



United Nations Environment Programme



**BASEL CONVENTION**  
on the Control of Transboundary Movements  
of Hazardous Wastes and their Disposal

LEGAL ASSISTANCE FOR THE ELABORATION  
AND ADAPTATION OF NATIONAL LEGISLATION  
FOR THE EFFECTIVE IMPLEMENTATION  
OF THE BASEL CONVENTION  
IN BULGARIA,  
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA  
AND THE REPUBLIC OF SERBIA AND MONTENEGRO



Basel Convention Regional Centre in Bratislava

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## **Executive Summary**

The project on „Legal assistance for the elaboration and adaptation of national legislation for the effective implementation of the Basel Convention in Bulgaria, FYR Macedonia and the Republic of Serbia and Montenegro” is a part of the Business Plan 2003-04 of the Basel Convention Regional Centre in Bratislava (hereinafter “BCRC Bratislava”) as the activity “Implementation of the Basel Convention into national legislation and the control structures”. The project was realised thanks to the funding provided by Austria and Belgium and the professional support from the Secretariat of the Basel Convention in Geneva. The project was realised by appointed persons in each of the countries and the BCRC Bratislava coordinated the work on the project in question.

The main goal of the project was to assist to the three Balkan countries in implementation of Basel Convention and relevant obligations into national legislation. All three countries are served by BCRC Bratislava and they are Parties to the Basel Convention (Bulgaria from 1996, the FYR Macedonia from 1997 and Republic of Serbia and Montenegro from the 2000). In spite of that, the hazardous waste management legislation was developed on different levels. In addition, the legislation often was not in compliance with the Basel Convention requirements.

All countries' reports (attached) started with information on current national situation in hazardous waste management legislation, including analysis of the existing status through activities done by the project and recommendations. A brief description and evaluation of the countries' reports follows.

### **Bulgaria**

This report consists of six parts. The first part describes legal requirements from the point of view of the primary and secondary national legislation. The second part is focused on the existing institutions involved in the management of hazardous waste in Bulgaria and the competent authorities responsible for permitting and control of the transboundary movement of hazardous waste in accordance with the requirements of the Basel Convention. The report also presents an overview of the current administrative procedures applied for issuing permits for management of hazardous and other waste, import, export and transit of hazardous waste, fulfilling of reporting duties on hazardous and other waste and for development of waste management programmes. Description of the obligations of hazardous waste producers and holders and companies dealing with hazardous waste is a content of the next part. Finally, there are identified problems and constraints in the management of hazardous waste and made proposals and recommendations for amendment of the legislation and for assignment of responsibilities to the institutions involved in the control of transboundary movement of waste.

Appropriate conditions for legal regulation of the waste management activities in the country were set out by the adoption of the Reduction of the Harmful Impact of Waste upon the Environment Act (RHIWEA) in 1997. Based on this Act and National Waste Management Programme for the period 1998 – 2002 a set of secondary legislation acts in the field of waste classification, requirements for sites and facilities for waste treatment and disposal, requirements for specific waste streams were adopted.

In 2003 the adopted new Waste Management Act reflecting the principles of RHIWEA lays down the general requirements for protection of the environment and human health in regard to the generation, storage, collection, transportation, recovery and disposal of waste.

The national waste management priorities are laid down as follows:

- waste prevention,
- waste recovery - recycling, re-use and/or extraction of raw materials or use of waste as a source of energy;
- final disposal - landfill or incineration of waste, for which it is impossible to be prevented and/or recovered.

Secondary legislation stipulates requirements towards the waste treatment facilities, specific waste streams, waste classification, transboundary movements of waste (import, export and transit) and an information provision and reporting.

Administrative procedures are mentioned for issuing permits for management of hazardous and other waste from the point of view of the responsible state administration institutions, for transboundary movements of hazardous waste, for reporting of hazardous and other waste and for development of waste management programmes. Different means of waste management data collection as well as reporting documents are brought. Furthermore information registers, other information sources and reporting to the Secretariat of the Basel Convention are given. The development and adoption of waste management programmes on different hierarchy level is introduced i.e. the national, municipal, company waste management programme.

The report also describes the obligations and responsibilities of the stakeholders set by the national legislation for achievement of the objectives of the Basel Convention for prevention and minimisation of the waste generation, the availability of appropriate facilities for treatment of the waste generated in the country and environmentally sound management of specific waste streams. The target group of stakeholders is industry, producers and importers of products that after use generate wide spread waste and households.

The analysis of the present situation in the field of waste management legislation resulted to the identification of deficits and weak points that should be solved. Recommendations concern the following seven areas:

- prevention and minimization of the waste generation
- increase of the waste recovered and recycled quantities
- improvement of separation, temporary storage, collection and transportation system
- environmentally sound final disposal
- legal regulation of the waste management and speeding up of the implementation of the legislation and the policy in the field
- provision of sufficient and reliable data on waste
- strengthening of the administrative capacity of the institutions responsible for the waste management.

The implementation of the objectives and measures set out in the report should assist in the implementation of the Basel Convention requirements in the country. The next two years will be focused on adoption of national legislation that meets the requirements of the Basel Convention and other relevant international regulations. The implementation of the new legislation effectively represents an important step for Bulgaria as a future member of EU.

## **FYR Macedonia**

This report analysis existing status of the hazardous waste legislation, the ongoing activities related to the Law on Waste amending and to define priorities in this field.

The legislation applied in the time period 1997 – 1999 had no integrate approach and the institutional framework was inadequate and inefficient. The relevant Laws were not in the compliance with the Basel Convention. The waste was not defined according to the Basel Convention and the transboundary movement of waste was not regulated.

The Law on Environment and Nature Protection and Improvement (revised in 2000) created the framework law in the area of the Environment and Nature Protection in the country. The main characteristics of waste management pursuant to this Law are:

- a prohibition of the import of hazardous waste and other wastes for final disposal
- waste management rules, e.g. for classification of wastes, which could be imported are defined by the Government
- management of municipal and industrial wastes and hazardous wastes penalties for subjects, which will import hazardous wastes against the Law provisions are stipulated.

The Waste Act ("Official Gazette of Republic of Macedonia" No.37/98, 16/03) as a basic law regulates the waste management area. It stipulates inter alia waste management rules and conditions and requirements for transboundary movements of wastes.

The preparation of the draft Law on waste management started in 2003 and was put on the schedule of the Parliament session the next year. The draft Law on Waste management represents a significant step forward to fulfil requirements of the EU legislation as well as the Basel Convention. The draft Law regulates the management with non-hazardous and hazardous wastes, treatment facilities (landfills, incinerators), transboundary movements of wastes (export, import, transit), monitoring, information system, financing, supervision of the competent agencies and penalties. The definition of the waste, hazardous waste and non-hazardous waste, as well as other terms connected with waste management are in compliance with the Basel and EU regulations. Also the draft Law establishes a legal framework for waste management plans and programmes, rights and duties of relevant entities and stipulates waste collection systems.

The draft Law defines the import, export and transit of wastes and determines conditions for issuing of the permission on relevant transboundary movement.

There is noted that a lot of regulations is necessary to carry out in two years from the day when the law came into force.

The main activities of the next period should be focused on elaboration of:

- list of wastes (criteria and procedure needed to determine the waste classification)
- waste management strategy (main priority – waste minimization and applying the 3 R initiative i.e. reduce, reuse and recycle of waste)
- book of regulations on waste management
- book of regulations on hazardous waste management
- waste monitoring and data base management
- book of regulations on packaging waste
- book of regulations on medical waste.

At present four regulations are in the phase of preparation, i.e. on hazardous waste management, on PCB management, on waste oils management and on identification and transport of hazardous waste.

Finally, the author of the report recommends to organize the workshop for NGO representatives, scientific organizations and entities involved in waste management in order to introduce the new Law on waste management after its adoption by the Parliament..

*Note: After finishing the report the official representative of the Republic of Macedonia has informed the Project-coordinator about adoption of the Law on Waste Management by the Parliament and its publishing in the Official Gazette of the Republic Macedonia on October 5, 2004.*

## **Serbia and Montenegro**

The aim of the project was to harmonize national legislation in the field of control system of transboundary movement of wastes with the Basel Convention and EU Council Regulation 259/93. The submitted report defines two main objectives:

- to prepare national regulation on transboundary movement of waste as a national model of regulation (based on the Basel Convention obligations and the acceding to the EU) including harmonized control system of transboundary waste movements; the model of harmonized control system should be also applicable within the Balkan region;
- to harmonize the existing legislation in the field of environment and custom rates system (an establishment of the efficient permit and customs rates system in compliance with Basel Convention, European Union and harmonized World Customs Organization system).

Several activities had to be carried out related to the report preparation i.e. an establishment of the working group for preparation of the proposals, translation of the Regulation 259/93/EEC into Serbian language, analysis of existing regulations and documentation applied to international and national level, analysis of existing permit regime and waste lists and finally, a preparation of the national draft regulation.

The report is divided into three phases. The first phase contains an analysis of the international legal instruments deal with the transboundary movement of wastes. There are Basel Convention, OECD Decision C(92)39/final and the Regulation 259/93/EEC as well as a state of the relevant national regulations.

The adoption of the *Law on Confirmation Of Basel Convention on Transboundary Movement Of Hazardous Waste And Their Disposal* ("Official Registry of FRY", International Contracts no.2/99) has established the basis to control the transboundary movement of waste. Serbia and Montenegro has become the Party to the Basel Convention since 2000. The report mentions different state bodies with various competencies related to the transboundary movement of wastes.

New legal instruments that were developed after the national legislation revision are described in the next part of the report. The revision was focused on the hierarchy of the legal regulations, existing permitting system and waste lists.

The following new laws and subsidiary regulations reflecting EU requirements were developed:

- Draft Law on environmental protection

- Draft Law on waste management
- Draft Regulation on documentation to be enclosed to the application for the issuance of a permit for import, export and transit of waste
- Regulation on the conditions to be fulfilled by authorized institutions for testing of waste (June 2004)
- A new proposal for custom tariffs.

There is outlined a proposed content of the draft regulation on documentation to be enclosed to the application for the issuance of a permit for import, export and transit of waste. The proposal for custom tariffs contains lists of hazardous and non-hazardous wastes of Annex I, II, VIII and IX of the Basel Convention. The wastes are identified according to the Basel code, EEC Regulation 259/93 (code by colour lists), title of waste, HS code (harmonized system classification) and explanatory notes are supplemented.

The third phase of the report provides information on discussions arranged with different stakeholders dealing with draft proposals. A special attention was focused on the non-hazardous wastes “green wastes” and a trade regime according to the Basel Convention and EU regulations. Based on the discussions only in the case of import of “green waste” a permit regime will be applied.

A position of national specialized institution acting in the waste management was highlighted. Also the role of the only laboratory for sampling and analysing of waste should be reassessed in the future. It seems that there is the necessity to authorize more laboratories for performing the testing activities in the waste management area.

Serbia and Montenegro undertakes necessary steps towards approximation of national legislation with EU. The process of harmonization of the national legislation with EU requirements is under way. Suitable legal procedure should be taken on the republican level including management of hazardous wastes. An adequate regulations should be devoted to the work of competent inspection services. The development of technical, professional and financial potential should enable to better their expert performance.

The improvement of the legal system and the existing control system of transboundary movements of waste as well as their adaptation to the international requirements will open the Serbia and Montenegro a possibility of a closer cooperation with EU and OECD.

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