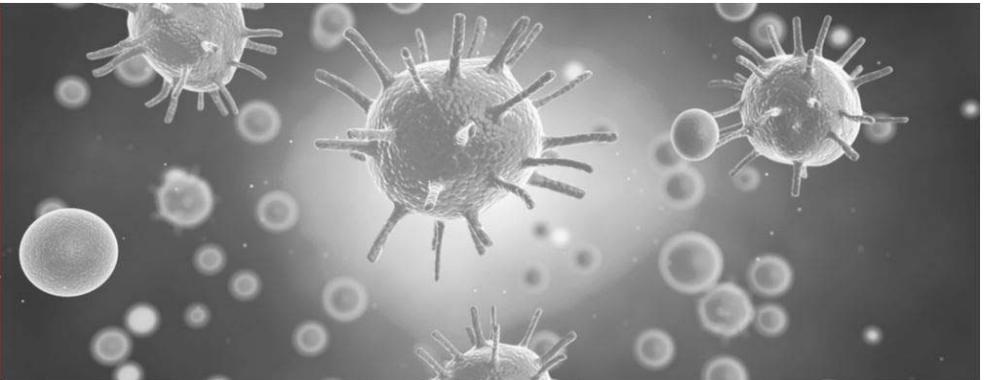


**CORONAVIRUS  
ALERT**

**24/7**



## **Business support 24/7 during coronavirus pandemic**

### How to handle waste generated when combating COVID-19?

The Act of 31 March 2020 amending the Act on Special Arrangements to Prevent, Counteract and Combat COVID-19 and Other Infectious Diseases and the Crisis Situations Caused by Them and Certain Other Acts (Journal of Laws of 2020, item 568; the “Act”) has introduced a number of legal mechanisms to improve waste management during the epidemic.

The Act gives voivods broad powers to regulate how waste generated in connection with combating COVID-19 is handled. Under the new regulations, the voivod may, by way of an administrative decision, issue orders for the disposal of such waste with partial exclusion of the Waste Act of 14 December 2012 (Journal of Laws 2019, item 701, as amended, the “Waste Act”) and the Environmental Law of 27 April 2001 (Journal of Laws of 2019, item 1396, as amended). The voivod’s order should specify:

- the entity obliged to manage waste (the order can only be issued to entities with the appropriate technical and organisational capacity to do so);
- waste disposal place, method and conditions (including transport and storage before treatment);
- the obligation to keep waste records (through the Waste Database (BDO) system or on paper, while records in paper form should be sent to the competent voivodship environmental protection inspector within 14 days of waste disposal);
- the term during which the order will apply.

Due to the risk of the virus being present in the different categories of waste generated when combating COVID-19, the Act distinguishes between medical waste with infectious properties and other waste, including municipal waste. A permitted method of disposing of medical waste is thermal treatment, which may involve waste incineration by oxidation at a temperature of not less than 850<sup>0</sup> C or other thermal treatment process, including pyrolysis, gasification or plasma processing (provided that the substances produced during these processes are subsequently incinerated). The Act allows the emergency disposal of medical waste in installations that do not have the appropriate administrative decisions when it is impossible to treat such waste in authorised installations.

For waste other than medical waste, a voivod may, by way of an order, decide **that mixed municipal waste be transferred to municipal installations which do not provide mechanical-biological treatment of waste in accordance with article 35(6)(1) of the Waste Act, and also permit storage or thermal treatment of municipal waste without preliminary processing (such as separating waste for recovery or reducing waste volume before storage).**

Voivod orders are addressed to all government and local authorities, state and local authority legal persons, local authority unincorporated organisational units, and to undertakings, legal persons other than state and local authority legal persons and unincorporated organisational units other than state and local authority unincorporated organisational units operating in a voivodship. The orders do not require a statement of reasons and are

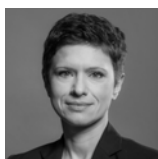
immediately enforceable. Their implementation is supervised by the relevant voivodship environmental protection inspectors.

The Act gives voivods the power to issue instructions to temporarily change or temporarily exclude the separate collection of municipal waste throughout or in any part of a voivodship. As indicated in the statement of reasons for the Act, instructions may specify a lower number of fractions of separated waste than that provided for by law or abolish the obligation to collect waste separately. At the request of the head of a municipality or a town or city mayor, the instructions may also change municipal waste collection frequency and how collectors of separately collected waste provide services.

The Act also provides for mandatory suspension of pending administrative proceedings concerning municipal waste thermal treatment installations that were not put into operation before 31 March 2020. Moreover, implementation of the statutory delegation contained in article 35b(4) of the Waste Act requiring the Climate Minister to issue a regulation on the list of municipal waste thermal treatment installations by 31 July 2020 has been postponed. The planned date of adopting the implementing regulation is 31 December 2020.

The Act also extends the permitted deadline for keeping paper records of waste from 31 July 2020 to 31 December 2020. Information in the Product and Packaging and Waste Management Database should be supplemented before the end of January 2021.

## We are at your disposal



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