

<p>Draft name</p> <p>Regulation of the Minister for Climate and the Environment on the quality requirements for biomass obtained from trees and shrubs placed on the market or subject to the customs procedure of release for free circulation in the form of briquettes or pellets</p> <p>Lead ministry and cooperating ministries</p> <p>Ministry of Climate and the Environment</p> <p>Person responsible for the draft at the level of Minister, Secretary of State or Undersecretary of State</p> <p>Mr Krzysztof Bolesta, Secretary of State</p> <p>Contact details for the draft supervisor</p> <p>Mr Piotr Łyczko, Deputy Director, Air Protection and Climate Negotiations Department</p> <p>Żaneta Woźniak, Chief Specialist, Department of Air Protection and Climate Negotiations, e-mail address: zaneta.wozniak@klimat.gov.pl, tel.: 22 3691255</p>	<p>Drafted on</p> <p>20 January 2025</p> <p>Source:</p> <p>Statutory authorisation</p> <p>Article 3b(2) of the Act of 25 August 2006 on the System of Monitoring and Controlling the Quality of Fuels (Journal of Laws of 2024, items 1209, 1940 and 1946)</p> <p>milestone B5G NRRP</p> <p>Number in the list of legislative work items of the Minister for Climate and the Environment: 1228</p>
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REGULATORY IMPACT ASSESSMENT

1. What issue is being addressed?

The draft Regulation implements the empowerment to issue an implementing act set out in Article 3b(2) of the Act of 25 August 2006 on the System of Monitoring and Controlling the Quality of Fuels (Journal of Laws of 2024, items 1209, 1940, and 1946), hereinafter referred to as 'the Act', and implements the recommendations of the review of the quality requirements for solid fuels referred to in Article 3a(2a) of the Act, which indicated the need to establish quality requirements for biomass placed on the market or subject to the customs procedure of release for free circulation for use in households or in combustion installations with a rated thermal input of less than 1 MW.

The measures also represent the implementation of milestone B5G titled *Entry into force of the Regulation on quality standards for solid biomass fuels*, included in reform B.1.1. Clean air and energy efficiency under the National Recovery and Resilience Plan (NRRP).

Currently, biomass obtained from trees and shrubs in the form of briquettes or pellets placed on the market is not covered by the monitoring and control system, and no legally binding quality requirements have been established for it. On the other hand, many domestic producers manufacture and place on both the domestic and foreign markets pellets with the ENplus or DINplus quality certificate. ENplus and DINplus certification systems standardise production and quality requirements for biomass obtained from trees and shrubs. Currently, the quality requirements for biomass obtained from trees and shrubs in the form of pellets and pellet briquettes burned in individual heating equipment are included in the instructions for use of heating equipment, in the form of a list of recommended fuel quality parameters and information that the use of fuel with other parameters may cause improper operation of the equipment and loss of warranty. Certification is voluntary and implemented by manufacturers who aim to provide the highest quality products and market their products mainly outside our country, resulting in more solid fuels being available on the domestic market without information about their quality. In addition, as part of a series of standards transposing the European standard EN ISO 17225, the use of which is voluntary, clear rules have been established for the classification of biomass obtained from trees and shrubs, including pellets and briquettes, intended for use, among others, in the residential and municipal sector. These standards are a tool to enable transparent trade in these fuels and to improve communication between the producer/seller and the user, as well as with producers of heating appliances for biomass obtained from trees and shrubs.

The sale of biomass obtained from trees and shrubs that does not meet any quality requirements may lead to unfair practices involving the placing on the market of biomass obtained from trees and shrubs contaminated with furniture waste or plastics. Formed biomass obtained from trees and shrubs is most commonly used in households and installations with a rated thermal input of less than 1 MW. Therefore, the draft proposes quality requirements for biomass obtained from trees or shrubs placed on the market

or subject to the customs procedure of release for free circulation in the form of pellets and briquettes.

2. The recommended solution, including planned intervention tools, and expected impact

The recommended solution, which will prevent the possibility of placing on the market and subsequent combustion in households and heating installations of up to 1 MW of biomass obtained from trees and shrubs with the addition of chemically processed additives and containing admixtures of plastics, is to establish quality requirements for biomass obtained from trees and shrubs placed on the market or subject to the customs procedure of release for free circulation for use, in households or in combustion installations with a rated thermal input of less than 1 MW, i.e. in the residential and municipal sector, in the form of briquettes or pellets by means of a regulation. Non-legislative solutions are not possible.

The quality requirements for biomass obtained from trees and shrubs placed on the market or subject to the customs procedure of release for free circulation in the form of briquettes or pellets are divided into three categories, namely:

- Table 1 sets out the requirements for briquettes,
- Table 2 sets out the requirements for pellets (A2),
- Table 3 sets out the requirements for pellets for heating appliances of class 3, 4 and 5 or complying with ecodesign requirements (A1).

The quality parameters and their values were established on the basis of the results of an expert study commissioned by the Minister for Climate and the Environment and carried out by the Institute of Environmental Protection – National Research Institute and the Institute of Chemical Coal Processing (now the Institute of Fuel and Energy Technology) entitled: ‘Development of quality requirements for different types of biomass fuels placed on the market for use in households and combustion installations with a rated output of less than 1 MW’, hereinafter referred to as ‘the study’. On the basis of the analyses carried out, taking into account both market data and the requirements of the standard transposing the European standard EN ISO 17225, as well as the results of the studies carried out as part of the expert opinion—technical analyses and energy and emission studies—parameters were selected that should be introduced as quality requirements for biomass obtained from trees and shrubs intended for use in the residential and municipal sector.

biomass obtained from trees and shrubs placed on the market or subject to the customs procedure of release for free circulation in the form of briquettes or pellets will be characterised by the following parameters:

- 1) Diameter — symbol D — unit [mm];
- 2) Length - symbol L - unit [mm];
- 3) Moisture content - symbol W - unit [% in working state];
- 4) Ash content - symbol A - unit [% dry matter];
- 5) Mechanical strength — symbol DU — unit [% in working state];
- 6) Fine fraction content - symbol F - unit [% in working state];
- 7) Calorific value - symbol Q - unit [MJ/kg as received];
- 8) Bulk density - symbol BD - unit [kg/m³ in working state];
- 9) Grain density - symbol DE - unit [g/cm³ in working state];
- 10) Additive content - unit [% in operational state];
- 11) Nitrogen content — symbol N — unit [% dry matter];
- 12) Chlorine content - symbol Cl - unit [% dry matter];
- 13) Total sulphur content - symbol S - unit [% dry matter].

The proposed quality parameters and their values are consistent with the requirements of the standard transposing the European standard EN ISO 17225.

Parameter values for biomass harvested from trees and shrubs placed on the market or subject to the customs procedure of release for free circulation in the form of pellets (A2) are proposed at the same levels as for grade A2 pellets.

Values for biomass parameters derived from trees and shrubs placed on the market or subject to the customs procedure of release for free circulation in the form of pellets for heating appliances of class 3, 4, and 5 or complying with ecodesign requirements (A1) are proposed at the same levels as for grade A1 pellets.

Values of biomass parameters obtained from trees and shrubs placed on the market or subject to the customs procedure of release for free circulation in the form of briquettes proposed for the parameter:

- moisture content, additive content, calorific value, nitrogen content, total sulphur content and

chlorine content at the same levels as for wood briquettes of class A1;

- ash content and grain density at levels as for class A2 wood briquettes.

Entry into force of the Regulation:

- will contribute to the improvement of air quality – the use of appropriate quality biomass obtained from trees and shrubs for heating purposes in equipment adapted for this purpose will contribute to the reduction of air pollutant emissions, thereby benefiting the health and life of citizens,
- is one of the actions that will contribute to the fulfilment of the CJEU judgement on air pollution - in the case of complaint C-336/16 of the European Commission against the Republic of Poland, the CJEU in Luxembourg ruled that Poland violated European Union law on air quality, including for exceeding the limit values for PM10 concentrations,
- will contribute to fulfilling the reduction commitments set out in Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ EU L 344, 17.12.2016, p. 1 and OJ EU L 2024/299, 17.1.2024),
- will make it possible to obtain funding under the NRRP for measures to improve air quality, including the implementation of measures included in the 'Clean Air' Priority Programme. The draft regulation is part of the fourth WoP4 payment request.

3. How has this problem been solved in other countries, in particular OECD/EU Member States?

Placing on the market

From the review of the legal regulations of both national and selected European countries – the largest consumers of biomass obtained from trees and shrubs in the form of pellets in 2020 – Italy, Germany, Denmark, France and Sweden, it appears that in 2022 no legal requirements were established for biomass obtained from trees and shrubs placed on the market or subject to the customs procedure of release for free circulation intended for use in the residential and municipal sector. However, since 1 September 2023, such requirements have been in force in France. On 30 March 2022, the Regulation on the technical criteria to be met by certain categories of solid fuels placed on the market and intended for heating in order to reduce the impact of their combustion on air quality was published (Journal officiel de la République française, Ministère de la transition écologique, Arrêté du 30 mars 2022 relatif aux critères techniques auxquels doivent répondre certaines catégories de combustibles solides mis sur le marché et destinés au chauffage, afin de limiter l'impact de leur combustion sur la qualité de l'air¹). In accordance with the above-mentioned legal regulations, any unprocessed biomass obtained from trees and shrubs intended for combustion in individual heating equipment must have a moisture content less than or equal to 15 %. Biomass obtained from trees and shrubs in the form of pellets used in the residential and municipal sector must meet the requirements of the standard transposing the European standard EN ISO 17225-2 for classes A1 and A2². The Regulation precisely defines the quality requirements for biomass obtained from trees and shrubs in the form of pellets, i.e. moisture content in working state $\leq 10\%$ (% by weight), ash content in dry state $\leq 1.2\%$ by weight, calorific value in working state ≥ 4.6 kWh/kg and nitrogen content in dry state $\leq 0.5\%$ by weight. According to the regulation, the content of additives in the pellets must not exceed 2 % of dry matter.

Use of biomass obtained from trees and shrubs for heating purposes – such requirements are laid down in Italy, Austria and France.

The Italian residential and municipal sector recommends the use of class A1 pellets, although regional regulations in some areas such as Piedmont, Lombardy, Veneto, Emilia-Romagna require the use of certified pellets that meet the parameters of class A1 in accordance with the standard transposing the European standard EN ISO 17225-2 in pellet-fired boilers with a rated thermal input of less than 35 kW. Users of heating equipment are required to have documentation certifying the quality of the fuel together with an identification code issued to the manufacturer by the certification body. In accordance with Regulation ³, in Lombardy, all combustion sources with a capacity of up to 3 MW are required to use only pellets of a quality certified in class A1 based on a standard transposing the European standard EN 17225-2 and are obliged to use only wood chips certified in accordance with the standard transposing the

¹ https://www.legifrance.gouv.fr/download/pdf?id=7_OmLsjvY1Z5ZP7_fr3pyCBfN3SpwEW5zCoQtG6q22E=

² PN-EN ISO 17225-1:2021. Solid biofuels. Fuel specification and class. Part 1: General requirements.

³ Disposizioni operative per l'esercizio, la manutenzione, il controllo e ispezione degli impiantitermici civili, in attuazione della d.G.R. XI/3502 del 05.08.2020, Regione Lombardia, DELIBERAZIONE N° XI/5360 Seduta del 11/10/2021.

European standard EN 17225-4. The document also contains best practices on the use of wood and pellets for heating. According to this regulation, wood intended for combustion should be chemically unprocessed and come from hard species (oak, elm, ash, beech, and chestnut wood) and be seasoned to ensure a moisture content of less than 20 %. Resolutions in Verona and Campania^{4,5} impose the requirement to use pellets certified in accordance with class A1 of the standard transposing the European standard EN ISO 17225-2 by an accredited certification body in heating systems with a rated thermal input of less than 35 kW. The Municipal Service for Environmental Protection and Ecology in Italy is responsible under regional legislation for the control of domestic installations and fuels.

Austria: The legal requirements for the quality of biomass obtained from trees and shrubs for Upper Austria are contained in the Regulation on heating and fuel systems 2022⁶. According to the guidelines set out in that Regulation, the wood must be natural, dried to a moisture content of less than 20 %. Wood chips and wood pellets must be made of natural, chemically unprocessed wood. Requirements for the use of these fuels apply to heating installations up to 100 kW. For Vienna, the requirements for the biomass used from trees and shrubs are the same as for Upper Austria and are included in the regulation of the Vienna provincial government setting out the permissible fuels and combustible materials⁷.

The Lower Austrian Parliament adopted an amendment to the Building Techniques Regulation 2014 (NÖ BO 2014) on 18 March 2021⁸. Biomass derived from trees and shrubs, such as firewood, wood chips, pellets, and briquettes, and others, may be used provided that they do not contain chemical impurities. The total chlorine content of these fuels shall not exceed 1500 mg/kg dry matter^{9,10}. In addition, operators of heating installations with a rated thermal input of more than 400 kW and less than 1 MW, depending on the fuel used, are required not to exceed certain emission limit values. The Regulation also specifies the frequency and scope of their inspections.

Tyrol's law requires the use of biomass obtained from trees and shrubs that meet the quality requirements of ÖNORM M 7132¹¹ for split wood, ÖNORM M 7133¹² for wood chips, and ÖNORM M 7135¹³ for pellets. Other fuels must not contain chemicals or heavy metals, and their chlorine content must not exceed 1500 mg/kg dry matter¹⁴.

Denmark has issued a regulation on air pollution from solid fuel combustion plants with a capacity of less than 1 MW, which only contains emission requirements for heating equipment up to 1 MW without specifying quality requirements for fuels. In Sweden, local rules regarding the combustion of biomass obtained from trees and shrubs are introduced, and so-called best practices are applied. The German Regulation on Small and Medium Combustion Plants (1.BImSchV) sets out requirements for biomass obtained from trees and shrubs intended for installations with a rated thermal input of 4 - 500 kW¹⁵. The scope of the BImSchV Regulation has been extended to all central heating installations and also contains specifications for the construction and operation of low-power heating equipment. Biomass obtained from trees and shrubs, which can be combusted in individual heating appliances, is listed in Section 3 of Regulation 1. BImSchV paragraph 5a. The regulation permits the combustion in small furnaces that do not require a permit for wood briquettes with properties in accordance with DIN 51731¹⁶ or wood pellets of class A1 in accordance with the requirements of the certification program DIN 51731-HP 5¹⁷. Briquettes, pellets and other fuels derived from renewable raw materials shall not contain binders except for starch binders, vegetable stearin, molasses and cellulosic fibre. Biomass obtained from trees and shrubs referred to in paragraph 1, points 4 - 8 and 13 of Regulation 1. BImSchV may be combusted only if the moisture

⁴ Ordinanza Sindacale n. 122 del 30/09/2021. Comuna di Verona.

⁵ Legge Regionale 3 agosto 2020, n. 36., Disposizioni urgenti in materia di qualità dell'aria". Bolletino Ufficiale della Regione Campania.

⁶ Oö. Heizungsanlagen- und Brennstoffverordnung 2022 - Oö. HaBV 2022.

⁷ https://www.ris.bka.gv.at/Dokumente/LgblAuth/LGBLA_WI_20160504_25/LGBLA_WI_20160504_25.pdfsig.

⁸ https://noe-landtag.gv.at/fileadmin/gegenstaende/19/15/1500/1500_Gesetzesbeschluss.pdf.

⁹ NÖ LGBl. No. 4/2015 - Ausgegeben am 15. Jänner 2015.

¹⁰ tmk. LGBl. No. 58/2016 - Ausgegeben am 1. June 2016.

¹¹ ÖNORM M 7132 - Energiewirtschaftliche Nutzung von Holz und Rinde als Brennstoff - Begriffsbestimmungen und Merkmale.

¹² ÖNORM M 7133 „Holzhackgut für energetische Zwecke“.

¹³ ÖNORM M 7135: Anforderungen und Prüfbestimmungen für Pellets.

¹⁴ Landesgesetzblatt für Tirol, STÜCK 42/JAHRGANG 2012, Herausgegeben und versendet am 15. November 2012.

¹⁵ Erste Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes (Verordnung über kleine und mittlere Feuerungsanlagen - 1. BImSchV), V. v. 26.1.2010 BGBl. I S. 3826.1.2010 BGBl. I S. 38 (Nr. 4); zuletzt geändert durch Artikel 1 V. v. 13.10.2021 BGBl. I S. 4676 Geltung ab 22.3.2010; FNA: 2129-8-1-3 Environmental protection.

¹⁶ DIN 51731:1996-10 Prüfung fester Brennstoffe - Preßlinge aus naturbelassenem Holz - Anforderungen und Prüfung.

¹⁷ DINplus „Zertifizierungsprogramms „Holzpellets zur Verwendung in Kleinf Feuerstätten nach DIN 51731-HP 5.

content is less than 25% calculated on the dry mass of the fuel. The BImSchV Regulation prohibits the use in households of painted, varnished or coated wood and its residues, as well as plywood, particle board, fibreboard or other glued wood. This biomass may be used only in installations with a rated thermal input of 30 kW or more and only in woodworking companies, provided that it does not contain wood protection products, halogenated organic compounds, or heavy metals¹⁸. On the German market, it is recommended to purchase pellets and briquettes with the ENplus or DINplus certification; however, purchasing a certified product remains voluntary on the German market.

4. Entities affected by the draft

Group	Size	Data source	Impact
Producers of biomass obtained from trees and shrubs - briquettes and pellets	approx. 880	Pellet Report 2022 https://drewno.fordaq.com https://www.dincertco.de	The need to adapt the parameters of the produced fuels to the proposed quality requirements
Companies importing biomass derived from trees and shrubs - briquettes and pellets	Imports of biomass obtained from trees and shrubs in the form of pellets to Poland are estimated at approx. 200 000 tonnes	Report Pellet 2020	The need to adapt the quality parameters of fuels to the proposed quality requirements
Companies marketing biomass obtained from trees and shrubs - briquettes and pellets / distributors of biomass obtained from trees and shrubs - briquettes and pellets	73 manufacturers with a valid certificate (as of 31.10.2024) 36 distributors with an active certificate (as of 31.10.2024)	http://polskaradapelletu.org/produccenci/ http://polskaradapelletu.org/dzialalnosc/traderzy/	Sales of the product in compliance with the proposed quality requirements
Households	Number of address points heated exclusively by manual/automatic boilers where the use of biomass is declared, broken down by type of biomass: - wood pellets: 252 986, - firewood: 1241 661, - other type of biomass: 23 290. Number of address points with manual/automatic boiler mix with other sources (low-emission source group - gas boiler, heat pump, oil boiler, solar collectors, district heating, electric heating) where biomass use is declared - by biomass type:	CEEB - data as of 26 and 31.7.2024	Possibility of access to information on the quality parameters of purchased fuel

¹⁸ Erste Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes (Verordnung über kleine und mittlere Feuerungsanlagen - 1. BImSchV), V. v. 26.1.2010 BGBl. I S. 38/26.1.2010 BGBl. I S. 38 (Nr. 4); zuletzt geändert durch Artikel 1 V. v. 13.10.2021 BGBl. I S. 4676 Geltung ab 22.3.2010; FNA: 2129-8-1-3 Environmental protection.

- wood pellets: 83 373, - firewood: 640 911, - other type of biomass: 15 087.		
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5. Information on the scope, duration, and summary of consultation results

The draft Regulation has not been the subject of pre-consultations.

In accordance with Article 5 of the Act on Lobbying Activities in the Process of Lawmaking of 7 July 2005 (Journal of Laws of 2017, item 248, as amended) and § 52 of Resolution No. 190 of the Council of Ministers of 29 October 2013 — Rules of Procedure of the Council of Ministers (Polish Official Gazette of 2024, item 806), the Draft was made available in the Public Information Bulletin on the website of the Government Legislation Centre in the Government Legislative Process tab.

The draft Regulation was presented for public consultation (10 days) to the following entities:

- 1) Silesian University of Technology
- 2) University of Silesia;
- 3) AGH University;
- 4) Warsaw Medical University, Department of Public Health and Environment;
- 5) Warsaw University of Technology;
- 6) Wrocław University of Science and Technology;
- 7) Warsaw University of Life Sciences (Szkoła Główna Gospodarstwa Wiejskiego);
- 8) Institute of Environmental Engineering of the Polish Academy of Sciences (Instytut Podstaw Inżynierii Środowiska Polskiej Akademii Nauk);
- 9) Polish Economic Institute (Polski Instytut Ekonomiczny);
- 10) Jagiellonian Institute (Instytut Jagielloński);
- 11) Forum Energii;
- 12) Polish Foundation for Energy Efficiency (Fundacja Na Rzecz Efektywnego Wykorzystania Energii);
- 13) Institute for Sustainable Development (Instytut na Rzecz Ekorozwoju);
- 14) Polish Chamber of Ecology (Polska Izba Ekologii);
- 15) Green Mazowsze Association (Stowarzyszenie Zielone Mazowsze);
- 16) League of Nature Protection (Liga Ochrony Przyrody),
- 17) Polish Ecological Club (Polski Klub Ekologiczny);
- 18) Environmental Law Centre (Centrum Prawa Ekologicznego);
- 19) Chamber of Commerce for Polish Coal Sellers in Katowice (Izba Gospodarcza Sprzedawców Polskiego Węgla w Katowicach);
- 20) Polish District Heating Chamber of Commerce (Izba Gospodarcza Ciepłownictwo Polskie);
- 21) Polish Association of Professional Heat and Power Plants (Polskie Towarzystwo Elektrociepłowni Zawodowych);
- 22) Polska Grupa Górnicza S.A.;
- 23) Południowy Koncern Węglowy S.A.;
- 24) Lubelski Węgiel "Bogdanka" S.A.
- 25) Węglokoks Kraj Sp. z o.o.;
- 26) Katowicki Węgiel Sp. z o.o.;
- 27) Jastrzębska Spółka Węglowa S.A.;
- 28) Polish Pellet Council (Polska Rada Pelletu);
- 29) Polish Chamber of Biomass (Polska Izba Biomasy);
- 30) Polbiom;
- 31) RES Chamber of Commerce;
- 32) Institute for Ecology of Industrial Areas (Instytut Ekologii Terenów Uprzemysłowionych);
- 33) Institute of Environmental Protection– National Research Institute (Instytut Ochrony Środowiska – Państwowy Instytut Badawczy);
- 34) Institute of Energy and Fuel Processing Technology (Instytut Technologii Paliw i Energii)
- 35) Chief Mining Institute (Główny Instytut Górnictwa);
- 36) Association of Polish RES Equipment Manufacturers;
- 37) Polish Society for Health Programmes (Polskie Towarzystwo Programów Zdrowotnych);
- 38) Polish Federation of Associations of Patients with Asthma, Allergic Diseases, and Chronic Obstructive Pulmonary Disease (Polska Federacja Stowarzyszeń Chorych na Astmę i Choroby Alergiczne i Przewlekłe Obturacyjne Choroby Płuc);
- 39) Polish Society of Lung Diseases (Polskie Towarzystwo Chorób Płuc);

- 40) Polskie Towarzystwo Zdrowia Publicznego (Polish Public Health Association);
- 41) Federation of Brown Coal Mining Unions (Federacja Związków Zawodowych Górnictwa Węgla Brunatnego);
- 42) KADRA Inter-Company Trade Union ((Międzyzakładowy Związek Zawodowy KADRA);
- 43) KADRA Alliance of Trade Unions (Porozumienie Związków Zawodowych KADRA);
- 44) National Union of Miners (Związek Zawodowy Górników) in Poland;
- 45) NSZZ SOLIDARNOŚĆ National Section of Hard Coal Mining (Krajowa Sekcja Górnictwa Węgla Kamiennego NSZZ SOLIDARNOŚĆ);
- 46) National Council of the Miners' Trade Union of Poland (Rada Krajowa Związku Zawodowego Górników w Polsce);
- 47) National Commission of the NSZZ 'Solidarność 80' (Komisja Krajowa NSZZ „Solidarność 80”);
- 48) Kopalnia Węgla Brunatnego Sieniawa sp. z o.o.;
- 49) Polish Chamber of Coal Sellers (Polska Izba Gospodarcza Sprzedawców Węgla);
- 50) Polish Smog Alert (Polski Alarm Smogowy);
- 51) regional and local smog alerts;
- 52) Client Earth Lawyers for Earth (Client Earth Prawnicy dla Ziemi);
- 53) Frank Bold Foundation (Fundacja Frank Bold);
- 54) The Friends of the Youth Climate Strike Foundation;
- 55) WWF;
- 56) The Workshop for All Beings Association.

The draft Regulation has been sent for comments (10 days) to the following parties:

- 1) Provincial Marshals;
- 2) Provincial governors;
- 3) Chief Environmental Protection Inspector (Główny Inspektor Ochrony Środowiska);
- 4) General Director of Environmental Protection (Generalny Dyrektor Ochrony Środowiska);
- 5) National Environmental Protection and Water Management Fund (Narodowy Fundusz Ochrony Środowiska i Gospodarki Wodnej);
- 6) PGL State Forests;
- 7) President of the Office of Competition and Consumer Protection (Prezes Urzędu Ochrony Konkurencji i Konsumentów).

Given the scope of the project, which concerns trade union tasks, the draft Regulation has been subject to opinion from representative trade unions. The draft Regulation has been sent for comments (21 days) to the following parties:

- 1) 'Solidarity' - the Independent Self-governing Trade Union [Niezależny Samorządny Związek Zawodowy „Solidarność”];
- 2) The All-Poland Alliance of Trade Unions [Ogólnopolskie Porozumienie Związków Zawodowych];
- 3) Forum of Trade Unions [Forum Związków Zawodowych].

Due to the scope of the draft which concerns the rights and interests of employer associations, the draft was subject to opinion by representative employer organisations. The draft Regulation has been sent for comments (21 days) to the following parties:

- 1) Employers of Poland [Pracodawcy RP];
- 2) Polish Confederation Lewiatan [Konfederacja Lewiatan];
- 3) The Polish Craft Association [Związek Rzemiosła Polskiego];
- 4) Business Centre Club Union of Employers [Związek Pracodawców Business Centre Club];
- 5) Union of Entrepreneurs and Employers [Związek Przedsiębiorców i Pracodawców];
- 6) Federation of Polish Entrepreneurs (Federacja Przedsiębiorców Polskich).
- 7) Polish Economic Society (Polskie Towarzystwo Gospodarcze);

The draft was subject to review of the Joint Commission of the Government and Local Government, as it is a response to the demands of the local government regarding the need to establish quality requirements, among others for biomass obtained from trees and shrubs. On 18 December 2024, the Joint Commission of the Government and Local Government gave a favourable opinion on the draft Regulation.

The draft does not concern the matters referred to in Article 1 of the Act of 24 July 2015 on the Social Dialogue Council and other Institutions of Social Dialogue (Journal of Laws of 2018, item 2232, as amended) and therefore did not require an opinion from the Social Dialogue Council.

The draft does not concern the matters referred to in Article 35(2)(2) of the Act of 24 April 2003 on Public Benefit Activity and Voluntary Service (Journal of Laws of 2024, item 1491), and therefore did not require an opinion from the Public Benefit Activity Council.

The draft regulation did not need to be submitted to the competent institutions and bodies of the European Union, including the European Central Bank, for assessment, notification or agreement.

The results of opinions and public consultations were discussed in a report on consultations and opinions, containing a summary of the presented positions or opinions and a reference to them by the requesting authority, made available on the website of the Government Legislation Centre, in the Government Legislative Process tab.

6. Impact on the public finance sector

(fixed prices for the year)	Impact over 10 years from implementing the amendments [PLN million]												
	0	1	2	3	4	5	6	7	8	9	10	Total (0-10)	
Total revenue	-	-	-	-	-	-	-	-	-	-	-	-	-
state budget	-	-	-	-	-	-	-	-	-	-	-	-	-
local government units	-	-	-	-	-	-	-	-	-	-	-	-	-
other units (separately)	-	-	-	-	-	-	-	-	-	-	-	-	-
Total expenditure	-	-	-	-	-	-	-	-	-	-	-	-	-
state budget	-	-	-	-	-	-	-	-	-	-	-	-	-
local government units	-	-	-	-	-	-	-	-	-	-	-	-	-
other units (separately)	-	-	-	-	-	-	-	-	-	-	-	-	-
Total balance	-	-	-	-	-	-	-	-	-	-	-	-	-
state budget	-	-	-	-	-	-	-	-	-	-	-	-	-
local government units	-	-	-	-	-	-	-	-	-	-	-	-	-
other units (separately)	-	-	-	-	-	-	-	-	-	-	-	-	-

Sources of financing	The draft Regulation does not have financial consequences for public finance sector units, including the state budget and the budgets of local government units, consisting of increasing their expenditures or reducing their revenues compared to the amounts resulting from the applicable regulations.
Additional information, including the identification of data sources and assumptions made in the calculation	The presented solution does not directly generate costs for the state budget.

7. Impact on the competitiveness of the economy and entrepreneurship, including the functioning of enterprises, and impact on families, citizens, and households

		Effects							
Time in years since entry into force of the amendments		0	1	2	3	5	10	Total (0-10)	
In monetary terms (in PLN millions, fixed prices for ... [year])	large enterprises	-	-	-	-	-	-	-	
	micro-, small- and medium-sized enterprises	-	-	-	-	-	-	-	
	families, citizens, and households	-	-	-	-	-	-	-	
	persons with disabilities and the elderly	-	-	-	-	-	-	-	
In non-monetary terms	large enterprises	The introduction of quality requirements for biomass obtained from trees and shrubs in the form of briquettes or pellets regulated by this draft regulation will not cause additional costs for large enterprises whose production is covered by the ENplus/DINplus							

		certification system and whose products meet the quality requirements.
	micro-, small- and medium-sized enterprises	-
	families, citizens, and households	-
	persons with disabilities and the elderly	-
Unmeasurable		-

Additional information, including the identification of data sources and assumptions made in the calculation	<p>The introduction of quality requirements for biomass obtained from trees and shrubs is associated with the introduction of standards on the domestic market that will indirectly contribute to the competitiveness of the national economy and will allow the reduction of the production of analysed fuels in the so-called grey zone. This regulation will enable consumers to obtain information on the quality of the fuel they buy and to make an informed purchase of fuel adapted to their heating equipment.</p> <p>The introduction of quality requirements for these fuels will not affect the operating costs of fuel producers holding certificates, e.g. ENplus/DINplus. However, in the case of small and micro-entrepreneurs who have not yet conducted quality tests on their products, it will be necessary to adapt their products to quality requirements, which may lead to an increase in production costs. This cost is difficult to estimate due to the lack of information on the condition of these plants from both the technological and economic perspectives.</p> <p>The adoption of this regulation is the first stage of work on building a system for monitoring and controlling the quality of fuels – biomass obtained from trees and shrubs. As part of the Regulatory Impact Assessment for the draft act <i>amending the Act on the Fuel Quality Monitoring and Control System and the Act on the National Revenue Administration</i>, at an early stage of the legislative process, the financial impact of the system will also be assessed on the part of entrepreneurs. The creation and operation of a system for monitoring and controlling the quality of biomass obtained from trees and shrubs will allow only fuels that meet the quality requirements to be placed on the market, which will translate into a reduction in fuel production in the so-called grey zone.</p> <p>Biomass obtained from trees and shrubs not meeting the proposed minimum quality requirements should be directed to other recipients, such as the heating and power industry.</p>
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8. Change in the regulatory burdens (including disclosure obligations) resulting from the Draft

<input checked="" type="checkbox"/> not applicable	
Burdens are placed outside those strictly required by the EU (see the inverted compatibility table for details).	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> not applicable
<input type="checkbox"/> reduction in the number of documents <input type="checkbox"/> reduction in the number of procedures <input type="checkbox"/> shortening of the time to settle the matter <input type="checkbox"/> other:	<input type="checkbox"/> increase in the number of documents <input type="checkbox"/> increase in the number of procedures <input type="checkbox"/> extension of the time to settle the matter <input type="checkbox"/> other:
The introduced burdens are suitable for digitisation.	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> not applicable

Comment: not applicable.

9. Impact on the labour market

The draft Regulation will not have any impact on the labour market.

10. Impact on other aspects

<input checked="" type="checkbox"/> natural environment <input type="checkbox"/> regional standing and development <input type="checkbox"/> ordinary, administrative or	<input type="checkbox"/> demographics <input type="checkbox"/> state property <input type="checkbox"/> other:	<input type="checkbox"/> computerisation <input checked="" type="checkbox"/> health
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military courts		
Discussion of the impact	<p>The introduction of quality parameters for biomass obtained from trees and shrubs results from the need to improve the environment, air quality, and protect human health and life. Prohibiting the placing on the market of biomass obtained from trees and shrubs that do not meet the requirements set out in the draft should contribute to reducing pollutant emissions to the air from the combustion of solid fuels in small sources.</p> <p>Poland still has problems with meeting selected air quality standards resulting from the provisions of Union law on air quality, including Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 <i>on ambient air quality and cleaner air for Europe</i> (OJ EU L 226, 29.8.2015, p. 4, as amended) and Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 <i>relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air</i> (OJ EU L 23, 26.1.2005, p. 3, as amended). Despite the observed improvement in air quality and the reduction in concentrations of pollutants in ambient air, exceedances of the limit values for suspended particulate matter PM10 and PM2.5 and of the target value for benzo(a)pyrene are still detected. In 2018, the CJEU found that Poland had breached EU law by allowing excessive long-term exceedances of PM10 concentrations in the air.</p> <p>At the same time, the establishment of quality requirements for biomass obtained from trees and shrubs placed on the market or subject to the customs procedure of release for free circulation in the form of pellets and briquettes intended for use in the residential and municipal sector will allow for improvements in air quality, which are important due to the new standards strengthened under Directive (EU) 2024/2881 of the European Parliament and of the Council of 23 October 2024 <i>on ambient air quality and cleaner air for Europe</i> (AAQD). The air quality standards - the annual average level will be lowered for PM10 from 40 µg/m³ to 20 µg/m³ and for PM2.5 from 25 µg/m³ - Phase I/ 20 µg/m³ - Phase II to 10 µg/m³.</p> <p>Comparative analyses of the modelling of PM10 and benzo(a)pyrene concentrations carried out as part of the above-mentioned study indicate that the use of biomass with the proposed quality parameters, including biomass obtained from trees and shrubs placed on the market or subject to the customs procedure of release for free circulation in the form of pellets, results in a significant decrease in the levels of concentrations of particulate pollutants and benzo(a)pyrene in the air, both in relation to coal fuels and biomass obtained from trees and shrubs that do not meet the quality requirements. Quantitative analysis of premature mortality indicates that replacing biomass obtained from trees and shrubs not meeting the minimum parameters with fuels having the proposed quality parameters in automatic boilers meeting the ecodesign requirements may translate into a decrease in the number of cases of premature mortality.</p> <p>In the light of persistent exceedances of air quality standards set for PM10 and benzo(a)pyrene in Poland, in order to implement the CJEU judgment and avoid financial penalties, the establishment of quality requirements for biomass obtained from trees and shrubs should be considered an appropriate and necessary measure to protect human health and life.</p>	
11. Planned implementation of the provisions of the act		
The date of entry into force of the Regulation is due to the necessity of implementing milestone B5G. The date of entry into force of the Regulation is set at 14 days after the date of publication in the Journal of Laws.		
12. How and when shall the impact of the draft be assessed, and what measures shall be applied?		
Due to the subject matter of the Regulation, no assessment of the draft is foreseen and therefore no measures for such assessment are foreseen.		
13. Annexes (important source documents, research, analyses, etc.)		
None		

