

03. WASTE MANAGEMENT

OVERVIEW

In 2018, the Ministry of Environmental Protection continued to improve the activities in the area of waste management with emphasis on hazardous waste. Due to the actions organized by several institutions, several locations with irregularly stored hazardous waste, hazardous to the environment and health, were found. The hazardous waste found has been handed over to reliable operators for further treatment and legal proceedings against the responsible persons have commenced. In order to address the problem the illegal disposal of hazardous waste, the Ministry of Environmental Protection launched a media campaign and opened communication channels with citizens, through which such problems can be reported.⁶⁶

The control of issued permits for waste management activities has been announced and partly carried out by the Ministry, which is an indication of the initiative to introduce order in this area and prevent further deterioration of the environment and human health.

The issuance and control of permits for hazardous waste management activities is under the jurisdiction of the Ministry, while local governments have the authority to issue permits when it comes to inert and non-hazardous waste on their territory. In practice, local governments often encounter hazardous waste as well as waste of unknown composition, so it is of great importance to achieve synergy of inspections and services at all levels, as well as their further strengthening, both in the number of inspectors and their levels of continuing training and equipping.

The registry issued 2116 waste management licenses at the end of July 2018. The number of licenses has increased in relation to the same period of 2017, but it has decreased compared to 2016. The reason for the reduction is that the license period is 5 years and a certain number of operators having a permit for collection and transportation have not renewed the licenses; and certain permits have been seized.⁶⁷

The manufacturer, i.e. the owner and/or other license holder and anyone who takes hazardous waste, has the obligation, for each movement of such to fill in and submit a form, i.e. the document on the movement of hazardous waste. This has been the requirement since March 2017. Since the Regulation⁶⁸ was adopted at the end of 2017, 35.800 hazardous waste movements were reported in the Republic of Serbia. In 2018, up until June the 25th, 2018, 33,436 hazardous waste movements were reported. Every day, between 200 and 250 new movements of hazardous waste are reported.⁶⁹

66 <http://www.ekologija.gov.rs/>

67 Ministry of Environmental Protection, Environmental Protection Agency (2018) : *Waste Management in the Republic of Serbia from 2011 to 2017*, <http://www.sepa.gov.rs/download/otpad2011-2017.pdf>

68 <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2017/17/4/reg>

69 Ministry of Environmental Protection, Environmental Protection Agency (2018): *Waste Management in the Republic of Serbia from 2011 to 2017*, <http://www.sepa.gov.rs/download/otpad2011-2017.pdf>

The total amount of generated waste in 2017 was about 11 million tons. The increased quantities of waste in 2017 were due to the increase in the number of treatment plants and the increased amount of waste generated by thermal power plants and the companies which produce raw iron, steel and ferroalloys. The share of hazardous waste in the period 2011 - 2017 ranged from 0.6% to 1.2% in relation to total produced waste. In 2017, the share of hazardous waste in the total amount of waste was less than 0.7%. The total amount of hazardous waste in 2017 is 11.2 kg/apartment/year.⁷⁰

When it comes to municipal waste, Serbia must improve its system of collection, separation, treatment and disposal as the existing system is unsustainable and harmful to the environment and human health. Particular efforts need to be made in order to divide hazardous and municipal waste.

The state of municipal waste, which in most cases is handled by Public Utility Companies (PUC), is best illustrated by the fact that in 2017, only 103 local self-governments submitted data on the quantities and composition of collected communal waste. For others who failed to fulfill their obligations under the law, an assessment was made, but no action to overcome this situation has been undertaken by the competent authorities. In 2017, the increase in the value of the quantities of generated and collected municipal waste continues with a slight increase in the scope of its collection.

According to data received from local governments that were submitted to the Environmental Protection Agency by completing the Questionnaire on Landfills on their territory, the PUC arranged waste disposal on 123 landfills (waste dumps). These are mostly landfills for which, according to the Waste Management Strategy, need to be sanctioned and closed as they do not meet minimum technical standards. Please note that this number is not definite since 44 local self-government units did not send any data on the number of dump sites on their territories.⁷¹

The Annual Waste Report is submitted to the Environmental Protection Agency by the 31st of March of the current year for the previous year, therefore the report contains data for 2017.

According to the reported data for 2017, 5413 companies were registered. On the day of cross-section (April the 26th, 2018), the number of companies that reported-submitted the Annual Report rose to 5959 enterprises. At the beginning of April 2018, 5564 notifications were sent to companies that did not submit the Annual Report notifying them of their obligation to do so and as a result the number of reports submitted by June the 4th 2018 rose to 7398.⁷²

The management of packaging and packaging waste is regulated by the Law

70 *Ibid*

71 *Ibid*

72 *Ibid*

on Packaging and Packaging Waste.⁷³ In 2017, six operators carried out packaging waste management for 1859 legal entities or entrepreneurs who place packaged products on the market of our country. By April the 26th, 2018, the Environmental Protection Agency had received 256 reports from legal entities or entrepreneurs who had not transferred their obligation to the operator for the management of packaging waste and therefore will be charged by the Environmental Protection Fund for packaging waste management. According to available data, the total quantity of packaging placed on the market of the Republic of Serbia in 2017 was 357,918.9t.⁷⁴

Attention is also paid to single-use plastic bags. The estimation is that about two billion plastic bags are used annually in Serbia. Due to their large number and the problems that arise due to their inadequate disposal, the Minister of Environmental Protection sent a proposal to retail store chains to charge for them. This proposal was welcomed with approval and they started to be sold in individual stores in April. The selling of plastic disposable bags led to a decrease in their consumption by up to 50 percent. What remains a mystery is what happens to the funds that have been collected in this way, did they contribute to the increase in the profit of companies or did the companies invest the realized profit in the protection of the environment.

LEGISLATIVE FRAMEWORK

This year, a special emphasis in the field of waste management has been laid on changing the procedures for issuing licenses in order to fulfill the obligations prescribed by the Law on Waste Management⁷⁵. Thus, two new documents have been adopted:

- The Rulebook on the Content of Documentation submitted in support of the application for the permit for import, export and transit of waste⁷⁶
- The Rulebook on the Form of Application for the Issuance of a Permit for the Storage, Treatment and Disposal of Waste⁷⁷

Furthermore, the Regulation on the Approximation of Conditions was passed on the 30th of March, 2018 in order to improve the waste management functioning which need to be fulfilled by; the Beneficiaries of Funds, Conditions and Methods of Distribution of Funds, Criteria and Measures for Evaluating the Requests for the Distribution of Funds, the Manner of Monitoring Over the Use of Funds, and Contracted Rights and Obligations, as well as other relevant issues regarding allocation and use of the funds of the Green Fund of the Republic of Serbia.⁷⁸ This regulation stipulates the conditions for the use of financial resources as well as the manner of monitoring received funds

73 "Official Gazette of the Republic of Serbia", No.36/09

74 Report on the management of packaging and packaging waste in 2017

75 "Official Gazette of the Republic of Serbia", No. 36/2009, 88/2010, 14/2016 and 95/2018 – state law

76 "Official Gazette of the Republic of Serbia", No. 038 since May 18, 2018

77 *Ibid*

78 "Official Gazette of the Republic of Serbia", No. 35 since March 30, 2018.

in order to encourage the operator to perform at a higher level of recycling, and therefore achieve national goals more effectively.

Pursuant to Article 15, paragraph 2 of the Regulation on products that become specific waste streams after use, on the daily log form for the quantity and type of products produced and imported and on the annual report, on the method and time frame for submitting the annual report, on the fee payers, the calculation criteria, the amount and the method for the calculation and payment of fees⁷⁹ on June the 4th, 2018, the Rulebook on Harmonized Amounts of Compensation for Management of Special Waste Streams was adopted.⁸⁰

In accordance with the planned dynamics of Serbia's negotiations with the EU, the Ministry of Environmental Protection has developed 5 draft DSIPs⁸¹ for the sectoral waste area:

DSIP for the Waste Framework Directive

DSIP for the Landfill Directive

DSIP for the Packaging and Packaging Waste Directives

DSIP for the Directive for Waste domestic and Car Batteries

DSIP for the Waste Electrical and Electronic Equipment Directive

The full transposition of sectoral laws and bylaws is planned for 2020/2021. CSO representatives were involved in the work of some sectoral working groups.

THE IMPLEMENTATION OF LEGISLATION

Establishing a more efficient regulatory framework for waste management is of utmost importance for environment conservation, as well as for the process of Serbia's accession to the European Union. The principle of the producer's extended liability implies that liability does not end once the product is released onto the market, but rather after it has been used, i.e., until the waste has been generated.

On the website of the Environmental Protection Agency, there are companies that have not fulfilled their legal obligation, i.e. did not submit regular annual reports and did not pay a fee for special waste streams. In the Regulation the obligations of the producer of waste are defined in relation to the following; products that become special waste streams after use, on the daily log form for records on the quantity and type of manufactured and imported products and on the annual report, payers of compensation, criteria for calculation, amount and method of calculation and payment of compensation⁸².

79 "Official Gazette of the Republic of Serbia", No. 54/2010, 86/2011, 15/2012, 41/2013 – other rulebook and 3/2014

80 "Official Gazette of the Republic of Serbia", No. 45/2018-25, 67/2018-55

81 DSIP (Directive Specific Implementation Plan)

82 "Official Gazette of the Republic of Serbia", No. 54/2010, 86/2011, 15/2012, 41/2013 and other rulebook 3/2014

The Ministry of Environmental Protection has adopted a new Regulation on Harmonized Fees for Environmental Pollution⁸³ that entered into force on June the 21st, 2018⁸⁴.

The Regulation was passed in order to implement the following provisions: the Regulation on Pollution Types, the Criteria for Calculating Environmental Pollution Charges and Defining Payers, and the Amount and Manner of the Charge Calculation and Payment⁸⁵ which determine pollution types and the criteria for calculating environmental pollution charges including the amount and manner of the charge calculation and payment.

The Ordinance is issued every year due to the fact that, pursuant to Article 21, paragraph 2 of the Regulation, the fees are adjusted on the above bases annually to be in line with the consumer price index according to the data of the republic organization responsible for statistics. The Ordinance prescribes harmonized amounts of environmental pollution charges, such as: charges for the emission from individual sources of pollution, for produced or disposed waste, for substances that damage the ozone layer and for plastic bags.

The least progress in the implementation of regulations was made in the field of communal waste and compliance with regulations by Public utility companies. Land-fill fires are becoming more frequent, while the competent institutions and inspections remain dormant while the health of citizens is directly threatened.

FINANCING

The public had the opportunity to know the sum needed for the implementation of all regulations in this area. The final word on the exact costs and sources of funding should be provided by the new Waste Management Strategy and the final version of the Directive Specific Implementation Plans (DSIP) of the EU Directive for which it is necessary to request transitional periods. In addition, waste management will be majorly impacted by decisions regarding the introduction of a deposit system for certain types of packaging waste.

The fact is that a large part of the funds collected in the name of “ecological” fees and charges does not return to the environmental protection system, and consequently it does not become part of the waste management budget. This is the case not only at the national level but also at the local levels. This lack of political will to invest “green” money in solving problems in environmental protection leads to delaying the resolution of the problem and its growth, as well as to causing further damage to human health and the environmental.

83 “Official Gazette of the Republic of Serbia”, No. 45/2018 since June 13, 2018

84 “Official Gazette of the Republic of Serbia”, No. 43/2017

85 “Official Gazette of the Republic of Serbia”, No. 113/2005, 6/2007, 8/2010, 102/2010, 15/2012 and 91/2012

RECOMMENDATIONS

Legislative framework

- Improve the waste management control system with special emphasis on the movement and disposal of waste.
- Improve the legal framework to establish more rigorous control of the system operators and greater transparency of their work.
- Develop partnerships with the civil sector and include them in the process of drafting new regulations and monitoring the application of existing ones.
- Suspend all activities related to the amendment of the Law on Waste Management, which would “legalize” the import of waste for the purpose of co-processing and its reuse as an alternative fuel.
- Improve the legal framework to enable the effective implementation of extended liability principles.
- Review the regional plans and the national Waste Management Strategy, which will continue in parallel with the implementation of infrastructure projects for the construction of landfills.
- Adopt a strategy in the management of waste sludge in Serbia, which is planned to be completed by the end of 2019.
- Apply the “*polluter pays*” principle in the field of the Law on Waste Management because currently it is an unfinished legal definition that lacks mechanisms for the producer’s extended liability.

The implementation of regulations

- Create an economic model that will motivate local governments to dispose of waste on sanitary landfills and accelerate the process of closure and remediation of illegal landfills/dumpsites.
- Provide prerequisites for the application of the waste management hierarchy principles with emphasis on waste prevention, and reuse and recycling of waste.
- Provide a public reporting system for emissions from the landfills/dumpsites operated by the PUCs.
- Ensure the implementation of the “*polluter pays*” principle and implement the bond industry’s inspection process to ensure true reporting.

- Improve public awareness of the importance of establishing a waste management system and the harmful consequences of inadequate waste management on human health and the environment.
- Develop capacity of institutions at all levels to monitor and enforce the implementation of regulations.
- Develop an efficient judicial system, capable of monitoring and effectively implementing regulations in the field of waste management.
- Some local governments have not adopted a waste management plan or a plan for remediation of non-sanitary landfills and dumpsites and, for that, they have not suffered any penal provisions prescribed by the Law on Waste Management. Introduce penalties for local governments that do not have a waste management plan and do not regularly submit data to the Environmental Protection Agency.
- Leasing of chemicals, i.e. the supply of essential chemicals within the context of a circular economy (making as little waste as possible).
- The ban on the export of hazardous waste from 2020 causes a problem, work on solving it.
- Introduce penalties for municipalities that do not send reports and data to the Environmental Protection Agency.

Financing

- Provide funds for financing landfill/dumpsite rehabilitation projects, the introduction of selective waste collection, the construction of transfer stations and the construction of sanitary landfills.
- Provide information and education resources on the importance of establishing a waste management system and, in partnership with CSOs and the media, inform and educate the public.
- Introduce economic tools for reducing waste that goes to landfills without any treatment.
- Introduce a deposit system for packaging waste.
- Introduce an umbrella insurance policy to hazardous waste operators so that, in the event of revocation of the license, the insurance will bear the costs of remediating hazardous waste and incurred damages.