

Federal Ministry of Environment and Tourism

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

the Amendments to the Ordinance on Packaging and Packaging Waste Management

Article 1.

In the Ordinance on Packaging and Packaging Waste (Official Journal of the Federation of BiH, no. 88/11) in the Article 6, Paragraph 6, the last line, after the word „household“ is amended to read:

„Packaging containing remains of hazardous materials and/or being contaminated by hazardous materials is the waste that has been defined by the Ordinance on Categories of Packaging Waste (Official Journal of the Federation of BiH. no. 9/05) classified as 15 01 10*. Such packaging is labeled as:

- corrosive/erosive/acrid/reactive
- inflammable/flammable
- poisonous/toxic
- explosive/acidifying
- harmful/polluting
- inducing toxic gasses
- carcinogenic/mutagenic/infectious“.

Article 2.

In the Article 13, after Paragraph 3., a new Paragraph no.4 is added and it reads:

„Responsibilities of the final suppliers, i.e. trades, are to consider including their own department brands and the brands they import directly into the system. For the rest of the traded products, they are obligated to acquire documents from producers or importers or distributors as a proof that their packaging waste has been included in the system. Otherwise, they are obligated to include the packaging waste in the system themselves and accordingly pay the fees.“

Article 3.

In the Article 15, Paragraph 3, the word „state“ is erased and amended to read:

„The Federation of BiH, in the total amount of 5000 tons, and minimum founders' capital of 100 000 BAM. Share of the individual founders or more founders that belong to the same group in the basic capital of the operator of the system cannot exceed 33%“.

In Article 15, paragraphs 6 and 7 are added which read:

- The ownership of the operator has to be structured in order to avoid conflict of interests with legal bodies or civilians being in service and receiving monetary

benefits. Owners of the operator of the system, members of the board and employees are not allowed to work in the interest of legal bodies or civilians that deal with waste management, especially packaging waste.

- The operator of the system must fulfill the requirements and criteria in relation to the staff and working space to carry out the activities as follows:
 1. Have at least 3 employees with higher education level working in full-time employment, properly registered at the appropriate authorities, having social security and health insurance contributions regularly paid for.
 2. Have at least 50 square meters of business premises owned or contract leased for the business performing.

Article 4.

In Article 17, paragraph 1, after the word „license for“, words „operator of the system for“ are added.

In Article 17, paragraph 2, after point 4, new items 5, 6, and 7 are added which read:

5. proof of ownership of business premises or contract lease,
6. certified copies of diplomas of higher education level for personnel
7. proof of registration of the employees in the Federal Retirement/Pension Bureau and disability insurance and health insurance.

Previous item 5 becomes item no. 8.

Article 5

In Article 18, paragraph 7, item 5 is added to read as follows:

- If the number of economic subjects which have signed the contract with the operator of the system drops below 30, or if the annual amount of packaging waste managed by the operator of the system falls below 30 000 tons, or change any of the conditions laid down in Article 17 upon which the authorizations was obtained.

Article 6

In Article 19, paragraph 1, after the words “operator of the system” the words “and the Fund” are added.

Article 7

In Article 21, paragraph 6, after the word “compensation”, words “and keep a record of all taxpayers.” are added.

In Article 21, paragraph 7, 8, 9 are added to read:

“The Fund shall issue the solution from Article 21, paragraph 6, within 60 days from the submission of valid reports from obliged subjects.”

“The solution from paragraph 6 of the Ordinance therein contains the final revenue account for the previous accounting period as well as fee payment deadlines.”

“All obliged subjects of the system pay to the Fund additional administrative compensation amounting to 0,002 BAM per kilogram of the packaging waste reported for administrative costs of implementation of the Ordinance. Operator of the system pays additional compensation for all its obliged subjects to the Fund annually upon submission of the annual report.”

Article 8

In Article 23, paragraphs 3, after the word “waste” words “The Fund will have earmarked expenditure of funds on the plan annually agreed with the Ministry” are added.”

Article 9

Article 25, is deleted and now reads: "For the implementation of this Ordinance, in accordance with Art. 52 and 53 Law on Waste Management, and other specific regulations, adequate penalties shall be applied if necessary".

Article 10

Article 26 is amended to read:

“Supervision of the implementation of this Ordinance shall be conducted by the environmental and commercial inspectors of the Federal Inspection Board.

The FBiH Government, in its decision, shall establish a Coordination Council for monitoring the implementation of the Ordinance. The Coordination Council shall consist of representative from each:

- Federal Ministry of Environment and Tourism,
- The Environmental Protection Federation,
- Federal Inspection Board and
- System operators which have been authorized by the Federal Ministry of Environment and Tourism. "

Article 11

Annex II is amended to read:

Table 1 Registration data of the subject to payment

REGISTRATION DATA OF THE SUBJECT TO PAYMENT FOR PACKAGING AND PACKAGING WASTE			
1.	BASIC INFORMATION OF THE LEGAL ENTITY		
1.1	Full name of the legal body		
1.2	Canton/Entity		
1.3	City		
1.4	Zip code		
1.5	Address		
1.6	Telephone and Fax		
1.7	E-mail		
1.8	Website		
1.9	Identification number (ID)		
1.10	VAT (if registered within VAT system)		
1.11	Name of the business and business code		
2.	CATEGORY OF THE LEGAL BODY		
2.1	Producer		
2.2	Importer		
2.3	Filler and/or Packer		
2.4	Distributor		
2.5	Operator		
3.	INFORMATION DATA OF THE AUTHORIZED REPRESENTATIVE OF THE LEGAL BODY		
3.1.	Name and surname		
3.2	Position		
3.3	Telephone and e-mail		
4.	INFORMATION DATA OF THE LEGAL BODY TO WHICH OBLIGATIONS OF PACKAGING WASTE MANAGEMENT HAD BEEN TRANSFERRED		
4.1	Full name of the legal body		
4.2	Register number of the legal body		
4.3	Telephone and e-mail		

Statement: Under the full penalty of perjury I declare that all the information contained in the report are true and correct amount or estimated in accordance with the current legislation.

First name and last name of the authorized person:

Signature of the authorized person:

Place and date:

Table 2 Amount and type of packaging for the accounting year

Type of Packaging		Paper and cardboard	Plastic	Wood	Metal	Multilayer material / composite	Packaging containing or being contaminated with hazardous material	Glass
Packaging code		15 01 01	15 01 02	15 01 03	15 01 04	15 01 05	15 01 10*	15 01 07
1	Total amount in BiH	Total imports						
2		Total production						
3		Total exports						
4	Non-returnable packaging:	Marketed in the FBiH						
5		Marketed in RS						
6		Marketed on BD						
7	Returnable packaging	Marketed in the FBiH						
8		Marketed in RS						
9		Marketed in BD						

Quantity and type of packaging and packaging waste for _____ year

NOTE:

Statement: Under the full penalty of perjury I declare that all information contained in the report are true and exact amount or estimated in accordance with the current legislation.

Name of authorized person:

Stamp:

Signature of authorized person:

Place and date:

CLARIFICATION

The calculation of fees will be made only for the amount of packaging marketed in the Federation of Bosnia and Herzegovina for the first time.

1. *The total amount of containers imported in the year on the territory of Bosnia and Herzegovina*
2. *The total amount of packaging produced in the year on the territory of Bosnia and Herzegovina*
3. *The total amount of packaging exported in the year on the territory of Bosnia and Herzegovina*
4. *The total amount of non-returnable packaging marketed within the Federation which is made of calculating fees*
5. *The total amount of non-returnable packaging marketed in RS*
6. *The total amount of non-returnable packaging marketed in BD*
7. *The total amount of returnable packaging marketed in the Federation*
8. *The total amount of returnable packaging marketed in RS*
9. *The total amount of returnable packaging marketed in BD*

Article 12

In Annex III, Table 2, at the end of the table, a new line is added to read as follows:

Packaging containing and / or contaminated with hazardous substances	5.00
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In Annex III, the sentence: "The specific objectives will be determined late 2013th for following years" is deleted and now reads: "Table 3, contains specific targets and will be implemented from 01.01.2014."

Table 3. Specific objectives

Type of packaging material	Minimum Quantity (%) to be reused or recycled by year		
	2014.	2015.	2016.
Glass	5	8	12
Metal	4	6	10
Paper	20	25	30
Plastic	8	12	16
Wood	5	8	12
Multilayered and other materials	5	8	10
Packaging containing and / or contaminated with hazardous substances	5	8	10

Article 13

In Article 27, the following new paragraph 4 is added to read: "If producers of packaging materials, importers, fillers, packers, distributors and final suppliers do not enter the system, they shall have their legal obligations accumulated and they are obliged to fulfill them retroactively from the day the Ordinance was adopted, i.e. from the first year the Ordinance had set a general target for recovery and recycling of the packaging waste."

Article 14

This Ordinance amending the Ordinance on Packaging and Packaging Waste Management shall enter into force the eighth day from the day of its publication in the "Official Journal of the Federation BiH".

Number 04-23-1818/10
April 5th, 2013.
Sarajevo

Minister:
Branka Đurić,