

Pursuant to Article 95 item 3 of the Constitution of Montenegro I pass the

### **Decree on the Promulgation of the Law on Waste Management**

I promulgate the **Law on Waste Management**, which was passed by the 24<sup>th</sup> Parliament of Montenegro at the second sitting of the seventh (autumn) regular session in 2011, on 23 December 2011.

Number: 01-1505/2

Podgorica, 27 December 2011

The President of Montenegro,

Filip Vujanovic p.m.

Pursuant to Article 82, paragraph 1, item 2 and Article 91, paragraph 1 of the Constitution of Montenegro, the 24<sup>th</sup> Parliament of Montenegro, at the second sitting of the seventh (autumn) regular session in 2011, on 23 December 2011, passed the

### **Law on Waste Management**

The Law was published in "Official Gazette of Montenegro", 64/2011 of 29 December 2011.

#### **I. GENERAL PROVISIONS**

##### **Subject**

##### **Article 1**

- (1) This Law shall regulate the types and classification of waste, planning, requirements and method of waste management and other issues of importance for waste management.
- (2) Waste management is to prevent occurrence, reduce waste or re-use and collection of waste, transportation, treatment and disposal of waste, control of these procedures and subsequent maintenance of landfills, including the activities of traders and waste management agents.

#### **Exemptions from the application**

##### **Article 2**

This law shall not apply to:

- 1) gaseous substances emitted into the air;
- 2) land, including unexcavated contaminated land and buildings permanently connected to the ground;

- 3) uncontaminated soil and other materials excavated by construction works if the material is used for construction purposes, in its natural form on the building site where it was excavated;
- 4) radioactive waste;
- 5) deactivated or delaborated explosives;
- 6) straw and other non-hazardous agricultural or forestry materials, which are located in nature and which are used in agriculture, forestry and energy production in the manner which does not adversely affect the environment and public health;
- 7) sediments that move in surface water, for water and watercourse management, flood prevention or mitigation of floods, droughts or regeneration of land, if it is proved that these sediments are harmless;
- 8) Electrical and electronic products used for weapons, ammunition and other items necessary for the defense and security of Montenegro;
- 9) batteries and accumulators used for weapons, ammunition and other items necessary for the defense and security of Montenegro;
- 10) Wastewater from mining waste, waste generated on board of vessels, supporting products (by-products), animal products, including processed products of animal origin, except those intended for incineration, disposal at landfills or used in the biogas plant or composting, carcasses of dead animals, including animals slaughtered to combat epidemic and fecal matter, unless otherwise regulated by a special law.

## **Definition of Terms**

### **Article 3**

Terms used in this Law shall have the following meanings:

- 1) **Biodegradable waste** is waste that is suitable for anaerobic or aerobic degradation (biowaste, paper and cardboard);
- 2) **Biomass** is plant material originated from agriculture or forestry and food industry, which is used for heating or industrial processes; fibrous plant waste from the production of primary pulp and paper from pulp, if it is burned in place of generation and if the heat obtained by burning is used for heating or industrial processes, waste cork, wood waste, other than wood waste containing halogenated organic substances or heavy metals as a result of using the product for protecting wood or coating and which includes in particular wood waste originating from construction waste or demolition waste;
- 3) **Biowaste** is biologically degradable waste from gardens and parks, food and other waste generated in households, restaurants and retail stores and similar commercial, facilities intended for the production of food products;
- 4) **Landfill** is a place whose primary function is disposal of waste on the surface or below ground level, including: internal disposal sites (landfill to which the manufacturers disposes of their own waste at source) and a permanent site which is used for temporary storage of waste, other than transfer stations and places for storage of waste prior to its treatment for a period not exceeding three years or storage of waste before disposal for a period up to one year;
- 5) **Product distributor** is a company or entrepreneur who provides products for distribution, or lease to the end user;

- 6) **Energy processing of waste** is utilization of waste as a fuel or other means for energy generation n;
- 7) **Construction waste** is waste generated during construction, maintenance and demolition of buildings;
- 8) The **holder of waste** is the producer of waste or any legal or natural person that owns waste;
- 9) **Industrial waste** is waste generated in production processes in industry and crafts, and differs from municipal waste in their composition and characteristics;
- 10) **Inert waste** is non-hazardous waste that does not undergo any significant physical, chemical or biological change, can not be dissolved or burnt, is not biodegradable, does not pollute the environment, poses no threat to public health and whose leachate in contact with other materials causes no reactions and pose no ecotoxic threat to the quality of surface water or groundwater;
- 11) The **original waste producer** is any person whose activities produce waste;
- 12) **Sewage sludge** is the waste generated during wastewater treatment in wastewater treatment plants;
- 13) **Waste Catalogue** is a list of waste according to the properties and place of origin, classified in groups, subgroups and types of waste from industries whose operations generate waste;
- 14) **Commercial packaging waste** is waste from primary, secondary and tertiary packaging generated in the process of production, retail, service and other activities and the performance of activities in agriculture, forestry, fisheries, transport and tourism;
- 15) **Municipal waste packaging** is a waste of primary and secondary packaging that is generated in households (household waste), industry, crafts and services, as well as other industries and public sector, and is similar to waste from households in terms of nature, place of the origin and composition;
- 16) **Municipal waste** is waste from households or when performing activities whose properties are similar to waste from households;
- 17) **Medical waste** is waste resulting from the provision of health services and exercise of scientific research and experiments in the field of medicine;
- 18) **Mixed municipal waste** is household waste remaining after separation of certain fractions of municipal waste for which the possibility of selective collection is envisaged;
- 19) The **best available techniques** (BAT) are the most efficient and most modern stages in the development of activities and manner of their performance, which allow convenient use of certain techniques for meeting the emission limit values laid down in order to prevent, or reduce emissions and their impact on the environment as a whole, provided that:
  - Best performance means the most effective result in achieving a high level of protection of the environment,
  - Available means technique developed to a degree that allows applications in a particular industry sector, under economically and technically viable conditions, including the costs and benefits, if under normal conditions, it is available to the operator,
  - Techniques include the manner in which the installation is designed, constructed, maintained, operated and put out of operation or closed, including technology used;

- 20) **Non-hazardous waste** is waste whose composition and properties do not have any of the characteristics of hazardous waste;
- 21) **Waste treatment** is the procedure for processing of and/or disposal of waste, including preparation prior to treatment and/or disposal;
- 22) **Disposal of waste** is one of the disposal procedures;
- 23) **Removal of waste** is a treatment process that is not processing, even in the event that this procedure results obtaining a substance or energy as a secondary product;
- 24) **Separate waste collection (selection)** is the collection of waste in a manner that the waste in waste management procedures is held separately by type and capacity in order to facilitate special treatment;
- 25) **Hazardous waste** is waste containing elements or compounds having one or more of the following hazardous properties: explosiveness, reactivity, flammability, irritability, harmful, toxic, infectious, carcinogenic, corrosiveness, mutagenicity, teratogenicity, ecotoxicity, the property of abrasion and the property of release of toxic gases by chemical or biological reaction and sensitivity / irritability, as well as waste from which, after a delay, other matter may arise that has any of the hazardous properties;
- 26) **Organic recycling** is a process of aerobic (composting) or anaerobic treatment of biodegradable waste;
- 27) **Waste** is any substance or object which the holder has discarded or intends to discard or is obliged to discard in accordance with the law;
- 28) **Waste from electrical and electronic products** are electrical and electronic waste products including all component parts, components, subassemblies and supplies that are part of the product at the time of discarding;
- 29) **Waste packaging** is packaging or packaging materials that are waste, except for residual material generated during the manufacture of packaging;
- 30) **Waste oils** are mineral and synthetic lubricants and industrial oils, which can not be used for their original purpose, especially oil from internal combustion engines, transmission oil, turbine oil, hydraulic oil and other lubricants and industrial oils;
- 31) **Waste vehicle** is a vehicle that is considered waste, abandoned vehicles or vehicles that can not be used for the primary purpose;
- 32) **Waste batteries and accumulators** are discarded, worn out or damaged batteries and batteries that can not be used;
- 33) **Waste tires, or pneumatics** are tires whose shelf life has expired or have been worn out or discarded due to damage or other reasons;
- 34) **PCBs** are polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCT), monomethyl-tetrachloro-diphenyl methane, monomethyl-dichloro-diphenyl methane, monomethyl-dibromo-diphenyl-methane or any mixture containing any of these substances in concentrations greater than 0.005% by weight, including equipment, facilities, materials or fluids that contain, consist of or are contaminated with PCBs;
- 35) **Underground storage** is a place for waste disposal in a deep geological cavity such as a former salt or potassium mines;
- 36) **Reuse** is the process by which products or product parts that are not waste are reused for

the same purpose for which they were originally created;

37) **Special types of waste:** waste from electrical and electronic products, waste vehicles, waste tires, waste batteries and accumulators, waste oils, waste packaging, construction waste, waste that contains asbestos, PCB wastes, sewage sludge, medical and veterinary waste;

38) **Intermediary** is a company or entrepreneur who arranges treatment or removal of waste on someone else's behalf, including agents that do not take waste physically;

39) **Plant** is a stationary or mobile technical unit which together with its structural part makes a technological ensemble for storage, processing or disposal of waste;

40) **Waste treatment** is the process for obtaining materials or products used as raw materials or the process of preparing waste for production of this material or product in the treatment plant or in a wider manufacturing sense;

41) **Transporter** is a company or entrepreneur who carries out transportation of waste;

42) **Preparation for the reuse of waste** includes treatment methods, such as checking, cleaning or repairs, whereby products or product parts, which have become waste, are prepared for reuse without conducting another preliminary proceedings;

43) **Temporary waste storage** is the storage of waste for no longer than one year in places where the waste is generated or storage for waste collection or transport to the place of waste treatment;

44) **Waste producer** is the original producer of waste or any person who performs preliminary treatment, mixing or other processes that change the nature or composition of waste;

45) **Spatial planning document** is a planning document that defines the organization, use and allocation of space, as well as measures and guidelines for planning, protection and enhancement of space (the Spatial Plan of Montenegro, a detailed spatial plan, national location study, spatial and urban plan of local government, a detailed urban plan, town planning design and local location study and other planning documents);

46) **Recycling yard** is the place arranged for the collection and temporary storage by type, or fractions of municipal waste which is collected separately;

47) **Recycling center** is a place arranged for the collection and temporary storage of all kinds, or fractions of municipal waste that are separately collected and collecting mixed municipal waste for sorting or other processing methods;

48) **Recycling** is the process of refining for the purpose of using waste to replace other materials used for the original or other purposes;

49) **Regeneration of waste oil** is waste oil refining process which, by removing impurities and oxide additives results in basic oil;

50) **Waste collection** is the collection of waste from the holder, including pre-sorting and temporary storage of waste for transport to a treatment plant;

51) **Incineration of waste** in the treatment of waste in stationary or mobile plant for thermal treatment of wastes with or without the use of thermal energy by burning, waste oxidation or other thermal processes such as pyrolysis, gasification or plasma process when the product of these processes is intended for subsequent incineration;

52) **Prevention of waste generation** are the measures taken aiming at prevention of waste generation and measures, before a substance or object became waste, to reduce:

- The amount of waste, including reuse of products or extension of product life,
- Negative impacts of waste produced on the environment and public health,
- The content of harmful substances in materials and products;

53) **Co-incineration** is the treatment of waste in a plant for energy generation or the production of material goods, which uses waste as a main or additional fuel or in which waste is thermally treated for removal by burning or other heat treatment process, such as pyrolysis, gasification or plasma process, if

the products of incineration are subsequently incinerated;

54) **Transfer (reloading) station** is the location where the waste is delivered and temporarily stored for selection or transfer prior to transport to the place of treatment and removal;

55) **Transportation of waste** is the transport of waste outside the plant, which includes loading, transportation (including loading) and unloading of waste;

56) **Dealer** is a company or entrepreneur who is the manufacturer's representative (principal) in the purchase and sale of waste, including agents that do not take waste physically;

57) **Veterinary waste** is waste resulting from the provision of veterinary services, as well as from scientific tests and experiments on animals.

## **Waste Management Principles**

### **Article 4**

Waste management is based on the principles of:

1) Sustainable Development, which provides for more efficient use of resources, reduction of waste and waste treatment in a manner that contributes to achieving objectives of sustainable development;

2) proximity and regional waste management for waste treatment as close as possible to the place of generation in accordance with the economic justification of selection of the site, while regional waste management is provided by the development and implementation of regional strategic plans based on national policy;

3) Precautionary and preventive action, by taking measures to prevent adverse impacts on the environment and public health and in the case lack of scientific and technical data;

4) "Polluter pays", under which the waste producer bears the cost of waste management and preventive action and costs of remedial measures due to negative impacts on the environment and public health;

5) Hierarchy, which ensures compliance with the order of priority in the management of waste, namely: prevention, preparation for reuse, recycling and other means of processing (energy use) and waste removal.

## **Protecting the Environment and Public Health**

### **Article 5**

Waste management is conducted in a manner which does not create any negative impact on the environment and public health, in particular:

- Water, air, land, plants and animals;

- In terms of noise and odor;
- Areas of special interest (protected natural and cultural resources)

## II WASTE MANAGEMENT

### Classification of Waste

#### Article 6

- (1) The waste is classified by:
  - Groups and subgroups, according to the origin of waste;
  - Types, depending on the hazardous properties.
- (2) The waste is sorted into groups and subgroups depending on the activity during which it was generated, or the way of generation.
- (3) The types of waste, depending on the hazardous properties, are hazardous and non hazardous waste, and inert waste in terms of disposal.
- (4) The classification of waste, Waste Catalogue, waste treatment procedures, i.e. processing and removal, shall be determined by the government body responsible for environmental affairs (hereinafter referred to as "the Ministry").

### Characterization of Waste

#### Article 7

- (1) Waste characterization involves the determination of groups or subgroups of waste according to the Waste Catalogue and waste types depending on the hazardous properties identified on the basis of tests.
- (2) The holder of waste shall be required to perform the characterization of waste, other than municipal waste generated in households.
- (3) Characterization of waste is carried out on the basis of the Waste Catalogue.
- (4) If the characterization of waste can not be made based on the Waste Catalogue, characterization is done by examining the properties of hazardous waste.
- (5) The waste which is not classified in the Waste Catalogue as hazardous is considered hazardous waste only if it is determined by testing that it includes one or more hazardous properties, in accordance with the regulations.
- (6) Testing the hazardous properties of waste can be done by the accredited laboratory as a legal entity which meets the requirements in terms of personnel, equipment and space.

- (7) Test methods of hazardous waste properties and the detailed requirements of paragraph 6 of this Article shall be regulated by the Ministry.

## **By-Products**

### **Article 8**

- (1) The substance or object generated as a result of the production process, whose primary goal is not the production of the substance or object, is not waste but a by-product provided that:
- The further use of certain materials or objects is certain;
  - The substance or object can be used directly, i.e. without additional processing procedure or if the manufacturing process is carried out under the usual industrial practices;
  - The substance or object is produced as an integral part of the manufacturing process;
  - The substance or object fulfills all the requirements for the intended use in terms of product safety and protection of the environment and public health, in accordance with the law.
- (2) Detailed conditions referred to in paragraph 1 of this Article shall be determined by the Government of Montenegro (hereinafter referred to as “the Government”).

## **Cessation of Waste Status**

### **Article 9**

- (1) Waste which underwent the treatment process, including recycling, is not considered waste provided that:
- the obtained substance or object is used for certain purposes;
  - there is demand for this substance or object;
  - the substance or object fulfills the technical requirements for a particular purpose in accordance with law;
  - The use of substances or objects will not cause any adverse impacts on the environment or public health.
- (2) Criteria for the cessation of waste status for certain wastes, particularly for: stone aggregate, paper, glass, plastics, metals, rubber and textiles, including limit values for dangerous substances in waste, shall be determined by the Government.

## **Responsibilities of the Original Waste Producer**

### **Article 10**

- (1) The original waste producer shall apply technological procedure use raw and other materials, organizing services, or act in a manner which prevents the formation of waste products or results in the lowest amount of waste.

- (2) The original producer of waste may carry out waste disposal independently or entrust this to a waste merchant or business enterprise or entrepreneur performing the collection or treatment of waste, in accordance with this law.
- (3) If the waste, other than municipal waste, is transported for pre-treatment from the original waste producer to persons engaged in the collection or processing of waste referred to in paragraph 2 of this Article, the responsibility of the original waste producer for implementing the process of full treatment or removal shall not stop.

## **Extended Producer Responsibility**

### **Article 11**

- (1) A company or entrepreneur who produces or improves a product, processes, sells or imports products from which specific types of waste arise has expanded responsibilities, including:
- 1) management, record keeping and reporting of quantity of produced or imported products or equipment in which these products are incorporated;
  - 2) securing the return of products or wastes that remain after using the product;
  - 3) subsequent waste management and financial responsibility for these activities;
  - 4) the obligation to provide publicly available information, to which extent the product is suitable for reuse or recycling and the obligation of identification of recyclable components of products;
  - 5) labeling of products with the manufacturer's label and notice on mandatory separate collection of waste generated from products;
  - 6) designing products so as to reduce the negative impact on the environment, reduce waste production and ensure that the processing and disposal of products that become waste is conducted in a manner acceptable to the environment and public health, with recommendations for the development, manufacturing and marketing products that are suitable for multiple use, technically permanent, and when they become waste, to be suitable for proper and safe treatment and removal.
- (2) Liability under paragraph 1 of this Article shall apply to the following products: batteries and accumulators, electrical and electronic products, motor vehicles, tires, packaging and motor oil.

## **Obligations of the Holder of Waste**

### **Article 12**

- (1) The holder of waste shall manage waste in accordance with this law.
- (2) The holder of waste shall ensure the treatment of waste, and if the treatment is impossible or from the point of view of cost-efficiency or the environmental protection unjustified, he shall ensure that waste is disposed or otherwise removed in accordance with this law.

## **Collection and Treatment of Waste**

### **Article 13**

(1) The waste is collected separately, if practicable in the technical and economic terms and justified from the standpoint of environmental protection, so as not to be mixed with other waste or other material having different properties.

(2) Paper, metal, plastic, glass and biowaste are collected separately, in accordance with the plan under Article 19 of this Law.

(3) Waste treatment is done in a way that ensures compliance with the principles referred to in Articles 4 and 5 of this Law.

(4) The manner in which separate collection and the collection of municipal waste for treatment is performed shall be regulated by the competent local self-government bodies.

## **Reuse and recycling**

### **Section 14**

Waste management is done in a way that:

- At least 50% of the total weight of collected waste materials such as paper, metal, plastics and glass from households and other sources is prepared for reuse and recycling;
- At least 70% of non-hazardous construction waste is prepared for reuse and recycling and other ways of processing, such as the use as a substitution for other materials for backfilling excluding materials from nature.

## **Prohibition of Mixing Hazardous Waste**

### **Section 15**

(1) It is prohibited to mix different types of hazardous wastes and mixing hazardous with nonhazardous waste.

(2) The mixing of hazardous waste also includes dilution of hazardous substances.

(3) Notwithstanding paragraph 1, waste may be mixed on the condition that its mixing increases the safety of waste treatment procedures if:

- The mixing is carried out in accordance with a permit for waste treatment;
- The mixing of wastes does not increase the negative impact on the environment and public health;
- The mixing process is in accordance with best available techniques.

## **Marking of Hazardous Waste**

### **Article 16**

(1) During its collection, transportation and temporary storage, hazardous waste is packaged and labeled in accordance with the law regulating the transportation of hazardous materials.

(2) During its transport within the state boundaries, hazardous waste must be accompanied

by a document on the transport of dangerous substances, in accordance with the law.

(3) The document referred to in paragraph 2 of this Article may be in electronic form.

(4) The provisions of paragraphs 1, 2 and 3 of this Article shall apply to hazardous waste when for the purpose of collecting, processing or removal it is taken over by a company or entrepreneur who is licensed for the treatment of waste, in accordance with this law.

### **Removal of Waste Article 17**

(1) Removal of waste is carried out in a location that is designated for the purpose by spatial planning document, as well as in plants or facilities that meet the requirements stipulated by law.

(2) Removal of waste shall be carried out in accordance with this law.

(3) The burning of waste in the open air shall be prohibited.

## **II. WASTE MANAGEMENT PLANS AND PROGRAMS**

### **Types of Plans Article 18**

Waste management is carried out in accordance with the national waste management plan (hereinafter referred to as the National Plan) and local waste management plans (hereinafter referred to as the Local Plan).

### **National Plan**

#### **Article 19**

(1) The National Waste Management Plan is the basic document that defines long-term waste management goals, and determines the conditions for rational and sustainable management of waste in Montenegro.

(2) The National Plan describes the current state of waste management, with measures to be taken to ensure the best conditions for preparation of waste for reuse, recycling and disposal in a manner acceptable for the protection of the environmental and public health.

(3) The National Plan has to include:

1) the produced and expected type, quantity and origin of waste within the jurisdiction of Montenegro;

2) the percent rate of reuse and recycling of waste per year, for realizing the percentage referred to in Article 14 of this Law, including how to establish a support network for reuse and separate collection and economic instruments;

3) the type, quantity and origin of waste to be imported or exported from Montenegro;

4) Review the existing situation and organizing the collection and disposal of major facilities for the treatment and removal of waste, including specific procedures for hazardous waste and specific types of waste;

- 5) assessing the need for the establishment of additional organizational structure for collecting waste, closure of existing facilities, establishing some additional capacity for waste treatment (respecting the principle of proximity), as well as the necessary funding;
  - 6) criteria for identifying the location and capacity of a future plant for removal of waste and/or major treatment plants;
  - 7) general waste management policy, including the planned technology and methods for waste management or policies for the waste for which there are specific issues in applying the usual procedures of waste management;
  - 8) the organizational aspects of waste management, including an overview of responsibilities between public and private entities involved in waste management;
  - 9) assess the usefulness and applicability of the use of economic and other instruments in solving various problems related to waste, taking into account the need to maintain a smooth functioning of the market;
  - 10) a way of raising awareness and providing information to the public or special consumer groups on waste management and the manner of conducting the campaign;
  - 11) information on waste dumps and measures for their reclaim or rehabilitation and how to prevent further waste disposal at these sites;
  - 12) Measures to prevent the creation of packaging waste and reduce the impact of waste packaging on the environment, the responsibility of manufacturers to reduce the impact of packaging waste on the environment and encouraging the use of returnable packaging;
  - 13) measures for the establishment of an integrated and adequate network of facilities for adequate waste management, while respecting the principle of proximity and a high level of protection of the environment and public health, or facilities for waste removal and treatment plants for mixed municipal waste collected from households and waste from other sources, using the best available techniques;
  - 14) measures for the separation of PCBs and the decontamination of equipment and the PCBs contained therein and deadlines to perform decontamination or removal;
  - 15) Action Plan and the schedule for financing and sources of funds needed to implement the National Plan.
- (4) The Ministry shall notify the public of the draft National Plan by at least one electronic medium that is published on the territory of Montenegro and the printed media which is distributed in the territory of Montenegro.
  - (5) The National Plan, the proposal of the Ministry, is adopted by the Government, for a period of not less than five years.
  - (6) The National Plan may be amended if necessary.
  - (7) The National Plan shall be published in the "Official Gazette of Montenegro".

## **Biodegradable Waste Disposal Program**

### **Article 20**

- (1) The program for disposal of biodegradable waste shall identify measures to reduce the amount of biodegradable waste disposed, including the measures of recycling, composting, the production of biogas and materials and/or energy processing, to ensure that the amount of biodegradable municipal waste which is disposed at the landfill reaches a level of 35% of the total mass of biodegradable waste produced in 2010.
- (2) The disposal of biodegradable waste is an integral part of the National Plan.

### **The Program for the Prevention of Waste Generation** **Article 21**

- (1) The program for the prevention of waste generation identifies the objectives and measures for the prevention of waste, as well as indicators for monitoring and evaluating progress achieved by applying these measures.
- (2) The program for the prevention of waste is an integral part of the National Plan.

### **Management Plans for Medical and Veterinary Waste and Sewage Sludge** **Section 22**

- (1) Medical Waste Management Plan and Veterinary Waste and Municipal Sewage Sludge Management Plan are an integral part of the National Plan.
- (2) Medical Waste Management Plan is prepared by the state administration body responsible for health affairs.
- (3) Management Plan for veterinary waste and sewage sludge is prepared by the state administration body responsible for veterinary care and water resources.
- (4) The plan referred to in paragraphs 2 and 3 shall include especially:
  - 1) The produced and expected type, quantity and origin of the medical and veterinary waste and municipal sewage sludge in the territory of Montenegro;
  - 2) An overview of the existing situation and organizing the collection of medical and veterinary waste and municipal sewage sludge and major facilities for processing and removal, including specific procedures for medical and veterinary waste and municipal sewage sludge;
  - 3) the policy of medical and veterinary waste and municipal sewage sludge management, including the planned technology and management methods for medical and veterinary waste and municipal sewage sludge or policies for medical and veterinary waste and municipal sewage sludge that face some specific problems in applying conventional methods of medical and veterinary waste and municipal sewage sludge management;
  - 4) assess the need for the establishment of additional organizational structures for collecting medical and veterinary waste and municipal sewage sludge, closing the existing facilities necessary for waste management practices, to establish additional capacity to handle medical and veterinary waste and municipal sewage sludge (respecting the principle of proximity), as well as the necessary funding;
  - 5) the criteria for determining the location and capacity of future plants for removal of medical and veterinary waste and municipal sewage sludge and/or major treatment plants;

6) Action Plan and the schedule of financing and sources of funds needed to implement these plans.

## **Local Waste Management Plan**

### **Article 23**

(1) Local Plan adopted by the Parliament of Local Government, for the same period as the adopted National Plan.

(2) A Local Plan can be amended if necessary.

(3) A Local Plan shall be aligned with the National Plan.

(4) The Local Plan, to assess its compliance with the National Plan, shall be submitted for approval to the Ministry.

(5) The Local Plan contains in particular:

1) type, amount and location of municipal waste;

2) locations of existing plants and facilities for waste treatment, or for local governments that have no landfill, in accordance with the law, the locations where waste is temporarily stored referred to in Article 78 of this Law;

3) the method of separate collection of municipal waste;

4) a description of the activities taking place within the recycling yards, waste transfer stations and recycling centers for the purpose of temporary storage of waste, or treatment;

5) measures to prevent generation = or reducing the amount of municipal waste and negative impact on the environment and public health, ensuring proper waste management, including measures to reduce the amount of biologically biodegradable waste contained in municipal waste disposed to landfills, as well as packaging waste;

6) a program of collecting waste from households and from manufacturers who are not subject to the adoption of waste management plan, including bulk and other municipal waste that can not be disposed of in places provided for the disposal municipal waste;

7) the dynamics of implementation of selected methods and procedures for the management of municipal waste;

8) Action Plan and the schedule of financing and sources of funds for implementation of local plans;

9) how to increase public awareness about the proper treatment of municipal waste.

(6) The competent local government authority shall notify the public about the draft local plan through at least one electronic media that is published within the jurisdiction of the local government and printed media that is distributed in the territory of Montenegro.

(7) The executive authority of the local government is responsible for implementing a local plan.

## **Joint Municipal Waste Management Section 24**

Two or more units of local government can work together to provide management of municipal waste, in accordance with the law.

## **Reporting on the Implementation Plans Article 25**

- (1) Annual Report on implementation of the National Plan is submitted to the Government by the Ministry until 30 June of the current year for the previous year.
- (2) The annual report referred to in paragraph 1 of this Article contains the attained level of waste treatment and recycling.
- (3) An integral part of the report referred to in paragraph 1 of this Article are also reports on the implementation of the plan referred to in Article 22 paragraphs 2 and 3 of this Law.
- (4) The reports referred to in paragraph 3 of this Article are prepared by the state administration authorities responsible for health affairs, veterinary medicine and water resources and submitted to the Ministry, not later than on 30 April of the current year for the previous year.
- (5) Annual report on implementing the Local Plan is submitted to the Ministry by the competent authority of the local government, not later than on 30 April of the current year for the previous year.
- (6) Detailed contents of the report referred to in paragraphs 1, 3 and 5 of this Article and method of reporting are regulated by the Ministry.

### **Waste Management Plan of Waste Producers**

#### **Article 26**

- (1) The waste producer who annually produces more than 200 kg of hazardous waste or more than 20 tons of hazardous waste shall a waste management plan in accordance with this law.
- (2) The waste producer under paragraph 1 of this Article shall prepare a waste management plan within 60 days prior to the procedure or activity which results in waste.
- (3) The provisions of this Article shall not apply to municipal waste.

### **The Content of the Waste Management Plan for Waste Producers**

#### **Article 27**

- (1) The plan referred to in Article 26 of this Law in particular, contains information on:
  - The type, quantity and location of certain types of waste annually, in accordance with the Waste Catalogue;
  - The period during which the procedure or activities will be conducted that result in waste generation;
  - Measures to prevent waste generation or reduce waste and its negative impact on the environment;
  - Waste management, which in particular includes the collection, temporary storage (sites), transport and treatment of waste.
- (2) Detailed contents of the plan referred to in paragraph 1 of this Article and the manner of its preparation shall be regulated by the Ministry.

## **Approval of Waste Management Plan for Waste Producers**

### **Article 28**

(1) Approval of a management plan for hazardous waste for the quantities that annually exceed 200 kg and of non-hazardous waste management plan for the amounts that annually exceed 200 tons shall be issued by a government body responsible for the protection of the environment (hereinafter referred to as "the Agency").

(2) The waste producer shall submit the plan referred to under paragraph 1 of this Article to the Agency for approval, within 60 days prior to the procedure or activity that results in waste generation.

(3) Waste Management Plan referred to in paragraph 1 of this Article shall be submitted by the Agency, before giving approval, for an opinion, to the competent authority of local government within whose jurisdiction the waste is generated and the competent authority of the local government within whose jurisdiction the waste is removed.

(4) The opinion referred to in paragraph 3 of this Article shall be granted within 15 days of receipt of the plan referred to in paragraph 1 of this Article.

(5) The Agency shall not approve of a waste management plan referred to in paragraph 1 of this Article if the:

- proposed method of waste management may threaten the environment and public health;
- proposed method of waste management is not in accordance with the National Plan.

### **Content of Approval for Waste Management Plan of Waste Producer**

#### **Article 29**

(1) The document granting approval of a plan referred to in Article 26 paragraph 1 of this Law particularly specifies:

- The largest amount of certain types of waste in accordance with the Waste Catalogue which are produced within one year;
- Waste management, which includes the collection, temporary storage (location), transport and waste treatment.

(2) The Agency shall issue an approval under paragraph 1 of this Article for a period not exceeding three years.

(3) If a change occurs in the amount and manner of waste management specified under the document referred to in paragraph 1 of this Article, the waste producer shall notify the Agency in order to obtain an approval, within six months of the change.

#### **Ban**

#### **Article 30**

It is prohibited to manage waste in a manner which is not in accordance with management plans established by this law.

### **III. LICENSES AND REGISTRATION**

**Permit for Waste Treatment and/or Removal**  
**Article 31**

- (1) The treatment and/or removal of waste may be carried out by a company or an entrepreneur who has the right equipment, a waste treatment plant and the required number of employees, based on the permit for treatment, or disposal of waste.
- (2) For a company or entrepreneur that performs the treatment and/or removal of waste in a facility or site which meets the requirements set forth by the law governing integrated prevention and control of pollution of the environment, the license under paragraph 1 of this Article is included in the integrated permit for the plant, in accordance with the law.
- (3) Compliance with the conditions for carrying out the treatment and/or removal of waste is confirmed and a permit under paragraph 1 of this Article issued by the Agency.
- (4) The permit referred to in paragraph 1 of this Article shall be issued for a period of up to five years.
- (5) The permit referred to in paragraph 1 of this Article may be extended for no longer than five years.
- (6) The Agency shall keep a register of permits issued under paragraph 1 of this Article.
- (7) More detailed requirements of paragraph 1 of this Article and the procedure for keeping the register referred to in paragraph 6 of this Article shall be specified by the Ministry.

**The Contents of the Permit for Treatment and/or Removal of Waste**  
**Article 32**

- (1) The permit referred to in Article 31 of this Law shall contain in particular:
  - 1) information on the location;
  - 2) the amount and type of waste to be treated and/or removed;
  - 3) technical and other conditions that are important for the process of treatment and/or removal;
  - 4) safety and other precautions to be taken, or measures for the protection against accidents and fires;
  - 5) methods to be applied for each process of treatment and/or removal;
  - 6) way to monitor the process of treatment and/or removal and monitoring the environment;
  - 7) conditions relating to the closure, maintenance and monitoring after the closure of landfills or plants.
- (2) The permit issued for the incineration and/or co-incineration plant using energy, in addition to the data referred to in paragraph 1 of this Article shall contain measures for the use of energy satisfying the high level of energy efficiency.

**Application for Issuing Permits for Waste Treatment and/or Removal**

**Article 33**

- (1) The permit referred to in Article 31 of this Law shall be issued upon request.
- (2) An application under paragraph 1 of this Article shall contain in particular:
  - 1) information about the applicant (name and address or title and registered office);
  - 2) information about the process of treatment and/or removal and the location where the treatment of waste will take place;
  - 3) the type of waste, in accordance with the Waste Catalogue, the basic chemical composition and characteristics of waste;
  - 4) the planned annual amount of certain types of waste;
  - 5) means to transport waste;
  - 6) time planned for the treatment and/or removal of waste.
- (3) The following documentation shall be enclosed with an application for issuing a permit under paragraph 1 of this Article:
  - 1) proof of registration of the applicant in the Central Register of Business Organizations (Hereinafter referred to as CRBO);
  - 2) a detailed description of the operating process that includes in particular:
    - Description of the location and identification of risk sources (waste management, types of waste),
    - Level of equipment of the site where the plant, or landfill is located in terms of pollution prevention and control,
    - Technological process and equipment of the plant or landfill;
  - 3) Details of the site (Title Deed or a Lease Agreement and copies of previously obtained permits);
  - 4) monitoring program and way of reporting on: the composition of waste, emission of gases, quality of wastewater, groundwater quality, surface water quality, suspended particles, noise, odors, and reducing the number of insects and birds and dispersal of waste;
  - 5) Plan for the protection against incidents (accidents, fires) and a certified a study of fire protection in accordance with the law;
  - 6) Proposed plan for closure and maintenance of the landfill or plant after closure;
  - 7) Insurance policy in case of accident or damage caused to third parties or their items, in accordance with law;
  - 8) Other documents at the request of the Agency.
- (4) The insurance policy referred to in paragraph 3 item 7 of this Article shall be submitted to the Agency annually.
- (5) Method of calculating the amount of insurance referred to in paragraph 3 item 7 of this Article shall be established by the Ministry, with the consent of the state administration body responsible for finance.
- (6) Detailed description of the contents of the operating process referred to in paragraph 3 item 2 of this Article shall be provided by the Ministry.

### **Notification of the Public**

### **Section 34**

(1) The Agency shall notify the public of the pending application for a permit under Article 31 of this Law through at least one of printed media that are distributed within the jurisdiction of Montenegro, at the expense of the applicant, within three days of receipt of the application.

(2) The notice referred to in paragraph 1 of this Article shall contain:

- 1) information about the applicant (name and address or title and registered office);
- 2) information on the location;
- 3) a brief description of the technological process and equipment of the plant or landfill;
- 4) the place where the documents filed may be inspected;
- 5) the deadline for submission of opinions and suggestions.

(3) Deadline for submission of proposals and opinions referred to in paragraph 2 item 5 of this Article shall not be less than 15 or more than 30 days from the date of publication referred to in paragraph 1 of this Article.

(4) If any data from the permit application and documentation submitted represent a business or personal secret in accordance with the law, access to this information may be limited at the request of the applicant, except for information on emissions, risks of accident, the results of monitoring and inspection.

### **Refusal of Application for Issuing a Permit for Waste Treatment and/or Removal**

#### **Article 35**

(1) The Agency shall refuse to issue a permit for waste treatment and/or removal waste:

- All the conditions laid down by this law have not been fulfilled;
- The process of treatment and/or removal may pose a risk to life and public health and the environment;
- The procedure is not in compliance with the national and local plans;
- There are no conditions set forth by the relevant spatial planning documents.

(2) The decision on issuing a permit or refusing a permit application from paragraph 1 of this Article shall be delivered to the applicant by the Agency which shall notify the public in a way specified in Article 34 paragraph 1 of this Law, within eight days of the decision.

### **Collection and Transportation of Waste**

#### **Article 36**

(1) Collection and transportation of waste that may be done by a company or entrepreneur if they have the equipment for collecting and transporting waste and the required number of employees.

(2) Assets and equipment used for waste collection and transportation shall provide for the prevention of waste dispersion and overflow and spreading of dust, noise and odor.

(3) Assets and equipment for the collection and transport of hazardous shall meet the requirements established by law regulating the transportation of hazardous substances.

## **Entry in Register for the Collection and Transportation of Waste**

### **Article 37**

- (1) Companies and entrepreneurs who meet the requirements of Article 36, paragraph 1 of this law to perform the activity of collecting and transporting waste shall be entered into the Register of collectors and transporters of waste.
- (2) Compliance with the requirements of paragraph 1 of this Article shall be determined by the Agency.
- (3) The Register referred to in paragraph 1 of this Article shall be maintained by the Agency.
- (4) The method of keeping the register of collectors and transporters of waste and the detailed requirements of Article 36, paragraph 1 of this Law shall be regulated by the Ministry.

### **Application for Entry in the Register of Collectors and Transporters of Waste**

### **Article 38**

- (1) Entry in the Register of collectors and transporters shall be made upon request.
- (2) An application under paragraph 1 of this Article shall contain in particular:
  - 1) details of the applicant (name and address or title and registered office);
  - 2) specification of types of waste which will be collected or transported, including basic chemical composition and characteristics of waste;
  - 3) the territory in which the collection and transportation of waste will be carried out;
  - 4) location and method of waste storage;
  - 5) the manner and type of transportation;
  - 6) technical and organizational capacity.
- (3) The application referred to in paragraph 2 of this Article shall be filed with the approval of the local government in whose territory the collection or transportation of waste will be carried out.

### **Refusal of Application for Registration of Collectors and Transporters**

### **Article 39**

- (1) An application for registration under Article 38 paragraph 1 of this Law shall be refused by the Agency if:
  - the conditions laid down by law have not been fulfilled;
  - the procedure may pose a danger to life and public health and the environment;
  - the procedure is not in accordance with the National Plan and local plans.
- (2) A certificate of entry into the Register of collectors or transporters, or rejection

of an application for entering a collector or transporter of waste into the Register shall be issued to applicant by the Agency within 30 days from the date of application.

## **Registration of Traders and Brokers**

### **Article 40**

- (1) In the Register of traders and brokers, the company or entrepreneur who is registered in CRBO and meets the requirements in terms of personnel and equipment shall be entered.
- (2) Compliance with the requirements of paragraph 1 of this Article shall be determined by the Agency.
- (3) Entry in the Register shall be made upon request.
- (4) The Register referred to in paragraph 1 of this Article shall be maintained by the Agency.
- (5) Detailed conditions and manner of keeping the Register referred to in paragraph 1 of this Article shall be regulated by the Ministry.

## **Performing More Activities**

### **Article 41**

Companies and entrepreneurs who meet the conditions set forth in this Law may perform the collection and transportation and the treatment and/or removal of waste based on a license.

## **Municipal Waste Management**

### **Article 42**

- (1) Municipal waste is collected, treated and removed in accordance with this law.
- (2) The original waste producer shall carry out a separate collection of municipal waste for its recycling, in accordance with this law.
- (3) Local governments shall organize selective waste collection by 2015.

## **Biowaste Management**

### **Article 43**

- (1) Biowaste shall be collected separately, in accordance with the local plan for composting and anaerobic treatment in a manner which ensures a high level of environmental protection and public health.
- (2) Materials produced from biowaste may be used only if they are safe for the environment and public health.
- (3) The conditions for the processing of biowaste and criteria for determining the quality of products of organic recycling of biowaste shall be regulated by the Ministry.

## **Waste Records**

#### **Article 44**

- (1) The holder of waste, waste broker and dealer shall keep a record of quantities and types of waste, in accordance with the Waste Catalogue.
- (2) Notwithstanding paragraph 1 of this Article, records on municipal waste generated in territory of local governments shall be kept by the competent authority of local government.
- (3) The holder of waste performing waste treatment, in addition to the data referred to in paragraph 1 of this Article, shall keep records on the method of management, origin and disposal site or location for waste treatment.
- (4) A company or entrepreneur that uses its waste for reuse and recycling shall not be required to keep records of waste referred to in paragraph 1 of this Article.
- (5) The records referred to in paragraph 1 of this Article shall be conducted in the form of a waste log in which data are entered for each type of waste separately.
- (6) The form of the transport of waste is an integral part of the records referred to in paragraph 5 of this Article.
- (7) The holder of waste referred to in paragraphs 1 and 3 of this Article and the competent authority of local government referred to in paragraph 2 of this article, based on data from the records of the quantities and types of waste, shall prepare annual reports to be submitted to the Agency, while a report on municipal waste shall in addition be submitted to competent authority of local governments.
- (8) Records of hazardous waste shall be kept for a minimum of three years, and a record of transport of hazardous waste shall be kept for a minimum of one year.
- (9) The method of keeping the records referred to in paragraph 5 of this Article, the content of the form of transport of waste and how it should be filled and the method of preparing annual reports on waste referred to in paragraphs 6 and 7 of this Article shall be determined by the Ministry.

#### **Records and Data Register**

#### **Article 45**

- (1) The Agency shall keep records of waste generation and management on the basis of data from annual report on waste referred to in Article 44 of this Law.
- (2) The records referred to in paragraph 1 of this Article shall be kept in electronic form and constitute an integral part of information system for environmental protection.
- (3) An integral part of the information system for environmental protection is the register referred to in Article 31 paragraph 6 of this Law.
- (4) Data from the records referred to in paragraph 1 of this Article and the register referred to in Article 31 paragraph 6 of this Law shall be published on the website of the Agency.

### **V. SPECIFIC TYPES OF WASTE**

## **Waste from Electrical and Electronic Products**

### **Article 46**

(1) Manufacturers of electrical and electronic products and equipment shall manufacture such products and equipment, i.e. carry out the manufacturing processes in a manner that allows for easy dismantling and assembling equipment, and in particular the reuse and processing of waste from electrical and electronic products, their components and materials, unless a different production or manufacturing operations have a significant advantage for the protection of the environment, public health or general safety of products.

(2) It is prohibited to mix waste electrical and electronic products with other types of waste.

(3) A company or entrepreneur who collects waste from electrical or electronic products shall ensure the preparation of waste for recycling components.

(4) A company or entrepreneur that processes waste electrical and electronic products for households is required to provide priority re-use of electrical and electronic products in the form and for the same purpose for which those were originally manufactured.

(5) Liquid Waste from electrical and electronic products shall be separated and processed in the manner referred to in Article 52 of this Law.

(6) A company or entrepreneur who collects waste from electrical and electronic products shall take measures to ensure that annually on average 4 kg per capita of waste from electrical and electronic household appliances is collected

(7) A company or entrepreneur who carries out the treatment of waste from electrical and electronic products shall take the necessary measures to ensure:

- 80% treatment and at least 75% reuse or recycling of component parts and material taken from the waste of large household appliances and vending machines;
- At least 75% treatment and at least 65% reuse or recycling of component parts and materials taken from the waste equipment for information technology (IT) and telecommunications, and equipment for entertainment;
- At least 70% treatment and at least 50% reuse or recycling of component parts and materials taken from the waste of small household appliances, lighting equipment, electrical and electronic tools, toys and equipment for leisure and sport and instruments for monitoring and surveillance.

(8) Deadlines for implementation of measures from paragraphs 6 and 7 of this Article shall be identified under the National Plan.

## **The System of Acquisition, Collection and Treatment of Waste from Electrical and Electronic Products**

### **Article 47**

(1) Waste from electrical and electronic products which is not municipal waste in accordance with the Waste Catalogue shall be delivered to a business enterprise or entrepreneur who performs activity of collecting, processing or removal of specific types of waste, in accordance with this law.

(2) Waste from electrical and electronic products which is municipal waste according to the Waste Catalogue shall be delivered to the locations designed for this type of waste within the

separate collection of municipal waste or the locations designated for the collection of these types of waste by the distributor.

(3) The manufacturer and importer of electrical and electronic products shall be included in the organized system of acquisition, collection and treatment of waste from electrical and electronic products.

(4) Manufacturers and importers of electrical and electronic products shall bear the costs of organized system for the acquisition, collection and treatment of waste from electrical and electronic products, which are not shown to customers separately from the price of the product.

(5) The manner of and procedure for establishing a system for the acquisition, collection and treatment of waste electrical and electronic products and operation of that system referred to in paragraph 3 of this Article and annual quantity of waste from electrical and electronic products that must be treated, processed and recycled referred to in Article 46 of this Law, including waste from electrical and electronic equipment which is supplied from other countries via internet sales shall be regulated by the Government.

## **End-of-Life Vehicles**

### **Article 48**

(1) The holder of end-of-life vehicles shall deliver the end-of-life vehicle to a business enterprise or entrepreneur who has a permit for the treatment of end-of-life vehicles.

(2) The procedure for the collection and delivery of end-of-life vehicles whose holder is unknown shall be regulated by the Ministry.

(3) The costs of collection and delivery of end-of-life vehicles referred to in paragraph 2 of this Article shall be paid from funds referred to in Article 85, paragraph 2 of this Law.

(4) A company or entrepreneur referred to in paragraph 1 of this Article shall:

- Keep records of all stages of treatment;
- Ensure the removal of parts from end-of-life vehicles that can not be treated;
- Ensure the separation of hazardous materials and components from end-of-life vehicles for further treatment.

(5) The manufacturer or importer of vehicles shall be included in the organized system for the acquisition, collection and treatment of end-of-life vehicles.

(6) Manufacturers and importers of vehicles shall bear the cost of an organized system for the acquisition, collection and treatment of end-of-life vehicles.

(7) A company or entrepreneur referred to in paragraph 1 of this Article shall take necessary measures to ensure that:

- 95% of the total mass of the assumed end-of-life vehicles annually is re-used or treated;
- 85% of the total mass of the assumed end-of-life vehicles annually is re-used or recycled.

(8) Deadlines for meeting the requirements of paragraph 7 of this Article shall be set by the National Plan.

(9) The method and procedure for establishing a system for the acquisition, collection and treatment of end-of-life vehicles and operation of that system and annual amounts of end-of-life

vehicles that must be treated, processed or recycled shall be regulated by government regulation.

## **Waste Tires**

### **Article 49**

- (1) The import of waste tires shall be prohibited.
- (2) Notwithstanding paragraph 1 of this Article, waste tires can be imported for treatment is approved by the Agency, provided that the importation does not threaten the environment and public health.
- (3) It is forbidden to mix waste tires with other waste.
- (4) The holder of waste tires shall deliver waste tires to a business enterprise or entrepreneur who has a permit for the treatment and disposal of waste tires.
- (5) The manufacturer and importer of tires shall be included in the organized system of acquisition, collection and treatment of waste tires.
- (6) Manufacturers and importers of tires bear the costs of organized systems for acquisition, collection and treatment of waste tires.
- (7) The method of and procedure for establishing a system for the acquisition, collection and treatment of waste tires and operation of that system, including the obligations on the annual quantities of waste tires that must be taken, treated and recycled, shall be regulated by government regulation.

## **Waste Batteries and Accumulators**

### **Article 50**

- (1) Waste batteries and accumulators are collected separately from other types of waste.
- (2) Waste batteries and accumulators which according to the Waste Catalogue are not municipal waste shall be handed over to a company or entrepreneur who performs the activity of collecting, processing or removal of specific types of waste, in accordance with this law.
- (3) Waste batteries and accumulators, which, in accordance with the Waste Catalogue, make municipal waste shall be handed over at the locations designed for this type of waste as a part of separate collection of municipal waste or at the locations designated for the collection of these types of waste by the distributor.
- (4) Dumping and incineration of waste industrial and automotive batteries and accumulators shall be prohibited.
- (5) Any residues obtained after recycling of waste batteries and accumulators shall be disposed at landfills or incinerated in accordance with this law.
- (6) The distributor of batteries and accumulators may collect waste batteries and accumulators with no entry in the register of collectors referred to in Article 37, paragraph 1 of this Law.
- (7) Companies or entrepreneurs who have a permit for collecting, treatment and/or disposal of

waste batteries and accumulators shall ensure that:

- 1) The extent of collection of waste batteries and accumulators is 45% of the total annual weight of batteries and accumulators placed on the market;
- 2) The level of recycling of waste batteries and accumulators is:
  - 65% compared to the assumed average weight of waste lead-acid batteries and accumulators with acid, including recycling of the lead in batteries and accumulators;
  - 75% compared to the assumed average weight of waste nickel-cadmium batteries and accumulators;
  - 50% compared to the assumed average weight of other waste batteries and accumulators.
- (8) Deadlines for meeting the requirements of paragraph 7 of this Article shall be identified by the National Plan.

## **The System for Acquisition, Collection and Treatment of Waste Batteries and Accumulators**

### **Article 51**

- (1) Producers and importers of batteries and accumulators shall be involved in the organized system for acquisition, collection and treatment of waste batteries and accumulators.
- (2) Producers and importers of batteries and accumulators shall bear the costs of the organized system for acquisition, collection and treatment of waste batteries and accumulators.
- (3) The manner of and procedure for establishing a system for the acquisition, collection and treatment of waste batteries and accumulators and operation of that system referred to in paragraph 1 of this Article, the annual amount of waste batteries and accumulators, which must be taken for treatment and recycling and the method of calculating the assumed average weight of waste batteries and accumulator referred to in Article 50 of this Law shall be regulated by government regulation.

## **Waste Oils**

### **Article 52**

- (1) It is prohibited to discharge waste oil into water resources, soil or land.
- (2) The holder of waste oils shall ensure:
  - that waste oils are collected separately, when it is technically feasible;
  - If it is technically and economically viable, not to mix waste oils of different characteristics, i.e. not to mix waste oils with other types of waste or substances, if this mixing prevents their treatment.
- (3) The producer of waste oil, if it is technically and economically viable, provides regeneration of waste oils in primary oil by refining. i.e. removing contaminants, oxidation products and additives contained in these oils or other methods of treatment.
- (4) Waste oils that cannot be regenerated shall be burnt in the waste incineration plant that

meets the requirements established by this law.

(5) If the holder of waste oils generated during the production process is not able to treat them in accordance with paragraphs 2, 3 and 4 of this Article, he shall entrust the treatment of waste oils to a business enterprise or entrepreneur who collects waste oils.

(6) It is prohibited to mix waste oil during collection or storage with other hazardous wastes, including wastes that contain PCBs.

(7) Treatment of waste oils in accordance with technical and technological requirements for treatment shall be regulated by the Ministry.

## **Waste Packaging**

### **Article 53**

(1) Packaging waste shall be collected separately from other wastes.

(2) Commercial packaging waste shall be delivered to a business enterprise or entrepreneur performing the activity of collecting, processing and/or removal of such waste, in accordance with this law.

(3) Municipal waste containers shall be delivered to the locations that are designed for this type of waste within the separate collection of municipal waste or in locations that are planned for the collection of such waste by the distributor.

(4) The manufacturer and importer of packaging and packed products shall be included in the organized system of acquisition, collection and treatment of packaging waste.

(5) Manufacturers and importers of packaging shall bear the costs of the organized system for acquisition, collection and treatment of packaging waste.

(6) A company or entrepreneur who collects waste packaging shall take measures to ensure that annually, including energy processing, at least 60% of the total weight of packaging placed on the market is collected.

(7) A company or entrepreneur who handles waste packaging shall take security measures to recycle at least 55% of the total weight of packaging which is placed on the market so as to achieve at least the following ratio for recycling individual components:

1) 60% of weight of glass;

2) 60% of weight of paper and cardboard;

3) 50% of weight of metal;

4) 22.5% of weight of plastics, where this applies only to material that is re-recycled into plastics;

5) 15% of the timber.

(8) The terms and manner of implementing campaigns for manufacturers and importers to meet the conditions referred to in paragraphs 6 and 7 of this Article shall be determined by the National Plan.

(9) The method of and procedure for establishing a system for the acquisition, collection and treatment of waste packaging and operation of that system shall be regulated by the Government.

## **Construction Waste**

### **Article 54**

- (1) The holder of construction waste shall treat construction and demolition waste and turn it into construction material.
- (2) The disposal of construction waste in the water, on land or in land shall be prohibited, unless the construction waste is processed and used as building material.
- (3) Construction waste can be temporarily stored on land at the building site.
- (4) Treatment of asbestos cement building waste shall be prohibited.
- (5) Construction waste that contains no hazardous substances and which cannot be processed shall be disposed at the landfill for inert waste.
- (6) The investor of construction, reconstruction and removal of facilities whose size together with earth excavation is greater than 2000 m<sup>3</sup> shall make a construction waste management plan.
- (7) If the construction waste contains or is exposed to hazardous substances, the investor in facility construction, reconstruction or removal shall prepare a construction waste management plan, regardless of the size of the facility.
- (8) The investor shall, under the construction waste management plan referred to in paragraphs 6 and 7 of this Article, identify measures to ensure the recycling of at least 70% of weight of the construction waste, not including the alluvial deposits and other natural material from the excavation of earth.
- (9) Dealing with construction waste, the manner of and procedure for the treatment of construction waste, the terms and method of disposal of asbestos cement construction waste, as well as the conditions to be met by the construction and demolition waste treatment plant shall be regulated by the Ministry.

## **Waste Containing Asbestos**

### **Article 55**

- (1) Waste containing asbestos shall be separately collected, packaged, stored and disposed of in landfill for disposal of hazardous waste at the place designated for the disposal of waste contains asbestos.
- (2) The holder of waste containing asbestos shall take measures to prevent emissions of asbestos fibers and dust into the environment.
- (3) Method of packaging, criteria, requirements and method of removing waste that contains asbestos and other measures to prevent emissions of asbestos fibers and dust into the environment shall be regulated by the Ministry.

## **PCB and PCB-Containing waste**

### **Article 56**

- (1) The processing of PCB and packaging that contains PCBs shall be prohibited.
- (2) Waste containing PCBs can be treated after the PCBs are separated from waste.

- (3) The holder of equipment and waste containing PCBs shall provide waste treatment and decontamination of equipment containing PCBs.
- (4) Separation of PCB from equipment, PCB treatment and decontamination of equipment can be done by a company or entrepreneur who has the appropriate equipment, facility for temporary storage of PCB and the required number of employees, based on a permit for the removal of hazardous waste.
- (5) Incineration of PCBs is done in waste incineration plants that meet the conditions set out herein.
- (6) The import of equipment containing PCBs shall be prohibited.
- (7) It is forbidden to burn PCBs on the decks of ships.
- (8) It is forbidden to charge the transformer and other sealed system (capacitor) with fluids that contain PCBs.

### **Management Plan and Waste Management Equipment containing PCBs and PCB Records**

#### **Article 57**

- (1) The holder of equipment and waste containing PCBs shall prepare a management plan for the equipment and waste containing PCBs in accordance with this law.
- (2) The holder of equipment containing PCBs and PCB waste shall keep a record of equipment and waste PCBs and quantities of PCB and submit data from the records to the Agency by 31 March of the current year for the previous year.
- (3) The management plan referred to in paragraph 1 of this Article shall be submitted to the Agency by the holder of the equipment not later than 60 days prior to commencement of proceedings or actions that result in waste generation.
- (4) Method of preparing management plan, method of and procedure for keeping records referred to in paragraphs 1 and 2 of this Article, labeling decontaminated equipment, methods and procedures for processing PCB wastes containing PCBs and decontamination of equipment and minimum amounts of PCBs in equipment under Article 56 of this Law shall be regulated by the Ministry.

### **Municipal Sewage Sludge**

#### **Section 58**

- (1) Producer of municipal sewage sludge (hereinafter referred to as sludge) shall keep records that contain in particular:
  - 1) name and address or title and registered office of the producer of sludge;
  - 2) the amount of sludge that is produced or supplied for further use;
  - 3) the composition and characteristics of sludge supplied;
  - 4) the technological characteristics of the process applied;
  - 5) the name and address or title and registered office of the person who uses sludge;
  - 6) the location of use, and sludge treatment.
- (2) The producer of sludge shall submit to the competent authority of local government within whose jurisdiction sludge is generated data referred to in paragraph 1 by 31 March of the current year for the previous year.

### **Permissible Uses of Sludge**

## **Article 59**

(1) sludge, in accordance with law, may be used:

- 1) in agriculture;
- 2) for the green areas and parks;
- 3) for the reclamation of land;
- 4) at landfills as a final covering layer;
- 5) For the purposes of organizing land for specific purposes, based on waste management plans and spatial planning regulations.

(2) The sludge can be used in accordance with paragraph 1 of this Article, provided that the process of stabilization and proper preparation is implemented, by applying biological, chemical, thermal and other processes to reduce its vulnerability to mineralization and eliminate the risk to public health or the environment.

(3) The producer of sludge shall submit to the sludge user test results and data relating to limit values for pollutants in sludge that can be used on different types of soil.

(4) For the use of sludge in accordance with paragraph 1 of this Article, no permit shall be required for processing and keeping records of sludge.

(5) More detailed requirements to be met by the sludge, the quantity, volume, frequency and methods of analysis of the sludge for the permitted uses and conditions to be fulfilled by land planned for its use shall be prescribed by the state administration body responsible for agriculture, with prior approval of the Ministry.

## **Unauthorized Use of Sludge**

## **Article 60**

The use of sludge shall be prohibited:

- 1) on land if there is a risk of leaching of sludge to surface waters and in protected areas;
- 2) on land of karst fields, shallow or skeletal soil and gravel land;
- 3) on the soil where the pH value is lower than 5.0;
- 4) in the soil with higher salinity of 800 mS / cm, flood plains, partly flooded fields and wetlands;
- 5) in the zones of sanitary protection of sources that are or may be used for supply of drinking water;
- 6) to the meadows or in the production of plants for animal feed, if the time between use of treated sludge and collecting crop plants for animal nutrition or early grazing is less than 21 days;
- 7) on surfaces that are intended for the production of fruits and vegetables that is in direct contact with the land and which can be eaten raw, in a period of 10 months before harvest.

## **Sludge Treatment and Supply for Utilization**

## **Article 61**

- (1) Sludge treatment and supply for utilization may be done by a company or entrepreneur on the basis of permits for waste treatment.
- (2) Sludge processors, with the application for issuance of permits for waste treatment, shall submit
  - 1) information about the quality of sludge;
  - 2) information about the locations at which the sludge is used;
  - 3) report on the performed analysis of the land;
  - 4) expert opinion on the possibility of using treated sludge.
- (3) Expert opinion referred to in paragraph 2, Item 4 of this Article shall be provided by R&D institutions dealing with land issues, or other legal entity that has the appropriate staff, equipment and has a scientific and informational documents and is authorized by the state administration body in charge of agriculture.
- (4) Compliance with the requirements for legal entities referred to in paragraph 3 of this Article shall be established by the state administration body in charge of agriculture.
- (5) Detailed requirements in terms of personnel and equipment referred to in paragraph 3 of this section shall be regulated by the state administration body responsible for agriculture.

## **Medical and Veterinary Waste**

### **Article 62**

- (1) Treatment of medical and veterinary waste is carried out in accordance with the management plan for medical or veterinary waste treatment and a permit for the treatment and/or removal of medical and veterinary waste.
- (2) Treatment and disposal of medical and veterinary waste can be done a company or entrepreneur if they have adequate equipment, a treatment plant for medical and veterinary waste, and the required number of employees, based on permits for the treatment and/or removal of waste.
- (3) The state administration body responsible for health shall prescribe the conditions, method and procedure for the treatment of medical waste, with prior approval of the Ministry.
- (4) The state administration body responsible for veterinary activities shall regulate the conditions, methods and procedure for veterinary waste treatment, with prior approval of the Ministry.

## **Responsibilities of the State Administration Body Responsible for Health, Veterinary and Water Resources Issues**

### **Article 63**

- (1) The state authority responsible for providing health conditions and care of the Implementation of medical waste management plan.
- (2) The state administration body responsible for veterinary issues and water resources shall provide the conditions and ensure the implementation of the management plan for veterinary

waste and sewage sludge.

## **Organizing the Activities of Acquisition, Collection and Treatment of Specific Types of Waste**

### **Article 64**

(1) The activities of acquisition, collection and treatment of waste batteries and accumulators, waste tires, waste vehicles, waste electrical and electronic products and waste packaging may be assigned by the Government in accordance with the law.

(2) To conduct activities referred to in paragraph 1 of this Article, the Government may establish a company as a legal entity.

(3) Funds for operation of the company referred to in paragraph 2 of this Article shall be provided from the budget of Montenegro, from revenues generated from fees under Article 85 of this Law.

## **VI. INCINERATION AND CO-INCINERATION**

### **Installations for the Incineration and/or Co-Incineration of Waste**

#### **Article 65**

(1) The waste shall be incinerated at the plants for incineration and/or co-incineration of waste.

(2) Plants for the incineration and/or co-incineration of waste shall be designed, constructed and equipped in a manner which provides technical and technological functionality with the least possible quantities of emissions and the negative impact of waste on human life and health and the environment.

(3) In addition to the requirements of Article 32 of this Law, a permit for the treatment and/or removal of waste at the plant for incineration and/or co-incineration of waste shall establish measures for:

- Use of energy generated by burning or incineration of waste;
- reducing the amount of residues and risks of incineration or co-incineration of waste;
- removal of the remains of burning or incineration of waste, if no treatment can be provided for the remains.

(4) If hazardous waste is incinerated at the plant for incineration and/or co-incineration of waste, a permit for the treatment and/or disposal of waste under Article 32 of this Law shall establish the:

- quantity and type of hazardous waste which can be incinerated, in accordance with the Waste Catalogue;
- Minimum and maximum mass flow by the types of hazardous waste;
- The lowest and the highest calorific value of hazardous waste;

- The highest content of hazardous substances, particularly PCBs, chlorine, fluorine, sulfur and heavy metals.

## **Responsibilities of Managers of Incineration and/or Co-Incineration Plants**

### **Article 66**

(1) The manager of a waste incineration and/or co-incineration plant, prior to admission of waste for incineration or co-incineration, shall obtain from the holder of waste the following documentation:

- Physical characteristics and chemical composition of waste and the data necessary for assessing the safety of application of the process of incineration and/or co-incineration;
- Indication of harmful substances with which the waste must not be mixed, if common incineration and/or co-incineration is carried out;
- The necessary precautions to be followed in handling the waste.

(2) Manager of the plants referred to in paragraph 1 of this Article, when receiving the waste for incineration and/or co-incineration, shall:

- Determine the quantity of waste;
- Check the compatibility of the waste received with the data on waste contained in the form for the transport of waste;
- Take samples of waste to verify the accuracy of data on physical characteristics and chemical composition and data from line 1 of this paragraph, except for municipal, medical and veterinary waste.

(3) The manager of waste incineration and/or co-incineration plant, after the incineration and/or co-incineration of waste, shall:

- check the physical and chemical characteristics of the waste generated during the process of incineration and/or co-incineration of waste, including in particular particles of heavy metals;
- temporarily store ash generated from incineration and/or co-incineration of waste in closed containers;
- determine the safe mode of transportation of waste generated by incineration and/or co-incineration of waste that can not be processed at the place of origin;
- keeps samples for at least 30 days from the incineration and/or co-incineration of waste.

(4) The provisions of paragraphs 1 and 2 shall not apply to the holder of waste who performs incineration and / or co-incineration of own waste at the site where the waste originated in accordance with this law.

## **The Regulation on Incineration and/or Co-Incineration of Waste**

### **Article 67**

The Ministry shall regulate in detail the:

- 1) waste that can not be incinerated and / or for parallel in accordance with this Law;
- 2) method of processing waste at the waste incineration and/or co-incineration plant;

- 3) conditions to be met by buildings and plants for the incineration and/or co-incineration of waste;
- 4) technical - technological processes of incineration and/or co-incineration of certain types of waste;
- 5) a way of preventing generation and managing waste generated from the process of incineration and/or co-incineration;
- 6) qualifications and skills of the managers of waste incineration and/or co-incineration plants;
- 7) the mode of operation of the process of incineration and/or co-incineration in accordance with this law.

## IV. DEPOSITING AND STORAGE OF WASTE

### Landfill Types

#### Article 68

(1) Landfill may be:

- Landfill for hazardous waste;
- Landfill for inert waste;
- Landfill for non hazardous waste.

(2) For the landfills under paragraph 1 of this Article, the Ministry, with prior approval of the competent state administration body, shall issue detailed regulations establishing the characteristics of the site (geological, hydrological, morphological, meteorological, seismic and otherwise), conditions of construction, sanitary – technical requirements, operation and closure of landfills, qualifications and skills of landfill managers.

### Prohibition of Waste Disposal

#### Article 69

(1) Disposal of waste at landfills shall be prohibited:

- 1) if contrary to the waste management plans;
- 2) in the liquid state;
- 3) which is explosive, oxidising, with extremely flammable or flammable properties;
- 4) untreated medical or veterinary waste;
- 5) composed of waste automotive and industrial batteries and accumulators;
- 6) If the waste is crushed or whole waste tires, other than bike tires and tires with outer diameter greater than 400 mm;
- 7) generated as a result of scientific research, whose properties are unknown or new and whose impact on humans or the environment is not known;
- 8) in the area which may have an impact on surface and groundwater.

(2) It is prohibited to perform mixing of different waste types, blending with other substances, dilution and carrying out other procedures for ensuring the conditions for waste acceptance at landfill.

(3) The types of waste and the conditions for acceptance of waste at the landfill shall be established by the Ministry.

## **Reducing the Amount of Waste**

### **Article 70**

- (1) Waste producers shall, within the technological possibilities of production process, put the waste through physical, chemical, biological and thermal processing and sorting to reduce the quantity or volume of waste for disposal and reduce any threat to public health and the environment.
- (2) The procedures referred to in paragraph 1 of this Article shall apply to inert waste or waste where the application of physical, chemical or biological treatment can not affect the reduction in the amount or volume of waste.

### **Mixed Waste Disposal**

#### **Article 71**

- (1) Any disposal of hazardous waste at the landfill for non hazardous waste shall be prohibited.
- (2) Notwithstanding paragraph 1, hazardous waste which after treatment has no reaction with other types of waste can be disposed in separate parts of the landfill for non-hazardous waste, other than landfill for inert waste, provided that the leachate from hazardous waste meets the requirements of the permit for the disposal of non-hazardous waste.
- (3) The holder of hazardous waste referred to in paragraph 2 of this Article shall, for the disposal of hazardous waste into separate parts of landfills for non-hazardous waste, obtain approval of the competent authority of the local government within whose jurisdiction the landfill is located, and approvals of the landfill manager for disposal of hazardous wastes and of the Agency.

### **Inert Waste**

#### **Article 72**

Only inert waste can be disposed of at landfills for inert waste.

### **Mixed Municipal Waste**

#### **Article 73**

- (1) Mixed municipal waste shall be disposed to landfills for non hazardous waste.
- (2) Before disposing, mixed municipal waste shall undergo physical and biological treatment to

meet the requirements of Article 69, paragraph 3 of this Law.

(3) The annual amount of biodegradable constituents of mixed municipal waste that is disposed at the landfill shall be less than the amount of biological biodegradable municipal waste which is planned for disposal under the program referred to in Article 20 of this law.

## **Responsibilities of Landfill Managers**

### **Article 74**

Landfill manager shall:

- 1) determine the amount of waste prior to its admission at the landfill;
- 2) check the correspondence of received waste with the data contained in the forms for waste transportation;
- 3) refuse acceptance of waste at the landfill waste if he finds discrepancies with the data contained in the form for waste transport and immediately notify the Agency;
- 4) provide selective disposal to prevent reaction of the elements of different types of waste on the environment and public health and create conditions for recovery and further use of the landfill area;
- 5) ensure the proper operation of technical devices that the landfill is equipped with and apply regulations on sanitation, hygiene, fire safety occupational safety in accordance with law;
- 6) inform the authority which issued the permit for the landfill operation on the termination of the landfill after placing the final cover;
- 7) monitor the landfill waste before, during and after the cessation of work, and submit an annual report to the Agency by 31 March for the current year for the previous year;
- 8) promptly inform the Agency of the observed changes at the landfill that may have an impact on the environment and public health.

## **Landfill Closure**

### **Article 75**

(1) Closure of part or the entire landfill is done:

- In accordance with the permit;
- At the request of the landfill manager based on the Agency's approval;
- By order of the Agency.

(2) The landfill or part of landfill is considered closed when all the requirements identified by the Final Design for the landfill closure are met and when the Agency reviews all reports of the landfill manager, confirms compliance with all conditions for closing the landfill and notifies the company or entrepreneur who manages the landfill of the decision on termination of the landfill or part of the landfill.

(3) After the closure of a landfill, landfill owners shall be responsible for its maintenance,

supervision and control after closing, in the manner and within the deadline set by the Agency.

(4) The period of maintenance, supervision and control of landfill areas referred to in paragraph 3 of this Article shall not be less than 30 years.

(5) The owners of the landfill under paragraph 3 of this Article shall inform the Agency of any significant adverse impacts on the environment and public health as established during inspection referred to in paragraph 3 of this Article.

(6) Upon receiving notice under paragraph 5 of this Article, the Agency shall determine the deadlines and method of rehabilitation of the identified negative impacts.

### **Funding of Waste Disposal to Landfills and Closure of Landfills**

#### **Article 76**

(1) The waste producer shall cover all the costs of waste disposal at the landfill and the cost of closure, supervision and control after the closure of the landfill.

(2) Funds for covering the costs of maintenance and control after the landfill closure shall be specified in the permit for the removal of waste, for a period shall not be shorter than 30 years.

(3) Service fee for waste disposal at the landfill and closure, monitoring and control after the landfill closure under paragraph 1 of this Article shall be determined in accordance with the law governing municipal activities.

### **Storage of Waste**

#### **Article 77**

(1) Waste may be stored:

- in a temporary storage facility within a period not exceeding one year;
- in the storage facility of the waste processor for a period not exceeding three years;
- In an underground repository.

(2) Solid waste disposal shall be carried out in a manner and at the location that meets the requirements set forth in

- the approval of the waste management plan of the waste producer;
- Allow for the processing or disposal of waste.

(3) The conditions that need to be met by the storage facility referred to in paragraph 1 of this article, the method of and conditions for storage shall be determined by government regulation.

### **Temporary Storage of Municipal Waste**

#### **Article 78**

- (1) Local governments that have no landfill built in accordance with the law may:
- deliver municipal waste to a business enterprise or entrepreneur who has a permit for the treatment and/or removal of waste;
  - temporarily store municipal waste before its delivery for treatment to the company or entrepreneur referred to in line 1 of this paragraph.
- (2) Temporary storage referred to in paragraph 1, subparagraph 2 of this Article may be carried out for no longer one year from the date of receipt of waste.
- (3) The location for storage of municipal waste collected from the jurisdiction of local government shall be specified by the Parliament of the local government.
- (4) The location referred to in paragraph 3 of this Article shall:
- be fenced, to prevent the presence of unauthorized persons, domestic and wild animals and uncontrolled disposal of waste;
  - be equipped with a weight bridge for measuring the amount of waste that is temporarily stored;
  - have an organized guard service and service for the reception of waste and maintenance of temporary storage;
  - meet all other requirements for ensuring that temporary storage shall not contribute to any additional threat to the environment and public health.
- (5) The local government shall ensure the keeping of records of receipt of waste at the location referred to in paragraph 3 of this Article in accordance with Article 44 paragraph 2 of this Law.
- (6) The records referred to in paragraph 5 of this Article shall be taken by the entity that manages temporary storage of municipal waste.
- (7) Notwithstanding paragraph 2, waste may be temporarily stored for a period longer than one year, provided that for the waste that is stored for longer than one year at the location referred to in paragraph 3 of this Article a fee shall be charged for each year amounting to 10 € per tonne of municipal waste.
- (8) Funds from the fees referred to in paragraph 7 of this Article are budgetary revenues of Montenegro and shall be used only for the construction of waste treatment plants, equipment and vehicles for the collection and transportation of waste and repair and rehabilitation of old landfills.
- (9) The method of temporary storage of waste referred to in paragraph 1, subparagraph 2 of this Article and conditions for the protection of the environment and public health shall be provided by local governments with prior approval of the Ministry.

## VIII TRANSBOUNDARY MOVEMENT OF WASTE

### **The Concept of Cross-Border Movement**

#### **Article 79**

Transboundary movement of waste includes the import of waste in the territory of Montenegro, transit of waste of foreign origin through the territory of Montenegro and export of waste from the territory of Montenegro.

## **Imports of Waste**

### **Article 80**

- (1) The import of hazardous wastes shall be prohibited.
- (2) It shall be prohibited to import hazardous waste for the purpose of removal and use as fuel or in other way for energy generation.

## **License for Import, Export and Transit of Waste**

### **Article 81**

- (1) Import and transit of non-hazardous wastes may be done only under a license which, after the application of the company or entrepreneur, shall be issued by the Agency.
- (2) Export and transit of hazardous wastes may can be done only under a license which, after the application of the company or entrepreneur, shall be issued by the Agency.
- (3) Licenses referred to in paragraph 1 and 2 of this Article shall be entered in the register maintained by the Agency.
- (4) Detailed contents of the documentation to be submitted with the application for the license referred to in paragraphs 1 and 2 of this Article, the list of waste classification and the content and manner of keeping the register referred to in paragraph 3 of this Article shall be regulated by the Ministry.

## **Register of Exporters of Non-Hazardous Waste**

### **Article 82**

- (1) Exports of non-hazardous waste may be done by a company or entrepreneur who is entered in the register of exporters of non-hazardous waste.
- (2) Entry in the register referred to in paragraph 1 of this Article shall be made on the basis of an application submitted to the Agency.
- (3) The register referred to in paragraph 1 of this Article shall be maintained by the Agency.
- (4) Companies and entrepreneurs who are entered in the register referred to in paragraph 1 of this Article shall submit to the Agency an annual report on the types and quantities of exported non-hazardous waste by 31 March of the current year for the previous year.
- (5) The conduct and content of applications for registration under paragraph 1 of this Article shall be regulated by the Ministry.

## **Border Crossings**

### **Article 83**

Border crossing, through which cross-border movement of waste may be performed shall be specified by the Government, in accordance with international treaties and law.

## IX. FINANCING OF WASTE MANAGEMENT

### Sources of Funding

#### Article 84

- (1) The waste holder shall pay the costs of waste collection, transportation and treatment in accordance with the "polluter pays" principle.
- (2) The costs of waste management shall be borne by manufacturers, importers and distributors of product from which the waste originates.

### Special Waste Management Fees

#### Article 85

- (1) A special fee shall be paid for waste management.
- (2) A special waste management fee referred to in paragraph 1 of this Article shall be paid by: manufacturers and importers of batteries and accumulators; all oils, except for oils used in food and for cosmetic purposes; rubber; packaging; electrical and electronic products and vehicles.
- (3) Special fees referred to in paragraph 1 of this Article shall be contributed to the budget of Montenegro.
- (4) The funds referred to in paragraph 3 of this Article shall be paid into a special account and used for co-financing project costs in the field of waste management and costs of acquisition, collection and treatment of special wastes pursuant to Article 64 of this Law.
- (5) Detailed criteria, the amount and method of payment of special fees shall be determined by the Government.

## X. SUPERVISION

### The Competent Authority

#### Article 86

- (1) Supervision over implementation of this Law and regulations adopted pursuant to this Law shall be performed, within the jurisdiction under this Law, by the Ministry and the competent authorities of local government.
- (2) Inspection supervision for all types of waste, except for municipal and construction waste, shall be performed by the environmental inspectorate.
- (3) Inspection supervision of municipal and construction waste is municipal

Inspector.

(4) Inspection supervision of the existence of codes with the manufacturer's label and tag on the mandatory separate collection of waste generated from products for which an extended producer responsibility is prescribed shall be carried out market inspection.

## **Powers and Duties of Environmental Inspectors**

### **Article 87**

(1) In addition to the powers set out by the Law on Inspection Supervision, the environmental inspector has the authority to:

- 1) verify compliance with the conditions based on which the substances or objects are not considered waste but a by-product;
- 2) verify compliance with the requirements and criteria in the waste treatment process based on which it is considered that waste ceases to be waste;
- 3) control the technological process, used raw materials and other materials in organizing services to prevent waste generation, or whose application results in the smallest amount of waste generated;
- 4) check whether the legal entity or entrepreneur who develops or improves a product, manufactures, processes, sells or imports a product performs its activities in accordance with the regime of extended producer responsibility, except for the labeling of products with manufacturer's label and the label on the mandatory separate collection of waste;
- 5) check whether the waste is managed by the holder of the waste in accordance with this Law, plans and programs for waste management and requirements for environmental protection and public health;
- 6) check whether the waste is collected separately;
- 7) verify the fulfillment of conditions on the allowed mixing of hazardous waste;
- 8) follow that the removal of waste is done at the location which is specified under spatial planning regulations, as well as in plants or facilities that meet the conditions set forth under special regulations;
- 9) monitor the implementation of the National Plan, including a program of disposal of biological degradable waste and waste prevention programs;
- 10) checks whether the waste management procedures are performed in accordance with the issued permits and approvals;
- 11) monitor the fulfillment of obligations on keeping records of waste generation and management and on placing products on the market from which the specific types of waste arise;
- 12) control the implementation of waste management plans of waste producers;
- 13) control the fulfillment of conditions and monitor the activities of the company or entrepreneurs engaged in the treatment or disposal of waste;
- 14) control the fulfillment of conditions and monitor the activities of the company or entrepreneur engaged in collecting and transporting waste;
- 15) control the management of specific waste types;

16) control the process of incineration and co-incineration of waste and the way in which the manager of waste incineration and co-incineration plant acts prior to admission and after the incineration of waste;

17) control and monitor the operation of the landfill, including activities after the landfill closure and in which way the landfill manager acts in accordance with the obligations laid down under this Law;

18) control and monitor the storage of waste, including storage and temporary storage of waste;

19) monitor and control the transboundary movement of wastes.

(2) In order to eliminate the established irregularities, environmental inspector, in addition to the powers referred to in paragraph 1 of this Article, shall do the following regarding the subject of supervision:

1) order the prohibition of collecting, transporting, treatment or removal of waste if any of the specified waste management practices threaten the environment and public health;

2) order the removal of defects in collecting, transporting, treatment or removal in the case of item 1 of this paragraph;

3) order the company or entrepreneur to obtain a certificate of registration, or permit, within a deadline which shall not be less than 30 days, if confirmed that the collection, transport, treatment or removal of waste is carried out with no entry in the register, or an appropriate license, and if a company or entrepreneur fails to obtain the appropriate certificate or permit, the performance of collection, transport, treatment or disposal of waste shall be temporarily prohibited;

4) order the removal of defects in a given period, if confirmed that the waste management procedures do not include application of this Law and regulations adopted pursuant to this Law.

## **Powers and Duties of Municipal Inspector**

### **Article 88**

(1) In addition to the powers set out by the Law on Inspection Supervision, the municipal inspector shall be authorized to:

1) control the technological process, used raw materials and other materials and the organization of services which prevent municipal waste generation or whose application results in the smallest amount of solid waste generated;

2) check whether municipal waste is managed by the holder of municipal waste in accordance with this Law, waste management plans and programs and requirements for the protection of the environment and public health;

3) monitor the implementation of local plans, including measures for the management of biowaste;

4) control the compliance with requirements and monitor the activities of the company or entrepreneurs engaged in the collection or transportation of municipal waste;

5) control the fulfillment of the obligations of waste producers to carry out the selection of waste

for recycling in accordance with this Law;

6) verify that the waste management procedures are performed in accordance with issued permits and approvals;

7) monitor the fulfillment of obligations on keeping records of municipal waste generation and management.

(2) In order to eliminate the established irregularities municipal inspector, in addition to the powers referred to in paragraph 1 of this Article, shall do the following with respect to the subject of inspection:

1) order the prohibition of collecting and transporting municipal and construction waste in accordance with law;

2) order the removal of deficiencies in the collection and transportation in the case referred to in item 1 of this paragraph.

### **Authorization of Market Inspectors**

#### **Article 89**

In addition to the powers set out by the Law on Inspection Supervision, market inspectors shall be authorized to control and stop the marketing of products that do not bear the mark with manufacturer's label and the label on the mandatory separate collection of waste resulting from products for which the extended producer responsibility is prescribed.

## **XI. PENALTY PROVISIONS**

#### **Article 90**

(1) A fine of EUR 1,000-40,000 shall be imposed on a legal entity, if:

1) mixing different types of hazardous wastes and mixing hazardous with nonhazardous waste (Article 15, paragraph 1);

2) performing the removal of waste in a location that is not prescribed by spatial planning regulations, as well as in plants or facilities that do not meet the conditions laid down by law (Article 17 paragraph 1);

3) performing the treatment or disposal of waste with no adequate equipment, treatment plant and the required number of employees on the basis of a permit for the treatment and/or removal of waste (Article 31 paragraph 1);

4) performing the collection and transportation of waste, and is not entered in the register of collectors and transporters of waste (article 37 paragraph 1);

5) no records are kept on the quantities and types of waste according to the Waste Catalogue (Article 44 paragraph 1);

6) mixing used oil during collection or storage with other hazardous waste including waste containing PCBs (Article 52, paragraph 6);

7) processing of PCBs and packaging containing PCBs (Article 56 paragraph 1);

8) performing separation of PCB from equipment, PCB treatment and decontamination of

equipment without appropriate equipment, facilities for temporary storage of PCB and the required number of employees on the basis of a permit for removal of hazardous waste (Article 56 paragraph 4);

9) performing PCB incineration on board of ships (Article 56 paragraph 7);

10) performing the treatment or removal of medical and veterinary waste without proper equipment, treatment plant and the required number of employees on the basis of a permit for the treatment and/or removal of medical and veterinary waste (Article 62, paragraph 2);

11) disposing hazardous waste in landfills for non-hazardous waste (Article 71, paragraph 1);

12) the entity that manages the temporary storage of municipal waste does not keep the records referred to in Article 78 paragraph 5 of this Law (Article 78, paragraph 6);

13) importing hazardous waste (Article 80 paragraph 1).

(2) For the offense referred to in paragraph 1 of this Article the responsible person of the legal entity shall be sentenced to a fine of EUR 500-4,000.

(3) For an offense referred to in paragraph 1 of this Article an entrepreneur shall be fined to pay EUR 1,000-6,000.

(4) For the offense referred to in paragraph 1, items 2, 4, 6, 11 and 13, a natural person shall be sentenced to pay a fine of EUR 500-2,000.

## **Article 91**

(1) A fine of EUR 500-20,000 shall be imposed on a legal entity for an offense, if:

1) it fails to perform the characterization of waste (Article 7 paragraph 2);

2) it fails to provide waste treatment, and if the treatment is impossible or economically or from the standpoint of environmental protection unjustified, fails to ensure for the waste to be disposed or removed in some other way in accordance with this Law (Article 12 paragraph 2);

3) during the transportation of hazardous waste within the state there is no document on transport of dangerous goods in accordance with the law (Article 16, paragraph 2);

4) it burns waste in open areas (Article 17, paragraph 3);

5) it fails to produce a waste management plan within 60 days prior to initiating the procedure or activities resulting in waste generation (Article 26 paragraph 2);

6) it fails to submit a waste management plan referred to in Article 28, paragraph 1 of this Law to the Agency for approval within 60 days prior to initiating the procedure or activity that results in waste generation (Article 28, paragraph 2);

7) it fails to notify the Agency that there was a change in the quantity and method of waste management as identified in the act referred to in Article 29 paragraph 1 of this Law in order to obtain approval within six months of the change (Article 29, paragraph 3);

8) it manages waste in a manner not in accordance with management plans established by this Law (Article 30);

9) it fails to perform separate collection of municipal waste for its recycling in accordance with this law (Article 42 paragraph 2);

10) it fails to keep records of hazardous waste for at least three years or in the case of transport of hazardous waste for at least 12 months (Article 44, paragraph 8);

11) it mixes waste from electrical and electronic products and other types of waste (Article 46 paragraph 2);

12) it fails to include a manufacturer and importer of electrical and electronic products in

the organized system of acquisition, collection and treatment of waste from electrical and electronic products (Article 47, paragraph 3);

- 13) the holder of an end-of-life vehicle fails to deliver the end-of-life vehicle to a legal entity or entrepreneur who has a permit for the treatment of end-of-life vehicles (Article 48 paragraph 1);
- 14) it fails to keep records of all stages of treatment (Article 48, paragraph 4, line 1);
- 15) it fails to ensure the removal of parts from end-of-life vehicles that can not be treated (Article 48, paragraph 4, line 2);
- 16) it fails to provide separation of hazardous materials and components from end-of-life vehicles for further treatment (Article 48, paragraph 4, line 3);
- 17) it fails to join the organized system of acquisition, collection and treatment of end-of-life vehicles (Article 48, paragraph 5);
- 18) it imports waste tires without the approval of the Agency (Article 49 paragraphs. 1 and 2);
- 19) waste tires are mixed with other waste (Article 49, paragraph 3);
- 20) it fails to deliver waste tires to a company or entrepreneur who is licensed for the treatment and disposal of waste tires (article 49 paragraph 4);
- 21) it is not involved in the organized system of acquisition, collection and treatment of waste tires (Article 49, paragraph 5);
- 22) the waste batteries and accumulators which, in accordance with the Waste Catalogue, are not municipal waste are not delivered to a company or entrepreneur who is engaged in activities of collecting, processing or removal of specific types of waste (Article 50, paragraph 2);
- 23) the waste batteries and accumulators which are, according to the Waste Catalogue, municipal Waste not surrender to the places that were designed for this type of waste under a separate municipal waste collection or place for the collection of these wastes by the dealer (Article 50, paragraph 3);
- 24) it disposes of or incinerates waste automotive and industrial batteries and accumulators (Article 50, paragraph 4);
- 25) the manufacturer and importer of batteries and accumulators is not included in the organized system of acquisition, collection and treatment of waste batteries and accumulators (Article 51 paragraph 1);
- 26) discharges waste oil into the water and/or soil, or on the land (Article 52, paragraph 1);
- 27) fails to entrust the treatment of waste oils to the company or entrepreneur who collects waste oils, if through the production process it is not possible to process waste oil in accordance with this Law (Article 52, paragraph 5);
- 28) dispose construction waste in water, on land or in land, unless the construction waste is processed and used as construction material (Article 54, paragraph 2);
- 29) processing of asbestos cement construction waste (Article 54, paragraph 4);
- 30) does not make a construction waste management plan if fuel facility together with ground excavation is greater than 2000 m<sup>3</sup> (Article 54, paragraph 6);
- 31) fails to prepare a construction waste management plan, regardless of the volume of construction waste if the construction and demolition waste contains or is exposed to hazardous substances (Article 54, paragraph 7);
- 32) does not apply measures to prevent emissions of asbestos fibers and dust into the environment (Article 55, paragraph 2);
- 33) treats waste containing PCBs without separation of PCB (Article 56 paragraph 2);
- 34) performs PCB incineration outside of the incineration plant that meets the conditions set forth by this law (article 56 paragraph 5);

- 35) imports equipment containing PCBs (Article 56 paragraph 6);
- 36) fills transformers and other closed systems with fluids that contain PCBs (Article 56 paragraph 8);
- 37) there is no management plan for the waste and equipment containing PCBs in accordance with this Law (Article 57, paragraph 1);
- 38) it does not keep records of equipment and waste PCBs and quantities of PCB and fails to submit the recorded data to the Agency (Article 57, paragraph 2);
- 39) fails to submit the equipment management plan referred to in Article 57, paragraph 1 of this Law to the Agency (Article 57, paragraph 3);
- 40) the sludge is applied to land areas where there is danger of washing out the sludge into surface waters and the protected manufacturing goods (Article 60 paragraph 1 item 1);
- 41) the sludge is applied to the land of karst fields, shallow or skeletal soil and gravelly soil (Article 60 paragraph 1 item 2);
- 42) the sludge is applied to the soil where the pH value is lower than 5.0 (article 60 paragraph 1 Count 3);
- 43) the sludge is applied to soil with high salinity of 800 mS / cm, flooding valleys, partly flooded fields and wetlands (Article 60, paragraph 1 item 4);
- 44) the sludge is applied in the zones of sanitary protection of water sources that are or may be used for supplying drinking water (Article 60 paragraph 1 item 5);
- 45) the sludge is applied to pastures or in the production of plants for animal feed, if the time between the application of treated sludge and collecting crop plants for animal nutrition or early grazing is less than 21 days (Article 60 paragraph 1 item 6);
- 46) the sludge is applied on land intended for the production of fruits and vegetables which are in direct contact with the soil and which can be eaten raw, in a period of 10 months before the harvest (Article 60 paragraph 1 item 7);
- 47) the waste in liquid state is disposed of at landfills (Article 69, paragraph 1, item 2);
- 48) the waste with explosive, oxidising, extremely flammable or flammable properties is disposed of at landfills (article 69 paragraph 1 item 3);
- 49) untreated medical or veterinary waste is disposed of at landfills (Article 69, paragraph 1, item 4);
- 50) waste that consists of waste industrial and automotive batteries and accumulators is disposed of at landfills (Article 69 paragraph 1 item 5);
- 51) waste consisting of crushed or whole waste tires, except for bike tires and tires with outside diameters greater than 400 mm (Article 69 paragraph 1 item 6) is disposed of at landfills;
- 52) waste that is created as a result of scientific research, whose properties are not known or is new and whose effects on humans or the environment are not known is disposed of at landfills (Article 69, paragraph 1, item 7);
- 53) waste in the area which may have an impact on surface and groundwater is disposed of at landfills (Article 69, paragraph 1, item 8);
- 54) fails to notify the Agency about any significant negative impacts on the environment and public health that are determined by the control referred to in Article 75, paragraph 3 of this Law (Article 75 paragraph 5);
- 55) the waste is stored in interim storage for longer than one year (Article 77, paragraph 1 item 1);
- 56) the waste is stored at the storage facility of the waste processor for more than three years (Article 77, paragraph 1 item 2);

57) non-hazardous waste is imported for removal, or to be used as fuel or in another way to generate energy (Article 80 paragraph 2).

(2) For the offense referred to in paragraph 1 of this Article and for the failure to submit the local plan to the Ministry (Article 23 paragraph 4), the responsible person in the legal entity or officer in the local government unit shall be fined in the amount of EUR 250-2,000.

(3) For an offense referred to in paragraph 1 of this Article an entrepreneur shall be fined in the amount of EUR 500-6,000.

(4) For an offense referred to in paragraph 1, items 1, 4, 9, 11, 13, 18, 20, 23, 24, 26, 28, 32, 33, 40, 41, 42, 43, 44, 45, 46 of this Article a natural person shall be fined in the amount of EUR 30-2,000.

## XII. TRANSITIONAL AND FINAL PROVISIONS

### Article 92

(1) By-laws for the enforcement of this Law shall be passed within 24 months from the date of entry into force of this Law.

(2) Until the adoption of regulations referred to in paragraph 1 of this Article by-laws adopted on the basis of the Law on Waste Management ("Official Gazette of RM", 80/05 and "Official Gazette of Montenegro", 73/08) shall apply.

### Article 93

(1) Companies and entrepreneurs shall harmonize their operations with this Law within 24 months from the date of enactment of this Law.

(2) The holder of PCBs, waste PCBs and equipment containing PCBs shall submit the data from records referred to in Article 57, paragraph 2 of this Law to the Agency no later than 90 days from the date of enactment of this Law.

(3) Separation of PCBs from equipment and decontamination of equipment containing PCBs may be carried out no later than by 31 December 2020.

(4) Equipment containing PCBs may be used by 31 December 2020 at the latest.

(5) Equipment containing PCBs may be used after the expiry of the period referred to in paragraph 4 of this Article, provided that it is decontaminated.

(6) Companies and entrepreneurs exporting hazardous waste shall be entered into the register referred to in Article 82, paragraph 1 of this Law, by 1 June 2012.

### Article 94

(1) National Waste Management Plan in accordance with this Law shall be passed by 31 March 2013.

(2) Until the adoption of the plan referred to in paragraph 1 of this Article, the National Management Plan in force shall apply until the entry into force of this Law.

(3) Local waste management plans shall be adopted within six months from the date of the plan referred to in paragraph 1 of this Article.

## **Article 95**

- (1) The waste producer shall prepare a waste management plan in accordance with this Law within three months from the date of the bylaw referred to in Article 27, paragraph 2 of this Law.
- (2) Until adoption of the plans referred to in paragraph 1 of this Article, the plans in force shall apply until the entry into force of this Law.

## **Article 96**

- (1) The location for temporary storage of municipal waste collected within the jurisdiction of local government shall be regulated in accordance with Article 78 paragraph 4 of this Law by 30 June 2012.
- (2) Temporary storage of municipal waste referred to in Article 78 of this Law shall be carried out not longer than by 31 December 2016.

## **Article 97**

- (1) Reuse and recycling of paper, metal, plastic, glass and non-hazardous construction waste in the percentages referred to in Article 14 of this Law shall be achieved by 2020.
- (2) In order to achieve the amount of biodegradable municipal waste which is disposed to landfill referred to in Article 20, paragraph 1 of this Law, the percentage level of biological biodegradable waste in the amount of:
  - 75% of the total mass of biodegradable waste produced in 2010 shall be reached not later than by 2017;
  - 50% of the total mass of biodegradable waste produced in 2010 shall be reached not later than by 2020;
  - 35% of the total mass of biodegradable waste produced in 2010 shall be reached not later than by 2025.

## **Article 98**

The competent authority of local government shall, within one year from the date of enactment of this Law, make a list of uncontrolled landfills in their area, prepare a plan for remediation of these sites and incorporate it into the local plan referred to in Article 94 paragraph 3 of this Law.

## **Article 99**

- (1) Permits and approvals issued by the entry into force of this Law shall be valid until the expiration of the given period.
- (2) Companies and entrepreneurs who are licensed for the collection and transport of waste

based on permits issued pursuant to the Law on Waste Management ("Official Gazette of the Republic of Montenegro" 80/05 and "Official Gazette of Montenegro" 73/08) shall be entered by the Agency in the register of collectors, or transporters of waste, within six months from the date of the by-law under Article 37 paragraph 4 of this Law.

#### **Article 100**

The procedures initiated before the entry into force of this Law shall be finalized in accordance with regulations in force until the entry into force of this Law.

#### **Article 101**

Upon the entry into force of this Law, the Law on Waste Management ("Official Gazette of the Republic of Montenegro" 80/05 and "Official Gazette of Montenegro", 73/08) shall be repealed.

#### **Article 102**

This law shall enter into force eight days after its publication in the "Official Gazette of Montenegro".

Number 27-3/11-2/12  
EPA 714 XXIV  
Podgorica, 23 December 2011

**The 24<sup>th</sup> Parliament of Montenegro**

President,  
Ranko Krivokapic, p.m.