environment/waste/framework/pdf/PL_Roadmap_FINAL.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: Poland."***

SUGGESTED PRIORITY ACTIONS

Extended Producer Responsibility for packaging waste

- 1) Improve the Extended Producer Responsibility system for packaging in line with the general minimum requirements in the revised Waste Framework Directive and specifically ensure better cost coverage by the producers, including the cost of dealing with the unrecycled packaging disposed of by households as residual waste.
- 2) Improve the quality of data reported as regards the packaging placed on the market.

Provide financial incentives for regional enforcement of municipal targets

- 3) As the annual recycling targets for municipalities increase to reach the level of 50% in 2020, the number of municipalities missing them is likely to increase. The Ministry of Environment should provide some guidance regarding the consistency of application of these fines, to ensure they act as the required deterrent.
- 4) Also, if possible, it is suggested that the Ministry should look at whether any mechanism could be put in place that would disburse any potential EU fine resulting from infringement procedures, to the regions themselves to provide a financial incentive for ensuring the enforcement procedures against the municipalities were carried out swiftly and robustly.

Run further support programmes for municipalities.

- 5) Evidence from other countries suggests that strong support programmes for the municipalities are very effective in helping improve recycling performance. Given that rapid increases in performance are needed over a short period, it is important that the national government support the municipalities as much as possible over the next few years, specifically in the following areas:
 - a) Choice of collection services;
 - b) Procurement of services;
 - c) Management of service;
 - d) Communications campaigns.
- 6) The support should not only be about how authorities will achieve targets, it should also aim to support the active sharing of good ideas and practices that can improve efficiency in terms of cost reduction and improvement in performance. It is suggested that the Ministry of Environment continues to carry out research studies into best practice systems, set up a monitoring system (survey etc.) to understand the level of implementation of the sorting obligation across the municipalities and gain feedback from them on challenges and barriers, develop support tools for municipalities.