

Comments on the Ordinance on packaging and packaging waste and Decree N° 137 of the Council of Ministers of 1999 in effect from 13 March 2004

Decree N° 41 of the Council of Ministers (DCM) dated 26 February 2004 for adoption of an Ordinance on packaging and packaging waste and the Ordinance itself are published in SG, issue 19 of 9 March 2004. By means of DCM N° 41 amendments were made to DCM N° 137 of 1999 (the Decree) for adoption of Tariff for the charges to be imposed for products after the usage of which widespread waste is formed, as follows:

- Producers and importers, which launch on the market packaged goods, shall pay a **product charge** under Art. 36 of the Waste Management Act (WMA) **for each type of packing material in the following amounts:**

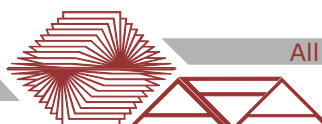
Amount of the product charge for packaging

Packing material	Codes	Amount of the product charges per years (BGN/kg)		
		2004	2005	2006 – 2011
Plastic	01-19	0,70	1,37	1,71
Paper, cardboard and corrugated cardboard	20-39	0,20	0,40	0,50
Metals	40	0,03	0,06	0,08
Aluminum	41	0,17	0,34	0,43
Glass	70-79	0,10	0,12	0,15
Composite materials	80-99	0,76	1,04	1,30

*Codes are according to Appendix N° 2 to the Ordinance on packaging and packaging waste.

- Producers and importers of packaged goods, **with the exception of persons participating in collective systems, represented by an Organization on utilization or which fulfill their obligations under WMA individually** (according to Art. 12 of Decree N° 137 of the Council of Ministers of 1999), shall transfer the product charge in the following time periods:

- 1. producers of packaged goods** - by 28th of each month, the charge accrued or should have accrued in the preceding month;
- 2. Importers of packaged goods** pay the charge simultaneously with payment of customs duties.



- **Upon export of packaged goods by their direct producer** no product charge shall be paid.
- **Upon export of packaged goods by persons, who are not direct producers**, but the product charge for the exported goods is already paid, these persons have a right to refund of the charge paid within 20-day period from submission of documents evidencing the export.
- **Micro-enterprises** shall not pay product charge but an one-ff charge by 31 March of the current year amounting to BGN 30 for 2004 (according to Appendix № 5 to the Decree the charges for 2005, 2006 and 2007 2011 are respectively BGN 60, BGN 120 and BGN 170). The status of a company as micro-enterprise shall be certified by presenting certain documents.
- Strict requirements are introduced in respect with **documenting and reporting** of the waste management activities;
- Requirements, which should be met by the various types of packaging, as well as the time periods for making them correspondent to the established standards, are also set;
- The procedure for exemption from product charges is determined through conducting a review by a **specialized audit firm** and issuance of a report on the actual findings, which shall be presented before the Minister of Environment and Water;
- The obligations of the mayors of municipalities, the directors of RIEW, regional governors and other competent authorities and organization for exercising control over the fulfillment of the requirements of WMA and the secondary legislation.

The comments set out above represent an overview of the adopted Waste Management Act, Ordinance on packaging and packaging waste to Art. 24, para 2 WMA and Decree No 41 of the Council of Ministers for amendment and supplementation of Decree No 137 of the Council of Ministers of 1999, and it is not exhaustive. The purpose is to acquaint you in general with the texts. Should issues arise or if you would like to discuss in further details some problems you have faced in the course of conducting your business, please do not hesitate to contact us at tel. 943 37 00, fax 943 37 07 or through our e-mail address: office@afa.bg, or to our postal address at 38, Oborishte Str., Sofia 1504.