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Proceeding with hazardous waste in the light of the law - selected issues

Summary

Polish provisions on waste, following the example of EU regulations, lay down specific requirements relating to the handling of "hazardous waste". These requirements, contained directly in the Act on waste of December 2012, are quite general in nature and are supplemented by requirements constructed in specific provisions. The analyses conducted in this study refer only to some general provisions of the Act on waste and concern selected problems that arise in the practice of applying these provisions. The main ones are the application of Art. 5 of the Act (prohibition of reclassification by mixing hazardous waste) to hazardous waste treatment processes and the application of Art. 21 sec. 1 of the Act on waste (no hazardous waste mixing) for hazardous waste treatment processes. Consequently, the issues analysed are encapsulated in the following questions 1) Can hazardous waste be subjected to recovery processes, especially recycling? 2) In such processes, may operations be used that consist in mixing waste? 3) Do the provisions of Art. 5 of the Act on waste relate to such process; 4) 'If such processes do relate to Art. 5 of this Act, what is the relationship between Art. 5 and art. 21 sec. 1 of the Act? The main conclusion is that neither the provision of Art. 5 of the Act on waste nor the provision of Art. 21 sec. 1 of the Act apply to the mixing of hazardous waste carried out in the processes of their processing as an integral part of these processes.

Keywords: waste – proceeding with hazardous waste