



## **AKTIVA sistem doo**

Establishment of a company | Accounting agency | Tax advice  
[www.aktivasisistem.com](http://www.aktivasisistem.com)

---

# **WASTE MANAGEMENT ACT**

("Off. Herald of RS", Nos. 36/2009, 88/2010, 14/2016 and 95/2018 - other law)

## **I BASIC PROVISIONS**

### **Scope**

#### **Article 1**

The present Act regulates: kinds and classification of waste; waste management planning; waste management agents; responsibilities and duties associated with waste management; waste management organization; management of special streams of waste; requirements and procedure for the issuance of licenses; cross-border movement of waste; reporting on waste and database; waste management financing; monitoring, as well as other matters of importance for waste management.

Waste management is an activity of general interest.

### **Statutory Goals**

#### **Article 2**

The goal of the present Act is to provide and secure conditions for the following:

- 1) Waste management in a manner that does not endanger human health and the environment;
- 2) Prevention of waste generation, particularly by developing cleaner technologies and rational use of natural resources, as well as the elimination of the danger of its harmful effect on human health and the environment;
- 3) Recovery and recycling of waste, separation of secondary raw materials from waste and use of waste as an energy source;
- 4) Development of the waste disposal procedures and methods;
- 5) Rehabilitation of disorderly dumping sites;
- 6) Monitoring the state of the existing and newly-formed dumping sites;
- 7) Development of waste management awareness.

### **Manner of Managing Waste**

#### **Article 3**

Waste is managed in such a manner as will pose the least risk to the life and health of people and

the environment, by checking on and measures for the reduction of the following:

- 1) Water, air and soil pollution;
- 2) Hazards to the flora and fauna;
- 3) Accident, explosion or fire hazards;
- 4) Negative effects on areas and natural assets of special value;
- 5) Noise and unpleasant smell levels.

## Non-Applicability

### Article 4

The provisions of the present Act are not applicable to the following:

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

The provisions of the present Act, to the extent in which waste management is governed by other regulations, are not applicable to the following:

- 1) Waste water;
- 2) By-products of animal origin, including the resulting products to which the regulations dealing with veterinary medicine is apply, except those which are intended for incineration, use in biogas or composting plants or disposal to a sanitary landfill under specific conditions, and in accordance with a special regulation;
- 3) Carcasses of animals that have not been slaughtered, as well as animals that have been killed to eradicate epizootic diseases, and that are disposed of according to the regulations dealing with veterinary medicine;
- 4) Waste resulting from prospecting, excavation, exploitation, processing and stockpiling of mineral resources, as well as from the working of quarries to which the regulations on mining waste management apply.

The provisions of the present Act is not be applied to the sediments relocated inside surface waters for the purpose of managing waters and waterways or of preventing floods or mitigating the effects of floods or droughts or land amelioration if it is proved that the sediments are non-hazardous.

## Meaning of Expressions

### Article 5

The expressions used in this Act have the following meaning:

- 1) *Anaerobic digestion* is a process in which a biodegradable substance is decomposed in the absence of oxygen;
- 2) *Bio-waste* is a biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, and comparable waste from food processing plants;
- 3) *Waste collection centre* is a place designated by the decision of the municipality, city, i.e. City of Belgrade (hereinafter: the local government unit) to which citizens bring waste and bulky waste (furniture and home appliances, garden waste, materials suitable for recycling, including household hazardous waste);
- 4) *Decontamination* includes all operations that enable reuse, recycling or safe disposal of equipment, facilities or materials which are contaminated by hazardous substances and it may include the removal or replacement of hazardous materials with suitable less hazardous materials;
- 5) *Landfill* is a site for the final sanitary deposit of waste on the ground or underground, including:
  - Internal waste disposal sites (landfill where a producer deposits its own waste at the place of its production),
  - Permanent sites (for more than one year) which are used for temporary storage of waste, but excluding warehouses where waste is unloaded for preparation for further transport to the place of its treatment, i.e. its recovery or disposal elsewhere, and storage of waste prior to its treatment, i.e. recovery for up to three years or storage of waste prior to its disposal up to one year;
- 5?) *Illegal landfill* is a site, public area, where there are uncontrollably disposed different types of waste, and which does not meet the conditions laid down by the regulation governing the disposal of waste in landfills;
- 6) *License* is a decree of a competent authority allowing a legal person or sole trader or sole trader to collect, transport, import, export and transit, store, treat, i.e. recovery or dispose of waste, and setting out the conditions for the waste to be treated in a manner that poses the least risk to the health of people and the environment;
- 6a) *Holder* is a producer of waste, a natural or legal person in possession of the waste;
- 6b) *Pharmaceutical waste* comprises of all drugs, including their primary packaging, as well as all the tools used for their application which are in possession of a legal person, i.e. sole trader who performs the activities of human and animal healthcare, and which have become unusable due to their shelf life expiration, non-conformity in terms of their required quality, contaminated packaging, effusion or dissipation; which have been prepared, but not used, returned by the end consumers or cannot be used for any other reason, as well as the pharmaceutical waste generated in the production, wholesale and retail distribution of medicines and in the production of Galenic, i.e. magistral medicines, as well as other pharmaceutical waste. The waste generated in the drugs production process belongs to the industrial (organic and inorganic) waste, which is treated in accordance with the provisions of the present Act. The pharmaceutical waste may be:
  - Non-hazardous pharmaceutical waste which poses no threat to the environment and human health and is not treated according to the procedure prescribed for the management of hazardous pharmaceutical waste,
  - Hazardous pharmaceutical waste generated from the medicines and disinfectants that contain heavy metals, as well as from the medicines of known composition and medicines whose composition cannot be identified, and which require special treatment procedures, including cytotoxic and cytostatic waste, i.e. cytotoxic and cytostatic medicines that have become unusable, the waste generated while using, transporting and preparing medicines with cytotoxic and cytostatic effects, including primary packaging that has been in contact with a hazardous substance and all the utensils used for the preparation and application of such products. Cytotoxic and cytostatic medicines are toxic compounds that have carcinogenic, mutagenic and/or teratogenic effects;
- 7) *Industrial waste* is a waste from any industry or from a location in which the industry is situated, with the exception of tailings and accompanying mineral raw materials from mines and quarries;
- 8) *Inert waste* is a waste which is not susceptible to any physical, chemical or biological changes; it is insoluble, non-combustible and does not react physically or chemically in any other way, it is not biodegradable or it does not produce an adverse effect on other substances it gets in touch with in a way which could lead to the environmental pollution increase or endanger human health; the total leaching and the waste pollutant content and ecotoxicity of leached materials may not be

significant, and they particularly may not endanger the quality of surface water and/or groundwater;

9) *Waste characterization* is a test procedure for establishing the physicochemical, chemical and biological properties and composition of waste, i.e. establishing whether waste has or does not have one or more hazardous characteristics;

10) *Waste classification* is a procedure for listing waste on one or several waste lists provided by a special regulation, according to its origin, composition and further purpose;

11) *Commercial waste* is a waste generated by the companies, establishments and other institutions which are wholly or partly engaged in trade, provision of services, office work, sports, recreation or entertainment, with the exception of household waste and industrial waste;

12) *Composting* is a treatment of biodegradable waste under the impact of microorganisms, for the purpose of making compost, in the presence of oxygen and under controlled conditions;

13) *Municipal waste* is a waste generated by households (home waste), as well as any other waste which, because of its nature or composition, is similar to the household-generated waste;

13a) *Medical waste* is a waste generated in the facilities that provide human and animal healthcare and/or in other places that provide healthcare services (in the field of diagnostics and experimental work, in laboratories, in the processes of cleaning, maintenance and disinfection of premises and equipment), including non-hazardous and hazardous medical waste, namely:

- Non-hazardous medical waste which is not contaminated by hazardous or other substances, and which is, according to its composition, similar to the municipal waste (recyclable, biodegradable, etc.),

- Hazardous medical waste which requires special treatment, i.e. which has one or more hazardous characteristics that make it hazardous waste, namely: pathoanatomical waste, sharp instruments, pharmaceutical waste, including cytotoxic and cytostatic waste, waste contaminated with blood and body fluids, infectious, and other hazardous medical waste (chemical waste, waste with a high content of heavy metals and waste pressurized bottles);

14) *Mobile waste management plant* is a facility for waste takeover, preparation for reuse, recovery and other waste treatment operations included in R and D Lists (R2 through R13, D8 and D9), which has such a structure that it is not tied to a base or building and can be moved from one site to another, including a mobile plant used for rehabilitation of a contaminated site, as a rule on the site where waste is generated, i.e. on the site of a waste producer, or on other waste owner's site for which the plant operator possesses a waste storage license;

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

15) *Non-hazardous waste* is waste which has no characteristics of hazardous waste;

15a) *Unsanitary landfill - dump* is a site where local government units dispose of waste under semi-controlled conditions, managed by a public utilities company, and which has a certain infrastructure (a fence, a gate, a bulldozer), while the landfill body is not constructed in accordance with the regulation governing the disposal of waste in landfills (has no water impermeable layer, waste water drainage system, etc.);

15b) *Separate collection* is collection of waste whereby different types of waste collected are kept separately by type and nature so as to facilitate their specific treatment;

16) *Waste disposal* is any operation which is not waste recovery, even where that operation has, as a secondary consequence, the generation of substances or energy (D List represents a non-exhaustive list of disposal operations);

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

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

17a) *Construction and demolition waste* is a waste generated in the course of construction works in construction sites or preparatory works preceding the construction of facilities, as well as a waste resulting from the demolition or reconstruction of facilities, including non-hazardous and hazardous construction and demolition waste, namely:

- Non-hazardous construction and demolition waste which contains no hazardous substances, and

which is, according to its composition, similar to the municipal waste (recyclable, inert, etc.),

- Hazardous construction and demolition waste which requires special procedure, i.e. which has one or more hazardous characteristics that make it a hazardous waste (asbestos-containing waste, waste with a high content of heavy metals, etc.) to which special regulations apply;

18) *Hazardous waste* is a waste which, according to its origin, composition or concentration of hazardous substances, may pose a hazard to the environment and human health and which displays at least one of the hazardous properties laid down in special regulations, including the packaging in which the hazardous waste has been or is packed;

19) *Operator* is any legal person or sole trader which, in keeping with regulations, operates a plant or controls it, or is authorized for making business decisions in the field of technical functioning of the plant and in whose name the waste management license has been issued;

20) *PCB* are polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs), monomethyl-tetrachloro-diphenyl methanes, monomethyl-dichloro-diphenyl methanes, monomethyl-dibromo-diphenyl methanes or any mixture containing any of these substances in a concentration exceeding 0.005% by mass; *PCB waste* is the waste, including appliances, objects, materials or liquids containing PCBs or consisting of or contaminated by PCBs;

21) *Recovery of waste* is any operation the principal result of which is using waste for a useful purpose when waste replaces other materials which would otherwise have been used to fulfill a particular function, or waste being prepared to fulfill that function, in the plant or in the wider economic activities (R List represents a non-exhaustive list of reuse operations);

21a) *Reuse* is any operation whereby products or their components that are not waste are used again for the same purpose for which they were conceived;

22) *Special waste streams* represent movement of waste (exhausted batteries and accumulators, waste oils, waste tires, electrical and electronic product waste, waste vehicles and other waste) from the place of generation, via collection, transport and treatment, to the disposal at the landfill;

22a) *Broker* is a legal person or sole trader who organizes the recovery or disposal of waste on behalf of other persons, including a broker who does not take possession of the waste;

23) *Waste management plant* is a stationary technical unit for the storage, treatment, i.e. recovery or disposal of waste, which makes up a technological entirety together with its building part;

24) *Cross-border waste movement* is a movement of waste from an area under the jurisdiction of one state or through an area which is not under national jurisdiction of any state, on condition that at least two states are involved in that movement;

24a) *Prevention* represents measures taken before a substance, material or product has become waste, that reduce the quantity of waste, including through the reuse of products or the extension of the life span of products, or the adverse impacts of the produced waste on the environment and human health, or the content of harmful substances in materials and products;

24b) *Preparing for reuse* constitutes waste recovery operations relating to checking, cleaning or repairing, by which products or components of such products that have become waste are prepared so that they can be reused without any other pre-processing;

25) *Waste producer* is anyone whose activity produces waste (original waste producer) or anyone who carries out pre-processing, mixing or other procedures resulting in a change in the composition or nature of waste;

25a) *Producer of the product* is a legal person or sole trader who within their business activity makes, manufactures and sells a product, regardless of its method of sale, including distance selling, or imports the product into the Republic of Serbia and places the product on the market of the Republic of Serbia;

26) *Waste management region* is a spatial entirety encompassing several local neighboring local government units which are managing the waste jointly in keeping with an agreement concluded by them, for the purpose of establishing a sustainable waste management system;

27) *Recycling* is any recovery operation by which the waste is reprocessed into a product, materials or substances whether for the original or other purposes, including the reprocessing of organic materials, except for the recovery for energy-related purposes and the reprocessing into materials that are intended for use as fuel or for covering landfill sites;

- 28) *Waste collection* is the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste management plant;
- 29) *Waste collector* is a natural person or legal person which collects waste;
- 29a) *Secondary raw material* is waste that can be used for recycling in order to obtain raw materials for the production of the same or other product (paper, cardboard, metal, glass, plastic, etc.);
- 30) *Waste storage* is the temporary keeping of waste on the site of the producer or the owner and/or other holder of waste, as well as the activity of an operator in a plants equipped and registered for the temporary keeping of waste;
- 31) *Incineration (burning)* is the thermal treatment of waste in a stationary or mobile plant with or without using the *energy* generated by combustion, the primary purpose of which is the thermal treatment of waste, which also includes pyrolysis, gasification and combustion in plasma;
- 32) *Co-incineration (co-burning)* is the thermal treatment of waste in a stationary or mobile plant, the primary purpose of which is the production of energy or tangible products, which uses waste as the main or supplementary fuel or in which waste is thermally treated for the purpose of being disposed of;
- 32a) *Dealer* is any legal person or sole trader who acts in its own name to purchase and sell waste, including a dealer who does not take possession of the waste;
- 33) *Transfer station* is a place to which waste is brought and stored temporarily for the purpose of being separated or reloaded prior to being transported for treatment, i.e. recovery or disposal;
- 34) *Waste transport* is the transport of waste outside of a plant, which includes the waste loading, transport (as well as reloading) and unloading;
- 35) *Waste treatment* includes recovery or disposal operations, including prior preparation for recovery or disposal;
- 36) *Waste management* is the implementation of the prescribed measures for waste treatment within the collection, transport, storage, treatment, i.e. recovery and disposal of waste, including the supervision of such activities and post-shutdown care of waste management plants and actions taken by a dealer or broker;
- 37) *Waste owner* is a producer of waste, a person who takes part in waste trade in the capacity of a direct or indirect waste holder or a legal person, sole trader or natural person who possesses waste.

## Principles

### Article 6

Waste management is based on the following principles:

#### 1) Principle of selecting the most optimal option for the environment

The selection of the most optimal option for the environment is a systemic and consultative process of decision-making which includes the protection and preservation of the environment. The implementation of selection of the most optimal option for the environment establishes, for the given aims and circumstances, an option or a combination of options that provides for the greatest benefit and least damage to the environment as a whole, along with acceptable expenses and profitability, in the long and short-run alike.

#### 1a) Principle of self-sufficiency

The application of the principle of self-sufficiency implies the establishment of an integrated and adequate network of facilities for the recovery and disposal of mixed municipal waste collected from households, including the collection of this type of waste generated from other waste producers, taking into account best available techniques, in accordance with the present Act. The network of these facilities should be designed to enable the Republic of Serbia to apply the principle of self-sufficiency in waste disposal, as well as in the recovery of waste, taking into consideration

geographical circumstances of the region and the need for specialized facilities for certain types of waste. This network should enable disposal and recovery of waste in one of the nearest appropriate facilities, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

## 2) Principle of closeness and regional approach to waste management

Waste should be treated or be disposed of as closely as possible to the place of its generation, i.e. in the region in which it was generated in order to avoid the undesirable consequences for the environment produced during its transport. The choice of site for a waste treatment, i.e. recovery or disposal plant is made depending on local conditions and circumstances, type of waste, its volume, mode of transport and disposal, economic justifiability, as well as possible impact on the environment. The regional waste management is provided by development and implementation of regional strategic plans based on the European legislation and national policy.

## 3) Principle of the waste management hierarchy

The waste management hierarchy represents a priority order in the waste management practice.

The following waste management hierarchy applies as a priority order in waste prevention and management, regulations and policies:

- Prevention;
- Reuse preparation;
- Recycling;
- Other recovery operations (recovery aimed at generating energy, etc.);
- Disposal.

When applying the waste hierarchy referred to in the waste management hierarchy order, the measures to encourage the solutions that deliver the best overall environmental outcome are taken, which may require departing the hierarchy in case of specific waste streams when this is justified by life-cycle, taking into account the overall influences on the generation and management of such waste.

The development of legislation and policy in the field of waste management is fully transparent process, in accordance with the existing regulations on consulting and involving the citizens and all interested parties.

The general environmental protection principles, principles of precaution and sustainability, technical feasibility and economic viability, protection of resources, as well as the overall environmental, human health, economic and social impact is taken into account when applying the principle of hierarchy.

## 4) Principle of responsibility

The producers, importers, distributors and sellers of the products causing the increase of quantity of waste are responsible for the waste generated because of their activity. A producer carries the biggest responsibility because he affects the composition and properties of products and their packaging. A producer is obliged to engage in reduction of waste generation, development of recyclable products, and development of the market for the recovery and recycling of his products.

## 5) "Polluter-pays" principle

A polluter must bear the full costs of the consequences of his activities. The costs of generation, treatment, i.e. recovery and disposal of waste must be included in the price of the product.

# II TYPES AND CLASSIFICATION OF WASTE

## Types of Waste

### Article 7

Types of waste, within the meaning of the present Act, are:

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

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

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

## Classification of Waste

### Article 8

Waste is classified in accordance with the waste catalogue.

The waste catalogue is a collective list of non-hazardous and hazardous waste according to its origin and composition.

Hazardous waste is classified, where necessary, according to the concentration limit values of hazardous substances.

Waste owner and/or other holder, i.e. operator is obliged to classify waste in the prescribed manner, in conformity with the present Act.

For the purpose of establishing the composition and hazardous characteristics of waste, the person referred to in paragraph 4 of this Article is obliged to test the hazardous waste, as well as the waste which according to its origin, composition and characteristics may be hazardous.

The minister responsible for environmental protection (hereinafter: the Minister) prescribes the following:

- 1) Waste catalogue;
- 2) List of waste categories (Q List);
- 3) List of hazardous waste categories according to origin and composition (Y List);
- 4) List of hazardous characteristics of waste (H List);
- 5) List of waste components because of which waste is regarded as hazardous (C List);
- 6) Limit values of concentration of hazardous components in waste on the basis of which the waste characteristics are determined;
- 7) List of the procedures for and methods of disposal and recovery of waste (D List and R List);
- 8) Types, content and form of the report on waste testing;
- 9) Types of parameters for establishing the physicochemical properties of the hazardous waste earmarked for physicochemical treatment;
- 10) Types of parameters for testing waste for thermal treatment purposes;
- 11) Types of parameters for testing waste and testing of the eluate intended to be disposed of;

12) Manner of and procedure for the classification of waste.

In the regulation referred to in paragraph 6, items 2), 3) and 5) of the present Act, the Minister establishes the list of Serbian standards containing technical requirements for waste categories and components.

The inclusion of a substance or object in the list referred to in paragraph 7 of this Article does not mean that it represents waste in all circumstances, but it shall be considered as waste only where it fulfills the conditions in accordance with the present Act.

The reclassification of hazardous waste as non-hazardous 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 limit values for defining waste as hazardous.

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

## By-Product

### Article 8a

An owner and/or other holder of a substance or object, resulting from a production process, the primary aim of which is not the production of that substance or object, may treat them as by-products only if the following conditions are met:

- 1) Further use of this substance or object is highly likely;
- 2) This substance or object can be used directly without any further processing other than normal industrial procedures which do not include the procedures of the separation of unwanted or hazardous components;
- 3) The substance or object is generated as the integral part of a production process;
- 4) Further use of the substance or object is allowed, i.e. is not prohibited; the substance or object fulfills all relevant product, environmental and human health protection requirements for the specific use and will not lead to adverse consequences to environment or human health.

Notwithstanding paragraph 1 of this Article, a by-product is regarded as waste where the technical regulation governing handling of products or waste, i.e. the European Union guidelines in these fields prescribe that the by-product is to be handled as waste or that its further use is prohibited.

The Minister prescribes the criteria for defining a by-product.

## Proving Fulfillment of By-Product Conditions

### Article 8b

An owner and/or other holder of the substance or object referred to in Article 8a may treat them as by-products if he obtains a certificate of entry into the register of by-products.

Application for entry into the register of by-products is submitted to the Ministry in charge of environmental protection.

The owner and/or other holder of the substance or object referred to in paragraph 1 of this Article proves the fulfillment of conditions referred to in Article 8a, paragraph 1 of the present Act with the following documents:

- 1) Contract concluded with the future user of that substance or object whose entry into the register has been applied for;
- 2) Technical specification of the future user of the substance or object;
- 3) Evidence that the substance or object whose entry into the register of by-products has been applied for, fulfills the conditions set forth in the attached specification.

The Ministry in charge of environmental protection issues a certificate of entry into the register of by-products on the basis of fulfillment of the conditions referred to in Articles 8a and 8b of the

present Act and taking into consideration the European Union guidelines on by-products.

The Ministry in charge of environmental protection issues a decree to refuse the entry into the register of a by-product if it establishes that the technical regulation governing handling of products or waste, i.e. the European Union guidelines in these fields envisage that a by-product is to be treated as waste or its further use is prohibited, or that the conditions referred to in paragraph 3 of this Article have not been fulfilled.

Certificate, i.e. decision referred to in paras. 4 and 5 of this Article is issued within 30 days from the day of receipt of the application for entry into the register of by-products.

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

The owner and/or other holder of the substance or object entered into the register of by-products is obliged to notify the Ministry in charge of environmental protection of any change in the data, on the basis of which the entry into the register of by-products has been made, within 30 days from the day when the change occurred.

The owner and/or other holder of the substance or object referred to in paragraph 8 of this Article is obliged to provide the Environmental Protection Agency a report on by-products within 30 days from the day of issue of the certificate of entry into the register of by-products.

The Minister prescribes in more detail the form of the report on by-products, method and deadlines for its submission.

## End of Waste Status

### Article 8c

Certain types of waste cease to be waste within the meaning of Article 5, paragraph 1, item 17) of the present Act, provided they have undergone recovery operations, including recycling, under the following conditions:

- 1) That the substance or object is commonly used for specific purposes;
- 2) That there is a market or demand for such substances or objects;
- 3) That the substance or object fulfils the technical requirements for the specific purposes and conditions prescribed by law and standards applicable to such products;
- 4) That the use of the substance or object shall not lead to the overall adverse environmental or human health impacts.

The conditions set forth in paragraph 1 of this Article include the limit values of pollutants, when necessary, taking into account any potential adverse impacts of substances or objects.

The quantities of substances or objects, which have ceased to be waste according to paragraph 1 of this Article, are counted in the total amount of recycled and recovered waste for the purpose of reaching the national recycling and recovery targets set out for packaging waste, waste vehicles, waste electrical and electronic equipment and waste batteries and accumulators.

The Minister prescribes:

- 1) Technical requirements for certain types of waste which, in accordance with the European Union guidelines, cease to be waste (paper, glass, rubber, textiles, aggregates and metal), as well as the conformity assessment procedure;
- 2) Technical requirements for certain types of waste not included in item 1) of this paragraph, as well as the conformity assessment procedure;
- 3) Other specific criteria for determining the end of the waste status.

The assessment of conformity with the technical requirements referred to in paragraph 4, item 1) of this Article is conducted by the owner and/or other holder of waste in a prescribed manner.

The Ministry conducts conformity assessment pertaining to the end of the waste status referred to in paragraph 4, item 2) of this Article and issues an instrument on product compliance, in conformity with the law, taking into account the practice of the European Union on proclaiming the end of the

waste status.

The owner and/or other holder of waste submits to the Ministry a request for conducting conformity assessment referred to in paragraph 6 of this Article, along with the attached feasibility study on the fulfillment of conditions for the end waste status.

The Ministry renders a decree to refuse a request for conducting conformity assessment if the prescribed technical requirements have not been met.

The decree referred to in paragraph 8 of this Article is final.

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

The Ministry notifies the European Commission about the end of the waste status referred to in paragraph 6 of this Article in the manner stipulated by a special regulation.

### **Article 8d**

The Ministry in charge of environmental protection keeps:

- 1) A register of by-products based on the issued certificates of entry into the register;
- 2) A register of waste that has ceased to be waste based on the issued instruments on compliance of the product.

The Ministry in charge of environmental protection submits the data from the register to the Environmental Protection Agency.

The Minister prescribes the contents of the application for entry into the register of by-products and register of waste that ceased to be waste, the contents and form of the certificate of entry into the register, as well as the manner of keeping, contents and form issued by the register.

## **III WASTE MANAGEMENT PLANNING**

### **Types of Planning Documents**

#### **Article 9**

The following planning documents are adopted for the purpose of planning the waste management in the Republic of Serbia:

- 1) Waste management strategy (hereinafter: the Strategy);
- 2) Programs for prevention of waste generation;
- 3) Regional waste management plan;
- 4) Local waste management plan;
- 5) Plan of waste management in a plant for which the integrated license is issued;
- 6) Operating plan of the waste management plant.

#### **Strategy**

#### **Article 10**

The Strategy is a basic document defining and directing long term waste management based on the analysis of the existing waste management situation and objectives of waste management, determining the measures for improving waste management (preparation for reuse, recycling, recovery, disposal and other methods of treatment of waste) in the territory of the Republic of

Serbia.

The Strategy contains in particular:

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

The Government adopts the Strategy for a period of 6 years, and is assess it and, where necessary, revise it once every three years.

The Strategy is drafted by the ministry in charge of environmental protection (hereinafter: the Ministry) in cooperation with the competent authority of the autonomous province.

The Strategy is published in the "Official Herald of the Republic of Serbia".

The Ministry draws up the Strategy implementation report and submits it to the Government at least once a year.

## National Waste Management Plan

### Article 11

The National Waste Management Plan (hereinafter: the National Plan), which is an integral part of the Strategy, contains in particular the following:

- 1) Expected types, quantities and origin of waste which is to be generated within the territory of the Republic of Serbia, imported or exported to another country, including the evaluation of the development of specific waste streams, based on the quantity of the products placed on the market of the Republic of Serbia;
- 2) Existing waste collection system and a network of major waste recovery and disposal plants, including any treatment of waste oils, hazardous waste and specific waste streams;
- 3) Assessment of the need for a new collection system, the closure of existing waste management plants, additional waste management plant infrastructure in accordance with the principle of self-sufficiency and proximity, and, if necessary, the investments related to the construction thereof;
- 4) Plan for the implementation of the reduction of biodegradable waste disposed of in landfills, measures for achieving the objectives of reducing the disposal of such waste type, in particular for recycling, composting, bio gas production or recovery of materials/energy;
- 5) Criteria for location identification and the required capacities of new plants for waste recovery and/or disposal;
- 6) Organization of waste management, including the allocation of responsibility between the public and private sector in the field of waste management;
- 7) Sources and amount of financial resources for the implementation of all waste management measures;
- 8) Evaluation of the beneficial effects and sustainability of the implementation of economic and other instruments in waste management, along with the unhindered functioning of the internal market;
- 9) Measures and guidelines for the implementation of the National Plan;
- 10) Manner and time limits for the implementation of the National Plan.

The measures and guidelines referred to in paragraph 1 item 9) of this Article contain the following:

- 1) Waste management general measures;
- 2) Hazardous waste management measures;
- 3) Specific waste streams management measures;
- 4) Waste management general guidelines (policies), waste management planned technologies and methods, including waste that includes specific management problems;

- 5) Guidelines for the recovery and disposal of waste, taking into account national objectives for reducing packaging waste and reducing the waste whose generation cannot be avoided, in particular reducing of biodegradable waste that is disposed of in landfills;
- 6) Guidelines for ensuring the most favorable technical, production and other measures for achieving the objectives of waste management;
- 7) Technical and economic feasibility criteria of hazardous waste management;
- 8) Financing and measures for establishing waste management system;
- 9) Measures for carrying out campaigns to raise public awareness and provide information directed at the general public or at a specific group of interested consumers;
- 10) Data on the landfills contaminated by historical waste and measures for their rehabilitation;
- 11) Other measures of importance for waste management.

## Programs for Prevention of Waste Generation

### Article 11a

Programs for prevention of waste generation are adopted in order to prevent the negative influence of economic growth on the environment by generation of waste (hereinafter: prevention programs).

Prevention programs define the objectives and measures for prevention of waste generation, as well as the evaluation of prevention measures or other appropriate measures that can affect the following:

- 1) General conditions related to the generation of waste;
- 2) Design, production and phase of distribution of the product;
- 3) Consumption and phase of use of the product.

The Government adopts the prevention programs for a period of six years, and is assess them, and, where necessary, revise them once in every three years.

The Minister prescribes a list of waste prevention measures.

Appropriate specific qualitative and quantitative benchmarks for monitoring and assessment of the progress in the measures' implementation are established as the prevention measures adopted in the programs referred to in paragraph 1 of this Article, and specific qualitative and quantitative targets and indicators may be determined, as well.

## Regional Waste Management Plan

### Article 12

The assemblies of two or more local government units the territories of which have at least 250,000 inhabitants, having obtained the consent of the Ministry and in the case of the autonomous province, the consent of the competent authority of the autonomous province, adopt a regional waste management plan setting out the common objectives of waste management in keeping with the Strategy.

A regional waste management plan may also be adopted for the territories of the municipalities having less than 250,000 inhabitants, in accordance with a previously made feasibility study for adoption of the regional plan, to which the Ministry gives its consent, i.e. the competent authority of autonomous province.

The procedure for drawing up and adopting of the regional plan referred to in paragraphs 1 and 2 of this Article is regulated by an agreement made by the assemblies of the local government units, in conformity with the law.

Waste management in the territories of two or more local government units as referred to in paragraphs 1 and 2 of this Article is carried out in accordance with the regional and local waste management plan.

# Local Waste Management Plan

## Article 13

The assembly of a local government unit adopts a local waste management plan setting out the objectives of waste management in its territory, in keeping with the Strategy.

The local waste management plan is drawn up by the department of the local government unit responsible for waste management, in cooperation with other authorities which are responsible for the fields of business, finance, environmental protection and urban planning, as well as with the representatives of companies, i.e. enterprises, associations, expert institutions, non-governmental and other organizations engaged in environmental protection, including the consumer protection organizations.

## Period of Validity and Content of Plans

### Article 14

The waste management plans referred to in Articles 12 and 13 of the present Act are adopted for a period of 10 years and they are reconsidered at five-year intervals, and if necessary, revised and adopted for the next 10 years.

The plans referred to in paragraph 1 of this Article include the following:

- 1) Expected types, quantities and origin of the total waste in the territory;
- 2) Expected types, quantities and origin of the waste which is going to be used or disposed of within the territory encompassed by the plan;
- 3) Expected types, quantities and origin of the waste which shall be received from other local government units;
- 4) Expected types, quantities and origin of the waste which shall be dispatched to other local government units;
- 5) Objectives which should be achieved with regard to the reuse and recycling of waste in the area which is encompassed by the plan;
- 6) Program of the household waste collection;
- 7) Program of the hazardous household waste collection;
- 8) Program of the commercial waste collection;
- 9) Industrial waste management program;
- 10) Proposals for the reuse and recycling of the components of municipal waste;
- 11) Program of reducing the quantity of biodegradable and packaging waste contained in municipal waste;
- 12) Program of developing public awareness on waste management;
- 13) Site of the plant for waste collection, treatment, i.e. recovery and disposal, including the data on the zoning requirements;
- 14) Measures for preventing the movement of the waste not covered by plan and measures for the treatment of waste generated in emergency situations;
- 15) Measures for rehabilitation of disorderly landfills;
- 16) Supervision over and monitoring the planned activities and measures;
- 17) Estimate of costs of and sources of funding of the planned activities;
- 18) Possibilities of cooperation between two or more local government units;
- 19) Time limits for the completion of planned measures and activities;
- 20) Other data, objectives and measures of importance for efficient waste management.

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

## Plan of Managing Waste in the Plants for which Integrated License is Issued

### Article 15

In the case of the plants for which the integrated license is issued in conformity with law, a waste management plan containing the following in particular is drawn up and adopted:

- 1) Documents on the waste generated in the operating process in the plant, as well as the waste recovered or disposed of by the operator of that plant (types, composition and quantity of waste);
- 2) Measures to be taken with the aim of reducing the waste generation, particularly in the case of hazardous waste;
- 3) Procedures and methods of separating different types of waste, particularly in the case of the hazardous and reusable waste, for the purpose of reducing the quantity of waste for disposal;
- 4) Manner of storage, treatment, i.e. recovery and disposal of waste;
- 5) Measures of protection against fire and explosion;
- 6) Measures of protection of the environment and human health.

The waste management plan is attached to the application for integrated license, in conformity with the law.

The operator is obliged to update the waste management plan at three-year intervals.

Notwithstanding paragraph 1 of this Article, in the case of a plant whose activity is waste management (storage, treatment, i.e. recovery, disposal) and for which the integrated license is issued the operating plan of the waste management plant should be drawn up and adopted instead of the waste management plan.

## Operating Plan for Waste Management Plant

### Article 16

An operating plan for a waste management plant is drawn up and adopted for all plants whose activity is waste management and which are due to have an integrated license or waste management license issued.

The operating plan referred to in paragraph 1 of this Article must include the following elements:

- 1) Description of site and risk source identification (waste management operations, permissible types of waste, working hours);
- 2) Plant equipping for the purpose of preventing and controlling the environmental pollution and hazards to human health (waste water reception and drainage system, waste water treatment system, plant gas treatment system);
- 3) Site infrastructure (security in the site, fence, collector control);
- 4) Work in the plant (sludge and residue control, potential leakages and environmental pollution, fire prevention, waste reception and control procedures, sampling and testing of waste, waste quantity measuring systems, hazardous waste storage, hazardous waste treatment process – plant, equipment and procedures, including the waste unloading and spreading systems, daily coverage and as necessary coverage of the dump site);
- 5) Pollution checking, monitoring and reporting (monitoring and reporting on: waste composition, gas emissions, wastewater quality, i.e. drain water composition, groundwater quality, surface water quality, soil quality, meteorological conditions);
- 6) Managing and monitoring the conditions in the plant, i.e. in the landfill (checking, monitoring and

reporting on suspended particles, control of unpleasant smells, control and monitoring of noise, control of vermin and birds, control of garbage spreading);

7) Site documentation (document availability, hazardous waste records).

In addition to the elements referred to in paragraph 2 of this Article, the plant operating plan on waste thermal treatment also includes the data confirming the following:

- 1) That the plant is designed, equipped and meets the requirements stipulated by the present Act and a regulation on thermal treatment of waste, depending on the categories of waste to be incinerated or co-incinerated;
- 2) That heat generated during the waste incineration or co-incineration process is recovered as far as practicable, i.e. used for combined heat or electric power production, for the production of process steam or for district heating systems;
- 3) That waste residues are reduced to a minimum after thermal treatment; that these residues are recovered if it is technically feasible and economically justifiable;
- 4) That waste residues are disposed of after thermal treatment;
- 5) That the disposal of residues whose generation cannot be prevented, reduced, or which cannot be recycled, is carried out in accordance with the present Act and regulations dealing with the thermal treatment and disposal of waste.

In addition to the elements referred to in paragraph 2 of this Article, the landfill operating plan also includes the elements relating to the equipping of the site for pollution prevention and control, in particular: wastewater reception system, drain water reception system, drain water purification system, landfill gas checking system, atmospheric water collection system, establishment, maintenance and protection of the final cover.

The rehabilitation and recultivation projects are designed for unsanitary landfills - dumps in accordance with the Act on Environmental Protection, the present Act and a special regulation, the consent to which is granted by the Ministry, i.e. the Autonomous Province.

In addition to the elements referred to in paras. 2 and 3 of this Article, the operating plan of the existing waste management plants, also includes the data on the type and quantity of historical waste in the plant, as well as an action plan for the removal of historical waste along with cost estimates.

The operating plan of the waste management plant is attached to the application for the issuance of integrated license or waste management license.

The operating plan of the waste management plant is updated regularly at three-year intervals, as well as in the case of major changes in the plant operation.

The Minister prescribes the content of the project of rehabilitation and recultivation of disorderly landfills.

## IV WASTE MANAGEMENT AGENTS

### Types of Agents

#### Article 17

The agents competent for waste management are as follows:

- 1) Republic of Serbia;
- 2) Autonomous Province;
- 3) Local government unit;
- 4) Environmental Protection Agency;

- 5) Expert organizations for waste testing;
- 6) Non-governmental organizations, including also the consumer protection organizations;
- 7) Other authorities and organizations, in conformity with the law.

## Republic of Serbia

### Article 18

The Republic of Serbia provides for the management of waste in its territory through the competent authorities and organizations.

The Ministry:

- 1) Recommends the Strategy to the Government, as well as the waste prevention programs;
- 2) Coordinates and carries out the waste management of importance for the Republic of Serbia and monitors the situation;
- 3) Grants consent to the regional waste management plans, with the exception of the plans in the territory of the Autonomous Province;
- 4) Issues the licenses, consents, certificates and other documents required under the present Act;
- 5) Keeps records of the licenses, consents, certificates and other documents issued by other competent authorities;
- 6) Identifies the authorized organizations under the present Act;
- 7) Supervises and controls the application of the waste treatment measures;
- 8) Undertakes other measures and activities, in keeping with international treaties and conventions.

## Autonomous Province

### Article 19

The autonomous province:

- 1) Takes part in the drawing up of the Strategy and the waste prevention program;
- 2) Coordinates and carries out the tasks of waste management of importance for the Autonomous Province and monitors the situation;
- 3) Grants consent to the regional waste management plans in its territory;
- 4) Issues the licenses, consents, certificates and other documents in accordance with the present Act, keeps records and submits data to the Ministry;
- 5) Supervises and controls the waste handling measures in its territory in compliance with the present Act;
- 6) Performs other tasks provided by the law.

The Autonomous Province issues a bylaw to determine the authorities competent for the performance of the tasks referred to in paragraph 1 of this Article.

The tasks referred to in paragraph 1, items 4) and 5) of this Article are performed as delegated tasks.

## Local Government Unit

### Article 20

A local government unit:

- 1) Adopts a local waste management plan, provides the conditions for and takes care that it is being implemented;
- 2) Regulates, provides for, organizes and implements the management of municipal, i.e. inert and non-hazardous waste in its territory, in conformity with the law;
- 3) Regulates the procedure for charging the services provided in the field of municipal and/or inert and non-hazardous waste management, in conformity with the law;
- 4) Issues licenses, approvals and other documents in conformity with the present Act, keeps records and submits data to the Ministry;
- 5) Gives opinions, at the request of the Ministry or competent authority of the Autonomous Province, in the license issuing procedure in conformity with the present Act;
- 6) Supervises and controls the waste handling measures in compliance with the present Act;
- 7) In addition, conducts other tasks provided by law.

A local government unit adopts a bylaw to determine the authorities and services competent for the performance of the duties referred to in paragraph 1 of this Article.

The duties referred to in paragraph 1 of this Article relating to inert and non-hazardous waste, as well the duties referred to in items 4) and 6), are performed as delegated duties.

## Joint Waste Management by Local Government Units

### Article 21

Two or more local government units provide for and carry out waste management jointly, on the conditions and in the manner provided by law, Strategy and the agreement between the assemblies of the local government units concerned.

The agreement referred to in paragraph 1 of this Article between the assemblies of local government units stipulates the following in particular: mutual rights and duties in the creation of conditions for the conduct of business and operation of the waste management plants in the territories of those local government units, rights and duties of the public utility company i.e. some other legal or natural person in the conduct of such business, manner of decision-making in the event of disagreement between the local government units on some issues associated with waste management, as well as other matters of importance for the organization and implementation of waste management.

If two or more local government units do not provide for and implement waste management under conditions and in the manner provided by paragraph 1 of this Article, the Government, at the proposal of the Ministry i.e. competent authority of the Autonomous Province adopts a decision on the joint provision and implementing of waste management in the territory of those local government units.

## Environmental Protection Agency

### Article 22

The Environmental Protection Agency (hereinafter: the Agency) performs the duties relating to the following:

- 1) Keeping and updating the waste management database in the environmental protection information system, in conformity with the law that regulates environmental protection;

- 2) Keeping data on the available and required quantities of waste, including the secondary raw materials, exchanging and making such data available electronically;
- 3) Reporting on waste management in accordance with the assumed international commitments.

## Expert Organizations for Waste Testing

### Article 23

Waste testing is carried out for the purpose of classifying the waste for:

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

Waste testing is carried out by expert organizations and other legal persons that are authorized for sampling and characterization in the scope of testing for which they are accredited (hereinafter: the accredited laboratory), in conformity with the law.

Waste characterization applies only to the hazardous waste and the waste which according to its origin, composition and characteristics could be hazardous, with the exception of household waste.

The expert organizations and other legal persons referred to in paragraph 2 of this Article issue a report on waste testing.

## Authorization for Waste Testing

### Article 24

An expert organization i.e. accredited laboratory may file with the Ministry an application for a waste testing authorization.

The following documents should be attached to the application referred to in paragraph 1 of this Article:

- 1) List of the staff working on waste testing, with their academic degree i.e. scientific title;
- 2) List of equipment with register numbers;
- 3) Number and purpose of premises (drawing, etc.);
- 4) List of testing parameters;
- 5) List of the methods applied in corresponding testing;
- 6) Accreditation document.

The authorization referred to in paragraph 1 of this Article is issued by decree of the Minister for a period of four year and is renewable.

The Minister revokes the waste testing authorization due to unconscientious and unprofessional performance of the activities the authorization has been issued for, in particular:

- 1) If it is found that the authorized organization does not meet the prescribed requirements;
- 2) If it is found that the authorization has been issued on the basis of inaccurate and false data;
- 3) If the authorized organization fails to perform waste testing in accordance with the issued authorization;
- 4) If it is found that the authorized organization, in performing the activities for which it was granted the authorization, acts in an illegal, immoral and indecent manner (accepts bribes, gives bribes, receives and gives commission, corruption, forgery, etc.).

The decree referred to in paragraphs 3 and 4 of this Article is published in the "Official Herald of the Republic of Serbia".

# V RESPONSIBILITIES AND DUTIES IN WASTE MANAGEMENT

## Responsibility of Product Producer

### Article 25

The product producer uses technology and develops the production in such a manner as will provide for the rational use of natural resources, materials and energy, encourages the recovery and recycling of products and packaging at the end of service life and promotes the ecologically sustainable management of natural resources.

The producer or importer of a product which becomes hazardous waste after use is obliged to assume that waste after use, without any compensation of expenses and deal with it in conformity with the present Act and other regulations.

The producer or importer referred to in paragraph 2 of this Article may authorize some other legal person to assume on his behalf the products after use.

## Liability of the Waste Producer

### Article 26

A waste producer is obliged to do the following:

- 1) Draw up the waste management plan referred to in Article 15 of the present Act and arrange for its implementation, if it produces more than 100 tons of non-hazardous waste or more than 200 kilograms of hazardous waste a year;
- 2) Obtain a waste testing report and renew it in the event of technology change or change in the origin of the raw material and other activities causing the nature of waste to change, and keep the report for at least five years;
- 3) Obtain the appropriate certificate of exemption from the duty to obtain the license in conformity with the present Act;
- 4) Secure the application of the waste management hierarchy principle;
- 5) Separately collect the generated waste and classify it according to the purpose of future treatment, by quantity, i.e. percentage set out by national objectives;
- 6) Store the waste in such a manner which does not affect human health and the environment, and provide the conditions to avoid mixing of different types of waste, as well as mixing of waste and water;
- 7) Hand the waste over to a person authorized for waste management, if not being able to organize waste management in keeping with the present Act;
- 8) Keep records of the waste generated, handed over or disposed of;
- 9) Appoint a person responsible for waste management;
- 10) Enable the competent inspector to control the sites, buildings, installations and documentation.

The person responsible for waste management referred to in paragraph 1, item 9) of this Article is obliged to do the following:

- 1) Draw up a draft of the waste management plan referred to in Article 15 of the present Act and organize its implementation and updating;
- 2) Recommend the measures of prevention, reduction, recovery and recycling of waste;
- 3) Monitor the enforcement of laws and other regulations dealing with waste management and report to managing bodies.

The producer of waste or other holder of waste can carry out waste treatment independently or through a broker or through another legal person or sole trader who performs waste treatment, i.e. waste collection, or through the public utility company or a public-private partnership, in accordance with Article 6 of the present Act.

## Responsibility of the Waste Owner and Holder

### Article 27

The waste owner and/or other holder are responsible for all of the waste management costs.

The ownership and/or possession of waste cease once the next owner and/or other holder assumes the waste and receives the Waste Movement Document pursuant to the present Act.

The costs of disposal are borne by the owner and/or other holder who directly hands over the waste for handling to the waste collector directly or to the waste management plant and/or the previous owner and/or other holder or producer of the product from which the waste originates.

A person, who is taking part in the waste trade in the capacity of an intermediary holder of waste, without actually possessing it, has also the responsibility and duties of the owner and/or other holder of waste.

Waste may be traded only between the legal persons or sole traders who are keeping documents in conformity with the present Act.

## Duties of Waste Transporter

### Article 28

A waste transporter is obliged to:

- 1) Conduct transport in accordance with the waste transport license and the requirements of special regulations on transport (ADR/RID/ADN, etc.);
- 2) Keep a record of each transport of waste and report the transport of hazardous waste, in conformity with the law;
- 3) Make it possible for the competent inspector to inspect the vehicle, cargo and accompanying documents.

## Duties of the Broker and Dealer

### Article 28a

The activity of waste management brokerage includes the organization of waste treatment, i.e. recovery and disposal of waste, i.e. brokerage in the transfer of waste-related rights and obligations for the needs of others.

It is forbidden to trade in waste for which the waste producer has concluded an agreement on the handover to the collector, i.e. to the waste management plant operator.

Waste dealer is considered to be a holder of waste he has purchased and he may take possession of waste provided that he has a waste warehouse at his disposal for which the license has been issued in accordance with the present Act.

Payments for the purchase of waste are made through a bank account, i.e. a receipt is issued in accordance with special regulations.

A waste dealer is obliged to issue the certificate on the quantity of purchased waste, as well as the receipt, in case the payment is not made through a bank account, to the person from whom he is purchasing the waste.

A waste dealer is obliged to obtain, from the person from whom he is purchasing the waste, the data from the identity card or other document proving the identity of that person, as well as to obtain

the evidence on the origin of waste, or a statement confirming the possession of waste.

A waste dealer cannot purchase the waste unless he is in possession of the evidence referred to in paragraph 6 of this Article.

A waste broker, i.e. dealer is obliged to inscribe themselves in the register of waste management brokers, i.e. waste dealers, respectively.

A waste broker, i.e. dealer that is registered for performing the activity of brokerage, i.e. trade in waste, respectively, submits an application for entry into the register.

The Ministry issues a decree on entry of the broker, i.e. dealer into the register if the broker, i.e. dealer meets the following requirements:

- 1) That he has not been convicted of any criminal offense, i.e. corporate offence and misdemeanor in conformity with the law;
- 2) That he has a person responsible for performing the activities for which the registration application has been submitted;
- 3) That he is able to fulfill financial commitments or liabilities that may arise while carrying out business operations, especially the obligation of returning the waste in accordance with the regulations dealing with the cross-border waste movement.

The decree referred to in paragraph 10 is issued for a period of five years.

The decree referred to in paragraph 10 of this Article establishes the environmental protection requirements, obligation to keep records and submit reports, i.e. measures of preventing the illegal trade in waste.

An appeal may be lodged against the decree rejecting the application for entry into the register and issuance of the certificate within 15 days from the day of receipt of the decree.

Registration may be renewed at the request of a broker, i.e. dealer by submitting an application 30 days prior to the expiry of registration.

The decree on registration may be revoked in the following cases:

- 1) If the broker, i.e. dealer acts contrary to the decree on entry into the register of brokers, i.e. dealers, respectively;
- 2) If the broker, i.e. dealer could cause environmental pollution by continuously performing their business operations;
- 3) If the broker, i.e. dealer acts contrary to the regulations dealing with the cross-border waste movement;
- 4) If the broker, i.e. dealer does not fulfill his obligations in conformity with the law.

The provisions of paras. 10, 11, 12 and 13 of this Article relating to the entry into the register, i.e. rejection of the entry into the register, also apply to the renewal, i.e. revocation of the decree, respectively.

A broker and a dealer of waste submit to the Agency an annual report on waste management in accordance with the present Act.

## Duties of the Waste Treatment Plant Operator

### Article 29

An operator of a waste treatment plant is obliged to do the following:

- 1) Draw up a plant operating plan referred to in Article 16 of the present Act and provide for its implementation and updating;
- 2) Draw up an accident prevention plan, in conformity with the law;
- 3) Obtain the waste treatment license and conduct the tasks of waste treatment in conformity with that license;

- 4) Publish the list of waste for whose treatment he is authorized;
- 5) Operate the waste treatment equipment and plant in accordance with corresponding technical instructions;
- 6) Secure the waste and prevent it from scattering and leaking;
- 7) In the event of an accident, notify the competent authority without any delay in conformity with the law;
- 8) Keep a record of waste in conformity with the present Act;
- 9) Appoint a qualified person responsible for professional work in the waste treatment plant;
- 10) Charge a fee for the treatment of waste in the plant;
- 11) Allow the competent inspector to inspect the sites, buildings, installations and documentation.

## Duties of the Landfill Operator

### Article 30

A landfill operator is obliged to do the following:

- 1) Draw up the plant operating plan referred to in Article 16 of the present Act and provide for its implementation and updating;
- 2) Draw up the accident prevention plan, in conformity with the law;
- 3) Obtain the waste disposal license and dispose of waste in accordance with that license;
- 4) Apply the measures that provide for protection of the environment, in accordance with regulations;
- 5) Charge a fee for the disposal of waste in the landfill;
- 6) Secure recultivation of the landfill after its closing down and performance of expert supervision of the landfill, i.e. site in the period of at least 30 years, for the purpose of lessening the risk to human health and the environment;
- 7) In the event of an accident, notify the competent authority without delay, in conformity with this Act;
- 8) Keep a record of waste in conformity with the present Act;
- 9) Appoint a qualified person who is responsible for professional work in the landfill;
- 10) Enable the competent inspector to inspect the sites, buildings and documentation.

A landfill operator is obliged to refuse, in keeping with the present Act, to accept waste which does not meet the requirements for disposal laid down in the license or refuse to accept the waste mixed with some other waste, thus posing a risk to human health and the environment.

The operator is obliged to notify the authority competent for license issuing of the refusal to accept the waste referred to in paragraph 2 of this Article.

## Qualified Person Responsible for Professional Work

### Article 31

A qualified person responsible for professional work on the non-hazardous waste management is a person who has:

- 1) Not been punished for any crime;
- 2) At least high school education and received on-the-job training.

A qualified person responsible for professional work on the hazardous waste management is a person who has:

- 1) Not been punished for any crime;
- 2) At least high education in the first degree studies (basic academic studies and basic vocational studies) or at least higher education in natural and mathematical sciences, medicine, technical and technological sciences and at least three years of working experience.

A legal person and sole trader engaged in the waste management business must have at least one full-time qualified employee who is responsible for professional work in non-hazardous and/or hazardous waste management.

## VI ORGANIZING OF WASTE MANAGEMENT

### Waste Management Organization

#### **Article 32**

Waste management is organized in such a manner as not to pose a threat to human health and the environment, in conformity with the law.

The Minister may order the application of additional measures for the management of certain types of waste if:

- 1) Handling of waste poses or could pose a threat to human health and the environment;
- 2) There are additional demands for implementation of the provisions of international treaties which are binding on the Republic of Serbia.

The additional measures referred to in paragraph 2 of this Article may be temporary requirements for the conduct of business in case of endangerment of human health and the environment, as well as the application of the international norms which have not been prescribed in the country.

Should any legal i.e. natural person handle waste contrary to the present Act, and due to that fact endangerment or risk to human health and the environment occurs the Republic of Serbia applies the emergency measures for protection of human health and the environment, i.e. surface and ground waters, air, soil, flora and fauna.

The Republic of Serbia is entitled to compensation for the costs incurred in applying the measures referred to in paragraph 4 of this Article from the person found to have been engaged in the prohibited activity.

### Waste Management Plant

#### **Article 33**

The storage, treatment or disposal of waste may be carried out by:

- 1) A company, enterprise or some other legal person, i.e. sole trader that carries out the activity of storage, treatment i.e. recovery or disposal of waste, in conformity with the law;
- 2) A legal person or sole trader, on the basis of a license and a contract for conducting an activity of local importance concluded with a local government unit, in conformity with the law.

The right to conduct a waste management activity i.e. construction, operation and maintenance of a waste management plant may be acquired on the basis of a concession, in conformity with the law regulating concessions.

The construction and operation of any waste management plant must be carried out in keeping with the provisions of the present Act, laws that govern construction of buildings and other laws.

No waste management plant may be put into operation before acquiring the waste management license in conformity with the present Act.

Waste may be stored, treated i.e. recovered or disposed of in the waste management plants only in accordance with the issued license.

## Location for Construction and Operation of Plant

### Article 34

One or several local government units determine the location for the construction and operation of a plant for storage, treatment, i.e. recovery or disposal of waste which they manage in their territory under the conditions provided by law, as well as the agreement referred to in Article 21, paragraph 2, of the present Act, if a number of assemblies of local government units are jointly deciding on the location of a waste management plant.

In the event of disagreement between the local government units with regard to the choice of location of the waste management plant, the decision on the location is rendered by the Government at the recommendation of the Ministry i.e. the competent authority of the Autonomous Province, as applicable.

In the case of construction of a plant for the treatment, i.e. recovery or disposal of hazardous waste, the Ministry renders a decision on the location, in conformity with the law and having previously obtained the opinion of the local government unit, i.e. the Autonomous Province also for the plants to be constructed in its territory.

The following is particularly taken into account when choosing the location for the construction and operation of a waste management plant:

- 1) Quantity and type of waste;
- 2) Method of storage, treatment, i.e. recovery or disposal of waste, i.e. type of the building and plant;
- 2a) Purpose planned for the area and the possibility of the construction and operation of the plant in accordance with the urban planning requirements and environmental protection requirements;
- 3) Geological, hydrological, hydro-geological, topographic, seismological and pedological properties of soil and microclimatic characteristics of the region;
- 4) Proximity of protected natural assets and characteristics of the region.

## Waste Collection and Transport

### Article 35

A person who is collecting, i.e. transporting waste, collects the waste from its producer or owner and/or other holder and transports it to the waste management plant, i.e. the centre for collection, storage, transfer station or treatment, i.e. recovery or disposal plant.

The person referred to in paragraph 1 of this Article must have concluded a contract with the waste management operator whereby the method of waste takeover, payment through a bank account, as well as other issues of importance for waste takeover (type, quantity, origin, classification of waste, etc.) are regulated.

The competent authority takes appropriate measures in accordance with Article 3 and Article 6, paragraph 1, item 3) of the present Act so as to encourage the following:

- 1) Separate collection of bio-waste for the purpose of composting and digestion;
- 2) Treatment of bio-waste in a manner that ensures a high level of environmental protection;
- 3) Use of materials safe for the environment which are produced from bio-waste.

Collected mixed waste may be accepted as recyclable material in a waste management plant provided that these materials are separated in the further process, in accordance with the quality i.e. recycling standards.

The waste which is intended for storage, treatment, i.e. recovery or disposal may be transported to

the transfer station, from where it is transported to the storage, treatment, or disposal plant.

A local government unit determines the location of the transfer station.

For easier further treatment, i.e. recovery of waste, the persons referred to in paragraph 1 of this Article are obliged to provide that the different types of waste remain separated during transport.

Waste is transported in a closed vehicle, packaging, container or tank in order to prevent its scattering or falling out during transportation, loading or unloading, i.e. pollution of air, water, soil and the environment.

In the case of pollution occurred during transport, the waste transporter is responsible for the cleaning and depollution of the area.

The waste transporter transports the waste only to the destination fixed by its sender.

If the waste cannot be delivered at the destination, the transporter returns the waste to its sender.

Hazardous waste is be collected and transported separately.

The regulations governing the transport of dangerous cargo apply to the transport of hazardous waste, i.e. to the mode of transport, requirements relating to the packing of hazardous waste, and to the vehicle and staff in charge of handling and transport of hazardous waste.

## Waste Storage

### Article 36

Waste is stored at the places which are technically equipped for the temporary keeping of waste on the location of the waste producer or owner and/or other holder, in collection centers, transfer stations and at other locations in accordance with the present Act.

Waste storage referred to in paragraph 1 of this Article may be as follows:

- 1) Temporary storage area on the waste generation site where waste is kept for collection;
- 2) Waste storage in the shape of a plant in which the following activities are conducted: waste storage, i.e. process of its collection and classification, accommodation and keeping, as well as preparation for handing or dispatching, i.e. transport into plants for reuse, recycling, recovery or disposal, including the waste collection centers;
- 3) Waste storage area in the plant for recycling, recovery or disposal of waste in which the waste is prepared for treatment, including the transfer station.

The type of storage area referred to in paragraph 2 of this Article is determined in the waste management license, i.e. in the certificate of exemption issued in accordance with the present Act, taking into account its purpose, the type and quantity of waste, as well as the time period of its storage.

Hazardous waste may not be temporarily stored at the location of the producer, owner and/or other holder for longer than 12 months, except when the process of obtaining the license is in progress, but not longer than 120 days from the expiry of the time limit referred to in this paragraph.

## Waste Treatment

### Article 37

Waste is treated by applying the best available techniques and technologies in conformity with the present Act.

The waste treatment plants and equipment may be stationary or mobile.

The treatment of waste in a stationary or a mobile plant is carried out in accordance with the treatment license issued on the basis of the present Act.

When treating waste in a mobile plant, it is necessary to obtain licenses, consents or instruments in accordance with the present Act and other regulations.

The Minister prescribes in more detail the types of waste that can be treated in mobile plants and types of mobile plants for which the waste treatment license is issued.

## Reuse and Recovery

### Article 38

A competent authority for waste management takes necessary measures to ensure that waste recovery operations are carried out in accordance with Articles 3 and 6 of the present Act.

The competent authority for waste management takes appropriate measures to encourage the reuse and preparation for reuse of products, where possible, in particular, by developing the system for reparation and reuse of products, by applying economic instruments, criteria when conducting public procurement procedures, as well as by identifying other objectives and measures.

The competent authority for waste management takes measures to provide for and promote or improve waste recovery, where this is in accordance with the principle referred to in Article 6, paragraph 1, item 3) of the present Act and, to this end, establishes the separate collection of waste where it is technically, environmentally and economically feasible and ensures that the waste is not mixed with other waste types or other materials with different properties.

The competent authority for waste management also takes measures to provide for high quality of recycling and, to this end, establishes the separate collection of waste where it is technically, environmentally and economically feasible and appropriate, in order to meet the necessary quality standards for the relevant recycling fields.

Waste can be recovered for the same or some other purpose, for recycling, i.e. other recovery operations, for obtaining the raw material for production of the same or some other product, as a secondary raw material (paper and cardboard, metal, glass, plastic, construction and demolition waste, ashes and slag resulting from coal combustion in thermal power plants, gypsum and sulphur resulting from the desulphurization of smoke gasses, waste oils, etc.), or for the purpose of exploitation of the value of waste by its bio-decomposition or combustion along with utilization of energy.

A person who is recovering waste makes sure that the generated products do not cause more harmful effect on the environment than the products generated out of the primary raw materials.

The disposal and incineration of the waste that meets the standards for reuse or recovery is prohibited.

Exceptionally, the waste referred to in paragraph 7 of this Article may be disposed of or incinerated, if that is economically justifiable and does not pose a threat to human health and the environment, having obtained the Ministry's permission beforehand.

The plants for conducting the activity in the field of waste management, which are subject to the issuance of integrated license, can recover the imported non-hazardous waste for their own purposes, in conformity with the license issued by the Ministry, i.e. the competent authority of the autonomous province, according to the regulations governing the integrated prevention and control of environmental pollution.

The Minister prescribes in more detail the conditions for and manner of collection, transport, treatment i.e. storage, recovery and recycling of the waste used as a secondary raw material or energy source.

## Physicochemical Treatment of Waste

### Article 39

Physicochemical treatment of waste includes the following: neutralization, mineralization, solidification, oxidation, reduction, adsorption, distillation, ionic changes, reverse osmosis and other physicochemical and chemical processes which decrease the hazardous characteristics of waste.

Physicochemical treatment of waste is carried out in accordance with the treatment license issued on the basis of the present Act.

# Biological Treatment of Waste

## Article 40

Biological treatment of waste is a process of decomposition of the biodegradable organic waste (paper, cardboard, garden or kitchen waste, etc.) for the purpose of obtaining useful materials for soil conditioning (compost) and/or energy (methane) and it includes in particular: composting or anaerobic digestion.

Biological treatment of waste is carried out in accordance with the treatment license issued on the basis of the present Act.

Biological treatment of waste is carried out for the purpose of reducing the disposal of biodegradable waste in the landfill, i.e. reducing the emission of gasses producing the "greenhouse" effect and their impact on the environment.

Other technologies of biological treatment of waste are used for reducing the hazardous characteristics of waste.

## Thermal Treatment

### Article 41

Thermal treatment of waste is carried out in accordance with the treatment license issued on the basis of the present Act.

Thermal treatment is carried out in the plants which have been designed, constructed and equipped in conformity with the present Act.

The incineration of waste, as a thermal treatment, is carried out using the energy generated by combustion only if it is economically justifiable and if additional energy is not used for the incineration of waste, except for the initial ignition, or if waste is used as a fuel i.e. additional fuel for co-incineration.

Prior to the incineration of waste, the owner and/or other holder of hazardous waste provides for the testing of the hazardous characteristics of waste at the first shipment of waste to the plant, i.e. once a year for the same type of hazardous waste which is incinerated in the same plant over a longer period of time.

Prior to incineration, the operator of the plant referred to in paragraph 2 of this Article provides for the testing of waste delivered for incineration, i.e. its identification according to the type, quantity and properties, control of the accompanying documents and sampling and analysis of the hazardous waste.

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

The Government prescribes in more detail the types of waste which are to be subjected to thermal treatment, requirements and criteria for choosing the location, technical and technological requirements for the design, construction, equipping and operation of the plant for thermal treatment of waste, treatment of the residue after waste incineration, as well as with other matters of importance for operation of a waste thermal treatment plant.

## Landfill Waste Disposal

### Article 42

Waste is disposed of in a landfill if no other suitable solution is existent, in conformity with the waste management hierarchy principle.

Waste is disposed of in a landfill which meets technical, technological and other conditions and requirements, in accordance with the license issued on the basis of the present Act.

Prior to disposal, the landfill operator provides for the delivered waste being checked, i.e. its identification according to type, quantity and properties, though measuring of its mass and control of accompanying documents before takeover.

Prior to being disposed of, waste is treated in conformity with the provisions of the present Act and other regulations.

Landfills are divided into three classes, depending on the type of waste which is deposited in them, namely:

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

The disposal of hazardous waste together with other types of waste on the same location is not permitted, except in the cases provided by a special regulation.

The Government prescribes in more detail the following:

- 1) Requirements and criteria for setting the location, technical and technological conditions for designing, construction and operation of landfills;
- 2) Types of waste the disposal of which in landfills is prohibited, quantities of the biodegradable waste which may be disposed of, criteria and procedures for acceptance or non-acceptance i.e. disposal of waste in the landfill, operating method and procedure for work and closing down of landfills;
- 3) Contents and method of monitoring the landfill operation, as well as the landfill post-closure maintenance.

## Municipal Waste Management

### Article 43

Municipal waste is collected, recovered and disposed of in accordance with the present Act and special regulations governing public utility activities.

The mixing of hazardous waste with municipal waste is prohibited.

The municipal waste which has already been mixed with the hazardous one is separated, if so is economically justifiable, but otherwise, such waste is deemed hazardous.

A local government unit, in accordance with the local plan, regulates and organizes the following:

- 1) Selection and separate collection of waste, including the frequency of collecting of waste for the purpose of recycling (paper, metal, plastic and glass);
- 2) Provides the disposal of household waste into containers or in some other manner;
- 3) Provides and equips the centers for the collection of household waste that cannot be disposed of in the containers for municipal waste (bulky, biodegradable and other types of waste), including hazardous household waste.

Households are obliged to dispose of their waste in containers or in other manners, as provided by the local government unit, and in the case of hazardous household waste (waste batteries and accumulators, oils, waste generated from electrical and electronic products, paints and varnishes, pesticides, etc.), to deliver it to the centers designated for the collection of household waste or to a duly authorized legal person for the collection of hazardous waste.

Households and other producers of municipal waste engage in selection of municipal waste for recycling purposes.

A local government unit is obliged to make a record of illegal landfills and existing unsanitary landfills - dumps within its territory and to provide for their removal and rehabilitation.

A local government unit is obliged to draw up a design for rehabilitation and recultivation of the existing unsanitary landfills - dumps, in accordance with the law that regulates environmental

protection.

A public utility company that manages the unsanitary landfills - dumps of municipal waste is obliged to submit to the Ministry, i.e. the competent authority of the Autonomous Province for approval the operating plan of the plant referred to in Article 16 of the present Act, along with the program of corrective measures and schedule of adjusting the plant operation in accordance with the present Act and the regulation governing the disposal of waste in landfills.

The Minister prescribes the manner of keeping and appearance of the list of landfills and dumps in the territory of the local government unit, as well as the manner and time limits for its submission.

## Management of Hazardous Waste

### Article 44

Production, collection and transport of hazardous waste, as well as its storage and treatment, is carried out under conditions that ensure the protection of the environment and human health in accordance with Article 3 of the present Act, including all the activities ranging from the hazardous waste production to its treatment, in conformity with reporting on waste, supervision and penal provisions in the manner prescribed by the present Act.

The Government ensures the implementation of measures for handling of hazardous waste.

The treatment of hazardous waste has priority over the treatment of other types of waste and is carried out only in the plants holding the hazardous waste treatment license in accordance with the present Act.

In its collecting, classifying, storing, transporting, recovering and disposing, the hazardous waste is packed and labeled in a manner which ensures the safety to human health and the environment, in accordance with the international and harmonized Serbian standards.

Hazardous waste is packed according to the characteristics of the hazardous waste (flammable, explosive, infectious, etc.) and labeled in accordance with the law regulating the transportation of hazardous cargo and the present Act.

Mixing of different categories of hazardous waste or mixing of hazardous waste with non-hazardous waste, other substances or matters is prohibited, except in the following cases:

- 1) In the plants for which the hazardous waste treatment license has been issued in accordance with Article 64 of the present Act;
- 2) If Article 3 of the present Act is applied and the waste management adverse impacts on human health and the environment do not occur;
- 3) Under the conditions stipulated in the license with the application of best available techniques and under the supervision of a qualified person.

Mixing of waste referred to in paragraph 6 of this Article also includes the dilution of hazardous substances.

Subject to technical and economic feasibility criteria, where hazardous waste has been mixed in a manner contrary to the provisions of this Article, the separation is carried out where possible and necessary in the plant referred to in paragraph 6 of this Article, under the supervision of a qualified person, in accordance with Article 3 of the present Act.

The provisions of paras. 1, 5 and 6 of this Article do not apply to mixed hazardous waste from households before taking it over from the collection centers for handover to the waste recovery or disposal plants.

The provision of paragraph 5 of this Article does not apply to separated parts of hazardous waste produced by households before they are collected, disposed of or recovered by the operators who have a license or who are registered in accordance with the provisions relating to license issuance or registers of issued licenses prescribed by the present Act.

The disposal of hazardous waste without prior treatment which would considerably reduce its hazardous characteristics is prohibited.

The dilution of hazardous waste for the purpose of discharging it into the environment is prohibited.

The Minister prescribes the manner of storing, packaging and labeling of hazardous waste.

## Waste Movement Document

### Article 45

A special Waste Movement Document is included in the movement of waste, except for household waste.

The producer, i.e. owner and/or other holder of waste must classify the waste before starting its movement.

The producer, i.e. owner and/or other holder of waste must keep copies of the waste dispatch documents until he receives a copy of the filled out Waste Movement Document from the recipient confirming that waste has been accepted.

If the producer, i.e. owner and/or other holder does not receive a copy of the filled out Waste Movement Document from the recipient within 15 days, he must initiate the procedure for control of the movement of waste and is obliged to report his findings to the Ministry, without delay, as well as the competent authority of the Autonomous Province, if waste movement is conducted in the territory of the Autonomous Province.

The producer, i.e. owner and/or other holder of waste keeps the filled out Waste Movement Document for at least two years.

The Minister prescribes the form of the Waste Movement Document, as well as the instructions for filling it in.

## Hazardous Waste Movement Document

### Article 46

The movement of hazardous waste is accompanied by a special Hazardous Waste Movement Document that is filled out by the producer, i.e. owner and/or other holder and anybody else who takes over the hazardous waste.

The Hazardous Waste Movement Document consists of the following:

- 1) Copy of the prior notification sent by the producer, owner and/or other holder of waste to the Ministry 48 hours prior to the commencement of the hazardous waste movement, stating the data on the producer, i.e. owner in conformity with the law regulating personal data protection, as well as the data on the type and estimated quantities of waste, classification of waste, mode of transport and destination, which is signed by the producer, i.e. owner;
- 2) Copy of the document referred to in paragraph 2, item 1) of this Article, which is kept by the producer, i.e. owner and/or other holder\*, signed by the person who has taken over the waste for the purpose of transporting it (the transporter);
- 3) Copy of the document referred to in paragraph 2, item 2) of this Article, which is kept by the waste transporter and signed by the person who has taken over the waste at the destination (the recipient);
- 4) Copy of the document referred to in paragraph 2, item 3) of this Article, which is kept by the waste recipient;
- 5) Copy of the document referred to in item 4) of this paragraph which is sent by the recipient to the Ministry, as well as to the competent authority of the Autonomous Province, i.e. the city of Belgrade, if the movement of waste is carried out within their territory;
- 6) Copy of the document referred to in paragraph 2, item 4) of this Article, which is sent by the recipient to the producer, owner and/or other holder, i.e. sender.

The copies of the documents referred to in paragraph 2, items 5) and 6) of this Article are used by the competent authority and producer, i.e. owner and/or other holder, for the purpose of completing the hazardous waste movement documentation.

The producer, i.e. owner and/or other holder of waste keeps the copy of the document referred to in paragraph 2, item 2) of this Article until he gets a copy of the document referred to in paragraph 2, item 6) of this Article from the recipient of the waste, i.e. a copy of the filled out Hazardous Waste Movement Document confirming that the waste has been accepted.

The producer, i.e. owner and/or other holder of the waste is obliged to permanently keep the copy of the document referred to in paragraph 2, item 6) of this Article and to submit it to the Agency in electronic form by entering the data into the information system of the National Register of Pollution Sources.

Documentary evidence that the management operations have been carried out is also delivered at the request of the competent authority or the previous owner and/or other holder of waste.

If the producer, i.e. owner and/or other holder does not receive, within 15 days from receipt of the copy of the document referred to in paragraph 2, item 2) of this Article, a copy of the document referred to in paragraph 2, item 6) of this Article confirming that waste has been taken over, he must initiate the procedure for checking on the movement of waste and is obliged to report its finding to the Ministry, without delay.

The Ministry keeps a copy of the document referred to in paragraph 2, item 1) of this Article until the receipt of the copy of the document referred to in paragraph 2, item 5) of this Article from the recipient of waste, whereby confirming the receipt of waste.

If the Ministry does not receive, within 30 days from the day of receipt of the copy of the document referred to in paragraph 2, item 1) of this Article, a copy of the document referred to in paragraph 2, item 5) of this Article from the recipient of waste confirming the receipt of waste or if it does not receive, from the producer, i.e. owner and/or other holder, a notification concerning a potential problem, the Ministry initiates the procedure for checking on the movement of waste.

The Minister prescribes the form of the Hazardous Waste Movement Document, the form of the prior notification, method of its delivery, as well as the instructions for filling them out.

## VII MANAGEMENT OF SPECIAL STREAMS OF WASTE

### Management of Used-Up Batteries and Accumulators

#### **Article 47**

The trade in batteries and accumulators containing more than 0.0005% of mercury by mass is prohibited, unless otherwise provided by the present Act.

Notwithstanding paragraph 1 of this Article, the trade in button batteries and batteries consisting of combined button batteries containing not more than 2% of mercury by mass can be permitted.

Trade in portable batteries and accumulators, including those installed in devices, containing more than 0.002% of cadmium by mass is prohibited, with the exception of those used in the safety and alarm systems, medical equipment or wireless electrical tools, unless otherwise provided by the present Act.

A producer of equipment with installed batteries and accumulators is obliged to provide for them to be installed in the device in such a manner as will make it possible for a user to remove them easily after use.

A producer and importer of batteries and accumulators, as well as a producer and importer of equipment with built-in batteries and accumulators, is obliged to mark them using the labels containing instructions and warnings for separate collection, heavy metal content, possibility of recycling or disposal, etc.

A producer and importers of batteries and accumulators is obliged to keep and maintain records of the quantity of produced or imported products.

An owner and/or other holder of used-up batteries and accumulators, other than households, are obliged to hand them over for treatment to a person who is duly licensed for their treatment.

A person who collects, stores, and treats used-up batteries and accumulators must be duly licensed, must keep and maintain records of used-up batteries and accumulators, as well as of the quantity collected, stored or treated, and present the data thereof to the Agency.

The Minister prescribes in more detail the contents and appearance of the labels on batteries, button batteries and accumulators according to the hazardous substance content, manner of and procedure for managing used-up batteries and accumulators, as well as devices with built-in batteries and accumulators.

## Waste Oil Management

### Article 48

Within the meaning of the present Act, waste oils are all mineral or synthetic oils or lubricants which are unusable for the purpose they were intended for originally, such as hydraulic oils, engine and turbine oils or other lubricants, ship oils, insulating or heat transferring oils or liquids, other mineral or synthetic oils, as well as oil residue from tanks, oil-water mixtures and emulsions.

The following is prohibited:

- 1) Draining or spilling of waste oils on/in soil, surface and groundwater and in sewers;
- 2) Disposal of waste oils and uncontrolled discharging of residue from waste oil processing;
- 3) Mixing of waste oils in the course of collection and storage with PCBs or used PCBs or halogenous substances and substances which are not waste oils, or mixing with hazardous waste;
- 4) Any kind of processing of waste oils resulting in air pollution in concentrations exceeding the prescribed limit values.

A producer of waste oil, depending on the quantity of waste oil he produces per year, is obliged to provide a reception point for the waste oil awaiting collection for treatment by a duly licensed person.

Owners and/or other holders\* of waste oils who are not producers of waste oils are obliged to hand over the waste oil to a person who collects and treats it.

A person who collects, stores, and treats waste oils must have a license, keep and maintain a record of waste oils and quantity of waste oil collected, stored or treated, as well as of the ultimate disposal of the residue after treatment, and present data thereof to the Agency.

The waste edible oil generated in the catering and tourist industries, manufacturing, commerce and other similar activities, where more than 50 meals are cooked every day, is collected to be processed and obtained biofuel from it.

Owners and/or other holders of waste edible oils are obliged to collect the waste edible oil generated in the process of meal cooking separately from other waste and hand it over to a person who is licensed for the collection i.e. treatment of waste oils.

The Minister prescribes in more detail the conditions for, manner of and procedure for waste oil management.

## Waste Tire Management

### Article 49

Within the meaning of the present Act, waste tires are the tires of motor vehicles (automobiles, busses, trucks, motorcycles, etc.), farming and construction machines, trailers, towed machines and the like upon the expiration of their service life.

A person who collects, transports, treats or disposes of waste tires must be duly licensed, must keep and maintain a record of the quantity of collected and treated waste tires and present data thereof to the Agency.

The Minister prescribes in more detail the manner of and procedure for the waste tire management.

## Management of Electrical and Electronic Product Waste

### Article 50

Electrical and electronic product waste cannot be mixed with other types of waste.

The disposal of electrical and electronic product waste without prior treatment is prohibited.

The waste liquids from electrical and electronic products must be kept separately and treated in a suitable manner.

The components of the electrical and electronic product waste containing PCBs are mandatorily kept separately and their adequate disposal is provided for.

A producer or importer of electrical or electronic products is obliged to identify the recyclable components of such products.

The persons who assume waste generated from the electrical and electronic product after their use, issue and keep the takeover receipts, as well as the certificates of their dispatch for treatment, i.e. recovery and disposal.

The duty to take over referred to in paragraph 6 of this Article does not apply to parts of electrical and electronic products.

A person who collects, treats, i.e. recovers or disposes of waste from electrical and electronic products must have a license, keep a record of the quantity and type of taken over electrical or electronic products and present the data thereof to the Agency.

The use of new electrical and electronic equipment containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBBs) and polybrominated diphenyl ethers (PBDE) may be prohibited or restricted when such equipment is being placed on the market.

The Minister prescribes in more detail the list of electrical and electronic products, measures of prohibition and restriction of the use of the electrical and electronic equipment containing hazardous substances and the manner of and procedure for the management of electrical and electronic product waste.

## Management of the Waste Mercury-Containing Fluorescent Tubes

### Article 51

The waste mercury-containing fluorescent tubes are collected separately.

The disposal of the waste mercury-containing fluorescent tubes without prior treatment is prohibited.

The owner and/or other holder of the waste mercury-containing fluorescent tubes are obliged to hand them over for treatment to person who has a license for that.

A person, who collects, treats, i.e. recovers or disposes of the waste mercury-containing fluorescent tubes must have a license, keep and maintain a record of the quantity collected, treated or disposed of, and present data thereof to the Agency.

The Minister prescribes in more detail the manner of and the procedure for the management of waste mercury-containing fluorescent tubes.

## Management of PCBs and PCB Waste

### Article 52

The PCB-containing waste is collected separately.

The following is prohibited:

- 1) Topping up transformers with PCBs;
- 2) Reuse of PCB waste;
- 3) Obtaining PCBs by recycling PCB waste;
- 4) Temporary storage of PCBs, PCB waste or PCB-containing appliances longer than 24 months prior to the provision of their disposal or decontamination;
- 5) Incineration of PCBs or PCB waste on ships;
- 6) Use of PCB-containing appliances, if they are out of order or are leaking.

The owner and/or other holder of PCBs and PCB waste is obliged to provide for their disposal, i.e. decontamination in a manner prescribed by the present Act.

The owners and/or other holder of the appliance in use, which contains PCBs or which might have been contaminated with PCB content, is obliged to arrange for the PCB content to be tested by a laboratory accredited for PCB content testing.

The owner and/or other holder of the appliance containing more than 5 dm<sup>3</sup> of PCBs is obliged to report such appliance to the Ministry, present the plan of replacement i.e. disposal and decontamination of such appliance, arrange for its disposal, i.e. decontamination, as well as to notify the Ministry of any change in the data relating to the appliance within three months from the day of occurrence of the change.

The persons who carry out the disposal of PCBs are obliged to issue a certificate specifying the properties and quantities of PCBs to the holders who deliver the used PCBs.

Prior to handing PCBs, PCB waste and/or PCB-containing equipment over to a person who has a license in accordance with the present Act, the owner and/or other holder of PCBs, PCB waste and/or PCB-containing appliance is obliged to take all precautionary measures in order to avoid the risk of fire, including keeping them away from flammable products.

The appliances containing less than 5 dm<sup>3</sup> of PCBs which are integral components of other appliances must be removed and separately collected, recycled or disposed of, upon the cessation of the use of appliances they are integral components of.

Besides the owner and/or other holder, the appliance referred to in paragraph 5 of this Article may also be reported by the person responsible for its maintenance.

All PCB-containing appliances and the premises or plants, in which they are kept, as well as the decontaminated appliances, must be labeled.

A person who carries out the collection, treatment, decontamination or disposal of the PCB waste must have a license, keep and maintain a record of the quantity collected, treated or disposed of and present the data thereof to the Agency.

The Agency keeps a register of the PCB-containing appliances in use whose data are public.

The Minister prescribes in more detail the following:

- 1) Contents, appearance of the label and manner of labeling the PCB-containing appliances and the premises or plants they are kept in, as well as the decontaminated appliances;
- 2) Methods of PCB or PCB waste disposal, decontamination of the PCB-containing appliances and methods of testing of PCB content;
- 3) Contents of the data report and the register of the PCB-containing appliances in use and PCB waste;
- 4) Contents of the application for the issuance of the license for decontamination of the PCB-containing appliances;
- 5) Instructions for the collection and disposal of the appliances containing less than 5 dm<sup>3</sup> of PCBs which are integral components of other appliances.

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

## Article 53

Within the meaning of the present Act, the POPs waste is the waste which consists of, contains or is contaminated by persistent organic pollutants (POPs).

A person who carries out the treatment, i.e. recovery or disposal of the waste referred to in paragraph 1 of this Article is obliged to make sure that the residue after treatment, i.e. reuse does not have the characteristics of POPs substances.

The owner and/or other holder of the POPs waste is obliged to report to the Ministry the type and quantity of POPs waste.

The Minister prescribes in more detail a list of POPs substances, manner of and procedure for POPs waste management and limit values of concentrations of POPs substances that relate to the disposal of the waste containing or contaminated by POPs substances.

## Management of Asbestos-Containing Waste

### Article 54

The asbestos-containing waste is collected, packed, stored and disposed of in the landfill separately at clearly marked place intended for disposal of the asbestos-containing waste.

The producer or owner and/or other holder of the asbestos-containing waste are obligated to apply measures for preventing the dissipation of asbestos fibers and dust in the environment.

The owner and/or other holder of the asbestos-containing waste is obliged to keep a record of the quantity of the stored or disposed of waste and present the data thereof to the Agency.

The Minister prescribes in more detail the manner of packing, the criteria, requirements and manner of ultimate disposal of the asbestos-containing waste and other measures for the prevention of dissipation of the asbestos fibers and dust in the environment.

## Managing End of Life Vehicles

### Article 55

The end of life, i.e. useless vehicles are the motor vehicles or parts thereof which are waste and which their owners want to dispose of or the owner of which is unknown.

A producer or importer is obliged to present the information on the dismantling, i.e. suitable treatment of the useless vehicle.

The owner of an end of life vehicle is a legal or natural person to which/whom that vehicle belongs, and which has generated by their activity.

The owner of an end of life vehicle (if known) is obliged to arrange for that vehicle to be handed over to a person licensed for collection or treatment.

If the owner of an end of life vehicle is unknown, a local government unit is obliged to arrange for the collection and handover of that vehicle to a person licensed for treatment.

A local self-government unit regulates the procedure of collection and handover of the vehicle referred to in paragraph 5 of this Article and is entitled to charge the expenses if the owner of the end of life vehicle is identified subsequently.

A person who carries out the treatment of waste vehicles is be obliged to do the following:

- 1) Keep a record of all phases of the treatment and forward the data thereof to the Agency;
- 2) Arrange for the separation of hazardous materials and components from end of life vehicle for further treatment prior to disposal;

- 3) Arrange for the treatment of end of life vehicles and disposal of the parts which cannot be processed;
- 4) Issue the vehicle handover certificate to the owner or the person who collects end of life vehicles;
- 5) Present the end of life vehicle dismantling certificate to the authority responsible for vehicle registration.

The Minister prescribes in more detail the manner of and procedure for management of end of life vehicles.

## Medical Waste Management

### Article 56

A medical waste producer is obliged to make a medical waste management plan provided that he annually produces more than 100 tons of non-hazardous medical waste and/or 200 kg of hazardous medical waste.

The ministry in charge of healthcare gives consent to the plan for managing medical waste generated by health institutions, other forms of health services (hereinafter: private practice), other legal entities, i.e. facilities that provide healthcare of people in conformity with the law, as well as related medical, educational and scientific and research activities that generate more than 500 kg of hazardous medical waste per year, upon previously obtaining an opinion of the institute of public health established for the territory of the Republic of Serbia, and in cooperation with the ministry.

The ministry in charge of veterinary medicine grants an approval for the plan for managing medical waste generated by veterinary organizations and facilities that perform veterinary activities, in accordance with the law that regulates veterinary medicine and the present Act.

A medical waste producer provides for, where possible, the reduction in the medical waste quantity and/or its hazardous characteristics on the site of its generation, as well as the recovery of waste.

A medical waste producer collects all the waste on the site of its generation and separates hazardous waste from non-hazardous one, i.e. classifies different types of hazardous medical waste and disposes them in the appropriate packaging adapted to their property, quantity, temporary disposal method, transport and treatment.

Collection and transport of the hazardous medical waste, classified, packaged and labeled in accordance with the present Act and regulation adopted under the present Act, is carried out by special vehicles for transport of medical waste from the medical waste producer to the waste treatment plant operator, in accordance with the regulations governing the waste management and regulations governing the transport of dangerous cargo.

The producer of hazardous medical waste must have a contract concluded with a person holding the medical waste collection and transportation license, if he does not possess his own medical waste transportation vehicle.

A person who holds the hazardous medical waste collection and transportation license, in conformity with the law, must conclude a contract on the takeover of such waste with the waste treatment plant operator.

The waste generated during home medical treatment and other similar activities that generate medical waste is taken over by the person performing that activity and such a person provides for its treatment or its safe disposal at his own expense, in accordance with the regulations governing the waste management.

A person who transports hazardous medical waste provides for regular cleaning and disinfection of transportation vehicles.

The hazardous medical waste producer stores such waste on the site designated exclusively for that purpose, prior to the transport, treatment or handover of that waste to the waste treatment plant operator.

The hazardous medical waste producer carries out the treatment of his own medical waste independently or through a third party with whom he has concluded a contract which provides for fulfillment of the requirements stipulated by the present Act.

The medical waste producer is obliged to submit to the Agency the data on the quantities of waste by type and method of handling.

A person who carries out the collection, transport, treatment, i.e. storage, recovery and disposal of the residue after medical waste treatment must have a license, keep records of the quantity and type of medical waste that has been collected, transported, treated, i.e. stored and disposed of, and submit the data thereof to the Agency.

Medical waste is exported if the Republic of Serbia does not have technical capabilities and/or has no facilities for recovery or disposal of such waste in an ecologically acceptable and efficient manner, in accordance with the present Act and regulations governing the international transport of waste.

A minister responsible for healthcare and the Minister, by mutual consent, prescribe the contents of the plan for managing medical waste originating from institutions that provide human healthcare, the method of and procedure for medical waste management.

## Pharmaceutical Waste Management

### Article 56a

The pharmacies that are established as healthcare institutions, i.e. as veterinary organizations, as well as the pharmacies established as private practices are obliged to:

- 1) Take over the pharmaceutical waste produced by citizens and hand over such waste to the persons who carry out the collection, transport, treatment, i.e. storage, recovery and disposal or export of pharmaceutical waste;
- 2) Keep separate records of their own pharmaceutical waste and submit the data thereof to the Agency;
- 3) Provide space within the business premises of the pharmacy for a container for free of charge collection of unused medicines from citizens;
- 4) Conclude a contract with a person referred to in item 1) of this paragraph on the rights, obligations and responsibilities in the field of managing pharmaceutical waste generated by citizens;
- 5) Prominently display a notice stating that the pharmacy concerned collects unused medicines from citizens, as well as that citizens do not pay any fee for returning the unused medicines.

Citizens, i.e. animal owners are obliged to hand over the unused medicines to the pharmacy which is established as a healthcare institution, i.e. a veterinary organization or to the pharmacy which is established as a private practice.

The container referred to in paragraph 1, item 3) of this Article is installed by a person who carries out the collection, transport, treatment, i.e. storage, recovery and disposal or export of pharmaceutical waste, and who holds a license in accordance with the present Act.

The waste containing psychoactive controlled substances and precursors is treated in accordance with the law that regulates the field of psychoactive, controlled substances and precursors, the law regulating the field of medicines, as well as the law regulating the waste management.

The minister responsible for healthcare, the minister responsible for veterinary medicine and the Minister, by mutual consent, prescribe the method of and procedure for pharmaceutical waste management.

## Medical and Pharmaceutical Waste Management Costs

### Article 56b

The costs of management of medical waste, including pharmaceutical waste generated by the pharmacies referred to in Article 56a of the present Act, are borne by the waste producer, except for the costs of management of pharmaceutical waste collected from citizens.

The costs of management of waste resulting from medicines, for which the Republic of Serbia has

not issued a marketing authorization, are borne by the importer of these medicines.

The costs of management, i.e. export of pharmaceutical waste collected from citizens are borne by the producer and/or importer who places pharmaceutical products on the market of the Republic of Serbia, in proportion to the participation in the mass of placements of their products on the market of the Republic of Serbia, in accordance with the present Act, and based on the records of the Medicines and Medical Devices Agency.

The pharmaceutical waste management costs referred to in paragraph 3 of this Article include the following:

- 1) Takeover and transport of waste;
- 2) Preparation of a joint plan;
- 3) Purchase of collection containers and their placement scheme;
- 4) Temporary storage and transport for the purpose of disposal;
- 5) Treatment, i.e. recovery, disposal or export of waste;
- 6) Administrative costs (electronic data processing, system management, notification and preparation of the export documentation).

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

### **Article 57**

Within the meaning of the present Act, the titanium dioxide waste is all type of waste generated in the production of titanium dioxide which is or has to be disposed of by the producer in accordance with the present Act, as well as the residue after treatment of this type of waste.

The titanium dioxide waste disposal operations may not be performed without permission of the Ministry, i.e. the competent authority of the autonomous province.

The producer and owner and/or other holder of waste is obliged to have a license, keep and maintain records of the quantities of this type of waste that was collected, stored, treated or disposed of, and to present the data thereof to the Agency.

The producer and owner and/or other holder of titanium dioxide and titanium dioxide waste is be obligated to apply the measures of supervision over the disposal operations and to conduct check-ups of the soil, water and air at the location where the titanium dioxide waste has been uses, kept or disposed.

The Minister prescribes in more detail the method of and procedure for the management of titanium dioxide waste, as well as the measures for the supervision and monitoring of the environment on the site.

## Managing the Packaging and Packaging Waste

### **Article 58**

The materials used for packaging must be produced and designed in such a manner that throughout their service life they will meet the requirements for environmental protection, safety and health of people and sanitary safety of the packaged products, as well as the requirements for the transport of products and waste management.

Packaging and packaging waste is managed in accordance with a special law.

# VIII WASTE MANAGEMENT LICENSES

## Issuance and Types of Licenses

### Article 59

In order to perform one or several activities in the field of waste management, it is necessary to obtain the following licenses:

- 1) Waste collection license;
- 2) Waste transport license;
- 3) (Deleted)
- 4) Waste treatment license, namely:
  - Storage license;
  - Recovery license;
  - Disposal license;
- 5) (Deleted)

An integrated license may be issued to an operator engaged in several activities.

The hazardous waste collection and transport license is issued in accordance with the present Act and other regulations.

The licenses referred to in paras. 1 and 2 of this Article are issued for the purpose of performing the waste management activities for which, according to the regulations governing the integrated prevention and control of environmental pollution, an integrated license is not issued.

Exceptionally, the licenses referred to in paras. 1 and 2 of this Article are also issued for the operations of the new and the existing waste management plants which are subject to the integrated license issuance, including the duration of the trial period, and no longer than additional 240 days upon the expiry of the trial period, as a temporary license until issuance of the integrated license.

The operator concerned may file a complaint against the decree on the basis of which the license referred to in paragraph 4 of this Article was issued, within 15 days from the day of receipt of the decree.

## Competence for License Issuance

### Article 60

The licenses for the collection, transport, treatment, i.e. storage, recovery and disposal of hazardous waste, license for the treatment of inert and non-hazardous waste by incineration and license for the treatment of waste in a mobile plant, are issued by the Ministry.

The licenses for the collection, transport, treatment, i.e. storage, recovery and disposal of inert and non-hazardous waste in the territories of several local government units are issued by the Ministry and in the territory of the Autonomous Province, by the competent authority of the Autonomous Province.

The delegated authority of the Autonomous Province is to issue the licenses for the collection, transport, treatment, i.e. storage, recovery and disposal of waste for all the activities in the territory of the Autonomous Province and for all the plants the building permits for which are issued by the competent authority of the Autonomous Province.

The delegated authority of the City of Belgrade is to issue the licenses for the collection, transport, treatment, i.e. storage, recovery and disposal of waste for all the activities in the territory of the City of Belgrade and for all the plants the building permits for which are issued by the competent

authority of the city of Belgrade.

The delegated authority of the city, i.e. municipality is to issue the licenses for the collection, transport, treatment, i.e. storage, recovery and disposal of inert and non-hazardous waste in their territory.

## Exemptions

### Article 61

Licenses are not issued for the following:

- 1) Movement of waste within the location of the waste producer;
- 2) Household waste containers at public places;
- 3) Storages the capacity of which is less than 10 tons of inert waste;
- 4) Storages the capacity of which is less than 2 tons of non-hazardous waste;
- 5) Mechanical preparation of non-hazardous waste for transport (pressing, baling, shredding, etc.);
- 6) The case of testing that is conducted to determine the technical and technological parameters of waste recovery for the purpose of obtaining data in order to implement the procedure for drafting the impact assessment study.

The certificate of exemption from the duty to obtain a license is issued for the places at which the inert and non-hazardous waste is stored and for the mechanical preparation of non-hazardous waste for transport referred to in paragraph 1, items 3), 4) and 6) of this Article.

The application for exemption from the duty to obtain a license includes the following in particular:

- 1) Data on the operator;
- 2) Data on the plant and location;
- 3) Data on the plant capacity;
- 4) Consent to the accident prevention plan and fire prevention plan provided that the operator is obligated to obtain such a consent, or the rules of fire protection depending on the category of fire risk and other data at the request of the competent authority.

The certificate referred to in paragraph 1, item 6) of this Article is issued for a period not longer than 60 days.

The Minister prescribes in more detail the contents of the certificate referred to in paragraph 2 of this Article.

## Application for License Issuance

### Article 62

The operators of the plants for waste treatment, i.e. storage, recovery and disposal apply for license issuance.

The application for a license referred to in paragraph 1 of this Article contains the following:

- 1) Data on the applicant;
- 2) Data on the plant and site, and particularly a description of the location, including its hydrogeological and geological characteristics in the request for the disposal of waste in landfills;
- 3) Data on the plant capacity;
- 4) Data on the type, quantity and origin of waste;
- 5) Methods and technologies to be used for each type of operation included in the license, technical and other requirements relating to the location concerned, as well as methods proposed to prevent and reduce pollution;

- 6) Data on the equipment and devices to be used;
- 7) Number of employees and their qualifications;
- 8) Data on the qualified person responsible for professional work.

The operator attaches the following documentation to the application for a license referred to in paragraph 1 of this Article:

- 1) Certificate of registration;
- 2) Operating plan for the waste management plant;
- 3) Consent to the accident protection plan and fire protection plan if the operator is obligated to obtain such an consent, or the rules of fire protection depending on the category of fire risk, as well as the program of basic training of employees in the field of fire protection in conformity with the law;
- 4) Plant closure plan;
- 5) Statement about the methods of waste treatment, i.e. recovery or disposal;
- 6) Statement about the methods of treatment, i.e. recovery and disposal of the residue from plants;
- 7) Consent to the study on environmental impact assessment or to the study on assessment of impact of the existing situation or to a bylaw on exempting from the duty to make an assessment of the environmental impact, in conformity with the law;
- 8) Copies of the approvals and consents issued by other competent authorities, in conformity with the law;
- 9) Financial and other guarantees or appropriate insurance in the event of accident or damage caused to third parties;
- 9a) Financial or other guarantees ensuring the fulfillment of the requirements stated in the license for the disposal of waste in the landfill, with validity period lasting during the landfill operation, including the procedures for the landfill closure and post-closure maintenance in accordance with Article 30 of the present Act;
- 10) Certificate of payment of the corresponding administrative fee.

In addition to data referred to in paragraph 2 of this Article, the application for the issuance of license for waste disposal in landfills also contains the data on the procedure for landfill closure and post-closure maintenance.

If and when necessary, the competent authority for the issuance of the waste treatment, i.e. storage, recovery and disposal license may request additional data, information or documents for the purpose of license issuance.

The Minister prescribes the form of the application for license issuance referred to in paragraph 1 of this Article.

## License Issuance Procedure

### Article 63

The application for the waste treatment, i.e. storage, recovery and disposal license is filed with the Ministry, i.e. the Autonomous Province, i.e. the local government unit.

The competent authority for license issuing is obliged, within 15 days from the day of receipt of the application for license issuance, to request from the applicant the evidence and documentation necessary to complete the application if the application has been incomplete, i.e. incorrect.

The authority competent for license issuing, within 15 days from the day of receipt of the complete application, notifies the general public of the filed application and obtains the minutes about fulfillment of the requirements for the construction and operation of the plant from the competent inspection authority.

The Ministry, i.e. the competent authority of the autonomous province, simultaneously with the

notification referred to in paragraph 3 of this Article, submits filed application to the local government unit, together with the documentation for the purpose of obtaining opinion.

When the license for hazardous waste management is issued by the competent authority of the City of Belgrade, the filed application is delivered to the city's municipality simultaneously with the notice referred to in paragraph 3 of this Article, together with the documentation for the purpose of obtaining opinion, whereas the city's municipality is obliged to act in the manner prescribed in paras. 6 and 7 of this Article.

Within 30 days from the day of the application referred to in paragraph 3 of this Article, a local government unit is obliged to consider the application and provide the Ministry, i.e. the competent authority of the Autonomous Province with its opinion along with a reasoned proposal for the approval or rejection of the application.

Prior to giving the opinion referred to in paragraph 3 of this Article, a local government unit, where necessary, obtains the opinions of other interested authorities and organizations (from the areas of urban planning, environmental protection, public utility activities, interior affairs, consumer protection, etc.).

The authority competent for license issuing considers the filed application, attached documentation, obtained opinions, as well as the minutes about fulfillment of the requirements compiled by the competent inspection authority, and issues a license to the applicant within 15 days from the day of receipt of the opinion referred to in paragraph 5 of this Article or renders a decree rejecting the application, stating the reasons for rejection.

The Ministry, i.e. the competent authority of the Autonomous Province, in case it issues the license, informs the local government unit of the issued license and provides it with a copy of the issued license upon its request.

## Contents of the License

### Article 64

The license establishes the waste management requirements in the plant for waste treatment, i.e. storage, recovery and disposal.

The license contains the following in particular:

- 1) Data on the location;
- 2) Technical and technological requirements for operation of the plant;
- 3) Methods used for each individual operation;
- 4) Data on the origin, destination and treatment of waste;
- 5) Data on the type and quantity of waste being recovered or disposed of;
- 6) Procedure for control of plant operation and environment monitoring;
- 7) Accident prevention measures, including the requirements for accident prevention and accident consequences reduction, fire protection measures, as well as plant closure procedures;
- 8) Amount of the financial guarantee or some other instrument for covering the costs of operation of the plant;
- 9) Duty to, at least once a year, present the data on the types and quantities of the treated, i.e. recovered and disposed of waste, as well as the monitoring results.

If the license is issued for disposal of waste in the landfill, in addition to the data referred to in paragraph 2 of this Article, it also includes the data on the following:

- 1) Landfill class (for inert, hazardous or non-hazardous waste);
- 2) Waste reception procedure;
- 3) Other plants on the site and total capacity of the landfill;
- 4) Technical documentation for the construction of the landfill and about the plant and the

equipment to be used;

- 5) Operating plan with the schedule and dynamics of landfill filling;
- 6) Requirements for the preparation of the landfill for disposal, disposal operations and monitoring of the landfill operation, control procedures, including the contingency plans;
- 7) Requirements for landfill closure and operations of post-closure landfill maintenance;
- 8) Amount of the financial guarantee or some other instrument for covering the costs of the landfill operation and post-closure site maintenance.

If the license is being issued for thermal treatment of waste, in addition to the data referred to in paragraph 2 of this Article, it also includes the data that relate to the following:

- 1) Limit values for the emissions into the air and water and method of measuring emissions, in conformity with the law;
- 2) Type and quantity of the hazardous waste that can be treated;
- 3) The smallest and the largest share, the lowest and the highest calorific value and the limit value of pollutants (e.g. PCB/PCT, PCP, chlorine, fluorine, sulphur, heavy metals, etc.), for each type of hazardous waste;\*
- 4) Requirements with respect to pH value, temperature and waste water discharge flow;
- 5) Methods of sampling, frequency of measurements, methods and means for measuring the emission of harmful substances in waste gases and the emission of harmful and hazardous substances in waste water for the purpose of performing self-monitoring, in conformity with the law;
- 6) Maximum allowable duration of all technically unavoidable glitches, disruptions or breakdowns of purification or measurement devices during which air emissions and waste water discharge may exceed the prescribed emission limit values.

The license for a mobile waste treatment plant also includes the operator's duty to notify the Ministry, i.e. the competent authority of the Autonomous Province and local government unit of any change of location, i.e. commencement and completion of work in the location.

The license covering incineration and co-incineration with energy reuse is issued under the condition that all the requirements in terms of a high level of energy efficiency have been satisfied.

A waste category list, which should be included in the license, can be prescribed for waste co-incineration in certain categories of waste co-incineration plants.

The Minister prescribes in more detail the contents and appearance of the license, the type and amount of financial guarantee or some other instrument for covering the costs of waste management.

## Rejection and Refusal of the Application for License

### Article 65

The competent authority for the license issuance renders a decree rejecting the application for license issuance in the following cases:

- 1) If the application is not in keeping with the regional, i.e. local waste management plan, or the plant location is not in keeping with the purpose laid down in the applicable spatial, i.e. urban development plan;
- 2) If the requirements with regard to the waste management method have not been satisfied, i.e. if the intended method of treatment is unacceptable from the point of view of environmental protection, and in particular when the method is not in accordance with Article 3 of the present Act;
- 3) If the applicant is without qualified persons responsible for expert work in the plant;
- 4) If the applicant does not satisfy other requirements in accordance with Article 62 of the present Act;
- 5) If the applicant does not satisfy other requirements prescribed by the present Act.

In case the application for license issuance does not contain the requisite data and documents, the competent authority for the license issuance is obliged to set the applicant a reasonable time limit for removing the shortcomings, i.e. for presenting evidence.

If an applicant fails to remove the shortcomings within the set time limit, i.e. present the requested evidence, the competent authority for the license issuance rejects the application in conformity with the law.

## License Validity

### Article 66

The waste treatment, i.e. storage, recovery and disposal license is issued for a period of 10 years.

Notwithstanding the provision of paragraph 1 of this Article, the licenses may be issued even for a period shorter than 10 years, namely for the duration of the trial period, whereas for the operation of new waste management plants, which are subject to the issuance of the integrated license, including the period of up to 240 days following the completion of trial period.

The license may be renewed by filing an application 120 days before the expiration of the license in order to provide the continuity of license validity.

The landfill operator is responsible for application of the conditions laid down in the license even after the closing down of the landfill, until the competent authority for the issuance of license issues a certificate guaranteeing that the risks to human health and the environment have been reduced to an acceptable level.

In the event of bankruptcy or liquidation proceedings being instituted against a license holder, who has not performed the rehabilitation of the contaminated site within the process termination of operation and closing down of the plant, the costs of rehabilitation are settled from the bankruptcy, i.e. liquidation estate.

In case that a legal successor assumes the rights and obligations of the license holder, the responsibility for the fulfillment of the requirements laid down in the license, including the contaminated site rehabilitation, is transferred to the legal successor or owner of the land, and where not possible, the responsibility for the fulfillment of the requirements laid down in the license is taken over by the competent authority for the license issuance and is entitled to reimbursement of expenses from the future owner, i.e. user of the location.

## License Revocation

### Article 67

The license is to be revoked by the decree of the competent authority for the issuance of the license, provided it is determined that the license holder:

- 1) Does not satisfy the requirements for license issuance;
- 2) Fails to act in compliance with the requirements laid down in the license;
- 3) Fails to act in conformity with the law and regulations governing the field of waste management.

If, during the inspection, it is found out that the license holder is not acting in keeping with the requirements laid down in the license, the environmental protection inspector shall:

- 1) Instruct the persons who has the license to undertake the measures and sets the time limit for execution of the instructed measures, and in case that such person fails to act according to the inspector's instruction within the set time limit, suggest the competent authority for the license issuance to revoke the license;
- 2) Without any delay, suggest the competent authority for the license issuance to revoke the license, if the person who has the license handles the waste in a manner that threatens the environment and human health, i.e. fails to apply the measures for environmental protection, pollution control, and accident or fire prevention.

The decree on license revocation forbids the waste management plant operator to receive waste in the plant and binds him to further abide by the conditions laid down in the license, i.e. by the provisions of this Act.

An administrative dispute may be initiated against the decree referred to in paragraph 3 of this Article.

The initiation of the administrative dispute referred to in paragraph 4 of this Article does not halt the enforcement of the decree.

The competent authority informs the public about the license revocation.

## License Modification

### Article 68

The license may be modified during the term of its validity in the following cases:

- 1) If the operator, i.e. the person who has the license, submits an application for license modification (change in type and/or quantity of waste, change of the qualified person responsible for expert work in the field of waste management, opening of a new plant on the same or different location with the same treatment technology and methods);
- 2) If the operator, i.e. the person who has the license changes;
- 3) If there is a threat of damage or damage is done to human health and the environment, or safety conditions require the license to be modified;
- 4) If changes are made in laws and other regulations.

The modification of the license referred to in paragraph 1, items 3) and 4) of this Article is made by the competent authority ex officio.

If the operator, i.e. the persons who has the license submits an application for license modification referred to in paragraph 1, item 1) of this Article, the competent authority issues a decree to modify the license.

If the operator, i.e. the person in whose name the license has been issued, is changed, the rights and obligations arising from the license are transferred to the legal successor provided that he meets the license issuance requirements provided by the present Act.

At the request of the operator, i.e. the person who has the license, the competent authority issues a decree to transfer the rights and obligations to the legal successor referred to in paragraph 4 of this Article, or rejects the request for the transfer of rights and obligations.

The competent authority for license issuance issues a new decree on license issuance if the conditions laid down in the license are modified.

If the license is being modified by the Ministry, i.e. the competent authority of the Autonomous Province, it notifies the local government unit of the modification made and provides it with a copy of the issued decree.

An appeal may be lodged against the decree referred to in paras. 3, 5 and 6 of this Article within 15 days from the day of receipt of the decree.

## Informing the Public

### Article 69

The competent authority for license issuance informs the public about reception of the application for license issuance, the documents attached to the application, and about the issued license via means of public media or internet, i.e. in a manner common locally.

Public information referred to in paragraph 1 of this Article includes the following data:

- 1) Name of the applicant, registration number, personal identification number and address;

- 2) Location of the plant;
- 3) Brief description of activities;
- 4) Time limit for submitting the opinions and suggestions;
- 5) Place where submitted application for license issuance can be inspected.

If the application for a license or a license includes a business secret or a datum which, according to law, would call for a restricted public access, the competent authority for license issuance may decide to restrict the public access to certain parts of the license issuance application or certain parts of the license itself.

The restriction referred to in paragraph 3 of this Article does not apply to the information on emissions, accident risks and results of monitoring and inspection.

## Waste Collection and Transport License

### Article 70

The waste collection and/or transport license is issued to a person registered for the business of collection, i.e. a person having the status of a transporter in accordance with the law regulating the public transportation or to a national transporter, in accordance with the laws regulating the international public transport, with the exception of:

- 1) A waste producer who transports by himself the waste to the licensed waste management plant, using his own means of transport, and the quantity of waste, excluding the hazardous one, does not exceed 1,000 kilograms per shipment;
- 2) A person who carries the household waste into containers, collection centers or waste management plant or returns the packaging or used products to their producer or seller;
- 3) Natural persons, i.e. individual collectors of waste, who are collecting classified non-hazardous waste in the territory of a local government unit.

The application for the issuance of license referred to in paragraph 1 of this Article contains the data on the applicant, registered business activity, type of waste, location and equipment for collection, means of transport and such other data as requested by the competent authority for the issuance of the license.

The license referred to in paragraph 1 of this Article establishes the mandatory measures to be applied in the collection, i.e. transport of inert, non-hazardous and hazardous waste, in conformity with the provisions of the present Act and other regulations.

The license referred to in paragraph 1 of this Article is issued for a period of five years and is renewable.

If a legal or natural person referred to in paragraph 1 of this Article fails to abide by the conditions laid down in the license, the competent authority for the issuance of license renders a decree to revoke the license, pursuant to Article 67 of the present Act.

## IX CROSS-BORDER MOVEMENT OF WASTE

### Requirements for and Manner of Cross-border Movement of Waste

#### Article 71

The cross-border movement of waste is carried out in conformity with the present Act and other regulations.

The cross-border movement of waste is accompanied by documents about movement from the place where the movement started to the final destination, in keeping with the national and

international standards and international regulations relating to cross-border transport.

Any waste, for whose treatment i.e. recovery or disposal in an ecologically acceptable and efficient manner there are no technical capacities and plants in the Republic of Serbia, is exported.

Non-hazardous waste may be imported for treatment, i.e. recovery provided that there is a plant for the treatment i.e. recovery of that waste.

It is forbidden to import waste for the purpose of its disposal and recovery for energy-related purposes in keeping with the present Act.

It is forbidden to import the hazardous waste.

Notwithstanding the provision of paragraph 6 of this Article, some types of hazardous waste which are needed as secondary raw materials for the processing industry in the Republic of Serbia, in keeping with the national goals of the processing of such waste, may be imported on the basis of a permit issued by the Ministry.

The import of the hazardous waste referred to in paragraph 7 of this Article may be permitted subject to the existence of a plant for the treatment of such waste, the license for the operation of which has been issued, in conformity with the law.

The cross-border movement of waste is to be carried out on condition that the waste is packed, labeled and transported in such a manner that secures the conditions for the least risk to human health and the environment.

A person who has the status of a transporter under the laws regulating the international public traffic transport must possess a document establishing the fulfillment of the requirements for starting up and carrying out public transport of objects and a certificate of capability for engaging in international public transport.

The Government identifies certain types of hazardous waste which may be imported as secondary raw materials.

## Waste Import, Export and Transit

### Article 72

The application for a waste import, export and transit license is filed in conformity with the law.

The documents that contain the following are, in particular, attached to the application for license issuance, filed with the Ministry for each cross-border movement of waste:

- 1) Contract concluded between the exporter and importer;
- 2) General and special documents filed attached to the application in accordance with a special regulation;
- 3) Other evidence and documents in keeping with the present Act a law dealing with environmental protection.

The applicant provides for each cross-border movement of waste the appropriate financial guarantee and insurance policy or some other form of insurance depending on the request by the state of import or transit, in the amount necessary to cover the costs of the waste treatment, as well as the costs of decontamination in the event of accident.

The Ministry makes a decision whether to approve the application for waste import, export and transit on the basis of the facts stated in the documents attached to the application, taking into account the following in particular:

- 1) Whether the import/export of waste is forbidden for the purpose of recovery or disposal in the state of import/export;
- 2) Whether the state of waste export/transit/import applies the notification system concerning the cross-border movement of non-hazardous waste;
- 3) Whether the waste intended to be recovered or disposed of will be treated in an ecologically acceptable manner;

- 4) Whether recovery is carried out in the plants of the importing state which have a lower standard of treatment for a given waste type than in the exporting state, taking into account the need for securing the appropriate operation of the internal market;
- 5) The state of processing capacities in the territory of the Republic of Serbia, data on the available and required quantities of waste as a secondary raw material, which are kept by the Agency;
- 6) Protection of non-renewable natural and power resources;
- 7) National objectives in the processing of a certain waste type.

The license for import, export and transit of waste, the cross-border movement of which is subject to the control procedure provided by a ratified treaty, is issued within 60 days from the day of receipt of the application referred to in paragraph 2 of this Article.

The waste import, export and transit carried out in several shipments, is approved for a period of up to 12 months.

The applicant may apply for the license to import, export and transit waste in several shipments when the waste has the same physicochemical characteristics and is dispatched to the same destination through the same border crossings.

The exporter, i.e. importer is obliged to present to the Ministry, by March 31 st of the current year, the data on the carried out export, i.e. import of waste in the previous year.

Should an exporter fail to present the data referred to in paragraph 7 of this Article, the Ministry prohibits the exporter from further waste exporting until the exporter presents the data, and notifies the authority in charge of customs duties about such prohibition.

The Government prescribes in more detail the following:

- 1) List of the hazardous waste the import of which is prohibited;
- 2) List of the hazardous waste which may be imported;
- 3) List of the hazardous waste the export and transit of which is permitted;
- 4) List of the non-hazardous waste the import, export and transit of which is permitted;
- 5) List of the non-hazardous waste for which a license is not issued, with accompanying documents for cross-border movement;
- 6) Contents, appearance and instructions for filling in the Notice of Cross-Border Waste Movement;
- 7) Contents, appearance and instructions for filling in the Waste Cross-Border Movement Document.

## Prohibited Cross-border Movement of Waste

### Article 73

The cross-border movement of waste is prohibited in the following cases:

- 1) If all participating countries have not been notified;
- 2) If all participating countries have not issued a license;
- 3) If the issued license is counterfeit or has been obtained fraudulently;
- 4) If it is carried out contrary to the issued license;
- 5) If the waste is being deliberately disposed of contrary to the provisions of the present Act and general principles of the international legislation dealing with environmental protection.

If a cross-border movement of waste with an issued license is not possible to be carried out in keeping with the provisions of the present Act, i.e. if within 90 days from the day of arrival of waste at its destination in the country of import a solution may not be found for disposal of waste in an ecologically acceptable manner, the waste exporting country is obliged to arrange for the waste to be returned at the expense of the exporter.

In a case referred to in paragraph 2 of this Article, the person holding the import, export or transit

license notifies the Ministry and customs authority and they provide for the unhindered return of waste to the exporting country.

## X REPORTING ON WASTE AND DATABASE

### Reports on Waste Management

#### **Article 74**

The report on waste management in the territory of the Republic of Serbia is an integral part of the Report on the State of the Environment and is presented to the National Assembly annually.

The Assembly of the Autonomous Province analyzes annually the report on the implementation of regional and local plans in its territory and presents the report to the Ministry and the Agency.

Two or more local government units which have adopted a regional waste management plan analyze the report on the implementation of the plan once a year and present the report to the Ministry, the Agency and the competent authority of the autonomous province.

A local government unit analyzes the report on the implementation of the local waste management plan once a year and presents the report to the Ministry, the Agency and the competent authority of the autonomous province.

The reports referred to in paras. 2, 3 and 4 of this Article are presented to the Agency by 31 March of the current year.

The Minister prescribes the contents and form of the report on the implementation of provincial, regional and local waste management plan.

#### Reporting

#### **Article 75**

The producer, i.e. owner and/or other holder of waste, except for a household, is obliged to keep and maintain a daily record of waste and present a regular annual report to the Agency.

Legal persons, i.e. sole traders engaged in waste trading are obliged to provide the Agency with the data on the type and quantity of waste, including the secondary raw materials which have been put into circulation, in the prescribed manner.

The producer and importer of the products that become special waste streams after being used is obliged to keep and maintain a daily record of the quantity and type of the produced and imported products, i.e. to present a regular annual report to the Agency.

The report referred to in paragraph 1 of this Article contains the data relating to type, quantity, origin, characterization and classification, composition, storage, transport, import, export, treatment, i.e. recovery and disposal of the generated waste, as well as of the waste received in the waste management plant.

The landfill operator is obliged to keep and maintain a daily record, referred to in paragraph 1 of this Article, of the taken over and disposed of waste quantities, i.e. to submit to the Agency a regular annual report on the types and quantities of the disposed waste and monitoring results.

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

During the operation of a landfill, the landfill operator is obliged to provide for control and monitoring of landfill operations according to the program specified by the regulation governing the disposal of waste in the landfill.

The landfill operator is obliged to notify the competent authority for the issuance of the license, i.e.

the competent inspection about any significant impact on the environment observed in the processes of control and monitoring which are carried out in accordance with Article 16 of the present Act.

In the case referred to in paragraph 8 of this Article, the landfill operator is obliged to abide by the decision of the competent authority for the issuance of the license, i.e. the competent inspection with regard to the nature and time limits for undertaking corrective measures and to bear the costs of such measures.

The competent authority undertakes measures to initiate the procedure for closing down the landfill or a part of the landfill where necessary, in accordance with the license, namely:

- 1) When the conditions for that are met in accordance with the license or
- 2) At the operator's request, and in accordance with the approval of the competent authority or
- 3) On the basis of a reasoned decision of the competent authority.

The landfill or a part of the landfill is considered finally closed upon the completion of the site's final examination by the competent inspection, verification of all reports submitted by the operator, i.e. upon notifying the operator of the decision on closing down of the landfill.

The provision of paragraph 11 of this Article does not diminish the responsibility of the operator in conformity with the conditions laid down in the license.

Upon the closing down of the landfill, the operator is obliged to maintain the landfill, to conduct monitoring and control in the period of subsequent maintenance, established by the competent authority for the issuance of the license, taking into account the time limit within which the landfill could pose a threat to the environment.

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

A local government unit keeps and maintains a record of the collected municipal waste, as well as an inventory of disorderly landfills, and presents the data thereof to the Agency.

The Agency keeps the originals of the waste reports for at least 25 years for the needs of the waste production statistics of the Republic of Serbia.

The Agency presents the data to the Ministry once a year, by 31 May of the current year at the latest, as well as if and when necessary, or upon request.

The Minister prescribes the following:

- 1) Methodology for collecting the data on waste management, the form of a daily record, the form, manner and time limits for submitting the annual report;
- 2) Methodology for collecting the data on the composition and quantities of municipal waste in the territory of a local government unit;
- 3) Methodology for collecting the data on the types and quantities of waste, including the secondary raw materials put into circulation;
- 4) Methodology for collecting the data on disorderly landfills in the territory of a local government unit;
- 5) Methodology for collecting the data on the products that become special waste streams after being used, the form, manner and deadlines for submitting the annual report.

## Registers in the Field of Waste Management

### Article 76

The competent authority for the issuance of the waste management license, i.e. certificate of exemption from the duty to obtain a license is obliged to keep a register of issued licenses, i.e. register of issued certificates of exemption from the duty to obtain a license, and to submit the data from the register to the Agency within 15 days from the day of entry into the register.

The Ministry keeps a register of waste management brokers, i.e. waste dealers and submit the registry data to the Agency on a quarterly basis.

The register of issued licenses is a database recording the data on the issued waste management licenses and on the waste import, export and transit licenses.

The register of issued certificates of exemption from the duty to obtain a license is a database recording the data on the issued certificates of exemption from the duty to obtain a license.

The register of waste management brokers and waste dealers is a database recording the data on the brokers, i.e. dealers of waste.

The data entered into the registers referred to in paras. 1 and 2 of this Article is public.

The records, registers and other data collections prescribed by the present Act are kept in accordance with the law regulating personal data protection and the law regulating the registration of business entities.

The Minister prescribes the contents, method of keeping and appearance of the register of issued waste management licenses, the register of issued certificates of exemption from the duty to obtain a license, and the register of waste management brokers and waste dealers.

## XI WASTE MANAGEMENT FUNDING

### Waste Management Costs

#### Article 77

The waste management costs are fixed according to the quantity and properties of waste in keeping with the "polluter-pays" principle and include the following:

- 1) Costs of separate waste collection;
- 2) Costs of waste transport;
- 3) Costs of other waste management measures which are not covered by the proceeds of the sale of waste;
- 4) Costs of removing the waste dumped outside the landfill by an unidentified person;
- 5) Costs of designing and constructing the plant for waste treatment, i.e. storage, recovery and disposal, costs of plant operation, closing-down costs, and costs of subsequent maintenance after termination of its operation.

### Responsibility of the Waste Producer, Owner and Holder

#### Article 78

The producer or owner and/or other holder of waste bear the costs of waste collection, transport, treatment, i.e. storage, recovery and disposal in conformity with the law.

The costs of removing the waste which has been dumped outside of the landfill and whose may not be determined, i.e. its connection with the producer, i.e. the person who had dumped it cannot be established, are borne by the local government unit.

Households bear the costs of waste management in accordance with the regulations governing the public utility activities.

## Price of Waste Management Services

### Article 79\*

A legal person or sole trader engaged in the collection, transport, treatment, i.e. storage, recovery and disposal of waste charges its services according to a price fixed in accordance the law.

The price of the service of waste management, which includes its prior treatment, is fixed depending on the type, quantity, and characteristics of waste and frequency of the service, as well as on the distance and conditions of the transport of waste and other circumstances affecting the price of organizing the waste management.

The price of the waste disposal service covers all of the landfill establishing and operating costs, including the financial guarantees or other equivalent instruments and the estimated costs of closing down and subsequent maintenance of the location for a period of at least 30 years, for all waste types on the site.

The Government prescribes the criteria for the classification of operators who carry out the reuse and recycling of waste, as well as of other waste management entities.

At the proposal of the ministry in charge of environmental affairs, ministry in charge of economy and ministry in charge of finances, the Government regulates in more detail the establishment, conditions, manner of functioning and organizing the organized waste market.

The Government determines which products after their use become special waste streams, the template for daily records of the quantity and type of produced and imported products and the annual report, the manner of and deadlines for submitting the annual report, fee payers, criteria for accounting, the amount, schedule and manner of accounting and paying the fee.

## Waste Management Financing

### Article 80

Funds for financing waste management in the Republic of Serbia are provided from the following:

- 1) Budget of the Republic of Serbia;
- 2) Budget of the Autonomous Province and local government units;
- 3) Funds of the European Union and other international funds;
- 4) Donations, gifts, contributions, assistance and similar sources for waste management;
- 5) Loans granted by international financial institutions;
- 6) Other sources in conformity with the law.

The funds referred to in paragraph 1 of this Article may be used only for the purpose specified by the present Act and in the manner prescribed by the law regulating environmental protection.

The implementation of the Strategy and plans for waste management, as well as the construction of a waste treatment, i.e. storage, recovery and disposal plant falling within the competence of the Republic of Serbia, the Autonomous Province and a local government unit, is financed in conformity with the law.

## Use of Funds for Waste Management Financing

### Article 81

The Republic of Serbia, the autonomous province, i.e. a local government unit utilizes the funds referred to in Article 80 of the present Act for the investment and operational costs of waste management, including the following:

- 1) Construction of new waste management plants, reconstruction, rehabilitation and utilization of the existing plants;

- 2) Advancement of the waste management organization;
- 3) Management of used up batteries and accumulators, waste oils, waste tires, waste from electrical and electronic products, mercury-containing fluorescent tube waste and waste vehicles;
- 4) Encouragement of separate waste collection;
- 5) Implementation of regional, i.e. local waste management plans;
- 6) Development of a waste management information system;
- 7) Assistance in the development and application of new technologies for waste treatment;
- 8) Remediation of the longstanding pollution by industrial and municipal waste;
- 9) Programs of education and enhanced awareness of the public concerning the issues of environmental protection and waste management;
- 10) Inciting the recycled materials market and the export of waste for which there are no treatment possibilities in the Republic of Serbia;
- 11) Other costs, in conformity with the law.

## Administrative Fees

### Article 82

An operator bears the costs of administrative fees fixed in accordance with special regulations, for the following:

- 1) Filing an application for license issuance in conformity with the present Act;
- 2) Issuance of a license in conformity with the present Act;
- 3) Filing an application for the issuance of a certificate of exemption from the duty to obtain a license in conformity with the present Act;
- 4) Rendering of a decree on exemption from the duty to obtain a license in conformity with the present Act.

The administrative fees are the revenue of the budget of the Republic of Serbia.

## XII SUPERVISION

### Operation Supervision

#### Article 83

The Ministry supervises the work of the Agency, the Autonomous Province and of a local government unit, as well as authorized legal persons, in the performance of their duties.

### Inspection

#### Article 84

The Ministry carries out the inspection of the implementation of the provisions of the present Act and the regulations enacted for the sake of its enforcement, unless otherwise provided by the present Act.

Inspection is exercised through inspectors for environmental protection (hereinafter: the inspector) within the scope envisaged by the present Act.

The Autonomous Province is entrusted with conducting the inspection of the waste management activities carried out in whole on the territory of the Autonomous Province and of the operation of the waste management plant for which the license has been issued by the competent authority of the Autonomous Province on the basis of the present Act.

A city, i.e. the City of Belgrade is entrusted with exercise of inspection of the activities of collection and transport of inert and non-hazardous waste, i.e. of the operation of a plant for treatment, i.e. storage, recovery and disposal of inert and non-hazardous waste, the license for which has been issued by the competent authority on the basis of the present Act.

A municipality is entrusted with exercise of inspection of the activities of collection, transport, treatment, i.e. storage, recovery and disposal\* of inert and non-hazardous waste, the license for which has been issued by the competent authority on the basis of the present Act.

## Inspector's Rights and Duties

### Article 85

In the exercise of inspection, the inspector has the right and duty to in particular check on and control the following:

- 1) Implementation and updating of the waste management plans and waste prevention programs;
- 2) Implementation and updating of the operation plan of a waste management plant;
  - 2a) Fulfillment of the requirements for treating the production residues as by-products and possession of the documents proving the fulfillment of the prescribed requirements;
  - 2b) Fulfillment of the requirements for the end of the waste status and of the technical requirements for certain waste types that cease to be waste;
- 3) Use of suitable technologies and efficient use of raw materials and energy;
- 4) Waste management in the waste-generating plants, application of the measures and procedures for the reduction of its quantity or hazardous properties, classification, collection, transport, treatment, i.e. storage, recovery and disposal;
- 5) Technical characteristics and capacities, waste management plant organization and operation, including monitoring, treatment methods and precautionary measures in accordance with the conditions laid down in the license;
- 6) Fulfillment of the requirements for the construction and operation of a plant for waste treatment, i.e. storage, recovery and disposal;
- 7) Handling the waste in the course of its collection and transport, i.e. its movement (origin, nature, quantity and destination);
- 8) Handling of waste in cross-border movement, at the request of customs officers;
- 9) Fulfillment of the operational requirements, especially supervising the site prior to the commencement of disposal operations in order to determine the fulfillment of the conditions laid down in the license, as well as the closure and recultivation of the existing landfills and supervision of the landfill after its closing down in the duration of 30 years at least;
- 10) Process of classification, storage, packing, labeling and transport of hazardous waste, in accordance with the present Act and other law;
- 11) Handling of waste in accordance with the prescribed duties to manage the special waste streams;
- 12) Application of prescribed measures and procedures for accident prevention and in the case of accidents;
- 13) Prescribed prohibitions and restrictions;
- 14) Performance shown by the person responsible for waste management and the qualified person responsible for expert work in the waste management plant;
- 15) Keeping and maintenance of the prescribed records with data on the origin, destination,

treatment, type and quantity of waste;

16) Carrying out other prescribed measures and procedures for waste management.

## Inspector's Authorities

### Article 86

In the performance of the tasks referred to in Article 85 of the present Act, the inspector is authorized to do the following:

1) Orders the implementation of the waste management plan and waste prevention program and for their updating, i.e. revision;

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

2) Orders the implementation of the operational plan of the waste management plant and its updating;

3) Prohibit the use of a technology and operation of the plants which do not fulfill the requirements for reduced generation of waste and efficient utilization of raw materials;

4) Order the producer of a product which becomes hazardous waste after use to assume such waste free of charge or assign that duty to the person responsible for hazardous waste management, in conformity with the present Act;

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

6) Order the producer, i.e. owner and/or other holder of waste to collect the waste separately in accordance with the needs of future treatment;

7) Order the waste producer to hand over the waste to a legal person or sole trader duly authorized for waste management, if the former is not able to arrange for the waste to be handled in conformity with the present Act;

8) Order the waste producer to keep and maintain the requisite records, the person who conducts trade to present the data on the type and quantity of waste, including also the secondary raw materials placed on the market;

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

10) Prohibit any movement of waste contrary to the conditions laid down in the license issued in accordance with the present Act;

10a) Prohibit the conduct of brokerage activities in waste management, i.e. trade in waste to a person who is not entered in the register of waste management brokers, i.e. register of waste dealers respectively, i.e. order the performance of tasks in accordance with the present Act;

11) Prohibit the treatment of waste contrary to the conditions laid down in the license;

12) Prohibit the operation of a plant and the use of the waste treatment equipment which is not being used in accordance with technical instructions;

13) Prohibit the treatment of waste if the waste has not been secured and protected against dissipation and leakage;

14) Prohibit the reception and disposal of waste in the landfill contrary to the conditions laid down in the issued license;

15) Order the implementation of measures that provide for environmental protection in the landfill in conformity with the law;

16) Order the recultivation of the landfill after its closing down and the supervision of the landfill in the duration of at least 30 years, for the purpose of reducing the risk to human health and the environment;

17) Order a legal person and a sole trader who manage waste in conformity with the present Act to

- appoint a qualified person who is to be responsible for expert work in the waste management plant;
- 18) Order a legal person and a sole trader who manage waste in conformity with the present Act to keep and maintain the requisite records;
  - 19) Prohibit the construction and operation of a waste management plant which does not fulfill the technical and other requirements provided by the present Act and other law;
  - 20) Prohibit the treatment, i.e. storage, recovery or disposal of waste outside of a licensed waste management plant;
  - 21) Order the person who is collecting i.e. transporting waste to collect the waste from the producer or owner and/or other holder and to transport it to a licensed waste management plant, i.e. to a collection centre, transfer station or plant for treatment, i.e. recovery or disposal;
  - 22) Order the person who collects and/or transports waste to provide for separate transport of different types of waste, especially the hazardous waste;
  - 23) Prohibit the collection and/or transport of hazardous waste together with other types of waste;
  - 24) Prohibit the loading and transport of waste if that is not done in a closed vehicle, container or in some other manner which prevents dissipation or spilling out of waste in the course of transport, loading or unloading;
  - 25) In the case of pollution that occurred in the course of transport, order the transporter of waste to clean up and bring the polluted area into a satisfactory state;
  - 26) Prohibit the transport of hazardous waste without requisite documents;
  - 27) Prohibit the storage of waste at places which are not technically equipped for the temporary storage of waste and/or are without a storage license, as well as if the prescribed storage period has expired;
  - 27a) Order a person to remove the stored waste when the waste is stored at the site for which he does not possess a waste storage license, and if the prescribed storage period, i.e. the period for which the storage license has been issued, has expired;
  - 28) Prohibit the treatment of waste contrary to the conditions laid down in the issued license;
  - 29) Prohibit the operation of a plant and use of the waste treatment equipment for which a license has not been obtained;
  - 30) Prohibit the operation of a mobile waste treatment plant which has no license;
  - 31) Order for separate collection, storage and treatment of secondary raw materials;
  - 32) Prohibit physicochemical and chemical treatment of waste conducted contrary to the provisions of the present Act;
  - 33) Prohibit biological treatment of waste contrary to the conditions laid down in the issued license;
  - 34) Prohibit thermal treatment of waste contrary to the conditions laid down in the issued license;
  - 35) Prohibit the operation of a landfill which does not fulfill the prescribed technical, technological and other conditions and requirements;
  - 36) Prohibit the disposal of waste which has not been previously treated and the disposal of hazardous waste with other types of waste on the same location, i.e. landfill;
  - 37) Prohibit the mixing of municipal waste with hazardous waste;
  - 38) Prohibit the disposal of municipal waste contrary to the law and the conditions laid down in the issued license;
  - 39) Order for selection to be done for the purpose of recycling and collection of hazardous waste from households;
  - 40) Prohibit the collection, transport, treatment, i.e. storage, recovery and disposal of hazardous waste which has not been labeled and packed in a manner that secures the minimum impact on human health and the environment;
  - 41) Prohibit the mixing of different types of hazardous waste, except when supervised by a qualified person and in the hazardous waste treatment procedure;

- 42) Prohibit the disposal of hazardous waste without prior treatment which considerably reduces the hazardous components and their properties, mass and volume;
- 43) Prohibit the dilution of hazardous waste for the purpose of its being discharged into the environment;
- 44) Prohibit the movement of waste without the Waste Movement Document, i.e. Hazardous Waste Movement Document;
- 45) Prohibit any action or bylaw that manages special waste streams contrary to the present Act;
- 46) Order a waste producer and importer, i.e. owner and/or other holder to apply or execute special measures of waste stream management provided by the present Act;
- 47) Prohibit the collection and transport of waste beyond the territory for which the license has been issued;
- 48) Prohibit the import, export and transit of waste done contrary to the provisions of the present Act and other law;
- 49) Order a person holding the waste management license to apply and execute the measures prescribed for the event of an accident;
- 50) Order a person holding the waste management license to submit the requisite data and reports in accordance with the present Act;
- 50a) Order a producer and importer of the products that become special waste streams after use to keep and store a daily record and file an annual report;
- 51) Prohibit any action or bylaw contrary to the provisions of the present Act;
- 52) Order for the performance of other prescribed duties within the set time limits.

If in the performance of the duties referred to in Article 85 of the present Act, an inspector establishes that the provisions of laws governing carriage and transport, protection of health of people and animals, trade of medicines and/or other laws have been violated, he is obliged to notify the other competent inspector about that, without delay.

When performing inspection tasks, an inspector may temporarily seize objects, equipment or devices the use of which is not permitted or which were generated, i.e. which were instruments in committing impermissible acts.

In cases when an inspector establishes such violations of law for which competence of other inspection authorities is also prescribed, he has a duty to notify the Minister without further delay, so that supervision and other appropriate measures could be applied jointly.

When conducting supervision of the application of measures and procedures in waste management, the inspector also has the authorities and duties prescribed by other regulations.

## XIII COMPETENCE FOR RULING ON APPEALS

### Article 87

An appeal against the inspector's decree referred to in Article 86, paragraph 1, of the present Act may be submitted to the Minister.

An appeal may be submitted within 15 days from the day of receipt of the decree.

An appeal is not stay the enforcement of the decree.

The Minister rules on the appeal against the first-instance decree of the competent authority of a municipality, i.e. city i.e. City of Belgrade, rendered while carrying out delegated duties.

The Minister rules on the appeal against the first-instance decree of the competent authority of the Autonomous Province rendered while carrying out delegated duties.

The Minister rules on the appeal against the first-instance decree of a regional unit of the Ministry.  
The Government rules on the appeal against the first-instance decree of the Ministry.

## XIV PENAL PROVISIONS

### 1. Corporate Offences

#### Article 88

A company, enterprise or some other legal person shall be imposed with a fine ranging from 1,500,000 to 3,000,000 dinars for a corporate offence in the following cases:

- 1) If it handles the production residue as a by-product contrary to the prescribed conditions and/or does not possess evidence of fulfillment of these conditions (Articles 8a and 8b);
  - 1a) If it violates the provisions governing the end of the waste status (Article 8c);
  - 1b) If it conducts business activities without a waste management plan or fails to update it within the set time limit (Article 15, paras. 1 through 3);\*
- 2) If it conducts the activities of waste management without an operational plan of a waste management plant or fails to update it within the set time limit (Article 16);
  - 2a) If it conducts brokerage activities in waste management i.e. trades waste contrary to the provisions of the present Act (Article 28a);
- 3) If it fails to obtain the waste treatment license and does not treat waste in keeping with the license, fails to publish the list of waste for the treatment of which it is licensed, does not secure the waste and protect it against dissipation and leakage or fails in the case of accident to notify the competent authority without any delay (Article 29, items 3), 4), 6) and 7);
- 4) If it fails to obtain the waste disposal license and does not dispose of waste in keeping with that license, does not provide for implementation of the prescribed measures for securing environmental protection, if it fails to arrange for recultivation of the landfill and supervision of the landfill after its closing down for a period of at least 30 years or in the case of an accident at the landfill, fails to notify the competent authority without any delay (Article 30, paragraph 1, items 3), 4), 6) and 7);
- 5) If it receives in the landfill any waste which does not satisfy the waste disposal conditions laid down in the license or fails to notify the competent authority of the refusal of reception (Article 30, paras. 2 and 3);
- 6) If it builds a plant or conducts an activity in a waste management plant that has no appropriate license for conducting such activities (Article 33, paras. 1 and 2);
- 7) If it stores waste at places which are not technically equipped for temporary keeping of waste on the location of the producer or owner and/or other holder of waste, in collection centers, transfer stations and other locations or upon expiry of the requisite time limit for temporary storage (Article 36);
- 8) If it treats waste contrary to the provisions of the present Act or fails to obtain a license for a mobile waste treatment plant (Article 37, paras. 1 and 3);
  - 8a) If it carries out recovery and disposal of waste contrary to Article 38 of the present Act;
- 9) If it conducts physicochemical treatment of waste contrary to the prescribed conditions (Article 39);
- 10) If it conducts biological treatment of waste contrary to the prescribed conditions (Article 40);
- 11) If it conducts thermal treatment of waste contrary to the conditions laid down in the license (Article 41);
- 12) If it conducts disposal of waste on a site which does not fulfill the technical, technological and other prescribed conditions, i.e. contrary to the conditions laid down in the license or without prior

treatment, or if it disposes of hazardous waste together with other types of waste (Article 42, paras. 2, 4 and 6);

13) If it fails to act in accordance with Article 44 of the present Act;

14) (*Deleted*);

15) If it manages waste without license (Article 59);

16) If it conducts activities without a certificate of exemption from the duty to obtain the license in the cases for which a license is not needed (Article 61);

17) If it imports, exports or conducts transit of waste contrary to the conditions and manner set out in Articles 71 and 72 of the present Act.

For a corporate offence referred to in paragraph 1 of this Article, a fine may be levied in proportion to the damage done, non performance or value of goods or some other item which is the subject matter of the corporate offence, and not more than twenty times the amount of the damage done, non performance or value of goods or some other item which is the subject matter of the corporate offence.

A responsible officer of a company, enterprise or some other legal person shall also be fined 100,000 to 200,000 Dinars for a corporate offence referred to in paragraph 1 of this Article.

A foreign legal person shall be fined 1,500,000 to 3,000,000 Dinars for a corporate offence referred to in paragraph 1 of this Article, if it has a representative office in the territory of the Republic of Serbia and/or if the corporate offence has been committed in the territory of the Republic by its means of transport.

A responsible officer of a foreign legal person shall also be fined 100,000 to 200,000 Dinars for a corporate offence referred to in paragraph 1 of this Article.

## Protective Measures

### Article 89

In addition to the prescribed fine levied on it for a corporate offence referred to in Article 88 of the present Act, a company, enterprise or some other legal person concerned may also be subjected to a protective measure of banning it from a line of business, while the responsible officer may be subjected to a protective measure of banning him from engaging a certain duty for up to ten years.

In addition to the fine levied in the case of a corporate offence referred to in Article 88 of the present Act, a protective measure of seizure of the items which were used or intended to be instruments in committing the corporate offence, i.e. which appeared as a consequence of the committed corporate offence, may also be imposed.

## 2. Misdemeanors

### Article 90

A company, enterprise or some other legal person shall be punished with a fine ranging from 500,000 to 1,000,000 Dinars for a misdemeanor in the following cases:

1) If it fails to classify waste in the proper manner, i.e. fails to test waste in conformity with the present Act (Article 8, paras. 4 and 5);

2) If it fails to assume its own products which become hazardous waste after use, without reimbursement of costs, i.e. fails to assign such duty to some other legal person (Article 25, paras. 2 and 3);

3) If it acts contrary to Article 26, paras. 1 and 3 of the present Act;

4) If it transports waste contrary to Article 28 of the present Act;

5) If it fails to arrange for implementation of the operational plan of the plant, if it fails in the capacity of the waste treatment plant operator or landfill operator to keep the requisite records or to appoint

a qualified person to be responsible for expert work in the plant, i.e. landfill (Article 29, items 1), 8) and 9) and Article 30, paragraph 1, items 1), 8) and 9);

6) If it fails to carry out collection and transport of waste in accordance with Article 35 of the present Act;

7) If it handles the municipal waste contrary to Article 43 of the present Act;

8) If it does not possess the Waste Movement Document (Article 45, paras. 1 through 5);

9) If it does not possess the Hazardous Waste Movement Document (Article 46, paras. 1 through 6);

10) If it manages the special waste streams contrary to the present Act (Articles 47 through 57);

11) If it carries out collection and transport of waste contrary to Article 70 of the present Act;

12) If it fails to act in accordance with Article 75, paras. 1, 2, 3, 5, 7, 8, 9, 13 and 14 of the present Act.

13) (Deleted)

In the case of the misdemeanor referred to in paragraph 1 of this Article, a fine may be levied in proportion to the amount damage done or non-performed duty, value of the goods or other object constituting the subject matter of the misdemeanor, but not more than twenty times the amount of such values.

A responsible officer of a company, enterprise or some other legal person shall also be imposed with a fine ranging from 25,000 to 50,000 Dinars for the misdemeanor referred to in paragraph 1 of this Article.

A sole trader shall be punished with a fine ranging from 250,000 to 500,000 Dinars or be sentenced to up to 30 days in prison for the activities referred to in Article 88, paragraph 1 of the present Act and paragraph 1 of this Article.

A natural person shall be punished with a fine ranging from 5,000 to 50,000 Dinars or be sentenced to up to 30 days in prison for the misdemeanor referred to in paragraph 1, items 3), 6), 7), 10) and 11) of this Article.

## Protective Measures Imposed Together with Punishment for Misdemeanor

### Article 91

In addition to the punishment for the misdemeanor referred to in Article 90 of the present Act, a protective measure of seizure of the items which were used or intended to be used in committing the misdemeanor, i.e. which have been generated in the act of misdemeanor, may also be imposed.

### Misdemeanor Committed by the Responsible Officer of a State Administration Body, Holder of Public Authority and/or Authorized Legal Person

### Article 92

A responsible officer of a state administration body, a responsible officer of a local government unit, holder of public authority, i.e. authorized legal person shall be punished with a fine ranging from 25,000 to 50,000 Dinars for a misdemeanor in the following cases:

1) If he does not keep a register of by-products and the register of waste that has ceased to be waste, and fails to submit the data from the register to the Agency (Article 8d);

2) If he fails to adopt the regional, i.e. local waste management plan harmonized with the national plan and fails to present it to the Ministry within the prescribed deadline (Articles 12, 13 and 14, paragraph 3);

3) If he fails to provide for and does not conduct waste management in the territory of local government units under the conditions and in the manner provided by law, strategy and agreement

made by the assemblies of local government units (Article 21, paragraph 1);

4) If he performs waste testing without prescribed authorization or contrary to the issued authorization, or when performing the activities, he acts in an illegal, immoral and undignified manner (Article 24, paragraph 4);

5) If he fails to carry out the selection and separate collection of waste, fails to provide for the disposal of household waste in containers or in some other way, fails to organize and equip centers for collection of household waste that cannot be disposed of in containers for municipal waste (Article 43, paragraph 4);

6) If he fails to make a list of illegal landfills and existing unsanitary landfills - dumps in his territory and fails to ensure removal and rehabilitation, fails to draw up a project of rehabilitation and recultivation of the existing unsanitary landfills - dumps in the manner and within the time limit provided by the present Act, and fails to submit the operational plan of the plant along with the program of corrective measures and dynamic of adjustments to the plant's operation (Article 43, paras. 7, 8 and 9);

7) If he issues a license when the requisite documents have not been attached to the application for its issuance (Article 62);

8) If he fails to inform the public in the manner prescribed by the present Act (Article 69);

9) If he fails to provide the Agency with reports on the realization of plans within the prescribed time limit (Article 74, paras. 2, 3, 4 and 5);

10) If he fails to act in accordance with Article 75, paras. 10, 15, 16 and 17 of the present Act);

11) If he fails to keep a register of issued waste management licenses, i.e. the register of issued certificates of exemption from the duty to obtain a license, i.e. the register of waste management brokers, i.e. waste dealers, and fails to submit the data from the register to the Agency (Article 76, paras. 1 and 2);

12) If he uses the funds earmarked for waste management for some other purpose (Article 81).

## XV TRANSITIONAL AND FINAL PROVISIONS

### **Article 93**

Legal and natural persons shall harmonize their business with the provisions of the present Act within a year from the day of entry into force of the present Act, unless this Act provides otherwise.

### **Article 94**

The producers of waste in the existing plants referred to in Article 15 of the present Act are obliged to draw up a plan of waste management in the plant, in conformity with the law, within a year from the day of entry into force of the present Act.

The plan referred to in paragraph 1 of this Article contains in particular the measures and schedule for adjustment of the operation of the existing plant and the activities in keeping with the provisions of the present Act until 31 December 2015.

If waste has been temporarily stored in the existing plant referred to in paragraph 1 of this Article until the day of entry into force of the present Act, the waste producer is obliged to provide for removal of the temporarily stored waste using the plan, i.e. measures for adjustments to the operation of the existing plant and the activities, at the latest within three years from the day of entry into force of the present Act.

### **Article 95**

The operators of existing waste management plants, other than the plants referred to in Article 15 of

the present Act, i.e. the legal and natural persons engaged in waste management are obliged to report their activity to the authority competent for the issuance of licenses within six months from the day of entry into force of the present Act, in conformity with the present Act.

The following is attached to the report referred to in paragraph 1 of this Article:

- 1) Memorandum of association;
- 2) Extract from the corresponding register;
- 3) Evidence and documents about the plant, its capacity and technical characteristics;
- 4) Evidence and documents about the equipment, work instruments and other assets at their disposal.

Upon the expiration of the deadline referred to in paragraph 1 of this Article, the authority competent for the issuance of license notifies the operator of the requirements for the issuance of licenses in conformity with the present Act, within a time limit which may not be longer than 90 days.

### **Article 96**

The operators of the existing waste management plants are obliged to present to the competent authority the plant operating plan along with the program of measures and schedule of adjusting the plant operation in accordance with the provisions of the present Act for the period ending on 31 December 2012, within six months upon receipt of the notification referred to in Article 95, paragraph 3 of the present Act.

In the case of the existing municipal waste landfills which were not built in conformity with the present Act, the project for rehabilitation or closing-down is also be submitted in addition to the operating plan referred to in paragraph 1 of this Article.

### **Article 97**

A local government unit is obliged to do the following:

- 1) Make an inventory of the disorderly landfills in its territory which do not fulfill the requirements set by the present Act, within a year from the day of entry into force of the present Act;
- 2) Draw up projects for rehabilitation and recultivation of disorderly landfills, to which consent is provided by the Ministry, i.e. the Autonomous Province, within two years from the day of entry into force of the present Act;
- 3) Determine the location for the construction and operation of the plant for waste storage, treatment or disposal in its territory, together, in agreement, with one or several local government units as referred to in Article 34, paragraph 1 of the present Act, within a year from the day of entry into force of the present Act.

The inventory of disorderly landfills includes the data on the location, spatial and geometrical characteristics, types and quantities of disposed waste, time limits for their rehabilitation and recultivation, as well as other data of importance for determining and implementing the projects referred to in paragraph 1, item 2) of this Article.

### **Article 98**

The batteries and accumulators which were produced or imported before the day of entry into force of the present Act may remain on the market without the requisite labels for not more than a year from the enactment of the regulations referred to in Article 47, paragraph 9 of the present Act.

### **Article 99**

The producers and importers of electrical and electronic products are obliged to harmonize the electrical and electronic product waste management measures and procedures with the present Act by 31 December 2012.

## **Article 100**

The disposal, i.e. decontamination of the PCB-containing appliances referred to in Article 52, paragraph 5 of the present Act and the disposal of PCB from such appliances shall be carried out by the year 2015 at the latest.

Notwithstanding paragraph 1 of this Article, the owner of the appliance containing between 0.05-0.005 per cent of PCB by mass is obliged to arrange for the disposal, i.e. decontamination of appliances after their use.

The owners of the appliance is obliged to adopt a plans for replacement, i.e. disposal and decontamination of the PCB-containing appliance within six months from enactment of the regulation referred to in Article 52, paragraph 10 of the present Act.

## **Article 101**

The Recycling Agency ceases to operate on the thirtieth day from the day of entry into force of the present Act.

The Ministry takes over the tasks, objects, records and other professional documentation used by the Recycling Agency, the equipment and work instruments used by the Agency, as well as the employees and appointed personnel of the Agency.

## **Article 102**

As of the day of entry into force of the present Act the following cease to be applicable:

- 1) Waste Material Handling Act ("Official Herald of RS", Nos. 25/96, 26/96 and 101/05 - other law);
- 2) Article 57, paragraph 2 of the Environmental Protection Act ("Official Herald of RS", No. 135/04);
- 3) Article 82, paragraph 2 of the Medicines and Medical Devices Act ("Official Herald of RS", Nos. 84/04 and 85/05 - other law).

## **Article 103**

The regulations to be enacted on the basis of the present Act shall be enacted within a year from the day of entry into force of the present Act.

## **Article 104**

Pending the adoption of the regulations pursuant to authorizations made in the present Act, the following are applicable:

- 1) Rules of the Requirements for and Manner of Classifying, Packing and Keeping Secondary Raw Materials ("Official Herald of RS", No. 55/01);
- 2) Rules on the Manner of Destroying Medicines, Auxiliary Remedies and Medical Devices ("Official Gazette of FRY", Nos. 16/94 and 22/94).

## **Article 105**

The present Act enters into force on the eighth day upon the day of its publication in the "Official Herald of the Republic of Serbia".

***Independent Articles of the Act on Amendments  
and Additions to the Waste Management Act***

*(“Off. Herald of RS”, No. 88/2010)*

**Article 23**

Two or more local government units are obliged to conclude an agreement on joint provision for and conduct of waste management as referred to in Article 21, paragraph 1 of the present Act, within nine months from the day of entry into force of the present Act.

**Article 24**

The regulations to be enacted on the basis of the present Act shall be enacted within six months from the day of entry into force of the present Act.

**Article 25**

The provision of Article 16, paragraph 2, items 5) and 6) of the present Act, which relates to deciding on the application for approving the import, export and transit of waste is applicable until the day of accession of the Republic of Serbia to the World Trade Organization.

**Article 26**

The present Act enters into force on the eighth day upon the day of its publication in the "Official Herald of the Republic of Serbia".

***Independent Articles of the Act on Amendments  
and Additions to the Waste Management Act***

*(Off. Herald of RS, No. 14/2016)*

**Article 52**

The regulations to be enacted on the basis of the present Act shall be enacted within a year from the day of entry into force of the present Act.

The Government shall adopt the Waste Management Strategy within a year from the day of entry into force of the present Act.

The Autonomous Province, i.e. a local government unit is obliged to harmonize the regional and local waste management plans within a year from the day of adoption of the Strategy referred to in paragraph 2 of this Article.

**Article 53**

A local government unit is obliged to do the following:

- 1) Arrange the selection and separate collection of waste for the purpose of recycling at the latest within two years from the day of entry into force of the present Act, i.e. organize a selective and separate collection of waste for the purpose of recycling at the latest within three years from the day of entry into force of the present Act;
- 2) Organize and equip the centers for collection of the household waste at the latest within two years from the day of entry into force of the present Act;
- 3) Make a list of illegal landfills within a year from the day of entry into force of the present Act;
- 4) Draw up a list and projects of rehabilitation and recultivation of the existing unsanitary landfills - dumps, to which a consent is provided by the Ministry, or the Autonomous Province, at the latest

within two years from the day of entry into force of the present Act;

5) Together with one or several local government units referred to in Article 34, paragraph 1 of the Waste Management Act ("Official Herald of RS", Nos. 36/09 and 88/10), determine a location in its territory for the construction and operation of a plant for waste treatment, i.e. storage, recovery and disposal, at the latest within three years from the day of entry into force of the present Act.

The lists and projects of rehabilitation of the existing unsanitary landfills - dumps contain the data on the location, spatial and geometrical characteristics, types and quantities of the disposed waste, time limits for their rehabilitation and recultivation, as well as other data of importance for establishing and implementing the projects referred to in paragraph 1, item 2) of this Article, in accordance with a special regulation.

## **Article 54**

A public utility company that manages the existing unsanitary landfills - dumps of municipal waste is obliged to prepare a plant adjustment plan and submit it to the Ministry, i.e. the competent authority of the Autonomous Province for approval until 31 December 2017, particularly taking into account the conditions referred to in Article 64 of the Waste Management Act ("Official Herald of RS", Nos. 36/09 and 88/10) as well as any corrective measures which the operator considers necessary to be taken in order to conform with the requirements of the present Act, other than the requirements pertaining to the conditions for determining the location, in accordance with the regulation governing the disposal of waste in landfills.

On the basis of the submitted plant adjustment plan, the competent authority is obliged, until 31 December 2018, to render a decision on whether the plant can continue its operation according to the submitted adjustment plan, in conformity with the applicable regulations.

The competent authority, as soon as possible, undertakes appropriate measures for closing down the unsanitary landfills - dumps of municipal waste referred to in paragraph 1 of this Article for which no decision has been rendered that they can continue their operation, in accordance with the present Act and the project for closure and rehabilitation.

On the basis of the plant adjustment plan, the competent authority approves the necessary works and specifies the time limit for fulfillment of the requirements in accordance with the present Act, the regulation governing the disposal of waste in landfills, other than the requirements pertaining to the conditions for determining the location established by the regulation governing the disposal of waste in landfills.

Legal and natural persons shall harmonize their operations with the provisions of the present Act within a year from the day of entry into force of the present Act.

The provisions of the law that was in force at the time of filing an application apply to the applications for the issuance of the waste management license that have been filed prior to entry into force of the present Act.

## **Article 55**

The disposal, i.e. decontamination of the PCB-containing appliances referred to in Article 52, paragraph 5 of the Waste Management Act ("Official Herald of RS, Nos. 36/09 and 88/10) and the disposal of PCBs from these appliances shall be executed until 31 December 2019 at the latest.

Notwithstanding paragraph 1 of this Article, the owner and/or other holder of the appliance containing 0.05-0.005% of PCB by mass is obliged to arrange for the disposal, i.e. decontamination of appliances after termination of their use.

The owner and/or other holder of the appliance are obliged to adopt a plan for replacement, i.e. disposal and decontamination of the PCB-containing appliance until 31 December 2017.

## **Article 56**

The present Act comes into force on the eighth day upon its publication in the "Official Herald of the Republic of Serbia", except for the provisions of Article 5 of the present Act, in the part relating to

the notification of the European Union on the end-of-waste status, which is applicable from the day of accession of the Republic of Serbia to the European Union, as well as the provisions of Article 18 of the present Act and the provisions of Article 42 of the present Act in the part relating to the obligation of keeping a register of waste management brokers, i.e. waste dealers and the obligation of quarterly delivery of the data, which are applicable from 2020.

#### PUBLISHER'S NOTE

\* The provisions of Article 79, paras. 4-6 of the Waste Management Act ("Off. Herald of RS", Nos. 36/2009, 88/2010 and 14/2016) cease to be applicable on 1 January 2019, on the day when the Law on Fees for Use of Natural Resources becomes applicable ("Off. Herald of RS", No. 95/2018).



#### **AKTIVA sistem doo**

Establishment of a company | Accounting agency | Tax advice

[www.aktivasistem.com](http://www.aktivasistem.com)