

# CROATIAN PARLIAMENT

2452

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

## DECISION

### PROMULGATING THE ACT ON AMENDMENTS TO THE WASTE ACT

I hereby promulgate the Act on Amendments to the Waste Act, adopted by the Croatian Parliament at its session on 29 September 2006.

Class: 011-01/06-01/54  
Ref. No: 71-05-03/1-06-2  
Zagreb, 3 October 2006

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

## ACT

### ON AMENDMENTS TO THE WASTE ACT

#### Article 1

In the Waste Act (Official Gazette No 178/04), in Article 3, the items 20, 21, 22 and 23 are added, which shall read:

“20. recycling yard means a building intended for sorting and temporary storage of special types of waste,

21. Trans-shipment station (transfer station) means a building for temporary storage,

preparation and trans-shipment of waste intended for transport to a waste management centre,

22. facilities for waste disposal are: regional and county waste management centres, landfills for hazardous, non-hazardous and inert waste and facilities intended for waste incineration – waste incineration plants,

23. Waste management centre is a system of buildings and facilities for processing, recycling and/or disposal of waste.”

#### Article 2

In Article 9, paragraph 3, the words “four years” shall be replaced by the words “eight years”.

#### Article 3

In Article 10, paragraph 2, after the word: “Zagreb” the words: “for a period of eight years, and its implementation shall be verified on an annual basis” shall be added.

#### Article 4

In Article 11, paragraph 2 after the word: “council” the words: “for a period of eight years, and its implementation shall be verified on an annual basis” shall be added.

#### Article 5

After Article 11 a new Article 11a shall be added and shall read as follows:

##### *“Article 11a*

Amendments to the Waste Management Plan referred to in Articles 10 and 11 of this Act can be adopted only for a four-year period, on the basis of an efficiency analysis of the measures undertaken from a report for that period, and on an exceptional basis even earlier with the approval of the Ministry.”

#### Article 6

In Article 17, paragraph 3, items 4 and 5 shall be amended to read:

“4. estimated costs for the removal of waste discarded by an unknown person into the environment,

5. costs of waste recovery and/or disposal, which shall include the costs of designing and construction of facilities intended for waste recovery and/or disposal, operating costs of facilities for waste recovery and/or disposal and cost estimates for the closure of facilities for waste recovery and/or disposal, after-care and construction of a new facility to be used after the cessation of operation of the existing one.”

#### Article 7

After Article 17 a new Article 17a shall be added and shall read as follows:

##### *“Article 17a*

(1) The manufacturer and importer of the product from which special categories of waste are derived are obliged to pay fees for the management of such categories of waste.

(2) The fees referred to in paragraph 1 of this Article shall be paid into the Environmental Protection and Energy Efficiency Fund for the purpose of preparation, implementation and development of a system for return, collection and disposal of special categories of waste.

(3) To the collection of fees referred to in paragraph 1 of this Article and the collection of fees receivable and due together with interests, Article 26, paragraphs 1, 2, 3 and 4, Article 27 and Article 28 of the Act on the Environmental Protection and Energy Efficiency Fund shall be applied.”

#### Article 8

Article 18 shall be amended to read

“(1) The City of Zagreb, towns, or municipalities shall ensure the removal and disposal and/or recovery of waste discarded by an unknown person into the environment 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 discarded into the environment, the waste 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 discarded into the environment, this waste shall be disposed of by the City of Zagreb at the expense of its budget.
- (4) The county, City of Zagreb, town and municipality shall have the right to a return of expenses referred to in paragraphs 1, 2, and 3 of this Article from the person who has illegally discarded waste into the environment.”

#### Article 9

After Article 18 a new Article 18a shall be added and shall read as follows:

#### *“Article 18a*

- (1) The state shall ensure remediation of the environment on sites highly burdened with hazardous waste by an unknown person or a person who has ceased to exist, if it has no legal successor as laid down in the Waste Management Plan of the Republic of Croatia referred to in Article 9 of this Act.
- (2) Funds for financing the remediation referred to in paragraph 1 of this Article shall be ensured from the state budget and other sources in accordance with the law.
- (3) The state has a right to a return of the expenses referred to in paragraph 1 of this Article from the person who has illegally discarded waste into the environment.”

#### Article 10

In Article 19, paragraph 1 the following words shall be added after the brackets: “is a constituent part of the environmental information system and”.

#### Article 11

In Article 27, paragraph 1 the following words shall be deleted: “in accordance with the National classification of professions “.

#### Article 12

Article 28 shall be amended to read:

- “(1) Transport of waste for the needs of others shall be performed by the waste carrier registered for transport (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 obtaining a certificate on registration.
- (3) Besides the application for registering into the Ministry's register of waste carriers referred to in paragraph 2 of this Article, the waste carrier, if he performs the activity of hazardous waste transport, shall submit a proof that he owns a vehicle which is, pursuant to a regulation which is applied to transport of hazardous waste, allowed to transport hazardous waste.
- (4) 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.

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

#### Article 13

After Article 28 a new Article 28a shall be added and shall read as follows:

#### *“Article 28a*

(1) The waste carrier shall keep the register on the transport of waste that shall 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, or other holder of waste from whom he took over the waste,
- location of delivering the waste and the person who took over the waste,
- the person who ordered the waste transport.

(2) The waste carrier shall keep the data from the register referred to in paragraph 1 of this Article for 12 months.

(3) The waste carrier shall by 31 January of the current year submit the data from the register for the previous year to the competent office on a notification form.”

#### Article 14

In Article 29, paragraph 1 the following words shall be deleted: “in accordance with the National classification of professions”.

#### Article 15

After Article 29 a new Article 29a shall be added and shall read as follows:

#### *“Article 29a*

The Fund can by a contract entrust the carrying out of preparation work for collection and disposal of special categories of waste to a legal person referred to in Article 29, paragraph 1 of this Act, under payment of a fee.”

#### Article 16

In Article 33, paragraph 1, item 1 the word: “landfilling“ shall be replaced by the word: »disposal«.

In paragraph 2 the word: “landfilled“ shall be replaced by the word: “disposed”.

In paragraph 3 the word: “landfilling” shall be replaced by the word: “disposal”.

#### Article 17

Article 36 shall be amended to read:

“(1) The producer and the importer of a product (hereinafter referred to as: the producers) 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 and/or disposal 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 returnable packaging which reduces the environmental burden by waste as compared to non-returnable packaging.

(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.

(5) The placement on the market of packaging that contains materials and hazardous substances in amounts and/or concentrations that may have an adverse effect on human health and/or environment is banned.

(6) Producers shall inform 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 managing the product and the packaging once they become waste.

(7) Method and procedure of informing the seller and the consumer on the important properties of the product, of parts of products and of the packaging in terms of hazardous and polluting substances, as well as the ban on the placement on the market of products and parts of products that contain hazardous substances in amounts and/or concentrations that may have an adverse effect on human health and/or environment shall be prescribed by the Minister.”

#### Article 18

Article 37 shall be deleted.

#### Article 19

In Article 39, paragraph 3 shall be amended to read:

“(3) The waste producer shall, along with the waste, deliver to the authorised person a data sheet with data from the waste register in accordance with Article 20 paragraph 1 of this Act.

#### Article 20

In Article 40, paragraph 1 the words: “composition is not known“ shall be replaced by the words: »for which he does not possess a declaration about the physical and chemical properties of waste”.

In paragraph 2 the word: “statement” shall be replaced by the word: “declaration”.

#### Article 21

In Article 41, paragraph 2, item 5 the words: “method of treatment” shall be replaced by the word: “disposal”.

In item 6 the word: “landfill” shall be replaced by the words: “recovery and/or disposal”.

In paragraph 7 the words: “thermal treatment of waste” shall be replaced by the words: “incineration and co-incineration of waste”.

## Article 22

In Article 44, paragraph 2, item 5 after the words: “recovered” the following words shall be added: »and/or disposed«.

## Article 23

In Article 48, paragraph 1 the words: “paragraph 1” shall be replaced by the words: “paragraph 3”.

In paragraph 2, item 2 the word: “treatment” shall be replaced by the word: “disposal”.

In paragraph 2, item 4 the word: „treatment” shall be replaced by the word: “disposal”.

## Article 24

In Article 50, paragraph 2, item 6 after the word: “Notification” the following words shall be added: “and a movement document”.

In paragraph 2, item 7 the word: “treatment” shall be replaced by the words: “disposal and/or recovery”

In paragraph 2, item 8 before the word: “remediation” the word: “environmental” shall be added.

## Article 25

In Article 71 the word: “deposited” shall be replaced by the word: “discarded”.

## Article 26

In Article 72 the word: “deposited” shall be replaced by the word: “discarded”

## Article 27

In Article 74, paragraph 1 the word: “disposed” shall be replaced by the word: “discarded”

In paragraph 1, subparagraph I the word: “landfilling” shall be replaced by the words: “disposal and/or recovery”.

## Article 28

In Article 88, paragraph 1, item 5 the word: “landfill” shall be replaced by the word: “dispose”

In item 8 the words: “treatment and/or landfilling” shall be replaced by the words: “recovery and/or disposal”

Item 10 shall be amended to read:

“10. the legal person is a producer and if he places on the domestic market packaging and parts of packaging that contain materials and hazardous substances in amounts and/or concentrations that may have an adverse effect on human health and/or the environment (Article 36, paragraph 5).”

After item 10 a new item 10a shall be added and shall read as follows:

“10a. the legal person is a producer who does not label and inform the consumer on essential properties of the product and of the packaging in terms of hazardous and polluting substances that they contain, and on the method of managing the product and the packaging once they

become waste (Article 36, paragraph 6).”

In item 13 the words: “in cases when the waste is of unknown origin“ shall be replaced by the words: “in cases when he does not possess a declaration on physical and chemical properties of the waste “.

In item 14 the word: “statement“ shall be replaced by the word: “declaration”.

#### Article 29

In Article 89, paragraph 3 the words: “deposited...in places other than the landfill” shall be amended to read: “discarded...into the environment”.

#### Article 30

In Article 90, paragraph 1, item 5 the words: “deposited...in an area outside of the waste landfill“ shall be replaced by the words: “discarded...into the environment”.

#### Article 31

In Article 91, paragraph 1, item 14 shall be amended to read:

»14. the legal person is a waste producer and does not provide the authorised person with the prescribed data sheet with 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).«

#### Article 32

In Article 92, paragraph 1, item 4 the words: “Article 28 paragraph 4“ shall be replaced by the words: “Article 28a paragraph 1”.

In item 5 the words: “Article 28 paragraph 5“ shall be replaced by the words: “Article 28a paragraph 2”.

#### Article 33

Article 104 shall be amended to read:

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

1. waste management: the procedures for recovery and/or disposal of waste, categories and technical and technological requirements for facilities used for waste storage, professional requirements to be met by persons who perform storage, recovery and/or disposal of waste, as well as the method of maintaining and submitting data on waste management.

2. the criteria, procedure and method for determining the amount of compensation to the real property owners and local self-government units,

3. types and amounts of fees paid by the fee payers for special categories of waste, the method and time-limits of calculating and payment of fees, and the method of managing special categories of waste, particularly:

- packaging and packaging waste,
- waste electrical and electronic devices and equipment,
- end-of-life vehicles,
- waste batteries and accumulators,
- waste tyres,

- mine and mineral waste, subject to the approval of the Minister responsible for the economy
- waste oils
- waste from the titanium dioxide industry, subject to the approval of the Minister responsible for the economy
- polychlorinated biphenyl (PCB) and polychlorinated terphenyl (PCT), subject to the approval of the Minister responsible for the economy.

4. The method and procedures for management of waste containing asbestos, subject to the approval of the Minister responsible for health.

5. The method and conditions for waste landfilling, the categories and requirements for landfill operation.

6. The method and conditions for the thermal treatment of waste, subject to the approval of the Minister responsible for the economy.

7. The method and conditions for managing sludge from sewage treatment plants, when the sludge is used for agricultural purposes, subject to the approval of the Minister responsible for agriculture.

8. The method and procedures for managing medical waste generated during provision of health care to humans and animals and related research activities, subject to the approval of the Minister responsible for health.

9. The method and procedures for managing construction waste.

(2) The ordinances referred to in paragraph 1 items 1 and 2, item 3 subparagraphs 1, 2, 3, 4, 5, 6, 7, items 4, 5, 6, 7 and 8 of this Article shall be passed within one year from the day this Act enters into force.

(3) The ordinances referred to in paragraph 1 item 3 subparagraphs 8 and 9 and item 9 of this Article shall be passed within two years from the day this Act enters into force.”

#### Article 34

The Ordinance on Packaging and Packaging Waste (Official Gazette No. 97/05 and 115/05), the Ordinance on Waste Tyres (Official Gazette No. 40/06) and Ordinance on the criteria, procedure and manner of determining compensation to real estate owners and local self-government units (Official Gazette No. 59/06) adopted pursuant to the Waste Act (Official Gazette No. 178/04) and 153/05) shall remain in effect until the entry into force of the ordinance referred to in Article 104, paragraph 1, item 2 and 3, subparagraphs 1 and 3 of this Act.

#### Article 35

On the day this Act enters into force, the Regulation on Amendments to the Waste Act (Official Gazette No. 153/05) shall cease to apply.

#### Article 36

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



THE CROATIAN PARLIAMENT  
The President of the  
Croatian Parliament  
**Vladimir Šeks, m.p.**

PROVISIONAL TRANSLATION