

LAW
ON WASTE MANAGEMENT
Unofficial revised version

I GENERAL PROVISIONS

Article 1

This Law shall regulate:

- all waste categories, save for those referred to in Paragraph 3 of this Article;
- all kinds of waste management activities, operations and facilities.

This Law shall also be applied to:

- waste resulting from the use of resources, extraction, treatment and use of mineral raw materials and the work of quarries;
 - liquid waste;
 - animal wastes and other non-hazardous materials of a natural origin, which may be utilized for agricultural purposes;
 - disposed explosives,
- unless regulated by a special regulation.

Provisions of this Law shall not apply to radioactive waste, gas emitted into the atmosphere and wastewaters.

Article 2

Purpose of the Law

The purpose of this Law is to encourage and provide the basic requirements of the prevention of production, recycling and processing of waste for re-use; the extraction of secondary raw materials and use thereof in the energy production; and safe disposal.

Article 3

Waste Management Priorities

In order to achieve the objective and timely prevention of pollution and minimization of consequences for human health and the environment, waste management shall be conducted in such a manner to:

- ensure minimum generation of wastes and especially reduce the hazardous characteristics of such waste to a minimum;
- reduce the quantities of generated wastes, taking into consideration special waste streams;
- treat the waste in a way to ensure recovery of raw materials;
- incineration or landfill disposal of the waste which is not subject to recovery of its components, re-use or energy production.

When determining the priorities referred to in Paragraph 1 of this Article the following shall be taken into account:

- Ecological benefits;
- Technical feasibility for the use of best available technologies;
- Economic feasibility.

The waste management shall be conducted in a way that all necessary measures shall be taken to ensure that waste is treated and disposed of without endangering human health and without harming or causing substantial risk to the nature, and in particular:

- Without risk to water, air, soil and plants and animals,
- Without causing a nuisance through noise or odors,
- Without adversely affecting the nature or places of special interest.

II DEFINITIONS

Article 4

For the purpose of this Law:

- "waste" means any substance or object which the holder dispose or intends or is required to dispose of in line with one of the waste categories listed in the List of Wastes, adopted in an implementing regulation;
- "municipal waste" means waste from households, as well as other waste which, because of its nature or composition, is similar to waste from households;
- "hazardous waste" means any waste which is covered by separate regulations and which has one or more properties which pose a risk to human health and the environment due to its origin, composition or concentration, and which is listed as hazardous in the list of wastes adopted by an implementing regulation;
- "non-hazardous waste" means waste which is not covered by the definition of "hazardous waste";
- "inert waste" means waste that does not undergo any significant physical, chemical or biological transformation. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other substances it is in touch with in a way likely to give rise to environmental pollution or harm human health. The total dampness and pollutant content of the waste and the eco toxicity of the leachate must be insignificant, so that it does not endanger the quality of surface water and groundwater;

- "holder" means the producer of the waste or the natural or legal person who is in possession of it;
- "producer" means: anyone whose activities produce waste (original producer) and/or anyone who carries out pre-processing, sorting or other operations resulting in a change of physical characteristics or composition of the waste;
- "producer and product importer" means any legal entity which on a professional basis develops, produces, manufactures, processes, sells exports/imports, that is, the person who is the first to bring into the FBiH market products, devices and equipment which become special categories of waste after they are used;
- "disposer" means any natural or legal person who delivers the waste or who conducts disposal of such waste ;
- "operator" means the natural or legal person responsible for any kind of waste management activity;
- "waste management" means the system of activities and operations in connection with waste, including the prevention of waste production, the reduction of the quantity of waste and its hazardous characteristics, the treatment, planning and control of such activities and waste management process, transport of wastes, setting up, operation, closure and maintenance of waste treatment installations, monitoring activities, consultation and education in connection with these activities and operations;
- "treatment" means the physical, thermal, chemical or biological processes (sorting included) which change the characteristics of the waste in order to reduce its volume or hazardous characteristics, facilitate its handling or enhance recovery of the waste components;
- "Recovery of components" means the recovery of material and energy from used products or waste into the economic system by way of using certain technological processes or incineration;
- "Re-use" means any activity by which waste is used for the same purpose for which it was used in the first place;
- "Collection" means: the systematic collection, possibly sorting of the waste in order to facilitate its further treatment;
- "Transport" means the movement of waste outside the installation;
- "Storing" means the placing of waste by the producer within the facility or plant for no longer than 3 years in a way which excludes hazard for the environment and human health;
- "Disposal" means any activity determined in the implementing regulation;
- "Landfill" means a waste disposal site for the final disposal of the waste onto or into land, including:
 - Internal waste disposal sites (i.e. landfill where a producer of waste is carrying out its own waste disposal at the place of production),
 - a permanent site (i.e. more than one year) which is used for several-year storage of waste, but excluding:
 - facilities where storing waste is not allowed, while waste is ready for further transport, treatment or disposal elsewhere,
 - preliminary storage of waste prior to recovery or treatment for a period of less than three years as a general rule, or
 - preliminary storage of waste prior to disposal for a period less than one year;

- "Biodegradable waste" means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, paper and cardboard;
- "Liquid waste" means any waste in liquid form, including wastewater, but excluding sludge;
- "Waste management center" means a system of structures and devices for treatment, recovery of components and/or waste treatment;
- "waste treatment" means any treatment or disposal of waste in line with this Law.

III BASIC PRINCIPLES

Article 5

The waste management principles are:

- *Prevention* means that the production of waste should be avoided or at least the quantity and harmfulness of waste produced should be minimized in order to reduce risk to human health and environment and to avoid environmental degradation;
- *Precaution means* that in order to avoid threat or damage to the environment deriving from wastes, measures shall be taken even if full scientific foundation is not available;
- *Producer responsibility* means that the producer is responsible for selecting the most environmentally sensitive solution in line with the characteristics of the product and production technology, including the life-cycle approach and the use of best available technology;
- *Polluter pays principle* means that the producer or holder of waste shall cover the costs of prevention, treatment and disposal of waste, including aftercare and monitoring. Furthermore, the producer is financially responsible for preventive and restorative measures, in case he is causing or being likely to cause damage to the environment;
- *Proximity* means that the treatment or disposal of waste shall be undertaken in the nearest appropriate facility or site, taking into consideration the environmental and economic efficiency;
- *Regionality* means that when developing waste treatment and disposal installations a system of such installations covering the demands of a given region should be supported, allowing for self-sufficiency.

IV WASTE MANAGEMENT PLANNING

Article 6

In the course of planning the waste management, the relevant authorities shall draw up waste management plans, which shall cover:

- the type, quantity and origin of produced waste which should be treated or disposed of;
- the objectives of waste management;
- the general technical requirements for waste management and facilities within their respective territory;
- the available, suitable treatment and disposal sites, facilities within their respective territory;
- any special arrangements for multi-municipality waste treatment or disposal system;
- any special arrangements for particular wastes, such as hazardous waste, liquid waste, packaging waste, etc.;
- the strategic goals along with the detailed priorities of waste management and the sequence of actions to be taken;
- the list of proposed measures to be taken, and
- the estimated costs of waste management tasks.

The Federation waste management plan shall be the implementing regulation of the Strategy referred to in Article 8 of this Law and shall be enacted to the period of five years.

The Federation waste management plan referred to in Paragraph 2 of this Article shall be enacted by the Government of the Federation of BiH (hereinafter: the FBIH Government) upon the proposal of the Federation Minister of Environment and Tourism (hereinafter: the Ministry). The FBIH Government may enact individual plans for the purpose of management of certain waste categories.

Article 7

In addition to the authorizations assigned to it under the Law on Environmental Protection, the inter-entity environmental authority shall be authorized to coordinate the entity level drafting of the waste management strategy.

The co-ordination referred to in Paragraph 1 of this Article shall be done by way of:

- Providing guidelines on the methodology of developing and content of the waste management strategy in the entity;
- Making comments and giving opinions on draft waste management strategies
- Holding joint meetings in order to harmonize the draft strategies;
- Determining a state level general waste management policy, which covers the issues listed in Article 6, Paragraphs 1 through 4 and hazardous waste.

Article 8

Waste Management Strategy in the Federation of BiH

Waste management strategy shall be adopted by Parliament of the Federation of Bosnia and Herzegovina (hereinafter: the Federation Parliament) for the period of ten

years, at the proposal of the Government of Federation of Bosnia and Herzegovina (hereinafter: FBiH Government).

The Federation Ministry of Spatial Development and Environment (hereinafter: the Federation Ministry) shall carry out all expert and other activities during the waste management strategy preparation.

Preparation of regulations referred to in Paragraph 1 of this Article shall be done in cooperation with:

- the inter-entity environmental authority;
- representatives of the Republika Srpska Government;
- representatives of economic associations;
- representatives of environmental associations;
- representatives of the cantonal governments.

The regulation referred to in Paragraph 1 of this Article shall be in compliance with FBiH strategy for economic development and with the cantonal economic development plans.

The FBiH Government shall submit reports to FBiH Parliament on the implementation of the strategy on a biannual basis.

Article 9

Cantonal Waste Management Plans

Each Canton shall adopt the waste management plan for the respective area.

The Plan referred to in Paragraph 1 of this Article shall be harmonized with the FBiH waste management strategy and FBiH waste management plan.

The plan referred to in Paragraph 1 of this Article shall be adopted by the cantonal legislative body.

The Cantons shall regulate the conditions of waste management planning in the municipalities.

The plan referred to in Paragraph 1 of this Article shall be prepared in collaboration with the municipality organizations, economic and environmental associations.

Article 10

Cantons shall adopt regulations concerning the tasks of municipalities in setting up their waste management plans which shall at least include:

- programs on the collection of hazardous wastes from households;
- programs on the utilization of any of the components of municipal waste;
- programs to reduce the percentage of biodegradable waste and packaging waste in municipal waste;
- programs to raise public awareness of waste management issues;
- finding sites for waste management facilities;
- co-operation with other municipalities to achieve the set objectives.

The plans referred to in Paragraph 1 of this Article shall be made in cooperation with Cantonal and Municipal authorities, interest groups and environmental associations.

The plans referred to in Paragraph 1 of this Article shall be sent to the Cantonal Environmental Ministry (hereinafter: the Cantonal Ministry).

Article 11

Within the jurisdiction of the Federation of BIH, the Federation Ministry shall be responsible to perform the waste management tasks in co-operation with the Ministry of Health and other competent ministries.

The Federation Ministry shall be responsible for operations of transboundary movement of waste and waste treatment facilities covering the territory of two or more cantons.

Except for the tasks under Paragraph 2 of this Article, the operations for management of all types of waste, determination of sites and land in connection with waste and facilities management shall be done by the Cantonal Ministry.

Article 12

The waste treatment and disposal activities shall need a permit unless otherwise determined by this Law.

The permit referred to in Paragraph 1 of this Article does not exclude obtaining of urban development approval, construction permit and permits defined in special regulations.

The permit referred to in Paragraph 1 of this Article shall not be required in the following cases:

- Collection and movement of waste within the waste production site;
- Movement of waste between different facilities or sites of the same producer, with the exception of hazardous waste;
- Transport of the own waste of the producer by its own means of transport to the site or treatment facility, in case of small quantities - not more than 100 kg per movement with the exception of hazardous waste,
- Returning of packaging or used products by the producer.

The collection, movement and transport of waste produced by citizens, limited only to their own waste produced solely in their household shall not require the permit referred to in Paragraph 1 of this Article, unless otherwise prescribed by the special regulations.

Article 13

The application for a permit shall contain the following:

- data of the applicant and operator when they are different persons;
- description of types and total quantity of waste - of both input and output;
- description of expected environmental impacts;
- proposed or real capacity of the facility or site;
- description of the facility or site, including its environmental characteristics;
- proposed/existing treatment;
- proposed/existing methods for pollution prevention and abatement;
- proposed/existing activities, monitoring and control plan;
- proposed plan for the closure and after-care procedures,
- financial and other guarantees by the applicant.

The permit referred to in Paragraph 1 of Article 12 of this Law shall not be issued if:

- the project is not in compliance with all legal, environmental and health requirements;
- does not have technically competent professionals for the management of the facility or site;
- professional and technical development and training of the staff is not provided;
- the necessary measures are not taken to prevent accidents and limit their consequences;
- there is no adequate financial or any other guarantee;
- the project is not in line with the relevant waste management plan(s).

The permit referred to in Paragraph 1 of Article 12 shall contain:

- type and quantity of waste to be treated and/or disposed of;
- general technical requirements - for the operation, monitoring and control systems;
- treatment method;
- measures of precaution to be taken,
- information concerning the origin, destination and treatment of waste and the type and quantity of such waste;
- period to which the permit is issued.

The issuance of a waste management permit to small businesses shall be prescribed by the implementing regulation.

The permit shall be issued to the period of five years, and can be renewed for the same period of time in case there is no change in the conditions under which the permit had been issued.

Article 14

Financial Guarantees

Financial and other guarantees to cover the costs related to risks of damage, restoration and after-care operations shall be paid to cantonal fund in the canton where the landfill is located.

The financial guarantee shall be proportionate to the amount of waste, anticipated costs and risk occurrence.

The financial guarantee or a part thereof for the operation of the landfill shall be valid as long as required but not less than 30 years after the landfill closure.

V RESPONSIBILITY IN WASTE MANAGEMENT AND ACTIVITIES

Article 15

General Rules of Waste Management

All activities shall be undertaken in a way so as to have the least effect on environment and human health, to decrease the load and use of environmental resources, not to endanger human health or pollute the environment, to reduce the quantity and harmful effects of waste, to encourage the reuse and recycling of waste and safe disposal of waste.

In order to prevent the waste production and reduce the quantity and harmful effects of waste, the following shall be encouraged:

- the rational use of material and energy;
- keeping the material and residues as much as possible within the circulation of production and consumption;
- manufacturing of products which generate the smallest quantity of waste and least harmful effects;
- substitution of materials which cause a risk when they become waste.

In order to use the material or energy within waste, the reuse and recycling of waste, the substitution of raw-materials by waste, and if that is not feasible, the use of waste as an energy resource shall be encouraged.

The produced waste shall be utilized if it is ecologically beneficial, technically feasible and economically justified.

Waste shall be disposed of only if the use of its material and/or its energy is not possible under the existing technical and economic conditions and if the costs of re-use are unreasonably higher than the costs of disposal.

It shall be forbidden to abandon, pile up, dispose of or treat waste without proper supervision.

It shall be prohibited to mix the different types of waste, except if such mixing facilitates recovery and/or disposal.

Article 16

Responsibility of Producer

The producer shall design the product and packaging, undertake technology and product development in a way which leads to the most efficient use of materials and energy, promotes the reuse and recycling of products and in case of end-of-life products promotes environmentally sustainable treatment, utilization and disposal.

The producer shall use such raw materials and basic materials, semi-products and packaging which have the lowest material and energy demand and the use of which reduces the waste production and shall also use the long lasting packaging which does not endanger the environment when becomes waste.

The residues of production technologies, introduced back into the same technological process, as well as products which may be used again for their original purpose without further treatment shall become waste only when they leave this production circle.

In order to meet the general obligations in Paragraphs 1-3 of this Article, the producer shall reach:

- minimum requirements of collection, recovery of types of wastes specified in special regulations,
- minimum requirements for disposal, in particular for landfill, of types of wastes specified in special regulations,
- not use certain materials and certain hazardous substances and/or goods exceeding limit values for these materials or substances as specified in the special regulations.

Article 17

The producer shall inform the seller and consumer about the important characteristics of products and packaging from the point of view of waste management and also about the option for treatment in case of end-of-life products and waste arising from them.

The details of such information - format, content, procedure - shall be regulated by implementing regulations.

The waste quality of end-of-life product and packaging cycle, long-lasting quality and reusability and packaging, material characteristics of the product and packaging, as

well as its refundability shall be labeled on it in a proper way according to separate regulations.

Article 18

The producer shall take back and/or refund used products or products waste from the holder according to the special provisions in order to reuse, recycle or dispose of them in an environmentally acceptable way.

The producer may also take back or refund the products or product waste from the holder and may also enter into voluntary agreements with the seller for service rendering.

The producer shall refund the deposit that was paid on the product previously.

Implementing regulations shall determine the obligation of using a deposit-refund system for certain products.

Article 19

In accordance with the Environmental Protection Law, the operators of facilities which require the environmental permit shall make a waste management plan that shall contain the following:

- documentation on waste produced by the company (origin, types of waste according to the list of wastes, composition, quantity);
- measures to be taken for the prevention of waste production, especially in the case of hazardous wastes;
- separation of waste, in particular of hazardous waste from other waste and of reusable waste;
- disposal of waste at the landfill;
- treatment and/or disposal methods.

In case of existing and new facilities, the waste management plan shall be submitted as an attachment to the application for the permit in line with the Environmental Protection Law.

Company waste management plans shall be updated every 5 years or upon changes in the facility operations.

Article 20

Operators of the facilities which require the environmental permit, as waste producers, shall nominate a suitable person as a company waste manager. The relevant authority referred to in Article 11 of this Law shall be notified of the appointment of responsible person.

The responsible person shall:

- draft and update the waste management plan of the company;
- implement the waste management plan;
- propose measures to improve prevention, reuse and recycling of waste;
- review the compliance with waste management requirements and report to the operator on the state of compliance.

The responsibility of the person referred to in Paragraph 1 of this Article shall not exempt the operator from financial and legal responsibility for complying with the waste management requirements.

Article 21

Responsibility of Seller

The seller of products and services (hereinafter: the seller) shall return and/or refund the deposits, collect in a selective way and hand over the end-of-life products or packaging to the producer or operator authorized for waste management services if so determined by special regulations.

The seller may also return or refund packaging of goods or waste arising from them in case when the seller is responsible for the treatment, reuse and recycling of waste according to special regulations.

Article 22

Common Requirements for Producer and Seller

The producer and the seller may transfer the obligations referred to in Article 16(1) and Article 21(1) of this Law to the operator of a waste collective system by an agreement or contract.

The conditions for the transfer of obligations defined in paragraph 1 of this Article shall be regulated in a separate regulation.

The importer shall have the same responsibility as the producer under Articles 17-19 of this Law.

Article 23

Waste Collection System

Waste collection systems may be established by the producer and/or seller or waste management operators.

In addition to the requirements prescribed by Article 13 (1) of this Law, the application for the establishment of waste collection system shall include:

- organizational structure of the system,
- geographical area of waste collection;
- types of wastes to be collected;
- collection scheme,
- methods of treatment.

In addition to the requirements established in Article 13 (2) of this Law, the permit shall not be issued unless the following is ensured:

- Sufficient number and scheme of collection points;
- Achievement of goals set by special regulations;
- Environmentally acceptable waste management.

The permit shall describe the scope and the key elements of the collection system, types and volumes of wastes, geographical area covered by the system, financing, collection scheme, and documentation of waste stream.

The costs of the waste collection system shall be subject to the control by the authority responsible for market supervision.

Article 24

Responsibility of Waste Producer and Holder

The producer and holder of wastes shall collect, take care of reuse and recycling or disposal of waste produced by their activity or in their possession.

The producer and holder of waste shall be responsible for the environmentally sound storage of waste prior to disposal or reuse.

The obligation concerning the reuse and recycling or disposal shall be undertaken by the producer or holder/ if he:

- uses an appropriate reuse/recycling or disposal equipment, procedure or facility in accordance with the requirements prescribed by special regulations,
- uses an appropriate waste treatment services, paying the costs of such treatment.

The selection collection, packaging and labeling of wastes shall be regulated by special regulations.

Article 25

Municipal Waste Management

Municipal waste shall be collected and treated according to special regulations on utilities service.

Cantonal regulations shall cover the establishment and operations of utilities services and the duties of municipalities in connection with such services.

Households shall collect waste generated by them, and hand it over to the utilities companies, while hazardous waste shall be handed over to determined collection points (centers) or to a person with a special authorization for operating waste management services.

Waste producers other than households shall use the utilities companies services for their own waste if it is the same or similar to household waste by its nature.

Producers shall not be obligated to use the utilities service, if they collect and treat their waste generated on the premises according to environmental regulations and if they hand over their waste to the authorized waste management operator.

If a selective waste collection scheme is introduced, households and other waste holders shall sort their waste in accordance with that regulation.

Article 26

Cantonal regulations shall prescribe the public services tasks and particularly the waste selection treatment.

The public service tasks shall include:

- waste collection from households and other premises producing municipal wastes;
- treatment of municipal wastes including the management of recovery and/or disposal,
- operation of selective waste collection points.

Special regulation shall contain conditions concerning the payment of public services.

Article 27

The services referred to in Article 26 of this Law shall be provided by the operator(s), with the authorization for waste management services awarded to him by way of the tender procedure.

Waste tendering may be organized either for the whole cycle of waste management or for one or more activities of the waste management.

Article 28

The cantonal regulation referred to in Article 25 of this Law shall prescribe:

- geographical area covered by the services;
- substantial requirements of the service to be provided, including the collection method – (e.g. selective waste collection)-, frequency, rights and obligations of households and companies which produce waste similar to household waste;
- determination of how waste producers or holders other than households may use the service;
- types of penalty or incentive regimes;
- technical and other requirements related to the work of utilities companies for waste services, including collection, treatment and disposal;
- introduction of waste selective collection systems, along with the designation of waste selective collection points;
- determination of the site of landfills and sites for other types of waste treatment;
- calculation of the fee allowing safe, continuous, accessible service and also the payment conditions;
- conditions of detecting and treating illegally disposed utilities waste.

Article 29

Waste Treatment

The operator of waste management facility shall be considered as producer of the waste in case of waste produced during treatment operations.

The operator shall record data concerning the waste taken for treatment or produced during the treatment and shall report to the respective authorities in line with special regulations, at least once a year.

The report shall contain as a minimum:

- types of waste according to the waste list and the composition of waste;
- quantity of waste;
- origin or source of waste.

The implementing regulation may require the authorization or technical qualification for the use and sale of certain waste treatment technology, equipment and material.

Article 30

Waste Collection

The waste producer or holder shall collect waste selectively depending on the need of further treatment.

The collection of waste within the producer or holder's site in a way excluding environmental risks shall be limited in time and shall not require a special authorization.

The waste collection operator shall collect waste from producers and holders and transport it to a collection facility, transfer station or place of reuse and recycling, treatment or final disposal.

The waste collection operator may take over waste from holders at the collection site.

Article 31

Waste Use

The waste may be used by the recovery of materials and energy.

The products originated from the utilization of waste shall not cause greater environmental load than that caused by the products from primary raw material.

Article 32

Waste Transport

The waste shall be transported in a way to exclude pollution of the environment.

In case of pollution caused by transport activity, the transporter shall be responsible for cleaning up and for the reinstatement of the original state in the affected area.

In case of the transport which is not undertaken in combination with waste treatment activities, the transporter shall, in line with Paragraph 1 of this Article, be responsible only for the proper delivery of waste to the destination defined by the sender, which was approved as the waste management site.

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

The transport of hazardous wastes shall be accompanied by the appropriate documentation determined in special regulations.

During the transport, hazardous waste shall be labeled and packed according to the requirements of special regulations. The transport of hazardous shall be consistent with the general rules of the transport of hazardous goods.

Article 33

Waste disposal

Disposal may be undertaken by:

- Disposal at a landfill site;
- Thermal disposal,
- Other chemical, biological or physical procedures.

Regional landfill sites shall be given priority in the issuance of permits for new waste landfill sites.

Waste management center shall make an integral part of landfill sites.

Article 34

Landfill

In accordance with Article 13(3) of this Law, the permit shall state the following:

- the class of the landfill (landfill for hazardous waste; landfill for non-hazardous waste; landfill for inert waste);
- the list of defined types and the total quantity of waste which are authorized to be deposited in the landfill;
- requirements for the landfill preparations, landfilling operations and monitoring and control procedures, including contingency plans, as well as provisional requirements for the closure and after-care operations;
- the requirements of waste acceptance procedures;
- the obligation of the applicant to report at least annually to the competent authority on the types and quantities of waste disposed of and on the results of the monitoring program.

Prior to the commencement of disposal operations, the authority responsible for the inspection shall inspect the site in order to ensure that it complies with the relevant requirements of the permit.

Article 35

Incineration

In accordance with Article 13(1) of this Law, the application for a waste incineration permit shall contain the following guarantees:

- that the facility is designed, equipped and will be operated in such a manner that the requirements of the waste categories to be incinerated are taken into account;
- that the heat generated during the incineration process is used as much as possible;
- that the residues will be minimized in their amount and harmfulness and recycled where appropriate,
- the disposal of the residues which cannot be prevented, reduced or recycled will be carried out in accordance with this Law.

In accordance with Article 13 (3) of this Law, the issued permit shall contain:

- categories of waste which may be treated;
- data on the total waste incinerating capacity of the facility;
- specified sampling and measurement procedures used to satisfy the obligations imposed for periodic measurements of each air or water pollutants.

The permit granted by the competent authority to the hazardous waste incineration facility shall contain the data referred to in Paragraph 2 of this Article along with:

- the quantities of the different categories of hazardous waste which may be treated,
- the specification of the minimum and maximum mass flows of those hazardous wastes, their lowest and maximum calorific values and their maximum contents of pollutants (e.g. PCB, PCP, chlorine, fluorine, sulphur, heavy metals).

Article 36

General Requirements for Hazardous Waste

Those wastes, which are not present in the list of wastes published in a separate regulation as hazardous or the contents of which is unknown, shall be regarded as hazardous until they are qualified either as hazardous or non-hazardous.

The mixture of hazardous wastes with other wastes or other materials shall be undertaken by specific authorization issued by the competent authority.

The permit shall be issued pursuant to Paragraph 2 of this Article if:

- the utilization or disposal of wastes may be undertaken in a more efficient way due to the mixture than in case of separate treatment;
- the environmental and health risk due to the mixture shall not be increased;
- the mixture does not entail a risk to water, air, soil, flora and fauna;
- the mixture does not cause nuisance to the environment in terms of noise or odor;
- the mixture does not damage the landscape or places of special interest.

Hazardous waste produced in households, institutions or services shall be collected separately, in a way which excludes the pollution and damage to the environment.

The waste shall be handed over to an operator, authorized for the collection of hazardous waste, in keeping with the requirements of special regulations.

Article 37

Cadastre of Polluters

Each landfill shall be registered in the cadaster of real estate and the cadaster for polluters (hereinafter: the cadastre).

Existing landfills or those closed down as a result of reviewing the conditioning plans shall be registered in the cadastre based on the decision of the environmental authority.

When closing the landfill, the holder shall make the environmental impact assessment and submit it to the relevant authority.

If during the environmental impact assessment, the landfill holder finds a significant contamination of land by waste, the relevant authority shall be notified.

The relevant authority shall notify the Cadastre on the contamination, nature and scope of contamination.

In case of Paragraph 3 of this Article, the relevant authority shall order the landfill holder to undertake measures for prevention of potential risk to health or environmental pollution.

VI TRANSBOUNDARY WASTE MOVEMENT

Article 38

General Requirements for Transboundary Waste Movement

The transboundary movement of waste shall be conducted given that

-The state of Bosnia and Herzegovina – BiH Federation - exporter does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or the wastes in question are required as a raw material for recycling or recovery industries in the state – entity - importer;

- the authorization has been issued for the transboundary waste movement;

- wastes are packaged, labeled, and transported in a way which may prevent environmental pollution and taking due account of the best available practices;

- there is the relevant documentation on movement from the starting point to the point of disposal in accordance with national and international regulations and requirements from the point at which a transboundary movement commences to the point of disposal.

The Federation Minister shall additionally regulate the transboundary waste movement by the implementing regulation.

Article 39

Transboundary Movement with Federation of BiH as Exporter

In case of a transboundary movement when the Federation of BiH is the exporter, the producer or exporter shall submit a written request to the Federation Ministry notifying of any proposed transboundary waste movement.

The request referred to in Paragraph 1 of this Article shall include:

- information on the sources, composition and quantity of the waste and the data on the producer;
- in case of waste from various sources a detailed inventory of the waste and, if it is known, the identity of the original producers;
- the arrangements for transport and for insurance against damage to third parties;
- the measures to be taken to ensure safe transport;
- the identity of the consignee of the waste, the location of the treatment and disposal and the type and duration of the authorization under which the facility operates;
- information related to the waste treatment and disposal operations;
- any specific conditions for the movement (for example the obligation to use certain border crossing points, the information on the movement provided to the competent authority, the way and time of transport, the validity of the authorization, etc.).

The Federation Ministry shall issue the approval for waste export if the following requirements are met:

- that contract between the importer and operator is signed with a focus on economical waste management and in case of export hazardous waste also that:
- the written consent of the state of import and of the transit states is obtained
- the insurance policy or bank guarantee in needed amount for covering the costs of waste treatment without dangerous impact environment is given.

In case of the export of hazardous waste, the contract referred to in Paragraph 3, line 1 of this Article shall include the obligation:

- to take the waste back if the shipment has not been completed as planned or if the concluded contract was violated;
- of the consignee, to provide as soon as possible and no later than 180 days following the receipt of the waste a certificate to the Federation Ministry that the waste has been disposed of in an environmentally sound manner.

Article 40

Transboundary Movement with Federation of BiH as Importer

The import of waste for the purpose of disposal in the Federation of Bosnia and Herzegovina shall be prohibited.

The waste may be imported to the Federation of BiH only for recovery of materials or energy.

In case of transboundary movement where the Federation of BiH is importer, Article 39 of this Law shall be implemented. The Federation Ministry shall respond in writing to the notifier within 60 days of the arrival of the notification, either consenting to the movement, or denying permission for the movement, or requesting additional information.

Article 41

Transboundary Movement of Hazardous Waste with Federation of BiH as Transit Country

In case of transboundary waste movement where the Federation of BiH is a transit country, the provision of Article 39 of this Law shall be applied.

The Federation Ministry shall respond in writing to the notifier within 60 days of the arrival of the notification, either consenting to the movement, or denying permission for the movement, or requesting additional information.

Article 42

General Provisions for Hazardous Waste in Transboundary Movement

A general approval may be issued instead of individual ones, when wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the state of export via the same customs office of entry of the state of import, and, in case of transit, via the same customs office of entry and exit of the state or states of transit.

The approval referred to in Paragraph 1 of this Article shall be issued by the Federation Ministry and it shall be valid for a maximum period of 12 months.

After the period referred to in Paragraph 2 of this Article, the general consent shall be reviewed and may be prolonged for the same period of time in case there is no change in the conditions.

Article 43

Each consignee of waste transboundary shall notify the Federation Ministry on movement of wastes either upon delivery or receipt of the waste.

The disposer shall notify both the exporter and the competent authority of the state of export of receipt waste in due course and of the completion of waste management activity.

Article 44

Any transboundary movement of wastes shall be covered by financial or other guarantees as may be required by the state of import or the state of transit.

The types of financial guarantees that can insure the waste transboundary movement shall be regulated by a special regulation.

Article 45

When a transboundary movement of wastes, to which consent has been given, cannot be completed in accordance with the terms of the contract, the state of export shall ensure that the wastes in question are taken back into the state of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner within 90 days from the arrival of the waste at the destination.

Article 46

The following kinds of transboundary movement of wastes shall be deemed illegal:

- if all states concerned are not notified ;
- if it is conducted without the consent of all states concerned;
- if it is conducted with consent obtained through falsification or fraud;
- if it does not conform in a material way with the documents;
- if it results in deliberate disposal (e.g. dumping) of wastes in contravention of this Law and general principles of international environmental protection legislation.

Article 47

In case of the inter-entity movement of hazardous waste for disposal between the Federation of BiH and Republika Srpska, a notification is required from the Ministry of the entity of waste export to the Ministry of the entity of waste import.

The notification shall include:

- information on the source, composition and quantity of the hazardous waste;

- the arrangements for routing and for insurance against damage to third parties;
- the measures to be taken to ensure safe transport;
- the identity of the consignee of the waste, the location of the treatment and disposal site.

In exceptional cases, the Federation Ministry may prohibit the movement of certain hazardous wastes or certain notified movement cases from the other Entity.

VII SUPERVISION OF WASTE MANAGEMENT

Article 48

The producers of waste and the operators of waste management facilities shall carry out a control and monitoring program and shall keep the records.

The producers of wastes and operators of waste management facilities shall report once a year on the adherence to the permit requirements and other relevant data determined by the implementing legislation.

In accordance with Paragraph 1 of this Article, the operator and producer shall notify the relevant authority immediately or at least within 12 hours of any identified adverse environmental effects.

Article 49

The environmental inspector at the Federation level- Federation inspector and at the Cantonal level – Cantonal inspector (hereinafter: the inspector) shall carry out a supervision of waste management and achievement of the requirements set by the permits on the basis of this Law and its implementing regulations.

The inspector referred to in Paragraph 1 of this Article shall carry out supervision once a year over the cantonal waste management operators and hazardous waste producers as defined by special regulations.

The inspector referred to in Paragraph 1 of this Article shall notify the operator and the producer prior to the inspection supervision.

The inspector shall have the right to pursue supervision without a prior notification in case of immediate risk to human health and the environment.

Article 50

The operator shall assist the inspector in its supervision activity.

The inspector referred to in Article 49 (1) shall be entitled to:

- enter into sites, facilities, business premises;
- require all legal or natural persons to make available all necessary data, documents and information;
- stop waste transports;
- open the containers of waste;
- take samples of the waste;
- record the factual situation on a visual format (video, photo, etc.);
- require all necessary steps to be taken for the purpose of demonstrating compliance with requirements of the permit and special regulations,
- If the environment or human health is considered to be at danger, stop operations.

The inspector may not cause unjustifiable damage and/or excessive costs to the operator in carrying the tasks referred to in Paragraph 2 of this Article.

In case of sampling, the inspector shall keep the sample of waste in an unchanged form in the interest of future presentation of evidence.

In the case referred to in Paragraph 4 of this Article, three samples shall be taken, one held at the site, one held in reserve and one used for testing or submitted as evidence.

The inspector shall make the records on conducted inspection review.

The records shall be signed by the inspector, the representative or employee of the operator.

One copy of the report shall be left with the operator.

Article 51

Based on the findings of the inspection review, the inspector may issue a decision to

- determine special conditions for future operation;
- order special measures to be taken and set the deadline for their implementation;
- suspend the operation until the conditions or requirements are met;
- order fines and others measures for the breaches of permit conditions,
- close the operation if the operation cannot be pursued without damaging the environment and causing serious human health hazard;
- order rectification of damage and reinstatement to the previous state.

If on the basis of experiences generated by the inspection review, the inspector finds that it is likely that future operation or production shall cause an immediate risk, the decision of the inspector shall be taken immediately irrespective of any appeal against the decision.

VIII –PENALTY PROVISIONS

Article 52

The one who collects, treats, stores, transports and disposes of waste without the necessary permit thereby leading to the risk to human life and health; pollution of the air, water or soil; significant risk to flora and fauna, shall commit a crime and shall be punished to imprisonment for 3 months to 3 years.

The one who disposes of explosive, inflammable, toxic or infectious waste without the necessary approval thereby leading to the risk to human life and health; pollution of the air, water or soil; significant risk to flora and fauna shall commit a crime and shall be punished to imprisonment from one to five years.

If the crime referred to in Paragraphs (1) and (2) of this Article are committed by negligence, the perpetrator shall be punished by a fine or sentence of imprisonment of up to one year.

Article 53

The fine in the amount of BAM 1,000.00 to 10,000.00 shall be imposed on any legal person if:

- it does not obtain the waste management permit (Article 12) or violates the requirements of the permit;
- it does not take care for the environmentally sound storage of wastes prior to recovery or disposal (Article 24)
- if it does not report regularly to the relevant authorities about the waste taken for treatment (Article 29)
- it uses waste contrary to Article 31 of this Law
- it disposes waste contrary to Article 33 of this Law;
- it conducts transboundary movement of waste contrary to Article 39(3) of this Law.

The fine in the amount of BAM 500.00 to 10,000.00 shall be imposed on any responsible person within legal person.

The fine in the amount of BAM 1,500.00 shall be imposed on any natural person for the offense referred to in Paragraph 1 of this Article.

IX – COMPENSATION OF DAMAGES

Article 54

The Federation of BIH shall undertake emergency actions or cleaning up activities in case the responsible person may not be identified and the interest of the protection of human health, flora and fauna and the environment require direct and quick action.

This provision of Paragraph 1 of this Article does not exclude the seeking for a remedial action and recovery of costs.

In order to prevent greater damage and limit further harmful impacts to the environment, the Federation Minister and the Cantonal Minister can take the measures to prevent and limit further damage or harm at the cost of the party whose activity has caused the damage.

X – TRANSITIONAL AND FINAL PROVISIONS

Article 55

Existing facilities and activities

The existing landfill facilities which have been granted a permit shall not be allowed to continue with their operations if they fail to submit the conditioning plan:

- within a period of six months after this Law enters into force, the holder of the site or facility shall prepare and present to the environment authorities, for their approval, a conditioning plan containing any corrective measures which the holder considers will be needed;
- following the presentation of the conditioning plan, the environment authorities shall take a decision on whether operations may continue;
- on the basis of the approved conditioning plan, the authority shall authorize the necessary work and shall lay down a transitional period for the completion of the plan not exceeding three years after the date of approval.

The details of the conditioning plan and authority actions on the basis of that plan shall be given in the implementing regulations.

Article 56

All legal entities shall harmonize their activities with the provisions of this Law within the period of one year after the Law comes into force.

The provisions of this Law shall apply in case of administrative procedures in connection with waste management activities where the first instance decision has not yet been made.

Article 57

As the competence of other organs concern the provisions of the Environmental Protection Law, the latter shall be applied provided that they are not in contradiction with the provisions of this Law.

Article 58

The regulation under Article 8(1) shall be passed by the FBiH Parliament within 18 months after the effective date of this Law.

Regulations under Articles 14, 24, 44 (2), and 48(2) shall be passed by FBiH Government within 1 year after the effective date of this Law.

The regulation under Article 17 shall be passed by the Federation Minister within 1 year after the effective date of this Law.

Regulations under Articles 1 line 1., 13 (4), 22(2), 29(4), 36(1) and 55 shall be passed by Federation Minister within 6 months after the effective date of this Law.

The regulations concerning

- the waste management activities and duties in connection with clinical wastes,
- the waste management activities and duties in connection with human medicines,
- the public health requirements of different waste management activities and operations
- the implementation of Article 17

shall be passed by the Federation Minister along with the minister responsible for health within the period of 1 year after the effective date of this Law.

The regulation referred to in Article 38(2) shall be passed by the Federation Minister within 3 months after the effective date of this Law.

The regulation referred to in Article 4(1) – the definition of “waste” shall be passed within 6 months after the effective date of this Law.

The implementing regulations referred to in Article 16 shall be passed by the Federation Minister for the following waste types: packaging, equipment that contains polychlorinated biphenyls (PCB), waste tires, old vehicles, batteries and car batteries, waste oils, electrical and electronic waste, waste asbestos, titan dioxide, within a year after the effective date of this Law.

The implementing regulations referred to in Article 16 pertaining to construction waste shall be passed by the Federation Minister in cooperation with the Federation minister of spatial development within one year after the effective date of this Law.

The regulations regarding:

- the specific requirements related to biodegradable waste from agriculture;
- the conditions and requirements related to the use of sewage sludge in agriculture, and
- the conditions and requirements for animal wastes for the implementation of Article 1, paragraph (2),
- the conditions and requirements of residues and wastes from the production and use of chemicals in agriculture

shall be passed by the Federation Minister together with the minister responsible for agriculture, water management and forestry shall adopt within the period of 1 year after the effective date of this Law.

The cantonal legislator shall pass the regulation established in Article 9 within two years after the effective date of this Law.

Article 59

On the date when this Law enters into force, the provisions of the special regulations on waste management shall cease to be valid.

Article 60

This Law shall enter into force 8 days after its publishing in the FBiH Official Gazette.