

THE FEDERAL MINISTRY OF ENVIRONMENT AND TOURISM

Pursuant to paragraph (3) of Article 18a. and Article 58. of the Waste Management Act (“Official Gazette of Federation of Bosnia and Herzegovina”, number 33/03, 72/09, 92/17), the Federal Ministry of Environment and Tourism hereby passes the

ORDINANCE

On Packaging and Packaging Waste Management

Article 1

Area of application and Directives reference

- (1) This Ordinance shall set out the rules regarding the management of packaging within production, circulation and usage of packaging and the rules regarding handling including other requirements for collection, reuse, recovery and disposal of packaging waste, as well as obligations and responsibilities of participants in packaging and packaging waste system management, in accordance with the priorities and basic principles of the Waste Management Act.
- (2) The provisions of this Ordinance shall apply to all types of manufactured packaging and packaging placed on the market, imported packaging and all packaging waste existing in manufacturing industries, craft, retail, service and other industries, in households irrespective of its origin, usage and used packaging material, with the exception for packaging with a long shelf life referred to in Appendix 1 of this Ordinance.
- (3) This Ordinance is applied without questioning valid requirements for the quality of packaging, such as those related to safety, protection of human health and hygiene of packaging products.
- (4) This Ordinance partly takes over provisions of the directive 94/62/EZ of European Parliament and Council from 20th December 1994. on packaging and packaging waste (Official Gazette L 365/10, 31.12.1994.) – the last clean version from 04/07/2018.
- (5) Citing provisions from paragraph 4 of the Directive of this Article is done exclusively for the purpose of monitoring and informing about the adoption of the EU acquis in the legislation of the Federation of Bosnia and Herzegovina.

Article 2

Exception to the application

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

Article 3

Objective of the Ordinance

The objective of this Ordinance is to enable packaging and packaging waste management in a way to achieve:

- a) protection on natural resources,
- b) environmental and human health protection,
- c) improvement of modern packaging production technology,
- d) establishment of the optimal packaging and packaging waste management system,
- e) functioning of packaging market and packaged products on the territory of Federation

- of BiH,
- f) prevention of creating obstacles to trade, avoidance of distortions and restrictions of competition,
- g) prevention of generating discrimination based on type and content of packaging,
- h) principles of circular economy.

Article 4 **Participants in the system**

- (1) The following subjects participate in packaging and packaging waste management system: Federal Ministry of Environment and Tourism (hereinafter referred to as: The Ministry),
- a) **Federal Ministry of Environment and Tourism** (hereinafter referred to as: the Federal Ministry),
 - b) **Fund of Environmental Protection of Federation BiH** (hereinafter referred to as: The Fund),
 - c) **Cantons and municipalities** in accordance with the Articles 25., 26., 27. and 28. of the Waste Management Act, that is, their competent environment ministries,
 - d) **Inspection authorities**, for market and environmental surveillance,
 - e) **Producers of packaging materials** who pack their products into the packaging,
 - f) **Importers** of packaged goods,
 - g) **Fillers and packers** who pack products into the packaging and/or fill the packaging,
 - h) **Distributors** who distribute products packed into the packaging,
 - i) **Final suppliers** (traders) including:
 - subjects that deal with the service of delivering parcels which are packed into packaging
 - subjects that, as intermediaries, deal with food home delivery and other consumer goods
 - subjects that pack food or other consumer goods at the sale location (restaurants, coffee-to-go, smoothie bars, flower shops, bottled perfumes, cinemas, food departments) and perform food delivery directly or through some of the sale services stated above,
 - economic subjects that are engaged in internet sales, i.e. have so-called online sales,
 - j) **Final users** (consumers) who are obligated to join the system where it is organized,
 - k) **Companies** engaged in the collection, transportation, recycling or recovering of the waste, energy use, export and final disposal of waste, authorized for activities of waste and certain waste type managing, issued by the competent ministry,
 - l) **Utility companies** which collect, transport and dispose municipal solid waste containing packaging waste as well, authorized by municipal or cantonal authority for the waste managing activity,
 - m) **Operator of the packaging waste management system** (PRO - hereinafter referred to as: System Operator)
- (2) The role and obligations of particular participants are defined in the provisions of this Ordinance.

Article 5 **Aim of the Ordinance**

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

- a) assignment of the responsibilities of all economic subjects in accordance with the integrated approach principle and the principle of “extended producer responsibility”, during the

- lifetime of packaging,
- b) prevention, that is, reduction of the amount of packaging waste,
- c) reuse of packaging, recycling and other forms of recovery or re-exploiting of packaging waste,
- d) creating conditions for establishment of circular economy.

Article 6 Definitions

(1) For the purpose of this Ordinance, the terms contained herein have the following meanings:

a) Packaging is any product, regardless of the nature of the material from which it is made of, intended for storage and protection containment, preservation, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer. Packaging is any product, regardless of the nature of the material from which it is made, which is intended for maintenance, storage, protection, handling, delivery and presentation of goods, from raw materials to finished products, on the way from the producer to the user or consumer. Packaging also includes auxiliary means for packaging, which serve to wrap or connect the goods, in particular for packaging, sealing, preparation for shipment and labeling of the goods, as well as products that are an integral part of the packaging and which are incorporated into the packaging as auxiliary parts and are part of packaging or attached directly to the product and are not intended for use as part of the product (a list of illustrative examples can be found in attachment 2 of this Ordinance).

Packaging may be:

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

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

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

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

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

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

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

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

- c) **Returnable packaging** shall mean the packaging reusable for the same purposes after being returned by the consumer and for which the return of the deposit or caution money is guaranteed.
- d) **Packaging materials** shall mean the materials of different properties used for making packaging.
- e) **Multilayer materials (composites)** shall mean the packaging materials made of a number of layers of different materials that may not be separated manually or in any other manner.
- f) **Packaging that contains residues of hazardous substances and/or is contaminated with hazardous substances** is waste listed in the waste list as hazardous according to the Ordinance on categories of waste with lists ("Official Gazette of Federation of Bosnia and Herzegovina", number: 9/05) code 15 01 10*.
- 1) Such packaging contains the following markings:
 - corrosive/corrosive/irritant/reactive,
 - flammable/supports burning,
 - poisonous/toxic,
 - explosive/oxidizing,
 - harmful/dangerous for the environment,
 - release of toxic gases,
 - carcinogenic/mutagenic/infectious.
 - 2) This packaging also includes packaging from the use of pesticides and other means for agricultural purposes.
- g) **Packaging waste** shall mean every packaging or packaging material that may not be reused for the initial purposes. Material residues arising in production (production residues) shall not be considered to constitute packaging waste.
- h) **Municipal packaging waste** is waste from primary and secondary packaging generated as households waste.
- i) **Packaging waste that is non-municipal waste** shall mean the waste of primary, secondary or tertiary packaging arising as waste in production, retail sale, mass caterers and other business activities, thereto which is not collected through the collection system conducted by a public utility services company i.e. other legal person or by an entrepreneur.
- j) **Packaging waste management** shall mean the planning and organization of activities concerning collection, transportation, warehousing, processing and disposal of packaging waste including surveillance of such activities and exercising care with facilities for waste management upon their closing.
- k) **Prevention** shall mean reduction of the quantity of a used material in the course of the packaging production process, putting it into circulation, distribution, usage and removal, in particular by improving products and by developing modern technology therewith by reduction of the content of harmful matters in materials.
- l) **Packaging waste collecting** means packaging waste collecting for transport to the location of further treatment.
- m) **Reuse** of packaging shall mean any operation by which packaging designed to accomplish within its life cycle a single or a number of trips or rotations, is refilled or used in any other

way for the same purposes for which it was conceived, with or without the support of auxiliary products enabling packaging to be refilled.

- n) **Recovery** shall mean any operation of the re-processing of waste so as to be reused for the material and energy-based purposes.
 - o) **Recycling** of packaging waste includes the methods of processing packaging waste into secondary raw materials for the production of new packaging or for other purposes, including organic recycling of packaging waste, however excluding recovery of energy.
 - p) **Organic recycling** of packaging waste shall mean aerobic (production of compost) and anaerobic (production of biogas) processing of biodegradable parts of packaging waste under controlled conditions and using microorganisms by which stable organic substances and methane are obtained. Disposal of packaging waste on specially designed landfills shall not be deemed the form of organic recycling.
 - q) **Recovery of packaging waste for energy-based purposes** shall mean the process of recovering packaging waste by using burnable packaging waste in direct burning with or without no presence of other kinds of waste with the primary aim of burning and exploiting the generated heat.
 - r) **Disposal of packaging waste** shall mean any process or method including packaging waste not leading to the possibility of recovery, recycling, processing, direct reuse or usage as an alternative energy source in accordance with the Waste Management Act.
 - s) **Extended producer's responsibility** is any action or method of dealing with packaging waste, when there is no possibility of reuse, recovery, recycling or alternative usage for energy purposes, according to Waste Management Law.
 - t) **Recycling and recovery targets** are prescribed amounts of packaging waste expressed in percentages in relation to the total produced and/or imported quantities of products reported to the System Operator, which after usage become packaging waste, and which should be recycled and/or used during the year.
 - u) **Waste Management Information System** is an information system established by the Fund that enables electronic record keeping of the movements of products that become special categories of waste, as well as the movement of waste, and is defined by the Regulation on the Information System of Waste Management (Official Gazette of FBiH, No. 97/18), (hereinafter as: the Information System).
 - v) **Recycling yard** is a place intended for the sorting and temporary storage of special types of waste suitable for recycling as well as hazardous household waste.
- (2) **Subjects** that put packaging on the market:
- a) **Producer of packaging materials** shall mean the legal entity who produces packaging;
 - b) **Importer** shall mean the legal person who imports raw materials for the production of packaging and packaging who was the first one to place a packaged product on the market;
 - c) **Filler and packer** shall mean the legal person who packs and fills packaging;
 - d) **Distributor** shall mean the legal person who puts packaging or a packaged product into circulation regardless of whether that person is at once a producer of packaging materials, importer, filler, packer or a wholesaler;
 - e) **Subjects** that deal with the delivery service of shipments, which use packaging, is a legal entity

- that uses packaging in its business;
- f) **Subjects** that, as an intermediary between producers or traders and consumers, deal with the home delivery of food and consumer goods is a legal entity that deals with the delivery service of food and consumer goods;
 - g) **Subjects** that pack food or other consumer goods at the point of sale are legal entities (restaurants, coffee-to-go, smoothie bars, flower shops, perfumes on tap, cinemas, gastro-departments) that perform home delivery directly or through one of the forwarders of the mentioned subjects;
 - h) **Final user** shall mean any legal or natural person or institution i.e. consumers, offices, schools, hospitals, restaurants, kiosks, bus stations, airports, train stations, sports complexes, stores, factories, business and trade centers, sports stadiums and the like, which, for the purpose of the final usage or consumption, take packaging of the goods or empty it, so that it becomes the waste of primary, secondary or tertiary packaging.
 - i) **Final supplier (store)** shall mean the legal person who supplies the final user with packaging or packaged goods, regardless of whether that person is at once a producer, importer, filler or a distributor.
 - j) **Economy subjects** that deal in internet sales, that is, have so-called online sales.
- (3) Packaging waste management subjects are:
- a) **Utility companies** that deal with the collection, transport and final disposal of municipal waste, which includes packaging waste, and which are authorized by the competent municipal or cantonal authority to perform waste management activities;
 - b) **Collector of packaging waste** is a legal or natural person who collects sorted waste and who must possess a license for waste management issued by the competent ministry;
 - c) **Processor/recycler of packaging waste** is a legal or natural person who must have a license for the processing/utilization of waste issued by the competent authority within the country or abroad;
 - d) **Exporter of packaging waste** is a legal or natural person who must have a waste export license issued by the Federal Ministry;
 - e) **Operator of the packaging waste management system** is a legal entity that, according to the principle of "extended producer's responsibility", fulfills the targets for recycling and utilization of special categories of waste and can be established exclusively by legal entities that perform their business activities by placing on the market products that become special categories of waste.

II REQUIREMENTS FOR DESIGN, PRODUCTION, USAGE AND PLACEMENT OF PACKAGING IN FEDERATION OF BIH

Article 7 General conditions

- (1) Reuse, recycling, energetic recovery and other ways of packaging waste recovery have the advantage on their disposal if they are, at reasonably higher costs, possible by technologies and procedures that have been successfully tested in practice and are available on the market.
- (2) Producer or importer is allowed to put the packaging on the market if the packaging fulfills conditions on packaging producing, packaging composition, reuse and recovery, including possibility for recycling, as stated in Articles 7., 8. And 9. of this Ordinance.

Article 8 Requirements for packaging design

When designing, manufacturing and using packaging, the following requirements should be met:

- a) The volume and mass of materials used for packaging should be minimal, but also sufficient to ensure the safety and health of the product, as well as the acceptability of the packaged product for the consumer.
- b) Packaging should be designed and manufactured in such a way that when it becomes packaging waste, it enables the material to be recycled in a certain mass percentage. The values of mass percentages depend on the type of packaging materials.

Article 9

Setting the Targets

- (1) During the production and marketing of packaging, as well as the management of packaging waste, the targets taken into consideration are related to:
 - the amount of packaging waste that needs to be recovered,
 - the amount of raw materials in packaging waste that must be recycled, and within the amount of processed packaging waste,
 - the amount of individual materials in the total mass of recyclable materials in packaging waste that must be recycled.
- (2) Materials and codes in packaging waste mentioned in the previous paragraph are:
 - a) paper 15 01 01
 - b) plastic 15 01 02
 - c) wood 15 01 03
 - d) metals 15 01 04
 - e) glass 15 01 07
 - f) packaging contaminated with hazardous substances 15 01 10*.
 - g) packaging separated from municipal waste under codes 20 01 01, 20 01 02, 20 01 39, 20 01 40, 20 01 38.

(3) Multi-layer packaging is reported in the category of the dominant packaging material from which it is made (if paper dominates, it is reported as paper, if metal dominates, it is reported as metal, if plastic dominates, it is reported as plastic, etc.).

Article 10

Heavy metals proportion

- (1) Producer or importer is prohibited from placing on the market packaging in which the total proportion of heavy metals (lead, cadmium, mercury and hexavalent chromium) exceeds 100 ppm by weight of the packaging or packaging material, except in the case that the packaging is entirely made of lead crystal glass and plastic crates.
- (2) Producer or importer is obliged to attach information on the fulfillment of the conditions specified in paragraph 1 of this Article with each delivery of a product packaged in packaging, delivery of packaging or packaging material that is put into circulation, thereby guaranteeing that the packaging or packaging material corresponds to the conditions of this of the Ordinance.

Article 11

Packaging marking

- (1) In order to facilitate collection, reuse and recovery of packaging, packaging must be classified and labeled according to the material used in production.
- (2) Procedures for the classification and labeling of packaging are carried out according to the

Ordinance on the form, content and procedure for notification of important characteristics of products and packaging by the producer ("Official Gazette of Federation of Bosnia and Herzegovina", NO. 6/08).

Article 12

Returnable (reusable) packaging

(1) Producer, importer, filler/packer and distributor who places returnable packaging on the market is obliged to ensure the return and reuse of all returnable packaging that he has placed on the market through a deposit system or in some other way.

(2) Producer, importer, filler/packer and distributor referred to in paragraph (1) of this Article are obliged to keep detailed daily records of the quantities of returnable packaging placed, and the quantities of returnable packaging that was returned to the reuse procedure after the product has been used.

(3) Producer, importer, filler/packer and distributor are obliged to keep records of the amount of newly acquired returnable packaging that they have placed on the market and for which they are obliged to pay a fee when they are first placed on the market.

III OPERATOR OF THE WASTE MANAGEMENT SYSTEM

Article 13

Conditions for establishing Operator of the waste management system

- (1) Operator of the waste management system is defined according to Article 6 of this Ordinance and is authorized by a license from the Federal Ministry to perform activities.
- (2) Its founders are legal entities that perform their business activity by placing packaging or products in packaging on the territory of the Federation of BiH, in the total amount of 5.000 tons, and with a minimum founding capital of 100.000 BAM. The share of an individual founder or several founders belonging to the same group in the basic capital of the System Operator cannot exceed 33%.
- (3) Operator of the waste management system does not payout the profit achieved at the end of the business year to its founders, but invests all its profit in the of infrastructure development for packaging waste management, and its primary goal is to meet legal requirements and achieve the recycling targets prescribed by this Ordinance.
- (4) Fees to be determined by the System Operator must be equal for the founders and all contracted system payers. The founders of the System Operator must fulfill their packaging waste management obligations with the System Operator they founded.
- (5) The System Operator cannot have its own waste management infrastructure.
- (6) Ownership of the System Operator must be structured in such a way as to avoid a conflict of interest with legal and natural persons who provide services to him and who receive financial compensation from him. Owners of System Operators, management members and employees are not allowed to work in the interest of legal or natural persons dealing with waste management, especially packaging waste management.
- (7) The System Operator must meet the conditions and criteria in terms of personnel and work space for performing out activities, i.e. have at least three (3) full-time employees with a university degree in permanent employment, duly registered with the competent authorities and

- for whom contributions and health insurance are paid regularly.
- (8) System Operators will plan the dedicated expenditure of funds with the Plan of expenditure of funds coordinated with the Federal Ministry once a year.
 - (9) Valid packaging fees has to be public and published on the System Operator's website.

Article 14

Role of the System Operator

- (1) In the system of collecting, selecting and recycling of packaging and packaging waste, the System Operator plays a key role in the general social responsibility in which the system of selective waste collection done in a sustainable and harmonized manner in which all stakeholders have the opportunity to develop and strengthen the material and technical basis of the system.
- (2) The System Operator plays a key role in the promotional and educational activities for the successful functioning of the system and packaging waste recycling/recovery targets accomplishment.
- (3) The System Operator is obliged to organize network of packaging waste collectors and recyclers which will, in their name, do the activities of packaging waste management.

Article 15

Issuance of a license for the Operator

- (1) Packaging waste management activities by the System Operator relating to the territory of FBiH are possible only under the condition of authorization.
- (2) A request for the authorization referred to in paragraph 1 of this Article must be, additionally, accompanied by:
 - a) Contracts with at least 30 packaging companies under Article 6 Item 16, line 1, 2, 3, 4 and 7 of this Ordinance, which put on the market for at least 30.000 t of packaging on an annual basis,
 - b) Preliminary contracts with the authorized collectors from all cantons, with recyclers for all types of packaging materials (plastic, paper/ cardboard, metal, glass, wood, multilayer materials),
 - c) Packaging waste management plan,
 - d) The System Operator Statute,
 - e) Extract from the court register,
 - f) Proof of ownership of business premises or a lease contract for business premises,
 - g) Certified copies of diplomas on high professional education for personnel,
 - h) Proof of registration of employees in the Federal Institute for Pension/Retirement and Disability Insurance and Health Insurance as well,
 - i) Other evidence upon request.
- (3) Packaging Waste Management Plan referred to in item 3 of this Article is an integral part of a request for the authorization and shall include the information relating to:
 - a) name of the legal person on whose behalf packaging waste management activities are to be performed,
 - b) the type of packaging that be managed,
 - c) the method and frequency of taking over packaging waste from the final user,
 - d) the type and capacity of equipment, facilities and devices for collection, temporary warehousing, sorting and other activities by which the reuse, recovery and disposal

- of packaging waste shall be ensured,
- e) the anticipated total weight of packaging waste that is to be collected during a year, and the weight of packaging raw materials that are necessary to be recycled, in accordance with the national objectives,
 - f) the methods and producers who ensure the reuse, recovery and disposal of the collected packaging waste,
 - g) the anticipated quantity of processed packaging waste and particular recycled materials in accordance with the national targets,
 - h) planning the development of infrastructure for waste collection for all ten cantons, which includes eco-islands, recycling yards, collection vehicles, recycling facilities, etc., and is specified for each calendar year separately,
 - i) fees for packaging waste management.
- (4) The Ministry shall issue the license to the System Operator as referred to in paragraph 1 of this Article for a period of five years. The license can be extended for equal period of time if the conditions under which the license was approved did not change.
- (5) The license referred to in paragraph 1 of this Article particularly contains: the type of packaging waste that is to be collected, the amount of packaging waste that is to be collected and used, and reporting the ministry.
- (6) The basis for extending the license for the System Operator is the positive opinion of the ministry on the annual report of the System Operator for the previous 4 years.
- (7) The System Operator submits a request for license extension within 30 days before the expiration of the current license. In the request, it states that the license extension is requested based on the previous four positive opinions for the System Operator.
- a) The following documents are attached to the request:
 - 1) the list of packaging companies with whom System Operator has concluded a contract, that includes the amount of packaging that must not be below 30,000 t, and which he declared in the year preceding the year of submission of the request, certified by the signature and seal of an authorized person,
 - 2) inspection report on the review of valid contracts that confirms their orderliness and packaging quantities of at least 30,000 t in accordance with the list of the packaging companies from the previous paragraph of this point,
 - 3) list of collectors from all 10 cantons with whom he has signed a contract, certified by the signature and seal of an authorized person,
 - 4) packaging waste management plan for a period of 5 years in accordance with Article 15, paragraph (3) of this Ordinance,
 - 5) the statute of the System Operator, which emphasizes the principle of non-profit business,
 - 6) extract from the court register,
 - 7) certified copies of diplomas on completed high education for employees,
 - 8) proof of registration of employees in the Federal Institute for Pension/Retirement and Disability Insurance and Health Insurance as well,
 - 9) proof of ownership or lease agreement for business premises,
 - 10) other evidence upon request.
- (8) Inspection report from the paragraph (7) a)/2 of this Article is performed by the Ministry request in 30 days from the license extension submission day.

Article 16

Revocation of the license to the Operator

- (1) The Ministry may, by its decision cancel the authorization for the System Operator, if determined that it:
- in accordance with article 13, paragraph 2 of this Ordinance, does not meet the conditions prescribed for founders,
 - in accordance with article 13, paragraph 3 of this Ordinance, pays profits to its founders,
 - in accordance with article 13, paragraph 3 of this Ordinance, does not invest in waste management infrastructure development,
 - in accordance with article 13, paragraph 4 of this Ordinance, does not have equal reimbursements for founders and all contracted system payers,
 - in accordance with article 13, paragraph 7 of this Ordinance, does not fulfill all the criteria on staff and workspace,
 - in accordance with article 13, paragraph 8 of this Ordinance, does not plan dedicated expenditure of funds according to Plan of expenditure of funds compliant with the Ministry once a year,
 - in accordance with article 14, paragraph 2 of this Ordinance, does not implement educational and promotional activities for successful functioning of the System as well as recycling/recovery targets accomplishment,
 - in accordance with article 15, paragraph 2 of this Ordinance, does not have at least 30 contracts with the subjects from Article 6, paragraph 2/ a), b), c), d), g) of this Ordinance, which place at least 30 000 tons of packaging per year on the market,
 - in accordance with article 15, paragraph 2/b) of this Ordinance, does not have contracts with authorized collectors from all cantons in FBiH on all packaging materials,
 - in accordance with article 15, paragraph 2/b) of this Ordinance, does not collect packaging waste in all ten cantons in FBiH,
 - in accordance with article 19, paragraph 2/a) of this Ordinance, does not provide that a packaging waste collector regularly takes the municipal packaging waste and performs its selection,
 - in accordance with article 19, paragraph 2/a) of this Ordinance, does not regularly take packaging waste which is not municipal waste from the final consumers,
 - in accordance with article 19, paragraph 2/c) of this Ordinance, does not organize regular transportation of separated packaging waste and its delivery for further treatment/processing to waste management subjects that have all the necessary licenses,
 - in accordance with article 19, paragraph 2/d) of this Ordinance does not ensure reuse of packaging waste for reuse, recovery, recycling in authorized facilities, using of packaging waste in energy purposes, export of the packaging waste, temporary storage, and disposal of unusable part of packaging waste on regional or local landfills,
 - in accordance with article 25, paragraph 1 of this Ordinance does not inform the public and final consumers on the purpose and targets of packaging waste collection, on the symbol which is used on the packaging, on regular waste management, on possibilities of dispatch of such waste, as well as possibilities of recovery and recycling of such waste,
 - in accordance with article 26, paragraph 1 of this Ordinance, does not deliver annual report on packaging and packaging waste management,
 - in accordance with article 26, paragraph 2 of this Ordinance, annual report of the System Operator does not contain all the elements prescribed by this Ordinance,
 - in accordance with article 26, paragraph 4 of this Ordinance does not deliver accompanying reports on recycling or recovery of packaging waste.

- (2) After passing the decision on revoking the license from paragraph 1 of this Article, the System Operator shall stop performing all activities related to the management of packaging and packaging

waste.

IV REQUIREMENTS FOR PACKAGING WASTE MANAGEMENT

Article 17

Recycling and recovery and targets

- (1) The purpose of the introduction of the packaging waste management system is to plan and establish the most functional and economical packaging waste management system, to meet the targets for the collection and recycling of packaging waste, to keep records of the movement of waste and to report to competent institutions.
- (2) Targets for recycling and recovery of packaging waste for the period from 2023 to 2027 can be found in Annex 3 of this Ordinance.
- (3) Out of the total prescribed general targets for the collection and recycling of packaging waste by year given in Annex 3 of this Ordinance, 5% of the waste must be collected from municipal waste.
- (4) All quantities of packaging waste management that System Operator delivered for recycling must be submitted through the Information System.

Article 18

Obligations of producers, importers, fillers, packers and distributors

- (1) Producer, importer, filler, packer/distributor is obliged to join the packaging waste management system and is responsible for achieving the prescribed targets.
- (2) Producer, importer, filler/packer and distributor are obliged to bear the costs of packaging waste management.
- (3) Obligations from paragraph 1 of this Article can be transferred directly to the System Operator by producer, importer, filler, packer, distributor and final supplier.
- (4) Producer, importer, filler/packer and distributor are obliged to submit a report on the placement of packaging to the Fund, no matter if they transferred their obligations to the System Operator, in accordance with the Regulation on criteria for calculation and method of payment of fees for products that become packaging waste and electrical and electronic waste after use.
- (5) Obligations of final suppliers, i.e. trade, are to include in the system products of their own brands and products that they directly import. For other products they sell, they are obliged to provide proof from the producer or importer or distributor that they have included their packaging in the system. Otherwise, they are responsible for including those products in the system themselves and paying a fee for them.
- (6) All producers, importers, bottlers, packers and distributors are obliged to keep data on the import and placement of packaging on the market of the Federation of Bosnia and Herzegovina.

Article 19
Duties of the System Operator in the Packaging waste management

- (1) Producer of packaged products, importer, filler, packer, contract distributor transfers its waste management obligations to the System Operator.
- (2) The System Operator is obliged on their behalf, according to prescribed recovery/recycling targets, to:
 - a) Ensure that the collector of packaging waste regularly collects municipal packaging waste and performs its selective separation.
 - b) Regularly takes and collects packaging waste that is not municipal waste from end users.
 - c) Regularly organizes the transportation of separated packaging waste, and its delivery for further treatment/processing to waste management entities that have the necessary license.
 - d) Ensure the reuse of packaging waste for recovery, waste processing, recycling in authorized facilities, use of waste for energy purposes, export of waste, temporary storage and disposal of the unused part of packaging waste at regional or municipal landfills.
- (3) The System Operator is obliged for each type of packaging for which producer, importer, filler, packer, distributor and final supplier from Article 13, paragraphs 1 and 2 of this Ordinance, transfer their obligation to the System Operator to ensure the management of packaging waste as a whole in accordance with the concluded contract.

Article 20
Conditions for separate collection of packaging waste

Producers, importers, fillers, packers, distributors and final suppliers must organize a special place for taking over, collecting, sorting and temporarily storing packaging waste that has been taken over or generated in their activity if the amount of such packaging waste during a calendar year exceeds:

- a) 80 tons for paper and/or,
- b) 300 tons for glass and/or,
- c) 100 tons for metals and/or,
- d) 30 tons for plastic.

Article 21
Exceptions

- (1) Without prejudice of the provisions in Article 18 paragraph 1 of this Ordinance, producers, importers, fillers/packers, distributors and final suppliers are not obliged to ensure the prescribed packaging waste management process, in case that total quantity of packaging materials used for packaged goods they put into circulation, during one calendar year, does not exceed the prescribed quantities:
 - a) 100 kg for paper
 - b) 300 kg for glass
 - c) 30 kg for metal
 - d) 80 kg for plastics
 - e) 100 kg for wood
 - f) 50 kg in total in case of all other materials used for packing, however they shall be obliged to report into the Information system about the quantities of packaging placed on the market.
- (2) The provisions in paragraph 1 of this Article shall not be applied to

packaging:

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

Article 22

Obligations of cantons, i.e. Cantonal Ministries responsible for the environment

- (1) Cantons, that is, cantonal ministries responsible for the environment, are obliged to participate in the waste packaging collection system.
- (2) Cantons, i.e. cantonal ministries responsible for the environment, are obliged to plan in their territory in planning documents a sufficient number of locations where a recycling yard can be built for different types of waste packaging, and to carry out activities of collection, return of components and disposal of waste packaging in accordance with provisions of the Law and this Ordinance.
- (3) Cantons are obliged to enter data on issued licenses for waste management and environmental permits for companies that manage waste or generate waste in the Information System.
- (4) Cantons are obliged to include in the issued licenses an article obliging the license holder to enter data on the generation and movement of waste into the Information System.
- (5) The cantons are obliged to monitor the data on the entered data of the subjects to whom they have issued licenses and which are under their jurisdiction in the Information System.

Article 23

Obligations of public waste management companies

- (1) Public waste management companies are obliged to establish lines for the separate collection of different types of packaging waste in cooperation with the System Operator.
- (2) Public waste management companies have the opportunity to cooperate with System Operators to fulfill the prescribed targets related to the separation of packaging waste from municipal waste.
- (3) The System Operator shall assist the Public waste management company in strengthening the collection infrastructure and reimbursing collection costs.
- (4) Public waste management companies are obliged to regularly enter data on collected, separated, processed, recycled, disposed of and handed over waste for further processing through the information system.

Article 24

Obligations of companies dealing with waste management

- (1) Companies dealing with waste collection, transportation, recycling or recovery, energy use, export, final disposal of waste, which manage waste on behalf of the System Operator, sign a contract with

the System Operator that regulates mutual relations.

- (2) All companies are obliged to enter data into the Information System through which the collection and recycling targets and other waste management activities will be proven.

V REPORTING

Article 25 Informing the Public

- (1) The System Operator shall be obliged to inform the public and final users, in a proper manner, of the purpose and targets concerning the collection of packaging waste, symbol that is used on the packaging, its proper management, possibilities for transporting such waste therewith of the possibilities for its reuse and recycling.
- (2) At the end of the reporting period, the Fund must publicly publish the lists of taxpayers who have fulfilled their reporting obligations, as well as data on the total amount of packaging placed on the market of the Federation of Bosnia and Herzegovina, from the Information System.

Article 26 Report of the System Operator

- (1) The System Operator is obliged to submit the report on packaging waste management to the Federal Ministry and to the Fund relating to the previous year until March 31st of the current year.
- (2) The report laid down in paragraph above must entail as follows:
 - a) name, address, activity and business activity of the System Operator,
 - b) a list of packaging companies who have transferred the obligation of packaging waste management to the System Operator with the amount of packaging they reported to the System Operator,
 - c) the total amount and types of packaging waste, which they submitted for recycling and/or recovery during the year, for each method of recycling and/or recovery separately, i.e. proof that they have met the prescribed targets for recycling from Annex 3 of this Ordinance,
 - d) accompanying reports of packaging waste certified and signed by collectors and recyclers, as proof of where the packaging waste was collected and where it ended up being recycled and/or recovered,
 - e) activities aimed at strengthening the packaging waste management infrastructure in terms of opening new green islands, recycling yards, etc., as well as the amount of financial resources set aside for infrastructure strengthening,
 - f) activities aimed at raising citizens' awareness.
- (3) The report from paragraph (1) and (2) of this article must be entered into the information system by the reporting party, and the System Operators deliver them in printed form.
- (4) The accompanying form of packaging waste from point (2) of the indent are to be submitted on the form from Annex 4 of this Ordinance. System Operator is obliged to apply its logo on the form.
- (5) The obligation to report also applies to entities that have not transferred their obligations to the

System Operator to submit reports through the Information System.

Article 27

The Inter-Entity Environmental Body

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

VI PENALTIES

Article 28

Application of penalties

For the application of this Ordinance, penal provisions will be applied in accordance with Article 52 and 53 of the Law on Waste Management, and other special regulations.

Article 29

Obligations of the inspectorate prescribed by the Law

Supervision over the implementation of this Ordinance will be performed by environmental protection inspectors and market inspectors of the Federal Administration for Inspection Affairs.

VII FINAL AND CLOSING PROVISIONS

Article 30

Avoidance of obligations

- (1) The packaging material producer, importer, filler, packer, distributor and final supplier are obliged to conclude a contract with the System Operator for packaging waste.
- (2) Non-inclusion of product producer, importers, fillers, packers, distributors and final suppliers means the accumulation of legal obligations and their retroactive fulfillment from the date of adoption of the Regulation on criteria for calculation and method of payment of fees for products that become packaging and electrical and electronic waste after use (Official Gazette of FBiH, No. 104/22).
- (3) Retroactive fulfillment of the obligation to report for the period for which the obligee did not fulfill his obligation as well as for the quantities for which the obligee did not report (even though he was included in the system) is only possible through the Fund.

Article 31

Alignment

- (1) Producer and importer of packaging is obliged to harmonize its operations related to the labeling of packaging from Article 9 of this Ordinance within 12 months from the date of entry into force of this Ordinance.

(2) Packaging that was produced before the entry into force of this Ordinance, and which does not comply with the basic requirements that the packaging must meet for placing on the market, may be in circulation for a maximum of two years from the date of entry into force of this Ordinance.

Article 32 **Appendixes**

- (1) An integral part of this Ordinance are the Appendixes printed with this Ordinance, namely:
- a) Appendix I – long-life packaging;
 - b) Appendix II – list of illustrative examples;
 - c) Appendix III – targets;
 - d) Appendix IV – accompanying reports;
 - e) Appendix V – recovery and disposal procedures.

Article 33 **Expiration and status of issued licenses**

(1) On the date of entry into force of this Ordinance, the Ordinance on packaging and packaging waste management ("Official Gazette of the Federation of Bosnia and Herzegovina", number: 88/11, 28/13, 8/16, 54/16 and 103/16, 84 /17 and 85/20) ceases to be valid.

(2) The existing System Operator is given a deadline of August 31, 2023. to adapt its operations to the provisions of this Ordinance and inform the Ministry about it no later than October 31, 2023. year, and it was mentioned in the part that refers to the conditions for issuing a license, Article 13, paragraph (4).

(3) Valid licenses of the System Operators, which were issued on the basis of the previously valid Ordinance, remain in force until the expiration of the period for which they were issued.

Article 34 **Entering into force**

This Ordinance on Management of Packaging and Packaging Waste enters into force on the eighth day from the day of publication in the "Official Gazette of the Federation of Bosnia and Herzegovina".

No: 07/1-02-19-164/23 AB
10th April, 2023.
Sarajevo

MINISTER
Edita Đapo, PhD

APPENDIX I

LONG-TERM PACKAGING

Long-term packaging shall mean the packaging that:

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

Long-term packaging shall be, for example:

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

APPENDIX II

LIST OF ILLUSTRATIVE EXAMPLES OF CRITERIA FOR DETERMINING PACKAGING

I. Illustrative examples for determining what packaging is

- Packing
- Candy boxes
- The foil that wraps the CD case
- Postal bags (bags) for catalogs and magazines (with magazine inside)
- Cake mats sold with cake
- Rolls, tubes and cylinders wrapped around flexible material (e.g. plastic films, aluminum, paper), except rolls, tubes and cylinders intended as parts of production equipment and not used to represent the product as a sales unit
- Flower pots that are intended only for the sale and transport of plants and are not intended to remain with the plant for the rest of its life
- Glass bottles for injection solutions
- CD Spindles (sold together with CDs, not intended to be used as storage)
- Clothes hangers (sold with the garment)
- Match boxes
- Sterile systems as barriers (bags, containers and materials needed to preserve product sterility)
- Drinks from capsules (eg coffee, cocoa, milk) that have been left empty after use
- Refillable steel cylinders used for various types of gas, except for fire extinguishing
- Items other than packaging
- Flower pots in which the plants remain for their entire life
- Tool boxes
- Tea filter bags
- Wax wrappers for cheese
- Sausage wrappers
- Clothes hangers (sold separately)
- Capsules, bags/foils and capsules made of filter paper for coffee drinks, which are disposed of together with the used coffee product
- Cartridges for printers
- CD, DVD and Video cases (sold together with the CD, DVD or videotape inside)
- CD spindles (sold empty, intended to be used as storage)
- Soluble bags for detergents
- Lamps for cemeteries (containers for candles)
- A mechanical hand grinder (built into a rechargeable receiver, e.g. a refillable pepper mill)

II. Illustrative examples for determining items that are packaging

- Packaging, if designed and intended for filling at the point of sale
- Paper or plastic bags
- Disposable plates and cups
- Adhesive foil for food
- Sandwich bags
- Aluminum foil
- Plastic film for clean clothes in laundries

APPENDIX III

General and specific targets for packaging waste recycling

Calculation of general targets

Table 1 General targets per years

GENERAL TARGETS					
Year	2023	2024	2025	2026	2027
Recover or Recycle (%)	37	39	42	44	45

Table 2 Specific targets

Packaging type	Percentage of minimum amount to be recovered or recycled per year (%)				
	2023	2024	2025	2026	2027
Glass	13	14	15	16	17
Metal	11	12	13	14	15
Paper	31	32	33	34	35
Plastic	17	18	19	20	21
Wood	13	14	15	16	17
Packaging that contains and/or is contaminated with hazardous substances	11	12	13	14	15

Of the total prescribed general target per year, 5% of collected waste must be collected from municipal waste, and the same must be documented through a report.

After the expiration of the prescribed targets, the general targets are increased by 3%, and the specific targets by 1% on an annual level compared to 2027, unless otherwise prescribed.

APPENDIX IV

REPORT ON RECYCLING OR RECOVERY OF PACKAGING WASTE

OPERATOR OF THE WASTE MANAGEMENT SYSTEM

Name of the packaging waste collector: _____

Address of the packaging waste collector: _____

Canton: _____ City: _____

Country: _____ ID Number: _____

Activity code: _____

Name of the mediator for recycling/reuse of packaging waste: -

Address of the mediator for recycling/reuse of packaging waste:

City: _____ Country: _____

ID number: _____ Activity code: _____

Name of the packaging waste recycler: _____

Address of the packaging waste recycler: _____

Canton: _____ City: _____

Country: _____ ID Number: _____

Activity code: _____

Type of packaging waste:

	150101	Paper		150107	Glass
	150102	Plastic		150104	Metal
	150103	Wood		150110	Packaging that contains and/or is contaminated with hazardous substances

Note: Put an X in front of the code for packaging waste that is handed over for recycling

Origin of packaging waste:

1. Municipal

2. Non-municipal

Packaging waste collected and transferred for recycling in the period of: _____

Amount of packaging waste received for recycling/recovery (kg): _____

Wrapping (bales, bags, bulk): _____ Number of packages: _____

Collector: _____ Signature and stamp: _____

Mediator: _____ Signature and stamp: _____

Recycler/recoverer: _____ Signature and stamp: _____

Note:

APPENDIX V
Recovery (R) and disposal (D) procedures

Procedure mark	Procedure name
D1	Disposal of waste in or on the ground (for example landfill, etc.)
D2	Treatment of waste in the soil (for example, biological decomposition of liquid or sludge waste in the soil, etc.)
D3	Deep injection of waste (for example, injection of waste by pumps (into boreholes, depleted salt deposits, natural cavities, etc.)
D4	Disposal of waste in surface basins (for example disposal of liquid or sludge waste in pits, pools, lagoons, etc.)
D5	Disposal of waste at a specially prepared disposal site (for example, disposal in connected chambers that are covered and isolated from each other as well as from the environment, etc.)
D6	Discharge of waste into inland waters excluding seas/oceans
D7	Discharge into seas/oceans including seepage into the seabed
D8	Biological treatment not specified elsewhere in these procedures, which results in final ingredients and mixtures that are disposed of by any procedure D1 to D12
D9	Physico-chemical treatment of waste not specified elsewhere in these processes, which results in final ingredients and mixtures that are disposed of by any process d1 to d12 (for example, evaporation, drying, calcination, etc.)
D10	Incineration of waste on land
D11	Incineration of waste at sea
D12	Permanent storage of waste (for example, placement of containers in mines, etc.)
D13	Aggregation or mixing of waste before undergoing any process D1 to D12
D14	Repacking waste before undergoing any of the procedures d 1 to d 13
D15	Storage of waste before applying any of the disposal procedures d 1 to d 14 (except temporary storage of waste at the place of origin, before collection)
R1	Using waste mainly as fuel or other means of obtaining energy
R2	Recovery/regeneration of waste solvent
R3	Recycling/recovery of waste organics not used as solvents (including composting and other bioconversion processes)
R4	Recycling/restoration of waste metals and metal compounds
R5	Recycling/recovery of other waste inorganic materials
R6	Regeneration of waste acids or alkalis
R7	Recovery of waste ingredients used to reduce pollution
R8	Recovery of waste ingredients from catalysts
R9	Reprocessing of waste oils or other ways of reusing waste oils
R10	Treatment of soil with waste for the purpose of agricultural or ecological improvement
R11	Use of waste generated by any process R1 to R10
R12	Changing the waste to apply any of the recovery procedures R1 to R11
R13	Storage of waste before any of the recovery procedures R1 to R12 (except temporary storage at the point of origin, before collection)