

REGULATION
OF THE MINISTER FOR CLIMATE AND THE
ENVIRONMENT¹⁾

of

amending the Regulation on mechanical-biological treatment of non-segregated (mixed)
municipal waste²⁾

Pursuant to Article 33(3) of the Waste Act of 14 December 2012 (Journal of Laws of 2023, item 1587), the following is hereby decreed:

Article 1. The Regulation of the Minister for Climate and the Environment of 28 December 2022 on the mechanical-biological treatment of non-segregated (mixed) municipal waste (Journal of Laws of 2023, item 56) is amended as follows:

- 1) in Article 2(2), the following words are deleted: ‘; where the code is preceded by the letters ‘ex’, it means that the code marked in such a way only covers specific waste separated from the type of waste referred to in those provisions’;
- 2) in Article 3:
 - a) in paragraph 1 the joint part is given the following wording:

‘— combined into a single integrated technological process for the treatment of this waste carried out on the premises of the same facility in order to prepare it for recycling or other recovery or disposal processes.’,
 - b) paragraph 4 shall read as follows:

‘4. Waste destined for the mechanical-biological treatment of non-segregated (mixed) municipal waste is discharged in construction facility within the meaning of Article 3(1) of the Construction Law Act of 7 July 1994 (Journal of Laws of 2023, item 682, 553, 967, and 1506) which is enclosed in such a way that it at least prevents the

¹⁾ The Minister for Climate and the Environment heads the government department for climate pursuant to Article 1(2)(2) of the Regulation of the Prime Minister of 27 October 2021 on the detailed scope of activities of the Minister for Climate and the Environment (Journal of Laws, item 1949).

²⁾ This Regulation was notified to the European Commission on ... under number ..., pursuant to § 4 of the Cabinet Regulation of 23 December 2002 on the functioning of the national system for notification of standards and legal acts (Journal of Laws, item 2039; and Journal of Laws of 2004, item 597) which implements Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification) (OJ EU L 241, 17.9.2015, p. 1).

influence of atmospheric agents on that waste, has a tight substrate to prevent effluent from entering the environment, and is equipped with ventilation devices and devices to reduce emissions of pollutants, in particular the penetration of dust into the air.’;

3) in Article 4:

a) in paragraph 1:

— the introduction to the enumeration shall read as follows:

‘The process of mechanical treatment of non-segregated (mixed) municipal waste consisting of the separation of certain fractions that can be used, depending on the composition of non-segregated (mixed) municipal waste, as a material or an energy source, and of the fraction requiring further biological treatment is carried out in a construction facility within the meaning of Article 3(1) of the Construction Law Act of 7 July 1994, which is enclosed in such a way that it at least prevents the influence of atmospheric agents on the waste, has a tight substrate to prevent effluent from entering the environment, and is equipped with ventilation devices and devices to reduce emissions of pollutants, in particular the penetration of dust into the air. This process leads to the generation of waste, depending on its characteristics, with the code:’,

— point 11 shall read as follows:

‘11) 19 12 12 — Other waste (including mixtures of materials and objects) from mechanical treatment of waste other than that mentioned in 19 12 11.’,

b) paragraph 1a shall be added after paragraph 1, reading as follows:

‘1a. Separation of the fraction requiring further biological treatment shall be carried out using a sieve with a mesh size of not more than 100 mm. A fraction with a granulometry smaller than the sieve used shall be classified as waste of code 19 12 12, hereinafter referred to as the “subsieve fraction”.’,

c) paragraph 2 and 3 are repealed,

d) paragraph 4 and 5 shall read as follows:

‘4. It is permissible that sieved waste of code 19 12 12 with a fraction with a granulometry of not more than 20 mm be transferred to a landfill without the need to undergo biological treatment, in accordance with the provisions issued pursuant to Article 118 of the Act.

5. It is permitted to produce waste other than that indicated in paragraph 1 from non-segregated (mixed) municipal waste that has undergone mechanical treatment.’,

- e) paragraph 6 and 7 are repealed,
- f) paragraph 8 shall read as follows:

‘8. In the part of the installation where the mechanical treatment of non-segregated (mixed) municipal waste is carried out, mechanical treatment of other waste may be carried out as separate operating options for the installation, in particular:

- 1) treatment of waste separately collected by cleaning or sorting;
- 2) production of alternative fuel from waste other than waste with code 20 03 01.’,

- g) paragraph 10 shall read as follows:

‘10. Waste resulting from the mechanical treatment of waste classified as waste with code 19 12 10 is treated either in recovery process R1 or disposal process D10. These processes may be preceded, respectively, by recovery process R12 or disposal process D13.’,

- h) in paragraph 11 after the words ‘in paragraph 1,’ the words ‘1a’ are added,
- i) paragraph 12 is repealed;

- 4) in Article 5:

- a) in paragraph 1 the words ‘referred to in Article 4(1)(11)(a) and paragraph 2 and 3’ are deleted,
- b) paragraph 2 is repealed,
- c) paragraph 4 shall read as follows:

‘4. In the part of the installation where the biological treatment of the subsieve fraction is carried out, it is possible to carry out the biological treatment of selectively collected biowaste which results in the production of:

- 1) fertilising products, fertilisers or crop support products complying with the provisions of Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No

2003/2003 (OJ EU L 170, 25.6.2019, p. 1, as amended³⁾) or the Act of 10 July 2007 on fertilisers and fertilisation (Journal of Laws of 2023, item 569), or

- 2) waste after composting or fermentation.’,
- d) paragraph 6 shall read as follows:

‘6. The biological treatment of the waste of the subsieve fraction under aerobic conditions shall be carried out:

 - 1) in a closed technical device made of material resistant to mechanical damage and ensuring the tightness of the conducted process (reactor) or in a closed hall, with an effluent collection system, with active aeration and with the capture and treatment of gases resulting from the process (process air), and
 - 2) until the waste reaches the following parameters: AT₄ less than 10 mg O₂/g in dry matter, roasting losses of less than 35 % and organic carbon content of less than 20 % in dry matter.’,
- e) paragraph 6a shall be added after paragraph 6, reading as follows:

‘6a. In relation to waste that has reached the value of the parameter AT₄ less than 20 mg O₂/g in dry matter as a result of the biological treatment of waste under the conditions specified in paragraph 6(1), this process may be continued in prisms which are situated on a tight substrate preventing effluent from entering the environment and equipped with an effluent collection system, and which are actively aerated or aerated by mechanical moving of waste at least once a week, until the parameters referred to in paragraph 6(2) are reached.’,
- f) paragraph 7 is repealed,
- g) paragraph 8 shall read as follows:

‘8. In the case of biological treatment of subsieve fraction waste under anaerobic conditions, the resulting waste shall be stabilised by biological treatment of the waste under aerobic conditions.’,
- h) paragraph 8a shall be added after paragraph 8, reading as follows:

³)Amendments to this Regulation were published in OJ EU L 302, 22.11.2019, p. 129, OJ EU L 48, 11.2.2021, p. 6, OJ EU L 356, 8.10.2021, p. 8, OJ EU L 427, 30.11.2021, p. 120, 130 and 140, OJ EU L 83, 10.3.2022, p. 66, OJ EU L 161, 16.6.2022, p. 121, OJ EU L 183, 8.7.2022, p. 2, OJ EU L 233, 8.9.2022, p. 91, OJ EU L 236, 13.9.2022, p. 5, and OJ EU L 59, 24.2.2023, p. 1.

‘8a. From waste resulting from the biological treatment of waste, waste suitable in whole or in part for recycling shall be separated where possible.’,

- i) paragraph 9 shall read as follows:

‘9. The waste which remains after separation and meets the requirements referred to in paragraph 6(2) shall be classified as waste with code 19 05 99 — Other non-listed waste, hereinafter referred to as “stabiliser”.’,

- j) in paragraph 11, the first sentence shall read as follows:

‘A grid-separated fraction of the stabiliser with a granulometry of not more than 20 mm may be used for a recovery process only at a landfill or in an extractive waste disposal facility.’,

- k) paragraph 12 shall read as follows:

‘12. Waste remaining after separation of the stabiliser referred to in paragraph 11 is still classified as waste with code 19 05 99.’,

- l) in paragraph 13, the words ‘in paragraph 2’ shall be replaced by the words ‘in paragraph 1’,

- m) paragraph 15 shall read as follows:

‘15. Mechanical treatment of the waste referred to in paragraphs 8a and 11 constitutes either recovery process R12 or disposal process D13.’;

- 5) in Article 6:

- a) paragraph 2 shall read as follows:

‘2. Waste resulting from the biological drying process is classified as waste with code 19 05 01 — Uncomposted fractions of municipal and similar waste, and is subjected to further mechanical treatment of waste. The provisions of Article 4 shall apply mutatis mutandis.’,

- b) paragraph 2a shall be added after paragraph 2, reading as follows:

‘2a. In the case of biological drying of the subsieve fraction, it is permissible to classify the resulting waste as waste with code 19 12 10, provided that it does not require other fractions to be separated from it.’,

- c) paragraph 3 is repealed,

- d) paragraph 4 shall read as follows:

‘4. Waste resulting from the biological drying of waste classified as waste with code 19 12 10 shall be treated either by recovery process R1 or by disposal process D10.’,

- e) paragraph 5 is repealed,
- f) paragraph 7 is repealed;
- 6) Article 7 is repealed;
- 7) Articles 8 and 9 shall read:

‘Article 8. Waste resulting from the biological treatment of the subsieve waste fraction, including the waste remaining after the separation of waste in accordance with Article 5(8a), which is not a stabiliser:

- 1) requires further treatment in the process of biological treatment of waste, or
- 2) if the biological treatment of waste under aerobic conditions carried out for at least 4 weeks has not led to the achievement of the parameter values referred to in Article 5(6)(2), may be transferred to the thermal treatment of waste.

Article 9. 1. The requirements set out in Article 5(6)(2) shall be deemed to be fulfilled if, at the end of each biological treatment under aerobic conditions, they are confirmed by laboratory tests carried out by the laboratory referred to in Article 147a(1) (1) or paragraph 1a of the Act of 27 April 2001 — Environmental Protection Law. The tests shall be carried out in order to demonstrate that the waste to be transferred to a landfill or to the thermal treatment of waste in accordance with Article 5(10) meets the requirements for a stabiliser. Samples of the waste for tests shall be taken by a representative of that laboratory.

2. If, in respect of processes carried out under the same technological conditions, the results of at least 3 consecutive tests have confirmed compliance with the requirements referred to in Article 5(6)(2), it shall be permitted to carry out tests at least on a quarterly basis provided that the technological conditions of the process do not change.’;

- 8) Article 10 is repealed;
- 9) Article 11 shall read as follows:

‘Article 11. 1. For the mechanical-biological treatment of non-segregated (mixed) municipal waste carried out on the basis of a waste treatment permit or a permit for the production of waste including a waste treatment permit, issued before the date of entry

into force of the Regulation, the installation in which the process is carried out and the waste resulting from that process shall be subject to the requirements set out in such permit.

2. Installations for which an integrated permit is not required, in which mechanical-biological treatment of non-segregated (mixed) municipal waste was carried out before the date of entry into force of the Regulation, must meet the requirements for the waste unloading and treatment facility as set out in Article 3(4), Article 4(1) and Article 6(1) by 31 December 2024.

3. The requirements set out in that permit shall apply to the mechanical-biological treatment of non-segregated (mixed) municipal waste carried out on the basis of an integrated permit issued before the date of entry into force of the Regulation, to the installation where the process is carried out, and to the waste resulting from that process, until the permit is amended.’.

Article 2. Sieves used until the date of entry into force of the Regulation, with a mesh size permitting the separation of a subsieve fraction with a granulometry greater than 100 mm, may be used until 31 December 2024.

Article 3. This Regulation shall enter into force 14 days after its publication.

**MINISTER FOR CLIMATE AND THE
ENVIRONMENT**

Approved for legal, legislative, and editorial compliance
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