

Warszawa, 10 maja 2022 r.
KL/190/86/AB/2022

Pan
Waldemar Buda
Minister Rozwoju i Technologii

Szanowny Panie Ministrze,

W odpowiedzi na prośbę o zgłaszanie uwag do raportu Technicznej Grupy Roboczej Platformy ds. Zrównoważonego Finansowania (TWG) z rekomendacjami dla Komisji ws. ustanowienia technicznych kryteriów kwalifikacji dla celów środowiskowych 3-6 do rozporządzenia (UE) 2020/852 ws. taksonomii, w załączeniu przesyłam uwagi Konfederacji Lewiatan.

W przypadku jakichkolwiek pytań dotyczących przedmiotowego stanowiska, bardzo proszę o kontakt z panią Agatą Bator z Departamentu Energii i Zmian Klimatu Konfederacji Lewiatan, e-mail: abator@lewiatan.org; tel. kom. 660 425 981.

Z poważaniem,



Maciej Witucki
Prezydent Konfederacji Lewiatan

Załącznik:

Uwagi Konfederacji Lewiatan do raportu Technicznej Grupy Roboczej Platformy ds. Zrównoważonego Finansowania (TWG) z rekomendacjami dla Komisji ws. ustanowienia technicznych kryteriów kwalifikacji dla celów środowiskowych 3-6 do rozporządzenia (UE) 2020/852 ws. taksonomii.

Uwagi Konfederacji Lewiatan do projektu raportu Technicznej Grupy Roboczej Platformy ds. Zrównoważonego Finansowania (TWG) z rekomendacjami dla Komisji ws. ustanowienia technicznych kryteriów kwalifikacji dla celów środowiskowych 3-6 do rozporządzenia (UE) 2020/852 ws. taksonomii

Lp.	Jednostka redakcyjna projektu ustawy, do którego odnosi się uwaga	Proponowana zmiana przepisu	Uzasadnienie zmiany przepisu
Uwagi szczegółowe			
1	Annex (...). 11.4 Recovery of bio-waste by anaerobic digestion and/or composting	<p>Description of the activity</p> <p>“Construction and operation of dedicated facilities for the treatment of separately collected bio-waste through anaerobic digestion and/or composting with the resulting production and utilisation of biogas and/or digestate and/or compost and/or chemicals. Dedicated facilities may utilize other operations and techniques, as far as they lead to the same or better quality of the product (in particular, compost or other kind of soil improver), especially while improving overall CO2 elimination, environmental and budgetary effect.”</p>	<p>The principle of this activity is to return biological matter included in waste back to the cycle. The product must take a form of environmentally safe material, useful for agricultural or other industry sector. Main techniques used in waste treatment include anaerobic digestion and composting, however different solutions are also present in the market (e.g. autoclaving of waste). If another technique is equally or more efficient than common solutions and it ensures the same or better product from biowaste, it shouldn't be excluded from UE Taxonomy.</p> <p>The legislation should be driven by the environmental, economy and CO2-eliminating effects without excluding any technologies that meet BAT requirements.</p> <p>The proposed change may also encourage to seek new solutions and techniques in bio-waste treatment, preserving the quality of product and its safety for environment.</p>

2	Annex (...). 11.4 Recovery of bio-waste by anaerobic digestion and/or composting	“The bio-waste that is used for anaerobic digestion and/or composting is source segregated and collected separately.”	There are technologies available, which ensure the safety and stability of materials produced from bio-waste recovered from mixed municipal waste. As long as the final quality of the product is ensured, other sources of bio-waste shouldn't be excluded from UE Taxonomy. Stigmatisation of an organic fraction separated from mixed waste is rooted in the bad experience of traditional technologies. If new, BAT-compatible technologies allow to meet the required goals and ambitions regarding fractions and products retrieved from so called mixed waste, they by no means shall be excluded.
3	Annex (...). 11.7 Sorting and material recovery of non-hazardous waste	<p>“The sorting and material recovery of mixed residual waste, such as in mechanical and biological treatment plants, is excluded from the scope of this activity”</p> <p>(...)</p> <p>“The quality of the infeed materials which have a direct impact on material recovery (non-separately collected fractions) due to cross-contamination”</p> <p>(...)</p> <p>“The quality of the infeed materials which have a direct impact on material recovery (non-separately collected fractions) due to cross-contamination”</p>	<p>Mixed residual waste remains a majority of a waste stream collected in most of countries, despite segregation -at-source schemes being enforced and promoted. It is impossible to reduce this type of waste stream to low percentage even within decades. It is a time and money-consuming process that requires also educational activities to change societal habits, which is a generation-lasting process. Sorting materials from mixed waste may highly contribute to recycling levels and should not be ignored at this stage of EGD implementation.</p> <p>Moreover, the proper approach emphasizes the quality of output, which is the only parameter that matters for final recycling purposes. As long as the output quality is ensured (by using proper solutions and technologies), the input quality is less relevant.</p> <p>There are technologies present at the market, which allow to sort high-quality fractions of secondary raw</p>



			materials form mixed waste. UE Taxonomy should not exclude such technologies, restricting the competition and limiting the opportunities to develop more advanced and efficient technologies dedicated to recover both organic and other materials from waste.
4	<p>Annex 11.7 Sorting and material recovery of non-hazardous waste</p> <p><i>Description of the activity</i></p>	<p>Par. “The sorting and material recovery of mixed residual waste, such as in mechanical and biological treatment plants, is excluded from the scope of this activity.”</p> <p>To be expanded to:</p> <p>“The sorting and material recovery of mixed residual waste, such as in mechanical and biological treatment plants, is excluded from the scope of this activity.</p> <p>The sorting and material recovery of mixed residual waste shall be conducted using Best Available Techniques (BAT) based on the Reference Document (BREF) for Waste Treatment like mechanical and biological treatment, autoclaving or other on the grounds that they comply and contribute to reaching objectives set out for the EU member states regarding material recovery, Circular Economy, landfill elimination and CO2 reduction. “</p>	<p>Not recognizing the presence of mixed waste stream which represents 20 – 80% of the total municipal waste collected in EU (depending on the country) poses a threat that majority of plants will be excluded from the Eu taxonomy schemes, while the burden of aligning the collection systems, upgrade or erection of new plants may be a burden almost impossible to carry for some of the EU member states. Reaching the goals set out shall be a paramount factor, while means and ways from collection to the process itself plays a lesser role.</p>
	<p>Annex 11.7</p> <p>Origin of the feedstock material</p>	<p>Par. “The activity’s non-hazardous waste feedstock originates from one, or multiple, of the following:</p> <ul style="list-style-type: none"> • Separately collected and transported waste, including in comingled fractions;” 	<p>The residual fraction is in the essence a fraction resulting from segregation-at-source activities thus becomes a pre-segregated fraction. Taxonomy conditions shall be applied to this fraction.</p>



		<p>To be expanded into:</p> <p>“The activity’s non-hazardous waste feedstock originates from one, or multiple, of the following:</p> <ul style="list-style-type: none">• Separately collected and transported waste, including in comingled fractions, including residual fraction from the segregation at source schemes;”	
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