

WASTE MANAGEMENT ACT

Enforced since 13.07.2012 (Promulgated SG No 53 of 13 July 2012)

Chapter One. GENERAL PROVISIONS

Article.1 (1) This Act regulates measures and controls to the environment and human health preservation by preventing or reducing the harmful impacts of waste generation and management and reducing overall impacts of resource usage and improving efficiency of this usage.

(2) This Act determines the requirements to products in their manufacturing process or after their final use any dangerous and / or widespread waste and extended responsibility requirements to these products producers, in order to stimulate reusing, prevention, recycling and other utilization of waste.

(3) Waste management aims to prevent or reduce waste harmful effects on human health and the environment and conducted in compliance with regulations concerning:

1. Preservation of water, air, soil, plants and animals;
2. Noise and odours and
3. Preservation of environment and places which are subject to special protection.

Article.2. (1) This Act applies to:

1. Household waste;
2. Industrial waste;
3. Construction waste;
4. Hazardous waste.

(2) This Act should not apply to:

1. Radioactive waste;
2. Exhaust gases released into the air;
3. land (in situ), including unexcavated contaminated soil and permanently connected with land buildings;
4. Uncontaminated soil and other naturally state material excavated during construction activities where it is certain that the material will be used for construction in its natural state on the site where it was excavated;
5. Disused explosives;
6. Faecal matter, other than that classified in item 8, straw and other natural non- hazardous materials from agriculture or forestry used in agriculture and forestry, or used for energy production from such biomass through processes or methods which do not harm the environment or endanger human health;
7. Wastewater;
8. animal products, including processed products under Regulation (EC) № 1069/2009 of the European Parliament and the Council of 21 October 2009 laying down health rules concerning animal by-products and derived products intended for human consumption and repealing Regulation (EC) № 1774/2002 (Regulation on animal by-products) (OB, L 300/1 dated 14 November 2009), hereinafter "Regulation (EC) № 1069/2009", except destined for incineration, landfilling or use in a facility for biogas or compost;
9. Carcasses of dead animals not slaughtered, including those who were killed to eradicate epizootic diseases, and that is disposed of in accordance with Regulation (EC) № 1069/2009;
10. Waste resulting from prospecting, extraction, processing and storage of minerals and quarrying in the Mineral Resources Act and classified as "mining waste";
11. Sediments relocated inside surface waters to water management and water bodies or flood prevention or mitigation of floods and droughts, or reclamation of land if it is proved that it does not conflict with other laws and sediments have hazardous properties.

Article. 3. (1) The classification of waste is determined by the Minister of Environment and Water and Minister of Health.

(2) The classification under paragraph 1 is performed according to the list of waste established by Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1, letter "a" of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste in accordance with Article 1, paragraph 4 of Council Directive 91/689/EEC on hazardous waste. The list of waste includes hazardous waste, accounts the waste origin and composition and where necessary - limit values for hazardous substances concentrations.

(3) The list of waste under paragraph 2 is binding as regards the definition of waste that must be considered dangerous. The inclusion of a substance or object in the list does not mean that it is waste in all circumstances. Substance or object is considered to be waste only when it meets the definition under § 1, item 17 of the Supplementary Provisions.

(4) A certain waste may be considered dangerous, even if it is not included in the list of hazardous waste, but when it shows one or more of the features listed in Annex № 3.

(5) Where there are clear evidences that the waste, listed in hazardous waste list, does not show any of those listed in Annex № 3 features, it may be considered non-hazardous.

(6) The reclassification of hazardous waste as non -hazardous waste could not be accomplished through diluting or mixing the waste with the aim of reducing the initial concentrations of hazardous substances to levels below the limit values of concentration of hazardous substances, defining waste as hazardous.

(7) Sampling and analysis of the composition and properties of the waste to identify the declared data and classification of waste is carried out by accredited laboratories.

Article. 4. (1) A substance or an object, resulting from a production process which main purpose is not their production, but they are rather a by-product than waste within the meaning of § 1, item 17 of the supplementary provisions, only if the following conditions are simultaneously met:

1. their further usage is clearly defined;

2. there is a possibility of their direct usage without special additional processing that differs from normal industrial practice;
3. they were obtained as a part of a production process;
4. their further usage is lawful, i.e. they comply with all applicable requirements for products, the environment and human health associated with their particular usage and will lead to overall adverse environmental or human health.

(2) A substance or object determination as a by-product is made by reasoned decision of the Minister of Environment and Water for each case according to criteria established by an act of the European Commission.

Article. 5. (1) Certain waste ceases to be waste within the meaning of § 1, item 17 of the supplementary provisions when it has undergone a process of utilization, including recycling and meet the criteria in accordance with the following conditions:

1. for this substance or object usage for specific purposes an accepted practice is available;
2. the substance or object has market or there is a demand existing;
3. this substance or object meets specific purposes technical requirements and it is in accordance with regulatory requirements and standards applicable to the products;
4. this substance or object usage will lead to no harmful effects on the environment or human health.

(2) The Minister of Environment and Water or a person authorized by him/ her should determine by a reasoned decision in each case whether a certain waste ceases to be regarded as such, except when an act of the European Commission sets out mandatory criteria under paragraph 1 including limit values for pollutants and rules for reporting harmful effects of substance or object on the environment.

(3) Waste under paragraph 1 is accountable for meeting the aims for utilization and recycling, determined in this Act, where the requirements for recycling or utilization under this Act and the regulations of Article 13, paragraph 1.

(4) The Minister of Environment and Water is the national competent authority in implementing Regulation (EC) № 333/2011 of 31 March 2011 establishing the criteria when certain types of scrap ceases to be waste under Directive 2008 / 98/EO the European Parliament and the Council (OB, L 94/2 on April 8, 2011), hereinafter "Regulation (EC) № 333/2011."

Article. 6. (1) The competent authorities under this Act and persons whose activities generate and / or treat waste, implement the following priority order (hierarchy) in waste management:

1. prevent their formation;
2. preparation for reusing;
3. recycling;
4. other utilization, e.g. utilization for power generation;
5. disposal.

(2) Deviations from the hierarchy under paragraph 1 may be allowed for specific waste streams, where it is based on considerations related to the life cycle of waste in relation to the overall impact of the formation and management of such waste.

(3) Upon application of the hierarchy under paragraph 1, general principles for environmental protection such as safety measures and sustainability, technical feasibility and economic viability, resource conservation and overall environmental impact, human health, economy and society are taken into account in accordance with Article 1, paragraph 1 and 3.

Chapter Two. DUTIES AND RESPONSIBILITIES

Section I Duties of persons dealing with waste

Article. 7. (1) Any person whose activities produce waste, and holders of waste treat them separately or make them available for collection, transportation and treatment of persons entitled to accomplish these activities in accordance with this Act.

(2) If the waste is delivered for preparation prior to utilization or disposal, the responsibility of the original producer or holder to make full utilization or disposal does not drop off.

(3) The cases and conditions for the liability of the original waste throughout the whole chain from their collection to treatment and the responsibility sharing and transfer among those involved in the chain of collection and treatment should be determined by regulations under Article . 13, paragraph 1 and Article 43, without any affect to the application of Regulation (EC) № 1013/2006 of the European Parliament and the Council of 14 June 2006 on shipments of waste, hereinafter "Regulation (EC) № 1013/2006."

(4) Persons, who collect and transport waste, deliver them to appropriate treatment installations respecting the provisions of this Act.

(5) The responsibility for organizing the management of waste streams is borne by the manufacturer of the product resulting from the use of the waste, under the law.

Article. 8. (1) Delivery and acceptance of manufacturing, construction and hazardous waste are implemented only under a written contract with persons holding a permit, complex permit or registration document under Article 35 for the activity and waste site with the appropriate code according to the ordinance under Article 3 on waste classification.

(2) Holders of waste must:

1. to implement the provisions for collection, transportation and waste treatment;
2. maintain in permanent good condition and normal operation facilities for waste treatment;
3. to take all measures not to mix the following:
 - a) hazardous waste with other hazardous wastes or other wastes or materials, including mixing and dilution of hazardous substances;
 - b) recyclable waste with non-recyclable waste;
4. to arrange safe storage of waste which can not be provided with treatment in accordance with the requirements of this Act, on the territory of the Republic of Bulgaria.
5. in case of presence of hazardous waste to determine the responsible party and to organize their safe management;
6. to keep records of waste in the manner established by this Act and regulations for its implementation;
7. upon request to provide access control bodies to facilities which produce waste to storage facilities and waste treatment and documentation of waste;

8. provide instruction and periodic training of personnel handling hazardous waste;
9. provide and implement the necessary measures to stop spreading of pollution after closure of sites and activities as well as the installation or facility for waste treatment;
10. provide sufficient funds for following:
 - a) a monitoring plan implementing;
 - b) closure of the plant or facility for waste treatment;
 - c) post-closure monitoring and control;
11. to notify authorities about upcoming changes of raw materials and processes that could lead to a change in the amount or type of waste and their hazardous properties.

(3) Holders of hazardous waste under paragraph 2 could perform mixing of waste provided that:

1. mixing operation is implemented by persons holding a permit or a complex permit under Article 35;
2. requirements of Article 1, paragraph 3 are satisfied and do not increase the harmful effects of waste management on human health and the environment, and
3. mixing operation conforms to best available techniques.

(4) Where hazardous waste is mixed in a manner contrary to the provisions of this Act, they should be extracted, where it is possible and necessary, according to the criteria for technical and economic feasibility, subject to the requirements of Article 1, paragraph 3.

(5) For mixed wastes generated by households the requirements of law relating to following are not applicable:

1. control of hazardous waste;
2. Prohibition on mixing hazardous waste under paragraph 2, item 3, letter "a";
3. labelling of hazardous waste;
4. keeping records of hazardous waste under Chapter Four, Section I.

(6) The provisions of this Act concerning labelling and documentation of hazardous waste should not apply to separate fractions of hazardous waste produced by households until they are accepted for collection, disposal or utilization by a person holding the authorization.

Article. 9. (1) The entry into operation of works under the Spatial Planning Law without any authorization, an integrated permit or registration document under Article 35 for waste activities, when such is required, is forbidden.

(2) The entry into service under the Spatial Planning Law of landfills for hazardous and non-hazardous waste without the presence of a certain amount of collateral for the closure and after care of landfill sites in accordance with Article 60 is forbidden.

Article. 10.(1) Construction, demolition of lawful buildings and structures and voluntary removal of illegal buildings or unfit for use or threatening the security constructions should be done in such manner so subsequent use be provided, including recycling of construction waste generated in accordance with the ordinance. 43, paragraph 4.

(2) During construction, demolition of legal developments and voluntary removal of illegal buildings or unfit for use or threatening the security constructions, the entity responsible for fulfilling the aims associated with preparation for reuse, recycling and other utilization of materials from construction waste accordance with Article 32, paragraph 1 is the construction assigner.

(3) (Enforced since 14/07/2014) The forced removal of illegal buildings or unfit for use or threatening the security is done by the owner or contractor for selective demolition materials.

(4) The mayor of the municipality is responsible for the transmission of individual construction waste during the forced removal of buildings for materials utilization and use of recycled building materials, including the costs of implementing the activities of transportation and treatment.

(5) The cost of implementing the activities of transportation and disposal of construction waste resulting from the forced removal of construction should be borne by the perpetrator of the illegal construction or building or facility. Based on an enforceable order for removal of construction and record of the expenses for the activities of transportation and utilization of waste mayor of the municipality applying for the issue of an immediate execution for the collection of the receivable from persons liable under Article 417, § 2 of the Code of Civil Procedure.

(6) (Enforced since 14/07/2014) The Assigner of public procurements for design and construction of buildings, except for removal of buildings, includes the conditions for selection of contractors and award contracts to contractors obligations for use of recycled building materials as required by the ordinance. 43, paragraph 4.

(7) The manufactured products of recycling of construction waste, which are released on the market in Bulgaria and are designed for permanent use in buildings or parts thereof, must ensure the implementation of the main construction requirements based on their performance indicators defined in technical specifications and regulatory requirements for their use depending on their areas of application.

Article. 11. (1) (Enforced since 07.14.2014) The assigner of construction work as defined in § 5, item 40 of the Supplementary Provisions of the Spatial Planning Law, except for repairs, and the assigner of removing buildings produce a management plan for construction waste in the scope and content set the ordinance under Article 43, paragraph 4.

(2) The requirement under paragraph 1 should not apply to:

1. demolition of buildings with a gross floor area (GFA) under 100 square meters;
2. reconstruction, major repairs and / or change of use of buildings with an area of less than 500 square meters;
3. construction of buildings with an area of less than 300 square meters;
4. destruction of unfit for use or threatening the security when their removal was ordered by the emergency authority.

(3) The plan under paragraph 1 is within the scope of investment projects under Chapter Eight of the Spatial Planning Law and the objects which do not require an approved investment project should be established as a separate plan.

(4) Construction Waste Management Plans are approved for:

1. for construction, which requires an approved investment project - as part of the procedure for coordination and approval of investment projects under Chapter Eight, Section II of the Spatial Planning Law of the authority responsible for their approval;
2. for sites that do not require an approved investment project - the mayor of the municipality or a person authorized by him in whose territory the project is implemented.

(5) The competent authority under paragraph 4 may be required to provide additional information or removal of irregularities

in the case of non-compliance with the ordinance. 43, paragraph 4, sent a reasoned opinion to the applicant no later than 15 days from receipt of the plan.

(6) In cases under paragraph 4, item 2 the mayor approves the plan for management of construction waste or refuses his approval within one month of receipt of the plan or removal of irregularities and / or providing additional information.

(7) Denial of approval of the plan may be appealed under the Administrative Code.

(8) Approval of the plan for management of construction waste includes verification of compliance with targets for recycling and utilization of construction waste.

(9) Implementation of the management plan of construction and condition of the premises should be established:

1. the works for which supervise construction work - with the final report under Article 168, paragraph 6 of the Spatial Planning Law, the person exercising construction supervision, which describes the implementation of the utilization and recycling of construction waste and objectives for use of recycled building materials in the project, applying and copies of primary accounting documents evidencing the transfer of waste to persons holding a permit or registration document for waste operations;

2. the works that do not supervise construction work - with a report to the mayor modelled according to the ordinance under Article 43, paragraph 4, which describes the implementation of the utilization and recycling of construction waste and objectives for use of recycled building materials in the project, applying and copies of primary accounting documents evidencing the transfer of waste to persons holding a permit or registration document for waste activities.

(10) The documents under paragraph 9 should be submitted to the authority which approved the investment project or plan for managing construction waste, and the Director of the Regional Inspectorate of Environment and Water (RIEW) in whose territory it is carried out construction works or demolition.

Article. 12. The owners of the roads under Article 8 of the Road Law are responsible for:

1. cleaning of waste on the road, roadside, travel facilities, service areas, roadside service complexes and anchor points for maintenance within the meaning of § 1, 1-3, 6, 9 and 10 of the Supplementary Provisions of the Roads Act;

2. providing containers for waste collection and transportation to the facility for treatment.

Section II Extended producer responsibility

Article. 13. (1) The requirements for products which, after use generate wide spread waste and how to order their separate collection, reuse, recycling and / or utilization, including the separate collection, reuse, recycling and / or utilization should be determined with regulations of the Council of Ministers.

(2) Measures to determine the wearing of extended producer responsibility, including persons placing on the market in Bulgaria products after the use generate wide spread waste are defined by regulations under paragraph 1 in order to encourage re-use prevention, recycling and other utilization of waste.

(3) The measures under paragraph 2 include the acceptance of returned products and the waste that remains after those products subsequent waste management and financial responsibility for such activities and obligations to provide information to the public the extent to which the product can be re-usable and recyclable.

(4) When applying extended producer responsibility into account technical feasibility and economic viability and the overall impact on the environment, health and social impacts with regard to the need to ensure the proper functioning of the market.

(5) Extended producer responsibility applies regardless of responsibility for waste management provided for in this Act and without prejudice to the provisions governing the requirements for specific waste or products.

Article. 14. (1) The persons placing products on the market, that after use generate wide spread waste are responsible for separate collection and treatment and to achieve these targets for separate collection, reuse, recycling and / or utilization of certain ordinances under Article 13, paragraph 1.

(2) Persons under paragraph 1 implement their duties:

1. individually or

2. through collective systems, represented by utilization.

(3) If the individual perform their duties, persons under paragraph 1, and all their distributors, including persons selling to end users are obliged to take back the point of sale waste generated from the use of the products in accordance with the provisions of Article 13, paragraph 1.

(4) Persons under paragraph 1 can perform their duties individually after obtaining a permit under Chapter Five, Section III.

(5) Persons under paragraph 1 can perform their duties through collective systems after signing a contract with the organization for utilization under paragraph 2, item 2, possessing a permit issued under Chapter V, Section III.

(6) Contracts under paragraph 5 contain the requirements for verification and auditing of data products marketed by persons under paragraph 1.

(7) Persons under paragraph 1 can change utilization organization through which they perform their duties only after you terminate the contract under paragraph 5. At the conclusion of a new contract with another utilization organization the liable person is required to submit a copy of the notice of termination of his contract with the previous organization.

(8) persons under paragraph 1 can not participate at the same time in more than one organization for the same waste.

Article. 15. Recovery organizations and persons who fulfil their obligations individually set up systems for separate collection, reuse, recycling and / or utilization of the species widespread waste in the Republic of Bulgaria in compliance with this Act and the regulations of Article 13 , paragraph 1.

Article. 16. Founding act of the utilization scheme contains terms providing that the following requirements:

1. the principle of equality and opportunity for participation by persons of Article 14 willing to fulfil its obligations under this Act and the relevant ordinance of Article 13, paragraph 1 through collective system under Article 14, paragraph 2 items 2;

2. founders of the organization's utilization have no right to:

a) to take part in any organization involved in the utilization of the same waste;

b) to retain the advantages of the founding act;

3. to contain provisions for the prohibition:

a) profit sharing;

- b) issuance of bonds and stocks with dividend coupons;
- c) granting loans and guarantees loans to third parties, and taking promissory liabilities;
- d) issuance of bearer shares.

Article. 17. (1) Organization of utilization can not be transformed by consolidation, merger, division, separation of the privately owned company or transfer of all assets of the sole shareholder except in cases of consolidation or merger of utilization organizations.

(2) The organization of utilization there can be no activity other than those mentioned in § 1, item 16 of the Supplementary Provisions.

Article. 18. (1) Utilization organizations and persons under Article 14, paragraph 2, item 1 show the performance of its obligations and objectives of Article 14, paragraph 1 and Article 15, prepare and submit to the Minister of Environment and Water accounts reports the findings of fact and other documents in scope, content and deadlines set by the regulations of Article 13, paragraph 1.

(2) Reports under paragraph Be certified by a registered auditor under the Independent Financial Audit on the basis of a report with findings of fact regarding the agreed procedures for checking the performance of duties under this Act and the regulations of Article 13, paragraph 1, including purposes of Article 14, paragraph 1 in accordance with the requirements of current legislation. The requirements for verification, and content of reports and deadlines for their submission should be determined by regulations of Article 13, paragraph 1.

(3) The Minister of Environment and Water may appoint a current verification procedures agreed on the implementation of conditions in permits issued, objectives and performance requirements specified in this Act and the regulations of Article 13, paragraph 1, including examination of the economic information demonstrating marketed product resulting from the use generate wide spread waste collection, reuse, recycling and utilization of waste and the amount of fees charged under Article 59 and / or costs incurred for waste, the following persons:

1. those who release on market products, which after use generate wide spread waste;
2. persons under Article 14, paragraph 2, item 1, and executed individually;
3. utilization organizations under Article 14, paragraph 2 items 2;
4. persons carrying out the collection, transport, reuse, recycling and utilization of waste streams under contract to a utilization organization or persons who perform their individual performance in relation to their objectives and obligations under this Act.

(4) Auditors performing ongoing checks on agreed procedures under paragraph 3 should be determined by the Minister of Environment and Water for at least two calendar years under the Public Procurement Act.

(5) Costs incurred for running checks on agreed procedures under paragraph 3 are audited at the expense of utilization organizations and persons who serve individual and reimbursed to the Ministry of Environment and Water in the manner determined by the Minister of Environment and Waters, within one month of their submission. After the inspection under paragraph 3 may be assigned additional inspections costs are borne by the Ministry of Environment and Water.

(6) Utilization organizations, persons performing their duties individually as well as persons under paragraph 3 provide access to documentation available and sites at which activities are carried out with the waste and provide the necessary information in connection with the duties of auditors.

(7) The findings of inspection reports under paragraph 3 are the justification for imposing sanctions and / or revocation of authorizations of utilization or persons performing their

duties individually under Chapter V, Section III, and impose sanctions on those who market products after use generates wide-spread waste, and the persons under paragraph 3, item 4 in case of infringements of this Act and the regulations of Article 13, paragraph 1.

(8) Upon revocation of a license under Article 81, paragraph A fulfilment of the obligations and objectives of Article 14, paragraph 1 and Article 15 is proved under paragraph 1 for the period of the year preceding the withdrawal.

(9) Every year the Minister of Environment and Water Committee appointed by order to analyze the reports and documents under paragraph 1 and the findings in the reports under paragraph 2 and 3. Within 10 days of completion of activities, the Commission should report to the Minister of Environment and Waters with a reasoned proposal to take action under paragraph 7.

Section III. Duties of local government and local administration

Article. 19. (1) The mayor should organize the management of household and construction waste generated within its territory according to the requirements of this Act and the ordinance under Article 22.

(2) The mayor should provide conditions under which any holder of waste should be served by persons under Article 35 have been granted the right to engage in the collection, transportation, disposal and / or disposal.

(3) The mayor is responsible for:

1. provide containers for collection of household waste - containers, buckets, etc.
2. collection of household waste and transport to landfills or other facilities for utilization and/or disposal;
3. cleaning of streets, squares, alleys, parks and other areas of the settlements for public use;
4. setting of site, construction, operation, and closure and monitoring of landfills or other facilities or equipment for utilization and / or disposal of waste;
5. organizing the collection, utilization and disposal of construction waste from repair work generated by households in the territory of the municipality;
6. separate collection of household wastes in the municipality at least the following materials: paper and cardboard, metals, plastics and glass;
7. organizing the activities of separate collection of waste streams and / or assist organizations to exploit the widespread waste, including determine locations for the deployment of the necessary elements of the separate collection systems and locations for the transmission of widespread waste;
8. enforcement of judgments in Article 26, paragraph A general meeting of regional associations of Article 24, paragraph 1 and support the establishment of centres for reuse, repair and preparation for reuse;
9. organization of separate collection of hazardous waste outside the provisions of Article 13, paragraph 1 and their delivery

for recycling and / or disposal;

10. separate collection and storage of household biodegradable waste, including determine locations for the deployment of the necessary elements of the system of separate waste collection and transfer of composting or anaerobic digestion;

11. provision of sites for free transmission of separately collected household waste, including large waste and other hazardous waste in all cities with populations greater than 10,000 inhabitants in the municipality and, where appropriate in other locations;

12. cleaning of waste on municipal roads in accordance with Article 12

13. providing information to the public on items 1-12, 14 and 15 through the website of the municipality as well as other appropriate means;

14. maintaining a register of sites for transfer of waste plastics, glass, paper and cardboard in the territory of the municipality;

15. prevent dumping of waste in unauthorized places for this and / or the creation of illegal dumps and organizes cleaning.

(4) In settlements with district division sites established under paragraph 3, item 11 should correspond to at least the number of areas so that services be accessible to residents of the municipality.

(5) (Enforced since 14/07/2014) The Failure requirements of paragraph 3, item 11 instalments of Article 64 are increased by 15 per cent during the removal of non-compliance.

Article. 20. (1) The mayor organized a performance of their duties to participate in the system for separate collection of Article 19, paragraph 3, item 6, enter into contracts on terms and conditions set by a Municipal Council with:

1. utilization organizations holding a permit issued under Chapter V, Section III, and / or

2. other persons holding a permit or registration certificate issued under Chapter V, Sections I and II, for activities of collecting, transporting, recycling and / or utilization of waste in the municipality and / or integrated permit issued under Chapter Seven, Section II of the Law on Environmental Protection.

(2) Contracts under paragraph 1 regulate the separate collection of waste from households, administrative, social and public buildings, catering, shops and leisure facilities, entertainment and tourism.

(3) Mayors of municipalities divided into wards may enter into contracts with persons under paragraph 1, items 1 and 2 for each region separately.

(4) contracts under paragraph 1 define at least the following conditions:

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

2. quantitative targets for separate collection, recycling and utilization of waste from households and similar waste, and arrangements for reporting on their implementation;

3. control obligations in compliance with the separation of the territory of the municipality;

4. obligations to provide information to citizens of the municipality in implementing the system for separate collection, conducting education and awareness campaigns and public outreach.

Article. 21. (1) The mayor alone, when not participating in the regional association of Article 24, paragraph 1, or with other mayors of the municipalities of the regional association taking action on assigning and carrying out feasibility studies for construction of new facility / her treatment of domestic waste at least three years before exhaustion volume of landfill waste or end of service within the plant, of which the relevant Regional Environmental Inspectorate.

(2) On property - public or privately owned, could be established grant the right to build in favour of municipalities for the construction of landfills or other facilities or installations for waste treatment and related infrastructure to them. The construction right is indefinite.

(3) Requests for establishment of the building right on paragraph 2 should be submitted to the Minister of Regional Development in consultation with the Minister of Environment and Water. Based on the Council of Ministers the governor signed an agreement creating a right to build.

Article. 22. (1) City Council adopt an ordinance establishing the terms and conditions for disposal, utilization, including separation, transport, congestion, utilization and disposal of household and construction waste, including bio-waste, hazardous waste, waste streams, their territory, developed under the requirements of this Act and regulations for its implementation, as well as pay for providing the services under the Law for local taxes.

(2) The ordinance under paragraph 1 should be provided and the requirements for sites for transmission of waste paper and cardboard, plastics and glass, including conditions for registration of sites and conditions for transfer of waste sites under Article 19, paragraph 3 items 11.

(3) The municipal council should publish on its website and subjected to public discussion draft ordinance under paragraph 1. In the discussion open to all interested persons, agencies and NGOs.

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

(2) Regional System of waste management aims to achieve the efficient collection, transportation and treatment according to the requirements of Article 6, paragraph 1 and perform its obligations under Article Through the participation of 19 municipalities.

(3) Municipalities - members of the regional association, determine ownership of the regional landfill and / or other facility for waste treatment. Ownership may be:

1. the municipality, which owns the land or has been given the right to build on land designated for development;

2. ownership of municipalities - members of the association;

3. between ownership and financing private partner municipality - owner of the land and/ or municipalities - members of the association;

4. owned by financing private partner training facilities prior to utilization or disposal and recycling of waste.

(4) The cost of treatment per ton of waste received at the regional system for waste management is the same for all members of the regional association and it can not be calculated profit associations.

(5) A municipality participating in the regional system of waste management can use the same or such other conditions and prices set by the regional association.

Article. 24. (1) The municipalities included in each of the regions of Article 49, paragraph 9, established under this Act, a Regional Association.

(2) The municipal council of the municipality should adopt a decision to participate in the regional association, a copy of which is sent to the mayor of the municipality in whose territory provides the building or located facilities for waste treatment.

(3) The municipal council of the municipality in a region of Article 49, paragraph 9 may decide to join the Association of Municipalities of another region, provided it does not frustrate the establishment and functioning of the regional association or regional system for waste management in its own region following the presentation of positive opinions of the two regional associations and RIEW.

(4) Members of Regional Association can only be municipalities.

(5) Regional Association emerged from the date of its first general meeting, the minutes of which is sent to the Minister of Environment and Water of the governor.

(6) The Regional Association is a legal entity based in the municipality that owns the land on which it is constructed or the construction of the facility for waste treatment, or who is given the right to build.

(7) The Regional Association is not intended to form and distribute profits, does not acquire property. His work is supported and supplied by the respective municipal administrations.

(8) The management bodies of the regional association are the General Meeting and the President of the association.

(9) Municipalities can receive funding for projects in the field of waste management of EU funds, state budget, the company management activities on the environment (Environmental Protection Fund) to the Ministry of Environment and Water or other national sources of public funding only after the establishment of a regional association.

(10) Paragraph. 9 should not apply where the relevant region consists of one municipality

(11) Municipality which refuses to participate, cause delay, frustrate the establishment and functioning of regional associations and / or regional system for waste management, pay damages and the loss of other municipalities in the region.

Article. 25. (1) The General Meeting of the regional association is composed of the mayors of participating municipalities.

(2) The regional governor, and if the region of Article 49, paragraph 9 falls in two or more areas - their governors attend the General Meeting of the Regional Association without voting aloud.

(3) The General Meeting should be convened by its chairman once every six months or upon request by any person under paragraph 1 or 2. Meeting should be convened by written notice with an agenda to persons under paragraph 1 and 2, a copy of which is sent to the Minister of Environment and Water.

(4) The General Meeting should be held if attended by the mayors of all municipalities, members of the regional association.

(5) If a quorum the meeting is adjourned for an hour later and held if attended by at least two thirds of the mayors and they represent at least two-thirds of the population of all municipalities - members of the regional association.

Article. 26. (1) The General Meeting could decide to:

1. election of the chairman;
2. admission of new members to the regional association;
3. giving an opinion on the municipality to join an association of municipalities;
4. of the individual facilities for waste treatment, structure and development of the regional system for waste management;
5. determination of municipalities that assign public procurements on choosing of suppliers and contractors for the construction of the elements of regional system for waste management and the representativeness of local committees in the conduct of public procurement;
6. allocation of responsibilities between the municipalities to implement the objectives of Article 31, paragraph 1.
7. adoption of an investment program for development of the regional system of waste management;
8. determine the modalities for collection and distribution of the price payable by users of the system (local - regional association members);
9. consent and pricing where regional system for waste management is used by municipalities outside the regional association or other holders of waste;
10. the control of the operation of regional system for waste management and operation of the selected operator / s;
11. ownership of the regional landfill and / or facilities for waste treatment;
12. internal rules of the association;
13. other issues related to the activities of regional association.

(2) In cases under Article 25, paragraph 4 General Meeting takes decisions by at least two-thirds of the mayors who represent at least two-thirds of the population of all municipalities - members of the regional association.

(3) In cases under Article 25, paragraph 5th General Meeting takes decisions by consensus.

(4) meetings held at the general meeting should be drawn up to be signed by its chairman and present mayors.

(5) Decisions of the General Meeting are an integral part of the records under paragraph 4, which are published on websites of municipalities included in the regional association within one week after the meeting and forwarded to the Minister of Environment and Water of the governor.

(6) Decisions of the General Meeting could only be appealed by interested municipalities under the Administrative Code.

(7) A municipality that does not meet the general meeting within the prescribed time limit should be responsible for damages and the loss of members of the regional association.

Article. 27. (1) The Regional Association Chairman should be elected among the persons under Article 25, paragraph 1 for a period that coincides with his mandate as mayor.

(2) The chairman of the association vote in the General Meeting along with other mayors.

Article. 28. Association Chairman:

1. represents the association;
2. prepare the agenda for meetings of the General Meeting;
3. convene and preside over meetings of the General Meeting;
4. maintain reliable information on the population of municipalities - members of the regional association, based on official data from National Statistical Institute;
5. organize and manage the implementation of the resolutions of the General Meeting;
6. implement other activities assigned by the General Meeting.

Chapter Three. REQUIREMENTS TO WASTE COLLECTION, TRANSPORTATION AND DISPOSAL

Article. 29. (1) Waste, depending on their type, properties, composition and other characteristics, are collected, transported and handled in a manner that will prevent their subsequent utilization.

(2) Any abandonment, unregulated dumping and incineration or other forms of uncontrolled waste management are forbidden.

(3) In the process of collection, transportation and temporary storage, hazardous waste is packaged and labelled in accordance both with the standards of the European Union and in accordance with international legal instruments and for the dangerous goods transport, ratified by Republic of Bulgaria through a law.

(4) The production, collection and transportation of hazardous wastes and also their storage and treatment are carried out under conditions ensuring protection of the environment and human health in accordance with Article 1, including through measures to control waste and ensure their traceability from initiation to final treatment, subject to the requirements of Chapter Four, Section I.

(5) In the hazardous waste transport on the territory of the Republic of Bulgaria it should be accompanied by an identification document in a form specified by the ordinance under Article 48, paragraph 1. The document may be in electronic format and contain the information specified in Annex IB of Regulation (EC) № 1013/2006.

Article. 30. (1) Persons whose activities generate, collect, transport and / or treat of waste, take appropriate steps to utilization in accordance with the hierarchy of waste management under Article 6, paragraph 1 and subject to the requirements of Article 1, paragraph 3.

(2) When it is necessary for compliance with the provisions of paragraph 1 and to facilitate or improve utilization, waste is collected separately, if it could be technically, environmentally and economically accomplished, and not mixed with other waste or other materials with different properties.

(3) If waste utilization is not taken in accordance with the provisions of paragraph 1, persons whose activities generate and / or treat waste should take the necessary measures for the environment friendly waste disposal in accordance with Article 1, paragraph 3 about the human health and the environment preservation.

Article. 31. (1) In each of the regions under Article 49, paragraph 9, systems for separate collection, reusing, recycling and utilization of waste, as a minimum, should ensure implementation of following aims:

1. Not later than January 1, 2020, the preparation for reusing and recycling of waste materials including paper, cardboard, metal, plastic and glass from households and similar waste from other sources should be not less than 50 percent of the total weight of these wastes;

2. Not later than December 31, 2020, limiting the amount of biodegradable household waste land filled, should be to 35 percent of the total amount of these wastes in Bulgaria in 1995

(2) The aims under paragraph 1 are achieved in stages according to the terms defined under § 15 of the transitional and concluding provisions and ordinance under Article 43, paragraph 5.

(3) Methods for the estimation of aims under paragraph 1 are determined by the ordinance under Article 43, paragraph 5.

(4) In each of the regions under Article 49, paragraph 1, aims under paragraph 9. 1, are implemented by all municipalities in the region in accordance with the decision under Article 26, paragraph 1 item 6.

Article. 32 (1) Systems for construction waste treatment should provide not later than January 1, 2020 their reusing, recycling and other utilization of materials from non-hazardous construction waste, including backfilling operations by replacing other materials with waste in a quantity not less than 70 percent of their total weight, which excludes unpolluted soil, earth and rock from the excavations in the natural state.

(2) The aims under paragraph 1 are achieved at stages according to the terms defined in § 16 of the Transitional and Final Provisions.

(3) methods for the estimation of targets under paragraph 1 is determined by the ordinance under Article 43, paragraph 4.

Article. 33. (1) Systems for separate collection under Article 19, paragraph 3, item 6 and separate collection of packaging waste include not less than six million people throughout the country and include all cities with populations greater than 5,000 residents and resort locations.

(2) Waste paper and cardboard, glass, plastics and metals produced by commercial sites, industrial, commercial and administrative buildings should be collected separately.

(3) Exemption from the requirement under paragraph 2 is allowed in places where there is no established system for separate collection of waste from the same household.

(4) (Enforced since 01/01/2013) The Users of commercial sites, industrial, commercial and administrative buildings in the settlements under paragraph 1 are obliged to collect waste separately under paragraph 2 and transmit them to persons holding a permit, comprehensive permit or registration document under Article 35 and / or utilization organization.

(5) The order and conditions for the establishment and operation of systems for separate collection under paragraph 2 and 4 should be determined by regulations of Article 13, paragraph 1 and Article 22.

Article. 34. (Enforced since 1/1/2013) (1) Bio-waste collected in public areas, parks and gardens maintenance are collected separately.

(2) Bio - waste under paragraph 1 as well as the waste from lawns near commercial sites, industrial, commercial and administrative buildings are treated by composting or anaerobic digestion in a manner that ensures a high degree of environmental protection.

(3) Activities under paragraph 1 and 2 are carried out in compliance with this Act and the ordinance. 43, paragraph 5.

Article. 35. (1) In order to implement the activities of waste treatment the following is required:

1. permit issued under Chapter V, Section I, or

2. complex permit issued under Chapter Seven, Section II of the Environmental Protection Act.

(2) A permit is not required for:

1. collection and preliminary storage of waste at the site of formation, including waste of ferrous and nonferrous metals (WFNFM);

2. collection and transportation of waste within the meaning of § 1, 41 and 43 of the Supplementary Provisions;

3. utilization operations of non- hazardous waste marked with R3, with the exception of gasification and pyrolysis, where the

operations generated components are used as chemicals, R5, R11, R12 and R13 codes under Annex № 2 to § 1, 13 supplementary provisions, except WFNFM, waste cans, discarded waste of electrical and electronic equipment (WEEE), spent batteries and accumulators (SBA) and out-of-life vehicles (OLVs);

4. disposal operations of own non - hazardous waste at the site of their formation, marked with D2, D3, D8, D9, D13 and D14 codes as defined in Annex № 1 to § 1, item 11 of the Supplementary Provisions;

5. activities, marked with R1 code as defined in Annex № 2 to § 1, item 13 of the supplementary provisions relating to incineration with utilization of energy obtained from non - hazardous waste in specialized equipment , under the definition of "biomass" within the meaning of § 1, item 1 of the Supplementary Provisions;

6. activities, on the territory of trade sites of mass of packaging waste taking back, where there is an organized deposit or other system of reusable batteries, electrical and electronic equipment (EEE) and tires;

7. activity, marked with R12 code under Annex № 2 to § 1, item 13 of the supplementary provisions, of preliminary treatment of their own non-hazardous waste containers in place of their formation, including in shopping sites;

8. activities of separate waste collection, which are not implemented professionally like expired drugs collecting by pharmacies or municipalities campaigns for household waste collection in schools;

9. activities as a dealer and / or broker of waste when they do not include activities on a waste site.

(3) In order to implement the activities under paragraph 2, Item 2-5 requires registration and issuance of a document under Chapter V, Section II, and for activities under item 9 - under Chapter Five, Section IV.

(4) In cases where activities are implemented simultaneously under paragraph 1, item 1 and paragraph 2, Item 3-5, individuals may apply for authorization under Article 67 includes all activities, which repeals the requirement for registration and issuance of a registration document included in the permit activities.

(5) The registration document for the activities under paragraph 2, item 2 should be issued separately from other licenses and registration documents.

(6) The regulation under Article 43, paragraph 1 general rules for waste treatment for each activity under paragraph 2, Item 3-5, should be also determined, exempt from the requirement to obtain permit.

Article. 36. Expiring of terms for registration or authorization or for amendments and / or amendment of registration or authorization under Article 35 in cases under this Act and regulations for its applying are considered implied consent to implement the activity.

Article. 37. Deployment of sites for waste treatment within the zone I of the sanitary protection zones of water sources and facilities for drinking water and sources of mineral waters used for therapeutic, prophylactic, drinking and hygiene needs is not allowed.

Article. 38. (1) Activities with WFNFM, waste cans, WEEE, ELVs and SBA are implemented at sites located in areas which are under development plan acceptable production and storage activities of ports for public transport of national and regional importance and objects of the railway infrastructure for business purposes. Each site must meet the legal requirements to protect human health and the environment.

(2) The requirements of paragraph 1 should not apply in cases of readmission of waste cans, WEEE, SBA sites of sale of the products.

(3) technical requirements for the site for activities with WFNFM, metal packaging, WEEE and ELVs, SBA are defined in the ordinance under Article 43, paragraph 1 and regulations for the type of widespread waste of Article 13, paragraph 1.

(4) (Enforced since 14/07/2014) The Payments under WFNFM transactions are made through a bank transfer.

Article. 39. (1) Delivery and acceptance of WFNFM which are not of household character, including those representing cables and power lines, wiring of any kind and size elements for electronic communications infrastructure, and parts of railway rolling stock, track, including security, signalling and communication equipment and all installations, all elements and parts of the road infrastructure such as road signs, guardrails, metal lids from manholes, street lighting parts or water supplying systems and facilities, and pre-metallised monuments or parts or elements thereof, should be only in the presence of a certificate of origin issued by persons whose activities are formed on the basis of written agreement.

(2) Individuals may submit only WFNFM of household character in the presence of a declaration of origin.

(3) (Enforced since 14/07/2014) The Delivering of waste in the cases under paragraph 2 is done on sites under Article 19, paragraph 3, item 11 or through campaigns for separate collection of waste from households, organized by the mayors of municipalities charge for each party.

(4) A certificate and declaration of WFNFM origin are filled in form approved by the Minister of Environment and Water.

(5) Waste under paragraph 1 is stored and prepared for use separately from other WFNFM.

(6) Where site activities are carried out with waste cans, WEEE, SBA, and WFNFM

OLVs and waste resulting from their pre-treatment, they are stored separately on separate parts of the site. In the subsequent transfer of waste cans and WFNFM formed after preparation prior to utilization of WEEE and ELV SBA, they are reported separately with code and name according to the ordinance under Article 3.

(7) Persons implementing activities with WFNFM are required to provide each site 24- hour surveillance within one month of receipt of the permit or its addition to the new / and grounds and to keep records for one year.

Article. 40 Handling and transportation of waste from construction sites and their removal are implemented by contraction assigner or the owner of the construction waste or other person meeting the requirements of Article 35, based on a written contract.

Article. 41. (1) Household waste from incoming air, water and land vehicles are treated immediately after their entry into the country in accordance with Regulation (EC) № 1069/2009, the Veterinary Medicine Act and related regulations.

(2) Activities under paragraph 1 are implemented by persons holding a permit or registration document under Article 35.

Article. 42. (1) In cases of serious danger to human health and the environment arising from the formation or activities with hazardous waste, the Council of Ministers under suggestion of Minister of Health and the Minister of Environment and Waters determine by decision the necessary measures to eliminate the hazard including the absence of terms of Article 35.

(2) Under suggestion of the Minister of Environment and Water and with a decision of

the Council of Ministers, the usage of 10 percent of the remaining capacity of the regional landfill, which is in operation or design capacity of other regional treatment facility for household waste needs of other regions is authorized when there is a justified and

urgent necessity, connected with the National Plan for Waste Management. Landfills and / or facilities, which usage is allowed for the needs of other regions should be constructed with funds over 50 percent of which are provided by the state budget of Republic of Bulgaria or other national or international funding.

(3) The wastes for treatment under paragraph 2 are used and / or disposed of prices for the treatment of household waste facility by the regional system.

Article. 43. (1) Conditions and requirements to sites for dislocation of facilities to treat waste, for construction and operation of facilities and installations for waste treatment and pre- storage, treatment and transportation industrial and hazardous waste and waste management equipment containing polychlorinated biphenyls, are determined by the Minister of Environment and Waters agreed with the Minister of Regional Development and Minister of Health.

(2) The procedure for calculating and determining the amount of securities and write- downs required for waste disposal in Chapter IV, Section IV, should be determined by the Minister of Environment and Waters agreed with the Minister of Finance.

(3) The requirements concerning collection and waste treatment within the medical and health institutions are determined by the Minister of Health and Minister of Environment and Water.

(4) The requirements for management of construction waste and recycled building materials usage should be determined by ordinance of the Council of Ministers.

(5) The requirements concerning collection and treatment of bio waste, the methodology for calculating the objectives of Article 31, paragraph 1 and distribution of these tasks to the regions of Article 49, paragraph 9 is determined by ordinance of the Council of Ministers.

(6) The requirements for the management of sludge from wastewater treatment are determined by ordinance of the Council of Ministers.

Chapter four INFORMATION, PLANNING AND FINANCING

Section I. Information and public registers

Article. 44. (1) The persons whose activity involves the formation, collection, transportation and/or treatment of industrial and/or hazardous waste, as well as the persons, holding a permit, complex permit or registration document under Article. 35 and pursuing operations by collecting and transportation and/or treatment of household and/or construction waste, shall be obliged to keep record books, certified by the competent authority for issuing permit or registration document, and the persons, holding complex permit – by the Head of Regional Inspectorate of Environment and Water, at whose territory is pursued operation. Traders and brokers of wastes are obliged to keep record books, certified by the Head of Regional Inspectorate of Environment and Water, at whose territory is their seat, and for the foreign persons – by the Head of Regional Inspectorate of Environment and Water - Sofia.

(2) The record books contain chronological information for the quantity, nature and origin of waste and when it is required, designation, periodicity of collecting, manner of transportation, and foreseen methods for waste treatment.

(3) The record books and waste documentation are preserved for a term of 5 years, including after including after discontinuance of operation.

(4) Upon closure in total of the operation of all installations and facilities on a specific site the persons referred to in par. 1 shall deliver the record books to the Municipal administration, which shall preserve the said books for the periods referred in Paragraph 3.

(5) The persons referred to in par.1 shall submit upon request to the competent authorities from Chapter five or by previous holder of waste documents, proving that the operations by waste management are done.

(6) The persons referred to in par.1 shall prepare and present in Executive Environmental Agency annual waste reports pursuant to the requirements of this law and the Regulation referred to in Article. 48, par. 1.

(7) The persons placing on the market any products which, after use form ordinary wastes, shall provide information and shall keep records according the ordinances referred to in Article. 13, par. 1.

(8) The persons referred to in Article. 1 and 7 deliver to the control authorities in chapter five upon request the documents regarding record and information for operations by waste management.

Article. 45. (1) The Executive Manager of Executive Environmental Agency or an official authorized by him keeps public records of:

1. the permits issued under Article. 67, including these of them with closed effectiveness;
2. the persons, who place at the market batteries and accumulators, including integrated in devices and motor vehicles;
3. the persons who place at the market Electrical and Electronic Equipment; 4 the persons who place at the market mineral or synthetic oils;
4. the persons who place at the market tires;
5. the persons pursuing operations as trader referred to § 1, p. 45 by the additional regulations or a s a broker referred to § 1, p. 5 by the additional regulations;
6. registration documents referred to Article. 78, including these of them with closed effectiveness;
7. the persons who place at the market polymeric bags;
8. sites for operations with Waste from ferrous and non-ferrous metals, Electrical and electronic equipment out of service, Motor vehicle out of service and Unfit for use batteries and accumulators.

(2) In the registers referred to Article. 1 are entered at least the following circumstances:

1. registration number, name of the person, respectively the company, UIC and address of management;
2. contact person, including phone number, fax number and electronic mail;
3. correspondence address, including postal code, settlement, name and street/boulevard number and internet address;
4. method of execution of obligations referred to Article. 14, par. 2 by the persons referred to in par. 1, p. 2 - 5;
5. trade marks, which the persons use in the country, in the cases referred to in par. 1, т. 2 - 5.

(3) In the register referred to in par. 1, p. 1 and 7 are also entered:

1. number of the respective document referred to in Article. 67 and 78, date of issuance and the competent body;

2. address of sites, on which are pursued operations;
 3. code of waste pursuing the regulation referred to in Article. 3, par. 1;
 4. operations pursued with the waste according Application No 1 or No 2.
- (4) In the Register referred to in par. 1, p. 2 is entered also the respective type of batteries and accumulators, which the persons place at the market – portative, automobile, industrial.
- (5) In the Register referred to in par. 1, p. 3 are entered also categories of electrical and electronic equipment which the person places at the market.
- (6) In the Register referred to in par. 1, p. 4 are entered also types of mineral and synthetic oils, which the person places at the market.
- (7) In the Register referred to in par. 1, p. 6 are also entered:
1. statute of the person – trader and/or broker;
 2. type, code and name of waste, with which is pursued operation.
- (8) Registers may be kept and maintained also by the respective branch organizations upon agreement with Minister of environment and water.

Article. 46. Minister of internal affairs keeps register of the motor vehicle with terminated registration, submitted for disassembly.

Article. 47. (1) The persons placing at the market products, after the use of which are formed ordinary wastes, for which are kept public registers as referred to in Article. 45, par. 1, are being registered at terms and order, specified in respective regulations as referred to in Article. 13, par. 1 and the regulation as referred to in Article. 59.

(2) The persons who own document as referred to in Article. 35, may also pursue operations as trader and broker by the sense of this law with wastes specified in the document, without having registration referred to in Article. 104.

Article. 48. (1) Minister of environment and water determines with regulation the order and samples, by which information is granted for the waste operations, as well as the order for keeping public registers referred to in Article. 45, par. 1.

(2) The information for waste operations compulsory comprises: quantity, qualities and origin of wastes, as well as other data determined with the regulation referred to in Article. 1.

(3) Public authorities including National Statistical Institute, "Customs" Agency, National Revenue Agency, Chief Directorate "Security Police", Executive Agency "Automobile Administration", Public agency for meteorological and technical supervision and Commission for protection of consumers give information to Executive Environmental Agency pursuant to the requirements and in the terms of regulations referred to in par. 1, Article. 13, par. 1 and Article. 43.

(4) All juridical or physical persons, pursuing operations by waste management or by whose operation are generated wastes, including the persons placing at the market products after the use of which are formed ordinary wastes, are also obliged to give information to Executive Environmental Agency.

(5) "Customs" Agency gives upon request to Executive Environmental Agency information for the quantities of products with particular codes according the Combined Nomenclature, Application I at Regulation (EEC) No 2658/87 of the Council dated 23-rd of July, 1987 regarding the tariff and statistic nomenclature and General Customs Tariff, hereinafter referred as "Regulations (EEC) No 2658/87, and list of the persons, who pursued import and/or export of products. The request is written and contains information for the products and their codes according the Combined Nomenclature and the period for which it refers.

(6) National Revenue Agency gives upon request to Executive Environmental Agency information for the quantities of products with particular codes according the Combined Nomenclature, Application I at Regulation (EEC) No 2658/87.

(7) The information referred to in par. 3 - 5 serves only for the purposes of this law as there are undertaken the necessary organizational and technical measures for this. To work with such information are admitted only the persons who have signed sworn statement for preservation the secret in cases when this is required by law.

Section II. Plans and programs

Article. 49. (1) Minister of environment and water develops and submits for acceptance in Ministry Council the National plan for waste management.

(2) At preparation of the plan referred to in par. 1 are taken into consideration general principles for environmental preservation, as protective measures and stability, technical realization, and economic application, preservation of resources as well as influence on environment, human health, economic and society.

(3) The plan referred to in par. 1 contains analyses of the current status of waste management in Republic of Bulgaria, measures that should be undertaken for improving the conformable to environment preparation for repeated use, recycling, using and decontamination of wastes, as well as evaluation of the method by which the plan shall assist execution of purposes and application of law provisions.

(4) The plan referred to in par. 1 includes:

1. analyses of the status and prognostication for the type, quantities and sources of wastes, formed on the territory of the country, as well as for the wastes, which is possible to be object of cross-border transportation from or to the national territory;
2. the existing schemes for waste collecting and basic installations and facilities for decontamination and using, including any special agreements for processed oils, dangerous wastes or flows of wastes, for which are regulated requirements with this law and sub-law normative deeds by its application;
3. evaluation of the necessity of new schemes for collecting, closing of existing installations and facilities for wastes, additional infrastructure by installations and equipments for wastes, as well as the investments correlative at this;
4. information for the criteria, used for determination of location and capacity of basic installations and equipments for decontamination or using wastes which are foreseen to be built;
5. general policies for waste management, including the foreseen technologies and methods for waste management, and specific policies at particular groups of wastes which require special management;
6. measures for assistance of the repeated use of products and operations by preparation for repeated use, more specially via encouragement establishment of networks for repeated use and repairs and the support for them, using economic instruments, delivery

criteria, quantitative aims or other measures;

7. measures for encouragement of the high quality recycling via introduction of schemes for separate waste collection, when this is technically, ecologically and economically applicable, in order to be guaranteed the necessary quality standards of the respective recycling sectors;

8. organization aspects, related to waste management, including description of distribution of responsibilities between central and territorial executive bodies, physical and juridical persons, who realize waste management;

9. evaluation of favor and expedience of using economical and other instruments for solving different issues in the field of wastes, as there is taken into consideration the necessity by maintenance of the smooth functioning of the market;

10. measures for encouragement separated collection of bio wastes with the purpose of composting and anaerobic degradation, as well as for treatment of bio wastes in manner which ensures high degree of environmental protection, including measures for step-by-step decrease of the quantities of disposed bio degradable wastes;

11. measures for encouragement application of versions for waste management, which cover the most favorable results for the environment as a whole, in compliance with hierarchy for waste management referred to in Article. 6, par. 1;

12. using materials that are harmless for the environment, manufactured by bio wastes;

13. separate chapter for management of packs and packs waste including measures averting and repeated use;

14. national strategy for limitation the quantities of biodegradable wastes, decontaminated in landfills;

15. information for sites contaminated in the past for decontamination of wastes and measures for their recovery;

16. measures for application of explanatory campaigns and presentation of information, addressed at the public or at specific groups of consumers;

17. aims, stages and terms for their achieving;

18. evaluation of financial resources, necessary for realization of the plan;

19. coordination with other plans and programs, having relation with operations;

20. system for account and control of execution;

21. system for evaluation of results and for plan update.

(5) The plan referred to in par. 1 foresees measures for encouragement development of products, in order to be decreased their influence on environment and forming of wastes in the manufacture process and subsequent use of products, as well as to be guaranteed that using and decontamination of products which turned into waste is in compliance with Article. 1, par. 3 and par. 6.

(6) The measures referred to in Article. 5 may encourage development, manufacture, placing at the market of products, which are appropriate for repeated use, which are technically stable and which, after they have turned into wastes, are fit for expedient and safety use and for decontamination, conformed to the requirements for environment preservation.

(7) The plan referred to in par. 1 also includes measures for establishment of integrated and adequate network by installations and equipment for decontamination of waste, as well as for installations for using household waste:

1. via application of the best available techniques;

2. at the nearest equipments/installations, situated to the source of waste forming, as there are used the most appropriate methods and technologies, ensuring high degree of preservation for human health and environment.

(8) (Effective from 01.01.2015) In compliance with provisions of Article. 30, par. 2 the plan referred to in par. 1 foresees measures for application of systems for separate collecting at least for the following waste: paper and cardboard, metals, plastics and glass, and measures for execution of purposes for repeated use, recycling and using waste materials referred to in Article. 31 and 32.

(9) With the plan referred to in par. 1 are determined the regions, including municipalities which use common regional landfill and/or other installations for waste treatment.

(10) The plan referred to in par. 1 is prepared for a period of at least 6 years.

(11) Minister of environment and water deposits at every three years Statement before Ministry Council for execution of the plan referred to in par. 1 and Report regarding achieving aims for recycling of household waste referred to in Article. 31, par. 1, p. 1 and for recycling and using materials by construction wastes referred to in Article. 32, par. 1. In case of non-achievement of the specified aims the report specified the reasons for non-achievement and the measures which will be taken for ensuring future implementation.

Article. 50. (1) Minister of environment and water develops and deposits in Ministry Council Program for avoidance of waste forming.

(2) The program referred to in par. 1 is integral part of the National plan for waste management pursuant to Article. 49, par. 1.

(3) The program referred to in par. 1 includes:

1. existing measures for avoidance of waste forming;

2. evaluation of benefits from application of example measures for avoidance according Application No 4 or by application of other appropriate measures;

3. determination of appropriate specific qualitative or quantitative monitoring indices, approved for supervision and evaluation of progress in execution of measures for waste avoidance;

4. indicators for evaluation of execution of measures for avoidance of waste forming.

Article. 51. (1) The plan referred to in Article. 49 and the program referred to in Article. 50 are evaluated and accounted at least at every six years and are updated when this is necessary and by expedience.

(2) At development of plan referred to in Article. 49 and the program referred to in Article. 50 Minister of environment and water organizes implementation of consultations with the respective interested parties, public administration, local authorities and publicity.

(3) The finally approved plan referred to in Article. 49 and program referred to in Article. 50 are published on the internet page of Ministry of environment and water.

Article. 52. (1) The mayor of a particular municipality develops and implements program for waste management for the territory of the respective municipality.

(2) The program is integral part of the Municipal environmental program.

(3) The program referred to in par. 1:

1. is developed and approved for a period which should coincide with the period of effectiveness of the National waste man-

agement plan;

2. is updated at change in the actual and/or normative conditions.

(4) The program is developed in compliance with structure, aims and provisions of the National waste management plan.

(5) The program includes the necessary measures for implementation of the obligations of municipality mayor and the requirements by Chapter Two, Section III.

(6) The mayors of two or more municipalities, included in region referred to in Article. 49, par. 9, may develop a common program for waste management, in case that the obligations, responsibilities and measures, concerning the particular municipalities are clearly distinguished in the program.

(7) The program for waste management is published on the internet page of the respective municipality with the aim of ensuring public access.

(8) The program is approved by Municipal Council of the respective municipality, which controls its implementation.

(9) The Mayor of municipality informs every year within the date of 31-st of March the Municipal Council for the program's implementation during the previous calendar year.

(10) Minister of environment and water issues indications by development of the programs referred to in par. 1.

Article. 53. (1) The persons referred to in Article. 14, par. 2, executing their obligations individually, and organizations by using develop and implement programs for waste management in compliance with the requirements of regulations referred to in Article. 13, par.1.

(2) At non-execution of the obligations and purposes referred to in Article. 14, par. 1 and Article. 15 the programs referred to in par. 1 are updated by order, specified in the regulations referred to in Article.13.

Section III. Financing

Article.54. Costs for collecting, advance storage, treatment and transportation of wastes are for the account of:

1. the initial cause of waste or the current one, or the previous holder of waste;
2. persons placing at the market products after the use of which are formed ordinary wastes, in the cases stipulated with this law.

Article. 55. (1) When the causes of wastes are unknown the costs by restoration the environmental qualities are taken by the persons in whose possession are the wastes.

(2) All costs for restoration the environmental qualities and for finding the real cause are restored by him.

Article. 56. (1) Every year by the Law on state budget of Republic of Bulgaria upon proposal of Minister of environment and water are determined purposive resources for building equipments and installations for treatment of household, ordinary and dangerous wastes, as well as for cleaning and recultivation of sites contaminated with waste.

(2) Equipment and installations for waste treatment, which are built or are being built with resources ensured by the Law on state budget of Republic of Bulgaria or another national or international financing, are used pursuant to the measures foreseen in the action plan of the National waste management plan referred to in Article. 49, par. 1.

(3) When the equipments and installations are not used according the requirements of par. 2, municipalities refund the resources in the public budget or in Enterprise for management of environmental protective activities

Article. 57. The costs for operation with household wastes and execution of obligations of the bodies of local self-government and local administration according Chapter Two, Section III from this Law are foreseen by the budget of the respective municipality at the amount, not less than the incomes and local fees planned for the respective year pursuant to Article. 6, par. 1, letter"a" from the Law on local taxes and fees.

Article. 58. (1) The Enterprise for management of environmental protective activities receives the amount from:

1. fees pursuant to Article. 59;
2. penalties and property sanctions referred to in Chapter Six – when the criminal decrees are issued by the Minister of environment and water or by officials authorized by him.

(2) On the budget of the respective municipality are received the amounts by penalties and property sanctions referred to in Chapter Six – when the criminal decrees are issued by the Mayor of municipality.

(3) The resources referred to in par. 1 and 2 are spent for projects and objects for waste management.

Article. 59. (1) Product fee at the amount and at order, stipulated with regulation of Ministry Council, is paid by:

1. persons referred to in Article. 14, par. 1, placing at the market products, after whose use are formed ordinary wastes, who do not perform obligations and purposes by the order of Article. 14, par. 2 for separated collecting, repeated use, recycling and/or using wastes pursuant to this Law and the regulations according Article. 13, par. 1;

2. persons referred to in Article. 14, par. 1, p. 1, executing their obligations individually who have not performed purposes referred to in Article. 14, par. 1;

3. organizations by using, which have not performed purposes for separate collecting, repeated use, recycling and/or using of ordinary wastes of the persons obligated pursuant to Article. 14, par. 2, p. 2, that are members in the organization;

4. the persons referred to in Article. 14, par. 2, p. 2, that are members in organization by using, who have not paid the agreed remuneration and/or have not given it information regarding quantities of products placed at the market;

5. persons referred to in Article. 14, par. 2, p. 2, that are members in organization by using, in the cases of reported smaller quantities of products by the really placed at the market for the respective accounting period.

(2) In the cases referred to in par. 1, p. 2 - 5 Minister of environment and water determined with order the persons who pay product fee.

(3) Minister of environment and water determines with order the persons, who do not pay product fee at execution of obligations and purposes pursuant to Article. 14, par. 1.

(4) The amounts due for product fee, determined with effective order referred to in par. 2, are collected by force together with interests and expenses by the National revenue agency (NRA) by the order of Tax-insurance procedure code.

(5) The amounts collected by National Revenue Agency are received in the account specified in the addressed request for their collection.

(6) In the cases referred to in par. 1, p. 2 and 3 the organizations and persons, executing individually their obligations, are not released by responsibility for payment of product fee, if a subcontractor of theirs has not executed obligations assigned to him.

(7) The persons who place at the market of the territory of Republic of Bulgaria polymeric bags, should pay product fee for polymeric bags by the order and at the amount determined with the regulation referred to in par. 1.

Section IV. Financing of waste decontamination via landfilling

Article. 60. (1) For pursuing operations by decontamination of waste via landfilling every landfill owner presents security that covers future costs for closing and post-exploitation cares of the landfill site.

(2) The security referred to in par. 1 may be in the form of:

1. monthly allowances in bank account for foreign resources of Regional Inspectorate for Environment and Water on whose territory is situated the landfill, or

2. monthly allowances in bank account with special purpose, blocked for the period until finalization and approval of measures by closing and after exploitation cares of the landfill site, except for the cases when is allowed their using by the order of Article. 62 or

3. bank guarantee in favor of the respective Regional Environmental and Water Inspectorate, at whose territory is located the landfill.

(3) When the landfill owner is municipality or budget enterprise, the security according par. 1 is in the form of monthly allowances according par. 2, p. 1 or 2.

(4) The allowances referred to in par. 2, p. 1 and 2 are determined in BGN per one ton of landfilled waste.

(5) The size of allowances per one ton of landfilled waste is updated at every three years.

(6) The amounts due for undeposited allowances referred to in par. 2, p. 1 or 2 is stipulated with Deed for ascertaining public state receipt, issued by the order of Article. 166 from the Tax insurance procedure code by the Head of Regional Inspectorate for Environment and Water, on whose territory is situated the landfill. The Deed is composed on the grounds of documents, specified with the regulation referred to in Article. 43, par. 2.

(7) The undeposited allowances referred to in par. 2, p. 1 or 2 after the Deed for ascertaining public state receipt entering into force pursuant to par. 6 are collected by force together with the interests and expenses by the National Revenue Agency by the order of Tax insurance procedure code.

(8) The amounts collected by the National revenue agency are deposited on the account specified in the sent request for their collecting.

(9) The order and manner for determination the size and granting the allowances, spending the resources by allowances and the cases, in which Regional Inspectorate for Environment and Water is entitled to request utilization of bank guarantee, are determined with the regulation referred to in Article. 43, par. 2.

(10) With the regulation referred to in Article. 43, par. 2. is also determined the minimum size of securities for closing and post exploitation cares of the waste landfills.

Article. 61. (1) Bank account referred to in Article. 60, par. 2, p. 2 is closed by the owner of landfill in trade bank chosen by him referred to in Article. 2, par. 5 from the Law on credit institutions, licensed to perform guarantee transactions, the collected resources by which may be spent only with Decision of Regional Inspectorate for Environment and Water, on whose territory is situated the landfill. Every month the landfill's owner represents to the Head of Regional Inspectorate for Environment and Water excerpt from the account, which is certified by the servicing bank.

(2) The securities referred to in Article. 60, par. 2 are not liable to compulsory execution.

(3) The bank guarantee referred to in Article. 60, par. 2, p. 3 is unconditional and irrevocable and is presented for one-year period as remains valid until finalization and approval of measures by closing and post-exploitation cares of the landfill site.

(4) The bank-guarantor undertakes irrevocably, unconditionally and at first sent written request by the Head of Regional Inspectorate for Environment and Water to transfer the amount by the bank guarantee in favor of and on the account of Regional Inspectorate for Environment and Water.

(5) The size of bank guarantee referred to in Article. 60, par. 2, p. 3 can not be less than the amount of allowances referred to in Article. 60, par. 2, p. 1 or 2, calculated on annual basis and due cumulatively for the effective period of the guarantee.

(6) Until finalization and approval of measures by closing and post exploitation cares of the landfill site the bank guarantee is periodically prolonged or renewed minimum one month before expiry of period of its effectiveness referred to in par. 3, as during exploitation of landfill the size of security of the renewed bank guarantee is determined in compliance with par. 5.

(7) In case that the bank guarantee is not prolonged or renewed in the term referred to in par. 6, it is utilized by the Head of Regional Inspectorate for Environment and Water, who issues order for discontinuance of landfill exploitation until presenting security by the landfill owner referred to in Article. 60, par. 1.

(8) The bank guarantee referred to in Article. 60, par. 2, p. 3 is utilized by Head of Regional Inspectorate for Environment and Water in case of ascertained non-pursuing of operations by landfill closing, as a result of which occurred delay with more than two years in the execution of the closing plan.

(9) After finalization and approval of measures by closing and recultivation of landfill the size of the bank guarantee is decreased to the size of costs for post exploitation cares of the site with the written consent of the Head of Regional Inspectorate for Environment and Water.

Article. 62. (1) For execution of his obligation by closing and post exploitation cares of the landfill site or of section or cell of it at presence of the necessary conditions for closing referred to in Article. 43, par. 1 the landfill owner submits application to the Head of the respective Regional Inspectorate for Environment and Water for utilization of the amounts by the account referred to in Article. 60, par. 2, p. 1 or 2.

(2) Within three months from finalization of landfill exploitation the owner starts pursuing the operations by landfill closing in compliance with the plan for landfill closing.

Article. 63. (1) The owners of landfills for inert wastes are released from their obligations referred to in Article. 60.

(2) The requirements of Article. 60 are not applied for waste landfills in which are jointly landfilled mine wastes by the sense

of the Law on ores and minerals and waste referred to in Article. 2, par. 1, when:

1. quantity of landfilled or foreseen for landfilling mine wastes is predominant, and
2. for pursuing of operations by closing and post exploitation cares of the landfill site is ensured financial security by the order of the Law on ores and minerals.

Article. 64. (1) For decontamination of wastes of regional or municipal landfill for indangerous wastes and of landfills for construction wastes are made allowances at the amount and in order, determined with the regulation according Article. 43, par. 2.

(2) The allowances referred to in par. 1 have the purpose to be decreased the quantity of landfilled wastes and to be encouraged their recycling and using.

(3) The allowances are determined in BGN per one ton landfilled wastes and are transferred by the landfill owner every month on bank account for foreign resources of Regional Inspectorate for Environment and Water at whose territory is situated the landfill.

(4) The accumulated resources referred to in par. 1 are spent for operations for building new installations for treatment of household and construction wastes, ensuring execution by municipalities of the requirements of the law and sub-law normative deeds by its application. The resources may be spent for making subsequent costs, related to the built installations and equipments for using household wastes.

(5) The size of allowances for household wastes is decreased when the purposes in the respective region referred to in Article. 49, par. 9 are executed by municipalities in compliance with the decision referred to in Article. 26, par. 1, p. 6, as follows:

1. with 50 per cent for the purposes for repeated use and recycling referred to in Article. 31, par. 1, p. 1;
2. with 50 per cent for the purposes for limitation of quantities of landfilled household biodegradable wastes, determined with the regulation referred to in Article. 43, par. 5.

(6) The decrease in the size of allowances referred to in par. 5 is applied independently from one another.

(7) In case that it is ascertained presenting incorrect information for decrease of the size of allowances referred to in par. 5, the obliged persons pay the allowances in double size for the respective period, during which the information has been used.

(8) The amounts due for undeposited allowances referred to in par. 3 are determined with deed for ascertaining public state receipt, issued by the order of Article. 166 from the Tax insurance procedure code by the Head of Regional Inspectorate for Environment and Water on whose territory is situated the landfill. The Deed is prepared on the grounds of documents determined with the regulation referred to in Article. 43, par. 2.

(9) Undeposited allowances referred to in par. 3 after entering into force of the Deed for ascertaining public state receipt referred to in par. 8 are collected by force together with interests and expenses of National revenue agency by the order of Tax insurance procedure code.

(10) The amounts collected by the National Revenue Agency are received in the account, specified in the request submitted for their collecting.

Article. 65. (1) The allowances referred to in Article. 60, par. 2 and Article. 64, par. 1, when are made for household wastes by municipalities, are elements of costs referred to in Article. 66, par. 1, p. 3 from the Law on local taxes and fees.

(2) The Minister of finances gives indications regarding the order and method of collecting, spending, planning and accounting by the budget enterprises of the resources by Section III and this Section.

Article. 66. The requirements of this Section are not applied for waste landfills which are included in the programs for removal of ecological damages in compliance with the Law for environment preservation and the sub-law normative deeds by its application.

Chapter five PERMITTING AND CONTROL OF WASTE OPERATIONS

Section I. Permits for waste operations

Article. 67. (1) Permit for pursuing operations by waste treatment is issued by the Head of Regional Inspectorate by Environment and Water, on whose territory are pursued operations.

(2) For pursuing operations by waste treatment on sites, situated on the territory of two or more Regional Inspectorates by Environment and Water, the permits are issued by the Head of each Regional Inspectorate by Environment and Water separately for the sites on the territory of the respective Inspectorate.

(3) The Permit referred to in par. 1 is issued by sample approved by the Minister of environment and water.

(4) Permit referred to in par. 1 is issued to persons registered as traders by the sense of Bulgarian or by their national legislation, to public and municipal enterprises, municipality associates, co- operations and budget enterprises by the sense of § 1, p. 1 by the additional regulations of the Accounting law, which complies with the requirements of this law.

Article. 68. (1) For issuing permit as referred to in Article. 67 the persons by Article. 67, par. 4 submit application in which are specified:

1. seat and address of management and uniform identification code;
2. location of sites for waste treatment;
3. type (code and name), quantity and origin of wastes which will be treated;
4. operations by waste treatment for which is applied and their code;
5. methods and technologies which will be applied;
6. equipment and installations which will be used as well as their capacity;
7. safety measures and preventive measures which will be undertaken;
8. categories of electrical and electronic equipment, devices or types of batteries and accumulators according the respective regulations referred to in Article. 13, par. 1, when is applied for permit for pursuing operations with Electrical and electronic equipment out of service or Unfit for use batteries and accumulators;

9. the number of enacted decision by evaluation of the influence on environment (OVOS) or decision, with which is estimated not to be pursued OVOS by the order of Law on environment preservation, and/or decision by evaluation of compatibility by the order of Article. 31 from the Law on biological diversity, when are required for operations or related to operations intentions and objects.

(2) The application referred to in par. 1 is submitted to the competent body according Article. 67 on

paper and technical bearer or by electronic manner.

(3) The application referred to in par. 1, as well as the applications referred to in Article. 72, par. 3, p. 2 and Article. 73, par. 3 are submitted according samples approved by Minister of environment and waters.

Article. 69. (1) At the application referred to in Article. 68 are attached:

1. document for paid fee;
2. document for statute of the foreign person, issued in compliance with national legislation of the applicant, up to three months before submission of application;
3. certificate referred to in Article. 87, par. 6 from the Tax insurance procedure code for the lack of liabilities;
4. description of the method for waste treatment;
5. project for recultivation, measures and technologies for closing and for post exploitation operations at the sites for waste treatment in the cases when applicable;
6. hygienic conclusion for observation the requirements of the regulation referred to in Article. 43, par. 3, issued by the Regional Health Inspectorate – for the persons, pursuing operations with dangerous wastes from the human medicine or related with them research operations on the territory of the respective inspectorate, or by Minister of health – when the operations are pursued on the territories of more than one Regional Health Inspectorate;
7. declaration by the applicant that he is not bound person by the sense of this law with person to whom the permit is deprived or to whom is refused issuing or modification of permit before expiry of one year by deprivation or refusal;
8. plan for own monitoring and control of waste landfills, of installations for waste burning and of installations for joint waste burning;
9. original or copy, certified by competent body – excerpt from effective detailed site development plan, and in the cases referred to in Article. 38, par. 1 and original or copy certified by competent body - excerpt from effective detailed site development plan or other certifying document, in which is specified the disposition of the particular property, proving that the site complies with the requirements of Article. 38, par. 1;
10. certified copy by document for ownership or lease agreement, accompanied with certifying document for ownership of property, issued by competent services, on whose territory is the site, containing data for the address of object, property, zoning number and other descriptive data, when the property is beyond regulation;
11. document for particular size of allowances for one ton of landfilled waste and the form of rendering the security pursuant to Article. 60 for operations by contamination of dangerous and/or undangerous wastes via landfilling;
12. bank guarantee referred to in Article. 60, par. 2, p. 3 in the cases, when the applicant have chosen this form of security at application for operations by decontamination of dangerous and/or undangerous wastes via landfilling;
13. proves for achieved degree of energy effectiveness for installations for burning solid household wastes in the cases when the applicant applies for operations by using, designated with code R1;
14. evaluation for application of the best available techniques in the cases, when the applicant applies for operations by mixing dangerous wastes referred to in Article. 8, par. 3, p. 3 and/or for operations referred to in p. 13.

(2) At the application referred to in par. 68 the persons pursuing operations with Wastes from ferrous and non-ferrous metals present bank guarantee amounting to BGN 25 000 and additionally by BGN 5000 for every site at which is foreseen to be performed the operations.

(3) The bank guarantee referred to in par. 2 is unconditional and irrevocable and is issued by bank referred to in Article. 2, par. 5 from the Law on credit institutions.

(4) The bank guarantee referred to in par. 2 is issued in favor of Ministry of environment and water and is utilized at:

1. permit deprivation – in full amount;
2. the imposed property sanction with effective criminal decree which is not voluntarily won – up to the amount of receipt;
3. ascertained by the respective order breach at delivery of waste in incompliance with the requirements referred to in Article. 39, par. 1 and 2 and/or deletion of the site referred to in Article. 75, par. 3 – up to the amount of the bank guarantee, granted for the respective site.

(5) Via the bank guarantee the guarantor-bank undertakes at first written request by the Minister of environment and water to transfer the amount by the bank guarantee on the account of Ministry of environment and water.

(6) The bank guarantee referred to in par. 2 is granted for one-year period as is prolonged or renewed every next year during the period of permit effectiveness, minimum one month before expiry of the term of its effectiveness as remains valid at least for 60 days after termination of operations.

(7) When the applicant is foreign person, the document referred to in par. 1, p. 2 is presented also in official translation, and the documents referred to in par. 1, p. 4 and 5, which are in foreign language are presented in translation on Bulgarian language.

(8) The body as referred to in Article. 67 may require only once by the applicant removal of irregularities and/or submission of additional information at the application, when this is necessary for clarifying the facts and circumstances and/or with the purpose of removal the irregularities.

(9) In the cases referred to in par. 8 the body referred to in Article. 67 notifies the applicant in term within 15 days from submission of application.

(10) Within two months from the notification referred to in par. 9 the applicant removes the irregularities or presents additional information.

Article. 70. (1) The body referred to in Article. 67 estimates the compliance of the application and its accompanying documentation with the requirements of this law.

(2) For issuing permit for operations by waste treatment the competent body or official authorized by him pursues verification of site, which is certified with Protocol for the verification.

(3) Within 15 days from submission of application for issuing permit for pursuing operations by burning or joint burning of wastes, which complies to the law requirements, or by the removal of irregularities and/or submission of additional information in the cases referred to in Article. 69, par. 9 the competent body referred to in Article. 67 jointly with municipalities announces and ensures for one month at equity public access to the application.

Article. 71. (1) The competent body referred to in Article. 67 judges with decision within two months from receiving the appli-

ation or by removal of irregularities and/or presenting additional information, or from expiry of one-month term pursuant Article. 70, par. 3, as issues or reasonably refuses the permit issuance.

(2) In the Decision referred to in par. 1 the competent body determines the terms for pursuing waste operations with the purpose of their compliance with the law requirements.

(3) The competent body refuses permit issuing when:

1. the application and/or the documents enclosed by it do not respond to the normative requirements;
2. the applicant has done for a period of three years administrative breaches, for which he has been sanctioned two or more times with effective crime decree by the order of Chapter Six, Section II;
3. the applicant used with incorrect data;
4. there is not presented a bank guarantee responding the law requirements, in the cases when such is required;
5. the site and operations which shall be pursued on it do not comply with the requirements of Article. 38, par. 1 or the minimum requirements of the regulations pursuant to Article. 13, par. 1 and Article. 43;
6. the applicant has not removed the irregularities indicated to him or has not presented the additional information in due term;
7. to the applicant is refused the issuing or to him is deprived the permit before the expiry of one year by entering into force of the order for refusal or deprivation, or is related person-to-person, to whom is refused its issuance or is deprived permit in the specified term.

Article. 72. (1) The permit referred to in Article. 67 is termless.

(2) Regional inspectorates for environment and water at least once a year check the persons having permit referred to in Article. 67, for ascertaining the compliance of the conditions by waste management with the ones in the issued permit and for compliance of requirements of the present law and sub-law normative deeds by its application.

(3) The permit issued for waste operations terminates its effectiveness with:

1. its deprivation;
2. issuing decision of the competent body by application of the permission's holder with which is requested operations termination.

(4) After termination of the permit effectiveness the Regional inspectorate for Environment and Water, on whose territory is situated the site, controls execution of the terms, related to the safety liquidation of operations and restoration (recultivation) of terrain as makes verification on site and composes record of findings.

Article. 73. (1) The issued permit is altered and/or supplemented by the competent body at:

1. change of normative requirements related to the permit;
2. forthcoming changes in raw materials or in technological processes as a result of which shall occur changes in quantity and type of waste;
3. necessity of its supplement with new data, operations, sites or conditions at which will be developed operations;
4. succession referred to in the Commercial law in the cases referred to in Article. 74, par. 2;
5. deletion of the site in the cases referred to in Article. 75, par. 3.

(2) In two-month term from alteration occurrence referred to in par. 1, p. 1 the person submits on paper and technical bearer or via electronic manner application for alteration and/or supplement of the permit together with the respective documents referred to in Article. 68 and/or 69, certifying the alteration and the documents referred to in Article. 69, par. 1, p. 1 and 3.

(3) In the cases by par. 1, p. 2 and 3 the persons submit on paper and technical bearer or by electronic manner application for alteration and/or supplement of the permit together with the respective documents referred to in Article. 68 and/or 69, certifying the alteration and the documents referred to in Article. 69, par. 1, p. 1 and 3, and the persons pursuing operations with Waste from ferrous and non-ferrous metals and bank guarantee referred to in Article. 69, par. 3 by BGN 5000 for every new site.

(4) The body referred to in par. 1 applies at necessity Article. 69, par. 8 - 10 and judges by the application with decision in one-month term.

(5) The competent body refuses to change and/or supplement the permit in the cases by Article. 71, par. 3, as well as at non-performance of the permit terms.

Article. 74. (1) To one person is issued one permit for all operations by waste treatment on the territory of Regional inspectorate for Environment and Water no matter of the number of sites.

(2) Rights by the issued permits or the opened procedure by their issuing can not be transferred and/or assigned. In the cases of succession the rights by the permit pass over the right successor after written notification of the competent body which affects officially the alteration via issuing decision for alteration of permit within 14 days from the date of notification for the alteration.

(3) It is not allowed pursuing the waste operations via authorization except for the cases when the holder of permit is represented by an official authorized by him, appointed with labor agreement.

(4) The competent body by Article. 67 issues duplicate of permit, which is lost, stolen or deleted, on the grounds of application by the permit's holder.

(5) The body referred to in par. 4 refuses the issuing of duplicate of permit when the applicant has served with untrue data or the permit is deprived.

(6) For one site are issued as many permits as many are the persons pursuing operations with wastes on its territory.

Article. 75. (1) The competent body referred to in Article. 67 deprives the issued permit when:

1. is presented incorrect information in documents that served for permit issuance;
2. for a period of three years are pursued administrative breaches, for which the person has been sanctioned twice with effective criminal decree by the order of Chapter Six, Section II;
3. is threatened human health and/or is harmed or contaminated the environment over the admissible norms;
4. are pursued operations with wastes from ferrous and non-ferrous metals without documents for origin referred to in Article. 39, par. 4 or without written agreement for their delivery or the listed documents contain untrue information;
5. are pursued operations with wastes on site, which is not entered in the permit or does not comply with the requirements of Article. 38 for operations with wastes from ferrous and non-ferrous metals, wastes from metal packs, Electrical and electronic equipment out of service, Unfit for use batteries and accumulators and/or Motor vehicles out of service;

6. the holder of the permit throws out dangerous wastes at places not allowed for this;
7. pursuing of operations specified in the permit have not started within three years after its issuing;
8. repeatedly is not performed subscription of the competent bodies regarding:
 - a) unpursuing of conditions specified in permit;
 - b) keeping records of wastes in compliance with the requirements of this law or the regulations referred to in Article. 48, par. 1 Article. 13, par. 1;

- c) incompliance of documents referred to in Article. 39, par. 4 with the requirements of this law.

(2) The competent body referred to in Article. 67 deprives the issued permit when repeatedly is ascertained that in breach of this law:

1. is pursued delivery of wastes to persons who do not have permit, complex permit or registration document referring to in Article. 35 or the listed documents do not contain the respective code of the delivered waste;
2. are pursued operations with waste beyond the ones specified in the permit;
3. payments by transactions with wastes from ferrous and non-ferrous metals are pursued in breach of the requirements of Article. 38, par. 4.

(3) At ascertained breach of requirements of Article. 39, par. 5, 6 and 7 on a particular site the competent body with reasonable decision shall discontinue operations on site and shall alter the issued permit by deleting the site.

(4) At deprivation of permit referred to in par. 1 the breaker is not entitled to submit application for issuing new permit for a term of one year from the date of its deprivation.

Article. 76. (1) The permits of the competent body are announced in writing of the applicants within 7-days term of their issuing.

(2) The body that issued the permit for waste operations informs via its internet page and in another appropriate manner the publicity for every issued permit as well as for the made alterations and/or supplements of the issued permits within 10 days from the date of their issuing.

Article. 77. (1) The issued permit, the decision for its alteration and/or supplement, the refusal to be issued, altered and/or supplemented the permit, the deprivation as well as the decision for deletion of a site may be appealed by the order of Administrative Procedure Code.

(2) The appeal referred to in par. 1 does not cease the performance of the appealed deed.

Section II. Registration for waste operations

Article. 78. (1) Registration referred to in Article. 35, par. 3 is performed to persons registered as traders by the Bulgarian or by their national legislation, to public and municipal enterprises, associations of municipalities, co-operations and budget enterprises by the sense of § 1, p. 1 by the additional regulations of the Accounting law, which comply with the requirements of this law.

(2) The registration referred to in par. 1 is termless.

(3) For performing registration the persons referred to in par. 1 submit application by sample, approved by Minister of environment and water, in which are specified:

1. uniform identification code, seat and address of management;
2. contact person, including telephone number, fax number and electronic mail;
3. type (code and name), quantity and origin of waste;
4. pursued operation with waste according Enclosure № 1 at § 1, p. 11 from the additional regulations and/or Enclosure № 2 at § 1, p. 13 from the additional regulations;
5. method of waste transportation;
6. method of treatment;
7. number of enacted decision according Evaluation for influence on environment (OVOS) or decision with which is estimated Evaluation for influence on environment (OVOS) shall not be performed by the order of Law for preservation of environment and/or decision by compatibility evaluation by the order of Article. 31 from the Law for biological diversity, when there are required for operations or related to operations intentions and objects.

(4) At the application are enclosed:

1. document for the legal status of foreign person issued in compliance with national legislation of the applicant, up to three months before submitting the application;
2. certificate referred to in Article. 87, par. 6 from Tax insurance procedure code for the lack of liabilities;
3. certified copy of document for ownership or lease agreement, accompanied with certifying document for ownership of the property, issued by the competent bodies on whose territory is the site, containing data for the address of the object, property, zoning number and other descriptive data when the property is out of regulation;
4. document for paid fee.

(5) The application together with the documentation accompanying it are submitted on paper or technical bearer or via electronic manner to:

1. The Head of Regional Inspectorate for Environment and Water on whose territory are pursued the waste operations;
2. The Head of Regional Inspectorate for Environment and Water on whose territory is the seat of applicant, in case that there are applied operations by collecting and transportation of wastes;
3. The Head of Regional Inspectorate for Environment and Water – Sofia – in case that are applied operations by waste collecting and transportation, when the applicant is foreign person.

(6) In case that the applicant pursues operations for which is required registration on the territory of different Regional Inspectorates for Environment and Water the applications are submitted to the Head of every Regional Inspectorate for Environment and Water separately.

(7) At irregularities in the presented documents referred to in par. 3 or 4 the competent body referred to in par. 5 notifies in writing the applicant within 14 days from submission of application for the irregularities and/or requires additional information.

(8) Within one month from notification referred to in par. 7 the applicant removes the

irregularities and/or presents the additional information.

(9) registration is performed by the competent body referred to in par. 5 within 14-days term from the date of application submission or removal of irregularities, and/or presenting the additional information, and is certified with registration document, issued within this term.

(10) The competent body refuses with reasonable decision within the term referred to in par. 9 the performing of registration at:

1. failure to observe the requirements of this law and/or sub-law normative deeds by its application;
2. failure to remove the irregularities in the presented documents referred to in par. 3 or 4 and/or failure to submit the required information within the specified term.

(11) The Decision referred to in par. 10 is liable to appeal by the order of Administrative procedure code.

Article. 79. (1) Alterations and supplements in the registration document are done by the body that issued it, on the grounds of application, submitted on paper or technical bearer or via electronic manner, at which are enclosed the documents, certifying alteration and the ones referred to in Article. 78, par. 4, p. 2 and 4.

(2) In the cases referred to in Article. 78, par. 3, p. 3 - 6 and par. 4, p. 3 the persons submit application for change and/or supplement of the registration document, and in the cases referred to in Article. 78, par. 3, p. 1, 2 and 7 the application is submitted in one-month term from change occurrence.

(3) The application is examined by the order of Article. 78, as a registration document is issued with the respective alterations, for which is notified the Executive Head of Executive Environmental Agency.

Article. 80. (1) Registration referred to in Article. 78, par. 1 is terminated:

1. by application of the interested person, submitted not later than one month after discontinuance of operations;
2. in case of two violations of requirements of the present law or sub-law normative deeds by its application, ascertained and effective criminal deeds for a period of three years.

(2) In the cases referred to in par. 1 the competent body terminates registration with reasonable decision, for which notifies the Executive Head of Executive Environmental Agency. With the decision is terminated also the effectiveness of the registration document.

(3) The Decision referred to in par. 2 is liable to appeal by the order of Administrative procedure code.

(4) The appeal of decision referred to in par. 2 does not cease its performance.

Section III. Permit of the Recovery Organisation and Individual Performance

Article. 81. (1) The permits of the recovery organisation and the individual performance of the obligations under Article. 14, para.1 and the Ordinances under Article. 13, para.1 shall be issued by the Minister of Environment and Waters or by an authorized official thereby.

(2) The entity shall submit an application form to the competent authority under para.1 to obtain a permit.

(3) The application form referred to in para.2 shall be approved by an order of the Minister of Environment and Waters.

(4) The recovery organisation and the entity, which performs its duties individually, shall attach to the application form referred to in para.2 the following documents:

1. A document of the legal status of a foreign national, issued in accordance with the national legislation of the applicant, within three months prior to the submission of the application;

2. Certificate under Article. 87, para.6 of the Tax Insurance Procedure Code of no tax due;

3. Prior written contracts signed with entities holding a permit, comprehensive permit or a registration document under Article. 35 herein for waste collection and transportation and with any municipalities, which shall ensure the performance of the duties under this Act and the Ordinances under Article. 13, para.1;

4. Prior written contracts signed with entities holding a permit, comprehensive permit or a registration document under Article. 35 herein for waste recycling and / or recovery, including preparation for the recovery, which shall ensure the performance of the duties of the recovery organisation members under this Act and the Ordinances under Article. 13, para.1;

5. Documentary evidence of a fee paid;

6. Constitutive Act of the recovery organisation;

7. Notarized statement of the applicant to the effect that the said applicant is not connected, within the meaning given by this Act, to any entity, which the permit has been withdrawn from, or which has been refused the issuance of such permit prior to the expiry of the one year period from the withdrawal or refusal;

8. Draft contract signed by the recovery organisation and its members;

9. Unconditional and irrevocable bank guarantee, which ensures the achievement of the objectives concerning the separate collection, reuse, recycling and / or recovery of the waste streams in order to create the system referred to in Article. 15 and to cover the population therein;

10. Draft programme under Article. 53 herein;

(5) The entities under Article. 14, para.1 which perform their obligations individually, shall attach the documents referred to in para.4, cl. 1 - 5, cl. 9 and cl.10 to the application under para.2.

(6) The application and the programme under Article. 53, para.1 shall be filed on a paper-based data medium and on an electronic data medium.

Article. 82. (1) The bank guarantee under Article. 81, para.4, cl. 9 shall amount to:

1. for organisations involved in recovery of packaging waste, end-of-life vehicles and waste electrical and electronic equipment – 1, 000, 000 BGN;

2. for organisations involved in recovery of waste oils - 500, 000 BGN;

3. for organisations involved in recovery of waste batteries and accumulators and waste tires – 100, 000 BGN;

4. for entities, which perform their obligations individually - 200, 000 BGN.

(2) The bank guarantee shall be unconditional and irrevocable and shall be issued by a commercial bank having legal registration in the Republic of Bulgaria, which is licensed by the Bulgarian National Bank to make guarantee or bank transactions and speci-

mens of the officials, who are entitled to bind the bank to any guarantees in the specified amount.

(3) The bank guarantee shall be issued in favour of the Minister of Environment and Waters and the amount thereon shall be used in the following cases:

1. In case of withdrawal of the permit – in its full amount;
2. In case of failure to achieve one or more of the objectives referred to in Article. 14, para.1 - to the amount of the fees due under Article. 59, para.1, cl. 2 and cl.3;
3. If the population covered by the systems for separate collection, reuse, recycling or recovery fails to perform its obligations determined by the Ordinances under Article. 13, para.1 – in the proportion to the failure, expressed in percentages.

(4) The bank guarantee under para.2 shall be available for one year and shall be automatically extended and renewed each year over the duration of the permit, at least one month prior to the expiry of its validity, and shall remain valid for at least 60 days after the termination of the activity.

(5) Through the bank guarantee the issuing bank shall, upon first written request of the Ministry of Environment and Waters, transfer the amount of the bank guarantee to the account of the Ministry of Environment and Waters.

(6) The amount of the bank guarantee shall be used regardless of any appeal of the order under Article. 59, para.2.

(7) The amount of the fees due under Article. 59, para.1, cl. 2 and cl. 3 shall be reduced by the amount of the funds utilized from the bank guarantee.

(8) Where the act under para.3 has been cancelled by a final judgment, the amount of the funds utilized from the bank guarantee shall be reimbursed within 14 days.

(9) The terms and conditions for provision and utilization of the bank guarantee referred to in Article. 81, para.4, cl. 9 shall be determined by the Ordinances under in Article. 13, para.1.

Article. 83. The rights arising out of the permit issued under Article. 81 herein may not be transferred and / or assigned, except in case of consolidation or merger of recovery organisations.

Article. 84. (1) The organisation involved in recovery of packaging waste shall submit, along with the application referred to in Article. 81, para.2, prior written contracts signed with at least 10 municipalities, which shall ensure the separate waste collection of population not less than 500, 000 inhabitants.

(2) The organisation involved in recovery of packaging waste shall attach to the application referred to in Article. 81, para.2 a project signed by the mayor for placement of the waste containers and their specific parameters (volume, type), as well as a bill of quantity.

(3) The contracts referred to in para.1 shall meet the minimum criteria and requirements set by the Ordinance under Article. 13, para.1 for the waste streams type.

Article. 85. (1) Within three months upon receipt of the permit the recovery organisation and the entity, which performs its duties individually, shall submit to the competent authority the final contracts signed with the entities involved in waste-related activities under Article. 81, para.4, cl. 3 and cl. 4 and the organisation involved in recovery of packaging waste shall submit in addition final contracts signed with the municipalities under Article. 84, para.1.

(2) The final contracts of the organisations involved in recovery of packaging waste signed with the municipalities may differ from the prior contracts under Article. 84, para.1 in respect of the population covered, but not more than 10 percent, if any such reduction has been compensated by new contracts signed not later than two months after the expiry of the period referred to in para.1.

(3) The organisation involved in recovery of packaging waste shall notify the Minister of Environment and Waters for the termination of any contract signed with the municipality.

(4) The Minister of Environment and Waters shall be entitled to request for an update of the programme referred to in Article. 53 herein within one month from the notice under para.3.

Article. 86. (1) The authority under Article. 81, para.1 shall assess whether the application and the documents attached thereto meet the requirements of this Act and the regulations for its implementation.

(2) The competent authority or a person authorized thereby may request from the applicant to remove the deficiencies and / or to provide additional information to the application, when necessary, in order to clarify the facts under Article. 81 herein.

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

(4) Within two months from the notice under para.3 the applicant shall remove the deficiencies and / or provide the additional information.

Article. 87. (1) Within two months upon receipt of the application or removal of the deficiencies and / or provision of the additional information the authority under Article. 81, para.1 shall approve the programme referred to in Article. 53 herein and shall issues or reasonably refuse to issue a permit.

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

1. The application and / or the documents attached thereto covered by Article. 81 herein do not meet the regulatory requirements;

2. The applicant has presented false information or false documents;

3. The applicant has failed to remove the deficiencies or has failed to promptly provide the additional information;

4. A bank guarantee, which meets the requirements of Article. 82, para.1 and para.2 has not been presented;

5. The applicant has been refused the issuance of or withdrawn from the permit pursuant to Article. 91 up to one year prior to the submission of the application;

6. The applicant is a related party to an entity, which has been refused the issuance of or withdrawn from the permit for one year.

Article. 88. (1) The permit shall be issued for the time period stated in the application, which may not be longer than five years, and shall contain the terms and conditions laid down by the competent authority.

(2) The permit issued shall cease to have effect:

1. upon expiry of the period of validity thereof;

2. in case of withdrawal prior to the expiry of the period of validity thereof;
3. at the request of the recovery organisation or the entity, which performs its duties individually;
4. in case of refusal to amend and / or supplement the permit.

Article. 89. (1) Not later than three months prior to the expiry of the permit duration the recovery organisation and the entities, which perform their duties individually, shall submit an application on a paper-based data medium and on an electronic data medium for the extension of its duration.

(2) The application under para.1 shall be accompanied by:

1. Certificate under Article. 87, para.6 of the Tax Insurance Procedure Code of no tax due;
2. Updated programme referred to Article. 53 pursuant to the requirements of the Ordinances under Article. 13, para.1;
3. Documentary evidence of a fee paid.

(3) The competent authority shall assess whether the application under para.1 and the documents attached thereto meet the requirements of this Act and the regulations for its implementation.

(4) The competent authority shall apply, where appropriate, the provisions of Article. 86, para.2, para.3 and para.4 and shall make a decision on the application within two months.

(5) The competent authority may refuse to extend the duration of the permit in the cases referred to in Article. 87, para.2, cl. 1-4 and if the provisions of the permit have not been complied with.

Article. 90. (1) The permit issued shall be amended and / or supplemented by the competent authority in case of any change in:

1. the related regulations;
2. the certificate of good standing issued by the Commercial Register to the recovery organisation or the entity, which performs its duties individually;
3. the programme under Article. 53, para.1.

(2) In the cases referred to in para.1 the recovery organisation and the entity, which performs its duties individually, shall submit to the competent authority an application on a paper-based data medium and on an electronic data medium for amending and / or supplementing the permit, along with the documents proving the relevant change within two months of its occurrence.

(3) The competent authority shall assess whether the application under para.2 and the documents attached thereto meet the requirements of this Act and the regulations for its implementation.

(4) The competent authority shall apply, where appropriate, the provisions of Article. 86, para.2 - 4 and shall make a decision on the application within one month.

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

(6) If the competent authority refuses to amend and / or supplement the permit the recovery organisation and the entities, which perform their duties individually, may apply for a new permit pursuant to this Act.

Article. 91. (1) The competent authority shall withdraw from the permit as issued, by a reasonable decision, where:

1. The reporting requirement of the competent authorities in relation to the waste, as provided for by this Act or the Ordinances under Article. 48, para.1 or Article. 13, para.1 has not been met or the holder has submitted false information in the reports stating the performance of the duties and / or the achievement of the objectives under Article. 14, para.1 and / or Article. 15, or in the documents used as a basis for the issuance of the permit;

2. One or more of the objectives referred to in Article. 14, para.1 concerning the separate collection, reuse, recycling or recovery of the certain type of waste streams has not been achieved;

3. The recovery organisation has distributed profit to its shareholders or partners;

4. The recovery organisation has not been active for one year;

5. There is a reasonable proposal of the Commission under Article. 18, para.9;

6. A requirement of the competent authorities related to any violation of the provisions of Article. 85 for submission of final contracts signed with the municipalities has not been met.

(2) The competent authority shall withdraw from the permit so issued, by a reasonable decision, if it finds that in violation of this Act:

1. The obligations for separate collection and waste treatment under Article. 14, para.1 and / or those for creation of the system under Article. 15 have not been performed;

2. The requirement of the competent authorities related to the violation of any provision of the permit has not been met;

3. Regardless of the implementation of the objectives referred to in Article. 14, para.1, the population has not been covered in accordance with the organisation's market share or the requirements specified in this Act or the Ordinances under Article. 13, para.1;

4. The entity, which performs its duties individually, has violated the requirements of Article. 14, para.3.

Article. 92. (1) The decisions of the competent authority shall be communicated in writing to the applicant within seven days after being issued.

(2) The competent authority and the recovery organisation shall inform the public in an appropriate manner about the issuance of the permit, as well as about any further revisions amending or supplementing the said permit or about the withdrawal of the permit.

Article. 93. (1) The permit issued, the decision on its amendment, supplement and / or withdrawal and the refusal of the competent authority to issue, amend or supplement the permit may be appealed according to the procedure established by the Administrative Procedure Code.

(2) The appeal of the decision referred to in para.1 shall not terminate its execution.

Article. 94. The competent authority or an entity authorized thereby shall inspect at least once a year the recovery organisations and the entities, which perform their duties individually, holding a permit under Article. 81, for the performance of their obligations arising out of this Act, the Ordinances under Article. 13, para.1 herein and the provisions of the permit.

Section IV. Cross-Border Shipments of Waste

Article. 95. (1) The shipments of waste within the European Union (EU), with or without transit through any third countries, the import into the EU from any third countries, the export from the EU to any third countries, as well as the transit through the EU on the way from and to any third countries, shall be effected under the terms and conditions established by Regulation (EC) No. 1013/2006.

(2) The Minister of Environment and Waters or an official authorized thereby shall be the competent authority of the Republic of Bulgaria responsible for the implementation of Regulation (EC) No. 1013/2006 within the meaning given by Article. 53 of the said Regulation.

(3) The competent authority referred to in para.2 shall keep:

1. A register issued under Regulation (EC) № 1013/2006 of the notifications of shipments of waste from, to and through the territory of the Republic of Bulgaria and such of the import or export from or to any third countries;
2. A register of the annual VAT returns referred to in Article. 103.

Article. 96. (1) As regards to the shipments of waste from the Republic of Bulgaria, for which prior written notification is required according to Regulation (EC) № 1013/2006, the entity appointed as a notifier according to Article. 2, para.15 of Regulation (EC) № 1013/2006 shall send to the competent authority under Article. 95, para.2 herein a documentary evidence of a fee paid and the documents referred to in Article. 4 of Regulation (EC) № 1013/2006, including:

1. Unique Identification Code or registration number of the notifier from the register referred to in Article. 45, para.1, cl. 6;
2. A copy of the relevant comprehensive permit, permit or registration document for the waste-related activities of the notifier, if required;
3. A copy of the relevant permit or registration document for waste transportation of the carrier / carriers;
4. A copy of the contract signed by the notifier and the consignee, which meets the requirements of Article. 5 of Regulation (EC) № 1013/2006 concerning the recovery or disposal of the waste, which have been notified;
5. A permit pursuant to which the recovery or disposal facility operates in the recipient country.

(2) Where a financial guarantee or similar insurance is required by Article. 6 of Regulation (EC) № 1013/2006 it shall be furnished in the form of a bank guarantee or insurance policy.

(3) As regards to the shipments of waste to the Republic of Bulgaria related to interim recovery activities the financial guarantee or the similar insurance shall cover the cost of issuance of a certificate pursuant to Article. 15 (e) of Regulation (EC) № 1013/2006.

(4) As regards to the shipments of waste to the Republic of Bulgaria related to final recovery activities the financial guarantee or the similar insurance shall cover the cost of issuance of a certificate pursuant to Article. 16 (e) of Regulation (EC) № 1013/2006.

(5) In case of general notification under Article. 13 of Regulation (EC) № 1013/2006 for shipments of waste from the Republic of Bulgaria a partial financial guarantee or similar insurance, which covers some parts of the general notification under the terms and conditions referred to in para.8, may be made.

(6) Where the financial guarantee referred to in Article. 6 of Regulation (EC) № 1013/2006 is furnished in the form of a bank guarantee, the issuing bank shall undertake irrevocably, unconditionally and upon first written demand of the Minister of Environment and Waters to transfer the amount of the bank guarantee in favour of and to the account of the Ministry of Environment and Waters. The said bank guarantee shall be unconditional and irrevocable and shall be issued by a foreign bank or by a commercial bank under Article. 2, para.5 of the Credit Institutions Act, which is licensed by the Bulgarian National Bank to make guarantee transactions. The bank guarantee issued by a foreign bank shall be advised through a Bulgarian bank.

(7) The insurance policy referred to in Article. 2 herein shall be issued by an insurance company holding a licence issued according to the procedure established by the Insurance Code. The said insurance policy shall include a clause on the payment of the full amount of the insured event in favour of the Ministry of Environment and Waters upon first written demand.

(8) As many shipments as are covered by the partial financial guarantee or the similar insurance may be dispatched. In such case, each subsequent shipment may be dispatched upon receipt of the certificate referred to in Article. 15 (e) or Article. 16 (e) of Regulation (EC) № 1013/2006 by the competent authority.

(9) The documents covered by para.1 and para.2 and all documents specified in Regulation (EC) № 1013/2006 shall be presented in Bulgarian or English language. In the cases where the documents are presented in English, the competent authority may require an official translation into Bulgarian.

Article. 97. (1) Upon approval of the shipment subject to the notification the competent authority under Article. 95, para.2 shall give its written consent to the implementation of the said shipment by signing, stamping and dating the notification.

The authority referred to in para.1 shall issue a reasonable decision in the following cases:

1. upon authorization of a shipment under Article. 9, para.1 (a) of Regulation (EC) № 1013/2006 without any conditions set;
2. upon authorization of a shipment under Article. 9, para.1 (b) of Regulation (EC) № 1013/2006 with certain conditions set in accordance with Article. 10 of the Regulation;
3. upon raising an objection under Article. 9, para.1 (c) of Regulation (EC) № 1013/2006;
4. upon withdrawal of a consent under Article. 9, para.8 of Regulation (EC) № 1013/2006.

Article. 98. (1) Shipments of waste intended for disposal to the Republic of Bulgaria shall be prohibited except in the following cases:

1. in case of a take-back obligation according to Article. 22 and Article. 24 of Regulation (EC) № 1013/2006;
2. upon shipment of the residue arising out of the treatment of waste originating from Bulgaria, from the other countries to the Republic of Bulgaria, for which there are no recycling facilities in the Republic of Bulgaria; in such case a new notification shall be required for the shipment of the residue.
3. upon shipment of waste to the Republic of Bulgaria generated by the Bulgarian Armed Forces in crisis situations, pacification or peacekeeping.

(2) Shipments of waste to the Republic of Bulgaria intended for incineration or co-incineration with energy recovery for each plant in an amount for the relevant calendar year, exceeding in total half of the annual capacity of the plant specified in the permit or the comprehensive permit under Article. 35, para.1, shall be prohibited.

(3) Where the National Waste Management Plan referred to in Article. 49, para.1, lays down specific measures for the man-

agement of certain waste or waste stream in accordance with Regulation (EC) № 1013/2006, the Council of Ministers of the Republic of Bulgaria may, by a reasonable decision of the Minister of Environment and Waters, restrict the import of this waste.

Art. 99. (1) All shipments of waste to the Republic of Bulgaria shall be carried out subject to the following conditions:

1. The consignee of the waste shall hold a permit or comprehensive permit under Art. 35, para.1 or a registration document under Art. 35, para.2, cl. 3 and cl. 5 for waste-related activities - subject to the notification;
2. The waste recovery facilities shall have sufficient capacity, as required by the document referred to in cl.1;
3. The operator of the waste recovery facility shall hold a permit or comprehensive permit under Art. 35, para.1 or a registration document under Art. 35, para.2, cl. 3 and cl. 5 for waste-related activities - subject to the notification;
4. The operator of the waste recovery facility shall treat the residues of the waste recovered or provide its treatment in an environmentally sound manner;
5. The carrier (s) specified in the notification, if registered in the Republic of Bulgaria, shall hold a permit or registration document for waste transportation.

(2) If necessary, the competent authority under Article. 95, para.2 shall make an inquiry about the implementation of the circumstances covered by para.1 by fax or by other means of communication to the Director of the Regional Inspectorate of Environment and Waters (RIEW) covering the territory where the waste treatment facility is located.

(3) The Director of the RIEW covering the territory where the waste treatment facility is located shall make an examination and forward its opinion by fax or by other means of communication within three days upon receipt of the inquiry under para.2.

Article. 100. (1) The waste shall be shipped from the Republic of Bulgaria to any third countries and vice versa through the customs offices determined by a joint order of the Minister of Environment and Waters and the Minister of Finance on the proposal of the Director of the Customs Agency.

(2) Upon shipment of waste between the Republic of Bulgaria and any third countries, the competent authority under Article. 95, para.2 shall send a copy of the notification or a copy of the decision referred to in Article. 97, para.2 to the Director of the Customs Agency and the Director of the relevant RIEW.

Article. 101. (1) The competent authority under Article. 95, para.2 shall give its prior consent within the meaning of Article. 14 of Regulation (EC) № 1013/2006 only to the entities, acting in their capacity as operators of final waste recovery facilities, which hold a comprehensive permit issued under the terms and conditions of Chapter Seven, Section II of the Environmental Protection Act.

(2) To obtain the prior consent under para.1 the operator of the waste recovery facility shall file an application on a paper-based data medium and on an electronic data medium in a form approved by the Minister of Environment and Waters and shall attach a documentary evidence of a fee paid.

(3) Within 15 days upon receipt of the application the competent authority under Article. 95, para.2 may request from the applicant to remove the deficiencies and / or to provide additional information.

(4) The applicant shall remove the deficiencies or provide the additional information within 15 days upon receipt of the notice under para.3.

(5) Within one month upon receipt of the application or removal of the deficiencies and / or provision of the additional information the competent authority under Article. 95, para.2 herein shall give or refuse to give its prior consent under para.2.

(6) The competent authority may refuse to give its prior consent in the cases referred to Article. 71, para.3.

(7) The competent authority shall determine, by decision made under Article. 95, para.2, the period for giving the prior consent referred to in para.1 and shall give a unique registration number of the recovery facility.

(8) The competent authority under Article. 95, para.2 shall keep a public register of the decisions made under para.5, which contains at least the information under Article. 14, para.3 of Regulation (EC) № 1013/2006.

Article. 102. (1) In case of any change in the circumstances used as a basis for the issuance of the permit under Article. 101, para.5, the operator of the facility shall immediately notify the competent authority under Article. 95, para.2, by presenting documentary evidence, which prove the change. The competent authority shall make a decision on the application for the change in the circumstances within one month and shall amend or refuse to amend the decision made in the cases referred to in Article. 71, para.3.

(2) The competent authority under Article. 95, para.2 may withdraw from the prior consent, by a reasonable decision, in the cases referred to in Article. 75, para.1 and para.2. The operator of the facility under para.1 shall not be entitled to file an application to obtain prior consent within one year from the date of its withdrawal.

Article. 103. Any entity engaged in cross-border shipments of waste, for which notification under Regulation (EC) № 1013/2006 is not required, shall submitted to the competent authority under Article. 95, para.2 an annual VAT return.

Article. 104. (1) Any entity acting as a dealer or broker of waste, except for the entities holding a document under Article. 35, shall submit to the Executive Director of the Executive Environment Agency (EEA) an application on a paper-based data medium and on an electronic data medium for registration with the register under Article. 45, para.1, cl. 6, stating therein:

1. The unique identification code, name, headquarters and registered office;
2. The type, code and name of the waste to be traded.

(2) The application under para.1 shall be accompanied by a documentary evidence for a fee paid.

(3) Should the documents presented under para.1 or para.2 be deficient, the authority under para.1 shall notify the entity of this in writing within 15 days and shall set a time limit for the removal of the deficiency.

(4) Within 15 days upon submission of the application under para.1 or the removal of the deficiencies under para.3 the Executive Director of the EEA or a person authorized thereby shall register with the register referred to in para.1 the dealers and brokers of waste.

Article. 105. The entities registered under Article. 104 shall notify the Executive Director of the EEA for any changes in their registration within 7 days of their occurrence.

Article. 106. The Executive Director of the EPA may refuse to register the entity with the register by a reasonable decision:

1. where the applicant has committed administrative violations within one year prior to the submission of the application, for which is has been penalized twice or more by a final criminal enactment under Chapter Six, Section II;
2. in case of failure to remove the deficiencies in the documents presented under Article. 104, para.1 or para.2 within the time limit set.

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

1. where the applicant has committed administrative violations within one year prior to the submission of the application, for which is has been penalized twice or more by a final criminal enactment under Chapter Six, Section II;
2. at the request of the dealer or the broker;
3. upon termination of the legal entity, death or interdiction of the registered person;
4. in case of failure to promptly notify about the changes under Article. 105 herein.

(2) The termination of the registration under para.1 shall be effected by a reasonable decision of the Director of the EEA.

Article. 108. The decisions under Article. 101, para.5, Article. 102, para.1 and para.2, Article. 106 and Article. 107, para.2 may be appealed according to the procedure established by the Administrative Procedure Code. The appeal of the decisions shall not terminate their execution.

Article. 109. The dealers and brokers registered with the register referred to in Article. 45, para.1, cl. 6, may also be notifiers subject to the provisions of Article. 2, para.15 of Regulation (EC) № 1013/2006.

Article. 110. The procedures under Article. 97, Article. 101, Article. 102 and Article. 104 shall be charged a fee, which shall be determined by the tariff of the fees collected by the Ministry of Environment and Waters, approved by the Council of Ministers.

Article. 111. The procedure of calculating the amount of the financial guarantees referred to in this section and provision of the annual VAT reports under Article. 103 shall be determined by ordinance of the Council of Ministers.

Section V. Waste Management Control

Article. 112. (1) The mayor of the municipality or an official authorized thereby shall control:

1. the activities on the generation, collection, including separate collection, storage, transportation and treatment of household and construction waste;
2. the activities on the disposal of industrial and hazardous waste in municipal and / or regional landfills;
3. the ferrous and nonferrous metal sites;
4. the compliance with the other requirements specified by the Ordinance under Article. 22.

(2) The mayor of the municipality shall organise and control the closing, reclamation of the land and the subsequent monitoring of the industrial and hazardous waste landfills in the relevant municipality.

Article. 113. (1) The Director of the RIEW or an official authorized thereby shall exercise control over the compliance with the waste treatment requirements and the provisions of the permit, respectively over the registration document in respect of:

1. the activities on the generation, collection, including separate collection, storage, transportation and treatment of waste within the relevant Regional Inspectorate of Environment and Waters;
2. waste storage and treatment facilities and plants;

(2) The authority under para.1 shall control the reporting and provision of information under Chapter Four, Section I and the duties performed by the mayors referred to in Chapter Two, Section III and Chapter Four, Section IV, related to the waste management.

(3) Based on the violations found in the inspection the director of the RIEW or a person authorized thereby shall give instructions and shall set a time limit for removal of the violations and / or shall prepare the acts proving the administrative violations.

Article. 114. The Director of the RIEW or a person authorized thereby shall exercise control over:

1. The correct calculation and timely payment of the product fee referred to in Article. 59, para.1, cl.1 by the entities under Article. 14, para.1;
2. The performance of the duties by the landfill owners regarding the financing of the waste disposal.

Article. 115. The Minister of Environment and Waters or a person authorized thereby shall exercise control over:

1. the compliance with the provisions of the waste stream management permits referred to in Chapter Five, Section III, issued to recovery organisations and to entities, which perform their obligations individually;
2. the waste management activities;
3. the compliance with the requirements of Regulation (EC) № 333/2011.

Article. 116. (1) The Minister of Environment and Waters, Minister of Interior, Minister of Transport, Information Technology and Communications and the Director of Customs Agency shall control the cross-border shipments of waste pursuant to this Act and Regulation (EC) № 1013/2006 and in accordance with their authorities.

(2) The control under para.1 shall be exercised by:

1. The Director of the RIEW covering the territory where is the place of origin of the waste or by officials authorized thereby - in the cases under Article. 50, para.3 (a) of Regulation (EC) № 1013/2006;
2. The Director of the RIEW covering the territory where is the destination of the shipment or by officials authorized thereby - in the cases under Article. 50, para.3 (b) of Regulation (EC) № 1013/2006;
3. The customs authorities, the authorities of Chief Directorate "Border Police" and the units of the Traffic Police in the regional directorates of the Ministry of Interior – in the cases under Article. 50, para.3 (c) of Regulation (EC) № 1013/2006.
4. The officials of Executive Agency "Automobile Administration", Executive Agency "Railway Administration", Executive Agency "Maritime Administration", the authorities of Chief Directorate "Border Police" and the units of the Traffic Police in the regional directorates of the Ministry of Interior - in the cases referred to in Article. 50, para.3 (d) of Regulation (EC) № 1013/2006.

(3) In case of any doubt about the compliance of the shipment with the accompanying documents, the classification of the shipment as a waste or the type of waste, the authorities under para.2, para.3 and para.4 shall immediately notify the RIEW covering the territory where the inspection is made, to make decision on the classification of the shipment and waste.

(4) In the cases referred to in para.2, cl. 1 or cl. 2 the Director of the RIEW may request for assistance from the authorities of the Ministry of Interior, which shall immediately render assistance.

(5) In the cases referred to in para.3 the control authorities shall consider the shipment as a waste upon receipt of the opinion of the Director of the RIEW or a person authorized thereby.

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

Article. 117. The Director of the Regional Health Inspectorate and the Director of the RIEW or the officials authorized thereby

shall exercise control over the activities of hazardous waste treatment in the hospitals and health institutions.

Article. 118. (1) The Minister of Environment and Waters, the Director of the relevant RIEW, the mayor of the municipality where the site is located or the officials authorized thereby and the Ministry of Interior shall exercise control over the compliance with the terms and conditions for carrying out activities related to the ferrous and nonferrous metals according to their competence.

(2) The mayor of the municipality and the Ministry of Interior shall notify the Director of the relevant RIEW within 14 days about any violation found in the inspections of the compliance with the terms and conditions for carrying out activities related to the ferrous and nonferrous metals by sending him / her all the documents.

Article. 119. (1) The control authorities under Article. 112-114, Article. 117 and Article. 118 shall examine the documents and / or shall make on-site inspections according to their competence.

(2) At least once a year the control authorities under Article. 112-114 and Article. 117 shall examine the documents required by this Act and the regulations for its implementation of the dealers and brokers of waste and the entities, which activities result in generation of waste and / or those involved in waste-related activities.

(3) The on-site inspection shall be independent of the inspection referred to in para.2 and shall be made at least once a year in the place where the operation is carried out in the presence of the person inspected or the persons working therefor. In the absence of any such persons the inspection shall be made with the attendance of at least one witness.

(4) The inspections of the collection and transportation operations shall cover the origin, nature, amount and destination of the waste being collected and transported.

(5) The official making the inspection shall be entitled:

1. to access the premises where the controlled operation is carried out;
2. to request for the submission of the documents, which, according to the regulations, shall be available for inspection in the place of the inspection;
3. to request for written and oral explanations from any person working for the person inspected;
4. to involve experts in the relevant area if the inspection is complex or requires a special knowledge.

(6) If any documents proving the compliance with the established requirements are found missing in the on-site inspection, the inspected person shall be given a seven day period to submit the said documents.

(7) When making the inspections, the control authorities under para.1 shall prepare statements of findings and/or documents proving the administrative violations. In case of any violation the control authorities shall give instructions and shall set a time limit for removal of the violations.

Article. 120. When making the inspections the control authorities under Article. 119, para.1 shall prepare statements of findings. In case of any violation the control authorities shall give instructions in the statements and shall set a time limit for removal of the violations and / or shall prepare documents proving the administrative violations.

Article. 121. The customs authorities shall exercise customs supervision and control over the cross-border shipments of waste in accordance with this Act and the customs law and shall be entitled to take the measures required by Article. 124, para.2 herein.

Article. 122. The authorities of Chief Directorate "Border Police" and those of the Traffic Police units in the regional directorates of the Ministry of Interior shall exercise control over the cross-border shipments of waste in accordance with this Act, the Ministry of Interior Act and the regulations for its implementation and shall be entitled to take the measures required by Art. 124, para.2 herein.

Article. 123. The officials of Executive Agency "Automobile Administration", Executive Agency "Railway Administration" and Executive Agency "Maritime Administration" shall exercise control over the cross-border shipments of waste in accordance with this Act, the relevant international legal instruments ratified by a law by the Republic of Bulgaria, the Carriage by Road Act, Road Traffic Act, Rail Transport Act, Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act, the Merchant Shipping Code and the regulations for their implementation and shall be entitled to take the measures required by Article. 124, para.2 herein.

Article. 124. (1) The authorities and entities under Article. 116, para.2 may make inspections and shall have access to the register referred to in Article. 95, para.3, cl. 1. In case of any violation the control authorities shall prepare documents proving the administrative violations.

(2) The authorities and entities under Article. 116, para.2, cl. 3 and cl. 4 shall be entitled to temporarily detain the vehicle and its shipment - subject to the violation – through removal of the registration document of the vehicle:

1. upon receipt of an opinion by the Ministry of Environment and Waters for release of the shipment and its return to the country of departure - in the cases referred to in Article. 24, para.2 of Regulation (EC) № 1013/2006, if shipped to the Republic of Bulgaria;
2. by the issuance of an order under Article. 127, para.2;
3. upon receipt of an opinion by the Ministry of Environment and Waters or the relevant RIEW that the shipment is not a waste or that the requirements of Regulation (EC) № 1013/2006 and the law have been met.

(3) The authorities and entities under para.1 shall be entitled to take samples and physical evidence, which shall be stored by the completion of the administrative proceedings.

Article. 125. (1) The compliance of the products, which generate waste streams after use, with the provisions of Article. 13, para.1 shall be controlled by:

1. The chairman of the State Agency for Metrological and Technical Surveillance or the officials authorized thereby in relation to the surveillance of the product market, for which essential requirements specified in Article. 7 of the Technical Requirements for Products Act have been determined;
2. Chairman of the Commission for Consumer Protection or the officials authorized thereby in relation to the control of the products, which fall under the Consumer Protection Act;
3. Minister of Health Care or the officials authorized thereby in relation to the control of the products defined by law.

(2) The Commission for Consumer Protection shall control the fulfilment of the requirements of the Commission Regulation (EC) № 1103/2010 of November 29th, 2010 laying down the rules on the capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators according to Directive 2006/66/EC of the European Parliament and the Council (Official Journal, L 313/3 of November 30th, 2010), hereinafter referred to as the "Regulation (EC) № 1103/2010".

Chapter Six. COMPULSORY ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PROVISIONS

Section I Compulsory administrative measures

Article. 126. For prevention and termination of administrative violations under this Act and Regulation (EC) № 1013/2006 and to prevent and eliminate the harmful consequences, the respective competent authority or officials authorized by it, shall apply compulsory administrative measures.

Article. 127. Minister of Environment and Water or officials authorized by him/her:

1. stop:
 - a) activities related to collection, storage, transport, recovery or disposal of waste;
 - b) operation of facilities for disposal or recycling of waste;
 - c) carrying out activities with ferrous and non-ferrous metal waste at specified site in the case of not rectifying of the breach within 7 days of finding it, except for cases described in Article. 75, paragraph 3;
2. order of the execution of:
 - a) environmentally friendly waste treatment in the cases. Described in Article 24, paragraph 3 of Regulation (EC) № 1013/2006 for import or transport to the Republic of Bulgaria;
 - b) taking waste back in Bulgaria and its subsequent environmentally sound treatment for the cases under Article. 22, paragraph 2 and Article. 24, Paragraph 2 of Regulation (EC) № 1013/2006 for export or transport from the Republic of Bulgaria.

Article. 128. The director of Regional Inspectorate for Environment and Waters or an official authorized by him/ her:

1. issues prescriptions for waste disposal at the expense of the offender and for restoring the quality of the environment;
2. suspends the activities of collecting, storing, transportation, utilization or disposal of waste;
3. suspends the operation of facilities for waste treatment.

Article. 129. (1) The application of a coercive administrative measure is performed having a motivated order from the corresponding institution, Article. 127 or 128.

(2) The order shall specify the type of coercive administrative measure and the method of its application;

(3) The order shall be provided to the offender, under the Civil Procedure Code.

(4) The order of application of the measure under Article. 127, paragraph 2, letter "a" is sent according to the procedures described in Civil Procedure Code, to the recipient of the waste, and according to Article. 127, Paragraph 2, letter "b" – to the person responsible for sending it and accompany the shipment of waste to its final destination. A copy of the order shall be sent immediately to the relevant authority or person under Article. 116, paragraph. 2, points 3 and 4.

(5) The order for the application of coercive administrative measures may be appealed under the Administrative Code. Appeal shall not prevent its execution.

(6) Within 7 working days after receipt of order under Article. 127, paragraph 2, the entity to which the measure is applied, should present to the competent authority a certificate that the waste is accepted for environmentally sound treatment.

(7) All costs for the implementation of administrative coercive measures shall be borne by the entities to which the measures are applied.

Article. 130. (1) In case of violations and / or illegal shipment of waste as according to Article. 2, Paragraph 35 of Regulation (EC) № 1013/2006, the customs authorities, Chief Directorate "Border Police", the "Traffic Police" units under the regional directorates of the Ministry of Interior Affairs, the Executive Agency "Automobile Administration", Executive Agency "Railway Administration" and Executive Agency "Maritime Administration" shall immediately notify in writing within 14 days the Director of Regional Inspectorate for Environment and Waters, in the region of which the infringement and / or illegal shipment is established, and send all documents.

(2) The directors of Regional Inspectorates for Environment and Waters inform in writing the Minister of Environment and Water for the infringements of Regulation (EC) № 1013/2006 and the measures taken.

Article. 131. Where it is established that the administrative violation for which the administrative proceedings are instituted, constitutes a crime, the administrative proceedings shall be terminated and the materials shall be forwarded to prosecutor.

Article. 132. The competent authority or officials authorized by it under Article. 125, shall take measures in order and manner specified by applicable law.

Section II. Administrative Violations and Sanctions

Article. 133. (1) A fine from 300 to 1000 BGN shall be imposed on each physical entity that

1. disposed waste on unauthorized sites;
2. transmit waste to entities which do not have permission, compound permit or registration document under Article. 35 in cases where required;
3. failed to provide a discarded motor vehicle to storage locations or centers for dismantling;
4. disposed waste, marked for separate collection under the regulations of Article. 13, paragraph. 1, to containers for mixed waste and to containers for collection of waste placed within properties - public state or municipal property, or mixing them with other materials or waste in a way limiting its recycling or recovery if there exists a system for separate collection of the waste streams within the specific location;
5. not meet the provisions for reuse, recycling and utilization of construction waste
6. disposed household waste in containers for separate collection.

(2) for apparently minor administrative violations under paragraph 1, items 1 and 4, established during their execution, units authorized for this, shall impose fines of 10 to 50 BGN, against the offenders, and shall issue slip under the Law of Administrative Violations and penalties

(3) A fine of 1400 to 4000 BGN shall be imposed on an individual who:

1. Provides ferrous or non-ferrous metal waste from household, without declaration of origin according to Article. 39, paragraph. 2 or refuses to complete or has completed false information in the declaration;
 2. Provides ferrous or non-ferrous metal waste from household to a person without permission or complex permit according to Article. 35, paragraph 1.
 3. Performs activities related to ferrous or non-ferrous metal waste from household without registration under the Commercial Code or without permission, unless the act constitutes a crime;
 4. Provides ferrous or non-ferrous metal waste of other than household nature, according to Article. 39, paragraph 1. A.
- (4) A fine from 2,000 to 5,000 BGN shall be imposed on individuals which:
1. perform unauthorized burning or performs any other form of unauthorized waste treatment;
 2. violates the requirements of Article. 7 of Regulation (EC) № 850/2004 of the European Parliament and the Council of 29 April 2004 on persistent organic pollutants and of the amending Directive 79/117/EEC.

(5) When this is a second violation, it shall be fined as follows:

1. under paragraph 1 - in size from 600 to 2000 BGN
2. under paragraph 3 - in size from 2800 to 8000 BGN;
3. under paragraph 4 - ranging from 4,000 to 10,000 BGN

Article. 134. (1) a sole trader or legal entity shall be punished with property sanction from 1400 to 4000 BGN in case of:

1. dispose of hazardous waste on unauthorized sites;
2. unauthorized burning or performs any other form of unauthorized treatment of hazardous waste.

(2) A sole trader or legal entity shall be punished with a penalty ranging from 10 000 to 50 000 BGN in case of:

1. disposed hazardous waste on unauthorized sites;
2. unauthorized burning or performs any other form of unauthorized treatment of hazardous waste.

(3) In case of second infringement, the penalty is as follows:

1. under paragraph 1 - in size from 2800 to 8000 BGN;
2. under paragraph 2 - ranging from 20,000 to 100,000 BGN

Article. 135. (1) sole trader or legal entity shall be punished with a penalty ranging from 2000 to 6000 BGN, except those under Article. 14, paragraph. 2, in case:

A. do not keep records of wastes or does not present documents for the waste, or information statement on management of waste activities in accordance with this Act or ordinance of Article. 48, paragraph. 1;

2. not provide information or keep records as required by the provisions of Article. 13, paragraph. 1;

3. provide false information and / or incorrect results reporting under this Act or the regulations of Article. 13, paragraph. 1, or Article. 48, paragraph. 1;

4. fails to provide upon request to the competent authorities reporting documents or information about activities in waste management.

(2) shall be punished with a fine ranging from 5,000 to 15,000 BGN, a sole trader or legal entity which:

1. does not classify the waste generated as a result of its activities under the regulations of article 3;

2. does not make a new classification of waste generated from its activities, a change of raw materials and / or processes that lead to change in the composition and properties of waste under the regulation of article 3.

(3) shall be punished with a fine ranging from 5,000 to 10,000 BGN, a sole trader or legal entity which:

1. provides false information required for registration or amending it and / or supplement;

2. not claimed within a change in circumstances under Article. 79, paragraph. 2.

(4) shall be punished with a fine ranging from 5,000 to 15,000 BGN, a sole proprietorship or entity, except those under Article. 14, paragraph. 2, which does not provide access to sites or premises or documents for an official inspection.

(5) Upon a repeated violation under paragraph 1-4 penalty is doubled.

Article. 136. (1) shall be punished with a fine ranging from 3,000 to 10,000 BGN, a sole trader or legal entity which:

1. infringes on the collection, including separate collection, storage, transportation or disposal of municipal and construction waste;

2. violates the requirements for separate collection, transportation or treatment of waste by type and properties, compatibility of waste

3. violates the requirements of the regulations for packaging and labeling of hazardous waste;

4. allows dilution or mixing of industrial and hazardous waste with other wastes or substances to achieve the criteria for acceptance of waste at the landfill.

(2) shall be punished with a fine ranging from 7,000 to 20,000 BGN, a sole trader or legal entity which:

1. transmits or receives waste without a written contract in the cases of article 8, paragraph 1 or violates the requirements of Article. 7, paragraph 1;

2. violates requirement described in Article. 8, paragraph 2;

3. collected, transported and / or treat waste without a permit or registration document when required;

4. does not fulfill the conditions specified in the authorization of Article. 35, paragraph 1, item 1;

5. violates the requirements for construction and operation of facilities and installations for the recovery or disposal;

6. accepts waste site or facility for storing hazardous waste without providing the separate storage of other materials, or allows uncontrolled spillage;

7. takes no action for recovery or disposal of waste within the statutory time limit;

8. violates the requirements for treatment and transportation of industrial and hazardous waste;

9. forwards production and / or hazardous waste to entities which do not have permission, IPPC permit or registration document under Article. 35 for activities with waste, or does not dispose or utilize the waste within the statutory time limit;

10. collects and stores hazardous waste in containers that do not qualify for fastening, identification of waste in them or are made from materials that interact with the waste;

11. accepts hazardous or industrial waste, without being accompanied by a description of the properties, composition, their suitability for treatment, hazardous properties and safety measures for handling, or make the necessary checks, tests and analyzes in their adoption;

12. mixes hazardous waste with non-hazardous and hazardous waste with other substances and materials, including hazardous waste discharged, unless this is part of the technology recovery and disposal and the entity holds a license or compound permit under Article. 35;

13. provides false information required for issuance, amendment and / or supplement of authorization of under Article. 35, paragraph 1, item 1;

14. did not claim change in circumstances within the necessary time period, under Article. 73, paragraph 1;

15. did not provide a measurement of the incoming quantities of waste on site where required.

(3) Where the infringement penalty as follows:

1. under paragraph 1 - in size from 6,000 to 20,000 BGN;

2. under paragraph 2 - up from 14 000 to 40 000 BGN

Article. 137. (1) shall be punished with a fine ranging from 7,000 to 20,000 BGN sole trader or legal entity that constructs and / or operated incineration of waste that:

1. affect the technical requirements on the mass of organic compounds in bottom ash and slag, the temperature in the combustion chamber and / or the duration of the homogeneous gas mixture

2. does not provide the necessary measurements of emissions of harmful substances and/ or operational parameters.

(2) A repeated violation under paragraph 1 penalty in the amount of 14 000 to 40 000 BGN

Article. 138. (1) shall be punished with a fine ranging from 7,000 to 20,000 BGN sole trader or legal entity which A. accept waste for disposal, not previously treated, do not correspond to the class of landfill and / or does not meet the criteria for disposal;

2. allow improper operation of the landfill or combustion of waste in it;

3. does not control for:

a) incoming waste facilities and facilities for disposal;

b) disposal technology;

c) pollution of the environment components in use or after cessation of disposal of waste;

d) Procedure for closing facilities and installations for waste disposal;

4. not perform the inspection and monitoring of facilities or equipment and installations for waste treatment and closure and reclamation facility waste disposal and post-closure monitoring and control;

5. not executed within the implementing measures of the plan to bring the landfill in compliance with the ordinance. 43, paragraph A.

(2) A repeated violation under paragraph 1 penalty in the amount of 14 000 to 40 000 BGN

(3) shall be punished with a penalty ranging from 30,000 to 100,000 BGN owner of the facility that:

A. operate a landfill without any certain amount of deductions per ton of waste disposed of Article. 60, paragraph 2, item 1 or 2 in accordance with the requirements of this law or ordinance of Article. 43, paragraph 2;

2. not make two consecutive monthly deductions of Article. 60, paragraph 2, item 1 or 2 or furnish a bank guarantee of Article. 60, paragraph 2, item 3;

3. a monthly allowance according to Article. 60, paragraph 2, item 1 or 2, or provide a bank guarantee according to Article. 60, paragraph 2, 3, satisfying the requirements of this law or ordinance of Article. 43, paragraph 2;

4. not update the amount of deductions under Article. 60, paragraph 2, item 1 or 2, or furnish bank statement under Article. 61, paragraph 1;

5. not continue or renew a bank guarantee in accordance with the requirements of this law or ordinance of Article. 43, paragraph 2;

6. not make two consecutive monthly deductions of Article. 64, paragraph 1 or uses false information to reduce their size;

7. permitted landfill for disposal of prohibited wastes.

(4) Upon a repeated violation under paragraph 3 penalty ranging from 60,000 to 200,000 BGN shall be imposed

(5) The owner of the landfill, which in term of Article. 62, paragraph 2 does not start making the closure activities in accordance with the closure plan shall be punished by pecuniary penalty amounting to 5,000 BGN - landfill for hazardous waste and 10,000 BGN - for hazardous waste landfill.

(6) An owner of a landfill that does not meet the technical rehabilitation of the landfill within the periods specified in the plan for closure of the landfill shall be punished with a penalty in the amount of 2,000 BGN - for non-hazardous waste and 5,000 BGN - Hazardous Waste for each hectare of the area of the landfill, which was not carried out technical reclamation.

Article. 139. (1) shall be punished with a fine ranging from 7,000 to 20,000 BGN, a sole trader or legal entity which:

1. take no steps to implement separate collection of waste generated by hospitals and the necessary actions to correct storage, transportation and disposal;

2. disposed of hazardous waste from hospitals on unauthorized sites and / or containers for collection of municipal waste streams;

3. stored hazardous waste from hospitals in the open or in a manner that causes pollution of environmental components or the spread of infections, illness, or a prerequisite for the occurrence of danger of epidemics;

4. a mixture of hazardous waste from medical activities with other hazardous waste, substances and materials and hinder subsequent treatment technology and / or recovery;

5. submitted for disposal of untreated hazardous waste treatment facilities;

6. treated waste from medical establishments in contravention of the article 43, paragraph 3.

(2) A repeated violation under paragraph 1 penalty in the amount of 14 000 to 40 000 BGN.

Article. 140. (1) shall be punished with a fine ranging from 3,000 to 10,000 BGN, a sole trader or legal entity which:

A. did not take the necessary measures to ensure the separate collection and treatment of the unfit for usage batteries and accumulators, formed from the marketing of its\ batteries and accumulators;

2. for the sale of portable and / or automotive batteries and accumulators to end-users in a shop where there are containers

placed for their collection by end users or the containers do not meet regulatory requirements;

3. did not accepted without charge to consumers, used portable and / or automotive batteries and accumulators of the same type, within the working time of the commercial site;

4. Batteries and accumulators unfit for usage, put in containers for household waste or mixed with other wastes;

5. discard spent batteries on unauthorized sites and / or electrolyte poured from them;

6. collect and store spent batteries without electrolyte at collection points in an amount exceeding 5 percent of the total quantity of batteries;

7. did not provide for utilization or recovery or transfer for recycling, the batteries collected, within the lawful time period;

8. submitted for disposal or incineration spent automotive and / or industrial batteries and accumulators;

9. submitted for disposal or incineration spent portable batteries and accumulators containing mercury, lead or cadmium;

10. by destruction of the batteries and accumulators unfit for usage, the materials or parts thereof which can be recycled and / or utilized;

11. for the sale of portable and / or automotive batteries and accumulators to end-users in a shop where there are no prominently displayed notices containing the information about how to take back spent portable and / or automotive batteries and accumulators in accordance with the article 13, paragraph 1;

12. for the sale of portable and / or automotive batteries and accumulators to end-users

and not having a contract, which guarantees service containers to take back spent portable and / or automotive batteries and accumulators, transport and delivery to recycling entities possessing the necessary permission;

13. for the sale of batteries that are not marked with a label for capacity in accordance with Regulation (EC) № 1103/2010.

(2) A repeated violation under paragraph A, property sanction amounting from 6,000 to 20,000 BGN shall be imposed;

Article. 141. (1) shall be punished with a fine ranging from 3,000 to 10,000 BGN, a sole trader or legal entity which: A. not take the necessary measures to ensure the separate collection and treatment of non-fit for usage electric and electronic equipment, result of the electric and electronic equipment sold by the sole trader/ legal entity;

2. intentionally violate the integrity of spent discharge lamps and cathode ray tubes, unless they have permission or authorization under Article. 35, for this activity;

3. collected and stored outdoors or in open containers or containers non-fit for usage electric and electronic equipment, inclusive of discharge lamps;

4. non-fit for usage electric and electronic equipment placed in containers for household waste or mixed with other wastes;

5. disposal of non-fit for usage electric and electronic equipment, parts or material that can be recycled and / or utilized;

6. submitted for disposal separately collected non-fit for usage electric and electronic equipment;

7. not dispose of non-reuse, recycling and / or recovery of waste pre-treatment of non-fit for usage electric and electronic equipment in accordance with this Act and the regulations for its implementation;

8. sells to end users electric and electronic equipment in a shop where there are no containers placed for collection by the end users of wasted electric and electronic equipment, from households or the containers do not meet regulatory requirements;

9. not accepted without charge to end users non-fit for usage electric or electronic equipment generated by households in the same quantity of the same type or performing the same functions as purchased by the user within hours of the site;

10. sells to end users of electric and electronic equipment in a shop where there is no prominently displayed placards containing the necessary information about how to take back of non-fit for use electric and electronic equipment, in compliance with the article 13, paragraph 1;

11. for the sale of electric and electronic equipment to end users and is not contracted, which ensures servicing of vessels to take back electric and electronic equipment generated by households, its transportation and its transfer for recycling or recovery of persons with the necessary permission;

12. marketed electric and electronic equipment intended for use in everyday life, without instructions or directions for use of the device with the necessary information in the Bulgarian language in accordance with the ordinance. 13, paragraph A.

(2) A repeated violation under paragraph A property sanction shall be imposed, amounting from 6,000 to 20,000 BGN

Article. 142. (1) shall be punished with a fine ranging from 3,000 to 10,000 BGN, a sole trader or legal entity which:

1. using sludge from waste water for agricultural purposes if:

a) the concentration of one or more heavy metals and arsenic in soil or sediment exceeds the maximum concentration;

b) sludge hazardous waste as defined in § 1, item 12 of the Supplementary Provisions;

c) did not provide pre-treatment of sludge from septic tanks and other equipment for wastewater treatment;

d) no consent of the landowner;

2. used or available for use sludge on:

a) grassland or forage crops if the grassland is used for grazing and feed will be harvested within a period shorter than 45 days after the use of sludge;

b) soils, growing fruit and vegetable crops and vineyards, with the exception of fruit trees;

c) soils for the cultivation of fruit and vegetables that are in direct contact with the soil and eaten aw - for 10 months before and during harvest;

3. sludge used without providing soil testing by accredited laboratories prior to initial use of the sludge and then every 5 years until termination of their use.

(2) A repeated violation under paragraph 1, property sanction amounting from 6,000 to 20,000 BGN shall be imposed.

Article. 143. (1) shall be punished with a fine ranging from 3,000 to 10,000 BGN, a sole trader or legal entity which:

A. perform activities on collection, storage, dismantling, disposal and / or disposal of ELVs, components and materials from this unauthorized sites or on sites meeting the requirements of this Act or regulations for its implementation;

2. not an information system for recording and control of certificates dismantling of motor vehicles out of use.

(2) shall be punished with a fine ranging from 3,000 to 10,000 BGN sole trader or legal entity which:

A. effect a sale or change of tires or accept without charge to end users disused tires (non- usable tires)

2. effect a sale or change of tires and was not organized a place to return from the end users of IUG at the site where the sale takes place;

3. effect a sale or change of tires and is not contracted, which ensure the collection and transmission of non-fit for usage tires for recovery;

4. effect a sale or change of tires and did not provide information in accordance with the ordinance. 13, paragraph A prominently at the site on the possibilities of adopting tires non-fit for usage, by end users;

5. submitted for disposal tires non-fit for usage - targets and / or cut, except when disposed of bicycle tires or tires with an outside diameter above 1400 mm or used as material for construction of facilities;

6. perform activities on collection, storage, disposal and / or disposal of discarded tires places unauthorized for this or on sites meeting the requirements of this Act and regulations for its implementation.

(3) shall be punished with a fine ranging from 3,000 to 10,000 BGN sole trader or legal entity which:

1. for the sale of packaged goods and accepts no cost to consumers of used packaging and

/ or packaging waste from the same type for which a deposit or other organized system for reuse;

2. not organized separate collection of waste from commercial premises, industrial, commercial and administrative buildings and / or transmitted them to the persons under Article. 33, paragraph 4;

3. sells bags of polymer, which is not paid product fee of Article. 59, paragraph 7.

(4) Upon a repeated violation under paragraph 1-3 property sanction amounting from 6,000 to 20,000 BGN

Article. 144. (1) shall be punished with a fine ranging from 3,000 to 10,000 BGN sole trader or legal entity which:

A. stored waste oil or waste oil on sites that do not meet the requirements of this Act or regulations for its implementation;

2. change in the waste oil in places that are not equipped for that purpose or in containers meeting the requirements;

3. mixed oils containing polychlorinated biphenyls and terphenyls, with other waste oils;

4. mixed waste oils and petroleum fuels, coolants, brake fluids and solvents;

5. for the sale of oil and did not provide information in a conspicuous place on the premises of the places for oil changes, possible hazards to human health from improper handling or environmental risk;

6. change of oil and is not contracted, which ensure the collection and transfer of waste oil or waste oil for recycling.

(2) shall be punished with a fine ranging from 7,000 to 10,000 BGN sole trader or legal entity which:

A. not provide information on its holdings of equipment containing polychlorinated biphenyls and terphenyls;

2. not meet the deadline set in the plan for cleaning and / or disposal of holdings of equipment containing polychlorinated biphenyls, approved by the Director of RIEW in whose territory the equipment.

(3) Where the infringement penalty as follows:

A. under paragraph 1 - in size from 6,000 to 20,000 BGN;

2. under paragraph 2 - up from 14 000 to 40 000 BGN

Article. 145. (1) shall be punished with a penalty, a sole trader or legal entity which:

1. perform activities related to ferrous and non-ferrous metal waste without permission;

2. for the sale of ferrous and non-ferrous metal waste received as technological waste from own production or own

3. accepts ferrous and non-ferrous metal waste without a certificate for origin, or a written contract;

4. ferrous and non-ferrous metal waste taken by a legal person or sole trader without a certificate of origin or without a written contract;

5. immediately after the transaction to obtain and / or removal of ferrous and non- ferrous metal waste not entered in the records in all circumstances;

6. prevent supervisory bodies to places where it carries on business, or does not provide instructions within their accounting records received, imported, exported and transmitted ferrous and non-ferrous metal waste or other documents which must lead;

7. contract or accept a certificate or declaration not entered all required data, identifying individuals or buying waste;

8. within three months after cessation of the activity is not realized ferrous and non- ferrous metal waste stocks and / or take appropriate action for cleaning of the site;

9. violates the requirements of Article. 39, paragraph 4, 5 or 6;

10. adopted by individuals with ferrous and non-ferrous metal waste bit character without a declaration of origin;

11. adopted by individuals ferrous and non-ferrous metal waste with no bit character, including wastes under Article. 39, paragraph 1;

12. payment transactions carried out with waste in violation of the requirements of Article. 38, paragraph 4;

13. not issued and / or forward declaration of conformity pursuant to Article. 5, paragraphs 1 and 2 of Regulation (EC) № 333/2011;

14. not implement a system of quality management in accordance with Article. 6, paragraph 1 of Regulation (EC) № 333/2011.

(2) For violations under paragraph 1, items 1-3, 5, 6, 8-11 financial penalties ranging from 30,000 to 100,000 BGN and in other cases under paragraph 1 - from 3000 to 10 000 BGN

(3) A repeated violation under paragraph 1, items 1-3, 5, 6, 8 - 11 penalty ranging from 60,000 to 200,000 BGN and in other cases under paragraph 1 - 6000 to 20 000 BGN

Article. 146. Shall be punished with penalty payment from 5,000 to 10,000 BGN sole trader or legal entity which:

A. awarded or perform construction or installation work or removal of buildings without any plan for the management of construction waste where such is required by Article. 11, para.1;

2. not achieve the targets for recovery and recycling of construction waste in accordance with the requirements and deadlines set by the ordinance under Article. 43, paragraph 4.

Article. 147. (1) shall be punished with a fine ranging from 5,000 to 10,000 BGN sole trader or legal entity which:

A. violates the requirements of Article. 47 and / or within said entry in the register under Article. 45, paragraph 1, items 2-5 and 8;

2. said not to record within a change in circumstances to be recorded in the regis. 45, paragraph 1, items 2-5 and 8.

(2) A legal person or sole trader penalty ranging from 10 000 to 50 000 BGN when:

A. marketed batteries and accumulators:

- a) contain mercury or cadmium above a certain value in the ordinance under Article. 13, paragraph 1;
 - b) are not marked in accordance with the ordinance. 13, paragraph 1;
 - c) are not marked with a label capacity in accordance with Regulation (EC) № 1103/2010;
2. marketed parts and components for motor vehicles:
 - a) contain lead, mercury, hexavalent chromium and cadmium excess of that permitted under the provisions of this Act and the ordinance under Article. 13, paragraph 1;
 - b) are not designated for their suitability for reuse and recovery, and the ability to be dismantled before the treatment;
 3. released and marketed packages are not marked with markings for the identity of the materials produced;
 4. released and marketed packages, which contain heavy metals - lead, cadmium, mercury and hexavalent chromium above the maximum permissible content and / or meet other requirements specified in the ordinance under Article. 13, paragraph 1;
 5. marketed EEE is not marked in accordance with the ordinance. 13, paragraph 1;
 6. marketed products which do not meet the requirements specified herein and / or regulations of Article. 13, paragraph A.
- (3) A repeated violation under paragraph 1 is a penalty ranging from 10 000 to 20 000 BGN, but al. 2 - ranging from 20,000 to 100,000 BGN
- (4) The person under paragraph 2 or 3 shall pay the costs of recovery and / or disposal of
- Article. 148. (1)** shall be punished with a fine recovery organization or person under Article. 14, paragraph 1 individual performing duties that:
- A. not meet prescribed by the competent authorities in connection with a breach of condition of license under Article. 81, paragraph 1;
 2. fails to provide information and keep records under this Act and / or regulations of Article. 13, paragraph 1;
 3. provide false information and / or incorrect results reporting under this Act and the regulations of Article. 13, paragraph 1;
 4. does not provide access to sites, facilities and / or documents of an official making the inspection and / or the auditors of Article. 18, paragraph 2 or 3;
 5. not fulfill the requirements for covered population of systems for separate collection of packaging waste in Article. 33, paragraph 1 and the ordinance under Article. 13, paragraph 1;
 6. not fulfilled obligations for separate collection and waste treatment in Article. 14, paragraph 1 and / or establishing a system of Article. 15 and / or the requirements of Article. 14, paragraph 3 person performing duties individually;
 7. not recover within the cost of Article. 18, paragraph 5;
 8. not execute an order in force under Article. 59, paragraph 2 Minister of Environment and Water;
 9. not provide information to consumers in accordance with the provisions of Article. 13, paragraph 1;
 10. provides false information required for issuance, amendment and / or supplementing or extending the authorization of Article. 81, paragraph A.
- (2) For violations under paragraph 1, item 1, 3, 4 and 6 are imposed fines ranging from 50,000 to 150,000 BGN and in other cases under paragraph 1 - 10 000 to 20 000 BGN
- (3) A repeated violation under paragraph 1, item 1, 3, 4 and 6 penalty ranging from 100,000 to 300,000 BGN and in other cases under paragraph 1 - 20 000 to 40 000 BGN
- (4) shall be punished with a penalty ranging from 20 000 to 40 000 BGN person under Article. 14, paragraph 1 individual performing duties that do not take back or did not provide the readmission of waste in accordance with Article. 14, paragraph 3.
- (5) Upon a repeated violation under paragraph 4 penalty ranging from 40 000 to 80 000 BGN
- Article. 149. (1)** shall be punished with a penalty ranging from 30,000 to 100,000 BGN recovery organization that violates any of the prohibitions under Article. 16 or 17.
- (2) A legal person or sole proprietor who fails to pay the product fee of Article. 59, when so required, shall be punished with a penalty ranging from 30,000 to 500,000 BGN
- (3) Any person who markets such products after use generate wide spread waste and fulfills its obligations through a collective system of Article. 14, paragraph 2, item 1 shall be punished with a penalty ranging from 10 000 to 30 000 BGN in the event that refuses to verify or audit the data for the products marketed under the requirements of Article. 14, paragraph 6.
- (4) For a second offense penalty is as follows:
1. under paragraph 1 - in size from 60,000 to 200,000 BGN;
 2. under paragraph 2 - ranging from 60 000 to 1 million BGN;
- Article. 150. (1)** For transportation of hazardous waste, defined as illegal under Article. 2, paragraph 35 of Regulation (EC) № 1013/2006, or violations of prohibition under Article. 98 individuals shall be punished with fine from 1000 to 5000 BGN, while legal entities and sole proprietors shall be imposed a fine of 10 000 to 25 000 BGN.
- (2) For transportation of hazardous waste, defined as illegal under Article. 2, paragraph 35 of Regulation (EC) № 1013/2006, or violations of prohibition under Article. 98 individuals shall be fined from 3,000 to 15,000 BGN and legal persons and sole traders to penalty ranging from 50,000 to 250,000 BGN.
- (3) A fine ranging from 1,000 to 5,000 BGN individual or a proprietary sanction of 2000 to 20 000 BGN sole trader or legal entity which:
- A. did not document, or provide information or verify facts in accordance with Article. 15, letters "c" "d" or "e" or Article. 16 of Regulation (EC) № 1013/2006;
 2. did not document, provide information or send a new notification in the cases. 17 of Regulation (EC) № 1013/2006;
 3. violates the prohibition on mixing waste during transportation of Article. 19 of Regulation (EC) № 1013/2006;
 4. failed to comply with the Waste Shipments under Article. 18 of Regulation (EC) № 1013/2006;
 5. did not send a copy of transport document in accordance with Article. 35, paragraph 3, letter "c", Article. 38, paragraph 3, letter "b" or Article. 42, paragraph 3, letter "c" of Regulation (EC) № 1013/2006.
- (4) non-coercive administrative measures under Article. 127, item 2 or Article. 129, paragraph 6 individuals shall be fined from 1,000 to 5,000 BGN and legal persons and sole traders have proprietary sanction of 5000 to 10 000 BGN
- (5) shall be punished with a penalty of 1000 BGN, a sole trader or legal entity which does not fulfill their obligation under Article. 103.

(6) non-coercive administrative measures under Article. 127, item 1 or Article. 128 individuals are fined from 5,000 to 10,000 BGN and legal persons and sole traders to penalty ranging from 10 000 to 20 000 BGN

(7) For a second offense the fine is, as follows:

1. under paragraph 3 - ranging from 2,000 to 10,000 BGN for individuals in the amount of 4000 to 40 000 BGN for legal persons;
2. under paragraph 4 - in size from 2,000 to 10,000 BGN for individuals in the amount of 10 000 to 20 000 BGN for legal persons;
3. under paragraph 5 - of 2000 BGN;
4. under paragraph 6 - ranging from 2,000 to 20,000 BGN for individuals in the amount of 20 000 to 40 000 BGN for legal persons.

Article. 151. (1) A fine from 1,400 to 4,000 BGN, unless a more severe penalty, mayor of the municipality and / or official:

1. not fulfill his obligations to the organization implementing the measures in the programs for waste management;
2. not perform an update program for waste management in accordance with this Act and regulations for its implementation;
3. not perform the necessary actions in cases where the waste are unknown;
4. not carry out a waste management in accordance with Article. 112.

(2) A fine of 3000 to 10 000 BGN, unless a more severe penalty, mayor of the municipality and / or official:

1. not provide containers for collection of garbage;
2. does not provide garbage collection and transport to landfills or other facilities for recovery and / or disposal;
3. not provide clean streets, squares, alleys, parks and other areas of the settlements for public use;
4. not provide the organization and implementation of a system for separate collection of hazardous waste from municipal waste flow of Article. 19, paragraph 3, item 9;
5. not organized operation of facility for waste treatment within 6 months from the date of authorization for use of the building;
6. not take measures to prevent dumping of waste in unauthorized places for this and / or the creation of illegal dumps and / or organization of cleaning;
7. not made within the required actions related to the siting, construction, operation, closure and monitoring of landfills or other facilities or equipment for recovery and / or disposal of waste;
8. not organize the collection, recovery or disposal of construction waste from repair work generated by households in the territory of the municipality;
9. not organized within the separate collection of household waste in the municipality at least the following materials: paper and cardboard, metals, plastics and glass;
10. no organized activities for separate collection of waste streams or to designate sites for deployment of the necessary elements of the separate collection systems and / or locations for the transmission of widespread waste;
11. not take the necessary action to implement the objectives in preparation for reuse and recycling of Article. 31, paragraph 1 in accordance with the decision under Article. 26, paragraph 1, item 6;
12. not take the necessary actions for preparation and decision making of Article. 26, paragraph 1 or for its implementation;
13. not organize separate collection and storage of household biodegradable waste, including not to designate sites for deployment of the necessary elements of the waste collection and transfer of composting or anaerobic digestion, where required by the ordinance under Article. 43, paragraph 5;
14. not provided within sites for free transmission of separately collected household waste, including large waste, hazardous waste and other OCHTSM in settlements with a population greater than 10,000 inhabitants;
15. does not organize the cleaning of waste of municipal roads in accordance with Article. 12;
16. not provide information on public Article. 19, paragraph 3, item 13;
17. not keep a register of sites for waste transfer under Article. 19, paragraph 3, item 14;
18. not take action to measure and / or the quantity and / or composition of the waste where it is required.

(3) A fine from 7,000 to 20,000 BGN, unless a more severe penalty, an official who:

- A. authorizes the commissioning of objects constituting waste without complying with the requirements for acceptance of the site;
2. identify sites for facilities for waste treatment without carrying out necessary research or when the results show that the site will endanger human health and the environment and / or violates the requirements of this Act and regulations for its implementation;
3. does not fulfill its obligations under the requirements for determining safe eradication activities and restoring the site in case of dissolution of waste treatment;
4. authorizes the commissioning of systems and equipment for recycling or disposal of hazardous waste when they are not complied with this Act;
5. released from Customs control in violation of current legislation transported across the state border waste;
6. fails to take timely measures to prevent illegal shipment of waste for temporary immobilization of carriage or removal of other consequences of the violations;
7. approve the investment plan or management plan for waste from construction and demolition without envisaging measures or the measures do not provide the targets for recovery and recycling of construction waste;
8. not take appropriate enforcement action and / or perform the recovery and recycling of construction waste as defined by the ordinance under Article. 43, paragraph 4.

(4) An official who fails to comply with the prohibition of Article. 9, paragraph 1 shall be punished with fine from 1000 to 5000 BGN

(5) A fine of 5000 to 15 000 BGN, unless a more severe penalty, an official who:

- A. issue a permit or registration document collection, storage, transport, recovery or disposal in violation of the provisions of this Act;
2. not take the necessary measures for violations of provisions of this Act or regulations for its implementation, and / or penal-

ties;

3. in case of infringements not take the necessary steps for its removal.

(6) For a second offense shall be fined as follows:

A. under paragraph 1 - of 2000 to 8000 BGN;

2. under paragraph 2 - ranging from 6,000 to 20,000 BGN;

3. under paragraph 3 - ranging from 14 000 to 40 000 BGN;

4. under paragraph 4 - in size from 2,000 to 10,000 BGN;

5. under paragraph 5 - ranging from 10 000 to 30 000 BGN

Article. 152. (1) For violations of Article. 23, paragraph A municipal mayors and / or officials shall be fined from 5,000 to 10,000 BGN

(2) Chairman of the regional association that fails to convene a general meeting shall be fined from 5,000 to 10,000 BGN

Article. 153. Mayor of the municipality, which does not act under Article. 21, paragraph 1 or not to take legal action deadline for the preparation, construction, closure and after care of the landfills and other facilities for treating municipal and / or construction waste, shall be punished by a fine of 20 000 BGN

Article. 154. In establishing the waste of Article. 55, paragraph 1 Individuals shall be fined from 3,000 to 10,000 BGN and legal persons and sole traders - penalty from 6,000 to 20,000 BGN

Article. 155. (1) For violations of this law, which do not constitute crimes, the individuals, the mayors or officials shall be fined from 500 to 3000 BGN, while legal entities or sole proprietors of a property sanction from 1000 to 6000 BGN

(2) For repeated violation the fine or penalty to double the amount under paragraph A.

Article. 156. (1) For non-prescription of Article. 113, paragraph 3 or Article. 120 individuals are fined from 2000 to 10 000 BGN BGN, and entities penalty of 5000 to 20 000 BGN

(2) Where the violation of individuals be fined 4,000 to 20,000 BGN BGN, and entities penalty of 10 000 to 40 000 BGN

Article. 157. (1) Violation of Article. 133, paragraph 1 and 2, Article. 134, paragraph 1 and 2 and Article. 146 is established by an act of the Director of RIEW or authorized by officials and by officials authorized by the mayor of the municipality.

(2) Violation of Article. 133, paragraph 4, Article. 135-138, 140, 141, 143, 144, Article. 147,

paragraph 1, Article. 149, Article. 151, paragraph 1-4 and Article. 152-154 shall be established by act of the Director of RIEW or authorized by the officials, and violations of Article. 147, paragraph 2 - an act of the controlling body of Article. 125 or authorized by the officials.

(3) Violation of Article. 148 and Article. 151, paragraph 5 is established by an act of the Minister of Environment and Water or authorized by the officials.

(4) The penalty decrees under paragraph 1, 2 and 3 shall be issued by the Minister of Environment and Water or authorized by the officials and the mayor or a person authorized by him in cases under paragraph A.

(5) Violation of Article. 133, paragraph 3 and Article. 145 is established by an act of the Ministry of Interior or authorized by the Director of RIEW mayor or officials, and the penalty shall be issued by the Minister of Environment and Water or authorized by the officials.

Article. 158. Violations of Article. 150 is established by an act of control bodies under Article. 116, paragraph 2, the penalty shall be issued by the Minister of Environment and Water or authorized by the officials.

Article. 159. Violations of Article. 139 are established by an act authorized by the director of the Regional Health Inspectorate or the director of Regional Inspectorate for Environment and Waters officials and the penalty decrees shall be issued by the Director of the Regional Health Inspectorate or the Director of Regional Inspectorate for Environment and Waters.

Article. 160. The establishment of violations, issuance, appeal and execution of penalty decrees shall follow the procedures of the The Law on administrative offences and penalties.

Supplementary provisions

§ 1. Within the meaning of this Act:

1. "Biomass" means products consisting of vegetable materials from agriculture and forestry, which can be used as fuel for utilization of their energy potential as well as the following wastes:

a) vegetable waste from forestry and agriculture;

b) vegetable waste from the food industry, provided that heat during their incineration is utilized;

c) fibrous vegetable waste from production of cellulose from wood pulp and production of paper from cellulose, provided that they are combusted jointly at the site of their formation and the resulting heat is utilized;

d) cork waste;

e) wood waste, including woody debris, except those who as a result from their treatment with agents for wood protection or coatings may contain halogenated organic compounds or heavy metals.

2. "Biowaste" means biodegradable waste from parks and gardens, food and kitchen waste from households, restaurants, caterers and retail premises as well as comparable waste from the companies from the food, wine and tobacco industries.

3. "Biodegradable waste" means any waste that have the ability to degrade anaerobically or aerobically, such as food and vegetable waste, paper, cardboard and others.

4. "Household waste" means "household waste from households" and "similar to waste from households".

5. "Agent" means any physical person or legal entity arranging the recovery or disposal of waste on behalf of other persons, including these brokers who do not physically hold the waste.

6. "Depositing of waste" is a method that does not provide further treatment of waste and is storage of waste for a period longer than three years - for waste destined for recovery, and one year - for waste destined for disposal in a way that does not endanger human health and the environment.

7. "Widespread waste" means wastes that are formed after using products from multiple sources throughout the country and because of their characteristics require special management.

8. "Mining waste" means technological waste from exploration, extraction and processing of ores and minerals, accumulated

as a result of the activities under permission for prospecting and/or exploration or concessions for extraction.

9. "Best available techniques" means best available techniques as defined in § 1, p. 42 of the Supplementary Provisions of the Environmental Protection Act.

10. "Bulk" is a recovery operation in which suitable wastes are used for reclamation purposes in excavated areas or for engineering purposes in landfill construction and where the waste is a substitute for non-waste materials.

11. "Disposal" means any activity which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy. Appendix No 1 contains non-exhaustive list of disposal operations.

12. "Hazardous waste" means waste which has one or more hazardous properties listed in Appendix No 3.

13. "Recovery" means any activity which has as principal result using of the waste for a useful purpose by replacing other materials which would otherwise be used to fulfill a specific function or preparation of the waste to perform this function in a plant or in the economy as whole. Appendix No 2 contains non-exhaustive list of recovery operations.

14. "Recovery of materials" means any recovery activity excluding energy recovery and the reprocessing into materials that are used as fuel.

15. "Recovery of materials from construction waste" means all activities related to utilization of construction waste excluding incineration with energy recovery and the reprocessing into materials that are used as fuel. The recovery also includes the preparation for reuse, recycling or other material recovery.

16. "Organization for recovery" is a legal entity registered under the Commerce Act or under its national legislation which does not distribute profits and which manages and/or independently carry out the activities of separate collection, recycling and recovery of widespread waste.

17. "Waste" means any substance or object which the holder discards or intends to dispose of or is required to discard.

18. "Household waste" means waste generated by households.

19. "Ferrous and nonferrous metals waste" means technological waste generated from mining, processing or mechanical treatment of nonferrous and ferrous metals and their alloys, waste machinery, equipment, components and structures of production, construction or residential character with the exception of hazardous waste.

20. "Consumer ferrous and non-ferrous metals waste" means waste from ferrous and nonferrous metals (WFNFM) resulting from the life activity of people within the home, administrative, social and public buildings. They include also waste of ferrous and nonferrous metals, obtained from retail outlets, craft activities, recreational and entertainment sites.

21. "Waste oils" means any lubrication or industrial oils of mineral or synthetic basis, unfit for use according to their original purpose, as used motor and transmission oils, lubricating oils, turbine and hydraulic oils.

22. "Market price" means the price as defined in § 1, p. 8 of the Supplementary Provisions of the Tax-insurance procedure Code.

23. "Reuse" means any activity by which products or components that are not waste are used again for the purpose for which they were intended.

24. "Repeated violation" is a violation committed within one year after the entry into force of a penalty decree whereby the violator is punished for breach of the same sort.

25. "Preparing for reuse" means recovery operations, checking, cleaning or repair, by which products or components of products that have become waste are prepared so that they can be reused without any other pretreatment.

26. "Similar waste" means waste which by their nature and composition is comparable to waste from households, excluding industrial waste and waste from agriculture and forestry.

27. "Pre-storage" is an activity of storage of waste at the site of formation until their collection in facilities where they are unloaded, to be prepared for subsequent transportation to another facility for recycling or disposal.

28. "Prevention" means measures taken before the substance, material or product has become waste, thus reducing:

- a) the amount of waste, including through the reuse of the products or extension of their life cycle;
- b) the adverse impact of the waste formed on the environment and human health; or
- c) the content of harmful substances in the materials and products.

29. "Waste holder" means the author of waste or the physical person or legal entity in whose possession they are.

30. "Waste author" is any physical person or legal entity during whose activity is produced waste (original author of waste), or anyone who carries out preprocessing, mixing or other operations resulting in a change in the nature or composition of the waste.

31. "Product manufacturer" means a physical person or legal entity who professionally develops, manufactures, processes, treats, sells, introduced by a member-state of the European Union or import products on the market in Republic of Bulgaria.

32. "Industrial waste" means waste generated as a result of production activity of the physical persons or legal entities.

33. "Putting on the market" means the first delivery of the product available to another person free of charge or against payment so it to be distributed and/or used within the Republic of Bulgaria as well as importation and introduction on the territory of Republic of Bulgaria of the product by a person for his own commercial, industrial or professional activity.

34. "Separate collection" means a collection where a waste stream is divided by type and nature of waste to facilitate a specific treatment.

35. "Extended producer responsibility" means an ecological principle applied as a set of measures to reduce the overall environmental impact of a product through the introduction of obligations and responsibilities for the product manufacturer throughout its lifecycle and in particular to limit the content of hazardous substances, take back, reuse, recycling, recovery and disposal of waste resulting from the use of the product.

36. "Regeneration of waste oils" means any recycling activity, through which there can be produced base oils by refining of waste oils, in particular by removing the contaminants, oxidation products and additives contained in such oils.

37. "Recycling" means any recovery activity by which waste materials are processed into products, materials or substances for their original purpose or for other purposes. It includes the reprocessing of organic material, but does not include recovery for power generation and processing in materials to be used as fuels or for backfilling operations.

38. "Related parties" are persons within the meaning of § 1 of the Commerce Act.

39. "Construction waste" means waste from construction and demolition corresponding to the waste codes listed in Chapter 17 of Index to Commission Decision 2000/532/EC of 3 May 2000 for replacing Decision 94/3/EC establishing a list of waste in accor-

dance with article 1, letter "a)" of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste in accordance with article 1, paragraph 4 of Council Directive 91/689/EEC on hazardous waste and its subsequent amendments.

40. "After use care for a landfill site" means maintenance activities of the landfill site after its closure, realizing of checking and control of the environmental parameters (monitoring) and eliminate any negative effects from the impact of the landfill on the environment and human health for the after-care period of the landfill outlined by the competent authorities.

41. "Collection" means the accumulation of waste, including the preliminary sorting and preliminary storage of waste for transport to the facility for waste treatment.

42. "Storage" means activity related to the storage of waste collection until their treatment for a period not exceeding:

- a) three years - for subsequent transfer to recovery;
- b) one year - for subsequent transfer to disposal.

43. "Transportation" means transportation of waste, including accompanying activities of loading, reloading and unloading when performed by the operator as an independent activity.

44. "Treatment of waste" means the recovery or disposal activities, including preparation before recovery or disposal.

45. "Dealer" means any physical person or legal entity acting on his behalf and at his own expense for the purchase and subsequent sale of waste, including such dealers that physically do not have waste.

46. "Waste management" means collection, transportation, disposal and recovery, including the supervision realized of such operations, after care of the landfill sites, and actions taken as a dealer or agent.

§ 2. This Act introduces the requirements of:

1. Directive 2008/98/EC of the European Parliament and the Council of 19 November 2008 on waste and repealing certain Directives (OJ, L 312/3 dated 22 November 2008);

2. Directive 2006/66/EC of the European Parliament and the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC;

3. Directive 2000/76/EC of the European Parliament and the Council of 4 December 2000 on the incineration of waste;

4. Directive 1999/31/EC of 26 April 1999 on the landfill of waste;

5. Directive 2002/96/EC of the European Parliament and the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE);

6. Directive 94/62/EC of the European Parliament and the Council of 20 December 1994 on packaging and packaging waste;

7. Directive 2000/53/EC of the European Parliament and the Council of 18 September 2000 on end-of life vehicles;

8. Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT);

9. Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, use of sewage sludge in agriculture;

10. Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry;

11. Council Directive 82/883/EEC of 3 December 1982 on procedures of surveillance and monitoring of environments concerned by waste from the titanium dioxide industry;

12. Council Directive 92/112/EEC of 15 December 1992 on procedures for harmonizing the programs for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry.

§ 3. (1) The Minister of Environment and Waters is the national competent authority and coordinator of all international agreements related to the subject of this Act, to which Bulgaria is a party.

(2) The Minister of Environment and Waters is the national competent authority in relation to information, reporting and notification to the European Commission under Directive 2008/98/EC, including:

1. notification of any event on waste classification under Article. 3, para.4 and 5;

2. Notification of decisions under Article. 5 para.2, stating that certain waste has ceased to be waste, where the criteria are not established at European Union level to be applied for the purpose;

3. presentation of the report under Article. 49, para.11;

4. providing information on general rules laid down under Article. 35, para.6;

5. information about the plan for waste management under Article. 49 and the program for the prevention of waste of Article. 50 after their adoption as well as for all their substantive changes;

6. every three years providing a sectoral report on the implementation of the Directive in electronic format, containing information on the management of waste oils and progress reached in implementing the programs to prevent waste and - where appropriate - information on measures to extended producers' responsibility;

7. Notification of the decisions under Article. 98, para.3.

Transitional and Final provisions

§ 4. Waste Management Act (promulgated, SG. 86 of 2003, amended No. 70 2004 issue 77, 87, 88, 95 and 105 of 2005, No. 30 34, 63 and 80 of 2006, No. 53 of 2007, No. 36, 70 and 105 of 2008, No. 82 and 95 of 2009, No. 41, 63 and 98 of 2010, No. 8, 30, 33 and 99 of 2011;

Decision No 3 of the Constitutional Court of 2012 - No. 26 of 2012, amended No 44 2012) is repealed.

§ 5. (1) Pending as of the date of entry into force of this Act procedures for the issuance, amendment, supplement or extension of validity of licenses, registration documents and licenses for commercial activities with ferrous and nonferrous metals (FNFM) under the repealed Waste Management Act will be terminated officially by the competent authority and the fee paid shall be refunded at the request of the applicant.

(2) Pending as of the date of entry into force of this Act procedures for approval of programs on management of activities for waste under the repealed Waste Management Act will be terminated officially by the competent authority and the fee paid shall be refunded at the request of the applicant.

§ 6. (1) permits and registration documents for performing activities with waste issued under the repealed Waste Management Act, except in cases under para.2 and § 7, para.6 and 7, remain in effect until they expire, but not later than three years of entry into force of the law.

(2) In case of need for amending and supplementing of permit under par. 1, issued by the Minister of Environment and Waters, an application for a new permission is submitted under Article. 67 to the Director of Regional Inspectorate for Environment and Waters (RIEW) on which territory the sites subject to change of circumstances of Article. 73 are located. Permit under para.1 remain in force in respect of sites and waste activities within the territory of the respective RIEW until passing a judgment by the competent authority. Permit issued pursuant to Article. 67 covers all sites and waste activities within the territory of the respective RIEW.

(3) In case of need for amendment and supplement of the registration document, there is filed an application for a new such under Article. 78.

(4) The certificates issued under Article. 84, para.4 of the repealed Waste Management Act remain in effect until December 31, 2012.

§ 7. (1) Persons having license to do business with WFNFM issued under the repealed Waste Management Act, file within six months from the enactment of this Act an application for authorization under Article. 67 to the Director of RIEW on whose territory are located sites for activities with waste.

(2) In cases under para.1, the license for trade with WFNFM remains in force until passing a judgement by the competent authority on an application under para.1.

(3) In cases where no application under Article. 1 is filed, the license remains in force within 6 months of entry into force of the Act.

(4) Within three months from the expiration of the deadline under para.3, the holder of the license is obliged to cease the activity, to realize WFNFM and to take appropriate measures to clean the sites.

(5) Persons holding permits and/or registration document issued under the repealed Waste Management Act for the activities for the conservation and pre-treatment of waste from metal cans, discarded electrical and electronic equipment, batteries and accumulators unfit for use and vehicles become obsolete, file within six months from the enactment of this Act an application for authorization under Article. 67 to the Director of RIEW on whose territory are located sites for activities with waste.

(6) In cases under para.5 the permit and registration document issued under the repealed Waste Management Act remain in effect until passing a judgement by the competent authority related to the application under para.5.

(7) In cases where no application under para.5 is filed, permits and registration documents under para.5 remain in effect within six months from the enactment of the Act.

(8) Within three months of the deadline under para.7, the person is obliged to suspend the activity and to take appropriate measures to clean the sites.

(9) Within one month of entry into force of this Act the Minister of Economy, Energy and Tourism shall transmit to the Minister of Environment and Waters information from the register under Article. 26, para.2 the repealed Waste Management Act in electronic format.

§ 8. (1) Organizations for recovery of waste granted with permits before the enactment of this Act shall bring their activity in accordance with its requirements and submit an application under Article. 81, para.2 for a new permit within 6 months from the enactment of the Act. Permits issued before the enactment of the Act remain in effect until passing a judgement by the competent authority.

(2) In cases where no application is filed under para.1, permits remain in effect no later than 31 December 2012 having proved the targets for 2012.

§ 9. (1) By-laws for enforcing the Act shall be issued/accepted within 6 months of entry into force.

(2) By-laws issued/accepted under the repealed Waste Management Act, are applied to the issue of acts under para.1 so far as not inconsistent with this Act.

§ 10. Targets for recycling and recovery of packaging waste as defined in Article. 11, para.2 and 3 of the repealed Waste Management Act are applying until the adoption of the relevant ordinance under Article. 13, para.1.

§ 11. Programs adopted under Article. 29, para.1, item 1 of the repealed Waste Management Act retain their effect until they expire, but no later than two years from the enactment of the Act.

§ 12. Ordinance adopted by municipal councils under Article. 19 of the repealed Waste Management Act retain their action until adoption of the provisions of Article. 22 but not later than two years of entry into force of the Act.

§ 13. (1) Regional associations of municipalities set up under Article. 19b of the repealed Waste Management Act are retained. Article 24, para.1 and 2 shall not apply to municipalities, regional associations established under the repealed Waste Management Act.

(2) Existing regional organizations and arrangements created under Article. 19a of the repealed Waste Management Act before May 23, 2010 are subject to termination within 31 December 2014. If municipalities choose to retain the existing regional associations and agreements, by December 31, 2014, they can receive funding for projects in the field of waste management under Article. 24, para.9.

§ 14. (1) Sites of Article. 19, para.3, item 11 shall be provided within two years after entry into force of the Act.

(2) Within the period under para.1 the delivery of consumer WFNFM by physical persons is realizing only with a declaration of origin only to persons holding:

1. Permit or complex permit under Article. 35, para.1;

2. License for trading with WFNFM valid within the terms under § 7.

§ 15. Objectives of Article. 31, para.1, item 1 for preparation for reuse and recycling of waste materials, including at least paper and cardboard, metal, plastic and glass from households and similar waste from other sources, shall apply as follows:

1. till January 1, 2016 - at least 25 percent of their total weight;

2. till January 1, 2018 - at least 40 percent of their total weight;

3. till January 1, 2020 - at least 50 percent of their total weight.

§ 16. Objectives of Article. 32, para.1 for reuse, recycling and other recovery of materials, including backfilling operations by replacing other materials with waste, non-hazardous construction waste, excluding soil, earth and rock from the excavations in the natural state, not containing dangerous substances, shall apply as follows:

1. till January 1, 2016 - at least 35 percent of the total weight of waste;
2. till January 1, 2018 - at least 55 percent of the total weight of waste;
3. till January 1, 2020 - at least 70 percent of the total weight of waste.

§ 17. Registers of Article. 45, para.1, items 4-9 and Article. 46 are created within 6 months of entry into force of the Act.

§ 18. (1) The plan under to in Article. 49, para.1 shall be adopted within two years of entry into force of the Act.

(2) National Programme for management of waste activities under Article. 28, para.1 of the repealed Waste Management Act retains its action until the adoption of the plan of Article. 49, para.1.

(3) The program under Article. 50, para.1 shall be developed and submit to the Council of Ministers within December 12, 2013.

§ 19. (1) The requirements of Article. 60 shall not apply to regional or municipal landfills, for which as of at 1 January 2011 the remaining capacity of the landfill is less than 10 percent of the total capacity of the landfill, which is in operation.

(2) The requirements of Article. 60 shall not apply to landfills for which the period for suspension of their operation is before January 1, 2012.

(3) for landfills under para.1 and 2 are making deductions by minimum volume, established by the ordinance under Article. 43, para.2, withint suspension of their operation.

§ 20. The provision of Article. 138, para.3, item 7 shall apply after expiration of the specified time limits for the facilities provided in Appendix No 5.

§ 21. R12 and R13 activities of Appendix № 2, and delivery to prepare for recovery are not counted for realization of the targets for reuse, recycling and recovery of widespread waste defined by the ordinances under of Article. 13, para.1.

§ 22. Applications and documents filed electronically in cases prescribed by the Act shall not apply until the enforcement of information-technical system ensuring their treatment in accordance with the requirements of the Electronic Document and Electronic Signature Act.

§ 23. In the Territory Planning Act (SG. No. 1 of 2001, amended No. 41 and 111 of 2001, No. 43 of 2002, No. 20, 65 and 107 of 2003, No. 36 and 65 of 2004, No. 28, 76, 77, 88, 94, 95, 103 and 105 of 2005, No. 29, 30, 34, 37, 65, 76 79, 80, 82, 106 and 108 of 2006, No. 41, 53 and 61 of 2007, No. 33, 43, 54 , 69, 98 and 102 of 2008, No. 6, 17, 19, 80, 92 and 93 of 2009, No. 15, 41, 50, 54 and 87 of 2010, No. 19, 35, 54 and 80 of 2011, No. 29, 32, 38, 45 and 47 of 2012) there are made the following amendments and supplements:

1. In Article. 98, para.3, words "Law to limit the harmful impact of waste on the environment" are replaced by "Waste Management Act".

2. In Article. 142, para.5, there is created item 9:

"9. Requirements for selective separation of waste generated during construction works and demolition activities to ensure their subsequent recovery, including recycling and achieving relevant quantitative targets for recovery and recycling."

3. In Article. 148 para.9 is amended as follows:

"(9) In the building permit shall be entered:

1. all factual and legal grounds for its issuance;

2. conditions associated with the realization of the construction, including the utilization of the humus soil layer;

3. measures for selective separation of waste generated during construction works and demolition activities and ensure their subsequent recovery, including recycling and

4. removal of the buildings without regime of construction or preserving them for a certain period until completion of the construction."

4. In Article. 178, para.3:

a) in item 5 the words "Article. 71a" are replaced by "Article. '60';

b) A new item 6 is created:

"6. There is not issued a permit or registration document for waste activities, when such are required under Article. 67 and 78 of the Waste Management Act".

5. In Article. 196, para.3 is created third sentence: "The removal of buildings shall be performed upon approval of a management plan for construction waste under Article. 11 of the Waste Management Act".

6. In Article. 197, para.1 after the words "Geodesy, Cartography and Cadastre Agency" is inserted "and after approved plan for management of construction waste under Article. 11 of the Waste Management Act".

7. In § 5 of the Supplementary Provisions of item 35 is amended as follows: "35. "Treatment of waste" means activities on the recovery or disposal, including the preparation before recovery or disposal."

§ 24. In the Local Taxes and Fees Act (promulgated SG 117 of 1997, amended No. 71, 83, 105 and 153 of 1998, No. 103 of 1999, No. 34 and 102 of 2000, No. 109 of 2001, No. 28, 45, 56 and 119 of 2002, No. 84 and 112 of 2003, No. 6, 18, 36, 70 and 106 of 2004, No. 87, 94, 100, 103 and 105 of 2005, No. 30, 36 and 105 of 2006, No. 55 and 110 of 2007, No. 70 and 105 of 2008, No. 12, 19 , 41 and 95 of 2009, No. 98 of 2010, No. 19, 28, 31, 35 and 39 of 2011;

Decision No 5 of the Constitutional Court of 2012 – No. 30 of 2012) in Article. 66, para. are made the following amendments and supplements:

1. In item 2, after the word "collect" a comma is put and add" including separate" and the word "disposal" is replaced with "treatment".

2. In item 3 the words "Article. 71a and 71f" are replaced by "Article. 60 and 64".

§ 25. In the Act on Administrative Regulation and Administrative Control over Economic Activity (promulgated SG 55 2003, amended No. 59 of 2003, amended No. 107 of 2003, No. 39 and 52 of 2004, No. 31 and 87 of 2005, No. 24, 38 and 59, 2006, No. 11 and 41 of 2007, No. 16 of 2008, No. 23, 36, 44 and 87 of 2009, No. 25, 59, 73 and 77 of 2010, No. 39 and 92 of 2011, No. 26 of 2012) in the Appendix to Article. 9, para.1, item 2, item 27 is repealed.

§ 26. In the Clean Air Act (promulgated SG No. of 1996, amended No. 49 of 1996, amended No. 85 of 1997, No. 27 of 2000, No. 102 of 2001, No. 91 of 2002, No. 112 of 2003, No. 95 of 2005, No 99 and 102 of 2006, No. 86 of 2007, No. 36 and 52 of 2008, No. 6, 82 and 93 of 2009, No. 41, 87 and 88 of 2010, No. 35 and 42 of 2011, No. 32 and 38 of 2012) in Article. 17, para.10, item 3 the words "Article. 37" are replaced with "Article. 67".

§ 27. In the Act on the responsibility for preventing and remedying of environmental damage (promulgated SG No. 43 of 2008, amended No. 12, 32 and 35 of 2009, No. 77 and 98 of 2010, No. 92 of 2011, No 14 of 2012) in Appendix No 1 to Article. 3, item 1 in item 9, the words "Section V" are replaced with "Section IV".

§ 28. In the Act on maritime spaces, inland waterways and ports of the Republic of Bulgaria (promulgated SG No. 12 of 2000, amended No. 111 of 2001, No. 24 and 70 of 2004, No. 11 2005, Decision No 5 of the Constitutional Court of 2005 - No. 45 of 2005, as amended No. 87, 88, 94, 102 and 104 of 2005, No. 30, 36, 43, 65, 99 and 108 of 2006, No. 41, 54 and 109 of 2007, No. 67, 71, 98 and 108 of 2008, No. 47 and 81 of 2009, No. 61 and 88 of 2010, No. 23 of 2011, No. 32 of 2012) in § 2 the additional provisions in items 37 and 38 the words "§ 1, item 1" are replaced by "§ 1, item 17".

§ 29. In the Act on technical requirements for products (promulgated SG No. 86 of 1999, amended No. 63 and 93 of 2002, No. 18 and 107 of 2003, No. 45, 77, 88, 95 and 105 of 2005, No. 30, 62 and 76 of 2006, No. 41 and 86 of 2007, No. 74 of 2009, No. 80 of 2010, No. 38 of 2011, No. 38 of 2012) in § 1, para 1 of the additional provisions are made the following amendments:

1. In item 22 the words "§1, item 17" are replaced by "§ 1, item 13".
2. In item 23 the words "§ 1, item 1" are replaced by "§ 1, item 17".
3. In item 24 the words "§ 1, item 4" are replaced by § 1, item 12".

§ 30. In the Road Traffic Act (promulgated SG No. 20 of 1999, amended No. 1 of 2000, No. 43 and 76 of 2002, No. 16 and 22 of 2003, No. 6, 70, 85 and 115 of 2004, No. 79, 92, 99, 102, 103 and 105 of 2005, No. 30, 34, 61, 64, 80, 82, 85 and 102 of 2006, No. 22, 51, 53, 97 and 109 of 2007, No. 36, 43, 69, 88 and 102 of 2008, No. 74, 75, 82 and 93 of 2009, No. 54, 98 and 100 of 2010, No. 10, 19, 39 and 48 of 2011; Decision No 1 of the Constitutional Court of 2012 - No. 20 of 2012, amended No. 47 of 2012) in § 2 para.1 of the Supplementary Provisions, the words "§ 1, item 1" are replaced by "§ 1, item 17".

§ 31. In the Roads Act (promulgated SG No. 26 of 2000, amended No. 88 of 2000, No 111 of 2001, No. 47 and 118 of 2002, No. 9 and 112 of 2003, No. 6 and 14 of 2004, No. 88 and 104 of 2005, No. 30, 36, 64, 102, 105 and 108 of 2006, No. 59 of 2007, No. 43 and 69 of 2008, No. 12, 32, 41, 42, 75, 82 and 93 of 2009, No. 87 of 2010, No. 19, 39, 55 and 99 of 2011, No. 38, 44 and 47 of 2012) in Article. 28b para.4, item 4 the words "Article. 16c" are replaced by "Article. 12".

§ 32. In the Commerce Act (promulgated SG No 48 of 1991, amended No. 25 of 1992, No. 61 and 103 of 1993, No. 63 of 1994, No. 63 of 1995, No. 42, 59, 83, 86 and 104 of 1996, No. 58, 100 and 124 of 1997, No. 21, 39, 52 and 70 of 1998, No. 33 42, 64, 81, 90, 103 and 114 of 1999, No. 84 of 2000, No. 28, 61 and 96 of 2002, No. 19, 31 and 58 of 2003, No. 31, 39, 42, 43, 66, 103 and 105 of 2005, No. 38, 59, 80 and 105 of 2006, No. 59, 92 and 104 of 2007, No. 50, 67 70, 100 and 108 of 2008, No. 12, 23, 32, 47 and 82 of 2009, No. 41 and 101 of 2010, No. 14, 18 and 34 of 2011) in Article. 614, para.7, the words "Article. 71a para.1" are replaced with "Article. 60, para.2".

§ 33. In the Environmental Protection Act (promulgated SG No. 91 2002, amended No. 98 2002, amended No. 86 2003, No. 70, 74, 77, 88, 95 and 105 of 2005, No. 30, 65, 82, 99, 102 and 105 of 2006 No. 31, 41 and 89 of 2007, No. 36, 52 and 105 of 2008, No. 12, 19, 32, 35, 47, 82, 93 and 103 of 2009, No. 46 and 61 of 2010, No. 35 and 42 of 2011, No. 32 and 38 of 2012) are made the following amendments and supplements:

1. In Article. 93 is created para.7:

"(7) A decision with which is considered not to carry out Environmental Impact Assessment, lose its legal effect, if within five years from the date of its issue, implementation of the investment proposal has not begun, which is determined by an inspection of the environment control authorities".

2. In Article. 118, para.4 item 1 is amended as follows:

"1. Under Article. 67 in conjunction with Article. 35. of Waste Management Act".

3. In Article. 131m:

a) in para.1 after the words "Kyoto Protocol" is added "and under projects generating voluntary reductions of greenhouse gases";

b) in para.2 in the text before item 1 after the words "certified entities" is inserted "and voluntary reductions in emissions".

4. In the transitional and final provisions in § 12a:

a) the existing text becomes para.1;

b) A new para.2 is created:

"(2) The term under Article. 93, para.7 runs from the date of entry into force of opinion or judgment under Article. 93, para.2 and 3 and applies to those opinions or decisions issued before July 1, 2012".

§ 34. The implementation of this Act is assigned to the Minister of Environment and Waters.

§ 35. This Act shall enter into force on the day of its publication in "State Gazette" with the exception of the provisions of:

1. Article 10, para.3 and 6, Article. 11, para.1, Article. 19, para.5, Article. 38, para.4 and Article. 39, para.3, which enter into force two years after entry into force of this Act;

2. Article 33, para.4 and Article. 34, which come into force from January 1, 2013;

3. Article 49, para.8, which came into force on January 1, 2015

The Act was passed by the 41st National Assembly on June 28, 2012 and bears the official seal of the National Assembly.