

THE CROATIAN PARLIAMENT

2035

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

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE WASTE ACT

I hereby promulgate the Act on Amendments to the Waste Act, passed by the Croatian Parliament at its session on 9 May 2008.

Class: 011-01/08-01/35
Reg. No: 71-05-03/1-08-2
Zagreb, 16 May 2008

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 178/04, 111/06 and 110/07), Article 3, item 5 is amended to read:

“5. competent administrative body is the body of the county or the City of Zagreb which, according to the competences regulated by this Act, performs waste management activities and, pursuant to a special regulation, performs environmental protection activities,”.

Item 14 is amended to read:

“14. recycling means reuse of waste in the production process, but not including the use of waste for energy purposes,”.

Item 16 is amended to read:

“16. waste collection means collection, sorting and/or mixing of waste for the purpose of transportation for storage, treatment, recovery and/or disposal,”.

Items 18 and 19 are amended to read:

“18. competent administrative department is the administrative department of a town or municipality which, according to the competences regulated by this Act, performs waste management activities and, pursuant to a special regulation, performs environmental protection activities,

19. waste disposal means any procedure as prescribed under the regulation referred to in Article 104, paragraph 1, item 1 of this Act,”.

After item 23, the following items 24, 25, 26, 27, 28, 29 and 30 are added:

“24. recycling yard for construction waste means a facility intended for sorting, mechanical treatment and temporary storage of construction waste,

25. city is a large city and a city which is the county seat as well as town, designated pursuant to a special regulation,
26. producer means any legal or natural person – craftsman who manufactures or imports products and/or devices and/or equipment,
27. seller means any legal or natural person – craftsman who sells a product and/or device and/or equipment,
28. remediation of contaminated soil is a set of activities or operations used to remove the effects of soil contamination caused by waste which restore, if possible, natural properties of soil or prepare soil for a new purpose,
29. municipal officer is a person who, according to the law governing municipal economy, carries out activities for the Municipal Forces in the City of Zagreb or in local self-government units,
30. supervised person means any legal or natural person – craftsman registered to carry out an activity or a natural person.”

Article 2

After Article 3, Articles 3.a and 3.b are added and read:

“Article 3.a

- (1) The provisions of the law governing general administrative procedure shall apply to procedural issues in procedures carried out pursuant to this Act, which are not regulated by this Act and its implementing regulations.
- (2) The provisions of the law governing environmental protection shall apply to issues relating to the right of access to information in procedures carried out pursuant to this Act, which are not regulated by this Act and implementing regulations of this Act.

Article 3.b

- (1) The operating method in the Ministry, competent administrative bodies in counties and the City of Zagreb, competent administrative departments in towns and municipalities and legal persons with public authorities, related to the implementation of this Act and of implementing regulations 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 method of their operation, for the purpose of drafting the implementing regulations he/she is authorised to pass on the basis of this Act and for the purpose of drafting and implementing national plans, programmes and reports.
- (3) The Minister shall be authorised to determine the compensation for the members and secretaries for their work in the commissions, which he is authorised to establish pursuant to this Act.”

Article 3

In Article 5, paragraph 2, after the words: “of this Act”, the full stop is deleted and the words: “and principles established under the law governing environmental protection” are added.

Article 4

In Article 6, paragraph 1, the word: “conventional” is deleted.

Article 5

In Article 7, paragraph 2 is amended to read:

“(2) Waste management plans for counties and the City of Zagreb have to be harmonised with the Strategy and the Waste Management Plan of the Republic of Croatia and with the Strategy for Sustainable Development of the Republic of Croatia, Environmental Protection Plan of the Republic of Croatia and environmental protection programmes for counties or the City of Zagreb.”

After paragraph 2, paragraph 3 is added and reads:

“(3) Waste management plans for towns and municipalities have to be harmonised with the waste management plan and environmental protection programme of their county, as well as with the environmental protection programme of the respective town or municipality, if such programmes are to be adopted pursuant to the law governing environmental protection.”

The former paragraphs 3 and 4 become paragraphs 4 and 5.

Article 6

In Article 8, paragraph 1, the words: “an integral part of the Environmental Protection Strategy of the Republic of Croatia” are replaced by the words: “, pursuant to the provisions of the law governing environmental protection, an integral part of the Strategy for Sustainable Development of the Republic of Croatia.”

Article 7

In Article 11, paragraph 4 is amended to read:

“(4) The mayors and heads of municipalities shall submit an annual 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.”

Article 8

In Article 15, the following paragraph 4 is added:

“(4) The City of Zagreb, towns and municipalities, each in their territory, shall install adequate containers and ensure the construction of a recycling yard for separate waste collection within municipal waste management in accordance with this Act and the Waste Management Plan as well as ensure the construction of at least one recycling yard for construction waste.”

Article 9

After Article 15, Article 15.a is added and reads:

“Article 15.a

(1) For the purpose of implementing obligations referred to in this Act pertaining to municipal waste management in their territory, the City of Zagreb, towns and municipalities shall via the municipal officer order the owner, who he himself deposits waste on his real property contrary to the municipal order decision and/or allows another person to do so, to deposit such waste at his own expense and responsibility in the prescribed manner.

(2) If the owner of the real property referred to in paragraph 1 of this Article does not carry out the order by the municipal officer, it shall be carried out by the City of Zagreb, the town or municipality at the expense and responsibility of the owner.”

Article 10

In Article 17, paragraph 2 is amended to read:

“(2) For municipal waste from households, the City of Zagreb, towns and municipalities may apply a mass unit or waste volume or number of household members as the criteria for calculating the amount referred to in paragraph 1 of this Article.”

Article 11

In Article 19, paragraphs 1 and 2 are amended to read:

“(1) The waste management information system (hereinafter: the information system) is an integral part of the environmental protection information system established under the law governing environmental protection, and shall particularly encompass:

1. data on waste contained in the waste register and reported pursuant to a special regulation,
2. data from reports on the implementation of waste management plans referred to in Articles 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, paragraph 1 of this Act,
6. data from the register on issued certificates and approvals referred to in Articles 28, 29 and 31 of this Act,
7. data from reports on amounts and types of imported non-hazardous waste referred to in Article 49 of this Act,
8. data from reports on amounts and types of exported hazardous waste referred to in Article 51, paragraph 2 of this Act,
9. data from the register on persons registered for exporting non-hazardous waste referred to in Article 53 of this Act,
10. data on regulations, guidelines, plans and projects in the area of waste management,
11. indicators of the state of affairs in the waste sector.

(2) The competent administrative body, competent administrative department 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.”

Article 12

Article 20 is amended to read:

“(1) A person who produces waste in the performance of his activities and/or manages waste must keep the prescribed register on waste origin and waste flow. The person must enter data into the register in an accurate and comprehensive manner, following each change, and submit data from the register to the competent body pursuant to the law governing environmental protection, as well as keep the register for each year for a period of five years.

(2) The Minister shall prescribe the content and method for keeping the register referred to in paragraph 1 of this Article.”

Article 13

In Article 21, paragraph 2 is amended to read:

“(2) Counties, City of Zagreb, towns and municipalities shall establish the locations for the construction of facilities referred to in paragraph 1 of this Article in their physical planning documents.”

Article 14

In Article 22, paragraph 2 is deleted.

The former paragraphs 3 and 4 become paragraphs 2 and 3.

Article 15

In Article 24, paragraph 1, the word: “real property” is replaced by the words: “ownership of the real property”.

Article 16

In Article 27, paragraph 2 is amended to read:

“(2) The collector may not take over waste from a waste producer without a consignment note or other prescribed documentation. The collector shall ensure that each shipment of waste that the collector is delivering to the person authorised for recovery, treatment and/or disposal is accompanied by the consignment note with data from the register on waste origin and waste flow.”

After paragraph 2, a new paragraph 3 is added and reads:

“(3) The collector may not take over waste for which he/she does not have the licence to perform the activity of collection.”

The former paragraphs 3 and 4 become paragraphs 4 and 5.

Article 17

After Article 31, Article 31.a is added and reads:

“Article 31.a

In the case of removing an illegally built construction work on the basis of an executive administrative act issued by a building inspector via another person, in line with the provisions of the law governing physical planning and construction, construction waste generated during such activities shall be disposed in a waste landfill at the expense and responsibility of the owner of the construction work.”

Article 18

In Article 36, a new paragraph 7 is added and reads:

“(7) The producers who place hazardous substances on the market shall organise separate collection of packaging waste contaminated with hazardous substances and the use of its valuable properties by turning it over to persons authorised for collection, treatment, recovery and/or disposal of such packaging at their own expense.”

The former paragraph 7 becomes paragraph 8.

Article 19

Article 38 is amended to read:

“(1) Producers and sellers shall ensure for the buyer and/or consumer of the product:

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

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

(2) In the regulation referred to in Article 36 paragraph 8 of this Act, the Minister shall prescribe in more detail the obligations of the producers and sellers within the meaning of the provisions of paragraph 1 of this Article.”

Article 20

In Article 41, paragraph 2, after the word: “licence” a comma is inserted and the words: “depending on the type of activity,” are added.

Article 21

After Article 41 the following Article 41.a is added:

“Article 41.a

(1) Persons registered for the collection and/or recovery of waste that perform their activity in the territory of two or more counties or in the territory of the Republic of Croatia shall dispose of waste in their possession at the landfill designated by the physical plan of the local self-government unit.

(2) The local self-government unit or the person managing the landfill referred to in paragraph 1 of this Article shall accept the waste referred to in paragraph 1 of this Article.

(3) By way of derogation from paragraph 1 of this Article, in cases relating to construction waste for which the activity of recovery is performed with a mobile device, recovery may also be performed at the construction site.”

Article 22

In Article 42, paragraph 1, after the words: “The licence shall be” a comma is inserted and the words: “depending on the type of activity,” are added.

Article 23

In Article 59, paragraph 3, the words: “paragraph 1” are replaced by the words “paragraph 2”.

In paragraph 4, the words: “paragraph 2” are replaced by the words “paragraph 3”.

In paragraph 5, the words: “paragraph 3” are replaced by the words “paragraph 4”.

Article 24

In Article 63, the words: “state administration bodies“ are replaced by the words: “competent administrative bodies and competent administrative departments and”.

Article 25

Article 64 is amended to read:

“(1) If in the performance of administrative supervision, that is, supervision performed by the environmental inspector, it is established that a decision on the supervised body, which is final in the administrative procedure, has violated the substantive provisions of this Act or the regulations adopted on the basis thereof, the Ministry shall annul such a decision by right of supervision.

(2) If in the performance of administrative supervision, that is, supervision performed by the environmental inspector, it is established that a decision issued pursuant to this Act, which is final in the administrative procedure, has violated the substantive provisions of this Act, the Ministry shall annul such a decision by right of supervision.

(3) If in the performance of supervision it is established that a decision of the environmental inspector, which is final in the administrative procedure, has violated the substantive provisions of this Act, the Ministry shall annul such a decision by right of supervision.

(4) The decision on annulment or revoking by right of supervision may be issued within one year from the day on which the act which is being revoked or annulled became final and that period does not include the delivery of the decision.

(5) After the first unsuccessful delivery of the decision on annulment or revoking by right of supervision or the decision referred to in paragraph 1 of this Article, the delivery shall be accomplished by displaying that decision on the Ministry’s notice board. A notification thereon is left on the property to which the decision on annulment or revoking refers to.

(6) The decision on annulment or revoking by virtue of supervisory power in the event of the delivery referred to in paragraph 5 of this Article shall be considered as delivered on the day on which it was placed on the notice board.

(7) An appeal against the decision referred to in paragraph 4 of this Article is not permitted, but an administrative dispute may be initiated against it.”

Article 26

Article 65 is deleted.

Article 27

In Article 66, paragraph 2, the opening sentence and subparagraph 1 are amended to read:

(2) In the course of inspectional supervision, the inspector shall supervise the producer, seller, owner, producer/holder of waste, waste collector, mediator and carrier, the person treating, importing, transiting and exporting waste and the concessionaire, in particular“.

In subparagraph 4, the words: “the competent state administration bodies or competent bodies of local and regional self-government units” are replaced by the words: “competent administrative bodies”.

Article 28

Articles 67, 68 and 69 are deleted.

Article 29

Article 70 is amended to read:

“Parties in the inspection proceedings on the implementation of this Act and other regulations adopted on the basis thereof may be persons authorised for waste management, i.e., the

producer, seller, producer of waste, owner/holder of waste, the waste carrier and mediator and the concessionaire as well as the counties, City of Zagreb, towns and municipalities.”

Article 30

Article 71 is amended to read:

“(1) The inspector shall order the removal, i.e., the disposal and/or recovery of non-hazardous waste within an appropriate deadline to the town or municipality, if it is established that the waste has been discarded outside of landfill.

(2) With the decision referred to in paragraph 1 of this Article, the inspector shall also order the removal, i.e., the disposal and/or recovery of non-hazardous waste within an appropriate deadline to the county if the town or municipality does not carry out the measure ordered.

(3) If the county does not carry out the decision referred to in paragraph 2 of this Article, the decision shall be carried out via another person at the expense of the county that was ordered by the decision.”

Article 31

In Article 72, after the words: “the elimination of irregularities”, the words: “elimination of procedural illegalities” are added.

Article 32

In Article 73, paragraph 1 is amended to read:

“(1) The inspector shall, by a decision, order the supervised person to keep the register on waste or to draft and submit the waste management plan, if it is established that they are not kept or managed in the prescribed way.”

In paragraph 2, after the words: “administrative measure”, the words: “referred to in Article 84, paragraph 1 of this Act” are added.

Article 33

After Article 73, the following Article 73.a is added:

“Article 73.a

(1) The inspector shall, by a decision, order the supervised person to eliminate any procedural illegalities within an appropriate deadline if it is established that:

- the person did not provide the buyer and/or end consumer with the possibility of returning used products, devices, equipment and/or packaging that can be re-used after appropriate treatment ,
- the person did not inform the buyer and/or consumer about the method and conditions of using the product, devices and equipment once they become waste in the prescribed manner,
- the person did not provide for the possibility of refunding the fee for recoverable waste after the product has been used in the prescribed manner,
- the person did not organise, at his/her own expense, the collection, storage, disposal and recovery of packaging contaminated with hazardous substances or of packaging waste in the prescribed manner.

(2) The inspector shall order the person authorised for the management of special categories of waste to eliminate any procedural illegalities if it is established that the authorised person is

not managing special categories of waste in the prescribed manner.

(3) If the supervised person does not carry out the measures for eliminating procedural illegalities referred to in paragraphs 1 and 2 of this Article as ordered by the decision, the inspector shall force the person to comply by means of the administrative measure referred to in Article 84, paragraph 1 of this Act.”

Article 34

Article 74 is amended to read:

“(1) The inspector shall, by a decision, order the supervised person to remove the waste within an appropriate deadline, if it is established that:

- the person leaves and/or unloads waste in a place that is not intended for landfilling of waste,
- the person stores waste in an unlawful manner or if the storage space where waste is stored does not meet the prescribed requirements.

(2) If the unlawfully stored, left or discarded waste has contaminated the soil, the inspector shall order, by a decision, the remediation of contaminated soil via the authorised person.

(3) If the supervised person does not carry out the measures as ordered by the decision referred to in paragraphs 1 and 2 of this Article, the inspector shall force the person to comply by means of an administrative measure referred to in Article 84, paragraph 1 of this Act. If the person still does not carry out the decision after the administrative measure, these shall be carried out via another person at the expense of the person who received the decision.”

Article 35

Article 75 is amended to read:

“(1) The inspector shall, by a decision, prohibit the supervised person from loading, unloading, transporting and disposal of waste containing asbestos if it is established that the supervised person did not ensure the conditions prescribed for performing such activities.

(2) If the supervised person does not carry out the decision referred to in paragraph 1 of this Article, the inspector shall force the person to comply by means of an administrative measure referred to in Article 84, paragraph 1 of this Act.

(3) If the person still does not carry out the decision after the administrative measure, the inspector shall seal the business premises, facilities, devices and equipment or in another way prevent further illegal activities.”

Article 36

Article 76 is amended to read:

“(1) The inspector shall, by a decision, order the supervised person managing the landfill to eliminate any procedural illegalities, if it is established that the obligations prescribed pursuant to general requirements for landfills are not carried out, or are not carried out fully, or that:

- the landfill is not equipped in the manner prescribed,
- the landfill is not covered in the manner prescribed,
- landfill gas is not handled in the manner prescribed.

(2) The inspector shall, by a decision, order the supervised person referred to in paragraph 1 of this Article to eliminate any procedural illegalities, if it is established that the following measures are not carried out, or are not carried out fully:

- control of the landfill during active use and after the closure of the landfill,
- maintenance of the landfill after its closure,

– prescribed measures for preventing harmful environmental effects designated in the waste management licence.

(3) If the supervised person does not carry out the decision referred to in paragraphs 1 and 2 of this Article, the inspector shall force the person to comply by means of an administrative measure referred to in Article 84, paragraph 1 of this Act.

(4) The inspector shall, by a decision, prohibit the supervised person referred to in paragraph 1 of this Article from landfilling waste if it is established that:

- the person discards waste at a landfill unacceptable for landfilling of waste,
- the person discards waste without the basic characterisation of waste,
- if the result of the waste eluate analysis on the landfill does not match the prescribed values.

(5) The inspector shall, by a decision, depending on the type of waste referred to in paragraph 4, subparagraph 1 of this Article, order the removal from the landfill and disposal of such waste within an appropriate deadline.

(6) If the legal or natural person does not carry out the decision referred to in paragraph 4 of this Article, the decision shall be carried out via another person at the expense of the person managing the landfill.”

Article 37

Article 77 is amended to read:

“(1) The inspector shall, by a decision, prohibit the supervised person from performing waste management activities if it is established that:

- the person performs the activity in a facility or business premises for which he/she cannot demonstrate that it meets the requirements pursuant to regulations governing construction,
- the person does not have the licence or certificate for waste management.

(2) The inspector shall, by a decision, temporarily prohibit the supervised person from performing waste management activities within a certain deadline for the purpose of harmonisation with the requirements prescribed by this Act if it is established that:

- the person does not meet the requirements prescribed for waste management,
- the person does not operate in accordance with the licences and certificates issued by the Ministry and other state administration bodies,
- does not operate in accordance with the implementing regulations of this Act.

(3) With the decision referred to in paragraph 2 of this Article, the inspector shall also prohibit the supervised person from performing waste management activities or from the storage of waste in the case that, upon expiry of the deadline ordered in that decision, it is established that the person did not carry out the ordered measure.

(4) With the decision referred to in paragraph 2 of this Article, the inspector shall also notify the supervised person that the proposal to withdraw the licence will be submitted to the Ministry if the ordered measures are not carried out prior to the set deadline.”

Article 38

In Article 78, after subparagraph 4, subparagraphs 5 and 6 are added and read:

“–if the person carries out transboundary transport of waste without the prescribed documentation,

- if the waste which is imported, transited or exported does not comply with the data from the accompanying documentation.”

Article 39

In Article 79, paragraph 2 is amended to read:

“(2) The method of sealing referred to in paragraph 1 of this Article is determined by a special legislation.”

Article 40

Articles 80 and 81 are deleted.

Article 41

In Article 82, paragraph 1 is amended to read:

“(1) In the decision referred to in Article 71, paragraph 2, Article 74 and Article 76, paragraph 5 of this Act, the inspector shall also determine the method of carrying out that decision via another person as well as notify the supervised person that the enforcement of the ordered measures shall start at the latest within a period of thirty days from the day of establishing that the supervised person did not comply with the decision.”

Article 42

Article 83 is deleted.

Article 43

Article 84 is amended to read:

“(1) If the supervised person does not carry out the measure ordered by the decision referred to in Article 73; Article 73.a, paragraphs 1 and 2; Article 74, paragraphs 1 and 2; Article 75, paragraph 1 and Article 76, paragraphs 1 and 2 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 and natural person - craftsman, and HRK 5,000.00 for a natural person.

(2) The amount of the coercive fine referred to in paragraph 1 of this Article shall be paid by the supervised person into the state budget within a period of thirty days from the day of establishing non-compliance with the decision. If the supervised person does not submit evidence of paying the fine to the inspector upon the expiry of the thirty-day period, the payment shall be enforced without issuing a special act on its enforcement.”

Article 44

Article 85 is amended to read:

“(1) An appeal against the decision, conclusion on the suspension of the enforcement procedure and conclusion on expenses issued by a branch unit inspector may be filed with the Ministry within fifteen days from the receipt of the decision or conclusion.

(2) If the inspector in a branch unit of the Ministry establishes that the appeal is permitted, timely and submitted by an authorised person, and if he has not replaced the official act contested by the appeal with a new official act, he shall submit, without delay and within a period of five days from the receipt of the appeal at the latest, the appeal along with the file related to the case to the Ministry to be resolved.

(3) An appeal submitted against the decision or conclusion referred to in paragraph 1 of this Article shall not postpone its enforcement.

(4) An appeal referred to in paragraph 3 of this Article shall be resolved by a special commission of the Ministry which is appointed by the Minister.

(5) By way of derogation from paragraph 1 of this Act, an appeal to the Ministry against an inspectional decision or conclusion is not permitted, but administrative dispute may be initiated, but shall not postpone its enforcement.”

Article 45

In Article 86, paragraph 1, after the words: “that the licence”, the words: “of the competent administrative body” are added.

Article 46

Article 87 is amended to read:

»(1) If inspectional supervision establishes a violation of the provisions of this Act and/or regulations adopted on the basis thereof, the Ministry shall submit an accusatory motion or criminal charges with the competent body because of a misdemeanour or criminal act.

(2) If inspectional supervision establishes a violation of the provisions of this Act and/or regulations adopted on the basis thereof, the inspector shall have the authority and obligation to undertake other measures and carry out other actions for which he/she is authorised on the basis of this Act and the law governing environmental protection.”

Article 47

After Article 87, Article 87.a is added and reads:

“Article 87.a

The provisions of Articles 182, 183, 184, 185, 186, 187, 189, 191, 192, 193, 194, 195, 211, 212, 221 and 223 of the Environmental Protection Act (Official Gazette 110/087) shall apply appropriately to inspectional supervisions performed under this Act.”

Article 48

Article 88 is amended to read:

(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 dispose of 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, discards and/or 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 and/or disposal of products the shelf / operating life of which has expired, in order to reduce the adverse effects on the environment to the greatest extent possible (Article 36, paragraph 1),
9. the legal person is a producer and does not use raw materials and 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 if he or she places on the domestic market the packaging and parts of packaging which contain materials and hazardous substances in the amounts and/or concentrations that may have an adverse effect on human health and/or environment (Article 36, paragraph 5),
11. the legal person is a producer who does not mark nor inform the consumer on the important properties of the product or packaging in regards to hazardous and polluting substances that they contain, and on the method for managing the product and the packaging once they become waste (Article 36, paragraph 6),
12. the legal person is a producer who places hazardous substances on the market and does not organise, at his own expense, separate collection of packaging waste contaminated with hazardous substances and the use of its valuable properties by delivering it to the persons authorised for collection, treatment, recovery and/or disposal of such packaging (Article 36, paragraph 7),
13. 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),
14. 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),
15. 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 there is no declaration on physical and chemical properties of waste or if the quantity of waste exceeds one ton (Article 40, paragraph 1),
16. 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 declaration on the physical and chemical properties of waste (Article 40, paragraph 2),
17. the legal person imports hazardous waste (Article 47, paragraph 1),
18. the legal person imports waste for landfilling and use for energy purposes (Article 47, paragraph 2),
19. the legal person imports non-hazardous waste, which cannot be recovered according to the provisions of this Act (Article 47, paragraph 3),
20. the legal person imports non-hazardous waste without having obtained the decision prescribed by this Act (Articles 48 and 49, paragraph 1),
21. 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),
22. 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),

23. 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),

24. the legal person performs activities referred to in Article 55 of this Act and/or constructs and/or uses facilities and/or devices intended for performing these activities and did not acquire the right to do so based on a concession or does not have a contract with the concessionaire (Article 55, paragraphs 1, 2 and 3),

25. 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),

26. the legal person does not take the actions and undertake the measures ordered by the concession grantor 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 imprisonment for up to 60 days.

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

(4) For the acts referred to in paragraph 1, item 7 and item 21 of this Article, a natural person shall also be fined for misdemeanours in the amount of HRK 3,000.00 to 10,000.00.”

Article 49

Article 89 is amended to read:

(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 Strategy for Sustainable Development of the Republic of Croatia, Environmental Protection Plan of the Republic of Croatia and environmental protection programmes (Article 7, paragraph 2),

2. it does not adopt the Waste Management Plan, as part of the Environmental Protection Programme determined by the law governing environmental protection 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 (Article 13, paragraph 4),

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),

6. the competent 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. it does not establish the locations for the construction of facilities intended for the storage, recovery and disposal of waste (Article 21, paragraph 2).

(2) For the misdemeanour referred to in paragraph 1 of this Article, the responsible person in the county or in the City of Zagreb shall be fined 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 the event that it does not ensure removal and disposal and/or

recovery of waste discarded by an unknown person in its territory (Article 18, paragraph 1).
(4) For the misdemeanours referred to in paragraph 3 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 50

Article 90 is amended to read:

“(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 environmental protection programme of the county, as well as with the environmental protection programme of the town or municipality, if it is to be adopted pursuant to the law governing environmental protection (Article 7, paragraph 3),
2. it does not bring the Waste Management Plan pursuant to this Act (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 removal and disposal and/or recovery of waste discarded by an unknown person in its territory (Article 18, paragraph 1),
6. it does not timely and free of charge, through its competent administrative body, ensure data under its authority, 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 establish the locations for the construction of facilities intended for the storage, recovery and disposal of waste (Article 21, paragraph 2).

(2) For the misdemeanour referred to in paragraph 1 of this Article, the responsible person in a municipality or town shall also be fined in the amount of HRK 15,000.00 to 25,000.00.

(3) For the misdemeanour referred to in paragraph 1, item 6 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 also be fined in the amount of HRK 15,000.00 to 25,000.00.”

Article 51

Article 91 is amended to read:

“(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 or does not manage it in the prescribed manner or if he/she does not submit the data from the register to the competent body pursuant to the special law governing environmental protection (Article 20, paragraph 1),
3. 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),
4. the legal person stores, recovers and disposes of waste in devices and facilities, which are not intended for that purpose (Article 22, paragraph 1),

5. 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),
 6. the legal person is a waste collector and takes over waste from a waste producer without a consignment note or other prescribed documentation and does not ensure that each shipment of waste that the person is turning over for recovery, treatment and/or disposal is accompanied by the consignment note with data from the register on waste origin and waste flow or takes over waste for which he/she does not have the licence to perform the activity of collection (Article 27, paragraph 2 and paragraph 3),
 7. 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),
 8. the legal person is engaged in 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),
 9. the legal person is a producer or seller who does not ensure to the buyer and/or consumer of the product the possibility of returning used products or packaging that can be used again after appropriate treatment and does not ensure the possibility of refunding the fee for recoverable waste after the product has been used in accordance with this Act (Article 38, paragraph 1),
 10. the legal person is a producer of waste who independently performs recovery in the manner contrary to the prescribed waste recovery procedures or who independently performs recovery and/or disposal of waste without having obtained the prescribed licence (Article 32, paragraph 2),
 11. the legal person is a waste producer who does not submit to the authorised person alongside the waste the consignment note with data from the register on waste pursuant to Article 20, paragraph 1 of this Act (Article 39, paragraphs 3 and 4),
 12. 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),
 13. 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 - craftsman shall be fined in the amount of HRK 85,000.00 to 200,000.00.
- (4) For the misdemeanours referred to in paragraph 1, items 7, 8 and 12 of this Article, a natural person shall be fined in the amount of HRK 3,000.00 to 10,000.00.”

Article 52

In Article 92, paragraph 3 is amended to read:

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

Article 53

Article 93 is amended to read:

“(1) Failure to fulfil any of the obligations which the implementing regulations of this Act prescribe for: supervised person authorised for waste management, producer, seller, waste producer, waste owner/holder, carrier and mediator, concessionaire, and any other supervised persons, as well as the failure to fulfil those obligations within the prescribed deadline and in the prescribed manner shall be considered a misdemeanour within the meaning of this Act.

(2) For the misdemeanours referred to in paragraph 1 of this Article, the legal person:

authorised for waste management, producer, seller, waste producer, waste owner/holder, carrier and mediator, concessionaire, and any other supervised legal person shall be fined in the amount of HRK 100,000.00 to 800,000.00.

(3) For the misdemeanours referred to in paragraph 1 of this Article, the responsible person within the legal person referred to in paragraph 2 of this Article shall be fined in the amount of HRK 30,000.00 to 70,000.00.

(4) For the misdemeanours referred to in paragraph 1 of this Article, the natural person – craftsman: authorised for waste management, waste producer/holder, carrier and mediator shall be fined in the amount of HRK 25,000.00 to 70,000.00.

(5) For the misdemeanours referred to in paragraph 1 of this Article, the natural person as the other supervised person shall be fined in the amount of HRK 3,000.00 to 10,000.00.”

Article 54

Article 94 is deleted.

Article 55

In the entire text of the Waste Act (Official Gazette 178/04, 111/06 and 110/07), the words: “competent office”, “county government”, “town government” and “municipal government” in their respective forms are replaced by the words: “competent administrative body”, “county prefect”, “mayor”, “head of municipality” in their respective forms.

Article 56

The City of Zagreb, towns and municipalities, each in their territory, shall install adequate containers and to ensure the construction of a recycling yard for separate waste collection within municipal waste management in accordance with this Act, by 31 December 2008, as well as ensure the construction of at least one recycling yard for construction waste by the deadline prescribed pursuant to a special regulation.

Article 57

The City of Zagreb, towns and municipalities, as the criterion for calculating the amount referred to in Article 17 of the Waste Act (Official Gazette 178/04, 111/06 and 110/07), instead of a mass unit or waste volume or number of household members used pursuant to this Act, may until 31 December 2009 apply other calculation criteria for municipal waste in accordance with the law governing municipal economy.

Article 58

Counties, City of Zagreb, towns and municipalities shall establish the locations for the construction of facilities referred to in Article 21, paragraph 1 of the Waste Act (Official Gazette 178/04, 111/06 and 110/07) by 31 December 2008.

Article 59

(1) Persons registered for the collection, recovery and/or disposal of waste or for management of special categories of waste, who acquired the waste management licence in accordance with the provisions of Article 41 and in relation to the provision of Article 22, paragraph 2 of

the Waste Act (Official Gazette 178/04, 111/06 and 110/07) shall submit an application for licence renewal six months prior to its expiry pursuant to this Act.

(2) If the application is not submitted and the licence not obtained pursuant to paragraph 1 of this Article, the person referred to in paragraph 1 of this Article shall lose the right to perform the activities according to the licence upon the expiry of the licence in his/her possession.

(3) The provisions of paragraphs 1 and 2 of this Article shall also apply to persons who will acquire the waste management licence in accordance with the provisions of Article 41 and in relation to the provision of Article 22, paragraph 2 of the Waste Act (Official Gazette No 178/04, 111/06 and 110/07) and following the provision of Article 65 of this Act.

Article 60

Within a period of 60 days from the day of entry into force of this Act, the counties shall in agreement, each for its respective territory, take over the equipment, records and other documentation, operation funds, financial funds and the rights and obligations from the state administration offices in counties, in accordance with the activities taken over pursuant to this Act, as well as the civil servants and employees working on those activities.

Article 61

Within a period of 30 days from the day of entry into force of this Act, the counties and the City of Zagreb shall harmonise their ordinances on internal organisation with this Act.

Article 62

Proceedings initiated under the provisions of the Waste Act (Official Gazette 178/04, 111/06 and 110/07) prior to the entry into force of this Act shall be completed in accordance with the provisions of the former Act and regulations adopted on the basis thereof.

Article 63

The Legislation Committee of the Croatian Parliament is hereby authorised to prepare and publish a revised version of the Waste Act.

Article 64

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

Class: 310-33/08-01/01
Zagreb, 9 May 2008

THE CROATIAN PARLIAMENT
The President of the
Croatian Parliament
Luka Bebić, m. p.