

Official Gazette of the Federation of Bosnia and Herzegovina, No. 104/22

Pursuant to Article 18a, paragraph (4) and Article 58, paragraph (3) of the Waste Management Act ("Official Gazette of the Federation of Bosnia and Herzegovina", 33/03, 72/09, and 92/17), and at the proposal of the Federal Ministry of Environment and Tourism, the Government of the Federation of Bosnia and Herzegovina, at its 345th session held on 29 December 2022, adopts:

REGULATION

ON THE CRITERIA FOR CALCULATION AND PAYMENT OF FEES FOR PRODUCTS THAT BECOME PACKAGING WASTE AND ELECTRICAL AND ELECTRONIC WASTE AFTER USE

CHAPTER I. INTRODUCTORY PROVISIONS

Article 1

(Purpose of the Regulation)

This Regulation establishes the criteria for the calculation and payment of fees for products that become packaging waste and electrical and electronic waste after use, the method and deadlines for submitting annual reports, fee payers, criteria for calculation, amount, method of calculation and payment of fees, defines roles and responsibilities of participants in the system, supervision over the implementation of the Regulation, and sanctions.

Article 2

(Definitions)

The terms used in this Regulation shall have the following meanings:

1. Packaging – a product, regardless of the material from which it is made, intended to contain, protect, handle, deliver, and present goods, from raw materials to finished products, in the path from producer to user or consumer, in which a product is packaged. Packaging also includes auxiliary packaging materials used for wrapping or binding goods, specifically for packing, sealing, preparing for dispatch, and labeling.
2. Electrical and electronic products – products whose operation depends on electrical current or electromagnetic fields, as well as products intended for the production, transmission, and measurement of current and electromagnetic fields, for use at voltages not exceeding 1000 V AC and 1500 V DC.
3. Reporting obligations – all producers, importers, fillers/packers, and distributors of products that become packaging or electrical and electronic waste after use, who produce, import, or distribute products on the territory of Bosnia and Herzegovina, regardless of headquarters location.
4. Fee payers – all producers, importers, fillers/packers, and distributors in BiH who first place on the market in the Federation of BiH, or use themselves as final consumers in the Federation, products that become packaging or electrical and electronic waste.
5. Fees pursuant to Article 18a of the Waste Management Act:
 - Waste management fee – paid by producers, importers, fillers/packers, and distributors of products that become packaging or electrical and electronic waste after use, based on the "polluter pays" principle, to the system operator or the Environmental Protection Fund of the Federation of BiH (hereinafter: the Fund).

- General fee – paid by all producers, importers, fillers/packers, and distributors to the Fund for placing products that become packaging or electrical and electronic waste on the market.
- 6. First placement on the market – placing a product, imported or produced in BiH, for the first time on the market of the Federation of BiH, including cases where the producer or importer uses the product as a final consumer.
- 7. System operator – a legal entity fulfilling extended producer responsibility obligations for recycling and recovery of specific waste categories, established exclusively by entities marketing products that become special waste categories.
- 8. Waste management information system – the information system established in the Fund that enables electronic record-keeping of the movement of products becoming special waste categories and of waste itself, as defined by the Regulation on the Waste Management Information System ("Official Gazette of the Federation of BiH", No. 97/18).

CHAPTER II. PRODUCTS THAT BECOME PACKAGING AND ELECTRICAL/ELECTRONIC WASTE AFTER USE

Article 3

(Specific Waste Categories)

Products that become packaging or electrical and electronic waste after use include:

1. Packaging, regardless of the material, intended for containing, protecting, handling, delivering, and presenting goods, including auxiliary packaging materials for wrapping, binding, sealing, preparing for dispatch, and labeling.
2. Electrical and electronic products, including equipment operating on electricity or electromagnetic fields, and products for producing, transmitting, or measuring electricity and electromagnetic fields at voltages up to 1000 V AC or 1500 V DC.

CHAPTER III. RECORD-KEEPING AND REPORTING

Article 4

(Reporting Obligations)

1. Reporting obligations apply to all producers, importers, fillers/packers, and distributors of new and used products that become packaging or electrical/electronic waste after use, producing, importing, or distributing on the territory of Bosnia and Herzegovina.
2. This includes entities conducting online sales.

Article 5

(Quarterly Records and Annual Report)

1. All reporting entities shall maintain quarterly records of quantities and types of produced and imported products that become packaging or electrical/electronic waste for internal use, inspection purposes, and for the system operator.
2. Annual reports shall be submitted via the Fund's information system and the system operator with whom an agreement exists.

Article 6

(Submission of Annual Report)

1. Annual reports must be submitted to the Fund and system operators no later than 31 March of the current year for the previous year.

2. Reports from the information system must also be submitted in printed, signed, and certified form.
3. System operators must submit reports to the Ministry and the Fund by 31 March.
4. Reports must include at minimum:
 - List of system participants who transferred obligations to the operator;
 - Tabular overview of quantities by type and class;
 - List of collectors and recyclers under contract;
 - Quantities of collected and recycled/recovered waste;
 - Description of promotional and educational activities.
5. System participants and contractors must enter their data into the information system.
6. In case of incomplete or inconsistent data, the Ministry and Fund may request clarification or supplementary quarterly records.

CHAPTER IV. FEE PAYERS

Article 7 (Fee Payers)

1. Fee payers are:
 - a) Producers, importers, fillers/packers, and distributors who first place packaging and packaged products on the market in the Federation;
 - b) Producers, importers, and distributors of electrical and electronic products who first place such products on the market.
2. Fee payers may transfer the waste management obligation to a system operator.
3. System operators must submit annual data on fees paid by participants who transferred obligations.
4. System operators must indicate participants who have not fulfilled payment obligations.
5. Products sold must be accompanied by proof that they are included in the system via a system operator or that the fee has been paid.

CHAPTER V. CRITERIA FOR CALCULATION, AMOUNT, AND METHOD OF CALCULATION AND PAYMENT OF FEES

Article 8 (General Provisions on Fees)

1. Fee payers shall pay two types of fees: the waste management fee and the general fee.
2. The general fee to the Fund shall be paid annually by all reporting entities when submitting the annual report under Article 4 of this Regulation, in the amount of BAM 30. All fee payers must provide, together with the annual report under Article 6, paragraph (2), proof of payment to the Fund's account.
3. Fee payers shall pay the waste management fee for packaging, electrical, and electronic waste to the Fund or to the system operator.
4. Fee payers who have not entered into a contract with a system operator shall pay the waste management fee to the Fund.

5. Fee payers who have entered into an agreement with a system operator to transfer their obligation to achieve the targets shall not pay the waste management fee to the Fund but shall fulfill their obligation toward the system operator according to the operator's price list.
6. The amount of the waste management fee of the system operator must be determined by contract and must be the same for all fee payers who have transferred their obligation to the system operator.
7. The system operator is obliged to publicly publish its price lists on its website.
8. Failure to fulfill obligations toward the Fund or the system operator constitutes accumulation of prescribed obligations, which must be retroactively fulfilled from the date of entry into force of this Regulation, and payment shall be made to the Fund.
9. The system operator shall also pay the waste management fee to the Fund if the Ministry confirms that it has not achieved the prescribed targets for the calculation year, in an amount calculated by the Fund according to this Regulation, corresponding to the difference between prescribed and achieved quantities.

Article 9

(Fee for Packaging)

1. The fee for the placement of packaging shall be calculated based on the type, composition, and material of the packaging and the quantity of packaging placed on the market of the Federation of BiH.
2. Packaging shall be classified into the following categories:
 1. Paper
 2. Plastic
 3. Wood
 4. Metal
 5. Glass
 6. Packaging contaminated with hazardous substances
3. Multilayer packaging shall be reported under the category of the dominant material (e.g., if paper dominates, classify as paper; if metal dominates, classify as metal, etc.).
4. The coefficient for the waste management fee payable to the Fund, by packaging type, is set out in the form contained in Annex 1 of this Regulation, which forms an integral part hereof.
5. The fee under paragraph (1) of this Article shall be calculated as the product of the quantity of products placed on the market in the Federation of BiH and the fee coefficient under paragraph (4) of this Article.
6. The fee amounts of the system operator for waste management by packaging type must be publicly announced by the system operator.

Article 10

(Fee for Electrical and Electronic Products)

1. The fee for electrical and electronic products shall be calculated based on the quantity of new and used electrical and electronic products placed on the market of the Federation of BiH.
2. Electrical and electronic products shall be classified into the following categories:

1. Temperature exchange equipment – refrigerators, freezers, automatic cold product dispensers, air conditioning equipment, dehumidifiers, heat pumps, oil radiators, and other equipment where substances other than water are used for temperature exchange.
 2. Screens, monitors, and equipment containing screens over 100 cm² – monitors, televisions, LCD photo frames, laptops, notebooks, etc.
 3. Lamps – straight fluorescent lamps, compact fluorescent lamps, fluorescent lamps, discharge lamps including high-pressure sodium and metal halide lamps, low-pressure sodium lamps, LED, etc.
 4. Large equipment – including, but not limited to, washing machines, dryers, dishwashers, kitchen stoves, electric stoves, electric hotplates, lighting fixtures, audio reproduction equipment, large computers, large printers, copiers, large coin-operated machines, large medical products, large monitoring and control instruments, large ATMs, photovoltaic panels.
 5. Small equipment – including, but not limited to, vacuum cleaners, carpet cleaners, sewing machines, lighting fixtures, microwave ovens, ventilation equipment, irons, toasters, electric knives, electric kettles, clocks, electric shavers, scales, hair and body care appliances, calculators, radios, video cameras, recorders, hi-fi equipment, musical instruments, audio or video reproduction equipment, electric/electronic toys, sports equipment, computers for cycling, diving, running, rowing, smoke detectors, heating regulators, thermostats, small electric/electronic tools, small medical devices, small monitoring/control instruments, small automatic vending machines, small devices with integrated photovoltaic panels.
 6. Small IT and telecommunications equipment (no external dimension larger than 50 cm), including mobile phones, GPS devices, pocket calculators, routers, personal computers, printers, telephones, etc.
3. The coefficient for the waste management fee payable to the Fund, by category of electrical and electronic products, is set out in the form in Annex 1 of this Regulation, which forms an integral part hereof.
 4. The fee under paragraph (1) of this Article shall be calculated as the product of the quantity of products placed on the market in the Federation of BiH and the fee coefficient by category under paragraph (3).
 5. The fee amounts of the system operator for waste management by category of electrical and electronic products must be publicly announced by the system operator.

Article 11

(Decision on Payment of Fees)

1. Based on the processing of data from the annual reports of fee payers, the Fund shall issue a decision to the fee payer for payment of the waste management fee for the current year for the previous calendar year.
2. Since the general fee to the Fund is paid once annually with the submission of the annual report, and proof of payment is submitted together with the report, the Fund shall not issue a decision for payment of the general fee.
3. If a fee payer submits an annual report without proof of payment of the general fee, the Fund shall issue a written warning. If the fee payer does not pay after the warning, the Fund shall notify the competent inspection authority.

4. Invoices for payment of fees to the Fund under Articles 8, 9, and 10 shall be issued in accordance with regulations governing the payment of public revenues in the Federation of BiH.
5. Appeals against decisions under paragraph (1) may be filed to the Ministry through the Fund.
6. If the fee payer fails to pay the amount determined by the decision under paragraph (1) within the prescribed deadline, the Fund shall initiate enforcement proceedings through the competent court in accordance with the provisions of the Enforcement Procedure Act of the Federation of BiH ("Official Gazette of the Federation of BiH", 32/03, 52/03, 33/06, 39/06, 39/09, 35/12, and 46/16).

Article 12

(Status Changes)

1. In the event of a status change and/or change of business activity, the fee payer is obliged to notify the system operator with whom a contract has been concluded and the Fund, and to submit a report on the quantity of products placed on the market in the Federation of BiH. This report may cover a period shorter than the calendar year and must be submitted within 30 days from the date of the change.
2. In case of termination of the contract with the system operator, change of the system operator, or transfer from the Fund to a system operator, the fee payer must immediately upon the change:
 - Settle all obligations toward the system operator with whom the contract was concluded, or toward the Fund if fees were previously paid to the Fund;
 - Notify the new system operator and the Fund of the changes and provide proof of settled obligations.

Article 13

(Prescription of Fees)

The amounts of fees under Articles 9 and 10 of this Regulation are prescribed in Annex 1 and shall apply until new fee amounts are established.

CHAPTER VI. FUND REPORTING AND MINISTRY PROCEDURES

Article 14

(Fund Procedures)

1. The Fund shall maintain a register of all fee payers.
2. The Fund shall submit a consolidated report to the Ministry on all fee payers and system operators under Article 6, paragraph (4) of this Regulation by 30 September of the current year for the previous year, containing at least:
 - List of fee payers who fulfilled their obligations via the Fund or system operators;
 - Reported quantities of products that become special waste categories, documented through the information system;
 - Collected funds by the Fund and system operators;
 - Quantities of packaging, electrical, and electronic waste collected and submitted for recycling/recovery, documented through the information system.

Article 15

(Ministry Procedures)

1. Based on reports from system operators and the Fund, the Ministry shall analyze compliance with the obligations set for system operators, and issue a statement on fulfillment of targets for the respective year, type of special waste categories, and other prescribed obligations.
2. The Ministry may revoke the operator's permit if violations are found, if the operator fails to comply with this Regulation, or fails to prove fulfillment of prescribed targets.
3. Based on Fund reports on collected funds, the Ministry provides guidance on the Fund's investment plan.

CHAPTER VII. OBLIGATIONS OF SYSTEM OPERATORS

Article 16

(Obligations of System Operators)

1. System operators are obliged to submit the annual report to the Ministry and the Fund no later than 31 March of the current year for the previous year under Article 6, paragraph (4).
2. System operators are responsible for fulfilling prescribed recycling and recovery targets for each type of packaging, electrical, and electronic waste, as well as infrastructure investments in waste management systems across all ten cantons of the Federation of BiH.

CHAPTER VIII. SUPERVISION OVER IMPLEMENTATION OF THE REGULATION

Article 17

(Coordination Body for Monitoring Implementation)

1. The Government of the Federation of BiH shall, by decision, establish a Coordination Body for monitoring the implementation of regulations on packaging and packaging waste management and a Coordination Body for monitoring implementation of regulations on management of electrical and electronic waste (hereinafter: Coordination Body).
2. The Coordination Body reviews system progress, investment in sorting and recycling capacity, periodic and annual financial reports of system operators as prescribed in Annex 2, annual reports of authorized system operators for waste management, reports from the Federal Inspection Administration, and reports from the Environmental Protection Fund.
3. Full members of the Coordination Body include representatives of:
 - Federal Ministry of Environment and Tourism
 - Federal Ministry of Finance
 - Federal Inspection Administration
 - Environmental Protection Fund
 - System operators holding a permit from the Federal Ministry of Environment and Tourism
4. The Coordination Body shall submit an annual report to the Government of the Federation of BiH on implemented activities through the Federal Ministry of Environment and Tourism.

Article 18

(Financial Control and Administrative Supervision)

1. System operators are subject to financial control because they receive income from prescribed fees.
2. Financial control is carried out at least once a year, and more frequently upon the Ministry's request, by the Federal Inspection Administration.
3. System operators are obliged to conduct an annual financial audit by independent financial institutions and submit the audit report to the Ministry and the Coordination Body.
4. Administrative supervision over the implementation of this Regulation shall be carried out by the Federal Market Inspectorate and the Federal Urban-Ecological Inspectorate of the Federal Inspection Administration.

CHAPTER IX. PENALTIES

Article 19

(Penalties)

1. Legal entities shall be fined BAM 6,000–8,000 for an offense, and BAM 9,000–10,000 for repeated offenses, if they fail to submit the regular annual report to the Fund or system operator, fail to enter data into the waste management information system, or submit incorrect or inaccurate reports under Article 6, paragraph (2).
2. Responsible persons in a legal entity shall be fined BAM 2,000–4,000 for an offense, and BAM 4,500–5,000 for repeated offenses under paragraph (1).
3. Individuals conducting independent business activities (sole proprietors) shall be fined BAM 1,000–3,000 for an offense under paragraph (1), and BAM 4,000–6,000 for repeated offenses.

CHAPTER X. FINAL PROVISIONS

Article 20

(Annexes)

The annexes form an integral part of this Regulation:

- Annex 1: Fee coefficients for packaging and electrical/electronic products
 - Table 1.1: Fee coefficients for the placement of packaging and packaged products on the market of the Federation of BiH
 - Table 1.2: Fee coefficients for the placement of electrical and electronic products on the market of the Federation of BiH
- Annex 2: Financial form for system operators

Article 21

(Adjustment Period)

Existing system operators for electrical and electronic waste management and the Fund shall have until 31 August 2023 to adjust their operations to comply with this Regulation.

Article 22

(Entry into Force)

This Regulation shall enter into force on the eighth day after publication in the "Official Gazette of the Federation of BiH" and shall apply from 1 January 2023.

No.: 1873/2022

Sarajevo, 29 December 2022

Prime Minister

Fadil Novalić, signed

UNOFFICIAL TRANSLATION BY EKOPAK

ANNEX 1

Coefficients for Calculation of Fees for Packaging and Electrical and Electronic Products

Table 1.1 Coefficients for calculation of the fee for placing packaging and products packed in packaging on the market of the Federation of BiH

Type of Packaging	Fee Coefficient [KM/kg]
Glass	0.14
Metal	0.11
Paper and cardboard	0.14
Plastic	0.21
Wood	0.09
Packaging that contains or is contaminated with hazardous substances	1.75

Table 1.2 Coefficients for calculation of the fee for placing electrical and electronic products on the market of the Federation of BiH

Fee Coefficient by Categories of Electrical and Electronic Products	Fee [KM/kg]
Category 1 – Temperature exchange equipment	1.00
Category 2 – Screens, monitors, and equipment containing screens with a surface area greater than 100 cm ²	4.00
Category 3 – Lamps	5.00
Category 4 – Large equipment (any external dimension greater than 50 cm)	0.30
Categories 5 and 6 – Small equipment (no external dimension greater than 50 cm)	1.20

Annex 2. Financial Reporting Form of the System Operator

Name of the system operator:		
Address:		
Tax Identification Number (JIB):		
Permit No.:		
Responsible person:		
Overview of revenues and earmarked expenditures of the system operator collected on the basis of fees for the placing on the market of packaging, electrical and electronic equipment – for the reporting year		
No.	ACCOUNTING PERIOD/YEAR FOR WHICH DATA ARE PROVIDED (all amounts to be reported excluding VAT)	Year KM
1.	Total calculated fee for all obligated subjects who have transferred the obligation to the system operator (per accounting periods)*	
1.a	Total calculated VAT for the accounting period	
2.	Total collected funds from calculated fees (sum of 2.a and 2.b)	
2.a	Total collected funds in the reporting year from fees calculated in the reporting year*	
2.b	Total collected funds in the reporting year from fees calculated in all previous accounting years*	
3.	Total uncollected funds from calculated fees (sum of 3.a and 3.b)	
3.a	Total uncollected funds from fees calculated in the reporting year	
3.b	Total uncollected funds from fees calculated for all previous years	
4.	Total amount of administrative costs of the system operator (enter the total amount of all costs of operation of the system operator for the accounting year – premises costs, office supplies, employee salaries, employee training, etc.) (sum of 4.a+4.b+4.c+4.d+4.e+4.f)	
4.a	Costs of renting premises (office space, warehouse, etc.)	
4.b	Employee salary costs	
4.c	Business travel costs	
4.d	Utility costs	
4.e	Office supply costs	
4.f	Other costs classified as operating costs of the system operator	
5.	Total amount of term deposits in the accounting period/year	
6.	Total amount of collection costs per collector for the accounting year (synthetic and analytical)**	
6.a		
6.b		
6.c		
6.d		
6.e		
6.f		
6.g		
6.f		
7.	Total amount of recycling costs per recycler for the accounting year (synthetic and analytical)**	
7.a		
7.b		
7.c		
7.d		
7.e		
8.	Total amount of export costs per exporter for the accounting year (synthetic and analytical)**	
8.a		
8.b		
8.c		
8.d		
8.e		
9.	Total amount of landfill costs per landfill for the accounting year (synthetic and analytical)**	
9.a		
9.b		
9.c		
9.d		
9.e		
10.	Total amount of investments in infrastructure construction per individual project**	
10.a		
10.b		
10.c		
10.d		
10.e		
11.	Total amount of investments in raising public awareness and education**	
11.a		
11.b		
11.c		
11.d		
11.e		

12.	Total amount of other types of costs or investments in the system for management of waste electrical and electronic equipment not previously mentioned**	
12.a		
12.b		
12.c		
12.d		
12.e		
13.	Any additional revenue not originating from fees but from income generated through management of waste electrical and electronic equipment (income from interest on loans; income from other types of activities)	
13.a		
13.b		
14.	Total remaining uncollected funds from the previous accounting period appearing as outstanding receivables	
14.a	Remaining uncollected funds from fees carried over as receivables from the previous year into the next accounting year	
14.b	Remaining outstanding liabilities on other grounds	
15.	Remaining funds collected from fees not spent in the relevant accounting period (one year) and carried over into the next accounting period	

Stamp:

Name of the responsible person: _____

Signature of the responsible person: _____

Place and date: _____

NOTES:

-	<u>The mandatory document to be attached to this form is the price list of services/fees of the system operator for obligated parties for the relevant accounting period.</u>
-	All amounts presented must be given for the entire accounting year and without VAT. If VAT is calculated, it must be shown in a separate section.
-	If certain activities for which expenditure of funds is to be presented (e.g. for export) were not carried out, it is necessary to state that these activities were not performed in the relevant period or accounting year.
Points from 6. to 14.	For the specified items, it is necessary to sum all listed costs under that number (e.g. for item 6, sum 6.a + 6.b + 6.c + 6.d + 6.e).
2a*	e.g. If the accounting year is 2015, it is necessary to show how much was collected from obligated parties in that year for the fee calculated for 2015.
2b	e.g. if the accounting year is 2015, it is necessary to show how much was collected from obligated parties in that year for fees calculated for the previous 2013 and 2014 years.
2f	For any of the activities, it is necessary to clearly indicate who carried out the activity and how much was paid for that activity (e.g. project for procurement of bins for separate collection of WEEE, company Recikler d.o.o., Canton Sarajevo, JIB 2140000000000, KS, invoice no. 12, amount BAM 20,000.00, etc.). The same applies if the activity was carried out by the system operator (e.g. waste export), which must also be clearly indicated.
**	For any of the activities, it is necessary to clearly indicate who carried out the activity and how much was paid for that activity (e.g. project for procurement of bins for separate collection of WEEE, company Recikler d.o.o., Canton Sarajevo, JIB 2140000000000, KS, invoice no. 12, amount BAM 20,000.00, etc.). The same applies if the activity was carried out by the system operator (e.g. waste export), which must also be clearly indicated.