

ZAKON O UPRAVLJANJU OTPADOM F BiH

I OPĆE ODREDBE

Član 1.

Ovim zakonom uređuju se:

- sve kategorije otpada, osim otpada navedenog u stavu 3. ovog člana;
- sve vrste aktivnosti u upravljanju otpadom, operacije i postrojenja.

Odredbe ovog zakona primjenjuju se i na:

- otpad nastao istraživanjem resursa, ekstrakcijom, tretmanom i iskorištavanjem mineralnih sirovina i radom kamenoloma;
 - tečni otpad;
 - životinjski otpad i drugi neopasni materijali prirodnog porijekla koji se mogu koristiti u poljoprivredne svrhe,
 - odloženi eksploziv,
- osim ako to nije regulirano posebnim propisom.

Odredbe ovog zakona ne primjenjuju se na radioaktivni otpad, gasove ispuštene u atmosferu i otpadne vode.

LAW ON WASTE MANAGEMENT F BiH

I - GENERAL PROVISIONS

Article 1

The scope of the present act covers:

- All waste categories, with the exception of those which are excluded from the scope in Par. 3 of the present Article;
- all kinds of waste management activities, operations and installations.

The scope of the present act covers:

- waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries;
 - liquid waste;
 - animal wastes and other non hazardous materials of a natural origin, which may be utilized for agricultural purposes;
 - defused explosives,
- only in case, if there is no specific legal regulation for such wastes.

The following shall be excluded from the scope of this act radioactive waste, gaseous effluents emitted into the atmosphere and waste water.

Član 2.

Cilj zakona

Cilj ovog zakona je podsticanje i osiguranje najvažnijih uslova radi sprečavanja nastajanja otpada, prerade otpada za ponovnu upotrebu i reciklaže, izdvajanje sirovog materijala i njihovo korištenje za proizvodnju energije i sigurno odlaganje otpada.

Article 2

Objective of the act

The objective of the present act is to encourage and provide the basic conditions for the prevention of production, recycling and processing of waste for re-use; the extraction of secondary raw materials and possibly of energy thereof; and safe disposal.

UNOFFICIAL TRANSLATION BY EKOPHIX

Član 3.

Prioriteti u upravljanju otpadom

Radi postizanja cilja i pravovremenog sprečavanja zagađivanja i smanjenja posljedica po zdravlje ljudi i okoliš, upravljanje otpadom vršit će se na način da osigura:

- minimalno nastajanje otpada, a posebno svođenje opasnih karakteristika takvog otpada na minimum;
- smanjenje nastalog otpada po količini, posebno uzimajući u obzir tokove otpada;
- tretiranje otpada na način kojim se osigurava povrat sirovinskog materijala iz njega,
- spaljivanja ili odlaganja na deponije na okolinski prihvatljiv način onih vrsta otpada koje ne podliježu povratu komponenti, ponovnoj upotrebi ili proizvodnji energije.

Kod utvrđivanja prioriteta iz stava 1. ovog člana uzet će se u obzir:

- ekološke beneficije;
- tehnička izvodljivost za korištenje nabolje raspoložive tehnologije,
- ekonomska izvodljivost.

Upravljanje otpadom vršit će se na način da se preduzmu sve neophodne mjere koje osiguravaju tretman i odlaganje otpada bez ugrožavanja zdravlja ljudi i bez stvaranja štete ili prouzrokovanja značajnog rizika po prirodu, a naročito:

- bez rizika po vode, zrak, tlo, životinje i biljke,
- bez stvaranja smetnji putem buke ili mirisa,
- bez štetnog uticaja po prirodu ili mjesta koja su od posebnog interesa.

Waste management priorities

In order to accomplish the objective and whilst taking into account the prevention of pollution and the minimization of the consequences for human health and the environment, the following measures shall be taken:

- it shall be ensured that the generation of wastes and especially the hazardous characteristics of such waste is reduced to a minimum;
- the reduction in the quantities of wastes shall be properly managed, taking into consideration special waste streams;
- wastes shall be treated in a way to ensure recovery;
- those wastes which are not subject to recovery shall be disposed of - incinerated or disposed of in landfills - in an environmentally sound way.

When determining the actual obligations in connection with the priorities of waste management defined in Par. 1 of this article the following shall be taken into account:

- Ecological benefits;
- Technical feasibility, using best available technique as appropriate;
- Economic feasibility.

All the necessary measures shall be taken to ensure that waste is treated and disposed of without endangering human health and without harming or causing substantial risk to the environment, and in particular:

- Without risk to water, air, soil and plants and animals,
- ~ Without causing a nuisance through noise or odours,
- Without adversely affecting the countryside or places of special interest.

II DEFINICIJE

Član 4.

U smislu ovog zakona sljedeći izrazi znače:

- "otpad" znači sve materije ili predmete koje vlasnik odlaže, namjerava odložiti ili se traži da budu odložene u skladu sa jednom od kategorija otpada navedenoj u listi otpada utvrđenoj u provedbenom propisu;
- "komunalni otpad" je otpad iz domaćinstva kao i drugi otpad koji zbog svoje prirode ili sastava sličan otpadu iz domaćinstva;
- "opasni otpad" je svaki otpad koji je utvrđen posebnim propisom i koji ima jednu ili više karakteristika koje prouzrokuju opasnost po zdravlje ljudi i okoliš po svom porijeklu, sastavu ili koncentraciji, kao i onaj otpad koji je naveden u listi otpada kao opasni i reguliran provedbenim propisom;
- "neopasni otpad" je otpad koji nije definisan kao "opasni Otpad";
- "inertni otpad" je otpad koji nije podložan značajnim fizičkim, hemijskim ili biološkim promjenama. Inertni otpad se neće rastvarati, spaljivati ili na drugi način fizički ili hemijski obrađivati, biološki razgrađivati ili nepovoljno uticati na druge supstance sa kojima dolazi u kontakt na način da prouzrokuje zagađenje okoliša ili ugrožavanje zdravlja ljudi. Ukupna vlažnost, sadržaj polutanata u otpadu i ekotoksičnost filtrata mora biti neznatna da ne bi došlo do ugrožavanja kvaliteta površinskih i podzemnih voda;
- "vlasnik" je proizvođač otpada i fizičko ili pravno lice koje posjeduju otpad;

II - DEFINITIONS

Article 4

For the purposes of the present act:

- "waste" means any substance or object which the holder discards or intends or is required to discard, belongs to one of the categories listed in the List of Wastes, adopted in a separate legal regulation;
- "municipal waste" means waste from households, as well as other waste which, because of its nature or composition, is similar to waste from households;
- "hazardous waste" means any waste which is covered by separate regulations and which has one or more of the properties, which poses a hazard to human health and to the environment due to its origin, composition or concentration, and which is listed in the list of wastes adopted by a separate regulation as hazardous;
- "non-hazardous waste" means waste which is not covered by the definition on "hazardous waste";
- "inert waste" means waste that does not undergo any significant physical, chemical or biological transformation. Inert waste will not dissolve burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leach ability and pollutant content of the waste and the eco toxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater;
- "holder" means the producer of the waste or the natural or legal person who is in possession of it;

- "proizvođač" je bilo koje lice čijom aktivnošću se proizvodi otpad (originalni proizvođač), i/ili bilo koje lice koje obavlja predtretman, sortiranje ili druge operacije koje dovode do promjene fizičkih karakteristika ili sastava otpada;

- "odlagač" – je bilo koje lice kojem se isporučuje otpad ili koje obavlja odlaganje takvog otpada;

- "operator" je fizičko ili pravno lice odgovorno za bilo koju vrstu aktivnosti upravljanja otpadom;

- "upravljanje otpadom" - znači sistem aktivnosti i radnji vezanih za otpad, uključujući prevenciju nastanka otpada, smanjivanje količine otpada i njegovih opasnih karakteristika, tretman otpada, planiranje i kontrolu aktivnosti i procesa upravljanja otpadom, transport otpada, uspostavljanje, rad, zatvaranje i održavanje uređaja za tretman otpada nakon zatvaranja, monitoring, savjetovanje i obrazovanje u vezi aktivnosti i radnjama na upravljanju otpadom;

- "tretman" - znači fizičke, termalne, hemijske ili biološke procese, uključujući sortiranje, koji mijenjaju karakteristike otpada u cilju smanjivanja količine ili opasnih osobina, olakšavaju rukovanje ili povećavaju povrat komponenti otpada;

- "povrat komponenti" - znači povrat materijala i energije iz iskorištenih proizvoda ili otpada u privredni sistem primjenom određenog tehnološkog postupka ili spaljivanjem;

- "ponovno korištenje" - znači svaku aktivnost kojom se otpad upotrebljava za namjenu za koju je prvobitno korišten;

- "skupljanje" - znači sistemsko skupljanje i po mogućnosti sortiranje otpada u cilju olakšanja budućeg tretmana;

- "producer" means: anyone whose activities produce waste (original producer) and/or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

- "collector" any natural or legal person to whom is generated or who generated waste

- "operator" means the natural or legal person responsible for any kind of waste management operation;

- "waste management" means: the system of activities and operations in connection with waste, including the prevention of waste production, the reduction of the quantity of waste and its hazards, the treatment, planning and control of such activities and operations, collection of wastes, transport of wastes, the setting up, operation, closure and aftercare of waste treatment installations, the monitoring activities and the consultation and education in connection with these activities and operations;

- "treatment" means the physical, thermal, chemical or biological processes, including sorting, that change the characteristics of the waste in order to reduce its volume or hazardous nature, facilitate its handling or enhance recovery;

- "Recovery" means recovery of material and energy from used products or waste in system using technological processes or incineration;

- "Re-use" means: any operation by which waste is used for the same purpose for which it was conceived;

- "Collection" means: the systematic collection, possibly sorting of the waste in order to facilitate further treatment;

- "transport" - znači promet otpada van postrojenja;
- "skladištenje" - znači ostavljanje otpada od proizvođača unutar postrojenja i pogona, a najviše 3 godine, na način koji isključuje opasnost po okoliš i ljudsko zdravlje;
- "odlaganje" - znači bilo koju aktivnost utvrđenu u provedbenom propisu;
- "deponija" - znači mjesto odlaganja otpada u svrhu konačnog odlaganja na površini ili ispod površine zemljišta, uključujući:
 - unutrašnja mjesta za odlaganje (npr. deponije gdje proizvođač otpada zbrinjava vlastiti otpad na mjestu nastanka), i
 - stalna mjesta (npr. više od jedne godine) koja se upotrebljavaju za dugogodišnje odlaganje otpada, ali isključujući:
 - objekte gdje nije dozvoljeno skladištenje otpada, a otpad je spreman za daljnji transport u cilju ponovnog korištenja, tretmana ili odlaganja na drugom mjestu,
 - prethodno skladištenje otpada za ponovnu upotrebu ili tretman za period po pravilu manji od tri godine ili
 - prethodno skladištenje otpada za odlaganje u periodu manjem od jedne godine.
- "biorazgradivi otpad" - je svaki otpad koji je pogodan za aerobnu ili anaerobnu razgradnju, kao što je hrana, vrtni otpad, papir i karton;
- "tečni otpad" - je svaki otpad u tečnoj formi, uključujući otpadne vode, ali isključujući mulj.

- "Transport" means: the movement of waste outside the installation;

- "Storage" means: the placing of waste by the producer within the installation for less than 3 years in a way which excludes hazard for the environment and human health;

- "Disposal" means: any operations in separate regulation;

- "Landfill" means a waste disposal site for the disposal of the waste onto or into land (i.e. underground), including:

- Internal waste disposal sites (i.e. landfill where a producer of waste is carrying out its own waste disposal at the place of production), and

- a permanent site (i.e. more than one year) which is used for temporary storage of waste, but excluding:

- facilities where waste is unloaded in order to permit its preparation for further transport for recovery, treatment or disposal elsewhere, and

- storage of waste prior to recovery or treatment for a period less than three years as a general rule, or

- storage of waste prior to disposal for a period less than one year;

- "Biodegradable waste" means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and paperboard;

- "Liquid waste" means any waste in liquid form, including waste water, but excluding sludge.

III OSNOVNA NAČELA

Član 5.

Načela upravljanja otpadom su:

prevencija - izbjegavanje nastajanja otpada ili smanjivanje količine i štetnosti nastalog otpada da bi se smanjio rizik po zdravlje ljudi i okoliš i da bi se izbjegla okolinska degradacija;

mjere opreznosti - sprečavanje opasnost ili šteta po okoliš koju prouzrokuje otpad, preduzimanje mjera, čak i ako nije na raspolaganju potpuna naučna podloga; odgovornost proizvođača otpada - proizvođač je odgovoran za odabir najprihvatljivijeg okolinskog rješenja prema karakteristikama proizvoda i tehnologiji proizvodnje, uključujući životni ciklus proizvoda i korištenje najadekvatnije raspoložive tehnologije;

princip zagađivač plaća - proizvođač ili vlasnik otpada snosi sve troškove prevencije, tretmana i odlaganja otpada, uključujući brigu nakon upotrebe i monitoring. On je i finansijski odgovoran za preventivne i sanacione mjere zbog šteta po okoliš koje je prouzrokovao ili će ih najvjerojatnije prouzrokovati;

blizina - tretman ili odlaganje otpada treba se vršiti u najbližem adekvatnom postrojenju ili lokaciji, uzimajući u obzir okolinsku i ekonomsku profitabilnost,

regionalnost - razvoj tretmana otpada i izgradnja objekata za njegovo odlaganje treba se vršiti na način da pokriva potrebe regiona i omogućava samoodrživost izgrađenih objekata.

III - BASIC PRINCIPLES

Article 5

The following principles shall be taken into consideration when implementing the provisions of the present act:

Prevention means that the production of waste should be avoided or at least the quantity and harmfulness of waste produced should be minimized in order to reduce risk to human health and to the environment and to avoid environmental degradation;

Precaution means that in order to avoid threat or danger to the environment deriving from wastes, measures shall be taken even if full scientific certainty is not available;

Producer responsibility means that the producer is responsible for selecting the most environmentally sensitive solution in line with the characteristics of the product and production technology, including the life-cycle approach and the use of best available techniques as appropriate;

Polluter pays principle means that the producer or holder of waste shall cover the costs of prevention, of the recovery and disposal of waste, including aftercare, monitoring and also that the producer is financially responsible for preventive and restorative measures, in case he is causing or being likely to cause damage to the environment; Proximity means that the treatment or disposal of waste shall be undertaken in the nearest appropriate installation or site, taking into consideration the environmental and economic efficiency;

Regionality means that when developing waste treatment and disposal installations a system of such installations covering the demands of a given region should be supported, allowing for self-sufficiency.

IV PLANIRANJE UPRAVLJANJA OTPADOM

Član 6.

U planiranju upravljanja otpadom nadležni organi dužni su izraditi planove za upravljanjem otpadom koji će obuhvatiti:

- vrstu, količinu i porijeklo otpada koji se proizvodi i koji se treba tretirati ili odložiti;
- ciljeve upravljanja otpadom;
- opće tehničke zahtjeve za upravljanje otpadom i uređaje unutar područja na kojima se nalaze;
- raspoloživ i podesan tretman i mjesta odlaganja i uređaje unutar određene teritorije;
- specijalne ugovore za tretman ili odlaganje otpada za veći broj općina;
- specijalne ugovore za pojedine vrste otpada, kao što je opasni otpad, tečni otpad, ambalažni otpad, itd.;
- strateške ciljeve sa razrađenim prioritetima u upravljanju otpadom i pojedinim aktivnostima koje se trebaju preduzeti;
- listu mjera koje se trebaju preduzeti,
- procjenu troškova za izvršavanje zadataka u upravljanju otpadom.

IV – WASTE MANAGEMENT PLANNING

Article 6

The regulatory authorities referred to the present act are required to draw up waste management plans, which shall cover:

- the type, quantity and origin of waste produced and be treated or disposed of;
- the objectives of waste management;
- the general technical requirements for waste management operations and installations within their respective territory;
- the available, suitable treatment and disposal sites, installations within their respective territory;
- any special arrangements for multi-municipality waste treatment and/or disposal system;
- any special arrangements for particular wastes, such as hazardous waste, liquid waste, packaging waste, etc.;
- the strategic programme in order to achieve the objectives, together with the detailed priorities of waste management and the sequence of actions to be taken;
- the list of proposed measures to be taken, and
- the estimated costs of waste management tasks.

Član 7.

Međuentitetsko tijelo za okoliš, pored ovlaštenja utvrđenih u Zakonu o zaštiti okoliša, ovlašteno je za koordiniranje na entitetskom nivou pri izradi Strategije upravljanja otpadom.

Koordinacija iz stav 1. ovog člana vrši se:

- davanjem smjernica o metodologiji razvoja i sadržaju Strategije upravljanja otpadom u entitetu;
- davanjem komentara i mišljenja na nacрте strategija upravljanja otpadom;
- održavanjem zajedničkih sastanaka radi usklađivanja nacрте strategija,
- utvrđivanjem opće politike upravljanja otpadom na državnom nivou koja obuhvata pitanja navedena u st.od 1. do 4. člana 6. i opasni otpad.

Article 7

Federation authorizes the inter-entity/state coordination body for the environment to coordinate the entity level strategic waste management plans.

The co-ordination referred to in paragraph 1 of this article shall be managed through the following procedure:

- to issue the guidelines on the methodology of developing and content of strategic waste management plans of the entity;
- to comment on draft strategic waste management plans
- to hold joint meetings in order to harmonize the draft plans;
- formulate a state level general waste management policy, which covers the issues listed in Art. 6, lines 1 to 4 and hazardous waste.

Član 8.

Strategija upravljanja otpadom Federacije BiH.

Strategiju upravljanja otpadom na period od šest godina donosi Parlament Federacije Bosne i Hercegovine (u daljem tekstu: Parlament Federacije) na prijedlog Vlade Federacije Bosne i Hercegovine (u daljem tekstu: Vlada FBiH).

Stručne i druge poslove u izradi Strategije upravljanja otpadom vrši Federalno ministarstvo prostornog uređenja i okoliša (u daljem tekstu: Federalno ministarstvo).

Izrada propisa iz stava 1. ovog člana vrši se u saradnji sa

- Međuentitetskim tijelom za okoliš;
- predstavnicima Vlade Republike Srpske;
- predstavnicima ekonomskih udruženja;
- predstavnicima udruženja za zaštitu okoliša;
- predstavnicima kantonalnih vlada.

Propis iz stava 1. ovog člana mora biti usklađen sa Strategijom ekonomskog razvoja FBiH i kantonalnim planovima ekonomskog razvoja.. Vlada FBiH će dvogodišnje podnositi izvještaj Parlamentu Federacije o provođenju Strategije.

Article 8

The strategic waste management plan of the BiH Federation

Waste management strategy shall be adopted by Parliament of the Federation of Bosnia and Herzegovina (hereinafter: Parliament of Federation) for the period of six years.

The proposal for Strategy shall be prepared by the Government of Federation of Bosnia and Herzegovina (hereinafter: FB&H Government). Federal Ministry for physical planning and environment (hereinafter referred to as: Federal Ministry) shall carried out all experts and other activities during Strategy preparation.

Before adopting the plan referred to in paragraph 1 of this article, the government shall be responsible for entering into consultation with

- the inter-entity body on environment;
- representatives of the government of the Republic Srpska;
- representatives of economic associations;
- representatives of environmental associations;
- representatives of the cantonal governments.

Regulation under paragraph 1 of this Article shall be in compliance with the Strategy for economic development in the BiH Federation and with the cantonal plans for economic development.

The Government of the B&H Federation shall submit reports to FB&H Parliament on the implementation of the strategy every second year.

Član 9.

Kantonalni planovi za upravljanje otpadom

Svaki kanton donijet će Plan upravljanja otpadom na svom području.

Plan iz stava 1. ovog člana mora biti usaglašen sa Strategijom upravljanja otpadom Federacije BiH.

Plan iz stava 1. ovog člana donosi zakonodavno tijelo kantona.

Kantonalnim propisom uredit će se uvjeti za planiranje upravljanja otpadom u općinama.

Izrada Plana iz stava 1. ovog člana vrši u saradnji sa općinskim organima, ekonomskim udruženjima i udruženjima za zaštitu okoliša.

Article 9

Cantonal waste management plans

Each canton shall adopt the waste management plan for the respective area.

The plan referred to in paragraph 1 of this article shall be harmonized with the waste management strategy of the FB&H Federation.

The plan(s) mentioned in paragraph 1 shall be adopted by the cantonal legislator.

The cantons shall be responsible to regulate the conditions of waste management planning of the municipalities.

The plan referred to in paragraph 1 of this article shall be prepared in collaboration with the municipality organizations, economic and environmental associations.

Član 10.

Kantonalnim propisom utvrdit će se zadaci općina u izradi općinskih planova upravljanja otpadom koji trebaju sadržavati najmanje:

- programe o skupljanju opasnog otpada iz domaćinstava;
- programe za korištenje komponenti iz komunalnog otpada;
- programe za smanjenje procenta biorazgradivog otpada i ambalažnog otpada u komunalnom otpadu;
- programe za podizanje javne svijesti u upravljanju otpadom;
- lociranje postrojenja za upravljanje otpadom;
- saradnju između općina radi postizanja zadatah ciljeva.

Izrada planova iz stava 1. ovog člana vrši se u saradnji sa nadležnim kantonalnim i općinskim organima, poslovnim zaineresiranim grupama i udruženjima za okoliš.

Planovi iz stava 1. ovog člana dostavljaju se kantonalnom ministarstvu nadležnom za pitanja okoliša (u daljem tekstu: kantonalno ministarstvo).

Article 10

Cantons shall adopt regulations concerning the tasks of municipalities in setting up their waste management plan in a way that at least the following elements should be introduced in these plans:

- programmes on the collection of hazardous wastes from households;
- strategic plans for utilization of any of the components of municipal waste;
- programmes to reduce the percentage of biodegradable waste and packaging waste in municipal waste;
- programmes to raise awareness of the public on waste management issues;
- siting of waste management installations;
- the field of co-operation with other municipalities to achieve the set objectives.

Municipal waste management plans referred to in paragraph 1 of this article should be consulted with cantonal and municipal competent authorities, with interest groups representing business and with environmental organizations. The plan shall be sent for review to the cantonal environmental ministries (hereinafter: cantonal ministry).

Član 11.

Poslove upravljanja otpadom iz nadležnosti Federacije BiH vrši Federalno ministarstvo u saradnji sa Federalnim ministarstvom zdravlja i drugim nadležnim ministarstvima.

Poslove prekograničnog prometa otpada i poslove upravljanja otpadom i postrojenjima za tretman otpada, koji obuhvataju područje dva ili više kantona, vrši Federalno ministarstvo.

Izuzev poslova iz stava 2. ovog člana, poslove upravljanja svim vrstama otpada, određivanje lokacija i zemljišta u poslovima upravljanja otpadom i postrojenjima vrši kantonalno ministarstvo.

Article 11

Within the FB&H Federation, the Federal Ministry shall be responsible to perform the waste management tasks in co-operation with the Ministry of Health and other competent ministries. The Federal Ministry shall be responsible for operations of transboundary movement of waste and facilities for waste treatment covering the territory of two or more cantons.

Except for the operations under paragraph 2 of this article, the operations for management of all types of waste, siting and land use issues in connection with waste management installations shall be dealt with by the cantonal ministry.

Član 12.

Za obavljanje aktivnosti tretmana otpada i njegovog odlaganja potrebno je pribaviti dozvolu osim ako ovim zakonom nije drugačije određeno.

Dozvola iz stava 1. ovog člana ne isključuje dobijanje urbanističke saglasnosti, dozvole za građenje i dozvola utvrđenih posebnim propisima.

Dozvola iz stava 1. ovog člana nije potrebna u sljedećim slučajevima:

- prikupljanja i kretanja otpada unutar lokacije proizvođača otpada;
- kretanja otpada između različitih postrojenja ili lokacija istog proizvođača izuzev opasnog otpada;
- prijevoza otpada koji produkuje proizvođač sa svojim vlastitim prijevoznim sredstvima do lokacije ili postrojenja za tretman, u slučaju malih količina ne većih od 100 kg po kretanju, izuzev opasnog otpada,
- vraćanja ambalaže ili korištenih proizvoda od proizvođača proizvoda.

Za prikupljanje, kretanje i prijevoz otpada građana koji je ograničen samo na vlastiti otpad proizveden u domaćinstvima nije potrebna dozvola iz stava 1. ovog člana ukoliko nije drugačije određeno posebnim propisom.

Article 12

The waste treatment and disposal operations always need a waste management permit with the exceptions listed in the present act.

Permit in paragraph 1 of this article does not supersede the requirement to obtain planning or construction permits nor does it supersede the need to obtain permits defined in specific regulations.

The permit referred to in paragraph 1 of this article is not required in the following cases:

- Collection and movement of waste within the site of the production of waste;
- Movement of waste between different installations or sites of the same producer, with the exception of hazardous wastes;
- Transport of the own waste of the producer by its own means of transport to the site or installation of treatment, in case of small quantities - not more than 100 kg per movement with the exception of hazardous wastes,
- To take back packaging or used products by the manufacturers' retailers.

The waste collection, movement and transport of the individual citizens, limited only to their own wastes produced solely in their household are exempt from permit referred to in paragraph 1, unless it is otherwise provided by the special regulation.

Član 13.

Zahtjev za dobijanje dozvole mora sadržavati sljedeće:

- podatke o podnosiocu zahtjeva i operatoru kada se radi o različitim licima;
- opis vrste i ukupne količine otpada-ulazak i izlazak;
- opis očekivanih uticaja na okoliš;
- predloženi ili stvarni kapacitet postrojenja ili lokacije;
- opis postrojenja ili lokacije, uključujući karakteristike okoliša;
- predloženi/postojeći tretman;
- predložene/postojeće metode za sprečavanje i smanjenje zagađivanja;
- predložene/postojeće aktivnosti, praćenje i plan kontrole;
- predložen plan za aktivnosti zatvaranja i postupke nakon zatvaranja,
- finansijske i druge garancije od strane podnosioca zahtjeva.

Dozvola iz člana 12. stav 1. ovog zakona neće se izdati ako:

- projekat nije u skladu sa pravnim, okolinskim i zdravstvenim zahtjevima;
- nema tehničkih eksperata za upravljanje postrojenjima ili lokacijom;
- nije osiguran tehnički i profesionalni razvoj i obuka osoblja;
- nisu poduzete neophodne mjere sprečavanja nesreća i ograničenje njihovih posljedica;
- nije osigurana odgovarajuća finansijska ili druga garancija,
- projekat nije u skladu sa odgovarajućim planom (vima) za upravljanje otpadom.

Article 13

The application for a permit must contain the following:

- the identity of the applicant and of the operator when they are different persons;
- the description of the types and total quantity of waste - of both input and output;
- description of expected environmental impacts;
- the proposed or actual capacity of the installation or site;
- the description of the installation and/or site, including its environmental characteristics;
- the proposed/existing treatment process involved;
- the proposed/existing methods for pollution prevention and abatement;
- the proposed/existing operation, monitoring and control plan;
- the proposed plan for the closure and after-care procedures,
- the financial security by the applicant, or any other equivalent provision.

The environment authority does not issue a permit referred to in paragraph 1 of article 12 of this act unless it is ensured that:

- the project complies with all the relevant legal, environmental and health requirements;
- there are technically competent professionals within the management of the installation or site;
- the professional and technical development and training of the staff is provided;
- the necessary measures are taken to prevent accidents and limit their consequences;
- there is adequate financial security or any other equivalent;
- the project is in line with the relevant waste management plan or plans.

Dozvola iz člana 12. stav 1. ovog zakona sadrži :

- vrstu i količinu otpada koji se treba tretirati i/ili odložiti;
- opće tehničke zahtjeve za rad, monitoring i sisteme praćenja;
- metode tretmana;
- mjere predostrožnosti koje se trebaju preduzeti,
- podatke o porijeklu, odredištu i tretmanu otpada, te vrste i količine takvog otpada;
- period na koji se dozvola daje.

Provedbenim propisom uredit će se davanje dozvole za aktivnosti male privrede u upravljanju otpadom.

Dozvola se izdaje na period od pet godina i može se produžiti za isti vremenski period ukoliko se ne promijene uvjeti pod kojim je dozvola izdata.

The permit referred to in paragraph 1 of article 12 shall contain at least the following:

- the type and quantity of waste to be treated and/or disposed of;
- general technical requirements - for the operation, for monitoring and control procedures;
- the treatment method;
- the precautions to be taken,
- the information concerning the origin, destination and treatment of waste and the type and quantity of such waste;
- period of time

Permit for small-scale activities will be in separate regulation.

The permit shall be valid for a fixed period of time, generally 5 years, but may be renewed for the same period of time in case there is no change in the conditions.

Član 14.

Finansijske garancije

Finansijske i druge garancije za pokrivanje troškova rizika od mogućih šteta, sanacije i postupka nakon zatvaranja uplaćuju se u kantonalni fond na čijem teritoriju se nalazi odlagalište.

Finansijska garancija mora biti srazmjerna količini otpada, očekivanim troškovima i pojavi rizika.

Finansijska garancija ili dio za rad deponije važi sve dok je potrebna, a najmanje 30 godina nakon zatvaranja deponije.

Article 14

Financial guarantees

Financial security and/or insurance policy shall be set up by specific regulations to cover the costs related to risks of damage or costs of minimizing any possible damage, as well as the costs of clean-up and after-care operations and it shall be paid to cantonal fund on which area is landfill.

The financial guarantee shall be proportionate and equivalent to the amount of waste, related costs expected and risk occurrence.

The financial guarantee or a part of it on landfill operation shall be kept as long as required but at least up to 30 years by maintenance and after-care operation of the site.

V ODGOVORNOST U UPRAVLJANJU OTPADOM I AKTIVNOSTIMA

Član 15.

Opći propisi za upravljanje otpadom

Sve aktivnosti trebaju se poduzimati tako da imaju veoma mali uticaj na okoliš i ljudsko zdravlje, smanjuju opterećenje i korištenje okolinskih resursa, ne ugrožavaju ljudsko zdravlje ili zagađuju okoliš, smanjuju količine i štetne uticaje otpada, unapređuju ponovno korištenje i reciklažu otpada i sigurno odlaganje otpada.

U cilju sprečavanja proizvodnje otpada i smanjenja količina i štetnih uticaja otpada stimulirat će se:

- racionalno korištenje materijala i energije;
- čuvanje materijala i ostataka unutar procesa proizvodnje i potrošnje što je više moguće;
- proizvodnja proizvoda koji proizvode najmanju količinu otpada i stvaraju najmanje štetnih uticaja,
- zamjena materijala koji prouzrokuju rizik kad postanu otpad.

Stimulirat će se ponovno korištenje otpada, reciklaža otpada, zamjena sirovinskog materijala sa otpadom u cilju korištenja materijala ili energije iz otpada, a ukoliko to nije moguće, stimulirat će se korištenje otpada kao energetskog izvora.

Proizvedeni otpad koristi se ako je ekološki koristan, tehnički izvodiv i ekonomski opravdan.

Otpad se odlaže samo ako nije moguće korištenje njegovog materijala i/ili energije u postojećim tehničkim i ekonomskim uvjetima i ako su troškovi ponovnog korištenja nerazumno visoki u poređenju sa troškovima odlaganja.

Zabranjeno je napuštati, gomilati, odlagati ili tretirati otpad bez nadzora.

Zabranjeno je miješati različite vrste otpada, osim ako se tako omogućava povrat sirovina i/ili odlaganje.

V - WASTE MANAGEMENT RESPONSIBILITIES AND ACTIVITIES

Article 15

General regulations concerning waste management

All activities shall be designed and undertaken in a way to have the least effect on environment and human health, to decrease the load and use of environmental resources, not to endanger or pollute the environment, not to endanger or harm human health, to decrease the quantity and harmful effects of waste, to promote the reuse and recycling of waste and also the safe disposal of waste.

In the interests of preventing the production of wastes and decreasing the quantity and harmful effects of waste, the following shall be promoted:

- the rational use of material and energy saving technologies;
- keeping the material and residues as much as possible within the circulation of production and consumption;
- the manufacture of products whilst generating the smallest quantity of wastes and the production of least harmful effects;
- the substitution of materials which cause a risk when they become wastes.

In order to use the material or energy within waste the reuse and recycling (material recovery) of wastes, the substitution of raw-materials by wastes, and if the previous options are not feasible, the use of waste as an energy resource (energy recovery) shall be promoted.

The waste produced shall be utilized only if its ecologically beneficial, technically and economically feasible to do so.

Wastes shall be disposed of only if the use of its material and/or its energy is not possible under the existing technical and economic conditions and if the costs of recovery are unreasonably high compared to the costs of disposal.

It shall be forbidden to abandon, pile up of wastes, also to dispose of or treat waste without proper control.

It is prohibited to mix the different types of wastes, except if it facilitates recovery and/or disposal.

Član 16.

Odgovornost proizvođača

Proizvođač će dizajnirati proizvod i ambalažu, koristiti tehnologije i razvijati proizvodnju na način koji najefikasnije koristi materijale i energiju, stimulira ponovno korištenje i reciklažu proizvoda, a na kraju životnog ciklusa proizvoda promovisat će okolinski održiv tretman, korištenje i odlaganje.

Proizvođač je dužan koristiti takve sirovine i osnovne materijale, poluproizvode i ambalažu koji smanjuju upotrebu energije i materijala i čijom upotrebom se smanjuje proizvodnja otpada i upotreba ambalaže koja duže traje i ne ugrožava okoliš kada postane otpad.

Ostaci nastali u toku tehnološkog procesa, a koji se uvode ponovo u tehnološki proces, kao i proizvodi koji se mogu koristiti ponovo za prvobitnu svrhu bez daljeg tretmana, postaju otpad jedino kada izađu iz ovog proizvodnog ciklusa.

Da bi se ispunile obaveze utvrđene u st. od 1.do 3. ovog člana proizvođač je dužan:

- ispuniti minimum zahtjeva u pogledu skupljanj i ponovnog korištenja raznih vrsta otpada koji su utvrđeni posebnim propisom;
- ispuniti minimum zahtjeva za odlaganje, posebno za deponije onih vrsta otpada koji su utvrđeni posebnim propisima,
- ne koristi materijale i opasne supstance i/ili robu koje prelaze granične vrijedosti za ove materijale ili supstance kao što je utvrđeno posebnim propisima.

Article 16

Manufacturer responsibility

The manufacturer shall design the product and also packaging, shall undertake technology and product development in a way which leads to the most efficient use of materials and energy, promotes the reuse and recycling of products and in case of end-of-life products shall promote environmentally sustainable treatment, utilization and disposal.

The manufacturer shall promote the use of such raw materials and basic materials, semi-products and packaging which have the lowest material and energy demand in terms of the production process; the use of which produces the least waste, and the product packaging is long lasting and hence have the least burden on the environment when they become wastes.

The residues of production technologies, introduced back into the same technological process and also products which may be used again for their original purpose without further treatment shall become wastes only when they leave this production circle.

In order to meet the general obligations in paragraphs 1-3 above the manufacturer shall reach:

- minimum targets for collection, recovery of types of wastes specified in legal regulations,
- minimum targets for disposal, in particular for landfill, of types of wastes specified in legal regulations,
- not use certain materials or certain hazardous substances and/or goods exceeding limits for these materials or substances as specified in implementing legal regulations.

Član 17.

Proizvođač je dužan obavijestiti prodavača i potrošača o važnim karakteristikama proizvoda i ambalaže sa aspekta upravljanja otpadom, kao i o načinu tretmana u slučaju kraja životnog ciklusa proizvoda i otpada produkovanog iz njega.

Provedbenim propisom utvrdit će se obrazac, sadžaj i postupak obavještanja.

Kvalitet otpada na kraju životnog ciklusa proizvoda i ambalaže, dugoročni kvalitet proizvoda i ponovno korištenje i pakiranje, materijalne karakteristike proizvoda, pakiranje i obnovljivost kvaliteta biće označeni na odgovarajući način u skladu sa posebnim propisima.

Article 17

The manufacturer shall inform the retailer and consumer about the important characteristics of products and packaging from the point of view of waste management and also about the option for treatment in case of end-of-life products and wastes arising from them.

The details of such information - format, content, procedure - shall be regulated by implementing regulations.

The low waste quality, long-lasting and reusability of products and packaging, also the material characteristics of the product and packaging, as well as its refundability shall all be labeled on it in a visible way, according to the provisions of separate regulations.

Član 18.

Proizvođač će primiti nazad i/ili nadoknaditi korištene proizvode ili otpad od proizvoda od vlasnika u skladu sa posebnim propisima radi ponovnog korištenja, reciklaže ili odlaganja na okolinski prihvatljiv način.

Proizvođač može primiti natrag ili nadoknaditi proizvode ili otpad od proizvoda od vlasnika ili sklopiti ugovor za pružanje usluga na dobrovoljnoj osnovi sa prodavačem.

Proizvođač će nadoknaditi depozit koji je prethodno platio za proizvod.

Provedbenim propisom utvrdit će se obaveza korištenja sistema za nadoknađivanje depozita kada se radi o određenim proizvodima.

Article 18

The manufacturer shall take back and/or refund used products or certain types of waste of the products from the holder according to the provisions of implementing regulations in order to recover them or dispose of them in an environmentally sound way.

The manufacturer may also take back or refund uses products or certain types of wastes of products from the holder voluntarily and may also enter into voluntary agreements with the retailer for managing this service.

The manufacturer shall refund the deposit that was paid on the product previously.

Implementing regulations may require the obligation of using deposit-refund system for certain products.

Član 19.

U skladu sa Zakonom o zaštiti okoliša operator postrojenja za koje je potrebna okolinska dozvola izrađuje Plan o upravljanju otpadom koji sadrži:

- dokumentaciju o otpadu koji proizvodi preduzeće (porijeklo, vrste otpada u skladu sa listom otpada, sastav, količina);
- mjere koje se trebaju poduzeti radi sprečavanja proizvodnje otpada, posebno kada se radi o opasnom otpadu;
- odvajanje otpada, posebno opasnog otpada od druge vrste otpada i od otpada koji će se ponovo koristiti;
- odlaganje otpada na deponiji,
- metode tretmana i/ili odlaganja.

Kod novih postrojenja plan za upravljanje otpadom se prilaže kao dodatak zahtjevu za dobijanje okolinske dozvole u skladu sa odredbama Zakona o zaštiti okoliša.

Kod postojećeg postrojenja plan se izrađuje i šalje nadležnom organu u periodu od šest mjeseci nakon stupanja na snagu ovog zakona. Planovi za upravljanje otpadom preduzeća se ažuriraju svake tri godine ili nakon promjene u radu postrojenja.

Article 19

The operators of installations of which an environment permit is required under the Framework Environmental Act as waste producers shall make a company waste management plan, which contains at least the followings:

- documentation on waste produced (origin, types of waste according to the list of wastes, composition, quantity);
- measures to be taken for the prevention of waste production, especially in the case of hazardous wastes;
- separation of waste, in particular of hazardous waste from other wastes and of reusable wastes;
- storage of waste on the site;
- treatment and/or disposal methods.

In case of new installations the waste management plan shall be added as an attachment to the application of the environmental permit covered by the framework environmental protection act.

In case of an existing plant the plan shall be made and sent to the environmental authority within 6 months after entering into force of the present act.

Company waste management plans shall be updated every 3 years or on change of process operations.

Član 20.

Operator postrojenja za koja je potrebna okolinska dozvola kao proizvođač mora odrediti lice odgovorno za poslove upravljanja otpadom. Nadležni organ iz člana 11. ovog zakona bit će obaviješten o imenovanju odgovornog lica.

Odgovorno lice dužno je da:

- izradi i ažurira nacrt Plana za upravljanje otpadom;
- provede Plan za upravljanje otpadom;
- predlaže mjere za poboljšanje prevencije, ponovnog korištenja i reciklaže otpada,
- nadzire ispunjenje utvrđenih uvjeta za upravljanje otpadom o tome izvještava operatora.

Odgovornost lica iz stava 1. ovog člana ne oslobađa operatora finansijske i pravne odgovornosti za poštovanje zahtjeva za upravljanje otpadom.

Article 20

Operators of installations of which an environment permit is required under the Framework Environmental Act as waste producers have to nominate a suitable person as a company waste manager. This person shall be notified to authority referred to in article 11 of this Law.

The tasks of the waste manager are the following:

- to draft and update the waste management plan of the company;
- to organize the implementation of the waste management plan;
- to propose measures to improve prevention, reuse and recycling of wastes;
- to review compliance with legal requirements on waste management and to report to the operator on the state of compliance.

The responsibility of the waste manager does not limit the financial and legal responsibility and the possible liability of the operator for complying with the existing waste management requirements.

Član 21.

Odgovornost prodavača

Prodavač proizvoda i usluga (u daljem tekstu: prodavač) dužan je vratiti i/ili nadoknaditi depozite, prikupljati na selektivan način i isporučivati proizvode i ambalažu koji su na kraju životnog ciklusa proizvođaču ili operatoru koji je ovlašten za pružanje usluga upravljanja otpadom ako je to utvrđeno posebnim propisom.

Prodavač može proizvođaču vratiti ili nadoknaditi pakirane proizvode ili otpad nastao iz njih kada je on odgovoran za tretman, ponovno korištenje i reciklažu otpada u skladu sa posebnim propisima.

Article 21

Retailer responsibility

The retailer of products and services (hereinafter: retailer) shall take back and/or refund the deposits, collect in a selective way and hand over the end-of-life products or packaging to the producer or to an operator authorized for waste management services in case of a deposit-refund system set up by legal regulations.

The retailer may also take back or refund voluntarily packaging of goods or wastes arising from them in case of products retailed by him, in case he also takes care of the treatment, reuse and recycling of wastes according to respective legal regulations.

Član 22.

Zajednički uvjeti za proizvođača i prodavača

Proizvođač i prodavač mogu prenijeti obaveze iz člana 16. stav 1. i člana 21. stav 1. ovog zakona na operatora sistema za prikupljanje otpada putem sporazuma ili ugovora.

Uvjeti za prenošenje obaveza iz stava 1. ovog člana utvrdit će se provedbenim propisom.

Uvoznik ima istu odgovornost kao i proizvođač prema čl. od 17. do 19. ovog zakona.

Article 22

Common requirement concerning the manufacturer and retailer

The manufacturer and the retailer may transfer the obligations mentioned in Article 16 Par. 1 and Article 21 Par. 1 to the operator of a waste collective system by an agreement or contract.

The conditions for the transfer of obligations defined in paragraph 1 of this article shall be regulated in a separate legal regulation.

The importer shall have the same responsibility as the manufacturer under Articles 17-19.

UNOFFICIAL TRANSLATION BY EKOPAK

Član 23.

Sistem prikupljanja otpada

Sistem za prikupljanje otpada može uspostaviti proizvođač i/ili prodavač ili operator za upravljanje otpadom.

Pored zahtjeva iz člana 13. stava 1. ovog zakona zahtjev za uspostavu sistema prikupljanja otpada sadrži:

- organizacionu strukturu sistema,
- geografsko područje sa kojeg se prikuplja otpad;
- vrste otpada koje se trebaju prikupiti;
- raspored prikupljanja,
- metode tretmana.

Pored razloga iz člana 13. stav 2. ovog zakona dozvola se neće izdati ako nije osiguran:

- dovoljan broj i raspored mjesta za prikupljanje;
- ispunjavanje ciljeva utvrđenih posebnim propisom,
- okolinski prihvatljivo upravljanje otpadom.

Dozvola mora da sadrži opis i glavne elemente sistema za prikupljanje, vrstu i količinu otpada, geografsko područje koje ovaj sistem pokriva, finansije, raspored skupljanja, dokumentaciju o protoku otpada.

Troškovi uspostavljenog sistema za prikupljanje otpada podliježu kontroli nadležnog organa za nadzor tržišta.

Article 23

Waste Collective System

Waste collective systems may be established by the manufacturers and waste producers and/or retailers, or waste management operators.

In addition to the requirements established in article 13 paragraph 1, the permit application shall include:

- the organizational structure of the system,
- the geographical area of waste collection;
- the types of wastes to be collected;
- the description of the collection scheme,
- the methods of treatment.

In addition to the requirements established in article 13 paragraph 2, the conditions to obtain a permit shall also meet the following requirements:

- Sufficient number and density of collection points;
- Targets set by legal regulations can be reached by the system;
- All waste management operations are environmentally sound.

The permit has to describe the scope and the key elements of the collective system, types and volumes of wastes, geographical area to be covered by the system, financing, collection scheme, documentation of waste stream.

Fees of the waste collective system are subject to the supervision of the authority responsible for market surveillance.

Član 24.

Odgovornost proizvođača i vlasnika otpada

Proizvođač i vlasnik otpada dužni su skupljati, brinuti se o ponovnom korištenju i reciklaži ili odlaganju otpada koji je produkovan zbog njihovih aktivnosti ili otpada kojeg posjeduju. Proizvođač i vlasnik otpada dužni su da prije odlaganja i ponovnog korištenja otpada uskladište otpad na okolinski prihvatljiv način. Obavezu ponovnog korištenja i reciklažu ili odlaganje preuzima proizvođač ili sam vlasnik ukoliko:

- koristi odgovarajuću opremu za ponovno korištenje i reciklažu ili odlaganje, proceduru ili postrojenje u skladu sa uslovima datim u posebnom propisu,
 - koristi metodologiju propisanu za rad preduzeća za tretman otpada snoseći troškove takvog tretmana.
- Selektivno prikupljanje, pakiranje i označavanje otpada uredit će se posebnim propisima.

Article 24

The responsibilities of the producer and holder of wastes

The producer and holder of wastes shall collect, take care of recovery and/or disposal of wastes produced by his activity or possessed by him. The producer and holder of waste shall be responsible for the environmentally sound storage of wastes prior to recovery or disposal. The obligation of the producer or holder concerning recovery and/or disposal shall be undertaken by himself or authorized operation:

- using appropriate recovery or disposal equipment, procedure or installation, according to the conditions prescribed by legal regulations,
 - using appropriate waste treatment services, paying the costs of such treatment.
- The selective collection, packaging and labeling of wastes may be regulated by implementing legal regulations.

Član 25.

Upravljanje komunalni otpadom

Skupljanje i tretiranje komunalnog otpada vrši se u skladu sa posebnim propisom o komunalnim djelatnostima.

Kantonalnim propisom uredit će se osnivanje i rad komunalnih preduzeća i obaveze općina u pružanju komunalnih usluga.

Domaćinstva su dužna prikupljati svoj produkovani otpad i predati ga komunalnim preduzećima za otpad, a opasni otpad predati na određena mjesta za prikupljanje (centre) ili licu koje je nadležno za pružanje usluga u upravljanja otpadom.

Proizvođači otpada koji nisu domaćinstva koristit će usluge komunalnih preduzeća za otpad koji oni proizvode ukoliko njihov otpad ima iste ili slične osobine kućnog otpada.

Proizvođači nisu obavezni koristiti usluge komunalnih preduzeća za otpad ukoliko skupljaju i tretiraju svoj otpad u skladu sa okolinskim propisima i ako predaju svoj otpad ovlaštenom operatoru za upravljanje otpadom.

U slučaju uvođenja sistema selektivnog prikupljanja otpada, domaćinstva i drugi vlasnici otpada bit će obavezni selektirati otpad u skladu sa tim propisom.

Article 25

Municipal waste management

Municipal waste is collected, treated according to special regulations on public waste service. Cantonal regulations shall cover the establishment and operations of public waste services and the duties of municipalities in connection with such services.

Households are obliged to collect waste generated by them, and to hand it over to the public service provider, and in the case of hazardous waste to selective collection points (centers) or to a person having special authorisation for operating waste management services.

Waste producers other than households shall use the public service for wastes generated by them that is the same and/or similar to household waste by its nature.

They may be exempt from using the public service, if they collect and treat their municipal waste generated on the premises according to environmental regulations and if they hand over their wastes to operators of waste management services who have the necessary authorisation.

If a selective waste collection scheme is introduced, households and non-households are obliged to do the selection as regulated.

Član 26.

Kantonali propisom uredit će vršenje poslova javnih usluga, posebno servisa za selektivni tretman otpada.

Poslovi javnih usluga obuhvataju:

- prikupljanje otpada iz domaćinstava i drugih prostorija koje proizvode komunalni otpad;
- tretman komunalnog otpada uključujući upravljanje povratom sirovina i/ili odlaganja,
- mjesto za selektivno prikupljanje otpada.

Posebni propisom uredit će se uvjeti plaćanja javnih usluga.

Article 26

Cantonal regulations shall contain requirements concerning selective waste collection and treatment.

The public service includes:

- waste collection from households and other premises producing municipal wastes;
- treatment of municipal wastes including the management of recovery and/or disposal,
- operation of selective waste collection points, as appropriate.

Special regulation shall contain conditions concerning cost for selective waste collection and treatment.

UNOFFICIAL TRANSLATION BY EKOPAK

Član 27.

Usluge iz člana 26. ovog zakona vrši operator za upravljanje otpadom koji dobije posao putem tendera.

Tender se može dati za sve aktivnosti upravljanja otpadom ili samo za jednu ili više aktivnosti upravljanja otpadom.

Article 27

The public service referred to in article 26 of this Law shall be provided by the operator(s), having an authorisation for waste management services, having won the tender(s).

Waste tendering may be organised either for the whole cycle of waste management or for one or more elements of the waste management tasks.

UNOFFICIAL TRANSLATION BY EKOPAK

Član 28.

Kantonalnim propisom iz člana 25. ovog zakona uredit će se:

- geografsko područje koje pokriva preduzeće;
- osnovni zahtjevi za osiguranje rada preduzeća, uključujući metode skupljanja (kao npr. selektivno skupljanje otpada), učestalost, prava i obaveze domaćinstava i preduzeća čiji je otpad sličan otpadu iz domaćinstva;
- određivanje načina korištenja usluga preduzeća za otpad za proizvođače i vlasnike otpada a koji nisu domaćinstva;
- vrste kaznenih odredbi i stimulacionih mjera;
- tehnički i drugi zahtjevi koji se odnose na rad komunalnih preduzeća za otpad uključujući skupljanje, tretman i odlaganje;
- uvođenje sistema selektivnog prikupljanja otpada zajedno sa određivanjem mjesta za selektivno prikupljanje otpada;
- određivanje lokacije za deponije i lokacije za druge vrste tretmana otpada;
- procjena visine naknade koja obezbjeđuje pouzdan, kontinuiran i prihvatljiv rad preduzeća za otpad i adekvatne uvjete plaćanja,
- uvjeti za pronalaženje i tretiranje nezakonito odloženog komunalnog otpada.

Article 28

The cantonal regulations mentioned in Articles 25 shall at least include provisions related to:

- the geographical area covered by the services;
- the substantial requirements of the service to be provided, including the collection method – (eg. selective collection of waste)-, frequency, rights and obligations of the service provider and the households/non-households;
- determination of how producers or holders of wastes outside households may use the service;
- any kinds of penalty or incentive regimes;
- technical and other requirements related to providing the service including collection, treatment and disposal;
- introduction of selective waste collection systems, together with the designation of selective waste collection points;
- determination of the site of landfills and any other kind of waste treatment to be used;
- calculation of the fee allowing safe, continuous, accessible service and also the payment conditions;
- the conditions of detecting and treating illegal municipal waste dumps.

Član 29.

Tretman otpada

Operator postrojenja za tretman otpada smatrat će se i proizvođačem otpada ukoliko prizvodi otpad u toku tretmana.

Operator će voditi evidenciju podataka o otpadu koji je preuzeo na tretman i koji nastaje u toku tretmana i obavijestiti će nadležni organ u skladu sa posebnim propisom najmanje jednom godišnje.

Izvještaj će sadržavati najmanje:

- vrstu i sastav otpada u skladu sa listom otpada i njenim sadržajem;
- količinu otpada,
- porijeklo ili izvor otpada.

Provedbenim propisom može se zahtijevati odobrenje ili tehnička osposobljenost za korištenje i prodaju određenih tehnologija za tretman otpada, opreme i materijala.

Article 29

Waste treatment

The operator of waste management services shall be considered as producer of the waste in case of waste produced during treatment operations.

The operator shall record data concerning the waste taken or produced by him and shall report to the respective authorities according to separate legal regulations, at least once in every year.

The report shall contain as a minimum:

- types of waste according to the waste list and the composition of waste;
- quantity of wastes;
- origin or source of wastes.

Implementing regulations may require the authorization or technical qualification of using and retailing certain waste treatment technology, equipment, material.

Član 30.

Skupljanje otpada

Proizvođač ili vlasnik otpada skupljat će otpad selektivno u skladu sa potrebom budućeg tretmana.

Prikupljanje otpada unutar lokacije proizvođača ili vlasnika na način koji isključuje rizik po okoliš vremenski je ograničeno i ne zahtijeva posebnu dozvolu.

Operator za prikupljanje otpada skuplja otpad od proizvođača i vlasnika i transportuje ga do mjesta za prikupljanje otpada, transfer-stanice ili mjesta za ponovnu upotrebu i recikliranje, tretman ili konačno odlaganje.

Operator za prikupljanje otpada može preuzeti otpad od vlasnika na mjestima za prikupljanje.

Article 30

Collection of wastes

The producer or holder of wastes shall collect wastes separately according to the destiny of further treatment.

The collection of wastes within the site in a way excluding environmental risks and limited in time does not require special authorization.

The operator of waste collection system collects wastes from producers and holder and transports these to a collection facility, transfer station or to the place of reuse and recycling, treatment or disposal.

The operators of a waste collection system may also take over wastes from holders at the collection site.

Član 31.

Korištenje otpada

Otpad se može koristiti i povratom materijala i energije.

Otpad će se koristiti na način da proizvodi koji nastaju korištenjem otpada neće prouzrokovati veće okolinsko opterećenje nego proizvodi iz osnovnog sirovinskog materijala.

Article 31

Utilization of waste

The utilization of wastes might be undertaken by material and energy recovery.

The products originated from the utilization of waste shall not cause greater environmental load than that caused by the products from primary raw material.

UNOFFICIAL TRANSLATION BY EKOPAK

Član 32.

Transport otpada

Otpad će se transportovati na način koji isključuje zagađenje okoliša.

U slučaju zagađenja nastalog u toku transporta, prijevoznik će biti odgovoran za čišćenje i dovođenje u prvobitno stanje zagađenog područja.

U slučaju transporta koji nije kombinovan sa aktivnostima tretmana otpada prijevoznik će, u skladu sa stavom 1. ovog člana, biti odgovoran samo za ispravnu isporuku otpada na odredište koje je odredio pošiljalac, a koja je odobrena kao lokacija za upravljanje otpadom.

Ako se otpad ne može isporučiti na odredište prijevoznik će vratiti otpad pošiljaocu.

Transport opasnog otpada bit će praćen odgovarajućom dokumentacijom utvrđenom u posebnim propisima.

Opasni otpad u toku transporta mora biti označen i pakiran u skladu sa posebnim propisom. Prevoz opasnog otpada mora biti usklađen sa općim zahtjevima za prijevoz opasnih roba.

Article 32

Transport of wastes

The wastes shall be transported in a way to exclude pollution of the environment.

In case of pollution caused by transport activity, the transporter shall be responsible for cleaning up and for the reinstatement of the original state of the environment.

In cases of transport operations which are not undertaken in combination with waste treatment activities the transporter – above the requirements prescribed in Par. 1 of this article - shall be responsible only for the proper delivery of wastes to the destination defined by the sender, which shall be an authorized waste management site.

If wastes cannot be delivered to the destination, the transporter has to return the waste to the sender.

The transport of hazardous wastes shall be accompanied by movement documents, the details of which are regulated in implementing regulations.

Hazardous waste has to be labelled and packed during transport according to the requirements of the implementing regulations. In all the other conditions of hazardous waste transport the general rules of the transport of dangerous good shall be applicable.

Član 33.

Odlaganje otpada

Načini odlaganja mogu biti:

- odlaganje na lokaciji deponije
- termalna obrada
- druge hemijske, biološke ili fizičke obrade.

Dozvola za nove sanitarne deponije može se izdati samo za deponovanje na regionalnom nivou.

Article 33

Disposal of wastes

Disposal may be undertaken by:

- Disposal on a landfill site;
- Thermal disposal,
- Other chemical, biological or physical procedures.

Permits for new waste landfill site shall only be issued for regional disposal operations.

UNOFFICIAL TRANSLATION BY EKOPHAK

Član 34.

Deponija

U skladu sa članom 13. stav 3.ovog zakona u dozvoli će se utvrditi:

- klasa deponije (deponija za opasni; deponija za bezopasni; deponija za inertni otpad);
- spisak definisanih vrsta i ukupna količina otpada koja je dozvoljena da se odloži na deponiji;
- zahtjevi za pripremu deponije, aktivnosti deponovanja, monitoring i kontrola, uključujući plan za nepredviđene situacije, kao i privremeni zahtjevi za zatvaranje deponija i postupci nakon zatvaranja;
- zahtjevi za postupke primanja otpada,
- obaveza podnosioca zahtijeva da izvijesti bar jednom godišnje nadležni organ o vrstama i količinama odloženog otpada i o rezultatima programa monitoringa.

Nadležni inspekcijski organi izvršit će inspekcijski pregled lokacije u pogledu ispunjenja uslova iz dozvole prije početka odlaganja.

Article 34

Landfill

In accordance with paragraph 3 of article 13 of this act, the landfill permit shall state at least the following:

- the class of the landfill (landfill for hazardous waste; landfill for non-hazardous waste; landfill for inert waste);
- the list of defined types and the total quantity of waste which are authorized to be deposited in the landfill;
- requirements for the landfill preparations, landfilling operations and monitoring and control procedures, including contingency plans, as well as provisional requirements for the closure and after-care operations;
- the requirements of waste acceptance procedures;
- the obligation on the applicant to report at least annually to the competent authority on the types and quantities of waste disposed of and on the results of the monitoring programme.

Prior to the commencement of disposal operations, the authority responsible for the inspection shall inspect the site in order to ensure that it complies with the relevant conditions of the permit.

Član 35.

Spaljivanje

U skladu sa članom 13. stav 1. ovog zakona zahtjev za spaljivanje otpada treba da sadrži sljedeće garancije:

- da je postrojenje projektirano, opremljeno i funkcionira u skladu sa zahtjevima kategorije otpada koji se spaljuje;
- da se omogući u što većoj mjeri iskorištavanje toplote koja se proizvede u procesu spaljivanja;
- da se ostaci svedu na minimum u količinskom smislu i u smislu štetnosti i omogući reciklaža gdje je to moguće,
- da se odlaganje ostataka otpada čija se proizvodnja ne može spriječiti, redukovati ili reciklirati izvršava u skladu s odredbama ovog zakona.

U skladu sa članom 13. stav 3. ovog zakona izdata dozvola treba da sadrži:

- listu kategorije otpada koji se mogu tretirati,
- podatke o ukupnom kapacitetu postrojenja za spaljivanje otpada,
- specificirane postupke uzorkovanja i mjerenja radi ispunjenja obaveza periodičnih mjerenja za svakog zagađivača zraka ili vode.

Dozvola koju izdaje nadležni organ za postrojenja za spaljivanje opasnog otpada osim podataka iz stava 2. ovog člana sadrži:

- količine različitih kategorija opasnog otpada koji se može tretirati,
- specifikaciju minimalnog i maksimalnog protoka masa tih opasnih otpada, njihove najniže i najviše kalorijske vrijednosti i njihov maksimalan sadržaj zagađujućih materija (PCB, PCP, hlora, fluora, sumpora, teških metala).

Article 35

Incineration

Without prejudice to Article 13 Par. 1 of this act, the application for a permit for an incineration shall include a description of the measures which are envisaged to guarantee that:

- the plant is designed, equipped and will be operated in such a manner that the requirements of the categories of waste to be incinerated are taken into account;
- the heat generated during the incineration process is recovered as far as practicable e.g. through combined heat and power, the generating of process steam or district heating;
- the residues will be minimized in their amount and harmfulness and recycled where appropriate,
- the disposal of the residues which cannot be prevented, reduced or recycled will be carried out in accordance with this act.

In accordance with article 13 paragraph 3 of this act, the permit granted by the competent authority for an incineration shall:

- categories of waste which may be treated;
- include the total waste incinerating or co-incinerating capacity of the plant;
- specify the sampling and measurement procedures used to satisfy the obligations imposed for periodic measurements of each air and water pollutants.

The permit granted by the competent authority to an incineration plant using hazardous waste shall in addition to Par. 2 above:

- the quantities of the different categories of hazardous waste which may be treated,
- specify the minimum and maximum mass flows of those hazardous wastes, their lowest and maximum calorific values and their maximum contents of pollutants (e.g. PCB, PCP, chlorine, fluorine, sulphur, heavy metals).

Član 36.

Opšti zahtjevi za opasni otpad

Otpad koji se ne nalazi na listi otpada u posebnom propisu kao opasni ili čiji je sadržaj nepoznat, smatrat će se opasnim dok se ne ustanovi da li je opasan ili bezopasan.

Za smjesu opasnih otpada s drugim otpadom ili materijalima nadležni organ izdat će posebnu dozvolu.

U skladu sa stavom 2. ovog člana dozvola će se izdati ako:

- se korištenje ili odlaganje otpada može efikasnije poduzeti kao tretman smjese nego kao tretman njenih pojedinih komponenti;
- rizik po okoliš i zdravlje zbog smjese nije povećan;
- smjesa ne predstavlja rizik za vodu, zrak, zemlju, biljni i životinjski svijet;
- smjesa ne prouzrokuje štetu okolišu bukom ili mirisom,
- smjesa ne ugrožava pejzaže ili mjesta od posebnog interesa.

Opasni otpad proizveden u domaćinstvima, institucijama ili službama se sakuplja odvojeno na način da se onemogući zagađivanje i šteta po okoliš.

Predaja otpada operatoru ovlaštenom za skupljanje opasnog otpada vrši se u skladu sa posebnim propisom.

Article 36

General requirements concerning hazardous wastes

Those wastes, which are not present in the list of wastes published in a separate regulation as hazardous or cases where the content is unknown, shall be regarded as hazardous until they are qualified either as hazardous or non-hazardous.

The mixture of hazardous wastes with other wastes or other materials shall only be undertaken by specific authorization issued by the competent authority.

The permit shall be issued pursuant to paragraph 2 of this article if:

- the utilization or disposal of wastes may be undertaken in a more efficient way due to the mixture than in case of separate treatment;
- the environmental and health risk due to the mixture shall not be increased;
- the mixture does not entail a risk to water, air, soil, flora and fauna;
- the mixture does not cause nuisance to the environment in terms of noise or odour;
- the mixture does not damage the landscape or places of special interest.

Hazardous wastes produced in households, institutions or services shall be collected separately, excluding the pollution and damage to the environment.

The hand over to an operator, authorized for the collection of hazardous wastes, shall be carried out according to the requirements of implementing regulations.

Član 37.

Katastar zagađivača

Svaka deponija mora biti registrirana u katastru nekretnina i katastru zagađivača (u daljem tekstu: katastar).

Postojeće deponije ili one koje su zatvorene kao rezultat revidiranja plana prilagođavanja registruju se u katastar na osnovu odluke nadležnog organa za zaštitu okoliša.

Vlasnik deponije je dužan po zatvaranju deponije izraditi procjenu uticaja na okoliš i dostaviti je nadležnom organu.

Ukoliko vlasnik deponije vršeci procjenu uticaja na okoliš ustanovi značajnu kontaminaciju otpadom obavijestit će o tome nadležni organ.

Nadležni organ obavještava katastar o kontaminaciji, prirodi i obimu kontaminacije.

U slučaju iz stava 3. ovog člana nadležni organ naložit će vlasniku deponije preduzimanje mjera za sprečavanje potencijalne opasnosti za zdravlje ili štete i zagađivanje okoliša.

Article 37

Registration in the Land Register

Each landfill shall be registered in the cadastre for polluters (hereinafter referred to as: cadastre) and in the land register.

Existing landfills or those closed down as a result of reviewing the conditioning plans shall be registered in the Land Register and cadastre based on the decision of the environmental authority.

When closing the landfill, the operator shall request the environmental authority to evaluate the landfill according to the potential risk it presents to the environment and/or to human health.

If the environmental operator gives a decision under Par. 3 of this article stating significant contamination of land by waste, authority shall notify the Land Register and cadastre to record the contamination, including its nature and extent.

The environmental authority shall order, the operator to take the necessary steps in order to prevent health hazard or environmental pollution and damage according to paragraph 3 of this article.

VI PREKOGRANIČNI PROMET OTPADA

Član 38.

Opći zahtjevi prekograničnog kretanja otpada

Prekogranični promet otpada vrši se pod uvjetom da:

- država BiH, Federacija BiH- izvoznica nema tehničke mogućnosti i neophodna postrojenja, kapacitete ili odgovarajuće lokacije za odlaganje otpada radi odlaganja otpada na ekološki prihvatljiv i efikasan način ili se otpadi koriste kao sirovina za industriju recikliranja ili povrata komponenti u državu, entitet-uvoznicu;
- je izdata suglasnost za prekogranični promet otpada;
- se otpadi pakiraju, etiketiraju i prijevoze na način kojim se sprečava zagađenje okoliša u skladu sa najboljom raspoloživom praksom,
- postoji odgovarajuća dokumentacija o kretanju od tačke gdje je njegovo kretanje počelo do momenta odlaganja, u skladu sa nacionalnim i međunarodnim standardima i relevantnim međunarodnim standardima i relevantnim međunarodnim pravilima i zahtjevima koji se odnose na početak prekograničnog prometa, do tačke odlaganja.

VI. TRANSBOUNDARY MOVEMENT OF WASTES

Article 38

General requirements concerning the transboundary movement of wastes

The following general requirements shall apply to the transboundary movement of wastes:

- The state Bosnia and Herzegovina – BiH Federation - export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or the wastes in question are required as a raw material for recycling or recovery industries in the state – entity - of import;
- unless the authorization has been issued for the special reasons;
- wastes that are to be the subject of a transboundary movement shall be packaged, labelled, and transported according to the implementing regulations and in a way which may prevent environmental pollution and taking due account of relevant practices;
- wastes shall always be accompanied by a movement document compliant with national and internationally agreed standards, and in accordance with national and relevant international regulations and requirements from the point at which a transboundary movement commences to the point of disposal.

Prekogranični promet kada je Federacija BiH izvoznik

U slučaju prekograničnog prometa otpada kada je Federacija BiH izvoznik, proizvođač ili izvoznik je dužan podnijeti pisani zahtjev Federalnom ministarstvu o namjeravanom izvozu otpada.

Zahtjev iz stava 1. ovog člana sadrži:

- podatke o izvoru, sastavu i količini otpada i podatke o proizvođaču;
- u slučaju otpada iz različitih izvora, detaljan popis otpada, i ukoliko se zna, identitet prvobitnih proizvođača;
- ugovore za prijevoz i osiguranje trećim licima u slučaju štete;
- mjere koje se trebaju preduzeti radi osiguranja sigurnog transporta;
- ime/naziv primaoca otpada, lokacija gdje će se tretirati i odlagati, kao i vrstu i važenje dozvole za rad postrojenja,
- podatke o procesima tretiranja i odlaganja otpada.
- specifične uvjete za kretanje (obavezu korištenja određenih graničnih prijelaza, informacije o kretanju za nadležne organe, način i vrijeme transporta, važenje saglasnosti).

Federalno ministarstvo izdaje saglasnot za izvoz otpada ako su ispunjeni sljedeći uvjeti:

- da je sklopljen ugovor između uvoznika i operatera koji ističe ekonomski način upravljanja otpadom, a u slučaju izvoza opasnog otpada i da:
- je primljeno pisano odobrenje zemlje uvoznice i tranzitnih zemalja;
- je ostavljena odgovarajuća polisa osiguranja il jamstvo banke u iznosu koji je potreban da pokrije troškove obrađivanja otpda bez opasnosti za okoliš.

U slučaju izvoza opasnog otpada ugovor iz stavka 3. alineja 1. ovog člana mora uključivati obavezu:

- prijema otpada nazad ukoliko pošiljka nije realizirana kako je planirano ili ukoliko je došlo do kršenja odredaba sklopljenog ugovora,
- primaoca da osigura što je prije moguće i ne kasnije od 180 dana nakon prijema otpada potvrdu za federalni ministarstvo da je odlaganje otpada izvršeno na ekološki prihvatljiva način.

Transboundary movement commenced in the BiH Federation

In case of a transboundary movement when the BiH Federation is the exporter, the generator or exporter shall notify, in writing, the Federal Ministry of any proposed transboundary movement of wastes. The notification shall include at least the following:

- information on the sources, composition and quantity of the waste for transboundary movement, including the producer's identity and,
- in the case of waste from various sources a detailed inventory of the waste and, if it is known, the identity of the original producers;
- the arrangements for routing and for insurance against damage to third parties;
- the measures to be taken to ensure safe transport;
- the identity of the consignee of the waste, the location of the treatment and disposal installation and the type and duration of the authorization under which the installation operates;
- information related to the treatment and disposal operations;

- any specific conditions for the movement (for example the obligation to use certain border stations, the information on the movement provided to the competent authority, the way and time of transport, the validity of the authorization, etc). The generator or exporter is not allowed to commence the transboundary movement until he has received written confirmation of Federal ministry:

- that contract between him and operator for waste management is signed, and in the case of export hazardous waste;
- the notifier has received the written consent of the state of import and of the transit states; and
- the notifier has received insurance policy or bank guarantee in needed amount for covering the costs of waste treatment without dangerous impact environment.

The contract mentioned in Par. 3, aline 1 of the present article must include the obligation:

- of the notifier to take the waste back if the shipment has not been completed as planned or if it has been effected in violation of the present act and its implementing regulations;
- of the consignee, to provide as soon as possible and no later than 180 days following the receipt of the waste a certificate to the notifier that the waste has been disposed of in an environmentally sound manner.

Član 40.

Prekogranični promet otpada kada je Federacije BiH uvoznik

Zabranjuje se uvoz otpada radi odlaganja u Federaciji BiH.

Otpad se može uvoziti u Federaciju BiH samo radi aktivnosti povrata materijala ili energije.

U slučaju prekograničnog prometa otpada, kada je Federacija BiH uvoznik, primjenjuju se odredbe člana 39. ovog zakona.

Federalno ministarstvo dužno je, u slučaju opasnog otpada nakon prijema saglasnosti države izvoznice i tranzitne zemlje, u roku od 60 dana izdati saglasnost za uvoz, odbiti davanje saglasnosti za uvoz ili zahtijevati dodatne informacije.

Article 40

Transboundary movement when the BiH Federation is the destination

The transboundary movement of wastes from other countries to final disposal in the Federation of Bosnia and Herzegovina shall be prohibited.

Wastes may be imported to the B&H Federation only for recovery operations.

In case of transboundary movement where the destination is the B&H Federation, article 39 of this Law shall be implemented.

In the case of transboundary movement of hazardous waste where the destination is B&H Federation, The Federal Ministry shall respond in writing to the notifier within 60 days of the arrival of the notification, either consenting to the movement, or denying permission for the movement, or requesting additional information.

Član 41.

Prekogranični promet otpada kada je Federacija BiH tranzitna zemlja

U slučaju prekograničnog prometa otpada kada je Federacija BiH tranzitna zemlja, primjenjuju se odredbe člana 39. ovog zakona. Federalno ministarstvo dužno je, u slučaju opasnog otpada nakon prijema saglasnosti države izvoznice i države uvoznice, u roku od 60 dana izdati saglasnost za tranzit, odbiti davanje saglasnosti za tranzit ili zahtijevati dodatne informacije.

Article 41

Transboundary movement when the BiH Federation is transit country

In case of transboundary movement where the B&H Federation is a transit country the same provisions apply as in Article 39.

In the case of transboundary movement of hazardous waste when B&H Federation is transit country, The Federal Ministry shall respond in writing to the notifier within 60 days of the arrival of the notification, either consenting to the movement, or denying permission for the movement, or requesting additional information. Common provisions for all kinds of transboundary movement.

UNOFFICIAL TRANSLATION BY EKOPAK

Član 42.

Opće odredbe za opasni otpad u prekograničnom kretanju

U slučaju redovnog otpremanja otpada, otpadi sa istim fizičkim i hemijskim osobinama, istom odlagaču, preko iste carinske službe na izlazu iz zemlje i na ulazu u zemlju koja uvozi, i u slučaju tranzita preko iste carinske službe na ulasku ili izlasku iz tranzitne države ili država, umjesto pojedinačnih saglasnosti može se dati opća saglasnost.

Saglasnost iz stava 1. ovog člana daje Federalno ministarstvo na period od najviše 12 mjeseci.

Nakon perioda iz stava 2. ovog člana opća saglasnost može biti revidirana ili produžena za isti vremenski period u slučaju kada nije došlo do promjene uvjeta.

Article 42

A general notification may be accepted, where wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the state of export via the same customs office of entry of the state of import, and, in the case of transit, via the same customs office of entry and exit of the state or states of transit.

On the basis of the general notification above, the Federal Ministry may issue a general consent (authorization) which shall be valid for a maximum period of 12 months.

After the period mentioned in paragraph 2, the general consent shall be reviewed and may be prolonged for the same period of time in case there is no change in the conditions.

Član 43.

Primalac otpada u prekograničnom prometu dužan je obavijestiti Federalno ministarstvo o kretanju nakon isporuke ili primitka otpada.

Odlagač je dužan obavijestiti i izvoznika i nadležne organe države izvoznice o primanju pošiljke u odgovarajućem roku i o završetku aktivnosti upravljanja otpadom.

Article 43

Each person who takes charge of a transboundary movement of wastes shall notify the Federal Ministry on movement of wastes either upon delivery or receipt of the waste.

The disposer shall notify both the exporter and the competent authority of the state of export of receipt by the disposer of wastes in question and, in due course, of the completion of waste management activity as specified in the notification.

UNOFFICIAL TRANSLATION BY EKOPAK

Član 44.

Prekogranični promet otpada mora se osigurati finansijskim ili drugim garancijama prema zahtjevu države uvoznice ili države u tranzitu. Posebnim propisom utvrdit će se vrste finansijskih garancija kojima se može osigurati prekogranični promet otpada.

Article 44

Any transboundary movement of wastes shall be covered by a insurance, bond or other guarantee as may be required by the state of import or any state of transit.

The details of such financial guarantees shall be regulated by an implementing regulation.

UNOFFICIAL TRANSLATION BY EKOPAK

Član 45.

Kada prekogranično kretanje otpada za koje postoji odobrenje ne može da se izvrši u skladu s odredbama ugovora, zemlja koja izvozi osigurava da otpadi budu vraćeni u zemlju izvoznicu od izvoznika ukoliko se ne može naći drugo rješenje za odlaganje otpada na ekološki prihvatljiv način u roku od 90 dana od dana dolaska otpada na odredište.

Article 45

When a transboundary movement of wastes to which consent has been given, cannot be completed in accordance with the terms of the contract, the state of export shall ensure that the wastes in question are taken back into the state of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner within 90 days from the arrival of the waste at the destination.

UNOFFICIAL TRANSLATION BY EKOPAK

Član 46.

Prekogranični promet smatrat će se nezakonitim ako:

- sve zemlje koje učestvuju nisu obaviještene;
- ne postoji odobrenje svih zemalja;
- je saglasnost falsifikovana ili pribavljena prevarom;
- u materijalnom smislu nije u skladu s dokumentima;
- rezultira namjernim odlaganjem (odbacivanjem) otpada kojim se krše odredbe ovog zakona i opći principi međunarodnog zakonodavstva o zaštiti okoliša.

Article 46

The following kinds of transboundary movement of wastes shall be deemed to be illegal traffic:

- without notification to all states concerned; or
 - without the consent of a state concerned; or
 - with consent obtained from states concerned through falsification, misrepresentation or fraud;
- or
- that does not conform in a material way with the documents; or
 - results in deliberate disposal (e.g. dumping) of wastes in contravention of the present regulations and of general principles of international law on the environment.

Član 47.

U slučaju prometa opasnog otpada radi odlaganja između entiteta BiH potrebno je obavještenje nadležnog ministarstva entiteta iz kojeg se izvozi otpad ministarstvu entiteta u koji se uvozi otpad.

Obavještenje sadrži:

- podatke o izvorima, sastavu i količinu opasnog otpada;
- dogovoren putni pravac i dogovoreno osiguranje za treće strane u slučaju štete;
- mjere za osiguranje sigurnog transporta,
- ime/naziv primaoca otpada, lokacija na kojoj će se tretirati i način na koji će se odlagati otpad.

Izuzetno, Federalno ministarstvo može zabraniti promet opasnog otpada radi odlaganja i/ili kretanja ili promet iz drugog entiteta koji je već najavljen.

Article 47

In case of the inter-entity movement of hazardous waste for disposal between the B&H Federation and Republic Srpska, the entities of Bosnia and Herzegovina a notification is required, which has to be sent by the Ministry of the entity of export to the Ministry of the entity of import.

The notification in that case shall include the following:

- information on the source, composition and quantity of the hazardous waste;
- the arrangements for routing and for insurance against damage to third parties;
- the measures to be taken to ensure safe transport;
- the identity of the consignee of the waste, the location of the treatment and disposal site.

In exceptional cases the Federal Ministry may prohibit the movement of certain hazardous wastes or certain notified movement cases from the other entity.

VII NADZOR NAD UPRAVLJANJEM OTPADA

Član 48.

Proizvođači otpada i operatori postrojenja za upravljanje otpadom dužni su provoditi program nadzora, monitoringa i voditi evidenciju.

Proizvođači otpada i operatori postrojenja dužni su jednom godišnje sačiniti izvještaj o ispunjenju uvjeta iz dozvole i drugim podacima utvrđenim provedbenim propisom.

U skladu sa stavom 1. ovog člana proizvođači otpada i operatori dužni su obavijestiti nadležni organ o otkrivenim negativnim uticajima na okoliš odmah a najkasnije 12 sati nakon pojave negativnog uticaja.

VII. CONTROLLING WASTE MANAGEMENT OPERATIONS

Article 48

The producers of waste and the operators of waste management installations shall carry out a control and monitoring programme and shall keep records.

The producers of wastes and operators of waste management installations shall report once in a year to the environmental authority on the permit conditions and other relevant data determined by secondary legislation.

In accordance with paragraph 1 of this article, the operator and producer shall notify the environmental authority immediately or at least within 12 hours of any significant adverse environmental effects revealed by the control and monitoring procedures.

Član 49.

Nadzor nad aktivnostima upravljanja otpadom i ispunjenjem uslova iz dozvole u skladu sa odredbama ovog zakona i propisa donesenih na osnovu njega vrše inspektori zaštite okoliša, na federalnom nivou - federalni inspektor i na kantonalnom nivou - kantonalni inspektor (u daljem tekstu: inspektor).

Inspektor iz stava 1. ovog člana jednom godišnje vrši nadzor nad radom kantonalnih operatora za upravljanje otpadom i proizvođačima opasnog otpada u skladu sa posebnim propisima.

Inspektor iz stava 1. ovog člana obavještava proizvođača i operatora prije vršenja inspekcijskog nadzora.

U slučaju neposredne opasnosti po zdravlje ljudi i okoliš, inspektor će izvršiti nadzor bez prethodnog obavještenja.

Article 49

The environmental inspector at the federal level - federal inspector and at the cantonal level – cantonal inspector (hereinafter: inspector) shall carry out a control programme for insuring that the waste management operator and the waste producer meet the conditions set by the permits or on the basis of the present act and its implementing regulations.

The inspector as established in paragraph 1 of this article shall carry out a control every year on cantonal waste management operators and hazardous waste producers as defined by implementing regulations.

The inspector as established in paragraph 1 of this article shall notify the operator and the producer prior to the investigation.

The inspector shall have the right to pursue a control without any notification in case of environmental and health hazard at immediate risk.

Član 50.

Operator je dužan inspektoru omogućiti vršenje nadzora.

Inspektor iz člana 49. stav 1. ovog zakona ima pravo da:

- uđe na lokaciju, u postrojenja i poslovne prostorije;
- zahtijeva od svih pravnih ili fizičkih lica da stave na raspolaganje sve potrebne podatke, dokumentaciju i informacije;
- zaustavi prijevoz otpada;
- otvori kontejnere sa otpadom;
- uzme uzorke iz otpada;
- vizuelno evidentira činjeničnu situaciju (video, slike, itd);
- zahtijeva preduzimanje svih neophodnih mjera radi usklađivanja aktivnosti sa uvjetima iz dozvole i posebnih propisa,
- zaustavi aktivnosti ako su u opasnosti okoliš i ljudsko zdravlje.

U vršenju poslova iz stava 2. ovog člana inspektor neće nanijeti štetu i neopravdane troškove operatoru.

U slučaju uzimanja uzoraka inspektor je dužan uzorak iz otpada čuvati u neizmjenjenom obliku u svrhu budućeg dokazivanja.

U slučaju iz stava 4 ovog člana uzimaju se 3 uzorka, jedan se čuva na lokaciji, jedan kao rezerva, a jedan se koristi za testiranje ili kao dokaz.

O izvršenom inspekcijskom pregledu sačinit će se zapisnik.

Zapisnik potpisuje inspektor, predstavnik ili radnik operatora.

Jedan primjerak zapisnika predaje se operatoru.

Article 50

The operator shall assist the inspector in its control activity.

The inspector mentioned in article 49 paragraph 1 has the right to:

- enter into sites, installations, business premises;
- require the interested person (natural or legal) to deliver all the necessary data, documents and information;
- stop waste transports;
- open the containers of waste;
- take samples from the waste;
- record the factual situation on a visible format (video, photo, etc.);
- take all the necessary steps that may be required for the purpose of demonstrating compliance with permit conditions and regulations,
- If the environment or human health is considered to be at danger, stop operations.

The inspector may not cause unjustifiable damage and/or excessive costs to the operator.

In case of sampling, the sample of waste shall be conserved in an unchangeable way in the interest of future proof.

In the case established in paragraph 4 of this article, three samples should be taken, one held by the site, one held in reserve and one used for testing or submitted as evidence.

The inspector shall make a report on inspection.

The report shall be signed by the representative of the inspector, the representative or employee of the interested operator. One copy of the report shall be left with the operator on the spot.

Član 51.

Nakon izvršenog inspekcijskog pregleda inspektor rješenjem može:

- odrediti posebne uslove za budući rad;
- propisati posebne mjere koje se trebaju preduzeti i odrediti rok za preduzimanje mjera;
- narediti obustavu rada dok se uslovi ili zahtjevi ne ispune;
- izreći novčanu kaznu ili druge mjere zbog kršenja uvjeta propisanih dozvolom,
- narediti zatvaranje postrojenja ako se aktivnosti ne mogu izvoditi bez štete po prirodu i ljudsko zdravlje;
- narediti otklanjanje uzroka štete i vraćanje okoliša u prvobitno stanje.

Ako u vršenju inspektionog nadzora inspektor utvrdi da će budući rad ili proizvodnja prouzrokovati neposrednu opasnost žalba na rješenje inspektora ne odlaže izvršenje rješenja

Article 51

Based on the findings of the control procedure the inspector may order by his decision the following:

- determine special conditions for future operation;
- order special corrective measures to be taken including determination of their nature and timing;
- suspend the operation until the conditions or requirements are met;
- implement fines and others means of legal liability for the breaches of permit conditions, and/or
- close the operation if the operation cannot be pursued without damaging the environment and causing serious health hazard;
- ordering rectification of damage and restoration of the previous state.

If on the basis of experiences generated by the control of waste management activities it is likely that future operation or production is causing an immediate risk, the decision of the inspector shall be taken immediately irrespective of any appeal against the decision.

VIII - KAZNENE ODREDBE

Član 52.

Ko prikuplja, tretira, pohranjuje, prijevozi i odlaže otpad bez dozvole i time izazove opasnost po život i zdravlje ljudi, ili zagađenje zraka, vode ili zemlje, ili rizik za biljni i životinjski svijet čini krivično djelo, i kaznit će se zatvorom od tri mjeseca do tri godine.

Ko odlaže eksploziv, zapaljivi, toksični ili zarazni otpad bez odobrenja i tim izazove opasnost po život i zdravlje ljudi, ili zagađenje zraka, vode ili zemlje, ili rizik za biljni i životinjski svijet čini krivično djelo i kaznit će se zatvorom od jedne do pet godina.

Ako je djelo iz stava 1. i 2. ovog člana učinjeno iz nehata, učinitelj će se kazniti novčanom kaznom ili zatvorom do jedne godine.

VIII. SANCTIONS

Article 52

The one who collects, treats, stores, transports or disposes of waste without the necessary authorisation required by legal regulations, or with the infringement of obligations prescribed in a legal regulation or decision of the authority implementing legal regulations in a way which leads to or may lead to risk to human life and health; pollution of the air, water or soil; significant risk to flora and fauna commits a crime and shall be subject of imprisonment for 3 months to 3 years.

The one who disposes of explosive, flammable, toxic, or infectious wastes without the necessary authorisation regulations in a way which leads to or may lead to risk to human life and health; pollution of the air, water or soil; significant risk to flora and fauna commits a crime and shall be subject to imprisonment between 1-5 years.

The one who commits a crime prescribed in (1) or (2) of this article by negligence shall be subject to fine or imprisonment until one year.

Član 53.

Novčanom kaznom u iznosu od 1.000,00 KM do 10.000,00 KM kaznit će se za prekršaj svako pravno lice ako:

- ne pribavi dozvolu za aktivnosti upravljanja otpadom (član 12.) ili krši uslove propisane u dozvoli

- ne uskladišti otpad na okolinski prihvatljiv način prije njegovog odlaganja ili ponovnog korištenja (član 24.);

- redovno ne obaveštava nadležni organ o otpadu preuzetom na tretman (član 29);

- koristi otpad suprotno odredbi člana 31.;

- odlaže otpad suprotno odredbi člana 33.;

- vrši prekogranični promet otpada suprotno članu 39.stav 3.

Novčanom kaznom u iznosu od 500,00 KM do 2.000,00 KM kaznit će se za prekršaj iz stava

1. ovog člana odgovorno lice u pravnom licu.

Article 53

The fine in the amount of 1.000,00 to 10.000,00 KM shall be introduced for any legal person if:

- don't have waste management permit

(article 12) or undertakes fully or partly an operation which requires a permit or notification without or contrary to such permit or notification;

- do not take care for the environmentally sound storage of wastes prior to recovery or disposal (article 24)

- if do not report to the respective authorities concerning waste management treatment (article 29)

- waste utilization is contrary to article 31 of this Law

- waste disposal is contrary to article 33 of this Law;

- transboundary movement of waste is contrary to paragraph 3, article 39 of this Law.

The fine in the amount of 500,00 to 2.000,00 KM shall be introduced for any authorized person within legal person defined in paragraph 1 of this article.

IX - NAKNADA ŠTETE

Član 54.

Federacija BiH odgovorna je za preduzimanje hitnih mjera ili aktivnosti čišćenja ukoliko se ne može ustanoviti odgovornost počinioca, a interesi zaštite ljudskog zdravlja, biljnog i životinjskog svijeta zahtijevaju direktnu i brzu aktivnost.

Odredba stava 1. ovog člana ne isključuje preduzimanje odgovarajuće sanacione mjere i povrat troškova.

Radi sprečavanja veće štete i ograničenja daljnjih štetnih efekata na okoliš, federalni ministar i kantonalni ministar mogu preduzeti sve mjere u cilju sprečavanja i ograničavanja daljnje štete ili narušavanja na teret počinioca štete.

IX - COMPENSATION

Article 54

It is the responsibility of the B&H Federation to undertake direct waste management tasks –first of all emergency actions or cleaning up actions - in case the responsible person may not be identified and the interest of the protection of human health, flora and fauna and the environment require direct and quick action.

This provision from paragraph 1 of this article does not exclude the seeking for a remedial action and recovery of costs.

In order to prevent greater damage and limit further harmful impacts to the environment, the Federal Minister and the Cantonal Minister can take all the measures to prevent and limit further damage or harm at the cost of the party whose activity has caused the unlawful situation.

X - PRIJELAZNE I ZAVRŠNE ODREDBE

Član 55.

Postojeća postrojenja i aktivnosti

Postojeći uređaji i postrojenja koji već imaju dozvolu ili koji su već u funkciji u trenutku stupanja na snagu ovog zakona, ne mogu nastaviti rad ukoliko u roku od tri godine nakon stupanja na snagu ovog zakona ne ispune sljedeće zahtjeve:

-u roku od šest mjeseci od stupanja na snagu ovog zakona vlasnik lokacije ili postrojenja pripremit će i podnijeti nadležnim organima, radi odobrenja, Plan prilagođavanja koji se sastoji iz korektivnih mjera za koje vlasnik postrojenja smatra da su potrebne;

-nakon podnošenja Plana prilagođavanja, nadležni organ donijet će odluku da li se aktivnosti mogu nastaviti;

-na osnovu odobrenog Plana prilagođavanja nadležni organ će dozvoliti rad i odrediti prelazni period za završetak realizacije Plana koji neće biti duži od tri godine od dana odobrenja.

U slučaju da se ne odobri Plan prilagođavanja nadležni organ donijet će odluku o zatvaranju i aktivnostima nakon zatvaranja postrojenja ili lokacije.

U slučaju iz stava 2. ovog člana ako postrojenje nije deponija ili krajnje odlagalište zatvaranje će se izvršiti u roku od tri godine nakon stupanja na snagu ovog zakona.

U slučaju iz stava 2. ovog člana ako se radi o deponiji zatvaranje će se izvršiti u roku od četiri godine nakon stupanja na snagu ovog zakona.

U odluci iz stava 2. ovog člana nadležni organ će propisati uvjete budućih aktivnosti ili mjere za sanaciju štete nanесene okolišu, nadgledanje i naknadne aktivnosti.

Provedbenim propisom uredit će se sadržaj Plana prilagođavanja i aktivnosti koje će preduzeti nadležni organ.

X. CLOSING AND TRANSITIONAL PROVISIONS

Article 55

Existing installations and operations

The existing operations and installations which have been granted a permit, or which are already in operation at the time of entering into force of the present waste management regulations may not continue to operate unless the steps outlined below (and on the basis of the present act in implementing regulations) are accomplished as soon as possible and within 3 years after the entering into force of the present act:

- within a period of six months after entering into force of the act, the operator of the site or installation shall prepare and present to the environment authorities, for their approval, a conditioning plan containing any corrective measures which the operator considers will be needed in order to comply with the requirements;

- following the presentation of the conditioning plan, the environment authorities shall take a decision on whether operations may continue;

- on the basis of the approved conditioning plan, the authority shall authorize the necessary work and shall lay down a transitional period for the completion of the plan not exceeding three years after the date of approval.

In case the authority does not approve the conditioning plan, it has to make a decision on closure and aftercare of the installation or site and also this decision may contain provisions.

In the case established in paragraph 2 of this article, if the installation is not a landfill or final disposal site, the closure has to take place within 3 years after the entering into force of the present act.

In case established in paragraph 2 of this article, if a landfill is in the question, the closure has to take place 4 years after the entering into force of the present act.

The decision, as provided in paragraph 2 of this article, of the authority on the conditions of future operation or on the closure of the installation or site shall always contain conditions concerning the remediation of environmental damages, monitoring and aftercare.

The details of the conditioning plan and authority actions on the basis of that plan shall be given in separate regulation.

Član 56.

Sva pravna lica će uskladiti svoje aktivnosti sa odredbama ovog zakona u roku od jedne godine od dana stupanja na snagu ovog zakona.

Odredbe ovog zakona primjenjivat će se na sve započete postupke za odobravanje obavljanja aktivnosti upravljanja otpadom u slučajevima gdje još nije donesena prvostepena odluka.

Article 56

All the interested parties shall harmonize their activities with the provisions of this act within the period of one year after the entry into force of the act above.

In case of administrative procedures in connection with waste management activities within the scope of the present act, where in the first instance decision has not yet been made, the provisions of the present act shall apply.

UNOFFICIAL TRANSLATION BY EKOPAK

Član 57.

Odredbe Zakona o zaštiti okoliša, koje se tiču nadležnosti drugih organa, primjenjivat će se u mjeri u kojoj nisu u suprotnosti sa odredbama ovog zakona.

Article 57

As the roles and responsibilities of other state organs concern the provisions of the framework act on the environment the latter shall be applied, as appropriate, provided that they are not in contradiction with the provisions of this act.

UNOFFICIAL TRANSLATION BY EKOPAK

Član 58.

Propis iz člana 8. stav 1. donijet će Parlament Federacije BiH u roku od 18 mjeseci od stupanja na snagu ovog zakona.

Propise iz čl. 14., 24., 44. stav 2. i 48. stav 2. donijet će Vlada FBiH u roku od godinu dana od dana stupanja na snagu ovog zakona.

Propis iz člana 17. donijet će federalni ministar u roku od godinu dana od dana stupanja na snagu ovog zakona.

Propise iz čl. 1. alineje 1., 13. st. 4., 22. stav 2., 29. stav 4., 36. stav 1., i 55. donijet će federalni ministar u roku od šest mjeseci od dana stupanja na snagu ovog zakona.

Propisi koji se tiču:

- aktivnosti upravljanja otpadom i zadataka vezanih za klinički otpad,
- aktivnosti upravljanja otpadom i zadataka vezanih za ljudske lijekove,
- zahtjevi javnog zdravstva za različite aktivnosti i operacije upravljanja otpadom
- provođenja člana 17.

donijet će federalni ministar u saradnji sa federalnim ministrom zdravlja u roku od godinu dana od dana stupanja na snagu ovog zakona.

Propisi koji se tiču:

- posebnih zahtjeva za biorazgradljive poljoprivredne otpade, i
- uslova i zahtjeva za korištenje kanalizacionog mulja u poljoprivredi,
- uvjeta i zahtjeva za životinjski otpad (član 1. stav 2.)
- uslova i zahtjeva za ostatke i otpade nastale proizvodnjom i korištenjem hemikalija u poljoprivredi;

donijet će federalni ministar u saradnji sa federalnim ministrom poljoprivrede, vodoprivrede i šumarstva u roku od godinu dana od stupanja na snagu ovog zakona.

Propisi iz člana 9. donijet će zakonodavno tijelo kantona u roku od dvije godine od stupanja na snagu ovog zakona.

Article 58

Regulation under Article 8, paragraph 1 shall be passed by the FB&H Parliament within 18 months after entry into force of the present act.

Regulations under Articles 14, 24, 44 paragraph 2, 48, paragraph 2 shall be passed by FB&H Government within 1 year after entry into force of the present act.

Regulation under Article 17, shall be passed by the Federal Minister within 1 year after entry into force of the present act.

Regulations under Article 1 align 1., 13 4, 22, paragraph 2, 29., Paragraph 4, 36., Paragraph 1 and 55 shall be passed by Federal Minister within 6 months after entry into force of the present act.

The Federal Minister together with the minister responsible for health shall adopt regulations concerning

- the waste management activities and duties in connection with clinical wastes,
- the waste management activities and duties in connection with human medicines,
- the public health requirements of different waste management activities and operations
- for the implementation of article 17 within the period of 1 year after the entry into force of the present act.

The Federal Minister together with the minister responsible for agriculture, water management and forestry shall adopt regulations regarding:

- the specific requirements related to biodegradable waste from agriculture;
- the conditions and requirements related to the use of sewage sludge in agriculture, and
- the conditions and requirements for animal wastes for the implementation of Article 1, paragraph (2),
- the conditions and requirements of residues and wastes from the production and use of chemicals in agriculture

within the period of 1 year after the entry into force of the present act.

The cantonal legislator shall pass the regulation established in Article 9 within two years after entry into force of the present act.

Član 59.

Odredbe posebnih zakona koji uređuju pitanja upravljanja otpadom prestaju da važe stupanjem na snagu ovog zakona.

Article 59

On the date when this Law enters into force, the provisions of the special regulations on waste management shall cease to be valid.

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Član 60.

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u "Službenim novinama Federacije BiH"

Predsjedavajući
Doma naroda
Parlamenta Federacije BiH
Slavko Matić, s. r.
Predsjedavajući
Predstavničkog doma
Parlamenta Federacije BiH
Muhamed Ibrahimović, s. r.

Article 60

The present act shall enter into force 8 days after its publishing in the "FBiH Official Gazette"

UNOFFICIAL TRANSLATION BY EKOPAK