

Recent Municipal Waste Management Legislation in Poland

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At a session on 1 July 2011 Parliament adopted a law introducing significant changes to the municipal waste management system prevailing in Poland.¹ The most important modification, at times even referred to as a *revolution* rests on a mandatory assumption by local districts of property owner duties relating to municipal waste management. The intent of amendment authors is to significantly improve on the achievement of appropriate levels of recovery and recycling of municipal waste. The Minister of the Environment, Andrzej Kraszewski, declares that under this law Poland has an opportunity to *resolve the problem of the mountain of waste under which Poland finds itself and to attain EU norms.*² The Minister also underscores that *Poles expect us to create a law to deal with waste in the country, to provide local governments effective tools to organize an appropriate system and to guarantee entrepreneurs competitive conditions for activity.*³

¹ Act dated 1 July 2011 on an amendment of the law on maintaining of cleanliness and order in local districts and certain other laws (*Ustawa z dnia 1 lipca 2011 r. o zmianie ustawy o utrzymaniu czystości i porządku w gminach oraz niektórych innych ustaw*). The law was announced in the Journal of Laws, no. 152, pos. 897.

² Announcement on www.mos.gov.pl.

³ *Ibid.*

Legislative changes primarily rest on modification of the law on cleanliness and order in local districts (*ustawa o utrzymaniu czystości i porządku w gminach*).⁴ Even though these changes are significantly broader than the amended law itself, lawmakers did not decide on a new law, thereby hindering analysis of the new regulations. It will therefore be necessary to refer to consolidated texts of the amended laws or to detailed analyses that should appear in the near future.

The amendment modifies not only the above law on maintaining cleanliness and order in local districts, but also certain other laws constituting the legal pillar for regulating waste management, including the Waste Act (*ustawa o odpadach*).⁵

The purpose of this report is to outline the new regulations primarily from the standpoint of entrepreneurs. The framework of this work does not allow broader commentary and assessment of new solutions or extensive analysis of regulations on issues other than the takeover by local districts of municipal waste management duties.

The law was announced in the Journal of Laws (*Dziennik Ustaw*) on 25 July 2011.

1. Outline of system changes

Most amendments will enter into force on 1 January 2012, which in light of their revolutionary nature, means that affected entities will have very little time to adapt to the new legal framework.

This does not mean, however, that the new system is to be introduced in all local districts on 1 January 2012. The law provides for appropriate transition periods. Local district councils have 12 months from the date of entry of the law into force to adopt required resolutions. Such resolutions cannot enter into force later than 18 months from the date of the law taking effect. As a result, **the new system for managing municipal waste should apply at the latest from July 2013.**

The fundamental change rests on the mandatory assumption by local districts of property owner duties with regard to municipal waste management. Property owners will no longer sign contracts with municipal waste collectors after the new system takes effect. Local districts will select entities rendering such services through a public tender. Property owners will in exchange for waste management pay fees to local districts.

The introduced changes serve to streamline the municipal waste treatment system, reduce the quantity of such waste, including biodegradable waste brought to landfills. The changes also serve to promote modern installations for waste recovery or its disposal in a manner other than landfilling.

As for the creation of new installations, local districts will be provided instruments facilitating the channelling of waste stream to appropriate installations in regions indicated in provincial waste management plans (*wojewódzkie plany gospodarki odpadami*). As a result, these installations will possess appropriate waste stream to ensure their profitability. Reform in this regard is a key element of the new system: new solutions serve to support waste management investments and eliminate risk relating to the profitability of long-term financial undertakings.

⁴ Act dated 13 September 1996 on maintaining of cleanliness and order in local districts (Journal of Laws, 2005, no. 236, pos. 2008 as amended).

⁵ Waste Act dated 27 April 2001 (Journal of Laws, 2010, no. 185, pos. 1243 as amended).

2. Local district tasks

Under the amendment local district tasks with regard to municipal waste management have been specified in quite an ambitious manner. Above all, local districts are to ensure the construction, maintenance and use of own or, jointly with other local districts, regional municipal waste treatment installations. Moreover, local districts are obligated to cover all property owners in their territory with a municipal waste treatment system and subsequently monitor the implementation of tasks entrusted to entities collecting waste from property owners. The law requires local districts to also establish separate collection of municipal waste and create areas for such waste. Finally, local districts must ensure the achievement of recycling levels, prepare for re-use and recovery as well as limit the mass of biodegradable municipal waste sent to landfills.

Local districts are obligated to attain appropriate recovery levels by 31 December 2020 for certain types of waste. These duties arise from a framework directive on waste⁷ and are directly specified in the amendment (see Table 1).

Table 1: Local district tasks with regard to the achievement of recovery levels

Level of recycling and preparation for re-use of certain municipal waste fractions: paper, metal, plastic, glass	At least 50 % by weight
Level of recycling, preparation for re-use and recovery through other methods of non-hazardous construction and demolition waste	At least 70 % by weight

Achievement of the set goal will be specified in an executive regulation through indication of the level of recycling, preparation for re-use and recovery through other methods in specific years. Executive regulations will also specify the manner of calculating such levels.

Irrespective of the above, local districts are obligated to limit biodegradable municipal waste mass that is sent to landfills. Relevant reduction levels arise from obligations adopted by Poland and a waste landfill directive⁸ (see Table 2).

Table 2: Local district tasks with regard to the reduction of mass of biodegradable municipal waste sent to landfills

By 16 July 2013	Up to no more than 50 %	By weight the entire biodegradable municipal waste mass that is landfilled – in relation to the mass of such waste generated in 1995
By 16 July 2020	Up to no more than 35 %	

Reduction levels for biodegradable municipal waste mass landfilled in specific years and the manner of their calculation will be specified in an executive regulation to the law.

⁷ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3–30)

⁸ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1–19).

3. Local district duties regarding construction of regional municipal waste processing installations

The law provides that in this regard local districts are obligated to conduct a tender⁹ to select an entity that will construct, maintain or utilise a regional municipal waste treatment installation. Alternatively, local districts can select an entity that will construct, maintain or utilise a regional municipal waste treatment installation on principles set forth in the Public-Private Partnership Act (*Ustawa o partnerstwie publiczno-prywatnym*)¹⁰ or principles specified in the Construction Work or Services Concession Act (*Ustawa o koncesji na roboty budowlane lub usługi*).¹¹

The law stipulates that if the above-noted tender concludes with a negative outcome, or if no private partner or concessionaire is selected, a local district will be able to independently carry out tasks relating to construction, maintenance or utilisation of a regional municipal waste treatment installation.

During the course of legislative work the Senate proposed that a local district be able to independently carry out such task for a period no longer than three years and only if three tenders prove negative or no private partner or concessionaire is selected in three separate attempts. This correction was nevertheless rejected. There is no doubt that the need to organise only a single tender facilitates a local district (in the event of a negative tender outcome) in independently carrying out the task without considering business interests. On the other hand, however, the requirement to organise three tenders would significantly prolong the procedure and delay the construction of modern installations, thus rendering the observance of statutory deadlines impossible.

4. The assumption of municipal waste management duties by local districts

The fundamental change introduced by the amendment is imposition upon local districts of the **obligation to organise collection of municipal waste from owners of property upon which residents reside**. This issue is addressed by the entirely new Chapter 3a of the law entitled *Municipal waste management by a local district*.

In the case of owners of other properties upon which residents do not reside and municipal waste is generated, the adoption of a local district resolution on collection of waste from property owners is facultative.

In order to fulfil the above duty, a **local district manager (*wójt*) or city or town mayor (*burmistrz, prezydent miasta*) must organise a tender for municipal waste collection or the collection and treatment of such waste**.

Companies with local district shareholding can collect municipal waste from property owners at local district instruction, but only if selected through a tender. This provision is intended to strengthen the competitive position of entrepreneurs and to equalize their chance of rendering municipal waste collection services.

⁹ On principles set forth in the Public Procurement Law Act (*Prawo zamówień publicznych*) of 29 January 2004 (Journal of Laws, 2010, no. 113, pos. 759 as amended) with consideration of clauses of the amended law.

¹⁰ Public-Private Partnership Act of 19 December 2008 (Journal of Laws, 2009, no. 19, pos. 100 as amended).

¹¹ Construction Work or Services Concession Act dated 9 January 2009 (Journal of Laws, no. 19, pos. 101 as amended).

In order to organise the collection of waste at local districts with more than 10,000 residents, it is possible to adopt a resolution on **division of a local district into sectors** with consideration of the number of residents, population density in a given area or area that can be served by a single municipal waste collector. In such a situation the above-noted tender is organised for each such sector.

For tender purposes the specification of vital terms of order should primarily specify:

- requirements on the delivery of collected mixed municipal waste, green waste and remnants from waste sorting to regional municipal waste treatment installations,
- types of municipal waste collected separately from property owners,
- sanitary standard for rendered services and environmental protection,
- the duty to maintain documentation on activity covered by procurement,
- detailed requirements imposed upon entrepreneurs collecting municipal waste from property owners.

The next stage in the procedure is **conclusion by a local district manager or city or town mayor of a contract with an entity** selected through a tender.

Local district duties with regard to organising a system of collecting municipal waste are addressed by the duty of property owners to pay the local district so-called **municipal waste management fees** (*opłata za gospodarowanie odpadami komunalnymi*).

The manner of calculating fees was the subject of dispute during the course of parliamentary work. It was ultimately decided that factors deciding on the level of fee will be:

- the number of residents on a given property, or
- the amount of consumed water at a given property, or
- residential surface area.

The fee will therefore be calculated as the product of the above levels and rate set by a local district council.

Local district councils can also adopt a single household fee.

Such council will have to select a method for setting fees as well as the rate and fee for a container with certain volume. In setting the fee rate, a local district council must consider the number of residents in a given local district, the amount of municipal waste generated in such district, system costs and instances when waste appears seasonally on property. At the same time the amendment orders a local district council to set a lower municipal waste management rate if such waste is collected in a separate manner. The above regulation demonstrates that local districts will have relatively free discretion in setting municipal waste management fees, which may raise the charge of excessive discretion in setting such fee. This relative discretion of fee setting by local districts also raises certain doubts over compliance of such norms with the constitutional duty of legal stipulation in a manner that is complete, precise and unequivocal with regard to issues concerning public fees.¹²

A local district covers costs of system functioning through collected fees, i.e. the cost of collection, transport, recovery and treatment of municipal waste, cost of creating and maintaining areas for separate municipal waste collection as well as administrative expenses.

¹² Ruling of the Constitutional Tribunal dated 9 November 1999, K 28/98, OTK 1999, No. 7, pos. 156.

Property owners will be **obligated to submit an appropriate declaration on the level of municipal waste management fee** within 14 days from the date of initial residence on a given property and in the case of a change of data constituting the basis to assess a fee. There are fears expressed in this context whether this duty will be commonly observed, particularly in the first stage of the new regulations. It should be expected that a large number of property owners will not submit such declarations or that data therein will be false in order to reduce the financial burden on households. The law also provides that, in the event of failure to submit a declaration on the level of fee or if there are justified doubts over data in a declaration, a local district body will set the level of fee through justified estimates (including the average amount of municipal waste generated on properties of a similar nature).

According to the definition of *property owners* (*właściciele nieruchomości*) in the Act on maintaining cleanliness and order in local districts, it also includes co-owners, perpetual usufructuaries (*użytkownicy wieczystości*) as well as organisational units and persons holding real estate under management or use, together with other entities administering property. Such a broad definition of *property owners* means that in many instances there will be several entities meeting this criterion in relation to a single property. There will therefore be doubt over the manner in which the obligation to pay a fee is to be met. This problem can be particularly significant during the course of payment enforcement.

The amendment provides for certain procedures in emergency situations. If a contract on the collection of municipal waste from property owners is terminated, a local district manager or mayor of a town or city must immediately organise another tender. Waste collection is discretionary until a tender is held.

If a local district fails to fulfil its duty to collect municipal waste from property owners, the latter are obligated to transfer municipal waste at local district expense to an entity collecting municipal waste from property owners, which is entered in the register of regulated activity.

In turn, in the event of a breakdown at a regional municipal waste treatment installation preventing collection of waste, such waste is transferred to a facility slated to provide substitute service for such region. The operator of the municipal waste treatment facility serving as a substitute must accept transferred waste.

5. Duties of entrepreneurs engaged in municipal waste collection and management

The adopted amendment provides that **activity with regard to collection of municipal waste from property owners is regulated** (*działalność regulowana*). Entities engaged in such activity are entered in a register maintained in electronic form.

Regulated activity is a specific institution of Polish law. An entrepreneur can carry out activity specified in such manner if he meets certain requirements set by regulations and only upon entry in the register of regulated activity (*rejestr działalności regulowanej*). The body maintaining such register makes an entry upon entrepreneur request following submission by the entrepreneur of a statement on the fulfilment of requirements governing such activity. A declaration is submitted in writing to the authority maintaining the register of regulated activity.

This solution is a simplification in comparison to present procedures based on the issue of permits. In order to obtain an entry in the register of regulated activity, it suffices for an applicant to submit a statement. In making the register entry the authority does not verify the submitted information, however, these details can be verified later.

The consequence of submitting untruthful documents or information is mandatory deletion from the register. Moreover, an entrepreneur who has been deleted from the register of regulated activity can obtain renewed register entry within the same scope of commercial activity after three years of a decision on deletion.

According to the amendment, **an entrepreneur must obtain an entry in the register in the local district where he intends to collect municipal waste from property owners.** Entry entails simultaneous issue of a registration number to the entrepreneur. In addition to basic data identifying the entrepreneur and the type of collected municipal waste, an application for register entry should include a statement on the fulfilment of conditions required for collection of municipal waste from property owners. The statement includes confirmation of the completeness and veracity of the application as well as a declaration that the entrepreneur is familiar with and meets conditions for the collection of municipal waste from property owners.

If it is determined that the entrepreneur does not meet requirements or if he for the second time delivers mixed waste to installations other than regional waste treatment installations and in other specified instances, the law provides for sanctions in the form of deletion from the register.

An entrepreneur **is obligated to transfer separate municipal waste collected from property owners to waste recovery and treatment facilities**, in accordance with the hierarchy specified in the waste law. However, mixed municipal waste collected from property owners, green waste and remnants from sorted municipal waste should be transferred to a regional municipal waste treatment installation. The operator of such facility must conclude a contract for waste management with all entities collecting municipal waste from property owners, who carry out their activity within a municipal waste management region.

Irrespective of the above, an entity collecting municipal waste must possess appropriate equipment, maintain an appropriate sanitary state of vehicles and other equipment as well as fulfil technical requirements on vehicle fit-out. As well, the storage-transport base should be appropriately situated and equipped. Details on the above requirements will follow in a ministerial executive order.

An entity collecting municipal waste must draft quarterly reports. A report is submitted to a local district manager or mayor of a town or city by the end of the month following the quarter that is covered.

The report includes:

- information on the mass of specific types of collected municipal waste as well as the manner of its treatment, together with indication of the facility to which mixed municipal waste collected from property owners was transferred, green waste as well as remnants from sorted municipal waste slated for landfilling;
- information on the mass of biodegradable municipal waste slated for landfilling or not landfilled, as well as the manner of its management;
- number of property owners from whom municipal waste was collected;
- indication of property owners who collect municipal waste in a manner that is inconsistent to regulations on maintaining cleanliness and order.

The amendment also specifies reporting duties of a local district manager or mayor of a city or town. These entities are obligated to provide reports to the provincial speaker (*marszałek województwa*) and provincial environmental protection inspector (*wojewódzki inspektor ochrony środowiska*). The provincial speaker also drafts appropriate reports and forwards them to the Minister of the Environment.

6. Liability, monetary fines

A recent tendency in environmental protection regulations rests on limited application of penal sanctions and an expansion of administrative instruments. For this reason the ability was also provided in the amendment to impose monetary fines on obligated entities. The application of administrative liability is simplified. An administrative body does not have to prove guilt on the part of the obligated party, thus it suffices to merely declare a violation. Entities against which proceedings are pending do not have ensured restrictive standards that apply in penal proceedings and not only individuals are subject to liability. For this reason the expansion of administrative instruments of a repressive nature is frequently criticized, since it allows the imposition of sanctions in a situation when a given entity bears no liability for a violation of regulations.

Monetary penalties provided by law against entrepreneurs are presented in Table no. 3.

Table 3: Monetary fines imposed on entrepreneurs

Action	Monetary fine	Remarks
Municipal waste collection without a required register entry	PLN 5,000 (approx. EUR 1,250)	for the first month of activity without a required register entry
	PLN 10,000 (approx. EUR 2,500)	for each subsequent month of activity without a required register entry
Mixing of separately collected municipal waste with mixed municipal waste	From PLN 10,000 to PLN 50,000 (approx. EUR 2,500 – EUR 12,500)	
Failure to transfer mixed municipal waste collected from property owners, green waste or remnants from sorted municipal waste that is slated for landfilling to a regional municipal waste treatment installation	From PLN 500 to PLN 2,000 (approx. EUR 125 – EUR 500)	for first disclosed case
Submission of untruthful reports	From PLN 500 to PLN 5,000 (approx. EUR 125 – EUR 500)	
Submission of reports with delay	PLN 100 (approx. EUR 25)	for each day of delay

Municipal waste collection requiring entry in the register of regulated activity will also be covered within the framework of the Environmental Damage Prevention Act (*ustawa o zapobieganiu szkodom w środowisku i ich naprawie*)¹³ as activity creating the risk of environmental harm. This means that such activity will be covered by the liability regime set forth in the cited law in the event of a direct threat of harm to the environment or environmental damage. This law implements the so-called environmental liability directive¹⁴ in the Polish legal order.

¹³ Prevention of Environmental Harm and Its Remedy Act of 13 April 2007 (Journal of Laws, no. 75, pos. 493 as amended).

¹⁴ Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56–75).

Similar penalties apply toward local district organisational units. A separate list of monetary penalties was also provided for local districts and facility operators indicated in a resolution on implementation of a provincial waste management plan. A list of sample basic monetary penalties imposed upon facility operators is provided in Table no. 4.

Table 4: Monetary fines imposed on operators of the installation indicated in the resolution on implementation of a provincial waste management plan

Action	Monetary fine	Remarks
Collection of mixed municipal waste, green waste or remnants from sorted municipal waste slated for landfilling outside a municipal waste management region	PLN 500 (approx. EUR 125)	for each Mg of collected waste
Failure to conclude a waste management contract with an entity collecting municipal waste from property owners, which conducts its activity within the framework a municipal waste management region	PLN 10,000 (approx. EUR 2,500)	
Failure to collect waste from entities transferring municipal waste to substitute facilities to serve a given region, as indicated in a resolution on implementation of a provincial waste management plan	PLN 10,000 (approx. EUR 2,500)	

In setting the level of monetary fines, a relevant authority considers the degree of harmfulness of an act, scope of violation and hitherto entity activity. An entity upon which a monetary fine was imposed must pay such fine within 30 days from the date when a decision imposing a monetary fine became final.

The amendment also imposes liability of local districts for failure to attain appropriate levels of recovery and reduction in the amount of biodegradable municipal waste subject to landfilling. In such case a monetary penalty is calculated as the product of the fee for mixed municipal waste and missing mass of municipal waste required to attain the level required by law.

A provincial environmental protection inspector may suspend payment of a monetary fine for the period necessary to take remedial action. The suspension cannot be longer than five years if the local district presents a documented application concerning adopted remedial steps. The fine is lifted if reasons for its imposition are eliminated. However, it will be enforced if such reasons continue to exist.

7. New definitions

The law also introduces new definitions of certain meanings. These definitions are introduced into the Waste Act and, in principle, correspond to definitions in a framework directive on waste. The amendment employs terms from the directive, which has not yet been introduced into the Polish legal order through a separate amendment. Hence, it became necessary to encompass these new meanings already at the stage of work on the discussed amendment of the Act on maintaining cleanliness and order in local districts.

The law also specifies the principle of proximity set forth in waste law. According to this principle, it is prohibited to collect and treat mixed municipal waste, green waste or remnants from sorted municipal waste slated for landfilling outside of the municipal waste management region where such waste was generated. Similarly, it is prohibited to bring such waste generated outside such region into a given municipal waste management region.

Table 5: New meanings defined in the amended Act on maintaining cleanliness and order in local districts

Bio-waste	Biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants
Green waste	Plant remnant municipal waste originating from the maintenance of green areas and markets with the exception of waste originating from the cleaning of streets and squares
Re-use	Any operation by which products or components that are not waste are used again for the same purpose for which they were conceived
Treatment	Recovery or disposal operations, including preparation prior to recovery or disposal
Preparation for re-use	Checking, cleaning or repair recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing
Separate collection	Collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment merely covers the types of waste characterized by the same properties and nature
Municipal waste management region	An area in a provincial waste management plan that has at least 150,000 residents; a municipal waste management region can be a local district with more than 500,000 residents
Regional municipal waste management installation	Waste management facility with a processing power sufficient to accept and process waste from an area with a population of at least 120,000 residents and meeting the requirement of best available technique or technology, as noted in the Environmental Protection Law Act, and ensuring thermal treatment of waste or: <ul style="list-style-type: none"> a) mechanical-biological treatment of mixed municipal waste and separation from mixed municipal waste of fractions capable of full or partial recovery, b) treatment of separately collected green waste and other bio-waste as well as the creation from it of a product with fertilizer properties or substances promoting plant cultivation and meeting requirements set forth in separate regulations, c) landfilling of waste from the mechanical-biological process of treating mixed municipal waste and remnants from a sorting of municipal waste with a capacity allowing acceptance for a period of at least 15 years of waste in a quantity not less than that arising at an installation for mechanical-biological treatment of mixed municipal waste.

8. Waste management plans

A further change under the law is a limitation in the number of drafted plans. The amendment provides for only a **national waste management plan** (*krajowy plan gospodarki odpadami*) and **provincial waste management plans** (*wojewódzkie plany gospodarki odpadami*). The latter are to serve the achievement of goals set forth in a national plan and therefore must be consistent to it.

Plans specify waste management goals and deadlines for their achievement. They also indicate the direction of activities to achieve set goals as well as the prevention of waste, together with planned technologies and methods of procedure. The plans also include criteria for the distribution of sites slated for waste management as well as the processing capacity of future waste treatment installations. Finally, these plans present a schedule of planned activities as well as contractors and forms of financing tasks arising from adopted action plans.

Provincial waste management plans specify regions for municipal waste management as well as local districts comprising a region. Moreover, they include a list of regional municipal waste treatment installations in specific municipal waste management regions as well as

installations for substitute service of these regions. These documents are to also include plans for closure of regional municipal waste treatment installations that fail to meet environmental protection requirements and whose modernisation is not possible for technical reasons or is not justified economically.

The Council of Ministers adopts a national waste management plan and provincial assemblies do so at the provincial level. Waste management plans are subject to update at least once every 6 years.

Provincial plans are accompanied by a **resolution on implementation of a provincial waste management plan** (*uchwała w sprawie wykonania wojewódzkiego planu gospodarki odpadami*) adopted by provincial assemblies. Such resolution specifies:

- municipal waste management regions,
- regional municipal waste treatment installations in specific regions of municipal waste management as well as installations to provide substitute service for these regions,
- regional facilities processing municipal waste that fail to meet environmental protection requirements and whose modernization is not possible due to technical reasons or is not commercially justified.

9. Transition periods

In principle, **the law enters into force on 1 January 2012** with exceptions arising from certain detailed matters, particularly with regard to financial penalties that take effect on 1 January 2013 and 1 July 2013.

There is no doubt that such a *vacatio legis* is very short. Lawmakers acted here under considerable time pressure in order to avoid penalties for failure to meet requirements set forth under EU law. However, there is doubt as to whether the statutory goals can be achieved.

Within 12 months from the date of entry of the amendment into force, local districts should adopt resolutions on rates and manner of paying waste management fees, sample declarations, as well as forms and scope of collecting municipal waste from property owners and its treatment. These resolutions nevertheless cannot enter into force later than 18 months from the date of the law taking effect. In order to ensure timely entry of new municipal law provisions into force, the amendment provides for a provincial governor (*wojewoda*) to summon a local district council to adopt resolutions if such council fails to adopt them within 12 months from the date of the amendment taking effect. If resolutions are not adopted despite such summons, the provincial governor will issue a substitute order having the same legal effect as a municipal law.

Within 12 months collectors of municipal waste from property owners, who possess a permit for such collection can engage in municipal waste collection and management without entry in the register of regulated activity.

Provincial assemblies have only 6 months from the date of the law taking effect to adopt an updated provincial waste management plan.

A local district is not obligated to collect municipal waste from property owners until the date of new resolutions taking effect, but no longer than 18 months from the date of the law entering into force.

10. Summary

The tasks and goals set forth by lawmakers are highly ambitious. It is already known that initial stages in the reduction of quantities of biodegradable waste sent to landfills, as stipulated in EU law, were not attained. The law, however, serves to activate all entities engaged in the process of managing municipal waste so that EU requirements are met and that municipal waste management is modern and environmentally friendly. However, it can nevertheless be anticipated that set goals will only be achieved in part despite the enormous responsibility placed upon local districts for the functioning of the new system.

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