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THE CROATIAN PARLIAMENT

3083

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby pass the

DECISION

PROMULGATING THE WASTE ACT

I hereby promulgate the Waste Act, adopted by the Croatian Parliament at its session on 3 December, 2004.

No: 01-081-04-3745/2

Zagreb, 10 December, 2004

The President
of the
Republic of Croatia
Stjepan Mesić, m.p.

WASTE ACT

I. GENERAL PROVISIONS

Article 1

(1) This Act regulates the method of waste management: principles and aims of management, planning documents, authorities and responsibilities related to management, costs, information system, requirements for facilities where waste management shall be carried out, method of performing activities, transboundary transport of waste, concessions and supervision over waste management.

(2) The provisions of this Act shall not apply to:

- radioactive waste,
- waste waters,
- gaseous substances released into the atmosphere,
- waste resulting from animals, faecal matter, and other natural non-hazardous substances used in agriculture,
- waste resulting from the search for, digging up, transporting, final treatment or destruction of mines or other lethal devices and explosives.

(3) Waste management referred to in paragraph 2 of this Article shall be regulated by special laws.

Article 2

(1) Waste means any substance or object determined by categories of waste by means of prescribed secondary legislation pursuant to this Act, which the holder discards, intends to or must discard.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(2) On the basis of categories of waste referred to in paragraph 1 of this Article a waste list – catalogue shall be determined, in which types of waste are grouped according to properties and waste origin.

(3) The regulation referred to in paragraphs 1 and 2 of this Article shall be passed by the Government of the Republic of Croatia.

Article 3

Specific terms used in this Act shall have the following meanings:

1. *inert waste* means waste that does not undergo significant physical, chemical and/or biological transformations, and is defined under the regulation referred to in Article 2 of this Act,

2. *municipal waste* means waste from households, as well as waste resulting from production activities and/or services when the waste is in its properties and composition similar to waste from households.

3. *minister* means the minister responsible for environmental protection,

4. *ministry* means the ministry responsible for environmental protection,

5. *competent office* means the state administration office within the county in charge of environmental protection activities, and the administrative body of the City of Zagreb with the authority of a state administration office competent for environmental protection activities,

6. *non-hazardous waste* means waste that is according to its composition and properties defined as non-hazardous waste under the regulation referred to in Article 2 of this Act,

7. *waste treatment* means the changing of the properties of waste, by means of mechanical, physical, chemical or biological processes, including sorting, with the purpose of reducing its volume and/or hazardous properties, while facilitating its handling and enhancing its recoverability,

8. *hazardous waste* means any waste that is according to its composition and properties defined as hazardous waste under the regulation referred to in Article 2 of this Act,

9. *waste recovery* means the reprocessing of waste in order for it to be used for material and energy purposes as prescribed under the regulation referred to in Article 104 paragraph 1 item 1 of this Act.

10. *special category of waste* means waste whose treatment is prescribed under the special regulation referred to in Article 104 paragraph 1 item 3 of this Act,

11. *waste holder* means the producer of waste or the legal or natural person who is in possession of it,

12. *industrial waste* means waste resulting from the production process in industries, crafts and other processes, and differs in its composition and properties from municipal waste. Leftovers from the production process when they are used in the production process of the same producer are not considered to be industrial waste,

13. *waste producer* means any person whose activities produce waste (original producer) and/or person who through prior treatment, mixing and other procedures changes the composition or properties of waste,

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

14. *recycling* means reuse of waste in the production process, but not including the use of waste for energy purposes which is prescribed under the regulation referred to in Article 104 paragraph 1 item 1 of this Act,

15. *waste storage* means temporary storage of waste in a facility for storing waste – storage houses, before it undergoes recovery and/or disposal,

16. *waste collection* means collection, sorting and/or mixing of waste for the purpose of transportation,

17. *thermal treatment* means treatment through use of thermal energy, incineration and co-incineration as prescribed in the regulation referred to in Article 104 paragraph 1 item 5 of this Act,

18. *administrative body* means the administrative body of the regional self-government unit – a county or the City of Zagreb, competent for environmental protection activities.

19. *waste disposal* means any treatment or landfilling procedure as prescribed under the regulation referred to in Article 104 paragraph 1 item 1 of this Act.

II. WASTE MANAGEMENT

Article 4

(1) Waste management means the set of activities, decisions and measures aimed at:

1. preventing the generation of waste, reducing the quantity of waste and/or its adverse effects on the environment
2. performing collection, transportation, recovery, disposal and other activities related to waste, as well as supervision over these activities,
3. after-care for closed down landfills.

(2) Waste management must be carried out in such a way that will not endanger human health and without using procedures and/or methods that might harm the environment, and in particular to avoid:

1. the risk of polluting the sea, the waters, the soil and the air,
2. the generation of noise,
3. the generation of unpleasant odours,
4. the endangerment of flora and fauna,
5. adverse effects on areas of cultural, historical, aesthetic and natural value,
6. explosion or fire.

Article 5

(1) The objectives of waste management are:

1. avoiding and reducing the generation of waste and reducing the hazardous properties of waste, particularly through:
 - the development of clean technologies that exploit less natural resources,
 - technical development and promotion of products that do not contribute or minimally contribute to the increase of adverse effects of waste and the risk of pollution,
 - the development of appropriate methods for the disposal of hazardous

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

substances contained in waste intended for recovery,

2. waste recovery through recycling, reuse or reclamation, or through some other procedure that allows separating secondary raw materials, or use of waste for energy purposes,

3. waste disposal in the prescribed manner,

4. remediation of environment polluted by waste.

(2) In the achievement of the objectives referred to in paragraph 1 of this Article only the most efficient available technology and its economic feasibility shall be taken into consideration, in accordance with the principles referred to in Article 6 of this Act.

Article 6

(1) Waste management is based on the appreciation of conventional principles of environmental protection, governed by special regulations, abiding to the principle of international environmental protection law, appreciation of scientific achievements and best international practices, and particularly on the following principles:

1. polluter pays – waste holder covers all costs of prevention measures and of measures for waste disposal, as well as the costs of waste treatment that are not covered by the revenue gained from the waste processing, and is financially responsible for the implementation of prevention and remediation measures for damage to the environment that was caused or may be caused by waste,
2. responsibility of the producer – the producer of the product from which the waste originates is responsible for choosing the most appropriate solution for the environment according to the properties of the product and production technology, including the lifecycle of the product and the use of best available technology,
3. proximity – recovery and disposal of waste are to be carried out in the nearest appropriate facility or device, and by taking into consideration economic efficiency and environmental acceptability.

(2) Facilities intended for the storage, recovery and/or disposal of waste must be planned in such a way so as to meet the needs at the national level.

1. Planning documents for waste management

Article 7

(1) Planning documents for waste management are:

- Waste management strategy of the Republic of Croatia (hereinafter: the Strategy),
- Waste management plan of the Republic of Croatia,
- County (regional) waste management plan and Waste management plan of the City of Zagreb,
- waste management plans for towns, and for municipalities, and
- waste management plan of the waste producer.

(2) Waste management plans for counties, the City of Zagreb, towns and municipalities have to be harmonised with the Strategy and Waste management plan of the Republic of Croatia, and with the Environmental protection strategy of the Republic of Croatia and environmental protection programmes.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(3) Counties and the City of Zagreb cooperate with towns and municipalities in the area in the elaboration of the Waste management plan. Two or more counties may bring a joint waste management plan.

(4) The waste management plans of counties, the City of Zagreb, towns and municipalities shall be brought as an integral part of the environmental protection programme, which is determined by a special act or as a special document.

Article 8

(1) The Strategy is an integral part of the Environmental protection strategy of the Republic of Croatia. The Strategy shall determine and direct waste management in the long term, and particularly contain:

1. an assessment of the current situation in waste management,
2. the basic objectives and measures for waste management,
3. measures for hazardous waste management,
4. guidelines for the recovery and disposal of waste based on environmental protection and economic principles,
5. guidelines for the landfilling of waste whose generation cannot be avoided and which cannot be treated,
6. guidelines for ensuring the most favourable technical, production and economic measures for achieving waste management objectives.

(2) The Strategy shall be brought by the Croatian Parliament according to the procedure and in the manner prescribed by means of a special act.

Article 9

(1) The Waste management plan of the Republic of Croatia is an implementation document of the Strategy referred to in Article 8 of this Act.

(2) The Plan referred to in paragraph 1 of this Article shall particularly contain:

1. types, quantities and origin of waste for which management has to be ensured,
2. requirements for the management of special categories of waste,
3. positions of the locations (networks) of the facilities and devices for the recovery and disposal of waste and the deadlines for the construction thereof,
4. general technical requirements for facilities and devices for waste management,
5. estimate and possible sources of funds necessary to accomplish waste management objectives referred to in Article 5 of this Act.

(3) The Plan referred to in paragraph 1 of this Article shall be drawn-up for a four-year period, and its implementation shall be verified yearly.

(4) The Waste management plan shall be brought by the Government of the Republic of Croatia. The Government may bring individual plans for particular categories of waste.

(5) The Waste management plan referred to in paragraph 1 of this Article shall be published in the Official Gazette.

(6) Supervision of the implementation of the waste management plan referred to in paragraph 2 of this Article shall be carried out by the Ministry. The Ministry shall submit a yearly report to the Government of the Republic of Croatia on the execution of established obligations and on the efficiency of the undertaken measures from the waste

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

management plan, by 30 June of the current year for the previous year.

Article 10

(1) The Waste management plan of counties and of the City of Zagreb shall particularly contain:

1. measures for avoiding and reducing the generation of waste,
2. waste management measures in accordance with the best available technology which does not entail excessively high costs,
3. measures for the use of valuable features of waste, or measures for separate waste collection,
4. a construction plan for the facilities intended for storage, treatment and/or landfilling of waste with the objective of establishing a comprehensive national network of facilities for waste disposal,
5. measures for the remediation of environment polluted by waste and of uncontrolled landfills,
6. measures for supervision and monitoring of waste management,
7. sources and financial means needed to implement particular measures,
8. deadlines for the execution of established measures.

(2) The Plan referred to in paragraph 1 of this Article shall be brought by the county assembly or by the Assembly of the City of Zagreb.

(3) The competent office shall supervise the implementation of waste management plans referred to in paragraph 1 of this Article.

(4) The competent office shall be obliged to submit a yearly report to the county assembly or to the Assembly of the City of Zagreb on the implementation of the Plan referred to in paragraph 1 of this Article, particularly on the execution of established obligations and the efficiency of undertaken measures, by 31 May of the current year for the previous year.

(5) The adopted report referred to in paragraph 4 of this Article shall be submitted by the competent office to the Ministry and to the Environmental Protection Agency.

(6) The Plan referred to in paragraph 1 and the report referred to in paragraph 4 of this Article shall be published in the official gazette of a county or of the City of Zagreb.

Article 11

(1) The Waste management plan of a town or municipality shall particularly contain:

1. measures for separate collection of municipal waste,
2. measures for managing and supervising landfills for municipal waste,
3. a list of locations polluted by waste and of uncontrolled landfills,
4. Schedule of remediation activities for uncontrolled landfills and environment polluted by waste,
5. sources and financial means necessary for remediation.

(2) The Waste management plan referred to in paragraph 1 of this Article shall be brought by the town or municipal council.

(3) The competent office shall supervise the implementation of the waste management plans referred to in paragraph 1 of this Article.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(4) The town government or municipal government are obliged to submit a yearly report to the town or municipal council on the execution of the Plan referred to in paragraph 1 of this Article, particularly on the implementation of established obligations and the efficiency of undertaken measures, by 30 April of the current year for the previous year.

(5) The adopted report referred to in paragraph 4 of this Article shall be submitted by the competent office to the Ministry and the Environmental Protection Agency.

(6) The plan referred to in paragraph 1 and the report referred to in paragraph 4 of this Article shall be published in the official gazette of the town or municipality.

Article 12

(1) A producer of waste who produces more than 150 tons of non-hazardous waste or more than 200 kilograms of hazardous waste shall be obliged to plan waste management for a four year period.

(2) The waste management plan of the waste producer shall particularly contain:

1. data on types, quantities, location and process of generating waste, and predictions of the waste generation trend,
2. measures for the prevention or reduction of waste generation and toxicity,
3. the existing and predicted waste management method,
4. data on producer's facilities and devices for waste management.

(3) The producer shall develop the plan referred to in paragraph 2 of this Article on the prescribed forms.

(4) The shape and content of the form referred to in paragraph 3 of this Article shall be prescribed by the Minister.

(5) The producer shall submit the waste management plan to the competent office and to the Environmental Protection Agency.

2. Responsibilities in waste management

Article 13

(1) Waste management is considered to be of interest to the Republic of Croatia.

(2) The state shall be responsible for hazardous waste management and for incineration of waste.

(3) The Government of the Republic of Croatia shall ensure conditions and prescribe measures for waste management referred to in paragraph 2 of this Article in accordance with the provisions of this Act.

(4) Counties and the City of Zagreb shall ensure implementation of measures prescribed for waste management referred to in paragraph 3 of this Article in their respective area.

Article 14

(1) Counties and the City of Zagreb shall be responsible for managing all types of waste, with the exception of waste referred to in Article 13 paragraph 2 of this Act.

(2) The county government and the government of the City of Zagreb shall ensure in their respective areas conditions and implementation of the prescribed waste management measures referred to in paragraph 1 of this Article in accordance with the provisions of

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

this Act.

(3) The county shall cooperate with local self-government units in the implementation of waste management measures referred to in paragraph 2 of this Article.

(4) A county or several counties and the City of Zagreb may mutually agree on ensuring the joint implementation of waste management measures referred to in paragraph 1 of this Article.

Article 15

(1) The town and municipality shall be responsible for managing municipal waste.

(2) The town government or town council and the municipal government or municipal council shall be responsible for ensuring the conditions and implementation of the prescribed waste management measures in their respective areas.

(3) The municipality and town shall mutually cooperate and, with coordination from the county, ensure the implementation of prescribed measures for separate waste collection.

Article 16

If the county, City of Zagreb, town and/or municipality do not implement waste management measures for which they are responsible pursuant to this Act, the Government of the Republic of Croatia shall implement these measures at their expense.

3. Costs of waste management

Article 17

(1) Costs of waste management are calculated according to the amount and properties criteria in accordance with the „polluter pays“ principle.

(2) By way of derogation from paragraph 1 of this Article, different calculation criteria can be applied to municipal waste from households in accordance with regulations governing municipal economy.

(3) The costs of waste management shall encompass:

1. costs of separate collection of waste,
2. costs of transport of waste,
3. costs of other waste management measures that are not covered by revenue from waste transport,
4. estimated costs for the removal of waste deposited by an unknown person outside of landfill,
5. costs of landfilling waste, which shall include the costs of planning and constructing facilities intended for landfilling waste, landfill's operating costs and cost estimates for the closure of a landfill, after-care and construction of the new facility which will operate after the closure of the existing one.

Article 18

(1) The City of Zagreb, town or municipality shall ensure the removal and disposal of waste deposited by an unknown person outside of landfill in their respective areas.

(2) If the person responsible for providing municipal sanitation services in a town or municipality in accordance with the regulation governing municipal economy does not dispose of the waste that an unknown person has deposited outside of landfill, the waste

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

in question shall be disposed of by the county at the expense of the town or municipality budget.

(3) If the person responsible for providing municipal sanitation services in the City of Zagreb does not dispose of the waste that an unknown person has deposited outside of landfill, this waste shall be disposed of by the City of Zagreb at the expense of its budget.

(4) The state shall ensure environment remediation at locations highly burdened with hazardous waste by an unknown person or by a person who has ceased to exist, as laid down in the Waste management plan of the Republic of Croatia referred to in Article 9 of this Act.

(5) The financing of the remediation referred to in paragraph 4 of this Article shall be ensured from the state budget and from other sources in accordance with the law.

(6) The state, county, City of Zagreb, town and municipality shall have the right to a return of expenses referred to in paragraphs 2, 3 and 5 of this Article from the person who has illegally deposited waste and whose identity was subsequently determined.

4. Waste management information system

Article 19

(1) The waste management information system (hereinafter: the information system) shall particularly encompass:

1. data on waste from the waste register,
2. data from reports on the implementation of waste management plans referred to in Article 10 and 11 of this Act,
3. data from the waste management plan of the waste producer referred to in Article 12 of this Act,
4. the list of testing laboratories accredited for testing chemical and physical properties of waste referred to in Article 40 of this Act,
5. data from the register on issued licences referred to in Article 41 of this Act,
6. data from the register on issued certificates and approvals referred to in Article 28, 29 and 30 of this Act,
7. data from the register on registered importers, amounts and types of imported non-hazardous waste referred to in Article 49 of this Act,
8. data from the register on persons registered for exporting and transiting waste referred to in Article 53 and 53 of this Act,
9. data on regulations, guidelines, plans and projects in the area of waste management,
10. indicators of the state of affairs in the waste sector.

(2) The competent office, administrative body and legal persons with official authorities, shall ensure data from the area of their authority in a timely manner and free of charge, as well as other data needed for running the information system.

(3) The information system shall be run by the Environmental Protection Agency.

(4) The Environmental Protection Agency shall collect and enter data into the information system in a timely and comprehensive manner. On the basis of the collected data, the Environmental Protection Agency shall draw up a report on waste management as an integral part of the report on the state of the environment as prescribed by a special law.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(5) Supervision of the implementation of activities referred to in paragraph 4 of this Article shall be performed by the Ministry.

Article 20

(1) A person who produces and/or manages waste must keep the prescribed register on waste origin and waste flow. The person is obliged to enter data into the register in an accurate and comprehensive manner, following each change, and keep the register data for each year for a period of five years.

(2) Once a year, by 31 March of the current year for the previous year, the person referred to in paragraph 1 of this Article, with the exception of the person managing municipal waste, shall submit the data from the register to the competent office on the prescribed form.

(3) Once a year, by the end of February of the current year for the previous year, the person who manages municipal waste shall submit data on municipal waste to the administrative body of the City of Zagreb, town or municipality in the area in which the person manages municipal waste.

(4) The waste register shall be kept by the competent office in the manner prescribed in the regulation referred to in paragraph 7 of this Article.

(5) The administrative body referred to in paragraph 3 of this Article shall submit analysed data on municipal waste once a year by 31 March of the current year for the previous year.

(6) The competent office shall accurately maintain data referred to in paragraphs 2 and 5 of this Article and submit to the Environmental Protection Agency the analysed data from the register once a year, by 15 June of the current year for the previous year.

(7) The Minister shall prescribe the content and method for keeping the register referred to in paragraph 1 of this Article, shape and content of the form referred to in paragraphs 2 and 3 of this Article, and the content and method for keeping the register referred to in paragraph 4 of this Article.

5. Facilities for the storage, recovery and disposal of waste

Article 21

(1) The construction of the facilities intended for the storage, recovery and disposal of waste is of interest to the Republic of Croatia.

(2) The author of the physical planning documents shall propose locations for the construction of facilities referred to in paragraph 1 of this Article.

(3) The locations of facilities referred to in paragraph 1 of this Article may be established in the industrial zones in accordance with the Waste management plan of the Republic of Croatia referred to in Article 9 of this Act and if it is in accordance with the spatial and functional characteristics of the zones mentioned.

(4) If the local and regional self-government units do not, by means of physical planning documents establish the locations referred to in paragraph 2 of this Article within the deadline determined in a special regulation, the decision on these locations shall be made within six months from the expiry of the deadline by the Government of the Republic of Croatia upon a proposal by the Minister.

Article 22

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(1) Waste may be stored, recovered and disposed only in facilities and with devices intended for this purpose.

(2) By way of derogation from the provision of paragraph 1 of this Article, waste may be stored, recovered and/or disposed in facilities and with devices intended for a different primary purpose, if those facilities and devices meet the technical requirements prescribed in the regulation referred to in paragraph 4 of this Article, under the condition that the license referred to in Article 41 of this Act has been obtained for such waste management.

(3) The facilities referred to in paragraph 1 of this Article shall be classified in categories according to the type of waste that may be stored, recovered and disposed therein.

(4) The technical requirements, categories, mode of operation, closure, and the deadline for remediation after the facility ceases to operate for the facilities referred to in paragraph 1 of this Article, as well as the technical and other requirements for devices referred to in same paragraph of this Article shall be prescribed by the Minister.

6. Financing the construction of facilities for storage, recovery and disposal of waste

Article 23

(1) The financial means for the construction of the facilities for storage, recovery and disposal of hazardous waste shall be provided from the state budget and from other sources in accordance with the law.

(2) The financial means for the construction of the facilities for storage, recovery and disposal of other categories of waste shall be provided from the county budget or from the budget of the City of Zagreb, and from other sources in accordance with the law.

(3) The financial means for the construction of the facilities for municipal waste management shall be provided from the budgets of counties, towns and municipalities or from the budget of the City of Zagreb, and from other sources in accordance with the law.

(4) The other sources referred to in paragraphs 1, 2 and 3 of this Article are the charges prescribed by special law, foreign investments intended for waste management, financial means of legal and natural persons, means from private-public partnerships, means from international aid and donations.

7. Compensation to real property owners

Article 24

(1) The owner of a legally constructed apartment building or apartment/office building in the range of up to 500 metres from the facility intended for the disposal of waste shall be entitled to compensation due to the decreased value of the real property under the condition that the owner has acquired the real property prior to the beginning of construction of the waste disposal facility.

(2) The person responsible for paying the compensation referred to in paragraph 1 of this Article shall be the owner or holder of other real rights on the facility intended for waste disposal.

(3) The City of Zagreb, town or municipality in whose territory a facility intended for waste disposal is located, according to requirements prescribed with this Act, shall be entitled to compensation.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(4) Town and municipality shall pay the compensation referred to in paragraph 3 of this Article if they use the facility intended for waste disposal in the area of the City of Zagreb, or another town or municipality.

(5) The criteria, the procedure and the method for determining the amount of compensation, as well as the method of payment referred to in paragraphs 1 and 3 of this Article shall be prescribed by the Minister.

(6) The competent court shall decide in case of dispute on rights and obligations related to compensations referred to in this Article.

8. Collection, storage and transport of waste and intermediation of waste

Article 25

Waste whose valuable properties may be used shall be collected and stored separately in order to enable management of such waste, in accordance with the provisions of this Act.

Article 26

(1) Hazardous waste shall be collected, stored and transported separately, each type of hazardous waste by itself and separately from non-hazardous and municipal waste.

(2) When collecting municipal waste, hazardous waste shall be separated from it and shall be managed in accordance with the provisions of this Act.

(3) The regulations applicable to the transport of hazardous substances shall apply to the transport of hazardous waste.

Article 27

(1) Collection of waste for the needs of others shall be performed by a person registered for this activity in accordance with the National classification of professions (hereinafter referred to as: the collector).

(2) The collector shall ensure that each shipment of waste that the collector is delivering for recovery and/or disposal is accompanied with data from the register referred to in Article 20 paragraph 1 of this Act.

(3) The collector shall be obliged to deliver hazardous waste for recovery or disposal in the same state in which it was taken over from the waste holder.

(4) The collector shall keep the register referred to in Article 20 paragraph 1 of this Act.

Article 28

(1) Transport of waste for the needs of others shall be performed by the waste carrier registered in accordance with the National classification of professions (hereinafter: the waste carrier).

(2) The waste carrier may begin to transport waste after submitting an application for registering into the Ministry's register of waste carriers and obtains a certificate on registration.

(3) On the basis of the registration referred to in paragraph 2 of this Article, the waste carrier shall be issued a certificate. The certificate shall be issued for one or more types of waste in accordance with the carrier's application.

(4) The waste carrier shall keep the register on the transport of waste that shall

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

contain data on the transport of waste, particularly on:

- type and amount of transported waste,
- location of loading the waste and the producer from which the carrier took over the waste,
- location of delivering the waste and the person who took over the waste,
- the person who ordered the waste transport.

(5) The waste carrier shall keep the register referred to in paragraph 4 of this Article for each calendar year for at least 12 months.

(6) The Ministry shall submit to the Environmental Protection Agency once a year the data from the register of waste carriers.

Article 29

(1) Intermediation activity in organising recovery and/or disposal of waste on behalf of others may be performed by a person registered for activities of business intermediation in accordance with the National classification of professions (hereinafter referred to as: the mediator).

(2) The mediator may begin to perform the intermediation activities referred to in paragraph 1 of this Article after submitting an application for registering into the Ministry's register of mediators in waste management.

(3) On the basis of the registration referred to in paragraph 2 of this Article the mediator shall be issued a certificate.

(4) The register referred to in paragraph 2 of this Article shall be kept by the Ministry.

(5) The content and method of keeping the register referred to in paragraph 2 of this Article, as well as the content and method for applying for registration into the register, shall be prescribed by the Minister by a special regulation.

(6) The Ministry shall submit to the Environmental Protection Agency once a year the data on mediators that are registered in the Register of mediators in waste management.

Article 30

(1) The certificate referred to in the Articles 28 and 29 of this Act shall not be deemed to be an administrative act.

(2) If the Ministry rejects the application for registration into the register of waste carriers or of mediators in waste management, it shall issue a decision on that matter.

(3) An appeal shall not be permitted against the decision referred to in paragraph 2 of this Article, but an administrative dispute may be instituted.

Article 31

(1) The producer of waste that is intended for recovery or disposal may temporarily store personally produced waste in the premises intended for that purpose within its business premises, not longer than one year from the day this waste was produced.

(2) By way of derogation from the provisions of paragraph 1 of this Article, if there are no possibilities for the recovery or disposal of personally produced waste within a one year period, the waste producer may temporarily store such waste in accordance with this Act, for a period not longer than three years from the day this waste was produced,

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(3) For the storage referred to in paragraph 2 of this Article the waste producer shall obtain the approval of the Ministry.

(4) The approval referred to in paragraph 3 of this Article shall be granted by the Ministry if the prescribed requirements for the temporary storage of waste that was personally produced for longer than one year have been met.

(5) The approval referred to in paragraph 3 of this Article shall not be deemed to be an administrative act.

(6) If the Ministry refuses to grant the approval, it shall issue a formal decision on the matter.

(7) An appeal shall not be permitted against the decision referred to in paragraph 6 of this Article, but an administrative dispute may be instituted.

(8) The Register of issued consents referred to in paragraph 3 of this Article shall be kept by the Ministry.

(9) The requirements for the locations and methods of temporary storage of waste referred to in paragraph 2 of this Act shall be prescribed by the Minister.

(10) The Ministry shall submit to the Environmental Protection Agency the data on issued approvals that are registered in the register referred to in paragraph 8 of this Article.

9. Recovery and disposal of waste

Article 32

(1) Waste whose valuable properties can be used shall be recovered.

(2) Waste recovery procedures shall be prescribed by the Minister by a special regulation.

Article 33

(1) By way of derogation from the provisions of Article 32 paragraph 1 of this Act, waste whose valuable properties may be used does not have to be recovered if:

1. the costs of its recovery are disproportionately higher than the costs of its landfilling,

2. its landfilling would cause lesser burden on the environment than its recovery, particularly in regards to:

- emission of substances and energy into the air, sea, water and soil,
- exploitation of the natural resources,
- energy that has to be consumed or that is possible to renew, and
- hazardous substances contained in the waste produced during the recovery of waste.

(2) The waste referred to in paragraph 1 of this Article shall be landfilled in the prescribed manner.

(3) The regulation on the method of landfilling waste referred to in paragraph 1 of this Article shall be passed by the Minister.

Article 34

(1) The waste that has no valuable properties for recovery, or the waste that cannot be

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

or does not have to be recovered, shall be disposed of in the prescribed manner.

(2) The disposal method and waste disposal conditions shall be prescribed by the Minister by a special regulation.

Article 35

Leaving, unloading and tipping waste is prohibited in places that are not intended for that purpose in accordance with this Act.

10. Obligations and responsibilities of the product producer and the waste producer

Article 36

(1) The producer and the importer of a product and the producer and the importer of waste (hereinafter referred to as: the producer) shall plan the production of the product and the packaging of the product in such a way that promotes production through application of clean technologies, and in such a way that enables efficient use of materials and energy, enhances reuse and recycling of a product (if possible according to product properties) and takes into account the most appropriate procedure for recovery, treatment and/or landfilling of the products whose shelf / operating life has expired, in order to reduce its adverse effects on the environment to the greatest extent possible.

(2) Producers shall use raw materials, semi-manufactured products and packaging that reduce the consumption of energy and materials and whose usage reduces the generation of waste.

(3) Producers shall introduce and use packaging that lasts longer and does not endanger the environment once it becomes waste.

(4) Producers shall avoid the use of materials, substances and/or objects, which contain hazardous substances in amounts and/or concentrations that may have an adverse effect on human health and/or environment during the production process, use and disposal of the product, once it becomes waste.

Article 37

(1) Producers shall inform the seller and the consumer in an appropriate manner on the important properties of the product and of the packaging in terms of hazardous and polluting substances that they contain, and on the method of handling the product and the packaging once they become waste.

(2) Method and procedure of informing the seller and the consumer on the important properties of the product and of the packaging within the meaning of the provisions of paragraph 1 of this Article, shall be prescribed by the Minister by a special regulation.

Article 38

(1) Producers shall be obliged to ensure for the buyer and/or consumer of the product:

1. the possibility of returning used products or packaging that can be used again after appropriate treatment,

2. the possibility of refunding the fee for recoverable waste after the product has been used.

(2) By the regulation referred to in Article 37 paragraph 2 of this Act the Minister shall prescribe in more detail the obligations of the product producer within the meaning of the provisions of paragraph 1 of this Article.

Article 39

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(1) The waste producer shall hand over the waste to the person, who in accordance with Article 41 of this Act, has the licence for collection, recovery and/or disposal of waste (hereinafter referred to as: the authorised person).

(2) By way of derogation from the provisions of the paragraph 1 of this Article, the producer of waste may recover or dispose of waste by himself, in accordance with the provisions of this Act under the condition that the producer has obtained the licence referred to in Article 41 of this Act.

(3) The waste producer shall accompany the waste with the data from the waste register to the authorised person in accordance with Article 20 paragraph 1 of this Act.

(4) The waste producer shall be responsible for the accuracy of the data on waste referred to in paragraph 3 of this Article.

Article 40

(1) In case the waste composition is not known or if the quantity of waste exceeds one ton, the producer of hazardous waste shall beside the accompanying data on waste referred to in Article 39 paragraph 3 of this Act submit to the authorised persons a report on the testing of physical and chemical properties of the waste. The report shall not be older than 12 months from the date the waste properties were tested.

(2) In case the quantity of hazardous waste of known composition is lesser than one ton, the producer of hazardous waste shall beside the data on waste referred to in Article 39 paragraph 3 submit to the authorised persons a statement on the physical and chemical properties of the waste.

(3) The testing of physical and chemical properties of waste referred to in paragraph 1 of this Article shall be conducted by the laboratories accredited for carrying out tests according to the Croatian standard HRN EN ISO/IEC 17025-2000.

11. Licences for the collection, recovery and disposal of waste

Article 41

(1) Persons registered for the collection, recovery and/or disposal of waste (treatment, landfilling, incineration and other methods of waste disposal), or for management of special categories of waste, must not begin to perform these activities prior to acquiring the licence prescribed under this Act.

(2) The licence shall determine:

1. the type of waste that is being operated,
2. the amounts of waste in terms of types of waste that are being operated with and in terms of the available capacity of the location for operating waste,
3. meeting the prescribed requirements (technical requirements for operating, method and system for monitoring),
4. precaution measures that need to be undertaken for safety reasons,
5. the recovery procedure and/ or method of treatment or other waste management method,
6. the location of landfill.

(3) The licence shall be issued for a set period not longer than five years.

(4) The validity of the licence may be extended several times. The request for extending the validity of the licence shall be submitted not earlier than four months and

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

no later than two months before the validity of the licence expires.

(5) A licence by which the validity of a prior licence is being extended shall be issued after it is determined that the requirements referred to in Article 42 paragraph 1 of this Act have been met. This licence shall be issued in accordance with the provisions of paragraph 3 of this Article.

(6) A licence shall be deemed to be an administrative act.

(7) The Ministry shall decide on the application for issuing the licence for hazardous waste management and thermal treatment of waste.

(8) The competent office shall decide on applications for issuing licences for managing municipal waste and special categories of waste.

Article 42

(1) The licence shall be issued to a person referred to in Article 41 paragraph 1 of this Act if:

1. the person is registered for carrying out an activity referred to in Article 41 paragraph 1 of this Act,
2. the person possesses necessary legally constructed facilities and devices,
3. the person hires persons who have the prescribed education for carrying out activities referred to in paragraph 1 of this Article,
4. the equipment, facilities and/or devices that the person has at disposal for the purpose of carrying out the activities, in its entirety meet the prescribed technical and technological requirements and environmental protection requirements, unless otherwise prescribed by this Act.

(2) The Ministry and the competent office shall keep a register on issued licences and report data to the Environmental Protection Agency once a year, by 31 January of the current year for the previous year.

Article 43

(1) By way of derogation from Article 42 paragraph 1 of this Act, a licence can be issued to the person referred to in Article 41 paragraph 1 of this Act, who at the moment of filing the application for the licence does not meet the requirements referred to in Article 42 paragraph 1 item 4 of this Act, if there are justifiable reasons in terms of meeting the objectives referred to in Article 5 of this Act.

(2) In the case referred to in paragraph 1 of this Article, the Ministry or the competent office shall issue a temporary licence. (3) The temporary licence shall contain measures, requirements and deadlines, which the holder of the licence has to carry out gradually, as well as the deadline for complete harmonisation with the requirements referred to in Article 42 paragraph 1 item 4 of this Act.

Article 44

(1) Application for the licence referred to in Article 41 paragraph 1 of this Act shall contain data on the applicant, evidence that the conditions referred to in Article 42 paragraph 1 of this Act have been met, and the waste management plan.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(2) The waste management plan shall contain data on:

1. the type and quantity of waste intended for collection, recovery and/or disposal,
2. the planned method of collection, recovery and/or disposal,
3. the equipment, category and capacity of the facilities and devices, as well as data on technological process and procedures,
4. the operation method and environmental protection measures for the prevention of adverse effects on the environment,
5. the destination where the collected or recovered waste shall be transported,
6. the managing of the remaining waste following the process of recovery.

Article 45

(1) An appeal shall not be permitted against the licence referred to in Article 41 paragraph 7 of this Act, but an administrative dispute may be instituted.

(2) An appeal may be filed with the Ministry against the licence referred to in Article 41 paragraph 8 of this Act.

Article 46

(1) In case the Ministry or the competent office determines at a later stage through inspectional supervision or through any other method, that the person referred to in Article 41 paragraph 1 of this Act does not meet the requirements prescribed by this Act for the activity that the licence was obtained for as referred to in Article 41 paragraph 2 of this Act, the licence shall be revoked or temporarily revoked.

(2) A decision shall be brought on the revoking or temporary revoking of the licence within the meaning of paragraph 1 of this Article.

(3) An appeal shall not be permitted against the decision made by the Ministry referred to in paragraph 2 of this Article, but an administrative dispute may be instituted.

(4) An appeal may be filed with the Ministry against the decision brought by the competent office referred to in paragraph 2 of this Article.

12. Transboundary transport of waste

a) Import of waste

Article 47

(1) Import of hazardous waste shall be prohibited.

(2) Import of waste for the purpose of landfilling and use for energy purposes shall be prohibited.

(3) Import of non-hazardous waste that can be recovered in accordance with this Act shall be permitted.

(4) Supervision of the transboundary transport of waste, the method and procedure of border control at the borders and border crossings as well as the authorities of environmental protection inspectors shall be prescribed by a special regulation passed by the Croatian Government.

Article 48

(1) For the import of non-hazardous waste referred to in Article 47 paragraph 1 of this Act, the person importing the waste must obtain the decision prescribed by this Act.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(2) Import as referred to in paragraph 1 of this Article shall be permitted to the person registered for import activities (hereinafter referred to as: the importer) at the person's request, if the following requirements are met:

1. a contract is concluded between the waste importer and the person exporting waste,
2. a contract is concluded between the waste importer and the person who is performing recovery and/or treatment of waste,
3. the waste importer has a statement from the person exporting waste on the type, quantity, composition and origin of waste, as well as on the technology through which it was generated, and on the reasons for its export,
4. the waste importer has evidence that the person responsible for the recovery and/or treatment of waste has an available technological plant for treating waste which does not present any hazard to the environment (possesses a licence in accordance with Article 41 paragraph 1 of this Act).
5. the waste importer encloses a statement from the person responsible for the recovery and/or treatment of the imported waste on the type of waste that is to be produced by means of treatment or recovery of the imported waste and on the method of its disposal,
6. data is provided on the waste tariff number , the waste key number , the mode of transport and the border crossing for import.

Article 49

(1) Request for the import of waste referred to in Article 47 paragraph 3 of this Act shall be submitted for the import of waste for a period of one year.

(2) The Ministry shall decide on the request referred to in paragraph 1 of this Article. The decision shall also determine the time period for which the decision is valid.

(3) The importer shall submit to the Ministry a report on imported amounts and types of waste by 1 February of the current year for the previous year.

(4) An appeal shall not be permitted against the decision referred to in paragraph 2 of this Article, but an administrative dispute may be instituted.

(b) Export and transit of waste

Article 50

(1) For the export of hazardous waste, the person doing the exporting must obtain the decision prescribed by this Act.

(2) Export referred to in paragraph 1 of this Article shall be permitted to a person registered for carrying out one of the hazardous waste management activities (hereinafter referred to as: the exporter), at the person's request, if the following requirements are met:

1. authorisation for import is granted by the state importing the hazardous waste,
2. the exporter provides a written statement on the type, quantity, composition and origin of hazardous waste, as well as on the reasons for export,
3. a contract is concluded between the exporter and importer of hazardous waste,
4. authorisation is issued by the states through which the hazardous waste will transit on its way to the final destination or no written declaration has been issued by the

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

transit state within 60 days from the day of receiving the notification on the intended transboundary transport of hazardous waste,

5. data is provided on the tariff number, hazardous waste key number, the mode of transport, the border crossing for export,
6. a document notifying the intended transboundary transport of waste is enclosed – Notification in accordance with the Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,
7. the exporter has an appropriate insurance policy or bank guarantee for the amount necessary to cover the costs of the hazardous waste treatment without posing a risk to the environment,
8. the exporter has an appropriate insurance policy or bank guarantee for the amount necessary to cover the remediation costs in case of an accident.

Article 51

(1) The Ministry shall decide on the request to export hazardous waste. The decision shall also determine the period for which the decision is valid.

(2) The exporter shall submit a report to the Ministry on the exported quantities and types of hazardous waste by 31 March of the current year, for the previous year.

(3) An appeal shall not be permitted against the decision referred to in paragraph 1 of this Article, but an administrative dispute may be instituted.

Article 52

(1) Transit of hazardous waste in the territory of the Republic of Croatia may be performed by a person who is registered for performing the activity, under the condition that the person obtains the decision prescribed by this Act.

(2) The Ministry shall issue a decision on the transit of hazardous waste at the request of the person doing the transiting.

(3) The decision referred to in paragraph 2 of this Article shall be issued if the person doing the transiting meets the requirements for the export of hazardous waste in an appropriate manner as prescribed by Article 50 of this Act.

(4) An appeal shall not be permitted against the decision referred to in paragraph 2 of this Article, but an administrative dispute may be instituted.

Article 53

(1) The person registered for export activity cannot begin to export hazardous waste before registering into the register and obtaining the certificate on registration in the Register of Non-Hazardous Waste Exporters.

(2) The Ministry shall keep the register referred to in paragraph 1 of this Article.

(3) The exporter of non-hazardous waste shall submit to the Ministry a report on the types and quantities of non-hazardous waste exported in the previous year by 1 February of the current year.

(4) If the Ministry rejects the application for registering into the Register referred to in paragraph 1 of this Article, it shall do so by decision.

(5) An appeal shall not be permitted against the decision referred to in paragraph 4 of this Article, but an administrative dispute may be instituted.

(6) The Minister shall prescribe by a special regulation the content and method for

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

keeping the Register referred to in paragraph 1 of this Article, content and method for applying for registration into the Register, as well as waste lists.

Article 54

Transit of non-hazardous waste through the Republic of Croatia shall be permitted.

III CONCESSIONS

Article 55

(1) A concession may entitle a person to perform waste management activities, and to construct and use facilities and devices intended for performing these activities, as follows:

- waste collection,
- waste treatment,
- waste disposal.

(2) The concession referred to in paragraph 1 of this Article shall be granted for a period of:

- up to 30 years for hazardous waste and thermal treatment of waste, and for constructing facilities and performing activities of municipal waste disposal.
- up to 10 years for special categories of waste,
- up to 5 years for municipal waste, with the exception of municipal waste referred to in subparagraph 1 of this paragraph.

(3) The concession may be renewed according to the same procedure by which it was granted.

(4) The concession referred to in paragraph 1 of this Article shall be granted on the basis of a public tender.

Article 56

(1) The decision on the announcement of a public tender for the concession shall be passed by the bodies in charge of granting the concessions referred to in Article 58 of this Act.

(2) The decision on the announcement of a public tender shall specifically contain:

- the purpose of the concession,
- the area where the concession shall be carried out,
- the duration of the concession,
- special requirements and/or obligations of the concessionaire,
- the deadline for the beginning of the activities,
- the documentation and /or other requirements that have to be fulfilled.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(3) The tender procedure shall be carried out by the tender commission appointed by the body in charge of granting the concessions.

Article 57

The Applicant for the concession shall accompany the application for the granting of the concession with:

- a plan and yearly operational work programme,
- evidence that the applicant meets appropriate technical and technological requirements and has organisational competence that meets the requirements of the production and operation processes, in relation to the interest of the applicant himself, as for the interest of third parties,
- evidence that the applicant has a sufficient number of employees with qualifications necessary for the realisation of the operational work programme,
- evidence and guarantee that the applicant has sufficient financial means or sources for the realisation of the plan and work and investment programme,
- evidence that the applicant meets the requirements, prescribed by this Act, for performing these activities.

Article 58

(1) The decision on granting the concession shall specifically contain: determination of the activity for which the concession is being granted, the method, requirements and duration of the activity, authority of the concession provider, rights and obligations of the concessionaire including the right of construction and the obligation of maintenance of the facilities, the rate of the concession fee, and other relevant issues for performing these activities.

(2) The decision on granting the concession shall be brought by the Government of the Republic of Croatia or by the body authorised by the Government if the activities and facilities are related to hazardous waste and the thermal treatment of waste, as well as to special categories of waste and municipal waste, if the activity is performed for two or more counties.

(3) The decision on granting the concession shall be brought by the county government if the activities and facilities are related to special categories of waste and municipal waste, when the activity is performed for the area of several towns and municipalities within the county.

(4) The decision on granting the concession for the activities and facilities related to municipal waste shall be brought by the town government or municipal government, if the activity is performed for the area of one town or municipality.

(5) The decision referred to in this Article shall be deemed to be an administrative act.

Article 59

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(1) A concession contract shall be concluded on the basis of the decision on the concession.

(2) The concession contract shall regulate in detail the rights and obligations of the concession provider and concessionaire determined by the decision on the granting of the concession, guarantees of the concessionaire, terms of cancellation of the contract, the method of dissolving the relation in case of termination of the contract before the concession has expired, as well as the issue of ownership of the facilities and devices for waste management.

(3) The concession contract referred to in Article 58 paragraph 1 of this Act shall be concluded between the Ministry and the concessionaire.

(4) The concession contract referred to in Article 58 paragraph 2 of this Act shall be concluded between the county prefect and the concessionaire.

(5) The concession contract referred to in Article 58 paragraph 1 of this Act shall be concluded between the mayor or the head of the municipality and the concessionaire.

Article 60

(1) The concession contract shall cease to be valid if:

- the period of time for which the concession was issued has expired,
- the concessionaire is permanently forbidden to perform the activities for which the concession has been issued by the court's final ruling or by the decision of the administrative body in charge,
- the contract is terminated by way of mutual agreement.

(2) In case of dispute about the termination of the concession contract for the reasons stated in paragraph 1 of this Article, the decision shall be brought by the court.

(3) In case of termination of the concession due to expiry of the period for which the concession was granted, the property right over real property, devices and objects that are directly used for the realization of the concession, shall be passed on to the Republic of Croatia, unless otherwise determined by the decision or concession contract.

(4) In case of termination of the concession due to the reasons referred to in subparagraph 2 paragraph 1 of this Article, the concessionaire shall restore the prior state, unless otherwise determined by the concession contract.

(5) It may be determined by the concession contract that in case of termination of the concession for the reasons referred to in paragraph 4 of this Article, the rights and obligations resulting from the concession may be passed on to the new concessionaire provided that such a concession relation cannot exceed the expiration of the period for which the concession has been granted to the first concessionaire.

Article 61

(1) The concession contract may be terminated prior to the expiry of the period for which it was granted if:

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

- the concessionaire has not commenced or completed the works within the timeframe determined in the concession contract,

- the concessionaire ceases to continuously perform the activities for which the concession has been granted, and the rights and obligations have not been assumed by the new concessionaire in accordance with the Article 60 paragraph 5 of this Act, after six months from the day when cessation of activities was determined.

(2) If in the cases referred to in paragraph 1 of this Article an agreement cannot be reached, the decision on the termination of the concession contract shall be brought by the court.

(3) The provisions of Article 60 paragraphs 3 and 4 of this Act shall apply to the termination of the concession contract for the reasons referred to in paragraph 1 of this Article.

(4) The concessionaire with whom the concession contract has been terminated for the reasons referred to in paragraph 1 of this Article, shall not be entitled to compensation for damages that resulted from the termination of the contract.

Article 62

(1) If during the duration of the concession changes should arise due to which for it becomes necessary to in the interest of the public limit the scope of the concession or make adjustments to newly arisen circumstances, the concessionaire shall carry out the activities and implement the measures ordered by the concession provider.

(2) In the case referred to in paragraph 1 of this Article the concessionaire shall be entitled to compensation for damage.

IV. ADMINISTRATIVE SUPERVISION

Article 63

(1) Administrative supervision over the implementation of this Act and of the regulations passed pursuant to this Act, the legality of the operations and actions of state administration bodies, bodies of local and regional self-government units, and over persons who have public authority in the waste management related state administration activities that were entrusted to them, shall be carried out by the Ministry

Article 64

(1) If in the course of administrative supervision it is established that by decision on the supervised body, which is final in the administrative procedure, the material provisions of this Act or of the regulations passed on the basis of this Act have been infringed, the Ministry shall cancel such a decision by right of supervision *ex officio*.

(2) If in the course of administrative supervision it is established that material provisions of this Act or of the regulations passed on the basis of this Act have been violated by a decision from the environmental protection inspection, the Ministry shall annul such a decision by right of supervision *ex officio*.

(3) The decision on annulment or revoking by right of supervision referred to in

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

paragraphs 1 and 2 of this Article, can be brought within one year from the day the decision became finite.

(4) An appeal shall not be permitted against the decision referred to in paragraph 4 of this Article, but an administrative dispute may be instituted.

V. INSPECTIONAL SUPERVISION

Article 65

(1) Inspectional supervision of the enforcement of this Act and of regulations passed on the basis of this Act, as well as of specific acts, working conditions and operating methods of the supervised legal and natural persons shall be performed by the environmental protection inspection at the Ministry and at regional units of the Ministry within and outside of county headquarters, or in the headquarters of the City of Zagreb.

(2) Inspectional supervision referred to in paragraph 1 of this Article shall be carried out by the environmental protection inspectors in accordance with the system of organisation prescribed by a special act (hereinafter referred to as: the inspector).

(3) The position of inspector can be filled by a person who meets the requirements for this profession prescribed by a special law, and also meets special requirements prescribed by the Ordinance on the internal organisation of the Ministry.

(4) The Minister may for emergency reasons or for the purpose of carrying out more efficient inspection give a written order to an inspector from one regional unit to temporarily carry out inspectional supervision in another regional unit.

Article 66

(1) In carrying out inspectional supervision, the inspector shall perform direct inspection of general and specific acts, supervise working conditions and operating methods of the supervised legal or natural person, and undertake measures prescribed by this Act and other regulations in order to harmonise the determined state of affairs with this Act and regulations passed on the basis of this Act, if necessary.

(2) In the course of inspectional supervision the inspector shall supervise:

- the waste producer and the waste holder, the mediator, the waste carrier, and in particular:
- that the prescribed requirements for carrying out waste management activities are being met,
- that the operations of the legal and natural person are in accord with the licence or with the temporary license for carrying out the activities in accordance with this Act,
- that the register on waste management is kept and the prescribed reports and data submitted to the competent state administration bodies, or competent bodies of local regional self-government units,
- that the requirement for import, export and transit of waste are being met,
- that the requirements for activities related to the treatment of imported waste are being met,
- operations of the waste importer and the waste exporter,

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

- operations of the concessionaire,
- persons or concessionaires for performing the collection, recovery and/or disposal of waste,
- the legality of the issued licence or of the temporary licence for performing the activity,
- that requirements are being met, the operating method and implementation of measures for the closure, remediation and maintenance of the remedied facilities for waste disposal,
- obligations are implemented in regards to competences and responsibilities in waste management, as prescribed by this Act for counties, the City of Zagreb, towns and municipalities,
- waste management measures determined by means of environmental impact assessment are being implemented,
- ratified international treaties on waste management are being implemented.

Article 67

(1) In the course of inspectional supervision, the inspector shall have the authority to:

- request and check documents on the basis of which the identity of the legal or natural person, person responsible for waste management within a legal person, as well as of other persons who are present during inspectional supervision,
- enter business and other constructions, buildings, facilities and premises of the legal and natural person (production facilities with the accompanying premises and land on the construction parcel, business buildings and premises, and apartment and office buildings, and constructions intended for waste management, with the accompanying premises and land)
- inspect constructions, buildings, facilities and premises referred to in subparagraph 2 of this Article, and inspect business files, devices and equipment related to waste management,
- take statements from the responsible persons within the supervised legal or natural persons in order to collect evidence on the facts that can not be determined directly, as well as from other persons present during inspectional supervision,
- visually determine the state of affairs (by means of photographs, film, video, etc.),
- request in writing accurate and complete data and documentation necessary for inspectional supervision from the legal and natural persons,
- request from the responsible person within the legal person, or from the legal or natural person in charge of waste management to give samples of waste to accredited laboratories for analysis,
- request a written report from the supervised legal or natural person on undertaken measures which have been ordered in the course of inspectional supervision,
- perform other activities in accordance with the purpose of inspectional supervision.

(2) The costs of the sample analysis referred to in paragraph 1 subparagraph 7 of this Article shall be covered from the state budget. In case the composition of the waste does

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

not match the prescribed composition or the composition declared by the supervised legal or natural person, the costs shall be covered by the supervised person.

(3) The inspector shall keep as a business secret any information that the supervised person proves to be a business secret.

(4) The inspector shall announce the beginning of inspection to the responsible person within the supervised legal person, or natural person, unless the inspector assesses that such announcement could affect inspection results.

(5) If in the course of inspectional supervision the inspector should meet physical resistance or if such resistance is reasonably expected, the inspector shall request help from authorised officers of the police department in charge.

Article 68

(1) The supervised legal or natural person shall enable the inspector to carry out the inspection, submit all necessary documentation for inspection, as well as on the written request of the inspector, submit or prepare free of charge the additional data necessary for performing inspectional supervision.

(2) It shall be deemed that the supervised legal or natural person has not made the inspectional supervision possible, if the person did not, within the timeframe determined in the minutes on the inspection, enable insight into the requested documentation and other documents necessary for determining the actual and legal state of affairs in the already initiated inspectional supervision.

Article 69

(1) If in the course of inspectional supervision the inspector establishes that the provisions of this Act and regulations passed on the basis of this Act have been violated, the inspector shall initiate administrative proceedings and undertake measures *ex officio*.

(2) If the inspector establishes that the regulations he is authorised to supervise have not been violated, the inspector shall notify in writing, the known applicant within 30 days from the day actual state of affairs was established.

(3) If in the course of inspectional supervision the inspector establishes irregularities, which are not in the scope of his or her authority, it is his or her duty to inform the competent state administration body.

Article 70

(1) Parties in the inspection proceedings on the implementation of this Act and other regulations passed on the basis of this Act may be persons authorised for waste management, the producer/holder of waste, the waste carrier and the waste mediator, as well as counties, the City of Zagreb, towns and municipalities.

(2) If the person who has illegally deposited waste is unknown, then the parties are competent bodies referred to in Article 18 of this Act.

Article 71

If in the course of inspectional supervision the inspector establishes that the person who has illegally deposited waste is unknown, the inspector shall notify the competent body of the local or regional self-government unit in accordance with Article 18 of this Act.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

Article 72

In the course of inspectional supervision, in case of violation of this Act and/or regulations passed on the basis of this Act, the inspector is entitled and obligated to order the supervised legal or natural person to take measures with accompanying implementation deadlines, particularly: the elimination of irregularities, removal of deposited waste, remediation of contaminated soil, ban on the landfilling of waste, ban on waste management activities, ban on waste export and import activities, suspension of activities that endanger human health and have or may have an adverse effect on the environment, undertaking measures for harmonising activities with the requirements determined by the licence, and to undertake other measures for preventing waste management contrary to this Act.

Article 73

(1) The inspector shall order the supervised legal or natural person to eliminate the irregularities within an appropriate deadline:

- if the person does not keep the register on waste, or does not keep it in the prescribed way,
- if the person does not submit the prescribed documentation on waste (reports, statements, forms with complete and accurate data, etc.) within the prescribed deadline.

(2) If the supervised legal or natural person does not carry out the measures for eliminating irregularities referred to in paragraph 1 of this Article as ordered by the decision, the inspector shall force the legal person to comply by means of an administrative measure.

Article 74

(1) The inspector shall order the supervised legal or natural person to remove the disposed waste within an appropriate deadline:

- if the person leaves and/or unloads waste in a place that is not intended for waste landfilling,
- if the person deposits hazardous waste in an unprescribed manner,
- if the person deposits waste out of landfill,
- from the storage space if the storage space (of the waste holder or person engaged in waste management) does not meet the prescribed requirements.

(2) If the supervised legal or natural person does not carry out the measures for the removal of waste referred to in paragraph 1 subparagraphs 1, 2 and 3 of this Article as ordered by the decision, the waste shall be removed by another person at the expense of the person who was ordered by the decision.

(3) If the supervised legal or natural person does not carry out the measures for the removal of waste referred to in paragraph 1 subparagraph 4 of this Article as ordered by the decision, the inspector shall force the person to comply by means of an administrative measure. If the person still does not carry out the decision after the administrative measure, these shall be carried out by another person at the expense of the person who received the decision.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

Article 75

If the unlawfully deposited waste has contaminated the soil to the extent that remediation is necessary, the inspector shall order, by decision, the remediation of the soil and apply the provisions of Article 72 paragraph 2 and 3.

Article 76

The inspector shall order the supervised legal or natural person a ban on waste landfill:

- if the landfill does not fulfil the prescribed requirements for the landfilling of waste,
- if the result of the waste eluate analysis on the landfill does not match the prescribed values.

Article 77

(1) The inspector shall order the supervised legal or natural person a ban on performing waste management activities:

- if the person performs the activity in an illegal facility or business premises,
- if the person does not have the licence or certificate for waste management.

(2) The inspector shall order the supervised legal or natural person a temporary ban on performing waste management activities within a certain timeframe in order to carry out harmonisation with the conditions prescribed by this Act :

- if the person does not meet the prescribed requirements,
- if the person does not operate in accordance with the licences and certificates issued by the Ministry and other state administration bodies,
- if the storage space (of the waste producer/holder) in which the waste is stored, does not meet the prescribed requirements.

(3) If the person referred to in paragraph 2 of this Article does not act according to the inspector's decision, the inspector shall order a ban on performing waste management activities, or a ban on the storage of waste, and submit the proposal to the Ministry to withdraw the licence.

Article 78

The inspector shall order the supervised person who is importing, transiting or exporting waste a ban on the import, transit or export of waste:

- if the person has not obtained the decision on waste import,
- if the person has not obtained the decision on hazardous waste transit or export ,
- if the person is not registered in the register on waste exporters,
- if the person carries out transboundary transport of waste contrary to the decision.

Article 79

(1) With the purpose of ensuring the enforcement of measures referred to in Article 77 paragraph 1 and in Article 78 of this Act, the inspector may seal the business premises, facilities, devices and equipment or in another way prevent further illegal activities.

(2) The Minister shall pass an instruction on the method of sealing in the cases in which the decisions passed on the basis of this Act are enforced by means of sealing.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

Article 80

(1) If the inspector establishes a violation of the provisions of this Act and regulations passed on the basis of this Act, the inspector may make an inspection decision without hearing the party.

(2) The inspector may make a verbal decision on the record in cases where it is necessary to eliminate an immediate threat to human life and health, or to flora or fauna.

(3) A written copy of the verbal decision must be delivered to the party within eight days from the day when the verbal decision was made.

(4) The obligation of carrying out of the verbal decision shall start from the day the party is informed of the verbal decision on the record.

Article 81

(1) If by the inspection decision, which is finite, the party is placed under a certain obligation, and the inspector who has made this decision believes that the provisions of this Act were not applied correctly in the decision, the inspector may with the party's consent withdraw such a decision or change it so that it would be harmonised with the Act.

(2) Consent for the withdrawal or change of the decision may be stated for the record to the inspector or submitted in writing.

(3) The decision referred to in paragraph 1 of this Article shall be withdrawn or changed by the inspector who made the decision.

Article 82

(1) If the inspector establishes that the measure ordered in the decision was not carried out within the set deadline, the inspector shall initiate proceedings for its enforcement by bringing a conclusion on the clearance of enforcement.

(2) Costs of enforcement of the inspection decision shall be covered from the state budget until collected from the supervised legal or natural person who was ordered to execute the decision.

(3) If the supervised legal or natural person has met the obligation arising from the decision referred to in paragraph 1 of this Article after the enforcement proceedings were initiated, the inspector shall bring *ex officio* a conclusion on the suspension of enforcement proceedings.

Article 83

(1) The enforcement of the inspection decision, by which the removal of waste from the storage (of a waste producer/holder) was ordered, shall be postponed upon the request of the supervised legal or natural person, if it was filed before the expiry of the enforcement deadline and if there are technical justifications for extending the deadline.

(2) The postponement of the enforcement of the decision referred in paragraph 1 shall be approved by a conclusion by the inspector who brought the conclusion on clearance of enforcement of the decision.

(3) The provisions of this Act on the enforcement of decisions shall also apply to the enforcement of a conclusion.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

Article 84

(1) If the supervised legal or natural person does not carry out the measure ordered by the decision referred to in Articles 73 and 74 paragraph 1 subparagraph 4 of this Act, the inspector shall force the supervised person to carry out the ordered measure by a fine in the amount of HRK 30,000.00 for a legal person, and HRK 5,000.00 for a natural person.

(2) The fine amount of the compulsory measure referred to in paragraph 1 of this Article shall be paid into the budget of the City of Zagreb, the municipality or town in which the waste for which the inspection measure was brought is located, and this amount shall be used according to the waste management plan.

Article 85

(1) An appeal may be launched with the Ministry against the inspector's decision, the conclusion on the clearance of enforcement, the conclusion on the suspension of the proceedings and the conclusion on the enforcement costs, except in the case of an inspector's decision brought during inspectional supervision of the treatment and disposal of hazardous waste, in which case an appeal shall not be permitted, but an administrative dispute may be instituted.

(2) An appeal launched against the inspector's decision shall not postpone the enforcement of the decision.

Article 86

(1) If in the course of inspectional supervision the inspector establishes that the licence violates the material provisions of this Act and of regulations passed on the basis of this Act, the inspector shall propose to the Ministry to revoke the licence by right of supervision.

(2) If in the course of inspectional supervision the inspector establishes that the actions of the supervised legal or natural person who is the beneficiary of the licence or of the temporary licence are not in accordance with the conditions determined in that licence, because of which the person may cause severe and immediate threat to human life and health, or may cause excessive pollution of the environment, the inspector shall propose to the Ministry to revoke the licence.

(3) If in the course of inspectional supervision the inspector establishes that the supervised legal or natural person who is the beneficiary of the licence or of the temporary licence does not obey the terms determined in the licence, the inspector shall propose to the Ministry to temporarily revoke the licence for a period from one to six months.

(4) If the beneficiary of the licence referred to in paragraph 3 of this Article does not eliminate within the prescribed timeframe the established irregularities due to which the licence has been temporarily revoked, the inspector shall propose to the Ministry the permanent withdrawal of the licence.

Article 87

If in the course of inspectional supervision a violation of this Act and/or of a regulation passed on the basis of this Act is determined, the environmental protection

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

inspector has the authority and obligation to:

- bring without delay misdemeanour or criminal charges before the competent authorities,
- undertake other measures and carry out other actions for which the inspector is authorised on the basis of this Act and special regulations.

VI. PENAL PROVISIONS

Article 88

(1) A legal person shall be fined for misdemeanours in the amount of HRK 300,000.00 to 700,000.00 if:

1. the legal person does not collect, store and transport hazardous waste separately from other types of waste (Article 26 paragraph 1),
2. the legal person in the course of collecting municipal waste does not separate hazardous waste and does not manage it according to the provisions of this Act (Article 26 paragraph 2),
3. the legal person is a waste collector and does not deliver hazardous waste for recovery or disposal in the condition it was in when received from the waste holder (Article 27 paragraph 3),
4. the legal person does not deliver waste whose valuable properties may be used for recovery or does not recover waste according to the provisions of this Act (Article 32),
5. the legal person does not landfill the waste that does not have to be recovered according to this Act (Article 33 paragraph 2)
6. the legal person does not dispose of the waste that cannot or does not have to be recovered in the prescribed manner in accordance with this Act (Article 34 paragraph 1)
7. the legal person leaves, unloads and deposits waste in places that are not designated for that purpose in accordance with the provisions of this Act (Article 35)
8. the legal person is a producer and does not plan production of the product and packaging, does not improve the production process by applying cleaner technologies in a way that enables efficient use of material and energy, does not encourage reuse and recycling of products, and does not take into consideration the most appropriate procedure for the recovery, treatment and/or landfilling of products whose shelf / operating life has expired, in order to reduce the adverse effects on the environment to the greatest extent possible (Article 36 paragraph 1),

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

9. the legal person is a producer and does not use raw materials, semi-manufactured products and packaging that reduce the consumption of energy and materials and generation of waste by use thereof (Article 36 paragraph 2),
10. the legal person is a producer and does not introduce and use packaging that lasts longer and does not endanger the environment once it becomes waste (Article 36 paragraph 3),
11. the legal person is a producer of waste who does not recover and/or dispose of waste according to the provisions of this Act, and does not deliver the waste to the person authorised for collection, recovery and/or disposal of waste according to the provisions of this Act (Article 39 paragraph 1),
12. the legal person is a producer of waste who independently performs recovery and/or disposal of waste without having obtained the licence referred to in Article 41 of this Act (Article 39, paragraph 2),
13. the legal person is a producer of hazardous waste and does not, beside the prescribed data on waste referred to in Article 20 paragraph 1 of this Act, submit to the authorised persons the report on the testing of physical and chemical properties of waste, not older than 12 months from the day the testing of properties was performed, in cases when the waste is of unknown origin or if the quantity of waste exceeds one ton (Article 40 paragraph 1),
14. the legal person produces waste of known origin in quantities smaller than one ton and for such waste does not, beside the documentation on waste referred to in Article 39 paragraph 3 of this Act, submit to the authorised persons the statement on the physical and chemical properties of waste (Article 40 paragraph 2),
15. the legal person imports hazardous waste (Article 47 paragraph 1),
16. the legal person imports waste for landfilling and use for energy purposes (Article 47 paragraph 2),
17. the legal person imports non-hazardous waste, which cannot be recovered according to the provisions of this Act (Article 47 paragraph 3),
18. the legal person imports non-hazardous waste without having obtained the decision prescribed by this Act (Articles 48 and 49 paragraph 1),
19. the legal person exports hazardous waste without having obtained the decision referred to in Article 50 of this Act (Article 50 paragraph 1 and Article 51 paragraph 1),

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

20. the legal person transits hazardous waste on the territory of the Republic of Croatia without having obtained the decision of the Ministry (Article 52 paragraph 1),
21. the legal person is engaged in exporting non-hazardous waste without the prescribed certificate from the Ministry on registry into the Register of exporters of non-hazardous waste (Article 53 paragraph 1),
22. the legal person whose concession is terminated for the reasons referred to in Article 60 paragraph 1 subparagraph 2 of this Act does not restore the prior condition, unless otherwise determined under the concession contract (Article 60 paragraph 4),
23. the legal person does not take the actions and undertake the measures ordered by the concession provider in the case referred to in Article 62 paragraph 1 of this Act (Article 62 paragraph 1).

(2) For the acts referred to in paragraph 1 of this Article, the responsible person within a legal person shall also be fined for a misdemeanour in the amount of HRK 50,000.00 to 100,000.00, or sentenced to prison for up to 60 days.

(3) For the acts referred to in paragraph 1 of this Article a natural person shall be fined for misdemeanours in the amount of HRK 100,000.00 to 250,000.00.

Article 89

(1) A county or the City of Zagreb shall be fined for misdemeanours in the amount of HRK 200,000.00 to 700,000.00 if:

1. it does not harmonise the waste management plan with the strategy and the Waste Management Plan of the Republic of Croatia, and with the Environmental Protection Strategy and Programmes (Article 7 paragraph 2),
2. it does not bring the Waste Management Plan within the framework of the Environmental Protection Programme determined by a special law or as a special document pursuant to this Act (Article 7 paragraph 4),
3. it does not ensure in its area the implementation of measures for managing hazardous waste and for thermal treatment of waste (Article 13 paragraph 3),
4. it irresponsibly and contrary to the provisions of this Act manages waste regardless of its type, with the exception of the waste referred to in the provision of Article 13 paragraph 2 of this Act (Article 14 paragraph 1),
5. it does not ensure the implementation of measures for managing waste referred to in Article 14 of this Act (Article 14 paragraph 2),

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

6. the administrative body does not ensure data under its authority timely and free of charge, as well as other data necessary for running the information system according to the provisions of Article 19 paragraph 1 of this Act (Article 19 paragraph 2),
7. by virtue of the physical planning document within the timeframe determined by a special regulation and according to the provisions of this Act, it does not establish the locations for the facilities intended for the storage, recovery and disposal of waste (Article 21 paragraph 4).

(2) The responsible person in the county or in the City of Zagreb shall be fined for the misdemeanour referred to in paragraph 1 of this Article in the amount of HRK 15,000.00 to 25,000.00.

(3) The City of Zagreb shall be fined for misdemeanours in the amount referred to in paragraph 1 of this Article, in case it does not ensure removal and disposal of waste deposited by an unknown person in its area in places other than the landfill (Article 18 paragraph 1).

(4) The City of Zagreb shall be fined for misdemeanours in the amount referred to in paragraph 1 of this Article if by way of its administrative body it does not submit data to the competent office in the City of Zagreb by 31 March of the current year for the previous year in accordance with the provisions of Article 20 paragraph 5 of this Act,

(5) For the misdemeanours referred to in paragraphs 3 and 4 of this Article the responsible person in the City of Zagreb shall also be fined in the amount of HRK 15,000.00 to 25,000.00.

Article 90

(1) A municipality or a town shall be fined for misdemeanours in the amount of HRK 100,000.00 to 500,000.00 if:

1. it does not harmonise the waste management plan with the Waste Management Plan and Strategy of the Republic of Croatia, and with the Environmental Protection Strategy and Programmes (Article 7 paragraph 2),
2. within the Environmental Protection Programme determined by a special law or as a special document in accordance with this Act, it does not bring the Waste Management Plan (Article 7 paragraph 4),
3. it irresponsibly and contrary to the provisions of this Act manages municipal waste (Article 15 paragraph 1),
4. it does not ensure the implementation of waste management measures in accordance with this Act (Article 15 paragraph 2),
5. it does not ensure the removal and disposal of waste deposited by an unknown person in an area outside of the waste landfill (Article 18 paragraph 1),

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

6. it does not ensure data under its authority timely and free of charge, as well as other data necessary for running the information system according to the provisions of Article 19 paragraph 1 of this Act (Article 19 paragraph 2),
 7. it does not submit data by way of its authorised body to the competent state administration office within the local (regional) self-government unit, by 31 March of the current year for the previous year, as referred to in the provision of Article 20 paragraph 2 of this Act (Article 20 paragraph 5),
 8. by virtue of the physical planning document within the timeframe determined by a special regulation and according to the provisions of this Act, it does not establish the locations for the facilities intended for the storage, recovery and disposal of waste (Article 21 paragraph 4).
- (2) For the misdemeanour referred to in paragraph 1 of this Article the responsible person in a municipality or town shall be fined in the amount of HRK 15,000.00 to 25,000.00.
- (3) For the misdemeanour referred to in paragraph 1 item 5 of this Article the legal person with official authorities shall be fined in the amount of 100,000 to 300,000 HRK (Article 19 paragraph 2).
- (4) For the misdemeanour referred to in paragraph 1 item 6 of this Article the responsible person of the legal person with public authority shall be fined in the amount of HRK 15,000.00 to 25,000.00.

Article 91

- (1) The legal person shall be fined for misdemeanours in the amount of HRK 150,000.00 to 400,000.00 if:
1. the legal person carries out waste management contrary to the provisions of Article 4 paragraph 2 of this Act (Article 4 paragraph 2),
 2. the legal person produces and/or manages waste but does not keep the register on waste origin and waste flow, and if it does not keep it in the prescribed manner, or if it does not submit it to the competent office once a year, by 31 March of the current year for the previous year (Article 20 paragraph 2),
 3. the legal person does not keep the register on municipal waste and does not submit data from the register on municipal waste to the administrative body, by the end of February of the current year for the previous year (Article 20 paragraphs 1 and 3),
 4. the legal person does not keep the data from the register on waste origin and waste flow prescribed for each year in accordance with this Act, for at least five years (Article 20 paragraph 1),

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

5. the legal person stores, recovers and disposes of waste in devices and facilities, which are not intended for that purpose (Article 22 paragraph 1),
6. the legal person stores, recovers and disposes of waste in devices and facilities that have a different primary purpose and does not possess the proper licence in accordance with this Act (Article 22 paragraph 2),
7. the legal person does not separately collect and store the waste whose valuable properties may be used, in order to enable waste management in accordance with this Act (Article 25)
8. the legal person is a waste collector and does not ensure that the shipment of waste intended for the recovery and/or disposal is accompanied with filled-out forms on waste as referred to in Article 20 paragraph 1 of this Act (Article 27 paragraph 2),
9. the legal person is engaged in the activities of transporting waste for other parties without the prescribed certificate from the Ministry (Article 28 paragraph 2),
10. the legal person is engaged in the intermediation activities between a waste producer or waste holder and persons authorised for waste management, without having obtained the prescribed certificate from the Ministry (Article 29 paragraphs 2 and 3),
11. the legal person is a producer and does not inform the seller and the consumer in an adequate manner about the important properties of product and packaging, and about handling the product and packaging once it becomes waste (Article 37 paragraph 1),
12. the legal person is a producer and does not ensure for the product buyer and/or user the possibility of returning the used products, of refunding the deposit on the product or compensation for the waste from the product, in accordance with this Act (Article 38),
13. the legal person is a waste producer who independently recovers or disposes of waste in a manner that is contrary to the provision of Article 5 paragraph 1 item 1 of this Act (Article 39 paragraph 2),
14. the legal person is a waste producer and does not provide the authorised person with the prescribed data from the register on waste, in accordance with the provision of Article 20 paragraph 1 of this Act (Article 39 paragraphs 3 and 4),
15. the legal person begins to or is actively engaged in the activities of waste collection, recovery and/or disposal without the prescribed licence (Article 41 paragraph 1),

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

16. the legal person brings a waste management plan which does not contain the data prescribed by the provision of Article 44 paragraph 2 of this Act (Article 44 paragraph 2),

(2) For the misdemeanours referred to in paragraph 1 of this Article the responsible person within the legal person shall be fined in the amount of HRK 50,000.00 to 100,000.00.

(3) For the misdemeanours referred to in paragraph 1 of this Article a natural person shall be fined in the amount of HRK 85,000.00 to 200,000.00.

Article 92

(1) The legal person shall be fined for misdemeanours in the amount of HRK 100,000.00 to 300,000.00 if:

1. the legal person is a producer who produces more than 150 tons of non-hazardous waste a year or more than 200 kilograms of hazardous waste a year, and does not plan waste management for a four-year period and does not fill in the waste management form for this purpose in accordance to this Act (Article 12 paragraph 1),
2. the legal person is a producer who produces more than 150 tons of non-hazardous waste a year or more than 200 kilograms of hazardous waste a year, and does not develop a waste management plan on the filled in forms and does not submit these forms to the authorised bodies in accordance with this Act (Article 12 paragraphs 3 and 5),
3. the legal person in the course of collecting waste (hazardous and non-hazardous) delivered for disposal, does not keep the prescribed register in accordance with the provision of Article 20 paragraph 1 of this Act (Article 27 paragraph 4),
4. the legal person in the course of transporting waste does not keep the prescribed register in accordance with the provision of Article 28 paragraph 4 of this Act,
5. the legal person is a waste carrier and does not maintain the prescribed register for each calendar year for at least 12 months (Article 28 paragraph 5),
6. the legal person is a producer of waste that is intended for recovery and/or disposal and temporarily stores this waste in premises intended for this purpose within its business premises for longer than one year (Article 31 paragraph 1),
7. the legal person is a waste producer and stores its waste, for which there is no possibility of being managed in the prescribed manner, for longer than three years or contrary to the provisions of this Act (Article 31 paragraph 3),
8. the legal person does not obtain the approval of the Ministry for the exceptional temporary storage of waste for a three-year period (Article 31 paragraph 3),

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

9. the legal person does not submit to the Ministry the report for the previous year on the imported quantities and types of waste by 1 February of the current year (Article 49 paragraph 3),
10. the legal person does not submit to the Ministry the report for the previous year on the exported quantities of hazardous waste by 31 March of the current year (Article 51 paragraph 2),
11. the legal person does not submit to the Ministry the report for the previous year on the exported types and quantities of non-hazardous waste by 1 February of the current year (Article 53 paragraph 3).

(2) For the misdemeanours referred to in paragraph 1 of this Article the responsible person within the legal person shall be fined in the amount of HRK 25,000.00 to 50,000.00.

(3) For the misdemeanours referred to in paragraph 1 of this Article a natural person shall be fined in the amount of HRK 50,000.00 to 100,000.00.

Article 93

(1) A legal or natural person shall be fined for misdemeanours in the amount of HRK 30,000.00 to 120,000.00 if it does not enable the inspector to perform supervision according to the provisions of this Act or if the person in any other way prevents the inspection or does not provide conditions for undisturbed work, or does not provide the inspector with data, notifications and materials within the set timeframe, or submits or prepares for the inspector inaccurate and incomplete data, notifications and materials (Article 64 paragraph 1 and Article 65 paragraph 1).

(2) For the misdemeanours referred to in paragraph 1 of this Article the responsible person within the legal person shall be fined in the amount of HRK 3,000.00 to 20,000.00.

Article 94

The person under supervision shall be fined for misdemeanours in the amount of HRK 3,000.00 to 12,000.00 if upon the request of the inspector the person does not produce a public document from which person's identity may be determined (Article 65 paragraph 1 subparagraph 1).

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 95

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

The existing waste management programmes of the counties, towns and municipalities that have been brought as an integral part of the environmental protection programme defined by a special law until the day this Act enters into force, shall be considered as waste management plans within the meaning of Article 7 of this Act.

Article 96

(1) Persons who have obtained authorisation for the collecting, storing, treating and landfilling waste on the basis of the provisions of the Waste Act (Official Gazette No. 34/95) and of the Waste Act (Official Gazette No. 151/03) shall file an application for the issuing of the waste management licence according to the provisions of this Act to the competent body referred to in Article 41 of this Act within six months from the day this Act enters into force.

(2) The persons referred to in paragraph 1 of this Article may continue carrying out activities until the issuing of the licence in accordance with the provisions of this Act.

(3) The authorisation for the persons who do not submit the application within the timeframe referred to in paragraph 1 of this Article shall cease to be valid for the activities referred to in paragraph 1 of this Article.

(4) Persons who pursuant to Article 41 of this Act require a licence for the collection, recovery and disposal of waste shall submit the application for the issuing of the licence to the competent body referred to in Article 41 of this Act within six months from the day this Act enters into force.

Article 97

(1) Legal persons who have been accredited for testing physical and chemical properties of waste on the basis of former regulations and who are registered in the list of accredited persons for testing shall submit an application for accreditation to the competent body, determined by a special regulation, and submit evidence of the application submitted to the Ministry within two months from the day this Act enters into force.

(2) The legal persons who act according to the provision of paragraph 1 of this Article may continue with testing in accordance with the obtained authorisations until obtaining the accreditation.

(3) For the legal person who does not act according to the provision of paragraph 1 of this Article the accreditation for testing of physical and chemical properties of waste shall cease to be valid with the expiry of the deadline referred to in paragraph 1 of this Article.

(4) The legal persons accredited for the testing of waste waters according to a special regulation may conduct the testing of the physical and chemical properties of waste if they submit to the Ministry evidence of accreditation for the testing of waste waters and evidence that they have applied for accreditation at the competent body in accordance to Article 40 of this Act within two months from the day this Act enters into force.

Article 98

(1) Misdemeanour proceedings initiated according to the provisions of the Waste Act (Official Gazette, No. 151/03) shall be finalized according to the provisions of this Act.

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

(2) The Ministry shall forward the claims filed for initiating a misdemeanour proceeding to misdemeanour courts within 15 days from the day this Act enters into force.

Article 99

The county and the City of Zagreb shall bring the waste management plan referred to in Article 7 in relation to Article 10 of this Act and shall ensure the implementation of waste management measures for special categories of waste by 1 October, 2005.

Article 100

Towns and municipalities shall bring the waste management plan referred to in Article 7 in relation to Article 11 of this Act, by 30 December, 2005.

Article 101

(1) Municipalities, towns and the City of Zagreb shall establish the method for the calculation of costs of managing municipal waste from households, by 30 June, 2005.

Article 102

The local and regional self-government units shall determine within the counties' physical plans and towns' and municipalities' physical plans the locations for the construction of facilities intended for the storage, treatment and/or landfilling of waste, by the deadline determined in a special regulation for the establishing thereof.

Article 103

The Government of the Republic of Croatia shall pass:

- The Waste Management Plan referred to in Article 9 of this Act within five months from the day this Act enters into force,
- The Regulation on the types, categories and classification of waste with the waste catalogue and the list of hazardous waste, within three months from the day this Act enters into force,
- The Regulation on the control of transboundary transport of waste, which will govern the method and the procedure for controlling the border and border crossing, border crossings open to transboundary transport of waste and authorisations of the environmental protection inspectors in the transboundary transport of waste, transport and transit of waste, within five months from the day this Act enters into force.

Article 104

(1) The Minister responsible for environmental protection shall be authorised for passing ordinances, which shall regulate the following:

1. the methods and procedures for the disposal, recovery and storage of waste; contents and the method of maintaining waste management data, contents and the layout of the forms for applications and reporting on waste; the method and form of reporting and giving statements on testing the physical and chemical properties of waste,

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

professional requirements to be met by persons who are managing waste, technical and technological requirements for facilities and devices used for storage, treatment and/or landfilling of waste, as well as the implementation deadlines,

2. the criteria, procedure and method for determining the amount of compensation to the real property owners,

3. the method of handling special categories of waste, particularly:

- packaging and packaging waste,
- waste electrical and electronic devices and equipment,
- end-of-life vehicles,
- waste batteries and accumulators containing certain hazardous substances,
- waste tyres,
- infectious waste from healthcare institutions,
- coal and mineral waste, and
- waste oils;

4. The method and conditions for waste landfilling, the categories and requirements for landfills, types of waste that may not be landfilled and the requirements for issuing licences for landfills;

5. The method and conditions for the thermal treatment of waste with the maximum concentrations of hazardous substances and with emission limit values;

6. The method and conditions for treating sludge from the sewage treatment plant, when the sludge is used for agricultural purposes.

(2) The Minister shall be authorised to, in the regulations referred to in paragraph 1 of this Article, prescribe an act of misdemeanour and a misdemeanour sanction for such acts, in accordance with the provisions of this Act.

(3) The ordinance referred to in paragraph 1 items 1 and 3 in the first indent of this Article shall be passed by the Minister, subject to the approval of the Minister responsible for the economy, within 90 days from the day this Act enters into force.

(4) The ordinance referred to in paragraph 1 item 2 shall be passed by the Minister within one year from the day this Act enters into force.

(5) The ordinances referred to in paragraph 1 item 3 subparagraphs 4, 6 and 8 and item 4 of this Article, shall be passed by the Minister, subject to the approval of the Minister responsible for healthcare, within one year from the day this Act enters into force.

(6) The ordinance referred to in paragraph 1 item 6 of this Article shall be passed by the Minister, subject to the approval of the Minister responsible for agriculture, within two years from the day this Act enters into force.

(7) The ordinance referred to in paragraph 1 item 3 subparagraphs 2, 3, 5 and 7 shall be passed by the Minister, subject to the approval of the Minister responsible for the economy, within two years from the day this Act enters into force.

Article 105

The Ordinance on Types of Waste (Official Gazette No. 27/96), the Ordinance on Packaging Waste Handling (Official Gazette No. 53/96), the Ordinance on Requirements for Handling Waste (Official Gazette No. 123/97 and 112/01), and the Regulation on

MEI
RADNI PRIJEVOD
PROVISIONAL TRANSLATION

Requirements for Handling Hazardous Waste (Official Gazette No. 32/98) shall remain in effect until the entry into force of the regulations referred to in Articles 103 and 104 of this Act.

Article 106

(1) The operating method in the state administration bodies and in the bodies of local and regional self-government, related to the implementation of this Act, shall be prescribed by the Minister by way of an instruction.

(2) The Minister shall be authorised to establish commissions, to appoint members and the secretary of the commission and to regulate the operating method of the commission, for the purpose of drafting the regulations he is authorised to pass on the basis of this Act and for the purpose of preparing the implementation of the procedure for granting concessions to be granted by the Government of the Republic of Croatia.

(3) The Minister shall be authorised to determine the compensation for the members for the work in the commissions, which he is authorised to establish pursuant to this Act.

Article 107

On the day this Act enters into force, the Waste Act (Official Gazette No. 151/03) shall cease to apply.

Article 108

This Act shall enter into force on the eighth day from its publication in the Official Gazette.

Class: 310-33/04-01/01

Zagreb, 3 December, 2004

THE CROATIAN PARLIAMENT

The President of the
Croatian Parliament
Vladimir Šeks, m.p.