

COMMUNICATION

NOTIFICATION OF RESTRICTIONS ON TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES OR OTHER WASTES PURSUANT TO ARTICLE 4 (1) OF THE BASEL CONVENTION

Pursuant to article 4 (1) of the Basel Convention, the Republic of Bulgaria transmitted a communication to the Secretariat advising of restrictions on exports from or import into the Republic of Bulgaria of hazardous wastes or other wastes.

By this correspondence, the Republic of Bulgaria informed Parties, through the Secretariat, that it directly applies Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006. The correspondence further stated that some additional restrictions are laid down in the Bulgarian Waste Management Act, dated 18 September 2003, promulgated in SG 86/2003, as amended in SG 105/09.12.2008. The applicable prohibitions and restrictions are detailed in the attachment to the present Communication.

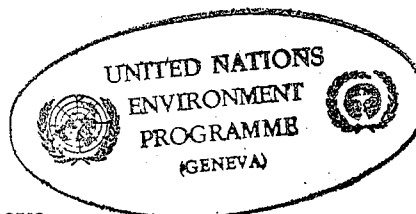
Article 13 (2) of the Basel Convention states that the Parties shall inform each other, through the Secretariat, of the decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction. Parties shall further inform each other, in accordance with the abovementioned Article 13(2), of any decisions taken by them to limit or ban the export of hazardous wastes or other wastes.

Accordingly, the Secretariat transmits the present Communication to Parties, advising that the Republic of Bulgaria has implemented the restrictions detailed therein within its territory on transboundary movements of hazardous wastes or other wastes.

The full texts of the communication and the relevant legislation have been placed on the web site of the Basel Convention (www.basel.int). Those Parties wishing to obtain a printed copy of the communication should contact the Secretariat (yvonne.ewang@unep.org).

Secretariat of the Basel Convention
Geneva, 14 September 2011

To: Focal Points of Parties to the Basel Convention
cc: Competent Authorities of the Basel Convention
Signatories to the Basel Convention
Permanent Missions to the United Nations in Geneva



SECRETARIAT OF THE BASEL CONVENTION
ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL
15, chemin des Anémones, 1219 Châtelaine (Geneva), Switzerland

Tel: [41 22] 917 8218 • Fax: [41 22] 797 3454 • Email: sbc@unep.ch • Web: www.basel.int



REPUBLIC OF BULGARIA
MINISTRY OF ENVIRONMENT AND WATER

99-00-355/20.07.11

MS. KATHARINA KUMMER PEIRY
EXECUTIVE SECRETARY
SECRETARIAT OF THE BASEL CONVENTION
ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS
OF HAZARDOUS WASTE AND THEIR DISPOSAL
15, chemin des Anemones
1219 Chatelaine (Geneva), Switzerland

Dear Ms Kumer Peiry,

In relation to your letter from 22 October 2010, File ref.: 2.8/YES, we would like to kindly inform you on the following:

• **Information about the designated Focal Point to the Basel Convention:**

The annual report for 2007, which we transmitted to you in 2010, contains information relevant for the year 2007.

The Ministry of Environment and Water (MOEW), which is competent authority to the Basel Convention in Bulgaria, has two buildings. In 2007, the official one was: 67, "William Gladstone" Str., Sofia 1000 and the Director of the Waste Management Directorate, directly in charge for waste shipments, Mrs. Maria Ninova, was the designated Focal Point to the Basel Convention. When we provided the 2007 annual report in 2010, we laid down the details about the designated Focal Point in 2007.

In 2009 there were some changes, so that the official address of MOEW changed and Mrs. Maria Ninova left her position. Therefore your records contain following information:

Industrial and Hazardous Waste Management Department at
Waste Management Directorate

Ministry of Environment and Water

22, Maria - Luiza Blvd.

1000 Sofia

Bulgaria

Tel: +359 2 940 6678; Fax: +359 2 940 6635; Email: matova@moew.government.bg

Contact person: Olya Matova

Now we would like to notify you that since March 1, 2011 the functional characteristics and the name of the Waste Management Directorate have changed to *Waste Management and Soil Protection Directorate* due to internal structural changes at the ministry.

In connection with the aforesaid, we would like to transmit to you updated information and contact details of the Competent Authority and the Focal Point in Bulgaria, which are as follows:



Ministry of Environment and Water
Industrial and Hazardous Waste Management Department at
Waste Management and Soil Protection Directorate
22, Maria Luiza Blvd.
1000 Sofia
Bulgaria
Tel: +359 2 940 6678; Fax: +359 2 940 6635; Email: matova@moew.government.bg
Focal Point to the Basel Convention and Contact person: Olya Matova

Please find attached a copy of a dully completed form "Designation of Competent authority and Focal Point in accordance with Article 5 of the Basel Convention".

• **Clarification in connection with questions 2(c) and 3(b)-3(f) of the report from 2008**

Question 2 (c).

The national definition of "hazardous waste" states that "hazardous waste" is the waste, which composition, quantity and properties create risk for human health and environment, have one or more properties determining them as hazardous, and/or contain components turning them into hazardous and/or are defined as such according to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal.

National definition of hazardous waste is based on Council Directive of 12 December 1991 on hazardous waste (91/689/EEC), as amended, according to which "hazardous waste" is:

- waste classified as hazardous waste featuring on the list established by Commission Decision 2000/532/EC on the basis of Annexes I and II to the directive. This waste must have one or more of the properties listed in Annex III to the directive. The list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration;
- any other waste which is considered by a Member State to display any of the properties listed in Annex III.

The requirements on the classification of waste as hazardous as laid down in Directive 91/689/EEC are completely transposed into the Bulgarian legislation by Ordinance No 3 on waste classification (SG 44/25.05.2004) without any other national requirements regarding the waste classification.

There are not any other wastes, which are considered by Bulgaria to display any of the properties in Annex III of Directive 91/689/EEC.

Based on the national definition, in the 2008 report we have stated that Bulgaria controls additional wastes as hazardous that are not included in Art. 1(1)a of the Basel Convention. These additional wastes are wastes from the list established by Commission Decision 2000/532/EC and marked with an asterisk (*).

Questions 3 (b) – 3 (f)

Regarding to the transit, exports and imports of hazardous wastes and other wastes, we have stated that Bulgaria directly applies **Regulation (EC) No 1013/2006** of the European Parliament and of the Council of 14 June 2006 on shipments of waste, which is in force since 13 July 2007, whereas some additional restrictions are laid down in the **Bulgarian Waste Management Act, dated 18 September 2003, promulgated in SG 86/2003, as amended SG 105/09.12.2008.**

3(b) According to Art. 34 of Regulation (EC) 1013/2006:

1. All export of wastes from the Community destined for disposal shall be prohibited.
2. The prohibition in para.1 shall not apply to exports of waste destined for disposal in EFTA countries which are also Parties to the Basel Convention.
3. Exports of waste for disposal to an EFTA country Party to the Basel Convention shall also be prohibited:
 - a) where the EFTA country prohibits imports of such waste;
 - b) if the competent authority of dispatch has reason to believe that the waste will not be managed in an environmentally sound manner, as referred to in Art. 49, in the country of destination concerned.
4. This provision shall be without prejudice to the take back obligations as laid down in Art. 22 and 24 of Regulation (EC) 1013/2006.

The above-mentioned restrictions on the export of hazardous wastes and other wastes for final disposal according to Regulation (EC) 1013/2006 are based on the amendment to the Basel Convention (Decision III/1) "ban amendment".

3 (c) According to Art. 36 of Regulation (EC) 1013/2006:

Exports from the Community of the following wastes destined for recovery in countries to which the OECD Decision does not apply are prohibited:

- (a) wastes listed as hazardous in Annex V;
- (b) wastes listed in Annex V, Part 3;
- (c) hazardous wastes not classified under one single entry in Annex V;
- (d) mixtures of hazardous wastes and mixtures of hazardous wastes with non-hazardous wastes not classified under one single entry in Annex V;
- (e) wastes that the country of destination has notified to be hazardous under Article 3 of the Basel Convention;
- (f) wastes the import of which has been prohibited by the country of destination; or
- (g) wastes which the competent authority of dispatch has reason to believe will not be managed in an environmentally sound manner, as referred to in Article 49, in the country of destination concerned.

Furthermore Annex V to Regulation (EC) No 1013/2006, which concerns wastes, subject to the export prohibition in Art. 36, is to be applied as follows:

If a waste is listed in Part 1 of Annex V, a check must be made to ascertain whether it is listed in List A or in List B. Only if a waste is not listed in either List A or List B of Part 1, must a check be made to ascertain whether it is listed either among the hazardous waste listed in Part 2 (i.e. types of waste marked with an asterisk) or in Part 3, and if this is the case, it is covered by the export prohibition.

List A lists wastes which are classified as hazardous by Article 1(1)(a) of the Basel Convention, and therefore covered by the export prohibition, and List B lists wastes which are not covered by Article 1(1)(a) of the Basel Convention, and therefore not covered by the export prohibition.

Furthermore, wastes listed in List B of Part 1 or which are among the non-hazardous waste listed in Part 2 (i.e. wastes not marked with an asterisk) are covered by the export prohibition if they are contaminated by other materials to an extent which:

- (a) increases the risks associated with the waste sufficiently to render it appropriate for submission to the procedure of prior written notification and consent, when taking into account the hazardous characteristics listed in Annex III to Directive 91/689/EEC; or

(b) prevents the recovery of the waste in an environmentally sound manner.

The above-mentioned restrictions on the export of hazardous wastes and other wastes for recovery according to Regulation (EC) 1013/2006 are based on the amendment to the Basel Convention (Decision III/1) "ban amendment".

3(d) Concerning the imports of waste for final disposal in Bulgaria, the Bulgarian Waste Management Act states following:

Art. 73, point 2: The import in the country shall be prohibited for waste with objective storage, depositing or whatever other form of disposal;

Furthermore, according to Title V, Art. 41 of Regulation (EC) No 1013/2006 imports into the Community of waste destined for disposal shall be prohibited except those from:

- (a) countries which are Parties to the Basel Convention; or
- (b) other countries with which the Community, or the Community and its Member States, have concluded bilateral or multilateral agreements or arrangements compatible with Community legislation and in accordance with Article 11 of the Basel Convention; or
- (c) other countries with which individual Member States have concluded bilateral agreements or arrangements in accordance with paragraph 2; or
- (d) other areas in cases where, on exceptional grounds during situations of crisis, peacemaking, peacekeeping or war, no bilateral agreements or arrangements pursuant to points (b) or (c) can be concluded or where a competent authority in the country of dispatch has either not been designated or is unable to act.

Bulgaria did not conclude bilateral or multilateral agreements or arrangements in 2008.

3(e) Concerning the imports of waste for recovery in Bulgaria, the Bulgarian Waste Management Act states following:

Art. 73. The import in the country shall be prohibited for waste:

1. with unclear chemical composition as well as such for which there are no methods for analysis, applicable in the Republic of Bulgaria;
3. in case the person – operator of the installation, where is provided to be implemented the utilisation, does not have the respective permission or IPPC permission;
5. if during the previous calendar year the operator has utilised smaller quantity waste from Bulgarian origin in comparison with the quantity of imported waste for utilisation in the same installation.

Furthermore, according Title V, Art. 43 of Regulation (EC) No 1013/2006 imports into the Community of waste destined for recovery shall be prohibited except those from:

- (a) countries to which the OECD Decision applies; or
- (b) other countries which are Parties to the Basel Convention; or
- (c) other countries with which the Community, or the Community and its Member States, have concluded bilateral or multilateral agreements or arrangements compatible with Community legislation and in accordance with Article 11 of the Basel Convention; or
- (d) other countries with which individual Member States have concluded bilateral agreements or arrangements in accordance with paragraph 2; or
- (e) other areas in cases where, on exceptional grounds during situations of crisis, peacemaking, peacekeeping or war, no bilateral agreements or arrangements pursuant to points (b) or (c) can be concluded or where a competent authority in the country of dispatch has either not been designated or is unable to act.

Bulgaria did not conclude bilateral or multilateral agreements or arrangements in 2008.

3 (f) Concerning the transit of wastes for recovery and final disposal

Bulgaria directly applies Regulation (EC) No 1013/2006. No national requirements regarding transit shipments are laid down in the national legislation.

As conclusion we would like to stress that there are no additional restrictions on transit, exports and imports of hazardous wastes and other wastes, except the restrictions, laid down in Regulation (EC) No 1013/2006 and the above-mentioned restrictions according to the Waste Management Act, dated 18 September 2003, promulgated in State Gazette 86/2003, as amended SG 105/09.12.2008.

Please find attached a copy of a dully completed form "Annex to decision VII/33 on national definitions of hazardous waste".

For further information please refer to Ms. Olya Matova – Focal Point and Head of Industrial and Hazardous Waste Management Department, tel. 00 3592 940 6678, fax 00 3592 940 6635, e-mail: matova@moev.government.bg.

Attachments:

1. "Designation of Competent authority and Focal Point in accordance with Article 5 of the Basel Convention" form.
2. "Annex to decision VII/33 on national definitions of hazardous waste" form.

Yours faithfully,



NONA KARADZHOVA
Minister of Environment and Water

Annex to decision VII/33 on national definitions of hazardous wastes

<p>Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</p> <p>Notification of national definitions or significant change to national definitions pursuant to article 3 of the Basel Convention</p> <p>(Information reported using this form shall be regarded as formal notification pursuant to article 3 and shall be transmitted by the Secretariat of the Basel Convention to all Parties as well as Signatories)</p>
<p>Country: BULGARIA</p> <p>Government entity completing the questionnaire: Ministry of Environment and Water</p> <p>Address: 1000 Sofia, 22 Maria Luiza Blvd.</p> <p>Telephone no: +359 2 9406678 Fax no: +359 2 9406635</p> <p>Contact person: Ms. Olya Matova</p> <p>Title: Head of Industrial and Hazardous Waste Management Department at Waste Management and Soil Protection Directorate</p> <p>Telephone no: (if different from above)</p> <p>E-mail: matova@moew.government.bg</p> <p>Date when form completed (D/M/Y): 14.07.2011</p> <p>This report contains an updated national definition: Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/></p>

National Definition of Hazardous Wastes

1	Is there a definition of hazardous waste in your national legislation?		
	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	(If no, do not fill in the rest of the form)
	If yes, please provide the text of the national definition of hazardous waste (Please attach the full text of the relevant legislation):		
	<p>According to the Bulgarian Waste Management Act, dated 18 September 2003, promulgated in State Gazette 86/2003, as amended,</p> <p><i>"Hazardous waste" is the waste, which composition, quantity and properties create risk for human health and environment, have one or more properties determining them as hazardous, and/or contain components turning them into hazardous and/or are defined as such according to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal.</i></p> <p>National definition of hazardous waste is based on Council Directive of 12 December 1991 on hazardous waste (91/689/EEC), as amended, according to which "hazardous waste" is:</p> <ul style="list-style-type: none"> -waste classified as hazardous waste featuring on the list established by Commission Decision 2000/532/EC on the basis of Annexes I and II to the directive. This waste must have one or more of the properties listed in Annex III. The list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration - any other waste which is considered by a Member State to display any of the properties listed in Annex III. <p>The requirements on the classification of waste as hazardous as laid down in Directive, 91/689/EEC are completely transposed into the Bulgarian legislation by Ordinance No 3 on waste classification (SG 44/25.05.2004) without any other national requirements regarding the waste classification.</p> <p>There are not any other wastes, which are considered by Bulgaria to display any of the properties in Annex III.</p> <p>Based on the national definition we have stated that Bulgaria controls additional wastes as hazardous that are not included in Art. 1(1)a of the Basel Convention. These wastes are wastes from the list established by Commission Decision 2000/532/EC and marked with an asterisk (*).</p>		
1a	Is this a significant change to the national definition that has been previously notified to the Secretariat of the Basel Convention pursuant to article 3(2)? (NB: Information transmitted annually under article 13 (3) does not represent a notification in compliance with article 3)		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
1b	What is the source/ basis of this definition?		
	Basel Convention <input checked="" type="checkbox"/>	OECD-Council Acts <input type="checkbox"/>	EU Waste Law <input checked="" type="checkbox"/>
	National <input type="checkbox"/>	Other <input type="checkbox"/> (specify under remarks)	

	<p>Remarks, if necessary:</p>
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2	Does the national definition of hazardous waste cover wastes other than those listed in Annexes I, II and VIII of the Basel Convention?
Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	
If yes, please tick the box(es) below indicating the list(s) containing such wastes and, in the table below or as an attachment, list the wastes.	
WCO-HS <input type="checkbox"/> OECD <input checked="" type="checkbox"/> EU-Waste List <input checked="" type="checkbox"/>	
National <input type="checkbox"/> (specify under remarks) Other <input type="checkbox"/> (specify under remarks)	
General remarks, if any Bulgaria directly applies Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste. Therefore for the purposes of the regulation following is being considered: <ul style="list-style-type: none"> - In Basel entry A1010, the term 'excluding such wastes specifically listed on List B (Annex IX)' is a reference both to Basel entry B1020 and the note on B1020 in Annex III to this Regulation, Part I(b). - Basel entries A1180 and A2060 do not apply and OECD entries GC010, GC020 and GG040 in Annex III, Part II apply instead when appropriate. - Basel entry A4050 includes spent potlinings from aluminium smelting because they contain Y33 inorganic cyanides. If the cyanides have been destroyed, spent potlinings are assigned to Part II entry AB120 because they contain Y32, inorganic fluorine compounds excluding calcium fluoride. <p>Furthermore, Annex V to Regulation (EC) No 1013/2006, which concerns wastes, subject to the export prohibition in Art. 36, is to be applied as follows: If a waste is listed in Part 1 of Annex V, a check must be made to ascertain whether it is listed in List A or in List B. Only if a waste is not listed in either List A or List B of Part 1, must a check be made to ascertain whether it is listed either among the hazardous waste listed in Part 2 (i.e. types of waste marked with an asterisk) or in Part 3, and if this is the case, it is covered by the export prohibition. List A lists wastes which are classified as hazardous by Article 1(1)(a) of the Basel Convention, and therefore covered by the export prohibition, and List B lists wastes which are not covered by Article 1(1)(a) of the Basel Convention, and therefore not covered by the export prohibition. Furthermore, wastes listed in List B of Part 1 or which are among the non-hazardous waste listed in Part 2 (i.e. wastes not marked with an asterisk) are covered by the export prohibition if they are contaminated by other materials to an extent which:</p> <ul style="list-style-type: none"> (a) increases the risks associated with the waste sufficiently to render it appropriate for submission to the procedure of prior written notification and consent, when taking into account the hazardous characteristics listed in Annex III to Directive 91/689/EEC; or (b) prevents the recovery of the waste in an environmentally sound manner. <p>The Bulgarian national definition of hazardous waste <u>does not</u> cover any wastes other than those listed in Annexes I, II and VIII of the Basel Convention and the wastes falling under the scope of the European legislation, incl. Council Directive of 12 December 1991 on hazardous waste (91/689/EEC), as amended, and Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste.</p>	

Waste code*	Waste description	Remarks, if any
GC010	Electrical assemblies consisting only of metals or alloys	Acc. to Regulation (EC) No 1013/2006
GC020	Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery	Acc. to Regulation (EC) No 1013/2006
GC040	Coal fired power plants fly ash	Acc. to Regulation (EC) No 1013/2006

3	Specify any requirements (procedures) concerning transboundary movements that are applicable to the wastes listed under question 2 above:	
	The same as for wastes of Annex I, II or VIII: <input checked="" type="checkbox"/>	Other requirements (procedures): <input type="checkbox"/> If other, please specify the requirements (procedures):

* Please ensure that your listing is as precise and clear as possible.