

ACT

dated September 11, 2015

on waste electrical and electronic equipment^{1), 2), 3)}

Chapter 1

General provisions

Art. 1. The Act determines the means aimed at protecting the environment and people's health by preventing unfavorable effects of generating waste electronic and electrical equipment, hereinafter referred to as "waste equipment", and by managing it or by limiting these effects as well as the general effects of using resources and an improvement in the effectiveness of their use.

Art. 2. 1. The Act applies to:

- 1) electronic and electrical equipment, hereinafter referred to as "equipment";
- 2) waste equipment.

2. The provisions of the Act do not apply to the following equipment:

- 1) necessary to protect the basic security interests of member states, including weapons, ammunition as well as military materials designed solely for military purposes;
- 2) specially designed and installed as a part of a device to which the provisions of the Act do not apply and which may perform its function only as a part of this device;
- 3) filament bulbs;
- 4) designed to be sent into space;

¹⁾ This Act implements, with regard to its regulation, Directive 2012/19/EU of the European Parliament and of the Council dated July 4, 2012 on waste electronic and electrical equipment (WEEE) (Official Journal of the EU L 197 dated July 24, 2012, page 38, as amended);

²⁾ This Act was notified to the European Commission on March 6, 2015 under number 2015/111/PL according to § 4 of the Regulation of the Council of Ministers dated December 23, 2002 on the method of functioning of the national system of notifying standards and legal acts (Journal of Laws No 239, item as well as from 2004, No 65, item 597) that implements Directive 98/34/EC of the European Parliament and of the Council dated June 22, 1998 laying down a procedure for the provision of information in the field of technical standards and regulations as well as principles regarding services for the information society (Official Journal of The EU L 204 dated July 21, 2008, page 37, as amended; Official Journal Of the EU, Polish special edition, Chapter 13, vol. 20, page 337).

³⁾ This Act amends the Acts: the Act dated July 20, 1991 on the environmental protection inspection, the Act dated July 26, 1991 on the personal income tax, the Act dated February 15, 1992 on the corporate income tax, the Act dated September 13, 1996 on the maintenance of cleanliness and order in Polish gminas, the Act dated December 15, 2000 on the trade inspection, the Act dated April 27, 2001 - the Polish Environmental protection law, the Act dated July 2, 2004 on the freedom of business activities, the Act dated October 3, 2008 on sharing information on the environment and its protection, the participation of the society in environmental protection as well as on environmental impact assessments, the Act dated April 24, 2009 on batteries and accumulators, the Act dated December 14, 2012 on waste, the Act dated June 13, 2013 on the management of packaging and packaging waste, the Act dated April 24, 2015 on the amendments to certain acts in connection with the strengthening of landscape protection tools as well as the Act dated May 15, 2015 amending the Act on the recycling of end-of life vehicles and certain other acts.

- 5) large-scale stationary industrial tools;
- 6) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations, defined as large-size combination of several types of apparatus and, where applicable, other devices, which jointly meet the following conditions:
 - a) are assembled, installed and de-installed by professionals,
 - b) are intended for permanent use as a part of a building or a structure in a previously defined and permanent location,
 - c) can only be replaced by the same specifically designed equipment;
- 7) means of transport for people or goods, excluding electric two-wheel vehicles which are not type-approved;
- 8) non-road mobile machinery, defined as machinery with onboard power source, the functioning of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working, made available exclusively for professional use;
- 9) specifically designed solely for the purposes of research and development that is only made available on a B2B basis;
- 10) medical products and medical products for in vitro diagnostics, the equipment of medical products and the equipment of medical products for in vitro diagnostics as defined by Art 2 (1) (33, 34, 38 and 39) of the Act dated May 20, 2010 on medical products (Journal of Laws from 2015, item 876), when they may be a source of infections before the end of their operation period, as well as for active medical products for implantation as defined by Art. 2 (1) (1) of this Act.

3. The provisions of Art. 18, Art. 19, Art. 20 (1), Art. 21 and Art. 23 do not apply to an economic operator that places the following on the market:

- 1) small equipment with any of its external dimensions not exceeding 50 cm, total average annual mass of equipment not exceeding 100 kg,
- 2) large equipment with any of its external dimensions exceeding 50 cm, total average annual mass of equipment not exceeding 1,000 kg
- that used the exemption referred to in Art. 76 (1).

Art. 3. In cases regarding the handling of waste equipment in the scope not regulated in this Act, the provisions of the Act dated December 14, 2012 on waste (Journal of Laws from 2013, item 21, as amended apply⁴⁾).

Art. 4. Whenever the Act refers to:

⁴⁾ The amendments of the said Act were announced in the Journal of Laws from 2013, item 888 and 1,238, from 2014, item 695, 1,101 and 1,322 and from 2015, item 87, 122, 933 i 1,045.

- 1) decisions regarding waste management – this means the decisions referred to in Art. 41 of the Act dated December 14, 2012 on waste and in Art. 181 (1) (1 and 4) of the Act dated April 27, 2001 - Environmental protection law (Journal of Laws from 2013, item 1,232, as amended amended apply⁵⁾);
- 2) a distributor – this means a natural person, an organizational unit without legal personality or a legal person in the supply chain that makes the equipment available on the market; at the same time, the distributor may be an economic operator that places the equipment on the market;
- 3) a voivodship marshal – this means, in the case of:
 - a) an economic operator that places the equipment on the market, an authorized representative as well as an electronic and electrical equipment recovery organization – the marshal of the voivodship competent for their registered office,
 - b) a waste equipment collector, a treatment plant operator, an economic operator conducting activities regarding recycling, an economic operator conducting activities regarding other recovery processes than recycling – the marshal of the voivodship competent for the place where they conduct their activities;
- 4) a registry number – this means the registry number referred to in Art. 54 (1) of the Act dated December 14, 2012 on waste;
- 5) a member state – this means a member state of the European Union, a member state of the European Free Trade Agreement (EFTA) – a party to the contract for the European Economic Area, or the Swiss Confederacy;
- 6) PCB – this means PCB as defined by Art. 3 (1) (17) of the Act dated December 14, 2012 on waste;
- 7) a treatment plant operator – this means an economic operating running a treatment plant with a decision regarding waste management permitting the processing of waste equipment;
- 8) an entrepreneur – this means an entrepreneur as defined by the Act dated July 2, 2004 on the freedom of business activities (Journal of Laws from 2015, item 584, as amended apply⁶⁾);
- 9) a public educational campaign – this means each action aimed at raising the society's ecological awareness, as well as support in achieving a high level of waste electrical and electronic equipment collection, including information on the possible impact of waste equipment on the environment and people's health as well as on the correct mode

⁵⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2013, item 1,238, from 2014, item 40, 47, 457, 822, 1,101, 1,146, 1,322 and 1,662 and from 2015, item 122, 151, 277, 478, 774, 881, 933, 1,045 and 1,223.

⁶⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2015, item 699, 875, 978, 1,197, 1,268 and 1,272.

of conduct with waste equipment, in particular on the methods of selective collection, available return systems as well as the role of equipment users in contributing to reuse and recovery, including recycling, of waste equipment, including mass media campaigns, information leaflets and brochures, posters, competitions, conferences as well as information-educational events;

- 10) a service center – this means a place where business activities consisting in repairing equipment are conducted;
- 11) a producer – this means a natural person, an organizational unit without legal personality or a legal person that, regardless of the used sales technique, including means of remote communication:
 - a) is based on the territory of a member state other than the Republic of Poland and manufactures equipment under its own name or trade mark or places equipment designed or manufactured specifically for them under its own name or trade mark on the territory of this state,
 - b) is based on the territory of a member state other than the Republic of Poland and resells equipment manufactured by other entities under its own name or trade mark on the territory of this state; the reseller is not considered a manufacturer if the equipment bears the name or the trade mark of the entity referred to in letter a) or in item 20) and
 - c) is based on the territory of a member state other than the Republic of Poland and part of its business activities includes a free of paid delivery of equipment for its distribution, consumption or use for the first time on the market of this member state from a state not being a member state or from another member state or
 - c) is based on the territory of a member state other than the Republic of Poland or a state not being a member state and sells the equipment on the territory of the state using means of remote communication directly to household users or users other than household users

- with the addition that producers are not entities that perform funding on an exclusive basis as part of or according to a financial agreement defined as each agreement or arrangements concerning a loan, lease, rent or deferred sales, referring to any equipment, regardless of whether the conditions of this agreement or arrangements or any additional agreement or additional arrangements provide for the transfer or the possibility of a transfer of property rights to this equipment, unless they act as the manufacturer at the same time;

- 12) the registered office – this means, accordingly, the seat or the place of residence;
- 13) the equipment – this means a device whose correct operation depends on the supply of electricity, or the presence of an electromagnetic field as well as a device that may be used to generate, transmit or measure the electric current or electromagnetic fields, that are

designed for use with voltage not exceeding 1,000 V for alternating current as well as 1,500 V for direct current;

- 14) equipment intended for households – this means equipment that may be used in households as well as by users other than households;
- 15) average annual mass of equipment – this means the average mass of equipment placed on the market in 3 previous calendar years by a given economic operator that places the equipment on the market; if the economic operator that places the equipment on the market did not place equipment on the market for 3 years, the average mass of equipment is calculated, accordingly, for the 2 previous calendar years or for the previous calendar year in which the equipment was placed on the market;
- 16) territory of the state – this means the territory of the Republic of Poland;
- 17) making available on the market – this means the delivery of equipment for its distribution, consumption or use to the territory of a state as part of business activities for a fee of free of charge;
- 18) a removal – this means a manual, mechanical, chemical or metallurgical treatment as a result of which the hazardous: substances, mixtures and components are separated in the form of a separate stream or constitute a distinguished part of the stream in processing, provided that the substance, mixture or component may be identified, if it is possible to monitor them in order to verify whether their processing is safe for the environment;
- 19) large-scale stationary industrial tools – this means large size assemble of machines, devices or components, cooperating with one another for a particular application, permanently installed and disassembled in a specific place by professional personnel as well as used and maintained by professional personnel in an industrial production facility or in a research and development facility;
- 20) an economic operator that places the equipment on the market – this means a natural person, an organizational unit without legal personality or a legal person that, regardless of the used sales technique, including means of remote communication:
 - a) is based on the territory of the state and manufactures the equipment under its own name or trade mark or places equipment designed or manufactured specifically for them under its own name or trade mark on the territory of the state,
 - b) is based on the territory of the state and resells equipment manufactured by other entities on the territory of the state under its own name or trade mark; the reseller is not considered an economic operator that places the equipment on the market if the equipment bears the name or the trade mark of the economic operator that places the equipment on the market, or

c) is based on the territory of the state and places equipment from a member state other than the Republic of Poland or a state not being a member state on the market as part of their activities

- provided that economic operators that place the equipment on the market are not entities that perform funding on an exclusive basis as part of or according to a financial agreement referred to in point 11, unless they act as the economic operator that places the equipment on the market at the same time;

- 21) placing on the market – this means making the equipment available on the market for the first time as part of business activities;
- 22) a treatment plant – this means a system, a building facility or its part where waste equipment or waste left after the disassembly of waste equipment is disassembled and prepared for reuse, with a decision regarding waste management permitting the processing of waste equipment;
- 23) a waste equipment collector – this means an entity conducting business activities regarding waste electrical and electronic equipment collection, with a decision regarding waste management permitting the collection of waste equipment;
- 24) waste equipment – this means equipment being waste as defined by Art. 3 (1) (6) of the Acts dated December 14, 2012 on waste, with all components, subassemblies and consumables constituting a part of the equipment when it is disposed of;
- 25) waste equipment from private households – this means waste equipment coming from households as well as waste equipment coming from sources other than households that, due to its character and quantity, is similar to waste equipment coming from households; waste equipment coming from households includes waste generated from equipment that, with high probability, will be used both by households as well as by users other than households.

Art. 5. 1. Equipment is classified to an appropriate group of equipment.

2. The numbers and names of groups of equipment and examples of equipment belonging to these groups are defined in Appendix No 1 to the Act.

Art. 6. 1. The equipment is placed on the market when:

- 1) the equipment is released from the warehouse or transferred to a third party – in the case of equipment manufactured within the state's territory;
- 2) an invoice confirming the import of equipment to the territory of the state from the territory of a member state other than the Republic of Poland or a customs document confirming the import of equipment to the territory of the state from the territory of a state not being a member state of the European Union is issued;
- 3) the equipment is imported to the territory of the state in order to be placed on the market.

2. If the equipment was placed on the market on two different days referred to in passage 1, the day when the equipment was placed on the market earlier is considered the day when the equipment was placed on the market.

3. It will be for the economic operator that places the equipment on the market to prove that the equipment was or was not placed on the market on the day other than that specified in passage 1.

Art. 7. 1. Public administration authorities, with regard to their capacity, support the cooperation between the economic operator that places the equipment on the market and entities conducting activities regarding recycling and recovery processes other than recycling as well as undertake actions to promote the designing and production of equipment to facilitate its reuse, disassembly as well as recovery of waste equipment, its components and materials.

2. Requirements regarding ecodesign are observed when designing equipment, facilitating the reuse and processing of waste equipment, defined in provisions issued on the basis of Art. 9 of the Act dated August 30, 2002 on the compliance assessment system (Journal of Laws from 2014, item 1,645 and 1,662 and from 2015, item 1,223).

3. It is forbidden to prevent the reuse of waste equipment by using specific design solutions or production processes, unless such solutions or processes do not result in superior benefits, in particular with regard to environmental protection, the protection of people's life and health or safety requirements.

Art. 8. 1. When determining the mass of equipment placed on the market, the mass of equipment that has been transported out of the territory of the state by the economic operator that places the equipment on the market or another entrepreneur is not taken into account, on the basis of the documents confirming the removal of equipment from the territory of the state to the territory of a state not being a member state or the removal of equipment from the territory of the state to the territory of a member state other than the Republic of Poland in the same calendar year in which the equipment was placed on the market.

2. When determining the mass of equipment placed on the market, the mass of batteries and accumulators constituting parts or components of this equipment is not taken into account.

Art. 9. The removal of waste from waste equipment from the territory of a state for processing takes place according to Regulation (EC) No 1013/2006 of the European Parliament and of the Council dated June 14, 2006 on shipments of waste (Official Journal of the EU L 190 dated July 12, 2006, page 1, as amended), hereinafter referred to as "Regulation No 1013/2006" and Commission Regulation (EC) No 1418/2007 dated November 29, 2007 concerning the export for recovery certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (Official Journal the EU L 316 dated December 4, 2007, page 6, as amended).

Art. 10. 1. Every natural person, organizational without legal personality or a legal person, based on the territory of the state that sells the equipment using means of remote communication directly to households or users other than households in a member state other than the Republic of Poland, is obliged to appoint a representative in this state responsible for the performance of the obligations specified in the national provisions of this state regarding equipment and waste equipment.

2. The representative referred to in passage 1 is appointed by way of an agreement concluded in writing, under pain of invalidity.

Chapter 2

Placing the equipment on the market

Art. 11. 1. The economic operator that places the equipment on the market performs the obligations defined in the act:

- 1) on their own or
- 2) via an electronic and electrical equipment recovery organization, excluding the obligations referred to in Art. 12–14, Art. 17, Art. 22 (1 and 3), Art. 72 (2) and Art. 84.

2. The performance of the obligations specified in the act via an electronic and electrical equipment recovery organization, according to passage 1 (2) does not relieve the economic operator that places the equipment on the market from the responsibility for the execution of these obligations.

3. The electronic and electrical equipment recovery organization performs the obligations of the economic operator that places the equipment on the market on the basis of a sales agreement concluded with the economic operator in writing, under pain of invalidity, with regard to the mass of equipment belonging to the group of equipment indicated in the agreement that the economic operator that places the equipment on the market placed on the market in a given calendar year.

4. The economic operator that places the equipment on the market as well as the electronic and electrical equipment recovery organization are obliged to retain the agreement referred to in passage 3 for 5 years, counting from the end of the calendar year in which the agreement ceased to be valid.

Art. 12. 1. The economic operator that places the equipment on the market is obliged to place a registry number on invoices and other documents drawn up in connection with placing the equipment on the market.

2. The economic operator that places the equipment on the market, using the right referred to in Art. 25 (1), is obliged to place a registry number of an authorized representative on

invoices and other documents drawn up in connection with placing the equipment on the market coming from a producer that appointed an authorized representative.

Art. 13. 1. The economic operator that places the equipment on the market is obliged to attach the following information to equipment intended for households:

- 1) the ban on placing waste equipment along with other waste, along with an explanation of the meaning of signs referred to in Art. 14 (1);
- 2) the potential consequences for the environment and people's health resulting from the presence of hazardous: substances, mixtures as well as components in the equipment.

2. The economic operator that places the equipment on the market is obliged to provide information about:

- 1) the collection system of waste equipment, including returns;
- 2) the role that a household serves in contributing to the reuse and recovery of waste equipment, including recycling.

Art. 14. 1. The economic operator that places the equipment on the market is obliged to label the equipment with a symbol for selective collection, the template of which is specified in Appendix No 2 to the Act. At the same time, the labelling means the equipment was placed on the market after August 13, 2005.

2. The labelling, referred to in passage 1, is placed on the equipment in a clear, legible and permanent manner and, if justified by the equipment's size or function, on the packaging and documents attached to the equipment.

Art. 15. 1. The economic operator that places the equipment on the market is obliged to conduct public educational campaigns regarding the equipment that was placed on the market by that economic operator.

2. The obligation, referred to in passage 1, performed by the economic operator that places the equipment on the market via an electronic and electrical equipment recovery organization is considered completed under Art. 62.

3. The economic operator that places the equipment on the market, fulfilling the obligation referred to in passage 1, by themselves:

- 1) will spend on public educational campaigns or
- 2) will pay to a separate bank account of the competent voivodship marshal office - at least 0.1% of net revenue in total for placing the equipment on the market earned in the previous calendar year.

4. The economic operator that places the equipment on the market, starting their activities in a given calendar year, calculates the amount, referred to in passage 3, with regard to net revenues for placing the equipment on the market earned in that calendar year.

5. The settlement of the obligation, referred to in passage 1, takes place by January 31 of the year following the year in which the economic operator that places the equipment on the market was obliged to conduct public educational campaigns.

6. The obligation, referred to in passage 1, will be considered completed if the economic operator that places the equipment on the market has documentation confirming that the funds, referred to in passage 3, were spent on public educational campaigns.

7. The economic operator that places the equipment on the market is relieved from the obligation, referred to in passage 1, if the amount calculated as specified in passage 3 does not exceed PLN 100 in a given calendar year.

8. The release, referred to in passage 7, applies if:

1) the economic operator that places the equipment on the market submits the following to the voivodship marshal until January 31 of each year:

a) a certificate or a statement on *de minimis* aid in the scope referred to in Art. 37 of the Act dated April 30, 2004 on proceedings in cases regarding public aid (Journal of Laws from 2007, No 59, item 404, as amended apply⁷⁾),

b) information, the scope of which is defined in provisions issued on the basis of Art. 37 (2a) of the Act referred to in letter a;

2) the conditions for the acceptability of *de minimis* aid defined in the binding EU legal regulations related to *de minimis* aid and *de minimis* aid in agriculture are met with regard to the economic operator that places the equipment on the market.

9. The value of *de minimis* aid corresponds to the amount calculated according to passage 3.

10. The certificates, statements as well as information, referred to in passage 8 (1), may be transferred by means of electronic communication.

11. When the economic operator that places the equipment on the market, despite his obligation, did not allocate or did not pay the funds, referred to in passage 3 (2) on public educational campaigns, or allocated or paid them in an amount lower than the due amount, the voivodship marshal defines, by way of a decision, the amount of the obligation on account of funds, referred to in passage 3 (2).

12. The amount of the obligation on account of funds, referred to in passage 3 (2), is reduced by the amount actually allocated by the economic operator that places the equipment on the market on public educational campaigns, confirmed by the documentation, referred to in passage 6.

13. The income from the funds, referred to in passage 3 (2), in the amount of 10%, is the income of the voivodship local administration's budget to be allocated to the costs of the

⁷⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2008, No 93, item 585, from 2010, No 18, item 99 and from 2011, No 233, item 1,381.

enforcement of receivables on account of these funds and administrative handling of the system for these funds.

14. The income from the funds, referred to in passage 3 (2), increased by the amount of income from interest on bank accounts and decreased by the amount of income, referred to in passage 13, will be transferred by the voivodship marshal to the bank account of the Polish National Fund for Environmental Protection and Water Management within 30 days after the end of each quarter.

15. The funds, referred to in passage 3 (2), are directly subject to the provisions of Section III of the Act dated August 29, 1997 - General Tax Code (Journal of Laws from 2015, item 613, as amended apply⁸⁾), provided that the rights of tax authorities are granted to the voivodship marshal.

Art. 16. 1. Upon selling the equipment, the buyers of equipment are presented with the costs of waste management including the costs of waste equipment collection and management if the economic operator that places the equipment on the market provided the distributors with information on the costs of waste management.

2. The distributor is obliged to notify the buyers of equipment about the costs of waste management in the manner specified in passage 3 if he obtained such information from the economic operator that places the equipment on the market.

3. The buyers of equipment are informed about the costs of waste management via distinguished costs of waste management corresponding to a unit of equipment in the price of the equipment.

4. The costs of waste management cannot exceed the costs actually incurred for this purpose.

Art. 17. 1. The economic operator that places the equipment on the market is obliged to prepare information on the reuse and management of waste equipment containing, in particular, the indication of particular components as well as materials contained in the equipment, as well as hazardous: substances, mixtures as well as components in the equipment.

2. The information, referred to in passage 1, is prepared within 12 months from the day of placing a new type of equipment on the market of a member state.

3. The economic operator that places the equipment on the market is obliged to provide a treatment plant operator, conducting activities in the field of recycling as well as running recovery processes other than recycling with information, referred to in passage 1, within 14 days from the date of submitting the application for the transfer of this information, free of charge.

⁸⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2015, item 699, 978, 1,197, 1,269 and 1,311.

4. The information, referred to in passage 1, is drawn up in paper or electronic form on a data carrier as defined by Art. 3 (1) of the Act dated February 17, 2005 on the computerization of the activities of entities performing public tasks (Journal of Laws from 2014, item 1,114).

Art. 18. 1. The economic operator that places the equipment on the market that places equipment intended for households on the market is obliged to organize and finance the collection of waste equipment coming from households from waste equipment collectors as well as finance its management.

2. If waste equipment is generated from equipment intended for households placed on the market:

- 1) before August 13, 2005 - the obligation, referred to in passage 1, applies to the economic operator that places the equipment on the market regarding equipment belonging to the same group of equipment as the equipment that was placed on the market by that economic operator, in proportion to their share in the mass of equipment placed on the market belonging to this group;
- 2) after August 13, 2005 - the obligation, referred to in passage 1, applies to the economic operator that places the equipment on the market regarding equipment that was placed on the market by that economic operator.

Art. 19. 1. The economic operator that places the equipment on the market that places equipment not intended for households on the market is obliged to organize and finance the collection of waste equipment coming from users other than households as well as finance its management, generated from equipment that was placed on the market by that economic operator after August 13, 2005.

2. The economic operator that places the equipment on the market that places equipment not intended for households on the market is also obliged to organize and finance the collection of waste equipment coming from users other than households as well as finance its management that was placed on the market by that economic operator before August 13, 2005 if this equipment is replaced by them with equipment of the same type and performing the same functions.

3. The collection and processing of waste equipment, referred to in passage 2, may also be financed by the user of equipment other than equipment intended for households, from which this waste equipment was generated within the scope specified in the agreement concluded between the economic operator that places the equipment on the market and the user of this equipment.

4. The collection and processing of waste equipment other than equipment indicated in passage 2, which was placed on the market before August 13, 2005, is financed by the user of equipment other than equipment intended for households, from which this waste equipment was generated.

Art. 20. 1. The economic operator that places the equipment on the market is obliged to achieve minimum annual levels of waste equipment collection that amount to:

- 1) from January 1, 2018 to December 31, 2020 - not less than 40% of the average annual mass of equipment placed on the market, and in the case of equipment belonging to group of equipment no 3 specified in Appendix No 1 to the Act – not less than 50% of the average annual mass of equipment placed on the market;
- 2) from January 1, 2021 - not less than 65% of the average annual mass of equipment placed on the market or 85% of the mass of waste equipment manufactured within the state's territory.

2. When calculating the levels of waste equipment collection, the mass of waste equipment generated from equipment that was not placed on the market as well as post-production waste is not taken into account.

3. The method of calculating the minimum annual level of waste equipment collection until December 31, 2020 is defined in Appendix No 3 to the Act.

4. The minister competent for the environment will determine, by way of a regulation, the minimum annual levels of waste equipment collection, referred to in passage 1 (1), in particular years until the end of 2020, bearing in mind:

- 1) the mass of equipment placed on the market;
- 2) actions for the competitiveness of the Polish economy;
- 3) the level of infrastructure development necessary in the process of waste equipment collection.

5. The minister competent for the environment will select, by way of a regulation, the method from among those specified in passage 1 (2) as well as will define the detailed way of calculating the minimum annual level of waste equipment collection from January 1, 2021, bearing in mind the need to achieve the minimum annual level of waste equipment collection as well as the assurance of the comparability of information regarding the achieved minimum level of waste equipment collection transferred by economic operators that place equipment on the market.

Art. 21. 1. The economic operator that places the equipment on the market is obliged to achieve specified levels of recovery as well as preparation for reuse and recycling of waste equipment in particular years.

2. The following levels of recovery as well as preparation for reuse and recycling of waste equipment should be achieved:

- 1) for waste equipment generated from equipment belonging to groups of equipment no 1 and 4 specified in Appendix No 1 to the Act:
 - a) recovery – 85% of the mass of waste equipment and
 - b) preparation for reuse and recycling – 80% of the mass of waste equipment;

- 2) for waste equipment generated from equipment belonging to group of equipment no 2 specified in Appendix No 1 to the Act:
 - a) recovery – 80% of the mass of waste equipment and
 - b) preparation for reuse and recycling – 70% of the mass of waste equipment;
- 3) for waste equipment generated from equipment belonging to groups of equipment no 5 and 6 specified in Appendix No 1 to the Act:
 - a) recovery – 75% of the mass of waste equipment and
 - b) preparation for reuse and recycling – 55% of the mass of waste equipment;
- 4) for waste equipment generated from equipment belonging to group of equipment no 3 specified in Appendix No 1 to the Act – recycling – 80% of the mass of waste equipment.

3. The method of calculating the annual level of recovery as well as the level of preparation for reuse and recycling of waste equipment is defined in Appendix No 4 to the Act.

Art. 22. 1. The economic operator that places the equipment on the market is obliged to keep additional records containing information on the mass of equipment placed on the market.

2. The basis for calculating the achieved levels of collection, recovery as well as preparation for reuse and recycling of waste equipment is the data contained in the additional records as well as in certificates on waste equipment.

3. The economic operator that places the equipment on the market is obliged to store the additional records as well as certificates on waste equipment for 5 years, counting from the end of the calendar year to which they relate.

Art. 23. 1. The economic operator that places the equipment on the market is obliged to conclude an agreement in writing, under pain of invalidity, with a treatment plant operator that disassembles and prepares for reuse equipment that is generated from equipment belonging to the group of equipment to which the equipment placed on the market by the economic operator that places the equipment on the market belongs.

2. If:

- 1) the treatment plant operator has its decision with regard to waste management withdrawn,
 - 2) the agreement, referred to in passage 1, is terminated or expires
- the economic operator that places the equipment on the market is obliged to, within 3 months respectively from the withdrawal of the decision, the termination or the expiry of the agreement, perform the obligation, referred to in passage 1 .

Art. 24. An entity based within a state's territory and making available equipment placed on the market by the distributor which is not entered into the register, referred to in Art. 49 of the Act dated December 14, 2012 on waste, hereinafter referred to as "the register", is subject

to provisions of the Act regarding the economic operator that places the equipment on the market.

Art. 25. 1. The economic operator that places the equipment on the market coming from the producer, does not need to perform the obligations placed on them by the Act, unless:

1) this producer's authorized representative is entered into the register;

2) they provided the authorized representative with all details necessary for the authorized representative to perform the obligations with regard to the equipment placed on the market by this economic operator that places the equipment on the market, in particular information on the mass of equipment coming from a producer that appointed this authorized representative placed on the market in a given and in the previous calendar year.

2. If the data, referred to in passage 1 (2), is not provided to the authorized representative, the economic operator that places the equipment on the market is obliged to perform the obligations placed on them by the Act with regard to the mass of equipment that they placed on the market in a given calendar year, about which they did not inform the authorized representative.

3. The authorized representative keeps a list of economic operators that place equipment on the market that benefit from the right, referred to in passage 1.

Chapter 3

Authorized representative

Art. 26. 1. The producer, referred to in Art. 4 (11) (a-c), has the right to appoint an authorized representative responsible for the performance of the obligations on the territory of the state specified in the Act for the economic operator that places the equipment on the market with regard to equipment placed on the market coming from this producer.

2. The producer, referred to in Art. 4 (11) (d), is obliged to appoint an authorized representative responsible for the performance of the obligations on the territory of the state specified in the Act for the economic operator that places the equipment on the market with regard to equipment placed on the market coming from this producer.

3. The authorized representative is appointed by way of an agreement concluded in writing, under pain of invalidity.

4. The authorized representative may be a natural person, an organizational unit without legal personality or a legal person based on the territory of the state, including an electronic and electrical equipment recovery organization.

5. The authorized representative performs the obligations specified in the Act for the economic operator that places the equipment on the market via an electronic and electrical

equipment recovery organization, excluding the obligations referred to in Art. 12–14, Art. 17, Art. 22 (1 and 3) and Art. 84.

6. The performance of the obligations specified in the Act for the economic operator that places the equipment on the market via an electronic and electrical equipment recovery organization according to passage 5 does not relieve the authorized representative from the responsibility for the performance of these obligations.

7. When the authorized representative is an electronic and electrical equipment recovery organization and the authorized representative performs the obligations, referred to in passage 1, via this electronic and electrical equipment recovery organization, the agreement, referred to in Art. 11 (3), between the authorized representative and this electronic and electrical recovery organization is not concluded.

8. The authorized representative is subject to the provisions of the Act regarding the economic operator that places the equipment on the market.

9. When a producer appoints the authorized representative, the manufacturer acts only via the authorized representative. The authorized representative acts on behalf of and for the producer, bearing responsibility for the performance of obligations specified in the Act for the economic operator that places the equipment on the market.

Chapter 4

Financial guarantee

Art. 27. 1. The economic operator that places the equipment on the market that places equipment intended for households on the market:

- 1) that fulfils the obligation specified in Art. 18 (1) on their own,
- 2) in the case of the termination or expiry of the agreement, referred to in Art. 11 (3),
- 3) if the electronic and electrical equipment recovery organization's liquidation proceedings are opened, its declaration of bankruptcy is announced or the organization is removed from the register, with which organization the agreement, referred to in Art. 11 (3), is concluded

- is obliged to submit a financial guarantee for a given calendar year intended to cover the product fee, hereinafter referred to as "the financial guarantee".

2. The financial guarantee has the form of:

- 1) a deposit paid to a separate bank account of the competent voivodship marshal office kept by Bank Gospodarstwa Krajowego;
- 2) an insurance guarantee submitted to the voivodship marshal;
- 3) a bank guarantee submitted to the voivodship marshal.

3. In the case of the insurance guarantee and the bank guarantee, the guarantor may only be:

- 1) a financial institution authorized to guarantee customs debts;
- 2) a financial institution based on the territory of a member state.

Art. 28. 1. The economic operator that places the equipment on the market, referred to in Art. 27 (1) (1), is obliged to submit the financial guarantee by June 30 of the year to which the guarantee applies.

2. The economic operator that places the equipment on the market, referred to in Art. 27 (1) (1), that start their activities regarding placing equipment on the market, is obliged to submit the financial guarantee before submitting the application for an entry into the register.

3. The economic operators that place the equipment on the market, referred to in Art. 27 (1) (2 and 3), are obliged to submit the financial guarantee within 14 days from the date in which:

- 1) the agreement, referred to in Art. 11 (3), expired or was terminated;
- 2) the electronic and electrical equipment recovery organizations, with which the agreement, referred to in Art. 11 (3), was concluded, liquidation proceedings were opened, its bankruptcy was announced or it was deleted from the register.

Art. 29. 1. The basis for calculating the amount of the financial guarantee is, in the case of:

- 1) the economic operator that places the equipment on the market submitting the financial guarantee before submitting the application for an entry into the register – the mass of equipment intended for households that they intend to place on the market in a given calendar year;
- 2) the economic operator that places the equipment on the market entered into the register – the mass of equipment intended for households placed on the market in the previous calendar year.

2. The amount of the financial guarantee is calculated as the product of the product fee and the mass of equipment intended for households, referred to in passage 1.

Art. 30. The insurance guarantee as well as the bank guarantee, referred to in Art. 27 (2) (2 and 3), state that if the product fee is not paid, the insurance company or the bank will settle the obligations for the benefit of the voivodship marshal.

Art. 31. The voivodship marshal stores documents submitted by the economic operator that places the equipment on the market confirming that the financial guarantee has been paid for 5 years, counting from the end of the calendar year to which these documents relate.

Art. 32. 1. In the case of doubts as to the authenticity of the bank guarantee or insurance guarantee documents, referred to in Art. 27 (2) (2 and 3), the voivodship marshal will immediately call the guarantor to confirm the guarantee.

2. The bank or the insurance company to which the call, referred to in passage 1, is addressed will inform the voivodship marshal whether the document is genuine within 7 days from the date of receiving the call along with an authenticated copy of the guarantee document submitted to the voivodship marshal.

3. If the mode specified in passage 2 results in obtaining information that the guarantee document is not genuine, the voivodship marshal refuses to accept the guarantee, by way of a decision. The decision has the order of immediate enforceability.

4. The decision, referred to in passage 3, is also delivered to the guarantor. The guarantor is not a party in the case and is not entitled to legal remedies.

Art. 33. 1. The voivodship marshal makes a settlement of the financial guarantee until October 30 of the year following the calendar year in which this guarantee was submitted.

2. If it is stated that the economic operator that places the equipment on the market that places equipment intended for households on the market, did not achieve the required minimum annual level of waste equipment collection, the level of recovery or the level of preparation for reuse and recycling of waste equipment and did not pay the product fee, the voivodship marshal decides, by way of a decision, to spend the funds coming from the financial guarantee to cover the product fee.

3. If the report, referred to in Art. 73 (1) of the Act dated December 14, 2012 on waste, states that the economic operator that places the equipment on the market that places equipment intended for households on the market, achieved the required minimum annual level of waste equipment collection, the level of recovery as well as the level of preparation for reuse and recycling of waste equipment, the voivodship marshal decides, by means of of a decision, to return the financial guarantee paid by that economic operator.

4. If the economic operator that places the equipment on the market that places equipment intended for households on the market, paid the financial guarantee in the amount higher than the product fee indicated in the statement, referred to in Art. 73 (1) of the Act dated December 14, 2012 on waste, the voivodship marshal decides, by way of a decision, to return the financial guarantee paid by that economic operator in the amount resulting from the difference between funds due from the financial guarantee and the due product fee.

5. Issuing the decision, referred to in passages 3 and 4, does not hinder issuing the decision, referred to in Art. 77 (1).

6. If the economic operator that places the equipment on the market that places equipment intended for households on the market, concluded the agreement, referred to in Art. 11 (2), after submitting the financial guarantee, the voivodship marshal decides, by way of a decision, to return the financial guarantee paid by that economic operator for the calendar year to which this agreement applies.

7. If the financial guarantee is submitted in the form of a deposit paid to a separate bank account of the competent voivodship marshal office, the financial guarantee is returned in the nominal amount of the financial guarantee within 14 days from the date in which the decisions, referred to in passage 3 and 6, become final as well as after the economic operator that places the equipment on the market indicates the bank account to which the guarantee should be returned.

8. The voivodship marshal keeps records of settlements of financial guarantees made on the basis of the decisions, referred to in passages 2–4 and 6, for 5 years, counting from the end of the calendar year to which the settlements of financial guarantees relate.

Chapter 5

Collecting and transporting waste equipment

Art. 34. It is forbidden to place waste equipment along with other waste.

Art. 35. 1. It is forbidden to collect incomplete waste equipment as well as parts coming from waste equipment for an entity that is not:

- 1) a distributor conducting a retail trade unit with the total area of sales as defined by Art. 2 (19) of the Act dated March 27, 2003 on spatial planning and development (Journal of Laws from 2015, item 199, as amended apply⁹⁾), amounting to at least 400 m² devoted to selling household equipment;
- 2) a treatment plant operator;
- 3) an entity collecting municipal waste from real estate owners or an entity conducting a center for selective collection of municipal waste, referred to in the Act dated September 13, 1996 on the maintenance of cleanliness and order in Polish gminas (Journal of Laws from 2013, item 1,399, as amended apply¹⁰⁾).

2. Incomplete waste equipment is understood as waste equipment that does not contain components, subassemblies and consumables significant due to the intended use of the equipment, constituting part of the equipment from which the waste equipment is generated on the day of placing this equipment on the market.

3. The entity collecting waste equipment is obliged to place information about the ban, referred to in passage 1, in a visible place.

⁹⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2015, item 443, 774 and 1,265.

¹⁰⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2013, item 1,593 and from 2015, item 87, 122, 1,045 and 1,269.

Art. 36. The holder of waste equipment coming from households is obliged to transfer it to an entity collecting waste equipment or to an entity authorized entity to collect waste equipment, referred to in Art. 45 (1) (1) of the Act dated December 14, 2012 on waste.

Art. 37. 1. The distributor is obliged to collect waste equipment coming from households in their point of sale free of charge, provided that the waste equipment is of the same type and performed the same functions as the sold equipment.

2. The distributor, delivering equipment intended for households on the market to a buyer, is obliged to collect waste equipment coming from households at the place of this equipment's delivery free of charge, provided that the waste equipment is of the same type and performed the same functions as the delivered equipment.

3. The distributor conducting a retail trade unit with the total area of sales as defined by Art. 2 (19) of the Act dated March 27, 2003 on spatial planning and development amounting to at least 400 m² devoted to selling household equipment, is obliged to accept waste equipment coming from households, with any of its external dimensions not exceeding 25 cm in this unit or in its direct vicinity, without the need to purchase new equipment intended for households.

4. The distributor is obliged to place information regarding matters referred to in passages 1–3 in a visible place in their point of sale. The distributor offering equipment on the market using means of remote communication is obliged to provide such information in a manner making it possible to become familiar with its content, in particular online or in the form of a message.

Art. 38. The collection system, including returns, of waste equipment that is created by waste equipment collectors, a treatment plant operators, distributors, entities referred to in Art. 45 (1) (1) of the Act dated December 14, 2012 on waste as well as economic operators operating centers for selective collection of municipal waste, referred to in the Act dated September 13, 1996 on the maintenance of cleanliness and order in Polish communes, takes into account the population density.

Art. 39. The distributor is obliged to:

- 1) offer only the following equipment on the market:
 - a) placed on the market by an economic operator that places the equipment on the market entered into the register or coming from a producer that appointed an authorized representative entered into the register,
 - b) labeled according to Art. 14 (1);
- 2) place information on waste equipment collection locations in a visible place in their point of sale and, in the case of offering equipment on the market using means of remote communication – to provide this information in a manner making it possible to become familiar with its content, in particular online or in the form of a message;

- 3) offer equipment on the market along with attached information, referred to in Art. 13 (1), in the case of equipment intended for households.

Art. 40. 1. Economic operators operating service points are obliged to accept waste electrical and electronic equipment free of charge when the repair of equipment delivered to the service point is impossible for technical reasons or when the equipment's owner deems it unprofitable to repair the equipment.

2. Economic operators operating service points are obliged to place information on waste equipment collection locations in a visible place in the service point.

3. Economic operators operating service points are obliged to place information on the possibility to accept waste electrical and electronic equipment free of charge when the repair of the equipment delivered to the service point is impossible for technical reasons or when the equipment's owner deems it unprofitable to repair the equipment, in a visible place in the service point.

Art. 41. 1. The distributor as well as the economic operator operating a service point may refuse to accept waste equipment that creates a hazard to the health or life of persons accepting the waste equipment due to its contamination.

2. In the case referred to in passage 1, the owner of waste equipment transfers it to a waste equipment collector or a treatment plant operator.

Art. 42. 1. Waste equipment collectors are obliged to accept waste equipment transferred to them, including to accept at least waste equipment coming from households free of charge.

2. A waste equipment collector or an entity authorized to collect waste equipment, referred to in Art. 45 (1) (1) of the Act dated December 14, 2012 on waste, is obliged to keep the necessary safety means in order to protect the health and safety of their employees.

Art. 43. Locations where the waste equipment is stored are equipped with:

- 1) roofs preventing the impact of weather factors and, in the case of waste equipment containing liquid substances that may lead to uncontrolled leakages to the environment should the waste equipment be damaged – impermeable bases along with devices to liquidate the leakages as well as, if necessary, clarifiers and oil separators;
- 2) a hardened base;
- 3) a protection preventing the access of third parties.

Art. 44. 1. A waste equipment collector is obliged to transfer the collected waste electrical and electronic equipment to a treatment plant operator with a decision regarding waste management permitting the processing of waste equipment generated from equipment belonging to the group of equipment specified in Appendix No 1 to the Act.

2. It is acceptable to transfer the collected waste electrical and electronic equipment to a treatment plant operator via another waste equipment collector.

3. Before transferring waste equipment to the a treatment plant operator, the waste equipment collector ensures, if possible, the selection of waste equipment intended for the preparation for reuse in the collection point.

4. The collection and transport of waste equipment takes place under conditions optimum for its preparation for the reuse, recycling and recovery processes other than recycling, including the limiting of the spread of hazardous substances.

Art. 45. 1. A waste equipment collector is obliged to provide the Polish gmina head, the mayor or the president of the city, competent for the place of the collector's business activities, with information containing the following within 30 days from the date of undertaking the activities:

- 1) full name or name and address of the registered office of the waste equipment collector;
- 2) addresses of waste equipment collection locations, excluding the equipment's points of sale and service points.

2. If the data contained in the information, referred to in passage 1, is changed, the waste equipment collector is obliged to inform the Polish commune head, the mayor or the president of the city, competent for the place of the collector's business activities, about this fact within 30 days from the date of the change.

3. The waste equipment collector is obliged to inform the Polish commune head, the mayor or the president of the city, competent for the place of the collector's business activities, about the termination of business activities, within 30 days from the date of the permanent cessation of activities.

Chapter 6

Treatment of waste equipment

Art. 46. 1. The disassembly of waste equipment as well as the preparation of waste equipment or waste left after the disassembly of waste equipment for reuse is conducted only in a treatment plant.

2. The disassembly of waste equipment, recycling and recovery processes other than recycling, except for the preparation for reuse, include at least the removal of liquids from waste equipment as well as proceedings conducted as specified in Appendix No 5 to the Act.

3. Recovery processes are conducted with the use of the best available techniques.

Art. 47. It is forbidden to dispose of waste equipment, before subjecting it to processing, referred to in Art. 46.

Art. 48. The applicant's application for issuing a decision with regard to waste management for the treatment plant needs to include the number and name of the group of equipment defined in Appendix No 1 to the Act from which the processed waste is generated.

Art. 49. The treatment plant operator that concluded the agreement, referred to in Art. 23 (1), is obliged to accept at least waste equipment coming from households free of charge from the waste equipment collector.

Art. 50. Locations where the waste equipment is stored before processing are equipped with:

- 1) impermeable bases on an appropriate area along with devices to liquidate leakages and, if necessary, clarifiers and oil separators;
- 2) roofs preventing the impact of weather factors on relevant areas;
- 3) a protection preventing the access of third parties.

Art. 51. 1. The treatment plant is equipped with:

- 1) a legalized weighing device to determine the mass of accepted waste equipment as well as the mass of waste from waste equipment, enabling a collective, electronic printout of all weightings separately for waste equipment and separately for waste from waste equipment;
- 2) a warehouse for waste from waste equipment prepared for reuse;
- 3) containers for storing batteries and accumulators, condensers containing PCB as well as other hazardous waste, including radioactive waste;
- 4) impermeable bases on an appropriate area along with devices to liquidate leakages and, if necessary, clarifiers and oil separators;
- 5) water treatment devices that are compliant with regulations related to the protection of health and the environment, in particular water regulations;
- 6) systems enabling the treatment of waste equipment generated from particular groups of equipment processed in a given treatment plant;
- 7) systems enabling the elimination of substances depleting the ozone layer or fluorinated greenhouse gases with the global warming potential (GWP) above 15, including gases found in foams and cooling circuits through their proper recovery and proper cleaning or destruction, pursuant to the Act dated May 15, 2015 on substances depleting the ozone layer and certain fluorinated greenhouse gases (Journal of Laws, item 881) – in the case of processing cooling devices.

2. A treatment plant that is not equipped according to passage 1 cannot accept waste equipment.

Art. 52. 1. Waste generated after the disassembly of waste equipment is transferred to an economic operator conducting activities regarding recycling or conducting activities regarding recovery processes other than recycling entered into the register.

2. Waste generated after the disassembly of waste equipment that could not be transferred for recycling or recovery processes other than recycling are transferred to an economic operator conducting activities in the field of waste disposal.

3. The treatment plant operator may export the waste left after the disassembly of waste equipment for recycling, recovery processes other than recycling or for disposal from the territory of the state to the territory:

- 1) of a member state other than the Republic of Poland;
- 2) of a state not being a member state to systems meeting the requirements not lower than those defined for systems operated on the territory of the state.

4. In the case of exporting waste generated from waste equipment from the territory of the state to the territory of a state not being a member state for recycling, recovery processes other than recycling or for disposal, the treatment plant operator is obliged to provide the economic operator that places the equipment on the market with a written statement that recycling, recovery processes other than recycling or disposal takes place in systems meeting the requirements not lower than those defined for systems operated on the territory of the state.

5. The statement, referred to in passage 4, is submitted under penalty of criminal liability for submitting a false statement. The person submitting the statement is obliged to include the following clause in it: "I am aware of criminal liability for submitting a false statement". This clause supersedes the authority's information on criminal liability for submitting a false statement.

6. The treatment plant operator transfers waste batteries and waste accumulators to an entity collecting waste batteries or waste accumulators or to an entity operating a management facility for waste batteries or waste accumulators, referred to in the Act dated April 24, 2009 on batteries and accumulators (Journal of Laws from 2015, item 687).

Art. 53. 1. The treatment plant operator is obliged to provide the economic operator that places the equipment on the market, with which the agreement, referred to in Art. 23 (1), was concluded, with a certificate on waste equipment until February 28 of each year for the previous calendar year.

2. The certificate on waste equipment contains:

- 1) the registration number of the treatment plant operator;
- 2) the registration number of the economic operator conducting activities regarding recycling;
- 3) the registration number of the economic operator conducting activities regarding recovery processes other than recycling;
- 4) the full name or name and registered address of the treatment plant operator;
- 5) the full name or name and the registered office of the economic operator conducting activities regarding recycling;
- 6) the full name or name and the registered office of the economic operator conducting activities regarding recovery processes other than recycling;

- 7) the full name or name and the registered office of the entity conducting activities regarding disposal;
- 8) the Polish tax identification number (NIP) of the treatment plant operator;
- 9) the Polish national register of economic units (REGON) of the treatment plant operator, if any;
- 10) the Polish tax identification number (NIP) of the economic operator conducting activities regarding recycling;
- 11) the Polish national register of economic units (REGON) of the economic operator conducting activities regarding recycling, if any;
- 12) the Polish tax identification number (NIP) of the economic operator conducting activities regarding recovery processes other than recycling;
- 13) the Polish national register of economic units (REGON) of the economic operator conducting activities regarding recovery processes other than recycling, if any;
- 14) the mass of waste equipment treated in the treatment plant for the economic operator that places the equipment on the market;
- 15) the number and name of the group of equipment from which the waste equipment treated in the treatment plant is generated;
- 16) the mass of waste equipment prepared for reuse for the economic operator that places the equipment on the market;
- 17) the mass of waste generated from waste equipment prepared for reuse for the economic operator that places the equipment on the market;
- 18) the mass of waste generated from waste equipment, subjected to recycling and recovery processes other than recycling, for the economic operator that places the equipment on the market;
- 19) the symbol of the applied recovery process, with the specification of the type of process defined in the regulations of the Act dated December 14, 2012 on waste;
- 20) the mass of waste generated from waste equipment subjected to neutralization for the economic operator that places the equipment on the market;
- 21) the symbol of the applied disposal process, with the specification of the type of process defined in the regulations of the Act dated December 14, 2012 on waste;
- 22) the mass of waste generated from waste equipment exported from the territory of the state to the territory of a state not being a member state for recycling, recovery processes other than recycling or for disposal for the economic operator that places the equipment on the market;
- 23) the mass of waste generated from waste equipment exported from the territory of the state to the territory of a member state other than the Republic of Poland for recycling, recovery

processes other than recycling or for disposal for the economic operator that places the equipment on the market.

3. The treatment plant operator may include the following in the certificate on waste equipment:

- 1) the mass of waste equipment as well as the mass of waste generated from waste equipment prepared for reuse,
- 2) the mass of waste generated from waste equipment, subjected to recycling, recovery processes other than recycling or disposal,
- 3) the mass of waste generated from waste equipment, exported from the territory of the state for recycling, recovery processes other than recycling or for disposal
- before February 1 of the following year.

4. The treatment plant operator issues the certificate on waste equipment in three copies - one copy for the economic operator that places the equipment on the market, one copy for the voivodship marshal, and one copy for the treatment plant operator.

5. The certificate on waste equipment is prepared in paper or electronic form.

6. The mass of waste equipment accepted at the treatment plant is determined on the basis of waste transfer notes.

7. In the case of a treatment plant operator being at the same time a waste equipment collector, the mass of waste equipment accepted at the waste management facility collected as part of activities in the field of waste equipment collection is determined on the basis of waste records kept by this entrepreneur.

8. The mass of waste equipment prepared for reuse as well as the mass of waste generated from waste equipment prepared for reuse is determined on the basis of record cards of waste electronic and electrical equipment, referred to in Art. 67 (1) (1) (d) of the Act dated December 14, 2012 on waste.

9. The mass of waste generated from waste equipment subjected to recycling and recovery processes other than recycling is determined, accordingly, on the basis of a certificate confirming the recycling as well as a certificate confirming recovery processes other than recycling.

10. The mass of waste generated from waste equipment subjected to disposal is determined on the basis of waste transfer notes drawn up by the treatment plant operator, certified by the economic operator conducting activities regarding waste disposal.

11. The minister competent for the environment will determine, by way of a regulation, the template of the certificate on waste equipment and the manner of its transfer, bearing in mind the need to standardize the preparation and transfer of certificates.

Art. 54. The treatment plant operator is obliged to store certificates on waste equipment, certificates confirming the recycling as well as certificates confirming recovery processes other

than recycling for 5 years, counting from the end of the calendar year to which these certificates relate.

Chapter 7

Activities regarding recycling and recovery processes other than recycling

Art. 55. 1. The economic operator conducting activities regarding recycling is obliged to provide the treatment plant operator transferring waste generated from waste equipment for recycling with a certificate confirming the recycling for the previous calendar year.

2. The certificate confirming the recycling is issued at the request of the treatment plant operator within 7 days from the date of receiving the request.

3. The certificate confirming the recycling contains:

- 1) the registration number of the treatment plant operator;
- 2) the registration number of the economic operator conducting activities regarding recycling;
- 3) the full name or name and registered address of the treatment plant operator;
- 4) the full name or name and the registered office of the economic operator conducting activities regarding recycling;
- 5) the Polish tax identification number (NIP) of the economic operator operating a treatment plant;
- 6) the Polish national register of economic units (REGON) of the treatment plant operator, if any;
- 7) the Polish tax identification number (NIP) of the economic operator conducting activities regarding recycling;
- 8) the Polish national register of economic units (REGON) of the economic operator conducting activities regarding recycling, if any;
- 9) the code and name of the type as well as the mass of waste generated from waste equipment transferred by the treatment plant operator for recycling;
- 10) the symbol of the applied recovery process, including its type, as defined in the regulations of the Act dated December 14, 2012 on waste.

4. The economic operator conducting activities regarding recycling issues the certificate confirming the recycling in three copies - one copy for the treatment plant operator transferring waste generated from waste equipment for recycling, one copy for the voivodship marshal, and one copy for the economic operator conducting activities regarding recycling.

5. The certificate confirming the recycling is prepared in paper or electronic form.

Art. 56. The economic operator conducting activities regarding recycling is obliged to store the certificates confirming the recycling for 5 years, counting from the end of the calendar year to which these certificates relate.

Art. 57. 1. The economic operator conducting recovery processes other than recycling is obliged to provide the treatment plant operator transferring waste generated from waste equipment for recovery processes other than recycling with a certificate confirming recovery processes other than recycling for the previous calendar year.

2. The certificate confirming recovery processes other than recycling is issued at the request of the treatment plant operator within 7 days from the date of receiving the request.

3. The certificate confirming recovery processes other than recycling contains:

- 1) the registration number of the treatment plant operator;
- 2) the registration number of the economic operator conducting activities regarding recovery processes other than recycling;
- 3) the full name or name and registered address of the treatment plant operator;
- 4) the full name or name and the registered office of the economic operator conducting activities regarding recovery processes other than recycling;
- 5) the Polish tax identification number (NIP) of the treatment plant operator;
- 6) the Polish national register of economic units (REGON) of the treatment plant operator, if any;
- 7) the Polish tax identification number (NIP) of the economic operator conducting activities regarding recovery processes other than recycling;
- 8) the Polish national register of economic units (REGON) of the economic operator conducting activities regarding recovery processes other than recycling, if any;
- 9) the code and name of the type as well as the mass of waste generated from waste equipment transferred by the treatment plant operator for recovery processes other than recycling;
- 10) the symbol of the applied recovery process other than recycling, including its type, as defined in the regulations of the Act dated December 14, 2012 on waste.

4. The economic operator conducting recovery processes other than recycling issues the certificate confirming recovery processes other than recycling in three copies - one copy for the treatment plant operator transferring waste generated from waste equipment for recovery processes other than recycling, one copy for the voivodship marshal, and one copy for the economic operator conducting activities regarding recovery processes other than recycling.

5. The certificate confirming recovery processes other than recycling is prepared in paper or electronic form.

Art. 58. The economic operator conducting recovery processes other than recycling is obliged to store certificates confirming recovery processes other than recycling for 5 years, counting from the end of the calendar year to which these certificates relate.

Art. 59. The minister competent for the environment will determine, by way of a regulation, the template of the certificate confirming the recycling and the template of the certificate confirming recovery processes other than recycling and the manner in which they are

to be transferred, bearing in mind the need to standardize the preparation and transfer of these certificates.

Chapter 8

Electrical and electronic equipment recovery organization

Art. 60. 1. An electronic and electrical equipment recovery organization is a stock company established by producers, economic operators that place the equipment on the market as well as associations of employers or commercial chambers representing them in order to execute obligations defined in the Act performed on the basis of agreements with economic operators that place the equipment on the market.

2. The shareholders of the electronic and electrical equipment recovery organization are only entities referred to in passage 1.

Art. 61. 1. The subject of the activities of the electronic and electrical equipment recovery organization is connected with organizing, managing or conducting projects related to collecting, processing, recycling and recovery processes other than recycling as well as the disposal of waste equipment or waste batteries or waste accumulators or collecting this waste, including public educational campaigns.

2. The name of the electronic and electrical equipment recovery organization contains the designation "electronic and electrical equipment recovery organization".

3. The electronic and electrical equipment recovery organization is obliged to implement an environmental management system consistent with the requirements of the eco-management and audit scheme (EMAS) or the standard ISO 14001.

Art. 62. 1. The electronic and electrical equipment recovery organization is obliged to conduct public educational campaigns.

2. The electronic and electrical equipment recovery organization, performing the obligation referred to in passage 1, will spend at least 5% of net revenue on public educational campaigns earned in the previous calendar year from the acquisition of obligations, referred to in Art. 18 and Art. 19.

3. The electronic and electrical equipment recovery organization that starts its activities in a given calendar year, will spend at least 5% of net revenue on public educational campaigns obtained in that calendar year from the acquisition of obligations, referred to in Art. 18 and Art. 19.

4. The obligation, referred to in passage 1, will be settled by January 31 of the year following the year in which the electronic and electrical equipment recovery organization was obliged to conduct public educational campaigns.

5. The obligation, referred to in passage 1, will be considered performed if the electronic and electrical equipment recovery organization has documentation confirming that the funds, referred to in passage 2 and 3, were spent on public educational campaigns.

6. When the electronic and electrical equipment recovery organization did not spend the funds at least equal to net revenue, referred to in passage 2 or 3, on public educational campaigns within the deadline, referred to in passage 4, it is obliged to pay without summons by February 15 of the year following the year in which the electronic and electrical equipment recovery organization was obliged to conduct public educational campaigns, the funds the amount equal to, accordingly, net revenue, referred to in passage 2 or 3, to the bank account of the voivodship marshal's office.

7. The amount of the obligation on account of funds, referred to in passage 6, is reduced by the amount actually spent by the electronic and electrical equipment recovery organization on public educational campaigns, confirmed by the documentation, referred to in passage 5.

8. When the electronic and electrical equipment recovery organization did not pay the funds, referred to in passage 6, or paid them in an amount lower than the due amount, the voivodship marshal defines, by way of a decision, the amount of the obligation on account of these funds.

9. The income from the funds, referred to in passage 6, increased by the amount of profit from the interest on bank accounts and reduced by the amount of profit, referred to in passage 10, will be transferred by the voivodship marshal, within 30 days after the end of each quarter, to the bank account of the Polish National Fund for Environmental Protection and Water Management.

10. The income from the funds, referred to in passage 6, in the amount of 10%, is the profit of the voivodship local administration's budget to be allocated to the costs of the enforcement of receivables on account of these funds and administrative handling of the system of these funds.

11. The funds, referred to in passage 6, are subject to the provisions of Section III of the Act dated August 29, 1997 - General Tax Code, provided that the rights of tax authorities are granted to the voivodship marshal.

Art. 63. 1. The initial capital of the electronic and electrical equipment recovery organization should be at least PLN 5,000,000 and cannot be collected by means of open subscription.

2. The initial capital of the electronic and electrical equipment recovery organization should be covered with a fully paid cash contribution and should be paid in full prior to its entry into the Polish National Court Register.

3. The initial capital of the electronic and electrical equipment recovery organization cannot come from a loan or credit or be encumbered in any manner.

4. The electronic and electrical equipment recovery organization is obliged to:

- 1) keep its initial capital at least amounting to half of the initial capital as specified in passage 1, deposited on a separate bank account or in the form of a time deposit or
- 2) have a bank guarantee or an insurance guarantee the guarantor of which is a financial institution authorized to guarantee a customs debt or a financial institution based on the territory of a member state, at least amounting to half of the initial capital as specified in passage 1.

5. The shares of the electronic and electrical equipment recovery organization may only be registered shares and cannot be exchanged to bearer shares.

6. The electronic and electrical equipment recovery organization cannot issue preference shares.

Art. 64. The electronic and electrical equipment recovery organization is obliged to:

- 1) until March 15 of each year, provide the voivodship marshal with a certificate for the previous calendar year issued by the bank on keeping funds on a separate bank account or in the form of a time deposit, referred to in Art. 63 (4) (1), or with a document confirming the amount of the bank guarantee or the insurance guarantee issued by the guarantor, referred to in Art. 63 (4) (2);
- 2) present, at each request of the voivodship marshal, within 14 days from the date of receiving the request, a certificate issued by the bank on funds on a separate bank account or in the form of a time deposit currently kept by the electronic and electrical equipment recovery organization, referred to in Art. 63 (4) (1), or a document confirming the amount of the guarantee, referred to in Art. 63 (4) (2).

Art. 65. 1. The electronic and electrical equipment recovery organization is obliged to keep confidential any data received from economic operators that place equipment on the market and authorized representatives, unless separate regulations state otherwise.

2. The obligation to keep confidentiality, referred to in passage 1, does not apply to information obligations of the electronic and electrical equipment recovery organization resulting from the Act.

Chapter 9

External audit

Art. 66. 1. The electronic and electrical equipment recovery organization as well as the treatment plant operator are obliged to conduct an annual external audit, hereinafter referred to as "the audit".

2. The audit is conducted by April 30 of the year following the calendar year to which it relates. The audit is completed with the auditor's signature on the report from the conducted audit.

Art. 67. 1. The audit is conducted by an accredited environmental verifier, referred to in the provisions of the Regulation (EC) No 1221/2009 of the European Parliament and of the Council dated November 25, 2009 on the voluntary participation by organizations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (Official Journal of the EU L 342 dated December 22, 2009, page 1, as amended).

2. The auditor is selected by the electronic and electrical equipment recovery organization or the treatment plant operator.

3. The costs of conducting the audit are borne by the electronic and electrical equipment recovery organization or the treatment plant operator.

Art. 68. 1. The purpose of the audit is to verify the compliance with legal regulations regarding environmental protection of the electronic and electrical equipment recovery organization as well as the treatment plant operator, in particular regarding the management of waste equipment, including processing conducted by the economic operator operating a treatment plant.

2. The audit of the electronic and electrical equipment recovery organization includes, in particular, the control of:

- 1) the scope of activities conducted by the electronic and electrical equipment recovery organization;
- 2) the compliance with requirements regarding a shareholder of the electronic and electrical equipment recovery organization;
- 3) agreements with the treatment plant operator;
- 4) certificates on waste equipment issued by treatment plant operator;
- 5) submitted statements and the punctuality of their submission.

3. The audit of the economic operator operating a treatment plant includes, in particular, the control of:

- 1) the compliance with the requirements resulting from this Act and from the Act dated December 14, 2012 on waste, in particular, the control of the compliance of held decisions regarding waste management with the conducted process;
- 2) technical possibilities, including processing capacities of systems used for waste management, in particular, enabling the disassembly and the preparation for reuse of the collected waste equipment that is generated from equipment placed on the market by economic operators that place the equipment on the market with which agreements are concluded, as well as waste left after the disassembly of waste equipment;
- 3) the compliance of information contained in the certificate on waste equipment issued by the economic operator operating a waste management facility with the actual condition.

Art. 69. The auditor draws up a written report from the conducted audit on the basis of the collected documents and evidence.

Art. 70. 1. The auditor provides the electronic and electrical equipment recovery organization as well as the treatment plant operator with the report from the conducted audit along with the audit's documentation.

2. The electronic and electrical equipment recovery organization as well as the treatment plant operator immediately provide the competent voivodship environmental protection inspector and the voivodship marshal with an authenticated copy of the report from the conducted audit, not later than until May 15 of the year following the calendar year to which the audit relates.

3. The electronic and electrical equipment recovery organization as well as the treatment plant operator are obliged to store the report from the conducted audit along with the audit's documentation for 5 years, counting from the end of the calendar year to which the audit relates.

Art. 71. The minister competent for the environment will determine, by way of a regulation:

- 1) the detailed scope and manner of conducting the audit,
 - 2) the detailed scope of the report from the conducted audit
- bearing in mind the need to verify the credibility of information contained in documents covered by the audit as well as to standardize reports from conducted audits.

Chapter 10

Product fee

Art. 72. 1. The obligation to achieve the minimum annual level of waste equipment collection, the level of recovery as well as the level of preparation for reuse and recycling of waste equipment is settled at the end of the calendar year.

2. The economic operator that places the equipment on the market that did not meet the obligation to achieve the minimum annual level of waste equipment collection, the level of recovery or the level of preparation for reuse and recycling of waste equipment is obliged to pay the product fee, calculated separately for each group of equipment, in the case of failure to achieve the required level of:

- 1) collection;
- 2) recovery;
- 3) preparation for reuse and recycling.

3. The obligation to achieve the minimum annual level of waste equipment collection, the level of recovery as well as the level of preparation for reuse and recycling of waste equipment

for the economic operator that places the equipment on the market that paid the financial guarantee for a given calendar year takes place according to Art. 33.

4. When the due product fee for the failure to achieve the required minimum annual level of waste equipment collection, the level of recovery as well as the level of preparation for reuse and recycling of waste equipment is higher than the financial guarantee, the economic operator that places the equipment on the market is obliged to pay the difference between the due product fee and the financial guarantee.

Art. 73. 1. The basis for calculating the product fee is the mass of waste equipment in kilograms.

2. The due product fee is calculated as the product of the product fee and the difference, accordingly, between the required and the achieved minimum annual level of waste equipment collection, the level of recovery and the level of preparation for reuse and recycling of waste equipment.

Art. 74. 1. The product fee rate is:

- 1) for the group of equipment no 3 specified in Appendix No 1 to the Act – from PLN 4 to PLN 8 per 1 kg;
- 2) for other groups of equipment than the group indicated in point 1 - from PLN 0 to PLN 2 per 1 kg.

2. The minister competent for the environment, in consultation with the minister competent for public finance, will determine, by way of a regulation, detailed product fee rates, bearing in mind the costs of collection, preparation for reuse and recycling as well as recovery processes other than recycling of waste equipment for particular groups of equipment.

Art. 75. 1. The product fee is calculated at the end of the calendar year.

2. The product fee is paid without a call to a separate bank account of the competent voivodship marshal office until March 15 of the year following the calendar year to which the fee applies.

3. When the product fee for a given group of equipment does not exceed PLN 50, the product fee is not paid.

4. The income from the product fee and the additional product fee, increased by the amount of profit from the interest on bank accounts and reduced by the amount of profit, referred to in passage 5, will be transferred by the voivodship marshal within 30 days after the end of each quarter to the bank account of the Polish National Fund for Environmental Protection and Water Management.

5. The income from the product fee and the additional product fee, amounting to 10%, are the income of the budget of the voivodship local administration to be spent on the costs of the enforcement of liabilities on account of the product fee as well as the additional product fee and the administrative handling of the system of these fees.

Art. 76. 1. The economic operator that places the equipment on the market:

- 1) small equipment with any of its external dimensions not exceeding 50 cm, total average annual mass of equipment not exceeding 100 kg,
- 2) large equipment with any of its external dimensions exceeding 50 cm, total average annual mass of equipment not exceeding 1,000 kg

- is released from the product fee.

2. The release, referred to in passage 1, applies if:

- 1) the economic operator that places the equipment on the market submits the following to the voivodship marshal, until March 15 of each year:
 - a) a certificate or a statement on *de minimis* aid in the scope referred to in Art. 37 of the Act dated April 30, 2004 on proceedings in cases regarding public aid,
 - b) information, the scope of which is defined in provisions issued on the basis of Art. 37 (2a) of the Act referred to in letter a;
- 2) the conditions for the acceptability of *de minimis* aid defined in the binding EU legal regulations related to *de minimis* aid and *de minimis* aid in agriculture are met with regard to the economic operator that places the equipment on the market.

3. The value of *de minimis* aid corresponds to the value of release from the product fee for the failure to achieve the required level of collection.

4. The certificates, statements as well as information, referred to in passage 2 (1), may be transferred by means of electronic communication.

Art. 77. 1. When the product fee is not paid or is paid in an amount lower than the due fee, the voivodship marshal defines, by way of a decision, the amount of liabilities regarding the product fee.

2. When the decision, referred to in passage 1, is not performed, the voivodship marshal determines, by way of a decision, an additional product fee in the amount corresponding to 50% of the product fee that was not paid.

3. The deadline to pay the fee, referred to in passage 2, is 14 days from the date when the decision determining its amount became final. The fee, referred to in passage 2, is paid to a separate bank account of the competent voivodship marshal office.

4. Reductions and releases from public levies granted on the basis of separate acts do not apply to the product fee.

5. If there are no additional records, referred to in Art. 22 (1) or they are kept in an unreliable manner, the information on the mass of equipment placed on the market is defined by the voivodship marshal by way of evaluation.

6. The mass of equipment placed on the market is evaluated using the following method:

- 1) internal comparative method – the comparison of the mass of equipment placed on the market by the economic operator that places the equipment on the market in previous periods for which this mass is known;
- 2) external comparative method – the comparison of the mass of equipment placed on the market by the economic operator that places the equipment on the market other than that indicated in point 1 that conducts business activities on a similar scale.

7. If it is possible to determine the mass of equipment placed on the market during the procedure to determine the amount of liabilities on account of the product fee on the basis of the evidence other than additional records, this mass is not estimated.

Art. 78. Liabilities on account of product fees and additional product fees are subject to the provisions of Section III of the Act dated August 29, 1997 - General Tax Code, provided that the rights of tax authorities are granted to the voivodship marshal.

Chapter 11

Transporting used equipment and waste equipment

Art. 79. Whenever this chapter refers to transport this means the transport of used equipment, including faulty equipment sent for guarantee repairs, taking place from the territory of the state to the territory of a member state other than the Republic of Poland or a state not being a member state.

Art. 80. 1. In the case of transporting used equipment with regard to which there is a suspicion, in particular due to its functionality, that it is waste equipment, the owner of the used equipment organizing its transport is obliged to demonstrate that the used equipment is not waste equipment.

2. In order to demonstrate that the transported used equipment is not waste equipment, the owner of the used equipment organizing its transport:

1) is obliged to share:

- a) a copy of the purchase document for the used equipment, in particular an invoice and a sales agreement, confirming the functionality as well as the intended use of the used equipment for direct reuse,
- b) evidence of the assessment or tests in the form of copies of documentation (certificate of tests or evidence of functional fitness) for each piece of used equipment to be found in the shipment as well as a protocol with details of the documentation, referred to in point 2 (b,

c) a statement of the owner of used equipment organizing its transport that the used equipment and objects transported with it are not waste, as well as indicating the scope of his responsibility related to the transport of the used equipment,

d) a transport document, in particular a shipping list;

2) ensures:

a) a test of the used equipment consisting in the evaluation of:

– its functionality,

– the presence of hazardous substances, mixtures as well as components in the equipment,

b) the entity conducting the test, referred to in letter a), prepares documentation from the test containing:

– the number and name of the group and type of the used equipment,

– the identification number of the used equipment (type number), if any,

– the year of production of the used equipment, if known,

– the result, type and date of the test as well as the full name or name and address of the entity that conducted the test.

3. The owner of transported used equipment is obliged to place the documentation, referred to in passage 2 (2) (b), on the equipment, and when equipment is in packaging – to place it on its packaging. b.

4. The documentation, referred to in passage 2 (2) (b), is placed:

1) in a safe, but impermanent manner;

2) in a manner making it possible to read it without the need to unpack the used equipment if the used equipment is in packaging.

Art. 81. The owner of the used equipment, including equipment referred to in Art. 82 (1) (1), organizing its transport is obliged to:

1) protect it against damage during the transport, loading and unloading, in particular by packing and placing it in a proper manner;

2) provide the entity conducting its transport with the documents, referred to accordingly in Art. 80 (2) (1) or Art. 82 (2).

Art. 82. 1. The provisions of Art. 80, excluding passage 2 (1) (c and d), do not apply to transport as part of B2B transactions:

1) of equipment that is sent for guarantee repairs as defective with an intent to be reused or

2) of used equipment intended for professional use, sent for regeneration or repair to states to which regulations on the control of transboundary transport of waste intended for recovery with an intent to reuse issued by the Council of the Organization for Economic Cooperation and Development (OECD) apply, or

3) defective used equipment intended for professional use, in particular a medical product or its part, that is sent for an analysis of the defect – when such analysis may be conducted only by the manufacturer of this equipment or a third person acting on their behalf.

2. During the transport of equipment or used equipment as part of the B2B transaction, referred to in passage 1, the entity performing its transport is obliged to have:

- 1) a transport document, in particular a shipping list;
- 2) a statement from the owner organizing the transport of equipment or used equipment indicating the scope of his responsibility related to the transport of this equipment or used equipment.

3. The Main Inspector for Environmental Protection publishes the list of states, referred to in passage 1(2), in the Public Information Bulletin at the website of the Polish National Inspectorate for Environmental Protection.

Art. 83. 1. Used equipment, including equipment referred to in Art. 82 (1) (1), is considered waste equipment and its transport is considered illegal transport as defined by Art. 2 (35) of the Regulation No 1013/2006:

- 1) if the documentation and documents, accordingly, referred to in Art. 80 (2) (1) and point 2 (b), do not demonstrate that it is not waste equipment;
- 2) if there is no documentation, referred to in Art. 80 (2) (2) (b), or documents, referred to in Art. 82 (2);
- 3) if it is not appropriately protected against damage during transportation, loading and unloading, in particular properly packed and placed.

2. The illegal transport of used equipment is subject to the provisions of Art. 24 and Art. 25 of the Regulation No 1013/2006 as well as the regulations of the Act dated June 29, 2007 on international transport of waste (Journal of Laws from 2015, item 1,048).

Chapter 12

Register and reporting

Art. 84. An entity being:

- 1) an economic operator that places the equipment on the market,
- 2) an authorized representative,
- 3) a waste equipment collector,
- 4) a treatment plant operator,
- 5) an economic operator conducting activities regarding recycling,
- 6) an economic operator conducting activities regarding recovery processes other than recycling,

7) an electronic and electrical equipment recovery organization
 - is to be entered into the register on the terms and in the mode defined in the Act dated December 14, 2012 on waste.

Art. 85. An entity being:

- 1) an economic operator that places the equipment on the market,
- 2) an authorized representative,
- 3) a waste equipment collector,
- 4) a treatment plant operator,
- 5) an economic operator conducting activities regarding recycling,
- 6) an economic operator conducting activities regarding recovery processes other than recycling,
- 7) an electronic and electrical equipment recovery organization
 - is obliged to prepare an annual report on the terms and in the mode specified in Section V Chapter 2 of the Act dated December 14, 2012 on waste.

Chapter 13

Obligations of public administration authorities

Art. 86. 1. The voivodship environmental protection inspector control the treatment plant at least once a year.

2. The voivodship environmental protection inspector prepares and transfers collective information on the results of controls conducted in the previous calendar year to the Main Inspector of Environmental Protection until February 15 for the previous calendar year.

Art. 87. The distributors' compliance with the provisions of Art. 37 and Art. 39 is controlled by the Trade Inspection, acting on the basis of the Act dated December 15, 2000 on the Trade Inspection (Journal of Laws from 2014, item 148, as amended apply¹¹⁾).

Art. 88. 1. The Main Inspector for Environmental Protection prepares and transfers an annual report on the functioning of the waste equipment management policy in the previous calendar year to the minister competent for environment until July 30 each year.

2. The minister competent for the environment will determine, by way of a regulation, the scope and the template of the annual report on the functioning of the waste equipment management policy, bearing in mind the need to assess the functioning of the waste equipment management system.

¹¹⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2014, item 1,101 and from 2015, item 277 and 1,069.

Art. 89. 1. The minister competent for the environment prepares and transfers to the European Commission a report from the performance of the regulations of the Act containing, in particular, information on:

- 1) the mass of equipment placed on the market along with the name of the group of equipment;
- 2) the mass of collected waste equipment;
- 3) the mass of waste equipment prepared for reuse and subjected to recycling as well as recovery processes other than recycling;
- 4) the mass of waste from waste equipment exported from the territory of the state.

2. The report is transferred to the European Commission every 3 years, within 9 months, counting from the end of the three-year period to which it relates.

Art. 90. 1. The minister competent for the environment, environmental protection inspection authorities, trade inspection authorities and voivodship marshals cooperate with competent authorities of member states other than the Republic of Poland in cases regarding equipment and waste equipment, in particular in order to establishing a relevant flow of information, guaranteeing that the producers and economic operators that place equipment on the market comply with regulations in this field and, in proper cases, make available to one another and to the European Commission information so as to facilitate the proper performance of these regulations. The administrative cooperation and the exchange of information, in particular, between national registers containing information on producers and economic operators that place the equipment on the market takes place with the use of means of electronic communication.

2. The cooperation, referred to in passage 1, includes, in particular, access to relevant documents and information taking into account the results of controls, subject to regulations regarding the protection of data.

Chapter 14

Administrative financial penalties and penal provisions

Art. 91. Administrative penalties are planned for those that:

- 1) do not apply the requirements regarding ecodesign facilitating the reuse and processing of waste equipment when designing the equipment being obliged to do so on the basis of Art. 7 (2), according to this provision;
- 2) prevents the reuse of waste equipment by using specific design solutions or production processes contrary to the provision of Art. 7 (3);

- 3) does not place the registration number on the invoice and other documents drawn up in connection with placing the equipment on the market contrary to the provision of Art. 12 (1);
- 4) contrary to the provision of Art. 13 (1), does not attach the information described in this provision to equipment intended for households;
- 5) does not provide information on the collection system, including returns, of waste equipment contrary to the provision of Art. 13 (2) (1);
- 6) does not provide information on the role that a household serves in contributing to the reuse and recovery, including recycling of waste equipment contrary to the provision of Art. 13 (2) (2);
- 7) does not mark the equipment with the symbol for selective collection contrary to the provision of Art. 14 (1);
- 8) does not place the symbols, referred to in Art. 14 (1), on the equipment, packaging or documents attached to the equipment in a clear, legible and permanent manner contrary to the provision of Art. 14 (2);
- 9) does not spend on public educational campaigns or does not pay to a separate bank account of the competent voivodship marshal office at least 0.1% of net revenue on account of equipment placed on the market earned in the previous calendar year in total or does not settle the performance of these obligations within the deadline, referred to in Art. 15 (5), contrary to the provisions of Art. 15 (3);
- 10) does not notify the buyers of equipment on the costs of waste management contrary to the provision of Art. 16 (2);
- 11) contrary to the provision of Art. 17 (1), does not prepare the information on the reuse and management of waste equipment containing, in particular, the indication of particular components as well as materials contained in the equipment, as well as hazardous: substances, mixtures as well as components;
- 12) does not transfer the information, referred to in Art. 17 (1) free of charge contrary to the provision of Art. 17 (3);
- 13) does not organize and does not finance the collection and management of waste equipment coming from households from waste equipment collectors contrary to the provision of Art. 18 (1);
- 14) does not organize and does not finance the collection and management of waste equipment coming from users other than households contrary to the provision of Art. 19 (1);
- 15) does not keep additional records containing information on the mass of equipment placed on the market or keeps them not in compliance with the actual condition contrary to the provision of Art. 22 (1);

- 16) does not store the additional records as well as certificates on waste equipment contrary to the provision of Art. 22 (3);
- 17) does not conclude an agreement with an economic operator operating a waste management facility contrary to the provision of Art. 23;
- 18) does not appoint an authorized representative contrary to the provision of Art. 26 (2);
- 19) does not perform the obligations specified in the Act for the economic operator that places the equipment on the market via an electronic and electrical equipment recovery organization contrary to the provision of Art. 26 (5);
- 20) does not submit the financial guarantee or does not submit it within the deadline contrary to the provisions of Art. 27 (1) and Art. 28 (1 and 3);
- 21) collects incomplete waste equipment or parts coming from waste equipment contrary to the ban indicated in Art. 35 (1);
- 22) does not collect waste equipment coming from households in the point of sale free of charge contrary to the provision of Art. 37 (1);
- 23) does not collect waste equipment coming from households at the place of equipment delivery free of charge contrary to the provision of Art. 37 (2);
- 24) does not accept waste equipment coming from households free of charge with any of its external dimensions not exceeding 25 cm without the need to purchase new equipment intended for households contrary to the provision of Art. 37 (3);
- 25) does not place information regarding matters referred to in Art. 37 (1–3) in a visible place in the point of sale, or entities that offer equipment on the market using means of remote communication do not provide such information in a manner making it possible to become familiar with its content, in particular online or in the form of a message, contrary to the provision of Art. 37 (4);
- 26) contrary to the provisions of Art. 39:
 - a) makes the equipment available on the market contrary to Art. 39 (1) (a),
 - b) makes the equipment available on the market contrary to Art. 14 (1),
 - c) does not place information on waste equipment collection locations in a visible place in the point of sale and, in the case of offering equipment on the market using means of remote communication, does not provide such information in a manner making it possible to become familiar with its content, in particular online or in the form of a message,
 - d) makes equipment intended for households available on the market without attaching the information, referred to in Art. 13 (1);
- 27) does not accept waste equipment free of charge despite the fact that the waste equipment does not create the hazard, referred to in Art. 41 (1), contrary to the provision of Art. 40 (1);

- 28) does not place information on waste equipment collection locations in the service point as well as information on the possibility to accept waste equipment free of charge contrary to the provisions of Art. 40 (2 and 3);
- 29) contrary to the provisions of Art. 43 does not equip the locations where the waste equipment is stored, according to these provisions;
- 30) does not transfer the collected waste equipment to a treatment plant operator with a decision regarding waste management permitting the processing of waste equipment generated from equipment belonging to the group of equipment specified in Appendix No 1 to the Act contrary to the provisions of Art. 44 (1);
- 31) does not ensure the collection and transport of waste equipment under conditions optimum for its preparation for reuse, recycling as well as recovery processes other than recycling, including the limiting of the spread of hazardous substances contrary to the provision of Art. 44 (4);
- 32) contrary to the provisions of Art. 45 do not provide the Polish gmina head, the mayor or the president of the city with the information, referred to in these provisions;
- 33) contrary to the provisions of Art. 46:
 - a) disassembles waste equipment or prepares waste equipment and waste generated after the disassembly of waste equipment for reuse beyond a treatment plant;
 - b) does not disassemble waste equipment, does not conduct recycling and recovery processes other than recycling, except for the preparation for reuse, involving at least the removal of liquids from waste equipment as well as the proceedings, referred to in Art. 46 (2);
- 34) disposes of waste equipment before processing, referred to in Art. 46 contrary to the provision of Art. 47;
- 35) does not accept at least waste equipment coming from households free of charge from the waste equipment collector contrary to the provision of Art. 49;
- 36) contrary to the provisions of Art. 50 does not equip the locations where the waste equipment is stored before subjecting it to processing, according to these provisions;
- 37) contrary to the provisions of Art. 51 (1) does not equip the treatment plant according to these provisions;
- 38) contrary to the provision of Art. 51 (2) accepts waste equipment to a treatment plant that is not equipped according to Art. 51 (1),
- 39) does not transfer waste left after the disassembly of waste equipment to an economic operator conducting activities regarding recycling or conducting activities regarding recovery processes other than recycling, entered into the register, or to an economic operator conducting activities in the field of waste disposal contrary to the provisions of Art. 52 (1 or 2);

- 40) does not transfer waste batteries and waste accumulators to an entity collecting waste batteries or waste accumulators or to an entity operating a management facility for waste batteries or waste accumulators, referred to in the Act dated April 24, 2009 on batteries and accumulators, contrary to the provision of Art. 52 (6);
- 41) contrary to the provisions of Art. 53 (1 and 4) does not provide the economic operator that places the equipment on the market or provides the voivodship marshal with the certificate on waste equipment or draws up the certificate not in compliance with the actual condition;
- 42) contrary to the provisions of Art. 54, Art. 56 and Art. 58 does not store:
 - a) certificates on waste equipment,
 - b) certificates confirming recycling,
 - c) certificates confirming recovery processes other than recycling;
- 43) does not provide the treatment plant operator or the voivodship marshal with a certificate confirming recycling or with a certificate confirming recovery processes other than recycling or prepares the certificates not in compliance with the actual condition contrary to the provisions of Art. 55 (1 and 4) as well as Art. 57 (1 and 4);
- 44) does not spend at least 5% of net revenue earned in the previous or a given calendar year on public educational campaigns or does not settle the performance of this obligation within the deadline, referred to in Art. 62 (4) contrary to the provisions of Art. 62 (2 or 3);
- 45) contrary to the provisions of Art. 64 does not provide the voivodship marshal with the documents referred to in these provisions;
- 46) does not conduct an audit or does not conduct it within the deadline contrary to the provisions of Art. 66;
- 47) does not provide the voivodship inspector of environmental protection and the voivodship marshal with a copy of the report from the conducted audit or does not transfer it immediately, not later than until May 15 of the year following the calendar year to which the audit relates contrary to the provision of Art. 70 (2);
- 48) does not store the report from the conducted audit along with the audit's documentation for 5 years, counting from the end of the calendar year to which the audit relates contrary to the provision of Art. 70 (3).

Art. 92. Administrative financial penalties amount to:

- 1) in cases, referred to in Art. 91 (4–10), (22–24), (26, 29, 30, 35, 39 and 40) – from PLN 5,000 to PLN 500,000;
- 2) in cases, referred to in Art. 91 (1–3), (12–14), (17–21), (33, 34, 36–38, 41 and 46) – from PLN 10,000 to PLN 500,000;
- 3) in cases, referred to in Art. 91 (11, 15, 16, 25, 27, 28, 31, 32, 42, 43, 45, 47 and 48) – from PLN 5,000 to PLN 300,000;
- 4) in the case, referred to Art. 91 (44) – from PLN 10,000 to PLN 1,000,000.

Art. 93. 1. Administrative financial penalties for the violation of the provisions, referred to in Art. 91 (1–21) and (27–48) are imposed, by way of decision, by the competent voivodship inspector for environmental protection.

2. Administrative financial penalties for the violation of the provisions, referred to in Art. 91 (22–26) are imposed, by way of decision, by the competent voivodship inspector for trade inspection.

3. When determining the amount of the administrative financial penalty, the degree of the violation's harmfulness, the type, the scope and the duration of the violation as well as the entity's previous activities are taken into account.

4. If the entity subject to the penalty provides the authority with evidence and circumstances indicating that this entity observed due diligence and did everything possible that could have been reasonably expected from them so that the violation would not happen or that they did not have any impact on the violation, and the violation took place due to events and circumstances that the entity could not have foreseen, the authority does not initiate the proceedings regarding the administrative financial penalty towards this entity, and the procedure initiated in this case is discontinued.

5. If several violations having the features of violations specified in Art. 91 are observed during one procedure, one penalty for all violations is imposed the amount of which cannot exceed the highest penalty planned for such violations.

6. The administrative financial penalty is paid within 14 days from the date when the decision on imposing the administrative financial penalty becomes final, to a separate bank account of the competent voivodship inspector for environmental protection or the competent voivodship inspector of trade inspection.

7. The receivables on account of administrative financial penalties are the state budget's income.

Art. 94. In cases regarding administrative financial penalties, the provisions of Section III of the Act dated August 29, 1997 - General Tax Code apply, provided that the rights of tax authorities are granted, accordingly, to the voivodship inspector for environmental protection or to the voivodship inspector of trade inspection.

Art. 95. Anyone who places waste equipment with other waste contrary to the ban indicated in Art. 34 is liable to a fine.

Art. 96. Anyone who does not transfer waste equipment coming from households to an waste equipment collector or to an entity authorized to collect waste equipment, referred to in Art. 45 (1) (1) of the Act dated December 14, 2012 on waste, contrary to the provision of Art. 36 is liable to a fine.

Art. 97. 1. Anyone who does not accept waste equipment transferred to them contrary to the provision of Art. 42 (1) is liable to a fine.

2. Anyone who accepts waste equipment coming from households for a fee contrary to the provision of Art. 42 (1) is liable to the same fine.

Art. 98. 1. Decisions in cases, referred to in Art. 95–97, takes place following the procedure as provided in the Act dated August 24, 2001 - Polish Petty offences procedure code (Journal of Laws from 2013, item 395, as amended apply¹²⁾).

2. The offences, referred to in Art. 95–97, are the responsibility of the perpetrator as well as of the entity that, on the basis of a legal regulation, a decision of a competent authority, an agreement or the actual performance deals with the economic matters of a natural person, a legal person or an organizational unit without legal personality that is granted legal personality by separate regulations, regarding placing the equipment on the market or the management of waste equipment.

Chapter 15

Amendments to binding provisions

Art. 99. In the Act dated July 20, 1991 on the environmental protection inspection (Journal of Laws from 2013, item 686, as amended apply¹³⁾), Art. 2 (1) (1) (j) is replaced by the following:

"j) the compliance with provisions on waste electrical and electronic equipment, except for the provisions of Art. 37 and Art. 39 of the Act dated September 11, 2015 on waste electrical and electronic equipment (Journal of Laws, item ...)".

Art. 100. In the Act dated July 26, 1991 on personal income tax (Journal of Laws from 2012, item 361, as amended amended apply¹⁴⁾), Art. 23 (1) (16c) is replaced by the following:

"16c) the additional product fee, referred to in Art. 77 (2) of the Act dated September 11, 2015 on waste electrical and electronic equipment (Journal of Laws, item ...), provided that the tax deductible revenue is the incurred fee, referred to in Art. 72 (2) of this Act;".

Art. 101. In the Act dated February 15, 1992 on corporate income tax (Journal of Laws from 2014, item 851, as amended apply¹⁵⁾), Art. 16 (1) (19c) is replaced by the following:

¹²⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2013, item 765 and 1,247, from 2014, item 486, 579, 786 and 969 and from 2015, item 21, 396, 841, 1,186 and 1,269.

¹³⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2013, item 888, from 2014 item 1,101 and from 2015, item 277, 671 and 881.

¹⁴⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2012, item 362, 596, 769, 1,278, 1,342, 1,448, 1,529 and 1,540, from 2013, item 21, 888, 1,027, 1,036, 1,287, 1,304, 1,387 and 1,717, from 2014, item 223, 312, 567, 598, 773, 915, 1,052, 1,215, 1,328, 1,563, 1,644, 1,662 and 1,863 and from 2015, item 73, 211, 251, 478, 693, 699, 860, 933, 978, 1,197, 1,217, 1,259, 1,296 and 1,321.

¹⁵⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2014, item 915, 1,138, 1,146, 1,215, 1,328, 1,457, 1,563 and 1,662 and from 2015, item 73, 211, 933, 978, 1,166, 1,197, 1,259, 1,296 and 1,348.

"19c) the additional product fee, referred to in Art. 77 (2) of the Act dated 11, September 2015 on waste electrical and electronic equipment (Journal of Laws, item ...), provided that the tax deductible revenue is the incurred fee, referred to in Art. 72 (2) of this Act;"

Art. 102. In the Act dated September 13, 1996 on the maintenance of cleanliness and order in Polish gminas (Journal of Laws from 2013, item 1,399, as amended apply¹⁶⁾) the following changes are introduced:

1), Art. 3 (2) (9) (e) introduction to calculation is replaced by the following:

"collectors of waste electric and electronic equipment coming from households, referred to in the Act dated 11, September 2015 on waste electrical and electronic equipment (Journal of Laws, item ...), containing:"

2) Art. 9e after passage 1a receives passages 1b and 1c as follows:

"1b. It is acceptable to transfer mixed municipal waste necessary to conduct the start-up of a system in the incineration facility defined in the voivodship waste management plan as a regional system for processing municipal waste or as a supraregional system for processing municipal waste, before taking this system into account in the resolution on the performance of the voivodship waste management plan.

1c. It is acceptable to transfer mixed municipal waste or green waste via a transfer station, referred to in Art.

23 (1) of the Act dated December 14, 2012 on waste.";

3) Art. 9j (2) (4) is replaced by the following:

"4) it was stated that the entrepreneur transferred mixed municipal waste or green waste for the second time to systems other than regional systems for processing municipal waste, subject to Art. 9e (1a–1c) as well as Art. 9l (2);";

4) Art. 9k (2) is replaced by the following:

"2) transferred mixed municipal waste or green waste for the second time to systems other than regional systems for processing municipal waste, subject to Art. 9e (1a–1c) as well as Art. 9l (2);";

5) Art. 9x (1) (3) is replaced by the following:

"3) does not transfer, subject to Art. 9e (1a–1c), mixed municipal waste as well as green waste received from real estate owners to the regional system for processing municipal waste or in cases, referred to in Art. 38 (2) (2) of the Act dated December 14, 2012 on waste, to systems intended for substitute service for this region – is subject to a financial penalty ranging from PLN 500 to PLN 2,000, for the first disclosed case;"

6) Art. 9y (1) (3) is replaced by the following:

¹⁶⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2013, item 1,593 and from 2015, item 87, 122, 1,045 and 1,269.

"3) does not transfer, subject to Art. 9e (1a–1c), mixed municipal waste as well as green waste received from real estate owners to the regional system for processing municipal waste or in cases, referred to in Art. 38 (2) (2) of the Act dated December 14, 2012 on waste, to systems intended for substitute service for this region – is subject to a financial penalty ranging from PLN 500 to PLN 2,000, for the first disclosed case;"

Art. 103. In the Act dated December 15, 2000 on trade inspection (Journal of Laws from 2014, item 148, as amended apply¹⁷⁾), Art. 3 (1) (2a) is replaced by the following:

"2a) the control of the distributors' compliance with the provisions of Art. 37 and Art. 39 of the Act dated 11, September 2015 on waste electrical and electronic equipment (Journal of Laws, item ...);"

Art. 104. In the Act dated April 27, 2001 - Environmental protection law (Journal of Laws from 2013, item 1,232, as amended amended apply¹⁸⁾) the following changes are introduced:

1) in Art. 400k

a) (2) (5) is replaced by the following:

"5) preparing and providing the minister competent for the environment with collective information on collected income on account of funds, referred to in Art. 15 (3) (2), Art. 62 (6) as well as income on account of fees, referred to in Art. 72 (2) and Art. 77 (2) of the Act dated 11, September 2015 on waste electrical and electronic equipment (Journal of Laws, item ...) until June 30 of the following year for the previous calendar year.",

b) (3) (1), the semicolon is replaced with a dot and point 2 is overruled,

c) passage 7 is replaced by the following:

„7. The minister competent for the environment, bearing in mind the need to standardize the information, will determine, by way of regulation, a method of transferring and the templates of information, referred to in passage 2 (3–5)";

2) in Article 401:

a) (7) (10 and 11) are replaced by the following:

"10) the income from the fees, referred to in Art. 72 (2) and Art. 77 (2) of the Act dated 11, September 2015 on waste electrical and electronic equipment;

11) the income from funds, referred to in Art. 15 (3) (2) and Art. 62 (6) of the Act dated 11, September 2015 on waste electrical and electronic equipment from the performance of the obligation to conduct public educational campaigns;"

b) point 1 is overruled in passage 8;

3) passage 8 is overruled in Article 402.

¹⁷⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2014, item 1,101 and from 2015, item 277 and 1,069.

¹⁸⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2013, item 1,238, from 2014, item 40, 47, 457, 822, 1,101, 1,146, 1,322 and 1,662 and from 2015, item 122, 151, 277, 478, 774, 881, 933, 1,045 and 1,223.

Art. 105. In the Act dated July 2, 2004 on the freedom of business activities (Journal of Laws from 2015, item 584, as amended apply¹⁹⁾), Art. 84ac is added after Art. 84ab as follows:

"Art. 84ac. The provisions of Art. 79, Art. 80a, Art. 82 and Art. 83 do not apply regarding the control of business activities in the collection and waste management of waste equipment and recycling and recovery processes other than recycling of waste generated from waste equipment conducted by the Environmental Protection Inspection, the voivodship marshal as well as the Polish poviap governor in connection with the control of the compliance with regulations regarding the management of waste equipment".

Art. 106. In the Act dated October 3, 2008 on sharing information on the environment and its protection, the participation of the society in environmental protection as well as on environmental impact assessments (Journal of Laws from 2013, item 1,235, as amended apply²⁰⁾), Art. 16 (1) (11):

1) letter b is replaced by the following:

"b) the financial guarantee, referred to in Art. 27 (1) of the Act dated September 11, 2015 on waste electrical and electronic equipment (Journal of Laws, item ...)" ;

2) in letter c), the dot is replaced by a comma and letter d) is added as follows:

"d) the amount of paid product fees and funds allocated for public educational campaigns."

Art. 107. In the Act dated April 24, 2009 on batteries and accumulators (Journal of Laws from 2015, item 687) the following changes are introduced:

1) Art. 6 (16) is replaced by the following:

"16) equipment – equipment as defined by Art. 4 (13) of the Act dated September 11, 2015 on waste electrical and electronic equipment (Journal of Laws, item ...), that is powered with batteries or accumulators in full or in part or is adapted to this type of power supply;" ; 2) Art. 59 (4) is replaced by the following:

"4. The mass of waste batteries and waste accumulators should be understood, accordingly, as the mass of waste batteries or waste accumulators collected directly from end users, from collection locations as well as treatment plants as defined by Art. 4 (22) of the Act dated September 11, 2015 on waste electrical and electronic equipment and

¹⁹⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2015, item 699, 875, 978, 1,197, 1,268 and 1,272.

²⁰⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2013, item 1,238, from 2014, item 587, 822, 850, 1,101 and 1,133 and from 2015, item 200, 277, 774, 1,045, 1,211, 1,223 and 1,265.

transferred directly to an economic operator operating a treatment plant for waste batteries or waste accumulators".

Art. 108. In the Act dated December 14, 2012 on waste (Journal of Laws from 2013, item 21, as amended apply²¹⁾) the following changes are introduced:

1) in reference no 2:

a) point 9 is overruled,

b) in point 13 the dot is replaced by a semicolon and point 14 is added as follows:

"14) Directive 2012/19/EU of the European Parliament and of the Council dated July 4, 2012 on waste electronic and electrical equipment (WEEE) (Official Journal of the EU L 197 dated July 24, 2012, page 38, as amended)";

2) passage 11 is added in Art. 20 as follows:

"11. The provision of passage 10 is also applied in the case of transferring mixed municipal waste necessary to conduct the start-up of an incineration plant defined as a supraregional system for a given region in the voivodship waste management plan";

3) Art. 23 (10 and 11) are added as follows:

„10. The ban, referred to in passage 2, does not apply to waste collection, referred to in passage 2 (5 and 6), in the transfer station run by the entity collecting municipal waste from real estate owners or from an economic operator running a regional system for processing municipal waste or running a supraregional system for processing municipal waste.

11. The ban, referred to in passage 2, does not apply to collecting green waste by an economic operator running a center for selective collection of municipal waste";

4) Art. 41a is added after Art. 41 as follows:

"Art. 41a. 1. The waste processing permit as well as the permit for generating waste taking into account waste processing is issued after the voivodship inspector for environmental protection, with the representative of the competent authority, controls the system, the building or its part where the waste is to be processed, regarding the compliance with the requirements specified in separate regulations environmental protection.

2. The competent authority applies to the voivodship inspector for environmental protection with a motion for a control.

3. After the control, the voivodship inspector for environmental protection immediately issues the decision regarding the compliance with the requirements specified in environmental regulations. The decision cannot be appealed against.

²¹⁾ The amendments of the said Act were announced in the Journal of Laws from 2013, item 888 and 1,238, from 2014, item 695, 1,101 and 1,322 and from 2015, item 87, 122, 933 i 1,045.

4. Of the voivodship inspector for environmental protection issues a decision with a negative opinion on the compliance with the requirements specified in environmental regulations, the competent authority may refuse to issue the waste processing permit or the permit for waste generation taking into account waste processing.

5. The provision of passage 1 does not apply when the waste processing permit relates to recovery beyond systems and devices or the preparation for reuse.

6. In the case of a significant change in the waste processing permit as well as the permit for waste generation taking into account waste processing, the competent authority may request a control by the voivodship inspector for environmental protection before issuing the decision regarding the change";

5) in Art. 49:

a) in passage 7:

– point 1 is replaced by the following:

"1) the conditions of the agreement that the economic operator that places the equipment on the market, as defined by the Act dated September 11, 2015 on waste electrical and electronic equipment (Journal of Laws, item ...), hereinafter referred to as "the economic operator that places the equipment on the market" or the authorized representative, referred to in Art. 26 of this Act, hereinafter referred to as "the authorized representative", concluded with an electronic and electrical equipment recovery organization";

– point 3 is replaced by the following:

"3) the type and the amount of the financial guarantee, referred to in Art. 27 (1) of the Act dated 11, September 2015 on waste electrical and electronic equipment",

b) passage 8 is added as follows:

"8. The register contains links to registers kept in member states other than the Republic of Poland as defined by the Act dated 11, September 2015 on waste electrical and electronic equipment in order to facilitate registration in them";

6) in Art. 50

a) (1) (3):

– the introduction to calculation is replaced by the following:

"with regard to the Act dated September 11, 2015 on waste electrical and electronic equipment:", – letter a is replaced by the following:

"a) economic operators that place the equipment on the market or authorized representatives",

b) passages 4 and 5 are added as follows:

"4. The provisions of passages 2 and 3 do not apply to an economic operator that places the equipment on the market using the right specified in Article 25 (1) of the Act dated September 11, 2015 on waste electrical and electronic equipment.

5. The authorized representative is obliged to include a list of entities that place the equipment on the market in the register that provided him with the information, referred to in Article 25 (1) (2) of the Act dated September 11, 2015 on waste electrical and electronic equipment";

7) in Art. 52 (1):

a) point 1 is replaced by the following:

"1) the full name and name of the entity as well as the address of residence or the registered office and, if an authorized representative is appointed,
- also the postal code, town, name and number of the street, country, telephone number and fax number, e-mail address and the contact person, as well as the full name or name and address of residence or registered address of the producer as defined by the Act dated 11, September 2015 on waste electrical and electronic equipment, hereinafter referred to as "the producer of equipment", that appointed the representative";

b) point 2 is replaced by the following:

"2) the Polish tax identification number as well as the European tax identification number, if any";

c) in point 6:

– the introduction to calculation is replaced by the following:

"with regard to the Act dated September 11, 2015 on waste electrical and electronic equipment with regard to:", – letter a:

– - introduction to calculation is replaced by the following:

"the economic operator that places the equipment on the market or the authorized representative:", – – indents two and three are replaced by the following:

" – the name of the brand of equipment, the number and name of the group of equipment, the type of equipment (equipment intended for households or equipment other than equipment intended for households),

– information on the agreement with the electronic and electrical equipment recovery organization, referred to in Art. 11 (3)

of this Act and, in the case of the economic operator that places the equipment on the market that placed equipment intended for households on the market , that did not conclude an agreement with the

electronic and electrical equipment recovery organization – information on the mass of equipment that they intend to place on the market in a given calendar year, classified into particular groups of equipment as well as on the form and the amount of the financial guarantee, referred to in Art. 27 (1) of this Act",

– - indent four and five are added as follows:

" – the information on the used technique for selling the equipment,

– the list of equipment producers with which the authorized representative concluded the agreement, referred to in Art. 26 (3) of the Act, containing their full name or name and address of residence or registered address – in the case of the authorized representative,"

– in letter b) tirit one is replaced with the following:

" – the number and name of the group of equipment from which the waste collected by them is generated",

– in letter c) tirit one is replaced with the following:

" – the number and name of the group of equipment from which the waste equipment received by them is generated",

– in letter f tirit one is replaced with the following:

" – the list of authorized representatives with information on the full name or name and address of residence or registered address of equipment producers that appointed them, or the list of economic operators that place the equipment on the market with which the organization concluded the agreements, referred to in Art. 11 (3) of the Act, containing the business names of entrepreneurs as well as the identifications of their registered offices and registration numbers";

8) in Art. 53:

a) passage 4 is overruled,

b) passage 5 (1) is replaced by the following:

"1) the full name and name of the entity as well as the address of residence or the registered office and, if an authorized representative is appointed,

– also the postal code, town, the name and number of the street, country, telephone number and fax number, e-mail address and the contact person, as well as the detailed data of the equipment producer that appointed them, including the information on the full name or name and address of residence or registered address and the list of economic operators that place the equipment on the market that may use the right, referred to in Art. 25 (3) of the Act dated 11 September 2015 on waste electrical and electronic equipment "

c) in passage 7:

- in point 2:
- - introduction to calculation is replaced by the following:
 - "in the case of an economic operator that places the equipment on the market or an authorized representative:",
- - letter b is replaced by the following:
 - "b) a document confirming the payment of the financial guarantee, referred to in Art. 27 (1) of the Act dated 11, September 2015 on waste electrical and electronic equipment, unless the financial guarantee is required",
- - letter c) is added as follows:
 - "c) an authenticated copy of the agreement, referred to in Art. 26 (3) of the Act dated September 11, 2015 on waste electrical and electronic equipment – in the case of an authorized representative,;"
- point 3 is replaced by the following:
 - "3) in the case of the electronic and electrical equipment recovery organization, referred to in the Act dated September 11, 2015 on waste electrical and electronic equipment – a certificate issued by the bank keeping the account or the time deposit of the electronic and electrical equipment recovery organization on the payment of the amount equal to the amount of the electronic and electrical equipment recovery organization's initial capital to cover this capital or a statement on the payment of this amount;"

9) Art. 57 (1) (1) is replaced by the following:

"1) economic operators that place the equipment on the market and authorized representatives,";

10) passage 1a is added in Art. 60 after passage 1 as follows:

"1a. If the equipment producer appoints an authorized representative, according to the provisions of the Act dated September 11, 2015 on waste electrical and electronic equipment and if this authorized representative has an entry into the register, the economic operator that places the equipment on the market coming from that producer may submit an application for deletion from the register to the voivodship marshal";

11) points 2 and 3 in Art. 62 are replaced by the following:

"2) an economic operator that places the equipment intended for households on the market did not pay the required amount of the financial guarantee, referred to in Art. 27 (1) of the Act dated 11, September 2015 on waste electrical and electronic equipment;

3) an electronic and electrical equipment recovery organization did not pay the initial capital in the required amount, referred to in Art. 63 (1) of the Act dated September 11, 2015 on

waste electrical and electronic equipment, to the bank account in the bank keeping this organization's account;"

12) in Art. 64 (1):

a) point 4 is replaced by the following:

"4) observing gross irregularities in the performance of the obligations specified in the provisions of the Act dated May 11, 2001 on the obligations of entrepreneurs regarding the management of certain waste and on the product fee, the Act dated January 20, 2005 on the recycling of end-of life vehicles, the Act dated April 24, 2009 on batteries and accumulators, the Act dated June 13, 2013 on the management of packaging and packaging waste and the Act dated September 11, 2015 on waste electrical and electronic equipment;"

b) points 6 and 7 are replaced by the following:

"6) the failure to pay the required amount of the financial guarantee, referred to in Art. 27 (1) of the Act dated 11, September 2015 on waste electrical and electronic equipment – in the case of an economic operator that places the equipment on the market that placed equipment intended for households on the market;

7) the failure to submit the certificate or the document confirming the amount of the bank guarantee or the insurance guarantee, referred to in Art. 64 of the Act dated September 11, 2015 on waste electrical and electronic equipment;"

13) Art. 70 (1) (2) is replaced by the following:

"2) for waste electronic and electrical equipment – the treatment plant operator as defined by the Act dated 11, September 2015 on waste electrical and electronic equipment keeps records cards of waste electronic and electrical equipment;"

14) in Art. 73

a) (1) (5) is replaced by the following:

"5) the economic operator that places the equipment on the market or the authorized representative;"

b) passage 2:

– point 3 is replaced by the following:

"3) with regard to products listed in Appendix No 4a to the Act dated May 11, 2001 on the obligations of entrepreneurs regarding the management of certain waste and on the product fee, with breakdown into types of products specified in this Appendix, information on:

- a) mass of products introduced into the territory of the state,
- b) mass of recycled or recovered post-consumed waste,
- c) achieved levels of recovery and recycling of post-consumed waste,

d) the amount of the due product fee, calculated separately for particular products listed in Appendix No 4a to this Act – in the case of the failure to achieve the required level of recovery and recycling;" – in point 5:

– - introduction to calculation is replaced by the following:

"regarding equipment as well as waste equipment as defined by the Act dated 11, September 2015 on waste electrical and electronic equipment:" – – letter a is replaced by the following: "a) information on:

- the mass of equipment placed on the market, with breakdown into groups of equipment,
- the mass of collected waste equipment, the mass of waste equipment subjected to disassembly as well as the mass of waste generated from waste equipment subjected to recycling, recovery processes other than recycling and disposal,
- the mass of waste generated from waste equipment exported from the territory of the state for recycling, recovery processes other than recycling and disposal,
- the achieved minimum annual level of waste equipment collection, the level of recovery as well as the level of preparation for reuse and recycling of waste equipment,
- the amount of the due product fee, calculated separately for particular groups of equipment – in the case of the failure to achieve required the minimum annual level of waste equipment collection, the level of recovery or the level of preparation for reuse and recycling of waste equipment", – – letter b:

– - - introduction to calculation is replaced by the following:

"the list of treatment plants with which the economic operator that places the equipment on the market or the authorized representative concluded the agreement, referred to in Art. 23 (1) of the Act dated September 11, 2015 on waste electrical and electronic equipment, containing:"

– - - indent five is replaced by the following:

" – the number and name of the group of equipment from which the waste equipment accepted by the treatment plant operator is generated", – – letter c) is as follows:

"c) information on conducted public educational campaigns along with the indication of the amount of funds allocated for this purpose or the amount of

due funds, referred to in Art. 15 (3) (2) of the Act dated September 11, 2015 on waste electrical and electronic equipment";

c) passage 3 is added, as follows:

"3. The report, referred to in passage 1, in the case of the economic operator that places the equipment on the market, referred to in Art. 2 (3) of the Act dated September 11, 2015 on waste electrical and electronic equipment, does not contain the information, referred to in passage 2 (5) (a) indents two, three and four, as well as the list of treatment plants, referred to in passage 2 (5) (b)";

15) in Art. 74

a) (1) (2) is replaced by the following:

"2) the responsibilities of the economic operator that places the equipment on the market are defined in the Act dated September 11, 2015 on waste electrical and electronic equipment",

b) passage 1a after passage 1 is added as follows:

"1a. In the case of the authorized representative, the report, referred to in Art. 73 (1), is drawn up by the electronic and electrical equipment recovery organization, referred to in the Act dated September 11, 2015 on waste electrical and electronic equipment; the report is accompanied by the list of economic operators that place the equipment on the market, referred to in Art. 25 (3) of the Act dated 11, September 2015 on waste electrical and electronic equipment",

c) (2) (3) is replaced by the following:

"3) Art. 73 (2) (5) as well as the list of entrepreneurs, with regard to which the electronic and electrical equipment recovery organization performed the obligations defined in the Act dated September 11, 2015 on waste electrical and electronic equipment – in the case of the electronic and electrical equipment recovery organization.",

d) passages 4 and 5 are overruled,

e) passage 6 is replaced by the following:

"6. The electronic and electrical equipment recovery organization, referred to in the Act dated September 11, 2015 on waste electrical and electronic equipment, submits a report with the information, referred to in Art. 73 (2) (5), separately for each economic operator that places the equipment on the market and the authorized representative, for which performed duties specified in this Act";

16) Art. 74a is added after Art. 74 as follows:

"Art. 74a. The electronic and electrical equipment recovery organization, referred to in the Act dated September 11, 2015 on waste electrical and electronic equipment, is obliged to prepare an annual report on:

- 1) the economic operator that places the equipment on the market with which the organization concluded the agreements, referred to in Art. 11 (3) of the Act, containing the business names of entrepreneurs as well as the identifications of their registered offices and registration numbers;
- 2) the mass of waste electronic and electrical equipment collected, subjected to processing as defined by the Act dated September 11, 2015 on waste electrical and electronic equipment, recovery, including recycling, as well as disposal;
- 3) the achieved levels of collection, recovery and preparation for reuse and recycling of waste electrical and electronic equipment;
- 4) conducted public educational campaigns along with the indication of the amount of funds allocated for this purpose, referred to in Art. 62 (2 or 3) of this Act;"

17) in Art. 75 (2)

- a) in point 6 introduction to calculation is replaced by the following:

"in the case of a waste equipment collector, as defined by the Act dated September 11, 2015 on waste electrical and electronic equipment – information on:"

- b) points 7 and 8 are replaced by the following:

"7) in the case of a treatment plant operator, as defined by the Act dated 11, September 2015 on waste electrical and electronic equipment – information on:

- a) the address of the treatment plant,
- b) the mass of waste electronic and electrical equipment received by the treatment plant operator with the number and name of the group of equipment from which this waste equipment was generated,
- c) the code, type and mass of waste generated from waste equipment, received by the economic operator conducting activities regarding recycling, recovery processes other than recycling or disposal, as well as on the mass of waste equipment, as well as on the code and mass of waste generated from waste equipment prepared for reuse along with the specification of the type of process applied in the treatment plant;
- d) the code, type and mass of waste generated from waste equipment exported from the territory of the state for recycling, recovery processes other than recycling or for disposal;

8) in the case of an economic operator conducting activities in the field of recycling as well as an economic operator conducting activities regarding recovery processes other than recycling, referred to in the Act dated September 11, 2015 on waste electrical and electronic

equipment – information on the code and mass of waste generated from waste equipment received as well as subjected, accordingly, to recycling or recovery processes other than recycling along with the specification of the type of process;"

18) in Art. 76:

a) in passage 1:

– the introduction to calculation is replaced by the following:

"Entities obliged to prepare the reports, referred to in Art. 73, Art. 74a and Art. 75, submit them until March 15 for the previous calendar year to the voivodship marshal competent for:",

– point 1 is replaced by the following:

"1) the entrepreneur's registered office or place of the residence – in the case of the report on products, packaging and the management of waste generated from them as well as the report on conducted public educational campaigns; if the entity does not have its registered office or place of residence on the territory of the Republic of Poland, the marshal of the Mazowieckie voivodship is the competent voivodship marshal;"

b) passages 3 and 4 are replaced by the following:

"3. In the case of a permanent cessation of activities, the entrepreneur prepares and submits the reports, referred to in Art. 73, Art. 74a and Art. 75, within 7 days from the cessation of these activities.

4. The minister competent for the environment will determine, by way of a regulation, the template forms of reports, referred to in Art. 73, Art. 74a and Art. 75, bearing in mind the need to differentiate the content of reports depending on type of activities conducted by the entrepreneur, the facilitations in transferring to data the voivodship marshal as well as the need for an efficient and punctual entering information to the Database of products and packaging as well as waste management";

19) Art. 77 (1) is replaced by the following:

"1. The voivodship marshal verifies the information contained in the reports, referred to in Art. 73, Art. 74a and Art. 75, for the previous calendar year until September 30 of the following year, provided that with regard to the report, referred to in Art. 73 (2) 6 and Art. 75 (2) (point 9 and 10) – until April 15 of the following year";

20) Art. 79 (2) (4) (c) is as follows:

"c) collection, recovery, preparation for reuse and recycling of waste electronic and electrical equipment,";

21) Art. 80 (2) (1) is replaced by the following:

"1) the annual reports, referred to in Art. 73, Art. 74a and Art. 75;"

22) Art. 84 is replaced by the following:

"Art. 84. The minister competent for the environment will determine, by way of a regulation:

- 1) the online address of the register enabling access to an individual account in BDO,
- 2) the scope of rights for particular users
 - bearing in mind the need to ensure an efficient processing of information pursuant to the requirements of the computerization of the activities of entities performing public tasks, as well as the scope of public tasks executed by the users;"

23) Art. 179 is replaced by the following:

"Art. 179. Anyone who does not submit the application for an entry into the register, a change in the entry to the register or deleting from the register or submits the application inconsistent with the actual condition contrary to the provisions of Art. 50 (1), Art. 59 (1) and Art. 60 (1), is liable to arrest or a fine";

24) Article 180a after Article 180 is added, as follows:

"Art. 180a. Anyone who does not submit the report, contrary to the obligation referred to in Art. 76, is liable to a fine";

25) Art. 200 is overruled;

26) Art. 204 and Art. 205 are overruled;

27) Art. 234:

a) passage 1 is replaced by the following:

"1. The register, referred to in Art. 49 (1), is created along with BDO",

b) passage 9 is replaced by the following:

„9. After the expiry of 6 months from the date of creating the register or as at the date when the entity, referred to in passages 2–4, obtains an entry into the register, referred to in Art. 49 (1), entries into the register kept on the basis of previous provisions by the Main

Inspector for Environmental Protection or by the Polish poviát governor expire",

c) passage 11 is replaced by the following:

"11. Until the register, referred to in Art. 49 (1) is created, Art. 13 of the Act, referred to in Art. 213, applies in the wording valid before the effective date of this Act";

28) Art. 237a–237c are added after Art. 237 as follows:

"Art. 237a. 1. The entities, referred to in Art. 73 and Art. 75, are obliged to prepare and submit before the effective date of this Act:

- 1) collective data sets on the types and quantities of waste, the methods of waste management as well as on systems and devices used for the recovery and disposal of this waste – on the basis of Art. 37 (1 and 2) of the Act, referred to in Art. 252,

- 2) reports – on the basis of Art. 15 (1), Art. 30 (1) and Art. 38 (3) of the Act dated January 20, 2005 on the recycling of end-of life vehicles,
- 3) reports – on the basis of Art. 24 (1), Art. 31 (1), Art. 40, Art. 51 (1), Art. 56 (1) and Art. 67 (1) as well as the list of waste management facilities, referred to in Art. 33 (4) of the Act dated July 29, 2005 on waste electrical and electronic equipment,
- 4) reports – on the basis of Art. 34 (2), Art. 35 (1), Art. 36 (4), Art. 37 (6), Art. 41 (3), Art. 59 (3) and Art. 64 (5) of the Act dated April 24, 2009 on batteries and accumulators

- they prepare and submit them for 2015 and 2016, using the previous regulations, provided that anyone who, contrary to the obligation, does not prepare and does not submit these collective sets of data, reports or list of treatment plants or fulfills this obligation untimely or not in compliance with the actual state, is liable to the fine, referred to in Art. 180a.

2. The submitted collective sets of data and reports, referred to in passage 1, are subject to previous regulations.

Art. 237b. 1. The entrepreneurs, referred to in Art. 45 (1) of the Act dated June 13, 2013 on the management of packaging and packaging waste (Journal of Laws, item 888), submit reports for 2015 and 2016 containing, in particular:

- 1) data identifying the entity:
 - a) full name or name of the entity, as well as the address of residence or registered address,
 - b) the Polish tax identification number (NIP), if any and, in the case of an entity that places batteries or accumulators on the market – the European tax identification number as well, if any,
 - c) REGON (Polish register of economic units), if any;
- 2) depending on the type of activities, accordingly:
 - a) the mass of packaging manufactured and imported from abroad, by types of materials from which they were manufactured, including:
 - on reusable packaging,
 - on the compliance with the restrictions resulting from Art. 11 (1) (2) of the Act dated June 13, 2013 on the management of packaging and packaging waste,
 - b) the mass of packaging in which the products were placed on the market, with breakdown into their particular types,
 - c) the mass of recycled or recovered packaging waste, with breakdown into their particular types and with breakdown into waste coming from households and

sources other than households, as well as by the manner of its recovery and recycling,

- d) achieved levels of recovery and recycling of packaging waste, with breakdown into particular types,
- e) the amount of the due product fee, calculated separately, with breakdown into particular types of packaging – in the case of the failure to achieve the required level of recovery or recycling,
- f) the mass of packaging exported abroad, by the types of materials from which they were manufactured, with the specification of reusable packaging – in the case of the entrepreneur that exports or conducts an intra-Community supply of packaging or products in packaging,
- g) information on the method of performing the obligation to conduct public educational campaigns and, in the case of an unassisted performance of this obligation – also on public educational campaigns conducted by the entrepreneur with the indication of costs incurred for this purpose.

2. When the obligation specified in Art. 17 (1) of the Act dated June 13, 2013 on the management of packaging and packaging waste is performed by the packaging recovery organization, the annual report, referred to in passage 1, regarding the compliance with these obligations is drawn up by this organization.

3. The report submitted by packaging recovery organization contains information, referred to in passage 1 (1), as well as information specified in passage 1 (2) (a–f).

4. The report of the packaging recovery organization contains, in addition:

- 1) the list of entrepreneurs from which the packaging recovery organization took over the obligation specified in Art. 17 (1) of the Act dated June 13, 2013 on the management of packaging and packaging waste;
- 2) information on public educational campaigns conducted by the packaging recovery organization along with the indication of costs incurred for this purpose;
- 3) the list of waste holders to which the packaging recovery organization ordered the performance of activities specified in Art. 17 (7) of this Act in the calendar year to which the report relates, including:
 - a) the full name or name and address of residence or registered address of the waste holder,
 - b) the Polish tax identification number (NIP) of the waste holder, if any,
 - c) the Polish register of economic units number (REGON) of the waste holder, if any,

- d) the specification of activities that were ordered to the waste holder regarding packaging waste management,
- e) the identification of types of packaging waste with regard to which the waste holder was ordered the performance of activities related to packaging waste management,
- f) the identification of the period for which the agreement ordering the waste holder the performance of regarding packaging waste management was concluded.

5. The report, referred to in passage 1, is submitted by the entrepreneur or the packaging recovery organization until March 15 for the previous calendar year to the voivodship marshal, referred to in Art. 8 (7) of the Act dated June 13, 2013 on the management of packaging and packaging waste.

6. The minister competent for the environment will determine, by way of a regulation, the template of the report, referred to in passage 1, bearing in mind the need to standardize the scope of data transferred by entrepreneurs as well as to facilitate the transfer of data to the voivodship marshal.

Art. 237c. 1. The voivodship marshal is obliged to send a collective report to the minister competent for the environment as well as to the Polish National Fund for Environmental Protection and Water Management containing the information, referred to in Art 237b (1) (2) (a-f) until April 30 of the calendar year following the year to which the report relates.

2. The minister competent for the environment will determine, by way of a regulation, the template of the report, referred to in passage 1, bearing in mind the need to standardize reports.";

29) in Art. 238:

- a) passage 1 is replaced by the following:

"1. BDO will be created not later than until January 24, 2018",

- b) passage 4 is replaced by the following:

"4. The data contained in the central and voivodship databases, referred to in Art. 37 (6 and 10) of the Act, referred to in Art. 252, in the database, referred to in Art. 22 (1) of the Act dated April 24, 2009 on batteries and accumulators as well as in the database, referred to in Art. 15 (3) of the Act dated July 29, 2005 on waste electrical and electronic equipment, is transferred to BDO within a period of time not longer than one year from the date when BDO is created.";

30) Art. 251 (1–3) are replaced by the following:

"1. In the years 2016–2025 the maximum limit of expenses from the state budget being the financial effect of the Act's coming into force is:

- 1) in 2016 - PLN 1,000,000;
- 2) in 2017 - PLN 1,053,000;
- 3) in 2018 - PLN 1,080,000;
- 4) in 2019 - PLN 1,107,000;
- 5) in 2020 - PLN 1,135,000;
- 6) in 2021 - PLN 1,163,000;
- 7) in 2022 - PLN 1,192,000;
- 8) in 2023 - PLN 1,222,000;
- 9) in 2024 - PLN 1,252,000; 10) in 2025 - PLN 1,283,000.

2. In the years 2016–2025 the maximum limit of budget expenses of voivodship local administration units being the financial effect of the Act's coming into force is:

- 1) in 2016 - PLN 0;
- 2) in 2017 - PLN 0;
- 3) in 2018 - PLN 3,115,000;
- 4) in 2019 - PLN 3,115,000;
- 5) in 2020 - PLN 3,115,000;
- 6) in 2021 - PLN 3,115,000;
- 7) in 2022 - PLN 3,115,000;
- 8) in 2023 - PLN 3,115,000;
- 9) in 2024 - PLN 3,115,000; 10) in 2025 - PLN 3,115,000.

3. In the years 2016–2025 the maximum limit of expenses of the Polish National Fund for Environmental Protection and Water Management being the financial effect of the Act's coming into force is:

- 1) in 2016 - PLN 5,500,000;
- 2) in 2017 - PLN 3,000,000;
- 3) in 2018 - PLN 1,000,000;
- 4) in 2019 - PLN 500,000;
- 5) in 2020 - PLN 0;
- 6) in 2021 - PLN 0;
- 7) in 2022 - PLN 2,000,000;
- 8) in 2023 - PLN 0;
- 9) in 2024 - PLN 0;
- 10) in 2025 - PLN 0";

31) point 2 of Art. 253 is replaced by the following:

"2) Art. 178, Art. 179, Art. 194 (1) (5), point 8 of Art. 213 that come into force after the expiry of 36 months from the Act's coming into force, provided that the listed provisions apply from the date when BDO is created announced in the message, referred to in Art. 238 (2).".

Art. 109. In the Act dated June 13, 2013 on the management of packaging and packaging waste (Journal of Laws, item 888), Art. 7:

1) passage 1 is replaced by the following:

"1. The provision of Art. 6 (3) applies if:

- 1) the entrepreneur submits the following to the voivodship marshal until March 15 of each year:
 - a) a certificate or a statement on de minimis aid in the scope, referred to in Art. 37 of the Act dated April 30, 2004 on proceedings in cases regarding public aid (Journal of Laws from 2007, No 59, item 404, as amended apply²²⁾),
 - b) information the scope of which is defined in the provisions issued on the basis of Art. 37 (2a) of the Act, referred to in point 1;
- 2) the entrepreneur complies with the conditions for the acceptability of de minimis aid defined in binding EU legal regulations related to de minimis aid and de minimis aid in agriculture.";

2) passage 3 is overruled;

3) passage 4 is replaced by the following:

"4. The certificates or statements, referred to in passage 1 (1) (a) as well as the information, referred to in passage 1 (1) (b) may be transferred by means of electronic communication.".

Art. 110. In the Act dated April 24, 2015 on the amendments to certain acts in connection with the strengthening of landscape protection tools (Journal of Laws, item 774), point 7 of Art. 9 in Art. 23a (5) is replaced by the following:

"5. The draft of the resolution, referred to in passage 1, in the part regarding the introduction of bans listed in Art. 24 (1a) needs to be agreed with the locally competent Polish gmina council".

Art. 111. In the Act dated May 27, 2015 amending the Act on the recycling of end-of life vehicles and certain other acts (Journal of Laws, item 933) the following changes are introduced:

1) letter b) of point 2 of Art. 5 b is replaced by the following:

"b) point 4 is replaced by the following:

²²⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2008, No 93, item 585, from 2010, No 18, item 99 and from 2011, No 233, item 1,381.

- "4) the preparation and transfer of collective information to the minister competent for the environment, until June 30 of the following year for the previous calendar year:
- a) collected income on account of fees, referred to in Art. 14 (1) as well as Art. 17 (1 and 2) of the Act dated January 20, 2005 on the recycling of end-of life vehicles,
 - b) Polish gminas that received financial support regarding the collection of abandoned end-of life vehicles,
 - c) Polish poviats that received financial support regarding the collection of end-of life vehicles;"";
- 2) point 7 of Art. 7 is overruled;
- 3) Article 13 is replaced by the following:
- "Art. 13. The granting, transferring and financing subsidies to the disassembly of end-of life vehicles for 2015 are subject to previous regulations.";
- 4) Art. 14 is overruled;
- 5) point 2 of Art. 24 is replaced by the following:
- "2) point 27 of Art. 1 that enters into force as at creating the database of products and packaging as well as waste management determined in the message, referred to in Art. 238 (2) of the Act amended in Art. 7".

Chapter 16

Transitional, adjusting and final provisions

Art. 112. 1. Before December 31, 2017, the provisions of the Act apply to equipment belonging to one of the groups of equipment specified in Appendix No 6 to the Act.

2. The numbers and names of groups of equipment as well as examples of equipment belonging to these groups are defined in Appendix No 6 to the Act.

Art. 113. From January 1, 2016 until December 31, 2017, the economic operator that places the equipment on the market is obliged to achieve the minimum annual levels of waste equipment collection that amount to at least 40% of the average annual mass of equipment placed on the market and, in the case of equipment belonging to group of equipment no 5 specified in Appendix No 6 to the Act, except for lighting fittings for fluorescent lamps as well as other lighting equipment aimed at distributing or adjusting the lighting, at least 50% of the average annual mass of equipment placed on the market.

Art. 114. 1. Before December 31, 2017, the product fee is:

- 1) for equipment belonging to group of equipment no 5 specified in Appendix No 6 to the Act, except for lighting fittings for fluorescent lamps as well as other lighting equipment aimed at distributing or adjusting the lighting – from PLN 4 to PLN 8 per 1 kg;
- 2) for groups of equipment other than those indicated in point 1 specified in Appendix No 6 to the Act – from PLN 0 to PLN 2 per 1 kg.

2. The minister competent for the environment, in consultation with the minister competent for public finance, will determine, by way of a regulation, detailed product fee rates, bearing in mind the costs of collection, preparation for reuse and recycling as well as recovery processes other than recycling of waste equipment for particular groups of equipment.

Art. 115. 1. From January 1, 2016 until December 31, 2017, the economic operator that places the equipment on the market is obliged to achieve the following levels:

- 1) for waste equipment generated from equipment belonging to groups of equipment no 1 and 10 specified in Appendix No 6 to the Act:
 - a) recovery – 85% of the mass of waste equipment and
 - b) preparation for reuse and recycling – 80% of the mass of waste equipment;
- 2) for waste equipment generated from equipment belonging to groups of equipment no 3 and 4 specified in Appendix No 6 to the Act:
 - a) recovery – 80% of the mass of waste equipment and
 - b) preparation for reuse and recycling – 70% of the mass of waste equipment;
- 3) for waste equipment generated from equipment belonging to groups of equipment no 2 and 5–9 specified in Appendix No 6 to the Act:
 - a) recovery – 75% of the mass of waste equipment and
 - b) preparation for reuse and recycling – 55% of the mass of waste equipment;
- 4) for waste gas discharge lamps – the recycling of waste gas discharge lamps amounting to 80% of the mass of these waste lamps.

2. Before December 31, 2017, the recovery level as well as the level of recycling, in the case of waste equipment belonging to group of equipment no 5 specified in Appendix No 6 to the Act, is calculated separately for lamps and lighting fittings.

Art. 116. 1. Until the register, referred to in Art. 49 of the Act amended in Art. 108, is created the main Inspector for Environmental Protection keeps the register of authorized representatives.

2. Before starting their activities, the authorized representative is obliged to submit an application for an entry into the register of authorized representatives to the main Inspector for Environmental Protection.

3. The application for an entry into the register of authorized representatives contains:

- 1) the full name or name and address of residence or registered office;

- 2) Polish tax identification number (NIP), if any;
- 3) REGON (Polish register of economic units), if any;
- 4) the number and name of the group of equipment;
- 5) the information on the agreement with the electronic and electrical equipment recovery organization, referred to in Art. 11 (3);
- 6) the list of producers with which the authorized representative concluded the agreement, referred to in Art. 26 (3).

4. The application for an entry into the register of authorized representatives is accompanied by an authenticated copy of:

- 1) the payment of the registration fee, referred to in passage 8, unless the authorized representative is obliged to pay it;
- 2) the agreement with the electronic and electrical equipment recovery organization, referred to in Art. 11 (3);
- 3) the agreement, referred to in Art. 26 (3).

5. The Main Inspector for Environmental Protection refuses, by way of a decision, an entry into the register of authorized representatives if the authorized representative did not pay the registration fee, referred to in passage 8.

6. If the information contained in the register of authorized representatives is changed, the authorized representative is obliged to submit an application for a change in the entry into the register to the main Inspector for Environmental Protection within 14 days from the date when the change took place.

7. The application, referred to in passage 6, contains:

- 1) the registration number;
- 2) the full name or name and address of residence or registered office;
- 3) Polish tax identification number (NIP), if any;
- 4) REGON (Polish register of economic units), if any;
- 5) the information that changed.

8. The entry into the register of authorized representatives is subject to a registration fee.

9. The authorized representative pays the registration fee to a separate bank account of the Main Inspector for Environmental Protection.

10. The authorized representative entered into the register of authorized representatives will pay the annual fee until the end of February each year to a separate bank account of the Main Inspector for Environmental Protection.

11. The annual fee is not paid in a year in which the registration fee is paid.

12. The registration fee is not paid by the authorized representative entered into the register, referred to in the Act dated July 15, 2011 on the national eco-management and audit

scheme (EMAS) (Journal of Laws No 178, item 1,060) if the authorized representative submits information certifying the voluntary participation in the eco-management and audit scheme (EMAS) when submitting the application for an entry to the register.

13. The registration fee and the annual fee amount to PLN 2,000 each.

14. The Main Inspector for Environmental Protection, making the entry into the register of authorized representatives, assigns the authorized representative with a registration number, consisting of: 1) the letter E;

2) a number consisting of 7 Arabic digits, constituting the subsequent number in the register; 3) the letter A.

15. The Main Inspector for Environmental Protection will notify the authorized representative about the assigned registration number.

16. The register of authorized representatives contains registration numbers and information contained in the applications for entries into the register of authorized representatives.

17. If the authorized representative ends their activities, they are obliged to submit an application for deletion from the register of authorized representatives to the main Inspector for Environmental Protection, within 14 days from the date of the permanent cessation of these activities.

18. The application, referred to in passage 17, contains:

- 1) the registration number;
- 2) the full name or name and address of residence or registered office;
- 3) Polish tax identification number (NIP), if any;
- 4) REGON (Polish register of economic units), if any;
- 5) the date of the cessation of activities.

19. The Main Inspector for Environmental Protection deletes the authorized representative from the register of authorized representatives, by way of a decision.

20. The Main Inspector for Environmental Protection, by way of a decision, deletes the authorized representative ex officio from the register of authorized representatives, if:

- 1) the annual fee, referred to in passage 10, is not paid;
- 2) gross irregularities in the performance of the obligations specified in the provisions this Act as well as the Act amended in Art. 108 are observed;
- 3) a permanent cessation of the performance of activities is observed.

21. The Main Inspector for Environmental Protection refuses, by way of a decision, an entry into the register of authorized representatives if the registration fee, referred to in passage 8, is not paid in the required amount.

22. Authorized representatives with entries into the register of authorized representatives^{are} entered into the register, referred to in Art. 49 of the Act amended in Art. 108, ex officio. The voivodship marshal makes the entry within 6 months from the date of creating the register, referred to in Art. 49 of the Act amended in Art. 108, assigning a new registration number at the same time.

23. When the voivodship marshal, making the entry into the register, referred to in Art. 49 of the Act amended in Art. 108, concludes that there is no information required on the basis of this Act, the marshal calls the authorized representative to submit the missing information. If the missing information is not supplemented within the designated deadline, the voivodship marshal will not make an entry to the register, ex officio.

24. If the missing information is not supplemented within the designated deadline, the authorized representative is obliged to submit an application for an entry into the register, referred to in Art. 49 of the Act amended in Art. 108.

25. Authorized representatives may use the registration number assigned on the basis of the provision of passage 14 within 3 months from the day of receiving the notification on assigning a new registration number.

26. Authorized representatives not entered into the register, referred to in Art. 49 of the Act amended in Art. 108, ex officio are obliged to submit an application for an entry into this register within 6 months from the date of its creation.

27. As at the day when the authorized representative receives the entry into the register, referred to in Art. 49 of the Act amended in Art. 108, entries into the register of authorized representatives expire.

28. When the producer appoints an authorized representative and if this authorized representative has an entry into the register of authorized representatives, the economic operator that places the equipment on the market may, within 14 days from the date when the authorized representative obtains the entry into the register of authorized representatives, submit the application for deletion from the register to the Main Inspector for Environmental Protection, referred to in Art. 235 (2) of the Act amended in Art. 108, kept on the basis of provisions valid before the effective date of this Act.

29. The application for an entry into the register as well as for changing an entry in the register is subject to the provision of Art. 64 of the Act dated June 14, 1960 - the Polish Code of Administrative Procedure (Journal of Laws from 2013, item 267, as amended apply²³⁾).

Art. 117. Waste equipment collectors entered into the register, referred to in Art. 235 (2) of the Act amended in Art. 108, kept on the basis of provisions valid before the effective date of

²³⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2014, item 183 and 1,195 and from 2015, item 211, 702 and 1,274.

this Act, not being waste equipment collectors, referred to in Art. 4 (23) of this Act, are subject to deletion ex officio from this register within 6 months from the effective date of this Act.

Art. 118. Administrative procedures initiated and not finished before the effective date of this Act are subject to previous regulations.

Art. 119. Product fees due on the basis of the Act, referred to in Art. 141 as well as income from these fees are subject to previous regulations.

Art. 120. Decisions issued before the effective date of this Act making it possible to collect incomplete waste equipment as well as parts coming from waste equipment, referred to in Art. 35 (1), to entities which are prohibited from collecting them according to Art. 35 (1), expire within 6 months from the effective date of this Act, in the scope related to this waste equipment and these parts.

Art. 121. 1. The applicant's application for issuing a decision regarding waste management for a treatment plant, submitted from the effective date of this the Act until January 1, 2019, states the number and name of the group of equipment specified in Appendix No 1 and 6 to the Act from which the waste processed by them is generated.

2. The competent authority includes the number and name of the group of equipment specified in Appendix No 1 and 6 to the Act from which the waste equipment is generated in decisions regarding waste management issued from the effective date of this the Act until January 1, 2019.

Art. 122. 1. Decisions making it possible to collect waste equipment and process waste equipment issued before the effective date of this Act remain valid for the period of time for which they were issued.

2. When the decisions, referred to in passage 1, are not adapted to the requirements of this Act, the waste holder that collects waste equipment or processes waste equipment on the effective date of the Act will be obliged to obtain a change of these decisions regarding the adaptation to the requirements of the Act from a competent authority within 24 months from the Act's coming into force.

Art. 123. 1. The certificate on waste equipment, the certificate confirming the recycling as well as the certificate confirming recovery processes other than recycling is drawn up and issued, for 2015, using the previous regulations.

2. Treatment plant operator, economic operators conducting activities regarding recycling as well as recovery processes other than recycling are obliged to store the certificates, referred to in passage 1, for 5 years, counting from the end of the calendar year to which these certificates relate.

Art. 124. 1. Until the register, referred to in Art. 49 of the Act amended in Art. 108, is created whenever the Act refers to the register this means the register, referred to in Art. 235 (2) of the Act amended in Art. 108, kept on the basis of provisions valid before the effective date of

this Act, provided that this register additionally contains the name of the brand of equipment, the type of equipment (equipment intended for households or equipment other than equipment intended for households) as well as the information on the used technique for selling the equipment.

2. The application for an entry into the register with regard to the economic operator that places the equipment on the market additionally contains the name of the brand of equipment, the type of equipment (equipment intended for households or equipment other than equipment intended for households) as well as the information on the used technique for selling the equipment.

3. The economic operator that places the equipment on the market that obtained an entry into the register before the effective date of this Act is obliged to provide the Main Inspector for Environmental Protection within 6 months from the effective date of this Act with information on the name of the brand of equipment and the type of equipment (equipment intended for households or equipment other than equipment intended for households) and the information on the applied technique for selling the equipment.

4. Until the register, referred to in Art. 49 of the Act amended in Art. 108, is created the electronic and electrical equipment recovery organization is obliged to: 1) until March 15 of each year provide the Main Inspector for Environmental Protection with a certificate for the previous calendar year issued by the bank on keeping funds on a separate bank account or in the form of a time deposit, referred to in Art. 63 (4) (1), or with a document confirming the amount of the bank guarantee or the insurance guarantee, issued by the guarantor, referred to in Art. 63 (4) (2);

2) present, at each request of the Main Inspector for Environmental Protection, within 14 days from the date of receiving the request, a certificate issued by the bank on current funds kept by the electronic and electrical equipment recovery organization on a separate bank account or in the form of a time deposit, referred to in Art. 63 (4) (1), or a document confirming the amount of the guarantee, referred to in Art. 63 (4) (2).

5. The Main Inspector for Environmental Protection will publish links to registers kept in member states other than the Republic of Poland on its website in order to facilitate the registration in all member states.

6. The Main Inspector for Environmental Protection will adapt the register to the requirements, referred to in passage 1 as well as in Art. 116, within 6 months from the effective date of this Act.

7. The minister competent for the environment will determine, by way of a regulation, the templates of applications for an entry into the register with regard to economic operators that place the equipment on the market and authorized representatives as well as the manner in

which they are to be transferred, bearing in mind the need to standardize the form of applications as well as to facilitate their transfer.

8. Executive regulations issued on the basis of passage 7 are valid until the register, referred to in Art. 49 of the Act amended in Art. 108, is created.

Art. 125. The failure to perform the obligations listed in Art. 237 (1) of the Act amended in Art. 108 for the years 2012–2014 is subject to the penalty, referred to in Art. 200 of the Act amended in Art. 108, in its previous wording.

Art. 126. 1. The electronic and electrical equipment recovery organization submits the report, referred to in Art. 74a of the Act amended in Art. 108, for 2015 and 2016 to the Main Inspector for Environmental Protection.

2. The electronic and electrical equipment recovery organization submits the report, referred to in Art. 237a (1) (3) of the Act amended in Art. 108, on the basis of Art. 24 (1), Art. 31 (1) and Art. 67 (1) of the Act, referred to in Art. 141, for 2016 separately for each economic operator that places the equipment on the market and the authorized representative, for which it performs the obligations according to Art. 11 (3), to the Main Inspector for Environmental Protection.

Art. 127. Economic operators that place the equipment on the market as well as electronic and electrical equipment recovery organizations conduct and settle public educational campaigns for 2014 and 2015, according to the previous regulations.

Art. 128. The electronic and electrical equipment recovery organization is obliged to have an implemented environmental management system consistent with the requirements of the eco-management and audit scheme (EMAS) or the standard ISO 14001 from January 1, 2017.

Art. 129. The Polish National Fund for Environmental Protection and Water Management stores the documents confirming the contribution of the financial guarantees, referred to in the provisions issued on the basis of Art. 19 (4) of the Act, referred to in Art. 141, for 5 years, counting from the end of the calendar year to which these documents relate.

Art. 130. The first report, referred to in Art. 89, comprises the period from February 14, 2014 to December 31, 2015.

Art. 131. 1. The economic operator that places the equipment on the market that placed the equipment on the market before January 1, 2018 belonging to groups of equipment specified in Appendix No 6 to the Act, is obliged to keep additional records, referred to in Art. 22 (1).

2. In order to confirm the achievement of the minimum annual levels of waste equipment collection coming from households, the levels of recovery and the levels of recycling of waste equipment for the period until December 31, 2015 additional records are used, referred to in Art. 32 (1) of the Act, referred to in Art. 141 as well as the certificate, referred to in Art. 50 (1) of the Act, referred to in Art. 141.

3. Entrepreneurs, including waste electronic and electrical equipment recovery organizations, are obliged to store the additional records, referred to in Art. 32 (1) of the Act, referred to in Art. 141 as well as the certificates, referred to in Art. 53 and Art. 54 of the Act, referred to in Art. 141, for 5 years, counting from the end of the calendar year to which these records relate.

Art. 132. 1. Financial guarantees submitted before the effective date of this Act on the basis of Art. 18 (1) of the Act, referred to in Art. 141, are subject to previous regulations.

2. When the economic operator that places equipment intended for households on the market does not submit the report, referred to in Art. 20 (3) of the Act, referred to in Art. 141, necessary to settle the submitted financial guarantee within one year from the effective date of this the Act, the financial guarantee is allocated to cover the product fee.

3. The Main Inspector for Environmental Protection informs the Polish National Fund for Environmental Protection and Water Management on financial guarantees the settlement of which was impossible for reasons indicated in passage 2.

Art. 133. 1. Whenever Art. 27–33 refer to a voivodship marshal, until the database referred to in Art. 79 (1) of the Act amended in Art. 108 is created, this will mean the Main Inspector for Environmental Protection.

2. Whenever Art. 27–33 refer to a separate bank account of the competent voivodship marshal office kept by Bank Gospodarstwa Krajowego, until the database referred to in Art. 79 (1) of the Act amended in Art. 108 is created, this will mean a separate bank account of the Polish National Inspectorate for Environmental Protection.

3. Funds coming from the financial guarantee intended to cover the product fee are transferred by the Main Inspector for Environmental Protection, within 30 days after the end of each quarter in which the decision, referred to in Art. 33 (2) became final, to the bank account of the Polish National Fund for Environmental Protection and Water Management.

Art. 134. Anyone who, contrary to the provisions of Art. 116 (2, 6 and 17), does not submit the application for an entry into the register or for changing the entry in the register or deleting from the register or submits the application inconsistent with the actual condition is liable to a fine.

Art. 135. 1. Anyone who, contrary to the obligation specified in:

- 1) Art. 123 (2) does not store the certificates, referred to in Art. 123 (1),
- 2) Art. 131 (3) does not store the additional records, referred to in Art. 32 (1) of the Act, referred to in Art. 141 as well as the certificates, referred to in Art.

53 and Art. 54 of the Act, referred to in Art. 141

- is liable to an administrative financial penalty from PLN 5,000 to PLN 300,000.

2. The penalties, referred to in passage 1, are imposed, by way of decision, by the competent voivodship inspector for environmental protection.

3. The procedure regarding the imposition of penalties, referred to in passage 1, is subject to the provisions of Art. 93 (3, 4, 6 and 7) as well as Art. 94.

Art. 136. 1. The financial penalties, referred to in Art. 80 (2–9) of the Act, referred to in Art. 141 as well as the income from these penalties are subject to previous regulations.

2. Decisions in cases regarding acts, referred to in Art. 134, takes place following the procedure as provided in the Act dated August 24, 2001 - the Polish Petty offences procedure code.

Art. 137. 1. The Management of the Polish National Fund for Environmental Protection and Water Management prepares and transfers the collective information, referred to in Art. 400k (2) (5) of the Act amended in Art. 104, for 2015, using the previous regulations.

2. The managements of voivodship funds for environmental protection and water management prepare and transfer the quarterly information, referred to in Art. 400k (3) (2) of the Act amended in Art. 104, for 2015, using the previous regulations.

Art. 138. The condition, referred to in Art. 410a (4) of the Act amended in Art. 104, will be considered met if the entrepreneur operating a disassembly station submitted the report in time, accordingly, for 2015 and for 2016 according to Art. 237a (1) (2) of the Act amended in Art. 108.

Art. 139. The provisions of Art. 7 of the Act amended in Art. 109 as set forth in this Act also apply to the exemption regarding the product fee, referred to in Art. 6 (3) of the Act amended in Art. 109, for 2015.

Art. 140. 1. Executive regulations issued on the basis of:

- 1) Art. 50 (8), Art. 55 and Art. 66 (2) of the Act, referred to in Art. 141, remain valid until the effective date of executive regulations issued on the basis of Art. 53 (11), Art. 59 and Art. 114 (2) of this Act,
- 2) Art. 84 of the Act amended in Art. 108 remain valid until the effective date of executive regulations issued on the basis of Art. 84 of the Act amended in Art. 108, as set forth in this Act – but not longer than until December 31, 2016.

2. Executive regulations issued on the basis of Art. 114 (2) of this Act remain valid until the effective date of executive regulations issued on the basis of Art. 74 (2) of this Act.

Art. 141. The Act dated July 29, 2005 on waste electrical and electronic equipment is repealed (Journal of Laws from 2013, item 1,155, as amended²⁴⁾).

Art. 142. The Act comes into force as at January 1, 2016, except for:

- 1) points 2–6 of Art. 102 and points 2 and 3 of Art. 108 that come into force after 14 days from their announcement;
- 2) Art. 110 that comes into force as at September 10, 2015;

²⁴⁾ Amendments to the consolidated text of the said Act were announced in the Journal of Laws from 2014, item 1,322 and 1,662 and from 2015, item 881.

- 3) Art. 66–71 and points 46–48 of Art. 91 that come into force as at January 1, 2017;
- 4) Art. 2 (2) (4–10), Art. 5 (2) and Art. 104 (1) (b) that come into force as at January 1, 2018.

GROUPS OF EEE COVERED BY THIS ACT OF LAW

I. NUMBERS AND NAMES OF GROUPS OF EEE

1. Equipment operating on the basis of temperature exchange
2. Screens, monitors and devices containing screens with area greater than 100 cm²
3. Lamps
4. Large equipment with any of its external dimensions exceeding 50 cm, in particular: household devices, IT and telecommunication equipment, consumer equipment, lighting fittings, equipment for playing sound or image, music equipment, electrical and electronic tools, toys, recreational and sports equipment, medical products, instruments used for monitoring and control, vending machines, equipment for generating electrical current. This group does not include equipment included in groups of equipment nos 1–3.
5. Small equipment with any of its external dimensions not exceeding 50 cm, in particular: household devices, consumer equipment, lighting fittings, equipment for playing sound or image, music equipment, electrical and electronic tools, toys, recreational and sports equipment, medical products, instruments used for monitoring and control, vending machines, equipment for generating electrical current. This group does not include equipment included in groups of equipment nos 1–3 and 6.
6. Small IT and telecommunication equipment with any of its external dimensions not exceeding 50 cm.

II. NON-EXHAUSTIVE LIST OF EEE WHICH FALLS WITHIN THE GROUPS

1. Equipment operating on the basis of temperature exchange

Coolers, freezers, automatic vending equipment for cooled products, air-conditioning equipment, equipment for drying, heat pumps, heaters containing oil and other equipment operating on the basis of temperature exchange using liquids other than water for temperature exchange.

2. Screens, monitors and devices containing screens with area greater than 100 cm²

Screens, TV receivers, LCD digital frames for photographs, monitors, laptops, notebooks.

3. Lamps

Simple fluorescent lamps, compact fluorescent lamps, fluorescent lamps, high-pressure discharge lamps, including pressure sodium vapor lamps and metal halide lamps, low-pressure sodium vapor lamps, light-emitting diodes (LED).

4. Large equipment with any of its external dimensions exceeding 50 cm

Washing machines, dryers for clothes, dishwashing machines, cookers, electrical ovens, electrical heating panels, lighting fittings, equipment for playing sound or image, music equipment except for pipe organs mounted in churches, devices used for knitting and weaving, large computers – mainframe, large printers, copying equipment, large machines activated by inserting coins, large medical products, large instruments for monitoring and control, large automatic vending machines issuing products and change, photovoltaic panels.

5. Small equipment with any of its external dimensions not exceeding 50 cm

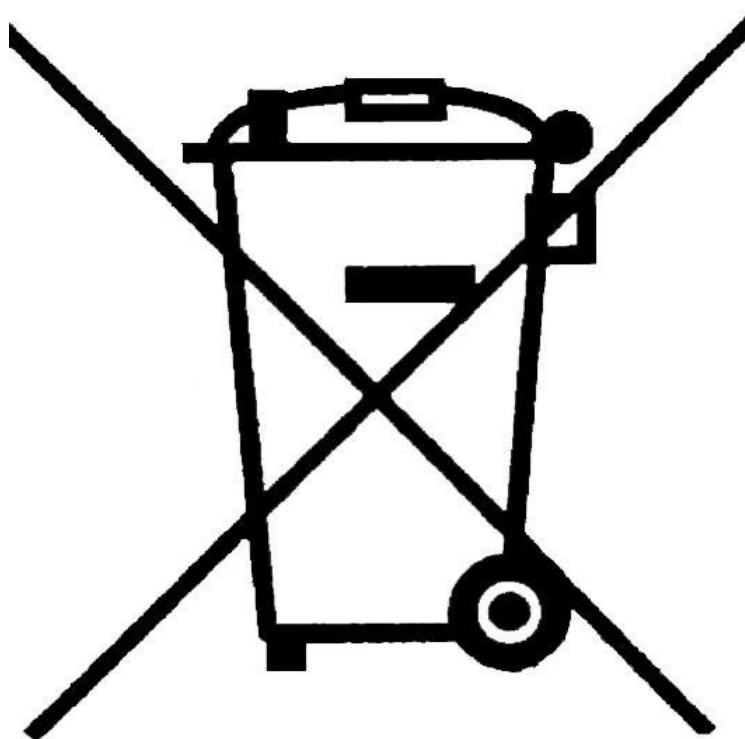
Vacuum cleaners, carpet sweepers, sewing machines, lighting fittings, microwave ovens, ventilation equipment, irons, toasters, electrical knives, electrical water boilers,

clocks and watches, electrical shavers, scales, devices for the hair and the body, calculators, radio receivers, video cameras, video equipment, hi-fi equipment, music instruments, equipment for playing sound or image, electronic or electrical toys, sports equipment, bike computers, diving, running, rowing computers etc., smoke sensors, heat regulators, temperature regulators, small electrical and electronic tools, small medical products, small instruments for monitoring and control, small automatic vending machines, small equipment with integrated photovoltaic panels.

6. Small IT and telecommunication equipment with any of its external dimensions not exceeding 50 cm

Mobile phones, GPS navigator systems, pocket calculators, routers, personal computers, printers, telephones.

SYMBOL FOR THE MARKING OF EEE ¹⁾



Legend:

¹⁾ The symbol consists of a crossed out rubbish bin on wheels.

**METHOD FOR CALCULATING THE MINIMUM ANNUAL LEVEL
OF WASTE EQUIPMENT COLLECTION BEFORE DECEMBER 31, 2020**

The minimum annual level of waste equipment collection is calculated separately for each group of equipment from which this waste equipment was generated, according to the formula:

$$P_z = \frac{M_z}{M_w} \times 100$$

where:

- P_z – means the minimum annual level of waste equipment collection [%],
- M_z – means the mass of waste equipment, collected in a given calendar year on the territory of the state generated from equipment placed on the market in a given group of equipment [kg],
- M_w – means the average annual mass of equipment placed on the market in a given group of equipment [kg] calculated according to the formula:

$$M_w = \frac{R1 + R2 + R3}{3}$$

where:

- $R1, R2, R3$ – mass of equipment placed on the market in a given group of equipment in particular 3 years preceding a given year

**METHOD FOR CALCULATING THE ANNUAL LEVEL OF RECOVERY AS WELL
AS THE LEVEL OF PREPARATION FOR REUSE AND RECYCLING OF WASTE
EQUIPMENT**

1. Initial processes preceding recycling as well as recovery processes other than recycling, including sorting and storing, are not included against achieving the levels of recovery and the levels of preparation for reuse and recycling of waste equipment.
2. Waste equipment generated from equipment that was not placed on the market is not included against achieving the levels of recovery and the levels of preparation for reuse and recycling of waste equipment.
3. The mass of waste equipment subjected to recovery and recycling includes:
 - 1) the mass of waste equipment prepared for reuse;
 - 2) the mass of components coming from waste equipment, prepared for reuse.
4. When calculating the achieved levels of recovery of waste equipment recovery processes designated as R1–R9 in Appendix No 1 to the Act dated December 14, 2012 on waste are taken into account.
5. When calculating the achieved levels of recycling of waste equipment recovery processes designated as R2–R9 in Appendix No 1 to the Act dated December 14, 2012 on waste are taken into account.
6. The level of recovery for waste equipment is calculated separately for each group of equipment from which this waste equipment was generated.
7. The level of recycling for waste equipment is calculated separately for each group of equipment from which this waste equipment was generated.

The level of recovery of waste equipment is calculated according to the formula:

$$P_o = \frac{MO + MR + MU}{M_z} \times 100$$

where:

P_o – means the level of recovery [%],

M_R – means the mass of waste generated after the disassembly of waste equipment,

generated from equipment classified into a given group of equipment subjected to the recycling process [kg],

M_O – means the mass of waste generated after the disassembly of waste equipment, generated from equipment classified into a given group of equipment subjected to a recovery process other than recycling [kg],

M_U – means the mass of waste equipment prepared for reuse or waste left after the disassembly of waste equipment generated from equipment classified into a given group of equipment [kg],

M_Z – means the mass of waste equipment from which waste subjected to recovery was generated [kg].

The level of preparation for reuse and recycling of waste equipment is calculated according to the formula:

$$P_R = \frac{M_R + M_U}{M_Z} \times 100$$

where:

P_R – means the level of preparation for reuse and recycling [%],

M_R – means the mass of waste generated after the disassembly of waste equipment generated from equipment classified into a given group of equipment subjected to the recycling process [kg],

M_U – means the mass of waste equipment prepared for reuse or waste left after the disassembly of waste equipment generated from equipment classified into a given group of equipment [kg],

M_Z – means the mass of waste equipment from which waste subjected to recycling was generated [kg].

**SELECTIVE TREATMENT FOR MATERIALS AND COMPONENTS OF WASTE
ELECTRICAL AND ELECTRONIC EQUIPMENT**

1. The following hazardous substances, mixtures as well as components should be removed from waste equipment in the first place:
 - 1) condensers containing PCBs;
 - 2) components containing mercury, such as switches or backlights; 3) batteries;
 - 4) printed circuit boards for mobile phones and other products if the area the printed circuit boards is larger than 10 cm²;
 - 5) printing inserts, liquid and powder, as well as color toners;
 - 6) plastics containing bromine compounds reducing flammability;
 - 7) asbestos waste as well as components containing asbestos;
 - 8) cathode-ray tubes;
 - 9) chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) or hydrofluorocarbons (HFCs), hydrocarbons (HCs);
 - 10) gas discharge lamps;
 - 11) liquid crystal displays along with their casings, if any, with area larger than 100 cm² as well as all backlights with gas discharge lamps of this type;
 - 12) external electrical cables;
 - 13) components containing fire-resistant ceramic fibers specified in Table 3.2 of Appendix VI to the Regulation (EC) No 1272/2008 of the European Parliament and of the Council dated December 16, 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directive 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Official Journal of the EU L 353 dated December 31, 2008, page 1, as amended);
 - 14) components containing radioactive substances, except for components, in the case of which the total activity and concentration of radioactive isotopes does not exceed the levels determined as criteria for obtaining an exemption from the obligation to obtain a permit or a notification in provisions issued on the basis of point 1 of Art.

6 of the Act dated November 25, 2000 - Nuclear law (Journal of Laws from 2014, item 1,512);

15) electrolytic capacitors (height greater than 25 mm, diameter greater than 25 mm or proportionally similar sizes).

2. Components of waste equipment should be handled as follows:

- 1) the fluorescent shield should be removed from cathode-ray tubes;
- 2) substances or gases should be properly recovered from devices containing substances depleting the ozone layer or fluorinated greenhouse gases with the global warming potential (GWP) above 15, including gases to be found in foams and cooling circuits – and then adequately cleaned or destroyed, pursuant to the Act dated May 15, 2015 on substances depleting the ozone layer as well as on certain fluorinated greenhouse gases;
- 3) mercury should be removed from gas discharge lamps.

**GROUPS OF EEE COVERED BY THIS ACT OF LAW
BEFORE DECEMBER 31, 2017**

I. NUMBERS AND NAMES OF GROUPS OF EEE

1. Large household devices
2. Small household devices
3. IT and telecommunication equipment
4. Consumer equipment and photovoltaic panels
5. Lighting equipment
6. Electrical and electronic tools, except for large stationary industrial tools
7. Toys, recreational and sports equipment
8. Medical products, except for implanted and infected products
9. Instruments for monitoring and control
10. Vending machines

II. NON-EXHAUSTIVE LIST OF EEE WHICH FALLS WITHIN THE GROUPS

1. Large household devices

Large cooling devices, coolers, freezers, other devices used for cooling, preservation and storage of food, washing machines, dryers for clothes, dishwashing machines, cookers, electrical ovens, electrical heating panels, microwave ovens, other large devices used for cooking and other food processing, electrical heating devices, electrical heaters, other large devices used for heating rooms, beds, furniture, electrical fans, air-conditioning equipment, other ventilation equipment, ventilation draughts and conditioning devices.

2. Small household devices

Vacuum cleaners, carpet sweepers, other cleaning devices, devices used for sewing, knitting, weaving and other types of textile processing, irons and other devices used for ironing, pressing and other types of maintenance for clothes, toasters, deep fryers, grinders, coffee machines as well as devices used for opening or closing containers or packaging, electrical knives, devices for cutting hair, drying hair, brushing teeth, shaving, massage and other devices for body care, clocks, watches as well as equipment for measuring, indicating or recording time, scales.

3. IT and telecommunication equipment

Centralized data processing: mainframe computers, mini-computers, printing units.

Personal computers: personal computers, including the processor, mouse, screen and keyboard, laptops, including the processor, mouse, screen and keyboard, notebooks, notepads, printers, copying equipment, electrical and electronic typing machines, pocket and office calculators as well as other equipment for collecting, storing, processing and presenting or transferring information electronically, terminals and user systems, faxes, telexes, telephones, telephone machines, wireless telephones, mobile phones, reporting systems and other products or equipment transmitting sound, image or other information with the use of telecommunication technologies.

4. Consumer equipment and photovoltaic panels

Radio receivers, TV receivers, video cameras, video equipment, hi-fi recording equipment, sound amplifiers, music instruments and other products or equipment for recording or copying sound or image, including signals or other technologies for transmitting sound or image with the use of technologies other than telecommunication technologies, photovoltaic panels.

5. Lighting equipment

Lighting fittings for fluorescent lamps, except for lighting fittings used in households, simple fluorescent lamps, compact fluorescent lamps, highly efficient discharge lamps, including pressure sodium vapor lamps as well as metal halide lamps, low-pressure sodium vapor lamps, light-emitting diodes (LED), other lighting equipment aimed at distributing or adjusting the lighting, except for filament bulbs.

6. Electrical and electronic tools, except for large stationary industrial tools

Drills, saws, machines for sewing, turning lathe devices, milling, sand-blasting, grinding, filing, cutting, drilling, performing openings, punching, folding, bending or similar methods for processing wood, metals and other plastics, tools for riveting, nailing or screwing, or removing rivets, nails, screws, or for similar applications, tools for welding, soldering or similar applications, devices for spraying, distributing, dispersing or other types of spreading liquids or gas substances with the use of other methods, tools for mowing or other gardening works.

7. Toys, recreational and sports equipment

Electric model railroads or model racing tracks, handheld video game consoles, video games, computer-controlled devices, in particular for bicycle sports, diving, running and rowing, sports equipment with electrical or electronic components, vending machines.

8. Medical products, except for implanted and infected products

Equipment for radiotherapy, cardiological equipment, equipment for dialysis, equipment for ventilating lungs, nuclear medicine equipment, laboratory equipment for in vitro diagnostics, analyzers, freezers, fertility tests, other devices for detecting, supervising, treating or alleviating diseases, injuries or disabilities, or preventing them.

9. Instruments for monitoring and control

Smoke sensors, heat regulators, temperature regulators, measurement, weighing or regulatory devices, used in households or as laboratory equipment, other instruments for monitoring and control used in industrial facilities, in particular in control panels.

10. Vending machines

Vending machines with hot beverages, vending machines with bottles or cans with cold and hot beverages, vending machines with solid products, vending machines giving change, all automatic vending machines giving all types of products.