

LAW ON WASTE MANAGEMENT

I. GENERAL PROVISIONS

Article 1

The scope of the present act covers:

- All waste categories, with the exception of those which are excluded from the scope in Par. 3 of the present Article;
- all kinds of waste management activities, operations and installations.

The scope of the present act covers:

- waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries;
- liquid waste;
- animal wastes (e.g.: carcass and manure) and other non hazardous materials of a natural origin, which may be utilized for agricultural purposes;
- defused explosives, only in case, if there is no specific legal regulation for such wastes.

The following shall be excluded from the scope of this act radioactive waste, gaseous effluents emitted into the atmosphere and waste water.

Article 2

Objective of the act

The objective of the present act is to encourage and provide the basic conditions for the prevention of production, recycling and processing of waste for re-use; the extraction of secondary raw materials and possibly of energy thereof; and safe disposal.

Article 3

Waste management priorities

In order to accomplish the objective and whilst taking into account the prevention of pollution and the minimization of the consequences for human health and the environment, the following measures shall be taken:

- it shall be ensured that the generation of wastes and especially the hazardous characteristics of such waste is reduced to a minimum;
 - the reduction in the quantities of wastes shall be properly managed, taking into consideration special waste streams;
 - wastes shall be treated in a way to ensure recovery;
- those wastes which are not subject to recovery shall be disposed of - incinerated or disposed of in landfills - in an environmentally sound way.

When determining the actual obligations in connection with the priorities of waste management defined in Par. 1 of this article the following shall be taken into account:

- Ecological benefits;
- Technical feasibility, using best available technique as appropriate;
- Economic feasibility.

All the 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 environment, and in particular:

- Without risk to water, air, soil and plants and animals,

- Without causing a nuisance through noise or odours,
- Without adversely affecting the countryside or places of special interest.

I. DEFINITIONS

Article 4

For the purposes of the present act:

- "waste" means any substance or object which the holder discards or intends or is required to discard, belongs to one of the categories listed in Annex I and appears in the List of Wastes, adopted in a separate legal 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 of the properties, which poses a hazard to human health and to the environment due to its origin, composition or concentration, and which is listed in the list of wastes adopted by a separate regulation as hazardous;
- "non-hazardous waste" means waste which is not covered by the definition on "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 matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or 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, mixing or other operations resulting in a change in the nature or composition of this waste;
- "collector" any natural or legal person to whom is generated or who generated waste
- "operator" means the natural or legal person responsible for any kind of waste management operation;
- "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 hazards, the treatment, planning and control of such activities and operations, collection of wastes, transport of wastes, the setting up, operation, closure and aftercare of waste treatment installations, the monitoring activities and the consultation and education in connection with these activities and operations;
- "treatment" means the physical, thermal, chemical or biological processes, including sorting, that change the characteristics of the waste in order to reduce its volume or hazardous nature, facilitate its handling or enhance recovery;
- "Recovery" means any operation listed in Annex III, including re-use;
- "Re-use" means: any operation by which waste is used for the same purpose for which it was conceived;
- "Collection" means: the systematic collection, possibly sorting of the waste in order to facilitate further treatment;
- "Transport" means: the movement of waste outside the installation;
- "Storage" means: the placing of waste by the producer within the installation for less than 3 years in a way which excludes hazard for the environment and human health;
- "Disposal" means: any operations listed in Annex IV;
- "Landfill" means a waste disposal site for the disposal of the waste onto or into land (i.e. underground), 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), and
 - a permanent site (i.e. more than one year) which is used for temporary storage of waste, but excluding:
 - facilities where waste is unloaded in order to permit its preparation for further transport for

recovery, treatment or disposal elsewhere, and

- storage of waste prior to recovery or treatment for a period less than three years as a general rule, or
- 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, and paper and paperboard;
- "Liquid waste" means any waste in liquid form, excluding sludge.

III. BASIC PRINCIPLES

Article 5

The following principles shall be taken into consideration when implementing the provisions of the present act:

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 to the environment and to avoid environmental degradation;

Precaution means that in order to avoid threat or danger to the environment deriving from wastes, measures shall be taken even if full scientific certainty 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 techniques as appropriate;

Polluter pays principle means that the producer or holder of waste shall cover the costs of prevention, of the recovery and disposal of waste, including aftercare, monitoring and also that 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 installation 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.

Article 6

Waste management planning

The regulatory authorities referred to the present act are required to draw up waste management plans, which shall cover:

- the type, quantity and origin of waste produced and be treated or disposed of;
- the objectives of waste management;
- the general technical requirements for waste management operations and installations within their respective territory;
- the available, suitable treatment and disposal sites, installations within their respective territory;
- any special arrangements for multi-municipality waste treatment and/or disposal system;
- any special arrangements for particular wastes, such as hazardous waste, liquid waste, packaging waste, etc.;
- the strategic programme in order to achieve the objectives, together 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.

Article 7

Federation authorizes the inter-entity/state coordination body for the environment to coordinate the entity level strategic waste management plans.

The co-ordination referred to in paragraph 1 of this article shall be managed through the following procedure:

- to issue the guidelines on the methodology of developing and content of strategic waste management plans of the entity;
- to comment on draft strategic waste management plans
- to hold joint meetings in order to harmonize the draft plans;
- formulate a state level general waste management policy, which covers the issues listed in Art. 6, lines 1 to 4 and hazardous waste.

Article 8

The strategic waste management plan of the BiH Federation

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

The proposal for Strategy shall be prepared by the Government of Federation of Bosnia and Herzegovina (hereinafter: FB&H Government).

Federal Ministry for physical planning and environment (hereinafter referred to as: Federal Ministry) shall carry out all experts and other activities during Strategy preparation.

Before adopting the plan referred to in paragraph 1 of this article, the government shall be responsible for entering into consultation with

- the inter-entity body on environment;
- representatives of the government of the Republic Srpska;
- representatives of economic associations;
- representatives of environmental associations;
- representatives of the cantonal governments.

Regulation under paragraph 4 of this Article shall be in compliance with the Strategy for economic development in the BiH Federation and with the cantonal plans for economic development.

The Government of the B&H Federation shall submit reports to FB&H Parliament on the implementation of the strategy every second year.

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 waste management strategy of the FB&H Federation.

The plan(s) mentioned in paragraph 1 shall be adopted by the cantonal legislator.

The cantons shall be responsible to regulate the conditions of waste management planning of 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 plan in a way that at least the following elements should be introduced in these plans:

- programmes on the collection of hazardous wastes from households;
- strategic plans for utilization of any of the components of municipal waste;
- programmes to reduce the percentage of biodegradable waste and packaging waste in municipal

waste;

- programmes to raise awareness of the public on waste management issues;
- siting of waste management installations;
- the field of co-operation with other municipalities to achieve the set objectives.

Municipal waste management plans referred to in paragraph 1 of this article should be consulted with cantonal and municipal competent authorities, with interest groups representing business and with environmental organizations.

The plan shall be sent for review to the cantonal environmental ministries (hereinafter: cantonal ministry).

Article 11

Within the FB&H Federation, the Federal Ministry shall be responsible to perform the waste management tasks in co-operation with the Ministry of Health and other competent ministries. The Federal Ministry shall be responsible for operations of transboundary movement of waste and facilities for waste treatment covering the territory of two or more cantons.

Except for the operations under paragraph 2 of this article, the operations for management of all types of waste, siting and land use issues in connection with waste management installations shall be dealt with by the cantonal ministry.

Article 12

The waste recovery and disposal operations or installations always need a waste management permit with the exceptions listed in the present act.

The waste management permit does not supersede the requirement to obtain the permits under the regime of land use and construction systems nor does it supersede the need to obtain environmental authorizations as defined in specific regulations.

The permit referred to in paragraph 1 of this article is not required in the following cases:

- Collection and movement of waste within the site of the production of waste;
- Movement of waste between different installations or sites of the same producer, with the exception of hazardous wastes;
- Transport of the own waste of the producer by its own means of transport to the site or installation of treatment, in case of small quantities - not more than 100 kg per movement with the exception of hazardous wastes,
- To take back packaging or used products by the manufacturers' retailers.

The waste collection, movement and transport of the individual citizens, limited only to their own wastes produced solely in their household are exempt from permit referred to in paragraph 1, unless it is otherwise provided by the special regulation.

Article 13

The application for a permit must contain at least the following:

- the identity of the applicant and of the operator when they are different persons;
- the description of the types and total quantity of waste - of both input and output;
- description of expected environmental impacts;
- the proposed or actual capacity of the installation or site;
- the description of the installation and/or site, including its environmental characteristics;
- the proposed/existing treatment process involved;
- the proposed/existing methods for pollution prevention and abatement;
- the proposed/existing operation, monitoring and control plan;
- the proposed plan for the closure and after-care procedures,
- the financial security by the applicant, or any other equivalent provision.

The environment authority does not issue a permit referred to in paragraph 1 of article 12 of this act unless it is ensured that:

- the project complies with all the relevant legal, environmental and health requirements;
- there are technically competent professionals within the management of the installation or site;
- the professional and technical development and training of the staff is provided;
- the necessary measures are taken to prevent accidents and limit their consequences;
- there is adequate financial security or any other equivalent;
- the project is in line with the relevant waste management plan or plans.

The permit referred to in paragraph 1 of article 12 shall contain at least the following:

- the type and quantity of waste to be recovered and/or disposed of;
- general technical requirements - for the operation , for monitoring and control procedures;
- the treatment method;
- the precautions to be taken,
- the information concerning the origin, destination and treatment of waste and the type and quantity of such waste.

In case of small-scale activities listed in separate regulations among others a general authorization possibility may be given.

The authorization shall be valid for a fixed period of time, generally 5 years, but may be renewed for the same period of time in case there is no change in the conditions.

Article 14

Financial guarantees

Financial security and/or insurance policy shall be set up by specific regulations to cover the costs related to risks of damage or costs of minimizing any possible damage, as well as the costs of clean-up and after-care operations and it shall be paid to cantonal fund on which area is landfill.

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

The financial guarantee or a part of it on landfill operation shall be kept as long as required but at least up to 30 years by maintenance and after-care operation of the site.

V. WASTE MANAGEMENT RESPONSIBILITIES AND ACTIVITIES

Article 15

General regulations concerning waste management

All activities shall be designed and undertaken in a way to have the least effect on environment and human health, to decrease the load and use of environmental resources, not to endanger or pollute the environment, not to endanger or harm human health, to decrease the quantity and harmful effects of waste, to promote the reuse and recycling (material recovery) of waste and also the safe disposal of waste.

In the interests of preventing the production of wastes and decreasing the quantity and harmful effects of waste, the following shall be promoted:

- the rational use of material and energy saving technologies;
- keeping the material and residues as much as possible within the circulation of production and consumption;
- the manufacture of products whilst generating the smallest quantity of wastes and the production of least harmful effects;
- the substitution of materials which cause a risk when they become wastes.

In order to use the material or energy within waste the reuse and recycling (material recovery) of wastes, the substitution of raw-materials by wastes, and if the previous options are not feasible, the use of waste as an energy resource (energy recovery) shall be promoted.

The waste produced shall be utilized only if its ecologically beneficial, technically and economically feasible to do so.

Wastes 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 recovery are unreasonably high compared to the costs of disposal.

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

It is prohibited to mix the different types of wastes, except if it facilitates recovery and/or disposal.

Article 16

Manufacturer responsibility

The manufacturer shall design the product and also packaging, shall 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 shall promote environmentally sustainable treatment, utilization and disposal.

The manufacturer shall promote the use of such raw materials and basic materials, semi-products and packaging which have the lowest material and energy demand in terms of the production process; the use of which produces the least waste, and the product packaging is long lasting and hence have the least burden on the environment when they become wastes.

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

In order to meet the general obligations in paragraphs 1-3 above the manufacturer shall reach:

- minimum targets for collection, recovery of types of wastes specified in legal regulations,
- minimum targets for disposal, in particular for landfill, of types of wastes specified in legal regulations,
- not use certain materials or certain hazardous substances and/or goods exceeding limits for these materials or substances as specified in implementing legal regulations.

Article 17

The manufacturer shall inform the retailer 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 wastes arising from them.

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

The low waste quality, long-lasting and reusability of products and packaging, also the material characteristics of the product and packaging, as well as its refundability shall all be labeled on it in a visible way, according to the provisions of separate regulations.

Article 18

The manufacturer shall take back and/or refund used products or certain types of waste of the products from the holder according to the provisions of implementing regulations in order to recover them or dispose of them in an environmentally sound way.

The manufacturer may also take back or refund uses products or certain types of wastes of products from the holder voluntarily and may also enter into voluntary agreements with the retailer for managing this service.

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

Implementing regulations may require the obligation of using deposit-refund system for certain products.

Article 19

The operators of installations of which an environment permit is required under the Framework Environmental Act as waste producers shall make a company waste management plan, which contains at least the followings:

- documentation on waste produced (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 wastes and of reusable wastes;
- storage of waste on the site;
- treatment and/or disposal methods.

In case of new installations the waste management plan shall be added as an attachment to the application of the environmental permit covered by the framework environmental protection act. In case of an existing plant the plan shall be made and sent to the environmental authority within 6 months after entering into force of the present act. Company waste management plans shall be updated every 3 years or on change of process operations.

Article 20

Operators of installations of which an environment permit is required under the Framework Environmental Act as waste producers have to nominate a suitable person as a company waste manager. This person shall be notified to authority referred to in article 11 of this Law.

The tasks of the waste manager are the following:

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

The responsibility of the waste manager does not limit the financial and legal responsibility and the possible liability of the operator for complying with the existing waste management requirements.

Article 21

Retailer responsibility

The retailer of products and services (hereinafter: retailer) shall take back and/or refund the deposits, collect in a selective way and hand over the end-of-life products or packaging to the producer or to an operator authorized for waste management services in case of a deposit-refund system set up by legal regulations.

The retailer may also take back or refund voluntarily packaging of goods or wastes arising from them in case of products retailed by him, in case he also takes care of the treatment, reuse and recycling of wastes according to respective legal regulations.

Article 22

Common requirement concerning the manufacturer and retailer

The manufacturer and the retailer may transfer the obligations mentioned in Article 16 Par. 1 and Article 21 Par. 1 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 legal regulation. The importer shall have the same responsibility as the manufacturer under Articles 17-19.

Article 23

Waste Collective System

Waste collective systems may be established by the manufacturers and waste producers and/or retailers, or waste management operators. In addition to the requirements established in article 13 paragraph 1, the permit application shall include:

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

In addition to the requirements established in article 13 paragraph 2, the conditions to obtain a permit shall also meet the following requirements:

- Sufficient number and density of collection points;
- Targets set by legal regulations can be reached by the system;
- All waste management operations are environmentally sound.

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

Fees of the waste collective system are subject to the supervision of the authority responsible for market surveillance.

Article 24

The responsibilities of the producer and holder of wastes

The producer and holder of wastes shall collect, take care of recovery and/or disposal of wastes produced by his activity or possessed by him.

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

The obligation of the producer or holder concerning recovery and/or disposal shall be undertaken by himself or authorized operation:

- using appropriate recovery or disposal equipment, procedure or installation, according to the conditions prescribed by legal regulations,
- using appropriate waste treatment services, paying the costs of such treatment.

The selective collection, packaging and labeling of wastes may be regulated by implementing legal regulations.

Article 25

Special provisions on municipal waste management

Municipal waste is collected, treated according to special regulations on public waste service. Cantonal regulations shall cover the establishment and operations of public waste services and the duties of municipalities in connection with such services. Households are obliged to collect waste generated by them, and to hand it over to the public service provider, and in the case of hazardous waste to selective collection points (centers) or to a person having special authorisation for operating waste management services. Waste producers other than households shall use the public service for wastes generated by them that is the same and/or similar to household waste by its nature. They may be exempt from using the public service, if they collect and treat their municipal waste generated on the premises according to environmental regulations and if they hand over their wastes to operators of waste management services who have the necessary authorisation. If a selective waste collection scheme is introduced, households and non-households are obliged to do the selection as regulated.

Article 26

Cantonal regulations shall contain requirements concerning selective waste collection and treatment.

The public service includes:

- 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, as appropriate.

Special regulation shall contain conditions concerning cost for selective waste collection and treatment.

Article 27

The public service referred to in article 26 of this Law shall be provided by the operator(s), having an authorisation for waste management services, having won the tender(s). Waste tendering may be organised either for the whole cycle of waste management or for one or more elements of the waste management tasks.

Article 28

The cantonal regulations mentioned in Articles 25 shall at least include provisions related to:

- the geographical area covered by the services;
- the substantial requirements of the service to be provided, including the collection method - (eg. selective collection of waste)-, frequency, rights and obligations of the service provider and the households/non-households;
- determination of how producers or holders of wastes outside households may use the service;
- any kinds of penalty or incentive regimes;
- technical and other requirements related to providing the service including collection, treatment and disposal;
- introduction of selective waste collection systems, together with the designation of selective waste collection points;
- determination of the site of landfills and any other kind of waste treatment to be used;
- calculation of the fee allowing safe, continuous, accessible service and also the payment conditions;
- the conditions of detecting and treating illegal municipal waste dumps.

Article 29

Waste treatment

The operator of waste management services 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 or produced by him and shall report to the respective authorities according to separate legal regulations, at least once in every year.

The report shall contain as a minimum:

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

Implementing regulations may require the authorization or technical qualification of using and retailing certain waste treatment technology, equipment, material.

Article 30

Collection of wastes

The producer or holder of wastes shall collect wastes separately according to the destiny of further treatment.

The collection of wastes within the site in a way excluding environmental risks and limited in time does not require special authorization.

The operator of waste collection system collects wastes from producers and holder and transports these to a collection facility, transfer station or to the place of reuse and recycling, treatment or disposal.

The operators of a waste collection system may also take over wastes from holders at the collection site.

Article 31

Utilization of waste

The utilization of wastes might be undertaken by material and energy recovery.

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

Transport of wastes

The wastes 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 of the environment.

In cases of transport operations which are not undertaken in combination with waste treatment activities the transporter - above the requirements prescribed in Par. 1 of this article - shall be responsible only for the proper delivery of wastes to the destination defined by the sender, which shall be an authorized waste management site.

If wastes cannot be delivered to the destination, the transporter has to return the waste to the sender. The transport of hazardous wastes shall be accompanied by movement documents, the details of which are regulated in implementing regulations.

Hazardous waste has to be labelled and packed during transport according to the requirements of the implementing regulations. In all the other conditions of hazardous waste transport the general rules of the transport of dangerous good shall be applicable.

Article 33

Disposal of wastes

Disposal may be undertaken by:

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

Permits for new waste landfill site shall only be issued for regional disposal operations.

Article 34

Landfill

In accordance with paragraph 3 of article 13 of this act, the landfill permit shall state at least 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 on 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 programme.

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 conditions of the permit.

Article 35

Incineration

Without prejudice to Article 13 Par. 1 of this act, the application for a permit for an incineration shall include a description of the measures which are envisaged to guarantee that:

- the plant is designed, equipped and will be operated in such a manner that the requirements of the categories of waste to be incinerated are taken into account;
- the heat generated during the incineration process is recovered as far as practicable e.g. through combined heat and power, the generating of process steam or district heating;
- 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 act.

In accordance with article 13 paragraph 3 of this act, the permit granted by the competent authority for an incineration shall:

- categories of waste which may be treated;
- include the total waste incinerating or co-incinerating capacity of the plant;
- specify the sampling and measurement procedures used to satisfy the obligations imposed for periodic measurements of each air and water pollutants.

The permit granted by the competent authority to an incineration plant using hazardous waste shall in addition to Par. 2 above:

- the quantities of the different categories of hazardous waste which may be treated,
- specify 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 concerning hazardous wastes

Those wastes, which are not present in the list of wastes published in a separate regulation as hazardous or cases where the content 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 only 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 odour;
- the mixture does not damage the landscape or places of special interest.

Hazardous wastes produced in households, institutions or services shall be collected separately, excluding the pollution and damage to the environment.

The hand over to an operator, authorized for the collection of hazardous wastes, shall be carried out according to the requirements of implementing regulations.

Article 37

Registration in the Land Register

Each landfill shall be registered in the cadastre for polluters (hereinafter referred to as: cadastre) and in the land register.

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

When closing the landfill, the operator shall request the environmental authority to evaluate the landfill according to the potential risk it presents to the environment and/or to human health.

If the environmental operator gives a decision under Par. 3 of this article stating significant contamination of land by waste, authority shall notify the Land Register and cadastre to record the contamination, including its nature and extent.

The environmental authority shall order, the operator to take the necessary steps in order to prevent health hazard or environmental pollution and damage according to paragraph 3 of this article.

VI. TRANSBOUNDARY MOVEMENT OF WASTES

Article 38

General requirements concerning the transboundary movement of wastes

The following general requirements shall apply to the transboundary movement of wastes:

- The state Bosnia and Herzegovina - BiH Federation - export 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 - of import;

- unless the authorization has been issued for the special reasons;
- wastes that are to be the subject of a transboundary movement shall be packaged, labelled, and transported according to the implementing regulations and in a way which may prevent environmental pollution and taking due account of relevant practices;
- wastes shall always be accompanied by a movement document compliant with national and internationally agreed standards, and in accordance with national and relevant international regulations and requirements from the point at which a transboundary movement commences to the point of disposal.

Article 39

Transboundary movement commenced in the BiH Federation

In case of a transboundary movement when the BiH Federation is the exporter, the generator or exporter shall notify, in writing, the Federal Ministry of any proposed transboundary movement of wastes.

The notification shall include at least the following:

- information on the sources, composition and quantity of the waste for transboundary movement, including the producer's identity and,
- in the 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 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 installation and the type and duration of the authorization under which the installation operates;
- information related to the treatment and disposal operations;
- any specific conditions for the movement (for example the obligation to use certain border stations, the information on the movement provided to the competent authority, the way and time of transport, the validity of the authorization, etc).

The generator or exporter is not allowed to commence the transboundary movement until he has received written confirmation of Federal ministry:

- that contract between him and operator for waste management is signed, and in the case of export hazardous waste;
- the notifier has received the written consent of the state of import and of the transit states; and
- the notifier has received insurance policy or bank guarantee in needed amount for covering the costs of waste treatment without dangerous impact environment.

The contract mentioned in Par. 3, aline 1 of the present article must include the obligation:

- of the notifier to take the waste back if the shipment has not been completed as planned or if it has been effected in violation of the present act and its implementing regulations;
- 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 notifier that the waste has been disposed of in an environmentally sound manner.

Article 40

Transboundary movement when the BiH Federation is the destination

The transboundary movement of wastes from other countries to final disposal in the Federation of Bosnia and Herzegovina shall be prohibited.

Wastes may be imported to the B&H Federation only for recovery operations.

In case of transboundary movement where the destination is the B&H Federation, article 39 of this Law shall be implemented.

In the case of transboundary movement of hazardous waste where the destination is B&H Federation, The Federal 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 when the BiH Federation is transit country

In case of transboundary movement where the B&H Federation is a transit country the same provisions apply as in Article 39.

In the case of transboundary movement of hazardous waste when B&H Federation is transit country, The Federal 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.

Common provisions for all kinds of transboundary movement.

Article 42

A general notification may be accepted, where 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 the case of transit, via the same customs office of entry and exit of the state or states of transit.

On the basis of the general notification above, the Federal Ministry may issue a general consent (authorization) which shall be valid for a maximum period of 12 months.

After the period mentioned in paragraph 2, 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 person who takes charge of a transboundary movement of wastes shall notify the Federal 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 by the disposer of wastes in question and, in due course, of the completion of waste management activity as specified in the notification.

Article 44

Any transboundary movement of wastes shall be covered by a insurance, bond or other guarantee as may be required by the state of import or any state of transit.

The details of such financial guarantees shall be regulated by an implementing 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 to be illegal traffic:

- without notification to all states concerned; or
- without the consent of a state concerned; or
- with consent obtained from states concerned through falsification, misrepresentation or fraud; or
- that does not conform in a material way with the documents; or
- results in deliberate disposal (e.g. dumping) of wastes in contravention of the present regulations and of general principles of international law on the environment.

Article 47

In case of the inter-entity movement of hazardous waste for disposal between the B&H Federation and Republic Srpska, the entities of Bosnia and Herzegovina a notification is required, which has to be sent by the Ministry of the entity of export to the Ministry of the entity of import.

The notification in that case shall include the following:

- 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 Federal Ministry may prohibit the movement of certain hazardous wastes or certain notified movement cases from the other entity.

VII. CONTROLLING WASTE MANAGEMENT OPERATIONS

Article 48

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

The producers of wastes and operators of waste management installations shall report once in a year to the environmental authority on the permit conditions and other relevant data determined by secondary legislation.

In accordance with paragraph 1 of this article, the operator and producer shall notify the environmental authority immediately or at least within 12 hours of any significant adverse environmental effects revealed by the control and monitoring procedures.

Article 49

The environmental inspector at the federal level- federal inspector and at the cantonal level - cantonal inspector (hereinafter: inspector) shall carry out a control programme for insuring that the waste management operator and the waste producer meet the conditions set by the permits or on the basis of the present act and its implementing regulations.

The inspector as established in paragraph 1 of this article shall carry out a control every year on cantonal waste management operators and hazardous waste producers as defined by implementing regulations.

The inspector as established in paragraph 1 of this article shall notify the operator and the producer prior to the investigation.

The inspector shall have the right to pursue a control without any notification in case of environmental and health hazard at immediate risk.

Article 50

The operator shall assist the inspector in its control activity.

The inspector mentioned in article 49 paragraph 1 has the right to:

- enter into sites, installations, business premises;
- require the interested person (natural or legal) to deliver all the necessary data, documents and information;
- stop waste transports;
- open the containers of waste;
- take samples from the waste;
- record the factual situation on a visible format (video, photo, etc.);
- take all the necessary steps that may be required for the purpose of demonstrating compliance with permit conditions and 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 case of sampling, the sample of waste shall be conserved in an unchangeable way in the interest of future proof.

In the case established in paragraph 4 of this article, three samples should be taken, one held by the site, one held in reserve and one used for testing or submitted as evidence.

The inspector shall make a report on inspection.

The report shall be signed by the representative of the inspector, the representative or employee of the interested operator. One copy of the report shall be left with the operator on the spot.

Article 51

Based on the findings of the control procedure the inspector may order by his decision the following:

- determine special conditions for future operation;
- order special corrective measures to be taken including determination of their nature and timing;
- suspend the operation until the conditions or requirements are met;
- implement fines and others means of legal liability for the breaches of permit conditions, and/or
- close the operation if the operation cannot be pursued without damaging the environment and causing serious health hazard;
- ordering rectification of damage and restoration of the previous state.

If on the basis of experiences generated by the control of waste management activities it is likely that future operation or production is causing an immediate risk, the decision of the inspector shall be taken immediately irrespective of any appeal against the decision.

VIII. SANCTIONS

Article 52

The one who collects, treats, stores, transports or disposes of waste without the necessary authorisation required by legal regulations, or with the infringement of obligations prescribed in a legal regulation or decision of the authority implementing legal regulations in a way which leads to or may lead to risk to human life and health; pollution of the air, water or soil; significant risk to flora and fauna commits a crime and shall be subject of imprisonment for 3 months to 3 years.

The one who disposes of explosive, flammable, toxic, or infectious wastes without the necessary authorisation regulations in a way which leads to or may lead to risk to human life and health; pollution of the air, water or soil; significant risk to flora and fauna commits a crime and shall be subject to imprisonment between 1-5 years.

The one who commits a crime prescribed in (1) or (2) of this article by negligence shall be subject to

fine or imprisonment until one year.

Article 53

The fine in the amount of 1.000,00 to 10.000,00 KM shall be introduced for any legal person if:

- don't have waste management permit (article 12) or undertakes fully or partly an operation which requires a permit or notification without or contrary to such permit or notification;
- do not take care for the environmentally sound storage of wastes prior to recovery or disposal (article 24)
- if do not report to the respective authorities concerning waste management treatment (article 29)
- waste utilization is contrary to article 31 of this Law
- waste disposal is contrary to article 33 of this Law;
- transboundary movement of waste is contrary to paragraph 3, article 39 of this Law.

The fine in the amount of 500,00 to 2.000,00 KM shall be introduced for any authorized person within legal person defined in paragraph 1 of this article.

IX. COMPENSATION

Article 54

It is the responsibility of the B&H Federation to undertake direct waste management tasks -first of all emergency actions or cleaning up actions - 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 from 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 Federal Minister and the Cantonal Minister can take all the measures to prevent and limit further damage or harm at the cost of the party whose activity has caused the unlawful situation.

X. CLOSING AND TRANSITIONAL PROVISIONS

Article 55

Existing installations and operations

The existing operations and installations which have been granted a permit, or which are already in operation at the time of entering into force of the present waste management regulations may not continue to operate unless the steps outlined below (and on the basis of the present act in implementing regulations) are accomplished as soon as possible and within 3 years after the entering into force of the present act:

- within a period of six months after entering into force of the act, the operator of the site or installation shall prepare and present to the environment authorities, for their approval, a conditioning plan containing any corrective measures which the operator considers will be needed in order to comply with the requirements;
- 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.

In case the authority does not approve the conditioning plan, it has to make a decision on closure and aftercare of the installation or site and also this decision may contain provisions.

In the case established in paragraph 2 of this article, if the installation is not a landfill or final disposal site, the closure has to take place within 3 years after the entering into force of the present act.
In case established in paragraph 2 of this article, if a landfill is in the question, the closure has to take place 4 years after the entering into force of the present act.
The decision, as provided in paragraph 2 of this article, of the authority on the conditions of future operation or on the closure of the installation or site shall always contain conditions concerning the remediation of environmental damages, monitoring and aftercare.
The details of the conditioning plan and authority actions on the basis of that plan shall be given in separate regulation.

Article 56

All the interested parties shall harmonize their activities with the provisions of this act within the period of one year after the entry into force of the act above.
In case of administrative procedures in connection with waste management activities within the scope of the present act, where in the first instance decision has not yet been made, the provisions of the present act shall apply.

Article 57

As the roles and responsibilities of other state organs concern the provisions of the framework act on the environment the latter shall be applied, as appropriate, provided that they are not in contradiction with the provisions of this act.

Article 58

Regulation under Article 8, paragraph 1 shall be passed by the FB&H Parliament within 18 months after entry into force of the present act.
Regulations under Articles 14, 24,44 paragraph 2, 48, paragraph 2 shall be passed by FB&H Government within 1 year after entry into force of the present act.
Regulation under Article 17, shall be passed by the Federal Minister within 1 year after entry into force of the present act.
Regulations under Article 1 align 1.,13 4,22, paragraph 2, 29., Paragraph 4, 36., Paragraph 1 and 55 shall be passed by Federal Minister within 6 months after entry into force of the present act.

The Federal Minister together with the minister responsible for health shall adopt 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
- for the implementation of article 17

within the period of 1 year after the entry into force of the present act.

The Federal Minister together with the minister responsible for agriculture, water management and forestry shall adopt 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

within the period of 1 year after the entry into force of the present act.

The cantonal legislator shall pass the regulation established in Article 9 within two years after entry into force of the present act.

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

The present act shall enter into force 8 days after its publishing in the "FBIH Official Gazette"

Annex I

CATEGORIES OF WASTE

- Q1 Production or consumption residues not otherwise specified below
- Q2 Off-specification products
- Q3 Products whose date for appropriate use has expired
- Q4 Materials spilled, lost or having undergone other mishap, including any materials, equipment, etc., contaminated as a result of the mishap
- Q5 Materials contaminated or soiled as a result of planned actions (e.g. residues from cleaning operations, packing materials, containers, etc.)
- Q6 Unusable parts (e.g. rejected batteries, exhausted catalysts, etc.)
- Q7 Substances which no longer perform satisfactorily (e.g. contaminated acids, contaminated solvents, exhausted tempering salts, etc.)
- Q8 Residues of industrial processes (e.g. slags, still bottoms, etc.)
- Q9 Residues from pollution abatement processes (e.g. scrubber sludges, baghouse dusts, spent filters, etc.)
- Q10 Machining/finishing residues (e.g. lathe turnings, mill scales, etc.)
- Q11 Residues from raw materials extraction and processing (e.g. mining residues, oil field slops, etc.)
- Q12 Adulterated materials (e.g. oils contaminated with PCBs, etc.)
- Q13 Any materials, substances or products whose use has been banned by law
- Q14 Products for which the holder has no further use (e.g. agricultural, household, office, commercial and shop discards, etc.)
- Q15 Contaminated materials, substances or products resulting from remedial action with respect to land
- Q16 Any materials, substances or products which are not contained in the above categories.

Annex II.

PROPERTIES OF WASTES WHICH RENDER THEM HAZARDOUS

- H1 'Explosive` : substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
- H2 'Oxidizing` : substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.
- H3-A 'Highly flammable` :
 - liquid substances and preparations having a flash point below 21 °C (including extremely flammable liquids), or
 - substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or
 - solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or
 - gaseous substances and preparations which are flammable in air at normal pressure, or
 - substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.
- H3-B 'Flammable` : liquid substances and preparations having a flash point equal to or greater than 21 °C and less than or equal to 55 °C.
- H4 'Irritant` : non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.
- H5 'harmful` : substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.
- H6 'Toxic` : substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.
- H7 'Carcinogenic` : substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.
- H8 'Corrosive` : substances and preparations which may destroy living tissue on contacts.

H9 'Infectious` : substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

H10 'Teratogenic` : substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.

H11 'Mutagenic` : substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.

H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.

H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

H14 'Ecotoxic` : substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

Annex III

OPERATIONS WHICH MAY LEAD TO RECOVERY

R 1 Use principally as a fuel or other means to generate energy

R 2 Solvent reclamation/regeneration

R 3 Recycling/reclamation of organic substances, which are not used as solvents (including composting and other biological transformation processes)

R 4 Recycling/reclamation of metals and metal compounds

R 5 Recycling/reclamation of other inorganic materials

R 6 Regeneration of acids or bases

R 7 Recovery of components used for pollution abatement

R 8 Recovery of components from catalysts

R 9 Oil re-refining or other reuses of oil

R 10 Land treatment resulting in benefit to agriculture or ecological improvement

R 11 Use of wastes obtained from any of the operations numbered R 1 to R 10

R 12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11

R 13 Storage of wastes pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where it is produced)

Annex IV.

DISPOSAL OPERATIONS

D 1 Deposit into or onto land (e.g. landfill, etc.)

D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)

D 3 Deep injection (e.g. injection of pump able discards into wells, salt domes or naturally occurring repositories, etc.)

- D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
- D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D 6 Release into a water body except seas/oceans
- D 7 Release into seas/oceans including sea-bed insertion
- D 8 Biological treatment not specified elsewhere in this Annex that results in final compounds or mixtures discarded by means of any of operations numbered D1- D12
- D 9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcinations, etc.)
- D 10 Incineration on land
- D 11 Incineration at sea
- D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)
- D 13 Blending or mixing prior to submission to any of operations numbered D 1 to D 12
- D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
- D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where it is produced)