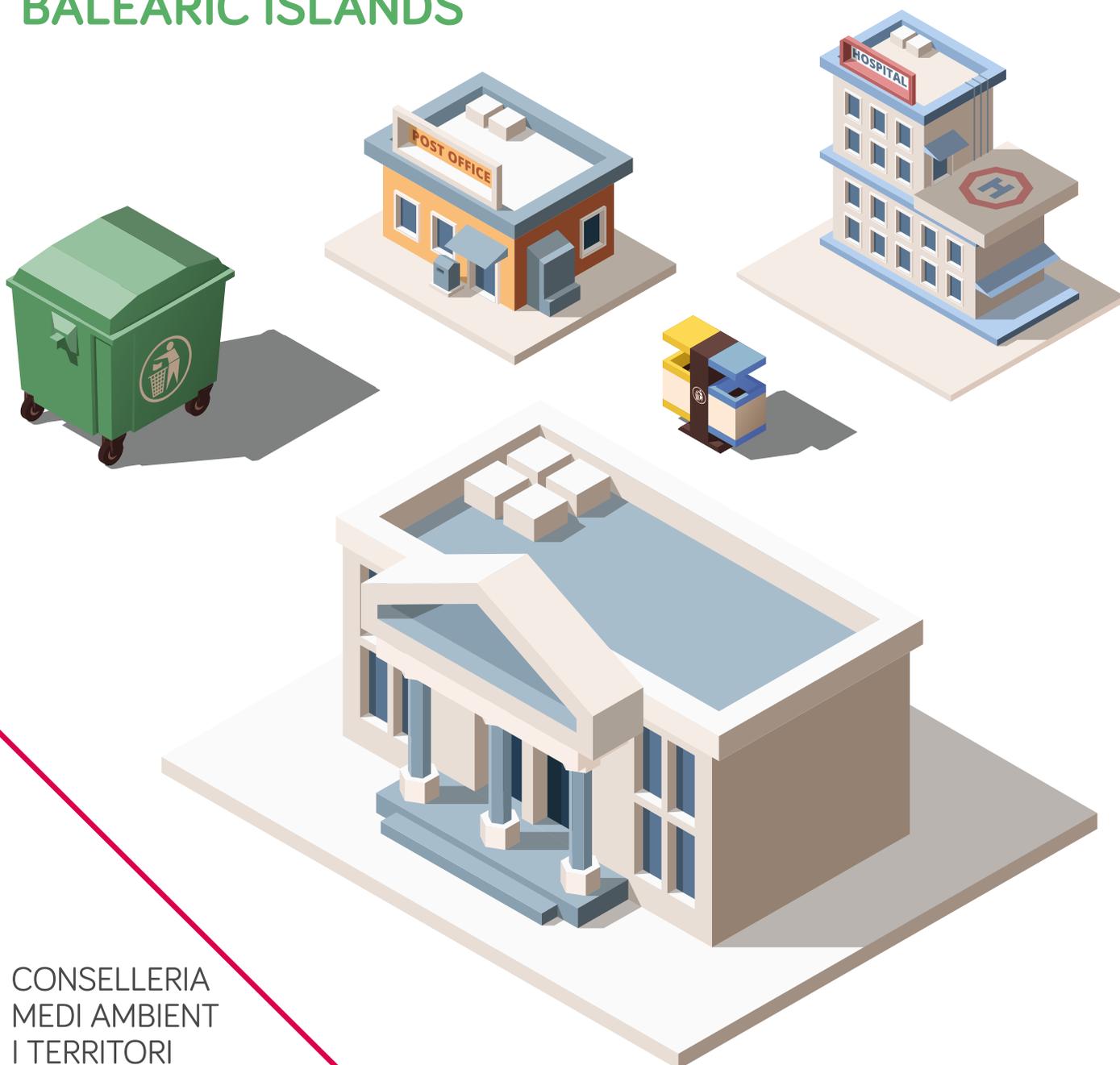


Waste



Town halls and public facilities

INTERPRETATIVE GUIDE OF LAW 8/2019 ON WASTE AND CONTAMINATED SOILS OF THE BALEARIC ISLANDS



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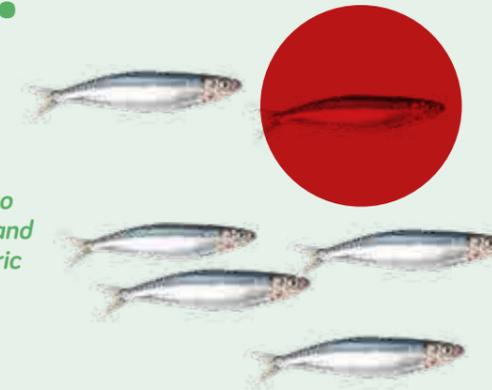
The United Nations warns that, if there is no radical change in the current consumption model, in 2050 there will be more plastics than fish in the sea.



Why new obligations regarding waste?

Waste generation is one of the causes that contributes to climate change and air, soil and water pollution. In the Balearic Islands, it has increased by 21,5% compared to 2010.

In 2018, on average, 2,376 tonnes of municipal garbage were collected per day. This means that 867,234 tonnes of waste were mostly incinerated or deposited in landfills in just one year. All this amount of garbage makes the Balearic Islands the Spanish autonomous community that generates more waste per inhabitant (573 kg annually).



To the previous figures, we must also add the waste abandoned in the environment and the waste leaked into the sewage system, which is mainly contaminating the sea and the living beings that inhabit it.

Nowadays, one out of every six fish that are marketed and that inhabit the Balearic Islands contains microplastic in their stomach. Moreover, the United Nations warns that, if there is no radical change in the current consumption pattern, in 2050 there will be more plastics than fish in the sea.

The new obligations of Law 8/2019 on waste and contaminated soils are the answer to these problems.

A set of pioneering measures throughout Europe that pose, for example, relevant changes in waste management, restrictions on single use plastic products or the promotion of composting or preparation for reuse, in order to minimize the impact of waste on the environment and promote a circular economy in the Balearic Islands.



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573 kg annually

Precepts to be fulfilled in public buildings and facilities



1 Cleaning products

Article 22.4
from 20th March 2021

The use of natural cleaning products (vinegar, natural soap, lemon, ethyl alcohol, glycerol, etc.) and/or certified ecological products (Ecolabel, Ecocert, Nordic Swan Ecolabel, etc.) in public contracts or procurements is mandatory, provided that there are products of these characteristics in the market.

More ideas to promote sustainable cleaning:

- Prioritize the purchase of local cleaning products and, if possible, reach agreements with producers for the reuse of packaging.
- Use concentrated cleaning products, as they represent economic and packaging savings.
- Take into account the above suggestions in public procurement.

2 Waste separation at source

Article 29
From 22 February 2019

All establishment, public or private, must separate at source the following materials and waste fractions:

- ✓ paper and cardboard
- ✓ metal
- ✓ plastic
- ✓ glass
- ✓ pruning
- ✓ textile
- ✓ organic matter
- ✓ vegetable oils
- ✓ electrical and electronic devices
- ✓ construction and demolition
- ✓ large materials
- ✓ dangerous domestic wastes

This obligation of separation must necessarily be included in the maintenance and cleaning contracts.

The organic fraction must be deposited in certified compostable bags.

There are large capacity compostable bags: 50, 70, 100 liters, etc.

In construction or renovation works, adequate spaces must be provided with the minimum necessary surface area to locate the corresponding containers.

City councils will have until May 11th, 2021 to implement the differentiated collection of compostable organic matter, pruning, used vegetable oil, textiles and hazardous waste of household origin (Third Transitory Provision)."

3 Beverages

Article 25
from 20th March 2021

Water

Drinking water sources must be installed (these must guarantee hygienic and sanitary conditions) or, alternatively, water must be supplied in reusable containers.

However, in health and educational centers the marketing of water in disposable packaging is permitted.

If cups were to be dispensed, these must be preferably reusable or, subsidiary, compostable.



Single-use containers

No drinks may be distributed in single-use containers (plastic bottles, cartons, cans, non-reusable glass bottles, single-use cups, etc.)

This obligation includes cafés, restaurants and other similar establishments that carry out their activity in these spaces. Nor can they be distributed through vending machines.

These establishments are also subject to the regulations of Law 8/2019 that affect the HORECA sector. Thus, to ensure compliance with the new obligations, it is recommended to consult the section on additional information and/or the interpretative guide.

Alternatives for beverage service:

- Use barrels, dispensers, reusable glasses and glass bottles (once used they must be stored and returned to the distributor for reuse) or other refillable formats.
- For take-away beverages, a deposit return scheme can be enabled for cups or the client should be given the possibility to carry their own container.

Events supported by the administrations

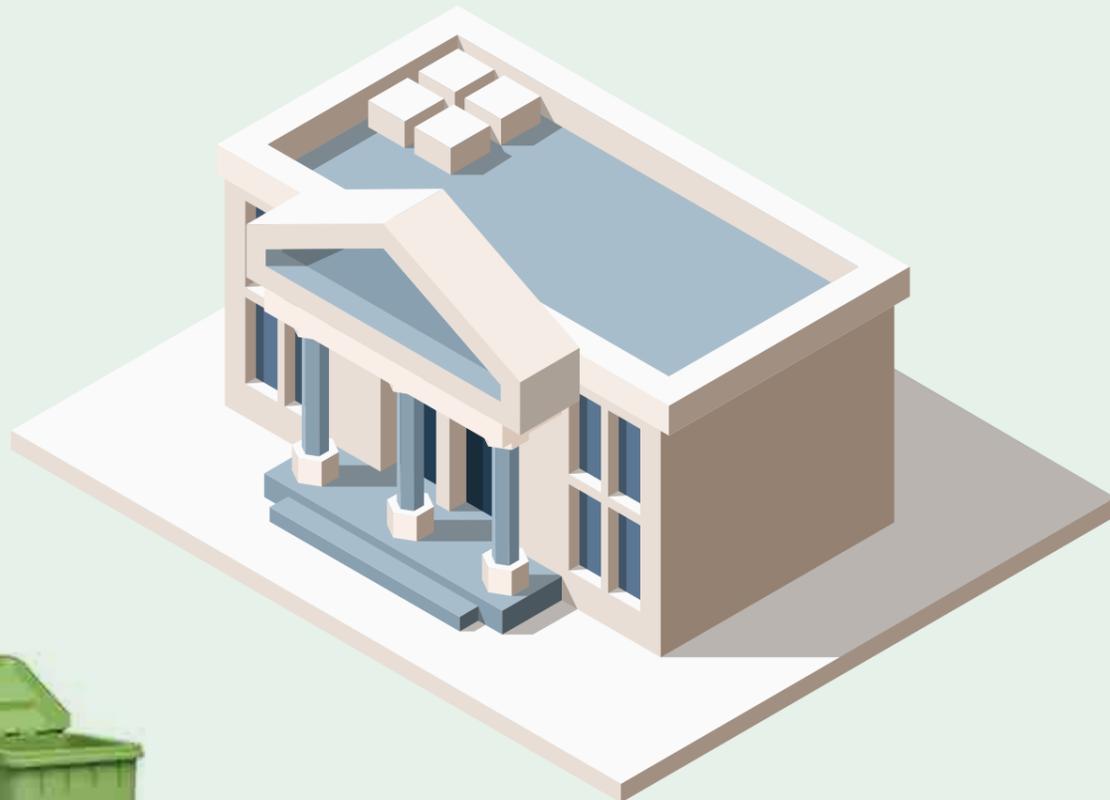
In events supported by the administrations (including sports events) it will be necessary that:

- ✓ Beverages are served in reusable containers (barrels, dispensers, glass bottles, reusable glasses, etc.).
- ✓ Access to unpacked water (apt for human consumption) or reusable containers is guaranteed.
- ✓ A deposit return scheme for containers and cups is implemented to avoid their abandonment or mismanagement.



Precepts that affect and/or must be fulfilled by the municipalities

from 22nd February 2019



1 Competences and responsibilities



Composting, recycling and reuse

Establish measures to promote the domestic and community composting, the preparation for reuse and recycling, as well as to promote separate collection in origin.

Guarantee the municipal disposal service, independently or jointly with other municipalities, to citizens.

As long as they do not break the economic and financial balance of the current administrative concessions, services can be implemented to treat the organic fraction of municipal waste, preferably by composting, as well as to prepare for the reuse of electrical and electronic equipment, furniture, textiles, etc.

If a municipality does not have the technical and/or human means, it can partner with others to carry out these treatments.

Prevention

Develop municipal programmes for the prevention and management of domestic waste and non-domestic commercial waste.

Carry out education, training and awareness actions.

Ensure participatory rights and access to information on waste.



Collection and transport

Establish the MANDATORY service for the collection and transport of non-hazardous and hazardous domestic waste generated in citizens' homes, businesses and services (according to the terms established in the waste prevention and management plans, ordinances and regulations).

Establish the NON-MANDATORY service for the collection and transport of non-hazardous commercial waste and non-hazardous domestic waste from industries.

Monitoring, taxation and procedures

Monitor, inspect and sanction, within the scope of competence. The powers provided for in Article 71.3. are available for this purpose.

Take into account the provisions of this Law when granting and renewing municipal activity licences, such as article 42, which refers to the minimisation study to be carried out by large waste producers.

Foresee the real costs, indirect and direct, of municipal waste management services.

Send data to the Government on all waste managed.



2 Waste collection



Fractions and materials to collect

Articles 29 and 2

The following domestic waste (generated in citizens' homes, shops and services) must be collected separately:

- ✓ Paper and cardboard
- ✓ Glass
- ✓ Plastic
- ✓ Metal
- ✓ Domestic electrical and electronic devices
- ✓ Bulky waste
- ✓ Construction and demolition (of minor work, with a volume of less than 2 cubic meters)

- ✓ Compostable organic matter (by means of compostable bags that comply with the UNE EN 13432:2001 standard)
- ✓ Pruning
- ✓ Used vegetable oil
- ✓ Textiles
- ✓ Hazardous wastes (Nickel-Cadmium batteries and accumulators, organic paints and varnishes, containers for cleaning chemical products (bleach, ammonia, hydrochloric acid), ink cartridges or toners, fluorescents, etc.)

City councils will have until May 11th, 2021 to implement the differentiated collection of compostable organic matter, pruning, used vegetable oil, textiles and hazardous waste of household origin (Third Transitory Provision).

Collection Systems

Article 2.7

The most appropriate collection systems (containers, door-to-door, collection centres, specific collections, etc.) will be used or combined, depending on the characteristics of each municipality, to guarantee the selective collection objectives of this Law (Article 2.2).

These systems must be governed by the pay-per-waste principle and tend to be non-anonymous. In addition, it must be ensured that the organic fraction does not have a percentage of impurity higher than 5% by weight (10% in medium and large population centres).

If necessary, existing collection systems can be adapted to collect more than one material in a single fraction, provided that adequate subsequent separation is ensured, the quality of the materials is not lost, and the cost is not higher.

The yellow container for light packaging will also be used for the collection of plastics and metals.

This precept shall become effective when the corresponding Council stipulates it in the sectorial master plans and the necessary infrastructures for the effective separation of these ma-

terials are prepared (First Transitory Provision).

The containers and contribution areas outside the urban area will be aesthetically adapted to their surroundings, especially in areas of special interest and environmental protection. In addition, isolated containers that are a source of uncontrolled dumping should be avoided.

3 Domestic and community composting

Article 30

Authorisations and monitoring

Community and domestic composting points, on public or private land, must be authorised by a municipal licence (simple authorization), provided that the following requirements are met:

✓ Composted biowastes can only proceed from the homes or gardens of the users of the installation. Only the structural materials can have other origins (pruning remains from public parks and gardens, straw, agricultural residues or similar).

- ✓ The resulting compost may only be used for the users of the installation; it may not be marketed to third parties.
- ✓ The maximum capacity of the facilities may not exceed 20 m³, counting the volume of the composters, but not of the structural material, which may have a maximum of 10 m³ more for storage.

✓ The facilities will maintain a minimum distance of 15 meters to inhabited areas and sensitive spaces, will have measures to avoid bad odors and the access of animals, and will be under the responsibility of a person, who will be in charge of supervising their use and operation.

Once the relevant municipal authorisation has been obtained, the community composting centres must present a prior notification and responsible declaration of their activity to the competent body in matters of waste of the Government of the Balearic Islands.



In the event of not complying with the previous precepts, the community composting facilities have to be authorized according to the system of authorization of the production and waste management activities of Law 22/2011 on wastes and contaminated soils, as they are considered waste managers.

It shall be ensured that community composting facilities produce a quality compost, with the appropriate hygiene conditions, physicochemical characteristics, biological parameters and content of improper substances.

Submission of data

The local councils shall send the Government of the Balearic Islands the annual data on the authorised community composting facilities, in accordance with the provisions of Article 69. Until it is enabled to be sent through the Government's electronic waste data collection platform (SINGER),

this procedure must be carried out via e-mail: residus@caib.es



4

Disposal service

Article 31



Before May 11th, 2021
(Fifth Transitional Provision)



The disposal service must be guaranteed, independently or jointly with other municipalities, to citizens.

This service and its facilities must be included in the respective urban planning instruments (in accordance with the sectorial master plan for non-hazardous waste).

The recycling centres must comply with the technical requirements approved by the Government of the Balearic Islands and have the authorisations required by the sectorial regulations on waste.

Municipalities are responsible of:

- ✓ **Regulate its operating rules** (opening and closing days and times, services provided to citizens, etc.)



- ✓ **Encourage its use by citizens** as a collection point for waste that is not collected door-to-door. **Provision can also be made for the collection of other waste** (commercial and/or industrial, office and services related waste), **with appropriate fees being set, where necessary.**



- ✓ Include, within the disposal services, the **reception and storage of electrical and electronic equipment**, furniture, textiles and others (previously authorised) **intended for reuse or preparation for reuse**



- ✓ **Foresee and incorporate**, independently or jointly with other centres, **the necessary activities for preparation for reuse of electrical and electronic equipment, bulky waste, textiles and other waste** that can be reused.



- ✓ Foresee and ensure **the selective collection of documents or materials that may have historical or cultural value**, and their subsequent **delivery to the appropriate entities** for heritage conservation (archives, specialized institutes, universities, etc.).

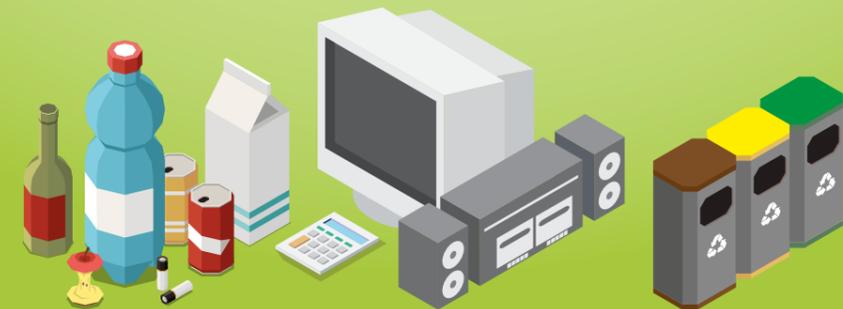
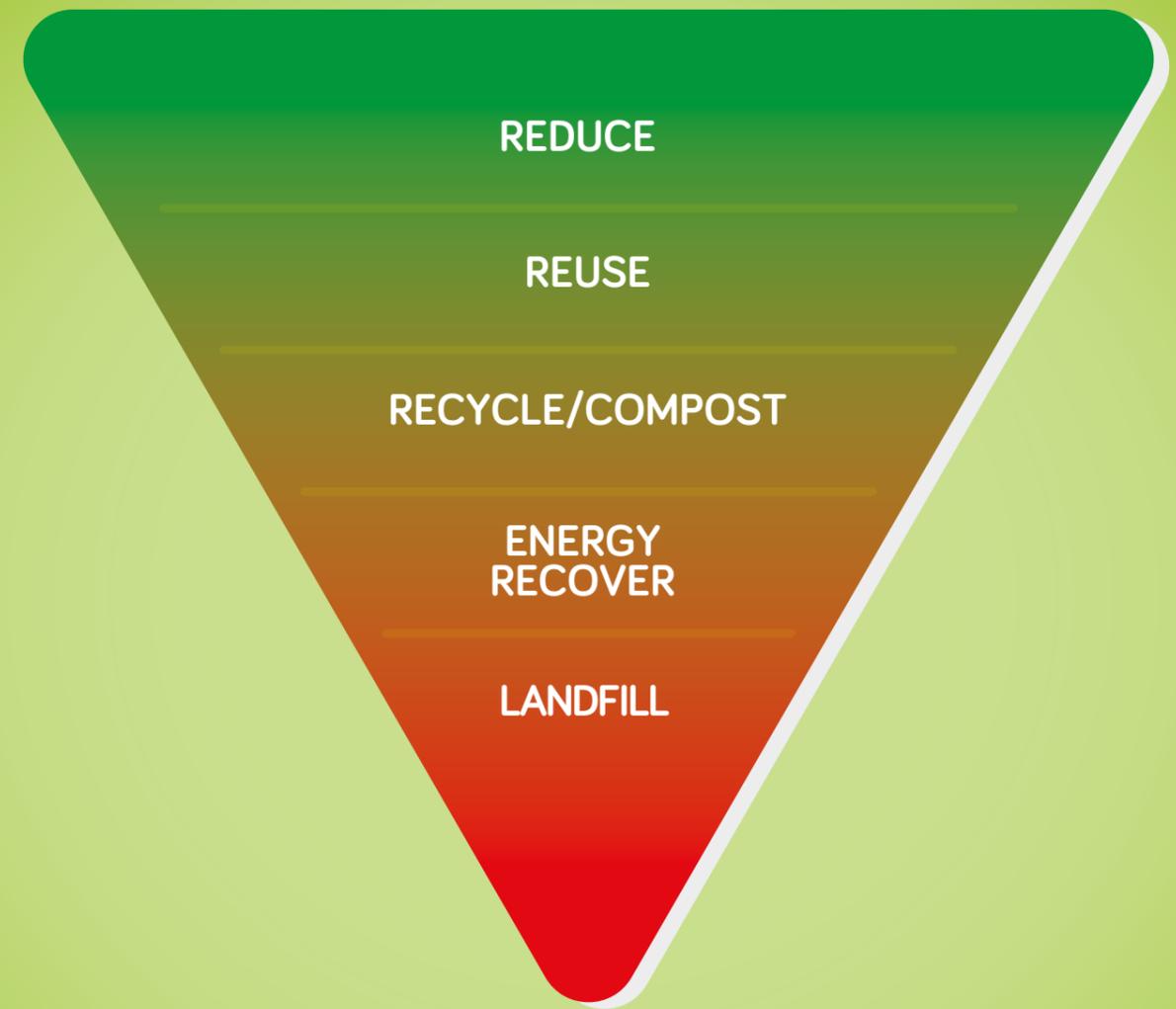


5 Local waste prevention and management programs

Articles 20 and 28.9

The municipal administrations, either individually or jointly with other municipalities (association...), can formulate local or municipal waste prevention and management programmes.

The procedure for their preparation and approval will be the same as that laid down in local legislation for ordinances and, in any case, will comply with the administrative procedure and content requirements of Article 20 of Law 8/2019 and those of a general nature established by Title II of State Law 22/2011.



REDUCEREUSERECYCLE

6 Waste management fees

Related costs and calculation of fees

Article 9.1

Indirect and direct costs of municipal waste management services have to take in account:

- ✓ The collection, transport and treatment of each of the different waste fractions.
- ✓ Awareness and communication actions related to best practices in waste management.
- ✓ All necessary infrastructure, especially the disposal service and preparation for reuse, with all associated costs.
- ✓ The monitoring and inspection of all previous operations.



Pay-per-waste system and transparency

Articles 9.2 and 9.3

The pay-per-waste system should be applied. Public prices, rates and fees for the collection and treatment of waste will be determined for each type of waste, according to the amount generated and the levels of improper materials. In addition, these must be made known to the citizens separately.

The fees and rates for the services provided must be set by the relevant ordinances and must take into account the following particularities:*

- The provision of differentiated or reduced rates for:

- ✓ Good practices in waste prevention and preparation for reuse, both for citizens and companies.
- ✓ Domestic or community composting practices, as well as to encourage, at the outset, the separation and selective collection of compostable organic material.
- ✓ People and families at risk of social exclusion.

- *The inclusion of systems to encourage selective collection in holiday rentals.*

Suggestions:

- ✓ Offer to holiday rentals information, in foreign languages, about correct waste separation and the waste collection system of the municipality.
- ✓ Provide for differentiated or reduced rates for owners of holiday rentals to ensure proper waste separation.
- ✓ If necessary, increase the number of clean points or controlled recycling centres for holiday rentals on rustic land, to avoid 'waste tourism'.

*City councils will have until May 11th, 2021 to adapt the regulatory ordinances and municipal taxes to the provisions of this Law (Fourth Transitory Provision)

Compensation from Collective Systems of Extended Producer Responsibility

Article 28

Collective systems of extended producer responsibility (EPR) have to compensate public administration for the full costs of the waste management cycle under their responsibility.

Packaging EPR must finance the collection of all packaging waste for recovery (material or energetic), including the proportionate share of packaging waste collected non-selectively (reject fraction) and waste from street cleaning and other areas such as beaches.*

*Domestic, commercial or industrial packaging waste (secondary, tertiary, products in special formats, large size, etc.).



7

Education, prevention and awareness



Education and awareness

Article 8

Article 8 a-o

Citizens must be informed and made aware of the negative consequences of waste generation for the environment, the importance of waste prevention or correct waste separation, among other aspects covered by this article.

Article 8 h

In the collection and waste treatment public contracts 1% of the budget must be foreseen for training and awareness measures. This ones will be carried out by the awardee.

Article 8 i

Training and specialization courses for administration staff should be promoted.

Prevention

Article 22

Measures to prevent, reuse and reduce the hazardous nature of the waste referred to in Article 22 shall be adopted, with particular regard to:

Article 22.1 l

Incorporate prevention criteria into hiring procedures.

These criteria should take into account all types of waste generated by the contracted company or the public administration itself.

In addition, they should be governed by the waste hierarchy established by the EU. Thus, measures and actions that prevent the generation of waste (the best waste is that which is not generated) will be preferred, followed by those that encourage preparation for reuse, recycling and energy recovery.

Article 22.1. m

Incorporate, through ordinances, measures to prevent the most common waste on coasts and beaches (e.g. cigarette butts or packaging).

Article 22.2. e

Prioritize the public purchase of reusable and/or recycled products. This measure is compulsory for public tendering procedures.

Article 42

When granting environmental and activity permits required to carry out the activity, establishments that generate more than 10 tonnes per year of hazardous waste or more than 1,000 tonnes per year of non-hazardous waste must be requested to carry out a waste minimisation study, which must be submitted to the Balearic Government.

8

Inspection, infractions and penalties



Inspection, monitoring and control

Article 71.2

The power to inspect, monitor and control the compliance with this Law must be exercised directly (through the local police, environmental inspectors, etc.) or indirectly (for example, through the entities contracted by the municipal waste management).

Infractions

Article 77.2

The corresponding infractions and sanctions must be typified through ordinances, within the scope of their own competencies and in accordance with state and regional laws.



Disciplinary authority

Article 80.3

The power to impose sanctions must be exercised in the case of abandonment, dumping or unauthorised disposal of waste from collection and municipal management, also when it is delivered without complying with the conditions laid down in the ordinances.

9

Other obligations and precepts

Monitoring of construction and demolition waste

Article 52.2

Projects for the construction permit that are processed must include a waste management study, which will be presented to the local authorities, in accordance with the provisions of Article 6.1 of Royal Decree 105/2008*.

*This gives autonomous communities and municipal entities the possibility of collaborating to monitor, inspect and sanction the production, possession and management of construction and demolition waste.



The management study must be submitted to the Government for supervision and approval in the following cases:

- ✓ Demolitions of multi-family and similar housing, industrial warehouses and large-volume sports facilities.
- ✓ Construction with a demolition execution budget of more than 500,000 euros.
- ✓ All those considered by the local councils themselves due to their relevance, entity or dangerousness.



Sending waste data to the Government

Article 69.4

During the first quarter of the year (before 01 April), a report on municipal waste management during the previous year must be sent to the Government's competent waste management body, including broken down data according to the model in Annex 7 of the Law.

This procedure will be done online, using the following email address: residus@caib.es



Additional information



What does “compostable material” mean?

As a general rule, a material will be considered compostable as long as it is proved that it complies with the European standard UNE EN 13432:2001. This certification guarantees that all product components (the material itself, colours, labels, glues and, in the case of packaging products, waste contents) can only be composted under industrial conditions.

It should be noted that there is also the “OK compost Home” certification, which guarantees that the product is also compostable under domestic conditions.



Which public facilities must comply with the obligations of this Law?

Those in which are located activities or services developed by administrations and public entities, directly or indirectly (by contract or concession):

Examples of public facilities affected by Law 8/2019

Transport

- Airports
- Ports
- Bus stations
- Train and Metro stations

Healthcare

- Hospitals
- Health Centres

Education

- Universities
- Vocational Training Centres
- High Schools/Schools
- Kindergardens
- Libraries

Administration

- Spaces belonging to the State Government and Ministries (Social Security, Treasury, Post Office, Traffic, Courts, etc.)
- Balearic Government and Departments
- Island Councils
- City councils and other municipal spaces
- Public Companies, Foundations and Concessionaires

Social

- Hostels
- Residences
- Occupational centres
- Prisons

Culture and Sports

- Sports centres
- Theatres
- Museums
- Manors



Standards to be met in cafes, restaurants and related as of 20/03/2021

Indoors

- ✓ *Serve beverages in reusable containers and cups, except in health institutions and educational centres, where the marketing of water in single-use containers is permitted.
- ✓ Offer consumers the possibility of drinking unpackaged water (free of charge and complementary to the offer of the same establishment).
- ✓ Food products in single-dose format cannot be used.
- ✓ Disposables tools cannot be used (regardless of material), except cellulose tablecloths and napkins.

- ✓ Provide customers who request it unconsumed food leftovers in certified compostable packaging.

Outdoors (to take-away)

- ✓ *Serve beverages in reusable containers and cups, except in health institutions and educational centres, where the marketing of water in single-use containers is permitted.
- ✓ Disposable food trays, plates, cutlery, glasses and cups cannot be made of plastic, unless it is compostable.
- ✓ Lightweight disposable bags made of any type of plastic cannot be supplied.
- ✓ Only drink straws made of compostable, edible or reusable material can be offered.

**Exclusive regulation for establishments located in public facilities.*

Postponement of dates

The dates of entry into force of the regulations that appear in this guide are different from those of Law 8/2019, because they have been postponed 78 days due to the application of the suspension of the administrative deadlines established by the additional provisions of the RD 463/2020, of March 14th, which declares the state of alarm due to the crisis situation caused by COVID-19. It must be taken into account that these dates could change again in case of new suspensions.

Status of municipal waste in the Balearic Islands



How much municipal waste is generated in the Balearic Islands?

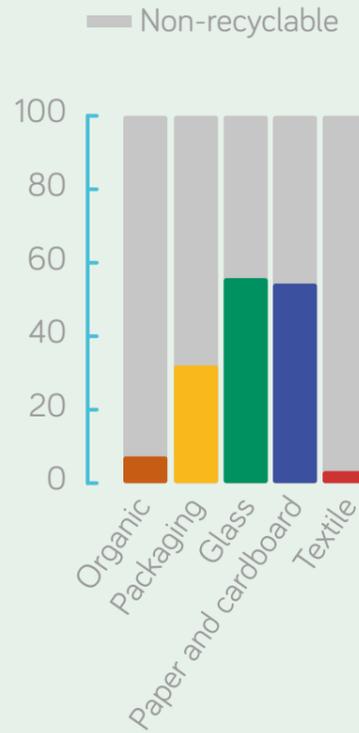
From 2013 to 2018 the generation of total and per capita waste (taking into account the de facto population or HPI) in the Balearic Islands has not stopped increasing to reach 573 kg per inhabitant per year, the highest in Spain.



How much municipal waste is collected separately?

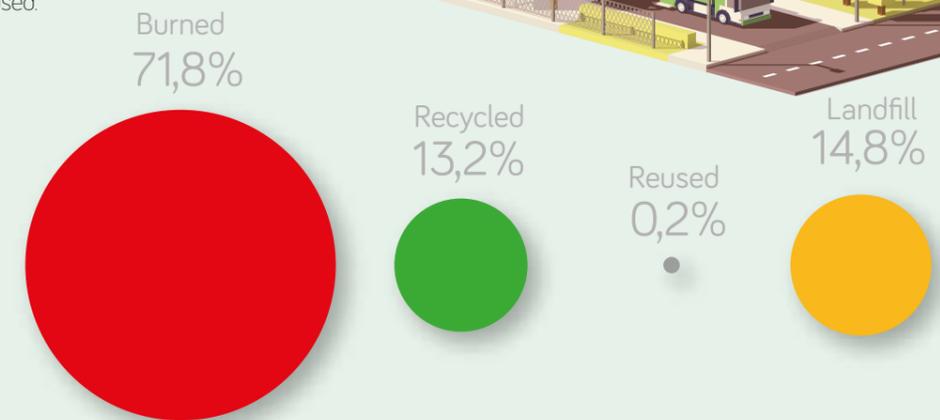
Of all the waste generated in the Balearic Islands, only 17% is collected separately. In order to comply with the European objectives, 50% of selective collection should be achieved.

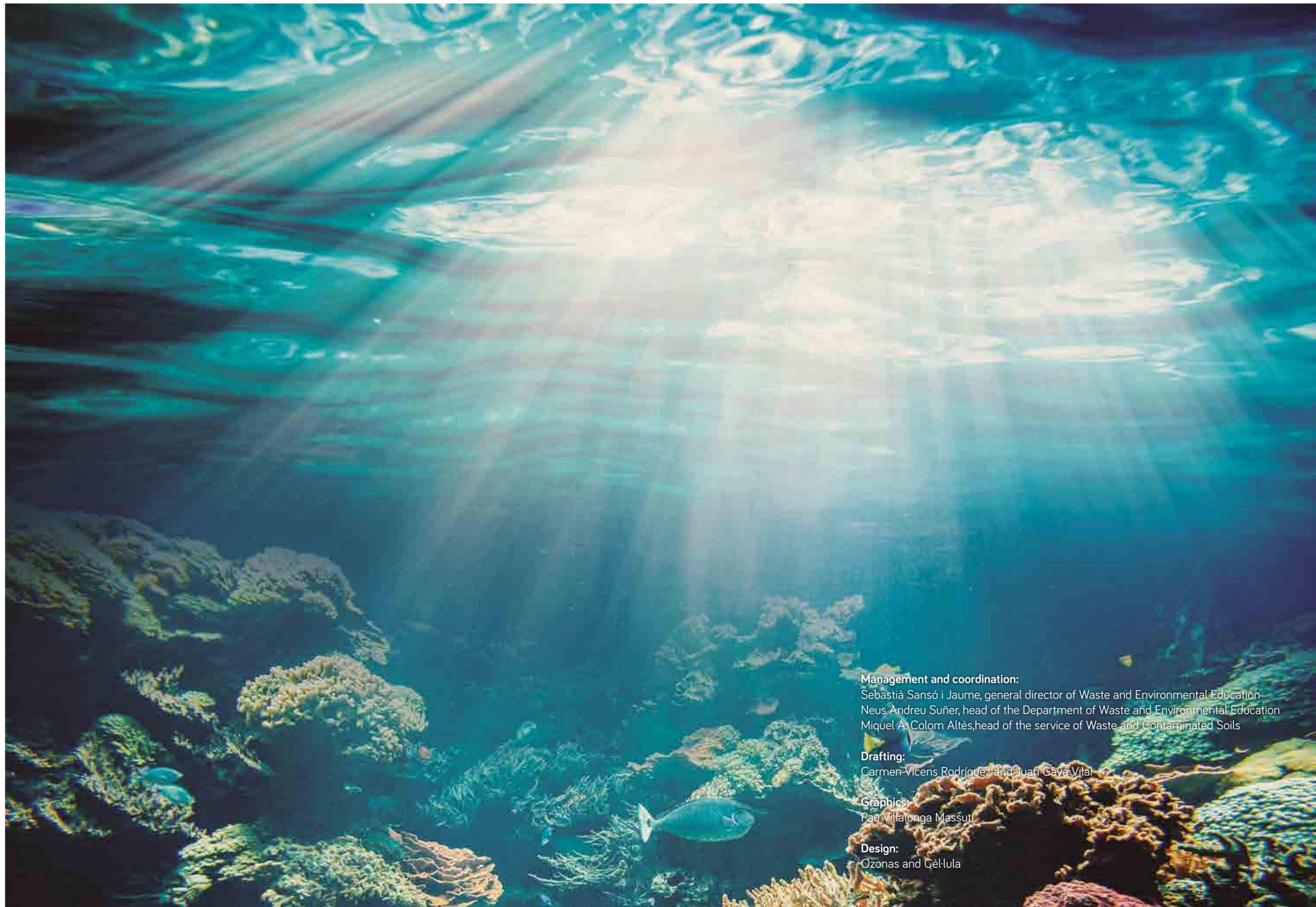
Percentage of selective waste collection with respect to the total generated, by fraction.



Where does municipal waste end up?

The vast majority of municipal waste ends up burned or in a landfill. Only 13.2% is recycled and less than 0.5% is reused.





Management and coordination:

Sebastià Sansó i Jaume, general director of Waste and Environmental Education
Neus Andreu Suñer, head of the Department of Waste and Environmental Education
Miquel A. Colom Altès, head of the service of Waste and Contaminated Soils

Drafting:

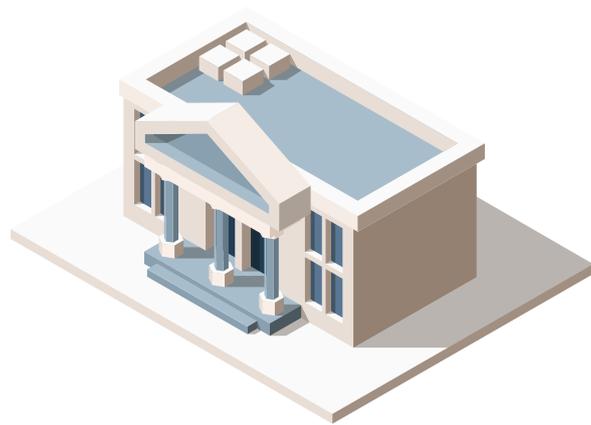
Carmen Vicens Rodríguez and Juan Gaya Vilar

Graphics:

Pau Villalonga Massutí

Design:

Ozonas and Cèl·lula



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