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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

Delegations will find attached document SWD(2018) 426 final/ 2.

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This document corrects document SWD(2018) 426 final of 24.09.2018

Corrections to the list of possible actions.

The text shall read as follows:

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**

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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; 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 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 37 %. However, for compliance with the target Poland chose to report⁴ the recycling rate of four fractions of municipal waste — paper, plastic, metal and glass – which was 27 % in 2015. Based on an analysis of existing and firmly planned policies in the area of waste management, and on Poland's performance to date, Poland is considered at risk of missing the 2020 target of 50 % preparation for re-use/recycling for municipal waste.

The assessment⁵ that underpins the early warning report concludes that

- the separate collection of recyclables is not yet being carried out effectively;
- economic incentives for households to separate waste are lacking;
- the extended producer responsibility (EPR) schemes in Poland do not operate efficiently; and
- some reservations on the quality of waste data undermine the reliability of the high recycling rates reported to Eurostat.

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 In line with Commission Decision 2011/753/EU, Member States may choose a different method than the one used by Eurostat to calculate their recycling rates and track compliance with the 2020 target of 50 % recycling of municipal waste.

⁵ 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.'

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

OVERVIEW OF POSSIBLE ACTIONS TO IMPROVE PERFORMANCE
Extended Producer Responsibility for packaging waste
<ol style="list-style-type: none"> 1) Improvements to the EPR system for packaging and alignment with the general minimum requirements in the revised Waste Framework Directive, while ensuring, specifically that producers provide better cost coverage, including the cost of dealing with unrecycled packaging disposed of by households as residual waste. 2) Improvements to the quality of data reported on packaging placed on the market.
Financial incentives for regional enforcement of municipal targets
<ol style="list-style-type: none"> 3) As the annual recycling target for municipalities increases to 50 % in 2020, the number of municipalities failing to meet it is likely to increase. Guidance from the Ministry of Environment on the consistent application of fines for failing to meet the target would be beneficial to ensure they act as the required deterrent.
Technical support to municipalities
<ol style="list-style-type: none"> 4) Development of a system at national level that provides technical support for municipalities, specifically in the following areas: <ol style="list-style-type: none"> a. choosing collection services; b. service procurement; c. service management; d. communication campaigns; <p>coupled with active sharing of good ideas and practices that can improve efficiency in terms of cost reduction and improvement in performance.</p>
<ol style="list-style-type: none"> 5) Research into best practices and monitoring (e.g. through a survey) of municipalities' implementation of the sorting obligation, getting their feedback on challenges and barriers and developing tools to support them.