

WASTE MANAGEMENT ACT

In force from 13.07.2012

Prom. SG. 53/13 Jul 2012, amend. SG. 66/26 Jul 2013, amend. SG. 61/25 Jul 2014, amend. SG. 98/28 Nov 2014, amend. SG. 14/20 Feb 2015, amend. and suppl. SG. 105/30 Dec 2016, amend. and suppl. SG. 13/7 Feb 2017, amend. SG. 85/24 Oct 2017, amend. and suppl. SG. 88/3 Nov 2017, amend. SG. 102/22 Dec 2017, amend. and suppl. SG. 53/26 Jun 2018, amend. and suppl. SG. 77/18 Sep 2018, amend. and suppl. SG. 98/27 Nov 2018, amend. and suppl. SG. 1/3 Jan 2019

Chapter one. GENERAL PROVISIONS

Art. 1. (1) This act shall regulate the measures and control for environment protection and human health by preventing or decreasing the harmful impact by formation and management of waste, as well as through decreasing the whole impact from using resources and through increasing the effectiveness of this use.

(2) This act shall determine the requirements for products, which in the process of their production or after their end use form dangerous and/or mass disseminated waste, as well as the requirements for extended responsibility of the producers of these products in view to encouragement the second use, prevention, recycling and other type use of the formed waste.

(3) The waste management has as its purpose to prevent or decrease their harmful impact on human health and environment and is carried out in compliance with the requirements of the normative acts on:

1. protection of water, air, soil, plants and animals;
2. noise and smells, and
3. protection of the environment and places, which are subject to special protection.

Art. 2. (1) This act shall apply to:

1. household waste;
2. industry waste;
3. construction waste;
4. dangerous waste.

(2) This act shall not apply to:

1. radioactive waste;
2. waste gasses, emitted in the atmosphere air;
3. land (in situ), including non-dug, polluted soil and buildings, permanently connected with the land;
4. non-polluted soil and other materials in natural state, dug during construction activities, where it is sure, that the material will be used for construction purposes in their natural state on the ground, from which it was dug;

5. end-of life explosives;

6. faeces matter, different from the one, classified in p. 8, straw and other natural not dangerous materials of agriculture or forest farms, used in agriculture and forestry, or for production of energy of such biomass by-processes or methods, which do not harm the environment and do not endanger human health;

7. (amend. – SG, 105/16) the following wastes, where they fall in the applicable field of EU legislative acts, which do not provide for public relations in reference to the waste management:

a) waste waters;

b). by-products, including derived products, falling the applicable field pursuant to Regulation (EC) N 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing

Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ, L 300/1 of 14 November 2009), called hereinafter "Regulation (EC) N 1069/2009", with exception of animal products, intended for incineration, landfill site or use in installation for biogas or compost;

c). corpses of dead, but not slaughtered animals, including such, which are killed, in order to stop dissemination of epizootic illnesses and which are disposed in compliance with Regulation (EC) N 1069/2009;

d). waste, obtained from research, production, processing and storage of mineral raw materials and during exploitation of quarries, falling the scope pursuant to the Underground National Resources Act;

8. (repealed – SG, 105/16)

9. (repealed – SG, 105/16)

10. (repealed – SG, 105/16)

11. residues, moved to surface waters in view to management of waters and water sites or prevention of floods or decreasing the results from floods or droughts, or re-cultivation of lands, if it has been proved that this does not contradict other acts and the residues do not have dangerous properties.

Art. 3. (1) Classification of waste shall be determined by an ordinance of the Minister of Environment and Water and the Minister of Health.

(2) (Suppl. – SG, 105/16) The classification pursuant to Para. 1 shall be done according to the list of waste, provided by Commission Decision 2000/532/EC of 3 May 2000, replacing Decision 94/3/EC establishing a list of waste pursuant to Art. 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Art. 1(4) of Council Directive 91/689/EEC on hazardous waste, called hereinafter "Decision 2000/532/EC". The list of waste includes hazardous waste, accounts for the origin and composition of waste and where necessary – the limited admissible values for concentration of hazardous substances.

(3) The list of waste pursuant to Para. 2 shall be obligatory in relation to determination of waste, which must be considered as hazardous. Including a substance or object in the list means that it is a waste pursuant to all circumstances. Substance or object shall be considered as a waste only in cases it meets the definition pursuant to § 1, p. 17 of the Additional Provisions.

(4) Certain waste may be considered as hazardous even if it has not been included as hazardous in the list of waste in the cases, where it shows one or more of the properties, indicated in Annex No 3.

(5) Where there are doubtless evidences that a certain waste, included in the list of hazardous waste, does not show any of the properties, listed in Annex No 3, it may be considered as not hazardous.

(6) Re-classification of the hazardous waste as not hazardous shall not be carried out by dilution or mixing of waste in view to decreasing the initial concentrations of hazardous substances to levels pursuant to the limit admissible values for concentration of hazardous substances, determining the waste as hazardous.

(7) Taking samples and analyses of the composition and properties of waste in view to establishing the declared data and classification of waste shall be carried out by accredited laboratories.

Art. 4. (1) Substance or object, which are result of a production process, whose basic purpose is not their production, shall be by-product, and not waste in the meaning of § 1, p. 17 of the Additional Provision, if the following conditions are observed simultaneously:

1. their further use is clearly defined;

2. there is possibility for their direct use without special additional processing, which is different from the usual production practice;

3. they have been obtained as an inseparable part from the production process;

4. their further use is legal, i.e. they meet all applicable requirements to the products, the environment protection and human health, related to their concrete use and they will not lead to thorough

hazardous impact on the environment and human health.

(2) (suppl. – SG, 105/16) Defining a certain substance or object as by-product shall be done by a motivated decision of the Minister of Environment and Water, or of an official, authorized by him for each case pursuant to criteria, defined by an act of the European Commission.

(3) (New – SG, 105/16) For issuance of a decision under Para. 2, the interested persons shall submit an application to the Minister of Environment and Waters, or to an official, authorized by him, to which evidences shall be attached, certifying fulfillment of one of the conditions under Para. 1.

(4) (New – SG, 105/16). The Minister of Environment and Waters or an official, authorized by him shall estimate the compliance of the information in the application and the attached documentation with the conditions of Para. 1 and if needed, shall require within 1 month term from the applicant provision of additional information for clarifying the facts and circumstances.

(5) (New – SG, 105/16). Within the term up to 2 months from receiving the application or provision of additional information under Para. 4, the Minister of Environment and Waters or an official, authorized by him shall pronounce with a grounded decision under Para, 2m containing conditions, measures and restrictions, or shall refuse with a grounded decision.

(6) (New – SG, 105/16). In case of a change in the circumstances, indicated in the application and the attached documentation under Para. 3, the applicant shall be obliged to notify in writing the Minister of Environment and Waters, or an official, authorized by him within 7 day term from occurrence of the change.

(7) ((New – SG, 105/16). The Minister of Environment and Waters or an official, authorized by him shall repeal the decision under Para. 2 or a repeated imposed property sanction with an enforced penal decree for failure to fulfill a condition in the decision.

(8) (New – SG, 105/16, suppl. - SG 77/18, in force from 01.01.2019) The decision under Para. 2, the refusal under Para. 5 and the decision for repeal under Para. 7 shall be appealed before the relevant administrative court under the Administrative – procedure Code. The appeal of the decision shall not stop its implementation.

Art. 5. (1) Certain waste cease to be waste in the meaning of § 1, p. 17 of the Additional provisions, where they have passed a process of recovery, including recycling and meet criteria, in conformity with the following conditions:

1. for recovery of the substance or object for specific purposes, a certain practice is available;
2. for the substance or object there is a market or demand;
3. the substance or object meet the technical requirements for the specific purposes and are in compliance with the normative requirements and standards, applicable to the products;
4. the recovery of the substance or object will not lead to hazardous impact on the environment or human health.

(2) (amend – SG, 105/16) Where the EU legislation does not provide obligatory criteria under Para. 1, certain wastes shall stop to be wastes in the cases, provided by the Ordinances under Art. 13, Para. 1 and Art. 43 or by an Ordinance of the Minister of Environment and Waters, where the relevant wastes are out of their scope.

(3) (new – SG, 105/2016) Specific national criteria for end of the waste may be provided by the Ordinances under Para. 2. The criteria shall include maximum admissible values for polluters and rules for accounting the hazardous impact of the substance or object on the environment.

(4) (prev. para. 3 - SG 105/16) A waste pursuant to Para. 1 shall be reported for fulfillment of the purposes for recovery and recycling, determined by this act, where the requirements for recycling or recovery have been met pursuant to this act and pursuant to the ordinances pursuant to Art. 13, Para. 1.

(5) (former Para. 4, amend. – SG, 105/2016) the Minister of Environment and Waters, or an official, authorized by him shall be national competent body on the application of the European Commission acts, adopted in compliance with Art. 6, Para. 2 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November, 2008 on wastes and repealing certain Directives (OJ L 312/3 of 22 November

2008) called hereinafter “Directive 2008/98/EC”.

(6) (new – SG, 105/16) The Minister of Environment and Waters or an official, authorized by him shall have the right to access to the system for management of producers in the meaning of the European Commission acts, adopted in compliance with Art. 6, Para. 2 of Directive 2008/98/EC, which carry out activity on the territory of the Republic of Bulgaria.

Art. 6. (1) The competent bodies pursuant to this act and the persons during whose activity waste are formed and/or treated, shall apply the following priority hierarchy while managing waste:

1. preventing their formation;
2. preparation for second use;
3. recycling
4. other recovery, i.e. recovery for obtaining energy;
5. disposal.

(2) Deviation from the hierarchy pursuant to Para. 1 shall be admitted for specific flows of waste, where this is based on considerations, related to the life cycle of waste, related to the through impact of the formation and management of such waste.

(3) applying the hierarchy pursuant to Para. 1 the general principles shall be taken in consideration for environment protection, as precautionary measures and sustainability, the technical realization and economic applicability, protection of resources, as well as the whole impact on the environment, human health economy and society in compliance with Art. 1, Para. 1 and 3.

Art. 6a. (new – SG, 105/16) The Minister of Environment and Waters , or an official, authorized by him shall be the competent body in the meaning of Regulation (EU) N 1257/2013 of the European Parliament and of the Council of 20 November 2013 and on recycling of ships and amending Regulation (EC) N 1013/2006 and Directive 2009/16/EC (OJ, L 330/1 of 10 December 2013) called hereinafter “Regulation (EU) N 1257/2013”.

Chapter two. OBLIGATIONS AND RESPONSIBILITIES

Section I. Obligations of the Persons, Carrying out Activities with Waste

Art. 7. (1) Persons, during whose activity waste are formed and the owners of waste treat them independently or provide them for gathering, shipment and treatment to persons, who have the right to carry out this activity in compliance with this act.

(2) Where the waste are sent for preparation before recovery or to be disposed, the responsibility of the initial producer or holder shall not fall out for carrying out the whole recovery or disposed.

(3) The cases and conditions for taking responsibility by the initial producer of the waste on the whole chain of their collection to their treating, as well as for shearing or transferring the responsibility among the persons, participating in the chain for collecting and treating, shall be determined by the ordinances pursuant to Art. 13, Para. 1 and Art. 43, without concerning Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, called hereinafter "Regulation (EC) N 1013/2006".

(4) Persons, who collect and ship waste shall send them for treating in appropriate installations, while observing the provisions of this act.

(5) The responsibility for organization and management of mass disseminated waste shall be taken by the producer of the product as a result of which use waste are formed, pursuant to the conditions of the act.

Art. 8. (1) Sending and accepting industrial, construction and hazardous waste shall be carried out only on the basis of a written contract with person, possessing permit, complex permit or registration document pursuant to Art. 35 about the relevant activity and a ground for waste with the relevant code pursuant to the ordinance pursuant to Art. 3 for classification of waste.

(2) The possessors of waste shall be obliged:

1. to comply with the provisions for collection, shipments and treatment of waste;
2. to maintain in permanent order and normal action the facilities for treating waste;
3. to undertake all measures for not mixing:
 - a) hazardous waste with other hazardous waste or other waste, substances or materials; mixing includes also dilution of hazardous substances;
 - b) usable waste with non-usable waste;
4. to organize safe storage of waste, which cannot be treated in compliance with the requirements of this act on the territory of the Republic of Bulgaria;
5. if hazardous waste are available, a responsible person shall be appointed and their safe management shall be organized;
6. to keep accountability for the waste in a procedure determined by this act and the acts of secondary legislation for its implementation;
7. at the moment of a request to provide access of the control bodies to the facilities, in which waste are formed, to the facilities of storage and treatment of waste and to the documents on waste;
8. to provide instruction and periodical training of the staff, who work with hazardous waste;
9. to provide and realize the needed measures for non-dissemination of pollution after closure of the sites and activities, as well as of the installation or facilities for treating waste;
10. to provide the needed financial funds for:
 - a) implementation of the monitoring plan;
 - b) closure of the installation or the facilities for treating waste;
 - c) post-operative monitoring and control;
11. to notify the competent bodies about forthcoming change of the raw materials and the technological processes, which would lead to change of the quantity or type of the formed waste and their hazardous substances.

(3) Possessors of hazardous waste pursuant to Para. 2 may do mixing or waste, pursuant to the condition that:

1. the mixing activity is done by persons, who hold permit or complex permit pursuant to Art. 35;
2. the requirements pursuant to Art. 1, Para. 3 have been met and the hazardous impact of the waste management is not increased on human health and the environment, and
3. the mixing activity meets the best available techniques.

(4) Where the hazardous waste are mixed in a way, which contradicts the requirements of this act, separation shall be made, where this is possible and needed, pursuant to the criteria for technical and economic feasibility, while observing the requirements of Art. 1, Para. 3.

(5) For mixed waste, formed from households, the act requirement shall not apply on:

1. control of hazardous waste;
2. ban for mixing hazardous waste pursuant to Para. 2, p. 3, letter "a";
3. labeling of hazardous waste;
4. keeping documentation about hazardous waste pursuant to Chapter Four, Section I.

(6) This act provisions on labeling and documentation on hazardous waste shall not apply to separate fractions of hazardous waste, formed from households till their acceptance or collection, disposal or recovery by a person holding the relevant permit.

Art. 9. (1) Bringing into exploitation constructions pursuant to the Spatial Development Act shall be prohibited without an available permit, complex permit or registration document pursuant to Art. 35 for activities with waste, where such is required.

(2) Bringing into exploitation pursuant to the procedure of the Spatial Development Act of landfills of hazardous and non-hazardous waste shall be prohibited without available of a certain size of guaranty for closure and post-exploitation care on the landfill grounds in compliance with Art. 60.

Art. 10. (1) The construction, destruction of legal buildings and facilities and voluntary removal of illegal buildings or unfit for use or constructions, endangering safety shall be proceeded in a way, providing follow up recovery, including recycling of the formed construction waste in compliance with the requirements of the ordinance pursuant to Art. 43, Para. 4.

(2) During construction, destruction of legal buildings and voluntary removal of illegal buildings or unfit for use of endangering safety buildings, the contracting authority shall take responsibility for the fulfillment of the purposes, related to the preparation for second use, recycling and other recovery of material of construction waste, pursuant to Art. 32, Para. 1.

(3) (In force from 14.07.2014) compulsory removal of illegal buildings or of unfit for use or endangering safety buildings shall be done by the owner or processor of the destruction selectively of different materials.

(4) The relevant municipality Mayor shall be responsible for the provision of the separate construction waste during compulsory removal of building, for recovery of the materials and for imposition of recycled construction materials, including for covering the costs for carrying out the activities of shipment and treatment.

(5) The costs for carrying out the activities of transportation and treatment of construction waste, formed as a result of compulsory removal of a building, shall be on the account of the person, who has made the illegal building or of the owner of the building or facilities. On the basis of an enforced order for removal of the building and a protocol for the made costs for the activities on shipment and recovery of the waste, the Mayor of the relevant municipality shall submit an application for issuance of an order for an immediate fulfillment for collecting of the taking from the obliged persons pursuant to Art. 417, p. 2 of the Civil Procedure Code.

(6) (In force from 14.07.2014) The contracting authority of public procurement for design and implementation of constructions, with the exception of removal of buildings, shall include in the conditions for selection of contractor and in the contracts for awarding obligations to the contractors for placing recycled construction materials pursuant to the requirements of the ordinance of art. 43, Para. 4.

(7) The produced products from recycled construction waste, which are placed on the market of the Republic of Bulgaria and are intended for permanent placement in the buildings or in parts of them shall provide the implementation of the basic requirements to the buildings on the basis of their exploitation indicators, determined in the technical specifications, as well as of the normative requirements for their recovery depending on the area of their application.

Art. 11. (1) (In force from 14.07.2014, amend. – SG, 105/16, amend. and suppl. - SG 13/17) The contracting authority of construction works in the meaning of § 5, p. 40 of the Additional Provisions of the Spatial Planning Act, with the exception of current repair works, and the contracting authority of removal of constructions, shall be responsible of drawing out a plan for management of construction wastes in the cases, determined by the Ordinance of art. 43, Para. 4. The plan shall be drawn up by a designer with the necessary designer's competence within the meaning of Art. 162, para. 1 of the Spatial Planning Act.

(2) (revoked – SG, 105/16)

(3) (revoked - SG 13/17)

(4) (amend. - SG 13/17) The plans for management of construction waste shall be approved by the

mayor of the municipality or authority, authorized by him/her, at the request of the developer of the building after entering into force of the building permit and before the opening of the construction site and/or prior to the commencement of the activities on building or demolition of construction of the site under Para. 1.

(5) (amend. - SG 13/17) The competent authority under Para. 4 may require provision of additional information or removal of the incorrectness in case of non-compliance with the requirements of the ordinance pursuant to Art. 43, Para. 4, by submitting a grounded opinion to the applicant not later than 14 days after receiving the plan.

(6) (amend. - SG 13/17) The municipality Mayor shall approve the plan for management of construction waste or shall refuse with motivation its approval within the term of 14 days after receiving the plan, or from removal of the incorrectness and/or provision of additional information.

(7) (new - SG 13/17) For constructions located in the territory of more than one municipality, the plans under Para. 1 shall be approved by the mayors of respective municipalities or authorities, authorized by them for the part of construction that takes place on their territory.

(8) (prev. para. 7 - SG 13/17, suppl. - SG 77/18, in force from 01.01.2019) The refusal for approval of the plan may be appealed before the relevant administrative court pursuant to the Administrative Procedure Code.

(9) (prev. para. 8 - SG 13/17) The approval of the plan for management of construction waste shall include a check up of compliance with the purposes for recycling and recovery of construction waste.

(10) (prev. para. 9 - SG 13/17) The implementation of the plan for management of construction waste and the site conditions shall be established:

1. for the construction, for which construction supervision is exercised – by the final report pursuant to Art 168, Para. 6 of the Spatial Development Act, exercising construction supervision, in which the implementation of the purposes for recovery and recycling of construction waste and the purposes for placing recycled construction materials during implementation of the project shall be described, by applying also copies of the initial accountancy documents, proving submission of waste to persons, holding permit or a registration document for carrying out activities with waste;

2. for the constructions, for which there is not construction supervision – by a report to the Mayor of the municipality, according to a form, pursuant to the ordinance of Art. 3, Para, 4 in which the implementation of the purposes for recovery and recycling the construction waste and the purposes for placing recycled construction materials during the project realization shall be described, here also copies of initial accountancy documents shall be attached, proving provision of the waste to persons, holding permit or registration document for carrying out activities with waste.

(11) (prev. para. 10 - SG 13/17) The documents pursuant to Para. 9 shall be produced to the body, who has approved the investment project or plan for management of construction waste, as well as to the director of the regional inspection of environment and water (RIEW). On whose territory the construction mounting works or destruction is carried out.

(12) (new – SG, 105/16, prev. para. 11 - SG 13/17) The control on the plan implementation for management of construction wastes shall be carried out in a procedure, provided by the ordinance under Art. 43, Para. 4.

Art. 11a. (new - SG 13/17) Competent authorities under the Art. 177, Para. 2 and 3 of the Spatial Development Act shall refuse the commissioning of the construction objects if any of the requirements of Art. 9, Para. 1 and 2 or Art. 11, Para. 12 are not fulfilled.

Art. 12. The owners of roads pursuant to Art. 8 of the Roads Act shall be responsible for:

1. cleaning from waste the road, the land side, the road facilities, the servicing zones, the road servicing complexes and point for maintenance pursuant to § 1, p. 1 - 3, 6, 9 and 10 of the Additional Provision of the Roads Act;

2. providing vessels for collecting waste and their shipment to facilities for their treatment.

Section II.

Extended Responsibility of the Producer

Art. 13. (1) The requirements to the products, after whose recovery mass disseminated waste are formed, the procedure and ways of their separate collection, second use, recycling and/or recovery, including the purposes for separate collection, second use, recycling and/or use shall be determined by ordinances of the Council of Ministers.

(2) The measures, which determine taking extended responsibility by the producers, including the persons, placing on the market in the Republic of Bulgaria products, after whose use mass disseminated waste are formed, shall be determined by the ordinances pursuant to Para. 1 in view to encouragement the second use, prevention, recycling and other use of these waste.

(3) The measures pursuant to Para. 2 shall include accepting returned products and of the waste, remained after use of these products, follow up management of waste and financial responsibility for these activities, as well as obligations for providing information to the public to what level the product may be secondary used and recycled.

(4) While applying the permitted responsibility of the producer, the technical possibility and economic applicability, as well as the whole impact on the environment, human health and the impact in social aspect shall be taken in consideration in view to the need of guaranteeing the good functioning of the market

(5) The extended responsibility of the producer shall apply notwithstanding of the responsibility for waste management, provided by this act, and without referring to the provisions, determining the requirements to certain groups of waste or products.

Art. 14. (1) persons, placing on the market products after whose use mass disseminated waste are formed, shall be responsible for their separate collection and treatment, as well as for achieving the relevant purposes for separate collection, second use, recycling and/or use, determined by the ordinances pursuant to Art. 13, Para. 1.

(2) Persons pursuant to Para. 1 shall fulfill their obligations:

1. individually, or
2. by collective systems, represented by an organization on recovery.

(3) In case that persons pursuant to Para. 1 fulfill their obligations individually, as well as all their distributors, including the persons, carrying out sale to the end users, shall be obliged to accept back on the place of sale the waste, formed as a result of the use of the relevant products in compliance with the requirements of the ordinances pursuant to Art. 13, Para. 1.

(4) Persons pursuant to Para. 1 may fulfill their obligations individually after receiving permit pursuant to Chapter Five, Section III.

(5) Persons pursuant to Para. 1 may fulfill their obligations by collective systems after signing a contract with an organization on recovery pursuant to Para. 2, p. 2, holding a permit, issued pursuant to Chapter Five, Section III.

(6) The contracts pursuant to Para. 5 shall contain requirements for check up and audit of the data of the products, placed on the market by the persons pursuant to Para. 1.

(7) Persons pursuant to Para. 1 may change the organization of recovery through which they fulfill their obligations only after terminating the contract pursuant to Para. 5 with it. With signing a new contract with another organization on recovery, the obliged person shall be obliged to provide it with a copy of the notification for termination of the contract with the previous organization.

(8) Persons pursuant to Para. 1 shall not participate at the same time in more than one organization for one and the same waste.

Art. 15. The organizations on recovery and the persons, who fulfill individually their obligations, shall create systems for separate collection, second use, recycling and/or recovery of the relevant type of mass disseminated waste on the territory of the Republic of Bulgaria in compliance with the requirements of this act and the ordinances pursuant to Art. 13, Para. 1.

Art. 16. The establishment act of the organization on recovery shall contain conditions, providing fulfillment of the following requirements:

1. observing the principle equality and possibility for participation of the persons pursuant to Art. 14, wishing to fulfill their obligations pursuant to this act and pursuant to the relevant ordinance pursuant to Art. 13, Para. 1, through the collective system in the meaning of Art. 14, Para. 2, p. 2;

2. the founders of the organization on recovery shall not have the right:

a) to participate in another organization on recovery of one and the same waste;

b) to keep advantage with the establishment act;

3. to contain prohibiting provisions for:

a) distribution of profit;

b) issuance of bonds and shares with coupons for dividend;

c) granting credits and guarantees on credits of third persons, as well as taking exchange obligations;

d) issuance of shares to bearer.

Art. 17. (1) The organization on recovery shall not be reformed by joining, combining, division, separation, separation of sole-trade company or transfer of the whole property to the sole owner of the capital, unless in the cases of joining or combining of organization on recovery.

(2) The organization on recovery shall not have subject of activity different from the one, indicated in § 1, p. 16 of the Additional Provisions.

Art. 18. (1) The organizations on recovery and the persons pursuant to Art. 14, Para. 2, p. 1 shall prove the fulfillment of their obligations and achievement of the purposes pursuant to Art. 14, Para. 1, and Art. 15, by preparing and producing to the Minister of Environment and Water reports, reports with factual foundations and other documents in a scope, contents and terms, determined by the ordinances pursuant to Art. 13, Para. 1.

(2) The reports pursuant to Para. 1 shall be certified by registered auditors in the meaning of the Independent Financial Audit Act on the basis of a report with factual foundations on the agreed procedures for check up of the fulfillment of the obligations pursuant to this act and the ordinances pursuant to Art. 13, Para. 1, also the purposes pursuant to Art. 14, Para. 1, in compliance with the requirements of the legislation in force. The requirements to the checkup, as well as the contents of the reports and terms for their production shall be determined by the ordinances pursuant to Art. 13, Para. 1.

(3) The Minister of Environment and Water may appoint one current check up on contract procedure about fulfillment of the conditions in the issued permits, the set purposes and fulfillment of the requirements, determined by this act and the ordinances pursuant to Art. 13, Para. 1, including a check up of the economic information, proving the products, placed on the market, as a result of whose use, mass disseminated waste are formed, collection, second use, recycling and recovery of the waste, as well as of the size of the charges pursuant to Art. 59 and/or the costs, made for activities with waste to the following persons:

1. persons, who place on the market products, after whose use mass disseminated waste are formed;

2. persons pursuant to Art. 14, Para. 2, p. 1, who fulfill their obligations individually;

3. the organizations on recovery pursuant to Art. 14, Para. 2, p.2;

4. persons, carrying out activities on collection, shipment, second use, recycling and recovery of mass disseminated waste pursuant to a contract with an organization on recovery or with persons, who fulfill their obligations individually, in relation to fulfillment of their purposes and obligations pursuant to this act.

(4) The auditors, carrying out current checkups on agreed procedure pursuant to Para. 3, shall be selected by the Minister of Environment and Water for a period of at least 2 calendar years pursuant to the Public Procurement Act.

(5) The costs for the current checkups on agreed procedures pursuant to Para. 3 shall be on the account of the audit organizations on recovery and of persons, fulfilling their obligations individually and shall be reimbursed by the Ministry of Environment and Water pursuant to procedure, determined by the Minister of Environment and Water within the term of up to 1 month after their being requested. After the finalization of the check up pursuant to Para. 3, additional checkups may be appointed, whose costs shall be on the account of the Ministry of Environment and Water

(6) The organizations on recovery, the persons, fulfilling their obligations individually, as well as the persons pursuant to Para. 3 shall provide access to the available documentation and the grounds, on which activities with waste are carried out and shall provide the needed information, related to fulfillment of the auditors' obligations.

(7) The foundations, made in the reports from the checkups pursuant to Para. 3, shall be ground for imposing sanctions and/or withdrawal of the permits of the organization on recoveries and of the persons, fulfilling their obligations individually, by placing on the market products after whose use, mass disseminated waste are formed and to the persons pursuant to Para. 3, p. 4 in case of found breaches of this act and of the ordinances pursuant to Art. 13, Para. 1.

(8) In case of withdrawal of the permit pursuant to Art. 81, Para. 1, the fulfillment of the obligations and purposes pursuant to Art. 14, Para. 1 and Art. 15 shall be proved pursuant to Para. 1 for the period of the reported year, preceding the withdrawal.

(9) Annually, the Minister of Environment and Water shall appoint by an order a commission, which shall analyze the reports and documents pursuant to Para. 1 and the foundations in the reports pursuant to Para. 2 and 3. Within the term of up to 10 days after finalization of its activity, the commission shall draw up a report to the Minister of Environment and Water with a motivated proposal for undertaking the actions pursuant to Para. 7.

Section III.

Obligations of the Bodies of the Local Self-government and the Local Administration

Art. 19. (1) The Municipality Mayor shall organize the management of the household and construction waste, formed on its territory, according to the requirements of this act and the ordinance pursuant to Art. 22.

(2) The Municipality Mayor shall provide conditions, in which each holder of household waste shall be serviced by persons pursuant to Art. 35, who have been given the right to carry out activities on their collection, shipment, recovery and/or disposal.

(3) The Municipality Mayor shall be responsible for:

1. provision of vessels for collection of household waste – containers, buckets, etc.;

2. collection of household waste and their treatment before the landfill sites or other installations and facilities for recovery and/or their disposal;

3. cleaning the streets, squares, alleys, parks and other territories of the populated places, intended for public use;

4. selection of ground, building up, exploitation, closing, monitoring of landfill sites for household waste or of other installations or facilities for recovery and/or for disposal household waste;

5. organization of the collection, recovery and disposal construction waste of repair work, formed

by households on the territory of the relevant municipality;

6. separate collection of household waste on the territory of the municipality at least for the following materials: paper and cardboard, metals, plastics and glass;

7. organization of the activities on separate collection of mass disseminated waste and/or giving assistance to the organizations for recovery of mass disseminated waste, including determining the places for disposition of the needed elements of the systems for separate collection and the places for delivering mass disseminated waste;

8. fulfillment of the decision pursuant to Art. 26, Para. 1 of the general meeting of the regional associations pursuant to Art. 24, Para. 1 and shall assist for establishing centres for second use, repair and preparation of second use;

9. organization of separate collection of hazardous household waste outside the scope of the ordinances pursuant to Art. 13, Para. 1 and their delivery for recovery and/or their disposal;

10. the separate collection and storage of household organically broken down waste, including setting the places for disposition of the needed elements of the system for separate collection of waste and their delivery for composting or anaerobic destruction;

11. provision of grounds for free delivery of separated collected waste from the households, including large-size waste, hazardous waste, etc., in all populated places with population larger than 10 000 inhabitants on the territory of the municipality and if needed in other populated places;

12. cleaning waste on the municipality roads in compliance with Art. 12;

13. providing information to the public pursuant to p. 1 – 12. 14 and 15 via internet site of the relevant municipality, as well as in other appropriate way;

14. maintaining register of the grounds for delivery of waste off plastics, glass, paper and cardboard on the territory of the relevant municipality;

15. prevention of throwing waste on unpermitted places and/or formation of illegal dung-hills and organization of their cleaning.

(4) (repealed – SG, 105/16)

(5) (In force from 14.07.2014) in case of failure to fulfill the requirements of Para. 3, p. 11, the deductions pursuant to Art. 64 shall be increased by 15% for the period till removal of the non-fulfillment.

(6) (New – SG, 105/16) The grounds under Para. 3, p. 11 shall be provided and exploited independently by the Municipality or through signing written contract with a person, possessing permit under Art. 35, Para. 1 for the relevant authority and for wastes with the relevant code under the Ordinance pursuant to Art. 3, Para. 1.

(7) (new – SG, 105/16) To the grounds under Para. 3, p. 11, which are provided and exploited independently by the Municipality shall not apply the requirements of Art. 38, para. 1, sentence one and Art. 69, para. 2, and on them may be placed containers, ownership of persons, who implement their obligations individually or of organization of utilization.

Art. 20. (1) The Municipality Mayor shall organize the fulfillment of his/her obligations for participation in the systems for separate collection pursuant to Art. 19, Para. 3, p. 6 by signing contracts pursuant to terms and conditions, determined by a Municipal council decision, with:

1. organizations on recovery, holding permit, issued pursuant to Chapter Five, Section III and/or

2. other persons, holding permit or registration document, issued pursuant to Chapter Five, Sections I and II for carrying out activities of collection, shipment, recycling and/or use of waste on the territory of the relevant municipality, and/or complex permit, issued pursuant to Chapter Seven, Section II of the Act on Protection of the Environment.

(2) The contracts pursuant to Para. 1 shall provide for the separate collection of waste by households, administrative, social and public buildings, catering establishments, trade sites and relaxation, entertainment and tourism sites.

(3) The Municipality Mayors with regional division may sign contracts with the persons pursuant to

Para. 1, p. 1 and 2 for each region separately.

(4) The contracts pursuant to Para. 1 shall provide for the following conditions:

1. the requirements to the system for separate collection of waste by households, including serviced population, type, number and position of the vessels and grounds for separate collection of waste, frequency of service;

2. quantity purposes for separate collection, recycling and recovery of waste by households and similar wastes, as well as the terms and conditions for accounting their fulfillment;

3. the control obligations on observation of the requirements for separate collection on the territory of the relevant municipality;

4. the obligations for providing information to the citizens of the relevant municipality on the application of the system for separate collection, holding educational and information campaigns and operation with the public.

Art. 21. (1) The Municipality Mayor, independently, where he/she does not participate in the regional association pursuant to Art. 24, Para. 1, or jointly with the other Municipality Mayors of the regional association shall undertake actions on assigning and carrying out pre-investment researches for building new facilities for treating household waste at least 3 years before exhaustion the volume of the landfill site for household waste or expiry of the exploitation term of the installation for which he/she shall notify the relevant RIEW.

(2) On immovable properties – public or private state ownership free right to construction in favour of municipalities may be established for building landfill sites or other facilities or installations for treatment of waste, as well as the attached infrastructure to them. The right to construction shall be established termless.

(3) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The requirements for establishment of the right to construction pursuant to Para. 2 shall be submitted to the Minister of Regional Development and Public Works in coordination of the Minister of Environment and Water. On the basis of a Council of Ministers decision the Regional Governor shall sign a contract for establishment of the right to construction.

Art. 22. (1) (amend. – SG, 105/16) The Municipal council shall adopt an ordinance, which shall determine the terms and conditions for throwing, collecting, including the separate one, shipment, overloading, recovery and disposal of household and construction waste, including bio-waste, hazardous household waste, mass dissemination of waste on the territory of the Municipality, developed pursuant to the requirements of this act and the acts of secondary legislation for its application, as well as payment for providing the relevant services pursuant to the Local Taxes and Fees Act.

(2) The ordinance pursuant to Para. 1 shall provide for the requirements to the grounds for delivery of waste and paper and cardboard, plastics and glass, including the conditions for registration of the grounds, as well as the conditions for delivery of waste on the grounds pursuant to Art. 19. Para. 3, p. 11.

(3) The Municipal council shall publish on its internet site and shall set to public discussion the draft ordinance pursuant to Para. 1. All interested persons, bodies and NGOs may participate in the discussion.

Art. 23. (1) The municipalities, included in each of the regions pursuant to Art. 49, Para. 9 shall establish a regional system for waste management, containing a regional landfill site and/or other facilities for treatment of wastes.

(2) The regional system for waste management shall have as its purpose to achieve their effective collection, shipment and treatment according to the requirements of Art. 6, Para. 1 and fulfillment of the obligations pursuant to Art. 19 through participation of the municipalities.

(3) The municipalities – members of the regional association shall determine the ownership of the regional landfill site and/or other facility for treatment of waste. The ownership may be:

1. of the municipality, which is owner of the terrain or has established right to construction on the terrain, determined for construction;
2. ownership of the municipalities – members of the association;
3. ownership of the funding private partner and the municipality – owner of the terrain and/or the municipalities – members of the association;
4. ownership of the funding private partner for the facilities for preparation before recovery or disposal and recovery of the waste.

(4) The price for treatment of a ton of waste, delivered in the regional system for waste management shall be equal to all the members of the regional association and in it no profit may be calculated for the associations.

(5) A municipality, which does not participate in the regional system for waste management may use the same or other such pursuant to the conditions and process, determined by the relevant regional association.

Art. 24. (1) The municipalities, included in each of the regions pursuant to Art. 49, Para. 9 shall establish pursuant to this act a regional association.

(2) The Municipal council of the relevant municipality shall adopt a decision for participation in the regional association, copy of which shall be submitted to the Mayor of the municipality on whose territory the construction is envisaged or are placed facilities for waste treatment.

(3) The Municipal council of a municipality of a region pursuant to Art. 49, Para. 9 may adopt a decision for its joining to a municipality association of another region, pursuant to the condition, that it does not delay the establishment or functioning of the regional association or regional system for waste management in its own region after presenting positive opinions on both regional associations and of RIEW.

(4) (suppl. – SG, 105/16) Regional association members may be only municipalities, where one municipality may participate only in one regional association.

(5) The regional association shall appear from the date of its first general meeting, whose protocol shall be submitted to the Minister of Environment and Water and to the relevant Regional Governor.

(6) The regional association shall be a legal persons with central office in the municipality, which is owner of the terrain, on which the facility for waste treatment has been built or is to be built, or which has an established right to construction.

(7) The regional association shall not have as its purpose to form and shall not distribute profit and acquire property. Its activity shall be supported and provided by the relevant municipal administrations.

(8) Management bodies of the regional association shall be the general meeting and the president of the association.

(9) The municipalities may receive funding of projects in the area of waste management from the European Funds, state budget, the Undertaking for management of the activities on environmental protection (UMAEP) pursuant to the Ministry of Environment and Water or other national public sources of funding only after establishment of regional association.

(10) The provision of Para. 9 shall not apply in the cases, where the relevant region consists of one municipality.

(11) Any municipality, which refuses to participate, causes delay or stops establishment or functioning of a regional association and/or of a regional system for waste management, shall pay the damages and missed benefit of the other municipalities from the relevant region.

Art. 25. (1) The general meeting of the regional association shall consist of the Mayors of the participating municipalities.

(2) The Regional Governor, and if the relevant region pursuant to Art. 49, Para. 9 is on the territory of 2 or more regions – their Regional Governors shall participate in the general meeting of the regional association without right to vote.

(3) The general meeting of the association shall be called by its president one in 6 months or upon request of some of the persons pursuant to Para. 1 or 2. The call shall be done by a written invitation with an agenda to the persons pursuant to Para. 1 and 2, a copy of which shall be sent to the Minister of Environment and Water.

(4) The general meeting shall be held if the Mayors of all the municipalities, members of the regional association are present in it.

(5) In case of lack of quorum, the meeting shall be postponed for 1 hour later and shall be held if at least 2/3ds of the Mayors are present and they represent at least 2/3rds of the citizens of all the municipalities – members of the regional association.

Art. 26. (1) The general meeting shall take decisions about:

1. election of president;
2. accepting new members in the regional association;
3. giving opinions for joining of a municipality to an association of municipalities;
4. determining the facilities for treatment of waste, the structure and development of the regional system for waste management;
5. determining the municipalities, which award public procurement for selection of suppliers and contractors of building the elements of the regional system for waste management, as well as for the representation of the municipalities in the commissions for conducting the public procurement;
6. distribution of the obligations among the municipalities for achieving the objectives pursuant to Art. 31, Para. 1;
7. adoption of an investment programme for development of the regional system for waste management;
8. determining the procedure and ways of collection and distribution of the owed priced by the consumers of the system (the municipalities – members of the regional association);
9. giving agreement and determining the prices in the cases, where the regional waste management system is used by municipalities, outside the regional association or by other waste owners;
10. carrying out control of the exploitation of the regional system for waste management and the activity of the selected operator/s;
11. peculiarity of the regional landfill site and/or of the facilities for waste treatment;
12. internal rules for the association operation;
13. other issued, related to the regional association activity.

(2) In the cases pursuant to Art. 25, Para. 4, the general meeting shall take decision with at least 2/3rd majority of the present Mayors, who represent at least 2/3rd of the citizens of all the municipalities – members of the regional association.

(3) In the cases pursuant to Art. 25, Para. 5 the general meeting shall take decisions unanimously.

(4) For the sessions of the general meeting, protocols shall be drawn up, which shall be signed by its president and by the present Mayors.

(5) The general meeting decisions shall be inseparable part of the protocols pursuant to Para. 4, which shall be published on the municipalities internet sites, included in the regional association within the term of 1 week after the session and shall be sent to the Minister of Environment and Water and to the relevant Regional Governor.

(6) (suppl. - SG 77/18, in force from 01.01.2019) The general meeting decisions shall be subject to appeal only by the interested municipalities before the relevant administrative court pursuant to the Administrative – procedure Code.

(7) Any municipality, which fails to fulfill a general meeting decision within the set for this term,

shall be responsible for damages and missed benefits of the regional association members.

Art. 27. (1) The president of the regional association shall be elected among the persons of Art. 25, Para. 1 for the term, coinciding with his/her mandate as a Mayor.

(2) The association president shall participate in the general meeting voting on equal basis with the other Municipality Mayors.

Art. 28. The association president shall:

1. represent the association;
2. draw up the agenda for the general meeting sessions;
3. call and chair the general meeting sessions;
4. maintain reliable information about the number of citizens of the Municipalities – members of the regional association on the basis of official data from the National Statistics Institute;
5. organize and direct the fulfillment of the general meeting decisions;
6. perform other activities, assigned to him/her by the general meeting.

Chapter three.

REQUIREMENTS FOR COLLECTION, SHIPMENT AND TREATMENT OF WASTE

Art. 29. (1) The waste, depending on their type, properties, composition and other characteristics shall be collected, shipped and treated in a way, which shall not stop their further recovery.

(2) Leaving behind, non-regulated throwing and incineration or any other non-controlled waste management shall be prohibited.

(3) In the process of collection, shipment and temporary storage, the hazardous waste shall be packed and labelled in compliance with the standards in force of the European Union, as well as in compliance with the international legal acts for shipment of hazardous loads, ratified by the Republic of Bulgaria by an act.

(4) Production, collection and shipment of hazardous waste, as well as their storage and treatment shall be proceeded pursuant to conditions, providing protection for the environment and human health in compliance with Art. 1, including through the control measures of waste and providing possibility for their following from formation of their final treatment, while observing the requirements of Chapter Four, Section I.

(5) In case of shipment of hazardous waste on the territory of the Republic of Bulgaria, they shall be accompanied by an identification document according to a form, determined by the ordinance pursuant to Art. 48, Para. 1. The document may be in electronic form and shall contain the data, determined by the Annex IB of Regulation (EC) N 1013/2006.

Art. 30. (1) The persons, in whose activity waste are formed, collected, shipped and/or treated, shall pursuant to take the needed measures for recovery of waste in compliance with the hierarchy for waste management pursuant to Art. 6, Para. 1 and while observing the requirements of Art. 1, Para. 3.

(2) Where needed for observation of the provision of Para. 1 and for facilitating or improvement of the recovery, the waste shall be collected separately, if this is possible from technical, ecological and economic point of view and shall not be mixed with other waste or other materials with different properties.

(3) Where no recovery of waste in compliance with the provision of Para. 1 is undertaken, the persons, in whose activity waste are formed and/or treated, shall undertake the needed measures for ecological disposal of the waste in compliance with the provisions of Art. 1, Para. 3 on protection of human health and environment.

Art. 31. (1) (amend. – SG, 105/16) The systems for separate collected, second use, recycling and recovery of household waste shall provide minimally fulfillment of the following purposes:

1. by 1 January 2020 latest preparation for second use and recycling of waste materials, including paper and cardboard, metal, plastics and glass from the households and similar waste from other sources of not less than 50% of the total weight of these waste;

2. by 31 December 2020 latest restriction of the quantity deposited household waste which are organically broken down to 35% of the total quantity of the same waste, formed in the Republic of Bulgaria during 1995.

(2) The purposes pursuant to Para. 1 shall be achieved in stages according to the terms, determined in § 15 of the Transitional and Final Provisions of the ordinance pursuant to Art. 43, Para. 5.

(3) (amend. – SG, 105/16) The methods for distribution of the purposes under Para. 1 among the regions under Art. 49, Para. 9 and the methods for calculation of the fulfillment of the purposes pursuant to Para. 1 shall be determined by the Ordinance pursuant to Art. 43, Para. 5.

(4) In each of the regions of Art. 49, Para. 9 the purposes pursuant to Para. 1 shall be fulfilled jointly by all the municipalities in the region in compliance with the decision pursuant to Art. 26, Para. 1, p. 6.

Art. 32. (1) (amend. – SG, 105/16) The systems for treating construction waste shall provide by 1 January 2020 latest, the preparation for their second use, recycling and other recovery of materials from not hazardous construction waste, including in digging activities by replacing other materials with waste in a quantity, not smaller than 70% of their total weight, from which are excluded the materials in natural state, provided by code 17 0504 from the list of wastes under Decision 2000/532/EC.

(2) The purposes pursuant to Para. 1 shall be achieved in stages according to the terms in § 16 of the Transitional and Final Provisions.

(3) The calculating methods of fulfillment of the purposes pursuant to Para. 1 shall be determined by the ordinance pursuant to Art. 43, Para. 4.

Art. 33. (1) The systems for separate collection of waste pursuant to Art. 19, Para. 3, p. 6 and for separate collection of waste from packaging shall cover not less than 6 000 000 citizens on the territory of the country and shall obligatorily include all the populated places with population larger than 5000 citizens and the resort populated places.

(2) The wastes from paper and cardboard, glass, plastics and metals, formed from trade sites, production, farm and administrative buildings shall be collected separately.

(3) Exception for the requirement pursuant to Para. 2 shall be admitted in populated places, where there is not built up system for separate collection of these waste from households.

(4) (In force from 01.01.2013) Users of trade sites, production, farm and administrative buildings in the populated places pursuant to Para. 1 shall be obliged to collect separately the waste pursuant to Para. 2 and to deliver them to persons, holding permit, complex permit or registration document pursuant to art. 35 and/or with organization on recovery.

(5) The procedure and conditions for establishment and functioning of the systems for separate collection of waste pursuant to Para. 2 and 4 shall be determined by the ordinances pursuant to Art. 13, Para. 1 and Art. 22.

Art. 34. (In force from 01.01.2013) (1) Bio-wastes from maintenance of public areas, parks and gardens shall be collected separately.

(2) Bio-waste pursuant to Para. 1, as well as waste from the green areas at trade sites, production,

farm and administrative buildings shall be treated through composting or anaerobic break down in a way, which provided high level of protection of the environment.

(3) The activities pursuant to Para. 1 and 2 shall be done while observing the requirements of this act and the ordinance pursuant to Art. 43, Para. 5.

Art. 35. (1) (suppl. – SG, 105/16) For carrying out the activities on treatment of waste, including for activities of recycling of ships in the meaning of Regulation (EU) N 1257/2013, the following shall be required:

1. permit, issued pursuant to Chapter Five, Section I, or
2. complex permit, issued pursuant to Chapter Seven, Section Ii of the Act on Environment Protection.

(2) No permit shall be required for:

1. collection and preliminary storage of waste at the place of formation, including of wastes of black and colour metals (WFNM);

2. collection and shipment of waste in the meaning of § 1, p. 41 and 43 of the Additional Provisions;

3. (amend. and suppl. – SG, 105/16) activities on recovery of non-hazardous waste, marked with codes R3, with the exception of gasification and pyrolysis, where the components, formed from the activity are used as chemicals R5, R11, R12 and R13 in the meaning of Annex n 2 pursuant to § 1, p. 13 of the Additional Provisions with the exception of WFNM, waste from metal packaging, not-used any more electric and electronic equipment (NUEEE), not fit for use batteries and accumulators (NUBA) and not used motor vehicles (NUMV), and activities of dismounting of used automobile components or whole automobiles in view to receiving parts, details and substances with their follow up storage and/or sale;

4. activities of disposal of own non-hazardous waste at the place of their formation, marked by code D2, D3, D8, D9, D13 and D14 in the meaning of Annex N pursuant to 1 § 1, p. 11 pursuant to the Additional Provisions;

5. activity, marked by code R1 in the meaning of Annex N 2 pursuant to § 1, p. 13 pursuant to the Additional Provisions, referring to incineration with recovery of the obtained energy in specialized for this purpose equipment of non-hazardous waste on the definition for "bio-mass" in the meaning of § 1, p. 1 of the Additional Provisions;

6. activities of back acceptance on the territory of trade sites of mass disseminated waste from packaging, for which there is an organized landfill site or other system for multiple use, batteries and accumulators, electric and electronic equipment (EEE) and rubbers;

7. activity on preliminary processing, marked by code E12 in the meaning of Annex N 2 pursuant to § 1, p. 13 of the Additional Provisions of own non-hazardous waste from packaging at the place of their formation, including on the territory of the trade sites;

8. activities of separate collection of waste, which are not made on profession, as collection of medicines with expired term of usage from the pharmacies or campaigns of the municipalities for collection of wastes in schools;

9. activities an trader and/or broker of waste, where these do not include activities with waste at a certain ground.

(3) For carrying out the activities pursuant to Para. 2, p. 2 – 5, registration and issuing a document pursuant to Chapter Five Section II shall be required, and for the activities pursuant to p. 9 – pursuant to Chapter Five, Section IV.

(4) In the cases, where simultaneously activities pursuant to Para. 1, p. 1 and pursuant to Para. 2, p. 3 – 5 are carried out, the persons may submit an application for issuance of a permit pursuant to Art. 67, including all the activities, which shall repeal the requirement for registration and issuance of a registration document for the included in the permit activities.

(5) The registration documents for activities pursuant to Para. 2, p. 2 shall be issued independently

from the other permits and registration documents.

(6) The ordinance pursuant to Art. 43, Para. 1 shall determine also the general rules at treatment of waste for each of the activities pursuant to Para. 2, p. 3 – 5, free from the requirement for receiving permit.

Art. 36. Expiry of terms for carrying out registration or issuance of permit or for amendment and/or supplementation of a registration or permit pursuant to Art. 35 in the cases pursuant to this act and the acts of secondary legislation for its implementation shall be considered as silent consent for carrying out the relevant activity.

Art. 37. Disposition on grounds for treatment of waste on the territory of belt I of sanitary-guarded zones of water sources and the equipment for drinking-household water supply and round the water sources of mineral water, used for healing, prophylaxis, drinking and hygiene need shall not be admitted.

Art. 38. (1) (amend. – SG, 105/16) The activities with WFNM, waste from paper and cardboard, plastics, glass and wastes from packaging, NUEEE, NUBA and NUMV shall be carried out only on grounds, disposed on territories, for which according to a territory plan, production and warehouse activities are admissible, at ports for public transport with national and regional importance and of sites of the railway infrastructure, having economic purpose. Each ground shall meet the normative requirements for protection of human health and the environment.

(2) (amend. – SG, 105/16) The requirements of Para. 1 shall not apply in the cases of back acceptance of waste from packaging, NUEEE, NUBA at the place of sale of the relevant products.

(3) (amend. – SG, 105/16) The technical requirement to the ground for carrying out activities with WFNM, paper and cardboard, plastic, glass, packaging waste, NUEEE, NUBA and NUMV shall be determined by the ordinance pursuant to Art. 43, Para. 1 and the ordinances for the relevant type mass dissemination of waste pursuant to Art. 13, Para. 1.

(4) (In force form 14.07.2014) Payment on deals with WFNM shall be proceeded in no cash way.

(5) (new – SG, 105/16) The requirement under Para. 4 shall not apply to payments to natural persons, where the total value of the digned by the natural person dealt with WFNM does nit exceed BGN 100 in the frames of one calendar year.

Art. 39. (1) Delivery and acceptance of WFNM, which have not household character, including those, which are cables and electric transmitters of any sort and size, elements of the electronic communication infrastructure, elements and parts of the movable railway composition, rail way, including security, signal and communication equipment and any installations to them, any elements and parts of the road infrastructure, as road signs, road bars, metal caps and shafts, parts of the street lighting or watering systems and equipment., as well as metal containing monuments or parts of them shall be carried out only with a certificate of origin, issued by the persons, in whose activity they are formed and on the basis of a signed written contract.

(2) Natural persons may deliver WFNM only of household character with available declaration of origin.

(3) (In force from 14.07.2014; declared unconstitutional in the "free for each of the parties" by a decision of the Constitutional Court № 11 of 2014 - SG 61/14, amend. – SG, 105/2016) Delivery of waste in the cases pursuant to Para. 2 shall be carried out on:

1. grounds under grounds pursuant to Art. 19, Para. 3, p. 11 or through campaigns for separate collection of waste from households, organized by Municipality Mayors,
2. persons, holding permit or complex permit under Art. 35, Para. 1 of the activities of WFNM, or
3. person, holding registration document for collection and transportation of wastes, which have

signed contract with persons, holding permit or complex permit under Art. 35, Para. 1 for WFNM activities.

(4) A certificate and declaration of origin of WFNM shall be filled in according to a form, confirmed by the Minister of Environment and Water.

(5) The waste pursuant to Para. 1 shall be stored and prepared for recovery separately from the remaining WFNM.

(6) (amend. – SG, 105/16) In the cases where at one ground activities with waste of metal packaging, NUEEE, NUBA, NUMV and WFNM are carried out by an activity upon their preparation before utilization. In a follow up delivery of waste of WFNM, formed after preliminary preparation before recovery of NUEEE, NUBA and NUMV, the wastes shall be accounted separately by a code and name pursuant to the ordinance pursuant to Art. 3.

(7) persons, carrying out activities with WFNM shall be obliged to provided on each ground 24 hour video monitoring within 1 month term after receiving the permit or its addition with new ground/s and to keep the records for one year.

Art. 40. Treatment and transportation of waste from construction grounds and from removal of constructions shall be carried out by the contracting authority of the building or by the owner of the construction waste or another person, responsible for the requirements pursuant to Art. 35, on the basis of a written contract.

Art. 41. (1) Household waste from air, water and road means of transport coming into the country shall be treated immediately after their coming into the country in accordance with the requirements of Regulation (EC) N 1069/2009, of the Act on Veterinary-medical Activity and the related acts of secondary legislation thereof.

(2) The activities pursuant to Para. 1 shall be carried out by persons, holding permit or registration document pursuant to Art. 35.

Art. 42. (1) In case of a serious danger for human health and the environment, occurred as a result of formation or activities with hazardous waste, the Council of Ministers upon proposal of the Minister of Health and the Minister of Environment and Water shall determined by a decision the needed measures for removal of the danger, including in absence of the conditions pursuant to Art. 35.

(2) Upon proposal of the Minister of Environment and Water with an act of the Council of Ministers use of up to 10% of the remaining capacity of the regional landfill site shall be permitted, which is in exploitation or the project capacity of another type of regional facility for treatment of household waste for the need of other regions, where a grounded and urgent need I available, related to the implementation of the National plan for waste management. The landfill sites and/or facilities, which use is permitted for the needs of other regions, shall be built up with funds, over 50% of which shall be provided by the state budget of the Republic of Bulgaria or by another national or international financing.

(3) Wastes, intended for treatment pursuant to Para. 2 shall be used and/or disposed on prices for treatment of household waste of the facility of the relevant regional system.

Art. 43. (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, suppl. – SG, 105/16) The conditions and requirements to the grounds for storage or treatment, disposition of the facilities for treatment of waste, for building up and exploitation of the facilities and installations for treatment of waste, as well as for preliminary storage, treatment and shipment of production and hazardous waste and management of waste and equipment, containing poly-chloride by-phenyl shall be determined by an ordinance of the Minister of Environment and Water in coordination with the Minister of Regional Development and Public Works and with the Minister of Health.

(2) The procedure and way of calculation and determining the size of the guarantees and deductions, required in the deposition of waste pursuant to Chapter Four, Section IV shall be determined by an ordinance of the Minister of Environment and Water in coordination of the Minister of Finance.

(3) The requirements to the activities of collection and treatment of waste on the territory of the health institutions and hospitals shall be determined by an ordinance of the Minister of Health and the Minister of Environment and Water.

(4) The requirements for management of construction waste and for putting recycled construction materials shall be determined by an ordinance of the Council of Ministers.

(5) The requirements to the activities of collection and treatment of organic waste, the method for calculation of the achievement of the objectives pursuant to Art. 31, Para. 1 and distribution of these objectives in the regions pursuant to Art. 49, Para. 9 shall be determined by an ordinance of the Council of Ministers.

(6) The requirements for management of residues from cleaning waste waters shall be determined by a Council of Ministers ordinance.

Chapter four. **INFORMATION, PLANNING AND FINANCING**

Section I. **Information and Public Registers**

Art. 44. (1) Persons, whose activity is connected with formation collection, shipment and/or treatment of production and/or hazardous waste, as well as persons, possessing permit, complex permit or registration document pursuant to Art. 35 and carrying out activities on collecting, shipment and/or treatment of household and/or construction waste shall be obliged to keep report books, certified by the competent body for issuance of the permit or the registration document, and the persons, possessing complex permit - by the director of RIEW, on whose territory the activity is carried out. Traders and brokers of waste shall be obliged to keep reporting books, certified by the RIEW director, on whose territory their central office is situated, and for the foreign persons – by the RIEW director – Sofia.

(2) The report books shall contain chronological information about the quantity, nature and origin of waste and where needed, the purpose, period of collection, the way of transportation and the provided methods for treatment of waste.

(3) The report books and documents for waste shall be kept for the term of 5 years, including after termination of the activity.

(4) In case of closure of the operation of all installations and facilities of a certain ground, the persons pursuant to Para. 1 shall deliver the report books in the municipality administrations, which shall keep them in the terms of Para. 3.

(5) Persons pursuant to Para. 1 shall deliver upon request by the control bodies pursuant to Chapter Five or by a previous possessor of waste documents, proving that the activities of waste management have been carried out.

(6) persons pursuant to Para. 1 shall prepare an deliver to the Environment Executive Agency (EEA) annual reports on waste pursuant to the requirements of this act and the ordinance pursuant to Art. 48, Para. 1.

(7) Persons, placing on the market products, after whose use mass disseminate waste are formed, shall provide information and shall keep accountancy pursuant to the ordinances of Art. 13, Para. 1.

(8) Persons pursuant to Para. 1 and 7 shall provide to the control bodies of Chapter Five, upon request the documents about the report and information about the activity on waste management.

(9) (new – SG, 105/16) Producers of wastes, who are not wastes any more in the cases of Art. 5, Para. 2 and under the European Commission acts, adopted in compliance with Art. 6, Para. 2 of Directive

2008/98/EC shall annually by 31 March of the current year shall produce information to EEA under the Ordinance of Art. 48, Para. 1 on quantities and types of wastes, which are not wastes any more during the previous year.

(10) (new – SG, 105/16) Persons, in whose production process a certain substance or subject are defined as a by-product under Art. 4 shall produce annually by 31 March of the current year information to EEA under the Ordinance of Art. 48, Para. 1 on the quantities and types of by-products, forms during the previous year and the activities for which they are realized.

Art. 45. (1) The EEA executive director or an official authorized by him/her shall keep public registers of:

1. the permit pursuant to Art. 67, including the one with terminated action;
2. persons, who place on the market batteries, including built in equipment and motor vehicles;
3. person, who place on the market EEO;
4. persons, who place on the market mineral or synthetic oils;
5. (suppl. – SG, 105/16) persons, who place on the market rubbers and/or rubber chains;
6. persons, carrying out activities as trader pursuant to § 1, p. 45 of the Additional Provisions or a broker pursuant to § 1, p. 5 of the Additional Provisions;
7. registration documents pursuant to art. 78, including those with terminated action;
8. (amend. – SG, 105/16) persons, who place on the market plastic bags for shopping;
9. the grounds for activities with WFNM, NUEEE, NUMV and NUBA.
10. (new – SG, 105/16) producers of wastes, which are not wastes any longer in the cases of Art. 5, Para. 2 and under the European Commission acts, adopted in compliance with Art. 6, Para. 2 of Directive 2008/98/EC;

11. (new – SG, 105/16) person, in whose production process a certain substance or subject are defined as by product under Art. 4.

(2) The registers pursuant to Para. 1 shall have entered the following circumstances at least:

1. registered number, the person's name, the company, EIC an management address;
2. contact person, telephone N, fax N and e-mail;
3. correspondence address, with post code, populated place, street/bul. name and N and internet address;
4. way of fulfillment of obligations pursuant to Art. 14, Para. 2 by the persons pursuant to Para. 1, p. 2 – 5;
5. trade marks, which the persons use in the state in the cases pursuant to Para. 1, p. 2 – 5.

(3) The register pursuant to Para. 1, p. 1 and 7 shall also contain:

1. N of the relevant document pursuant to Art. 67 and 78, date of issue n competent body;
2. ground addresses on which the operation is carried out;
3. waste code pursuant to the ordinance of Art. 3, Para. 1;
4. carried out operation with waste pursuant to Annex N 1 or 2.

(4) The register pursuant to Para. 1, p. 2 the relevant type of batteries, which the person places on the market shall be entered – movable, automobile, industrial.

(5) The register pursuant to Para. 1, p. 3 shall have entered categories EEO, which the persons places on the market.

(6) In the register of Para. 1, p. 4 shall be entered also the types of mineral and synthetic oils, which the person places on the market.

(7) The register pursuant to Para. 1, p. 6 shall have also entered:

1. status of the person – trader and/or broker;
2. (suppl. – SG, 105/16) type, code and name of waste – with which operation is carried out as a trader and/or broker.

(8) (new – SG, 105/16) In the register under Para. 1, p. 10 shall also be entered as follows:

1. the compliance act, with which the producer operates;
2. the type of wastes, which are not wastes any more.

(9) (new – SG, 105/16) In the register under Para. 1, p. 11 shall also be entered the type of the by-products.

(10) (former Para. 8 – SG, 105/16) The registers may be kept and maintained also by the relevant branch organization upon agreement with the Minister of Environment and Waters.

Art. 46. The Minister of Interior shall keep register of the motor vehicles with terminated registration, delivered for decompletion.

Art. 47. (1) Persons, placing products on the market after whose use mass disseminated waste are formed, for which public registers are formed, mass disseminated waste, for which public registers are kept pursuant to Art. 45, Para. 1, shall be registered pursuant to terms and conditions, determined by the relevant ordinances of Art. 13, Para. 1 and the ordinance pursuant to Art. 59.

(2) Persons, who hold a document pursuant to Art. 35, may carry out activities of a trader and broker in the meaning of this act with the waste, indicated in the document without registration pursuant to Art. 104.

Art. 48. (1) The Minister of Environment and Water shall determine by an ordinance the procedure and forms in which information about the activities on waste is provided, as well as the procedure or keeping the public registers pursuant to Art. 45, Para. 1.

(2) The information about the activities of waste shall obligatorily cover: quantity, properties and origin of waste, as well as other data, determined by the ordinance pursuant to Para. 1.

(3) (amend. - SG 14/15) The state bodies, including the National statistical institute, the Customs Agency, the National Revenue Agency, National Police Chief Directorate, Automobile administration executive agency, the State agency for metrology and technical supervision and the Commission for consumer protection shall provide information to EAE according to the requirements and terms of the ordinances pursuant to Para. 1, Art. 13, Para. 1 and Art. 43.

(4) Obligated to provide information to EAE shall also be all legal and natural persons, carrying out activities of waste management or of whose activity waste are formed, including the persons, placing on the market products, after whose use mass disseminated waste are formed.

(5) The Customs agency shall deliver upon request to EAE information about the quantities products with determined codes pursuant to the Combined Nomenclature, Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, called hereinafter Regulation (EEC) No 2658/87 and a list of the persons, carrying out import and/or export of the products. The request shall be in writing and shall contain information about the products and their codes pursuant to the Combined Nomenclature and the period, for which it refers.

(6) The National revenue agency shall produce upon request by EAE information about the quality of products with determined codes pursuant to the Combined Nomenclature, Annex I to Regulation (EEC) N 2658/87.

(7) The information pursuant to Para. 3 – 5 shall serve only for the objectives of this act, by undertaking the needed organizational and technical measures for this. To operation with such information shall be admitted only the persons, who have signed affidavit for keeping the secret in the cases, where this is required by the law.

(8) (new – SG, 105/2016, in force from 01.01.2020, amend. on the entry into force of the amendments with issue 105/16 - SG 102/17, in force from 22.12.2017, amend. regarding entry into force of SG 101/16 - SG 1/19, in force from 31.12.2019) Keeping public registers under Art. 45, Para. 1, the accountancy and provision of information, under the Ordinances pursuant to Art. 13, Para. 1 and Art. 48,

Para. 1 shall be carried out through the “Wastes” National information system, maintained by EAE.

Section II. Plans and Programmes

Art. 49. (1) The Minister of Environment and Water shall develop and introduce for adoption to the Council of Ministers a National plan for waste management.

(2) While developing the plan pursuant to Para. 1 the general principles for environment protection shall be taken in consideration, as precaution measures and sustainability, technical realization and economic applicability, protection of the resources, as well as the impact on the environment, human health, the economy and society.

(3) The plan pursuant to Para. 1 shall contain analysis of the current state of the waste management in the Republic of Bulgaria, the measures, which are to be taken for improvement of the considered with the environment preparation for second use, recycling, recovery and waste disposal, as well as assessment of the way in which the plan will assist for the objectives achievement and application of the act provisions.

(4) The plan pursuant to Para. 1 shall include:

1. analysis of the state and prognosis of the type, quantities and sources of waste, formed on the territory of the country, as well as of the waste, which are to be subject of trans-border shipment from or to the national territory;

2. the existing schemes for waste collection and basic installations and facilities for disposal and recovery, including all sorts of special agreements for worked out oils, hazardous waste or flows of waste for which the requirements of this act and the acts of secondary legislation for its implementation are regulated;

3. Assessment of the need of new schemes for collection, closure of existing waste installations and facilities, additional infrastructure of waste installations and facilities, as well as the relevant to this investments;

4. (amend. – SG, 105/16) sufficient information about the criteria, used for determining the location and – if needed – the capacity for the future deposition or for the basic installations and facilities for disposal or recovery of waste, which are envisaged to be built up;

5. general waste management policies, including provided technologies and waste management methods and specific policies to certain groups of waste, which need special management;

6. measures for assistance of the second use of products and of activities and preparation for second use, especially, by encouragement establishment of second use networks and repairs and support for them, using economic instruments, delivery criteria, quantity objectives or other measures;

7. measures for encouragement of high quality recycling by introducing schemes for separate waste collection, where this is technically, ecologically and economically applicable, in order to guaranty the needed quality standards of the relevant recycling sectors;

8. organization aspects, related to waste management, including description of division of responsibilities among the central and territorial executive bodies, the natural and legal persons, who carry out waste management;

9. advantage assessment and expedience of fulfillment of economic and other instruments for solving various problems in the waste area, taking into consideration the need of maintaining the smooth market functioning;

10. measures, for encouragement the separate collection of organic waste win view to composting and anaerobic breaking down, as well as for treatment of organic waste in a way, which provides high level of environment protection, including measures for decreasing in stages the quantities deposited organic breaking down waste;

11. measures for encouragement application of variants for waste management, which guarantee the most favourable results for the environment on the whole in compliance with the hierarchy for waste

management pursuant to Art. 6, Para. 1;

12. using safe for the environment materials, produced by organic waste;

13. a separate chapter for management of the packaging and packaging waste, including measures for prevention and second use;

14. national strategy for limitation of the quantities organic broken down waste, disposed in landfill sites;

15. information for polluted in the past grounds for waste disposal and measures for their recreation;

16. measures for applying explanatory campaigns and providing information, directed to the wide public or to specific groups of consumers;

17. the objectives, stages and terms for their achievement;

18. assessment of the financial means, needed for the plan realization;

19. coordination with other plans and programmes, related to the activity;

20. implementation report and control system;

21. result assessment system and for plan updating.

(5) The plan pursuant to Para. 1 shall provide measures for encouragement the development of products in order to be diminished their impact on the environment and waste formation in the process of production and follow up use of the products, as well as in order to be guaranteed that the recovery and disposal of products, which have turned into waste, is in compliance with Art. 1, Para. 3 and Art. 6.

(6) The measures pursuant to Para. 5 may encourage the development, production and placing on the market products, which are appropriate for multiple use, which are technically long lasting and which, after having turned into waste, are good for purposeful and safe recovery and for disposal according to the requirements for environment protection.

(7) The plan pursuant to Para. 1 shall include also measures for creating an integrated and adequate network of facilities and installations for waste disposal, as well as of installations for recovery of household waste:

1. by applying the best available techniques;

2. in the closest facilities/installations, which are by the source of the waste formation, by using the most appropriate methods and technologies, providing high level of protection of human health the environment.

(8) (In force from 01.01.2015) In compliance with the provision of art. 30, Para, 2 the plan pursuant to Para. 1 shall provide measures for applying systems for separate collection at least of the following waste: paper and cardboard, metals, plastics and glass and measures for achievement of the objectives for second use, recycling and recovery of waste materials pursuant to Art. 31 and 32.

(9) The plan pursuant to Para. 1 shall determine the regions, including the municipalities, which shall use common regional landfill site and/or other facilities for waste treatment.

(10) The plan pursuant to Para. 1 shall be drawn up for a period of at least 6 years.

(11) The Minister of Environment and waster shall introduce every 3 years a report before the Council of Ministers for implementation of the plan pursuant to Para. 1 and a report on the objective achievement for recycling of household waste pursuant to Art. 31, Para. 1, p. 1. and for recycling and recovery of materials form construction waste pursuant to Art. 32, Para. 1. In case of failure the indicated objectives to be achieved, the report shall indicate the reasons for the failure and the measures, which will be taken for providing the future implementation.

Art. 50. (1) The Minister of Environment and Water shall develop and introduce to the Council of Ministers a programme for prevention of waste formation.

(2) The programme pursuant to Para. 1 shall be an inseparable part from the National plan for waste management pursuant to Art. 49, Para. 1.

(3) The programme pursuant to Para. 1 shall include:

1. existing measures for prevention of waste formation;
 2. advantage assessment of applying the exemplary preventive measures pursuant to Annex N 4 or of applying other appropriate measures;
 3. determining appropriate specific quality or quantity control indicators, adopted for progress monitoring and assessment in the implementation of the measures for prevention of waste;
 4. assessment indicators for implementation of the measures for prevention waste formation.
- (4) (new – SG, 105/16) The programmes under Para. 1 shall provide for measures with the objective to terminate the connection between the economic growth and the impact over the environment, human health and cultural heritage, related to formation of wastes.

Art. 51. (1) The plan pursuant to Art. 49 and the programme pursuant to Art. 50 shall be assessed and reported at least every 6 years and shall be updated, where this is needed also on expedience.

(2) While developing the plan pursuant to Art. 49 and the programmes pursuant to Art. 50, the Minister of Environment and Water shall organize conducting of consultations with the relevant interested parties, the state administration and the local authorities and the public.

(3) The adopted final plan pursuant to Art. 49, and the programme pursuant to Art. 50 shall be published on the internet site of the Ministry of Environment and Water.

Art. 52. (1) The municipality Mayor shall develop and fulfill a waste management programme for the territory of the relevant municipality.

(2) The programme shall be inseparable part from the municipal waste management programme.

(3) The programme pursuant to Para. 1 shall:

1. be developed and adopted for a period, which shall coincide with the period of action of the national plan for waste management;
2. be updated in case of a change in the factual and/or normative conditions.

(4) The programme shall be developed in compliance with the structure, objectives and provision of the National plan for waste management.

(5) The programme shall include the needed measures for implementation of the obligations of the municipality Mayor and the requirements of Chapter Two, Section III.

(6) Mayors of 2 or more municipalities, included in a region pursuant to Art. 49, Para. 9 may develop a common programme for waste management, in case that the obligations, responsibilities and measures, concerning the municipalities are clearly distinguished in the programme.

(7) The waste management programme shall be published on the internet site of the relevant municipality in view to provide public access.

(8) The programme shall be adopted by the Municipality council of the relevant municipality, which shall control its implementation.

(9) The municipality Mayor shall inform yearly by 31 March the Municipality council about the programme implementation during the previous year.

(10) The Minister of Environment and Waster shall issue instructions for development of the programmes pursuant to Para, 1.

Art. 53. (1) The persons pursuant to Art. 14, Para. 2, fulfilling their obligations individually and the organizations of recovery shall develop and fulfill programmes for waste management in compliance with the requirements of the ordinances of Art. 13, Para. 1.

(2) In case of failure of the obligations and objectives pursuant to Art. 14, Para. 1 and Art. 15, the programmes pursuant to Para. 1 shall be updated in a procedure, determined by the ordinances pursuant to Art. 13, Para. 1.

Art. 53a. (new – SG, 105/16) (1) Before every recycling of ships, the operator of the facility for recycling of ships shall develop a recycling plan.

(2) The recycling plan under Para. 1 shall be submitted on paper and on technical media or electronically to the RIEW on whose territory is the facility for recycling ships, with an opinion of the relevant regional directorate of Maritime Administration Executive Agency on its compliance with the provisions of Regulation (EU) N 1257/2013.

(3) In case of irregularities in the produced documents under Para. 2, the RIEW Director shall notify in writing the applicant in the term of 14 days from their receiving and/or require additional information.

(4) Within the term of up to 1 month from the notification under Para. 3, the operator of the facility for recycling ships shall remove the irregularities and/or shall provide additional information.

(5) The RIEW Director shall approve the recycling plan under Para. 1 by a written opinion within 30 day term from the date of its submission or from removal of the irregularities, and/or form provision of additional information and shall submit the opinion under Art. 7, Para. 3 of Regulation (EU) N 1257/2013.

(6) The RIEW Director shall refuse the approval of the recycling plan under Para. 1 in case of:

1. failure to observe this act and/or the acts of secondary legislation for its implementation;
2. failure to remove the irregularities in the produced documents under Para. 2 and/or in failure to produce the required information in the set term.

Section III. Financing

Art. 54. (amend. – SG, 105/16) The costs for waste management shall be at the expense of:

1. the initial agent of waste or the present or the previous possessor of the waste;
2. the persons, placing on the market products, after whose recovery mass disseminated waste are formed, in the cases, determined by this act.

Art. 55. (1) Where the agents for waste are not known, the costs on recreation of the environmental qualities shall be taken by the persons, in whose holding are the waste.

(2) all the costs for recreation of the environment qualities and for disclosure of the real agent shall be restored by him/her.

Art. 56. (1) Yearly, by the Act on the State Budget of the Republic of Bulgaria, upon proposal of the Minister of the Environment and Waster target funds shall be determined for building up facilities and installations for treatment of household, mass disseminated and hazardous waste, as well as for cleaning and re-cultivation of places, polluted with waste.

(2) Facilities and installations for treatment of waste, which have been built or are being built with funds, provided by the Act on the State Budget of the Republic of Bulgaria or other national or international funding, shall be used according to the measures, provided by the action plan of the National plan for waste management pursuant to art. 49, Para. 1.

(3) Where the facilities and installations are not used according to the requirements of Para. 2, the municipalities shall repay the funds to the state budget or to UMAEP.

Art. 57. The costs for activities with household waste and fulfillment of the obligations of the bodies of the local self-government and the local administration pursuant to Chapter Two, Section III of this act, shall be provided from the budget of the relevant municipality in the amount, not smaller than the planned for the relevant year revenues from local fees pursuant to Art. 6, Para. 1, letter "a" of the Act on Local taxes and Fees.

Art. 58. (1) To the undertaking for management of the activities of environment protection shall come in the sums from:

1. the fees pursuant to Art. 59;
2. fines and property sanctions pursuant to Chapter Six – where the penal decrees are issued by the Minister of Environment and Water or by an official, authorized by him/her.

(2) To the relevant municipality budget shall come in the sums from the fines and property sanction pursuant to Chapter Six – where the penal decrees are issued by the municipality Mayor.

(3) The funds pursuant to Para. 1 and 2 shall be spent for projects and sites for waste management.

Art. 59. (1) Product fee in the amount and procedure, determined by an ordinance of the Council of Ministers shall be paid by:

1. the person pursuant to Art. 14, Para. 1, placing on the market products, after whose use mass disseminated waste are formed, who fail to fulfill their obligations and objectives pursuant to Art. 14, Para. 2 for separate collection, second use, recycling and/or recovery of waste pursuant to this act and the ordinances pursuant to Art. 13, Para., 1;

2. persons pursuant to Art. 14, Para. 2, p. 1, fulfilling their obligations individually, who have failed to fulfill objectives pursuant to Art. 14, Para. 1;

3. the organizations of recovery, which have failed to fulfill objectives for separate collection, second use, recycling and/or recovery of mass disseminated waste of the obliged persons pursuant to Art. 14, Para. 2, p. 2, members of the organization;

4. persons pursuant to Art. 14, Para. 2, p. 2, members in the organizations of recovery, who have not paid to it the agreed remuneration and/or have not provided information about the quantities products, placed on the market;

5. persons pursuant to Art. 14, Para. 2, p. 2, members in an organization of recovery in the cases of reported smaller quantities products of really placed on the market for the relevant reported period.

5. persons pursuant to Art. 14, Para. 2, p. 2, members in an organization of recovery in the cases of reported smaller quantities products of really placed on the market for the relevant reported period.

6. (new – SG, 105/16) persons, who have not produced a report with factual findings under Art. 18, Para. 1.

(2) (amend. – SG 105/16) In the cases pursuant to Para. 1, p. 2 – 6, the Minister of Environment and Water shall determine by an order the persons, who shall pay the product fee.

(3) Minister of Environment and Water shall determine by an order the persons, who do not pay product fee while implementing their obligations and objectives pursuant to Art. 14, Para. 1.

(4) The sums due for product fee, determined by an enforced order pursuant to Para. 2, shall be collected compulsory with the interests and costs by the National revenue agency (NRA) pursuant to the procedure of the Tax-security Procedure Code.

(5) The collected sums by NRA shall come in to an account, indicated in the sent request for their collection.

(6) (suppl. – SG, 105/16) In the cases pursuant to Para. 1, p. 2 and 3 the organizations and persons, fulfilling individually their obligations, shall not be free for responsibility for payment of product fee, if their sub-contractor has failed to fulfill assigned to him/her obligations, as well as the act requirements and the acts of secondary legislation for its implementation.

(7) (amend. and suppl. – SG, 105/16) The persons, who place on the market on the territory of the Republic of Bulgaria plastic bags for shopping, shall pay product fee for plastic bags for shopping pursuant to a procedure and amount, determined by the Ordinance pursuant to Para. 1. Product fee shall not be paid for bio-disposable shopping plastic bags, as well as for shopping plastic bags under the conditions of the Ordinance under Para. 1.

(8) (new – SG, 105/16) The terms for issuance of the orders under Para. 2 and 3, determined by the Ordinances under Art. 13, Para. 1 shall not apply to cases, where it is needed carrying out of an additional checkup for clarifying the facts and circumstances.

Art. 59a. (new - SG 98/18, in force from 27.11.2018) In the cases under Art. 68, para. 1, Art. 73, para. 2 and 3, Art. 78, para. 3, Art. 79, para. 2, Art. 81, para. 2, Art. 89, para. 1, Art. 90 para. 2 and Art. 104, para. 1 as well as when applying for prior written notification and consent for transboundary shipment of waste from, to and through the Republic of Bulgaria, the applicants shall pay a fee under the tariff under Art. 110.

Section IV. Financing of Waste Disposal by Depositing

Art. 60. (1) For carrying out activities of waste disposal through depositing, each owner of landfill site shall provide guaranty covering future costs for closure and post-exploitation cares of the landfill site.

(2) The guaranty pursuant to Para. 1 may be in the form of:

1. monthly sums in a bank account for outside funds of RIEW, on whose territory the landfill site is situated, or

2. monthly sums in a bank account with special purpose, blocked for the period by finalization and adoption of the measures for closure and post exploitation care of the landfill site, with the exception of the cases,, where their use is permitted pursuant to Art. 62, or

3. bank guaranty in favour of RIEW on whose territory the landfill site is situated.

(3) Where owner of the landfill site is a municipality or budget undertaking, the guaranty pursuant to Para. 1 shall be in the form of the monthly sums pursuant to Para. 2, p. 1 or 2.

(4) The sums pursuant to Para. 2, p. 1 and 2 shall be determined in BGN for one t. deposited waste.

(5) The amount of the sum for 1 t. deposited waste shall be updated every 3 years.

(6) The sums, due for non-deposited sums pursuant to Para. 2, p. 1 or 2 shall be determined by an act for establishment of public state receivable, issued pursuant to Art. 166 of the Tax-security Procedure Code by the director of RIEW, on whose territory the waste landfill site is situated. The act shall be drawn up on the basis of documents, determined by the ordinance pursuant to Art. 43, Para. 2.

(7) Non-deposited sums pursuant to Para. 2, p. 1 or 2 after the enforcement of the act for establishment of public state receivable pursuant to Para. 6 shall be collected compulsory with the interests and costs by the NRA pursuant to the Tax-security Procedure Code

(8) The collected sums by NRA shall come into the account, indicated in the request for their collection.

(9) The procedure and way for determining the amount and provision of the guaranties, the expenditure of the amount of the sums and the cases in which RIEW has the right to request absorption of the bank guaranty shall be determined by the ordinance pursuant to Art. 43, Para. 2.

(10) The ordinance pursuant to Art. 43, Para. 2 shall determine also the minimal amount of the guaranties for closure and post-exploitation cares of the waste landfill sites.

Art. 61. (1) The bank account pursuant to Art. 60, Para. 2, p. 2 shall be opened by the owner of the landfill site in a chosen by him/her trade bank pursuant to Art. 2, Para. 5 of the Act on Credit Institutions, licensed to carry out guaranty deals, the collected funds, which may be spent only by a permit if the relevant RIEW, on whose territory the waste landfill site is situated. Every month the landfill site owner shall produce to the director of RIEW a summary of the account, which shall be certified by the servicing bank.

(2) The guaranties pursuant to Art. 60. Para. 2 shall not be subject to compulsory fulfillment.

(3) The bank guaranty pursuant to Art. 60, Para. 2, p. 3 shall be unconditional and irrevocable and shall be produced for 1 year period, where it shall be valid by the finalization and adoption of the measures

for closure and post exploitation cares of the waste landfill site ground.

(4) The bank – guaranty shall be obliged irrevocably, unconditionally and after the first written request by the director of RIEW to transfer the sum of the bank guaranty in favour and on the account of RIEW.

(5) The amount of the bank guaranty pursuant to Art. 60, Para. 2, p. 3 shall not be smaller than the sum pursuant to Art. 60, Para. 2, p. 1 or 2, calculated on yearly base and owed cumulatively for the period of the guaranty action.

(6) By the finalization and adoption of the measures of closure and post- exploitation cares of the waste landfill site ground, the bank guaranty periodically shall be extended or renewed minimum 1 month before expiry of the period of its action pursuant to Para. 3, where during the exploitation of the landfill site the amount of the guaranty of the renewed bank guaranty shall be determined in compliance with Para. 5.

(7) In case that the bank guaranty is not extended or renewed within the term of Para. 6, it shall be absorbed by the director if RIEW, who shall issue an order for termination of the exploitation of the waste landfill site by producing by the landfill site owner guaranty pursuant to Art. 60, Para. 1.

(8) The bank guaranty pursuant to Art. 60, Para. 2, p. 3 shall be absorbed by the director of RIEW in case of established failure to fulfill the activities of closure of the landfill site as a result of which delay has occurred by more than 2 years of the closure plan implementation.

(9) After finalization and adoption of the measures for closure and re-cultivation of the waste landfill site, the amount of the bank guaranty shall be diminished to the amount of the costs for post-exploitation cares of the ground by a written consent of the RIEW director.

Art. 62. (1) For the fulfillment of his/her obligation on closure and post-exploitation cares of the waste landfill site or terrain or a cell of it, if the needed conditions for closure are available pursuant to the ordinance of Art. 43, Para. 1, the landfill site owner shall submit an application to the relevant RIEW director for spending the sums of the account pursuant to Art. 60, Para. 2, p. 1 or 2.

(2) Within the term of up to 3 months after finalization of the landfill site exploitation, the owner shall start carrying out the activities of the waste landfill site closure in compliance with the plan for closure of the landfill site.

Art. 63. (1) Owners of landfill sites for inert waste shall be free from the obligations pursuant to Art. 60.

(2) The requirements of Art. 60 shall not apply to waste landfill sites, in which jointly are deposited mining waste in the meaning of the Act on Underground Ores and Minerals, pursuant to Art. 2, Para. 1, where:

1. the quantity of the deposited or prepared for landfill site mining waste is bigger, and
2. for the fulfillment of the closure activities and post-exploitation cares of the waste landfill site a financial guaranty is provided pursuant to the Act on Underground Ores and Minerals.

Art. 64. (1) For disposal of waste of a regional or municipal landfill site for non-hazardous waste and of landfill sites for construction waste shall be made sums in the amount and procedure, determined by the ordinance pursuant to Art. 43, Para. 2.

(2) The sums pursuant to Para. 1 shall have the purpose to diminish the quantity of the deposited waste and to encourage their recycling and recovery.

(3) The sums shall be defined in BGN for 1 t. deposited waste and shall be transferred to the landfill site owner every month on a bank account for outside funds of RIEW, on whose territory the waste landfill site is situated.

(4) The collected sums pursuant to Para. 1 shall be spent for activities of building up new facilities for treatment of household and construction waste, providing fulfillment by the municipalities of the act

requirements and the acts of secondary legislation for its implementation.

(5) The amount of the sums for household waste shall be diminished where the purposes in the relevant region pursuant to Art. 49, Para. 9 have been fulfilled by the municipalities in compliance with the decision pursuant to Art. 26, Para. 1, p. 6, as follows:

1. by 50% for the purposes of second use and recycling pursuant to Art. 31, Para. 1, p. 1;

2. by 50% for the purposes for limitation of the quantities deposited household organic broken down waste, determined by the ordinance pursuant to Art. 43, Para. 5.

(6) The diminishing of the amount of sums pursuant to Para. 5 shall apply independently one from another.

(7) In case that it is found that untrue information is provided for diminishing the amount of the sums pursuant to Para. 5, the obliged persons shall pay the sums in double amount for the relevant period, during which the information was used.

(8) The sums due for not-deposited sums pursuant to Para. 3, shall be determined by an instrument for establishment of a public state receivable, issued pursuant to Art. 166 of the Tax-security Procedure Code by the RIEW director, on whose territory the waste landfill site is situated. The act shall be drawn up on the basis of documents, determined by the ordinance pursuant to Art. 43, Para. 2.

(9) The non-deposited sums pursuant to Para. 3 after the enforcement of the instrument for absorption of a public-state receivable pursuant to Para. 8, they shall be collected compulsorily with the interests and costs by the NRA pursuant to the Tax-security Procedure Code.

(10) The collected sums by NRA shall come into the account, indicated in the request for their collecting.

Art. 65. (1) (amend. - SG 88/17, in force from 01.01.2022, amend. regarding entry into force - SG 98/18, in force from 01.01.2019) The sums pursuant to Art. 60, Para. 2 and Art. 64, Para. 1, where they are made for household waste by municipalities, shall be element of the costs pursuant to Art. 66, Para. 1, item 2 of the Local Taxes and Fees Act.

(2) The Minister of Finance shall give instructions about the procedure and way of collection, expenditure, planning and reporting of the budget undertakings of the funds pursuant to Section III and this Section.

Art. 66. This Section requirements shall nor apply to waste landfill sites, which are included in the programmes for removal of ecological damages in compliance with the Act on Environment Protection and the acts of secondary legislation for its implementation.

Chapter five.

PERMIT AND CONTROL OF THE WASTE OPERATIONS

Section I.

Permits for Waste Operations

Art. 67. (1) permit for carrying out operations on waste treatment shall be issued by the RIEW director on whose territory the operations are carried out.

(2) For carrying out operations of waste treatment on grounds, situated on the territory of 2 or more RIEW, the permits shall be issued by every RIEW director separately for the grounds of the territory of the relevant inspection.

(3) The permit pursuant to Para. 1 shall be issued according to a form, confirmed by the Minister of Environment and Water.

(4) Permit pursuant to Para. 1 shall be issued to persons, registered as traders in the meaning of the

Bulgarian or their national legislation, to state and municipal undertakings, associations of municipalities, cooperation and budget undertakings in the meaning of § 1, p. 1 of the Additional Provisions of the Act on Accountancy, which meet the requirements of this act.

Art. 68. (1) For issuance of a permit pursuant to Art. 67, the persons pursuant to Art. 67, Para. 4 shall submit an application, which shall indicate:

1. central office and management address and SIC (single identity code);
2. location of the grounds for waste treatment;
3. type (code and name) quantity and origin of waste to be treated;
4. the activities on waste treatment, which are to be applied for and their code;
5. methods and technologies, which will be applied;
6. facilities and installations, which will be used, as well as their capacity;
7. safe and preventive measures to be undertaken;
8. the categories EEO, devices or types of batteries pursuant to the relevant ordinances of Art. 13, Para. 1, where it is applied for permit for carrying out activities with NUEEE or NUBA;
9. the number of the ordered decision on an impact assessment over the environment (IAE) or decision, which considers not to carry out IAE pursuant to the Act on Environment Protection, and/or decision on assessment of compatibility pursuant to Art. 31 of the Act on Biological Diversity, where they are required for the activity or the related to the activity intentions and sites.

(2) The application pursuant to Para. 1 shall be submitted to the competent body pursuant to Art. 67 on paper and technical media or electronically.

(3) The application pursuant to Para. 1, as well as the applications pursuant to Art. 72, Para. 3, p. 2 and Art. 73, Para. 3 shall be submitted according to forms, confirmed by the Minister of Environment and Water.

Art. 69. (1) The application pursuant to Art. 68 shall have attached:

1. (revoked - SG 98/18, in force from 27.11.2018)
2. a document for the legal status of the foreign person, issued in compliance with the national legislation of the applicant up to 3 months before submitting the application;
3. (repealed – SG, 105/16)
4. (revoked - SG 98/18, in force from 27.11.2018)
5. project for re-cultivation, measures and technologies for closure and for post-exploitation activities on the ground for waste treatment in the cases, where it is applicable;
6. (amend. – SG, 105/16) hygienic conclusion for observation of the health requirements, issued by a Regional health inspection (RHI) – for the persons, carrying out activities with hazardous waste from the humane medicine or related to them research activity on the territory of the relevant inspection, or by the Minister of Health – where the activities are carried out on the territories of more than one RHI, the hygienic conclusion shall be issued by the RHI directly separately for the activities on the territory of the relevant inspection;
7. (amend. – SG, 105/16) declaration by the applicant, that he/she is not a related person in the meaning of this act with a person, who has been deprived from the permit or he has been refused issuance of a permit before expiry of one year after the withdrawal of refusal;
8. plan for own monitoring and control of waste landfill sites of installation for waste incineration and of installations for joint incineration of waste;
9. (amend. – SG, 105/16) document for the location of the ground/s:
 - (a) for the grounds under Art. 38, Para 1 - original or certified copy by competent body – an excerpt of enforced territory plan, or another certifying document, proving that the ground meets the requirements of Art. 38, Para. 1;

b) for all other grounds – original or certified copy by a competent body – excerpt of enforced detailed territory plan;

10. (amend. – SG, 105/16) certified copy of a document for ownership or a copy of a rent contract with an ownership document;

11. document for a certain size of the sums for 1 t. deposited waste and the form of providing the guaranty pursuant to Art. 60 for activity of disposal of hazardous and/or non-hazardous waste through depositing;

12. bank guaranty pursuant to Art. 60, Para. 2, p. 3 in the cases, where the applicant has chosen this form of guaranty at applying for an activity of disposal of hazardous and/or non-hazardous waste through depositing;

13. (suppl. – SG, 105/16) evidence for a reached high level of energy effectiveness for the installations for incineration of hard household waste in the cases, where the applicant applies for activities of recovery, indicated by code R1;

14. assessment for applying the best available techniques in the cases, where the applicant applies for activities of mixing hazardous waste pursuant to Art. 8, Para. 3, p. 3 and/or for the activities pursuant to p. 13.

15. (new – SG, 105/16) for the facilities for recycling ships – information and documents, which evidence that the facility meets the conditions of Art. 13, Para. 1 of Regulation (EU) N 1257/2013.

(2) (amend. and suppl. – SG, 105/16) The application pursuant to Art. 68 the persons, carrying out activities with WFNM, WEEE and ELV shall produce a bank guaranty in the amount of BGN 15000 and additionally BGN 5000 for each ground, on which the activity is to be carried out, notwithstanding of the number of the mentioned flows of wastes.

(3) The bank guaranty pursuant to Para. 2 shall be unconditional and irrevocable and shall be issued by a bank pursuant to Art. 2, Para. 5 of the Credit Institutions Act.

(4) 9amend. – SG, 105/16) The bank guaranty pursuant to Para. 2 shall be issued in favour of the Ministry of Environment and Water and shall be paid in case of:

1. (suppl. – SG, 105/16) withdrawal of the permit in cases under Art. 75, Para. 1, p. 3, 5 and 6, as well as Art. 75, Para. 2, p. 1 and 2 - in full amount;

2. imposed property sanction with an enforces penal decree, which has not been paid voluntarily – to the amount of taking;

3. a breach, found in the relevant procedure, at delivering waste in incompliance with the requirements of Art. 39, Para. 1 and 2 and/or closure of the ground pursuant to Art. 75, Para. 3 – to the amount of the bank guaranty, provided for the relevant ground.

(5) (new – SG, 105/16) In the cases of Para. 4, p. 2 within one month term after payment of the bank guaranty, a new one shall be provided to the full amount of bank guaranty under Para. 2.

(6) (former Para. 5 – SG, 105/16) Through the bank guaranty, the bank shall be obliged at first written request by the Minister of Environment and Water to transfer the sum of the bank guaranty on the account of the Ministry of Environment and Water.

(7) (former Para. 6 – SG, 105/16) The bank guaranty pursuant to Para. 2 shall be provided for 1 year period, where it shall be extended each following year during the period of action of the permit, minimum 1 months before expiry of its action, and it shall stay valid at least 60 days after termination of the activity.

(8) (former Para. 7 – SG, 105/16) Where the applicant is a foreign person, the document pursuant to Para. 1, p. 2 shall be produced also in official translation, and the documents pursuant to Para. 1, p. 4 and 5, which are in a foreign language, shall be produce in translation into the Bulgarian language.

(9) (new – SG, 105/16, suppl. - SG 98/18, in force from 27.11.2018) within 3 day term from receiving the application, the body under Art. 67 shall require officially issuance of a certificate under Art. 87, Para. 6 of the Tax-security Procedure Code for lack of obligations and checks if the due fee has been paid.

(10) (former Para. 8 – SG, 105/16) The body pursuant to Art. 67 may request once from the applicant removal of irregularities and/or providing additional information to the application, where this is needed for clarifying the facts and circumstances and/or in view to remove the irregularities.

(11) (former Para. 9, amend. – SG, 105/16) In the cases pursuant to Para. 10, the body pursuant to Art. 67 shall notify the applicant within the term of up to 15 days after receiving the application.

(12) (former Para. 10, amend. – SG, 105/16) Within the term of up to 2 months after the notification pursuant to Para. 11, the applicant shall remove the incorrectness or shall provide additional information.

Art. 70. (1) The body pursuant to Art. 67 shall consider the compliance of the application and the accompanying documentation with the requirements of this act.

(2) For issuance of a permit for activities on waste treatment, the competent body or an official authorized by him/her shall carry out check up of the ground, which shall be certified by a protocol for the checkup.

(3) (amend. – SG, 105/16) Within the term of up to 15 days after submission of the application for issuance a permit for carrying out the activities of incineration or joint incineration of waste, which meets the act requirements, or removal of irregularities and/or provision of additional information in the cases pursuant to Art. 69, Para. 11, the competent body pursuant to Art. 67 with the municipalities shall announce and provide within 1 month access for the public to the application.

Art. 71. (1) The competent body pursuant to Art. 67 shall pronounce with a decision within up to 2 months after receiving the application or from removal of the irregularities and or from production of the additional information or from expiry of the 1-month term pursuant to Art. 70, Para. 3, by issuing or refusing with a motivated answer the issuance of the permit.

(2) (new – SG, 105/16) Where the certificate under Art. 69, Para. 9 has not been produced officially in the terms under Para. 1, the competent body under Art. 67 shall pronounce with a decision within 3 day term from receiving the certificate.

(3) (former Para. 2, amend. – SG, 105/16) The permit under Para. 1 shall indicate:

1. the location of the ground for waste treatment;
2. the type (code and name), quantity and origin of wastes to be treated;
3. the activities on waste treatment;
4. for each type permitted activity of waste treatment – the technical and any other requirements, related to the ground concerned;
5. methods and technologies, which are applied to every type permitted activity on waste treatment;
6. facilities and installations, which are used, as well as their capacity;
7. safety measures and prevention measures to be undertaken;
8. monitoring and observation measures if needed;
9. the requirements for closure and post-commissioning cares, if needed;
10. categories EEE, devices or types of batteries and accumulators under the relevant Ordinances under Art. 13, Para. 1, where activities are carried out with WEEE or UUBA;
11. requirement for achieving high level of energy efficiency in using wastes for recovering energy in the cases of an activity of using wastes for energy, signed by code R1;
12. requirement the facilities for recycling of ships to meet the conditions of Art. 13, Para. 1 of Regulation (EU) N 1257/2013 in the cases where applicable;
13. conditions for performing the activities on wastes.

(4) (former Para. 3 – SG, 105/16) The competent body shall refuse issuance of a permit, where:

1. the application and/or the attached to it documents fail to meet the normative requirements;
2. the applicant has committed for a period of 3 years administrative breaches, for which he/she has

been punished 2 or more times by an enforced penal decree pursuant to Chapter Six, Section II;

3. the applicant has used untrue data;

4. bank guaranty has not been produced, meeting the act requirements in the cases, where such is requested;

5. the ground and the activities, which will be carried out on it fail to meet the requirements of Art. 38, Para. 1 or the minimal requirements of the ordinances pursuant to Art. 13, Para. 1 and Art. 43;

6. the applicant has not removed the indicated irregularities or has failed to provide additional information within the set term;

7. the applicant has been refused the issue or his/her permit has been withdrawn before expiry of 1 year after the enforcement of the refusal order or the withdrawal, or he/she is related person, who has been refused the issue or his/her permit has been withdrawn in the set term;

8. (new - SG 98/18, in force from 27.11.2018) the applicant has not paid the due fee.

Art. 72. (1) (suppl. – SG, 105/16) The permit pursuant to Art. 67 shall be termless and for activities of recycling of shops in the meaning of Regulation (EU) N 1257/2013 – for the term not longer than 5 years.

(2) The RIEW at least once a year shall check the persons, holding permit pursuant to Art. 67 for establishing the compliance of the conditions of waste management with those in the issued permit and for observation of the requirements of this act and the acts of secondary legislation for its implementation.

(3) The issued permit about activities with waste shall terminate its action by:

1. its withdrawal;

2. issuance of decision by the competent body on an application of the permit holder, which requires termination of the activity.

(4) After termination of the action of the permit, RIEW, on whose territory the ground is located, shall control the fulfillment of the conditions, related to the safe liquidation of the activity and recreation (re-cultivation) of the terrain, by carrying out a check up on site and shall draw up a factual protocol.

Art. 73. (1) The issued permit shall be changed and/or added by the competent body, if:

1. there is a change of the normative requirements, related to the permit;

2. there will be forthcoming changes in the raw materials in the technological processes as a result of which changes in the quantity or the type of waste will occur;

3. there is a need of its adding with new data, activities, grounds or conditions, in which the activities will be developed;

4. assignment pursuant to the Commercial Act in the cases pursuant to Art. 74, Para. 2;

5. closure of a ground in the cases pursuant to Art. 75, Para. 3.

(2) (amend. – SG, 105/16, amend. - SG 98/18, in force from 27.11.2018) Within 2 month term after the change pursuant to Para. 1. p. 1 the person shall submit on paper media or electronically an application for a change and/or addition of the permit with the relevant documents pursuant to Art. 68 and/or 69, certifying the change.

(3) (amend. and suppl. – SG, 105/16, amend. - SG 98/18, in force from 27.11.2018) In the cases pursuant to Para. 1, p. 2 and 3 the persons shall submit on paper and technical media, or electronically an application for change and/or addition of the permit with the relevant documents pursuant to Art. 68 and/or 69, certifying the change and the persons, carrying out activities with WFNM, ELV and WEEE also the bank guaranty pursuant to Art. 69, Para. 3 of BGN 5000 for each new ground.

(4) (amend. – SG, 105/16, amend. - SG 98/18, in force from 27.11.2018) The body pursuant to Para. 1 shall apply if needed Art. 69, Para. 9 -12 and shall pronounce on the application with a decision within 1 month term.

(5) (amend. – SG, 105/16) The competent body shall refuse to change and/or add the permit in the cases pursuant to Art. 71, Para. 4,

Art. 74. (1) On person shall have issued one permit for all the activities of waste treatment on the territory of one RIEW, notwithstanding of the number of the grounds.

(2) The rights on the issued permits or the open procedure on their issuance shall not be transferred and/or given to someone else. In the cases of assignment the rights on the permit shall pass over the assignee after a written notification of the competent authority, who shall indicate officially the change through issuing a decision for change of the permit within the term of 14 days from the date of notification of the change.

(3) Carrying out activities with waste shall not be admitted through authorization, unless in the cases, where the holder of the permit is represented by his/her authorized official, appointed with an employment contract.

(4) The competent body pursuant to Art. 67 shall issue a copy of a permit, which has been lost, stolen or destroyed on the basis of an application by the permit holder.

(5) The body pursuant to Para. 4 shall refuse issuance a copy of a permit, where the applicant has used untrue data or the permit has been withdrawn.

(6) For one ground shall be issued as many permits as are the persons, carrying out activities with waste on its territory.

Art. 75. (1) The competent body pursuant to Art. 67 shall withdraw the issued permit, where:

1. untrue information has been produced in documents, served for the permit issuance;
2. for a period of 3 years administrative breaches have been committed for which the person has been punished twice with an enforced penal decree pursuant to Chapter Six, Section II;
3. human health is threatened and/or the environment is polluted or damaged above the admitted norms;
4. (repealed – SG, 105/16)
5. (amend. – SG, 105/16) activities are carried out with waste on a ground, which meet the requirements of Art. 38, for the activities with WFNM, waste and metal packaging, NUEEE, NUBA and/or NUMV;
6. the permit holder throws away hazardous waste at non-permitted places;
7. carrying out of the activities, indicated in the permit has not started within the term of 3 years after its issuance;
8. (amend. – SG, 105/16) the bank guaranty under Art. 69. Para. 7 has not been provided, extended or renewed.
 - a) failure to fulfill conditions, determined by the permit;
 - b) keeping accountancy of waste in compliance with this act requirements or the ordinances pursuant to Art. 48, Para. 1 or Art. 13, Para. 1;
 - c) incompliance with the documents pursuant to Art. 39, Para. 4 with this act requirements.

(2) The competent body pursuant to Art. 67 shall withdraw the issued permit, where it is established for the second time that in violation of this act:

1. delivery of waste is carried out to persons, who do not hold permit, complex permit or a registration document pursuant to Art. 35, or the these documents do not contain the relevant code of the delivered waste;
2. activities with waste are carried out outside the ones, indicated in the permit;
3. payments on deals with WFNM are carried out in violation of the requirements of Art. 38, Para. 4.
4. (new – SG, 105/16) activities are carried out with WFNM without documents for origin under Art. 39, Para. 4 and/or without a written contract for their submission or these documents contain untrue data.

(3) In case of an established breach of the requirements of Art. 39, Para. 5, 6 and 7 at a certain ground, the competent body by a motivated decision shall terminate the activity at the ground and shall change the issued permit, by closing the ground.

(4) In case of withdrawal of the permit pursuant to Para. 1, the violator shall not have the right to submit an application for issuance of a new permit for the term of 1 year after the date of its withdrawal.

Art. 76. (1) The permits of the competent body shall be announced in writing to the applicants within 7 day term after their issuance.

(2) The body, having issued the permit for waste activities, shall inform via its internet site in an appropriate way the public about each issued permit, as well as about the changes and/or additions of the issued permits within the term of up to 10 days from the date of their issuance.

Art. 77. (1) (amend. - SG 77/18, in force from 01.01.2019) The issued permit, the decision about its change and/or addition, the refusal for issuance, change and/or addition of the permit. Withdrawal, as well as the decision for closure of a ground may be appealed before the relevant administrative court pursuant to the Administrative-procedure Code.

(2) The appeal pursuant to Para. 1 shall not stop the fulfillment of the appealing act.

Art. 77a. (new – SG, 105/16) (1) with issuance of decision under Art. 72, Para. 3, p. 2 or Art. 73, Para. 1, p. 3 for exclusion of a ground of the permit, unless where some of the reasons under Art. 69, Para. 4 are present, the bank guaranty, or the bank guaranty for the relevant ground shall be liberated within 14 day term after expiry of the 60 day term under Art. 69, Para. 7.

(2) With the issuing of a permit under Art. 71, Para. 4 or Art. 73, Para. 5 for refusal of addition to the permit with a new ground, bank guaranty or the bank guaranty for the relevant ground shall be liberated within 14 day term.

(3) Where with an enforced judicial decision the act under Art. 75, Para. 1 or 2 is repealed, the sum of the utilized guarantee shall be returned within 14 day term.

Section II.

Registration for Waste Activities

Art. 78. (1) Registration pursuant to Art. 35, Para. 3 shall be made to persons, registered as traders pursuant to the Bulgarian or their national legislation of state and municipal undertakings, associations of municipalities, cooperation and budget undertaking in the meaning of § 1, p. 1 of the Additional Provisions of the Accountancy Act, who meet the requirements of this act.

(2) The registration pursuant to Para. 1 shall be termless.

(3) For the registration, the persons pursuant to Para. 1 shall submit an application according to a form, confirmed by the Minister of Environment and Water, which shall indicate:

1. single identification code, central office and management address;
2. contact person, including telephone, fax N and e-mail;
3. type (code and name) quantity and origin of packaging;
4. carried out activity with the waste pursuant to Annex N 1 to § 1, p. 11 of the Additional Provisions and/or Annex N 2 to § 1, p. 13 of the Additional Provisions;
5. way of shipment of the waste;
6. method of treating;
7. the number of the decision on IAE or decision, which considers that not IAE shall be carried out pursuant to the Act on Environment protection and/or decision on assessment of compliancy pursuant to Art. 31 of the Act on Biological Diversity, where they are required for the activity or the related to the activity

intentions and sites.

(4) The application shall have attached:

1. a document for the legal status of a foreign person, issued in compliance with the applicant's national legislation up to 3 months before submission of the application;

2. (repealed, - SG, 105/16) .

3. (amend. – SG, 105/16) a certified copy of an ownership document or a copy of a rent contract with an ownership document;

4. (revoked - SG 98/18, in force from 27.11.2018)

5. (new – SG, 105/16) a document for the location of the ground/s:

a) for the grounds under Art. 38, Para. 1 – an original or a certified copy by a competent body – excerpt of an enforced territory plan or another certifying document, evidencing that the ground meets the requirements of Art. 38, Para. 1;

b) for all other grounds- an original or a certified copy by a competent body – excerpt of an enforced detailed territory plan, apart from the cases, where the ground meets the requirements of Art. 38, Para. 1.

(5) The application with the accompanying documentation shall be submitted on paper and technical media or electronically to:

1. the director of the RIEW, on whose territory the waste activities are carried out;

2. the director of the RIEW, on whose territory is the applicant's central office in case that activities of collection and shipment of waste are declared;

3. the director of the RIEW – Sofia, in case that activities of waste collection and shipment are declared, where the applicant is a foreign person.

(6) In case that the applicant carries out activities, for which registration on the territory of different RIEW are required, the application are submitted to the director of each RIEW separately.

(7) (new – SG, 105/16, suppl. - SG 98/18, in force from 27.11.2018) Within 3 day term from receiving the application, the competent body under Para. 5 shall require official issuance of a certificate under Art. 87, Para. 6 of the Tax-security Procedure Code for lack of obligations and checks if the due fee has been paid.

(8) (former Para. 7 – SG, 105/16) In case of irregularities in the produced documents pursuant to Para. 3 or 4, the competent body pursuant to Para. 5 shall notify in writing the applicant within the term of 14 days after receiving the application for the irregularities and/or additional information is required.

(9) (former Para. 8 – SG, 105/16) Within the term of one month after the notification pursuant to Para. 8, the applicant shall remove the irregularities and/or shall produce additional information.

(10) (former Para. 9 – SG, 105/16) The registration shall be carried out by the competent body within 14-day term after the date of submitting the application or removal of the irregularities and/or provision of the additional information and shall be certified by a registration document, issued within this term.

(11) (new – SG, 105/16) Where the certificate under Para. 7 has not been produced officially within the term of Para. 10, the registration shall be carried out within 3 day term after its receiving.

(12) (former Para. 10, amend. – SG, 105/16) The competent body shall refuse with a motivated decision within the term pursuant to Para. 10 or 11 the registration, in case of:

1. failure to observe the requirements of this act and/or the acts of secondary legislation for its implementation;

2. failure to remove the irregularities in the produced documents pursuant to Para. 3 or 4 and/or failure to produce the required information within the set term;

3. (new - SG 98/18, in force from 27.11.2018) non-payment of the due fee.

(13) (former Para. 11, amend. – SG, 105/16, amend. - SG 77/18, in force from 01.01.2019) The decision pursuant to Para. 102 shall be subject to appeal before the relevant administrative court pursuant to the Administrative – procedure Code.

Art. 79. (1) (amend. – SG, 105/16, amend. - SG 98/18, in force from 27.11.2018) Amendments and supplementation in the registration document shall be carried out by the body, which has issued it, on the basis of an application, submitted on a paper and technical media or electronically, which shall have attached the documents, certifying the amendments.

(2) (amend. – SG, 105/16) In the cases pursuant to Art. 78, Para. 3, p. 3 - 6 and Para. 4, p. 3 the persons shall submit an application for amendment and/or supplementation of the registration document.

(3) The application shall be examined pursuant to Art. 78, by issuing a registration document with the relevant changes, for which the executive director of EAE shall be notified.

(4) (new – SG, 105/16) The rights of the issued registration documents or on the opened procedure of their issuance may be transferred and/or remised. In the cases of succession, the rights on the registration document shall pass to the successor after a written notification of the competent body, who reflects officially the change through issuance of a decision for amendment of the registration document within the term of 14 days from the date of notification of the amendment.

Art. 80. (1) The registration pursuant to Art. 78, Para. 1 shall be terminated:

1. upon application of the interested person, submitted not later than 1 month after termination of the activity;

2. in case of 2 breaches of this act requirements or of the acts of secondary legislation for its implementation, established by enforced penal decrees for a period of 3 years.

(2) In the cases pursuant to Para. 1 the competent body shall terminate the registration by a motivated decision, for which the EAE executive director shall be notified. The decision shall terminate also the action of the registration document.

(3) (amend. - SG 77/18, in force from 01.01.2019) The decision pursuant to Para. 2 shall be subject to appeal before the relevant administrative court pursuant to the Administrative– procedure Code.

(4) The appeal of the decision pursuant to Para. 2 shall not stop its commitment.

Art. 80a. (new –SG, 105/16) (1) Persons, performing activity as producer pursuant to the European Commission acts, adopted in compliance with Art. 6, Para. 2 of Directive 2008/98/EC shall submit to the EEA Executive Director an application on a paper and on technical media or electronically for entry in the register under Art. 45, Para. 1, p. 10, which shall have indicated:

1. single identification code, name, central office and management address, contact person and correspondence address;

2. type, code and name of the wastes, which are used as entry material in a utilization activity;

3. the act, in whose compliance the producer operates.

(2) The application under Para. 1 shall have evidence for available management system in the meaning of the European Commission acts, adopted in compliance with Art. 6, Para. 2 of Directive 2008/98/EC.

(3) In case of irregularities in the produced documents under Para. 1, or 2, the EEA Executive Director, within 15 day term shall notify in writing the person about this fact and shall set a term for their removal.

(4) Within 15-day term from submission of the application under Para. 1 or from removal of the irregularities under Para. 3, the EEA Executive Director, or an official, authorize by him shall enter the applicant in the register under Art. 45, Para. 1, p. 10.

Section III.

Permit of Organization of Recovery and for Individual Fulfillment

Art. 81. (1) Permits of an organization on recovery and for individual fulfillment of the obligations pursuant to Art. 14, Para. 1 and the ordinances pursuant to Art. 13, Para. 1 shall be issued by the Minister of Environment and Water or by an official, authorized by him/her.

(2) For issuance of a permit the persons shall submit an application according to a form to the competent body pursuant to Para. 1.

(3) The application form pursuant to Para. 2 shall be approved by an order of the Minister of Environment and Water.

(4) The organization on recovery and the person, fulfilling his/her obligations individually, shall attach to the application pursuant to Para. 2 the following documents:

1. a document for the legal status of the foreign person, issued in compliance with the national legislation of the applicant, up to 3 months before submission of the application;

2. (repealed – SG, 105/16)

3. signed preliminary written contracts with persons, holding permit, complex permit or registration documents pursuant to Art. 35 for collection and shipment of waste and with municipalities, through which the fulfillment of this act obligations and ordinances pursuant to Art. 13, Para. 1 is provided;

4. signed preliminary written contracts with persons, holding a permit, complex permit or registration document pursuant to Art. 35 for recycling and/or recovery of wastes, including preparation for recovery through which the fulfillment of the obligations of the members of the organization on recovery pursuant to this act and the ordinances pursuant to Art. 13, Para. 1;

5. (revoked - SG 98/18, in force from 27.11.2018)

6. (revoked - SG 98/18, in force from 27.11.2018)

7. notary certified declaration by the applicant, that he/she is not a related person in the meaning of this act with a person, whose permit has been withdrawn, or has been refused such a permit to be issued before expiry of 1 year after the withdrawal or refusal;

8. draft contract between the organization on recovery and its members;

9. unconditional and irrevocable bank guaranty for guaranteeing achievement of the objectives for separate collection, second use, recycling and/or recovery of mass disseminated waste for creation of a system pursuant to Art. 15 and covering the population in it;

10. draft programme pursuant to Art. 53;

11. (new – SG, 105/16) authenticity declaration of the data under a standard form, approved by the Minister of Environment and Waters

(5) (amend. – SG, 105/16) The person pursuant to Art. 14, Para. 1, fulfilling their obligations individually shall attach to the application pursuant to Para. 2 the documents pursuant to Para. 4, p. 1, 3, 4, 5, 9 and 10.

(6) The application and the programme pursuant to Art. 53, Para. 1 shall be submitted on paper and electronic media.

(7) (new – SG, 105/16, suppl. - SG 98/18, in force from 27.11.2018) Within 3 day term from receiving the application, the competent body shall require official issuance of a certificate under Art. 87, Para. 6 of the Tax-security Procedure Code for lack of obligations and checks if the due fee has been paid.

(8) (new - SG 98/18, in force from 27.11.2018) The competent authority under para. 1 shall verify ex officio the conformity of the constituent act of the recovery organization with the requirements of Art. 16.

Art. 82. (1) The amount of the bank guaranty pursuant to Art. 81, Para. 4, p. 9 shall be:

1. for the organizations for recovery of waste from packaging NUMV and NUEEE, -BGN 1 000 000;

2. for organizations on recovery of worked out oils – BGN 500 000;

3. for organizations for recovery of NUBA and end-of life tires – BGN 100 000;

4. for the persons, who fulfill their obligations individually – BGN 200 000.

(2) (amend. – SG, 105/16) The bank guaranty shall be unconditional and irrevocable and shall be

issued by a bank in the meaning of Art. 2 of the Credit Institutions Act, in whose license are included the activities under Art. 2, Para. 2, p. 7 of the Credit Institutions Act.

(3) The bank guaranty shall be issued in favour of the Minister of Environment and Water and shall be absorbed in the following cases:

1. in case of withdrawal of the permit – in complete amount;
2. in case of failure to fulfill one or more of the objectives pursuant to Art. 14, Para. 1 up to the amount of the fees due pursuant to Art. 59, Para. 1, p. 2 and 3;
3. in case of failure to fulfill the obligations for covered population in the systems for separate collection, second use, recycling or recovery, determined by the ordinances pursuant to Art. 13, Para. 1, proportionally to the established non-fulfillment in %.

(4) (amend. – SG, 105/16) The bank guaranty pursuant to Para. 1 shall be provided for action term by 31 June of the year, following the year of issuance and shall be extended or renewed not later than 3 months before this date every following year.

(5) Through the bank guaranty the bank guaranty shall be obliged at first written request by the Ministry of Environment and Water to transfer the amount on the bank guaranty on the account of the Ministry of Environment and Water.

(6) The bank guaranty shall be absorbed notwithstanding of the appeal of the order pursuant to Art. 59, Para. 2.

(7) The amount of the fees due pursuant to Art. 59, Para. 1, p. 2 and 3 shall be diminished by the sum of the amount from the absorbed bank guaranty.

(8) Where with an enforced judicial decision, the instrument pursuant to Para. 3 is repealed, the sum of the absorbed bank guaranty shall be returned within 14-day term.

(9) The conditions and procedure for providing and absorbing the bank guaranty pursuant to Art. 81, Para. 4, p. 9 shall be determined by the ordinances pursuant to Art. 13, Para. 1.

(10) (new – SG, 105/16) Within 1 month term from utilization of the bank guaranty under Para. 3, p. 3, the utilization organization or the person, who fulfills his obligations individually shall produce a renewed by the complete amount bank guaranty under Art. 82, Para. 1.

Art. 83. The right on the issued permit pursuant to Art. 18 shall not be transferred and/or given to someone else, unless in the cases of joining or merging of organizations on recovery.

Art. 84. (1) The organization on recovery of waste from packaging shall produce with the application pursuant to art. 81, Para. 2 signed preliminary written contracts with not less than 10 municipalities, with which provision of separate collection shall be guaranteed to the population of not less than 500 000 inhabitants.

(2) The application pursuant to Art. 81, Para.2 the organization on recovery of waste from packaging shall produce a certified by the Municipality Mayor plan for disposition of vessel for separate waste collection, indicated by concrete parameters (volume, type) and quantity-value account.

(3) The contracts pursuant to Para. 1 shall meet the minimal criteria and requirements, determine by the ordinance pursuant to Art. 13, Para. 1 for the relevant type mass disseminated waste.

Art. 85. (1) Within 3 month term after receiving the permit, the organization on recovery and the person, fulfilling his/her obligations individually, shall produce to the competent body the signed final contracts with the persons, carrying out activities with waste pursuant to Art. 81, Para. 4, p. 3 and 4, and the organization on recovery of waste from packaging and final contracts – with municipalities pursuant to Art. 84, Para. 1.

(2) The final contracts of the organizations on recovery of waste from packaging with municipalities may differ from the preliminary contracts pursuant to Art. 84, Para. 1 in relation to the

covered population with not more than 10% in case that the diminishing I compensated through new contracts not later than 2 months after expiry of the term pursuant to Para. 1.

(3) The organization on recovery of waste from packaging shall notify the Minister of Environment and Water about each termination of a contract with a municipality.

(4) Minister of Environment and Water shall have the right to request updating of the programme pursuant to Art. 53 within 1 month term after the notification pursuant to Para. 3.

Art. 86. (1) (amend. - SG 98/18, in force from 27.11.2018) The body pursuant to Art. 81, Para. 1 shall consider if the application, the attached documents and the constituent act of the recovery organization meet the requirements of this act and of the acts of secondary legislation for its implementation.

(2) The competent body or an official, authorized by him/her may once request from the applicant to remove irregularities and/or to produce additional information to the application, where this is needed for clarifying the facts pursuant to Art. 81.

(3) In the cases pursuant to Para. 2 the competent body shall notify the applicant within the term of up to 1 month after receiving the application.

(4) Within the term of up to 2 months after the notification pursuant to Para. 3, the applicant shall remove the irregularities and/or shall produce additional information.

Art. 87. (1) Within the term of up to 2 months after receiving the application or after removal of the irregularities and/or production of additional information, the body pursuant to Art. 81, Para. 1 shall confirm the programme pursuant to Art. 53 and shall issue, or refuse with a motivation the issuance of the permit.

(2) (new – SG, 105/16) Where the certificate under Art. 81, Para. 7 has not been produced officially in the term under Para. 1, the decision under Para. 1 shall be issued within 3 day term form receiving the certificate.

(3) (former Para. 2 – SG, 105/16) The competent body shall refuse issuance of the permit, where:

1. (suppl. - SG 98/18, in force from 27.11.2018) the application and/or the attached to it documents pursuant to Art. 81 or the constituent act of the recovery organization fail to meet the normative requirements;

2. untrue information or documents with untrue contents have been produced;

3. the applicant has not removed the indicated irregularities or has not provided additional information within the term;

4. no bank guaranty has been provided, meeting the requirements pursuant to Art. 82, Para. 1 and 2;

5. the applicant has been refused issuance or has been deprived form the permit pursuant to Art. 91 up to 1 year before submission of the application;

6. the applicant is a related person with a person, who has been refused the issuance or has been deprived from the permit within 1 year term;

7. (new - SG 98/18, in force from 27.11.2018) the applicant has not paid the due fee.

Art. 88. (1) The permit shall be issue for the term, indicate in the application, but not longer than 5 years and contain conditions, determine by the competent body.

(2) The issued permit shall terminate its action:

1. with expiry of its term;

2. with it withdrawal within the term of its action;

3. upon request of the organization on recovery or of the person fulfilling his/her obligations individually;

4. (repealed – SG 105/16)

Art. 89. (1) Not later than 3 months before expiry of the term of the permit, the organization on recovery and the persons, fulfilling their obligations individually shall submit an application on a paper and technical media or electronically for extension of its term of action.

(2) (new – SG, 105/16, suppl. - SG 98/18, in force from 27.11.2018) Within 3 day term from receiving the application, the competent body shall require official issuance of a certificate under Art. 87, Para. 6 of the Tax- security Procedure Code for lack of obligations and checks if the due fee has been paid.

(3) (former Para. 2 – SG, 105/16, amend. - SG 98/18, in force from 27.11.2018) The application pursuant to Para. 1 shall have attached an updated programme pursuant to Art. 53 according to the requirements of the ordinances pursuant to Art. 13, Para. 1.

(4) (former Para. 3 – SG, 105/16, amend. - SG 98/18, in force from 27.11.2018) The competent body shall consider if the application pursuant to Para. 1 and the attached to it updated program meet this act requirement and the acts of secondary legislation for its implementation.

(5) (former Para. 4 – SG, 105/16) The competent body shall apply if needed Art. 86, Para. 2, 3 and 4 and shall pronounce on the application with a decision within 2 month term.

(6) (new – SG, 105/16, amend. - SG 98/18, in force from 27.11.2018) Where the certificate under Para. 2 has not been produced officially in the term under Para. 5, the decision under Para.5 shall be issued within 3 day term from receiving the certificate.

(7) (former Para. 5, amend, – SG, 105/16, suppl. - SG 98/18, in force from 27.11.2018) the competent body shall refuse to extend the action term of the permit in the cases pursuant to Art. 87, Para. 3, p. 1 – 4 and 7, as well as in case of failure to meet the conditions in the permit.

Art. 90. (1) The issued permit shall change and/or add by the competent body in case of a change of:

1. the related with it normative requirements;

2. (suppl. – SG, 105/16) related with the real state on the trade register of the organization on recovery or the person fulfilling his/her obligations individually for changes, which reflect in the permit under Art. 81;

3. in the programme pursuant to Art. 53, Para. 1.

(2) (amend. - SG 98/18, in force from 27.11.2018) In the cases pursuant to Para. 1 the organization on recovery and the persons, fulfilling their obligations individually shall submit within two months of the occurrence of the change to a competent body an application on paper and technical media or electronically for amendment and/or supplementation of the permit. Attached to the application shall be documents, certifying the relevant change except in the circumstances related to the change can be find out in the Commercial Register.

(3) The competent body shall consider if the application pursuant to Para. 2 and the attached to it documents meet the requirements of this act and of the acts of secondary legislation for its implementation.

(4) The competent body shall apply if needed Art. 86, Para. 2 – 4 and shall pronounce on the application with a decision within 1 month term.

(5) (amend. – SG, 105/16, suppl. - SG 98/18, in force from 27.11.2018) The competent body shall refuse to amend and/or supplement the permit in the cases pursuant to Art. 87, Para. 3, p. 1 - 4 and 7.

(6) (repealed – SG, 105/16).

Art. 91. (1) The competent body shall withdraw by a motivated decision the issued permit where:

1. (amend. – SG, 105/16) untrue information in documents have been produced for accounting the fulfillment of the obligations and/or the objectives under Art. 14, Para. 1 and/or Art. 15 or in documents, served for issuance of the permit;

2. one or more of the objectives pursuant to Art. 14, Para. 1 have not been fulfilled for separate collection, second use, recycling or recovery of the relevant type mass disseminated waste;

3. the organization on recovery has distributed profit to its shareholders or partners;
 4. the organization on recovery does not exercise an activity within 1 year period;
 5. a motivated commission proposal is available pursuant to Art. 18, Para. 9;
 6. a recommendation of the competent bodies has not been fulfilled, given in relation to failure to implement the requirements pursuant to Art. 85 for production final contracts with municipalities.
 7. (new – SG, 105/16) no extended or renewed bank guaranty has been provided within the 3 month term under Art. 82, Para. 4;
 8. (new – SG, 105/16) no application has been submitted in the cases under Art. 90, Para. 1.
- (2) The competent body shall withdraw with a motivated decision the issued permit, where it is established for the second time that in violation of this act:
1. the obligations for separate collation and treatment of waste pursuant to Art. 14, Para. 1 have not been fulfilled, and/or for creation of systems pursuant to Art. 15;
 2. a recommendation of the competent bodies has not been fulfilled, given in relation to failure to fulfill a condition of the permit;
 3. notwithstanding of the implementation of the objectives pursuant to Art. 14, Para. 1, certain population has not been covered in compliance with the market share of the organization or the requirements, determined by this act or the ordinances pursuant to Art. 13, Para. 1;
 4. there is a breach of the requirements pursuant to Art. 14, Para. 3 by a person, fulfilling his/her obligations individually.

Art. 92. (1) The decisions of the competent body shall be announced in writing to the applicant within 7 day term after their issuance.

(2) The competent body and the organization on recovery shall inform the public in an appropriate way about the issuance of a permit, as well as about the its follow up amendments and supplementation or withdrawal of the permit.

Art. 93. (1) (suppl. - SG 77/18, in force from 01.01.2019) The issued permit, the decision for its amendments, supplementation and/or withdrawal, as well as the refusal for issuance, amend or supplement the permit shall be appealed before the relevant administrative court pursuant to the Administrative-procedure Code.

(2) The appeal of the decision pursuant to Para. 1 shall not interrupt its fulfillment.

Art. 94. The competent body or an official authorized by hi/her shall check up at least once a year the organizations on recovery and the persons, fulfilling their orblgations individually, possessing a permit pursuant to Art. 81, about the fulfillment of the obligations, comprising from this act, form the ordinances pursuant to Art. 13, Para. 1 and from the permit conditions.

Section IV.

Trans-border Shipment of Waste

Art. 95. (1) The shipment of wastes within the frames of the EU with, or without transit through third countries, the import in EU from third countries, export from EU to third countries, as well as transit through EU from and to third countries of waste shall be carried out pursuant to the conditions and procedure of Regulation (EC) N 1013/2006.

(2) The Minister of Environment and Water or an official, authorized by him/her, shall be the competent body for the Republic of Bulgaria on the application of Regulation (EC) N 1013/2006 in the meaning of Art. 53 of the same Regulation.

(3) (amend. – SG, 105/16) The competent body pursuant to Para. 2 shall keep:

1. a register of the issued pursuant to Regulation (EC) N 1013/2006 notifications for shipment of waste from and to and through the territory of the Republic of Bulgaria, including import or export from, or to third countries;

(4) (new – SG, 105/16) The competent body under Para. 2 shall draw up a plan for inspections in compliance with the requirements of Art. 1, Para. 3, letter “b” of Regulation (EU) N 660/2014 of the European Parliament and of the Council of 15 May 2014, amending Regulation (EC) N 1013/2006 on shipment of waste, called hereinafter “Regulation (EU) N 660/2014”.

Art. 96. (1) (amend. - SG 98/18, in force from 27.11.2018) For shipment of waste from the Republic of Bulgaria, for which pursuant to Regulation (EC) N 1013/2006 a written notification is required, the person, determined as notifier pursuant to Art. 2 Para. 15 of Regulation (EC) N 1013/2006 shall submit to the competent body pursuant to Art. 95, Para. 2 the documents pursuant to Art. 4 of Regulation (EC) N 1013/2006, including:

1. (revoked - SG 98/18, in force from 27.11.2018)

2. copy of the relevant complex permit, permit or registration document for waste activities of the notifier, where this is required;

3. a copy of the relevant permit or registration document for shipment of waste of the carrier/s;

4. a copy of a contract between the notifier and the receiver, meeting the requirements of Art. 5 of Regulation (EC) N 1013/2006 on the recovery or disposal of waste which are notified;

5. the permit, pursuant to which the facility for waste recovery or disposal operated in the country – receiver.

(2) In the cases, where financial guaranty or equivalent insurance is required pursuant to Art. 6 of Regulation (EC) N 1013/2006, it shall be produced in the form of a bank guaranty or insurance policy.

(3) In case of shipment of waste to the Republic of Bulgaria for activities of temporary recovery of the financial guaranty or equivalent insurance shall cover the value of costs to issuance of a certificate pursuant to Art. 15, letter "e" of Regulation (EC) N 1013/2006.

(4) In case of waste shipment for the Republic of Bulgaria for activities of final recovery, the financial guaranty or equivalent insurance shall cover the cost value to issuance of a certificate pursuant to Art. 16, letter "e" of Regulation (EC) N 1013/2006.

(5) In case of total notification pursuant to Art. 13, of Regulation (EC) N 1013/2006 for shipment from the Republic of Bulgaria, partial financial guaranty or equivalent insurance shall be admitted, covering parts of the total notification pursuant to the conditions of Para. 8.

(6) Where the financial guaranty pursuant to Art. 6 of Regulation (EC) N 1013/2006 is produced in the form of bank guaranty, the bank guarantor shall be obliged unavoidably, unconditionally and in first written request by the Minister of Environment and Water to transfer the sum of the bank guaranty in favour and on the account of the Ministry of the Environment and Water. The bank guaranty shall be unconditional and irrevocable and shall be issued by a foreign bank or by a trade bank pursuant to Art. 2, Para. 5 of the Act on Credit Institutions, which shall have a license from the Bulgarian National Bank for carrying out guaranty deals. The bank guaranty, issued by a foreign bank shall be notified by a Bulgarian bank.

(7) The insurance policy pursuant to Para. 2 shall be issued by an insurance company, holding a license, issued pursuant to the Insurance Code. The insurance policy shall include an agreement of payment of the complete amount of the sum on the insurance event in favour of the Ministry of Environment and Water in available first written request.

(8) It shall be admitted to start as many shipments as are covered by the partial financial guaranty or equivalent insurance. In this case each following shipment may start, where the competent body pursuant to Art. 95, Para. 2 receives a certificate pursuant to Art. 15, letter "e" or Art. 16, letter "e" of Regulation (EC) N1013/2006.

(9) The documents pursuant to Para. 1 and 2 and all the documents pursuant to Regulation (EC)

N1013/2006 shall be produced in the Bulgarian or English languages. In the cases, where the documents are produced in the English language, the competent body shall have the right to request an official translation into the Bulgarian language.

Art. 97. (1) The competent body pursuant to Art. 95, Para. 2 in case of approval of the shipment – subject to notification, shall give a written consent for its carrying out by placing a signature, stamp and date in the notification

(2) The body pursuant to Para. 1 shall issue a motivated decision:

1. in case of permit if a shipment pursuant to Art. 9, Para. 1, letter "a" of Regulation (EC) N1013/2006 without setting any conditions;

2. in case of permit if shipment pursuant to Art. 9, Para. 1, letter "b" of Regulation (EC) N1013/2006 with setting certain conditions pursuant to Art. 10 of this Regulation;

3. in case of objection pursuant to Art. 9, Para. 1, letter "c" of Regulation (EC) N1013/2006;

4. in case of withdrawal of a consent pursuant to Art. 9, Para. 8 of Regulation (EC) N1013/2006.

Art. 98. (1) Shipment of waste for the Republic of Bulgaria, intended for disposal shall be prohibited, apart from:

1. obligation for acceptance of the waste back pursuant to Art. 22 and 24 of Regulation (EC) N1013/2006;

2. in case of shipment to the Republic of Bulgaria of the remaining waste, obtained as a result of treatment of waste in another country, with origin from the Republic of Bulgaria to other countries, for which the Republic of Bulgaria has no treatment facilities; in this case the shipment of the remaining waste shall be carried out with a new notification;

3. in case of shipment of waste to the Republic of Bulgaria, obtained from Bulgarian armed forces in crisis situations, peace operations, or maintaining the peace.

(2) Shipments of waste for the Republic of Bulgaria, intended for incineration or joint incineration with recovery of energy for each installation shall be prohibited in quantities for the relevant calendar year, exceeding the sum of the half annual capacity of the installation, determined in the permit or the complex permit pursuant to Art. 35, Para. 1.

(3) In the cases, where in the National plan for waste management pursuant to Art. 49, Para. 1, specific measures have been laid down for management of a certain waste or flow of waste in compliance with Regulation (EC) N1013/2006, the Council of Ministers of the Republic of Bulgaria may with a motivated decision upon proposal of the Minister of Environment and Water to restrict the import of these waste.

Art. 99. (1) Each waste shipment for the Republic of Bulgaria shall be carried out where:

1. the receiver of the waste holds a permit or complex permit pursuant to Art. 35, Para. 1 or a registration document pursuant to Art. 35, Para. 2, p. 3 and 5 for waste activities – subject to notification;

2. the facility for recovery of waste has sufficient capacity in compliance with the document pursuant to p. 1;

3. the facility operator for recovery of waste holds permit or complex permit pursuant to Art. 35, Para. 1 or registration document pursuant to Art. 35, Para. 2, p. 3 and 5 for waste activities – subject to notification;

4. the facility operator for recovery of waste carries out treatment of the remaining waste from the recovered waste or provides treatment in ecological way;

5. the shipper/s indicated in the notification in case that they are registered in the Republic of Bulgaria hold permit or registration document for shipment of waste.

(2) The competent body pursuant to Art. 95, Para. 2 if needed shall submit a enquiry for fulfillment

of the circumstances pursuant to Para. 1 by fax or by any technical media to the RIEW director on whose territory the waste treatment facility is located.

(3) The RIEW director on whose territory the waste treatment facility is located, within 3 day term after receiving the enquiry pursuant to Para. 2, shall carry out a check up and shall submit his/her opinion by fax or by any other technical media.

Art. 100. (1) The waste shipment between the Republic of Bulgaria and third countries shall be carried out through customs offices, determined by a joint order of The Minister of Environment and Water and the Minister of Finance upon proposal of the Customs Agency director.

(2) In case of waste shipment between the Republic of Bulgaria and thirds countries, the competent body pursuant to Art. 95, Para. 2 shall submit a copy of the notification or copy of the decision pursuant to Art. 97, Para. 2 to the Customs Agency director and to the relevant RIEW director.

Art. 101. (1) The competent body pursuant to Art. 95, Para. 2 shall give preliminary consent in the meaning of Art. 14 of Regulation (EC) N1013/2006 only to persons – operators of facilities for final recovery of waste, holding complex permit, issued pursuant to Chapter Seven, Section II of the Act on Environment Protection.

(2) (amend. - SG 98/18, in force from 27.11.2018) For receiving preliminary consent pursuant to Para. 1 the operator of the facility for waste recovery shall submit an application on paper media or electronically according to a form, confirmed by an order of the Minister of Environment and Water.

(3) Within the term of up to 15 days after receiving the application, the competent body pursuant to Art. 95, Para. 2 may request from the applicant removal of irregularities and/or providing additional information.

(4) Within the term of up to 15 days after the notification pursuant to Para. 3, the applicant shall remove the irregularities or provide the additional information.

(5) Within the term of up to 1 month after receiving the application or removal of the irregularities and/or provision of additional information, the competent body pursuant to Art. 95, Para. 2, shall give or refuse by a motivated decision the preliminary consent pursuant to Para. 1.

(6) Giving the preliminary consent shall be refused in the cases pursuant to Art. 71, Para. 3.

(7) With the decision pursuant to Para. 5 the competent body pursuant to Art. 95, Para. 2 shall determine a period, for which a preliminary consent shall be provided pursuant to Para. 1 and shall give a unique registration number of the facility for recovery.

(8) The competent body pursuant to Art. 95, Para. 2 shall keep a public register of the decision pursuant to Para. 5, which shall contain at least the information pursuant to Art. 14, Para. 3 of Regulation (EC) N1013/2006.

Art. 102. (1) (amend. – SG, 105/16) In case of a change of the circumstances, on the basis of which the decision pursuant to Art. 101, Para. 5 has been formed, the facility operator shall notify immediately the competent body pursuant to Art. 95, Para. 2 by attaching written evidence, certifying the change. The competent body shall pronounce with a decision on the application for change in the circumstances within 1 month term, by changing or refuse to change the issued decision in the cases pursuant to Art. 71, Para. 4.

(2) The competent body pursuant to Art. 95, Para. 2 shall withdraw by a motivated decision the preliminary consent in the cases pursuant to Art. 75, Para. 1 and 2. The facility operator pursuant to Para. 1 shall nor submit an application for a preliminary consent within the term of 1 year after the date of its withdrawal.

Art. 103. (amend. – SG, 105/16) Any person, carrying out trans-border shipment of waste, for

which no notification is required pursuant to Regulation (EC) N1013/2006, shall produce an annual information-declaration under the Ordinance of Art. 48, Para. 1.

Art. 104. (1) Any person, carrying out an activity as a trader or broker of waste, with the exception of the persons, holding a document pursuant to Art. 35, shall submit to the EAE executive director an application on paper and technical media or electronically for entering into the register pursuant to Art. 45, Para. 1, p. 6, in which shall be indicated:

1. single identification code, name, central office and management address;
2. (amend. – SG, 105/16) type, code and name of the waste, by which activity is performed as trader or broker;

3. (new – SG, 105/16) declaration by the applicant that he is not related person with a person, who has been refused entry in the register, or with a person, whose registration has been terminated before expiry of one year from the enforcement of the decision for refusal or termination of the registration.

(2) (revoked - SG 98/18, in force from 27.11.2018)

- (3) (amend. - SG 98/18, in force from 27.11.2018) In case of irregularities in the produced document pursuant to Para. 1 or non-payment of the due fee, the body pursuant to Para. 1, within 15-day term shall notify in writing the person about this and shall set a term for their removal.

- (4) Within a 15-day term after submitting the application pursuant to Para. 1 or removal of the irregularities pursuant to Para. 3, the EAE executive director, or an official, authorized by him/her shall enter in the register pursuant to Para. 1 the traders and brokers of waste.

- (5) (New – SG, 105/16) The procedure and way for change of the circumstances in the public register under Art. 45, Para. 1, p. 6 shall be provided by the Ordinance under Art. 48, Para. 1.

Art. 105. The registered persons pursuant to Art. 104 shall notify the EAE executive director about all the changed on their registration within a 7-day term after their occurrence.

Art. 106. The EAE executive director shall refuse entering in the register by a motivated decision:

1. where the applicant within the frames of 1 year before submitting the application has committed administrative breaches, for which he/she has been punished 2 or more times by an enforced penal decree pursuant to Chapter Six, Section II;

2. in case of failure to remove the irregularities in the produced documents pursuant to Art. 104, Para. 1 or 2 within the set term.

Art. 107. (1) The registration of a registered trader or broker shall be terminated:

1. where the applicant within the frames of 1 year before submitting the application has committed administrative breaches, for which he/she has been punished 2 or more times by an enforced penal decree pursuant to Chapter Six, Section II;

2. upon request of the trader, or broker;

3. in case of termination of the legal persons, in case of death of the registered person or in case of his placement pursuant to prohibition;

4. in case of a failure to notify about the changed within the term pursuant to Art. 105.

5. (new – SG, 105/16) where with an enforce penal decree it has been established that an activity has been performed as a trader or broker with waste, who has not been entered in the register under Art. 45, Para. 1, p. 6;

6. (new – SG, 105/16) where it is found that the person has declared untrue circumstances in his declaration under Art. 104, Para. 1, p. 3.

(2) Registration termination pursuant to Para. 1 shall be carried out by a motivated decision of the

EAE director.

Art. 108. (suppl. - SG 77/18, in force from 01.01.2019) The decision pursuant to Art. 101, Para. 5, 102, Para. 1 and 2, Art. 106 and Art. 107, Para. 2 may be appealed before the relevant administrative court pursuant to the Administrative- procedure Code. The appeal shall not stop their implementation.

Art. 109. traders and brokers, entered into the register pursuant to Art. 45, Para. 1, p. 6 may be notifiers while observing the conditions pursuant to Art. 2, Para. 15 of Regulation (EC) N1013/2006.

Art. 110. For the procedures pursuant to Art. 101, 102 and 104, fees shall be collected by the Tariff for Fees, which are collected in the system of the Ministry of Environment and Water, approved by the Council of Ministers.

Art. 111. The procedure and way of calculation the amount of the financial guaranties pursuant to this Section and for production of the annual information-declarations pursuant to Art. 103 shall be determined by an ordinance of the Council of Ministers.

Section V. Control on Waste Management

Art. 112. (1) The municipality Mayor or an official, authorized by him/her shall control:

1. the activities, related to formation, collection, including the separate one, storage, shipment, treatment of household and construction waste;
2. the activities on depositing of construction and hazardous waste on municipal and/or regional landfill sites;
3. grounds for WFNM activities;
4. observation of other requirements, determined by the ordinance pursuant to Art. 22;
5. (new - SG 88/17, in force from 01.01.2022, amend. regarding entry into force - SG 98/18, in force from 01.01.2019) the abandonment of household waste and its unregulated disposal.

(2) The municipality Mayor shall organize and control the closure, re-cultivation on the terrains and the follow up monitoring of landfill sites for household and construction waste on the territory of the relevant municipality.

Art. 113. (1) The RIEW directors or an official, authorized by them shall exercise control for observation of the requirements for waste treatment and of the conditions on permit, or the registration document for:

1. the activities, related to formation, collection, including separate, storage, shipment, treatment of waste on the territory of the relevant RIEW;
2. the facilities and installations for storage and treatment of waste.

(2) The body pursuant to Para. 1 shall control the accountability and provision of information pursuant to Chapter Four, Section I, as well as fulfillment of the obligations of the municipality Mayors pursuant to Chapter Two, Section III and Chapter Four, Section IV, related to waste management.

(3) On the basis of found breaches while carrying out the checkup, the RIEW director or an official, authorized by him/her shall give obligatory instructions with a set term for their removal and/or shall draw up acts for finding administrative breaches.

Art. 113a, (New – SG, 105/16) The RIEW director, the executive director of Maritime Administration Executive Agency, or officials, authorized by them shall carry out control over the recycling facilities of ships under Regulation (EU) N 1257/2013 according to their powers.

Art. 114. The RIEW director or an official, authorized by him/her shall exercise control for:

1. the correct sum and timely payment of the product fee pursuant to Art. 59, Para. 1, p. 1 by the persons pursuant to Art. 14, Para. 1;
2. fulfillment of the obligations of the landfill site owners on financing the disposal of waste by depositing.

Art. 115. The Minister of Environment and Water or an official, authorized by him/her shall exercise control for:

1. observation of the conditions of the permits pursuant to Chapter Five, Section III, issued to organizations on recovery and to persons, fulfilling individually their obligations for management of mass disseminated waste;
2. the activities on waste management;
3. observations of the requirements of Regulation (EC) N 333/2011.

Art. 116. (1) The Minister of Environment and Water, the Minister of Interior, the Minister of Transport, Information Technologies and Communications and the director of the Customs Agency shall control the trans-border shipment of waste pursuant to this act and pursuant to Regulation (EC) N1013/2006 according to their authorizations.

(2) The control pursuant to Para. 1 shall be carried out by:

1. the RIEW director on whose territory is the waste place of origin, or officials, authorized by him/her – for the cases pursuant to Art. 50, Para. 3, letter "a" of Regulation (EC) N1013/2006;
2. The RIEW director on whose territory is the destination of the shipment, or officials authorized by him/her – for the cases pursuant to Art. 50, Para. 3, letter 'b' of Regulation (EC) N1013/2006;
3. the customs bodies, the ones of Chief Directorate Border Police and the units of Road Police in the regional directorates of MI – for the cases pursuant to Art. 50, Para. 3, letter "c" of Regulation (EC) N1013/2006;
4. the officials of the Executive Agency Road Administration, the Executive Agency Railroad Administration, the Executive Agency Maritime Administration, the bodies of Chief Directorate Border Police and of the units of Road Police in the regional directorate of the MI – for the cases pursuant to Art. 50, Para. 3, letter "d" of Regulation (EC) N1013/2006;

(3) In the cases of doubt for the compliance of the shipment with the accompanying documents, doubt for the classification of the load as waste or the type of the waste, the bodies pursuant to Para. 2, p. 3 and 4 shall immediately notify the relevant RIEW on whose territory the check up is carried out, for taking a decision on the classification of the shipment and waste.

(4) The RIEW director in the cases pursuant to Para. 2, p. 1 or 2 may request assistance by the Ministry of Interior bodies, who shall give an immediate assistance.

(5) In the cases pursuant to Para. 3, the control bodies shall consider the shipment as waste till receiving an opinion by the RIEW director or by an official, authorized by him/her.

(6) The waste owner shall produce the whole needed information and documents for the classification of the shipment.

Art. 116a. (New – SG, 105/16) (1) The Minister of Interior, the Minister of Transport, IT and Communication and the director of Customs Agency shall provide upon request from the competent body

under Art. 95, Para. 2 information in compliance with Art. 1, Para. 3, letter “b” of Regulation (EU) N 660/2014, needed for drawing up the plan for inspections under Art. 95, Para. 4.

(2) For performing coordinated control on observation of the requirements of Regulation (EC) N 1013/2006 on shipment of wastes, the director of Customs Agency, the executive director of the National Revenue Agency and the Chairperson of the National Statistical Institute shall produce upon request by the Minister of Environment and Waters or by an official, authorized by him information on shipment of waste, including on the type of the waste, their location or origin, as well as on the persons, performing shipment, including import or export of waste.

Art. 117. The Regional health inspection (RHI) director and the RIEW director or officials, authorized by them shall exercise control on the activities on treatment of hazardous waste in the medical and health establishments.

Art. 118. (1) The Minister of Environment and Water, the RIEW director, the municipality Mayor on the location of the ground, or officials authorized by them and the MI bodies shall exercise control for observation of the conditions and procedure for carrying out activities with WFNM according to their competences.

(2) For the found breaches during the checkups for observation of the conditions and procedure for carrying out activities with WFNM, the municipality Mayor and the bodies of MI shall notify within 14-day term the director of the relevant RIEW, by sending him/her all the documents.

Art. 119. (1) (Amend. – SG, 105/16) The control bodies pursuant to Art. 112 - 115, 117 and 118 shall carry out checkups on documents and/or checkups on site according to their competence.

(2) The control bodies pursuant to Art. 112 - 114 and 117 at least once a year shall carry out a check up of the documents, which are required pursuant to this act and the acts of secondary legislation for its implementation of the traders and brokers of waste and of the persons, with whose activity waste are formed and/or carry out activity with waste.

(3) The check up on site shall be independent from the check up pursuant to Para. 2 and shall be carried out at least once a year on the site of carrying out the activity and in the presence of the person, checked and of persons, who work for him/her. In case of absence of such persons, the check up shall be carried out with the participation of at least one witness.

(4) The checkups of the activities of collection and shipment shall cover the origin, nature, quantity and destination of the collected and shipped waste.

(5) The official, carrying out the check up on site shall have the right:

1. to access in the premises, in which the controlled activity is carried out;
2. to request production of the documents, which pursuant to the normative requirements must be at the place of the check up;
3. to request written and oral explanations from anyone, who works for the checked person;
4. to assign experts in the relevant area, where the check up is complicated or requires special knowledge.

(6) If during the check up on site a lack of documents, certifying the observation of the established requirements is found, the checked person shall be determined by a 7 –day term to produce them.

(7) during the check up the control bodies pursuant to Para. 1 shall draw up a factual protocols and/or acts for finding administrative breaches. If breaches are found, the control bodies shall give obligatory instruction and shall set a term for removal of the breaches.

Art. 120. During the checkups, the control bodies pursuant to Art. 119, Para. 1 shall draw up factual protocols. If breaches are found, the control bodies shall give obligatory instructions in the factual protocols

with a set term for their removal and/or shall draw up acts for found administrative breaches.

Art. 121. The customs bodies shall carry out customs supervision and control on the trans-border shipment of waste in compliance with this act and the customs legislation and may undertake the relevant actions pursuant to Art. 124, Para. 2.

Art. 122. The Chief Directorate Border Police bodies and the bodies of the units of Road Police in the regional directorate of the Ministry of Interior shall carry out control on the trans-border shipment pursuant to this act, the Act on the Ministry of Interior and the legislative instruments on its implementation and may undertake the relevant actions pursuant to Art. 124, Para. 2.

Art. 123. The officials of the executive Agency Road Administration, the Executive Agency Railroad Administration and the Executive Agency Maritime Administration shall carry out control on the trans-border shipment of waste pursuant to this act, pursuant to relevant international legal acts, ratified by the Republic of Bulgaria by an act, The Act on Road Carriages, the Act on Road Movement, the Act on the Railroad Transport and Ports of the Republic of Bulgaria, the Trade Ship Sailing Code and the acts of secondary legislation for its implementation and may undertake the relevant actions pursuant to Art. 124, Para. 2.

Art. 124. (1) The bodies and persons pursuant to Art. 116, Para. 2 may carry out checkups and have the right to access to the register pursuant to Art. 95, Para. 3, p. 1. In case of found breaches, the control bodies shall draw up acts for found administrative breaches.

(2) The bodies and persons pursuant to Art. 116, Para. 2, p. 3 and 4 shall have the right to detain temporary the shipment vehicle with its load – subject to the breach by taking the document for registration of the vehicles until:

1. receiving an opinion by the Ministry of the Environment and Water for liberation of the load in view to taking-back in the country of sending – for the cases pursuant to Art. 24, Para. 2 of Regulation (EC) N 1013/2006 at shipment to the Republic of Bulgaria;

2. issuance of an order pursuant to Art. 127, p. 2;

3. receiving an opinion by the Ministry of Environment and Water, or the relevant RIEW that the shipment is not waste or that the requirements of Regulation (EC) N 1013/2006 and of the act have been met.

(3) The bodies and persons pursuant to Para. 1 shall have the right to take samples and material evidence, which shall keep by finalization of the administrative – penal procedure.

Art. 125. (1) The compliance control of the products after whose use mass disseminated products are formed, with the requirements of the ordinances pursuant to Art. 13, Para. 1 shall be exercised by:

1. the president of the State Agency for metrological and technical supervision or officials, authorized by him/her in relation to the supervision on the market on the products, for which certain requirements have been determined pursuant to Art. 7 of the Act on the Technical Requirements for the Products;

2. the president of the Commission for Consumer Protection or by officials, authorized by him/her in relation to the control on the products, which fall in the scope of the Act on Consumer Protection;

3. the Minister of health or officials, authorized by him/her in relation to the control on products, determined by an act.

(2) The Commission of Consumer Protection shall carry out control for implementation of the provisions of Commission Regulation (EU) No 1103/2010 of 29 November 2010 establishing, pursuant to

Directive 2006/66/EC of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators (OJ, L 313/3 of 30 November 2010), called hereinafter "Regulation (EC) N° 1103/2010".

Chapter six.
COMPULSORY ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PENAL
PROVISIONS

Section I.
Compulsory Administrative Measures

Art. 126. For prevention and termination of the administrative breaches pursuant to this act and the Regulation (EC) N 1013/2006, as well as for prevention and removal of the hazardous results from them, the competent body or officials, authorized by him/her shall apply compulsory administrative measures.

Art. 127. The Minister of Environment and Water or officials, authorized by him/her shall:

1. stop:

a) the activities on collection, storage, shipment, recovery or disposal of waste;

b) exploitation of installations for disposal or recovery of waste;

c) carrying out activities with WFNM on a certain ground in case of non-removal of the breach within 7 day term after its fining, with the exception of the cases pursuant to Art. 75, Para. 3;

2. order carrying out of:

a) ecological treatment of waste in the cases pursuant to Art. 24, Para. 3 of Regulation (EC) N 1013/2006 in case of import or shipment to the Republic of Bulgaria;

b) back-take of the waste in the Republic of Bulgaria and their follow up ecological treatment for the cases of Art. 22, para. 2 or Art. 24, Para. 2 of Regulation (EC) N 1013/2006 in case of export or shipment from the Republic of Bulgaria.

Art. 128. The RIEW director or an official, authorized by him/her shall:

1. issue instructions for removal of waste on the account of the violator and for recovery the quality of the environment;

2. stop the activities of collection, storage, shipment, recovery or disposal of waste;

3. stop the exploitation of installations for waste treatment.

Art. 129. (1) Applying a compulsory administrative measure shall be carried out by a motivated order by the body pursuant to Art. 127 or 128.

(2) The order shall define the type of the compulsory administrative measure and the procedure for its application.

(3) The order shall be delivered to the violator pursuant to the Civil – procedure Code.

(4) The order for applying the measure pursuant to Art. 127, p. 2, letter "a" shall be sent pursuant to the Civil-procedure Code to the receiver of waste. And pursuant to Art. 127, p. 2, letter "b" – to the person, responsible for their dispatch and accompany the shipment of waste to their final destination. A copy of the order shall be sent immediately to the relevant body or the person pursuant to Art. 116, Para. 2, p. 3 and 4.

(5) (suppl. - SG 77/18, in force from 01.01.2019) The order for applying the compulsory administrative measure may be appealed before the relevant administrative court pursuant to the Administrative – procedure Code. The appeal shall not stop its implementation.

(6) Within the term of 7 working days after receiving the order for applying the measure pursuant

to Art. 127, p. 2, the person, for which the measure is imposed, shall produce to the competent body a certificate, that the waste is accepted for ecological treatment.

(7) All the costs on the implementation of the compulsory administrative measures shall be on the account of the persons, for whom the measures are applied.

Art. 130. (1) In case of found breaches and/or illegal shipment of waste pursuant to Art. 2, Para. 35 of Regulation (EC) N 1013/2006, the customs bodies, the bodies of Chief directorate Border Police, the bodies of the units Road Police, in the regional directorates of the Ministry of Interior, Executive Agency Road Administration, Executive Agency Railways Administration, and the Executive Agency Maritime Administration, shall immediately notify in writing within 14 day term the RIEW director in the location, in which the breach and/or the illegal shipment has been found, by sending all the documents.

(2) The RIEW directors shall inform in writing the Minister of Environment and Water about the found breaches of Regulation (EC) N 1013/2006 and about the measures undertaken.

Art. 131. Where it is found that the administrative breach, for which an administrative-penal procedure is formed, is a crime, the procedure shall be terminated and the materials shall be sent to the relevant prosecutor.

Art. 132. The competent body, or officials, authorized by hi/her pursuant to Art. 125 shall undertake measures pursuant to the procedure and way, determined by the relevant act.

Section II.

Administrative Breaches and Punishments

Art. 133. (1) A natural person shall be punished by a fine of BGN 300 to 1000, who:

1. (suppl. - SG 88/17, in force from 01.01.2022, amend. regarding entry into force - SG 98/18, in force from 01.01.2019) throws out waste at places, not permitted for this purpose or in containers or bags other than those determined by the municipality for measuring the quantity of household waste under Art. 67, para. 8 of the Local Taxes and Fees Act;

2. deliver waste to persons, who do not hold permit, complex permit or registration document pursuant to art. 35, in the cases, where such are required;

3. fails to deliver a motor vehicle end-of life at grounds for storage or in centres for dismantling;

4. throws out mass disseminated waste, marked for separate collection pursuant to the ordinances pursuant to Art. 13, Para. 1 in containers for mixed household waste and in vessels for waste collection, placed in properties – public state or municipal ownership, or mixes them with other materials or waste in a way, making difficult their follow up recycling or recovery, where in the relevant populated place there is a system for separate collection of the relevant mass disseminated waste;

5. fails to fulfill the provision for second use, recycling and recovery of construction waste;

6. throws out household waste in vessels for separate collection.

7. (new – SG, 105/16) turns over, violates the thoroughness, the aesthetic outlook and/or sets on fire waste collecting vessels.

(2) For apparent cases of administrative breaches of little importance pursuant to Para. 1, p. 1 and 4, found while they were carried out, the bodies in charge shall impose fines at the place of breach in the amount of BGN 10 to 50 for which a slip shall be issued pursuant to the Act on Administrative Breaches and Punishments.

(3) A natural person shall be punished by a fine of BGN 1400 to 4000, who:

1. delivers WFNM of household nature without a declaration of origin pursuant to Art. 39, Para. 2

or refuses to fill in such or has filled in false information in the declaration;

2. delivers WFNM of household nature to a person without holding permit or complex permit pursuant to Art. 35, Para. 1;

3. (suppl. – SG, 105/16) carries out activities with WFNM, NUEEE, NUBA and/or NUMV without registration pursuant to the Commerce Act or without permit, if the deed does not represent a crime;

4. delivers WFNM, which are not of household nature, including pursuant to Art. 39, Para. 1.

5. (new – SG, 105/16) receives payment in cash for transmitted WFNM, where the total value of the deals during the relevant calendar year exceeds BGN 100.

(4) A natural person shall be punished by a fine of BGN 2000 to 5000, who:

1. non-regulated burns or carries out other form of non-regulated waste treatment;

2. breaks the requirements of Art. 7 of Regulation (EC) N 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC.

(5) (new - SG 1/19, in force from 03.01.2019) For obvious minor cases of administrative violations under para. 4, item 1, found at their committing the authorities authorized for this purpose shall impose at the place of infringement fines in the amount of BGN 10 to BGN 50 in return for a slip following the order of the Administrative Violations and Penalties Act.

(6) (prev. para. 5 - SG 1/19, in force from 03.01.2019) In case of a repeated breach, a fine shall be imposed as follows:

1. pursuant to Para. 1 – in the amount of BGN 600 to 2000;

2. pursuant to Para. 3 – in the amount of BGN 2800 to 8000;

3. pursuant to Para. 4 – in the amount of BGN 4000 to 10 000.

Art. 134. (1) A sole trader shall be punished by a property sanction in the amount of BGN 1400 to 4000 or a legal person, who:

1. (suppl. - SG 88/17, in force from 01.01.2022, amend. regarding entry into force - SG 98/18, in force from 01.01.2019) throws out non-hazardous waste at places not permitted for this purpose or in containers or bags other than those determined by the municipality for measuring the quantity of household waste under Art. 67, para. 8 of the Local Taxes and Fees Act;

2. non-regulatedly burns or carries out other form of non-regulated treatment of non-hazardous waste.

(2) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 10 000 to 50 000, who:

1. throws out hazardous waste at places, not permitted for this purpose;

2. non-regulatedly burns or carries out other form of non-regulated treatment of hazardous waste.

(3) In case of a repeated breach, a property sanction shall be imposed, as follows:

1. pursuant to Para. 1 – in the amount of BGN 2800 to 8000;

2. pursuant to Para. 2 – in the amount of BGN 20 000 to 100 000.

Art. 135. (1) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 2000 to 6000, with the exception of the persons pursuant to Art. 14, Para. 2, who:

1. fails to keep accountancy of the waste or fails to produce documents on the account or information for management of the waste activities pursuant to the requirements of this act or the ordinance pursuant to Art. 48, Para. 1;

2. (suppl. – SG, 105/16) fails to produce information or fails to keep accountancy pursuant to the requirements of the ordinances of Art. 13, Para. 1, or under Art. 59, Para. 1;

3. (suppl. – SG, 105/16) produces untrue information and/or keeps untrue accountancy pursuant to this act or the ordinances of Art. 13, Para. 1 or Art. 48, Para. 1, or Art/ 59, Para. 1;

4. fails to produce documents upon request by the competent bodies, on the report or information

about the waste management activity.

(2) A sole trader or a legal person shall be punished by a property sanction in the amount of BGN 5000 to 15 000, who:

1. fails to carry out classification of waste, formed as a result of his/her activity, in case pursuant to the ordinance of Art. 3;

2. fails to carry out waste classification, formed as a result of his/her activity, in case of a change of the raw materials and/or the technological processes, which leads to change of the waste composition and properties, pursuant to the ordinance of Art. 3.

(3) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 5000 to 10 000, who:

1. produces untrue data, requested in registration or its change and/or supplementation;

2. fails to declare in time a change of the circumstances pursuant to Art. 79, Para. 2.

(4) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 5000 to 15 000, who fails to provide access to grounds or premises or documents of an official, carrying out a checkup, with the exception of the persons pursuant to Art. 14, Para. 2,

(5) In case of a repeated breach pursuant to Para. 1 – 4, the property sanction shall be imposed in double amount.

Art. 136. (1) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 3000 to 10 000, who:

1. breaks the provision on collection, including separate one, storage, shipment or treatment of household or construction waste;

2. breaks the requirements for separate collection, shipment or treatment of waste according to the type, properties and compatibility of the waste;

3. breaks the requirements of the normative acts for packaging and labeling of hazardous waste;

4. admits solubility or mixing of construction and hazardous waste with other waste or substances in view to achieving the criteria for acceptance of waste in the relevant landfill site.

(2) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 7000 to 20 000, who:

1. delivers or accepts waste without a written contract in the cases pursuant to Art. 8, Para. 1 or breaks the requirements pursuant to Art. 7, Para. 1;

2. breaks the requirements pursuant to Art. 8, Para. 2;

3. (suppl. – SG, 105/16) collects, ship and/or treat waste, or performs recycling of ships in the meaning of Regulation (EU) N 1257/2013 without permit or registration document, where such are required;

4. (suppl. – SG, 105/16) fails to fulfill the conditions, determined in the permit pursuant to Art. 35, Para. 1. p.1 and/or in the registration document under Art. 35, Para. 3 and 5;

5. breaks the requirements for building up and exploitation of facilities and installations for waste recovery or disposal;

6. accepts waste at a ground or facility for storage hazardous waste without providing their separate storage from other materials or admits their non-controlled scattering;

7. fails to undertake actions for disposal or recovery of waste in the term, set by the law;

8. breaks the requirements for treatment and shipment of industrial and hazardous waste;

9. delivers the industrial and/or hazardous waste of persons, who do not hold permit, complex permit or registration document pursuant to Art. 35 for activities with the relevant waste or fails to dispose them or utilize in the term, set by the law;

10. collects and stores hazardous waste in vessels, which do not meet the requirements for firm closure, inscription of the waste in them or are made of materials, which interact with the waste;

11. accepts hazardous or industrial waste without description of the properties, composition, their adaptability for treatment, their hazardous properties and the safe measures for treatment, or fails to carry

out the needed checkups, samples and analyses at their acceptance;

12. mixes hazardous waste with non-hazardous, as well as hazardous waste with other substances and materials, including solutes hazardous waste, unless where this is a part of the technology of recovery and disposal and the persons holds permit or complex permit pursuant to Art. 35;

13. provides untrue data, required in issuance, change and/or supplementation of a permit pursuant to Art. 35, Para. 1, p. 1;

14. fails to declare in term a change in the circumstances pursuant to Art. 73, Para. 1;

15. fails to provide measurement of arriving to the ground quantities of waste in the cases, where this is required.

16. (new – SG, 105/16) performs activity with waste as trader or broker without registration or without the relevant document under Art. 35;

17. (new – SG, 105/16) performs activities of recycling of ships in violation of the requirements of Art. 7 and 13 of Regulation (EU) N 1257/2013.

(3) In case of a repeated breach, a property sanction shall be imposed, as follows:

1. pursuant to Para. 1 – in the amount of BGN 6000 to 20 000;

2. pursuant to Para. 2 – in the amount of BGN 14 000 to 40 000.

Art. 137. (1) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 7000 to 20 000, who builds up and/or exploits installation for incineration waste, which:

1. breaks the technical requirements for the mass of the organic compounds in the bottom ash and slag, the temperature in the incineration chamber and/or the duration of the homogeneous gas mixture;

2. fails to provide the needed measurement of emissions of hazardous substances and/or exploitation parameters.

(2) In case of a repeated breach pursuant to Para. 1, a property sanction shall be imposed in the amount of BGN 14 000 to 40 000.

Art. 138. (1) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 7000 to 20 000, who:

1. accepts for depositing waste, which have not been prior treated, do not comply with the class of the landfill site and/or fail to meet the criteria for depositing;

2. admits incorrect exploitation of the landfill site or incineration of the waste in it;

3. fails to carry out control of:

a) incoming waste to the facilities and installations for disposal;

b) the disposal technology;

c) pollution of the components of the environment while exploiting or after termination of the activity of waste disposal;

d) the activity of closure of facilities and installations for waste disposal;

4. fails to fulfill the programme for control and monitoring of landfill sites or facilities and installations for waste treatment and for closure and re-cultivation of the facility for waste disposal and for post-operation monitoring and control;

5. fails to fulfill in term the measures on the plan application for bringing the landfill site into compliance with the requirements of the ordinance pursuant to Art. 43, Para. 1.

(2) In case of a repeated breach pursuant to Para. 1, the property sanction shall be imposed in the amount of BGN 14 000 to 40 000.

(3) A landfill site owner shall be punished by a property sanction in the amount of BGN 30 000 to 100 000, who:

1. exploits the landfill site without a certain size of the sums for 1 t. deposited waste pursuant to Art. 60, Para. 2, p. 1 or 2 in compliance with this act requirements or the ordinance pursuant to Art. 43, Para.

2;

2. fails to deposit 2 successive monthly sums pursuant to Art. 60, Para. 2, p. 1 or 2 or fails to produce bank guaranty pursuant to Art. 60, Para. 2, p. 3;

3. deposit a monthly sum pursuant to Art. 60, Para. 2, p. 1 or 2, or produces a bank guaranty pursuant to Art. 60, Para. 2, p. 3, not meeting the requirements of this act or the ordinance pursuant to Art. 43, Para. 2;

4. fails to update the amount of the sum pursuant to Art. 60, Para. 2, p. 1 or 2 or fails to produce an excerpt of the bank account pursuant to Art. 61, Para. 1;

5. fails to extend or renew the bank guaranty in compliance with the requirements of this act or the ordinance pursuant to Art. 43, Para. 2;

6. fails to deposit 2 monthly sums pursuant to Art. 64, Para. 1 or uses untrue information for diminishing their amount;

7. admits depositing prohibited waste.

(4) In case of a repeated breach pursuant to Para. 3, a property sanction shall be imposed in the amount of BGN 60 000 to 200 000.

(5) Any landfill site owner, who within the term pursuant to Art. 62, Para. 2 fails to begin carrying out the activities of its closure in compliance with the closure plan, shall be punished by a property sanction in the amount of BGN 5000 – for a landfill site with non-hazardous waste, and BGN 10 000 for a landfill site for hazardous waste.

(6) Any landfill site owner, who fails to fulfill the measures for technical re-cultivation of the landfill site within the terms, set by the closure plan, shall be punished by a property sanction in the amount of BGN 2000 – for non-hazardous waste and BGN 5000 – for hazardous waste for each decare of the landfill site area, for which not technical re-cultivation has been made.

(7) (new - SG 53/18q in force from 26.06.2018) Punished with a proprietary sanction of BGN 30 000 to 100 000 shall be a sole trader or a legal entity who violates the requirements of Art. 11 and 13 Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 hereinafter referred to as "Regulation (EC) 2017/852".

(8) (new - SG 53/18q in force from 26.06.2018) In case of repeated violation under para. 7, a proprietary sanction of BGN 60 000 to BGN 200 000 shall be imposed.

Art. 139. (1) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 7000 to 20 000, who:

1. fails to undertake measures for carrying out separate collection of waste, made by medical establishments, as well as the needed actions for their correct storage, shipment and disposal;

2. throws out hazardous waste from medical establishments at not-regulated places and/or in vessels for collection of household or mass disseminated waste;

3. keeps hazardous waste from the medical establishments in the open or in a way, which leads to polluting the components of the environment or spreading of contamination, sicknesses or create premises for occurrence of outbreaks of epidemics;

4. admits mixing of hazardous waste from medical activity with other hazardous waste, substances and materials, and stops follow up technology for disposal and/or recovery;

5. delivers for depositing non-treated hazardous waste from medical establishments;

6. treats waste from medical establishments in violation of the requirements of the ordinance pursuant to Art. 43, Para. 3.

(2) In a repeated breach pursuant to Para. 1, the property sanction shall be imposed in the amount of BGN 14 000 to 40 000.

Art. 140. (1) A sole trader or legal person shall be punished by a property sanction in the amount of

BGN 3000 to 10000, who:

1. fails to undertake the needed measures for provision of separate collection and treatment of NUBA, formed by placing on the market by it batteries and accumulators;
2. carries out sale of portative and/or automobile batteries and accumulators to end users in a trade site, where there are no vessels for their collection by the end users or the vessels do not meet the normative requirements;
3. fails to accept without pay by the end users unfit for use portative and/or automobile batteries and accumulators of the same kind within the frames of the site working time;
4. places NUBA in vessels for household waste or mixes them with other waste;
5. throws out unfit for use accumulators at non-permitted places and/or throws out electrolyte from them;
6. collects and keeps unfit for use accumulators without electrolyte in the collection points in a quantity above 5% of the total quantity collected accumulators;
7. fails to provide recovery or delivery for recovery of the collected by him/her batteries and accumulators within the lawful term;
8. delivers for depositing or incineration unfit for use automobile and/or industrial batteries and accumulators,
9. delivers for depositing or incineration unfit for use portable batteries and accumulators, containing mercury, lead or cadmium;
10. carries out disposal of NUBA in parts or materials from them, which may be recycled and/or recovered;
11. carries out sale of portable and/or automobile batteries and accumulators of end users in a trade site, where there are not placed plates, containing the needed information about the possibilities for back-take of unfit for use portable and/or automobile batteries and accumulators in compliance with the requirements of the ordinance pursuant to Art. 13, Para. 1;
12. carries out sale of portable and/or automobile batteries and accumulators to end users and has not signed a contract by which the service of the vessels for back take if unfit for use portable and/or automobile batteries and accumulators is guaranteed, their shipment and delivery for recycling to persons, holding the needed permit for this;
13. carries out sale of batteries and accumulators, which are not marked by a label for capacity pursuant to the requirements of Regulation (EC) N 1103/2010.

(2) In case of a repeated breach pursuant to Para. 1, a property sanction shall be imposed in the amount of BGN 6000 to 20 000.

Art. 141. (1) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 3000 to 10 000, who:

1. fails to undertake the needed measures for providing separate collection and treatment of NUEEE, formed from placing on the market EEE;
2. deliberately breaks the wholeness of end-of life gas lamps and electric-ray tubes, unless he/she holds permit or complex permit pursuant to Art. 35 for this activity;
3. collects and keeps in the open or in open vessels or containers NUEEE including gas lamps;
4. places NUEEE in vessels for household waste or mixes them with other waste;
5. carries out disposal of NUEEE of parts or materials from it, which may be recycled and/or recovered;
6. delivers for depositing separate collected NUEEE;
7. fails to dispose waste, not subject to repeated use, recycling and/or recovery from preliminary treated NUEEE , pursuant to the requirements of this act and the acts of secondary legislation for its implementation;
8. carries out sale of EEE to end users in a trade site, where there are not vessels for collection by

the end users of NUEEE from the households or the vessels fail to meet the normative requirements;

9. fails to accept free on behalf of the end users NUEEE, formed in the household in the same quantity, of the same kind or fulfilling the same functions, as the one, bought by the user within the frames for the site working time;

10. carries out sale of EEE to end users in a trade site, where there are no plates with the needed information at evident place about the possibilities for back take of NUEEE in compliance with the requirements of the ordinance pursuant to Art. 13, Para. 1;

11. carries out sale of EEE to end users and has not signed a contract, which should guaranty the service of the vessels for back take of EEE, formed in the households, its shipment and delivery for recycling or recovery to persons, holding the needed permit;

12. places on the market EEE, intended for use in the households without instructions for use of the device with the needed information in the Bulgarian language in compliance with the requirements of the ordinance pursuant to Art. 13, Para. 1.

(2) In case of a repeated breach pursuant to Para. 1 a property sanction shall be imposed in the amount of BGN 6000 to 20 000.

Art. 142. (1) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 3000 to 10 000, who:

1. uses residues from purifying waste waters for the need of agriculture, where:

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

b) the residues are hazardous waste in the meaning of § 1, p. 12 of the Additional provisions;

c) fails to provide preliminary treatment of residues from septic holes and from other similar facilities for purifying waste waters;

d) has not the consent of the land owner;

2. uses or provides for use residues on:

a) pastures or fodder crops, if the pastures will be used for grazing, and the foddors will be collected within a period, shorter than 45 days after the use of the residues;

b) soils, on which orchard and vegetable plants and vineyards are grown, with the exception of orchard trees;

c) soils, intended for cultivation of orchard and vegetable plants, which are in direct contact with the soil and are eaten in raw state – for the period of 10 months before and during the harvest collection;

3. uses residues, without providing tests of the soil by accredited laboratories before the initial use of the residues and after that – every 5 years by the final termination of their use.

(2) In case of a repeated breach pursuant to Para. 1, a property sanction shall be imposed in the amount of BGN 6000 to 20 000.

Art. 143. (1) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 3000 to 10 000, who:

1. carried out activities of collection, storage, dismounting, recovery and/or disposal of NUMV, components and materials from them at not permitted for this places or on grounds, not meeting the requirements of this act or the acts of secondary legislation for its implementation;

2. fails to introduce an information system for accounting and control of the issued certificates for dismounting of NUMV.

(2) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 3000 to 10 000, who:

1. carries out sale or change of tires and does not accept free on behalf of the end users, end-of life tires (OUT);

2. carries out sale or change of tires and has not organized a place for returning by the end users of OUT on the territory of the site, where the sale is conducted;

3. carries out sale or change of tires and has not signed a contract, which should guaranty collection and delivery of OUT for recovery;

4. carries out sale or change of tires and has not provided information in compliance with the requirements of the ordinance pursuant to Art. 13, Para. 1 at an evident place on the territory of the site about the possibilities for acceptance OUT by the end users;

5. delivers for depositing OUT – whole and/or cut, unless where bicycle tires or tires with outer diameter above 1400 mm are deposited or are used as material for construction of landfill sites;

6. carries out activities on collection, storage, recovery and/or disposal of end-of life tires at non-permitted places or at grounds, not meeting this act requirements and of its acts of secondary legislation for its implementation.

(3) A sole trader or legal person shall be punished by a property sanction in the amount of BGN 3000 to 10 000, who:

1. carries out sale of packed goods and does not accept free from the end users used packaging and/or waste from packaging of the same type, for which there is an organized landfill site or other system for multiple use;

2. has not organized separate collection of waste from trade sites. Production, farm and administrative buildings and/or has not delivered them to the persons pursuant to Art. 33, Para. 4;

3. (amend. – SG, 105/16) offers free plastic shopping bags to end users with thickness below 50 micrones and offers and/or sells to end users plastic shopping bags, for which no product fee has been paid under Art. 59, Para. 7.

(4) In case of a repeated breach pursuant to Para. 1 – 3, a property sanction shall be imposed in the amount of BGN 6000 to 20 000.

Art. 144. (1) A sole trader or legal person shall be punished by a property sanction of BGN 3000 to 10 000, who:

1. keeps worked out oils or waste oil products at grounds, which do not meet this act requirements or its acts of secondary legislation for its implementation;

2. carries out change of worked out oils, at places, which have not been equipped for this purpose, or in vessels, not meeting the requirements;

3. mixes oils, containing poly-chloride biphenyl and terphenyl with other worked out oils;

4. mixes worked out oil and waste oil products with fuels, cooling liquids, break liquid and dissolvent;

5. carries out sale of oils and has not provided information at an evident place on the site territory about the places for change of oils, the possible dangers for human health in case of incorrect manipulation or risk for the environment;

6. carries out change of oils and has not signed a contract, which should guaranty collection and delivery of worked out oils or waste oil products for recovery.

(2) A sole trader or legal persons shall be punished by a property sanction in the amount of BGN 7000 to 10 000, who:

1. fails to produce information about the possessed by him/her equipment, containing poly-chloride bi-phenyl and ter-phenyl;

2. fails to keep the terms, set by the plan for cleaning and/or disposal of the possessed by him/her equipment, containing poly-chloride bi-phenyl, confirmed by an order by the RIEW director on whose territory the equipment is placed.

(3) In case of a repeated breach, a property sanction shall be imposed, as follows:

1. pursuant to Para. 1 – in the amount of BGN 6000 to 20 000;

2. pursuant to Para. 2 – in the amount of BGN 14 000 to 40 000.

Art. 145. (1) A sole trader or legal person shall be punished by a property sanction, who:

1. carries out activities with WFNM without permit;
 2. (amend. – SG, 105/16) transmits WFNM, received as technological waste from own production or own amortization surface to persons without permit;
 3. accepts WFNM from legal person or sole trader without a certificate of origin or without a written contract;
 4. (amend. – SG, 105/16) directly after the deal for receiving and/or dispatch of WFNM fails to enter in the accountancy documents all the circumstances;
 5. fails to let the control bodies to the places, where the activity is carried out, or fails to produce in the set term accountancy documents for the accepted, taken in, delivered and taken out WFNM or other documents, which he/she is obliged to keep;
 6. signs contract or accept certificate or declaration with not entered all required data, identifying the persons or the bought waste;
 7. within 3 month term after termination of the activity fails to realize the available quantities WFNM and/or fails to undertake the needed actions for cleaning the relevant ground;
 8. breaks the requirements of Art. 39, Para. 4, 5 or 6;
 9. accepts from natural persons WFNM of household nature;
 10. accepts from natural persons WFNM, which are of no household nature, including waste pursuant to Art. 39, Para. 1;
 11. (suppl. – SG, 105/16) carried out payments on deals with waste in violation of the requirements pursuant to Art. 38, Para. 4 and 5;
 12. (amend. – SG, 105/16) transmits a compliance declaration with untrue contents in violation of the European Commission acts, adopted in compliance with Art. 6, Para. 2 of Directive 2008/98/EC;
 13. (amend. – SG, 105/16) fails to provide access to the competent body under Art. 5, Para. 4 to the system under Art. 80a, Para. 2;
 14. (new – SG, 105/16) it has not been entered in the register under Art. 45, Para. 1, p. 10;
 15. (new – SG, 105/16) the condition in the decision under Art. 4, Para. 2 has not been fulfilled.
- (2) (amend. – SG, 105/16) For the breaches pursuant to Para. 1, p. 1 - 3, 5, 6, 8 – 11, property sanctions in the amount of BGN 15 000 to 50 000 shall be imposed, and in the remaining cases pursuant to Para. 1 - BGN 3000 to 10 000.
- (3) (amend. – SG, 105/16) In case of a repeated breach pursuant to Para. 1, p. 1 - 3, 5, 6, 8 – 11, a property sanction shall be imposed in the amount of BGN 30 000 to 100 000 and in the remaining cases pursuant to Para. 1 - BGN 6000 to 20 000.

Art. 146. A sole trader or legal person shall be punished by a property sanction in the amount of BGN 5000 to 10 000, who:

1. assigns or carries out construction or mounting works or removal of constructions without a management plan of construction waste in the cases, where such is required pursuant to Art. 11, Para. 1;
2. fails to reach the achievement of the objectives for recovery and recycling of construction waste pursuant to the requirements and terms, determined by the ordinance pursuant to Art. 43, Para. 4;
3. (new – SG, 105/16) fails to achieve his objectives for input of recycled construction materials under the requirements and terms, determined by the Ordinance under Art. 43, Para. 4.

Art. 147. (1) A sole trader or legal persons shall be punished by a property sanction in the amount of BGN 5000 to 10 000, who:

1. (amend. – SG, 105/16) breaks the requirements of Art. 47 and/or fails to declare in term for entering in the registers pursuant to Art. 45, Para. 1, p. 2 – 5, 8 and 10;

2. (amend. – SG, 105/16) fails to announce for entering in term a change in the circumstances, subject to entering in the registers pursuant to Art. 45, Para. 1, p. 2 – 5, 8 and 10.

(2) A sole trader or legal person shall be imposed by a property sanction in the amount of BGN 10 000 to 50 000, who:

1. places on the market batteries and accumulators , which:

a) contain mercury or cadmium above the determined values pursuant to the ordinance of Art. 13, Para. 1;

b) are not marked in compliance with the requirements of the ordinance pursuant to Art. 13, Para. 1;

c) are not marked by a capacity label pursuant to the requirements of Regulation (EC) N 1103/2010;

2. places on the market parts and components of motor vehicles, which:

a) contain lead, mercury, six-valent chromium an cadmium above the admissible norm, according to the requirements of this act and the ordinance of Art. 13, Para. 1;

b) are not marked in view to their date of expiry for a second use an recreation, as well as for the possibility to be dismantled before a follow up treatment;

3. (amend. – SG, 105/16) places and disseminates on the market packaging, which are not in compliance with the requirements of the Ordinance under Art. 13, Para. 1;

4. places and disseminates on the market packaging, which contain heavy metals – led, cadmium, mercury and six-valent chromium above the maximum admissible contents and/or fail to meet the other requirements, determined by the ordinance of Art. 13, Para. 1;

5. places on the market EEO, which is not marked in compliance with the requirements of the ordinance pursuant to Art. 13, Para. 1;

6. places on the market other products, which do not meet the requirements of this act and/or the ordinances pursuant to Art. 13, Para.1.

(3) In case of a repeated breach pursuant to Para. 1 a property sanction shall be imposed in the amount of BGN 10 000 to 20 000 and pursuant to Para. 2 – in the amount of BGN 20 000 to 100 000.

(4) A person pursuant to Para. 2 or 3 shall be obliged to pay also the costs for recovery and/or disposal of the products pursuant to Para. 2, p. 1, letter "a". p. 2, letter "a", p. 4 and p. 5.

Art. 148. (1) Any organization on recovery or a person pursuant to Art. 14, Para. 1, fulfilling their obligation individually shall be punished by a property sanction, who:

1. fails to fulfill an inscription of the competent bodies, given in relation to failure to fulfill a condition of the permit pursuant to Art. 81, Para. 1;

2. fails to provide information and does not keep accountability pursuant to this act and/or the ordinances pursuant to Art. 13, Para. 1;

3. provides untrue information and/or keeps untrue accountability pursuant to this act and the ordinances pursuant to Art. 13, Para. 1;

4. fails to provide access to grounds, premises and/or documents for an official, carrying out check up and/or the auditors pursuant to Art. 18, Para. 2 or 3;

5. fails to fulfill the requirements for covered population of the systems for separate collection of waste from packaging pursuant to Art. 33, Para. 1 and the ordinances pursuant to Art. 13, Para. 1;

6. fails to fulfill the obligations for separate collection and treatment of waste pursuant to Art. 14, Para. 1 and/or for creating a system pursuant to Art. 15 and/or fails to fulfill the requirements pursuant to Art. 14, Para. 3 by a person fulfilling his/her obligations individually;

7. fails to restore in term the costs pursuant to Art. 18, Para. 5;

8. (repealed – SG, 105/16)

9. fails to provide information to the users in compliance with the requirements of the ordinances pursuant to Art. 13, Para. 1;

10. provides untrue data, required in case of issuance, amendment and/or supplementation or extension of the term of action of a permit pursuant to Art. 81, Para. 1.

(2) For the breaches pursuant to Para. 1, p. 1, 3, 4 and 6 property sanctions shall be imposed of BGN 50 000 to 150 000 and in the remaining cases pursuant to Para. 1 – BGN 10 000 to 20 000.

(3) In case of a repeated breach pursuant to Para. 1, p. 1, 3, 4 and 6, a property sanction of BGN 100 000 to 300 000 shall be imposed, and in the remaining cases pursuant to Para. 1 – BGN 20 000 to 40 000.

(4) A person pursuant to Art. 14, Para. 1, fulfilling his/her obligations individually shall be punished by a property sanction of BGN 20 000 to 40 000, who fails to take back or has not provided take back of waste in compliance with Art. 14, Para. 3.

(5) In case of a repeated breach pursuant to Para. 4, a property sanction shall be imposed of BGN 40 000 to 80 000.

Art. 149. (1) An organization on recovery, which breaks some of the prohibitions pursuant to Art. 16 or 17 shall be punished by a property sanction in the amount of BGN 30 000 to 100 000.

(2) A legal person or a sole trader, who fails to pay product charge pursuant to Art. 59 where such is required, shall be punished by a property sanction in the amount of BGN 30000 to 500 000.

(3) (amend. – SG, 105/16) A person, who places on the market products after whose use mass disseminated waste are formed and fulfills hi/her obligations through a collective system pursuant to Art. 14, Para. 2, p. 2, shall be punished by a property sanction in the amount of BGN 10 000 to 30 000 in case that he/she refuses a check up or auditing of the data for the products, placed on the market after the requirements of Art. 14, Para. 6.

(4) For repeated breach a property sanction shall be imposed as follows:

1. pursuant to Para. 1 – in the amount of BGN 60 000 to 200 000;
2. pursuant to Para. 2 – 60 000 to 1 000 000;
3. pursuant to Para. 3 - in the amount of BGN 20 000 to 60 000.

Art. 150. (1) For carrying out shipment of non-hazardous waste, defined as illegal pursuant to Art. 2, Para. 35 of Regulation (EC) N 1013/2006, or for breaking a prohibition pursuant to Art. 98, the natural persons shall be punished by a fine of BGN 1000 to 5000, and to the legal persons and sole traders shall be imposed by a property sanction in the amount of BGN 10 000 to 25 000.

(2) (amend. - SG 53/18q in force from 26.06.2018) For carrying out shipment of hazardous waste, defined as illegal pursuant to Art. 2, Para. 35 of Regulation (EC) N 1013/2006, for violation of the ban on the export of mercury waste under Art. 3 of Regulation (EC) 2017/852 or for breaking a prohibition pursuant to Art. 98, the natural persons shall be punished by a fine of BGN 3000 to 15 000, and the legal persons and sole traders shall be imposed by a property sanction in the amount of BGN 50 000 to 250 000.

(3) Any natural person shall be punished by a fine of BGN 1000 to 5000, or a sole trader or legal person by a property sanction in the amount of 2000 to 20 000, who:

1. fails to produce a document, information or certify facts in compliance with the requirements of Art. 15, letters "c", "d" or "e" or Art. 16 of Regulation (EC) N 1013/2006;
2. fails to produce a document, information or fails to send new notification in the cases pursuant to Art. 17, of Regulation (EC) N 1013/2006;
3. breaks a prohibition for mixing waste during shipment pursuant to Art. 19 of Regulation (EC) N 1013/2006;
4. fails to observe the requirements about shipment of waste pursuant to Art. 18 of Regulation (EC) N 1013/2006;
5. Fails to send a copy of a document for shipment in compliance with the provisions of Art. 35, Para. 3, letter "c", Art. 38, Para 3, letter "b" or Art. 42, Para. 3, letter "c" Regulation (EC) N 1013/2006;

(4) For failure to observe the compulsory administrative measures pursuant to Art. 127, p. 2 or Art. 129, Para. 6, the natural persons shall be imposed by a fine of BGN 1000 to 5000, and the legal persons and sole traders shall be imposed by a property sanction in the amount of BGN 5000 to 10 000.

(5) A sole trader or legal persons shall be punished by a property sanction in the amount of BGN 1000, who fails to fulfill his/her obligation pursuant to Art. 103.

(6) For failure to observe the compulsory administrative measures pursuant to Art. 127, p. 1 or Art. 128, the natural persons shall be punished by a fine of BGN 5000 to 10 000, and the legal persons and sole traders shall be imposed by a property sanction in the amount of BGN 10 000 to 20 000.

(7) For a repeated breach, a fine shall be imposed or property sanction, as follows:

1. pursuant to Para. 3 – in the amount of BGN 2000 to 10 000 for the natural persons, or in the amount of BGN 4000 to 40 000 - for legal persons;

2. pursuant to Para. 4 – in the amount of BGN 2000 to 10 000 for natural persons and in the amount of BGN 10 000 to 20 000 - for legal persons;

3. pursuant to Para. 5 – in the amount of BGN 2000;

4. pursuant to Para. 6 – in the amount of BGN 2000 to 20 000 for natural persons and in the amount of BGN 20 000 to 40 000 - for legal persons.

Art. 151. (1) A municipality Mayor and/or official shall be punished by a fine of BGN 1400 to 4000 – if he/she is not subject to a heavier punishment, who:

1. fails to fulfill his/her obligations on organization of the measure fulfillment in the programmes for waste management;

2. fails to carry out updating of the waste management programme pursuant to this act and the acts of secondary legislation for its implementation;

3. fails to carry out the needed actions in the cases, where the producers of waste are not known;

4. fails to carry out control on the waste management pursuant to Art. 112.

(2) A municipality Mayor and/or an official shall be punished by a fine of BGN 3000 to 10 000, if he/she is not subject to a heavier punishment, who:

1. fails to provide vessels for collection of household waste;

2. fails to provide collection of household waste and their shipment to the landfill sites or other installations and facilities for recovery and/or disposal;

3. fails to provide cleaning of the streets, squares, alleys, parks and other territories of the populated areas, intended for public use;

4. fails to provide the organization and application of a system for separate collection of hazardous waste of the household waste flow pursuant to Art. 19, Para. 3, p. 9;

5. fails to organize the exploitation of a site for waste treatment within the term of 6 months after the date of issuance of the permit for using the construction;

6. fails to undertake measures for prevention throwing away of waste at non- permitted places and/or creation of illegal dung-hills and/or organization of their cleaning;

7. fails to carry out in term the needed actions, related to choice of a ground, building up, exploitation, closure and monitoring of landfill sites for household waste or other installations or facilities for recovery and/or disposal of household waste;

8. fails to organize collection, recovery or disposal of construction waste of repairing activity, formed by the households on the territory of the relevant municipality;

9. fails to organize in term separate collection of household waste on the territory of the municipality at least for the following waste materials: paper and cardboard, metals, plastics and glass;

10. fails to organize the activities on separate collection of mass disseminated waste or fails to determine the places for disposal of the needed element of the systems for separate collection and/or the places for delivery of mass disseminated waste;

11. fails to undertake the needed action for fulfillment of the purposes for preparation for second

use and recycling pursuant to Art. 31, Para. 1 in compliance with the decision pursuant to Art. 26, Para. 1, p. 6;

12. fails to undertake the needed action for preparation and decision taking pursuant to Art. 26, Para. 1 or for its fulfillment;

13. fails to organize separate collection and storage of household bio-breaking down waste, including to determine the places for disposition of the needed elements for the system for separate collection of waste and their delivery for composting or anaerobic breaking down in the cases, where this is required by the ordinance pursuant to Art. 43, Para. 5;

14. fails to provide in term grounds for free delivery of separate collected waste by the households, including large-size waste, hazardous waste, WFNM etc., on populated areas with population bigger than 10 000 inhabitants;

15. fails to organize cleaning from waste the municipal roads in compliance with Art. 12;

16. fails to provide information for the public pursuant to Art. 19, Para. 3, p. 13;

17. fails to keep a register of the grounds for waste delivery pursuant to Art. 19, Para. 3, p. 14;

18. fails to undertake the needed action for measurement and/or finding out the quantities and/or composition of the waste in the cases, where this is required.

(3) An official shall be punished by a fine of BGN 7 000 to 20 000, if he/she is not subject to heavier punishment, who:

1. permits the introduction into exploitation of sites, forming waste without observing the requirements for acceptance of the site;

2. determines a ground for disposal of facilities for treatment of waste, without carrying out the needed research or where the results form it show that the building up of the ground would threaten human health and the environment and/or breaks the requirements of this act and the acts of secondary legislation for its implementation;

3. fails to fulfill his/her obligations on defining the requirements for safe liquidation of activities and recreation of the terrain in case of termination of the activity on waste treatment;

4. permits introduction into exploitation of installations and facilities for recovery or disposal of hazardous waste, where the requirements of this act have not been observed;

5. liberates from customs control in violation of the legislation in force the shipped waste through the state border;

6. fails to take timely measures for prevention of illegal shipment of waste for temporary interruption form movement of the shipment or for removal of other consequences from the violations;

7. (amend. - SG 13/17) approves plan of waste management of construction and demolish, without provided measures or the provided measures do not fulfill the objectives for recovery and recycling of construction waste;

8. fails to undertake the needed action for fulfillment and/or fails to fulfill the objectives for recovery and recycling of construction waste, determined by the ordinance pursuant to Art. 43, Para. 4.

(4) An official, who fails to observe the prohibition pursuant to Art. 9, Para. 1 shall be punished by a fine in the amount of BGN 1000 to 5000.

(5) An official shall be punished by a fine of BGN 5000 to 15 000, if he/she is not subject to heavier punishment, who:

1. issues a permit or registration document for collection storage, shipment, recovery or disposal of waste in violation of this act requirements;

2. fails to undertake the needed measures for finding violation of the requirements of this act or the acts of secondary legislation for its implementation, and/or for imposing sanctions;

3. in case of found violation fails to undertake the needed actions for its removal.

(6) For a repeated breach, a fine shall be imposed as follows:

1. pursuant to Para. 1 – in the amount of BGN 2000 to 8000;

2. pursuant to Para. 2 – in the amount of BGN 6000 to 20 000;

3. pursuant to Para. 3 – in the amount of BGN 14 000 to 40 000;
4. pursuant to Para. 4 – in the amount of BGN 2000 to 10 000;
5. pursuant to Para. 5 – in the amount of BGN 10 000 to 30 000.

Art. 152. (1) For violations pursuant to Art. 23, Para. 1, municipality Mayors and/or officials shall be punished by a fine of BGN 5000 to 10 000.

(2) President of the regional association, who fails to fulfill his/her obligation for calling a general meeting shall be punished by a fine of BGN 5000 to 10 000.

Art. 153. A municipality Mayor, who fails to undertake the actions pursuant to Art. 21, Para. 1 or fails to undertake in the lawful term the actions of preparation, building up, closure and post-exploitation cares of the landfill site and of other facilities for treatment of household and/or construction waste, shall be punished by a fine in the amount of BGN 20 000.

Art. 154. In case of finding the producers of waste pursuant to Art. 55, Para. 1, the natural persons shall be imposed by a fine of BGN 3000 to 10 000, and the legal persons and sole traders – a property sanction of BGN 6000 to 20 000.

Art. 155. (1) For other violations of this act, which are not crimes, the natural persons, municipality Mayors or officials shall be punished by a fine of BGN 500 to 3000, and the legal persons or sole traders shall be imposed by a property sanction of BGN 1000 to 6000.

(2) In case of a repeated breach, the amount of the fine or the property sanction pursuant to Para. 1 shall be doubled.

Art. 156. (1) For failure to fulfill an instruction pursuant to Art. 113, Para. 3 or Art. 120, the natural persons shall be imposed by a fine of BGN 2000 to 10 000, and the legal persons by a property sanction in the amount of BGN 10 000 to 40 000.

(2) In case of a repeated violation, the natural persons shall be imposed by a fine in the amount of BGN 4000 to 20 000, and the legal persons – by a property sanction in the amount of BGN 20 000 to 80 000.

Art. 157. (1) (amend. – SG, 105/16, amend. - SG 1/19, in force from 03.01.2019) The violations pursuant to Art. 133, Para. 1, p. 1- 3 and 5, para. 2 and Para. 4, item. 1, Art. 134, Para. 1 and 2 and Art. 146 shall be established by an act of the RIEW director or of officials, authorized by him/her, as well as officials, authorized by the municipality Mayor, and violations under Art. 133, Para. 1, p. 4, 6 and 7 shall be established by an act of officials, authorized by the relevant municipality Mayor.

(2) (amend. – SG, 105/16, amend. - SG 1/19, in force from 03.01.2019) The violations pursuant to Art. 133, Para. 4, item. 2, Art. 135 - 138, 140, - 144, Art. 147, Para. 1, Art. 149, Art. 151, Para. 1 - 4 and Art. 152 - 156 shall be established by an act of the RIEW director or officials, authorized by him/her and the violations pursuant to Art. 147, Para. 2 – by an act of the relevant control body pursuant to Art. 125 or officials, authorized by him/her.

(3) The violations pursuant to Art. 148 and Art. 151, Para. 5 shall be established by an act of the Minister of the Environment and Water or officials, authorized by him/her.

(4) (Amend. – SG, 105/16)The penal decrees pursuant to Para. 1 and 2 shall be issued by the RIEW Director, as well as by the municipality Mayor, or by officials, authorized by him un the cases under Para. 1. Minister of Environment and Water or officials, authorized by him/her, as well as by the

municipality Mayor or official, authorized by him/her in the cases pursuant to Para. 1.

(5) (New – SG, 105/16) The penal decrees under Para. 3 shall be issued by the Minister of Environment and Water, or by officials, authorized by him.

(6) (Former Para. 5 – SG, 105/16) The violations pursuant to Art. 133, Para. 3 and Art. 145 shall be established by an act of the Ministry of Interior bodies or officials, authorized by the RIEW director or the municipality Mayor, and the penal decrees shall be issued by the Minister of Environment and Water or by officials, authorized by him/her.

(7) (New – SG, 105/16) The violations under Art. 136, Para. 2, p. 3, 16 and 17 shall be established by an act of the bodies of the Maritime Administration Executive Agency or of officials, authorized by the RIEW Director, and the penal decrees shall be issued by the RIEW Director.

Art. 158. The breaches pursuant to Art. 150 shall be established by an act of the control bodies pursuant to Art. 116, Para. 2, and the penal decrees shall be issued by the Minister of Environment and Water or officials, authorized by him/her.

Art. 159. The breaches pursuant to Art. 139 shall be established by an act by officials, authorized by RHI or the RIEW director, and the penal decrees shall be issued by the RHI director or the RIEW director.

Art. 160. Establishing the breaches, issuance, appeal and execution of the penal decrees shall be proceeded by the provision of the Act on Administrative Breaches and Punishments.

Additional provisions

§ 1. In the meaning of this act:

1. "biomass" are products, containing plant materials of agriculture and forestry, which may be used as fuel in view to recovery of their energy potential, as well as the following waste:

- a) plant waste from the forestry and agriculture;
- b) plant waste from food industry in conditions that the obtained in degrading heat energy is recovered;
- c) fibre plant waste from production of cellulose of wood and production of paper of cellulose in condition, that are burned together on the place of their formation and the obtained heat energy is used;
- d) cork waste;
- e) wood waste, including wood construction waste with the exception of those, which after their processing with preparation for wood protection or coverage may contain halogen organic compounds or heavy metals.

2. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants;

3. "bio-degrading waste" are all waste, which have the ability to degrade in anaerobic or aerobic way as food and plant waste, paper, cardboard, etc.

4. "household waste" are "waste from households" and "similar to waste from households".

5. (amend. – SG, 105/16) "broker" means any sole trader or legal person, who organized the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

6. "depositing waste" is a method, which does not envisage follow up treatment of waste and is storage of waste for the term not longer than 3 years – for waste, intended for recovery and 1 year – for

waste, intended for disposal in a way, which is not hazardous for human health and the environment.

7. "mass disseminated waste" are waste, which are formed after use of products from multiple sources on the territory of the whole country and because of their nature require special management.

8. "Mining waste" are the technological waste from research, production and procession of ores and minerals, piled as a result of activities on permission for research and/or studying or concessions for extraction.

9. "best available techniques" are the best techniques, defined in § 1, p. 42 of the Additional Provision of the Act on Environment Protection.

10. "Heaping" is an operation in which suitable waste are used for re-cultivation in excavated parts or for engineering purposes in building up landfill sites and where the waste is replacer of non-waste materials.

11. "disposal" means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy. Annex 1 sets out a non-exhaustive list of disposal operations;

12. "hazardous waste" means waste which displays one or more of the hazardous properties listed in Annex 3;

13. "Recovery" is any operation, which has a basic result using the waste for a useful purpose by replacing other materials, which would be used for a certain function or preparation if the waste to fulfill this function in a production undertaking or in economy on the whole. Annex N 2 contains non-exhaustive list of the activities of recovery.

14. "recovery of materials" is any operation of recovery with the exception of recovery of energy and processing materials, which are used as fuel.

15. "Recovery of materials from construction waste" are all operation on recovery of construction waste with the exception of incineration with recovery of energy and processing in materials, used as fuel. Recovery included also the activities on preparation for re-use, recycling or other material recovery.

16. "Organization of recovery" is a legal person, registered pursuant to the Commercial Act or pursuant to its national legislation, which does not distribute profit and which manages or independently proceeds the operation of separate collection, recycling and recovery of mass disseminated waste.

17. "waste" means any substance or object which the holder discards or intends or is required to discard;

18. "Household waste" are the waste, formed by households.

19. "Waste from ferrous and non-ferrous metals" are technological waste, obtained from the production or mechanic processing of ferrous and non-ferrous metals and their alloys, waste machines, equipment, details and constructions of production, construction or household nature with the exception of hazardous waste.

20. "Waste from ferrous and non-ferrous metals from households" are waste from ferrous and non-ferrous metals (WFNM), formed as a result of the life operation of people in their homes, in administrative, social and public buildings. There the waste form ferrous and non-ferrous metals are added, formed from trade sites, craft operation, sites for recreation and entertainment.

21. "waste oils" means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils.

22. "market price" is the price in the meaning of § 1, p. 8 of the Additional Provisions of the Tax-insurance Procedure Code.

23. "re-use" means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

24. "repeated breach" is a breach, which has been committed within 1 year term after the enforcement of the penal decree, by which the violator has been punished for a breach of the same kind.

25. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which

products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;

26. "similar waste" are waste, which in their nature and composition are comparable with the waste from households, with the exception of industrial waste and waste from agriculture and forestry.

27. "prior storage" is an operation of storage of waste at the place of their formation till their collection in facilities, where they are unshipped, to be prepared for a follow up shipment to another site in view recovery or disposal.

28. "prevention" means measures taken before a substance, material or product has become waste, that reduce:

(a) the quantity of waste, including through the re-use of products or the extension of the life span of products;

(b) the adverse impacts of the generated waste on the environment and human health; or

(c) the content of harmful substances in materials and products;

29. "waste holder" means the waste producer or the natural or legal person who is in possession of the waste;

30. "waste producer" means anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

31. "producer of the product" is a natural or legal persons, who according to their occupation develops, produces, processes, treats, sells, imports in an EU Member State or imports products on the market of the Republic of Bulgaria.

32. "production waste" are waste, formed as a result of the production operation of natural and legal persons.

33. "placing on the market" is the first disposal of the product to another person, free or with a pay in view that it will be disseminated and/or used on the territory of the Republic of Bulgaria, as well as import and introduction on the territory of the Republic of Bulgaria of the product by a certain persons for his/her own trade, production or professional operation.

34. "separate collection" means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

35. "extended responsibility of the producer" is ecological principle, applied as combination of measures for diminishing the total impact on the environment of a certain product by introducing obligations and responsibilities for the product producer during its whole cycle and especially for limitation of the contents of hazardous substances, back take, re-use, recycling, recovery and disposal of waste, formed as a result of the product use.

36. "regeneration of used oils" is any operation of recycling through which basis oils may be produced by refining of used oils, especially by removal of pollutants, the products of oxidation and the additives, contained in these oils.

37. "recycling" means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;

37a. (new – SG, 105/16) "Recycling of ships" is an activity of complete or partial dismantling of ships for scrap in a recycling facility of ships in view to utilization of elements and materials for processing, preparation for second use and second use in provision at the same time management of hazardous and other materials, where this activity includes related to it operations, as storage and treatment of components and materials on site, but does not include their additional processing or disposal in certain facilities.

38. "related persons" are the persons in the meaning of § 1 of the Commercial Act.

39. "Construction waste" are the waste form construction and destruction, corresponding to the waste codes, indicated in Chapter 17 of Index to Commission Decision of 3 May 2000 replacing Decision

94/3/EC establishing a list of wastes pursuant to Art. 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Art. 1(4) of Council Directive 91/689/EEC on hazardous waste (notified pursuant to document number C(2000) 1147)

40. "post-exploitation cares for waste landfill site" are the activities on maintenance of the landfill after its closure, control and monitoring of the parameters of the environment and removal of eventual negative consequences of the impact of the landfill on the environment and human health for the defined by the competent bodies post-exploitation period of the landfill.

41. "collection" means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

42. "Storage" is an operation, related to storage of waste from their collection to their treatment for the term, not longer than:

a) 3 years – in a follow up delivery for recovery;

b) 1 year – in a follow up delivery for disposal.

43. "Shipment" is waste transportation, including the accompanying operations of loading, overloading and unloading, where it is carries out by the operator as independent operation.

44. "treatment" means recovery or disposal operations, including preparation prior to recovery or disposal;

45. (amend. – SG, 105/16) "trader" is any sole trader, or legal person, who acts on his/her behalf and on its account while buying and a follow up sale of waste, including those traders, who naturally hold the waste.

46. "waste management" means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker;

47. (new – SG, 105/16) "National information system "Wastes" (NISW) is a centralized system of the EEA for keeping and submitting electronically of documents, required under this act and the acts of secondary legislation for its implementation.

48. (new – SG, 105/16) "Plastic shopping bags" are shopping bags, including the disposable ones in oxidation with, or without handle, produced of plastic, which are offered to consumers at the site of the sale of goods or products.

§ 2. This act shall introduce the requirements of:

1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ, L 312/3 of 22 November 2008);

2. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC

3. Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste;

4. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste;

5. Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE)

6. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste

7. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles - Commission Statements

8. Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)

9. Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture

10. Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide

industry

11. Council Directive 82/883/EEC of 3 December 1982 on procedures for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry

12. Council Directive 92/112/EEC of 15 December 1992 on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry

13. (new – SG, 105/16) Commission Directive (EU) 2015/1127 of 10 July 2015 amending Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ, L 184/13 of 11 July 2015) and Correction of Commission Directive (EU) 2015/1127 of 10 July 2015 amending Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ, L 297/9 of 13 November 2015).

§ 3. (1) The Minister of Environment and Water shall be the national competent body and coordinator on all the international agreements, related to this act subject on which the Republic of Bulgaria is a party.

(2) The Minister of Environment and Water shall be the national competent body in relation to information, reporting and notification of the European Commission pursuant to Directive 2008/98/EC, including:

1. notification of each case for waste classification pursuant to Art. 3, Para. 4 and 5;
2. notification of the decisions pursuant to Art. 5, Para. 2, providing, that each waste has ceased to be waste in the cases, where no criteria have been defined at the level of the European Union, which should be applied for this purpose;
3. production of the report pursuant to Art. 49, Para. 11;
4. production of information about the general rules, determined pursuant to Art. 35, Para. 6;
5. information about the waste management plan pursuant to Art. 49 and the programme for prevention of waste pursuant to Art. 50 after their acceptance, as well as for all their substantial changes;
6. production every 3 years a sector report for applying the directive in electronic media, containing information about the management of used oils and for the achieved progress in implementation of the programmes for prevention of waste and – if needed – information about the measures for extended responsibility of the producers;
7. notification of the decisions pursuant to Art. 98, Para. 3.

Transitional and concluding provisions

§ 4. The Waste Management Act (publ., SG, 86/2003; amend., 70/2004, 77, 87, 88, 95 and 105/2005, 30, 34, 63 and 80/2006, 53/2007, 36, 70 and 105/2008, 82 and 95/ 2009, 41, 63 and 98/2010, 8, 30, 33 and 99/2011; Decision N 3 of the Constitutional Court of 2012, 26/2012; amend. 44/2012) shall be repealed.

§ 5. (1) Procedures, not finalized on the date of the enforcement of the act on issuance, amendment, supplementation or extension of the term of force of permit, registration documents and licenses for carrying out trade operation with waste of ferrous and non-ferrous metals (FNMW) pursuant to the repealed Waste Management Act shall be terminated officially by the competent body, and the paid fee shall be returned upon request of the applicant.

(2) Procedures, not finalized on the date of the enforcement of the act on confirming programmes for management of the operations with wastes on the repealed Waste Management Act shall be terminated officially by the competent body and the paid fee shall be returned upon request of the applicant.

§ 6. (1) Permits and registration documents for carrying out operation with waste, issued under the repealed Waste Management Act, unless in the cases pursuant to Para. 2 and § 7, Para. 6 and 7 shall keep their force by the expire of their term, but not later than 3 years after the enforcement of the act.

(2) If needed amendment and supplementation of a permit pursuant to Para. 1, issued by the Minister of Environment and Water, an application shall be submitted for issuance a new one pursuant to Art. 67 to the RIEW director, on whose territory the landfills are located with circumstances, subject to amendment pursuant to Art. 73. The permit pursuant to Para. 1 shall keep its force in relation to the landfills and operation with waste on the territory of the relevant RIEW till the competent body pronounces. The permit, issued pursuant to Art. 67, shall cover all landfills and waste operation on the territory of the relevant RIEW.

(3) If needed an amendment and supplementation of a registration document, an application shall be submitted for issuance of a new one pursuant to Art. 78.

(4) The issued certificates pursuant to Art. 84, Para. 4 of the repealed Waste Management Act shall keep their force by 31 December 2012.

§ 7. (1) Persons, holding license for carrying out trade operation with FNMW, issued pursuant to the repealed Waste Management Act shall submit and application within the term of 6 months after the enforcement of the act, for receiving permit pursuant to Art. 67 to the RIEW director, on whose territory the landfills for waste operation.

(2) In the cases pursuant to Para. 1, the license for trade operation with FNMW shall keep its force by pronunciation of the competent body on the application pursuant to Para. 1.

(3) In the cases, where no application has been submitted pursuant to Para. 1, the license shall keep its force up to 6 months after the enforcement of the act.

(4) Within 3 month term after expiry of the term pursuant to Para. 3, the license holder shall be obliged to stop his/her operation to realize the available quantities FNMW and to undertake the needed measures for cleaning the landfills.

(5) persons, holding licenses and/or registration document, issued pursuant to the repealed Waste Management Act for operation on storage and prier waste treatment from metal packaging, NUEEE, NUBA and NUMV, shall submit an application within the term of up to 6 months after the enforcement of the act for receiving permit pursuant to Art. 67 to the RIEW director, on whose territory the landfill for carrying out waste operation.

(6) In the cases pursuant to Para. 5, the permit and the registration document, issued pursuant to the repealed Waste Management Act, shall keep their force by the pronunciation of the competent body pursuant to Para. 5.

(7) In the cases, where no application ahs been submitted pursuant to Para. 5, the permits and registration documents pursuant to Para. 5 shall keep their force within the term of up to 6 months after the enforcement of the act.

(8) Within 3 month term after the expiry of the term pursuant to Para. 7, the person shall be obliged to terminate the operation and to undertake the needed measures for cleaning the landfills.

(9) Within 1 month term after the enforcement of the act, the Minister of Economy, Energy and Tourism shall produce to the Minister of Environment and Water the information from the register pursuant to Art. 26, Para. 2 of the repealed Waste Management Act on electronic media.

§ 8. (1) The organizations on waste recovery, received permits by the enforcement of the act, shall comply their operation with the act requirements and shall submit an application pursuant to Art. 81, Para 2 for issuance of a new permit within 6 month term after the enforcement of the act. The issued permits before the enforcement of the act shall keep their force till the competent body pronounces with a decision.

(2) In the cases, where not application has been submitted pursuant to Para. 1, the permits shall keep their force till 31 December 2012, where the achievement of the objectives shall be proved for 2012.

§ 9. (1) The acts of secondary legislation for the application of the act shall be issued/adopted within the term of 6 months after its enforcement.

(2) The acts of secondary legislation issued/adopted on the basis of the repealed Waste Management Act shall apply till the issuance of the instruments pursuant to Para. 1, unless they contradict to this act.

§ 10. The objectives for recycling and recovery of waste form packaging, determined in Art. 11, Para. 2 and 3 of the repealed Waste Management Act shall apply till adoption of the relevant ordinance pursuant to Art. 13, Para. 1.

§ 11. The adopted programmes pursuant to Art. 29, Para. 1, p. 1 of the repealed Waste Management Act shall keep their force by the expiry of their term, but not later than 2 years after the enforcement of the act.

§ 12. The adopted ordinances by municipal councils pursuant to Art. 19, of the repealed Waste Management Act shall keep their force by the adoption of the ordinances pursuant to Art. 22, but not later than 2 years after the enforcement of the act.

§ 13. (1) The established regional associations of the municipalities, pursuant to Art. 19b of the repealed Waste Management Act, shall be kept. Art. 24, Para. 1 and 2 shall not apply to the municipalities, which have established regional associations under the repealed Waste Management Act.

(2) The current regional associations and agreements, established pursuant to Art. 19a of the repealed Waste Management Act before 23 May 2010, shall be subject to termination within the term of 31 December 2014. If the municipalities choose to keep the current regional association and agreements, within the term of up to 31 December 2014 may receive funding of projects in the waste management area pursuant to Art. 24, Para. 9.

§ 14. (1) The landfills pursuant to Art. 19, Para. 3. p. 11 shall be provided within the term of up to 2 years after the enforcement of the act.

(2) Within the term of Para. 1, the delivery of FNMW of household nature by natural persons shall be carried out in avalanche of an origin declaration only to persons, holding:

1. permit or complex permit pursuant to Art. 35, Para. 1;
2. trade operation license with FNMW, valid in the terms of § 7.

§ 15. The objectives pursuant to Art. 31, Para. 1, p. 1 for preparation of re-use and recycling of waste, including at least paper and cardboard, metal, plastics and glass from households and similar waste from other sources, shall apply as follows:

1. by 1 January 2016 – at least 25% of their total weight;
2. by 1 January 2018 – at least 40% of their total weight;
3. by 1 January 2020 – at least 50% of their total weight.

§ 16. (amend. – SG, 105/16) The objectives pursuant to Art. 32, Para. 1 shall apply as follows:

1. by 1 January 2016 - at least 35% of the total waste weight;
2. by 1 January 2018 - at least 55% of the total waste weight;
3. by 1 January 2020 - at least 70% of the total waste weight;

§ 17. The registrations pursuant to Art. 45, Para. 1, p. 4 - 9 and Art. 46 shall be made within the term of up to 6 months after the enforcement of the act.

§ 18. (1) The plan pursuant to Art. 49, Para. 1 shall be adopted within the term of up to 2 years after the enforcement of the act.

(2) The National programme of waste management operations pursuant to Art. 28, Para. 1 of the repealed Waste Management Act shall keep its force by the adoption of the plan pursuant to Art. 49, Para. 1.

(3) The programme pursuant to Art. 50, Para. 1 shall be developed and introduced to the Council of Ministers within the term of 12 December 2013.

§ 19. (1) The requirements pursuant to Art. 60 shall not apply to regional or municipal waste landfills, for which on 1 January 2011 the remaining capacity of the landfill is smaller than 10% of the total landfill capacity, which is in exploitation.

(2) The requirements of Art. 60 shall not apply to waste landfills, for which the set term for termination of their exploitation is before 1 January 2012.

(3) For the landfills pursuant to Para. 1 and 2 shall be made accounting on the minimal size, determined by the ordinance of Art. 43, Para. 2 with in the term by termination of their exploitation.

§ 20. The provision of Art. 138, Para. 3, p. 7 shall apply after the expiry of the set terms for the facilities, provided by Annex N 5.

§ 21. The activities R12 and R13 of Annex N 2, as well as the delivery for preparation of recovery shall be accounted for achievement of the objectives for reuse, recycling and recovery of mass disseminated waste, determined by the ordinances of Art. 13, Para. 1.

§ 22. (Amend. – SG, 105/16, amend. - SG 85/17) Submitting application and documents in electronic way shall apply after enforcement of NISW, providing their processing in compliance with the requirements of the Electronic Document and Electronic Trust Services Act.

§ 34. The implementation of this act shall be assigned to the Minister of Environment and Water.

§ 35. This act shall come into force on the day of its publication in the State Gazette, with the exception of the provision of:

1. Art. 10, Para. 3 and 6, Art. 11, Para. 1, Art. 19, Para. 5, Art. 38, Para. 4 and Art. 39, Para. 3, which shall come into force 2 years after the enforcement of the act.
2. Art 33, Para. 4 and Art. 34, shall come into force from 1 January 2013;
3. Art. 49, Para. 8, shall come into force from 1 January 2015.

The act was adopted by the 41st National Assembly on 28 June 2012 and has been sealed by the official stamp of the National Assembly.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT ACT**

(PROM. SG 66/2013, IN FORCE FROM 26.07.2013).

§ 110. In the Waste Management Act (prom. SG 53/12) everywhere the words "Minister of Regional Development and Public Works" shall be replaced with "Minister of Regional Development".

.....

§ 117. The act shall come into force from the day of its promulgation in State Gazette.

**Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT**

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

**Transitional and concluding provisions
TO THE ACT, AMENDING AND SUPPLEMENTING THE WASTE MANAGEMENT ACT**

(PUBL. – SG, 105/16, AMEND. - SG 102/17, IN FORCE FROM 22.12.2017, AMEND. - SG 1/19, IN FORCE FROM 03.01.2019)

§ 63. Within the term of up to 6 months from the enforcement of this act, the Municipal council shall adopt a decision for implementation of the requirement under Art. 24, Para. 4, where the Municipality participates in more than one regional association.

§ 64. Procedures, not finalized by the enforcement of this act on issuance and amendment of permits and registration documents shall be terminated, where the applied grounds for activities with wastes do not meet the requirements of Art. 38, Para. 1, and the paid fee shall be recovered upon request of the applicant.

§ 65. (1) Within 12 month term from the enforcement of this act, persons, holding permit under Art. 67, Para. 1 shall produce a renewed bank guaranty in the amount under Art. 69, Para. 2.

(2) Within 3-months term from the enforcement of this act, persons, holding permit under Art. 67, Para. 1 for activities with NUEEE and NUMV shall produce a bank guaranty in the amount of Art. 69, Para. 2.

(3) In case of failure to fulfill the provision under Para. 2, the permit under Art. 67, Para. 1 of the person, carrying out activities with NUEEE and NUMV shall be withdrawn or shall be amended officially by the competent body, and the activities with NUEEE and NUMV shall be deleted.

(4) The bank guarantees, produced by the enforcement of this act under Art. 82, Para. 1 shall be continued or renewed not later than 1 month before expiry of the term of action of the bank guaranty in compliance with the requirements of Art. 82, Para. 4.

(5) In case of failure to produce an extended or renewed bank guaranty in the term of Para. 4, Art. 91, Para. 1, p. 7 shall apply.

(6) Within 14 day term from producing the bank guaranty under Para. 1, and 4, the original of the old guaranty shall be returned with a letter for its liberation.

§ 66. (1) Within 24 month term from the enforcement of this act, persons, holding permits or

registration documents for activities with waste from paper and cardboard, plastics, glass waste from packing shall comply their activity with the requirements of Art. 38, Para. 1 and shall submit an application for their amendment or supplementation to the competent body, which shall have attached the documents under Art. 69, Para. 1, p. 9 and 10, or Art. 78., Para. 4, p. 3 and 5. The competent body shall pronounce under the procedure and terms of Chapter Five, Section I or Section II.

(2) Para. 1 shall not apply in the cases, where the ground/s for performing the activities with wastes form paper and cardboard, plastics, glass and packing meet the requirements of Art. 38, Para. 1.

(3) In the cases of Para. 1, where the ground/s do not meet the requirements of Art. 38, Para. 1 and no application has been submitted, the permit or the registration document shall keep their force in the term of up to 24 months form the enforcement of this act.

(4) In the cases under Para. 3, where the permit or the registration document include a ground as well, or activities with waste, which meet the requirements of Art. 38, Para. 1, the competent body shall amend officially the permit, or the registration document, by deleting the ground/s or the waste activities, which do not meet the requirements of Art. 38, Para. 1.

(5) Within 3 month term from expiry of the term under Para. 3, the person shall be obliged to terminate the activity and undertake the needed measures for cleaning the grounds.

§ 67. The method/s under Art. 31, Para. 3 shall be provided by the Ordinance under Art. 43, Para. 5 within 12 month term from the enforcement of this act.

§ 68. (amend. - SG 102/17, in force from 22.12.2017, amend. - SG 1/19, in force from 03.01.2019) Para. 18 shall come into force from 1 January 2021.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE LOCAL TAXES AND FEES ACT

(PROM. - SG 88/17, in force from 01.01.2022, AMEND. REGARDING ENTRY INTO FORCE - SG 98/18, IN FORCE FROM 01.01.2019)

§ 21. (amend. - SG 98/18, in force from 01.01.2019) The Act shall enter into force on 1 January 2022, with the exception of § 5 concerning Art. 66, para. 3, item 1, § 15, 16, 17 and 20, which shall enter into force on the day of the promulgation of the Act in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE SAFE USE OF NUCLEAR POWER ACT

(PROM. - SG 102/17, IN FORCE FROM 01.01.2018)

§ 39. The Act shall enter into force on 1 January 2018 except for § 37 which shall enter into force on the day of promulgation of the Act in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON PROTECTION FROM THE HARMFUL IMPACT OF THE CHEMICAL SUBSTANCES AND MIXTURES

(PROM. - SG 53/18, IN FORCE FROM 26.06.2018)

§ 29. The Act shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE CODE

(PROM. - SG 77/18, IN FORCE FROM 01.01.2019)

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105 item 1 on the first sentence, and item 2 which shall enter into force on 10 October 2019;
2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this Act in the State Gazette;
3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of the promulgation of this Act in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT

(PROM. - SG 98/18, IN FORCE FROM 27.11.2018)

§ 49. The Act shall enter into force on the day of its promulgation in the State Gazette with the exception of:

1. paragraph 3, items 1 and 3 concerning Art. 94 para. 1, item 9 and para. 4, § 4, item 2, § 5, 6, § 7, item 2, § 8, 10-12, § 15, item 2, § 16, 17, 21 - 26, 30 and 31, which shall enter into force nine months after its promulgation;
2. paragraph 40, item 24, which shall enter into force on 11 August 2006.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE CORPORATE INCOME TAXATION ACT

(PROM. - SG 98/18, IN FORCE FROM 01.01.2019)

§ 70. The Act shall enter into force on 1 January 2019 except for:

1. paragraph 43, item 2 - concerning Art. 4, item 65, item 4, letter "a", item 5, letter b), subletter "bb", item 9, item 15, letter "b", items 31 and 34 and § 64, which shall enter into force on the day of the promulgation of the Act in the State Gazette;
2. paragraph 63, which shall enter into force on 18 November 2018.;
3. 41, item 1, § 43, item 36, § 50, items 1 - 3, item 4, letter "a", items 5-10, § 52, item 3, § 53, 1 and 3 and § 65-69, which shall enter into force on 7 January 2019;
4. paragraph 43, item 11 - concerning Art. 47, para. 4, item 1 and para. 5 which shall enter into force on 28 January 2019;
5. paragraph 52, items 1, 2, 4 and 5 and § 53, paragraph 2, which shall enter into force on 20 May 2019;
6. paragraph 43, item 22, § 57, item 9, item 11, letter "c", item 31, items 32 and 37, which shall enter into force on 1 July 2019;
7. Paragraph 50 item 4, letters "c" and "d", which shall enter into force on 1 October 2019;
8. Paragraph 39, item 3, letter "b" - concerning Art. 14, para. 2, which will enter into force on 1 January 2020;
9. Paragraph 43, item 11 - concerning Art. 47, para. 4, item 2, which shall enter into force on 28 July 2020.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE AMBIENT AIR QUALITY ACT

(PROM. - SG 1/19, IN FORCE FROM 03.01.2019)

§ 34. The Act shall enter into force on the day of its promulgation in the State Gazette, with the

exception of § 9 concerning Art. 27, para. 9 and § 23 concerning Art. 42a, para. 4 and 5, which shall enter into force on 1 January 2020.

Annex N 1 to § 1, p. 11

DISPOSAL OPERATIONS

D 1 underground or ground filling (ex. Landfill etc.).

D 2 working out the land (ex. Bio-breaking down of liquid or deposit waste in the soil etc.).

D 3 deep injection (ex. Injection of pumped out waste in wells, salt or natural deposits)

D 4 Surface fences (depositing of liquid or deposit holes, ponds, lagoons, etc)

D 5 especially built landfills 9ex. Depositing in separate waster proof cells, sealed and isolated between one another and form the environment, etc.)

D 6 throwing in waster pools, with the exception of seas and oceans.

D 7 throwing in seas and oceans, including burying under the sea bottom.

D 8 bio-treatment, not indicated elsewhere in this annex, leading to formation of end compounds or mixtures, which are disposed by some of the operation with codes D 1 - D 12.

D 9 Physical and chemical treatment, not indicated elsewhere in this annex, leading to formation of end compounds or mixtures, which are disposed by some of the operation with codes D 1 - D 12 (ex. Evaporation, drying, etc.)

D 10 ground incineration.

D 11 incineration in the sea (*).

D 12 Permanent storage (ex. Storage in containers in a mine, etc.).

D 13 regrouping or mixing before some of the operations on codes

D 1 -

D 12 (**).

D 14 repacking prior to some of the operations with codes D 1-D 13.

D 15 Storage to some of the operations with codes D 1 - D 14, with the exception of temporary storage of waste on the landfill of their collection (***)).

(*) This activity has been prohibited by the EU legislation and by international conventions.

(**) In the absence of another suitable code D, here may be included prior operations before the disposal, including prior processing as inter alia, sorting, breaking, firming, palleting, drying, cutting conditioning or separation before some of the operation of codes D 1 - D 12.

(***) Temporary storage means prior storage in the meaning of § 1, p. 27 of the Additional Provisions.

Annex N 2 to § 1, p. 13

(Amend. – SG, 105/16)

RECOVERY OPERATIONS

R 1 Using waste predominantly as fuel or other way for obtaining energy (*).

R 2 Regeneration of solvents.

R 3 Recycling of organic substances, which are not used as solvents, including by composting and other processes of bio-transformation (**).

R 4 Recycling of metals and metal compounds.

R 5 recycling of other non-organic materials (***)).

R 6 regeneration of acids and bases.

R 7 Recovery of compounds, used for diminishing the pollution.

R 8 Recovery of components from catalyzers .

R 9 Re-refining of oils or other reuse of oils.

R 10 Processing of ground surface, leading to improvement of agriculture or the environment.

R 11 using waste, formed as a result of some of the operations with codes R 1 - R 2.

R 12 exchange of waste for some of the activities with codes R 1 - R 11 (****).

(*) (amend. – SG, 105/16) (*) This includes installations for incineration, intended for processing of solid household waste, where their energy effectiveness is equal to, or higher than:

1. 0,60 for installations, which are in exploitation and have received permit pursuant to the applicable Community legislation before 1 January 2009;
2. 0,65 for installations, received permit after 31 December 2008, where the following formula is used:

Energy effectiveness = $(CCF \times (E_p - (E_f + E_i)) / (0,97 \times (E_w + E_f))$, where:

CCF is the correlation coefficient for the climate conditions, calculated and rounded to the third decimal on the basis of the following formula:

a) CCF for installations, which are commissioned and have received permit under the EU legislation in force before 1 September 2015.

CCF = 1 if HDD1 larger, or = 3350

CCF = 1,25, if HDD is larger or = to 2150

CCF = $-(0,25/1200) \times HDD + 1,698$, if 2150 is smaller than HDD, smaller than 3350.

b) CCF for the installations, which have received permit after 31 August 2015, as well as the installations under letter “a” in the period after 31 December 2029.

CCF = 1, if HDD is larger or = 3350

CCF = 1, 12, if HDD is smaller or = 2150

CCF = $-(0,12/1200) \times HDD + 1,335$, if 2150 is smaller than HDD smaller 3350

E_p is the annual production of energy in the form of heat or electricity; it is calculated as the energy in the form of electricity is multiplied by 2,6, and the energy in the form of heat, produced for trade use is multiplied by 1,1 (GJ/annually);

E_f is the annual quantity of energy, implied in the system of fuels, participating in the production of vapor (GJ/annually);

E_w is annual quantity of energy, contained in the treated waste, calculated on the basis of its heat value of incineration of waste (GJ/annually);

E_i is the annual import of energy, excluding E_w and E_f (GJ/annually);

0,97 is the coefficient of losses of energy, due to bottom ash and radiation.

(Thus obtained value of CCF is rounded to the third decimal)

Note 1. The value of HDD (the heating day degrees) must be the average value of the annual values of HDD for the place, where the installation for burning is located, calculated for the period of 20 consecutive years before the year, for which CCF is calculated. For calculation of the HDD values must be used the following method, accepted by Eurostat: HDD is equal to $(18 \text{ degrees C} - T_m) \times d$, if T_t is lower or equal to 15 degrees C (threshold value for switching heating) and is equal to 0, if T_t is higher than 15 degrees C, where T_t is the average temperature of the outside air $(T_{min} + T_{max})/2$ for the period of d days. The calculations shall be made on a one-day basis ($d = 1$) and shall be summed for the periods up to 1 year.

This formula is applied in compliance with the reference document for the best available techniques for waste incineration.

(**) This includes also gasification and pyrolysis where the components are used as chemicals.

(***) This includes cleaning of soil, leading to recovery of soil and recycling of non-organic construction materials.

(****) In absence of another suitable code R, this may include prior operations before the recovery, including prior processing as, inter alia, dismantling, sorting, breaking, filling, palleting, drying, cutting, conditioning, re-packing, separation, re-grouping or mixing before some of the operations with codes R 1 - R 11.

(*****) Temporary storage means prior storage in the meaning of § 1, p. 27 of the Additional

Provisions.

Annex N 3 to § 1, p. 12

(amend. – SG, 105/16)

PROPERTIES OF WASTE WHICH RENDER IT HAZARDOUS

HP 1 ‘Explosive’: waste which is capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings. Pyrotechnic waste, explosive organic peroxide waste and explosive self-reactive waste is included.

When a waste contains one or more substances classified by one of the hazard class and category codes and hazard statement codes shown in Table 1, the waste shall be assessed for HP 1, where appropriate and proportionate, according to test methods. If the presence of a substance, a mixture or an article indicates that the waste is explosive, it shall be classified as hazardous by HP 1.

Table 1: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents for the classification of wastes as hazardous by HP 1:

<i>Hazard Class and Category Code(s)</i>	<i>Hazard statement Code(s)</i>
Unst. Expl.	H 200
Expl. 1.1	H 201
Expl. 1.2	H 202
Expl. 1.3	H 203
Expl. 1.4	H 204
Self-react. A	H 240
Org. Perox. A	
Self-react. B	H 241
Org. Perox. B	

HP 2 ‘Oxidising’: waste which may, generally by providing oxygen, cause or contribute to the combustion of other materials.

When a waste contains one or more substances classified by one of the hazard class and category codes and hazard statement codes shown in Table 2, the waste shall be assessed for HP 2, where appropriate and proportionate, according to test methods. If the presence of a substance indicates that the waste is oxidising, it shall be classified as hazardous by HP 2.

Table 2: Hazard Class and Category Code(s) and Hazard statement Code(s) for the classification of wastes as hazardous by HP 2:

<i>Hazard Class and Category Code(s)</i>	<i>Hazard statement Code(s)</i>
Ox. Gas 1	H 270
Ox. Liq. 1	H 271
Ox. Sol. 1	
Ox. Liq. 2, Ox. Liq. 3	H 272
Ox. Sol. 2, Ox. Sol. 3	

HP 3 ‘Flammable’:

- flammable liquid waste: liquid waste having a flash point below 60°C or waste gas oil, diesel and light heating oils having a flash point > 55°C and ≤ 75°C;
- flammable pyrophoric liquid and solid waste: solid or liquid waste which, even in small quantities, is liable to ignite within five minutes after coming into contact with air;
- flammable solid waste: solid waste which is readily combustible or may cause or contribute to fire through friction;
- flammable gaseous waste: gaseous waste which is flammable in air at 20°C and a standard pressure of 101.3 kPa;
- water reactive waste: waste which, in contact with water, emits flammable gases in dangerous quantities;
- other flammable waste: flammable aerosols, flammable self-heating waste, flammable organic peroxides and flammable self-reactive waste.

When a waste contains one or more substances classified by one of the following hazard class and category codes and hazard statement codes shown in Table 3, the waste shall be assessed, where appropriate and proportionate, according to test methods. If the presence of a substance indicates that the waste is flammable, it shall be classified as hazardous by HP 3.

Table 3: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents for the classification of wastes as hazardous by HP 3:

<i>Hazard Class and Category Code(s)</i>	<i>Hazard statement Code(s)</i>
<i>Flam. Gas 1</i>	<i>H220</i>
<i>Flam. Gas 2</i>	<i>H221</i>
<i>Aerosol 1</i>	<i>H222</i>
<i>Aerosol 2</i>	<i>H223</i>

<i>Flam. Liq. 1</i>	<i>H224</i>
<i>Flam. Liq.2</i>	<i>H225</i>
<i>Flam. Liq. 3</i>	<i>H226</i>
<i>Flam. Sol. 1</i> <i>Flam. Sol. 2</i>	<i>H228</i>
<i>Self-react. CD</i> <i>Self-react. EF</i> <i>Org. Perox. CD</i> <i>Org. Perox. EF</i>	<i>H242</i>
<i>Pyr. Liq. 1</i> <i>Pyr. Sol. 1</i>	<i>H250</i>
<i>Self-heat.1</i>	<i>H251</i>
<i>Self-heat. 2</i>	<i>H252</i>
<i>Water-react. 1</i>	<i>H260</i>
<i>Water-react. 2</i> <i>Water-react. 3</i>	<i>H261</i>

HP 4 ‘Irritant - skin irritation and eye damage’: waste which on application can cause skin irritation or damage to the eye.

When a waste contains one or more substances in concentrations above the cut-off value, that are classified by one of the following hazard class and category codes and hazard statement codes and one or more of the following concentration limits is exceeded or equalled, the waste shall be classified as hazardous by HP 4.

The cut-off value for consideration in an assessment for Skin corr. 1A (H314), Skin irrit. 2 (H315), Eye dam. 1 (H318) and Eye irrit. 2 (H319) is 1%.

If the sum of the concentrations of all substances classified as Skin corr. 1A (H314) exceeds or equals 1%, the waste shall be classified as hazardous according to HP 4.

If the sum of the concentrations of all substances classified as H318 exceeds or equals 10%, the waste shall be classified as hazardous according to HP 4.

If the sum of the concentrations of all substances classified H315 and H319 exceeds or equals 20%, the waste shall be classified as hazardous according to HP 4.

Note that wastes containing substances classified as H314 (Skin corr.1A, 1B or 1C) in amounts greater than or equal to 5% will be classified as hazardous by HP 8. HP 4 will not apply if the waste is classified as HP 8.

HP 5 ‘Specific Target Organ Toxicity (STOT)/Aspiration Toxicity’: waste which can cause specific target organ toxicity either from a single or repeated exposure, or which cause acute toxic effects

following aspiration.

When a waste contains one or more substances classified by one or more of the following hazard class and category codes and hazard statement codes shown in Table 4, and one or more of the concentration limits in Table 4 is exceeded or equalled, the waste shall be classified as hazardous according to HP 5. When substances classified as STOT are present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 5.

When a waste contains one or more substances classified as Asp. Tox. 1 and the sum of those substances exceeds or equals the concentration limit, the waste shall be classified as hazardous by HP 5 only where the overall kinematic viscosity (at 40°C) does not exceed 20.5 mm²/s.¹

Table 4: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 5

<i>Hazard Class and Category Code(s)</i>	<i>Hazard statement Code(s)</i>	<i>Concentration limit</i>
<i>STOT SE 1</i>	<i>H370</i>	<i>1%</i>
<i>STOT SE 2</i>	<i>H371</i>	<i>10%</i>
<i>STOT SE 3</i>	<i>H335</i>	<i>20%</i>
<i>STOT RE 1</i>	<i>H372</i>	<i>1%</i>
<i>STOT RE 2</i>	<i>H373</i>	<i>10%</i>
<i>Asp. Tox. 1</i>	<i>H304</i>	<i>10%</i>

HP 6 ‘Acute Toxicity’: waste which can cause acute toxic effects following oral or dermal administration, or inhalation exposure.

If the sum of the concentrations of all substances contained in a waste, classified with an acute toxic hazard class and category code and hazard statement code given in Table 5, exceeds or equals the threshold given in that table, the waste shall be classified as hazardous by HP 6. When more than one substance classified as acute toxic is present in a waste, the sum of the concentrations is required only for substances within the same hazard category.

The following cut-off values shall apply for consideration in an assessment: – For Acute Tox. 1, 2 or 3 (H300, H310, H330, H301, H311, H331): 0.1%; – For Acute Tox. 4 (H302, H312, H332): 1%.

Table 5: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 6

<i>Hazard Class and Category Code(s)</i>	<i>Hazard statement Code(s)</i>	<i>Concentration limit</i>
<i>Acute Tox.1 (Oral)</i>	<i>H300</i>	<i>0.1%</i>
<i>Acute Tox. 2 (Oral)</i>	<i>H300</i>	<i>0.25%</i>
<i>Acute Tox. 3 (Oral)</i>	<i>H301</i>	<i>5%</i>
<i>Acute Tox 4 (Oral)</i>	<i>H302</i>	<i>25%</i>

<i>Acute Tox.1 (Dermal)</i>	<i>H310</i>	<i>0.25%</i>
<i>Acute Tox.2 (Dermal)</i>	<i>H310</i>	<i>2.5%</i>
<i>Acute Tox. 3 (Dermal)</i>	<i>H311</i>	<i>15%</i>
<i>Acute Tox 4 (Dermal)</i>	<i>H312</i>	<i>55%</i>
<i>Acute Tox 1 (Inhal.)</i>	<i>H330</i>	<i>0.1%</i>
<i>Acute Tox.2 (Inhal.)</i>	<i>H330</i>	<i>0.5%</i>
<i>Acute Tox. 3 (Inhal.)</i>	<i>H331</i>	<i>3.5%</i>
<i>Acute Tox. 4 (Inhal.)</i>	<i>H332</i>	<i>22.5%</i>

HP 7 ‘Carcinogenic’: waste which induces cancer or increases its incidence.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 6, the waste shall be classified as hazardous by HP 7. When more than one substance classified as carcinogenic is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 7.

Table 6: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 7

<i>Hazard Class and Category Code(s)</i>	<i>Hazard statement Code(s)</i>	<i>Concentration limit</i>
<i>Carc. 1A</i>	<i>H350</i>	<i>0.1%</i>
<i>Carc. 1B</i>		
<i>Carc. 2</i>	<i>H351</i>	<i>1.0%</i>

HP 8 ‘Corrosive’: waste which on application can cause skin corrosion.

When a waste contains one or more substances classified as Skin corr.1A, 1B or 1C (H314) and the sum of their concentrations exceeds or equals 5%, the waste shall be classified as hazardous by HP 8.

The cut-off value for consideration in an assessment for Skin corr. 1A, 1B, 1C (H314) is 1.0%.

HP 9 ‘Infectious’: waste containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

The attribution of HP 9 shall be assessed by the rules laid down in reference documents or legislation in the Member States.

HP 10 ‘Toxic for reproduction’: waste which has adverse effects on sexual function and fertility in adult males and females, as well as developmental toxicity in the offspring.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 7, the waste shall be classified hazardous according to HP 10. When more than one substance classified as toxic for reproduction is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 10.

Table 7: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 10

<i>Hazard Class and Category Code(s)</i>	<i>Hazard statement Code(s)</i>	<i>Concentration limit</i>
<i>Repr. 1A</i>	<i>H360</i>	<i>0.3%</i>
<i>Repr. 1B</i>		
<i>Repr. 2</i>	<i>H361</i>	<i>3.0%</i>

HP 11 ‘Mutagenic’: waste which may cause a mutation, that is a permanent change in the amount or structure of the genetic material in a cell.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 8, the waste shall be classified as hazardous according to HP 11. When more than one substance classified as mutagenic is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 11.

Table 8: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 11

<i>Hazard Class and Category Code(s)</i>	<i>Hazard statement Code(s)</i>	<i>Concentration limit</i>
<i>Muta. 1A,</i>	<i>H340</i>	<i>0.1%</i>
<i>Muta. 1B</i>		
<i>Muta. 2</i>	<i>H341</i>	<i>1.0%</i>

HP 12 ‘Release of an acute toxic gas’: waste which releases acute toxic gases (Acute Tox. 1, 2 or 3) in contact with water or an acid.

When a waste contains a substance assigned to one of the following supplemental hazards EUH029, EUH031 and EUH032, it shall be classified as hazardous by HP 12 according to test methods or guidelines.

HP 13 ‘Sensitising’: waste which contains one or more substances known to cause sensitising effects to the skin or the respiratory organs.

When a waste contains a substance classified as sensitising and is assigned to one of the hazard statement codes H317 or H334 and one individual substance equals or exceeds the concentration limit of 10%, the waste shall be classified as hazardous by HP 13.

HP 14 ‘Ecotoxic’: waste which presents or may present immediate or delayed risks for one or more sectors of the environment.

HP 15 ‘Waste capable of exhibiting a hazardous property listed above not directly displayed by the original waste’.

When a waste contains one or more substances assigned to one of the hazard statements or supplemental hazards shown in Table 9, the waste shall be classified as hazardous by HP 15, unless the waste is in such a form that it will not under any circumstance exhibit explosive or potentially explosive

properties.

Table 9: Hazard statements and supplemental hazards for waste constituents for the classification of wastes as hazardous by HP 15

<i>Hazard Statement(s) / Supplemental Hazard(s)</i>	
<i>May mass explode in fire</i>	<i>H205</i>
<i>Explosive when dry</i>	<i>EUH001</i>
<i>May form explosive peroxides</i>	<i>EUH019</i>
<i>Risk of explosion if heated under confinement</i>	<i>EUH044</i>

In addition, Member States may characterise a waste as hazardous by HP 15 based on other applicable criteria, such as an assessment of the leachate.

Note

Attribution of the hazardous property HP 14 is made on the basis of the criteria laid down in Annex VI to Council Directive 67/548/EEC.

Test methods

The methods to be used are described in Council Regulation (EC) No 440/2008² and in other relevant CEN notes or other internationally recognised test methods and guidelines.'

¹ The kinematic viscosity shall only be determined for fluids.

² Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).

Annex N 4to Art. 50, Para. 3, p. 2

EXEMPLARY MEASURES FOR PREVENTION OF WASTE FORMATION

Measures, which may concern the framework conditions, related to waste formation:

1. Using measures for planning or other economic instruments for encouraging the efficient use of resources.
2. Encouragement of the research and development activity in the area of achieving cleaner products and technologies and with less waste, as well as dissemination and use of the results from this research and development activity.
3. Development of effective and expedient indicators for the pressure on the environment, related to waste formation, whose purpose is to contribute for prevention of waste formation at all levels of comparison of the products at community level and actions of local bodies to national measures.

Measures, which may concern the phase of projecting and production and dissemination:

4. encouragement of the complied with the environment projecting (systematic reporting of the ecological aspects in development of the products in view to improvement of the ecologic behavior of the product during its whole life cycle).

5. Providing information about the techniques for prevention of waste formation in view to facilitating the application of the best available techniques of the industry.

6. Organization of training of the competent bodies in relation to inclusion of requirements for prevention waste formation in the permits pursuant to Art. 35, Para. 1.

7. Inclusion of measures for prevention of waste formation in the installations, which do not fall in the scope of Annex N 4 of the act. Where it is expedient, these measures may include evaluations or plans for prevention of waste formation.

8. Using explanatory campaigns or giving financial support to the business for decision taking or other type of support. It is probable these measures to be very effective, where they are directed and adapted to the SMEs and are realized through established business networks.

9. using voluntary agreements, expert groups of consumers/producers or sector negotiations in view to the fact that the relevant undertakings or production sectors to make their own plans or objectives for prevention of waste formation or to make corrections in products or packaging, from which a large quantity of waste are formed.

1 4. Encouragement of reliable systems for ecologic management, including EMAS and ISO 14001.

Measures, which may refer to the phase of consumption and use:

11. Using economic instruments as stimulus for clean products or introduction of obligatory payment by the users for a certain products or element for packaging, which otherwise would be provided free.

12. Using explanatory campaigns and provision of information, directed to the wide public or to specific groups of consumers.

13. Encouragement of reliable eco-marking.

14. Agreement with producers, as for example work of expert groups for the relevant products, as is the practice within the frames of the integrated polices for the products or the retail traders on the issues for available information, related to prevention of waste formation and for products with less negative impact on the environment.

15. In the context of the public and corporative orders – inclusion of criteria for protection of the environment and prevention of waste formation, in the tender calls and in the contracts pursuant to the Guidebook for the ecological public procurement, published by the Commission on 29 October 2004.

16. Encouragement of re-use and/or repair of suitable thrown out products or their components by using educational, economic, logistic or other measures as for example – establishment and support of accredited centres and networks for repair and reuse mostly in dense populated areas.

Annex N 5 to § 20

N	Type of facility	Location of the facility	Operator	term
1	2	3	4	5
1.	sludge pond,	Devnya, municipality Devnya, Varna region	"Polimeri" - Ltd, Devnya	31.12.2011
2.	combined ash-sludge pond, "padina"	Padina, Avren municipality, region Varna	"solvey Sodi" - SC, Devnya	31.12.2014
3.	ashpond	Ezerovo, Beloslav municipality Varna	"TEC Varna" - Ltd, Ezerovo, Beloslav municipality	First section of ashpond 01.01.2013 Second section of ashpond – 31.12.2014
4.	ashpond	Svistov, Svistov municipality, region Veliko Tarnovo	"TEC Sviloza" -	4th section of ashpond

			SC, Svistov	31.12.2014
5.	ashpond	Gorna oryahovitsa, Gorna Oryahovitsa municipality Veliko Tarnovo region	"Zaharni zavodi" SC Gorna Oryahovi	31.12.2014
6.	ashpond	Vidin, Vidin municipality Region Vidin	"Vidachim" - SC, Vidin	3rd section Of ashpond - 31.12.2014
7.	ashpond	Russe, Russe municipality, Region Russe	"toploficacia - Russe" - Ltd, TEC Russe East	North sector of Ashpond - 31.12.2014
8.	ashpond "Kudin dol"	Pernik, Pernik municipality Region Pernik	"Toploficatsia – Pernik" Pernik Ltd.	31.12.2014
9.	ashpond "Kamenik"	Kamenik, municipality Boboshevo, region Kyustendil	"TEC Bobov Dol" - SC, Golyamo selo, Bobov dol municipality	One section of the ashpond -01.01.2013 Second section Of ashpond 31.12.2014
10.	ashpond "Goren byuk"	Dimitrovgrad, Dimitrovgrad municipality Region Haskovo	"TEC Maritsa" - SC Dimitrovgrad	31.12.2011 In exploitation Of the station under 20 000 hours in The period of 01.01.2008 to 31.12.2015
11.	ashpond "Gladushki livadi"	Dimitrovgrad, Dimitrovgrad municipality Region Haskovo	"TEC Maritsa 3" - SC, Dimitrovgrad	31.03.2014 In exploitation of The station under 20 000 hours In the period 01.01.2008 to 31.12.2015