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## COVER NOTE

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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	COMMISSION STAFF WORKING DOCUMENT The early warning report for Portugal <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 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) 197 final.

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EUROPEAN  
COMMISSION

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## COMMISSION STAFF WORKING DOCUMENT

### The early warning report for Portugal

#### *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**

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## 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 2018<sup>1</sup>.

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 Agency<sup>2</sup>, 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 Review<sup>3</sup>.

## 2. Key findings

Based on the analysis of collected data and existing policies in the area of waste management, Portugal is considered to be at risk of missing: (i) the 2025 target of 55% for the preparation for re-use and the recycling of its municipal waste; and (ii) the 2025 targets for some packaging waste streams. The distance between Portugal's current landfilling rate and the 2035 target to landfill no more than 10% of its municipal waste is also of concern.

In 2020, the recycling rate for municipal waste reported by Portugal was 26.5% (which is almost 30 percentage points below the 2025 target), while the landfill rate was 47.5% (about twice the EU average). General recycling trends in Portugal are also of concern: the recycling rate decreased by 4.4 percentage points from 30.9% to 26.5% in the 5 years from 2016 to 2020, while in the same period there was no significant decline in the landfill rate.

Portugal's excessively low composting and digesting rates are considered a key reason for this performance. While it is estimated that Portugal generated 1.7 million tonnes of biowaste in 2019, the treatment capacity in the country is less than 80% of the total generated municipal biowaste, and there is a lack of treatment facilities for separately collected biowaste. The amount of municipal waste sent to landfill remains too high,

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<sup>1</sup> An early-warning report was issued for Portugal in 2018 (SWD(2018) 422 final). In total, the report made eight recommendations. According to the Portuguese authorities, 1 of the recommendations is considered implemented, 5 as partially implemented, and 2 have not been addressed.

<sup>2</sup> EEA 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>)

<sup>3</sup> European Semester 2022. [Country Report for Portugal](#). A [Country Specific Recommendation](#) (CSR-3) has been addressed to Portugal on waste management and circular economy.

and 45% of biodegradable waste is still landfilled. There is therefore an urgent need to improve the separate collection and treatment of biowaste in Portugal.

The recycling rate for all packaging waste in 2019 was 62.8%, which is very close to the 2025 target of 65%. Therefore, Portugal is likely to meet its 2025 target for all packaging waste. However, Portugal is at risk of not meeting the material-based recycling targets for specific streams such as ferrous metals, aluminium, glass, and plastic packaging. In addition, the new calculation rules<sup>4</sup> for packaging-waste recycling might result in a lower recycling rate. In 2020 the recycling rate for all packaging waste decreased to 59.8%. Both plastic waste and metal waste have low separate-collection rates even though the collection services in Portugal for these waste streams are very convenient. In addition, data on the separate collection of ferrous metals and aluminium packaging are not yet available, so estimates for these waste streams are uncertain. An extended-producer-responsibility scheme exists for all main packaging fractions, but industrial waste is not yet covered by this scheme.

Significant improvements are therefore needed to bring waste management in Portugal in line with the EU waste hierarchy. There are already plans in place to improve almost all aspects, for example to: (i) increase biowaste treatment capacity; (ii) increase the mandatory separate collection of waste; (iii) implement a pay-as-you-throw system; and (iv) set up a deposit-refund scheme for beverage packaging made of plastic, ferrous metals and aluminium. It is therefore expected that more progress will be achieved in the coming years. However, since some measures will require more time before their effects will be fully visible, efforts should be stepped up significantly in order to reach all 2025 targets.

Some of the main challenges in waste management include:

- the lack of sufficient infrastructure for the separate collection and treatment of biowaste and some packaging streams;
- the lack of high-convenience collection services for some waste streams in many parts of Portugal;
- heavy reliance on landfilling and low capture rates of recyclable waste in the separate collection system.

### **3. Key recommendations**

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

1. Support preparing for re-use of municipal waste and re-use systems for packaging.
2. Improve separate collection of recyclables and different packaging waste fractions (household and non-household waste). Make the separate collection of biowaste more convenient.
3. Implement and strengthen economic instruments to encourage good waste management. For example (i) implement a mandatory pay-as-you-throw system; (ii) implement a deposit-refund scheme; and (iii) increase the landfill tax.
4. Further develop waste-treatment infrastructure associated with the higher steps of the waste hierarchy (such as increasing treatment capacity for biowaste, supporting home-composting, and ensuring the pre-treatment of waste that goes to landfill).

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

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<sup>4</sup> Commission Implementing Decision (EU) 2019/665.

#### 4. Good practices

The following measures implemented by Portugal are considered good practices that help to improve its recycling performance and could be replicated and that could help other Member States achieve the above-mentioned targets.

- Packaging taxes and a ban on free carrier bags – In Portugal, single-use packaging for take-away and home-delivery meals are covered by a packaging tax. A tax of EUR 0.30 per single-use package applies from 1 July 2022 for packaging made of plastic or made of multi-material with plastic, and from 1 January 2023 for packaging made of aluminium or made of multi-material aluminium. Portugal plans to extend the existing tax to single-use packaging of any material and not just those made of plastic or aluminium. Since July 2021, there has been a ban on distributing free carrier bags made of any material and of any thickness, in order to avoid the placing on the market of superfluous packaging.
- Home and community composting – In northern Portugal a home-composting project has been developed in the municipalities in collaboration with Lipor<sup>5</sup>, an association of municipalities that focuses on waste management. In 2020, 15 818 composting devices were distributed and 6 343 tonnes of biowaste were locally composted.

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<sup>5</sup> <https://www.lipor.pt/en/awareness/home-and-community-composting/composting-2/>.

## OVERVIEW OF POSSIBLE ACTIONS TO IMPROVE PERFORMANCE

### Governance

- 1) Address data-quality issues on generated packaging waste. In particular, improve the electronic system for reporting the quantities of packaging placed on the market. This could be achieved by introducing new requirements (e.g. identifying packaging waste types with their respective registration number, or mandatory audits for packaging producers), improving monitoring, and increasing enforcement.
- 2) Set mandatory objectives or indicators for separate waste collection at the level of the bodies in charge of collecting and managing municipal waste in order to monitor, enforce and achieve higher capture rates. This could be complemented with a system of performance-bound financial rewards and penalties dependant on the achievement of the targets. Information on the performance of municipalities could also be made available to the general public to raise awareness (e.g. by publishing on a website).

### Prevention

- 3) Take measures to increase re-use and to prevent the generation of non-recyclable municipal waste.
- 4) Swiftly adopt the national strategic plan for municipal waste, integrating it into the country's waste-prevention programme. Foster coordination between central and peripheral/insular areas to ensure uniform implementation of waste-prevention measures across the whole country. Properly monitor the application of the waste-prevention measures and set aside sufficient budgetary resources for this monitoring.

### Separate collection

- 5) Improve the high-convenience collection services and roll these services out across the whole country so that they are accessible to the whole population. These services should cover the different packaging waste fractions (household and non-household waste) and especially biowaste. Home and community composting should be promoted, especially in rural areas. The specific challenges posed on separate collection by tourism should be duly taken into account.

### Waste treatment

- 6) Support the preparing for re-use of municipal waste and develop waste treatment infrastructure associated with the higher steps of the waste hierarchy. Firm plans and concrete actions are needed, such as supporting home-composting and increasing treatment capacity for biowaste to fully cover the generated biowaste.
- 7) Improve the waste management infrastructure to ensure that municipal waste is pre-treated before being landfilled. Swift action should also be taken to ensure the closure and rehabilitation of substandard landfills to comply with EU requirements.

### Communication and awareness raising

- 8) Carry out awareness-raising activities specifically tailored to different target groups (e.g. households, commercial waste generators, schoolteachers, students, and tourists) to increase participation in separate collection. A set of national communication materials should be developed that: (i) are addressed to the public for use at local level; and (ii) have clear and consistent messages. These materials should be used as part of awareness-raising activities in

leaflets, on social media, on the internet, and at civic amenity sites. Portugal should also consider creating communication materials in English to help tourists contribute to waste separation. Two of the focuses of these materials should be the newly introduced requirement to separately collect biowaste and guidelines for home and community composting.

#### **Extended producer responsibility and economic instruments**

- 9)** Implement economic instruments (e.g. raising landfill taxes to a sufficient magnitude more quickly) to incentivise waste management focused on the higher steps of the waste hierarchy. This will help to make reuse, preparation for reuse, and recycling economically attractive and reduce dependency on landfilling. The economic incentive should be designed and sufficiently large to be effective and steer waste management up the waste hierarchy. Landfill taxes that increase over time in correlation to specific targets are considered the most effective.
- 10)** Consider implementing a pay-as-you-throw system for both businesses and households to both attain higher capture rates for recyclable fractions and reduce residual waste. Local authorities could be supported through guidance on how to design the incentive mechanisms and how to introduce – and learn from – pilot projects.
- 11)** Accelerate the implementation of the planned deposit-refund scheme with a view to it contributing to recycling performance in 2025.
- 12)** Stepping up efforts to establish reuse systems for packaging will bring environmental benefits and help Member States in complying with the EU packaging recycling targets.