

**THE ACT
of 27 April 2001
on Waste**

**Chapter 1
General provisions**

Article 1

1. This Act shall lay down the principles of waste management in a manner ensuring the protection of human life and health and of the environment, in keeping with the principle of sustainable development; in particular the principles of waste prevention or the reduction of its quantity and its adverse effects on the environment as well as the principles of waste recovery or disposal.
2. The provisions of this Act shall not violate the provisions of Title I, Part II, of the Act on Environmental Law of 27 April 2001 (Official Journal, No. ..., Item).

Article 2

1. The provisions of this Act shall also apply to the management of earth or rock masses where they are removed or displaced in connection with the implementation of an investment project or the extraction of minerals.
2. The provisions of this Act shall not apply to:
 - 1) earth or rock masses where they are removed or displaced in connection with the implementation of an investment project or the extraction of minerals, along with their processing, where the local land-use plan, the decision setting out the conditions for site building up and development or the construction permit lay down the conditions for, and manner of, their management,
 - 2) earth masses originating from the dredging of sea areas, with a view to maintaining the infrastructure which provides access to ports, and from the dredging of water reservoirs, ponds, natural watercourses, canals and ditches, with a view to maintaining and regulating waters, where they are not contaminated and where the local land-use plan, the decision setting out the conditions for site building up and development or the water permit lay down the conditions for, and manner of, their management,
 - 3) radioactive waste in the meaning of the Atomic Law,
 - 4) gases and dusts emitted into the air,
 - 5) wastewater in the meaning of the environmental regulations,
 - 6) animal faeces, stable and liquid manure, and animal urine destined to be used in farming in a manner and according to the rules set out in the regulations on fertilisers and fertilisation,
 - 7) substances used as coolants where they are to be regenerated.

3. The provisions of this Act shall apply without prejudice to the provisions of the Geological and Mining Law of 4 February 1994 (Official Journal, No. 27, Item 96; 1996, No. 106, Item 496; 1997, No. 88, Item 554, No. 111, Item 726, No. 133, Item 885; 1998, No. 106, Item 668; 2000, No. 109, Item 1157, and No. 120, Item 1268), those of the Act on Combating Contagious Diseases of Animals, Examination of Slaughter Animals and Meat and the State Veterinary Inspectorate of 24 April 1997 (Official Journal of 1999, No. 66, Item 752; 2000, No. 29, Item 320) and those of the Act on the Prevention of Sea Pollution by Ships of 16 March 1995 (Official Journal, No. 47, Item 243; 2000, No. 109, Item 1156).

Article 3

1. "Waste" shall mean any substance or object in one of the categories listed in Annex I to this Act which the holder thereof discards or intends or is required to discard.
2. "Hazardous waste" shall mean waste:
 - 1) belonging to the categories or types of waste featuring in List A in Annex 2 to this Act and displaying at least one of the properties enumerated in Annex 4 to this Act, or
 - 2) belonging to the categories or types of waste featuring in List B in Annex 2 to this Act, containing any of the constituents enumerated in Annex 3 and displaying at least one of the properties enumerated in Annex 4 to this Act.
3. For the purposes of this Act:
 - 1) "waste management" shall mean the collection, transport, recovery and disposal of waste, including the supervision over such operations and waste disposal sites,
 - 2) "municipal sewage sludge" shall mean sewage sludge originating from digestion chambers of wastewater treatment plants and from other installations used to treat municipal wastewater, or other wastewater with its composition similar to that of municipal wastewater,
 - 3) "waste storage" shall mean temporary waste storage or collection prior to its transport, recovery or disposal,
 - 4) "municipal waste" shall mean waste originating from households as well as waste not containing hazardous waste and originating from other waste producers which is similar to waste arising in households in the light of its nature or composition,
 - 5) "medical waste" shall mean waste arising in connection with the provision of medical services and the performance of scientific research and experiments in the field of medicine,
 - 6) "inert waste" shall mean waste which does not undergo any significant physical, chemical or biological transformations; which does not dissolve or react physically or chemically; which does not give rise to environmental pollution or harm human health; which does not biodegrade or adversely affect other matter with which it comes into contact. The total pollutant content in this waste, its leachability and the

adverse effect of the leachate must be insignificant, and in particular they should not endanger the quality of surface water, underground water, soil and land,

- 7) "biodegradable waste" shall mean waste undergoing aerobic or anaerobic decomposition under the effect of microorganisms,
- 8) "veterinary waste" shall mean waste arising in connection with examination and treatment of animals or provision of veterinary services and in connection with scientific research and experiments performed on animals,
- 9) "recovery" shall mean any operations which do not endanger human life and health or the environment, consisting in the use of waste in whole or in part, or leading to extraction and use of substances, materials or energy, as listed in Annex 5 to this Act,
- 10) "energy recovery" shall mean thermal transformation of waste aimed at energy recovery,
- 11) "waste oils" shall mean any lubrication or industrial oils which have become unfit for the use for which they were originally intended, and in particular used combustion engine oils and gearbox oils, and also lubricating oils, oils for turbines and hydraulic oils;
- 12) "PCBs" shall mean polychlorinated biphenyls, polychlorinated terphenyls, monomethyltetrachlorodiphenyl methane, monomethyldichlorodiphenyl methane, monomethyldibromodiphenyl methane and mixtures containing any of the above mentioned substances in a total quantity of more than 0.005% by weight,
- 13) "waste holder" shall mean every entity which is in the actual possession of waste (waste producer, other natural or legal person, organisational unit); it is presumed that the person in the possession of the land surface is the holder of the waste present on this property,
- 14) "recycling" shall mean such recovery as consists in reprocessing of substances or materials contained in waste through a production process to recover substances or materials for their original or different uses, including organic recycling, but excluding energy recovery,
- 15) "organic recycling" shall mean aerobic processing, including composting, or anaerobic processing of biodegradable waste under controlled conditions under the effect of microorganisms to produce organic matter or methane; deposition at a waste landfill shall not be regarded as organic recycling,
- 16) "waste landfill" shall mean a built structure designed to landfill waste,
- 17) "incineration plant" shall mean an installation where waste is thermally transformed for disposal purposes,
- 18) "starost" (the head of the county government) shall also mean the mayor of a city with the rights of powiat (county),

- 19) "application of municipal sewage sludge" shall mean the spreading on the land surface or introduction of municipal sewage sludge into soil for re-use purposes,
- 20) "incineration of waste" shall mean waste oxidation processes, including burning, gassification or decomposition of waste, including pyrolytic decomposition, performed at dedicated facilities or equipment on principles set out in detailed regulations,
- 21) "waste disposal" shall mean the submission of waste to the processes of biological, physical or chemical treatment set out in Annex 6 to this Act as a result of which the nature of waste does not pose risks to human life and health or the environment,
- 22) "waste producer" shall mean anyone whose activities and existence produce waste and anyone who carries out pre-treatment, mixing or other operations resulting in a change in the nature or composition of this waste,
- 23) "waste collection" shall mean all the operations carried out for the purpose of preparing waste for its transport to waste recovery or disposal sites, in particular its placement in containers, sorting and storage.

Article 4

1. Taking into account the categories and types of waste enumerated in Annexes 1 and 2, the constituents of waste enumerated in Annex 3 and the properties of waste enumerated in Annex 4, by way of a regulation, the minister responsible for the environment shall lay down:
 - 1) a waste catalogue, with a division into waste groups, subgroups and types, with consideration given to waste origins, along with a list of hazardous waste types and the manner of waste classification,
 - 2) reference methods for examining the waste included in the list of hazardous waste in order to allow for the determination whether such waste has no properties, or constituents and properties, which render this waste hazardous.
2. In agreement with the minister responsible for the maritime economy, by way of a regulation, the minister responsible for the environment shall lay down the types and concentrations of substances which ensure that dredging spoils from the dredging of sea areas, with a view to maintaining the infrastructure providing access to ports, and from the dredging of water reservoirs, ponds, natural watercourses, canals and ditches, with a view to maintaining and regulating waters, are not polluted, taking into account the properties of substances which may pollute these dredging spoils.

Chapter 2

Waste management principles

Article 5

Anyone who undertakes operations which produce or may produce waste shall plan, design and conduct such operations so as to:

- 1) prevent waste production, or reduce the quantity of waste and its adverse effects on the environment, when products are manufactured and used, and after their use,
- 2) ensure that its recovery complies with the principles of environmental protection, where it is impossible to prevent its production,
- 3) where it is impossible to prevent waste production or recover waste, ensure that such waste is disposed of in keeping with the principles of environmental protection.

Article 6

The waste producer shall be obliged to apply such methods of production, forms of services, raw and other materials which prevent waste production or allow for its quantity to be kept at the lowest possible level and which reduce the adverse effects on the environment or human life or health..

Article 7

1. The waste holder shall be obliged to manage waste in a manner consistent with the waste management principles, the requirements of environmental protection and waste management plans.
2. The waste holder shall be obliged first to recover waste and, where it is impossible or unjustified for environmental or economic reasons, such waste shall be disposed of in a manner consistent with the requirements of environmental protection and waste management plans.
3. The waste which it is impossible to recover shall be disposed of in such a way that only the waste the disposal of which in another way was impossible for technological reasons, or unjustified for environmental or economic reasons, would be landfilled.
4. In agreement with the minister responsible for the environment, by way of regulations, the ministers responsible for the economy, health, agriculture and administration, within their authority, shall lay down the detailed manner of managing certain types of waste, with a view to establishing schemes of the management of such waste by its holders.

Article 8

Waste management in a manner inconsistent with the provisions of this Act and the regulations on environmental protection shall be prohibited.

Article 9

1. Waste should first be recovered or disposed of at the place of its production.
2. The waste which cannot be recovered or disposed of at the place of its production shall be transferred, using the best available technique or technology, as referred to in Article 143 of the Act on Environmental Law of 27 April 2001, to the closest sites where it can be recovered or disposed of.

Article 10

Waste should be collected in a selective way.

Article 11

1. Mixing of different types of hazardous waste and mixing of hazardous waste with non-hazardous waste shall be prohibited, subject to paragraph 2.
2. Mixing of different types of hazardous waste and mixing of hazardous waste with non-hazardous waste shall be allowed in order to improve the safety of recovery or disposal processes applied to waste arising as an effect of such mixing where the performance of such processes does not endanger human life and health or the environment.
3. Where hazardous waste has been mixed with other types of waste, substances or objects, it shall be separated provided that all of the following conditions are satisfied:
 - 1) the process of recovery or disposal of waste resulting from the separation reduces the danger to human life and health or the environment,
 - 2) it is technically feasible and economically viable.
4. Hazardous waste shall be transported from the place of its production to the sites of its recovery or disposal in keeping with the regulations applicable to transport of hazardous materials.
5. In agreement with the minister responsible for the economy, with a view to meeting the need for reducing the adverse effects of the environment resulting from transports of hazardous waste, by way of a regulation, the minister responsible for transport shall lay down the scope and manner of applying the regulations on transports of hazardous materials to transports of hazardous waste.

Article 12

Only waste from which waste suitable for recovery has been previously separated out shall be subject to disposal.

Article 13

1. Waste shall be recovered or disposed of only at sites designated under the land-use planning regulations, at installations or facilities which meet specific requirements, subject to paragraphs 2 - 4.
2. The provision of paragraph 1 shall not apply to:
 - 1) waste holders who carry out the recovery operation numbered R10 in Annex 5 to this Act,
 - 2) natural persons who compost waste to meet their own needs.
3. It shall be allowed to burn vegetation waste outside of installations and facilities where its burning does not violate separate regulations.
4. Where it is impossible for safety reasons to burn incinerate in dedicated installations or facilities, the voivode may allow its burning outside of installations or facilities, setting

out in a decision the site of the burning, the quantity of the waste, the conditions for burning a given type of waste and the period over which this decision is valid.

5. Installations or facilities for waste recovery or disposal can be operated only where:
 - 1) limit emission values set out on the basis of separate regulations are not exceeded,
 - 2) the residues arising from recovery or disposal operations are recovered or disposed of in a manner satisfying the requirements laid down in this Act.
6. Where the waste holder who conducts waste recovery or disposal operations fails to meet the requirements referred to in paragraphs 1 and 5 and those referred to Articles 11, 12 and Article 25 (2), the voivodship inspector for environmental protection may issue a decision stopping these operations. Despite the stopping of the operations, the waste holder shall be obliged to eliminate the effects of these operations at his own expense.
7. The procedure to issue a decision stopping operations shall be initiated ex officio.
8. In the case referred to in paragraph 6, on the waste holder's request, the voivodship inspector for environmental protection may establish a deadline for eliminating irregularities identified and, where they have not been eliminated by this deadline, issue a decision stopping the waste recovery or disposal operations.
9. The decision referred to paragraphs 6 and 8 shall lay down the deadline for stopping the operations, taking into account the need to ensure that their closedown is safe for the environment.

Chapter 3 **Waste management plans**

Article 14

1. In order to achieve the objectives adopted in the national environmental policy, to implement the principles laid down in Article 5 and to establish an integrated and adequate national network of installations and facilities for waste recovery and disposal meeting the requirements set out in the regulations on environmental protection, waste management plans shall be developed.
2. Such plans shall describe:
 - 1) the current state of waste management,
 - 2) predicted changes in waste management,
 - 3) measures to improve the situation in waste management,
 - 4) financial instruments used to achieve the objectives adopted,
 - 5) the system for monitoring and review of the objectives adopted.

3. Plans shall be developed at the national, voivodship, powiat and gmina levels.
4. The national waste management plan shall be developed by the minister responsible for the environment and adopted by the Council of Ministers.
5. Draft voivodship, powiat and gmina waste management plans shall be developed, respectively, by the voivodship board, powiat board and the gmina board.
6. The voivodship, powiat and gmina waste management plans shall constitute part of the relevant programme on environmental protection and shall be developed in the procedure and on the principles set out in the regulations on environmental protection.
7. Draft plans shall be subject to opinion:
 - 1) the draft national plan – by voivodship boards,
 - 2) the draft voivodship plan – by the minister responsible for the environment and the boards of powiats and gminas within the voivodship,
 - 3) the draft powiat plan – by the voivodship board and by the boards of the gminas within the powiat,
 - 4) the draft gmina plan – by the voivodship board and the powiat board.
8. The authorities referred to in paragraph 7 shall give their opinion not later than after 2 months from the date when they receive the draft. Failure to give opinion by such date shall be deemed to mean positive opinion.
9. In towns where the functions of powiat authorities are exercised by the gmina authorities, the waste management plan shall comprise the tasks of the powiat and gmina plans. The draft plan shall be subject to opinion by the voivodship board.
10. For the area of the Capital City of Warsaw, the board of the Warsaw powiat shall develop a common draft waste management plan, comprising the tasks of the powiat and gmina plans, to be subject to opinion by the board of Mazowieckie Voivodship and the boards of the gminas within the Warsaw powiat; such plan shall be adopted by the board of the Warsaw powiat.
11. The boards of gminas which are members of gmina associations may develop one common draft waste management plan, comprising the tasks of the gmina waste management plan. The draft plan shall be subject to opinion by the boards of the voivodships and powiats within which these gminas are situated.
12. The boards of powiats which are members of powiat associations may develop one common draft waste management plan, comprising the tasks of the powiat waste management plan. The draft plan shall be subject to opinion by the boards of the voivodships within which these powiats are situated and by the boards of the gminas within these powiats.

13. Every 2 years the minister responsible for the environment, the voivodship board, the powiat board and the gmina board shall submit reports on the implementation of waste management plans, respectively, to the Council of Ministers, the voivodship assembly, the powiat council and the gmina council.
14. Waste management plans shall be updated at least every 4 years.

Article 15

1. Waste management plans shall be developed in accordance with the national environmental policy.
2. Voivodship, powiat and gmina waste management plans shall be developed in accordance with higher-level plans.
3. The national, voivodship, powiat and gmina waste management plans shall describe in particular:
 - 1) the types, quantities and origins of waste to be subjected to recovery or disposal processes,
 - 2) the locations of existing installations and facilities for waste recovery and disposal, along with a list of entities which carry out operations in this field,
 - 3) measures to prevent waste production or to reduce its quantities and its adverse effects on the environment as well as to ensure correct waste management, including those to reduce the quantities of biodegradable waste contained in municipal waste deposited at landfills,
 - 4) the proposed waste management system.
4. In addition, the gmina waste management plan shall describe:
 - 1) the types of projects and their implementation timetables,
 - 2) the timetable for disbursement of financial resources and their sources.
5. The national waste management plans may set out priority projects with higher than voivodship significance which are indispensable for establishing and maintaining an integrated and adequate national network of waste disposal installations and facilities.
6. By way of a regulation, the Council of Ministers may lay down the principles and manner of financing the priority projects with higher than voivodship significance referred to in paragraph 5, with a view to meeting the need for establishing and maintaining an integrated and adequate national network of waste disposal installations and facilities.
7. The national, voivodship, powiat and gmina waste management plans shall comprise all the types of waste produced within a given administrative unit and those imported into it, in particular municipal waste, including biodegradable waste, packaging waste, construction waste, scrap vehicles, tires and hazardous waste, including medical and veterinary waste, waste oils, batteries and accumulators.

8. By way of a regulation, the minister responsible for the environment may lay down the detailed scope, manner and form of developing voivodship, powiat and gmina waste management plans, with a view to meeting the need for harmonising the manner of development of such plans and ensuring their consistency.

Article 16

Waste disposal related projects may be supported with financial resources of funds for environmental protection provided that such projects have been included in waste management plans.

Chapter 4 Obligations of waste holders

Article 17

1. A waste producer who operates an installation shall be obliged to:
 - 1) **obtain a permit for waste production** where he produces more than 1 tonne of hazardous waste a year or more than 5,000 tonnes of non-hazardous waste a year,
 - 2) obtain a decision approving the hazardous waste management programme where he produces up to 1 tonne of hazardous waste a year,
 - 3) submit information regarding the waste produced and the manner of managing the waste produced where he produces 5 to 5,000 tonnes of non-hazardous waste a year.
2. A waste producer who does not operate an installation shall be obliged to:
 - 1) obtain a decision approving the hazardous waste management programme where he produces hazardous waste in an amount exceeding 100 kg a year,
 - 2) submit information regarding the waste produced and the manner of managing the waste produced where he produces up to 100 kg of hazardous waste a year or more than 5 tonnes of non-hazardous waste a year.
3. By way of a resolution, the gmina council may impose the obligation to submit information regarding the waste produced and the manner of managing the waste produced on the waste producers referred to in paragraphs 1 and 2 who produce up to 5 tonnes of non-hazardous waste a year.
4. The obligation to obtain the permit referred to in paragraph 1 and to submit the information regarding the waste produced and the manner of managing the waste produced **shall not apply to the waste producer who operates an installation the operation of which requires the integrated permit** referred to in the regulations on environmental protection.
5. The provisions of paragraphs 1 to 4 shall not apply to municipal waste.

Article 18

1. An application for a waste production permit shall meet the requirements set out in the regulations on environmental protection and, in addition, contain the following information:
 - 1) specification of the types of waste expected to be produced, including their basic chemical composition and properties,
 - 2) the quantities of individual types of waste expected to be produced in the course of a year,
 - 3) information on measures to prevent waste production or to reduce the quantities of waste and its adverse effect on the environment,
 - 4) a detailed description of the manner of waste management, including waste collection, transport, recovery and disposal,
 - 5) the location and manner of waste storage.
2. The **waste production** permit shall meet the requirements set out in the regulations on environmental protection and, in addition, include the following:
 - 1) the quantities of individual types of waste authorised to be produced in the course of a year,
 - 2) the manner of waste management,
 - 3) the location and manner of waste storage.
3. The competent authority shall refuse a waste production permit in cases specified in the regulations on environmental protection and where the proposed manner of waste management:
 - 1) might cause danger to human health and life or the environment,
 - 2) is inconsistent with the waste management plans referred to in Chapter 3.
4. The voivode or the starost shall forward a copy of their decision to the relevant voivodship marshal, the head of the gmina government, the town mayor or the city president.

Article 19

1. The hazardous waste producer shall be obliged to submit an application for approval of the hazardous waste management programme, with said programme enclosed, to the competent authority two months before he begins an operation which causes hazardous waste production or makes a change in this operation which affects the type and quantity of hazardous waste produced or the manner of its management.
2. The hazardous waste management programme shall be approved by a decision of the competent authority, i.e.:

- 1) the voivode – with respect to projects which may have significant effects on the environment with regard to which the obligation to prepare an environmental impact assessment is provided for in the regulations on environmental protection and where it applies to the operation of an installation on the site of plants recognised to be such projects,
 - 2) the starost – for the other projects.
3. The geographical competence of the authority referred to in paragraph 2 shall be established according to the location of hazardous waste production.
 4. The voivode shall approve the hazardous waste management programme after obtaining opinion from the head of the gmina government, the town mayor and the city president who are competent in the light of location of hazardous waste production.
 5. The starost shall approve the hazardous waste management programme after obtaining opinion from the head of the gmina government, the town mayor and the city president as well as the powiat sanitary inspector who are competent in the light of location of hazardous waste production; the obligation to obtain opinion from the city president shall not apply to the president of a town with powiat rights.
 6. The voivode or the starost shall forward a copy of their decision to the relevant voivodship marshall, the head of the gmina government, the town mayor or the city president.

Article 20

1. The hazardous waste management programme enclosed with an application for a decision approving the hazardous waste management programme shall contain:
 - 1) specification of the types of hazardous waste expected to be produced, and where such specification of waste types is not sufficient to determine the dangers posed by hazardous waste, the competent authority may order the applicant to describe the basic chemical composition and properties of the waste,
 - 2) the quantities of individual types of hazardous waste expected to be produced in the course of a year,
 - 3) information on measures to prevent hazardous waste production or to reduce the quantities of waste and its adverse effect on the environment,
 - 4) a detailed description of the manner of waste management, including hazardous waste collection, transport, recovery and disposal,
 - 5) the location and manner of waste storage.
2. In his application for approval of the hazardous waste management programme, the waste producer shall specify the period over which he will conduct the operation producing hazardous waste.

Article 21

A decision approving the hazardous waste management programme shall specify the following:

- 1) the quantities of individual types of hazardous waste authorised to be produced in the course of a year,
- 2) the manner of hazardous waste management,
- 3) the location and manner of hazardous waste storage,
- 4) the validity term of the permit, to be granted for a specified period not longer than 10 years,

Article 22

1. The competent authority shall refuse to issue a decision approving the hazardous waste management programme where:

- 1) the proposed manner of hazardous waste management might cause danger to human health and life or the environment,
- 2) the proposed manner of hazardous waste management is inconsistent with the waste management plans.

2. The voivode or the starost shall forward a copy of their decision to the relevant head of the gmina government, the town mayor or the city president

Article 23

1. Where a hazardous waste producer violates the provisions of this Act or operates in a manner inconsistent with the decision approving the hazardous waste management programme, the competent authority shall order him to immediately cease such violations.
2. Where, despite the order referred to in paragraph 1, the hazardous waste producer still continues to violate the provisions of this Act or operates in a manner inconsistent with the decision approving the hazardous waste management programme, by way of a decision, the competent authority shall stop the operations of the waste producer in their part covered by the hazardous waste management programme.
3. The competent authority shall order the decision referred to in paragraph 2 to be implemented immediately, with consideration given to the need for closing down in an environmentally safe manner the operations of the waste producer in their part covered by the hazardous waste management programmes.
4. The closedown of the operations shall not annul the obligation to eliminate the effects of these operations at the expense of the hazardous waste producer.
5. The procedure for making the decision referred to in paragraph 2 shall be initiated ex officio.

Article 24

1. Information on the waste produced and the manner of managing the waste produced shall be submitted to the competent authority two months before the operation which causes waste production begins or a change in this operation is made which affects the type and quantity of waste produced or the manner of its management.
2. The competent authority referred to in paragraph 1 shall be:
 - 1) the voivode – with respect to projects which may have significant effects on the environment with regard to which the obligation to prepare an environmental impact assessment is provided for in the regulations on environmental protection and where it applies to the operation of an installation on the site of plants recognised to be such projects,
 - 2) the starost – for the other projects.
3. The geographical competence of the authority referred to in paragraph 2 shall be established according to the location of waste production.
4. The information referred to in paragraph 1 shall include:
 - 1) specification of the types of waste expected to be produced, and where such specification of waste types is not sufficient to determine the dangers posed by this waste, the competent authority may order the applicant to describe the basic chemical composition and properties of the waste,
 - 2) the quantities of individual types of waste expected to be produced in the course of a year,
 - 3) information on measures to prevent waste production or to reduce the quantities of waste and its adverse effect on the environment,
 - 4) a detailed description of the manner of waste management, including waste collection, transport, recovery and disposal,
 - 5) the location and manner of waste storage.
5. The operation which produces waste may be started provided that the authority competent to receive the information referred to in paragraph 1 does not object thereto by way of its decision within 30 days.
6. Where, on the basis of the submitted information referred to in paragraph 1 or its own findings, the authority determines that hazardous waste produced in an amount up to 100 kg a year may cause, given its quantity or type, hazards to human life or health or to the environment, within one month of the date when the competent authority receives such information, by way of a decision, the authority shall order the waste producer to submit an application for approval of a hazardous waste management programme.

7. Where the waste producer violates the provisions of this Act or operates in a manner inconsistent with the information submitted, the authority competent for obtaining this information shall order the violations to be stopped.
8. Where, despite the order referred to in paragraph 7, the waste producer still continues to violate the provisions of this Act or operate in a manner inconsistent with the information submitted, by way of a decision, the authority competent for obtaining this information shall stop the operations producing waste, with consideration given to the need for stopping these operations in an environmentally safe manner.
9. The voivode or the starost shall forward a copy of the information regarding the waste produced and the manner of managing the waste produced as well as the decisions referred to in paragraphs 5, 6 and 8 to the competent voivodship marshal, the head of the gmina government, the town mayor or the city resident.

Article 25

1. The waste producer may commission another waste holder with implementing his obligation to manage waste.
2. The waste holder may transfer waste only to entities which have been granted a permit by the competent authority for conducting waste management operations unless such operations do not require a permit.
3. Where the waste holder, including also waste producer, transfers waste to another waste holder who has a permit from the competent authority for conducting operations in the scope of managing this waste, the responsibility for operations covered by this permit is transferred to the latter waste holder.

Article 26

1. The waste holder who carries out operations in the scope of waste recovery or disposal shall be obliged to obtain a permit for conducting these operations, subject to Article 31 (1), Article 33 (2, 4) and Article 43 (5).
2. By way of a decision, the competent authority shall grant a permit for operations in the scope of waste recovery or disposal for a specified period not longer than 10 years.
3. The competent authority referred to in paragraph 2 shall be:
 - 1) the voivode – with respect to projects which may have significant effects on the environment with regard to which the obligation to prepare an environmental impact assessment is provided for in the regulations on environmental protection and where it applies to the operation of an installation on the site of plants recognised to be such projects,
 - 2) the starost – for the other projects.
4. The geographical competence of the authority referred to in paragraph 3 shall be established according to the location where operations in the scope of waste recovery or disposal are carried out.

5. The voivode shall grant the permit for operations in the scope of waste recovery or disposal after obtaining opinion from the head of the gmina government, the town mayor and the city president who are competent in the light of the location of the operations in the scope of waste recovery or disposal.
6. The starost shall grant the permit for operations in the scope of waste recovery or disposal after obtaining opinion from the head of the gmina government, the town mayor and the city president as well as the powiat sanitary inspector who are competent in the light of location of waste production; the obligation to obtain opinion from the city president shall not apply to the president of a city with powiat rights.
7. The voivode or the starost shall forward a copy of their decision to the relevant voivodship marshall, the head of the gmina government, the town mayor or the city president.
8. The obligation to obtain the decision referred to in paragraph 1 shall not apply to the waste holder who carries out operations in the scope of waste recovery or disposal in an installation the operation of which requires the **integrated permit** referred to in the regulations on environmental protection.
9. The provisions of paragraphs 1 to 8 shall not apply to municipal waste.

Article 27

1. The **permit for operations** to be carried out in the scope of waste recovery or disposal shall be granted on an application which shall contain:
 - 1) specification of the types of waste expected to be recovered or disposed of; where such specification of waste types is not sufficient to determine the dangers posed by this waste to the environment, the competent authority may order the applicant to describe the basic chemical composition and properties of the waste,
 - 2) the quantities of individual types of waste to be recovered or disposed of in the course of a year,
 - 3) an indication of the location where the operations will be conducted in the scope of waste recovery or disposal,
 - 4) an indication of the ways and means of waste transport,
 - 5) an indication of the location and manner of waste storage,
 - 6) a detailed description of the methods applied to recover or dispose of waste,
 - 7) a presentation of the technical and organisational capacities allowing waste recovery and disposal operations to be carried out in a correct way, with particular consideration given to the professional qualifications and training of the employees and the number and quality of installations and equipment in place meeting the requirements of environmental protection,
 - 8) the proposed period over which waste recovery and disposal operations would be carried out.

2. **The permit for operations** to be carried out in the scope of waste recovery or disposal shall set out:
 - 1) the type and quantity of waste to be recovered or disposed of in the course of a year,
 - 2) the location and authorised methods for waste recovery or disposal,
 - 3) additional conditions set out for carrying out operations in the scope of waste recovery or disposal where required because of the nature of waste, in particular hazardous waste, or the need to meet the requirements of the protection of human life and health or of the environment,
 - 4) the location and manner of waste storage,
 - 5) the conditions of waste transport,
 - 6) the validity term of the permit.
3. The permit for operations to be carried out in the scope of hazardous waste recovery or disposal can be granted after the voivodship inspector for environmental protection has inspected the operation of disposal installations and facilities and after the permit required for the use of the site, in the meaning of the provisions of the construction law, has been granted.

Article 28

1. The waste holder who carries out operations in the scope of **waste collection or transport** shall be obliged to obtain a permit for these operations, subject to Article 32 (1).
2. The starost shall grant a permit for operations in the scope of waste collection or transport after obtaining opinion from the competent head of the gmina government, the town mayor and the city president as well as the powiat sanitary inspector; the obligation to obtain opinion from the city president shall not apply to the president of a city with powiat rights
3. The competent starost referred to in paragraph 2 shall be:
 - 1) the starost competent in the light of the location where waste is collected, with regard to permits granted for waste collection operations,
 - 2) the starost competent in the light of the seat or place of residence of the waste holder, with regard to permits granted for waste transport.
4. The permit for operations to be carried out in the scope of waste collection or transport shall be granted by way of a decision on an application which shall contain, respectively:
 - 1) specification of the types of waste expected to be collected or transported; where such specification of waste types is not sufficient to determine the dangers posed by this waste to the environment, the competent authority may order the applicant to describe the basic chemical composition and properties of the waste,
 - 2) an indication of the area where the operations will be conducted,

- 3) an indication of the location and manner of waste storage,
 - 4) an indication of the ways and means of waste transport,
 - 5) a presentation of the technical and organisational capacities allowing waste collection or transport operations to be carried out in a correct way,
 - 6) the expected period over which operations would be carried out in the scope of waste collection or transport.
5. The permit for operations to be carried out in the scope of waste collection or transport shall contain, respectively:
- 1) the types of waste to be collected or transported,
 - 2) an indication of the area where the operations will be conducted,
 - 3) an indication of the location and manner of waste storage,
 - 4) an indication of the ways and means of waste transport,
 - 5) additional conditions for carrying out operations in the scope of waste collection or transport where required because of the specific nature of waste, in particular hazardous waste, or the need to meet the requirements of the protection of human life and health or those of environmental protection,
 - 6) the validity term of the permit.
6. The permit for operations to be carried out in the scope of waste collection or transport shall be granted by the competent authority for a specified period not longer than 10 years.
7. The starost shall forward a copy of the decision to the competent voivodship marshall.
8. The provisions of paragraphs 1 to 7 shall not apply to municipal waste.

Article 29

1. The competent authority shall refuse to grant a permit for operations in the scope of waste recovery, disposal, collection or transport where the proposed manner of waste management:
 - 1) is inconsistent with the requirements of this Act,
 - 2) might pose danger to human life and health and the environment,
 - 3) is inconsistent with waste management plans.
2. The competent authority shall refuse to grant a permit for operations in the scope of incineration of hazardous waste or the landfill of waste where the manager of a hazardous waste incineration plant or another installation to accept hazardous waste for incineration,

or the manager of a waste landfill, does not have a certificate of qualifications in waste management.

3. The voivode or starost shall forward a copy of the decision to the competent head of the gmina government, town mayor or city president.

Article 30

1. Where the waste holder who has obtained a permit for carrying out operations in the scope of waste recovery, disposal, collection or transport violates the provisions of this Act or operates in a manner inconsistent with the permit granted, the competent authority shall order the waste holder to immediately cease violations.
2. Where, despite the order referred to in paragraph 1, the waste holder still continues to violate the provisions of this Act or operate in a manner inconsistent with the permit granted, by way of a decision, the competent authority shall withdraw the permit without compensation.
3. The withdrawal of the permit referred to in paragraph 1 shall terminate the operation covered by the permit.
4. The competent authority may order the decision referred to in paragraph 2 to be implemented immediately, giving consideration to the need to terminate the operations in an environmentally safe way.
5. Despite the closedown of the operations, the waste holder shall be obliged to eliminate the effects of these operations at his own expense.
6. The procedure for issuing the decision referred to in paragraph 2 shall be initiated ex officio.
7. The voivode or starost shall forward a copy of the decision to the competent voivodship marshall, the head of the gmina government, town mayor or city president.

Article 31

1. The waste producer who carries out operations in the scope of waste recovery, disposal, collection or transport shall be exempted from the obligation to obtain a permit for carrying out such operations where he has a permit for waste production or a decision approving the hazardous waste management programme.
2. In his application for the granting of a permit for waste production or a decision approving the hazardous waste management programme the waste producer referred to in paragraph 1 shall be obliged to take into account, respectively, the requirements set for an application for a permit for carrying out operations in the scope of waste recovery, disposal, collection or transport.
3. In granting a permit for waste production or a decision approving the hazardous waste management programme, the competent authority shall take into account, respectively, the requirements set for an application for a permit for carrying out operations in the scope of waste recovery, disposal, collection or transport.

4. Where the place of waste recovery, disposal or collection by the producer referred to in paragraph 1 is other than the place of waste production, when granting a permit for waste production or a decision approving the hazardous waste management programme, the competent authority shall acquire the opinion of the head of the gmina government, town mayor or city president, and where the starost is the competent authority, also that of the voivodship sanitary inspector, who are competent given the place where waste is recovered, disposed of or collected.

Article 32

1. The waste holder who carries out combined operations in the scope of waste recovery or disposal and waste collection or transport shall be exempted from the obligation to obtain a permit for carrying out operations in the scope of waste collection or transport.
2. In his application for the granting of a permit for operations in the scope of waste recovery or disposal, the waste holder referred to in paragraph 1 shall, in addition, be obliged to take into account the requirements set for an application for a permit for carrying out operations in the scope of waste collection or transport.
4. In granting a permit for carrying out operations in the scope of waste recovery or disposal, the competent authority shall, in addition, take into account the requirements set for an application for a permit for carrying out operations in the scope of waste collection or transport.

Article 33

1. The waste holder may transfer specific types of waste for re-use to a natural person, or its organisational unit, who does not conduct economic activities in order for the person to meet his own needs.
2. Activities carried out in the scope of waste re-use to meet their own needs by natural persons, or their organisational units, who do not conduct economic activities shall not require a permit for carrying out recovery operations.
3. Taking into account the properties of waste and the possibilities of its safe re-use by natural persons, by way of a regulation, the minister responsible for the environment shall establish a list of types of waste which the waste holder may transfer to these natural persons, or their organisational units, as referred to in paragraph 1, to be re-used in order to meet their own needs.
4. Taking into account the properties of waste and the environmental effects of individual types of operations in the scope of waste collection, transport, recovery or disposal, in agreement with the minister responsible for the environment, by way of a regulation, the minister responsible for the economy may set out the types of waste the collection, transport, recovery or disposal of which shall not require a permit for waste recovery or disposal as well as the basic requirements for the collection, transport and the processes of recovery or disposal of these types of waste.
5. The waste holder who is exempted from the obligation to obtain permits for carrying out waste collection, transport, recovery or disposal operations in accordance with regulations enacted pursuant to paragraph 4 shall be obliged to apply for being entered into the register managed by the starost who is competent in the light of the location where waste

collection, recovery or disposal is carried out; and, in the case of waste transport, by the starost who is competent given the seat and residence of the waste holder. The starost shall forward to the voivodship marshal a complete register for the previous calendar year by the end of the first quarter of the current year.

6. Where the waste holder referred to in paragraph 5 fails to meet the requirements provided for in the regulations enacted pursuant to paragraph 4, the voivodship inspector for environmental protection may issue a decision stopping the operations in the scope of waste collection, transport, recovery or disposal.
7. Where a danger to human life or health is identified, the voivodship sanitary inspector may also issue the decision referred to in paragraph 6.
8. In the cases set out in paragraphs 6 and 7, on request from the waste holder, the voivodship inspector for environmental protection, or the voivodship sanitary inspector, respectively, may set a date for elimination of the irregularities identified, and, should they fail to be eliminated by this date, he shall stop the operations in the scope of waste collection, transport, recovery or disposal.
9. The decisions referred to in paragraphs 6 and 7 shall set out the date of stopping operations, taking into account the need to close down in an environmentally safe way the operations in the scope of waste collection, transport, recovery or disposal.
10. The decisions referred to in paragraphs 6 and 7 shall be issued ex officio.
11. By way of a regulation, the minister responsible for the environment shall lay down the scope of information to be provided for registration purposes by the waste holders referred to in paragraph 5 and the manner of their registration, with a view to harmonising the registration procedure.

Article 34

1. By way of a decision, the head of the gmina government, town mayor or city president shall order the waste holder to remove waste from sites not intended for waste landfilling or storage, indicating the manner in which this decision shall be implemented.
2. The decision referred to in paragraph 1 shall be made ex officio.

Article 35

1. Where it serves a particularly important public interest related to the protection of the environment, especially the danger of its deterioration on a substantial scale, the decisions referred to in Article 17 (1,2), Article 26 (1) and Article 28 (1) may require the provision of securities for claims which may arise should adverse effects emerge in the environment
2. Article 187 (204) and Article 198 of the Act on Environmental Law of 27 April 2001 shall apply, respectively, to the provision of securities for claims, the return of the securities provided and the decision to use the securities to eliminate the adverse effects in the environment.

Article 36

1. Subject to paragraphs 2 and 3, the waste holder shall be obliged keep quantitative and qualitative records of waste, in accordance with the waste catalogue and the list of hazardous types of waste; where the waste holder carries out waste recovery and disposal operations such records shall cover the manner of waste management and include data on the origin and destination of this waste.
2. In the case of municipal waste such records shall be kept by the establishments referred to Article 7 of the Act on Sanitation and Order Keeping in Gminas of 13 September 1996 (Official Journal, No. 132, Item 622; 1997, No. 60, Item 369, No. 121, Item 770; 2000, No. 22, Item 272).
3. The obligation to keep waste records shall not apply to natural persons, and their organisational units, who do not carry out economic activities and use waste to meet their own needs.
4. Subject to paragraph 5, the records referred to in paragraph 1 shall be kept on the basis of the following waste documentation:
 - 1) the waste file kept for each type of waste separately,
 - 2) the waste transfer form.
5. The waste holder who conducts operations only in the scope of waste transport shall keep the records using solely waste transfer forms.
6. The waste documentation shall contain the following data: the first and family name, place of residence, or the name and the address of the seat of the waste holder.
7. The waste holder who takes waste from another waste holder shall be obliged to acknowledge receipt of waste in the waste transfer form referred to paragraph 4 (2) as filled in by the waste holder who transfers this waste.
8. The waste transfer form shall be made in two copies, one for each of the waste holders referred to in paragraph 7.
9. It shall be allowed to prepare an aggregated waste transfer form comprising the total waste of a given type transferred to the same waste holder over one calendar month.
10. The waste holder shall be obliged to keep the waste documentation for 5 years, counting from the end of the calendar year where this documentation was prepared, subject to Article 37 (4).
11. The waste holder shall be obliged to present waste documentation on request of the authorities which conduct inspections.
12. By way of a decision, the voivodship marshal who is competent in the light of the location of waste production, recovery or disposal may oblige the waste holder to present waste documentation.

13. Taking into account the harmfulness of waste and the need to facilitate the operations of small and medium-sized enterprises, the minister responsible for the environment shall lay down, by way of a regulation, the types or quantities of waste which shall not require the keeping of waste records as well as the categories of small and medium-sized enterprises which can keep simplified records.
14. By way of a regulation, the minister responsible for the environment shall lay down the formats of waste documentation, separating documentation relating to municipal sewage sludge
15. In issuing the regulation referred to in paragraph 14, the minister responsible for the environment shall take into account the need to harmonise this documentation and to ensure quantitative and qualitative control of:
 - 1) waste produced, recovered or disposed of,
 - 2) movements of waste.

Article 37

1. The waste holder who keeps waste records shall be obliged to prepare in a form aggregated data regarding the types and quantities of waste, the manner of its management, the installations and facilities used for recovery and disposal of this waste, subject to paragraph 2. The aggregated these data should include the following information: the first and family name, place of residence, or the name and the address of the seat of the waste holder.
2. The producer of municipal sewage sludge referred to in Article 43 shall be obliged to obliged to prepare in a form aggregated data containing the following information:
 - 1) the first and family name, or the name, and the address of the residence or the seat of the producer of municipal sewage sludge,
 - 2) the quantity of municipal sewage sludge produced or delivered for application,
 - 3) the composition and properties of municipal sewage sludge,
 - 4) the type of treatment applied,
 - 5) the first and family names, or the names, and the address of the residence or the seat of those that apply municipal sewage sludge produced by the waste producer indicated in subparagraph 1,
 - 6) the location of application of this sludge.
3. The waste holder or the producer of municipal sewage sludge shall be obliged to forward the aggregated data referred to in paragraphs 1 and 2 for the previous year to the voivodship marshal who is competent in the light of the location of waste production, recovery or disposal by the end of the first quarter of the current year.

4. The waste landfill operator shall be obliged to keep the aggregated data referred to in paragraph 1 until the waste landfill has been reclaimed and transferred to the next owner or manager of the property.
5. By way of a regulation, the minister responsible for the environment shall lay down the scope of information required pursuant to paragraph 2, subparagraph 3 and the formats of forms to be used for preparing and forwarding aggregated data referred to in paragraphs 1 and 2, with a view to harmonising these data.
6. On the basis of the aggregated data referred to in paragraphs 1 and 2 and information obtained from the voivode and starosts, the voivodship marshal shall operate the voivodship database on waste production and management, along with a register of the permits granted in the scope of waste production and management, and he shall prepare the voivodship report and forward it to the minister responsible for the environment.
7. The minister responsible for the environment, the voivode, the starost, the head of the gmina government, the town mayor or the city president, the voivodship inspector for environmental protection and the voivodship statistical office shall have access to the voivodship database.
8. By way of a regulation, the minister responsible for the environment shall lay down the conditions and scope of access to the voivodship database, with a view to meeting the needs of the authorities referred to in paragraph 7 in the scope of data indispensable for the management of the environment.
9. The voivodship report, referred to in paragraph 6, on the application of municipal sewage sludge may contain the following personal data of those who use this sludge: the first and family name, the place of residence, or the name and address of the seat of the waste holder.
10. The minister responsible for the environment shall operate the central database on waste production and management.
11. With a view to meeting the need to establish a harmonised system for data collection and processing, by way of a regulation, the minister responsible for the environment shall lay down the principles of preparing the voivodship report referred to in paragraph 6, the format of the form in which this report shall be prepared and the date for the submission of this report.
12. With a view to meeting the need to harmonise the data collection and processing system, by way of a regulation, the minister responsible for the environment shall lay down the mandatory scope of information which must be collected and processed and the manner of keeping the central and voivodship databases referred to in paragraphs 6 and 10.

Chapter 5

Special principles of managing certain types of waste

Article 38

1. The recovery of PCBs shall be prohibited.

2. Waste containing PCBs may be recovered or disposed of only after PCBs have been removed from this waste, subject to paragraph 3.
3. Where it is impossible to remove PCBs from waste the regulations on the disposal of PCBs shall apply to the disposal of waste containing PCBs.
4. PCBs shall be disposed of by incineration at hazardous waste incineration plants.
5. The authorised methods for the disposal of PCBs shall also include processes D8, D9, D12 and D15 described in Annex 6 to this Act, provided that a technique ensuring their safe disposal with regard to the environment and human life is applied.
6. The incineration of PCBs on board ships shall be prohibited.
7. The waste holder who carries out operations to dispose of PCBs shall be obliged to include information on the content of PCBs in waste in the waste file.

Article 39

1. Waste oils should first be recovered by regeneration understood to mean a process where base oils can be produced by refining waste oils, in particular by removing impurities, oxidation products and additives contained in these oils.
2. Where it is impossible to regenerate waste oils because of the degree of pollution of these oils as set out in separate regulations, these oils should be incinerated with heat recovery.
3. Where it is impossible to regenerate waste oils or to incinerate them with heat recovery their disposal shall be authorised.
4. Where the holder of waste in the form of waste oils arising from his economic activities is unable on his own to meet the requirements set out in paragraph 1 or paragraph 2, he should transfer this waste to an entity which would guarantee its disposal in compliance with the law.
5. It shall be prohibited to mix waste oils with other hazardous waste, including waste containing PCBs, in the course of their collection or storage, where the levels of specific substances exceed the limit values.
6. It shall be prohibited to discharge waste oils to waters, soil or land.
7. Taking into account the technical and technological factors of waste oil recovery or disposal processes, by way of a regulation, the minister responsible for the environment may impose the obligation to apply the Polish Standard setting out requirements for waste oils.

Article 40

1. It shall be prohibited to dispose of waste originating from the processes of titanium dioxide production and the processing of this waste by placing them on the seabed.

2. In his application, the holder of waste originating from the processes of titanium dioxide production and the processing of this waste who applies for a permit for carrying out operations in the scope of disposal of this waste by its landfilling shall be obliged to provide the following information on:
 - 1) the physical, chemical, biochemical and biological properties, along with an indication of its form (solid, sludge, liquid or gaseous),
 - 2) toxicity and physical, chemical and biological stability of waste,
 - 3) accumulation and biotransformation in living organisms or sediments,
 - 4) susceptibility of waste to physical, chemical and biochemical transformations and its interactions in a given medium with other organic and inorganic substances,
 - 5) the geographical location of the waste landfill, along with characteristics of the adjacent areas,
 - 6) the manner of packing and the methods applied to prevent spreading of waste,
 - 7) precautions adopted to prevent pollution of the environment.
3. The holder of waste originating from the processes of titanium dioxide production and the processing of this waste shall be obliged to monitor the sites where this waste is stored.
4. By way of a decision, the voivode may oblige the waste holder referred to in paragraph 2 to perform additional analyses of the effects of waste on water quality and increase the frequency of all analyses.
5. The procedure for issuing the decision referred to in paragraph 4 shall be initiated ex officio.
6. In the aggregated data referred to Article 37 (1), the holder of waste originating from the processes of titanium dioxide production and the processing of this waste shall be obliged to include additional information on the contents of sulphates or chlorides in waste per one tonne of titanium dioxide produced.
7. In agreement with the minister responsible for the economy, taking into account the properties of waste and the effects of its long-term landfilling on the environment, by way of a regulation, the minister responsible for the environment shall define the waste originating from the processes of titanium dioxide production and the processing of this waste which cannot be disposed of by landfilling as well as the limit quantities of waste produced as recalculated per one tonne of titanium dioxide produced.
8. Taking into account the properties of waste and the effects of its long-term landfilling on the environment, by way of a regulation, the minister responsible for the environment shall lay down the scope of mandatory and additional analyses of the effects of waste on water quality, the manner and reference methods of analysis, the conditions of monitoring waste landfills and storage sites of waste originating from the processes of titanium dioxide production and the processing of this waste.

Article 41

1. Waste consisting of batteries or accumulators shall be disposed of separately from other types of waste.
2. The holder of waste consisting of batteries or accumulators originating from the holder's economic activities shall be obliged to collect it in a segregated manner allowing for subsequent recovery or disposal of this waste.
3. The holder of waste consisting of batteries or accumulators who is a natural person that does not conduct economic activities, or his organisational unit that does not conduct economic activities, shall return this waste to its collection points operated or discard it into containers dedicated to this waste.
4. The obligations referred to in paragraphs 1 to 3 shall apply to holders of waste consisting of batteries or accumulators containing:
 - 1) more than 0.0005% of mercury by weight, or
 - 2) more than 0.025% of cadmium by weight, or
 - 3) more than 0.4% of lead by weight.

Article 42

1. It shall be prohibited to recover specific types of medical and veterinary waste.
2. Taking into account the dangers posed by waste produced, in agreement with the minister responsible for the environment, the minister responsible for health shall lay down, by way of a regulation, the types of medical and veterinary waste the recovery of which shall be prohibited.
3. Taking into account the dangers posed by waste produced, in agreement with the minister responsible for the environment, by way of a regulation, the minister responsible for health shall lay down permissible ways and conditions of disposal of medical and veterinary waste.

Article 43

1. Municipal sewage sludge may be applied:
 - 1) in agriculture, understood to mean the cultivation of all crops marketed, including crops designed to produce fodder,
 - 2) in land reclamation, including reclamation of land for agricultural purposes,
 - 3) in conditioning of land for specific purposes resulting from waste management plans, land use plans or decisions setting conditions for land building up and development,
 - 4) in cultivation of plants intended for compost production.
 - 5) in cultivation of plants not intended for consumption or fodder production.

2. Municipal sewage sludge may be applied where it is stabilised and suitably prepared for the purpose and manner of its application, in particular by its treatment through biological, chemical, thermal or other processes aimed at reducing the susceptibility of municipal sewage sludge to putrefaction and eliminating danger to the environment or human health.
3. Before it is applied municipal sewage sludge and the land where it is to be applied shall be tested by the producer of municipal sewage sludge.
4. The producer of municipal sewage sludge shall be obliged to forward the results of testing and information regarding limit doses of this sludge which may be applied on different types of land to the owner, leaseholder or another person in possession of the land where the municipal sewage sludge is to be applied.
5. The owner, leaseholder or another person in possession of the land where the municipal sewage sludge is to be applied for the purposes set out in paragraph 1, subparagraphs 1, 4 or 5, shall be exempted from the obligation to obtain a permit for carrying out recovery operations, the obligatory registration referred to in Article 33 (5) or the obligation to keep records on this waste.
6. It shall be prohibited to apply municipal sewage sludge:
 - 1) within national parks and nature reserves,
 - 2) within indirect protection zones of the protective areas of water intakes,
 - 3) within a 50 m wide strip of land directly adjacent to the banks of lakes and watercourses,
 - 4) within flood plains, partly submerged areas and wetlands,
 - 5) within partly frozen and snow-covered areas,
 - 6) within land with high permeability, in particular consisting of loose sands, sands with low clay content and light clayey sands where the levels of groundwater are at a depth of less than 1.5 m beneath the land surface,
 - 7) on agricultural land with an inclination in excess of 10%,
 - 8) in the resupply areas of underground water reservoirs,
 - 9) in areas covered by special forms of nature protection other than those listed in subparagraph 1, where municipal sewage sludge has been produced outside of these areas,
 - 10) in areas situated at a distance of less than 100 m from a water intake, a residential house or a food production plant,
 - 11) in areas where fruit-bearing plants and vegetables grow, excepting fruit-trees,

- 12) on land destined for cultivation of berry-bearing plants and vegetables whose edible parts contact directly with soil and are consumed in raw form – over 18 months preceding harvesting and in the course of harvesting,
 - 13) on land used as pastures and meadows,
 - 14) on land used for greenhouse cultivation.
7. Taking into account the principles of environmental protection and those of the protection of agricultural land, in agreement with the minister responsible for agriculture, by way of a regulation, the minister responsible for the environment shall lay down the conditions to be satisfied when applying municipal sewage sludge for the purposes referred to in paragraph 1, including doses of this sludge which may be used on land as well as the scope, frequency and reference methods of analysis of municipal sewage sludge and the land where this sludge is to be applied.

Chapter 6

Waste incineration

Article 44

1. Waste may be incinerated at: hazardous waste incineration plants, municipal waste incineration plants and incineration plants burning waste other than hazardous and municipal, subject to paragraphs 3 and 4.
2. Incineration plants shall be designed, built, equipped and operated in a manner ensuring that such a level of incineration is achieved where the quantity and harmfulness to human life and health or the environment of waste and other emissions arising from waste incineration (residues from incineration) shall be as low as possible.
3. Hazardous waste incineration shall be allowed at incineration plants burning waste other than hazardous and municipal, or at other installations, provided that the requirements set for hazardous waste incineration plants are met, subject to Article 42 (3).
4. Following the principle expressed in paragraph 2, in agreement with the minister responsible for the environment, by way of a regulation, the minister responsible for the economy shall lay down the types of non-hazardous waste and the types of installations and facilities where waste incineration shall be allowed.

Article 45

1. Prior to accepting waste for incineration, the operator of a hazardous waste incineration plant shall be obliged to:
 - 1) become acquainted with the description of the waste provided by the waste holder, which shall contain:
 - a) the physical and chemical composition of hazardous waste and information indispensable to evaluate the suitability of this waste for the incineration process,
 - b) the properties of hazardous waste,

- c) an indication of the substances with which this waste cannot be mixed for co-incineration,
 - d) the necessary precautions to be taken in handling this waste,
 - 2) determine the quantity of the waste,
 - 3) check conformity between the waste being accepted and the data contained in the waste transfer form,
 - 4) take samples prior to the unloading of waste in order to check conformity between the physical and chemical composition as well as the properties of waste and the description referred to in subparagraph 1; this requirement shall not apply to medical and veterinary waste,
 - 5) keep samples for at least 1 month after the incineration of the waste.
2. The operator of a hazardous waste incineration plant shall also be obliged to:
 - 1) test the physical and chemical properties of waste arising from waste incineration, including in particular fractions of heavy metals,
 - 2) transport and store waste in dust form, which arises as a result of waste incineration, in closed containers,
 - 3) set out a safe route for the shipment of waste arising from waste incineration where this waste cannot be recovered or disposed of at the place of its production.
3. The provision of paragraph 1 shall not apply to hazardous waste holders who incinerate only their own waste at the place of its production provided that the requirements set out for hazardous waste incineration plants are met.
4. The waste holder who accepts hazardous waste for incineration at installations other than hazardous waste incineration plants shall be obliged to meet the requirements referred to in paragraphs 1 and 2.

Article 46

1. Prior to accepting waste for incineration, the operator of an incineration plant burning municipal waste or waste other than hazardous and municipal waste shall be obliged to:
 - 1) determine the quantity of waste,
 - 2) check conformity between the waste being accepted and the data contained in the waste transfer form.
2. The waste holder who accepts non-hazardous waste for incineration at installations other than waste incineration plants and at facilities shall be obliged to meet the requirements referred to in paragraph 1.

Article 47

Giving consideration to the properties of waste, in agreement with the minister responsible for the environment, by way of a regulation, the minister responsible for the economy shall lay down requirements for the operations relating to the waste incineration process, excluding medical and veterinary waste, and the ways of managing waste originating from waste incineration.

Article 48

1. Where the operator of a waste incineration plant fails to meet the obligations referred to in Articles 44 to 46, the voivodship inspector for environmental protection may issue a decision stopping the operations in the scope of waste incineration.
2. In the cases described in paragraph 1, on request from the operator of a waste incineration plant, the voivodship inspector for environmental protection may set a date for eliminating irregularities, and, should they not be eliminated by that date, he may stop waste incineration operations.
3. The decision referred to in paragraphs 1 and 2 shall set out the date of stopping the operations, taking into account the need to ensure an environmentally safe manner of the termination of these operations.
4. The procedure for issuing the decision to stop operations shall be initiated ex officio.
5. The provisions of paragraphs 1 to 4 shall apply, respectively, to the waste holder who accepts waste for incineration at the installations and facilities referred to in Article 45 (4) and Article 46 (2).

Article 49

1. The manager of a hazardous waste incineration plant can only be a person who has a certificate demonstrating his qualifications in the scope of waste management.
2. The voivode shall grant a certificate demonstrating qualifications in the scope of waste management after the interested person has passed an examination on waste management.
3. The examination referred to in paragraph 2 shall be conducted on the interested person's application containing his first and family name, date and place of birth and place of residence. A certified copy of the person's diploma or a certificate demonstrating his education level, or a certificate of professional practice, and a receipt for the payment of the examination charge shall be enclosed with the application.
4. An examination commission appointed by the voivode shall conduct the examination referred to in paragraph 2.
5. The interested person shall cover the costs related to the examination and the issue of the certificate.
6. Where the interested person fails to pass the examination he can apply for the date of another examination to be set, and the examination cannot be conducted earlier than after 6 months after the first examination.

7. The provisions of paragraphs 1 to 6 shall apply, respectively, to the manager of an incineration plant burning waste other than hazardous and municipal and to the manager of a different installation which accepts hazardous waste for incineration.
8. In order to satisfy the need to ensure a correct manner of waste disposal and to meet the requirements of environmental protection, by way of a regulation, the minister responsible for the environment shall lay down:
 - 1) the procedure for appointing the examination commission and its composition,
 - 2) the scope of knowledge covered by the examination,
 - 3) the procedure for conducting the examination,
 - 4) the size of the charges for the examination and the issue of a certificate demonstrating qualifications in the scope of waste management as well as the way in which they shall be paid,
 - 5) the amount of the fees paid to the members of the examination commission,
 - 6) the format of the certificate demonstrating qualifications in the scope of waste management.

Chapter 7

Waste landfilling and storage

Article 50

1. The following types of waste landfills shall be distinguished: landfill for hazardous waste, landfill for inert waste and landfill for waste other than hazardous and inert.
2. By way of a regulation, the minister responsible for the environment shall lay down the detailed requirements for the localisation, construction, operation and closure of the different types of waste landfill, taking into account the natural phenomena, geological conditions and control systems.

Article 51

1. The authority competent to issue a decision setting out conditions for land building up and development with regard to a waste landfill may make the issue of such a decision conditional on the investor's submission of an expert study on the possibilities of waste recovery or disposal in a manner other than landfill.
2. The siting of a waste landfill in the vicinity of airfields shall require consent from the aviation administration authorities.
3. The siting of a waste landfill in the vicinity of historic sites or within existing sites of archaeological excavations shall require consent from the voivodship keeper of historic sites.

4. The siting of a waste landfill within the coastal zone and sea ports and harbours shall require consent from the director of the maritime office.
5. The authority competent to issue a decision setting out conditions for land building up and development with regard to a waste landfill shall refuse to issue such a decision in the absence of consent provided for in paragraphs 2 to 4 or where there is a technically, environmentally and economically feasible possibility of waste being recovered or disposed of without the construction of a waste landfill.
6. In this decision, the authority competent to grant a permit for the construction of a waste landfill shall impose the obligation to provide securities for claims which may arise in connection with the operation of the landfill.

Article 52

1. In addition, the application for a permit for the construction of a waste landfill shall contain:
 - 1) the first and family name and the place of residence, or the name and seat, of the applicant and the operator of the waste landfill where they are different entities as well as the address of the waste landfill,
 - 2) the types of waste intended for the deposit at a given waste landfill,
 - 3) the expected annual and total quantity of the waste to be deposited and the capacity of the waste landfill,
 - 4) the description of the site of the waste landfill, in particular its geological and hydrogeological characteristics,
 - 5) the description of the measures to prevent environmental pollution and to reduce the quantity of waste and its adverse effect on the environment,
 - 6) the operation, management and monitoring plan for the waste landfill,
 - 7) the plan for the closure and after-care,
 - 8) the measures to prevent accidents and to respond to them should they occur,
 - 9) the skills of the personnel to be employed,
 - 10) the proposed amount and form of securities for claims.
2. The authority competent to issue a permit for the construction of a waste landfill shall set out in it requirements ensuring the protection of human life and health, environmental protection and the protection of justified interests of third parties.
3. The requirements referred to in paragraph 2 shall cover:
 - 1) the type of waste landfill,

- 2) the technical conditions for the waste landfill,
- 3) the types of waste authorised to be deposited at the waste landfill,
- 4) where a part of a landfill for non-hazardous waste has been separated to hold hazardous waste, the types of hazardous waste authorised for the deposit in the separated part of the landfill for non-hazardous waste,
- 5) the annual and total quantity of waste authorised for the deposit at the landfill,
- 6) the manner of the landfill operation,
- 7) the target landfill ceiling (the maximum height) of the deposit at the landfill,
- 8) the manner of leachate collection, cleaning and removal,
- 9) the manner of landfill gas collection, cleaning and use or disposal,
- 10) the manner, frequency and period of monitoring of the waste landfill,
- 11) the manner of responding to accidents,
- 12) the technical specification of the closure of the landfill,
- 13) the direction of reclamation,
- 14) the obligation to obtain the operating permit for the waste landfill,
- 15) the specification of the amount and form of securities for claims.

Article 53

1. The operating permit for the waste landfill can be granted after the instruction for the waste landfill operations has been approved and after the voivodship inspector for environmental protection has inspected the site.
2. The application for approval of the instruction for the waste landfill operations shall contain:
 - 1) the first and family name and the place of residence, or the name and the address of the seat, of the applicant and the operator of the waste landfill, where they are different entities, as well as the address of the waste landfill,
 - 2) the specification of the type of waste landfill,
 - 3) where it is not a landfill for hazardous waste, the indication whether parts of it have been separated to hold specific types of hazardous waste,
 - 4) the types of waste intended to be deposited at this landfill,

- 5) an indication of the qualifications of the manager and personnel of the waste landfill,
 - 6) the specification of technical equipment necessary to ensure a correct operation of the waste landfill (e.g., compactor, bulldozer, scales, disinfection devices, means of transport),
 - 7) the specification of control and measuring systems, along with a diagram representing the distribution of measuring points,
 - 8) the specification of the manner of depositing individual types of waste,
 - 9) the specification of the type and thickness of the liner used,
 - 10) the specification of the opening times of the waste landfill,
 - 11) the specification of the measures to prevent unauthorised persons' access to the waste landfill,
 - 12) the specification of the procedure of accepting waste to the waste landfill,
 - 13) the specification of the manner and frequency of testing,
 - 14) the specification of the manner of keeping documentation regarding the operations of the waste landfill.
3. The instruction for the waste landfill operations shall be approved by a decision by:
- 1) the voivode – for projects which may have significant effects on the environment with regard to which the obligation to prepare an environmental impact is provided for in the regulations on environmental protection and where it applies to the operation of a landfill on the sites of plants recognised as such projects,
 - 2) the starost – for the other projects.
4. The decision approving the instruction for the waste landfill operations shall set out:
- 1) the type of waste landfill,
 - 2) where necessary, the separated parts of the non-hazardous waste landfill where specific types of hazardous waste may be deposited,
 - 3) the types of waste authorised to be deposited at this landfill,
 - 4) the technical equipment necessary to ensure a correct operation of the waste landfill,
 - 5) control and measuring systems, along with a diagram representing the distribution of measuring points,
 - 6) the manner of depositing individual types of waste,
 - 7) the type and thickness of the liner used,

- 8) the opening times of the waste landfill,
 - 9) the measures to prevent unauthorised persons' access to the waste landfill,
 - 10) the procedure of accepting waste to the waste landfill,
 - 11) the manner and frequency of testing,
 - 12) the manner of keeping documentation regarding the operations of the waste landfill,
 - 13) additional requirements relating to the specific manner of deposition of waste at the landfill.
5. By way of a decision, the authority referred to in paragraph 3 shall refuse to approve the instruction for the waste landfill operations where:
- 1) the manager of the waste landfill does not have a certificate demonstrating his qualifications in the scope of waste management,
 - 2) the instruction includes provisions in contradiction with the sanitary requirements, occupational safety and hygiene requirements, fire protection requirements and those of environmental protection,
 - 3) the manner of operation is in contradiction with the terms of the decision setting out the conditions for land building up and development or those of the construction permit,
 - 4) the manner of operation might cause danger to human life and health or to the environment.
6. With consent of the party for which the decision approving the instruction for the waste landfill operations has been issued, the authority competent to approve this decision shall be obliged to transfer this decision to another party provided that the party accepts all the conditions contained in this decision.

Article 54

1. The closure of a waste landfill or its separated part shall require consent from the competent authority.
2. On application from the operator of the waste landfill, by way of a decision, consent to the closure of a waste landfill or its part shall be granted by:
 - 1) the voivode – with respect to projects which may have significant effects on the environment with regard to which the obligation to prepare an environmental impact assessment is provided for in the regulations on environmental protection and where it applies to the operation of a landfill on the sites of plants recognised as such projects,
 - 2) the starost – for the other projects.

after the voivodship inspector for environmental protection has inspected the waste landfill.

3. The application referred to in paragraph 2 shall contain:
 - 1) the specification of the technical procedure for the closure of the waste landfill or its separated part,
 - 2) the timetable of actions related to reclamation of the waste landfill,
4. The consent referred to in paragraph 1 to the closure of the waste landfill or its separated part shall lay down:
 - 1) the technical procedure for the closure of the waste landfill or its separated part,
 - 2) the timetable of actions related to reclamation of the waste landfill,
 - 3) the conditions of monitoring the reclaimed waste landfill.
5. Having met the requirements set out in the decision granting consent to the closure of the landfill, the operator of the landfill may apply for the termination of the provision of securities for claims. The provision of Article 35(2) shall apply, respectively.

Article 55

1. The deposit of the following types of waste at the landfill shall be prohibited:
 - 1) waste in liquid form, including waste containing water in the quantity in excess of 95% of the total mass, excluding sludges,
 - 2) waste with explosive, corrosive, oxidising, highly flammable or flammable properties,
 - 3) medical and veterinary waste,
 - 4) waste arising as a result of scientific research, development work or teaching activities the nature of which has not been identified or is new and the effects of which on man or the environment are unknown,
 - 5) tires and their parts, excluding bicycle tires and tires with the external diameters exceeding 1,400 mm,
 - 6) in inland surface and underground waters,
 - 7) the Polish sea waters,
 - 8) in cases set out in separate regulations.
2. Dilution of waste or mixing waste with other types of it or with other substances or objects in order to meet the criteria for waste acceptance to the waste landfill shall be prohibited.
3. Taking into account the properties of waste, in agreement with the minister responsible for the environment, by way of a regulation, the minister responsible for the economy may lay down the criteria for the acceptance of waste at the landfill for a given type of waste.

4. Waste should be deposited in a selective way. A non-selective manner of the deposit of waste (mixing) may be allowed provided that this manner of deposit does not increase the adverse effect of this waste on the environment.
5. Taking into account the properties of waste, in agreement with the minister responsible for the environment, by way of a regulation, the minister responsible for the economy may lay down the types of waste which can be deposited in a non-selective manner.

Article 56

1. Prior to its deposit at the waste landfill, waste should be subjected to physical, chemical or biological treatment and sorted in order to reduce danger to human life and health or the environment, or in order to reduce the quantity or volume of the waste to be landfilled.
2. The obligations set out in paragraph 1 shall not apply to inert waste or waste in respect of which the processes of physical, chemical or biological treatment will not reduce danger to human life and health or to the environment, or reduce the quantity or volume of the waste to be landfilled.

Article 57

1. Non-hazardous waste must not be deposited at hazardous waste landfills.
2. Solid hazardous waste which after treatment does not react with other types of waste may be deposited in separated parts of landfills for non-hazardous waste, with the exception of inert waste landfills, provided that leachate from this waste meets the criteria for authorisation of the deposit of non-hazardous waste at landfills for non-hazardous waste.
3. The producer of hazardous waste shall be obliged to obtain authorisation for the deposit of hazardous waste in separated parts of landfills for other waste from the starost who is competent in the light of the location of the waste landfill. This authorisation shall be granted in the form of a decision, after its approval by the head of the gmina government, town mayor or city president, and within the coastal zone, by the director of the maritime office. The requirement to obtain approval by the city president shall not apply to the president of a city with powiat rights.
4. With his application for the authorisation referred to in paragraph 3, the producer of hazardous waste shall enclose a statement of the operator of the waste landfill indicating the possibility of hazardous waste being landfilled in accordance with the requirements set out in Article 52 and the operator's consent to the deposit of this waste.

Article 58

Only inert waste can be deposited at landfills for inert waste.

Article 59

1. The operator of a waste landfill shall be obliged to:
 - 1) determine the quantity of waste prior to its acceptance to the landfill,
 - 2) check conformity between the waste being accepted and the data contained in the waste transfer form,

- 3) ensure the selective deposit of waste, with a view to preventing environmentally harmful reactions between the constituents of the waste and ensuring the possibility of its further use and reclamation and redevelopment of the site of the waste landfill,
 - 4) maintain and operate the waste landfill in a manner ensuring a correct operation of the technical equipment with which the waste landfill is fitted and meet the sanitary, occupational safety and hygiene and fire protection requirements as well as those of environmental protection, in accordance with the approved instruction for the waste landfill operations,
 - 5) refuse to accept waste to the waste landfill where the composition of this waste does not conform with the documentation required for waste movements, the authorisation for the deposit of hazardous waste in a separated part of a waste landfill for another type of waste, or a permit for waste recovery or disposal and notify immediately the voivodship inspector for environmental protection,
 - 6) notify the authority which has issued the decision granting a permit for the operation of the waste landfill and the voivodship inspector for environmental protection that the operation has been closed down and that reclamation work has been completed,
 - 7) monitor the waste landfill prior to, in the course of, and after the closedown of operations of the waste landfill and forward each year the results to the voivodship inspector for environmental protection by the end of the first quarter of the year following the calendar year to which these results applied,
 - 8) notify immediately the voivodship inspector for environmental protection of changes identified in the parameters monitored, indicating the possibility of occurrence or the presence of risks to the environment.
2. In the case referred to in paragraph 1 (8), by way of a decision, the voivodship inspector for environmental protection shall lay down the scope and timetable of measures necessary to identify the causes of changes identified in the parameters monitored and the likely risks to the environment. Subsequently, after they have been identified, he shall lay down, by way of a decision, the scope and timetable of measures necessary to eliminate the causes and effects of the identified risks to the environment.
 3. Where the operator of the waste landfill fails to meet the obligations referred to in paragraph 1 the voivodship inspector for environmental protection may issue a decision to stop the operation of the waste landfill.
 4. The voivodship sanitary inspector may also issue the decision referred to in paragraph 3 where he identifies risks to human life or health.
 5. In the cases referred to in paragraphs 3 and 4, on request from the operator of the waste landfill, the voivodship inspector for environmental protection or the voivodship sanitary inspector, respectively, may set a date by which the irregularities identified shall be eliminated, and, should they not be eliminated by this date, he shall stop the operation of the waste landfill.

6. The decisions referred to in paragraphs 3 to 5 shall set out the date when the operations shall be stopped, with consideration given to the need to ensure an environmentally safe closedown of the operations.
7. The decisions referred to in paragraph 2 and the decisions to stop the operation of the landfill shall be issued ex officio.

Article 60

Taking into account the dependencies between the possibility of the occurrence of risks to human life and health and to the environment and the location and technical parameters of the waste landfill, in agreement with the minister responsible for health, by way of a regulation, the minister responsible for the environment shall lay down the scope, time, manner and conditions of monitoring waste landfills.

Article 61

The price for waste acceptance at the landfill shall cover, in particular, the costs of its construction, operation, closure, reclamation, monitoring and after-care.

Article 62

The provision of Article 49 shall apply, respectively, to the manager of the waste landfill.

Article 63

1. Waste can be stored on a site to which the waste holder has a legal title.
2. The waste storage site shall not need to be designated under the land-use planning procedure.
3. Waste intended to be recovered or disposed of, excluding landfill, can be stored where the need to store it results from technological or organisational processes and does not exceed the dates justified by the application of these processes, not longer, however, than for 3 years.
4. Waste intended to be landfilled can be stored only for the purpose of collecting an adequate quantity of this waste for transport to the waste landfill, not longer, however, than for 1 year.
5. The storage periods for the waste referred to in paragraphs 3 and 4 shall be counted together for all the successive holders of this waste.
6. The place and manner of waste storage shall be laid down in:
 - 1) the integrated permit referred to in the regulations on environmental protection,
 - 2) the waste production permit referred to in Article 17 (1) (1),
 - 3) the decision approving the hazardous waste management programme referred to in Article 17 (1) (2) and Article 17 (2) (1).
 - 4) information on the waste produced and the manner of managing the waste produced, referred to in Article 17 (1) (3) and Article 17 (2) (2).

- 5) the permit for waste recovery or disposal operations referred to in Article 26 (1),
- 6) the permit for operations in the scope of waste collection or transport referred to in Article 28 (1).

Chapter 8

Transfrontier movements of waste

Article 64

Transfrontier movements of waste shall consist in imports of waste into the territory of the State of Poland, transit of waste of foreign origin through the territory of the State of Poland and exports of waste from the territory of the State of Poland.

Article 65

1. Imports of hazardous waste shall be prohibited, subject to paragraph 2.
2. Imports of hazardous waste specified in the regulations referred to in paragraph 4 may be authorised by a decision of the Chief Inspector for Environmental Protection where all the requirements referred to in paragraph 8 have been satisfied.
3. Regulations concerning authorisation of non-hazardous waste imports shall apply respectively to authorisation of hazardous waste imports.
4. By way of a regulation, the minister responsible for the environment shall lay down the types of hazardous waste authorised for import, the period over which such types of waste may be imported and their quantities, taking into account the needs of the national economy and the feasibility of their recovery in a manner presenting no danger to human life and health and to the environment.
5. Where it is mixed with objects or substances which are not waste, imports of such waste shall be prohibited.
6. Imports of non-hazardous waste shall be effected only upon authorisation by a decision of the Chief Inspector for Environmental Protection. The Chief Inspector for Environmental Protection shall forward copies of the authorisation to the President of the Main Customs Office, the Commander-in-Chief of the Border Guard as well as the Voivodship Marshall, the head of the gmina government and the mayor of the town or the president of the city who are relevant in the light of the place of recovery of waste.
7. The collection of waste transferred to collection facilities in sea-, river- and airports where waste is produced in the course of the normal operations of sea-going ships, inland navigation vessels and aircraft; from artificial islands, structures and facilities of Polish ownership; and from Polish research ships in the Arctic and the Antarctic, shall not be subject to the restrictions referred to in paragraphs 1, 5 and 6.
8. The authorisation referred to in paragraph 6 may be granted provided that all the following requirements are satisfied:

- 1) waste is intended for recovery in the country or abroad, excluding the activities designated as R1 and R10 in Annex 5 to this Act,
 - 2) in the country there is no waste suitable for equivalent recovery or the waste is present in an insufficient quantity,
 - 3) imported waste or the manner of its recovery in the country shall not enhance hazards to the environment, nor increase the mass of waste landfilled.
9. The Chief Inspector for Environmental Protection may make the granting of authorisation conditional on the waste importer's presentation of an expert study concerning the satisfaction of the requirements set out in paragraph 8, depending on the type of waste, and on the presentation of the decision permitting the operation of the facility, an integrated permit, the permit for the introduction of gases or particulate matter into the air, the permit for waste water discharges to water or land, the permit to produce waste, and the permit to perform activities relating to waste recovery or disposal.
10. Authorisation of waste imports shall be granted for a specified period not exceeding 5 years upon an application by the importer. It shall contain:
- 1) a description of the waste imported, including its physical and chemical properties,
 - 2) information on the quantity of the waste,
 - 3) an indication of the location of the waste recovery operation,
 - 4) a description of the manner of handling the waste imported, including a description of the technology for its recovery and a description of its effect on the environment,
 - 5) the waste import route, the type of waste transport and packaging in respect of hazardous waste,
 - 6) the first and family names, or the name, and the address of the residence or the seat, of the waste producer and supplier,
 - 7) the rationale for the need to import waste.
11. The Chief Inspector for Environmental Protection may require the submission of documents to substantiate the data contained in the application referred to in paragraph 10.
12. Authorisation of waste imports may be granted to an economic entity or to an organisational unit which is not an economic entity.
13. In the authorisation referred to in paragraphs 2 and 6, the Chief Inspector for Environmental Protection shall lay down:
- 1) the waste importer,
 - 2) the type of waste imported,

- 3) the amount of waste imported,
 - 4) the period for which the authorisation is granted,
 - 5) the place of recovery,
 - 6) the manner of managing the waste imported,
 - 7) the manner of disposing of the waste arising in the course of recovery,
 - 8) the obligation for the waste importer to provide information on the real amount of waste imported at a specific time,
 - 9) the waste import route, in particular the border crossing through which the waste will be imported, the type of waste transport and packaging in respect of hazardous waste,
 - 10) other requirements for waste import and recovery.
14. The consignment note for non-hazardous waste shall be enclosed with the authorisation referred to in paragraph 6.
15. Where, in the course of the procedure of application for authorisation of waste imports, the Chief Inspector for Environmental Protection finds that over the last 3 years the applicant did not comply with the conditions of an earlier authorisation of waste imports, he can refuse to grant a new authorisation.
16. By way of a decision, the Chief Inspector for Environmental Protection may withdraw the authorisation referred to in paragraphs 2 and 6, without compensation, where it is found that the waste importer has not complied with the conditions contained in the authorisation. The Chief Inspector for Environmental Protection shall immediately forward copies of the decision to withdraw authorisation to the President of the Main Customs Office, the Commander-in-Chief of the Border Guard and the Voivodship Marshall as well as the head of the gmina government, mayor of the town or president of the city who are competent in the light of the place of the recovery of the waste.
17. Imported waste which has not been recovered in accordance with the authorisation shall be returned to its supplier.
18. In agreement with the minister responsible for the economy, by way of a regulation, taking into account the properties of waste, the minister responsible for the environment may lay down the list of wastes the imports of which do not require the authorisation referred to in paragraph 6.

Article 66

1. Exports of hazardous waste can be effected only on authorisation from the Chief Inspector for Environmental Protection. The Chief Inspector for Environmental Protection shall forward copies of the authorisation to the President of the Main Customs Office and the Commander-in-Chief of the Border Guard.
2. The authorisation referred to in paragraph 1 can be granted provided that:

- 1) the manner of waste management abroad is safe for the environment,
- 2) the competent authorities of the state of destination of hazardous waste and the states through whose territories this waste will be transported grant consent to its delivery and transit.
3. The provisions of paragraphs 1 and 2 shall apply respectively to shipments of hazardous waste through the territory of the State of Poland.
4. Authorisation of exports of hazardous waste shall be granted for a specified period on an application by the importer. It shall contain:
 - 1) a description of the waste exported, including its physical and chemical properties, along with a description of the manner of its production and information on the requirements relating to the principles of safe waste handling,
 - 2) information on the quantity of the waste,
 - 3) an indication of the route of waste exports, the type of transport and packaging of the waste and information on the insurance covering the transport,
 - 4) the first and family names, or the name, and the address of the residence or the seat, of the waste receiver and the place where it will be recovered or disposed of,
 - 5) a description of the manner of managing the waste abroad,
 - 6) the rationale for the need to export waste.
5. The Chief Inspector for Environmental Protection may require the submission of documents to substantiate the data contained in the application referred to in paragraph 4.
6. In the authorisation referred to in paragraph 1, the Chief Inspector for Environmental Protection shall lay down:
 - 1) the waste exporter,
 - 2) the type of waste exported,
 - 3) the amount of waste exported,
 - 4) the period for which the authorisation is granted,
 - 5) the first and family names, or the name, and the address of the residence or the seat, of the waste receivers and the place where it will be recovered or disposed of,
 - 6) the manner of managing the waste exported,
 - 7) the waste import route, in particular the border crossing through which the waste will be exported, the type of waste transport and packaging,

- 8) the obligation for the waste exporter to provide information on the real amount of waste exported at a specific time,
 - 9) other requirements for waste exports.
7. The consignment note for hazardous waste exported shall be enclosed with the authorisation referred to in paragraph 1.
 8. Where, in the course of the procedure of application for authorisation of hazardous waste exports, the Chief Inspector for Environmental Protection finds that over the last 3 years the applicant did not comply with the conditions of an earlier authorisation of waste exports, he can refuse to grant a new authorisation.
 9. By way of a decision, the Chief Inspector for Environmental Protection may withdraw the authorisation of hazardous waste exports, without compensation, where it is found that the waste exporter has not complied with the conditions contained in the authorisation. The Chief Inspector for Environmental Protection shall immediately forward copies of the decision to withdraw authorisation to the President of the Main Customs Office, the Commander-in-Chief of the Border Guard and the Voivodship Marshall as well as the head of the gmina government, mayor of the town or president of the city who are competent in the light of the place of residence or the seat of the waste holder.
 10. Authorisation of transit of hazardous waste through the territory of the State of Poland shall be granted for a specified period on an application containing:
 - 1) a description of the waste in transit, including its physical and chemical properties, along with a description of the manner of its production and information on the requirements relating to the principles of safe waste handling,
 - 2) information on the quantity of the waste in transit,
 - 3) an indication of the route of waste transit, the type of transport and packaging of the waste and information on the insurance covering the transport.
 - 4) the name and address of the waste consignee and the place where waste will be recovered or disposed of,
 - 5) a description of the manner of waste handling abroad.
 11. The Chief Inspector for Environmental Protection may require the submission of documents to substantiate the data contained in the application referred to in paragraph 10.
 12. Authorisation of hazardous waste transit may be granted to an economic entity or to an organisational unit which is not an economic entity
 13. In the authorisation referred to in paragraph 10, the Chief Inspector for Environmental Protection shall lay down:

- 1) the entity effecting the waste transit,
 - 2) the type of waste in transit,
 - 3) the amount of waste in transit,
 - 4) the period for which the authorisation is granted,
 - 5) the first and family names, or the name, and the address of the residence or the seat, of the waste receivers and the place where it will be recovered or disposed of,
 - 6) the manner of managing the waste exported,
 - 7) the waste transit route, in particular the border crossings through which the waste will be imported and exported, the type of waste transport and packaging,
 - 8) the obligation for the entity effecting waste transit to provide information on the real amount of waste carried through in transit at a specific time,
 - 9) other requirements for waste transit.
14. The consignment note for hazardous waste shall be enclosed with the authorisation referred to in paragraph 10.
15. Where, in the course of the procedure of application for authorisation of hazardous waste transit, the Chief Inspector for Environmental Protection finds that over the last 3 years the applicant did not comply with the conditions of an earlier authorisation of waste transit, he can refuse to grant a new authorisation.
16. By way of a decision, the Chief Inspector for Environmental Protection may withdraw the authorisation of hazardous waste transit, without compensation, where it is found that the entity effecting waste transit has not complied with the conditions contained in the authorisation. The Chief Inspector for Environmental Protection shall immediately forward copies of the decision to withdraw authorisation to the President of the Main Customs Office and the Commander-in-Chief of the Border Guard.
17. Where the waste exported from the territory of the State of Poland cannot be managed in accordance with the terms of the contract or exports have been effected without authorisation, the waste exporter shall be obliged to take this waste back.
18. Taking into account the requirements in force in the states of destination in respect of waste exported, by way of a regulation, the minister responsible for the environment may impose the obligation to apply for authorisation of exports of non-hazardous waste to specific countries.
19. Taking into account the need to harmonise applications, by way of a regulation, the minister responsible for the environment shall impose the obligation to submit an application for the granting of authorisation of transit or exports of hazardous waste in a form following the format laid down in the regulation

Article 67

In agreement with the minister responsible for the economy and the minister responsible for the environment, with the view to making it possible to ascertain conformity between the type of waste notified and the actual content of the cargo imported, by way of a regulation, the minister responsible for administration shall lay down the list of border crossings through which transfrontier movements of waste may be effected.

Article 68

1. The Chief Inspector for Environmental Protection shall keep a register of decisions made in relation to transfrontier movements of waste, containing the following data: the first and family names, or the name, and the address of the residence or the seat, of waste holders who take part in transfrontier movements of waste.
2. By way of a regulation, taking into account the need to harmonise this register, the minister responsible for the environment shall lay down the format of the register referred to in paragraph 1.
3. By way of a regulation, in agreement with the minister responsible for the economy and the minister responsible for transport, taking into account the need to harmonise such documents, the minister responsible for the environment shall lay down the formats of documents to be used in relation to transfrontier movements of waste.

Chapter 9 Penal provisions

Article 69

He who, in violation of regulations, exports hazardous waste shall be liable to the penalty of arrest or fine.

Article 70

He who:

- 1) - when obliged to recover or dispose of waste – discards it or transfers it to entities which have not obtained the required permits, or
- 2) – in violation of a ban on the landfill of waste or failing to meet the requirements laid down in the approved instruction for waste landfill operation – deposits waste at a landfill, or
- 3) stores or deposits waste at places which are not intended for these purposes, or
- 4) – in order to meet the criteria for authorisation of waste to be deposited at a landfill - dilutes waste or mixes it with other waste, or with other substances or objects, or
- 5) – causing higher risk to human life or health, or to the environment – mixes different types of hazardous waste or hazardous waste with non-hazardous waste, or allows these types of waste to be mixed, or

- 6) – without the required permit – conducts activities in the scope of waste collection, transport, recovery or disposal

shall be liable to the penalty of arrest or fine.

Article 71

He who:

- 1) – in violation of a ban – thermally transforms waste outside of waste recovery or disposal installations and facilities, or
- 2) thermally transforms, or allows the transformation of, hazardous waste in incineration plants or other installations which do not meet the requirements set out for hazardous waste incineration plants or at facilities,

shall be liable to the penalty of arrest or fine.

Article 72

He who:

- 1) recovers PCBs (polychlorinated biphenyls, polychlorinated terphenyls, monomethyltetrachlorodiphenyl methane, monomethyldichlorodiphenyl methane, monomethyldibromodiphenyl methane and mixtures containing any of the above mentioned substances in the total quantity of more than 0.005% by weight), or
- 2) burns PCBs on board ships, or
- 3) mixes PCBs with waste oils in the course of collection or storage

shall be liable to the penalty of arrest or fine.

Article 73

He who mixes waste oils with other types of hazardous waste in the course of their collection or storage – where the pollution levels in waste oils exceed the limit values – shall be liable to the penalty of arrest or fine.

Article 74

He who – when conducting an economic activity producing waste in the form of batteries or accumulators - collects these types of waste without segregating them or disposes of them together with other types of waste shall be liable to the penalty of arrest or fine.

Article 75

He who uses unstabilised municipal sewage sludge or municipal sewage sludge which is not adequately prepared for the purpose and manner of its application, or who, in failing to meet his obligation, does not conduct analysis of municipal sewage sludge or the land where it is to be applied, shall be liable to the penalty of arrest or fine.

Article 76

He who:

- 1) produces waste without the required decision approving the hazardous waste management programme or in violation of its provisions, or
- 2) produces waste without submitting information required on the waste produced and on the manner of managing the waste produced, or manages waste in a way inconsistent with the information submitted, or
- 3) produces waste despite the submission of the objection referred to Article 24(5) or starts a waste producing activity before the deadline for submitting the objection expires, or
- 4) operates a waste landfill without having the approved instruction for the waste landfill operation, or
- 5) closes a landfill or a separated part of the landfill without the required authorisation from the authority,
- 6) - while obliged to keep a register of waste or to forward the required information or aggregated data sets – does not meet this obligation, does not do so in a timely manner or does not represent the real status

shall be liable to the penalty of fine.

Article 77

1. He who – when operating a hazardous waste incineration plant or an installation other than a hazardous waste incineration plant – accepts hazardous waste for thermal treatment without checking conformity between the waste accepted and the data contained in the waste transfer form, or without taking, or without keeping, samples of this waste shall be liable to the penalty of arrest or fine.
2. He who – when operating a municipal waste incineration plant, or an incineration plant for waste other than municipal or hazardous, or another installation or facility - accepts non-hazardous waste for thermal transformation without checking conformity between the waste accepted and the data contained in the waste transfer form shall be liable to the penalty of arrest or fine

Article 78

He who – when operating a waste landfill – does not meet his obligations in the scope of:

- 1) determining the quantity of waste prior to its acceptance to the landfill, or
- 2) checking conformity between the waste accepted and the data contained in the waste transfer form, or
- 3) maintaining and operating the waste landfill in a manner ensuring the proper operation of the technical equipment with which the waste landfill is fitted and the satisfaction of sanitary, safety, occupational and fire protection standards as well as the principles

of environmental protection, in accordance with the approved instruction for the waste landfill operation, or

- 4) refusal to accept to the landfill waste with composition inconsistent with the documents required for waste movements or with the authorisation, or
- 5) monitoring the waste landfill in the course of its operation and after its closure, or fails to meet the requirements set out for the monitoring, or
- 6) forwarding the results of the monitoring of the waste landfill to the Voivodship Inspector for Environmental Protection, or
- 7) notifying the Voivodship Inspector for Environmental Protection of changes observed in the parameters, indicating the possibility of danger to the environment, or
- 8) keeping aggregated data sets on the types and quantity of waste, the ways of its management and the installations and equipment for recovery and disposal this waste as well as those on the transfer of this waste to the next owner or operator of the property

shall be liable to the penalty of arrest or fine.

Article 79

Rulings on the issues referred to in Articles 70 to 78 shall be made on the principles and in the procedure laid down in the Misdemeanour Procedure Code.

Chapter 10 Final provision

Article 80

This Act shall enter into force on the day and on the principles laid down in a separate Act.

Categories of waste

- Q1 Production or consumption residues not specified in any of the other categories
- Q2 Off-specification products
- Q3 Products whose date for appropriate use has expired
- Q4 Substances or objects spilled, scattered, lost or having undergone other mishap, including those contaminated as a result of the mishap or the related rescue operation
- Q5 Substances or objects contaminated or soiled as a result of planned actions (e.g., residues from cleaning operations, packing materials, containers, etc.)
- Q6 Unusable objects or their parts (e.g., reject batteries, exhausted catalysts, etc.)
- Q7 Substances which no longer perform satisfactorily (e.g., contaminated acids, contaminated solvents, exhausted tempering salts, etc.)
- Q8 Residues of industrial processes (e.g., slags, still bottoms, etc.)
- Q9 Residues from pollution abatement processes (e.g., sewage sludges, scrubber sludges, baghouse dusts, spent filters, etc.)
- Q10 Machining/finishing residues (e.g., lathe turnings, mill scales, etc.)
- Q11 Residues from raw materials extraction and processing (e.g., mining residues, etc.)
- Q12 Adulterated substances or objects (e.g., oils contaminated with PCBs, etc.)
- Q13 Any substances or objects whose use has been banned by law (e.g., PCBs, etc.)
- Q14 Substances or objects for which the holder has no further use (e.g., agricultural, household, office, commercial and shop waste, etc.)
- Q15 Contaminated substances or products resulting from remedial action with respect to soil and land
- Q16 Any substances or objects which are not contained in the above categories (e.g., originating from services or repairs).

Categories or types of hazardous waste

Categories or types of waste listed according to their nature or the activity which generated them

List A:

Wastes displaying any of the properties listed in Annex 4 and which consist of:

1. hospital and veterinary wastes;
2. pharmaceuticals, medicines and medical and veterinary compounds;
3. wood impregnating agents of wood preservatives;
4. biocides and phyto-pharmaceutical substances;
5. residue from substances employed as solvents;
6. halogenated organic substances not employed as solvents excluding inert polymerised materials;
7. tempering salts containing cyanides;
8. mineral oils and oily substances (e.g. metal cutting sludges, etc.);
9. oil/water, hydrocarbon/water mixtures, emulsions;
10. substances containing PCBs (e.g. dielectrics etc.);
11. tarry materials arising from refining, distillation and any pyrolytic treatment (e.g. still bottoms, etc.);
12. inks, dyes, pigments, paints, lacquers, varnishes;
13. resins, latex, plasticizers, glues/adhesives;
14. substances arising from scientific research, development work or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known (e.g. laboratory residues, etc.);
15. pyrotechnics and other explosive materials;
16. photographic chemicals and processing (e.g., development) materials;
17. any substances or objects contaminated with any congener of polychlorinated dibenzo-furan;

18. any substances or objects contaminated with any congener of polychlorinated dibenzo-p-dioxin.

List B:

Wastes which contain any of the constituents listed in Annex 3 and having any of the properties listed in Annex 4 and consisting of:

19. animal or vegetable soaps, fats, waxes;
20. non-halogenated organic substances not employed as solvents;
21. inorganic substances without metals or metal compounds;
22. ashes and/or cinders;
23. soil and land, including dredging spoils;
24. non-cyanidic tempering salts;
25. metallic dust or powder;
26. spent catalyst materials;
27. liquids or sludges containing metals or metal compounds;
28. residue from pollution control operations (e.g. baghouse dusts, etc.) except (29), (30) and (33);
29. scrubber sludges;
30. sludges from water purification plants;
31. decarbonization residue;
32. ion-exchange column residue;
33. sewage sludges, untreated or unsuitable for use in agriculture;
34. residue from cleaning of tanks and/or equipment;
35. contaminated equipment;
36. contaminated containers (e.g. packaging, gas cylinders, etc.) whose contents included one or more of the constituents listed in Annex 3;
37. batteries, accumulators and other electrical cells;
38. vegetable oils;

39. substances or objects resulting from selective waste collections from households;
40. any other wastes.

Constituents of wastes which render them hazardous

Constituents of the wastes in List B in Annex 2 which render them hazardous when they have the properties described in Annex 4

Wastes having as constituents:

- C1 beryllium; beryllium compounds;
- C2 vanadium compounds;
- C3 chromium (VI) compounds;
- C4 cobalt compounds;
- C5 nickel compounds;
- C6 copper compounds;
- C7 zinc compounds;
- C8 arsenic; arsenic compounds;
- C9 selenium; selenium compounds;
- C10 silver compounds;
- C11 cadmium; cadmium compounds;
- C12 tin compounds;
- C13 antimony; antimony compounds;
- C14 tellurium; tellurium compounds;
- C15 barium compounds; excluding barium sulphate;
- C16 mercury; mercury compounds;
- C17 thallium; thallium compounds;
- C18 lead; lead compounds;
- C19 inorganic sulphides;
- C20 inorganic fluorine compounds, excluding calcium fluoride;
- C21 inorganic cyanides;

- C22 the following alkaline or alkaline earth metals: lithium, sodium, potassium, calcium, magnesium in uncombined form;
- C23 acidic solutions or acids in solid form;
- C24 basic solutions or bases in solid form;
- C25 asbestos (dust and fibres);
- C26 phosphorus; phosphorus compounds, excluding mineral phosphates;
- C27 metal carbonyls;
- C28 peroxides;
- C29 chlorates;
- C30 perchlorates;
- C31 azides;
- C32 PCBs;
- C33 pharmaceuticals and medical or veterinary compounds;
- C34 biocides and phyto-pharmaceutical substances (e.g. pesticides, etc.);
- C35 infectious substances;
- C36 creosotes;
- C37 isocyanates; thiocyanates;
- C38 organic cyanides (e.g. nitriles, etc.);
- C39 phenols; phenol compounds;
- C40 halogenated solvents;
- C41 organic solvents, excluding halogenated solvents;
- C42 organohalogen compounds, excluding inert polymerized materials and other substances referred to in this Annex;
- C43 aromatic compounds; polycyclic and heterocyclic organic compounds;
- C44 aliphatic amines;
- C45 aromatic amines

- C46 ethers;
- C47 substances of an explosive character, excluding those listed elsewhere in this Annex;
- C48 sulphur organic compounds;
- C49 any congener of polychlorinated dibenzo-furan;
- C50 any congener of polychlorinated dibenzo-p-dioxin;
- C51 hydrocarbons and their oxygen; nitrogen and/or sulphur compounds not otherwise taken into account in this Annex.

Properties of wastes which render them hazardous

- H1 “Explosive”: substances which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
- H2 “Oxidizing”: substances which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.
- H3-A “Highly flammable”:
- 1) liquid substances having a flash point below 21 °C (including extremely flammable liquids),
 - 2) substances which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy,
 - 3) solid substances which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition,
 - 4) gaseous substances which are flammable in air at normal pressure,
 - 5) substances which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.
- H3-B “Flammable”: liquid substances having a flash point equal to or greater than 21 °C and less than or equal to 55 °C.
- H4 “Irritant”: non-corrosive substances which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.
- H5 “Harmful”: substances which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.
- H6 “Toxic”: substances (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.
- H7 “Carcinogenic”: substances which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.
- H8 “Corrosive”: substances which may destroy living tissue on contacts.
- H9 “Infectious”: substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.
- H10 “Teratogenic”: substances which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.
- H11 “Mutagenic”: substances which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.

- H12 Substances which release toxic or very toxic gases in contact with water, air or an acid.
- H13 Substances capable by any means, after disposal, of yielding another substance, e.g., a leachate, which possesses any of the characteristics listed above.
- H14 “Ecotoxic”: substances which present or may present immediate or delayed risks for one or more sectors of the environment.

Where waste has at least one of the properties listed below as a) to i), it shall be recognised to have the properties numbered H3 to H8 (i.e., it is hazardous waste):

- a) it has a flash point up to 55 °C,
- b) it contains one or more substances defined as very toxic in separate regulations with their total concentration equal to or exceeding 0.1%,
- c) it contains one or more substances defined as toxic in separate regulations with their total concentration equal to or exceeding 3%,
- d) it contains one or more substances defined as harmful in separate regulations with their total concentration equal to or exceeding 25%,
- e) it contains one or more corrosive substances defined as R35 in separate regulations with their total concentration equal to or exceeding 1%,
- f) it contains one or more corrosive substances defined as R34 in separate regulations with their total concentration equal to or exceeding 5%,
- g) it contains one or more irritant substances defined as R41 in separate regulations with their total concentration equal to or exceeding 10%,
- h) it contains one or more irritant substances defined as R36, R37, R38 in separate regulations with their total concentration equal to or exceeding 20%,
- i) it contains one or more substances defined as carcinogenic (Categories 1 or 2) in separate regulations with their total concentration equal to or exceeding 0.1%,
- j) it contains one or more substances having an adverse effect on reproduction (Categories 1 and 2), defined in separate regulations as R60, R61 with their total concentration equal to or exceeding 0.5%,
- k) it contains one or more substances having an adverse effect on reproduction (Category 3), defined in separate regulations as R62, R63 with their total concentration equal to or exceeding 5%,
- l) it contains one or more mutagenic substances (Categories 1 and 2), defined in separate regulations as R46 with their total concentration equal to or exceeding 0.1%,
- ł) it contains one or more mutagenic substances (Category 3), defined in separate regulations as R40 with their total concentration equal to or exceeding 1%,

Operations which lead to use of waste in whole or in part, or to recovery of substances or materials from waste, also in order to use it

- R1 Use as a fuel or other means to generate energy
- R2 Solvent reclamation/regeneration
- R3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
- R4 Recycling/reclamation of metals and metal compounds
- R5 Recycling/reclamation of other inorganic materials
- R6 Regeneration of acids or bases
- R7 Recovery of components used for pollution abatement
- R8 Recovery of components from catalysts
- R9 Oil re-refining or other re-uses of oil
- R10 Spreading on land to fertilise or improve soil and to reclaim land
- R11 Use of wastes obtained from any of the operations numbered R1 - R10
- R12 Exchange of wastes for submission to any of the operations numbered R1 - R11
- R13 Storage of waste intended for submission to any of the operations numbered R1 – R12 (excluding temporary storage, pending collection, on the site where it is produced)
- R14 Other operations which lead to use of waste in whole or in part, or to recovery of substances or materials from waste, also in order to use it, which have not been mentioned as any of the operations numbered R1 – R13.

Disposal operations

- D1 Deposition at inert waste landfills
- D2 Land treatment (e.g., biodegradation of liquid wastes or sludges in soils)
- D3 Deep injection (e.g., injection of pumpable wastes)
- D4 Surface impoundment (e.g. placement of liquid wastes into ponds or lagoons)
- D5 Deposition at landfills for hazardous waste or at landfills for non-hazardous waste
- D6 Release into waters except seas*
- D7 Placement (sinking) on the seabed
- D8 Biological treatment not specified elsewhere in this Annex which results in wastes which are disposed of by means of any of the operations numbered D1 – D12 (e.g., fermentation)
- D9 Physico-chemical treatment not specified elsewhere in this Annex which results in wastes which are disposed of by means of any of the operations numbered D1 – D12 (e.g., evaporation, drying, precipitation)
- D10 Waste incineration at installations and facilities on land
- D11 Waste incineration at installations and facilities at sea
- D12 Waste storage in containers underground (e.g., in a mine)
- D13 Blending or mixing prior to submission to any of the operations numbered D1 – D12
- D14 Repackaging prior to submission to any of the operations numbered D1 – D13
- D15 Storage pending any of the operations numbered D1 – D14 (excluding temporary storage, pending collection, on the site where waste is produced)

* Release into waters, except seas, is subject to a complete ban.