

THE CROATIAN PARLIAMENT

2123

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION

PROMULGATING THE ACT ON SUSTAINABLE WASTE MANAGEMENT

I hereby promulgate the Act on Sustainable Waste Management passed by the Croatian Parliament at its session on 15 July 2013.

Class: 011-01/13-01/194

No: 71-05-03/1-13-2

Zagreb, 18 July 2013

The President of  
the Republic of Croatia

Ivo Josipović, m.p.

ACT

ON SUSTAINABLE WASTE MANAGEMENT

I GENERAL PROVISIONS

Scope

Article 1

(1) This Act lays down measures for the prevention or reduction of adverse impacts of waste on human health and the environment by reducing amounts of waste generated and/or produced, and regulates the management of waste which includes no operations posing a risk to human health and the environment and involves the use of valuable properties of waste.

(2) The provisions of this Act lay down the system of waste management, including the waste management priority order, waste management principles, targets and methods, strategic and programming waste management documents, waste management responsibilities and obligations, waste management sites and facilities, waste management operations, transboundary movement of waste, the waste management information system, and administrative supervision and inspections of waste management.

## Transposition and implementation of the *acquis communautaire* of the European Union

### Article 2

(1) This Act transposes into the legal order of the Republic of Croatia the following Directives of the European Union:

- Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22. 11. 2008)
- Directive 2010/75/EC of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17. 12. 2010)
- Council Directive 1999/31/EC on the landfill of waste (OJ L 182, 16. 7. 1999)
- Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5. 6. 2009)
- Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26. 9. 2006)
- Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste (OJ L 047 18/02/2004)
- Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles (OJ L 269, 21. 10. 2000)
- Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24. 7. 2012).

(2) This Act establishes the framework for the implementation of the following acts of the European Union:

- Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (OJ L 190, 12.7.2006), as last amended by Commission Regulation (EU) No 255/2013 amending, for the purposes of adaptation to scientific and technical progress, Annexes IC, VII and VIII to the Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (OJ L 79, 21.3.2013)
- Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (SL L 226, 6.9.2000)

– Commission Decision 2011/753/EU establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council (OJ L 310, 25.11.2011).

### Article 3

(1) The following shall be excluded from the provisions of this Act:

1. gaseous effluents emitted into the atmosphere, and carbon dioxide captured and transported for the purposes of geological storage, and geologically stored in compliance with a special regulation governing the geological storage of carbon dioxide,
2. land (in situ) including unexcavated contaminated soil and buildings permanently connected with land,
3. uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated, and to excess excavated material which, according to the mining act, represents mineral resources,
4. radioactive waste,
5. decommissioned explosives,
6. faecal matter, if not covered by paragraph 2, item 2 of this Article,
7. straw and other natural non-hazardous agricultural or forestry material found in nature and used in farming, forestry, unless the straw and other natural non-hazardous agricultural material is used for the production of energy from such biomass through processes or methods which do not harm the environment or endanger human health.

(2) The following shall be excluded from the scope of this Act to the extent that they are covered by other legislation:

1. waste waters,
2. animal by-products, including processed products covered by a special regulation, except those which are destined for incineration, landfilling or use in a biogas or composting plant,
3. carcasses of animals that have died other than by being slaughtered, including animals killed to eradicate epizootic diseases, and that are disposed of in accordance with a special regulation,
4. waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries covered by special regulations on the management of waste from extractive industries,

5. sediments extracted or relocated inside surface waters and inundation areas of surface watercourses and other waters for the purpose of managing waters and waterways, protection against harmful effects of water, or mitigating the effects of droughts or land reclamation if it is proved that the sediments are non-hazardous,
6. wastes from genetically modified organisms,
7. wastes which are generated through the regular operation of vessels and delivered into port reception facilities.

## Definitions

### Article 4

(1) For the purposes of this Act, the following terms have the following meanings:

1. “biodegradable waste” means any waste that is capable of undergoing biological aerobic or anaerobic decomposition;
2. “bio-waste” means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants;
3. “biodegradable municipal waste” means any waste generated by households and waste comparable in nature and composition to household waste, excluding production waste and waste from agriculture and forestry, which contains biodegradable waste;
4. “waste management centre” means a collection of functionally and/or technologically interconnected facilities and installations for the treatment of municipal waste;
5. “declassification” means a procedure used to demonstrate that, in a specific circumstance, certain waste that is classified as hazardous in the Waste Catalogue, is non-hazardous waste;
6. “other waste treatment operations” means preparation prior to the recovery or disposal of waste;
7. “waste recovery operations” means the recovery operations provided in Annex II to the present Act;
8. “waste management brokerage” means brokerage operations in waste management, which include acting as an agent and arranging the collection, recovery, disposal and other treatment of waste, brokerage in the transfer of rights and obligations regarding waste and keeping records and registers relating to waste on behalf of others;
9. “waste transport operations” means own-account transport of waste or the transport of waste on behalf of others in the territory of the Republic of Croatia;

10. “waste collection operations” means waste collection and emergency waste collection operations, as well as the collection of waste in recycling yards;
11. “waste dealing operations” means the purchase and sale of waste, whether or not this involves taking physical possession of the waste, and regardless of the selling method;
12. “waste disposal operations” means the waste disposal operations provided in Annex I to the present Act;
13. “waste management” means the collection, transport, recovery, disposal, and other waste treatment operations, including the supervision of such operations and the supervision and after-care of disposal sites, as well as the operations undertaken by dealers or brokers;
14. “waste management facility” means a waste collection facility (waste storage, transfer station and recycling yard), a waste treatment facility and a waste management centre. Other-purpose facilities where waste recovery operations are undertaken are not considered as waste management facilities;
15. “construction waste” is waste resulting from new construction, reconstruction, demolition and maintenance of existing buildings, as well as any excavation waste which cannot be used, without prior recovery, for the purposes of construction for which it was excavated;
16. “emergency waste collection” means the collection of waste using installations and equipment for the purpose of emergency removal of waste from a site in order to prevent and/or minimise environmental pollution, risks to human health, adverse impacts on plant and animal life and other adverse impacts;
17. “inert waste” means waste that does not undergo any significant physical, chemical and/or biological transformations;
18. “bulky municipal waste” means objects or substances which, by virtue of their volume and/or weight, are unfit to be collected as part of the regular collection service for mixed municipal waste, and is defined in the instruction referred to in Article 29 paragraph 11 of this Act;
19. “municipal waste” means waste generated by households or any other waste comparable in nature and composition to household waste, excluding production waste and waste from agriculture and forestry;
20. “material recovery” means any recovery operation, excluding energy recovery and the reprocessing into materials which are to be used as fuel;
21. “method” means a manner of executing a technological process on a specific site using specific equipment, installations, vehicles and personnel, including management control over that technological process;

22. “mixed municipal waste” means waste from households as well as commercial, industrial and institutional waste, which because of its nature and composition is similar to waste from households, from which no fractions have been excluded by means of a special operation (such as paper, glass, etc.) and is indicated in the Waste Catalogue under subheading 20 03 01;

23. “mobile waste treatment unit” means a mobile technical unit which is used, as a rule, for the treatment of waste at its source or on the site of its incorporation into materials using treatment operations other than R1, D1, D2, D3, D4, D5, D6, D7, D10, D11 and D12, and excluding the R and D operations generating waste water which is discharged into the environment. An installation operated at a specific location for a period exceeding six months is not considered as a mobile waste treatment unit, except those mobile units which are used in the remediation of contaminated sites;

24. “marine waste” means waste in the marine environment and in the coastal areas in direct contact with the sea, which results from human land-based or sea-based activities and is found on the sea surface, within the water column, on the seabed or as debris;

25. “backfilling” means a recovery operation in which suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping, where the waste is used as a substitute for materials which are not waste according to this Act and regulations adopted in pursuance of this Act;

26. “best available techniques” means the best available techniques in accordance with the act on environmental protection;

27. “non-hazardous waste” means waste which does not display any of the hazardous properties listed in Annex III to the present Act;

28. “non-compliant landfills” means landfills which do not comply with the requirements provided in the ordinance referred to in Article 104 of this Act and are established in the decision referred to in Article 26, paragraph 6 of this Act;

29. “notification procedure” means the procedure involving a prior written notification and consent to the transboundary movement of the wastes subject to such a procedure;

30. “waste treatment” means recovery or disposal operations, including preparation prior to recovery or disposal;

31. “landfill” means a waste disposal site for the deposit of the waste onto or into land (underground landfill), including:

a. internal waste disposal sites where a producer of waste is carrying out its own waste disposal at the place of production,

b. waste disposal sites or their parts which can be used for temporary storage of waste (for instance for a period exceeding one year),

c. depleted open-pit mines or their parts created by mining exploitation and/or prospecting, suitable for waste disposal

32. “separate collection” means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment and preserve the valuable properties of the waste;

33. “hazardous waste” means waste which displays one or more of the hazardous properties set out in Annex III to the present Act;

34. “waste recovery” means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. Annex II to the present Act sets out a non-exhaustive list of recovery operations;

35. “waste” means any substance or object which the holder discards or intends or is required to discard. Any other object or substance whose collection, transport and treatment are necessary for the purpose of protecting public interests is also considered as waste;

36. “waste oils” means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils or gearbox oils, lubricating oils, oils for turbines and hydraulic oils;

37. “authorised person” means a natural or legal person – craftsman - who is authorised, pursuant to this Act, to conclude a contract with the Environmental Protection and Energy Efficiency Fund for the management of a particular category of waste;

38. “re-use” means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

39. “waste holder” means the waste producer or the natural or legal person who is in possession of the waste;

40. “broker” means any legal or natural person – craftsman – who performs waste management brokerage operations, including such brokers who do not take physical possession of the waste;

41. “waste management operations” means: waste collection, emergency waste collection, preparing for re-use, preparation prior to recovery and disposal, recovery and disposal operations, dealing in waste, waste management brokerage, waste transport, energy recovery from certain wastes, collection of wastes in recycling yards and preliminary storage of own production waste;

42. “dumping at sea” means a waste disposal operation which involves the disposal at sea of wastes from vessels or aircraft, and the disposal, storage or insertion of wastes from vessels or aircraft on or into the seabed;

43. “prior consent” means a notification by which the competent authority of the country of dispatch announces the transboundary movement of waste which is subject to the notification procedure;

44. “transfer station” is a facility for storing, preparing and reloading wastes intended for transport to their recovery or disposal sites;

45. “preparing for re-use” means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;

46. “difficult wastes” means hazardous waste indicated under heading 20 01 of the Waste Catalogue, which is normally generated by households, and hazardous waste comparable in nature, composition and quantity to the hazardous waste which is normally generated by households, which is considered to be difficult waste while on the premises of the waste producer concerned;

47. “production waste” means waste that is generated during production processes in industry, crafts and other processes, excluding those production process residues which are used in the production processes of the same producer;

48. “waste producer” means anyone whose activities produce waste and/or anyone who changes the composition or the properties of waste by pre-processing, mixing or other operations;

49. “producer of products” means any legal or natural person - craftsman who is professionally involved in the development, manufacturing, processing, treatment, sale, introduction, import, or marketing of products and/or installations and/or equipment;

50. “recycling yard” means a supervised fenced yard area intended for the separate collection and preliminary storage of smaller amounts of special types of waste;

51. “recycling yard for construction waste” means a facility for the sorting, mechanical treatment and preliminary storage of construction waste;

52. “recycling” means any recovery operation, including the reprocessing of organic material, by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes, but not including energy recovery or the reprocessing into materials that are to be used as fuels or for landfilling operations;



53. “regeneration of waste oils” means any recycling operation whereby base oils may be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils;

54. “waste collection” means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

55. “waste storage” means preliminary storage of waste in a storage facility for a period not exceeding one year;

56. “waste incineration” is a waste recovery or disposal operation where waste is burned with or without recovery of the combustion heat generated. This includes the incineration by oxidation of waste as well as other thermal treatment processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the treatment are subsequently incinerated;

57. “waste prevention” means measures taken before a substance, material or product has become waste, which reduce:

a) the quantity of waste, including through the re-use of products or the extension of the life span of products,

b) the adverse impacts of the generated waste on the environment and human health; or

c) the content of harmful substances in materials and products.

58. “placing on the market” means any activity by which a producer makes a product accessible to the prospective buyer, regardless of the selling method employed in the territory of the Republic of Croatia,

59. “co-incineration of waste” means a waste recovery or disposal operation whose main purpose is the generation of energy or production of material products (products) and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal. This includes the incineration by oxidation of waste as well as other thermal treatment processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the treatment are subsequently incinerated;

60. “waste management technologies” (hereinafter: technologies) means specific functional and technological waste management units which describe the material flow of waste and include the collection, acceptance, storage, preliminary sorting and sorting, mixing of waste, packaging, repairing, cleaning and checking of future products, and, in the case of recovery or disposal, any technological operations specified by the applicant for a waste management permit in accordance with the guidelines;

61. “thermal waste treatment” means incineration, co-incineration and other waste treatment operations that change the temperature of waste to effect changes in the structure and properties of the waste;

62. “waste dealer” means a legal or natural person who, in his own name and on his own account purchases and sells waste, including such dealers who do not take physical possession of the waste;

63. “waste owner” means any person holding material and other rights and obligations pertaining to waste;

64. “waste disposal” means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy. Annex I to the present Act sets out a non-exhaustive list of disposal operations.

(2) The terms used in this Act in reference to persons shall be gender-neutral and shall apply equally to male and female persons.

#### Powers of the Minister

##### Article 5

(1) The functioning of the central state administrative body responsible for environmental protection (hereinafter: the Ministry), bodies of local and regional self-government units and legal persons vested with public authority with respect to the implementation of this Act and the regulations adopted in pursuance of this Act shall be prescribed by the instruction issued by the minister responsible for environmental protection (hereinafter: the Minister).

(2) The Minister shall be authorised to set up commissions for the purposes of drafting regulations which the Government of the Republic of Croatia (hereinafter: the Government) and the Minister are authorised to adopt pursuant to this Act, drawing up and implementing national plans, programmes and reports, and evaluating departures from the waste management priority order, as well as to appoint members to such committees and lay down the manner of their operation.

#### Principles of waste management

##### Article 6

(1) Waste management shall be guided by the principles of environmental protection laid down by the environmental protection act, the *acquis communautaire* of the European Union, the principles of international environmental law, scientific knowledge, the best global practice and rules of profession, and in particular by the following principles:

1. “the polluter-pays principle” – the waste producer, the previous waste holder or the current waste holder shall bear the costs of waste management measures and shall be financially

responsible for the implementation of remediation measures to be taken due to damage caused or likely to be caused by waste;

2. “the principle of proximity” – waste shall be treated in the appropriate facility or installation nearest to its source, taking into account cost-effectiveness and environmental soundness;

3. “the principle of self-sufficiency” – waste shall be managed in a self-sufficient manner and shall enable independent attainment of national level targets, taking into account the geographical circumstances or the need for specialised installations for special categories of waste;

4. “the principle of traceability” – tracing waste back to its source by reference to the product, packaging, and the producer of that product, including possession of the waste and its treatment.

(2) The costs of waste management shall be borne by the producer of the product from which the waste came or by the waste producer.

## II WASTE MANAGEMENT

Waste management priority order

### Article 7

(1) The following waste hierarchy shall apply as a priority order in waste prevention and management legislation and policy:

1. waste prevention;
2. preparing for re-use;
3. recycling;
4. other recovery operations, e.g. energy recovery; and
5. disposal.

(2) When applying the waste management priority order, the competent state authorities, the competent authorities of bodies of local and regional self-government, legal persons vested with public authority to perform environment-related activities and legal persons performing environmental protection tasks pursuant to special regulations, shall:

1. take measures to encourage the options that deliver the best environmental outcome, which may require specific waste streams departing from the waste management priority order where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste,

2. take into account the general principles of environmental protection – the principle of precaution and the principle of sustainability, technical feasibility and economic viability, protection of resources as well as the overall environmental, human health, economic and social impacts in accordance with Article 9 of this Act,

3. make sure that increased costs that may arise by virtue of applying the waste management priority order are not disproportionate compared to other waste treatment options and that a market exists or can be formed for the materials or energy obtained.

(3) The decision on the specific waste streams departing from the waste management priority order shall be taken by the Minister on proposal of the commission referred to in Article 5, paragraph 2 of this Act.

(4) The commission referred to in paragraph 3 of this Article shall prepare a proposal for a specific waste stream departing from the waste management priority order based on the life-cycle analysis of the overall impacts of the generation and management of such waste.

(5) Products shall be developed, produced, distributed and used in a manner which contributes to waste prevention and to its recycling and/or recovery.

#### Article 8

(1) Waste shall be recovered. The recovery of waste shall follow the principles and methods of waste management set out in this Act.

(2) A substance derived from the material recovery of waste or a product which emerged as a result of end-of-waste status shall not, by virtue of its hazardous properties, entail a risk exceeding that of the corresponding source material or a product made of that source material.

(3) By way of derogation from paragraph 1 of this Article, waste can be disposed of, rather than recovered, in the following cases:

1. technical know-how does not allow waste recovery,

2. the costs of waste recovery are several times higher than the costs of waste disposal,

3. further use of the waste or its components is not possible,

4. the disposal of waste creates less environmental burden than its recovery, in particular as regards:

– the emission of substances and energy into the air, sea, water and soil,

– the utilization of natural resources,

– the energy to be expended or the energy which can be reclaimed, or

– hazardous substances contained in the waste generated by waste recovery.

- (4) Other waste disposal operations shall have priority over landfilling.
- (5) The provision of paragraph 3, item 2 of this Article shall not apply to waste disposal by landfilling in accordance with the ordinance under Article 104 of this Act.
- (6) Waste shall be treated in accordance with the principle of self-sufficiency so as to ensure that waste is treated in the nearest acceptable facility, avoiding thereby any unnecessary transport of such waste.
- (7) The Ministry shall verify compliance with the requirements of paragraphs 2, 3 and 5 of this Article on the basis of a relevant study, in accordance with the environmental protection act.
- (8) The costs of developing the study referred to in paragraph 7 of this Article shall be borne by the interested party.

#### Manner of waste management

##### Article 9

(1) Waste management shall be carried out in a manner which is not likely to pose a risk to human health or to have adverse environmental impacts, and in particular to avoid:

1. risks of sea, water, soil and air pollution, and risks to biodiversity,
2. nuisance caused by noise and/or odours,
3. adverse impacts in areas of cultural, historical, aesthetic and natural significance, or on other assets of special interest,
4. explosions or fires.

(2) For the purpose of meeting the requirements of paragraph 1 of this Article waste management may be limited and obligatory waste handling procedures prescribed for the waste holder in accordance with the provisions of this Act and regulations adopted on the basis thereof.

(3) Waste shall be managed in a manner which ensures that the waste remaining after treatment, which is disposed of by landfilling, poses no threat to future generations.

#### Waste collection, transport and treatment as a public interest

##### Article 10

(1) The collection, transport and treatment of objects and/or substances which can be considered as waste are necessary for the purposes of protecting public interests if failure to undertake these operations is likely to:

1. pose a risk to human health or cause an unacceptable nuisance to people,
2. pose a risk of water, air or soil pollution, and/or jeopardize animals or plants, or disturb their natural living conditions,
3. undermine the sustainable use of water or soil,
4. cause excessive environmental pollution,
5. present fire or explosion hazards,
6. cause excessive noise,
7. favour the emergence or multiplication of disease agents,
8. disturb public order and security, or
9. significantly distort the appearance of a place, landscape and/or a cultural asset.

(2) Public-interest collection, transport and treatment referred to in paragraph 1 of this Article shall not be necessary if the object or substance is generally considered to be new or is used for a specific purpose.

#### Article 11

- (1) It shall be prohibited to discard waste into the environment.
- (2) It shall be prohibited to manage waste in contravention of the provisions of this Act and regulations adopted on the basis thereof.
- (3) It shall be prohibited to incinerate waste in the environment, including the incineration of waste at sea and the incineration of waste plant material from agriculture and forestry in contravention of the provisions of this Act and the regulations adopted on the basis thereof.
- (4) It shall be prohibited to dump waste at sea in contravention of the provisions of this Act and the regulations adopted on the basis thereof.
- (5) Waste shall be managed in a manner which facilitates further waste management in accordance with Article 7, paragraph 1 and Article 9, paragraph 1 of this Act.
- (6) Waste whose valuable properties can be used must be collected and stored separately so as to allow the management of such wastes in accordance with the provisions of this Act and the regulations adopted on the basis thereof.
- (7) The Republic of Croatia shall take measures to encourage high-grade waste recycling and shall set up, to this end, separate collections of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards in individual recycling sectors.

## Classification of waste

### Article 12

(1) The classification of waste includes identifying the properties, the source and the origin of waste taking into consideration its composition, concentration limit values of hazardous substances and hazardous properties of the waste, determining the heading, subheading and type of waste in accordance with the Waste Catalogue and defining such waste in accordance with the classification for the transboundary movement of waste.

(2) The classification of waste shall be provided by the waste holder, except in the case of mixed municipal waste.

(3) In the event that the waste holder is unable to classify the waste on the basis of the data available, he shall ensure that the waste is classified by the accredited laboratory referred to in Article 50 of this Act.

(4) The inclusion of a substance or an object in the Waste Catalogue shall not entail that the substance or object is waste in all circumstances. Substances or objects shall be considered to be waste only when they comply with the definition of waste set out in Article 4, paragraph 1, item 35 of this Act.

(5) Waste not specified in the Waste Catalogue as hazardous waste shall be considered hazardous if it is established, following an examination, that the waste displays a hazardous property listed in Annex III to the present Act.

(6) The Minister shall prescribe by an ordinance the waste catalogue as provided by Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1, item a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1, paragraph 4 of Council Directive 91/689/EEC on hazardous waste, the classification of waste for the purpose of transboundary movement of waste, special conditions for declassification of waste and the amounts of specific wastes which are considered to be negligible.

## Declassification of waste

### Article 13

(1) A waste holder may declassify specific waste providing he obtains a decision by the Ministry on the declassification of that waste.

(2) The decision on the declassification of waste shall be issued at the request of the waste holder, providing that the special conditions for waste declassification laid down in the ordinance referred to in Article 12, paragraph 6 of this Act have been met, and that the request is accompanied by:

1. evidence that the waste for which declassification is requested is non-hazardous, or a certificate of the non-existence of a hazardous property of specific waste issued by the accredited laboratory referred to in Article 50 of this Act,

2. statement about the composition and handling of waste from which it is evident that the waste has not been diluted or mixed with other wastes or substances resulting in the lowering of the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous.

(3) The decision on the declassification of waste will specify that specific amounts and types of waste, or a specific industrial waste coming from a certain production process may be declassified.

(4) The Ministry shall deny by a decision the request for declassification of a specific waste should such waste be found to be diluted or mixed with other substances or wastes resulting in the lowering of the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous.

(5) No appeal shall be allowed against the decision on a request for declassification, but an administrative dispute may be initiated.

(6) The Ministry shall maintain a record of the decisions on waste declassification.

By-products

Article 14

(1) The holder of an object or a substance resulting from a production process, the primary aim of which is not the production of that object or that substance, may treat that object or that substance as a by-product rather than waste, providing he obtains from the Ministry a certificate proving that this by-product has been entered into the Register of By-products.

(2) The Ministry shall issue, upon request of the waste holder, a certificate proving that the by-product has been entered into the Register of By-products if, after taking into consideration the European Commission guidance on by-products, the substance or the object referred to in paragraph 1 of this Article is found to meet the following conditions:

1. further use of the substance or the object is certain,

2. the substance or the object can be used directly without any further processing other than normal industrial practice,

3. the substance or object is produced as an integral part of a production process, and

4. further use of the substance or object is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.



(3) The Ministry shall deny, by a decision, the entry of a substance or an object into the Register referred to in paragraph 1 of this Article if it finds that special regulations on the handling of products or management of waste, or the European Union regulations on the handling of products or management of waste stipulate that production residues be handled as waste or prohibit their further use, or that the conditions set out in paragraph 2 of this Article have not been met.

(4) No appeal shall be allowed against decisions on requests for entry into the Register of By-products, but an administrative dispute may be initiated.

(5) The Ministry shall keep a record of entries into the Register of By-products. Data included in the record of entries into the Register of By-products shall be maintained as an integral part of the Register referred to in Article 139 of this Act.

End-of-waste status

#### Article 15

(1) Certain specified waste shall cease to be waste within the meaning of Article 4, paragraph 1, item 35 of this Act when it has undergone a recovery, including recycling operation and complies with specific criteria developed in accordance with the following conditions:

1. the substance or object is commonly used for specific purposes,
2. a market or demand exists for such a substance or object,
3. the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products, and
4. the use of the substance or object will not lead to adverse environmental or human health impacts.

(2) End-of-waste status for specific types of waste (paper, glass, tyres, textiles, aggregates, metal) for which specific criteria exist on the European Union level, shall be considered on the basis of the European Union regulations which establish specific end-of-waste criteria.

(3) The Ministry shall be the competent authority responsible for the implementation of Council Regulation (EU) No 333/2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council (hereinafter: Regulation (EU) No 333/2011).

(4) Holders of waste for which end-of-waste criteria have not been established at the level of the European Union may decide on the end-of-waste status of that type of waste providing that they obtain from the Ministry a certificate of entry into the End-of-Waste Register.

(5) The Ministry shall issue, upon request of the waste holder, a certificate of entry into the End-of-Waste Register if it finds that the special end-of-waste criteria for the specific type of

waste referred to in paragraph 4 of this Article have been fulfilled, taking into account the binding legal positions expressed in the relevant judgements of the Court of Justice, Croatian standards and other regulations relating to the products and the rules of profession.

(6) The Ministry shall issue a decision on the denial of entry into the Register referred to in paragraph 4 of this Article.

(7) No appeal shall be allowed against the decision on a request for entry into the End-of-Waste Register, but an administrative dispute may be initiated.

(8) The Ministry shall notify the European Commission of the end-of-waste status of the wastes referred to in paragraph 4 of this Article, in accordance with a regulation laying down a procedure for the provision of information in the field of technical standards and regulations.

(9) The Minister shall lay down by an ordinance the content of the request for entry into the End-of-Waste Register and the Register of By-products, special end-of-waste criteria in accordance with the conditions referred to in paragraph 1 of this Article, including limit values of contaminants and adverse environmental impacts of substances or objects, special criteria for the definition of by-products pursuant to the conditions set out in Article 14, paragraph 2 of this Act, the content of the certificate of entry into the End-of-Waste Register and the Register of By-products, and the manner and conditions of implementing European Union regulations establishing end-of-waste criteria for specific types of waste and the tasks of the Ministry related to the implementation of those regulations.

Waste management in the marine environment

#### Article 16

(1) Waste management in the marine environment shall include the management of wastes resulting from exploration and exploitation of the continental shelf, the seabed and its subsoil, the dumping of wastes from vessels and aircraft and the management of marine waste.

(2) The Minister shall lay down by the ordinance referred to in Article 104 of this Act the management of wastes resulting from exploration, treatment and storage of the mineral resources of the continental shelf, the seabed and its subsoil, the conditions for dumping wastes on the seabed, the conditions of sea-bed insertion of wastes from vessels or aircraft and the types of substances which may be dumped at sea on the basis of the permit referred to in Article 86 of this Act.

(3) The Minister shall lay down by the ordinance referred to in Article 53, paragraph 3 of this Act the management of marine waste.

### III WASTE MANAGEMENT PLANNING DOCUMENTS

Waste management plan of the Republic of Croatia

## Article 17

(1) The waste management plan of the Republic of Croatia (hereinafter: the Plan) shall define and direct the management of waste and, based on the analysis of the current waste management situation and the waste management targets set out in Articles 24, 25, 54 and 55 of this Act and the targets of the special waste management systems set out in the ordinance referred to in Article 53, paragraph 3 of this Act, lay down measures to be taken to improve preparing for re-use, recycling and other waste recovery and disposal operations within the land and sea territory under the sovereignty of the Republic of Croatia, i.e. in the area over which the Republic of Croatia exercises its sovereign rights and jurisdiction and shall contain, in particular:

1. an analysis and evaluation of the current waste management situation, as well as an analysis and identification of the locations contaminated by waste,
2. basic waste management targets,
3. the types, quantities and sources of waste generated in the territory of the Republic of Croatia, waste likely to be shipped from or to the Republic of Croatia, and an evaluation of the future development of waste streams,
4. existing waste management systems and the infrastructure of waste management facilities and installations, including any special schemes/systems for the management of special categories of waste,
5. an assessment of the future development of waste streams, the need for and the manner of establishing new systems and additional infrastructure of waste management facilities and installations,
6. general location criteria and criteria for the identification of the necessary capacities of future waste management facilities and installations,
7. general technical requirements for waste management facilities and installations,
8. organisational aspects of waste management including the allocation of responsibilities between public and private actors in waste management,
9. the list of projects in the Republic of Croatia and units of regional and local self-government of relevance for the implementation of the Plan,
10. the sources and amounts of funds necessary for the implementation of all measures of waste management,
11. an evaluation of the usefulness and suitability of using economic and other instruments in waste management taking into account the smooth functioning of the internal market,
12. measures and guidelines (policies) for the implementation of the Plan, which contain:

- general waste management measures,
- measures for the management of hazardous wastes and for the remediation of the locations identified in the Plan as contaminated by waste,
- measures for the management of special categories of waste,
- general waste management guidance (policies) and waste management methods, or policies concerning wastes posing specific management problems,
- guidance for recovery and disposal operations consistent with the principles of environmental protection and economic principles,
- guidance to ensure the use of the most favourable technical, production and economic measures in the attainment of waste management targets,
- technical and economic feasibility criteria for the management of hazardous waste,
- financial arrangements to support measures required for the establishment of the waste management system,
- measures to be taken for launching awareness campaigns and information provision directed at the general public or a specific set of consumers,
- measures for the management of marine waste.

### 13. methods and deadlines for the execution of the Plan.

(2) The Plan shall also include a waste management map which shall define:

1. current waste management sites (landfills characterized by their status, companies and installations carrying out waste management),
2. general distribution of the future sites of waste management facilities (waste management centres, transfer stations, thermal waste treatment plants, landfills for hazardous and non-hazardous inert waste).

(3) The Ministry shall be responsible for the preparation of the Plan, which shall be adopted by the Government.

(4) The Plan shall be adopted for a six-year period and shall be amended as appropriate.

(5) The Plan shall be published in the Official Gazette.

(6) The development documents in specific areas of business activity shall not be in contravention of the Plan.

(7) The Ministry shall supervise the implementation of the Plan.

(8) Every three years the Ministry shall submit to the Government a progress report on the fulfilment of obligations, compliance with the targets and on the efficiency of the measures laid down in the Plan.

(9) The Ministry shall inform the European Commission of the adoption of the Plan and of any amendments thereto.

#### Waste prevention plan

#### Article 18

(1) A waste prevention plan shall form a constituent part of the Plan and shall contain, in particular:

1. waste prevention targets,
2. measures required to attain waste minimisation or waste prevention targets, which relate to:
  - planning or other economic instruments promoting efficient use of source materials and resources,
  - the promotion of research and development in cleaner technologies and products and the promotion and implementation of the results of such research and development,
  - the development of effective and meaningful indicators of environmental pressures associated with waste generation with a view to contributing to waste prevention at the level of local and regional self-government and at national level,
  - the promotion of eco-design (the systematic integration of environmental aspects into product design with the aim of improving the environmental performance of the product throughout its whole life-cycle),
  - the provision of information on waste prevention techniques with a view to facilitating the implementation of best available techniques in industry,
  - organisation of training courses for the competent authorities as regards the insertion of waste prevention requirements in permit issuance procedures,
  - inclusion of measures for waste prevention in installations which are exempt from environmental permit requirements under the act governing environmental protection – those measures may include assessments or plans for waste prevention,
  - organising awareness campaigns or the provision of financial, decision-making or other support to persons,

- conclusion of voluntary agreements, organising consumer/producer panels or sectoral negotiations in order that the relevant businesses or industrial sectors set their own waste prevention plans or targets or correct wasteful products or packaging,
- promoting credible environmental management systems (EMSs), including EMAS and ISO 14001,
- economic instruments such as incentives for cleaner purchases involving the purchase of products with less packaging,
- organising awareness campaigns and information provision directed at the general public or a specific set of consumers,
- the promotion of creditable eco-labels,
- agreements with industry, such as the use of product panels such as those being carried out within the framework of Integrated Product Policies, or with retailers on the availability of waste prevention information and products with a lower environmental impact,
- in the context of public and corporate procurement, the integration of environmental and waste prevention criteria,
- the promotion of the reuse and/or repair of appropriate discarded products or of their components, notably through the use of educational, economic, logistic and other measures.

(2) Appropriate specific qualitative or quantitative benchmarks shall be determined for waste prevention measures adopted in order to monitor and assess the progress of the measures, and specific qualitative or quantitative targets and indicators may be determined.

#### Article 19

The Ministry may prepare and implement the Plan in cooperation with the competent authorities of the Member States of the European Union and the European Commission, as required in accordance with Articles 17 and 18 of this Act.

#### Article 20

(1) A local self-government unit shall submit its annual progress report on the implementation of the Plan to the regional self-government unit by 31 March of the current year for the previous calendar year and shall publish this report in its official journal.

(2) A regional self-government unit shall submit to the Ministry and the Croatian Environment Agency (hereinafter: the Agency) its annual progress report on the implementation of the Plan and the consolidated reports referred to in paragraph 1 of this Article by 31 May of the current year for the previous calendar year and shall publish them in its official journal and on its website.

(3) The Agency shall publish the consolidated reports referred to in paragraph 2 of this Article on its website on an annual basis.

#### Waste management plans of local self-government units

#### Article 21

(1) The waste management plan of a local self-government unit shall include at least:

1. an analysis and assessment of the current waste management situation and needs in the territory of the local self-government unit or the City of Zagreb respectively, including the state of compliance with the targets,
2. data on the type and quantities of the waste generated, the waste collected separately, on the landfilling of municipal and biodegradable waste and on the state of compliance with the targets,
3. data on the existing and future waste management facilities and installations, and on the status of remediation of non-compliant landfills and locations contaminated by waste,
4. data on the locations of discarded waste and its elimination,
5. measures required to comply with the waste minimization or waste prevention targets, including educational and information activities and waste collection drives,
6. general measures for the management of waste, hazardous waste and special categories of waste,
7. measures for the collection of mixed municipal waste and biodegradable municipal waste,
8. measures for a separate collection of waste paper, metal, glass, plastic and bulky municipal waste,
9. the list of projects of relevance for the implementation of the provisions of the Plan,
10. organisational aspects, sources and amounts of funds required for the implementation of waste management measures,
11. deadlines and persons responsible for the execution of the Plan.

(2) A unit of local self-government and the City of Zagreb shall obtain prior consent from the administrative body of the regional self-government unit in charge of environmental affairs (hereinafter: the competent administrative body) and from the Ministry, respectively, for the draft waste management plan referred to in paragraph 1 of this Article, or for the draft waste management plan of the City of Zagreb, respectively.

(3) The competent administrative body or the Ministry shall grant prior consent if it finds that the draft waste management plan of the unit of local self-government or of the City of Zagreb,

respectively, is consistent with the provisions of this Act, regulations adopted on the basis thereof and the Plan.

(4) The waste management plan of a local self-government unit or the City of Zagreb shall be adopted by the representative body of the local self-government unit or of the City of Zagreb, respectively.

(5) The waste management plan of a local self-government unit or the City of Zagreb shall be adopted for a six-year period, and shall be reviewed as appropriate.

(6) The waste management plan of a unit of local self-government or the City of Zagreb shall be published in the official journal of the local self-government unit or the City of Zagreb, respectively.

#### Article 22

(1) The draft Plan and the draft waste management plans of units of local self-government and of the City of Zagreb shall be made public so as to obtain public opinion, proposals and comments.

(2) The Ministry, or local self-government units and the City of Zagreb shall inform the public via mass media of where to access the draft Plan and the draft waste management plans of local self-government units and the City of Zagreb, respectively, and of how and when to submit their opinion, proposals or comments.

(3) The period during which the public can express their comments, proposals and opinions shall not be less than 30 days from the date of publication.

### IV WASTE MANAGEMENT RESPONSIBILITIES AND OBLIGATIONS

#### Responsibilities in waste management

#### Article 23

(1) Waste management is an issue of special interest to the Republic of Croatia.

(2) The Government and the Ministry shall prescribe waste management measures to ensure the existence of an efficient waste management system.

(3) The implementing authorities at the national level shall be the Agency and the Environmental Protection and Energy Efficiency Fund (hereinafter: the Fund).

(4) Local and district (regional) self-government units shall provide conditions for and ensure the implementation of the prescribed waste management measures in their respective areas.

(5) Several local and district (regional) self-government units may by mutual agreement ensure the joint implementation of waste management measures.



## Restrictions on landfilling biodegradable municipal waste

### Article 24

(1) The maximum allowable mass of biodegradable municipal waste which may be deposited annually in all landfills and non-compliant landfills in the Republic of Croatia in relation to the mass of biodegradable municipal waste generated in 1997 shall be as follows:

1. 75 % or 567,131 tonnes by 31 December 2013
2. 50 % or 378,088 tonnes by 31 December 2016
3. 35 % or 264,661 tonnes by 31 December 31 2020.

(2) The maximum allowable mass of biodegradable municipal waste which may be deposited in a calendar year in a landfill and a non-compliant landfill is equal to the product of multiplying the total mass of biodegradable municipal waste allowed to be landfilled in the Republic of Croatia and the coefficient of the landfill for biodegradable waste referred to in paragraph 3 of this Article.

(3) The coefficient of a landfill for biodegradable waste is the ratio of the mass of biodegradable municipal waste deposited in that landfill and the total mass of the biodegradable municipal waste deposited in the landfills of the Republic of Croatia in the previous year. The sum of the coefficients of all landfills in the Republic of Croatia shall not exceed one.

(4) The landfill operator shall submit to the Agency data on the mass of the biodegradable municipal waste deposited in that landfill twice a year within 30 days of the expiry of each half-year period, using prescribed forms.

## Restrictions on depositing waste in non-compliant landfills

### Article 25

(1) The maximum allowable mass of waste deposited annually in all non-compliant landfills of the Republic of Croatia is as follows:

1. 1,710,000 tonnes by 31 December 2013
2. 1,410,000 tonnes by 31 December 2014
3. 1,210,000 tonnes by 31 December 2015
4. 1,010,000 tonnes by 31 December 2016
5. 800,000 tonnes by 31 December 2017

(2) It shall be prohibited to deposit waste in non-compliant landfills of the Republic of Croatia after 31 December 2017.

(3) The maximum allowable mass of waste which may be deposited in a non-compliant landfill in a calendar year is equal to the product of multiplying the total mass of waste allowed for deposition in non-compliant landfills in the Republic of Croatia and the coefficient of the non-compliant landfill referred to in paragraph 4 of this Article.

(4) The coefficient of a non-compliant landfill is a ratio of the mass of waste deposited in that non-compliant landfill and the total mass of waste deposited in all non-compliant landfills in the Republic of Croatia in the previous year. The sum of coefficients of all non-compliant landfills in the Republic of Croatia shall not exceed one.

(5) The landfill operator shall submit to the Agency data on the mass of the waste deposited in the non-compliant landfill twice a year within 30 days of the expiry of each half-year period, using prescribed forms.

(6) The content and the layout of the form referred to in paragraph 5 of this Article and Article 24, paragraph 4 of this Act shall be determined by the ordinance referred to in Article 86, paragraph 4 of this Act issued by the Minister.

#### Obligations of landfill operators

#### Article 26

(1) The landfill operator shall determine the mass of waste using an appropriate device which is calibrated for mass and linked with the vehicle identification system (such as the licence plate tracking system).

(2) The Agency shall calculate and submit to the Ministry data on the maximum allowed mass of biodegradable municipal waste referred to in Article 24, paragraph 1 of this Act, the coefficient referred to in Article 24, paragraph 3 of this Act, the maximum allowed mass of waste which may be deposited in the non-compliant landfill referred to in Article 25, paragraph 3 of this Act and the coefficient referred to in Article 25, paragraph 4 of this Act.

(3) The Ministry shall determine the compliance status of the landfill with respect to the requirements laid down in the ordinance referred to in Article 104 of this Act at least twice a year.

(4) The Ministry shall publish on its website the data referred to in paragraph 2 of this Article.

(5) With respect to the published data referred to in paragraph 4 of this Article, landfill operators and operators of non-compliant landfills may submit a proposal to the Ministry, within 30 days of the publication of those data, suggesting a different allocation of the landfill waste allowance from that referred to in Article 24, paragraph 2 and Article 25, paragraph 3 of this Act, or a different determination of the coefficients referred to in Article 24, paragraph

3 and Article 25, paragraph 4 of this Act, providing that the adoption of such proposals does not entail the possibility of the total quantities of biodegradable waste deposited in the landfills or waste deposited in the non-compliant landfills exceeding those referred to in paragraph 2 of this Article.

(6) Based on the calculations referred to in paragraph 2 of this Article, the proposals referred to in paragraph 5 of this Article, if submitted, and the status of landfill compliance referred to in paragraph 3 of this Article, the Minister shall specify by a decision the mass of waste referred to in Article 24, paragraph 2 and Article 25, paragraph 3 of this Act and the coefficients referred to in Article 24, paragraph 3 and Article 25, paragraph 4 of this Act for a six-month period.

(7) The landfill operator shall comply with the quantities of waste specified in the decision referred to in paragraph 6 of this Article regardless of any documents obtained which govern the operation of the landfill.

(8) On the basis of the decision referred to in paragraph 6 of this Article, landfill operators or operators of non-compliant landfills shall conclude a contract regulating the rights and obligations in relation to the allocation of the landfill waste allowance referred to in Article 24, paragraph 2 and Article 25, paragraph 3 of this Act, and the coefficients referred to in Article 24, paragraph 3, or Article 25, paragraph 4 of this Act.

(9) The manner of determining the share of biodegradable municipal waste in municipal waste shall be prescribed by an instruction issued by the Minister.

(10) The Government shall lay down in a regulation the manner of and conditions for implementing the procedure for verifying the status of landfill compliance with the requirements prescribed, the method for determining the amount of waste deposited in a landfill and a non-compliant landfill and the method of calculating the municipal waste disposal charge referred to in Article 27 of this Act.

## Municipal waste disposal charge

### Article 27

(1) The Ministry shall at least once a year issue a decision determining the state of compliance of the amount of waste deposited in a landfill or a non-compliant landfill with the amount of waste as laid down in the decision referred to in Article 26, paragraph 6 of this Act.

(2) The ruling referred to in paragraph 1 of this Article shall be delivered to the landfill operator or the operator of the non-compliant landfill, to the local self-government unit in whose area the landfill or the non-compliant landfill is located, and to the Fund.

(3) Where it is established in the course of the procedure referred to in paragraph 1 of this Article that the amount of deposited waste exceeds the amount laid down in the decision

referred to in Article 26, paragraph 6 of this Act, the operator of that landfill or the operator of the non-compliant landfill shall pay the municipal waste disposal charge.

(4) The Fund shall in pursuance of its duties issue a decision on the compulsory payment of the municipal waste disposal charge.

(5) The municipal waste disposal charge shall be calculated on the basis of the amount of waste deposited in a landfill which exceeds the maximum allowable mass of waste specified in the decision referred to in Article 26, paragraph 6 of this Act.

(6) Liability to the municipal waste disposal charge shall be determined on the basis of the enforceable decision referred to in paragraph 4 of this Article.

(7) The municipal waste disposal charge shall be payable to the Fund for the purpose of bringing the non-compliant landfills into compliance with the requirements laid down in the ordinance referred to in Article 104 of this Act and for the purpose of co-financing the construction of recycling yards.

(8) An appeal may be lodged to the Ministry against the decision referred to in paragraph 4 of this Article.

(9) The provisions of the act governing the Fund shall apply accordingly to the collection of any outstanding amounts of the municipal waste disposal charge and the accrued interest pursuant to the civil obligations act.

Obligations of local self-government units

Article 28

(1) A unit of local self-government shall ensure in its area:

1. public service collection of mixed municipal waste and biodegradable municipal waste,
2. separate collection of waste paper, metal, glass, plastic, textile and bulky municipal waste,
3. prevention of the discarding of waste in a manner contrary to this Act and the elimination of any such discarded waste,
4. the implementation of the Plan,
5. the adoption and implementation of the waste management plan of the local self-government unit or the City of Zagreb,
6. the provision of educational and information activities in its area, and
7. the possibility of organising waste collection drives.

(2) Several units of local self-government may, by mutual agreement, ensure a joint fulfilment of one or more obligations referred to in paragraph 1 of this Article.

(3) A unit of local self-government shall participate in the special waste collection systems in accordance with the regulation governing the management of special categories of waste.

(4) A unit of local self-government shall ensure that the obligation set out in paragraph 1 of this Article is discharged in a manner that guarantees high quality standards, durability and cost-effectiveness and well as consistency with the principles of sustainable development, environmental protection and waste management, and shall ensure the public exercise of these operations.

#### Article 29

(1) The incentive charge for reducing the amount of mixed municipal waste is a measure designed to stimulate units of local self-government to implement, within the scope of their competences, measures to reduce the quantity of mixed municipal waste generated in their respective areas.

(2) Units of local self-government shall be liable to the charge referred to in paragraph 1 of this Article.

(3) The Fund shall, in pursuit of its duties, issue a decision on liability to the charge referred to in paragraph 1 of this Article.

(4) Liability to the charge referred to in paragraph 1 of this Article shall be determined on the basis of the enforceable decision issued by the Fund.

(5) The basis for calculating the charge referred to in paragraph 1 of this Article shall be the mass of mixed municipal waste collected which exceeds the prescribed limit amount of mixed municipal waste.

(6) The prescribed limit amount of mixed municipal waste referred to in paragraph 5 of this Article is the population equivalent of the amount of mixed municipal waste allowed in a certain period, as defined in the Government regulation referred to in paragraph 10 of this Article.

(7) The charge referred to in paragraph 1 of this Article shall be payable to the Fund for the purposes of co-financing separate collection of waste.

(8) An appeal may be lodged to the Ministry against the decision referred to in paragraph 3 of this Article.

(9) The provisions of the act governing the Fund shall apply accordingly to the collection of any outstanding amounts of the charge referred to in paragraph 1 of this Article and the accrued interest pursuant to the civil obligations act.

(10) The Government shall stipulate by a regulation the manner of municipal waste management as regards the obligations laid down in Article 28 and the present Article, the limit amount of mixed municipal waste for specific periods and the method of calculating the incentive charge for reducing the amounts of mixed municipal waste.

(11) The Minister shall lay down in an instruction the list of objects and substances considered as bulky municipal waste.

#### Public service collection of mixed and biodegradable municipal waste

#### Article 30

(1) Public service collection of mixed municipal waste and biodegradable municipal waste involves the collection of those wastes in a given service area using user containers, and the transport of those wastes to the authorised treatment facility.

(2) Public service collection of mixed municipal waste and biodegradable municipal waste is considered as a service of general interest.

(3) The service area referred to in paragraph 1 of this Article shall be the area of the local unit of self-government. The representative body of the local self-government unit may, by means of the decision referred to in paragraph 7 of this Article, delimit a service area at the community-level of self-government, in accordance with the act on local and regional self-government.

(4) The public service referred to in paragraph 1 of this Article shall be delivered by a provider of public service collection of mixed municipal waste or a provider of public service collection of biodegradable municipal waste, respectively (hereinafter: service provider).

(5) The user of the service referred to in paragraph 1 of this Article in a given service area shall be the real property owner or the owner of a specific part of the real property, or the user of the real property or of a specific part thereof, where the owner of the real property or the owner of the specific part of the real property has transferred the payment obligation onto the user by a contract, and has informed the service provider thereof. Several users may, upon request, and on the basis of mutual agreement, take a concerted approach to the service provider referred to in paragraph 3 of this Article.

(6) The service user referred to in paragraph 4 of this Article shall:

1. use the public services referred to in paragraph 1 of this Article in a manner consistent with this Act and the regulations adopted in pursuance of this Act, and with the acts of a general nature adopted by the unit of local self-government in pursuance of this Act.

2. submit difficult waste separately from mixed municipal waste and biodegradable municipal waste,

3. bear the costs of municipal waste management in proportion to the quantity of waste submitted to the service provider.

(7) The representative body of the local self-government unit shall take a decision specifying the manner in which the public services referred to in paragraph 1 of this Article shall be rendered, which shall include:

1. the criterion for calculating the amount of waste,
2. standard sizes and other relevant properties of waste collection containers,
3. minimum frequency of waste collection per area,
4. accounting periods throughout a calendar year,
5. service area for the services referred to in paragraph 1 of this Article,
6. the provisions laid down in the regulation referred to in Article 29, paragraph 10 of this Act,
7. general terms and conditions for service user contracts.

(8) Upon the adoption of the decision referred to in paragraph 7 of this Article, the representative body of the local self-government unit shall without delay forward the decision to the Ministry and shall publish it in the official journal and on the website of the local self-government unit.

(9) In the case laid down in Article 31, paragraph 2 of this Act, the service provider shall specify by a decision the unit charge per litre or kilogram of waste based on the consent obtained from the executive body of the local self-government unit.

#### Article 31

(1) The public service collection of mixed municipal waste and biodegradable municipal waste may be provided in accordance with the provisions of this Act by:

1. a company founded by the local self-government unit in which it is the majority shareholder, or has a majority holding,
2. a public institution founded by the local self-government unit,
3. a legal or a natural person on the basis of a concession contract.

(2) The representative body of a local self-government unit may award, by a decision, the public service collection of mixed and biodegradable municipal waste to a legal person referred to in paragraph 1, items 1 and 2 of this Article.

(3) The decision referred to in paragraph 2 of this Article shall be taken for the service area concerned.

(4) By way of derogation from paragraph 2 of this Article, a local self-government unit may award a 10-year concession for the provision of public service collection of mixed and biodegradable municipal waste.

(5) The concession referred to in paragraph 4 of this Article shall be awarded for the given service area according to the decision referred to in Article 30, paragraph 7 of this Act.

(6) The bid selection criteria shall be those laid down in a regulation governing concessions.

(7) The decision on the award of concession referred to in paragraph 4 of this Article shall be taken by the representative body of the local self-government unit.

(8) The decision referred to in paragraphs 2 and 7 of this Article shall be forwarded to the Ministry.

#### Article 32

(1) The service provider shall:

1. meet the transport criteria for the types and the amounts of waste he collects,
2. submit the waste collected to the holder of the permit referred to in Article 86 of this Act,
3. bear all the costs of managing the waste collected,
4. have available the financial, human and technical resources necessary to carry out the duties prescribed.

(2) The service provider may enter into a public service contract for the service referred to in Article 30, paragraph 4 of this Act with a legal or natural person – craftsman upon his request.

(3) A service provider performing other activities in addition to the provision of the services referred to in Article 30, paragraph 1 of this Act shall ensure that the income and the expenses from these activities are adequately treated in terms of accountancy and that these activities are adequately separated in terms of organisation.

(4) The manager or the natural person in charge of managing the service provider shall:

1. possess the professional knowledge and skills associated with the pursuit of waste management operations and be familiar with the waste management regulations,
2. be responsible for a professional and efficient exercise of the operations in compliance with waste management regulations,
3. hold a valid training certificate referred to in Article 52 of this Act.



(5) The service provider shall submit a report of its activities to the representative body of the local self-government unit by 31 January of the current year for the previous calendar year and shall forward it to the Agency.

### Article 33

(1) The service provider shall calculate a fee for the public service referred to in Article 30, paragraph 1 of this Act in a manner which guarantees the implementation of the “polluter pays” principle, ensures an economically viable business performance and a safe, regular and high quality service consistent with the provisions of this Act, the regulation referred to in Article 29, paragraph 10 of this Act and the decision referred to in Article 30, paragraph 7 of this Act.

(2) The service provider shall charge the user of the public service referred to in Article 30, paragraph 1 of this Act a fee which is proportional to the amount of the waste submitted during the accounting period, whereby the quantity criterion in a given accounting period shall mean the mass of the waste submitted or the volume of the waste container and the number of times the container has been emptied, in accordance with the decision referred to in Article 30, paragraph 7 of this Act.

(3) The service provider shall keep a record of the amounts of waste accepted from each user during the accounting period, using the quantity criterion as specified in paragraph 2 of this Article.

(4) The service provider shall include in the fee for the public service referred to in Article 30, paragraph 1 of this Act the following costs: purchase and maintenance costs for the waste collection equipment, costs of waste transport, costs of waste treatment and other costs laid down in the regulation referred to in Article 29, paragraph 10 of this Act.

(5) The service provider shall have a tariff specifying unit fees per mass of waste submitted or per volume of the waste container, in accordance with the provisions of paragraphs 1, 2 and 4 of this Article, the regulation referred to in Article 29, paragraph 10 of this Act and the decision referred to in Article 30, paragraph 7 of this Act. The service provider shall publish the tariff on his website.

(6) The service provider shall obtain consent from the executive body of the local self-government unit concerned before he begins to apply the tariff or its amendments.

(7) The executive body of the local self-government unit must deliver its opinion within 15 days of the submission of the request for the consent referred to in paragraph 6 of this Article.

(8) If the executive body of the local self-government unit fails to deliver its opinion within the period referred to in paragraph 7 of this Article, it shall be considered that consent has been given.

(9) The consent referred to in paragraph 6 of this Article shall not constitute an administrative act.

(10) The provisions on public services from the act regulating consumer protection shall apply to the public services referred to in paragraph 1 of this Article.

(11) The local self-government unit shall notify the State Inspector's Office, the Agency and the county office in charge of economic affairs of the implementation of the tariff referred to in paragraph 5 of this Article within three days of the beginning of its implementation.

(12) The State Inspector's Office shall monitor the compliance of the tariff with the provisions of this Act, the regulation referred to in Article 29, paragraph 10 of this Act and the decision referred to in Article 30 paragraph 7 of this Act.

(13) The representative body of the local self-government unit may stipulate, by a decision, that the user of the service referred to in Article 30, paragraph 1 of this Act shall be liable to a special charge in accordance with the Construction Programme for Municipal Waste Management Facilities, which is an integral part of the Programme for the Construction of the Facilities and Installations of Utility Infrastructure adopted under the utility service act. The Construction Programme for Municipal Waste Management Facilities and the decision on the liability to the special charge shall be delivered to the Agency.

(14) The Construction Programme for Municipal Waste Management Facilities shall contain, in particular:

1. the description of activities including an estimate of the costs of realisation of the construction projects for waste management facilities,
2. a statement of the funds necessary for the completion of the programme per each period, including an indication of their sources.

(15) The executive body of the local self-government unit shall submit a report on the execution of the Programme referred to in paragraph 14 of this Article to the representative body of the local self-government unit by 31 March of the current year for the previous calendar year, and shall deliver it to the Agency.

(16) The charge referred to in paragraph 13 of this Article may be imposed for the purpose of financing the construction of municipal waste management facilities and remediation of non-compliant landfills in the area of the local self-government unit concerned.

(17) The decision referred to in paragraph 13 of this Article shall lay down in detail the use of the proceeds from the charge referred to in paragraph 13 of this Article, supervision over the calculation and collection of the charge, and may further detail its payers and payment exemptions.

(18) The charge referred to in paragraph 13 of this Article shall be calculated and stated separately on the invoice for the public service referred to in Article 30, paragraph 1 of this Act.

(19) The charge referred to in paragraph 13 of this Article shall be a public levy and shall be credited to income section in the budget of the local self-government unit; it may be used only for the purposes laid down in paragraph 16 of this Article.

(20) The Government shall lay down in the regulation referred to in Article 29, paragraph 10 of this Act the method and the terms of calculating the public service fee for the public service referred to in Article 30, paragraph 1 of this Act, the structure of that fee, the manner and terms of data delivery pursuant to this Article, the content of requests for the consent referred to in paragraph 6 of this Article, the procedure for granting the consent referred to in paragraph 6 of this Article, the method and the conditions of determining and calculating the charge referred to in paragraph 13 of this Article and the manner of preparing the report referred to in Article 32, paragraph 5 of this Act.

#### Article 34

Pursuant to the act governing administrative proceedings, the State Inspector's Office shall be the authority responsible for handling complaints by service users – consumers against actions of the service provider, as regards the protection of their rights or legal interests.

Separate collection of waste paper, metal, glass, plastic, textiles and bulky municipal waste

#### Article 35

(1) In fulfilling the obligation concerning separate collection of difficult wastes, waste paper, metal, glass, plastic, textiles and bulky municipal waste, the local self-government unit shall ensure:

1. the operation of at least one recycling yard or a mobile unit in its area in accordance with paragraphs 2, 3 and 4 of this Article,
2. the installation of an adequate number and type of containers on public surfaces for the separate collection of difficult wastes, waste paper, metal, glass, plastic and textile, which are not covered by the special waste management system,
3. that households are notified of the location and changes in the location of recycling yards, mobile units or containers for separate collection of difficult wastes, waste paper, metal, glass, plastic and textile, and
4. the transportation of bulky municipal waste on user request.

(2) For the purposes of paragraph 1, item 1 of this Article, a local self-government unit:

1. with a population of 1,500 or less, which did not make provisions for the operation of a recycling yard must make arrangements for the operation of a mobile unit in its area, which shall be considered a recycling yard for the purposes of this Act,

2. with a population of over 1,500 shall make provisions for the operation of at least one recycling yard and of one more recycling yard on every further 25 000 inhabitants in its area,

3. with a population of over 100,000 shall make provisions for the operation of at least four recycling yards and of one more recycling yards on every further 30 000 inhabitants in its area,

4. shall make arrangements for the operation of a mobile unit in those settlements where no recycling yard is in place, which shall be considered a recycling yard for the purposes of this Act.

(3) By way of derogation from paragraph 2, item 3 of this Article, the City of Zagreb shall make arrangements for the operation of at least one recycling yard in each city district.

(4) The unit of local self-government shall ensure that the distribution of recycling yards or the operation of a mobile unit facilitate access to such yards or to the unit to the whole population in the area for which the recycling yards, i.e. the mobile units were installed.

(5) The operator of a recycling yard shall:

1. accept, free of charge, and keep a record of acceptance of the following types of municipal waste generated by households in the relevant area of the local self-government unit for which the recycling yard was installed: difficult wastes, waste paper, wood, metal, glass, plastic, textile and bulky waste,

2. store the waste separately using appropriate containers,

3. submit the waste to the entity authorised for the management of the type of waste concerned,

4. participate in the special waste management systems in a manner laid down by the regulation on the management of special categories of waste.

(6) The operator of a recycling yard shall determine, in cooperation with the bodies of the local self-government unit, eligibility to the use of recycling yard services free of charge within the meaning of the provision of paragraph 5, item 1 of this Article.

(7) The operator of a recycling yard shall request from the person submitting waste to present personal identification for the purpose of exercising the rights set out in paragraph 5, item 1 of this Article.

(8) The operator of a recycling yard may also accept waste which was not generated in the relevant area of the local self-government unit for which the recycling yard was installed and

waste not generated by households. The person submitting such waste shall bear all the costs of managing such waste.

(9) It shall be prohibited to discard and collect bulky waste on a public surface, except by using containers.

(10) The provider of the mixed municipal waste collection service shall provide recycling yard services and the transport of bulky municipal waste upon user's request.

(11) The waste management costs incurred by a recycling yard as a result of implementing paragraph 8 of this Article shall not be considered eligible maintenance and operating costs of the recycling yard concerned.

(12) The Government shall stipulate in the regulation referred to in Article 29, paragraph 10 of this Act conditions for the spatial distribution of recycling yards with a view to meeting the recycling yard accessibility criteria, the manner of operation of mobile units, the manner of servicing the obligations referred to in paragraph 5 of this Article, the reporting procedure and the method of calculating eligible maintenance and operating costs of recycling yards and mobile units.

Elimination of discarded waste

#### Article 36

(1) A person performing the tasks of the service responsible for municipal rules of the local self-government unit (hereinafter: the municipal services monitoring officer) shall ensure the fulfilment of the obligations referred to in Article 28, paragraph 1, item 3 of this Act by taking:

1. measures for the prevention of improper discarding of waste
2. measures for the elimination of any waste discarded into the environment, which includes the elimination of marine debris.

(2) The measures referred to in paragraph 1, item 1 of this Article shall include:

1. the establishment of a system for receiving information on any improperly discarded waste,
2. the establishment of a system for registering the locations of discarded waste,
3. regular yearly inspection of the area of the local self-government unit with a view to detecting any discarded waste, and in particular the locations in which the presence of discarded waste was recorded in the previous two years,
4. other measures in accordance with the decision of the representative body of the local self-government unit referred to in paragraph 13 of this Article.

(3) For the purpose of implementing the measures referred to in paragraph 1, item 2 of this Article, the municipal services monitoring officer shall issue a decision, ordering that the owner or the holder, if the owner is unknown, of the real property where the waste has been improperly discarded, eliminate such waste, or order that the elimination of such waste be performed by the person who is in charge, under a special regulation, for the management of a particular area (property), if the waste has been discarded in such an area (property).

(4) The decision referred to in paragraph 3 of this Article shall specify the location of discarded waste, its estimated amount, the person responsible for eliminating the waste, and the obligation to eliminate the waste by handing it over to a person authorized for the management of the type of waste concerned within a period which may not exceed 6 months from the date the decision was received.

(5) An appeal may be lodged against the decision under paragraph 3 of this Article to the competent administrative body, while an appeal against the decision issued by a municipal services monitoring officer of the City of Zagreb may be lodged to the Ministry.

(6) Upon expiry of the deadline defined in the decision referred to in paragraph 4 of this Article, the municipal services monitoring officer shall verify compliance with the obligation imposed by the decision. Should the municipal services monitoring officer find that the obligation imposed by the decision referred to in paragraph 3 of this Article has not been fulfilled, the local self-government unit or the City of Zagreb shall ensure that such waste is eliminated by handing it over to the person authorized for the management of the type of waste concerned.

(7) Should the municipal services monitoring officer establish the existence of a reasonable doubt that hazardous or other waste has been discarded on a real property whose owner or holder, if the real property owner is unknown, or the person who is in charge, under a special regulation, of managing a particular area (property), does not allow access for the purpose of establishing the facts relating to the discarded waste, the municipal services monitoring officer shall be authorised to require a court order and the assistance of the staff of the Ministry of Interior to gain entry to the real property for the purpose of establishing facts.

(8) The local self-government unit shall enter on a monthly basis the data specified in the decisions referred to in paragraph 3 of this Article into the network application for the records of discarded waste locations referred to in Article 137, paragraph 3, item 7 of this Act.

(9) The executive body of the local self-government unit shall submit a report on the locations and amounts of discarded waste, the costs of eliminating the discarded waste and the implementation of the measures referred to in paragraph 1 of this Article to the representative body of that unit by 31 March of the current year for the previous calendar year.

(10) On the basis of the report referred to in paragraph 9 of this Article the representative body of the local self-government unit shall take a decision on the implementation of special

measures for the prevention of discarding waste as regards the locations in which improperly discarded waste has been identified on several occasions.

(11) The funds necessary for the implementation of the measures referred to in paragraph 1 of this Article shall be secured in the budget of the local self-government unit.

(12) A local self-government unit shall be entitled to compensation for the waste elimination costs referred to in paragraph 6 of this Article from the owner or the holder, if the owner is unknown, of the real property on which the waste was located, or from the person who is in charge, under a special regulation, for the management of the area (property) on which the waste was located.

(13) The manner of implementing the measures laid down in this Article shall be laid down by the decision of the representative body of the local self-government unit as regards the measures for the prevention of improper discarding of waste and measures for the elimination of discarded waste, which shall be forwarded to the Ministry immediately upon its issuance and published in the official journal and on website of the local self-government unit.

Remediation of sites contaminated by waste

#### Article 37

(1) The polluter shall ensure environmental remediation of the site contaminated by waste.

(2) When the polluter is unknown or has ceased to exist and has no legal successor, the remediation shall be provided by the owner or the holder of the real property located in the site referred to in paragraph 1 of this Article.

(3) In case that the site remediation referred to in paragraphs 1 and 2 of this Article is co-financed and/or financed by the Republic of Croatia, it shall be entitled to remuneration of all remediation costs from the future owner.

#### Article 38

(1) When the polluter has failed to carry out remediation of the waste-contaminated site referred to in Article 37, paragraph 1 of this Act, the remediation shall be carried out by the Republic of Croatia.

(2) The Republic of Croatia shall be entitled to remuneration of all costs in respect of the remediation operations performed. In order to secure the payment of the remediation costs, the Republic of Croatia shall, on the basis of this Act, be granted a statutory lien on the real property that was subject to the remediation operations in the amount of the remediation costs.

(3) Prior to remediation operations, the Land Registry Court shall, on the proposal of the Republic of Croatia, make an entry in the land register in respect of the intended remediation and the remediation effects.

(4) The competent Land Registry Court shall register a lien for the benefit of the Republic of Croatia based on the invoice for the costs of remediation issued by the person who carried out the remediation operations on behalf of the Republic of Croatia.

(5) The Fund shall carry out all activities relating to environmental remediation in the name and for the account of the Republic of Croatia on the basis of the decision on remediation taken by the Ministry in accordance with the Plan.

(6) The decision on remediation shall specify all measures and activities to be taken in the process of remedying the site contaminated by hazardous waste.

(7) The Fund may co-finance projects for the remediation of non-compliant landfills providing that the conditions laid down in the ordinance referred to in Article 104 have been met.

(8) The provisions of this Article shall also apply to legal persons undergoing bankruptcy proceedings and to the real property owned by such legal persons, in which case the costs of remediation shall be reported in the bankruptcy proceedings.

#### Educational activities and information provision

##### Article 39

(1) A local self-government unit shall take appropriate measures to ensure that educational activities and information provision with respect to waste management are implemented in its area on a yearly basis, at its own cost, including in particular public forums, waste management publications and special features in the mass media such as the television and the radio.

(2) A local self-government unit shall establish as part of its official websites, and keep up to date, a website containing information on waste management in its area.

(3) The priority area of educational activities and information provision concerning waste management and the obligatory annual information content relating to waste management shall be prescribed in an instruction issued by the Minister.

(4) The mandatory information content which shall be published on the official website of the local self-government unit shall be laid down by the regulation referred to in Article 137, paragraph 8 of this Act.

(5) A report on the implementation of educational activities and information provision shall be an integral part of the annual progress report on the implementation of the waste management plan of the local self-government unit.

#### Waste collection drive

##### Article 40



(1) A legal and a natural person - craftsman may launch a waste collection drive for specific types of waste for sporting, educational, ecological or humanitarian purposes, in co-operation with a person holding a valid permit referred to in Article 86 of this Act to manage the type of waste to be collected during the waste collection drive, providing he has obtained an approval from the administrative department of the local self-government unit responsible for environmental affairs (hereinafter: the competent administrative department).

(2) A request for approval referred to in paragraph 1 of this Article shall be submitted at least two months before the start of the waste collection drive.

(3) The approval referred to in paragraph 1 of this Article shall define:

1. the duration of the waste collection drive,
2. the type of waste to be collected,
3. the methods, terms and the purpose of the drive,
4. deadline for the submission of the report on the waste collection drive.

(4) The approval referred to in paragraph 1 of this Article shall not constitute an administrative act.

(5) The person who has been granted the approval referred to in paragraph 1 of this Article shall ensure that the waste collected during the waste collection drive is handed over to the person holding a valid permit referred to in Article 86 of this Act.

(6) The competent administrative department shall enter the data on the waste collection drive into the waste management information system no later than one month prior to the start of the drive.

(7) The duration of the waste collection drive referred to in paragraph 1 of this Article shall be limited to 30 days at most.

(8) The person launching the waste collection drive referred to in paragraph 1 of this Article shall be deemed to be the owner of the waste collected during the waste collection drive.

(9) The waste collection drive referred to in paragraph 1 of this Article shall be supervised by the municipal services monitoring officer.

(10) The person launching the waste collection drive shall submit a report on the waste collection drive to the competent administrative department within eight days of the completion of the drive referred to in paragraph 1 of this Article.

(11) The competent administrative department shall submit a report to the Agency by 31 March of the current year for the previous calendar year on the waste collection drives referred to in paragraph 1 of this Article which were carried out in its area.

(12) On the basis of the submitted reports referred to in paragraph 11 of this Article and an expert analysis, the Agency shall prepare an annual report on the waste collection drives carried out in the Republic of Croatia and shall publish it on its website.

(13) If a person referred to in paragraph 5 of this Article launches up to two waste collection drives in the same calendar year in two distinct local self-government units, such person shall not be deemed to be carrying out a waste management operation.

#### Compensation for proximity of non-compliant landfills

##### Article 41

(1) The owner of an existing residential, or a residential-commercial building permanently occupied by residents, which is situated at a distance of up to 500 m measuring from the vertex of the cadastral plot on which a non-complaint landfill is located to the vertex of the cadastral plot on which the residential and the residential-commercial building is located, shall be entitled to a financial compensation due to the proximity of a non-compliant landfill, under the condition that he had acquired ownership of the real estate before the construction of the landfill facility began.

(2) The operator of the non-compliant landfill shall be liable to pay the compensation referred to in paragraph 1 of this Article.

(3) Upon request of the real property owner referred to in paragraph 1 of this Article the competent body of the local self-government unit in whose territory the non-compliant landfill is located shall issue a decision determining the right to compensation and the amount of the financial compensation to be awarded on account of the proximity of the non-compliant landfill.

(4) An appeal may be lodged to the Ministry against the decision referred to in paragraph 3 of this Article.

(5) The criteria and the method for defining the amount of the compensation, the manner in which the compensations referred to in paragraph 1 of this Article shall be paid in and out shall be laid down by an ordinance issued by the Minister.

#### Obligations of product producers

##### Article 42

(1) A product producer shall plan the development, production and advertising of products and their packaging in such a manner as will improve their production through the application of cleaner technologies, allow an efficient use of materials and energy, encourage the re-use and recycling of the products (if feasible given the nature of the product), and the use of the most favourable recovery and/or disposal operations with products whose shelf-life has expired, with a view to minimizing adverse environmental impacts.

(2) A product producer shall use the source materials, materials, semi-products and packaging which minimize the use of energy and materials and environmental effects, and whose utilization reduces the generation of waste during the production process and subsequent product use.

(3) A product producer shall to the maximum extent possible introduce and use reusable packaging, which reduces the environmental load from waste compared to disposable packaging.

(4) A product producer shall take measures to avoid the use of materials, substances and/or objects containing hazardous substances in amounts and/or concentrations likely to have adverse effects on human health and/or the environment in the course of production, product use and the management of the waste generated by such a product. The conditions and limitations with respect to the use of specific substances in certain types of products and packaging shall be prescribed by an ordinance issued by the Minister.

(5) It shall be prohibited to place on the market products and product packaging which contain materials and hazardous substances in such amounts and/or concentrations as are likely to have adverse effects on human health or the environment.

(6) A product producer shall take measures to ensure that products and packaging are labelled in order to inform consumers about their essential properties with respect to the hazardous and polluting substances contained therein and about the waste management operation to which the products and their packaging shall be subjected once they have become waste, in the manner prescribed by the regulation governing the management of special categories of waste.

(7) The producer of a product generating a special category of waste shall, in accordance with the regulation governing the management of special categories of waste, take measures to ensure that a product buyer and/or user:

1. can return the product and/packaging used,
2. can accept the waste generated by the type of product concerned,
3. has information on the extent to which the product may be re-used and recycled.

(8) A product producer shall:

1. ensure, and bear the costs of, proving that the product and the packaging comply with the requirements prescribed,
2. be entered into the Register of Managing Special Waste Categories no later than eight days before placing on the market a product which must, under this Act and the regulations adopted in pursuance of this Act, meet the target referred to in Article 64, paragraph 1 of this Act.

3. submit information into the Register of Managing Special Waste Categories on the quantity of the product placed on the market, evidence showing that the product complies with the requirements prescribed for that product, and any other product information in accordance with the regulation governing the management of special categories of waste,

4. participate in the special waste management system in the manner prescribed by the regulation governing the management of special categories of waste, in accordance with the ordinance referred to in Article 43, paragraph 5 of this Act,

5. insert on the product packaging or supply with the accompanying product documents user instructions containing information on the environmental impact of the product and its packaging and after-use instructions concerning the product and the packaging, in accordance with the regulation governing the management of special categories of waste.

(9) The producer of a product generating a special category of waste shall fulfil the obligations in proportion to the quantity of the product placed on the market in accordance with Article 64 of this Act.

(10) A producer who sells a product generating a special category of waste shall take measures to ensure that such waste can be accepted on the site where the product is being sold, free from any costs for the buyer, in accordance with the ordinance governing the management of special categories of waste referred to in Article 53, paragraph 3 of this Act. In the case of sale via mail order catalogues, Internet-based and similar types of sale, the product producer shall inform the buyer on his website of the location where he has made arrangements to ensure the acceptance of the waste generated by such products in the area of the local self-government unit where the buyer has residence, free from any costs for the buyer.

(11) The obligations of the product producer laid down by this Article shall arise at the moment of placing the product on the market and shall be applied regardless of other waste management obligations and responsibilities, current specific features of the waste streams and special product-related regulations.

## Register of Managing Special Waste Categories

### Article 43

(1) The Register of Managing Special Waste Categories shall be kept by the Fund.

(2) The Register of Managing Special Waste Categories shall contain data on the products and their waste management properties so as to ensure the implementation of the principles referred to in Article 6, paragraph 1, items 1 to 4 of this Act, in particular data with respect to:

1. producers of the products generating special categories of waste,

2. products generating special categories of waste,

3. compliance with the conditions prescribed in accordance with the regulation governing the management of special categories of waste and the ordinance laying down the conditions and limitations concerning the use of specific substances in certain types of products and product packaging,
4. fulfilment of the obligations concerning product and packaging labelling,
5. waste treatment or management,
6. quantities of products placed on the market or exported,
7. fulfilment of the obligations laid down in Article 42, paragraph 9 of this Act,
8. inspections carried out.

(3) A product producer entered into the Register of Managing Special Waste Categories shall notify the Fund of the termination of his business activity, a status change, a change in the scope of activity and any other change in the data set out in paragraph 2 of this Article within 15 days of the change.

(4) The Register of Managing Special Waste Categories shall be kept by means of an electronic software package which enables networked data input, processing and display.

(5) The form, the content and the method of keeping and entering data into the Register of Managing Special Waste Categories shall be prescribed by an ordinance issued by the Minister.

#### Obligations of waste producers and waste holders

#### Article 44

(1) A waste producer and any other waste holder shall hand over their waste to a person carrying out waste management operations in accordance with the present Act.

(2) By way of derogation from paragraph 1 of this Article, waste may be processed by the waste producer and another waste holder who:

1. carries out waste management operations himself, in accordance with this Act,
2. as a natural person uses biological aerobic treatment (composting) with his biodegradable garden waste in accordance with Article 9, paragraph 1 of this Act.

(3) A waste producer and/or holder shall supply a transfer note to accompany the waste handed over to a person carrying out waste management operations in accordance with this Act, and shall be responsible for the accuracy of the waste data included therein.

(4) A waste holder's responsibility for the waste handed over shall terminate after the waste has been duly accepted and the transfer note or the movement document, in the case of its export, has been duly certified by the person to whom such waste has been handed over.

(5) Waste handling data shall be kept at least 5 years, or 12 months in the case of the transport of hazardous waste, and all evidence and other relevant information about the actions taken shall be made available at the request of the competent bodies or the previous waste holder.

(6) The form of the transfer note shall be laid down by the Minister in the ordinance referred to in Article 86, paragraph 4 of this Act.

## Register of Waste Generation and Waste Streams

### Article 45

(1) A person who produces waste while carrying out his business operations and a person carrying out waste management operations shall keep a Register of Waste Generation and Waste Streams for each type of waste.

(2) The Register of Waste Generation and Waste Streams shall consist of a form and transfer notes for specific types of waste.

(3) The person referred to in paragraph 1 of this Article shall enter updated and full data into the Register of Waste Generation and Waste Streams following each status change, and shall keep the data entered into the Register for five years.

(4) The person who has obtained the permit referred to in Article 86 of this Act, the waste dealer, the person entered into the Register of Recycling Yards, the provider of public service collection of mixed municipal waste and the provider of public service collection of biodegradable municipal waste shall keep a Register of Waste Generation and Waste Streams (e-onto) by means of a network application referred to in Article 137 of this Act.

(5) The person referred to in paragraph 1 of this Article, except the persons referred to in paragraph 4 of this Article, shall keep a Register of Waste Generation and Waste Streams in written form, but may also keep it, upon his own request, using the network application referred to in paragraph 4 of this Article.

(6) The person who enters data into the Register of Waste Generation and Waste Streams shall be responsible for the truthfulness of the data entered.

(7) The costs of operating the network application referred to in Article 137 of this Act shall be borne by the application users.

(8) The format, the layout and the method of keeping the Register of Waste Generation and Waste Streams, the data keeping and submission methods, the deadlines for the submission of data and the method of calculating the network's operating costs shall be prescribed by the Minister in the ordinance referred to in Article 86, paragraph 4 of this Act.

## Waste commissioner

### Article 46

(1) A legal person who is a waste producer and has 50 or more employees shall appoint:

1. a waste commissioner (hereinafter: the commissioner),
2. a deputy commissioner who shall perform the commissioner's duties during his absence.

(2) Arrangements shall be made to ensure that the commissioner has sufficient time during the working hours, the possibility of professional improvement and access to technical information and adequate tools necessary for the performance of his duties.

(3) The commissioner shall:

1. supervise the implementation of waste management regulations, identify any defects and inform the owner or the responsible person of the legal person referred to in paragraph 1 of this Article about the defects identified,

2. make arrangements for the appropriate implementation of waste regulations with the legal person referred to in paragraph 1 of this Article,

3. provide advice to the owner or the responsible person of the legal person referred to in paragraph 1 of this Article on all waste management issues of relevance to the legal person concerned.

(4) No responsibility for the fulfilment of the prescribed waste obligations shall be transferred to the commissioner.

(5) The appointment of the commissioner shall have no effect on the responsibilities of the legal person referred to in paragraph 1 of this Article for the performance of the waste management obligations prescribed.

(6) The legal person referred to in paragraph 1 of this Article shall forward to the Agency information on the appointment of the commissioner and the deputy commissioner.

## Storage of own produced waste

### Article 47

(1) The waste producer shall store his own waste, separately by type, in the storage space for its own produced waste at the point of its generation, in a manner which prevents any mixing and enables the treatment of such waste, in accordance with Article 114 of this Act.

(2) The waste producer is allowed to store his own production waste for a period of up to one year after it was generated.

#### Waste management plan of the waste producer

#### Article 48

(1) A waste producer whose activities generate annually 200 or more kilograms of hazardous waste in a particular location shall draw up a waste producer's waste management plan for that particular location.

(2) By way of derogation from paragraph 1 of this Article, a waste producer shall not be required to draw up a waste management plan referred to in paragraph 1 of this Article if he:

1. holds a valid environmental statement in accordance with the regulation on participation of organizations in the eco-management and audit scheme (EMAS), or the ISO 14001 certificate, or

2. holds a valid permit referred to in Article 86 of this Act.

(3) A waste producer shall draw up the plan referred to in paragraph 1 of this Article within a year after the start of operation, or within three months after he has produced for the first time in the year 200 and more kilograms of hazardous waste.

(4) The plan referred to in paragraph 1 of this Article shall be drawn up using a form and shall include:

1. data on the location and the plant,
2. data on the production process,
3. management measures for the purpose of fulfilling waste management obligations,
4. data on the planned activities and developments in waste management,
5. a list of prescribed waste management obligations.

(5) The plan referred to in paragraph 1 of this Article shall be submitted to the competent administrative body for verification of the compliance of its content with the provisions of waste management regulations, if possible, in a digital format.

(6) In the case of non-compliance of the plan with the provisions of the waste management regulations, the competent administrative body shall order by a decision that the plan be amended within 15 days at the latest.

(7) An appeal may be lodged to the Ministry against the decision referred to in paragraph 6 of this Article.



(8) A waste producer shall take measures to amend or revise the plan referred to in paragraph 1 of this Article every five years, or in the case of any substantial change in its activities in the location.

(9) The form to be used for drawing up the plan referred to in paragraph 1 of this Article shall be specified by the regulation issued by the Minister referred to in Article 86, paragraph 4 of this Act.

(10) The competent administrative body shall make a list of persons liable to draw up the plan referred to in paragraph 1 of this Article and the list of persons who have drawn up the plan in the area of the regional self-government unit, and shall submit them to the Agency by 31 March of the current year for the previous calendar year.

(11) The Agency shall prepare annual reports on the fulfilment of the obligation concerning the preparation of the plans referred to in paragraph 1 of this Article.

#### Article 49

(1) The generation, the collection and the transportation of hazardous waste, including its storage and treatment, shall be carried out in accordance with Articles 6 and 9 of this Act, applying measures to ensure traceability from the generation to the treatment of waste and the control of hazardous waste streams.

(2) When a holder of hazardous waste hands over the waste for which he does not possess a declaration on waste properties or whose amount exceeds one tonne to a person carrying out waste management operations in accordance with the present Act, he shall accompany such waste with a transfer note and a report on the testing of the waste properties which must not be older than 12 months counting from the day when the testing of its properties was performed, unless stated otherwise by the regulation governing the management of special categories of waste.

(3) When the amount of hazardous waste of a known composition is less than one tonne, the holder of the hazardous waste shall, in addition to a transfer note, deliver to the authorised person the declaration on waste properties as provided for by the ordinance referred to in Article 51, paragraph 8 of this Act.

#### Accredited laboratory

#### Article 50

(1) A legal person may carry out sampling and testing of waste properties, waste classification, waste classification for the purpose of disposal, testing of products and product packaging and the assessment of the non-existence of a hazardous property in specific waste if it obtains from the Ministry a certificate of entry into the Register of Waste Testing Laboratories (hereinafter: the accredited laboratory).

(2) The Ministry shall, upon request of a legal person, issue a certificate of entry into the Register of Waste Testing Laboratories and shall enter the relevant information into the network application referred to in Article 137 of this Act, if it establishes that the legal person is:

1. registered to perform the testing and analyses,

2. accredited in accordance with the requirements of the relevant standard for each reference method of testing in line with the certificate of accreditation issued by the accreditation authority or the certificate of equivalence of the testing method and the reference method issued by the reference laboratory.

(3) Entry into the Register of Waste Testing Laboratories shall be denied by a decision issued by the Ministry.

(4) The certificate referred to in paragraph 2 of this Article shall be issued for the validity period of accreditation for a specific testing method, but not longer than five years.

(5) An accredited laboratory shall:

1. release the test results using a form via a network application which forms a constituent part of the waste management information system,

2. carry out testing in a responsible manner, meeting high standards and following the rules of profession,

3. inform the Ministry of any change in the conditions within eight days of the occurrence of such change.

(6) The accredited laboratory shall take measures to ensure that the testing procedures, the data and their interpretation are true and founded on expert knowledge.

(7) The Ministry shall issue a decision by which an accredited laboratory will be removed from the Register if it is established, on the basis of inspections or in any other manner, that the laboratory fails to comply with the conditions on the basis of which the laboratory was found eligible for entry into the Register.

(8) No appeal shall be allowed against the decisions on requests for entry into the Register of Waste Testing Laboratories or against the decisions under paragraph 7 of this Article, but an administrative dispute may be initiated.

Reference laboratory

Article 51

(1) Quality assurance and verification of waste property tests, testing the equivalence between specific methods and the reference testing methods, verification of technical characteristics of

the waste property testing equipment, and the processing, presentation and interpretation of the measurement results for specific methods shall be carried out by a legal person which has entered into a contract with the Ministry to perform the activities of the reference laboratory.

(2) The Ministry shall invite applications for the award of contract to act as the reference laboratory, which shall be published in the Official Gazette and on the Ministry's website.

(3) The contract to perform the activities of a reference laboratory shall be signed for a period of five years and shall include in particular:

1. targets, obligations and the deadlines by which these targets and obligations shall be met,
2. the method of monitoring and reporting on the state of compliance with the targets and obligations,
3. the conditions for the termination of contract in the event of non-compliance with the targets.

(4) A reference laboratory shall issue a certificate of equivalence between a specific method and the reference testing method.

(5) By way of derogation from paragraph 4 of this Article, in the case that there is no reference laboratory for a specific reference testing method in the Republic of Croatia, the certificate of equivalence between a specific method and the testing reference issued by a reference laboratory of a Member State of the European Union shall be recognized. The certificate must be translated into Croatian by a certified translator.

(6) The funds needed to cover the costs of mandatory activities of the reference laboratory shall be secured from the national budget.

(7) A reference laboratory shall not perform on the market those activities of an accredited laboratory referred to in Article 50, paragraph 1 of this Act for which it has been awarded the contract to act as the reference laboratory.

(8) The reference methods and the methods of classification, sampling and testing of waste properties, the method of assessing non-existence of a hazardous property in specific waste, the method of performing the activities of an accredited laboratory, including corresponding mandatory standards, the content and the form of the declaration on waste properties, the content and the forms to be included and used in reporting the results of waste testing, the conditions to be met by a reference laboratory, and the activities and the method for performing the activities of a reference laboratory shall be prescribed by an ordinance issued by the Minister.

Waste management training

Article 52

(1) A waste commissioner and his deputy, a manager or a natural person managing the provider of public services referred to in Article 30 of this Act or a person responsible for waste management shall obtain from the Ministry a certificate of training in waste management.

(2) The Ministry shall issue a certificate of training in waste management for a five-year period to the person referred to in paragraph 1 of this Article who has fulfilled the obligations in accordance with the Waste Management Training Programme.

(3) The content of the waste management training and the manner of its implementation shall be laid down in the Waste Management Training Programme adopted by the Ministry.

#### Special waste categories

#### Article 53

(1) Bio-waste, textile and footwear waste, packaging waste, end-of-life tyres, waste oils, waste batteries and accumulators, end-of-life vehicles, asbestos-containing waste, clinical waste, waste electrical and electronic equipment and devices, end-of-life ships, marine waste, construction waste, wastewater treatment sludge, wastes from titanium dioxide production, polychlorinated biphenyls waste and polychlorinated terphenyls waste shall be considered as special categories of waste.

(2) The following shall also be understood a special category of waste:

1. specific waste for which, following the analysis of the current state in the management of such waste, the Minister takes the decision that, in order to meet the requirements referred to in Articles 6, 7 and 9 of this Act, it is necessary to prescribe a special way of managing such waste, and

2. specific waste for which a management method has been established by the European Union legislation.

(3) The Minister shall prescribe by an ordinance the procedures and targets for individual special waste management systems, the conditions for the management of special categories of waste, types of waste to be collected separately and the method of treatment of such waste, requirements with respect to the collection, storage and transportation of waste, including the marking and equipping of the vehicles, requirements with respect to waste treatment, requirements concerning the waste generated by treatment and the related measurement procedures, the content of the programme for the provision of collection services with respect to a special category of waste, record-keeping obligations, evidence and information provision requirements, the methods of carrying out life-cycle analyses, conditions for departures from the priority order, product producers' obligations and the manner of their fulfilment, product-related requirements, the method and conditions of labelling products and product packaging, the list of the products types which must be entered into the Register of Managing Special Waste Categories, the list of the products types for which individual fulfilment of the

requirements and targets may be allowed, the minimum quantity of certain types of products referred to in Article 80, paragraph 1 of this Act, mandatory procedures to be applied by a waste producer and a waste holder, and requirements concerning the technological process of mixing specific waste.

(4) The Government shall lay down by a regulation the method of fulfilling the target-meeting requirements with respect to the management of special categories of waste through a system managed by the Fund and a system managed by an organisation, the calculation method and the amount of the charge payable for the management of special categories of waste, the calculation method and the amount of the charge payable for the operation of the special waste management system, the amount of the refund for specific categories of waste, the method of calculating the costs of refund, the method of calculating the amount of guarantee and the guarantee conditions concerning the execution of the tasks entrusted to an organisation, the method of calculating the costs referred to in Article 70, paragraph 4 of this Act, the maximum amount of the charge referred to in Article 75, paragraph 6 of this Act and the broad outlines for an organisation's work programme.

(5) The management of wastewater treatment sludge shall be prescribed in an ordinance issued by the Minister, in cooperation with the minister responsible for water management.

Separate waste collection requirement

Article 54

(1) Waste which is to be considered as a special category of waste shall be separated at the point of generation, collected separately and stored in the manner provided for by the regulation governing the management of special categories of waste.

(2) By 1 January 2015 the Republic of Croatia shall take measures via its competent authorities to ensure separate collection of the following types of waste: paper, metal, plastic and glass, electric and electronic waste, waste batteries and accumulators, end-of-life vehicles, end-of-life tyres, waste oils, textile and footwear waste and clinical waste.

Requirements concerning preparing for re-use, recycling and recovery

Article 55

(1) By 1 January 2020 the Republic of Croatia shall take measures via its competent authorities to ensure the preparation for re-use and recycling of the following waste materials: paper, metal, plastic and glass from households and other sources, if possible, when such waste streams are similar to household waste, which shall account for a minimum of 50 % of the waste mass.

(2) By 1 January 2020 the Republic of Croatia shall take measures via its competent authorities to ensure the preparation for re-use, recycling and other material recovery of non-hazardous construction waste, including the backfilling and spreading of waste, when such

waste is used in place of other materials, excluding the material from nature specified under waste code 17 05 04 – soil and stones other than those mentioned in 17 05 03, which shall account for a minimum of 70 % of the waste mass.

(3) Commission Decision 2011/753/EU establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC of the European Parliament and of the Council shall apply to the calculations for verifying compliance with the targets under paragraphs 1 and 2 of this Article.

## Bio-waste

### Article 56

(1) A person authorised for the management of bio-waste under the acts adopted in pursuance of this Act and the local self-government unit shall ensure that their documents adopted in pursuance of this Act make provision for the separate collection of bio-waste for the purpose of composting, digestion or the recovery of energy from such bio-waste.

(2) A person performing the treatment of bio-waste shall carry out its treatment in a manner which meets high environmental standards.

(3) The Minister shall, in cooperation with the minister of agriculture, lay down the criteria for the use of environmentally safe materials produced from bio-waste in the ordinance referred to in Article 53, paragraph 3 of this Act, which regulates the management of bio-waste.

## Waste oils

### Article 57

(1) The purpose of the system for the management of waste oils shall be to ensure separate collection of waste oils.

(2) If technically feasible, holders of waste oils of different categories shall not mix such oils and shall not mix such oils with other types of waste or substances, if such mixing prevents and/or renders their treatment in accordance with Articles 7 and 9 of this Act impossible.

(3) When waste oil regeneration in the territory of the Republic of Croatia is technically feasible and economically viable, any export of waste oils for the purpose of their treatment by incineration or co-incineration shall be prohibited.

(4) Conditions for the assessment of technical feasibility and economic viability of waste oil regeneration and other conditions of waste oil management shall be laid down by the Minister in the ordinance referred to in Article 53, paragraph 3 of this Act, which governs the management of waste oils.

## Construction waste

## Article 58

- (1) The construction waste disposal charge is a measure designed to encourage higher recovery rates of construction waste and a reduction in the amounts of construction waste deposited in the landfills and the non-compliant landfills in the Republic of Croatia.
- (2) A person who deposits construction waste shall pay a construction waste disposal charge.
- (3) A person who deposits construction waste shall supply the Fund with the data on the mass/amount of deposited construction waste by 31 March of the current year for the previous calendar year.
- (4) The calculation of the construction waste disposal charge shall be based on the mass of the construction waste deposited.
- (5) The Fund shall determine by a decision the amount of the construction waste disposal charge on the basis of the data concerning the mass of the construction waste deposited referred to in paragraph 3 of this Article and the data from the Pollutant Emission Register by 31 December of the current year for the previous calendar year.
- (6) An appeal may be lodged to the Ministry against the decision of the Fund.
- (7) The construction waste disposal charge shall be payable in favour of the Fund for the purpose of co-financing the construction of construction waste recycling yards and covering the costs of systems for the management of asbestos-containing construction waste.
- (8) The provisions of the act governing the Fund shall apply accordingly to the collection of any outstanding amounts of the construction waste disposal charge which have become due together with the interest accrued in accordance with the civil obligations act.
- (9) The method of calculating the construction waste disposal charge, the obligations of the person depositing construction waste and the conditions for the fulfilment of such obligations shall be laid down by the Government in the regulation governing the management of construction waste referred to in Article 53, paragraph 4 of this Act.
- (10) The holder of construction waste generated during the construction or demolition of a building, or during building construction, renovation or maintenance activities, shall manage such waste in the manner laid down by the ordinance referred to in Article 53, paragraph 3 of this Act.
- (11) When a building or a component thereof is demolished by another person on the basis of an executive administrative document passed by a building inspector in accordance with the regulation governing construction activities, the construction waste thus generated shall be treated at the expense and on the responsibility of the enforcer, alternatively the costs of its treatment shall be covered from the state budget until they can be collected from the enforcer.

Asbestos-containing construction waste

## Article 59

- (1) The disposal of asbestos-containing construction waste generated in the territory of the Republic of Croatia is an issue of special concern to the Republic of Croatia.
- (2) The disposal of asbestos-containing construction waste generated during the construction, renovation, maintenance or demolition of a building or its component shall be carried out on specially engineered surfaces of landfills and non-compliant landfills – landfills cells for the disposal of asbestos.
- (3) A regional self-government unit shall specify in its physical planning documents the location of the landfill cell for the disposal of asbestos.
- (4) The Fund shall finance, upon request of a regional self-government unit, the construction of landfill cells for the disposal of the waste referred to in paragraph 2 of this Article.
- (5) The costs of transportation and disposal of asbestos-containing construction waste which was generated during the construction, renovation, maintenance or demolition of a building or its component which is owned by a natural person, shall be borne jointly by the local self-government unit in whose area such waste has been generated and the Fund from the resources collected pursuant to Article 58 of this Act and other resources at the Fund's disposal.
- (6) For the purpose of covering the costs referred to in paragraph 5 of this Article the Fund shall keep a record of the location and quantity of asbestos-containing construction waste.
- (7) The Fund shall invite tenders on an annual basis for entering into a contract for the transportation of asbestos-containing construction waste to the landfills with specially engineered surfaces – landfill cells for the disposal of asbestos.
- (8) The contractor shall submit asbestos-containing construction waste to the person authorised to accept such waste. In the case of waste generated by carrying out the works referred to in paragraph 2 of this Article on a building owned by a natural person, the contractor shall submit such waste to the person with whom the Fund has concluded a contract referred to in paragraph 7 of this Article.
- (9) The person with whom the contract was signed referred to in paragraph 7 of this Article shall transport such waste to the nearest landfill equipped with the specially engineered landfill cells for the disposal of asbestos.
- (10) The operator of the landfill or of the non-compliant landfill equipped with a landfill cell for the disposal of asbestos shall accept and dispose of the asbestos-containing construction waste.



(11) The landfill cell for the disposal of asbestos shall be operated by a legal person in which the local self-government unit is the majority owner.

(12) The method for calculating the costs of disposal of asbestos-containing construction waste, the procedure relating to entering into a contract for the transportation of asbestos-containing waste and the contracts for the waste disposal operations referred to in paragraph 2 of this Article signed by the Fund shall be laid down by the Government in the regulation referred to in Article 53, paragraph 4 of this Act.

#### End-of-life vehicles

##### Article 60

(1) The purpose of the system for the management of end-of-life vehicles is to ensure compliance with the targets concerning the collection and treatment of end-of-life vehicles set out in the ordinance referred to in Article 53, paragraph 3 of this Act, which governs the management of end-of-life vehicles.

(2) The vehicle owner shall obtain a certificate of delivery of the end-of-life vehicle to an authorised person and, prior to deregistration of the vehicle, shall forward the certificate to the central state administration body in charge of internal affairs.

(3) The procedure for issuing the certificate referred to in paragraph 2 of this Article and the manner of declaring a vehicle waste shall be laid down by the Minister in the ordinance referred to in Article 53, paragraph 3 of this Act governing the management of end-of-life vehicles.

#### Waste batteries and accumulators

##### Article 61

The purpose of the system for the management of waste batteries and accumulators is to ensure compliance with the targets concerning the collection and treatment of waste batteries and accumulators set out in the ordinance referred to in Article 53, paragraph 3 of this Act which governs the management of waste batteries and accumulators.

#### Waste electrical and electronic appliances and equipment

##### Article 62

The purpose of the system for the management of electrical and electronic waste is to ensure compliance with the targets concerning the collection and treatment of electrical and electronic waste set out in the ordinance referred to in Article 53, paragraph 3 of this Act, which governs the management of electrical and electronic waste.

#### Packaging waste

## Article 63

The purpose of the system for the management of packaging waste is to ensure compliance with the targets concerning the collection and treatment of packaging waste set out in the ordinance referred to in Article 53, paragraph 3 of this Act, which governs the management of packaging waste.

Setting and complying with the targets for special waste categories

## Article 64

(1) By 31 January of the current year the Fund shall establish, in collaboration with the Agency and on the basis of this Act and regulations governing the management of special categories of waste at the level of the Republic of Croatia, the framework target for the relevant category of special waste which the product producers shall have to comply with in the calendar year concerned.

(2) By 31 January of the current year and after having obtained prior approval from the Ministry, the Fund shall establish a framework target at the level of the Republic of Croatia, on the basis of data on the quantity of products placed on the market as entered into the Register of Managing Special Waste Categories and waste management data entered into electronic Registers of Waste Generation and Waste Streams for the previous calendar year, which the product producers shall have to comply with for the previous calendar year.

(3) The Fund shall monitor compliance with the framework target referred to in paragraph 2 of this Article and shall prepare and submit to the Ministry quarterly and annual reports on the state of compliance with a specific target at the level of the Republic Croatia concerning special waste management systems managed by the Fund, and concerning the organisation referred to in Article 75 of this Act, and also a joint report concerning the persons who have received the decision referred to in Article 80, paragraph 4 of this Act.

(4) The producer of the product which generates special categories of waste shall comply with the target referred to in paragraph 2 of this Article, in proportion to the market share of the quantity of the product from a specific category which he has placed on the market in the Republic of Croatia.

(5) The obligation referred to in paragraph 1 of this Article shall be deemed fulfilled when the product producer:

1. had paid the waste management charge to the bank account of the Fund, whereby the Fund has undertaken the responsibility for achieving compliance with the target for the producer concerned, or

2. has entered into a contract with an organization which holds a valid licence referred to in Article 78 of this Act and which has undertaken to comply with the target for that producer, and when he has paid the charge referred to in Article 75, paragraph 6 of this Act, or

3. has obtained a decision referred to in Article 80, paragraph 4 of this Act stating that he has achieved full compliance with the individual target for the relevant special category of waste.

(6) The Government shall prescribe in the regulation referred to in Article 53, paragraph 4 of this Act the manner in which the obligation referred to in paragraph 5 of this Article with respect to a specific category of special waste or a product category shall be discharged.

(7) On the basis of the implementation reports concerning the special waste management system for specific categories of special waste prepared by the Fund and the Agency, and on the basis of a comprehensive analysis of the management systems for all special categories of waste set up under this Act, the Ministry shall pass a decision establishing that the transfer of the obligation to comply with the specific target laid down in the ordinance referred to in Article 53, paragraph 3 of this Act to an organisation referred to in Article 75 of this Act is justified.

(8) The decision referred to in paragraph 7 of this Article shall not constitute an administrative act.

(9) The decision referred to in paragraph 7 of this Article shall be published in the Official Gazette and on the Ministry's website.

Charge for the operation of the special waste management system

Article 65

(1) The producer of a product generating a special category of waste pursuant to Article 42, paragraph 8 of this Act shall be liable to pay a charge for the operation of the special waste management system.

(2) The charge referred to in paragraph 1 of this Article shall be used to finance measures to monitor compliance of product producers with their obligations, to finance system operation and the system's supporting information infrastructure.

(3) The charge referred to in paragraph 1 of this Article shall be payable in favour of the Fund.

(4) Liability to the charge under paragraph 1 of this Article shall arise at the moment when the product is placed on the market on the basis of the decision issued by the Fund.

(5) An appeal may be lodged to the Ministry against the decision issued by the Fund.

(6) The provisions of the act governing the Fund shall apply accordingly to the collection of any outstanding amounts of the charge referred to in paragraph 1 of this Article which have become due together with the interest accrued in accordance with the civil obligations act.

(7) The method for calculating the charge referred to in paragraph 1 and the measures referred to in paragraph 2 of this Article shall be laid down by the Government in the regulation referred to in Article 53, paragraph 4 of this Act.

## Refund

### Article 66

(1) A refund is an incentive measure designed to encourage a waste holder to submit specific waste to the seller of the product generating the corresponding waste or to the recycling yard operator, and to receive in return the prescribed amount of a refund.

(2) The person referred to in paragraph 1 of this Article who receives specific waste shall pay a refund to the holder of the waste.

(3) The payment of a refund shall not be considered payment for waste redemption and shall not be subject to the obligation under Article 112, paragraph 4 of this Act.

(4) The refund system shall be operated by the Fund.

(5) The amount of the refund for specific categories of products, the method used to calculate the costs of the refund system and the obligations of the product producer and other persons involved in the refund system shall be established by the Government in the regulation referred to in Article 53, paragraph 4 of this Act.

## SPECIAL WASTE COLLECTION AND TREATMENT SYSTEM MANAGED BY THE FUND

### Article 67

(1) The Fund shall manage the special waste collection and treatment system in an economical, rational, purposeful and impartial manner so as to ensure that the waste collected achieves the highest possible economic performance as is technically and economically justified by the pursuit, in accordance with Article 64, paragraph 6 of this Act, of the obligation set out in Article 64, paragraph 2 of this Act at the level of the Republic of Croatia.

(2) The Fund shall operate the special waste collection and treatment system for a specific category of waste in the following manner:

1. by collecting the special waste management charge,
2. by ensuring the existence of special waste collection and treatment services,
3. by coordinating the system actors,
4. by implementing other measures as provided for by special regulations.

Special waste collection within the system managed by the Fund

## Article 68

(1) The Fund shall prepare a proposal concerning the area to be covered by special waste collection arrangements on the basis of the estimated market value of the waste and its future quantities, and on the basis of the analysis of the spatial distribution of the quantities of waste generated over the previous two years.

(2) On the basis of the analysis and the proposal referred to paragraph 1 of this Article the Minister shall take a decision on the areas to be covered by special waste collection arrangements.

(3) The decision referred to in paragraph 2 of this Article shall be published in the Official Gazette.

## Article 69

(1) To ensure the provision of a special waste collection service for a particular category of special waste in the area specified by the decision referred to in Article 68, paragraph 2 of this Act, the Fund shall issue a public invitation to tender for the submission of programmes of special waste collection services in accordance with the ordinance referred to in Article 53, paragraph 3 of this Act.

(2) The public invitation to tender referred to in paragraph 1 of this Article shall be published in the Official Gazette, mass media and on the website of the Fund.

(3) The programme referred to in paragraph 1 of this Article shall include:

1. the national registration number, PIN, the name of the person responsible, the phone number and email address of the bidder,
2. types of special waste for which the programme is being submitted,
3. price offered for carrying out the special waste collection operations in the area covered by the programme.

(4) In addition to the programme referred to in paragraph 1 of this Article, the following shall also be submitted:

1. a permit for carrying out special waste collection operations with respect to the specific special category of waste covered by the programme,
2. an excerpt from the Register of Companies or the Register of Crafts and Trades,
3. a copy of the employment record or the employment contract,
4. evidence of compliance with all the requirements set out in Article 70 of this Act, including an operational work programme and a detailed plan.

(5) The provision of special waste collection services for particular categories of special waste in a specific area shall be awarded for a period of up to five years.

#### Article 70

(1) The Fund shall take the decision on the selection of the best tender for the provision of special waste collection services for a particular category of special waste in a particular area, taking into consideration the following requirements:

1. availability of a sufficient number of adequately qualified personnel for the execution of the operational work programme,
2. availability of the funds or sources of finance necessary for the execution of the operational work programme,
3. availability of the storage space, the staff, means of transportation and the necessary auxiliary equipment which ensures the collection and transportation of the collected waste from the producer to the storage facility, or to the person authorized for waste treatment, depending on the quantity expected to be produced in the area covered by the programme from the public tender based on the available data on the waste amounts generated over the last three years,
4. the proposed costs of the special waste collection operations for the particular category of special waste.

(2) The decision on the selection of the best tender referred to in paragraph 1 of this Article shall include in particular: the description of the waste collection service and the type of special waste, the service area, the method and conditions of providing the waste collection service, the duration of the waste collection service, powers of the Fund, rights and obligations of the successful bidder, deadline within which the successful bidder must sign the collection service contract, and other issues of relevance to the provision of the waste collection service in accordance with the present Act and the regulations adopted in pursuance of this Act governing the management of the specific category of special waste.

(3) An appeal may be lodged to the Ministry against the decision on the selection of the best tender referred to in paragraph 1 of this Article.

(4) On the basis of all tender selection decisions referred to in paragraph 1 of this Article taken in one calendar year, and the previous analysis of the special waste management systems, the Fund shall identify framework costs of collecting specific categories of special waste in a calendar year for the entire territory of the Republic of Croatia.

(5) By 31 January of the current year the Fund shall establish the costs of collecting a specific category of special waste in the previous calendar year.

(6) On the basis of the tender selection decision referred to in paragraph 1 of this Article the Fund shall enter into a contract with the successful bidder for the collection of a specific category of special waste within 30 days of the date when the decision was taken.

(7) The contract for the provision of the special waste collection service for a specific category of special waste shall specify in detail the rights and obligations of the Fund and the successful bidder, guarantees and/or security instruments provided by the successful bidder, the manner of paying the service fee, the manner and deadline for the submission of reports, the manner of dissolving the relationship in case that the contract is terminated before expiry of the term for which it was made, and other issues of relevance to the provision of the waste collection service in accordance with the present Act and regulations adopted in pursuance of this Act governing the management of the specific category of special waste.

Waste treatment within the system managed by the Fund

#### Article 71

(1) A person intending to enter into a contract with the Fund for the provision of a special waste treatment service for a specific category of special waste shall obtain an authorisation from the Ministry.

(2) The Ministry shall issue a public invitation for the submission of applications for such authorisation.

(3) The public invitation referred to in paragraph 2 of this Article shall be published in the Official Gazette, mass media and on the Ministry's website.

(4) The application for authorisation shall contain:

1. the national registration number, the PIN, the name of the person responsible, the telephone number and email of the applicant,
2. types of special waste for which the authorisation is requested.

(5) The application referred to in paragraph 4 of this Article shall be accompanied by:

1. an excerpt from the Register of Companies or the Register of Crafts and Trades,
2. permit to treat the relevant waste,
3. a copy of the employment record or the employment contract,
4. evidence that the requirements set out in Article 72, paragraph 1 of this Act have been fulfilled, including the operational work programme.

#### Article 72

(1) The Ministry shall grant the authorisation referred to in Article 71, paragraph 1 of this Act to a person who fulfils the following conditions:

1. to have available the plant and the equipment that meet the relevant technical and technological requirements with respect to waste treatment when the treatment results in a new product, energy or source material which, when treated, ceases to be waste, to possess organizational skills for the fulfilment of an annual operational work programme, and to have available the plant and equipment that meet the relevant technical and technological requirements with respect to waste disposal when waste treatment in the meaning of generating new source materials, products or energy cannot be carried out or is not cost-effective,

2. such plant and equipment are capable of treating the amount of waste which, according to the available official data on the amount of waste generated in the last three years, is expected to be generated in the area of the Republic of Croatia,

3. to have in place an annual operational work programme which explains in detail the capacities to meet the requisite requirements under items 1 and 2 of this paragraph,

4. to have available a sufficient number of personnel with adequate qualifications for the execution of the annual operational work programme.

(2) The authorisation shall specify in particular: the special waste treatment service for the specific category of special waste and the type of the special waste, the service area in which the special waste treatment operations shall be carried out, the methods and conditions of providing the special waste treatment service for the specific category of special waste, the duration of the special waste treatment service, powers of the Fund, rights and obligations of the applicant and other issues of relevance to carrying out special waste treatment services for the specific category of special waste in accordance with the present Act and regulations adopted in pursuance of this Act governing the management of the specific category of special waste.

(3) The authorisation shall be granted for a period of ten years.

(4) The authorisation shall constitute an administrative act.

(5) No appeal may be lodged against the authorisation, but an administrative dispute may be initiated.

(6) The Ministry shall deliver the authorisation to the Fund.

(7) The person who has obtained an authorisation shall not be allowed to transfer the rights and obligations arising from the authorisation to another person.

(8) The technical and technological criteria with respect to the waste treatment requirements referred to in paragraph 1, item 1 of this Article and the analytical methods for the



identification of specific areas and the estimation of waste amounts by area, including the criteria with respect to the said requirements concerning the collection, transportation and storage referred to in paragraph 1 of this Article shall be laid down by the Minister in the ordinance referred to in Article 53, paragraph 3 of this Act.

(9) The contract on the provision of waste treatment services for specific categories of special waste shall specify in detail the rights and obligations of the Fund and the authorised person, the guarantees and/or security instruments from the authorised person, the manner of payment of the service fee, the manner and deadlines for the submission of reports, the manner of dissolving the relationship in case that the contract is terminated before expiry of the term for which it was made, and other issues of relevance to the provision of waste treatment services for the specific category of special waste in accordance with the present Act, the regulations adopted in pursuance of this Act which govern the management of the specific category of special waste and the authorisation.

#### Article 73

(1) The costs of treating waste for which this has been laid down by the regulation governing the management of the special category of waste shall be borne by the Fund.

(2) By 31 January of the current year the Fund shall determine, on the basis of waste management data contained in the electronic Register of Waste Generation and Waste Streams for the previous calendar year and the regulation under Article 53, paragraph 4 of this Act, the costs of treatment of the specific category of special waste in the previous calendar year at the level of the Republic of Croatia.

#### Special waste management charge

#### Article 74

(1) The producer of a product which generates a special category of waste shall be liable to the special waste management charge for that specific category of special waste.

(2) The charge referred to in paragraph 1 shall be used to cover the costs of the waste collection and treatment system managed by the Fund.

(3) The method for calculating the special waste management charge shall be established by the regulation referred to in Article 53, paragraph 4 of this Act.

(4) The producer of products referred to in paragraph 1 of this Article shall be responsible for calculating and paying the special waste management charge in favour of the Fund.

(5) Liability to the charge referred to in paragraph 1 of this Article shall arise at the moment of placing the products on the market.

(6) The accounting period for the payment of the charge referred to in paragraph 1 of this Article shall be one calendar month, and the product producer shall have to calculate and pay the charge until the last day of the current month for the previous calendar month.

(7) The producer of the products referred to in paragraph 1 of this Article shall make sure that his records include data on the special categories of waste referred to in Article 53, paragraphs 1 and 2 of this Act, on the purchase of the products generating special categories of waste, on the place and the country of purchase or dispatch, on the quantity of the products generating special categories of waste which have been produced, imported, introduced, exported, removed, delivered or sold, on the quantity of the products which generate special categories of waste which has been placed on the market and other elements which serve as the basis for calculating the charge referred to in paragraph 1 of this Article.

(8) The producer of the products referred to in paragraph 1 of this Article shall deliver to the Fund monthly reports based on the records referred to in paragraph 7 of this Article by the last day of the current month for the previous calendar month.

(9) Where the Fund establishes that a producer of such products fails to calculate or miscalculates the charge referred to in paragraph 1 of this Article, or fails to pay the charge in accordance with the provisions of this Act, a decision shall be issued, specifying the accurate amount of the charge.

(10) The charge referred to in paragraph 1 of this Article shall be considered a public levy.

(11) The implementation of this Article shall be prescribed by the Minister in the ordinance referred to in Article 53, paragraph 3 of this Act.

## WASTE COLLECTION AND TREATMENT SYSTEM MANAGED BY AN ORGANISATION

### Article 75

(1) An organization within the meaning of this Act means an undertaking which has taken over from a producer of the products generating a specific category of special waste the obligation to comply with the target established in accordance with the present Act and the regulations adopted in pursuance of this Act and which is not itself a producer of the products generating the specific category of special waste.

(2) An organisation may independently pursue waste management operations providing it has obtained documents for the pursuit of waste management operations in accordance with this Act, or may enter into a contract for the provision of specific waste management services with third parties.

(3) A producer of the products generating specific categories of special waste shall, in accordance with the regulation referred to in Article 53, paragraph 4 of this Act, conclude a contract with an organisation on the transfer of the obligation to comply with the target

according to this Act and the regulations adopted on the basis of this Act, which shall govern mutual rights and obligations.

(4) The organisation shall complete the tasks entrusted to it in accordance with this Act and the regulations adopted on the basis of this Act, special regulations and the organisation's work programme, the Agreement between the Fund and the organisation and the organisation's business authorisation.

(5) The organisation shall set up its waste management system for which it has received the authorisation in an economical, rational, purposeful and impartial manner so as to ensure that the waste collected achieves the highest possible economic performance as is technically and economically justified by the pursuit, in accordance with Article 64, paragraph 6 of this Act, of the obligation set out in Article 64, paragraph 2 of this Act at the level of the Republic of Croatia.

(6) Product producers who have concluded a contract with an organisation on the transfer of their obligation to comply with the target in accordance with this Act and the regulations adopted in pursuance of this Act shall pay a charge to the organisation up to a maximum amount allowed, in a manner laid down in the regulation referred to in Article 53, paragraph 4 of this Act.

(7) The proceeds from the charge referred to in paragraph 6 of this Article and the funds obtained from the sale of waste shall be dedicated funds to be invested primarily in those services which are necessary for achieving compliance with the target in accordance with this Act and the regulations adopted in pursuance of this Act and the organisation's operating costs; to a lesser extent they can be invested towards improving the system under the organisation's management.

#### Work programme of the organisation

#### Article 76

(1) The work programme of the organisation shall determine the way in which activities will be performed in a five-year period, in accordance with the established justification for the transfer of the obligation to comply with a certain target.

(2) The organisation shall obtain the Ministry's approval for the work programme of the organisation or for amendments thereto.

(3) The Ministry shall forward to the Fund the proposal of the work programme of the organisation or the proposal of amendments thereto for an expert feasibility assessment.

(4) The Ministry shall grant approval for the work programme of the organisation or for amendments thereto if they are found to be in conformity with the requirements laid down in the regulation referred to in Article 53, paragraph 4 and the ordinance referred to in Article 53, paragraph 3 of this Act.

(5) The approval referred to in paragraph 4 of this Act shall not constitute an administrative act.

(6) A broad outline for the work programme of the organisation and the manner of implementing the work programme feasibility assessment, including the manner and conditions for granting the approval shall be prescribed by the Government in the regulation referred to in Article 53, paragraph 4 of this Act.

Agreement between the Fund and the organisation

Article 77

(1) Pursuant to the approval referred to in Article 76, paragraph 4 of this Act, the Fund and the organisation shall conclude an agreement on the transfer of the obligation to comply with a specific target with respect to the management of a specific category of special waste.

(2) The agreement referred to in paragraph 1 of this Article shall include in particular:

1. the targets and obligations as regards the management of the special waste management system for the specific category of special waste, the manner of providing efficient financial support to the fulfilment of the obligations assumed, and the targets and deadlines for their fulfilment,

2. measures to be taken by the organisation and measures to be taken by the producer of products referred to in Article 75, paragraph 3 of this Act for the purposes of managing the specific category of special waste,

3. monitoring and reporting arrangements concerning compliance with the targets and obligations,

4. the obligation of the organisation to collect data on the quantities of waste and the obligation to make those data available to the competent authorities and the public, including data on the products placed on the market which generate a specific category of special waste to be obtained from the producer referred to in Article 75, paragraph 3 of this Act.

5. the organisation's guarantee that the obligations and the targets concerning the management of the special waste category shall be fulfilled within certain deadlines,

6. conditions for the termination of the agreement in case of non-compliance with the targets and the manner, amount and deadlines for covering the costs of the guarantee due to non-compliance with those targets,

7. special conditions as laid down in the ordinance referred to in Article 53, paragraph 3 and the regulation referred to in Article 53, paragraph 4 of this Act.

(3) The agreement referred to in paragraph 1 of this Article shall enter into force on the date of issuing the business licence to the organisation referred to in Article 78 of this Act.

## Business licence of an organisation

### Article 78

(1) An organisation may start its operations after it has obtained a business licence from the Ministry.

(2) The Ministry shall issue a business licence to an organization if it establishes that the organisation:

1. has obtained the approval referred to in Article 76 of this Act,
2. has concluded the agreement referred to in Article 77 of this Act,
3. has available the technical, human and financial resources to perform the operations,
4. has available an adequate guarantee for the execution of the operations entrusted to it,
5. complies with special conditions with respect to the management of the special category of waste.

(3) The licence referred to in paragraph 1 of this Article shall be issued for a period of five years.

(4) The licence referred to in paragraph 1 of this Article may not be transferred to another person.

(5) The licence referred to in paragraph 1 of this Article shall not constitute an administrative act.

(6) The content of applications for an organisation's business licence, the methodology for calculating the acceptability conditions of the guarantees, and the special requirements related to the management of the special category of waste shall be prescribed by the Government in the regulation referred to in Article 53, paragraph 4 of this Act.

### Article 79

(1) The Ministry shall, in pursuance of its duties or on proposal of an authorised person of the Customs Administration and/or an environmental inspector, revoke by a decision the business licence issued to an organisation referred to in Article 78 of this Act if:

1. the Ministry or another competent authority or the Fund finds that the person who has obtained a business licence for the organisation fails to meet the necessary requirements or obligations and/or fails to comply with the statutory regulations in the field of environmental protection and waste management, as well as other regulations in the field,
2. the annual report referred to in Article 64, paragraph 3 of this Act shows that the target set pursuant to paragraph 2 of the same Article has not been complied with.

(2) If it is established that the organisation which had obtained a business licence ceased to perform the operations for which it was licensed before the expiration of the deadline referred to in Article 78, paragraph 3 of this Act, the Ministry shall issue a decision whereby the business licence of that organisation shall cease to be valid,

(3) The Ministry shall forward the decision referred to in paragraphs 1 and 2 of this Article to the Environmental Inspectorate, the Fund and the Agency.

(4) No appeal may be lodged against the decision referred to in paragraphs 1 and 2 of this Article, but an administrative dispute may be initiated.

## INDIVIDUAL FULFILMENT OF THE OBLIGATION TO COMPLY WITH THE TARGET

### Article 80

(1) The producer of a product which generates a specific category of special waste who had placed on the market of the Republic of Croatia in the previous calendar year a specific category of product in an amount which exceeds the amount laid down by the ordinance referred to in Article 53, paragraph 3 of this Act shall be allowed, under a decision issued by the Fund, to comply independently with his own individual target for the products which he places on the market.

(2) A temporary decision on the independent compliance with one's own target for a specific category of special waste shall be issued by the Fund and shall:

1. allow that individual targets with respect to a product are complied with independently in accordance with the regulation referred to in Article 53, paragraph 4 of this Act,
2. state that in the previous calendar year the applicant had placed on the market in the Republic of Croatia certain types of products in an amount which exceeds that laid down in the ordinance referred to in Article 53, paragraph 3 of this Act,
3. allow independent compliance with own individual target for a specific category of special waste for the products which are placed on the market in a given calendar year,
4. set the individual framework target for a special category of waste,
5. determine the quarterly rate and arrangements for monitoring compliance with the framework target,
6. lay down other special conditions as prescribed by the regulations under Article 53 of this Act.

(3) A request for the issuance of the decision referred to in paragraph 2 of this Article shall be submitted using a form which shall be accompanied by:

1. evidence of the status of the product producer,
2. a statement by the applicant concerning the quantity of the product which he plans to place on the market in the current year,
3. a plan for achieving compliance with own individual target,
4. a valid permit referred to in Article 86 of this Act for the relevant waste or a contract with a person holding such a permit for the use of the relevant services,
5. proof that the special conditions laid down in the regulations referred to in Article 53 of this Act have been complied with,

(4) The Fund shall issue a decision by 31 January of the current year for the previous calendar year or upon expiry of the second consecutive quarter in which the Fund has established non-compliance with the target, whereby it shall establish, on the basis of the data on the quantity of products placed on the market as entered into the Register of Managing Special Waste Categories, and the waste management data contained in the electronic Register of Waste Generation and Waste Streams for the previous year or for the previous period:

1. individual targets for specific waste categories,
2. the degree to which the target referred to in the previous item has been complied with,
3. in case of the non-compliance with the target, the costs caused by such non-compliance and the person assuming the obligation to comply with the target in accordance with the regulation referred to in Article 53, paragraph 4 of this Act.

(5) An appeal may be lodged to the Ministry against the decision referred to in paragraphs 2 and 4 of this Article.

(6) The product producer shall perform activities with a view to complying with the target in accordance with the present Act, the regulations adopted on the basis thereof, and other special regulations.

(7) The product producer who has obtained a decision referred to in paragraph 2 of this Article shall not be liable to the charge referred to in Article 74 of this Act or shall not be required to conclude a contract referred to in Article 75, paragraph 3 of this Act until it has been established that he has not complied with the target.

(8) The methodology for laying down the conditions as regards the procedure of issuing decisions, detailed content and the form of the application and the mandatory content of the

Plan for the compliance with own individual target shall be prescribed by the Minister in the ordinance referred to in Article 53, paragraph 3 of this Act.

#### Article 81

(1) Should the product producer who has obtained the decision referred to in Article 80, paragraph 2 of this Act fail to comply with the target established, the obligation to comply with the target shall be assumed by the Fund or an organisation as determined by the regulation under Article 53, paragraph 4 of this Act.

(2) The product producer who has obtained the decision referred to in Article 8, paragraph 2 of this Act shall cover all the costs that the person assuming the obligation to comply with the target set by the decision may suffer in this connection.

(3) The method for calculating the costs referred to in paragraph 2 of this Article shall be established by the Government in the regulation referred to in Article 53, paragraph 4 of this Act.

#### Article 82

(1) The Fund shall monitor the execution of the decision referred to in Article 80, paragraph 2 of this Act on the basis of the data on the quantity of the product placed on the market as entered into the Register of Managing Special Waste Categories and waste management data contained in electronic Registers of Waste Generation and Waste Streams, and in any other manner prescribed.

(2) Should the Fund find that the person to whom the decision under Article 80, paragraph 2 of this Act has been issued has complied with the target in a certain quarter, the Fund shall issue an acknowledgement in that regard on the person's request.

(3) Should the Fund find that the person to whom the decision under Article 80, paragraph 2 of this Act has been issued has failed to comply with the target in a certain quarter, the Fund shall notify thereof that person, the Ministry and the Customs Administration.

(4) Should the Fund find that the person to whom the decision under Article 80, paragraph 2 of this Act has been issued has failed to comply with the target in two consecutive quarters of the same calendar year, the Fund shall revoke such a decision and shall designate a person to assume the obligation of complying with that individual target in accordance with the regulation referred to in Article 53, paragraph 4 of this Act.

(5) On proposal of an authorised person of the Customs Administration and/or the environmental inspector, the Ministry shall revoke the decision under Article 80, paragraph 2 of this Act in the following cases:



1. should the Ministry or any other competent authority or the Fund find that the person who has obtained the decision fails to fulfil the prescribed conditions or obligations with respect to waste management,

2. when the person who has obtained the decision fails to respect the statutory provisions on environmental protection, waste management and other regulations in this field in pursuit of his activities,

3. should the annual report referred to in Article 64, paragraph 3 of this Act identify non-compliance with the target established pursuant to paragraph 2 of the same Article.

(6) Where it is established that the person who has obtained a decision referred to in Article 80, paragraph 2 of this Act has ceased to perform the activities for which the decision was obtained, the Ministry shall issue a decision, whereby the decision referred to in Article 80, paragraph 2 of this Act shall cease to be valid.

(7) A person against whom measures have been taken as laid down under paragraph 5 of this Article, shall make arrangements for the management of its waste in the manner provided under this Act in the shortest possible period but no later than 30 days of the revocation of the decision.

(8) In special cases and on the basis of a prior expert opinion of the Fund, the Ministry may, as an additional ultimate measure, issue a decision against a person who has failed to comply with his target and has been subject to the measures laid down in this Article, whereby the placement on the market of that producer's products will be temporarily limited or completely prohibited, until arrangements are put into place for a more efficient disposal of the waste concerned in any other manner laid down by this Act.

(9) No appeal may be lodged against the decision referred to in paragraphs 5 and 7 of this Article, but an administrative dispute may be initiated.

## V. WASTE MANAGEMENT FACILITIES

### Article 83

(1) The construction of facilities intended for the waste management is an issue of interest to the Republic of Croatia.

(2) The categories of waste management facilities within the meaning of physical planning documents are waste management facilities of national, regional, or local importance.

(3) The waste management facilities of national importance are a waste management centre, a waste incinerator and a waste disposal site.

(4) The waste management facility of regional importance is any waste disposal site not covered by paragraph 3 of this Article, and a cell for the disposal of asbestos.

(5) The waste management facility of local importance is any waste management facility not covered by paragraph 3 or 4 of this Article.

(6) A competent authority that adopts physical planning documents shall plan the locations of the facilities referred to in paragraphs 3, 4 or 5 of this Article, in accordance with the category of the facility.

## VI. WASTE MANAGEMENT OPERATIONS

### Article 84

(1) A legal and natural person – craftsman – may, after obtaining the necessary permit, start carrying out waste collection operations through waste collection and emergency waste collection operations, and the operations of waste recovery, disposal or other types of treatment.

(2) A legal and natural person – craftsman – may, after being entered into the corresponding register, start carrying out operations with respect to waste management brokering services, waste trading and transportation or collection of waste by the waste collection operation in a recycling yard.

(3) A legal and a natural person – craftsman – may, after being entered into the corresponding register, start carrying out operations of storing its own industrial waste or energy recovery of a specific own non-hazardous waste as part of its basic scope of activities.

(4) The person referred to in paragraphs 1, 2 and 3 of this Article shall carry out a waste management operation in accordance with Article 6 of this Act.

(5) The person referred to in paragraphs 1, 2 and 3 of this Article shall be held responsible for everything that it has known or should have known with respect to waste managed by such person.

(6) A legal and a natural person – craftsman – who has obtained a permit or has been entered into the corresponding register of waste dealers, waste carriers or recycling yards, shall be authorized to take possession of waste.

(7) Waste recovery, collection, disposal, other waste treatment, and waste transport operations are considered economic or public utility services. Waste management brokerage and waste dealing operations are considered business activities.

(8) Hazardous waste treatment through an incineration or disposal process and the waste management centre are issues of interest to the Republic of Croatia.

(9) Hazardous waste disposal operation through a disposal process shall be carried out by a company established by the Government. This activity includes only hazardous waste generated on the territory of the Republic of Croatia.

(10) Operations and tasks relating to the waste management centre shall be carried out by the company owned by a unit of regional and/or local self-government.

(11) The activity of hazardous waste disposal through an incineration process in a facility whose main activity is waste incineration shall be carried out by a company established by the Government, or a unit of regional self-government. This operation shall involve only hazardous waste generated on the territory of the Republic of Croatia.

(12) Funds for the establishment of facilities in which operations and tasks referred to in paragraphs 9, 10 and 11 of this Article are to be performed, shall be secured through the Fund and other sources.

(13) By way of derogation from paragraphs 9, 10 and 11 of this Article, the Republic of Croatia may ensure that such operations and tasks are performed in accordance with the law governing concessions, or the law governing the public-private partnership.

(14) Facilities for the performance of operations referred to in paragraphs 9 and 10 of this Article shall not be part of bankruptcy or winding-up estate and as such, in case of bankruptcy of winding-up of the corresponding company, shall not be extracted to the ownership of the Republic of Croatia, that is, of the local or regional self-government unit which is their direct or indirect investor, shareholder or founder.

(15) The law governing the awarding of concessions shall apply to the awarding of concessions as laid down by the present Act.

#### Article 85

(1) The Ministry shall consider an application for a permit to carry out an operation which involves hazardous waste management and thermal treatment procedures for non-hazardous waste, and an application for registration into the register referred to in Article 109 of this Act.

(2) The competent administrative body shall consider an application for waste management permits for operations not included in paragraph 1 of this Article.

#### Waste management permit

#### Article 86

(1) The waste management permit (hereinafter: permit) shall specify the following:

1. address of the facility in which a waste management operation will be carried out;
2. the amount of waste as the maximum amount of a specific type of waste which may be treated per year and the type of waste according to waste codes from the Waste Catalogue;
3. waste management operation including the related technological processes;
4. requirements with respect to technological processes;
5. measures for the handling of waste which is generated or which remains upon completion of technological processes;
6. the date by which the permit review must be carried out, and
7. the closure or after-care measures with respect to operations for which the permit has been granted.

(2) The requirements with respect to technological processes referred to in paragraph 1, item 4 of this Article shall include:

1. technical and technological requirements for carrying out a technological process;
2. safety and precautionary measures;
3. the obligation to monitor emissions into the air, water, sea, soil and the public waste water discharge system, and
4. control operations.

(3) The waste management study referred to in Article 90 of this Act shall form a constituent part of the permit.

(4) Waste management requirements, the format and content of the permit form and the detailed content of the permit application form or the permit modification form shall be laid down by an ordinance issued by the Minister.

(5) The permit shall be issued using a prescribed form.

(6) The permit shall constitute an administrative act.

#### Article 87

(1) By way of derogation from the provisions of Article 86, paragraph 1, item 1 of this Act, the permit issued for an operation which includes the waste preparation pending recovery or the waste disposal and recovery in a mobile facility may specify several addresses at which technological processes of waste management shall be carried out.

(2) By way of derogation from the provisions of Article 86, paragraph 1, item 2 of this Act, the permit issued for waste collection operations which include waste collection and/or emergency waste collection shall specify the amount of waste as the maximum amount of a specific type of waste which may be stored in a waste storage facility at the same time.

(3) By way of derogation from the provisions of Article 86, paragraph 1, item 2 of this Act, the permit shall not specify the amount of waste to be covered by the operation of emergency waste collection.

(4) By way of derogation from the provisions of Article 86, paragraph 1, item 6 of this Act, the permit issued for the activity which includes waste preparation pending recovery or the waste disposal and the treatment in a mobile facility, a validity period of the permit shall be set instead of the time limit for the revision.

#### Article 88

(1) An application for a permit or a permit modification shall be filed in writing and in a digital format using the prescribed form.

(2) The application for a permit, that is the modification of permit referred to in paragraph 1 of this Article shall contain information on the applicant, designation of the operation with all related processes for which the permit is applied for, the location of the facility in which waste management operations shall be carried out and information on the types and amounts of waste.

(3) The application for a permit, that is the modification of permit referred to in paragraph 1 of this Article shall be accompanied by:

1. a certified photocopy of an excerpt from the Register of Companies or the Register of Crafts and Trades;
2. an act permitting the use of the facility pursuant to the regulation governing building construction;
3. a documentary evidence on the availability of the facility in which a waste management operation shall be carried out;
4. a documentary evidence on the appointment of a responsible person, or a photocopy of the employment record book or an employment contract;
5. a certificate proving that an operating ban has not been legally imposed;
6. a study referred to in paragraph 90 of this Act,

7. a documentary evidence on availability of a corresponding security in the manner laid down by the ordinance referred to in Article 86, paragraph 4 of this Act.

8. an opinion by the competent authority for physical planning that the requirements under Article 91, paragraph 1, item 6 of this Act have been fulfilled.

(4) By way of derogation from the provisions referred to in paragraph 3, items 3 and 4 of this Act, an act permitting the use of the facility and a documentary evidence on the availability of the facility in which the waste management procedure is to be carried out, shall not be attached to the application for the permit or permit modification for a facility for waste preparation pending recovery or disposal, or to the application for the permit for a mobile facility for waste recovery.

Person responsible for waste management

Article 89

(1) The applicant shall appoint a person responsible for waste management and his deputy who shall perform the responsible person's duties in his absence.

(2) A person may be appointed a responsible person or his deputy under the condition that:

1. he she has a three-year experience in waste management operations,
2. he has professional qualifications in the field of engineering, technology and natural sciences,
3. he has not performed the duties of a responsible person of the legal person to whom the permit has been revoked,
4. in the last three years he was not sentenced for a criminal offense or a violation of regulations governing environmental protection and waste management, or a criminal offense involving business crime; and
5. he possesses basic knowledge of regulations governing waste management, waste classification and risks and possibilities of waste storage and treatment.

(3)

Tasks to be performed by a responsible person shall be laid down by the ordinance passed by the Minister referred in Article 86, paragraph 4 of this Act.

Waste management study

Article 90

(1) A waste management study is a collection of mutually harmonized documents and drawings aiming to prove, by describing the method of carrying out the relevant technological processes as functional and technological units of the material flow in the location, that requirements for carrying out a waste management operation and the related technological processes and the technical and technological requirements have been met, and that the safety and precautionary measures, limitations and obligations in monitoring emissions and control operation measures have been complied with.

(2) The content of the waste management study shall be prescribed by the Minister by an ordinance referred to in Article 86, paragraph 4 of this Act.

(3) The person responsible for the preparation of the waste management study shall be a person who, pursuant to a special regulation, is entitled to use the professional title of a chartered engineer and is a member of an independent professional organization (hereinafter: the chamber).

(4) The person responsible for the preparation of the waste management study shall through the chamber have available the insurance against liability for damage likely to be caused to third persons in performing his tasks – the design engineer insurance.

(5) The person referred to in paragraph 3 of this Article shall be responsible for the compliance of the waste management study with the conditions laid down pursuant to the present Act and the ordinance referred to in Article 86, paragraph 4 of this Act

(6) When the waste management study is prepared by several persons, the person appointed by the permit applicant to be responsible for the preparation of the study shall be held responsible for the completeness and alignment of all parts of the study.

Permit issuance process

Article 91

(1) In the process of permit issuance it shall be established that:

1. the applicant is registered for carrying out the operations for which the permit is applied for;

2. the applicant has available the facility for which the approval for use in accordance with a special regulation governing building construction has been obtained;

3. the applicant employs persons who meet the requirements laid down by a special regulation;

4. the control operations system fulfils the conditions laid down by the ordinance referred to in Article 86, paragraph 4 of this Act;

5. the waste management study has been prepared in accordance with the present Act and the ordinance referred to in Article 86, paragraph 4 of this Act;

6. the facility in which the waste management procedure is to be performed has been planned in a physical planning document;

7. an environmental impact study has been carried out, if provided for by a special regulation governing environmental protection;

8. the applicant has the insurance against liability for damage likely to result from waste management, and

9. alignment of requirements with the provisions of the Plan.

(2) By way of derogation from paragraph 1 of this Article, the compliance with conditions under paragraph 1, item 2 of this Article shall not be established when considering an application for a permit for a mobile facility for waste preparation pending recovery or disposal, and an application for a permit for a mobile facility for waste recovery.

(3) The permit may not be issued if:

1. an environmental permit for the waste management procedure referred to in Annex III to this Act has not been obtained, in accordance with the regulation governing environmental protection;

2. an environmental impact assessment has not been carried out, in accordance with the regulation governing environmental protection.

(4) The competent authority referred to in Article 85 of this Act shall, while considering the application for the permit, conduct the investigation of the location of the facility in order to determine whether the conditions from the waste management study have been fulfilled.

(5) The investigation referred to in paragraph 4 of this Article shall be attended by the representative of the applicant and the person responsible for the preparation of the waste management study.

(6) The costs of the investigation shall be borne by the applicant.

(7) The applicant shall have available the insurance against liability for damage likely to be caused as a result of waste management. The method of calculation of the insurance amount shall be prescribed by an ordinance issued by the Minister referred to in Article 86, paragraph 4 of this Act.

Article 92



(1) The competent authority considering the application for the permit issuance referred to in Article 85 of this Act, shall provide the party with access to the waste management study.

(2) For the purpose of fulfilling the obligation referred to in paragraph 1 of this Article the competent body shall invite the party to get access to the waste management study. The invitation shall specify in particular:

1. information about the process;
2. reference to the website on which the waste management study is published;
3. time and place where access will be provided, and
4. time limit and the method of making comments.

(3) The competent authority referred to in Article 85 of this Act may, on the request of the party referred to Article 95 of this Act, who has accepted the invitation to get access to the waste management study, set a time limit of eight days at the most to that party to comment on the waste management study.

(4) Should the party fail to comment on the waste management study within the time specified in paragraph 3 of this Article, the party shall be deemed to have been given the possibility to get access to the study.

(5) When the party is not able to follow the invitation to get access to the study for a reason, such access may be provided at a later point of time, but not later than eight days after the last day specified in the invitation, in which case the party shall have to prove the justifiability of the reason for which the invitation was not followed.

## Information and public participation

### Article 93

(1) The competent body referred to in Article 85 of this Act shall ensure the information and public participation with respect to the permit application filed for:

1. incineration, recovery, chemical treatment or disposal of hazardous waste;
2. incineration of municipal waste in an amount exceeding 3 tonnes per hour;
3. deposition of non-hazardous waste in an amount exceeding 50 tonnes per day, and
4. deposition in landfills accepting over 10 tonnes of waste per day or landfills with a total capacity of over 25,000 tonnes, except inert waste landfills.

(1) The provisions of a special regulation governing environmental protection and information and public participation in environmental issues shall correspondingly apply to the procedure for information and public participation referred to in paragraph 1 of this Article.

(2) The procedure for information and public participation referred to in paragraph 1 of this Article shall not be required if such information and public participation was carried out as part of the process laid down by a special regulation governing environmental protection.

#### Temporary permit

#### Article 94

(1) For the purpose of trial run as provided for by a special regulation governing building construction, the competent authority may, on the request of a legal or natural person – craftsman, issue a temporary permit.

(2) The provisions of Articles 84 to 93 of this Act shall correspondingly apply to the procedure for issuing a temporary permit.

(3) By way of derogation from paragraph 2 of this Article, in the procedure for issuing a temporary permit it shall be established that the applicant holds the environmental license in accordance with a regulation governing environmental protection.

(4) A temporary permit shall be issued for an indefinite time of trial run in accordance with an act issued pursuant to a special regulation governing building construction.

#### Party to the permit issuance procedure

#### Article 95

(1) Under the party to the permit issuance procedure it is to understand the applicant, the owner of the real property for which the permit is being issued, the person holding other actual rights to such real property and the local self-government unit in whose area the operation specified in the permit is to be carried out.

(2) By way of derogation from paragraph 1 of this Article, under the party to the temporary permit issuance procedure it is to understand the applicant, the owner of the real property for which the permit is being issued and the person holding other actual rights to such real property.

#### Permit review and modification

#### Article 96

(1) The decision on the permit review shall establish the alignment of the permit with the applicable regulations governing waste management and environmental protection. By the decision on the permit review, the requirements for the permit referred to in Article 86 of this Act shall be modified, if justified, and the time limit for the review shall be set.

(2) The permit review procedure shall be carried out, in pursuance of its duties, by the competent body referred to in Article 85 of this Act, who has issued the permit.

(3) The permit review procedure shall be carried out within the time specified by the permit and the decision on the permit review, but at least once in five years.

(4) The authority conducting the permit review procedure shall make a conclusion by which the party shall be informed about the initiation of the procedure and the further course of the procedure, and shall invite the party to deliver corresponding documentation and evidence.

(5) The provisions of this Act shall correspondingly apply to all other issues with respect to the permit review procedure.

(6) The decision referred to in paragraph 1 of this Article shall not be issued for a permit for an operation which includes the preparation procedure pending waste recovery or disposal and treatment in a mobile facility.

#### Article 97

(1) The permit holder shall notify the permit issuing authority of a change in the conditions laid down for the permit issuance and the act on the basis of which the permit has been issued within 15 days after the day when the change occurred.

(2) For any intended change and/or addition to the type and/or amount of waste, procedure, operation and method of a technological process and any other significant change, the person holder shall have the permit modified.

(3) The decision on the permit modification shall be issued by the competent authority which has issued the permit being modified and shall form a constituent part of such permit.

(4) In the procedure of issuing the decision referred to in paragraph 3 of this Article the provisions of this Act laying the permit issuance procedure shall correspondingly apply.

#### Article 98

(1) In case of a change in the status of the permit holder, all rights and obligations arising from that permit shall be transferred to the legal successor when it proves the compliance with the conditions referred to in Article 91 of this Act.

(2) The transfer of rights and obligations arising from the permit to the legal successor shall be specified by the decision issued by the competent authority referred to in Article 85 of this Act in the process of immediate decision-making.

#### Article 99

In the event that it has been determined that a certain part of the waste storage and/or treatment facility covered by the previously issued permit has been leased, the competent authority referred to in Article 85 of this Act shall, in line of its duty, issue a decision on permit modification by which the rights assigned by the permit to the leaseholder in accordance with the lease contract shall be diminished proportionately.

#### Article 100

(1) The notification of permit issuance shall be submitted by the competent administrative body to the Ministry, the Environmental Inspectorate and the Agency.

(2) The notification of permit issuance shall be submitted by the Ministry to the Environmental Inspection, the Agency, the parties to the procedure and the administrative body in whose area the location referred to in Article 86, paragraph 1, item 1 of this Act is situated.

(3) Upon the permit issuance the competent authority referred to in Article 85 of this Act shall enter the permit into the network application referred to in Article 137 of this Act.

#### Permit revocation and cancellation

#### Article 101

(1) The Ministry or the competent administrative body shall, by a decision, revoke or cancel a permit and a temporary permit on the proposal of an environmental inspector referred to in Article 155, paragraph 5 and Article 164 of this Act in the following cases:

1. if the Ministry or the competent administrative body finds that that the permit holder fails to comply with the conditions or obligations prescribed;
2. if the permit holder fails to comply with the order given by the environmental inspector with respect to waste management, and
3. if the permit holder fails to respect statutory regulations on environmental protection and waste management as well as other regulations governing this area.

(2) The competent administrative body shall submit the decision referred to in paragraph 1 of this Article to the Ministry, the Environmental Inspectorate, the Agency and the local self-government unit in whose area the permit holding facility is located.

(3) The Ministry shall submit the decision referred to in paragraph 1 of this Article to the Environmental Inspectorate, the Agency and the local self-government unit in whose area the permit holding facility is located.

(4) If the permit holder fails to notify the competent authority referred to in Article 85 of this Act of the cessation of the activity for which the permit was issued, the Ministry, or the competent administrative authority shall determine the termination of permit validity.

## Legal remedies

### Article 102

(1) An appeal against the permit, the temporary permit, the decision on the permit review or modification and the decision on the permit revocation or cancellation issued by the competent administrative body may be lodged to the Ministry.

(2) No appeal against the permit, the temporary permit, the decision on the permit review or modification and the decision on the permit revocation or cancellation issued by Ministry shall be allowed, but an administrative dispute may be initiated.

## Waste collection

### Article 103

(1) The person holding a permit for waste collection and/or emergency waste collection is allowed to carry out such waste collection over the entire territory of the Republic of Croatia.

(2) The person holding a permit for waste collection is allowed to store the waste intended for recovery or disposal for no longer than one year after the date of acceptance.

(3) The person holding a permit for waste collection is allowed to collect small quantities of specific special waste in the locations of a seller who sells a product and/or a plant and/or equipment.

## Waste disposal

### Article 104

The landfill categories, waste disposal operations and other requirements, operations and other requirements with respect to acceptance of waste in underground waste storages, limit values of emissions into the environment caused by waste deposition, conditions and measures with respect to the planning, construction, operation and closure of landfills and after-closure operations as well as the requirements for waste disposal pursuant to a special regulation on the prevention of pollution of the Mediterranean Sea by dumping waste and other substances from ships and aircraft on the seabed pursuant to Article 16, paragraphs 2

and 3 of this Act, in cooperation with the Minister competent for physical planning, the Minister competent for maritime affairs and the Minister competent for water management, shall be laid down by an ordinance issued by the Minister.

#### Thermal treatment of waste

##### Article 105

The operation methods and conditions, conditions for starting and stopping the plant for thermal treatment, incineration and co-incineration of waste, the method of waste input control, air, soil and water protection methods and the method of managing the residual waste in waste incineration, co-incineration and thermal treatment plants shall be laid down by an ordinance issued by the Minister.

#### Marking the site

##### Article 106

(1) A permit applicant shall, not later than the day of filing the proper permit application to the competent authority referred to in Article 85 of this Act, place a notice of intention to obtain the permit for that site at the main entrance to the site for which the permit issuance application has been filed.

(2) The applicant may remove the notice referred to in paragraph 1 of this Article upon valid completion of the procedure.

(3) Upon obtainment of the permit, notices containing the basic information on waste and operations specified by the permit shall be placed at all entrances to the site.

(4) The appearance and the content of the notice referred to in paragraph 1 of this Article and the notice referred to in paragraph 3 of this Article shall be laid down by the ordinance issued by the Minister in accordance with Article 86, paragraph 4 of this Act.

#### Technological process of mixing waste

##### Article 107

(1) Any mixing of hazardous waste with other types of hazardous waste displaying different physical, chemical or hazardous properties, and with other types of waste and other substances or materials, including the dilution of hazardous substances is prohibited.

(2) If hazardous waste is mixed in the manner contrary to paragraph 1 of this Article, hazardous waste shall be separated from other types of waste taking into account the technical and economic feasibility criteria, in order to comply with the requirements referred to in Articles 6 and 9 of this Act.

(3) By way of derogation from paragraph 1 of this Article, the permit for waste recovery and/or disposal or preparation pending waste recovery or disposal may allow that hazardous waste is mixed with other types of waste displaying different physical, chemical or hazardous properties, and with other types of waste and other substances and materials in the manner as prescribed by a special regulation on special waste categories, if such mixing complies with the best available techniques.

(4) The provisions of paragraphs 1, 2 and 3 of this Article shall not apply to hazardous waste generated in households.

(5) Joint treatment of different types of waste or waste and other substances shall not be deemed mixing within the meaning of this Article if such treatment is allowed for each individual type of waste in accordance with the permit under Article 86 of this Act.

Technological process of packing waste

Article 108

(1) In the course of collection, transportation and storage waste shall be packed in a way which is not harmful to the environment and human health, and marked by a label containing the waste name and the waste code in accordance with the Waste Catalogue.

(2) In the course of collection, transportation and storage hazardous waste shall be packed and labelled in accordance with international standards and the European Union acquis communautaire relating to sorting, labelling, marking, and packing of hazardous substances and chemicals.

Registers for carrying out waste management operations

Article 109

The Ministry shall keep the following registers for carrying out waste management operations:

1. Register of Waste Carriers,
2. Register of Waste Management Brokers,
3. Register of Waste Dealers,
4. Register of Recycling Yards,
5. Register of Persons Storing Their Own Industrial Waste, and
6. Register of Persons Dealing with Energy Recovery from Waste.

## Waste transport

### Article 110

(1) A legal or natural person – craftsman – may carry out waste transport operations if entered into the Register of Waste Carriers.

(2) A person shall be entered into the Register of Waste Carriers if it submits a request accompanied by the documentary evidence of meeting the following conditions:

1. that it is registered for carrying out transport operations;
2. that it possesses a valid document permitting the transport operations pursuant to the regulation governing waste transport, and
3. that it has available a vehicle and a driver which fulfil the conditions laid down by regulations governing waste transport.

(3) The waste carrier shall deliver the waste to the person possessing a valid permit referred to in Article 86 of this Act or to a recycling yard.

(4) In the course of waste transport the waste carrier shall possess all the documents required for waste which is transported.

(5) If hazardous waste cannot be delivered to the destination, the waste carrier shall return it to the person from whom it has received the hazardous waste for transport. If waste cannot be returned, the waste carrier shall take measures to ensure that such waste is treated at its own expense and may claim compensation from the person from whom the waste was received for transport.

(6) The list of wastes whose transportation requires a vehicle and a driver qualified for transportation of hazardous substances shall be prescribed by the Minister in accordance with Article 86, paragraph 4 of this Act.

## Waste management brokering

### Article 111

(1) A legal or natural person – craftsman – may provide waste management brokering services if entered into the Register of Waste Management Brokers.

(2) A person shall be entered into the Register of Waste Management Brokers if it submits a request accompanied by the documentary evidence proving that it is registered for the provision of waste management brokering services.

## Waste trading



## Article 112

(1) A legal or natural person – craftsman – may carry out waste trading operations if entered into the Register of Waste Dealers.

(2) A person shall be entered into the Register of Waste Dealers if it submits a request accompanied by the documentary evidence proving that it is registered for the waste trading operations and the evidence of the appointment of a person responsible for waste management.

(3) A waste dealer shall be deemed the owner of waste purchased and may take possession of such waste if it has available a waste storage for which a valid permit has been issued or a recycling yard entered into the Register of Recycling Yards.

(4) All payments for the purchase of waste shall be effected on the account, unless stated otherwise in the present Act and implementing regulations adopted in pursuance of this Act.

(5) The waste dealer shall take measures to ensure that the acceptance of waste is recorded by a video camera. A video recording of the waste acceptance shall be kept by the waste dealer for at least a month.

(6) The waste dealer shall require from the person from whom the waste is being purchased to produce the personal identification document for the purpose of identifying the person from whom it intends to purchase waste, and the evidence of the waste origin or a statement about the ownership of waste which it intends to purchase.

(7) If the person referred to in paragraph 6 of this Article fails to produce the personal identification document and the evidence of the waste origin, or a statement about the ownership of waste, the waste dealer shall not be allowed to purchase such waste.

(8) If, according to official data provided by the government body responsible for statistics, the monthly income earned by selling waste exceeds a half of the minimum wages in the Republic of Croatia in the previous year, this shall be deemed a waste trading operation.

Waste collection in recycling yard

## Article 113

(1) A legal or natural person – craftsman – may carry out waste collection in a recycling yard if entered into the Register of Recycling Yards.

(2) A person shall be entered into the Register of Recycling Yards if it submits a request accompanied by the documentary evidence of meeting the following conditions:

1. that it is registered for carrying out waste collection operations;

2. that it possesses a recycling yard within the meaning of this Act;
3. that the recycling yard is marked in accordance with the ordinance referred to in Article 86, paragraph 4 of this Act;
4. that it has available an adequate number of containers for separate collection of waste, and
5. that it has appointed a person responsible for waste management.

(3) The person managing a recycling yard shall be deemed the owner of the waste collected through the operation of the recycling yard.

(4) The person managing a recycling yard shall not buy waste on the basis of a certificate of registration into the Register of Recycling Yards.

(5) The method of recycling yard operation shall be prescribed by the Minister by an ordinance referred to in Article 86, paragraph 4 of this Act.

Storage of one's own industrial waste

Article 114

(1) A legal or natural person – craftsman – may temporarily store its own industrial waste in a quantity above 150 tonnes of non-hazardous waste or 200 kilograms of hazardous waste, if entered into the Register of Persons Storing Their Own Industrial Waste.

(2) A person may be entered into the Register of Persons Storing Their Own Industrial Waste if it submits a request accompanied by documentary evidence that it has available adequate containers and the space for temporary storage of its own industrial waste as part of the facility used for the person's basic business, and the evidence of appointment of a person responsible for waste management.

Energy recovery from a specific waste

Article 115

(1) A legal or natural person – craftsman – and a farmer may carry out the operation of energy recovery from a specific non-hazardous waste if it is entered into the Register of Persons Dealing with Energy Recovery from Waste.

(2) A person entered into the Register of Persons Dealing with Energy Recovery from Waste is allowed to carry out the recovery of the following waste:

1. green waste coming from agriculture and forestry;
2. green waste coming from the food industry when the heat produced is used;

3. plant-tissue waste coming from pulp and paper production, if the energy recovery takes place at the place of its generation and by using the heat produced;
4. wood waste with the exception of such waste that is likely to contain halogenated organic compounds or heavy metals resulting from treatment by wood preservatives, coating or gluing, and wood waste coming from construction or demolition, and
5. cork waste.

(3) A person shall be entered into the Register referred to in paragraph 1 of this Article if it submits a request accompanied by the documentary evidence of meeting the following conditions:

1. that it is registered for carrying out an activity where energy produced by recovery is used;
2. that it has available plants and equipment for energy recovery from waste;
3. that it has appointed a person responsible for waste management; and
4. that it complies with the conditions laid down by regulations governing air protection.

Entering into and removing from the register

#### Article 116

(1) When a person is entered into the Register referred to in Articles 109 and 121 of this Act, the Ministry shall issue a certificate and enter the data into the network application referred to in Article 137 of this Act.

(2) The Ministry shall issue a decision on the rejection of an entry into the Register.

(3) The Ministry shall issue the decision on removing a legal or natural person – craftsman – from the Register referred to in Article 109 of this Act if:

1. it receives from a legal or natural person – craftsman – or a farmer entered into the Register a notice of cessation of the operations or establishes in any other way that such person has ceased carrying out operations;
2. it is found that a legal or natural person – craftsman – or a farmer fails to comply with the conditions on the basis of which it has been entered into the Register;
3. a legal or natural person – craftsman – or a farmer fails to fulfil the obligation of submitting a form specifying the status of the business and operations, and
4. it is found that that a legal or natural person – craftsman – or a farmer failed to act upon the final decision of an environmental inspector.

(4) No appeal against the application to be entered into the Register referred to in Articles 109 and 121 of this Act and against the decision referred to in paragraph 3 of this Article shall be allowed, but an administrative dispute may be initiated.

General obligations of a person entered into the Register

Article 117

(1) The person entered into the Register referred to in Article 109 of this Act shall submit a filled in form specifying the status of the relevant business or operation to the Ministry within a year after the date of the first entry, or within a year after the date of submission of the last form specifying the status of the operation.

(2) A legal or natural person – craftsman – or a farmer shall by the submission of the form referred to in paragraph 1 of this Article notify the Ministry of any change in data which were the basis for the issuance of a certificate of entry into the Register within 15 days after the change occurred.

(3) The content and the method of keeping the Registers referred to in paragraph 1 of this Article, the form for the request referred to in Articles 110, 111, 112, 113, 114 and 115 of this Act, the method of making an entry into the Register, the content and the appearance of certificates, the content and the method of submission and the appearance of the form specifying the status of the business shall be laid down by the Minister by an ordinance referred to in Article 86, paragraph 4 of this Act.

## VII. TRANSBOUNDARY MOVEMENT OF WASTE

Article 118

(1) The transboundary movement of waste into the Republic of Croatia, from the Republic of Croatia and through the Republic of Croatia shall be governed by the Regulation (EC) No 1013/2006 of the European Parliament and the Council on shipments of waste (hereinafter: the Regulation (EC) No 1013/2006).

(2) The Ministry shall be the competent authority for the implementation of the Regulation (EC) No 1013/2006 in accordance with Article 53 of that Regulation.

(3) The Minister shall appoint one or more responsible persons from its staff for informing and advising the persons concerned and for cooperation with the European Commission on issues of transboundary movement of waste in accordance with Article 54 of the Regulation (EC) No 1013/2006.

(4) Border crossings in the area of the Republic of Croatia through which the import of waste into the European Union and the export of waste from the European Union are allowed in

accordance with Article 55 of the Regulation (EC) No 1013/2006 shall be designated by a regulation passed by the Government.

(5) The Republic of Croatia may conclude bilateral agreements with the neighbouring states in accordance with Article 30 of the Regulation (EC) No 1013/2006.

(6) For the purposes of the provisions of this Act related to the transboundary movement of waste, the terms “import” and “export” shall apply to the transboundary movement of waste between the Republic of Croatia and European Union Member States and the transboundary movement of waste between the Republic of Croatia and countries outside the European Union in accordance with the provisions of the Regulation (EC) No 1013/2006.

#### Article 119

(1) The Ministry shall notify the European Commission of the decisions under Article 118 of this Act in accordance with Article 56 of the Regulation (EC) No 1013/2006.

(2) The Ministry shall submit reports to the European Commission in accordance with Article 51 of the Regulation (EC) No 1013/2006.

#### General requirements for transboundary movement of waste

#### Article 120

(1) The import of hazardous waste, mixed municipal waste and incineration residues of mixed municipal waste for the disposal is prohibited in accordance with Article 11, paragraph 1, item e) of the Regulation (EC) No 1013/2006.

(2) The import of mixed municipal waste for energy purposes shall be prohibited.

(3) The delivery of waste generated by a regular operation of a means of transport operating in the international traffic (a vessel, vehicle and aircraft) to the person appointed pursuant to the present Act, or to the reception facilities pursuant to the Maritime Code, shall not be considered the import of waste.

(4) When in the Republic of Croatia there are sufficient capacities for material recovery of specific types of waste for the purpose of achieving waste recovery targets as set by the Plan, the material recovery in the Republic of Croatia shall have precedence over waste export. The assessment of the availability of capacities for the recovery shall be carried out by the Fund in cooperation with the Agency in the manner prescribed by the ordinance referred to in Article 53, paragraph 3 of this Act.

(5) For the purpose of achieving the targets to reduce the amounts of waste deposited in landfills and the installations for energy recovery from waste in accordance with the targets

established by the Plan, the waste produced in the Republic of Croatia shall have precedence over waste import.

Transboundary movement of waste not subject to the procedure of prior written notification

#### Article 121

(1) A legal or natural person – craftsman – carrying out import and/or export of waste not subject to the procedure of prior written notification pursuant to Article 3 of the Regulation (EC) No 1013/2006 shall be entered into the:

1. Register of importers of wastes not subject to the procedure of prior written notification, and/or
2. Register of exporters not subject to the procedure of prior written notification.

(2) A person shall be entered by Ministry into the Register referred to in paragraph 1 of this Article if it submits a request accompanied by the following:

1. a documentary evidence that it is registered for the relevant trade business;
2. a list of wastes for which the entry in the Register is applied for according to waste codes in accordance with the European Waste Catalogue and the waste identifications in accordance with Annexes III, IIIA and IIIB to the Regulation (EC) No 1013/2006;
3. if such person is a waste importer, a documentary evidence that it holds a permit for the recovery of waste which it wishes to import if it deals with waste recovery, or an evidence of the status of a waste dealer or broker,
4. if such person is a waste exporter, a documentary evidence that it holds a permit for the collection of waste which it wishes to export, or an evidence that such person is a waste producer, dealer or broker.

(3) The procedure of entering into and deleting the person from the Register under paragraph 1 of this Article the provisions of Article 116 of this Act shall accordingly apply.

(4) A waste importer and exporter not subject to the procedure of prior written notification shall, by 1 March of the current year, submit reports to the Agency containing information on the types and amounts of waste imported and exported in the previous calendar year, in writing or digital format using the network application of the Agency referred to in Article 137 of this Act.

#### Article 122

(1) Each shipment of waste not subject to the procedure of prior written notification shall be dispatched in accordance with the requirements referred to in Article 18, paragraphs 1 and 2 of the Regulation (EC) No 1013/2006.

(2) For the purpose of inspection a waste exporter and importer not subject to the procedure of prior written notification shall, in accordance with Article 18, paragraph 3 of the Regulation (EC) No 1013/2006, provide the Environmental Inspectorate with information on the shipment of waste not subject to the procedure of prior written notification under Annex VII to the Regulation (EC) No 1013/2006, in writing or in digital format, three days prior to the planned dispatch of the shipment.

(3) All information on the shipment of waste not subject to the procedure of prior written notification shall be kept for at least three years from the date of dispatch in accordance with Article 20, paragraph 2 of the Regulation (EC) No 1013/2006.

Transboundary movement of waste subject to the procedure of prior written notification

#### Article 123

(1) The transboundary movement of waste subject to the procedure of prior written notification in accordance with Article 3 of the Regulation (EC) No 1013/2006 shall be approved by the Ministry by a consent in writing as provided for by the present Act (hereinafter: the consent).

(2) In accordance with the notification of the transboundary movement of waste which is a constituent part of the approval, the consent referred to in paragraph 1 of this Article shall specify the following:

1. the waste name, the waste code according to the European Waste Catalogue and waste designation in accordance with Annexes IV, IVA and V to the Regulation (EC) No 1013/2006 when applicable, and other waste indications when applicable;

2. the intended quantity of waste;

3. notifier's name and address;

4. consignee's name;

5. name and address of the waste recovery and/or disposal facility;

6. waste recovery and/or disposal operation;

7. means of transport;

8. border crossings, and

9. consent validity period.

(3) The consent referred to in paragraph 1 of this Article shall constitute an administrative act.

(4) The Ministry shall, by a decision, withdraw the consent in cases referred to in Article 9, paragraph 8 of the Regulation (EC) No 1013/2006 and shall accordingly inform thereof all competent authorities involved in the transboundary movement of waste.

(5) No appeal against the consent referred to in paragraph 1 of this Article and the decision referred to in paragraph 4 of this Article shall be allowed, but an administrative dispute may be initiated.

(6) The Ministry shall make the consents issued for the shipments of waste publicly available in accordance with Article 21 of the Regulation (EC) No 1013/2006.

#### Article 124

(1) The notifier referred to in Article 2, paragraph 15 of the Regulation (EC) No 1013/2006 (hereinafter: the notifier) coming from an area outside the Republic of Croatia shall submit a request for consent (hereinafter referred as: the request) through the competent authority of the country of dispatch, and the notifier from the Republic of Croatia shall submit the request to the Ministry, which shall forward it by way of a pre-consent to competent authorities of the countries of transit and the country of destination in accordance with Article 4 of the Regulation (EC) No 1013/2006.

(2) The request shall be accompanied by:

1. notification of the transboundary shipment of waste and the movement document referred to in Annexes IA and IB to the Regulation (EC) No 1013/2006, issued by the competent body of the country of dispatch and filled in by the notifier;
2. the contract signed between the notifier and the consignee in accordance with Article 5 of the Regulation (EC) No 1013/2006;
3. the contract between the consignee and the person carrying out the waste recovery/disposal, when the consignee is not the person carrying out the recovery/disposal;
4. an adequate insurance policy or a bank guarantee in accordance with Article 6 of the Regulation (EC) No 1013/2006 in an amount which ensures the coverage of shipments envisaged in accordance with item 1 of the present paragraph;
5. an adequate insurance policy or a bank guarantee as insurance against liability for damage caused to third parties;



6. a photocopy of the waste recovery or disposal permit of the person to recover or dispose of the waste;

7. description of the technological process of waste recovery and/or disposal;

8. transport routes including possible alternatives, and

9. a list of competent authorities involved in the transboundary transport of waste.

(3) In case of the import of waste subject to the procedure of prior written notification (hereinafter: import) the request shall be approved under the condition that:

1. the requirements under paragraph 2 of this Article have been met;

2. the consignee is registered for the relevant trade business;

3. an analysis of the chemical composition of waste is attached;

4. the import of the planned quantity of waste does not exceed the capacity of the recovery facility, and

5. evidence of the conformity of the requirements with the targets set by the Plan in case of the import of waste for the purpose of energy recovery is attached, in accordance with Article 120, paragraph 5 of this Act.

(4) In case of the transit of waste subject to the procedure of prior written notification (hereinafter: transit) the request shall be approved under the condition that:

1. all requirements under paragraph 2 of this Article are met, and

2. a consent has been issued by the country of destination.

(5) In case of the export of waste subject to the procedure of prior written notification (hereinafter: export) the request shall be approved under the condition that:

1. the requirements under paragraph 2 of this Article have been met;

2. the notifier is registered for the relevant trade business;

3. the notifier holds the permit for the collection of the type of waste which it intends to export, if he/she is a waste collector;

4. the original or a certified photocopy is attached of the valid contract for brokering services signed by any waste producer and/or waste holder and/or waste owner whose waste he intends to export, when the notifier is a waste dealer or a waste broker;

5. an excerpt from the Register of the Waste Generation and Stream is attached, when the notifier is the waste producer;
6. an evidence of the conformity of the request with the provisions of the Plan is attached in case of the waste export referred to in Article 120, paragraph 4 of this Act;
7. consents have been issued by the countries of transit;
8. the consent has been issued by the country of destination, and
9. the request complies with Article 57, paragraph 3 of this Act.

#### Article 125

(1) The request shall be submitted in writing.

(2) In case of waste export all attachments referred to in Article 124 of this Act shall be enclosed as photocopies except for the notification of the transboundary movement of waste and the movement document, the contract between the notifier and the consignee, the contract between the consignee and the person carrying out recovery/disposal of waste, when the consignee is not the person carrying out the recovery/disposal, while the appropriate insurance policy or bank guarantee shall be enclosed as originals or certified copies.

(3) In case of the waste import and transit all attachments referred to in Article 124 of this Act shall be enclosed as photocopies.

(4) By way of derogation from paragraph 1 of this Article, in case of waste transit from third countries which are not EU Member States or the members of the European Free Trade Association (EFTA) and/or the Organisation for Economic Co-operation and Development (OECD), the pre-consent of the country of dispatch shall be submitted in writing, whereas the enclosures may be submitted through facsimile or e-mail.

(5) The request for export shall include photocopies of documents for each country to which the pre-consent is submitted by the Ministry.

#### Article 126

(1) For the shipments of waste subject to prior written notification procedure (hereinafter: the shipments) which are exported from the Republic of Croatia, the Ministry shall give approval for an insurance policy or a bank guarantee referred to in Article 124, paragraph 2, item 4 of this Act, including the form, the text and the amount of coverage.

(2) The methodology for calculation of the amount of the insurance policy or the bank guarantee shall be laid down by the Minister in an ordinance referred to in Article 86, paragraph 4 of this Act.

(3) For the shipments of waste imported into the Republic of Croatia from countries outside the European Union or shipments in transit through the territory of the Republic of Croatia coming from countries outside the European Union, the Ministry shall check the amount of the insurance policy or the bank guarantee and demand an additional insurance policy or bank guarantee, if required. If neither the competent authority of the country of dispatch nor the competent authority of the country of destination has granted approval to the insurance policy or the bank guarantee, this will be done by the Ministry in the manner referred to in paragraph 1 of this Article.

(4) As regards shipments of waste imported into the Republic of Croatia for operations R12 and R13 when further recovery operation is carried out in the Republic of Croatia, any further dispatch to the recovery facility upon completion of operations R12 and R13 shall be covered by a new insurance policy or bank guarantee.

#### Article 127

(1) In case of export the Ministry shall submit the pre-consent to countries of transit and countries of destination within three days upon the delivery of a proper request.

(2) In case of import or transit, when deficiencies in the request has been discovered, the Ministry shall, within three working days following the receipt of the request, warn the notifier in a conclusion about such deficiencies and set a time period within which the notifier shall eliminate them, in accordance with Article 8, paragraph 1 of the Regulation (EC) No 1013/2006. Photocopies of the conclusion shall be submitted to all competent authorities involved in the transboundary movement of waste in question.

(3) Upon receipt of a complete request for import or transit, the Ministry shall send a notification to the notifier and all competent bodies involved in the transboundary movement of waste of the completeness of the request within three working days.

(4) The conclusion referred to in paragraph 2 of this Article and the notification referred to in paragraph 3 of this Article shall be sent by e-mail or facsimile, and by mail.

#### Article 128

(1) Upon receipt of the consent to the transboundary movement of waste subject to prior written notification procedure, the notifier shall notify by facsimile or e-mail the competent authorities of the country of dispatch, the countries of transit and the country of destination of each dispatch of the shipment three days before the dispatch of the shipment.

(2) When the transboundary movement of waste is carried out through border crossings between the Republic of Croatia and the non-Member States, the notifier shall, in addition to notifying the competent authorities referred to in paragraph 1 of this Article, notify the customs office at the entry into the Republic of Croatia and/or exit from the Republic of Croatia of such shipment.

## Article 129

(1) The notifier or the consignee from the territory of the Republic Croatia shall furnish the Ministry by facsimile or e-mail with the copies of the movement document including the receipt for each dispatched shipment of waste subject to prior written notification procedure.

(2) The notifier or the consignee from the territory of the Republic Croatia shall ensure that the Ministry is furnished, by facsimile, e-mail or in writing, with the certificate of the final recovery/disposal for each consented transboundary shipment of waste subject to prior written notification procedure.

(3) When the notifier or the consignee from the territory of the Republic of Croatia has not used the consent referred to in Article 123 of this Act, he shall inform the Ministry accordingly upon expiry of the consent.

(4) All documents relating to the shipment of waste subject to prior written notification procedure shall be kept for three years after the shipment has taken place, in accordance with Article 20, paragraph 1 of the Regulation (EC) No 1013/2006.

## Article 130

(1) The notifier and/or the consignee from the territory of the Republic of Croatia shall, by 1 March of the current year, submit to the Agency reports for the previous calendar year with respect to exported and/or imported quantities and types of waste subject to prior written notification procedure, in writing or in digital format, through the network application of the Agency referred to in Article 137 of this Act.

(2) The Ministry shall keep a record of data on the transboundary movement of waste subject to prior written notification procedure, in particular data on:

1. requests received;
2. consents issued;
3. consents withdrawn;
4. actual quantities of waste subject to prior written notification procedure in accordance with the consent issued, and
5. the final recovery/disposal for each consented transboundary movement of waste subject to prior written notification procedure.

## Pre-consented facilities

## Article 131

(1) A legal or natural person – craftsman – holding the permit referred to in Article 86 of this Act relating to the recovery of waste subject to prior written notification procedure may submit a request to the Ministry for being granted the status of a pre-consented facility for import of waste subject to prior written notification procedure (hereinafter: the pre-consented facility) in accordance with Article 14, paragraph 1 of the Regulation (EC) No 1013/2006.

(2) The status of a pre-consented facility shall be determined by a decision issued by the Ministry.

(3) The decision under paragraph 2 of this Article shall be issued for one or more types of waste for which the legal or natural person – craftsman – under paragraph 1 of this Article holds a permit referred to in Article 86 of this Act.

(4) The decision referred to in paragraph 2 of this Article shall specify:

1. the types and total quantity of waste for which the pre-consent is being issued;
2. recovery operation including a description of the technology employed, and
3. validity period.

(5) The decision referred to in paragraph 2 of this Article shall be issued for a period of up to five years.

(6) The Ministry has the right to revoke the decision referred to in paragraph 2 of this Article in accordance with Article 14, paragraph 1 of the Regulation (EC) No 1013/2006.

(7) An appeal against the decision with regard to the application for being granted the status of a pre-consented facility for import of waste subject to prior written notification procedure and the decision referred to in paragraph 6 of this Article may not be lodged, but an administrative dispute may be initiated.

#### Article 132

(1) The request for the issuance of a decision which grants the status of a pre-consented facility shall be submitted in writing and digital format.

(2) The request for the issuance of a decision which grants the status of a pre-consented facility shall include:

1. information on the applicant: the name and address of the company or the craft business, registration number, the name of the person in charge of representing the company or the craft business, phone number and e-mail address for the purpose of contact;

2. a photocopy of the permit referred to in Article 86 of this Act on the basis of which the status of a pre-consented facility is requested;
3. types and total quantity of waste for which the pre-consent is requested, and
4. a statement of the types and estimated quantity of waste to be generated by the recovery of imported waste, and the method of its recovery and/or disposal.

#### Article 133

(1) A legal or natural person – craftsman – referred to in Article 131, paragraph 1 of this Act shall inform the Ministry of any change in the data on the basis of which the decision on the status of a pre-consented facility was issued, and require the modification of the decision within 15 days after the change occurred.

(2) A legal or natural person – craftsman – referred to in Article 131, paragraph 1 of this Act, shall, by March 1 of the current year, submit reports to the Agency containing information on the amounts and types of waste imported in the previous calendar year, for which he obtained the decision on the status of a pre-consented facility, in writing or digital format using the network application of the Agency referred to in Article 137 of this Act.

#### Article 134

In accordance with the provisions of Article 14, paragraph 3 of the Regulation (EC) No 1013/2006 the Ministry shall inform the European Commission of any decision on the status of a pre-consented facility issued, any change in the decision on the status of a pre-consented facility and any decision on the status of a pre-consented facility revoked, using a form contained in Annex VI to the Regulation (EC) No 1013/2006.

#### Language for communication in transboundary movement of waste

#### Article 135

(1) Languages accepted by the Republic of Croatia for communication in transboundary movement of waste shall be Croatian and English.

(2) When original documents attached to the request for transboundary movement of waste subject to prior written notification procedure are not written in one of the languages referred to in paragraph 1 of this Article, the notifier shall enclose a certified translation in the Croatian language in accordance with Article 27 of the Regulation (EC) No 1013/2006.

#### Take-back of shipments of waste

#### Article 136

(1) In the event that in accordance with Articles 22 or 24 of the Regulation (EC) No 1013/2006 waste is to be taken back to the Republic of Croatia, from the Republic of Croatia or through the Republic of Croatia, the Ministry shall issue an approval.

(2) The approval referred to in paragraph 1 of this Article shall not constitute an administrative act.

(3) The approval shall be submitted by facsimile or e-mail to the relevant competent authorities and by mail to the consignee, if possible.

(4) The consignor of waste from the Republic of Croatia shall take the returned waste back, if he can ensure conditions for the storage of such waste, and if an analysis of the composition of waste is not required. Otherwise, the waste shall be returned to the customs storage referred to in Article 156, paragraph 2 of this Act.

(5) Notifications, agreements on the procedures and other communication between competent authorities in cases referred to in Articles 22 and 24 of the Regulation (EC) No 1013/2006 shall take place through electronic mail or in any other appropriate way.

## VIII. WASTE MANAGEMENT INFORMATION SYSTEM

### Article 137

(1) The waste management information system (hereinafter: the information system) is used for the monitoring and control of the waste management system in the Republic of Croatia.

(2) The information system is a constituent part of the environmental protection information system maintained in conformity with the law governing environmental protection and contains in particular the following:

1. data from the Records of Decisions on Declassification of Waste referred to in Article 13 of this Act;

2. data from the Register of by-products and the Register of decisions on the end-of-waste status referred to in Articles 14 and 15 of this Act;

3. data from consolidated reports of the local self-government units referred to in Article 21 of this Act;

4. data on locations of discarded waste referred to in Article 36 of this Act;

5. data on educational and informative activities carried out, as referred to in Article 39 of this Act;

6. data on waste collection drives referred to in Article 40 of this Act;

7. data on the charge for the proximity of non-compliant landfills referred to in Article 41 of this Act;
8. data on special waste categories in accordance with Article 42 of this Act;
9. data contained in the Register of Managing Special Waste Categories referred to in Article 43 of this Act;
10. data on the quantities, types and streams of waste contained in the Register of the generation and stream of waste referred to in Article 45 of this Act;
11. data on persons responsible for drawing up plans for the management of waste coming from the waste producer referred to in Article 48 of this Act;
12. a list of accredited test laboratories referred to in Article 50 of this Act;
13. data on certificates of the completion of education for waste management referred to in Article 52 of this Act and data on persons referred to in Article 46 of this Act;
14. data from the registers for carrying out waste management operations referred to in Article 109 of this Act;
15. data from the registers, decisions and reports on the transboundary movement of waste referred to in Articles 121, 123 and 131 of this Act;
16. data on permits and certificates issued for waste management operations and other data contained in the Register of Waste Management Operations referred to in Article 139 of this Act;
17. data on the waste management facilities,
18. indicators of the situation in the area of waste and compliance with targets, and
19. data on regulations, guidelines, plans and projects in the area of waste management, and other data of relevance to waste management issues.

(3) The information system shall include the following:

1. electronic register of the waste generation and stream (e-onto);
2. application for the operation of the Register of Waste Management Operations referred to in Article 139 of this Act;
3. application for accredited laboratories;
4. application for the Pollutant Emission Register under a special regulation;



5. application for transboundary movement of waste;
6. application for the operation of the Register of Managing Special Waste Categories; and
7. application for the records of discarded waste locations.

(4) Competent authorities of the local and district (regional) self-government units and legal persons with public powers shall ensure timely and free of charge the data falling within their competence and such other data as may be necessary for the operation of the information system.

(5) The information system shall be maintained by the Agency, by using electronic software solutions which enable network input, processing and display of data.

(6) The Agency shall take measure to ensure that data are collected and entered into the information system in a timely and integrated manner. On the basis of the data collected the Agency shall draw up a report on waste management as a constituent part of the state of the environment report as prescribed by the law governing environmental protection.

(7) The performance of activities under paragraph 4 of this Article shall be supervised by the Ministry.

(8) The structure, content, availability of data and the information system operation method shall be laid down by an ordinance issued by the Minister.

(9) The finances necessary for elaboration and operation of the information system shall be secured by the Ministry through the Fund and the Agency.

## Reporting

### Article 138

(1) The Agency shall be responsible for coordination of reports and for the reporting on the implementation of Directive 2008/98/EC and other waste management legislation of the European Union.

(2) The Agency shall report to the European Commission in accordance with paragraph 1 of this Article on the compliance with targets set in Articles 54 and 55 of this Act, and, in case of the non-compliance with those targets, it shall report on the reasons for their non-compliance and propose actions to be undertaken for the purpose of their compliance.

(3) The expenses of the Agency with respect to reporting referred to in paragraphs 1 and 2 of this Article shall be secured in the government budget.

## Register of waste management operations

## Article 139

(1) The Register of persons carrying out waste management operations (hereinafter: the Register) shall contain data on acts relating to legal and natural persons – craftsmen – with respect to waste management, and in particular data on:

1. permits, temporary permits and decisions on permit reviews;
2. decisions on revocation and withdrawal of permits;
3. minutes of inquiries;
4. registers under Articles 14, 15, 45, 109 and 121 of this Act and the decisions on the removal from such registers, including the decision referred to in Article 13 of this Act;
5. minutes of supervisions;
6. inspector's decisions and orders,
7. court decisions in waste management matters, and
8. decisions under Article 30, paragraph 7 and Article 31, paragraphs 2 and 5 of this Act.

(2) The Ministry and the competent administrative authority shall enter the required data into the Register.

(3) The Register shall be maintained by the Agency by means of the network application referred to in Article 137 of this Act. The Ministry and the competent administrative authority shall issue a certificate of the status of carrying out waste management operations in accordance with the acts relating to persons referred to in paragraph 1 of this Article.

(4) The content, the method of maintaining the Register and the accessibility of information shall be laid down by the Minister in an ordinance referred to in Article 137, paragraph 8 of this Act.

## IX. ADMINISTRATIVE SUPERVISION

### Article 140

(1) The Ministry shall carry out the administrative supervision over the implementation of this Act and regulations issued on the basis thereof and over the legality of work and actions undertaken by competent administrative bodies and competent administrative departments as well as the bodies of local and district (regional) self-government units and legal persons vested with public powers in respect of state administration activities entrusted to them in relation to waste management.

(2) An officer of the Ministry appointed by the Minister shall carry out the administrative supervision.

(3) For the purposes of the administrative supervision, the administrative body of the local and district (regional) self-government unit and the legal person vested with public powers shall provide the Ministry access to their official premises and submit all required data, documents and reports within the requested deadline.

(4) The Ministry shall, by a decision, order the administrative body of the local and regional self-government unit and the legal person vested with public powers to eliminate illegalities and irregularities identified during the administrative supervision and the time limit for their elimination.

(5) Failure to comply with the decision referred to in paragraph 4 of this Article is a severe breach of official duty committed by the head of the administrative body of the local and regional self-government unit, or by the legal person vested with public powers.

(6) A procedure regarding the breach of official duty referred to in paragraph 5 of this Article shall be initiated at the request of the Ministry.

(7) Should the administrative body of the local and regional self-government unit, or the legal person vested with public powers fail to comply with the request, or the decision of the Ministry referred to in paragraph 4 of this Article, it shall be forced to act upon the decision by imposing a fine pursuant to the law governing general administrative procedure.

(8) The fine referred to in paragraph 7 of this Article shall be imposed once every ten days until the full compliance of the request, or the issuance of the decision by the Ministry.

(9) The fine referred to in paragraph 7 of this Article shall be paid into the government budget.

(10) The procedure regarding the breach of official duty committed by the official of the administrative body of the local and regional self-government unit, or the legal person vested with public powers, and identified in the course of the supervision over the implementation of this Act shall be initiated at the request of the Ministry.

## X. INSPECTIONS

### Article 141

(1) The enforcement of this Act and regulations adopted on the basis thereof shall be subject to inspections by environmental protection inspectors of the Ministry (hereinafter: the inspectors).

(2) Provisions of the law governing environmental protection shall apply in an appropriate manner to the inspection carried out pursuant to the provisions of this Act, unless stated otherwise by the present Act.

(3) The enforcement of this Act and regulations adopted on the basis thereof in the segment relating to the calculation and collection of the charge for mixed municipal and biodegradable waste collection shall be carried out by the inspectors of the State Inspectorate in charge of economic matters, in the manner prescribed by a special law governing environmental protection.

(4) The enforcement of this Act and regulations adopted on the basis thereof in the segment relating to water resources shall be subject to inspections by the water management inspectors in cooperation with the inspector.

(5) The enforcement of this Act and regulations adopted on the basis thereof in the segment relating to protected areas or the ecological network shall be subject to inspections by nature protection inspectors.

(6) The enforcement of this Act and regulations adopted on the basis thereof in the segment relating to internal sea waters and territorial sea of the Republic of Croatia shall be subject to inspections by navigation safety inspectors of the Ministry responsible for navigation safety.

(7) Authorised persons of the Croatian Coast Guard shall carry out supervision over the enforcement of this Act and regulations adopted on the basis thereof in the Ecological and Fisheries Protection Zone of the Republic of Croatia, or in the Economic Zone of the Republic of Croatia after the Croatian Parliament has declared other segments relating to Croatia's Exclusive Economic Zone in accordance with Title IV of the Maritime Code.

(8) Authorised persons of the Croatian Coast Guard may carry out supervision in internal sea waters and territorial sea of the Republic of Croatia if there is a reasonable doubt that the provisions of this Act have been violated and when the inspectors and authorised persons referred to in paragraphs 1 and 6 of this Article are not present or are unable to intervene.

#### Article 142

(1) The enforcement of this Act and regulations adopted on the basis thereof in the segment relating to obligations of product producers, the transboundary movement of waste and the waste brokerage and trade, shall be subject to inspections by authorized personnel of the ministry responsible for customs administration and the ministry responsible for internal affairs, each within its own field of competence, unless defined otherwise by the present Act.

(2) Misdemeanour proceedings conducted by the ministry responsible for customs administration because of established violations of this Act and regulations adopted on the basis thereof shall be considered misdemeanour proceedings falling within the competence of the Customs Administration pursuant to the regulation governing the customs service.

(3) The enforcement of this Act and regulations adopted on the basis thereof in the segment relating to municipal waste management shall be subject to inspections by the municipal services monitoring office, unless defined otherwise by the present Act.

#### Article 143

(1) In carrying out an inspection, the inspector shall directly examine general and individual acts, check working conditions and work methods applied by legal and natural persons involved in the waste management system, and take other measures aimed at bringing them in line with the present Act and regulations adopted on the basis thereof, as well as other regulations in cases that such regulations have been violated.

(2) In carrying out inspections the inspector shall examine in particular:

1. the compliance with requirements laid down with respect to carrying out waste management operations;
2. conformity of actions taken by legal and natural persons – craftsmen – with acts laying down the method and conditions for carrying out waste management operations in accordance with the present Act;
3. keeping records of the generation and stream of waste;
4. submission of reports and data required to competent administrative bodies and the Agency;
5. compliance with conditions for the transboundary movement of waste;
6. legality of the permit for the collection, recovery and/or disposal of waste;
7. registering of persons liable to payment into the Register of Managing Special Waste Categories;
8. compliance with conditions, work methods and implementation of measures for the closure, remediation and maintenance of remediated landfills;
9. compliance with obligations falling within the competence and responsibility of local and district (regional) self-government units with respect to waste management as laid down by the present Act;
10. implementation of waste management measures laid down by the environmental impact assessment; and
11. implementation of international waste management treaties ratified.

#### Article 144

- (1) A reporting person shall not be deemed a party to the inspection concerning enforcement of this Act and regulations adopted on the basis thereof.
- (2) A reporting person may attend the inspection of the site if the inspector finds this to be justified on the basis of the report content.
- (3) The inspector shall inform the reporting person, if known, in writing about the facts established in the course of inspection not later than thirty days upon the establishment of facts.

#### Article 145

- (1) If in the course of an inspection no violation is found of this Act and regulations adopted on the basis thereof which fall within the competence of the Environmental Inspectorate, and no justified reason for any further procedure and the reporting person demands the presentation of evidence, the procedure shall be conducted at the request of the reporting person.
- (2) The costs of conducting further inspection referred to in paragraph 1 of this Article shall be borne in full by the reporting person.
- (3) In the case referred to in paragraph 1 of this Act the inspector shall require the reporting party, by a conclusion, to pay a deposit in advance for the coverage of costs incurred by presentation of other evidence.

#### Article 146

In case of a violation of this Act and/or implementing regulations adopted on the basis thereof, found by the inspector when conducting an inspection, the inspector shall have the right and obligation to issue a decision ordering the legal and natural person subjected to inspection to take measures within a specified time, which shall include: elimination of deficiencies, elimination of irregularities in its practices, removal of the waste discarded, remediation of contaminated soil, ban on waste deposition, ban on carrying out waste management operations, waste export and waste import ban respectively, suspension of activities that endanger human health and cause or are likely to cause substantial damage to the environment, measures of bringing the operations in line with the requirements established by acts laying down the methods and conditions for carrying out waste management operations, and other measures, in accordance to special regulations, aiming to prevent waste management contrary to the present Act and/or regulations adopted on the basis thereof.

#### Article 147

(1) If in the course of inspection defects and irregularities in work are established, the inspector shall draw the attention of the legal and natural person (hereinafter: the person) subject to inspection to such defects and irregularities and set the deadline for their elimination, which shall be entered into the minutes, of which one copy shall be given to the person who was subject to inspection.

(2) The person who was subject to inspection shall inform the inspector in writing of the measures taken not later than 7 days after they were identified.

(3) Should the person who was subject to inspection fail to eliminate defects and irregularities within the time specified, the inspector shall, by a decision, order the elimination of the defects and shall take other steps for which he is authorized in case that a misdemeanour or criminal offence has been established.

#### Article 148

(1) The inspector shall, by a decision, order the local self-government unit to have the waste eliminated or disposed of and/or recovered within a reasonable time, by a person possessing the adequate document for carrying out waste management operations in accordance with the provisions of this Act, if he finds that the waste has been discarded outside the waste disposal facility.

(2) By the decision referred to in paragraph 1 of this Article the inspector shall give order to the district (regional) self-government unit to eliminate or dispose of and/or recover the waste within a reasonable time, if the local self-government unit fails to take the measure ordered.

(3) Should the district (regional) self-government unit fail to act upon the decision referred to in paragraph 2 of this Article, the decision shall be executed by a third person at the expense of the district (regional) self-government unit to which the execution was ordered.

(4) In the case of environmental pollution caused by waste discarded or deposited contrary to regulations, the inspector shall, by the decision referred to in paragraph 1 of this Article, give order that environmental pollution should be remedied by the person referred to in paragraph 1 of this Article.

#### Article 149

(1) The inspector shall, by a decision, give order to the person subjected to inspection to keep a register of the generation and stream of waste and to supply data on the generation and stream of waste, if he finds that the register is not kept, or not kept in the prescribed manner and the data not supplied in the prescribed manner and within a specified time.

(2) Should the person under paragraph 1 of this Article fail to act upon the decision by which he has been ordered to eliminate the defect, the inspector shall force such person to act upon the decision by imposing a fine referred to in Article 162, paragraph 1 of this Act.

#### Article 150

(1) The inspector shall, by a decision, give order to the person subjected to inspection to eliminate the irregularities in activities and business operations within a reasonable time, if such person is found not to comply with the provisions laid down by Article 42 of this Act.

(2) Should the person under paragraph 1 of this Article fail to act upon the decision by which he has been ordered to eliminate irregularities in activities and business operations, the inspector shall force such person to act upon the decision by imposing a fine referred to in Article 162, paragraph 1 of this Act.

#### Article 151

(1) The inspector shall, by a decision, give order to the person subjected to inspection, who possesses a document laying down the conditions and the method of carrying out the waste management operations, to eliminate the irregularities in waste handling and special waste management, if it is found that such person fails to handle such types of waste in the prescribed manner or has failed to provide conditions required for the performance of operations.

(2) Should the person under paragraph 1 of this Article fail to act upon the decision by which he has been ordered to eliminate irregularities in activities and business operations, the inspector shall force such person to act upon the decision by imposing a fine referred to in Article 162, paragraph 1 of this Act.

(3) Should the person fail again to act upon the decision after the fine has been imposed to it, the inspector shall seal the working space, premises, plants and equipment or prevent such person in any other way to continue carrying out operations illegally.

#### Article 152

(1) The inspector shall, by a decision, give order to the person subjected to inspection to eliminate waste within a reasonable time, if it is found that such person:

1. has left, discarded and/or deposited waste in a place not destined for disposal, and
2. fails to store the waste in the prescribed manner, or stores the waste in a storage not fulfilling the prescribed conditions.

(2) In case of the environmental pollution caused by waste stored, left or deposited contrary to regulations, the inspector shall, by a decision, give order to the person referred to in paragraph 1 of this Article that environmental pollution should be remedied by an authorized person.

(3) Should the person under paragraph 1 of this Article fail to act upon the inspector's decision and fail to take steps referred to in paragraphs 1 and 2 of this Article, the inspector shall force



such person to act upon the decision by imposing a fine referred to in Article 162, paragraph 1 of this Act.

(4) Should the person under paragraph 1 of this Article fail to act upon the inspector's decision and fail to take steps referred to in paragraphs 1 and 2 of this Article, the decision shall be executed by a third person at the expense of the person who was subjected to inspection.

#### Article 153

(1) The inspector shall, by a decision, give order to the person subjected to inspection to eliminate defects and irregularities in operations, if he finds that the person does not meet or does not to meet in full the obligations laid down by the regulation governing waste disposal, or in particular:

1. fails to take measures for the prevention of harmful effects on the environment as specified by the waste management permit or an act establishing integrated environmental requirements, and

2. fails to take other measures prescribed by the Act and regulations adopted on the basis thereof.

(2) Should the person under paragraph 1 of this Article fail to act upon the decision, the inspector shall force such person to act upon the decision by imposing a fine referred to in Article 162, paragraph 1 of this Act.

#### Article 154

(1) The person subjected to inspection shall, by the inspector's decision, be prohibited from disposing of the waste by deposition, if it is found that:

1. waste deposited in the landfill is unacceptable for deposition;

2. waste is deposited without basic waste classification, and

3. eluate analysis results do not comply with the prescribed values.

(2) The person under paragraph 1 of this Article, who is a waste producer/holder and/or the landfill operator, shall be prohibited, by the inspector's decision, from any further disposal of waste by deposition. Should the sampling of waste carried at a later time by an accredited laboratory at the request of the inspector because of suspected inaccuracy of the previous eluate analysis show the non-compliance of analysis results with the values prescribed, such prohibition shall apply until they are brought in line with the regulation.

(3) Depending on the type of waste the inspector shall, by a decision, give order to person referred to in paragraph 1 of this Article to remove such waste from the landfill and dispose of it in the prescribed manner and within a reasonable time.

(4) Should the person referred to in paragraph 1 of this Article fail to act upon the inspector's decision referred to in paragraphs 1 and 2 of this Article, the inspector shall force such person to act upon the decision by imposing a fine referred to in Article 162, paragraph 1 of this Act.

(5) Should the person referred to in paragraph 1 of this Article fail to act upon the inspector's decision referred to in paragraph 3 of this Article, the decision shall be executed by a third person at the expense of the landfill operator.

#### Article 155

(1) The person subjected to inspection shall, by the inspector's decision, be prohibited from carrying out waste management operations, if it is found that such person:

1. is not registered for carrying out waste management operations, and
2. does not possess a document required for carrying out waste management operations in accordance with the provisions of this Act.

(2) Should the person under paragraph 1 of this Article fail to act upon the decision by which he has been ordered to eliminate irregularities in activities and business operations, the inspector shall force such person to act upon the decision by imposing a fine referred to in Article 162, paragraph 1 of this Act.

(3) Should the person fail again to act upon the decision after the fine has been imposed to it, the inspector shall seal the working space, premises, plants and equipment or prevent such person in any other way to continue carrying out operations illegally.

(4) The inspector shall, by a decision, give order to the person who possesses a document defining the conditions and methods for carrying out waste management operations to temporarily suspend the waste management operations within a specified time, in order to bring such operations in line with the conditions prescribed by the present Act and regulations adopted on the basis thereof, if it is found that such person:

1. fails to comply with the conditions on the basis of which the document for carrying out waste management operations has been issued, and
2. fails to comply with the document for carrying out waste management operations.

(5) Should the person under paragraph 4 of this Article fail to act upon the decision within the specified time, the inspector shall submit a proposal to the Ministry or the competent administrative body to revoke the document for carrying out waste management operations.

## Article 156

(1) Should during the supervision of transboundary movement of waste the inspector establish that there is a reasonable doubt that the type of waste indicated in documents accompanying the waste shipment does not correspond to the type of waste found in the waste shipment, he shall, in order to take emergency measures, make an oral decision on the basis of the minutes to the person carrying out the import, transit or export of waste that the vehicle and the waste shipment will be temporarily kept in the temporary bonded warehouse until the analysis of physical and chemical properties of waste has been completed.

(2) A temporary bonded warehouse referred to in paragraph 1 of this Article is a warehouse space of a legal or natural person authorized by the Ministry for the storage of hazardous waste, which the competent customs office has approved as a warehouse for temporary storage of goods.

## Article 157

(1) The inspector shall, by a decision, prohibit the person subjected to inspection from carrying out transboundary movement of waste if such person:

1. has not been entered into the Register of importers or exporters of waste not subject to prior written notification procedure;
2. has failed to obtain the consent to the transboundary movement of waste subject to prior written notification procedure;
3. carries out transboundary movement of waste in the manner contrary to the consent;
4. carries out transboundary movement of waste without the documentation required, and
5. if the shipment of waste imported, exported or in transit does not correspond to data indicated in the accompanying documents.

(2) During supervision of transboundary movements of waste at the border crossing the inspector shall, by an oral decision based on the minutes, prohibit the person subjected to control from:

1. exporting waste if he finds that conditions determined by law and implementing regulations have not been met, and shall give order to such person to take the waste shipment to the temporary bonded warehouse and inform thereof the competent customs office where the export customs clearance was carried out, and
2. importing waste and carrying out transit of a shipment of waste intended for disposal which is not subject to prior written notification procedure, or carrying out transit of a hazardous waste shipment, if he finds that conditions determined by law and implementing regulations

have not been met, and shall order such person to take the shipment back to the customs office of exit from the country of dispatch to be returned to the waste consignor in the country of dispatch and to inform accordingly the competent customs office.

(3) During supervision of transboundary movements of waste the inspector shall, by an oral decision based on the minutes, give order to the person subjected to control to take the shipment back to the waste consignor, if he finds that conditions for export or import of waste under the present Act and implementing regulations have not been met.

(4) The oral decision referred to in paragraphs 2 and 3 of this Article and Article 156, paragraph 1 of this Act shall also be delivered to the party in writing within 8 days after such decisions have been made orally.

(5) Should the person fail to act upon the decision referred to in paragraph 1 of this Article, the inspector shall seal the working space, premises, plants and equipment or prevent such person in any other way to continue carrying out operations illegally until the shipment has been taken over by a person who is in possession of a waste management document in accordance with the provisions of this Act and who has entered into a contract with the Ministry for coercive execution of inspector decisions.

#### Article 158

(1) In case of imposing a measure referred to in Article 157, paragraphs 1 and 2 of this Act, a label reading "Import prohibited" or "Export prohibited" containing data on the place and date of inspection of the waste shipment shall be affixed by the inspector to the consignment note or the customs declaration.

(2) The label referred to in paragraph 1 of this Article shall be signed by the inspector and certified by the seal of the Ministry.

#### Article 159

(1) The inspector shall, by a decision, give order to the person subjected to inspection to eliminate defects and irregularities in business operations, if such person is found not to comply with the implementing regulations adopted in pursuance of this Act.

(2) Should the person fail to act upon the decision referred to in paragraph 1 of this Article, the inspector shall force such person to act upon the decision by imposing a fine referred to in Article 162, paragraph 1 of this Act.

#### Article 160

In order to ensure the implementation of measures referred to in Article 151, paragraph 1, Article 154, paragraph 1 and Article 157, paragraph 1 of this Act, the inspector shall seal the

working space, premises, plants and equipment or prevent such person in any other way to continue carrying out operations illegally.

#### Article 161

(1) If the person subjected to inspection fails to act upon the final decision referred to in Article 148, paragraph 2, Article 152, paragraph 1 and Article 159, paragraph 1 of this Act, the inspector may by a decision specify an additional time for the fulfilment of obligation which shall not exceed 30 days.

(2) If the person subjected to inspection fails to act upon the final decision referred to in paragraph 1 of this Article, the decision shall be executed by a third person at the expense of the person subjected to inspection.

(3) Any costs of the execution of an inspector's decision shall be covered from the government budget until collected from the legal or the natural person to whom the execution of the decision was ordered.

#### Article 162

(1) If a legal or a natural person fails to comply with the measure imposed by the decision referred to in Article 149, paragraph 1; Article 150, paragraph 1; Article 151, paragraph 1; Article 152, paragraphs 1 and 2; Article 153, paragraph 1; Article 154, paragraphs 1 and 2, Article 155, paragraph 1, and Article 159, paragraph 1 of this Act, such person shall be forced to comply with the measure by the inspector and shall be imposed a fine in accordance with the law governing the general administrative procedures.

(2) The amount of the fine referred to in paragraph 1 of this Article shall be paid by the legal or natural person into the government budget within thirty days after the non-compliance with the decision has been established. If upon expiry of the time limit of thirty days, a legal or a natural person fails to submit to the inspector a documentary evidence of the payment of the fine, the fine shall be collected by debt enforcement.

#### Article 163

(1) An appeal against the inspection decision may not be lodged, but an administrative dispute may be initiated.

(2) A complaint initiating administrative dispute against the inspection decision shall be submitted through the Ministry to the administrative court.

(3) In case that an administrative dispute has been initiated against the inspection decision, the Ministry may, before the completion of the dispute, annul or change its decision for reasons the court might annul such a decision. In that case an inspection procedure shall be carried out again.

(4) If as a result of the complaint the Ministry does not annul the inspection decision, it shall submit it to the competent administrative court within thirty days after the day of the receipt of the complaint.

(5) A complaint against the inspection decision shall not postpone the execution of the decision.

(6) The administrative dispute against the inspection decision shall be resolved on an expedited basis.

#### Article 164

(1) If in the course of an inspection the inspector finds that the material provisions of this Act and/or regulations issued on the basis thereof have been violated by the permit issued by the competent administrative body referred to in Article 85 of this Act, he shall submit a proposal to the Ministry to revoke or cancel the relevant permit.

(2) If in the course of an inspection the inspector finds that the person subjected to inspection does not comply with the requirements set out in the permit, which is likely to cause a serious and immediate threat to human life and health or a punishable environmental pollution, the inspector shall submit a proposal to the Ministry or the competent administrative body to revoke the permit.

#### Article 165

(1) If it is found in the course of the inspection that the present Act and/or a regulation issued on the basis thereof have been violated, the Ministry shall file an indictment or criminal charges for a misdemeanour offence or a criminal act to the competent authority.

(2) If it is found in the course of the inspection that the present Act and/or a regulation issued on the basis thereof have been violated, the inspector shall have the right and obligation to undertake such other measures and actions for which he/she has been authorized pursuant to the present Act and laws governing environmental protection.

#### Article 166

(1) An inspector shall be authorized to temporarily take away the objects by which an offence or a criminal offence has been committed.

(2) The person dispossessed of such objects shall be given a receipt specifying accurately the objects taken away by the type and quantity.

(3) Within 8 days after the objects have been temporarily taken away the Ministry shall file an indictment for the purpose of starting misdemeanour proceedings and shall surrender the objects temporarily taken away to the competent court, unless defined otherwise by a special regulation.

(4) Until surrender to the competent court the objects temporarily taken away may not be disposed of (destroyed sold, given as a present, etc.) by the inspector, unless defined otherwise by a special regulation.

(5) When in the course of inspection it is found that the provisions of this Act and regulations adopted on the basis thereof concerning obligations of a product producer referred to in Article 42 of this Act have been violated, an inspector in charge of economic matters or an authorized officer of the ministry responsible for customs administration shall take measures as laid down by the provisions of Article 150 of this Act.

(6) When in the course of inspection carried out in a protected area or an ecological network it is found that the provisions of this Act and regulations adopted on the basis thereof have been violated, an environmental inspector shall take measures as laid down by the provisions of Articles 148, 152 and 153 of this Act.

(7) When in the course of inspection carried out with respect to water resources it is found that the provisions of this Act and regulations adopted on the basis thereof have been violated, an environmental inspector shall take measures as laid down by the provisions of Articles 148, 152 and 153 of this Act.

(8) When in the course of inspection carried out with respect to internal sea waters and territorial sea of the Republic of Croatia it is found that the provisions of this Act and regulations adopted on the basis thereof have been violated, an inspector in charge of navigation safety by the ministry responsible of navigation safety shall take measures as laid down by the provisions of Articles 152 and 153 of this Act.

(9) When in the course of inspection carried out with respect to internal sea waters and territorial sea of the Republic of Croatia as well as in the Ecological and Fisheries Protection Zone of the Republic of Croatia, or the Economic Zone of the Republic of Croatia after the Croatian Parliament has declared other segments relating to Croatia's Exclusive Economic Zone in accordance with Title IV of the Maritime Code, it is found that the provisions of this Act and regulations adopted on the basis thereof have been violated, the authorized person of the Croatian Coast Guard shall take measures as laid down by the provisions of Articles 152 and 153 of this Act.

(10) When in the course of control of transboundary movement of waste it is found that the provisions of this Act and regulations adopted on the basis thereof have been violated,

authorized officers of the ministry responsible for customs administration and the ministry responsible for internal affairs shall take measures as laid down by the provisions of Article 156 and Article 157 of this Act.

(11) The provisions of Articles 150, 160, 161 and 162 of this Act shall apply to the procedure of executing inspection decisions referred to in paragraphs 5, 6, 7, 8, 9 and 10 of this Articles.

## XI PENALTIES

### Article 167

(1) A fine in the amount of HRK 300,000 to 700,000 shall be imposed for an offence committed by a legal person who:

1. manages waste in the manner which endangers human health and has harmful effect to the environment, but cannot compromise the quality of air, soil, underground, water or sea permanently or to a considerable extent, or cannot endanger animals, plants or fungi to a considerable extent or on a wider area, or cannot endanger human life or health (Article 9),
2. discards waste into the environment, but cannot compromise the quality of air, soil, underground, water or sea permanently or to a considerable extent, or cannot endanger animals, plants or fungi to a considerable extent or on a wider area, or cannot endanger human life or health (Article 11, paragraph 1),
3. manages waste contrary to the provisions of this Act and regulations adopted on the basis thereof, but cannot compromise the quality of air, soil, underground, water or sea permanently or to a considerable extent, or cannot endanger animals, plants or fungi to a considerable extent or on a wider area, or cannot endanger human life or health (Article 11, paragraph 2),
4. incinerates waste in the environment, including incineration at sea and incineration of agricultural or forestry waste, contrary to the provisions of this Act and regulations adopted on the basis thereof, but cannot compromise the quality of air, soil, underground, water or sea permanently or to a considerable extent, or cannot endanger animals, plants or fungi to a considerable extent or on a wider area, or cannot endanger human life or health (Article 11, paragraph 3),
5. dumps waste at sea contrary to the provisions of this Act and regulations adopted on the basis thereof, but cannot compromise the quality of air, soil, underground, water or sea permanently or to a considerable extent, or cannot endanger animals, plants or fungi to a considerable extent or on a wider area, or cannot endanger human life or health (Article 11, paragraph 4),



6. fails to collect and separately store waste whose valuable properties may be used in order to enable the management of such waste in accordance with the provisions of this Act and regulations adopted on the basis thereof (Article 11, paragraph 6),

7. is a service provider, but has failed, prior to the application of the tariff or its modification, to obtain the consent from the executive body of the local self-government unit with regard to the tariff (Article 33, paragraph 6),

8. is a polluter and has failed to take measures to ensure the remediation of the site contaminated by waste as laid down by the Plan (Article 37, paragraph 1),

9. is the owner or the holder of real property on the site as referred in Article 37, paragraph 1 of this Act and has failed to take measures to ensure the remediation of the site (Article 37, paragraph 2),

10. is a product producer who places on the market the products and product packaging that contains materials and hazardous substances in amounts and/or concentrations likely to have adverse effects on human health and/or environment, but cannot endanger animals, plants or fungi to a considerable extent or on a wider area, or cannot endanger human life or health (Article 42, paragraph 5),

11. is a product producer who fails to label the products and inform the consumers about their essential properties with respect to hazardous and polluting substances that they contain, and about the manner in which the product and product packaging are managed once they become waste in the manner prescribed by a regulation governing special waste management (Article 42, paragraph 6),

12. is a hazardous waste producer and/or holder, but fails to supply the authorized person the necessary data on waste and the report on testing the waste properties not older than 12 months counting from the day when the waste property test was carried out, in the case when he/she does not possess a declaration on waste properties or the amount of waste exceeds one tonne (Article 49, paragraph 2),

13. is a holder of hazardous waste of a known composition in an amount of less than one tonne and fails to deliver to the authorized person the declaration on physical and chemical properties of waste in addition to a transfer note, as prescribed by the ordinance referred to in Article 51, paragraph 8 of this Act (Article 49, paragraph 3),

14. mixes hazardous waste with other types of hazardous waste displaying different physical, chemical or hazardous properties, and with other types of waste and other substances or materials, including the dilution of hazardous substances, but does not compromise the quality of air, soil, underground, water or sea more permanently or to a considerable extent, or does not endanger animals, plants or fungi to a considerable extent or on a wider area, or does not endanger human life or health (Article 107, paragraph 1),

15. imports hazardous waste, mixed municipal waste and residues of mixed municipal waste incineration for its disposal (Article 120, paragraph 1),

16. imports mixed municipal waste for energy recovery from waste (Article 120, paragraph 2).

(2) A responsible person within a legal person guilty of an offence referred to in paragraph 1 of this Article shall be liable to a fine of HRK 50,000 to 100,000 or to imprisonment for a period of 60 days.

(3) A natural person – craftsman – guilty of an offence referred to in paragraph 1 of this Article shall be liable to a fine of HRK 100,000 to 250,000.

(4) A natural person guilty of an offence referred to in paragraph 1, items 2, 4, 5, 9, 12, 13 and 14 of this Article shall be liable for a fine of HRK 3,000 to 10,000.

#### Article 168

(1) A fine in the amount of HRK 100,000 to 500,000 shall be imposed for an offence committed by a district (regional) self-government unit which:

1. fails to supply the Ministry and the Agency a consolidated annual report on the implementation of the Plan until 31 May of the current year for the previous calendar year (Article 20, paragraph 2);

2. fails to take measure to ensure the conditions and implementation of waste management measures in its area (Article 23, paragraph 4);

3. fails to plan locations in the physical planning documents for the category of facilities referred to in Article 83, paragraph 4 of this Act within one year after the effective date of this Act (Article 83, paragraph 6 and Article 179, paragraph 1).

(2) A responsible person within a district (regional) self-government unit guilty of an offence referred to in paragraph 1 of this Article shall be liable to a fine of HRK 15,000 to 25,000.

#### Article 169

(1) A fine in the amount of HRK 100,000 to 300,000 shall be imposed for an offence committed by a local self-government unit which:

1. fails to supply the county with the annual report on implementation of the Plan by 31 March of the current year for the previous calendar year (Article 20, paragraph 1);

2. fails to obtain a prior consent from the competent authority referred to in Article 21, paragraph 2 of this Act for the proposed waste management plan of the local self-government unit (Article 21, paragraph 2);
3. fails to participate in the systems for special waste collection pursuant to the regulation governing the management of special categories of waste (Article 28, paragraph 3);
4. fails to take measures to ensure the fulfilment of obligations referred to in Article 28, paragraph 1 of this Act in an adequate, persistent and cost-effective manner in accordance with the principles of sustainable development, environmental protection and waste management (Article 28, paragraph 4);
5. fails to pass a decision determining the manner of providing the public service of collecting mixed municipal waste and biodegradable municipal waste referred to in Article 30, paragraph 7 of this Act, or a decision on taking measures for the prevention of discarding of waste contrary to regulations and measures for the removal of discarded waste referred to in Article 36, paragraph 13 of this Act within three months after the effective date of the provision as set in Article 29, paragraph 10 of this Act (Articles 30 and 36, and Article 179, paragraph 5);
6. fails to calculate the costs with respect to the public service of collecting mixed municipal and biodegradable municipal waste under the polluter pays principle in proportion to the amount of waste delivered and the incidence of emptying containers in the calculation period (Article 33, paragraphs 1 and 2);
7. fails to take measures to ensure in its area separate collection of paper, metal, glass, plastic and textile waste and the bulky municipal waste in the manner as prescribed by Article 35 paragraphs 1, 2, 3 and 4 of this Act within one year after the effective date of this Act (Article 35, paragraph 1 and Article 179, paragraph 4);
8. allows that bulky waste is discarded and collected in a public open area (Article 35, paragraph 7);
9. fails to establish a system for receiving information on waste discarded contrary to regulations and a system for recording the discarded waste locations (Article 36, paragraph 2, items 1 and 2);
10. fails to carry out a regular annual inspection with the aim to identify the presence of discarded waste (Article 36, paragraph 2, item 3);
11. fails to give order, by a decision, to the owner or the holder of real property, if the owner is unknown, on which the waste has been deposited contrary to regulations, or to the person who manages a certain area (property) pursuant to a special regulation, if the waste has been discarded on such area (property), to eliminate such waste (Article 36, paragraph 3);

12. fails to take measures to ensure that waste deposited contrary to regulations is eliminated by handing it over to the person authorized for the management of such type of waste, if the municipal services monitoring officer finds that the obligation imposed by the decision referred to in Article 36, paragraph 3 of this Article has not been fulfilled (Article 36, paragraph 6);

13. fails to plan in its physical planning documents the locations for the construction of facilities referred to in Article 83, paragraph 5 of this Act within one year after the effective date of this Act (Article 83, paragraph 6 and Article 179, paragraph 1).

(2) A responsible person within a local self-government unit guilty of an offence referred to in paragraph 1 of this Article shall be liable to a fine of HRK 15,000 to 25,000.

(3) A responsible person within a legal person with public powers guilty of an offence referred to in paragraph 1, item 6 of this Article shall be liable to a fine of HRK 15,000 to 25,000.

(4) A fine in the amount of HRK 15,000 to 50,000 shall be imposed for an offence on the executive body of the local self-government unit if it spends the funds from the charges referred to in Article 13 of this Act contrary to their purpose as laid down under Article 33, paragraph 16 of this Article (Article 33, paragraph 19).

#### Article 170

(1) A fine in the amount of HRK 150,000 to 400,000 shall be imposed for an offence committed by a legal person who:

1. treats the production residues as by-products without having obtained a certificate by the Ministry that such by-product is entered into the Register of by-products (Article 14, paragraph 1);

2. as a producer or exporter fails to issue a declaration on conformity for every shipment of waste metal in accordance with Article 5, paragraph 1 of the Council Regulation (EU) No 333/2011;

3. as a producer or importer fails to submit a declaration on conformity to the next holder of the shipment of waste metal or fails to keep a declaration on conformity at least one year after the date of the issuance thereof, or fails to submit a declaration on conformity to the competent inspector for inspection, in accordance with Article 5, paragraph 2 of the Council Regulation (EU) No 333/2011;

4. as a producer fails to implement the quality management system pursuant to Article 6 of the Council Regulation (EU) No 333/2011;

5. as waste owner orders that specific waste shall cease to be waste, when criteria for determination of the end-of-waste status have not been established at the level of the European Union and he has not obtained the certificate from the Ministry of such waste being entered in the register of end-of- waste status (Article 15, paragraph 4);
6. fails to ensure and cover the costs of proving that a product and product packaging comply with the prescribed conditions (Article 42, paragraph 8, item 1);
7. places on the market a product of a type which is, in accordance with the present Act and the regulations adopted on the basis thereof, subject to obligation of the fulfilment of the target referred to in Article 64, paragraph 1 of this Act, and fails, within eight days before placing on the market of such a product at the latest, to be entered into the Register of Managing Special Waste Categories and/or fails to submit information to the Register of Managing Special Waste Categories with respect to the quantity of product placed on the market, a documentary evidence of complying with the prescribed conditions to be met by the product, and other product information in accordance with the regulation governing the management of special waste categories (Article 42, paragraph 8, items 2 and 3);
8. fails to participate in the system of the management of special waste categories in the manner as laid down by the regulation governing the special waste management (Article 42, paragraph 8, item 4);
9. is a producer of a product generating special waste category failing to meet the obligations in proportion to the quantity of the product which he has placed on the market in accordance with Article 64 of this Act (Article 42, paragraph 9);
10. sells a product generating a special waste category failing to take measures to ensure the possibility of accepting such waste in the location in which the product is being sold free from any costs for the buyer, in accordance with the ordinance governing a specific special waste category referred to in Article 53, paragraph 3 of this Act, or in case of mail order selling, online selling and other similar ways of selling, failing to inform the buyer on its website of the location where the possibility is provided for accepting the waste generated by such products in the area of the local self-government unit in which the buyer resides, free from any costs for the buyer (Article 42, paragraph 10);
11. is a waste producer and/or holder who does not hand its waste over to a person carrying out waste management operations in accordance with the present Act, except in the case referred to in Article 44, paragraph 2 of this Act (Article 44, paragraph 1);
12. produces and/or manages waste failing to keep a register of the waste generation and flow and failing to keep such register in the manner as prescribed by Article 45, paragraphs 3 and 4 of this Act (Article 45, paragraphs 1, 3, and 4);
13. fails to separate special waste categories at the place of generation, to collect them and store separately (Article 54, paragraph 1);

14. starts to carry out or carries out waste management operations without having obtained a permit or contrary to the permit (Article 84, paragraph 1 and Article 86);
15. starts to carry out or carries out waste management operations without being entered into the corresponding register of the Ministry (Article 84, paragraph 2 and Article 109);
16. carries out the waste transport without being entered into the register of waste carriers (Article 110, paragraph 1);
17. provides waste management brokering services without being entered into the register of waste management brokers (Article 111, paragraph 1);
18. carries out waste trading operations without being entered into the register of waste dealers (Article 112, paragraph 1);
19. is a waste dealer but fails to effect waste related payments through an account (Article 112, paragraph 4);
20. carries out waste collection in a recycling yard without being entered into the register of recycling yards (Article 113, paragraph 1);
21. stores temporarily the industrial waste in the quantity over 150 tonnes of non-hazardous waste and 200 kilograms of hazardous waste, without being entered into the register of persons storing their own industrial waste (Article 114, paragraph 1);
22. carries out energy recovery from waste pursuant to Article 115, paragraph 2 of this Act without being entered into the register of persons dealing with energy recovery from waste (Article 115, paragraph 1);
23. is a person entered into the register under Article 109 of this Act without having submitted a form referred to in Article 117, paragraph 1 of this Act to notify the Ministry of any change in data which were the basis for the issuance of a certificate of entry into the register within 15 days after the change occurred (Article 117, paragraph 2);
24. carries out import and/or export of wastes not subject to the procedure of prior written notification without being entered into the register of importers of wastes not subject to the procedure of prior written notification, or the register of exporters of wastes not subject to the procedure of prior written notification (Article 121, paragraph 1),
25. dispatches the shipment of waste not subject to the procedure of prior written notification failing to meet the requirements referred to in Article 18, paragraphs 1 and 2 of the Regulation (EC) No 1013/2006 (Article 122, paragraph 1);

26. carries out transboundary movement of waste subject to the procedure of prior written notification without the consent or in the manner contrary to the consent referred to in Article 123 of this Act (Article 123, paragraphs 1 and 2);

27. carries out transboundary movement of waste with the status of a pre-consented facility without or in the manner contrary to the decision which grants the status of a pre-consented facility (Article 131);

28. as a consignor of waste from the Republic of Croatia returns the shipment referred to in Article 22 and Article 24 of the Regulation (EC) No 1013/2006 without having obtained an approval from the Ministry, or refuses to take back the returned waste if he can ensure conditions for the storage of such waste, and if an analysis of the composition of such waste is not required (Article 136, paragraphs 1 and 4);

29. dispatches the shipment of waste which is considered illegal in accordance with Article 2, item 35 of the Regulation (EC) No 1013/2006 in a negligible quantity;

30. carries out transboundary movement of waste subject to the procedure of prior written notification in the manner contrary to the consents by the competent authorities of the EU Member States involved in the transboundary movement of waste in accordance to Article 10 of the Regulation (EC) No 1013/2006;

31. carries out transboundary movement of waste subject to the procedure of prior written notification without the documents in accordance with Article 16, item c) of the Regulation (EC) No 1013/2006;

32. violates the ban on mixing waste during dispatch under Article 19 of the Regulation (EC) No 1013/2006;

33. fails to ensure that the waste is returned and costs covered in accordance with Articles 22, 23, 24 and 25 of the Regulation (EC) No 1013/2006;

34. exports the waste to the country which banned the import of such waste in accordance with the provisions referred to in Article 34, paragraph 3, item a) and Article 37, paragraph 1, subparagraph (ii), item a) of the Regulation (EC) No 1013/2006;

35. violates the ban on export of waste from the Republic of Croatia in accordance with Articles 34, 36, 39 and 40 of the Regulation (EC) No 1013/2006;

36. violates the ban on import of waste in the Republic of Croatia in accordance with Articles 41 and i 43 of the Regulation (EC) No 1013/2006;

(2) A responsible person within a legal person guilty of an offence referred to in paragraph 1 of this Article shall be liable to a fine of HRK 50,000 to 100,000.

(3) A natural person – craftsman – guilty of an offence referred to in paragraph 1 of this Article shall be liable to a fine of HRK 85,000 to 200,000.

(4) A natural person guilty of an offence referred to in paragraph 1, items 11 and 13 of this Article shall be liable to a fine of HRK 3,000 to 10,000.

#### Article 171

(1) A fine in the amount of HRK 100,000 to 300,000 shall be imposed for an offence committed by a legal person who:

1. as a waste owner declassifies a specific waste without the decision, or in the manner contrary to the decision of the Ministry concerning declassification of waste (Article 13 paragraphs 1 and 3);
2. is a landfill operator or a non-compliant landfill operator but fails to adhere to amounts of waste laid down by the decision referred to in Article 26, paragraph 6 of this Act (Article 26, paragraph 7);
3. is a service provider but fails to deliver the collected waste to the person holding the permit under Article 86 of this Act (Article 32, paragraph 1, item 2);
4. is a service provider but fails to calculate for the service user the costs with respect to the public service referred to in Article 30, paragraph 1 of this Act in proportion to the amount of waste handed over in the calculation period, whereby the mass of waste handed over or the waste container volume, and the incidence of emptying containers, in accordance with the decision referred to in Article 30, paragraph 7 of this Act, shall be used as criteria for the waste amount in the calculation period (Article 33, paragraph 2);
5. is a service provider but fails to keep a record of the amount of waste taken back from individual users of the service in the calculation period in accordance with the criteria for the waste amount under Article 33, paragraph 2 of this Act (Article 33, paragraph 3);
6. is a recycling yard operator or a waste storage operator but fails to accept free of charge smaller amounts of municipal waste referred to in Article 35, paragraph 5, item 1 of this Act, and fails to keep a record thereof (Article 35, paragraph 5, item 1);
7. is a recycling yard operator or a waste storage operator but fails to store waste separately in adequate containers, and/or fails to deliver waste to a person holding a permit under Article 86 of this Act (Article 35, paragraph 5, items 2 and 3);
8. is a recycling yard operator or a waste storage operator but fails to participate in the systems for the management of special waste categories in the manner as prescribed by the regulations governing the special waste management (Article 35, paragraph 5, item 4);



9. is a service provider for the collection of mixed municipal waste but fails to ensure the operations of a recycling yard and the transportation of bulky municipal waste on the request of the user of the service (Article 35, paragraph 10);

10. is a product producer, but does not plan the product production and packaging and fails to enhance the production in a manner that will enhance production through application of cleaner technologies and allow efficient use of materials and energy, fails to encourage the re-use and recycling of a product and to take into consideration the most appropriate procedure for the recovery, recovery and/or disposal of a product whose shelf-life has expired, with a view to minimize adverse effects on the environment (Article 42, paragraph 1);

11. is a waste producer and/or holder but fails to supply the person carrying out the waste management operations in accordance with the present Act with the transfer note (Article 44, paragraph 3);

12. is a waste producer employing 50 and more persons but fails to appoint a waste commissioner and a deputy waste commissioner within two years after the effective date of this Act (Article 46, paragraph 1 and Article 180, paragraph 1);

13. fails to store its own waste at the place of generation, separated by type, inside its business space and in the manner that prevents mixing of waste and which enables the treatment of waste (Article 47, paragraph 1);

14. stores its own waste for more than one year after its generation (Article 47, paragraph 2);

15. is a waste producer whose activities produce 200 or more kilograms of hazardous waste in a certain location annually but fails to draw up a waste producer's waste management plan for a specific location within a year after the start of the operation, or within three months after he has for the first time generated 200 or more kilograms of hazardous waste in a year (Article 48, paragraphs 1 and 3);

16. is a waste producer whose activities produce 200 or more kilograms of hazardous waste in a certain location annually but fails to amend or revise the waste management plan every five years and in case of a substantial change in operation at that location (Article 48, paragraph 8);

17. carries out activities of an accredited laboratory without being entered into the register of waste testing laboratories (Article 50, paragraph 1);

18. deposits hazardous waste but fails to supply the Fund with the data on the mass of deposited construction waste by 31 March of the current year for the previous calendar year (Article 58, paragraph 3);

19. is a holder of construction waste generated during construction or demolition of a building, or during the building construction, renovation or maintenance works, but fails to

manage such waste in the manner as prescribed by the ordinance referred to in Article 53, paragraph 3 of this Act (Article 58, paragraph 10);

20. is a contractor referred to in Article 59, paragraph 2 of this Act but fails to hand the asbestos-containing construction waste over to the person with whom the Fund has entered into a contract for transportation of asbestos-containing construction waste (Article 59, paragraph 8);

21. as an importer, or an exporter of waste not subject to the procedure of prior written notification, fails to submit to the Agency the report on types and quantities of imported and exported waste by 1 March of the current year for the previous calendar year (Article 121, paragraph 4);

22. as an importer, or an exporter of waste not subject to the procedure of prior written notification, fails to submit to the Environmental Inspectorate the data on the shipment of waste referred to in Annex VII to the Regulation (EC) No 1013/2006 three working days before the scheduled dispatch of shipment (Article 122, paragraph 2);

23. fails to keep the data on the shipment of waste not subject to the procedure of prior written notification for at least three years after the date of the dispatch (Article 122, paragraph 3);

24. as a notifier, fails to notify the competent authorities of the countries of dispatch, transit or destination of the dispatch of the shipment of waste three working days before the dispatch of shipment (Article 128, paragraph 1);

25. as a notifier, in case when transboundary movement of waste is carried out through border crossings between the Republic of Croatia and the non-Member States, fails to notify the competent authorities referred to in Article 128, paragraph 1 of this Act and the customs office at the entry into the Republic of Croatia and/or exit from the Republic of Croatia of the dispatch of the shipment of waste three working days before the dispatch (Article 128, paragraph 2);

26. as a notifier or a consignee from the territory of the Republic Croatia fails to furnish the Ministry with the copies of the movement document including the receipt for each dispatched shipment of waste subject to prior written notification procedure (Article 129, paragraph 1);

27. as a notifier or a consignee from the territory of the Republic of Croatia fails to ensure that the Ministry is furnished with the certificate of the final recovery/disposal for each consented transboundary shipment of waste subject to prior written notification procedure (Article 129, paragraph 2);

28. as a notifier or a consignee from the territory of the Republic of Croatia fails to inform the Ministry that it has not used the consent referred to in Article 123 of this Act, (Article 129, paragraph 3);

29. fails to keep all documents relating to the shipment of waste subject to prior written notification procedure for three years after the shipment has taken place (Article 129, paragraph 4),

30. as a notifier and/or consignee from the territory of the Republic of Croatia fails to submit, by 1 March of the current year, reports to the Agency containing information on the types and amounts of waste imported and exported in the previous calendar year (Article 130, paragraph 1);

31. fails to inform the Ministry of any change in the data on the basis of which the decision on the status of a pre-consented facility was issued, and to require the modification of the decision within 15 days upon the change occurred (Article 133, paragraph 1);

32. fails to submit to the Agency, by 1 March of the current year, reports containing information on the amounts and types of waste imported in the previous calendar year for which he obtained the decision on the status of a pre-consented facility (Article 133, paragraph 2);

33. fails to complete, or fills out the movement document accompanying the transboundary movement of waste subject to prior notification, referred to in Article 16, item a) of the Regulation (EC) No 1013/2006, incorrectly or incompletely;

33. fills out the form accompanying the transboundary movement of waste not subject to prior notification procedure, referred to in Annex VII to the Regulation (EC) No 1013/2006, incorrectly or incompletely (Article 18, paragraph 1 of the Regulation (EC) No 1013/2006).

(2) A responsible person within a legal person guilty of an offence referred to in paragraph 1 of this Article shall be liable to a fine of HRK 25,000 to 50,000.

(3) A natural person – craftsman – guilty of an offence referred to in paragraph 1 of this Article shall be liable to a fine of HRK 50,000 to 100,000.

#### Article 172

(1) Any non-compliance with obligations imposed by implementing regulations under Article 182, paragraphs 1 and 2 and Article 183 of this Act by the person authorised to carry out waste management operations, the waste owner, waste holder, product producer, waste producer, waste seller, waste carrier, waste broker, waste dealer, waste exporter, waste importer, the person carrying out the transit of waste, the authorised person, concession holder, the local and district (regional) self-government unit and other persons who were subjected to inspection, and any non-compliance with such obligations within a specified time and in the prescribed manner, shall be deemed an offence within the meaning of this Act.

(2) For an offence referred to in paragraph 1 of this Article the legal person authorised to carry out waste management operations, the waste owner, waste holder, product producer,

waste producer, waste seller, waste carrier, waste broker, waste dealer, waste exporter, waste importer, the person carrying out the transit of waste, an authorised person, concession holder, the local and district (regional) self-government unit and other persons who were subjected to inspection, shall be liable to a fine of HRK 100,000 to 800,000.

(3) A responsible person within a legal person referred to in paragraph 2, guilty of an offence referred to in paragraph 1 of this Article, shall be liable to a fine of HRK 30,000 to 70,000.

(4) A natural person – craftsman – guilty of an offence referred to in paragraph 1 of this Article: the person authorised to carry out waste management operations, the waste owner, waste holder, product producer, waste producer, waste seller, waste carrier, waste broker, waste dealer, waste exporter, waste importer, the person carrying out the transit of waste, an authorised person, concession holder and other persons who were subjected to inspection, shall be liable to a fine of HRK 25,000 to 70,000.

(5) For the acts referred to in paragraph 1 of this Article a natural person in the capacity of a waste holder, the waste owner and other persons who were subjected to inspection, shall be liable to a fine of HRK 3,000 to 10,000.

#### Article 173

For offences referred to in Articles 167, 170, 171, and 172 of this Act committed for the second time in six months a fine and a protective measure of prohibiting any performance of operations for a period of three months shall be imposed, and for the offences committed for the third time in a year a fine and a protective measure of prohibiting any performance of operations for six months shall be imposed.

### XII TRANSITIONAL AND FINAL PROVISIONS

#### Article 174

The existing district, town and municipal waste management programmes adopted pursuant to the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, and 87/2009) until the effective date of this Act shall remain in force until their expiration date in the segment in which they are not contrary to the provisions of this Act and the Plan.

#### Article 175

(1) Persons to whom waste management permits were issued pursuant the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009) shall, within six months upon the effective date of this Act, submit to the Ministry and the competent administrative body referred to in Article 85 of this Act the request for the waste management permit in accordance with the provisions of this Act.

(2) For waste management permits issued pursuant to the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009), for which the request for the waste management permit has not been submitted within the time period referred to in paragraph 1 of this Article in accordance with the provisions of this Act, a revocation procedure upon the expiry of the time period for the submission of the request shall be initiated.

(3) Persons whose waste management permits issued pursuant to the provisions of the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009) cease to be effective before the deadline referred to in paragraph 1 of this Act, may carry out the operations for which the permit was issued until the expiry of the time period referred to in paragraph 1 of this Article.

(4) The person who submitted the request for the issuance of the waste management permit in accordance with the provisions of this Act within the time period referred to in paragraph 1 of this Act, including the person referred to paragraph 3 of this Act, may carry out his operations pursuant to the permit issued under the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009) until 31 December 2014.

(5) Persons whose waste management permits issued pursuant to the provisions of the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009) remain effective after 31 December 2014, and who submitted the request for the waste management permit pursuant to the provisions of this Act and within the time period referred to in paragraph 1 of this Article, may carry out their operations pursuant to that permit until the expiry of the time period for which they were issued.

(6) Legal and natural persons – craftsmen – holding certificates issued pursuant to Articles 28 and 29 of the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009) shall bring them in line with the provisions of this Act within 3 months upon the effective date of the ordinance referred to in Article 86, paragraph 4 of this Act.

(7) Legal and natural persons – craftsmen – holding certificates issued pursuant to Article 53 of the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009) shall submit the request for registration into the Register of Waste Exporters which is not subject to the notification procedure in accordance with Article 121 of this Act within 6 months upon the effective date of this Act.

#### Article 176

The facility referred to in Article 83 of this Act shall be deemed compliant with regard to its purpose until the completion of assessment procedure of the facility location pursuant to regulations governing physical planning, if on the effective date of this Act it meets the following conditions:

1. an operating permit or another appropriate document for the use of the facility has been issued in accordance with the regulations governing building construction;

2. performance of waste management operations has been permitted in the facility pursuant to the waste management permit issued in accordance with the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008 and 87/2009);

3. the facility is located within the zone as determined in the physical planning document of the local or district (regional) self-government units:

– outside settlements in a detached construction area planned for economic and production purposes, or

– inside settlements in areas planned for economic purposes – production, primarily industry, and in areas planned for business purposes – public utility services, or

– in the area dedicated to waste management.

#### Article 177

(1) Concessions for special waste management awarded in accordance with the provisions of the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009) shall remain in force until their expiration date.

(2) Until the expiry of concession contracts for carrying out special waste collection operations concluded in accordance with the provisions of the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009) such contracts shall, from the effective date of this Act, be considered contracts for the provision of special waste collection services referred to in Article 70 of this Act.

(3) Until the expiry of concession contracts for carrying out special waste treatment operations concluded in accordance with the provisions of the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009), the concessionaire shall, from the expiry of the sixth month after the effective day of the regulation referred to in Article 53, paragraph 4 of this Act governing management of special waste categories, be deemed to hold the license referred to in Article 72 of this Act, which is valid pursuant to the time period set in the concession contract for carrying out the special waste treatment operations.

(4) In the case referred to in paragraph 3 of this Article the Fund shall conclude the appropriate Annexes to the contract for carrying out special waste treatment operations concluded with the concessionaire for carrying out special waste treatment operations in accordance with the provisions of this Act and regulations adopted on the basis thereof which regulate the management of special waste category.

(5) Concessions for special waste management prolonged by the regulations passed pursuant to the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009) shall remain in force until the expiry of the sixth month after the effective date of the regulation referred to in

Article 53, paragraph 4 of this Act which regulates the management of the special waste category.

(6) Concessions for carrying out municipal cleaning operations in the segment relating to the collection and transport of municipal waste to specific landfills and the municipal waste disposal granted pursuant to the provisions of the Municipal Economy Act (Official Gazette 36/1995, 70/1997, 128/1999, 57/2000, 129/2000, 59/2001, 82/2004, 110/2004, 178/2004, 38/2009, 79/2009, 49/2011, 84/2011, 90/2011 and 144/2012) shall remain valid until their expiry.

(7) The authorized representative for the concession referred to in paragraph 6 of this Article shall comply with the provisions of this Act within six months after the effective date of the regulation referred to in Article 29, paragraph 10 of this Act.

(8) The procedures for granting concessions which started pursuant to the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008, 87/2009), during which until the effective date of this Act a decision on the selection of the successful bidder was not made, shall be cancelled.

#### Article 178

(1) In accordance with the present Act existing non-compliant municipal waste landfills shall be closed within 12 months upon putting into operation of a waste management centre intended for the disposal of municipal waste generated in the regional self-government unit in whose area the landfill is located.

(2) Provisions of Article 84, paragraph 12 of this Act shall not apply to the waste management centres established by the effective date of this Act.

#### Article 179

(1) Within one year after the effective date of this Act the local and regional self-government units shall in their physical planning documents determine the areas for the construction of facilities under Article 83 of this Act.

(2) Within one year after the effective date of this Act the regional self-government units shall in their physical planning documents determine landfills where landfill cells for the disposal of asbestos shall be constructed.

(3) Should the local and regional self-government units fails to determine in their physical documents the areas or landfills within the time specified in paragraphs 1 and 2 of this Article, the decision with respect to such areas or landfills shall be taken by the Government on the proposal of the Minister in cooperation with the Minister responsible for physical planning within one year upon expiry of the time specified in paragraphs 1 and 2 of this Article.

(4) The local self-government units shall take measures to ensure that the obligation referred to in Article 35, paragraph 1, items 1 and 2 of this Act is fulfilled within one year upon the effective date of this Act.

(5) The local self-government units shall take the decision referred to in Article 30, paragraph 7, Article 36, paragraph 13 of this Act within three months upon the effective date of the provision from Article 29, paragraph 10 of present Act.

(6) A local self-government unit shall take measures to ensure that operations of the service providers are brought in line with the provisions of this Act within three months upon the effective date of the provision from Article 29, paragraph 10 of this Act.

(7) The service provider shall submit a tariff referred to in Article 33, paragraph 5 of this Act for the approval by the executive body of the local self-government unit to which the tariff applies within one month after the decision on the award of the concession for the provision of public service collection of mixed and biodegradable municipal waste referred to in Article 31, paragraph 2 of this Act, or the decision on the award of the concession referred to in Article 31, paragraph 7 of this Act have been made.

(8) The local self-government units shall bring in line the decision on municipal rules made pursuant to the Municipal Economy Act (Official Gazette Nos. 36/1995, 70/1997, 128/1999, 57/2000, 129/2000, 59/2001, 26/2003 – consolidated version, 82/2004, 110/2004, 178/2004, 38/2009, 79/2009, 153/2009, 49/2011, 84/2011, 90/2011 and 144/2012) in the segment relating to the municipal waste collection, transportation and management, with the provisions of this Act and the regulation referred to in Article 29, paragraph 10 of this Act within three months after the effective date of the regulation referred to in Article 29, paragraph 10 of this Act.

#### Article 180

(1) A legal person who is a producer and employs 50 and more persons shall appoint a waste commissioner and a deputy waste commissioner within two years upon the effective date of this Act.

(2) The waste commissioner and the waste commissioner deputy, a manager or a natural person managing the service provider shall obtain the certificate referred to in Article 52, paragraph 1 of this Act within two years upon the effective date of this Act.

#### Article 181



(1) The Government shall adopt the Plan by 31 December 2014.

(2) The Government shall adopt the report on the implementation of the Waste Management Plan in the Republic of Croatia in the period 2007-2015 (Official Gazette No 85/2007, 126/2010 and 31/2011) by 31 December 2013.

#### Article 182

(1) The Government shall pass the regulations referred to in Article 26, paragraph 10; Article 29, paragraph 10; Article 53, paragraph 4 and Article 118, paragraph 4 of this Act within twelve months upon the effective date of this Act.

(2) The Minister shall pass the ordinances referred to in Article 12, paragraph 6; Article 15, paragraph 9; Article 41, paragraph 5; Article 42, paragraph 4; Article 43, paragraph 5; Article 51, paragraph 8, Article 53, paragraph 3; Article 86, paragraph 4, Articles 104 and 105, and Article 137, paragraph 8 of this Act within 12 months upon the effective date of this Act.

(3) The Ministry shall pass the Waste Management Education Programme referred to in Article 52 of this Act within 12 months upon the effective date of this Act.

(4) The Government shall by a regulation referred to in Article 75, paragraph 6 of this Act and after the decision referred to in Article 64, paragraph 7 of this Act has been made, lay down the method of fulfilling the obligation to comply with the target set with respect to the management of a special waste category by the system managed by the organization, the method of calculating the guarantee amount and the guarantee conditions for the performance of activities entrusted to the organization, the amount of the maximum charge allowed as referred in Article 75, paragraph 6 of this Act, and the basic guidelines of the Work Programme of the organization.

(5) As regards the application for the permit filed after the effective date of this Act, and until the effective date of the ordinance referred to in Article 86, paragraph 4 of this Act relating to the content of the waste management study which shall be enclosed to the application in accordance with Article 88, paragraph 3, item 6 of this Act, instruction on the content of the waste management study, which the Ministry shall publish on its website, shall apply.

#### Article 183

(1) Until the effective date of the regulations referred to in Article 182, paragraphs 1 and 2 of this Act the following shall apply:

– The Regulation on categories, types and classification of waste with a waste catalogue and list of hazardous waste (Official Gazette 50/2005, 39/2009),

– The Ordinance on packaging and packaging waste (Official Gazette 97/2005, 115/2005, 81/2008, 31/2009, 156/2009, 38/2010, 10/2011, 81/2011, 126/2011, 38/2013 and 86/2013),

- The Ordinance on waste tyre management (Official Gazette 40/2006, 31/2009, 156/2009, 111/2011, and 86/2013),
- The Ordinance on the Register of legal and natural persons dealing with intermediation services in organizing waste recovery and/or disposal and legal and natural persons dealing with the activity of non-hazardous waste export (Official Gazette No 51/2006),
- The Ordinance on criteria, procedure and method of determining compensation to real estate owners and local self-government units (Official Gazette No 59/2006),
- The Ordinance on waste oil management (Official Gazette 124/2006, 121/2008, 31/2009, 156/2009, 45/2012 i 86/2013),
- The Ordinance on waste batteries and accumulators management (Official Gazette Nos. 133/2006, 31/2009, 156/2009, 45/2012 and 86/2013),
- The Ordinance on the management of end-of-life vehicles (Official Gazette 136/2006, 31/2009, 156/2009, 53/2012 and 86/2013),
- The Ordinance on waste management (Official Gazette 23/2007, 111/2007),
- The Ordinance on the method and procedures for managing asbestos containing waste (Official Gazette No 42/2007),
- The Ordinance on the methods and requirements for thermal treatment of waste (Official Gazette 45/2007),
- The Ordinance on medical waste management (Official Gazette 72/2007),
- The Ordinance on the management of waste electric and electronic appliances and equipment (Official Gazette 74/2007, 133/2008, 31/2009, 156/2009, 143/2012 and 86/2013),
- The Ordinance on the methods and requirements for waste deposition, categories and operating conditions of landfills (Official Gazette 117/2007, 111/2011, 17/2013),
- The Ordinance on the management of wastewater treatment sludge when used in agriculture (Official Gazette 38/1008),
- The Ordinance on construction waste management (Official Gazette 38/2008),
- The Ordinance on managing waste from the titanium dioxide industry (Official Gazette 70/2008), and
- The Ordinance on the management of polychlorinated biphenyls and polychlorinated terphenyls (Official Gazette 105/2008).

(2) Until the adoption of ordinances and regulations governing the management of special waste categories referred to in Article 53, paragraphs 3 and 4 of this Act, the Government may, by a decision, change the amount of charges laid down by the ordinances referred to paragraph 1 of this Article

#### Article 184

(1) Proceedings initiated according to the provisions of the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008 and 87/2009) until the effective date of this Act shall be finalized in accordance with the provisions of that Act.

(2) Proceedings initiated in the Magistrates' Court in accordance with the provisions of the Waste Act (Official Gazette 178/2004, 111/2006, 60/2008 and 87/2009) until the effective date of this Act shall be finalized in accordance with the provisions of that Act.

#### Article 185

Annexes I, II, III and IV are attached to this Act and shall form the constituent part thereof.

#### Article 186

On the effective date of this Act the following shall cease to be valid:

- the Waste Act (Official Gazette 178/2004, 111/2006, 6020/08 and 87/2009), and
  
- the Regulation on supervision of transboundary movement of waste (Official Gazette 69/2006, 17/2007 and 39/2009) with the exception of the provision of Article 11, which shall remain in force until the effective date of the regulation referred to in Article 118, paragraph 4 of this Act.

Cessation of validity of the provisions of the Municipal Economy Act

#### Article 187

(1) On the effective date of this Act the provisions of Articles 3, 11, 20, 30 and 34 of the Municipal Economy Act (Official Gazette 36/1995, 70/1997, 128/1999, 57/2000, 129/2000, 59/2001, 82/2004, 110/2004, 178/2004, 38/2009, 79/2009, 49/2011, 84/2011, 90/2011 and 144/2012 regarding municipal cleaning operations, in the segment relating to municipal services of the collection and transport of municipal waste to specific landfills and the municipal waste disposal, shall cease to be valid.

(2) Companies, public institutions and services – own plants established by the units of local self-government, which have carried out the municipal cleaning operations until the effective

date of this Act, in the segment relating to municipal services of the collection and transport of municipal waste to specific landfills and the municipal waste disposal pursuant to the provisions of the Municipal Economy Act (Official Gazette 36/1995, 70/1997, 128/1999, 57/2000, 129/2000, 59/2001, 26/2003 – consolidated version, 82/2004, 110/2004, 178/2004, 38/2009, 79/2009, 153/2009, 49/2011, 84/2011, 90/2011 and 144/2012), shall continue to carry out such operations pursuant to the provisions of the said Act until the decision on the award of the concession for the provision of public service collection of mixed and biodegradable municipal waste referred to in Article 31, paragraph 2 of this Act, or the decision on the award of the concession referred to in Article 31, paragraph 7 of this Act have been adopted.

(3) Tariffs for municipal services adopted pursuant to the Municipal Economy Act (Official Gazette 36/1995, 70/1997, 128/1999, 57/2000, 129/2000, 59/2001, 26/2003 – consolidated version, 82/2004, 110/2004, 178/2004, 38/2009, 79/2009, 153/2009, 49/2011, 84/2011, 90/2011 and 144/2012) relating to the municipal cleaning operations in the segment relating to municipal services of the collection and transport of municipal waste to specific landfills and the municipal waste disposal shall remain valid until the application of the tariff referred to in Article 33, paragraph 5 of this Act.

(4) Programmes for the construction of facilities and installations of the municipal infrastructure adopted pursuant to the Municipal Economy Act (Official Gazette 36/1995, 70/1997, 128/1999, 57/2000, 129/2000, 59/2001, 26/2003 – consolidated version, 82/2004, 110/2004, 178/2004, 38/2009, 79/2009, 153/2009, 49/2011, 84/2011, 90/2011 and 144/2012) in the segment relating to municipal services of the collection and transport of municipal waste to specific landfills and the municipal waste disposal shall remain valid until their expiry.

(5) Decisions on mandatory use of municipal cleaning services in the segment relating to municipal services of the collection and transport of municipal waste, adopted pursuant to the Municipal Economy Act (Official Gazette 36/1995, 70/1997, 128/1999, 57/2000, 129/2000, 59/2001, 26/2003 – consolidated version, 82/2004, 110/2004, 178/2004, 38/2009, 79/2009, 153/2009, 49/2011, 84/2011, 90/2011 and 144/2012), shall apply until the decisions on the method of providing public service of collecting mixed municipal waste and biodegradable municipal waste referred to in Article 30, paragraph 7 of this Act have been adopted.

(6) Proceedings initiated according to the provisions of Articles 3, 11, 20, 30 and 34 of the Municipal Economy Act (Official Gazette 36/1995, 70/1997, 128/1999, 57/2000, 129/2000, 59/2001, 26/2003 – consolidated version, 82/2004, 110/2004, 178/2004, 38/2009, 79/2009, 153/2009, 49/2011, 84/2011, 90/2011 and 144/2012), in the segment relating to municipal services of the collection and transport of municipal waste to specific landfills and the municipal waste disposal, shall be finalized by the effective date of this Act in accordance with the provisions of that Act.

(7) Proceedings initiated in the Magistrates' Court in accordance with the provisions of Articles 3, 11, 20, 30 and 34 of the Municipal Economy Act (Official Gazette 36/1995, 70/1997, 128/1999, 57/2000, 129/2000, 59/2001, 26/2003 – consolidated version, 82/2004, 110/2004, 178/2004, 38/2009, 79/2009, 153/2009, 49/2011, 84/2011, 90/2011 and 144/2012) in the segment relating to municipal services of the collection and transport of municipal waste to specific landfills and the municipal waste disposal, shall be finalized by the effective date of this Act in accordance with the provisions of that Act.

Article 188

This Act shall enter into force on the day following its publication in the Official Gazette.

Class No: 022-03/13-01/167

Zagreb, 15 July 2013

CROATIAN PARLIAMENT

President of the Croatian Parliament

Josip Leko, m.p.

ANNEX I

WASTE DISPOSAL OPERATIONS

Waste disposal operations include:

D 1 Deposit into or on to 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 pumpable discards into wells, salt domes or naturally occurring repositories, etc.)

D 4 Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.)

D 5 Specially engineered landfill (e.g. placement into lined cells which are capped and isolated from one another and the environment)

D 6 Release into a water body except seas/oceans

D 7 Release to seas/oceans including sea-bed insertion

D 8 Biological treatment not specified elsewhere among these operations which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12

D 9 Psycho-chemical treatment not specified elsewhere among these operations 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, calcination, etc.)

D 10 Incineration on land

D 11 Incineration at sea (This operation is prohibited by the EU legislation and international conventions)

D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)

D 13 Blending or mixing of waste prior to submission to any of the operations numbered D 1 to D 12 (If there is no other D code appropriate, this can include preliminary operations prior to disposal including pre-processing such as, among others, sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D 12)

D 14 Repackaging of waste prior to submission to any of the operations numbered D 1 to D 13, and

D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection on the site where the waste is produced)

and other operations laid down by a special regulation.

## ANNEX II

### WASTE RECOVERY OPERATIONS

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

(This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:

– 0.60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009;

– 0.65 for installations permitted after 31 December 2008,

using the following formula:

$$\text{Energy efficiency} = (E_p - (E_f + E_i)) / (0.97 \times (E_w + E_f))$$

in which:

$E_p$  means annual energy produced as heat or electricity. It is calculated with energy in form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year)

$E_f$  means annual energy input to the system from fuels contributing to the production of steam (GJ/year)

$E_w$  means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

$E_i$  means annual energy imported excluding  $E_w$  and  $E_f$  (GJ/year)

0.97 is a factor accounting for energy losses due to bottom ash and radiation.

This formula shall be applied in accordance with the reference document on best available techniques for waste incineration.

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) (this includes gasification and pyrolysis using the components as chemicals)

R 4 Recycling/reclamation of metals and metal compounds

R 5 Recycling/reclamation of other inorganic materials (this includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials)

R 6 Regeneration of acids and 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 waste obtained from any of the operations numbered R 1 to R 10

R 12 Exchange of waste for submission to any of the operations numbered R 1 to R 11 (If there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, among others, dismantling, sorting, crushing, compacting,

pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R 1 to R 11)

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

and other operations laid down by a special regulation.

## ANNEX III

### PROPERTIES OF WASTE WHICH RENDER IT HAZARDOUS

H 1 "Explosive": substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

H 2 "Oxidizing": substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

H 3 "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 after brief 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.

H 3-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.

H 4 "Irritant": non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.

H 5 "Harmful": substances and preparations which, if they are inhaled or ingested, or if they penetrate the skin, may involve limited health risks.



H 6 "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 deaths.

H 7 "Carcinogenic": substances and preparations which, if they are inhaled or ingested, or if they penetrate the skin, may induce cancer or increase its incidence.

H 8 "Corrosive": substances and preparations which may destroy living tissue on contact.

H 9 "Infectious": substances and preparations containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

H 10 "Toxic for reproduction": 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.

H 11 "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.

H 12 Waste which releases toxic or very toxic gases in contact with water, air or an acid.

H 13\* "Sensitizing": substances and preparations which, if they are inhaled or ingested, or if they penetrate the skin, are capable of eliciting a reaction of hypersensitisation such that on further exposure to the substance or preparation, characteristic adverse effects are produced as far as testing methods are available

H 14 "Ecotoxic": waste which presents or may present immediate or delayed risks for one or more sectors of the environment.

H 15 Waste capable by any means, after disposal, of yielding another substance, e.g. leachate, which possesses any of the characteristics listed above.

Notes:

1. Attribution of the hazardous properties "toxic" (and "very toxic"), "harmful", "corrosive", "irritant", "carcinogenic", "toxic to reproduction", "mutagenic" and "eco-toxic" has been made on the basis of the criteria laid down by Annex VI to the Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances.

2. Where relevant, the limit values listed in Annex II and III to the Directive 1999/45/EC of the European Parliament and the Council of 31 May 1999 concerning the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous substances shall apply.

Test methods:

The test methods to be used are described in Annex V to Directive 67/548/EEC and in other relevant CEN notes.

#### ANNEX IV

#### LIST OF WASTE MANAGEMENT OPERATIONS FOR WHICH AN ENVIRONMENTAL PERMIT IS REQUIRED BEFORE THE OBTAINMENT OF THE PERMIT

1. Disposal or recovery of hazardous waste of the capacity exceeding 10 tonnes per day, including one or more of the following procedures:

- a) biological treatment,
- b) physical-chemical treatment,
- c) shredding or mixing before the application of any other procedure referred to in items a) or b),
- d) repackaging prior to submission to any of the operations referred to in items a) or b),
- e) solvent reclamation/regeneration,
- f) recycling/reclamation of organic substances other than metals and metal compounds,
- g) regeneration of acids and bases,
- h) recovery of components used for pollution abatement,
- i) recovery of components from catalysts,
- j) oil re-refining or other reuses of oil,
- k) excavation of surface pools.

2. Disposal or recovery of waste in incineration facilities or co-incineration facilities:

- a) for non-hazardous waste with the capacity of more than 3 tonnes an hour,
- b) for hazardous waste with the capacity of more than 10 tonnes per day.

3. Disposal of non-hazardous waste with the capacity exceeding 50 tonnes per day, including one or more of the following procedures, which does not include procedures covered by the Council Directive 91/271/EEC of 21 May 1991 concerning urban waste treatment:

- a) biological treatment,
- b) physical-chemical treatment,
- c) pre-treatment of waste for incineration or co-incineration,
- d) treatment of slag and ash,
- e) treatment in scrap metal balers, including electronic and electric waste and end-of-life vehicles and their parts.

4. Recovery of, or a combination of recovery and disposal, of non-hazardous waste of a capacity of over 75 tonnes per day, including one or more of the following procedures, which does not include procedures covered by the Council Directive 91/271/EEC:

- a) biological treatment,
- b) pre-treatment of waste for incineration or co-incineration,
- c) treatment of slag and ash,
- d) treatment in scrap metal balers, including electronic and electric waste and end-of-life vehicles and their parts.

If the anaerobic degradation is the only treatment procedure, the capacity threshold for such a procedure is 100 tonnes per day.

5. deposition in landfills accepting over 10 tonnes of waste per day or landfills with a total capacity of over 25,000 tonnes, except inert waste landfills.

6. Temporary storage of hazardous waste not covered by item 5 and stored temporarily to implement procedures referred to in items 1, 2, 5 and 7, with a total capacity of the storage exceeding 50 tonnes, which does not include temporary storage to collect the waste on the location where it was generated.

7. Underground storage of hazardous waste with a total capacity of over 50 tonnes.