**THE CROATIAN PARLIAMENT**

**1554**

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the DECISION PROMULGATING THE WASTE MANAGEMENT ACT

I hereby promulgate the Waste Management Act, which was adopted by the Croatian Parliament at its session on the 15 July 2021

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Zagreb, the 16 July 2021

President
of the Republic of Croatia
**Zoran Milanović,** m. p.

**WASTE MANAGEMENT ACT**

# I. GENERAL PROVISIONS

## Scope of the ActArticle 1

(1) This Act stipulates the measures to protect the environment and human health by preventing or reducing waste production, reducing the negative effects of waste generation and waste management, reducing the overall effects of the use of raw materials and improving the efficiency of the use of raw materials as well as increasing recycling and the re-use of recycled materials; which is necessary for the transition to a circular economy and the ensuring of the long-term competitiveness of the Republic of Croatia and the European Union.

(2) This Act regulates the waste management system, including the waste management priority order, waste management principles, objectives and methods, waste management planning documents, jurisdictions and obligations in waste management, waste management locations and buildings, waste management activities, transboundary movements of waste, the waste management information system and administrative and inspection supervision of waste management.

(3) This Act stipulates measures, especially the requirements for the operation of landfills and requirements regarding waste allowed to be landfilled in order to prevent or minimize environmental impacts, especially the pollution of surface water, groundwater, soil and air, including the greenhouse effect, as well as any risks to human health due to waste disposal throughout the life cycle of landfills, with the aim of establishing a circular economy and ensuring the adherence to the waste management priority order; ensuring the disposal of unrecovered waste in a way that neither endangers human health nor harms the environment, and ensuring a gradual reduction of landfilling, in particular of waste, which is suitable for recycling or other recovery operation.

(4) This Act stipulates measures for the purpose of preventing and reducing the impact of certain plastic products on the environment, especially the aquatic environment and human health, and promoting the transition to a circular economy with innovative and sustainable business models, products and materials, and in doing so contributing to the efficient functioning of the internal market.

(5) This Act stipulates measures for the purpose of preventing the production of packaging waste and encouraging the re-use of packaging, recycling and other forms of packaging waste recovery, as well as reducing the finally disposed amount of such waste as a contribution to a circular economy.

(6) This Act stipulates measures for the purpose of achieving the objectives of the European Green Deal (»Europski zeleni plan«), the transformation into a fair and prosperous society with a modern, resource-efficient and competitive economy in which by 2050 there will be no net greenhouse gas emissions and where economic growth is not linked to use of resources.

(7) The integral parts of this Act are:

1 Annex I List of waste disposal operations

2 Annex II List of waste recovery operations

3 Annex III Non-exhaustive lists of single-use plastic products

4 Annex IV Price calculation for the amount of mixed municipal waste handed over

5 Annex V Formulas for the calculation of fees

6 Annex VI The contents of waste management plans.

## Implementation of the acquis communautaire of the European UnionArticle 2

(1) This Act transposes into the Croatian legislation the following acts of the European Union:

1 Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22. 11 2008) as last amended by Directive (EU) 2018/851 of the European Parliament and of the Council of 30 of May 2018 on amending Directive 2008/98/EC on waste (OJ L 150, 14. 6 2018); (hereinafter: Directive (EU) 2008/98/EC)

2 Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste OJ L 182. 16. 7 1999) as last amended by Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 on amending Directive 1999/31/EC on landfill of waste (OJ L 150, 14. 6 2018)

3 Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26. 9 2006) as last amended by Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 on amending Directives 2000/53/EC on end-of life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (OJ L 150, 14. 6 2018)

4 Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31. 12. 1994) as last amended by Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 on amending Directive 94/62/EC on packaging and packaging waste (OJ L 150, 14. 6 2018)

5 Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21. 10 2000) as last amended by Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 on amending Directives 2000/53/EC on end-of life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (OJ L 150, 14. 6 2018)

6 Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24. 7 2012) as last amended by Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 on amending Directives 2000/53/EC on end-of life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators and 2012/19/EU on waste electrical and electronic equipment (OJ L 150, 14. 6. 2018)

7 Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC (OJ L 102, 11. 4. 2006)

8 Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12. 6. 2019)

9 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17. 12. 2010)

(2) This Act ensures the implementation of the following European Union Acts:

1 Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190 12. 7. 2006), as last amended and supplemented by Commission Delegated Regulation (EU) 2020/2174 of 19 October 2020 amending Annexes IC, III, IIIA, IV, V, VII and VIII of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (OJ L 433, 22. 12. 2020); (hereinafter: Regulation (EC) No 1013/2006) and2. Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics (OJ L 332, 9. 12. 2002), as last amended by Commission Regulation (EU) No 849/2010 of 27 September 2010 amending Regulation (EC) No 2150/2002 of the European Parliament and of the Council on waste statistics (OJ L 253, 27. 9. 2010); (hereinafter: Regulation (EC) 2150/2002.

## Scope of the ActArticle 3

(1) The provisions of this Act shall not apply to:

1. gaseous effluents emitted into the atmosphere

2. land/soil (*in situ*) including unexcavated contaminated soil and buildings permanently connected with the ground

3. uncontaminated soil and other naturally occurring material excavated in the course of construction activities, if it is certain that the material will be used for construction in its natural state on the site where it was excavated, and to surplus products of mining which, in accordance with the law governing mining, represent mineral raw materials

4. radioactive waste

5. decommissioned explosives and

6. faecal matter, if not covered by paragraph 2, item 2 of this Article, straw and other natural non-hazardous agricultural or forestry material used in agriculture, forestry or for the production of energy from such biomass through processes or methods that do not harm the environment and do not endanger human health.

(2) The provisions of this Act shall not apply, to the extent that they are covered by other regulations, to:

1. waste waters

2. animal by-products including reprocessed products covered by Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ 300, 14. 11. 2009); (hereinafter: Regulation (EC) No 1069/2009), as last amended by Council Regulation (EU) No 1385/2013 of 17 December 2013 amending Council Regulations (EC) No 850/98 and (EC) No 1224/2009, and Regulations (EC) No 1069/2009, (EU) No 1379/2013 i (EU) No 1380/2013 of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European union (OJ L 354, 28. 12. 2013), except those which are intended for incineration, landfilling or use in a biogas or composting facility

3. carcasses of animals that have not been slaughtered, including animals killed to eradicate epizootic diseases, and that are disposed of in accordance with Regulation (EC) No 1069/2009

4. waste resulting from prospecting, extraction, treatment and storage of mineral resources and the operation of quarries as covered by a special regulation on the management of mining industry waste

5. substances that are destined for use as feed, as defined in Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (OJ L 229, 13. 07. 2009) and do not consist of animal by-products and do not contain them

6. ships covered by Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (OJ L 330, 10. 12. 2013)

(3) The provisions of this Act shall not apply to sediments relocated within surface waters for the purpose of water and waterway management or of preventing floods or mitigating the effects of floods and droughts or land reclamation if it is proved that these sediments are not dangerous.

(4) The provisions of the Act regulating maritime affairs shall apply to maritime objects and to the organization and implementation of collection, handover and reception of waste into port reception facilities as well as to ship cargo remains.

(5) The provisions of this Act shall not apply to the prevention of food waste, which is regulated by a special Act under the jurisdiction of the Ministry responsible for agricultural affairs.

## List of termsArticle 4

(1) Individual terms shall have the following meaning in the context of this Act:

1.***packaging***means any product, regardless of the type of material from which it is made, used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer; the term packaging shall also include non-returnable items intended for the production of packaging which is to be used for the purposes listed herein, as well as auxiliary packaging materials which are intended for wrapping or linking goods, packaging, sealing, shipment preparation and marking of goods, and which consists of:

- sales packaging or primary packaging in which the product is being sold or delivered to the final consumer at the point of purchase

- grouped packaging or secondary packaging that holds more products packaged in sales or primary packaging so that the product is accessible to the end consumer both as a group and individually, or used for the single purpose of placing products on store shelves, and which may be separated from the product without affecting the product’s characteristics, and

- transport packaging or tertiary packaging which is protective packaging enabling the transport, transloading and handling of a certain quantity of products packaged only in retail or sales packaging and grouped packaging, whereby this type of packaging does not include shipping containers for the transport of goods by road, rail, ship or air,

2.***packaging waste (waste packaging)***means any packaging waste and packaging material, except the residue generated in the production of packaging

3.***bio-waste***means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, and comparable waste from food processing facilities

4. ***biodegradable plastic***means plastic which can be physically and biologically degraded so that at the end of the degradation process it is converted into carbon dioxide (CO2), biomass and water and may be recovered by composting and anaerobic digestion in accordance with European packaging standards

5.***biodegradable waste***means any waste or a part of waste that is subject to anaerobic or aerobic digestion, such as garden waste, food waste, paper and cardboard

6.***waste management centre***means a complex of multiple functionally and/or technologically connected buildings and devices for the treatment of municipal waste

7.***decategorisation***means a procedure whereby the re-use centre may grant a certain quantity and type of goods end-of-waste status, reinstating it as a product

8.***waste recovery activities***are activities that include the execution of recovery operations from Annex II of this Act

9. ***waste management brokerage*** means activities that include waste management brokerage operations including brokering activities and collection organisation, the recovery and disposal of waste, as well as brokering in the transfer of rights and obligations regarding waste and the keeping of waste management records on behalf of others

10. ***waste transport activities***means the own-account transport of waste or transport of waste on behalf of others within the territory of the Republic of Croatia

11.***waste collection activities***are activities that include waste collection operations and operations for the collection of waste to a recycling centre

12. ***waste dealing activities***means purchasing and selling of waste, with or without taking physical possession of the waste, regardless of the selling method, for the purpose of generating profit or other economic effects, through wholesale and retail waste dealing operations

13. ***waste disposal activities*** means activities that include the execution of the waste disposal operations from Annex II of this Act

14.***tobacco products***are tobacco products as defined by the regulation governing the restriction of the use of tobacco and related products

15.***waste management***are collection, transport and recovery activities, including sorting, and the disposal of waste, including the supervising of such operations, the supervision and after-care measures for waste disposal sites, as well as waste management actions taken by a dealer and a broker

16.***waste management facility***means a waste collection facility, including waste storages, transloading stations and recycling centres, waste treatment facilities, including landfills, waste management centres and recycling centres for construction waste

17.***construction waste***means waste generated by construction and demolition activities

18. ***inert waste***means waste that is not subject to significant physical, chemical or biological changes, is neither soluble, flammable nor in any other way physically or chemically reactive or biodegradable, and that does not react with substances with which it comes into contact in a way that would affect the health of humans, animal and plant life or increase the permitted environmental emissions. The water solubility level, pollutant content and ecotoxicity of the aqueous extract (hereinafter: eluate) of inert waste must be negligible and must not endanger the surface or groundwater quality in any stipulated parameter

19. ***bulky waste***means a waste item or substance which is unsuitable for mixed municipal waste collection services, due to its volume and/or mass, and is marked as 20 03 07 in the Waste catalogue

20.***municipal waste***means mixed municipal waste and waste collected separately from households, including paper and cardboard, glass, metal, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture, and mixed municipal waste and separately collected waste from other sources, under the condition that this waste is by its nature and composition similar to household waste; however, it does not include waste from production, agriculture, forestry, fishing and aquaculture, septic tanks and sewage, and waste water treatment devices, including sewage sludge, end-of life vehicles and construction waste; this definition is without prejudice to the allocation of responsibilities for waste management between public and private actors

21. ***lightweight plastic carrier bags*** means plastic carrier bags with a wall thickness of less than 50 micrometres

22.***waste management location***means an area where waste management activities are performed and is determined as a cadastral parcel or several cadastral parcels of a cadastral community:

- in the waste management permit, including the location where the mobile waste treatment device is installed

- in the Register of collectors and recovery operators as the location of the warehouse of a collector or recovery operator without a permit

- where the recycling centre is located, including the location where the mobile recycling centre is located

23.***material recovery***means any recovery operation, including preparation for re-use, recycling and backfilling, except for the energy recovery and reprocessing into materials that may be used as fuels or other means of energy generation

24. ***mixed municipal waste***means household waste, and waste from other sources which is by its nature and composition similar to household waste, and is marked as 20 03 01 in the Waste catalogue

25.***special interest location***means the area of an ecological network and a protected area, as determined by the regulation governing nature protection and the area designated in a spatial plan as an area of special value, that is an area containing a special natural, cultural, historical, landscape value or another type of special value

26. ***handover location***means the location specified in the Public services use statement, where the public service provider accepts waste from the service user

27. ***mobile waste treatment device***means a mobile technical unit used for waste processing at the site of waste generation or at the site of the incorporation of the waste into materials through treatment processes, except for the processes R1, D1, D2, D3, D4, D5, D6, D7, D10, D11 and D12 from Annex I and Annex II of this Act

28.***marine waste***means waste in the marine environment and coastal areas in direct contact with the sea, which is generated by land-based or sea-based human activities, and is found on the sea surface, within the water column, on the seabed or as tidewrack

29.***backfilling***means any recovery operation where suitable non-hazardous waste is used for the reclamation of excavated areas or for technical purposes in landscaping, where waste is used as a substitute for non-waste materials, in the amount necessary to achieve those purposes

30.***best available techniques***means best available techniques according to the regulation governing environmental protection

31. ***settlement***means a settlement as stipulated by the regulation governing the areas of counties, towns and municipalities of the Republic of Croatia

32.***non-hazardous waste***means waste that is not hazardous

33. ***notification procedure***means the prior written notification and approval procedure for transboundary movements of waste, which are subject to such a procedure, in accordance with Article 3 of the Regulation (EC) No. 1013/2006

34.***by-product***means a production residue which is neither waste nor a product, and which is recorded in the Register of by-products

35.***metering point***means the address of a public service user's real estate

36. ***metering period***means the period for which the price of the public service shall be calculated

37.***waste treatment***means a recovery or disposal operation, including the preparation before recovery or disposal

38.***landfill***means a facility intended for surface or underground landfilling, as well as an underground landfill, including:

– an internal landfill at the production site where the waste producer landfills his own waste

- the landfill or a part thereof which can be used for the interim storage of waste (e.g., for a period exceeding one year) and

- depleted open-pit mines (exploitation fields) or their depleted parts created by mining exploitation and/or prospecting, which are suitable for landfilling according to the special regulation governing landfilling and which are foreseen and possible according to regulations governing mining activities

A facility or storage, where waste is being unloaded so as to allow its preparation for further transport to recovery, treatment or landfilling sites at other locations, where waste is being stored prior to its recovery or treatment for up to three years and where waste is being stored prior to its disposal for up to one year, shall not be considered a Landfill,

39. ***separate collection*** means the waste collection method whereby waste is separated by type and nature so as to facilitate the treatment and preservation of its valuable properties

40.***oxo-degradable plastic***means plastic materials containing additives that through oxidation lead to the fragmentation of plastic materials into micro-fragments or to chemical degradation

41.***oxo-degradable plastic carrier bags*** means plastic carrier bags made of plastic materials that include additives which catalyse the fragmentation of plastic material into micro-fragments

42. ***hazardous municipal waste***means hazardous waste from subgroup 20 01 and 15 01 of the Waste catalogue that is ordinarily generated in the household, as well as hazardous waste that is, by its properties, composition and quantity, comparable to hazardous waste that is ordinarily generated in the household, whereby everything is considered hazardous municipal waste as long as it is located at the waste producer

43.***hazardous waste***means waste that has one or more dangerous properties

44. ***operator***means any natural or legal person responsible for waste management in the mining industry and who, in the context of this Act, is the authorised prospector for a mineral prospecting area or the concessionaire for the exploitation of mineral raw materials, including the interim storage of mining industry waste, during the operation of the mineral prospecting area, that is, the mineral exploitation field, even after the closure of that exploitation field or prospecting area

45. ***landfill manager***means a legal or natural person – a craftsman, who manages the landfill and is responsible for the landfill

46.***waste recovery***means any operation principally resulting in the use of waste for a useful purpose by substituting other materials which would have otherwise been used to fulfil a particular function, or the preparation of waste to fulfil that function, either in the facility or in a wider economic sense. Annex II of this Act, contains a List of recovery operations

47. ***organisation***means a status which is granted to a legal person who, on behalf of the producer of the product, ensures the implementation of waste management operations in order to achieve the waste management objectives

48.***waste***means any substance or object which its holder discards, intends to discard or is required to discard

49. ***mining industry waste***means the waste generated by prospecting, excavating, exploiting, enriching, treating and storing mineral raw materials

50. ***food waste***is determined by the regulation governing agriculture

51.***waste oils***means any mineral or synthetic lubricant or industrial oil which has become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricants, turbine oils and hydraulic oils

52. ***waste fishing gear***means any fishing gear that are waste, including all of the separate components, substances and materials which were part of such fishing gear at the time it was discarded, or were attached to it, including if it was abandoned or lost

53.***pathological waste***means any part of the human body, amputate, tissue and organ, removed during surgery, tissues taken for diagnostic purposes, placentae and foeti and other anatomical waste which is defined as pathological waste by health care professionals, and which, when derived from human medicine, for ethical reasons, requires specific management conditions

54.***plastic carrier bag***means a carrier bag with or without a handle, which is made of plastic and provided or sold to end-consumers at the goods’ or products’ point of sale

55. ***single-use plastic product***means a product that is fully or partially made of plastic and is not developed, designed or placed on the market in such a way that it can, during its life cycle, endure repeated circulation or multiple cycles of use by returning it to the producer of the product for refilling or by re-using it for the same purpose for which it was originally made

56. ***plastic*** means a material consisting of polymer as defined in Article 3, paragraph 5 of Regulation (EU) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006), which may contain additives or other substances and which may function as a major structural component of the end-product, except for non-chemically modified natural polymers

57.***re-use***means any operation which enables the repeated use of products or components that are not waste for the same purpose for which they originally made

58. ***list of waste***means the list of waste as determined in Commission Decision of 3 May 2000, replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6. 9. 2000), as last amended by Commission Decision of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council (OJ L 370, 30. 12. 2014)

59. ***waste holder***means the waste producer or the legal or natural person who is in possession of the waste

60. ***broker*** means any legal or natural person – a craftsman, who performs waste management brokerage operations, including such brokers who do not take physical possession of the waste

61.***waste management operations***are: waste collection and collection of waste in the recycling centre, recovery operations, waste disposal operations, waste dealing operations, waste management brokerage and waste transport

62.***pre-treatment of waste before landfilling*** means any operation, including sorting, that changes the properties of waste through a physical, thermal, chemical or biological process for the purpose of reducing its quantity or dangerous properties and improving the handling or utilisation of waste

63.***preparation for re-use***means any recovery operation by which products or parts of products, that have become waste, are being prepared for re-use through examination, cleaning or repair, without any additional pre-treatment

64. ***product***means the product of a production process, whose purpose is production of this product, which also includes buildings, which are created as the product of construction

65. ***waste producer***means any person whose activity produces waste (hereinafter: original waste producer) and any person who performs pre-treatment, mixing or another operation that alters the composition or characteristics of the waste

66. ***producer of plastic products***means:

- any natural or legal person established in the Republic of Croatia that professionally produces, sells or imports single-use plastic products, pre-filled single-use plastic products or fishing gear which contain plastics, regardless of the selling method used, including distance contracts, as determined in the special regulation governing consumer rights, except for persons performing fishing activities as determined in Article 4, item 28 of the Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28. 12. 2013), or

- any natural or legal person, established in a Member State of the European Union or in a third country, that is professionally selling single-use plastic products, pre-filled single-use plastic products and fishing gear that contain plastics, to private households directly, or to users who are non-private households in another Member State of the European Union, through a distance contract as determined by a special regulation governing regulating consumer rights, except for the person performing fishing activities as determined in Article 4, item 28 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28. 12. 2013)

67. ***product******producer***means any legal or natural person – a craftsman, or a natural person who develops, produces, transforms, processes, sells, coveys across state lines, or imports, that is, places the products, and/or devices, and/or equipment on the market

68.***recyclable municipal******waste***means any waste paper and cardboard, waste plastic, waste metal and waste glass, including packaging waste, that are municipal waste from households

69. ***recycling centre***means any monitored fenced area intended for the separate collection and interim storage of smaller quantities of hazardous waste, recyclable municipal waste and the other stipulated types of waste

70.***recycling centre******for construction waste***means any facility intended for sorting, mechanical treatment and interim storage of construction waste. The recycling centre for construction waste shall not be considered a recycling centre as referred to in item 69 of this paragraph

71.***recycling***means any recovery operation, including the repeated reprocessing of organic material, through which waste materials are reprocessed into products, materials or substances, either for their original or other purposes, excluding energy recovery purposes or the reprocessing into materials that are used as fuels or for backfilling

72.***regeneration of waste oils***means any recovery operation whereby base oils may be produced by refining waste oil, in particular by removing impurities, oxidation products and additives contained in such oils

73. ***fishing gear***means any object or a piece of equipment used in fishing or aquaculture to search for, capture or cultivate marine biological resources or which floats on the sea surface and is used to attract and capture or breed such marine biological resources

74.***waste collection***means any waste collection, including the pre-sorting of waste and waste storage for the purpose of its transport to a waste treatment facility

75.***waste storage***means any interim storage of waste at a storage facility for a maximum of one year

76. ***waste incineration***means any process of recovery or disposal of waste in which waste is incinerated with or without recovery of the heat generated through combustion, which includes incineration by oxidation of waste and other thermal processes such as pyrolysis, gasification or plasma processes, as long as the resulting products of these treatments are subsequently incinerated

77. ***container***means any vessel, canister, container, barrel, box, bag and other suitable container that prevents the scattering, spillage or discharge of waste into the environment

78.***co-incineration of waste***means any waste recovery or disposal operation, whose primary purpose is the production of energy or material products and in which waste is being used as a regular or complementary fuel or in which waste subjected to thermal treatment for the purpose its disposal. This includes incineration by oxidation of waste, as well as other thermal processes, such as pyrolysis, gasification or plasma processes, as long as the resulting products of these treatments are subsequently incinerated

79. ***extended producer responsibility scheme***means a set of measures taken in the Republic of Croatia to ensure that the product producers bear the financial or the financial and organizational liability for the management of the »waste« stage of a product’s life cycle

80. ***making products available on the market***means any delivery of products meant for distribution, consumption or use on the market of the Republic of Croatia as part of a commercial activity, with or without payment

81. ***placing on the market***means the first placing of the product on the market of the Republic of Croatia

82.***waste management technological processes***(hereinafter: ***technological processes***) means specific functional and technological waste management units which are used for the description of the material waste stream, including the collection, reception, storage, pre-sorting and sorting, mixing of waste, packaging, repair, cleaning, a examination of the future product and other processes as part of the waste recovery and disposal operations

83.***liquid******waste*** means any waste in its liquid condition, including waste waters, but excluding sludge

84.***dealer***means any legal or natural person – a craftsman, who buys and sells waste in his own name and for his own account, including a waste dealer who does not take waste into direct possession

85. ***very lightweight plastic carrier bag***means any plastic carrier bag with a wall thickness of less than 15 micrometres which is used exclusively for hygienic reasons or as primary bulk food packaging, when this helps to prevent food wastage

86.***waste disposal***means any operation that is not waste recovery, including the operation which as a secondary result has the regeneration of matter or energy. Annex I of this Act contains a List of waste disposal operations.

(2) The terms used in this Regulation which have gender implications shall apply equally to both the male and female gender.

## Fundamental waste management requirementsArticle 5

(1) Waste management shall be carried out in a way which neither endangers human health nor causes harm to the environment, and which in particular:

1. does not cause a risk of sea, water, soil or air pollution and does not endanger biodiversity

2. does not cause discomfort due to noise and foul odours

3. does not have harmful effects on the countryside or places of special interest and

4. does not cause fire or explosions.

(2) The avoidance of the risk of sea, water, soil and air pollution and the risk of endangering biodiversity, as the consequence of waste management, is achieved through the implementation regulations governing spatial planning, construction, environmental protection, nature protection, water protection and the protection of the sea from pollution from maritime objects.

(3) The management of waste, through methods which do not cause discomfort due to noise and odour outside the waste management location, harmful effects to the landscape or areas of special interest, and the occurrence of explosions or fire, shall be achieved by adhering to the fundamental requirements prescribed for access roads, areas and buildings according to the regulation governing construction, and by implementing the regulations governing spatial planning.

(4) Odour-induced discomfort shall be determined through the identification of those odours, which shall be carried out by legal persons accredited to perform the appropriate testing methods.

(5) The sampling and testing methods referred to in paragraph 4 of this Article shall be stipulated in the Ordinance adopted by the Minister responsible for environmental protection (hereinafter: Minister).

## Waste management priority orderArticle 6

(1) The by-law, decision, plan or programme which is adopted pursuant to this Act must be harmonised with the following waste management priority order:

1. prevention of waste generation

2. preparation for re-use

3. recycling

4. other recovery operations, e.g. energy recovery and

5. disposal of waste.

(2) When the waste management priority order is being applied and it is being decided between two or more options:

- if it may be justified by the results of an analysis of the life cycle of the total effects of the generation and management of the special type of waste, the priority shall be given to the option that results in the best overall impact on the environment, which may include a deviation from the waste management priority order, and

- the general principles of environmental protection, precaution, sustainability, technological feasibility and economic sustainability, resource protection and overall effects on the environment, human health, economy and society must be taken into account in accordance with Article 1, paragraph 1 and Article 5, paragraph 1 of this Act.

## Principles of waste managementArticle 7

Waste management shall be guided by the principles of environmental protection laid down by the regulation governing environmental protection and the *acquis communautaire* of the European Union, the principles of international environmental law, scientific knowledge, the best global and professional practices, and in particular by the following principles:

1. »the polluter-pays principle« – the waste producer or the waste holder shall bear the waste management expenses and shall be financially responsible for the implementation of remedial measures to be taken due to damage caused or likely to be caused by waste

2. »the principle of proximity« - waste shall be treated in the appropriate facility or device nearest to the source of its generation, taking into account the cost-effectiveness and environmental soundness

3. »the principle of self-sufficiency« – waste shall be managed in a self-sufficient manner and shall enable independent attainment of national level targets, taking into account the geographical circumstances or the need for specialised installations for special categories of waste

4. »the principle of traceability« - tracing waste back to its source by reference to the product, packaging and the producer of that product, including the possession of that waste and its treatment.

## Waste collection, transport and treatment as a public interestArticle 8

(1) The collection, transport and treatment of objects and/or substances that may be considered waste are necessary to the purpose of protecting public interest by applying the waste management operations listed herein, in order to:

1. prevent risks to human health or causing an unacceptable nuisance to people

2. prevent and eliminate the risk of water, air and soil contamination, or to prevent the risk to animals or plants, or the deterioration of their natural living conditions

3. prevent the risk of undermining the sustainable use of water or soil

4. prevent and eliminate environmental pollution hazards

5. prevent and eliminate fire or explosion hazards

6. prevent and eliminate noise hazards

7. prevent and eliminate the risk of the emergence or spread of diseases

8. prevent and eliminate the risk of a disturbance of public order and security, or

9. prevent the deterioration of the appearance of settlements, landscapes and/or cultural assets.

(2) The collection, transport and treatment referred to in paragraph 1 of this Article for the purpose of protecting the public interest shall not be necessary if the object or substance, according to the general understanding, is considered new or is used for a special purpose.

## The amount of waste considered negligible in the transport of wasteArticle 9

(1) The amount of waste considered negligible in the transport of waste is the amount of one or more seemingly linked shipments of waste considered not to permanently, or to a significant extent, endanger the quality of the air, soil, subsoil, water or the sea, or to endanger animals, plants or mushrooms, human lives or health to a significant extent, or in a wider area.

(2) Amounts up to the quantity of 1000 kg of hazardous waste, or up to the quantity of 10 000 kg of non-hazardous waste shall be considered negligible amounts of waste, as referred to in paragraph 1 of this Article.

# II WASTE MANAGEMENT RESPONSIBILITIES

## Waste management responsibilitiesArticle 10

(1) Waste management and the construction of waste management facilities are of interest to the Republic of Croatia.

(2) Waste management and waste management efficiency shall be ensured by the Government of the Republic of Croatia (hereinafter: Government) and the Ministry responsible for environmental protection (hereinafter: Ministry) by stipulating waste management measures.

(3) The implementing body at the national level is the Environmental Protection and Energy Efficiency Fund (hereinafter: Fund).

(4) The executive body of the local self-government unit and the executive body of the district (regional) self-government unit or of the City of Zagreb shall ensure both the conditions for and the implementation of waste management measures in their territory

(5) Multiple units of local and district (regional) self-government may by mutual agreement ensure the joint implementation of the stipulated waste management measures.

## CompetencesArticle 11

(1) Should it be necessary to prevent or eliminate the consequences of damage caused by a force majeure event, or in the case of other threats to the population, material goods and the environment, the Government of the Republic of Croatia may decide to temporarily order or prohibit certain waste handling and determine the mandatory application of emergency waste management measures necessary to protect the life, safety or health of the population or to prevent environmental pollution.

(2) The manner in which the Ministry, the administrative bodies of local and district (regional) self-government units and legal persons with public authority operate, regarding the implementation of this Act and other regulations adopted pursuant to this Act, shall be stipulated by an instruction, issued by Minister.

## Waste disposalArticle 12

(1) The waste management centre and the treatment of hazardous waste through by means of incineration and landfilling are of special interest to the Republic of Croatia.

(2) Hazardous waste disposal by landfilling operations shall be carried out by a corporation established by the Government, excluding the disposal of waste containing asbestos.

(3) Hazardous waste disposal activities by means of incineration, in a facility whose basic activity is the incineration of waste, shall be performed by a corporation established by the Government, a unit of district (regional) self-government or the City of Zagreb.

(4) The activities referred to in paragraphs 2 and 3 of this Article shall only include hazardous waste generated within the territory of the Republic of Croatia.

(5) The funds for the establishment of the facilities for the activities and processes referred to in paragraphs 1, 2 and 3 of this Article shall be secured through the Fund and from other sources.

(6) By way of derogation from paragraphs 2 and 3 of this Article, the Ministry may, by granting concessions, ensure the performance of hazardous waste disposal activities by means of landfilling and through the incineration process.

(7) The facilities whose purpose is performing the activities referred to in paragraph 1 of this Article shall not become part of the insolvency or liquidation mass and shall, in the case of bankruptcy or liquidation of the respective corporation, be excluded and become the property of the Republic of Croatia or the unit of local or district (regional) self-government, or the City of Zagreb, which a direct or indirect company member, shareholder or founder thereof.

## Waste management centreArticle 13

(1) The waste management centre is managed by a corporation owned by the units of local self-government, district (regional) self-government or the City of Zagreb.

(2) The executive body of the local self-government unit or the City of Zagreb shall:

- ensure that the public service provider delivers the mixed municipal waste to the waste management centre and

- conclude an agreement with the corporation referred to in paragraph 1 of this Article concerning the handover of mixed municipal waste.

(3) The person managing the waste management centre shall accept all mixed municipal waste from the public service provider, and shall charge all providers of mixed municipal waste collection services which are according to The waste management plan of the Republic of Croatia obligated to handover the mixed municipal waste to the waste management centre, the same per-ton price for the treatment of mixed municipal waste.

(4) The executive body of the district (regional) self-government unit, the local self-government unit or the City of Zagreb, which is the owner of the person managing the waste management centre, shall ensure the implementation to the obligation referred to in paragraph 2 of this Article.

# III WASTE PREVENTION

## Waste preventionArticle 14

Waste prevention encompasses measures taken before the substance, material or product has become waste, whereby a reduction of the following is achieved:

1. the quantities of waste, including re-use of the product or the extension of the life cycle of the product

2. the harmful effects of waste on the environment and human health or

3. the content of hazardous substances in materials and products.

## By-productArticle 15

(1) A substance or object, resulting from a production process, the construction of a building or a technological process, the primary aim of which is not the production of that substance or object, shall be considered a by-product rather than waste, provided that it has been recorded in the Register of by-products.

(2) The competent administrative body of the district (regional) self-government unit or the City of Zagreb (hereinafter: competent authority of a county or the City of Zagreb) shall decide on the application for registration in the Register of by-products that are generated within the area of its jurisdiction.

(3) A substance or object, for which the by-product criteria are not established at the European Union level, shall be included in the Register of by-products provided that the following requirements are met:

1. the further use of the substances or objects is ensured

2. a substance or object may be used directly without further treatment, excluding the usual industrial procedures

3. the substance or object is created as an integral part of the production process and

4. the further use of the substances or objects is permitted, that is that a substance or object meets all the relevant requirements regarding the product, environmental and human health protection for that particular use and will not result in significant hazardous effects on the environment or human health.

(4) A substance or object for which the by-product criteria are established at European Union level shall be recorded in the Register of by-products, provided that the requirements specified in paragraph 3 of this Article, and the by-products criteria established at the European Union level, are met.

(5) Animal origin by-products, to which this Act is applicable, shall not be recorded in the Register of by-products.

(6) Should the by-product criteria not be established for a particular substance or object at the level of the European Union or at the level of the Republic of Croatia, that substance or object shall be recorded in the Register of by-products provided that it is established that the requirements enumerated in paragraph 3 of this Article have been met.

(7) On the application referred to in paragraph 2 of this Article a decision shall be issued, which is an administrative act.

(8) Against the decision referred to in paragraph 7 and paragraph 12 of this Article an appeal may be submitted to the Ministry.

(9) The person registered in the Register of by-products shall by 1 March of the current calendar year submit to the Ministry a Report on by-products for the previous calendar year which shall contain information on the person producing the by-product, the types and quantities of the by-products produced and the users of the by-products.

(10) Details regarding the proof on the fulfilment of the requirements set out in paragraph 3 of this Article, the criteria for by-products and the Report referred to in paragraph 9 of this Article shall be stipulated by the Minister in the Ordinance referred to in Article 5, paragraph 5 of this Act.

(11) For the purpose of maintaining the information in the Register referred to in paragraph 1 of this Article up-to-date, the person who has recorded the by-product into the Register shall:

1. corroborate the compliance with the requirements under which the by-product was eligible to be recorded in the Register once yearly,

2. deliver the information on the change of data based on which the by-product was eligible to be recorded in the Register, within 30 days from the day of the change.

(12) The body referred to in paragraph 2 of this Article shall issue a decision by which the by-product is to be deleted from the Register of by-products, when the body:

1. receives a notice from the legal or natural person – the craftsman registered in the Register, that the requirements, under which the by-products were recorded in the Register of by-products, are no longer being met, or it otherwise finds that a legal or natural person – the craftsman is not compliant with the requirements under which the by-products were recorded in the Register

2. establishes that the natural or legal person – the craftsman did not comply with the stipulated obligation to corroborate the compliance of the by-products referred to in paragraph 11, item 1 of this Article

3. receives a notice from the inspection responsible for waste management that the legal person – craftsman does not meet the requirements for the registration of by-products in the Register of by-products.

## Re-use centreArticle 16

(1) The Re-use centre is a facility or part of a facility in which re-use operations are being performed.

(2) The Re-use centre shall be managed by a legal person that is required to be registered in the Record of re-use centres.

(3) The Record referred to in paragraph 2 of this Article contains information on the legal person, contact information and location of the facility where the re-use centre is located.

(4) The Record referred to in paragraph 2 of this Article shall be kept by the competent body of a county or the City of Zagreb.

(5) The person who was issued a permit for waste management or is registered in the Register of collectors and recovery operators or in the Record of recycling centres, waste carriers, waste brokers and waste dealers who are allowed to take possession of the waste, may decategorize certain goods handed over to a re-use centre from the status of waste.

(6) The decategorisation may be carried out if the Re-use centre establishes that the goods are compliant with the purpose for which they were originally designed, for the following types of goods: tools and appliances and parts thereof which are not intended exclusively for professional use, textiles, clothing, footwear, vehicle parts, consumer goods and items considered to be bulky waste and the like.

(7) The legal person managing the re-use centre shall by 1 March of the current year submit to the Ministry, a report on the quantities and types of products returned to use during the previous calendar year.

(8) The content of the report referred to in paragraph 7 of this Article shall be stipulated in the Ordinance of the Minister referred to in Article 5, paragraph 5 of this Act.

## Restrictions regarding the placing of a product on the marketArticle 17

(1) It shall be prohibited to place on the market in the Republic of Croatia any single-use plastic product listed in the B List of Annex III of this Act, as well as any product made from oxo-degradable plastic.

(2) It shall be prohibited to place on the market lightweight plastic carrier bags other than very lightweight plastic carrier bags.

(3) A product which has a cap or a lid made of plastic, may be placed on the market in the Republic of Croatia if it is listed in the C List of Annex III of this Act, only if that cap or lid remains attached to the container during the phase of the intended use of the product, whereby a metal cap or lid with a plastic seal is not considered to be made of plastic.

# IV. OBLIGATIONS OF WASTE PRODUCERS AND WASTE HOLDERS

## Forbidden practices regarding wasteArticle 18

(1) The discarding of waste into the environment shall be prohibited.

(2) The discarding of waste into the environment referred to in paragraph 1 of this Article shall be considered any abandonment, dereliction, discarding or landfilling outside a waste management location and shall not apply to the waste handover site as part of the public municipal waste collection service.

(3) The dumping of waste into the sea shall be prohibited.

(4) The mixing of separately collected bio-waste with other types of waste shall be prohibited.

(5) It is forbidden to incinerate:

- waste in the environment

- waste at sea, except when compliant with the International Convention for the Prevention of Pollution from Ships (MARPOL Convention) and its Annexes

- vegetable waste from agriculture and forestry, except in a manner as stipulated by the regulations governing fire safety

- waste collected separately and intended for preparation for re-use or recycling, except for the waste generated by the treatment of separately collected waste if incineration is the most environmentally-friendly solution pursuant to with Article 5 of this Act.

(6) If the person illegally discarding waste is unknown, the person required to remove the waste shall be considered the owner of the real estate onto which the waste has been discarded or, should the owner be unknown, the person in possession of that property, or, according a the special regulation, the person managing a specific area (property), if the waste has been discarded in such an area (property).

## Waste categorisationArticle 19

(1) The waste holder shall categorise the waste he is in possession of by determining the waste generation location, the group, the subgroup and the key number of the waste and the properties of the waste properties in accordance with the Waste catalogue.

(2) The Waste catalogue entry on a particular substance or object does not imply that the substance or object has the status of waste in all circumstances, but rather that only the substance or object that meets the requirements of the definition of the term »waste« referred to in Article 4 of this Act is considered waste.

(3) Waste that is not designated as hazardous waste in the Waste catalogue shall be considered hazardous waste should an examination determine it to have a hazardous property.

(4) Hazardous waste cannot be re-categorized as non-hazardous waste if the concentration of hazardous substances, due to which it was originally categorised as hazardous, has been reduced by dilution below the threshold value pursuant to which waste must be categorised as hazardous.

(5) When an examination of the hazardous properties of waste cannot be conducted, and there is a suspicion that the waste may have a hazardous property, the waste holder shall categorise such waste as hazardous waste.

(6) In the Ordinance, referred to in Article 5, paragraph 5 of this Act, the Minister shall stipulate the waste catalogue in compliance with the List of waste, as well as the hazardous properties of waste.

(7) The provisions of this Article shall not apply to maritime objects as defined in the regulation governing maritime affairs.

## Waste examinationArticle 20

(1) A legal person may perform the sampling and examination of waste, its by-products, recovery results and determine the hazardous properties of waste, provided that it is accredited for the application of the appropriate sampling and testing methods.

(2) The examination of waste shall be carried out pursuant to Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31. 5. 2008, p. 1), the European Committee for Standardization relevant annotations or other internationally recognized test methods and guidelines.

## Ensuring waste treatmentArticle 21

(1) The waste producer and the waste holder shall ensure the waste treatment through a preparation operation for re-use, recycling or recovery pursuant to Articles 5 and 6 of this Act, and when the aforementioned is not possible, he shall ensure waste disposal in a safe manner pursuant to Article 5 of this Act.

(2) The waste producer and the waste holder shall comply with the obligation referred to in paragraph 1 of this Article by treating his own waste or he entrusting the treatment of such waste to a person authorised for waste treatment by this Act or deliver the waste outside the Republic of Croatia for recovery or disposal pursuant to Regulation (EC) No 1013/2006.

(3) Pursuant to paragraph 2 of this Article, the obligation shall be:

- performed by the waste producer within one year from the date the waste is generated

- performed by the waste holder within one year from the day waste was taken into possession.

(4) As an exception to the provisions in paragraph 3 of this Article, certain waste shall be subject to a different deadline should it be stipulated by the regulation referred to in Article 88, paragraph 3 of this Act.

(5) When a person is authorised to receive a shipment of waste, the obligation referred to in paragraph 1 of this Article shall terminate for the person who has delivered that shipment of waste and shall be transferred to the person who has received the shipment of waste.

## General obligations regarding the separate collection of wasteArticle 22

(1) For the purposes of encouraging high quality recycling, a general separate waste collection obligation is hereby laid down.

(2) The waste holder shall be obligated to hand the following waste over to the authorised person separately:

1. hazardous waste

2. waste paper, metal, plastics, glass, bulky waste, waste textiles and footwear

3. packaging waste

4. waste considered to be a special category of waste.

(3) The producer of bio-waste shall hand over bio-waste to the authorised person separately from other waste or recycle the bio-waste at the site of its generation.

(4) When waste needs to be recovered or the preparation for re-use, recycling or other recovery operation needs to be facilitated, waste must be collected separately and not be mixed with other waste or substances that have different properties.

## Waste management expensesArticle 23

(1) The original waste producer or the current or previous waste holder shall bear the waste management expenses, including the construction and operation expenses for the necessary waste management infrastructure pursuant to »the polluter-pays principle«.

(2) By way of derogation from paragraph 1 of this Article, the manufacturer of the waste producing product shall bear the waste management expenses under the extended producer responsibility scheme.

(3) The waste holder shall be responsible for the damage caused by the waste that was in his possession at the moment the damage was caused.

## Transfer noteArticle 24

(1) When handing over a shipment of waste, the waste holder shall provide the waste recipient a duly completed, written or electronic Transfer note along with the shipment of waste, containing the information pertaining to that waste and the persons involved in the management of that waste.

(2) By way of derogation from paragraph 1 of this Article, the waste holder shall not be obliged to submit a Transfer note in the following cases:

1. If the waste holder is the user of a public service:

- a natural person (citizen) who hands over a shipment to the public service provider

- a legal person or a natural person - craftsman who hands over a shipment of mixed municipal waste to the public service provider

2. If a natural person (citizen) hands over waste to an authorised person

3. If a shipment of waste is not transferred into the possession of another person, except when the shipment is transported between two locations managed by the same person

4. If a shipment of waste is handed over to the product producer in accordance with the obligations laid down in the extended producer responsibility scheme

5. If a shipment of waste is bought by a waste merchant as part of a retail waste-trading scheme if a declaration of waste ownership is being used

6. If the shipment of waste is being transported across borders pursuant to Regulation (EC) No 1013/2006

7. If the waste created by marine objects, or ship cargo debris is being handed over at the appropriate port reception device pursuant to the regulation governing maritime affairs or

8. If animal by-products are being handed over, accompanied by the document stipulated by the regulation governing animal by-products.

(3) The person transporting the waste is required to have a completed and certified Transfer note with the shipment of waste.

(4) The Transfer note certification is done in written or electronic form in the Electronic register on waste creation and transport (hereinafter: e-ONTO) and is a certificate on the handover or collection of the shipment of waste.

(5) The shipment of waste consignor, consignee and where applicable, the waste management broker shall exchange all information necessary to complete the Transfer note, including the data on the waste collection authorisation, the waste treatment method and the waste treatment destination.

(6) The Transfer note which together with the appropriate annex contains the data, as stipulated by the regulation governing road transport, may be considered a consignment note if the load being transported by road is waste.

(7) The provisions of this Article shall not be applicable to mixed household municipal waste or to separately collected hazardous household waste fractions until they are collected by the public service provider or the person authorised to collect such waste.

(8) The Minister shall determine the form, contents and data which has to be entered in the Transfer note in the ordinance referred to in Article 5, paragraph 5 of this Act; the instructions on completing the Transfer note shall be published on the Ministry's website.

## Electronic register on waste creation and transport

## Article 25

(1) e-ONTO is an electronic register with a network application that records waste movements within the territory of the Republic of Croatia, which includes a quality control system and waste tracing system, in particular in respect to the fulfilment of the objectives of section VII of this Act and the objectives laid down in Article 111 of this Act.

(2) The following are required to keep the e-ONTO record:

1. the producers of waste sludge, which is produced by waste water treatment installations, is responsible for keeping an e-ONTO record of waste sludge

2. the person conducting transboundary movements of waste, who is obligated to keep the e-ONTO record of the waste that is subject to a notification procedure as well as for the waste that is not subject to a notification procedure in transboundary traffic

3. the waste carrier, who is obligated to keep the e-ONTO record for non-hazardous and hazardous waste being transported and

4. the person who takes waste into possession and who is obligated to keep an e-ONTO record for non-hazardous and hazardous waste that is taken into possession.

(3) To ensure the traceability of waste streams, the person obligated to keep the e-ONTO record shall record into the e-ONTO the generation, collection, reception, storage, transport and treatment of waste, the quantity, type, origin and destination of the waste and the quantity of products and materials created during the preparation for re-use, recycling or other recovery operation.

(4) The person obligated to keep the e-ONTO record shall keep the e-ONTO up-to-date, accurate and complete, that is enter the data into the e-ONTO immediately after each status change.

(5) The person obligated to keep the e-ONTO record shall be responsible for the information entered into the e-ONTO.

(6) the e-ONTO is maintained through a computer application of the Ministry.

(7) The Ministry shall make appropriate reports based on the data entered in the e-ONTO, especially for the Environmental pollution register, as stipulated by the regulation governing environmental protection.

(8) The obligation to keep the e-ONTO record shall not apply to mixed household municipal waste or to separately collected fractions of hazardous household waste until they are collected by a public service provider or the person authorised to collect such waste.

(9) The Instructions on the keeping of the e-ONTO record shall be published on the Ministry's web page.

## The obligation to keep and provide access to waste management dataArticle 26

(1) The waste holder and the waste manager shall be obligated to keep the waste management data for at least three years from the day any action is taken with regards to the waste or at least one year provided that the action undertaken is the transport of hazardous waste.

(2) The person referred to in paragraph 1 of this Article shall make the proof and other relevant data on the actions taken during waste management available at the request of the previous waste holder, the Ministry, the environmental protection inspector of the State Inspectorate and other competent bodies.

(3) The provisions of the first paragraph of this Article shall not be applicable to mixed household municipal waste or to separately collected fractions of hazardous household waste until they are collected by a public service provider or the person authorised to collect such waste.

# V EXECUTION OF WASTE MANAGEMENT ACTIVITIES

## Taking possession of waste Article 27

(1) A legal and natural person – the craftsman is authorised to receive possession of a shipment of waste if:

1. he holds a waste management permit

2. he manages a recycling centre

3. he is registered in the Register of persons executing waste management activities as a waste collector or an unlicensed recovery operator or as a waste dealer who may take possession of waste

4. the reception of certain waste into possession is permitted by a regulation governing special categories of waste

5. he is a user of agricultural waste sludge, whereby he is authorised to collect waste sludge shipments pursuant to the regulation governing the use of sludge in agriculture or

6. he is the manager of a cemetery or crematorium, whereby he is authorised to receive shipments of pathological waste according to the regulation governing the management of medical waste.

(2) The person registered in the Record as a waste carrier shall not be considered authorised to receive possession of a shipment of waste on the basis of this registration.

## Treatment of waste for scientific, research or probing purposesArticle 28

(1) A legal person shall be authorised to take possession of waste for scientific, research or probing purposes, in the amount therefor necessary, provided that it has obtained an authorisation.

(2) The application for the authorization referred to in paragraph 1 of this Article shall be submitted to the Ministry.

(3) On the application referred to in paragraph 1 of this Article a decision shall be issued.

(4) The decision referred to in paragraph 3 of this Article shall be adopted by the Ministry on the basis of an expert assessment and it shall state the person authorised to take possession of the waste, the purpose, quantity and type of waste, the waste handling manner and the authorisation validity period.

(5) The person who obtained the authorisation referred to in paragraph 1 of this Article shall, at the request of the Ministry, within the set time limit, submit a report on the waste treatment for which that authorisation has been issued.

(6) Appeal is not permitted against the decision referred to in paragraph 3 of this Article, but an administrative dispute may be initiated.

## Obligation to apply for a permit and be recorded in the Register and the RecordArticle 29

(1) A legal and natural person – the craftsman may, commence performing the waste recovery and disposal activities for which the permit has been issued, after the permit has been issued.

(2) By way of derogation from paragraph 1 of this Article, the treatment of one's own waste without a waste management permit, while respecting the requirements of Article 5, paragraph 1 of this Act, may be performed by:

1. the original waste producer, who is a natural person, for the treatment of his own bio-waste by biological aerobic treatment (home composting) and

2. the original waste producer, who is a legal person or natural person – a craftsman, if the bio-waste, generated through his activity, is subjected to biological treatment at the waste generation site and the resulting product of that treatment is not placed on the market, but it is instead used at the waste generation site and these activities are reported to the Ministry by 31 March of the current year for the previous year.

(3) A legal and natural person – craftsman, after being registered in the Register of collectors and recovery operators may:

1. as a waste collector, start to perform waste collection activities through waste collecting processes within the territory of the Republic of Croatia and

2. as a recovery operator, start to perform waste recovery activities through operations for which no waste management permit is being issued.

(4) A legal and natural person – a craftsman after being registered in the Record of waste brokers, carriers, dealers and recycling centres may:

1. as a broker in waste management, start to perform waste management brokerage activities

2. as a waste carrier, start to perform waste transport activities

3. as a waste dealer, start to perform waste trading activities and

4. as a recycling centre, start to perform waste collection activities through waste collection operations in the recycling centre.

(5) When transporting his own waste, the original waste producer is not considered to be carrying out waste management activities and is not obligated to be registered in the Record referred to in paragraph 4 of this Article as a waste carrier for such a transport.

(6) The person conducting transboundary movements of waste, and who is a registered waste carrier in his home country, shall not be required to be registered in the Record referred to in paragraph 4 of this Article as a waste carrier.

(7) The person who was issued a waste management permit, a waste carrier, a person managing a recycling centre, a waste collector and an unlicensed recovery operator shall be required to adhere to the provisions of Articles 5 and 6 of this Act, when managing waste.

(8) The waste management broker shall ensure that the waste from his brokering, is being received by a person authorised to receive and treat that waste.

(9) A list of activities and operations for which a waste management permit is issued and a list of recovery operations for which a waste management permit is not issued shall be prescribed by the Minister in the ordinance referred to in Article 5, paragraph 5 of this Act.

## Waste management permitArticle 30

(1) The waste management permit shall determine:

1. the person who is permitted to perform waste recovery or waste disposal activities

2. the waste management location and

3. the types and quantities of waste in accordance with the waste catalogue

4. the waste management activity and process, with the corresponding technological processes

5. the manner in which waste management operations are performed, including technical and other relevant work conditions at the location for each individual operation

6. the safety and preventive measures

7. the supervision and management measures

8. the obligation to handle the generated waste, or the waste that remains after the waste management operation has been completed

9. the validity period of the waste management

10. the measures necessary after the closing of the waste management location, or the cessation of the performance of the operations for which the permit had been issued, including the removal of one's own waste from the waste management location.

(2) The waste management permit is an administrative act.

(3) The waste management permit validity period is ten years.

(4) The waste management permit shall be published on the Ministry's web page.

(5) The manner of performing the waste management operations, the waste management permit form and the application for the waste management permit form shall be prescribed by the Minister in the ordinance referred to in Article 5, paragraph 5 of this Act.

(6) The person who was issued a waste management permit shall be obligated to adhere to the waste management permit while operating.

(7) The body that has issued the for waste management permit, irrespective of the time referred to in paragraph 3 of this Article, shall, of its own motion, review and amend or supplement the waste management permit, if need be, in order to harmonise the requirements prescribed in the permit with the European or international Acts, with this Act and by-laws adopted pursuant to this Act.

(8) The person referred to in paragraph 6 of this Article shall, at the request of the body that has issued the waste management permit, submit all the data necessary for the review of the permit referred to in paragraph 7 of this Article.

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## Waste management feasibility studyArticle 31

(1) A waste management feasibility study is a set of mutually harmonised documents and plans that serve to prove the fulfilment of the requirements for waste management with the corresponding technological processes, and a description of the technological processes’ execution as a functional technological whole of material waste streams at the waste management location.

(2) The waste management feasibility study is an integral part of the waste management permit that must be drafted in accordance with this Act and other regulations adopted pursuant to this Act.

(3) The Minister shall stipulate the contents of the waste management feasibility study in the Ordinance referred to in Article 5, paragraph 5 of this Act; the instructions for the drafting of feasibility studies shall be published on the Ministry's website.

## Application for the permit issuanceArticle 32

(1) The Ministry shall decide on the application for the issuance of a waste management permit, for an activity involving the management of hazardous waste, for R 1 operations – the use of waste principally as a fuel or other means of generating energy, and D 10 – incineration of waste on land.

(2) The competent body of the county or the City of Zagreb shall decide on the application for the issuance of a waste management permit for an activity not covered by paragraph 1 of this Article.

(3) The application for the issuance of a waste management permit shall contain information on the applicant, an indication of the activity for which the permit is being applied for, with the thereto related operations, the location of the facility where the waste management operations will be performed, and information on the types and quantities of waste.

(4) Apart from the application for the waste management permit issuance, the applicant shall also submit:

1. a document for the use of the facility, in accordance with the regulation governing the construction of buildings

2. proof of the availability of a facility in which the waste management process is to be carried out

3. waste management feasibility study and

4. a financial guarantee.

(5) By way of derogation from paragraph 4 of this Article:

1. when applying for the issuance of a mobile device permit, the document on the use of the facility, and the proof of the availability of the facility in which the waste management process will be carried out need not be submitted, whereas a waste management feasibility study, a financial guarantee, proof of the waste treatment location, where the waste treatment is being performed by a mobile device, or the location where the waste is being integrated into a material (e.g. contract, project documentation, etc.), proof of ownership and availability of the mobile device, and the time period in which the treatment of waste or the integration of material with a mobile device will be conducted at a specific location must be submitted

2. in addition to the application for the issuance of a waste disposal activity permit, provided that the application has been submitted for landfilling operations on an active landfill for which no document on the use of the facility has been issued, the document on the construction of the facility, as determined by the regulation governing the construction of buildings, shall be submitted instead of the document on the use of the facility.

(6) The body referred to in paragraphs 1 and 2 of this Article shall, of its own motion, access the Court Register, the Crafts Register and the Register of Associations, and shall provide a certificate that no final precautionary or protective measure forbidding the exercise of a business activity has been imposed on the applicant.

(7) Should the treatment of non-hazardous waste by a mobile device be allowed by the waste management permit in a certain location, and the treatment of the same kind of waste is intended to be carried with the same device and the same procedure, but in another location, the person managing the mobile device is required to submit the application for approval to the competent body of the county, or City of Zagreb, in whose area the waste is intended to be treated.

(8) The competent body of the county, or the City of Zagreb shall decide on the application referred to in paragraph 7 of this Article and issue the approval for a specific location after the person who manages the mobile device submits the application.

(9) The person who manages the mobile device, referred to in paragraph 5, item 1 of this Article, shall with the application for approval, referred to in paragraph 7 of this Article, submit proof of the waste treatment location where waste treatment is being performed by a mobile device, or the location of the integration of the waste into the material (e.g. contract, project documentation, etc.), proof of ownership and mobile device availability, the amount and quantity of waste which shall be treated by a mobile device at the location mentioned in that application from the attached waste management feasibility study, in accordance with paragraph 4, point 3 of this Article, a financial guarantee and the and the time period in which the waste treatment or material integration process with a mobile device will be conducted at a specific location.

(10) Should the time period have expired, in which the waste treatment by means of a mobile device at a specific location, or the integration of the materials referred to in paragraph 9 of this Article, is to be performed, the person managing the mobile device, referred to in paragraph 5 point 1 of this Article, may apply for an extension on the basis of the issued approval.

(11) When the time period has expired, in which the waste treatment by means of a mobile device at a specific location or the integration of the materials referred to in paragraph 9 of this Article is to be performed, and the person managing the mobile device has not requested the extension referred to in paragraph 10 of this Article, that person shall within 15 days of the expiration of the time period referred to in paragraph 9 of this Article, notify the competent administrative body that has issued the approval referred to in paragraph 8 of this Article, that he has completed performing the waste treatment or material integration process at that location.

## The permit issuance procedureArticle 33

(1) During the procedure for the issuance of a waste management permit, the following shall be determined:

1. if the applicant for the waste management permit issuance is a registered legal person or natural person – a craftsman

2. if the applicant for the issuance of a waste management permit has an available facility, for which the document on the use of the facility is issued in accordance with the regulation governing the construction of buildings

3. if the waste management feasibility study is drafted in accordance with this Act and the regulation referred to in Article 5 paragraph 5 of this Act

4. if he has the financial guarantee referred to in Article 36 of this Act at his disposal.

(2) By way of derogation from the provisions of paragraph 1 of this Article, when considering the waste permit application for:

1. waste treatment by the means of a mobile device, the fulfilment of the requirements referred to in paragraph 1 point 2 of this Article shall not be examined, but instead, it shall be determined if the location of waste management where the mobile device is to be installed is the site of the generation of the waste which is to be treated or integrated into material

2. the treatment of bulky waste as a public service by the means of a mobile device, the fulfilment of the requirements referred to in paragraph 1 point 2 of this Article shall not be examined, however the waste management location shall be determined by the Decision referred to in Article 66 paragraph 1 of this Act

3. the waste disposal activity whereby the waste is landfilled on an active landfill for which no document on the use of the facility has been issued, as well as in depleted open-pit mines, the issuance of the document on the use of the facility shall not be examined, however the issuance of the document on the construction of the building for the landfill pursuant to a special regulation governing the construction of buildings shall be determined.

(3) The body referred to in Article 32 paragraphs 1 and 2 of this Act shall not grant the permit if the technological process used for the waste treatment process is not environmentally sound, and/or if the method used is not in accordance with Article 5 paragraph 1 of this Act.

(4) When determining the fulfilment of the requirements from paragraph 3 of this Article, the competent authority deciding on the application for the issuance of the permit may request the opinion of an appropriate competent or expert body, as well as request proof on the fulfilment of requirements from the applicant.

(5) The body referred to in Article 32 paragraphs 1 and 2 of this Act shall, when determining the fulfilment of the requirements, conduct an examination of the location of the facility so as to determine whether the waste management feasibility study requirements have been met.

(6) The applicant shall bear the expenses of the examination.

(7) By way of derogation from the provisions of paragraph 5 of this Article, the waste management permit may be amended without conducting the examination provided that the amendment to the existing permit is without prejudice to the public interest or the interests of third parties.

## Public notification and public participationArticle 34

(1) The body referred to in Article 32 paragraphs 1 and 2 of this Act shall conduct the public notification and public participation procedure when a waste management permit application is submitted for:

1. incineration, recovery, chemical treatment or landfilling of hazardous waste

2. incineration of municipal waste with a capacity of more than 3 tons per hour

3. landfilling of non-hazardous waste with the capacity of more than 50 tons per day

4. landfilling on landfills that receive more than 10 tons of waste per day or have a total capacity of more than 25.000 tons, except for the inert waste landfills.

(2) The body referred to in Article 32 paragraphs 1 and 2 of this Act shall publish a notice on the Internet which contains the summary of the submitted waste management permit application referred to in paragraph 1 of this Article.

(3) The provisions of the regulation governing environmental protection as well as the public notification and public participation in environmental issues shall apply accordingly to the public notification and public participation process referred to in paragraph 1 of this Article.

(4) The information and participation procedure referred to in paragraph 1 of this Article need not be conducted, provided that the public notification and public participation have been conducted pursuant to the special regulation governing the environmental permit.

## Notice on the change of a prescribed requirement in the waste management permitArticle 35

The person to whom a waste management permit was issued, shall give notice to the permit issuing body that a change has occurred regarding the prescribed requirements for the waste management permit issuance and the documents on the basis of which the waste management permit was issued, within 30 days of the date on which the change has occurred.

## Financial guarantee for waste managementArticle 36

(1) A Legal and natural person – the craftsman shall have at his disposal a financial guarantee during the entire period while performing and one year after ceasing to perform:

1. the activities determined in the waste management permit

2. the waste collection activities and

3. the waste recovery activities for which the waste management permit is not being issued.

(2) Should the financial guarantee be issued for a time period shorter than the duration of the waste management permit, the person referred to in paragraph 1 of this Article shall either extend that financial guarantee or obtain a new financial guarantee before the expiration date of the time period for which the financial guarantee has been issued, and submit it to the permit issuing body.

(3) The financial guarantee may be issued by a credit institution and an insurance company.

(4) By way of derogation from the provision of paragraph 3 of this Article, the financial guarantee for waste disposal activities by means of landfilling, may be issued, apart from persons referred to in paragraph 3 of this Article, by the local and district (regional) self-government units and the Fund.

(5) The financial guarantee shall be a bank guarantee or another adequate financial instrument (insurance policy, etc.) issued by the person referred to in paragraph 3 and 4 of this Article.

(6) Funds collected from the financial guarantee shall be used to finance the waste removal expenses during the procedure for the enforcement of a decision of the environmental inspection of the State Inspectorate when the inspection decision is being enforced through a third party at the expense of the enforcement subject.

(7) As an exception from the provision of paragraph 6 of this Article on the use of financial guarantee funds for waste disposal by landfilling, it shall not be necessary to ensure the removal of the waste, however the funding for the closing, maintenance and supervision of the landfill shall be provided for a period of at least 30 years after the closing of the landfill.

(8) Further details on the financial guarantee, including the manner in which the amount of financial guarantee shall be determined and the manner in which the Ministry, the competent body of a county and the State Inspectorate shall apply this Article, shall be regulated by the Minister in the Ordinance referred to in Article 5 paragraph 5 of this Act.

## Revocation of the permitArticle 37

(1) The waste management permit issuing body shall revoke the permit by a decision at the request of the competent inspector of the State Inspectorate or of its own motion, if the person who obtained the waste management permit:

1. does not fulfil the requirements or obligations stipulated in this Act and other regulations adopted pursuant to this Act.

2. does not comply with the measures regarding the waste management, as ordered by the competent inspector of the State Inspectorate.

(2) The waste management permit issuing body shall revoke the permit of its own motion if the person who obtained the waste management permit does not submit the proof necessary for the verification of the requirements which are set out in the permit, within the time limit, which cannot be less than 5 days, as determined by an official.

(3) Should the person, to whom a waste management permit was issued, inform the permit issuing body about the cessation of the activities for which the permit had been issued, the permit issuing body shall issue a decision revoking the permit.

## RemediesArticle 38

(1) An appeal may be submitted to the Ministry against the permit and the decision on the revocation or the annulment of the permit, issued by the competent body of the county or the City of Zagreb.

(2) Against the permit and the decision on the revocation or the annulment of the permit issued by the Ministry, an appeal shall not be allowed, however an administrative dispute may be initiated.

## LandfillingArticle 39

(1) The landfilling of the following at a landfill is prohibited:

1. liquid waste, except for the sediment/sludge generated from the landfill area by the landfill leachate treatment device through collection and purification

2. waste that is explosive, corrosive, oxidising, flammable or highly flammable under landfill conditions, pursuant to the provisions of special regulations

3. hospital and other types of clinical waste generated in medical and/or veterinary institutions which has the characteristics of hazardous medical waste, pursuant to special regulations

4. waste tires

5. animal and slaughterhouse waste, animal carcasses and animal derivatives if they have not undergone thermal processing, pursuant to special regulations

6. industrial and automotive waste batteries and accumulators

7. waste motor vehicles and their untreated constituent parts, which are generated during the waste vehicles treatment and recovery operation

8. waste electrical and electronic devices and equipment, and

9. separately collected waste for the purpose of its preparation for re-use and recycling pursuant to Article 22 of this Act, except for the waste generated by the separate waste treatment, for which landfilling is the most environmentally sound option, pursuant to the waste management hierarchy.

(2) Landfilling is permitted at a landfill, provided that the waste has been pre-treated before landfilling.

(3) By way of derogation from the provisions of paragraph 2 of this Article, the landfilling of waste that has not undergone pre-treatment before its disposal may be authorised, provided that such landfilling would not be contrary to measures that are meant to achieve the waste management objectives referred to in Article 54 of this Act, and the following would be disposed of:

1. inert waste, the treatment of which is not technically feasible and

2. waste, which is not encompassed in point 1 of this paragraph, if:

- the pre-treatment of this waste would not contribute a reduction of the amount of waste being landfilled, or

- the pre-treatment would not reduce the adverse impact caused by the properties of the landfilled waste on the environment, in particular on surface water, groundwater, soil and air pollution, as well as the global environment, including »the greenhouse effect«, and any risk to human health that could result from the landfilling of the waste throughout the life-cycle of the landfill.

(4) The landfill manager shall determine the waste mass with a suitable device for the determination of the mass connected with a vehicle identification system.

(5) The landfill manager shall submit the data on the waste mass landfilled at the landfill for the previous year, to the Ministry by 31 January, of the current year through the form which shall be published on the Ministry's web site.

(6) In addition to the waste referred to in paragraph 1 of this Article, the waste types that do not meet the requirements for waste reception at a landfill shall be prescribed by the Minister in an Ordinance, with the prior consent of the Minister competent for matters of spatial planning and construction and the Minister competent for water management matters.

## Operation of landfillsArticle 40

(1) The order and dynamics of a landfill closing and the obligation of the landfill manager to receive certain mixed municipal waste shall be determined by a Decision of the Minister pursuant to the non-hazardous waste landfill closing Dynamics, which shall be published on the web page of the Ministry.

(2) The landfill manager shall:

1. at the time and in the manner as set out in the Decision referred to in paragraph 1 of this Article, cease the reception of waste at the landfill and close the landfill

2. during the period when the landfill has not yet been closed, accept the mixed municipal waste which is being collected from a particular local self-government unit, whereby he is obligated to charge all municipal waste collection public service providers the same price for the collection of mixed municipal waste per ton.

(3) When the landfill manager is also the provider of the public service referred to in Article 68 of this Act, the price for the collection of mixed municipal waste by the ton, which is charged to other public service providers shall not be higher than the per ton of waste cost borne by his own business.

(4) The criteria for waste reception at the landfill, the environmental emission threshold values for landfilling, the requirements and measures related to the planning, construction, operation and the closing of landfills and the procedures after the closing, the method of determining the amount of waste landfilled at a landfill, the method of determining the portion of biodegradable municipal waste in municipal waste and the pre-treatment requirements for waste prior to landfilling, shall be prescribed by the Ordinance of the Minister referred to in Article 39 paragraph 6 of this Act, with the prior approval of the Minister competent for matters of spatial planning and construction and the Minister competent for water management matters.

## Incineration and co-incineration of wasteArticle 41

(1) The energy recovery operation by incineration or co-incineration must be performed in such a way that the resulting energy is harnessed at a high level of energy efficiency.

(2) The method of operation, including the start and cessation of the operation of the waste incineration or co-incineration plants, the control of the waste input and the management of waste generated in the waste incineration and co-incineration plant shall be prescribed by the Ordinance of the Minister.

## Mixing the hazardous wasteArticle 42

(1) It is forbidden to mix hazardous waste with the other types of hazardous waste, with other types of waste, and with other substances or materials, where mixing also includes the dilution of hazardous substances.

(2) By way of derogation from the provisions of paragraph 1 of this Article, the waste management permit may allow the mixing of hazardous waste with other hazardous waste that has different physical, chemical or hazardous properties or other waste and substances or materials, if:

1. the requirements from Article 5 of this Act are met

2. the procedure of mixing does not result in an increase of the adverse effects of waste management on human health and the environment and

3. the best available techniques are applied during the mixing process.

(3) Should the hazardous waste be mixed in violation of the provisions of this Act, the waste holder is obligated to perform the extraction of hazardous waste provided that it is technically feasible and necessary so as to adhere to the requirements from Article 5 of this Act.

(4) Should the obligation referred to in paragraph 3 of this Article not be feasible, the waste must be treated in a facility which has been issued a waste management permit for the treatment of such mixtures.

(5) The obligation to dispose of hazardous waste referred to in paragraph 2 of this Article shall not apply to waste that has been discarded into the environment.

(6) The person treating the waste shall be obligated to extract the hazardous substances, mixtures and components from the separately collected hazardous waste before treatment or during treatment pursuant to Articles 5 and 6 of this Act in order to treat the waste by preparing it for re-use, recycling or recovery.

(7) Waste oils shall be treated, whereby the priority shall be given to the regeneration of waste oils or the other recycling operations that result in an equally valuable or the more environmentally sound outcome compared to regeneration, pursuant to Articles 5 and 6 of this Act.

(8) The mixing waste oils that have different properties and the mixing waste oils and other waste or substances shall be prohibited if such mixing would prevent regeneration or other recycling operations that result in an equally valuable or the more environmentally sound outcome compared to regeneration.

(9) The provisions of paragraphs 1 to 5 of this Article shall not apply to mixed municipal household waste.

## Trial operation waste management permit Article 43

(1) By way of derogation from the provisions of Article 30 paragraph 3 of this Act, for the purpose of trial operations pursuant to a special regulation governing the construction of buildings, the waste management permit may be issued for the estimated duration of the trial operation, pursuant to the document issued in accordance with the special regulation governing the construction of buildings, for a period no longer than ten years.

(2) By way of derogation from the provisions of Article 32 paragraph 4 point 1 of this Act, the document on the use of the building shall not be attached to the application for a trial operation waste management permit referred to in paragraph 1 of this Article.

(3) By way of derogation from the provisions of Article 33 paragraph 1 point 2 of this Act, when deciding on an application for the issuance of a trial operation waste management permit referred to in paragraph 1 of this Article, it shall not be examined whether the document on the use of the building has been issued, however it shall be determined whether the document on building construction has been issued in accordance with a special regulation governing the matters of buildings construction.

## End-of-waste statusArticle 44

(1) End-of-waste status may be granted to certain waste provided that it has been registered in the End-of-waste status register.

(2) The application for entry into the End-of-waste status Register shall be submitted to the Ministry.

(3) The Ministry shall issue a decision on the application referred to in paragraph 2 of this Article.

(4) No appeal is permitted against the decisions referred to in paragraph 3 of this Article, and Article 45, paragraph 9, however an administrative dispute may be initiated.

## End-of-waste status requirements Article 45

(1) The substance or object, that is generated as a result of waste recovery, for which the criteria are not set at the level of the European Union, shall be included in the End-of-waste status Register if the waste is being recycled or is being adequately recovered as well as the following special criteria and requirements have been met:

1. the substance or object shall be used for a specified purpose

2. the market and demand for such a substance or object exist

3. the substance or object meets the technical requirements for special purposes and complies with existing regulations and standards applicable to the products and

4. the use of the substances or objects does not overall result adverse effects to the environment or human health.

(2) The substance or object, that is generated through waste recovery, for which the criteria are not set at the level of the European Union, shall be included in the End-of-waste status Register if the waste is being recycled or is being adequately recovered and it meets the criteria stipulated at the level of the European Union.

(3) The special criteria referred to in paragraph 1 of this Article, that the particular substance or object generated during waste recovery shall meet in order to obtain the end-of-waste status, include:

1. the types of waste subjected to the recovery operation

2. the allowed procedures and treatment techniques

3. the quality criteria that are compliant with the product standards for the substance or object created following the granting of end-of-waste status, after the appropriate recovery treatment has been applied, including the threshold values for pollutants, where necessary

4. the quality management system requirements regarding compliance with the end-of-waste status criteria, which includes the quality control requirements, internal supervision, etc., and

5. the declaration of conformity requirement.

(4) By way of derogation from the provisions of paragraph 2 of this Article, should the end-of-waste status granting criteria for a specific substance or object not be established, at the level of the European Union or at the level of the Republic of Croatia, that substance or object shall be entered in the End-of-waste status register provided that it is determined that the requirements stipulated in paragraph 1 of this Article have been met.

(5) The producer of the substance or object registered in the End-of-waste status register shall ensure that the substance or object meets the stipulated requirements for chemicals or products, when it is used for the first time after the end-of-waste status has been approved or when it is placed on the market for the first time after the end-of-waste status has been approved.

(6) The producer of the substance or object recorded in the End-of-waste status Register shall submit a notice on the granting of end-of-waste status to the Ministry by 1 March of the current calendar year, which shall contain the data on the person who granted the end-of-waste status, for the substance or object that was generated and the quantity of that substance or object, on the type and quantity of waste that has entered the recovery operation, and on the recovery operation.

(7) The producer of the substance or object registered in the End-of-waste status register shall attach the declaration of conformity to each shipment of the substance or object for which the end-of-waste status has been approved.

(8) In order to maintain the information in the Register referred to in paragraph 1 of this Article up-to-date, the person who has entered the specific substance or object into the End-of-waste status register shall:

1. once per year, verify the conformity of the substance or object with the requirements which have been met for the entry of the substance or object into End-of-waste status register

2. give notice of any change to the data on the basis of which the right to register the substance or object in the End-of-waste status register was exercised, within 30 days from the day on which the change has occurred.

(9) The Ministry shall issue a decision removing the specified substance or object from the End-of-waste status register, when:

1. it receives a notice from a legal or natural person – a craftsman recorded in the Register, that the requirements, that had to be met so that the specific substance or object could be entered into the End-of-waste status register, are no longer being met, or it otherwise determines that a legal or natural person – the craftsman is not compliant with the requirements under which the substances or objects have been entered in end-of-life status Register.

2. it determines that the natural or legal person – the craftsman did not comply with the stipulated obligation to corroborate the compliance of the substance or object referred to in paragraph 9 point 1 of this Article

3. it receives a notice from the competent inspection for waste management matters, that the legal person – craftsman does not meet the requirements for the registration of the substance or object in the End-of-waste status register.

(10) The details on: the special criteria for the granting of end-of-waste status for a specific substance or object referred to in paragraph 3 of this Article; the manner in which the Acts of the European Union that determine the criteria for the granting of end-of-waste status for a specific type of waste are being implemented; the notice referred to in paragraph 6 of this Article and; the contents of the declaration referred to in paragraph 7 of this Article, shall be prescribed by the Ordinance of the Minister.

## Register of collectors and recovery operatorsArticle 46

(1) The competent body of the county or the City of Zagreb shall keep the Register of collectors and recovery operators.

(2) The body referred to in paragraph 1 of this Article shall decide on the application for registration in the Register of collectors and recovery operators.

(3) The Register referred to in paragraph 1 of this Article shall contain information on the persons who perform waste collection and recovery activities through recovery operations for which a permit is not issued, on the waste management locations, and on the types and quantities of waste.

(4) A legal person or natural person – a craftsman that submits an application in writing or through the web application of the Register of waste management activities (hereinafter: Register) shall be entered into the Register referred to in paragraph 1 of this Article, if that person is:

1. a waste collector that has a waste storage facility at his disposal, for which a document on the approval of use has been issued as well as a financial guarantee pursuant to Article 36 of this Act and

2. a recovery operator that has the waste recovery devices and equipment at his disposal as well as a building in which the recovery is being performed, for which the document on the approval of use has been issued pursuant to the regulation governing the construction of buildings as well as a financial guarantee pursuant to Article 36 of this Act.

(5) The competent body of the county or the City of Zagreb, according to the address of the warehouse or facility in which the waste recovery is being performed shall decide on the application for entry in the Register referred to in paragraph 1 of this Article.

(6) The body referred to in paragraph 1 of this Article shall decide on the application for entry in the Register referred to in paragraph 1 of this Article by issuing a decision.

(7) For the purpose of maintaining the information in the Register referred to in paragraph 1 of this Article up-to-date, the person who was entered into the Register shall deliver:

1. once yearly, a certificate of intent to perform the activities in the following year and

2. a notice on the change of data previously submitted to the Register and referred to in paragraph 1 of this Article, within 30 days from the day the change has occurred.

(8) The obligations referred to in paragraph 7 of this Article shall be performed through the Register of waste management activities application or by delivering the documents to the body that has performed the entry into the Register referred to in paragraph 1 of this Article.

(9) The body referred to in paragraph 1 of this Article shall issue the decision on removing the legal or natural person – the craftsman referred to in paragraph 1 of this Article from the Register when:

1. it receives a notice from the legal or natural person – the craftsman on the cessation of the performance of the activities or it otherwise determines the cessation of the activities or

2. it determines that a legal or natural person – a craftsman has not performed the prescribed obligation to submit the activity performance status form.

(10) An appeal against the decision referred to in paragraph 6 and 9 of this Article may be submitted to the Ministry.

(11) The types and quantities of waste, procedures and means of performing the collection and recovery operations for which a waste management permit is not necessary, the content of the application and the manner in which the intention to perform the activity is verified, is regulated by the Ordinance of the Minister, referred to in Article 5 paragraph 5 of this Act.

## Record of waste carriers, brokers, dealers and recycling centresArticle 47

(1) The competent body of the county or the City of Zagreb shall keep the Record of waste carriers, brokers, dealers and recycling centres.

(2) The Record referred to in paragraph 1 of this Article shall contain information on persons performing the activities of waste transport, brokering, dealing and collection of waste in the recycling centre.

(3) A legal person or natural person – a craftsman who submits the application in writing or through the web application of the Register of waste management activities (hereinafter: Register) shall be entered into the Register referred to in paragraph 1 of this Article.

(4) The entry into the Record referred to in paragraph 1 of this Article shall be performed by the body referred to in paragraph 1 of this Article according to the address of the applicant’s seat.

(5) The entry into the Record referred to in paragraph 1 of this Article shall not be an administrative procedure.

(6) For the purpose of maintaining the information in the Register referred to in paragraph 1 of this Article up-to-date, the person entered into the Register shall:

1. submit once yearly, a certificate of intent to perform the activities in the following year and

2. in the event of a change of data on the basis of which the entry into the Register referred to in paragraph 1 of this Article was performed, modify the data within 30 days from the day the change has occurred.

(7) The body referred to in paragraph 1 of this Article shall remove the recorded person from the Register when:

1. it receives a notice from the legal or natural person – the craftsman recorded in the Register referred to in paragraph 1 of this Article, on the cessation of the performance of the activities or it otherwise determines the cessation of the activities or

2. it determines that the legal or natural person – the craftsman did not comply with the stipulated obligation referred to in paragraph 6 point 1 of this Article.

(8) The data kept in the records referred to in paragraph 1 of this Article and the manner of record keeping shall be stipulated by an instruction issued by the Minister.

# VI MINING INDUSTRY WASTE

## The Mining industry waste management planArticle 48

(1) A mining industry waste management facility is every area designated for the accumulation or storage of mining industry waste, be it liquid or solid, in a solution or a suspension of the solution, for the following periods of time:

1. at category A waste management facilities referred to in paragraph 3 of this Article and at hazardous waste management facilities, as set out in the Mining industry waste management plan, without a time limit

2. at facilities where unexpectedly generated hazardous waste is being disposed of, for a period exceeding six months

3. at disposal facilities for non-hazardous waste and waste that does not have inert waste properties, which shall be classified as a non-hazardous mining industry waste management facility, for a period exceeding one year

4. at treatment facilities for uncontaminated soil, non-hazardous waste generated during prospecting, waste produced by the extraction, treatment or storage of peat and inert waste, which is classified as a mining industry inert waste management facility, for a period exceeding three years

(2) The mining industry waste management facilities include accumulations, waste heaps, dams and all buildings whose purpose is the retention, storage or ensuring the stability of the facility, however, they do not encompass spaces excavated by extractive industry activities into which waste is returned after the excavating operation and the extraction of raw materials, for the purpose of their remediation or for construction purposes.

(3) A mining industry waste management facility shall be classified as category A in the following cases:

1. should the preliminary risk assessment determine an oversight or malpractice, e.g., the waste heap collapsing or the dam bursting, which may cause a major accident, taking into account factors such as the current or the future size of the mining industry waste management facility, the amount of waste, the location of the facility and the impact of the facility on the environment

2. should hazardous waste be stored and/or accumulated in the mining industry waste management facility

3. should it contain the substances or preparations in concentrations exceeding the stipulated threshold value, which are therefore considered hazardous pursuant to a special regulation governing chemicals.

(4) The operator shall draft the Mining industry waste management plan in compliance with the mining project data and in compliance with the principles of sustainable development.

(5) The person referred to in paragraph 4 of this Article shall obtain the consent of the competent body of the county regarding the plan referred to in paragraph 4 of this Article within 15 days prior to the start of operations, as well as in the event of a significant change in the operations of the mining industry waste management facility.

(6) Upon receiving the application for the approval of a Mining industry waste management plan, the competent body of the county or the City of Zagreb shall forward the proposed Mining industry waste management plan to the Ministry competent for matters of mining or energy.

(7) The competent body of the county or the City of Zagreb shall, within 30 days from the day of submission of the duly completed application, issue the approval referred to in paragraph 5 of this Article provided that the Ministry competent for the matters of mining or energy assesses that the proposed Mining industry waste management plan is acceptable and provided that it assesses that the selected methods and the mineral resource prospecting, exploitation and treatment operations shall be acceptable for the purposes of meeting the objectives of the plan and that the person referred to in paragraph 4 of this Article is capable of meeting the objectives of the plan and the obligations stipulated in this Act and the Ordinance referred to in paragraph 11 of this Article, that the Mining industry waste management plan is compliant with this Act and other regulations adopted pursuant to this Act.

(8) The approval of the Mining industry waste management plan is an administrative act.

(9) The approval on the Mining industry waste management plan shall be issued for a period of five years.

(10) Against the decision on the approval of a Mining industry waste management plan, referred to in paragraph 7 of this Article, an appeal may be submitted to the Ministry.

(11) The content, objectives and form of the Mining industry waste management plan, the manner of the construction, management and closing of mining industry waste management facilities, the water, air and soil pollution prevention procedures, the manner of use of the spaces excavated by extractive industry activities, the manner of developing safety management systems and related plans as well as the public notification on major accident prevention, the frequency of supervision, the mining industry waste management permit, the content and the list of necessary records and the manner of reporting shall be stipulated by the Ordinance of the Minister.

## Major accident prevention plansArticle 49

(1) The person referred to in Article 48 paragraph 4 of this Act, who has obtained the approval for a Mining industry waste management plan, shall within 60 days prior to the date on which the approval for the Mining industry waste management plan has expired, submit to the competent authority, an application for the extension of the approval, provided that there is no significant change in the operation of the mining industry waste management facility.

(2) The competent body of the county or the City of Zagreb shall deliver the issued approval as well as the Mining industry waste management plan to the Ministry and to the Ministry competent for matters of mining.

(3) The Ministry shall keep a mining industry waste management Record.

(4) The operator of the category A mining industry waste management facility referred to in Article 48, paragraph 3 of this Act, excluding waste management facilities that are subject to the regulation governing the prevention of major accidents which include hazardous substances, shall devise a safety management system, draft a major accident prevention policy and an internal emergency plan and appoint a person responsible for the implementation and monitoring of the safety management system.

(5) The operator managing the category A mining industry waste management facility shall, before the commencement of the operation of the facility, submit to the competent body of the county: the major accident prevention policy; the internal emergency plan; as well as the proof of having implemented the safety management system; and all the data necessary to draft a Major accident prevention policy outside of the category A mining industry waste management facility location.

(6) The competent body of the county or the City of Zagreb shall draft and review every three years, and if need be modify and submit to the competent body of the State administration for civil protection matters, the Major accident prevention policy outside of the category A mining industry waste management facility location, except for waste management facilities subject to the regulation governing the prevention of major accidents including hazardous substances.

(7) In the event of a major accident, the operator shall provide all relevant information to the competent body of the State administration for matters of civil protection in order to minimise the consequences on human health and to assess and reduce the extent of actual or potential environmental pollution and to fulfil all requirements and take all measures as stipulated in the internal emergency plan and in the Major accident prevention policy outside of the category A mining industry waste management facility location.

(8) The objectives, content, manner of drafting and the persons obliged to draft a Mining industry waste management plan, the availability and manner of keeping the mining industry waste management Record, the details of the major accident prevention policy and the internal emergency plan as well as the publication thereof, shall be stipulated by the Ordinance of the Minister referred to in Article 48 paragraph 11 of this Act.

## The mining industry waste management permitArticle 50

(1) The operator managing the mining industry waste management facility may commence operating the mining industry waste management facility after obtaining the mining industry waste management permit.

(2) The competent body of the county or the City of Zagreb shall decide on the application for the issuance of the mining industry waste management permit.

(3) The mining industry waste management permit shall determine:

1. the operator of the mining industry waste management facility

2. the name of exploitation field

3. the type of waste, the operations and the waste disposal capacity

4. the application of the best available techniques, taking into account the technical and technological characteristics of the mining industry waste management facilities, the geographic position and the environmental conditions

5. the classification of the mining industry waste management facility

6. the location of the mining industry waste management facility

7. the obligations of the operator of the mining industry waste management facility

8. the amount of the financial guarantee as stipulated by Article 53 of this Act and

9. the validity period of the mining industry waste management permit.

(4) The mining industry waste management permit is an administrative act.

(5) The validity period of the mining industry waste management permit is five years.

(6) The Mining industry waste management plan referred to in Article 48 of this Act is an integral part of the mining industry waste management permit.

(7) A legal and natural person – a craftsman who was issued the mining industry waste management permit is obligated to manage the waste in accordance with Articles 5 and 6 of this Act.

(8) The person responsible for the performance of extractive works, as determined in accordance to a special regulation governing mining, is the person responsible for the management of mining industry waste.

(9) An appeal may be submitted to the Ministry against the decision on the application for the mining waste management permit.

(10) The activities that the person responsible for the mining industry waste management is required to undertake shall be stipulated by the Ordinance of the Minister, referred to in Article 48 paragraph 11 of this Act.

## Application for issuance of a mining industry waste management permitArticle 51

(1) The application for a mining industry waste management permit shall contain:

1. the data on the operator of the mining industry waste management facility

2. the name of the prospecting area or exploitation field

3. the type of waste and the waste disposal operation

4. the mining industry waste management facility location proposals

5. the Mining industry waste management plan

6. the decision on the environmental soundness of an intervention including the environmental protection measures, and the environmental condition monitoring programme, for an intervention for which an environmental impact assessment of the intervention is mandatory

7. the description of the application of the best available techniques, accounting for the technical and technological characteristics of the facility, the geographic position and the environmental conditions

8. the major accident prevention policy

9. the internal emergency plan

10. the proof of that the safety management system has been implemented, provided that it is stipulated by the Regulation referred to in Article 48 paragraph 11 of this Act

11. the proof of the financial guarantee referred to in Article 53 of this Act and

12. the information stipulated by the Regulation referred to in Article 48 paragraph 11 of this Act.

(2) The body, referred to in Article 49 paragraph 2 of this Act, shall, of its own motion, obtain the Mining industry waste management plan and the decision referred to in paragraph 1 point 6 of this Article.

(3) To the application for a mining industry waste management permit shall be attached the approval for the prospecting for mineral raw materials or the concession agreement for the exploitation of a mineral raw material.

(4) The mining industry waste management permit shall not be issued, if the operator does not comply with the requirements stipulated by the Ordinance referred to in Article 48 paragraph 11 of this Act and should such a permit be contrary to the Waste management plan of the Republic of Croatia.

(5) When deciding on the application for the mining industry waste management permit for category A mining industry waste facilities, should the competent authority referred to in Article 49 paragraph 2 of this Act assess that the operation of the mining industry waste management facility could have a significant impact on the environment and human health in another country or at the request of another country, the competent body of the county or the City of Zagreb shall notify the competent body of the other country at the same time as the public notification procedure referred to in paragraph 9 of this Article on the application for the mining industry waste management permit is initiated, and it shall provide all the data obtained from the application for the mining industry waste management permit.

(6) The data which is submitted by the Ministry to the other country as the part of the notification referred to in paragraph 5 of this Article shall form the foundation for all necessary discussions within the bilateral relations framework of the two countries, based on the principles of reciprocity and equivalence.

(7) The public notification and participation procedure of the other country, that may be exposed to a significant environmental impact due to the operation of a category A mining industry waste management facility, shall be conducted before the decision is issued, by the competent body of the other country during the procedure on the issuance or alternation of the mining industry waste management permit.

(8) In the event of an accident involving the waste management facility referred to in paragraph 5 of this Article, the competent authority shall deliver to the other country through the Ministry, the data that the operator is obligated to submit to the competent authority in the event of a major accident so as to minimise the consequences of the accident on human health as well as estimate and minimise the extent of the actual and potential environmental damage.

(9) The body referred to in Article 49 paragraph 2 of this Act shall conduct the public notification and public participation procedure on the submitted application for the mining industry waste management permit whereby the public is given the right to:

1. the information that an application for a mining industry waste management permit has been submitted and the data on the operator and location of the facility

2. the information that the another state has been notified of the application for the issuance of a mining industry waste management permit, due to a potential transboundary impact of the mining industry waste management facility

3. the data in accordance with the regulation governing environmental protection, and which is relevant for the issuance or alternation of the permit in question, according to the assessment of the competent authority

4. the information regarding the competent authority which shall decide on the application and which may be submitted complaints or questions, as well as the deadlines for the submission of such documents

5. the information on the nature of possible decisions

6. the information on the application for the alternation and supplement of a mining industry waste management permit, when applicable

7. the information on deadlines, location or media where the information shall be published and

8. detailed information on the manner of public participation.

(10) The body referred to in Article 49 paragraph 2 of this Act shall, in compliance with the information on the submitted application for a mining industry waste management permit, permit the public access to the documentation of the application for the permit issuance, alternation and supplementation, as well as to the documentation of the application received after the publication of the data.

(11) The body referred to in Article 49 paragraph 2 of this Act shall review the comments received during the procedure, when deciding on the application for the mining industry waste management permit and publish a statement on the admissibility of these comments on the web site, together with the decision on in the administrative procedure deciding on the application for the mining industry waste management permit.

(12) The public consultation on the application for the mining industry waste management permit shall be carried out through the central national web portal for public consultation.

## Alternation of the mining industry waste management permitArticle 52

(1) The operator shall submit the application for an alternation of the mining industry waste management permit to the body referred to in Article 49 paragraph 2 of this Act, should a change in the circumstances that affect the exercise of rights granted by the mining industry waste management permit occur.

(2) The changes to the circumstances which affect the exercise of the rights granted by the mining industry waste management permit referred to in paragraph 1 of this Article include the following: significant changes in the operation of the facilities and management of mining industry waste, the results of the monitoring and measurement stipulated by the mining industry waste management permit, the results of the inspection supervision, significant changes in the best available techniques applicable in accordance with the permit, changes in the amount of the financial guarantee, as determined in the permit, necessary for the restoration of the soil contaminated by the operation of the mining industry waste management facility, pursuant to the Mining industry waste management plan.

## Financial guarantee for the management of mining industry waste Article 53

(1) A legal and natural person – a craftsman who obtained a mining industry waste management permit is obligated to have a financial guarantee (financial deposit, including the joint industrial guarantee fund) or an appropriate equivalent financial instrument, as determined pursuant to Commission Decision 2009/335/EC of 20 April 2009 on technical guidelines for the establishment of the financial guarantee in accordance with Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries (notified under document number C(2009) 2798) (OJ L 101, 21. 4. 2009), prior to the commencement as well as during the performance of the operations allowed by the mining industry waste management permit whereby the competent body of the county and the City of Zagreb, shall ensure:

 1. the fulfilment of the obligations as stipulated by the mining industry waste management permit, including any mandatory actions on the mining industry waste management facility after its closing and

 2. the availability of remediation funds for the soil contaminated by the mining industry waste management facility during the entire period of the operation of the facility, pursuant to the Mining industry waste management plan and to the Mining industry waste management permit.

 (2) the amount of the financial guarantee shall be determined on the basis of:

- the possible impact of the operation of mining industry waste management facility on the environment, including the category of the mining industry waste management facility, the properties of the waste and the future intended purpose of the remediated soil

- the presumption that the assessment and execution of all the necessary remediation operations shall be performed by an independent expert appraiser.

# VII WASTE MANAGEMENT OBJECTIVES

## Objectives for municipal and construction wasteArticle 54

(1) The waste management objectives are stipulated so as to encourage the transition to a more circular economy, in which the value of products, materials and resources is maintained as long as possible, while minimising the generation of waste.

(2) In order to contribute to the circular economy of the European Union, the Republic of Croatia should achieve the following objectives:

1. at least 50% of the total mass of the waste generated in households and the waste from other sources whose waste streams are similar to household waste streams, which includes at least paper, metal, plastics and glass, shall be recovered through recycling and preparation for re-use

2. at least 55% of the mass of municipal waste must be recovered by recycling and preparation for re-use by 2025

3. at least 60% of the mass of municipal waste must be recovered by recycling and preparation for re-use by 2030 and

4. at least 65% of the mass of municipal waste must be recovered by recycling and preparation for re-use by 2035.

(3) At least 70% of the mass of non-hazardous construction waste, other than naturally occurring materials as determined by the waste code 17 05 04 – soil and rocks not listed under 17 05 03, shall be recovered by means of recycling, preparing for re-use and other material recovery operations, including backfilling operations, whereby the waste is being used as a replacement for other materials.

## The objectives for landfillingArticle 55

(1) The maximum allowed mass of biodegradable municipal waste that may be landfilled in a calendar year, for all waste management licenses in the Republic of Croatia is 264.661 tons, which is 35% of the mass of biodegradable municipal waste produced in 1997.

(2) By 2035 the maximal amount of municipal waste landfilled may only be 10% of the total mass of generated municipal waste.

## The objectives for waste single-use plasticArticle 56

(1) The following content by weight of single-use plastic products shall be collected separately for the purpose of recycling, as set out in the List F of Annex III of this Act, which are placed on the market within one year:

- 77% content by weight of products placed on the market within one year, by 2025 and

- 90% content by weight of products placed on the market, by 2029.

(2) Beverage bottles set out in List F of Annex III of this Act:

- which are made out of polyethylene terephthalate as the main component (PET bottles), should contain at least 25% recycled plastics from 2025, which is calculated as the average for all the PET bottles that are placed on the market in the Republic of Croatia and

- should contain at least 30% recycled plastics from 2030, which is calculated as the average for all such beverage bottles that are placed on the market in the Republic of Croatia.

(3) The measurable quantitative reduction in the consumption of single-use plastic products, as set out in List A of Annex III of this Act, should be achieved by 2026 as compared to 2022.

(4) The minimum annual collection rate of plastic containing fishing gear which are intended for recycling shall be stipulated by a Decision of the Government.

## The objectives for the end-of life vehiclesArticle 57

The re-use and recovery rate of end-of life vehicles handed over for treatment during the year must be at least 95% of the average mass of the end-of life vehicle handed over for treatment, that is the re-use and recycling rate of end-of life vehicles handed over for treatment during the year must be at least 85% of the average mass of the end-of life vehicle handed over for treatment.

## The objectives for waste batteries and accumulatorsArticle 58

(1) The annual rate of separate collection of waste batteries and accumulators shall be at least 45% of the average annual amount which was placed on the market over the past three years.

(2) The manner of determining the annual rate referred to in paragraph 1 of this Article shall be stipulated by the ordinance of the Minister from Article 88 paragraph 3 of this Act.

## The objectives for the waste electric and electronic equipmentArticle 59

(1) The annual rate of separate collection of waste electrical and electronic equipment (hereinafter: EE waste) shall be at least 65% of the average mass of the electrical and electronic equipment that is placed on the market in three previous years or 85% of EE waste produced within the territory of the Republic of Croatia.

(2) The objectives for EE waste recovery are:

1. the annual treatment rate of the mass of collected heat exchange equipment or large equipment with external dimensions greater than 50 cm by means of recovery operations shall be at least 85%, or at least 80 % by means of preparation operations for re-use and recycling,

2. the annual treatment rate of the mass of collected screens, monitors and equipment containing screens with a surface greater than 100 cm2, by means of recovery operations shall be at least 80%, or at least 70% by means of preparation operations for re-use and recycling,

3. the annual treatment rate of the mass of collected small equipment with external dimensions not exceeding 50 cm or small information technology and telecommunications equipment with external dimensions not exceeding 50 cm, by means of the recovery operations shall be at least 75%, or at least 55% by means of preparation operations for re-use and recycling,

4. the annual treatment rate of the mass of collected light bulbs, by means of recycling shall be at least 80%

## The objectives for packaging wasteArticle 60

The objectives of packaging waste recovery to be attained are:

1. at least 60% by weight for packaging waste produced within the territory of the Republic of Croatia shall be separately collected and recovered, either as material or energy

2. at least 55% and up to a maximum of 80% by weight for packaging waste intended for material recovery shall be recycled

3. the following minimum mass of materials in packaging waste shall be recycled:

a) 60% by weight for glass

b) 60% by weight for paper and cardboard

c) 50% by weight for metals

d) 22,5% by weight for plastics, counting exclusively material that is recycled back into plastics and

e) 15% by weight for wood

4. by 31 December 2025, at least 65% by weight of all packaging waste will be recycled

5. by 31 December 2025, at least the following mass of materials in packaging waste shall be recycled:

a) 50% of plastics

b) 25% of wood

c) 70% of ferrous metals

d) 50% of aluminium

e) 70% of glass and

f) 75% of paper and cardboard

6. by 31 December 2030, at least 70% by weight of all packaging waste shall be recycled

7. by 31 December 2030, at least the following total mass of materials in packaging waste shall be recycled:

a) 55% of plastics

b) 30% of wood

c) 80% of ferrous metals

d) 60% of aluminium

e) 75% of glass and

f) 85% of paper and cardboard

## The objectives for waste tyresArticle 61

The objectives for the management of waste tyres are:

1. to ensure a systematically separate collection of waste tires

2. to ensure the treatment of all separately collected waste tires

3. to ensure the recycling of at least 80% of the mass of the separately collected waste tires in a calendar year in the Republic of Croatia.

## The objectives for waste oilsArticle 62

The objectives for the management of waste oils are:

1. to ensure the separate collection of waste oils and

2. to ensure the treatment of waste oils.

# VIII PUBLIC MUNICIPAL WASTE COLLECTION SERVICE

## Municipal waste managementArticle 63

The possibility of utilising public municipal waste collection services shall be ensured through municipal waste management and the waste producers and waste holders shall be encouraged to hand over the generated waste separately so as to reduce the amount of mixed municipal waste generated, reduce the share of bio-waste in the generated mixed municipal waste, increase the quantities and meet the obligations of the Republic of Croatia to ensure the separate collection and recycling of paper, cardboard, glass, metal, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, bulky waste, including mattresses and furniture, as well as waste placed in special categories of waste whose management is regulated by regulations governing the management of special waste categories, thus reducing the amount of waste being landfilled.

## Public municipal waste collection service Article 64

(1) A public municipal waste collection service (hereinafter: public service) means the collection of municipal waste in the public service provision area by means of individual users’ containers, and the transport and handover thereof to a person authorised for waste treatment.

(2) The public service is a service of general interest.

(3) The public service includes the following services

- collection service at the service users' metering point:

1. mixed municipal waste

2. bio-waste

3. recyclable municipal waste

4. bulky waste once per year and

- the waste collection service at a recycling centre

- the transport and handover of waste to an authorised person.

(4) The executive body of the local self-government unit or the City of Zagreb is responsible for ensuring the provision of a quality, regular and economically efficient public municipal waste collection service in its territory while avoiding unjustifiably high expenses, pursuant to the principles of sustainable development and environmental protection, and in doing so, ensuring the publicity of operations so as to ensure the separate collection of mixed municipal waste from households and other sources, household bio-waste, recyclable municipal waste, hazardous municipal waste and bulky household waste.

(5) The public service provision area is the area of a local self-government unit and the area of the City of Zagreb.

(6) The public service is not a public utility.

## Public service financingArticle 65

(1) The services referred to in Article 64 paragraph 3 subparagraph 1 points 1, 2 and 4 and subparagraphs 2 and 3 of this Act shall be financed from the funds collected through charging the public service fee and contractual penalties, and may be financed from the budget of the local government unit and from other sources.

(2) The Fund shall finance the expenses of the services referred to in Article 64 paragraph 3 subparagraph 1 point 3 and subparagraph 2 of this Act from the funds collected by charging waste management fees for waste streams that largely consist of packaging waste.

(3) The financing of the expenses referred to in paragraph 2 of this Article shall be performed on the basis of the agreement between the Fund and the service provider by which the conditions for the collection and handover of recyclable municipal waste shall be determined.

(4) The Fund shall determine the structure of expenses, referred to in paragraph 2 of this Article, by a decision.

## Decision on the manner of public service provisionArticle 66

(1) The representative body of the local self-government unit shall issue a decision on the manner of public service provision, which contains:

1. the criteria for calculating the amount of mixed municipal waste

2. the standard sizes and other essential characteristics of the waste collection container

3. the minimum frequency of waste collection, according to the areas

4. the metering periods throughout the calendar year

5. the public service provision area

6. the mandatory minimum public service fee with a statement of reasons on the manner in which it was determined

7. the provisions on the manner of submitting and handling of citizens’ complaints regarding the inconvenience caused by the municipal waste collection system

8. the provisions on the manner of the individual use of the public service

9. the provisions on the manner of the usage of the common container

10. the provisions on acceptable proof of the execution of the public service for an individual service user

11. the manner of determining the proportion of service users in the case of the use of a common container by household users and legal or natural persons - craftsmen, when no agreement on their shares has been reached

12. the provisions on contractual penalties and

13. the general contract terms for users.

(2) The decision in paragraph 1 of this Article may contain:

1. the criteria for determining the users in whose name the local self-government units are assuming the obligation to co-finance the public service price

2. the criteria for the reduction of the price of the public service

3. the provisions on the use of public spaces for waste collection and waste handover, should they be different from the metering point

4. the provisions on the use of areas governed by the local self-government units for the purpose of bio-waste composting, which may be done by the service user

5. the provisions on the amount of bulky waste to be received as part of the public service provision

6. the provisions on execution of the Contract which are applicable in the event of special circumstances, involving natural disturbances, major accidents, etc., and

7. the locations at which bulky waste processing through a mobile device may be ensured, within the public service framework.

(3) The decision referred to in paragraph 1 of this Article shall be submitted by the representative body of the local self-government unit or the City of Zagreb to the Ministry and published in the official gazette and on the website of the local self-government unit within 15 days of its issuance.

(4) The decision referred to in paragraph 1 of this Article shall be subject to a prior public consultation procedure, for the interested public for at least 30 days.

(5) The executive body of the local self-government unit or the City of Zagreb shall keep a list of the service users in whose name it is obligated to co-finance the public service price referred to in paragraph 2 item 1 of this Article, which shall contain the following information on: the beneficiary of the service, the metering point, the metering period, the co-financed amount of the public service price paid to the public service provider by the local self-government unit.

## Waste amount metering criteriaArticle 67

The criteria the calculation of the amount of waste referred to in Article 66 paragraph 1 item 1 shall be:

1. the mass of the handed over mixed municipal waste in the metering period, expressed in kilograms or

2. the volume of the mixed municipal waste containers, expressed in litres and the frequency of their emptying, during the metering period.

## Public municipal waste collection service providerArticle 68

(1) The public service is provided by the public municipal waste collection service provider (hereinafter: service provider) who is:

1. a company, which is established by one or more local self-government units and in which the majority of shares or membership interests are held by one or several local self-government units, on the basis of the decision of the representative body of the local self-government unit on the awarding of the right to provide the public municipal waste collection service, or

2. a legal or natural person – a craftsman on the basis of a concession agreement awarded by a decision of the representative body of the local self-government unit.

(2) The representative body of the local self-government unit or the City of Zagreb shall issue a decision awarding the right to provide public services and the concession for the provision of public services in the public service provision area.

(3) the performance of the individual services referred to in Article 64 paragraph 3 of subparagraph 1 items 2, 3 and 4, and subparagraph 2 may be entrusted by the service provider to another legal or natural person – a craftsman, with the approval of the representative body.

(4) The concession shall be awarded for a period of up to ten years for public municipal waste collection services or individual services referred to in Article 64 paragraph 3 subparagraph 1 items 2, 3 and 4 and subparagraph 2 of this Act.

(5) To issues relating to the concession awarded for the services referred to in Article 64 paragraph 3 of this Act, which are not regulated by this Act, the provisions of the regulation governing concessions shall apply.

(6) The decisions referred to in paragraph 2 of this Article shall be submitted to the Ministry for publication on the list of service providers within eight days prior to the date of the adoption of that decision.

(7) The Ministry shall keep on its website a public services Record which contains data on: the service providers in local self-government units, the decisions on the manner of public service provision referred to in Article 66 of this Act, the decisions on the removal of discarded waste, the service providers’ price lists and the application referred to in Article 77 paragraph 7 of this Act, the approval referred to in Article 77 paragraph 5 and the service provider performance reports, referred to in Article 69 paragraph 4 of this Act.

## The obligations of the public municipal waste collection service providerArticle 69

(1) The service provider shall:

1. manage the separately collected municipal waste, including the collection and transport thereof, applying the waste management priority order and methods which do not result in the mixing of the separately collected municipal waste with other types of waste or waste that has different properties.

2. provide the public service pursuant to this Act and the Decision referred to in Article 66 of this Act.

3. bear all the costs of managing the collected waste, excluding the costs of handling recyclable waste largely consisting of packaging waste.

4. provide the municipal waste handover containers for the service user

5. collect the contents of the service user's container, and collect mixed municipal waste, bio-waste, recyclable municipal waste and bulky waste separately

6. ensure the screening of the waste which is inside the container at handover, so that it corresponds to the type of waste being collected

7. ensure the conditions for the individual use of the public service regardless of the number of service users using the shared container

8. hand over the collected recyclable municipal waste to the person determined by the Fund

9. keep all records as stipulated by Article 82 of this Act

10. maintain the inscriptions on the container referred to in paragraph 2 of this Article

11. ensure the security, regularity and quality of the public service

12. hand over the mixed municipal waste to a waste management centre pursuant to the Waste management plan of the Republic of Croatia and

13. calculate the public service price as stipulated by this Act, by the Decision referred to in Article 66 paragraph 1 of this Act and the price list from paragraph 77 of this Act

14. specify all the elements on the basis of which the calculation of the public service price is performed, on the invoice for the public service, including the value added tax determined pursuant to the special regulation governing value added tax.

(2) The communal waste handover container of the service user must be inscribed with the name of the service provider, the marking which is in the Register of the received communal waste associated with the service user and the metering point, and the name of the waste type for which the container is intended.

(3) The service provider who performs other activities in addition to providing public services, shall keep the records of public service revenues and expenditures in a manner that the existing revenues and expenditures from the public service may be determined at any time.

(4) The service provider shall submit to the representative body of the local self-government unit a Performance report for the previous calendar year by 31 March of the current year and submit it to the Ministry.

(5) The Report referred to in paragraph 4 of this Article contains the general information on the public service provision area, the metering points, the service users and the separate collection of waste, the system regularity, the quality of the public service provision and the economic efficiency of the municipal waste collection system.

(6) The report form, referred to in paragraph 4 of this Article shall be published on the Ministry's website.

## Public municipal waste collection service userArticle 70

(1) The public service user in the service provision area (hereinafter: service user) shall be the owner of a real estate or the owner of an individual part of the real estate, and the user of the real estate or of the individual part of the real estate should the owner of the real estate or the owner of an individual part of the real estate transfer the payment commitment to that user by contract and notify the service provider or the user of the real estate thereof.

(2) The public service users referred to in paragraph 1 of this Article, depending on the manner in which the real estate is being used, whether it is permanent or occasional, for housing purposes (owners of apartments, houses or vacation homes) for commercial or other purposes, shall be classified in the category of:

1. household user or

2. non-household user (other sources of municipal waste).

(3) The user referred to in paragraph 2 item 2 of this Article shall be considered a public service not classified under the household category and who uses the real estate for commercial purposes, including landlords who, as natural persons, provide hospitality services in households pursuant to the regulation governing hospitality activities.

(4) The service user is obligated to:

1. use the public service in the area where the real estate of the service user is located in a manner ensuring that the generated waste is handed over by means of the specified waste container

2. enable the service provider to access the container at the waste handover location when that location is not in a public space

3. handle the waste in the metering point of the service user in a manner that does not endanger human health, does not cause the scattering of waste around the container and does not cause discomfort to other persons through waste odours

4. be responsible for handling both the waste and container at the metering point of the service user, as well as for obligations arising from the shared use of a shared container when multiple users use a shared container at the same metering point together with other service users

5. pay to the service provider the public service fee for the metering point and the metering period, except for metering points where the real estate is not being permanently used

6. hand over hazardous municipal waste to a recycling centre or mobile recycling centre, that is to comply with the regulation governing the management of special categories of waste, excluding the users who are not considered household users

7. hand over the mixed municipal waste, recyclable municipal waste, hazardous municipal waste and bulky waste separately

8. hand over the bio-waste separately or compost the bio-waste at the site of its generation

9. Submit to the service provider a completed public service use type statement

10. Allow the public service provider to inscribe the container with the appropriate inscription and marking.

##

## The real estate which is not being permanently usedArticle 71

(1) A real estate that is not used for housing in a period of at least 12 months or that is neither suitable for housing, residence, commercial use, nor habitable shall be considered a real estate which is not being permanently used.

(2) The permanent non-use of the real estate shall be determined on the basis of the real estate owner’s statements, and shall be substantiated by the electricity, gas or drinking water consumption metering device data or by other appropriate means including an on-site investigation.

## Contractual penaltyArticle 72

(1) The service user shall pay a contractual penalty to the service provider should he not fulfil, or fail to fulfil in an orderly manner, the obligations referred to in Article 70 paragraph 4 items 1 to 4 and 6 to 9.

(2) The contractual penalty amount set for a specific conduct of the service user shall be proportionate to the remediation costs of the consequences of such a conduct, and be capped at the annual mandatory minimum public service price charged to the service user referred to in paragraph 1 of this Article.

(3) The issues related to the contractual penalty referred to in paragraph 1 of this Article, which are not regulated by this Act, shall be stipulated by the provisions of the regulation governing contractual relationships.

(4) When multiple service users are using a shared container, in the event that the responsibility of an individual user cannot be established, the resulting obligation to pay the contractual penalty shall be borne by all the service users that use the shared container, according to the proportions of the use of the container.

(5) The amount of the established contractual penalty shall be stated as a separate item of the public service invoice.

## Criteria for the public service price reduction

## Article 73

The criteria for the public service price reduction shall encourage the user to hand over bio-waste, recyclable municipal waste, bulky waste and hazardous municipal waste separately from mixed municipal waste, and, when applicable, to compost the bio-waste.

## Public service use type statementArticle 74

(1) The public service use type statement is a form by which the service user and service provider agree on the essential elements of the contract.

(2) The data in the Statement form is grouped in two columns, the first of which is the proposal of the service provider and the second is the declaration of the service user.

(3) The service user shall return to the service provider the two signed copies of the Statement referred to in paragraph 1 of this Article within 15 days from its reception.

(4) The service provider shall, within 15 days from receiving the Statement, pursuant to paragraph 3 of this Article, return to the service user one certified copy of the Statement.

(5) The service provider shall apply the data referred to in the Statement that was provided by the service user when that data is compliant with this Act and the Decision referred to in Article 66 of this Act.

(6) By way of derogation from the provisions of paragraph 5 of this Article, the service provider shall apply the data referred to in the Statement which was provided by the service provider in the following cases:

1. when the service user does not provide the data in the Statement or does not submit the Statement to the service provider within the term or

2. when multiple service users are using a shared container and no agreement was reached between the service users on the usage proportions of the shared container so that the sum of all of the proportions equals one, the proportions of the service users, using the shared container shall be applied as determined by the service provider in the Statement.

(7) The service provider may enable the submission of the Statement referred to in paragraph 1 of this Article electronically when such a manner is acceptable to the service user.

(8) The service provider shall be notified by the service user of any change to the data contained in the Statement within 15 days from the day of the change, as well as any other intended change of the data in the Statement, within 15 days prior to the day on which the intended change shall take place.

(9) The content of the Statement referred to in paragraph 1 of this Article shall be stipulated by the Ordinance of the Minister referred to in Article 5 paragraph 5 of this Act.

## Price of the public serviceArticle 75

(1) The public service price shall be paid to cover the expenses of the provision of the public service.

(2) The public service price shall be structured as follows:

1. the price for the amount of mixed municipal waste that was handed over

2. the mandatory minimum price for the public service.

(3) When one service user is the sole user of a container, the service user’s service use proportion shall be equal to one.

(4) When multiple service users share a container, the service use proportions of all users shall be determined by mutual agreement or the proposal of the service provider, and the sum thereof shall be equal to one.

(5) The ratio of the mandatory minimum public service price and the price calculated for the amount of waste handed over, shall be determined in the price of the public service, in a manner that ensures the consistency, quality and economic efficiency of the provision of the public service, while avoiding unjustifiably high expenses, pursuant to the principles of sustainable development, environmental protection, publicity of operations and the polluter-pays principle, so as to ensure and encourage the separate collection of waste.

(6) The price per quantity of handed-over mixed communal waste shall be calculated in accordance with the terms stipulated in Annex IV of this Act.

## The mandatory minimum public serviceArticle 76

(1) The mandatory minimum public service shall be the amount provided for in the interests of maintaining an economically sustainable business as well as the security, regularity and quality of the public service provision, in order to fulfil the purpose of the municipal waste collection system.

(2) The mandatory minimum public service price is a part of the price of the public service.

(3) The following shall be applicable in the public service provision area:

1. a uniform mandatory minimum public service price for service users grouped in the household user category and

2. a uniform mandatory minimum public service price for service users not grouped in the household user category.

(4) If at the same metering point a user may be grouped both in the household user category and in the non-household user category, the user shall pay only the mandatory minimum public service price calculated for the non-household user category.

## Price list of the mixed municipal waste collection serviceArticle 77

(1) The price list of the public service (hereinafter: Price list) shall be a general regulatory act which shall be issued by the service provider on the basis of the Decision referred to in Article 66 of this Act.

(2) Depending on the waste quantity criteria for handed-over waste, the unit price for the reception of one kilogram of mixed municipal waste or the volume of a mixed municipal waste container shall be determined with the price list, separately for users grouped in the household user category and for users grouped in the non-household user category.

(3) The service provider shall conduct prior public consultations for a period of at least 30 days, regarding the price list proposal and the statement of reasons for the price and the alteration thereof, as well as the statement of reasons on the manner of determining the mandatory minimum public service price.

(4) By the way of derogation from the provisions of paragraph 3 of this Article, in the case referred to in Article 68 paragraph 1 item 2 of this Act, the local self-government unit or the City of Zagreb shall conduct prior public consultations on the proposal to award a concession contract.

(5) The service provider shall, before commencing the application of the price list or the alterations thereto, request approval from the executive body of the local self-government unit or the City of Zagreb, to which the price list is applicable.

(6) The approval referred to in paragraph 5 of this Article shall not be an administrative act.

(7) The price list shall be issued for a public service provision area and shall state the price in Kunas for a mass of mixed municipal waste or the volume of the received container of mixed municipal waste, depending on the criteria of waste calculation as referred to in Article 67 of this Act.

(8) The request to obtain approval for the price list or the altered price list shall include:

1. the proposal of the price list with the statement of reasons on the price amount and price alteration

2. the estimate of the amount of the average invoice according to the proposed price list, which the service user would be obligated to pay to the service provider in a metering period according to the chosen waste calculating criteria

3. a declaration of the representative of the service provider that the price list is compliant with this Act and the Decision referred to in Article 66 of this Act.

4. a report on the conducted public consultations

5. the proposed price list application start date

6. the data on the price alteration percentage in relation to the currently applicable price with a statement of reasons.

(9) The executive body of the local self-government unit or the City of Zagreb shall, before the approval to the price list proposal or the price list alteration proposal is given, verify and report whether the price list proposed is compliant with the Act and whether the proposed prices encourage the user to separately hand over bio-waste, recyclable municipal waste, bulky waste and hazardous municipal waste from mixed municipal waste and when applicable, to compost bio-waste.

(10) The price list or the price list alterations referred to in paragraph 7 of this Article shall not be applied without the report referred to in paragraph 9 of this Article and the approval referred to in paragraph 5 of this Article.

(11) The service provider shall publish the report referred to in paragraph 9 of this Article and the approval referred to in paragraph 5 of this Article in the official gazette of the local self-government unit and on its website and shall inform the user of the price list and the alteration thereto 15 days prior to the price list application date and submit it to the Ministry within the same time period.

## Public service use contractArticle 78

(1) The public service use contract shall be deemed to have been concluded:

1. when the service user submits the Statement to the service provider or

2. upon using the public service for the first time or receiving a container that is to be used for the municipal waste handover should the service user not submit the Statement to the service provider.

(2) The essential elements of the Contract on the use of the public service shall be: The Decision referred to in Article 66 paragraph 1 of this Act, the Statement referred to in Article 74 of this Act and the public service price list referred to in Article 77 of this Act.

(3) The service provider shall enable the service user to review the documents referred to in paragraph 2 of this Article prior to the conclusion, alternation and/or supplementation of the Contract as well as at the request of the service user.

(4) The executive body of the local self-government unit or the City of Zagreb and the service provider shall appropriately ensure that the service user, prior to the conclusion, alternation and/or supplementation of the Contract, is informed on the stipulated provisions that govern the municipal waste collection system, the Contract and the legal effects, by means of public media, the web page, written notice delivery or in an otherwise convenient manner for the service user.

(5) The service provider shall, on his website, provide links to the website of the »Narodne Novine« official gazette, where this Act has been published, a digital copy of the Decision, a digital copy of the price list along with all accompanying annexes and appendices thereto.

##

## The Application of other ActsArticle 79

(1) The issues related to the public service referred to in paragraph 64 of this Article, which are not regulated by this Act, shall be stipulated by the provisions of the regulations governing contractual obligations, concession agreements and consumer protection.

(2) The service user, who is a natural person, shall be considered a consumer, as stipulated by the regulation governing consumer protection.

(3) The State Inspectorate shall be the competent authority responsible for the handling of service users’ – consumers’ reports or petitions submitted in order to protect their rights or legal interests against the service provider’s conduct, pursuant to the regulation governing consumer protection.

## The public service provision expenses Article 80

(1) By charging the public service price referred to in Article 75 paragraph 1 of this Act, the service provider shall finance only those expenses intended for the provision of the public service, including the following:

1. the expenses of the procurement and maintenance of the waste collection equipment

2. the waste transport expenses

3. the mixed municipal waste and bio-waste treatment expenses

4. the expenses incurred by the operation of the recycling centre and the mobile recycling centre when receiving household waste free of charge in the local self-government unit area for which the recycling centre has been established

5. the expenses of the transport and the treatment of bulky waste which is collected as part of the public service provision

6. the expenses of the prescribed record keeping and the public service related reporting.

(2) By way of derogation from paragraph 1 item 2 of this Article, the waste transport expenses shall not include the transport expenses financed on the basis of the regulation governing transport financing.

## The standard size and the essential characteristics of the containerArticle 81

(1) The standard size and other essential characteristics of the mixed municipal waste collection container shall be determined in a way that the container is appropriate to the individual service user's needs.

(2) The appropriateness of the individual public service user’s needs shall not be assessed based on the surface or volume of the real estate referred to in Article 70 paragraph 1 of this Act.

##

## The collected municipal waste recordArticle 82

(1) The service provider shall keep a record of the amount of waste collected from an individual service user within the metering period, according to the waste amount criteria referred to in Article 67 of this Act.

(2) The Record referred to in paragraph 1 of this Article shall be kept in digital form.

(3) An integral part of the Record referred to in paragraph 1 of this Article shall also be the Statement and the proof of the provided public service.

(4) The data contained in the Record referred to in paragraph 1 of this Article shall be available to the service user upon request.

(5) The content of the Record referred to in paragraph 1 of this Article shall be stipulated by the Ordinance of the Minister referred to in Article 5 paragraph 5 of this Act.

## Municipal waste collection notification Article 83

(1) The service provider shall deliver a notification to the service user by 31 December of the current calendar year for the next calendar year on the municipal waste collection, by electronic means, in writing or in another manner acceptable to the service user.

(2) On their websites, the local self-government unit or the City of Zagreb and the public service provider shall publish and maintain up-to-date information about:

1. the locations of recycling centres and mobile recycling centres in settlements and

2. the locations of separate collection waste containers installed in public spaces.

(3) The content of the Notification referred to in paragraph 1 of this Article shall be stipulated by the Ordinance of the Minister referred to in Article 5 paragraph 5 of this Act.

## Separate municipal waste collectionArticle 84

(1) The executive body of the local self-government unit or the City of Zagreb shall ensure the separate collection of waste paper, cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, electrical and electronic equipment, batteries, accumulators and bulky waste, including waste mattresses and furniture, by assuring the functioning of one or more recycling centres or mobile units in its territory, pursuant to paragraphs 2 and 3 of this Article, as well as the transport of municipal bulky waste at the request of the service user.

(2) So as to ensure the service availability for the separate collection of hazardous municipal waste and other municipal waste, the executive body of the local self-government unit or the City of Zagreb shall:

1. ensure the availability of a mobile recycling centre in the territory of the local self-government unit with a population of 3000 residents or less, in which there is no recycling centre

2. ensure at least one recycling centre or mobile recycling centre and an additional recycling centre for every 25.000 residents of the territory of the local self-government unit with a population of more than 3.000 residents

3. ensure at least four recycling centres and an additional recycling centre for every 30.000 residents living in the territory of a local self-government unit with a population exceeding 100.000 residents, and

4. ensure the availability of a mobile recycling centre at least once per ninety days in the territory of the settlement where there is no recycling centre and in the territory of each city council of the City of Zagreb.

(3) By way of derogation from paragraph 2 item 3 of this Article, the executive body of the City of Zagreb shall ensure the functioning of at least one recycling centre in each city district.

(4) The number of residents in the local self-government unit referred to in paragraph 2 of this Article shall be determined in accordance with the data from the last population census.

(5) Several local self-government units may, by mutual agreement, ensure the implementation of the obligation referred to in paragraph 2, points 1 and 4 of this Article.

(6) In order to ensure the accessible use of the recycling centre for residents of a particular area, the recycling centre shall be located within the territory of the local self-government unit for which it has been established, whereas the mobile recycling centre shall be located in a public space or in an area accessible from a public space in the settlement.

(7) So as to ensure the treatment of hazardous waste in accordance with Articles 5 and 6 of this Act and to prevent the contamination of other municipal waste streams, the waste holder shall hand the hazardous municipal waste to a recycling centre or to a waste management system for special waste categories, if the hazardous municipal waste may also be categorised in a special waste category, and the Ordinance referred to in Article 5 paragraph 5 of this Act stipulates such an obligation.

## Bulky wasteArticle 85

(1) The service provider shall, within the framework of public service, accept bulky waste free of charge from a household service user at least once per calendar year at the service user's metering point.

(2) The service provider shall, at the request of a household service user, ensure the collection of bulky waste at the service user's metering point, whereby the service user is obligated to pay the price of the transport and treatment of this waste.

(3) The service provider shall receive the bulky waste from the service user at the metering point of the household service user as soon as possible, within a time period mutually determined by the service user and the service provider.

(4) It is forbidden to discard and collect bulky waste in public spaces, except via containers.

## Recycling centreArticle 86

(1) The recycling centre managing person shall have at his disposal a recycling centre, which is a building for which an act allowing use was issued, or a mobile unit for which a declaration of conformity of the product has been issued.

(2) The recycling centre manager shall:

1. receive hazardous municipal waste, waste paper, wood, metals, glass, plastics, textiles and large (bulky) waste generated by the service users grouped into the household category in the corresponding territory of the local self-government unit for which that recycling centre has been established free of charge.

2. maintain a record of the received municipal waste as referred to in item 1 of this paragraph, in the prescribed manner

3. separately store waste in suitable containers and

4. adhere to the Ordinance referred to in Article 88 paragraph 3 of this Act when receiving and handing over waste.

(3) The recycling centre manager shall, in cooperation with the bodies of the local self-government units, determine the right to use the recycling centre services free of charge pursuant to paragraph 2 item 1 of this Article.

(4) In order to exercise the right referred to in paragraph 2 item 1 of this Article, the recycling centre managing person shall be required to inspect a personal identification document of the person handing over the waste.

(5) The recycling centre manager may also receive waste that is not generated in the corresponding territory of the local self-government unit for which that recycling centre has been established and waste that is not household-generated provided that the person who is handing over the waste bears all the costs of managing that waste.

(6) The list of waste types referred to in paragraph 2 item 1 of this Article shall be stipulated by the Minister in the Ordinance referred to in Article 5 paragraph 5 of this Act.

## Integrated network of mixed municipal waste treatment facilitiesArticle 87

(1) The integrated network of treatment facilities for mixed municipal waste generated by households and other sources, provided that such collection is determined according to the best available techniques, shall be established as a contribution of the Republic of Croatia to the self-sufficient disposal and recovery of mixed municipal waste in the European Union as a whole.

(2) The proximity and self-sufficiency referred to in paragraph 1 of this Article does not imply that all facilities for the final recovery of waste must be located in the Republic of Croatia.

(3) When a facility referred to in paragraph 1 of this Article is being established, the spatial circumstances and the need for special waste type treatment facilities shall be taken into account.

(4) The integrated network of facilities referred to in paragraph 1 of this Article shall enable the efficient transport of waste, when necessary also through the use of transloading stations where waste may be stored, prepared and transloaded, to waste treatment facilities, as well as the nearest appropriate facility for the treatment of mixed municipal waste by recovery or disposal operations, employing the most appropriate methodology and technology so as to ensure a high level of environmental and public health protection.

# IX. SPECIAL CATEGORIES OF WASTE

## Special categories of waste

## Article 88

(1) The special categories of waste are waste streams for which specific management requirements are prescribed, specifically:

1. waste textiles and footwear, packaging waste, waste rubber, waste oils, waste batteries and accumulators, end-of life vehicles, construction waste and waste containing asbestos, medical waste, waste electrical and electronic equipment, titanium dioxide production waste, waste polychlorinated biphenyls and polychlorinated terphenyls, single-use plastics and fishing gear containing plastic.

2. certain waste determined by the Ordinance of the Minister, referred to in paragraph 3 of this Article, as waste for which special waste management methods should be established and

3. certain waste streams, for which the waste management methods have been stipulated by European Union regulations.

(2) The executive body of the local self-government unit or the City of Zagreb shall ensure the implementation of the prescribed measures in the collection system of the special categories of waste as prescribed in the Ordinance referred to in paragraph 3 of this Article.

(3) The management of waste considered to be a special category of waste, including the methods by which the requirements referred to in Article 5 paragraph 1 items 1 and 2 of this Act are to be achieved when performing waste management operations and technological process, the mandatory conduct of the waste holder and other participants in the special category waste management system as well as the details of the operating methods of the organisation shall be stipulated by the Ordinance of the Minister.

## Waste from marine objects, ship cargo debris and marine wasteArticle 89

(1) The provisions of the regulations governing maritime affairs shall apply to the collection, hand-over and acceptance of waste generated by maritime objects and shipping cargo debris, into port reception facilities.

(2) The monitoring of marine waste shall be carried out as part of the operations of the sea reference centre programme framework, in accordance with the Regulation governing environmental protection.

## Waste sludge and waste fishing gearArticle 90

(1) The use of sludge produced by waste water treatment devices in agriculture shall be prescribed by the Minister in an Ordinance, with the prior consent of the minister competent for Agriculture Affairs.

(2) The management of waste from fishing gear containing plastics, shall be prescribed by the Minister in an Ordinance, with the prior consent of the Minister competent for Fisheries and Aquaculture Affairs.

# X EXTENDED PRODUCER RESPONSIBILITY

## Obligations of the product producer Article 91

(1) The product producer is obligated to:

1. ensure that the product placed on the market of the Republic of Croatia meets the requirements for that type of product

2. have certificates on the fulfilment of item 1 of this paragraph

3. ensure that the product placed on the market of the Republic of Croatia bears the prescribed markings and contains the prescribed data

4. have an accurate and complete written record of the products placed on the market of the Republic of Croatia

5. Submit to the competent bodies the prescribed data concerning the products that are placed on the market of the Republic of Croatia

6. submit, at the request of the competent authority, proof that the requirements referred to in items 2, 3 and 4 of this paragraph are fulfilled, to the competent authority

7. ensure that the required notices are located at the sales premises.

(2) The requirements to be met by a product placed on the market of the Republic of Croatia, including the content of certain substances and the prohibition on placing certain products on the market referred to in paragraph 1, Item 1 this Article, the certificates referred to in paragraph 1, item 2 of this Article, the markings and data referred to in paragraph 1, item 3 of this Article, the content of the records referred to in paragraph 1, item 4 this Article, the competent authorities and the data to be submitted to them referred to in paragraph 1, item 5 of this Article and the notifications referred to in paragraph 1 item 7 of this Article shall be stipulated by the Minister in the Ordinance referred to in Article 88 paragraph 3 of this Act.

## Other obligations of the product producerArticle 92

(1) So as to encourage the re-use and to prevent waste generation, recycling and waste recovery in general, and to contribute to achieving the national waste management objectives, the producer of the product shall:

1. receive the used product

2. ensure the collection of waste generated by the use of the product

3. ensure the implementation of waste management services

4. pay the waste management compensation

5. ensure that the information on the extent to which the product may be re-used and recycled is publicly available

6. mark the product or the packaging and attach the instructions and

7. register in and submit data to the Register of producers with extended liability

(2) The obligation referred to in paragraph 1 of this Article arises when a product is placed on the market of the Republic of Croatia, provided that such an obligation is stipulated for that particular product.

(3) The obligation referred to in paragraph 1 of this Article shall equally oblige all product manufacturers and its application shall not depend on the origin or size of the product manufacturer and shall not constitute a disproportionate regulatory burden on the manufacturer of the product, including SMEs and producers placing on the market a small quantity of products.

(4) The extended producer responsibility shall apply without prejudice to the obligation to ensure the treatment of waste referred to in Article 21 of this Act and the regulations regarding specific waste streams and products.

(5) The product producer to whom the definition of the »product supplier« applies, as stipulated in Article 3 item 33 of the Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 18. 12. 2006) as last amended by Commission Regulation (EU) 2020/1149 of 3 August 2020 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) as regards diisocyanates (OJ L 252, 4. 8. 2020), shall be obligated to submit to the European Chemicals Agency the data stipulated in Article 33 paragraph 1 of that Regulation.

(6) The scope of the obligation referred to in paragraph 1 of this Article and the manner of execution of that obligation, the measures to encourage the conduct which reduces the impact of the product on the environment, including fishing gear containing plastics and single-use plastic products as set out in List E of Annex III of this Act and packaging, to which extended producer responsibility is applicable, as well as the measures promoting the prevention of waste generation, including the generation of packaging waste, the measures for the informing of consumers and the encouragement of responsible consumer behaviour in order to reduce the discarding of waste, including single-use plastic products set out in List G of Annex III of this Act, shall be regulated by the ordinance adopted by the minister pursuant to in Article 88 paragraph 3 of this Act.

## Single-use plastic products markingArticle 93

(1) The product producer that places a single-use plastic product listed in List D of Annex III items 1, 2 and 3 of this Act on the market of the Republic of Croatia shall ensure that the product packaging is marked, while for the products listed in List D of Annex III, item 4 of this Act, the product producer shall ensure that the product itself is marked.

(2) The markings referred to in paragraph 1 of this Article shall be visible, legible and indelible.

(3) The markings referred to in paragraph 1 of this Article shall contain information for consumers on the waste management of that product or on the avoidance of the disposal of waste from that product in accordance with the waste management priority order, as well as on the existence of plastics in the product and on the negative impacts of the discarding of the waste of that product into the environment or by other improper waste disposal.

(4) The marking referred to in paragraph 1 of this Article must comply with Commission Implementing Regulation (EU) 2020/2151 of 17 December 2020 laying down rules on harmonised marking specifications on single-use plastic products listed in Part D of the Annex to Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment (OJ L 428, 18. 12. 2020).

## Extended producer responsibility registerArticle 94

(1) The extended producer responsibility register (hereinafter: EPRR) is an electronic database containing the data on product producers obligated to comply with the obligations stipulated in this Act on products and quantities of products that are placed on the market and on the fulfilment of the obligation to contribute to achieving the waste management objectives, especially the data on packaging and packaging waste that enables the monitoring of the implementation of the relevant objectives referred to in section VII of this Act.

(2) the data from the EPRR is publicly available, except for data that represents a business secret.

(3) Funds for the operation of the EPRR shall be provided by the Fund from the waste management fee revenue.

(4) The Financial Agency shall, on behalf of and for the account of the Fund, conduct the organisation and operational management of the EPRR.

(5) The operational management of the EPRR referred to in paragraph 4 of this Article shall include the maintenance and management of the EPRR, the collection, recording and archiving of the database data, the drafting of reports contained in the EPRR and the further development of the EPRR.

(6) The data contained in the EPRR shall be available to the Fund and to the competent authority and shall be provided free of charge.

(7) For the purpose of keeping the EPRR, free of charge, the Financial Agency shall be authorised to collect data from the court register and other civil registers that contain information on established or registered persons, the official records of the Tax Administration, the Fund and the Ministry and the databases of state authorities and state administrative organisations.

(8) The content and structure of the data in the EPRR, the registration method, content and fee, as well as the structure, operational management and drafting of EPRR reports, the form and manner of the filling out of the registration forms and the submission of data to the EPRR and the methods of providing and using the data from the EPRR shall be governed by an agreement between the Financial Agency and the Fund.

(9) Through the EPRR, the Ministry and the competent authority shall monitor the quantities of products placed on the market in order to meet the waste management objectives.

(10) The Fund shall publish information on the agreement referred to in paragraph 8 of this Article on its website.

## The OrganisationArticle 95

(1) The Ministry shall decide on a legal person’s application to be granted the status of Organisation.

(2) The Ministry shall both determine, whether the applicant fulfils the requirements set out in Article 96 paragraph 2 of this Act and grant the status of Organisation to a legal person by means of a decision.

(3) The Ministry shall reject an application for the granting of the Organisation status if it is determined that the establishment of an Organization would not improve the waste management system for a special category of waste.

(4) The Ministry, the Fund and the Organization shall conclude an agreement on the basis of the decision referred to in paragraph 2 of this Article, whereby the legal person is grated the Organisation status.

(5) When the Ministry determines that an Organisation does not meet the requirements set out in Article 96 paragraph 2 of this Act or does not fulfil the obligations under the extended producer responsibility scheme or the agreement referred to in paragraph 4 of this Article, the Ministry shall revoke the Organisation status of a legal person by means of a decision.

(6) Pursuant to the decision to revoke the Organisation status, the agreement referred to in paragraph 4 of this Article shall be terminated.

(7) No appeal is allowed against the decision referred to in paragraph 1 of this Article, and the decision referred to in paragraph 5 of this Article, however an administrative dispute may be initiated.

## Extended producer responsibility scheme requirementsArticle 96

(1) In order to achieve the waste management objectives, the Fund and the Organisation shall ensure the execution of waste management services.

(2) The legal persons referred to in paragraph 1 of this Article shall:

1. ensure that the collection of waste from a particular product or material is appropriately accessible throughout the territory of the Republic of Croatia and ensure the appropriate waste treatment for the purpose of achieving the waste management objectives

2. have appropriate financial and organisational means at their disposal so as to fulfil the requirements of the extended producer responsibility

3. apply the appropriate self-monitoring mechanisms and, when necessary, make use of third-party auditors in order to regularly assess:

- their own financial self-management, including meeting the requirements for the expenses which are to be funded from the waste management fee revenue, and

- the quality of the data on the products placed on the market of the Republic of Croatia that are subject to the extended producer responsibility scheme, on the collection and treatment of the waste generated from those products, including the requirements set out in Regulation (EC) No 1013/2006

4. implement measures to encourage waste holders to hand over the appropriate waste to them.

(3) The Ministry shall make the following public:

- information on the achievement of quantitative and, when applicable, qualitative waste management objectives regarding municipal waste, landfilling, packaging waste, end-of life vehicles, waste batteries and accumulators, and EE waste

- data on the owner of the extended producer responsibility scheme manager

- data on persons which pay waste management fees

- the product producer’s financial calculation data for each unit of the product sold, or per ton of the product placed on the market

- the selection method for persons performing waste management services.

(4) The EPRR data shall be submitted to the Ministry by the Fund and the Organisation for publication purposes as stated in paragraph 3 of this Article.

(5) The Fund and the Organisation shall, in cooperation with the Ministry and the Croatian Chamber of Economy, ensure the regular dialogue of all relevant participants involved in the implementation of the extended producer responsibility scheme, including the product producers, traders/distributors, persons performing waste management activities, representatives of local self-government units and of civil society, and when applicable, social entrepreneurship participants, legal persons engaged in re-use and repair, as well as persons performing preparation for re-use through expert meetings and by other appropriate means.

(6) The Fund and the Organisation shall act in a frugal, rational, expedient and impartial manner when ensuring waste management services in order to ensure the highest possible economic value of the collected waste, which is technically and economically justified in order to meet the waste management objectives.

(7) The Ministry shall supervise of the operation of the Fund and the Organisation regarding the execution of the obligations from the extended producer responsibility scheme.

(8) The ordinance referred to in Article 88 paragraph 3 of this Act:

1. shall prescribe the roles and obligations of all participants, including the product producers which place products on the market of the Republic of Croatia, the Fund, the Organisation, the public service providers, the local self-government units, and where applicable, persons performing and preparing re-use, as well as legal persons engaged in social entrepreneurship

2. shall prescribe the quantitative and qualitative waste management objectives of the extended producer responsibility scheme

3. shall prescribe in more detail the person obligated to submit the data and the manner of reporting on the products placed on the market in the Republic of Croatia, the collection and treatment of waste generated from a particular type of product and, where applicable, shall set out the waste material stream and other data necessary to achieve the objectives, referred to in point 2 of this paragraph

4. shall prescribe the notification of waste holders about waste prevention measures, centres for re-use and re-use preparation, return systems, product returns system, waste collection, environmental dumping prevention, and incentives for the handover of waste through waste separating collection systems.

## Performance of the waste management activities ensured by the FundArticle 97

(1) The person intending to conclude a contract with the Fund, in order to engage in waste treatment activities for the purpose of meeting the national waste management objectives, is required to obtain an authorisation.

(2) The Ministry shall issue a public invitation for the submission of authorisation issuance applications.

(3) The public invitation referred to in paragraph 2 of this Article shall be published in the official gazette »Narodne Novine« and on the web pages of the Ministry, and shall contain the requirements which are to be met by the person to whom the authorisation is to be issued and the term for the submission of the application for authorisation issuance.

(4) The authorisation issuance application referred to in paragraph 1 of this Article shall be submitted to the Ministry.

(5) The Ministry shall issue a decision on the application referred to in paragraph 4 of this Article.

(6) The authorisation shall be issued to a person that satisfies the requirement of having both a waste treatment facility and the waste treatment equipment at his disposal, when the treatment, while respecting the following priority order, results in:

1. a new product

2. raw materials

3. energy.

(7) The authorisation shall include the permission to conclude a contract with the Fund for the performing of waste treatment activities in order to meet the national waste management objective and the methods and requirements for the performance of those activities.

(8) The authorisation shall be given for a period of five years.

(9) The authorisation may not be transferred to another person.

(10) An appeal is not permitted against the decision referred to in paragraph 5 of this Article, but an administrative dispute may be initiated.

(11) The Fund shall conclude a waste treatment contract with a person who obtained the authorisation referred to in paragraph 1 of this Article, which may ensure the collection of the appropriate waste throughout the territory of the Republic of Croatia and who meets the requirements specified in the regulations of the Fund.

(12) If there is more than one person who has obtained authorisation for the same waste treatment activities, the Fund shall determine the quantities and types of waste to be treated by a certain person by applying the priority order referred to in paragraph 6 of this Article.

(13) By way of derogation from the provisions of paragraph 11 of this Article, the Fund shall ensure a redemption fee system collection network by concluding contracts that regulate the requirements for persons with whom the Fund shall conclude a contract on waste collection activities, after issuing a public invitation for the expression of interest.

(14) By way of derogation from the provisions of paragraph 11 of this Article, the Fund shall ensure a collection network and the treatment of non-authorised types of waste for which there is insufficient additional treatment capacity within the territory of the Republic of Croatia by concluding a contract after public invitations.

## Special waste category councils Article 98

(1) Special waste category councils are advisory bodies of the Ministry and the Fund, which monitor, analyse and adopt recommendations and proposals on measures for special waste category systems and the secondary raw materials market during sessions.

(2) The Councils referred to in paragraph 1 shall be: The end-of life vehicles council, The waste tires council, The waste batteries and accumulators council, The EE waste council and The packaging waste council.

(3) By way of derogation from the provisions of paragraph 2 of this Article, when necessary and on the proposal of the Ministry, the Fund may also establish a council for other types of waste.

(4) The Fund shall establish the council referred to in paragraph 1 of this Article with a decision and shall appoint the members of the Council for a period of four years, as follows:

1. three representatives of the Fund who are waste management experts

2. two representatives of the Ministry who are waste management experts, as proposed by the Minister

3. three representatives of the waste managers and three representatives of the product producers, as proposed by the Croatian Chamber of Economy.

(5) The Council sessions referred to in paragraph 1 of this Article shall be held at least once quarterly, or more frequently, should it be necessary.

(6) The Fund shall adopt the rules of procedure governing the manner in which the council operates, referred to in paragraph 1 of this Article.

(7) The technical and other necessary requirements for holding the Council sessions referred to in paragraph 1 of this Article shall be provided by the Fund.

(8) Members of the council shall be entitled to a remuneration for their work in the Council.

(9) The funds for the remuneration for the members of the Council referred to in paragraph 1 of this Article shall be provided by the Fund from the waste management fee revenue.

# XI ECONOMIC INSTRUMENTS FOR WASTE MANAGEMENT

## Waste management incentives and subsidiesArticle 99

(1) The Ministry and the Fund shall, pursuant regulations governing state funded subsidies, encourage the prevention of waste generation and waste management for the following activities:

1. prevention of waste generation

2. the application of the waste management priority order

3. waste management, in particular recycling, which includes composting and anaerobic digestion of bio-waste in a manner that achieves a high level of environmental protection and meets the high quality standards

4. household composting and recycling of bio-waste

5. the promotion of the use of materials made from bio-waste

6. the designing of products and parts of products that reduce environmental impact and waste quantity during their production and use, as well as ensure the recovery and disposal of products which have become waste, in accordance with the waste management priority order and the fundamental requirements of waste management, including the development, production and promotion of products and parts of products which are suitable for repeated use, contain recycled materials, are technically permanent and easy to repair, and which are suitable for preparing for re-use and recycling, when they become waste

7. the use of materials obtained by recycling, in particular by recycling packaging waste for the production of packaging and other products

8. the implementation of informational campaigns for consumers and the raising of awareness regarding the obligations laid down in Article 88, paragraph 1, item 1 of this Act

9. increasing the share of reusable packaging placed on the market

10. the re-use of packaging in an environmentally safe manner which does not endanger food hygiene and consumer safety

11. achieving the objectives of reducing the use of plastic carrier bags, regardless of the wall thickness of these bags

12. the promotion of the high quality of recycling of separately collected waste, in particular packaging materials and meeting the necessary quality standards for specific purposes of recycling products

13. the preparation for re-use including the promotion of the preparation for re-use

14. the promotion of high quality recycling based on the separate collection of waste

15. the development of secondary raw materials markets

16. the promotion of targeted deconstruction (disassembly) of buildings in order to extract hazardous substances and to facilitate re-use and the high-quality recycling of targeted materials that were excluded so as to ensure that a construction waste sorting system exists, at least for wood, mineral fractions (concrete, brick, ceramic tiles and other ceramics, stone), metals, glass and gypsum, as well as the establishment of recycling centres for construction waste

17. the promotion of preparation for re-use

18. the establishment of networks for re-use preparation and repair and support

19. the contribution to the determined objectives for waste electrical and electronic equipment management through the application of the waste priority order

20. the collection of waste batteries and accumulators, and the promotion of the use of batteries and accumulators that contain less contaminants, as well as encouraging battery and accumulator producers to conduct studies and improvements on the all-encompassing ecological efficiency of batteries and accumulators throughout their entire life cycle, as well as the development and placing on the market of batteries and accumulators that contain smaller amounts of hazardous substances or smaller amounts of contaminants, in particular those that are substitutes for mercury, cadmium and lead

21. the use of replacement materials for products that come into contact with food, under circumstances when that is possible, instead of single-use plastics

22. the co-financing of the construction of waste recycling facilities, waste sorting facilities and composting facilities for the achievement of highly efficient recycling.

(2) When the measures referred to in paragraph 1 of this Article are being applied, the following shall be considered: the impact of the products throughout their life cycle, the waste management priority order, and when appropriate, the possibility to use the product multiple times.

## The landfilling feeArticle 100

(1) The landfilling fee is a measure that encourages the reduction of waste streams that are being landfilled in the Republic of Croatia.

(2) The person obligated to pay the fee referred to in paragraph 1 of this Article shall be the landfill manager.

(3) The Fund shall issue a decision, by 30 June of the current year for the previous calendar year, in which it shall determine the amount of the fee referred to in paragraph 1 of this Article and the person obligated to pay that fee.

(4) An appeal against the decision of the Fund referred to in paragraph 3 of this Article may be submitted to the Ministry.

(5) The amounts of landfilled waste per landfill shall be published by the Ministry on its website, by 31 May of the current year for the previous year, for the purpose of the calculation of the fee referred to in paragraph 1 of this Article.

(6) The amount of the fee referred to in paragraph 1 of this Article shall be determined according to the formula defined in Annex V of this Act, whereas the per unit fee shall be prescribed by the a Regulation of the Government.

## Incentive feeArticle 101

(1) The incentive fee is a measure that encourages the local self-government unit to, within its powers, implement the measures that reduce the share of mixed municipal waste in the municipal waste that is generated in the territory of that local self-government unit.

(2) The person obligated to pay the incentive fee is the local self-government unit on the basis of the decision issued by the Fund.

(3) The Fund shall of its own motion, by 31 December of the current calendar year, for the previous calendar year, adopt a decision in which it determines the person obligated to pay and the amount of the incentive fee for the calendar year.

(4) The amount of fee shall be determined according to the formula set out in Annex V of this Act.

(5) An appeal against the decision referred to in paragraph 3 of this Article may be submitted to the Ministry.

(6) The Ministry shall publish on its website, by 30 November of the current year for the previous year, the report for the calendar year on the exceeded amount of mixed municipal waste as compared to the threshold quantity of mixed municipal waste for local self-government units.

(7) The report referred to in paragraph 6 of this Article shall contain the data on the mass of collected mixed municipal waste in the territory of a local self-government unit, the threshold quantity of mixed municipal waste and the exceeded amount of mixed municipal waste for a for local self-government unit.

## Landfill proximity compensationArticle 102

(1) The owner of an existing residential or residential-commercial building, which his registered place of residence and which is located at a distance of up to 500 meters, measured from the peak point of the cadastral plot at which the landfill is located to the peak point of the cadastral plot where the residential or residential-commercial building is located, provided that the real estate property was acquired before the construction of that landfill facility began, shall be entitled to a pecuniary landfill proximity compensation.

(2) The person obligated to pay the compensation referred to in paragraph 1 of this Article shall be the landfill manager.

(3) At the request of the owner of the real estate referred to in paragraph 1 of this Article, the competent body of the local self-government unit or the City of Zagreb, in whose territory the landfill is located, shall issue a decision that determines the right to a landfill proximity compensation and the amount thereof.

(4) The competent authority deciding on the application shall, of its own motion, obtain proof of the registered place of residence of the owner in the real estate, proof of ownership of the real estate, proof of the property acquisition date, proof that the real estate was legally built or legalised pursuant to the regulations governing construction.

(5) The City of Zagreb and local self-government units shall be responsible for keeping a list of property owners whose residential and residential-commercial buildings are located within a distance of up to 500 meters measured as the shortest straight distance from the peak point of the cadastral plot at which the landfill is located to the peak point of the cadastral plot on which the residential or residential-commercial building is located.

(6) The landfill proximity compensation shall be paid annually to the bank account of the owner of the real estate referred to in paragraph 1 of this Article, within 15 days from the date of the finality of the decision referred to in paragraph 3 of this Article.

(7) The method of calculating the landfill proximity compensation is stipulated by Annex V of this Act.

(8) An appeal against the decision on the application referred to in paragraph 3 of this Article may be submitted to the Ministry.

## The fee for using landfills in the territory of another local self-government unit or the City of ZagrebArticle 103

(1) The fee for using landfills in the territory of another local self-government unit or the City of Zagreb is the amount of money to which the local self-government unit or the City of Zagreb is entitled, provided that the landfill which is being used by another local self-government unit or the City of Zagreb is located within their territory.

(2) The person obligated to pay the fee referred to in paragraph 1 of this Article shall be the City of Zagreb or the local self-government unit, which uses the landfill located in the territory of another local self-government unit or the City of Zagreb, as referred to in paragraph 1 of this Article.

(3) The local self-government unit or the City of Zagreb referred to in paragraph 1 of this Article may abolish the obligation to pay the fee referred to in paragraph 1 of this Article in its entirety or in part with a decision of the representative body.

(4) The fee owed for the use of a landfill, for a ton of landfilled waste shall be up to 20% of the amount of the landfilling price of one ton of mixed municipal waste, as determined by the price list of the landfill manager, not including value added tax.

(5) The method of payment of the fee for the use of landfills shall be regulated by a contract.

(6) If the contract referred to in paragraph 5 of this Article has not been concluded, the manner of payment of the fee for using landfills shall be regulated by a decision of the representative body of the local self-government unit or the City of Zagreb in whose territory the landfill is located.

## Redemption feeArticle 104

(1) The redemption fee is the amount paid by the producer of the product who places a product on the market for which a redemption fee payment is stipulated, whereby the end user or the consumer shall be entitled to a redemption fee refund from the seller of the product or the recycling centre manager when handing over the appropriate waste.

(2) The redemption fee system is managed by the Fund.

(3) The producer of the product, who places a product on the market for which a redemption fee payment is stipulated, shall inform the Fund on the amount of products placed on the market and pay the redemption fee amount to the Fund.

(4) The redemption fee shall be paid into the account of the Fund.

(5) The seller of the product and the recycling centre manager shall receive the waste from the product for which the a redemption fee payment is stipulated, pay the redemption fee to the waste holder handing the waste over, and hand the waste over to a person designated by the Fund.

(6) The Fund shall reimburse the expenses paid for the redemption fee and other expenses resulting from the redemption fee system related activities to the seller of the product and the recycling centre manager.

(7) The manner in which the obligations referred to in paragraphs 5 and 6 of this Article are implemented shall be governed by an agreement between the Fund and the seller of the products and the recycling centre manager.

(8) The redemption fee payment shall not be considered dealing with waste.

(9) The redemption fee shall not be taxed.

(10) A Government issued regulation shall determine the types of products, including packaging for which a redemption fee payment is stipulated, the method of calculating the redemption fee, the amount of redemption fee, the execution time, the obligation to deliver the data necessary for the redemption fee system and the payment due dates.

## Waste management feeArticle 105

(1) The waste management fee is a measure which ensures waste management services in order to achieve the stipulated waste management objectives in the framework of the extended producer responsibility scheme.

(2) The waste management fee shall be paid into the account of the Fund.

(3) The method of calculating the waste management fee shall be determined for a particular type of product (a group of similar products), taking into account the following:

1. the durability of the product

2. the repairability of the product

3. the re-usability of the product

4. the product waste recyclability

5. the presence of hazardous substances in the product

6. the product life cycle

7. the relevant regulations of the European Union and harmonised criteria, so as to ensure the unhindered functioning of the internal market

8. that the expenses are not higher than necessary for cost-effective waste management services

9. that the expenses are to be determined in a transparent manner among the participants with a legitimate interest.

(4) The person obligated to pay the waste management fee is the producer of the product once he places the type of product on the market, for which the obligation to pay the waste management fee is stipulated.

(5) The total funds collected by the Fund from the waste management fees for a particular type of product placed on the market of the Republic of Croatia in the calendar year shall be sufficient to finance the following expenses:

1. the expenses of the separate collection of waste, its transport and treatment, including the treatment necessary to meet the waste management objectives set out at level of the European Union, and other relevant waste management objectives, whereby the revenue from re-use, the sale of secondary raw materials from their products and the uncollected redemption fee revenue is taken into account

2. the expenses of informing the waste holders whose waste has been included in the extended producer responsibility scheme about: waste prevention measures, re-use centres and locations where re-use preparation is performed, waste recovery and collection systems and waste discarding prevention, as well as the appropriate measures, including economic incentives and prescribed obligations, which encourage the waste holder to hand over waste though the extended producer responsibility scheme

3. the expenses of data collection and reporting on products placed on the market in the Republic of Croatia for which obligations from the extended producer responsibility scheme are stipulated, as well as data on the treatment of waste generated from those products and other relevant data

4. the expenses of the information infrastructure and the operation of the extended producer responsibility scheme.

(6) The provision referred to in paragraph 5 of this Article shall not apply to the extended producer responsibility schemes regarding end-of life vehicles, waste batteries and accumulators and waste electrical and electronic equipment, waste tyres and waste oils, with the exception of paragraph 5 item 4 of that Article.

(7) By way of derogation from the provisions of paragraph 5 of this Article, the total funds collected by the Fund from the waste management fees for the placing of fishing gear containing plastics on the market, shall be sufficient to finance for the following expenses:

1. the expenses of the separate collection of waste fishing gear containing plastics, which are handed over at the appropriate port reception facilities

2. the expenses of the subsequent transport and treatment of the waste fishing gear containing plastics and

3. the expenses of the awareness-raising measures referred to in Article 133 of this Act.

(8) By way of derogation from the provisions of paragraph 5 of this Article, the total funds collected by the Fund from the waste management fees for the placing of single-use plastic products listed in the item I in of List E of Annex III of this Act on the market, shall be sufficient to finance for the following expenses of:

1. the awareness-raising measures as referred to in Article 133 of this Act regarding those products

2. the collection of waste generated from those products which have been discarded in municipal waste, including the expenses of the construction, maintenance and operation of infrastructure, and the subsequent transport and treatment of waste generated from those products and

3. the removal of waste generated by the discarding of those products into the environment and the expenses of the subsequent transport and treatment of waste from those products.

(9) By way of derogation from the provisions of paragraph 5 of this Article, the total funds collected by the Fund from the waste management fees for the placing on the market of single-use plastic products listed in item II of List E of Annex III of this Act shall be sufficient so as to finance the following expenses of:

1. the awareness-raising measures as referred to in Article 133 of this Act regarding those products

2. the removal of waste generated by the discarding of those products into the environment and the expenses of the subsequent transport and treatment of waste from those products.

3. the data collection and reporting on the placing of those products on the market, the collection and treatment of waste generated from those products.

(10) By way of derogation from the provisions of paragraph 5 of this Article, the total funds collected by the Fund from the waste management fees for the placing on the market of single-use plastic products listed in item III of List E of Annex III of this Act shall be sufficient so as to finance the following expenses of:

1. the awareness-raising measures referred to in Article 133 of this Act regarding those products

2. the removal of waste generated by the discarding of those products into the environment and the expenses of the subsequent transport and treatment of waste from those products.

3. the data collection and reporting on the placing of those products on the market, the collection and treatment of waste generated from those products.

4. the collection of waste generated from those products which have been discarded in municipal waste, including the expenses of the construction, maintenance and operation of infrastructure, and the subsequent transport and treatment of waste generated from those products.

(11) The expenses referred to in paragraphs 8, 9 and 10 of this Article shall not exceed the expenses necessary for the economically sustainable provision of the services referred to in those paragraphs.

(12) The expenses of the removal of waste that was discarded into the environment referred to in paragraph 8, 9, and 10 of this Article shall include only activities that were performed by, or on the behalf of, the bodies of the state administration, the district (regional) self-government units, the local self-government units and the City of Zagreb.

(13) The manner in which the waste management fee is calculated shall enable the determination of the expenses of the removal of the discarded waste in a proportionate manner, which may include a fixed multiannual amount.

(14) A derogation from the distribution of financial responsibility referred to in paragraph 5 of this Article may be stipulated by the Government issued regulation referred to in Article 56 paragraph 4 of this Act, in order to ensure appropriate waste management and the economic sustainability of the extended producer responsibility scheme, pursuant to the requirement that waste management service expenses are not higher than necessary, for cost-efficient waste management services.

(15) The compensation referred to in paragraph 1 of this Article shall be considered a public levy, as stipulated by the act governing the tax system.

(16) The Government issued regulation referred to in Article 56 paragraph 4 of this Act shall stipulate the types of products for which waste management fees are paid and the waste management fees calculation method.

## Alternative obligations for the purpose of contributing to the achievement of the waste management objectiveArticle 106

(1) The Fund shall decide on applications for waste management fee payment exemption.

(2) Should the Fund determine that an applicant for waste management fee payment exemption meets the requirements set out in the ordinance referred to in Article 88 paragraph 3 of this Act, it shall determine in a decision that the obligated person is exempt from the waste management fee payment obligation and shall determine a replacement obligation for the purpose of contributing to the achievement of the waste management objective.

(3) An appeal against the decision referred to in paragraph 2 of this Article may be submitted to the Ministry.

(4) The Fund shall supervise the execution of the replacement obligation referred to in paragraph 2 of this Article.

(5) The Fund shall publish on its web page a list of persons exempt from the waste management fee payment obligation and the alternative obligations for the purpose of contributing to the achievement of the waste management objective that those persons are obliged to perform.

(6) The details on alternative obligations for the purpose of contributing to the achievement of the waste management objective shall be stipulated by the ordinance issued by the minister referred to in Article 88 paragraph 3 of this Act.

## The financing of the waste management systemArticle 107

The Fund shall pay 1% of the annual revenues from waste management fees, incentive fees and waste disposal fees to the state budget of the Republic of Croatia for the purpose of funding the administrative expenses of the waste management system, the performance of administrative activities, the activities of the maintenance of the registers and the waste management information system, as well as other expert activities and waste management related activities.

# XII WASTE MANAGEMENT PLANNING DOCUMENTS

**Article 108**

The waste management planning documents are: The Waste management plan of the Republic of Croatia, the Waste management plan of the district (regional) self-government unit and the Waste management plan of the City of Zagreb.

## The Waste management plan of the Republic of CroatiaArticle 109

(1) The Government shall adopt the Waste management plan of the Republic of Croatia, and shall amend that plan as needed, pursuant to the purpose stipulated in Article 1 of this Act, the waste management priority order, the fundamental waste management requirements and requirements for the establishment of the integrated network of mixed municipal waste treatment facilities referred to in Article 87 of this Act.

(2) The Government shall evaluate the plan referred to in paragraph 1 of this Article at least once every six years.

(3) The Ministry shall be responsible for the development of the Plan referred to in paragraph 1 of this Article, except for the part relating to the prevention of food waste generation, which shall be governed by the Plan on the prevention and reduction of food waste generation in the Republic of Croatia, which shall be drafted by the state administration body competent for matters of agriculture.

(4) The plan referred to in paragraph 1 of this Article shall be published in the official gazette »Narodne Novine« and on the publicly accessible web pages of the Ministry.

(5) The Ministry shall cooperate in the drafting of the waste management plan with other interested Member States and the European Commission, where necessary.

**Article 110**

(1) The Waste management plan of the Republic of Croatia concerns waste management within the territory of the Republic of Croatia.

(2) The waste prevention programme is an integral part of the plan referred to in paragraph 1 of this Act.

(3) The content of the plan referred to in paragraph 1 of this Article shall be stipulated by Annex VI this Act.

(4) The waste prevention objectives and measures shall comply with the waste management priority order and purpose stipulated in Article 1 of this Act, and shall be determined for the purpose of disrupting the link between economic growth and the environmental impact associated with waste generation.

(5) The plan shall be compliant with the environmental protection principles, in particular with the polluter-pays principle.

(6) The Ministry shall supervise the implementation of the Plan and shall assess the implementation of the following measures:

1. the prevention of waste generation using indicators and indicator target values

2. the re-use in accordance with the methodology of the European Commission.

(7) The Ministry shall measure the amount of food waste, in accordance with the methodology of the European Commission from the Commission Delegated Decision (EU) 2019/1597 of 3 May 2019 supplementing Directive 2008/98/EC of the European Parliament and of the Council as regards a common methodology and minimum quality requirements for the uniform measurement of levels of food waste (OJ L 248, 27. 9. 2019)

## The waste management plan for the district (regional) self-government unit and the City of ZagrebArticle 111

(1) The executive body of the district (regional) self-government unit or of the City of Zagreb shall within their territory ensure both the conditions for and the implementation of the waste management plan.

(2) The content of the plan referred to in paragraph 1 of this Article shall be stipulated by Annex VI this Act.

(3) The plan referred to in paragraph 1 of this Article shall be adopted by the representative body of the local self-government unit and the City of Zagreb, which shall inform the Ministry thereof.

(4) The representative body of the district (regional) self-government unit or the City of Zagreb shall evaluate the plan referred to in paragraph 1 of this Article at least once in every six years and amend it as necessary.

(5) The plan referred to in paragraph 1 of this Article shall be published in the official gazette of the district (regional) self-government unit or the City of Zagreb.

## Remediation of locations contaminated by wasteArticle 112

(1) The remediation of locations contaminated by waste determined in the Waste management plan of the Republic of Croatia shall be ensured by the Republic of Croatia.

(2) All remediation activities of locations contaminated by waste shall be performed by the Fund, on behalf of the Republic of Croatia.

(3) The remediation of a location contaminated by waste, the remediation measures and activities, as well as the cessation of a remediation is ordered by a decision on the remediation of a location contaminated by waste.

(4) The Republic of Croatia shall be entitled to a full compensation of the expenses of the performed remediation.

(5) The Republic of Croatia shall be granted a lien on the real estate on which the remediation was performed, up to the amount of restoration expenses so as to ensure the payment of the restoration expenses.

(6) Before the remediation operation, the land register of the competent court shall, on the proposal of the Republic of Croatia and on the basis of the decision referred to in paragraph 3 of this Article and in accordance with the regulation governing the land register, enter a notice of the intended remediation, or erase the notice of intended remediation.

(7) The court referred to in paragraph 6 of this Article shall enter a lien in favour of the Republic of Croatia based on the Decision on the expenses of the performed remediation under the priority order of the notice entry referred to in paragraph 6 of this Article.

(8) Simultaneously with the lien entry referred to in paragraph 7 of this Article, the competent court shall delete the notice entry referred to in paragraph 6 of this Article.

(9) The decisions referred to in paragraphs 3 and 7 of this Article shall be issued by the Minister and shall not be administrative acts.

## Decision on the prevention of waste discarding Article 113

(1) The representative body of the local self-government unit shall issue a decision on the prevention of waste discarding that contains measures for the prevention of illegal waste discarding and measures for the removal of illegally discarded waste, and where applicable, measures for the removal of marine waste.

(2) The measures referred to in paragraph 1 of this Article include the recording of the locations of illegally discarded waste and the establishment of a system for receiving reports on discarded waste.

## Informational activitiesArticle 114

(1) The local self-government unit or the City of Zagreb shall, at its own expense, ensure the annual performance of informational activities related to waste management within its territory, and in particular at least one public forum debate, and the publication of informative materials on waste management.

(2) The local self-government unit or the City of Zagreb shall establish and maintain on its website, up-to-date web pages containing all relevant waste management information for its territory.

(3) The executive body of the local self-government unit or the City of Zagreb shall submit an annual report on the implementation of educational-informational activities for the previous year to the Ministry through a network application by 31 March of the current year.

## Waste gathering actionsArticle 115

(1) A legal and natural person – a craftsman may organise an action for the gathering of a particular waste as part of a sports, educational, environmental or humanitarian activity in cooperation with a person who holds a waste management permit, a waste collector registered in the Record, a recovery operator without permit or a trader who is authorised to take possession of waste.

(2) The competent administrative department of the local self-government unit or the City of Zagreb shall be notified of the action before it begins.

(3) Within eight days from the end of the action referred to in paragraph 1 of this Article, the person organising the action shall be obligated to submit a report to the competent administrative department of the local self-government unit or the City of Zagreb on the action that was performed which contains the following data: the duration of the action, the types and quantities of waste gathered, the persons to whom waste was handed over for further management.

(4) The competent administrative department of the local self-government unit or the City of Zagreb shall submit a report on the actions performed within its territory, referred to in paragraph 1 of this Article, to the Ministry by 31 March of the current year for the previous calendar year.

(5) On the basis of the reports submitted in paragraph 3 of this Article and an expert analysis, the Ministry shall also draft and publish on its website an annual report on the actions performed in the Republic of Croatia.

# XIII CROSS-BORDER WASTE TRANSPORT

## Transboundary movement of waste competencesArticle 116

(1) The competent authority for the implementation of Regulation (EC) No 1013/2006 is the Ministry.

(2) The Minister shall appoint one or more persons from among the civil servants of the Ministry, who shall be responsible for informing and consulting all interested persons and for cooperating with the European Commission on matters of transboundary movements of waste pursuant to Article 54 of Regulation (EC) No 1013/2006.

(3) The Government issued regulation shall determine the border crossings within the territory of the Republic of Croatia through which the import of waste into the European Union and the export of waste from the European Union is allowed, pursuant to Article 55 of Regulation (EC) 1013/2006.

## Transboundary movement of waste restrictionsArticle 117

(1) It shall be prohibited to hand over hazardous waste, mixed municipal waste and residues from the mixed municipal waste incineration to the territory of the Republic of Croatia for the purposes of their disposal, pursuant to Article 11 paragraph 1 item (e) of Regulation (EC) No 1013/2006.

(2) the delivery mixed municipal waste to the territory of the Republic of Croatia for energy purposes shall be prohibited.

(3) The Minister may order the prohibition of a delivery of waste to the Republic of Croatia in order to:

- prevent a disruption of the long-term sustainable management of special waste types pursuant to Article 5 of this Act whereby the principles of environmental protection are being considered, as stipulated in the Act governing environmental protection and the *acquis* of the European Union

- protect the integrated network of mixed municipal waste treatment facilities, should it be certain that due to such deliveries the waste generated in the Republic of Croatia would have to be disposed of in a manner that is non-compliant with the Waste management plan of the Republic of Croatia and

- prevent a negative impact on the national waste management system as stipulated in the Waste management plan of the Republic of Croatia.

## Transboundary movements of waste which are subject to the notification procedureArticle 118

(1) The Ministry shall allow the transboundary movement of waste, which is subject to the notification procedure with a written authorisation (hereinafter: authorisation).

(2) By way of derogation from the provisions of paragraph 1 of this Article, the Ministry shall not issue a written authorisation, but instead, tacit consent shall be deemed to have been given, pursuant to Article 9 paragraph 1 of Regulation (EC) 1013/2006, if the Republic of Croatia is a transit country for a transboundary movement of waste between Member States of the European Union without transit through third countries.

(3) The Ministry shall issue a decision on the application for authorisation.

(4) The authorisation referred to in paragraph 1 of this Article shall contain at least the following data:

1. the name and key number of the waste, according to the List of waste, waste markings according to Annexes III, IIIA, IIIB, IV, IVA and V of Regulation (EC) No 1013/2006 when applicable, other waste markings when applicable

2. the expected amount of waste and

3. the authorisation validity period.

(5) The transboundary movement of waste notification form - the notification referred to in Annex IA of Regulation (EC) No 1013/2006 in conjunction with the corresponding annexes, shall be an integral part of the authorisation.

(6) In the cases referred to in Article 9 paragraph 8 of Regulation (EC) No 1013/2006, the Ministry shall issue a decision revoking the authorisation and inform all the competent bodies involved in the transboundary movement of waste.

(7) An appeal against the decision referred to in paragraph 3 and 6 of this Article is not permitted, but an administrative dispute may be initiated.

(8) Should the notifier or consignee from the territory of the Republic act in violation of the authorisation referred to in paragraph 1 of this Article, he shall notify the Ministry thereof, upon the expiration of the authorisation.

## Notification on the intended transboundary movement of wasteArticle 119

(1) The notification on the intended transboundary movement of shipments of waste subject to the notification procedure referred to in Article 4 of Regulation (EC) 1013/2006 shall contain at least the following documentation pursuant to Annex II Section 3 of that Regulation (EC):

1. the contract between the notifier and the waste consignee pursuant to Article 5 Regulation (EC) No 1013/2006

2. the contract or authorisation in the cases referred to in Article 2, paragraph 15, subparagraph (a), item iv and v of Regulation (EC) No 1013/2006

3. the financial guarantee or equivalent insurance pursuant to Article 6, paragraph 1 of Regulation (EC) No 1013/2006 in the amount sufficient to cover at least the number of planned shipments from the notice which will be simultaneously shipped and for which no certificate shall be issued in the sense of Article 16, item (e) of Regulation (EC) No 1013/2006, that is, Article 15 item (e) when applicable, and all in accordance with Article 6 paragraph 8 of Regulation (EC) No 1013/2006

4. a copy of the registration of the waste transport operator in the country of origin

5. a copy of the waste recovery or disposal permit of the person who will recover or dispose of the waste, provided that the seat of that person is located outside the Republic of Croatia

6. the description of the technological process used for the recovery or disposal of waste

7. the transport route including the possible alternative routes and

8. the list of competent bodies who are involved in the transboundary movement of waste.

(2) By way of derogation from the provisions of paragraph 1 of this Article, in cases concerning facilities that are frequently employed for waste recovery or disposal, the responsible official may determine that the notification does not require the content referred to in paragraph 1 items 5 and 6 of this Article.

(3) Should the shipment of waste delivered into the Republic of Croatia be subject to the notification procedure, the notification shall additionally contain the following documentation pursuant to Annex II, Section 3 of the Regulation (EC) 1013/2006:

1. the analysis of the chemical composition of the waste, when possible and

2. the description of the waste generation process.

(4) Should the shipment of waste delivered from the Republic of Croatia be subject to the notification procedure, the notification shall additionally contain the following documentation:

1. the e-ONTO statement in the cases referred to in Article 2, paragraph 15, subparagraph (a), item i of Regulation (EC) No 1013/2006 or, in the case of the type of waste that has not yet been generated by the producer, a declaration to that effect

2. the declaration on the possession of an appropriate document pursuant to the provisions of this Act, in the cases referred to in Article 2, paragraph 15, subparagraph (a), items i and ii of Regulation (EC) No 1013/2006 and

3. proof on the possession of the waste in the cases referred to in Article 2, paragraph 15, subparagraph (a), item VI of Regulation (EC) No 1013/2006.

(5) The responsible official may also request that the notifier submit other information deemed necessary pursuant Annex II, Section 3 of Regulation (EC) No 1013/2006.

**Article 120**

(1) Should a shipment of waste delivered from the Republic of Croatia be subject to the notification procedure, the notification shall contain copies of the documents referred to in Article 119 paragraph 1 for the country of dispatch, the transit country and the country of destination.

(2) The set of documents for the Republic of Croatia referred to in paragraph 1 of this Article shall contain the original documents referred to in Article 119 paragraph 1 items 1, 2 and 3 of this Act.

## Shipment insuranceArticle 121

(1) Should a shipment of waste subject to the notification procedure be delivered into the Republic of Croatia for the purpose of interim recovery operations, and when further recovery operations are to take place within the Republic of Croatia, the financial guarantee or equivalent insurance referred to in Article 6 paragraph 1 of Regulation (EC) No 1013/2006 has to remain valid until the end of the non-interim recovery operation pursuant to Article 6 paragraph 5 of Regulation (EC) No 1013/2006.

(2) The calculation method of the amount of financial guarantee or equivalent insurance pursuant to Article 6, paragraph 1 of Regulation (EC) No 1013/2006 shall be prescribed by the Ordinance of the Minister referred to in Article 5, paragraph 5 of this Act.

## Submission of complaintsArticle 122

(1) When the Republic of Croatia is a country of destination, the Ministry shall submit a complaint to the notifier and shall not approve of the delivery of waste, pursuant to Article 12 of Regulation (EC) No 1013/2006, in the following cases:

1. when the notifier or the consignee has previously been convicted of illegal shipping or any other illegal activity related to waste management or environmental protection

2. when the ratio between recoverable and unrecoverable waste, the estimated value of the finally recovered material, or the price of the recovery and the price of the disposal of the unrecoverable parts do not justify the recovery from an economic and/or environmental point of view, or

3. when the waste being shipped is intended for disposal and not for recovery.

(2) The Ministry may also submit a complaint for any other reason in accordance with Articles 11 and 12 of Regulation (EC) No 1013/2006.

(3) In the cases referred to in paragraphs 1 and 2 of this Article, the Ministry shall issue a decision to the notifier, determining the reason for the complaint and refusing the shipment of waste.

(4) An appeal is not permitted against the decision referred to in paragraph 3 of this Article, but an administrative dispute may be initiated.

(5) The decision referred to in paragraph 3 of this Article shall be delivered to all competent bodies involved in the transboundary movement of waste.

## Reporting obligationsArticle 123

(1) The person who organises a shipment of waste and/or the importer/consignee of waste from the territory of the Republic of Croatia, who is not subject to the notification procedure, shall fulfil the obligation to report on the delivered and/or received types and quantities of waste through e-ONTO.

(2) The notifier and/or the consignee of waste from the territory of the Republic of Croatia subject to the notification procedure shall fulfil the obligation to report on the delivered and/or received types and quantities of waste through e-ONTO.

(3) The Ministry shall maintain a record on transboundary movements of waste that are subject to the notification procedure, containing the following information:

1. on received notifications

2. on issued authorisations

3. on revoked authorisations

4. on submitted complaints

5. on the actual quantities of waste subject to the notification procedure pursuant to the issued authorisation and

6. on the non-interim recovery or disposal of waste, for every authorised transboundary movement of waste which is subject to a notification procedure.

## Pre-consented recovery facilitiesArticle 124

(1) A legal or natural person – a craftsman who was issued a waste management permit for the recovery of waste which is subject to a notification procedure may submit to the Ministry an application for obtaining the status of pre-consented facility for the delivery of waste into the Republic of Croatia, which is subject to a notification procedure (hereinafter: pre-consented facility) pursuant to Article 14 paragraph 1 of Regulation (EC) No 1013/2006.

(2) The Ministry shall issue a decision on the granting of the status of pre-consented facility.

(3) The decision referred to in paragraph 2 of this Article shall be issued for one or more types of waste for which a legal or natural person – the craftsman referred to in paragraph 1 of this Article has been issued a permit.

(4) The following shall be determined with the decision referred to in paragraph 2 of this Article:

1. the types of waste and total amount of waste for which the pre-consent has been issued

2. the recovery operation, including the description of the technology being used and

3. the period of validity.

(5) The status pre-consented facility referred to in paragraph 2 of this Article shall be granted for up to ten years.

(6) The Ministry shall have the right to revoke the decision referred to in paragraph 2 of this Article pursuant to Article 14 paragraph 1 of Regulation (EC) No 1013/2006.

(7) The decision referred to in paragraphs 2 and 6 of this Article shall be an administrative act.

(8) An appeal is not permitted against the decision referred to in paragraphs 2 and 6 of this Article, however an administrative dispute may be initiated.

**Article 125**

The application for the issuance of a decision on awarding the status of pre-consented facility shall contain the following:

1. the data on the applicant: the name and seat of the company or the craftsman, an identification number, the name of the representative of the company or the craftsman, a telephone number and an e-mail address for contact

2. the types of waste and the total amount of waste for which prior authorisation is needed and

3. the declaration on the types of waste and the estimated amount of waste that shall be generated in the recovery operation for the imported waste and the manner of its recovery and/or disposal.

**Article 126**

(1) A legal or natural person – a craftsman referred to in Article 124, paragraph 1 of this Act shall inform the Ministry of every change of data on the basis of which a decision granting the status of pre-consented facility has been granted and shall request an alternation of the decision within 30 days of the change that has occurred.

(2) A legal or natural person – a craftsman, referred to in Article 124, paragraph 1 of this Act, shall submit to the Ministry, by 1 March of the current year, for the past calendar year, a report on the imported types and quantities of waste for which a decision awarding the status of pre-consented facility was granted, in writing or in digital form through the electronic application of the Ministry referred to in Article 129 of this Act.

## Languages for communication purposes in transboundary movements of wasteArticle 127

(1) The languages which the Republic of Croatia shall acknowledge for communication purposes in the transboundary movement of waste are Croatian and English.

(2) When the original documents, which are to be attached to the application for transboundary movement of waste that is subject to the notification procedure, are not in one of the languages referred to in paragraph 1 of this Article, the notifier shall submit a certified translation into the Croatian language pursuant to Article 28 of Regulation (EC) No 1013/2006.

(3) By way of derogation from the provisions of paragraph 2 of this Article, an official responsible may assess that the submission of a certified translation of a particular document into a Croatian language is not necessary.

## Shipment of waste take-backArticle 128

(1) The Ministry shall issue an approval in the cases when, pursuant to Articles 22 or 24 of the Regulation (EC) No 1013/2006, a shipment of waste take-back is to be conducted to, or from the Republic of Croatia.

(2) The approval referred to in paragraph 1 of this Article shall not be an administrative act.

(3) The approval shall be issued via e-mail to the relevant competent bodies and, when possible, to the consignor.

(4) The consignor of waste from the Republic of Croatia shall receive the waste that has been returned if he has the storage conditions for such waste.

(5) Should the consignor of waste from the Republic of Croatia not receive the waste returned, the consignor of waste shall ensure that the waste is received by an authorised person.

(6) By way of derogation from the provisions of paragraph 4 of this Article, when the consignor is not known or is insolvent, the reception of waste by the authorised person shall be ensured by the Ministry.

(7) The notifications, agreements on the manner of conduct and other communication between the competent bodies in cases referred to in Articles 22 and 24 of Regulation (EC) No 1013/2006 shall be conducted via e-mail or in another appropriate manner.

# XIV WASTE MANAGEMENT INFORMATION SYSTEM

## Waste management information systemArticle 129

(1) The waste management information system (hereinafter: information system) shall serve the purpose of monitoring the implementation and management of the waste management system of the Republic of Croatia.

(2) The information system is an integral part of the environmental protection information system, which is maintained in accordance with the regulation governing environmental protection and shall contain the following:

1. data:

- on by-products and the granting of the end-of-waste status

- from the reports of district (regional) self-government units and the City of Zagreb

- from the activity reports of public service providers

- on locations of discarded waste

- on the performed waste prevention activities

- on the re-use of products

- on food waste

- on the implementation of the economic instruments for waste management

- on waste disposal expenses

- on the implementation of the stipulated waste management objectives and the collection and recycling rates

- on the conducted educational-informative activities

- on the conducted waste gathering actions

- on the special categories of waste

- on products placed on the market by product producers that are subject to extended producer responsibility or when their placement on the market is prohibited or restricted, as well as information on the collection and treatment of the waste generated from those products

- on the quantities, types and streams of waste

- on the persons obligated to draft a Mining industry waste management plan

- on the mining industry waste management facilities, plans, approvals and mining industry waste management licenses as well as closed and abandoned mining industry waste treatment facilities

- on the persons who manage waste and waste management locations

- on transboundary movements of waste

- on waste management including waste prevention indicators and re-use indicators

- on the regulations, guidelines, plans and projects in the field of waste management, and other data of importance for waste management

2. applications:

- e-ONTO

- the application for the operation of the Register of waste management activities

- the Environmental pollution register application

- the transboundary movement of waste application

- the Discarded waste locations record application

- the Service provider’s activity report application

- the application for landfill operators and the monitoring of the disposal of biodegradable municipal waste

- the waste prevention portal and the application for project monitoring and waste prevention activities, re-use and educational-informational activities

- the EPRR.

(3) The information system shall be kept by the Ministry, by the use of electronic programming solutions that enable web input, processing and display of data.

(4) The data being entered into the information system shall be complete, reliable, timely and consistent, with the data on the locations of discarded waste and the waste management locations being established as datasets with a spatial component.

(5) When ensuring and controlling the quality of data, the Ministry shall coordinate its activities and cooperate with the competent bodies at the regional and local levels and other participants.

(6) In order to increase the efficiency of supervision and planning, the Ministry shall ensure that all the bodies of the state administration competent for matters of waste management may access the information system referred to in paragraph 1 of this Article.

(7) The competent bodies of the local and district (regional) self-government units or the City of Zagreb, as well as legal and natural persons shall provide, in a timely manner and free of charge, the waste management data they are in possession of, which is necessary for the management of the information system.

(8) The Ministry and the Fund shall provide the funds necessary for the procurement and maintenance of applications and data in the information system.

(9) The structure, content, availability of data and the operation of the information system shall be stipulated by an instruction of the Minister.

## Register of waste management activitiesArticle 130

(1) The Register of waste management activities shall be maintained by the Ministry, and shall contain the following data on documents concerning legal and natural persons – craftsmen related to waste management:

1. on waste management licenses and decisions concerning these permits

2. the Register of collectors and recovery operators

3. the Register of by-products

4. the End-of-waste status register

5. the Record of waste carriers, brokers, dealers and recycling centres.

6. the Record on the re-use centres

7. the data on the performed inspection supervisions

(2) The Ministry and the competent body of the county or City of Zagreb shall enter the stipulated data in the Register.

(3) The Register shall be managed through the web application referred to in Article 129 of this Act.

(4) The Ministry and the competent body of the county or City of Zagreb shall, through the application referred to in paragraph 1 of this Article, receive applications, conduct procedures and issue decisions and certificates on the performance of waste management activities.

(5) The waste management licenses, list of persons registered in the Register of collectors and recovery operators and Record of carriers, dealers, brokers and recycling centres shall be publicly available through the Register.

(6) The content, manner of keeping the Register, manner of keeping the Register of collectors and recovery operators and the Record of waste carriers, brokers, dealers and recycling centres, and the availability of information shall be stipulated by an instruction of the minister.

## ReportingArticle 131

(1) The competent authority for the implementation of Regulation (EC) 2150/2002 shall be the Ministry.

(2) The Ministry shall conduct the coordination of reporting and report on waste management, the attainment of objectives, provide the accompanying data and the reports on data quality, pursuant to international regulations and regulations of the European Union governing waste management.

(3) The collection, verification and processing of data and the calculation of the objectives for the purposes of reporting, pursuant to paragraph 3 of this Article, shall be performed in accordance with the methodologies set out in delegated and implementing acts and other guidelines of the body (EC / Eurostat), and in the manner and terms set for each reporting obligation.

(4) The Ministry shall perform statistical activities and develop waste statistics pursuant to the regulation governing statistics and shall ensure that the international and European obligations of the Republic of Croatia related to the production and dissemination of official statistics on waste are met.

(5) The manner of calculating the attainment of objectives and the reporting on waste management shall be stipulated in the Ordinance of the minister referred to in Article 5, paragraph 5 of this Act.

(6) The methods of calculating the attainment of objectives and the reporting on the management of special categories of waste shall be stipulated by the ordinance of the Minister referred to in Article 88, paragraph 3 of this Act.

## Overview of waste management dataArticle 132

(1) On the website of the Ministry, based on the data in e-ONTO and the Register and waste management indicators, a periodical, monthly, quarterly and annual overview of the public service waste management data and the annual review of other waste management data and other annual thematic reports and data overviews developed on the basis of the collected and verified data referred to in Article 129 paragraph 2 of this Act shall be published.

(2) The public service waste management data overview shall contain data on the amounts of waste collected by the public services per local self-government unit and as a total at the level of the Republic of Croatia.

(3) The other waste management data overview, contains the data on the quantities of waste transported across borders and within the Republic of Croatia, the treated waste and the small scale redemption of waste at the level of the Republic of Croatia.

(4) The overview of the data referred to in paragraphs 2 and 3 of this Article shall contain appropriate data on the period for which an overview is given, the data from the appropriate period of the previous year, and the percentage increase or decrease of an individual value.

(5) The appearance and manner of the overview of the data referred to in paragraphs 2 and 3 of this Article shall be prescribed by an instruction of the minister.

## Informational-educational activitiesArticle 133

The Fund shall continuously, throughout the year, conduct educational campaigns and inform the public about waste management in an up-to-date manner, when any change occurs in the waste management system at the national or the European Union level through the use of informational-educational activities aimed at different target groups.

# XV ADMINISTRATIVE SUPERVISION

## Administrative and expert supervisionArticle 134

(1) The administrative supervision of: the application of this Act and regulations adopted on the basis thereof; the operation and conduct of competent administrative bodies of local and district (regional) self-government units and legal persons with public authority; the entrusted tasks of the state administration which are related to waste handling, shall be carried out by the Ministry.

(2) Should, during supervision, it be established that this Act and/or the regulations adopted on the basis of this Act have been violated, the Ministry may submit motions to indict or crime reports.

(3) Expert supervision of the application of this Act and regulations adopted on the basis of this Act shall also be performed within the scope of the administrative supervision.

## The review of the legality of Decisions on the manner of public service provisionArticle 135

(1) When the Ministry assesses that the provisions of the Decision referred to in Article 66 of this Act are unconstitutional or unlawful, it shall immediately instruct the representative body to remedy the identified defects within 15 days from receiving the instruction.

(2) Should the representative body not act in accordance with the instruction referred to in paragraph 1 of this Article and not remedy the defects, the Ministry shall issue a decision on the suspension of the application of the Decision referred to in paragraph 1 of this Article and shall, within 30 days from the date of the decision on suspension, submit to the High Administrative Court of the Republic of Croatia a request for the review of the legality of the suspended Decision and the Price list referred to in Article 77 of this Act.

(3) When, during the supervision of the legality of a general administrative act, the Ministry decides to suspend the application of the Decision referred to in paragraph 1 of this Article, the executive body of the local self-government unit or the City of Zagreb shall, in accordance with the instructions referred to in paragraph 1 of this Article, adopt a decision on the necessary manner of public service provision and charge a uniform public service price during the period of the suspension of the Decision referred to in paragraph 1 of this Article.

(4) The decision referred to in paragraph 3 of this Article shall contain a uniform public service price for the area of public service provision for users referred to in Article 70, paragraph 2, subparagraph 1 of this Act and a uniform public service price for the area of public service provision for the users referred to in Article 70, paragraph 2, subparagraph 2 of this Act.

(5) The decision referred to in paragraph 3 of this Article shall be issued by the representative body of the local self-government unit or the City of Zagreb to the Ministry and published in the official gazette and on the website of the local self-government unit within 15 days of its issuance.

(6) Should the High Administrative Court of the Republic of Croatia, during the legality review procedure for the general administrative act, annul the Decision referred to in paragraph 1 of this Article, the representative body shall issue the Decision referred to in Article 66 of this Act within 45 days of the publication of the decision of the High Administrative Court of the Republic of Croatia in the official gazette »Narodne Novine«.

(7) Until the Decision referred to in paragraph 6 of this Article is issued, the public service shall be provided on the basis of a decision on the necessary manner of public service provision and the charging of a uniform price of public service.

# XVI INSPECTION SUPERVISION

## Inspection supervision competencesArticle 136

(1) The inspection supervision of the implementation of this Act and the regulations adopted on the basis of this Act shall be performed by environmental protection inspectors of the State Inspectorate (hereinafter: environmental protection inspector), unless otherwise is stipulated by this Act.

(2) The provisions of the Act governing the environmental protection and the Act governing the scope, duties and powers of an inspector of the State Inspectorate shall also, in an appropriate manner, be applicable to the inspection supervision being performed on the basis of this Act, provided that it is not otherwise stipulated by this Act.

(3) The supervision of the application of this Act, and the regulations adopted pursuant to this Act, regarding the performance of waste transport activities shall also be performed by authorised officials of the ministry competent for matters of internal affairs.

(4) The supervision of the application of this Act, and the regulations adopted pursuant to this Act, regarding transboundary movement of waste and waste management brokering activities shall be also be performed by authorised officials of the Customs Administration of the Ministry of Finance (hereinafter: Customs Administration).

(5) The supervision of the application of this Act, and the regulations adopted pursuant to this Act, regarding: the public municipal waste collection service; waste incineration performed by natural persons; and the improper storage, abandonment, discarding or disposal of waste performed by a natural person or unknown persons in violation of this Act, shall be performed by the person responsible for the duties of the service competent for the maintenance of municipal order in the local self-government unit (hereinafter: municipal services monitoring officer), should it not be determined differently by this Act.

## The competence of the market inspection, customs administration, mining inspectors, energy inspectors for oil extraction operations and inspectors competent for product marking Article 137

(1) The supervision of the application of this Act, and the regulations adopted on the basis of to this Act, regarding the calculation and charging of the price of public services to consumers shall be performed by the market inspectors of the State Inspectorate (hereinafter: market inspector).

(2) The supervision of the application of this Act, and the regulations adopted on the basis of this Act, regarding the obligations from the extended producer responsibility scheme, including: the payment of redemption fees and waste management fees; the availability of information and the marking of products shall be performed by the Customs Administration.

(3) The supervision of the application of this Act, and the regulations adopted on the basis of this Act, regarding the marking of product packaging shall be performed by the inspectors responsible for the marking of products, within the scope of their competence pursuant to special regulations.

(4) The supervision of the application of this Act, and the regulations adopted pursuant to this Act, regarding mining industry waste management shall be performed by the mining inspectors and energy inspectors for oil extraction, of the State Inspectorate (hereinafter: mining inspector).

## The competence of the Coast Guard Article 138

The authorised persons of the Coast Guard of the Republic of Croatia shall perform the inspection supervision of the implementation of this Act and the regulations adopted on the basis thereof within the internal waters and the territorial waters of the Republic of Croatia and the Exclusive Economic Zone of the Republic of Croatia.

## The powers of inspectors in the inspection supervision procedure and the object of the inspection supervisionArticle 139

(1) When conducting the inspection supervision, the inspector shall: directly examine the general and individual administrative acts; supervise the conditions and methods of operation of legal and natural persons - craftsmen in the waste management system; and undertake prescribed measures for their compliance with this Act and the regulations adopted on its basis as well as other regulations in the case of the violation of their provisions.

(2) When conducting the inspection supervision, the environmental protection inspector shall especially supervise:

1. the fulfilment of the stipulated requirements for the performance of activities in the field of waste management

2. the compliance of legal and natural persons – craftsmen with the acts that determine the manner and requirements for the performance of waste management activities pursuant to this Act

3. the keeping of records on the origin and stream of waste and the handling of Transfer notes

4. the submission of stipulated reports and data to the competent administrative bodies and to the Ministry

5. the compliance with transboundary movement of waste requirements

6. the compliance with the waste management activity permit with the Act and regulations adopted on the basis of this Act

7. the due registration of obligated persons into the stipulated registers

8. the compliance with requirements, the mode of operation and the implementation of the measures for the closing, remediation and maintenance of remediated landfills

9. the execution of obligations arising from the competencies and responsibilities of the local and district (regional) self-government units regarding waste management as stipulated by this Act

10. the implementation of waste management measures determined in an environmental impact assessment

11. the implementation of ratified international waste management agreements and

12. the origin, type, quantity and destination of the collected and transported waste when legal and natural persons - craftsmen perform waste collection and transportation activities and operations.

## Powers of the municipal services monitoring officerArticle 140

(1) The municipal services monitoring officer shall be authorised to establish the identity of the natural person responsible for the discarding of waste through the examination a personal identification document or in another appropriate manner.

(2) The natural person responsible for the discarding of waste, shall upon request, present to the municipal services monitoring officer a personal identification document for the purpose of establishing the identity of the person responsible for the discarding of waste.

(3) Should the natural person responsible for the discarding of waste not present a personal identification document upon the request of the municipal services monitoring officer for identity verification purposes, the municipal services monitoring officer shall be authorised to request assistance from an officer of the ministry competent for internal affairs in order to establish the identity of the person responsible for the discarding of waste.

(4) Should the municipal services monitoring officer determine the existence of a reasonable doubt that hazardous or other waste was disposed of on a real estate whose owner, or should the owner be unknown, possessor, or the person who, according to a special regulation, manages a particular area, does not allow access for the purpose of determining the facts regarding the discarded waste, the municipal services monitoring officer shall be authorised to request a court warrant and the assistance of an officer of the ministry competent for internal affairs in order to access the real estate for the purpose of establishing facts.

##

## Inspection measuresArticle 141

When conducting inspection supervision, in the cases of the violation of this Act, the implementing regulations adopted on the basis of to this Act and Regulation (EC) No 1013/2006, the inspectors and other authorised persons referred to in Article 136, 137 and 138 of this Act, each within their competences as determined by this Act and other special regulations, shall have the right and the obligation to: order the supervised person to undertake an action, that is, issue a decision by which an administrative measure shall be imposed, in accordance with their competences pursuant to this Act; issue a misdemeanour warrant or a mandatory misdemeanour warrant; and submit to the competent authority a misdemeanour indictment proposal or a criminal complaint due to the suspected commission of a misdemeanour or a criminal offence.

## Elimination of irregularities and defectsArticle 142

(1) By way of derogation from the provisions of Article 141 of this Act, should defects and/or irregularities in violation of this Act and regulations adopted on the basis of this Act be identified during inspection supervision, the environmental protection inspector may, as part of the minutes of the inspection, provide the person subject to inspection (hereinafter: supervised person) with an indication of the defects and/or irregularities which are to be eliminated, and set a deadline therefor.

(2) The deadline for eliminating irregularities and/or defects recorded in the minutes of the inspection may not be longer than eight days.

(3) Within three days of the elimination of the defects and/or irregularities or upon the expiry of the deadline referred to in paragraph 2 of this Article, the supervised person shall inform the inspector in writing of the measures taken.

(4) Should the supervised person not eliminate the defects and/or irregularities within the period entered into the minutes of the inspection, the inspector shall issue a decision by which he shall impose the measures, for which he is authorised on the basis of this Act, and shall impose other actions, for which he is authorised, so as to establish whether a misdemeanour or a criminal offence has been committed.

(5) The municipal services monitoring officer shall act in accordance with the provisions of this Article when he determines during the waste handling supervision that a natural person has infringed this Act and the regulations adopted on the basis of this Act.

## Drafting, keeping and the submission of stipulated documentation and entry into the appropriate registersArticle 143

(1) The environmental protection inspector shall order the supervised person to draft, adopt, keep and submit the stipulated acts and/or documentation should he find that they have not been drafted, adopted, maintained or kept in the stipulated manner, or submitted in the stipulated manner and within the stipulated deadlines.

(2) The environmental protection inspector shall issue a decision ordering the supervised person to be entered into the appropriate registers, should he determine that the supervised person has not yet applied to be entered in the register, in the stipulated manner and within stipulated deadlines.

## Waste removalArticle 144

(1) The environmental protection inspector shall order the supervised person to remove the waste within an appropriate period of time should he determine that:

1. the supervised person has abandoned, discarded and/or disposed of waste in a location that is not intended for landfilling or is outside of the waste management location or

2. waste is not being stored in the stipulated manner, or should the storage area where the waste is being stored not meet the prescribed requirements and/or the waste is being stored for a longer period of time than is allowed by this Act or by-laws

3. waste is being stored in a location for which an appropriate waste storage act has not been issued to the supervised person.

(2) Should the environment be contaminated through improper storage, abandoning, discarding or landfilling of waste, the inspector shall, by issuing a decision, order the person referred to in paragraph 1 of this Article to also have the contaminated environment remediated by an authorised person.

**Article 145**

(1) The municipal services monitoring officer shall order the person who has improperly stored, abandoned, discarded and/or disposed of waste to remove the waste.

(2) Should the person who has improperly stored, abandoned, discarded and/or disposed of waste be unknown, the municipal services monitoring officer shall issue a decision ordering removal of the waste against: the owner of the real estate on which the waste has been improperly stored, abandoned, discarded and/or disposed of; or should the owner be unknown, the person who is in possession of the real estate; or the person who manages a particular area according to special regulations, if the waste has been disposed of in this area; or the person detected while discarding waste outside a waste management location; or the person for whom it may be proven that he has discarded the waste outside of the waste management location.

(3) With the decision referred to in paragraphs 1 and 2 of this Article the following shall be determined: the location and estimated amount of waste; the person obligated to remove the waste; and the obligation to remove the waste by handing it over to the person authorised to manage that type of waste, within a period not longer than six months.

(4) Against the decision referred to in paragraphs 1 and 2 of this Article an appeal may be submitted to the competent administrative body of a county, whereas against the decision of a municipal services monitoring officer an appeal may be submitted to the Ministry.

(5) A municipal services monitoring officer shall determine the fulfilment of the obligation imposed by the decision upon the expiration of the deadline, as determined by the decision from paragraphs 1 and 2 of this Article.

(6) Should the municipal services monitoring officer determine that the obligation determined in paragraph 1 of this Article has not been fulfilled, the local self-government unit or the City of Zagreb shall be obliged to ensure the waste removal by handing over that waste to a person authorised for the management of this type of waste at the expense of the enforcement debtor.

**Article 146**

(1) Should the environmental protection inspector establish that waste has been discarded outside the waste disposal facility or waste management location, and the municipal services monitoring officer has not issued the decision referred to in Article 145 of this Act within 60 days from the date on which the inspection was conducted, the environmental protection officer shall issue a decision ordering the local self-government unit or the City of Zagreb to have a person, holding an appropriate act authorising the performance of waste management activities in accordance with the provisions of this Act, remove and/or dispose of the waste within an appropriate time limit.

(2) By the decision referred to in paragraph 1 of this Article, the inspector shall also order the district (regional) self-government unit or the City of Zagreb to remove, dispose of and/or recover the waste within a reasonable time, should the local self-government unit fail to perform the ordered measure.

(3) Should the district (regional) self-government unit or the City of Zagreb not act upon the enforceable decision referred to in paragraph 2 of this Article, the enforcement shall be performed by a third party at the expense of the district (regional) self-government unit or the City of Zagreb, which was issued the enforcement order.

(4) In the decision referred to in paragraph 1 of this Article, the inspector shall also issue an order to have the person referred to in paragraph 1 of this Article remediate the contaminated environment, should the improperly disposed of, or abandoned waste contaminate the environment.

## Elimination of irregularities in handling and dealing in wasteArticle 147

(1) The environmental protection inspector shall issue a decision ordering a supervised person, who possesses an appropriate act that determines the requirements and manner in which waste management activities are to be performed, the elimination of irregularities in handling and dealing in waste and special waste categories, should he find that a supervised person does not handle these types of waste in the stipulated manner, that is, should he find that a supervised person has not met the stipulated activity performance requirements.

(2) Should the person referred to in paragraph 1 of this Article not comply with the decision referred to in paragraph 1 of this Article even after the fine is imposed, the inspector shall seal the workspaces, premises, devices and equipment or otherwise disenable the further unlawful performance of the activity.

**Article 148**

(1) The environmental protection inspector shall order the supervised person to eliminate the defects and/or irregularities in his conduct, should he establish that the obligations stipulated in the regulation governing landfilling are not being, or not being fully adhered to, in particular should the supervised person:

1. not take measures to prevent harmful impacts on the environment, as determined in the waste management permit,

2. not take any other measures stipulated by the Act and regulations adopted on the basis of this Act.

(2) The environmental protection inspector shall issue a decision ordering the supervised person to eliminate the defects and/or irregularities in his activities should the environmental protection inspector establish that the activities of the supervised person are not compliant with the implementing regulations adopted pursuant to this Act.

## Prohibition of waste disposal by landfillingArticle 149

(1) The environmental protection inspector shall prohibit the disposing of waste by landfilling should he determine that:

1. the supervised person is landfilling waste that is unfit to be disposed of at a landfill

2. the supervised person is landfilling waste without having performed the basic characterisation of waste

3. the results of a waste eluate analysis are not in accordance with the stipulated values

4. the mass of waste is not being determined with an appropriate device for the determination of waste mass, connected with a vehicle identification system.

(2) Should, due to doubts about the accuracy of the results of the previously obtained waste analysis, at the request of the inspector, by a subsequent sampling of the waste by an authorised laboratory it be determined, that the result of the analysis is not in accordance with the prescribed values, the inspector shall issue the person, referred to in paragraph 1 of this Article, who is the producer/possessor and/or landfill manager, a decision prohibiting any further disposal of waste by landfilling, until that person ensures compliance with the regulation.

(3) The inspector shall issue a decision ordering the person referred to in paragraph 1 of this Article to remove the waste from the landfill and dispose of the waste in a stipulated manner within a reasonable time, depending on the type of waste and the possibility of the removal thereof.

## Prohibition of performing waste management activitiesArticle 150

(1) The environmental protection inspector shall issue a decision prohibiting the supervised person from conducting waste management activities should he determine:

1. that the supervised person is not registered for the performance of waste management activities,

2. that the supervised person does not have an appropriate act for the performance of waste management activities in accordance with the provisions of this Act.

(2) Should the person referred to in paragraph 1 of this Article not comply with the decision even after a pecuniary fine is imposed, the inspector shall seal the workspaces, premises, devices and equipment or otherwise disenable further unlawful performance of the activity.

(3) The inspector shall issue a decision ordering the person, who is in possession of the act in which the requirements and the manner of performing the waste management activity is determined, to temporarily suspend the performance of waste management activities and setting a deadline for compliance with the requirements stipulated by this Act and the regulations adopted on the basis thereof, when the inspector establishes that the supervised person:

1. does not meet the requirements on the basis of which the act for the performance of waste management activities has been issued;

2. does not operate in accordance with the act issued for the performance of waste management activities.

(4) Should the inspector determine that the waste management feasibility study referred to in Article 31 of this Act does not comply with the provisions of this Act and the regulations adopted on the basis thereof or contains irregularities in the content, the inspector shall issue a decision ordering the person who possesses the act determining the requirements and manner of performing the waste management activities, to temporarily suspend the waste management activities, and shall set a deadline for the amending of the Waste management feasibility study, referred to in Article 31 of this Act, in order to make it compliant with the provisions of this Act and the regulations adopted on the basis thereof.

(5) Prior to issuing the decision referred to in paragraphs 3 and 4 of this Article, the inspector shall record and indicate in the minutes, the deficiencies and/or irregularities and determine a reasonable time for their elimination.

(6) Should the person referred to in paragraph 1, 3 and 4 of this Article comply with the decision within the specified time, the inspector shall immediately issue a decision on the continuation of waste management activities; should that person not comply with the decision, the inspector shall submit a motion to revoke the act on the performance of waste management activities, to the body that issued the act.

(7) By way of derogation from the provisions of paragraph 1 of this Article, a decision prohibiting the performance of waste management activities shall also be issued on the basis of the decision referred to in Article 40 paragraph 1 of this Act.

## Supervision of shipments of wasteArticle 151

The environmental protection inspector shall issue a decision prohibiting the person performing a transboundary movement of waste from delivering an illegal shipment of waste from, or to the Republic of Croatia and shall notify the Ministry thereof, in order to initiate the procedure referred to in Article 24 of Regulation (EC) No 1013/2006.

## Temporary storage of illegal shipments of wasteArticle 152

(1) The vehicle and the shipment of waste referred to in Article 151 of this Act shall be temporarily stored in the warehouse of the person with whom the Ministry has concluded a contract on the storage of shipments of waste.

(2) Should the procedure referred to in Article 151 of this Act last longer than two calendar years and there is a reasonable assumption that it shall not be resolved, the environmental protection inspector shall issue a decision confiscating the shipment and the vehicle.

## Implementation of waste management measuresArticle 153

(1) The environmental protection inspector shall order the executive body of the local and district (regional) self-government unit and the City of Zagreb to provide the conditions and ensure the implementation of the stipulated waste management measures, should he determine that they are not being implemented.

(2) The environmental protection inspector shall issue a decision ordering the executive body of the local and district (regional) self-government unit and the City of Zagreb to ensure the delivery of mixed municipal waste to the waste management centre by a public service provider, in accordance with the Plan should he establish that it is not being ensured.

## Elimination of defects and irregularities – Customs AdministrationArticle 154

The Customs Administration shall issue a decision ordering the supervised person to eliminate the defects and/or irregularities in his conduct and activities within a reasonable time, should it be determined that the supervised person does not comply with the provisions on extended producer responsibility.

## Elimination of defects and irregularities – Mining inspectorArticle 155

Should the mining inspector, during the inspection supervision, establish a violation of the provisions of this Act or the regulations adopted on the basis of this Act, regarding mining industry waste management, he shall issue the supervised person a decision ordering the elimination of the identified defects or irregularities within a specified period of time.

## Enforcement of an inspection decisionArticle 156

(1) The amount of the pecuniary fine imposed on a supervised person serving to coerce the performance of the ordered measures referred to in Article 143, Article 144, Article 147 paragraph 1, Article 148, Article 149, Article 150 paragraph 1, Article 153, Article 154 and Article 155 shall be paid to the state budget within 30 days of the enforceability of a decision on the enforcement through the collecting of a pecuniary fine.

(2) Should the supervised person not provide the inspector with proof of payment of the fine after the expiry of the deadline referred to in paragraph 1 of this Article, the fine shall be enforced.

## Disenabling the unlawful performance of activitiesArticle 157

(1) In order to ensure the implementation of the measures referred to in Article 147 paragraph 1 and Article 150 paragraph 1 of this Act, the inspector may seal the workspaces, premises, devices and equipment or otherwise prevent further unlawful conduct of the activity.

(2) The method of sealing referred to in paragraph 1 of this Article is determined by the Act governing the scope, duties and powers of the inspectors of the State Inspectorate.

## Additional deadline to comply with an inspector's order Article 158

Should the enforcement debtor not comply with the enforcement decision referred to in Article 144 paragraph 1, Article 146 paragraph 1 and Article 149 paragraph 3 of this Act, the inspector may issue an enforcement decision in which an additional deadline to comply with an inspector's order is given.

## The expenses of the enforcement of the inspection decisionArticle 159

(1) The expenses of the enforcement of the decision referred to in Article 144, Article 146 and Article 149 performed by a third party shall be paid from the state budget until they are collected from the enforcement debtor.

(2) The Republic of Croatia shall be entitled to a compensation of all the expenses of the enforcement performed by a third party.

(3) In order to ensure the collection of all the expenses referred to in paragraph 2 of this Article, the Republic of Croatia shall become entitled to a statutory lien on the real estate on which the waste removal was performed by a third party up to the amount of all costs of the execution of the inspection decision.

(4) Prior to the decision enforcement procedure, which is performed by a third party, the Municipal Court with territorial jurisdiction shall, on a proposal by the Republic of Croatia, enter a notice of initiated procedure in the land register on the basis of a decision ordering the measure of the entry of a notice of initiated procedure.

(5) The inspector shall issue a decision determining the amount of the expenses of the enforcement of the decision by a third party, on the basis of the invoice issued by the third party who performed the waste removal operations on the behalf of the Republic of Croatia.

(6) The municipal court with territorial jurisdiction shall, on the basis of the decision referred to in paragraph 5 of this Article, enter a lien to the benefit of the Republic of Croatia, with the same priority order, as the notice referenced in paragraph 4 of this Act.

(7) Simultaneously with the lien entry referred to in paragraph 6 of this Article, the competent court shall delete the notice entry referred to in paragraph 4 of this Article.

## Legal remediesArticle 160

(1) Against the decision of the market inspector and the mining inspector, an appeal may be submitted to the State Inspectorate, whereas against the decision of the environmental protection inspector an appeal may be submitted to the Ministry.

(2) An appeal submitted against the decision referred to in paragraph 1 of this Article shall not postpone the enforcement of the decision.

## Motion to revoke a license and an authorisationArticle 161

(1) Should it be established during the inspection supervision that the supervised person does not meet the requirements set forth in the waste management permit, the provisions of this Act or the regulations adopted on the basis of this Act and that this non-compliance may cause a serious and direct threat to human life and health or punishable environmental contamination, the environmental protection inspector shall submit a motion to revoke the permit to the Ministry or the competent body of a county.

(2) Should, during the inspection supervision, irregularities pursuant to Article 9 paragraph 8 of Regulation (EC) No 1013/2006 be identified, the environmental protection inspector shall submit to the Ministry a motion to revoke the transboundary movement authorisation.

## Inspection supervision on the basis of a submitted reportArticle 162

(1) The person submitting the report shall not be a party to the procedure for the inspection of the implementation of this Act and regulations adopted on the basis of this Act.

(2) Should, on the basis of the content of the report, the inspector deem it appropriate, the person submitting the report may be present at the location examination, when the inspection supervision is being conducted.

(3) Should the person submitting the report be known, the inspector shall notify him on the facts determined in the inspection supervision in writing, no later than 30 days from the day the facts were determined.

**Article 163**

(1) Should the inspection supervision establish no violation of this Act and the regulations adopted on the basis of this Act, within the competence of the environmental protection inspection, and there is no justified reason for the further conduct of proceedings, but the person who has submitted the report requests the examination of evidence, the procedure shall be further conducted on the motion of the person who submitted the report.

(2) The expenses of the further conduct of proceedings as referred to in paragraph 1 of this Article shall be borne in full by the person who submitted the report.

(3) In the case referred to in paragraph 1 of this Article, the inspector shall issue a conclusion requesting that the person who submitted the report deposit, in advance, the amount of money needed for the expenses of examining the other evidence.

# XVII MISDEMEANOUR PROVISIONS

## Article 164

(1) For a misdemeanour, a pecuniary fine of 5000,00 to 50.000,00 Kuna shall be imposed on a legal person, who:

1. is registered in the Register of by-products and has not by 1 March of the current calendar year submitted to the Ministry a Report on by-products for the previous calendar year which contains information on the person producing the by-product, the types and quantities of the by-products produced and the users of the by-products (Article 15 paragraph 9)

2. is managing the Re-use centre and has not been registered in the Record of re-use centres (Article 16 paragraph 2)

3. is managing the Re-use centre and has not by 1 March of the current year submitted to the Ministry a report on quantities and types of products were returned to use during the previous calendar year (Article 16 paragraph 7)

4. is the waste holder who did not categorise the waste he was in possession of by: determining the waste generation location and origin; the group, subgroup and key number of the waste; and the properties of the waste in accordance with the Waste catalogue (Article 19 paragraph 1)

5. is the waste holder who has handed over the shipment of waste without providing the duly completed written or electronic Transfer note or the Transfer note which was provided did not contain the information pertaining to that waste and the persons involved in the management of that waste (Article 24 paragraph 1)

6. is the person transporting the waste who did not have a completed and certified Transfer note along with the shipment of waste (Article 24 paragraph 3)

7. is the shipment of waste consignor, consignee or the waste management broker who has not exchanged all the information necessary to complete the Transfer note, including the data on the waste collection authorisation, the waste treatment method and the waste treatment destination (Article 24 paragraph 5)

8. is the person who is obligated to keep the e-ONTO who has not recorded in the e-ONTO the generation, collection, reception, storage or treatment of waste (Article 25 paragraph 3)

9. is the person obligated to keep the e-ONTO who has not been keeping the e-ONTO up-to-date, accurate and complete or has not entered the data into the e-ONTO immediately after each status change (Article 25 paragraph 4)

10. is the waste holder or the waste manager who has not kept the waste management data for at least three years from the day any action is taken with regards to the waste, or has not kept the waste management data regarding hazardous waste transport for at least one year (Article 26 paragraph 1)

11. is the waste holder or the waste managing person who, at the request of the previous waste holder, the Ministry, the environmental protection inspector of the State Inspectorate or another competent authority, has not made available the proofs and other relevant data on the actions taken during waste management (Article 26 paragraph 2)

12. is the person who obtained the authorisation referred to in Article 28 paragraph 1 of this Act who has not, upon the request of the Ministry and within the set time limit, submitted a report on the waste treatment for which that authorisation has been issued (Article 28 paragraph 5)

13. is a broker and has not ensured that the waste from his brokering is received by a person authorised to receive the waste or has not ensured that the waste is treated by the person authorised to treat that waste (Article 29 paragraph 8)

14. is the person, to whom a permit to perform waste recovery or disposal activities was issued, and who has not provided all the data necessary for the review of the permit at the request of the waste management license issuing body (Article 30 paragraph 8)

15. is the person to whom the waste management license was issued and who has not given notice to the waste management permit issuing body that a change has occurred regarding the prescribed requirements for the waste management license issuance and the documents on the basis of which the waste management permit was issued, within 30 days from the date on which the change has occurred (Article 35)

16. is a landfill manager who has not submitted the data on the waste mass landfilled at the landfill to the Ministry by 31 January of the current year for the previous year through the form published on the Ministry’s web site (Article 39 paragraph 5)

17. is the producer of a substance or object recorded in the End-of-waste status register who has not submitted to the Ministry by 1 March of the current calendar year for the previous calendar year a notice on granting the end-of-waste status or the notice has not contained the data on the person who granted the end-of-waste status, on the substance or object that was generated and the quantity of that substance or object, on the type and quantity of waste that entered into the recovery operation and on the recovery operation (Article 45 paragraph 6)

18. is the producer of the substance or object registered in the End-of-waste status register who has not attached the declaration of conformity to each shipment of the substance or object for which the end-of-waste status has been granted (Article 45 paragraph 7)

19. is the person entered into the register who has not once yearly confirmed the intention to perform the activities in the following year or has not provided information on the change of data to the register referred to in Article 46 paragraph 1 of this Act within 30 days (Article 46 paragraph 7)

20. is the person entered into the register who has not confirmed once yearly the intention to perform the activities in the following year or has not delivered, although obligated, a notice on the change of the data on the basis of which the entry into the Register referred to in paragraph 1 of this Article within 30 days from the day the change has occurred (Article 47 paragraph 6)

21. is an operator and a waste producer, who has not drafted the Mining industry waste management plan in compliance with the mining project data and in compliance with the principles of sustainable development (Article 48 paragraph 4)

22. is the person referred to in Article 48 paragraph 4 of this Act who has obtained the approval for the Mining industry waste management plan and has not within 60 days prior to the date on which the approval for the Mining industry waste management plan has expired submitted to the competent authority an application for the extension of the approval, provided that there has been no significant change in the operation of the mining industry waste management facility (Article 49 paragraph 1)

23. is the operator of the category A mining industry waste management facility, excluding the operator of waste management facilities that are subject to the regulation governing the prevention of major accidents which include hazardous substances, who has not devised a safety management system, drafted a major accident prevention policy, an internal emergency plan or appointed a person responsible for the implementation and monitoring of the safety management system (Article 49 paragraph 4)

24. is the operator managing the category A mining industry waste management facility who has not, prior to the commencement of the operation of the facility, delivered to the competent body of the county the major accident prevention policy, the internal emergency plan, the proof of having implemented the safety management system or all the data necessary to draft a Major accident prevention policy outside of the category A mining industry waste management facility location (Article 49 paragraph 5)

25. is the service provider who has not managed the separately collected municipal waste, including the collection and transport thereof, in compliance with the waste management priority order or has managed that waste by applying methods which resulted in the mixing of the separately collected municipal waste with other types of waste or waste that has different properties (Article 69 paragraph 1 item 1)

26. is a service provider who does not provide the public service in accordance with this Act and the Decision referred to in Article 66 of this Act (Article 69 paragraph 1 item 2)

27. is a service provider who did not bear all the costs of managing the collected waste, excluding the costs of handling recyclable waste largely consisting of packaging waste (Article 69 paragraph 1 item 3)

28. is a service provider who has not provided the municipal waste handover containers for the service user (Article 69 paragraph 1 item 4)

29. is a service provider who has not collected separately: the contents of the service user's container; mixed municipal waste; bio-waste; recyclable municipal waste or bulky waste (Article 69 paragraph 1 item 5)

30. is a service provider who has not ensured the conditions for the individual use of the public service regardless of the number of service users using a shared container (Article 69 paragraph 1 item 7).

31. is a service provider who has not handed over the collected recyclable municipal waste to the person determined by the Fund (Article 69 paragraph 1 item 8)

32. is a service provider who has not kept all records as stipulated by Article 82 of this Act (Article 69 paragraph 1 item 9)

33. is a service provider who has not maintained the inscriptions on the container referred to in Article 69, paragraph 2 of this Act (Article 69 paragraph 1 item 10)

34. is a service provider who has not ensured the security, regularity and quality of the public service (Article 69 paragraph 1 item 11)

35. is a service provider who has not delivered the mixed municipal waste to a waste management centre pursuant to the Waste management plan of the Republic of Croatia (Article 69 paragraph 1 item 12)

36. is a service provider who has not calculated the public service price in the manner stipulated by this Act, by the Decision referred to in Article 66 paragraph 1 of this Act and the price list from paragraph 77 of this Act (Article 69 paragraph 1 item 13)

37. is a service provider who has not specified all the elements on the basis of which the calculation of the public service price is performed on the invoice for the public service, including the value added tax determined pursuant to the special regulation governing value added tax (Article 69 paragraph 1 item 14)

38. is a service provider and who has performed other activities in addition to providing the public service, and has not kept the records of the public service revenues and expenditures in a manner that the existing revenues and expenditures from the public service may be determined at any time (Article 69 paragraph 3)

39. is the service provider who has not submitted to the representative body of the local self-government unit a Performance report for the previous calendar year by 31 March of the current year and delivered it to the Ministry (Article 69 paragraph 4)

40. is a service user who has not used, although he has been obligated to use, the public service in the area where the real estate of the service user is located in a manner ensuring that the generated waste is handed over by means of the specified waste container (Article 70 paragraph 4 item 1)

41. is a service user who has not enabled the service provider to access the container at the waste handover location when that location is not in a public space (Article 70 paragraph 4 item 2)

42. is a service user who has not handled the waste in the metering point of the service user in a manner that does not endanger human health, does not cause the scattering of waste around the container and does not cause discomfort to other persons through waste odours (Article 70 paragraph 4 item 3)

43. is a service user who has not handed over hazardous municipal waste to a recycling centre or mobile recycling centre, or has not complied with the regulation governing the management of special categories of waste, excluding the users who are not considered household users (Article 70 paragraph 4 item 6)

44. is a service user who has not handed over the mixed municipal waste, recyclable municipal waste, hazardous municipal waste and bulky waste separately (Article 70 paragraph 4 item 7)

45. is a service user who has neither handed over the bio-waste separately nor composted the bio-waste at the site of its generation (Article 70 paragraph 4 item 8)

46. is a service user who has not allowed the public service provider to inscribe the container with the appropriate inscription and marking (Article 70 paragraph 4 item 10)

47. is a service provider who has not conducted prior public consultations for a period of at least 30 days, regarding the price list proposal and the statement of reasons for the price and the alteration thereof, as well as the statement of reasons on the manner of determining the mandatory minimum public service price (Article 77 paragraph 3)

48. is a service provider who has not before commencing the application of the price list or the alterations thereto, requested approval from the executive body of the local self-government unit or the City of Zagreb, to which the price list is applicable (Article 77 paragraph 5)

49. is a service provider who has applied the price list without the report referred to in paragraph 8 and the approval referred to in paragraph 5 of Article 77, of this Act (Article 77 paragraph 9)

50. is a service provider who has neither published the report referred to in paragraph 8 of this Article and the approval referred to in paragraph 5 of the Article 77 in the official gazette of the local self-government unit and on its website, nor informed the user of the price list and the alteration thereto 15 days prior to the price list application date and delivered it to the Ministry within the same time period (Article 77 paragraph 11).

51. is a service provider who has not enabled the service user to review the documents referred to in Article 78, paragraph 2 of this Article prior to the conclusion, alternation and/or supplementation of the Contract as well as at the request of the service user (Article 78 paragraph 3).

52. is a service provider who has not ensured that the service user, prior to the conclusion, alternation and/or supplementation of the Contract, has been informed on the stipulated provisions that govern the municipal waste collection system, the Contract and the legal effects, by means of public media, the web page, written notice delivery or in an otherwise convenient manner for the service user (Article 78 paragraph 4)

53. is a service provider who has not, on his website, provided links to the website of the »Narodne Novine« official gazette, where this Act has been published, a digital copy of the Decision, a digital copy of the price list along with all accompanying annexes and appendices thereto (Article 78 paragraph 5).

54. is a service provider who has not kept a record of the amount of waste collected from an individual service user within the metering period, according to the waste amount criteria referred to in Article 67, paragraph 1 of this Act (Article 82 paragraph 1).

55. is a service provider who has not made available the data contained in the Record referred to in Article 82 paragraph 1 of this Act to the service user upon request (Article 82 paragraph 4).

56. is a service provider who has not delivered a notification to the service user by 31 December of the current calendar year for the next calendar year on the municipal waste collection, by electronic means, in writing or in another manner acceptable to the service user (Article 83 paragraph 1).

57. is a public service provider who has not published and maintained up-to-date the information on his web page about the locations of recycling centres and mobile recycling centres in settlements and the locations of separate collection waste containers installed in public spaces (Article 83 paragraph 2)

58. is a service provider who has not, within the framework of the public service, accepted bulky waste free of charge from a household service user at least once per calendar year at the service user's metering point (Article 85 paragraph 1).

59. is a service provider who has not at the request of a household service user, ensured the collection of bulky waste at the service user's metering point (Article 85 paragraph 2)

60. has discarded and collected bulky waste in public spaces, except via containers (Article 85 paragraph 4)

61. is a recycling centre manager who, in cooperation with the bodies of the local self-government units, has not determined the right to use the recycling centre services free of charge pursuant to Article 86 paragraph 2 item 1 of this Act (Article 86 paragraph 3).

62. is a recycling centre manager who has not inspected a personal identification document of the person handing over the waste in order to exercise the right referred to in Article 86 paragraph 2 item 1 of this Act (Article 86 paragraph 4).

63. is a product producer to whom the definition of the »product supplier« applies, as stipulated in Article 3 item 33 of the Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 18. 12. 2006) as last amended by Commission Regulation (EU) 2020/1149 of 3 August 2020 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) as regards diisocyanates (OJ L 252, 4. 8. 2020), who has not delivered to the European Chemicals Agency the data stipulated in Article 33 paragraph 1 of that Regulation (Article 92 paragraph 6)

64. is a product producer who has placed a single-use plastic product listed in List D of Annex III of this Act on the market of the Republic of Croatia and has not ensured that the product packaging or the product itself is marked (Article 93 paragraph 1)

65. is a product producer who has placed on the market of the Republic of Croatia a single-use plastic product listed in the List D of Annex III of this Act and has not ensured that the marking referred to in Article 93 paragraph 1 is visible, legible and indelible (Article 93 paragraph 2)

66. is a product producer who placed on the market of the Republic of Croatia is a single-use plastic product listed in List D of Annex III of this Act and has not ensured that the marking referred to in Article 93 paragraph 1 contains information for consumers on the waste management of that product or on the avoidance of the disposal of waste from that product in accordance with the waste management priority order, as well as on the existence of plastics in the product and on the negative impacts of the discarding of the waste of that product into the environment or of other improper waste disposal (Article 93 paragraph 3)

67. has organised an action for the gathering of a particular waste as part of a sports, educational, environmental or humanitarian activity and has not notified the competent administrative department of the local self-government unit or the City of Zagreb of the action before it begins (Article 115 paragraph 2)

68. has organised an action for the gathering of a particular waste and has not within eight days from the end of the action delivered a report to the competent administrative department of the local self-government unit or the City of Zagreb on the action that was performed which contains the following data: the duration of the action, the types and quantities of waste gathered, the persons to whom waste was handed over for further management (Article 115 paragraph 3)

69. has not ensured, in a timely manner and free of charge, the waste management data he is in possession of, which is necessary for the management of the information system (Article 129 paragraph 7)

(2) For the misdemeanourous conduct referred to in paragraph 1 of this Article, a pecuniary fine of 1000,00 to 10.000,00 Kuna shall also be imposed on the responsible person of a legal person.

(3) For the misdemeanourous conduct referred to in paragraph 1 of this Article, a pecuniary fine of 1000,00 to 10.000,00 Kuna shall be imposed on a natural person – craftsman.

(4) For the misdemeanourous conduct referred to in paragraph 1 items 2 to 7, 10, 11, 40 to 46, 60, 67, 68 and 69 of this Article, a pecuniary fine of 1000,00 to 10.000,00 Kuna shall be imposed on a natural person.

**Article 165**

(1) For a misdemeanour, a pecuniary fine of 10000,00 to 100.000,00 Kuna shall be imposed on a legal person, who:

1. is a person managing a waste management centre and who has not accepted all the mixed municipal waste from a public service provider, or has not charged all providers of mixed municipal waste collection services, which are according to the Waste management plan of the Republic of Croatia obligated to hand over the mixed municipal waste to that waste management centre, the same per ton price for the treatment of mixed municipal waste (Article 13 paragraph 3)

2. is a service provider of mixed municipal waste collection who has not, according to the Waste management plan of the republic of Croatia, handed over the mixed municipal waste to a particular waste management centre, although he was obligated to do so (Article 13 paragraph 3)

3. is a waste holder who has not categorised the waste as hazardous despite a suspicion that the waste might have had a hazardous property (Article 19 paragraph 5)

4. is a waste holder who has not separately handed over, to an authorised person: hazardous waste, waste paper, metal, plastics, glass, bulky waste, waste textiles and footwear or packaging waste or waste considered to be a special category of waste (Article 22 paragraph 2)

5. is the producer of bio-waste who has neither handed over bio-waste separately from other waste to an authorised person nor recycled the bio-waste at the site of its generation (Article 22 paragraph 3)

6. has not separately collected or handed over the waste that needed to be recovered or prepared for re-use, recycled or subjected to another recovery operation facilitating its re-use, or has caused the waste to become mixed with other waste or substances that have different properties (Article 22 paragraph 4)

7. is the original waste producer or the current or previous waste holder who has not borne the waste management expenses, including the construction and operation expenses for the necessary waste management infrastructure pursuant to »the polluter-pays principle«. (Article 23 paragraph 1).

8. has taken possession of waste for scientific, research or probing purposes, without obtaining the authorisation referred to in Article 28 of this Act, (Article 28 paragraph 1)

9. has obtained an authorisation referred to in Article 28 of this Act, and who has taken possession of waste for scientific, research or probing purposes in an amount greater than the amount therefor necessary (Article 28 paragraph 1)

10. has performed waste management operations contrary to the waste management methods prescribed by the ordinance (Article 30 paragraph 5)

11. has been obligated to, but has not had at his disposal a financial guarantee during the entire period while performing, and one year after ceasing to perform the activities determined in the waste management license, waste collection activities and waste recovery activities for which a waste management license is not being issued (Article 36 paragraph 1)

12. has been obligated to have at his disposal a financial guarantee and if the financial guarantee was issued for a time period shorter than the duration of the waste management license, has failed to extended the duration that financial guarantee, that is, obtain a new financial guarantee before the expiration date of the financial guarantee or has failed to submit it to the license issuing body (Article 36 paragraph 2)

13. is a landfill manager who has not determined the mass of waste with a suitable device for the determination of the mass connected with a vehicle identification system (Article 39 paragraph 4)

14. is a landfill manager as well as a provider of the public service referred to in Article 66 of this Act who has charged other public service providers a higher price for the collection of mixed municipal waste by the ton than is the per ton of waste cost borne by his own business (Article 40 paragraph 3)

15. is a holder of waste who has been obligated to, but has not extracted the hazardous waste so as to comply with the requirements referred to in paragraph 5 of this Act (Article 42 paragraph 2)

16. is a person treating the waste who has not extracted the hazardous substances, mixtures and components from the separately collected hazardous waste before treatment or during treatment in order to treat the waste by preparing it for re-use, recycling or recovery pursuant to Articles 5 and 6 of this Act (Article 42 paragraph 6)

17. has decided on the treatment waste oils, whereby the priority has not been given to the regeneration of waste oils or other recycling operations that result in an equally valuable or the more environmentally sound outcome compared to regeneration, pursuant to Articles 5 and 6 of this Act (Article 42 paragraph 7)

18. has mixed waste oils that have different properties or has mixed waste oils and other waste or substances when such a mixing has prevented regeneration or other recycling operations that would result in an equally valuable or the more environmentally sound outcome compared to regeneration (Article 42, paragraph 8)

19. has granted the end-of-waste status to certain waste which has not been registered in the End-of-waste status register (Article 44 paragraph 1)

20. is a producer of a substance or object registered in the End-of-waste status register who has not ensured that the substance or object meets the stipulated requirements for chemicals or products, when it is used for the first time after the end-of-waste status has been granted or when it is placed on the market for the first time after the end-of-waste status has been granted (Article 45 paragraph 5)

21. is a person referred to in Article 48, paragraph 4 who has not obtained the consent of the competent body of the county regarding the plan referred to in Article 48 paragraph 4 within 30 days prior to the start of operations, as well as in the event of a significant change in the operations of the mining industry waste management facility (Article 48 paragraph 5)

22. is an operator who, in the event of a major accident, has not provided all relevant information to the competent body of the State administration for matters of civil protection in order to minimise the consequences on human health and to assess and reduce the extent of actual or potential environmental pollution and to fulfil all requirements and take all measures as stipulated in the internal emergency plan and in the Major accident prevention policy outside of the category A mining industry waste management facility location (Article 49 paragraph 7)

23. is an operator who has not submitted the application for an alternation of the mining industry waste management license to the body referred to in Article 49 paragraph 2 of this Act, when a change in the circumstances that affect the exercise of rights granted by the mining industry waste management license has occurred (Article 52 paragraph 1)

24. is a service provider who has not only financed those expenses intended for the provision of the public service referred to in Article 80 of this Act by charging the public service price referred to in Article 75 paragraph 1 of this Act (Article 80 paragraph 1)

25. is a recycling centre manager who fails to receive, free of charge, hazardous municipal waste, waste paper, wood, metals, glass, plastics, textiles and large (bulky) waste generated by the service users grouped into the household category in the corresponding territory of the local self-government unit for which that recycling centre has been established (Article 86 paragraph 2 item 1)

26. is a recycling centre manager who has not maintained a record of the received municipal waste in the prescribed manner (Article 86 paragraph 2 item 2)

27. is a recycling centre manager who has failed to separately store waste in suitable containers (Article 86 paragraph 2 item 3)

28. is a recycling centre manager who has failed to adhere to the ordinance when receiving and handing over waste (Article 86 paragraph 2 item 4)

29. is a product producer who has not ensured that the product placed on the market of the Republic of Croatia meets the requirements for that type of product (Article 91 paragraph 1 item 1)

30. is a product producer who does not have the certificate on the fulfilment of Article 91 paragraph 1 item 1 of this Act (Article 91 paragraph 1 item 2)

31. is a product producer who has not ensured that the product placed on the market of the Republic of Croatia bears the prescribed markings and contains the prescribed data (Article 91 paragraph 1 item 3)

32. is a product producer who does not have an accurate and complete written record of the products placed on the market of the Republic of Croatia (Article 91 paragraph 1 item 4)

33. is a product producer who has not delivered to the competent bodies the prescribed data concerning the products that are placed on the market of the Republic of Croatia (Article 91 paragraph 1 item 5)

34. is a product producer who has not submitted, at the request of the competent authority, proof that the requirements referred to in Article 91, paragraph 1, items 2, 3 and 4 of this Act are fulfilled, to the competent authority (Article 91 paragraph 1 item 6)

35. is a product producer who has not ensured that the required notices are located at the sales premises (Article 91 paragraph 1 item 7)

36. is a product producer who has not, although obligated to, received the used product, or ensured the collection of waste generated by the use of the product, or ensured the implementation of waste management services, or paid the waste management compensation or ensured that the information on the extent to which the product may be re-used and recycled is publicly available, or marked the product or the packaging or attached the instructions, or registered in and submitted data to the Register of producers with extended liability (Article 92 paragraph 1)

(2) For the misdemeanourous conduct referred to in paragraph 1 of this Article, a pecuniary fine of 5000,00 to 50.000,00 Kuna shall also be imposed on the responsible person of a legal person.

(3) For the misdemeanourous conduct referred to in paragraph 1 of this Article, a pecuniary fine of 5000,00 to 50.000,00 Kuna shall be imposed on a natural person – craftsman.

(4) For the misdemeanourous conduct referred to in paragraph 1 items 3 to 8, 10 and 15 to 18 of this Article, a pecuniary fine of 5000,00 to 50.000,00 Kuna shall be imposed on a natural person.

**Article 166**

(1) For a misdemeanour, a pecuniary fine of 10.000,00 to 200.000,00 Kuna shall be imposed on a legal person who fails to comply with the obligations prescribed in the implementing regulations referred to in Article 184 paragraphs 1 and 2 of this Act within the prescribed period and in the prescribed manner.

(2) For the misdemeanour referred to in paragraph 1 of this Article, a pecuniary fine of 5000,00 to 20.000,00 Kuna shall be also imposed on the responsible person of a legal person.

(3) For the misdemeanour referred to in paragraph 1 of this Article, a pecuniary fine of 5000,00 to 50.000,00 Kuna shall be also imposed on a natural person – a craftsman who is: authorised to perform waste management activities, the owner of waste, the waste holder, the product producer, the waste producer, the seller, the carrier, the broker, the dealer, the exporter, the importer, the person who conducts transit, authorised person, concessionaire and other supervised person.

(4) For the misdemeanour referred to in paragraph 1 of this Article, a pecuniary fine of 1000,00 to 10.000,00 Kuna shall also be imposed on the natural person as a waste holder, owner of the waste or another person, when subjected to supervised.

**Article 167**

(1) For a misdemeanour, a pecuniary fine of 20000,00 to 200.000,00 Kuna shall be imposed on a legal person, who:

1. has placed on the market in the Republic of Croatia a single-use plastic product listed in the B List of Annex III of this Act, as well as a product made from oxo-degradable plastic (Article 17 paragraph 1)

2. has placed on the market lightweight plastic carrier bags other than very lightweight plastic carrier bags (Article 17 paragraph 2)

3. has placed on the market in the Republic of Croatia a product which has a cap or a lid made of plastic and is listed in the C List of Annex III of this Act, however that cap or lid did not remain attached to the container during the phase of the intended use of the product, where a metal cap or lid with a plastic seal is not considered to be made of plastic (Article 17 paragraph 3)

4. has discarded of waste into the environment (Article 18 paragraph 1)

5. has dumped waste into the sea (Article 18 paragraph 3)

6. has mixed separately collected bio-waste with other types of waste (Article 18 paragraph 4)

7. has incinerated waste in the environment or at the sea, except when compliant with the International Convention for the Prevention of Pollution from Ships (MARPOL Convention) and its Annexes, or has incinerated vegetable waste from agriculture and forestry, except in a manner as stipulated by the regulations governing fire safety, or has incinerated waste collected separately and intended for preparation for re-use or recycling, except for the waste generated by the treatment of separately collected waste if incineration is the most environmentally-friendly solution pursuant to with Article 5 of this Act (Article 18 paragraph 5)

8. is a waste producer or a waste holder who has not ensured that the waste is treated through a preparation operation for re-use, recycling or recovery pursuant to Articles 5 and 6 of this Act and the aforementioned was possible (Article 21 paragraph 1)

9. is a waste producer or a waste holder who has not ensured the waste is treated through a preparation operation for re-use, recycling or recovery pursuant to Articles 5 and 6 of this Act, and has not ensured the disposal of waste in a safe manner pursuant to Article 5 of this Act (Article 21 paragraph 1)

10. has received possession of waste while not being the authorised person referred to in Article 27 paragraph 1 of this Act (Article 27 paragraph 1)

11. has commenced performing or has performed the waste recovery and disposal activities for which a waste management permit is issued, without being issued the waste management permit (Article 29 paragraph 1)

12. has commenced performing or has performed the waste collection activities through waste collection operations without being registered in the Register of collectors and recovery operators (Article 29 paragraph 3 item 1)

13. has commenced performing or has performed waste recovery activities for which no waste management permit is issued, without being registered in the Register of collectors and recovery operators (Article 29 paragraph 3 item 2)

14. has commenced performing or has performed waste management brokerage activities without being registered in the Record of waste brokers, carriers, dealers and recycling centres (Article 29 paragraph 4 item 1)

15. has commenced performing or has performed waste transport activities, without being registered in the Record of waste brokers, carriers, dealers and recycling centres (Article 29 paragraph 4 item 2)

16. has commenced performing or has performed waste trading activities, without being registered in the Record of waste brokers, carriers, dealers and recycling centres (Article 29 paragraph 4 item 3)

17. has commenced performing or has performed waste collection activities, through waste collection operations in a recycling centre, without being registered in the Record of waste brokers, carriers, dealers and recycling centres (Article 29 paragraph 4 item 4)

18. is a person who has been issued a waste management license or a waste carrier or a person managing a recycling centre or a waste collector or an unlicensed recovery operator who has not managed waste in accordance with Articles 5 and 6 of this Act (Article 29 paragraph 7)

19. the person who was issued a waste management license and who has not adhered to the waste management license while operating (Article 30 paragraph 6)

20. has landfilled waste at a landfill if the landfilling of such waste is prohibited (Article 39 paragraph 1)

21. has disposed of waste at a landfill which has not been pre-treated before its disposal, and that waste is not included in the exception referred to in Article 39 paragraph 3 of this Act (Article 39 paragraph 2)

22. is a landfill manager who has not in a timely, and in the manner prescribed by the Decision referred to in Article 40 paragraph 1 of this Act, ceased the reception of waste at the landfill or has not closed the landfill, or during the period when the landfill has not yet been closed has not accepted the mixed municipal waste which was collected from a particular local self-government unit or, while doing so, has not charged all municipal waste collection public service providers the same price for the collection of mixed municipal waste per ton (Article 40 paragraph 2)

23. is a person who mixes hazardous waste with other types of hazardous waste or with other types of waste or with other substances or materials, where mixing also includes the dilution of hazardous substances (Article 42 paragraph 1)

24. is an operator managing a mining industry waste management facility who has commenced operating the mining industry waste management facility before obtaining the mining industry waste management license (Article 50 paragraph 1)

25. is a person who has been issued the mining industry waste management license and who has not managed the waste in accordance with Articles 5 and 6 of this Act (Article 50 paragraph 7)

(2) For the misdemeanourous conduct referred to in paragraph 1 of this Article, a pecuniary fine of 10000,00 to 100.000,00 Kuna shall also be imposed on the responsible person of a legal person.

(3) For the misdemeanourous conduct referred to in paragraph 1 of this Article, a pecuniary fine of 10000,00 to 100.000,00 Kuna shall be imposed on a natural person – craftsman.

(4) For the misdemeanourous conduct referred to in paragraph 1 items 1 to 17, 20, 21 and 23 of this Article, a pecuniary fine of 10.000,00 to 100.000,00 Kuna shall be imposed on a natural person.

**Article 168**

For a misdemeanour, a pecuniary fine of 10.000,00 to 100.000,00 Kuna shall be imposed on the City of Zagreb, or a local self-government unit if it:

1. has not ensured both the conditions for and the implementation of waste management measures in their territory (Article 10 paragraph 4)

2. has not ensured that the public service provider delivers the mixed municipal waste to the waste management centre (Article 13 paragraph 2 item 1)

3. has not concluded an agreement with the corporation referred to in Article 13, paragraph 1 of this Article concerning the handover of mixed municipal waste (Article 13 paragraph 2 item 2)

4. is the owner of the person managing the waste management centre and has not ensured the implementation of the obligation referred to in Article 13 paragraph 2 of this Act (Article 13 paragraph 4)

5. has not ensured the provision of a quality, regular and economically efficient public municipal waste collection service in its territory while avoiding unjustifiably high expenses, pursuant to the principles of sustainable development and environmental protection, and in doing so, has not ensured the publicity of operations so as to ensure the separate collection of mixed municipal waste from households and other sources, household bio-waste, recyclable municipal waste, hazardous municipal waste and bulky household waste (Article 64 paragraph 4)

6. has not submitted the Decision referred to in Article 66, paragraph 1 of this Act to the Ministry or published it in the official gazette and on the website of the local self-government unit (Article 66 paragraph 3)

7. has not kept a list of the service users in whose name it is obligated to co-finance the public service price referred to in Article 66, paragraph 2, item 1 of this Act or that list does not contain the prescribed information (Article 66 paragraph 5)

8. has not submitted the Decision referred to in Article 68 paragraph 2 of this Act to the Ministry within eight days prior to the date of the adoption of that decision (Article 68 paragraph 6)

9. has not, before the approval for the price list or the altered price list was issued, verified whether the proposal of the price list is in accordance with the Act or whether the proposed prices encourage the service users to hand over bio-waste, recyclable municipal waste, bulky waste and hazardous waste separately from mixed municipal waste and whether, when applicable, bio-waste is being composted or has not reported on the verification of (Article 77 paragraph 8)

10. has not ensured that the service user, prior to the conclusion, alternation and/or supplementation of the Contract, is informed on the stipulated provisions that govern the municipal waste collection system, the Contract and the legal effects, by means of public media, the web page, written notice delivery or in an otherwise convenient manner for the service user (Article 78 paragraph 4)

11. has not on the websites of the local self-government unit or the City of Zagreb published and maintained up-to-date information about the locations of recycling centres and mobile recycling centres in settlements and the locations of separate collection waste containers installed in public spaces (Article 83 paragraph 2)

12. has not ensured the separate collection of waste paper, cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, electrical and electronic equipment, batteries, accumulators and bulky waste, including waste mattresses and furniture, by assuring the functioning of one or more recycling centres or mobile units in its territory, pursuant to Article 84 paragraphs 2 and 3 of this Act, as well as the transport of municipal bulky waste at the request of the service user (Article 84 paragraph 1)

13. has not ensured the number of recycling centres or the availability of a mobile recycling centre in accordance with Article 84 of this Act (Article 84 paragraph 2)

14. has not ensured the implementation of the prescribed measures for system for the collection of special categories of waste as prescribed in the ordinance referred to in Article 88 paragraph 3 of this Act (Article 88 paragraph 2)

15. has not, at its own expense and in an appropriate manner, ensured the annual performance of informational activities related to waste management within its territory, and in particular at least one public forum debate, and the publication of informative materials on waste management (Article 114 paragraph 1)

16. has not established and maintained on its website up-to-date web pages containing all relevant waste management information for its territory (Article 114 paragraph 2)

17. has not submitted an annual report on the implementation of educational-informational activities for the previous year to the Ministry through a network application by 31 March of the current year (Article 114 paragraph 3)

18. has not submitted a report on the actions performed within its territory, referred to in Article 115 paragraph 1 of this Act, to the Ministry by 31 March of the current year for the previous calendar year (Article 115 paragraph 4)

19. has not provided, in a timely manner and free of charge, the waste management data they are in possession of, which is necessary for the management of the information system (Article 129 paragraph 7)

20. has not adopted a decision on the necessary manner of public service provision and the charge of a uniform public service price during the period of the suspension of the Decision referred to in Article 135 paragraph 1 of this Act (Article 135 paragraph 3)

21. has adopted the Decision referred to in Article 135 paragraph 3 of this Act which does not contain a uniform public service price for the area of public service provision for users referred to in Article 70, paragraph 2, subparagraph 1 of this Act and a uniform public service price for the area of public service provision for the users referred to in Article 70, paragraph 2, subparagraph 2 of this Act (Article 135 paragraph 4)

22. has not delivered the Decision referred to in Article 135 paragraph 3 of this Act to the Ministry within 15 days of its issuance (Article 135 paragraph 5)

23. has not published the Decision referred to in Article 135 paragraph 3 of this Act in the official gazette within 15 days of its issuance (Article 135 paragraph 5)

24. has not published the Decision referred to in Article 135 paragraph 3 of this Act on the website of the local self-government unit within 15 days of its issuance(Article 135 paragraph 5)

25. has not until the adoption of the Decision referred to in Article 135 paragraph 6 of this Act ensured the public service provision on the basis of a decision on the necessary manner of public service provision and the charging of a uniform price of public service (Article 135 paragraph 7)

**Article 169**

For a misdemeanour, a pecuniary fine of 10.000,00 to 100.000,00 Kuna shall be imposed on the City of Zagreb or the district (regional) self-government unit, which:

1. has not ensured both the conditions for and the implementation of waste management measures in its territory (Article 10 paragraph 4)

2. is the owner of the person managing a waste management centre, and has not ensured adherence to the obligation referred to in Article 13 paragraph 2 of this Act (Article 13 paragraph 4)

3. has not proposed the adoption or ensured the implementation of a waste management plan within its territory (Article 111 paragraph 1)

4. has not informed the Ministry on the adoption of the Plan referred to in Article 111 paragraph 1 of this Act (Article 111 paragraph 3)

5. has not evaluated the plan referred to in Article 111 paragraph 1 of this Act at least once in every six years (Article 111 paragraph 4)

6. has not provided, in a timely manner and free of charge, the waste management data it is in possession of, which is necessary for the management of the information system (Article 129 paragraph 7)

**Article 170**

(1) For a misdemeanour, a pecuniary fine of 20.000,00 to 100.000,00 Kuna shall be imposed on a legal person, who:

1. has delivered hazardous waste, mixed municipal waste or residues from the mixed municipal waste incineration to the territory of the Republic of Croatia for the purpose of their disposal (Article 117 paragraph 1)

2. has delivered mixed municipal waste to the territory of the Republic of Croatia for energy purposes (Article 117 paragraph 2)

3. has delivered a shipment of waste to the territory of the Republic of Croatia that is intended to be recovered by incineration, which was prohibited by an order of the Minister (Article 117 paragraph 3)

4. has not adhered to the provisions of the authorisation referred to in Article 118 paragraph 1 of this Act and has not notified the Ministry thereof, upon the expiration of the authorisation (Article 118 paragraph 8)

5. is the person referred to in Article 124 paragraph 1 of this Act, and has failed to inform the Ministry of every change of the data on the basis of which a decision granting the status of pre-consented facility has been granted or has not requested an alternation of the decision within 30 days of the change that has occurred (Article 126 paragraph 1)

6. is the person referred to in Article 124, paragraph 1 of this Act, and has failed to submit to the Ministry, by 1 March of the current year, for the past calendar year, a report on the imported types and quantities of waste for which a decision awarding the status of pre-consented facility has been granted, in writing or in digital form through the electronic application of the Ministry referred to in Article 132 of this Act (Article 126 paragraph 2)

7. is a consignor of waste from the Republic of Croatia and has not received the waste that has been returned even though he had the conditions to store such waste (Article 128 paragraph 4)

8. is the consignor of waste from the Republic of Croatia and has not received the waste returned and has not ensured that the waste is received by an authorised person (Article 128 paragraph 5)

9. is as a notifier or a consignee responsible for an illegal shipment of waste in accordance with Article 2 item 35 of Regulation (EC) No 1013/2006 in insignificant quantities

10. is a notifier and has performed a transboundary movement contrary to the requirements set by the competent authority as established in Article 10 Regulation (EC) No 1013/2006

11. upon approval of a transboundary movement of waste subject to the notification procedure does not fulfil the requirements prescribed in Article 16 of Regulation (EC) No 1013/2006

12. is a person arranging a shipment of waste that is not subject to the notification procedure and does not provide the conditions prescribed in Article 18 paragraphs 1 and 2 of the Regulation (EC) No 1013/2006

13. is in violation of the prohibition of mixing of waste during shipment referred to in Article 19 of the Regulation (EC) No 1013/2006

14. is a first notifier and does not submit a new notification in accordance with Article 22 paragraph 4 and 5 of Regulation (EC) No 1013/2006, or does not complete a new movement document when, in accordance with Article 22 paragraphs 4 and 6 of Regulation (EC) No 1013/2006, a new notification is not to be submitted

15. is a notifier and has not provided coverage for the take-back costs in accordance with Article 23 paragraph 1 items a) and b) of Regulation (EC) No 1013/2006

16. is a notifier and has not provided coverage for the illegal shipment take-back costs in accordance with Article 25 paragraph 1 items a) and b) of Regulation (EC) No 1013/2006

17. is a consignee and did not provide coverage for the illegal shipment take-back costs in accordance with Article 25 paragraph 2 item a) of Regulation (EC) No 1013/2006

18. is a notifier or a consignee and has not provided coverage for the illegal shipment take-back costs in accordance with Article 25 paragraph 3 items a) and b) of Regulation (EC) No 1013/2006

19. exports small quantities of waste to a country that has, in accordance with the provisions of Article 34 paragraph 3 item (a) and Article 37 paragraph 1 subparagraph (ii) item a) of Regulation (EC) No 1013/2006, prohibited the imports of such waste

20. contrary to the prohibition on the export of waste referred to in Articles 34, 36, 39 and 40 of Regulation (EC) No 1013/2006 exports small quantities of waste from the Republic of Croatia

21. contrary to the prohibition on the import of waste referred to in Articles 41 and 43 of Regulation (EC) No 1013/2006 imports small amounts of waste into the Republic of Croatia.

(2) For the misdemeanour referred to in paragraph 1 of this Article, a pecuniary fine of 10000,00 to 50.000,00 Kuna shall be also imposed on the responsible person of a legal person.

(3) For the misdemeanour referred to in paragraph 1 of this Article, a pecuniary fine of 10.000,00 to 100.000,00 Kuna shall be imposed on a natural person – craftsman.

(4) For the misdemeanourous conduct referred to in paragraph 1 items 1 to 4, and 7 to 21 of this Article, a pecuniary fine of 10.000,00 to 50.000,00 Kuna shall be imposed on a natural person.

**Article 171**

(1) For any failure to fulfil the obligations, prescribed in the implementing regulations referred to in Article 186 of this Act as well as the failure to fulfil those obligations within the determined time limit and in the prescribed manner: a person authorised to perform waste management activities, an owner of waste, a waste holder, a product producer, a waste producer, a seller, a carrier, a broker, a dealer, an exporter, an importer, a person who conducts transit, an authorised person, a concessionaire, a local and district (regional) self-government unit and any other supervised persons, shall be considered to have committed a misdemeanour for the purposes of this Act.

(2) For the misdemeanour referred to in paragraph 1 of this Article, a pecuniary fine of 100.000,00 to 800.000,00 Kuna shall be imposed on a legal person who is: a person authorised to perform waste management activities, an owner of waste, a waste holder, a product producer, a waste producer, a seller, a carrier, a broker, a dealer, an exporter, an importer, a person who conducts transit, an authorised person, a concessionaire, a local and district (regional) self-government unit and any other supervised persons.

(3) For the misdemeanour referred to in paragraph 1 of this Article, a pecuniary fine of 30.000,00 to 70.000,00 Kuna shall also be imposed on the responsible person of a legal person referred to in paragraph 2 of this Article.

(4) For the misdemeanour referred to in paragraph 1 of this Article, a pecuniary fine of 25000,00 to 70.000,00 Kuna shall be also imposed on a natural person – a craftsman who is: authorised to perform waste management activities, the owner of waste, the waste holder, the product producer, the waste producer, the seller, the carrier, the broker, the dealer, the exporter, the importer, the person who conducts transit, authorised person, concessionaire and other supervised person.

(5) For the actions referred to in paragraph 1 of this Article, a pecuniary fine of 3.000,00 to 10.000,00 Kuna shall also be imposed on a natural person who is a waste holder, owner of waste and any other supervised persons.

# XVIII TRANSITIONAL AND FINAL PROVISIONS

***Article 172***

The Government shall harmonise the Waste management plan of the Republic of Croatia for the period 2017 - 2022 (official gazette, »Narodne novine«, No. 3/17) with this Act within 12 months of its entry into force.

**Article 173**

(1) The unit of district (local) self-government and the City of Zagreb, are required to adopt the Waste management plan referred to in Article 111 of this Act by 1 January 2024.

(2) Until the adoption of the Plan referred to in paragraph 1 of this Article, the Waste management plans of the units of local self-government and the City of Zagreb, adopted pursuant to the Act on sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19), shall remain in force.

(3) The executive body of the units of local self-government shall submit a yearly report on the implementation of the Waste management plan for the Republic of Croatia, during the previous year, for the years 2021, 2022 and 2023, to the district (regional) self-government unit, and publish it in their official gazette by 31 March, of the current year.

(4) The executive body of the units of district (regional) self-government shall submit to the Ministry a yearly report on the implementation of the Waste management plan for the Republic of Croatia as well as the consolidated reports referred to in paragraph 3 of this Article, and publish them on its website by May 31, of the current year for the previous calendar year.

(5) The ministry shall publish the consolidated reports referred to in paragraph 4 of this Article, on its websites.

(6) The obligations referred to in paragraphs 3, 4 and 5 of this Article shall become applicable one year after the cessation of the application of the Waste management plan of the Republic of Croatia for the period 2017 - 2022 (official gazette, »Narodne novine«, No. 3/17)

**Article 174**

(1) The Fund shall establish the EPRR referred to in Article 94 of this Act within six months from this Act's entry into force.

(2) The Fund and the Finance agency shall conclude the Agreement referred to in Article 94, paragraph 8 of this Act within three months from this Act's entry into force.

**Article 175**

(1) The person who was issued a waste management permit pursuant to the Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19), may conduct activities in accordance with the issued permit:

- for up to six months from the entry into force of the Ordnance referred to in Article 5, paragraph 5 of this Act, if the permit does not provide for an audit term, or a term for the examination of the circumstances influencing the exercise of rights granted by the waste management permit, expiring in the time between the entry of this Act into force and the entry into force of the Ordnance referred to in Article 5, paragraph 5 of this Act.

- until the expiration of the audit term, or the term for the examination of the circumstances influencing the exercise of rights granted by the waste management permit, if the audit term, or the term for the examination of the circumstances influencing the exercise of rights granted by the waste management permit expires after the entry into force of the Ordnance referred to in Article 5, paragraph 5 of this Act.

(2) In the procedures for the examination of the circumstances influencing the exercise of rights granted by the waste management permit, which were initiated prior to the entry of this Act into force, the requirements set out in Article 91, paragraph 1, items 2, 6 and 7 of the Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19), shall not be examined, excluding those procedures initiated for the alternation of the rights granted by the waste management permit.

**Article 176**

(1) The data recorded in the Registers referred to in Article, 14, paragraph 1; Article 15, paragraph 1 and Article 121, paragraph 1, of the Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19), shall be carried over appropriately into the Registers referred to in Article 15, paragraph 1; Article 44, paragraph 1; and Article 46, paragraph 1 of this Act, and the data recorded in the Registers referred to in Article 116; 117; 118; 119; and Article 50, paragraph 10 of the Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19) shall be carried over appropriately into the Records referred to in Article 47, paragraph 1 of this Act.

(2) Until the establishment of the Register of waste management activities referred to in Article 130, paragraph 1 of this Act, the application for entry into the Register of collectors and recovery operators shall be submitted in writing.

(3) The entry into the Registers referred to in Article 15, paragraph 1; Article 44, paragraph 1 and Article 46, paragraph 1 of this Act, with the exclusion of collectors, shall be conducted by the body referred to in Article 15, paragraph 2; Article 44, paragraph 2 and Article 46, paragraph 1 of this Act, for up to six months from the date of the entry of the Ordinance referred to in Article 5 paragraph 5 of this Act into force, in accordance with the Waste management ordinance (official gazette, »Narodne novine«, No. 81/20).

(4) The records referred to in Article 47, paragraph 1 of this Act shall be kept by the body referred to in Article 47, paragraph 1 of this Act, through the application for the operation of the Register of waste management activities, for up to six months from the date of the entry of the internal acts of the administration referred to in Article 47, paragraph 8 of this Act into force.

(5) The person who has conducted a transboundary movement of waste in the past year, is required to submit to the Ministry, by 1 March, of the current year a report on the types and amounts of waste imported and exported into the territory of the Republic of Croatia during the previous year, until the transboundary movement of waste application referred to in Article 129, paragraph 2, item 2 of this Act is established.

**Article 177**

(1) The Fund shall adopt the decision referred to in Article 65, paragraph 4 of this Act within three months from the date of the entry into force of this Act.

(2) The financing of the expenses of the services referred to in Article 64, paragraph 3 subparagraph 1 point 3 and subparagraph 2 of this Act from the funds collected by charging the waste management fees referred to in Article 105 of this Act, will be conducted by the Fund from the funds collected from waste management fees for special categories of waste referred to in Article 74 of the Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19).

**Article 178**

(1) The representative body of a local self-government unit shall adopt the decision on the manner of public service provision referred to in Article 66 of this Act, within six months of the date of the entry of this Act into force.

(2) On the date of the entry into force of the Decision referred to in paragraph 1 of this Article, the decision on the manner of the provision of the public service of the collection of mixed municipal waste and bio-degradable municipal waste referred to in Article 30, paragraph 7 of the Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19), shall cease to apply.

(3) The provider of the public service shall adopt the price list referred to in Article 77 of this Act within three months from the adoption of the decision on the manner of public service provision referred to in Article 66 of this Act.

**Article 179**

(1) The obligation to pay the Municipal waste management facility construction fee, referred to in Article 33, paragraph 13, of the Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19), which was stipulated by a decision of the representative body of the unit of local self-government, shall cease within two years from the date of the entry of this Act into force.

(2) The executive body of the local self-government unit, shall by 31 March of the current year, submit a report to the representative body of the local self-government unit, on the implementation of the Municipal waste management facility construction Plan during the previous year, containing: a description of all conducted activities from the Municipal waste management facility construction Plan; the data on the financial implementation and funding sources for individual activities, and shall submit this report to the Ministry.

(3) The obligation referred to in paragraph 2 of this Article, shall be applicable for as long as the obligation referred to in paragraph 1 of this Article persists.

**Article 180**

(1) The Fund shall adopt the decision on the establishment of the Special waste category councils, referred to in Article 98 of this Act within three months from the date of the entry of this Act into force.

(2) The first session of the Special waste category councils referred to in Article 98 of this Act shall be held within 30 days from the date of the entry of the decision referred to in paragraph 1 of this Article into force.

**Article 181**

(1) The report referred to in Article 15, paragraph 9 of this Act shall contain the data prescribed in Annex VII of the Ordinance on by-products and the granting of the end-of-waste status (official gazette »Narodne novine«, No. 117/14), until the entry into force of the Ordinance referred to in Article 5, paragraph 5 of this Act.

(2) The report referred to in Article 45, paragraph 6 of this Act shall contain the data prescribed in Annex VI of the Ordinance on by-products and the granting of the end-of-waste status (official gazette »Narodne novine«, No. 117/14), until the entry into force of the Ordinance referred to in Article 45, paragraph 8 of this Act.

(3) The Ministry shall, before 31 December 2021, submit to the European commission, a report on municipal waste and bio-waste with measures for the preparation for re-use, recycling and other treatment operations for such waste, and the material and territorial scope of the separate collection of waste, including exemptions from the obligation to collect such waste separately, and the limitations to the mixing of waste with other waste or other materials with different properties, for the purpose of facilitating or advancing the preparation for re-use, recycling or other recovery operations.

(4) After this Act has come into force, the ministry shall draft and submit to the European commission, and make publicly available, the list of measures for the achievement of an ambitious and permanent reduction in the consumption of single-use plastic products listed in List A of Annex III of this Act, in accordance with the general goals of the European union waste policy, and especially on the prevention of waste generation, in order to create a noticeable reversal of the trend of growing consumption and to achieve a measurable quantitative decrease of the consumption of products listed in Article 56, paragraph 3 of this Act.

(5) The measures for the achieving of a reduction of the consumption of single-use plastic products stipulated on the basis of this Act and the by-laws adopted pursuant thereto, must be an integral part of the plans or programs of measures established in accordance with special regulations governing the protection of water, the marine environment and maritime affairs, when these plans or programs are next updated.

**Article 182**

The concessions granted for the managing of special categories of waste in accordance with the provisions of the Act on Waste (official gazette »Narodne novine«, No. 178/04, 111/06, 60/08 i 87/09) shall remain valid until their expiration, at the longest.

**Article 183**

(1) The contracts on the performance of waste treatment activities for particular categories of waste, concluded between the Fund and a legal or natural person - a craftsman, which are in force pursuant to the Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19), shall be applicable until the day that the contracts for the performance of waste treatment activities pursuant to Article 97 of this Act have been concluded.

(2) The contracts on the performance of waste treatment activities for special categories of waste, concluded between the Fund and the authorised person, shall be considered contracts for the performance of waste treatment activities pursuant to Article 97 of this Act, from the day of the entry into force of this Act.

(3) The authorised persons referred to in paragraph 2 of this Article are required to ensure the collection of the appropriate waste on the entirety of the territory of the Republic of Croatia and to satisfy the requirements determined by the acts of the Fund, within 12 months, from the day of the entry of this Act into force.

(4) Should the authorised person referred to in paragraph 2 of this Article not provide for the conditions referred to in paragraph 3 of this Article, the contract on the performance of waste treatment activities for particular categories of waste concluded between the fund and the authorised person, shall cease to be valid upon the expiration of the deadline stipulated in paragraph 3 of this Act.

(5) The contracts on the performance of waste collection activities for particular categories of waste, concluded between the Fund and an authorised collector, which are in force pursuant to the Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19), shall cease to be valid on the day that the contracts for the performance of waste treatment activities pursuant to Article 97 of this Act have been concluded, or on the day of the harmonisation referred to in paragraph 3 of this Article.

(6) The contracts on the performance of packaging waste collection activities as part of a redemption fee system, which are in force pursuant to the Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19), shall be applicable until the day that the contracts pursuant to Article 97, paragraph 13 of this Act have been concluded, following a public invitation for the expression of interest.

**Article 184**

The packaging placed on the market of the Republic of Croatia must be included in the extended producer responsibility scheme from section X of this Act by 31 December 2024.

**Article 185**

(1) The government shall adopt the Regulations referred to in Article 56, paragraph 4; Article 100, paragraph 6; Article 104, paragraph 10; and Article 116, paragraph 3 of this Act, within a year from the date of the entry of this Act into force.

(2) The Minister shall within:

- six months from the date of the entry of this Act into force, issue the Ordinances referred to in Article 5, paragraph 5; Article 39, paragraph 6; Article 88, paragraph 3, stipulating the special categories of waste within the system of the Fund, packaging, waste packing and single-use plastic products, and the Ordinance referred to in Article 90, paragraph 2 of this Act.

- a years from the date of the entry of this Act into force, issue the Ordinances referred to in Article 41, paragraph 2; Article 45, paragraph 10; Article 48, paragraph 11; Article 88, paragraph 3, which are not listed in subparagraph 1 of this paragraph and Article 90, paragraph 1 of this Act.

(3) The Minister shall adopt the internal acts of Administration, referred to in Article 11, paragraph 2; Article 47, paragraph 8; Article 129, paragraph 9; Article 130, paragraph 6; and Article 132, paragraph 5 of this Act, within six months from the date of the entry of this Act into force.

**Article 186**

(1) Until the entry into force of the Regulations referred to in Article 185, paragraph 1 of this Act, the following shall remain in force:

- the Regulation on the management of packaging waste (official gazette, »Narodne novine«, Nos. 97/15, 7/20 and 140/20).

- the Regulation on the management of packaging waste (official gazette, »Narodne novine«, Nos., 105/15 and 57/20).

- the Regulation on the management of end-of-life vehicles (official gazette, »Narodne novine«, No. 112/15) and

– the Regulation on the border crossings within the territory of the Republic of Croatia through which the import of waste into the European Union and the export of waste from the European Union is allowed (official gazette, »Narodne novine«, No. 6/14).

- the decision on the amendment of fees in the end-of-live waste vehicles and waste tyres systems, (official gazette, »Narodne novine«, Nos. 40/15 and 57/20).

(2) Until the entry into force of the Ordinances referred to in Article 185, paragraph 2 of this Act, the following shall remain in force:

- the Ordinance on by-products and the granting of the end-of-waste status (official gazette, »Narodne novine«, No. 117/14)

- the Ordinance on waste management (official gazette, »Narodne novine«, No. 81/20)

- the Ordinance on the waste catalogue (official gazette, »Narodne novine«, No. 90/15)

- the Ordinance on the thermal treatment of waste (official gazette, »Narodne novine«, No. 75/16)

- the Ordinance on the management of mining industry waste (official gazette, »Narodne novine«, No. 22/19)

- the Ordinance on the management of polychlorinated biphenyls and polychlorinated terphenyls (official gazette »Narodne novine«, No. 103/14)

- the Ordinance on the management of waste generated by the production of titanium-dioxide (official gazette »Narodne novine«, No. 117/14)

- the Ordinance on the management of medical waste (official gazette, »Narodne novine«, Nos., 50/15 and 56/19).

- the Ordinance on the management of sludge from waste water treatment devices, when the sludge is used in agriculture (official gazette, »Narodne novine«, No. 38/08).

- the Ordinance on the management of waste textiles and waste footwear (official gazette, »Narodne novine«, No. 99/15)

- the Ordinance on construction waste and waste containing asbestos (official gazette, »Narodne novine«, No. 69/16)

- the Ordinance on the management of waste tyres (official gazette, »Narodne novine«, No. 113/16)

- the Ordinance on the management of waste oils (official gazette, »Narodne novine«, Nos. 124/06, 121/08, 31/09, 156/09, 91/11, 45/12, 86/13)

- the Ordinance on the management of end-of-life vehicles (official gazette, »Narodne novine«, Nos. 125/15, 90/16, 60/18, 72/18, 81/20)

- the Ordinance on packaging and packaging waste (official gazette, »Narodne novine«, Nos. 88/15, 78/16, 116/17, 14/20 and 144/20)

- the Ordinance on landfilling conditions and methods, the categories and conditions for the operation of landfills (official gazette, »Narodne novine«, No. 114/15, 103/18 and 56/19).

- the Ordinance on batteries and accumulators, and waste batteries and accumulators (official gazette, »Narodne novine«, No., 111/15), excluding Article 31

- the Ordinance on the management of electric and electronic waste (official gazette, »Narodne novine«, Nos., 42/14, 48/14, 107/14, 139/14, 11/19 and 7/20), excluding Article 24, paragraphs 2 and 3

- the instruction on bulky waste (official gazette, »Narodne novine«, No. 79/15)

**Article 187**

On the day of the entry of the regulation referred to in Article 185, paragraphs 1 and 2 of this Act into force, the validity of Article 171 of this Act will cease.

**Article 188**

(1) On the day of the entry of this Act into force, the Ordinance on the management of municipal waste (official gazette, »Narodne novine«, Nos. 50/17, 84/19 and 14/20 - decision of the Constitutional court of the Republic of Croatia), shall remain in force, with the exclusion of Articles 1 to 13, Article 14, paragraphs 1 and 3 to 12, Articles 15, 18 to 21 and 23 to 27, of the Ordinance on the management of municipal waste (official gazette, »Narodne novine«, Nos. 50/17, 84/19 and 14/20 - decision of the Constitutional court of the Republic of Croatia).

(2) The provisions of Article 14, paragraph 2, Articles 16, 17 and 22 of the Ordinance on the management of municipal waste (official gazette, »Narodne novine«, Nos. 50/17, 84/19 and 14/20 - decision of the Constitutional court of the Republic of Croatia), shall cease to be valid on the day the Ordinance referred to in Article 5, paragraph 5 of this Act enters into power.

**Article 189**

The ministry shall conduct a subsequent assessment of the effects of the provisions of this Act within two years from the date of the entry of this Act into force.

**Article 190**

Procedures initiated on the basis of the Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19), shall be completed on the basis of the provisions of that Act.

**Article 191**

The Act on Sustainable waste management (official gazette, »Narodne novine«, Nos. 94/13, 73/17, 14/19 and 98/19), shall cease to be valid on the day of the entry of this Act into force.

**Article 192**

This Act shall come into force on the eight day following its publication in the official gazette, »Narodne novine«, with the exception of Article 101 of this Act, and item 2 of the Annex V to this Act, which shall come into force on 16 September 2021, Article 17, paragraph 2 of this Act, which shall come into force on 1 January 2022 and Article 17, paragraph 3 of this Act which shall come into force on 3 July 2024.

Class: 022-03/21-01/32

Zagreb, 15 July 2021

THE CROATIAN PARLIAMENT

President
of the Croatian parliament
**Gordan Jandroković,** m.p.

# ANNEX ILIST OF WASTE DISPOSAL OPERATIONS

D 1 Landfilling of waste into or above the ground (e.g. on landfills)

D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)

D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturallyoccurring repositories, etc.)

D 4 Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds orlagoons, etc.)

D 5 Specially engineered landfill (e.g. placement into lined cells which are capped andisolated from one another and the environment)

D 6 Release into a water body except seas/oceans

D 7 Release to seas/oceans including sea-bed insertion

D 8 Biological treatment not specified elsewhere among these operations which results infinal compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12

D 9 Psycho-chemical treatment not specified elsewhere among these operations which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)

D 10 Incineration on land

D 11 Incineration at sea (This operation is prohibited by the EU legislation and international conventions)

D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)

D 13 Blending or mixing of waste prior to submission to any of the operations numbered D 1 to D12 (If there is no other D code appropriate, this can include preliminary operations prior to disposal including pre-processing such as, among others, sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D12)

D 14 Repackaging of waste prior to submission to any of the operations numbered D 1 to D 13, and D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection on the site where the waste is produced) and other operations laid down by a special regulation.

# ANNEX II LIST OF WASTE RECOVERY OPERATIONS

R 1 Use principally as a fuel or other means to generate energy

This includes incineration facilities dedicated to the processing of municipal solid waste only
where their energy efficiency is equal to or above:

– 0.60 for installations in operation and permitted in accordance with applicable Community
legislation before 1 January 2009;

– 0.65 for installations permitted after 31 December 2008, using the following formula:

Energy efficiency = (Ep – (Ef + Ei))/(0.97 × (Ew + Ef)) in which:

Ep means annual energy produced as heat or electricity. It is calculated with energy in form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year)

Ef means annual energy input to the system from fuels contributing to the production of steam (GJ/year)

Ew means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

Ei means annual energy imported excluding Ew and Ef (GJ/year)

0.97 is a factor accounting for energy losses due to bottom ash and radiation.

This formula shall be applied in accordance with the reference document on best available techniques for waste incineration.

The value of the energy efficiency formula is multiplied with the climate correction factor (CCF) as follows:

1. CCF for installations in operation and permitted in accordance with applicable Community
legislation before 1 January 2009.

CCF = 1 if HDD >= 3 350

CCF = 1.25 if HDD<= 2 150

CCF = – (0.25/1 200) × HDD + 1,698 if 2 150 < HDD < 3 350

2. CCF for installations permitted after 31 August 2015 and for installations falling under item 1 of this Annex after 31 December 2029.

CCF = 1 if HDD >= 3 350

CCF = 1.12 if HDD<= 2 150

CCF = – (0,12/1 200) × HDD + 1,335 if 2 150 < HDD < 3 350

(The calculated CCF value shall be rounded to three decimal places)

The HDD value (Heating Degree Day) must be taken as the average HDD for the location of the incineration facility, calculated for a period of 20 consecutive years preceding the year for which the CCF was calculated. The following, Eurostat stipulated method should be used for HDD value calculation: HDD equals (18 °C – Tm) × d if the Tm i is lower than or equal to 15 °C (heating threshold) and zero if Tm is greater than 15 °C, where Tm is the mean (Tmin + Tmax) / 2 outdoor temperature over a given period of d days. The calculations are made on a daily basis (d = 1) and are added for a year.

R 2 Waste solvent reclamation/regeneration

R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes, the preparation for re-use this includes gasification and pyrolysis using the components as chemicals, and the re-use of organic materials for backfilling)

R 4 Recycling/reclamation of waste metals and metal compounds (this procedure includes preparation for re-use)

R 5 Recycling/reclamation of other waste inorganic materials (this procedure includes preparation for re-use, recycling of inorganic construction materials, the re-use of inorganic materials for backfilling and soil cleaning resulting in the re-use of waste)

R 6 Regeneration of acids and bases

R 7 Recovery of components used for pollution abatement

R 8 Recovery of components from catalysts

R 9 Oil re-fining or other re-uses of oil

R 10 Land treatment resulting in benefit to agriculture or ecological improvement

R 11 Use of waste obtained from any of the operations numbered R 1 to R 10

R 12 Use of waste obtained from any of the operations numbered R 1 to R 11

(If there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, among others, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11)

R 13 Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced) and other operations laid down by a special regulation.

# ANNEX IIINON-EXHAUSTIVE LISTS OF SINGLE-USE PLASTIC PRODUCTS

When determining whether a food container shall be considered a single-use plastic product, the deciding factor, besides the criteria for food containers stated in this Annex, is the tendency for its discarding into the environment as waste, due to its volume or size, especially in the case of single portion food containers. The criteria stated in the Guidelines of the European commission on what is to be considered a single-use plastic product for the requirements of the Directive (EU) 2019/904, shall be used in determining single-use plastic products.

### LIST AReduction of consumption

1. beverage cups, including their caps and lids

2. Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food which:

(a) is intended for immediate consumption, either on-the-spot or take-away,

(b) is typically consumed from the receptacle, and

(c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,

including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.

### LIST BRestrictions on placing on the market

1. Cotton bud sticks, except cotton bud sticks which are referred to in a special regulation governing medical devices or a special regulation governing important requirements, sorting, the recording of producers into the producer register, the recording of medical devices in the medical devices register and the determination of the conformity of medical devices

2. Cutlery (forks, knives, spoons, chopsticks);

3. Plates;

4. Straws, except those straws which are referred to in a special regulation governing medical devices or a special regulation governing important requirements, sorting, the recording of producers into the producer register, the recording of medical devices in the medical devices register and the determination of the conformity of medical devices

5. Beverage stirrers;

6. Sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, including the mechanisms of such sticks;

7. Food containers made of expanded polystyrene, i.e. receptacles such as boxes, with or without a cover, used to contain food which:

(a) is intended for immediate consumption, either on-the-spot or take-away;

(b) is typically consumed from the receptacle, and

(c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,

including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food;

8. Beverage containers made of expanded polystyrene, including their caps and lids;

9. Cups for beverages made of expanded polystyrene, including their covers and lids

### LIST CProduct requirements

Beverage containers with a capacity of up to three litres, i.e. receptacles used to contain liquid, such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not:

(a) glass or metal beverage containers that have caps and lids made from plastic,

(b) beverage containers intended and used for food for special medical purposes as defined in item (g) of Article 2 of Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013) that is in liquid form.

### LIST DProduct marking requirements

1. Sanitary towels (pads), tampons and tampon applicators;

2. Wet wipes, i.e. pre-wetted personal care and domestic wipes;

3. Tobacco products with filters and filters marketed for use in combination with tobacco products;

4. Cups for beverages.

### LIST EExtended producer responsibility

I

1. Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food which:

(a) is intended for immediate consumption, either on-the-spot or take-away;

(b) is typically consumed from the receptacle, and

(c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,

including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food;

2. Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation;

3. Beverage containers with a capacity of up to three litres, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have caps and lids made from plastic;

4. beverage cups, including their caps and lids

5. Lightweight plastic carrier bags

II

1. Wet wipes, i.e. pre-wetted personal care and domestic wipes;

2. Balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers.

III.

1. Tobacco products with filters and filters marketed for use in combination with tobacco products.

### LIST FSeparate collection and product requirements

Beverage bottles with a capacity of up to three litres, including their caps and lids, but not:

(a) glass or metal beverage bottles that have caps and lids made from plastic

(b) beverage bottles intended and used for food for special medical purposes as defined in item (g) of Article 2 of Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013) that is in liquid form.

### LIST GAwareness raising measures

1. Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food which:

(a) is intended for immediate consumption, either on-the-spot or take-away;

(b) is typically consumed from the receptacle, and

(c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,

including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food;

2. Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation;

3. Beverage containers with a capacity of up to three litres, i.e. receptacles used to contain liquid such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have caps and lids made from plastic;

4. beverage cups, including their caps and lids

5. Tobacco products with filters and filters marketed for use in combination with tobacco products.

6. Wet wipes, i.e. pre-wetted personal care and domestic wipes;

7. Balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers.

8. Lightweight plastic carrier bags

9. Sanitary towels (pads), tampons and tampon applicators;

# ANNEX IVPRICE CALCULATION FOR THE AMOUNT OF MIXED MUNICIPAL WASTE HANDED OVER

1. When the volume of containers and the frequency of their emptying, has been defined as the waste amount criteria by a Decision, the price of the public service for the amount of handed over mixed municipal waste, shall be calculated using the following formula:

C = JCV × BP × U

where:

C - is the price of the public service for the amount of handed over mixed municipal waste in Kuna

JCV - is the unit-price for the emptying of a volume of a mixed municipal waste container in Kuna, in accordance with the price list

BP - is the frequency of the emptying of the mixed municipal waste containers during the metering period, in accordance with the data from the Records

U - is the share of the service user in the use of the container

2. When the mass of the handed-over waste, has been defined as the waste amount criteria by a Decision, the price of the public service for the amount of handed over mixed municipal waste, shall be calculated using the following formula:

C = JCM × ZM × U

where:

C - is the price of the public service for the amount of handed over mixed municipal waste in Kuna

JCM - is the unit-price for a mass of collected mixed municipal waste in Kuna, in accordance with the price list

ZM - is the sum of the mass of the collected mixed municipal waste during the metering period stated in kilogrammes, in accordance with the data from the Records

U - is the share of the service user

# ANNEX VFORMULAS FOR THE CALCULATION OF FEES

### 1. Landfilling fee

The landfilling fee shall be calculated as the sum of the amounts for the landfilled types of waste, using the following formula:

NOO = jNO × mO

where:

NOO – is the amount for the landfilled waste in the calendar year in Kuna

jNO – is the per-unit-fee for a certain type of waste, as stipulated by a Regulation in Kunas per ton

mO – is the mass of landfilled waste of a certain type in tons

### 2. Incentive fee

The amount of the incentive fee shall be calculated using the following formula:

NPN = JPN × mSK

where:

NPN – is the incentive fee amount in Kuna

JPN – is the per-unit incentive fee, which equals:

– for the year 2020: 150,00 Kuna per ton

– for the year 2021 and onwards: 200,00 Kuna per ton

mSK – is the mass of collected mixed municipal waste exceeding the threshold quantity of mixed municipal waste in the unit of self-government or the City of Zagreb in a calendar year, in tons.

The mass of collected mixed municipal waste exceeding the threshold quantity of mixed municipal waste in the unit of self-government or the City of Zagreb in a calendar year, shall be determined using the following formula:

mSK = mMKO - (mUK × k) and if mSK is less than zero, it is shall be zero tons

where:

mMKO – is the mass of mixed municipal waste with the waste code 20 03 01 collected as part of the public service during a calendar year, stated in tons

mUK – is the total mass of mixed municipal waste collected as part of the public service during a calendar year, stated in tons

k – the threshold mass coefficient for the collected mixed municipal waste in the total mass of all municipal waste collected through the public service for a calendar year, which equals:

- for the year 2020: 0,58

- for the year 2021: 0,54

- for the year 2022 and onwards: I 0,50

The total mass of municipal waste collected through the public service includes the waste categorised under the following waste codes, in accordance with the special Regulation governing the waste Catalogue:

- all waste from the subgroup 15 01

- all types of municipal waste from the subgroup 20 01, excluding the waste categorised under the waste code 20 01 99

- the waste categorised under the waste codes 20 02 01, 20 03 01, 20 03 02, 20 03 07

### 3. Landfill proximity compensation

The peak point of the cadastral plot at which the landfill is located is the point at the border of the cadastral plot on which the landfill is located, which is the closest to the cadastral plot where the residential or residential-commercial building is located

The peak point of the cadastral plot at which the residential-commercial building is located is the point at the border of the cadastral plot on which the residential-commercial building is located, which is the closest to the cadastral plot where the landfill or is located

The landfill proximity compensation for a calendar year in which waste has been landfilled at the landfill, shall be calculated using the following formula:

N = PO × K / BV

where:

N - is the landfill proximity compensation for the calendar year in Kuna

PO - is the yearly income of the person managing the landfill, generated through the landfilling of waste during the previous calendar year, in Kuna

K - is the coefficient determined by a decision of the executive body of a unit of local self-government or the City of Zagreb, which ranges from 0 to 0,05

BV - is the number of owners as defined in the list of real-estate owners of the unit of local self-government or the City of Zagreb.

# ANNEX VITHE CONTENTS OF WASTE MANAGEMENT PLANS

## 1. THE CONTENTS OF THE WASTE MANAGEMENT PLAN OF THE REPUBLIC OF CROATIA

The Waste management plan of the Republic of Croatia referred to in Article 104 of this Act shall contain:

1. the analysis and assessment of the existing waste management state

2. the measures for the improving of re-use, recycling, recovery and the disposing of waste in an environmentally sound manner

3. the assessment of the method in which the Plan shall contribute to the implementation of the objectives and provisions of Directive (EU) 2008/98/EC

4. the types, quantities and origin of waste produced in the Republic of Croatia, the waste that shall likely be shipped from or to the Republic of Croatia and the assessment of future waste streams

5. the more important existing waste disposal and recovery facilities, the management system for the special types of waste and the waste that contains significant quantities of critical raw materials and waste streams prescribed by European Union regulations

6. the evaluation of the necessity of closing the existing and establishing new mixed municipal household waste disposal and recovery infrastructure, the evaluation of the necessary investments and other financial resources and the local self-government unit’s resources that must be spent so as to close the existing and establish new waste management infrastructure

7. the measures by which it shall be endeavoured, that by the year 2030, all waste suitable for recycling or other type of recovery operation, in particular municipal waste, shall not be received at landfills except for that waste, for which landfilling results in the most environmentally sound impact in accordance with the waste management priority order

8. the assessment of the existing waste collection systems, as well as the types of materials and areas covered by separate waste collection systems, and the measures for the improvement those systems, as well as all allowed exceptions from the separate waste collection obligation and the need for the establishment of new separate waste collection systems

9. the appropriate information on the criteria on the basis of which a location is selected and the needed capacities of the more important new waste disposal or recovery facilities, should it be necessary

10. the general waste management policy, including the planned technologies and methods that shall be used and the policies applied to solve a particular waste management issue

11. the measures for the prevention of illegal waste discarding and the measures for the removal of the illegally discarded waste

12. the appropriate qualitative and quantitative indicators and target values for indicators regarding the quantities of produced waste and its treatment as well as the quantities of the municipal waste that is not landfilled or used for energy recovery

13. the assessment of the usefulness and appropriateness of the use of economic and other waste management instruments’ for the unimpeded functioning of the internal market

14. the list of remedied locations previously contaminated by waste (hot spots) and of remedied and closed landfills as well as the remediation measures

15. the methods for achieving waste management objectives, in particular those referred to in Article 53 paragraph 2 of this Act, and in the case of postponing the time limit referred to in Article 53 paragraph 2 of this Act, the measures by which it shall be achieved that by the year 2035 the quantity of municipal waste being landfilled is lowered to maximally 25% of the total amount (by mass) of the produced municipal waste

16. the proportionate and non-discriminatory measures for achieving the reduction of the consumption of single-use plastic products, in particular the products set out in List A Annex VI of this Act that may include the national objectives for consumption reduction; the measures by which it is ensured that at the all re-usable alternatives to the plastic products, from List A Annex VI of this Act, are available to the end user at the selling location; the economic instruments such as instruments by which it is ensured that those single-use plastic products are not being given to the end user free of charge at the selling location; and the sectoral agreements, the market restrictions that derogate the prohibition of prevention of placing on the market the packaging that meets the requirements of a special regulation by which packaging and packaging waste is being regulated so as to prevent the discarding of such products into the environment as waste, in order to ensure that they shall be replaced by alternatives that may be re-used or that do not contain plastics, and the measures may be differentiated on the basis of the impact of those single-use plastic products on the environment throughout their life cycle, among other things, when being discarded into the environment as waste

17. a chapter on the handling of packaging and packaging waste, including:

- the measures for the achieving of the objectives regarding packaging and packaging waste, in particular regarding the objectives prescribed in Article 58 of this Act, where objectives may be planned that are greater than the objectives stipulated in Article 58 of this Act, provided that, by reaching those objectives, a high level of environmental protection may be achieved and the internal market of the European Union is not being compromised

- measures on the re-use of packaging

- the objectives and measures on reducing the use of plastic carrier bags, regardless of the wall thickness of these bags

- the qualitative and quantitative objectives regarding packaging and packaging waste management, including, per year, the lowest percentage of returnable packaging that is being placed on the market each year

18. A programme on the prevention of waste production which contains the objectives, the descriptions of existing measures for the prevention of waste production, their contribution to the prevention of waste production and the measures for the prevention of waste production, which:

a) improve and support sustainable production and consumption models

b) encourage the design, production and consumption of products that efficiently use resources, that are durable (among other things, regarding the life cycle of product and the absence of planned obsolescence), that may be repaired, re-used and upgraded

c) target the products that contain key raw materials in order to prevent them from becoming waste

d) encourage the re-use of a product and establishment of a system promoting repair and re-use, in particular regarding electric and electronic equipment, textiles, furniture, packaging and construction materials and products

e) appropriately encourages, without prejudice to intellectual property rights, the availability of spare parts, instructions for use, technical information or other instruments, equipment or computer programs that may be used to repair and re-use a product without impairing its quality and security

f) reduces the waste produced in the processes related to industry production, mineral raw materials extraction, production, construction and demolition is being reduced, taking into account, the best available techniques

g) encourages the reduction of the content of hazardous substances in materials and products, without prejudice to harmonised legal requirements for those materials and products as prescribed at the European Union level

h) reduces the production of waste, in particular of waste which is not adequate for re-use preparation or recycling

i) determines the products that are the main cause of waste discarded into the environment, in particular into nature and the marine environment, and the adequate waste discarding prevention and reduction measures to be conducted, and should these measures include market restrictions, the measures shall be proportionate and non-discriminatory

j) endeavours to prevent the discarding of waste into the marine environment, in order to contribute to the United Nation’s sustainable development objectives for the prevention and significant reduction of all types of sea pollution

k) develops and encourages informative campaigns aimed at raising awareness regarding the prevention of waste production and waste discarding into the environment

l) develops qualitative and quantitative indicators and target values for indicators, in particular regarding produced quantities of waste and

m) achieves a reduction of the consumption of single-use plastic products.

19. When necessary, the following may be attached to the Programme on preventing waste production:

- the description of the contribution of the following instruments and measures to the prevention of waste production

a) the application of planning measures or other economic instruments by which the efficient use of resources is being promoted

b) the promotion of research and development in the field of developing cleaner technologies and products producing less waste and the dissemination and use of the results of such research and development

c) the development of more efficient and substantial indicators of environmental burdens related to waste production with the aim to contribute to the prevention of waste creation at all levels, from the comparison of products on the European Union level, and conduct of local authorities, to national measures

d) the promotion of eco-design (the systematic integration of environmental protection aspects into product design so as to improve product behaviour regarding environmental protection throughout the product's life cycle)

e) the providing of information on the techniques of preventing waste production so as to simplify the application of the best available techniques in the industry

f) the organising of the education of competent authorities regarding the inclusion of waste production prevention requirements into waste management permits and environmental permits

g) the inclusion of waste production prevention measures in facilities which may encompass waste production prevention evaluations or plans

h) the organising of campaigns for the raising of awareness or the providing assistance to enterprises regarding financial subsidies, advising in decision making processes and other

i) the conclusion of voluntary agreements, the organising of consumer/producer forums or sector negotiations so as to encourage the relevant business or industry sectors to develop their own plans or objectives regarding waste production prevention or product replacement or the replacement of packaging which produce excessive waste

j) the promotion of attested waste management systems, including the EMAS and ISO 14001 systems

k) the economic instruments such as initiatives for the more responsible conduct of consumers towards the environment, in the sense of buying products with the least amounts of packaging, or introducing an obligation for consumers to pay for packaging that would otherwise be packaging article or element free of charge.

l) the organisation of campaigns to raise awareness and to provide information aimed at the general public or at a particular category of consumers

m) the promotion of attested ecolabels

lj) the reaching of agreements with the industry through studies on products such as those being organised within integrated product policies, or with retailers on the availability of information on waste production prevention and the availability of products that impact the environment to a lesser extent

n) in the context of public and corporate procurement, the integration of environmental protection criteria and waste production prevention into invitations to tender and into contracts

nj) the promotion of re-use and/or repair for appropriate discarded products or their constituent parts, in particular through educational, economical, logistical and other measures such as providing support to authorised centres and networks for re-use and repair, especially in densely populated areas

- the assessment of the usability of the following measures encouraging the application of the waste management priority order:

a) the fees and restrictions on landfilling and waste incineration, which encourage waste production prevention and recycling, retaining at the same time landfilling as the least desirable waste management option

b) the »pay-as-you-throw” programmes in which waste producers pay on the basis of the real quantities of waste produced and by which incentives are being provided for the separation of waste at its source that may be recycled and for the reduction mixed waste production

d) the extended producer responsibility schemes for different types of waste and measures to increase their efficiency, cost-effectiveness and management

e) the deposit refund programmes and other measures for encouraging the efficient collection of used products and materials

f) the rational planning of investments in the waste management infrastructure, among other things, through the use of European Union funds

g) the sustainable public procurement, encouraging better waste management and the use of recycled products and materials

h) the gradual abolition of subsidies that are not in accordance with the waste management priority order

i) the use of fiscal measures or other means to encourage the use of products or materials that are prepared for re-use or are recycled

j) the support to research and innovations in the field of re-manufacturing and advanced recycling technologies

k) the use of the best available techniques for waste treatment

l) the economic incentives for regional and local authorities, in particular for the promotion of waste production prevention and the reinforcement of the separate waste collection system, avoiding incentivising landfilling or incineration

lj) the campaigns for the raising of the awareness of the general public, especially regarding separate waste collection, waste production prevention and waste quantity reduction as well as including those issues into education and training

m) the coordination systems, among other things, through digital means, among all competent public authorities that participate in waste management

n) the promotion of a continuous dialogue and cooperation among all participants in the management of waste and the encouraging of voluntary agreements and the reporting of enterprises on waste

20. The objectives, measures (policies), objective-attainment indicators, activities and their organisers, deadlines for their implementation and planned funding needs and sources

21. The list of waste management centres with the associated local self-government units

## 2. THE CONTENTS OF THE WASTE MANAGEMENT PLAN OF A DISTRICT (REGIONAL) SELF-GOVERNMENT UNIT AND THE CITIY OF ZAGREB

The waste management plan for the district (regional) self-government unit and the City of Zagreb referred Article 105 of this Act, shall contain:

1. an analysis and assessment of the situation and the waste management need in the territory of a district (regional) self-government unit or the City of Zagreb, including on the achievement of objectives

2. information on the existing and planned waste management facilities and devices and on the remediation status of landfills and locations contaminated by waste

3. information on the locations of discarded waste and the removal thereof

4. information on the types and quantities of produced waste, separately collected waste, landfilled municipal and biodegradable waste and on the achievement of objectives

5. the measures necessary in order to achieve the objectives of reducing or preventing waste production, including educational-informational activities and waste gathering actions

6. a list of projects essential to implementing the Plan

7. the organisational aspects, funding needs and sources needed to implement the waste management measures

8. the deadlines and persons responsible for the implementation of the Plan

9. the measures for the collection of mixed municipal waste and biodegradable municipal waste

10. the separate waste collection measures for hazardous municipal waste, waste paper and cardboard, waste metals, glass and plastics as well as bulky waste.