

Pursuant to the provisions of Article 58 of the Waste Management Act (“Official Gazette of Federation BiH”, number 33/03 and 72/09), Federal Minister of Environment and Tourism hereby passes the

ORDINANCE
On Packaging and Packaging Waste Management

I GENERAL PROVISIONS

Article 1

This Ordinance shall set out the rules regarding the management of packaging in the course of production, circulation and usage of packaging and the rules regarding handling including other requirements for collection, reuse, recovery and disposal, in accordance with the priorities and basic principles of the Waste Management Act.

The provisions of this Ordinance shall apply to all types of manufactured and marketed packaging, imported packaging and all packaging waste existing in manufacturing industries, craft, retail, service and other industries, in households irrespective of its origin, application and used packaging material, with exception for returnable packaging and packaging referred to in Appendix 1 of this Ordinance.

Article 2

The provisions of this Ordinance shall not apply to containers used in transportation of goods by road, rail, ship or air since such items are not considered to constitute packaging.

Article 3

The objective of this Ordinance is to enable, in accordance with the priorities and principles of the waste management referred to in Articles 3 and 5 of the Waste Management Act, following:

- 1) preservation of natural resources,
- 2) environmental and human health protection,
- 3) improvement of modern packaging production technology,
- 4) establishment of the optimal packaging and packaging waste management system,
- 5) functioning of packaging market and packaged products on the territory of the Federation of BiH,
- 6) prevention of creating obstacles to trade, avoidance of distortions and restrictions of competition;
- 7) prevention of generating discrimination based to the type and content of packaging.

Article 4

In the system of packaging and packaging waste management participate the following subjects:

- Federal Ministry of Environment and Tourism (hereinafter referred to as: The Ministry),
- Fund of Environmental Protection of Federation BiH (hereinafter referred to as: The Fund)
- Producers of packaging materials,
- Importers,
- Fillers and packers,
- Distributors,
- Final suppliers (Traders),
- Final users (Consumers),
- Operator of the packaging waste management system,
- The cantons and municipalities in accordance with Articles 25, 26, 27 and 28 on Waste Management Act
- Companies engaged in the collection, transportation and final disposal of waste authorized by the cantons or municipalities,
- Companies engaged in the collection, transportation, recycling or recovery of waste,
- Competent inspection bodies for supervision of the market and the environment.

The role and obligations of particular participants are defined in the provisions of this Ordinance.

Article 5

The basic rules concerning packaging and packaging waste management, in terms of this Ordinance, shall be:

- 1) assignment of the responsibilities of all economic subjects in accordance with the integrated approach principle and the principle of “extended producer responsibility”, during the lifetime of packaging,
- 2) reduction of the amount of packaging waste,
- 3) reuse of packaging, recycling and other forms of recovery or re-exploiting of packaging waste.

Article 6

For the purpose of this Ordinance, the terms contained herein shall have the following meanings:

1. Packaging shall mean all products made of any materials of any nature to be used for the containment, preservation, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer.

Auxiliary products for packaging that are to be used for wrapping or binding of goods, in particular for packaging, airtight closing, reception for dispatching and designation of goods, shall also be considered to constitute of packaging.

Packaging may be:

-**Primary or sales packaging** as the smallest packaging unit in which a product is sold to the final consumer (glasses, bags, cans, bottles, pots, boxes, bowls, tubes and the like).

Packaging also includes auxiliary materials for packaging, which are used for wrapping or tying goods separately, for waterproof packing, preparation for shipping and labeling of goods.

-Secondary or grouped packaging includes foils, boxes and similar wrappings and other types of packaging with the component parts conceived so as to constitute at the point of purchase a grouping of a certain number of the basic sales units, of the same or of various types, regardless of whether it is sold as such to the final user or the consumer together with goods or whether it is removed at the point of purchase.

Secondary packaging is intended for the distribution, warehousing, transportation and delivery of goods or sale to the final user or the consumer therewith it can be removed from goods without affecting their characteristics.

Secondary packaging having both grouped and sales functions shall be considered to constitute primary packaging.

Tertiary or transport packaging includes barrels, casings, buckets, bags, pallets, boxes and other types of packaging whose component parts are conceived so as to constitute a grouping of huge quantities of the basic sales units in primary or secondary packaging so as to facilitate safe transportation and handling of products and preservation of goods from the producer to the retail sale or from the retail sale to the final user or the consumer.

Tertiary packaging having both transport and sales functions shall be considered to constitute sales packaging

2. Non-returnable packaging shall mean the packaging conceived so as to be used only once.

3. Returnable packaging shall mean the packaging reusable for the same purposes after being returned by the consumer and for which the return of the deposit or caution money is guaranteed.

4. Packaging materials shall mean the materials of different properties used for making packaging.

5. Multilayer materials (composites) shall mean the packaging materials made of a number of layers of different materials that may not be separated manually or in any other manner.

6. Packaging waste shall mean every packaging or packaging material that may not be reused for the initial purposes. Material residues arising in production (production residues) shall not be considered to constitute packaging waste.

Municipal packaging waste is waste from primary and secondary packaging generated as households waste.

7. Packaging waste that is non-municipal waste shall mean the waste of primary, secondary or tertiary packaging arising as waste in production, retail sale, mass caterers and other business activities, thereto which is not collected through the collection system conducted by a public utility services company i.e. other legal person or by an entrepreneur.

8. Packaging waste management shall mean the planning and organization of activities concerning collection, transportation, warehousing, processing and disposal of packaging waste including surveillance of such activities and exercising care with facilities for waste management upon their closing.

9. Prevention shall mean reduction of the quantity of a used material in the course of the packaging production process, putting it into circulation, distribution, usage and removal, in

particular by improving products and by developing modern technology therewith by reduction of the content of harmful matters in materials.

10. Reuse of packaging shall mean any operation by which packaging designed to accomplish within its life cycle a single or a number of trips or rotations, is refilled or used in any other way for the same purposes for which it was conceived, with or without the support of auxiliary products enabling packaging to be refilled.

11. Recovery shall mean any operation of the re-processing of waste so as to be reused for the material and energy based purposes.

12. Recycling of packaging waste includes the methods of processing packaging waste into secondary raw materials for the production of new packaging or for other purposes, including organic recycling of packaging waste, however excluding recovery of energy.

13. Organic recycling of packaging waste shall mean aerobic (production of compost) and anaerobic (production of biogas) processing of biodegradable parts of packaging waste under controlled conditions and using microorganisms by which stable organic substances and methane are obtained. Disposal of packaging waste on specially designed landfills shall not be deemed the form of organic recycling.

14. Recovery of packaging waste for energy based purposes shall mean the process of recovering packaging waste by using burnable packaging waste in direct burning with or with no presence of other kinds of waste with the primary aim of burning and exploiting the generated heat.

15. Disposal of packaging waste shall mean any process or method including packaging waste not leading to the possibility of recovery, recycling, processing, direct reuse or usage as an alternative energy source in accordance with the Waste Management Act.

16. Subjects in packaging and packaging waste management shall be:

- **Producer of packaging materials** shall mean the legal person who produces packaging;
- **Importer** shall mean the legal person who imports raw materials for the production of packaging and packaging who was the first one to place a packaged product on the market;
- **Filler and packer** shall mean the legal person who packs and fills packaging;
- **Distributor** shall mean the legal person who puts packaging or a packaged product into circulation regardless of whether that person is at once a producer of packaging materials, importer, filler, packer or a wholesaler;
- **Collector** of packaging waste shall mean the legal person or the natural person who collects sorted waste;
- **Final user** shall mean any legal or natural person or institution i.e. consumers, offices, schools, hospitals, restaurants, kiosks, bus stations, airports, train stations, sports complexes, stores, factories, business and trade centers, sports stadiums and the like, which, for the purpose of the final usage or consumption, take packaging of the goods or empty it, so that it becomes the waste of primary, secondary or tertiary packaging.
- **Final supplier (store)** shall mean the legal person who supplies the final user with packaging or packaged goods, regardless of whether that person is at once a producer, importer, filler or a distributor.

- **Operator of the packaging waste management system** (hereinafter referred to as: (operator of the system) shall mean the legal person who runs packaging waste management activities therewith on whose name the license for managing packaging waste is to be issued.

II REQUIREMENTS FOR PACKAGING DESIGN, MANUFACTURE AND USE AND FOR PACKAGING WASTE MANAGEMENT

Article 7

In the course of the design, production and usage of packaging, the following requirements should be fulfilled:

- 1) The volume and the weight of materials used for the production of packaging shall be minimal however satisfactory in order to ensure soundness and health safety of a product as well as the acceptability of a packaged product by consumers.
- 2) Packaging should be designed and produced in such a way that when it becomes packaging waste enables recycling of materials in adequate weight percentage. Weight percentage values depend on packaging materials.

Article 8

The producer or the importer shall not be authorized to produce and put into circulation packaging with the total sum of concentration levels of lead, cadmium, mercury and hexavalent chromium exceeding 100 ppm by weight of packaging or packaging materials unless the packaging is entirely made of lead crystal glass and plastic crates.

The producer or the importer shall be obliged to provide the information on meeting the requirements laid down in paragraph 1 of this Ordinance, upon the delivery of packaging or packaging materials it puts into circulation, so as to guarantee that the packaging or packaging materials are in accordance with the requirements of this Ordinance.

Article 9

In order to facilitate collection, reuse and recovery of packaging, packaging must be sorted and designated according to the materials used in production.

Packaging shall be sorted and designated according to the Ordinance on Sheet Form, Content and Informing on Significant Features of Products and Packaging by Producers, "Official Gazette of F BiH" number 6/08.

Article 10

The reuse, recycling, energy based recovery and other ways of recovery of packaging waste shall be given priority over disposal should such activities, with reasonably higher costs, be enabled by technologies and operations that have been successfully tested in the practice and made available on the market.

The producer or the importer may put packaging into circulation in case packaging meets the requirements concerning production and composition of packaging and its reusability and recoverability including recyclability as laid down in Articles 7 – 9 of this Ordinance.

Article 11

In the course of the production of and putting packaging into circulation as well as in the course of the packaging waste management, the objectives referring to the following, shall compulsory be taken into consideration:

- the amount of packaging waste that is necessary to be recovered,
- the amount of raw materials in packaging waste that is necessary to be recycled within the amount of the processed packaging waste,
- the amount of certain materials in the total weight of recyclable materials in packaging waste that is necessary to be recycled.

The materials in packaging waste referred to in paragraph above are as follows:

- paper
- plastics
- wood
- metals
- glass
- Multilayer materials (composites).

The targets for recovery and recycling set for the period from the year 2012 - 2016 are laid down in Appendix 3 of this Ordinance.

Article 12

Producers, importers, fillers, packers, distributors and final suppliers shall be obliged to provide a particular space for taking over, collecting, sorting and temporary warehousing of packaging waste that has been taken over or has been formed as a result of their business activity, should the annual quantity of such packaging waste exceed the quantities bellow as follows:

- 80 tons for paper and/or;
- 300 tons for glass and/or;
- 100 tons for metals and/or;
- 30 tons for plastics

Article 13

Producers, importers, fillers, packers, distributors and final suppliers is required to join to the system of packaging waste management and is responsible for achieving the prescribed targets.

Obligations under paragraph 1 this by the producers, importers, fillers, packers, distributors and final suppliers can be transferred directly to operator of the system.

In case of not transferring the obligations to the operator of the system under paragraph 1 of this Article importers, fillers, packers, distributors and end - suppliers pay the prescribed fees to the Fund.

Article 14

A producer of packaging materials, importer, filler, packer, distributor and a final supplier transfers its obligations by a contract to the operator of the system.

The operator of the system shall be obliged to, on behalf of those mentioned above, do as follows:

1. Ensure that municipal packaging waste is regularly taken over by a collector and provides its selective separation
2. To regularly take over and collect packaging waste that is non-municipal waste form final users
3. Ensure reuse of packaging waste for recycling at authorized facilities and disposal of unused packaging waste in the authorized municipal landfill

Operator of the system is obliged to ensure packaging waste management process as a whole in accordance with the concluded contract for each type of packaging for which producers, importers, fillers/packers, distributors and final suppliers in Articles 13 paragraph 1 and 2 of this Ordinance, referred to assign their obligations to the operator of the system.

III OPERATOR OF THE SYSTEM

Article 15

The operator of the system is a legal entity authorized by the ministry, which deals with the activities of the management of packaging and packaging waste.

The operator of the system is a non-profit, and all of its profits invest in infrastructure for packaging waste management and its primary goal is to fulfill the legal requirements prescribed by this Ordinance.

Its founders are legal entities that conduct their business activities by putting into circulation packaging or packaged products on the state territory.

Fees to be determined by the operator of the system should be equal for the founders and for the clients of the operator.

The operator of the system cannot possess its own infrastructure for waste management.

Article 16

In the system of collecting, selecting and recycling of packaging and packaging waste, the operator of the system plays a key role in the general social responsibility in which the system of selective waste collection done in a sustainable and harmonized manner in which all stakeholders have the opportunity to develop and strengthen the material and technical basis of the system.

The operator of the system plays a key role in the promotional and educational activities for the successful functioning of the system.

Article 17

Packaging waste management activities by the operator of the system relating to the territory of FBiH are possible only under the condition of authorization.

A request for the authorization referred to in paragraph 1 of this Article must be, additionally, accompanied by:

- 1) contracts with at least 30 entities under Article 6 Item 16, line 1, 2, 3, 4 and 7 of this Ordinance, which put on the market for at least 30.000 t of packaging on an annual basis,
- 2) preliminary contracts with the authorized collectors from all cantons, with recyclers for all types of packaging materials (plastic, paper, cardboard, metal, glass, wood, multilayer materials),
- 3) Packaging Waste Management Plan,
- 4) Operator of the system Statute,
- 5) Other evidence upon request

Packaging Waste Management Plan referred to in item 3 of this Article is an integral part of a request for the authorisation and shall include the information relating to:

- 1) name of the legal person on whose behalf packaging waste management activities are to be carried out,
- 2) the type of packaging that be managed,
- 3) the method and frequency of taking over packaging waste from the final user,
- 4) the type and capacity of equipment, facilities and devices for collection, temporary warehousing, sorting and other activities by which the reuse, recovery and disposal of packaging waste shall be ensured,
- 5) the anticipated total weight of packaging waste that is to be collected during a year, and the weight of packaging raw materials that are necessary to be recycled, in accordance with the national objectives,
- 6) the methods and producers who ensure the reuse, recovery and disposal of the collected packaging waste,
- 7) the anticipated quantity of processed packaging waste and particular recycled materials in accordance with the national objectives,

The Ministry shall authorize as referred to in paragraph 1 of this Article for a period of five years. The authorization can be extended for equal period of time if the conditions under which the authorization was approved do not change.

The authorization (license) referred to in paragraph 1 of this Article particularly contains: the type of packaging waste that is to be collected, the amount of packaging waste that is to be collected and used, and reporting the ministry.

Producers, importers, fillers, packers, distributors and final suppliers may themselves collect packaging waste without the authorisation by the Ministry in case of their own returnable packaging that has been returned from the final user however which has not been suitable for the final use.

Article 18

The Ministry may, by its decision cancel the authorization for operator of the system, if determined that it:

- has not managed packaging waste in accordance with the regulations,
- has not submitted the Annual Report on Packaging and Packaging Waste in accordance with this Ordinance,
- has not met the objectives throughout Federation BiH
- should fail to submit records on the accuracy of data indicated in the report.

After the decision of canceling the authorization under Paragraph 1 this Article, the operator of the system ceases to perform all activities on waste collection.

Article 19

Without prejudice of the provisions in Article 13 paragraph 1 of this Ordinance, producers, importers, fillers/packers, distributors and final suppliers are not obliged to ensure the prescribed packaging waste management process, in case that total quantity of packaging materials used for packaged goods they put into circulation, during one calendar year, does not exceed the prescribed quantities:

- 100 kg for paper
- 300 kg for glass
- 30 kg for metal
- 80 kg for plastics
- 100 kg for wood
- 50 kg in total in case of all other materials used for packing, however they shall be obliged to report to the Operator of the system about the quantities of packaging placed on the market.

The provisions in paragraph 1 of this Article shall not be applied to packaging:

- in which goods are packaged or which is filled at the place of purchase,
- in which chemicals are packaged in accordance with the provisions having respect to chemicals and
- in which substances for preservation of plants and trees are packaged.

IV REPORTING

Article 20

Operator of the system shall be obliged to inform the public and final users, in a proper manner, of the purpose and objectives concerning the collection of packaging waste, symbol that is used on the packaging, its proper management, possibilities for transporting such waste therewith of the possibilities for its reuse and recycling.

Article 21

Operator of the system is obliged to submit to the Federal Ministry and to the Fund the report on packaging waste management relating to the preceding year, every year until March 31 of the following year.

The report laid down in paragraph above must entail as follows:

- name, address, business activity and business activity code of operator of the system and entities, engaged in the packaging waste management system,
- the quantity of packaging laid down in paragraph 2 Article 11 of this Ordinance placed on the market by the entities referred to in indent above,
- the total quantity and types of packaging waste taken over at utility services companies' premises intended for collection and/or from final users laid down in paragraph 2 Article 11 of this Ordinance,
- the quantity and type of the recovered, recycled or disposed of packaging waste, for each method of exploitation or disposal separately.

The report laid down in paragraph 1 of this Article shall be submitted as a sheet form enclosed in Appendix II of this Ordinance.

Based on reports under paragraph 1 this Article and Article 26 of this Ordinance, the Federal Ministry keeps records on packaging and packaging waste in the Registry of the plants and pollution until Environmental Protection Agency is established.

Reporting obligations also apply to entities which did not achieve their obligation through the operator of the system, to make independently report to the Federal Ministry and the Fund under paragraph 3 of this article.

Based on reports under paragraph 1 and 5 of this Article the Fund shall adopt a decision on fees payment.

Article 22

The Inter-Entity Environmental Body shall monitor packaging waste management within the packaging waste management system, coordinate activities carried out between the Entities and the Brcko District and merge reports on the quantities of packaging placed on the market of Bosnia and Herzegovina.

V FEES FOR NOT MET TARGETS

Article 23

Producers of packaging materials, importers, fillers, packers, distributors, final suppliers, who put packaging or packaged products into circulation on the territory of the Federation of BiH, shall pay the fee for not transferred obligations to the system operator.

The fee shall be determined according to a type, quantity, composition and the purpose packaging is conceived for, material packaging is made of and according to the national targets.

The fee shall be paid to Eco Fund and shall be used dedicated for packaging waste management.

The fee for general objectives shall be calculated based on the resolution by the Fund according to Appendices 3 of this Ordinance.

The amounts of fees for the entities who are not involved in organized systems through the operator of the system are calculated according to paragraphs 2 and 4 of this Article.

Until license is not issued to the operator of the system under Article 17 of this Ordinance, producers of packaging materials, importer, filler, packer, distributor and final supplier, their obligation will fulfill through the Fund, after the entry into force of this Ordinance.

Article 24

Exemption from paying the fee shall be regulated by the resolution of the Fund and it shall be gained due to reaching the packaging waste management targets through the operator of the system.

If operator of the system has not met the targets for the reporting year, the Fund shall determine the decision to pay a fee for not met targets according to paragraphs 2, 3, and 4 of Article 23 of this Ordinance.

VI PENALTIES

Article 25

The fine ranging from 20.000 to 50.000 BAM shall be imposed on producers of packaging materials, importers, fillers, packers, distributors, final users, final suppliers, operator of the system, collectors of packaging waste, transporters and recyclers of packaging waste in case of:

- 1) putting into circulation packaging that does not meet the prescribed requirements under Article 8 and 9 of this Ordinance,
- 2) failing to provide location for the take-over, collection, sorting and temporary warehousing of packaging waste in accordance with the Waste Management Act and this Ordinance,
- 3) failing to handle packaging waste polluted with harmful substances in accordance with the regulations on waste management,
- 4) failing to ensure the take-over, collection and handling of packaging waste in accordance with this Ordinance,
- 5) collecting, reusing, processing and disposing of waste without having the license issued by the Ministry,
- 6) failing to ensure the reuse, processing or disposal of packaging waste,
- 7) failing to inform the public in the prescribed manner,
- 8) failing to submit a report in accordance with Article 21 of this Ordinance
- 9) failing to submit the evidence of accuracy of data indicated in a report upon a request issued by the Ministry.

The fine ranging from 1.000 to 10.000 BAM shall be imposed even on the responsible person as the legal person of a producer of packaging materials, importer, filler/packer, distributor, final suppliers, sellers, organization, collector of packaging waste, transporter and recycler in case of the violation laid down in paragraph 1 of this Article.

VII SUPERVISION

Article 26

Supervision over enforcement of this Ordinance shall be carried out by the inspection bodies in charge of the environmental protection based on the activities in accordance with Articles 49, 50 and 51 of the Waste Management Act.

The Ministry in charge of trade shall carry out supervision over enforcement of the provisions under the Ordinance having respect to putting packaging into circulation, by market inspectors. Data is updated quarterly, or at the request of the Fund or operator of the system once a month.

VIII FINAL AND CLOSING PROVISIONS

Deadlines for adjustment

Article 27

Producers of packaging materials, importers, fillers, packers, distributors and final suppliers shall be obliged to submit the information laid down in Article 21 of this Ordinance concerning packaging they place on the market within 3 months as of the day of entry into force of this Ordinance.

Producers of packaging materials, importers, fillers, packers, distributors and final suppliers shall be obliged to conclude a contract for packaging waste with the operator of the system within 3 month.

Producers of packaging materials, importers, fillers, packers, distributors and final suppliers shall be obliged to take over and provide packaging waste management through operator of the system within 4 months of entry into force of this Ordinance.

Article 28

Producers and importers of packaging shall be obliged to align their business activity in relation to designation of packaging referred to in Article 9 of this Ordinance within 12 months as of the day of entry into force of this Ordinance.

Packaging generated prior to the entry into force of this Ordinance however which is not aligned with the basic requirements packaging must be in accordance with so as to be put into circulation, may circulate as such for no longer than two years as of the day of entry into force of this Ordinance.

Article 29

An integral part of this Ordinance are Appendices attached with this Ordinance as follows:

- Appendix I - packaging with long lifetime;
- Appendix II - Annual Report on Packaging and Packaging Waste;
- Appendix III - Objectives

Article 30

By entering into force of this Ordinance shall supersede the Ordinance on packaging and packaging waste management ("Official Gazette of BiH", No. 83/10).

Article 31

This Ordinance shall enter into force on the eight day of its publication in the "Official Gazette of the Federation of BiH".

MINISTER
Branka Đurić, dipl. ecc

No: 04-23-1818/10-AB
Sarajevo, December 2011

APPENDIX I

LONG-TERM PACKAGING

Long-term packaging shall mean the packaging that:

- can evidently serve for permanent usage of goods thereto has the average lifetime of five or more years,
- is usually thrown away together with goods in packaging after no longer being available for usage.

Long-term packaging shall be, for example:

- cutlery box
- CD boxes
- camera boxes
- leather boxes
- audio tape boxes
- traffic triangle storage boxes
- gramophone disk folders
- jewelry boxes
- tire chain storage boxes
- game boxes
- first aid box
- video tape boxes
- hiking map folders or
- tool boxes.

APPENDIX II

ANNUAL REPORT ON PACKAGING AND PACKAGING WASTE

Calendar year:

Date of writing the Report (day, month, year):

Person responsible for filling in the Annual Report:

1. Producer of packaging materials, importer, filler / packer, distributor
2. Operator of the system

Name:

Place:

Post code:

Address:

Activity code:

Annual quantities of particular types of packaging waste materials

Material	Imported packaging	Produced packaging	Exported packaging	Total
Paper				
Glass				
Metal				
Plastic				
Multilayer materials				
Wood				
Mixed materials				
Total				

Responsible person:

Signature:

APPENDIX III

Targets

Calculation of general targets

Amount of fee for general targets is equal to product of weight of packaging placed on the market in regard to targets of recovery and recycling and unit fee by type of packaging.

Specific targets will be determined at the end of 2013 years for the next year.

Table 1 General targets per years

GENERAL TARGETS					
	2012	2013	2014	2015	2016
RECOVER OR RECYCLE (%)	8	13	20	25	35

Table 2 Fee coefficient per kilogram of packaging

Fee coefficient	[BAM/kg]
Glass	0,40
Metal	0,30
Paper	0,40
Plastic	0,60
Wood	0,25
Multilayer and other materials	0,60

Fee coefficient per kilogram of packaging for the upcoming year shall be determined at the end of current year.