



16.2.2022

NOTICE TO MEMBERS

Subject: Petition No 0929/2019 by G.R. (Romanian) on recycling and separate collection of waste in Romania

1. Summary of petition

The petitioner expresses his profound discontent at Romania's failure to ensure an infrastructure for recycling and separate collection of waste. The petitioner argues that, in his hometown of Târgoviște as well as in most Romanian towns and villages, waste is not disposed of or collected selectively and that there is no intention to do so in the near future. The petitioner calls for the intervention of the EU bodies in order to bring Romania in compliance with its obligations.

2. Admissibility

Declared admissible on 31 January 2020. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 30 March 2020

The Commission is aware that Romania is at risk of missing the 2020 municipal waste target of 50% preparation for re-use/recycling of municipal waste, which implies the recourse to separate collection. Romania is still counting too much on landfilling. Waste management remains a key challenge. The country has a very low recycling rate of municipal waste (14%, including 7% material recycling and 7% composting) and very high landfilling rates. The Commission indicated in the Early Warning report published in 2018¹ that the country needs to ensure that the right measures are effectively implemented at local level. On numerous occasions, the Commission insisted that projects upper in the waste hierarchy are not sufficiently developed.

¹ COM(2018) 656 final.

The Commission has also reinforced its dialogue with Romania on waste, including on the basis of the 2019 Environmental Implementation Review (EIR)², which analyses the situation in different sectors including waste, and provides recommendations.

In addition, EU funds are available for waste management. Currently, 18 co-financed projects include a separate collection component. For the next programming period, the Commission expects that projects will address the investment needs identified in the county waste management plans, in particular on separate collection.

Lastly, the Commission is of the view that infringement is a powerful deterrent instrument to ensure compliance with the waste legislation. It can trigger that policies adopted by the authorities encourage recycling and separate collection. This is why the Commission is closely monitoring the implementation of the judgement of the Court of Justice of the European Union (CJEU) of 18 October 2018 in case C-301/17 which concerns 68 landfills which should have been closed by 16 July 2009. In January 2020, 48 of these landfills were still not closed down. The Commission is also monitoring the situation of the 101 municipal landfills subject to the Accession Treaty (which were under derogation until 16 July 2017).

Conclusion

The Commission is aware of the problems raised in the petition and has taken all necessary measures aiming not only to enforce EU legislation on waste management but also to facilitate the construction of the necessary infrastructure, mainly through EU co-funding.

4. REV Commission reply, received on 16 February 2022

The Commission is closely following the waste management situation in Romania and, within the limits of its responsibilities, provides technical support. Waste management issues are also subject to political dialogue in various manners.

Firstly, there is a constant dialogue with the RO authorities on technical level, either through meetings to discuss technical aspects on the evolution of the situation with regard to waste management and propose recommendations or in the framework of the ongoing infringement procedures:

- 1) Recommendations: The Commission has reinforced its dialogue with Romania on waste, including on the basis of the 2019 Environmental Implementation Review (EIR), which analyses the situation in different sectors including waste and provides recommendations that are also being discussed with the Romanian authorities. Recommendations were also provided in the Roadmap for Romania in this sector, and in the 2018 Early Warning Report. This report has identified Romania as one of the Member States at risk of missing the 2020 recycling targets.
- 2) Infringement procedures: The Commission has also initiated two infringement procedures, which are indirectly linked to the broader issue of separate collection and lack of infrastructure.

² https://ec.europa.eu/environment/eir/country-reports/index_en.htm

- i. The Commission is closely monitoring the implementation of the judgement of the Court of Justice of the European Union (CJEU) of 18 October 2008 in case C-301/17, which concerns 68 landfills that should have been closed by 16 July 2009. Due to the insufficient progress, on 15 May 2020, the Commission addressed a letter of formal notice to Romania under Article 260 of the Treaty of the Functioning of the European Union (TFEU) for the non-execution of the judgement in relation to 48 landfills, which were still not closed and rehabilitated.
- ii. A letter of formal notice under Article 258 TFEU was addressed to Romania on 29 October 2020 for 15 landfills which had to be closed and rehabilitated by 16 July 2017 according to the Accession Treaty.

Secondly, the Commission considers that financing of waste management has been and remains a priority for EU funds. Out of the 41 Romanian counties, 32 received EU support in terms of integrated waste management projects in the programming periods 2007-2013 and 2014-2020. It should be noted that 14 projects have been completed in the 2007-2013 period, and 18 projects have been phased to the 2014-2020 period. Each project included collection, treatment and disposal of household waste. The projects included the construction of 27 compliant landfills, the closure of illegal dumping sites and the introduction of separate waste collection systems. In March 2021, the Commission approved the financing for the integrated waste management project for Galati County.

Furthermore, important resources for waste management are being planned in the future Sustainable Development Operational Programme in the programming period 2021-2027. In this context, the recent adoption of all 41 county waste management plans and the Bucharest Municipality plan constitute an essential step.

In addition, financing support for improvements in waste management in Romania will be provided in the framework of the Recovery and Resilience Facility (RRF) in exchange for substantial investments and reforms in waste management, including at local level. The Commission adopted the Romanian Recovery and Resilience Plan on 27 September 2021, which includes EUR 1.239 million for measures to extend and upgrade the waste management systems in the country with a focus on separate collection, prevention, reduction, re-use and recycling. These important investments will also be accompanied by the commitment to put in place a new waste management governance to improve the waste management system and increase waste collection. The Commission is in close dialogue with the Romanian authorities in this context to ensure a successful implementation of the plan.

Finally, in order to support structural reforms, the authorities can activate the Technical Support Instrument (TSI) in accordance with Regulation (EU) 2021/240³ establishing a Technical Support Instrument. Romania requested and received support from the Commission under the aforementioned regulation on Extended Producer Responsibility. New projects on economic regulation in the waste sector and the circular economy strategy are about to start. Romania benefits from project development support from JASPERS for the establishment and the update of the integrated waste management systems and technical assistance under EIB PASSA.

³ Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument, *OJL 57, 18.2.2021, p. 1–16*.

Conclusion

This additional information shows that the Commission uses different instruments to address the waste management issues of Romania including financial support and technical assistance provided by the EU Budget. The Commission will pursue the dialogue with the Romanian authorities, in the context of the RRF and the instruments under the programming period 2021-2027. This will be considered as well in the framework of the next Early Warning Report for Romania that is due end of 2022, three years ahead of the 2025 targets for municipal waste and packaging waste.