

COUNCIL OF MINISTERS
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REGULATION
for the Cases When a Permit is Required for the Import, Export
and Transportation of Waste and on the Conditions and Order
of the Issuing of the Permit

Promulgated, State Gazette No. 66/11.08.2000
Amended, SG No. 67/15.08.2000

Chapter One
GENERAL PROVISIONS

Article 1

This Regulation shall stipulate the cases requiring a permit for the import, export and transportation of waste through the territory of the Republic of Bulgaria, the conditions and procedure of issuing such a permit, as well as the cases requiring the institution of a bank guarantee or insurance in relation to such operations.

Article 2

The Regulation shall apply to the types of waste specified in Annexes 1, 2, and 3.

Article 3

The Regulation shall not apply to:

1. waste generated by the normal operation of ships and off-shore platforms unloaded in ports, including waste water and residues, provided that such waste is the subject of other international contracts;
2. transportation of civil aviation waste;
3. transportation of:
 - a) radioactive waste;
 - b) waste generated as a result of survey, extraction, processing and storage of mineral raw materials or operation of quarries;
 - c) animal carcasses and agricultural waste - animal excrements and other non-hazardous substances generated in the cycle of the respective activity;
 - d) waste water except for waste in liquid form;
 - e) waste or end-of-life armament explosives.

Article 4

The import, export or transportation of waste shall take place in compliance with the safety requirements and the relevant international agreements to which Bulgaria is a party:

1. for the waste listed in Annex 1, if not otherwise envisaged by international agreements or if there is no written notification by another state that such waste is subject to control on its territory;

2. for the waste listed in Annexes 2 and 3 - also in observance of a permit issued by the Minister of Environment and Water and in compliance with the requirements of the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal (*promulgated, SG No. 1/1996; amended No. 113/1999*):
 - a) regarding import and passage in transit - in all cases, if not otherwise envisaged by international agreements;
 - b) regarding export - if envisaged by an international agreement, in observance of the obligations specified in it and pursuant to Art. 53 of the Law on the Reduction of the Harmful Impact of Waste upon the Environment (LRHIWE) and other legislative instruments adopted in implementation of international contractual obligations.

Article 5

- (1) The legal person or sole trader willing to obtain a permit for the import, export and transportation of waste, hereinafter referred to as "the applicant", shall file a freely worded application with the Ministry of Environment and Water (MoEW).
- (2) When the persons as per Art. 1 are registered in the Republic of Bulgaria or perform operations on the territory of the Republic of Bulgaria, the following shall be enclosed with the application as per para. 1:
 1. court registration and a certificate of the up-to-date state of the applicant;
 2. the applicant's permit to perform activities, including collection, transportation, storage and disposal of waste - for the persons for whom it is required as per Art. 37 of LRHIWE;
 3. court registration and a certificate of the up-to-date state of the carrier, if it is a person different from that specified under It. 1 and a certified copy of the permit, if it is different from that specified under It. 2;
 4. a document for a paid charge pursuant to Art. 56 LRHIWE - in the cases of import or export of waste.
- (3) The permit as per para. 1 can be for a single or multiple import, export or transportation within one year.
- (4) A permit for multiple import, export or transportation shall be issued only for waste of the same physical and chemical composition, which is regularly transported to one and the same person, passes through one and the same Bulgarian customs office and the states through which the waste passes express a written consent that a multiple permit should be granted to the applicant.
- (5) When a permit for transportation through the territory of Bulgaria has been issued, no import permit shall be required.

Chapter Two
CONDITIONS FOR ISSUING PERMITS

Section I

Conditions in respect of issuing permits for import and transportation of waste

Article 6

Waste import shall be permitted given compliance with the following conditions:

1. a contract with an end user and/or a treating entity, which specifies that the waste will be used for industrial purposes;
2. a written consent from the mayor of the municipality on whose territory the treatment plant as per It. 1 is situated;
3. a positive environmental impact assessment decision;
4. established physical and chemical composition of the waste;
5. the treatment of the introduced waste shall generate smaller quantities of waste than in the case of using traditional raw materials or shall enable a substitution of valuable or scarce natural resources;
6. the waste shall be stored and treated within a period of six months and in a way precluding hazards for human health and for the environment ;
7. the import of waste shall be consistent with the national and municipal programmes for managing waste-related activities.

Article 7

- (1) In order to obtain a waste import permit the applicant shall submit the documents as per Art. 5, para. 2.
- (2) For the purpose of certifying the observance of the conditions as per Art. 6 the applicant shall enclose the following documents with the application:
 1. a contract with the end user and/or treating entity, which shall contain the elements listed in Annex 4;
 2. a written confirmation from the mayor of the municipality specifying:
 - a) the name of the applicant, the type and the quantity of the waste, the duration of the import, the name of the treating enterprise;
 - b) that the waste import is consistent with the municipal programme for managing waste-related activities;
 - c) that the introduced waste will be accepted on the territory of the municipality;
 3. certificates, specifications, etc, certifying the physical and chemical composition of the waste;
 4. a permit pursuant to Art. 37 of LRHIWE for the persons conducting the treatment of the waste;
 5. freely worded statement from the user and/or the treating entity certifying compliance with the conditions under Art. 6, It. 6.
- (3) The following shall also be enclosed with the documents:

1. a decision on the assessment of the environmental impact of the facility or installation where the waste will be treated in the cases when this is required pursuant to Chapter Four of the Environmental Protection Act ;
 2. opinion of the Regional Inspectorate of Environment and Water (RIEW) on whose territory the treatment plant is located;
 3. written notification by the competent authority of the state of export in accordance with Annex 5, including a confirmation that there is no technological potential or capacity nor suitable facilities to treat the waste in an environmentally sound and efficient way on its territory;
 4. a statement from the end user and/or treating entity that they undertake the obligation to treat waste of Bulgarian origin, whose quantity is not smaller than the amount introduced over the current calendar year; the import of the quantities for which they apply and of the quantities for which they have permits at the moment will not lead to non-compliance with the requirements as per the previous sentence;
 5. a plan for the measures to be undertaken by the applicant in case the waste cannot be introduced in accordance with the contractual arrangements;
 6. a bank guarantee in a standard format as per Annex 6 or an insurance policy covering transportation damages or treatment costs under the conditions of It. 3.
- (4) At least three business days prior to the actual import of the waste the applicant shall submit to MoEW a notification of the exact date of waste shipment.

Article 8

- (1) A permit for transportation waste shall be issued given compliance with the following conditions:
1. written notification of the competent authorities of the state of export in accordance with Application 5;
 2. written consent of the competent authorities of the states across which the waste will be transported after it transits the territory of the Republic of Bulgaria, including the importing state in accordance with Annex 5;
 3. a statement of the competent authority of the states across which the waste will be transported before reaching the Bulgarian border that it confirms the obligation of return passage and acceptance of the freight if the latter is not allowed to enter the Republic of Bulgaria or any of the following countries;
 4. a bank guarantee or insurance policy covering damages that would occur as a result of the transportation, including the case, when the transboundary transportation is deemed unlawful.
- (2) The applicant shall furnish documents proving compliance with the conditions as per para. 1.
- (3) The procedure of proving the conditions as per para. 1 shall be applied by MoEW.
- (4) At least three business days before conducting the waste transportation the applicant furnishes a notification to the MoEW on the exact date of waste dispatch.

Section II
Conditions in respect of issuing permits for export of waste

Article 9

- (1) Permits for waste export shall be issued given compliance with the following conditions:
1. a written consent from the competent authorities of the state of import, including:
 - a) a statement that the waste to be dispatched is required for treatment or recycling or for other waste-related operations;
 - b) a proof of the existence of a contract between the applicant or a person, on whose behalf the applicant makes arrangements for the transboundary transportation of the waste and the person carrying out the treatment of the waste in the state of import;
 2. a written confirmation by the competent authorities of the state of transit, that they agree to such transportation across their territory.
- (2) The procedure of proving the conditions as per para. 1 shall be implemented by MoEW.

Article 10

For the purpose of obtaining a permit for waste export, the applicant shall submit the following besides the documents pursuant to Art. 5:

1. certificates, specifications, etc. attesting to the physical and chemical composition of the waste;
2. a notification completed by the applicant in two copies in accordance with Annex 5;
3. an opinion of the Ministry of Economy or another competent authority that there is no technological potential or capacity nor suitable installations or facilities to treat the waste in an environmentally sound and efficient way on the territory of the Republic of Bulgaria, due to which the waste has to be exported from the country;
4. contracts for transportation and environmentally sound recycling, reuse or disposal of waste concluded by the applicant or for the applicant and on their behalf for all states of conveyance of the waste in compliance with the legislation of the respective countries within which or across which the waste is to be conveyed;
5. certified copies of the required registrations or licenses that all other persons, who will be involved in the transboundary transportation, have the relevant qualifications for such activities in accordance with the legislation of the place from which, to which or through which they are to be performed;
6. a statement from the applicant that in case of non-admission of the waste by the state of import or any of the states of transit, it will be returned to the state of export by them and at their expense in the same form and quantity as declared within 90 days following the moment of notification of the state of export by the state of import;
7. a plan of the measures that the applicant will undertake if the transboundary transportation cannot be performed in accordance with the contractual arrangements;
8. (*Amended, SG No 67/2000*) a bank guarantee in a standard format as per Annex 6 or an insurance policy covering transportation damages or disposal expenditures under the conditions of It. 7;

9. a Consignment note in a standard format as per Annex 7.

Chapter Three

CONTENT OF THE PERMITS FOR INTRODUCTION, EXPORT AND TRANSPORTATION OF WASTE

Article 11

- (1) The permit issued by MoEW shall be a certified original in a standard format as per Annex 5 signed by the Minister of Environment and Water and stamped with the MoEW seal.
- (2) The Minister of Environment and Water shall issue a permit under certain conditions which shall be reflected in the standard format as per Annex 5 or alternatively take the form of an additional annex.

Chapter Four

ISSUANCE, REGISTRATION AND REPORTING OF WASTE INTRODUCTION, EXPORT AND TRANSPORTATION PERMITS

Article 12

- (1) The permits for import, export or transportation of waste shall be issued within 60 calendar days starting on the day of filing the documents and after receiving notifications from the competent authorities of other states or on the day of submitting supplementary information, when it is required, or on the date of expiry of the period as per Art. 17, para. 1.
- (2) The Ministry of Environment and Water can require additionally other documents or information proving compliance with the conditions of issuing a permit or documents related to the requirements of an international agreement to which the Republic of Bulgaria is a party.
- (3) The permits as per Art. 5, para. 3 shall be valid:
 1. for single import, export or transportation of waste: up to 12 months following the date of its issuance;
 2. for multiple import, export or transportation of waste: up to 12 months following the date of its issuance.

Article 13

A special register shall be established at MoEW, where entries will be made of applications for import, export and transportation permits, and of the permits issued.

Article 14

Within 15 days after the expiry of the permit issued the applicant shall notify, by means of a letter, MoEW of the quantities of waste introduced, conveyed in transit or exported by virtue of that permit. A copy of the bill of entry shall also be submitted.

Article 15

- (1) Not later than three business days after the actual import or transportation of the waste the applicant shall submit to MoEW a copy of a "Consignment note" filled in and

stamped at the respective places in accordance with the instructions in Annex 7, confirming that the import or transportation of the waste has been carried out in compliance with the conditions of the permit.

- (2) In the case of waste export, the applicant shall submit, not later than three business days after receiving the waste from the treating entity, to MoEW and to the competent authority of the state of import, a copy of a "Consignment note", filled in and stamped at the respective places in accordance with the instructions in Annex 7, proving that the shipment has been received from the treating entity.

Article 16

Not later than 180 days after the actual import or export of the waste the treating entity shall submit to MoEW a copy of a "Consignment note", filled in and stamped at the respective places in accordance with the instructions in Annex 7, proving that the waste has been treated.

Article 17

- (1) In case of irregularities and/or inaccuracies in the submitted documents MoEW shall notify the applicant within ten business days starting on the day of application filing for the purpose of their removal.
- (2) A permit can be refused:
 1. on the basis of an opinion of the Ministry of Economy or another competent authority;
 2. if the applicant or any other person that will be involved in the transboundary transportation has previously violated this regime;
 3. given a refusal on the part of the competent authorities of the states across whose territories the transboundary transportation is taking place, including the state of import;
 4. if the conditions under which the respective permit has been issued have not been fulfilled;
 5. in case of irregularities and/or inaccuracies that have not been removed within ten business days starting on the date of the notification as per para. 1.
- (3) The reasons for the refusal as per para. 2 shall be recounted in writing and sent to the applicant.
- (4) The decision as per para. 2 is subject to appeal according to the procedure stipulated by the Administrative Procedure Act.

Article 18

- (1) The Ministry of Environment and Water shall withdraw a permit, when:
 1. false information has been provided and it has served as a basis for issuing the permit;
 2. the conditions specified in the permit have not been fulfilled.
- (2) The cases as per para. 1 shall be proved by a protocol of findings issued by an official designated by the Minister of Environment and Water.
- (3) Within three days after receiving a letter from MoEW regarding the withdrawal of a permit the applicant shall return the original of the permit to MoEW.

- (4) The decision as per para. 1 is subject to appeal according to the procedure stipulated by the Administrative Procedure Act.

Article 19

- (1) All applications and accompanying documents shall be submitted in Bulgarian, and in the cases, when the original documents are not in Bulgarian, a certified Bulgarian translation shall be furnished.
- (2) In the cases, when the applicant submits documents in a foreign language, they shall also produce a duly certified copy corresponding to the rules for document certification in compliance with the legislation of the state where the original document has been drafted or the copy has been made.

Chapter Five

INSTITUTION OF A BANK GUARANTEE OR AN INSURANCE

Article 20

- (1) For the purpose of obtaining a permit for import, export or transportation of the waste types listed in Annexes 2 and 3, a bank guarantee or insurance shall be furnished for recovering the costs of removing a possible environmental pollution during the import, export or transportation of the waste on the territory of the Republic of Bulgaria.
- (2) The bank guarantee as per para. 1 shall be unconditional and irrevocable and it shall be issued by a Bulgarian bank or by a foreign bank included in the Worldscope ranking of the 100 biggest banks in the world for the forerunning year published in *The Wall Street Journal* newspaper.
- (3) By means of the bank guarantee the guarantor bank undertakes the obligation to transfer, irrevocably, unconditionally and upon the first written claim on the part of MoEW, the bank guarantee amount in the event of environment pollution or damage on the territory of the Republic of Bulgaria during the import, export or transportation of waste, established by MoEW.
- (4) The insurance as per para. 1 shall be proved by an insurance policy issued by a company registered on the territory of the Republic of Bulgaria.
- (5) The validity term of the bank guarantee in cases of import of waste or the insurance in cases of import, export or transportation of waste is one month following the expiry date of the permit.
- (6) The validity term of the bank guarantee in cases of export of waste is the date of receipt of the document as per Art. 15, para. 2 at MoEW, which is also a condition for releasing the bank guarantee.

Article 21

- (1) The amount of the bank guarantee or of the insurance shall be determined in accordance with Annex 8.
- (2) The insurance compensation shall cover the damages caused by the occurrence of the insurance event.

Article 22

- (1) The bank guarantee shall be issued in favour of MoEW. In the event of non-compliance of the applicant for the permit, MoEW shall foreclose the bank guarantee and the amount shall be credited to the account of the National Environmental Protection Fund.
- (2) If the applicant for a permit carries out multiple import or export of waste into/out of the country's territory, the deposited bank guarantee or the insurance related to the implementation of their first shipment operations can also serve for guaranteeing the next one, provided that they express their explicit desire in this respect. In case the following transboundary shipment requires a higher bank guarantee or insurance amount, the applicant shall additionally submit to MoEW a bank guarantee or insurance.
- (3) the bank guarantee shall be released by MoEW prior to the expiry date of the bank guarantee:
 1. in cases of import or transportation - after presentation of the document as per Art. 15, para. 1;
 2. in cases of export - after furnishing the document as per Art. 15, para. 2;
 3. upon cancellation of the issued permit - in the cases, when the import or the export does not take place.

ADDITIONAL PROVISION

§ 1. Within the meaning of this Regulation:

1. A "competent authority" shall be a government body appointed as a "Competent Authority" as per the Basel Convention for the purpose of controlling the transboundary movement of hazardous waste and its disposal, or another government body in charge of the transboundary movement of waste in the state, which is authorised to perform all procedures vis-à-vis permitting the transportation. The competent authority for the Republic of Bulgaria shall be MoEW.
2. "Transboundary shipment " shall be any transportation of waste from a region under the national jurisdiction of one state, to or through a region, which is not under the jurisdiction of any state, provided that this movement affects at least two states.
3. "State of import" shall be any state for which the export of waste has been planned or carried out for the purpose of treatment of such waste in it or for the purpose of pre-treatment loading of such waste in a region, which is not under the national jurisdiction of any state.
4. "State of export" shall be any country from which the export of waste is planned or made.
5. "State of transit" shall be any state, except for a state of export or import, through which the export of waste is planned or made.
6. "User" shall be a legal person or a sole trader, to whom the waste is consigned on a contractual basis for the purpose of its transfer to an authorized person for treatment or for other waste related activities.
7. "Treating entity" shall be an authorized person, which accepts the waste for treatment.
8. "Import of waste" shall be the passage of waste through an entry-point customs office on the territory of the Republic of Bulgaria.

9. "Transportation" shall be the transportation of waste, which is dispatched from and to a state different from the Republic of Bulgaria.
10. "Export" shall be the lines of customs operations of export proper, passive improvement, temporary export, or re-export of waste, where the destination of the waste is another state, including the case of its transportation beyond a free area.

FINAL PROVISIONS

- § 2. This Regulation is issued on grounds of Art. 51, para. 2 in connection with Art. 55 and Art. 61 of the Law on Reduction of the Harmful Impact of Waste upon the Environment.
- § 3. Regulation No 5 of 1998 on the Permits for Import, Export and Transit Transportation of Waste (*promulgated State Gazette, No. 120/998; corrected No. 1/1999; amended, No. 62/1999*).
- § 4. The implementation of the Regulation is assigned to the Minister of Environment and Water.
- § 5. If needed, Heads of stakeholder ministries and agencies can, after co-ordination with the Minister of Environment and Water, issue instructions in connection with this Regulation, when this is related to the competencies of such ministries and agencies.