



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
REGIONAL AND URBAN POLICY

The Director-General

Brussels,
PK/regio.ddg.f.3(2017)4276858

TO THE MANAGING AUTHORITIES

**ANNUAL IMPLEMENTATION REPORTS – COMMISSION’S OBSERVATIONS REGARDING
FULFILMENT OF EX-ANTE CONDITIONALITY**

Reference: Actions taken to fulfil applicable ex-ante conditionality: 6.2 Waste sector: Promoting economically and environmentally sustainable investments in the waste sector particularly through the development of waste management plans consistent with Directive 2008/98/EC and with the waste hierarchy

Programmes: Operational Programme Infrastructure and Environment, Regional Operational Programme for Dolnośląskie, Regional Operational Programme for Kujawsko-Pomorskie, Regional Operational Programme for Lubelskie, Regional Operational Programme for Lubuskie, Regional Operational Programme for Łódzkie, Regional Operational Programme for Małopolskie, Regional Operational Programme for Mazowieckie, Regional Operational Programme for Opolskie, Regional Operational Programme for Podkarpackie, Regional Operational Programme for Podlaskie, Regional Operational Programme for Pomorskie, Regional Operational Programme for Śląskie, Regional Operational Programme for Świętokrzyskie, Regional Operational Programme for Warmińsko-Mazurskie, Regional Operational Programme for Wielkopolskie, Regional Operational Programme for Zachodniopomorskie

CCI no. 2014PL16M1OP001, 2014PL16M2OP001,
2014PL16M2OP002, 2014PL16M2OP003, 2014PL16M2OP004,
2014PL16M2OP005, 2014PL16M2OP006, 2014PL16M2OP007,
2014PL16M2OP008, 2014PL16M2OP009, 2014PL16M2OP10,
2014PL16M2OP011, 2014PL16M2OP012, 2014PL16M2OP013,
2014PL16M2OP014, 2014PL16M2OP015, 2014PL16M2OP016

Annual Implementation Reports submitted in 2017

Mr. Jerzy Kwieciński
Secretary of State
Ministry of Economic Development
pl. Trzech Krzyży 3/5
00-507 Warszawa
Poland

Subject: Observations related to Annual Implementation Reports submitted in 2017, Article 19(6) of Regulation (EU) No 1303/2013

Dear Minister,

In accordance with Article 19(6) of Regulation (EU) No 1303/2013, the Commission services observe that, after assessment of the actions taken to fulfil the applicable ex-ante conditionality 6.2 *Waste sector: Promoting economically and environmentally sustainable investments in the waste sector particularly through the development of waste management plans consistent with Directive 2008/98/EC and with the waste hierarchy*, this ex-ante conditionality has been fulfilled.

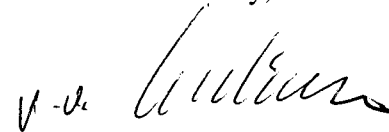
We recommend that the following principles be taken into account by the Managing Authorities when approving projects in the field of waste management:

1. EU co-financing to any new waste to energy installations will be limited only to well justified and documented cases where there is no risk of overcapacity and the objectives of the waste hierarchy are fully respected.
2. EU co-financing should not be used to build new mechanical-biological treatment plants (MBT) nor to increase the capacities of existing MBT plants as there is already overcapacity across the country.
3. Selective collection of five waste streams, as established by the Polish regulation on separate collection must be implemented without delay and should be a precondition for municipalities to apply for EU co-financing of waste investment.

The Managing Authorities are invited to reflect the above principles in the amendments to relevant Operational Programmes which are going to be presented to the EC in the next months, as well as in the applicable project selection criteria.

Given that the Regional Waste Management Plan for Mazowieckie could be annulled on procedural grounds by a judgment of the competent administrative court, the Managing Authorities for the Regional OP Mazowieckie and OP Infrastructure and Environment are reminded that according to the OP provisions, only investments listed in a legally valid investment plan, annexed to the Regional Waste Management Plan are eligible for EU co-financing.

Yours sincerely,



Marc Lemaître

Erich Unterwurzacher
Directeur

Copy:

Witold Słowik, Undersecretary of State, Ministry of Economic Development

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