

Environmental Newsletter

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I. Draft Act on the Transboundary Shipment of Waste

The Council of Ministers is working on a draft Act on the Transboundary Shipment of Waste (UC115,¹ “**Draft**”) which is intended to replace the current Act of 29 June 2007 on the International Movement of Waste.

The Draft aligns Polish legislation with Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on the shipment of waste (“**Regulation**”). Although the Regulation’s provisions are directly applicable (they do not require transposition), it is necessary to establish a national legal framework for the Regulation’s application.

Most of the Regulation’s provisions will apply from **21 May 2026**, and the Draft is scheduled to enter into force on the same date. These are the most important changes the Draft introduces:

1. Electronic document circulation and identification of entities

- The Draft provides for the full digitization of communication regarding cross-border waste shipments. Documents and information are to be transmitted via the DIWASS system operated by the European Commission.
- The primary identifier for businesses will be the EORI number, or in its absence, the NIP or PESEL.

2. Greater flexibility in amending issued consents

- The Draft expands the list of elements of a waste shipment decision that may be amended without the need to submit a new notification. This solution aims to reduce practical problems arising, for example, when a transport route is closed or the method of waste packaging needs to be changed.
- At the applicant’s request, a decision may be amended concerning a change in the carrier, the mode of transport, the transport route within the country, or the type of waste packaging.

3. Faster procedures and a single-instance system

- The Draft introduces a single-instance system for administrative proceedings conducted by the Chief Inspector of Environmental Protection (GIOŚ) in cases concerning the obligation to collect or manage waste regarding illegal shipments.
- Decisions in these cases will be final; there will be no possibility of applying for a review of the case.
- This change is intended to enable compliance with the deadlines set out in EU law (30 and 90 days) which, in current practice, have often been exceeded.

4. Withdrawal of permits and maintenance of import bans

- The Draft provides for the possibility to withdraw a permit for the collection or treatment of waste if the Regulation’s provisions are breached.
- The following will also be maintained:
 - a total ban on the import of waste into Poland for disposal, and
 - a ban on the import of municipal waste and waste resulting from its treatment (except for separately collected waste intended for recycling).

5. New penalty system – increased sanctions

- The Draft provides for a significant increase in administrative fines for breaches of waste shipment regulations. The fines are to be:
 - **PLN 50,000 – 1,000,000** for the illegal shipment of waste subject to the notification and consent procedure (previously a minimum of PLN 10,000),
 - **PLN 30,000 – 1,000,000** for the illegal shipment of waste from the so-called ‘green list’,²
 - **PLN 30,000 – 1,000,000** for the recipient of illegally shipped waste,
 - **PLN 20,000 – 200,000** for procedural breaches (e.g., exceeding the number of shipments or lack of documentation), and
 - **PLN 10,000 – 100,000** for a waste transporter breaching transport conditions.

¹ <https://legislacja.gov.pl/projekt/12407554>

² ‘Green List of Waste’ – the waste listed in Annex III to Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on the shipment of waste.

II. Changes to EU climate policy – new target for 2040 and ETS2 delay

1. New EU climate target

- EU Member States have approved an amendment to European climate law, introducing a new interim target on the path to climate neutrality, i.e., a 90% reduction in greenhouse gas emissions by 2040 compared to 1990 levels. Until now, the interim target was to reduce emissions by at least 55% by 2030, whilst maintaining the goal of achieving climate neutrality by 2050.
- The European Commission will be required to review the climate target every two years, taking into account, among other things: energy prices, technological progress, and the economic situation in the EU.
- The amendments were published in the Official Journal of the EU on 18 March 2026, and thus entered into force on 7 April 2026, pursuant to Regulation (EU) 2026/0667.

2. The possibility of using international carbon credits

- One of the new elements of the adopted amendments is the possibility to use international carbon credits towards achieving the climate target.
- In accordance with the agreements, from 2036 it will be possible to use carbon credits in line with Article 6 of the Paris Agreement;³ their share will be limited to a maximum of 5% of the required emissions reduction.

3. Delay in the implementation of the ETS2 system

- Alongside the adoption of the amendments, it was also decided to delay the launch of the ETS2 system by one year. This system will extend the EU Emissions Trading Scheme to new sectors (including fuels used in road transport and for heating buildings).
- Its launch has been postponed to 2028 instead of the originally planned 2027, and Member States will be granted additional flexibility in meeting emission reduction targets, in particular, the ability to offset shortfalls in reductions in one sector with greater reductions in another sector covered by the ETS2 system.

³ The Paris Agreement adopted on 12 December 2015 under the United Nations Framework Convention on Climate Change (UNFCCC), Journal of Laws of 2017, item 36.

⁴ Print No. 2317 – Sejm of the Republic of Poland.

⁵ Regulation (EU) 2023/1805 of the European Parliament and of the Council of 13 September 2023 on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC (FuelEU Maritime).

III. Draft amendment to the Act on the Prevention of Marine Pollution by Ships

The Council of Ministers has adopted a draft bill amending the Act on the Prevention of Marine Pollution by Ships and certain other acts (Sejm document No. 2317,⁴ “**Amendment**”). The Amendment aims to align Polish law with EU regulations on the decarbonization of maritime transport, in particular, with the FuelEU Maritime Regulation (EU) 2023/1805⁵ (“**FuelEU Regulation**”) which provides for a gradual reduction in greenhouse gas emissions from shipping and an increase in the use of renewable and low-carbon fuels.

The Amendment introduces the following measures:

1. Emissions monitoring and reporting system

- The introduction of a national mechanism for monitoring and reporting greenhouse gas emissions from maritime transport. Shipowners will be required to monitor energy consumption on ships and report greenhouse gas emission intensity, in accordance with the requirements of the FuelEU Regulation.
- Shipowners’ annual reports will be subject to verification by independent verifiers accredited by the Polish Centre for Accreditation or the relevant accreditation bodies in other EU Member States.
- The amendment also provides for the involvement of the National Center for Emissions Balancing and Management (KOBiZE) in the process of verifying emissions data. KOBiZE will be able to issue opinions on the consistency of the data contained in FuelEU reports and the accuracy of verifiers’ calculations.

2. FuelEU compliance document

- The amendment introduces a procedure for issuing a FuelEU compliance document, confirming compliance with emission intensity requirements.
- Directors of maritime offices will inspect ships calling at Polish ports to check that they hold this document. If there is a compliance deficit or there are breaches of the regulations, it will be possible to impose FuelEU penalties on shipowners, calculated in accordance with the rules set out in the EU Regulation.

3. New obligations for ports and ships – shore-side electricity

- Regulations have been introduced regarding the use of shore-side electricity by ships whilst berthed in ports.
- Shipowners will be required to provide information regarding their intention to use such power, or to employ zero-emission technologies prior to calling at a port.

How can we help?

We support clients in:

- analyzing the impact of new environmental and climate regulations on business operations,
- preparing for the implementation of new obligations arising from regulations on the transboundary movement of waste,
- advising on obligations arising from the FuelEU Maritime regulation and emissions monitoring systems, and
- identifying regulatory risks and providing support in administrative proceedings before environmental protection authorities.



Contact us!

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