



#NoTimeToWaste

MEMBER STATES
DELAY MEETING THE
INEVITABLE TARGETS

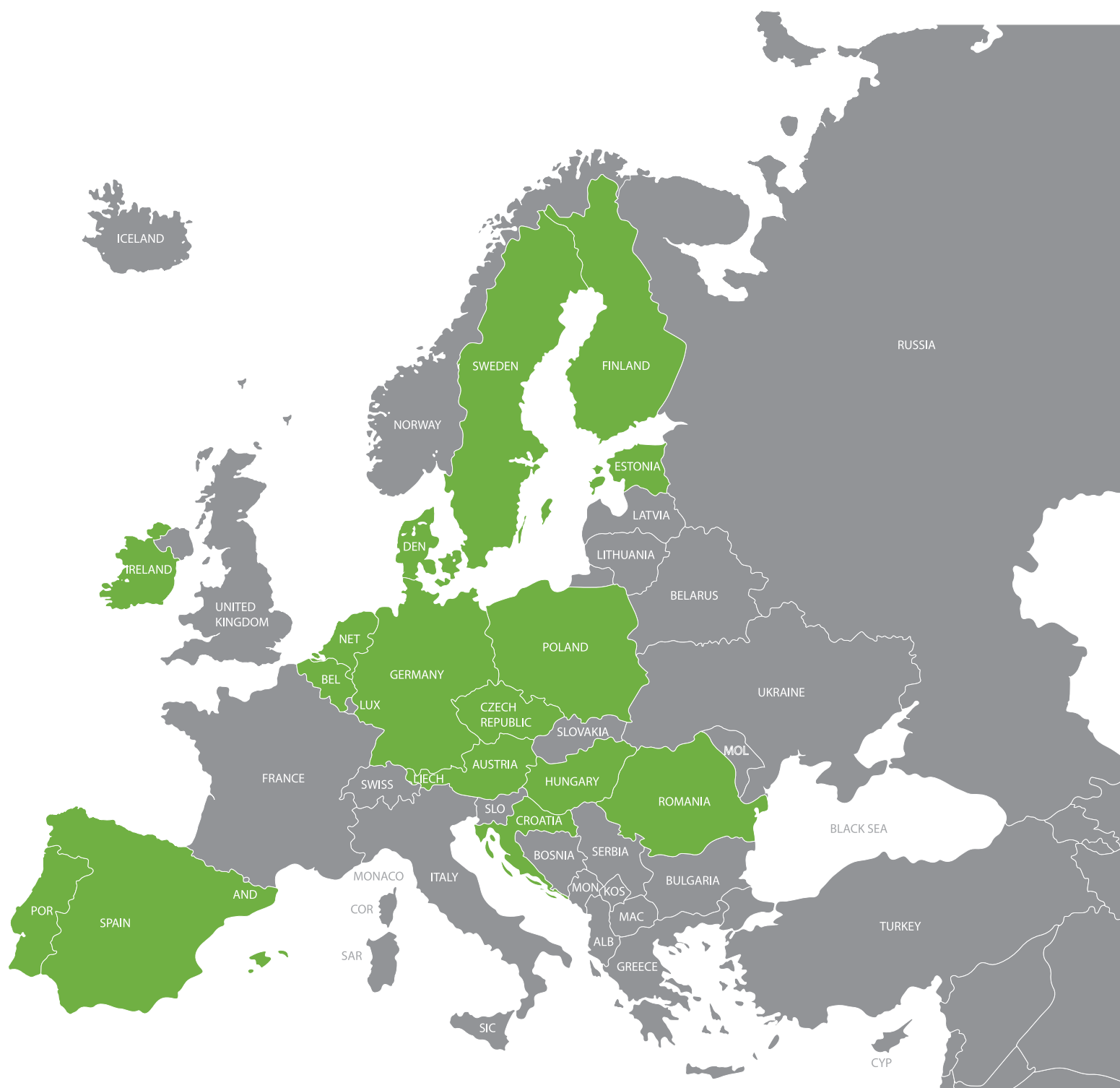


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OVERVIEW

The latest EU Waste Directives were supposed to be transposed into national law at the beginning of July 2020 but all the 16 Member States that were included in the present study missed the deadline for different reasons. This study presents briefly the Waste Directives and the new waste-related targets. The national repository is presented based on the responses received from the Member States on how the transposition process is being conducted. The second part of the report is focused on best practices on waste prevention and management that can be replicated or at least be used by the interested Member States and also presents the shortcomings in the enforcement of the EU Waste Directives.



INTRODUCTION

In 2018, only 30% and 17% of household waste across the EU was recycled and composted respectively, while 28% was incinerated and 24% buried in landfill sites.

In an effort to improve regulatory framework and create incentives to make Europe's economy more circular, the EU adopted a legislative package in May 2018. This consisted of four separate Directives containing measures to increase preparation for reuse and recycling of key waste streams, to strengthen the requirements of Extended Producer Responsibility systems, reduce landfilling of waste and to promote the adoption of economic incentives conducive to the implementation of the waste hierarchy, including incineration and landfilling charges.

These new EU laws give leeway to Member States to transpose them in the way that best suits their legal culture and national realities, allowing for a diversity of implementation, as long as it is in line with the purpose of the Directives and the general principles of EU law, such as the principle of preserving their effectiveness. If implemented ambitiously by the Member States, these Directives have the potential to upend wasteful commercial practices, to internalise costs that producers have been allowed to pass on to the environment, taxpayers and people's health, to make supply chains and waste management more transparent and to prevent the unnecessary extraction, use and disposal of raw materials.

However, as has been the case with previous legislation, there are significant differences between Member States in their ambition when they transpose EU waste law into their national framework and also stark contrasts in the enforcement and compliance with the adopted measures, which in turn creates notable differences between how Member States manage waste.

The transposition deadline for the Directives expired on 5th July 2020; by this date, Member States were required by law to have implemented the legislation in their national legal framework. However, by the end of September 2020, many of the Member States had not yet completed the transposition. These delays are occurring also in other policy areas. Nevertheless, they should not be acceptable, as Member States are usually given sufficient time to deliver.

The COVID-19 pandemic is a factor in the delayed transposition of EU Waste Directives into national legislation. The pandemic is putting governments and the economies of Member States under severe pressure, while at the same time highlighting opportunities for applying best practices and changing the behaviours of substantial sections of the European population. For example, disruptions to supply chains have led to considerable increases of pre-consumer food waste, but the lockdown measures and move towards working from home of a sizeable proportion of the population has decreased food waste at household level. On the other hand, the acquisition of goods shifted towards online retail, which increased the amount of packaging waste. Other types of waste related to the pandemic are damaging the environment – such as masks and protection equipment,¹ whose impact is not yet quantified, while the increased use of wet tissues and wipes is also raising concerns.

The purpose of this report is not to underline the gap between the countries but to make an initial assessment of the transposed legislation, to give examples of good practices and to point out some shortcomings that could inspire interested Member States to improve their own national legislation, and EU institutions to take stock for the purposes of future legislative reform, for example under the 2020 Circular Economy Action Plan.

ACRONYMS

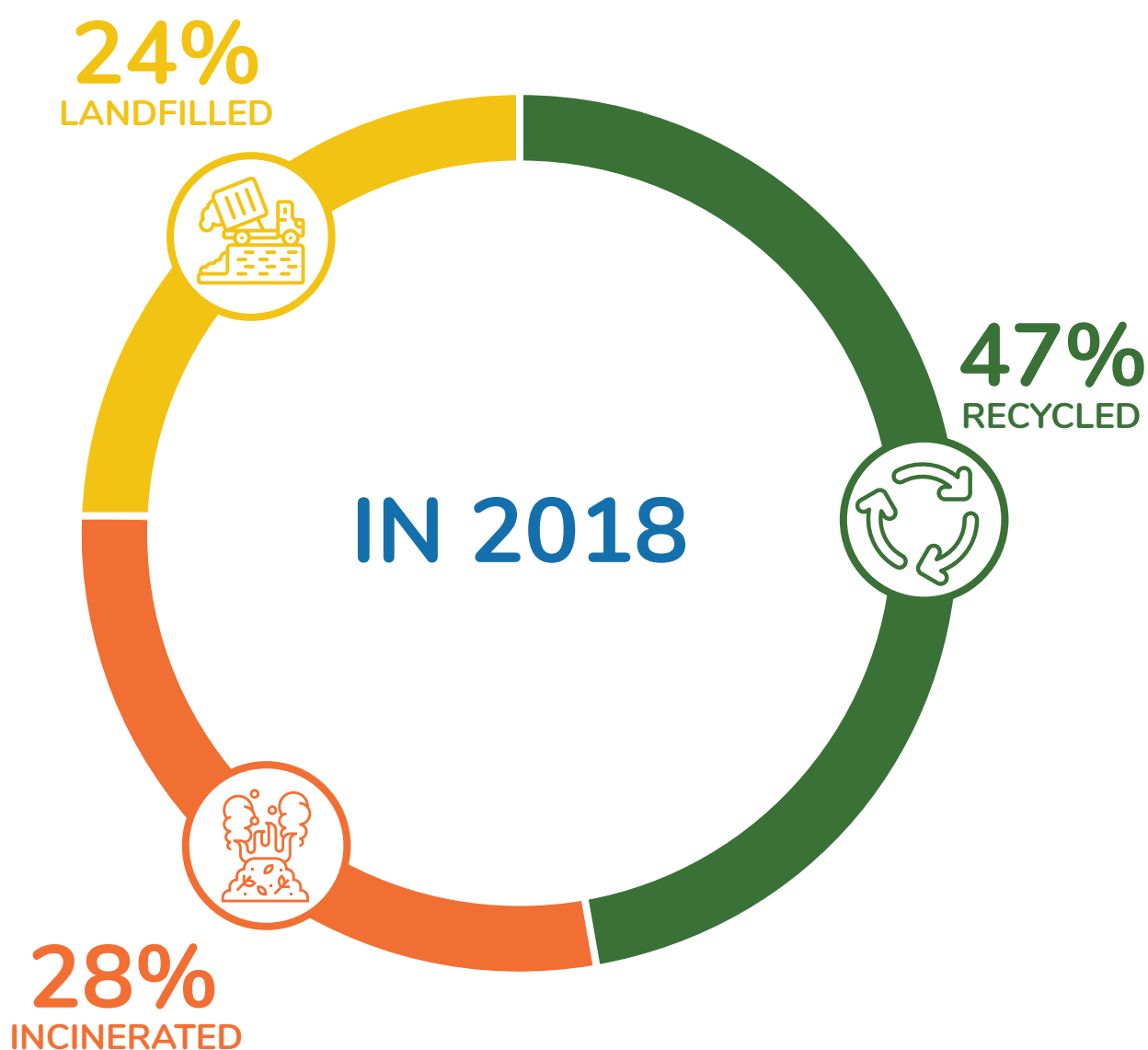
- ▶ WFD – Waste Framework Directive – Directive (EU) 2018/851 amending Directive 2008/98/EC on waste
- ▶ LD – Landfill Directive – Directive (EU) 2018/850 amending Directive 1999/31/EC on the landfill of waste
- ▶ PPWD – Packaging and Packaging Waste Directive – Directive (EU) 2018/852 amending Directive 94/62/EC on packaging and packaging waste
- ▶ SUPD – Single-Use Plastics Directive – Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment
- ▶ WMP – Waste Management Plan
- ▶ WPMP – Waste Prevention Management Plan

1. <https://www.weforum.org/agenda/2020/06/ppe-masks-gloves-coronavirus-ocean-pollution/>

THE BASELINE SCENARIO

In 2018, according to Eurostat,² 47% of municipal waste was recycled or composted, 28% incinerated and 24% landfilled; waste treatment obligations were still not being fully met, with large divergences of performance within the EU. Only five countries have already achieved the 2020 target of 50% recycling rates for municipal waste and 70% for construction and demolition (nine are on track to achieve it and 14 to miss it).³

2. https://ec.europa.eu/eurostat/statistics-explained/index.php/Municipal_waste_statistics#Municipal_waste_treatment
3. https://ec.europa.eu/environment/eir/pdf/eir_2019.pdf



THE NEW EU DIRECTIVES IN BRIEF

In May 2018, the EU adopted three Directives, amending [The Waste Framework Directive](#), [the Packaging and Packaging Waste Directive](#) and the [Landfill Directive](#). When transposing these Directives, some Member States have also implemented measures from the [Single-Use Plastics Directive](#), which was adopted in 2019 and is due for transposition in 2021.

The EEB has published in the last year [a timeline for the EU's transition to a circular economy](#) – a comprehensive and easy-to-use document. It gives links to all the available documents four [policy briefings explaining the EU Waste Directives and legislative good practices from Member States' governments in the areas of a\) separate collection of waste; b\) prevention and reuse; c\) economic incentives \(annex IVa of the WFD\)](#), and one position paper summarising recommendations [_ 10 policy priorities to reduce waste](#) in all sectors – including food, construction, packaging, transport, electronics, batteries and textiles, and an [article](#) on the Member States missing the deadline for adopting the new EU waste legislation. All publications are a source of additional information concerning the Member States transposition of the EU Waste Directives.

Some key provisions in the 2018 Directives include:

New targets for recycling⁴:

	2025	2030	2035
Municipal waste recycling targets	55%	60%	65%
Recycling for all packaging	65%	70%	
Plastic	50%	55%	
Wood	25%	30%	
Ferrous metals	70%	80%	
Aluminium	50%	60%	
Glass	70%	75%	
Paper and cardboard	75%	85%	

- Deadlines for separate collection of hazardous household waste by 2022, bio-waste by 2023 and textiles by 2025.
- By 2035, the amount of municipal waste landfilled must be reduced to 10% or less of the total amount of municipal waste generated.
- A ban on landfilling and incinerating separately collected waste.
- Economic instruments and other measures the Member State has adopted to provide incentives for the application of the waste hierarchy, including incineration and landfilling taxes.
- Extended Producer Responsibility (EPR) schemes aim towards the entire product's life cycle.
- Requirements for EPR systems, establishing the minimum type of costs that shall be covered by producers (separate collection of waste and its subsequent transport and treatment, data gathering and reporting and costs of providing adequate information to waste holders) and the allocation of such costs. For EPR schemes established to attain waste management targets and objectives established under EU law, the producers shall bear at least 80% of the necessary costs, though there are possibilities to derogate from this 80% rule for schemes established at national level only.
- Eco-modulation of fees of EPR systems in accordance with the product's durability, reparability, re-usability and recyclability and the presence of hazardous substances.
- An obligation on Member States to adopt measures to increase the share of reusable packaging in their territory, which can include deposit-return schemes, economic incentives for reuse of packaging and setting up minimum percentage of reusable packaging placed on the market every year for specific packaging streams.

4. https://ec.europa.eu/info/news/new-waste-rules-will-make-eu-global-front-runner-waste-management-and-recycling-2018-apr-18_en

- Obligations on Member States to establish a database providing information on the magnitude, characteristics and evolution of the packaging and packaging waste flows at the Member State level, with an effective system of quality control and traceability of the packaging waste that ensures reliable information is available.

Some Member States (for example [France](#), [Croatia](#), [Spain](#)) and local and regional authorities ([Catalonia](#), [Balearic Islands](#), [Ljubljana](#)) adopted targets also set in the new Waste Directives some time ago, a real source of inspiration for those who aim to improve the current waste situation. France has already moved forward, one step ahead of EU waste legislation, towards a [Circular Economy Strategy](#) and an ambitious anti-waste law, with extended responsibilities for all producers (EPR schemes) on prevention and reuse, with a ban on future disposal of products, while Ireland has just launched the new [Waste Action Plan for a Circular Economy 2020-2025](#) aligned with the Waste Directives and an example of best practice for green public procurement (GPP).

[Rethink Plastic Alliance](#) published a [report](#) in July 2020 on the progress made by EU Member States on the transposition of the EU Directive on single-use plastics, with a July 2021 deadline. Their analysis of the situation in 19 countries shows that only a few countries have adopted measures to transpose the Directive and fight plastic pollution resulting from single-use plastics. In many countries, the transposition process has not started and/or little information is available on the expected transposition process. According to the report, several countries have started to transpose the EU-wide bans set in the Directive, but have yet to adopt key measures that will actually determine the level of ambition and the resulting environmental benefits on the ground. France⁵ is leading the way with its February 2020 adopted anti-waste law, while others are advanced in the process of transposition – Austria, Belgium, Denmark, Germany, Hungary, Ireland, Netherlands, Portugal and Spain. Cyprus, Estonia, Greece, Italy, Lithuania and Slovenia have started the process of transposition, while Bulgaria, Croatia and Poland have not yet started the transposition process.

Another [Guide](#) for national decision makers to implement the SUP Directive is giving examples of legislative reuse targets:

- ▶ [Flanders legislation](#) (Belgium) from 2019 bans single-use cups, cans and bottles at public and non-public events (schools, local community fairs and festivals), unless the organisers can ensure the separate collection and recycling of at least 90% of those items (95% by 2022). The law is prohibiting local authorities from serving drinks in disposable cups (regardless of the material), cans and PET bottles in the workplace and at public events.
- ▶ [Navarra \(Spain\) regional law](#) from 2018 requires businesses in the hotel, retail and catering (HORECA) sector to serve 80% of beers, 70% of soft drinks and 40% of water in reusable containers, by 2028. Moreover, 15% of beverage containers sold in shops must be reusable.
- ▶ [The regional Government of Balearic Islands law on waste and polluted lands](#) from 2019 bans single-use of plastics, and free tap water will be available for everyone in public buildings, restaurants, cafés and hotels. In addition, plastic disposable pre-portioned packs may no longer be offered in food and sanitary areas in hotels and restaurants (for example ketchup, mustard, sugar and jam, but also toiletries including shampoo, creams and lotions).



[Navarra \(Spain\) regional law](#) from 2018 requires businesses in the hotel, retail and catering (HORECA) sector to serve 80% of beers, 70% of soft drinks and 40% of water in reusable containers, by 2028.

5. <https://seas-at-risk.org/stalling-european-plastic-law.html>

MEMBER STATES' NATIONAL LEGISLATION REPOSITORY

By mid-September 2020, only 12 Member States⁶ had [communicated to the EC](#) the national transposition measures concerning Directive (EU) 2018/851 amending Directive 2008/98/EC on waste, which had a deadline of 5th July 2020. In April 2020, some Member States sent updates to EEB on the process of transposing the EU waste legislation:

- ▶ In Croatia, the transposition of the Waste Framework Directive was in progress, as the Waste Management Act was being prepared in order to transpose the Directive.
- ▶ Estonia, in order to implement EU Waste Directives, was amending the Waste Act and Packaging Act, the Bill on Amendments to the Waste Act and the Packaging Act had passed first reading out of three in the Parliament.
- ▶ Finland, was focused on transposing the EU waste package by the deadline, but a delay was inevitable due to the political difficulties to agree on responsibilities for municipal waste management, especially regarding collection of waste. The draft bill for amending the waste legislation would be under public consultation from 28th of April until 2nd of June, and the aim was to adopt it by September.
- ▶ Ireland was working on drafting the legislation, with the aim of meeting the Circular Economy legislative package (CELP) within the transposition deadlines. It was also in the process of drafting a revised [National Waste Policy](#), a process involving extended consultations with multiple stakeholders.
- ▶ Malta was still working on a new [Waste Management Plan](#) that was opened for consultation until July; by September the new version was not adopted.
- ▶ Sweden was also working on the implementation of the waste package, aiming to adopt the necessary amendments to national law by mid-June as planned. After that proposed deadline, Government was supposed to adopt the large number of amendments at regulation level that are required and the expert agencies would in addition amend some of their regulations.
- ▶ The Netherlands was working towards finalising the implementation of Directive 2018/851 within the deadline; the implementation was signed into law by the King in April and, subsequently, a governmental and a ministerial decree has followed suit.

For this study, we have also used the updates received by EEB members since 2019 and responses to letters we sent to each government of the Member States in July 2020 (followed by reminders) asking them to give us an official update on the EU Waste Directives transposition into national legislation, input on the adaptation of the National Waste Prevention and Management Plans and possible best practices that could be a source of inspiration for other countries. We received 16 responses from the Member States.

6. And the UK



Austria is among the top performers in the EU with regard to waste management; its municipal waste landfilling rate is 2%. According to the [Environmental Implementation Review](#) from 2019, Austria has already met the EU 2020 recycling target for municipal waste (with 57.7% recycled, of which 32% is composting), but additional efforts will be needed to meet the new post-2020 recycling targets, with a clear focus on prevention and diverting waste from incineration to reuse and recycling.

In three districts of Vienna, the separate collection process of bio-waste started in 1986, and in Styria region in 1987, before being fully implemented through door-to-door separate collection in 1993⁷. The Waste Management Law was amended in 1992 to start composting nationally in 1995⁸ and it is considered a best practice in the field of bio-waste.

In August 2020, Austria was **still in the process of transposing the European waste legislation** (the Packaging and Waste Packaging and the Single-Use Plastics Directives) into national laws, mainly the Federal Waste Management Act and related Ordinances (e.g. PPWD, landfill) and updating the [National Waste Management Plan](#) and [National Waste Prevention Plan](#). The Landfill Directive is transposed into Austrian landfill ordinance, currently under national evaluation procedure, and aims to ban certain recyclable waste (e.g. plasterboard and artificial mineral fibres) from landfilling. Austria already has a tax in place ("Altlastensanierungsbeitrag" regulated in the "[Altlastensanierungsgesetz 1989](#)") on different actions that are undertaken with waste, including, the disposal and incineration of waste (with certain exemptions). Treatment of waste before disposal in general is compulsory. [A study on Littering in Austria](#) was carried out on behalf of the Climate Protection Ministry and aims to provide a technical basis for littering in Austria and to give a concrete overview of the amount collected (reference year 2018) and the composition and treatment of littered waste.

Directive (EU) 2018/851 will be transposed by amending the Federal Waste Management Act. Regarding the EPR Reform, in Austria, there are currently EPR Systems for packaging, WEEE, batteries and for end of life vehicles that have to essentially cover the necessary costs of collection, sorting and recycling/recovery/treatment of collected waste. Separate collection systems are in place for paper, metal, plastic, glass and bio-waste covering the whole territory, while the implementation of a separate collection system for textiles is planned for 2025. Also, a law is planned to prohibit the incineration of waste that has been separately collected for preparation for reuse and recycling.

Regarding the Directive (EU) 2018/852, Austria plans the transposition partly in the Federal Waste Management Act and in the Austrian packaging ordinance. Measures to increase the share of reusable packaging are under discussion. The Austrian Federal Ministry of Climate Action and Environment is currently considering introducing a deposit return system (DRS) to achieve the new targets set out in the EU Single-Use Plastics (SUP) Directive to tackle plastic. A government-commissioned [study](#) recently confirmed that a DRS not only achieves the highest collection rate for plastic bottles but is also the most cost-effective option, ensures the best material quality for subsequent recycling and has the strongest anti-littering effect. The Austrian EDM-System gathering the relevant packaging data will be adapted, according to the new obligations, to get the necessary information on the new targets (including the SUP targets).

Other recent studies commissioned by the Federal Ministry of Climate Change or Federal States include:

- ▶ [Funding of repairs – an essential contribution to resource conservation and climate protection](#) (tax reduction)
- ▶ [Reuse guide to determine the end of waste when preparing for reuse](#)
- ▶ The study [Circular Economy – An Overview of Strategies and International Funding Instruments](#) analyses measures and programmes from 10 different countries or regions, while the recommendations are for Austria.

7. https://www.acrplus.org/images/project/R4R/Good_Practices/GP_Styria_biowaste-collection.pdf Best practice

8. https://www.researchgate.net/publication/299437854_Composting_of_Biowaste_in_Austria



Wallonia

According to the [EU Environmental Implementation Review](#), since 2017 Belgium has reached the 2020 EU waste targets (with 54% recycling, of which 20% is composting). Belgium is among the top performers in the EU on waste management: it has banned the use of lightweight plastic bags, is the highest recycler of packaging in Europe (80%) and it has also eliminated landfilling of biodegradable waste. Flanders and Wallonia report that around 70% of their municipal waste is collected separately, whereas the Brussels region reports around 37%. To reach the post-2020 waste targets, additional efforts will be needed, especially to reduce incineration.

Wallonia was still in the transposition process in September 2020. Directive 2018/852 has been transposed through a cooperation agreement in March 2020, amending the Cooperation Agreement of November 4, 2008 on the prevention and management of packaging waste⁹. Additional and operational provisions are laid down in the decisions of the [Interregional Packaging Commission](#) (IVCIE), in particular during the renewal of the approval of household packaging (Fost-Plus) and industrial packaging (Valipac). The sorting, separate collection and recycling of packaging waste are also covered by provisions in the Walloon Waste-Resources Plan.

The transposition of Directives 2018/850, 851 and 2019/904 is still in progress, as they were not adopted by the Government at the first reading. New provisions for [EPR schemes](#) are targeted by the draft legislation and it focuses on WEEE, batteries and accumulators, end-of-life vehicles, tyres, non-food oils, packaging (all prior to 4th July 2018) and mattresses. It defines the financial management system, waste prevention and management. The [fiscal decree of 22nd March 2007](#) promoting the prevention and recovery of waste already includes tax provisions encouraging the waste hierarchy.

The [Walloon Waste-Resources plan](#) (PWD-R)¹⁰ adopted by the Walloon Government on 22nd March 2018 anticipated the obligations of Directive 2018/851. In particular, it includes a waste prevention programme (section 2 of the PWD-R) including provisions relating to the prevention of food waste (fight against food losses and waste), and it provides for new restrictions for landfill, incineration and a focus on public cleanliness (in accordance with Article 11 of Directive 2019/904).

The separate collection of hazardous waste and recoverable waste has been in place for many years. The municipalities have an obligation to organise the service, and the list for different waste streams has grown over time. It also includes the collection of bio-waste. The [framework of the obligation](#) is the decree of 5th March 2008, relating to the management of waste resulting from households and the related costs. With regard specifically to packaging waste, [the cooperation agreement of 4th November 2008, relating to the prevention and management of packaging waste](#), sets the minimum obligations reflected in the approvals of bodies implementing the EPR for household and industrial packaging. Sorting for the recovery of business waste in general is regulated by [the order of the Walloon Government of 5th March 2015, establishing an obligation to sort certain waste](#) that sets separate collection for flows, subject to EPR, including packaging waste, green waste, non-soiled textiles and wood waste.

9. The text and the Walloon decree of consent of July 2, 2020 are published in the Belgian Official Gazette of July 15, 2020

10. <https://sol.enviroennement.wallonie.be/files/PWDR/WWRP-NTS-EN.pdf> English version

Flanders

EU Waste Directives are transposed through three relevant sets of environmental legislation in Flanders, **but the transposition process was not finalized at the beginning of October 2020:**

- ▶ [VLAREM II](#): Order of the Flemish Government of 1 June 1995 concerning General and Sectoral provisions relating to Environmental Safety. The VLAREM legislation contains the rules on environmental permits. It lays down the criteria for which kind of activity an environmental permit is required, and it sets the minimum criteria that activities need to abide to with the aim of protecting the environment. For different kinds of activities, minimum rules have been laid down, such as for the recovery and disposal of waste. These environmental permits need to guarantee that waste treatment activities have a limited environmental impact.
- ▶ The [Materials Decree](#) entered into force on 1 June 2012. The legal text starts from an integral view of the material chain that is essential to find a lasting solution to the waste issue. It anchors sustainable materials management in Flanders. The decree implements the European Waste Framework Directive (EC) 2008/98 for waste management in Flanders. The Waste Decree from 1981 was abolished completely.
- ▶ Parallel to the decree, the Flemish Regulations for the sustainable management of material cycles and waste, the [VLAREMA](#), completely replaced VLAREA and contains more detailed regulations on special waste, raw materials, separate collection, transport, the obligation to register and extensive producer responsibility. The Materials Decree and VLAREMA entered into force simultaneously on 1 June 2012, with a few exceptions of transitional provisions.

Since 1995, Flanders has had overall mandatory measures on separate collection and recycling for many waste streams in place, established in the aforementioned laws and implementing acts. Apart from that, Flanders also use bans and taxes to discourage landfill and incineration. With the mix of these measures, Flanders has already achieved high collection and recycling rates. [Landfill and incineration taxes](#) have been in place since 2007 and are regulated by the Materials decree (Articles 44 et seq). Landfill and incineration taxes guarantee that landfilling is more expensive than incineration and that incineration is more expensive than recycling. The taxes were raised by 50% in 2015. The basic principle is that the polluter pays. The waste taxes are partly of a financing nature but also, and above all, steering. The steering effect results from the differentiation of the taxes according to the nature of the processing and the nature of the waste. In addition, environmental taxes are also due if Flemish waste is landfilled, incinerated, sorted or pre-treated outside Flanders.

Landfill and incineration bans are in force in order to stimulate high valorisation of waste. Landfill and incineration bans apply to both household and industrial waste. Waste which, by reason of its nature, quantity or homogeneity, in accordance with best available techniques, is suitable for reuse or recycling is prohibited from landfilling and incineration, as is mixed waste, which is suitable for sorting. The prohibitions apply both to landfill and incineration within Flanders and to collection and disposal for landfill and incineration outside Flanders. There is also a landfill ban on mixed municipal waste, waste collected for recovery, combustible or recyclable fractions from sorting or pre-treatment, and old and expired medicines. (Articles 4.5.1 and 4.5.2 of the VLAREMA).

The Flemish Climate Action Plan 2021-2030 contains targets for a reduction in the amount of residual waste sent to incineration, by 25% by 2030, through stepping up the separate collection of recyclable waste streams. This corresponds with a drop in the amount of residual household waste, from 145 kg per person to 100 kg per person by 2030. The incineration capacity will be decreased accordingly, so as to avoid the emissions of CO₂ coming from the burning of waste. In the longer term, CO₂ emissions coming from the remaining incineration facilities will need to be captured for use in products. Flanders has several sectoral policy and action plans in place for specific material streams that contain measures addressing all steps in the materials hierarchy. It aims to stimulate the highest steps (such as prevention, reuse, recycling) and reduce the lowest steps (landfilling and incineration). Most of them are currently under revision.



Since 1995, Flanders has had overall mandatory measures on separate collection and recycling for many waste streams in place

FLANDERS ACTION PLAN ON PLASTICS 2020-2025

The action plan on plastics for 2020-2025 introduces around 30 concrete actions for a more circular plastics economy, divided into four action fields:

- i)** Prevention of plastic litter. An Integrated Action Plan on Marine Litter, deals with plastic flotation debris, fishing nets and micro plastics. It aims for an implementation of the Belgian sectoral agreement on phasing out intentionally used micro plastics in care products;
- ii)** Reduction and efficient use of plastics, focusing on eco-design. It introduced a ban on single-use plastic cups at cultural events from January 2020, stimulating an increase in reusable cups;
- iii)** Creating a sustainable recycling market: it combines increased targets for separate collection of plastics with investments in high-performance sorting and recycling facilities, giving a boost to the recycling market;
- iv)** Stimulating plastic secondary raw materials as a fully-fledged raw material. The plan is to achieve an integrated plastics chain, in which the chemical and plastics processing industry cooperates with waste processors through industrial symbiosis. As a start, waste bags should be made of 100% recycled material by 2025.

FLANDERS PACKAGING PLAN

On 20th July 2018, the Government of Flanders approved a plan on packaging. It covers all kinds of packaging (not only plastic packaging). The main lines of this plan are:

- i)** fighting the problem of litter,
- ii)** more separate collection and recycling,
- iii)** more attention to packaging design and distribution methods and
- iv)** more local recycling.

The Government of Flanders aims for 65% recycling of plastic packaging by 2023 and 70% by 2030. Another concrete ambition is to make all packaging reusable, recyclable, compostable or biodegradable by 2025. By the end of 2020, all plastic packaging has to be separately collected in the blue recycling bag (instead of only plastic bottles, metal packaging and drink cartons). The expectation is that 8kg of plastic waste per inhabitant will shift from the residual waste bag to the waste that is collected separately.

On EPR, a draft decree transposing the Directive 2018/851 received a first approval by the Flemish government in July 2020 and is expected to enter into force by the beginning of 2021. This draft decree proposes amendments to the Flemish materials decree to transpose amended parts 8 and 8 bis of the WFD, especially on both aspects of financing (scope and distribution) and eco-modulation of EPR. Flanders has two systems for EPR schemes:

- Certain streams, such as household packaging, are managed in a collective system, where the producer's responsibility organisation (PRO) becomes owner of the materials and is responsible for 100% of the cost for collection and management of waste.
- Other streams, such as industrial packaging or waste oils, are managed in an individual scheme, where PROs do not become owner of the materials, but outsource the management to the private market against financial retributions which do not cover 100% of the costs of collection and management of the waste.

In the materials decree it is foreseen that PROs are responsible for at least 80% of the costs for separate collection and recycling. For those systems where PROs become owner of the collected waste, the PRO is 100% responsible. PROs that do not become owner of the waste give fees to the original waste producer or the collector for the separate collection and treatment of the waste. In those systems, the fees must cover the net costs of collection and recycling for the system as a whole.

Flanders defined a reuse target to be achieved by the reuse sector of 7kg of sold goods per person/year by 2022. This is a combined target for both preparing for reuse, and reuse itself. Flanders also has other waste prevention targets:

- The target of 100 kg of residual waste per inhabitant by 2030.
- Total quantity of waste produced per capita per year should be below 502kg by 2022.
- By 2022, litter will be reduced by 20% (in terms of weight) in comparison to 2015.



Flanders defined a reuse target to be achieved by the reuse sector of 7kg of sold goods per person/year by 2022



According to the [EU's Environmental Implementation Review](#) (2019), Croatia was one of the countries to miss the 2020 recycling target, with a 24% recycling rate (including composting), 72% landfilling rate and waste generation gradually increasing. The European Commission issued a set of policy recommendations as part of the 'Early Warning Report' that aims to improve the quality of data (especially for packaging), tackle separate collection problems by supporting municipalities and improve EPR for packaging. On the other hand, the report mentions the progress in bringing Croatia's national legislation into line with the EU Waste Framework Directive and the adoption of the waste prevention and management plan (2017-2022).

The official response from **Croatia mentions that in September 2020 the country was still in the process of transposing the EU Waste Directives into the national legislation** by drafting the new Waste Management Act. After its publication, it is planned to adopt the relevant by-laws. It is noted that Croatia has no incineration facilities and the [Waste Management Plan 2017-2022](#) has not been updated to meet the EU's Waste Directives.

Under the current legislation, Croatia has in place EPR systems for packaging (non-hazardous), WEEE, batteries, end-of-life vehicles, waste lubricant oils and waste tyres, which were established from 2005-2007. Existing systems cover costs of separate collection of waste and its subsequent transportation and treatment, costs of providing adequate information to waste holders and costs of data gathering and reporting to the European Commission. When placing products (covered by EPR) on the market, producers are obliged to register, submit reports and pay the prescribed fees (waste management fees) to the Environmental Protection and Energy Efficiency Fund. The Fund is the body in charge for the coordination and control of collection and treatment of the aforementioned products/categories of waste and producers who paid the prescribed fees to the Fund have no further obligations in connection with the collection and treatment of waste generated from their products. Currently, the Fund is the only model of collective compliance system/scheme in Croatia that "brings together" producers, distributors/sellers, waste collectors and waste treatment operators. The fees in existing EPR systems are not eco-modulated according to criteria relating to the circularity or toxicity of the packaging or product. The objectives set out for the above waste streams are in line with those set out for each waste stream in the relevant Directive and include the national waste management targets, but still need an update to new "waste packaging" Directives.

For packaging waste that is hazardous, the producer (of products containing hazardous substances) is obliged to organise at their own expense the entire system of collection and treatment of such packaging waste (there are no prescribed fees for such packaging and no authorised collectors). For example, the association of producers of pesticides ([Croatian Crop Protection Association](#) – CROCPA), manages this type of packaging waste on behalf of producers, but this association is not PRO in terms of EPR and the Croatian Act on Sustainable Waste Management.

According to the [Environmental Implementation Review](#) from 2019, the Czech Republic was on track to meet the 2020 recycling targets, with 34% recycling rates and 48.5% going to landfill. The country has a well-functioning EPR scheme for packaging and is exceeding the relevant packaging targets (75% packaging recycling in 2016, third place in the EU, although it decreased to 70% in 2018). Among the priorities mentioned by the report, the Czech Republic should increase the landfill tax, set an incineration tax and improve the separate collection system.

At the end of September 2020, the Czech Republic was still in the process of transposing the EU waste legislation. A new Act on Waste, new Act on End of Life Products and an amendment to the Act on Packaging and Packaging Waste have been prepared and debated in the Chamber of Deputies and they are expected to come into force from January 2021. The main measures to support the application of waste hierarchy is a proposed increase of the landfilling tax and a landfilling ban on recyclable and recoverable wastes from 2030. A new Act on the Reduction of the Impact of Certain Plastic Products on the Environment, which will transpose the Directive (EU) 2019/904, is being prepared. It is expected that this will come into force from 1st July 2021. The Czech Republic is also updating its Waste Management Plan and Waste Prevention Programme, with regard to the new European targets. Both plans should be issued together with the new waste legislation.





On waste prevention, the [EU Environmental Implementation Review](#) considered in 2019 that Denmark had taken appropriate steps to improve waste management (it has the highest amount of waste generated among EU countries) and achieved the 2020 European waste targets. However, this limited progress shows that more effort will be required to ensure compliance with the recycling targets for the post-2020 period – sustained action to reduce the incineration (52.8%) of municipal waste. In Denmark, 46% of municipal waste was recycled in 2017 (EU average is 46%) and the country has one of the lowest proportions of landfilled municipal waste in the EU (1%). In order to reach the post-2020 waste targets, the report mentioned key priorities of implementing projects aimed at improving waste data reporting and extended producer responsibility, as well as capacity-building projects for municipalities and necessary waste management reforms in the country (a shift from incineration to prevention, reuse and recycle).

In August 2020, **Denmark was in the process of transposing the EU Waste Directives**. The Directive (EU) 2018/851 will be transposed into national legislation by:

- The Act on Environmental Protection no. 645 of 19th May 2020 ([National Waste Management Plans and Waste Prevention Plans](#)). The Act transposes articles 28 and 29 in Directive 2018/851 and will be carried out in the statutory Order on Waste, which is brought into force on 1 January 2021.
- [The Act on Environmental Protection no. 807 of 9th June 2020](#) transposes article 1 (8) and (9) in Directive (EU) 2018/851 and article 1 (8)(2) in directive (EU) 2018/852. The Act will be carried out in several statutory orders and these will be brought into force by 5th January 2023 (existing EPRs) and 31st December 2024 (EPR on packaging).
- Order on Waste (expected public hearing in autumn 2020, not published yet).

The updates to the National Waste Prevention Plan and National Waste Management Plan so they will be aligned to the new waste targets are in progress and the expected public hearing is due in autumn 2020.

The EPR system in Denmark is enforced for WEEE (EPR system covers transportation from the point of collection and to the treatment facility, the treatment costs and information costs), batteries (all costs covered), end-of-life vehicles (all costs covered) and certain beverage packaging (deposit-return scheme, all costs covered). The country is currently creating an EPR system for all packaging, which will come into force by 31st December 2024 (the functionality details are not yet set). Most producers in the existing EPR systems are members of a PRO to whom they pay a fee per product put on the market. The PRO then pays the treatment facilities for the waste treatment on behalf of its members. In the EPR system on batteries, the producers also pay a fee to the state to cover the costs of the municipal collection of portable batteries.

On separate collection, Denmark has set up separate collection systems for paper, metal, plastic and glass, with the possibility of collecting certain types of waste together (metal/glass, metal/plastic or metal/glass/plastic) where their potential to undergo recycling are not affected. The new systems where waste is collected from households are coming into force on 1st July 2021 and will cover all Danish municipalities. The combination of metal/glass/plastic is supposed to cease to exist in 2025. Denmark has also set up separate collection systems for hazardous waste (from 1st July 2021), bio-waste (food waste from 1st July 2021 and garden waste from 2024 at the latest), textile waste (from 2022), food and beverage cartons (composite waste, from 1st July 2021). In the Order on Waste, it is specified that Danish municipalities and companies have to secure a high recycling rate and that waste that has the potential to be reused or recycled may not be incinerated.

Denmark is also working on an improved system for the oversight with the Danish incinerators in order to prevent reusable or recyclable waste being delivered for incineration. The country has implemented the EU Landfill Directive of waste in the Danish executive order on landfill of waste ([Bekendtgørelse nr. 1253 af 21 november 2019 om deponering af affald](#)). Several of the articles in the Directive have been implemented in other regulations ([affaldsbekendtgørelsen og affalds- og råstofafgiftsloven](#)). The implementation of the Directive did not affect the Danish landfill waste management.

The Directive (EU) 2018/852 is transposed into national legislation by:

- The Act on Environmental Protection ([Lov om ændring af lov om miljøbeskyttelse](#)), which transposes article 1 (8)(2) in Directive (EU) 2018/852. The Act will be carried out in the statutory order on packaging and will be brought into force by 31st December 2024.
- The Act on Environmental Protection ([Lov om ændring af lov om miljøbeskyttelse](#)) prohibits retailers distributing plastic carrier bags with a wall thickness below 30 microns and prohibits the free distribution of plastic carrier bags with a wall thickness over 30 microns. A minimum price is stipulated in the statutory order on packaging. The Act transposes the general purpose of the Directive and the amendment in article 4, which states that preventive measures are implemented in order to stop the generation of packaging waste and to minimise the environmental impact of packaging.
- The statutory order on packaging ([Emballagebekendtgørelsen](#)) has been revised and a new order was issued on 30th May 2020. In the new order, definitions, e.g. “packaging waste” and “composite packaging”, were brought into compliance with the revised Directives. The order also stipulates, that retailers must charge a minimum of 4 krone for certain carrier bags. This order also transposes the general purpose of the Directive and the amendment in article 4.

Since 1981, Denmark has implemented a DRS for reusable/refillable packaging for carbonated mineral water, lemonades or similar non-alcoholic soft drinks. Until 2002, it was only legal to market such beverages in reusable packaging. In order to comply with EU regulation, it became legal to market beverages in one-way packaging in 2002. One-way packaging was included in the deposit and return system in order to be recycled. The Danish deposit and return system is regulated in the [statutory order on deposits and collection](#), of packaging for certain beverages. In June 2020, the Danish government reached an agreement on climate action in the waste sector and circular economy. The agreement contains a target for consumption reduction of two single-use plastic product categories: cups for beverages, and caps and lids and food containers. The target is set for 50% in 2026 and the sector needs to participate actively through partnerships. The expectation is that the initiative will lower the consumption of these single-use plastic products, especially as takeaway packaging. The intention is to incentivise reusable packaging solutions in the takeaway sector.

Denmark has generally taken measures to ensure the necessary stakeholder engagement in the processes for adopting the legislative changes through meetings, workshops and close dialogue – particularly regarding the collection of municipal waste and producer responsibility. The main difficulties in achieving the new targets are: 1) dependence on citizens’ and companies’ commitment to sort the waste correctly in order to get more clean waste streams for better recycling and 2) dependence on companies designing better recyclable packaging.

Examples of good practice are guidelines to the municipalities for sorting correctly and collecting waste most efficiently from households. Furthermore, Denmark has developed pictograms for the different waste streams, which municipalities and companies are required to use throughout the country.

The government has reached an agreement¹¹ on a climate-neutral waste sector in 2030, with far more recycling and far less incineration. [The National Climate Action Plan](#) will lead to a reduction of approximately 0.7 million tonnes of Denmark’s greenhouse gas emissions by 2030, and promotes a green waste sector and circular economy containing additional initiatives to those required by the Waste Directives.

11. <https://mfvm.dk/nyheder/nyhed/nyhed/bred-politisk-aftale-sikrer-groen-affaldssektor-i-2030/>

The [EU Environmental Implementation Review](#) considered that Estonia was at risk for non-compliance in reaching the 2020 waste targets, with a municipal recycling rate of 28% and a shift from landfilling (19%) towards incineration (42%). Furthermore, the early warning report from 2019 stated that Estonia would need to make even more efforts to comply with the recycling targets set for the post-2020 period. The report identified the structural problems leading to slow progress in recycling, partly due to regulatory barriers that are causing uncertainty in the country, including the possibility for municipalities to choose between tendering for the market and competition in the market, which has also slowed down investment in the sector. The separate collection system is not efficient (lack of focus on door-to-door services and generous derogations from the obligation to organise food waste collection) and EPR schemes for packaging are not integrated in municipal collection services. Low waste fees limit the incentives for households to separate waste and there are no effective instruments to force municipalities to comply with the recycling targets. There is no incineration tax to shift waste management towards recycling.

In August 2020, Estonia **was still in the process of transposing the EU Waste Directives**. The draft amending the [Waste and Packaging Act](#) passed its first reading after being approved by the Government on 11th July 2020. This transposes and fulfils the obligations arising from the relevant EU Waste Directives. The [National Waste Prevention Plan](#) and National Waste Management Plan (2014-2020) are also under revision. Estonia admits that it will be difficult to reach the new targets, one of the major problems being the low separate collection rate.

Estonia has in force environmental charges for waste disposal, set by article 21 of the [Environmental Charges Act](#). Pollution charge rates per tonne of waste are as follows:

- 1) hazardous and non-hazardous waste, except for the waste specified in clauses 2 to 4 of this subsection – 29.84 euros;
- 2) waste building materials containing asbestos – 0.63 euros;
- 3) oil shale fly ash, oil shale bottom ash, oil shale semi-coke, and gas-decontamination waste, which is generated upon producing cement and contains hazardous substances or solid alkaline gas-decontamination waste – 2.98 euros;
- 4) mineral waste from oil shale, including waste from mineral dressing – 1.31 euros.

Regarding the EPR schemes, Estonia covers packaging, tyres, vehicles, WEEE, agricultural plastic, batteries and accumulators and they cover the costs for management (collection, transport, recovery and disposal of waste) of the waste generated from the products of concern and packaging placed on the market. The costs also include notifications for customers and information campaigns for packaging. According to the Waste Act, the waste handling fee payable by the producer takes into account the durability, reparability, reusability and recyclability of the product and the presence of hazardous substances (based on the product life cycle).

On separate collection, the current system came into force in 2015 and states that where it is technically, environmentally and economically feasible, the local government shall organise at least the separate collection of paper, cardboard, metal, plastic, glass, bio-waste and hazardous waste. The Ministry of the Environment has established a procedure for separate collection and sorting of municipal waste by a [regulation](#) that was amended with targets for local administrations. The draft Waste Act also prohibits the incineration of municipal waste that has been separately collected for preparing for reuse and recycling.

On DRS, there is a deposit scheme for reusable glass and plastic packaging on beer, alcoholic beverages with low ethanol content, cider, perry and soft drinks. For non-reusable packaging of beer, alcoholic beverages with low ethanol content, cider, perry and soft drinks, DRS is in place for glass, plastic and metal packaging. The draft legislation mentions the possibility of a voluntary DRS system for alcoholic beverages with high and low alcoholic content and for syrup that will include both reusable and non-reusable packaging.

The 2019 [Environmental Implementation Review](#) report listed Finland as one of the countries at risk of missing the 50% recycling rate, with the following data from 2017: 41% recycling rate (13% composting), 59% incinerated, 1% landfilling. Separate collection in the rural areas with low density has not been a priority because of the low collection volumes and long distances between properties, door-to-door recycling collections in more suburban areas have also not been a priority, while the EPR schemes have been fragmented. Finland will also have to do more to comply with recycling targets after 2020, especially to reduce the incineration of municipal waste, including to shift away from this process for reusable and recyclable waste.

The official response from Finland in July 2020 stated that the transposition process was ongoing. The draft legislation has been under public consultation and they received approximately 350 public comments that were analysed prior to it reaching the Finnish Parliament this autumn. From thereon, the parliamentary decision-making process will last for several months before the legislation can be accepted and will enter into force.





[The EU Environmental Implementation Review 2019](#) concluded that Germany had already met the 2020 recycling targets, being among the best performers in the EU with a 68% recycling rate, 31% incineration rate (including energy recovery), while landfilling is practically non-existent (1%). More effort will be needed in relation to the incineration rate in order to comply with the post-2020 recycling targets. Germany's incentive systems to promote waste prevention and participation in separate collection (PAYT) are highly efficient, and EPR systems are in place for different waste streams.

In August 2020, **Germany was still in the process of transposing the EU Waste Directives**. Regarding the transposition of the Directive (EU) 2018/850, out of the 38 legal requirements, 28 do not require transposition, three have already been transposed into national law [Gewinnungsabfallverordnung](#) (Ordinance on mining waste), [Umweltstatistikgesetz](#) (Environmental Statistics Act) and [Kreislaufwirtschaftsgesetz](#) (Circular Economy Act). Three further requirements were transposed by the amendment of the German Landfill Ordinance ([Deponieverordnung](#)), which entered into force on time with its publication in the Federal Law Sheet ([Bundesgesetzblatt](#)) of the Federal Republic of Germany on 3rd July 2020. This means that six of the ten requirements to be transposed have been implemented into German law. The remaining four will be transposed into national law by implementing Article 1 of the Act Implementing the Waste Framework Directive of the European Union amendment to the German Circular Economy Act.

In Germany, the core elements of the circular economy are set out in the Circular Economy Act that transposes the Waste Framework Directive (Directive 2008/98/EG) into national law and outlines the legal basis and fundamental principles of the circular economy. The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety published the government draft of the regulation on 12th February 2020. The German Bundestag and Bundesrat aimed to take a final decision in September/October 2020, so that the amendment of the Circular Economy Act will probably enter into force in autumn 2020. The new amendments aim to expand the EPR schemes and to promote preparing to reuse and recycling. Further amendments due to Directive (EU) 2018/851 are necessary concerning the Electrical and Electronic Equipment Act ([Elektro- und Elektronikgerätegesetz](#)) and concerning the disposal of waste ([Nachweisverordnung](#)).

In accordance with Article 7, section 2 of the Directive on Packaging and PackagingWaste, all types of packaging are to be covered by EPR schemes. In Germany, such EPR schemes already existed before 4th July 2018 and are predominantly in accordance with the new regulations established in the Directives 2018/851 and 2018/850. The country is working on amending and specifying a few provisions to make sure that they cover all the details of these Directives, which will update mainly the Packaging Act ([Verpackungsgesetz](#)). In addition, Germany is planning to extend the powers for the national authority on environmental statistics in order to establish a comprehensive information system that will ensure reaching the waste management goals.

With regard to increasing the amount of reusable packaging that is used, Germany has a mandatory deposit system for single-use beverage containers and a different collection scheme for other single-use packaging items. Both of these systems are designed to incentivise the use of reusable packaging. To minimise the use of lightweight plastic carrier bags (which is already below the long-term goals of the European Packaging Directive), Germany has proposed a law prohibiting the distribution of such bags with a material thickness of 15 to 50 micrometres.

[The Environmental Implementation Review](#) (2019) noted that Hungary was at risk of missing the 2020 waste targets, with a 35% recycling rate (including 8% composting) and 48% landfilling. Additional efforts will be needed to meet the post-2020 waste targets.

The official response stated that in **September 2020 Hungary was in the process of adopting the EU Waste Directives**. The delay was due to the COVID-19 pandemic. Concerning the transposition of the Directives (EU) 2018/849, (EU) 2018/850, (EU) 2018/851, (EU) 2018/852 and (EU) 2019/904, the draft legislation for the partial transposition (i.e. Article 5) of the SUP Directive has been sent to the European Commission for approval, and the statutory empowering provisions were adopted by the Hungarian Parliament in its spring work session.

Further Directives are also being transposed, but this task will be implemented together with other measures aimed at rationalising the waste management sector and creating a medium-term waste strategy for Hungary.





[The Environmental Implementation Review](#) from 2019 concluded that Ireland should be very close to meeting its targets for 2020, as pay as you throw (PAYT) was introduced in 2017, which is expected to improve the recycling rate from 41% in 2016. From 2013 to 2016, Ireland substantially reduced its landfill rate (from 38% to 26%), and increased waste incineration (from 16% to 29%). It has introduced the requirement for households to sort the food waste and has made an effort to increase public participation via several awareness and education measures, including on food waste and separate collection.

In September 2020, Ireland transposed the EU Waste Directives into national legislation and updated the [Waste Action Plan for a Circular Economy 2020-2025](#). Ireland held a General Election on 8th February 2020. Subsequent to the election, Government formation took four months, with new Ministers being appointed on 27th June. This longer than expected time can be partially attributed to the outbreak of COVID-19 in Ireland in March 2020. The [Programme for Government](#) was published on 15th June 2020 and it sets out, among others, the priorities aligned to the EU Waste Directives (page 37). The amended waste legislation was developed within the [Waste Advisory Group](#), which gathered extended [stakeholder engagement](#). Ireland's National Waste Policy 2020-2025 provides a roadmap to transition to a circular economy in the decade ahead. The plan includes halving the food waste by 2030, the introduction of a deposit and return scheme for plastic bottles and cans, a ban on certain single-use plastics from July 2021, and a levy on disposable cups. Other measures include applying green criteria and circular economy principles in all public procurement, a waste recovery levy to encourage recycling, and ensuring all packaging is reusable or recyclable by 2030¹².

The three new [statutory instruments](#) signed on 28th August 2020 are:

- European Union (Waste Directive) Regulations 2020 ([S.I. No. 323 of 2020](#))
- European Union (Landfill Directive) Regulations 2020 ([S.I. No. 321 of 2020](#))
- European Union (Packaging Directive) Regulations 2020 ([S.I. No. 322 of 2020](#))

The newly published [Waste Action Plan](#) (4th September 2020) is fully aligned to the EU Waste Directives (including SUP) and the [2020 Circular Economy Action Plan 'For a cleaner and more competitive Europe'](#). As the waste prevention plan¹³ is one of the best practices in the field from the EU since 2004, the new Waste Action Plan aims to ban single-use coffee and cold drink cups, condiment sachets, hotel toiletries and non-medical wipes.

12. <https://www.gov.ie/en/press-release/eb955-minister-ryan-launches-waste-action-plan-for-a-circular-economy/>

13. See below the section – Ireland best practice

ADDITIONAL TARGETS SET BY THE WASTE ACTION PLAN – SUP (PAGE 32)

“In addition, under the SUPD, any beverage container (bottles, cartons etc.) up to 3 litres in size will be banned from the Irish market from 3 July 2024 unless its cap is attached to the main part of the container. Beverage producers will also be prohibited from placing any SUP polyethylene terephthalate (PET) bottle up to 3 litres in size on the Irish market from January 2025 unless it contains a minimum of 25% recycled plastic. They will also be prohibited from placing any SUP bottle up to 3 litres in size on the Irish market from January 2030 unless it contains a minimum of 30% recycled plastic. By 5 January 2023, producers of packaging will also be required to cover the costs of litter clean up associated with the following SUP items: food containers, packets, wrappers, beverage containers, cups, lightweight carrier bags”

DRS commitment

- Ireland will introduce a deposit and return scheme for plastic bottles and aluminium cans based on stakeholder engagement (the food and drink industries, retailers, waste collectors and treatment facilities, and partners from Northern Ireland). The legislative basis for the delivery of a DRS scheme will be provided through the transposition of the Single-Use Plastics Directive (3rd July 2021);
- In line with the requirements of the SUPD, they aim to introduce EPR requirements for: tobacco products, balloons, wet wipes (those not subject to an outright ban) and fishing gear;
- The Office of Government Procurement will ensure that public bodies are fully supported in their efforts to avoid single-use plastics consumables;
- The plan aims to impose environmental levies on food containers (as with coffee cups and cold drinks cups);
- On the Packaging Directive, regarding DRS, the Minister of Environment has confirmed that Ireland will introduce a deposit and return scheme for plastic bottles and aluminium cans

On EPR¹⁴, Ireland covers the following streams: WEEE, batteries, packaging, end-of-life vehicles (ELVs), tyres and farm plastics. The plan is to look into the introduction of EPR schemes for textiles, bulky waste, including mattresses, paint, medicines and farm hazardous waste. In line with the Programme for Government commitment, Ireland will end self-compliance as an option under EPR. This will facilitate the mandatory introduction of EPR for all packaging producers before the 2024 EU deadline and will mean all producers will be liable for the eco-modulation of fees (i.e. recyclable packaging will have lower fees and non-recyclable, composite packaging and over-packaging will be heavily penalised)¹⁵. Moreover, producers will be made liable for a minimum of 80% of the costs associated with the waste management of the amount of packaging they place on the market. By 5th January 2023, producers of tobacco products that contain plastic will be subject to an EPR scheme. By 31st December 2024, producers of balloons, wet wipes and fishing gear will be subject to an EPR scheme.

On separate collection, Ireland has a privatised system. Authorised waste collectors must hold a valid permit issued by the National Waste Collection Permit Office. Municipal waste is collected in bins for recyclable waste, general waste, and compostable waste. The focus in recent years has been on increasing the availability, and use of, the compostable bin. On reusing, Ireland is committing to introducing national reuse targets and to setting reuse requirements for Public Procurement. A particular example of the need to consider national specifics is that of the municipal waste collection system, which is privatised and comprised of multiple operators. This differs from the majority of EU Member States. The Plan states that Ireland will require permitted operators to deliver on the municipal waste recycling targets as conditions of their waste collection permits (i.e. collectors will be required to achieve a 55% recycling rate of municipal waste by 2025, 60% by 2030 and 65% by 2035). The effect of this will be to incentivise the waste industry, in the context of the current market structure, to drive enhanced segregation including for apartment complexes. Permits will also drive the coordination and coherence of separate collection criteria.

14. <https://www.dcae.gov.ie/en-ie/environment/topics/waste/producer-responsibility-initiative/Pages/default.aspx>

15. Page 29 of the [Waste Management Plan](#)



The EU [Environmental Implementation Review](#) for Poland mentions that the country was at risk of missing the 2020 recycling targets. Poland has taken significant steps towards improving its waste treatment in recent years, although the recycling rate is at 34% and landfilling remains a predominant form of waste treatment, with a rate of 42% (2016 data). The report also mentions the need to better implement the separate collection systems.

The official response from Poland states that the country was **still in the process of transposing the EU waste legislation in September 2020**. Directive 850/2018 has been transposed into the national legislation. Regarding the landfill fees, they are available in the [Regulation of Council of Ministers of 22nd December 2017 on rates of environmental fees](#) and they depend on the type of landfilled waste, fees that are set annually (example [for 2020](#)). Poland's [National Waste Management Plan 2022](#) includes the National Waste Prevention Programme and takes into account targets set up in the Directive.

The transposition of the Directives 851/2018 and 852/2018 is still in progress. Poland's EPR systems is in place for five types of products: batteries and accumulators, WEEE, end-of-life vehicles, oils and packaging (in practice, all kinds). Poland has not adopted differentiated targets for reuse and recycling of waste. Poland has set targets as in the Directive – preparing for reuse and recycling of municipal waste ([Act of 13 September 1996 on maintaining cleanliness and order in municipalities – Art. 3b](#)).

On separate collection, the official response indicates that the country has in place the system for paper, metal, plastic, glass and household waste. It has been obligatory for every municipality in Poland to have this system in place since 1st January 2012, but municipalities had time to amend their local rules accordingly. Moreover, the country has in place separate collection for bio-waste and hazardous waste.

The Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment is being transposed, a draft Act amending the Act of 11th May 2001 on the obligations of entrepreneurs in the field of certain waste management and on product fees and certain other Acts has been prepared and it is being verified by the Legal Department. Moreover, a new database of products, packaging and waste management has been developed and implemented to improve monitoring of products, packaging and waste flows. At the same time, an old database (so called Central Waste System) is still in operation to ensure availability of data.



[The Environmental Implementation Review 2019](#) considered that Portugal was at risk of missing the 2020 EU recycling targets, with incineration (including energy recovery) at 20%, landfilling at 47% (far above the EU average of around 24%) and the recycling rate for municipal waste in 2017 at 28% (11% of which was recycled, while 17% was composted), after a decrease since 2016.

In August 2020, **Portugal was still in the process of transposing the EU Waste Directives**¹⁶. As regards to the transposition of the Directive (EU) 2018/850 and Directive (EU) 2018/851, Portugal plans to transpose both Directives into national legislation by the end of 2020. Concerning Directive (EU) 2018/852, the [Decreto-Lei n.º 152/2017](#) foresaw the possibility of reusable package systems, and established some of its rules¹⁷. The use of reusable packaging was further specified in a proposed law amendment by the Portuguese Environment Agency (Decree-Law No. 152-D/2017, transposing the Directive 2018/852) and is now being analysed by the Ministry of Environment and Climate Action. The draft Decree-Law promotes the possibility of more robust reusable packaging systems and sets reusable package systems with reuse targets in the beverages sector, set to 2025 and 2030. This proposal maintains the possibility of implementing them throughout deposit schemes, and establishes mandatory reusable primary packaging for drinks and beverages intended for immediate consumption to be served in food establishments (HORECA sector).

Furthermore, the Portuguese Environment Agency (APA) reported the following legislative measures in relationship to the EU Waste Directives:

- Portuguese National Budget Law for 2018 established an inter-ministerial working group involving the various stakeholders to evaluate the application of fiscal incentives associated with the reduction of the consumption of plastic bags and their applicability to other disposable plastic products of fossil origin.
- In 2018/2019, circular agreements were signed for the efficient use of plastic in the value chain, between the APA and sectoral Associations (distribution and retail, beverages, hotels and restaurants). Under these Agreements, a commitment was made to achieve, by 2025, 90% PET bottle collection rate, anticipating the target in the SUP Directive;
- [Law no. 69/2018](#) established an incentive system to be implemented until 31st December 2019, in the form of a pilot project, to encourage the final consumer to return non-reusable plastic beverage containers.

16. The official response was received from the Portuguese Environment Agency, not from the Ministry of Environment and Climate Change

17. The DRS system has a very limited applicability; it doesn't have reuse targets

- From 2022, a mandatory deposit-refund system for non-reusable plastic, glass, ferrous metals and aluminium beverage containers should be in operation; with a view to contribute to the transposition and better implementation of the Single-Use Plastics Directive, an inter-ministerial working group will be set up involving the various stakeholders, in order to ensure coordination with other transversal policies and anticipate possible impacts resulting from the implementation of the measures at the national level.
- [Law no. 76/2019](#) determines the non-use and non-availability of single-use plastic tableware in the restaurant and/or drink sector's activities and in the retail trade. In non-sedentary establishments, locations and activities from the restaurant and/or drinks sector, either reusable or biodegradable tableware should be used. In retail trade, no single-use plastic cutlery should be made available for the consumption of food or beverages, with transition periods between one and three years.
- Law no. 77/2019 determines availability of alternatives to the use of very lightweight plastic bags and plastic packages (cuvetes) at points of sale for bread, fruit and vegetables. From 1st June 2023, commercial establishments are prohibited from 1) providing very lightweight plastic bags for primary packaging or transportation of bread, fruit and vegetables and 2) selling bread, fruit and vegetables in disposable packages containing plastic or expanded polystyrene. 100% biodegradable bags and packaging of biological and renewable origin, which are compostable by domestic, industrial or natural composting processes, are excluded from the ban.
- Initiatives by the public administration (e.g. municipalities) in the context of reducing the use of plastics, at the level of services, concessionary services (festivals, fairs, markets) and events;
- APA proposed a legislation amendment to Decree-Law No. 152-D/2017, so that in hotels, restaurants and similar establishments, customers will always be offered the possibility of a container with tap water and drinking glasses, free of charge or at a lower cost than packaged water and complementary to the establishments' offer.
- [Portuguese National Budget Law for 2020](#) forced the establishment of a tax for single-use packaging products, exclusively for takeaway and home delivery meals (article 380). The proposed legislation for this purpose is currently being discussed internally, with the Ministry of the Environment and Climatic Action and the procedure is yet to be subjected to public consultation, before entering the Parliament.

Currently, and for the 2020-2030 timeline, the following planning national documents are being elaborated on by the Portuguese Environment Agency, with the support of several national authorities:

- National Waste Management Plan (Plano Nacional de Gestão de Resíduos | PNGR 2030)
- Strategic Plan for Urban Waste (Plano Estratégico para os Resíduos Urbanos | PERSU 2030)
- Strategic Plan for Non-Urban Waste (Plano Estratégico para os Resíduos Não Urbanos | PERNU 2030).



In August 2020, Portugal was still in the process of transposing the EU Waste Directives

In [the Environmental Implementation Review](#) from 2019, the European Commission listed Romania as among the Member States at risk of missing the 2020 municipal waste recycling target and waste management remains a key challenge for the country. The recycling rate is very low and has stagnated since 2013 (14%, including 7% material recycling and 7% composting) and the landfill rate is very high (at least 70%¹⁸), while the incineration rate has increased slightly to 4%¹⁹. Until the end of 2020, Romania was supposed to close and also rehabilitate 101 non-compliant landfills as required by Article 13 of Directive 1999/31/EC, pending infringement. For biodegradable municipal waste, Romania took up the option to postpone by four years the attainment of its 2016 35% landfill target. Romania has also missed waste targets since 2013 and largely ignored the implementation of the EU's roadmap, issued in the same year, and the key priority actions laid down in 2018 in the Commission's 'Early Warning Report' and the ones from 2019. The current situation in Romania is characterised among others by:

- ▶ a still not stabilised legal framework (enforcement problems²⁰ and a multitude of overcomplicated legislative acts);
- ▶ the absence of relevant instruments to divert waste from landfill (a landfill tax was postponed for years, introduced in 2019 at 10 euros/tonne and from 2020 had an additional 17 euros/tonne for the circular economy tax²¹), and no comprehensive and decisive enforcement action against illegal landfilling;
- ▶ minimal infrastructure for separate collection of recycling from domestic sources, with all current infrastructure based around the 'bring to site' approach;
- ▶ the absence of a clearinghouse overseeing EPR schemes for packaging, checking that recycling and recovery requirements are met and checking producer compliance (identifying free riders).

The official response from the Romanian Ministry of Environment states that in August 2020 the country was **in the process of transposing the EU Directives** as part of the circular economy package. The [National Waste Management Prevention and Management Plan](#) has not been updated to meet the new targets.

However, since 2018, some articles were transposed from the Directive 2018/851/EU to promote recycling in the national legislation, namely the economic instruments of pay as you throw, landfill tax and the new requirements for the extended producer responsibility systems (including the part referring to costs that need to be covered by the system). The following waste flows are covered by the EPR – packaging ([13 economic operators](#)), electric and electronic equipment ([13 economic operators](#)), batteries and accumulators ([6 economic operators](#)), end-of-life vehicles. The costs covered by the EPR schemes, according to the amended national law no. 249/2015, are those established by the WFD Directive. For instance, in the case of packaging waste, the difference brought by the new amendments is that the EPR systems shall cover the net costs of packaging waste from municipal waste and the calculation method.

Romania does not plan to introduce more substantial targets than the ones stated in the EU Directives for reuse and recycling. Romania has no incineration facilities for municipal waste. In order to increase the share of reusable packaging, Romania amended the law in April 2019, introducing a DRS for reusable primary packaging²²; the economic operators should ensure at least an 80% return. Regarding the reporting of data for packaging and packaging waste, Romania has implemented an electronic system²³ managed by the National Environmental Agency since the date of accession to the EU that provides EUROSTAT with what is needed. Moreover, the system is complemented by an application managed by the Environmental Fund Administration that monitors and verifies the traceability of packaging waste (including those managed within the EPR systems).

Note: Law no. 217/2016 regarding food waste was adopted but never enforced due to lack of methodological norms; a new version was adopted by the President in July 2020, again without application norms. Until August 2020, Romania had no compost regulations, when law no. 181/2020 was published. Bio-waste should be separately collected starting from January 2021 (and PAYT extended), although the separate collection is not in place in most regions of the country and most of the local public authorities have no technical facilities to process bio-waste into compost.

18. the figure does not include the temporary storage prior to disposal, which, if added, would increase this rate further

19. In the official response, Ministry of Environment underlined the lack of national incineration facilities. Therefore the percentage mentioned by the EC might not be accurate.

20. More on the National Waste Prevention Management plan case study

21. For municipal and Construction & Demolition waste landfilled

22. The DRS is not yet applicable

23. The data presented by the system has raised many questions, also mentioned in the Waste Management Plan, in the EU reports and even some public declarations by Ministry of Environment and Agriculture representatives.



[Spain's Environmental Implementation Review](#) (2019) mentioned that the country was at risk of missing the 2020 EU recycling targets with only an 18% recycling rate, 15% composting, 54% landfilling and 13% incineration. The 'Early warning report for Spain' identified some key actions for Spain to take to improve performance: to make better use of the economic instruments, to improve and extend the separate collection, to improve the EPR schemes, and to intensify cooperation between the regions to use waste treatment capacity more efficiently and to achieve the national recycling targets.

It was reported that the country is still in the process of transposing the EU waste regulations. The response indicated the following information:

- Directive 2018/850 has already been transposed by Royal Decree 646/2020, of 7th July 2020, which regulates the deposit of waste in landfills.
- Directives 2018/851 and 2019/904 have been incorporated into the draft law on waste and contaminated soils in process (their public information ended on 3rd July). Its referral to the Cortes Generales is expected in late 2020-early 2021.
- Directive 2018/849 is in the process of transposition through two draft royal decrees, one to modify the regulations on batteries and WEEE and the other to modify the end-of-life vehicles regulations. The public information phase has also been completed and the observations are being evaluated. Its approval is expected before the end of 2020.
- Directive 2018/852: the text for a royal decree is being drafted and the adoption process is pending for the end of 2020.

Note: Spain has adopted the [Strategy Circular 2030](#), aligned with the objectives of the two circular economy action plans of the European Union, "Closing the circle: an EU action plan for the circular economy" of 2015 and "A new Circular Economy Action Plan for a cleaner and more competitive Europe" of 2020, in addition to the European Green Deal and the 2030 Agenda for sustainable development.

SPAIN CIRCULAR STRATEGY QUANTITATIVE TARGETS²⁴

The strategy identifies six priority sectors of activity in which to incorporate this challenge for a circular Spain: construction, agri-food, fishing and forestry, industrial, consumer goods, tourism and textiles, and clothing sectors. The document sets out a series of quantitative objectives to be achieved by 2030:

- Reduce national consumption of materials by 30% in relation to GDP, taking 2010 as the reference year.
- Reduce waste generation by 15% compared to what was generated in 2010.
- Reduce the generation of food waste in the entire food chain: 50% reduction per capita at the household and retail consumption level and 20% in the production and supply chains as of 2020.
- Increase reuse and prepare for reuse to reach 10% of municipal waste generated.
- Improve water use efficiency by 10%.
- Reduce the emission of greenhouse gases to below 10 million tonnes of CO₂ equivalent.

24. <https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/economia-circular/estrategia/>



The [Environmental Implementation Review 2019 – Sweden](#) showed that the country was close to reaching the 2020 recycling rate with the data from 2017: 47% recycling rate, 52% incineration and 1% landfilling. Over 70% of municipalities separately collect food waste from households, restaurants and catering companies. The objective is for at least 50% of food waste to be treated biologically to recover nutrients and at least 40% to recover both nutrients and energy. However, more effort will be needed to comply with recycling targets for the post-2020 period, in particular by shifting municipal waste away from incineration and towards recycling.

The country has transposed the EU Waste Directives and has notified the Commission. Sweden has updated both [the National Waste Prevention Plan and National Waste Management Plan](#) to be aligned to the EU Waste Directives. Regarding the Directive (EU) 2018/850, as economic instruments to provide incentives for the application of the waste hierarchy, Sweden has in place:

- an [incineration tax](#) – SEK 125 per tonne of waste that is brought into a waste-incineration facility. It is the owner of the incineration facility that pays the tax (SFS 2019:1274)
- a [landfilling tax](#) – SEK 500 per tonne of waste that is brought into a landfill. It is the owner of the landfill that pays the tax (SFS 1999:673)
- a [ban on incineration and landfilling](#) of waste that has been separately collected for the purpose of preparation to reuse or recycling (SFS 2020:614).

Relating to the EPR reform, the system now covers batteries, vehicles, tyres, packaging, WEEE, medicines and wastepaper (currently considering to repeal the EPR system for wastepaper) and the introduction of an EPR for textiles is being investigated. The EPR for medicines only covers the costs for collection of waste, while the EPR for WEEE covers all costs that are necessary for fulfilling the demands in the WEEE Directive, e.g. costs for collection, transportation and treatment of waste, information to the public and collection of data for reporting purposes.

On separate collection, Sweden has mandatory separate collection for packaging of metal, plastic and glass household waste. Many municipalities have separate collection for other waste streams, packaging of paper and wastepaper, for food waste, WEEE, waste oil, medicines and tyres.

Sweden has a [DRS](#) for plastic bottles and metal cans that contains consumer beverages. All producers that put such products on the market are required to join a system that is approved by the authorities. Moreover, there is a national target that the ratio of reusable packaging on the market will increase by 20% by 2026 and by 30% by 2030. The benchmark will be the ratio achieved in 2022.

According to [the Environmental Implementation Review 2019](#), The Netherlands had already reached the 2020 recycling target, being one of the best performers in the EU, with a 54% recycling rate (including composting) and 1% landfilling (as a result of high taxes and bans). As the incineration rate was 44% in 2017, the country will need to put additional effort in reaching the post-2020 targets. The EU indicated as priority actions the introduction of new policies, including economic instruments, to promote waste prevention, make reuse and recycling more economically attractive and to shift reusable and recyclable waste away from incineration.

In August 2020, **The Netherlands was still in the process of transposing the EU Waste Directives**. Most of the Directive (EU) 2018/850 content has become part of the central environmental law ([Wet Milieubeheer](#)), the [Dutch National Waste Management Plan](#) and the [Dutch Action Plan](#) to implement a circular economy by 2050. Currently, the Dutch National Waste Prevention Plan, as well as the National Waste Management Plan, is being updated because of the changes in the European Waste Directive that came into force on 5th July 2020²⁵.

In order to divert waste from landfill and incineration, the country has implemented an incineration and landfilling tax for companies. In both cases, the amounts to cover the taxes are 32.63 Euros per 1000kg of waste for 2020²⁶. In case of municipality waste, every household is required to pay a waste tax. The amount of tax differs for each municipality. The reason for this tax is to divert waste from landfill and incineration, but in addition it is to pay for the gathering, sorting and processing of waste by the municipality²⁷. For company as well as municipality waste, it is a requirement to sort waste into categories that can be easily recycled, such as glass, paper or plastic. In addition, The Netherlands prohibits sending waste to a landfill site when there is a good recycling option available. These prohibitions are laid down in the "[Besluit stortplaatsen en stortverboden afvalstoffen](#)". Currently, there are 45 categories of waste that are not allowed to be sent to a landfill site and have to be processed by other means, such as recycling. The Dutch government also provides a lot of tax benefits, financial incentives and funds to companies that are contributing to a circular economy and recycling²⁸.

The Directive (EU) 2018/851 was transposed into national legislation through:

- Amendment of the Environmental Management Act ([Wet Milieubeheer](#))
- [Decree implementing the revised WFD](#):
- [Regulation implementing the revised WFD](#):
- The country is still in the process of updating its [Waste Prevention Management Plan](#) (underneath 'beleidsstukken 2015') and its [National Waste Management Plan](#) (NWMP).

On EPR reform, The Netherlands has in place the system for packaging material, electronic devices, car tyres, end-of-life vehicles, construction glass and batteries (covering all costs associated with the waste phase of a product) and is in the process of designing EPR systems for mattresses and textiles. Producers pay a modulated fee to the specific PRO covering mainly the necessary costs for waste management (an eco-modulation fee is applied for packaging on the rate of recyclability of the packaging). Other potential EPRs are being explored in the areas of construction materials, wind turbines and carpets. In the context of the Single-Use Plastics directive, EPRs are being designed for balloons, hygienic cleaning material, tobacco products and fisheries equipment.

Concerning separate collection, the country has systems in place for all waste streams: paper, metal, plastic and glass household waste, though metals and packaging are often collected together and separated at a later stage. Waste management and collecting is a competence of the Dutch municipalities. They are free to design the waste management system that fits their municipality best, as long as all standards as laid down in legislation and the NWMP are being adhered to. Some municipalities provide for the separate collection of bio-waste, whereas in other municipalities this is not deemed economically or environmentally viable.

25. <https://eur-lex.europa.eu/legal-content/NL/TXT/?uri=CELEX%3A32018L0851>

26. https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/zakelijk/overige_belastingen/belastingen_op_milieugrondslag/tarieven_milieubelastingen/tabellen_tarieven_milieubelastingen?projectid=6750bae7%2D383b%2D4c97%2D6c7a%2D802790bd1110

27. <https://www.vang-hha.nl/algemene-onderdelen/programma/>

28. <https://www.rvo.nl/subsidie-en-financieringswijzer?filter3=31321>

PRESENTING THE MOST ADVANCED NEW MEMBER STATES' LEGAL SOLUTIONS FOR TRANSPOSING REVISED EU WASTE DIRECTIVES: UPS AND DOWNS FOR ACHIEVING NEW EU WASTE TARGETS

As half of the Member States are at the risk of not achieving this year's target to recycle 50% of municipal waste, the Commission mentioned in the Circular Economy Action Plan²⁹ additional support measures for Member States before using its enforcement powers. But such measures, which include the organisation of high-level exchanges on circular economy and waste, improving cooperation with Member States, regions and cities in making the best use of EU funds, will support Member States in the medium- and long-term and will not have an impact on 2020 recycling targets. As the amount of waste generated is not going down, despite the mandatory adoption by the Member States of waste prevention plans, the EU's Circular Economy Action Plan mentions the need for waste reduction targets for specific streams as part of a broader set of measures on waste prevention in the context of a review of Directive 2008/98/EC.

EEB has promoted a position paper³⁰ on the need to harmonise the separate collection process among the Member States, where the recycling rates vary³¹ from 6% in Malta and 11% in Romania to 68% in Germany. Separate collection of waste is a precondition for high-quality recycling (and preparation for reuse) and models like door-to-door collection/separate collection at source and PAYT have multiple benefits. They are cost-efficient schemes, target-oriented and have increased environmental awareness of the participants. Moreover, for some waste streams, like glass, aluminium and plastic, Deposit Return Systems (DRS) deliver the high quality recyclables at lowest public budgetary impact, as the local authorities no longer need to collect, process, transport and pay for landfilling/incineration of a voluminous segment of packaging waste.

According to the Circular Economy Action Plan, the Commission will also focus on expanding the EPR schemes and will provide incentives and encourage sharing of information and good practices in waste recycling, with the aim of reducing the waste generation in the next decade. Therefore, we will present some best practices that could benefit the Member States that lack behind in reaching the waste targets.

According to the 2019 EC Member States reports, Malta's³² municipal waste generation in 2017 was one of the highest in the EU (604 kg/year/inhabitant, compared to 487 kg/year/inhabitant on average), with an increasing trend. The recycling rate for the 0.5 million Maltese is 6%, far below the EU average of 46% and the 2020 target of 50%. Composting in Malta is practically non-existent (compared with an EU average of 17%), while the landfilling rate (86%) is three times more than the EU average, of 24%. On the other end of the scale, Germany³³ recycles 68% of its municipal solid waste, while the incineration rate (including energy recovery) stands at 31%. Since 2005, the country has taken steps to limit landfilling, however shifting largely to incineration, which is hampering recycling rates. This also hides the residues of burning (slags and ashes) in another category of landfilling, notably industrial waste disposal, not reported in municipal waste data. Although Germany's incentive systems to promote waste prevention and participation in separate collection ('pay as you throw' (PAYT) schemes) are highly efficient and EPR systems are in place for different waste streams, the EU encourages a shift away from waste incineration (with or without energy recovery) in favour of more reusable and recyclable products on the market, in order to effectively promote waste prevention.

29. https://ec.europa.eu/environment/circular-economy/pdf/new_circular_economy_action_plan.pdf

30. https://mk0eeborgicuyptuf7e.kinstacdn.com/wp-content/uploads/2020/07/Harmonisation-of-waste-separate-collection_en.pdf

31. https://ec.europa.eu/eurostat/databrowser/view/sdg_11_60/default/table?lang=en

32. https://ec.europa.eu/environment/eir/pdf/report_mt_en.pdf

33. https://ec.europa.eu/environment/eir/pdf/report_de_en.pdf

BEST PRACTICE: ZERO WASTE WALES

Wales, one of the four nations of the UK, has introduced statutory recycling targets for its local authorities. Welsh parliament has adopted the necessary legislation for the local authorities so that they will recycle more than 70% of municipal waste (which includes household waste) by 2024-25.

In 2002, the Welsh Government launched the strategy “Wise about Waste”, updated with civil society endorsement in 2010 – “[Towards zero waste](#)”. Since then, Wales’ household recycling rate has grown from 5.2% in 1998-99 to 60.7% in 2018-19, well ahead of the rest of the UK. How did it all start? With the power of example, the Assembly Government showed how to lead the way in waste reduction and recycling at all offices, buildings and events, and Assembly Government sponsored events. Beyond Green Public Procurement (GPP), in 2007/08, for example, the key numbers³⁴ were:

- ▶ 20% reduction in paper consumption
- ▶ 83% of paper from recycled sources
- ▶ All publications produced on recycled paper
- ▶ 5.4% decrease in waste arising from the estate
- ▶ 59% of all waste sent for recycling

[The circular economy](#) strategy was under public consultation until April 2020, asking respondents how to move forward, with the ambition to reach zero waste by 2050 – meaning no waste at all would be sent to landfill or incinerators. The interim targets for the recycling of waste are: 70% recycling by 2025 for waste from households and commercial and industrial businesses, and 90% recycling of construction and demolition waste by 2020. Main achievements³⁵ so far include:

- ▶ 63% recycling rate, first in the UK, second in Europe after Germany (some argue that Austria is the second) and third in the world
- ▶ Between 2001 and 2017, the Welsh waste sector’s greenhouse gas emissions have been reduced by 60%
- ▶ 99% of food waste from households collected. There has been a partnership with [WRAP](#) for the [Love food hate waste campaign](#)
- ▶ Only 10% municipal waste goes to landfill; 2% total emissions from landfill in 2018
- ▶ 400.000 tonnes of municipal waste treated, enough to power 80,000 homes
- ▶ 90% of schools are eco-schools

Moreover, on food waste prevention, [FareShare UK](#) redistributed food collected and contributed towards 57.3 million meals, saving the charity sector £14.1 million in 2019/20. The NGO creates approximately £50.9 million of social-economic impact each year: £6.9 million in social value to the beneficiaries themselves and £44 million in savings to the State (i.e. to the NHS, the criminal justice system, to schools and social care).

The [targets](#) set by the Welsh government are:

- ▶ 2020 – 90% recycling rate for construction and demolition sector
- ▶ 2021 – ban on high littered and single-use plastics
- ▶ 2023 – requirement to implement EPR for Packaging
- ▶ 2025 – maximum 5% waste sent to landfill; 70% household, municipal and industrial recycling rate; 50% reduction in avoidable food waste
- ▶ 2030 – carbon neutral public sector; 92% reduction in waste sector emissions
- ▶ 2050 – 100% recycling, zero waste, carbon neutral

34. <https://gov.wales/sites/default/files/publications/2019-05/towards-zero-waste-our-waste-strategy.pdf> page 67

35. According to the Circular Economy Strategy https://gov.wales/sites/default/files/consultations/2020-03/consultation-circular-economy-strategy_1.pdf

WRAP Cymru (Waste & Resources Action Programme in Wales) published a technical report in 2018, "[Preparation for re-use: a roadmap for a paradigm shift in Wales](#)", which aimed to research the potential for increasing the amount of material that is managed through preparation for reuse focused on local authority collected municipal waste. Also, it gave good practice examples and scenarios to increase reuse and a model that estimates the potential impacts across agreed factors associated with preparation for reuse activities and interventions. WRAP Cymru also works directly with the recycling industry, specifically on waste management and materials recovery, and with reprocessing companies and manufacturers that use recycled content throughout the manufacturing process³⁶. One of WRAP Cymru's main aims is to grow the recycling and reprocessing sector in Wales by providing support, funding, expert advice and market information to businesses. It has offered such support since 2007 to private companies such as [Grays Waste Management](#) that collects waste from around 600 companies across North Wales and recovers 50-60% of the waste it collects including wood, plastic, glass, paper, electrical products and scrap metal, and sells on the recovered materials to a variety of end users. They are the first trade waste company in North Wales to build a food waste treatment plant that will use an anaerobic digester to create power and fertiliser from food waste.

How was it all possible?

- Enforced legislation and commitment of local administration: lead by example
- Involvement of civil society in the design and implementation of waste strategy
- Functional partnerships with civil society and business – especially in food waste combat and waste prevention
- Good [reporting system for waste](#)

BEST PRACTICE: FRANCE CIRCULAR ECONOMY STRATEGY

France adopted an ambitious roadmap for a circular economy in 2018, in line with the 2017 National Climate Plan. It also contributes to achieving some of the targets of the Agenda 2030 Sustainable Development Goals (SDGs), with actions aiming to reduce resource use by 30% by 2030. It introduced an ambitious target of 100% recycling for plastics by 2025, and an estimation of creating 300,000 new green jobs. The roadmap was positively received in 2019 by the EU³⁷ and quoted as a best practice. The key objectives for waste defined in the roadmap³⁸ are:

- ▶ Aim to collect 100% of recyclable waste.
- ▶ Make the sorting of waste much easier for French citizens.
- ▶ Take bio-waste out of bins, as this form of waste amounts to 22 million tonnes that can be recovered.

The most important measures to reach the objectives are:

- Focus on the areas where the collection rates are lowest (most densely populated urban areas) in order to accelerate towards 100% collection of recyclable packaging, plastic bottles (55% in 2018) and cans.
- Simplify the sorting process for citizens, with the support of EPR: harmonisation of the colours of containers or lids for waste bins; move towards a systematic "bi-flow" (collecting paper and packaging in the same bin) door-to-door type collection scheme; provide a map of waste collection points.
- Adapt the tax system to make waste recovery cheaper than disposal, thus reducing VAT to 5.5% for the prevention, separate collection, sorting and material recovery of waste.
- Financial incentives for waste collection: by reducing the management fees collected by the state from the local authorities for waste collection from 8% to 3%, implement systematic invoicing between local authorities based on the quantities of waste collected or processed.

36. http://www.wrapcymru.org.uk/sites/files/wrap/Grays_English_2.9827.pdf

37. https://ec.europa.eu/environment/eir/pdf/report_fr_en.pdf

38. <https://www.ecologique-solaire.gouv.fr/sites/default/files/FREC%20anglais.pdf> page 24

- Make full use of bio-waste by improving the collection at the source by the local authorities and make use of composts and digestates in agriculture.
- Give producers more freedom to exercise their responsibility with EPR schemes, including in waste prevention and eco-design, by simplifying the regulatory framework.

Zero Waste France has raised some concerns on the recycling activities in France in the book *"Recycling, the great smoke – How the circular economy has become the alibi of the disposable"*³⁹. The book underlines the fact that recycling is not the way forward from an environmental point of view, it leads to losses, consumption and rejections and it is in contradiction to the waste reduction goals. Moreover, the book also critiques the governance of EPR channels, in which they have control over strategic decisions (such as the application of eco-modulations on contributions, R&D funding and communication to the general public), which results in less efficiency, and whose actions again contradict the overall objective of reducing waste. Also, it underlines the fact that the only way forward is to move away from the disposables, to focus on prevention and repair.



39. <https://www.zerowaste-france.org/le-livre-qui-devoile-les-travers-du-tout-recyclage/>

WASTE PREVENTION PLANS

The growing role of waste prevention is a key aspect in the transition towards a circular economy. Waste prevention remains an important challenge for all Member States, including those with high recycling rates. According to the Environmental Implementation Review (2019)⁴⁰, six Member States produce at least twice as much municipal waste per inhabitant than the Member State with the lowest waste generation, while the average generation of municipal waste in the EU has increased since 2014 (only nine Member States reduced their generation per capita between 2014 and 2016).

BIO-WASTE⁴¹ IN EUROPE: A CHALLENGE THAT COULD TURN INTO OPPORTUNITY

About 60% of bio-waste is food waste, and a considerable share of this waste is avoidable. According to the WFD, some substantial changes concerning bio-waste have been introduced:

- From 2023, an obligation for all EU Member States to collect bio-waste separately or ensure recycling at source (article 22(1))
- New targets for the preparation for reuse and recycling of municipal waste
- A target to reduce food waste in line with the Sustainable Development Goal 12.3, to halve food waste by 2030, and a mandate for the European Commission to propose a binding food waste reduction target by the end of 2023;
- EU Member States' requirement to report food waste generation annually, starting in 2020, and to adopt specific food waste prevention programmes.

Best practices:

- Zero Waste Europe and the Bio-based Industries Consortium analyse the untapped potential of bio-waste (garden and food waste) in Europe in the study: [Bio-waste generation in the EU, current capture levels and future potential](#). The first study of its kind details the current generation and capture rates in the EU with dedicated country fact-sheets and municipalities' best practice
- The [EU Platform on Food Losses and Food Waste](#) was established in 2016, bringing together EU institutions, experts from the EU Member States and relevant stakeholders and to support reaching the Sustainable Development Goal (SDG) 12.3, which aims to halve food waste per person at the retail and consumer levels by 2030 and to reduce food losses along the food production and supply chains. The platform aims to support all stakeholders in defining measures needed to prevent food waste, sharing best practice and evaluating progress made over time.
- Zero waste cities also shared well documented best practices, such as the story of [bio-waste produced in Pontevedra](#), Spain
- Since 2011, [Milan \(Italy\)](#) has introduced the separate collection of kitchen waste for composting and anaerobic digestion. For years, Italy has had national legislation in place whereby food waste is prohibited from landfill. The system covers 1,4 million inhabitants and has been the main driver to push up the separate collection rate from 35% to 54%, with an impurity rate of only 4%. The bio-waste is collected twice a week via small bins with a special airy structure that minimise the odours and liquids. Key success factors were the intensive communication to citizens (before and after implementation) and the focus on quality of the collected streams: a transparent bag to allow inspection of the content. Although transport costs have increased, the overall costs for the city of Milan have decreased, owing to the reduction of mixed waste to be disposed of (100 €/tonne) compared to treatment of bio-waste (70 €/tonne)⁴²

Prevention is at the top of the waste hierarchy and it should be the focus for any economy, instead of finding solutions for waste management. [Article 9 of WFD](#) describes the new responsibilities for Member States in their measures in the prevention of waste. While article 1(f) (*reduce waste generation in processes related to industrial production, extraction of minerals, manufacturing, construction and demolition, taking into account best available techniques*) is the most relevant when it comes to quantities and overall impact on the environment and the economy, the focus is on municipal waste, more specifically on packaging and food waste. For the latter, Member States are encouraged to halve food waste generation

40. https://ec.europa.eu/environment/eir/pdf/eir_2019.pdf

41. <https://www.eea.europa.eu/publications/bio-waste-in-europe>

42. https://ec.europa.eu/environment/waste/studies/pdf/15.1_EC_DGENV_Separate_Collection_guidance_DEF.pdf

as a contribution to the UN Agenda 2030 (SDG 12.3). Also, the Member States have the obligation to monitor and assess the implementation of the waste prevention measures using appropriate qualitative or quantitative indicators and targets, notably on the quantity of waste that is generated (3).

The sudden increase in plastic waste and composition due to the COVID-19 pandemic (both medical waste – masks and gloves, as well as packaging) underlines the crucial need to reinforce plastic reduction policies and to implement them into action without delays. Despite the recent progress made in waste prevention and management, there have been widespread drawbacks in the use and management of plastics in the fight against the COVID-19 pandemic. National COVID-19 preventive measures increased the amount of waste generated, although the full impact cannot be quantified until the end of the pandemic. The hygiene concerns and the need to restock shelves represented a shift in consumers' behaviour that led to a significant increase in the demand for food packaging and the re-shift to single-use plastics. Governments around the world⁴³ postponed SUP bans and fees and the DRS of soft plastics. Due to the pandemic, Scotland postponed the first DRS implementation in the UK for over a year, until July 2022⁴⁴.

In the EU plastics strategy, it is underlined that plastic recycling has not kept pace with the increasing global production of plastics and that plastic waste that leaks into the environment pose a severe threat not only to marine ecosystem but to economic activities such as tourism and fisheries. Plastic waste prevention is directly addressed as a policy priority in the revised Waste Framework Directive, the revised Packaging and Packaging Waste Directive, the plastics strategy and the Single Use Plastics Directive. National, regional and local actions have been the primary approach to decrease sources of plastic pollution through regulations and by changing public behaviour and consumption patterns.

According to the EEA report⁴⁵ on reviewing plastic waste prevention policies in Europe, 173 plastic waste prevention measures have been identified: 61% cover the production phase of plastic products and 39% cover the consumption phase. In most cases, the measures don't have specific and concrete targets but rather generic objectives to reduce the amount of waste generated, with softer measures to support prevention. According to the report, most countries show a clear focus in the informative measures (42%), followed by voluntary and market-based measures that primarily aim to increase cooperation among stakeholders across the plastics value chain and exchange information. When it comes to regulatory measures, most countries focus on bans, prohibitions and standards (manage chemical content in plastic products, including banning micro-plastics, micro-beads or banning some types of single-use plastics) or a levy on plastic carrier bags.

Although the waste prevention measures are far from reaching specific targets, some best practices across the EU have good results. For example, as a regulatory measure, since 2018 the UK Government has banned the distribution and sale of plastic straws, plastic drink stirrers and cotton buds. Moreover, In Scotland, it is a criminal offence to manufacture or sell rinse-off personal care products containing plastic micro-beads. Ban infringement will result in penalties of up to two years' imprisonment or a fine of up to £5,000 GBP.

When it comes to voluntary agreements on waste prevention, there are several best practices that can be easily replicated by any Member State. However, it must be mentioned that they should rather have a role of pioneering certain actions and market signals, leading to regulatory binding requirements across the market:

- In Luxemburg, a public-private initiative has launched the multiple-use 'eco-sac' carrier bag as part of the national waste prevention plan. Since the project start, there has been a saving of some 300 million disposable shopping bags, while the emissions of CO₂ equivalent, linked to the production of disposable shopping bags, have been reduced by 1,000 tonnes annually.
- In The UK, the Plastics Pact is a voluntary pact between industry, the Waste & Resources Action Programme and the Ellen MacArthur Foundation, which seeks to create a circular economy for plastics by eliminating unnecessary single-use packaging by 2025.

In order to move away from a public declaration and focus on achievable results in waste prevention, it is important to have clear and measurable indicators. For example, in plastic waste prevention plans, the EEA report⁴⁶ summarises the indicators used by Member States across the EU for the amount of plastic waste/plastic packaging waste, relating to the reuse of plastics/plastic packaging, the introduction of deposit fees and the number of implemented measures for plastic waste prevention.

In reality, it looks like there is no pressure on waste prevention plans, but a clear focus on recycling. Another example is from Flanders, in Belgium, where the "*Waste prevention plan*" has set quantitative targets for "*plastic waste prevention*":

43. <https://www.sciencedirect.com/science/article/pii/S0048969720340870?via%3Dihub#bb0245>

44. <https://www.bbc.com/news/uk-scotland-scotland-politics-51920357>

45. <https://www.eea.europa.eu/publications/preventing-plastic-waste-in-europe>, see Annex 1 for direct links to Member States' waste prevention plans

46. Page 27, table 3.8

by 2022, 90% of beverage packaging will be collected and recycled, by 2023, 65% of all plastic packaging will be recycled and by 2030, 70% of all plastic packaging will be recycled. In conclusion, the targets have nothing in common with waste prevention, but a clear focus on recycling.

Food waste prevention is another key element in the EU, with clear targets for the next decade. Although the COVID-19 pandemic has deeply affected the supply chain, with significant food loss across the globe, the national prevention plans are in place and their indicators should be aligned to the EU Waste Directives. In reality, as in the case of plastic waste prevention, they are mostly based on voluntary or informational agreements and they sometimes lack enforcement, as shown in the Romanian example below.

THE ROMANIAN NATIONAL WASTE PREVENTION PLAN (NWPP)⁴⁷

The Romanian Waste Prevention and Management Plan was an ex-ante condition for accession of the EU structural funds. The Ministry of Environment is in charge of its implementation and no progress report has been published since the adoption of the plan in December 2017. According to the EU early warning report, Romania adopted its long-awaited national waste management plan and waste prevention programme, both of which are valid until 2025. *“The adoption of these strategic documents is however not accompanied by relevant investment efforts. The national plan sets out a strategy to increase recycling rates and comply with the landfill diversion targets for biodegradable waste, it proposes to significantly extend the network of mechanical-biological treatment plants so that there will be one per county, which sounds excessive. In addition, there is a plan to build the first dedicated municipal waste incinerator with energy recovery in Bucharest as a core part of an integrated waste management project”*. The development of the incinerator project was still at the planning phase in September 2020.

The NWPP is a chapter in the national waste management plan adopted with several years of delay. One of the problems underlined by the authors is the lack of reliable data at the national level. As measures for municipal waste prevention, the document outlines individual composting units for the rural areas, but the “law on compost” was only due to come into force in August 2020 after 10 years of debate. Another measure is the enforcement law on food waste prevention and the eco-tax for plastic bags. Moreover, none of the five measures relating to food waste in the Romanian NWPP have been implemented:

- Implementing PAYT
- Supporting the individual to compost
- Reducing food waste by 50% by 2025
- Prevention of printed paper waste (no targets mentioned)
- Introduction to the curriculum for pre-university education of topics related to the prevention of household waste generation

In July 2020, in a conference against food waste in Romania, the Ministry of Agriculture stated⁴⁸ that there was no coherent system for data collection in food waste. Therefore, the 50% target for food waste prevention set by the EU for 2030 cannot be achieved, as Romania doesn't know how it stands in 2020. The law states that any economic operator must send the data once a year, but no additional legal provisions are set. The official EU reports show that for Romania food waste is 173 kg/year/inhabitant but the calculations are not unitary. Moreover, in 2019 only 7,600kg of food were donated at country level according to the national statistics, a number that “puts to shame” the country, as the national registry for food donations has nine donors and 15 receptors. A new law of food waste has been adopted in 2020 (without the methodological norms for its enforcement), four years after the previous one that was based on voluntary agreements and never implemented due to a lack of methodological norms and a lack of agreement between the retail and official representatives.

Other measures for prevention of packaging waste from the Plan that have not been implemented are:

- Optimising the packaging design and redesign and the packaging of products using eco-design initiatives.
- Increasing the amount of reusable primary packaging for soft drinks, mineral waters and beer compared to 2017: in 2020 by at least 50%, and in 2025 by at least 100%.
- Reducing the share of secondary and tertiary wood packaging placed on the market to a maximum of 15% by 2020.

47. <http://www.mmediu.ro/categorie/planul-national-de-gestionare-a-deseurilor-pngd/239>

48. <https://www.green-report.ro/video-secretar-de-stat-in-min-agriculturii-nu-avem-niciun-sistem-coerent-de-colectare-a-datelor-despre-risipa-alimentara/>

There are, on the other hand, examples of waste prevention plans with results that are a source of inspiration for the countries that seek best practices⁴⁹.

IRELAND WASTE PREVENTION PROGRAMME

Ireland has a well-established [Waste Prevention Programme](#), launched in 2004 and updated since, which is seen as an example of best practice in the EU. The Programme⁵⁰ supports national-level, strategic programmes to prevent waste and drive the circular economy by funding innovation and demonstration programmes, partnering with national organisations to deliver programmes and solutions and advocating for waste prevention and communicating solutions. The programme has six priority areas: food waste, construction & demolition, plastics, agriculture, resources & raw materials and local waste prevention. The programme provides tools and information to businesses, households and the public sector to influence behavioural change and support sustainable choices:

- ▶ [Stop Food Waste](#)
- ▶ Green Enterprise: Innovation for a Circular Economy – [annual funding call](#)
- ▶ Construction & Demolition waste prevention [resources](#)
- ▶ [Smart Farming](#)
- ▶ [Local Authority Prevention Network](#)
- ▶ EPA Tidy Towns Special Award for Waste [Prevention](#)
- ▶ Online Tool for [Resource Efficiency \(TREE\)](#)
- ▶ Strategic partnership with the [Rediscovery Centre](#), National Centre for the Circular Economy
- ▶ Support to Ireland's [Green Government initiative](#)
- ▶ Support to [Community Reuse Network Ireland](#)
- ▶ [BeGreen](#)

The Environmental Protection Agency (EPA) is responsible for its implementation and publishes [progress reports](#) that could be used as best practice across the EU. Programme funding is provided from the Environment Fund and is disbursed through contracting arrangements and grant agreements, as appropriate. In 2019, total expenditure was €1.53 million.

BEST PRACTICE: COURTAULD COMMITMENT ON FOOD WASTE COMBAT

The Courtauld Commitment⁵¹ is a voluntary agreement that started in 2005, funded by the governments of England, Scotland, Wales and Northern Ireland, that aims to improve resource efficiency and reduce waste within the United Kingdom's grocery sector. WRAP's latest report from January 2020 shows that the strategies developed under Courtauld 2025, and delivered through wide-ranging partnerships, are working:

- Household food waste is now at a total of 6.6 million tonnes, down from 7.1 million tonnes in 2015. This is 70% of the food that is wasted post-farm gate.
- Total UK food waste now measures 9.5 million tonnes (household and supply chain in 2018), down from 10 million tonnes in 2015 (and 1.7 million tonnes a year lower than in 2007).
- Action by Courtauld has helped reduce the amount of food waste in the supply chain by 4% per capita over the period 2015-2018, with the supply chain contributing around 30% to the UK total, at 2.9 million tonnes.
- Between 2015 and 2018, the redistribution of food⁵² almost doubled (96% increase), or an additional £81 million of food equivalent to an extra 65 million meals a year.

49. http://www.fao.org/fileadmin/user_upload/themes/doc/SAVE_FOOD_ECA/EU_Platform_on_FLW_Newsletter_March_2020_1st_edition.pdf

50. <https://dcae.gov.ie/en-ie/environment/topics/sustainable-development/waste-prevention-programme/Pages/default.aspx>

51. https://www.wrap.org.uk/sites/files/wrap/Courtauld_Commitment_2025_Milestone_Progress_Report.pdf

52. https://wrap.org.uk/sites/files/wrap/Food_Surplus_Redistribution_2015_to_2018.pdf

- Collaborative water projects in the UK and overseas have reached more than 500 suppliers.
- There has been a 7% CO₂e reduction across the food system, equivalent to 730,000 fewer cars on the road.

Moreover:

- Food businesses representing 50% of the sector turnover are acting on food waste under the Food Waste Reduction Roadmap⁵³ (this has pioneered a common basis for food waste measurement and reporting).
- More retailers and brands are adopting food date labels, storage and freezing advice⁵⁴ to help their customers enjoy food at its best.
- Initiatives such as Love Food Hate Waste⁵⁵ and TRiFOCAL are helping millions of people waste less food.⁵⁶

How is it possible?

- Establish best practices (measured targets) that work in practice and share awareness.
- Working along supply chains, to focus efforts and avoid shifting problems elsewhere.
- Tackling shared problems such as the use of water.

The 2025 strategy focuses on citizen awareness campaigns to help improve the understanding of actions to take. It will address best practice guidance on how food is sold, how packs are designed and products are labelled and will pilot behaviour change interventions. Targets for 2025⁵⁷ are:

- A 20% per person reduction in food and drink waste associated with production and consumption of food and drink in the UK, post-farm gate.
- A 20% per person reduction in the greenhouse gas (GHG) emissions associated with production and consumption of food and drink in the UK. A reduction in impact associated with water use and water stress in the supply chain (95% of Courtauld 2025 signatory businesses are already taking action to improve water efficiency in their own operations).

The EU is reviewing its regulations in order to reduce the packaging waste, for a better planning and implementation on waste prevention. The general objective of the Directive⁵⁸ is a well-functioning internal market with clear rules on packaging while tackling its negative impacts on the environment and health. The new regulations should focus on ways to reduce the excessive packaging (to eliminate it where possible), improve packaging design to promote reuse and to increase recycled content in packaging with clear targets. The Rethink Plastic Alliance has given proactive feedback on the Roadmap to Reducing Packaging Waste that focuses on clear reduction targets for major materials, product groups and sectors, asks for the implementation of standard reusable packaging formats for the EU market and an extension of the DRS for reuse systems, as well as establishing Member State and EU monitoring of packaging reuse. Hopefully, the Directive will be adopted by the end of 2021 and will act as a catalyst for the national waste prevention plans, with clear targets to be achieved at a Member State level.

53. <https://www.wrap.org.uk/food-waste-reduction-roadmap>

54. <https://www.wrap.org.uk/food-date-labelling-Best-practice>

55. https://www.lovefoodhatewaste.com/?_ga=2.247287169.420875580.1597046948-1560257362.1594028064

56. Case studies at <https://www.guardiansofgrub.com/resources/case-studies/1>

57. https://www.wrap.org.uk/sites/files/wrap/Courtauld_Commitment_2025_Milestone_Progress_Report.pdf pg. 4

58. <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12263-Review-of-the-requirements-for-packaging-and-feasibility-of-measures-to-prevent-packaging-waste>

BEST PRACTICE: 2020 FRANCE ANTI-WASTE LAW FOR A CIRCULAR ECONOMY

The French anti-waste law⁵⁹ was published in February 2020, after a lot of stakeholder engagement in its development. It aims to accelerate the change of production and consumption habits in order to reduce waste and preserve natural resources and the environment. It is divided into five parts (phasing out disposable plastics, better information for citizens, fight against waste and solidarity for reuse, acting against planned obsolescence and better production) and contains about 50 measures that could be a source of inspiration for any Member State. It calls for⁶⁰:

- ▶ **new obligations** with extensive enlargement of EPR sectors that include new product families in the circular economy (toys, sports and do-it-yourself equipment, building materials, cigarette butts, sanitary textiles);
- ▶ **new prohibitions** on single-use plastics⁶¹ and to fight waste of unsold food and non-food products;
- ▶ **new tools** to better control and sanction offences against the environment (greater power for mayors to combat littering and illegal dumping), to support companies in their eco-design initiatives (bonus/malus-type incentives) and to change the behaviour of consumption for citizens (such as introducing a short reparability index, information on environment and health impacts of products, and harmonisation of information on sorting).

The aim is to achieve zero waste disposable plastic by 2040, with five-year plans. Some targets include:

- ▶ 1st January 2020: ban on single-use cups, plates and cotton buds
- ▶ 1st January 2021: ban on expanded polystyrene boxes (the “biodegradable” claim will be prohibited on products and packaging), ban on over-packaging and plastic bags, straws, cutlery, stirrers and plastic confetti.
- ▶ 1st January 2022: ban on plastic in tea bags, prohibition of plastic toys from menus, ban on the packaging of fruits and vegetables unless in paper or compostable packaging
- ▶ 1st January 2023: fast-food restaurants to use reusable tableware for the meals and drinks consumed, institutions open to the public (railway stations, libraries, schools, universities, hospitals, etc.) will have to be equipped with drinking water fountains.

The fight against waste in French law is aiming to:

- ▶ increase the fines (0.1% of turnover) for non-compliance with the food waste law with immediate entry into force
- ▶ from 1st January 2022, ban the disposal of unsold non-food products (daily hygiene products, textiles, electronic products, shoes, books, household appliances, etc.) with the aim of reducing overproduction. The products will be donated or recycled
- ▶ from 1st January 2022, ban the distribution of unrequested advertising leaflets and catalogues for commercial promotion through letterboxes and on cars, and printed matter with ink containing mineral oils
- ▶ from 1st January 2023, reduce paper use, with a ban on the systematic printing of cash-till and credit card receipts unless requested by the customer.

How France is supporting repair includes:

- ▶ applying a reparability index, starting 1st January 2021, that will allow the consumer to know whether the product is repairable, difficult to repair, or non-repairable. The aim is to achieve a 60% repair rate for electric and electronic products of general consumption within five years (now the repair rate is 40%).
- ▶ when making a purchase for electric and electronic equipment (mobile phones, computer equipment, large and small household appliances, TV sets and hi-fi stereo systems, etc.) or furniture, the consumer will have all the complete and reliable information, including whether spare parts (available in 15 working days maximum) are available or not.

59. <https://www.legifrance.gouv.fr/affichTexte.do?categorieLien=id&cidTexte=JORFTEXT000041553759>

60. <https://circulareconomy.europa.eu/platform/en/strategies/french-act-law-against-waste-and-circular-economy>

61. https://www.ecologie.gouv.fr/sites/default/files/20018_InterdictionPlastique.pdf

- ▶ The EPR schemes will have to finance “repair funds” via their producer’s responsibility organisation (PRO) –. The objective is to reduce the cost of repair for consumers when they go to a certified repairer, passing on this price reduction.

How France is supporting reuse

EPR schemes will be asked to support financially the organisations involved in reuse and insertion through employment (such as at waste sorting and recovery centres, and recycling centres), via the creation of “solidarity reuse funds”. The contribution will be 5% for several schemes, i.e. a total of 50 million Euros. These funds will make it possible to develop reuse and thus limit the wastage of thousands of tonnes of objects and to contribute to job creation.



GREEN PUBLIC PROCUREMENT (GPP) ENFORCEMENT

GPP represents a vital policy lever in driving the prevention of waste and related environmental policy objectives, and the public sector must be a leader in this regard. When it comes to waste prevention and management, EU and Member States national, regional and local institutions should be examples of best practice in order to properly enforce any piece of legislation or policy. According to the EU's [Circular Economy Action Plan](#), public authorities' purchasing power represents 14% of the EU GDP and can serve as a powerful driver of the demand for sustainable products. Although GPP is now a voluntary instrument, it has a crucial role to play in the EU strategy to make Europe a more resource-efficient economy. The European Commission aims to propose minimum mandatory GPP criteria and targets in sectoral legislation and phase in compulsory reporting to monitor the uptake of GPP without creating an unjustified administrative burden for public buyers. The Second Circular Economy Action Plan 2020 adopted by the European Commission in March 2020 recognises the reduced impact of GPP due to the limitations of voluntary approaches.

GREEN PUBLIC PROCUREMENT BEST PRACTICE: IRELAND WASTE ACTION PLAN

Since 2012, Ireland's National Action Plan on GPP has introduced [Green Tenders](#), which aimed to achieve the EU political target of 50% of GPP, where GPP means incorporating green criteria into the procurement contract. This target applies in respect of both the number and the value of public procurement contracts concluded. It is not known if the 50% target was met, as there wasn't a monitoring and reporting system for GPP at the beginning. .. In 2014, the Ireland Environmental Protection Agency published an [ample guidance document for public procurers](#) (now being updated) that offers extensive information for the implementation of GPP in Ireland in all sectors (transport, energy, construction, food and catering, cleaning products and services, IT equipment, and paper).

Action 148 of the 2019 Climate Action Plan commits Ireland to 'Mandate the inclusion of green criteria in all procurements using public funds, introducing requirements on a phased basis and provide support to procurers as required. The new Irish Government is committed to providing training for procurers and specifiers in public bodies and to perform advanced monitoring and reporting of GPP in government departments and extend monitoring and reporting of GPP to all public bodies. The new National Action Plan 'Green Tenders' aims to include mandatory green criteria in all public purchasing and to promote circular economy principles in public procurement.

Through their procurement policies, municipalities can drive a significant change for the durability, reparability, reuse and recyclability of many products, thus making it easier for them to reach the aforementioned EU policy targets on waste prevention and management. In fact, environmental criteria can be included in public tenders for the assignment of urban waste management services so as to ensure that the service aims at high environmental performances. Waste reduction objectives can also be achieved by including relevant environmental criteria transversally in the acquisition of most goods and services. Some examples are: a reduction of packaging in the delivery of goods, waste prevention measures, elimination of single-use plastics in catering services or any public events, and requirements for reuse acquisition of recycled materials for buildings.

The European Commission's 'Farm to Fork Strategy' has proposed the mandatory inclusion of green criteria in the public procurement of food and catering services. The EU should also enforce the introduction of mandatory green criteria for all purchases and activities in the use of EU funds, for example only zero waste events in EU projects, printing only when necessary and on recycled paper, acquisition of products only under EPR schemes.

SEPARATE COLLECTION

Separate collection of individual waste fractions is seen as a pre-condition for fostering high quality recycling and high recycling rates. By 2015, the Member States should have implemented the separate collected system into four categories, while the new Waste Directive increases the responsibilities for separate collection to all packaging, bio-waste and textiles. Performant separate collection schemes need an integrated approach: economic incentives (EPR, PAYT and taxes on landfilling and incineration), legal enforcement, customised facilities and engaging communication. The differences are in the hardware (waste treatment infrastructures) and in the software (political agenda, transparency and citizen awareness). Of course, the practical implementation of the obligations differs significantly across 27 EU Member States (such as door-to-door separate collection or co-mingled, bring points, civic amenities sites) and with the new targets transposed, the practicalities will further accentuate the differences if no actions are taken. Best practices in separate collection at the source can be found in Flanders, Belgium, where the rates are 75% and over, and in numerous cities in Spain and Italy. This year, the EU has published a [guidance for separate collection of municipal waste](#) in reaching the newly approved targets. It gives in-depth information, including best practices from Member States that can be used extensively.

In the process of separate collection, it is crucial to both extend the technical infrastructure, as well as inform and motivate the users of the collection systems. Across the Member States, the separate collection systems differ and usually they are not designed for effective collection to facilitate recycling.

Many EU citizens dislike Pay-As-You-Throw (PAYT) at the start because it feels as if a 'free service' has been taken away. This often results in lots of fly-tipping in the first months after introducing a new PAYT scheme and, if not controlled, PAYT may lead to improper sorting, which degrades the quality of the collected recyclables. To reach high rates as in Flanders, Belgium, the system needs several years to become a normal practice with full public support. Consequently, PAYT can be successfully implemented if it is driven by strong political leadership that can overcome initial resistance. It needs to be accompanied by legal enforcement, engaging communication and a reduction in the general waste collection tax.

In the countries that are lacking behind in separate collection at source, there are no financial sanctions for citizens to separate waste and a PAYT system is not in place. Moreover, due to the local autonomy, the government or the parliament decisions are not cascaded at the local level. Although transposed into national legislation, the EU Directives are not enforced at the local level and national governments have limited control over mayors. In fact, where the separate collection at the source system is not in place, some mayors avoid the implementation for fear of losing votes. In 2016, Athens and [Nicosia](#) imposed no fee for the waste collection service from inhabitants. In Bucharest, in some districts, the bulky waste disposal service for inhabitants is free, while in other districts it is up to 20 Euros/household/year. Therefore, an implementation of PAYT is not feasible in the near future, as the citizens are not under pressure to separate their waste, there is no national information campaign, although separate collection points are in place. Therefore, the disparities between the Member States tend to accentuate even more. In cities such as Maastricht, on the other hand, the fee for separate collection starts at 261 Euros/year/person; in Milan⁶² it is 324 Euros/person/year and in Bonn⁶³ it starts at 89 Euros/person/year.

62. <https://www.collectors2020.eu/wcs-ppw/milano-it/>

63. <https://www.collectors2020.eu/wcs-weee/bonn-de/>

EXTENDED PRODUCER RESPONSIBILITY SCHEMES

The polluter pays principle is fundamental to European law, laid out in Article 191(2) of the Treaty on the Functioning of the European Union (TFEU) and Directive 2018/851 (Article 14): *in accordance with the polluter-pays principle, the costs of waste management, including for the necessary infrastructure and its operation, shall be borne by the original waste producer or by the current or previous waste holders; Member States may decide that the costs of waste management are to be borne partly or wholly by the producer of the product from which the waste came and that the distributors of such product may share these costs.* Extended Producer Responsibility (EPR) shifts the financial and operational responsibility of waste management from municipalities to the producers of goods. Producers should bear the operational costs of collecting and managing the material they place on the market so that this material can be recycled. By providing the adequate infrastructure and necessary communication, EPR contributes to better sorting and recycling. To ensure that EPR obligations are met, some Member States may make use of Deposit Refund Schemes, others choose municipal or other third-party collection systems while, for some material streams, countries may prefer schemes to establish their own separate collection. EPR has shown its merits for the recycling of many waste streams such as packaging, electronics, batteries and vehicles and its extension to a stream for textiles is highly anticipated before it will cover additional products put on the market.

BEST PRACTICE: EPR IN FRANCE, ADVANCED LEGISLATIVE MEASURES

On the basis of the polluter pays principle, in France, those who manufacture a product must finance its end-of-life. Until 2020, Several large product families were concerned by this regulation: packaging, electric and electronic equipment, batteries, tyres, paper, textiles and shoes, furniture, etc. France has leveraged EPR to substantially increase collection rates of textiles by 370% from 65,000 tonnes in 2006 to 239,000 tonnes in 2018. The EPR includes ambitious targets for separate collection of textiles placed on the market and for reuse and recycling rates of collected textiles that producers are obliged to meet.

Between 2021 and 2024, the EPR will be extended to professional packaging, construction products or materials from the building sector, toys, sports and leisure equipment, do-it-yourself and gardening products, used oil, cigarette butts, sanitary textiles (wipes, paper towels, cotton, nappies, etc.) and fishing gear. The manufacturers will have to ensure the second life of their products and to ensure the traceability of the waste they have collected within the framework of EPR schemes, through to the final treatment of this waste. For example, the producers of private cars, vans, two- and three-wheel motor vehicles and quadricycles will have to ensure from 1st January 2022 the recovery of those vehicles throughout the country in order to improve the processing of end-of-life vehicles and to contribute to the structuring of the automobile dismantling sector, thus increasing efficiency.

Eunomia published in April 2020 a [Study to Support Preparation of the Commission's Guidance for Extended Producer Responsibility Schemes](#) that provides best practices and focuses on four elements contained within Article 8a: the necessary costs, fee modulation, equal treatment and monitoring & enforcement of EPR obligations. Well-designed EPR schemes with strong fee modulation can be an effective instrument in bringing about systemic change in the way products are designed, produced and handled. The main issue is obliging producers to take responsibility for the environmental and social costs of their products through well designed and implemented policies. Once implemented, the schemes will also create an incentive for producers to rethink product design so as to limit lifecycle impacts and reduce those costs. On the other hand, the instrument has some risks and pitfalls that are widely recognised⁶⁴. Once implemented, the recycling targets tend to be static; increasing them seems to raise substantial controversy from the industry. Therefore, EPR will only fulfil its full potential if policy makers pledge the implementation with strict deadlines, while updating the recycling rates regularly (e.g. every three years) to keep on improving the recycling performance.

Although EPR is a strong policy instrument, it also requires substantial and maintained policy focus to monitor the entire process in order for the targets to be met – tackling free-riding, especially for online commerce. Without enforcement of responsibilities and activities for EPR under corrective measures (sanctions), the system is vulnerable. The Environmental Protection Agency in Ireland has an enforcement programme for the WEEE and battery systems that includes retail inspections, free-rider investigations, distance seller website reviews and producer audits. Very few Member States have any particular legislation relating to free-riding beyond the provisions set out in the Directives themselves:

64. https://ec.europa.eu/environment/waste/studies/pdf/15.1.%20EC_DGENV_Separate%20Collection_guidance_DEF.pdf page 41

- Altstoff Recycling Austria AG (ARA), in a legal case against Amazon in the country, notes that the Austrian Packaging Ordinance holds distance sellers from abroad liable to PRO participation.
- The UK has an example of good practice in that the UK WEEE Regulations⁶⁵ by means of distance communication explicitly state that: *"A producer who is established in the United Kingdom and who places EEE onto the market in any Member State other than the United Kingdom by means of distance communication will comply with their obligations under the Directive in that Member State"*.
- The Irish WEEE regulation has specific clauses relating to distance sellers who are required to display their WEEE producer registration number on their websites.
- The French Government is seeking to make EPR applicable by default for cross-border trade of products unless manufacturers (or their representatives) can prove that they have fulfilled EPR obligations. This is identical to the provisions in the new revision of the VAT Directive.

65. <https://www.legislation.gov.uk/uksi/2013/3113/regulation/13/made>

REUSE AND REPAIR

According to the Waste Framework Directive – Article 1.1, producers will be obliged, via new rules for implementing EPR, to better inform consumers about reuse and repair options for their products. According to RREUSE, in EPR schemes for WEEE, the access to the waste stream for reuse centres in order to separate potentially reusable items is increasingly restricted, leading to more direct recycling, landfilling or incineration of perfectly reusable products⁶⁶. In their position on the WFD ⁶⁷, they present the key elements that can foster the development of reuse and preparing for reuse centres and networks operated as social enterprises, leading to the creation of local green jobs:

- Social enterprises are recognised as key actors in the implementation of an inclusive circular economy.
- Member States should monitor and assess reuse and preparing for reuse activities from 2020 onwards, with potential future EU-wide targets by the end of 2024.
- Member States must help facilitate access to discarded re-useable goods for organisations who can prepare them for re-use rather than letting them be prematurely recycled, incinerated or landfilled.
- Producers are obliged to better inform consumers about reuse and repair options via new rules for implementing EPR.
- Fiscal measures must be used to improve the implementation of the EU waste hierarchy.
- Mandatory separate collection of additional waste streams has been set, including textiles by 2025, as well as incentives to support the reuse of construction and demolition materials

Member States can use RREUSE examples from the countries that have already introduced reuse or preparing for reuse related targets:

- Spain has set a national preparing for reuse target as part of its National Framework Plan for Waste Management (2016-2022), which aimed to achieve 50% preparing for reuse and recycling by 2020, of which 2% will be prepared for reuse deriving mainly from textiles, WEEE and furniture and from other waste streams. This target has complemented another preparing for reuse target implemented since 2015 via a [Royal Decree and focused on WEEE](#) that requires 3% of large household appliances and 4% of IT equipment to be prepared for reuse from 2018. Lately, Spain has also launched the [Strategy Spain Circular 2030](#), an ambitious document that aims to reduce by 30% the use of materials, increase reuse and preparation for reuse up to 10% of the municipal waste generated and to cut waste generation by 15% compared with 2010.
- In Belgium, Flanders has a reuse target of 7kg of material per capita by 2022⁶⁸; the previous target was reached – 5kg reuse per resident. In Wallonia, a Government Decree⁶⁹ requires 2% of WEEE to be ‘prepared for reuse’ from January 2020.
- France has in place the Circular Economy Roadmap and the Anti-waste law, both best practices that introduced targets for reuse and repair under EPR.

Although there are several examples that can be used as pioneers in the EPR for reuse and repair, in most countries there are no incentives – fiscal or otherwise for such options. Moreover, producers will pressure national authorities to stall the adoption and enforcement of extended EPR legislation for repair and reuse for fear of additional costs and a decrease in sales.

66. <https://www.rreuse.org/position-paper-on-the-role-of-extended-producer-responsibility-in-promoting-product-reuse-and-preparation-for-reuse-activities/>

67. http://www.rreuse.org/wp-content/uploads/RREUSE-public-position-on-the-WFD_2018_09_17-FINAL.pdf

68. https://www.ovam.be/sites/default/files/atoms/files/UitvoeringsplanHuishoudelijkeGelijkaardigBedrijfsafval_LR_2017_Engelstalig.pdf

69. <http://www.rreuse.org/wp-content/uploads/AGW-DEEE-publication-moniteur.pdf>

DEPOSIT RETURN SCHEMES

Deposit Return Schemes (DRS) represent an economic incentive (deposit) for consumers to return empty containers to any shop to ensure that they will be reused or recycled. Implementation of DRS systems does not aim at reducing packaging; with some exceptions of reusing, the purpose is recycling. DRS in Europe started over 30 years ago in Iceland and now is in operation in more than 40 regions worldwide. Deposit systems for beverage containers result in high collection rates, as well as high quality material recycling. According to Reloop Platform⁷⁰, the collection rates of the beverage packaging subject to the deposit system are between 85% in Sweden and 98% in Germany and it is the main reason why the Single-Use Plastics Directive recommends the schemes to tackle the challenge of plastic pollution, as in some Member States, the loop for PET is already closed. Beyond the highest separate collection rate, according to the DRS manifesto⁷¹ signed by a coalition of NGOs in 2019, the system is particularly effective because:

- The operators of the deposit systems allow the packaging specifications that ensure most optimal recycling for the purposes of closed loop recycling. They promote eco-design for better recycling with higher market price.
- They are one of the most efficient instruments to tackle plastic leakage into the oceans and the environment. For example, they can reduce drink containers in the ocean by up to 40%⁷².
- Public support rates for DRS are above 80%; it is the best way for citizens to understand the impact of their actions.
- They create local jobs and support local economies; it is a self-financed system.
- They are the best system for bottle-to-bottle recycling.
- The same system can be used to increase refill and reuse, a much better option than recycling.

National DRS in Germany is one of the most used examples and one of the oldest systems in Europe. A DRS is in place for plastic bottles (PET), cans (aluminium) and glass bottles of between 100ml and three litres. The reusable DRS is for plastic or glass bottles, ranging in size from 200ml to 1.5 litres, with a total return rate of 97% (96% for cans and 98% for plastic). The deposit on reusable bottles is usually EUR 0.08-0.15 and 99% of bottles are returned by consumers. The most relevant aspect to the German system is that glass bottles are cleaned and refilled up to 50 times, while PET bottles are reused around 20 times on average. Most bottles are a standard size, meaning they can be used and returned by multiple participants.

BEST PRACTICE: DRS IN LITHUANIA

DRS in Lithuania⁷³ started in 2006 with reusable packaging (glass) and only for manual collection in shops. Ten years later, the system was expanded to single-use packaging and at present has a 90% return rate. The main legal provisions, such as responsibilities, are set by law; the recycling targets by the Government and other details by the Minister's orders – deposit rates, system organisation plan, financing scheme and the public awareness programme. The DRS in Lithuania applies to plastic (PET), glass and metal, for containers from 100ml to 3 litres. The system is voluntary for small shops and obligatory for bigger ones (from 300 square metres in urban areas and 50 square metres in rural areas). In order to facilitate the return for customers, the Lithuanian government chose a 'return-to-retail' system, which means stores selling beverage containers must also receive used containers back for recycling. The deposit is applied as a discount in shop or returned in cash.

According to the Ministry of Environment⁷⁴, the responsibilities are as follows:

1. Producers and importers of beverages:
 - ▶ mark their packaging with bar code and deposit sign
 - ▶ collect and account for the deposit for every unit (0.10 EUR)
 - ▶ organise and finance the DRS through the administrator
 - ▶ account for and report about packaging they put on the market

70. https://www.reloopplatform.org/wp-content/uploads/2019/11/Anna-Larsson_Reloop-Platform.pdf

71. <https://eeb.org/library/deposit-return-system-manifesto/>

72. <https://theconversation.com/deposit-schemes-reduce-drink-containers-in-the-ocean-by-40-91897>

73. <https://circulareconomy.europa.eu/platform/en/good-practices/usad-lithuanias-reverse-vending-machines-credit-plastic>

74. <https://www.reloopplatform.org/wp-content/uploads/2020/07/Deposit-return-system-DRS-in-Lithuania-2020-06-17.pdf>

2. Retailers of beverages:

- ▶ collect and account for the deposit for every unit (0.10 EUR)
- ▶ inform consumers on the terms of returning the packaging

3. Administrator/non-profit public entity

- ▶ Can operate only with agreed organisation plan, financing scheme and public awareness programme and an agreement with beverage producers and importers, and packaging retailers
- ▶ Organises the return of the packaging and its management
- ▶ Provides necessary equipment for collection points at retailers
- ▶ Selects packaging collectors and recyclers by public tender procedures
- ▶ Ensures fulfilment of collection and recycling targets in the name of beverage producers and importers
- ▶ Organises the public awareness programmes (at least 1% of annual turnover)

Facts and figures for Lithuania:

- ▶ Investments in collection infrastructure for DRS – about 30 million EUR⁷⁵ with 3,200 collection points
- ▶ New job places – about 1,200
- ▶ Quantity of reverse vending machines (RVMs) – about 1,100
- ▶ The returned and recycled rate in first year – 70%; last year – 90%
- ▶ About 90% of packaging returned using RVMs (23,000 tonnes in 2018)
- ▶ The system has the support of the population⁷⁶, as 97% of people claim the deposit system is necessary, 97% of customers are satisfied with the system and 93% admitted that the introduction of such a system encouraged them to treat their waste more responsibly

Benefits:

- ▶ Decrease of beverage packaging waste in public spaces, landfills, sorting promotion
- ▶ Investments will return after five years
- ▶ About 70% of deposit is spent in the same shop, so loyalty
- ▶ Allows to return up to 95% of packaging, with better quality of waste materials
- ▶ No public investments, no funds needed; only private investments
- ▶ New job creation

The DRS system has proved itself for PET, glass bottles and aluminium cans, but there is a need to move forward to other packaging types. New Plastic Economy⁷⁷ and Rethink Plastic⁷⁸ give some best practice examples of DRS for cups and food containers:

- ▶ **ReCup** is a nationwide German deposit system for reusable cups that allows coffee drinkers to rent their cups in exchange for a 1 EUR deposit, which is refunded on return of the cup (for washing) to one of the partner vendors. Today, it has over 2,700 partner vendors in over 450 cities, each listed on its app and website. The reusable polypropylene cup is available in three sizes (200ml, 300ml or 400ml).
- ▶ Swedish reusable food crates (with a 15-year lifetime) and pallets has been in operation since 1997 and is currently enabling reuse for half of all fresh food deliveries in the country. The reusable units are filled and delivered to the wholesaler and then on to the retail outlet. The retailer empties the crates and pallets of goods, and returns them to the wholesaler. Swedish Return System then takes back the reusable crates and pallets for quality control and washing, after which they are ready to be used again. Swedish Return System is a business-driven EPR model jointly owned by the Trade Association for Grocery of Sweden (50%) and the Swedish Food & Drinks Retailers Association (50%).

75. https://www.reloopplatform.org/wp-content/uploads/2019/11/Rauno_Raal_Earth-Care-Consulting.pdf

76. https://www.reloopplatform.org/wp-content/uploads/2019/11/Saulius_Galadauskas_Lithuanian-Brewers-Association.pdf

77.

78.

- ▶ [ECOBIX](#) is a DRS for food containers, established in Luxembourg by the Ministry of Environment and with almost 100 participating restaurants. The ECOBOX is made of recyclable PBT (Polybutylene terephthalate) and is available in two sizes (500ml and 1 litre).
- ▶ Tiffin boxes have been used for centuries in India and spread across Asia. They are made from reusable stainless steel tiffin tins and have entered the EU market recently. In Belgium, more than 1,000 "Tiffin" members save 1.5 tonnes of food packaging waste each year and EUR 20,000 in the purchase of disposable containers.

Although DRS might seem easy to implement, for some countries, it represents a real challenge. For example, in Romania (as mentioned in the country report above) the law no. 249 from 2015 was amended and the Government Emergency Ordinance no. 74 from 2018 introduced DRS for reusable packaging between 0.1 and 3 litres that was supposed to come into force in April 2019, but it hasn't yet. From 1st January 2019, the economic operators that introduce products packaged in reusable packaging have had the obligation to organise the takeover of that packaging, to ensure at least an 80% return. In theory, the norms indicate that for a returnable glass recipient, the guarantee-return system is set for 0.5 RON (0.1 EUR), but the system is not yet in use. The debate with the producers on the methodological norms was reopened in July 2020 and a consensus has not yet been reached. The new deadline to enforce the legislation on DRS has been postponed until March 2022.

According to Bucharest University of Economic Studies⁷⁹, the implementation of DRS from the economic and financial point of view is strictly related to national identity, the size of the country and degree of social emancipation. As others may indicate, it can suffer from a problem of public perception due to lack of proper communication/informative programmes from the authorities, and there are some vulnerabilities of the system that directly interfere with the proper implementation, as in the case of Romania:

- ▶ private economic agents financially support investments in the systems and equipment necessary for operationalisation of the guarantee system and they might block the implementation
- ▶ the public authorities are not pressured to implement the system properly
- ▶ the possibility of a short-term decrease in demand and, implicitly, of product sales with packaging covered by the system warranty
- ▶ cash flow and financial management of the guarantee system, which may encounter syncope in settlements and transfers
- ▶ the producers transfer the DRS costs to the products, increasing the price.



LANDFILLING AND INCINERATION

Today, in the EU we burn and landfill more than 50% of our municipal waste. According to the waste management hierarchy, incineration, next to landfilling is the least preferable option and should be limited to the necessary minimum. The Landfill Directive sets a clear target for 2035: a maximum 10% of municipal waste to be landfilled, and this after proper treatment. Although some may argue that there are some best practices for incineration plants with energy recovery, we don't consider them worth mentioning in this report.

Some Member States will fail to reach the landfilling target for 2035 without investments in incineration plants, as Governments fail to implement the waste management hierarchy. Some Member States, such as Croatia, Bulgaria and Romania, plan to invest in new incineration plants with support from EU structural funds, although the civil society is strongly against such options and the EU recommends a shift away from such practices. The new Structural funds for 2021-2028 should put waste hierarchy as a priority, otherwise the EU will tacitly support incineration in order to minimise landfilling. In reality, there is a strong promotion of incineration, in disrespect of Article 4 of the WFD waste hierarchy. Moreover, the reality is that most Member States will only meet the 10% landfill target with incineration, another reason for this process to be banned. Poland is one example that is increasing its incineration capacity to meet the 10% landfilling target, and other countries will follow suit.

Another issue is the lack of or low landfilling or incineration tax that has no progression in raising taxes for local authorities. Moreover, the national targets are not cascaded to the regional or municipal level and there is a lack of accountability for local authorities where sanctions are not applied or are sometimes ignored, and there are no incentives to achieve the prevention of waste in recycling targets.



CONCLUSION

In September 2018, the EU Commission published a report on the implementation of the EU waste legislation, including the early warning report for Member States at risk of missing the 2020 preparation for reuse/recycling targets on municipal waste. The updated report in 2019 mentioned the challenges in waste prevention, the fact that nine countries were on track and five had already reached the recycling targets, but 14 were at risk of missing the 2020 municipal waste recycling target. The reasons for not complying were many, but most countries blamed the local authorities for lack of proper involvement, as the national targets did not cascade through to local autonomy.

All countries included in this report missed the 5th July 2020 deadline to transpose the EU Waste Directives. Very few have since adopted the necessary legislative measures, while most believe that the process will end early next year and the proper enforcement will then start. One of the reasons for the delay in transposition is the COVID-19 pandemic; the increase in waste packaging due to more online commerce and medical waste is indeed a big factor that affects everyday life and government decisions. Saying that, the pandemic started in April, just a few months before the deadline, and the Member States had adequate time to transpose the legislation until then. The global economic crisis that quickly followed the pandemic showed us some realities: food should not be wasted, the supply chains are very fragile and we must support local producers. If we take into account that plastic is a good carrier of the virus, packaging should be redesigned to avoid the virus spreading, at least from this point of view if not for other obvious reasons related to waste prevention and management.

For many Member States, reaching the 2020 waste targets is a failed task and the post-2020 targets will be an even bigger challenge that has to start with the proper adoption of legislation, followed by enforcement at the national level that is cascaded to the regional and local level. The need to shift away from incineration and landfilling is evident, but the real focus will need to be on waste prevention, following best practices. The separate collection of waste should be implemented across all of the EU in the coming years, including rural areas, and the EPR systems should follow the French example.



#NoTimeToWaste



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