



Environmental newsletter

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I. Regulation EU 2025/2365 of 12 November 2025 on preventing plastic pellet losses to reduce microplastic pollution – new rules for businesses using pellets

Regulation 2025/2365¹ (“**Regulation**”) lays down uniform rules at the European Union level on the prevention of losses of plastic pellets - one of the main sources of microplastic pollution facing the environment. Pellets are widely used as a raw material in manufacturing processes and their uncontrolled release into the environment may occur at the stages of production, storage, handling, and transport.

- **Pellets** – a mass of material containing polymers, irrespective of the shape, form, or size of that material, which is used for molding in the manufacturing processes of plastic products, regardless of its actual use.

Who is covered by the Regulation?

The new provisions apply primarily to entities carrying out operations involving plastic pellets within the Union in quantities equal to or exceeding a threshold of at least 5 tonnes in the previous calendar year. The term “operations” is not defined in the Regulation; however, the Regulation’s recitals indicate that it refers to a very broad range of activities carried out using pellets by all economic entities. The Regulation will therefore apply, among others, to manufacturers, importers, operators of industrial installations, and logistics companies and carriers if those entities carry out economic activities involving pellets or products containing them.

What new obligations does the Regulation introduce?

- An obligation to implement pellet-loss risk management plans. These are to include, among others, the identification of potential points of the release of pellets into the environment, prevention measures, mitigation measures, and measures to clean up pellet losses, incident response procedures, and staff training.
- An obligation to obtain appropriate certificates and, for certain operators, also an obligation to obtain a permit to operate an installation.
- Record-keeping and reporting obligations, including annual reporting of estimated pellet losses.

From when do the new obligations apply?

The main obligations will apply only from 17 December 2027. However, certain provisions have already applied since 16 December 2025; these include, for example, Article 3(1) of the Regulation which provides for a general obligation on economic operators to ensure the avoidance of pellet losses, and the second subparagraph of Article 5(6) which requires the estimation of pellet losses, among others, for the purpose of drawing up a risk management plan.

II. Changes to the deposit-return system with regard to glass bottles

Parliament has completed work on a statute partially amending the existing deposit-return system (Parliament paper No 2112²). The act has been adopted and submitted to the President of the Republic of Poland for his signature.

The proposed amendments concern entrepreneurs who, prior to the entry into force of the deposit-return system, operated their own systems for the collection of reusable glass bottles, in particular, large breweries. Under the proposed provisions, those entities will be allowed to continue operating their existing “private” bottle collection systems until 31 December 2028.

The condition for exercising this right is the notification of the intention to continue operating the system under the existing rules to the Minister competent for climate matters by 31 March 2026.

After the expiry of the transitional period, i.e., from 1 January 2029, those entrepreneurs will be required to join the general deposit-return system established by a representative entity. The amendment aims to ensure a smooth transition between the existing solutions and a uniform deposit-return system, as well as the temporary preservation of well-functioning and proven “private” systems.

III. Supreme Administrative Court judgment on electrical and electronic equipment

In its judgment of 15 October 2025 (case No III OSK 2035/24), the Supreme Administrative Court (“**SAC**”) addressed an important interpretative issue under the Act of 11 September 2015 on waste electrical and electronic equipment (“**WEEE Act**”). The judgment concerned whether five categories of products, which constitute components and semi-finished products, should be classified as “equipment” within the meaning of the WEEE Act, namely: 1) minicomputers, 2) boards, 3) cameras, 4) memory cards and microSD card slot extenders, and 5) cables for connecting a minicomputer.

¹ Regulation (EU) 2025/2365 of the European Parliament and of the Council of 12 November 2025 on preventing plastic pellet losses to reduce microplastic pollution (the “Regulation”)

² <https://www.sejm.gov.pl/Sejm10.nsf/PrzebiegProc.xsp?nr=2112>

The SAC held that “equipment” within the meaning of the WEEE Act must be a functionally complete device, i.e., one that is ready for use in accordance with its intended purpose. Consequently, not every element or component containing electrical or electronic parts automatically falls within the scope of the WEEE Act.

The SAC noted that classifying functionally non-autonomous parts, used for the production of functionally autonomous equipment, as equipment would lead to the conclusion that the obligations under the WEEE Act would be triggered twice in respect of the same equipment: once in relation to the component placed on the market, and a second time in relation to the device placed on the market in which that component is incorporated. This situation was neither the intention of the legislator nor is it supported by the WEEE Act’s provisions.

The judgment removes significant interpretative uncertainties and is favorable to businesses placing components, modules, or semi-finished products on the market which, in themselves, do not meet the criterion of functional completeness. This may result in a reduction of registration and reporting obligations, as well as costs related to financing the management of waste equipment.

The ruling is of particular importance given that the number of court judgments addressing the WEEE Act is relatively small and that this issue has given rise to divergent interpretations among public administration authorities. Therefore, it may be expected that this judgment will mark the beginning of a consistent line of jurisprudence favorable to entrepreneurs.

How can we help?

- Analysis of entrepreneurs’ obligations arising from Regulation 2025/2365 and methods of their implementation, including the preparation of pellet-loss risk management plans.
- Support in the implementation and updating of environmental procedures, including internal documentation and reporting systems.
- Legal advice on the implementation and modification of the deposit-return system.
- Analysis of the classification of products as electrical and electronic equipment in the light of current Supreme Administrative Court jurisprudence, and advice on how to fulfil the related obligations.
- Representation in administrative and administrative court proceedings.

Contact us!



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