

ACTION 5 OF THE EU STRATEGY FOR THE DANUBE REGION

Milestone No. 3: Survey of the situation on management of solid waste in small rural settlements



Association Justice & Environment
20 December, 2013



The project is supported
by the European Union.

(VOP-1.1.1-11-2011-0001)



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The Roadmap of Priority Area 4 of the EUSDR contains Action 5, “To establish buffer strips along the rivers to retain nutrients and to promote alternative collection and treatment of waste in small rural settlements”. Hungary was identified as primary responsible actor for this Action (beside PA4 and the ICPDR)The Priority Area 4 of the EUSDR decided to make further assessment and studies to contribute and fulfil its duties concerning Action 5 of the Action Plan. For this reason and partially based on Hungarian governmental funds, a contract with an international research organisation, Czech based Justice and Environment was concluded to prepare a complete research document analysing the situation in the Danube basin **of the situation on management of solid waste in small rural settlements** for the utilization of PA4.

Legal experts that are members of an international legal association worked on the project in each country to present the local situation. The aim of the study was to provide a general overview of the situation in each country and based on the findings, to make a general assessment. The situation differs in many countries, some are more developed and comply with all norms, while other countries face with several problems and difficulties; therefore a common statement applicable to all countries cannot be provided. Furthermore, NOTE that the legal situation is different in EU member states and in non-EU member states, as legal obligations derive from EU law are only nonbinding recommendations to non-members. This report has been prepared by Association Justice and Environment, on the request of PA4 of the EUSDR.

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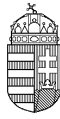
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List of abbreviations

BAT	Best Available Technique
DRB	Danube River Basin
DRBD	Danube River Basin District
DRBM	Plan Danube River Basin District Management Plan
DRPC	Danube River Protection Convention
EC	European Commission
EU	European Union
EU MS	European Union Member State
GEF	Global Environment Facility
JAP	Joint Action Programme
Non EU MS	Non-European Union Member State
EU WFD	European Union Water Framework Directive. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. OJ L 327, 22.12.2000, p. 1–73.
ICPDR	International Commission for the Protection of the Danube River
IPPC Directive	Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control. OJ L 24, 29.1.2008, p. 8–29
Nitrates Directive	Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources. OJ L 375, 31.12.1991, p. 1–8
Overview Report	Interim Report on the Implementation of the Joint Program of Measures in the DRBD. ICPDR - International Commission for the Protection of the Danube River, 2012.
Regulation 648/2004	Regulation (EC) Number 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents OJ L 104, 8.4.2004, p. 1–35.
Regulation 259/2012	Regulation (EU) Number 259/2012 of the European Parliament and of the Council of 14 March 2012 amending Regulation (EC) No 648/2004 as regards the use of phosphates and other phosphorus compounds in consumer laundry detergents and consumer automatic dishwasher detergents. OJ L 94, 30.3.2012, p. 16–21.
UNDP	United Nations Development Programme



1 Executive summary

In the following chapters we are studying and comparing the rules on protection of waters in Germany, Czech Republic, Austria, Slovakia, Hungary, Croatia, Bosnia-Herzegovina, Montenegro, Romania, Bulgaria, Moldova, Slovenia and Serbia. While in other studies¹ we focus first of all on the rules ensuring protection by territorial means, i.e. establishing water protection zones, stripes or any other forms of territorial protection (together: water protection territories), here we examine a major source of pollution of waters: local solid waste—concentrating on small scale, flexible solutions and on the regulating, organising, managing roles of the local municipalities.

We have started our project with a detailed country analysis in one pilot country, Hungary and thereafter, based on our experiences here we have put together research questions with explanations and background materials and recruited our research team with the ambition of having a well-known environmental lawyer from all the Danube countries.

As concerns the overall methodology of our survey we have performed a *system analysis*, i.e. we have tried to reveal all the relevant elements of our administrative laws and regulations and map out their possible interrelationships.

We have found that quite several laws and regulations in the field of water management law, environmental and nature protection law, public health laws, several branches of agricultural administration and other laws target these issues from their specific angles. This is a mounting task – we just have made some initial steps in solving it – to evaluate the interplay of such parallel efforts of our laws.

Within this program we could undertake the following important parts of this work:

- analysed the detailed laws of all the concerned branches of administration that have relevance for ensuring water protection through management of the solid waste on municipal level and arrived at the major points of substantial legal protection of such territories and also tried to trace back cross references, if any, amongst these laws and regulations;
- we have also examined the different administrative procedures, where the representatives of other branches of administration can take part in a joint decision-making procedure and the decisions in concrete cases of territorial water protection are brought.

In all aspects of our research we have met with a typical parallel activity from the side of all of the concerned branches of administration and their respective authorities and procedures. We are convinced that not the individual pieces of legislation but the whole system determines the effectiveness

¹See first of all Milestone No1.

of the protection of our waters from overburdening amounts of nutrients and other polluting materials. We see plenty of strengths in the possibility of further reinforcing the cross references between and concerted efforts of these branches of administration, starting with regular exchange of information to performing joint monitoring and implementation efforts. Public participation in water related matters has a specific additional advantage in this compound situation: the members and organisations of the concerned communities are not at all interested in specific administrative procedures, rather they deal with the water management problems themselves their communities are facing. This problem oriented, inherently systematic approach of public participation might mean an extraordinary help in protecting the sensitive territories of our waters.

1.1 Main findings

(The elements of the local level waste management systems) Local waste management systems in most of the countries are divided into systems serving households and also waste management services for local industrial plants. Our research has focused on the first one, because of this having strong local relevance, while the industrial waste is usually managed by large nationwide systems.

We note, however, that in certain occurrences waste from local services (e.g. restaurants), from smaller construction activities etc. can wholly or partly share the management routes of the local household waste. A third branch of waste management highly relevant for water protection, yet overlooked quite frequently is the responsibility of cleaning of street roadways, squares, driveways, parks and other parts of the areas intended for public use.

Runoff waters from these public places represent a serious threat to living waters. The system of relevant solid waste management sector shall also contain the rules and the practice on littering at public places and abandoning waste in natural places, not seldom at river banks. Preventing, detecting and sanctioning illegal disposal and dumping of wastes require serious resources and also creative approaches, such as inclusion of water police or highway patrols and the high level of awareness and contribution of the local communities and NGOs, as well.

(The role of the municipalities in local waste management) Municipalities have a series of comparative advantages to the central government in organising local waste management activities: flexibility, cheaper procedures, knowledge of local geography and economy, closeness to the regulated communities and the possibility for being controlled by and having cooperation with them – just to mention some.

At the negative side there are some factors, too, however, such as the small financial means and the biased, sometimes patriarchal way many of the municipalities wear their mixed roles ranging from the local strategic planning agent and regulator, through certain administrative supervision entitlements, to a contracting party (on several possible sides of the local solid waste management spectrum).

Anyway, since the advantages overwhelm the disadvantages, in most of the examined countries the local municipalities organize the largest part of the management of household waste and the equivalent parts



of waste from local industry, they collect fees and issue local waste management plans and local ordinances in order to implement higher level waste management laws and also to fill in their gaps. Municipalities might also conclude long term agreements with utility firms, associations or can establish and run their own waste management enterprises.

(Decreasing landfill waste) In all EU member Danube countries there is a strong pressure to decrease the amount of waste to be landfilled. Selective collection might start even in the households and there are usually a middle level collecting stage at the settlements, called “waste yards”, local selective collection centres or any similar way, covering quite similar concepts.

Composting is usually supported, for instance with waste management fee reduction or, as a “natural” local activity, can be supported by lighter administrative control, too. Composting might take place at the households or jointly at the settlement level, too. In both cases, consultation and training shall be ensured by the municipality or by professional civil groups. In the past, in many countries in the region almost all municipalities operated one or more landfill sites, generally not constructed according to and equipped with technologies of modern waste management.

Since the accession of the majority of the countries to the EU the national waste management policy priorities are driven by the EU waste legislation. In Hungary, for instance 4.7 million tons municipal solid waste is generated per year and 85% of this quantity gets to landfills.

Landfill is still the most common treatment and disposal method of municipal solid waste, mainly for being not as expensive as recycling or incineration. The trends of the recycling of municipal solid waste are positive, since its proportion has increased since the EU accession.

The pilot country in this research, Hungary has made rapid progress towards diversion of biodegradable municipal waste from landfill. According to the provisions of the current legislation, waste can be placed only at those landfill sites, which are authorized by the competent environmental inspectorates. Those landfill sites which did not meet the requirements of the respective EU legislation were closed in 2009. Financed by the EEOP and co-financed by the EU funds the recultivation programmes of these closed landfills has already started and will also proceed in the development period of 2014-2020.

1.2 Problems, bottlenecks, loopholes

(the elements of the local level waste management systems) While the first two elements of local waste management systems, household solid waste and that of the non-hazardous waste of small and medium sized local industry and the service sector seems to entail with less problems, the third branch of waste management the waste left on street roadways, squares, driveways, parks and other parts of the areas intended for public use represent a more difficult problem. Runoff waters from these public places represent a serious threat to living waters. Direct littering at public places and abandoning waste in natural places, not seldom at river banks also seems to be difficult to handle. These tasks are mostly left





to the local municipalities which in general lack the proper resources and expertise to handle such compound logistics.

(abandoned landfill sites) One of the main problems in the Danube region is and will be in the forthcoming years the high number of to-be-recultivated landfills and the questionable attainability of the necessary financial resources. Naturally, they represent a standing endangerment for the surface and underground waters in their vicinity.

(illegal waste dumping) For municipalities the limited number of landfilling sites and the illegal dumping of waste is an ongoing problem in the pilot country and elsewhere, too. There are not even reliable data on the exact number of illegal dumping sites but the number of these may exceed 1000 in Hungary, for instance.



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2 Summary of the twelve country reports

2.1 Question 6 (local aspects of waste management)

“Please specify the local relevance of legal provisions on specific waste management activities, such as selective collection, composting, landfill regulations etc.”

a. Summary of findings concerning Question 6

Local waste management systems in most of the countries are divided into systems serving households and also waste management services for local industrial plants. Our research has focused on the first one, because of this having strong local relevance, while the industrial waste is usually managed by large nationwide systems. We note, however, that in certain occurrences waste from local services (e.g. restaurants), from smaller construction activities etc. can wholly or partly share the management routes of the local household waste.

A third branch of waste management highly relevant for water protection, yet overlooked quite frequently is the responsibility of cleaning of street roadways, squares, driveways, parks and other parts of the areas intended for public use. Runoff waters from these public places represent a serious threat to living waters. The system of relevant solid waste management sector shall also contain the rules and the practice on littering at public places and abandoning waste in natural places, not seldom at river banks. Preventing, detecting and sanctioning illegal disposal and dumping of wastes require serious resources and also creative approaches, such as inclusion of water police or highway patrols and the high level of awareness and contribution of the local communities and NGOs, as well.

In all EU member Danube countries there is a strong pressure to decrease the amount of waste to be landfilled. Selective collection might start even in the households and there are usually a middle level collecting stage at the settlements, called “waste yards”, local selective collection centres or any similar way, covering quite similar concepts. Composting is usually supported, for instance with waste management fee reduction or, as a “natural” local activity, can be supported by lighter administrative control, too. Composting might take place at the households or jointly at the settlement level, too. In both cases, consultation and training shall be ensured by the municipality or by professional civil groups.

b. Short survey of the country reports

- The German Recycling Management and Waste Law regulates the responsibilities of local public waste management utilities. According to this, local public waste management utilities are responsible for the disposal and recycling of every kinds of solid waste from private households.



- Waste management plans in Czech Republic are created on three levels – national, provincial, and local. On local level any “waste producer” (including municipalities) with production of waste over 10 ton of dangerous waste or 1000 ton of any other kind of waste are also obliged to prepare such plans. The relevant authorities for establishment and operation of landfills are provinces. However, the municipality authorities have also certain competences for fines and other sanctions apart from the provinces and Czech Environmental Inspection (CIZP). In general municipalities have jurisdiction on inhabitants, while the provinces and CIZP on businesses.

System of municipality sanctions can be also established by municipality decree. Everyone that qualifies not households are by law considered to be “waste producer”, responsible for categorizing, collecting and handling waste, make records, create waste management plans and carry out control and monitoring. The local waste management system can also include composting. Recently, composting is legally supported by implementing a term “small facility for treatment of bio-degradable waste” (for handling up to 10 ton at the same time and up to 150 ton per year) – in a way that the approval and operation of such facilities are subject to less stringent regulations.

- In Austria mostly the regional Waste Management Acts obliges the property owners to hand over their waste to the public garbage disposals – to the municipality. Waste has to be selectively collected (how and which waste, depends on each Land – e.g. the collection of plastics is carried out in seven different ways in Austria). Waste collection and treatment activities have to be notified or even authorized by the waste management authority. The citizens of almost all Austrian municipalities have the possibility to deliver various types of waste (e.g. paper, glass, plastics, textiles) to so-called recycling centers. Some municipalities share such facilities with each other.

Experts state that Austria has an elaborated waste management system and especially the selective collection works very well at local/community level. Mostly the Waste Management Associations entrusts the municipality with the selective collection of residual waste. Organic waste (households as well as commercial and industrial) is to be either composted by the producer, or he has to provide for separate discharge.

The removal of domestic organic waste is regulated by the Laender in very different ways. But in general as with residual and bulky waste - a collective responsibility to the municipalities can be deduced here. The municipalities would have quite some scope to promote alternative methods for the treatment of organic waste. The focus lies on household composting and the creation of cooperatives with farmers in the use of agricultural composting plants. The municipality provides advice and instructions to citizens how self-composting is done properly or promotes the formation of cooperatives with farmers. The municipality is able to set intervention measures by designing the waste charges accordingly – citizens who self-compost are exempted from diverse waste charges.



- In Slovakia each municipality provides detail on the management of municipal waste and minor construction waste, including biodegradable kitchen and restaurant waste from related operations and households, by generally binding regulation, stipulating in particular the details of the method of collection and transport of municipal waste, the method of separate collection of individual components of municipal waste, the method of handling minor construction waste, as well as places for the disposal of these wastes, waste disposal and the reasons for failure to implement separate collection of biodegradable municipal waste. Each municipality is in addition obliged to establish and ensure the implementation of separate collection of municipal waste for paper, plastics, metals, glass, biodegradable municipal wastes other than those which are originated by the kitchen operator. Obligation to establish and ensure the implementation of separate collection of municipal waste for biodegradable municipal waste does not apply to the municipality if it is proven to be unreasonable due to the technical conditions, size and economic considerations.

As concerns the practice of local level waste management, there are still many municipalities in Slovakia, which do not fulfil the legal requirements for waste separation. For example, bio-waste separation programmed are actually installed only in 100-200 Slovak municipalities. In the case of biodegradable waste, municipalities often apply exceptions outlined by law, interpreting it extensively.

- In Slovenia the basic demands of waste handling are set in state regulations, which are based on Environmental Protection Act. Only some (detailed) aspects of local waste handling along with the choice of provider of a service in the general interest, are in the hands of a local community. Landfill standards, management of separately collected fraction of municipal waste and regulations on biodegradable waste are state prescribed.

Services, which are a part of municipal waste collection and disposal on landfills, have the status of a local economic service in the public interest. The decision on who will provide the public interest service is in hands of the municipality, which has to provide this service in one of the possible legal forms. Usually it is provided either by local public company (“in house provider”) or by a (private) provider, which holds a concession for a service in the public interest.

By a general act of the municipality (act of local council) detailed provisions of waste collection are prescribed - such as the number of weekly collections for different sorts of waste fractions, collection points for certain types of waste etc. Prices are set up by (consensus of) the municipality, but methodology and fixing of the price is state regulated and controlled.

Although the disposal of waste is also stated as a local service in the general interest, only few locations for regional waste landfills have been envisaged in state operational plan. Although this act is not legally binding most municipalities have slowly (mostly too slowly) agreed on location and common financing of landfill infrastructure. This infrastructure which would provide all envisaged waste management services is currently under construction or improvement (regional centres for waste management). Nevertheless, the demand that only treated waste can be disposed has been established for some time now, along with a slowly lowering of allowed proportion of biodegradable waste in landfills.



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The possibility for landfill location has to be set in a local spatial planning act, which is to be adopted by the local council, also on the bases of strategic environmental impact assessment.

- The Croatian Act on Sustainable Waste Management provides rules on separate collection of waste paper, metal, glass, plastics and textiles, and large (bulky) waste. According to these the local government has an obligation to carry out a separate collection of hazardous waste, waste paper, metal, glass, plastics and textiles and large (bulky) waste in a manner that ensures: operation of one or more recycling yards or mobile units on its territory; setting an appropriate number and type of containers for separate collection of hazardous waste, waste paper, metal, glass, plastics and textiles, which are not covered by a system of special categories of waste on public land; informing households of location and change of location of the recycling yard, mobile units and containers for separate collection of hazardous waste, waste paper, metal, glass, plastics and textiles and transportation service large (bulky) waste at the request of customers.

For smaller municipalities recycling might take place through a mobile unit (which is considered a recycling yard). In larger settlements there shall be one or more recycling yards in proportion to their size. There are, however, some problems with implementation of these requirements which occurred in practice. 54 local waste management by-laws are planned to be issued on the basis of the Act, some new, some amended, while it is not everywhere performed yet. Once they are not yet adopted, local governments cannot yet define clearly how to start with implementation of their obligations. The financial background of the municipality obligations under the Act remains nebulous, too. Similarly, the previous Waste Act contained obligation for the local governments to start with the primary selection of different types of waste and to strengthen the systems by charging the waste disposal according to the quantity or volume, but most local governments had not done that in the past few years due to lack of funds provided or lack of involvement in obtaining additional funds.

- In Montenegro, on national level Ministry of Sustainable Development and Tourism is responsible for general waste management policy and legislation. However, other Ministries have responsibility over specific areas of waste management (e.g. Ministry of Agriculture and Rural Development have responsibility of the animal waste management, soil protection, etc.; Ministry of Interior has the responsibility over local governments, etc.). In accordance with the Law on Waste Management the new National Waste Management Plan/Strategy for the period 2014-2020 and its Action plan for implementation is under preparation.

The priorities of the plan include the improvement of the status in the sectors of the environment and human health; harmonization with guidelines from other EU strategic documents; a comprehensive approach by analysing all sectoral policies related to issues of waste collection, transport and treatment and waste generation; and taking into account all specificities and restraints existing in Montenegro. In accordance with the Law on Self Government of Montenegro the Local Governments provide for and regulate the activity of the



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solid waste management, water supply, waste water management and sanitation (communal services) in the Municipality through the Public Utilities for Communal Services.

The basic law that regulates these activities and the work of communal service body is Law on Communal Services. In order to support Local Governments in the very comprehensive task, which is very costly and requires loans and credits from different financial bodies and mechanisms, of communal services, the Government has established a special unit for the implementation of projects financed by the loan proceeds - PROCON - special structure within the relevant government authorities for the implementation of the EU grants. On the practical side it can be concluded that about half of the total amount of waste produced in Montenegro is disposed on sanitary landfills.

- The management in Bulgaria of household and construction waste is carried out at local level by the municipalities and the landfills are managed at regional level according to the territory a regional landfill is covering. The main law regulating waste management is Waste Management Act (WMA).

Among the duties of the mayor are: collection of household waste and the transport of said waste to landfills or other facilities and installations for the recovery and/or final disposal; cleaning of street roadways, squares, driveways, parks and other parts of the areas intended for public use; siting, construction, operation, closure and monitoring of landfills for household waste or of other facilities or installations for the recovery and/or final disposal of household waste; organising the collection, recovery and disposal of construction and demolition waste; separate collection of household waste within the territory of the municipality, at least for the following waste materials: paper and cardboard, metal, plastic and glass; the separate collection and storage of household biodegradable waste, including sites for the necessary elements of the system for separate collection of waste and its submission for composting or anaerobic decomposition. Bio-waste from the maintenance of areas for public use, parks and gardens is collected separately. Bio-waste, as well as from green-field sites pertaining to retail premises, industrial, business and administrative buildings shall be treated by composting or anaerobic decomposition in a manner ensuring the highest degree of environmental protection.

- According to the Romanian law, the general aims of waste management are to protect the human health and the environment. Amongst the numerous general requirements the law stipulates that the individuals and the legal persons are not allowed to deposit any kind of waste near the waters - banks, riverbeds, wetlands and coastal areas.) The local administration as well as the individuals and legal persons also have to respect the provisions of the land use plans and urban plans regarding the landfills – household, streets, industrial waste.

Apart from the environmental authorities several other public authorities have responsibilities regarding the environmental protection, too, including the authority responsible with economy and commerce is elaborating the policy regarding the recycling and recovery of industrial waste



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and the local authorities that are supervising the subordinated economic operators to prevent accidental emissions of pollutants, uncontrolled waste deposits and development of the reusable waste collecting systems.

The operators ensuring the disposal of waste must use the best available techniques that are not implying excessive costs. They must respect the permit released for their activity and placement of the waste (location of incinerator, landfills). They are forbidden to dump waste or to dispose of it outside the permitted locations. The costs are supported by the polluter according to “the polluter pays principle”. Regarding the biowaste, the population is encouraged to compost it individually in households. The biowaste must be collected separately in order to be composted and fermented.

- The present policy of the Republic of Moldova on waste management consists in developing infrastructure and services necessary to effectively protect the environment at global, national and local levels from effects associated with the management of waste generated by citizens, enterprises and institutions. Waste management in the Republic of Moldova is one of the most difficult and unsolved issues both in terms of organization and legislation.

In spite of the presence of a number of legal acts and normative acts (almost 80) the legal aspects of waste management must be significantly improved, requiring both the legal and institutional restructuring. The Act on production and management of household wastes arranges for economic and organizational coordination and regulation of activities of individuals and legal entities from the subordinated territories subordinated, in the domain of waste management in order to detect and return it into a high economic cycle; adopting decisions affecting land for waste disposal and construction (extension) for its processing and neutralizing, exercises the control over waste disposal and payment for environmental damage caused by waste production and consumption; organizing the collection and disposal of wastes, as well as those belonging to small producers, affects places for storage; preparing and maintaining the records of waste disposal sites; taking the necessary measures for the liquidation of unauthorized and uncontrolled dumps; informing the public on the status of storage, preservation and processing of waste in locality, area, involving the population in the collection of harmless waste and secondary raw materials.

2.2 Question 7 (municipal level bodies in waste management)

“Please specify the role of municipality councils and the lowest level administrative bodies (municipality clerk, decentralized administrative bodies etc.) in regulating, organizing, managing etc. the local waste management activities.”



a. Summary of findings concerning Question 7

Municipalities have a series of comparative advantages to the central government in organising local waste management activities: flexibility, cheaper procedures, knowledge of local geography and economy, close to the regulated communities and the possibility for being controlled by and having cooperation with them – just to mention some. They organize the largest part of the management of household waste and the equivalent parts of waste from local industry, they collect fees and issue local waste management plans and local ordinances in order to implement higher level waste management laws and also to fill in their gaps. Municipalities might conclude long term agreements with utility firms, associations or can establish and run their own waste management enterprises.

b. Short survey of the country reports

- In the Czech Republic, according to the Waste Act, municipalities play a key role in management of solid waste from households. Municipalities have a very flexible right to implement system of waste management on their territory with regard to local conditions by municipality decrees. For households, Waste Act set up only a duty to put their waste into places designated by municipality, and separate and give separated waste to further treatment according the system placed in by municipality. The municipality has a duty to designate places for inhabitants to put waste, including special places for dangerous parts of household waste. Municipality has a right to implement by decree a waste management system, including systems of local fees for inhabitants.
- In Austria each Provincial (Land) level Waste Management Acts contain the principle that the municipalities are obliged to provide for an orderly waste disposal regime (i.e. residual and bulky waste). The municipalities cope with these obligations via the adoption of removal orders. At a supra-regional level Waste Management Associations process the current and future problems and challenges of waste management. The tasks of these associations (consisting of geographically close municipalities) vary in each Land – in most of the Laender their main duty is to carry out the procurement procedure for the treatment of residual and bulky waste. Some of them have also taken over the operation of disposal facilities. Furthermore, they are often entrusted with the organization and collection of recyclable materials and recycling of waste materials. In practice the collection and treatment of waste in big cities is carried out by the public institutions themselves whereas small municipalities waste collection is regularly outsourced to private operators – even more the waste treatment.
- According to the Slovakian Waste Act municipality is responsible for the management of municipal waste generated in the municipality, and minor construction waste generated in the municipality. The municipality is obliged to introduce a suitable waste collection system or to enable the collection and transportation of municipal waste generated in its territory, for the



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purposes of its recovery or disposal. Municipality is also obliged to secure bins, with respect to municipal collection system in the municipality and to provide the space where the residents can deliver separate components of municipal waste within these separate collection of municipal waste.

Apart from separated household waste each municipality is also obliged to ensure, where appropriate, at least twice a year containers for collecting and transporting bulky waste containing pollutants and minor construction waste for the purposes of its recovery or disposal. In addition to this, the municipality approves these so-called municipality programs of waste, which is a management and planning tool for waste management of municipalities. The municipality is in charge to elaborate such programs, but it is approved by state authority - the competent local district authority.

- According to the Croatian waste management law each city and municipality shall prepare a Waste Management Plan and it must contain in particular: measures for separate collection of municipal waste, measures for the management and monitoring of landfills for municipal waste, list of areas polluted by waste and uncontrolled landfills, sequence of activities remediation of uncontrolled landfills and areas polluted by waste, sources and amount of funds necessary for the implementation of rehabilitation.

The waste management plan is adopted by the city or municipal council and the competent administrative authority shall supervise the implementation of waste management plans. The self-government of the city and municipality is required to annually, by 30 April of the current year for the previous year, submit the report on the implementation of the Plan, and in particular on the implementation of established obligations and efficiency of the measures taken to the regional authority.

Once the plan is adopted by the competent office of the regional government yearly report must be submitted to the Ministry of the Environment and Nature Protection and to the Agency. Such report must be published in the official gazette of the city or municipality. In addition, the governing bodies of cities and municipalities, must be the initiators of the process of creation of a common policy for waste management in the county, and their activities should aim at institutionalization of cooperation between counties, municipalities and cities, and to achievement of the consensus on all important issues, primarily, to include the selection of the location of the county waste management center and transfer station, adjustment of spatial - planning documentation and to financing models of common waste management system.

- In Bosnia Herzegovina the local (municipal) authorities have the jurisdiction for the local waste management activities. In cases where small isolated settlements exist they can delegate this authority to the representatives of this local settlement. The municipality can manage waste management activities through local utility services company, or it can give the jobs in question to a private investor either through a concession or through a bidding procedure for a limited time contract. The municipality and its organs, including the municipality council have full



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authority to decide in selective collection, composting and location of the landfills. The only limit of these regulations are entity regulations.

In practice, municipalities enjoy a wide discretion in defining all aspects of waste management on their territories. Specific decisions usually entitled „Decisions on communal order“ are passed by municipality councils and they contain very specific provisions concerning waste management on a household level.

- In Montenegro at the local level in municipalities, the collection, transport, and disposal of solid waste are organized within Public Utility Companies (PUC), which are fully owned by municipalities. By the Law on Communal Services the organization of communal services on local level is the responsibility of the Local-self Government. These services are aspect of the scope of work of Public Utility on communal services or other company that Local Self-government decides to govern these tasks. Communal services, defined by the Law on Communal Services, include public water supply, waste water management and management of municipal waste.
- In Romania the waste management plans are issued at national, regional and local level. The county plans including The Bucharest plan are elaborated by the county councils together with the environmental protection agency and are approved by the decision of the county council. There are regional and local management plans, too, following the prescriptions of the relevant laws. All the plans are being monitored and revised yearly.
- In Bulgaria the planning of waste management activities at local level is realized through municipal waste management programs. The mayor of the municipality draws up and implements the program for the territory of the relevant municipality following the timeframe, structure, objectives and estimates of the National Waste Management Plan. The program is adopted by the Municipal Council of the municipality and its implementation is monitored by the Council. In the WMA and the municipal administrative statutes the roles of the municipal authorities and units are clearly defined.

Municipal council adopts municipal ordinance on waste management which should take into account the local circumstances. At the municipal administration there is a unit working on environmental protection and covering waste management. It could consist of one person or of a big team depending on the size and specifics of the municipality. In some municipalities there are inspectors who are vested with duty to control the application of the national and local legislation and to write up written statements for the violations found.

The waste management services could be provided directly by municipal enterprise but in most cases they are assigned to companies specialized in waste management services- collection of household waste and the transport of waste to landfills or other facilities and installations for the recovery and/or final disposal, cleaning of public spaces, separate collection of household waste and others. The selection of the contractors and awarding of the contract follows the applicable



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procedure of the Public Procurement Act. Public participation is guaranteed formally by the WMA.

In case of drafting of municipal ordinance the municipal council shall publish on its website and subject to public consultation the draft of the ordinance. The mayor is obliged to provide information to the general public on the waste management activities via the website of the municipality and in other suitable ways. In case he/she fails to do so, there is an administrative penalty provided in the law.

- In Moldavia the main role in waste management at local level lies with local authorities. Unfortunately the outcomes of waste collection and disposal depend largely on their ability to organize this process and engagement of businesses and civil society in the accumulation of financial resources.

The current national legal framework arranges the cooperation in environmental protection of the central public administration authorities, including the jurisdiction and powers of local authorities. It can also be mentioned that the following legal provisions also determine certain obligations of local public authorities in the domain of waste management in the field of environmental legislation: the Law on environmental protection stipulates that the local public authorities of the districts, cities together with local authorities for environment and health protection supervise and coordinate activities municipalities and prices for storage and processing of industrial and household waste, construction and operation of wastewater treatment facilities; local public authorities of the village, town together with local authorities for environment and health protection ensure the implementation of measures for prevention and combat amongst others soil pollution by fertilizers and pesticides.

- In Slovenia some local waste handling services are fixed as local economic services in the general interest and have to be provided by each municipality. Basic standards of such services are regulated by the state, but are (according to local features) in detailed regulated with municipality acts (acts of municipality councils). The municipality also decides on the question of how (in which recognized form) and by whom these services will be provided. Local municipalities are therefore most important at the implementation level - organizing and taking care of the waste management in municipalities.

The possibility for a landfill location has to be set in a local spatial planning act, but issuing of permits (environmental permit, building permit etc.) is a state matter. Also emission and other standards that each landfill has to fulfil are regulated by the state, along with leachate discharge from landfills and prohibition of landfills on permeable ground. In the process of planning (strategic environmental assessment) and permitting (environmental assessment) protection of ground and surface waters must have due account. Afterward, when a landfill is operating, monitoring, prescribed by regulation and environmental permit, should ensure that standards are respected. (Still we have to mention that the past burden of illegal dumps is too often and in many cases no rehabilitation of the sites is taking place).



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3 Annex: Country Reports

3.1 Germany

Question 6:

(local aspects of waste management) Please specify the local relevance of legal provisions on specific waste management activities, such as selective collection, composting, landfill regulations etc.

§ 20 of the German Recycling Management and Waste Law (Kreislaufwirtschaftsgesetz, KrWG) regulates the responsibilities of local public waste management utilities. According to this, local public waste management utilities are responsible for the disposal (according to §§ 15 und 16) and recycling (according to §§ 6-11 KrWG) of every solid waste from private households.

3.2 Czech Republic

Management of solid waste in small rural settlements

Basic law defining solid waste management in Czech Republic is Waste Act². Municipalities play a key role in management of solid waste from households. Municipalities have a very flexible right to implement system of waste management on their territory with regard to local conditions by municipality decrees. For households, Waste Act set up only a duty to put their waste into places designated by municipality, and separate and give separated waste to further treatment according the system placed in by municipality³.

Municipality, not inhabitant, are by law considered to be “waste producer”, responsible for categorizing, collecting and handling waste, make records, create waste management plans and carry out control and monitoring. Municipality has duty to designated places for inhabitants to put waste, including special places for dangerous parts of household waste. Municipality has a right to implement by decree a waste management system, including systems of local fees for inhabitants. Waste management system can also include composting. Newly, composting is legally supported by implementing a term “small facility for treatment of bio-degradable waste” (for handling up to 10 tonnes at the same time and up to 150 tonnes per year) – for approval and operation such facilities, less stringent regulations apply⁴.

The relevant authorities for establishment and operation of landfills are provinces.

² No. 185/2001

³Wast Act, § 17

⁴Wast Act, § 34, Decree of Ministry of Environment No. 341/2008

Competences for fines and other sanctions have municipalities, provinces and Czech Environmental Inspection (CIZP). Roughly speaking, municipalities inflict sanctions on inhabitants, provinces and CIZP on businesses⁵. System of municipality sanctions can be also established by municipality decree.

Generally speaking, waste management plans are in Czech Republic created on three levels – national, provincial, and local. On local level any “waste producer” (including municipalities) with production of waste over 10 tonnes of dangerous waste or 1000 tonnes of any other kind of waste⁶.

Municipality waste management plans are approved by provincial offices to achieve compliance with provincial waste management plans. Provincial management plans are created with consideration to national management plan. With any significant change in higher level waste management plans, there is a duty to update subsequently management plans on lower levels.

Currently, new national waste management plans is in preparation⁷, with many progressive elements, including program for prevention of waste production or methodology for municipalities for selecting most efficient separation methods.

3.3 Austria

1. Local Aspects of Waste Management: Local relevance of legal provisions on specific waste management activities – selective collection, composting, landfill regulations

a.) Municipal Waste Management

The competences for waste management are divided between the Federal State and the Laender. The Federal state regulates the major part and the Laender are only competent in some cases regarding the treatment of not dangerous waste.⁸ The central piece of legislation is the Austrian Waste Management Act (AWG). The AWG states highlights the goal, that waste shall be treated or neutralized in the nearest proper waste management facility and waste management shall allow the society as a whole to become self-sufficient in waste disposal. This is also valid for waste treatment facilities processing mixed household solid waste.⁹

The Laender exercise competences especially in the area of discharge of municipal (household solid waste) waste, raising waste collection charges and the planning of waste treatment facilities. Every Land

⁵ Waste Act, § 66 and following

⁶ Waste Act, § 41 and following

⁷ SEA procedure is expected to start in 2014

⁸ Schnedl, Umweltrecht im Überblick (2012), 162.

⁹ Art 1 Waste Management Act (AWG), Federal Law Gazette I No. [102/2002](#) in its current version.



has a separate Waste Management Act regulating the before mentioned issues. Each Waste Management Act contains the principle that the municipalities are obliged to provide for an orderly waste disposal (i.e. residual and bulky waste). The municipalities cope with these obligations via the adoption of removal orders. At a supra-regional level Waste Management Associations process the current and future problems and challenges of waste management. The tasks of these associations (consisting of geographically close municipalities) vary in each Land – in most of the Laender their main duty is to carry out the procurement procedure for the treatment of residual and bulky waste. Some of them have also taken over the operation of disposal facilities. Furthermore, they are often entrusted with the organization and collection of recyclable materials and recycling of waste materials. In Burgenland, and parts of Lower Austria the waste management associations are even entitled to impose and collect waste charges.¹⁰ According to experts an imposition of charges by the waste management associations themselves brings various advantages – less bureaucracy, less burden for the administration, efficient use of resources fostered. A waste management association is constituted of a chairman (mostly the mayor of the municipality), the executive committee, a director and an agency for administrative issues.¹¹

In practice the collection and treatment of waste in big cities is carried out by the public institutions themselves (cp. In Vienna the municipal department No. 48 – MA 48) whereas small municipalities waste collection is regularly outsourced to private operators – even more the waste treatment.¹²

b.) Waste Generation and Collection

Mostly the regional Waste Management Acts obliges the property owners to hand over their waste to the public garbage disposals – to the municipality. Waste has to be selectively collected (how and which waste, depends on each Land – e.g. the collection of plastics is carried out in seven different ways in Austria). The costs have to be beared by the producer. Therefore the municipality is competent to prescribe waste collection charges.¹³

c.) Selective collection

Waste collection and treatment activities have to be notified or even authorized by the waste management authority. The Styrian AWG states that the responsibility for the collection and removal of municipal solid waste lies with the respective municipality.¹⁴ The treatment (recycling and disposal) of the waste referred to above has to be ensured by the waste management associations.¹⁵ The

¹⁰Cp. Bundes-Abfallwirtschaftsplan 2011, p. 26.

¹¹ Interview withwastemanagement expert – “die Umweltberatung”.

¹² Interview withwastemanagement expert – “die Umweltberatung”.

¹³ E.g. Styrian Waste Management Act

¹⁴ Cp., Art 6 Styrian AWG

¹⁵ Art 6 para 2 Styrian AWG

municipality may assign the waste collection and removal to other public entities (i.e. Waste Management Association, Administrative Community) or even to a legitimate private waste management company.¹⁶The municipality has to make waste containers available.¹⁷

The citizens of almost all Austrian municipalities have the possibility to deliver various types of waste (e.g. paper, glass, plastics, textiles) to so-called recycling centers (*Altstoffsammelzentren - ASZ*).

Some municipalities share such facilities with each other.¹⁸ Experts state that Austria has an elaborated waste management system and especially the selective collection works very well at local/community level. Mostly the Waste Management Associations entrust the municipality with the selective collection of residual waste.¹⁹

d.) Organic Waste

Organic waste (households as well as commercial and industrial) is to be either composted by the producer, or he has to provide for separate discharge. The removal of domestic organic waste is regulated by the Länder in very different ways. But in general as with residual and bulky waste - a collective responsibility to the municipalities can be deduced here. The municipalities would have quite some scope to promote alternative methods for the treatment of organic waste. The focus lies on household composting and the creation of cooperatives with farmers in the use of agricultural composting plants. The municipality provides advice and instructions to citizens how self-composting is done properly or promotes the formation of cooperatives with farmers. The municipality is able to set intervention measures by designing the waste charges accordingly – citizens who self-compost are exempted from diverse waste charges.²⁰

e.) Planning of local waste management activities

Example Styria: Based on the Federal Waste Management Plan and on the Regional Waste Management Act a Regional Waste Management Plan is enacted and based on these two plans a Local Waste Management Plan is elaborated by the Waste Management Associations.²¹ This plan has to be adopted by the regional government (then it has the legal form of an ordinance). The plan is to be revised every five years. It contains planning, baseline, strategies, measures etc. for the local waste management.

¹⁶ Art 7 para 5 Styrian AWG

¹⁷ Art 9 Styrian AWG

¹⁸ Organisatorische Aspekte der österreichischen Abfallwirtschaft - Endbericht. Wien. März 2009.

¹⁹ Interview with waste experts – Ecology Institute and “die Umweltberatung”

²⁰ Interview with waste expert – “die Umweltberatung”

²¹ Cp. Art 15 Styrian AWG

2. Municipal Level Bodies: Role of municipality council and at the lowest level administrative bodies (municipality clerk, decentralized administrative bodies etc.) in regulating, organizing, managing etc. the local waste management activities

See above.

3.4 Slovakia

Questions suggested for the international comparative research on the issues of Milestone No. 3 based on the survey of the system of the related Hungarian laws and regulations

- (*local aspects of waste management*) Please specify the local relevance of legal provisions on specific waste management activities, such as selective collection, composting, landfill regulations etc.

Research tips: This question refers to the central level waste management rules of mostly substantial legal nature, referring to the general requirements of the management of the household solid waste. Within this issue, please pay attention to the flexibility of the rules, i.e. specify how far local specialties are taken into consideration in your national laws and regulations concerning household solid waste management;

(*municipal level bodies*) Please specify the role of municipality councils and the lowest level administrative bodies (municipality clerk, decentralized administrative bodies etc.) in regulating, organising, managing etc. the local waste management activities.

Research tips: This question refers to the organisational-procedural side of the local waste management activities. As such this has more relevance to the practical implementation of the waste management law. Municipality waste management planning, organising work (selecting, contracting the entrepreneurs etc.) and regulating/helping local communities' waste management efforts such as composting are the issues that belong to here.

Answers:

According to the Waste Act municipality is responsible for the management of municipal waste generated in the municipality, and minor construction waste generated in the municipality.

The municipality is obliged to introduce a suitable waste collection system or to enable the collection and transportation of municipal waste generated in its territory, for the purposes of its recovery or disposal. Municipality is also obliged to secure bins, with respect to municipal collection system in the municipality and to provide the space where the residents can deliver separate components of municipal waste within these separate collection of municipal waste. Apart from separated household waste each municipality is also obliged to ensure, where appropriate, at least twice a year containers for collecting and transporting bulky waste containing pollutants and minor construction waste for the purposes of its recovery or disposal.

Each municipality provides details on the management of municipal waste and minor construction waste, including biodegradable kitchen and restaurant waste from related operations and households,



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by generally binding regulation, stipulating in particular the details of the method of collection and transport of municipal waste, the method of separate collection of individual components of municipal waste, the method of handling minor construction waste, as well as places for the disposal of these wastes, waste disposal and the reasons for failure to implement separate collection of biodegradable municipal waste.

Each municipality is in addition obliged to establish and ensure the implementation of separate collection of municipal waste for paper, plastics, metals, glass, biodegradable municipal wastes other than those which are originated by the kitchen operator. Obligation to establish and ensure the implementation of separate collection of municipal waste for biodegradable municipal waste does not apply to the municipality if

1. The implementation is not possible due to technical problems, especially in historical city centers and sparsely populated areas,
2. The municipality demonstrates, that at least 50% of the population is capable to composted waste on their own or
3. It is for the community economically unsustainable as the costs of managing municipal waste can not be covered by the local tax.

In addition to this, the municipality approves a so-called Municipality programme of waste, which is a management and planning tool for waste management of municipalities. The municipality is in charge to elaborate such programme, but it is approved by state authority - the competent local district authority.

Practical information:

According to information received from a non-governmental organization involved with waste issues, there are still many municipalities in Slovakia, which do not fulfill the legal requirements for waste separation. For example, bio-waste separation programmes are actually installed only in 100-200 Slovak municipalities. In the case of biodegradable waste, municipalities often apply exceptions outlined by law, interpreting it extensively.

3.5 Slovenia

1. *(local aspects of waste management) Please specify the local relevance of legal provisions on specific waste management activities, such as selective collection, composting, landfill regulations etc.*

Answer PIC:

The basic demands of waste handling are set in state regulations, which are based on Environmental Protection Act. Only some (detailed) aspects of local waste handling along with the choice of provider of a service in the general interest, are in the hands of a local community. Landfill standards, management of separately collected fraction of municipal waste and regulations on biodegradable waste are state prescribed.



Services, which are a part of municipal waste collection and disposal on landfills, have the status of a local economic service in the public interest. The decision on who will provide the public interest service is in hands of the municipality, which has to provide this service in one of the possible legal forms. Usually it is provided either by local public company (“in house provider”) or by a (private) provider, which holds a concession for a service in the public interest.

By a general act of the municipality (act of local council) detailed provisions of waste collection are prescribed - such as the number of weekly collections for different sorts of waste fractions, collection points for certain types of waste etc. Prices are set up by (consensus of) the municipality, but methodology and fixing of the price is state regulated and controlled.

Although the disposal of waste is also stated as a local service in the general interest, only few locations for regional waste landfills have been envisaged in state operational plan. Although this act is not legally binding most municipalities have slowly (mostly too slowly) agreed on location and common financing of landfill infrastructure. This infrastructure which would provide all envisaged waste management services is currently under construction or improvement (regional centres for waste management). Nevertheless, the demand that only treated waste can be disposed has been established for some time now, along with a slowly lowering of allowed proportion of biodegradable waste in landfills.

The possibility for landfill location has to be set in a local spatial planning act, which is to be adopted by the local council, also on the bases of strategic environmental impact assessment.

- 2. (municipal level bodies) Please specify the role of municipality councils and the lowest level administrative bodies (municipality clerk, decentralized administrative bodies etc.) in regulating, organizing, managing etc. the local waste management activities.*

Answer PIC:

As it has already been stated some local waste handling services are fixed as local economic services in the general interest and have to be provided by each municipality. Basic standards of such services are regulated by the state, but are (according to local features) in detailed regulated with municipality acts (acts of municipality councils). The municipality also decides on the question of how (in which recognized form) and by whom these services will be provided. Local municipalities are therefore most important at the implementation level - organizing and taking care of the waste management in municipalities.

The possibility for a landfill location has to be set in a local spatial planning act, but issuing of permits (environmental permit, building permit etc.) is a state matter. Also emission and other standards that each landfill has to fulfil are regulated by the state, along with leachate discharge from landfills and prohibition of landfills on permeable ground. In the process of planning (strategic environmental assessment) and permitting (environmental assessment) protection of ground and surface waters must have due account. Afterward, when a landfill is operating, monitoring, prescribed by regulation and

environmental permit, should ensure that standards are respected. (Still we have to mention that the past burden of illegal dumps is too often and in many cases no rehabilitation of the sites is taking place).

To give a picture on state regulations of municipality waste (and with that also a picture of a range of »municipalities free movement zone«) we stress the following important state regulations:

Ordinance on the management of separately collected fractions in the public service of municipal waste management; (Uredba o ravnanju z ločeno zbranimi frakcijami pripravljanih javnih služb ravnanja s komunalnimi odpadki; Ur.l.RS, št. 21/2001),

- Regulation of the processing of biodegradable waste and the use of compost or digestate; (Uredba o predelavi biološke razgradljivega odpadka in uporabi komposta ali digestata; Ur.l. RS, št. 99/2013),
- Regulation on the emission of substances in the leachate discharge from landfills (Uredba o emisiji snovi pri odvajanju iz odpadnih lagališč odpadkov; Ur.l. RS, št. 62/2008),
- Regulation on the use of sludge from municipal wastewater treatment plants in agriculture (Uredba o uporabi blata iz komunalnih čistilnih naprav v kmetijstvu; Ur.l. RS, št. 62/2008),
- Regulation on the management of biodegradable kitchen waste and green garden scrap (Uredba o ravnanju z biološko razgradljivo kuhinjskim odpadki in zelenim vrtnim odpadkom; Ur. l. RS št. 39/2010),
- Regulation on waste (Uredba o odpadkih, Ur.l. RS, št. 103/2011),
- Regulation on the disposal of waste (Uredba o odlaganju odpadkov na odlagališčih, Ur.l. RS, št. 61/2011 in 108/2013) and
- Regulation on Landfills (Uredba o odlagališčih odpadkov; Ur.l. RS, št. 10/2014).

3.6 Croatia

Questions suggested for the international comparative research on the issues of Milestone No. 3 based on the survey of the system of the related Hungarian laws and regulations

- (*local aspects of waste management*) Please specify the local relevance of legal provisions on specific waste management activities, such as selective collection, composting, landfill regulations etc.

Research tips: This question refers to the central level waste management rules of mostly substantial legal nature, referring to the general requirements of the management of the household solid waste. Within this issue, please pay attention to the flexibility of the rules, i.e.



specify how far local specialties are taken into consideration in your national laws and regulations concerning household solid waste management;

Act on Sustainable Waste Management (O.G. 94/13), provides rules on separate collection of waste paper, metal, glass, plastics and textiles, and large (bulky) waste. According to Art. 35, par 1 of the **Act on Sustainable Waste Management** local government has an obligation to carry out a separate collection of hazardous waste, waste paper, metal, glass, plastics and textiles and large (bulky) waste in a manner that ensures: operation of one or more recycling yards or mobile units on its territory; setting an appropriate number and type of containers for separate collection of hazardous waste, waste paper, metal, glass, plastics and textiles, which are not covered by a system of special categories of waste on public land; informing households of location and change of location of the recycling yard, mobile units and containers for separate collection of hazardous waste, waste paper, metal, glass, plastics and textiles and transportation service large (bulky) waste at the request of customers.

According to Art. 35, par 2 of the **Act on Sustainable Waste Management** local government which has a population of 1,500 or less, and did not ensure the functioning of the recycling yard shall provide the same function in its area through a mobile unit (which is considered a recycling yard). Local governments which has more than 1,500 inhabitants shall ensure the functioning of at least one recycling yard and the next one in every 25,000 people in its area and local government which has more than 100,000 inhabitants shall ensure the functioning of at least four recycling centers and the next one in every 30,000 people in its area. Also, in the villages where there is no recycling yard the functioning of the same shall be ensured via a mobile unit. The City of Zagreb shall ensure the functioning of at least one recycling yard in every district. Additionally, the local government shall ensure that the spatial distribution of a recycling yard or mode of mobile unit is accessible for use to all residents of the area for which recycling yards or mobile units are established.

Aforementioned are basic requirements for local governments as set by the Act regarding waste management to which we have to add some problems with implementation of these requirements which occurred in practice. 54 By-law are planned to be issued on the basis of the Act, some new, some amended)) are since they are not yet adopted local governments cannot yet define clearly how to start with implementation of their obligations. Also, it is not clear where the local government should obtain funds to meet the obligations under the Act, which in practice proves to be a big problem because many local governments do not comply with the Act justifying it by the large costs of the new system. Specifically, the previous Waste Act contained obligation for the local governments to start with the primary selection of different types of waste and to strengthen the systems by charging the waste disposal according to the quantity or volume, but most local governments had not done that in the past few years due to lack of funds provided or lack of involvement in obtaining additional funds.



- (*municipal level bodies*) Please specify the role of municipality councils and the lowest level administrative bodies (municipality clerk, decentralized administrative bodies etc.) in regulating, organizing, managing etc. the local waste management activities.

Research tips: This question refers to the organizational-procedural side of the local waste management activities. As such this has more relevance to the practical implementation of the waste management law. Municipality waste management planning, organizing work (selecting, contracting the entrepreneurs etc.) and regulating/helping local communities' waste management efforts such as composting are the issues that belong to here.

Waste disposal at the level of cities and municipalities is under authority of the governing bodies of local governments responsible for environmental protection in accordance with the Waste Management Plan of the city or municipality. For example, it can be the Bureau of transportation and utility infrastructure or Administrative Department of Planning, construction and environmental protection.

Each city and municipality must prepare a Waste Management Plan and it must contain in particular: measures for separate collection of municipal waste, measures for the management and monitoring of landfills for municipal waste, list of areas polluted by waste and uncontrolled landfills, sequence of activities remediation of uncontrolled landfills and areas polluted by waste, sources and amount of funds necessary for the implementation of rehabilitation.

The waste management plan is adopted by the city or municipal council and the competent administrative authority shall supervise the implementation of waste management plans. Government of the city and municipality is required to annually, by 30 April of the current year for the previous year, submit the report on the implementation of the Plan, and in particular on the implementation of established obligations and efficiency of the measures taken to the regional authority. Once the plan is adopted by the competent office of the regional government yearly report must be submitted to the Ministry of the Environment and Nature Protection and to the Agency. Such report must be published in the official gazette of the city or municipality.

In addition, the governing bodies of cities and municipalities, must be the initiators of the process of creation of a common policy for waste management in the county, and their activities should aim at institutionalization of cooperation between counties, municipalities and cities, and to achievement of the consensus on all important issues, primarily, to include the selection of the location of the county waste management center and transfer station, adjustment of spatial - planning documentation and to of financing models of common waste management system .



As regards to sea ports, waste management in the sea ports is defined in the Ordinance on the conditions and methods of maintaining order in ports and in other parts of internal waters and territorial sea of the Republic of Croatia (90/ 05). The port authority is responsible for supervising the implementation of order in ports and in other parts of internal waters and territorial sea, especially for keeping the coast and the sea from pollution from maritime facilities. Port authority is obliged to clean the harbor of debris that threaten the safety of navigation and pollute the sea and is responsible for the organization of the waste management of sea ports. Ordinance prescribes the procedure for filing and acceptance of waste from vessels and cargo residues. All ports open to public traffic and special purpose ports must develop and implement a plan for the reception and handling of waste and cargo residues that can be developed on a regional level. The cost of accepting waste in ports, including treatment and disposal of waste, shall be covered adequately by fees for the use of reception facilities.

3.7 Serbia

Solid waste management

The National Waste Management Strategy (NWMS, 2003) in Serbia is the first fundamental document in the creation of conditions for a rational and sustainable waste management at the national level. According to requirements of the NWMS, establishment of a region consisting of several municipalities for integrated waste management presents the only sustainable waste management solution.

According to EU Commission Progress Report for Serbia (2009), progress can be reported on waste management in Serbia, with the adoption of the Law on Waste Management (LWM) and the Law on Packaging and Packaging Waste. The LWM stipulates that each municipality develop a municipal waste management plan; subsequently, municipalities must then organize themselves into regions and prepare regional waste management plans based on the local plans. The EU Commission Progress Report for Serbia (2010) also provides information about progress in the area of waste management.

One of the key obstacles to the achievement of NWMS goals is lack of plans of waste management at regional and local levels which have to be developed. Waste volumes in the Republic of Serbia is hard to estimate. The main reason is lack of information on waste qualitative and quantitative analysis, i.e. data base of quantities, characteristics, especially content, and classification of waste. Only ca. 60% of municipal solid waste is collected.



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Waste disposal, especially hazardous waste disposal, is an obvious problem. The existing urban disposal sites are mainly disorganized, with no additional equipment or protection measures. Officially, there are about 180 disposal sites of municipal solid waste across the country, not counting a large number of illegal waste dumps in rural areas. As a consequence of regionalization process in waste management, current, poorly managed municipal landfills are to be closed in accordance with remediation and closure design documents, to ensure the long-term protection of human health and the environment, and to minimize the need for long term post-closure maintenance.

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3.8 Bosnia-Herzegovina

In local waste management activities, local (municipal) authorities have the jurisdiction in waste management. In cases where small isolated sttlements exist they can delegate this authority to the representatives of this local settlement. The municipality can manage waste management activities through local utility services company, or it can give the jobs in question to a private investor either through a concession or through a bidding procedure for a limited time contract. The municipality and its organs, including the municipality council have full authority



to decide in selective collection, composting and location of the landfills. The only limit of these regulations are entity regulations. In practice, municipalities enjoy a wide discretion in defining all aspects of waste management on their territories. Specific decisions usually entitled „Decisions on communal order“ are passed by municipality councils and they contain very specific provisions concerning waste management on a household level.

3.9 Montenegro

1. (*local aspects of waste management*) Please specify the local relevance of legal provisions on specific waste management activities, such as selective collection, composting, landfill regulations etc.

On national level Ministry of Sustainable Development and Tourism is responsible for general waste management policy and legislation. However, other Ministries have responsibility over specific areas of waste management (e.g. Ministry of Agriculture and Rural Development have responsibility of the animal waste management, soil protection, etc.; Ministry of Interior has the responsibility over local governments, etc.).

Law on Waste Management was adopted in late 2011 ("Official Gazette of Montenegro", No. 64/11). In accordance with the Law on Waste Management (2011) the new National Waste Management Plan/Strategy for the period 2014-2020 and its Action plan for implementation is under preparation (funds provided by the EU Delegation to Montenegro - IPA 2009). This new Plan will support updating the Montenegrin National Policy Paper for Waste Management 2004 and the Strategic Master Plan for Waste Management 2005.

The new Plan/Strategy that is under preparation will define guidelines for organizing waste management sector and for creating conditions for:

- (i) improvement the status in the sectors of the environment and human health;
- (ii) harmonization with guidelines from other EU strategic documents;
- (iii) sustainable resource management available to Montenegro (the waste is resource that can be: reused, recycled as raw material, or processed as energy resource);
- (iv) comprehensive approach by analyzing all sectoral policies related to issues of waste collection, transport and treatment and waste generation;
- (v) taking into account all specificities and restraints existing in Montenegro"

Local self-governments are also stakeholders in waste management and have responsibilities in the municipal waste management sector (i.e. waste generated in households and waste of similar characteristics). In the process of development of new National plan/Strategy local self-governments have to identify problems and bottlenecks, to reconsider possible solutions with benefits coming out of it, to identify target groups and potential partners for tackling these issues, and to consider impacts of this segment on the other local development policies and otherwise, and only after that to start decisively and responsibly into an action. New National Strategy will act as umbrella document and offer possible directions of strategic development of local self-governments in this sector.



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By the Law on Waste Management Local governments are obliged to prepare Local Waste Management Plans (LWMP) for 5 year period, which should be approved by the Ministry of Sustainable Development and Tourism. Some Municipalities in the country have prepared and adopted the LWMP, some have not. The EU funded project also encompasses technical support in preparation of LWMP for certain municipalities in the Country.

The adopted of the Law on Waste Management in 2011 has been followed by adopted of numerous sub laws defining certain actions or sectors, such as:

- Regulation on the procedure for the establishment of the system of taking, collection and treatment of waste vehicles and operation of the system ("Official Gazette of Montenegro", No. 28 /12).
- Regulation on the procedure for the establishment of the system of taking, collection and treatment of waste electrical and electronic products and operation of the system ("Official Gazette of Montenegro", No. 24/ 12).
- Regulations on waste classification and waste catalog ("Official Gazette of Montenegro", No. 35 /12).
- Regulation on the procedure for the establishment of the system of taking, collection and treatment of waste tires and operation of the system ("Official Gazette of Montenegro", No. 39 /12).
- Regulation on the procedure for the establishment of the system of taking, collection and treatment of waste batteries and accumulators and operation of the system ("Official Gazette of Montenegro", No. 39 /12).
- Regulation on detailed criteria, amount and manner of payment of a special fee for Waste Management ("Official Gazette of Montenegro", No. 39 /12).
- Regulation on the procedure for the establishment of the system of taking, collection and treatment of waste packaging and operation of the system ("Official Gazette of Montenegro ", No. 42 /12).
- Regulations on Waste Oil Management ("Official Gazette of Montenegro", No. 48 /12).
- Rules for the Treatment of equipment and waste containing PCB ("Official Gazette of Montenegro", No. 48 /12).
- Ordinance on the conditions, manner and procedure of medical waste ("Official Gazette of Montenegro", No. 49 /12).
- Rules for the Treatment of construction waste, manner and procedure for processing construction and demolition waste, requirements and how to dispose of asbestos-cement construction waste ("Official Gazette of Montenegro ", No. 50 /12).
- Ordinance on the manner of keeping records of waste and contains a form of waste transport ("Official Gazette of Montenegro ", No. 50 /12).
- Ordinance on the conditions to be met by a company or entrepreneur processing and / or disposal ("Official Gazette of Montenegro", No. 53 /12).
- Regulation of the detailed content and manner of submission of annual reports on the implementation of waste management plans ("Official Gazette of Montenegro" , No. 53 /12).



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- Regulation on detailed contents of waste management plan waste producers ("Official Gazette of Montenegro", No. 5 /13 of 23.01.2013.godine).
- Ordinance on the conditions to be met by a company or entrepreneur for collection and transport of waste ("Official Gazette of Montenegro", No. 16 /13).
- Regulations on Packaging and removal of asbestos-containing waste ("Official Gazette of Montenegro", No. 11/ 13).
- Rules on the Management and the content of the request for registration of exporters of non-hazardous waste ("Official Gazette of Montenegro", No. 27/ 13) .
- Regulation on detailed characteristics of the location, construction conditions, sanitary and technical conditions, operation and closure of landfills ("Official Gazette of Montenegro", No. 31 /13).
- Decree on the conditions of storage of waste ("Official Gazette of Montenegro", No. 33 /13).
- Ordinance on Incineration and / or co-incineration of waste ("Official Gazette ", No. 33 /13).
- Regulations on keeping the register of permits issued for the processing and / or disposal of waste collectors registry, Registry Operator and the traders and dealers waste ("Official Gazette of Montenegro", No. 47 /13).
- Regulations on the collection and delivery of waste vehicles which the holder is unknown ("The Official Gazette of Montenegro ", No. 47 /13).
- Rules on the conditions to be met by municipal sewage sludge, the quantity, scope, frequency and methods of analysis of municipal sewage sludge for permitted uses and conditions to be met by land planned for its implementation ("Official Gazette ", No. 89/ 09).
- Ordinance on the content, form and manner of keeping the register of issued permits for cross-border movement of waste ("Official Gazette ", No. 71/10).
- Regulation on the detailed content of documents for issuance of import, export and transit of waste, as well as the list of waste classification ("Official Gazette", No. 75/ 10).

In accordance with the Law on Self Government of Montenegro (o. 42/2003, 28/2004, 75/2005, 13/2006 and "Official Gazette of Montenegro", No. 88/2009 and 3/2010) the Local Governments provide for and regulate the activity of the solid waste management, water supply, waste water management and sanitation (communal services) in the Municipality through the Public Utilities for Communal Services. The basic law that regulates these activities and the work of communal service body is Law on Communal Services (2011). In order to support Local Governments in the very comprehensive task, which is very costly and requires loans and credits from different financial bodies and mechanisms, of communal services, the Government has established a special unit for the implementation of projects financed by the loan proceeds - PROCON - special structure within the relevant government authorities for the implementation of the EU grants. Certain Local governments have invested effort, presented initiatives and creativity in providing the necessary conditions for the implementation of certain provisions of the Law on Waste Management. First of all – the Capital city (Podgorica) has built a modern center for waste



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treatment and has the first sanitary land filed in Montenegro (only 2 sanitary land filed exist in Montenegro, one in Podgorica, of the regional character and another on in Municipality Bar, also of a regional character). The Podgorica sanitary land filed is sued by 2 other Municipalities Danilovgrad and Cetinje. Some efforts have been made in partial waste selection in Municipalities of Herceg Novi, Kotor and Tivat. As of July 2012 the second regional sanitary landfills operates - Možura where Municipality Bar and Ulcinj dispose waste, and lately waste from Budva , Kotor and Tivat. It can be concluded that about half of the total amount of waste produced in Montenegro is disposed on these sanitary landfills. It is expected that construction of a waste treatment centers in Niksic and Berane will begin in near future, which construction ensures that virtually 90 per cent of the collected amount of waste in the Country is disposed in the proper manner provided by the Law on Waste Management.

The involvement of private sector in waste management on local levels has bases in Law on Participation of Private Companies in Public Services (Official Gazette GoM No. 30/02 from 26.06.2002 and No. 08/09 from 04.02.2009). At the very moment private sector has not been involved waste management of any type. However, the Law, which applies to all public institutions, provides a framework for intensification of participation of the private sector in the areas of general significance for the society, and application of public services in relation to leasing and management contracts, including build-operate-transfer (BOT) arrangements. This Law, together with the Law on Concessions (Official Gazette of GoM No. 08/2009), provides general arrangements for several instruments that could be used for planned action and private capital to revitalise the infrastructure of the state/local governments despite the lack of funds from the budget for participation of the private sector in public services, for the betterment of government/local governments.

2. *(municipal level bodies)* Please specify the role of municipality councils and the lowest level administrative bodies (municipality clerk, decentralised administrative bodies etc.) in regulating, organising, managing etc. the local waste management activities.

At the local level in municipalities, the collection, transport, and disposal of solid waste are organized within Public Utility Companies (PUC), which are fully owned by municipalities.

By the Law on Communal Services (Official Gazette of GoM, No. 48/08 and 2011) organization of communal services on local level is the responsibility of the Local-self Government. These services are aspect of the scope of work of Public Utility on communal services or other company that Local Self-government decides to govern these tasks.

Communal services, defined by the Law on Communal Services, are:

- 1) Public water supply
- 2) Waste water management
- 3) Management of atmospheric water
- 4) manage municipal waste
- 5) Planning and maintenance of public areas
- 6) Management of public lighting



- 7) Public passenger transport in urban and suburban areas
- 8) Maintenance of municipal roads (local roads, city streets and streets in residential areas) and biking trails
- 9) The maintenance of bridges and waterbeds of local importance
- 10) The maintenance of cemeteries, chapels and cremation and burial
- 11) Maintain the market
- 12) The maintenance of public spaces for parking
- 13) Maintenance of public toilets
- 14) Disposal of abandoned and lost animals and for themaintenance of shelters for their care.

3.10 Romania

Questions suggested for the international comparative research on the issues of Milestone No. 3 based on the survey of the system of the related Hungarian laws and regulations

- (*local aspects of waste management*) Please specify the local relevance of legal provisions on specific waste management activities, such as selective collection, composting, landfill regulations etc.

Research tips: This question refers to the central level waste management rules of mostly substantial legal nature, referring to the general requirements of the management of the household solid waste. Within this issue, please pay attention to the flexibility of the rules, i.e. specify how far local specialities are taken into consideration in your national laws and regulations concerning household solid waste management;

Definition of waste – EGO 195/2005 regarding the protection of the environment - orice substanță, preparat sau orice obiect din categoriile stabilite de legislația specifică privind deșeurilor, pe care deținătorul îl aruncă, are intenția sau are obligația de a-l arunca;

A similar definition is given also by the Waste Law no 2011/2011.

Art 29 of EGO 195/2005 – The Waste management aims to protect the human health and the environment.

The individuals and the legal persons are not allowed to pollute the environment if they are dealing with waste resulted from the use of dangerous substances (art 28), from activities involving GMO (art 44), radioactive materials (art 48), activities likely to pollute the waters (art 58): eg. from ships, shipyards, harbours, etc including the general obligation not to pollute the waters with substances coming from household waste, petroleum, narcotics, explosives, any other dangerous substances, not to deposit any kind of waste near the waters - banks, riverbeds, wetlands, costal), holders of forests (art 69) must manage accordingly the waste coming from normal exploitation of the forests.



The local administration as well as the individuals and legal persons must respect the provisions of the land use plans and urban plans regarding the landfills – household, streets, industrial waste (art 70) as well as the obligation not to pollute or degrade the environment through uncontrolled dumping of waste.

The authority responsible with the control of the waste management is the environmental authority (Minister of Environment and Climate Change as well as the subordinated authorities – environmental protection agencies at country level and the Environmental National Guard) – art 30.

The other public authorities have responsibilities regarding the environmental protection too:

- The authority responsible with economy and commerce is elaborating the policy regarding the recycling and recovery of industrial waste (art 86).
- The local authorities are supervising the subordinated economic operators to prevent accidental emissions of pollutants, uncontrolled waste deposits and development of the reusable waste collecting systems (art 90)

All individuals and legal persons have the obligation to deposit any kind of waste only in special authorized places (art 94)

Sanctions can be applied as it follows:

Contraventions: Administrative fine from 3000 RON (about 600 eur) to 60.000 Ron (about 13.000 eur) (limits are higher for legal persons and smaller for individuals)

- uncontrolled waste depositing, including the failure of the local authorities to execute the obligation presented in art 90 - administrative fine
- failure of the local authorities to respect the provisions of the land use plans regarding the landfills or any kind of waste deposits
- violation of the obligation prescribed in art 44, 48, 58, 69 described previously

Offences: imprisonment from 6 month to 3 years or criminal fine whether they were likely to endanger life or human, animal or plant: Releasing into the air or soil waste or dangerous substances, failure to supervise and to ensure landfills, introducing illegally waste in Romania, releasing used waters or dangerous waste from ships and floating platforms into the waters, failure to take all necessary measures to dispose of the dangerous waste substances or chemicals.

According to Law no 211/2011 regarding the wastes regime, the waste management is functioning according to the principle of hierarchy of waste:

- Prevention,
- preparation for reuse
- recycling
- other options as energy recovery
- waste disposal



Depending on the type of waste this principle can be modified.

Another important principle set by the Law no 211/2011 is the protection of the environment including human health.

The households waste are defined in Governmental Decision no 856/2002.

According to Law no 211/2011, the producers of waste as well as holders of waste must collect separately at least paper, metal, glass and plastic.

The operators ensuring collecting and transportation of waste must respect the separation of the different types of waste.

The reuse and recycling of waste are based on the separate collection of waste and are regulated by normative acts approved by the Government.

The operators ensuring the disposal of waste must use the best available techniques that are not implying excessive costs. They must respect the permit released for they activity and placement the waste (location of incinerator, landfills). They are forbidden to dump waste or to dispose it outside the permitted locations.

The costs are supported by the polluter according to “the polluter pays principle”.

When the waste is dumped and the polluter is not known, then the local public administration will support the costs.

Any producer or holder of waste has the obligation to treat the waste or transfer this obligation to an economic operator specialized or to an operator public or private specialized in collecting the waste. They have to take the wastes only to authorized installation for the treatment of waste. All legal persons must have one persons trained in waste management that is responsible with complying with the legislation regarding waste.

The authorities responsible with waste management have the obligation to ensure a network of disposal units and of waste recovery plants, for the mixed municipal waste collected from households and other producers. The best available techniques principle that are not excessively costly, applies. The network is connected to the EU Network. The waste must be disposed or recovered in the nearest facility, but it does not mean that

Romania must provide such installation for all types of waste.

Regarding the biowaste, the population is encouraged to compost it individually in households. The biowaste must be collected separately in order to be composted and fermented.

All units that are treating waste must obtain an integrated environmental authorisation issued by the competent environmental agencies.

The operators that are not subject to the obligation of obtaining the integrated environmental authorisation are mentioned in a registry managed by The National Environmental Protection Agency.



The Waste Management Plans

They are issued at national, regional and local level, including a plan for Bucharest. At national level the plan is elaborated by the central public authority for environmental protection and it is approved through Decision of the Government.

The regional plans are elaborated by the environmental protection agency together with the county councils from the region and are approved through the order of the central public environmental authority. The regional plans must be in line with the national plan.

The county plans including The Bucharest plan are elaborated by the county councils together with the environmental protection agency and are approved by the decision of the county council.

Order no 951/2007 approves the elaboration methodology of the regional and local management plans.

Elaboration and approval of the waste management plans are done with the respect of the SEA directive.

The plans are being monitored and revised yearly.

The competent authority for control and decision is the Minister of Environment and Climate Change. Other authorities are also competent: health Minister, Agriculture Minister, Labour, Economy, etc.

The control of the operators that are treating, collecting, transporting, etc are controlled by The National Environmental Guard regarding the origin of the waste, the nature, the quantity and the destination of the waste.

For violation of the norms presented fines can be applied to the individuals as well as to the legal persons, by the National Environmental Guard. The fine can vary between 1000 ron (250 eur) to 40000 ron (8800 eur). The fines are higher for the legal persons and smaller for the individuals.

Law no 211/2011 is also establishing offences related to import or transportation of waste.

The Deposits of the waste including household waste is regulated through Governmental decision no 349/2005. Order of Minister of Environment and Waters no 757/2007 regulated technical norms for establishing waste deposits.

There are also regulations for packaging waste, collecting electronic equipments, batteries, used oils, etc.

In this system it is not applied collecting separately the paper, metal plastic and glass, and there are several landfills excepted from the obligation provided by the Governmental Decision no 349/2005.

3.11 Bulgaria

5. Local aspects of waste management



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Please specify the local relevance of legal provisions on specific waste management activities, such as selective collection, composting, landfill regulations etc.

Waste management in Bulgaria of household and construction waste is carried out at local level by the municipalities and the landfills are managed at regional level according to the territory a regional landfill is covering. The main law regulating waste management is Waste Management Act (WMA)²². Art. 19 of the WMA stipulates that “the mayor of each municipality shall organise the management of household and construction waste formed within the territory of municipality in conformity with the requirements established by this Act and the ordinance referred to in Article 22”. Among the duties of the mayor are: collection of household waste and the transport of said waste to landfills or other facilities and installations for the recovery and/or final disposal; cleaning of street roadways, squares, driveways, parks and other parts of the areas intended for public use; siting, construction, operation, closure and monitoring of landfills for household waste or of other facilities or installations for the recovery and/or final disposal of household waste; organising the collection, recovery and disposal of construction and demolition waste; separate collection of household waste within the territory of the municipality, at least for the following waste materials: paper and cardboard, metal, plastic and glass; the separate collection and storage of household biodegradable waste, including sites for the necessary elements of the system for separate collection of waste and its submission for composting or anaerobic decomposition²³.

At municipal level waste management is regulated by a municipal ordinance on waste management. WMA sets in Art. 22(1) the scope and extent of powers vested in the municipalities – “Municipal Council shall adopt an ordinance establishing the terms and procedure for the discarding, collection, including separate collection, transport, reloading, recovery and final disposal of household and construction and demolition waste, including biodegradable waste, hazardous household waste and ordinary waste within the territory under its jurisdiction...”. Further the ordinance should contain provisions on requirements for sites for handing in of waste from paper and cardboard, plastic and glass, including the conditions for registration of sites, as well as the conditions for transportation of waste to sites²⁴. The Bulgarian municipalities are divided into regions for the purpose of establishing regional systems for landfilling of waste. The municipalities included in each of the regions have to establish a regional waste management system consisting of a regional landfill and/or other waste treatment facilities²⁵.

Bio-waste from the maintenance of areas for public use, parks and gardens is collected separately. Bio-waste, as well as from green-field sites pertaining to retail premises, industrial, business and administrative buildings shall be treated by composting or anaerobic decomposition in a manner ensuring the highest degree of environmental protection²⁶.

The municipal mayor or an official authorised thereby exercises control over the operations relating to the generation, collection, including separate collection, storage, transport and treatment of household and construction and demolition waste; operations relating to landfilling of industrial and

²²Promulgated SG No.53/2012, amended SG No. 66/2013.

²³Art. 19 (3)

²⁴WMA, Art. 22 (2)

²⁵ WMA, Art. 23(1)

²⁶WMA, Art. 34



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hazardous waste at municipal and/or regional landfills; compliance with the other requirements laid down with the ordinance referred to in the municipal ordinance. The illegal activities in violation of the waste management law are sanctioned according to the provisions of the WMA and the municipal ordinance. The competent authority or officials authorised thereby shall apply coercive administrative measures for the prevention and cessation of administrative violations under the Act²⁷. For example, the Minister of Environment and Water may suspend operations related to the collection, storage, transport, recovery or final disposal of waste; or the operation of waste disposal or recovery facilities²⁸. For administrative violations under the WMA there are fines imposed depending on the seriousness of the offence. The basic fine for discarding waste in places unauthorized for this purpose varies from BGN 300 to BGN 1,000 (150 EUR to 500 EUR)²⁹. A pecuniary penalty of BGN 3,000 (1500 EUR) up to BGN 10,000 (5000 EUR) shall be imposed on any sole trader or legal person who or which does not ensure pre-treatment of sludge from septic tanks and from other such wastewater treatment facilities³⁰. A mayor or official who fails to organise the separate collection and storage of household biodegradable waste, including sites for the necessary elements of the system for separate collection of waste and its submission for composting or anaerobic decomposition could be fined with a fine between 1400 and 4000 BGN (700 to 2000 EUR). The violations of the rules on local level are ascertained by a written statement by officials authorised by the mayor of the municipality and the penalty decree is issued by the mayor.

6. Municipal level bodies

Please specify the role of municipality councils and the lowest level administrative bodies (municipality clerk, decentralised administrative bodies etc.) in regulating, organising, managing etc. the local waste management activities.

The planning of waste management activities at local level is realized through municipal waste management programmes. The mayor of the municipality draws up and implements the programme for the territory of the relevant municipality following the timeframe, structure, objectives and estimates of the National Waste Management Plan. The programme is adopted by the Municipal Council of the municipality and its implementation is monitored by the Council.

In the WMA and the municipal administrative statutes the roles of the municipal authorities and units are clearly defined. Municipal council adopts municipal ordinance on waste management which should take into account the local circumstances. At the municipal administration there is a unit working on environmental protection and covering waste management. It could consist of one person or of a big team depending on the size and specifics of the municipality. In some municipalities there are inspectors who are vested with duty to control the application of the national and local legislation and to write up written statements for the violations found.

The waste management services could be provided directly by municipal enterprise but in most cases they are assigned to companies specialized in waste management services- collection of

²⁷WMA, Art.126

²⁸WMA, Art. 127, item 1 (a) –(b)

²⁹WMA, Art. 133 (1)

³⁰WMA, Art.142, item 1 (c)



household waste and the transport of waste to landfills or other facilities and installations for the recovery and/or final disposal, cleaning of public spaces, separate collection of household waste and others. The selection of the contractors and awarding of the contract follows the applicable procedure of the Public Procurement Act.

The public participation is guaranteed formally by the WMA. In case of drafting of municipal ordinance the municipal council shall publish on its website and subject to public consultation the draft of the ordinance³¹. The mayor is obliged to provide information to the general public on the waste management activities via the website of the municipality and in other suitable ways. In case he/she fails to do so, there is an administrative penalty provided in the law.

3.12 Moldova

3. (local aspects of waste management) Please specify the local relevance of legal provisions on specific waste management activities, such as selective collection, composting, landfill regulations etc.

Research tips: This question refers to the central level waste management rules of mostly substantial legal nature, referring to the general requirements of the management of the household solid waste. Within this issue, please pay attention to the flexibility of the rules, i.e. specify how far local specialities are taken into consideration in your national laws and regulations concerning household solid waste management;

(municipal level bodies) Please specify the role of municipality councils and the lowest level administrative bodies (municipality clerk, decentralised administrative bodies etc.) in regulating, organising, managing etc. the local waste management activities.

Research tips: This question refers to the organisational-procedural side of the local waste management activities. As such this has more relevance to the practical implementation of the waste management law. Municipality waste management planning, organising work (selecting, contracting the entrepreneurs etc.) and regulating/helping local communities' waste management efforts such as composting are the issues that belong to here.

(local waste water treatment solutions) Please specify the levels of waste water treatment facilities in small local settlements, ranging from the individual household dehydration devices to larger, community or settlement level solutions;

Research tips: Please specify the technical conditions under which such local waste water treatment facilities might legally operate, including size, location and water protection provisions. We do not have to deal here with the rules concerning the large scale sewage systems.

(legal control) Please specify which authorities control the local waste water treatment activities and what kind of legal tools they use (e.g. general permitting, self monitoring).

Research tips: This question addresses the institutional and procedural side of the topic of the local waste water treatment regulations. Please pay attention to the fact that the legal solutions might not logically follow the size and the level of waste water treatment and also that water management, environmental protection and public health rules are not always in total harmony.

³¹WMA, Art.22 (3)

The present Government policy of the Republic of Moldova on waste management consists in developing infrastructure and services necessary to effectively protect the environment at global, national and local levels from effects associated with the management of waste generated by citizens, enterprises and institutions.

Waste management in the Republic of Moldova is one the most difficult and unsolved issue both in terms of organization and legislation. In spite of presence of a number of legal acts and normative acts (almost 80) the legal aspects of waste management must be significantly improved, requiring both the legal and institutional restructuring.

Currently the legal framework regulating the waste management issues includes:

- *Law No.1515-XII of 16 June 1993 on environmental protection;*
- *Law No.851-XIII of 29 May 1996 on the ecological expertise and assessment of impact on the environment;*
- *Law No.1102-XIII of 6 February 1997 on natural resources;*
- *Law No. 1540-XIII of 25 February 1998 on the sanctions for environmental pollution;*
- *Law No. 1347-XIII of 09 October 1997 on production and household waste;*
- *Law No.1236-XIII of 3 July 1997 on the regime of hazardous products and substances;*
- *Law No. 40-XV of 19 February 2004 on the ratification of the Stockholm Convention on Persistent Organic Pollutants;*
- *Government Decision No. 1296 of 20 November 2008 on the procedure of charging environmental payments for import of goods in the process of use, causes environmental pollution and for plastic and/or tetra-pack packages of import goods;*
- *Government Decision No. 637 of 27 May 2003, which approved the Regulation on the control of trans boundary movements of hazardous wastes and their disposal;*
- *Government Decision No. 1155 of 20 October 2004 on the approval of the National Strategy on reduction and elimination of persistent organic pollutants and the National Plan on the Implementation of Stockholm Convention.*

The main role in waste management at local level lies with local authorities. Unfortunately the outcomes of waste collection and disposal depend largely on their ability to organize this process and engagement of businesses and civil society in the accumulation of financial resources.

The current national legal framework arranges the cooperation in environmental protection of the central public administration authorities, including the jurisdiction and powers of local authorities, according to the Law no.436-XVI of 28 December 2006 on local public administration and the legislation on environmental protection. In this case can be mentioned the following legal provisions regarding the obligations of local public authorities in the domain of waste management according to environmental legislation:



1) Law No.1515-XII of 16.06.1993 on environmental protection:

- local public authorities of the districts, cities together with local authorities for environment and health protection: pt. c) supervise and coordinate activities municipalities and prices for storage and processing of industrial and household waste, construction and operation of wastewater treatment facilities, installation of equipment and devices for neutralizing the harm, preventing and combating landslides, erosions, salinization, compaction and soil pollution by fertilizers and pesticides, rational use of pastures, land distribution to ensure the necessary degree of afforestation, creation of forest belts and green spaces;³²

- local public authorities of the village, town together with local authorities for environment and health protection: ensure the implementation of measures for prevention and combat the landslides, erosion, salinization, compaction and soil pollution by fertilizers and pesticides allocation of land for new targets, perennial plantings, massive irrigation which are admitted only upon authorization geological service;³³

2) No. 1347-XIII of 09.10.1997 on production and household wastes:

- ensure in the subordinated territories the enforcement of the legislation on waste management;
- carry out economic and organizational coordination and regulation of activities of individuals and legal entities from the subordinated territories subordinated, in the domain of waste management in order to detect and return it into a high economic cycle;
- shall, in consultation with local authorities and environmental and health authorities, adopt decisions affecting land for waste disposal and construction (extension) for its processing and neutralizing, exercises the control over waste disposal and payment for environmental damage caused by waste production and consumption ;
- carry the merging funds of individuals and legal entities businesses located in the subordinated territories to environmental funds and the budgets of administrative – territorial units to finance the construction of new targets, expansion and reconstruction of existing targets, neutralization and disposal of wastes;
- conduct systematic records of organization, storage and processing of the waste in the subordinated territory;
- organizes the collection and disposal of wastes, as well as those belonging to small producers, affects places for storage;
- prepare and maintain the records of waste disposal sites;
- adopts, jointly with the Service of Civil Protection and Emergencies of the Ministry of Interior, measures for civil protection at the economic objectives generators of hazardous waste;
- take the necessary measures for the liquidation of unauthorized and uncontrolled dumps;

³²Art. 9, par. c), Law No.1515-XII of 16 June 1993 on environmental protection. [On-line]:<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311604>.

³³ Art. 10Law No.1515-XII of 16 June 1993 on environmental protection. [On-line]:<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311604>

- promotes the legislation on waste management;
- inform the public on the status of storage, preservation and processing of waste in locality, area, involving the population in the collection of harmless waste and secondary raw materials.³⁴(Art. 6, par. a-k)).

The main responsibilities of specialised central and local public authorities on management of production and household waste are determined in Law No. 1347-XIII of 09 October 1997 on production and household waste. The current structure of rational/district councils do not include subdivisions that would ensure implementation of environmental policy, including waste management within the administered area. At present the local administration responsibility of waste collection and transportation lies within the local waste collection services, this operates mainly in urban areas and only in some rural areas.

In respect of the environmental agencies and inspections it executes supervision and control over environmental compliance by local businesses, including waste management process. As a result, the State Environmental/Ecological Inspectorate has the task of exercising the state control regarding the respect of the laws and normative acts on issues concerning the environment protection and usage of natural resources.³⁵ The Regulation of the institution provides that the inspectorate supervise the compliance with regulations and environmental requirements, instructions, recommendations, rules for the use of natural resources norms for harmful substances and products, waste.³⁶

³⁴ Art. 6, par. a-k), Law No. 1347-XIII of 09 October 1997 on production and household waste. [On-line]: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311576>.

³⁵ Art. 26, par. (1), No.1515-XII of 16 June 1993 on environmental protection. [On-line]: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=311604>

³⁶ Pt. 10, Government Decision No. 77 of 30.01.2004 on the approval of the structure and Regulation of the State Environmental Inspectorate.[On-line]: <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=296781>.



Action 5: “To establish buffer strips along the rivers to retain nutrients and to promote alternative collection and treatment of waste in small rural settlements”

- the Hungarian pilot study -



The project is supported
by the European Union.

(VOP-1.1.1-11-2011-0001)



Introduction – the system analysis of the relevant laws

Before putting together a questionnaire on the systematic analysis of the situation on buffer zones, we have surveyed the Hungarian legal system for the relevant legal institutions defining, determining and protecting buffer zones in the vicinity of living waters of the Danube Basin. Based on this more detailed pilot survey we proposed a draft set of questions for the national research partners from the Danube basin countries and submitted it to the body responsible for the report on the Danube River Basin Management Plan. The questions thereafter were sent to 12 country researchers who sent their detailed answers. In the present study we introduce the pilot analysis that served the basis for initiating and performing a comparative analysis of the laws and practices of 12 Danube countries concerning the protection territories of waterflows.

As concerns the overall methodology of our national survey we have performed a *system analysis*, i.e. we have tried to reveal all the relevant elements of our administrative laws and regulations and map out their possible interrelationships. Such elements encompass legal institutions that contribute to the protection of water flows through establishing certain territories, zones or stripes where certain activities are prohibited or constrained, while other activities on these territories, such as maintenance and monitoring or best management practices are encouraged or even prescribed.

We have found that quite several laws and regulations in the field of water management law, environmental and nature protection law, public health laws, several branches of agricultural administration and other laws target these issues from their specific angles. This is a mounting task – we just have made some initial steps in solving it – to evaluate the interplay of such parallel efforts of our law. Within this program we have compared the definitions these laws and regulations provide for the different kinds of protecting territories alongside waters, we have also examined the different administrative procedures, where the representatives of other branches of administration can take part as so called co-authorities and also tried to trace back cross references, if any, amongst these laws and regulations. We are convinced that not the individual pieces of legislation but the whole system determines the effectiveness of the protection of our waters from overburdening amounts of nutrients and other polluting materials.



The project is supported
by the European Union.

(VOP-1.1.1-11-2011-0001)



Milestone No. 3: Survey of the situation on management of solid waste in small rural settlements

Our overall experience concerning the Hungarian waste management law is that there are very few regulations and provisions that would concern directly and specifically the needs and technical possibilities of the small scale rural settlements. However, in the decentralised municipality and local authority system the role of the municipality councils in local waste management planning, their role in determining the person and range of activities of the local waste management companies and administrative legal responsibilities of the majors' offices and the district offices of the central administrative bodies in waste management make altogether that the local needs might find their according ways of special implementation of the central waste management laws.

1. Relevant general rules of solid waste management

1.1 Principles of waste management relevant to small rural settlements

The Waste management act³⁷ (hereinafter: Waste act) introduces some general principles of waste management deducted from the most general principles of environmental protection and sustainable development. Some of these waste management principles are relevant for our topics such as the *proximity principle* and the *smallest possible pollution principle*. According to the proximity principle the network of waste management shall ensure that any waste can be utilized or neutralised in the nearest proper waste management facility where the most proper methods and technologies are available, taking into account also the general environmental circumstances, the economic effectiveness and the specialities of the waste to be handled³⁸. The principle of smallest possible pollution is a principle of planning social and economic activities, where the investors or operators shall design their activities that ensure the smallest burdening and use of the environment, avoidance of endangerment and pollution of the environment, ensure also the prevention of waste or mitigation of its quantity or risk³⁹. As such, these requirements of the principle of smallest possible pollution presuppose the most possible localized operations with the waste, where the best solutions of management can be applied right at the source.

We note here that *subsidiarity principle* is not directly mentioned in the relevant waste management laws, while, as we are going to see in many of the following sub-chapters, the essence of subsidiarity principle is very close to the content of these regulations.

³⁷ Act CLXXXV of 2012

³⁸ Art 3 (1) d)

³⁹ Art 4



1.2 The role of the local municipalities

Local municipalities are the major role players in organising waste management in small rural settlements. According to the Waste act, they are responsible for selecting and contracting with the local waste management public utility enterprises and also for regulating in a local ordinance:

- all the major issues of the orders and ways of local waste management services,
- rights and responsibilities of the stakeholders
- and even certain elements of the contracts with the waste management enterprises.
- The local waste management ordinances shall also encompass the rights and responsibilities of the owners of the real estates in the respective settlements⁴⁰.

We can see the proximity principle in operation when the legislator provides the local municipalities with a key role in the system of solid household waste management. They are the focal point of special local interests (e.g. at a holiday resort, where a part of the dwellers stays in the settlement only in certain periods of the year) and they are also responsible for the accommodation of the central waste management laws and plans into the local circumstances, naturally, within the frames of the national level laws.

1.2.1 Sanctions of illegal activities concerning local municipal waste

According to the rules of the Hungarian waste management law responsibilities for illegal activities concerning municipal waste can be of civil law or administrative law nature, i.e. we can speak of the financial (material) responsibility for abandoned or not properly handled waste and also of the responsibility in an organisatory-punitive sense. The Waste Act establishes the most general principles of civil law type responsibilities of all the persons who are in possession of solid waste and get rid of it with the infringement of the waste management rules. All possessors of waste shall use the assigned locations and ways of depositing or transferring their municipal wastes. As a secondary rule, the responsibility for wastes abandoned on a real estate will be born by the owner of the real estate, unless other persons with closer responsibility can be revealed.⁴¹ In case the waste was abandoned on public places, the final, unconditional responsibility for handling it shall be born by the municipality, again, unless it can point out the persons more concretely responsible for the given waste⁴².

As concerns the administrative legal responsibility for abandoning solid municipal waste on local scale or handle it illegally in any other ways, the Waste act determines mandatory activities (suspending, ceasing the wrongful activity, restoring the original status of a land etc.) and administrative fines⁴³. The exact amount of fines and the details of procedure is regulated by a Governmental Decree⁴⁴, too.

⁴⁰ Waste Act, Art 33(1) and Art 35, Points c) and e)

⁴¹Waste Act, Art. 61 (1)-(3)

⁴² Art. 61 (3)-(5)

⁴³ Waste Act Article 84-86

⁴⁴Governmental Decree No. 271/2001.(XII. 21.)Korm.

1.2.2 Expedited administrative procedures for local waste management projects

As we have seen, the Hungarian administrative legal system has introduced an expedited procedure for those projects the Government qualifies as cases of extraordinary significance⁴⁵. This specific legal tool is used in the waste management law, too, by three governmental decrees⁴⁶. These decrees refer to projects on extending environmental friendly technologies in some large regions, together with raising the portion of reuse.

1.3 Specific rules on small scale operation in connection with local solid waste management

1.3.1 Local activities of waste management public utilities

The Governmental decree on the conditions of running waste management public utilities⁴⁷ (hereinafter: Public utilities decree) delineates the circle of wastes this local service can deal with: mixed solid waste collected on the individual real estates, selective wastes collected individually or on the waste management islands, and wastes falling under special regulations, collected in the so called “waste collecting gardens”. By extending the wastes to the public utilities local dwellers and small entrepreneurs fulfil their waste management responsibilities⁴⁸. There are special provisions in the decree in order to minimize the amount of waste collected from local settlements, apart from encouraging selective collection, first of all the selection done by the public utilities themselves. Only the residual wastes shall be deposited at the local landfill⁴⁹.

We understand solid household waste management as local *per definitionem* even if the decree do not underline this feature. As we can see, there are activities within this collecting term that make sense only locally: such as the so called “waste islands”, small local territories assigned by the local authorities in the public space for selecting household waste during its collection.

1.3.2 Planning the local waste management activities

According to the Public utilities decree, all local public waste utility enterprises shall set up a waste management plan. The major items of these plans include:

- initiatives of selective waste collection, awareness raising, widening the circles of information of the dweller on selective collection;
- detailed procedures for enhancing the amount of collection of biodegradable wastes;
- handling hazardous wastes produced in the households, raising the effectiveness of collection at the individual houses;

⁴⁵ See above in Chapter I.6

⁴⁶ Governmental Decrees No. 190/2013. (VI. 17.)Korm.and 72/2013. (III. 8.)Korm

⁴⁷ Governmental Decree No. 438/2012.(XII. 29.)Korm.

⁴⁸ Art. 3(2)

⁴⁹ Art. 9 (1)-(2)



- reuse of waste, including establishing reuse centres;
- decreasing the amount of organic waste at the landfills, including the plans for utilisation of biodegradable waste.

The plans prepared by the individual local waste public utility enterprises are collected and registered by the National Environmental and Nature protection and Water management Chief Inspectorate, and the Inspectorate prepares summary with general conclusions and suggestions for further refinement of the plans⁵⁰. Again: even the waste management public utilities' plans are collected and analysed centrally, their basic features are inherently local: awareness raising, separate collection of biodegradable wastes at the households or during their collection etc.

1.3.3 Permitting local solid waste landfills

Our recent landfill regulations focus on larger, regional scope of solid waste landfills, therefore their rules are tailored to larger sizes and technical capacities. This is the leading feature of the Decree on the rules and conditions of waste depositing and landfills⁵¹, too. The legislator's view was that water protection interests, amongst other nature and environmental protection goals can be served best with this line of regulation. Therefore, the decree stipulates that the possibilities of polluting underground and surface waters and geological structures shall be systematically evaluated and monitored in the procedure of assigning the place of the regional landfills⁵². The rules of monitoring also encompass regular measuring of the content of precipitation waters on the territory of the landfill. Regularity is determined by the environmental authorities, according to a table in the Decree⁵³. If there is a surface water (even if it is only transitional) in the vicinity of the landfill, the inspectorate shall require its regular monitoring, too⁵⁴.

We can conclude here that the subsidiary logic of waste management is broken at the question of landfills. No wonder, in the past all the Central and Eastern European countries had bad experiences with neglected, hardly insulated and poorly managed small local landfills. Even if it is so, the small scale local elements shall be brought back at this point of the waste management system, too, through the local initiatives and activities concerning selective waste collection and decreasing the amount of waste, especially of organic waste.

1.3.4 Composting and managing waste of biological nature on local scales and in small communities

In the spirit of the closing sentence of the previous sub-chapter, the Decree on the handling of bio-waste and the technical requirements of composting⁵⁵ deals with all the organic wastes of plant or animal origin which can be degraded on an *aerob* or *anaerob* way and also with community composting which activity is defined as an activity of a small community of dwellers whereas they jointly compost bio-waste

⁵⁰ Public utilities decree, Art. 11 (1)-(3)

⁵¹ Decree of the Minister of Environment and Water Management No. 20/2006.(IV. 5.)KvVM

⁵² Annex 1, Point 6

⁵³ Annex 3, Point 2

⁵⁴ Annex 3, Point 2.3

⁵⁵ Decree of the Minister of Environment and Water Management No. 23/2003.(XII. 29.)KvVM



ensuing from their own activities on a place nearby their living and also they use the ready compost for their own purposes⁵⁶. Community composting is not subject to permitting, while the territory where community composting may take place is a subject to further regulations – at the present legal situation this level of regulation is the municipality ordinance on local household solid waste management. The only higher level rule is that bio-waste of animal origin cannot be handled by community composting⁵⁷. All kinds of managing bio-waste shall pay a close attention to water pollution, they have to avoid leading precipitation waters into surface waters or endanger underground waters therewith⁵⁸.

We can conclude that these composting rules are really flexibly accommodated to the needs of the small local communities and in the same time serve well the overall waste management goals, too.

Questions suggested for the international comparative research on the issues of Milestone No. 3 based on the survey of the system of the related Hungarian laws and regulations

- (*local aspects of waste management*) Please specify the local relevance of legal provisions on specific waste management activities, such as selective collection, composting, landfill regulations etc.

Research tips: This question refers to the central level waste management rules of mostly substantial legal nature, referring to the general requirements of the management of the household solid waste. Within this issue, please pay attention to the flexibility of the rules, i.e. specify how far local specialities are taken into consideration in your national laws and regulations concerning household solid waste management;

- (*municipal level bodies*) Please specify the role of municipality councils and the lowest level administrative bodies (municipality clerk, decentralised administrative bodies etc.) in regulating, organising, managing etc. the local waste management activities.

Research tips: This question refers to the organisational-procedural side of the local waste management activities. As such this has more relevance to the practical implementation of the waste management law. Municipality waste management planning, organising work (selecting, contracting the entrepreneurs etc.) and regulating/helping local communities' waste management efforts such as composting are the issues that belong to here.

⁵⁶ Article 2 Point a) and h)

⁵⁷ Art. 4 (1)-(3)

⁵⁸ Annex 2, Point 1



1.3.5 Practical experiences concerning the management of solid waste in small rural settlements in Hungary

General background

The Waste Framework Directive⁵⁹ (WFD) should have been transposed by MSs until 12 December 2010, repealing the old framework directive⁶⁰ and incorporating and repealing the Hazardous Waste Directive⁶¹ and the Waste Oil Directive⁶².

Due to the WFD, MSs must ensure that waste is recovered or disposed of without endangering human health and the environment and that the waste amount disposed of is reduced to a minimum by kind of measures and effective tools to minimise waste generation. It sets the basic concepts and definitions related to waste management, such as definitions of waste, recycling, recovery, etc. It explains when waste ceases to be waste and becomes a secondary raw material (so called end-of-waste criteria), and how to distinguish between waste and by-products.⁶³ Main principles of the WFD are re-use, recycling and recovery which shall be promoted and adopted whenever suitable in order to save resources and to reduce the amount of waste.

The WFD provides a detailed clarification and differentiation of the waste hierarchy, introduces definitions, such as the end-of-waste status and by-products, specifies the classification of treatment operations and changes requirements for the preparation of waste management plans.

The Directive encourages waste reduction and gives a new dimension to prevention as MSs are obliged to draw up and implement waste management plans and waste prevention programmes no later than 2013.

In Hungary, Act Number CLXXXV of 2012 on waste (AW) is the main regulation in effect which transposes the relevant requirements of the WFD into the Hungarian legal system. Additional implementing regulations include inter alia Government Decree Number 439 of 2012 on the registration and authorisation of waste management activities and Government Decree Number 440 of 2012 on the registration and reporting requirements regarding waste.

In Hungary, the national authorities and bodies responsible for the implementation of the waste management legislation are Ministry of Rural Development and State Secretariat for Environmental

⁵⁹ 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, p. 3–30.

⁶⁰ Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (Text with EEA relevance) OJ L 114, 27.4.2006, p. 9–21.

⁶¹ Council Directive 91/689/EEC of 12 December 1991 on hazardous waste. OJ L 377, 31.12.1991, p. 20–27.

⁶² Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils. OJ L 194, 25.7.1975, p. 23–25.

⁶³ <http://ec.europa.eu/environment/waste/framework/index.htm>



MINISTRY OF FOREIGN AFFAIRS

Affairs, the regional inspectorates for environment, nature and water and the National Inspectorate for Environment, Nature and Water; the notaries of local municipalities and District Offices of County Government Offices and the National Waste Management Agency.

The primary responsibility for environmental issues and for the implementation of European environmental legislation is delegated to the Ministry of Rural Development and the State Secretariat for Environmental Affairs. Within the Ministry, the State Secretariat is the central governing body for environment, nature protection and water affairs and it carries out the sectoral, expert management and regulatory tasks.

There are ten regional inspectorates at first instance, while the National Inspectorate works mainly as an authority at second instance. Its jurisdiction covers the whole of Hungary. The National Inspectorate is supervised by the Ministry. As first instance authorities the regional inspectorates issue permits for certain activities, give expert authority opinions, impose fines and penalties. Based on appeals or as a supervisory body, the first instance decisions by the regional inspectorates related to environmental issues are reviewed by the National Inspectorate. The authority work performed by regional inspectorates is coordinated and controlled by the National Inspectorate. Concerning transboundary environmental issues, the National Inspectorate coordinates international co-operation.

At the local level, as far as municipal waste building and site surveying procedures are concerned, the notaries of the local municipalities are in charge. Based on the regulations of Government Decree number 481 of 2013 (XII.17) regarding the appointment of authorities responsible for environment protection, nature protection and water protection activities, the notaries, as local environmental authorities are responsible for levying waste management fines in certain cases.

Appeals against decisions of the notaries of local municipalities may be submitted to the District Offices of County Government Offices organized at regional level.

The National Waste Management Agency (NWMA)⁶⁴ is a limited liability company, established by the Ministry of Rural Development, whose main tasks are to take part in the prevention of environmental pollution and waste generation, in addition to organising and managing waste collection and recovery.

NWMA is a non-profit organization, which was established by the Act Number LXXXV of 2011 on Environmental Product Charges. Since 2012, NWMA is the only body with the right to coordinate and control the selective waste collection in Hungary regarding products falling under the scope of the environmental product charge regulation. The NWMA is not an authority; NWMA's main task is to establish an organised selective waste collection system in Hungary for the public and private sector.

⁶⁴<http://www.szelektivinfo.hu/en/>

It is the obligation of the NWMA to prepare the National Waste Prevention Programme which is part of the National Environmental Protection Programme. Also regional waste management programmes and (as part of these programmes) regional waste prevention programmes shall be prepared.

The NWMA shall prepare a report on the implementation of regional waste management plans and regional waste prevention programmes at three years. In this report the NWMA shall present the information on the quantity of waste generated, the situation of waste management, the conditions of waste management facilities, treatment of waste and effects on the environment of these in the planning area. Based on this information it presents the progression of planned measures and the possible need to modify the regional waste management plans or regional waste prevention programmes.

Management of solid waste in small rural settlements

Based on the provisions of the AW⁶⁵ and on the provisions of Act Number CLXXXIX of 2011 on the local municipalities of Hungary⁶⁶ it is the obligation of local municipalities to organize the waste management system of the given settlement (irrespective of the size of the settlement, so this general obligation equally relates to small settlements as well).

The volume of generated municipal solid waste has decreased in Hungary year by year since 2006, while the volume of waste collected separately has grown over the same period (except for 2009).⁶⁷

In the past, almost all municipalities operated one or more landfill sites, generally not constructed and equipped with technologies of modern waste management. Since the accession of the country to the EU the national waste management policy priorities are driven by the EU waste legislation.

In Hungary 4.7 million tons municipal solid waste is generated per year and 85% of this quantity gets to landfills.⁶⁸ Landfill is still the most common treatment and disposal method of municipal solid waste, mainly for being not as expensive as recycling or incineration. The trends of the recycling of municipal solid waste are positive, since its proportion has increased since 2005. The extent of incineration has remained almost unchanged since 2006.⁶⁹ Hungary has made rapid progress towards diversion of

⁶⁵ Act Number CLXXXV of 2012 on waste, Article 33 Paragraph (1).

⁶⁶ Act Number CLXXXIX of 2011 on the local municipalities of Hungary, Article 13, Paragraph (1).

⁶⁷ Environmental report, 2011. Hungarian Central Statistical Office, 2012. Made by: Rural Development, Agriculture and Environment Statistics Department. p 50.

⁶⁸ Zoltán Orosz, István Fazekas: Challenges of Municipal Waste Management In Hungary. AGD Landscape & Environment 2 (1) 2008. 78-85.

⁶⁹ Environmental report, 2011. Hungarian Central Statistical Office, 2012. Made by: Rural Development, Agriculture and Environment Statistics Department. p 56-57.



biodegradable municipal waste from landfill. Interim targets set for 2006 and 2009 by the Landfill Directive⁷⁰ were met with achieving a reduction to 66 % in 2006 and 46 % in 2009, mainly due to the significant increase of material recovery and due to an improved collection system of packaging waste.⁷¹

According to the provisions of the current legislation, waste can be placed only at those landfill sites, which are authorized by the competent environmental inspectorates. Those landfill sites which did not meet the requirements of the respective EU legislation were closed in 2009. Financed by the EEOP⁷² and co-financed by the EU funds the recultivation programmes of these closed landfills already started and will also proceed in the development period of 2014-2020. One of the main problems in the forthcoming years will be the high number of to-be-recultivated landfills and the attainability of necessary financial resources. Currently altogether 70 landfill sites are operating in Hungary, which are in compliance with the respective environmental regulations and standards.

For municipalities the limited number of landfilling sites and the illegal dumping of waste is an ongoing problem. There is no reliable data on the exact number of illegal dumping sites but the number of these may exceed 1000. Due to the collection of waste within public works and campaigns like 'TeSzedd! Volunteer for a clean Hungary!' where many volunteers participate each year in cleaning up the environment, both in Budapest and in the countryside, cleaning land and water from waste, the number of illegal dumping sites are slightly decreasing.

The AW modified and re-structured the national waste management legislation considerably. One important aspect of the changes effected the legal framework of the operation of waste management companies, especially those, working in the field of public waste management.

From 2013, only those waste management companies may compete on public procurement procedures of local municipalities, which are recorded and qualified by the NWMA. The waste management companies providing public service need permission for public municipal waste management service from the competent environmental inspectorate, need to have a contract with the municipality for public waste management service and shall be recorded by the NWMA.

In the same time only those companies can get permission to work in the field of public municipal waste management service which the general majority of votes in the management (by right of ownership) belongs to directly or indirectly to the local municipality (or association of municipalities).

⁷⁰Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste. (OJ L 182, 16.7.1999, p. 1)

⁷¹European Environmental Agency: Municipalwaste management in Hungary. February, 2013. p 6-7.

⁷²The Environment and Energy Operational Program (EEOP, in Hungarian KEOP) was one of the 15 Operative Programs of the New Hungarian Development Plan (In Hungarian ÚSZT)2007-2013, which related to the EU National Strategic Reference Framework (In Hungarian, NSRF).



From the 1th of January 2014, an other requirement entered into force within the AW, namely, that the company has to possess a non- profit legal status.

In Hungary, the medium- and long-term waste management goals are defined by the National Environmental Protection Programme (NEPP) and by the associated National Waste Management Plan (NWMP). The NWMP is prepared for six-year period of time, of which the first planning period 2003 to 2008 has already expired. The NEPP for 2009 to 2014 was adopted by Parliament by Parliament Resolution Number 96 of 2009 (XII. 9.). The NWMP for 2014-2020 has been adopted by the Governmental Decision Number 2055 of 2013. (XII. 31.).

The AW also introduced a new obligation in relation to the waste management planning, namely, that municipal waste management companies have to prepare their own waste management plans at least every 3 years. In this plan they have to present their proposed activities on collection, transportation and treatment, focusing on the aims derived from the related regulations and waste management plans already prepared at higher, national and regional levels. The plan has to be coordinated with the local municipality, submitted to NWMA and approved by the environmental authority.

Abandonment, dumping or uncontrolled management of waste

As mentioned above, the illegal dumping of waste is one of the main problems of local municipalities. Uncontrolled waste streams deteriorate the state of the environment and harm the soil, surface and sub-surface waters; in the same time generating significant expenditures for local governments. There is a multi-level system applied in Hungary ranging from the administrative consequences to criminal penalties and aiming to drive back the level of illegal waste dumping.

According to the provisions of the AW⁷³ waste may only be discarded at the designated or for that purpose reserved places, without endangering the environment. The obligation to transport or treat the waste placed on the real estate in an uncontrolled manner or abandoned there, falls upon the owner or the previous holder of the waste.

In case the owner or the previous holder of the waste fails to perform its obligation or its identity cannot be established or its identity is established as someone that discarded waste by breaching the provisions of the AW, the obligations fall upon the real estate owner on whose real estate the waste was placed or abandoned.

In case the previous holder or owner of the waste abandoned in public areas or placed in an uncontrolled manner (including the waste falling under municipal sanitation duties) fails to meet its obligations regarding the transport or treatment of the waste, the local government shall provide the transportation and treatment of the waste by way of contracting the public service provider or other business association possessing a waste management permit. In case the local government provides the

⁷³ Act Number CLXXXV of 2012 on waste, Article 61, Articles 84-86.



transportation and treatment of waste by way of concluding a waste management public service contract with the public service provider, this shall be listed among the content elements of the waste management public service contract.

The real estate owner, or the business association or public service provider shall be relieved of liability, in case the party that abandoned or unlawfully placed the waste on the real estate is identified by the real estate owner before the environmental protection authority, and the unlawful conduct is proven.

The environmental protection authority shall oblige the party that does not fulfil its obligations voluntarily, to provide the transport and treatment of the unlawfully placed or abandoned waste.

Fulfilling the obligation to keep clean public areas (required by the local government) shall not discharge the liability of the person responsible for the unlawful placement or abandonment of waste.

To ensure fulfilling the obligations set forth in the AW or in other laws, the environmental protection authority shall oblige the waste holder, the waste owner or the user of the environment

- to fulfil the duties laid down in laws or ordinances issued by the authorities and to bring the infringement to an end,
- to suspend or stop activities that are hazardous or harmful to the environment or cause environmental pollution, and to restore the former state,
- in case of environmental pollution, to take measures that reduce or stop pollution and exclude any environmental damage.

The environmental protection authority shall also restrict, suspend or prohibit any activities requiring an official permit but carried out in a manner deviating from the permit or without a permit, and any waste management activities harmful or seriously hazardous to the environment. The ruling may be declared enforceable with immediate effect, regardless of legal remedy.

The environmental protection authority may seize on site the tool or thing affected by the infringement, the vehicle used for transportation of waste, or any other thing that may be required in the authority proceedings as proof.

Anyone who

- violates the provisions of waste management legislation, directly applicable EU legal instrument or ordinances issued by the authorities,
- performs waste management activities bound to an official permit, registration or notification without an official permit, registration or notification, or in a manner deviating from them, or
- does not inform or inappropriately informs the environmental protection authority about the manufacturing or generation of by-products, or uses, distributes or stores waste as product or by-product,
- must pay a waste management fine imposed by the environmental protection authority.



The waste management fine shall not immunise from criminal liability and liability for misdemeanours or damages, furthermore from the restriction, suspension or prohibition of activities as well as from the obligations of taking appropriate protection measures and restoring the natural or former state of the environment. Non-appealable waste management fines shall be considered as public dues to be enforced officially.

As regards criminal penalties, Act C of 2012 on the Criminal Code⁷⁴ specifies the statutory definition of 'Violation of Waste Management Regulations'.

Based on this provision any person who:

- engages in the disposal of waste at a site that has not been authorised by the competent authority for this purposes,
- engages in waste management without authorisation, or by exceeding the scope of the authorisation, or engages in any other unlawful activity involving waste,

is guilty of a felony punishable by imprisonment for up to three years.

The punishment shall be for a felony imprisonment of up to five years if the crime is committed involving waste that is deemed hazardous under the Act on Waste Management.

⁷⁴Act IV of 1978 on the Criminal Code, Paragraph 248.



2. List of laws and regulations cited in the Hungarian pilot study

Act LIII. of 1995

Act LVII of 1995

Act LV of 1996

Act CXXIX of 2007

Act II of 2012

Act CLXXXV of 2012

Governmental Decree No. 72/1996.(V. 22.)

Governmental Decree No. 123/1997.(VII. 18.)Korm.

Governmental Decree No. 253/1997.(XII. 20.)Korm.

Governmental Decree No. 120/1999.(VIII. 6.)Korm.

Governmental Decree No. 50/2001.(IV. 3.)Korm.

Governmental Decree No. 271/2001.(XII. 21.)Korm.

Governmental Decree No. 221/2004.(VII. 21.)Korm.

Governmental Decree No. 21/2006.(I. 31.)

Governmental Decree No. 27/2006.(II. 7.)Korm.

Governmental Decree No. 347/2006.(XII. 23.)Korm.

Governmental Decree No. 147/2010.(IV. 29.)Korm.

Governmental Decree No. 262/2010.(XI. 17.)Korm.

Governmental Decree No. 314/2012.(XI. 18.)Korm.

Governmental Decree No. 438/2012.(XII. 29.)Korm.

Governmental Decree No. 29/2013.(II. 12.)Korm.

Governmental Decree No. 72/2013.(III. 8.)Korm

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The project is supported
by the European Union.

(VOP-1.1.1-11-2011-0001)

