Council of the
European Union

**Brussels, 12 June 2023**
**(OR. en)**

**10478/23**
**ADD 17**

**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) 199 final |
| Subject: | COMMISSION STAFF WORKING DOCUMENT<br>The early warning report for Romania<br>*Accompanying the document*<br>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) 199 final.

Encl.: SWD(2023) 199 final

EUROPEAN
COMMISSION

Brussels, 8.6.2023
SWD(2023) 199 final

# COMMISSION STAFF WORKING DOCUMENT

## The early warning report for Romania

*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) 183 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) 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 2018[1].

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 , 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[2].

## 2. Key findings

Based on the analysis of collected data and existing policies in the area of waste management, Romania is considered to be at risk of missing: (i) the 2025 target of 55% for the preparing for re-use and the recycling of its municipal waste; and (ii) the 2025 target to recycle 65% of its packaging waste. The distance between Romania's current landfilling rate and the2035 target to landfill no more than 10% of municipal waste is also of concern.

Municipal waste generation in Romania is the lowest in EU, at about half the EU average in 2020 (287 kg/person per year compared with 505 kg/person in the EU). Similarly, packaging waste generated in the country in 2018 was also well below the EU average (80 kg/person compared with 174 kg/person in the EU). However, these seemingly low figures may be an indication that significant quantities of generated waste are not reported.

In 2020, the recycling rate for municipal waste reported by Romania was 13.7% (which is more than 40 percentage points below the 2025 target of 55%), while the landfill rate was 74.3% (more than three times the EU average. The general recycling trends in Romania are also of concern: there has been no significant progress in the recycling rate in the last 5 years (it was 13.4% in 2016 and 13.7 % in 2020), while the landfill rate has increased by about 5 percentage points from 69.3% to 74.3% in the same period.

[1] An early-warning report was issued for Romania in 2018 (SWD(2018) 423 final). In total, 17 recommendations were drafted within the assessment. According to the Romanian authorities, 2 of the report's recommendations are now considered implemented, and 3 partially implemented. For the other recommendations, answers were either lacking or not conclusive.

[2] European 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).

Romania's excessively low composting and anaerobic digestion rates are amongst the key reasons for this weak performance. Romania does not have enough capacity for the separate collection and adequate treatment of biowaste: it can be estimated that the available capacity for the treatment of separately collected biowaste would only be able to treat about 27 % of the generated amount (estimated to be about 1.7 million tonnes). Similarly, the country still has no legally binding national quality standards for compost, nor does it have any quality-management system for compost produced from separately collected biowaste. The amount of municipal waste sent to landfill also remains too high.

In 2018, the overall recycling rate for packaging waste reached 57.9%, which is reasonably close to the 2025 target of 65%; however, in 2020 the recycling rate dropped to 39.9%. In addition, there are data-quality issues regarding packaging waste. For instance, there is a notable discrepancy between the low recycling rate for municipal waste and the rather high recycling rates for packaging waste. The datasets on municipal waste and packaging waste appear inconsistent, given that a large share of packaging waste is generated by households and is thus part of municipal waste. A nationwide composition analysis of municipal waste is still not available, so it is currently not possible to cross-check data on packaging waste against data on municipal waste.

Although Romania has allocated considerable funding to waste infrastructure in recent years, it still needs to make significant improvements to bring its waste management into line with the EU waste hierarchy. Some of the main challenges facing waste management in the country include:

- limited tools to implement central government policy at local level because of extensive local autonomy, insufficient institutional collaboration, and a lack of accountability among stakeholders;
- a lack of sufficient infrastructure for the separate collection and treatment of biowaste and packaging;
- data quality issues on packaging waste (there is a significant discrepancy between the low recycling rate for municipal waste and high recycling rates for packaging waste).

## 3. Key recommendations

Among the measures deemed necessary to support Romania'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. Extend the separate collection of waste across the whole country. Improve public awareness and participation in waste separation and waste prevention. Implement economic instruments such as pay-as-you-throw, and increase the landfill tax to both incentivise separate collection and minimise landfilled waste.
3. Further develop waste-treatment infrastructure associated with the higher steps of the waste hierarchy. In particular, increase the treatment capacity for biowaste and support home composting. Promote the use of biowaste as fertiliser by setting national quality standards for biowaste.
4. Improve the data management system in order to present coherent and verifiable data sets.

## 4. Good practices

The following measures implemented by Romania are considered good practices that could be replicated by other Member States to help them achieve the above-mentioned targets.

- Establishing a national system for collecting and verifying data on waste – A unified data-collection and traceability system called SIATD started operating on 1 January 2023[3]. The system, which had originally been piloted for 2 years for the packaging waste stream, will now also incorporate data flows on electric and electronic equipment and batteries. One of the key purposes of this system is to introduce processes that would make it possible for data on transactional waste management to be reliably verified.

- Regional associations of municipalities focused on waste management – Romanian national authorities have supported the set-up of development associations[4] consisting of virtually all municipalities in each of Romania's 41 regions. Municipal cooperation of this kind is expected to lead to economies of scale and more efficient collection and treatment of municipal waste, including by promoting significant investment by EU Structural Funds in large-scale waste-infrastructure assets.

[3] https://siatd.afm.ro/siatd/.
[4] https://legislatie.just.ro/Public/DetaliiDocument/70015.

| OVERVIEW OF POSSIBLE ACTIONS TO IMPROVE PERFORMANCE |
|---|
| **Governance** |
| **1)** Address data quality issues, especially related to generated packaging waste and related recycling data. This could be achieved: (i) by setting up a privately managed national clearinghouse authority with a special focus on packaging; or (ii) by setting up additional third-party auditing procedures to further verify available data in an independent and transparent manner. |
| **2)** Develop and run implementation programmes for municipalities to help them to organise separate collection and improve their recycling performance. To achieve high capture rates and ensure the high quality of collected waste, mandatory objectives or indicators for separate waste collection should be laid down by municipalities. This could be complemented with a system of financial rewards or penalties for municipalities according to their performance. Information on the performance of the local collection system could also be made available to the general public to raise awareness (e.g. on a website). |
| **3)** Close and rehabilitate substandard landfills and take action against illegal landfills and fly tipping. Increase the enforcement capacity in order to inspect, check and discourage uncontrolled dumping. This could be achieved by providing additional resources to the National Environment Guard. |
| **Prevention** |
| **4)** Take measures to increase re-use and to prevent the generation of non-recyclable municipal waste. |
| **5)** Implement the planned measures including the measures to reach the 2025 waste prevention targets set out in the national waste prevention plan. Promote coordination between central government and local government to achieve the EU's waste-prevention objectives. It should properly monitor the implementation of the waste-prevention measures and set aside sufficient budgetary resources for this monitoring. |
| **Separate collection** |
| **6)** Develop, enforce and monitor minimum national service standards for separate waste collection (including biowaste). This could include specifying, for example: (i) the type and volume of containers to be used; (ii) the minimum and maximum frequency of collections; and (iii) the type of vehicles that can be used for collections. These standards should take into account the type of housing stock, climate and seasonality, etc. It should ensure that the necessary infrastructure for separate collection is put in place. |
| **Waste treatment** |
| **7)** Support preparing for re-use of municipal waste and develop waste treatment infrastructure that focuses on 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 in order to fully cover the generated biowaste. This should be accompanied by the introduction of national quality standards to produce high-quality compost/digestate**.** |

| |
|---|
| **Communication and awareness raising** |
| **8)** Carry out awareness-raising activities specifically tailored to different target groups (e.g. households, commercial waste generators, schoolteachers, and students) to increase participation in separate collection. A set of national communication materials should be developed that: (i) are addressed to the general public, farmers, and pupils for use at local level; (ii) have clear and consistent messages; and (iii) have a particular focus on biowaste, home composting and the sound management of waste (e.g. sorting). |
| **Extended producer responsibility and economic instruments** |
| **9)** Implement a pay-as-you-throw system for 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 incentive mechanisms and how to introduce and learn from pilot projects. |
| **10)** Use economic instruments (e.g. further raising landfill taxes to a sufficient magnitude) 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. |
| **11)** 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. |