Waste Management Act

Promulgated, State Gazette No. 53 of 13.07.2012, effective13.07.2012

Text in Bulgarian: Закон за управление на отпадъците

Chapter One
GENERAL PROVISIONS

Article 1. (1) This Act lays down measures and control mechanisms to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

(2) This Act establishes the requirements to products which, in the process of production thereof or after final use thereof, generate hazardous and/or ordinary waste, as well as the requirements for extended producer responsibility relating to such products so as to promote the re-use, prevention, recycling and other recovery of waste.

(3) Waste management shall aim to prevent or reduce the adverse impacts of waste on human health and the environment and shall be carried out in accordance with the requirements of legislation regarding:

1. protection of water, air, soil, plants and animals;

2. noise and odours, and

3. protection of the environment and of places subject to special protection.

Article 2. (1) This Act shall apply to:

1. household waste;

2. industrial waste;

3. construction and demolition waste;

4. hazardous waste.

(2) The following shall be excluded from the scope of this Act:

1. radioactive waste;

2. gaseous effluents emitted into the atmosphere;

3. land (in situ) including unexcavated contaminated soil and buildings permanently connected with land;

4. 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;

5. decommissioned explosives;

6. faecal matter, if not covered by item 8, straw and other natural non-hazardous agricultural or forestry material used in farming, forestry or for the production of energy from such biomass through processes or methods which do not harm the environment or endanger human health;

7. waste waters;

8. animal by-products including processed products covered by Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300/1, 14 November 2009), hereinafter referred to as "Regulation (EC) No 1069/2009", except those which are destined for incineration, landfilling or use in a biogas or composting plant;

9. 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 Regulation (EC) No 1069/2009;

10. waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries covered by the Subsurface Resources Act and classified as "mining waste";

11. sediments relocated inside surface waters for the purpose of managing waters and waterways or of preventing floods or mitigating the effects of floods and droughts or land reclamation if it is proved that this is not contrary to other legislation and that the sediments are non-hazardous.

Article 3. (1) The classification of waste shall be established with an ordinance issued by the Minister of Environment and Water and the Minister of Health.

(2) The classification referred to in paragraph 1 shall be carried out in accordance with the list of wastes established by Commission Decision 2000/532/EC of 3 May 2000 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. The list of wastes shall include hazardous waste and shall take into account the origin and composition of the waste and, where necessary, the limit values of concentration of hazardous substances.

The list of wastes referred to in paragraph 2 shall be binding as regards determination of the waste which is to be considered as hazardous waste.The inclusion of a substance or object in the list shall not mean that it is waste in all circumstances. A substance or object shall be considered to be waste only where the definition under § 1, item 17 of the supplementary provisions is met.

(4) Waste may be considered as hazardous waste where, even though it does not appear as such on the list of wastes, it displays one or more of the properties listed in Annex No. 3.

(5) Where there is undeniable evidence that specific waste that appears on the list as hazardous waste does not display any of the properties listed in Annex No. 3, it may be considered as non-hazardous waste.

(6) The reclassification of hazardous waste as non-hazardous waste may not be achieved by diluting or mixing the waste with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous.

(7) The sampling and analysis of waste composition and properties with a view to establish the declared data and classification of wastes shall be carried out by accredited laboratories.

Article 4. (1) A substance or object, resulting from a production process, the primary aim of which is not the production of that item, may be regarded as not being waste referred to in § 1, item 17 of the supplementary provisions but as being a by-product only if the following conditions are met:

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

2. the substance or 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;

4. further use 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.

(2) An object or substance shall be defined as being a by-product with a reasoned decision of the Minister of Environment and Water on a case-by-case basis, in compliance with criteria set out with an act of the European Commission.

Article 5. (1) Certain specified waste shall cease to be waste within the meaning of § 1, item 17 of the supplementary provisions when it has undergone a recovery, including recycling, operation and complies with specific criteria to be 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;

4. the use of the substance or object will not lead to overall adverse environmental or human health impacts.

(2) The Minister of Environment and Water or an official authorised thereby shall determine with a reasoned decision on a case-by-case basis whether certain waste ceases to be considered as such, except where a European Commission legislative act sets out mandatory criteria as referred to in paragraph 1, including limit values for pollutants and rules for reporting the adverse environmental impacts of the substance or object.

(3) Waste referred to in paragraph 1 shall be reported towards the recovery and recycling targets set out in this Act when the recycling or recovery requirements of this Act and the ordinances referred to in Article 13, paragraph 1 are satisfied.

(4) The Minister of Environment and Water shall be the national competent authority for implementation of Council Regulation (EU) No 333/2011 of 31 March 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 (OJ L 94/2 of 8 April 2011), hereinafter referred to as "Regulation (EU) No 333/2011".

Article 6. (1) The competent authorities under this Act and the persons whose operations involve the generation and/or treatment of waste shall apply the following priority order (hierarchy) to waste management:

1. prevention;

2. preparing for re-use;

3. recycling;

4. other recovery, e.g. energy recovery;

5. disposal.

(2) Departures from the hierarchy referred to in paragraph 1 shall be admissible for specific waste streams when justified by life-cycle thinking on the overall impacts of the generation and management of such waste.

(3) In applying the hierarchy referred to in paragraph 1 the general environmental protection principles of precaution and 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 1, paragraphs 1 and 3 shall be taken into account.

Chapter Two
OBLIGATIONS AND RESPONSIBILITIES

Section I
Obligations of Persons Pursuing Waste-Related Operations

Article 7. (1) Persons whose operations involve the generation of waste and waste holders shall treat waste themselves or shall submit such waste for collection, transport and treatment to persons entitled to carry out such operations in accordance with this Act.

(2) Where waste has been submitted for preparation prior to recovery or disposal, the original producer's or holder's responsibility for complete waste recovery or disposal shall remain.

(3) The cases and conditions under which responsibility shall be borne by the original waste producer along the entire chain from waste collection to waste treatment, and under which responsibility shall be shared and transferred among the persons involved in the collection and treatment chain, shall be laid down in the ordinances referred to in Article 13, paragraph 1 and Article 43, without prejudice to the application of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, hereinafter referred to as "Regulation (EU) No 1013/2006".

(4) Persons who or which collect and transport waste shall submit them for treatment to appropriate installations, complying with the provisions of this Act.

(5) The responsibility for organising the management of ordinary waste shall be borne by the producer of the product which, after use, forms said waste, under the terms laid down by this Act.

Article 8. (1) Industrial, construction and demolition and hazardous waste shall be submitted and accepted solely on the basis of a written contract with persons holding a permit, an integrated permit or a registration document pursuant to Article 35 for the relevant operation and a site for waste with the relevant code pursuant to the ordinance on waste classification referred to in Article 3.

(2) Waste holders shall be obliged:

1. to comply with the requirements for waste collection, transport and treatment;

2. to maintain their waste treatment facilities in constant working order and fit for normal operation;

3. to take all measures to prevent the mixing of:

a) hazardous waste with other hazardous waste or with other waste, substances or materials;

mixing shall also include the dilution of hazardous substances;

b) recoverable waste with non-recoverable waste;

4. to ensure the safe storage of waste for which no appropriate treatment techniques are available in accordance with the requirements of this Act within the territory of the Republic of Bulgaria;

5. where hazardous waste is available, to designate a person responsible and to make arrangements for the safe management of said waste;

6. to keep records of waste according to the procedure established by this Act and by the statutory instruments of secondary legislation for its implementation;

7. upon request, to afford the control authorities access to the waste-generating facilities, to the waste storage and treatment facilities, and to waste-related documentation;

8. to make arrangements for briefing and regular training for staff handling hazardous waste;

9. to plan and implement measures necessary to avoid the spread of pollution after closure of the projects and operations, as well as of the waste treatment facility or installation;

10. to provide for financial resources as shall be necessary for:

a) implementation of the monitoring plan;

b) closure of the waste treatment installation or facility;

c) post-closure monitoring and control;

11. to notify the competent authorities of any forthcoming changes in raw materials and technological processes that would lead to changes in the amount, type or hazardous properties of the generated waste.

(3) Holders of hazardous waste referred to in paragraph 2 may mix waste, provided that:

1. the mixing operation is carried out by persons holding a permit or integrated permit pursuant to Article 35;

2. the requirements under Article 1, paragraph 3 are complied with and the adverse impact of waste management on human health and the environment is not increased, and

3. the mixing operation conforms to best available techniques.

(4) Subject to the technical and economic feasibility criteria, where hazardous waste has been mixed in a manner contrary to the requirements of this Act, separation shall be carried out

where possible and necessary, in compliance with the requirements of Article 1, paragraph 3.

(5) For mixed waste produced by households the requirements of this Act regarding the following shall not apply:

1. the control of hazardous waste;

2. the ban on the mixing of hazardous waste referred to in paragraph 2, item 3(a);

3. the labelling of hazardous waste;

4. the keeping of records on hazardous waste pursuant to Chapter Four, Section I.

(6) The provisions of this Act regarding the labelling of and documentation on hazardous waste shall not apply to separate fractions of hazardous waste generated by households until such waste is accepted for collection, disposal or recovery by a person holding the relevant permit.

Article 9. (1) The commissioning of construction works according to the procedure established by the Spatial Development Act shall be prohibited without a permit, an integrated permit or a registration document under Article 35 for waste-related operations, where such a permit or document is required.

(2) The commissioning of landfills for hazardous and non-hazardous waste according to the procedure established by the Spatial Development Act shall be prohibited without availability of collateral in the required amount for closure and after-care for landfill sites in accordance with Article 60.

Article 10. (1) The construction, demolition of legal buildings and facilities and the voluntary removal of illegal construction works or of unusable or unsafe construction works shall be carried out in a manner ensuring the subsequent recovery, including recycling of the generated construction and demolition waste in accordance with the requirements of the ordinance referred to in Article 43, paragraph 4.

(2) In the process of construction, demolition of legal construction works and voluntary removal of illegal construction works or construction works unfit for use or of unusable or unsafe construction works the contracting entity shall be responsible for attaining the targets relating to preparing for re-use, recycling and other recovery of materials from construction and demolition waste pursuant to Article 32, paragraph 1.

(3) (Effective 13.07.2014 - State Gazette, No. 53/2012) The coercive removal of illegal construction works or of unusable or unsafe construction works shall be carried out selectively by type of material by the owner or by the contractor carrying out the demolition works.

(4) The mayor of the relevant municipality shall be responsible for submitting the construction and demolition waste separated during the coercive removal construction works for recovery of materials and for re-use of recycled building materials, including for the expenses for transport and treatment operations.

(5) The expenses for transport and treatment of construction and demolition waste resulting from the coercive removal of construction works shall be covered by the contractor carrying out the illegal works or by the owner of the building or facility. On the basis of an effective order for removal of construction works and a statement of expenses made for the operations relating to transport and recovery of waste, the mayor of the relevant municipality shall submit an application for issue of an order for immediate enforcement for collection of amounts receivable from liable parties according to the procedure established by Article 417, item 2 of the Civil Procedure Code.

(6) (Effective13.07.2014 - State Gazette, No. 53/2012) The contracting entity in public procurement for design and construction works, with the exception of removal of construction works, shall include in the criteria for selection of contractor and in the works contracts a mandatory requirement to use recycled building materials pursuant to the requirements of the ordinance referred to in Article 43, paragraph 4.

(7) Products made from the recycling of construction and demolition waste which are placed on the market in the Republic of Bulgaria and are intended for incorporation in construction works or parts thereof must ensure compliance with the major requirements to construction works based on their performance indicators set out in the technical specifications, as well as with the legal requirements for their use relevant to their field of application.

Article 11. (1) (Effective 13.07.2014 - State Gazette, No. 53/2012) The contracting entity commissioning construction and works within the meaning of § 5, item 40 of the supplementary provisions of the Spatial Development Act, with the exception of regular maintenance, and the contracting entity commissioning the removal of construction works shall draw up a plan for management of construction and demolition waste with the scope and contents laid down in the ordinance referred to in Article 43, paragraph 4.

(2) The requirement referred to in paragraph 1 shall not apply to:

1. demolition of buildings with a total floor area (TFA) of less than 100 sq. m.;

2. reconstruction, overhaul and/or change of the development project intention for construction works with TFA of less than 500 sq. m.;

3. construction of buildings with TFA of less than 300 sq. m.;

4. demolition of unusable or unsafe construction works, where the removal was ordered as a matter of urgency by the competent authority.

(3) The plan referred to in paragraph 1 shall fall within the scope of the investment projects referred to in Chapter Eight of the Spatial Development Act, and for sites where an approved investment project is not required, a stand-alone plan shall be drawn up.

(4) The plans for management of construction and demolition waste shall be approved, as follows:

1. for construction works for which an approved investment project is required - as part of the procedure for coordination and approval of investment projects according to the procedure established by Chapter Eight, Section II of the Spatial Development Act, by the authority issuing such approval;

2. for sites where an approved investment project is not required - by the mayor of the municipality within which the works will be effected or an official authorised thereby.

(5) In case of non-compliance with requirements laid down with the ordinance referred to in Article 43, paragraph 4, the competent authority under paragraph 4 may require submission of additional information or elimination of non-conformities by sending a reasoned opinion to the applicant within 15 days of receipt of the plan.

(6) In the cases referred to in paragraph 4, item 2 the municipal mayor shall approve the plan for management of construction and demolition waste or issue a reasoned refusal to approve it within one month of receipt of the plan or elimination of the non-conformities and/or submission of the additional information.

(7) The refusal to approve the plan shall be appealable according to the procedure established by the Administrative Procedure Code.

(8) The approval of the plan for management of construction and demolition waste shall include a review for compliance with the targets for recycling and recovery of construction and demolition waste.

(9) The implementation of the plan for management of construction and demolition waste and the status of sites shall be established, as follows:

1. for construction works subject to construction supervision - with the final report referred to in Article 168, paragraph 6 of the Spatial Development Act prepared by the person exercising construction supervision; said report shall state the attainment of the recovery and recycling targets for construction and demolition waste and the targets for incorporation of recycled building materials in the works and shall be accompanied by copies of accounting records evidencing the submission of waste to persons holding a permit or a registration document for waste-related operations;

2. for construction works not subject to construction supervision - with a report to the municipal mayor drawn up in a format laid down with the ordinance referred to in Article 43, paragraph 4; said report shall state the attainment of the recovery and recycling targets for construction and demolition waste and the targets for incorporation of recycled building materials in the works and shall be accompanied by copies of accounting records evidencing the submission of waste to persons holding a permit or a registration document for waste-related operations.

(10) The documents referred to in paragraph 9 shall be submitted to the authority which approved the investment project or the plan for management of construction and demolition

waste, as well as to the director of the Regional Inspectorate of Environment and Water (RIEW) within whose territory the construction works or demolition works are taking place.

Article 12. The owners of roads referred to in Article 8 of the Roads Act shall be responsible for:

1. the clearing of waste from the road, the road bed, the road facilities, the service zones, the roadside service complexes and the maintenance points within the meaning of § 1, items 1 - 3, 6, 9 and 10 of the supplementary provisions of the Roads Act;

2. the provision of receptacles for the collection of waste and the transport thereof to a waste treatment installation.

Section II
Extended Producer Responsibility

Article 13. (1) The requirements for products which, after use, form ordinary waste, the procedure and methods for their separate collection, re-use, recycling and/or recovery, including the targets for separate collection, re-use, recycling and/or recovery, shall be laid down in ordinances issued by the Council of Ministers.

(2) The measures determining the extended producer responsibility, including of persons placing on the market of the Republic of Bulgaria products which, after use, form ordinary waste, shall be laid down in the ordinances referred to in paragraph 1 in order to strengthen the re-use and the prevention, recycling and other recovery of waste.

(3) The measures referred to in paragraph 2 may include acceptance of returned products and of waste that remains after those products that have been used, the subsequent management of waste and the financial responsibility for such activities, as well as the obligation to provide publicly available information as to the extent to which the product is re-usable and recyclable.

(4) The application of extended producer responsibility shall take into account the technical feasibility and economic viability and the overall environmental, human health and social impacts, respecting the need to ensure the proper functioning of the internal market.

(5) The extended producer responsibility shall be applied without prejudice to the responsibility for waste management as provided for in this Act and without prejudice to existing waste stream specific and product specific legislation.

Article 14. (1) Persons placing on the market products which, after use, form ordinary waste, shall be responsible for their separate collection and treatment, as well as for attaining the relevant targets for separate collection, re-use, recycling and/or recovery laid down with the ordinances referred to in Article 13, paragraph 1.

(2) The persons referred to in paragraph 1 shall discharge their obligations:

1. individually, or

2. through collective schemes represented by a recovery scheme operator.

(3) Where they discharge their obligations individually, the persons referred to in paragraph 1, as well as all their distributors, including the persons making sales to end users, shall be obliged to take back at the point of sale waste generated after use of the relevant products in accordance with the requirements of the ordinances referred to in Article 13, paragraph 1.

(4) The persons referred to in paragraph 1 may discharge their obligations individually after obtaining a permit according to the procedure established by Chapter Five, Section III.

(5) The persons referred to in paragraph 1 may discharge their obligations through collective schemes on the basis of a contract with a recovery scheme operator referred to in paragraph 2, item 2 holding a permit issued according to the procedure established by Chapter Five, Section III.

(6) The contracts under paragraph 5 shall contain requirements for review and audit of data on the products placed on the market by the persons referred to in paragraph 1.

(7) The persons referred to in paragraph 1 may chose a new recovery scheme operator through which they discharge their obligations only after they have terminated their contract under paragraph 5 with their current recovery scheme operator. When concluding the contract with the new recovery scheme operator said person shall be obliged to provide to said operator a copy of the notification for termination of the contract with the previous operator.

(8) The persons referred to in paragraph 1 may not participate at the same time in more than one scheme for the same type of waste.

Article 15. Recovery scheme operators and the persons discharging their obligations individually shall set up systems for separate collection, re-use, recycling and/or recovery of the respective type of ordinary waste within the territory of the Republic of Bulgaria in accordance with the requirements of this Act and the ordinances referred to in Article 13, paragraph 1.

Article 16. The articles of incorporation of the recovery scheme operator shall contain conditions that ensure compliance with the following requirements:

1. compliance with the principle of non-discrimination and eligibility for participation of the persons referred to in Article 14 willing to discharge their obligations under this Act and under the relevant ordinance referred to in Article 13, paragraph 1 via a recovery scheme within the meaning of Article 14, paragraph 2, item 2;

2. the founding members of the recovery scheme operator shall not be entitled to:

a) participate in another recovery scheme operator for the same type of waste;

b) reserve for themselves privileges with the articles of incorporation;

3. must contain provisions prohibiting:

(a) the distribution of profit;

(b) the issuing of bonds and shares with dividend coupons;

(c) the extension of credit and credit guarantees to third parties, as well as the incurrence of obligations arising under bills of exchange;

(d) the issuing of bearer shares;

Article 17. (1) The recovery scheme operator may not be transformed through acquisition, merger, division, separation, separation of a single-member company or transfer of assets to the sole shareholder, except in cases of acquisition or merger of recovery scheme operators.

(2) The recovery scheme operator may not have as its principal business operations other than those laid down in § 1, item 16 of the supplementary provisions.

Article 18. (1) Recovery scheme operators and the persons referred to in Article 14, paragraph 2, item 1 shall prove compliance with the obligations and attainment of the targets referred to in Article 14, paragraph 1 and Article 15 by drawing up and submitting to the Minister of Environment and Water reports, reports containing factual data and other documents having the scope, contents and timeframe laid down with the ordinances referred to in Article 13, paragraph 1.

(2) The reports referred to in paragraph 1 shall be certified by registered auditors within the meaning of the Independent Financial Audit Act on the basis of a report containing factual data regarding the agreed procedures for inspecting the compliance with the obligations under this Act and the ordinances referred to in Article 13, paragraph 1, including the targets referred to in Article 14, paragraph 1, in accordance with the requirements of current legislation. The requirements to the inspection, as well as the content of the reports and the time limits for submission of such reports shall be laid down in the ordinances referred to in Article 13, paragraph 1.

(3) The Minister of Environment and Water may require an interim inspection following agreed procedures regarding compliance with the terms and conditions of the issued permits, the targets and compliance with the requirements set out in this Act and the ordinances referred to in Article 13, paragraph 1, including an inspection of business information evidencing that products placed on the market which, after use, form ordinary waste, the collection, re-use, recycling and recovery of waste, as well as the amount of the fees accrued pursuant to Article 59 and/or expenses made for waste-related operations, for the following groups of persons:

1. persons placing on the market products which, after use, form ordinary waste;

2. persons referred to in Article 14, paragraph 2, item 1 who or which shall discharge their obligations individually;

3. recovery scheme operators referred to in Article 14, paragraph 2, item 2;

4. persons carrying out operations relating to the collection, transport, re-use, recycling and recovery of ordinary waste under contract with a recovery scheme operator or with persons discharging their obligations individually, with relation to the attainment of their targets and the obligations pursuant to this Act.

(4) The auditors carrying out inspections under agreed procedures referred to in paragraph 3 shall be designated by the Minister of Environment and Water for a period of at least two calendar years according to the procedure established by the Public Procurement Act.

(5) The expenses made for interim inspections under agreed procedures pursuant to paragraph 3 shall be covered by the audited recovery scheme operators and the persons discharging their obligations individually and shall be reimbursed to the Ministry of Environment and Water following a procedure established by the Minister of Environment and Water, within one month of the notification of such expenses. Once the inspection referred to in paragraph 3 is completed, further inspections may be required and the expenses for such inspections shall be covered by the Ministry of Environment and Water.

(6) Recovery scheme operators, the persons discharging their obligations individually, as well as the persons referred to in paragraph 3 shall grant access to available documents and to sites where waste-related operations are carried out and shall provide the necessary information pertaining to completing the auditors' obligations.

(7) Findings contained in the reports from inspections referred to in paragraph 3 shall form ground for imposition of sanctions and/or withdrawal of permits of recovery scheme operators and of persons discharging their obligations individually according to the procedure established by Chapter Five, Section III, as well as for sanctioning persons placing on the market products which, after use, form ordinary waste, as well as the persons referred to in paragraph 3, item 4 in case of violations of this Act and the ordinances referred to in Article 13, paragraph 1.

(8) In the case of permit withdrawal pursuant to Article 81, paragraph 1 the discharge of obligations and the attainment of targets referred to in Article 14, paragraph 1 and Article 15 shall be evidenced according to the procedure established by paragraph 1 for the period of the reporting year preceding the withdrawal.

(9) Each year the Minister of Environment and Water shall issue an order appointing a commission to analyse the reports and the documents referred to in paragraph 1 and the findings of the reports referred to in paragraphs 2 and 3. Within 10 days of completing its assignment, the commission shall draw up a report to the Minister of Environment and Water containing a reasoned proposal for taking the measures referred to in paragraph 7.

Section III
Obligations of the Local Government Authorities and of the

Local Administration

Article 19. (1) The mayor of each municipality shall organise the management of operations related to waste formed within the territory of said municipality in conformity with the requirements established by this Act and the ordinance referred to in Article 19.

(2) The municipality mayor shall ensure conditions whereunder each holder of household waste shall be serviced by persons referred to in Article 35, paragraph 7 whereto a right has been granted to pursue operations related to the collection, transport, recovery or final disposal of such waste.

(3) The municipality mayor shall be responsible for:

1. the provision of receptacles for collection of household waste: containers, dust bins and other such;

2. the collection of household waste and the transport of said waste to landfills or other facilities and installations for the recovery and/or final disposal thereof;

3. the cleaning of street roadways, squares, driveways, parks and other parts of the populated areas intended for public use;

4. the siting, construction, operation, closure and monitoring of landfills for household waste or of other facilities or installations for the recovery and/or final disposal of household waste;

5. organising the collection, recovery and disposal of construction and demolition waste generated by households from refurbishment operations within the territory of the relevant municipality;

6. the separate collection of household waste within the territory of the municipality, at least for the following waste materials: paper and cardboard, metal, plastic and glass;

7. organising the operations for separate collection of ordinary waste and/or facilitating schemes for recovery of ordinary waste, including designation of sites for elements of the systems for separate collection and sites for submission of ordinary waste;

8. compliance with the resolutions referred to in Article 26, paragraph 1 of the General Meeting of regional associations under Article 24, paragraph 1 and assistance for establishment of centres for re-use, repair and preparing for re-use;

9. organising separate collection of hazardous household waste falling outside the scope of the ordinances referred to in Article 13, paragraph 1 and its submission for recovery and/or disposal;

10. the separate collection and storage of household biodegradable waste, including sites for the necessary elements of the system for separate collection of waste and its submission for composting or anaerobic decomposition;

11. provision of sites for free-of-charge submission of separately collected waste from households, including large-scale waste, hazardous waste and other in all populated areas with a population of more than 10,000 people within the territory of the municipality and, where necessary, in other populated areas;

12. the removal of waste from municipal roads in accordance with Article 12;

13. the provision of information to the general public as referred to in items 1 - 12, 14 and 15 via the website of the relevant municipality and in other suitable ways;

14. the maintenance of a register of sites for submission of waste from plastic, glass, paper and cardboard within the territory of the relevant municipality;

15. prevention of the dumping of waste in places unauthorised for this purpose and/or of the establishment of illegal dumping sites and ensuring their removal.

(4) In populated areas subdivided into smaller regions the sites designated pursuant to paragraph 3, item 11 shall correspond or exceed in number the number of the regions to ensure that the services are accessible to the population in the municipality.

(5) (Effective 13.07.2014 - State Gazette, No. 53/2012) In case of non-compliance with the requirements of paragraph 3, item 11 the deductions referred to in Article 64 shall be increased by 15 per cent for the period until elimination of the instance of non-compliance.

Article 20. (1) The municipal mayor shall ensure discharge of its obligations relating to participation in systems for separate collection under Article 19, paragraph 3, item 6 by concluding contracts under the terms and following the procedure laid down with a decision of the Municipal Council, as follows:

1. with recovery scheme operators holding a permit issued according to the procedure established by Chapter Five, Section III, and/or

2. with other persons holding a permit or registration document issued according to the procedure established by Chapter Five, Sections I and II for operations relating to the collection, transport, recycling and/or recovery of waste within the territory of the relevant municipality, and/or integrated permit issued according to the procedure established by Chapter Seven, Section II of the Environmental Protection Act.

(2) The contracts referred to in paragraph 1 shall set the conditions for the separate collection of waste from households, administrative, social and public buildings, catering establishments, retail premises and recreational, entertainment and tourist facilities.

(3) The mayors of municipalities which are subdivided into smaller regions may conclude

contracts with the persons referred to in paragraph 1, items 1 and 2 separately for each region.

(4) The contracts referred to in paragraph 1 shall lay down at least the following:

1. requirements for the system for separate collection of waste from households, including population covered, type, number and location of receptacles and sites for separate collection of waste, frequency of service;

2. targets for separate collection, recycling and recovery of waste from households and similar waste, as well as the terms and procedure for reporting the attainment of said targets;

3. obligations relating to control of the compliance with the requirements for separate collection within the territory of the relevant municipality;

4. obligations for provision of information to the public in the relevant municipality as regards the implementation of the system for separate collection, education and awareness campaigns and work with the general public.

Article 21. (1) The municipal mayor shall, acting independently, where the municipality does not participate in a regional association referred to in Article 24, paragraph 1, or jointly with the mayors of the municipalities in the regional association, take steps for commissioning and conducting pre-investment feasibility studies for a new facility or new facilities for treatment of household waste at least three years prior to depletion of the capacity of the landfill for household waste or the expiry of the service life of the installation, of which the mayor shall notify the respective RIEW.

(2) A building right may be established free of charge over immovable property which constitutes public or private state property in favour of municipalities for the construction of landfills or other waste treatment facilities or installations and of related infrastructure. The building right shall be established for an unlimited period of time.

(3) The applications for building rights pursuant to paragraph 2 shall be submitted to the Minister of Regional Development and Public Works in consultation with the Minister of Environment and Water. Based on a Council of Ministers resolution, the regional governor shall conclude a contract establishing the building right.

Article 22. (1) The Municipal Council shall adopt an ordinance establishing the terms and procedure for the discarding, collection, including separate collection, transport, reloading, recovery and final disposal of household and construction and demolition waste, including biodegradable waste, hazardous household waste and ordinary waste within the territory under its jurisdiction, the said terms and procedure being elaborated according to the requirements established by this Act and the statutory instruments of secondary legislation on the application thereof, as well as the payment for provision of the relevant services according to the procedure established by the Local Taxes and Fees Act.

(2) The ordinance referred to in paragraph 1 shall also lay down the requirements for sites for submission of waste from paper and cardboard, plastic and glass, including the conditions for

registration of sites, as well as the conditions for submission of waste to sites referred to in Article 19, paragraph 3, item 11.

(3) The Municipal Council shall publish on its website and subject to public consultation the draft of the ordinance referred to in paragraph 1. All interested parties, bodies and non-governmental organisations may take part in the consultations.

Article 23. (1) The municipalities included in each of the regions referred to in Article 49, paragraph 9, shall establish a regional waste management system consisting of a regional landfill and/or other waste treatment facilities.

(2) The regional waste management system shall have as an object the effective collection, transportation and treatment of waste in conformity with the requirements of Article 6, paragraph 1 herein and fulfilment of the obligations covered under Article 19 herein through participation of the municipalities.

(3) Municipalities which are members of the regional association shall determine the ownership of the regional landfill and/or other waste treatment facility. The said landfill and/or facility may be:

1. wholly owned by the municipality which owns the ground or in favour of which a right to build on the ground designated for construction has been created;

2. co-owned by the municipalities which are members of the association;

3. co-owned by the financing private partner, on the one hand, and, on the other hand, by the municipality which owns the ground and/or the municipalities which are members of the association.

4. owned by the financing private partner for facilities for preparation prior to recovery or disposal and recovery of waste.

(4) The price for treatment per tonne of waste received in the regional waste management system shall be equal for all members of the regional association and the associations may not derive a profit from the said price.

(5) A municipality which does not participate in the regional waste management system may use the said system or another such under terms and at prices determined by the relevant regional association.

Article 24. (1) Municipalities included in each of the regions referred to in Article 49, paragraph 9 herein shall establish a regional association according to the procedure established by this Act.

(2) The Municipal Council of the relevant municipality shall adopt a resolution on participation in the regional association and a copy of said resolution shall be sent to the mayor of the municipality within whose territory waste treatment facilities are to be built or are located.

(3) The Municipal Council of any municipality within a region referred to in Article 49, paragraph 9 may adopt a resolution on joining said municipality to an association of municipalities of another region, subject to the condition that the establishment or functioning of the regional association or the regional waste management system in its own region is not impeded, after presentation of favourable opinions of the two regional associations and of the RIEW.

(4) Solely municipalities may be members of the regional association.

(5) The regional association shall be formed as of the date of its first general meeting and the minutes of this first meeting shall be sent to the Minister of Environment and Water and to the respective regional governor.

(6) The regional association shall be a legal person with a seat in the municipality which owns the ground where a regional landfill has been constructed or where the construction of such a landfill is envisaged, or in favour of which a building right has been set up.

(7) The regional association shall not aim to generate profit and shall not distribute profit, nor acquire property. Its operation shall be facilitated and supported by the relevant municipal administrations.

(8) The managing bodies of the regional association shall be the General Meeting and the chairperson of the association.

(9) Municipalities may receive funding for waste management projects from the EU funds, the state budget, the Enterprise for Management of Environmental Protection Activities (EMEPA) with the Ministry of Environment and Water or other national public sources of funding only after the establishment of a regional association.

(10) The provisions of paragraph 9 shall not apply where the region concerned consists of a single municipality.

(11) Any municipality which refuses to participate, causes a delay, or frustrates the establishment or functioning of a regional association and/or of a regional waste management system, shall pay the losses sustained and the gains foregone by the other municipalities in the relevant region.

Article 25. (1) The General Meeting of the regional association shall consist of the mayors of the municipalities participating in the said association.

(2) The Regional Governor and, if the region concerned referred to in Article 28, paragraph 4 falls within the territory of two or more regions, the Regional Governors thereof, shall participate in the General Meeting of the regional association in a non-voting capacity.

(3) The General Meeting of the association shall be convened by its chairperson once every 6 months or at the request of one of the persons referred to in paragraphs 1 or 2. Convocation

shall be effected by means of a written notice with an agenda sent to the persons referred to in paragraphs 1 and 2, a copy of which shall be sent to the Minister of Environment and Water.

(4) The General Meeting shall be held if the mayors of all municipalities which are members of the regional association are present.

(5) Where the required quorum is not present, the meeting shall be postponed with one hour and shall be held, provided at least two-thirds of the mayors are present and they represent at least two-thirds of the residents of all municipalities which are members of the regional association.

Article 26. (1) The General Meeting shall adopt resolutions on:

1. election of Chairperson;

2. admission of new members to the regional association;

3. giving an opinion on a municipality joining an association of municipalities;

4. determination of the particular waste treatment facilities, the structure and development of the regional waste management system;

5. appointment of municipalities which launch public procurement procedures for selection of suppliers and contractors for the elements of the regional waste management system, as well as representation of municipalities in the public procurement committees;

6. distribution of responsibilities amongst municipalities for attaining the targets referred to in Article 31, paragraph 1;

7. adoption of investment programme for development of the regional waste management system;

8. determination of the procedure and manner of collection and distribution of the price due from users of the system (the municipalities which are members of the regional association);

9. consent and fixing of prices where the regional waste management system is used by municipalities which are not members of the regional association or by other waste holders;

10. exercise of control over the operation of the regional waste management system and the activities of the selected operator or operators;

11. ownership of the regional landfill and/or of the waste treatment facilities;

12. internal rules of operation of the association;

13. other matters relating to the activity of the regional association.

(2) In the cases referred to in Article 25, paragraph 4 herein, the General Meeting shall act by a majority of at least two-thirds of the attending mayors who represent at least two-thirds of the residents of all municipalities which are members of the regional association.

(3) In the cases referred to in Article 25, paragraph 5 herein, the General Meeting shall act unanimously.

(4) Minutes of proceedings shall be taken of the sessions of the General Meeting, which shall be signed by the Chairperson and by the attending mayors.

(5) The resolutions of the General Meeting shall form an integral part of the minutes of proceedings referred to in paragraph 4 which are made public on the web pages of the municipalities which are members of the regional association within one week of the session and shall be submitted to the Minister of Environment and Water and to the competent Regional Governor.

(6) The resolutions of the General Meeting shall be appealable only by the municipalities concerned according to the procedure established by the Administrative Procedure Code.

(7) Any municipality which fails to implement a resolution of the General Meeting within the time limit set for this shall be liable for the losses sustained and the gains foregone by the members of the regional association.

Article 27. (1) The Chairperson of the regional association shall be elected from among the persons referred to in Article 25, paragraph 1 herein for a period identical with the term of mayoral office thereof.

(2) The Chairperson of the association shall vote in the General Meeting on a par with the other municipality mayors.

Article 28. The Chairperson shall:

1. represent the association;

2. draft the agenda for the sessions of the General Meeting;

3. convene and preside over the sessions of the General Meeting;

4. maintain credible information on the number of residents of the municipalities which are members of the regional association on the basis of the official data from the National Statistical Institute;

5. organize and manage the implementation of the resolutions of the General Meeting;

6. perform other activities entrusted thereto by the General Meeting.

Chapter Three
REQUIREMENTS TO THE COLLECTION, TRANSPORT AND TREATMENT OF WASTE

Article 29. (1) Waste, depending on its type, properties, composition and other characteristics, waste shall be collected, transported and treated in a manner not impeding its further recovery.

(2) The abandonment, unauthorised dumping and incineration or any other form of uncontrolled waste management shall be prohibited.

(3) In the course of collection, transport and temporary storage hazardous waste shall be packaged and labelled in accordance with the European Union standards in force, as well as in accordance with the international legal instruments on carriage of hazardous goods ratified by the Republic of Bulgaria with a law.

(4) The production, collection and transport of hazardous waste, as well as its storage and treatment shall be carried out in a manner ensuring protection of the environment and human health in accordance with Article 1, including through measures for waste control and for tracking waste from the moment it is generated to its final treatment, in compliance with the requirements of Chapter Four, Section I.

(5) Whenever hazardous waste is transferred within the territory of the Republic of Bulgaria, it shall be accompanied by an identification document in standard format laid down with the ordinance referred to in Article 48, paragraph 1. The document may be in electronic form and shall contain the data set out in Annex IB to Regulation (EU) No 1013/2006.

Article 30. (1) The persons whose operations involve the generation, storage, transport and/or treatment of waste, shall take the necessary measures for recovery of waste in accordance with the waste management hierarchy referred to in Article 6, paragraph 1 and in compliance with the requirements of Article 1, paragraph 3.

(2) Where necessary to comply with paragraph 1 and to facilitate or improve recovery, waste shall be collected separately if technically, environmentally and economically practicable and shall not be mixed with other waste or other material with different properties.

(3) Where recovery of waste has not been undertaken in accordance with the provisions of paragraph 1, the persons whose operations involve the generation and/or treatment of waste shall take the necessary measures for environmentally sound disposal of waste in accordance with the provisions of Article 1, paragraph 3 as regards the protection of human health and the environment.

Article 31. (1) In each of the regions referred to in Article 49, paragraph 9 the systems for separate collection, re-use, recycling and recovery of household waste shall ensure at least attainment of the following targets:

1. no later than 1 January 2020: preparing for re-use and recycling of waste materials, including paper and cardboard, metal, plastic and glass from households and similar waste from other sources of at least 50 per cent of the total weight of such waste;

2. no later than 31 December 2020: limiting the quantity of deposited biodegradable household waste to 35 per cent of the total quantity of such waste generated in the Republic of Bulgaria in 1995.

(2) The targets referred to in paragraph 1 shall be attained gradually pursuant to the deadlines set out in § 15 of the transitory and concluding provisions and the ordinance referred to in Article 43, paragraph 5.

(3) The calculation methods for verifying compliance with the targets referred to in paragraph 1 shall be laid down in the ordinance referred to in Article 43, paragraph 5.

(4) In each of the regions referred to in Article 49, paragraph 9 the targets referred to in paragraph 1 shall be attained jointly by all municipalities in the region, in accordance with the decision referred to in Article 26, paragraph 1, item 6.

Article 32. (1) The systems for treatment of construction and demolition waste shall ensure no later than 1 January 2020 its re-use, recycling and other recovery of materials from non-hazardous construction and demolition waste, including in backfilling operations using waste to substitute other materials, in quantities not less than 70 per cent of the total weight of waste, excluding unpolluted soil, excavated land and rock in their natural state.

(2) The targets referred to in paragraph 1 shall be attained gradually pursuant to the deadlines set out in § 16 of the transitory and concluding provisions.

(3) The calculation methods for verifying compliance with the targets referred to in paragraph 1 shall be laid down in the ordinance referred to in Article 43, paragraph 4.

Article 33. (1) The systems for separate collection of waste referred to in Article 19, paragraph 3, item 6 and for separate collection of packaging waste shall encompass a population of at least 6,000,000 people within the territory of the country and must include all populated areas with more than 5,000 inhabitants and resorts.

(2) Waste from paper and cardboard, glass, plastic and metal generated at retail premises, industrial, business and administrative buildings shall be collected separately.

(3) An exception from the requirement referred to in paragraph 2 shall be admissible in populated areas without a system for separate collection of the said type of waste from households.

(4) (Effective 1.01.2013 - State Gazette, No. 53/2012) The users of retail premises, industrial, business and administrative buildings in populated areas referred to in paragraph 1 shall be obliged to collect separately waste referred to in paragraph 2 and to submit such waste to

persons holding a permit, an integrated permit or a registration document pursuant to Article 35 and/or a recovery scheme operator.

(5) The procedure and conditions for establishment and operation of the systems for separate collection of waste referred to in paragraphs 2 and 4 shall be laid down in the ordinances referred to in Article 13, paragraphs 1 and Article 22.

Article 34. (Effective 1.01.2013 - State Gazette, No. 53/2012) (1) Bio-waste from the maintenance of areas for public use, parks and gardens shall be collected separately.

(2) Bio-waste referred to in paragraph 1, as well as from green-field sites pertaining to retail premises, industrial, business and administrative buildings shall be treated by composting or anaerobic decomposition in a manner ensuring the highest degree of environmental protection.

(3) The operations referred to in paragraphs 1 and 2 shall be carried out in compliance with the requirements of this Act and of the ordinance referred to in Article 43, paragraph 5.

Article 35. (1) The following shall be required for carrying out waste treatment operations:

1. permit issued according to the procedure established by Chapter Five, Section I, or

2. integrated permit issued according to the procedure established by Chapter Seven, Section II of the Environmental Protection Act.

(2) A permit shall not be required for:

1. collection and preliminary storage of waste on the site where it was generated, including of ferrous and non-ferrous metal wastes (FNFMW);

2. waste collection and transport within the meaning of § 1, items 41 and 43 of the supplementary provisions;

3. R3-coded operations for recovery of non-hazardous waste, with the exception of gasification and pyrolysis using the components as chemicals, R5, R11, R12 and R13 within the meaning of Annex No. 2 to § 1, item 13 of the supplementary provisions, with the exception of FNFMW, waste from metal packaging, waste electrical and electronic equipment (WEEE), waste batteries and accumulators (WBA) and end-of-life vehicles (EOLV);

4. operations for disposal of own non-hazardous waste at the place where such waste is generated coded D2, D3, D8, D9, D13 or D14 within the meaning of Annex No. 1 to § 1, item 11of the supplementary provisions;

5. R1-coded operation within the meaning of Annex No. 2 to § 1, item 13 of the supplementary provisions involving incineration with recovery of energy of non-hazardous waste defined as "biomass" within the meaning of § 1, item 1 of the supplementary provisions in specialised facilities;

6. take-back operations within retail premises for ordinary waste from packaging for which a deposit or other multiple use system has been set up, batteries and accumulators, electrical and electronic equipment (EEE) and tyres;

7. R12-coded pre-processing operation within the meaning of Annex No. 2 to § 1, item 13 of the supplementary provisions of own non-hazardous waste from packaging at the place where such waste is generated, including within retail premises;

8. operations for separate collection of waste which are not carried out professionally, such as waste medicines collected by pharmacies or community schemes for waste collection in schools;

9. operations as waste dealer and/or broker which do not include waste-related operations at a specific site.

(3) A registration and issue of a document according to the procedure established by Chapter Five, Section II shall be required for carrying out the operations referred to in paragraph 2, items 2 - 5, and for the operations referred to in item 9 - a registration or a document according to the procedure established by Chapter Five, Section IV shall be required.

(4) Where a person carries out simultaneously operations referred to in paragraph 1, item 1 and operations referred to in paragraph 2, items 3 - 5, such a person may apply for issue of the permit referred to in Article 67 covering all operations and in such cases the requirement for registration and issue of a registration document for the operations covered by the permit shall be repealed.

(5) The registration document for operations referred to in paragraph 2, item 2 shall be issued separately from the other permits and registration documents.

(6) The ordinance referred to in Article 43, paragraph 1 shall also lay down general rules for treatment of waste for each of the operations referred to in paragraph 2, items 3 - 5 for which the requirement for obtaining a permit does not apply.

Article 36. The expiry of the deadlines for making a registration or issuing a permit or for amending and/or supplementing the registration or the permit referred to in Article 35 in the cases referred to in this Act and the statutory instruments of secondary legislation for its implementation shall be considered as tacit consent for carrying out the respective operation.

Article 37. It shall be inadmissible to place waste treatment sites within the territory of belt I of the sanitary protected areas of water sources and facilities for drinking and household water supply and around the mineral water sources used for therapy, preventive care, drinking and hygienic uses.

Article 38. (1) Operations with FNFMW, waste from metal packaging, WEEE, WBA and EOLV shall be carried out only on sites placed in spatial-development areas designated by master plans for manufacturing and storage activities, at public transportation ports of national and regional importance and at railway infrastructure facilities intended for commercial use. Each site

must meet the legal requirements for protecting human health and the environment.

(2) The requirements referred to in paragraph 1 shall not apply to cases of take-back of waste from metal packaging, WEEE, WBA at the point of sale of the respective products.

(3) The technical requirements for sites for operations with FNFMW, metal packaging, WEEE, WBA and EOLV shall be laid down with the ordinance referred to in Article 43, paragraph 1 and the ordinances relating to the relevant type of ordinary waste pursuant to Article 13, paragraph 1.

(4) (Effective13.07.2014 - State Gazette, No. 53/2012) Payments for transactions with FNFMW shall be carried out using a cashless method.

Article 39. (1) Submission and acceptance of non-consumer FNFMW, including cables and electric conductors of any type and size, elements of the electronic communications infrastructure, elements and parts of the rolling stock, the railway, including safety, signalling and communication facilities and wiring therein, any elements and parts of the road infrastructure, such as road signs, traffic barriers, metal manhole covers, parts of street lighting or water irrigation systems and facilities, as well as metal-containing monuments of culture or any parts or elements thereof, shall take place subject to availability of a certificate of origin issued by the persons in whose operations such waste is generated and on the basis of a concluded written contract.

(2) Natural person may submit only consumer FNFMW where a declaration of origin is available.

(3) (Effective13.07.2014 - State Gazette, No. 53/2012) In the cases referred to in paragraph 2 waste shall be submitted to sites referred to in Article 19, paragraph 3, item 11 or through campaigns for separate collection of waste from households organised by municipality mayors, free of charge for all parties.

(4) The certificate and declaration of origin of FNFMW shall be completed in a format endorsed by the Minister of Environment and Water.

(5) Waste referred to in paragraph 1 shall be stored and prepared for recovery separately from other FNFMW.

(6) In cases where operations with waste from metal packaging, WEEE, WBA, EOLV and FNFMW are carried out at the same site, along with operations with waste resulting from their pre-processing, they shall be stored separately in self-contained parts of the site. Upon subsequent delivery of waste from metal packaging and of FNFMW resulting from preparation prior to recovery of WEEE, WBA and EOLV, any such waste shall be reported separately with a code and name according to the ordinance referred to in Article 3.

(7) Persons carrying out operations with FNFMW shall be obliged to ensure 24-hour video surveillance at each site within one month of obtaining the permit or of adding a new site or sites to said permit and to keep the recordings for one year.

Article 40. The treatment and transport of waste from construction sites and from removal of construction works shall be carried out by the person commissioning the works, by the owner of the construction and demolition waste or by another person meeting the requirements referred to in Article 35, on the basis of a written contract.

Article 41. (1) Household waste from air, water and land means of transport entering the country shall be treated immediately upon entry into the country in accordance with the requirements of Regulation (EC) No 1069/2009, the Veterinary Practices Act and its related secondary legislation instruments.

(2) The operations referred to in paragraph 1 shall be carried out by persons holding a permit or a registration document referred to in Article 35.

Article 42. (1) In cases of serious hazard posed to human health and the environment resulting from the formation of or operations related to hazardous waste, the Council of Ministers, acting on a motion by the Minister of Health and the Minister of Environment and Water, shall issue a decision outlining the measures necessary to eliminate the hazard, regardless of whether the conditions under Article 35 herein are fulfilled or not.

(2) Acting on a motion by the Minister of Environment and Water, the Council of Ministers shall authorise by an act the use of up to 10 per cent of the residual capacity of the regional landfill which is operational or of the design capacity of another type of regional facility for treatment of household waste for the needs of other regions, where there is a justified and urgent need relating to the implementation of the National Waste Management Plan. Landfills and/or facilities, the use whereof is authorised for the needs of other regions must have been built using resources of which more than 50 per cent have been provided by the state budget of the Republic of Bulgaria or by other national or international financing.

(3) Waste intended for treatment pursuant to paragraph 2 shall be recovered and/or disposed of at the prices for treatment of household waste of the installation from the relevant regional system.

Article 43. (1) The conditions and the requirements pertaining to sites designated for waste treatment facilities, construction and operation of waste treatment facilities and installations, as well as to preliminary storage, treatment and transport of industrial and hazardous waste and to management of waste and equipment containing polychlorinated biphenyls shall be laid down in an ordinance issued by the Minister of Environment and Water in coordination with the Minister of Regional Development and Public Works and the Minister of Health.

(2) The procedure and method for calculating and determining the amount of collateral and the deductions required for landfilling of waste referred to in Chapter Four, Section IV shall be laid down in an ordinance issued by the Minister of Environment and Water in coordination with the Minister of Finance.

(3) The requirements for waste collection and treatment operations within the territory of medical and health-care establishments shall be laid down in an ordinance issued by the Minister

of Health and the Minister of Environment and Water.

(4) The requirements for management of construction and demolition waste and for incorporation of recycled building materials shall be laid down in an ordinance issued by the Council of Ministers.

(5) The requirements for operations for collection and treatment of bio-waste, the calculation methods for verifying compliance with the targets referred to in Article 31, paragraph 1 and the distribution of said targets amongst the regions referred to in Article 49, paragraph 9 shall be laid down in an ordinance issued by the Council of Ministers.

(6) The requirements for management of sewage sludge shall be laid down in an ordinance issued by the Council of Ministers.

Chapter Four
INFORMATION, PLANNING AND FINANCING

Section I
Information and Public Registers

Article 44. (1) The persons whose operations involve the generation, collection, transport and/or treatment of industrial and/or hazardous waste, as well as the persons holding a permit, an integrated permit or a registration document under Article 35 and carrying out operations for collection and transport and/or treatment of household and/or construction and demolition waste shall be obliged to keep record books certified by the authority competent to issue the permit or the registration document, while for persons holding an integrated permit such record books shall be certified by the director of the RIEW within whose territory the operations are carried out. Waste dealers and brokers shall be obliged to keep record books certified by the director of the RIEW within whose territory their registered office is located, while for foreign persons such record books shall be certified by the director of the RIEW in Sofia.

(2) The record books shall contain a chronological record of the quantity, nature and origin of the waste, and, where required, the destination, frequency of collection, mode of transport and treatment method foreseen.

(3) Waste-related record books and documentation shall be preserved for a period of 5 years, including after the operation is discontinued.

(4) In case of complete closure of the operations of all installations and facilities at a specific site, the persons referred to in paragraph 1 shall submit the record books to the relevant municipal administrations which shall preserve the said books for the periods referred to in paragraph 3.

(5) The persons referred to in paragraph 1 shall submit upon request from the control authorities referred to in Chapter Five or the previous waste holder documents evidencing that the

waste management operations have been completed.

(6) The persons referred to in paragraph 1 shall draw up and submit to the Executive Environment Agency (ExEA) annual waste reports in compliance with the requirements of this Act and the ordinance referred to in Article 48, paragraph 1.

(7) Persons placing on the market products which, after use, form ordinary waste, shall submit information and keep records pursuant to the ordinances referred to in Article 13, paragraph 1.

(8) Upon request, the persons referred to in paragraphs 1 and 7 shall submit to the control authorities referred to in Chapter Five the documents regarding the reporting and information on waste management operations.

Article 45. (1) The executive director of ExEA or an official authorised thereby shall keep public registers of:

1. permits under Article 67, including those that have been terminated;

2. persons placing on the market batteries and accumulators, including those incorporated into appliances and motor vehicles;

3. persons placing EEE on the market;

4. persons placing mineral or synthetic oils on the market;

5. persons placing tyres on the market;

6. persons carrying out operations as dealer pursuant to § 1, item 45 of the supplementary provisions or as broker pursuant to § 1, item 5 of the supplementary provisions;

7. registration documents under Article 78, including those that have been terminated;

8. persons placing polymeric film bags on the market;

9. sites for operations with FNFMW, WEEE, EOLV and WBA.

(2) The registers referred to in paragraph 1 shall contain at least the following:

1. registration number, name of the person or company, company identification number and registered address;

2. contact person, including telephone number, fax number and e-mail address;

3. mailing address, including postal code, town or village, number, street/boulevard and Internet address;

4. manner of fulfilment of the obligations under Article 14, paragraph 2 of the persons referred to in paragraph 1, items 2 - 5;

5. trade marks used by the persons in the country, in the cases referred to in paragraph 1, items 2 - 5.

(3) The register referred to in paragraph 1, items 1 and 7 shall also contain:

1. number o the relevant document referred to in Articles 67 and 78, date of issue and competent authority;

2. address of the sites on which the operations are carried out;

3. waste code pursuant to the ordinance referred to in Article 3, paragraph 1;

4. operation to which the waste is subjected pursuant to Annex No. 1 or No. 2.

(4) The register referred to in paragraph 1, item 2 shall also list the relevant type of batteries and accumulators which the person places on the market - portable, automotive, industrial.

(5) The register referred to in paragraph 1, item 3 shall also contain the categories of EEE which the person places on the market.

(6) The register referred to in paragraph 1, item 4 shall also contain the types of mineral and synthetic oils which the person places on the market.

(7) The register referred to in paragraph 1, item 6 shall also contain:

1. the person's status - dealer and/or broker;

2. type, code and name of waste which is subject to the operation.

(8) The registers may also be kept and maintained by the relevant branch organisations under an agreement with the Minister of Environment and Water.

Article 46. The Minister of Interior shall keep a register of vehicles with terminated registration submitted for disassembly.

Article 47. (1) Persons placing on the market products which, after use, form ordinary waste for which public registers under Article 45, paragraph 1 are kept shall be registered under terms and following a procedure set out in the relevant ordinances referred to in Article 13, paragraph 1 and the ordinance referred to in Article 59.

(2) Persons holding a document pursuant to Article 35 may also carry out operations as dealer and broker within the meaning of this Act with the waste referred to in the document, without registration under Article 104.

Article 48. (1) The Minister of Environment and Water shall issue an ordinance laying down the procedure and standard forms for submitting information on waste-related operations, as well as the procedure for keeping the public registers referred to in Article 45, paragraph 1.

(2) The information on waste-related operations shall mandatorily cover: amount, properties and origin of waste, as well as other data specified by the ordinance referred to in paragraph 1.

(3) The government authorities, including the National Statistical Institute, the Customs Agency, the National Revenue Agency, the Security Police Directorate General, Executive Agency "Automobile Administration", the State Agency for Metrological and Technical Surveillance and the Commission for Consumer Protection shall provide information to ExEA pursuant to the requirements and within the time limits laid down in the ordinances referred to in paragraph 1, Article 13, paragraph 1 and Article 43.

(4) All legal or natural persons carrying out operations relating to waste management or generating waste through their operations, including persons placing on the market products which, after use, form ordinary waste, shall also be obliged to provide information to ExEA.

(5) Upon request from ExEA the Customs Agency shall provide information on the quantities of products with specific codes from the combined nomenclature, Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, hereinafter referred to as "Council Regulation (EEC) No 2658/87", and a list of persons who or which imported and/or exported such products. The request shall be made in writing and shall contain information on the products and their codes in the combined nomenclature, as well as on the period of time for which information is requested.

(6) Upon request from ExEA the National Revenue Agency shall provide information on the quantities of products with specific codes from the combined nomenclature, Annex I to Council Regulation (EEC) No 2658/87.

(7) The information referred to in paragraphs 3 - 5 shall serve solely for the purposes of this Act, and the appropriate organisational and technical measures shall be taken to this end. Solely persons who have signed a sworn statement pledging to respect confidentiality shall be allowed to handle such information in the cases where this is required by law.

Section II
Plans and Programmes

Article 49. (1) The Minister of Environment and Water shall draw up and submit for adoption to the Council of Ministers a National Waste Management Plan.

(2) The general environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources, as well as the overall environmental, human health, economic and social impacts, shall be taken into account when drawing up the plan referred to in paragraph 1.

(3) The plan referred to in paragraph 1 shall set out an analysis of the current waste management situation in the Republic of Bulgaria, the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of this Act.

(4) The plan referred to in paragraph 1 shall contain:

1. an analysis of current status and forecast of the types, quantities and sources of waste generated within the country, as well as of waste likely to be subject to transboundary shipments from or to the national territory;

2. existing waste collection schemes and major disposal and recovery installations and facilities, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific requirements of this Act and the statutory instruments of secondary legislation for its implementation;

3. an assessment of the need for new collection schemes, the closure of existing waste installations and facilities, additional waste installation and facility infrastructure, and, if necessary, the investments related thereto;

4. information on the location criteria for site identification and on the capacity of future major waste disposal or recovery installations and facilities;

5. general waste management policies, including planned waste management technologies and methods, and specific policies for groups of waste requiring special management;

6. measures to promote the re-use and preparing for re-use activities, notably by encouraging the establishment and support of re-use and repair networks, the use of economic instruments, procurement criteria, quantitative objectives or other measures;

7. measures to promote high quality recycling by setting up schemes for separate collection of waste where technically, environmentally and economically practicable to meet the necessary quality standards for the relevant recycling sectors;

8. organisational aspects related to waste management including a description of the allocation of responsibilities between central and regional executive bodies, natural and legal persons carrying out the waste management;

9. an evaluation of the usefulness and suitability of the use of economic and other instruments in tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market;

10. measures to promote the separate collection of bio-waste with a view to the composting, anaerobic decomposition and treatment of bio-waste in a way that fulfils a high level of environmental protection, including measures for gradual reduction of deposited biodegradable waste;

11. measures to promote the implementation of waste management options that deliver the best overall environmental outcome, in accordance with the waste management hierarchy referred to in Article 6, paragraph 1;

12. the use of environmentally safe materials produced from bio-waste;

13. a separate chapter on the management of packaging and packaging waste, including measures for prevention and re-use;

14. a national strategy for the reduction of biodegradable waste going to landfills;

15. information on historical contaminated waste disposal sites and measures for their rehabilitation;

16. measures to implement awareness campaigns and information provision directed at the general public or at a specific set of consumers;

17. the targets, stages and time limits for attainment thereof;

18. assessment of the financial resources necessary for implementation of the plan;

19. coordination with other relevant plans and programmes;

20. a system of reporting and control of implementation;

21. a system of evaluation of the results and updating of the plan.

(5) The plan referred to in paragraph 1 shall set out measures to encourage the design of products in order to reduce their environmental impacts and the generation of waste in the course of the production and subsequent use of products, and in order to ensure that the recovery and disposal of products that have become waste take place in accordance with Article 1, paragraph 3 and Article 6.

(6) The measures referred to in paragraph 5 may encourage the development, production and marketing of products that are suitable for multiple use, that are technically durable and that are, after having become waste, suitable for proper and safe recovery and environmentally compatible disposal.

(7) The plan referred to in paragraph 1 shall furthermore include measures for the establishment of an integrated and adequate network of waste disposal facilities and installations, as well as of installations for recovery of household waste:

1. through implementation of the best available techniques;

2. at installations/facilities nearest to the source of waste formation, by means of the most appropriate methods and technologies ensuring a high level of protection for human health and

the environment.

(8) (Effective 1.01.2015 - State Gazette, No. 53/2012) In accordance with the provisions of Article 30, paragraph 2 the plan referred to in paragraph 1 shall envisage measures to implement systems for separate collection of at least the following waste: paper and cardboard, metal, plastic and glass, as well as measures to attain the targets for re-use, recycling and recovery of waste materials pursuant to Articles 31 and 32.

(9) The plan referred to in paragraph 1 shall designate the regions comprising the municipalities using a shared regional landfill and/or other waste treatment facilities.

(10) The plan referred to in paragraph 1 shall be drawn up for a period of at least 6 years.

(11) Every three years the Minister of Environment and Water shall submit to the Council of Ministers a report on the implementation of the plan referred to in paragraph 1 and a report on the attainment of the targets for recycling of household waste under Article 31, paragraph 1, item 1 and for recycling and recovery of materials from construction and demolition waste under Article 32, paragraph 1. In case said targets have not been attained, the report shall state the reasons for this and measures that will be taken to ensure future attainment.

Article 50. (1) The Minister of Environment and Water shall draw up and submit to the Council of Ministers a waste prevention programme.

(2) The programme referred to in paragraph 1 shall be an integral part of the National Waste Management Plan referred to in Article 49, paragraph 1.

(3) The programme referred to in paragraph 1 shall contain:

1. existing waste prevention measures;

2. evaluation of the usefulness of the examples of prevention measures indicated in Annex No. 4 or other appropriate measures;

3. appropriate specific qualitative or quantitative benchmarks to monitor and assess the progress in the implementation of waste prevention measures;

4. indicators to assess the implementation of the waste prevention measures.

Article 51. (1) The plan referred to in Article 49 and the programme referred to in Article 50 shall be evaluated and reported at least every sixth year and shall be revised as appropriate and where relevant,

(2) In drawing up the plan referred to in Article 49 and the programme referred to in Article 50 the Minister of Environment and Water shall organise consultations with the relevant interested parties, the public administration, the local authorities and the general public.

(3) The approved final versions of the plan referred to in Article 49 and the programme

referred to in Article 50 shall be published on the website of the Ministry of Environment and Water.

Article 52. (1) The municipal mayor shall draw up and implement the waste management programme for the territory of the relevant municipality.

(2) The programme shall be an integral part of the municipal environmental programme.

(3) The programme referred to in paragraph 1:

1. shall be drawn up and adopted for a period coinciding with the period of validity of the National Waste Management Plan;

2. shall be updated upon an intervening change in factual and/or legal circumstances.

(4) The programme shall be drawn up in accordance with the structure, objectives and estimates of the National Waste Management Plan.

(5) The programme shall include the measures necessary for discharge of the obligations of the municipal mayor and the requirements referred to in Chapter Two, Section III.

(6) The mayors of two or more municipalities within a region as referred to in Article 49, paragraph 9 may draw up a joint waste management programme, provided that the obligations, responsibilities and measures concerning each municipality are clearly distinguishable in the programme.

(7) The waste management programme shall be published on the website of the relevant municipality in order to make said programme available to the public.

(8) The programme shall be adopted by the Municipal Council of the relevant municipality and its implementation shall be monitored by said Council.

(9) Each year, no later than 31 March, the municipal mayor shall inform the Municipal Council of the implementation of the programme during the previous calendar year.

(10) The Minister of Environment and Water shall issue guidelines for drawing up the programmes referred to in paragraph 1.

Article 53. (1) The persons referred to in Article 14, paragraph 2 discharging their obligations individually and recovery scheme operators shall draw up and implement programmes for waste management in accordance with the requirements of the ordinances referred to in Article 13, paragraph 1.

(2) In case of non-performance of the obligations and targets referred to in Article 14, paragraph 1 and Article 15 the programmes referred to in paragraph 1 shall be updated following a procedure established by the ordinances referred to in Article 13, paragraph 1.

Section III
Financing

Article 54. The expenses for collection, preliminary storage, treatment and transport of waste shall be covered by:

1. the original waste producer or the current or previous waste holder;

2. persons placing on the market products which, after use, form ordinary waste, in the cases referred to in this Act.

Article 55. (1) Where the producers or waste are unidentified, the costs of environmental remediation shall be borne by the persons who or which are in holding of any such waste.

(2) All costs of environmental remediation and of identification of the actual producer of the waste shall be recovered therefrom.

Article 56. (1) On a motion by the Minister of Environment and Water, resources shall be allocated annually by the State Budget of the Republic of Bulgaria Act for the specific purpose of construction of facilities and installations for treatment of household, ordinary and hazardous waste, as well as for cleaning and reclamation of places polluted with waste.

(2) Waste treatment facilities and installations which have been constructed or are being constructed on resources provided by the State Budget of the Republic of Bulgaria Act or on other national or international financing, shall be used according to the measures envisaged in the action plan under the National Waste Management Plan referred to in Article 49, paragraph 1.

(3) Where the facilities and installations are not used in compliance with the requirements of paragraph 2, the municipalities shall restore the resources to the state budget or the EMEPA.

Article 57. The expenses for operations with household waste and compliance with the obligations of the local self-government authorities and the local administration referred to in Chapter Two, Section III of this Act shall be planned in the budget of the relevant municipality in an amount at least equal to the revenues from local fees pursuant to Article 6, paragraph 1(a) of the Local Taxes and Fees Act planned for the respective year.

Article 58. (1) The following amounts shall be credited to the Enterprise for Management of Environmental Protection Activities:

1. the fees referred to in Article 59;

2. the fines and pecuniary penalties referred to in Chapter Six - where the penalty decrees were issued by the Minister of Environment and Water or officials authorised thereby.

(2) The proceeds from the fines and pecuniary penalties under Chapter Six, where the penalty decrees were issued by the municipal mayor, shall be credited in revenue to the budget of

the relevant municipality.

(3) The resources referred to in paragraphs 1 and 2 shall be spent on waste treatment projects and sites.

Article 59. (1) A product fee in an amount and following a procedure laid down with an ordinance issued by the Council of Ministers shall be paid by:

1. persons referred to in Article 14, paragraph 1 placing on the market products, which, after use form ordinary waste, who or which do not comply with the obligations and targets according to the procedure established by Article 14, paragraph 2 for separate collection, re-use, recycling and/or recovery of waste pursuant to this Act and the ordinances referred to in Article 13, paragraph 1;

2. persons referred to in Article 14, paragraph 2, item 1 discharging their obligations individually, who or which have not attained the targets referred to in Article 14, paragraph 1;

3. recovery scheme operators who or which have not attained the targets for separate collection, re-use, recycling and/or recovery of ordinary waste of the persons liable under Article 14, paragraph 2, item 2 who or which are members of the scheme;

4. the persons referred to in Article 14, paragraph 2, item 2 who or which are members of a recovery scheme operator and have not paid the remuneration agreed and/or have not provided to said operator information regarding the quantities of products placed on the market;

5. the persons referred to in Article 14, paragraph 2, item 2 who or which are members of a recovery scheme operator, where the reported quantities of products are smaller than the quantities of products actually placed on the market for the relevant reporting period.

(2) In the cases referred to in paragraph 1, items 2 - 5 the Minister of Environment and Water shall issue an order to determine the persons liable to pay a product fee.

(3) The Minister of Environment and Water shall issue an order to determine the persons not liable to pay a product fee in complying with their obligations and the targets referred to in Article 14, paragraph 1.

(4) Payment of the amounts due for product fees, as determined with an effective order issued pursuant to paragraph 2, along with interest and costs, shall be enforced by the National Revenue Agency (NRA) according to the procedure established by the Tax and Social Insurance Procedure Code.

(5) The amounts collected by the NRA shall be credited to the bank account stated in the request for enforced payment.

(6) In the cases referred to in paragraph 1, items 2 and 3 the schemes and persons discharging their obligations individually shall not be exempt from the obligation to pay a product fee, where any of their subcontractors fails to fulfil obligations assigned thereto.

(7) Persons placing on the market within the territory of the Republic of Bulgaria polymeric film bags shall pay a product fee for polymeric film bags following a procedure and in an amount laid down with the ordinance referred to in paragraph 1.

Section IV
Financing of the Disposal of Waste by Landfilling

Article 60. (1) For operations relating to the disposal of waste by landfilling each landfill owner shall provide collateral covering the future expenses for closure and after-care for the landfill site.

(2) The collateral referred to in paragraph 1 may be in the form of:

1. monthly deductions into a bank account for external resources of the RIEW within whose territory the landfill is located, or

2. monthly deductions into an escrow bank account blocked for the period ending with the completion and acceptance of the measures for closure and after-care of the landfill site, with the exception of cases where such deductions may be used according to the procedure established by Article 62, or

3. a bank guarantee in favour of the respective RIEW within whose territory the landfill is located.

(3) When the owner of the landfill is a municipality or a public financed enterprise, the collateral referred to in paragraph 1 shall be in the form of monthly deductions as referred to in paragraph 2, items 1 or 2.

(4) The deductions referred to in paragraph 2, items 1 and 2 shall be calculated in Bulgarian levs per each tonne of waste deposited.

(5) The amount of the deductions per each tonne of waste deposited shall be updated every three years.

(6) The amounts due for unpaid deductions under paragraph 2, items 1 and 2 shall be laid down in a statement ascertaining a public government receivable issued according to the procedure established by Article 166 of the Tax and Social Insurance Procedure Code of the director of the RIEW within whose territory the landfill is located. The statement shall be drawn up on the basis of documents set out in the ordinance referred to in Article 43, paragraph 2.

(7) Payment of unpaid deductions under paragraph 2, items 1 or 2, along with the interest due and the expenses, shall be enforced by the NRA according to the procedure established by the Tax and Social Insurance Procedure Code after entry into force of the statement ascertaining the public government receivable under paragraph 6.

(8) The amounts collected by the NRA shall be credited to the bank account stated in the request for enforced payment.

(9) The procedure and method for determining the amount of the collateral and for providing such collateral, for spending the resources from deductions and the instances where the RIEW shall be entitled to request payment under the bank guarantee shall be laid down in the ordinance referred to in Article 43, paragraph 2.

(10) The ordinance referred to in Article 43, paragraph 2 shall also lay down the minimum amount of collateral for closure and after-care for waste landfills.

Article 61. (1) The bank accounts referred to in Article 60, paragraph 2, item 2 shall be opened by landfill owners in a commercial bank of their choice which is licensed for guarantee transactions, as referred to in Article 2, paragraph 5 of the Credit Institutions Act; amounts credited to said account may be spent only with the permission of the respective RIEW within whose territory the landfill is located. Each month the landfill owner shall submit to the RIEW director a statement of account certified by the servicing bank.

(2) The collateral under Article 60, paragraph 2 is not subject to enforcement.

(3) The bank guarantee referred to in Article 60, paragraph 2, item 3 shall be unconditional and irrevocable, shall be extended for a one-year period and shall remain valid until completion and acceptance of the measures for closure and after-care for the landfill site.

(4) The bank guarantor shall undertake irrevocably, unconditionally and upon first written demand by the RIEW director to transfer the amount under the bank guarantee to the benefit of and to an account of the RIEW.

(5) The amount of the bank guarantee under Article 60, paragraph 2, item 3 may not be less than the amount of the deductions referred to in Article 60, paragraph 2, items 1 or 2 calculated on an annual basis and due cumulatively for the period of validity of the guarantee.

(6) Until completion and acceptance of the measures for closure and after-care of the landfill site, the bank guarantee shall be extended or renewed at least one month prior to expiry of its validity as referred to in paragraph 3, and while the landfill is operational the amount of the collateral of the renewed bank guarantee shall be determined in accordance with paragraph 5.

(7) Where the bank guarantee has not been extended or renewed within the time limit referred to in paragraph 6, the RIEW director shall demand payment under said guarantee and shall issue an order to stay the operation of the landfill until the landfill owner has provided the collateral under Article 60, paragraph 1.

(8) Payment under the bank guarantee referred to in Article 60, paragraph 2, item 3 shall be demanded by the RIEW director in case of non-performance of operations for closure of the landfill leading to a delay in implementing the plan for closure by more than two years.

(9) Following completion and acceptance of the measures for closure and reclamation of the

landfill, the amount of the bank guarantee shall be decreased to the amount of expenses for landfill after-care with the written approval of the RIEW director.

Article 62. (1) With a view to complying with the obligation relating to closure and after-care for the landfill site or a section or cell thereof, where the necessary conditions for closure pursuant to the ordinance referred to in Article 43, paragraph 1 are met, the landfill owner shall submit an application to the director of the respective RIEW for spending resources held in the account referred to in Article 60, paragraph 2, items 1 or 2.

(2) Within three months of discontinuance of landfill operations, the owner shall begin implementing the measures relating to the closure of the landfill in accordance with plan for closure of said landfill.

Article 63. (1) The owners of landfills for inert waste shall be exempt from the obligations under Article 60.

(2) The requirements of Article 60 shall not apply to landfills where mining waste within the meaning of the Subsurface Resources Act is deposited together with waste referred to in Article 2, paragraph 1, provided that:

1. the quantity of mining waste deposited or planned for depositing is predominant, and

2. financial collateral for the operations relating to closure and after-care for the landfill site is provided according to the procedure established by the Subsurface Resources Act.

Article 64. (1) Deductions in an amount and following a procedure laid down with the ordinance referred to in Article 43, paragraph 2 shall be made for disposal of waste at a regional or municipal landfill for non-hazardous waste and at landfills for construction and demolition waste.

(2) The objective of the deductions referred to in paragraph 1 shall be to decrease the amount of waste deposited and to encourage its recycling and recovery.

(3) The deductions shall be calculated in Bulgarian levs per each tonne of waste deposited and shall be paid each month by the landfill owner into the bank account for external resources of the RIEW within whose territory the landfill is located.

(4) The resources referred to in paragraph 1 shall be spent on operations for construction of new facilities for treatment of household and construction and demolition waste ensuring that municipalities comply with the requirements of this Act and the statutory instruments of secondary legislation for its implementation. The resources may also be spent on subsequent expenses relating to already constructed facilities and installations for recovery of household waste.

(5) The amount of the deductions for household waste shall be decreased in cases where the targets for the respective region referred to in Article 49, paragraph 9 have been attained by the municipalities in accordance with the decision referred to in Article 26, paragraph 1, item 6, as

follows:

1. by 50 per cent for the targets for re-use and recycling referred to in Article 31, paragraph 1, item 1;

2. by 50 per cent for the targets for limiting the quantity of deposited biodegradable household waste laid down with the ordinance referred to in Article 43, paragraph 5.

(6) The reductions in the amount of the deductions referred to in paragraph 5 shall be applied independently from one another.

(7) Where it is found that false information has been provided with a view to obtaining a reduction in the amount of deductions under paragraph 5, the persons liable shall pay deductions in a double amount for the period for which the information was used.

(8) The amounts due for unpaid deductions under paragraph 3 shall be laid down in a statement ascertaining a public government receivable issued according to the procedure established by Article 166 of the Tax and Social Insurance Procedure Code of the director of the RIEW within whose territory the landfill is located. The statement shall be drawn up on the basis of documents set out in the ordinance referred to in Article 43, paragraph 2.

(9) Payment of unpaid deductions under paragraph 3, along with the interest due and the expenses, shall be enforced by the NRA according to the procedure established by the Tax and Social Insurance Procedure Code after entry into force of the statement ascertaining the public government receivable under paragraph 8.

(10) The amounts collected by the NRA shall be credited to the bank account stated in the request for enforced payment.

Article 65. (1) Where the deductions referred to in Article 60, paragraph 2 and Article 64, paragraph 1 are made for household waste by municipalities, they shall constitute elements of the expenses referred to in Article 66, paragraph 1, item 3 of the Local Taxes and Fees Act.

(2) The Minister of Finance shall issue guidelines regarding the procedure and method of collection, spending, planning and reporting of the resources referred to in Section III and this Section by public financed enterprises.

Article 66. The requirements of this Section shall not apply to landfills which are included in the programmes for elimination of environmental damage in accordance with the Environmental Protection Act and the statutory instruments of secondary legislation for its implementation.

Chapter Five
WASTE-RELATED OPERATIONS AUTHORISATION AND CONTROL

Section I
Permits for Waste-Related Operations

Article 67. (1) A permit for waste treatment operations shall be issued by the director of the RIEW within whose territory the operations are carried out.

(2) Permits for waste treatment operations at sites located within the territory of two or more RIEW shall be issued by the director of each RIEW separately for the sites within the territory of the respective inspectorate.

(3) The permit referred to in paragraph 1 shall be issued in a standard form endorsed by the Minister of Environment and Water.

(4) The permit referred to in paragraph 1 shall be issued to persons registered as merchants within the meaning of Bulgarian legislation or their relevant national legislation, to state-owned and municipality-owned enterprises, associations of municipalities, cooperatives and public-financed enterprises within the meaning of § 1, item 1 of the supplementary provisions of the Accounting Act who or which meet the requirements of this Act.

Article 68. (1) The persons referred to in Article 67, paragraph 4 shall submit an application for issue of the permit referred to in Article 67 stating the following:

1. registered office, management address and unified identification code;

2. location of the waste treatment sites;

3. type (code and name), quantity and origin of waste to be treated;

4. waste treatment operations for which the application is filed and the codes thereof;

5. the methods and technologies that will be applied;

6. the facilities and installations that will be used, as well as the capacity thereof;

7. the safety and precautionary measures that will be taken;

8. categories of EEE, appliances or types of batteries and accumulators pursuant to the relevant ordinances referred to in Article 13, paragraph 1, when applying for a permit for operations with WEEE or WBA;

9. number of the decision issued on the environmental impact assessment (EIA) or of the decision not to conduct EIA according to the procedure established by the Environmental Protection Act, and/or the decision for compatibility assessment according to the procedure established by Article 31 of the Biological Diversity Act, where required for the operation or projects and intentions relating to the operation.

(2) The application referred to in paragraph 1 shall be submitted to the competent authority under Article 67 on paper and on technological medium or by electronic means.

(3) The application referred to in paragraph 1, as well as the applications referred to in Article 72, paragraph 3, item 2 and Article 73, paragraph 3 shall be submitted in standard forms endorsed by the Minister of Environment and Water.

Article 69. (1) The application referred to in Article 68 shall be accompanied by:

1. documentary proof of fee paid;

2. proof of legal status of a foreign person issued in accordance with the national legislation of the applicant not earlier than three months prior to submission of the application;

3. certificate under Article 87, paragraph 6 of the Tax and Social Insurance Procedure Code evidencing that there are no outstanding liabilities;

4. description of the waste treatment method;

5. reclamation project, measures and technologies for closure and post-closure operations at waste treatment sites, where applicable;

6. hygiene conclusion for compliance with the requirements of the ordinance referred to in Article 43, paragraph 3 issued by the regional health inspectorate (RHI) - for persons carrying out operations with hazardous waste from human health care or related research within the territory covered by the relevant inspectorate, or by the Minister of Health - where the operations are pursued within territories covered by multiple RHI's;

7. declaration by the applicant to the effect that said applicant is not a related party within the meaning of this Act to a person whose permit has been withdrawn or to whom issue of such a permit has been refused prior to the lapse of one year since the withdrawal or refusal;

8. a self-monitoring and control plan for landfills of waste, waste incineration plants and co-incineration plants;

9. the original or a copy certified by the competent authority of an effective detailed plan excerpt, and in the cases referred to in Article 38, paragraph 1 also an original or a copy certified by the competent authority of an effective detailed plan excerpt or other document showing the location of the property and certifying that the site meets the requirements of Article 38, paragraph 1;

10. a certified copy of a deed of ownership or rental agreement accompanied by a certificate of ownership issued by the competent authorities within whose territory the site is located stating particulars of the address of the project, the land parcel, the ground survey number and other descriptive data, where the property is unregulated;

11. document stating the amount of the deductions per each tonne of waste deposited and the form of providing the collateral under Article 60 for operations relating to the disposal of hazardous and/or non-hazardous waste by landfilling;

12. bank guarantee under Article 60, paragraph 2, item 3 in cases where the applicant has chosen this form of collateral when applying for an operation for disposal of hazardous and/or non-hazardous waste by landfilling;

13. evidence of the degree of energy efficiency for installations for incineration of solid household waste in cases where the applicant is applying for R1-coded recovery operations;

14. assessment of the implementation of best available techniques where the applicant is applying for operations for mixing of hazardous waste referred to in Article 8, paragraph 3, item 3 and/or for operations referred to in item 13.

(2) Persons carrying out operations with FNFMW shall enclose with the application referred to in Article 68 a bank guarantee in the amount of BGN 25,000 and an additional amount of BGN 5,000 for each site on which operations are envisaged to be pursued.

(3) The bank guarantee referred to in paragraph 2 shall be unconditional and irrevocable and shall be issued by a bank as referred to in Article 2, paragraph 5 of the Credit Institutions Act.

(4) The bank guarantee referred to in paragraph 2 shall be issued in favour of the Ministry of Environment and Water and payment under it shall be due, as follows:

1. in case of permit withdrawal - in full amount;

2. in case of a pecuniary penalty with an effective penalty degree where the penalty was not paid voluntarily - up to the amount of the amount due;

3. in case of a duly established violation constituting submission of waste contrary to the requirements under Article 39, paragraphs 1 and 2 and/or in case of site deletion pursuant to Article 75, paragraph 3 - up to the amount of the bank guarantee for the relevant site.

(5) With the bank guarantee the bank undertakes, upon first written demand by the Minister of Environment and Water, to transfer the amount under the bank guarantee to an account of the Ministry of Environment and Water.

(6) The bank guarantee referred to in paragraph 2 shall be issued for a period of one year and shall be extended or renewed for each year of the term of the permit, at least one month prior to expiry of its validity; said guarantee shall remain valid for at least 60 days following the discontinuance of operations.

(7) Where the applicant is a foreign person, an official translation of the document referred to in paragraph 1, item 2 shall be submitted as well, and the documents referred to in paragraph 1, items 4 and 5 which are in a foreign language shall also be submitted in a translation in

Bulgarian.

(8) The authority referred to in Article 67 may require, on a single occasion, that the applicant eliminate non-conformities and/or submit additional information to the application, where this is necessary with a view to clarifying facts and circumstances and/or with a view to eliminating non-conformities.

(9) In the cases referred to in paragraph 8 the authority referred to in Article 67 shall notify the applicant within 15 days of receipt of the application.

(10) Within two months of the notification referred to in paragraph 9 the applicant shall eliminate the non-conformities or submit the additional information.

Article 70. (1) The authority referred to in Article 67 shall decide whether the application and its accompanying documentation comply with the requirements of this Act.

(2) In order to issue the permit for waste treatment operations the competent authority or an official authorised thereby shall inspect the site and draw up a memorandum of the inspection.

(3) Within 15 days of submission of the application for a permit for operations for incineration or co-incineration of waste which meets the requirements of this Act, or of elimination of the non-conformities and/or of submission of the additional information in the cases referred to in Article 69, paragraph 9, the competent authority under Article 67, jointly with the municipalities, shall make public said application and shall ensure public access thereto under non-discriminatory conditions in the course of one month.

Article 71. (1) The competent authority under Article 67 shall issue a decision on the application within two months of receipt of said application or of elimination of non-conformities and/or submission of the additional information, or of expiry of the one-month period under Article 70, paragraph 3, by issuing the permit or giving a grounded refusal to issue said permit.

(2) With the decision referred to in paragraph 1 the competent authority shall lay down conditions for carrying out waste-related operations with a view to ensuring compliance with the requirements of this Act.

(3) The competent authority shall refuse to issue a permit where:

1. the application and/or the documents attached thereto do not comply with the legal requirements;

2. in a three-year period the applicant committed administrative violations for which it was sanctioned two or more times with an effective penalty decree according to the procedure established by Chapter Six, Section II herein;

3. the applicant submitted false data;

4. a bank guarantee meeting the requirements of this Act has not been presented in the cases

where such a guarantee is required;

5. the site and the operations to be carried out therein do not comply with the requirements of Article 38, paragraph 1 or the minimum requirements of the ordinances referred to in Article 13, paragraph 1 and Article 43;

6. the applicant failed to remove the indicated non-conformities or to provide the additional information within the time limit set;

7. the applicant has been refused the issue of a permit or has had a permit withdrawn within one year prior to entry into force of the order for refusal or withdrawal, or is a related party to a person who or which has been refused the issue of a permit or has had a permit withdrawn within the same timeframe.

Article 72. (1) The permit referred to in Article 67 shall be issued for an indefinite period of time.

(2) At least once a year the regional inspectorates of environment and water shall inspect the persons holding a permit referred to in Article 67 to verify compliance of the conditions for waste management with those stated in the permit issued and compliance with the requirements of this Act and the statutory instruments of secondary legislation for its implementation.

(3) The issued permit for waste-related operations shall be terminated:

1. upon withdrawal;

2. upon issue of a decision of the competent authority on an application filed by the permit holder requesting termination of operations.

(4) After termination of the permit the RIEW within whose territory the site is located shall control compliance with the conditions related to the safe liquidation of the operation and rehabilitation (reclamation) of the grounds by conducting an on-site inspection and drawing up a statement of ascertainment.

Article 73. Article 73. (1) A permit as issued shall be amended and/or supplemented by the competent authority upon:

1. any intervening change in the regulatory requirements related to the permit;

2. any planned changes in the raw materials or in the technological processes that will result in changes in the amount and properties of waste;

3. a need to complement the permit with new data, operations, sites or conditions whereunder the operations will be pursued.

4. succession in title under the Commerce Act in the cases referred to in Article 74, paragraph 2;

5. site deletion in the cases referred to in Article 75, paragraph 3.

(2) Within two months of occurrence of the change referred to in paragraph 1, item 1 the persons shall submit on paper and on technological medium or by electronic means an application for amending and/or supplementing the permit along with the required documents under Article 68 and/or 69 evidencing the change and the documents referred to in Article 69, paragraph 1, items 1 and 3.

(3) In the cases referred to in paragraph 1, items 2 and 3 the persons shall submit on paper and on technological medium or by electronic means an application for amending and/or supplementing the permit along with the required documents under Article 68 and/or 69 evidencing the change, the documents referred to in Article 69, paragraph 1, items 1 and 3, while the persons carrying out operations with FNFMW shall also submit a bank guarantee under Article 69, paragraph 3 in the amount of BGN 5,000 for each new site.

(4) Where necessary, the competent authority referred to in paragraph 1 shall apply Article 69, paragraphs 8 - 10 and shall make a decision on the application within one month.

(5) The competent authority shall refuse to amend and/or supplement the permit in the cases referred to in Article 71, paragraph 3, as well as in case of non-compliance with the terms and conditions of the permit.

Article 74. (1) The same person shall be issued one permit for all waste treatment operations within the territory of one RIEW, irrespective of the number of sites.

(2) The rights under the issued permits or the procedure opened for issue of such permits may not be transferred and/or ceded. In cases of succession the rights under the permit shall be transferred to the successor following written notification to the competent authority which shall record the change ex officio by issuing a decision amending the permit within 14 days of the date of notification of the change.

(3) Waste-related operations may not be carried out by proxy, save where the permit holder is represented by an authorized employee thereof hired under a contract of employment.

(4) The competent authority under Article 67 shall issue a replacement of the permit where said permit has been lost, stolen or destroyed, on the basis of an application by the permit holder.

(5) The authority referred to in paragraph 4 shall refuse to issue a replacement of the permit where the applicant submitted false data or where the permit has been withdrawn.

(6) The number of permits issued for a single site shall correspond to the number of persons pursuing waste treatment operations on the said site.

Article 75. (1) The competent authority under Article 67 shall withdraw the issued permit where:

1. false information was contained in the documents which served as grounds for the issuing the permit;

2. in a three-year period the holder committed administrative violations for which it was sanctioned two or more times with an effective penalty decree according to the procedure established by Chapter Six, Section II herein;

3. human health is endangered and/or the environment is damaged or polluted in excess of the permissible limit values;

4. operations with FNFMW are carried out without a document of origin pursuant to Article 39, paragraph 4 or without a written contract for submission of such waste, or said documents contain false data;

5. waste-related operations are carried out at a site which is not listed in the permit or which does not meet the requirements of Article 38 for operations with FNFMW, waste from metal packaging, WEEE, WBA and/or EOLV;

6. the permit holder discards hazardous waste in places unauthorised for this purpose;

7. implementation of the operations stated in the permit has not begun within three years of its issue;

8. there has been repeat non-compliance with a prescription of the competent authorities relating to:

a) non-compliance with conditions set out in the permit;

b) keeping of records relating to waste in accordance with the requirements of this Act or the ordinances referred to in Article 48, paragraph 1 or Article 13, paragraph 1;

c) non-compliance of the documents referred to in Article 39, paragraph 4 with the requirements of this Act.

(2) The competent authority under Article 67 shall withdraw a permit where it is found for the second time that in violation of this Act:

1. waste is submitted to persons not holding a permit, an integrated permit or a registration document under Article 35 or said documents do not state the relevant code of the waste submitted;

2. waste-related operations other than those stated in the permit are carried out;

3. the payments for transactions with FNFMW are carried out in violation of the requirements of Article 38, paragraph 4.

(3) Where a violation of the requirements of Article 39, paragraphs 5, 6 and 7 is found for a

specific site, the competent authority shall, with a reasoned decision, discontinue the operations at the site and amend the permit by deleting said site from it.

(4) In case of permit withdrawal under paragraph 1 the offender shall not be entitled to submit an application for a new permit within one year of the date of withdrawal.

Article 76. (1) Applicants shall be informed in writing of the decisions of the competent authority within 7 days of issue of said decisions.

(2) The authority which issued the permit for waste-related operations shall, through its website and in another appropriate manner, inform the general public of each issued permit, as well as of all amendments and/or supplements made to permit which have already been issued within 10 days of the date of issue.

Article 77. (1) The issued permit, the decision for amending and/or supplementing it, the refusal to issue, amend and/or supplement the permit, its withdrawal, as well as the decision to delete a site shall be appealable according to the procedure established by the Administrative Procedure Code.

(2) The appeal referred to in paragraph 1 shall not stay the enforcement of the appealed act.

Section II
Registration of Waste-Related Operations

Article 78. (1) Registration pursuant to Article 35, paragraph 3 shall be made for persons registered as merchants within the meaning of Bulgarian legislation or their relevant national legislation, to state-owned and municipality-owned enterprises, associations of municipalities, cooperatives and public-financed enterprises within the meaning of § 1, item 1of the supplementary provisions of the Accounting Act who or which meet the requirements of this Act.

(2) The registration referred to in paragraph 1 shall be made for an indefinite period of time.

(3) The persons referred to in paragraph 1 shall submit an application for registration in standard format endorsed by the Minister of Environment and Water stating the following:

1.unified identification code, registered office and management address;

2. contact person, including telephone number, fax number and e-mail address;

3. type (code and name), quantity and origin of waste;

4. operation to which the waste is subjected pursuant to Annex No. 1 to § 1, item 11of the supplementary provisions and/or Annex No. 2 to § 1, item 13 of the supplementary provisions;

5. method of transport of waste;

6. treatment method;

7. number of the decision issued on the EIA or of the decision not to conduct EIA according to the procedure established by the Environmental Protection Act, and/or the decision for compatibility assessment according to the procedure established by Article 31 of the Biological Diversity Act, where required for the operation or projects and intentions relating to the operation.

(4) The application shall be accompanied by:

1. proof of legal status of a foreign person issued in accordance with the national legislation of the applicant, not earlier than three months prior to submission of the application;

2. certificate under Article 87, paragraph 6 of the Tax and Social Insurance Procedure Code evidencing that there are no outstanding liabilities;

3. a certified copy of a deed of ownership or rental agreement accompanied by a certificate of ownership issued by the competent authorities within whose territory the site is located stating particulars of the address of the project, the land parcel, the ground survey number and other descriptive data, where the property is unregulated;

4. documentary proof of fee paid.

(5) The application and the accompanying documentation shall be submitted on paper and on technological medium or by electronic means to:

1. the director of the RIEW within whose territory the waste-related operations are carried out;

2. the director of the RIEW within whose territory the registered office of the applicant is located, when applying for operations for collection and transport of waste;

3. the director of RIEW - Sofia, when a foreign person is applying for operations for collection and transport of waste.

(6) In case the applicant carries out operations for which a registration is required within the territory of different RIEW's, the applications shall be submitted to the director of each RIEW separately.

(7) In case of non-conformities in the documents submitted pursuant to paragraphs 3 or 4, within 14 days of receipt of the application the competent authority under paragraph 5 shall notify in writing the applicant of the non-conformities and/or request additional information.

(8) Within one month of the notification pursuant to paragraph 7 the applicant shall eliminate the non-conformities and/or provide the additional information.

(9) The registration shall be made by the competent authority under paragraph 5 within 14

days of the date of submission of the application or of elimination of non-conformities, and/or submission of the additional information, and shall be recorded with a registration document issued within this time limit.

(10) Within the time limit referred to in paragraph 9, the competent authority shall refuse with a reasoned decision to make the registration in the following cases:

1. non-compliance with the requirements of this Act and/or the statutory instruments of secondary legislation for its implementation;

2. failure to eliminate the non-conformities in the documents submitted under paragraphs 3 and 4 and/or failure to submit the required information within the set time limit.

(11) The decision referred to in paragraph 10 shall be appealable according to the procedure established by the Administrative Procedure Code.

Article 79. (1) The registration document shall be amended and supplemented by the issuing authority on the basis of an application filed on paper and on technological medium or by electronic means, accompanied by the documents certifying the change and the documents referred to in Article 78, paragraph 4, items 2 and 4.

(2) In the cases referred to in Article 78, paragraph 3, items 3 - 6 and paragraph 4, item 3 the persons shall submit an application for amending and/or supplementing the registration document, and in the cases referred to in Article 78, paragraph 3, items 1, 2 and 7 the application shall be submitted within one month of occurrence of the change.

(3) The application shall be considered according to the procedure established by Article 78, and a registration document containing the relevant changes shall be issued, of which the executive director of ExEA shall be notified.

Article 80. (1) The registration under Article 78, paragraph 1 shall be terminated:

1. upon request by the interested party submitted no later than one month of discontinuing the operation;

2. in case of two violations of requirements laid down with this Act or the statutory instruments of secondary legislation for its implementation ascertained with effective penalty decrees for a three-year period.

(2) In the cases referred to in paragraph 1 the competent authority shall terminate the registration with a reasoned decision of which it shall notify the executive director of ExEA. The decision shall also terminate the validity of the registration document.

(3) The decision referred to in paragraph 2 shall be appealable according to the procedure established by the Administrative Procedure Code.

(4) The appeal of the decision referred to in paragraph 2 shall not stay its enforcement.

Section III
Permit for a Recovery Scheme Operator and for Individual Discharge of Obligations

Article 81. (1) Permits to recovery scheme operators and for individual discharge of obligations under Article 14, paragraph 1 and the ordinances referred to in Article 13, paragraph 1 shall be issued by the Minister of Environment and Water or by an official authorised thereby.

(2) Applications for a permit shall be submitted in standard format to the competent authority under paragraph 1.

(3) The standard format of the application referred to in paragraph 2 shall be endorsed by order of the Minister of Environment and Water.

(4) The recovery scheme operator and the person discharging its obligations individually shall attach to the application referred to in paragraph 2 the following documents:

1. proof of legal status of a foreign person issued in accordance with the national legislation of the applicant, not earlier than three months prior to submission of the application;

2. certificate under Article 87, paragraph 6 of the Tax and Social Insurance Procedure Code evidencing that there are no outstanding liabilities;

3. preliminary contracts concluded in writing with persons holding a permit, an integrated permit or a registration document pursuant to Article 35 for collection and transport of waste and with municipalities, where said contracts ensure discharge of the obligations under this Act and the ordinances referred to in Article 13, paragraph 1;

4. preliminary contracts concluded in writing with persons holding a permit, an integrated permit or a registration document pursuant to Article 35 for recycling and/or recovery of waste, including preparation prior to recovery, where said contracts ensure discharge of the obligations of the members of the recovery scheme operator under this Act and the ordinances referred to in Article 13, paragraph 1;

5. documentary proof of fee paid;

6. articles of incorporation of the recovery scheme operator;

7. notarised declaration by the applicant to the effect that said applicant is not a related party within the meaning of this Act to a person whose permit has been withdrawn or to whom issue of such a permit has been refused prior to the lapse of one year since the withdrawal or refusal;

8. draft agreement between the recovery scheme operator and its members;

9. unconditional and irrevocable bank guarantee ensuring attainment of the targets for separate collection, re-use, recycling and/or recovery of ordinary waste, for establishing a system under Article 15 and covering the population with such a system;

10. draft of the programme referred to in Article 53.

(5) The persons referred to in Article 14, paragraph 1 discharging their obligations individually shall attach to the application referred to in paragraph 2 the documents referred to in paragraph 4, items 1 - 5, 9 and 10.

(6) The application and the programme referred to in Article 53, paragraph 1 shall be submitted in paper and electronic form.

Article 82. (1) The amount of the bank guarantee referred to in Article 81, paragraph 4, item 9 shall be, as follows:

1. for schemes for recovery of packaging waste, EOLV and WEEE - BGN 1,000,000;

2. for schemes for recovery of waste oils - BGN 500,000;

3. for schemes for recovery of WBA and end-of-life tyres - BGN 100,000;

4. for persons discharging their obligations individually - BGN 200,000.

(2) The bank guarantee shall be unconditional and irrevocable and shall be issued by a commercial bank having its court registration in the Republic of Bulgaria, licensed by the Bulgarian National Bank for guarantee or banking transactions and in possession of specimen signatures of the officials entitled to issue on behalf of the bank guarantees up to a certain amount.

(3) The bank guarantee shall be issued in favour of the Minister of Environment and Water and payment under it shall be due, as follows:

1. in case of permit withdrawal - in full amount;

2. in case of non-compliance with one or more of the targets referred to in Article 14, paragraph 1 - up to the amounts due under Article 59, paragraph 1, items 2 and 3;

3. in case of non-compliance with the obligations for population coverage in the systems for separate collection, re-use, recycling or recovery laid down with the ordinances referred to in Article 13, paragraph 1 - proportionate to the percentage of non-compliance.

(4) The bank guarantee referred to in paragraph 2 shall be issued for a period of one year and shall be extended or renewed for each subsequent year of the term of the permit, at least one month prior to expiry of its validity; said guarantee shall remain valid for at least 60 days

following the discontinuance of operations.

(5) With the bank guarantee the bank undertakes, upon first written demand by the Ministry of Environment and Water, to transfer the amount under the bank guarantee to an account of the Ministry of Environment and Water.

(6) Payment under the bank guarantee shall be made irrespective of the appeal of the order referred to in Article 59, paragraph 2.

(7) The amount of the fees due pursuant to Article 59, paragraph 1, items 2 and 3 shall be decreased with the amount paid under the bank guarantee.

(8) When the act referred to in paragraph 3 is repealed with an effective court ruling, the amount paid under the bank guarantee shall be reimbursed within 14 days.

(9) The terms and procedure for submitting the bank guarantee or payments under such bank guarantee under Article 81, paragraph 4, item 9 shall be laid down in the ordinances referred to in Article 13, paragraph 1.

Article 83. The rights under the issued permit referred to in Article 81 may not be transferred and/or ceded, except in cases of acquisition or merger of recovery scheme operators.

Article 84. (1) The recovery scheme operator for packaging waste shall submit along with the application referred to in Article 81, paragraph 2 preliminary contracts concluded in writing with at least 10 municipalities to ensure provision of separate collection to a population of at least 500,000.

(2) Along with the application referred to in Article 81, paragraph 2 the recovery scheme operator for packaging waste shall submit a plan for placing receptacles for separate collection of waste, including specific parameters (capacity, type) and a bill of quantities certified by the municipal mayor

(3) The contracts referred to in paragraph 1 must meet the minimum criteria and the requirements laid down with the ordinance referred to in Article 13, paragraph 1 for the relevant type ordinary waste.

Article 85. (1) Within three months of obtaining the permit the recovery scheme operator and the person discharging its obligations individually shall submit to the competent authority the concluded final contracts with persons pursuing waste-related operations pursuant to Article 81, paragraph 4, items 3 and 4, while the recovery scheme operator for packaging waste shall also submit final contracts with municipalities referred to in Article 84, paragraph 1.

(2) The final contracts concluded between municipalities and recovery scheme operators for packaging waste may differ from the preliminary contracts referred to in Article 84, paragraph 1 with respect to the population covered by no more than 10 per cent, provided that such a decrease is compensated by new contracts no later than two months after the expiry of the time limit referred to in paragraph 1.

(3) The recovery scheme operator for packaging waste shall notify the Minister of Environment and Water of any terminated contract with a municipality.

(4) The Minister of Environment and Water may request that the programme referred to in Article 53 be updated within one month of the notification referred to in paragraph 3.

Article 86. (1) The authority referred to in Article 81, paragraph 1 shall decide whether the application and the documents attached thereto meet the requirements of this Act and of the statutory instruments of secondary legislation for its implementation.

(2) The competent authority or an official authorised thereby may require, on a single occasion, that the applicant eliminate non-conformities and/or submit additional information to the application, where this is necessary with a view to clarifying the facts referred to in Article 81.

(3) In the cases referred to in paragraph 2 the competent authority shall notify the applicant within one month of receipt of the application.

(4) Within two months of the notification referred to in paragraph 3 the applicant shall eliminate the non-conformities and/or submit the additional information.

Article 87. (1) Within two months of receipt of the application or of elimination of non-conformities, and/or submission of the additional information the authority referred to in Article 81, paragraph 1 shall approve the programme referred to in Article 53 and shall issue a permit or a reason refusal to issue a permit.

(2) The competent authority shall refuse to issue a permit where:

1. the application and/or the documents attached thereto pursuant to Article 81 do not comply with the legal requirements;

2. false information or forged documents have been submitted;

3. the applicant has failed to eliminate the indicated non-conformities or has failed to provide the additional information within the set timeframe;

4. a bank guarantee meeting the requirements of Article 82, paragraphs 1 and 2 has not been presented;

5. the applicant has been refused the issue of a permit or has had a permit withdrawn according to the procedure established by Article 91 within one year prior to submission of the application;

6. the applicant is a related party to a person who or which has been refused the issue of a permit or has had a permit withdrawn within one year prior to submission of the application.

Article 88. (1) The permit shall be issued for the period stated in the application but no longer than 5 years and shall contain terms and conditions laid down by the competent authority.

(2) The issued permit shall be terminated:

1. upon expiry of the period of validity thereof;

2. upon withdrawal before expiry of the period of validity thereof;

3. upon request by the recovery scheme operator or the person discharging its obligations individually;

4. upon refusal to amend and/or supplement the permit.

Article 89. (1) No later than three months prior to expiry of the permit, the recovery scheme operator and the persons discharging their obligations individually shall submit an application on paper and on technological medium or by electronic means for extension of its validity.

(2) The following shall be attached to the application referred to in paragraph 1:

1. certificate under Article 87, paragraph 6 of the Tax and Social Insurance Procedure Code evidencing that there are no outstanding liabilities;

2. updated programme pursuant to Article 53 in accordance with the requirements of the ordinances referred to in Article 13, paragraph 1;

3. documentary proof of fee paid.

(3) The competent authority shall decide whether the application referred to in paragraph 1 and the documents attached thereto meet the requirements of this Act and of the statutory instruments of secondary legislation for its implementation.

(4) Where necessary, the competent authority shall apply Article 86, paragraphs 2, 3 and 4 and shall make a decision on the application within two months.

(5) The competent authority shall refuse to extend the validity of the permit in the cases referred to in Article 87, paragraph 2, items 1 - 4, as well as in case of non-compliance with the terms and conditions of the permit.

Article 90. (1) The competent authority shall amend and/or supplement the issued permit upon any intervening change:

1. in the regulatory requirements related to the permit;

2. related to the current status under the Commercial Register of the recovery scheme operator or the person discharging its obligations individually;

3. in the programme referred to in Article 53, paragraph 1.

(2) In the cases referred to in paragraph 1 the recovery scheme operator and the persons discharging their obligations individually shall submit to the competent authority an application on paper and on technological medium or by electronic means for amending and/or supplementing the permit along with the documents evidencing the change within two months of occurrence of the change.

(3) The competent authority shall decide whether the application referred to in paragraph 2 and the documents attached thereto meet the requirements of this Act and of the statutory instruments of secondary legislation for its implementation.

(4) Where necessary, the competent authority shall apply Article 86, paragraphs 2 - 4 and shall make a decision on the application within one month.

(5) The competent authority shall refuse to amend and/or supplement the permit in the cases referred to in Article 87, paragraph 2, items 1 - 4.

(6) In case of a reasoned refusal for amending and/or supplementing the permit, the recovery scheme operator and the persons discharging their obligations individually may apply for a new permit according to the procedure established by this Act.

Article 91. (1) The competent authority shall, with reasoned decision, withdraw a permit in the following instances:

1. failure to comply with a prescription issued by the competent authorities with relation to keeping records on waste in accordance with the requirements of this Act or the ordinances referred to in Article 48, paragraph 1 or Article 13, paragraph 1 or submission of false data in documents reporting compliance with the obligations and/or the targets referred to in Article 14, paragraph 1 and/or Article 15 or in documents used as grounds for issuing the permit;

2. failure to comply with one or more of the targets referred to in Article 14, paragraph 1 for separate collection, re-use, recycling or recovery of the relevant type ordinary waste;

3. the recovery scheme operator has distributed profit to the shareholders and/or partners thereof;

4. the recovery scheme operator has not been operational for one year;

5. the commission referred to in Article 18, paragraph 9 has made a reasoned proposal;

6. failure to comply with a prescription issued by the competent authorities with relation to non-compliance with the requirements of Article 85 for submission of final contracts with municipalities.

(2) The competent authority shall withdraw with a reasoned decision the permit where it is found for the second time that in violation of this Act:

1. the obligations for separate collection and treatment of waste referred to in Article 14, paragraph 1 and/or for establishment of a system pursuant to Article 15 are not complied with;

2. a prescription issued by the competent authorities with relation to non-compliance with any of the conditions under the permit is not complied with;

3. the targets referred to in Article 14, paragraph 1 are attained but population coverage corresponding to the scheme's market share or to the requirements set out in this Act or the ordinances referred to in Article 13, paragraph 1 is not achieved;

4. a person discharging its obligations individually has violated the requirements of Article 14, paragraph 3.

Article 92. (1) The applicant shall be informed in writing of the decisions of the competent authority within 7 days of their issue.

(2) The competent authority and the recovery scheme operator shall inform the general public in an appropriate manner of the issue of the permit, as well as of subsequent amendments or supplements thereto, or of the permit withdrawal.

Article 93. (1) The issued permit, the decision for amending, supplementing and/or withdrawing it, as well as the refusal to issue, amend and/or supplement the permit shall be appealable according to the procedure established by the Administrative Procedure Code.

(2) The appeal of the decision referred to in paragraph 1 shall not stay its enforcement.

Article 94. At least once a year the competent authority or an official authorised thereby shall inspect the recovery scheme operators and the persons discharging their obligations individually holding the permit referred to in Article 81 to verify compliance with the obligations ensuing from this Act, of the ordinances referred to in Article 13, paragraph 1 and the conditions of the permit.

Section IV
Transboundary Shipments of Waste

Article 95. (1) Shipments of waste within the European Union (EU) with or without transit through third countries, import of waste into the EU from third countries, export of waste from the Community to third countries, as well as the transit of waste through the EU on the way from and to third countries shall be carried out under the terms and according to the procedure of Regulation (EC) No. 1013/2006.

(2) The Minister of Environment and Water or an official authorised thereby shall be the competent authority for the Republic of Bulgaria for the implementation of Regulation (EU) No 1013/2006 within the meaning of Article 53 of said Regulation.

(3) The competent authority under paragraph 2 shall keep:

1. a register of notifications of shipments of waste from, to and through the territory of the Republic of Bulgaria and of import into or export from third countries issued pursuant to Regulation (EC) No 1013/2006;

2. a register of annual statements referred to in Article 103.

Article 96. (1) For shipments of waste from the Republic of Bulgaria which, pursuant to Regulation (EU) No 1013/2006, are subject to written notification, the person selected to be notifier pursuant to Article 2(15) of Regulation (EC) No 1013/2006 shall send to the competent authority under Article 95, paragraph 2 documentary proof of fee paid and the documents referred to in Article 4 of Regulation (EU) No 1013/2006, including:

1. the notifier's standard identification code or registration number from the register referred to in Article 45, paragraph 1, item 6;

2. copy of the respective integrated permit, permit or registration document for waste-related operations issued to the notifier, where such a permit or document is required;

3. copy of the relevant permit or registration document for transport of waste issued to the carrier/carriers;

4. copy of contract between the notifier and the consignee for the recovery or disposal of the notified waste fulfilling the requirements of Article 5 of Regulation (EU) No 1013/2006;

5. the permit issued to the waste recovery or disposal facility in the country of destination.

(2) Where a financial guarantee or equivalent insurance pursuant to Article 6 of Regulation (EU) No 1013/2006 is required, it shall be in the form of bank guarantee or insurance policy.

(3) For shipments of waste to the Republic of Bulgaria for interim recovery operations the financial guarantee or equivalent insurance shall cover the costs until issue of the certificate in accordance with Article 15(e) of Regulation (EU) No 1013/2006.

(4) For shipments of waste to the Republic of Bulgaria for final recovery operations the financial guarantee or equivalent insurance shall cover the costs until issue of the certificate in accordance with Article 16(e) of Regulation (EU) No 1013/2006.

(5) In case of a general notification under Article 13 of Regulation (EU) No 1013/2006 for shipments from the Republic of Bulgaria it shall be admissible to present a partial financial guarantee or equivalent insurance covering part of the general notification under the conditions referred to in paragraph 8.

(6) Where the financial guarantee under Article 6 of Regulation (EU) No 1013/2006 is in the form of a bank guarantee, the bank guarantor shall undertake irrevocably, unconditionally and upon first written demand by the Minister of Environment and Water to transfer the amount

under the bank guarantee to the benefit of and to an account of the Ministry of Environment and Water. The bank guarantee shall be unconditional and irrevocable and shall be issued by a foreign bank or a commercial bank as referred to in Article 2, paragraph 5 of the Credit Institutions Act licensed by the Bulgarian National Bank for guarantee transactions. The bank guarantee issued by a foreign bank must be advised through a Bulgarian bank.

(7) The insurance policy referred to in paragraph 2 shall be issued by an insurance company holding a license issued according to the procedure established by the Insurance Code. The said insurance policy shall include a stipulation on payment of the full amount of the sum under the insured event to the benefit of the Ministry of Environment and Water upon first written demand.

(8) As many shipments as are covered by the partial financial guarantee or equivalent insurance may be dispatched. In such a case each any subsequent shipment may be dispatched after the competent authority under Article 95, paragraph 2 has received the certificate referred to in Article 15(e) or Article 16(e) of Regulation (EU) No 1013/2006.

(9) The documents referred to in paragraphs 1 and 2 and all documents referred to in Regulation (EU) No 1013/2006 shall be submitted in Bulgarian or in English. In cases where the documents are submitted in English, the competent authority shall be entitled to request an official translation in Bulgarian.

Article 97. (1) In case of approval of the notified shipment the competent authority under Article 95, paragraph 2 shall give its consent in writing by placing a signature, stamp and date on the notification.

(2) The authority referred to in paragraph 1 shall issue a reasoned decision:

1. for consent for shipment pursuant to Article 9(1)(a) of Regulation (EU) No 1013/2006 without conditions;

2. for consent for shipment pursuant to Article 9(1)(b) of Regulation (EU) No 1013/2006 with conditions in accordance with Article 10 of said Regulation;

3. for objection pursuant to Article 9(1)(c) of Regulation (EU) No 1013/2006;

4. for withdrawal of consent pursuant to Article 9, paragraph 8 of Regulation (EU) No 1013/2006.

Article 98. (1) Shipments of waste destined for disposal to the Republic of Bulgaria shall be prohibited, except:

1. in case of take-back obligations pursuant to Articles 22 и 24 of Regulation (EU) No 1013/2006;

2. in case of shipments to the Republic of Bulgaria of residues from treatment in another country of waste originating in the Republic of Bulgaria to other countries for which the Republic of Bulgaria has no treatment facilities; in such cases the shipment of the residues shall be carried

out with a new notification;

3. in case of shipments to the Republic of Bulgaria of waste generated by the Bulgarian armed forces in situations of crisis, peacemaking or peacekeeping operations.

(2) Shipments of waste to the Republic of Bulgaria shall be prohibited when intended for incineration or co-incineration with energy recovery for each installation in quantities for the respective calendar year exceeding in total half of the annual capacity of the installation as stated in the permit or the integrated permit pursuant to Article 35, paragraph 1.

(3) In cases where the National Waste Management Plan referred to in Article 49, paragraph 1 contains specific measures for management of a given waste or waste stream in accordance with Regulation (EU) No 1013/2006, the Council of Ministers of the Republic of Bulgaria may, with a reasoned decision on a motion by the Minister of Environment and Water, limit the imports of such waste.

Article 99. (1) Shipments of waste to the Republic of Bulgaria shall be carried out provided that:

1. the consignee holds a permit or an integrated permit pursuant to Article 35, paragraph 1 or a registration document pursuant to Article 35, paragraph 2, items 3 and 5 for the notified waste-related operations;

2. the waste recovery facility has sufficient capacity in accordance with the document referred to in item 1;

3. the waste recovery facility operator holds a permit or an integrated permit pursuant to Article 35, paragraph 1 or a registration document pursuant to Article 35, paragraph 2, item 3 and 5 for the notified waste-related operations;

4. the waste recovery facility operator treats the residues of recovered waste or ensured their treatment in an environmentally sound manner;

5. if registered in the Republic of Bulgaria, the carrier/carriers indicated in the notification holds/hold a permit or registration document for transport of waste.

(2) Where necessary, the competent authority under Article 95, paragraph 2 shall send an inquiry about the circumstances referred to in paragraph 1 by fax or other technological means to the director of the RIEW within whose territory the waste treatment facility is located.

(3) Within three days of receipt of the inquiry referred to in paragraph 2, the director of the RIEW within whose territory the waste treatment facility is located shall perform the necessary checks and send a reply by fax or other technological means.

Article 100. (1) Shipments of waste between the Republic of Bulgaria and third countries shall be carried out through customs offices designated by a joint order of the Minister of Environment and Water and the Minister of Finance on a motion by the director of the Customs

Agency.

(2) For shipments of waste between the Republic of Bulgaria and third countries the competent authority under Article 95, paragraph 2 shall send a copy of the notification or a copy of the decision referred to in Article 97, paragraph 2 to the director of the Customs Agency and to the director of the respective RIEW.

Article 101. (1) The competent authority under Article 95, paragraph 2 shall issue pre-consent within the meaning of Article 14 of Regulation (EU) No 1013/2006 only to operators of facilities for final recovery of waste holding an integrated permit issued according to the procedure established by Chapter Seven, Section II of the Environmental Protection Act.

(2) To obtain the pre-consent referred to in paragraph 1 the waste recovery facility operator shall submit an application on paper or by electronic means in standard format endorsed with an order by the Minister of Environment and Water accompanied by documentary proof of fee paid.

(3) Within 15 days of receipt of the application the competent authority under Article 95, paragraph 2 may request that the applicant eliminate certain non-conformities and/or submit additional information.

(4) Within 15 days of the notification under paragraph 3 the applicant shall eliminate the non-conformities or provide the additional information.

(5) Within one month of receipt of the application or of elimination of the non-conformities and/or submission of the additional information the competent authority under Article 95, paragraph 2 shall, with a reasoned decision, issue or refuse to issue the pre-consent referred to in paragraph 1.

(6) The issue of pre-consent shall be refused in the cases referred to in Article 71, paragraph 3.

(7) With the decision referred to in paragraph 5 the competent authority under Article 95, paragraph 2 shall determine the period of validity of the pre-consent referred to in paragraph 1 and shall assign a unique registration number to the recovery facility.

(8) The competent authority under Article 95, paragraph 2 shall keep a public register of the decisions referred to in paragraph 5 which shall contain at least the information referred to in Article 14, paragraph 3 of Regulation (EU) No 1013/2006.

Article 102. (1) In case of a change in circumstances on the basis of which the decision referred to in Article 101, paragraph 5 was issued, the facility operator shall notify immediately the competent authority under Article 95, paragraph 2, enclosing written evidence of said change. The competent authority shall issue a decision on the application for change in circumstances within one month by amending or refusing to amend the issued decision in the cases referred to in Article 71, paragraph 3.

(2) The competent authority under Article 95, paragraph 2 shall, with a reasoned decision,

revoke the pre-consent in the cases referred to in Article 75, paragraphs 1 and 2. The facility operator referred to in paragraph 1 may not apply for pre-consent within one year of the date on which it was revoked.

Article 103. Any person carrying out transboundary shipments of waste for which notification pursuant to Regulation (EU) No 1013/2006 is not required shall submit to the competent authority under Article 95, paragraph 2 an annual statement.

Article 104. (1) Any person operating as a waste dealer or broker, with the exception of persons holding a document under Article 35, shall submit to the executive director of ExEA an application on paper and on technological medium or by electronic means for a record in the register referred to in Article 45, paragraph 1, item 6 stating:

1. standard identification code, name, seat and registered office;

2. type, code and name of waste to be traded.

(2) The application referred to in paragraph 1 shall be accompanied by documentary proof of fee paid.

(3) In case of non-conformities in the documents submitted pursuant to paragraphs 1 or 2, within 15 days the authority referred to in paragraph 1 shall notify the person in writing thereof and shall set a deadline for elimination of such non-conformities.

(4) Within 15 days of receipt of the application referred to in paragraph 1 or of elimination of non-conformities referred to in paragraph 3 the executive director of ExEA or an official authorised thereby shall enter into the register referred to in paragraph 1 the waste dealers and brokers.

Article 105. The persons registered under Article 104 shall notify the executive director of ExEA of all changes in their registration within 7 days of occurrence of any such change.

Article 106. The executive director of ExEA shall refuse to make a record in the register with a reasoned decision:

1. where, one year prior to submitting the application, the applicant committed administrative violations for which it was sanctioned two or more times with an effective penalty decree pursuant to Chapter Six, Section II;

2. where the non-conformities in the submitted documents pursuant to Article 104, paragraphs 1 or 2 are not eliminated within the time limit set.

Article 107. (1) The registration of a dealer or broker shall be terminated:

1. where, one year prior to submitting the application, the applicant committed administrative violations for which it was sanctioned two or more times with an effective penalty decree pursuant to Chapter Six, Section II;

2. upon request by the dealer, respectively broker;

3. upon dissolution of the legal person, upon death or interdiction of the registered person;

4. upon failure to notify in due time of the changes referred to in Article 105.

(2) The termination of registration referred to in paragraph 1 shall be effected with a reasoned decision issued by the director of ExEA.

Article 108. The decisions referred to in Article 101, paragraph 5, Article 102, paragraphs 1 and 2, Article 106 and Article 107, paragraph 2 shall be appealable according to the procedure established by the Administrative Procedure Code. The appeal of said decisions shall not stay their enforcement.

Article 109. Dealers and brokers listed in the register referred to in Article 45, paragraph 1, item 6 may be notifiers in compliance with the provisions of Article 2(15) of Regulation (EU) No 1013/2006.

Article 110. Fees fixed with the Rate Schedule of Fees Collected within the System of the Ministry of Environment and Water endorsed by the Council of Ministers shall be collected for the procedures referred to in Articles 97, 101, 102 and 104.

Article 111. The procedure and method for calculating the amount of the financial guarantees referred to in this Section and for submitting the annual statements referred to in Article 103 shall be laid down in an ordinance issued by the Council of Ministers.

Section V
Waste Management Control

Article 112. (1) The municipal mayor or an official authorised thereby shall exercise control over:

1. operations relating to the generation, collection, including separate collection, storage, transport and treatment of household and construction and demolition waste;

2. operations relating to landfilling of industrial and hazardous waste at municipal and/or regional landfills;

3. sites for operations with FNFMW;

4. compliance with the other requirements laid down with the ordinance referred to in Article 22.

(2) The municipal mayor shall organise and exercise control over the closure, reclamation of grounds and post-closure monitoring of landfills for household and construction and

demolition waste within the territory of the relevant municipality.

Article 113. (1) The RIEW director or an official authorised thereby shall exercise control as to compliance with the requirements for waste treatment and the terms and conditions laid down by the permit, respectively by the registration document, as regards:

1. operations relating to the generation, collection, including separate collection, storage, transport and treatment of waste within the territory of the respective RIEW;

2. facilities and installations for storage and treatment of waste.

(2) The authority referred to in paragraph 1 shall exercise control over the reporting and provision of information pursuant to Chapter Four, Section I, as well as the compliance with the obligations of municipality mayors referred to in Chapter Two, Section III and Chapter Four, Section IV relating to waste management.

(3) In case of violations established during an inspection the RIEW director or an official authorised thereby shall issue mandatory prescriptions and set the time limit for compliance with said prescriptions and/or draw up written statements on ascertainment of administrative violations.

Article 114. The RIEW director or an official authorised thereby shall exercise control as to:

1. the accurate charging and timely payment of the product fee referred to in Article 59, paragraph 1, item 1 by the persons referred to in Article 14, paragraph 1;

2. compliance with the obligations of the owners of landfills as regards the financing of the disposal of waste by landfilling.

Article 115. The Minister of Environment and Water or an official authorised thereby shall exercise control as to:

1. compliance with the terms and conditions of the permits under Chapter Five, Section III issued to recovery scheme operators and persons discharging individually their obligations for management of ordinary waste;

2. waste management operations;

3. compliance with the requirements of Regulation (EU) No 333/2011.

Article 116. (1) The Minister of Environment and Water, the Minister of Interior, the Minister of Transport, Information Technologies and Communications and the Director of the Customs Agency shall exercise control over the transboundary shipments of waste pursuant to this Act and Regulation (EU) No 1013/2006, each within the powers vested therein.

(2) Control as referred to in paragraph 1 shall be exercised by:

1. the director of the RIEW within whose territory the waste originates or officials authorised thereby - in the cases referred to in Article 50(3)(a) of Regulation (EU) No 1013/2006;

2. the director of the RIEW within whose territory the waste is to be dispatched or officials authorised thereby - in the cases referred to in Article 50(3)(b) of Regulation (EU) No 1013/2006;

3. the customs authorities, bodies within the Border Police Directorate General and Traffic Police units within the regional directorates of the Ministry of Interior - in the cases referred to in Article 50(3)(c) of Regulation (EU) No 1013/2006;

4. officials of Executive Agency "Automobile Administration", Executive Agency "Railway Administration", Executive Agency "Maritime Administration", bodies within the Border Police Directorate General and Traffic Police units with the regional directorates of the Ministry of Interior - in the cases referred to in Article 50(3)(d) of Regulation (EU) No 1013/2006.

(3) In case of suspicion as to the conformity of the shipment with its accompanying documents, as to the classification of the shipment as waste or as to the type of waste the authorities referred to in paragraph 2, items 3 and 4 shall immediately notify the respective RIEW within whose territory the inspection is taking place with a view to making a decision on the classification of the shipment and the waste.

(4) In the cases referred to in paragraph 2, items 1 or 2 the RIEW director may request assistance from the authorities of the Ministry of Interior which shall render assistance immediately.

(5) In the cases referred to in paragraph 3 the control authorities shall consider the shipment as waste until receipt of the opinion of the RIEW director or an official authorised thereby.

(6) The shipment owner shall submit all information and documents necessary for classification of the shipment.

Article 117. The RHI director and the RIEW director or officials authorised thereby shall exercise control over the operations for treatment of hazardous waste in medical and health-care establishments .

Article 118. (1) The Minister of Environment and Water, the director of the respective RIEW, the municipal mayor of the municipality where the site is located or officials authorised thereby and bodies within the Ministry of Interior shall exercise control with a view to verifying compliance with the terms and procedure for operations with FNFMW, each within the powers vested therein.

(2) The municipal mayor and the authorities of the Ministry of Interior shall, within 14 days, notify the director of the respective RIEW of all violations found during the inspections for verifying the compliance with the terms and procedure for operations with FNFMW by sending all relevant documents.

Article 119. (1) The control authorities referred to in Articles 112 - 114, 117 and 118 herein shall conduct examinations of documents and/or on site inspections, each according to the competence thereof.

(2) At least once a year the control authorities referred to in Articles 112 - 114 and 117 shall conduct an examination of the documents required under this Act and the statutory instruments of secondary legislation for its implementation of waste dealers and brokers and of persons whose operations involve the generation of waste and/or persons carrying out waste-related operations.

(3) The on-site inspection shall be independent of the inspection referred to in paragraph 2 and shall be performed at least once a year at the premises where the operations take place and in the presence of the inspected person or of persons employed thereby. In the absence of any such persons, the examination shall be conducted in the presence of at least one witness.

(4) Inspections concerning collection and transport operations shall cover the origin, nature, quantity and destination of the collected waste that is being transported.

(5) The official conducting the on-site inspection shall have the right:

1. to access to the premises where the controlled operation takes place;

2. to require presentation of the documents which, according to the regulatory requirements, must be available for inspection at the place of the inspection;

3. to require written and oral explanations from any person employed by the person being inspected;

4. to recruit experts in the relevant field, where the inspection is complicated or requires specialised knowledge.

(6) If any documents certifying compliance with the established requirements are found missing upon an on-site inspection, the inspected person shall be given a seven-day time limit to present said documents.

(7) Upon conduct of the inspections, the control authorities referred to in paragraph 1 shall draw up memorandums of ascertainment and/or written statements on ascertainment of administrative violations. If any violations are ascertained, the control authorities shall issue a mandatory prescription and shall set a time limit for elimination of the violations.

Article 120. Upon conduct of the inspections, the control authorities referred to in Article 119, paragraph 1 shall draw up memorandums of ascertainment. If any violations are ascertained, the control authorities shall issue a mandatory prescription in the memorandum of ascertainment with a time limit for elimination of the violations and/or shall draw up written statements on ascertainment of administrative violations.

Article 121. The customs authorities shall exercise customs supervision and control over transboundary shipments of waste in accordance with this Act and the customs legislation and

may take the relevant steps under Article 124, paragraph 2.

Article 122. Bodies of the Border Police Directorate General and bodies of Traffic Police units with the regional directorates of the Ministry of Interior shall exercise control over transboundary shipments pursuant to this Act, the Ministry of Interior Act and the statutory instruments of secondary legislation for its implementation and may take the relevant steps under Article 124, paragraph 2.

Article 123. Officials of Executive Agency "Automobile Administration", Executive Agency "Railway Administration" and Executive Agency "Maritime Administration" shall exercise control over transboundary shipments of waste pursuant to this Act, the relevant international legal instruments ratified by the Republic of Bulgaria with law, the Road Transport Act, the Road Traffic Act, the Railway Transport Act, the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act, the Maritime Commerce Code and the statutory instruments of secondary legislation on their implementation and may take the relevant steps under Article 124, paragraph 2.

Article 124. (1) The authorities and persons referred to in Article 116, paragraph 2 may conduct examinations and shall have access to the register referred to in Article 95, paragraph 3, item 1. If any violations are ascertained, the control authorities shall draw up written statements on ascertainment of administrative violations.

(2) The authorities and persons referred to in Article 116, paragraph 2, items 3 and 4 shall have the right to withhold temporarily a vehicle and its load which are subject to a violation by withdrawing the document of registration of said vehicle until:

1. receipt of an opinion from the Ministry of Environment and Water for release the shipment with a view of returning it to the country of dispatch - in the cases referred to in Article 24(2) of Regulation (EU) No 1013/2006, for shipments to the Republic of Bulgaria;

2. issue of an order pursuant to Article 127, item 2;

3. receipt of an opinion from the Ministry of Environment and Water or the respective RIEW that the load does not constitute waste or that the requirements of Regulation (EU) No 1013/2006 and this Act are complied with.

(3) The authorities and persons referred to in paragraph 1 shall be entitled to take samples and evidence which they shall keep until completion of the administrative penalty proceedings.

Article 125. (1) Control as to the conformity of products which, after use, generate ordinary waste with the requirements of the ordinances referred to in Article 13, paragraph 1 shall be exercised by:

1. the Chairperson of the State Agency for Metrological and Technical Surveillance or officials authorised thereby as regards market surveillance over products for which essential requirements have been established under Article 7 of the Technical Requirements to Products Act;

2. the Chairperson of the Commission for Consumer Protection or officials authorised thereby as regards the control over products falling within the scope of the Consumer Protection Act;

3. the Minister of Health or officials authorised thereby as regards the control over products designated by law.

(2) The Commission for Consumer Protection shall exercise control over the compliance with the requirements of Commission Regulation (EU) No 1103/2010 of 29 November 2010 establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators(OJ L 313/3, 30 November 2010), hereinafter referred to as "Regulation (EU) No 1103/2010".

Chapter Six
COERCIVE ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PENALTY PROVISIONS

Section I
Coercive Administrative Measures

Article 126. The competent authority or officials authorised thereby shall apply coercive administrative measures for the prevention and cessation of administrative violations under this Act and Regulation (EU) No 1013/2006, as well as for the prevention and elimination of the detrimental consequences of any such violations.

Article 127. The Minister of Environment and Water or officials authorised thereby:

1. shall suspend:

a) operations related to the collection, storage, transport, recovery or final disposal of waste;

b) the operation of waste disposal or recovery facilities.

c) operations with FNFMW at a specific site in case the violation is not eliminated within 7 days of ascertainment, with the exeption of the cases referred to in Article 75, paragraph 3;

2. shall issue an order for:

a) environmentally sound waste treatment in the cases referred to in Article 24(3) of Regulation (EU) No 1013/2006 for import or shipment of waste to the Republic of Bulgaria;

b) take-back of waste in the Republic of Bulgaria and its subsequent environmentally sound

treatment in the cases referred to in Article 22, paragraphs 2 or Article 24(2) of Regulation (EU) No 1013/2006 for export or shipment from the Republic of Bulgaria.

Article 128. The RIEW director or an official authorised thereby:

1. shall issue prescriptions for elimination of the waste at the expense of the offender and for environmental remediation;

2. shall suspend the operations for waste collection, storage, transport, recovery or disposal;

3. shall suspend the operation of waste treatment facilities.

Article 129. (1) A coercive administrative measure shall be applied by a reasoned order of the authority referred to in Articles 127 or 128 herein.

(2) The order shall specify the type of the coercive administrative measure and the manner of implementation thereof.

(3) The order shall be served on the offender according to the procedure established by the Civil Procedure Code.

(4) The order for applying the measure referred to in Article 127, item 2(a) shall be sent according to the procedure established by the Civil Procedure Code to the consignee, and for applying the measure referred to in Article 127, item 2(b) - to the person responsible for dispatching the waste; it shall also accompany the shipment of waste to its final destination. A copy of the order shall be sent immediately to the relevant authority or person referred to in Article 116, paragraph 2, items 3 and 4.

(5) The order for applying the coercive administrative measure shall be appealable according to the procedure established by the Administrative Procedure Code. The appeal of the order shall not stay its enforcement.

(6) Within 7 business days of receipt of the order for enforcing a measure referred to in Article 127, item 2 the sanctioned person shall submit to the competent authority a certificate verifying that the waste has been accepted for environmentally sound treatment.

(7) All costs relating to enforcing the coercive administrative measures shall be covered by the persons to which the measures are applied.

Article 130. (1) In case of violations and/or illegal shipments of waste referred to in Article 2(35) of Regulation (EU) No. 1013/2006 the customs authorities, bodies within the Border Police Directorate General and Traffic Police units with the regional directorates of the Ministry of Interior, Executive Agency "Automobile Administration", Executive Agency "Railway Administration" and Executive Agency "Maritime Administration" shall immediately notify in writing within 14 days the director of the RIEW within whose territory the violation and/or illegal shipment was established, and shall attach all documents to the notification.

(2) RIEW directors shall inform the Minister of Environment and Water in writing of the violations of Regulation (EU) No 1013/2006 that have been established and of the measures undertaken.

Article 131. Where it is found that the administrative violation for which the administrative penalty proceedings were launched constitutes a criminal offence, the proceedings shall be stayed and the materials shall be sent to the relevant prosecutor.

Article 132. The competent authority or officials authorised thereby pursuant to Article 125 shall undertake measures in a manner and following a procedure laid down in the respective law.

Section II
Administrative Violations and Sanctions

Article 133. (1) A fine of BGN 300 or exceeding this amount but not exceeding BGN 1,000 shall be imposed on any natural person who:

1. discards waste in places unauthorized for this purpose;

2. submits waste to persons not holding a permit, an integrated permit or a registration document pursuant to Article 35 in cases where such a permit or document is required;

3. fails to submit an end-of-life vehicle to a storage site or disassembly centre;

4. discards ordinary waste marked as destined for separate collection, according to the ordinances referred to in Article 13, paragraph 1 herein, into containers for mixed household waste and in waste collection receptacles placed in corporeal immovables constituting public state or municipal property, or mixes any such waste with other materials or waste in a manner impeding the further recycling or recovery of said waste, where a system for separate collection of the relevant ordinary waste has been created in the specific nucleated settlement;

5. fails to comply with the provisions for re-use, recycling and recovery of construction and demolition waste;

6. discards household waste in receptacles for separate collection.

(2) For manifestly minor cases of administrative violations under paragraph 1, items 1 and 4 ascertained when committed, the duly empowered authorities shall, at the place of commitment, impose a fine of BGN 10 or exceeding this amount but not exceeding BGN 50, issuing a receipt according to the procedure established by the Administrative Violations and Sanctions Act.

(3) A fine of BGN 1,400 or exceeding this amount but not exceeding BGN 4,000 shall be imposed on any natural person who:

1. submits consumer FNFMW without a declaration of origin pursuant to Article 39, paragraph 2, or refuses to complete a declaration of origin, or has provided false data in said

declaration;

2. submits consumer FNFMW to a person not holding a permit or an integrated permit pursuant to Article 35, paragraph 1;

3. carries out operations with FNFMW without registration under the Commerce Act or without holding a permit, unless the violation constitutes a criminal offence;

4. submits non-consumer FNFMW, including pursuant to Article 39, paragraph 1.

(4) A fine of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any natural person who:

1. incinerates without authorisation or engages in any other form of unauthorised waste treatment;

2. breaches the requirements of Article 7 of Regulation (EC) No. 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC.

(5) The following pecuniary penalties shall be imposed in the event of a repeated violation:

1. under paragraph 1 - BGN 600 or exceeding this amount but not exceeding BGN 2000;

2. under paragraph 3 - BGN 2800 or exceeding this amount but not exceeding BGN 8000;

3. under paragraph 4 - BGN 4000 or exceeding this amount but not exceeding BGN 10,000.

Article 134. (1) A pecuniary penalty of BGN 1400 or exceeding this amount but not exceeding BGN 4000 shall be imposed on any sole trader or legal person who or which:

1. discards non-hazardous waste in places unauthorized for this purpose;

2. incinerates without authorisation or carries out any other form of unauthorised treatment of non-hazardous waste.

(2) A pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 50,000 shall be imposed on any sole trader or legal person who or which:

1. discards hazardous waste in places unauthorised for this purpose;

2. incinerates without authorisation or carries out any other form of unauthorised treatment of hazardous waste.

(3) The following pecuniary penalties shall be imposed in the event of a repeated violation:

1. under paragraph 1 - BGN 2,800 or exceeding this amount but not exceeding BGN 8,000;

2. under paragraph 2 - BGN 20,000 or exceeding this amount but not exceeding BGN 100,000.

Article 135. (1) A pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 6,000 shall be imposed on any sole trader or legal person, with the exception of the persons referred to in Article 14, paragraph 2, who or which:

1. fails to keep records of waste or to provide documents regarding the reporting or information on the management of waste-related operations pursuant to the requirements of this Act or the ordinance referred to in Article 48, paragraph 1;

2. fails to provide information or to keep records pursuant to the requirements of the ordinances referred to in Article 13, paragraph 1;

3. provides false information and/or keeps false records pursuant to this Act or the ordinances referred to in Article 13, paragraph 1 or Article 48, paragraph 1;

4. fails to provide upon request by the competent authorities documents regarding the reporting or information on waste management operations.

(2) A pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 15,000 shall be imposed on any sole trader or legal person who or which:

1. fails to classify waste generated as a result of its operations according to the procedure established by the ordinance referred to in Article 3;

2. fails to re-classify waste generated as a result of its operations in case there has been a change in raw materials and/or technological processes leading to changes in the composition and properties of waste according to the procedure established by the ordinance referred to in Article 3.

(3) A pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. provides false data required upon registration or for amending and/or supplementing said registration;

2. fails to notify of a change in circumstances referred to in Article 79, paragraph 2 within the established time limit.

(4) A pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 15,000 shall be imposed on any sole trader or legal person, with the exception of the persons referred to in Article 14, paragraph 2, who or which denies access to sites, premises or documents to an official performing an inspection.

(5) A repeated violation under paragraphs 1 - 4 shall be punishable with a pecuniary penalty

to a double amount.

Article 136. (1) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. violates the provisions regarding the collection, including separate collection, storage, transport or treatment of household or construction and demolition waste;

2. breaches the requirements for separate collection, transport or treatment of waste by type, properties and compatibility;

3. breaches the requirements of the legislation on packaging and labelling of hazardous waste;

4. allows dilution and mixing of industrial and hazardous waste with other waste or substances in order to meet the waste acceptance criteria for the relevant landfill.

(2) A pecuniary penalty of BGN 7,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any sole trader or legal person who or which:

1. submits or accepts waste without a written contract in the cases referred to in Article 8, paragraph 1 or breaches the requirements of Article 7, paragraph 1;

2. breaches a requirement referred to in Article 8, paragraph 2;

3. collects, transports and/or treats waste without holding a permit or registration document, where such a permit or document is required;

4. fails to comply with the conditions set out in the permit referred to in Article 35, paragraph 1, item 1;

5. breaches the requirements for construction and operation of facilities and installations for waste recovery or disposal;

6. accepts waste at a site or facility for storage of hazardous waste without ensuring the storage of any such waste separately from other materials, or allows the uncontrolled spillage of any such waste;

7. fails to take measures for disposal or recovery of waste within the statutorily established time limit;

8. breaches the requirements for treatment and transport of industrial and hazardous waste;

9. submits industrial and/or hazardous waste to persons not holding a permit, an integrated permit or a registration document under Article 35 for operations with the respective type of waste, or fails to dispose of or recover such waste within the statutorily established time limit;

10. collects and stores hazardous waste in receptacles which do not meet the requirements for tight closure, marking of the waste contained therein, or are manufactured of materials reacting with the waste;

11. accepts hazardous or industrial waste without it being accompanied by a description of the properties, composition, treatability, hazardous properties and measures for safe handling thereof, or fails to carry out the required verifications, tests and analyses upon acceptance;

12. mixes hazardous waste with non-hazardous waste, or hazardous waste with other substances and materials, or dilutes hazardous waste, safe where this is part of the recovery and disposal technology and the person holds a permit or an integrated permit pursuant to Article 35;

13. provides false data required upon issuing, amending and/or supplementing the permit referred to in Article 35, paragraph 1, item 1;

14. fails to notify of a change in circumstances referred to in Article 73, paragraph 1 within the established time limit;

15. fails to ensure measurement of the quantities of waste submitted to the site in cases where this is required.

(3) The following pecuniary penalties shall be imposed in the event of a repeated violation:

1. under paragraph 1 - BGN 6,000 or exceeding this amount but not exceeding BGN 20,000;

2. under paragraph 2 - BGN 14,000 or exceeding this amount but not exceeding BGN 40,000.

Article 137. (1) A pecuniary penalty of BGN 7,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any sole trader or legal person who or which builds and/or runs a waste incineration installation which

1. is in breach of the technical requirements regarding the slag and bottom ashes Total Organic Carbon (TOC) content, the temperature in the combustion chamber and/or the residence time of the homogenous gas mixture;

2. does not ensure the measurements required to monitor the emissions of harmful substances and/or the process operation parameters.

(2) In the event of a repeated violation under paragraph 1 a pecuniary penalty of BGN 14,000 or exceeding this amount but not exceeding BGN 40,000 shall be imposed.

Article 138. (1) A pecuniary penalty of BGN 7,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any sole trader or legal person who or which:

1. accepts for landfilling waste which has not been pre-treated, does not correspond to the

landfill category and/or does not meet the criteria for landfilling;

2. allows the inadequate operation of the landfill and the ignition of the waste therein;

3. fails to exercise control over:

a) waste submitted to the disposal facilities and installations;

b) the disposal technology;

c) the pollution of the environmental media during the operation and after discontinuance of the waste disposal operation;

d) operations relating to the closure of the waste disposal facilities and installations;

4. does not implement the programme for control and monitoring of landfills or waste treatment facilities and installations and for closure and land reclamation of the waste disposal facility and for post-closure monitoring and control;

5. fails to undertake within the established time limit the measures for implementing the plan for bringing the landfill in compliance with the requirements of the ordinance referred to in Article 43, paragraph 1.

(2) In the event of a repeated violation under paragraph 1 a pecuniary penalty of BGN 14,000 or exceeding this amount but not exceeding BGN 40,000 shall be imposed.

(3) A pecuniary penalty of BGN 30,000 or exceeding this amount but not exceeding BGN 100,000 shall be imposed on any landfill owner who or which:

1. operates the landfill without the required amount of deductions per each tonne of waste deposited pursuant to Article 60, paragraph 2, items 1 and 2 in accordance with the requirements of this Act or the ordinance referred to in Article 43, paragraph 2;

2. fails to make two subsequent monthly deductions pursuant to Article 60, paragraph 2, items 1 or 2 or fails to present a bank guarantee under Article 60, paragraph 2, item 3;

3. makes a monthly deduction pursuant to Article 60, paragraph 2, items 1 or 2 or presents a bank guarantee under Article 60, paragraph 2, item 3 which do not meet the requirements of this Act or the ordinance referred to in Article 43, paragraph 2;

4. fails to update the amount of the deductions pursuant to Article 60, paragraph 2, items 1 or 2 or fails to present a bank account statement pursuant to Article 61, paragraph 1;

5. fails to extend the period of validity or to renew a bank guarantee in accordance with the requirements of this Act or the ordinance referred to in Article 43, paragraph 2;

6. fails to make two subsequent monthly deductions pursuant to Article 64, paragraph 1 or

uses false information to reduce the amount of said deductions;

7. allows the landfilling of waste whose landfilling is prohibited.

(4) In the event of a repeated violation under paragraph 1 a pecuniary penalty of BGN 60,000 or exceeding this amount but not exceeding BGN 200,000 shall be imposed.

(5) Any landfill owner who or which within the time limit laid down in Article 62, paragraph 2 fails to launch the closure procedure in accordance with plan for closure of the landfill shall be sanctioned with a pecuniary penalty of 5,000 BGN where a landfill for non-hazardous waste is concerned and with a pecuniary penalty of 10,000 BGN where a landfill for hazardous waste is concerned.

(6) Any landfill owner who or which fails to implement the measures for technical reclamation of the landfill within the time limits set out in the plan for closure of the landfill shall be sanctioned with a pecuniary penalty of BGN 2,000 in the case of non-hazardous waste and BGN 5,000 in the case of hazardous waste for each decare of the landfill area which has not undergone technical reclamation.

Article 139. (1) A pecuniary penalty of BGN 7,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any sole trader or legal person who or which:

1. does not take measures for carrying out separate collection of waste arising from health care facilities, as well as the steps necessary for the proper storage, transport and final disposal of any such waste;

2. discards hazardous waste arising from health care facilities in unauthorized places and/or in receptacles for collection of household or ordinary waste;

3. stores hazardous waste from health care facilities in the open air or in a manner leading to contamination of the environmental media or to spread of infections, diseases, or creating prerequisites for occurrence of epidemic risk;

4. allows the mixing of hazardous medical waste with other hazardous waste, substances and materials and obstructs the subsequent technology for final disposal and/or recovery;

5. submits for landfilling untreated hazardous waste from health care facilities;

6. treats waste from health care facilities in breach of the requirements of the ordinance referred to in Article 43, paragraph 3.

(2) In the event of a repeated violation under paragraph 1 a pecuniary penalty of BGN 14,000 or exceeding this amount but not exceeding BGN 40,000 shall be imposed.

Article 140. (1) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. fails to take appropriate measures to ensure the separate collection and treatment of WBA generated by batteries and accumulators it places on the market;

2. sells portable and/or automotive batteries and accumulators to end users at retail premises where there are no receptacles for collection from end users or the receptacles do not comply with the legal requirements;

3. does not accept from end users free of charge waste portable and/or automotive batteries and accumulators of the same type within the opening hours of the retail premises;

4. places WBA in receptacles for household waste or mixes WBA with other waste;

5. discards waste accumulators in places unauthorised for this purpose and/or removes electrolyte therefrom;

6. collects and stores waste accumulators free of electrolyte at collection stations in an amount exceeding 5 per cent of the total amount of accumulators collected;

7. fails to ensure the recovery or submission for recovery the batteries and accumulators collected thereby within the statutorily established time limit;

8. submits for landfilling or incineration waste automotive and/or industrial batteries and accumulators;

9. submits for landfilling or incineration waste portable batteries and accumulators, containing cadmium, mercury or lead;

10. disposes of WBA, of parts or materials therefrom which are recyclable and/or recoverable;

11. sells portable and/or automotive batteries and accumulators to end users at retail premises without clearly visible signs informing consumers of the possibilities of take-back of waste portable and/or automotive batteries and accumulators in accordance with the requirements of the ordinance referred to in Article 13, paragraph 1;

12. sells portable and/or automotive batteries and accumulators to end users and has not concluded a contract ensuring the servicing of receptacles for take-back of waste portable and/or automotive batteries and accumulators, their transport and submission for recycling to persons holding the relevant permit;

13. sells batteries and accumulators not marked with a capacity label pursuant to the requirements of Regulation (EU) No 1103/2010.

(2) In the event of a repeated violation under paragraph 1 a pecuniary penalty of BGN 6,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed.

Article 141. (1) A pecuniary penalty of BGN 3,000 or exceeding this amount but not

exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. fails to take appropriate measures to ensure the separate collection and treatment of WEEE formed from EEE which it places on the market;

2. deliberately impairs the integrity of waste gas-discharge lamps and cathode ray tubes, unless it holds a permit or an integrated permit pursuant to Article 35 for this operation;

3. collects and stores WEEE, including gas-discharge lamps, in the open or in open receptacles or containers;

4. places WEEE in receptacles for household waste or mixes WEEE with other waste;

5. disposes of WEEE, of parts or materials therefrom which are recyclable and/or recoverable;

6. submits for landfilling WEEE which has been collected separately;

7. fails to dispose of waste from pre-treatment of WEEE which is not subject to re-use, recycling and/or recovery pursuant to the requirements of this Act and of the statutory instruments of secondary legislation for its implementation;

8. sells EEE to end users at retail premises where there are no receptacles for collection from end users of WEEE from households or the receptacles do not comply with the legal requirements;

9. does not accept from end users free of charge WEEE generated by households in the same quantities and of the same type or with the same functions as the equipment purchased by end users within the opening hours of the retail premises;

10. sells EEE to end users at retail premises without clearly visible signs informing consumers of the possibilities of take-back of WEEE in accordance with the requirements of the ordinance referred to in Article 13, paragraph 1;

11. sells EEE to end users and has not concluded a contract ensuring the servicing of receptacles for take-back of EEE generated by households, its transport and submission for recycling or recovery to persons holding the relevant permit;

12. places on the market EEE intended for use in households without instructions or user guidelines containing the necessary information in the Bulgarian language in accordance with the requirements of the ordinance referred to in Article 13, paragraph 1.

(2) In the event of a repeated violation under paragraph 1 a pecuniary penalty of BGN 6,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed.

Article 142. (1) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. uses sewage sludge in agriculture where:

a) the concentration of one or more heavy metals and arsenic in the soil or sludge exceeds the limit values;

b) the sludge constitutes hazardous waste within the meaning of § 1, item 12 of the supplementary provisions;

c) does not ensure pre-treatment of sludge from septic tanks and from other such waste water treatment facilities;

d) has not obtained the consent of the owner of the land;

2. uses sludge or supplies sludge for use on:

a) grassland or forage crops if the grassland is to be grazed or the forage crops to be harvested earlier than 45 days after use of the sludge;

b) soil in which fruit and vegetable crops and vines are grown, with the exception of fruit trees;

c) ground intended for the cultivation of fruit and vegetable crops which are in direct contact with the soil and are eaten raw, for a period of ten months preceding the harvest of the crops and during the harvest itself;

3. uses sludge without having made arrangements for an analysis of the soil by accredited laboratories before the initial use of the sludge and thereafter at intervals of five years until final discontinuance of said use.

(2) In the event of a repeated violation under paragraph 1 a pecuniary penalty of BGN 6,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed.

Article 143. (1) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. carries out operations for collection, storage, disassembly, recovery and/or disposal of EOLV, components and materials thereof in places unauthorised for this purpose or at sites not complying with the requirements of this Act or of the statutory instruments of secondary legislation for its implementation;

2. fails to implement an information system for reporting and control of issued certificates for disassembly of EOLV.

(2) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. sells or replaces tyres and does not accept from end users end-of-life tyres (ELT) free of charge;

2. sells or replaces tyres but has not provided for a location within the sales point where end users can return ELT;

3. sells or replaces tyres and has not concluded a contract ensuring the collection and submission of ELT for recovery;

4. sells or replaces tyres without clearly visible signs within the establishment informing consumers of the possibilities of take-back of ELT in accordance with the requirements of the ordinance referred to in Article 13, paragraph 1;

5. submits for landfilling ELT - whole and/or shredded, except when landfilling bicycle tyres or tyres with an outside diameter above 1.400 mm or when tyres are used as landfill construction material;

6. carries out operations for collection, storage, recovery and/or disposal of end-of-life tyres in places unauthorised for this purpose or at sites not complying with the requirements of this Act and the statutory instruments of secondary legislation for its implementation.

(3) A pecuniary penalty of BGN 3.000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. sells packaged goods and does not accept used packaging from end users free of charge and/or packaging waste of the same type for which a deposit or other multiple use system has been set up;

2. fails to ensure separate collection of waste from retail premises, industrial, business and administrative buildings and/or fails to submit such waste to the persons referred to in Article 33, paragraph 4;

3. sells polymeric film bags for which the product fee pursuant to Article 59, paragraph 7 has not been paid.

(4) In the event of a repeated violation under paragraphs 1 - 3 a pecuniary penalty of BGN 6,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed.

Article 144. (1) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. stores waste oils or waste petroleum products on sites which do not comply with the requirements established by this Act and the statutory instruments of secondary legislation for its implementation;

2. replaces waste oils at places which are not equipped for this purpose or in receptacles which do not comply with the requirements;

3. mixes oils containing polychlorinated biphenyls and polychlorinated terphenyls with other waste oils;

4. mixes waste oils and waste petroleum products with fuels, coolants, brake fluids and solvents;

5. sells oils without clearly visible signs within the establishment informing consumers of the points of oil change, the possible threats to human health in case of mishandling or the environmental risks;

6. carries out oil changes and has not concluded a contract ensuring the collection and submission of waste oils or waste petroleum products for recovery.

(2) A pecuniary penalty of BGN 7,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. fails to provide information on equipment owned thereby and containing polychlorinated biphenyls and polychlorinated terphenyls;

2. fails to comply with the time limits set in the plan for clean-up and/or disposal of equipment containing polychlorinated biphenyls owned thereby, where said plan has been approved by order of the director of the RIEW on whose territory the equipment is located.

(3) The following pecuniary penalties shall be imposed in the event of a repeated violation:

1. under paragraph 1 - BGN 6,000 or exceeding this amount but not exceeding BGN 20,000;

2. under paragraph 2 - BGN 14,000 or exceeding this amount but not exceeding BGN 40,000.

Article 145. (1) A pecuniary penalty shall be imposed on any sole trader or legal person who or which:

1. carries out operations with FNFMW without holding a permit;

2. sells FNFMW generated as own production waste or as own wear-and-tear scrap to persons not holding a permit;

3. accepts FNFMW from legal persons or sole traders without a certificate of origins or without a written contract;

4. fails to note all circumstances in the reporting documents immediately after effecting the transaction for acceptance and/or shipment of FNFMW ;

5. denies the control authorities access to the places where said person carries out its

operations or fails to present within the timeframe set by such authorities reporting documents as regards accepted, imported, submitted or exported FNFMW or other documents which said person is obliged to keep;

6. concludes a contract or accepts a certificate or a declaration wherein not all required data identifying the persons or the waste purchased have been entered;

7. fails to sell the quantities of FNFMW in stock and/or fails to take the necessary measures for cleaning the site concerned within three months after discontinuance of the operation;

8. violates the requirements of Article 39, paragraphs 4, 5 or 6;

9. accepts from natural persons consumer FNFMW without a declaration of origin;

10. accepts from natural persons non-consumer FNFMW, including waste referred to in Article 39, paragraph 1;

11. carries out payment operations for waste-related transactions in breach of the requirements set out in Article 38, paragraph 4;

12. fails to issue and/or transmit a statement of conformity pursuant to Article 5(1) and (2) of Regulation (EU) No 333/2011;

13. fails to implement a quality management system pursuant to Article 6(1) of Regulation (EU) No 333/2011.

(2) Violations referred to in paragraph 1, items 1 - 3, 5, 6, 8 - 11 shall be punishable with pecuniary penalties of BGN 30,000 or exceeding this amount but not exceeding BGN 100,000, while violations referred to in the other instances under paragraph 1 shall be punishable with pecuniary penalties of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000.

(3) A repeated violation under paragraph 1, items 1 - 3, 5, 6, 8 - 11 shall be punishable with a pecuniary penalty of BGN 60,000 or exceeding this amount but not exceeding BGN 200,000, and pecuniary penalties of BGN 6,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed in the other instances under paragraph 1.

Article 146. A pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. commissions or carries out construction works or removal of construction works without having a plan for management of construction and demolition waste in cases where such a plan is required pursuant to Article 11, paragraph 1;

2. fails to attain the recovery and recycling targets for construction and demolition waste pursuant to the requirements and deadlines laid down with the ordinance referred to in Article 43, paragraph 4.

Article 147. (1) A pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. breaches the requirements of Article 47 and/or fails to declare within the set time limit an entry made in the registers referred to in Article 45, paragraph 1, items 2 - 5 and 8;

2. fails to declare within the set time limit a change in circumstances which is subject to entry in the registers referred to in Article 45, paragraph 1, items 2 - 5 and 8.

(2) A pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 50,000 shall be imposed on any legal person or sole trader which or who:

1. places on the market batteries and accumulators:

a) containing mercury or cadmium in excess of the values specified in the ordinance referred to in Article 13, paragraph 1;

b) which are not marked in accordance with the requirements of the ordinance referred to in Article 13, paragraph 1;

c) which are not capacity labelled pursuant to the requirements of Regulation (EU) No 1103/2010;

2. places on the market any motor vehicle parts and components which:

a) contain lead, mercury, hexavalent chromium and cadmium in excess of the regulated limits pursuant to the requirements of this Act and the respective ordinance as referred to in Article 13, paragraph 1;

b) are not marked in view of the reusability and reclaimability thereof, as well as in view of the dismantability thereof prior to further treatment;

3. places on the market and distributes any packaging which does not bear a marking for identification of the packaging materials;

4. places on the market and distributes any packaging which contains heavy metals: lead, cadmium, mercury and hexavalent chromium in excess of the regulated limits and/or is not complying with the other requirements in set out in the ordinance referred to in Article 13, paragraph 1;

5. places on the market EEE which is not marked in accordance with the requirements of the ordinance referred to in Article 13, paragraph 1;

6. places on the market any other products which do not comply with the requirements established by this Act and/or the ordinances referred to in Article 13, paragraph 1.

(3) A repeated violation under paragraph 1 shall be sanctioned with a pecuniary penalty of

BGN 10,000 or exceeding this amount but not exceeding BGN 20,000, while a repeated violation under paragraph 2 - with a pecuniary penalty of BGN 20,000 or exceeding this amount but not exceeding BGN 100,000.

(4) The person referred to in paragraphs 2 or 3 shall also be obliged to cover the expenses for the recovery and/or the disposal of products referred to in paragraph 2, item 1(a), item 2(a), item 4 and item 5.

Article 148. (1) A pecuniary penalty shall be imposed on any recovery scheme operator or person referred to in Article 14, paragraph 1 discharging its obligations individually, where said operator or person:

1. fails to comply with a prescription issued by the competent authorities with relation to non-compliance with any of the terms and conditions of the permit referred to in Article 81, paragraph 1;

2. fails to provide information and to keep records pursuant to this Act and/or the ordinances referred to in Article 13, paragraph 1;

3. provides false information and/or keeps inaccurate records pursuant to this Act and the ordinances referred to in Article 13, paragraph 1;

4. denies access to sites, premises and/or documents to an official performing an inspection and/or to the auditors referred to in Article 18, paragraphs 2 or 3;

5. fails to comply with the requirements for population covered by the systems for separate collection of packaging waste referred to in Article 33, paragraph 1 and the ordinance referred to in Article 13, paragraph 1;

6. fails to comply with the obligations for separate collection and treatment of waste referred to in Article 14, paragraph 1 and/or for establishment of a system as referred to in Article 15 and/or fails to comply with the requirements of Article 14, paragraph 3 where a person discharging its obligations individually is concerned;

7. fails to refund within the set time limit the expenses referred to in Article 18, paragraph 5;

8. does not comply with an order under Article 59, paragraph 2 issued by the Minister of Environment and Water which has become effective;

9. does not provide information to consumers in accordance with the requirements of the ordinances referred to in Article 13, paragraph 1;

10. provides false data required for issue, amending and/or supplementing or extending the permit referred to in Article 81, paragraph 1.

(2) Violations referred to in paragraph 1, items 1, 3, 4 and 6 shall be sanctioned with

pecuniary penalties of BGN 50,000 or exceeding this amount but not exceeding BGN 150,000, while violations referred to in the other instances under paragraph 1 shall be punishable with pecuniary penalties of BGN 10,000 or exceeding this amount but not exceeding BGN 20,000.

(3) A repeated violation under paragraph 1, items 1, 3, 4 and 6 shall be sanctioned with a pecuniary penalty of BGN 100,000 or exceeding this amount but not exceeding BGN 300,000, while violations referred to in the other instances under paragraph 1 shall be punishable with pecuniary penalties of BGN 20,000 or exceeding this amount but not exceeding BGN 40,000.

(4) A pecuniary penalty of BGN 20,000 or exceeding this amount but not exceeding BGN 40,000 BGN shall be imposed on any person referred to in Article 14, paragraph 1 discharging its obligations individually who or which does not take back or has not ensured the take-back of waste in accordance with Article 14, paragraph 3.

(5) A repeated violation under paragraph 4 shall be sanctioned with a pecuniary penalty of BGN 40,000 or exceeding this amount but not exceeding BGN 80,000.

Article 149. (1) A pecuniary penalty of BGN 30,000 or exceeding this amount but not exceeding BGN 100,000 shall be imposed on a recovery scheme operator who or which violates any of the bans referred to in Articles 16 or 17.

(2) Any legal person or sole trader which or who fails to pay the product fee referred to in Article 59, in the cases where this is required, shall be sanctioned with a pecuniary penalty of BGN 30,000 or exceeding this amount but not exceeding BGN 500,000.

(3) Persons who or which place on the market products which, after use, form ordinary waste and discharge their obligations through a collective scheme as referred to in Article 14, paragraph 2, item 1 shall be sanctioned with a pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 30,000 where they decline an inspection or an audit of data on products placed on the market pursuant to the requirements of Article 14, paragraph 6.

(4) The following pecuniary penalties shall be imposed in the event of a repeated violation:

1. under paragraph 1 - BGN 60,000 or exceeding this amount but not exceeding BGN 200,000;

2. under paragraph 2 - BGN 60,000 or exceeding this amount but not exceeding BGN 1,000,000;

3. under paragraph 3 - BGN 20,000 or exceeding this amount but not exceeding BGN 60,000.

Article 150. (1) For shipments of non-hazardous waste defined as illegal pursuant to Article 2(35) of Regulation (EU) No 1013/2006 or for violating any of the prohibitions under Article 98 natural persons shall be sanctioned with a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000 BGN, and legal persons and sole traders shall be sanctioned with a pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 25,000.

(2) For shipments of hazardous waste defined as illegal pursuant to Article 2(35) of Regulation (EU) No 1013/2006 or for violating any of the prohibitions under Article 98 natural persons shall be sanctioned with a fine of BGN 3000 or exceeding this amount but not exceeding BGN BGN 15,000, and legal persons and sole traders shall be sanctioned with a pecuniary penalty of BGN 50,000 or exceeding this amount but not exceeding BGN 250,000 BGN

(3) A fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any natural person and a pecuniary penalty of BGN 2000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any sole trader or legal person who or which:

1. fails to present a document or information or to confirm facts in accordance with the requirements of Article 15(c), (d) or (e) or Article 16 of Regulation (EU) No 1013/2006;

2. fails to present a document or information or to send a new notification in the cases referred to in Article 17 of Regulation (EU) No 1013/2006;

3. violates the ban on the mixing of waste during shipment pursuant to Article 19 of Regulation (EU) No 1013/2006;

4. fails to comply with the requirements for shipments of waste referred to in Article 18 of Regulation (EU) No 1013/2006;

5. fails to send a copy of the movement document in accordance with the requirements of Article 35(3)(c), Article 38(3)(b) or Article 42(3)(c) of Regulation (EU) No 1013/2006.

(4) For non-compliance with the coercive administrative measures under Article 127, item 2 or under Article 129, paragraph 6 natural persons shall be sanctioned with a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000, and legal persons and sole traders shall be sanctioned with a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

(5) A pecuniary penalty of BGN 1,000 shall be imposed on any sole trader or legal person who or which fails to comply with its obligation under Article 103.

(6) For non-compliance with the coercive administrative measures under Article 127, item 1 or Article 128 natural persons shall be sanctioned with a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000, and legal persons and sole traders shall be sanctioned with a pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding 20,000 BGN.

(7) The following pecuniary penalty shall be imposed in the event of a repeated violation:

1. under paragraph 3 - BGN 2,000 or exceeding this amount but not exceeding BGN 10,000 for natural persons, respectively BGN 4,000 or exceeding this amount but not exceeding BGN 40,000 for legal persons;

2. under paragraph 4 - BGN 2,000 or exceeding this amount but not exceeding BGN 10,000 for natural persons, respectively BGN 10,000 or exceeding this amount but not exceeding BGN 20,000 for legal persons;

3. under paragraph 5 - BGN 2,000;

4. under paragraph 6 - BGN 2,000 or exceeding this amount but not exceeding BGN 20,000 for natural persons, respectively BGN 20,000 or exceeding this amount but not exceeding BGN 40,000 for legal persons.

Article 151. (1) A fine of BGN 1,400 or exceeding this amount but not exceeding BGN 4,000, unless subject to a severer sanction, shall be imposed on a municipal mayor and/or an official who:

1. fails to discharge the obligations thereof for organising implementation of the measures under the waste management programmes;

2. fails to update the waste management programme pursuant to this Act and the statutory instruments of secondary legislation for its implementation;

3. fails to take the required steps in the cases where the producers of waste are unidentified;

4. fails to exercise control relating to waste management pursuant to Article 112.

(2) A fine of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any municipal mayor and/or an official, unless subject to a severer sanction, who:

1. fails to provide receptacles for collection of household waste;

2. fails to ensure the collection of household waste and its transportation to landfills or other installations and facilities for the recovery and/or the disposal thereof;

3. fails to ensure the cleaning of street roadways, squares, driveways, parks and other parts of the populated areas intended for public use;

4. fails to organise and implement a system for separate collection of hazardous waste from the household waste stream referred to in Article 19, paragraph 3, item 9;

5. fails to organise the operation of a waste treatment site within 6 months of the date of issue of the permit for construction works;

6. fails to take measures for prevention of the dumping of waste in places unauthorised for this purpose and/or of the establishment of illegal dumping sites and ensuring their removal;

7. fails to take the necessary measures within the set time limit for the siting, construction, operation, closure and monitoring of landfills for household waste or of other facilities or installations for the recovery and/or final disposal of household waste;

8. fails to organise the collection, the recovery or the disposal of construction and demolition waste generated by households from refurbishment operations within the territory of the relevant municipality;

9. fails to organise within the set time limit the separate collection of household waste within the territory of the municipality of at least the following waste materials: paper and cardboard, metal, plastic and glass;

10. fails to organise the operations for separate collection of ordinary waste or to designate sites for necessary elements of the systems for separate collection and/or sites for submission of ordinary waste;

11. fails to take the necessary measures for attaining the targets for preparing for re-use and recycling pursuant to Article 31, paragraph 1 in accordance with the decision referred to in Article 26, paragraph 1, item 6;

12. fails to take the necessary measures for preparing and issuing a decision pursuant to Article 26, paragraph 1 or for the implementation thereof;

13. fails to organise the separate collection and storage of household biodegradable waste, including sites for the necessary elements of the system for separate collection of waste and its submission for composting or anaerobic decomposition, in the cases where this is required pursuant to the ordinance referred to in Article 43, paragraph 5;

14. fails to ensure within the set time limit sites for free-of-charge submission of separately collected waste from households, including large-scale waste, hazardous waste, FNFMW and other in all populated areas with a population of more than 10,000 people;

15. fails to organise the cleaning of municipal roads in accordance with Article 12;

16. fails to provide information to the general public pursuant to Article 19, paragraph 3, item 13;

17. fails to keep a register of sites for submission of waste referred to in Article 19, paragraph 3, item 14;

18. fails to take the necessary measures for measurement and/or ascertaining the quantities and/or composition of waste in cases where this is required.

(3) A fine of BGN 7,000 or exceeding this amount but not exceeding BGN 20,000, unless subject to a severer sanction, shall be imposed on an official who:

1. authorises the commissioning of waste-generating projects without compliance with the requirements for acceptance of the project;

2. designates a site for waste treatment facilities without conducting the required

investigation, or, where the results of said investigation indicate that construction of the site will endanger human health and the environment and/or breach the requirements of this Act and the statutory instruments of secondary legislation for its implementation;

3. fails to discharge the obligations thereof to establish the requirements for safe liquidation of operations and reclamation of the grounds upon discontinuance of the waste treatment operation;

4. authorises the commissioning of installations and facilities for recovery or disposal of hazardous waste where the requirements of this Act are not complied with;

5. in violation of the effective legislation, releases from customs control any waste carried through the international border;

6. fails to take prompt measures for the prevention of illegal shipment of waste, for provisional immobilisation of the shipment or for elimination of other consequences of the violations;

7. approves an investment plan or a plan for management of construction and demolition waste which does not envisage measures for the attainment of the recovery and recycling targets for construction and demolition waste or the measures envisaged do not ensure said results;

8. fails to take the necessary measures for attaining and/or fails to attain the recovery and recycling targets for construction and demolition waste laid down with the ordinance referred to in Article 43, paragraph 4.

(4) An official who fails to comply with the prohibition under Article 9, paragraph 1 shall be sanctioned with a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(5) A fine of BGN 5,000 or exceeding this amount but not exceeding BGN 15,000, unless subject to a severer sanction, shall be imposed on an official who:

1. issues a permit or a registration document for collection, storage, transport, recovery or disposal of waste in violation of the requirements of this Act;

2. fails to take the necessary measures for establishing breaches of the requirements of this Act or the statutory instruments of secondary legislation for its implementation and/or for imposing sanctions;

3. fails to take the necessary measures for eliminating a violation which has been established.

(6) Repeated violations shall be sanctioned with a fine, as follows:

1. under paragraph 1 - BGN 2000 or exceeding this amount but not exceeding BGN 8000;

2. under paragraph 2 - BGN 6000 or exceeding this amount but not exceeding BGN 20,000;

3. under paragraph 3 - BGN 14,000 or exceeding this amount but not exceeding BGN 40,000;

4. under paragraph 4 - BGN 2000 or exceeding this amount but not exceeding BGN 10,000;

5. under paragraph 5 - BGN 10,000 or exceeding this amount but not exceeding BGN 30,000.

Article 152. (1) For violations referred to in Article 23, paragraph 1 municipal mayors and/or officials shall be sanctioned with a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 BGN.

(2) The chairperson of a regional association who fails to comply with the obligation to convene the general meeting shall be sanctioned with a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 BGN.

Article 153. Any municipal mayor who fails to take the measures referred to in Article 21, paragraph 1 or fails, within the statutorily set time limit, to take the measures for preparation, construction, closure and after-care of the landfill site and other facilities for treatment of household and/or construction and demolition waste shall be sanctioned with a fine of 20,000 BGN.

Article 154. When the producers of waste referred to in Article 55, paragraph 1 are identified, natural persons are sanctioned with a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000, and legal persons and sole traders are sanctioned with a pecuniary penalty of BGN 6,000 or exceeding this amount but not exceeding BGN 20,000.

Article 155. (1) For other violations of this Act which do not constitute criminal offences natural persons, municipality mayors or officials shall be sanctioned with a fine of BGN 500 or exceeding this amount but not exceeding BGN 3,000, and legal persons or sole traders shall be sanctioned with a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 6000.

(2) Repeated violations shall be sanctioned with a fine or pecuniary penalty in an amount double of the one indicated in paragraph 1.

Article 156. (1) For non-compliance with a prescription under Article 113, paragraph 3 or Article 120 natural persons shall be sanctioned with a fine of BGN 2000 or exceeding this amount but not exceeding BGN 10,000, and legal persons shall be sanctioned with a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 20,000.

(2) In case of a repeated violation natural persons shall be sanctioned with a fine of BGN 4,000 or exceeding this amount but not exceeding BGN 20,000, and legal persons shall be sanctioned with a pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN BGN 40,000.

Article 157. (1) Violations referred to in Article 133, paragraphs 1 and 2, Article 134, paragraphs 1 and 2 and Article 146 shall be ascertained by a written statement of the RIEW director or officials authorised thereby, as well as by officials authorised by the mayor of the respective municipality.

(2) Violations referred to in Article 133, paragraph 4, Articles 135 - 138, 140, 141, 143, 144, Article 147, paragraph 1, Article 149, Article 151, paragraphs 1 - 4 and Articles 152 - 154 shall be ascertained by a written statement of the RIEW director or officials authorised thereby, while violations referred to in Article 147, paragraph 2 - by an act of the relevant control authority under Article 125 or officials authorised thereby.

(3) Violations referred to in Article 148 and Article 151, paragraph 5 shall be ascertained by a written statement of the Minister of Environment and Water or officials authorised thereby.

(4) The penalty decrees referred to in paragraphs 1, 2 and 3 shall be issued respectively by the Minister of Environment and Water or officials authorised thereby, as well as by the municipal mayor or an official authorised thereby in the cases referred to in paragraph 1.

(5) Violations referred to in Article 133, paragraph 3 and Article 145 shall be ascertained by a written statement of the bodies of the Ministry of Interior or officials authorised by the RIEW director or the municipal mayor, while the penalty decrees shall be issued by the Minister of Environment and Water or officials authorised thereby.

Article 158. Violations referred to in Article 150 shall be ascertained by a written statement of the control authorities referred to in Article 116, paragraph 2, and the penalty decrees shall be issued by the Minister of Environment and Water or officials authorised thereby.

Article 159. Violations referred to in Article 139 shall be ascertained by a written statement of officials authorised by the RHI director or the RIEW director, while the penalty decrees shall be issued by the RHI director or the RIEW director.

Article 160. Ascertainment of violations, issue, appeal and enforcement of penalty decrees shall be carried out according to the procedure established by the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISIONS

§ 1. Within the meaning of this Act:

1. "Biomass" means products consisting of any whole or part of a vegetable matter from agriculture or forestry, which can be used for the purpose of recovering its energy content as well as the following types of waste:

a) vegetable waste from agriculture and forestry;

b) vegetable waste from the food processing industry, if the heat generated by the

incineration is recovered;

c) fibrous vegetable waste from virgin pulp production and from production of paper from pulp, if it is co-incinerated at the place of production and the heat generated is recovered;

d) cork waste;

e) wood waste, including wood waste originating from construction and demolition waste, with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coating.

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 waste" means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, paper, paperboard and other.

4. "Household waste" means "waste from households" and "waste comparable to waste from households".

5. "Broker" means any natural or legal person arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste.

6. "Landfilling of waste" means a method which does not envisage further waste treatment and constitutes the storage of waste for a period longer than three years where waste destined for recovery is concerned and for a period of one year where waste destined for disposal is concerned, in a manner which does not pose a threat to human health and the environment.

7. "Ordinary waste" means waste generated after use of products from multiple sources within the territory of the entire country which, due to its characteristics, requires special management.

8. "Mining waste" means technological waste from the prospecting, extraction and processing of subsurface resources generated as a result of operations for an exploration and/or prospection license or for concessions for production.

9. "Best available techniques" means best available techniques as defined in § 1, item 42 of the supplementary provisions на the Environmental Protection Act.

10. "Backfilling" means a recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping and where the waste is a substitute for non-waste materials.

11. "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 sets out a non-exhaustive list of disposal operations.

12. "Hazardous waste" means waste which displays one or more of the hazardous properties listed in Annex No.3.

13. "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 sets out a non-exhaustive list of recovery operations.

14. "Material recovery" means any recovery operation, excluding energy recovery and the reprocessing into materials which are to be used as fuel.

15. "Recovery of materials from construction and demolition waste" means all operations for recovery of construction and demolition waste with the exception of incineration with energy recovery and reprocessing into materials which are to be used as fuel. The recovery shall also include operations for preparing for re-use, recycling or other material recovery.

16. "Recovery scheme operator" means a legal person registered pursuant to the Commerce Act or pursuant to the relevant national legislation which does not distribute profit and manages and/or carries out the operations for separate collection, recycling and recovery of ordinary waste.

17. "Waste" means any substance or object which the holder discards or intends or is required to discard.

18. "Waste from households" means waste generated by households.

19. "Ferrous and non-ferrous metal waste" means technological waste generated in the extraction, processing or mechanical treatment of ferrous and non-ferrous metals and alloys, scrapped machinery, installations, details and structures of industrial, construction or consumer nature, with the exception of hazardous waste.

20. "Consumer ferrous and non-ferrous metal waste" means ferrous and non-ferrous metal waste (FNFMW) generated from everyday activities of humans in residential, administrative, social and public buildings. This definition shall also encompass ferrous and non-ferrous metal waste generated at retail premises, service shops, and recreational and entertainment facilities.

21. "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 and gearbox oils, lubricating oils, oils for turbines and hydraulic oils.

22. "Market price" is the price within the meaning of § 1, item 8 of the supplementary provisions of the Tax and Social Insurance Procedure Code.

23. "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.

24. "Repeated violation" means a violation committed within one year of the coming into

force of the penalty decree with which the offender was sanctioned for a violation of the same type.

25. "Preparing for re-use" means operations for recovery such as 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.

26. "Similar waste" means waste in nature and composition comparable to waste from households, excluding industrial waste and waste from agriculture and forestry.

27. "Preliminary storage" means waste storage activity on the site where it is generated pending its collection in facilities where waste is unloaded to permit its preparation for further transport for recovery or disposal elsewhere.

28. "Prevention" means measures taken before a substance, material or product has become waste that 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.

29. "Waste holder" means the waste producer or the natural or legal person who is in possession of the waste.

30. "Waste producer" means any natural or legal person whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste.

31. "Producer of the product" means any natural or legal person who professionally develops, manufactures, processes, treats, sells, introduces from a European Union member state, or imports products on the market in the Republic of Bulgaria.

32. "Industrial waste" means waste generated as a result of industrial activities of natural and legal persons.

33. "Placing on the market" means the first making available of a product, free of charge or against payment, with a view to said product's distribution and/or use within the territory of the Republic of Bulgaria, as well as the import and making available within the territory of the Republic of Bulgaria of a product by a person for this person's own commercial, manufacturing or professional operations.

34. "Separate collection" means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment.

35. "Extended producer responsibility" is an environmental principle applied as a combination of measures aimed at reducing the overall environmental impact of a given product by introduction of obligations and responsibilities of the product producer throughout the product's whole life cycle, more specifically for limiting the content of hazardous substances, take-back, re-use, recycling, recovery and disposal of waste formed after use of the product.

36. "Regeneration of waste oils" means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils.

37. "Recycling" means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.

38. "Related parties" means the persons within the meaning of § 1 of the Commerce Act.

39. "Construction and demolition waste" means waste from construction and demolition corresponding to the waste codes listed in Chapter 17 of the Index to Commission Decision 2000/532/EC of 3 May 2000 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 and its subsequent amendments.

40. "Landfill after-care" means operations relating to maintenance of the landfill site following its closure, control and monitoring of environmental parameters and removal of possible adverse impacts of the landfill on the environment and the human health for the post-closure period set by the competent authorities for said landfill.

41. "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.

42. "Storage" means an operation related to the storage of waste from its collection until its treatment for a period not longer than:

a) three years, applicable to waste destined for recovery;

b) one year, applicable to waste destined for disposal.

43. "Transport" means the movement of waste, including the accompanying operations of loading, reloading and offloading, where carried out by the operator as a self contained activity.

44. "Waste treatment" means recovery or disposal operations, including preparation prior to recovery or disposal.

45. "Dealer" means any natural or legal person which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste.

46. "Waste management" means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker.

§ 2. This Act implements the requirements of:

1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312/3, 22 November 2008);

2. 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;

3. Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste;

4. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste;

5. Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE);

6. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste;

7. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles;

8. Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT);

9. Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture;

10. Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry;

11. Council Directive 82/883/EEC of 3 December 1982 on procedures for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry;

12. Council Directive 92/112/EEC of 15 December 1992 on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry.

§ 3. (1) The Minister of Environment and Water shall be the national competent authority and coordinator under all international agreements related to the subject matter of this Act to which the Republic of Bulgaria is a party.

(2) The Minister of Environment and Water shall be the national competent authority for informing, reporting to and notifying the European Commission pursuant to Directive 2008/98/EC, including:

1. notification of each case of waste classification pursuant to Article 3, paragraphs 4 and 5;

2. notification of decisions under Article 5, paragraph 2 determining that certain waste ceases to be considered as such, in cases where no EU-level criteria are applicable;

3. submission of the report referred to in Article 49, paragraph 11;

4. provision of information on the general rules laid down according to the procedure established by Article 35, paragraph 6;

5. submission of information on the adoption of the waste management plan referred to in Article 49 and the waste prevention programme referred to in Article 50, as well as on all material changes thereto;

6. every three years, submission in electronic format of a sectoral report on the implementation of the Directive containing information on the management of waste oils and on the progress of implementation of the waste prevention programmes and, where appropriate, information on the measures for extended producer responsibility;

7. notification of decisions referred to in Article 98, paragraph 3.

TRANSITORY AND CONCLUDING PROVISIONS

§ 4. The Waste Management Act (Promulgated, State Gazette No. 86/2003; amended, No. 70/2004, Nos. 77, 87, 88, 95 and 105/2005, Nos. 30, 34, 63 and 80/2006, No. 53/2007, Nos. 36, 70 and 105/2008, No. 82 and No. 95/2009, Nos. 41, 63 and 98/2010, No. 8, 30, 33 and 99/2011; Constitutional Court Resolution No. 3 /2012 - No. 26/2012; amended, No. 44/2012) shall be repealed.

§ 5. (1) Procedures for issue, amendment, supplementing or prolongation of permits, registration documents and licenses for trade in ferrous and non-ferrous metal wastes (FNFMW) pursuant to the repealed Waste Management Act which have not been completed by the date of entry into force of this Act shall be terminated ex officio by the competent authority, and the fee paid shall be refunded upon request by the applicant.

(2) Procedures for approval of programmes for management of waste-related operations pursuant to the repealed Waste Management Act which have not been completed by the date of entry into force of this Act shall be terminated ex officio by the competent authority, and the fee

paid shall be refunded upon request by the applicant.

§ 6. (1) Permits and registration documents for waste-related operations issued according to the procedure established by the repealed Waste Management Act, except in the cases referred to in paragraph 2 and § 7, paragraphs 6 and 7, shall remain effective until the expiry of their period of validity but for no more than three years of the entry into force of this Act.

(2) Where a permit referred to in paragraph 1 issued by the Minister of Environment and Water needs to be amended and supplemented, an application for a new permit shall be submitted according to the procedure established by Article 67 to the director of the RIEW on whose territory are located the sites circumstances whereof are subject to change pursuant to Article 73. The permit referred to in paragraph 1 shall remain effective with respect to the sites and waste-related operations within the territory of the respective RIEW until the competent authority has made a decision on said application. The permit issued according to the procedure established by Article 67 shall cover all sites and waste-related operations within the territory of the respective RIEW.

(3) Where the registration document needs to be amended and supplemented, an application for a new registration document shall be submitted according to the procedure established by Article 78.

(4) Certificates issued pursuant to Article 84, paragraph 4 of the repealed Waste Management Act shall remain effective until 31 December 2012.

§ 7. (1) Within 6 months of the entry into force of this Act persons holding a license for trade in FNFMW issued according to the procedure established by the repealed Waste Management Act shall submit an application for a permit referred to in Article 67 to the director of the RIEW on whose territory the sites for waste-related operations are located.

(2) In the cases referred to in paragraph 1 the license for trade in FNFMW shall remain effective until the competent authority has made a decision on the application referred to in paragraph 1.

(3) Where an application pursuant to paragraph 1 has not been submitted, the license shall remain effective within 6 months of the entry into force of this Act.

(4) Within three months of the expiry of the timeframe referred to in paragraph 3 the license holder shall be obliged to discontinue its operations, sell the available quantities of FNFMW and take the measures necessary to clean up the sites.

(5) Within 6 months of the entry into force of this Act persons holding a permit and/or a registration document issued pursuant to the procedure established by the repealed Waste Management Act for operations relating to storage and preliminary treatment of waste from metal packaging, WEEE, WBA and EOLV shall file an application for a permit referred to in Article 67 to the director or the RIEW on whose territory the sites for waste-related operations are located.

(6) In the cases referred to in paragraph 5 the permit and the registration document issued

according to the procedure established by the repealed Waste Management Act, shall remain effective until the competent authority has made a decision on the application referred to in paragraph 5.

(7) Where an application as referred to in paragraph 5 has not been submitted, the permits and the registration documents under paragraph 5 shall remain effective for a period of 6 months of the entry into force of this Act.

(8) Within three months of the expiry of the timeframe referred to in paragraph 7 the person shall be obliged to discontinue its operations and to take the measures necessary to clean up the sites.

(9) Within one month of the entry into force of this Act the Minister of Economy, Energy and Tourism shall provide to the Minister of Environment and Water the information from the register referred to in Article 26, paragraph 2 of the repealed Waste Management Act by means of electronic media.

§ 8. (1) Recovery scheme operators which have obtained permits prior to the entry into force of this Act, shall bring their operations in compliance with the requirements thereof and shall submit an application pursuant to Article 81, paragraph 2 for a new permit within 6 months of the entry into force of this Act. Permits issued prior to the entry into force of this Act shall remain effective until the competent authority has made its decision on the application.

(2) Where an application as referred to in paragraph 1 has not been submitted, the permits shall remain effective until 31 December 2012 and evidence of attainment of the targets for 2012 shall be presented.

§ 9. (1) The statutory instruments of secondary legislation for the implementation of this Act shall be issued/adopted within 6 months of its entry into force.

(2) The statutory instruments of secondary legislation issued/adopted pursuant to the repealed Waste Management Act shall apply until the adoption of the instruments referred to in paragraph 1, to the extent that they are not inconsistent with this Act.

§ 10. The targets for recycling and recovery of packaging waste set out in Article 11, paragraphs 2 and 3 of the repealed Waste Management Act shall apply until the adoption of the relevant ordinance referred to in Article 13, paragraph 1.

§ 11. Programmes adopted pursuant to Article 29, paragraph 1, item 1 of the repealed Waste Management Act shall remain effective until the expiry of their period of validity but for no more than two years of the entry into force of this Act.

§ 12. Ordinances adopted by municipal councils pursuant to Article 19 of the repealed Waste Management Act shall remain effective until the adoption of the ordinances referred to in Article 22 but no later than two years after the entry into force of this Act.

§ 13. (1) Regional associations of municipalities established according to the procedure

established by Article 19b of the repealed Waste Management Act shall remain in existence. Article 24, paragraphs 1 and 2 shall not apply to municipalities which established regional associations according to the procedure laid down by the repealed Waste Management Act.

(2) Pre-existing regional associations and agreements established according to the procedure laid down in Article 19a of the repealed Waste Management Act prior to 23 May 2010 shall be subject to termination no later than 31 December 2014. Where municipalities choose to retain pre-existing regional associations and agreements, they shall be entitled to funding for waste management projects pursuant to Article 24, paragraph 9 no later than 31 December 2014.

§ 14. (1) The sites referred to in Article 19, paragraph 3, item 11 shall be made available for up to two years after the entry into force of this Act.

(2) During the period referred to in paragraph 1 natural persons shall be able to submit consumer FNFMW provided that they have a declaration of origin and only to persons holding:

1. a permit or integrated permit pursuant to Article 35, paragraph 1;

2. a license for trading in FNFMW with a term of validity as referred to in § 7.

§ 15. The targets referred to in Article 31, paragraph 1, item 1 for preparing for re-use and recycling of waste materials which include at least paper and cardboard, metal, plastic and glass from households and similar waste from other sources shall apply, as follows:

1. no later than 1 January 2016 - as a minimum 25 per cent of the total weight of waste;

2. no later than 1 January 2018 - as a minimum 40 per cent of the total weight of waste;

3. no later than 1 January 2020 - as a minimum 50 per cent of the total weight of waste.

§ 16. The targets referred to in Article 32, paragraph 1 for re-use, recycling and other recovery of materials, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste, with the exception excavated soil, land and rock in their natural state which do not contain hazardous substances, shall apply, as follows:

1. no later than 1 January 2016 - as a minimum 35 per cent of the total weight of waste;

2. no later than 1 January 2018 - as a minimum 55 per cent of the total weight of waste;

3. no later than 1 January 2020 - as a minimum 70 per cent of the total weight of waste.

§ 17. The registers referred to in Article 45, paragraph 1, items 4 - 9 and Article 46 shall be set up within 6 months of the entry into force of this Act.

§ 18. (1) The plan referred to in Article 49, paragraph 1 shall be adopted within two years of the entry into force of this Act.

(2) The national programme for management of waste-related operations referred to in Article 28, paragraph 1 of the repealed Waste Management Act shall remain effective until the adoption of the plan referred to in Article 49, paragraph 1.

(3) The programme referred to in Article 50, paragraph 1 shall be drawn up and submitted to the Council of Ministers no later than 12 December 2013.

§ 19. (1) The requirements of Article 60 shall not apply to regional and municipal landfills the residual capacity whereof as at 1 January 2011 is less than 10 per cent of the total capacity of the landfill which is in operation.

(2) The requirements of Article 60 shall not apply to landfills the operation whereof is scheduled for discontinuance prior to 1 January 2012.

(3) For the landfills referred to in paragraphs 1 and 2 deductions shall be made to a minimum amount laid down with the ordinance referred to in Article 43, paragraph 2 until the operation of such landfills is discontinued.

§ 20. The provisions of Article 138, paragraph 3, item 7 shall apply after the deadlines set in Annex No. 5 for the facilities expire.

§ 21. R12 and R13 operations as referred to in Annex No. 2, as well as the submission for preparation for recovery shall not count towards attainment of the targets for re-use, recycling and recovery of ordinary waste established with the ordinances referred to in Article 13, paragraph 1.

§ 22. Applications and documents shall not be submitted by electronic means in the cases stipulated by law until the launch of the information technology system ensuring their processing in accordance with the requirements of the Electronic Document and Electronic Signature Act.

§ 23.§ 23. The Spatial Development Act (Promulgated, State Gazette, No. 1/2001; amended, No. 41 and No. 111/2001, No. 43/2002, Nos. 20, 65 and 107/2003, Nos. 36 and 65/2004, Nos. 28, 76, 77, 88, 94, 95, 103 and 105/2005, Nos. 29, 30, 34, 37, 65, 76, 79, 80, 82, 106 and 108/2006, Nos. 41, 53 and 61/2007, Nos. 33, 43, 54, 69, 98 and 102/2008, Nos. 6, 17, 19, 80, 92 and 93/2009, Nos. 15, 41, 50, 54 and 87/2010, Nos. 19, 35, 54 and 80/2011, Nos. 29, 32, 38, 45 and 47/2012) shall be amended and supplemented, as follows:

1. In Article 98, paragraph 3 the words "the Limitation of the Harmful Impact of Waste on the Environment Act" shall be replaced by "the Waste Management Act".

2. A new item 9 shall be added to Article 142, paragraph 5, as follows:

"9. the requirements for selective separation of waste generated during works and demolition operations with a view to ensuring subsequent recovery, including recycling and attainment of the targets for recovery and recycling."

3. Paragraph 9 in Article 148 shall be amended, as follows:

"(9) The construction permit shall contain:

1. all factual and legal grounds for its issue;

2. conditions relating to completion of the construction works, including the recovery of the humus layer;

3. measures for selective separation of waste generated during works and demolition operations and for ensuring their subsequent recovery, including recycling, and

4. removal of buildings without building-development mode or preservation of such buildings until completion of construction works."

4. In Article 178, paragraph 3:

a) in item 5 the words "Article 71a" shall be replaced by "Article 60";

b) a new item 6 shall be added:

"6. a permit or registration document for waste-related operations has not been issued, where such a permit or document is required according to the procedure established by Articles 67 and 78 of the Waste Management Act."

5. A new third sentence shall be added to Article 196, paragraph 3, as follows: "The removal of construction works shall be carried out following the approval of a plan for management of construction and demolition waste pursuant to Article 11 of the Waste Management Act."

6. In Article 197, paragraph 1 the words "the Geodesy, Cartography and Cadastre Agency" shall be followed by "and following the approval of a construction and demolition waste management plan pursuant to Article 11of the Waste Management Act".

7. In § 5of the supplementary provisions item 35 shall be amended, as follows:

"35. "Waste treatment" means operations for recovery or disposal, including preparation prior to recovery or disposal."

§ 24. In the Local Taxes and Fees Act (Promulgated, State Gazette No. 117/1997; amended, Nos. 71, 83, 105 and 153/1998, No. 103/1999, Nos. 34 and 102/2000, No. 109/2001, Nos. 28, 45, 56 and 119/2002, Nos. 84 and 112/2003, Nos. 6, 18, 36, 70 and 106/2004, Nos. 87, 94, 100, 103 and 105/2005, Nos. 30, 36 and 105/2006, Nos. 55 and 110/2007, Nos. 70 and 105/2008, Nos. 12, 19, 41 and 95/2009, No. 98/2010 and No. 19, 28, 31, 35 and 39/2011; Constitutional Court Resolution No. 5/2012 - No. 30/2012) Article 66, paragraph 1 shall be amended and supplemented, as follows:

1. In item 2 the word "collection" shall be followed by a comma and the words "including

separate collection" shall be added, and the word "disposal" shall be replaced by the word "treatment".

2. In item 3 the words "Articles 71a and 71f" shall be replaced by "Articles 60 and 64".

§ 25. In the Restricting of Administrative Regulation and Administrative Control of Economic Activities Act (Promulgated, State Gazette No. 55/2003; corrected, No. 59/2003; amended, No. 107/2003, Nos. 39 and 52/2004, Nos. 31 and 87/2005, Nos. 24, 38 and 59/2006, Nos. 11 and 41/2007, No. 16/2008, Nos. 23, 36, 44 and 87/2009, Nos. 25, 59, 73 and 77/2010, Nos. 39 and 92/2011, No. 26/2012) item 27 of the Appendix to Article 9, paragraph 1, item 2 shall be repealed.

§ 26. In the Ambient Air Act (Promulgated, State Gazette No. 45/1996; corrected, No. 49/1996; amended, No. 85/1997, No. 27/2000, No. 102/2001, No. 91/2002, No. 112/2003, No. 95/2005, No. 99 and 1022006,No. 86/2007, Nos. 36 and 52/2008, Nos. 6, 82 and 93/2009, Nos. 41, 87 and 88/2010, Nos. 35 and 42/2011, Nos. 32 and 38/2012), in Article 17, paragraph 10, item 3 the words "Article 37" shall be replaced by "Article 67".

§ 27. In the Responsibility for Prevention and Removal of Environmental Damage Act (Promulgated, State Gazette No. 43/2008; amended, No. 12, 32 and 35/2009, No. 77 and 98/2010, No. 92/2011, No. 14/2012), in Annex No. 1 to Article 3, item 1, in item 9 the words "Section V" shall be replaced by "Section IV".

§ 28. In the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act (Promulgated, State Gazette No. 12/2000; amended, No. 111/2001, Nos. 24 and 70/2004, No. 11/2005; Constitutional Court Resolution No. 5 /2005 - No. 45/2005; amended, Nos. 87, 88, 94, 102 and 104/2005, Nos. 30, 36, 43, 65, 99 and 108/2006, Nos. 41, 54 and 109/2007, Nos. 67, 71, 98 and 108/2008, Nos. 47 and 81/2009, Nos. 61 and 88/2010, No. 23/2011 and No. 32/2012), in § 2 of the supplementary provisions, in items 37 and 38 the words "§ 1, item 1" shall be replaced by "§ 1, item 17".

§ 29. In the Technical Requirements to Products Act (Promulgated, State Gazette No. 86/1999; amended, Nos. 63 and 93/2002, Nos. 18 and 107/2003, No. 45, 77, 88, 95 and 105/2005, Nos. 30, 62 and 76/2006, Nos. 41 and 86/2007, No. 74/2009, No. 80/2010, No. 38/2011 and No. 38/2012), § 1, paragraph 1 of the supplementary provisions shall be amended, as follows:

1. In item 22 the words "§ 1, item 17" shall be replaced by "§ 1, item 13".

2. In item 23 the words "§ 1, item 1" shall be replaced by "§ 1, item 17".

3. In item 24 the words "§ 1, item 4" shall be replaced by "§ 1, item 12".

§ 30. In the Road Traffic Act (Promulgated, State Gazette No. 20/1999; amended, No. 1/2000, Nos. 43 and 76/2002, Nos. 16 and 22/2003, Nos. 6, 70, 85 and 115/2004, Nos. 79, 92, 99, 102, 103 and 105/2005, Nos. 30, 34, 61, 64, 80, 82, 85 and 102/2006, Nos. 22, 51, 53, 97 and 109/2007, Nos. 36, 43, 69, 88 and 102/2008, Nos. 74, 75, 82 and 93/2009, Nos. 54, 98 and

100/2010, Nos. 10, 19, 39 and 48/2011; Constitutional Cort Resolution No. 1/2012 - No. 20/2012; amended, No. 47/2012), in § 2, paragraph 1 of the supplementary provisions the words "§ 1, item 1" shall be replaced by "§ 1, item 17".

§ 31. In the Roads Act (Promulgated, State Gazette No. 26/2000; amended, No. 88/2000, No. 111/2001, Nos. 47 and 118/2002, Nos. 9 and 112/2003, Nos. 6 and 14/2004, Nos. 88 and 104/2005, Nos. 30, 36, 64, 102, 105 and 108/2006, No. 59/2007, Nos. 43 and 69/2008, Nos. 12, 32, 41, 42, 75, 82 and 93/2009, No. 87/2010, Nos. 19, 39, 55 and 99/2011, Nos. 38, 44 and 47/2012), in Article 28b, paragraph 4, item 4 the words "Article 16c" shall be replaced by "Article 12".

§ 32. In the Commerce Act (Promulgated, State Gazette No. 48/1991; amended, No. 25/1992, Nos. 61 and 103/1993, No. 63/1994, No. 63/1995, Nos. 42, 59, 83, 86 and 104/1996, Nos. 58, 100 and 124/1997, Nos. 21, 39, 52 and 70/1998, Nos. 33, 42, 64, 81, 90, 103 and 114/1999, No. 84/2000, Nos. 28, 61 and 96/2002, Nos. 19,31 and 58/2003, Nos. 31, 39, 42, 43, 66, 103 and 105/2005, Nos. 38, 59, 80 and 105/2006, Nos. 59, 92 and 104/2007, Nos. 50, 67, 70, 100 and 108/2008, Nos. 12, 23, 32, 47 and 82/2009, Nos. 41 and 101/2010, Nos. 14,18 and 34/2011), in Article 614, paragraph 7 the words "Article 71a, paragraph 1" shall be replaced by "Article 60, paragraph 2".

§ 33. The Environmental Protection Act (Promulgated, State Gazette No. 91/2002; corrected, No. 98/2002; amended, No. 86/2003, Nos. 70, 74, 77, 88, 95 and 105/2005, Nos. 30, 65, 82, 99, 102 and 105/2006, Nos. 31, 41 and 89/2007, Nos. 36, 52 and 105/2008, Nos. 12, 19, 32, 35, 47, 82, 93 and 103/2009, Nos. 46 and 61/2010, Nos. 35 and 42/2011, Nos. 32 and 38/2012) shall be amended and supplemented, as follows:

1. A new paragraph 7 shall be added to Article 93, as follows:

"(7) A decision stating that an EIA is not required shall lose its legal effect if, within 5 years of the date of its issue, the implementation of the development proposal has not begun, which shall be ascertained with an inspection by the control authorities responsible for the environment."

2. Article 118, paragraph 4, item 1 shall be amended, as follows:

"1. pursuant to Article 67 with relation to Article 35of the Waste Management Act;".

3. In Article 131m:

a) in paragraph 1 the words "the Kyoto Protocol" shall be followed by "and projects generating voluntary reductions of greenhouse gas emissions";

b) in paragraph 2, in the text prior to item 1 the words "certified units" shall be followed by "and voluntary reductions of emissions".

4. In § 12a of the transitory and concluding provisions:

a) the present text shall become paragraph 1;

b) a new paragraph 2 shall be added:

"(2) The period referred to in Article 93, paragraph 7 shall start as of the date of entry into force of the opinion or decision referred to in Article 93, paragraphs 2 and 3 and shall apply also to opinions or decisions issued prior to 1 July 2012."

§ 34. The implementation of this Act shall be entrusted to the Minister of Environment and Water.

§ 35. This Act shall become effective as of the day of its promulgation in the State Gazette with the exception of the provisions of:

1. Article 10, paragraphs 3 and 6, Article 11, paragraph 1, Article 19, paragraph 5, Article 38, paragraph 4 and Article 39, paragraph 3 which shall become effective two years after the entry into force of this Act;

2. Article 33, paragraph 4 and Article 34 which shall become effective on 1 January 2013;

3. Article 49, paragraph 8 which shall become effective on 1 January 2015.

This Act was adopted by the 41st National Assembly on the 28th day of June 2012, and the Official Seal of the National Assembly has been affixed thereto.

Annex No. 1

to § 1, item 11 of the supplementary provisions

DISPOSAL OPERATIONS

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 sludgy discards into pits, ponds or lagoons, etc.).

D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.).

D 6 Release into a water body except seas/oceans.

D 7 Release to seas/oceans including sea-bed insertion.

D 8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12.

D 9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of

any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)

D 10 Incineration on land.

D 11 Incineration at sea (*).

D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.).

D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12 (**).

D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13.

D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced) (***).

_____

(*)This operation is prohibited by EU legislation and international conventions.

(**)If there is no other D code appropriate, this can include preliminary operations prior to disposal including pre-processing such as, inter alia, sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D12.

(***)Temporary storage means preliminary storage according to § 1, item 27 of the supplementary provisions.

Annex No. 2

to § 1, item 13 of the supplementary provisions

RECOVERY OPERATIONS

R 1 Use principally as a fuel or other means to generate energy (*).

R 2 Solvent reclamation/regeneration.

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

R 4 Recycling/reclamation of metals and metal compounds.

R 5 Recycling/reclamation of other inorganic materials (***).

R 6 Regeneration of acids or bases.

R 7 Recovery of components used for pollution abatement.

R 8 Recovery of components from catalysts.

R 9 Oil re-refining or other reuses of oil.

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

R 11 Use of 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 (****).

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) (*****).

(*) 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:

Energy efficiency = (Ep - (Ef + Ei))/(0,97 x (Ew + Ef)) in which:

Ep means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2,6 and heat produced for commercial use multiplied by 1,1 (GJ/year)

Ef means annual energy input to the system from fuels contributing to the production of steam (GJ/year)

Ew means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

Ei means annual energy imported excluding Ew and Ef (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.

(**) This includes gasification and pyrolisis using the components as chemicals.

(***) This includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.

(****) If there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, inter alia, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11.

(*****) Temporary storage means preliminary storage according to § 1, item 27 of the supplementary provisions.

Annex No. 3

to § 1, item 12 of the supplementary provisions

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-A "Highly flammable":

- liquid substances and preparations having a flash point below 21 °C (including extremely flammable liquids), or

- substances and preparations which may become hot and finally catch

fire in contact with air at ambient temperature without any application of energy, or

- solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or

- gaseous substances and preparations which are flammable in air at normal pressure, or

- substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.

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 serious, acute or chronic health risks and even death.

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 death.

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 and/or damage male and female reproductive function or ability.

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 Substances and preparations which release 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 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. a 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" is made on the basis of the criteria laid down by Annex No. 1 to the Ordinance on the procedure and manner of classification, packaging and labelling of chemical substances and mixtures (State Gazette, No. 68/2010) or Annex I to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353/1, 31 December 2008).

2. Where relevant, Annexes No. 7 and No. 8 to the Ordinance on the procedure and manner of classification, packaging and labelling of chemical substances and mixtures or to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 shall apply to hazardous mixtures.

Test methods

The methods to be used are described in Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142/1, 31 May 2008), and in other relevant European Committee for Standardisation (CEN) notes.

Annex No. 4

to Article 50, paragraph 3, item 2

EXAMPLES OF WASTE PREVENTION MEASURES

Measures that can affect the framework conditions related to the generation of waste:

1. The use of planning measures, or other economic instruments promoting the efficient use of resources.

2. The promotion of research and development into the area of achieving cleaner and less wasteful products and technologies and the dissemination and use of the results of such research and development.

3. The development of effective and meaningful indicators of the environmental pressures associated with the generation of waste aimed at contributing to the prevention of waste generation at all levels, from

product comparisons at Community level through action by local authorities to national measures.

Measures that can affect the design and production and distribution phase:

4. The promotion of eco-design (the systematic integration of environmental aspects into product design with the aim to improve the environmental performance of the product throughout its whole life cycle).

5. The provision of information on waste prevention techniques with a view to facilitating the implementation of best available techniques by industry.

6. Organise training of competent authorities as regards the insertion of waste prevention requirements in permits under Article 35, paragraph 1.

7. The inclusion of measures to prevent waste production at installations not falling under Annex No. 4 of the Environmental Protection Act.

Where appropriate, such measures could include waste prevention assessments or plans.

8. The use of awareness campaigns or the provision of financial, decision making or other support to businesses. Such measures are likely to be particularly effective where they are aimed at, and adapted to, small and medium sized enterprises and work through established business networks.

9. The use of voluntary agreements, consumer/producer panels or sectoral negotiations in order that the relevant businesses or industrial sectors set their own waste prevention plans or objectives or correct wasteful products or packaging.

10. The promotion of creditable environmental management systems, including EMAS and ISO 14001. Measures that can affect the consumption and use phase:

11. Economic instruments such as incentives for clean purchases or the institution of an obligatory payment by consumers for a given article or element of packaging that would otherwise be provided free of charge.

12. The use of awareness campaigns and information provision directed at the general public or a specific set of consumers.

13. The promotion of creditable eco-labels.

14. 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.

15. In the context of public and corporate procurement, the integration of environmental and waste prevention criteria into calls for tenders and contracts, in line with the Handbook on environmental public procurement published by the Commission on 29 October 2004.

16. The promotion of the reuse and/or repair of appropriate discarded products or of their components, notably through the use of educational,

economic, logistic or other measures such as support to or establishment of
accredited repair and reuse-centres and networks especially in densely populated regions.

Annex No. 5
to § 20 of the transitory and concluding provisions

No.	Type of facility	Facility location	Operator	Deadline
1	2	3	4	5
.	Slag dump	Devnya, Devnya Municipality,Varna District	Polimeri AD, Devnya	31.12.2011
.	Padina Cinder and Slag dump	Padina Village, Avren Municipality, Varna District	Solvay Sodi AD, Devnya	31.12.2014
.	Cinder dump	Ezerovo Village, Beloslav Municipality, Varna District	Varna TPP EAD, Ezerovo Village, Beloslav Municipality	First section of the cinder dump – 01.01.2013. Second section of the cinder dump – 31.12.2014
.	Cinder dump	Svishtov, Svishtov Municipality, Veliko Turnovo District	Sviloza TPP AD, Svishtov	Fourth section of the cinder dump – 31.12.2014
.	Cinder dump	Gorna Oryahovitsa, Gorna Oryahovitsa Municipality, Veliko Turnovo District	Zaharni Zavodi AD, Gorna Oryahovitsa	31.12.2014
.	Cinder dump	Vidin, Vidin Municipality, Vidin District	Vidachim AD, Vidin	Third section of the cinder dump – 31.12.2014
.	Cinder dump	Rousse, Rousse Municipality, Rousse District	Rousse District Heating Company EAD, Rousse-East TPP	North sector of the cinder dump – 31.12.2014

.	Koudin Dol Cinder Dump	Pernik, Pernik Municipality, Pernik District	Pernik District Heating Company EAD, Pernik	31.12.2014
.	Kamenik Cinder Dump	Kamenik Village, Boboshevo Municipality, Kyustendil District	Bobov Dol TPP EAD, Golemo Selo Village, Bobov Dol Municipality	First section of the cinder dump – 01.01.2013. Second section of the cinder dump – 31.12.2014
0.	Goren Byuk Cinder Dump	Dimitrovgrad, Dimitrovgrad Municipality, Haskovo District	Maritsa 3 TPP AD, Dimitrovgrad	31.12.2011. In case of plant operation for less than 20 000 hours between 01.01.2008 and 31.12.2015
1.	Galdoushki Livadi Cinder Dump	Dimitrovgrad, Dimitrovgrad Municipality, Haskovo District	Maritsa 3 TPP AD, Dimitrovgrad	31.03.2014. In case of plant operation for less than 20,000 hours between 01.01.2008 and 31.12.2015