

# LAW

## ON WASTE MANAGEMENT

*("Official Gazette of the RS", No. 36/2009, 88/2010 and 14/2016)*

### I BASIC PROVISIONS

#### Subject of the Law

##### Article 1

This Law shall regulate: types and classification of waste; waste management planning; waste management entities; responsibilities and obligations in waste management; organisation of waste management; managing special waste streams; conditions and procedure for permit issuance; transboundary movement of waste; reporting on waste and database; financing of waste management; supervision, and other issues relevant for waste management.

Waste management shall be an activity of general interest.

#### The Objective of the Law

##### Article 2

The objective of this Law shall be to ensure and provide conditions for the following:

- 1) Waste management which shall not endanger human health or environment;
- 2) Prevention of waste generation, in particular by developing cleaner technologies and the rational use of natural resources, as well as elimination of hazards caused by its harmful effects to human health and environment;
- 3) Re-use and recycling of waste, separation of secondary raw materials from waste, and utilisation of waste as energy products;
- 4) Development of waste disposal procedures and methods;
- 5) Rehabilitation of unregulated waste disposal sites;
- 6) Monitoring of the status of existing and newly-formed waste disposal sites;
- 7) Raising awareness about waste management.

#### Manners of Waste Management

##### Article 3

Waste management shall be performed in a manner which shall ensure the lowest risk in terms of endangerment of human life and health and environment, by controlling and implementing measures to reduce:

- 1) Pollution of water, air and soil;
- 2) Dangers to plants and animals;
- 3) Risk of accidents, explosions or fire;
- 4) Negative effects to landscape and natural resources of special value;
- 5) Level of noise and odours.

## **Exemptions from Application**

### **Article 4**

The provisions of this Law shall not apply to:

- 1) Gaseous effluents emitted into the atmosphere;
- 2) Land (in situ) including unexcavated contaminated soil and buildings permanently connected with land;
- 3) Uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that material will be used for construction purposes, in its natural state on the construction site from which it was excavated;
- 4) Radioactive waste;
- 5) Decommissioned explosives;
- 6) Faecal matter, if not covered by paragraph 2 point 2) of this Article;
- 7) Straw and other natural non-hazardous agricultural or forestry material used in farming, forestry, or for the production of energy from such biomass through processes or methods which do not harm the environment or endanger human health;
- 8) Sewage sludge and the content of septic tanks, other than the sludge from waste water treatment plants.

Insofar as waste management is regulated by other legislation, the provisions of this Law shall not apply to the following:

- 1) Waste waters;

- 2) Animal by-products including processed products covered by veterinary regulations, except for those which are destined for incineration, use in a biogas or composting plans, or landfilling under specific conditions, in accordance with a special regulation;
- 3) Carcasses of animals that have died other than by being slaughtered, including animals killed to eradicate food-and-mouth disease (*Apthae epizooticae*), which are disposed in accordance with the regulations of veterinary medicine;
- 4) Waste resulting from exploration, extraction, exploitation, preparation and storage of mineral resources and during the operation of the quarries covered by the regulations concerning mining waste management.

Sediments relocated inside surface waters for the purpose of managing waters and waterways or for preventing floods or mitigating the effects of floods and droughts or land reclamation, shall be excluded from the provisions of this Law, if it was determined that the sediments are non-hazardous.

## Definitions

### Article 5

Terms used in this Law have the following meaning:

- 1) *Anaerobe digestion* means the process in which biodegradable material is disintegrated without oxygen;
- 2) *Bio-waste* means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail facilities and comparable waste from food production;
- 3) *Waste collection centre* means a place designated by the decision of a municipality, city, or the City of Belgrade (hereinafter: the local self-government unit), to which the citizens take waste and bulky waste (furniture and household appliances, garden waste, recyclable waste, including hazardous household waste);
- 4) *Decontamination* includes all operations that enable re-use, recycling, or safe disposal of the equipment, objects, or materials contaminated by hazardous materials, and may include the removal or replacement of hazardous materials by suitable less harmful materials;
- 5) *Waste disposal site* means a site for the final depositing of waste on or below the surface of the land (i.e. underground), including:
  - Internal disposal sites (a landfill where a producer of waste disposes its own waste at the place of production),
  - Permanent sites (over one year) that are used for the temporary storage of waste, excluding storages where waste is unloaded to be prepared for further transportation to the location for treatment, i.e. recovery, or disposal on other locations, and storage of waste prior to treatment, i.e. recovery, up to three years, or storage of waste prior to disposal up to one year);

5a) *Illegal waste disposal site* means a location, public surface, which contains different types of waste disposed in an uncontrolled manner, which do not meet the conditions determined with the regulation governing waste disposal on waste disposal sites;

6) *Permit* means an authorisation given by a competent authority to a legal entity or entrepreneur to have the waste collected, transported, imported, exported, or transited, stored, treated or recovered or disposed, determining conditions for waste to be handled in a manner that ensured the least possible risk to human health and the environment;

6a) *Holder* means a waste producer, natural person or legal entity in possession of waste;

6b) *Pharmaceutical waste* means all drugs, including primary packaging and any accessories used for their administration, in possession of a legal entity or entrepreneur dealing with human or animal health care, which became unusable due to the expiry of their life cycle, defect in terms of the required quality, contaminated packaging, spillage or scattering, which have been prepared, and then not used, returned by end users, or unusable for other reasons, and pharmaceutical waste from drug production and wholesale and retail trade of medicinal products, and manufacture of galenic and/or magistral preparations and other pharmaceutical waste. Waste produced in drug production shall be categorised as industrial (organic or inorganic) waste to be handled in accordance with the provisions of this Law. Pharmaceutical waste shall include:

- Non-hazardous pharmaceutical waste which is not hazardous for the environment or human health, and is not treated according to the procedure prescribed for the management of hazardous pharmaceutical waste,

- Hazardous pharmaceutical waste generated from the drugs and disinfectants containing heavy metals, as well as drugs of known composition and drugs of unidentifiable composition, which require specific treatment procedures and include cytotoxic and cytostatic waste, or cytotoxic and cytostatic drugs that have become unusable, waste produced in the utilisation, transportation, and preparation of drugs with the cytotoxic and cytostatic effect, including primary packaging that was in contact with hazardous material, and any accessories used for the preparation or administration of such products. Cytotoxic and cytostatic drugs are toxic compounds with a cancerogenic, mutagenic and/or teratogenic effect;

7) *Industrial waste* means waste generated from any industry or any locality where the industry is located, except for tailings and related mineral resources from mines and quarries;

8) *Inert waste* means waste that is not susceptible to any physical chemical, or biological changes; it is indissoluble, incombustible, and otherwise physically or chemically unreactive, it is biologically non-degradable and without a negative effect on other matter with which it comes into contact in a manner that may lead to increased pollution of the environment or endanger human health, the total excretion and content of contaminants in waste and eco-toxicity of excreted matter must be significant, particularly, may not negatively affect the quality of surface and/or ground waters;

9) *Characterization of waste* means a testing procedure which shall be applied to determine physical-chemical, chemical and biological properties and composition of waste, i.e. to determine if waste contains one or more hazardous characteristics;

10) *Classification of waste* means a procedure which shall be applied to classify waste to one or more waste lists, as prescribed by a specific regulation, according to origins of waste, its composition and further use;

11) *Commercial waste* means waste generated in companies, organisation or other institutions which entirely or partially deal with trade, services, office business, sports, recreation or entertainment, excluding household and industrial waste;

12) *Composting* means treatment of biodegradable waste performed by micro-organisms for the purpose of forming compost in presence of oxygen and under controlled conditions;

13) *Municipal waste* means household waste, as well as other waste which is, in its nature or composition, similar to household waste;

13a) *Medical waste* means waste derived from the facilities in which healthcare is provided to humans or animals and/or from other places in which healthcare services are provided (from diagnostic or experimental work, laboratories, cleaning, maintenance, and disinfection of premises and equipment), and includes non-hazardous and hazardous medical waste, namely:

- Non-hazardous medical waste that is not contaminated with hazardous or other materials, the composition of which is similar to that of municipal waste (recyclable, biodegradable, etc.),

- Hazardous medical waste requiring specific handling and/or having one or more hazardous characteristics making it hazardous waste, namely: patho-anatomic waste, sharps, pharmaceutical waste, including cytotoxic and cytostatic waste, waste contaminated with blood or body fluids, infective, other dangerous medical waste (chemical waste, waste with a high heavy metal content and waste pressurised bottles);

14) *Waste management mobile plant* means a plant for takeover, preparing for re-use, recovery, or other R or D list waste treatment operation (R2 to R13, D8, and D9), the construction of which is such that it is not connected with the ground or building, and may be relocated from one site to another, including mobile plant used for the rehabilitation of a contaminated site, as a rule, on a waste production site, and/or on a waste producer's site, or some other site owned by a waste producer for which the plant operator has the waste storage permit;

14a) *Best available techniques* means the best available techniques that are in accordance with the law regulating integrated environmental pollution prevention and control;

15) *Non-hazardous waste* means waste not having characteristics of hazardous waste;

15a) *Rubbish dump site* means a location on which local self-government units dispose of waste in a semi-controlled manner, managed by a public utility company, which has a certain infrastructure (fence, gate, bulldozer), but the landfill body was not built in accordance with landfilling related regulations (no water impermeable layer, drainage system for waste water discharge, etc.);

15b) *Separated collection* means waste collection where different types of collected waste are kept separately according to their type and nature, so as to facilitate their special treatment;

16) *Waste disposal* means any operation other than waste recovery, even when a substance or energy is produced as a secondary effect of such an operation (D list is a non-exhaustive list of disposal operations);

16a) *Organized waste market* means a functional framework that enables efficient, sustainable and transparent trade in waste and secondary raw materials;

17) *Waste* means any substance or object which the holder discards, intends to or is required to discard;

17a) *Construction and demolition waste* means waste generated in the execution of construction works on construction sites or construction site preparation works, as well as waste generated as a result of the demolition or reconstruction of buildings, and this includes non-hazardous and hazardous construction and demolition waste, namely:

- Non-hazardous construction and demolition waste not containing hazardous materials, the composition of which is similar to that of municipal waste (recyclable, inert, etc.),

- Hazardous construction and demolition waste requiring specific handling and/or having one or more hazardous characteristics making it hazardous waste (wastes containing asbestos, wastes with high heavy metal content, etc.) to which specific regulations apply;

18) *Hazardous waste* means waste that, according to its origins, composition or concentration of hazardous materials, may cause danger to the environment or human health and has at least one of hazardous characteristics determined by special regulations, including any packaging in which hazardous waste was or is packed;

19) *Operator* means any legal entity or entrepreneur that, in accordance with regulations, manages or controls a plant, or is authorised to make economic decisions in the field of technical functioning of a plant, on whose name the waste management permit is issued;

20) *PCB* means polychlorinated biphenyls (PCB), polychlorinated terphenyls (PCT), monomethyl-tetrachlorodiphenylmethanes, monomethyl-dichlorodiphenylmethanes, monomethyl-dibromodiphenylmethanes or any other mixture which contains some of these substances in concentrations exceeding 0.005% of weight; PCB scraps are also waste, including equipment, facilities, materials or liquids that contain, are composed of or are contaminated by PCBs;

21) *Waste recovery* means any operation which principal result is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular purpose, or waste being prepared to fulfil that purpose, in a plant or wider in economic activities (R list is a non-exhaustive list of recovery operations);

21a) *Re-use* means any operation by which products or parts thereof that are not waste are used again for the same purpose for which they were designed;

22) *Special waste streams* mean movements of waste (used batteries and accumulators, waste oil, waste tires, electric and electronic waste, old vehicles and other waste) from its source, via collection, transport and treatment, to landfilling;

22a) *Broker* means any legal entity or entrepreneur arranging the recovery or disposal of waste on behalf of others, including such brokers that do not take physical possession of waste;

23) *Waste management facility* means a stationary technical unit for storage, treatment and/or recovery or disposal of waste, which together with the construction part makes a technological whole;

24) *Transboundary movement of waste* means movement of waste from one area under one state jurisdiction, or through an area which is not under the national jurisdiction of any of the states, provided that at least two states are involved in such movement;

24a) *Prevention* means measures taken before a substance, material or product becomes waste, which reduce the quantity of waste, including the re-use of products or extension of the life cycle of products, or adverse effects of generated waste on the environment and human health, or content of harmful substances in materials and products;

24b) *Preparing for re-use of waste* means waste re-use operations related to checking, cleaning or repairing operations, by which products or components of those products that became waste are prepared so that they can be re-used, without any other pre-processing;

25) *Waste producer* means any entity whose activities produce waste (source waste producer) or any entity that carries out pre-processing, mixing or other operations resulting in a change in the composition or nature of waste;

25a) *Product producer* means a legal entity or entrepreneur who, within their business activity, makes, produces, or sells a product, regardless of the sale method, including distance selling, or imports a product in the Republic of Serbia, and places a product on the Serbian market;

26) *Waste management region* means a spatial area which includes several adjacent local self-government units which, in accordance with the agreement entered into between those local self-government units, jointly manage waste in order to establish a sustainable waste management system;

27) *Recycling* means any recovery operation by which waste is reprocessed into a product, materials or substances, whether for the original or other purposes, including re-production of organic materials, except for the recovery for energy purposes and reprocessing into materials that are to be used as fuel or for backfilling operations;

28) *Waste collection* means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment plant;

29) *Waste collector* means a natural person or a legal entity that collects waste;

29a) *Secondary raw material* means waste which may be used for recycling to obtain raw materials for the production of the same or other product (paper, cardboard, metal, glass, plastic, etc.);

30) *Storing of waste* means temporary maintenance of waste at the location of a waste producer or owner and/or other holder, as well as operator's activity in a facility equipped and registered for temporary waste storage;

31) *Incineration* means thermal waste treatment in a stationary or mobile plant with or without the use of energy generated in combustion whose primary role is to treat waste thermally, including pyrolysis, gasification and plasma incineration;

32) *Co-incineration* means thermal treatment of waste in a stationary or mobile plant whose primary role is to generate energy or material products, which uses waste as primary or supplementary fuel, or in which waste is thermally treated for disposal thereof;

32a) *Dealer* means any legal entity or entrepreneur who, on his/her own behalf, buys or sells waste, including such dealers who do not take physical possession of waste;

33) *Transfer station* means a point to which waste is delivered and temporary stored for separation or re-load before being transported to treatment and/or recovery or disposal;

34) *Transport of waste* means transport of waste outside the facility, which includes loading, transport (as well as re-loading) and unloading of waste;

35) *Waste treatment* means recovery or disposal operations, including preparation prior to recovery or disposal;

36) *Waste management* means the implementation of measures prescribed for the handling of waste as part of the collection, transport, storage, treatment or recovery and disposal of waste, including the supervision of such activities and after-care of waste management facilities upon their closure and activities undertaken by dealer and broker;

37) *Waste owner* means a waste producer, an entity participating in waste circulation as a direct or indirect waste holder, or a legal entity, entrepreneur, or natural person in possession of waste.

## **Principles**

### **Article 6**

Waste management shall be based on the following principles:

#### *1) Principle of the selection of the most practical option for the environment*

The selection of the most practical option for the environment shall be a systematic and consultative process of decision making, which shall include environment protection and preservation. The application of the most practical option for the environment establishes, for the given objectives and circumstances, an option or a combination of options which shall give the highest gain, or which shall be the least harmful for the environment as a whole, with acceptable costs and profitability, both in long and short term.

##### *1a) Self-sufficiency principle*



The application of the self-sufficiency principle means the establishment of an integrated and suitable network of plants for the recovery and disposal of mixed municipal household waste including the collection of this type of waste produced by other waste producers, taking into account the best available techniques, in accordance with this Law. A network of such plants should be designed so as to facilitate in the Republic of Serbia the implementation of the self-sufficiency principle in waste disposal, and in waste recovery, taking into account geographical characteristics of the region and a need for separate plants for specific types of waste. This network should enable disposal or recovery of waste in one of the nearest appropriate plants, with the application of the most appropriate methods and technologies in order to ensure a high level of environment and public health protection.

### *2) The principle of proximity and regional approach to waste management*

Waste shall be treated or disposed of as near as possible to its place of origin, and/or in the region in which it was generated, in order to avoid unwanted environmental impacts of its transportation. The selection of a location for a plant for waste treatment and/or recovery and/or disposal shall depend on local conditions and circumstances, type of waste, its volume, manner of transportation and disposal, economic viability, as well as possible environmental impact. Regional waste management shall be ensured through the development and application of regional strategic plans based on the European legislation and national policy.

### *3) Principle of waste management hierarchy*

The waste management hierarchy means the order of priorities in the waste management practice.

The waste management hierarchy shall be applied as a priority order in waste prevention and management, as well as in regulations and policies for:

- Prevention;
- Preparing for re-use;
- Recycling;
- Other recovery operations (recovery for energy production, etc.);
- Disposal.

In terms of the implementation of the waste hierarchy, to which the waste management hierarchy refers, actions shall be taken to initiate solutions to achieve the best overall result in terms of the environment, which in case of specific waste streams, may require deviations from the hierarchy where this shall be justified with the life cycle, taking into consideration total effects on such waste generation and management.

Development of the waste management legislation and policy shall be a fully transparent process, in accordance with applicable regulations on consultations and involvement of the citizens and all stakeholders.

In the implementation of the hierarchy principle, account shall be taken of general principles of environmental protection, precaution and sustainability, technical feasibility and economic value, protection of resources as well as of the overall effect on the environment, human health, and economic and social effects.

#### *4) Responsibility principle*

Producers, importers, distributors and sellers of products that affect the increase of the waste quantity shall be responsible for the waste generated as a result of their activities. A producer shall have the highest responsibility since they have influence on the contents and characteristics of a product and its packaging. A producer shall take care of minimising waste generation, development of recyclable products, and development of markets for the recovery and recycling of their products.

#### *5) "Polluter pays" principle*

A polluter shall bear all costs of the consequences of their activities. The costs of generation, treatment and/or recovery and disposal of waste should be included in the product price.

## II TYPES AND CLASSIFICATION OF WASTE

### **Types of Waste**

#### **Article 7**

In terms of this Law, types of waste shall be the following:

- 1) Municipal waste (household waste);
- 2) Commercial waste;
- 3) Industrial waste.

Depending on hazardous characteristics which affect human health and environment, the waste referred to in paragraph 1 of this Article may be:

- 1) Inert waste;
- 2) Non-hazardous waste;
- 3) Hazardous waste.

### **Classification of Waste**

#### **Article 8**

Waste shall be classified according to a waste catalogue.

A waste catalogue is a comprehensive list of non-hazardous and hazardous waste classified by its origin and composition.

Hazardous waste shall be classified, when necessary, according to the limit values of the hazardous material concentration.

The owner and/or other holder of waste, i.e. operator, shall be obliged to classify waste in a prescribed manner, in compliance with this Law.

In order to determine the composition and hazardous characteristics of waste, the entity referred to in paragraph 4 of this Article shall be obliged to test hazardous waste, as well as waste which, according to its origin, composition and characteristics, may be hazardous waste.

The Minister competent for environmental protection affairs (hereinafter: the Minister) shall prescribe the following:

- 1) Waste catalogue;
- 2) List of waste categories (Q list);
- 3) List of hazardous waste categories according to origin and composition (Y list);
- 4) List of waste hazardous characteristics (H list);
- 5) List of components of waste due to which such waste is deemed hazardous one ( list);
- 6) Limit values of concentrations of hazardous elements in waste on the basis of which waste characteristics are determined;
- 7) List of procedures and methods for waste disposal and recovery (D list and R list);
- 8) Types, contents and form of a report on waste testing;
- 9) Types of parameters for determining physical-chemical properties of hazardous waste intended for physical-chemical treatment;
- 10) Types of parameters for testing of waste for thermal treatment;
- 11) Types of parameters for testing of waste and testing of eluates intended for disposal;
- 12) Manner and procedure of waste classification.

In the regulation referred to in paragraph 6 point 2), 3) and 5) of this Law, the Minister shall make a list of Serbian standards which shall contain technical requirements for waste categories and elements.

The inclusion of a substance or an object in the list referred to in paragraph 7 of this Article shall not mean that this shall be waste in all cases, but will be deemed waste only in so far it complies with the requirements in accordance with this Law.

The re-classification of hazardous waste as non-hazardous waste shall not be achieved by waste diluting or mixing so as to reduce the initial concentration of hazardous materials to the level below the limit values for the definition of hazardous waste.

Waste may be deemed non-hazardous waste in accordance with the waste catalogue referred to in paragraph 2 of this Article.

## **By-product**

### **Article 8a**

The owner and/or other holder of a substance or an object produced as a result of a production process whose primary objective is not to produce such a substance or object, may treat them as a by-product, provided the following requirements are met:

- 1) That further use of such substance or object is certain;
- 2) That the substance or object may be used directly without further processing, other than in regular industrial processes, not including processes of the separation of undesirable or dangerous ingredients;
- 3) That the substance or object was produced as an integral part of the production process;
- 4) That the further use of the substance or object is allowed, i.e. that it is not forbidden, that the substance or object meets all relevant requirements in terms of the product, protection of the environment and human health for that specific use, and that it shall not result in harmful effects for the environment or human health.

Notwithstanding paragraph 1 of this Article, a by-product shall be waste when the technical regulation governing treatment of products or waste, i.e. relevant EU guidelines, determine that a by-product shall be treated as waste, or that its further use shall be forbidden.

The Minister shall specify criteria for determination of by-products.

## **Proving Compliance with By-product Related Requirements**

### **Article 8b**

The owner and/or other holder of a substance or an object referred to in Article 8a may treat such a substance or object as a by-product provided a certificate on the relevant entry in the by-product register has been previously obtained.

An application for entry into the by-product register shall be filed to the Ministry competent for environmental protection affairs.

The owner and/or other holder of a substance or object referred to in paragraph 1 of this Article shall prove compliance with the requirements under Article 8a paragraph 1 of this Law with the following documents:

- 1) A contract concluded with a future user of such a substance or object for which the application for entry in the register is required;
- 2) Technical specification of the future user of a substance or object;
- 3) Proof that the substance or object for which the application for entry in the by-product register is required complies with the requirements in the attached specification.

The Ministry competent for environmental protection affairs shall issue a certificate on entry in the by-product register on the basis of compliance with the requirements referred to in Articles 8 and 8b, and taking into account EU guidelines concerning by-products.

The Ministry competent for environmental protection affairs shall refuse with a decision the entry in the by-product register if it finds that a technical regulation governing the treatment of by-products or waste, or relevant EU guidelines, determines that a by-product shall be treated as waste, or that its further use shall be forbidden, or that the requirements under paragraph 3 of this Article were not met.

The certificate, or decision referred to in paragraphs 4 and 5 of this Article shall be issued within 30 days of the date of receiving the application for entry in the by-product register.

An administrative dispute may be filed against the decision referred to in paragraph 5 of this Article.

The owner and/or other holder of a substance or an object entered in the by-product register shall be obliged to notify the Ministry competent for environmental protection affairs about any change to data on the basis of which entry in the by-product register was made within 30 days from the date the change was made.

The owner and/or other holder of a substance or an object referred to in paragraph 8 of this Article shall be obliged to submit to the Environmental Protection Agency a report on by-products within 30 days from the date a certificate on entry in the by-product register was issued.

The Minister shall prescribe in more detail a form of the by-product report, and a manner and time limits for its submission.

## **End of waste status**

### **Article 8c**

Specific types of waste shall cease to be waste in terms of Article 5, paragraph 1 point 17) of this Law if they were subjected to recovery operations, including recycling, under the following conditions:

- 1) That a substance or object is normally used for specific purposes;
- 2) That there is a market or demand for such substances or objects;

3) That a substance of object complies with technical requirements for special purposes and conditions prescribed by the law and standards that apply to such products;

4) That the use of a substance or object shall not cause harmful effect to the environment or health of people.

The requirements referred to in paragraph 1 of this Article shall include limit values for pollutants, when necessary, taking into account any possible harmful effects of substances or objects.

The amounts of substances or objects which, in accordance with paragraph 1 of this Article, ceased to be waste shall be counted in the total quantity of recycled and recovered waste for the purposes of achieving national recycling and recovery objectives determined for packaging waste, end-of-life vehicles, waste electrical and electronic equipment, and waste batteries and accumulators.

The Minister shall prescribe:

1) Technical requirements for specific types of waste which, in accordance with EU guidelines, shall cease to be waste (paper, glass, rubber, textile, gravel, and metal), as well as the compliance assessment procedure;

2) Technical requirements for specific types of waste not covered by point 1) of this paragraph, and the compliance assessment procedure;

3) Other specific criteria for determining the end of waste status.

The assessment of compliance with the technical requirements referred to in paragraph 4 point 1) of this Article shall be carried out by the owner and/or other holder of waste in a prescribed manner.

The Ministry shall carry out compliance assessment with regard to the end of waste status referred to in paragraph 4 point 2) of this Article, and issue a product compliance document, in accordance with the Law, taking into account EU practice in declaring the end of waste status.

The owner and/or other holder of waste shall submit a request to the Ministry for the execution of the compliance assessment procedure referred to in paragraph 6 of this Article, and attach a feasibility study related to the compliance with requirements for the end of waste status.

The Ministry shall reject in a decision the application for the execution of the compliance assessment if prescribed technical requirements were not met.

The decision referred to in paragraph 8 of this Article shall be final.

An administrative dispute may be initiated against the decision referred to in paragraph 8 of this Article.

The Ministry shall notify the European Commission about the end of waste status referred to in paragraph 6 of this Article in a manner determined with a specific regulation.

## **Article 8d**

The Ministry competent for environment protection affairs shall keep:

- 1) The by-product register on the basis of issued certificates for entry in the register;
- 2) The register of waste that ceased to be waste on the basis of issued product compliance documents.

The Ministry competent for environmental protection affairs shall deliver data from the register to the Environmental Protection Agency.

The Minister shall prescribe the content of the application form for entry in the by-product register and register of waste which ceased to be waste, as well as the content and form of the certificate of entry in the register, manner of keeping the register, content and form of the register.

## **III WASTE MANAGEMENT PLANNING**

### **Types of Planning Documents**

#### **Article 9**

In order to ensure waste management planning in the Republic of Serbia, the following planning documents shall be enacted:

- 1) Waste Management Strategy (hereinafter: the Strategy);
- 2) Waste prevention programmes;
- 3) Regional Waste Management Plan;
- 4) Local Waste Management Plan;
- 5) Waste management plan in a plant for which an integrated permit is issued;
- 6) Operational plan of a waste management facility.

#### **Strategy**

#### **Article 10**

The Strategy is a key document for long-term determination and direction of waste management on the basis of an analysis of the existing waste management status and objectives, determination of measures for waste management improvement (preparation for re-use, recycling, recovery, disposal, and other manners of waste treatment) in the territory of the Republic of Serbia.

The Strategy shall specifically contain the following:

- 1) Analysis and assessment of the waste management status;
- 2) National objectives in waste management;
- 3) National Waste Management Plan.

The Strategy shall be enacted by the Government for a six-year period and, if necessary, it shall be revised in a three-year interval.

The Strategy shall be prepared by the Ministry competent for environmental protection affairs (hereinafter: the Ministry), in co-operation with the competent authority of the autonomous province.

The Strategy shall be published in the "Official Gazette of the Republic of Serbia".

The Strategy Implementation Report shall be prepared by the Ministry and submitted to the Government at least once a year.

## **National Waste Management Plan**

### **Article 11**

The National Waste Management Plan (hereinafter: the National Plan), which makes an integral part of the Strategy, shall specifically contain the following:

- 1) Expected types, quantities, and origin of waste that will be produced in the territory of the Republic of Serbia, imported, or exported to another state, including assessment of the creation of special waste streams, and on the basis of the quantity of products placed on the market of the Republic of Serbia;
- 2) The existing waste collection system and a network of large plants for waste recovery and disposal, including any treatment of waste oils, hazardous waste, and special waste streams;
- 3) An assessment of a need for a new collection system, closing down of existing waste management facilities, additional infrastructure of waste management facilities in accordance with the self-sufficiency and closeness principles, and, if necessary, investment in the construction of such an infrastructure;
- 4) The implementation plan for reducing the quantities of biodegradable waste that is being landfilled, measures for achieving objectives in reducing the disposal of this type of waste, particularly for recycling, composting, biogas production and material/energy recovery;
- 5) Criteria for designating a location and required capacities of new plants for waste recovery and/or disposal;
- 6) Waste management organisation, including the division of responsibilities between the public and private sector in terms of waste management;



- 7) Sources and amount of funds for the implementation of all waste management measures;
- 8) Assessment of beneficial effects and sustainability of the implementation of economic and other instruments in waste management, with unimpaired functioning of the internal market;
- 9) Measures and guidelines for the National Plan implementation;
- 10) Manner and time limits for the National Plan implementation.

The measures and guidelines referred to in paragraph 1 point 9) of this Article shall include:

- 1) General measures for waste management;
- 2) Measures for hazardous waste management;
- 3) Measures for special waste streams management;
- 4) General waste management guidelines (policies), intended waste management technologies and methods, including waste with specific management concerns;
- 5) Guidelines for waste recovery and disposal, taking into account national goals in reducing packaging waste and waste whose production is unavoidable, particularly reducing biodegradable waste that is landfilled;
- 6) Guidelines for ensuring most favourable technical, generation and other measures for achieving waste management objectives;
- 7) Criteria for technical and economic feasibility of hazardous waste management;
- 8) Funds and measures for establishing the waste management system;
- 9) Measures for the implementation of public awareness raising campaigns and provision of information intended for the general public, or a specific group of interested consumers;
- 10) Data about historically contaminated waste disposal sites and measures for their rehabilitation;
- 11) Other waste management-relevant measures.

## **Waste Prevention Programmes**

### **Article 11a**

Waste prevention programmes shall be adopted in order to prevent negative impacts that economic growth may have on the environment by generating waste (hereinafter: the prevention programme).

Prevention programmes shall define waste prevention objectives and measures, as well as the assessment of prevention measures or other suitable measures that may have an effect on:

- 1) General requirements of waste production;
- 2) Product design, production, and distribution phase;
- 3) Product consumption and utilisation phase.

Prevention programmes shall be enacted by the Government for a six-year period and, if necessary, they shall be revised in a three-year interval.

The Minister shall make a list of waste prevention measures.

In terms of prevention measures adopted in the programmes referred to in paragraph 1 of this Article, specific qualitative and quantitative parameters for the monitoring and assessment of progress in the implementation of measures shall be defined, and specific qualitative and quantities objectives and indicators may also be defined.

## **Regional Waste Management Plan**

### **Article 12**

The Assemblies of two or more local self-government units, with at least 250,000 citizens living on their territories, shall adopt the Regional Waste Management Plan upon obtaining consent from the Ministry and, for the autonomous province, from the competent authority of the autonomous province, which shall define common waste management objectives in compliance with the Strategy.

The Regional Waste Management Plan may also be adopted for the territories of municipalities with less than 200,000 citizens upon the previously developed feasibility study for the adoption of the Regional Plan, which has to be approved by the Ministry, i.e. competent authority of the autonomous province.

The procedure for the development and adoption of the Regional Plan referred to in paragraphs 1 and 2 of this Article shall be regulated with an agreement concluded between the Assemblies of local self-government units, in compliance with the law.

Waste management on the territory of two or more local self-government units referred to in paragraphs 1 and 2 of this Article, shall be performed in compliance with the Regional and Local Waste Management Plan.

## **Local Waste Management Plan**

### **Article 13**

The Assembly of local self-government unit shall adopt the Local Waste Management Plan that shall define waste management objectives on its territory, in compliance with the Strategy.

The Local Waste Management Plan shall be prepared by a division in the local self-government unit competent for waste management, in co-operation with other authorities competent for economy, financing, environmental protection, urban development, as well as with the

representatives of commercial companies, i.e. enterprises, associations, professional institutions, non-governmental and other organizations dealing with environmental protection, including consumers' organizations.

## **Validity and Contents of the Plans**

### **Article 14**

The waste management plans referred to in Articles 12 and 13 of this Law shall be adopted for a period of 10 years, and revised every 5 years; if necessary, they shall be revised and adopted for the next 10-year-period.

The plans referred to in paragraph 1 of this Article shall contain:

- 1) Expected types, quantities and origin of the total waste on the territory;
- 2) Expected types, quantities and origin of the waste that will be used or disposed of within the territory included in the plan;
- 3) Expected types, quantities and origin of the waste that will be accepted from other local self-government units;
- 4) Expected types, quantities and origin of the waste that will be delivered to other local self-government units;
- 5) Objectives that are to be accomplished with respect to the recovery and recycling of waste in the area included in the plan;
- 6) Household waste collection programme;
- 7) Programme for the collection of hazardous waste from households;
- 8) Programme of the collection of commercial waste;
- 9) Programme for industrial waste management;
- 10) Proposals for the recovery and recycling of municipal waste elements;
- 11) Programme for the reduction of quantities of biodegradable and packaging waste in municipal waste;
- 12) Waste management awareness raising programme;
- 13) Location of a plant for the collection of waste, treatment and/or recovery and disposal, including data about location conditions;
- 14) Measures for the prevention of movement of waste not included in the plan and measures for handling the waste generated in emergencies;

- 15) Measures for the rehabilitation of unregulated waste disposal sites;
- 16) Supervision and monitoring of planned activities and measures;
- 17) Cost estimates and sources of funding of planned activities;
- 18) Possibilities for co-operation between two or more local self-government units;
- 19) Time limits for the execution of planned measures and activities;
- 20) Other data, objectives and measures important for efficient waste management.

The plans referred to in paragraph 1 of this Article must be in compliance with the National Plan and submitted to the Ministry within 30 days from the date of their enactment.

## **Waste Management Plan in Plants for Which the Integrated Permit is Issued**

### **Article 15**

The Waste Management Plan shall be prepared and adopted for the plants for which the integrated permit is issued in compliance with law, which shall specifically contain the following:

- 1) Documentation on the waste generated in the plant operating process, as well as on waste that is used or disposed of by the operator of the plant (types, composition and quantities of waste);
- 2) Measures to be undertaken in order to reduce waste generation, in particular, hazardous waste;
- 3) Procedures and manners of separation of different types of waste, especially of hazardous waste and waste that will be re-used, so as to reduce quantities of waste for disposal;
- 4) Manner for storing, treatment and/or recovery and disposal of waste;
- 5) Measures for protection against fire and explosions;
- 6) Measures for environmental and human health protection.

The Waste Management Plan should be submitted together with the application for the issuance of the integrated permit, in accordance with the Law.

The operator shall be obliged to update the Waste Management Plan every three years.

Notwithstanding paragraph 1 of this Article, the plants whose activity is waste management (storing, treatment and/or recovery, disposal) and for which the integrated permit is issued, shall prepare and adopt the Operational Plan for a waste management facility instead of the Waste Management Plan.

## **Operating Plan of the Waste Management Facility**

## Article 16

The Operational Plan of the waste management facility shall be prepared and adopted for all the plants with the waste management activity, for which the integrated permit, or waste management permit, is issued.

The Operational Plan referred to in paragraph 1 of this Article shall contain the following elements:

- 1) Description of a location and identification of risk sources (waste management operations, permitted types of waste, working hours);
- 2) Equipping of the facility in order to prevent and control environmental pollution and human health hazards (collecting and drainage system for waste waters, waste waters treatment system, gas scrubbers);
- 3) Infrastructure of a location (security of a location, fence, control of collectors);
- 4) Activity in the plant (control of sludge and residues, potential leakages and environmental pollution, protection against fire, reception of waste and controlling procedures, sampling and testing of waste, systems for measuring the quantity of waste, storage of hazardous waste, process of hazardous waste treatment – plant, equipment and procedures, including waste unloading and spreading systems, daily coverage and coverage as required on the waste disposal site);
- 5) Pollution control, monitoring and reporting (monitoring and reporting on the following: waste composition, gas emissions, waste waters quality, i.e. leachate waters composition, ground waters quality, surface waters quality, soil quality, meteorological conditions);
- 6) Management and monitoring of the conditions in the plant, i.e. on the waste disposal site (control, monitoring and reporting on suspended particles, control of unpleasant odours, control and monitoring of noise, control of pests and birds, control of waste distribution);
- 7) Documentation on location (availability of documents, records of hazardous waste).

The Operational Plan for the waste thermal treatment plant, in addition to the elements referred to in paragraph 2 of this Article, shall contain the data confirming:

- 1) That the plant is designed, equipped, and in compliance with the requirements prescribed by this Law and waste thermal treatment related regulation, depending on the waste category intended for incineration or co-incineration;
- 2) That produced heat obtained by waste incineration or co-incineration shall be re-used to the largest extent possible, namely that it shall be used for cogeneration, for the production of process steam or remote heating systems;
- 3) That waste residues shall, after waste thermal treatment, be reduced to the minimum, that such residues shall be re-used where it is technically feasible and cost effective;

4) That waste residues from thermal treatment shall be disposed;

5) That the disposal of residues, whose generation cannot be prevented, shall be reduced, or which cannot be recycled, shall be carried out in accordance with this Law and waste thermal treatment and disposal related regulations.

In addition to elements referred to in paragraph 2 of this Article, the Operational Plan for waste disposal sites shall contain elements pertaining to the equipping of the location for pollution prevention and control, specifically: the collection system for waste water, collection system for leachate waters, leachate waters treatment system, landfill gas control system, collection system for atmospheric water, establishment, maintenance and protection of top coverage.

Rehabilitation and recultivation design studies shall be made for rubbish dump sites, in accordance with the Law on Environmental Protection, this Law, and specific regulation, subject to the approval of the Ministry or autonomous province.

The Operational Plan for the existing waste thermal treatment plants shall contain, in addition to the elements referred to in paragraphs 2 and 3 of this Article, data about the type and quantity of historical waste in the plant, and the Action Plan for historical waste removal, with cost assessment.

The Operational Plan for the waste management facility shall be submitted together with the application for the issuance of the integrated permit, or waste management permit.

The Operational Plan for the waste management facility shall be updated every three years regularly, as well as in case of any significant changes made in the plant operation.

The Minister shall prescribe the content of the project for the rehabilitation and recultivation of unregulated waste disposal sites.

## **IV AUTHORITIES AND ENTITIES INVOLVED IN WASTE MANAGEMENT**

### **Types of Authorities and Entities**

#### **Article 17**

Authorities and entities responsible for waste management shall be the following:

- 1) Republic of Serbia;
- 2) Autonomous province;
- 3) Local self-government unit;
- 4) Environment Protection Agency;
- 5) Professional organizations for waste testing;

- 6) Non-governmental organizations, including consumers' organizations;
- 7) Other authorities and organizations, in compliance with law.

## **Republic of Serbia**

### **Article 18**

Through its competent authorities and organizations, the Republic of Serbia shall ensure waste management at its territory.

The Ministry shall:

- 1) Propose the Strategy to the Government, as well waste prevention programmes;
- 2) Coordinate and perform waste management activities of importance for the Republic of Serbia, and it shall monitor the status;
- 3) Give consent to regional waste management plans, except for the plans on the territory of the autonomous province;
- 4) Issue permits, approvals, certificates and other acts prescribed by this Law;
- 5) Maintain records on permits, approvals, certificates and other documents issued by other competent authorities;
- 6) Determine authorized organizations in compliance with this Law;
- 7) Supervise and control application of measures pertaining to waste management;
- 8) Implement other measures and activities, in compliance with international agreements and treaties.

## **Autonomous Province**

### **Article 19**

The autonomous province shall:

- 1) Participate in the development of the Strategy and waste prevention programmes;
- 2) Coordinate and perform waste management activities of importance for the autonomous province, and it shall monitor the status;
- 3) Give consent to regional waste management plans at its territory;
- 4) Issue permits, approvals, certificates and other documents in compliance with this Law, keep records, and submit data to the Ministry;

5) Supervise and control measures related to waste management at its territory, in accordance with this Law;

6) Perform other activities prescribed by the law.

The autonomous province shall determine in its document authorities responsible for the execution of the activities referred to in paragraph 1 of this Article.

The activities referred to in paragraph 1, points 4) and 5) of this Article shall be performed as entrusted activities.

## **Local Self-Government Unit**

### **Article 20**

A local self-government unit shall:

- 1) Adopt Local Waste Management Plan, ensure conditions and take care of its implementation;
- 2) Regulate, ensure, organize and implement municipal, i.e. inert and non-hazardous waste management at its territory, in compliance with the law;
- 3) Regulate the procedure for the collection of services in the area of municipal, i.e. inert and non-hazardous waste management, in compliance with law;
- 4) Issue permits, approvals and other documents in compliance with this Law, keep records and submit data to the Ministry;
- 5) At the request of the Ministry or competent authority of the autonomous province, give an opinion in the permit issuance procedure, in compliance with this Law;
- 6) Supervise and control waste management measures in compliance with this Law;
- 7) Perform other activities prescribed by the law.

A local self-government unit shall, with its document, appoint authorities and services competent for the execution of activities referred to in paragraph 1 of this Article.

The activities referred to in paragraph 1 of this Article pertaining to inert and non-hazardous waste, as well as the activities referred to in points 4) and 6) shall be performed as entrusted activities.

## **Joint Waste Management in Local Self-Government Units**

### **Article 21**

Two or more local self-government units shall ensure and conduct waste management under conditions and in the manner determined by this Law, Strategy and agreement between the Assemblies of local self-government units.



With the agreement referred to in the paragraph 1 of this Article, the Assemblies of local self-government units shall regulate in particular the following: mutual rights and duties in ensuring conditions for carrying out activities and operation of waste management facilities on the territories of these local self-government units, rights and duties of the public utility company, i.e. other legal entity or natural person performing that activity, manner of decision making in case of disagreements between local self-government units on certain issues related to waste management activities, as well as on other issues important for the organisation and execution of waste management.

In case that two or more local self-government units do not provide for and do not implement waste management in the manner determined in in paragraph 1 of this Article, the decision on joint provision and implementation of waste management at those territories of local self-government units, shall be adopted by the Government at the proposal of the Ministry, i.e. competent authority of the autonomous province.

## **Environment Protection Agency**

### **Article 22**

The Environment Protection Agency (hereinafter: the Agency) shall carry out the activities pertaining to:

- 1) Maintenance and updating of the waste management database in environmental information system, in accordance with the law regulating environmental protection;
- 2) Keeping of data on available and needed quantities of waste, including secondary raw materials, exchange and making those data accessible electronically;
- 3) Reporting on waste management, in compliance with the assumed international obligations.

## **Professional Organizations for Waste Testing**

### **Article 23**

Waste testing shall be conducted in order to classify waste for:

- 1) Transboundary movement;
- 2) Treatment, i.e. recovery and disposal of waste;
- 3) End of waste status.

Waste testing shall be performed by professional organizations and other legal entities authorized for sampling and characterization according to the amount of testing for which they were accredited (hereinafter: the accredited laboratory), in accordance with law.

Waste characterization shall be performed for hazardous waste only, and for the waste which according to its origin, composition and properties, may be hazardous waste, except for household waste.

Professional organizations and other legal entities referred to in paragraph 2 of this Article shall issue a report on waste testing.

## **Authorization for Waste Testing**

### **Article 24**

The application for authorization of waste testing shall be submitted to the Ministry by a professional organization, i.e. accredited laboratory.

The following documentation shall be submitted together with the application referred to in paragraph 1 of this Article:

- 1) List of employees working on waste testing, with data about their education, i.e. their titles;
- 2) List of equipment with its record number;
- 3) Number and purpose of premises (drawing, etc.);
- 4) List of testing parameters;
- 5) List of methods that are applied for appropriate testing;
- 6) Accreditation document.

The authorization referred to in paragraph 1 of this Article shall be issued with the Minister's decision for a period of four years, and it may be renewed.

The Minister shall withdraw the waste testing authorisation in case of negligent or incompetent execution of the tasks for which such an authorisation was issued, specifically:

- 1) If it is determined that the authorised organisation does not meet prescribed requirements;
- 2) If it is determined that the authorisation was issued on the basis of inaccurate or false data;
- 3) If the authorised organisation does not conduct waste testing in accordance with the issued authorisation;
- 4) If it is determined that the authorised organisation, in performing the tasks for which the authorisation was issued, acts in an unlawful, immoral or undignified manner (taking or giving bribery, taking or giving commission, corruption, counterfeiting, etc.).

The decision referred to in paragraphs 3 and 4 of this Article shall be published in the "Official Gazette of the Republic of Serbia".

## **V RESPONSIBILITIES AND OBLIGATIONS IN WASTE MANAGEMENT**

## **Responsibilities of Product Producers**

### **Article 25**

A product producer shall use technologies and develop production in a manner which shall ensure the rational use of natural resources, materials and energy, encourage the re-use and recycling of products and packaging at the end of their life cycle, and promote environmentally sustainable management of natural resources.

A producer or importer whose product becomes hazardous waste upon being used, shall be obliged to take over such waste after the use of a product, free of charge, and manage them in accordance with this Law and other regulations.

The producer or importer referred to in paragraph 2 of this Article may authorise another legal entity to take over the products after their use, on behalf of the producer and for their account.

## **Responsibility of Waste Producers**

### **Article 26**

A waste producer shall:

- 1) Develop the Waste Management Plan referred to in Article 15 of this Law and organize its implementation if they produce more than 100 tons of non-hazardous waste, or more than 200 kg of hazardous waste;
- 2) Obtain a waste testing report and update it in case of technological modifications, changes in the origin of raw materials, other activities that could a change in the waste character, and keep such a report for at least five years;
- 3) Obtain appropriate confirmation of the exemption from the obligation to obtain permit in accordance with this Law;
- 4) Ensure the application of the principle of waste management hierarchy;
- 5) Collect waste separately and classify it in accordance with the need for future treatment, in the quantity, or percentage, defined in national objectives;
- 6) Store waste in a manner that shall not affect human health or the environment, and create conditions to prevent the mixing of different types of waste, as well as mixing of waste with water;
- 7) Hand over waste to an entity authorized for waste management if they are not in a position to organize waste handling in compliance with this Law;
- 8) Keep records on produced, handed over or disposed waste;
- 9) Appoint a person responsible for waste management;

10) Enable the competent inspector to inspect sites, facilities, plants and documentation.

The person responsible for waste management referred to in paragraph 1, point 9 of this Article shall:

- 1) Draft the Waste Management Plan referred to in Article 15 of this Law, organize implementation and update;
- 2) Propose measures for waste prevention, reduction, recovery and recycling;
- 3) Monitor implementation of the law and other regulations related to waste management, and report to managing authorities.

A waste producer or other waste holder may carry out waste treatment independently, or through a broker, or through another legal entity or entrepreneur conducting activities of waste treatment, and/or waste collection, or through a public utility company, or a public private partnership, in accordance with Article 6 of this Law.

## **Responsibility of the Owner and Holder of Waste**

### **Article 27**

Owner and/or other holder of waste shall be responsible for all waste management costs.

Ownership and/or possession over waste shall cease when the next owner and/or other holder takes over waste and receives the Waste Movement Document, in accordance with this Law.

Disposal costs shall be borne by the owner and/or other holder who directly hands over waste for handling to a waste collector, or to a waste management facility, and/or by the previous owner and/or other holder or the original product producer generating waste.

The responsibility and obligations of the owner and/or other holder of waste shall also be the responsibility and obligations of a person involved in waste circulation as an indirect holder of waste, but not as an actual owner of waste.

Waste circulation can be performed only between legal entities or entrepreneurs that keep documentation in compliance with this Law.

## **Obligations of Waste Carrier**

### **Article 28**

A waste carrier shall:

- 1) Conduct transport in compliance with the permit for the transport of waste and requirements regulated by special transport regulations (ADR/RID/AND, etc.);
- 2) Keep records of each transport of waste and report the transport of hazardous waste, in accordance with the Law;

3) Enable to the competent inspector to inspect a vehicle, cargo and supporting documentation.

## **Obligations of the Broker and Dealer**

### **Article 28a**

Waste management brokerage shall include tasks of the organisation of waste treatment, and/or waste recovery and disposal, and/or brokerage in the transfer of waste related rights and obligations for the requirements of others.

It shall be forbidden to trade in waste for which a waste producer concluded a handover contract with a waste collector, and/or operator in a waste management facility.

A waste dealer shall be deemed to be a holder of waste which he purchased, or may take into possession if he has waste storage for which a permit was issued in accordance with this Law.

Payment for waste purchase shall be performed through a bank account, and/or a receipt shall be issued in accordance with special regulations.

A waste dealer shall be obliged to issue a certificate to a person from whom he purchases waste about the quantity of purchased waste as well as a receipt if payment was not made through a bank account.

A waste dealer shall be obliged to obtain data from the identification card of a person from whom he purchases waste, or from another identification document, as well as evidence of waste origin, or a statement about waste possession.

A waste dealer shall not be able to purchase waste if he does not have the evidence referred to in paragraph 6 of this Article.

A waste broker and/or dealer shall be obliged to register in the register of waste management brokers and waste dealers.

A waste broker and/or dealer registered for performing waste broker/dealer operations shall submit an application for entry in the register.

The Ministry shall issue a decision on the entry of a broker or dealer in the register, if the broker or dealer meets the following conditions:

- 1) That he was not convicted for any criminal offense, and/or economic offense or misdemeanour in accordance with the law;
- 2) That he has a person responsible for the execution of tasks for which an application for registration is submitted;
- 3) That he is in a position to settle financial liabilities or obligations that may arise during the execution of tasks, particularly the waste return obligation, in accordance with regulations on transboundary movement of waste.

The decision referred to in paragraph 10 shall be issued for a period of five years.

The decision referred to in paragraph 10 of this Article shall define environmental protection conditions, an obligation to keep records and submit reports, and/or measures for the prevention of illegal trade in waste.

An appeal may be filed against a decision in which entry in the register and issuance of a certificate is refused, within 15 days from the date of receiving the decision.

Registration may be renewed at the request of a broker or dealer which shall be submitted 30 days before the expiry of the registration period.

A registration certificate may be cancelled:

- 1) If a broker, and/or dealer, acts against the certificate on entry in the register of brokers or dealers;
- 2) If it is possible that a broker or dealer could, by his continuous execution of tasks, cause environmental pollution;
- 3) If a broker or dealer acts contrary to the regulations on transboundary movement of waste;
- 4) If a broker or dealer does not fulfil obligations in accordance with the law.

The provisions under para. 10, 11, 12 and 13 of this Article that refer to the entry in the register, and/or refusal to make an entry in the register, also apply to the renewal or cancellation of the certificate.

A broker and/or waste dealer shall deliver to the Agency the annual waste management report in accordance with this Law.

## **Obligations of the Operator in the Waste Management Facility**

### **Article 29**

An operator in the waste management facility shall:

- 1) Develop the Operational Plan for the facility referred to in Article 16 of this Law and ensure its implementation and update;
- 2) Develop the contingency plan, in accordance with the law;
- 3) Obtain the waste treatment permit and conduct waste treatment activities in accordance with the permit;
- 4) Publish a list of waste an operator shall be authorised to treat;
- 5) Manage equipment and the waste treatment facility in compliance with appropriate technical instructions;

- 6) Secure waste and protect it against scattering and leakages;
- 7) In case of an accident, the operator shall immediately inform the competent authority, in compliance with the law;
- 8) Keep records of waste in accordance with this Law;
- 9) Determine a qualified person responsible for professional work in the waste treatment facility;
- 10) Charge for waste treatment services carried out in the facility;
- 11) Enable to the competent inspector to supervise sites, facilities, plants and documents.

## **Obligations of Waste Disposal Site Operator**

### **Article 30**

A waste disposal site operator shall be obliged to:

- 1) Develop the Operational Plan referred to in Article 16 of this Law and ensure its implementation and update;
- 2) Develop the accident prevention plan in compliance with the law;
- 3) Obtain the waste disposal permit and dispose waste in accordance with the permit;
- 4) Implement environmental protection measures, in compliance with regulations;
- 5) Collect for the services of waste disposal at the landfill;
- 6) Enable recultivation of a landfill after its closure and professional supervision of the waste disposal site, i.e. location, for a period of minimum 30 years, with the aim to reduce risks to human health and environment;
- 7) In case of an accident, the operator shall be obliged to immediately inform the competent authority, in accordance with the law;
- 8) Keep records on waste, in accordance with this Law;
- 9) Designate a qualified person responsible for professional activities on a waste disposal site;
- 10) Enable to the competent inspector to inspect sites, facilities and documents.

In compliance with this Law, a waste disposal site operator shall refuse to receive waste that does not meet requirements related to waste disposal referred to in the permit, or refuse reception of waste when it is mixed with another waste, i.e. when it poses a risk to human health or environment.

An operator shall be obliged to inform the authority competent for the issuance of the permit about the waste refusal referred to in paragraph 2 of this Article.

## **Qualified Person Responsible for Professional Activities**

### **Article 31**

A qualified person responsible for professional activities related to non-hazardous waste management shall be a person who:

- 1) Has not been convicted of any criminal offense;
- 2) Has at least secondary education, with completed internship.

A qualified person responsible for professional activities related to hazardous waste management shall be a person who:

- 1) Has not been convicted of any criminal offense;
- 2) Has at least a university degree in first level studies (graduate academic studies and basic vocational studies), i.e. at least a college degree in scientific and mathematics, medical or technical-technological sciences, and minimum three years of work experience.

A legal entity and entrepreneur conducting waste management activities should have at least one permanently employed qualified person responsible for professional activities related to non-hazardous and/or hazardous waste.

## **VI ORGANISATION OF WASTE MANAGEMENT**

### **Organisation of Waste Management**

#### **Article 32**

Waste management shall be organized in a manner that will not present danger to human health and environment, in accordance with the law.

The Minister may order additional measures for managing certain types of waste, if:

- 1) Waste handling endangers or may endanger human health and environment;
- 2) There are additional requirements for the implementation of provisions from international agreements which are mandatory for the Republic of Serbia.

The additional measures referred to in paragraph 2 of this Article may be temporary conditions for the execution of activities in case of the endangerment of human health and environment, as well as the application of international standards not prescribed in the country.

If a legal entity or a natural person handles waste contrary to the provisions of this Law, which results in danger or a risk to human health and environment, the Republic of Serbia shall



undertake urgent measures for the protection of human health and environment, surface and ground water, air, soil, flora and fauna.

The Republic of Serbia shall have the right to recover costs that incur with the execution of measures referred to in paragraph 4 of this Article from an entity for which it shall be proved that he performed an illicit activity.

## **Waste Management Facility**

### **Article 33**

Storage, treatment or disposal of waste may be performed by:

- 1) A company, firm or another legal entity, i.e. an entrepreneur performing the activity of storing, treatment and/or recovery or disposal of waste, in accordance with the law;
- 2) A legal entity or entrepreneur on the basis of a permit and contract for the performance of activities of local interest that was concluded with a local self-government unit, in accordance with the law.

Based on the law that regulates concessions, the right to carry out waste management activities, i.e. construction, utilization and maintenance of the waste management facility may be acquired through concession, in accordance with the law regulating concessions.

Construction and operation of a waste management facility shall be in compliance with the provisions of this Law, law regulating the construction of facilities, and other laws.

A waste management facility may not start its operation before obtaining the waste management permit in accordance with this Law.

Waste management facilities may serve for the storage, treatment and/or recovery or disposal of waste only in accordance with the issued permit.

## **Site for the Construction and Operation of the Facility**

### **Article 34**

One or more local self-government units shall determine a location for the construction and operation of the facility for the storage, treatment and/or recovery or disposal of the waste being managed on their own territory, under conditions determined by the law as well as the Agreement referred to in Article 21, paragraph 2 of this Law if several local self-government units jointly decide about the location for a waste treatment facility.

In case of a disagreement between local self-government units in terms of determination of a location for a waste management facility, a decision about the location shall be adopted by the Government at the proposal of the Ministry or the competent authority of the autonomous province.

In case of the construction of a facility for treatment and/or recovery or disposal of hazardous waste, the Ministry shall adopt a decision on location, in accordance with the law and previously obtained opinion from local self-government unit, and/or from the autonomous province for the facilities built on its territory.

When determining sites for the construction and operation of a waste management facility, the following shall be taken into account, in particular:

- 1) Quantities and types of waste;
- 2) Manner of storing, treatment and/or recovery or disposal of waste, i.e. types of facilities and plants;
- 2a) Intended purpose of the space and a possibility to construct and commission a facility shall be in accordance with planning and environmental conditions;
- 3) Geological, hydrological, hydrogeological, topographic, seismic and pedologic properties of soil and microclimate characteristics of the area;
- 4) Vicinity of protected natural resources and landscape characteristics.

## **Collection and Transport of Waste**

### **Article 35**

An entity that performs collection and/or transport of waste shall collect waste from a waste producer or owner and/or other holder and transport waste to the waste management facility, and/or centre for the collection, storage, transfer station or a plant for the treatment and/or recovery or disposal.

The entity referred to in paragraph 1 of this Article shall have a contract with the waste management operator that shall regulate the manner of waste takeover, payment through a bank account, and other issues relevant for waste takeover (waste types, quantities, origin, classification, etc.).

The competent authority shall take appropriate measures in accordance with Article 3 and Article 6 paragraph 1 point 3) of this Law, to encourage:

- 1) Separate collection of biowaste for the needs of composting and digestion;
- 2) Treatment of biowaste in a manner to ensure a high level of environmental protection;
- 3) The use of materials safe for the environment, which are produced from biowaste.

Collected mixed waste may be accepted as recyclable material in the waste management facility if such materials are separated when further processed, in accordance with quality and/or recycling standards.

Waste intended for storage, treatment and/or recovery or disposal may be transported to a transfer station from which it shall be further transported to a facility for storage, treatment or disposal.

Location of a transfer station shall be determined by a local self-government unit.

For purpose of easier further treatment and/or recovery of waste, the entities referred to in paragraph 1 of this Article shall ensure that different types of waste remain separated during transport.

Waste shall be transported in a closed vehicle, packaging, container or a tank to prevent waste scattering or dropping during transport, loading, or unloading, and/or the pollution of air, water, soil and the environment.

In case pollution occurs during transport, the waste carrier shall be responsible for the cleaning and removal of pollution from an area.

The waste carrier shall transport waste only to a destination specified by the sender.

If waste cannot be delivered to a destination, the carrier shall return waste to the sender.

Hazardous waste shall be collected and transported separately.

Regulations concerning the transport of hazardous cargo shall apply to the transport of hazardous waste and/or mode of transportation, conditions that refer to hazardous waste packaging, and to the vehicle and employees involved in handling and transport of hazardous waste.

## **Storing of Waste**

### **Article 36**

Waste shall be stored in places that are technically equipped for temporary storage of waste on a site of a waste producer or owner and/or other holder of waste, in collection centers, transfer stations and other locations, in accordance with this Law.

The waste storage referred to in paragraph 1 of this Article may be:

- 1) A temporary waste storage facility at a waste generation site in which waste is kept for collection purposes;
- 2) A waste storage facility as a plant in which an activity of waste storing is conducted, and/or the process of waste collection and classification, storing and keeping and preparing for handover or dispatch, and/or transport to re-use, recovery, or disposal plant, are performed, including waste collection centres;
- 3) A waste storage facility within a waste recycling, recovery, or disposal plant in which waste is prepared for treatment, includes a transfer station as well.

The waste management permit, and/or waste exemption document issued in accordance with this Law shall define the type of the storage facility referred to in paragraph 2 of this Article, taking into consideration its intended purpose, waste type and quantity, and the time-period of its storing.

Hazardous waste may not be temporarily stored at a location of a waste producer, owner, and/or other waste holder for longer than 12 months, unless the permit obtaining process is in progress, and not longer than 120 days from the date of expiry of the time-period referred to in this paragraph.

## **Waste Treatment**

### **Article 37**

Waste treatment shall be carried out with the application of the best available techniques and technologies in compliance with this Law.

Waste treatment facilities and equipment may be stationary and mobile.

Waste treatment in a stationary or mobile facility shall be performed in accordance with the treatment permit issued on the basis of this Law.

Permits, approvals, or documents related to waste treatment in mobile plants shall be obtained in accordance with this Law and other regulations.

The Minister shall prescribe in more detail the types of waste which may be treated in mobile plants and the types of mobile plants for which the waste treatment permit shall be issued.

## **Re-use and Recovery**

### **Article 38**

The competent authority for waste management shall take necessary measures to ensure that waste recovery operations are conducted in accordance with Art. 3 and 6 of this Law.

The competent authority for waste management shall take appropriate measures to promote product re-use and preparation for re-use, where possible, particularly with the development of the product reconstitution and re-use system, by applying economic instruments and criteria in the implementation of a public procurement procedure, and by defining other objectives and measures.

The competent authority for waste management shall take measures which shall ensure and promote or improve waste recovery when this is in accordance with the principle under Article 6 paragraph 1 point 3) of this Law, and, for that purpose, establish separate waste collection where this is technically, ecologically and economically feasible, and ensure that waste is not mixed with other types of waste or other materials with different properties.

The competent authority for waste management shall also take measures which will ensure a high quality level of recycling and, for that purpose, establish separate waste collection where

this is technically, ecologically and economically feasible and appropriate, in order to meet necessary quality standards for relevant recycling areas.

Waste may be recovered for the same or other purpose, for recycling, and/or other recovery operations, to obtain raw materials for the production of the same or another product, as secondary raw materials (paper, cardboard, metal, glass plastic, construction or demolition waste, ashes and sludge from coal combustion in thermal energy plants, gypsum and sulphur from flue gas desulphurisation, waste oils, etc.), or to utilise the worth from waste through its biodegradation, or use the energy produced by waste incineration.

The person recovering waste shall ensure that adverse impacts on the environment caused by thus created products do not exceed those caused by the products obtained from primary raw materials.

Disposal and incineration of the waste meeting re-use or recovery standards shall be forbidden.

Exceptionally, the waste referred to in paragraph 7 of this Article may be disposed or incinerated if this is economically justified and does not endanger human health and environment, with previously obtained permit from the Ministry.

The plants used in waste management related activities for which an integrated permit is required may re-use the imported non-hazardous waste for their own purposes, in accordance with the permit issued by the Ministry and/or competent authority of the autonomous province, according to the regulations governing integrated pollution prevention and control.

The Minister shall prescribe in more detail the requirements and manner of collection, transport, treatment, and/or storage, recovery and recycling of the waste used as secondary raw materials or for energy generation.

## **Physical-Chemical Treatment of Waste**

### **Article 39**

Physical-chemical treatment shall comprise: neutralisation, mineralisation, solidification, oxidation, reduction, adsorption, distillation, ionic modifications, reverse osmosis and other physical-chemical and chemical processes which reduce dangerous properties of waste.

Physical-chemical treatment of waste shall be performed in compliance with the treatment permit issued on the basis of this Law.

## **Biological Treatment of Waste**

### **Article 40**

Biological treatment of waste shall be a process of degradation of biodegradable organic waste (paper, cardboard, garden or kitchen waste and so on) in order to obtain useful materials for soil conditioning (compost) and/or energy (methane), and shall in particular comprise composting or anaerobic digestion.

Biological treatment of waste shall be performed in accordance with the treatment permit issued on the basis of this Law.

Biological treatment of waste shall be performed in order to reduce landfilling of biodegradable waste, i.e. to reduce GHG emissions and their environmental impact.

Other technologies of biological treatment of waste shall be used to reduce dangerous characteristics of waste.

## **Thermal Treatment**

### **Article 41**

Thermal treatment of waste shall be performed in accordance with the treatment permit issued on the basis of this Law.

Thermal treatment of waste shall be performed in plants designed, constructed and equipped in accordance with this Law.

Incineration of waste, as thermal treatment, shall be done using the energy generated in the burning process only if this is economically justified and if such burning does not require additional energy, except for the initial ignition, or if waste is used as fuel, i.e. additional fuel for co-incineration.

Before incineration, the owner and/or other holder of hazardous waste shall ensure the testing of hazardous characteristics of waste during the first shipment of waste to a plant, and/or once a year for the same type of hazardous waste that is incinerated in the same plant for a longer period of time.

Before incineration, the operator of the plant referred to in paragraph 2 of this Article shall ensure control of the waste delivered for incineration, i.e. its identification according to its type, quantity and properties, control of accompanying documentation, and sampling and analysis of hazardous waste.

The operator shall keep the waste samples referred to in paragraph 5 of this Article for at least one month after waste incineration.

The Government shall prescribe in detail the types of waste to be thermally treated, as well as conditions and criteria for the determination of location, technical and technological conditions for designing, construction, equipping and operation of a waste thermal treatment plant, handling incineration residue, as well as other issues relevant for the operation of a waste thermal treatment plant.

## **Landfilling of Waste**

### **Article 42**

The landfilling of waste shall be carried out only if there is no other appropriate solution, in accordance with the waste management hierarchy principle.

Waste shall be disposed on a waste disposal site that meets technical, technological and other conditions and requirements, in accordance with the permit issued on the basis of this Law.

Before disposal, a waste disposal site operator shall ensure control of delivered waste and/or its identification according to its type, quantity and properties, by determining the waste mass and control of the supporting documentation, before waste take over.

Before disposal, waste shall be treated in compliance with the provisions of this Law and other regulations.

Waste disposal sites are divided into three classes, depending on the type of waste being disposed:

- 1) Inert waste disposal sites;
- 2) Non-hazardous waste disposal sites;
- 3) Hazardous waste disposal sites.

The joint disposal of hazardous and other types of waste on the same location shall not be allowed, except in cases determined with a special regulation.

The Government shall more closely prescribe the following:

- 1) Conditions and criteria for determining a location, technical and technological conditions for designing, construction and operation of waste disposal sites;
- 2) Types of waste whose landfilling is prohibited, quantities of biodegradable waste that may be disposed, criteria and procedures for acceptance or non-acceptance, and/or landfilling, manner and procedures of operation, and closing down of a waste disposal site;
- 3) Scope and manner of monitoring of the operation of a waste disposal site, and additional maintenance after its close down.

## **Municipal Waste Management**

### **Article 43**

Municipal waste shall be collected, recovered and disposed of in accordance with this Law and special regulations governing utility operations.

It shall be prohibited to mix hazardous with municipal waste.

Municipal waste that was already mixed with hazardous waste shall be separated, if this is cost-effective; otherwise, such waste shall be deemed hazardous waste.

A local self-government unit shall regulate and organize the following in accordance with the local plan:

- 1) Waste selection and separate collection, including intervals of the collection of waste intended for recycling (paper, metal, plastic, and glass);
- 2) Ensure that household waste is disposed to containers or in another manner;
- 3) Ensure and provide equipment for centres for the collection of household waste which cannot be disposed in municipal waste containers (bulk waste, biodegradable waste, etc.), including hazardous household waste.

Households shall be obliged to dispose their waste in containers or in other manners envisaged by the local government unit, and hand over hazardous household waste (waste batteries and accumulators, oils, electrical and electronic product waste, paints and varnishes, pesticides, etc.) to household waste collection centres or to a legal entity authorised for the collection of hazardous waste.

Households and other municipal waste producers shall select municipal waste for recycling.

A local self-government unit shall make an inventory of illegal waste disposal sites and existing rubbish dump sites in its territory and ensure their removal and rehabilitation.

A local self-government unit shall be obliged to develop a rehabilitation and recultivation design for existing rubbish dump sites, in accordance with the law governing environmental protection.

A public utility company managing the municipal rubbish dump sites with municipal waste shall be obliged to submit to the Ministry, or competent authority of the AP for approval the Operational Plan for the plant referred to in Article 16 of this Law, together with the programme for corrective measures and schedule for plant adjustment, in accordance with this Law and a landfilling related regulation.

The Minister shall prescribe the manner of keeping the inventory and appearance of the inventory of waste disposal sites and rubbish sites on the territory of a local self-government unit, as well as the manner and time limits for its delivery.

## **Hazardous Waste Management**

### **Article 44**

Production, collection, and transport of hazardous waste, and its treatment and storage shall be carried out under conditions that provide for the protection of the environment and human health, in accordance with Article 3 of this Law, including all activities from hazardous waste production to hazardous waste treatment, in accordance with the reporting on waste, control and penalty provisions in the manner prescribed by this Law.

The Government shall provide for the implementation of measures for handling hazardous waste.

The treatment of hazardous waste shall be a priority over the treatment of other waste and it shall be carried out only in the plants which have the hazardous waste treatment permit issued in accordance with this Law.



During collection, classification, storage, transport, recovery, and disposal, hazardous waste shall be packaged and labelled in a manner that shall ensure safety for human health and environment, in accordance with international and harmonized Serbian standards.

Hazardous waste shall be packaged according to the characteristics of hazardous waste (flammable, explosive, infective, etc.) and labelled in accordance with the law governing the transport of hazardous goods and this Law.

It shall be forbidden to mix different categories of hazardous waste or mix hazardous with non-hazardous waste, other substances and materials, except:

- 1) In plants for which the hazardous waste treatment permit was issued in accordance with Article 64 of this Law;
- 2) If Article 3 of this law is applied and waste management does not adversely affect human health and environment;
- 3) Under conditions defined in the permit, with the application of the best available techniques and under the supervision of a qualified person.

The mixing of waste referred to in paragraph 6 of this Article shall also include dilution of hazardous materials.

In accordance with technical and economic feasibility criteria, when hazardous waste is mixed in a manner contrary to the provisions of this Article, separation shall be carried out, if possible and necessary, in the plant referred to in paragraph 6 of this Article, under the supervision of a qualified person, in accordance with Article 3.

Provisions from paragraphs 1, 5 and 6 of this Article shall not apply to mixed hazardous household waste before it is taken from a collection centre to be handed over to waste recovery and disposal facilities.

The provision from paragraph 5 of this Article shall not apply to separated parts of household hazardous before they are collected, disposed or recovered by operators who have a permit or who are registered in accordance with the provisions referring to permit issuance or registers of issued permits prescribed by this Law.

It shall be forbidden to dispose of hazardous waste without prior treatment that significantly reduce hazardous characteristics of waste.

It shall be forbidden to dilute hazardous waste in order to be discharged in the environment.

The Minister shall specify the manner of hazardous waste storing, packaging, and labelling.

## **Waste Movement Document**

### **Article 45**

Waste movement shall be accompanied by a special document on waste movement, except for household waste.

A waste producer or owner and/or other waste holder should classify waste before the beginning of its movement.

A waste producer or owner and/or other holder should keep copies of documents on waste dispatch until they receive a copy of a filled-in Waste Movement Document from the receiver, which shall confirm waste acceptance.

If a waste producer or owner and/or other holder does not receive a copy of a filled in Waste Management Document from the receiver within 15 days, they shall be obligated to initiate a procedure for the control of waste movement, and they shall be obliged to immediately inform the Ministry about the findings, as well as the competent authority of the autonomous province, if waste movement is performed on the territory of the autonomous province.

A waste producer or owner and/or other holder shall keep the completed Waste Management Document for at least two years.

The Minister shall prescribe a template for the Waste Movement Document as well as instructions for filling in the document.

## **Document on Hazardous Waste Movement**

### **Article 46**

Hazardous waste movement shall be accompanied with a special document on hazardous waste movement which shall be filled in by a waste producer, owner and/or other holder, and any entity who takes over hazardous waste.

The document on hazardous waste movement shall consist of the following:

- 1) A copy of the previous notification which, 48 hours before the start of hazardous waste movement, a waste producer, owner and/or other holder sends to the Ministry with data about the waste production and/or owner, in accordance with the law on personal data protection, as well as about the type and estimated waste quantities, waste classification, means of transport and destination, signed by the waste producer and/or owner;
- 2) A copy of the document referred to in paragraph 2 point 1) of this Article kept by the producer or owner and/or other holder, which was signed by an entity that took over waste for its transportation (carrier);
- 3) A copy of the document referred to in paragraph 2 point 2) of this Article kept by the waste carrier, which was signed by an entity that took over waste at the destination point (receiver);
- 4) A copy of the document referred to in paragraph 2 point 3) of this Article, kept by the waste receiver;

5) A copy of the document referred to in paragraph 2 point 4) of this Article which the recipient shall send to the Ministry, as well as to the competent authority of the autonomous province, that is, the city of Belgrade, if waste movement is taking place on their territory;

6) A copy of the document referred to in paragraph 2 point 4) of this Article sent by the receiver to the waste producer, owner and/or other holder, or the sender.

Copies of the documents referred to in paragraph 2 points 5) and 6) of this Article shall be used by the competent authority and waste producer, owner and/or other holder in order to complete documentation about hazardous waste movement.

A waste producer, owner and/or other holder shall keep a copy of the document referred to in paragraph 2 point 2) of this Article until they receive a copy of the document referred to in paragraph 2 point 6) of this Article from the waste receiver, i.e. a copy of the filled-in Document on hazardous waste movement, which shall confirm that waste was received.

A waste producer, owner and/or other holder shall be obliged to keep a copy of the document referred to in paragraph 2 point 6) of this Article indefinitely and to deliver it to the Agency in an electronic form by entering the data in the IT system of the National Register of Pollution Sources.

Documentary evidence that management operations were completed shall also be submitted at the request of the competent authority or former owner and/or other waste holder.

If a waste producer, owner and/or other holder does not receive a copy of the document referred to in paragraph 2 point 6) of this Article within 15 days from the date of reception of a copy of the document referred to in paragraph 2 point 2) of this Article, confirming waste takeover, they shall initiate a procedure for the control of waste movement, and they shall be obliged to immediately inform the Ministry about the findings.

The Ministry shall keep a copy of the document referred to in paragraph 2 point 1) of this Article until it receives a copy of the document referred to in paragraph 2 point 5) of this Article from the waste receiver, confirming that waste was received.

In case the Ministry does not receive a copy of the document referred to in paragraph 2 point 5) of this Article within 30 days from the date of reception of a copy of the document referred to in paragraph 2 point 1) of this Article, confirming that waste was received, or if it does not receive a notification from a waste producer, owner and/or other holder about a possible problem, the Ministry shall initiate a procedure for the control of waste movement.

The Minister shall prescribe a template for the document on hazardous waste movement, a template for the previous notification, manner of its submission, and instructions for filling in the document.

## **VII MANAGEMENT OF SPECIAL WASTE STREAMS**

### **Management of Used Batteries and Accumulators**

#### **Article 47**

Trade in batteries and accumulators containing more than 0.0005% of mercury weight shall be prohibited, unless otherwise regulated by this Law.

Notwithstanding paragraph 1 of this Article, trade in button cells and batteries composed of combinations of button batteries containing not more than 2% mercury weight may be allowed.

Trade in portable batteries and accumulators, including those that are installed in equipment, which contain more than 0.002% of cadmium weight, shall be prohibited, except for those used in safety and alarm systems, medical equipment or wireless electric tools, if not otherwise regulated by this Law.

A manufacturer of equipment with installed batteries and accumulators shall be obliged to ensure their installation in equipment in a manner that a user may easily detach such batteries or accumulators upon their use.

A manufacturer and importer of batteries and accumulators, as well as the manufacturer and importer of equipment with installed batteries and accumulators shall be obliged to label them with labels containing instructions and warnings for separate collection, content of heavy metals, possibility to recycle or dispose, etc.

A manufacturer and importer of batteries and accumulators shall be obliged to maintain and keep records on the quantities of manufactured or imported products.

An owner and/or other holder of used batteries and accumulators, except for households, shall be obliged to deliver them for treatment to an entity which as a permit to do so.

An entity that performs collection, storing and treatment of used batteries and accumulators should hold a permit, maintain and keep records on used batteries and accumulators and quantities that were collected, stored or treated, and submit those data to the Agency.

The Minister shall prescribe in more details the content and layout of labels on batteries, button cells and accumulators, according to the content of hazardous materials, manner and procedure for managing used batteries and accumulators, as well as equipment with installed batteries and accumulators.

## **Waste Oils Management**

### **Article 48**

Waste oils, in terms of this Law, shall be all mineral or synthetic oils or lubricants, which may not be used for their original purpose such as hydraulic oils, engine, turbine oils and other lubricants, marine oils, oils or liquids for insulation or transmission of heat, other mineral or synthetic oils, as well as oil residues in tanks, oil-water mixtures and emulsions.

The following shall be prohibited:

- 1) Release or spillage of waste oils into or onto soil, surface or ground water and sewerage;
- 2) Disposal of waste oils and uncontrolled release of the residue from waste oils refining;

- 3) Mixing waste oils with PCB and used PCB or halogenated substances and substances that are not waste oils, or mixing with hazardous waste, during collection and storing activities;
- 4) Any sort of waste oils refining that pollutes air in the concentrations exceeding prescribed limit values.

Depending on the quantity of waste oil generated at the annual level, a waste oil generator shall be obliged to ensure a reception point where such oils will be kept until delivered to an entity for treatment, which has a permit to do so.

Waste oil owners and/or other holders that are not waste oil generators shall be obliged to hand over waste oil to an entity that performs waste oil collection and treatment.

An entity that collects, stores and treats waste oils should have a permit, and maintain and keep records on waste oils and on collected, stored or treated quantities, as well as on the final disposal of residues upon treatment, and it shall be obliged to submit such data to the Agency.

Waste edible oil generated in catering and touristic activities, industry, trade and other similar activities which imply preparation of more than 50 meals a day, shall be collected for processing and production of biofuel.

Owners and/or other holders of waste edible oils shall be obliged to collect waste edible oils generated in the preparation of food separately from other waste, and hand over such oil to an entity which has a permit to collect or treat waste oils.

The Minister shall more closely prescribe conditions, manner and procedure for waste oils management.

## **Waste Tires Management**

### **Article 49**

Waste tires shall, in terms of this Law, be motor vehicle tires (cars, buses, trucks, motorcycles, etc.), agricultural and construction machines, trailers, towed machines, etc. upon the expiry of their life cycle.

An entity that collects, transports, treats or disposes waste tires should have a permit, maintain and maintain and keep records on the quantities of collected and treated waste tires, and it shall be obliged to submit such data to the Agency.

The Minister shall more closely prescribe the manner and procedure for waste tires management.

## **Electric and Electronic Waste Management**

### **Article 50**

Electric and electronic waste cannot be mixed with other types of waste.

It shall be prohibited to dispose of electric and electronic waste without having them pre-treated.

Waste liquids from electric and electronic products should be separated and treated in an appropriate manner.

Components of electric and electronic waste containing PCB should be separated and it should be ensured that they are adequately disposed of.

A manufacturer or importer of electric or electronic products shall be obliged to identify recyclable components of those products.

Entities that take over electric or electronic product waste upon their use shall issue and keep confirmations of the takeover, as well as confirmations of their referral for treatment and/or recovery and disposal.

The takeover obligation referred to in paragraph 6 of this Article shall not refer to the parts of electric or electronic products.

An entity that collects, treats and/or recovers or disposes of electric and electronic product waste shall hold a permit, keep records on the quantity and types of electric or electronic products taken over, and submit such data to the Agency.

When new electric and electronic equipment is marketed, its use may be prohibited or restricted if it contains lead, mercury, cadmium, 6-valent chrome, polybrominated biphenyls (PBB) and polybrominated diphenyl ethers (PBDE).

The Minister shall more closely prescribe a list of electric and electronic products, measures of prohibition and restriction of the use of electric and electronic equipment containing hazardous substances, manner and procedure for the management of electric and electronic products waste.

## **Management of Waste Mercury-Containing Fluorescent Tubes**

### **Article 51**

Waste mercury-containing fluorescent tubes shall be collected separately.

It shall be prohibited to dispose waste mercury-containing fluorescent tubes without previously pre-treating them.

An owner and/or other holder of waste mercury-containing fluorescent tubes shall deliver them for treatment to an entity holding a permit for such an activity.

An entity that collects, treats and/or recovers or disposes of waste mercury-containing fluorescent tubes shall hold an appropriate permit, maintain and keep records on the quantity that was collected, treated or disposed of, and submit such data to the Agency.

The Minister shall closely prescribe a manner and procedure for managing waste mercury-containing fluorescent tubes.

## **PCB and Waste PCB Management**

### **Article 52**

PCB-containing waste shall be collected separately.

The following shall be prohibited:

- 1) Re-charging of transformers with PCB;
- 2) Re-use of PCB waste;
- 3) Obtaining PCB from the recycling of PCB waste;
- 4) Temporary storing of PCB, PCB waste or PCB-containing equipment for more than 24 months before the provision of their disposal or decontamination;
- 5) Incineration of PCB or PCB waste on ships;
- 6) Use of PCB-containing equipment if it is not in a proper operating condition or if it leaks.

An owner and/or other holder of PCBs and PCB waste shall be obliged to ensure their disposal and/or decontamination in the manner prescribed by this Law.

An owner and/or other holder of the equipment in use which contains PCBs or may be contaminated with the PCB content shall be obliged to have the PCB content examined in a laboratory accredited for the examination of the PCB content.

An owner and/or other holder of equipment containing more than 5 dm<sup>3</sup> of PCB shall be obliged to report to the Ministry on such equipment, submit a replacement plan, i.e. equipment disposal and decontamination plan, ensure its disposal, i.e. decontamination, and inform the Ministry about all the changes in data pertaining to the equipment, within three months from the date of an occurred change.

Entities that conduct PCB disposal shall be obliged to deliver to holders used PCBs, and issue a confirmation in which they shall specify PCB properties and quantities.

An owner and/or other holder of equipment containing PCBs shall be obliged to deliver PCB, PCB waste and/or equipment containing PCB to an entity that holds a permit in accordance with this Law, and take all the precaution measures in order to avoid a risk of fire, including keeping them away from flammable products.

Equipment containing less than 5 dm<sup>3</sup> of PCBs which are integral parts of other equipment should be removed and separately collected, recycled or disposed, upon the termination of the use of the equipment of which they are integral parts.

The equipment referred to in paragraph 5 of this Article may be notified not only by the owner and/or other holder, but also by the person in charge of the maintenance of such equipment.

All the PCB-containing equipment and rooms or plants where such equipment is located, as well as decontaminated equipment should be labelled.

An entity that collects, treats, decontaminates or disposes of PCB waste should hold a permit, maintain and keep records on the quantities that are collected, treated or disposed of, and shall submit such data to the Agency.

The Agency shall maintain a register of PCB-containing equipment in use the data on which shall be available to the public.

The Minister shall closely prescribe:

- 1) Contents, layout and manner of the labelling of PCB-containing equipment and rooms or plants where such equipment is located, as well as decontaminating equipment;
- 2) Manner of the disposal of PCB or PCB waste, decontamination of PCB-containing equipment and methods of PCB contents testing;
- 3) Contents of a notification form and the register of PCB-containing equipment in use and PCB waste;
- 4) Contents of the application for permit for the decontamination of PCB-containing equipment;
- 5) Instructions for the collection and disposal of the equipment containing less than 5 dm<sup>3</sup> of PCBs, which are integral parts of other equipment.

## **Management of Waste Containing, Composed of, or Contaminated by Persistent Organic Pollutants (POPs Waste)**

### **Article 53**

POPs waste, in terms of this Law, shall be waste that is composed of, contains or is contaminated by persistent organic pollutants (POPs substances).

The entity that treats and/or recovers or disposes of waste referred to in paragraph 1 of this Article shall ensure that the residue after performed treatment does not have the properties of POPs substances.

An owner and/or other holder of POPs waste shall notify the Ministry about the type and quantity of POPs waste.

The Minister shall more closely prescribe a list of POPs substances, manner and procedure for POPs waste management and limit values for POPs substances concentration pertaining to the disposal of waste that contains or is contaminated by POPs substances.

## **Asbestos-Containing Waste Management**

### **Article 54**



Asbestos-containing waste shall be collected, packed, and stored separately and shall be landfilled in a visibly demarcated area intended for the disposal of asbestos-containing waste.

A producer or owner and/or other holder of asbestos-containing waste shall be obliged to apply measures for the prevention of the scattering of asbestos fibres and dust in the environment.

An owner and/or other holder of asbestos-containing waste shall be obliged to keep records on the quantities of waste stored or disposed of and shall submit such data to the Agency.

The Minister shall more closely prescribe a packing manner, criteria, conditions and manner of the final disposal of asbestos-containing waste, and other measures for the prevention of the scattering of asbestos fibres and dust in the environment.

## **Management of End-of-Life Vehicles**

### **Article 55**

End-of-life vehicles, i.e. unusable vehicles shall be motor vehicles or parts of vehicles that are waste, whose owner wants to dispose of them, or whose owner is unknown.

A manufacturer or importer shall be obliged to provide information about the disassembly, i.e. appropriate treatment of an unusable vehicle.

An owner of an end-of-life vehicle shall be legal entity or a natural person that possesses such a vehicle, resulting from their activity.

An owner of an end-of-life vehicle (if known) shall be obliged to ensure the delivery of the vehicle to an entity that has a permit to collect or treat such vehicles.

If an owner of an end-of-life vehicle is unknown, a local self-government unit shall provide for the collection and delivery of vehicles to an entity that has a permit to treat such vehicles.

A local self-government unit shall regulate the procedure for the collection and delivery of the vehicles referred to in paragraph 5 of this Article, and shall be entitled to charge for costs if the owner of an end-of-life vehicle becomes known later.

An entity that treats end-of-life vehicles shall:

- 1) Keep records on all the phases of treatment, and shall submit such data to the Agency;
- 2) Ensure the separation of hazardous materials and components from an end-of-life vehicle in order to enable further treatment before disposal;
- 3) Ensure treatment of end-of-life vehicles and disposal of their parts that cannot be processed;
- 4) Issue a confirmation to the owner or entity that collects end-of-life vehicles, confirming the reception of vehicles;

5) Submit a confirmation about the disassembly of an end-of-life vehicle to the authority competent for vehicle registration.

The Minister shall more closely prescribe a manner and procedure for the management of end-of-life vehicles.

## **Medical Waste Management**

### **Article 56**

A medical waste producer shall be obliged to prepare a medical waste management plan if producing more than 100 tons of non-hazardous medical waste and/or 200 kg of hazardous medical waste, on an annual basis.

The plan for managing medical waste from healthcare institutions, other forms of healthcare services (hereinafter: private practice), other legal entities, or establishments in which medical protection of humans takes place in accordance with the law, or related medical, educational and R&D activities, producing more than 500 kg of hazardous medical waste annually, shall be approved by the ministry competent for health issues, upon a previously obtained opinion from the institute for public health established for the territory of the Republic of Serbia, in cooperation with the Ministry.

The plan for managing medical waste from veterinary organisations and facilities in which veterinary services are provided shall be approved by the ministry competent for veterinary issues, in accordance with the law regulating veterinary medicine and this Law.

A producer of medical waste shall, if possible, ensure the reduction of medical waste quantity and/or hazardous properties at their production site, as well as waste recovery.

A producer of medical waste shall collect all waste at its production site and classify it into hazardous waste and non-hazardous waste, namely into different types of hazardous medical waste, and dispose of it in suitable packaging adapted to its properties, quantity, the manner of its temporary disposal, transport, and treatment.

The collection and transport of hazardous medical waste, classified, packaged, and labelled in accordance with this Law and the regulation enacted based on this Law, shall be carried out in special vehicles for medical waste transport from the medical waste producer to the waste treatment plant operator, in accordance with waste management related regulations and regulations relating to the transport of dangerous goods.

A producer of hazardous medical waste shall have a contract concluded with a person holding a permit for medical waste collection and transport, unless he has his own vehicle for medical waste transport.

A producer of hazardous medical waste shall have a contract concluded with an entity holding a permit for medical waste collection and transport, unless they have their own vehicle for medical waste transport.

An entity that has a permit for medical waste collection and transport should, in accordance with the law, conclude the waste takeover agreement with a waste treatment plant operator.

The waste produced as a result of home health care, and other similar activities, within which medical waste is produced, shall be taken over by an entity carrying out such an activity and that same entity shall provide for its treatment or safe disposal at his expense, in accordance with waste management related regulations.

An entity carrying out the transport of hazardous medical waste shall provide for regular cleaning and disinfection of transport vehicles.

A producer of hazardous waste shall, before such waste transport, treatment, or handover to the waste treatment plant operator, store that waste at the place intended exclusively for that purpose.

The producer of hazardous medical waste shall carry out the treatment of his own medical waste, on his own or through a third person with whom he has concluded a contract and who meets the requirements determined by this Law.

A producer of medical waste shall be obliged to deliver data to the Agency about waste quantities for different waste types and manners of handling.

An entity carrying out the collection, transport, treatment, and/or storage, recovery, and disposal, of medical waste treatment residues should hold a permit, keep records about the quantity and type of the medical waste collected, transported, treated, or stored and disposed of, and shall deliver such data to the Agency.

Medical waste shall be exported if the Republic of Serbia has no technical capacity and/or there are no plants for the recovery or disposal of such waste in an environmentally acceptable and efficient manner, in accordance with this Law and the regulations governing the international transport of waste.

The minister responsible for health issues and the minister shall mutually prescribe the content of the plan for the management of medical waste from the establishments in which human healthcare services are provided, and the manner and procedure for medical waste management.

## **Pharmaceutical Waste Management**

### **Article 56a**

Pharmacies founded as medical establishments, and/or veterinary organizations, as well as pharmacies founded as private practices shall be obliged to:

- 1) Take over the produced pharmaceutical waste from the citizens and hand over such waste to the entities carrying out the collection, transport, treatment, and/or storage, recovery, and disposal or export of pharmaceutical waste;

- 2) Keep separate records about their own pharmaceutical waste and deliver relevant data to the Agency;
- 3) Provide, in pharmacy business premises, space for a container for the free-of-charge collection of unused drugs from the citizens;
- 4) Conclude a contract with the entity referred to in point 1 of this paragraph on the rights, obligations and responsibilities relating to the management of pharmaceutical waste collected from the citizens;
- 5) Put up a notification on a visible place that unused drugs shall be collected from the citizens in such a pharmacy and that there will be no charge for the citizens who are return unused drugs.

The citizens and/or animal holders shall hand over unused drugs to a pharmacy that was founded as a medical establishment, i.e. a veterinary organization or a pharmacy founded as private practice.

The container referred to in paragraph 1 point 3) of this Article shall be put up by an entity carrying out the collection, transport, treatment, and/or storage, recovery, and disposal or export of pharmaceutical waste that holds a permit in accordance with this Law.

Waste containing psychoactive controlled substances and precursors shall be treated in accordance with the laws governing psychoactive controlled substances and precursors, the law governing drugs, and the law governing waste management.

The minister responsible for health issues, the minister responsible for veterinary issues, and the Minister shall specify in more detail the manner and procedure for pharmaceutical waste management.

## **Costs of Medical and Pharmaceutical Waste Management**

### **Article 56b**

Costs of the management of medical waste, including the pharmaceutical waste produced in pharmacies referred to in Article 56 of this Law shall be borne by waste producer, except for the costs of the management of pharmaceutical waste collected from the citizens.

Costs of the management of waste generated from the drugs for which no marketing permit was issued in the Republic of Serbia shall be borne by the importer of such drugs.

Costs of the management or exportation of the pharmaceutical waste collected from the citizens shall be borne by the producer and/or importer placing pharmaceutical products on the market of the Republic of Serbia, proportionately to their share in the product mass they are placing on the market of the Republic of Serbia, in accordance with this Law and on the basis of the records of the Medicines and Medical Devices Agency.

Costs of the management of the pharmaceutical waste referred to in paragraph 3 of this Article shall include:

- 1) Waste takeover and transport;
- 2) The preparation of a joint plan;
- 3) The acquisition and distribution of collection containers;
- 4) Temporary storage and transport for disposal;
- 5) Waste treatment, or recovery, disposal or export;
- 6) Administrative costs (electronic data processing, system operation, notification and preparation of export documents).

## **Management of Waste Generated in Titanium Dioxide Production**

### **Article 57**

In terms of this Law, titanium dioxide waste shall be all types of waste generated in the production of titanium dioxide, which has to be disposed by the producer, or the producer shall be obligated to dispose of such waste in accordance with this Law, as well as the residue generated during the treatment of this type of waste.

The operations of disposal of titanium dioxide waste may not be performed without a permit issued by the Ministry, and/or the competent authority of the autonomous province.

A producer and owner and/or other holder of waste shall be obliged to hold a permit, maintain and keep records on the quantities of this type of waste that was collected, stored, treated or disposed, and shall submit such data to the Agency.

A producer and owner and/or other holder of titanium dioxide and titanium dioxide waste shall be obliged to implement measures of supervision over disposal operations and shall control soil, waste and air on the location where titanium dioxide waste was used, kept or disposed of.

The Ministry shall more closely prescribe a manner and procedure for titanium dioxide waste management, as well as measures of environmental supervision and monitoring on the location.

## **Packaging and Packaging Waste Management**

### **Article 58**

The materials used for packaging should be produced and designed in a manner that will ensure that, during their life cycle, they meet requirements related to environmental protection, human health and safety, health adequacy of a packed product, as well as requirements related to the transport of product and waste management.

Packaging and packaging waste shall be managed in compliance with a special law.

## **VIII WASTE MANAGEMENT PERMITS**

## **Permitting and Types of Permits**

### **Article 59**

Permits shall have to be obtained for the performance of one or more activities in the area of waste management, as follows:

- 1) Permit for waste collection;
- 2) Permit for waste transport;
- 3) (Deleted)
- 4) Permit for waste treatment, specifically:
  - Storage permit;
  - Recovery permit;
  - Disposal permit.
- 5) (Deleted)

One integrated permit may be issued to one operator performing several activities.

The permit for the collection and transport of hazardous waste shall be issued in compliance with this Law and other regulations.

The permits referred to in paragraphs 1 and 2 of this Article shall be issued for business activities in the field of waste management other than those for which, according to the integrated pollution prevention and control related regulations, the integrated permit is issued.

By way of an exception, the permit referred to in paragraphs 1 and 2 of this Article shall also be issued for new and existing waste management plants which are subject to the issue of the integrated permit, including the duration of the trial period, but not for longer than 240 days from the completion of the trial period, as a temporary permit pending the issue of the integrated permit.

An operator may lodge a complaint against a decision which serves as a basis for the issuance of the permit referred to in paragraph 4 of this Article, within 15 days from the day of reception of the decision.

## **Competences for Permitting**

### **Article 60**

Permits for the collection, transport, treatment, and/or storage, recovery, and disposal of hazardous waste, permit for the treatment of inert and non-hazardous waste through

incineration, and permit for the treatment of waste in a mobile facility shall be issued by the Ministry.

Permits for the collection, transport, treatment, and/or storage, recovery, and disposal of inert and non-hazardous waste on the territories of several local self-government units shall be issued by the Ministry, i.e. competent authority of an autonomous province for the territory of the autonomous province.

The autonomous province shall be entrusted with the issuance of permits for the collection, transport, treatment, and/or storage, recovery, and disposal of waste for all the activities on the territory of the autonomous province and for all the facilities that apply for the construction permit at the competent authority of the autonomous province.

The city of Belgrade shall be entrusted with issuing permits for the collection, transport, treatment, and/or storage, recovery and disposal of waste for all activities on the territory of Belgrade, and for all the plants for which the construction permit shall be issued by the competent authority of the city of Belgrade.

The city or municipality shall be entrusted with issuing permits for the collection, transport, treatment and/or storage, recovery and disposal of inert and non-hazardous waste on their territory.

## **Exemptions**

### **Article 61**

The permit shall not be issued for the following:

- 1) Movement of waste within the waste producer's site;
- 2) Household waste containers placed in public places;
- 3) Storages with capacities below 10 tons of inert waste;
- 4) Storages with capacities below 2 tons of non-hazardous waste;
- 5) Mechanical preparation of non-hazardous waste for transport (pressing, baling, cutting, etc.);
- 6) Test for determining technical and technological parameters of waste recovery with the aim to obtain the data necessary for the procedure of developing an impact assessment study.

For the sites on which inert and non-hazardous waste is stored and for mechanical preparation of non-hazardous waste for transport referred to in paragraph 1 points 3), 4) and 6) of this Article, a document on exemption from the obligation to obtain the permit shall be issued.

The application of exemption from the permitting obligation shall in particular contain the following:

- 1) Data about the operator;

- 2) Data about the facility and site;
- 3) Data about the capacity of the facility;
- 4) Approval of the plan for protection against accidents and plan for protection against fire, if the operator is under an obligation to obtain such approval or the rules for protection against fire, depending on the level of susceptibility to fires and other data, at the request of the competent authority.

The certificate referred to in paragraph 1, point 6) of this Article shall be issued for a period of maximum 60 days.

The Minister shall more closely prescribe the contents of the certificate referred to in paragraph 2 of this Article.

## **Application for Permit**

### **Article 62**

Operators of facilities for the treatment, and/or storage, recovery, and disposal of waste shall apply for a permit.

The application of permit referred to in paragraph 1 of this Article shall contain the following:

- 1) Data about the applicant;
- 2) Data about the facility and site, particularly the description of the location, including its hydrogeological and geological characteristics, in the request for waste landfilling;
- 3) Data about the capacity of the facility;
- 4) Data about the type, quantity and origins of waste;
- 5) Methods and technologies that will be used for each of operation types contained in the permit, technical and other requirements relating to the location concerned, and the proposed pollution prevention and reduction methods;
- 6) Data about the equipment and devices that will be used;
- 7) Number of employees and their qualifications;
- 8) Data about the qualified person responsible for professional activities.

The operator shall accompany the application for permit referred to in paragraph 1 of this Article with the following documentation:

- 1) Certificate on registration;
- 2) Operational plan for the waste management facility;



- 3) Approval of the plan for protection against accidents and plan for protection against fire, if the operator is under an obligation to obtain such approval, or the rules for protection against fire, depending on the level of susceptibility to fires, and employees basic training programme in the protection against fire, in accordance with the law;
- 4) Plan for closure of the facility;
- 5) Statement containing methods of waste treatment and/or recovery or disposal;
- 6) Statement containing methods of treatment and/or recovery and disposal of residue from the facility;
- 7) Approval of an environmental impact study, or due diligence study, or document on exemption from the obligation to perform the environmental impact study, in compliance with the law;
- 8) Copies of approvals and consents obtained from other competent authorities, issued in compliance with the law;
- 9) Financial and other guarantees or appropriate insurance in case of an accident or damages made to third parties;
- 9a) Financial or other guarantees ensuring compliance with the requirements from the permit for waste landfilling, with a validity period equal to the waste disposal site operation period, including the waste disposal site closing procedure and maintenance after closing in accordance with Article 30 of this Law;
- 10) Receipt on payment of an appropriate administrative fee.

Application for the issuance of the landfilling permit, in addition to data from paragraph 2 of this Article shall also contain information on the procedure for closure and after-care of landfill.

The competent permitting authority for the treatment, and/or storage, recovery, and disposal of waste may, if necessary, require additional data, information or documentation for the issuance of permit.

The Minister shall prescribe a template for the permit application referred to in paragraph 1 of this Article.

## **Permitting Procedure**

### **Article 63**

The application for issuing a permit for the treatment, or storage, recovery and disposal of waste shall be submitted to the ministry, or the autonomous province, or a local self-government unit.

The competent authority for the issuance of the permit shall, within 15 days from the date of reception of the application for permit, demand from the applicant to submit evidence and

documents required for the supplementation of the application, if the application is incomplete, or not properly made.

The competent authority for the issuance of the permit shall, within 15 days from the date of reception of the properly made application, inform the public about the submitted application and obtain minutes about compliance with the requirements for plant construction and operation from the competent inspection authority.

The Ministry, or competent authority of the autonomous province, shall, simultaneously with the notification referred to paragraph 3 of this Article, submit a request to the local government unit, together with documents for consultation.

When the permit for handling hazardous waste is issued by the competent authority of the city of Belgrade, along with the notification referred to in para. 3 of this Article, it shall submit the delivered application to the city municipality together with the documents for consultation, provided that the city municipality shall be obliged to act in the manner prescribed in para. 6 and 7 of this Article.

Within 30 days of the receipt of the application referred to in paragraph 3 of this Article, the local self-government unit shall be obliged to consider the application and to deliver its opinion to the ministry or the competent authority of the autonomous province, with a reasoned proposal for the acceptance or rejection of the application.

A local government unit shall, before providing the opinion referred to in paragraph 3 of this Article, as appropriate, obtain opinions from other stakeholders and organizations as well (urbanism, nature protection, municipal services, internal affairs, consumer protection, etc.).

The competent authority for the issuance of the permit shall consider the submitted application, enclosed documents, obtained opinions and minutes about the compliance with requirements made by the competent inspection authority, and shall issue the permit to the applicant, within 15 days of the date of reception of the opinion referred to in paragraph 5 of this Article, or issue a refusing decision, stating reasons for refusal.

If the permit is issued by the Ministry, or the competent authority of the autonomous province, they shall inform the local self-government unit about the issued permit and, at its request, deliver a copy of the issued permit.

## **Content of the Permit**

### **Article 64**

The permit shall define requirements for waste management in the plant for waste treatment, and/or storage, recovery, and disposal.

The permit shall particularly contain the following:

- 1) Location data;
- 2) Technical and technological requirements for plant operation;

- 3) Methods used for each individual operation;
- 4) Data about waste origin, destination, and treatment;
- 5) Data about type and quantity of the waste that is being remedied or disposed;
- 6) Procedures for plant operation control and environmental monitoring;
- 7) Measures for protection against accidents, including accident prevention and accident impact alleviation requirements, measures for protection against fire, and procedures for plant closing;
- 8) The level of a financial guarantee or other instrument for covering plant operation costs;
- 9) Obligation to submit, at least once a year, data about the amount and quantities of treated, or remedied and disposed waste, and about monitoring results.

If the permit is issued for waste landfilling, in addition to the data referred to in paragraph 2 of this Article, it shall also contain data about:

- 1) Waste disposal site class (for inert, hazardous, or non-hazardous waste);
- 2) Waste receipt procedure;
- 3) Other plants on the location and total capacity of the waste disposal site;
- 4) Technical documentation for the construction of the waste disposal site and for the plant and equipment to be used;
- 5) Operational plan with waste disposal site filling schedule;
- 6) Requests for the preparation of a waste disposal site for disposal, operations of disposal and monitoring of the operation of the waste disposal site, control procedures, including intervention plans;
- 7) Requests for closing a waste disposal site and operations for subsequent maintenance of a waste disposal site after it is closed;
- 8) The amount of a financial guarantee or other instrument for covering the costs of waste disposal site operation and subsequent maintenance of the site after it is closed.

If the permit is issued for thermal treatment of waste, in addition to the data referred to in paragraph 2 of this Article, it shall contain the data relating to:

- 1) Limit values of emissions to the air and water, and manner of emission measuring, in accordance with the law;
- 2) The type and quantity of treatable hazardous waste;

3) The lowest and the highest share, the lowest and highest caloric value, and limit value for pollutants (e.g., PCB/PCTs, PCP, chlorine, fluorine, sulphur, heavy metals, etc.), for every type of hazardous waste;

4) Requests related to pH value, temperature and flow of waste water discharge;

5) Sampling methods, measuring frequency, methods and means for measuring the emissions of harmful materials in waste gases and emissions of harmful and hazardous materials in waste waters for carrying out one's own monitoring, in accordance with the law;

6) The longest permitted period of all technically unavoidable downtime, disorders or breakdowns of purification devices or measuring devices during which emissions in the air and discharge of waste water may exceed prescribed emission limit values.

The permit for a mobile waste treatment plant shall also contain operator's obligation to inform the Ministry and/or the competent authority of the autonomous province and local self-government unit about any change of its location, or commencement or completion of work on the location.

A permit that includes incineration and co-incineration with energy utilization shall be issued under condition that the requirements in terms of a high level of energy efficiency have been met.

A list of waste categories, which the permit should contain, may be prescribed for waste co-incineration in certain categories of waste co-incineration plants.

The Minister shall specify in more detail the content and appearance of the permit, the type and level of a financial guarantee or other instrument for the coverage of waste management costs.

## **Refusal and Rejection of the Application for Permit**

### **Article 65**

The competent permitting authority shall issue a decision on refusing the application for permit, if:

1) The application is not in conformity with the regional, or local waste management plan or the plant site is not in conformity with the intended purpose defined in the applicable spatial or planning document;

2) Conditions in terms of waste management methods are not met, i.e. if the intended treatment method is unacceptable from the environmental protection aspect, particularly if the method is not in accordance with Article 3 of this Law;

3) The applicant does not have qualified persons responsible for professional activities in the facility;

4) It is not in compliance with other requirements in accordance with Article 62 of this Law;

5) It is not in compliance with other requirements under this Law.

In case that the application for permit does not contain the prescribed data and documentation, the competent permitting authority shall be obliged to allow a reasonable time limit for the applicant to eliminate deficiencies, i.e. to submit evidence.

If the applicant fails to eliminate deficiencies with the given time limit, i.e. does not submit required evidence, the competent permitting authority shall reject the application, in compliance with the law.

## **Permit Validity**

### **Article 66**

The permit for waste treatment, and/or storage, recovery and disposal shall be issued for a period of ten years.

Notwithstanding paragraph 1 of this Article, permits may be issued for a period shorter than ten years, during the trial period, and for new waste management plants which are subject to the issuance of the integrated permit, including the period of maximum 240 days upon the completion of the trial period.

The permit may be extended at a request to be filed 120 days before the expiry of the validity period of the permit in order to ensure the continuity of permit validity.

A waste disposal operator shall be responsible for the application of the conditions prescribed in the permit even after the closedown of the landfill, until the competent permitting authority issues a certificate guaranteeing that human health and environment risks have been reduced to an acceptable level.

If a bankruptcy or liquidation procedure is initiated against a person that holds the permit but did not carry out the rehabilitation of a contaminated site within the plant operation termination and closing, the rehabilitation costs shall be covered from the bankruptcy, i.e. liquidation estate.

If a legal successor assumes the rights and obligations of the person holding the permit, the responsibility of meeting the requirements under the permit, including the rehabilitation of the contaminated site, shall be transferred to the legal successor or land owner, and, if this is not possible, responsibility for meeting the requirements under the permit shall be assumed by the competent permitting authority and it shall be entitled to the recovery of costs by the future owner, or user of the site.

## **Withdrawal of the Permit**

### **Article 67**

The permit shall be revoked with a decision of the competent permitting authority if it is determined that a person holding the permit:

1) Does not meet the requirements for permit issue;

- 2) Does act in accordance with the requirements determined in the permit;
- 3) Does not comply with law and waste management related regulations.

If the inspection surveillance determines that a person holding the permit does not comply with the requirements determined in the permit, the environmental inspector shall:

- 1) Impose measures on the person holding the permit, and determine a time limit for the execution of imposed measures and, if such a person fails to comply with the inspector's order within the specified time limit, he shall make the permit revocation proposal to the competent permitting authority;
- 2) Make, without delay, a proposal to the competent permitting authority to revoke the permit if the person holding the permit handles waste in a manner that is detrimental to the environment and human health, or does not apply measures for environmental protection, pollution control, and accident and fire prevention.

The waste treatment plant operator shall be prohibited by the decision on permit revocation from receiving waste in the plant and the plant operator shall be obliged to further act in accordance with the requirements stated in the permit, i.e. in accordance with the law.

An administrative dispute may be initiated against the decision referred to in paragraph 4 of this Article.

An initiation of the administrative dispute referred to in paragraph 5 of this Article shall not suspend the execution of the decision.

The competent authority shall inform the public about permit revocation.

## **Changes in the Permit**

### **Article 68**

The permit may be changed within the permit validity period, if:

- 1) The operator, or the person holding the permit, files a request for changing the permit (change of waste type and/or quantity, change of the qualified employee responsible for waste management expertise, opening of a new plant at the same site or at another site with the same technology and treatment methods);
- 2) The operator, or the person holding the permit, changes;
- 3) A danger exists or damage to human health and the environment occurs, or safety considerations require changes to the permit;
- 4) The law and other regulations change.

The change to the permit referred to in paragraph 1 points 3) and 4) of this Article shall be made by the competent authority *ex officio*.

If the operator, or the person holding the permit, applies for the change to the permit referred to in paragraph 1 point 1) of this Article, the competent authority shall issue a decision on changing the permit.

If the operator, or the person in whose name the permit is issued, is changed, the rights and obligations resulting from the permit shall be transferred to the legal successor, if he meets the requirements determined by this Law.

At the request of the operator, or the person holding the permit, the competent authority shall issue a decision on the transfer of rights and obligations to the legal successor referred to in paragraph 4 of this Article, or refuse the request for the transfer of rights and obligations.

The competent permitting authority shall issue a new decision on the issuance of the permit if the requirements under the permit change.

If the change to the permit is made by the Ministry, or the competent authority of the autonomous province, it shall inform the local self-government unit about the made change and deliver to it a copy of the issued decision.

An appeal against the decision referred to in para. 3, 5, and 6 of this Article may be filed within 15 days from the date of reception of the decision.

## **Informing the Public**

### **Article 69**

The competent permitting authority shall inform the public about the reception of the application for permit, the accompanying documentation and issued permit through mass media, or the Internet, i.e. in a usual local manner.

The public informing referred to in paragraph 1 of this Article shall contain the following data:

- 1) Name of the applicant, registration number, personal identification number and address;
- 2) Location of the facility;
- 3) Brief description of the activity;
- 4) Deadline for the submission of opinions and proposals;
- 5) Place where the submitted application for permit can be seen.

If the application for permit, or permit itself, includes a business secret or piece of information which would, in compliance with the law, require restricted access of the public, the competent permitting authority may decide to restrict access of the public to certain parts of the application or the permit.

The restriction referred to in paragraph 3 of this Article shall not pertain to the information about emissions, accidental risks, monitoring results and inspections.

## **Permit for Collection and Transport of Waste**

### **Article 70**

The permit for the collection and/or transport of waste shall be issued to an entity registered for collection activities, i.e. to an entity in the capacity of a carrier, in compliance with the laws regulating public transport, i.e. to a national carrier, in compliance with the laws regulating international public transport, except for the following:

- 1) If a waste producer transports waste to the waste management facility that has a permit for such an activity, using producer's own transport vehicles, and if waste quantities do not exceed 1,000 kg per shipment, excluding hazardous waste;
- 2) For the entity that transports household waste to containers, collection centres or waste management facility, or returns packaging or used products to the manufacturer or seller;
- 3) For natural persons, i.e. individual collectors of waste that collect non-hazardous waste on the territory of a local self-government unit.

The application for permit referred to in paragraph 1 of this Article shall contain data about the applicant, registration for the activity, type of waste, collection location and equipment, transport vehicles and other data, at the request of the competent permitting authority.

The permit referred to in paragraph 1 of this Article shall provide for the determination of an obligatory measure in case of the activity of collection, i.e. transport of inert, non-hazardous and hazardous waste, in compliance with the provisions of this Law and other regulations.

The permit referred to in paragraph 1 of this Article shall be issued for the period of five years and may be renewed.

If the legal entity or a natural person referred to in paragraph 1 of this Article does not act in compliance with the conditions prescribed in the permit, the competent permitting authority shall issue a decision on the withdrawal of permit, in compliance with Article 67 of this Law.

## **IX TRANSBOUNDARY MOVEMENT OF WASTE**

### **Conditions and Manner of Transboundary Movement of Waste**

#### **Article 71**

Transboundary movement of waste shall be performed in accordance with this Law and other regulations.

Transboundary movement of waste shall be accompanied by documentation on movement, covering the route from the starting to destination points, in accordance with national and international standards and international regulations referring to transboundary circulation.

Waste that cannot be treated or disposed of in an environmentally friendly and efficient manner, due to the lack of technical options and facilities in the Republic of Serbia, shall be exported.



Non-hazardous waste may be imported for treatment, i.e. recovery, provided that there is a facility for treatment and/or recovery of such waste.

Import of waste for disposal and use for energy generation purposes shall be prohibited in compliance with this Law.

Import of hazardous waste shall be prohibited.

Notwithstanding the provision contained in paragraph 6 of this Article, certain types of hazardous waste needed as secondary raw materials in the processing industry in the Republic of Serbia, in accordance with national objectives of processing such waste, may be imported on the basis of the permit issued by the Ministry.

The import of hazardous waste referred to in paragraph 7 of this Article may be allowed under condition that there is a facility for the processing of such waste, for whose operation a permit was issued in compliance with the law.

Transboundary movement of waste shall be performed under condition that waste is packed, labelled and transported in a manner that shall ensure conditions for the lowest possible risk to human health and environment.

An entity in the capacity of a carrier, in compliance with the laws regulating international public transport, shall be a holder of a document that confirms the fulfilment of conditions for the commencement and operation of the public transport of goods, and a certificate on the ability to perform international public transport.

The Government shall determine certain types of hazardous waste that may be imported as secondary raw materials.

## **Import, Export and Transit of Waste**

### **Article 72**

The application for permit for import, export and transit of waste shall be submitted in compliance with the law.

In terms of the transboundary movement of waste, the application for permit submitted to the Ministry shall be accompanied by the documents containing in particular the following:

- 1) Contract concluded between the importer and exporter;
- 2) General and special documentation submitted with the application in compliance with a special regulation;
- 3) Other evidence and documentation in compliance with this Law and the law that regulates environmental protection.

In terms of transboundary waste movement, the applicant shall ensure an appropriate financial guarantee and insurance policy, or other form of insurance, depending on the requirements of

the importing or transit country, in the amount required for covering waste treatment costs, as well as for rehabilitation costs in case of an accident.

The Ministry shall adopt a decision on the basis of the application for the approval of import, export and transit of waste on the basis of facts contained in the documentation submitted together with the application, where the following shall be specially taken into consideration:

- 1) Whether waste import/export shall be prohibited for the purpose of recovery or disposal in the importing/exporting country;
- 2) Whether the importing/transit/exporting country applies the information system for the transboundary movement of non-hazardous waste;
- 3) Whether waste intended for recovery or disposal will be treated in an environmentally friendly way;
- 4) Whether recovery will be done in the facilities of the importing country which have a lower standard for the treatment of a certain type of waste than in the exporting country, taking into account the need to ensure the appropriate functioning of the domestic market;
- 5) Status of processing capacities in the Republic of Serbia, data about available and required quantities of waste as secondary raw materials, maintained by the Agency;
- 6) Protection of non-renewable natural and energy resources;
- 7) National objectives of processing for certain types of waste.

The permit for import, export and transit of waste, to whose transboundary movement a controlled procedure prescribed by the ratified international agreement is applied, shall be issued within 60 days from the date of reception of the application referred to in paragraph 2 of this Article.

The import, export and transit of waste conducted in several shipments shall be approved for a period of 12 months.

The applicant may apply for the permit for import, export and transit for several shipments in case waste has the same physical-chemical properties, which is delivered to the same destination via the same border crossings.

An exporter, i.e. importer, shall be obligated to submit to the Ministry data about the performed import, i.e. export of waste, by 31 March of the current year for the previous one.

If an exporter does not submit the data referred to in paragraph 7 of this Article, the Ministry shall prohibit further export of waste to the exporter as long as the exporter does not submit necessary data, and it shall inform the authority competent for customs operations about such prohibition.

The Government shall closely prescribe the following:

- 1) A list of hazardous waste whose import is prohibited;
- 2) A list of hazardous waste that may be imported;
- 3) A list of hazardous waste whose import and transit are allowed;
- 4) A list of non-hazardous waste whose import, export and transit are allowed;
- 5) A list of non-hazardous waste for which the permit is not issued, with the documentation accompanying transboundary movement;
- 6) Contents, layout and instructions for filling in the Notification on transboundary movement of waste;
- 7) Contents, layout and instructions for filling in the Document on transboundary movement of waste.

## **Prohibition of Transboundary Movement of Waste**

### **Article 73**

Transboundary movement of waste shall be prohibited if:

- 1) All the participating countries have not been notified;
- 2) All the participating countries have not issued the permit;
- 3) The issued permit is forged or has been obtained in a fraudulent manner;
- 4) It is performed contrary to the issued permit;
- 5) Disposal of waste is intentionally performed contrary to the provisions of this Law and the general principles of the international environmental legislation.

If transboundary movement of waste for which the permit has been issued may not be performed in compliance with the provisions of this Law, i.e. if the importing country cannot find a way to dispose of waste in an environmentally friendly manner within 90 days from the date of arrival of such waste to its destination, the waste exporting country shall be obliged to ensure waste return at the exporter's expense.

In the case referred to in paragraph 2 of this Article, the entity that holds permit for import, export or transit of waste shall inform the Ministry and the authority competent for customs operations that ensure undisturbed return of waste into the exporting country.

## **X REPORTING ON WASTE AND DATABASE**

### **Reports on Waste Management**

## **Article 74**

The report on waste management at the territory of the Republic of Serbia makes an inseparable part of the Environmental Performance Report, and shall be submitted to the National Assembly on an annual basis.

The Assembly of the autonomous province shall consider the report on implementation of regional and local plans at its territory on an annual basis.

Two or more local self-government units that adopted the regional waste management plan shall consider the report on the implementation of the plan once a year and shall submit the report to the Ministry, the Agency and competent authority of the autonomous province.

A local self-government unit shall consider the report on implementation of local waste management plan once a year and shall submit the report to the Ministry, the Agency and the competent authority of the autonomous province.

The reports referred to in paragraphs 2, 3, and 4 shall be delivered to the Agency before 31 March of current year.

The Minister shall prescribe the contents and template for the report on the implementation of the provincial, regional and local waste management plan.

## **Reporting**

### **Article 75**

A producer, owner and/or other holder of waste, except households, shall maintain and keep daily records on waste and submit regular annual report to the Agency.

Legal entities i.e. entrepreneurs that participate in the trade of waste shall be obliged to submit to the Agency data on the type and quantity of waste, including secondary raw materials that are placed on the market, in the prescribed manner.

A producer and importer of the products that become specific streams of waste after being used shall maintain and keep daily records on the quantity and type of produced and imported products, and submit a regular annual report to the Agency.

The report referred to in paragraph 1 of this Article shall contain data on type, quantity, origin, characterization and classification, composition, storage, transport, import, export, treatment, and/or recovery and disposal of waste generated as well as waste received at waste management facility.

An operator of a landfill shall maintain and keep daily records referred to in paragraph 1 of this Article, on the received and disposed waste quantities, and submit to the Agency a regular annual report on the types and quantities of waste disposed and monitoring results.

The report referred to in paragraph 5 of this Article particularly contains data on all necessary costs during the landfill operation.

A landfill operator shall, during the landfill operation, provide control and monitoring of the landfill operation according to the programme governed by the regulation on disposal of waste at landfill sites.

A landfill operator shall inform the competent authority for issuing the permit or competent inspection on any significant impact on the environment observed in the control and monitoring procedure to be carried out in accordance with Article 16 of this Law.

In the case referred to in paragraph 8 of this Article, landfill operator shall comply with a decision of the competent authority for issuing the permit or the relevant inspection in respect of the nature and time limits of taking corrective measures and bear the costs of these measures.

The competent authority shall take measures to initiate the procedure of closing the landfill or part of the landfill when necessary, in accordance with relevant permit, as follows:

- 1) When conditions for it have been fulfilled in accordance with the permit, or
- 2) At operator's request, in accordance with approval granted by the competent authority, or
- 3) Based on a reasoned decision of the competent authority.

Landfill or part of the landfill is considered to be finally closed after completion of the final examination of the site by the competent inspection, verification of all reports submitted by the operator, or after notifying the operator of a decision on the closure of the landfill.

The provision of paragraph 11 of this Article shall not diminish responsibility of the operator in accordance with the requirements laid down in the permit.

After closure of the landfill, operator shall maintain the landfill, supervise and control the after-care period to be established by the competent authority for issuing the permit, taking into account the time limit within which the landfill could present a risk to the environment.

A producer, owner and/or other holder of waste, including producer and importer of products that become special waste streams after being used and landfill operator shall keep basic documents (records, reports, etc.) for at least five years, unless otherwise provided by this Law and special regulation.

A local self-government unit shall maintain and keep records on collected municipal waste, as well as inventory of unregulated landfills and inform the Agency accordingly.

The Agency shall keep the original reports on waste for at least 25 years for the purposes of statistics of the Republic of Serbia on waste generation.

The Agency shall submit details to the Ministry once a year, not later than 31 May of current year and if necessary, or upon request.

The Minister shall prescribe:

- 1) Methodology for collecting data on waste management, daily record keeping form, the form, manner and deadlines for submission of annual reports;
- 2) Methodology for collecting data on the composition and quantities of municipal waste in the territory of the local self-government unit;
- 3) Methodology for collecting data on types and quantities of waste, including secondary raw materials placed on the market;
- 4) Methodology for collecting data on unregulated landfills in the territory of local self-government unit;
- 5) Methodology for collecting data on products which become special waste streams after being used and the form, manner and deadlines for submission of annual reports.

## **Registers in Waste Management**

### **Article 76**

The authority competent for the issuance of the waste management permit, and/or a document on the exemption from the obligation to obtain the permit, shall keep a register of issued permits, or a register of issued certificates of the exemption from the obligation to obtain the permit and submit such register data to the Agency within 15 days from the date of entry in the register.

The Ministry shall keep a register of waste management brokers, and/or waste dealers, and submit the register data to the Agency on a quarterly basis.

The register of issued permits shall be a database in which data on issued waste management permits and permits for the import, export and transit of waste shall be recorded.

The register of issued certificates of the exemption from the obligation to obtain a permit shall be a database in which data on issued certificates of the exemption from the obligation to obtain the permit shall be recorded.

The register of waste management brokers and waste dealers shall be a database in which data on waste brokers and/or dealers shall be recorded.

Data entered into the registers referred to in para. 1 and 2 of this Article shall be public.

Records, registers and other collections of data prescribed by this Law shall be kept in accordance with the law governing the protection of personal data and the law governing the registration of business entities.

The Minister shall prescribe the contents, manner of keeping and appearance of the register of issued waste management permits, register of issued certificates of the exemption from the obligation to obtain a permit, and register of waste management brokers and waste dealers.

# XI FINANCING OF WASTE MANAGEMENT

## **Waste Management Costs**

### **Article 77**

Waste management costs shall be determined according to quantities and properties of the waste in accordance with the polluter pays principle (PPP) and shall include:

- 1) costs of separated waste collection;
- 2) Costs for transport of waste;
- 3) Costs of other waste management measures not covered by revenues from waste trading;
- 4) Costs for removal of waste disposed of by an unknown person outside the landfill;
- 5) Costs of design and construction of a plant for treatment and/or storage, recovery and disposal of waste, operating costs of the facility, costs for closure, after-care.

## **Responsibilities of Waste Producer, Owner and Holder**

### **Article 78**

Waste producer or owner and/or other holder shall bear costs for waste collection, transport, treatment, and/or storage, recovery and disposal of waste in accordance with the Law.

Costs for removal of waste disposed of outside the landfill which origin cannot be determined, or which connection with the producer, or the person who has deposited of it cannot be established shall be borne by local self-government unit.

Households shall bear the costs of waste management in accordance with regulations governing utilities.

## **Price of Waste Management Services**

### **Article 79**

Legal entity or entrepreneur performing the activity of collection, transport, treatment, and/or storage, recovery and disposal of waste shall charge for its services according to the price determined in compliance with the Law.

Price of waste management services, which includes pre-treatment shall be determined depending on type, quantity, characteristics of waste and frequency of services provided as well as on duration and conditions of waste transport and other circumstances that affect the price of waste management organization.

Price of waste landfilling service shall cover all costs of establishment and operation of the landfill, including financial guarantees or other equivalent instruments and estimated costs for closure and after-care for a period of at least 30 years, for all kinds of waste at the site.

Producer or importer of the products which, after their use, become special waste streams, shall pay a fee.

The producer and importer referred to in paragraph 4 of this Article shall maintain and keep daily records on the quantity and type of produced and imported products, and shall submit a regular annual report to the Agency.

Funds collected from the fees referred to in paragraph 4 of this Article are revenues of the budget of the Republic of Serbia and shall be used via the Green Fund of the Republic of Serbia.

The Government shall prescribe criteria for classification of operators performing re-use and recycling of waste, as well as of other waste management entities.

At the proposal of the ministry in charge of environmental protection, the ministry in charge of economic affairs and the ministry in charge of finance, the Government shall specify the establishment, conditions, manner of functioning and arranging the organized waste market.

The Government shall determine the products that after their use become special waste streams, the form of daily records on quantities and type of produced and imported products and annual report, method and deadlines for submission of annual reports, fee payers, criteria for calculation, amount, schedule and method of calculation and payment of the fee.

## **Financing of Waste Management**

### **Article 80**

Funds for financing of waste management in the Republic of Serbia shall be provided from:

- 1) The budget of the Republic of Serbia;
- 2) The budget of the Autonomous Province and local self-government units;
- 3) European Union funds and other international funds;
- 4) Donations, gifts, contributions, assistance and similar sources for waste management;
- 5) Loans from international financial institutions;
- 6) Other sources in accordance with the Law.

The funds referred to in paragraph 1 of this Article may be used only for the purposes specified in this Law and in the manner prescribed by the law governing the environmental protection.



Implementing the Strategy and plans for waste management, as well as construction of plants for treatment and/or storage, recovery and disposal of waste within the competence of the Republic of Serbia, the Autonomous Province and local self-government units, shall be financed in accordance with the Law.

## **Use of Funds for Waste Management Financing**

### **Article 81**

The Republic of Serbia, the Autonomous Province or a local self-government unit shall use the funds referred to in Article 80 of this Law for investment and operating costs of waste management, including:

- 1) Construction of new waste management facilities, reconstruction, revitalisation and utilization of the existing facilities;
- 2) Improving the organization of waste management;
- 3) Management of waste batteries and accumulators, waste oils, waste tyres, waste from electrical and electronic products, waste fluorescent tubes containing mercury and waste vehicles;
- 4) Encouraging the separated waste collection;
- 5) Implementation of regional and local waste management plans;
- 6) Development of the waste management information system;
- 7) Assistance in development and application of new technologies for waste treatment;
- 8) Remediation of long-term pollution by industrial and municipal waste;
- 9) Programmes of education and strengthening the public awareness of environmental protection and waste management issues;
- 10) Encouraging of recycled material market and export of waste for which there is no possibility of treatment in the Republic of Serbia;
- 11) Other costs in accordance with the Law.

## **Administrative Fees**

### **Article 82**

Operator shall bear the costs of administrative fees, determined in accordance with special regulations, pertaining to:

- 1) Applying for a permit in accordance with this Law;

- 2) Issuance of the permit in accordance with this Law;
- 3) Applying for a document of exemption from the obligation to obtain the permit in accordance with this Law;
- 4) Issuance of Document of Exemption from the obligation to obtain the permit in accordance with this Law.

Administrative fees are the revenues of the budget of the Republic of Serbia.

## **XII SUPERVISION**

### **Supervision of the Operation**

#### **Article 83**

The Ministry shall supervise the work of the Agency, the Autonomous Province, local self-government unit, as well as authorized legal entities in performing delegated tasks.

#### **Inspection**

#### **Article 84**

Inspection of implementing the provisions of this Law and regulations adopted for its enforcement shall be carried out by the Ministry, unless this Law provides otherwise.

Inspection shall be carried out by inspectors for environmental protection (hereinafter: the inspector) within the scope determined in this Law.

The Autonomous Province is entrusted with the inspection of the waste management activities to be completely carried out in the territory of the Autonomous Province and operation of waste management facility for which the competent authority of the Autonomous Province has issued required permit under this Law.

The City or the City of Belgrade is entrusted with inspection over the activities of collection and transport of inert and non-hazardous waste, or operation of the plant for treatment and/or storage, recovery and disposal of inert and non-hazardous waste, to which the competent authority has issued required permit under this Law.

Municipality is entrusted with inspection of the activities of collection, transport, treatment, and/or storage, recovery and disposal of inert and non-hazardous waste, for which the competent authority has issued required permit under this Law.

### **Inspector`s Rights and Duties**

#### **Article 85**

In carrying out the inspection, inspector has the right and duty to check and control, in particular:

- 1) Implementation and updating of waste management plans and waste prevention programmes;
- 2) Implementation and updating of operation plan for waste management facility;
  - 2a) Compliance with the requirements for treating the production residues as by-products and possession of documents proving the compliance with the prescribed requirements;
  - 2b) Compliance with the requirements for cessation of waste status and technical requirements for certain types of waste that cease to be waste;
- 3) Use and application of appropriate technologies and efficient use of raw materials and energy;
- 4) Waste management in the facilities that generate waste, implementation of measures and actions to reduce its quantity or hazardous properties, classification, collection, transport, treatment, and/or storage, recovery and disposal;
- 5) Technical characteristics and capacities, organization and operation of waste management facilities, including monitoring, treatment methods and precautions in accordance with the requirements established in the permit;
- 6) Fulfilment of conditions for construction and operation of plants for treatment and/or storage, recovery and disposal of waste;
- 7) Handling waste during its collection and transportation, and in the course of its movement (origin, nature, quantity and destination);
- 8) Handling waste in transboundary movement at the invitation of customs officials;
- 9) Fulfilment of conditions for work, especially monitoring the site prior to commencement of disposal operations in order to check compliance with the requirements of the permit, as well as closure and recultivation of existing landfills and supervision of after-care operations for a period of at least 30 years;
- 10) Procedure of classification, storage, packaging, labelling and transportation of hazardous waste, in accordance with this Law as well as other laws;
- 11) Handling waste in accordance with the obligations prescribed for management of special waste streams;
- 12) Application of the prescribed measures and procedures for prevention of accidents and in the event of an accident;
- 13) Prescribed prohibitions and restrictions;
- 14) Work of the person responsible for waste management and a qualified person responsible for professional activities in waste management facility;

15) Maintaining and keeping proper records containing information on origin, destination, treatment, type and quantity of waste;

16) Implementation of other prescribed measures and procedures for waste management.

## **Inspectors` Powers**

### **Article 86**

In performing the tasks referred to in Article 85 of this Law, the inspector shall be empowered to:

1) Order the implementation of a waste management plan and programme for prevention of waste generation and their updating, and/or revision;

1a) Order the joint provision and implementation of waste management in the territory of local self-government units;

2) Order implementation and updating of operating plan for waste management facility;

3) Prohibit the use of technology and operation of facilities that do not meet the requirements for waste reduction and efficient use of raw materials;

4) Order the producer of products which, after their use, become hazardous waste to take the waste at no charge or to transfer such obligation to the person authorized for hazardous waste management, in accordance with this Law;

5) Order the producer of the waste to classify waste and obtain evidence of waste characterization, i.e. the use value of recyclable materials;

6) Order the producer or owner and/or other holder of waste, to perform separate collection of waste in accordance with the needs of future treatment;

7) Order the producer of waste to hand the waste over to the legal entity or entrepreneur empowered for waste management, if it is unable to organize waste management in accordance with this Law;

8) Order the producer of waste to maintain and keep prescribed records, the person who performs circulation to submit data on type and quantity of waste, including secondary raw materials put in circulation;

9) Order the producer of waste to designate a person responsible for waste management;

10) Prohibit any movement of waste contrary to conditions in the permit issued in accordance with this Law;

10a) Prohibit brokerage activities in waste management to a person who is not entered in the register of brokers in waste management, or prohibit waste trading to a person who is not entered in the register of waste dealers, or order the performing of tasks in accordance with this Law;

- 11) Prohibit waste treatment contrary to the requirements given in the permit;
- 12) Prohibit operation of facilities and use of equipment for waste treatment which is not used in accordance with technical instructions;
- 13) Prohibit waste treatment if the waste is not secured and protected against scattering and leakages;
- 14) Prohibit reception and disposal of waste at a waste disposal site contrary to the requirements contained in the issued permit;
- 15) Order enforcement of measures which ensure protection of the environment in a landfill in accordance with the Law;
- 16) Order recultivation of a landfill upon its closure and supervision of it for at least 30 years, in order to reduce risks to human health and the environment;
- 17) Order a legal entity and entrepreneur that performs waste management activities in accordance with this Law, to designate a qualified person responsible for professional activities in waste management facility;
- 18) Order a legal entity and entrepreneur that performs waste management activities in accordance with this Law to maintain and keep prescribed records;
- 19) Prohibit construction and operation of waste management facility that does not meet technical and other requirements prescribed by this and other laws;
- 20) Prohibit treatment or storage, recovery or disposal of waste outside the waste management facility which has relevant permit;
- 21) Order an entity that collects i.e. transports waste to collect waste from producer or owner and/or other holder and to transport it to the facility which has waste management permit, i.e. to the collection centre, transfer station or the plant for waste treatment and/or recovery or disposal;
- 22) Order an entity that collects and/or transports waste to ensure separate transport of different types of waste, especially hazardous waste;
- 23) Prohibit collection and/or transport of hazardous waste together with other waste;
- 24) Prohibit loading and transport of waste if it is not performed in a closed vehicle, container or in other appropriate manner so as to prevent scattering or dropping of waste during its transport, loading or unloading;
- 25) Order waste carrier to perform cleaning and bringing polluted areas in a satisfactory condition in case of pollution caused during transport;
- 26) Prohibit transport of hazardous waste without prescribed documentation;

27) Prohibit storage of waste in places that are not technically equipped for temporary storage of waste and/or do not have permission for storage, and if the prescribed period of storage has expired;

27a) Order an entity to remove the stored waste when it stores the waste at the site for which it has no permit to store the waste, and if prescribed storage period has expired, i.e. the period for which the permit for waste storage was issued;

28) Prohibit waste treatment contrary to the requirements provided in the issued permit;

29) Prohibit operation of a facility and use of equipment for waste treatment for which no permit has been obtained;

30) Prohibit operation of a mobile waste treatment plant which does not have required permit;

31) Order separate collection, storage and treatment of secondary raw materials;

32) Prohibit physical-chemical treatment and chemical treatment of waste which is carried out contrary to the provisions of this Law;

33) Prohibit biological treatment of waste contrary to the requirements provided in the issued permit;

34) Prohibit thermal treatment of waste contrary to the requirements provided in the issued permit;

35) prohibit operation of the landfill which does not meet prescribed technical, technological and other conditions and requirements;

36) Prohibit disposal of waste that has not been previously subjected to the treatment and disposal of hazardous waste together with other types of waste at the same waste disposal site;

37) Prohibit mixing of municipal waste with hazardous waste;

38) Prohibit disposal of municipal waste contrary to the Law and requirements provided in the issued permit;

39) Order selection for recycling and the collection of hazardous household waste;

40) Prohibit collection, transport, treatment, i.e. storage, recovery and disposal of hazardous waste, which is not labelled and packaged in a way that ensures minimal impact on human health and the environment;

41) Prohibit mixing of different types of hazardous waste, except under supervision of the qualified person and in the process of treatment of hazardous waste;

42) Prohibit disposal of hazardous waste without prior treatment that significantly reduce hazardous components and their properties, mass and volume;

- 43) Prohibit dilution of hazardous waste for release into the environment;
- 44) Prohibit movement of waste without the Document on Movement of Waste, i.e. Document on Movement of Hazardous Waste;
- 45) Prohibit any action or act which manages special waste streams contrary to this Law;
- 46) Order producer and importer or owner and/or other holder of waste to apply or take special waste streams management measures prescribed by this Law;
- 47) Prohibit collection and transport of waste outside the territory for which the permit has been issued;
- 48) Prohibit import, export and transit of waste performed contrary to the provisions of this Law and other laws;
- 49) Order an entity that has a permit for waste management to take and enforce the measures prescribed in the event of an accident;
- 50) Order an entity that has a permit for waste management to submit relevant data and reports in accordance with this Law;
- 50a) Order a producer and importer of products which, after their use, become separate waste streams to maintain and keep daily records and submit an annual report;
- 51) Prohibit any action or act contrary to the provisions of this Law;
- 52) Order other prescribed obligations to be fulfilled within a specified period.

If inspector finds out, in performing the activities referred to in Article 85 of this Law, that violation has been committed regarding provisions of the law governing transport, protection of human and animal health, circulation of drugs and/or other laws, he/she shall, without delay, inform the other competent inspector of the finding.

In performing inspection activities, the inspector may temporarily seize objects, equipment or devices which use is not allowed or which resulted from illegal acts, i.e. which were used for commitment of illegal acts.

In cases when inspector establishes such violations of laws which at the same time fall under competence of other inspections as well, he/she is obliged to, without delay, inform the Minister to provide for joint inspection and undertaking of appropriate measures.

In supervising the application of measures and procedures for waste management, the inspector has the powers and duties established by other regulations.

## **XIII COMPETENCE FOR COMPLAINTS**

### **Article 87**

A complaint can be lodged to the Minister against the inspector's decision referred to in Article 86, paragraph 1 of this Law.

The complaint shall be lodged within 15 days of receipt of the decision.

The lodging of a complaint shall not cause implementation of the decision to be suspended.

The complaint against a first-instance decision issued by competent municipal authority, or city authority, or the City of Belgrade authority, issued in the performance of entrusted activities, shall be resolved by the Minister.

The complaint against a first-instance decision issued by competent authority of the Autonomous Province in performance of entrusted activities, shall be resolved by the Minister.

The complaint against a first-instance decision issued by the Ministry's regional unit shall be resolved by the Minister.

The complaint against a first instance decision of the Ministry shall be resolved by the Government.

## XIV PENALTY PROVISIONS

### **1. Commercial Offences**

#### **Article 88**

A fine of 1,500,000 to 3,000,000 RSD shall be levied on a company, enterprise or other legal entity for commercial offense if they :

1) Treat the production residues as by-products contrary to the specified requirements and/or does not have the evidence of compliance with requirements (articles 8 and 8b);

1a) Violate the provisions relating to the end-of-waste status (Article 8c);

1b) Perform activities without waste management plan, or do not update the plan within prescribed deadline (Article 15, paragraphs 1 to 3);

2) Perform waste management activities without operating plan for waste management facility, or do not update it within prescribed deadlines (Article 16);

2a) Carry out brokering activities in waste management, and/or waste trade, contrary to the provisions of this Law (article 28 );

3) do not obtain permit for waste treatment and do not perform waste treatment activities in compliance with the permit, do not publish list of waste for which they have been permitted, do not secure waste and protect it against scattering and leakages, or, in case of an accident, fail to inform competent authority immediately (Article 29, points 3), 4), 6) and 7);



4) Do not obtain permit for waste disposal and do not dispose of waste in compliance with the permit, do not provide for implementation of measures prescribed for environmental protection, do not ensure recultivation of landfill and supervision of the landfill upon its closure for the period of at least 30 years, or in case of an accident at the site fail to inform competent authority immediately (Article 30, paragraph 1, points 3), 4), 6) and 7);

5) Receive at the waste disposal site the waste that does not fulfil conditions for disposal of waste as prescribed by the permit, or fail to inform competent authority about the refusal of reception (Article 30, paragraphs 2 and 3);

6) Construct facility or perform activity in waste management facility that is not permitted to perform such activities (Article 33, paragraphs 1 and 2);

7) Store waste in places that are not technically equipped for temporary storage of waste at the producer or owner and/or other holder's location, in collection centres, transfer stations and other locations or upon the expiry of prescribed deadline for temporary storage (Article 36);

8) Carry out waste treatment contrary to the provisions of this Law or fail to obtain the permit for waste treatment mobile plant (article 37 paragraphs 1 and 3);

8a) Carry out waste recovery and disposal contrary to article 38 of this Law;

9) Perform physical-chemical treatment of waste contrary to prescribed conditions (Article 39);

10) Perform physical-chemical treatment of waste contrary to prescribed conditions (Article 40);

11) Perform thermal treatment of waste contrary to prescribed conditions provided in relevant permit (Article 41);

12) Perform disposal of waste at the site that does not meet technical, technological and other prescribed conditions, i.e. contrary to conditions provided in the permit or without pre-treatment, or dispose of hazardous waste together with other types of waste (Article 42, paragraphs 2, 4 and 6);

13) Do not comply with Article 44 of this Law;

14) *(Deleted)*

15) Perform waste management without required permit (Article 59);

16) Perform activities without confirmation for exemption from obligation to obtain relevant permit in cases when such permit is not required (Article 61);

17) Carry out import, export or transit of waste contrary to the conditions and method prescribed in Art. 71 and 72 of this Law.

For the commercial offence referred to in paragraph 1 of this Article, a fine may be levied in proportional amount to the damages made, unsettled obligation or value of goods or other item that is subject of commercial offence, but not higher than twenty times the amount of the

damages made, unsettled obligation or value of goods or other item that is subject of commercial offence.

A fine of 100,000 to 200,000 RSD shall be levied for commercial offence referred to in paragraph 1 of this Article on responsible person in a company, enterprise or other legal entity.

A fine of 1,500,000 to 3,000,000 RSD shall be levied for commercial offence referred to in paragraph 1 of this Article on foreign legal entity if it holds a representative office in the territories of the Republic of Serbia and/or a commercial offence has been committed in the territories of the Republic by such entity's transport vehicle.

A fine of 100,000 to 200,000 RSD shall be levied for commercial offence referred to in paragraph 1 of this Article on responsible person in a legal entity.

### *Protective Measures*

#### **Article 89**

For the offense referred to in Article 88 of this Law, in addition to stipulated fine to be levied on a company, enterprise or other legal entity, a protective measure may also be imposed regarding prohibition of a certain business activity, and a protective measure prohibiting exercising certain duties for up to ten years may be imposed on a responsible person .

For commercial offense referred to in Article 88 of this Law, together with a fine, a protective measure may also be imposed regarding seizure of objects used or intended for the commercial offense, or which resulted from the commitment of commercial offense.

### **2. Offences**

#### **Article 90**

A fine of 500,000 to 1,000,000 dinars shall be levied for commercial offense committed by a company, enterprise or other legal entity if they:

- 1) Do not classify waste in the prescribed manner, or fail to perform testing of waste, in accordance with this Law (Article 8, para. 4 and 5);
- 2) Fail to take over their own products that after being used become hazardous waste, without charges, or if this obligation is not transferred to another legal entity (Article 25, para. 2 and 3);
- 3) Act contrary to Article 26, para. 1 and 3 of this Law.
- 4) Perform transport of waste contrary to Article 28 of this Law;
- 5) Do not ensure implementation of the plant operating plan, as an operator of the waste treatment plant or a landfill operator fail to keep prescribed records or designate a qualified person responsible for professional operation in the plant or in the landfill (Article 29, points 1), 8) and 9) and Article 30, paragraph 1, points 1), 8) and 9);

- 6) Collect and transport waste contrary to Article 35 of this Law;
- 7) Handle municipal waste contrary to Article 43 of this Law;
- 8) Do not possess Document on Waste Movement (Article 45, paragraphs 1 to 5);
- 9) Do not possess Document on Movement of Hazardous Waste (Article 46, paragraphs 1 to 6);
- 10) Manage special waste streams contrary to this Law (Art. 47-57);
- 11) Collect and transport waste contrary to Article 70 of this Law;
- 12) Do not comply with Article 75, para. 1, 2, 3, 5, 7, 8, 9, 13 and 14 of this Law.
- 13) *(Deleted)*

A fine may be imposed for the offense referred to in paragraph 1 of this Article in proportion to the level of damage made or unsettled obligation, value of goods or other item that is subject of the offence, but not higher than twenty times the amount of such values.

For the offense referred to in paragraph 1 of this Article, responsible person in a company, enterprise or other legal entity shall be fined from 25,000 to 50,000 RSD.

For the acts referred to in Article 88, paragraph 1 of this Law and paragraph 1 of this Article, an enterprise shall be fined from 250,000 to 500,000 RSD or shall be imprisoned for up to 30 days.

For the offence in paragraph 1, points 3), 6), 7), 10) and 11) of this Article, a natural person shall be fined from 5,000 to 50,000 RSD or shall be imprisoned for up to 30 days.

#### *Protective Measures with Penalty for an Offence*

### **Article 91**

For the offense referred to in Article 90 of this Law, together with a fine, a protective measure may also be imposed regarding seizure of objects used or intended for committing an offense, or which resulted from commitment of an offense.

#### ***Offence Committed by Responsible Person in State Administration Body, Holder of Public Authorisations, or Authorised Legal Entity***

### **Article 92**

A fine from 25,000 to 50,000 RSD shall be imposed on the responsible person in a state administration body, responsible person in a local self-government unit, holder of public authority or an authorized legal entity, if they:

- 1) Do not keep a register of by-products and register of waste that has ceased to be waste and do not submit the register information to the Agency (Article 8d);

2) Do not adopt a regional or local waste management plan in compliance with the national plan and do not submit it to the Ministry within the prescribed period (Art. 12, 13 and 14, paragraph 3);

3) Do not provide for and implement waste management in the territories of local self-government units under the terms and conditions laid down by the Law, strategy and agreement of assemblies of local self-government units (Article 21, paragraph 1);

4) Perform testing of waste without proper authorization or contrary to the issued authorization or, in performing their activities, act in an illegal, immoral and undignified manner (Article 24, paragraph 4);

5) Do not arrange selection and separate collection of waste, do not provide for disposal of household waste in containers or in other manner, do not organize and equip centers for collection of household waste that cannot be disposed of in containers for municipal waste (Article 43, paragraph 4 );

6) Fail to make an inventory of illegal waste disposal sites and the existing rubbish dump sites in their territories and ensure the removal and rehabilitation, fail to make a project of rehabilitation and recultivation of the existing rubbish dump sites in a manner and within the period prescribed by this Law and submit the facility operating plan together with a programme of corrective measures and schedule of adjusted operation of the plant (Article 43, para. 7, 8 and 9);

7) Issue a permit if the application for the permit has not been accompanied by prescribed documentation (Article 62);

8) Fail to inform the public in the manner prescribed by this Law (Article 69);

9) Fail to submit to the Agency reports on the implementation of plans within the prescribed period (Article 74, para. 2, 3, 4 and 5;

10) Do not comply with Article 75, para. 10, 15, 16 and 17 of this Law.

11) Do not keep register of issued permits for waste management, or the register of issued certificates of exemption from the obligation to obtain a permit or register of brokers in waste management or register of waste management dealers, and do not submit such registers information to the Agency (Article 76, para. 1 and 2;

12) Use funds intended for waste management for other purposes (Article 81).

## XV TRANSITIONAL AND FINAL PROVISIONS

### **Article 93**

Legal and natural persons shall harmonize their operations with the provisions of this Law within one year from the date of entry into force of this Law, unless this Law provides otherwise.

### **Article 94**

Waste producers in the existing facilities referred to in Article 15 of this Law shall, within one year from the date of entry into force of this Law, develop a waste management plan for their facilities, in accordance with the Law.

The plan referred to in paragraph 1 shall particularly include measures and schedule of adjusting the operation of the existing plants and their activities in accordance with the provisions of this Law by 31 December 2015.

If temporary storage of waste has been performed in the existing facility referred to in paragraph 1 of this Article until the entry into force of this Law, waste producer shall provide for removal of waste temporarily stored within the period of three years from the date of entry into force of this Law applying a plan, i.e. measures for adjusting the operation of the existing facility and its activities.

### **Article 95**

Operators of existing waste management facilities except the facilities referred to in Article 15 of this Law, or legal and natural persons performing activities in the field of waste management, shall, within six months from the date of entry into force of this Law, register their activity to the competent authority for issuing permits, in accordance with this Law.

The application for registration referred to in paragraph 1 of this Article shall be accompanied by:

- 1) Memorandum of Association;
- 2) Statement from the appropriate register;
- 3) Evidence and documentation on the facility, its capacity and technical characteristics;
- 4) Evidence and documentation on the equipment, means for operation and other assets in possession.

Upon the expiry of deadline referred to in paragraph 1 of this Article, the competent authority for issuing permits shall inform the operator within 90 days maximum, about the conditions for issuance of permit in compliance with this Law.

### **Article 96**

Operators of the existing waste management facilities shall, within six months after receiving the notification referred to in Article 95, paragraph 3 of this Law, submit to the competent authority the operating plan of their facilities together with a programme of measures and schedule of the adjustment of the facilities operation in accordance with the provisions of this Law for the period up to 31 December, 2012.

For the existing municipal waste disposal sites that have not been constructed in accordance with this Law, in addition to the operating plan referred to in paragraph 1 of this Article, a project of their rehabilitation or closure shall also be submitted.

## **Article 97**

Local self-government unit shall:

- 1) Within one year from the date of entry into force of this Law, make a list of unregulated waste disposal sites in its territory which do not meet the requirements of this Law;
- 2) Within two years from the date of entry into force of this Law, develop projects of rehabilitation and recultivation of unregulated waste disposal sites, to be approved by the Ministry, or the Autonomous Province;
- 3) Within one year from the date of entry into force of this Law, in agreement with one or more local self-government units referred to in Article 34, paragraph 1 of this Law, determine location for construction and operation of a plant for storage, treatment or disposal of waste in its territory.

The list of unregulated waste disposal sites shall contain data about the location, spatial and geometrical characteristics, types and quantities of waste disposed, time limits for their rehabilitation and recultivation, as well as other information relevant to establishment and implementation of the projects referred to in paragraph 1, item 2) of this Article.

## **Article 98**

Batteries and accumulators produced or imported before the date of entry into force of this Law may be marketed without the prescribed labels maximum one year after the adoption of regulations referred to in Article 47, paragraph 9 of this Law.

## **Article 99**

Producers and importers of electrical and electronic products are required to comply the measures and procedures in the management of waste from electrical and electronic products with this Law by 31 December 2012.

## **Article 100**

Disposal or decontamination of equipment referred to in Article 52, paragraph 5 of this Law containing PCBs and disposal of PCBs from such equipment will be made by 2015 at the latest.

Notwithstanding paragraph 1 of this Article, the owner of equipment containing between 0.05 to 0.005 % by weight of PCBs shall provide for disposal or decontamination of such equipment after termination of its use.

A plan for replacement or disposal and decontamination of equipment containing PCBs shall be adopted by the owner of such equipment within six months of the adoption of the regulations referred to in Article 52, paragraph 10 of this Law.

## **Article 101**

The Recycling Agency shall cease its operation on the thirtieth day from the date of entry into force of this Law.

The activities, files, archives and other professional documentation of the Recycling Agency, equipment and means for operation used by the Agency, as well as employees and appointed personnel in the Agency shall be taken over by the Ministry.

#### **Article 102**

On the date of entry into force of this Law the following shall cease to apply:

- 1) Law on Waste Treatment ("Official Gazette of the RS", Nos. 25/96, 26/96 and 101/05 - other law);
- 2) Article 57, paragraph 2 of the Law on Environmental Protection ("Official Gazette of the RS", No. 135/04);
- 3) Article 82, paragraph 2 of the Law on Medicines and Medicinal Products ("Official Gazette of the RS", Nos. 84/04 and 85/05 – other law).

#### **Article 103**

Regulations to be adopted under this Law shall be passed within one year from the date of entry into force of this Law.

#### **Article 104**

Until adoption of the regulations under the authority of this Law, the following shall apply:

- 1) Rulebook on conditions and manners of selection, packaging and keeping of secondary raw materials ("Official Gazette of the RS", No. 55/01);
- 2) Rulebook on manner of destruction of medicines, extra healing medicaments and medicinal products ("Official Gazette of the FRY", Nos. 16/94 and 22/94).

#### **Article 105**

This Law shall come into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Serbia".

### ***Independent Articles of the Law on Amendments to the Law on Waste Management***

*("Official Gazette of the RS", No. 88/2010)*

#### **Article 23**

Two or more local self-government units shall, within nine months from the date of entry into force of this Law, conclude an agreement on joint provision and implementation of waste management under Article 21, paragraph 1 of the Law.

#### **Article 24**

Regulations to be adopted under this Law shall be passed within six months from the date of entry into force of this Law.

#### **Article 25**

The provision of Article 16 paragraph 2, points 5) and 6) of this Law relating to adopting a decision on the request for approval of import, export and transit of waste is valid until the date of accession of the Republic of Serbia to the World Trade Organization.

#### **Article 26**

This Law shall come into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Serbia".

### ***Independent Articles of the Law on Amendments to the Law on Waste Management***

*("Official Gazette of the RS", No. 14/2016)*

#### **Article 52**

Regulations to be adopted under this Law shall be passed within one year from the date of entry into force of this Law.

The Government shall adopt Waste Management Strategy within one year from the date of entry into force of this Law.

The Autonomous Province or the local self-government unit shall harmonize regional and local waste management plans within one year of the adoption of the Strategy referred to in paragraph 2 of this Article.

#### **Article 53**

Local self-government unit shall:

1) Arrange selection and separate collection of waste for recycling purposes within two years from the date of entry into force of this Law, or organize selective and separate waste collection for recycling purposes within three years from the date of entry into force of this Law;



- 2) Organize and equip centers for collection of household waste within two years from the date of entry into force of this Law;
- 3) Make an inventory of all illegal waste disposal sites within one year from the date of entry into force of this Law;
- 4) Prepare inventory and projects of rehabilitation and recultivation of the existing rubbish dump sites to be approved by the Ministry, or the Autonomous Province, within two years from the date of entry into force of this Law;
- 5) In agreement with one or more local self-government units under Article 34, paragraph 1 of the Law on Waste Management ("Official Gazette of RS", Nos. 36/09 and 88/10), determine the location for construction and operation of facilities for treatment or storage, recovery and disposal of waste in its territory, within three years from the date of entry into force of this Law.

The records and projects on rehabilitation of non-sanitary dump sites shall contain data on the location, spatial and geometrical characteristics, types and quantities of waste disposed, time limits for their rehabilitation and recultivation, as well as other data relevant to establishment and implementation of the projects referred to in paragraph 1, point 2) of this Article, in accordance with a specific regulation.

#### **Article 54**

The public utility company that manages the existing rubbish dump sites of municipal waste shall prepare and submit to the Ministry, i.e. competent authority of the Autonomous Province for approval a plan of adjustment of the facility by 31 December 2017, taking particular account of the requirements of Article 64 of the Law on Waste Management ("Official Gazette of the RS", Nos. 36/09 and 88/10) and any corrective measures which the operator considers to be necessary in order to comply with the requirements of this Law, except with the requirements pertaining to the conditions for determining location, in accordance with the regulation governing disposal of waste at waste disposal sites.

By 31 December 2018 the competent authority shall, on the basis of submitted plan of adjusting the facility, bring a decision on whether the facility can continue operation according to the submitted plan of adjustment, in accordance with the applicable regulations.

The competent authority shall, as soon as possible, take appropriate measures for the closure of rubbish dump sites of municipal waste referred to in paragraph 1 of this Article for which there is no decision brought regarding continuing operation in accordance with this Law and the project for their closure and rehabilitation.

The competent authority shall, on the basis of the plan of adjusting the facility, approve necessary works and shall specify the period for fulfilment of the requirements in accordance with this Law, the regulation governing disposal of waste at waste disposal sites, except with the requirements relating to the conditions for determining location established by the regulation governing the disposal of waste on the waste disposal sites.

Legal and natural persons shall harmonize their operations with the provisions of this Law within one year from the date of entry into force of this Law.

The applications for waste management permits submitted before the entry into force of this Law, shall be governed by provisions of the law in force at the time of applications.

### **Article 55**

Disposal or decontamination of equipment referred to in Article 52, paragraph 5 of the Law on Waste Management ("Official Gazette of the RS", Nos. 36/09 and 88/10) containing PCBs and disposal of PCB from such equipment shall be made no later than 31 December 2019.

Notwithstanding paragraph 1 of this Article, the owner and/or holder of equipment containing between 0.05 to 0.005 % by weight of PCBs shall provide for disposal or decontamination of such equipment after termination of its use.

A plan for replacement or disposal and decontamination of equipment containing PCB shall be developed by its owner and/or holder by 31 December, 2017.

### **Article 56**

This Law shall come into force eight days after its publication in the "Official Gazette of the Republic of Serbia", except the provisions of Article 5 of this Law in the part relating to the notification of the European Union on the cessation of waste status, to be applied from the date of accession of the Republic of Serbia to the European Union, as well as the provisions of Article 18 and the provisions of Article 42 of this Law in the part referring to the obligation to keep a register of brokers in waste management, or a register of waste dealers and the obligation of quarterly delivery of data to be applied from 2020.

## **LAW**

### **ON AMENDMENTS TO THE LAW ON WASTE MANAGEMENT**

("Official Gazette of the RS", No. 14/2016)

#### **Article 1**

The Law on Waste Management ("Official Gazette of the RS", Nos. 36/09 and 88/10), Article 4 shall be replaced by the following:

#### **"Article 4**

The provisions of this Law shall not apply to:

- 1) Gaseous effluents emitted into the atmosphere;
- 2) Land (in situ) including unexcavated contaminated soil and buildings permanently connected with land;
- 3) Uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that material will be used for construction purposes, in its natural state on the construction site from which it was excavated;
- 4) Radioactive waste;
- 5) Decommissioned explosives;
- 6) Faecal matter, if not covered by paragraph 2 point 2) of this Article;
- 7) Straw and other natural non-hazardous agricultural or forestry material used in farming, forestry, or for the production of energy from such biomass through processes or methods which do not harm the environment or endanger human health;
- 8) Sewage sludge and the content of septic tanks, other than the sludge from waste water treatment plants.

Insofar as waste management is regulated by other legislation, the provisions of this Law shall not apply to the following:

- 1) Waste waters;
- 2) Animal by-products including processed products covered by veterinary regulations, except for those which are intended for incineration, use in a biogas or composting plans, or landfilling under specific conditions, in accordance with a special regulation;

3) Carcasses of animals that have died other than by being slaughtered, including animals killed to eradicate food-and-mouth disease (*Aphthae epizooticae*), which are disposed in accordance with the regulations of veterinary medicine;

4) Waste resulting from exploration, extraction, exploitation, preparation and storage of mineral resources and during the operation of the quarries covered by the regulations concerning mining waste management.

Sediments relocated inside surface waters for the purpose of managing waters and waterways or for preventing floods or mitigating the effects of floods and droughts or land reclamation, shall be excluded from the provisions of this Law, if it was determined that the sediments are non-hazardous."

## Article 2

In Article 5, points 2), 3), 4) and 5) shall be replaced by the following:

"2) *Bio-waste* means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail facilities and comparable waste from food production;

3) *Waste collection centre* means a place designated by the decision of a municipality, city, or the City of Belgrade (hereinafter: the local self-government unit), to which the citizens take waste and bulky waste (furniture and household appliances, garden waste, recyclable waste, including hazardous household waste;

4) *Decontamination* includes all operations that enable re-use, recycling, or safe disposal of the equipment, objects, or materials contaminated by hazardous materials, and may include the removal or replacement of hazardous materials by suitable less harmful materials;

5) *Waste disposal site* means a site for the final depositing of waste on or below the surface of the land (i.e. underground), including:

- Internal disposal sites (a landfill where a producer of waste disposes its own waste at the place of production)

- Permanent sites (over one year) that are used for the temporary storage of waste, excluding storage facilities where waste is unloaded to be prepared for further transportation to the location for treatment, i.e. recovery, or disposal on other locations, and storage of waste prior to treatment, i.e. recovery, up to three years, or storage of waste prior to disposal up to one year);"

After point 5), point 5a) shall be added, worded as follows:

"5a) *Illegal waste disposal site* means a location, public surface, which contains different types of waste disposed in an uncontrolled manner, which do not meet the conditions determined with the regulation governing waste disposal on waste disposal sites;"

Point 6) shall be replaced by the following:

"6) *Permit* means an authorisation given by a competent authority to a legal entity or entrepreneur to have the waste collected, transported, imported, exported, or transited, stored, treated or recovered or disposed, determining conditions for waste to be handled in a manner that ensured the least possible risk to human health and the environment;"

After point 6), points 6a) and 6b) shall be added, worded as follows:

"6a) *Holder* means a waste producer, natural person or legal entity in possession of waste;

6b) *Pharmaceutical waste* means all drugs, including primary packaging and any accessories used for their administration, in possession of a legal entity or entrepreneur dealing with human or animal health care, which became unusable due to the expiry of their life cycle, defect in terms of the required quality, contaminated packaging, spillage or scattering, which have been prepared, and then not used, returned by end users, or unusable for other reasons, and pharmaceutical waste from drug production and wholesale and retail trade of medicinal products, and manufacture of galenic and/or magistral preparations and other pharmaceutical waste. Waste produced in drug production shall be categorised as industrial (organic or inorganic) waste to be handled in accordance with the provisions of this Law. Pharmaceutical waste shall include:

- Non-hazardous pharmaceutical waste which is not hazardous for the environment or human health, and is not treated according to the procedure prescribed for the management of hazardous pharmaceutical waste,

- hazardous pharmaceutical waste generated from drugs and disinfectants from the drugs and disinfectants containing heavy metals, as well as drugs of known composition and drugs of unidentifiable composition, which require specific treatment procedures and include cytotoxic and cytostatic waste, or cytotoxic and cytostatic drugs that have become unusable, waste produced in the utilisation, transportation, and preparation of drugs with the cytotoxic and cytostatic effect, including primary packaging that was in contact with hazardous material, and any accessories used for the preparation or administration of such products. Cytotoxic and cytostatic drugs are toxic compounds with a cancerogenic, mutagenic and/or teratogenic effect;"

Point 8) shall be replaced by the following:

"8) *Inert waste* means waste that is not susceptible to any physical chemical, or biological changes; it is indissoluble, incombustible, and otherwise physically or chemically unreactive, it is biologically non-degradable and without a negative effect on other matter with which it comes into contact in a manner that may lead to increased pollution of the environment or endanger human health, the total excretion and content of contaminants in waste and eco-toxicity of excreted matter must be significant, particularly, may not negatively affect the quality of surface and/or ground waters;"

After point 13) the following point 13a) shall be inserted:

"13a) *Medical waste* means waste derived from the facilities in which healthcare is provided to humans or animals and/or from other places in which healthcare services are provided (from

diagnostic or experimental work, laboratories, cleaning, maintenance, and disinfection of premises and equipment), and includes non-hazardous and hazardous medical waste, namely:

- Non-hazardous medical waste that is not contaminated with hazardous or other materials, the composition of which is similar to that of municipal waste (recyclable, biodegradable, etc.),
- Hazardous medical waste requiring specific handling and/or having one or more hazardous characteristics making it hazardous waste, namely: patho-anatomic waste, sharps, pharmaceutical waste, including cytotoxic and cytostatic waste, waste contaminated with blood or body fluids, infective, other dangerous medical waste (chemical waste, waste with a high heavy metal content and waste pressurised bottles);".

Point 14) is replaced by the following:

14) *Waste management mobile plant* means a plant for takeover, preparing for re-use, recovery, or other R or D list waste treatment operation (R2 to R13, D8, and D9), the construction of which is such that it is not connected with the ground or building, and may be relocated from one site to another, including mobile plant used for the rehabilitation of a contaminated site, as a rule, on a waste production site, and/or on a waste producer's site, or some other site owned by a waste producer for which the plant operator has the waste storage permit;".

After point 14) the following point 14a) shall be inserted:

"14a) *Best available techniques* means the best available techniques that are in accordance with the law regulating integrated environmental pollution prevention and control;".

After point 15), points 15a) and 15b) shall be added, worded as follows:

"15a) *Rubbish dump site* means a location on which local self-government units dispose of waste in a semi-controlled manner, managed by a public utility company, which has a certain infrastructure (fence, gate, bulldozer), but the landfill body was not built in accordance with landfilling related regulations (no water impermeable layer, drainage system for waste water discharge, etc.);

15b) *Separated collection* means waste collection where different types of collected waste are kept separately according to their type and nature, so as to facilitate their special treatment. "

Point 16) shall be replaced by the following:

"16) *Waste disposal* means any operation other than waste recovery, even when a substance or energy is produced as a secondary effect of such an operation (D list is a non-exhaustive list of disposal operations)".

After point 16) the following point 16a) shall be added:

"16a) *Organized waste market* means a functional framework that enables efficient, sustainable and transparent trade in waste and secondary raw materials;".

Point 17) shall be replaced by the following:

"17) *Waste* means any substance or object which the holder discards, intends to or is required to discard;".

After point 17) the following point 17a) shall be added:

"17a) *Construction and demolition waste* means waste generated in the execution of construction works on construction sites or construction site preparation works, as well as waste generated as a result of the demolition or reconstruction of buildings, and this includes non-hazardous and hazardous construction and demolition waste, namely:

- Non-hazardous construction and demolition waste not containing hazardous materials, the composition of which is similar to that of municipal waste (recyclable, inert, etc.),
- Hazardous construction and demolition waste requiring specific handling and/or having one or more hazardous characteristics making it hazardous waste (wastes containing asbestos, wastes with high heavy metal content, etc.) to which specific regulations apply;".

Point 21) shall be replaced by the following:

"21) *Waste recovery* means any operation which principal result is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular purpose, or waste being prepared to fulfil that purpose, in a plant or wider in economic activities (R list is a non-exhaustive list of recovery operations);".

After point 21) the following point 21a) shall be added:

"21a) *Re-use* means any operation by which products or parts thereof that are not waste are used again for the same purpose for which they were designed;".

After point 22) the following point 22a) shall be inserted:

"22a) *Broker* means any legal entity or entrepreneur arranging the recovery or disposal of waste on behalf of others, including such brokers that do not take physical possession of waste;".

After point 24), points 24a) and 24b) shall be added, worded as follows:

"24a) *Prevention* means measures taken before a substance, material or product becomes waste, which reduce the quantity of waste, including the re-use of products or extension of the life cycle of products, or adverse effects of generated waste on the environment and human health, or content of harmful substances in materials and products;

24b) *Preparing for re-use* of waste means waste re-use operations related to checking, cleaning or repairing operations, by which products or components of those products that became waste are prepared so that they can be re-used, without any other pre-processing;"

Point 25) shall be replaced by the following:

"25) *Waste producer* means any entity whose activities produce waste (source waste producer) or any entity that carries out pre-processing, mixing or other operations resulting in a change in the composition or nature of waste."

After point 25) the following point 25a) shall be added:

"25a) *Product producer* means a legal entity or entrepreneur who, within their business activity, makes, produces, or sells a product, regardless of the sale method, including distance selling, or imports a product in the Republic of Serbia, and places a product on the Serbian market".

Point 27) shall be replaced by the following:

"27) *Recycling* means any recovery operation by which waste is reprocessed into a product, materials or substances, whether for the original or other purposes, including re-production of organic materials, except for the recovery for energy purposes and reprocessing into materials that are to be used as fuel or for backfilling operations. "

Point 28) shall be replaced by the following:

"28) *Waste collection* means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment plant;"

After point 29) the following point 29a) shall be added:

"29a) *Secondary raw material* means waste which may be used for recycling to obtain raw materials for the production of the same or other product (paper, cardboard, metal, glass, plastic, etc.);".

After point 32) the following point 32a) shall be added:

"32a) *Dealer* means any legal entity or entrepreneur who, on his/her own behalf, buys or sells waste, including such dealers who do not take physical possession of waste;"

Points 35), 36) and 37) shall be replaced by the following:

"35) *Waste treatment* means recovery or disposal operations, including preparation prior to recovery or disposal;

36) *Waste management* means the implementation of measures prescribed for the handling of waste as part of the collection, transport, storage, treatment or recovery and disposal of waste,



including the supervision of such activities and after-care of waste management facilities upon their closure and activities undertaken by dealer and broker;

37) *Waste owner* means a waste producer, an entity participating in waste circulation as a direct or indirect waste holder, or a legal entity, entrepreneur, or natural person in possession of waste."

### **Article 3**

In Article 6, paragraph 1, after point 1) the following point 1a) shall be added:

#### *"1a) Self-sufficiency principle*

The application of the self-sufficiency principle means the establishment of an integrated and suitable network of plants for the recovery and disposal of mixed municipal household waste including the collection of this type of waste produced by other waste producers, taking into account the best available techniques, in accordance with this Law. A network of such plants should be designed so as to facilitate in the Republic of Serbia the implementation of the self-sufficiency principle in waste disposal, and in waste recovery, taking into account geographical characteristics of the region and a need for separate plants for specific types of waste. This network should enable disposal or recovery of waste in one of the nearest appropriate plants, with the application of the most appropriate methods and technologies in order to ensure a high level of environment and public health protection."

Point 3) shall be replaced by the following:

#### "3) Principle of waste management hierarchy

The waste management hierarchy means the order of priorities in the waste management practice.

The waste management hierarchy shall be applied as a priority order in waste prevention and management, as well as in regulations and policies for:

- Prevention;
- Preparing for re-use;
- Recycling;
- Other recovery operations (recovery for energy production, etc.);
- Disposal.

In terms of the implementation of the waste hierarchy, to which the waste management hierarchy refers, actions shall be taken to initiate solutions to achieve the best overall result in terms of the environment, which in case of specific waste streams, may require deviations from the hierarchy

where this shall be justified with the life cycle, taking into consideration total effects on such waste generation and management.

Development of the waste management legislation and policy shall be a fully transparent process, in accordance with applicable regulations on consultations and involvement of the citizens and all stakeholders.

In the implementation of the hierarchy principle, account shall be taken of general principles of environmental protection, precaution and sustainability, technical feasibility and economic value, protection of resources as well as of the overall effect on the environment, human health, and economic and social effects."

#### **Article 4**

In Article 8, points 2 and 3 shall be replaced by the following:

"A waste catalogue is a comprehensive list of non-hazardous and hazardous waste classified by its origin and composition.

Hazardous waste shall be classified, when necessary, according to the limit values of the hazardous material concentration."

After paragraph 6), paragraphs 7, 8, 9 and 10 shall be added:

"In the regulation referred to in paragraph 6 points 2), 3) and 5) of this Law, the Minister shall make a list of Serbian standards which shall contain technical requirements for waste categories and elements.

The inclusion of a substance or an object in the list referred to in paragraph 7 of this Article shall not mean that this shall be waste in all cases, but will be deemed waste only in so far it complies with the requirements in accordance with this Law.

The re-classification of hazardous waste as non-hazardous waste shall not be achieved by waste diluting or mixing so as to reduce the initial concentration of hazardous materials to the level below the limit values for the definition of hazardous waste.

Waste may be deemed non-hazardous waste in accordance with the waste catalogue referred to in paragraph 2 of this Article."

#### **Article 5**

After Article 8, titles of articles and articles 8a, 8b, 8c and 8d shall be added:

“By-product

Article 8a

The owner and/or other holder of a substance or an object produced as a result of a production process whose primary objective is not to produce such a substance or object, may treat them as a by-product, provided the following requirements are met:

- 1) That further use of such substance or object is certain;
- 2) That the substance or object may be used directly without further processing, other than in regular industrial processes, not including processes of the separation of undesirable or dangerous ingredients;
- 3) That the substance or object was produced as an integral part of the production process;
- 4) That further use of the substance or object is allowed, i.e. that it is not forbidden, that the substance or object meets all relevant requirements in terms of the product, protection of the environment and human health for that specific use, and that it shall not result in harmful effects for the environment or human health.

Notwithstanding paragraph 1 of this Article, a by-product shall be waste when the technical regulation governing treatment of products or waste, i.e. relevant EU guidelines, determine that a by-product shall be treated as waste, or that its further use shall be forbidden.

The Minister shall specify criteria for determination of by-products.

### **Proving Compliance with By-product Related Requirements**

#### **Article 8b**

The owner and/or other holder of a substance or an object referred to in Article 8a may treat such a substance or object as a by-product provided a certificate on the relevant entry in the by-product register has been previously obtained.

An application for entry into the by-product register shall be filed to the Ministry competent for environmental protection affairs.

The owner and/or other holder of a substance or object referred to in paragraph 1 of this Article shall prove compliance with the requirements under Article 8a paragraph 1 of this Law with the following documents:

- 1) A contract concluded with a future user of such a substance or object for which the application for entry in the register is required;
- 2) Technical specification of the future user of a substance or object;
- 3) Proof that the substance or object for which the application for entry in the by-product register is required complies with the requirements in the attached specification.

The Ministry competent for environmental protection affairs shall issue a certificate on entry in the by-product register on the basis of compliance with the requirements referred to in Articles 8 and 8b, and taking into account EU guidelines concerning by-products.

The Ministry competent for environmental protection affairs shall refuse with a decision the entry in the by-product register if it finds that a technical regulation governing the treatment of by-products or waste, or relevant EU guidelines, determines that a by-product shall be treated as waste, or that its further use shall be forbidden, or that the requirements under paragraph 3 of this Article were not met.

The certificate, or decision referred to in paragraphs 4 and 5 of this Article shall be issued within 30 days of the date of receiving the application for entry in the by-product register.

An administrative dispute may be filed against the decision referred to in paragraph 5 of this Article.

The owner and/or other holder of a substance or an object entered in the by-product register shall be obliged to notify the Ministry competent for environmental protection affairs about any change to data on the basis of which entry in the by-product register was made within 30 days from the date the change was made.

The owner and/or other holder of a substance or an object referred to in paragraph 8 of this Article shall be obliged to submit to the Environmental Protection Agency a report on by-products within 30 days from the date a certificate on entry in the by-product register was issued.

The Minister shall prescribe in more detail a form of the by-product report, and a manner and time limits for its submission.

## **End of waste status**

### **Article 8c**

Specific types of waste shall cease to be waste in terms of Article 5, paragraph 1 point 17) of this Law if they were subjected to recovery operations, including recycling, under the following conditions:

- 1) That a substance or object is normally used for specific purposes;
- 2) That there is a market or demand for such substances or objects;
- 3) That a substance or object complies with technical requirements for special purposes and conditions prescribed by the law and standards that apply to such products;
- 4) That the use of a substance or object shall not cause harmful effect to the environment or health of people.

The requirements referred to in paragraph 1 of this Article shall include limit values for pollutants, when necessary, taking into account any possible harmful effects of substances or objects.

The amounts of substances or objects which, in accordance with paragraph 1 of this Article, ceased to be waste shall be counted in the total quantity of recycled and recovered waste for the purposes of achieving national recycling and recovery objectives determined for packaging waste, end-of-life vehicles, waste electrical and electronic equipment, and waste batteries and accumulators.

The Minister shall prescribe:

- 1) Technical requirements for specific types of waste which, in accordance with EU guidelines, shall cease to be waste (paper, glass, rubber, textile, gravel, and metal), as well as the compliance assessment procedure;
- 2) Technical requirements for specific types of waste not covered by point 1) of this paragraph, and the compliance assessment procedure;
- 3) Other specific criteria for determining the end of waste status.

The assessment of compliance with the technical requirements referred to in paragraph 4 point 1) of this Article shall be carried out by the owner and/or other holder of waste in a prescribed manner.

The Ministry shall carry out compliance assessment with regard to the end of waste status referred to in paragraph 4 point 2) of this Article, and issue a product compliance document, in accordance with the Law, taking into account EU practice in declaring the end of waste status.

The owner and/or other holder of waste shall submit a request to the Ministry for the execution of the compliance assessment procedure referred to in paragraph 6 of this Article, and attach a feasibility study related to the compliance with requirements for the end of waste status.

The Ministry shall reject in a decision the application for the execution of the compliance assessment if prescribed technical requirements were not met.

The decision referred to in paragraph 8 of this Article shall be final.

An administrative dispute may be initiated against the decision referred to in paragraph 8 of this Article.

The Ministry shall notify the European Commission about the end of waste status referred to in paragraph 6 of this Article in a manner determined with a specific regulation.

## **Article 8d**

The Ministry competent for environment protection affairs shall keep:

- 1) The by-product register on the basis of issued certificates for entry in the register;
- 2) The register of waste that ceased to be waste on the basis of issued product compliance documents.

The Ministry competent for environmental protection affairs shall deliver data from the register to the Environmental Protection Agency.

The Minister shall prescribe the content of the application form for entry in the by-product register and register of waste which ceased to be waste, as well as the content and form of the certificate of entry in the register, manner of keeping the register, content and form of the register.”

#### **Article 6**

Article 9, point 2) shall be replaced by the following:

“2) Waste prevention programmes;”

#### **Article 7**

In Article 10, paragraphs 1, 2 and 3 shall be replaced by the following:

"The Strategy is a key document for long-term determination and direction of waste management on the basis of an analysis of the existing waste management status and objectives, determination of measures for waste management improvement (preparation for re-use, recycling, recovery, disposal, and other manners of waste treatment) in the territory of the Republic of Serbia.

The Strategy shall specifically contain the following:

- 1) Analysis and assessment of the waste management status;
- 2) National objectives in waste management;
- 3) National Waste Management Plan.

The Strategy shall be enacted by the Government for a six-year period and, if necessary, it shall be revised in a three-year interval."

#### **Article 8**

Title of Article 11 and Article 11 shall be replaced by the following:

**“National Waste Management Plan**

## **Article 11**

The National Waste Management Plan (hereinafter: the National Plan), which makes an integral part of the Strategy, shall specifically contain the following:

- 1) Expected types, quantities, and origin of waste that will be produced in the territory of the Republic of Serbia, imported, or exported to another state, including assessment of the creation of special waste streams, and on the basis of the quantity of products placed on the market of the Republic of Serbia;
- 2) The existing waste collection system and a network of large plants for waste recovery and disposal, including any treatment of waste oils, hazardous waste, and special waste streams;
- 3) An assessment of a need for a new collection system, closing down of existing waste management facilities, additional infrastructure of waste management facilities in accordance with the self-sufficiency and closeness principles, and, if necessary, investment in the construction of such an infrastructure;
- 4) The implementation plan for reducing the quantities of biodegradable waste that is being landfilled, measures for achieving objectives in reducing the disposal of this type of waste, particularly for recycling, composting, biogas production and material/energy recovery;
- 5) Criteria for designating a location and required capacities of new plants for waste recovery and/or disposal;
- 6) Waste management organisation, including the division of responsibilities between the public and private sector in terms of waste management;
- 7) Sources and amount of funds for the implementation of all waste management measures;
- 8) Assessment of beneficial effects and sustainability of the implementation of economic and other instruments in waste management, with unimpaired functioning of the internal market;
- 9) Measures and guidelines for the National Plan implementation;
- 10) Manner and time limits for the National Plan implementation.

The measures and guidelines referred to in paragraph 1 point 9) of this Article shall include:

- 1) General measures for waste management;
- 2) Measures for hazardous waste management;
- 3) Measures for special waste streams management;

- 4) General waste management guidelines (policies), intended waste management technologies and methods, including waste with specific management concerns;
- 5) Guidelines for waste recovery and disposal, taking into account national goals in reducing packaging waste and waste whose production is unavoidable, particularly reducing biodegradable waste that is landfilled;
- 6) Guidelines for ensuring most favourable technical, generation and other measures for achieving waste management objectives;
- 7) Criteria for technical and economic feasibility of hazardous waste management;
- 8) Funds and measures for establishing the waste management system;
- 9) Measures for the implementation of public awareness raising campaigns and provision of information intended for the general public, or a specific group of interested consumers;
- 10) Data about historically contaminated waste disposal sites and measures for their rehabilitation;
- 11) Other waste management-relevant measures.”

## **Article 9**

After Article 11, title of the article and Article 11a shall be added:

### **“Waste Prevention Programmes**

#### **Article 11a**

Waste prevention programmes shall be adopted in order to prevent negative impacts that economic growth may have on the environment by generating waste (hereinafter: the prevention programme).

Prevention programmes shall define waste prevention objectives and measures, as well as the assessment of prevention measures or other suitable measures that may have an effect on:

- 1) General requirements of waste production;
- 2) Product design, production, and distribution phase;
- 3) Product consumption and utilisation phase.

Prevention programmes shall be enacted by the Government for a six-year period and, if necessary, they shall be revised in a three-year interval.



The Minister shall make a list of waste prevention measures.

In terms of prevention measures adopted in the programmes referred to in paragraph 1 of this Article, specific qualitative and quantitative parameters for the monitoring and assessment of progress in the implementation of measures shall be defined, and specific qualitative and quantities objectives and indicators may also be defined."

#### **Article 10**

In Article 12, paragraphs 1 and 2, number: "200,000" shall be replaced by the number: "250,000".

#### **Article 11**

Article 14, para. 2, point 13) shall be replaced by the following:

“13) Location of a plant for the collection of waste, treatment and/or recovery and disposal, including data about location conditions;”

Paragraph 3 shall be replaced by the following:

"The plans referred to in paragraph 1 of this Article must be in compliance with the National Plan and submitted to the Ministry within 30 days from the date of their enactment ."

#### **Article 12**

In Article 16, after paragraph 2, paragraph 3 shall be added:

"The Operational Plan for the waste thermal treatment plant, in addition to the elements referred to in paragraph 2 of this Article, shall contain the data confirming:

- 1) That the plant is designed, equipped, and in compliance with the requirements prescribed by this Law and waste thermal treatment related regulation, depending on the waste category intended for incineration or co-incineration;
- 2) That produced heat obtained by waste incineration or co-incineration shall be re-used to the largest extent possible, namely that it shall be used for cogeneration, for the production of process steam or remote heating systems;
- 3) That waste residues shall, after waste thermal treatment, be reduced to the minimum, that such residues shall be re-used where it is technically feasible and cost effective;
- 4) That waste residues from thermal treatment shall be disposed;

5) That the disposal of residues, whose generation cannot be prevented, shall be reduced, or which cannot be recycled, shall be carried out in accordance with this Law and waste thermal treatment and disposal related regulations."

After paragraph 3 which shall become paragraph 4, new paragraphs 5 and 6 shall be added:

"Rehabilitation and recultivation design studies shall be made for rubbish dump sites, in accordance with the Law on Environmental Protection, this Law, and specific regulation, subject to the approval of the Ministry or the Autonomous Province.

The Operational Plan for the existing waste thermal treatment plants shall contain, in addition to the elements referred to in paragraphs 2 and 3 of this Article, data about the type and quantity of historical waste in the plant, and the Action Plan for historical waste removal, with cost estimate."

Paragraph 4 shall become paragraph 7.

After paragraph 5 which shall become paragraph 8, paragraph 9 shall be added:

"The Minister shall prescribe the content of the project for the rehabilitation and recultivation of unregulated waste disposal sites."

### **Article 13**

In Article 18, paragraph 2, point 1) the words "individual National waste management plans" shall be replaced with the words: "waste prevention programmes".

### **Article 14**

In Article 19, paragraph 1, point 1) the words "individual National waste management plans" shall be replaced with the words "waste prevention programmes".

### **Article 15**

In Article 23, paragraph 1, points 2) and 3) shall be replaced by the following:

"2) Treatment, i.e. recovery and disposal of waste;

3) End of waste status."

### **Article 16**

Article 24, paragraph 4) shall be replaced by the following:

"The Minister shall withdraw the waste testing authorisation in case of negligent or incompetent execution of the tasks for which such an authorisation was issued, specifically:

- 1) If it is determined that the authorised organisation does not meet prescribed requirements;
- 2) If it is determined that the authorisation was issued on the basis of inaccurate or false data;
- 3) If the authorised organisation does not conduct waste testing in accordance with the issued authorisation;
- 4) If it is determined that the authorised organisation, in performing the tasks for which the authorisation was issued, acts in an unlawful, immoral or undignified manner (taking or giving bribery, taking or giving commission, corruption, counterfeiting, etc.)."

### **Article 17**

In Article 26, paragraph 1, points 5) and 6 shall be replaced by the following:

- "5) Collect waste separately and classify it in accordance with the need for future treatment, in the quantity, or percentage, defined in national objectives;
- 6) Store waste in a manner that shall not affect human health or the environment, and create conditions to prevent the mixing of different types of waste, as well as mixing of waste with water;"

After paragraph 2, paragraph 3 shall be inserted:

"A waste producer or other waste holder may carry out waste treatment independently, or through a broker, or through another legal entity or entrepreneur conducting activities of waste treatment, and/or waste collection, or through a public utility company, or a public private partnership, in accordance with Article 6 of this Law."

### **Article 18**

After Article 28, title of the article and Article 28a shall be inserted:

#### **“Obligations of the Broker and Dealer**

##### **Article 28a**

Waste management brokerage shall include tasks of the organisation of waste treatment, and/or waste recovery and disposal, and/or brokerage in the transfer of waste related rights and obligations for the requirements of others.

It shall be forbidden to trade in waste for which a waste producer concluded a handover contract with a waste collector, and/or operator in a waste management facility.

A waste dealer shall be deemed to be a holder of waste which he purchased, or may take into possession if he has waste storage for which a permit was issued in accordance with this Law.

Payment for waste purchase shall be performed through a bank account, and/or a receipt shall be issued in accordance with special regulations.

A waste dealer shall be obliged to issue a certificate to a person from whom he purchases waste about the quantity of purchased waste as well as a receipt if payment was not made through a bank account.

A waste dealer shall be obliged to obtain data from the identification card of a person from whom he purchases waste, or from another identification document, as well as evidence of waste origin, or a statement about waste possession.

A waste dealer shall not be able to purchase waste if he does not have the evidence referred to in paragraph 6 of this Article.

A waste broker and/or dealer shall be obliged to register in the register of waste management brokers and waste dealers.

A waste broker and/or dealer registered for performing waste broker/dealer operations shall submit an application for entry in the register.

The Ministry shall issue a decision on the entry of a broker or dealer in the register, if the broker or dealer meets the following conditions:

- 1) That he was not convicted for any criminal offense, and/or economic offense or misdemeanour in accordance with the law;
- 2) That he has a person responsible for the execution of tasks for which an application for registration is submitted;
- 3) That he is in a position to settle financial liabilities or obligations that may arise during the execution of tasks, particularly the waste return obligation, in accordance with regulations on transboundary movement of waste.

The decision referred to in paragraph 10 shall be issued for a period of five years.

The decision referred to in paragraph 10 of this Article shall define environmental protection conditions, an obligation to keep records and submit reports, and/or measures for the prevention of illegal trade in waste.

An appeal may be filed against a decision in which entry in the register and issuance of a certificate is refused, within 15 days from the date of receiving the decision.

Registration may be renewed at the request of a broker or dealer which shall be submitted 30 days before the expiry of the registration period.

A registration certificate may be cancelled:

- 1) If a broker, and/or dealer, acts against the certificate on entry in the register of brokers or dealers;
- 2) If it is possible that a broker or dealer could, by his continuous execution of tasks, cause environmental pollution;
- 3) If a broker or dealer acts contrary to the regulations on transboundary movement of waste;
- 4) If a broker or dealer does not fulfil obligations in accordance with the law.

The provisions under para. 10, 11, 12 and 13 of this Article that refer to the entry in the register, and/or refusal to make an entry in the register, also apply to the renewal or cancellation of the certificate.

A broker and/or waste dealer shall deliver to the Agency the annual waste management report in accordance with this Law.”

### **Article 19**

In Article 34, paragraph 1, after the words: “disposal of the waste”, the following shall be inserted: “being managed by”.

In paragraph 4, after point 2) the following point 2a) shall be added:

2a) Intended purpose of the space and a possibility to construct and commission a facility shall be in accordance with planning and environmental conditions;

### **Article 20**

In Article 35, after paragraph 1, paragraphs 2, 3 and 4 shall be inserted:

“The entity referred to in paragraph 1 of this Article shall have a contract with the waste management operator that shall regulate the manner of waste takeover, payment through a bank account, and other issues relevant for waste takeover (waste types, quantities, origin, classification, etc.).

The competent authority shall take appropriate measures in accordance with Article 3 and Article 6 paragraph 1 point 3) of this Law, to encourage:

- 1) Separate collection of biowaste for the needs of composting and digestion;
- 2) Treatment of biowaste in a manner to ensure a high level of environmental protection;
- 3) The use of materials safe for the environment, which are produced from biowaste.

Collected mixed waste may be accepted as recyclable material in the waste management facility if such materials are separated when further processed, in accordance with quality and/or recycling standards."

Para. 2, 3 and 4 shall become para. 5, 6 and 7;

Paragraph 5 which becomes paragraph 8 shall be replaced by the following:

"Waste shall be transported in a closed vehicle, packaging, container or a tank to prevent waste scattering or dropping during transport, loading, or unloading, and/or the pollution of air, water, soil and the environment."

Para. 6, 7, 8 and 9 shall become para. 9, 10, 11 and 12;

Paragraph 10 which becomes paragraph 13 shall be replaced by the following:

“Regulations concerning the transport of hazardous cargo shall apply to the transport of hazardous waste and/or mode of transportation, conditions that refer to hazardous waste packaging, and to the vehicle and employees involved in handling and transport of hazardous waste.“

## **Article 21**

Article 36 shall be replaced by the following:

## **“Article 36**

Waste shall be stored in places that are technically equipped for temporary storage of waste on a site of a waste producer or owner and/or other holder of waste, in collection centers, transfer stations and other locations, in accordance with this Law.

The waste storage referred to in paragraph 1 of this Article may be:

- 1) A temporary waste storage facility at a waste generation site in which waste is kept for collection purposes;
- 2) A waste storage facility as a plant in which an activity of waste storing is conducted, and/or the process of waste collection and classification, storing and keeping and preparing for handover or dispatch, and/or transport to re-use, recovery, or disposal plant, are performed, including waste collection centres;
- 3) A waste storage facility within a waste recycling, recovery, or disposal plant in which waste is prepared for treatment, includes a transfer station as well.

The waste management permit, and/or waste exemption document issued in accordance with this Law shall define the type of the storage facility referred to in paragraph 2 of this Article, taking

into consideration its intended purpose, waste type and quantity, and the time-period of its storing.

Hazardous waste may not be temporarily stored at a location of a waste producer, owner, and/or other waste holder for longer than 12 months, unless the permit obtaining process is in progress, and not longer than 120 days from the date of expiry of the time-period referred to in this paragraph."

## **Article 22**

In Article 37, paragraphs 4 and 5 shall be replaced by the following:

"Permits, approvals, or documents related to waste treatment in mobile plants shall be obtained in accordance with this Law and other regulations.

The Minister shall prescribe in more detail the types of waste which may be treated in mobile plants and the types of mobile plants for which the waste treatment permit shall be issued."

## **Article 23**

Title of Article 38 and Article 38 shall be replaced by the following:

### **“Re-use and Recovery**

## **Article 38**

The competent authority for waste management shall take necessary measures to ensure that waste recovery operations are conducted in accordance with Art. 3 and 6 of this Law.

The competent authority for waste management shall take appropriate measures to promote product re-use and preparation for re-use, where possible, particularly with the development of the product reconstitution and re-use system, by applying economic instruments and criteria in the implementation of a public procurement procedure, and by defining other objectives and measures.

The competent authority for waste management shall take measures which shall ensure and promote or improve waste recovery when this is in accordance with the principle under Article 6 paragraph 1 point 3) of this Law, and, for that purpose, establish separate waste collection where this is technically, ecologically and economically feasible, and ensure that waste is not mixed with other types of waste or other materials with different properties.

The competent authority for waste management shall also take measures which will ensure a high quality level of recycling and, for that purpose, establish separate waste collection where this is technically, ecologically and economically feasible and appropriate, in order to meet necessary quality standards for relevant recycling areas.

Waste may be recovered for the same or other purpose, for recycling, and/or other recovery operations, to obtain raw materials for the production of the same or another product, as secondary raw materials (paper, cardboard, metal, glass plastic, construction or demolition waste, ashes and sludge from coal combustion in thermal energy plants, gypsum and sulphur from flue gas desulphurisation, waste oils, etc.), or to utilise the worth from waste through its biodegradation, or use the energy produced by waste incineration.

The person recovering waste shall ensure that adverse impacts on the environment caused by thus created products do not exceed those caused by the products obtained from primary raw materials.

Disposal and incineration of the waste meeting re-use or recovery standards shall be forbidden.

Exceptionally, the waste referred to in paragraph 7 of this Article may be disposed or incinerated if this is economically justified and does not endanger human health and environment, with previously obtained permit from the Ministry.

The plants used in waste management related activities for which an integrated permit is required may re-use the imported non-hazardous waste for their own purposes, in accordance with the permit issued by the Ministry and/or competent authority of the autonomous province, according to the regulations governing integrated pollution prevention and control.

The Minister shall prescribe in more detail the requirements and manner of collection, transport, treatment, and/or storage, recovery and recycling of the waste used as secondary raw materials or for energy generation.“

## **Article 24**

Article 43, paragraph 1 shall be replaced by the following:

"A local self-government unit shall regulate and organize the following in accordance with the local plan:

- 1) Waste selection and separate collection, including intervals of the collection of waste intended for recycling (paper, metal, plastic, and glass);
- 2) Ensure that household waste is disposed to containers or in another manner;
- 3) Ensure and provide equipment for centres for the collection of household waste which cannot be disposed in municipal waste containers (bulk waste, biodegradable waste, etc.), including hazardous household waste.

Households shall be obliged to dispose their waste in containers or in other manners envisaged by the local government unit, and hand over hazardous household waste (waste batteries and accumulators, oils, electrical and electronic product waste, paints and varnishes, pesticides, etc.)



to household waste collection centres or to a legal entity authorised for the collection of hazardous waste.”

Paragraph 7 shall be replaced by the following:

“Local self-government unit shall make an inventory of illegal waste disposal sites and rubbish dump sites in its territory and ensure their removal and rehabilitation.”

After paragraph 7, paragraphs 8, 9 and 10 shall be inserted:

A local self-government unit shall be obliged to develop a rehabilitation and recultivation design for existing rubbish dump sites, in accordance with the law governing environmental protection.

A public utility company managing the municipal rubbish dump sites with municipal waste shall be obliged to submit to the Ministry, or competent authority of the AP for approval the Operational Plan for the plant referred to in Article 16 of this Law, together with the programme for corrective measures and schedule for plant adjustment, in accordance with this Law and a landfilling related regulation.

The Minister shall prescribe the manner of keeping the inventory and appearance of the inventory of waste disposal sites and rubbish sites on the territory of a local self-government unit, as well as the manner and time limits for its delivery.

## **Article 25**

Article 44 shall be replaced by the following:

## **“Article 44**

Production, collection, and transport of hazardous waste, and its treatment and storage shall be carried out under conditions that provide for the protection of the environment and human health, in accordance with Article 3 of this Law, including all activities from hazardous waste production to hazardous waste treatment, in accordance with the reporting on waste, control and penalty provisions in the manner prescribed by this Law.

The Government shall provide for the implementation of measures for handling hazardous waste.

The treatment of hazardous waste shall be a priority over the treatment of other waste and it shall be carried out only in the plants which have the hazardous waste treatment permit issued in accordance with this Law.

During collection, classification, storage, transport, recovery, and disposal, hazardous waste shall be packaged and labelled in a manner that shall ensure safety for human health and environment, in accordance with international and harmonized Serbian standards.

Hazardous waste shall be packaged according to the characteristics of hazardous waste (flammable, explosive, infective, etc.) and labelled in accordance with the law governing the transport of hazardous goods and this Law.

It shall be forbidden to mix different categories of hazardous waste or mix hazardous with non-hazardous waste, other substances and materials, except:

- 1) In plants for which the hazardous waste treatment permit was issued in accordance with Article 64 of this Law;
- 2) If Article 3 of this law is applied and waste management does not adversely affect human health and environment;
- 3) Under conditions defined in the permit, with the application of the best available techniques and under the supervision of a qualified person.

The mixing of waste referred to in paragraph 6 of this Article shall also include dilution of hazardous materials.

In accordance with technical and economic feasibility criteria, when hazardous waste is mixed in a manner contrary to the provisions of this Article, separation shall be carried out, if possible and necessary, in the plant referred to in paragraph 6 of this Article, under the supervision of a qualified person, in accordance with Article 3.

Provisions from paragraphs 1, 5 and 6 of this Article shall not apply to mixed hazardous household waste before it is taken from a collection centre to be handed over to waste recovery and disposal facilities.

The provision from paragraph 5 of this Article shall not apply to separated parts of household hazardous before they are collected, disposed or recovered by operators who have a permit or who are registered in accordance with the provisions referring to permit issuance or registers of issued permits prescribed by this Law.

It shall be forbidden to dispose of hazardous waste without prior treatment that significantly reduce hazardous characteristics of waste.

It shall be forbidden to dilute hazardous waste in order to be discharged in the environment.

The Minister shall specify the manner of hazardous waste storing, packaging, and labelling.”

## **Article 26**

Article 46, para. 2, point 1) shall be replaced by the following:

"1) A copy of the previous notification which, 48 hours before the start of hazardous waste movement, a waste producer, owner and/or other holder sends to the Ministry with data about the

waste production and/or owner, in accordance with the law on personal data protection, as well as about the type and estimated waste quantities, waste classification, means of transport and destination, signed by the waste producer and/or owner;"

Point 5) shall be replaced by the following:

"5) A copy of the document referred to in paragraph 2 point 4) of this Article which the recipient shall send to the Ministry, as well as to the competent authority of the autonomous province, that is, the city of Belgrade, if waste movement is taking place in their territory."

Paragraph 5 shall be replaced by the following:

"A waste producer, owner and/or other holder shall be obliged to keep a copy of the document referred to in paragraph 2 point 6) of this Article indefinitely and to deliver it to the Agency in an electronic form by entering the data in the IT system of the National Register of Pollution Sources."

After paragraph 5, paragraph 6 shall be inserted:

"Documentary evidence that management operations were completed shall also be submitted at the request of the competent authority or former owner and/or other waste holder."

Para. 6, 7 and 8 shall become para. 7, 8 and 9.

Paragraph 9 shall be replaced by the following:

"The Minister shall prescribe a template for the document on hazardous waste movement, a template for the previous notification, manner of its submission, and instructions for filling in the document."

## **Article 27**

In Article 52, paragraphs 3 and 4 shall be replaced by the following:

"The owner and/or other holder of PCB and PCB waste shall provide for their disposal, i.e. decontamination, in the manner prescribed by this Law.

The owner and/or other holder of the equipment in use containing PCB or for which there is a possibility that is contaminated with PCB content, shall have PCB content tested in the laboratory accredited for testing of PCB content."

After paragraph 5, paragraphs 6, 7 and 8 shall be inserted:

"Entities that conduct PCB disposal shall be obliged to deliver to holders used PCBs, and issue a confirmation in which they shall specify PCB properties and quantities.

An owner and/or other holder of equipment containing PCBs shall be obliged to deliver PCB, PCB waste and/or equipment containing PCB to an entity that holds a permit in accordance with this Law, and take all the precaution measures in order to avoid a risk of fire, including keeping them away from flammable products.

Equipment containing less than 5 dm<sup>3</sup> of PCBs which are integral parts of other equipment should be removed and separately collected, recycled or disposed, upon the termination of the use of the equipment of which they are integral parts."

Para. 6, 7 and 8 shall become para. 9, 10 and 11.

Paragraph 9 which shall become paragraph 12, after the word "PCB", the following shall be inserted: "which data are public". In paragraph 10 which shall become paragraph 13, in point 4), full stop at the end shall be replaced by semicolon, and after point 4), point 5) shall be inserted, as follows:

"5) Instructions for the collection and disposal of the equipment containing less than 5 dm<sup>3</sup> of PCBs, which are integral parts of other equipment."

## **Article 28**

Title of Article 56 and Article 56 shall be replaced by the following:

### **"Medical Waste Management**

## **Article 56**

A medical waste producer shall be obliged to prepare a medical waste management plan if producing more than 100 tons of non-hazardous medical waste and/or 200 kg of hazardous medical waste, on an annual basis.

The plan for managing medical waste from healthcare institutions, other forms of healthcare services (hereinafter: private practice), other legal entities, or establishments in which medical protection of humans takes place in accordance with the law, or related medical, educational and R&D activities, producing more than 500 kg of hazardous medical waste annually, shall be approved by the ministry competent for health issues, upon a previously obtained opinion from the institute for public health established for the territory of the Republic of Serbia, in cooperation with the Ministry.

The plan for managing medical waste from veterinary organisations and facilities in which veterinary services are provided shall be approved by the ministry competent for veterinary issues, in accordance with the law regulating veterinary medicine and this Law.

A producer of medical waste shall, if possible, ensure the reduction of medical waste quantity and/or hazardous properties at their production site, as well as waste recovery.

A producer of medical waste shall collect all waste at its production site and classify it into hazardous waste and non-hazardous waste, namely into different types of hazardous medical waste, and dispose of it in suitable packaging adapted to its properties, quantity, the manner of its temporary disposal, transport, and treatment.

The collection and transport of hazardous medical waste, classified, packaged, and labelled in accordance with this Law and the regulation enacted based on this Law, shall be carried out in special vehicles for medical waste transport from the medical waste producer to the waste treatment plant operator, in accordance with waste management related regulations and regulations relating to the transport of dangerous goods.

A producer of hazardous medical waste shall have a contract concluded with a person holding a permit for medical waste collection and transport, unless he has his own vehicle for medical waste transport.

A producer of hazardous medical waste shall have a contract concluded with an entity holding a permit for medical waste collection and transport, unless they have their own vehicle for medical waste transport.

An entity that has a permit for medical waste collection and transport should, in accordance with the law, conclude the waste takeover agreement with a waste treatment plant operator.

The waste produced as a result of home health care, and other similar activities, within which medical waste is produced, shall be taken over by an entity carrying out such an activity and that same entity shall provide for its treatment or safe disposal at his expense, in accordance with waste management related regulations.

An entity carrying out the transport of hazardous medical waste shall provide for regular cleaning and disinfection of transport vehicles.

A producer of hazardous waste shall, before such waste transport, treatment, or handover to the waste treatment plant operator, store that waste at the place intended exclusively for that purpose.

The producer of hazardous medical waste shall carry out the treatment of his own medical waste, on his own or through a third person with whom he has concluded a contract and who meets the requirements determined by this Law.

A producer of medical waste shall be obliged to deliver data to the Agency about waste quantities for different waste types and manners of handling.

An entity carrying out the collection, transport, treatment, and/or storage, recovery, and disposal, of medical waste treatment residues should hold a permit, keep records about the quantity and type of the medical waste collected, transported, treated, or stored and disposed of, and shall deliver such data to the Agency.

Medical waste shall be exported if the Republic of Serbia has no technical capacity and/or there are no plants for the recovery or disposal of such waste in an environmentally acceptable and efficient manner, in accordance with this Law and the regulations governing the international transport of waste.

The Minister responsible for health issues and the Minister shall mutually prescribe the content of the plan for the management of medical waste from the establishments in which human healthcare services are provided, and the manner and procedure for medical waste management."

## **Article 29**

After Article 56, titles of articles and articles 56a and 56b shall be inserted:

### **"Pharmaceutical Waste Management**

#### **Article 56a**

Pharmacies founded as medical establishments, and/or veterinary organizations, as well as pharmacies founded as private practices shall be obliged to:

- 1) Take over the produced pharmaceutical waste from the citizens and hand over such waste to the entities carrying out the collection, transport, treatment, and/or storage, recovery, and disposal or export of pharmaceutical waste;
- 2) Keep separate records about their own pharmaceutical waste and deliver relevant data to the Agency;
- 3) Provide, in pharmacy business premises, space for a container for the free-of-charge collection of unused drugs from the citizens;
- 4) Conclude a contract with the entity referred to in point 1 of this paragraph on the rights, obligations and responsibilities relating to the management of pharmaceutical waste collected from the citizens;
- 5) Put up a notification on a visible place that unused drugs shall be collected from the citizens in such a pharmacy and that there will be no charge for the citizens who are return unused drugs.

The citizens and/or animal holders shall hand over unused drugs to a pharmacy that was founded as a medical establishment, i.e. a veterinary organization or a pharmacy founded as private practice.

The container referred to in paragraph 1 point 3) of this Article shall be put up by an entity carrying out the collection, transport, treatment, and/or storage, recovery, and disposal or export of pharmaceutical waste that holds a permit in accordance with this Law.

Waste containing psychoactive controlled substances and precursors shall be treated in accordance with the laws governing psychoactive controlled substances and precursors, the law governing drugs, and the law governing waste management.

The minister responsible for health issues, the minister responsible for veterinary issues, and the Minister shall specify in more detail the manner and procedure for pharmaceutical waste management.

## **Costs of Medical and Pharmaceutical Waste Management**

### **Article 56b**

Costs of the management of medical waste, including the pharmaceutical waste produced in pharmacies referred to in Article 56 of this Law shall be borne by waste producer, except for the costs of the management of pharmaceutical waste collected from the citizens.

Costs of the management of waste generated from the drugs for which no marketing permit was issued in the Republic of Serbia shall be borne by the importer of such drugs.

Costs of the management or exportation of the pharmaceutical waste collected from the citizens shall be borne by the producer and/or importer placing pharmaceutical products on the market of the Republic of Serbia, proportionately to their share in the product mass they are placing on the market of the Republic of Serbia, in accordance with this Law and on the basis of the records of the Medicines and Medical Devices Agency.

Costs of the management of the pharmaceutical waste referred to in paragraph 3 of this Article shall include:

- 1) Waste takeover and transport;
- 2) The preparation of a joint plan;
- 3) The acquisition and distribution of collection containers;
- 4) Temporary storage and transport for disposal;
- 5) Waste treatment, or recovery, disposal or export;
- 6) Administrative costs (electronic data processing, system operation, notification and preparation of export documents)."

### **Article 30**

In Article 59, paragraph 1, point 3) shall be deleted.

Point 4) shall be replaced by the following:

“4) Permit for waste treatment, specifically:

- Storage permit;
- Recovery permit;
- Disposal permit;

Point 5) shall be deleted.

Paragraph 4 shall be replaced by the following:

“The permits referred to in paragraphs 1 and 2 of this Article shall be issued for business activities in the field of waste management other than those for which, according to the integrated pollution prevention and control related regulations, the integrated permit is issued.”

After paragraph 4, paragraph 5 shall be added:

“By way of an exception, the permit referred to in paragraphs 1 and 2 of this Article shall also be issued for new and existing waste management plants which are subject to the issue of the integrated permit, including the duration of the trial period, but not for longer than 240 days from the completion of the trial period, as a temporary permit pending the issue of the integrated permit.”

Paragraph 5 shall become paragraph 6.

### **Article 31**

In Article 60, paragraphs 4 and 5 shall be replaced by the following:

"The city of Belgrade shall be entrusted with issuing permits for the collection, transport, treatment, and/or storage, recovery and disposal of waste for all activities on the territory of Belgrade, and for all the plants for which the construction permit shall be issued by the competent authority of the city of Belgrade.

The city or municipality shall be entrusted with issuing permits for the collection, transport, treatment and/or storage, recovery and disposal of inert and non-hazardous waste on their territory."

### **Article 32**

In Article 61, paragraph 1, point 5), full stop at the end shall be replaced by semicolon.

After point 5) the following point 6) shall be added:



"6) Test for determining technical and technological parameters of waste recovery with the aim to obtain the data necessary for the procedure of developing an impact assessment study."

Paragraph 2 shall be replaced by the following:

"For the sites on which inert and non-hazardous waste is stored and for mechanical preparation of non-hazardous waste for transport referred to in paragraph 1 points 3), 4) and 6) of this Article, a document on exemption from the obligation to obtain the permit shall be issued."

Paragraph 3, point 4) shall be replaced by the following:

"4) Approval of the plan for protection against accidents and plan for protection against fire, if the operator is under an obligation to obtain such approval or the rules for protection against fire, depending on the level of susceptibility to fires and other data, at the request of the competent authority."

After paragraph 3, paragraph 4 shall be added:

"The certificate referred to in paragraph 1, point 6) of this Article shall be issued for a period of maximum 60 days."

Paragraph 4 shall become paragraph 5.

### **Article 33**

In Article 62, paragraph 1, the words: "the storage, treatment and disposal," shall be replaced by the words: "2) treatment, and/or storage, recovery and disposal of waste".

In paragraph 2, point 2), after the word: "location", the following shall be inserted: "particularly description of the location, including its hydrogeological and geological characteristics, in the request for waste landfilling".

In point 5), after the word: "used", the following shall be inserted: "for each of operation types contained in the permit, technical and other requirements relating to the location concerned, and the proposed pollution prevention and reduction methods".

In paragraph 3, point 3) shall be replaced by the following:

"3) Approval of the plan for protection against accidents and plan for protection against fire, if the operator is under an obligation to obtain such approval, or the rules for protection against fire, depending on the level of susceptibility to fires, and employees basic training programme in the protection against fire, in accordance with the law;".

In points 5) and 6), after the word: "treatment", the following shall be inserted: "and/or recovery".

After point 9) the following point 9a) shall be added:

"9a) Financial or other guarantees ensuring compliance with the requirements form the permit for waste landfilling, with a validity period equal to the waste disposal site operation period, including the waste disposal site closing procedure and maintenance after closing in accordance with Article 30 of this Law;"

After paragraph 3, paragraph 4 shall be added:

"Application for the issuance of the landfilling permit, in addition to data from paragraph 2 of this Article shall also contain information on the procedure for closure and after-care of landfill."

Paragraph 4 which shall become paragraph 5, after the word "the storage, treatment and disposal," shall be replaced by the following: "2) treatment, and/or storage, recovery and disposal of waste".

Paragraph 5 shall become paragraph 6.

#### **Article 34**

Article 63 shall be replaced by the following:

#### **“Article 63**

The application for issuing a permit for the treatment, or storage, recovery and disposal of waste shall be submitted to the ministry, or the autonomous province, or a local self-government unit.

The competent authority for the issuance of the permit shall, within 15 days from the date of reception of the application for permit, demand from the applicant to submit evidence and documents required for the supplementation of the application, if the application is incomplete, or not properly made.

The competent authority for the issuance of the permit shall, within 15 days from the date of reception of the properly made application, inform the public about the submitted application and obtain minutes about compliance with the requirements for plant construction and operation from the competent inspection authority.

The Ministry, or competent authority of the autonomous province, shall, simultaneously with the notification referred to paragraph 3 of this Article, submit a request to the local government unit, together with documents for consultation.

When the permit for handling hazardous waste is issued by the competent authority of the city of Belgrade, along with the notification referred to in para. 3 of this Article, it shall submit the delivered application to the city municipality together with the documents for consultation, provided that the city municipality shall be obliged to act in the manner prescribed in para. 6 and 7 of this Article.

Within 30 days of the receipt of the application referred to in paragraph 3 of this Article, the local self-government unit shall be obliged to consider the application and to deliver its opinion to the ministry or the competent authority of the autonomous province, with a reasoned proposal for the acceptance or rejection of the application.

A local government unit shall, before providing the opinion referred to in paragraph 3 of this Article, as appropriate, obtain opinions from other stakeholders and organizations as well (urbanism, nature protection, municipal services, internal affairs, consumer protection, etc.).

The competent authority for the issuance of the permit shall consider the submitted application, enclosed documents, obtained opinions and minutes about the compliance with requirements made by the competent inspection authority, and shall issue the permit to the applicant, within 15 days of the date of reception of the opinion referred to in paragraph 5 of this Article, or issue a refusing decision, stating reasons for refusal.

If the permit is issued by the Ministry, or the competent authority of the Autonomous Province, they shall inform the local self-government unit about the issued permit and, at its request, deliver a copy of the issued permit."

### **Article 35**

Article 64 shall be replaced by the following:

### **“Article 64**

The permit shall define requirements for waste management in the plant for waste treatment, and/or storage, recovery, and disposal.

The permit shall particularly contain the following:

- 1) Location data;
- 2) Technical and technological requirements for plant operation;
- 3) Methods used for each individual operation;
- 4) Data about waste origin, destination, and treatment;
- 5) Data about type and quantity of the waste that is being remedied or disposed;
- 6) Procedures for plant operation control and environmental monitoring;
- 7) Measures for protection against accidents, including accident prevention and accident impact alleviation requirements, measures for protection against fire, and procedures for plant closing;
- 8) The level of a financial guarantee or other instrument for covering plant operation costs;

9) Obligation to submit, at least once a year, data about the amount and quantities of treated, or remedied and disposed waste, and about monitoring results.

If the permit is issued for waste landfilling, in addition to the data referred to in paragraph 2 of this Article, it shall also contain data about:

- 1) Waste disposal site class (for inert, hazardous, or non-hazardous waste);
- 2) Waste receipt procedure;
- 3) Other plants on the location and total capacity of the waste disposal site;
- 4) Technical documentation for the construction of the waste disposal site and for the plant and equipment to be used;
- 5) Operational plan with waste disposal site filling schedule;
- 6) Requests for the preparation of a waste disposal site for disposal, operations of disposal and monitoring of the operation of the waste disposal site, control procedures, including intervention plans;
- 7) Requests for closing a waste disposal site and operations for subsequent maintenance of a waste disposal site after it is closed;
- 8) The amount of a financial guarantee or other instrument for covering the costs of waste disposal site operation and subsequent maintenance of the site after it is closed.

If the permit is issued for thermal treatment of waste, in addition to the data referred to in paragraph 2 of this Article, it shall contain the data relating to:

- 1) Limit values of emissions to the air and water, and manner of emission measuring, in accordance with the law;
- 2) The type and quantity of treatable hazardous waste;
- 3) The lowest and the highest share, the lowest and highest caloric value, and limit value for pollutants (e.g., PCB/PCTs, PCP, chlorine, fluorine, sulphur, heavy metals, etc.), for every type of hazardous waste;
- 4) Requests related to pH value, temperature and flow of waste water discharge;
- 5) Sampling methods, measuring frequency, methods and means for measuring the emissions of harmful materials in waste gases and emissions of harmful and hazardous materials in waste waters for carrying out one's own monitoring, in accordance with the law;

6) The longest permitted period of all technically unavoidable downtime, disorders or breakdowns of purification devices or measuring devices during which emissions in the air and discharge of waste water may exceed prescribed emission limit values.

The permit for a mobile waste treatment plant shall also contain operator's obligation to inform the Ministry and/or the competent authority of the autonomous province and local self-government unit about any change of its location, or commencement or completion of work on the location.

A permit that includes incineration and co-incineration with energy utilization shall be issued under condition that the requirements in terms of a high level of energy efficiency have been met.

A list of waste categories, which the permit should contain, may be prescribed for waste co-incineration in certain categories of waste co-incineration plants.

The Minister shall specify in more detail the content and appearance of the permit, the type and level of a financial guarantee or other instrument for the coverage of waste management costs."

### **Article 36**

In Article 65, paragraph 1, points 1) and 2) shall be replaced by the following:

"1) The application is not in conformity with the regional, or local waste management plan or the plant site is not in conformity with the intended purpose defined in the applicable spatial or planning document;

2) Conditions in terms of waste management methods are not met, i.e. if the intended treatment method is unacceptable from the environmental protection aspect, particularly if the method is not in accordance with Article 3 of this Law;"

In point 3), full stop at the end shall be replaced by semicolon.

After point 3), points 4) and 5) shall be added, worded as follows:

4) It is not in compliance with other requirements in accordance with Article 62 of this Law;

5) It is not in compliance with other requirements under this Law."

### **Article 37**

In Article 66, paragraphs 1, 2 and 3 shall be replaced by the following:

"The permit for waste treatment, and/or storage, recovery and disposal shall be issued for a period of ten years.

Notwithstanding paragraph 1 of this Article, permits may be issued for a period shorter than ten years, during the trial period, and for new waste management plants which are subject to the issuance of the integrated permit, including the period of maximum 240 days upon the completion of the trial period.

The permit may be extended at a request to be filed 120 days before the expiry of the validity period of the permit in order to ensure the continuity of permit validity."

Paragraph 5 shall be replaced by the following:

"If a bankruptcy or liquidation procedure is initiated against a person that holds the permit but did not carry out the rehabilitation of a contaminated site within the plant operation termination and closing, the rehabilitation costs shall be covered from the bankruptcy, i.e. liquidation estate."

After paragraph 5, paragraph 6 shall be inserted:

"If a legal successor assumes the rights and obligations of the person holding the permit, the responsibility of meeting the requirements under the permit, including the rehabilitation of the contaminated site, shall be transferred to the legal successor or land owner, and, if this is not possible, responsibility for meeting the requirements under the permit shall be assumed by the competent permitting authority and it shall be entitled to the recovery of costs by the future owner, or user of the site."

### **Article 38**

Article 67 shall be replaced by the following:

### **“Article 67**

The permit shall be revoked with a decision of the competent permitting authority if it is determined that a person holding the permit:

- 1) Does not meet the requirements for permit issue;
- 2) Does act in accordance with the requirements determined in the permit;
- 3) Does not comply with law and waste management related regulations.

If the inspection surveillance determines that a person holding the permit does not comply with the requirements determined in the permit, the environmental inspector shall:

- 1) Impose measures on the person holding the permit, and determine a time limit for the execution of imposed measures and, if such a person fails to comply with the inspector's order within the specified time limit, he shall make the permit revocation proposal to the competent permitting authority;

2) Make, without delay, a proposal to the competent permitting authority to revoke the permit if the person holding the permit handles waste in a manner that is detrimental to the environment and human health, or does not apply measures for environmental protection, pollution control, and accident and fire prevention.

The waste treatment plant operator shall be prohibited by the decision on permit revocation from receiving waste in the plant and the plant operator shall be obliged to further act in accordance with the requirements stated in the permit, i.e. in accordance with the law.

An administrative dispute may be initiated against the decision referred to in paragraph 4 of this Article.

An initiation of the administrative dispute referred to in paragraph 5 of this Article shall not suspend the execution of the decision.

The competent authority shall inform the public about permit revocation."

### **Article 39**

Article 68 shall be replaced by the following:

### **“Article 68**

The permit may be changed within the permit validity period, if:

- 1) The operator, or the person holding the permit, files a request for changing the permit (change of waste type and/or quantity, change of the qualified employee responsible for waste management expertise, opening of a new plant at the same site or at another site with the same technology and treatment methods);
- 2) The operator, or the person holding the permit, changes;
- 3) A danger exists or damage to human health and the environment occurs, or safety considerations require changes to the permit;
- 4) The law and other regulations change.

The change to the permit referred to in paragraph 1 points 3) and 4) of this Article shall be made by the competent authority *ex officio*.

If the operator, or the person holding the permit, applies for the change to the permit referred to in paragraph 1 point 1) of this Article, the competent authority shall issue a decision on changing the permit.

If the operator, or the person in whose name the permit is issued, is changed, the rights and obligations resulting from the permit shall be transferred to the legal successor, if he meets the requirements determined by this Law.

At the request of the operator, or the person holding the permit, the competent authority shall issue a decision on the transfer of rights and obligations to the legal successor referred to in paragraph 4 of this Article, or refuse the request for the transfer of rights and obligations.

The competent permitting authority shall issue a new decision on the issuance of the permit if the requirements under the permit change.

If the change to the permit is made by the Ministry, or the competent authority of the autonomous province, it shall inform the local self-government unit about the made change and deliver to it a copy of the issued decision.

An appeal against the decision referred to in para. 3, 5, and 6 of this Article may be filed within 15 days from the date of reception of the decision.”

#### **Article 40**

In Article 74, paragraph 1, the words: “once in two years” shall be replaced by the following: “annually”.

In paragraph 2, the words: “once in two years” shall be replaced by the following: “annually”, and after the words: “in its territory” the following shall be inserted: “and report shall be delivered to the Ministry and Agency”.

In para. 3 and 4, the words: “once in two years” shall be replaced by the following: “annually”.

After paragraph 4, paragraph 5 shall be inserted:

“Reports referred to in para. 2, 3 and 4 of this Article shall be delivered to the Agency not later than 31 March of current year.”

Paragraph 5 shall become paragraph 6.

#### **Article 41**

Article 75 shall be replaced by the following:

“Article 75

Producer, owner and/or other holder of waste, except households, shall maintain and keep daily records on waste and submit regular annual report to the Agency.



Legal entities i.e. entrepreneurs who participate in the trade of waste are obliged to submit to the Agency data on the type and quantity of waste, including secondary raw materials that are placed on the market, in the prescribed manner.

Producer and importer of the products that become specific streams of waste after being used shall maintain and keep daily records on the quantity and type of produced and imported products, and submit a regular annual report to the Agency.

The report referred to in paragraph 1 of this Article shall contain data on type, quantity, origin, characterization and classification, composition, storage, transport, import, export, treatment, and/or recovery and disposal of waste generated as well as waste received at waste management facility.

An operator of a landfill shall maintain and keep daily records referred to in paragraph 1 of this Article, on the received and disposed waste quantities, and submit to the Agency a regular annual report on the types and quantities of waste disposed and monitoring results.

The report referred to in paragraph 5 of this Article particularly contains data on all necessary costs during the landfill operation.

Landfill operator shall, during the landfill operation, provide control and monitoring of the landfill operation according to the programme governed by the regulation on disposal of waste at landfill sites.

Landfill operator shall inform the competent authority for issuing the permit or competent inspection on any significant impact on the environment observed in the control and monitoring procedure to be carried out in accordance with Article 16 of this Law.

In the case referred to in paragraph 8 of this Article, landfill operator shall comply with a decision of the competent authority for issuing the permit or the relevant inspection in respect of the nature and time limits of taking corrective measures and bear the costs of these measures.

The competent authority shall take measures to initiate the procedure of closing the landfill or part of the landfill when necessary, in accordance with relevant permit, as follows:

- 1) When conditions for it have been fulfilled in accordance with the permit, or
- 2) At operator`s request, in accordance with approval granted by the competent authority, or
- 3) Based on a reasoned decision of the competent authority.

Landfill or part of the landfill is considered to be finally closed after completion of the final examination of the site by the competent inspection, verification of all reports submitted by the operator, or after notifying the operator of a decision on the closure of the landfill.

The provision of paragraph 11 of this Article shall not diminish responsibility of the operator in accordance with the requirements laid down in the permit.

After closure of the landfill, operator shall maintain the landfill, supervise and control the after-care period to be established by the competent authority for issuing the permit, taking into account the time limit within which the landfill could present a risk to the environment.

Producer, owner and/or other holder of waste, including producer and importer of products that become special waste streams after being used and landfill operator shall keep basic documents (records, reports, etc.) for at least five years, unless otherwise provided by this Law and special regulation.

Local self-government unit shall maintain and keep records on collected municipal waste, as well as inventory of unregulated landfills and inform the Agency accordingly.

The Agency shall keep the original reports on waste for at least 25 years for the purposes of statistics of the Republic of Serbia on waste generation.

The Agency shall submit details to the Ministry once a year, not later than 31 May of current year and if necessary, or upon request.

The Minister shall prescribe:

- 1) methodology for collecting data on waste management, daily record keeping form, the form, manner and deadlines for submission of annual reports;
- 2) Methodology for collecting data on the composition and quantities of municipal waste in the territory of the local self-government unit;
- 3) Methodology for collecting data on types and quantities of waste, including secondary raw materials placed on the market;
- 4) Methodology for collecting data on unregulated landfills in the territory of local self-government unit;
- 5) Methodology for collecting data on products which become special waste streams after being used and the form, manner and deadlines for submission of annual reports.”

#### **Article 42**

Title of Article 76 and Article 76 shall be replaced by the following:

#### **“Registers in the Field of Waste Management**

#### **Article 76**

The competent authority for issuing permits for waste management, or a document of exemption from the obligation of obtaining the permit shall keep a register of issued permits, and register of issued certificates of exemption from the obligation of obtaining the permit and submit such register data to the Agency within 15 days from the date of entry in the register.

The Ministry keeps a register of brokers in waste management, and dealers of waste and submit the register data to the Agency on a quarterly basis.

The register of permits issued is a database in which data on issued permits for waste management and permits for import, export and transit of waste are recorded.

Register of issued certificates of exemption from the obligation of obtaining a permit is a database in which data on issued certificates of exemption from the obligation to obtain the permit are recorded.

Register of brokers in waste management and waste dealers is a database in which data on waste brokers and dealers are recorded.

Data entered into the registers of para. 1 and 2 of this Article shall be public.

Records, registers and other collections of data prescribed in this Law shall be kept in accordance with the law governing the protection of personal data and the law governing the registration of business entities.

The Minister shall prescribe the manner of keeping and appearance of the register of issued waste management permits, register of issued certificates of exemption from the obligation to obtain a permit and register of brokers in waste management and waste dealers."

### **Article 43**

Article 79, paragraph 1) shall be replaced by the following:

“Legal entity or entrepreneur performing the activity of collection, transport, treatment, or storage, recovery and disposal of waste shall charge for its services according to the price determined in compliance with the Law.”

In paragraph 2, after the words: "The price of waste management services", the following shall be inserted: “which includes pre-processing”.

Paragraph 3 shall be replaced by the following:

“Price of waste landfill service shall cover all costs of establishment and operation of the landfill, including financial guarantees or other equivalent instruments and estimated costs for closure and after-care for a period of at least 30 years, for all kinds of waste at the site.”

Paragraph 6 shall be replaced by the following:

“Funds collected from the fees referred to in paragraph 4 of this Article are revenues of the budget of the Republic of Serbia and shall be used via the Green Fund of the Republic of Serbia.”

After paragraph 6, paragraphs 7 and 8 shall be inserted:

The Government shall prescribe criteria for classification of operators performing recovery and recycling of waste, as well as of other waste management entities.

At the proposal of the ministry in charge of environmental protection, the ministry in charge of economic affairs and the ministry in charge of finance, the Government shall specify the establishment, conditions, manner of functioning and organizing the organized waste market.

Paragraph 7 shall become paragraph 9.

#### **Article 44**

Article 80 shall be replaced by the following:

#### **“Article 80**

Funds for financing of waste management in the Republic of Serbia shall be provided from:

- 1) The budget of the Republic of Serbia;
- 2) The budget of the Autonomous Province and local self-government units;
- 3) European Union funds and other international funds;
- 4) Donations, gifts, contributions, assistance and similar sources for waste management;
- 5) Loans from international financial institutions;
- 6) Other sources in accordance with the Law.

The funds referred to in paragraph 1 of this Article may be used only for the purposes specified in this Law and in the manner prescribed by the law governing the environmental protection.

Implementing the Strategy and plans for waste management, as well as construction of plants for treatment and/or storage, recovery and disposal of waste within the competence of the Republic of Serbia, Autonomous Province and local government units, shall be financed in accordance with the Law.

#### **Article 45**

Title of Article 81 and Article 81 shall be replaced by the following:

## “Use of Funds for Waste Management Financing

### Article 81

The Republic of Serbia, the Autonomous Province or a local self-government unit shall use the funds referred to in Article 80 of this Law for investment and operating costs of waste management, including:

- 1) Construction of new waste management facilities, reconstruction, revitalisation and utilization of the existing facilities;
- 2) Improving the organization of waste management;
- 3) Management of waste batteries and accumulators, waste oils, waste tyres, waste from electrical and electronic products, waste fluorescent tubes containing mercury and waste vehicles;
- 4) Encouraging the separated waste collection;
- 5) Implementation of regional and local waste management plans;
- 6) Development of an information system for waste management;
- 7) Assistance in development and application of new technologies for waste treatment;
- 8) Remediation of long-term pollution by industrial and municipal waste;
- 9) Programmes of education and strengthening the public awareness of environmental protection and waste management issues;
- 10) Encouraging of recycled material market and export of waste for which there is no possibility of treatment in the Republic of Serbia;
- 11) Other costs in accordance with the Law.

### Article 46

In Article 85, paragraph 1, point 1) after the words: “waste management”, the following shall be inserted: “and waste prevention programmes”.

After point 2), points 2a) and 2b) shall be added, worded as follows:

“2a) Compliance with the requirements for treating the production residues as by-products and possession of documents proving the compliance with the prescribed requirements;

2b) Compliance with the requirements for termination of waste status and technical requirements for certain types of waste that cease to be waste;

In point 4), the words: "storage, treatment, transport and disposal," shall be replaced by the following: "transport, treatment, and/or storage, recovery and disposal".

In point 6), the words: "the storage, treatment and disposal," shall be replaced by the following: "treatment and/or storage, recovery and disposal of waste".

In point 7), after the words: "in the course of its movement" the following shall be inserted: "(origin, nature, quantity and destination)".

In point 9), after the words: "conditions for work," the following shall be inserted: "especially monitoring the site prior to commencement of disposal operations in order to check compliance with the requirements of the permit, as well as".

### **Article 47**

Article 86, para. 1, point 1) shall be replaced by the following:

"1) order the implementation of a waste management plan and programme for prevention of waste generation and their updating, and/or revision;"

In point 7), the words: "legal or natural person" shall be replaced by the following: "legal entity or entrepreneur".

After point 10) the following point 10a) shall be inserted:

"10a) prohibit brokerage activities in waste management, or waste trading to a person who is not entered in the register of brokers in waste management, or register of waste dealers, or order the performing of tasks in accordance with this Law;"

In point 17), after the words: "legal entity", the following shall be inserted: "and entrepreneur".

In point 18), after the words: "legal entity", the following shall be inserted: "and entrepreneur".

In point 20), the words: "storage, treatment and disposal," shall be replaced by the following: "treatment or storage, recovery and disposal of waste".

In point 21), after the words: "treatment", the following shall be inserted: "or recovery".

After point 27) the following point 27a) shall be inserted:

"27a) order an entity to remove the stored waste when it stores the waste at the site for which it has no permit to store the waste, and if prescribed storage period has expired, i.e. the period for which the permit for waste storage was issued;"

In point 30), the words: “approval for the location, i.e.”, shall be deleted.

In point 40), the words: "storage, treatment and disposal," shall be replaced by the following: “transport, treatment, and/or storage, recovery and disposal”.

After point 50) the following point 50a) shall be inserted:

“50a) order a producer and importer of products which, after their use, become separate waste streams to maintain and keep daily records and submit an annual report;”.

### **Article 48**

Article 88, para. 1, point 1) shall be replaced by the following:

“1) Treat the production residues as by-products contrary to the specified requirements and/or does not have the evidence of compliance with requirements (articles 8 and 8b);

After point 1), points 1a) and 1b) shall be added, worded as follows:

“1a) violate the provisions relating to the end of waste status (Article 8c);

1b) perform activities without waste management plan, or do not update the plan within prescribed deadline (Article 15, paragraphs 1 to 3);

After point 2) the following point 2a) shall be inserted:

“2a) carry out brokering activities in waste management, and/or waste trade, contrary to the provisions of this Law (article 28 );”.

Point 8) shall be replaced by the following:

“8) carry out waste treatment contrary to the provisions of this Law or fail to obtain the permit for waste treatment mobile plant (article 37, paragraphs 1 and 3);

After point 8) the following point 8a) shall be inserted:

“8a) carry out waste recovery and disposal contrary to article 38 of this Law;”.

Point 13) shall be replaced by the following:

13) Do not comply with Article 44 of this Law;

Point 14) shall be deleted.

### **Article 49**

Article 90, para. 1, point 3) shall be replaced by the following:

“3) act contrary to Article 26, para. 1 and 3 of this Law;”.

Point 12) shall be replaced by the following:

“12) do not comply with Article 75, para. 1, 2, 3, 5, 7, 8, 9, 13 and 14 of this Law;”.

Point 13) shall be deleted.

Paragraph 4 shall be replaced by the following:

“For the acts referred to in Article 88, paragraph 1 of this Law and paragraph 1 of this Article shall be fined from 250,000 to 500,000 RSD or shall be imprisoned for up to 30 days.”

### **Article 50**

Article 92 shall be replaced by the following:

#### “Article 92

A fine from 25,000 to 50,000 RSD shall be imposed on the responsible person in a state administration body, responsible person in a local self-government unit, holder of public authority or an authorized legal entity, if:

- 1) Do not keep a register of by-products and register of waste that has ceased to be waste and do not submit the register information to the Agency (Article 8d);
- 2) Do not adopt a regional or local waste management plan in compliance with the national plan and do not submit it to the Ministry within the prescribed period (Art. 12, 13 and 14, paragraph 3);
- 3) Do not provide for and implement waste management in the territories of local self-government units under the terms and conditions laid down by the Law, strategy and agreement of assemblies of local self-government units (Article 21, paragraph 1);
- 4) Perform testing of waste without proper authorization or contrary to the issued authorization or, in performing their activities, act in an illegal, immoral and undignified manner (Article 24, paragraph 4);
- 5) Do not arrange selection and separate collection of waste, do not provide for disposal of household waste in containers or in other manner, do not organize and equip centers for collection of household waste that cannot be disposed of in containers for municipal waste (Article 43, paragraph 4 );



- 6) Fail to make an inventory of illegal waste disposal sites and the existing rubbish dump sites on their territories and ensure the removal and rehabilitation, fail to make a project of rehabilitation and recultivation of the existing rubbish dump sites in a manner and within the period prescribed by this Law and submit the facility operating plan together with a programme of corrective measures and schedule of adjusted operation of the facility (Article 43, para. 7, 8 and 9;
- 7) Issue a permit if the application for the permit has not been accompanied by prescribed documentation (Article 62);
- 8) Fail to inform the public in the manner prescribed by this Law (Article 69);
- 9) Fail to submit to the Agency reports on the implementation of plans within the prescribed period (Article 74, para. 2, 3, 4 and 5;
- 10) Do not comply with Article 75, para. 10, 15, 16 and 17 of this Law.
- 11) Do not keep register of issued permits for waste management, or the register of issued certificates of exemption from the obligation of obtaining a permit or register of brokers in waste management, i.e. register of waste management dealers, and do not submit such registers information to the Agency (Article 76, para. 1 and 2;
- 12) Use funds intended for waste management for other purposes (Article 81).”

### **Article 51**

In Article 5, point 30), Article 8, paragraph 4, Article 27, paragraphs 1, 2 and 4, Article 35, paragraph 1, Article 41, paragraph 4, Article 45, para. 2, 3, 4 and 5, Article 46, paragraph 1, paragraph 2, points 2) and 6), para. 3, 4, 7 and 9, Article 47, paragraph 7, Article 48, para. 4 and 7, Article 51, paragraph 3, Article 52, para. 5 and 8, Article 53, paragraph 3, Article 54, para. 2 and 3, Article 57, para. 3 and 4, Article 78, paragraph 1, Article 86, para. 1, points 6), 21) and 46), Article 88, paragraph 1, point 7) the word: “owner” shall be replaced by the following: “owner and/or other holder”.

In Article 5, points 23) and 33), Article 6, points 2) and 5), Article 15, paragraph 1, point 4) and paragraph 4, Article 33, paragraph 1, point 1), Article 34, para. 1 and 3 and paragraph 4, point 2), Article 35, para. 1, 5 and 7, Article 50, para. 6. and 8, Article 51, paragraph 4, Article 53, paragraph 2 and Article 71, paragraph 4 after word: “treatment”, the following shall be inserted: “or recovery”.

In Article 5, point 19, the words: “natural or legal person” shall be replaced by the following: “legal entity or entrepreneur”.

In title of Article 27, the word: “owner” shall be replaced by the following: “owner and/or other holder”.

In Article 27, paragraph 2, the word: "ownership" shall be replaced by the following: "ownership and/or possession".

In Article 27, paragraph 3, the words: "holder (owner) shall be replaced by the following: "owner and/or other holder".

In Article 27, paragraph 5, the words: "legal and natural persons" shall be replaced by the following: "legal entities or entrepreneurs".

In Article 33, paragraph 5, after the word: "treatment", the following shall be inserted: "and/or recovery".

In Article 60, paragraphs 1 and 3, Article 77, paragraph 1, point 5), Article 78, paragraph 1 and Article 84, para. 4 and 5, the words: "storage, treatment and disposal," shall be replaced by the following: "treatment and/or storage, recovery and disposal of waste".

In Article 60, paragraph 2, the words: "storage, treatment and disposal," shall be replaced by the following: "collection, transport, treatment, and/or storage, recovery and disposal".

In title of Article 78, the word: "producers", comma shall be added, and the words "and owner" shall be replaced by the following: "owner and holder".

## **Article 52**

Regulations to be adopted under this Law shall be passed within one year from the date of entry into force of this Law.

The Government shall adopt Waste Management Strategy within one year from the date of entry into force of this Law.

The Autonomous Province or the local self-government unit shall harmonize regional and local waste management plans within one year of the adoption of the Strategy referred to in paragraph 2 of this Article.

## **Article 53**

Local self-government unit shall:

- 1) Arrange selection and separate collection of waste for recycling within two years from the date of entry into force of this Law, or organize selective and separate waste collection for recycling within three years from the date of entry into force of this Law;
- 2) Organize and equip centers for collection of household waste within two years from the date of entry into force of this Law;

- 3) Make an inventory of illegal waste disposal sites within one year from the date of entry into force of this Law;
- 4) Prepare inventory and projects of rehabilitation and recultivation of the existing rubbish dump sites to be approved by the Ministry, or the Autonomous Province, within two years from the date of entry into force of this Law;
- 5) In agreement with one or more local self-government units under Article 34, paragraph 1 of the Law on Waste Management ("Official Gazette of the RS", Nos. 36/09 and 88/10), determine the location for construction and operation of plants for treatment and/or storage, recovery and disposal of waste in its territory, within three years from the date of entry into force of this Law.

The inventories and projects on rehabilitation of the existing rubbish dump sites shall contain data on the location, spatial and geometrical characteristics, types and quantities of waste disposed, time limits for their rehabilitation and recultivation, as well as other data relevant to establishment and implementation of the projects referred to in paragraph 1, point 2) of this Article, in accordance with a specific regulation.

#### **Article 54**

The public utility company that manages the existing rubbish dump sites of municipal waste shall prepare and submit to the Ministry, or the competent authority of the Autonomous Province for approval a plan of adjustment of the plant by 31 December 2017, taking particular account of the requirements of Article 64 of the Law on Waste Management ("Official Gazette of the RS", Nos. 36/09 and 88/10) and any corrective measures which the operator considers to be necessary in order to comply with the requirements of this Law, except with the requirements pertaining to the conditions for determining location, in accordance with the regulation governing disposal of waste at waste disposal sites.

By 31 December 2018 the competent authority shall, on the basis of submitted plan of adjusting the facility, bring a decision on whether the facility can continue operation according to the submitted plan of adjustment, in accordance with the applicable regulations.

The competent authority shall, as soon as possible, take appropriate measures for the closure of rubbish dump sites of municipal waste referred to in paragraph 1 of this Article for which there is no decision brought regarding continuing operation in accordance with this Law and the project for their closure and rehabilitation.

The competent authority shall, on the basis of the plan of adjusting the facility, approve necessary works and shall specify the period for fulfilment of the requirements in accordance with this Law, the regulation governing disposal of waste at waste disposal sites, except with the requirements relating to the conditions for determining location established by the regulation governing the disposal of waste at waste disposal sites.

Legal and natural persons shall harmonize their operations with the provisions of this Law within one year from the date of entry into force of this Law.

The applications for waste management permits submitted before the entry into force of this Law, shall be governed by provisions of the law in force at the time of applications.

#### **Article 55**

Disposal or decontamination of equipment referred to in Article 52, paragraph 5 of the Law on Waste Management ("Official Gazette of the RS", Nos. 36/09 and 88/10) containing PCBs and disposal of PCB from such equipment shall be made no later than 31 December 2019.

Notwithstanding paragraph 1 of this Article, the owner and/or holder of equipment containing PCB between 0.05 to 0.005 % by weight shall provide for disposal or decontamination of such device after termination of its use.

A plan for replacement or disposal and decontamination of equipment containing PCB shall be developed by its owner and/or holder by 31 December, 2017.

#### **Article 56**

This Law shall come into force eight days after its publication in the "Official Gazette of the Republic of Serbia", except the provisions of Article 5 of this Law in the part relating to the notification of the European Union on the cessation of waste status, to be applied from the date of accession of the Republic of Serbia to the European Union, as well as the provisions of Article 18 and the provisions of Article 42 of this Law in the part referring to the obligation of keeping a register of brokers in waste management, or register of waste dealers and the obligation of quarterly delivery of data to be applied from 2020.

<b>Type of document</b>	Legal act				
<b>Title:</b>	<b>LAW ON WASTE MANAGEMENT ("Official Gazette of the RS", Nos. 36/2009, 88/2010 and 14/2016)</b>				
<b>Heading:</b>	VI-5 - Protection and Improvement of the Environment (Environmental Policy)/Protection against Dangerous Substances and Waste Materials				
<b>Document level:</b>	the Republic of Serbia				
<b>Gazette\ :</b>	<b>Official Gazette of the RS, No. 14/2016 as of 22 Feb. 2016</b>				
<b>Type of the legal act:</b>	Laws				
<b>Legal act in force:</b>	23/05/2009 -				
<b>Version in force:</b>	01/03/2016 -				
<b>Commencement of application:</b>	Determinable, 01/01/2020				
<b>Decree:</b>	<p>Pursuant to Article 112, paragraph 1, point 2 of the Constitution of the Republic of Serbia</p> <p style="text-align: center;"><b>DECREE PROMULGATING THE LAW ON AMENDMANTS TO THE LAW ON WASTE MANAGEMENT</b></p> <p>The Law on Amendments to the Law on Waste Management is hereby promulgated as adopted by the National Assembly of the Republic of Serbia at the sitting of the fifth extraordinary session in 2016, held on 19 February, 2016.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">No. 20</td> <td style="width: 50%; padding: 5px;">President of the Republic</td> </tr> <tr> <td style="padding: 5px;">In Belgrade, 22 February, 2016</td> <td style="padding: 5px;">Tomislav Nikoli , m.p.</td> </tr> </table>	No. 20	President of the Republic	In Belgrade, 22 February, 2016	Tomislav Nikoli , m.p.
No. 20	President of the Republic				
In Belgrade, 22 February, 2016	Tomislav Nikoli , m.p.				
<b>Deliberative body:</b>	the National Assembly of the Republic of Serbia				
<b>Entered in database on</b>	24/02/2016				
<b>Editor`s comment</b>	<p>The provision of Article 16 paragraph 2, points 5) and 6) of this Law relating to adopting a decision on the request for approval of import, export and transit of waste is valid until the date of accession of the Republic of Serbia to the World Trade Organization.</p> <p>Law on Amendments to the Law on Waste Management ("Off. Gazette of RS", No. 14/2016) shall enter into force on the eighth day of its</p>				

publication in the "Official. Gazette of RS", i.e. 1 March 2016, except for the provisions of Article 5 of this Law in the part relating to the notification of the European Union on the cessation of waste status, to be applied from the date of accession of the Republic of Serbia to the European Union, as well as the provisions of Art. 18 and 42 of this Law in the part referring to the obligation of keeping a register of brokers in waste management, or register of waste dealers and the obligation of quarterly delivery of data to be applied from 2020.

For the purpose of obtaining information in details on all versions of the legal act, activate the tab "identity card of the legal act".

*User`s comment* -

**Type of document** Legal act

**Title:** **LAW ON WASTE MANAGEMENT**

**Type of legal act:** Laws

**Heading:** VI-5 - Protection and Improvement of the Environment (Environmental Policy)/Protection against Dangerous Substances and Waste Materials

**Document level:** the Republic of Serbia

**Legal act in force:** 23/05/2009 -

**Versions of the legal act:** 1. Official Gazette of RS, No. 36/2009 as of 15 May 20092. Official Gazette of RS, No. 88/2010 as of 23 Nov 20103. Official Gazette of RS, No. 14/2016 as of 22 Feb.2016

**Version of the legal act:** **LAW ON WASTE MANAGEMENT ("Official Gazette of RS", No. 36/2009)**

**Gazette\:** **Official Gazette of RS, No. 36/2009 as of 15 May, 2009**

**Version in force:** 23/05/2009 - 30/11/2010

**Decree:** Pursuant to Article 112, paragraph 1, point 2 of the Constitution of the Republic of Serbia, I hereby issue the

**DECREE PROMULGATING THE LAW ON WASTE MANAGEMENT**

The Law on Waste Management is hereby promulgated as adopted by the National Assembly of the Republic of Serbia at the fourth sitting of the first ordinary session in 2009, held on 12 May, 2009.

No. 41	President of the Republic,
In Belgrade, 15 May, 2009	Boris Tadi , m.p.

**Deliberative body:** the National Assembly of the Republic of Serbia

**Repealed legal acts** LAW ON HANDLING WASTE SUBSTANCES ("Official Gazette of RS", Nos. 25/96, 26/96 - corr. and 101/05 - other law);

**Entered in database on** 21/05/2009

**Editor`s comment** -

**User`s comment** -

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**Version of the legal act:** **LAW ON WASTE MANAGEMENT ("Official Gazette of RS", No. 36/2009 and 88/2010).**

**Gazette\:** **Official Gazette of RS, No. 88/2010 as of 23 Nov, 2010**

**Version in force:** 01/12/2010 - 29/02/2016

**Commencement of application:** Determinable

**Decree:** Pursuant to Article 112, paragraph 1, point 2 of the Constitution of the Republic of Serbia, I hereby issue the

**DECREE PROMULGATING THE LAW ON AMENDMANTS TO THE LAW ON WASTE MANAGEMENT**

The Law on Amendments to the Law on Waste Management is hereby promulgated as adopted by the National Assembly of the Republic of Serbia at the third sitting of the second ordinary session in 2010, held on 23 November, 2010.

No. 170	President of the Republic
In Belgrade, 23 November, 2010	Boris Tadić, m.p.

**Deliberative body:** the National Assembly of the Republic of Serbia

**Entered in database on** 30/11/2010

**Editor's comment** The provision of Article 16 paragraph 2, points 5) and 6) of this Law relating to adopting a decision on the request for approval of import, export and transit of waste is valid until the date of accession of the Republic of Serbia to the World Trade Organization.

**Version of the legal act:** LAW ON WASTE MANAGEMENT ("Official Gazette of RS", No. 36/2009, 88/2010 and 14/2016)

**Gazette\:** Official Gazette of RS, No. 14/2016 as of 22 Feb. 2016

**Version in force:** 01/03/2016 -

**Commencement of application:** Determinable, 01/01/2020

**Decree:** Pursuant to Article 112, paragraph 1, point 2 of the Constitution of the Republic of Serbia, I hereby issue the

**DECREE PROMULGATING THE LAW ON AMENDMENTS TO THE LAW ON WASTE MANAGEMENT**

The Law on Amendments to the Law on Waste Management is hereby promulgated as adopted by the National Assembly of the Republic of Serbia at the sitting of the fifth extraordinary session in 2016, held on 19 February, 2016.

No. 20	President of the Republic,
In Belgrade, 22 February, 2016	Tomislav Nikolić, m.p.

**Deliberative body:** the National Assembly of the Republic of Serbia



***Entered in database on*** 24/02/2016

***Editor`s comment***

The provision of Article 16 paragraph 2, points 5) and 6) of this Law relating to adopting a decision on the request for approval of import, export and transit of waste is valid until the date of accession of the Republic of Serbia to the World Trade Organization.

Law on Amendments to the Law on Waste Management ("Off. Gazette of RS", No. 14/2016) shall enter into force on the eighth day of its publication in the "Official. Gazette of RS", i.e. 1 March 2016, except for the provisions of Article 5 of this Law in the part relating to the notification of the European Union on the cessation of waste status, to be applied from the date of accession of the Republic of Serbia to the European Union, as well as the provisions of Art. 18 and 42 of this Law in the part referring to the obligation of keeping a register of brokers in waste management, or register of waste dealers and the obligation of quarterly delivery of data to be applied from 2020.