

**RESOLUTION NO XXXII/452/17
OF THE MAŁOPOLSKA REGIONAL ASSEMBLY
of 23 January 2017**

on the introduction in the Małopolska Region prohibitions and restrictions on the exploitation of fuel combustion installations

Pursuant to Article. 18, item 1 and Article 89(1) of the Act of 5 June 1998 on Voivodeship self-government (i.e. the Journal of Laws of 2016, item 486, as amended) and Article 96 of the Environmental Protection Law Act of 27 April 2001 (i.e. the Journal of Laws of 2016, item 672, as amended), the Małopolska Regional Assembly resolves as follows:

§1

1. In order to prevent adverse impacts on people's health and the environment, within the borders of the Małopolska Region, excluding the Municipality of Krakow, prohibitions and restrictions specified in this Resolution shall be introduced.
2. Whenever starting operation of an installation is mentioned in this Resolution, this should be construed as the first start-up of the installation in the current place of use.

§2

Types of installations to which the restrictions on the exploitation apply are the ones where solid fuel combustion occurs within the meaning of article 3, item 3 of the Energy Law Act of 10 April 1997 (i.e. the Journal of Laws of 2012, item 1059, as amended), in particular boilers, fireplaces, stoves, if they:

- 1) supply heat to central heating systems, or
- 2) emit heat through:
 - a) direct transfer of heat, or
 - b) direct transfer of heat combined with transfer of heat to liquids, or
 - c) direct transfer of heat combined with hot air distribution system.

§3

The use of following fuels in the above-mentioned installations shall be prohibited:

- 1) fuels, where the mass percentage of hard coal or lignite fraction of 0-3 mm exceeds 15%,
- 2) fuels which contain biomass with the moisture content over 20% in the working state.

§ 4

For installations referred to in §2 point 1) only those are allowed for exploitation which:

- 1) fulfil all of the following conditions:
 - a) meet minimum levels of seasonal energy efficiency as well as emission standards for seasonal room heating specified in point 1 of Annex II to the Commission Regulation (EU) No. 2015/1189 of 28 April 2015 implementing Directive No. 2009/125/EC of the European Parliament and of the Council with regard to the ecodesign requirements for solid-fuel boilers,
 - b) allow only automatic fuel feeding, except installations gasifying fuels.
- 2) meet the requirements in terms of thermal efficiency and emission standards for class 5 according to PN-EN 303-5:2012 "Heating boilers - Part 5: Heating boilers for solid fuels, manually and automatically stoked, nominal heat output of up to 500 kW. Terminology, requirements, testing and marking", hereinafter referred to as "standard PN-EN 303-5:2012", if the operation of an installation will begin before 1 July 2017.

§ 5

For installations referred to in §2 point 2) only those meeting minimum levels of seasonal energy efficiency as well as emission standards for seasonal room heating specified in point 1 and 2 of Annex II to the Commission Regulation (EU) No. 2015/1185 of 24 April 2015 implementing Directive No. 2009/125/EC of the European Parliament and of the Council with regard to the ecodesign requirements for solid fuel local room heaters are allowed for exploitation.

§7

The entities for which the restrictions shall apply are the entities exploiting the installations referred to in § 2.

§8

The entity which exploits the installation is obliged to demonstrate compliance with the requirements set out in this resolution by presenting documents giving evidence of the fulfilment of the requirements, in particular:

- 1) research documentation,
- 2) technical documentation of the device,
- 3) instructions for installers and users referred to in point 2 (a) of Annex II to the Commission Regulation (EU) No. 2015/1189 of 28 April 2015 implementing Directive No. 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for solid-fuel boilers and in point 3 (a) of Annex II to the Commission Regulation (EU) No. 2015/1185 of 24 April 2015 implementing Directive No. 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for solid fuel local room heaters.

§9

The performance of the Resolution shall be entrusted to the Board of the Małopolska Region.

§10

1. The Resolution shall be published in the Official Journal of the Małopolska Region.
2. The Resolution shall enter into force on 1 July 2017, with the following exceptions:
 - 1) Requirements referred to in § 4 point 1 for installations referred to in § 2 point 1, whose exploitation starts before 1 July 2017, shall enter into force:
 - a) on 1 January 2023, for these installations which do not meet the requirements for thermal efficiency as well as emission standards specified for class 3, 4 or 5 according to the standard PN EN 303-5:2012,
 - b) on 1 January 2027 for these installations which meet the requirements for thermal efficiency as well as emission standards specified for class 3 or class 4 according to the standard PN EN 303-5:2012,
 - 2) Requirements referred to in § 5 for installations referred to in § 2 point 2, whose exploitation starts before 1 July 2017, shall enter into force on 1 January 2023 unless these installations:
 - a) achieve thermal efficiency at the level of at least 80% or
 - b) become equipped with a device which guarantees the reduction of dust emissions to the values specified in point 2 of Annex II to the Commission Regulation (EU) No. 2015/1185 of 24 April 2015 implementing Directive No. 2009/125/EC of the European Parliament and of the Council with regard to the ecodesign requirements for solid fuel local room heaters are allowed for exploitation.