



Council of the
European Union

Brussels, 12 June 2023
(OR. en)

10478/23
ADD 6

ENV 672
COMPET 608
MI 508
AGRI 314
IND 308
CONSOM 225
ENT 131

COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 8 June 2023

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.: SWD(2023) 183 final

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 identifying Member States at risk of not meeting the 2025 preparing for re-use and recycling target for municipal waste, the 2025 recycling target for packaging waste and the 2035 municipal waste landfilling reduction target

Delegations will find attached document SWD(2023) 183 final.

Encl.: SWD(2023) 183 final



Brussels, 8.6.2023
SWD(2023) 183 final

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

identifying Member States at risk of not meeting the 2025 preparing for re-use and recycling target for municipal waste, the 2025 recycling target for packaging waste and the 2035 municipal waste landfilling reduction target

{COM(2023) 304 final} - {SWD(2023) 175 final} - {SWD(2023) 176 final} -
{SWD(2023) 180 final} - {SWD(2023) 181 final} - {SWD(2023) 182 final} -
{SWD(2023) 184 final} - {SWD(2023) 185 final} - {SWD(2023) 186 final} -
{SWD(2023) 187 final} - {SWD(2023) 188 final} - {SWD(2023) 189 final} -
{SWD(2023) 195 final} - {SWD(2023) 196 final} - {SWD(2023) 197 final} -
{SWD(2023) 198 final} - {SWD(2023) 199 final} - {SWD(2023) 200 final}

1. Introduction

The early warning report aims to assist Member States at risk of failing to meet: (i) the 2025 target of 55% for the preparing for re-use and the recycling of their municipal waste (this target is set out in Article 11(2)(c) of Directive 2008/98/EC); and (ii) the 2025 target of 65% for the recycling of their packaging waste (this target is set out in Article 6(1)(f) of Directive 1994/62/EC). It also provides an update on how Member States are performing against the 2035 target to send no more than 10% of their municipal waste to landfill (this target is set out in Article 5(5) Directive 1999/31/EC).

This report builds on previous support provided by the Commission to help Member States comply with EU law on municipal waste management, including, where relevant, the early warning report from 2018¹.

The assessment underpinning the early warning report identified 18 Member States at risk of missing the 2025 preparing for re-use and recycling target for municipal waste, 10 of which are also at risk of missing the 2025 recycling target for all packaging waste.

This assessment is based on a collaborative and transparent process involving the Member States concerned, the European Environment Agency², and an in-depth analysis of the most recent policy developments in the Member States. This process also involved extensive consultation with the Member State authorities in charge of waste management. The possible actions identified during this process are based on existing best practices and aim to help Member States meet the 2025 targets, and as such they focus on policy measures which can be taken in the short term. These actions should be seen as complementary to those recommended in the roadmaps which were drawn up as part of preceding compliance-promotion activities and to those recommended in the Environmental Implementation Review³.

2. Key findings

Based on an analysis of existing and planned policies in the area of waste management, Spain is considered to be at risk of missing the 2025 target of 55% for the preparing for re-use and the recycling of its municipal waste. The gap between the current situation and the 2035 target of 10% landfilling of municipal waste is also of concern.

In 2020, the municipal waste recycling rate reported by Spain was 36.4% (18.6 percentage points below the 2025 target), while the landfill rate was 52.0% (over twice the EU average). The application of the new calculation rules⁴ for municipal waste recycling might result in a lower recycling rate. In terms of general trends, the recycling rate improved modestly in the past five

¹An Early Warning report was issued for Spain in 2018 (SWD(2018) 425 final). A total of 8 recommendations were provided. According to the Spanish authorities five recommendations therein are considered implemented and three partially implemented.

²EEA and ETC/CE (2022). Early Warning Assessment Related to the 2025 Targets for Municipal and Packaging Waste (<https://www.eea.europa.eu/publications/country-profiles-early-warning-assessments>)

³European Commission (2022). Environmental Implementation Review 2022. COM/2022/438 final. (https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=comnat%3ACOM_2022_0438_FIN)

⁴Commission Implementing Decision (EU) 2019/1004.

years (from 33.9% in 2016 to 36.4% in 2020), while the landfill rate decreased only marginally (by about 2.1 percentage points over the last 5 years).

Limited separate collection of biowaste and too low rates of composting and anaerobic digestion are considered the main reasons for this performance.

The total rate of packaging waste recycling was 69.6% in 2019, which already exceeds the 2025 target of 65%; all packaging waste materials have exceeded the recycling targets for 2025, except for paper and cardboard, aluminium and plastic. Overall, recycling rates have been slightly increasing over the last few years for all packaging materials, with the exception of paper and cardboard packaging. However, the application of the new calculation rules for the recycling of packaging waste⁵ might also result in a lower recycling rate (in 2020 the recycling rate for all packaging waste was 68.3%).

Some of the main challenges in waste management include:

- low rates of capture of recyclables in separate collection (30% for paper and cardboard and metals, 20% for plastic and 11% for biowaste);
- low share of the population covered by high-convenience separate collection services for biowaste and lack of sufficient infrastructure for biowaste treatment;
- too high reliance on landfilling and mechanical biological treatment plants.

It is acknowledged that many new measures were included in the new Law 7/2022 on waste and contaminated soil for a circular economy published on 8 April 2022⁶. However, since some measures require a longer timeframe before their effects will be fully visible, it is unlikely all 2025 targets can be achieved.

3. Key recommendations

Among the measures deemed necessary to support Spain's efforts to improve its waste management performance, three main recommendations are listed below:

1. Support preparing for re-use of municipal waste and re-use systems for packaging
2. Further develop waste treatment infrastructure associated with the higher steps of the waste hierarchy. Ensure sufficient treatment capacity dedicated to separately collected biowaste.
3. Fully implement restrictions on landfilling of all waste that is suitable for recycling, and implement landfilling taxes to incentivise municipalities to improve the effectiveness of waste collection and recycling.
4. Introduce enforcement mechanisms to clarify allocation of responsibilities and strengthen coordination of the regional and local authorities and extended producer responsibility organisations to meet the recycling targets.

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

⁵ Implementing Decision (EU) 2019/665.

⁶ <https://www.boe.es/buscar/act.php?id=BOE-A-2022-5809>.

4. Good practices

The following measures implemented by Spain are considered good practices that contribute to the improvement of recycling performance:

- Promotion of high-performing recycling schemes (project under the EU Technical Support Instrument TSI) – The project aims to improve circular economy at the local level and fosters the dissemination of best practices among municipalities to improve recycling, collection and treatment systems. Planned activities include the assessment of relevant policy options and recommendations on the implementation of high-performing recycling schemes, dissemination of knowledge and expertise, support of local entities and assistance of relevant authorities in the implementation of the proposed actions.
- Implementation of Pay-as-you-throw systems – Several municipalities in Spain have ongoing projects with differentiated waste fees reflecting the quantity of waste generation. For instance, Zaldibia (Guipúzcoa) uses a system of different sized waste bins depending on the collected fraction⁷, Esporles (Mallorca) provides a system that charges for additional waste bags needed by citizens⁸, Argentona (Barcelona) applies a pay-per-bag system which allows higher charges for residual waste for domestic as well as for commercial waste⁹ and in the province of Castellón, associations of municipalities apply a reduction of the supra-municipal charge for collection and waste treatment¹⁰ for waste brought to civic amenity sites.

⁷ <https://www.sasieta.eus/espanol/municipios?herria=19>

⁸ <https://esporles.cat/ca/residus-recollida-i-gestio>.

⁹ https://residus.gencat.cat/web/.content/home/lagencia/publicacions/prevenio/guia_pxg_en.pdf.

¹⁰ <https://bop.dipc.as.es/PortalBOP/obtenerPdfAnuncio.do?idAnuncio=124589>.

<https://bop.dipc.as.es/PortalBOP/obtenerPdfAnuncio.do?idAnuncio=124482>.

OVERVIEW OF POSSIBLE ACTIONS TO IMPROVE PERFORMANCE

Governance

- 1) Fully implement restrictions on landfilling of all waste that is suitable for recycling. In this context it should undertake a study to identify barriers to the implementation of the landfill ban and assess the possible impact of the new landfill tax on illegal waste dumping.
- 2) Introduce additional incentives and enforcement mechanisms to reinforce the responsibilities and coordination of the regional and local authorities and extended producer responsibility organisations. Regions and local authorities could implement systems to monitor the behaviour of citizens (and businesses) as regards separate waste collection and make the collected data on regional/municipal performance publicly available.
- 3) To monitor, enforce and achieve higher capture rates, mandatory objectives or indicators for separate waste collection should be set by the bodies in charge of the collection of municipal waste (e.g. municipalities). This could be complemented with tax rebates for bodies that meet the targets and/or budget restrictions for those that do not meet them. The performance of municipalities could also be made available to the general public to raise awareness (e.g. on a website).

Prevention

- 4) Take measures to increase re-use and to prevent the generation of non-recyclable municipal waste
- 5) Swiftly revise the Waste Management Plan integrating the Waste Prevention Programme. Establish clear guidelines for timeframe harmonisation among Spanish regions. Ensure proper monitoring of the implementation of waste prevention measures and sufficient budget allocation. Foster coordination between central government level and local level in reaching EU waste prevention objectives.

Separate Collection

- 6) Further expand high-convenience collection services to a larger part of the population, especially for biowaste. Implementation of a separate collection scheme for biowaste is in progress. However, the degree of application of this scheme in the regions/municipalities is only specified to a limited extent. The improvement of data availability on the share of municipalities covered by separate biowaste collection schemes is under way and should be further stepped up.

Waste treatment

- 7) Further develop waste-treatment infrastructure associated with the higher steps of the waste hierarchy. Ensure sufficient treatment capacity dedicated to separately collected biowaste. In Spain, treatment capacities are expected to increase since earmarked funds have been distributed to the regions according to defined criteria. To monitor progress and improve the coordination of capacity needs across regions, it is recommended that quantitative information be collected on existing, planned or projected capacities for the treatment of separately collected biowaste. It is proposed that regions use the revenues from landfill and incineration tax to finance actions to improve waste management.
- 8) Support preparing for reuse of municipal waste and develop waste-treatment infrastructure in a

way that focuses on the higher steps of the waste hierarchy. Firm plans and concrete actions are needed, such as supplementing centralised biowaste treatment with decentralised composting solutions such as home composting and community composting.

Communication and Awareness Rising

- 9) Carry out awareness-raising activities specifically tailored to different target groups to enhance participation in separate collection. Develop a set of national communication materials addressed to different target groups (e.g. households and commercial waste generators, schoolteachers and students, tourists) with clear and consistent messages and publish good practices for separate collection, biowaste and home composting. These materials should be used as part of awareness-raising activities via e.g. leaflets, social media and internet, and should be made available at civic amenity sites. Consider preparing communication materials in English as well as in Spanish to help tourists contribute to waste separation.

Extended producer responsibility and economic instruments

- 10) Accelerate the implementation of the Pay-as-you-throw system for both businesses and households to attain higher capture rates for recyclable fractions and reduce residual waste. Local authorities could be supported through guidance on the design of incentive mechanisms and through the introduction of or learnings from pilot projects.
- 11) Stepping up efforts to establish re-use systems for packaging will bring environmental benefits and help Member States in complying with the EU packaging recycling targets.