

**MINISTRY FOR ENVIRONMENT AND PHYSICAL  
PLANNING**

**PROPOSAL TO THE LAW FOR  
PACKAGING AND PACKAGING WASTE  
MANGEMENT**

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# PROPOSAL TO THE LAW FOR PACKAGING AND PACKAGING WASTE MANGEMENT

## I. GENERAL PROVISIONS

### Article 1 Subject of Regulation

(1) This law regulates the requirements for protection of the environment that have to be fulfilled by the packaging at its production, before its release on the market and put in use; and handling with packaging waste which comprises the obligations and responsibilities of the economic operators and other subjects that participate in the production process, release on the market and putting into use the packaging; rules for collection; reuse, processing and disposal; as well as other conditions for handling with packaging waste; notification and economic instruments for achievement of the national aims for collection and packaging waste processing.

### Article 2 Subsidiary application of other laws

- 1) Regarding the issues which are related with the rules packaging waste management that are not separately regulated by this law, the provisions from the Law on waste management are applicable.
- 2) For regulating the issues that are related to: access to information which concern the environment, participation of the public in the decision making process, evaluation of the influence of certain strategies, plans and programs over the environment, evaluation of the influences of certain strategies, plans and programs to the environment, evaluation of the influence of certain projects to the environment, the provisions from the Law on Environment are applicable, unless it is otherwise determined by this law.

- 3) For the procedures defined by this Law, the Law on general administrative proceeding is applicable unless it is otherwise determined by this law.

### Article 3 Objective of the Law

In accordance with the principle for sustainable development, the objectives of this law are as follows:

- To prevent the production of packaging waste;
- To reduce the quantity of packaging waste;
- To reduce and limit the use of harmful metals and substances in the packaging and by that to reduce the toxicity of the packaging waste;
- To prevent or to reduce the negative influence over the environment by the packaging waste and to secure high level of environmental protection;
- To attain high level of reuse of the packaging;
- To attain high level of recycling and other types of processing of packaging waste and reduction of the end removal of the packaging waste;
- To secure conditions for establishing return systems, selection, collection, reuse, processing and recycling of the packaging waste;
- To secure conditions for establishing and development of a market for processing and recycling of the packaging waste;
- To secure equal position on the market among domestic and foreign legal and natural entities and to avoid trade barriers that can disrupt the market.

### Article 5 Law enforcement

(1) The provisions from this law are applicable to all packaging being produced and released on the market on the territory of Republic of Macedonia, and to the entire packaging waste that has been created by performing a production, industrial, craft, trade, service, administrative and other economic activity: to the packaging waste created in the households and/or at other places of the territory of the Republic of Macedonia,

regardless of its origin, use and type of packaging material and of the packaging waste.

(2) The provisions of this law do not exempt the application of the provisions that regulate the packaging quality, safety, hygiene and sanitary protection, health protection and safety of packaged products, as well as the rules related to the transport of the products and waste handling and packaging waste.

(3) All measures, standards and objectives that are defined with this law are applicable as minimum requirements that have to be fulfilled at management with waste and packaging waste.

(4) If by another law measures, standards and environmental objectives have been defined, at management with packaging and packaging waste the more severe measures and standards are applied in order to protect the environment and achieving the environmental objectives.

## Article 5 Definitions

Certain terms used in this law have the following meaning:

1. Packaging represent all products made of any kind of material that are used for preserving, protection, handling, delivery and presenting of goods, from the producer to the user or consumer, regardless of the fact whether the goods is a raw material or finished product.

“Non returnable” objects that are used for the same purposes, also, will be considered as packaging, including the auxiliary assets which help to wrap up, connect and/or use of the goods, labeling of the goods, preparing for delivery or closure of the goods.

The packaging can be:

1.1 Sales or primary packaging (further more referred to as sales packaging) is a packaging made in such manner that it represents a unique unit for the end user or consumer at the place of sales. This includes glasses, cups, plastic bags, cans, bottles, plastic bottles, tubes, boxes, boards, pipes and other or other similar packaging with the comprising parts that wrap or contain the basic sale unit of the good intended for sale for the end user or for the consumer, at the place of sale and protect the goods from damaging or pollution. The dishes and dinner set for one use also represent a primary packaging.

1.2 Group or secondary packaging (furthermore referred to as group packaging) is a packaging made in such manner which, as a group, wraps or holds together a bigger number of basic sale units with primary packaging from the same or different kind of goods at the place of purchase, regardless if it is sold to the end user or consumer as a group or are sold separately by sale unit or serves as mean for delivery to the place of sale. The group packaging can be removed from the sale unit without effecting on its characteristics. This includes foils, boxes and similar materials for enfolding or other packaging whose comprising parts are intended for distribution, storage, transport or delivery of goods for sales to the end user or consumer. If the group packaging at the same time acts as primary packaging it is considered as sales packaging.

1.3 Transport or tertiary packaging (furthermore referred to as transport packaging) is a packaging made in the manner that it folds or holds together a larger number of base sale units with sales or group packaging, in order to ease the handling and transport of goods and to protect it from damaging when handling and transport. This includes barrels, cases, carafe, bags, pallets, boxes or other similar packaging. If the transport packaging at the same time acts as primary packaging it is considered as sales packaging. Containers, which are used for transport of goods in the road, rail, sea or air traffic, do not represent a transport packaging.

1.4 When necessary, the qualification for which object will be considered as “packaging” will be performed also through the implementation of the following criteria:

a) An object will be considered as packaging if it fulfills one of the definition for packaging given under point 1 from this paragraph, regardless of the other functions that can own, under the condition that the packaging is an integral part of the product and is necessary for preserving of its content, supports or protects the product during his entire life cycle and all elements of the packaging are intended to be used, spent and removed together with the product.

b) An object that is designed or intended to be filled with content on the place of sale and object intended for “for one use only” which is sold, filled or is designed and intended to be filled on the place of the sale will be considered as packaging if it fulfills one of the definitions for packaging given under point 1 from this article.

c) The comprising parts of the packaging and the auxiliary elements installed in the packaging are considered as part of the packaging to which they have been installed. The auxiliary elements that are directly hanged, or attached to one of the products, and which perform a function of the packaging are considered as packaging, unless if they are an integral part of

that product and if all elements are intended to be used or to be removed together with the product.

The Minister for environment will announce a list with illustrative examples for easier defining of which object will be considered as “packaging” and is in accordance with the criteria given in point 1.4 of this article.

2. Packaging waste represents every packaging or material for packaging that is included in the definition for waste according to the Law on waste management, except the remaining created during the production of the packaging.

3. Packaging waste that represents communal waste is a waste from sales and group packaging, which evolves as waste from households or waste from industrial, crafts, service or other activities who by its nature and by its composition is similar to the waste form the households.

4. Packaging waste which does not represent communal waste is the waste from sales, group or transport packaging that evolves as waste when performing of production, industrial, crafts, trade, service, administrative and other economic activities and by its nature and according to its composition is different from the waste from the households.

5. Packaging waste management is a group of activities, measures and decisions intended for management and dealing with waste in accordance with this law and by the regulations that regulate the management and dealing with the waste.

6. Prevention refers to the reduction of the quantity and of the negative influences on the environment, especially with the development of “clean” products and technologies, from:

- Materials and substances included in the packaging and in the packaging waste, and
- Packaging and packaging waste that evolves during the production process and in the phases when released on the market, putting into use, distribution and removal.

7. Reemployment of the packaging stands for every proceeding by which the packaging was designed (concept) and designed in such manner that during its life cycle, with the help or without auxiliary packaging products, will be once or multiple times re-employed and/or once or multiple times can be re charged for the same or similar use for which was in the first place made. This re-employed packaging becomes packaging waste from the moment when it will not be an object of reemployment.

8. Renewal stands for every operation of processing that can be implemented in accordance with the provisions of the Law on waste management.

9. Recycling of the packaging waste stands for every processing of the packaging waste in the production process as secondary raw material for production of new packages intended for the same or other objective, including the organic recycling, but excluding the energetic processing.

10. Energetic processing of packaging waste stands for every operation of processing by which the packaging waste combustion is made together with or without other waste for the purpose of energy production and use of the gained heat energy.

11. Organic recycling of the packaging waste stands for aerobic (composting) or anaerobe (bio – methanization) processing in controlled conditions and with the use of microorganisms for the part of the packaging waste that can be biologically dissolved, by which a stabilized organic residual or firedamp is being produced. The removal of the packaging waste at landfill is not considered as organic recycling.

12. Removal of the packaging waste stands for every operation that can be implemented in accordance with the provisions of the Law on waste management.

13. Economic operators related with the packaging management and packaging waste are:

- Producer of the packaging is a legal or natural entity that produces, imports and/or releases on the market packaging and their converters, as its economic activity;
- Producer is a legal or natural person which, in accordance with the law regulations, packages goods or fills goods into packages, produces as well, imports and/or releases on the market goods that are packaged in packages, as its own activity (furthermore referred to as the producer);
- Small producer is a legal or natural person which, in accordance with the law regulations, packages goods or fills goods into packages, produces as well, imports and/or releases on the market goods packed in packaging in the quantities in accordance with article 17 from this law;
- Tradesman is a legal or natural person which, in accordance with the law regulations, performs trade activity and purchases materials for the packaging production, packaging and packed goods for the purposes of sale to the end user;

- End supplier is a legal or natural person which procures packaging or packaged goods directly to the end user i.e consumer, regardless of whether that person is at the same time a producer, packager or retail seller;
- End user is a consumer which due to the end use or consumption of the packaged goods, separates the goods and/or empties the packaging and in that way creates packaging waste and a tradesman who, due to the further use of the goods, separates the goods and/or empties the packaging and in that way creates waste from the group or transport packaging;
- Legal entity for dealing with packaging waste is a legal or natural person which, in accordance with this law has obtained a license for handling with the packaging waste in accordance with article 21 paragraph 2 from this law;
- Independent handler with packaging waste (furthermore referred to as independent handler) is a legal or natural person which, in accordance with this law has obtained license for independent handling of packaging waste in accordance with article 24 paragraph (2) from this law;

14. Voluntary agreement is a formal agreement that has executive clauses and is concluded between, on one side, the bodies and organizations that represent certain interests of economic operators, groups of economic operators and single economic operators, and, on the other side, the Government of the Republic of Macedonia, in order to achieve the objectives of this law defined in article 2 and the objectives from article 33 of this law, which is open for acceding of all legal and natural persons that wish to fulfill the conditions stipulated in the contract. Pursuant to this law, the Voluntary agreement is open to the public.

15. Composite packaging (composite) is a packaging comprised of several layers of different materials that can not be manually separated or in any other way to be separated.

16. Re package is a package which can be secured with a safe return by bail and it can be reused.

17. Return of packaging stands for an activity that secures a return receipt of the packaging waste that does not endanger the people's health and does not implement processes or methods that would be negative for the environment.

18. Advisedly entry is an activity where a substance or material are advisedly used at formulating the package or on the components of the packaging whereas its constant presence in the end packaging or in the component of the packaging is desirable in order to achieve specific characteristics, appearance or quality of the packaging. Use of recycling materials as raw materials for production of new materials for packaging, where part of the recycled materials can contain quantities of regulated substances and materials, is not considered as advisedly entry.

19. Accident presence is the presence of metal as deliberately intakes ingredient of packaging or part of packaging.

20. The Administration for environment is the body that performs expert work in the field of environment, a body which is a part of the Ministry for environment and physical planning (furthermore referred to as expert body)

## Article 6 Axioms

(1) In accordance with the objectives for long term protections and sustainable use of natural resources and protection and enhancement of media and areas of the environment, management with packaging and packaging waste is being based on:

1. Axiom for producer's responsibility - the producer who when performing the economic activity creates and contributes towards the packaging waste making is responsible for taking measures for packaging and packaging waste management in order to eliminate and/or reduce up to the end possible measure the negative influence over the environment mediums and areas, which evolves as a result of the packaging waste created from its activity. In the sense of this axiom the packager is also considered as the producer of the packaging.

2. Axiom of evaluation of producer's life cycle – the producer of the goods that is packaged in package and as product is being released on the market is obliged to perform an evaluation of the product's life cycle and to design it in a way that a second use will be allowed as well as increased life cycle of the product and package, reduce of the waste and packaging waste making at the end of the product's life cycle and prevention of the negative influences over the mediums and areas of environment.

(2) In the packaging and packaging waste management, along with the axioms stipulated in this article, are being implemented the axioms stipulated in the Law on waste management and the Law on Environment accordingly.

## II. Requirements for environmental protection

### Article 7 Measures for hindering and prevention

(1) For the purpose of hindering and prevention of the creation of quantities of materials and hazardous substances contained in the packaging and packaging waste, the producer of the packaging and the producer in the production or at the import of the materials are obliged to use the best technologies and production procedures, that have been proved in the practice as good and available on the market and which, based on reasonable price, contribute for the:

- reduction of creation of packaging and packaging waste quantities;
- prevention and reduction of harmful / negative influences over mediums and areas of environment evolved as a result of the quantities and composition of the material of the packaging or packaging waste;
- prevention and reduction of harmful/negative influences over the mediums and areas of environment in the course of the production process, release on the market, sorting and use of the packages, as well as in the possessing and removal of the packaging waste.

(2) For the implementation of the measures from paragraph (1) from this article, the producer of the packaging and the producer that at an annual base have a production or use packaging greater than 30t are obliged to make a Program for hindering and prevention of packaging waste creation, which has to separately include quantitative objectives for hindering and prevention, measures for achieving the objectives and supervising mechanisms for control of the fulfillment of the objectives in accordance with the technical and economic possibilities.

(3) The Program from paragraph (2) from this article is prepared for the period of four years.

(4) In the case of a change of the activities of the subjects from paragraph (1) from this article they are obliged to prepare a new program.

## Article 8 Release on the market

A package can be released on the market under the condition that it fulfills the basic requirements stipulated in this law which relate to the production, package composition and the nature of the package, and of the packaging that can be reemployed, including the compatibility for processing i.e. recycling.

## Article 9 Implementation of standards in packaging and packaging waste management

(1) The package which is produced and that is released on the market in the Republic of Macedonia should be in accordance with the European and national standards.

(2) The package that fulfills the conditions stipulated in paragraph (1) from this article if it is produced in accordance with:

1. adjusted European standards adopted as national, and which relate to:

- criteria and methodologies for analysis of the package life cycle;
- methods for measurement and verification of presence of heavy metals and other dangerous substances and materials in the packaging and their dismissal in the environment from the packaging and from the packaging waste;

- criteria for minimum content of the material that is being recycled in the packaging for certain types of packaging;

- criteria for the recycling methods;
- criteria for composting methods and for the created compost, and
- criteria for package labeling

1. other national standards in the area of the quality of the packaging.

## Article 10

### Requirements in regards to production and packaging composition

(1) The packaging is formed in the way that the packaging volume and weight shall be limited to the minimum appropriate quantity for maintenance of the required level of security, hygiene and acceptance for the packaged product and for the consumer.

(2) The packaging should be designed, produced and sold in the manner that will enable reemployment or processing, including recycling, whereat the negative influence over the environment is leveled to minimum at removal of the packaging waste or its remaining created during the takeover of the operation for packaging waste handling.

(3) The packaging should be produced in the way that the presence of hazardous and other dangerous substances and materials, presence of heavy metals other dangerous materials and substances, such as ingredients of the packaging material or of any other of the packaging components, are reduced to minimum in relation to their presence in the emission, ashes or in the extract which is created at combustion or removal of the packaging, or is created at takeover of the operations for packaging waste handling.

## Article 11

### Requirements regarding the levels of concentration of heavy metals in the packaging

(1) The entire level of concentration of lead, cadmium, mercury and hexavalent chrome present in the packaging and its integral material or components must not surpass 100 milligrams per kilo mass in weight, except for the packaging which in total is made of lead crystal glass.

(2) The producer or the producer of the packaging together with the shipment of the packaging or the materials for the production of the packaging that releases at the market is obliged to poses data that the requirements from paragraph (1) from this article.

(3) Under exception from paragraph (1) from this article, the content of heavy metals can surpass the level of 100 milligrams per kilo mass in weight for glass packages, plastic crates and pallets that originate from recycled materials and if the heavy metals are not on purpose put in the production process i.e. are accidentally present.

(4) The subjects from paragraph (2) from this article are obliged to perform monthly controls of the presence of levels of concentration of heavy metals in the packaging.

(5) In the cases of surpass of the level of concentration of heavy metals from paragraph (1) from this article, in any of the twelve subsequent monthly controls performed on a standard and regular production surpasses the limit of 200 milligrams per kilo mass in weight, the producer of the packaging and the producer are obliged to submit a report made by an accredited institution to the expert body.

(6) The report from paragraph (5) from this article should include information about the measured values, description of the used methods for measuring, possible sources of presence of the levels of the portions of heavy metals and detailed description of the undertaken measures for reduction of the portions of heavy metals.

(7) The results from the performed measuring in the production processes as well as the used measuring methods should be kept at least four years and to be available at any time to the relevant inspection bodies at their request.

#### Article 12

Requirements in regards to the nature of the packaging which are intended for reemployment

The packaging that are produced with the purpose to be reemployed should fulfill the following requirements:

- the physical attributes and characteristics of the packaging should be such so that they secure appropriate quality of the packaging with the purpose of its reemployment in the conditions of use that can be normally predicted;
- to allow at processing of the used packaging, that the requirements in regards to the health and security conditions for protection at work are satisfied.
- to allow the packaging that can not further be reemployed to meet the conditions that should be fulfilled by the packaging waste.

#### Article 13

Requirements in regards to amenity of the packaging for processing and recycling

The packaging in regards to its compatibility for processing and recycling of the material should fulfill the following criteria:

- packaging that can be processed through operation of recycling must be performed in such way that when it becomes packaging waste, it would allow to be recycled in a certain weight percentage from the materials that are used in the production process which is intended for sale, in accordance with prevailing standards. Stipulation of this percentage can vary, regarding the type of material that the packaging is made of.
- Packaging that can be processed through operation for energetic processing, when it becomes packaging waste, has to have minimum caloric value in order to be allowed optimum production of energy.
- Packaging that can be processed through operations of composting, has to be made in a such a way that when it becomes packaging waste, has to have a biodegradable attribute which will not prevent separate collection and the process of composting or activity whereat it is implemented.
- The packaging that is produced from biodegradable materials, has to be elaborated in a such a way that when it becomes packaging waste, has to be of such nature that it would be possible to be subject of physical, chemical, thermal or of biological degradation, so that the major part from the final compost at the end will be degraded in to carbon dioxide, biomass and water.

#### Article 14

#### Packaging Identification and denoting

(1) The packaging is being identified and labeled in accordance with the natural attributes of the materials where from the packaging is being produced in order to ease the collection, reemployment and processing, including the recycling of the packaging.

(2) The packaging has to be identified and labeled with appropriate mark on the packaging itself or on its label and if the size of the packaging does not allow that, then the labeling will be given in the enclosed manual.

(3) The labeling has to contain the following data:

1. type of material used in the packaging;
2. reemployment availability if such exists; and
3. recycling i.e. processing availability if such exists.

(4) The label should be clearly visible and easy to read at sales and upon return of the packaging, durable and perm, even when the packaging is open.

(5) The Minister for environment and physical planning in accordance with the Minister for Economy will stipulate the manner of numeration and the abbreviations used as a basis for identification and denoting of the materials from which the packaging was made, as well as the form and content of the mark for handling the packaging.

#### Article 15 Information about the users of the packaging

(1) The producers are obliged in a appropriate manner to inform the seller and consumer about the important attributes of the product and its packaging in regards to the dangerous and harmful materials and substances which they contain and about the manner of dealing with the used products and with the packaging when it becomes packaging waste.

(2) The producers are obliged to every type of material which is used for production of the packaging itself that are released on the market to secure an evidence for the quantity of heavy metals from article 11 from this law.

(3) The producers are obliged to any type of packaging in which the goods is packaged or filled in, themselves or through the producers of the packaging to secure the evidence for the quantity of heavy metals from article 11 from this law.

(3) The producers of the packaging are obliged to secure for every type of material that is intended for production of the packaging to secure evidence about the quantity of heavy metals from article 11 from this law. .

### III. Handling with packaging waste

#### Article 16 Prohibitions

(1) It is forbidden that the packaging waste which is commercial waste and/or is not a communal waste, to be left and hand over on places marked for collection and selection of communal waste from households.

(2) The end user, who hands over or returns the packaging waste which is not commercial waste and/or it is not communal waste in accordance with this law, is obliged to keep it separately with the purpose of avoiding the possibility of it mixing with another type of waste and in order to be able to collect it and reemploy it, process or remove in accordance with this or other law.

(3) The end user is obliged, the packaging waste which is commercial waste and/or is not communal waste, and which he hands over or returns is not polluted with harmful or dangerous materials and other materials that do not represent packaging, if those materials are to prevent it from its reemployment or processing or the afore mentioned would only be possible by taking additional measures that have disproportionately high costs.

(4) The end user is obliged regarding the packaging waste which is polluted with dangerous or other materials which are not packaging, as the owner of waste to secure dealing with the aforementioned waste in accordance with the regulations for waste handling.

#### Article 17 Obligations of the producer

(1) The producer is obliged at its own expense to secure the fulfillment of the national objectives from article 35 from this law through collection and processing or recycling of the waste that was created from the packaging that he has released at the market of the Republic of Macedonia with:

- regular take over of the packaging waste which is communal waste in accordance with article 26 paragraph (3) from this law and to secure its reuse, processing or removal,
- Takeover and collection of the packaging waste from the end users and its reemployment, processing or removal.

(2) The producer, which at the same time is an end user, is obliged at its own expense to secure the fulfillment of the national objectives from article 35 from this law through collection and processing or recycling of the waste that was created from the packaging that he has imported at the market of the Republic of Macedonia.

(3) The obligations from paragraph (1) from this article are not valid for the packaging which is imported as packaging or as packed goods.

(4) The obligation from paragraphs (1) and (2) from this article does not apply to the subjects from the articles 30, 31, 32 and 33 from this law.

Article 18  
Handling with sales, group and transport packaging

(1) The producer of the packaging, the producer and tradesman are obliged the waste from group and transport packaging to immediately after the delivery of the goods or at its next delivery, to accept back the packaging free of charge, if the end user wants to return it. If the end user himself, takes the goods from the producer of the packaging, producer or the tradesman, can leave the waste from the group and transport packaging directly on the place of taking or to additionally return it free of charge.

(2) The obligations from paragraph (1) from this article are implemented also for the sales packaging which at the same time performs the function of group and transport packaging.

(3) The producer of the packaging, producer and tradesman are obliged to accept back the waste form sales packaging which is commercial waste and/or is not communal waste and to do so free of charge in the case when the end user wants to return it and for this kind of waste special manners of treatment have not been stipulated.

(4) For the enforcement of the obligations from paragraphs (1), (2) and (3) from this article the producer of the packaging, the producer and the tradesman are obligated to arrange a space and to secure equipment for selective collection of packaging waste if he has a sales space bigger than 200 square meters.

(5) The producer of the packaging, the producer and tradesman can temporarily stock the collected quantities of packaging waste separately in its closed or open space.

(6) The producer of the packaging, producer and tradesman that have a sales space less than 200 square meters can arrange a space and secure equipment for selective collection of the packaging waste.

Article 19  
Discharging – small producer

(1) The obligation from article 17 from this law is referring only to that producer, who has released annually on the market or imported in the Republic of Macedonia more than the following quantities and types of packaging:

- 800 kg glass;
- 100 kg plastic;
- 300 kg paper, cartons and multi layer packaging comprised of mostly paper or carton components
- 100 kg metal
- 100 kg wood
- 100kg other types of packaging

(2) The producer from paragraph (1) from this article is obliged to keep records in accordance with article 28 paragraph (3) and (4) from this law.

## Article 20 Collective handling with the packaging waste

(1) The producers the conduction of the obligations from article 17 of this law can achieve solely or by conclusion of a special contract for takeover of the obligations for handling with the packaging waste with a legal entity which in accordance with the regulations of this or other law secures handling with the packaging waste in their name and for their account (further more referred to as: legal entity for handling with packaging waste)

(2) The legal entity for handling with packaging waste is obliged to secure:

- Regular take over of packaging waste which is communal waste in accordance with article 26 paragraph (3) from this law;
- Regular take over and collection of packaging waste from the end users and
- Reemployment, processing or removal of the taken and collected quantities of packaging waste in accordance with lines 1 and 2 from this paragraph

(3) The legal entity for handling with packaging waste is obliged to obtain a license in accordance with article 21 from this law.

(4) The performance of the work from paragraph (2) from this law, the legal entity for handling with packaging waste can not perform independently and is obliged to entrust to third parties that are registered for the performance of such work and own appropriate licenses in accordance with this law or other law.

(5) The producer from paragraph (1) from this article is obliged to pay a certain price to the legal entity for handling with packaging waste with whom

he has made an agreement for the takeover of the obligations for packaging waste handling for the service related with the conduction of the obligations for handling with the packaging waste that the producer is creating.

## Article 21 Legal entity for handling with packaging waste

(1) The legal entity for handling with packaging waste can deal with the packaging waste in the name and for the account of the producers if it has made contracts for takeover of the obligations for packaging waste handling with producers that together release on the market or import in the Republic of Macedonia at least 30% from the primary, secondary and tertiary packaging in the course of one year and to own a permit.

(2) The legal entity for handling with packaging waste is obliged to obtain license for handling with the packaging waste from the Ministry for environment and physical planning based on a written request which particularly contains the following data:

- 1) Name/title and head office of the legal entity for handling with packaging waste;
- 2) Contracts concluded with the units of the local self government in accordance with article 26 from this law;
- 3) Time frame for which the license is required;
- 4) Charter of the legal entity for handling with packaging waste;
- 5) List with name, address, activity, number of the business subject and tax number of the producers from article 17 from this law in whose name and for whose account the handling with the packaging waste shall be done;
- 6) Evidence, that in the time of submitting the request, it has concluded contracts for takeover of obligations for handling with packaging waste with producers that together release on the market or import in the Republic of Macedonia at least 10% from the primary, secondary and tertiary packaging on an annual base and the manner in which it plans in a deadline of a year, from the day of receiving the license, to fulfill the condition from paragraph (1) from this article. 6 from this law, that have a contract, are the founders or with a contract are associated in a legal entity for packaging waste handling;
- 7) Registered mark on the packaging should it has the intention to use it as a guarantee to the participants in the system that it will be handling with that packaging waste;

8) Program for handling with packaging waste from article 22 from this law.

(3) Along with the documents from paragraph (2) from this article, and in regards to the packaging, the expert body if needed to request from the applicant to submit other additional data in accordance with this law and other law.

(4) Should there be a change in the data submitted with the license from paragraph (2) from this article; the legal entity for handling with packaging waste is obliged to notify the expert body the latest in two months from the moment when the changes occurred.

(5) The legal entity for handling with packaging waste is obliged, the latest till 31 march at the submission of the report for handling with packaging waste from article 27 from this law, to submit also to the expert body the list paragraph (2) point 5 from this article, whereat the registration in the evidence of the producers is made in whose name and for whose account is dealt with packaging waste.

(6) The legal entity for packaging waste is responsible for the regular handling with packaging waste in accordance with this law and for the achievement of the objectives form article 35 paragraph (1) from this law in the name and for the account of the producers from article 17 from this law with whom he has concluded a contract for takeover of the obligations for handling with packaging waste.

(7) The license from paragraph (2) from this article is being issued for the period of 5 years.

(8) The license from paragraph (2) from this article is being issued by the ministry for environment and physical planning based on a proposition of the expert body.

(9) The legal entity for handling with packaging to the producers from article 17 from this law with whom it has concluded a contract for takeover of the obligation for handling with packaging waste is obliged to issue a certificate for release from payment of the compensation from article 40 from this law.

Article 22  
Program for handling with packaging waste

(1) The program for handling with packaging waste obligatory contains the following data:

- Type of packaging for which the legal entity for handling with packaging waste organizes the packaging waste handling (hereinafter referred to as: system)
- Method of accomplishment of national objectives from article 35 from this law
- Foreseen method and scope of takeover and collection of packaging waste from the end users;
- Foreseen method and scope of regular takeover of packaging waste which is communal waste from the municipalities, municipalities in the city Skopje and the city of Skopje in accordance with article 26 from this law and plan for concluding future contracts with them, including the number of residents that will be included for the period of the validity of the program;
- Foreseen method and measures for notification of the public and end users in accordance with the article 23 paragraph (2) and (3) from this law;
- Number and locations of collection points and centers that are included in the system and name of legal and natural persons that are managed by;
- Type and capacity of assets and equipment, that are owned by the legal and natural persons which, as third parties in the sense of article 20 paragraph (4) from this law, will be included in the system for collection of packaging waste, whereat the collection will be made, temporary warehousing, sorting and other activities in regards to the packaging waste before reemployment, processing and removal of the packaging waste has been secured.
- The foreseen total annual quantity of total collected packaging waste and portion of the type of materials from article 40 paragraph (2) from this law and the portion of the collected packaging waste that is intended for reemployment, processing, recycling or exporting;
- Foreseen method and quantity of the total collected packaging waste which is intended for reemployment, processing and removal with a title of the legal entities which will perform their reemployment, processing or removal;

- Evidences that the functioning of the system is financially sustainable, financial plan for development and proof for the starting investments in the system and
- Method of bail enforcement, should it is being implemented;

(2) At setting the system and the preparation of the program from paragraph (1) from this article, the legal entity for handling with packaging waste is obliged to take into consideration the following items:

- Population density and quantity and type of packaging waste which is communal waste;
- Allocation of collection points and centers that have been included in the system for collection and takeover of the packaging waste;
- Demographic placement i.e. distance of the objects and capacities whereat the collected packaging waste is processed, (recycled and an energetic processing of the packaging waste is being made) and is removed.

(3) The program from paragraph (1) from this article is being made for the period of 5 years

(4) For the work from paragraph (2) from this article the legal entity for packaging waste is obliged to secure evidence that it has taken into consideration and accordingly regulated them.

(5) Collection, processing and removal of the packaging waste, the legal entity for packaging waste can only entrust to legal and natural persons that own appropriate licenses for waste handling in accordance with the Law on waste management, and to perform these actions in a manner and conditions as prescribed with the law and in objects and capacities that fulfill the legally prescribed conditions;

(6) With the exemption based on paragraph (5) from this article the legal entity for handling with packaging waste may by joining with the legal or natural persons from paragraph (5) from this article to participate in activities for packaging waste treatment that relate only to collection and sorting of the packaging waste per types, baling and preparation for further handling of packaging waste under the conditions stipulated with the Law on waste management.

## Article 23 Handling obligations

(1) The legal entity for handling with packaging waste when organizing the system for handling with packaging waste is obliged to secure that the collection points and centers are arranged in such manner that it will provide for the end users to leave the packaging waste and in the case when the take over of the packaging waste is not secured directly at the end users or at the last suppliers.

(2) The legal entity for handling with packaging waste is obliged in a appropriate manner to inform the public and end users for the intent and objectives of the collection of the packaging waste, for the proper handling with it and for the possibilities for free of charge turnover and return and possibilities for recycling and processing of packaging waste, including as well information for raising the responsibility for proper handling with packaging waste and about the manner in which they can deal with the packaging waste that is comprised on the system.

(3) The legal entity for handling with packaging waste in collaboration with the municipalities, city of Skopje and the municipalities in the city of Skopje is obliged at appropriate places to notify the public about the address of the collection points and centers that exist in the area of that municipality, city of Skopje or municipality of the city of Skopje that are included in the system, i.e. whereat the collection of the packaging waste is performed.

## Article 24 Independent handling with packaging waste

(1) The obligations from article 17 from this law the producers can achieve independently if they have obtained a license for independent handling with the packaging waste in accordance with paragraph (2) from this article and it is being recorded in the evidence at the expert body as producer that independently secures handling with packaging waste that he creates.

(2) The license from paragraph (1) from this article is obtained with appropriate implementation of the provisions of the article 21 and article 22 from this law.

(3) On the basis of the obtained license, the expert body issues and attests that the producer is registered in the producer's evidence as a subject that independently secures packaging waste handling from packaging that he creates (further on referred to as: independent packaging waste handler).

(4). The independent packaging waste handler is obliged to secure:

- Regular takeover of the packaging waste that he creates;
- Regular takeover and collection of the packaging waste from the end users;
- Reemployment, processing or removal of the taken and collected packaging waste quantity in accordance with the lines 1 and 2 from this paragraph.

(5) The independent packaging waste handler is obliged to fulfill accordingly the obligations from article 23 from this law and to submit reports in accordance with article 27 from this law.

#### Article 25 Keeping records

(1) The expert body keeps record of the legal entities that handle with the packaging waste, and who received license in accordance with article 21 from this law, as well as the producers from article 17 from this law that have concluded contract for takeover of the obligations for handling with packaging waste.

(2) The records from paragraph (1) from this article the expert body is obliged regularly to update and publish at its web site and at least once a year to publish in the official Gazette of the Republic of Macedonia

(3) The expert body keeps records of the independent packaging waste handlers from article 24 from this law and it is obliged to regularly update and to publish at its web site and at least once a year to publish in the official Gazette of the Republic of Macedonia.

(4) The blank form, form and content of the keeping of the evidence of the producer from paragraphs (1) and (3) from this article, as well as the blank form, form and content of the verification from article 24 paragraph (3) from this law is stipulated by the Minister for environment and physical planning.

#### Article 26 Obligation of the Mayor

(1) The Mayor of the municipality, the municipality of the city of Skopje and in the city of Skopje, is responsible for organizing the separate collection of the packaging waste which is communal waste at the area of the municipality, the municipality of the city of Skopje and in the city of Skopje

(2) The obligations from paragraph (1) from this article the Mayor can realize on the basis of a concluded contract with the legal entity for handling with packaging waste or with the independent packaging waste handler.

(3) With the contract from paragraph (2) from this article particularly are being regulated the internal rights and obligations of the contractual parties, conditions and the method for introducing the separate collection and treatment of the packaging waste, type of packaging, requirements in regards to the quality of the collected packaging waste, type of the collection system and if possible also the packaging waste handling, financing method and costs covering, method of informing the public and the end users as well as other issues of common interest.

(4) In the programs for packaging waste management and acts of the municipalities, municipalities of the city of Skopje and the city of Skopje which regulate the issue of handling with the communal and other type of non dangerous waste stipulated in accordance with the Law, and the objectives for packaging waste handling are compulsory taken into consideration in accordance with this law.

#### Article 27 Obligations for delivery of Reports

(1) The legal entity for handling with packaging waste, and the independent packaging waste handler for the packaging waste that they collect or takeover in the course of one calendar year are obliged to keep record that will prove that with the collection, reemployment, processing or removal the latest at the next year in order to achieve the objectives stipulated in article 35 from this law.

(2) The legal entity for handling with packaging waste is obliged at the latest until 31<sup>st</sup> March in the current year, to submit to the expert body an annual report on the packaging waste handling by the producers in whose name and for whose account it is responsible for the regular packaging waste handling in accordance with article 21 from this law, for the previous year that will particularly contain the following data:

1. about the quantity and type of packaging waste which is being released on the market in the Republic of Macedonia;
2. about the sales, group and transport packaging:
  - the quantity and type of packaging which is reemployed,

3. about the packaging waste which represents communal waste and packaging waste that does not represent communal waste:

- quantity and type of packaging waste that has been recycled or in any other way processed, and
- quantity and type of packaging waste that is exported from the Republic of Macedonia for processing.

4. Overall review of the packaging waste handling.

(3) The independent packaging waste handler is obliged to submit the annual report from paragraph (2) from this article to the entity that creates it.

(4) The reporting is performed in a manner stipulated in accordance with article 28 from this law.

(5) The annual report from paragraph (2) from this article before its submission to the expert body is compulsorily confirmed with an independent auditor.

(6) The expert body is obliged to approve the annual report from paragraph (2) from this article in the period of 60 days from the day of receipt.

#### Article 28

##### Keeping records for the quantities of packaging

(1) The producer from article 17 from this law is obliged to keep record about the type and quantity of the produced, imported and exported packaging in accordance with the type of material that was used for the production of the packaging which he has released on the market in the course of one calendar year and for the packaging waste handling from that packaging in written and in electronic form.

(2) The producer is obliged the latest until 31<sup>st</sup> March in the current year to submit to the expert body a report on the type and quantity of packaging that have been released or imported on the market in the Republic of Macedonia in previous calendar year and about the packaging waste handling from those packaging in a form for the annual report for packaging and packaging waste in written and in electronic form. In the record it is also enclosed and noted the evidence for the presence of heavy metals from article 15 paragraph (3) from this law.

(3) The producer is obliged for each product that has different packaging to prepare production specification that contains information about the

packaging weight of that product, including its secondary and tertiary packaging.

(4) The producer is obliged that on the base of the production specification from paragraph (3) from this article to keep monthly and annual evidence for the entire packaging that he has released on the market or has imported in the Republic of Macedonia as end user.

(5) The form and content of the annual report from paragraph (2) from this article, the form and content of the production specification from paragraph (3) from this article, as well as the method, form and the content for which the evidence is kept from paragraph (3) from this article is stipulated by the Minister for environment and physical planning .

(5) Should the producers have concluded contract with a legal entity for packaging waste handling in accordance with article 21 from this law, in that case the annual report form paragraph (2) from this article is submitted by that legal entity.

(6) The data from paragraph (1) from this article are kept for 5 years counted from the end of the calendar year for which they refer to.

(7) The first annual report from paragraph (2) from this article is submitted by the producers if they have not concluded a contract with a legal entity for packaging waste handling.

## Article 29 Deprivation of Licenses

(1) The expert body will start a proceeding for deprivation of license and will erase from evidence from article 25 from this law the legal entity for packaging waste handling and the independent packaging waste handler should by a report from a conducted surveillance it is determined that:

- does not secure packaging waste handling in accordance with this or other law;
- does not submit annual report in accordance with article 27 from this law;
- does not fulfill the national objectives in accordance with article 35 from this law successive in two years or in two years in the period of three years.

## Article 30

## Obligations of the end users and end supplier

(1) The producer, who at the same time is the end user, for the performance of its activity or activities, he alone imports packaged goods in a packaging and for this a prior mediator or supplier in the Republic of Macedonia does not exist, is obliged for the packaging waste that he creates, to secure handling for it in the following manner:

- to conclude contract with a legal entity for handling with packaging waste from article 21 from this law which in his name and for his account will provide reemployment, processing or removal of the packaging waste, or
- independently to deal with the packaging waste and will secure its reemployment, processing or removal in accordance with article 24 from this law.

(2) the end users are obliged the waste that they create to select and leave at the places determined for that purpose, or to give in to the legal entities or natural persons that own licenses for packaging handling, in accordance with the regulations for packaging handling.

(3) The tradesman who is at the same time an end supplier is obliged for the packaged goods that he is selling to secure:

- a written statement from the legal entity from which it buys the goods that he has concluded a contract with the legal entity which deals with packaging waste from article 21 from this law or that this legal entity is an independent handler with packaging waste in accordance with article 24 from this law,
- on the packaging a mark should be put which is in accordance with article 21 paragraph (2) line 7 from this law, or
- the packaging evolves in accordance with the articles 31, 32 and 33 paragraph (1) from this law.

### Article 31 Long - life packaging

(1) The producer is not obliged to secure packaging waste handling if they are releasing on the market or importing packaging with long - life duration.

(2) The packaging is considered to have a long life if at handling with it can not be easily damaged and to change its practical value from which it was produced.

(3) The minister for environment and physical planning closely stipulates the conditions from paragraph (2) from this article, as well as the types of packaging that serve as indicators that the packaging is with a long life.

#### Article 32 Exemptions from the handling

The small producer is not obliged to secure packaging waste handling in accordance with this law if the quantities of the packaging material from the producer which he has released on the market or imports them as end user, do not surpass the quantities on an annual level stipulated in article 19 paragraph (1) from this law.

#### Article 33 Packaging with closures and labels

(1) The producer is not obliged to secure packaging waste handling which evolves from closures or labels if they are releasing on the market closures or labels that have been released on the market together with the packaging, if the closures and labels weight together does not exceed 5% from the packaging weight. And do not surpass the quantity per packaging material from article 19 paragraph (1) from this law.

(2) If the closures and label together surpass the weight from paragraph (1) from this article, when they are calculated in the total weight of the packaging in accordance with the specification of the product from article 28 paragraph (3) from this law and in the total weight of the packaging that has been released on the market or is being imported in the Republic of Macedonia.

(3) In the case from paragraph (1) from this article, the packaging producer and the producer do not have any obligation to separately mark the closures and labels of the packaging if it is not possible to be done. In this case the marking, if possible, is put appropriately on a different part of the packaging of that product.

## Article 34 Bail

(1) In order to bolster the return and collection of packaging waste the legal entity for packaging waste handling or the independent packaging waste handler can introduce bail on return packaging which is charged on the point of sale of the packaged goods.

(2) The bail from paragraph (1) from this article can not exceed the amount of 30% from the sales price of the packaged goods

(3) The legal entity for packaging waste handling and the independent packaging waste handler are obliged to notify the expert body for the introduction of bail the latest six months prior to its introduction.

(4) In the notification from paragraph (3) from this paragraph compulsory contain the following data:

- type of packaging and packaged goods for which the bail is charged;
- amount of the deposit for the bail and its ratio with the price of the packaged goods;
- manner of foreseeing for bail charging;
- manner of giving notification to the public in regards to the introduced bail, and
- other data significant for the bail enforcement.

(5) The legal entity for packaging waste handling and the independent packaging waste handler are obliged, at the submission of the reports from article 27 from this law, to submit separate data about the collected waste from return packaging for which the bail is being paid.

(6) The legal entity for packaging waste handling and the independent packaging waste handler are obliged to make sure that the seller that has charged for the bail shall return it if the return packaging has been returned in accordance with article 50 from the law on waste management.

IV. National objectives for collection and renewal i.e. processing of packaging waste

## Article 35 National objectives for collection and processing

(1) On the territory of the Republic of Macedonia, the following amounts of packaging and packaging waste have to be collected and processed within the following time line:

- a) Till the end of 2020, minimum 60% of the packaging waste weight that was created on the territory of the Republic of Macedonia should be processed with renewal operations or with operations of energetic processing.
- b) Till the end of 2020, minimum 55% and maximum 80% of the packaging waste weight that was created on the territory of the Republic of Macedonia should be recycled;
- c) Till the end of 2020, the following quantities of materials from which the packaging is being produced have to be recycled:
  - 60% glass,
  - 60% paper and carton
  - 50% metals
  - 15% wood.
- d) Till the end of 2018, 22,5% plastics having in consideration only the materials that are recycled in plastics.

(2) The exported quantities of packaging waste will be calculated in realization of the obligations and fulfillment of the objectives stipulated in paragraph (1) from this article only if evidence exists that they were processed in a manner that is not dangerous for the environment and is equivalent to the manner stipulated in the regulations for the protection of the environment and waste management of the Republic of Macedonia

(3) The Government of the Republic of Macedonia at proposal from the minister for environment and physical planning stipulates year national objectives for graduate achievement of the objectives from paragraph (1) from this article that are prior adjusted with the Commission for packaging waste management from article 38 from this law.

(4) The objectives from paragraph (1) from this article the Government of the Republic of Macedonia at proposal from the Ministry for environment and physical planning can revise when necessary, but at least once per three years, in accordance with the program from article 36 from this law.

## Program for packaging waste management

(1) For achieving the objectives stipulated in article 35 from this law, at proposal given by the expert body, the minister for environment and physical planning enacts Program for packaging waste management (further more referred to as: Program)

(2) The program is referring to the period of at least five years and particularly contains

- Description and evaluation of the current condition in packaging waste management;
- Description of subjects that deal with packaging waste;
- Quantity and type of packaging waste that is created in the Republic Macedonia, as well as the future forecast and the trend of development in the upcoming five-year period;
- Measures for prevention of the creation of the packaging waste and measures for boost up of collection, selection, reemployment, processing, recycling and other forms of renewal, processing and removal of packaging waste;
- Measures for improvement of the condition on the market for processing and recycling of packaging waste;
- Economic measures;
- Measures for education and conduction of a campaign for raising the public awareness for handling with packaging waste;
- Review of the legal regulative for waste management and packaging waste and measures for its improvement;
- Directions for future development of packaging waste management;
- Objectives of quantities of packaging and packaging waste that have to be collected and processed in the future period, and
- Other questions that are of importance for the packaging waste management.

(3) The program is prepared with the participation of the subjects that manage the packaging waste, the commission from article 38 from this law, state bodies and local government, non governmental organizations and other public and scientific institutions.

(4) On the basis of the program, the national objectives stipulated in article 35 from this law will be changed.

## Article 37 Voluntary arrangement

(1) The economic operators can adjoin towards the conclusion of a voluntary agreement with the Government of the Republic of Macedonia through which they can regulate the mutual obligations and rights for achieving the same and major objectives from the one stipulated in article 35 from this law and achievement of the objectives from article 2 from this law.

(2) The Agreement from paragraph (1) from this article compulsory contains the following elements:

- Validity date;
- Objectives and deadline for their achievement;
- Mode of tracking of realization of objectives and deadlines stipulated in the contract;
- Obligations and rights of the economic operators and of the competent bodies of the state authorities;
- Terms and mode of termination of the obligations and mode of compensation of losses;

(3) The agreement from paragraph (1) from this article is announced in "Official Gazette of the Republic of Macedonia"

(4) The Agreement for paragraph (1) from this article, as well as the mode and results from its enforcement are available to the public.

### Article 38 Commission for packaging waste management

(1) For the purpose of following the condition of the packaging waste management in the Republic of Macedonia, the Government of the Republic of Macedonia has formed a Commission for packaging waste management (herein after referred to as: Commission)

(2) The Commission is comprised of 15 members the most, with a mandate of 3 years and is comprised of:

- One representative from the Ministry for environment and physical planning;
- One representative from the Administration for environment;
- One representative from the Ministry for finance;
- One representative from the Ministry of economy;
- One representative form the commercial association of the Republic of Macedonia;
- One representative from the Ministry of local self – government;

- One representative from each legal entity which is a packaging waste handler;
- two representatives of the independent packaging waste handler;
- one representative from the association of consumers of Macedonia;
- two representatives of legal and natural persons that have a license for waste handling;
- One representative from a non governmental organization that acts in the field of waste management.

(3) The commission reviews and gives its opinion upon:

- National objectives from article 35 from this law;
- Program from article 36 from this law;
- The condition of the packaging waste management;
- The enforcement of this law;
- Proposes measures for prevention and reduction of the quantity of packaging waste that is created in the Republic of Macedonia
- Proposes measures to stimulate the collection, reemployment, processing and removal of the packaging waste;
- Proposes measures for organizing of systems and modes for packaging waste management, and
- Other questions that are related with the packaging waste management

(4) The commission is run by the Minister of environment and physical planning.

(5) The administrative work of the commission is run by an expert body.

(6) The commission in regards to its work enacts a book of regulations

#### Article 39

##### Data base and Informative system

(1) The expert body is obliged to set and run a data base for the packaging and packaging waste that is released on the market in the Republic of Macedonia.

(2) The data base is run on the basis of the data in the submitted reports in accordance with article 27 and 28 from this law and particularly contains the following data:

1. about the quantity and type of packaging waste that is released on the market in the Republic of Macedonia

2. about the primary, secondary and tertiary packaging:
  - quantity and type of packaging that is reemployed,
3. about the packaging waste that accounts as communal waste and packaging waste that does not account as communal waste:
  - quantity and type of packaging waste that is processed and removed, and
  - quantity and type of packaging waste that is included in the part of the processed from point 2 line 2 from this paragraph, and which is recycled or processed in any other way.
4. Data about the attributes of the packaging waste (danger and harmfulness of the materials from which the packaging is being produced)

(3) Based on the data from paragraph (2) from this article, the expert body the latest until 30<sup>th</sup> May in the current year publishes a report on the quantities and type of packaging and packaging waste that is released on the market in the Republic of Macedonia, as well as for the packaging waste management.

(4) Along with the report from paragraph (3) from this article, the expert body announces data about the realization of the program from article 36 from this law as well as data about the existing systems for packaging waste management.

(5) The data that are collected based on this article are processed and validated by the Ministry for environment – Macedonian informative center for environment in Informative system for packaging and packaging waste, which is an integral part of the Informative system for environment.

(6) The Minister for environment and physical planning stipulates the method of running, form and specific content of the data base and the informative system for packaging and packaging waste.

#### Article 40 Economic instruments

(1) The producer that releases on the market in the Republic of Macedonia, packed goods from which when used a packaging waste is being created, as well as the producer who as the end user imports in the Republic of Macedonia packed goods from which when used a packaging waste is being created, is obliged to pay compensation for packaging waste management (hereinafter referred to as: compensation)

(2) The compensation from paragraph (1) from this article amounts:

	Type of material	Sub type of material	Amount
1	Glass		4500 den/ton
2	Plastic		20.000
			den/ton
3	Paper and carton		6200 den/ton
4	Multilayer packaging comprised of mostly paper or carton components	For drinks and other beverages	22.000 den/ton
		For other purposes	30.000 den/ton
5	Metal	Cans	8500 den/ton
		Other metal dish	6200 den/ton
6	Wood		4000 den/ton

(3) The compensation is calculated on the basis of the unit net –weight of the packaging calculated in accordance with the production specification from article 28 paragraph (3) from this law and evidence from the monthly evidence from article 28 paragraph (4) from this law.

(4) The obligation for calculating the compensation for the producer arises from the moment when for the first time he releases in the Republic of Macedonia packed goods from which when used a packaging waste is being created.

(5) The obligation for calculating the compensation for the producer who as the end user imports in the Republic of Macedonia packed goods from which when used a packaging waste is being created, starts from the moment when he started using the goods.

(6) The producer and the producer who as the end user imports packed goods is obliged the compensation from paragraph (2) from this article or the price for the service from article 20 paragraph (5) to calculate them in the price of the end product which he releases on the market.

(7) The producer the producer who as the end user imports packed goods is obliged the compensation from paragraph (2) from this article on a proper account within the of the treasury account on every fifteen day in the current month for all calculated compensations from the previous month.

(9) The compensation is not payable should the packed goods are exported;

(10) In the case of paragraph (9) from this article the producer and the producer who as the end user imports packed goods that invoiced the packed goods is obliged along with the invoice to enclose export customs declaration as proof that the aforementioned, for which the compensation from paragraph (2) from this article has not been calculated, and is exported from the Republic of Macedonia.

(11) In the case of export of packaging and packed goods for which compensation is charged defined with this article, for which priory compensation was charged from paragraph (2) from this article, the producer and the producer who as the end user imports packed goods have the right to return of the paid compensation for the exported quantity based on this resolution issued by the expert body.

(12) The resources from the compensation from paragraph (2) from this article represent an income of the Budget of the Republic of Macedonia and are paid on a separate account, within the treasury account.

#### Article 41

##### Exemption for compensation payment

(1) Exempted from payment of the compensation from article 40 paragraph (2) from this law are:

1) The producer and the producer who as the end user imports packed goods has concluded a contract for takeover of obligations for packaging handling with a legal entity for packaging waste handling that has a license in accordance with article 21 from this law;

2) The producer and the producer who as the end user imports packed goods has obtained a confirmation that the producer is registered in the evidence of the independent waste handler from article 24 paragraph (3) from this law, and

3) Subjects that are defined with article 31 and 32 from this law.

(2) The producer and the producer who as the end user imports packed goods from paragraph (1) point 1 from this article are being discharged from the payment of the compensation from article 40 paragraph (2) from this law if he possesses a confirmation from article 21 paragraph (9) from this law.

(3) The blank form, the form and the content of the certification from paragraph (2) from this article is stipulated by the minister for environment and physical planning.

(4) As an exemption from paragraph (1) from this article, the compensation from article 40 from this law is being paid in the doubled amount if:

1) the legal entity for packaging waste handling or the independent waste handler does not file a report in accordance with Article 27 from this law;

2) the expert body does not approve the report in accordance with article 27 paragraph (6) from this law, because of non-delivering of the national objectives stipulated in article 35 from this article. In this case the compensation is paid only for the difference between the national objectives defined in article 35 from this law and the achieved objectives in accordance with the annual report and/or the findings of the expert body, and

3) the producer has submitted false annual report in accordance with article 28 from this law in relation to the type and quantity of the packaging that were released on the market of the Republic of Macedonia or has imported as the end user.

(5) In the cases from paragraph (4) from this article the expert body reaches a resolution.

(6) Against the resolution from paragraph (4) from this article, the dissatisfied party has the right to plea to the minister for environment and physical planning.

(7) In the cases from paragraph (4) from this article, the doubled compensation is calculated in accordance with the amount of the compensation, defined in the article 40 from this law, proportionally to the portion of the type and quantity of the material of the packaging that was released on the market.

## Article 42 Use of compensation and financing program

(1) the funds collected from the compensation from article 40 paragraph (1) from this article are used for initiating activities for collection, transport, reemployment, processing and removal of packaging waste and for partially covering of the expenses for collection, renewal and processing of the waste from sales, group and transport packaging.

(2) The financing and realization of the activities from paragraph (1) from this article is made on the basis of the annual program for financing that the expert body has prepared based on the program from article 36 from this law.

(3) The annual program for financing is enacted by the minister for environment and physical planning.

(4) The granting of the funds from the program from paragraph (3) from this article is made on the basis of a public competition which is published and enforced by the expert body.

(4) As an exemption from paragraph (4) from this article, the funds from the program from paragraph (3) from this article can be granted also with a decision of the Government of the Republic of Macedonia on a basis of a proposal of the minister for environment and physical planning, if:

- The funds are allocated for the construction of infrastructure objects for collection, processing and removal of waste with a broader public interest;
- The allocation of funds is stipulated in the program from article 36 from this law;
- The funds are allocated for the fulfillment of obligations that are stipulated in the voluntary agreements from article 37 from this law, and
- Are allocated for partially cost covering of the legal entities that perform processing of the packaging waste calculated per unit price of one ton processed packaging waste

## Article 43 Public competition

(1) The funds that are allocated by a public competition from article 42 paragraph (4) of this article are allocated for financing and realization of:

- Projects for purchase of equipment for collection and processing of packaging waste ;

- Projects for obligation fulfillment that arise from the economic operators in accordance with this law;
- Projects for implementation of new technologies for the production of packaging that is more suitable for reemployment, processing and recycling;
- Projects for education and raising the public awareness of the citizens and economic operator for handling with packaging waste,
- Other projects that directly contribute for the realization of the objectives from article 35 from this article
- Programs and other projects for hindering and prevention according article 6 from this law, and
- Projects for the improvement of the state on the market for processing and recycling of the packaging waste.

(2) Public competition from article 42 paragraph (4) from this law is conducted by the commission formed by the minister for environment and physical planning.

(3) The commission from paragraph (2) from this article is comprised of five members whereat:

- One is representative from the expert body,
- One is representative from the legal entity that handles with packaging waste which is member of the Commission for packaging waste from article 36 of this law,
- One representative from the community of the units of the local self government of the Republic of Macedonia
- One representative from the ministry for environment and physical planning, and
- One representative from the legal entities that perform processing of the packaging waste.

(4) The public competition from article 42 paragraph (4) of this article is published in "Official Gazette of the Republic of Macedonia" and in at least two daily newspapers that are published on the entire territory of the Republic of Macedonia within a 30 days period.

(5) The commission from paragraph (2) of this article is obliged to reach a decision for allocation of funds within the period of 30 days from the day of expiration of the deadline from paragraph (4) from this article.

(6) The results from the competition are published in "Official Gazette of the Republic of Macedonia"

## Article 44

### V. Supervision

(1) Supervision for the implementation of this law and regulations reached based on this law is performed by the ministry for environment and physical planning.

(2) The inspection supervision for the implementation of this law and regulation reached based on this law is performed by the State inspectorate for environment.

(3) The supervision for the submitted reports in accordance with article 27 and 28 from this law is performed by the expert body.

(4) For the work in the competence of the municipalities, municipalities of the city of Skopje and the city of Skopje stipulated with this law, the inspection supervision for the implementation and conduction of this law is performed by the inspectors for environment of the municipalities in the city of Skopje and the authorized inspectors for environment of the city of Skopje.

(5) The inspection supervision for the implementation and conduction of this law in the area of the packaging trade, packaging labeling, consumer informing is performed by the State market inspectorate.

(6) The inspection supervision for the implementation of this law in the area of the illegal packaging waste handling that is not communal waste and its leaving or turnover as communal waste is performed by the communal inspectors of the municipalities, municipalities of the city of Skopje and the city of Skopje.

## Article 45

The state inspectors for environment, the authorized inspectors for environment of the municipalities, the municipalities of the city of Skopje and the city of Skopje, the state market inspectors, communal inspectors of the municipalities and of the city of Skopje at taking activities for performing inspection supervision in regards to the implementation of this law can ask for collaboration from representatives of the body of the state administration competent for performing of the work in the area of the internal work.

## Article 46

Scope of the supervision of the state inspectorate for environment

(1) When performing the surveillance in its area the state inspectorate for environment has the right:

- 1) to perform insight and control and to determine whether the realization of the measures from article 7 from this law a program for hindering and prevention of creation of packaging waste has been prepared (article 7 paragraph 2);
- 2) to perform insight and control and to determine whether packaging are being produced that are not in accordance with the standards defined in article 9 from this law (article 9 paragraph 1)
- 3) to perform insight and control and to determine whether a report has been submitted to the expert body, in the cases of surpass of the concentration of heavy metals from article 11 paragraph (1) from this law, in any of the twelve month successive controls of the standard and regular production (article 11 paragraph 5);
- 4) to perform insight and control and to determine whether the results from the measuring performed in the production processes as well as the used measuring methods are kept for at least four years and whether they are available at any time to the competent inspection bodies at their request (article 11 paragraph 7)
- 5) to perform insight and control and to determine whether the producer acts in accordance with article 15 from this law;
- 6) to perform insight and control and to determine whether the packaging waste is being accepted back free of charge immediately after the delivery of the goods or at the next delivery of the goods or at the next delivery in accordance with article 18 from this law, if the end user wants to return it;
- 7) to perform insight and control and to determine whether the conditions for discharge have been met (article 19);
- 8) to perform insight and control and to determine whether the legal entity for packaging waste handling holds a license for founding of a system for collection and return receipt of the packaging waste (article 21 paragraph 2);
- 9) to perform insight and control and to determine whether he has notified the expert body in the determined deadline in the case of data change that have been submitted with the license from article 21 paragraph 2 from this law (article 21 paragraph 4);
- 10) to perform insight and control and to determine whether the data about the producer, packagers, tradesman and users with whom they have a contract, are founders or with a contract are associated in the legal entity for packaging waste handling have been submitted to the expert body (article 21 paragraph 5);
- 11) to perform insight and control and to determine whether the legal entity for packaging waste handling at set up of the system

- and the preparation of the program from article 22 paragraph 1 from this law has secured evidence that he has taken into consideration the obligatory data (article 22 paragraph 2);
- 12) to perform insight and control and to determine whether the collection, processing, removal of the packaging waste the legal entity for packaging waste handling has entrusted to the legal entity or the natural person that do not own appropriate licenses (22 paragraph 4);
  - 13) to perform insight and control and to determine whether the collection places and centers are arranged in such a way that it will allow that the end users could leave the packaging waste and in the case when the takeover of the packaging waste has not been secured directly at the end users or at the end suppliers (article 23 paragraph 1);
  - 14) to perform insight and control and to determine whether the public and the end users have been informed in accordance with article 23 paragraph (2) and (3);
  - 15) to perform insight and control and to determine whether he holds a license for independent packaging waste handling and whether he is registers in accordance with article 24 from this law (article 24 paragraph 1);
  - 16) to perform insight and control and to determine whether the independent packaging waste handler has accordingly fulfilled the obligations from article 23 from this law and whether he has submitted reports in accordance with article 27 from this law (article 24 paragraph 5)
  - 17) to perform insight and control and to determine whether a report for packaging waste handling for the previous year has been submitted to the expert body which is in accordance with article 27 paragraph (2) from this law;
  - 18) to perform insight and control and to determine whether an evidence about the type and quantity of the packaging that left the market in the course of one year is being kept and about the packaging waste handling in written and electronic form in accordance with article 28 paragraph (1) from this law;
  - 19) to perform insight and control and to determine whether a report in a written and electronic form has been submitted to the expert body that is about the type and quantity of the packaging that he ahs released on the market and about the packaging waste handling in the previous year (article 28 paragraph 2)
  - 20) to perform insight and control and to determine whether the producer for each product that has different packaging has prepared production specification (article 28 paragraph 3);
  - 21) to perform insight and control and to determine whether the producer based on the production specification from article 28 paragraph 3 keeps a monthly and year evidence about the total

- packaging that he has released on the market or has imported as end user (article 28 paragraph 4);
- 22) to perform insight and control and to determine whether the end user acts in accordance with article 29 from this law;
  - 23) to perform insight and control and to determine whether the conditions for exemption in acting in accordance with article 31 from this law;
  - 24) to perform insight and control and to determine whether the conditions from article 32 from this law have been fulfilled;
  - 25) to perform insight and control and to determine whether the expert body in the defined deadline for bail introduction is being notified (article 34 paragraph (3));
  - 26) to perform insight and control and to determine whether the documents and data which are used to confirm that the national objectives from article 35 from this law are reliable;
  - 27) to perform insight and control and to determine whether the obligations that arise from the voluntary arrangements are being fulfilled (article 37);
  - 28) to perform insight and control and to determine whether the producer and the packager that release on the market in the Republic of Macedonia packaging and packaging of packed goods from which when used a packaging waste is created are handling in accordance with article 40 from this law;

(2) Upon request of the state inspector for environment, the authorized person of the body that is competent for the internal issues is obliged to participate in the performance of the work from paragraph (1) from this article.

(3) Upon request from the expert body in the performance of the inspection a state employee in the expert body can participate in the supervision.

(4) The state inspector for environment is obliged to perform the inspection supervision when it was required by the expert body.

#### Article 47

##### Reaching resolutions of the state inspector for environment

1) When performing the inspection supervision, the inspector for environment with a resolution:

- 1) will oblige them to prepare Program for hindering and prevention of packaging waste creation in accordance with article 7 from this law (article 7 paragraph 2)

- 2) will oblige them to produce packaging that are in accordance with the standards stipulated in article 9 (article 9 paragraph 1);
- 3) will oblige them to submit a report to the expert body, in the cases of surpass of the level of concentration for heavy metals from article 11 paragraph (1) from this law. In some of the twelve successive monthly controls of the standard and regular production (article 11 paragraph 5);
- 4) will oblige the results from the measuring performed in the production processes as well as the used measuring methods to be kept at least four years and to be available at any time to the relevant inspection bodies upon their request (article 11 paragraph 7);
- 5) will oblige them to conduct monthly controls to determine the concentration of heavy metals of the packaging and to submit regularly reports (article 11);
- 6) will oblige the producer to act in accordance with article 15 from this law;
- 7) shall limit and/or prohibit the work of the producer, the packaging producer and the tradesman if the collection and processing of the packaging waste that was released on the market in the Republic of Macedonia is not in accordance with article 17 paragraph (1) and (2) from this law, also will oblige them to takeover appropriate measures (article 17 paragraph 1 and 2);
- 8) shall oblige them to take back free of charge the packaging waste immediately after the delivery in accordance with article 18 from this law, if the end user wishes to return it;
- 9) shall limit and/or prohibit the work of the producer of the packaging, the producer and the tradesman if they do not conduct the obligations from article 18 paragraph (1), (2) and (3) from this law (article 18 paragraph (4));
- 10) shall limit and/or prohibit the work of the producer, packager and tradesman if they are not included in the collection system and return receipt of the packaging waste and confirmation that this has been registered (article 24) within 30 days in which deadline they should do so;
- 11) shall limit or prohibit the work of the legal entity if it does not hold a license for handling with packaging waste and will oblige them in the period of 30 days to submit a request to the expert body for obtaining a license for founding a system for collection and return receipt of the packaging waste (article 21 paragraph 2);
- 12) shall limit or prohibit the work of the legal entity for packaging waste handling if he has not notified the expert body in the defined deadline in the case of the change of data that were submitted with the license from article 21 paragraph 2 from this law (article 21 paragraph (4));
- 13) will oblige them to submit data to the expert body about the producers with whom they have made contracts for takeover of the obligations for packaging waste handling (article 21 paragraph (5));

- 14) Shall limit or prohibit the work of the legal entity for packaging waste handling if when the system was established and the preparation of the program from article 22 paragraph (1) from this law did not secure evidence that he has taken into consideration the obligatory data, in duration up to 30 days, in which deadline they should remove the causes for the occurred condition (article 22 paragraph 2);
- 15) Shall prohibit or limit the work of the legal entity for packaging waste handling if the collection, processing, removal of the packaging waste he has entrusted to the legal or natural person that do not hold appropriate licenses (22 paragraph 4), in duration up to 30 days, in which deadline they should remove the causes for the occurred condition;
- 16) Shall oblige the collection points and centers, in the period up to 90 days the most, to arrange them in a manner that they shall allow for the end users to leave their packaging waste which is not communal waste also in the case when the takeover of the packaging waste has not been directly secured at the end users or at the end suppliers (article 23 paragraph 1);
- 17) Shall oblige them to inform the public and end users in accordance with article 213 paragraph (2), (3) and (4);
- 18) Shall limit or prohibit their work of the independent packaging waste handler if he does not hold a license for independent packaging waste handling and is not registered in accordance with article 24 from this law and shall oblige them within 30 days to submit a request for license for independent packaging waste handling and registration at the expert body (article 24 paragraph 1);
- 19) Shall oblige the independent packaging waste handler to accordingly fulfill the obligations from article 23 from this law and to submit reports in accordance with article 27 from this law (article 24 paragraph 5);
- 20) Shall limit and/or prohibit the work of the legal entity for packaging waste handling or to the independent packaging waste handler if they do not submit report in accordance with article 27 and 28 from this law , of at least 30 days within which deadline they have to submit the report;
- 21) Shall oblige them to submit report for packaging waste handling for the previous year to the expert body within the most 30 days in accordance with article 27 paragraph 2;
- 22) Shall oblige them to keep record about the type and quantities of packaging that he has released and about the handling with the packaging waste in the course of one year in written and in electronic form in accordance with article 28 paragraph 1;
- 23) Shall oblige them to submit annual report in written and electronic form about the type and quantity of packaging that he has released on the ,market and about the packaging waste handling in the previous year in the defined deadline to the expert body (article 28 paragraph 1);

- 24) Shall oblige them for each product who has different packaging to prepare production specification (article 28 paragraph 3);
- 25) Shall oblige them based on the production specification from article 28 paragraph 3 to keep monthly and annual record for the total packaging that he has released or imported as end user (article 28 paragraph 4);
- 26) Shall oblige the end users to deal in accordance with article 29 from this law;
- 27) Shall oblige to report to the expert body in a predefined deadline about the introduction of bail (article 34 paragraph 3);
- 28) Shall oblige them to secure reemployment, processing or removal of the packaging waste that is being collected or taken over within the course of one calendar year the latest till the end of the following year in order to achieve the national objectives stipulated in article 35 from this law;
- 29) Shall oblige them to fulfill the obligations that arise from the voluntary arrangements (article 37);
- 30) Shall limit<sup>6</sup> or prohibit the work of the producer who releases on the market of the Republic of Macedonia packaging and packed goods that when used create packaging waste if they do not act in accordance with article 40 from this law, in duration of the most 30 days, in which deadline they have to remove the causes for the occurred situation;

(2) If during performing the inspection surveillance, the state inspectors for environment stipulate that the subjects that manage the packaging and packaging waste do not act in accordance with the legal and other regulation, technical regulations, standards, recommendations and other general acts, shall take record of the established irregularities and inaccuracy and in the resolution shall define the deadline for their elimination.

(3) should the subjects from paragraph (1) from this article do not act in accordance with the resolution of the state inspectors for environment and do not remove the causes for the occurred situation stipulated with the resolution, the state inspector for environment shall submit Request for violation proceeding at the competent body.

(4) For the performance of the work from paragraph (1) from this article the state inspector for environment and the Law on waste management

#### Article 48

Area of control of the authorized inspectors for environment of the municipalities, the municipalities of the city of Skopje and the city of Skopje and of the communal inspectors of the municipalities, the municipalities of the city of Skopje and the city of Skopje

(1) In exercising the surveillance in its area the authorized inspectors for environment of the municipalities, the municipalities of the city of Skopje and the city of Skopje and of the communal inspectors of the municipalities, the municipalities of the city of Skopje and the city of Skopje, have the right:

1) to perform insight and to stipulate whether the packaging waste that is not communal waste is left or turn over as communal waste at the places marked for collection and selection of communal waste (article 16 paragraph 1);

2) to perform insight and control and to stipulate whether the end user handles the packaging waste in accordance with the provisions for packaging waste handling (article 16 paragraph 2,3 and 4);

3) to perform insight and control and to stipulate whether for the conduction of the obligations from article 18 paragraph (1), (2) and (3) from this law, the producer, the packaging producer and tradesman have secured a space and equipment for selective collection of packaging waste if they have a sales space larger than 200m<sup>2</sup> (article 19 paragraph 4)

4) to perform insight and control and to stipulate whether the legal entity for packaging handling acts in accordance with the contract (article 26)

#### Article 49

Enactment of resolution of the authorized inspectors for environment of the municipalities, the municipalities of the city of Skopje and the city of Skopje and of the communal inspectors of the municipalities, the municipalities of the city of Skopje and the city of Skopje

(1) At performing the inspection surveillance, authorized inspectors for environment of the municipalities, the municipalities of the city of Skopje and the city of Skopje and of the communal inspectors of the municipalities, the municipalities of the city of Skopje and of the city of Skopje with resolution:

1. shall oblige the legal or natural persons to handle the packaging waste in accordance with this law (article 16 paragraph 1);

2. shall oblige the end user to handle the packaging waste in accordance with the provisions for packaging waste (article 16 paragraph (2), (3) and (4)).

3. shall oblige the legal or natural persons to leave the communal waste on the places intended for that and to remove the consequences from the made violation.

4. shall limit and/or prohibit the work of the producer, packaging producer and tradesman if for the conduction of the obligations from article 18 paragraph (1), (2) and (3) from this law have not secured space and equipment for selective collection of the packaging waste if they have a sales space larger than 200m<sup>2</sup>, in the duration of the most 15 days, during which deadline they have to remove the causes for the occurred condition (article 18 paragraph 4)

5. shall oblige the legal entity for packaging waste handling to take measures for fulfillment of the obligations from the contract and shall define a deadline in the duration of 90 days the most whereat he has to eliminate the flaws (article 26).

(2) For the work of the activities from paragraph (1) the authorized inspectors for environment of the municipalities, the municipalities of the city of Skopje and the city of Skopje and of the communal inspectors of the municipalities, the municipalities of the city of Skopje and the city of Skopje have the right to take over other measures stipulated with the Law on environment and the Law on waste management.

## Article 50

### Area of control of the state market inspectorate

(1) In the execution of the control in its area the state market inspector has the right to:

1. To perform insight and control and to determine whether together with the shipment of the packaging or materials for production of the packaging that is release on the market by the producer or the producer of the packaging own data that the requirements from article 11 paragraph 1 from this law have been fulfilled (article 11 paragraph 2)

2. To perform insight and to determine whether the packaging is marked in accordance with article 14 from this law and the regulation reached based on this article (article 14), and

3. to define whether the bail is conducted in accordance with article 34 from this law.

(2) In the execution of the work from paragraph (1) the state inspectorate have the right to take over other measures stipulated with the Law on environment and Law on waste management.

#### Article 51

##### Resolution enactment by the state market inspector

(1) When executing the inspection surveillance, the state market inspector with a resolution:

1. shall limit or prohibit the work of the producer or packaging producer if they do not have data that the requirements from article 11 paragraph 1 from this law for the shipment of the packaging or materials fro production of the packaging that are released on the market (article 11 paragraph 2)

2. shall oblige them to mark the packaging with a label in accordance with article 14 from this law and the regulations reached based on this article;

3. shall limit or prohibit the work of the legal entity fro packaging handling and the independent packaging waste handler if a bail is being introduced contrary to the article 34 paragraph 2 from this law, in the duration of 30 day the most, in which deadline they have to eliminate the causes for the occurred condition (34 paragraph 2);

(2) Against the resolution from paragraph 1 from this article the dissatisfied party has the right to plea to the minister for environment and physical planning.

#### Article 52

##### Enforcement of provisions from other laws in the inspection surveillance

The state inspectors for environment, the authorized inspectors for environment, communal inspectors of the municipalities, inspection surveillance in the field of packaging management and packaging waste is being enforced in accordance with the provisions from this law, the Law on waste management and the Law on environment.

## VI. VIOLATION PROVISIONS

## Article 53

### Violation sanctions for the producers of the packaging

(1) A fine in the amount of 3000 Eur in denar counter value shall be pronounced to the packaging producer for violation if:

1. for realization of the measures from article 7 from this law do not prepare a Program for hindering and creation of packaging waste (article 7 paragraph 2);
2. produces and release on the market packaging that are not in accordance with the standards stipulated in article 9 from this law;
3. releases on the market packaging that surpass the permitted levels for heavy metals from article 11 paragraph 1 from this law;
4. does not hold data that the requirements from article 11 paragraph 1 from this law have been met in regards to the shipment of the packaging or the materials for production of the packaging that he releases on the market (article 11 paragraph 2);
5. do not submit report to the expert body in the case of surpass of the concentration of heavy metals in the packaging (article 11 paragraph 5);
6. does not provide data for the quantity of heavy metals from article 11 from this law for each type of packaging in which the goods are packed and filled (article 15 paragraph 3 and 4);
7. does not handle the sales, group and transport packaging in accordance with article 18 from this law;
8. does not have secured separate space and equipment for selective collection of packaging waste (article 18 paragraph 4)

(2) A fine amounting 6000 eur in denar counter value shall be sentenced to the producer of the packaging for violation if:

1. do not mark the packaging in accordance with article 14 from this law and the regulation reached on the basis of this article (article 14);

(3) A fine in the amount of 6000 eur in denar counter value shall be sentenced to the producer of the packaging if he is a natural person for actions from paragraph (1) and (2) from this article.

(4) A fine in the amount of 900 eur in denar counter value shall be sentenced to the responsible person in the legal entity for actions from paragraph (1) and (2) from this article.

(5) To the offender from this article, the violation body can reach a sentence violation sanction prohibition for performance of activity in the duration of at least 3 days up to 15 days the most.

(6) To the natural person from paragraph (3) and the responsible person from paragraph (4) from this article, the violation body can reach a sentence for violation sanction prohibition for performing activity in the duration of at least 3 days up to 15 days the most.

#### Article 54 Violation sanctions for the producers

(1) The producer shall be fined with a fine in the amount of 3000 eur in denar counter value for a violation if:

1. for realization of the measures from article 7 from this law do not prepare a Program for hindering and creation of packaging waste (article 7 paragraph 2);
2. releases on the market packaging that are not in accordance with the standards stipulated in article 9 from this law;
3. releases on the market packaging that surpass the permitted levels for heavy metals from article 11 paragraph 1 from this law;
4. does not hold data that the requirements from article 11 paragraph 1 from this law have been met in regards to the shipment of the packaging or the materials for production of the packaging that he releases on the market (article 11 paragraph 2);
5. do not submit report to the expert body in the case of surpass of the concentration of heavy metals in the packaging (article 11 paragraph 5);
6. does not secure informing about the seller and the consumer for the important attributes of the product and its packaging in relation to dangerous and damaging materials and substances which they contain and about the method of handling with the used products and with the packaging when it becomes packaging waste (article 15 paragraph 1);
7. does not hold data for the quantity of heavy metals from article 11 from this law for each type of material that the packaging is produced from or the materials for the production of the packaging that are released on the market (article 15 paragraph 3 and 4);
8. does not obtain data about the quantity of the heavy metals from article 11 from this law for each packaging in which the goods are packed or filled in (article 15 paragraph 3);
9. does not handle the sales, group and transport packaging in accordance with article 18 from this law;
10. does not have secured separate space and equipment for selective collection of packaging waste (article 18 paragraph 4);

11. does not keep evidence for the type and quantity of packaging that he has released on the market in the course of one year in written and in electronic form (article 28 paragraph 1);
12. in the defined deadline does not submit annual report to the expert body about the type and quantity of the packaging that he has released on the market in the previous year in written and electronic form (article 28 paragraph 2);
13. does not submit the first report in the defined deadline in accordance with article 28 paragraph (7) from this law;
14. does not act in accordance with article 30 when he at the same time is the producer and the end user;
15. do not act in accordance with article 40 from this law if they release on the market or import to the market of Republic of Macedonia packaging and package of packed goods from which when they are used packaging waste is being created.

(2) A fine in the amount of 600 eur in denar counter value shall be sentenced to the producer if he is a natural person for actions from paragraph (1) from this article.

(3) A fine in the amount of 900 eur in denar counter value shall be sentenced to the responsible person in the legal entity for actions from paragraph (1) from this article.

(4) A fine in the amount of 6000 eur in denar counter value shall be sentenced to the producer for violation if:

1. does not mark the packaging in accordance with article 14 from this law and the regulation reached on the basis of this article (article 14);

2. does not prepare a production specification for each product that has a different packaging (article 28 paragraph 3);

3. does not keep monthly and year evidence for the total packaging that he has released on the market or has imported as the end user based on the production specification from article 28 paragraph 3 (article 28 paragraph 4);

4. has shown false data about the quantities of the packaging that he has released on the market in order to be accounted for small producer (article 19);

5. does not secure packaging waste handling for closures or labels if the weight of the closures and labels surpass 5% of the weight of the

packaging and surpass the quantity per material of packaging from article 32 paragraph 1 from this law (article 32);

(5) A fine in the amount of 1000 eur in denar counter value shall be sentenced to the producer if he is a natural person for actions from paragraph 4 from this article.

(6) A fine in the amount of 1500 eur in denar counter value shall be sentenced to the responsible person in the legal entity for actions from paragraph 4 from this article.

(7) To the offender from this article, the violation body can reach a sentence violation sanction prohibition for performance of activity in the duration of at least 3 days up to 15 days the most.

(8) To the natural person from paragraph (3) and the responsible person from paragraph (4) from this article, the violation body can reach a sentence for violation sanction prohibition for performing activity in the duration of at least 3 days up to 15 days the most

#### Article 55

##### Violation sanctions for tradesman

(1) The tradesman shall be fined with a fine in the amount of 3000 eur in denar counter value for a violation if:

1. release on the market packaging that is not marked in accordance with article 14 from this law and the regulation reached based on this article (article 13);

2. with the sales, group and transport packaging does not handle in accordance with article 18 from this law;

3. did not secure separate space and equipment for selective collection of the packaging waste (article 18 paragraph 4);

(2) A fine in the amount of 600 eur in denar counter value shall be sentenced to the tradesman if he is a natural person for actions from paragraph (1) from this article.

(3) A fine in the amount of 700 eur in denar counter value shall be sentenced to the responsible person in the legal entity for actions from paragraph (1) from this article.

(4) To the offender from this article, the violation body can reach a sentence violation sanction prohibition for performance of activity in the duration of at least 3 days up to 15 days the most.

(5) To the natural person from paragraph (2) and the responsible person from paragraph (3) from this article, the violation body can reach a sentence for violation sanction prohibition for performing activity in the duration of at least 3 days up to 15 days the most.

#### Article 56

##### Violation sanctions for the end user and end supplier

(1) The end user shall be fined with a fine in the amount of 2000 eur in denar counter value for a violation if:

1. the packaging waste that is commercial waste and/or is not communal waste they leave it or turnover as communal waste on the places marked for collection and selection of communal waste (article 16 paragraph 1);
2. does not handle the packaging waste in accordance with the provisions from article 16 paragraph (2), (3) and (4) (article 16 paragraph (2), (3) and (4));
3. does not act in accordance with article 30 from this law.

(2) A fine in the amount of 60 eur in denar counter value shall be sentenced to the end user or the end supplier if he is a natural person for actions from paragraph (1) from this article.

(3) A fine in the amount of 700 eur in denar counter value shall be sentenced to the responsible person in the legal entity for actions from paragraph (1) from this article.

(4) To the offender from this article, the violation body can reach a sentence violation sanction prohibition for performance of activity in the duration of at least 3 days up to 10 days the most.

#### Article 57

##### Violation sanctions for the independent packaging waste handler

(1) The independent packaging waste handler shall be fined with a fine in the amount of 6000 eur in denar counter value for a violation if:

1. does not inform the expert body in the defined deadline for the bail introduction (article 34 paragraph 3);
2. did not take measures for return of the bail that was paid in the case of returned packaging (article 34 paragraph 6);

(2) A fine in the amount of 1000 eur in denar counter value shall be sentenced to the independent packaging waste handler if he is a natural person for actions from paragraph (1) from this article.

(3) A fine in the amount of 1200 eur in denar counter value shall be sentenced to the responsible person in the legal entity for actions from paragraph (1) from this article.

(4) A fine in the amount of 9000 eur in denar counter value shall be sentenced to the independent packaging waste handler if:

1. he is not registered and does not hold a license for independent packaging waste handling in accordance with this law (article 24 paragraph 1);
2. does not provide handling in accordance with article 24 paragraph 4 from this law;
3. does not submit annual report to the expert body for the waste that himself creates (article 25 paragraph 3);
4. launches bail that surpasses the amount of 30% from the sales price of the packed goods (article 34 paragraph (2));

(5) A fine in the amount of 1000 eur in denar counter value shall be sentenced to the independent packaging waste handler if he is a natural person for actions from paragraph (4) from this article.

(6) A fine in the amount of 1500 eur in denar counter value shall be sentenced to the responsible person in the legal entity for actions from paragraph (4) from this article.

(7) To the offender from this article, the violation body can reach a sentence violation sanction prohibition for performance of activity in the duration of at least 3 days up to 15 days the most.

(8) To the natural person from paragraph (2) and the responsible person from paragraph (3) from this article, the violation body can reach a sentence for violation sanction prohibition for performing activity in the duration of at least 3 days up to 15 days the most.

## Article 58

## Violation sanctions for legal entity for packaging waste handling

(1) A fine in the amount of 9000 eur in denar counter value shall be sentenced to the legal entity for packaging waste handling if:

1. the performance of the work from article 20 paragraph 2 from this law does not entrust to third parties that are registered for performing these activities and hold appropriate licenses in accordance with this or other law (article 20 paragraph 4);
2. does not hold a license for founding a collection system and return receipt of the packaging waste (article 21 paragraph 2);
3. does not inform the expert body within the defined deadline in the case of change of the data that were submitted with the license from article 21 paragraph 2 from this law (article 21 paragraph 4);
4. when organizing the system does not act according article 23 from this law;
5. does not handle the packaging waste that he has collected within one calendar year in accordance with article 27 paragraph 1 from this law;
6. does not inform the expert body in the defined deadline about the bail introduction (article 34 paragraph 3);
7. did not take measures for return of the bail that was charged by the seller when the return packaging was returned (article 34 paragraph 6);

(2) A fine in the amount of 1200 eur in denar counter value shall be sentenced to the responsible person in the legal entity for actions from paragraph (1) from this article;

(3) A fine in the amount of 15000 eur in denar counter value shall be sentenced to the legal entity for packaging waste handling if:

1. does not submit to the expert body the data about the producers, packagers, tradesman and end users with whom they have a contract, are founders or with a contract are joined in the legal entity for packaging waste handling (article 21 paragraph 5);
2. collection, processing, removal of the packaging waste has been entrusted to the legal or natural person that do not hold appropriate licenses (article 22 paragraph 5);
3. does not keep evidence in accordance with article 27 from this law;
4. does not submit within the defined deadline or submits incomplete annual report for packaging waste handling for the previous year to the expert body; (article 27 paragraph 2);

5. did not submit report in accordance with article 286 paragraph 5 from this law;
6. introduces bail that surpasses the amount of 30% from the sales price of the packed goods (article 34 paragraph 2);

(4) A fine in the amount of 1500 eur in denar counter value shall be sentenced to the responsible person in the legal entity for actions from paragraph (1) from this article;

(5) To the offender from this article, the violation body can reach a sentence violation sanction prohibition for performance of activity in the duration of at least 3 days up to 15 days the most.

#### Article 59

##### Violation sanctions for the legal entity for packaging waste handling

(1) A fine in the amount of 20000 - 30000 eur in denar counter value shall be sentenced to the legal entity for packaging waste handling if:

1. has submitted report that contains false data in order to give false idea that the national objectives from article 35 from this law have been fulfilled in order to avoid compensation payment from article 40 from this law.

(2) A fine in the amount of 1500 eur in denar counter value shall be sentenced to the responsible person in the legal entity for actions from paragraph (1) from this article;

(3) To the offender from this article, the violation body can reach a sentence violation sanction prohibition for performance of activity in the duration of at least 30 days up to 60 days the most.

#### Article 60

##### Violation sanctions for officials

The violation sanctions for officials that are responsible for the enforcement of this law are given in accordance with the Law on environment.

#### Article 61

##### Proceeding for alignment and mediation

(1) As regards to the violations stipulated in article 53, 54, 55 and 56 from this law, the bodies for inspection surveillance from article 44 of this law are obliged to propose a proceeding for alignment to the violator before they submit a request for violation proceeding.

(2) For the violations stipulated in article 57 and 58 from this law, the bodies for inspection surveillance from article 44 from this law can propose a proceeding for mediation to the violator before they submit a request for violation proceeding.

(2) In cases where an agreement for alignment is reached, the fine for the violator can be reduced the most up to one half from the maximum prescribed fine for this violation.

(3) The Proceedings for alignment and mediation are led in accordance with the provisions from the Law on environment.

#### Article 62

##### Leading a violation proceeding

(1) For the violations stipulated in article 54, 55, 56, 57 and 58 from this law, the violation proceeding and violation sanction is sentenced by the Commission for violation deciding in the area of environment at the Ministry for environment and physical planning (further more referred to as: Violation commission);

(2) the proceeding at the violation commission is led in accordance with the provisions from the law on environment;

(3) For the violations stipulated in article 59 from this law the violation proceeding is led by and the violation sanction is sentenced by the competent court.

## VII. PRECEDING AND FINAL PROVISIONS

#### Article 63

##### Terms for enforcement

(1) the first notification of the producer from article 17 from this law about the type and quantities of the packaging that he has released on the market and that he has imported in the course of one year in accordance with article 28 paragraph 2 from this law is obliged to submit the latest until 31 March 2011.

(2) the producer can start to run the evidence from article 28 paragraph (3) and (4) from this law as of 1<sup>st</sup> of January 2011.

(3) The first annual report from article 28 paragraph 2 from this law, the legal entity for packaging waste handling and the independent packaging waste handler are obliged to submit the latest till 31<sup>st</sup> of March 2012.

(4) The content of heavy metals can surpass the level of 100 mgr per kg mass weighted defined in article 11 from this law until 31.12.2011.

(5) The first report on the quantities and type of packaging and packaging waste that is released on the market in the Republic of Macedonia and for the packaging waste management in accordance with article 39 from this law will be published the latest till 31.12.2011.

(6) The obligations for identification and denoting of the packaging from article 14 from this law will be applied as of 01.01.2012.

(7) The provisions from article 18 paragraph (4) from this law will start to be applied on 01.01.2012.

(8) The program for waste management from article 36 from this law will be reached the latest until 30.06.2011.

(9) The producer in accordance with the obligations from article 17 from this law is obliged to join through the foundation of, and/or concluding an agreement with, legal entity for packaging waste handling or to register in the record as individual packaging waste handlers the latest until 31.06.2011.

(10) The program from article 7 paragraph 2 from this law the producer of the packaging and the producer are obliged to prepare the latest until 31<sup>st</sup> of December 2012.

#### Article 64

#### Foundation of Commission for packaging waste handling

The Commission for packaging waste handling from article 36 from this law shall be founded the latest 31<sup>st</sup> of December 2010.

#### Article 65

#### Enactment of like regulations

The like regulations for execution of this law shall be reached the latest until 31<sup>st</sup> of March 2010.

#### Article 66

##### Compensation implementation and achieving national objectives

(1) The compensation from article 40 from this law shall be applicable as of 1<sup>st</sup> of January 2011.

(2) For the year 2011 shall be considered that the national objectives from article 35 from this law have been achieved if it is collected and processed packaging and packaging waste in the amount of quantity of 20% of the weight that is defined in the article 35 paragraph (1) lines a and b from this law.

(3) For the year 2012 shall be considered that the national objectives have been achieved from article 35 from this law, if it is collected and processed packaging and packaging waste in the amount of quantity of 30% of the weight that is defined in the article 35 paragraph (1) lines a and b from this law.

#### Article 67

##### Cease of validity

With the day of start of the implementation of article 40 from this law, the article 174 from the Law on environment shall cease to be valid (Official Gazette of the Republic of Macedonia" nr. 53/05, 81/05, 24/07, 159/08 and 83/09)

#### Article 68

##### Enactment

This law enacts within the term of 8 days from the day of its publishing in the Official Gazette of the Republic of Macedonia, and shall start to be implemented as of 1<sup>st</sup> of January 2010.

