

Waste Management Act

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Text in Bulgarian: Закон за управление на отпадъците

Chapter One GENERAL PROVISIONS

Article 1

(1) This Act shall govern the environmentally sound management of waste as a totality of rights, obligations, decisions, steps and operations related to the formation and treatment of waste, as well as the forms of control over any such activities.

(2) This Act shall establish the requirements to the products which, in the process of production thereof or after final use thereof, form hazardous or ordinary waste.

(3) Waste shall be managed for the purpose of prevention, mitigation or limitation of the harmful impact of waste on human health and on the environment.

Article 2

(1) This Act shall apply to:

1. household waste;
2. industrial waste;
3. construction and demolition waste;
4. hazardous waste.

(2) This Act shall not apply to:

1. radioactive waste;
2. (Amended, SG No. 70/2008) waste resulting from prospecting, extraction, treatment and storage of subsurface resources;

3. animal carcasses;
4. animal faeces and other non-hazardous substances used in farming;
5. gaseous effluents emitted into the atmosphere;
6. waste waters, with the exception of waste in liquid form included in the classification referred to Article 3 herein;
7. decommissioned explosives.

Article 3

The classification of wastes by types and properties shall be determined by an ordinance of the Minister of Environment and Water and the Minister of Health.

Chapter Two

OBLIGATIONS OF PERSONS PURSUING WASTE-RELATED OPERATIONS

Article 4

(1) Any persons, whose activity involves the formation and/or treatment of waste, shall take measures in the following hierarchy of priorities for:

1. the prevention or reduction of waste production and its harmfulness, in particular by:

(a) the development and application of modern clean technologies more sparing in their use of primary natural resources;

(b) the technical development and placing on the market of products designed so as to make no contribution or to make the smallest possible contribution, by the nature of their manufacture, use or final disposal, to increasing the amount or harmfulness of waste and pollution hazards;

(c) the development of appropriate techniques for the final disposal of hazardous substances contained in waste destined for recovery;

2. the recycling, reuse and/or extraction of secondary raw materials and energy recovery from waste whereof the formation cannot be prevented;

3. the final disposal of waste, should the prevention, reduction and/or recovery thereof be impossible.

(2) Upon occurrence of pollution, the persons referred to in Paragraph (1) shall take immediate steps to limit the effects of the said pollution on human health and the environment.

Article 5

(1) "Holders of waste" shall mean the producers of waste or the persons who or which are in possession of waste.

(2) (Supplemented, SG No. 41/2010) Industrial, construction and hazardous waste shall be delivered and accepted solely on the basis of a written contract with persons holding a document under Article 12 herein on waste designated by the relevant code according to the ordinance referred to in Article 3 herein.

(3) The holders of waste referred to in Paragraph (1) shall be obligated:

1. to comply with the requirements for treatment of waste varying by type, origin and properties;

2. to maintain the waste treatment installations thereof in constant working order and fit for normal operation;
3. to take all measures to prevent the mixing of hazardous waste with other waste or of recoverable waste with non-recoverable waste;
4. to organize the safe storage of waste for which no appropriate treatment techniques are available;
5. where hazardous waste is available, to designate a person responsible and to make arrangements for the safe management of the said waste;
6. to keep records of waste according to the procedure established by this Act and by the statutory instruments of secondary legislation on the application thereof;
7. upon request, to afford the control authorities access to the technological flow lines which produce waste, to the waste treatment installations, and to waste-related documentation;
8. to provide briefing and periodic training to the staff handling hazardous waste;
9. to plan and implement the measures necessary to avoid the spread of pollution after closure of the projects and operations, as well as of the waste disposal facility or installation;
10. to provide for financial resources as shall be necessary for:
 - (a) ensuring implementation of the waste management programmes;
 - (b) the monitoring plan;
 - (c) closure of the waste disposal facility or installation;
 - (d) post-closure monitoring and control.
11. to draw up a contingency plan for response to accidents as may occur upon carrying out waste-related operations;
12. to notify the competent authorities of any forthcoming changes in the raw materials and the technological processes that would lead to a change in the amount, type or hazardous properties of the waste formed.

Article 6

(1) Holders of waste shall provide the said waste for collection, transport, recovery or final disposal to persons empowered to pursue the relevant operations, or shall recover or dispose of the said waste themselves in accordance with this Act.

(2) (Amended, SG No. 41/2010) The abandonment, unauthorized dumping and incineration or any other form of uncontrolled waste treatment is hereby prohibited.

Article 7

(1) Simultaneously with the documents covered under Article 144 (1) of the Spatial Development Act, the applicants for a building permit shall submit information regarding the amount and type of industrial and hazardous waste as shall be formed after implementation of the development-project design.

(2) The information referred to in Paragraph (1) shall be grounds to seek a permit from the state acceptance commission according to the procedure established by Article 12 herein.

(3) (Amended, SG No. 41/2010) Commissioning of construction projects according to the procedure established by the Spatial Development Act without a waste handling permit, where such a permit is required according to the procedure established by Article 12 herein, is hereby prohibited.

(4) (New, SG No. 41/2010) Commissioning of landfills of hazardous and non-hazardous waste according to the procedure established by the Spatial Development Act without a fixed amount of deductions per unit of waste deposited according to Article 71a herein is hereby prohibited.

Article 8

The composition and properties of waste shall be analyzed by accredited laboratories for the purpose of verification of the data declared and classification of waste under Article 3 herein.

Article 9

(1) Where the producers or waste are unidentified, the costs of environmental remediation shall be borne by the persons who or which are in holding of any such waste.

(2) All costs of environmental remediation and of identification of the actual producer of the waste shall be recovered therefrom.

(3) Should the producer of the waste be not identified within 30 days, the persons affected shall receive assistance from the municipality, upon request, for elimination of the waste according to a procedure established in the ordinance referred to in Article 19 herein or, in the case of pollution with hazardous waste, according to a procedure established by the Rules of Organization and Operation of the Enterprise for Management of Environmental Protection Activities (State Gazette No. 3 of 2003).

Chapter Three WASTE TREATMENT AND TRANSPORT

Article 10

Depending on the properties, composition and other characteristics thereof, waste shall be treated and transported in a manner as will not impede its further rational utilization.

Article 11

(1) (Supplemented, SG No. 41/2010) Any persons, who or which place on the market any products which, after use, form ordinary waste as defined by the ordinances referred to in Article 24 (2) herein, shall be responsible for the separate collection of the said waste and for attainment of the relevant targets for separate collection, reuse, recycling and recovery.

(2) (Amended, SG No. 41/2010) The persons who place packaged goods on the market shall be responsible for the separate collection of the waste resulting from the use of the said goods, as well as for attainment of the following targets for recycling and recovery:

1. (Amended, SG No. 77/2005) 60 per cent as a minimum by weight of packaging waste must be recovered or incinerated at waste incineration plants with energy recovery;

2. (Amended, SG No. 77/2005) 55 per cent as a minimum by weight of packaging waste must be recycled, attaining the following minimum recycling targets:

(a) 60 per cent by weight for glass packaging waste;

(b) 60 per cent by weight for paper and cardboard packaging waste;

(c) 50 per cent by weight for metal packaging waste;

(d) 22.5 per cent by weight for plastic packaging waste, counting material that is recycled exclusively back into plastics;

(e) 15 per cent by weight for wood packaging waste.

(3) The targets covered under Paragraph (2) shall be attained by stages, according to the time limits established under § 9 of the Transitional and Final Provisions herein.

(4) The persons referred to in Paragraphs (1) and (2) shall discharge the obligations thereof:

1. individually, or
2. through collective schemes represented by a recovery scheme operator.

(5) In case they discharge the obligations thereof individually, the persons referred to in Paragraphs (1) and (2), as well as all distributors thereof, including the persons selling the goods to the final consumer and the producer, shall be obligated to accept the return, at the point of sale or in another suitable place, of the waste resulting from the use of the relevant products.

(6) The persons referred to in Paragraphs (1) and (2) shall discharge the obligations thereof through collective schemes after issuing of a permit according to the procedure established by Chapter Five, Section IV herein.

Article 12

(Supplemented, SG No. 77/2005, SG No. 105/2008, amended, SG No. 41/2010)

(1) The following shall be required for pursuing waste recovery and/or disposal operations, including pretreatment prior to recovery and/or final disposal:

1. a permit issued according to the procedure established by Article 37 herein, or

2. an integrated permit issued according to the procedure established by Chapter Seven, Section II of the Environmental Protection Act.

(2) No permits shall be required for:

1. trade in ferrous and non-ferrous metal waste which does not have hazardous properties;

2. collection and temporary storage of waste on the site where it is produced;

3. collection and transport of waste within the meaning given by Items 18 and 19 of § 1 of the Supplementary Provisions herein;

4. storage of non-hazardous waste designated by Code R13 within the meaning given by Item 17 (m) of § 1 of the Supplementary Provisions herein.

(3) A licence for trade in ferrous and non-ferrous metal waste which does not have hazardous properties shall be issued according to the procedure established by Chapter Five, Section III herein.

(4) The Director of the Regional Inspectorate of Environment and Water covering the territory wherein the registered office of the person is located shall issue a registration document for the operations referred to in Items 3 and 4 of Paragraph (2) in a standard form approved by the Minister of Environment and Water, according to the procedure established by Chapter Five, Section II herein.

(5) The Director of the Regional Inspectorate of Environment and Water shall issue a certificate in a standard form approved by the Minister of Environment and Water, according to the procedure established by Chapter Five, Section III herein, before the issuing of the licence for the operation referred to in Item 1 of Paragraph (2), where the waste-related operations are pursued within the territory covered by the relevant Regional Inspectorate of Environment and Water.

(6) In the cases where operations under Paragraph (1) and under Item 3 of Paragraph (2) are pursued simultaneously, the persons may submit an application for the issuing of a permit under Article 37 herein covering all operations or part thereof,

whereby the requirement for the issuing of a registration document shall be waived.

(7) A permit referred to in Paragraph (1) or a registration document referred to in Items 3 and 4 of Paragraph (2) for pursuing waste-related operations shall be issued to a natural or legal person who or which is registered as a merchant under Bulgarian legislation or under the national legislation thereof, to state-owned and municipal-owned enterprises, associations of municipalities, cooperatives and public-financed enterprises within the meaning given by Item 1 of § 1 of the Supplementary Provisions of the Accountancy Act, who or which are responsive to the requirements of this Act.

(8) Items 1 and 4 of Paragraph (2) shall not apply in the cases of shipments of waste under Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, hereinafter referred to as "Regulation 1013/2006".

Article 13

(Amended, SG No. 41/2010)

The requirements that the sites designated for placing of waste treatment installations must satisfy shall be established by an ordinance of the Minister of Environment and Water, the Minister of Regional Development and Public Works, the Minister of Agriculture and Food, and the Minister of Health.

Article 13a

(New, SG No. 95/2009, effective 11.08.2006)

(1) It shall be inadmissible to place waste treatment sites within the territory of belt I of the sanitary protected areas of water sources and facilities for drinking and household waste supply and around the mineral waste sources used for therapy, preventive care, drinking and hygienic uses.

(2) Waste treatment sites may not be placed within the middle and outer belt (belt II and belt III) of the sanitary protected areas of the occurrences of mineral waters used for therapy, preventive care, drinking and hygienic uses if any prohibitions and restrictions are imposed by the orders on the establishment of the sanitary protected areas issued under the terms and according to the procedure established by the Water Act and the statutory instruments of secondary legislation on the application thereof.

(3) (New, SG No. 30/2011) The operations related to the storage and pre-treatment of metal packaging waste, waste electrical and electronic equipment, waste batteries and accumulators and end-of-life vehicles shall be pursued solely on sites placed in spatial-development areas designated by master plans for manufacturing and storage activities, at public transportation ports of national and regional importance and at railway infrastructure facilities intended for commercial use. Each site must be responsive to the regulatory requirements for the protection of human health and the environment.

Article 14

(1) Upon discontinuance of an operation related to the treatment of waste on a specific site before expiry of the period of validity of the relevant permit, the authority that has issued the said permit shall establish the requirements for the safe liquidation of the said site and for reclamation of the grounds.

(2) The requirements referred to in Paragraph (1) shall be mandatory for the persons who or which have engaged in the said operation.

Article 15

(1) Waste disposal and recovery installations and facilities shall be constructed and operated in a manner that does not present a risk of environmental pollution or damage.

(2) (Amended, SG No. 41/2010) The conditions and requirements for construction and operation of the installations and facilities referred to in Paragraph (1) shall be established by ordinances of the Minister of Environment and Water, issued in consultation with the Minister of Regional Development and Public Works, the Minister of Agriculture and Food, and the

Article 16

(1) The mayor of each municipality shall organize the management of the operations related to the waste formed within the territory of the said municipality in conformity with the requirements established by this Act and the ordinance referred to in Article 19 herein.

(2) (Amended, SG No. 105/2008, SG No. 41/2010) The municipality mayor shall ensure conditions whereunder each holder of household waste shall be serviced by persons referred to in Article 12 (7) herein whereto a right has been granted to pursue operations related to the collection, transport, recovery or final disposal of such waste.

(3) The municipality mayor shall be responsible for:

1. (Supplemented, SG No. 41/2010) the provision of receptacles for collection and storage of household waste: containers, dust bins and other such;

2. (Supplemented, SG No. 41/2010) the collection of household waste and the transport of the said waste to the landfills or other facilities and installations for the recovery and/or final disposal thereof;

3. the cleaning of the street roadways, the squares, the driveways, the parks and the other spatial-development areas of the nucleated settlements intended for public use;

4. (Supplemented, SG No. 41/2010) the siting, construction, maintenance, operation, closure and monitoring of the landfills for household waste and construction and demolition waste or of other facilities or installations for the recovery and/or final disposal of household waste or of construction and demolition waste;

5. the separate collection of household waste, including packaging waste, designating sites for placing of the requisite components of the packaging waste separate collection and sorting system;

6. (Amended, SG No. 41/2010) the designation of sites for placing of receptacles, sites for separate collection and sites for temporary storage of waste electrical and electronic equipment;

7. the arrangement of the operations related to the collection and storage of end-of-life vehicles on temporary storage sites;

8. the prevention of the dumping of waste in unauthorized places and/or establishment of unlawful disposal sites;

9. the designation of sites for replacement of waste oils, and the informing of the public thereof;

10. (Supplemented, SG No. 41/2010) the designation of sites for placing of receptacles for the collection of waste batteries and accumulators;

11. (New, SG No. 41/2010) the organization of the operations related to the separate collection of hazardous waste from the main stream of household waste beyond the scope of the ordinances referred to in Article 24 (2) and (3) herein and the delivery of the said hazardous waste for recovery and/or final disposal;

12. (New, SG No. 41/2010) the provision of information to the public under Items 5 to 7, 9 and 10;

13. (New, SG No. 41/2010) ensuring the implementation of the measures in the National Waste-Related Operations Management Programme;

14. (New, SG No. 41/2010) the separate collection and temporary storage of biodegradable waste, designating the sites for placing of the requisite components of the system for separate collection of the waste and the delivery thereof for recycling, recovery and/or final disposal;

15. (New, SG No. 41/2010) the clearing of waste from municipal roads in accordance with Article 16c herein.

Article 16a

(New, SG No. 41/2010)

The mayors of municipalities subdivided into boroughs may conclude contracts with recovery scheme operators separately for each borough.

Article 16b

(New, SG No. 41/2010)

The municipality mayor shall ensure the organization of separate collection of packaging waste.

Article 16c

(New, SG No. 41/2010)

The owners of roads covered under Article 8 of the Roads Act shall be responsible for:

1. the clearing of waste from the road, the road bed, the road facilities, the service zones, the roadside service complexes and the maintenance points within the meaning given by Items 1 to 3, 6, 9 and 10 of § 1 of the Supplementary Provisions of the Roads Act;

2. the provision of receptacles for the collection of waste and the transport thereof to a waste treatment installation.

Article 17

(Amended, SG No. 41/2010)

The municipality mayor, acting independently where the municipality does not participate in a regional association, or jointly with the rest of the mayors of municipalities in the regional association, shall take steps for the commissioning and conduct of feasibility studies for the construction of a new installation or installations for treatment of the household and/or the construction and demolition waste at least three years prior to the depletion of the capacity of the landfill of household and/or of construction and demolition waste or the expiry of the service life of the facility, of which the mayor shall notify the competent Regional Inspectorate of Environment and Water.

Article 18

(1) Waste from construction sites and waste resulting from the demolition or remodelling of buildings and facilities shall be treated and transported by the holders of the said waste, by the contractor of the construction or demolition, or by another person on the basis of a written contract.

(2) The municipality mayor shall designate the waste transport route and the waste treatment facility/installation.

Article 19

(Supplemented, SG No. 41/2010)

The Municipal Council shall adopt an ordinance establishing the terms and a procedure for the discarding, collection, including separate collection, transport, reloading, recovery and final disposal of household, including biodegradable waste, construction and demolition waste, hazardous waste produced by natural persons and ordinary waste within the territory under its jurisdiction, the said terms and procedure being elaborated according to the requirements established by this Act and the statutory instruments of secondary legislation on the application thereof, as well as the payment for provision of the relevant services according to the procedure established by the Local Taxes and Fees Act.

Article 19a

(New, SG No. 105/2008, amended, SG No. 41/2010)

(1) The municipalities included in each of the regions referred to in Article 28 (4) herein shall create a regional waste management system consisting of a regional landfill and/or other waste treatment installations.

(2) The regional waste management system shall have as an object the effective treatment of the waste in conformity with the requirements of Article 4 (1) herein and fulfilment of the obligations covered under Article 16 herein through participation of the municipalities.

(3) The municipalities which are members of the regional association shall determine the ownership of the regional landfill and/or waste treatment installation. The said landfill and/or installation may be:

1. wholly owned by the municipality which owns the ground or in favour of which a right to build on the ground designated for construction has been created;

2. co-owned by the municipalities which are members of the association;

3. co-owned by the financing private partner, on the one hand, and, on the other hand, by the municipality which owns the ground and/or the municipalities which are members of the association.

(4) The price for treatment per tonne of waste received in the regional waste management system shall be equal for all members of the regional association referred to in Article 19b (1) herein and the associations may not derive a profit from the said price.

(5) A municipality which does not participate in the regional waste management system may use the said system or another such under terms and at prices determined by the relevant regional association.

Article 19b

(New, SG No. 41/2010)

(1) The municipalities included in each of the regions referred to in Article 28 (4) herein shall establish a regional association according to the procedure established by this Act.

(2) The Municipal Council of the relevant municipality shall adopt a resolution on participation in the association referred to in Paragraph (1), and a copy of the said resolution shall be transmitted to the mayor of the municipality within the territory whereof the construction is envisaged or a regional landfill is located.

(3) The Municipal Council of any municipality of a region referred to in Article 28 (4) herein may adopt a resolution on joining the said municipality to an association of municipalities of another region, subject to the condition that the establishment or functioning of the regional association or the regional waste management system in its own region is not frustrated, after presentation of favourable opinions of the two regional associations and of the Regional Inspectorate of Environment and Water.

(4) Solely municipalities may be members of the regional association.

(5) The regional association shall be formed as from the date of the first general meeting thereof, and the minutes of proceedings at the said meeting shall be transmitted to the Minister of Environment and Water for registration in a special register and to the competent Regional Governor.

(6) The regional association shall be a legal person with a in the municipality which owns the ground whereon a regional landfill has been constructed or the construction of such landfill is envisaged, or in favour of which a building right has been created.

(7) The regional association shall not form and shall not distribute profit, and shall not acquire ownership. The activity of the said association shall be facilitated and supported by the relevant municipal administrations.

(8) The regional association shall be managed by the General Meeting and the Chairperson of the association.

(9) The municipalities may receive financing for projects in the sphere of waste management from the funds of the European Union, the state budget, the Enterprise for Management of Environmental Protection Activities with the Ministry of Environment and Water or other national public sources of financing solely after the establishment of a regional association.

(10) The provision of Paragraph (9) shall not apply in the cases where the region concerned consists of a single municipality.

(11) Any municipality which refuses to participate, which causes a delay, frustrates the establishment or functioning of a regional association and/or of a regional waste management system, shall pay the losses sustained and the gains foregone by the rest of the municipalities in the relevant region.

Article 19c

(New, SG No. 41/2010)

(1) The General Meeting of the regional association shall consist of the mayors of the municipalities participating in the said association.

(2) The Regional Governor and, if the region concerned referred to in Article 28 (4) herein comprehends the territory of two or more regions, the Regional Governors thereof, shall participate in the General Meeting of the regional association in a non-voting capacity.

(3) The General Meeting of the association shall be convened by the Chairperson thereof once every six months or on the requisition of any of the persons referred to in Paragraph (1) or (2). Convocation shall be effected by means of a written notice with an agenda transmitted to the aforementioned persons, with a copy of the said notice being transmitted to the Minister of Environment and Water.

(4) The General Meeting shall be held if the mayors of all municipalities which are members of the regional association are present thereat.

(5) Unless the required quorum is present, the meeting shall be adjourned to a time within one hour thereafter and shall proceed provided at least two-thirds of the mayors are present and they represent at least two-thirds of the residents of all municipalities which are members of the regional association.

Article 19d

(New, SG No. 41/2010)

(1) The General Meeting shall resolve on:

1. election of a Chairperson;

2. admission of new members to the regional association;

3. giving an opinion on the joining of a municipality to an association of municipalities;

4. determination of the particular waste treatment installations, the structure and development of the regional waste management system;

5. award of public procurements and selection of suppliers and contractors for the construction of the components of the regional waste management system;

6. conduct of procedures for selection of an operator or operators of the regional waste management system;

7. endorsement of a uniform price for treatment per tonne of waste received in the regional waste management system;
8. adoption of an investment programme for the development of the regional waste management system;
9. determination of the procedure and manners of collection and distribution of the price due from the users of the system (the municipalities which are members of the regional association);
10. conclusion of contracts and fixing the prices in the cases where the regional waste management system is used by municipalities outside the regional association or by other holders of waste;
11. the exercise of control over the operation of the regional waste management system and the activity of the selected operator or operators;
12. the ownership of the regional landfill and/or of the waste treatment installations;
13. internal rules of operation of the association;
14. other matters related to the activity of the regional association.

(2) In the cases referred to in Article 19c (4) herein, the General Meeting shall act by a majority of at least two-thirds of the attending mayors who represent at least two-thirds of the residents of all municipalities which are members of the regional association.

(3) In the cases referred to in Article 19c (5) herein, the General Meeting shall act unanimously.

(4) Minutes of proceedings shall be taken of the sessions of the General Meeting, which shall be signed by the Chairperson and by the attending mayors.

(5) The resolutions of the General Meeting shall be made public in an appropriate manner in each of the municipalities and shall be transmitted to the Minister of Environment and Water and to the competent Regional Governor.

(6) The resolutions of the General Meeting shall be appealable by the municipalities concerned according to the procedure established by the Administrative Procedure Code.

(7) Any municipality which fails to implement a resolution of the General Meeting within the time limit set for this shall be liable for the losses sustained and the gains foregone by the members of the regional association.

Article 19e

(New, SG No. 41/2010)

(1) The Chairperson of the regional association shall be elected from among the persons referred to in Article 19c (1) herein for a period identical with the term of mayoral office thereof.

(2) The Chairperson of the association shall vote in the General Meeting on a par with the rest of the municipality mayors.

Article 19f

(New, SG No. 41/2010)

The Chairperson shall perform the following functions:

1. represent the association;
2. draft the agenda for the sessions of the General Meeting;
3. convene and preside over the sessions of the General Meeting;

4. maintain credible information on the number of residents of the municipalities which are members of the regional association on the basis of the official data from the National Statistical Institute;
5. organize and direct the implementation of the resolutions of the General Meeting;
6. carry out other activities entrusted thereto by the General Meeting.

Article 20

(1) Household waste generated by incoming means of air, water and land transport shall be treated immediately upon entry into Bulgaria and, if technically practicable, shall be disposed of at the border-crossing checkpoints.

(2) The operations referred to in Paragraph (1) shall be pursued by persons holding a permit under Article 37 herein.

(3) (Amended, SG No. 88/2005) The terms and the procedure for pursuing the operations referred to in Paragraph (1) shall be established by an ordinance of the Minister of Transport.

Article 21

Industrial waste which does not have hazardous properties shall be treated by:

1. the producer of the waste: at own installations, according to a production operation design approved by the relevant competent authorities and in compliance with Article 5 (3) herein;

2. the persons who or which have been issued a permit under Article 37 herein, a registration document under Article 12 (4) herein, or a licence under Article 54 (1) herein;

3. operators holding an integrated permit issued according to the procedure established by the Environmental Protection Act.

Article 22

(1) Hazardous waste shall be treated by persons holding a permit under Article 37 herein or an integrated permit issued according to the procedure established by the Environmental Protection Act.

(2) The collection and temporary storage of hazardous waste shall be done separately in specialized receptacles within the territory whereon the holder exercises a real right.

(3) Hazardous waste shall be packaged, labelled and transported in accordance with the international-law instruments on carriage of dangerous goods as have been ratified by the Republic of Bulgaria by law.

Article 23

(1) (Redesignated from Article 23, SG No. 41/2010) In cases of serious hazard posed to human health and the environment resulting from the formation of or operations related to hazardous waste, the Council of Ministers, acting on a motion by the Minister of Health and the Minister of Environment, shall designate by a decision the measures necessary to eliminate the hazard, regardless of whether the conditions under Article 12 herein are fulfilled or not.

(2) (New, SG No. 41/2010) Acting on a motion by the Minister of Environment and Water, the Council of Ministers shall authorize by an act the use of up to 10 per cent of the residual capacity of the regional landfill which is operational, or the design capacity of another type of regional household waste treatment installation for the needs of other regions, where there is a justified and urgent need related to the attainment of the national objectives of the National Waste-Related Operations Management Programme. The landfills and/or the installations whereof the use is authorized for the needs of other regions must be constructed on resources of which more than 50 per cent have been provided by the state budget of the Republic of Bulgaria or by other national or international financing.

(3) (New, SG No. 41/2010) The waste intended for treatment under Paragraph (2) shall be recovered and/or disposed of at the prices for treatment of household waste of the installation from the relevant regional system.

Article 24

(1) (Supplemented, SG No. 30/2011) The requirements for the treatment and transport of hazardous, construction and demolition, and industrial waste shall be established by ordinances of the Council of Ministers.

(2) (Amended and supplemented, SG No. 41/2010) The requirements governing the products which, after use, form ordinary waste, the procedure and methods for separate collection, reuse, recycling, recovery and/or final disposal of the said waste, including the targets for separate collection, recycling or recovery thereof, shall be established by ordinances of the Council of Ministers.

(3) (New, SG No. 77/2005) The requirements for the procedure and manner for inventorying any equipment containing polychlorinated biphenyls, the marking and cleaning of any such equipment, as well as the treatment and transportation of any waste containing polychlorinated biphenyls, shall be established by an ordinance of the Council of Ministers.

(4) (New, SG No. 41/2010) The requirements governing waste collection and treatment operations within the compounds of the medical-treatment and health-care facilities and the national centres on issues of public health shall be established by an ordinance of the Minister of Health consulted with the Minister of Environment and Water.

Chapter Four

WASTE-RELATED OPERATIONS MANAGEMENT

Section I

Information and Public Registers

(Title amended, SG No. 41/2010)

Article 25

(1) The persons whose activity involves the formation and/or treatment of industrial and/or hazardous waste, as well as the persons holding a permit under Article 37 herein or a registration document under Article 12 herein and pursuing operations related to the treatment of households waste and/or construction and demolition waste, shall be obligated to keep record books certified by the Regional Inspectorate of Environment and Water.

(2) The persons referred to in Paragraph (1) shall preserve the record books for a period of five years and, in respect of hazardous waste, for a period of 30 years after discontinuance of the operation of specific facilities or installations.

(3) Upon closure in total of the operations of all facilities and installations on a specific site, the persons referred to in Paragraph (1) shall deliver the record books to the municipal administrations which shall preserve the said books for the periods referred to in Paragraph (2).

(4) The persons referred to in Paragraph (1) and the persons holding a licence under Article 54 (1) herein shall prepare waste reports and shall submit the said reports to the Regional Inspectorate of Environment and Water according to the requirements established by this Act and by the ordinance referred to in Article 27 (1) herein.

(5) The persons referred to in Paragraph (4) shall submit to the competent authorities, upon request, the documents regarding the report and the information on the activity thereof.

(6) The persons placing on the market any products which, after use, form ordinary waste, shall provide information and shall keep records according to the ordinances referred to in Article 24 (2) herein.

Article 26

(Amended, SG No. 41/2010)

(1) The Minister of Environment and Water or an official empowered thereby shall keep public registers of:

1. the permits issued under Article 37 herein, the registration documents under Article 12 (4) herein, and of the closed projects and operations;
2. the persons that place batteries and accumulators, including those incorporated into appliances and motor vehicles, on the market;
3. the persons that place electrical and electronic equipment on the market;
4. the persons referred to in Article 84 (1) herein.

(2) The Minister of Economy, Energy and Tourism shall keep a public register of the licences issued according to the procedure established by Chapter Five, Section III herein.

(3) The register referred to in Item 1 of Paragraph (1) shall contain information on:

1. designation of the person;
2. Standard Identification Code;
3. number of the permit or the registration document and date of issuing;
4. address according to court registration;
5. contact person, including telephone number, fax number and e-mail address;
6. address of the sites authorized for pursuing operations;
7. waste code according to the ordinance referred to in Article 3 herein;
8. code and designation of the authorized operation according to Item 8, 17, 18, 19 or 21 of § 1 of the Supplementary Provisions herein.

(4) The register referred to in Item 2 of Paragraph (2) shall contain information on:

1. registration number and designation of the person;
2. Standard Identification Code;
3. trademarks which the person uses in Bulgaria;
4. mailing address, including postal code, settlement, number, street/boulevard and Internet address;
5. contact person, including telephone number, fax number and e-mail address;
6. type of the batteries and accumulators which the person places on the market: portable, automotive, industrial;
7. manner of fulfilment of the obligations: individually or through a collective scheme, including the designation of the recovery scheme operator whereof the persons are members.

(5) The register referred to in Item 3 of Paragraph (1) shall contain information on:

1. registration number and designation of the person;
2. Standard Identification Code;

3. trademarks which the person uses in Bulgaria;
4. mailing address, including postal code, settlement, number, street/boulevard and Internet address;
5. contact person, including telephone number, fax number and e-mail address;
6. categories of electrical and electronic equipment which the person places on the market;
7. manner of fulfilment of the obligations: individually or through a collective scheme, including designation of the recovery scheme operator whereof the persons are members.

(6) The register referred to in Item 4 of Paragraph (1) shall contain information on:

1. registration number and designation of the dealer or broker;
2. status of the person who is a dealer or a broker;
3. seat and address of the place of management;
4. contact person, including telephone number, fax number and e-mail address;
5. type, code and name of the waste traded.

Article 26a

(New, SG No. 41/2010)

(1) The persons that place batteries and accumulators, including those incorporated into appliances and motor vehicles, on the market, shall be registered in the register referred to in Item 2 of Article 26 (1) herein under terms and according to a procedure established in the relevant ordinance referred to in Article 24 (2) herein.

(2) The persons that place electrical and electronic equipment on the market shall be registered in the register referred to in Item 3 of Article 26 (1) herein under terms and according to a procedure established by the relevant ordinance referred to in Article 24 (2) herein.

Article 27

(1) (Supplemented, SG No. 41/2010) The Minister of Environment and Water, acting in consultation with the Minister of Regional Development and Public Works and with the Minister of Health, shall establish by an ordinance the procedure and the standard forms wherein information on waste-related operations shall be provided, as well as the procedure for the keeping of the public register referred to in Item 1 of Article 26 (1) herein.

(2) The procedure for the keeping of the public register referred to in Article 26 (2) herein shall be established by the ordinance referred to in Article 61 herein.

(3) The information on waste-related operations shall mandatorily cover: amount, properties and origin of the waste, as well as other data specified by the ordinance referred to in Paragraph (1).

(4) (New, SG No. 105/2008) The state bodies, including the National Statistical Institute, the National Customs Agency, the National Revenue Agency, the traffic police authorities, the Road Transport Administration Executive Agency, the State Agency for Metrological and Technical Surveillance and the Commission on Consumer Protection shall provide information to the Executive Environment Agency according to the requirements and within the time limits established by the ordinance referred to in Paragraph (1) and Article 24 herein.

(5) (New, SG No. 105/2008) All legal or natural persons, who or which carry out operations related to waste management or whose activities generate waste, including the persons who or which place on the market any products which,

after use, form ordinary waste, shall likewise be obligated to provide information to the Executive Environment Agency.

(6) (New, SG No. 41/2010) The National Customs Agency and the National Revenue Agency shall provide, when requested to do so in writing, the Executive Environment Agency with information on the quantities of products, stating specific codes of the Combined Nomenclature of the Republic of Bulgaria current for the respective year and a list of the persons handling the said products.

(7) (New, SG No. 105/2008, renumbered from Paragraph (6), amended, SG No. 41/2010) The information referred to in Paragraphs (4), (5) and (6) shall serve solely the purposes of this Act, and the appropriate organizational and technical measures shall be taken to this end. Solely persons, who have signed a sworn statement pledging to respect confidentiality in the cases where this is required by a law, shall be admitted to handle such information.

Section II

Programmes and Financing

Article 28

(1) (Amended, SG No. 41/2010) The Minister of Environment and Water shall elaborate a National Waste-Related Operations Management Programme and shall lay the said Programme before the Council of Ministers.

(2) An environmental assessment shall be conducted for the programme referred to in Paragraph (1) according to the procedure established by the Environmental Protection Act.

(3) The Minister of Environment and Water shall lay before the Council of Ministers an annual report simultaneously with the report on the implementation of the action plan under the National Environmental Strategy. If necessary, the programme shall be updated.

(4) (New, SG No. 105/2008) The programme referred to in Paragraph (1) shall designate the regions including the municipalities which use a common regional landfill.

Article 29

(1) Waste-related operations management programmes shall be elaborated and implemented by:

1. the municipality mayor, in respect of the territory of the relevant municipality;

2. (Supplemented, SG No. 41/2010) the persons pursuing waste-related operations for which the issuing of a permit under Article 37 herein and an integrated permit issued according to the procedure established by Chapter Seven, Section II of the Environmental Protection Act is required;

3. (Amended, SG No. 41/2010) the persons whereof the average number of employees exceeds ten and whose activity results in the formation of:

(a) industrial waste, which does not have hazardous properties and whereof the total amount exceeds 1 cubic metre or 1,000 kilograms per 24 hours;

(b) hazardous waste;

(c) construction and demolition waste, whereof the total amount exceeds 10 cubic metres per 24 hours;

4. the persons referred to in Article 11 (4) herein, in accordance with the requirements established by the ordinances referred to in Article 24 (2) herein.

(2) The programmes referred to in Item 1 of Paragraph (1) shall be an integral part of the municipal environmental programmes and shall be elaborated, adopted and reported according to the procedure established by Chapter Five of the Environmental Protection Act.

(3) The programmes referred to in Paragraph (1):

1. shall be elaborated and adopted for a continuous period which shall be fixed depending on the expected development of production and other operations but which may not be shorter than three years;
2. shall be updated upon an intervening change in the factual and/or regulatory conditions.

(4) (New, SG No. 105/2008, amended, SG No. 41/2010) The programmes referred to in Paragraph (1) shall be elaborated in accordance with the National Waste-Related Operations Management Programme and shall include measures provided for in the action plan under the National Programme.

Article 30

(1) (Supplemented, SG No. 105/2008, amended and supplemented, SG No. 41/2010) The persons referred to in Items 2 and 3 of Article 29 (1) herein shall submit the draft programme to the Regional Inspectorate of Environment and Water for consultation or endorsement.

(2) (Supplemented, SG No. 77/2005, amended, SG No. 41/2010) Within 14 days after receipt, the Director of the Regional Inspectorate of Environment and Water shall endorse by a reasoned decision the drafts as submitted or shall return the said drafts with mandatory prescriptions for bringing the programmes into conformity with this Act and the statutory instruments of secondary legislation on the application thereof.

(3) (Amended, SG No. 34/2006, amended and supplemented, SG No. 105/2008, amended, SG No. 41/2010) The programmes prepared by the persons referred to in Item 2 of Article 29 (1) herein, who or which pursue operations within a territory covered by multiple regional inspectorates of environment and water, shall be endorsed by the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the said persons have a registered office under the relevant Register.

(4) (Amended, SG No. 34/2006) The Director of the Regional Inspectorate of Environment and Water covering the territory wherein the persons have a registered office under the Commercial Register shall endorse the draft of the programme after receiving advisory opinions from the regional inspectorates of environment and water covering the territories wherein the operations shall be pursued.

(5) (New, SG No. 41/2010) The programmes prepared by the persons referred to in Item 3 of Article 29 (1) herein, who or which pursue operations within a territory covered by multiple regional inspectorates of environment and water, shall be endorsed by the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the operations are pursued.

(6) (New, SG No. 41/2010) Within 14 days after the submission of the draft programmes referred to in Paragraphs (3) and (5), the Director of the Regional Inspectorate of Environment and Water may require, on a single occasion, from the applicant to eliminate non-conformities and/or to provide additional information.

(7) (New, SG No. 41/2010) Within 14 days after notification under Paragraph (6), the applicant shall eliminate the non-conformities and/or shall provide the additional information.

(8) (New, SG No. 41/2010) Within 14 days after the date of elimination of the non-conformities and/or the provision of the additional information, the Director of the Regional Inspectorate of Environment and Water shall consult by an opinion or shall endorse by a decision the drafts as submitted.

(9) (New, SG No. 41/2010) The Director of the Regional Inspectorate of Environment and Water shall refuse to consult or to endorse a draft programme as submitted by a reasoned decision where the requirements referred to in Paragraph (7) herein have not been complied with.

(10) (New, SG No. 41/2010) After a refusal issued under Paragraph (9), the persons referred to in Items 2 and 3 of Article 29 (1) herein may submit a new programme according to the procedure established by Paragraph (1).

(11) (Renumbered from Paragraph (5), SG No. 41/2010) A copy of the programmes shall be provided to the Regional Inspectorate of Environment and Water within one month after adoption of the said programmes.

(12) (Renumbered from Paragraph (6), SG No. 41/2010) The programmes prepared by the persons referred to in Item 3 of Article 29 (1) herein shall be provided to the municipalities in the territory whereof the operation is pursued, for the purpose of inclusion into the programmes referred to in Item 1 of Article 29 (1) herein.

(13) (Renumbered from Paragraph (7), SG No. 41/2010) The authority who has endorsed the waste management programme and the regional inspectorates of environment and water which have issued an advisory opinion on the said programme according to the procedure established by Paragraph (4) herein shall conduct periodic inspections as to the implementation of the said programme.

(14) (New, SG No. 77/2005, renumbered from Paragraph (8), SG No. 41/2010) The waste management programmes of the persons referred to in Article 11 (1) and (2) herein shall be elaborated and endorsed according to the procedure provided for in the ordinances referred to in Article 24 (2) herein.

Article 31

(1) The waste-related operations management programmes shall envisage measures for attainment of the following targets:

1. reduction or limitation of waste formation and of waste hazardousness;
2. recycling, regeneration or other forms of recovery;
3. environmentally sound final disposal;
4. elimination of past pollution with waste.

(2) The programmes referred to in Paragraph (1) shall include:

1. an analysis of the state and a forecast of the type, origin, properties and amount of waste formed and destined for treatment;
2. the targets, stages and time limits for attainment thereof;
3. the treatment or safe storage methods and installations;
4. description of the specialized treatment facilities, as well as of the grounds suitable for treatment of waste;
5. a diagram of the transport routes of waste to the treatment facilities;
6. spatial-development area-specific or enterprise-specific solutions for waste-related operations management;
7. financial resources for implementation of the programme;
8. measures for construction of waste recovery and disposal installations and facilities located as near as possible to the source of waste formation, and by means of the most appropriate methods and technologies;
9. conditioning plan for bringing existing waste disposal facilities and installations into conformity with the requirements established by this Act and the statutory instruments of secondary legislation on the application thereof, including specific measures, resources and time limits for implementation;
10. measures for treatment of biodegradable waste so as to reduce the amount thereof and to prevent the deposit thereof into or onto land;
11. coordination with other relevant programmes;

12. a system of reporting and control of implementation;

13. a system of evaluation of the results and updating of the programme;

14. contract information regarding the authorized persons responsible for waste management;

15. (New, SG No. 41/2010) information from the persons pursuing waste collection operations about the installations where to the said persons deliver the waste for recovery and/or final disposal.

(3) Representatives of non-governmental ecologist movements and organizations shall be enlisted in the elaboration of waste-related operations management programmes in the municipality. The municipality mayor shall ensure public access to the municipal waste-related operations management programme.

(4) The spatial development plans shall record projects with installations and facilities and grounds referred to in Items 3 and 4 of Paragraph (2).

(5) (Amended, SG No. 41/2010) The National Programme referred to in Article 28 (1) shall furthermore include measures for the establishment of a network of installations and facilities ensuring waste treatment:

1. (Amended, SG No. 41/2010) by using the best available technology;

2. at installations/facilities nearest to the source of waste formation, and by means of the most appropriate methods and technologies in order to ensure a high level of protection for human health and the environment.

Article 32

The annual report on implementation of the programme referred to in Article 29 (1) herein shall be submitted to the authority that has adopted the programmes and shall be transmitted to the competent regional inspectorate of environment and water on or before the 31st day of March in the next succeeding year.

Article 33

The costs of waste treatment and transport shall be borne by:

1. the holders of waste serviced by a person who or which has obtained a permit under Article 37 herein, a registration document under Article 12 (4) herein, or a licence under Article 54 (1) herein;

2. the persons placing on the market any products which, after use, form ordinary waste, according to the procedure established by Article 36 herein.

Article 34

(1) On a motion by the Minister of Environment and Water, resources shall be allocated annually by the State Budget of the Republic of Bulgaria Act for the specific purpose of construction of household, ordinary-waste and hazardous-waste treatment installations and facilities, as well as for cleaning and reclamation of places polluted with waste.

(2) Eligibility for financing shall be limited to programmes and projects for construction of waste treatment installations and facilities which conform to the hierarchy of measures introduced in Article 4 herein And which have been approved by the Minister of Environment and Water.

(3) Any waste treatment installations and facilities, which have been constructed or are being constructed on resources provided by the State Budget of the Republic of Bulgaria Act or on other national or international financing, shall be used according to the measures envisaged in the action plan under the National Waste-Related Operations Management Programme referred to in Article 28 (1) herein.

(4) Where the installations and facilities are not used according to the requirements established by Paragraph (3), the

municipalities shall restore the resources provided from the state budget or the international programmes to the Enterprise for Management of Environmental Protection Activities.

Article 35

(1) The following amounts shall be credited to the Enterprise for Management of Environmental Protection Activities:

1. the proceeds from the fees referred to in Article 36 herein;

2. the proceeds from the fines and pecuniary penalties under Chapter Six herein: where the penalty decrees have been issued by the Minister of Environment and Water or by officials authorized thereby.

(2) The proceeds from the fines and pecuniary penalties under Chapter Six herein shall be credited in revenue to the budget of the relevant municipality where the penalty decrees have been issued by the municipality mayor.

(3) The resources covered under Paragraphs (1) and (2) shall be spent on waste treatment designs and projects.

Article 36

(Amended, SG No. 41/2010)

A product fee to an amount fixed, and according to a procedure established, by an act of the Council of Ministers shall be paid by:

1. any persons referred to in Article 11 (1) and (2) herein, who or which do not discharge the obligations and do not meet the targets for separate collection, reuse, recycling and recovery of waste according to the procedure established by Article 11 (4) herein according to this Act and the ordinances referred to in Article 24 (2) herein;

2. the persons referred to in Item 1 of Article 11 (4) herein, who or which have not proved beyond doubt to the Minister of Environment and Water that the said persons have discharged the obligations thereof and have attained the targets referred to in Item 1;

3. the persons referred to in Item 2 of Article 11 (4) herein, who or which are members of a recovery scheme operator and who and which do not pay the said operator the remuneration agreed;

4. the recovery scheme operators, which have not proved beyond doubt to the Minister of Environment and Water that they have discharged the obligations and have attained the targets of the persons referred to in Item 2 of Article 11 (4) herein who or which are members of the said operators.

Chapter Five

WASTE-RELATED OPERATIONS AUTHORIZATION AND CONTROL

Section I

Waste-Related Operations Permits

Article 37

(Supplemented, SG No. 77/2005, amended, SG No. 41/2010)

Permits for pursuing waste recovery and/or disposal operations, including pretreatment prior to recovery and/or final disposal, shall be issued:

1. by the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the operations are pursued;

2. by the Minister of Environment and Water or an official empowered thereby, where the operations are pursued within the territory covered by multiple regional inspectorates of environment and water.

Article 38

(1) (Amended, SG No. 77/2005, SG No. 105/2008, SG No. 41/2010) For the purpose of obtaining a permit under Article 37 herein, the persons referred to in Article 12 (7) herein shall submit an application stating therein:

1. the period of time applied for;
2. the location of the sites for pursuing the waste-related operation;
3. the type, composition, properties, amount and origin of the waste destined for treatment;
4. the operations applied for and the codes thereof;
5. the methods and technologies that will be applied;
6. the installations and facilities that will be used, as well as the capacity thereof;
7. the safety measures that will be taken;
8. the person responsible for the management, contact address, telephone number and fax number;
9. a list of the requisite managerial personnel by position, duties, qualifications and number;
10. the conditions whereunder the operations will be pursued by the applicant;

11. (New, SG No. 41/2010) the categories of appliances or the types of batteries and accumulators, according to the relevant ordinances referred to in Article 24 (2) herein, in the cases where the application is for a permit for pursuing operations related to waste electrical and electronic equipment or waste batteries and accumulators.

(2) (Amended, SG No. 77/2005, SG No. 41/2010) The application, together with the accompanying documents, shall be submitted to the competent authority under Article 37 herein. Any such application shall be presented on a paper-based data medium and on an electronic data medium.

(3) Any application referred to in Paragraph (1), as well as any applications referred to in Item 3 of Article 43 (3), Article 44 (1) and Article 45 (3) herein, shall be submitted in standard forms endorsed by the Minister of Environment and Water.

Article 39

(1) (Redesignated from Article 39, SG No. 77/2005) The following shall be attached to any application referred to in Article 38 herein:

1. documentary proof of fee paid;
2. endorsed waste-related operations management programme (applicable to the persons referred to in Items 2 and 3 of Article 29 (1) herein);
3. (Amended and supplemented, SG No. 77/2005, amended, SG No. 34/2006, SG No. 105/2008, SG No. 41/2010) Standard Identification Code and, in the case of non-residents, a document issued in accordance with the national legislation thereof, certifying the legal status of the applicant, both being issued within three months prior to the submission of the application;
4. a design of the waste disposal or recovery technology;
5. a design for final reclamation and after-care of the site;

6. a contingency plan;

7. (Amended, SG No. 77/2005, supplemented, SG No. 41/2010) an environmental impact assessment (EIA) decision or a determination by the relevant on non-conduct of an EIA according to the Environmental Protection Act and/or a decision in respect of a compatibility assessment according to the procedure established by Article 31 of the Biological Diversity Act;

8. (Amended, SG No. 41/2010, SG No. 98/2010, effective 1.01.2011) a sanitary certificate issued by the Regional Health Inspectorate (RHI) - applicable to persons pursuing operations related to hazardous waste from human health care or related research within the territory covered by the relevant Inspectorate, or by the Minister of Health where the operations are pursued within the territories covered by multiple RHI;

9. (Amended, SG No. 41/2010) the documents referred to in Item 6 of Article 51 (1) herein: for hazardous waste transport operations in the cases referred to in Article 12 (6) herein;

10. a notarized declaration by the applicant to the effect that the said applicant is not connected, within the meaning given by this Act, to any person whereof the permit has been withdrawn or who or which has been denied the issuing of a new permit prior to the lapse of one year since the withdrawal or denial;

11. (New, SG No. 77/2005) a self-monitoring and control plan for landfills of waste, of waste incineration plants and of co-incineration plants;

12. (New, SG No. 41/2010, amended, SG No. 30/2011) a copy of an effective detailed plan excerpt, and in the cases referred to in Article 13a (3) herein, also a plat or another certifying document proving that each of the immovables, wherewithin a site is placed, is located within spatial-development areas designated by master plans for manufacturing and storage activities, or at public transportation ports of national and regional importance and at railway infrastructure facilities intended for commercial use;

13. (New, SG No. 41/2010) a certified copy of a notarial act or of a lease agreement, accompanied by another documentary certifying ownership of the corporeal immovable, issued by the competent services exercising jurisdiction over the site, stating particulars of the address of the project, the land parcel, the ground survey number and other descriptive data, where the corporeal immovable is unregulated;

14. (New, SG No. 41/2010) a fixed amount of deductions per one tonne of waste deposited according to Article 71a herein for an operation related to the final disposal of hazardous and non-hazardous waste through the deposit thereof into or onto land.

(2) (New, SG No. 77/2005) Where the applicant is a non-resident, the document referred to in Item 3 of Paragraph (1) shall be produced in a legalized translation as well, whereas the documents referred to in Items 2, 4, 5, 6, 10 and 11 of Paragraph (1), which are in a foreign language, shall be produced in a translation.

Article 40

(1) The authority referred to in Article 37 herein may require, on a single occasion, from the applicant to eliminate non-conformities and/or to provide additional information to the application, where this is necessary to clarify any facts and circumstances covered under Article 38 and Article 39 herein and/or for the purpose of elimination of such non-conformities.

(2) In the cases referred to in Paragraph (1), the authority referred to in Article 37 herein shall notify the applicant within 15 days after receipt of the application.

(3) (Amended, SG No. 41/2010) Within two months after notification under Paragraph (2), the applicant shall eliminate the non-conformities or shall provide the additional information.

Article 41

(1) The authority referred to in Article 37 herein shall assess the conformity of the application for the issuing of a permit with the requirements established by this Act.

(2) (Amended, SG No. 41/2010) For the purpose of issuing of permits for waste-related operations, the competent authority or a person empowered thereby shall conduct an inspection of the site.

(3) (New, SG No. 41/2010) Within 15 days after the submission of an application for the issuing of a permit for pursuing waste incineration or co-incineration operations which is responsive to the requirements of this Act, or after the elimination of non-conformities and/or the provision of additional information in the cases referred to in Article 40 (1) herein, the competent authority referred to in Items 1 and 2 of Article 37 herein, jointly with the municipalities, shall make public the said application and shall ensure the interested parties access thereto under non-discriminatory conditions in the course of one month.

Article 42

(1) (Supplemented, SG No. 41/2010) The authority whereto the application has been submitted shall pronounce by a decision within two months after receipt of the application or after elimination of the non-conformities and/or provision of the additional information or after the expiry of the one-month period referred to in Article 41 (3) herein, thereby issuing a permit or a reasoned refusal to issue a permit.

(2) By the decision referred to in Paragraph (1), the competent authority shall establish conditions for pursuing the waste-related operations for the purpose of conformity of the said operations with this Act.

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

1. the application and/or the documents attached thereto as covered under Article 39 herein are not responsive to the regulatory requirements;

2. the application has been submitted within one year after the expiry of the period of validity of the previous permit within the framework of which the applicant has committed administrative violations for which the said applicant has been penalized on two or more occasions by an effective penalty decree according to the procedure established by Chapter Six, Section II herein;

3. it is established that the applicant has cited untrue data;

4. (New, SG No. 41/2010) Article 39 (2) herein is not complied with;

5. (New, SG No. 41/2010) the site and the operations that are to be pursued thereat are not responsive to the minimum requirements of the ordinances referred to in Article 24 (2) herein;

6. (New, SG No. 41/2010) the application has been submitted by a recovery scheme operator.

Article 43

(1) The permit shall be issued for the shorter of the period of time specified in the application and five years.

(2) At intervals of not more than one year, the competent authority or a person empowered thereby shall inspect the persons holding a permit under Article 37 herein in order to ascertain the conformity of the waste management conditions with the conditions of the permit as issued.

(3) A permit for waste-related operations as issued shall terminate upon:

1. expiry of the period of validity thereof;

2. withdrawal before expiry of the period of validity thereof;

3. issuing of a decision by the competent authority, acting on an application by the holder of the permit requesting discontinuance of the operation before expiry of the period of validity of the said permit.

(4) After termination of a permit, the issuing authority shall control compliance with the conditions related to the safe

liquidation of the operation and rehabilitation (reclamation) of the grounds.

Article 44

(1) Not later than two months before expiry of the period of validity of a permit, the holder may submit an application for extension of the period of validity of the said permit.

(2) (Amended, SG No. 41/2010) The holder shall attach the following to the application referred to in Paragraph (1):

1. a declaration to the effect that there has been no intervening change in the conditions whereunder the permit has been issued;

2. an endorsed updated waste-related operations management programme: applicable to the persons referred to in Items 2 and 3 of Article 29 (1) herein.

(3) The competent authority shall pronounce within one month by a decision on the application for extension of the period of validity of the permit.

(4) Upon failure to submit the requisite documents referred to in Paragraph (2) within the established time limit, the holder shall apply for the issuing of a permit according to the procedure established by Article 37 herein.

Article 45

(1) A permit as issued shall be amended and/or supplemented by the competent authority upon:

1. any intervening change in the regulatory requirements related to the permit;

2. any planned changes in the raw materials or in the technological processes that will result in changes in the amount, composition and properties of the waste;

3. any expected changes in the composition and properties of the hazardous waste arriving for treatment at a specific facility, or in the technological processes of treatment;

4. changes in the circumstances referred to in Item 8 of Article 38 (1) herein;

5. a need to complement the permit with new data, operations, sites or conditions whereunder the operations will be pursued.

(2) (Amended, SG No. 41/2010) The holder shall submit an application requesting that the permit be amended and/or supplemented, together with the relevant documents referred to in Article 38 and/or Article 39 herein, certifying the change, within one month after occurrence of any change in the circumstances whereunder the permit has been issued.

(3) In the cases referred to in Items 2 and 3 of Paragraph (1), the holders shall submit an application that the permit be amended and/or supplemented not later than two months prior to the occurrence of the change.

(4) (New, SG No. 41/2010) The authority referred to in Paragraph (1) may require, on a single occasion, from the applicant to eliminate non-conformities and/or to provide additional information to the application requesting that the permit be amended and/or supplemented, where this is necessary to clarify any facts and circumstances covered under Articles 38 and 39 and/or for the purpose of elimination of such non-conformities.

(5) (New, SG No. 41/2010) In the cases referred to in Paragraph (4), the authority referred to in Paragraph (1) shall notify the applicant within 15 days after receipt of the application.

(6) (New, SG No. 41/2010) Within one month after a notification under Paragraph (5), the applicant shall eliminate the non-conformities and/or shall provide the additional information.

(7) (Renumbered from Paragraph (4), SG No. 41/2010) Within one month, the competent authority shall pronounce by

a decision on the application that the permit be amended and/or supplemented.

(8) (New, SG No. 41/2010) The competent authority shall refuse to amend and/or supplement the permit where:

1. the application and/or the documents attached thereto, referred to in Paragraph (2), are not responsive to the regulatory requirements;
2. it is established that the applicant has cited untrue data;
3. in the cases referred to in Item 5 of Paragraph (1), the site and the operations that will be pursued thereat are not responsive to the minimum requirements in the ordinances referred to in Article 24 (2) herein;
4. the requirements of Paragraph (6) are not complied with.

Article 46

(1) (Amended, SG No. 105/2008, SG No. 41/2010) A single legal or natural person referred to in Article 12 (7) herein shall be issued a single permit for all operations pursued regardless of the number of sites whereon the waste-related operations as permitted are carried out and regardless of the number of types of waste where to the permit applies.

(2) The number of permits issued for a single site shall correspond to the number of persons pursuing waste treatment operations on the area of the said site.

(3) (Amended, SG No. 41/2010) The rights under the permits as issued and under the procedure for the issuing of the said permits as initiated shall be transferred upon change of the holder of the said rights with retention of the conditions of the permit after notification of the competent authority, who shall record the change ex officio.

Article 47

(1) The competent authority shall withdraw a permit as issued where:

1. the holder has submitted untrue information which has served as grounds for the issuing of the permit;
2. as a result of gross or systematic violation of this Act, of the statutory instruments of secondary legislation on the application thereof or of the conditions set in the permit, human health is endangered or the environment is damaged or polluted in excess of the permissible limit values.

(2) Upon withdrawal of the permit under Paragraph (1), the offender shall be disqualified from applying for a new permit for a period of one year reckoned from the date of withdrawal.

Article 48

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

(2) The authority that has issued a permit for waste-related operations shall inform the public in an appropriate manner of each permit as issued, as well as of any revisions amending and/or supplementing the permits as issued, within ten days after the date of issuing.

Article 49

Any permit as issued and any decision to amend and/or supplement a permit as issued or to refuse to issue, to amend and/or to supplement a permit shall be appealable according to the procedure established by:

1. (Amended, SG No. 30/2006) the Administrative Procedure Code in the cases where any such permit or decision has been issued by the Director of the Regional Inspectorate of Environment and Water;

2. (Amended, SG No. 30/2006) the Administrative Procedure Code in the cases where any such permit or decision has been issued by the Minister of Environment and Water.

Section II

Registration Documents for Waste-Related Operations

Article 50

(Amended, SG No. 77/2005, SG No. 105/2008, SG No. 41/2010)

For the purpose of obtaining a registration document referred to in Article 12 (4) herein, the persons referred to in Article 12 (7) herein shall submit an application completed in a standard form endorsed by the Minister of Environment and Water, stating therein:

1. (Amended, SG No. 41/2010) the persons wherefrom waste is accepted for transport;
2. the type, amount and origin of the waste destined for the operations;
3. (Repealed, SG No. 41/2010);
4. the person responsible for the management, contact address, telephone number and fax number.

Article 51

(1) The following shall be attached to any application referred to in Article 50 herein:

1. (Amended and supplemented, SG No. 77/2005, amended, SG No. 34/2006, SG No. 105/2008, SG No. 41/2010) Standard Identification Code of the applicant and, in the case of non-residents, a document issued in accordance with the national legislation thereof, certifying the legal status of the applicant, both being issued within three months prior to the submission of the application;

2. (repealed, SG No. 34/2006, new, SG No. 30/2011) in the cases referred to in Article 13a (3) herein: a plat or another certifying document proving that each of the immovables wherewithin a site is placed is located within spatial-development areas designated by master plans for manufacturing and storage activities, or at public transportation ports of national and regional importance and at railway infrastructure facilities intended for commercial use;

3. (Amended, SG No. 105/2005) certificate under Article 87 (6) of the Tax and Social-Insurance Procedure Code;

4. documentary proof of fee paid.

5. (New, SG No. 41/2010) copies of written contracts with persons whereto the waste is delivered, holding an authorizing document referred to in Article 12 (1) herein on recovery and/or final disposal of waste designated by the relevant code according to the ordinance referred to in Article 3 herein;

6. (New, SG No. 41/2010) the following documents shall be presented for the operations related to transport of hazardous waste by road:

(a) a copy of the certificate of registration of the means of transport;

(b) a copy of a technical inspection pass certificate;

(c) a copy of a [vocational training] certificate held by the safety adviser for the transport of dangerous goods;

(d) a copy of a certificate showing that the driver of the means of transport has passed an examination under the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR);

(e) a document certifying the serviceability of the means of transport: the conformity of the means of transport with the requirements of the international treaties on carriage of dangerous goods;

7. (New, SG No. 41/2010) the following documents shall be presented for the operations related to transport of hazardous waste by rail:

(a) a copy of a [vocational training] certificate held by a safety adviser, issued in a standard form according to the Regulations Concerning the International Carriage of Dangerous Goods by Rail (RID), valid for transport by rail;

(b) a document certifying the serviceability of the means of transport, according to the requirements specified in RID;

8. (New, SG No. 41/2010) for the operations related to transport of hazardous waste by means of transport in water bodies, there shall be presented a copy of a document proving the serviceability of the floating structures used and the equipment thereof for collection of hazardous waste.

(2) (New, SG No. 77/2005) Where the applicant is a non-resident natural or legal person, the said applicant shall be obligated to produce a document referred to in Items 2 and 3 of Paragraph (1), issued by a competent authority, an abstract of a register or an equivalent document of a judicial or administrative authority of the State of establishment thereof.

(3) (New, SG No. 77/2005) Where the applicant is a non-resident natural or legal person, the document referred to in Item 1 of Paragraph (1) shall be produced in a legalized translation as well, whereas the documents referred to in Items 2 and 3 of Paragraph (1), which are in a foreign language, shall be produced in a translation.

(4) (Renumbered from Paragraph (2), SG No. 77/2005, amended, SG No. 63/2010) The application, together with the accompanying documents, shall be submitted to the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the registered office of the person is located.

Article 52

(1) (Amended, SG No. 63/2010) The registration document or a reasoned refusal shall be issued by the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the registered office of the person is located is located. within 14 days after the date of submission of the application.

(2) (Supplemented, SG No. 41/2010) The authority referred to in Paragraph (1) shall refuse to issue a registration document in the case of non-compliance with at least one of the requirements covered under Articles 50 and 51 herein or where the application has been submitted by a recovery scheme operator.

(3) (Amended, SG No. 30/2006) Any refusal referred to in Paragraph (1) shall be appealable according to the procedure established by the Administrative Procedure Code within 14 days after being communicated.

Article 53

(1) Upon discontinuance of the operation, the person referred to in Article 50 shall notify the competent authority within one month.

(2) (Amended and supplemented, SG No. 41/2010) In the cases referred to in Paragraph (1), the competent authority shall issue an order expunging the person referred to in Article 50 herein in the register referred to in Item 1 of Article 26 (1) herein and shall withdraw the registration document as issued.

Article 53a

(New, SG No. 30/2011)

Upon ascertainment of a violation of any of the requirements referred to in Article 60 (7) herein, after a pecuniary penalty under Item 3 of Article 106 (4) herein has been imposed on the sole trader or on the legal person, the competent authority shall withdraw the registration document issued.

Section III

Licensing Trade in Ferrous and Non-ferrous Metal Waste

Article 54

(1) (Amended, SG No. 77/2005) Trade in ferrous and non-ferrous metal waste which does not have hazardous properties shall be carried out by resident and non-resident legal and natural persons registered as merchants under the Commerce Act or under the national legislation thereof and holding a licence for this activity issued by the Minister of Economy, Energy and Tourism or a Deputy Minister authorized thereby according to the procedure established by this Section.

(2) (New, SG No. 30/2011) Operations related to ferrous and non-ferrous metal waste shall be pursued solely on sites placed in spatial-development areas designated by master plans for manufacturing and storage activities, at public transportation ports of national and regional importance and at railway infrastructure facilities intended for commercial use. Each site must be responsive to the regulatory requirements for the protection of human health and the environment.

(3) (Renumbered from Paragraph (2), SG No. 30/2011) No licence shall be required for:

1. (amended, SG No. 30/2011) sale of ferrous and non-ferrous metal waste by the persons which generated the said waste as process waste of own production or of own wear-and-tear scrap, provided the buyer is licensed according to the procedure established by Paragraph (1);

2. sale of consumer ferrous and non-ferrous metal waste by natural persons, provided the buyer is licensed according to the procedure established by Paragraph (1).

(4) (Amended, SG No. 82/2009, renumbered from Paragraph (3), SG No. 30/2011) For the purpose of obtaining a licence for trade in ferrous and non-ferrous metal waste, the merchants referred to in Paragraph (1) shall submit an application to the Minister of Economy, Energy and Tourism, completed in a standard form according to the ordinance referred to in Article 61 herein.

(5) (Renumbered from Paragraph (4), amended, SG No. 30/2011) The following shall be attached to any application referred to in Paragraph (4):

1. (amended, SG No. 77/2005, SG No. 34/2006, SG No. 41/2010) a declaration to the effect that the applicant is a merchant and, in the case of non-residents, a copy of a document issued in accordance with the national legislation thereof, certifying the legal status of the applicant;

2. (amended, SG No. 30/2011) the original or a copy of a commercial lease agreement, certified by the applicant, or a notarial act, accompanied by a plat or another certifying document issued by a competent authority, stating particulars of the location of the immovable wherein the site is placed, and particulars showing that it is responsive to the requirements of Paragraph (2);

3. (supplemented, SG No. 41/2010) a certificate issued by the Director of the Regional Inspectorate of Environment and Water covering the location of the site or a permit under Article 37 herein;

4. (amended, SG No. 105/2005) a certificate under Article 87 (6) of the Tax and Social-Insurance Procedure Code;

5. (repealed, SG No. 34/2006, new, SG No. 30/2011) a declaration on compliance with the requirements of Article 60 (8) herein;

6. (amended, SG No. 30/2011) a declaration by the applicant to the effect that the said applicant is not connected to any merchant whereof the licence has been withdrawn or who or which has been denied the issuing of a licence, within the time limits referred to in Item 1 (b) and (c) of Article 59 (1) herein and that the circumstances referred to in Item 1 (d) and (e) of Article 59 (1) herein do not apply;

7. documentary proof of fee paid.

(6) (New, SG No. 77/2005, amended, SG No. 34/2006, renumbered from Paragraph (5), amended, SG No. 30/2011) Where the applicant is a non-resident natural or legal person, the said applicant shall be obligated to produce a document referred to in Item 4 of Paragraph (5), issued by a competent authority, an abstract of a register or an equivalent document of a judicial or administrative authority of the State of establishment thereof.

(7) (New, SG No. 77/2005, amended, SG No. 34/2006, renumbered from Paragraph (6), amended, SG No. 30/2011) Where the applicant is a non-resident, the document referred to in Item 1 of Paragraph (5) shall be produced in an official translation as well, whereas the documents referred to in Items 4, 5 and 6 of Paragraph (5), which are in a foreign language, shall be produced in a translation as well.

(8) (Renumbered from Paragraph (5), SG No. 77/2005, renumbered from Paragraph (7), SG No. 30/2011) Should there be any non-conformities in the documents and/or a need to provide additional information, the applicant shall be notified within 14 days after the date of submission of the application. The applicant shall eliminate any such non-conformities and shall provide any such additional information within 14 days after notification.

(9) (Renumbered from Paragraph (6), SG No. 77/2005, renumbered from Paragraph (8), amended, SG No. 30/2011) Upon failure to eliminate the non-conformities and/or to provide the additional information within the time limit referred to in Paragraph (8), the documents shall be denied consideration.

(10) (Renumbered from Paragraph (7), SG No. 77/2005, renumbered from Paragraph (9), amended, SG No. 30/2011) In the cases referred to in Paragraph (8), the documents shall be presumed submitted as from the date of elimination of non-conformities and/or provision of additional information.

Article 55

(1) (Amended, SG No. 30/2011) The certificate referred to in Item 3 of Article 54 (5) herein shall state particulars of the applicant, the location of the site and the conformity of the said site with the requirements established by this Act and by the statutory instruments of secondary legislation on the application thereof, as well as particulars of the type of waste destined for the activity.

(2) (Supplemented, SG No. 41/2010) For the purpose of obtaining a certificate, the person shall submit an application to the Director of the relevant Regional Inspectorate of Environment and Water, stating therein the particulars covered under Paragraph (1) and shall attach:

1. (New, SG No. 41/2010, amended, SG No. 30/2011) the documents referred to in Item 2 of Article 54 (5) herein;

2. (New, SG No. 41/2010) a document certifying fulfilment of the obligations according to the procedure established by Chapter Six of the Environmental Protection Act.

(3) (Amended, SG No. 41/2010) The Director of the relevant Regional Inspectorate of Environment and Water or a person empowered thereby shall conduct an on-site inspection and, upon ascertaining conformity of the site with the requirements established by this Act and the subordinate legislation on the application thereof, shall issue the certificate referred to in Paragraph (1) herein within 14 days after submission of the application.

(4) (Amended, SG No. 30/2006) The Director of the relevant Regional Inspectorate of Environment and Water shall refuse to issue a certificate if the said Director ascertains that the site does not conform to the regulatory requirements. Any such refusal shall be appealable according to the procedure established by the Administrative Procedure Code.

Article 56

(1) (Amended, SG No. 30/2011) The application and the documents referred to in Article 54 (4) and (5) herein shall be considered at the Ministry of Economy, Energy and Tourism by an interdepartmental commission within two months after the date of submission thereof.

(2) The interdepartmental commission shall include an equal number of representatives of the Ministry of Economy, Energy and Tourism, the Ministry of Environment and Water, the Ministry of Interior, nominated by the respective minister. The Minister of Economy, Energy and Tourism shall issue an order designating a chairperson, a secretary and members of the

commission.

(3) Representatives of the branch organizations of ferrous and non ferrous metal traders shall have the right to attend the meetings of the commission referred to in Paragraph (1).

(4) The commission referred to in Paragraph (1) shall examine the documents submitted for the issuing of a licence for trade in ferrous and non-ferrous metal waste according to the procedure established by the ordinance referred to in Article 61 herein and conforming to rules of procedure of the said commission endorsed by the Minister of Economy, Energy and Tourism.

(5) After examination of the applications, the commission shall draw up a reasoned proposal to the Minister of Economy, Energy and Tourism on the issuing of a licence or on a refusal to issue a licence.

(6) Within one month after the proposal referred to in Paragraph (5), the Minister of Economy, Energy and Tourism or a Deputy Minister authorized thereby shall issue a licence or shall refuse to issue a licence by a reasoned order.

Article 57

(1) A licence for trade in ferrous and non-ferrous metal waste shall be issued in a standard form endorsed by the Minister of Economy, Energy and Tourism.

(2) (Amended, SG No. 34/2006) Any such licence shall state: number and date of issuing; business name of the merchant; registered office and address of the place of management; standard identification code; list describing the sites whereon the trade in ferrous and non-ferrous metal waste will be carried out.

(3) A licence for trade in ferrous and non-ferrous metal waste shall be issued for an indeterminate duration.

(4) (Supplemented, SG No. 30/2011) The rights under the licence may not be transferred and/or ceded. In the cases of succession in title under the Commerce Act, the rights under the licence shall pass to the successor in title.

(5) Carrying out trade in ferrous and non-ferrous metal waste by proxy shall be inadmissible, save in the cases where the merchant is represented by an authorized employee thereof hired under a contract of employment.

Article 58

(1) For the purpose of amending and/or supplementing a licence, an application and documents certifying the change shall be submitted to the Minister of Economy, Energy and Tourism, and the said application and documents shall be considered according to the procedure and within the time limits established under Article 56 herein and the ordinance referred to in Article 61 herein. Upon occurrence of any intervening change in circumstances, the holder shall be obligated to declare the changes for entry into the licence within one month.

(2) Fees fixed in the Rate Schedule of Fees Collected at the Ministry of Economy, Energy and Tourism under the Stamp Duty Act shall be paid upon submission of the documents and upon receipt of a licence for trade in ferrous and non-ferrous metal waste, as well as for supplementing and/or amending a licence for trade in ferrous and non-ferrous metals as issued.

(3) The orders refusing to issue a licence and the orders withdrawing or terminating a licence for trade in ferrous and non-ferrous metal waste, upon entry into effect, shall likewise be recorded in the public register referred to in Article 26 (2) herein.

Article 59

(1) (Amended, SG No. 41/2010) The Minister of Economy, Energy and Tourism or a Deputy Minister empowered thereby shall issue an order:

1. refusing to issue a licence for trade in ferrous and non ferrous metal waste, where:

(a) the interdepartmental commission examining the documents submitted for the issuing of a licence for trade in ferrous

and non-ferrous metal waste has made a reasoned proposal on a refusal;

(b) the application for the issuing of a licence has been submitted prior to the lapse of one year after an order refusing to issue a licence for trade in ferrous and non ferrous metal waste, save as where any such refusing order has been revoked by the court as legally non-conforming;

(c) the application for the issuing of a licence has been submitted prior to the lapse of two years after an order withdrawing a licence according to the procedure established by Item 2, save as where any such withdrawing order has been revoked by the court as legally non conforming;

(d) (new, SG No. 30/2011) the application for adding a site to a licence has been submitted by the same merchant prior to the lapse of one year since the order expunging the same site according to the procedure established by Item 4, unless the order expunging the site has been revoked by the court as legally non-conforming;

(e) (new, SG No. 30/2011) the application for the issuing of a licence or for supplementing a licence includes a site applied for which is subject to a dispute pending before a court owing to the expungement of the said site or to the withdrawal of a licence wherein the said site is included;

(f) (renumbered from Littera (d), amended, SG No. 30/2011) the application for the issuing of a licence has been submitted by a person connected with the applicant referred to in Littera (b) and (c), or the application for adding a site to a licence has been submitted by a person connected with the applicant referred to in Littera (d), unless the appointed periods of time have lapsed;

2. withdrawing the licence for trade in ferrous and non-ferrous metal waste, where:

(a) (Supplemented, SG No. 41/2010, repealed, SG No. 30/2011);

(b) the holder has submitted untrue data which have served as grounds for the issuing, amending or supplementing of the licence;

(c) (amended and supplemented, SG No. 30/2011) trade in ferrous and non-ferrous metal waste is carried out on a site which is not entered into the licence or is expunged, with the exception of the cases referred to in Item 1 of Article 54 (3) herein;

(d) a reasoned proposal has been made by the Minister of Environment and Water;

(e) the terms and the procedure for carrying out trade in ferrous and non-ferrous metal waste are systematically breached;

(f) (amended, SG No. 30/2011) any operation related to ferrous and non-ferrous metal waste is pursued in violation of Article 60 (3) or (4) herein;

(g) (new, SG No. 41/2010) the legal grounds for use of the only site entered into the licence have lapsed;

(h) (new, SG No. 30/2011) a violation under Item 4 on a site entered into the licence of the same merchant has been established by a statement of ascertainment of a control authority within 12 months after the entry into effect of an order expunging a site;

3. terminating the licence for trade in ferrous and non-ferrous metal waste, upon:

(a) a written request by the licensed merchant;

(b) expungement of the merchant in the Commercial Register;

(c) failure of the merchant to claim the licence within one month after written notification of the issuing of the said licence;

4. (new, SG No. 41/2010) expunging a site entered into the licence upon:

(a) the existence of a reasoned motion by the Minister of Environment and Water;

(b) lack of legal grounds for use of the corporeal immovable wherein the site is located, established by the commission referred to in Article 56 (1) herein, provided that the said site is not the only one entered into the licence;

(c) (new, SG No. 30/2011) lack on the site of records of the purchases and imports and/or records of the sales and exports of ferrous and non-ferrous metal waste referred to in Article 60 (2) herein;

(d) (new, SG No. 30/2011) carrying out on the site of trade in ferrous and non-ferrous metal waste by proxy;

(e) (new, SG No. 30/2011) carrying out on the site of trade in ferrous and non-ferrous metal waste without documents of origin referred to in Article 60 (3) and (4) herein;

(f) (new, SG No. 30/2011) pursuing an operation on the site in violation of Article 60 (6) herein;

(g) (new, SG No. 30/2011) pursuing an operation on the site without ensuring 24-hour video surveillance.

(2) (New, SG No. 41/2010, amended, SG No. 30/2011) The order referred to in Items 2 and 4 of Paragraph (1) shall include a direction on anticipatory enforcement. Where the merchant furnishes a bank guarantee in favour of the Minister of Economy, Energy and Tourism in the cases referred to in Item 2 of Paragraph (1) to the amount of BGN 100,000 and under Item 4 of Paragraph (1) to the amount of BGN 20,000, the anticipatory enforcement shall be stayed. In case the order referred to in Items 2 and 4 of Paragraph (1) is left standing by the court by an enforceable judgment, the bank guarantee shall be released in favour of the authority referred to in the foregoing sentence and shall be administrated thereby.

(3) (Amended, SG No. 30/2006, renumbered from Paragraph (2), amended, SG No. 41/2010) The orders covered under Items 1, 2 and 4 of Paragraph (1), as well as the orders refusing to supplement and/or amend a licence, shall be appealable according to the procedure established by the Administrative Procedure Code, as the case may be.

(4) (New, SG No. 41/2010) The Minister of Economy, Energy and Tourism or a Deputy Minister empowered thereby shall issue a replacement of the licence where the said licence has been lost, stolen or destroyed, on the basis of an application by the merchant and a declaration according to a procedure established by the ordinance referred to in Article 61 herein.

(5) (New, SG No. 41/2010) Within seven days after receiving an order withdrawing or terminating a licence for trade in ferrous and non-ferrous metal waste, as the case may be, the merchant shall be obligated to deliver the original of the licence at the Ministry of Economy, Energy and Tourism.

(6) (New, SG No. 30/2011) Within seven days after receipt of the order referred to in Item 4 of Paragraph (1), the merchant shall be obligated to deliver the original of the licence at the Ministry of Economy, Energy and Tourism for entry of the site expunged. No fee shall be paid in this case.

Article 60

(1) (Amended, SG No. 41/2010) A licensed merchant shall keep a record of purchases and imports and a record of sales and exports, as well as a notarized copy of the licence, available for inspection on each site entered into the licence. A licensed merchant shall be obligated to enter truly and accurately all circumstances in the relevant record immediately after effecting the transaction for acceptance and/or shipment of ferrous and non-ferrous metal waste.

(2) (Supplemented, SG No. 41/2010) The records referred to in Paragraph (1) shall be strung through and stamped by the mayor of the municipality where the site is located within seven days after being presented, and the said mayor shall note the date of the stamping in a special book. The said records shall be kept according to a procedure and in a standard form endorsed in the ordinance referred to in Article 61 herein.

(3) (Supplemented, SG No. 41/2010, amended, SG No. 30/2011) Trade in any ferrous and non-ferrous metal waste which constitutes cables and electric conductors of any type and size, elements of the electronic communications infrastructure, elements and parts of the rolling stock, the railway, including the control, signalling and communication facilities and any wiring therewith, any elements and parts of the road infrastructure, such as road signs, traffic barriers, metal manhole covers, parts of

street lighting or water irrigation systems and facilities, as well as metal-containing monuments of culture or any parts or elements thereof, shall be carried out subject to the availability of a certificate of origin issued by the persons referred to in Item 1 of Article 54 (3) herein and a written contract concluded.

(4) (Amended, SG No. 30/2011) Any ferrous and non-ferrous waste, which constitutes process waste of own production or of own wear-and-tear scrap, shall be sold solely by the persons referred to in Item 1 of Article 54 (3) herein to licensed merchants on the basis of a written contract whereto a certificate of origin shall be attached, and any consumer waste shall be sold on the basis of a written contract whereto a declaration of origin shall be attached. Natural persons may not effect sales of non-consumer ferrous and non-ferrous metal waste. Trade in ferrous and non-ferrous metal waste between licensed merchants shall be carried out on the basis of a written contract, and the seller, simultaneously with the delivery of the goods, shall deliver to the buyer a declaration wherein the serial numbers of the certificates of origin of the waste purchased thereby have been entered.

(5) The documents referred to in Paragraphs (3) and (4) shall be issued and completed on standard forms endorsed in the ordinance referred to in Article 61 herein.

(6) (Amended, SG No. 30/2011) The waste referred to in Paragraph (3) shall be treated and stored separately from the rest.

(7) (New, SG No. 30/2011) In the cases where the licensed merchant furthermore holds a document referred to in Article 12 (1) or (4) herein, the metal packaging waste, waste electrical and electronic equipment, waste batteries and accumulators, end-of-life vehicles and the waste resulting from the pre-treatment of such waste, shall be stored on a separate site or in self-contained parts of the site. Upon subsequent delivery of the metal packaging waste and of the ferrous and non-ferrous metal waste resulting from pre-treatment of waste electrical and electronic equipment, waste batteries and accumulators, end-of-life vehicles, for trade, recovery and recycling, any such waste shall be reported separately with a code and name according to the ordinance referred to in Article 3 herein.

(8) (New, SG No. 30/2011) The licensed merchant shall be obligated to ensure 24-hour video surveillance on each site within one month after receiving the licence or after a new site or sites is or are added to the licence and to keep the recordings in the course of one year.

(9) (New, SG No. 41/2010, renumbered from Paragraph (7), supplemented, SG No. 30/2011) Within three months after discontinuance of the operation or after receiving an order referred to in Items 2, 3 and 4 of Article 59 (1) herein, the merchant shall be obligated to sell the quantities of ferrous and non-ferrous metal waste in stock, as well as to take the necessary measures for cleaning the site.

Article 61

The procedure for carrying out trade in ferrous and non-ferrous metal waste shall be established by an ordinance of the Council of Ministers.

Section IV

Recovery Scheme Operator Permit

Article 62

(1) A recovery scheme operator permit for discharge of the obligations under Article 11 herein and the ordinances referred to in Article 24 (2) herein shall be issued by the Minister of Environment and Water.

(2) For the purpose of obtaining a permit referred to in Article 11 (6) herein, a recovery scheme operator shall submit an application completed in a standard form to the competent authority referred to in Paragraph (1).

(3) The standard form of the application referred to in Paragraph (2) shall be set out by an order of the Minister of Environment and Water.

(4) The following documents shall be attached to any application referred to in Paragraph (2):

1. (Amended, SG No. 34/2006, SG No. 41/2010) Standard Identification Code of the applicant;
2. (Repealed, SG No. 34/2006);
3. (Amended, SG No. 105/2005) a certificate under Article 87 (6) of the Tax and Social-Insurance Procedure Code;
4. (Repealed, SG No. 41/2010);

5. (Amended, SG No. 41/2010) precluded written contracts with persons holding a permit or a registration document referred to in Article 12 herein, for the collection and transport of waste and with municipalities wherethrough the discharge of obligations under this Act and the ordinances referred to in Article 24 (2) is ensured;

6. (Amended, SG No. 41/2010) precluded written contracts with persons holding a permit under Article 12 herein for waste pretreatment, recycling and/or recovery, ensuring discharge of the obligations of the members of the recovery scheme operator under this Act and the ordinances referred to in Article 24 (2) herein;

7. a programme referred to in Item 4 of Article 29 (1) herein;

8. documentary proof of fee paid;

9. (New, SG No. 41/2010) a deed of incorporation of the recovery scheme operator;

10. (New, SG No. 41/2010) a notarized declaration by the applicant to the effect that the said applicant is not connected, within the meaning given by this Act, to any person whereof the permit has been withdrawn or who or which has been denied the issuing of such a permit prior to the lapse of one year since the withdrawal or denial;

11. (New, SG No. 41/2010) a draft contract between the recovery scheme operator and the members thereof.

(5) The packaging waste recovery scheme operator shall present a notarized certificate on trade mark registration.

(6) The deed of incorporation of the recovery scheme operator shall furthermore contain conditions ensuring satisfaction of the following requirements:

1. adherence to the principle of non-discrimination and eligibility for participation of the persons referred to in Article 11 herein who or which wish to discharge the obligations thereof under this Act and under the relevant ordinance referred to in Article 24 (2) herein through the recovery scheme within the meaning given by Item 2 of Article 11 (4) herein;

2. the incorporators of the recovery scheme operator shall have no right to reserve pre-emptive rights by the deed of incorporation;

3. the deed must not contain any restrictive provisions impeding the free participation of the persons referred to in Article 11 herein, with the exception of a limitation to participation in a single recovery scheme for the relevant type of ordinary waste;

4. (New, SG No. 41/2010) the deed must contain provisions prohibiting:

(a) the distribution of profit;

(b) the issuing of bonds and shares with dividend coupons;

(c) the extension of credit and credit guarantees to third parties, as well as the incurrence of obligations arising under bills of exchange;

(d) the issuing of bearer shares;

(e) the inclusion in the objects of the company of any activities other than those expressly specified in Item 26 of § 1 of the Supplementary Provisions herein;

(f) the transformation of the operator through merger by acquisition, merger by the formation of a new company, division, partial division, or transfer of the entire property to the sole owner of the capital.

(7) (Amended and supplemented, SG No. 41/2010) The application and the programme referred to in Item 4 of Article 29 (1) herein shall be submitted on a paper-based data medium and on an electronic data medium.

Article 62a

(New, SG No. 41/2010)

(1) The rights under the permit issued referred to in Article 62 herein may not be transferred and/or ceded.

(2) The recovery scheme operator may not be transformed through merger by acquisition, merger by the formation of a new company, division, partial division, or transfer of the entire property to the sole owner of the capital.

(3) The recovery scheme operator may not conclude a contract for the conduct of an audit with a registered auditor who is an employee or a shareholder thereof.

(4) The recovery scheme operator may not have objects other than the activities specified in Item 26 of § 1 of the Supplementary Provisions herein.

Article 62b

(New, SG No. 41/2010)

(1) The packaging waste recovery scheme operator shall present, attached to the application referred to in Article 62 (2) herein, precluded written contracts with at least ten municipalities with combined population of at least 200,000 residents.

(2) The recovery scheme operator shall present, attached to the application referred to in Article 62 (2) herein, a plan for placing receptacles for separate collection of the waste, indicated with specific parameters (capacity, type) and a bill of quantities.

(3) The final contracts must correspond to the precluded contracts referred to in Paragraph (1).

(4) The contracts referred to in Paragraphs (1) and (3) must be responsive to minimum criteria and requirements under the ordinance referred to in Article 24 (2) herein for the relevant type of ordinary waste.

Article 62c

(New, SG No. 41/2010)

Within three months after obtaining the permit referred to in Article 62 (1) herein, the packaging waste recovery scheme operator shall present to the competent authority the final contracts concluded according to the contracts presented under Item 5 of Article 62 (4) and Article 62b (1) herein.

Article 63

(1) (Amended and supplemented, SG No. 41/2010) The authority referred to in Article 62 (1) herein shall determine whether the application and the documents attached thereto required for the issuing of a permit are responsive to the requirements established by this Act and the statutory instruments of secondary legislation on the application thereof.

(2) (Supplemented, SG No. 41/2010) The competent authority or an official empowered thereby may require, on a single occasion, from the applicant to eliminate non-conformities and/or to provide additional information to the application, where this is necessary to clarify any facts covered under Article 62 herein.

(3) In the cases referred to in Paragraph (2), the competent authority shall notify the applicant within one month after

receipt of the application.

(4) (Amended, SG No. 41/2010) Within two months after notification under Paragraph (3), the applicant shall eliminate the non-conformities or shall provide the additional information.

Article 64

(1) Within two months after receipt of an application or after elimination of the non-conformities and/or provision of the additional information, the authority referred to in Article 62 (1) herein shall issue a permit or a reasoned refusal to issue a permit.

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

1. (Amended, SG No. 77/2005, SG No. 41/2010) the application and/or the documents attached thereto under Article 62 herein are not responsive to the regulatory requirements;

2. (Amended, SG No. 77/2005, SG No. 41/2010) the permit of the applicant has been withdrawn according to the procedure established by Article 68 herein within one year prior to the submission of the present application;

3. (New, SG No. 41/2010) the requirements referred to in Article 63 (4) herein have not been complied with.

Article 65

(1) The permit shall be issued for the shorter of the period of time specified in the application and five years.

(2) A permit as issued shall terminate:

1. upon expiry of the period of validity thereof;

2. upon withdrawal before expiry of the period of validity thereof;

3. at the request of the recovery scheme operator.

Article 66

(1) (Supplemented, SG No. 41/2010) Not later than three months before expiry of the period of validity of a permit, the recovery scheme operator may submit an application on a paper-based data medium and on an electronic data medium for extension of the period of validity of the said permit.

(2) (Amended, SG No. 41/2010) The following shall be attached to the application referred to in Paragraph (1):

1. a certificate referred to in Article 87 (6) of the Tax and Social-Insurance Procedure Code;

2. an updated programme referred to in Item 4 of Article 29 (1) herein according to the requirements of the ordinances referred to in Article 24 (2) on a paper-based data medium and on an electronic data medium;

3. documentary proof of fee paid.

(3) (Amended, SG No. 41/2010) Within two months after submission of the application or after elimination of the non-conformities and/or provision of the additional information, the competent authority referred to in Article 62 (1) herein shall issue an extension of the period of validity of the permit or a reasoned refusal to extend the said period.

(4) (New, SG No. 41/2010) The competent authority shall determine whether the application referred to in Paragraph (1) and the documents attached thereto are responsive to the requirements of this Act and of the statutory instrument of secondary legislation on the application thereof.

(5) (New, SG No. 41/2010) Within one month after receipt of the application, the competent authority may require, on a

single occasion, from the applicant to eliminate non-conformities and/or to provide additional information to the application and the documents attached thereto, where this is necessary to clarify any facts and circumstances covered under Paragraph (2).

(6) (Renumbered from Paragraph (4), amended, SG No. 41/2010) Within two months after the requirement referred to in Paragraph (5), the applicant shall eliminate the non-conformities and/or shall provide the additional information.

Article 67

(1) A permit as issued shall be amended and/or supplemented by the competent authority upon any intervening change:

1. in the regulatory requirements related to the permit;
2. (Amended, SG No. 34/2006) related to the current status under the Commercial Register of the recovery scheme operator;
3. in the programme referred to in Item 4 of Article 29 (1) herein.

(2) (Amended, SG No. 41/2010) In the cases covered under Paragraph (1), the recovery scheme operator shall submit an application on a paper-based data medium and on an electronic data medium requesting that the permit be amended and/or supplemented together with the documents certifying the relevant change, to the competent authority within one month after occurrence of the change.

(3) (Supplemented, SG No. 41/2010) Within one month, the competent authority shall pronounce by a decision on the application that the permit be amended and/or supplemented.

(4) (Supplemented, SG No. 41/2010) In case of a reasoned refusal that the permit be amended and/or supplemented, the recovery scheme operator shall apply for the issuing of a new permit according to the procedure established by this Act.

(5) (New, SG No. 41/2010) The competent authority shall determine whether the application referred to in Paragraph (2) and the documents attached thereto are responsive to the requirements of this Act and of the statutory instruments of secondary legislation on the application thereof.

(6) (New, SG No. 41/2010) Within one month after receipt of the application, the competent authority may require, on a single occasion, from the applicant to eliminate non-conformities and/or to provide additional information to the application and the documents attached thereto, where this is necessary to clarify any facts and circumstances covered under Paragraph (2).

(7) (New, SG No. 41/2010) Within two months after the requirement referred to in Paragraph (6), the applicant shall eliminate the non-conformities and/or shall provide the additional information.

(8) (New, SG No. 41/2010) The competent authority shall refuse to amend and/or supplement the permit where:

1. the application that the permit be amended and/or supplemented and/or the documents attached thereto are not responsive to the regulatory requirements;
2. the requirements of Paragraph (7) have not been complied with.

Article 68

The competent authority shall withdraw a permit as issued where:

1. the holder has submitted untrue information which has served as grounds for the issuing of the permit;
2. any acts or omissions on the part of the recovery scheme operator have led to substantial non-attainment of the targets under this Act or the ordinances referred to in Article 24 (2) herein;
3. a gross or systematic violation of this Act, of the statutory instruments of secondary legislation on the application thereof, or of the conditions set in the permit has been committed;

4. (New, SG No. 41/2010) the recovery scheme operator has distributed profit to the shareholders and/or partners thereof;

5. (New, SG No. 41/2010) Article 62b herein has not been complied with.

Article 69

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

(2) (Amended, SG No. 41/2010) The competent authority and the recovery scheme operator shall inform the public in an appropriate manner of the issuing of the permit, as well as of any ensuing revisions amending or supplementing the said permit or of a withdrawal of the permit.

Article 70

(Amended, SG No. 30/2006)

Any permit as issued and any decision to amend and/or supplement any such permit or to refuse to issue, to amend and/or to supplement a permit shall be appealable according to the procedure established by the Administrative Procedure Code.

Article 71

At intervals of not more than one year, the competent authority or a person empowered thereby shall inspect the recovery scheme operators holding a permit referred to in Article 62 herein in order to satisfy itself as to the discharge of the obligations arising from this Act, from the ordinances referred to in Article 24 (2) herein and from the permit.

Section IVa

(New, SG No. 41/2010, effective 1.01.2011)

Financing Final Disposal of Waste through Deposit into or onto Land

Article 71a

(New, SG No. 41/2010, effective 1.01.2011)

(1) For an operation related to final disposal of waste through the deposit thereof into or onto land, each owner of a landfill shall be obligated to make monthly deductions to an escrow bank account of the relevant Regional Directorate of Environment and Water covering the territory wherein the landfill is located.

(2) The resources accumulated during the operation period of the landfill under Paragraph (1) shall be used for the closure procedure and after-care of the landfill site according to the permit or integrated permit referred to in Article 12 (1) herein and/or the design for reclamation as endorsed by the competent authorities.

(3) The balance on the account referred to in Paragraph (1) shall be brought forward at the end of each calendar year.

(4) The procedure and manner for calculation of the deductions shall be determined by an ordinance of the Minister of Environment and Water and the Minister of Finance.

(5) Not later than the 10th day of each current month, the owner of the landfill shall credit the account referred to in Paragraph (1) with the monthly deductions for the last preceding month.

(6) The amount of deductions per tonne of waste deposited shall be updated once every three years.

(7) The resources referred to in Paragraph (2) destined for the closure procedure and after-care of the landfill site may

not be less than the resources determined according to the procedure established by the ordinance referred to in Paragraph (4).

Article 71b

(New, SG No. 41/2010, effective 1.01.2011)

(1) For discharge of the obligation thereof related to the closure and after-care of the landfill site or of a section or cell of the said site, provided the necessary conditions for closure according to the ordinance referred to in Article 15 (2) herein exist, the owner of the landfill shall submit an application to the Minister of Environment and Water or to an official empowered thereby for spending the amounts on the account referred to in Article 71a (1) herein.

(2) The procedure and manner for spending the amounts on the account referred to in Article 71a (1) herein shall be determined by the ordinance referred to in Article 71a (4) herein.

Article 71c

(New, SG No. 41/2010, effective 1.01.2011)

The owners of landfills of inert waste shall be exempt from the obligations under Article 71a herein.

Article 71d

(New, SG No. 41/2010, effective 1.01.2011)

The requirements of Article 71a herein shall not apply to landfills of waste wherein wastes from mining operations under the Subsurface Resources Act and waste according to Article 2 (1) herein are deposited together where:

1. the quantity of the wastes from mining operations deposited or to be deposited is predominant, and

2. financing for the implementation of the closure procedure and after-care of the landfill site is provided according to the procedure established by the Subsurface Resources Act.

Article 71e

(New, SG No. 41/2010)

Within three months after discontinuance of the operation of the landfill, the owner shall commence the implementation of the landfill closure procedures in accordance with the plan for closure of the landfill.

Article 71f

(New, SG No. 41/2010, effective 1.01.2011)

(1) The persons whose waste is disposed of through the deposit thereof in a regional or municipal landfill shall make deductions to an amount and according to a procedure established by an act of the Council of Ministers on a motion by the Minister of Environment and Water and the Minister of Finance.

(2) The purpose of the deductions referred to in Paragraph (1) shall be to reduce the amount of waste deposited and to encourage the recycling and recovery of the said waste.

(3) The resources accumulated under Paragraph (1) shall be used for operations related to the construction of new household waste treatment installations ensuring the fulfilment by the municipalities of the requirements of this Act and the statutory instruments of secondary legislation on the application thereof.

Article 71g

(New, SG No. 41/2010, effective 1.01.2011)

The deductions referred to in Article 71a (1) and Article 71f(1) herein, which are made by municipalities, shall be elements of the expenses referred to in Item 3 of Article 66 (1) of the Local Taxes and Fees Act.

Article 71h

(New, SG No. 41/2010, effective 1.01.2011)

The requirements of this Section shall not apply to any landfills of waste which are entirely included in the programmes for elimination of environmental damage, adopted by a decision of the Minister of Environment and Water, in accordance with the Environmental Protection Act and the act of the Council of Ministers according to § 9 of the Transitional and Final Provisions of the Environmental Protection Act.

Section V

Cross-Border Shipments of Waste **(Title amended, SG No. 41/2010)**

Article 72

(Amended, SG No. 41/2010)

(1) Shipments of waste within the European Community with or without transit through third countries, import into the Community from third countries, export from the Community to third country, as well as transit through the Community on the way from and to third countries, shall be effected under the terms and according to the procedure established by Regulation 1013/2006.

(2) The Minister of Environment and Water or an official empowered thereby shall be the competent authority of the Republic of Bulgaria responsible for the implementation of Regulation 1013/2006 on shipments of waste within the meaning given by Article 53 of the Regulation.

(3) The competent authority referred to in Paragraph (2) shall keep a special register of the notifications of shipments of waste from, to and through the territory of the Republic of Bulgaria, of import or export from or to countries which are not Member States of the European Union, as consented according to Regulation 1013/2006, as well as of the annual statement-declarations referred to in Article 83 herein.

(4) All notifications referred to in Paragraph (3) and documents under Regulation 1013/2006 on shipments of waste shall be supplied in the Bulgarian or in the English language. In the cases where the documents are supplied in the English language, the competent authority shall have the right to require an official translation into the Bulgarian language.

Article 73

(Amended, SG No. 41/2010)

(1) For shipments of waste for which prior written notification is required according to Regulation 1013/2006, the person defined as notifier according to point 15 of Article 2 of Regulation 1013/2006 shall dispatch to the competent authority referred to in Article 72 (2) herein documentary proof of fee paid and the documents referred to in Article 4 of Regulation 1013/2006, including:

1. Standard Identification Code or registration number of the notifier from the register referred to in Item 4 of Article 26 (1) herein and, in the case of non-residents, a document issued in accordance with the national legislation thereof, certifying the legal status of the notifier, both being issued within three months prior to the date of submission;

2. Standard Identification Code of the carrier or carriers and, in the case of non-residents, a document issued in accordance with the national legislation thereof, certifying the legal status of the carrier or carriers, both being issued within three months prior to the date of submission;

3. a copy of the relevant permit, registration document or licence for waste-related operations according to the operations notified;

4. a copy of a signed contract according to Article 5 of Regulation 1013/2006.

(2) In the cases where a financial guarantee or equivalent insurance is required according to Article 6 of Regulation 1013/2006, the said guarantee or insurance must be furnished in the form of a bank guarantee, an insurance guarantee or an insurance policy.

(3) Upon shipments of waste to the Republic of Bulgaria destined for interim recovery or disposal operations, the financial guarantee or equivalent insurance shall cover the costs until completion of the shipments, certified by the issuing of a certificate according to Article 15 (e) of Regulation 1013/2006.

(4) In a general notification under Article 13 of Regulation 1013/2006 of shipments from the Republic of Bulgaria, the financial guarantee or equivalent insurance must cover the total quantity of waste notified, and it shall be admissible to furnish a partial financial guarantee covering part of the quantity of waste in the cases referred to in Paragraph (7).

(5) Where the financial guarantee referred to in Article 6 of Regulation 1013/2006 is furnished in the form of a bank guarantee, the bank guarantor shall undertake irrevocably, unconditionally and upon first written demand by the Minister of Environment and Water to transfer the amount under the bank guarantee to the benefit of and to an account of the Ministry of Environment and Water. The said bank guarantee shall be unconditional and irrevocable and must be issued by a foreign bank rated AA by the Moody's Rating Agency or by a Bulgarian bank. A bank guarantee issued by a foreign bank must be advised through a Bulgarian bank.

(6) The insurance policy referred to in Article 6 of Regulation 1013/2006 shall be issued by an insurance company holding a licence issued according to the procedure established by the Insurance Code. The said insurance policy shall include a stipulation on payment of the full amount of the sum under the insured event to the benefit of the Ministry of Environment and Water upon first written demand.

(7) As many shipments as are covered by the partial financial guarantee may be dispatched. In such case, each successive shipment may be dispatched after receipt of the certificate referred to in Article 16 (e) of Regulation 1013/2006.

Article 74

(Amended, SG No. 41/2010)

(1) The Minister of Environment and Water or an official empowered thereby, upon approval of the conditions of the shipment, shall signify a written consent to the effecting of the said shipment by signing, stamping and dating the notification.

(2) The authority referred to in Paragraph (1) shall issue a reasoned order in the following cases:

1. upon authorization of a shipment under Article 9, paragraph 1 (b) of Regulation 1013/2006 with certain conditions in accordance with Article 10 of the Regulation;

2. upon raising an objection under Article 9, paragraph 1 (c) of Regulation 1013/2006;

3. upon withdrawal of a consent under Article 9, paragraph 8 of Regulation 1013/2006.

(3) The orders covered under Paragraph (2) shall be dispatched by the authority referred to in Paragraph (1) to the notifier according to the procedure established by the Code of Civil Procedure.

(4) The orders covered under Paragraph (2) shall be appealable according to the procedure established by the Administrative Procedure Code. An appeal of an order whereby the competent authority withdraws the consent thereof according to Article 9, paragraph 8 of Regulation 1013/2006 shall not stay the enforcement of the said order.

Article 75

(Amended, SG No. 41/2010)

(1) Shipments of waste to the Republic of Bulgaria, destined for final disposal shall be prohibited except in the following cases:

1. in the case of a take-back obligation according to Articles 22 and 24 of Regulation 1013/2006;

2. upon shipment of a residue arising from the treatment of waste originating from Bulgaria to other countries, for which there are no recycling installations in Bulgaria; in such case, a new notification shall be required for the shipment of the residue.

(2) Shipments of waste to the Republic of Bulgaria, destined for recovery, shall be prohibited if the operator of the facility where the recovery is to be carried out has recovered a smaller quantity of waste of Bulgarian origin compared to the quality of waste shipped to the Republic of Bulgaria for recovery at the same facility.

Article 76

(Amended, SG No. 41/2010)

(1) Any shipment of waste to the Republic of Bulgaria shall be carried out subject to the following conditions:

1. the waste disposal installations have sufficient capacity;

2. the operators of installations referred to in Item 1 hold the relevant permits, registration documents or licences for waste-related operations as notified;

3. the operators of installations referred to in Item 1 hold permits for treatment of the residue of the recovered waste as well or ensure the treatment of the said residue in an environmentally sound way.

(2) The competent authority referred to in Article 72 (2) herein shall transmit an enquiry about compliance with the circumstances covered under Paragraph (1) by fax or by another technical means to the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the waste treatment installation is located.

3. Within three days after receipt of the enquiry referred to in Paragraph (2), the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the waste treatment installation is located shall conduct a check and shall transmit the opinion thereof by fax or by another technical means.

(4) The authority referred to in Article 72 (2) herein shall refuse consent to a shipment to the Republic of Bulgaria by a reasoned order where:

1. one or more of the requirements of Paragraph (1) has not been complied with;

2. the notifier or the consignee of the waste has been penalized on two or more occasions for illegal shipment of waste, detected according to the procedure established by Regulation 1013/2006.

(5) The order referred to in Paragraph (4) shall be appealable according to the procedure established by the Administrative Procedure Code. An appeal shall not stay the enforcement.

Article 77

(Amended, SG No. 30/2006, SG No. 41/2010)

(1) Shipments of waste between the Republic of Bulgaria and countries which are not Member States of the European Union shall be carried out through customs offices designated by a joint order of the Director of the National Customs Agency and the Minister of Environment and Water.

(2) Upon shipment of waste between the Republic of Bulgaria and countries which are not Member States of the

European Union, the competent authority referred to in Article 72 (2) herein shall dispatch a copy of the notification and a copy of the order issued according to the procedure established by Article 74 (2) or (3) herein to the Director of the National Customs Agency and to the Director of the relevant Regional Inspectorate of Environment and Water.

Article 78

(Amended, SG No. 30/2006, SG No. 41/2010)

(1) If any essential changes are made to the conditions of the consented shipment according to Article 17 of Regulation 1013/2006, a new notification shall be required.

(2) The following changes to a consented notification shall be considered essential:

1. an increase of the notified quantity of waste, or
2. a change in the route, if the countries of transit are other than those originally stated in the notification, or
3. an increase of the time period for shipment stated in the notification.

Article 79

(Amended, SG No. 41/2010)

(1) The competent authority referred to in Article 72 (2) herein shall issue a pre-consent to the operator of recovery installations in the cases and under the terms of Article 14 of Regulation 1013/2006.

(2) The permit referred to in Paragraph (1) shall be issued solely for recovery installations for wastes listed in Annexes III, IIIA and IIIB to Regulation 1013/2006 and which are not destined for interim recovery operations.

(3) For the issuing of a permit under Paragraph (1), the operator of the waste recovery installation shall complete an application, whereto the following documents shall be attached:

1. Standard Identification Code;
2. a copy of the permit for pursuing waste-related operations issued thereto under Article 37 herein or an integrated permit issued according to the Environmental Protection Act, in the cases where such a permit is required;
3. a description of the technology employed in the installation, including the codes designating the recovery operations.

(4) The application referred to in Paragraph (3) shall state:

1. the designation, registered office and address of the place of management of the management of the recovery installation;

2. the wastes that are to be recovered, as listed in Annexes III, IIIA and IIIB to Regulation 1013/2006, as well as the relevant code under the European Waste Catalogue;

3. the chemical composition of the waste, as far as practicable;

4. the quantity of waste destined for recovery;

5. information regarding the quantity, composition and treatment of the residues of the recovery;

6. the period of validity of the pre-consent applied for.

(5) By the permit referred to in Paragraph (1), the Minister of Environment and Water or an official empowered thereby shall assign a unique registration number to the recovery installation and shall dispatch a copy of the permit to the operator of

the installation. The period of validity of the pre-consent referred to in Paragraph (1) may not expire later than the 31st day of December 2014.

(6) The competent authority referred to in Article 72 (2) herein shall transmit an enquiry about compliance with the circumstances covered under Paragraphs (3) and (4) by fax or by another technical means to the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the waste treatment installation is located.

(7) Within three days after receipt of the enquiry referred to in Paragraph (6), the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the waste treatment installation is located shall conduct a check and shall transmit the opinion thereof by fax or by another technical means.

(8) Where a notification of waste destined for interim recovery operations is consented, Article 14, paragraph 4 of Regulation 1013/2006 shall apply if the final recovery installation holds a permit referred to in Paragraph (1).

Article 80

(Amended and supplemented, SG No. 77/2005, amended, No. 87/2005, SG No. 34/2006, SG No. 41/2010)

(1) Upon any change in the particulars covered under Article 79 (3) and (4) herein, as well as upon any change in the permit issued according to Article 37 herein or the integrated permit issued according to the procedure established by the Environmental Protection Act, the operator of the facility shall submit an application for change in circumstances to the Minister of Environment and Water, attaching thereto written evidence certifying the intervening change, within the time limit referred to in Article 45 (2) herein. The competent authority shall pronounce by a decision on the application for change in circumstances within one month.

(2) The competent authority referred to in Article 72 (2) herein shall withdraw the pre-consent as issued upon occurrence of one of the conditions of Article 47 (1) herein. In such case, the notifier may not apply for the issuing of a new permit within one year after the date of withdrawal of the pre-consent.

(3) For extension of the period of validity of the permit as issued, an application for extension shall be submitted within the time limit referred to in Article 44 (1) herein, attaching thereto a declaration to the effect that no change has occurred in the conditions whereunder the permit was issued. In such case, the competent authority shall pronounce by a decision within one month.

(4) The permit to amend and/or supplement the permit issued under Paragraph (1) or a refusal to issue, amend, supplement or extend the period of validity of a permit shall be appealable according to the procedure established by the Administrative Procedure Code.

Article 81

(Amended, SG No. 41/2010)

Upon illegal shipment of waste referred to in point 35 of Article 2 of Regulation 1013/2006, the authorities covered under Article 94a (2) herein or officials empowered thereby shall immediately notify in writing the Minister of Environment and Water and the Director of the relevant Regional Inspectorate of Environment and Water covering the territory wherein the location of the illegal shipment has been detected.

Article 82

(Amended, SG No. 41/2010)

(1) In the cases referred to in Article 22, item 2 and Article 24, item 2 of Regulation 1013/2006, the Minister of Environment and Water or an official empowered thereby shall issue an order obligating the notifier to transport the waste back to the Republic of Bulgaria and to treat the said waste in an environmentally sound way. In such case, the said order shall accompany the shipment of waste to the final destination thereof.

(2) In the cases referred to in Article 24, paragraph 3 of Regulation 1013/2006, the Minister of Environment and Water

or an official empowered thereby shall issue an order obligating the consignee to treat the waste in an environmentally sound manner. In such case, the said order shall accompany the shipment of waste to the final destination thereof.

(3) The order referred to in Paragraph (1) shall be dispatched to the notifier and, in the cases referred to in Paragraph (2), to the consignee, according to the procedure established by the Code of Civil Procedure.

(4) The orders referred to in Paragraphs (1) and (2) shall be appealable according to the procedure established by the Administrative Procedure Code. An appeal shall not stay the enforcement.

(5) If the costs under the obligations according to Paragraphs (1) and (2) have been assumed by the Minister of Environment and Water, the said costs shall be recoverable to a full amount from the blameworthy person according to Paragraphs (1) and (2).

Article 83

(Amended, SG No. 41/2010)

Any person effecting cross-border shipments of waste for which a notification under Regulation 1013/2006 is not required shall present an annual statement-declaration at the Ministry of Environment and Water.

Article 84

(Amended, SG No. 34/2006, SG No. 41/2010)

(1) Any person acting as a dealer under item 12 of Article 12 or as a broker under item 13 of Article 2 of Regulation 1013/2006 shall submit an application for entry into the register referred to in Item 4 of Article 24 (1) herein to the Minister of Environment and Water, stating therein:

1. Standard Identification Code, designation, seat and registered office and address of the place of management;
2. type, code and name of the waste to be traded.

(2) Documentary proof of fee paid shall be presented attached to the application referred to in Paragraph (1).

(3) Should the documents presented under Paragraph (1) or (2) be deficient, the Minister of Environment and Water shall notify the person of this in writing within 15 days and shall set a time limit for elimination of the deficiency.

(4) Within 15 days after submission of the application referred to in Paragraph (1) or elimination of the deficiency referred to in Paragraph (3), the Minister of Environment and Water or an official empowered thereby shall issue certificates to the dealers and brokers entered into the register under Paragraph (1).

Article 85

(Amended, SG No. 34/2006, SG No. 41/2010)

The persons registered under Article 84 herein shall notify the Minister of Environment and Water of all changes to the registration thereof as effected within seven days after the occurrence of any such changes.

Article 86

(Amended, SG No. 34/2006, SG No. 41/2010)

The competent authority referred to in Article 72 (2) herein shall refuse an entry into the register by a reasoned order:

1. where the applicant has committed administrative violations within one year prior to submission of the application, for which the said applicant has been penalized on two or more occasions by an enforceable penalty decree according to the procedure established by Chapter Six, Section II herein;

2. upon failure to eliminate a deficiency of the documents presented under Article 84 (1) or (2) herein within the time limit set.

Article 87

(Amended, SG No. 34/2006, SG No. 41/2010)

(1) The registration of a dealer or broker entered into the register shall be expunged:

1. where the applicant has committed administrative violations within one year prior to submission of the application, for which the said applicant has been penalized on two or more occasions by an enforceable penalty decree according to the procedure established by Chapter Six, Section II herein;

2. at the request of the dealer or of the broker, as the case may be;

3. upon dissolution of the legal person, upon death or interdiction of the registered person;

4. upon failure to notify in due time the changes under Article 85 herein.

(2) The expungement of the registration under Paragraph (1) shall be effected by order of the Minister of Environment and Water.

Article 88

(Amended, SG No. 41/2010)

The orders referred to in Article 86 and Article 87 (2) shall be appealable according to the procedure established by the Administrative Procedure Code. An appeal of the order shall not stay the enforcement thereof.

Article 89

(Amended, SG No. 41/2010)

Solely dealers and brokers entered into the register referred to in Item 4 of Article 26 (1) herein may be notifiers.

Article 90

(Amended, SG No. 41/2010)

Fees fixed by the Rate Schedule of Fees Collected within the System of the Ministry of Environment and Water, as approved by the Council of Ministers, shall be collected for the notifications, permits and registration documents issued under this Section.

Article 91

(Amended, SG No. 41/2010)

The procedure and manner for calculation of the amount of financial guarantees under this Section and for submission of the annual statement-declarations under Article 83 shall be established by an ordinance of the Council of Ministers.

Section Va **(New, SG No. 105/2008, repealed, SG No. 41/2010)** **Shipment of Waste**

Article 91a. (New, SG No. 105/2008, repealed, SG No. 41/2010).

Section VI

Waste Management Control

Article 92

(1) The municipality mayor or an official empowered thereby shall control:

1. the operations related to the formation, collection, including separate collection, storage, transport, recovery and final disposal of household waste and of construction and demolition waste;

2. the operations related to the deposit into or onto land of industrial and hazardous waste and the implementation of programmes for management of such waste;

3. the compliance with other requirements established by the ordinance referred to in Article 19 herein.

(2) The municipality mayor shall organize and control the closure, reclamation of the grounds and post-closure monitoring of landfills located within the territory of the relevant municipality.

Article 93

(1) The Director of the Regional Inspectorate of Environment and Water or an official empowered thereby shall exercise control as to compliance with the requirements for treatment of waste and with the conditions of the permit or of the registration document, as the case may be, in respect of:

1. the operations related to formation, collection, including separate collection, storage, transport, recovery and/or final disposal of waste within the territory covered by the said Inspectorate;

2. the waste storage, recovery and/or disposal installations and facilities.

(2) The authority referred to in Paragraph (1) shall exercise control over implementation of the programmes referred to in Article 29 (1) herein.

(3) The authority referred to in Paragraph (1) shall control the keeping of records and the provision of information under Chapter Four, Section I herein.

(4) Should any violations be ascertained upon the conduct of an examination, the Director of the Regional Inspectorate of Environment and Water or an official empowered thereby shall give mandatory prescriptions according to the procedure established by this Act and the statutory instruments of secondary legislation on the application thereof and shall establish time limits for compliance with the said prescriptions.

Article 93a

(New, SG No. 41/2010)

The Director of the Regional Inspectorate of Environment and Water or an official empowered thereby shall exercise control in connection with the correct charging and timely payment of the product fee referred to under Item 1 of Article 36 herein by the persons referred to in Article 11 (1) herein.

Article 94

The Minister of Environment and Water or an official empowered thereby shall exercise control as to compliance with the conditions of the permits and registration documents under Chapter Five herein and over the operations related to the treatment of waste in the cases where the said operations are pursued within a territory covered by multiple regional inspectorates of environment and water, as well as over the programmes for management of such waste.

Article 94a

(New, SG No. 41/2010)

(1) The Minister of Environment and Water, the Minister of the Interior, the Minister of Transport, Information Technology and Communications, the Director of the National Customs Agency or officials empowered thereby shall control cross-border shipments of waste under this Act and under Regulation 1013/2006, each within the powers vested therein.

(2) The control referred to in Paragraph (1) shall be implemented care of:

1. the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the point of origin of the waste is located, or persons empowered thereby: applicable to the cases referred to in Article 50, paragraph 3 (a) of Regulation 1013/2006;

2. the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the destination of the shipment is located, or persons empowered thereby: applicable to the cases referred to in Article 50, paragraph 3 (b) of Regulation 1013/2006;

3. the customs authorities and the authorities of Chief Directorate Border Police: applicable to the cases referred to in Article 50, paragraph 3 (c) of Regulation 1013/2006;

4. officials of the Road Transport Administration Executive Agency, the Railway Administration Executive Agency, the Maritime Administration Executive Agency and the authorities of the Chief Directorate Border Police and Chief Directorate Security Police: applicable to the cases referred to in Article 50, point 3 (d) of Regulation 1013/2006.

(3) In case of doubt as to the conformity of the waste with the accompanying documents or regarding the type of the waste, the authorities and the persons referred to in Items 3 and 4 of Paragraph (2) may request assistance from the relevant Regional Inspectorate of Environment and Water covering the territory wherein the check is conducted. In such case, the Director of the relevant Regional Inspectorate of Environment and Water or an official empowered thereby shall render assistance immediately.

(4) In the cases referred to in Item 1 or 2 of Paragraph (2), the Director of the Regional Inspectorate of Environment and Water may request assistance from the authorities of the Ministry of the Interior. In such case, the authorities of the Ministry of Interior shall render assistance immediately.

Article 95

(Amended, SG No. 70/2004, SG No. 41/2010)

(1) (Amended, SG No. 98/2010, effective 1.01.2011) The Director of the Regional Health Inspectorate or an official empowered thereby shall exercise control over the operations related to treatment of hazardous waste at medical-treatment and health-care facilities.

(2) Upon conduct of the checks, the authorities referred to in Paragraph (1) shall draw up a memorandum of ascertainment.

(3) If any violations are ascertained, the control authorities shall issue a mandatory prescription and shall set a time limit for elimination of the violations.

Article 96

(1) The Ministry of Economy, Energy and Tourism, the Minister of Environment and Water, the Minister of Interior, the mayor of the municipality where the site is located or officials authorized thereby shall exercise control as to compliance with the terms and procedure for carrying out trade in ferrous and non-ferrous metal waste, each according to the powers vested therein.

(2) Inspections of documents shall be conducted at intervals of six months, with the licensed merchant submitting a statement of the stocks, purchases and sales of ferrous and non-ferrous metal waste disaggregated by customs tariffs and headings according to the combined nomenclature of the Republic of Bulgaria, completed in a standard form endorsed in the ordinance referred to in Article 61 herein. The statement is submitted in the Ministry of Economy, Energy and Tourism by 15 days after the expiry of the six-month period.

(3) The control authority referred to in Paragraph (1) shall notify the commission referred to in Article 56 (1) herein of any violations ascertained upon the inspections under Paragraph (2) and under Article 97 herein, transmitting all documents to the said commission.

(4) In the cases referred to in Item 2 of Article 59 (1) herein, the commission referred to in Article 56 (1) herein shall make a proposal to the Minister of Economy, Energy and Tourism on a withdrawal of the licence.

Article 97

(1) (Supplemented, SG No. 41/2010) The control authorities referred to in Articles 92, 93, 93a, 94, 95 and 96 herein shall conduct examinations of documents and/or on site inspections, each according to the competence thereof.

(2) (Supplemented, SG No. 41/2010) At intervals of not more than one year, the control authorities referred to in Articles 92, 93, 93a, 94 and 95 herein shall conduct an examination of the documents required under this Act and the statutory instruments of secondary legislation on the application thereof of the persons whose activity involves the formation of waste and/or who or which pursue waste-related operations.

(3) An on-site inspection shall be independent of the inspection referred to in Paragraph (2) and shall be conducted at intervals of not more than one year in the place where the operation is pursued and in the presence of the inspected person or of persons working therefor. In the absence of any such persons, the examination shall be conducted with the attendance of at least one witness.

(4) The official conducting the on-site inspection shall have the right:

1. to access to the premises whereon the controlled operation is pursued;
2. to require presentation of the documents which, according to the regulatory requirements, must be available for inspection in the place of the inspection;
3. to require written and oral explanations from any person working for the inspected person;
4. to recruit experts in the relevant field, where the inspection is complicated or requires specialized knowledge.

(5) If any documents certifying compliance with the established requirements are found missing upon an on-site inspection, the inspected person shall be give a seven-day time limit to present the said documents.

(6) Upon conduct of the inspections, the control authorities covered under Paragraph (1) shall draw up memorandums of ascertainment and/or written statements on ascertainment of administrative violations.

Article 98

(Amended, SG No. 41/2010)

The authority referred to in Items 1 and 2 of Article 94a (2) herein shall exercise control over cross-border shipments of waste and shall be vested with the powers according to Article 97 herein.

Article 98a

(New, SG No. 41/2010)

The customs authorities shall exercise customs supervision and control over cross-border shipments of waste in

accordance with this Act and customs legislation and may take the relevant steps under Article 102a herein.

Article 98b

(New, SG No. 41/2010)

The authorities of Chief Directorate Border Police and of Chief Directorate Security Police shall exercise control over cross-border shipments according to this Act, the Ministry of Interior Act and the statutory instruments of secondary legislation on the application thereof and may take the relevant steps under Article 102a herein.

Article 98c

(New, SG No. 41/2010)

The authorities of the Road Transport Administration Executive Agency, the Railway Administration Executive Agency and the Maritime Administration Executive Agency shall exercise control over cross-border shipments of waste according to this Act, the relevant international legal instruments ratified by a law by the Republic of Bulgaria, the Carriage by Road Act, the Road Traffic Act, the Rail Transport Act, the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act and the statutory instruments of secondary legislation on the application thereof and may take the relevant steps under Article 102a herein.

Article 98d

(New, SG No. 41/2010)

The authorities and the persons covered under Article 94a (2) herein may conduct checks and shall have the right to access the register referred to in Article 72 (3) herein.

Article 99

Control as to conformity with the requirements established by the ordinances referred to in Article 24 (2) herein of products which, after use, form ordinary waste, shall be exercised by:

1. (Amended, SG No. 95/2005, SG No. 41/2010) the Chairperson of the State Agency for Metrological and Technical Surveillance or an official empowered thereby, in connection with market surveillance over products for which essential requirements have been established under Article 7 of the Technical Requirements to Products Act;

2. (Amended, SG No. 41/2010) the Chairperson of the Commission on Consumer Protection or an official empowered thereby in connection with the control over products falling within the scope of the Consumer Protection Act;

3. (Amended, SG No. 41/2010) the Minister of Health or an official empowered thereby, in connection with the control over products designated by law.

Chapter Six

COERCIVE ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PENALTY PROVISIONS

Section I

Coercive Administrative Measures

Article 100

The competent authority of an official empowered thereby shall apply coercive administrative measures for the prevention

and cessation of administrative violations under this Act, as well as for the prevention and elimination of the detrimental consequences of any such violations.

Article 101

(1) The Minister of Environment and Water shall suspend:

1. operations related to the collection, storage, transport, recovery or final disposal of waste;
2. the operation of hazardous waste disposal or recovery facilities.

(2) The Director of the Regional Inspectorate of Environment and Water:

1. shall issue prescriptions for elimination of the waste at the expense of the offender and for environmental remediation;
2. shall suspend operations related to the treatment and transport of waste;
3. shall suspend the operation of waste treatment facilities.

(3) (New, SG No. 41/2010, supplemented, SG No. 30/2011) The Minister of Economy, Energy and Tourism shall suspend the carrying out of trade in ferrous and non-ferrous metal waste on a specific site in case of a failure to eliminate the violation within seven days after ascertainment of the said violation, with the exception of the cases referred to in Item 4 of Article 59 (1) herein.

Article 102

(1) A coercive administrative measure shall be applied by a reasoned order of the authority referred to in Article 101 herein.

(2) The order referred to in Paragraph (1) shall specify the type of the coercive administrative measure and the manner of application thereof.

(3) The order referred to in Paragraph (1) shall be served on the party concerned according to the procedure established by the Code of Civil Procedure.

(4) (Amended, SG No. 30/2006) Any order referred to in Paragraph (1) shall be appealable according to the procedure established by the Administrative Procedure Code, as the case may be.

Article 102a

(New, SG No. 41/2010)

(1) For the prevention of administrative violations of this Act and of Regulation 1013/2006, as well as for the prevention and mitigation of the effects of any such violations, the relevant control authorities covered under Article 94a (2) herein, each acting within the competence thereof, shall apply the following coercive administrative measures:

1. provisional immobilization of the shipment;
2. removal of the road vehicle together with the waste to a suitable location at the expense of the carrier;
3. return of the waste to the country of dispatch;
4. environmentally sound treatment of the waste.

(2) The coercive administrative measures referred to in Items 1 and 2 of Paragraph (1) shall be implemented by means of immobilization of the shipment, and in the cases of carriage by road, also by means of withdrawal of the document certifying the registration of the means of transport, until presentation of an opinion by the Minister of Environment and Water or a person

empowered thereby regarding the waste and the shipment.

(3) The opinion referred to in Paragraph (2) shall contain directions as to:

1. the payment of a financial guarantee, the appropriate fine or pecuniary penalty or termination of the administrative penalty proceeding;

2. further measures regarding the shipment of waste which must be taken.

(4) The coercive administrative measures referred to in Items 1 and 2 of Paragraph (1) shall be applied by a reasoned order of the relevant competent authority covered under Article 94a (1) herein or officials empowered thereby. A copy of the relevant order together with a copy of all documents available shall be dispatched immediately to the Minister of Environment and Water and the Director of the relevant Regional Inspectorate of Environment and Water by fax or by another technical means.

(5) The coercive administrative measures referred to in Items 3 and 4 of Paragraph (1) shall be applied by a reasoned order of the Minister of Environment and Water. A copy of the order shall be dispatched immediately to the relevant authority or person covered under Article 94a (2) herein, who conducted the check, by fax or by another technical means.

(6) The amount of the financial guarantee shall be set by the order referred to in Paragraph (4) and may not be less than the minimum amount of the fine or the pecuniary penalty provided for the relevant violation, and may not be more than the maximum amount of the fine or the pecuniary penalty provided for the relevant violation.

(7) The guarantee shall be released upon termination of the administrative penalty proceeding or shall be set off upon the entry into force of the penalty decree.

(8) The unspent portion of the guarantee shall be restored to the importer immediately after completion of the procedures referred to in Paragraph (7).

(9) The amount of the guarantee required for payment of the fine or of the pecuniary penalty, as the case may be, shall be credited to a bank account of the Ministry of Environment and Water.

(10) The coercive administrative measures shall be appealable according to the procedure established by the Administrative Procedure Code. An appeal shall not stay the enforcement.

Article 102b

(New, SG No. 41/2010, amended, SG No. 33/2011, effective 27.05.2011)

In case of doubt that the administrative violation of this Act in connection with the requirements of Regulation 1013/2006 within the meaning given by Article 102a (1) herein constitutes a criminal offence under Article 353d of the Criminal Code, the Minister of Environment and Water or an official empowered thereby shall immediately apprise the competent authorities of the prosecuting magistracy and the Ministry of Interior of the case and shall dispatch copies of all documents.

Article 103

Upon ascertainment of any failure to discharge the obligations under this Act or under the ordinances referred to in Article 24 (2) herein, the competent authority referred to in Article 99 herein shall take measures according to a procedure and a manner established by the relevant law.

Section II

Administrative Violations and Sanctions

Article 104

(1) (Amended, SG No. 41/2010) A fine of BGN 300 or exceeding this amount but not exceeding BGN 1,000 shall be

imposed on any natural person who:

1. discards waste in places unauthorized for this purpose;
2. violates the provisions on deposit of household waste and of construction and demolition waste in the landfills designated for this purpose;
3. violates the provisions of Article 5 (3) herein;
4. fails to deliver an end-of-life vehicle to a temporary storage site or to dismantling companies, or to keep any such vehicle within his or her own corporeal immovable;
5. discards ordinary waste marked as destined for separate collection, according to the ordinances referred to in Article 24 (2) herein, into containers for mixed household waste and in waste collection receptacles placed in corporeal immovables constituting public state or municipal property, or mixes any such waste with other materials or waste in a manner impeding the further recycling or recovery of the said waste, where a system for separate collection of the relevant ordinary waste has been created in the specific nucleated settlement;
6. (new, SG No. 77/2005, supplemented, SG No. 30/2011) engages in unauthorized incineration of automobile tyres or electric cables for the purpose of extracting ferrous and non-ferrous metal waste, incineration or any other form of unauthorized waste disposal.

(2) (Amended, SG No. 41/2010) A repeated violation under Paragraph (1) shall be punishable by a fine of BGN 600 or exceeding this amount but not exceeding BGN 2,000.

(3) The duly empowered authorities shall impose a fine of BGN 10 or exceeding this amount but not exceeding BGN 50 on the culprits in manifestly minor cases of administrative violations regarding environmental pollution, ascertained upon commission of the said violations, and shall issue a receipt on the fine imposed.

(4) (Amended, SG No. 41/2010) A fine of BGN 1,400 or exceeding this amount but not exceeding BGN 4,000 shall be imposed on any natural person who:

1. (amended, SG No. 30/2011) refuses to complete a document referred to in Article 60 (4) herein;
2. sells consumer ferrous and non-ferrous metal waste to a person who or which does not hold a licence;
3. carries out trade in ferrous and non-ferrous metal waste without holding a licence, unless the act constitutes a criminal offence.
4. (new, SG No. 30/2011) sells waste in violation of Article 60 (3) herein.

(5) (Amended, SG No. 41/2010) A fine of BGN 2,800 or exceeding this amount but not exceeding BGN 8,000 shall be imposed in the event of a repeated violation.

Article 104a

(New, SG No. 77/2005)

(1) (Amended, SG No. 41/2010) For any violations of this Act which do not constitute criminal offences, the natural persons, the municipality mayors or the officials shall be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000, and a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 40,000 shall be imposed on the legal persons or on the sole traders.

(2) A fine or a pecuniary penalty in a double amount of the one referred to in Paragraph (1) shall be imposed in the event of a repeated violation.

(3) A fine of BGN 100 shall be imposed in manifestly minor cases of violations committed by natural persons.

(4) (New, SG No. 41/2010) A pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. breaches the requirements of Article 26a (1) or (2) herein;
2. cites untrue data required upon registration.

Article 104b

(New, SG No. 41/2010)

(1) A fine of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on municipality mayors and/or officials for any violations under Article 19a (1) herein.

(2) Any municipality mayor, who fails to discharge promptly the obligation thereof to convene the first General Meeting of a regional association referred to in Article 19b (1) herein, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

(3) Any chairperson of a regional association referred to in Article 19b (1) herein, who fails to discharge the obligation thereof to convene a General Meeting, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

Article 104c

(New, SG No. 41/2010)

A fine or a pecuniary penalty, as the case may be, of BGN 500 or exceeding this amount but not exceeding BGN 2,000 shall be imposed for any failure to comply with a prescription referred to in Article 93 (4) and Article 95 (3) herein.

Article 105

(Amended, SG No. 41/2010)

A pecuniary penalty of BGN 1,400 or exceeding this amount but not exceeding BGN 4,000 shall be imposed on any sole trader or legal person who or which:

1. discards waste in any places unauthorized for this purpose and/or violates the provisions on deposit of household waste or of construction and demolition waste into or onto ground;
2. breaches the terms and the procedure for delivery, collection, including separate collection, transport and reloading of household waste and construction and demolition waste according to the requirements established by the ordinance referred to in Article 19 herein;
3. violates Article 11 (5) herein.

Article 106

(1) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 6,000 shall be imposed on any sole trader or legal person who or which:

1. (Supplemented, SG No. 41/2010) violates Article 5 (2) or Article 6 (1) and (3) herein;
2. (Amended, SG No. 41/2010) fails to keep records of waste or to provide documents regarding the report and information on waste-related management operations, according to the requirements established by this Act and the ordinance referred to in Article 27 (1) herein;

3. (Amended, SG No. 41/2010) fails to discharge the obligation thereof under Article 29 (1), (3) and/or (4) herein;

4. (New, SG No. 77/2005) fails to classify the waste generated as a result of the activity thereof according to the procedure established by the ordinance referred to in Article 3 herein;

5. (New, SG No. 77/2005) fails to re-classify the waste generated as a result of the activity thereof upon any change in the raw materials and/or the technological processes that result in any change in the composition and properties of the waste according to the procedure established by the ordinance referred to in Article 3 herein;

6. (New, SG No. 41/2010) fails to provide information and fails to keep records according to this Act and the ordinances referred to in Article 24 (2) herein;

7. (New, SG No. 41/2010) provides untrue information and/or keeps untrue records according to this Act and the ordinances referred to in Article 24 (2) herein;

8. (New, SG No. 41/2010) fails to afford the official conducting the check access to the premises and the documents.

(2) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. violates the provisions regarding the collection, including separate collection, temporary storage, transport, recovery or final disposal of household waste and of construction and demolition waste;

2. breaches the requirements for separate collection, transport and treatment of waste by type, properties and compatibility;

3. incinerates without authorization or carries out any other form of unauthorized disposal of household waste;

4. does not comply with the conditions set in the permit by the competent authority.

(3) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 7,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any sole trader or legal person who or which:

1. violates Article 4 and/or Items 2, 7 and 8 of Article 5 (3) herein;

2. treats and/or transports waste without holding a permit or registration document where such a permit or document is required;

3. breaches the requirements for construction and operation of waste recovery or disposal installations and facilities;

4. (Amended, SG No. 41/2010) breaches the requirements for cross-border shipments of waste according to Regulation 1013/2006, as well as Chapter Five, Section V of this Act, unless the violation constitutes a criminal offence.

5. (new, SG No. 30/2011) breaches any of the requirements of Article 60 (7) herein.

(4) The following pecuniary penalty shall be imposed in the event of a repeated violation:

1. (Amended, SG No. 41/2010) under Paragraph (1): BGN 4,000 or exceeding this amount but not exceeding BGN 12,000;

2. (Amended, SG No. 41/2010) under Paragraph (2): BGN 6,000 or exceeding this amount but not exceeding BGN 20,000;

3. (Amended, SG No. 41/2010) under Paragraph (3): BGN 14,000 or exceeding this amount but not exceeding BGN 40,000.

(5) (Repealed, SG No. 77/2005).

(6) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 50,000 shall be imposed on any legal person or sole trader which or who:

1. (Amended, SG No. 41/2010) places on the market any batteries and accumulators:

(a) containing mercury or cadmium in excess of the values specified in the ordinance referred to in Article 24 (2) herein;

(b) which are not marked in accordance with the requirements of the ordinance referred to in Article 24 (2) herein.

2. (Amended, SG No. 41/2010) places on the market any motor vehicle parts and components which:

(a) contain lead, mercury, hexavalent chromium and cadmium in excess of the regulated limits, according to the requirements established by this Act and the relevant ordinance referred to in Article 24 (2) herein;

(b) are not marked in view of the reusability and reclaimability thereof, as well as in view of the dismantability thereof prior to further treatment;

3. (Amended, SG No. 77/2005, effective until 1.01.2007) places on the market and distributes any packaging which does not bear a marking for identification of the packaging materials;

4. (New, SG No. 77/2005) places on the market and distributes any packaging which contains heavy metals: lead, cadmium, mercury and hexavalent chromium in excess of the regulated limits and/or is not responsive to the other requirements established by the ordinance referred to in Article 24 (2) herein;

5. (Renumbered from Item 4, SG No. 77/2005, amended, SG No. 41/2010) places on the market any other products which are not responsive to the requirements established by this Act and/or by the ordinances referred to in Article 24 (2) herein;

6. (New, SG No. 41/2010) places on the market any electrical and electronic equipment:

(a) which is not marked in accordance with the requirements of the ordinance referred to in Article 24 (2) herein;

(b) as well as filament bulbs and luminaries in households containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers, where this is prohibited.

(7) A pecuniary penalty amounting to 60 per cent of the aggregate amount of products imported and/or manufactured and placed on the market shall be imposed on the legal person or sole trader in the event of a repeated violation under Paragraph (6).

(8) (Repealed, SG No. 77/2005).

(9) The person referred to in Paragraph (6) shall furthermore be obliged to pay the costs arising from recovery and/or final disposal of the waste resulting from any such products.

(10) (New, SG No. 41/2010) A pecuniary penalty of BGN 10,000 shall be imposed on any recovery scheme operator which:

1. fails to comply with the conditions set in the permit referred to in Article 62 herein;

2. fails to provide information and fails to keep records according to this Act and the ordinances referred to in Article 24 (2) herein;

3. provides untrue information and/or keeps untrue records according to this Act and the ordinances referred to in Article 24 (2) herein;

4. fails to afford the official conducting a check access to the premises and the documents.

(11) (New, SG No. 41/2010) A repeated violation under Paragraph (10) shall be punishable by a pecuniary penalty to a double amount.

Article 107

(1) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 7,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any sole trader or legal person who or which:

1. constructs and/or operates a waste incineration facility which:

(a) breaches the technical requirements upon construction of facilities regarding the slag and bottom ashes Total Organic Carbon (TOC) content, the temperature in the combustion chamber, the residence time and the oxygen content of the exhaust gas upon incineration of liquid waste;

(b) does not ensure the measurements required to monitor the emissions of harmful substances and the process operation parameters;

2. accepts waste on a site or a temporary storage installation for hazardous waste without ensuring the storage of any such waste separately from other accessory materials and allows the uncontrolled spillage of any such waste;

3. (Supplemented, SG No. 41/2010) allows the deposit into or onto land of any waste which is not pretreated, does not correspond to the class of the landfill, and/or does not fulfil the acceptance criteria for disposal by landfill;

4. allows the deposit into or onto land of any waste which is unacceptable for landfill, including:

(a) liquid, corrosive or oxidizing;

(b) explosive, highly flammable or flammable in the conditions of landfill;

(c) (amended, SG No. 8/2011, effective 25.01.2011) infectious hospital and other clinical waste arising from health-care and veterinary facilities;

(d) whole used tyres, excluding tyres used as a landfill construction material, and shredded used tyres, excluding bicycle tyres and tyres with an outside diameter above 1,400 millimeters;

5. allows the inadequate operation of the landfill and the ignition of the waste therein;

6. allows dilution or mixture of industrial and hazardous waste with other waste or substances solely in order to meet the waste acceptance criteria for the relevant landfill;

7. does not control:

(a) the waste arriving at the disposal installations and facilities;

(b) the disposal technology;

(c) the pollution of the environmental media upon operation and after discontinuance of the waste disposal operation;

(d) the closure procedure for the waste disposal installations and facilities;

8. does not implement the programme for monitoring and control of landfills or waste treatment installations and facilities and for closure and land reclamation of the waste disposal installation and for post-closure monitoring and control;

9. does not submit for endorsement by the competent authority the plan for bringing the landfill into conformity with the requirements established by the relevant ordinance referred to in Article 15 (2) and/or does not implement promptly the measures for application of the said plan;

10. does not take measures for carrying out separate collection of the waste arising from medical-treatment facilities, as well as the steps necessary for the proper storage, transport and final disposal of any such waste;

11. (Supplemented, SG No. 41/2010) discards hazardous waste arising from medical-treatment facilities in unauthorized places and/or in receptacles for collection of household or ordinary waste;

12. stores hazardous waste from medical-treatment facilities in the open air or in a manner leading to pollution of the environmental media or to spread of infections, diseases, or creating prerequisites for occurrence of epidemic risk;

13. (New, SG No. 41/2010) admits the mixing of hazardous medical wastes with other hazardous wastes, substances and materials and obstructs the subsequent technology for final disposal and/or recovery;

14. (New, SG No. 41/2010) delivers untreated hazardous waste from medical-treatment facilities for deposit into or onto land;

15. (New, SG No. 41/2010) treats waste from medical-treatment facilities in breach of the requirements of the ordinance referred to in Article 24 (4) herein.

(2) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 14,000 or exceeding this amount but not exceeding BGN 40,000 shall be imposed in the event of a repeated violation.

(3) (Repealed, SG No. 77/2005).

(4) Any legal person or sole trader, which or who exceeds the established limit values for atmospheric emissions of harmful substances, regulated by the relevant ordinance referred to in Article 15 (2) herein, shall be liable to a pecuniary penalty imposed according to a procedure and in a manner established in the Environmental Protection Act and the statutory instruments of secondary legislation on the application thereof.

(5) (New, SG No. 41/2010) Any legal person or sole trader, which or who fails to make monthly deductions to the bank account referred to in Article 71a (1) herein, in the cases where such deductions are required, shall be liable to a pecuniary penalty equivalent to the double amount of the financial resources not credited to the account.

(6) (New, SG No. 41/2010) Any official, who fails to observe the prohibition referred to in Article 7 (4) herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(7) (New, SG No. 41/2010) A pecuniary penalty of BGN 30,000 or exceeding this amount but not exceeding BGN 100,000 shall be imposed on any legal person or sole trader which or who operates a landfill of waste without a fixed amount of the deductions per unit of waste deposited according to Article 71a herein.

Article 108

(1) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which violates the regulatory acts on packaging and labelling of hazardous waste.

(2) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 7,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any sole trade or legal person who or which:

1. disposes of hazardous and industrial waste in places unauthorized for this purpose;

2. breaches the requirements for treatment and transport of industrial and hazardous waste;

3. delivers industrial and/or hazardous waste to any persons who or which do not hold a permit under Article 37 herein or a registration document under Article 12 (4) herein for operations related to the relevant waste or does not dispose of or recover the said waste within the time limits established under Item 21 of § 1 of the Supplementary Provisions herein;

4. collects and stores hazardous waste in receptacles which are not responsive to the requirements for tight cover, marking of the waste contained therein, or are manufactured of materials reacting with the waste;

5. accepts hazardous or industrial waste without it being accompanied by a description of the properties, composition, treatability, hazardous properties and measures for safe handling thereof, or fails to carry out the required verifications, tests and analyses upon acceptance;

6. (New, SG No. 77/2005) mixes hazardous waste with non-hazardous waste, as well as hazardous waste with other substances and materials, including dilution of hazardous waste, save as where this is part of the recovery and disposal technology and the person holds a permit for carrying out waste-related operations according to Article 12 herein.

(3) The following pecuniary penalty shall be imposed in the event of a repeated violation:

1. (Amended, SG No. 41/2010) under Paragraph (1): BGN 6,000 or exceeding this amount but not exceeding BGN 20,000;

2. (Amended, SG No. 41/2010) under Paragraph (2): BGN 14,000 or exceeding this amount but not exceeding BGN 40,000.

(4) (Repealed, SG No. 77/2005).

Article 108a

(New, SG No. 41/2010)

(1) Carrying out any shipments of waste defined as illegal according to item 35 of Article 2 of Regulation 1013/2006, or breaching any prohibitions covered under Article 75 herein, shall be punishable by a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 25,000, applicable to natural persons, or by a pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 50,000, applicable to legal persons and sole traders.

(2) Any violation of Article 15 (c), (d) and (e), Articles 16, 17, 18, 19, 20, 22, 24, Article 35, paragraph 3 (c), Article 38, paragraph 3 (b) and Article 42, paragraph 3 (c) of Regulation 1013/2006 shall be punishable by a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000, applicable to natural persons, or by a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000, applicable to legal persons and sole traders.

(3) Any non-compliance with the coercive administrative measures covered under Articles 102 and 102a herein shall be punishable by a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000, applicable to natural persons, or by a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000, applicable to legal persons and sole traders.

Article 109

(Amended, SG No. 77/2005, SG No. 41/2010)

(1) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. fails to take the appropriate measures to ensure the separate collection and treatment of the batteries and accumulators placed thereby on the market;

2. sells portable batteries and accumulators but fails to provide a place for collection of waste portable batteries and accumulators at the point of sale;

3. places waste batteries and accumulators in receptacles for household waste, or mixes such batteries and accumulators with other waste;

4. discards waste accumulators in places unauthorized for this purpose and/or removes electrolyte therefrom;

5. collects and stores waste accumulators free of electrolyte at the collection stations in an amount exceeding the total amount of accumulators collected by 5 per cent;

6. fails to ensure the recovery or delivery for recovery of the accumulators collected thereby within the statutorily established time limit;

7. disposes of waste batteries and accumulators, of parts or materials therefrom, which are recyclable and/or recoverable.

(2) A repeated violation under Paragraph (1) shall be punishable by a pecuniary penalty of BGN 6,000 or exceeding this amount but not exceeding BGN 20,000.

Article 110

(1) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. deliberately impairs the integrity of waste gas-discharge lamps and cathode ray tubes, unless holding a permit for this operation under Article 12 (1) herein;

2. places receptacles for collection and storage of waste tubes in the open air;

3. places waste electrical and electronic equipment into receptacles for household waste, or mixes such equipment with other waste;

4. disposes of waste electrical and electronic equipment, or parts or materials therefrom, which are recyclable and/or recoverable;

5. fails to dispose of the wastes from pretreatment of waste electrical and electronic equipment, which are not reusable, recyclable and/or recoverable, according to the requirements of this Act and of the statutory instruments of secondary legislation on the application thereof;

6. fails to foresee and fails to provide a place for collection of waste electrical and electronic equipment from private households at the point of sale of electrical and electronic equipment.

(2) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 6,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed in the event of a repeated violation under Paragraph (1).

(3) (Repealed, SG No. 77/2005).

Article 111

(1) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. uses sewage sludge in agriculture where:

(a) (Supplemented, SG No. 41/2010) the concentration of one or more heavy metals and arsenic in the soil or sludge exceeds the limit values;

(b) the sludge constitutes hazardous waste within the meaning given by Item 4 of § 1 of the Supplementary Provisions herein;

(c) does not ensure pretreatment of sludge from septic tanks and from other such waste water treatment facilities;

(d) has not obtained the consent of the owner of the land;

2. uses sludge or supplies sludge for use on:

(a) grassland or forage crops if the grassland is to be grazed or the forage crops to be harvested before 45 days after use of the sludge have elapsed;

(b) (Amended, SG No. 41/2010) soil in which fruit and vegetable crops and vines are grown, with the exception of fruit trees;

(c) ground intended for the cultivation of fruit and vegetable crops which are in direct contact with the soil and are eaten raw, for a period of ten months preceding the harvest of the crops and during the harvest itself;

3. uses sludge without ensuring an analysis of the soil by accredited laboratories before the initial use of the sludge and thereafter at intervals of five years until final discontinuance of the said use.

(2) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 6,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed in the event of a repeated violation under Paragraph (1).

(3) (Repealed, SG No. 77/2005).

Article 112

(1) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. delivers or discards end-of-life vehicles in places which are not intended for this purpose;

2. pursues operations related to the collection, storage, transport, recovery and/or final disposal of end-of-life vehicles, and components and materials thereof, without holding the relevant permit under Article 37 herein, a registration document under Article 12 herein, or a licence issued according to the procedure established by Chapter Five, Section III herein;

3. dismantles end-of-life vehicles on temporary storage sites or extracts parts and components therefrom, or collects other types of waste which do not originate from end-of-use vehicles and components and materials thereof.

(2) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 6,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed in the event of a repeated violation under Paragraph (1).

(3) (Repealed, SG No. 77/2005).

Article 113

(1) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. stores waste oils and waste petroleum products on temporary storage sites which are not responsive to the requirements established by this Act and the statutory instruments of secondary legislation on the application thereof;

2. mixes engine oils and gearbox oils with other waste oils and waste petroleum products;

3. replaces waste oils at places which are not equipped for this purpose, and in receptacles which are not responsive to the requirements;

4. mixes oils containing polychlorinated biphenyls and polychlorinated terphenyls with other waste oils;

5. stores waste oils and waste petroleum products in the open air;

6. (New, SG No. 41/2010) stores and/or discards waste oils and waste petroleum products in a manner leading to

pollution of the soil;

7. (New, SG No. 41/2010) treats, including incinerates, waste oils and waste petroleum products in a manner leading to an excess over the established limit values for atmospheric emissions of harmful substances;

8. (New, SG No. 41/2010) mixes waste oils and waste petroleum products with fuels, coolants, brake fluids and solvents;

9. (New, SG No. 41/2010) discards waste oils and waste petroleum products in receptacles for collection of household waste.

(2) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 7,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which:

1. fails to provide information on the equipment owned thereby and containing polychlorinated biphenyls and polychlorinated terphenyls;

2. fails to comply with the time limits set in the plans for the clearing and/or final disposal of the equipment owned thereby and containing polychlorinated biphenyls, as endorsed by an order of the Director of the Regional Inspectorate of Environment and Water covering the territory wherein the equipment is located.

(3) The following pecuniary penalty shall be imposed in the event of a repeated violation:

1. (Amended, SG No. 41/2010) under Paragraph (1): BGN 6,000 or exceeding this amount but not exceeding BGN 20,000;

2. (Amended, SG No. 41/2010) under Paragraph (2): BGN 14,000 or exceeding this amount but not exceeding BGN 40,000.

(4) (Repealed, SG No. 77/2005).

(5) Any legal person or sole trader, which or who discharges waste oils and waste petroleum products into inland surface water, coastal water and drainage systems, shall be liable to a pecuniary penalty imposed according to a procedure and in a manner established in the Environmental Protection Act and the statutory instruments of secondary legislation on the application thereof.

Article 114

(1) (Amended, SG No. 41/2010) A pecuniary penalty of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any sole trader or legal person who or which fails to submit to the competent authorities when due a report on the discharge of the obligation thereof to recover or recycle waste and/or the other obligations provided for in this Act and in the relevant ordinance referred to in Article 24 (2) herein.

(2) (Amended, SG No. 63/2010) Any legal person or sole trader, which or who fails to pay the product fee referred to in Article 36 herein in the cases where such a fee is required, shall be liable to a pecuniary penalty equivalent to the double amount of the delinquent product fee.

(3) The following pecuniary penalty shall be imposed in the event of a repeated violation:

1. (Amended, SG No. 41/2010) under Paragraph (1): BGN 6,000 or exceeding this amount but not exceeding BGN 20,000;

2. under Paragraph (2): the quadruple amount of the delinquent product fee.

(4) (Repealed, SG No. 77/2005).

Article 115

(1) A pecuniary penalty shall be imposed on any sole trader or legal person who or which:

1. carries out trade in ferrous and non-ferrous metal waste without holding a licence;

2. sells ferrous and non-ferrous metal waste, generated as own production waste or as own wear-and-tear scrap, to any persons who or which do not hold a licence;

3. (supplemented, SG No. 41/2010, amended, SG No. 30/2011) carried out trade in waste under Article 60 (3) herein without a certificate of origin and/or a written contract;

4. fails to declare any intervening change in circumstances within one month after occurrence of the said change for entry into the licence;

5. (Amended, SG No. 41/2010) fails to enter in the relevant record all circumstances immediately after effecting the transaction for acceptance and/or shipment of ferrous and non-ferrous metal waste, according to the requirements established by the ordinance referred to in Article 61 herein;

6. enters untrue data in the records of purchases and imports and of sales and exports of ferrous and non-ferrous metal waste;

7. fails to submit to the Ministry of Economy, Energy and Tourism statements of the stocks, purchases and sales of ferrous and non-ferrous metal waste within the required time limit;

8. (supplemented, SG No. 30/2011) fails to present, within the time limit appointed by the control authorities, the records of purchases and imports and of sales and exports of ferrous and non-ferrous metal waste and/or the original or a notarized copy of the licence for trade in ferrous and non-ferrous metal waste or the recordings under Article 60(8);

9. denies the control authorities access to the places where the said person carries out the operation thereof, and fails to present documents required by the said authorities which the said person is obligated to keep available for inspection according to the law;

10. (new, SG No. 41/2010, amended, SG No. 30/2011) concludes a contract or accepts a certificate or a declaration wherein not all required data identifying the persons or the waste purchased have been entered;

11. (new, SG No. 41/2010) fails to sell the quantities of ferrous and non-ferrous metal waste in stock and/or fails to take the necessary measures for cleaning the site concerned within three months after discontinuance of the operation;

12. (new, SG No. 41/2010, amended, SG No. 30/2011)) fails to deliver at the Ministry of Economy, Energy and Tourism the terminated licence or the licence for entry of an expungement of a site within seven days after receiving the relevant order;

13. (new, SG No. 41/2010) breaches the orders referred to in Article 101 (3) herein;

14. (New, SG No. 41/2010, amended, SG No. 30/2011) breaches any of the requirements of Article 60 (6) herein.

(2) (Amended, SG No. 41/2010, SG No. 30/2011) Pecuniary penalties of BGN 30,000 or exceeding this amount but not exceeding BGN 100,000 shall be imposed for any violation under Items 1, 2 and 3 of Paragraph (1), and pecuniary penalties of BGN 2,000 or exceeding this amount but not exceeding BGN 6,000 shall be imposed in the rest of the cases under Paragraph (1).

(3) (Amended, SG No. 41/2010) A repeated violation under Items 1, 2 and 3 of Paragraph (1) shall be punishable by a pecuniary penalty of BGN 60,000 or exceeding this amount but not exceeding BGN 200,000, and a repeated violation in the rest of the cases under Paragraph (1) shall be punishable by a pecuniary penalty of BGN 4,000 or exceeding this amount but not exceeding BGN 12,000.

Article 116

(1) (Amended, SG No. 41/2010) A fine of BGN 1,400 or exceeding this amount but not exceeding BGN 4,000 shall be imposed on any official, unless subject to a severer sanction, who:

1. fails to discharge the obligations thereof to organize implementation of the measures covered under Article 31 (1) herein in the waste management programmes;

2. fails to submit a waste-related operations management programme to the relevant Regional Inspectorate of Environment and Water and to update the said programme in conformity with this Act and the statutory instruments of secondary legislation on the application thereof;

3. fails to take the required steps in the cases where the producers of waste are unidentified;

4. fails to perform control over waste management according to Article 92 herein.

(2) (Amended, SG No. 41/2010) A fine of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any official, unless subject to a severer sanction, who:

1. (Amended, SG No. 41/2010) fails to ensure the arrangement and application of a separate collection system for hazardous waste from the stream of household waste other than that referred to in Item 11 of Article 16 (3) herein;

2. fails to discharge the obligations thereof to organize the operation related to the collection and storage of end of-life vehicles on the temporary storage sites;

3. (Repealed, SG No. 41/2010);

4. fails to organize the operation of a waste treatment project within six months after the date of issuing of a use permit for the construction project;

5. allows the dumping of waste in places unauthorized for this purpose and/or the establishment of unlawful disposal sites;

6. (Supplemented, SG No. 41/2010) fails to designate sites for replacement of waste engine oils in a municipal corporeal immovable and to inform the public of the said designation;

7. (Amended, SG No. 41/2010) fails to designate sites for placing of receptacles for the collection of waste batteries and accumulators in municipal corporeal immovables within the territory of the municipality;

8. (New, SG No. 41/2010) fails to designate sites for placing of receptacles, sites for separate collection and sites for temporary storage of waste electrical and electronic equipment in municipal corporeal immovables within the territory of the municipality;

9. (New, SG No. 41/2010) fails to organize the construction of a waste treatment project within the time limits specified in the National Waste-Related Operations Management Programme referred to in Article 28 (1) herein.

(3) (Amended, SG No. 41/2010) A fine of BGN 7,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any official, unless subject to a severer sanction, who:

1. authorizes the commissioning of waste-forming projects without compliance with the requirements for acceptance of the project;

2. issues a permit for collection, storage, transport, recovery or final disposal of waste in breach of the requirements established by this Act;

3. designates a site for placing of waste treatment installations without conducting the requisite investigation or even though the results of the said investigation show that construction of the site will endanger human health and the environment and/or breaches the requirements established by this Act and the statutory instruments of secondary legislation on the application thereof;

4. fails to discharge the obligations thereof to establish the requirements for safe liquidation of operations and reclamation of the grounds upon discontinuance of the waste treatment operation;

5. authorizes the commissioning of hazardous waste recovery or disposal facilities and installations even though the requirements established by this Act have not been complied with;

6. in violation of the effective legislation, releases from customs control any waste carried through the international border;

7. (New, SG No. 41/2010) fails to take prompt measures for the prevention of illegal shipment of waste, for provisional immobilization of the shipment or for elimination of other consequences of the violations.

(4) The following pecuniary penalty shall be imposed in the event of a repeated violation:

1. (Amended, SG No. 41/2010) under Paragraph (1): BGN 2,800 or exceeding this amount but not exceeding BGN 8,000;

2. (Amended, SG No. 41/2010) under Paragraph (2): BGN 6,000 or exceeding this amount but not exceeding BGN 20,000;

3. (Amended, SG No. 41/2010) under Paragraph (3): BGN 14,000 or exceeding this amount but not exceeding BGN 40,000.

Article 116a

(New, SG No. 41/2010)

Any municipality mayor, who fails to take the steps referred to in Article 17 herein or who fails to take the steps for the preparation, construction, closure and after-care of the landfill site and of other installations for treatment of household and/or construction and demolition waste within the statutorily established time limit, shall be liable to a fine of BGN 20,000.

Article 117

(Amended, SG No. 41/2010)

Upon identification of the offenders referred to in Article 9 (1) herein, a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on the natural persons and a pecuniary penalty of BGN 6,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on the legal persons and sole traders.

Article 117a

(New, SG No. 41/2010)

Any penalty decrees, whereby a fine not exceeding BGN 500 or a pecuniary penalty not exceeding BGN 2,000 inclusive has been imposed, shall be unappealable.

Article 118

(1) (Amended, SG No. 77/2005, supplemented, SG No. 88/2005, SG No. 41/2010) Any violations covered under Article 104 (1), (2) and (3), Articles 104a, 104b and 104c, Articles 105 to 114, Articles 116 and 117 herein, with the exception of the violations referred to in Article 119 herein, shall be ascertained by a written statement of the Director of the Regional Inspectorate of Environment and Water or by an official designated thereby, as well as by an official designated by the mayor of the relevant municipality.

(2) (Amended, SG No. 41/2010) The penalty decrees under Paragraph (1) shall be issued by the Minister of Environment and Water or an official empowered thereby or, respectively, by the municipality mayor or an official empowered thereby.

(3) (Amended, SG No. 77/2005, SG No. 41/2010) Any violations covered under Article 104 (4) and (5) and Article 115 herein shall be ascertained by a written statement of the relevant competent authority under Article 96 (1) herein, and the penalty decrees shall be issued by the Minister of Economy, Energy and Tourism or officials empowered thereby.

(4) The ascertainment of violations, the issuing, appeal against, as well as the execution of penalty decrees, shall follow the procedure established by the Administration Violations and Sanctions Act.

Article 118a

(New, SG No. 41/2010)

(1) Any violations covered under Article 108a herein shall be ascertained by a written statement of the relevant competent authority covered under Article 94a (2) herein, and the penalty decrees shall be issued by the Minister of Environment and Water or by officials empowered thereby.

(2) The ascertainment of violations, the issuing, appeal against and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

Article 118b

(New, SG No. 41/2010)

(1) (Amended, SG No. 98/2010, effective 1.01.2011) Any violations covered under Items 13 to 15 of Article 107 (1) herein shall furthermore be ascertained by a written statement of the competent authority referred to in Article 95 (1) herein, and the penalty decrees shall be issued by the Director of the Regional Health Inspectorate or by officials empowered thereby.

(2) The ascertainment of violations, the issuing, appeal against and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

Article 119

(Amended, SG No. 41/2010)

For imposition of the sanction for violation under Paragraphs (6) to (9) of Article 106 herein, the competent authority referred to in Article 99 herein shall take steps according to a procedure and a manner established by the relevant law.

SUPPLEMENTARY PROVISIONS

§ 1. Within the meaning of this Act:

1. "Waste" shall be any substance, object or part of an object which the holder discards or intends or is required to discard and which belongs to at least one of the following categories:

(a) production or consumption residues not otherwise specified below: Code Q1;

(b) off-specification products: Code Q2;

(c) products whose date for appropriate use or for maximum effectiveness has expired: Code Q3;

(d) materials spilled, lost or having undergone other mishap, impairing irreparably the original properties thereof, including any materials and equipment contaminated as a result of the mishap: Code Q4;

(e) materials contaminated or soiled as a result of planned actions (residues from cleaning operations, packing materials, containers and other such): Code Q5;

(f) unusable parts (reject batteries, exhausted catalysts and other such): Code Q6;

(g) substances which no longer perform satisfactorily (contaminated acids, contaminated solvents, exhausted tempering salts, and other such): Code Q7

(h) residues of industrial processes (slags, still bottoms and other such): Code Q8;

(i) residues from pollution abatement processes (scrubber sludges, baghouse dusts, spent filters and other such): Code Q9;

(j) machining and finishing residues (lathe turnings, mill scales and other such): Code Q10;

(k) residues from raw materials extraction and processing (mining residues, oil field slops and other such): Code Q11;

(l) adulterated materials (oils contaminated with polychlorinated biphenyls and other such): Code Q12;

(m) any materials, substances or products whose use has been banned by law: Code Q13;

(n) products for which the holder has no further use (agricultural, household, commercial, office and shop discards and other such): Code Q14;

(o) contaminated materials, substances or products resulting from remedial action with respect to land: Code Q15;

(p) any materials, substances or products which are not contained in the above categories: Code Q16.

2. "Household waste" shall be waste resulting from the life activities of people at home and at office, social and public buildings. Waste from distributive-trade establishments and accessory handicraft activities, recreational and entertainment establishments shall be subsumed under household waste where not having the nature of hazardous waste and where, concurrently, the amount or composition thereof will not impede their treatment together with household waste.

3. "Industrial waste" shall be waste resulting from the industrial activities of natural and legal persons.

4. "Hazardous waste" shall be waste whereof the composition, amount and properties present risks to human health and the environment, which possesses one or more properties which define it as hazardous, and/or which contains components which render it into hazardous waste and/or which is designated as such according to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

5. "Construction and demolition waste" shall be waste resulting from construction activity on construction sites, as well as waste from the demolition or remodelling of buildings and facilities.

6. "Producer of waste" shall be any natural or legal person whose activities produce waste ("original producer") and/or anyone who carries out pre-processing, mixing and other operations resulting in a change in the nature or composition of the waste.

7. "Treatment of waste" shall be the collection, storage, recovery or final disposal of waste and all intermediate operations, as well as the reuse, recycling and reclamation of waste, or production of energy or extraction of materials from waste.

8. "Waste disposal" shall be each of the following operations designated by the relevant code:

(a) deposit (into or onto land): Code D 1;

(b) contaminated land and soil treatment (e. g. biodegradation of liquid or sludgy discards in soils): Code D 2;

(c) deep injection (e. g. injection of pumpable discards into wells, salt domes or naturally occurring repositories): Code D 3;

(d) surface impoundment (e. g. placement of liquid or sludgy discards into pits, ponds or lagoons and other such facilities): Code D 4;

(e) specially engineered landfill (e. g. placement into lined discrete cells which are capped and isolated from one another and the environment): Code D 5;

(f) release of waste into a water body except seas/oceans: Code D 6;

(g) release into seas/oceans including sea-bed insertion: Code D 7;

(h) biological treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by means of any of the operations referred to in Litterae (a) to (l): Code D 8;

(i) physico-chemical treatment not specified elsewhere (e. g. evaporation, drying, calcination, microwave treatment etc.) which results in final compounds or mixtures which are disposed of by means of any of the operations referred to in Litterae (a) to (l): Code D 9;

(j) incineration on land: Code D 10;

(k) incineration at sea: Code D 11;

(l) permanent storage (e. g. emplacement of containers in a mine, etc.): Code D 12;

(m) (Supplemented, SG No. 41/2010) blending or mixing prior to submission to any of the operations referred to in Litterae (a) to (l): Code D 13. If there is no other code appropriate, this can include pretreatment prior to disposal, such as sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D 1 to D 12;

(n) repackaging prior to submission to any of the operations referred to in Litterae (a) to (m): Code D 14;

(o) storage pending any of the operations referred to in Litterae (a) to (n), excluding temporary storage, pending collection, on the site where it is produced: Code D 15.

9. "Waste recycling" shall be an activity of reclamation or recovery of the original properties of the waste.

10. "Waste processing" shall be an activity which alters the properties or the composition of the waste, converting it into feedstock for manufacture of end products or into end products.

11. "Landfill of waste" shall be a method which does not envisage further treatment of the waste and consists in storage of waste for a period longer than three years (applicable to waste destined for recovery) and one year (applicable to waste destined for disposal) in a manner which does not present risks to human health and the environment.

12. "Ordinary waste" shall be waste formed after use of products from numerous sources within the entire national territory which, owing to the characteristics thereof, require special management.

13. "Ferrous and non-ferrous metal waste" shall be process waste resulting from the extraction, processing or mechanical treatment of ferrous and non-ferrous metals and the alloys thereof, the discarded machinery, plant, components and structures of manufacturing, engineering or household nature, excluding hazardous waste.

14. "Consumer ferrous and non-ferrous metal waste" shall be ferrous and non-ferrous waste resulting from the life activities of people at home and at office, social and public buildings. Ferrous and non-ferrous metal waste from distributive-trade establishments, handicraft activities, recreational and entertainment establishments shall be subsumed under consumer ferrous and non-ferrous metal waste.

15. "Repeated violation" shall be any violation which is committed within one year after the entry into force of a penalty decree whereby the offender was penalized for a violation of the same kind became enforceable.

16. "Reuse" shall be the use of waste as a product which has already been used once in the same form for the same purpose.

17. "Recovery of waste" shall be any of the following operations designated by the relevant code:

(a) use principally as a fuel or other means to generate energy: Code R 1;

(b) solvent reclamation or regeneration: Code R 2;

(c) recycling/reclamation of organic substances which are not used as solvents, including composting and other biological transformation processes: Code R 3;

(d) recycling or reclamation of metals and metal compounds: Code R 4;

(e) recycling or reclamation of other inorganic materials: Code R 5;

(f) regeneration of acids or bases: Code R 6;

(g) recovery of components used for pollution abatement: Code R 7;

(h) recovery of components from catalysts: Code R 8;

(i) oil re-refining or other reuses of oil: Code R 9;

(j) land treatment resulting in benefit to agriculture or ecological improvement: Code R 10;

(k) use of wastes obtained from any of the operations referred to in Litterae (a) to (j): Code R 11;

(l) (Supplemented, SG No. 41/2010) exchange of wastes for submission to any of the operations referred to in Litterae (a) to (k): Code R 12. If there is no other R code appropriate, this can include pretreatment prior to recovery, such as dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R 1 to R 11;

(m) Storage of wastes pending any of the operations referred to in Litterae (a) to (l), excluding temporary storage, pending collection, on the site where it is produced: Code R 13.

18. "Collection" shall be the delivery, accumulation, sorting and/or mixing of waste for the purpose of transport: Code C.

19. "Transport" shall be the movement of waste, including the accompanying operations of loading, reloading and offloading, where carried out by the operator as a self contained activity: Code T.

20. "Waste management" shall be the operations related to the collection, transport, recovery and final disposal of waste, including the supervision of such operations and after-care of treatment installation sites.

21. "Temporary storage" shall be an operation related to the storage of waste at the place of formation or upon collection for a period not longer than:

(a) three years, applicable to waste destined for recovery;

(b) one year, applicable to waste destined for disposal.

22. "Gross violation" shall be such acts or omissions by the applicant as have lead to impacts beyond the permissible limit values for impact on environmental media or human health, established and documented according to the relevant procedure by the competent authorities.

23. (Amended, SG No. 41/2010) "Systematic violation" shall be commission of three or more violations, for which administrative sanctions have been imposed on the offenders by effective penalty decrees.

24. "Trade in ferrous and non-ferrous metal waste" shall be the conclusion of transactions for disposition of ferrous and non-ferrous metals, as well as the operations thereto related (collection, transport, storage, as well as accompanying operations like sorting, mechanical treatment etc.).

25. "Connected persons" shall be:

(a) spouses, lineal relatives up to any degree, collateral relatives up to the fourth degree of consanguinity, and relatives by marriage up to the third degree of affinity inclusive;

(b) employer and employee;

(c) any two persons, of whom or of which one participates in the management of a corporation of the other;

(d) partners;

(e) any corporation or any person which or who holds more than 5 per cent of the voting interests and shares issued by the said corporation;

(f) any number of persons, the activity whereof is directly or indirectly controlled by a third party;

(g) any number of persons, who or which jointly control a third party, whether directly or indirectly;

(h) any two persons, of whom or of which one is commercial agent of the other.

26. "Recovery scheme operator" shall be a legal person, registered under the Commerce Act, which distributes no profit and which manages the ordinary waste separate collection, recycling and recovery operations.

27. (Amended, SG No. 63/2006) "Market price" shall be the price within the meaning of Item 8 of § 1 of the Supplementary Provisions of the Tax and Social-Insurance Procedure Code.

§ 2. The Minister of Environment and Water shall be a national competent authority and coordinator under all international agreements related to the subject matter of this Act, where to the Republic of Bulgaria is a party.

TRANSITIONAL AND FINAL PROVISIONS

§ 3. The permits for pursuing waste-related operations, issued according to the procedure established by Article 37 of the Limitation of the Harmful Impact of Waste on the Environment Act as hereby superseded, shall continue in effect for the shorter of the residual period of validity thereof and three years after the entry of this Act into force.

§ 4. The licences for trade in ferrous and non-ferrous metal waste, issued according to the procedure established by the Ordinance on Trade in Ferrous and Non-ferrous Metal Waste and Scrap (promulgated in the State Gazette No. 92 of 1997; amended in No. 10 of 2001; repealed in No. 47 of 2001) as superseded and the Ordinance on Trade in Ferrous and Non-ferrous Metal Waste (promulgated in the State Gazette No. 47 of 2001; amended in No. 82 of 2001) shall continue in effect until the expiry of the period of validity thereof.

§ 5. (1) The statutory instruments of secondary legislation on the application of this Act shall be issued within one year after the entry of the said Act into force.

(2) The statutory instruments of secondary legislation issued in pursuance of the Limitation of the Harmful Impact of Waste on the Environment Act as hereby superseded shall apply until the issuing of the legislation referred to in Paragraph (1) in so far as it is consistent with this Act.

§ 6. The programmes adopted under Article 28 (1) of the Limitation of the Harmful Impact of Waste on the Environment Act as hereby superseded shall continue in effect for the shorter of the residual period of validity thereof and three years after the entry of this Act into force.

§ 7. The programmes referred to in Article 29 (1) herein shall be elaborated and adopted within one year after the entry of this Act into force.

§ 8. This Act shall supersede the Limitation of the Harmful Impact of Waste on the Environment Act (promulgated in the State Gazette No. 86 of 1997; amended in No. 56 of 1999, Nos. 27 and 28 of 2000, and No. 91 of 2002).

§ 9. (1) Article 11 (3) herein shall be applied as follows:

1. not earlier than the 1st day of January 2004 and not later than the 31st day of December 2004: 20 per cent as a minimum of packaging waste shall be recovered;

2. not earlier than the 1st day of January 2005 and not later than the 31st day of December 2005: 25 per cent as a minimum of packaging waste shall be recovered;

3. (Amended, SG No. 77/2005) not earlier than the 1st day of January 2006 and not later than the 31st day of December 2006 as a minimum:

(a) 35 per cent by weight of the packaging waste generated during the said period shall be recovered or incinerated at waste incineration plants with energy recovery;

(b) 34 per cent by weight of the packaging waste generated during the said period shall be recycled;

(c) 8 per cent by weight of the plastic packaging waste generated during the said period shall be recycled;

(d) 26 per cent by weight of the glass packaging waste generated during the said period shall be recycled;

(e) 15 per cent by weight of the paper and cardboard packaging waste generated during the said period shall be recycled, and

(f) 15 per cent by weight of the metal packaging waste generated during the said period shall be recycled.

4. (Amended, SG No. 77/2005) not earlier than the 1st day of January 2007 and not later than the 31st day of December 2007 as a minimum:

(a) 39 per cent by weight of the packaging waste generated during the said period shall be recovered or incinerated at waste incineration plants with energy recovery;

(b) 38 per cent by weight of the packaging waste generated during the said period shall be recycled;

(c) 12 per cent by weight of the plastic packaging waste generated during the said period shall be recycled;

(d) 33 per cent by weight of the glass packaging waste generated during the said period shall be recycled;

(e) 15 per cent by weight of the paper and cardboard packaging waste generated during the said period shall be recycled, and

(f) 15 per cent by weight of the metal packaging waste generated during the said period shall be recycled.

5. (Amended, SG No. 77/2005) not earlier than the 1st day of January 2008 and not later than the 31st day of December 2008 as a minimum:

(a) 42 per cent by weight of the packaging waste generated during the said period shall be recovered or incinerated at waste incineration plants with energy recovery;

(b) 42 per cent by weight of the packaging waste generated during the said period shall be recycled exclusively back into plastics;

(c) 14.5 per cent by weight of the plastic packaging waste generated during the said period shall be recycled exclusively back into plastics;

(d) 40 per cent by weight of the glass packaging waste generated during the said period shall be recycled;

(e) 60 per cent by weight of the paper and cardboard packaging waste generated during the said period shall be recycled;

(f) 50 per cent by weight of the metal packaging waste generated during the said period shall be recycled, and

(g) 15 per cent by weight of the wood packaging waste generated during the said period shall be recycled.

6. (Amended, SG No. 77/2005) not earlier than the 1st day of January 2009 and not later than the 31st day of December 2009 as a minimum:

(a) 46 per cent by weight of the packaging waste generated during the said period shall be recovered or incinerated at waste incineration plants with energy recovery;

(b) 45 per cent by weight of the packaging waste generated during the said period shall be recycled;

(c) 17 per cent by weight of the plastic packaging waste generated during the said period shall be recycled exclusively back into plastics;

(d) 46 per cent by weight of the glass packaging waste generated during the said period shall be recycled;

(e) 60 per cent by weight of the paper and cardboard packaging waste generated during the said period shall be recycled;

(f) 50 per cent by weight of the metal packaging waste generated during the said period shall be recycled, and

(g) 15 per cent by weight of the wood packaging waste generated during the said period shall be recycled.

7. (Amended, SG No. 77/2005) not earlier than the 1st day of January 2010 and not later than the 31st day of December 2010 as a minimum:

(a) 48 per cent by weight of the packaging waste generated during the said period shall be recovered or incinerated at waste incineration plants with energy recovery;

(b) 47 per cent by weight of the packaging waste generated during the said period shall be recycled;

(c) 19 per cent by weight of the plastic packaging waste generated during the said period shall be recycled exclusively back into plastics;

(d) 51 per cent by weight of the glass packaging waste generated during the said period shall be recycled;

(e) 60 per cent by weight of the paper and cardboard packaging waste generated during the said period shall be recycled;

(f) 50 per cent by weight of the metal packaging waste generated during the said period shall be recycled, and

(g) 15 per cent by weight of the wood packaging waste generated during the said period shall be recycled.

8. (New, SG No. 77/2005) not earlier than the 1st day of January 2011 and not later than the 31st day of December 2011 as a minimum:

(a) 50 per cent by weight of the packaging waste generated during the said period shall be recovered or incinerated at

waste incineration plants with energy recovery;

(b) 49 per cent by weight of the packaging waste generated during the said period shall be recycled;

(c) 20 per cent by weight of the plastic packaging waste generated during the said period shall be recycled exclusively back into plastics;

(d) 55 per cent by weight of the glass packaging waste generated during the said period shall be recycled;

(e) 60 per cent by weight of the paper and cardboard packaging waste generated during the said period shall be recycled;

(f) 50 per cent by weight of the metal packaging waste generated during the said period shall be recycled, and

(g) 15 per cent by weight of the wood packaging waste generated during the said period shall be recycled.

9. (New, SG No. 77/2005) not earlier than the 1st day of January 2012 and not later than the 31st day of December 2012 as a minimum:

(a) 53 per cent by weight of the packaging waste generated during the said period shall be recovered or incinerated at waste incineration plants with energy recovery;

(b) 52 per cent by weight of the packaging waste generated during the said period shall be recycled;

(c) 22 per cent by weight of the plastic packaging waste generated during the said period shall be recycled exclusively back into plastics;

(d) 59.6 per cent by weight of the glass packaging waste generated during the said period shall be recycled;

(e) 60 per cent by weight of the paper and cardboard packaging waste generated during the said period shall be recycled;

(f) 50 per cent by weight of the metal packaging waste generated during the said period shall be recycled, and

(g) 15 per cent by weight of the wood packaging waste generated during the said period shall be recycled.

10. (New, SG No. 77/2005) not earlier than the 1st day of January 2013 and not later than the 31st day of December 2013 as a minimum:

(a) 56 per cent by weight of the packaging waste generated during the said period shall be recovered or incinerated at waste incineration plants with energy recovery;

(b) 54.9 per cent by weight of the packaging waste generated during the said period shall be recycled;

(c) 22.5 per cent by weight of the plastic packaging waste generated during the said period shall be recycled exclusively back into plastics;

(d) 60 per cent by weight of the glass packaging waste generated during the said period shall be recycled;

(e) 60 per cent by weight of the paper and cardboard packaging waste generated during the said period shall be recycled;

(f) 50 per cent by weight of the metal packaging waste generated during the said period shall be recycled, and

(g) 15 per cent by weight of the wood packaging waste generated during the said period shall be recycled.

(2) (Amended, SG No. 77/2005) The targets covered under Article 11 (2) herein shall be attained commencing on the

1st day of January 2014.

§ 10. The provision of Article 36 (1) herein in respect of packaging waste shall apply as from the 1st day of January 2004.

§ 11. (1) The provision of Item 4 of Article 73 herein shall apply until the entry into force of the Treaty of Accession of the Republic of Bulgaria to the European Union.

(2) The provision of Item 5 of Article 73 herein shall apply until the 31st day of December 2014.

§ 12. (1) The provision of Littera (a) of Item 4 of Article 107 (1) herein in respect of the installations listed in the Annex to this Act shall apply as from the 1st day of January 2015.

(2) The provision of Littera (d) of Item 4 of Article 107 (1) herein shall apply as follows:

1. in respect of whole used tyres: as from the entry into force of the relevant ordinance referred to in Article 15 (2) herein;

2. in respect of shredded used tyres: as from the 16th day of July 2006.

§ 13. The Environmental Protection Act (promulgated in the State Gazette No. 91 of 2002; corrected in No. 98 of 2002) shall be amended as follows:

1. The words "the Limitation of the Harmful Impact of Waste on the Environment Act" shall be replaced passim by "the Waste Management Act".

2. § 12 of the Transitional and Final Provisions shall be repealed.

§ 14. In Article 37 (2) of the Subsurface Resources Act (promulgated in the State Gazette No. 23 of 1999; amended in No. 28 of 2000, No. 108 of 2001, and No. 47 of 2002), the words "by Article 10 (2) and Articles 13, 14 and 37 of the Limitation of the Harmful Impact of Waste on the Environment Act" shall be replaced by "under the Waste Management Act".

§ 15. In Item 16 of Article 20 of the Protection against Harmful Impact of Chemical Substances, Preparations and Products Act (promulgated in the State Gazette No. 10 of 2000; amended in No. 91 of 2002), the words "the Limitation of the Harmful Impact of Waste on the Environment Act" shall be replaced by "the Waste Management Act".

§ 16. In § 2 of the Transitional Provisions of the Stamp Duty Act (promulgated in Transactions of the Presidium of the National Assembly No. 104 of 1951; amended in No. 89 of 1959, No. 21 of 1960; State Gazette No. 53 of 1973, No. 87 of 1974, No. 21 of 1975, No. 21 of 1990, No. 55 of 1991, No. 100 of 1992, Nos. 69 and 87 of 1995, Nos. 37, 100 and 104 of 1996, Nos. 82 and 86 of 1997, No. 133 of 1998, No. 81 of 1999, No. 97 of 2000, and Nos. 62, 63 and 90 of 2002), the words "the Limitation of the Harmful Impact of Waste on the Environment Act" shall be replaced by "the Waste Management Act".

§ 17. In Item 20 of Article 20 of the Value Added Tax Act (promulgated in the State Gazette No. 153 of 1998; corrected in No. 1 of 1999; amended in Nos. 44, 62, 64, 103 and 111 of 1999, Nos. 63, 78 and 102 of 2000, No. 109 of 2001, Nos. 28, 45 and 117 of 2002, Nos. 37 and 42 of 2003), the words "the Limitation of the Harmful Impact of Waste on the Environment Act" shall be replaced by "the Waste Management Act".

§ 18. (New, SG No. 77/2005) The equipment containing polychlorinated biphenyls shall be cleaned and/or safely disposed of not later than the 31st day of December 2010.

§ 19. (New, SG No. 77/2005) The provision of Item 3 of Article 106 (6) herein shall apply until the entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union.

§ 20. (Renumbered from § 18, SG No. 77/2005) The implementation of this Act shall be entrusted to the Minister of Environment and Water and to the Minister of Economy, Energy and Tourism.

This Act was passed by the 39th National Assembly on the seventeenth day of September in the year two thousand and three, and the Official Seal of the National Assembly has been affixed thereto.

Veterinary Practices Act

(SG No. 87/2005, effective 1.05.2006)

TRANSITIONAL AND FINAL PROVISIONS

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§ 23. The Council of Ministers shall lay an Animal Protection Bill before the National Assembly within three months after the entry into force of this Act.

§ 24. The Council of Ministers shall lay a Bill on a National Professional Organization of Veterinary Practitioners and the Procedure for Practising Veterinary Medicine before the National Assembly within six months after the entry of this Act into force.

§ 25. The statutory instruments of secondary legislation, issued prior to the entry into force of this Act, shall apply insofar as they do not conflict therewith until they are expressly repealed.

§ 26. (1) Within one year after the entry into force of this Act, the Minister of Agriculture and Forestry shall issue the ordinances on the application thereof.

(2) Within six months after the promulgation of this Act in the State Gazette, the Council of Ministers shall adopt the ordinance referred to in Article 109 herein and shall approve the rate schedule referred to in Article 14 (2) herein.

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(* Act to Amend the Commercial Register Act

(SG No. 80/2006, effective 3.10.2006)

§ 1. In § 56 of the Transitional and Final Provisions, the words "1 October 2006" shall be replaced by "1 July 2007".

(* Act to Amend the Commercial Register Act

(SG No. 80/2006, effective 3.10.2006)

§ 1. In § 56 of the Transitional and Final Provisions, the words "1 July 2007" shall be replaced by "1 January 2007".

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Act to Amend and Supplement the Fisheries and Aquaculture Act

(SG No. 36/2008)

TRANSITIONAL AND FINAL PROVISIONS

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§ 73. In the Waste Management Act (promulgated in the State Gazette No. 86 of 2003; amended in No. 70 of 2004, Nos. 77, 87, 95 and 105 of 2005 and Nos. 30, 34 and 63 of 2006), the words "the Minister of Agriculture and Forestry" shall be

replaced passim by "the Minister of Agriculture and Food Supply".

Act to Amend the Tourism Act

(SG No. 82/2009, effective 16.10.2009)

TRANSITIONAL AND FINAL PROVISIONS

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§ 58. In the Waste Management Act (promulgated in the State Gazette No. 86 of 2003; amended in No. 70 of 2004, Nos. 77, 87, 95 and 105 of 2005, Nos. 30, 34, 63 and 80 of 2006, No. 53 of 2007 and Nos. 36, 70 and 105 of 2008), the words "the Minister of Economy" and "the Ministry of Economy" shall be replaced, respectively, by "the Minister of Economy, Energy and Tourism" and "the Ministry of Economy, Energy and Tourism".

Act to Amend and Supplement the Water Act

(SG No. 95/2009)

TRANSITIONAL AND FINAL PROVISIONS

§ 13. § 8 herein shall enter into force as from the 1st day of January 2007, § 9 and 12 herein shall enter into force as from the 11th day of August 2006, Item 1 of § 10 herein shall enter into force as from the 23rd day of June 2009, and Item 2 of § 10 herein shall enter into force as from the 24th day of September 2009.

Act to Amend and Supplement the Waste Management Act

(SG No. 41/2010, amended, SG No. 30/2011)

TRANSITIONAL AND FINAL PROVISIONS

§ 105. (Effective 1.01.2010) (1) The requirements of Article 71a [of the Waste Management Act] shall not apply to any regional or municipal landfills of waste for which the residual capacity of the landfill is less than 10 per cent of the total capacity of the landfill which is operational.

(2) The requirements of Article 71a [of the Waste Management Act] shall not apply to any landfills of waste for which the date set for discontinuance of the operation thereof precedes the 1st day of January 2012.

§ 106. Operations R 12 and R 13 shall not count towards attainment of the targets of the ordinances referred to in Article 24 (2) [of the Waste Management Act].

§ 107. In the rest of the texts of the Act, the word "authorized" shall be replaced by "empowered".

§ 108. (1) The resolutions referred to in Article 19b (2) and (3) [of the Waste Management Act] shall be adopted within three months after the entry into force of this Act.

(2) (Amended, SG No. 30/2011) Within three years after the entry into force of this Act, the municipalities of the regions referred to in Article 28 (4) [of the Waste Management Act], where associations have been established and agreements have been concluded according to the hitherto effective procedure established by Article 19a [of the Waste Management Act], shall establish regional associations according to the requirements of this Act. The pre-existing regional associations and agreements shall be subject to termination according to the provisions of Bulgarian legislation, and the property relations which have arisen upon and in connection with the incorporation of the said associations and the conclusion of the said agreements shall be settled by agreement between the parties. If the municipalities elect to retain the pre-existing associations and agreements, the provisions of Article 19b (9) [of the Waste Management Act] shall apply.

(3) (Amended, SG No. 30/2011) Within the time limit established under Paragraph (2), the provision of Article 19b (9) [of the Waste Management Act] shall not apply to the regional associations and the agreements concluded according to the hitherto

effective procedure established by Article 19a [of the Waste Management Act].

§ 109. (1) Any procedures for the issuing of a permit for collection and temporary storage [of waste] on the site where it is produced or for transport of hazardous waste, which have been initiated prior to the date of entry into force of this Act, shall be terminated ex officio by the competent authority, and the amount of the fee paid shall be refunded.

(2) Any permits for pursuing hazardous waste transport operations shall retain the effect thereof until the expiry of the period of validity thereof but not later than three years after the entry into force of this Act.

§ 110. The packaging waste recovery scheme operators, which have obtained permits prior to the entry into force of this Act, shall bring the operation thereof into conformity with the requirements of Article 62b [of the Waste Management Act] within three months after the entry into force of this Act.

§ 111. Any permits issued under Article 37 [of the Waste Management Act] and any registration documents referred to in Article 52 [of the Waste Management Act] of recovery scheme operators shall retain the effect thereof for a period of six months reckoned from the entry into force of this Act.

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§ 117. The provisions of § 50 (with the exception of Article 71e [of the Waste Management Act]), § 105 and Item 2 of § 112 herein shall enter into force as of the 1st day of January 2011.

Act to Amend and Supplement the Waste Management Act

(SG No. 30/2011, amended, SG No. 99/2011, effective 1.01.2012)

TRANSITIONAL AND FINAL PROVISIONS

§ 17. (1) (Amended, SG No. 99/2011, effective 1.01.2012) The licensed sites for trade in ferrous and non-ferrous metal waste shall be brought into conformity with the requirements of Article 54 (2) [of the Waste Management Act] within ten months after the entry into force of this Act.

(2) Within the time limit referred to in Paragraph (1), the persons holding a licence shall present at the Ministry of Economy, Energy and Tourism a plat or another certifying document, issued by a competent authority, for each of the immovables wherewithin a site is located as entered into the licence, and containing data on satisfaction of the requirements referred to in Article 54 (2) herein. In case documents are not presented for part of the sites entered into the licence, the person shall apply for the expungement of the said sites in the licence.

(3) Upon non-satisfaction of the requirement of Paragraph (2), the licence shall be terminated ex officio, with the order including a direction on anticipatory enforcement, and within three months after receiving the termination order the merchant shall be obligated to discontinue the operation, to sell the quantities of ferrous and non-ferrous metal waste in stock, and to take the necessary measures for cleaning the site or sites.

(4) Upon non-satisfaction of the requirements of Article 60 (8) [of the Waste Management Act] within nine months after the entry into force of this Act, the site concerned shall be expunged ex officio and the order shall include a direction on anticipatory enforcement.

§ 18. (1) (Amended, SG No. 99/2011, effective 1.01.2012) The existing sites for pursuit of operations related to the storage and pre-treatment of metal packaging waste, waste electrical and electronic equipment, waste batteries and accumulators and end-of-life vehicles shall be brought into conformity with the requirements of Article 13a (3) [of the Waste Management Act] within ten months after the entry into force of this Act.

(2) The persons pursuing the operations related to the waste referred to in Paragraph (1) shall submit to the competent authority an application requesting that the permit referred to in Item 1 of Article 12 (1) [of the Waste Management Act] held thereby be amended and/or supplemented according to the procedure established by Article 45 [of the Waste Management Act] or an application for the issuing of a new registration document according to the procedure established by Article 50 [of the Waste Management Act] within the time limit referred to in Paragraph (1). The preceding registration document shall

continue in effect for the shorter of the period until the issuing of the new registration document and the expiry of the time limit referred to in Paragraph (1).

(3) In the cases referred to in Article 13a (3) [of the Waste Management Act], the competent authority shall conduct an on-site inspection and within two months after submission of the application or after the elimination of non-conformities and/or the provision of additional information shall pronounce by a decision thereby amending and/or supplementing the permit or issuing a reasoned refusal to amend and/or to supplement the permit on the grounds covered under Article 45 (8) [of the Waste Management Act].

(4) An appeal of the decision referred to in Paragraph (3) shall not stay the enforcement thereof.

(5) Upon non-satisfaction of the requirement referred to in Paragraph (2), the permit referred to in Item 1 of Article 12 (1) and/or the registration document referred to in Article 12 (4) [of the Waste Management Act] shall continue in effect until the expiry of the time limit referred to in Paragraph (1). The operation of the site shall be discontinued within three months after the expiry of the time limit referred to in Paragraph (1).

TRANSITIONAL AND FINAL PROVISIONS to the Act for Amend and Supplement

the Criminal Code

(SG No. 33/2011, effective 27.05.2011)

§ 45. Within one month from the entry into force of this Act, the Council of Ministers shall put forward to the National Assembly draft legislation amending and supplementing the acts which have to be brought into compliance with this Act.

Annex to § 12 (1)

No.	Type of installation	Location of installation	Operator
1.	Slag dump	Devnya, Devnya Municipality, Varna Region	Polimeri AD, Devnya
2.	Cinder and slag dump	Padina Village, Avren Municipality, Varna Region	Solvay SODI AD, Devnya
3.	Cinder dump	Ezerovo Village, Beloslav Municipality, Varna Region	Varna TPP AD, Ezerovo Village, Beloslav Municipality
4.	Cinder dump	Svishtov, Veliko Turnovo Region	Svilosa AD, Svishtov
5.	Cinder dump	Gorna Oryahovitsa, Veliko Turnovo Region	Zaharni Zavodi AD, Gorna Oryahovitsa
6.	Cinder dump	Vidin, Vidin Region	Vidachim AD, Vidin
7.	Cinder dump	Rousse, Rousse Region	Rousse District Heating Company EAD, Rousse East TPP
8.	Koudin Dol Cinder Dump	Pernik, Pernik Region	Pernik District Heating Company EAD, Pernik
9.	7 Septemvri Cinder Dump	Pernik, Pernik Region	Pernik District Heating Company EAD, Pernik

10.	Kamenik Cinder Dump	Kamenik Village, Boboshevo Municipality, Kyustendil Region	Bobov Dol TPP EAD, Golemo Selo Village, Bobov Dol Municipality
11.	Cinder dump	Gulubovo, Stara Zagora Region	Brikel EAD, Gulubovo
12.	Cinder dump	Sliven, Sliven Region	Sliven District Heating Company, Sliven
13.	Goren Byuk Cinder Dump	Dimitrovgrad, Haskovo Region	Maritza 3 TPP EAD, Dimitrovgrad
14.	Galdoushki Livadi Cinder Dump	Dimitrovgrad, Haskovo Region	Maritza 3 TPP EAD, Dimitrovgrad