

ORDINANCE ON THE REQUIREMENTS FOR PLACING ON THE MARKET OF BATTERIES AND ACCUMULATORS AND TREATMENT AND TRANSPORTATION OF WASTE BATTERIES AND ACCUMULATORS

Adopted with a Decree of the Council Of Ministers № 144 dated from 5.07.2005, promulgated - State Gazette, issue 58 from 15.07.2005, in force since 1.01.2006, amended and supplemented, issue 53 from 10.06.2008, issue 5 from 20.01.2009, in force since 20.01.2009

Chapter One GENERAL PROVISIONS

Article 1 This Ordinance establishes the requirements for placing on the market of batteries and accumulators and for collection, transportation, temporary (short term) storage, preliminary treatment (pre-treatment), recycling, recovery and/or disposal of waste batteries and accumulators.

Article 2 The Ordinance makes provisions for:

1. reduction of the heavy metal content in batteries and accumulators;
2. establishment of systems for separate collection, pre-treatment, recycling and recovery of waste batteries and accumulators, in order to reduce disposal of and to increase the share of recycled and recovered waste batteries and accumulators;
3. undertaking of measures by persons, taking part in the development, manufacturing and placing on the market of batteries and accumulators in order to reduce the harmful impact of these products upon the environment throughout their entire life cycle
4. environmentally sound collection, transportation, temporary (short term) storage, pre-treatment, recovery and/or disposal of waste batteries and accumulators
5. labelling (marking) requirements for batteries and accumulators in order to provide information for end users about the separate collection of waste batteries and accumulators as well as their heavy metal content;
6. provision of information to end users about their role in the separate collection of waste batteries and accumulators and the available schemes for separate collection;

Article 3 This Ordinance shall apply to:

1. all types of batteries and accumulators irrespectively of their shape, volume/capacity, weight, content or use, when placed on the market and marked;
2. (Amended and supplemented, State Gazette, issue 5 dated from 2009, in force since 20.01.2009) the appliances, in which batteries and accumulators are incorporated, in relation to the requirements for removal of batteries and accumulators;
3. waste batteries and accumulators

Article 3 a (New -State Gazette, issue 5 dated from 2009, in force since 20.01.2009). This Ordinance shall not apply to batteries and accumulators, used in:

1. equipment connected with the protection of essential national security interests of Bulgaria as well as arms, munitions and war materials with the exclusion of products that are not intended for specifically military purposes;
2. equipment designed to be sent into space.

(2) This Ordinance shall not apply to waste batteries and accumulators, generated from batteries and accumulators pursuant to paragraph 1.

Chapter two
REQUIREMENTS TOWARDS BATTERIES AND ACCUMULATORS PLACED ON THE MARKET

Section I
General requirements

Article 3 b (New -State Gazette, issue 5 dated from 2009, in force since 20.01.2009). Placing on the market of batteries or accumulators that do not meet the requirements of this Ordinance shall be prohibited.

Article 4 (1) Batteries and accumulators, that contain more than 0,0005 % of mercury by mass shall not be placed on the market on the territory of Bulgaria, including those incorporated into appliances.

(2) The prohibition set out in paragraph 1 shall not apply to button cells that consist of one or more voltaic elements, with a mercury content of no more than 2 % by mass.

(3) (New -State Gazette, issue 5 dated from 2009, in force since 20.01.2009). Portable batteries or accumulators, that contain more than 0,002 % of cadmium by mass, shall not be placed on the market on the territory of Bulgaria, including those incorporated into appliances.

(4) (New -State Gazette, issue 5 dated from 2009, in force since 20.01.2009). The prohibition set out in paragraph 3 shall not apply to portable batteries and accumulators, intended for use in:

1. emergency and alarm systems, including emergency lighting;
2. medical equipment
3. cordless power tools

Article 4 a (New -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Manufacturers of batteries and accumulators shall take measures upon their development and manufacture for:

1. facilitation of pre-treatment, recovery and recycling of waste batteries and accumulators.
2. improvement of the overall environmental performance of batteries and accumulators throughout their entire life cycle with a view to reducing their negative impact on the environment
3. the use of less polluting substances, in particular as substitutes for mercury, cadmium and lead for the purpose of reduction of hazardous substances content

Article 5. (in force since 1.01.2007 – State Gazette, issue 58 from 2005, amended, issue 5 from 2009, in force since 20.01.2009) Manufacturers of appliances in which batteries and accumulators are incorporated shall design the appliances in such a way that waste batteries and accumulators can be readily removed after reaching the end of their service life.

(2) The appliances into which batteries and accumulators are incorporated shall be accompanied by written information in Bulgarian language showing how they can be removed safely and, where appropriate, informing the end-user of the type of the incorporated batteries and accumulators.

(3) information set out in paragraph 2 shall be provided by the persons referred to in paragraph 1 or by the persons who place on the market the appliances pursuant to paragraph 1

(4) provisions of paragraphs 1 and 2 shall not apply where, for safety, performance, medical or data integrity reasons, continuity of power supply is necessary and requires a permanent connection between the appliance and the battery or accumulator.

Section II Labelling

Article 6 (1) (amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Persons who place on the market batteries, accumulators and battery packs shall mark the batteries, accumulators and battery packs placed on the market by them in compliance with the requirements of this Ordinance.

(2) The marking shall include symbols and indications for:

1. separate collection
2. heavy metal content.

(3) (New -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Persons who place portable and automotive batteries and accumulators on the market shall indicate the capacity of all portable and automotive batteries and accumulators on them in a visible, legible and indelible form. The labelling of the capacity shall be done in accordance with rules, including harmonised methods for the determination of capacity and appropriate use, which shall be laid down in accordance with the provisions referred to in Article 21 (2) of Directive 2006/66/EC, repealing Directive 91/157/EEC (OJ 266/26.09.2006 r.).

Article 7 (amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) The symbol indicating separate collection is referred to in Annex 3.

(2) (Repealed - State Gazette, issue 5 dated from 2009, in force since 20.01.2009)

(3) (Repealed - State Gazette, issue 5 dated from 2009, in force since 20.01.2009)

(4) (Amended and supplemented-State Gazette, issue 5 dated from 2009, in force since 20.01.2009) The symbol shown in Annex 3 shall cover at least 3% of the area of the largest side of the battery, accumulator or battery pack, up to a maximum size of 5×5 cm. In the case of cylindrical batteries and accumulators the symbol shall cover at least 1,5 % of the surface area of the battery or accumulator and shall have a maximum size of 5×5 cm.

(5) (Amended and supplemented-State Gazette, issue 5 dated from 2009, in force since 20.01.2009) In case the size of the battery, accumulator or battery pack is such that the symbol ought to be smaller than $0,5 \times 0,5$ cm, the battery, accumulator or battery pack need not be marked but a symbol measuring at least 1×1 cm shall be printed on the packaging.

Article 8 (1) (Amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) A symbol indicating the heavy metal content shall be placed only on batteries, accumulators and button cells containing more than 0,0005 % by mass mercury, more than 0,002 % by mass cadmium or more than 0,004 % by mass lead.

(2) (Amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) The symbol indicating the heavy metal content shall contain the chemical symbol for the metal concerned: mercury (Hg), cadmium (Cd) or lead (Pb).

(3) The symbol indicating the heavy metal content shall be printed beneath the symbol pursuant to article 7, paragraph 1 (shown in Annex 3) and shall cover an area of at least one quarter the size of the symbol, referred to in article 7, paragraphs 4 or 5.

Article 9 Symbols referred to in article 7, par. 1 and article 8, par. 3 shall be printed visibly, legibly and indelibly.

Article 10 (Amended -State Gazette, issue 53 dated from 2008)

In case batteries and accumulators are introduced on the market of the territory of Bulgaria from the territory of another Member State, and/or are imported already labeled with the symbols and indications, set out in this chapter, persons who import them or make them available on the market shall be exempted from the obligation to mark them again (reiterated marking).

Chapter three

REQUIREMENTS FOR COLLECTION, TRANSPORTATION, RECYCLING, RECOVERY AND DISPOSAL OF SPENT BATTERIES AND ACCUMULATORS

Article 11 Persons who place batteries and accumulators on the market shall be responsible for:

1. separate collection of waste batteries and accumulators
2. recycling and recovery of separately collected waste batteries and accumulators referred to in point 1
3. environmentally sound disposal of waste batteries and accumulators and the waste, generated from them, which cannot be recycled and/or recovered.

Article 12 (1) (Amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Persons who place portable batteries and accumulators on the market shall provide for collection of a certain quantity of waste portable batteries and accumulators corresponding to a collection rate on a yearly basis no less than 45 % of the annual sales of portable batteries and accumulators as these portable batteries and accumulators which have been placed on the market but afterwards exported or made available outside the territory of Bulgaria before being acquired by end-users shall be excluded from the above mentioned quantity.

(2) (Amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Collection of the quantities of waste portable batteries and accumulators referred to paragraph 1 shall be attained by stages in accordance with the time limits, set out in paragraph 2 of the final provisions herein as the collection rate shall be calculated in accordance with Annex 3 a.

(3) Collection of waste portable batteries and accumulators shall be done without any payment required from end users.

(4) (Amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Persons who place automotive batteries and accumulators on the market shall provide for collection of the whole quantity of waste automotive batteries and accumulators, generated during the current year, taking back all waste automotive batteries and accumulators without any payment required from the end users, at some accessible place in their vicinity, in the area of the generation of waste or at the point of sale of batteries and accumulators of the same kind, provided that the distribution (placement) of containers is technically feasible.

(5) Waste automotive batteries and accumulators generated as a result of dismantling of end-of-life vehicles (EoLV):

1. shall be delivered for pre-treatment and recycling to persons, holding permit issued in accordance with article 37 of the Waste Management Act (WMA) or integrated permit (IPPC permit) issued according to the procedure referred to in Chapter Seven, Section II of the Environment Protection Act (EPA), and

2. (Amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) shall be considered for attainment of the targets referred to in paragraph 4 herein and article 13 paragraph 2 after being recycled and / or recovered.

(6) (Amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Persons who place industrial batteries and accumulators on the market shall provide for collection of the total quantity of waste industrial batteries and accumulators, generated in the current year, irrespective of their chemical composition and origin, taking back all waste industrial batteries and accumulators without any payment required from the end users, unless they have concluded with end users agreements stipulating other arrangements for covering of the expenses relating collection and recycling. (7) (Amended -State Gazette, issue 53 dated from 2008, issue 5 dated from 2009, in force since 20.01.2009) The quantity of waste portable batteries and accumulators (in

tons) that every individual person, who places portable batteries and accumulators on the market, shall collect during the current year in accordance with § 2 of the final provisions and Annex 3 a herein, must be equal to the part of the quantity, corresponding to the relevant collection rate, for which all the persons, placing on the market portable batteries and accumulators shall be responsible, in compliance with the same paragraph, in proportion to his/her market share in Bulgaria during the same year.

(8) (Amended -State Gazette, issue 53 dated from 2008) The quantity of waste automotive batteries and accumulators (in tons) that every individual person, who places automotive batteries and accumulators on the market, shall collect in compliance with the provisions of paragraph 4, must be equal to the part of the total quantity of waste automotive batteries and accumulators (in tons), collected during the current year, in proportion to his/her market share in Bulgaria during the same year.

(9) (Amended -State Gazette, issue 53 dated from 2008) The quantity of waste industrial batteries and accumulators (in tons) that every individual person who places industrial batteries and accumulators on the market, shall collect in compliance with the provisions of paragraph 6, must be equal to the part of the total quantity of waste industrial batteries and accumulators (in tons), collected during the current year, in proportion to his/her market share in Bulgaria during the same year.

Article 13 (1) (Amended -State Gazette, issue 53 dated from 2008, issue 5 dated from 2009, in force since 20.01.2009) All waste batteries and accumulators, collected in accordance with article 12, including those removed as a result of pre treatment of WEEE and dismantling of end-of-life-vehicles (EoLVs), shall be delivered for pre-treatment, recycling and/or recovery.

(2) Persons, who place batteries and accumulators on the market, shall take measures to meet the following recycling efficiencies (levels of recycling):

1. (Amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) recycling of no less than 65 % by average weight of materials, contained in lead-acid batteries and accumulators, including recycling of the lead content to the highest feasible degree.

2. (**) (Amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) recycling of no less than 75 % by average weight of materials, contained in nickel-cadmium batteries and accumulators, including recycling of the cadmium content to the highest feasible degree.

3. (***) (Amended -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) recycling of 50 % by average weight of other waste batteries and accumulators

(3) The recycling efficiencies (levels of recycling) referred to in paragraph 2 point 2 shall be met by stages in accordance with the time limits, set out in paragraph 3 of the final provisions

(4) The recycling efficiencies (levels of recycling) referred to in paragraph 2 point 3 shall be met by stages in accordance with the time limits, set out in paragraph 3 of the final provisions.

(5) (New -State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Waste batteries and accumulators referred to in paragraph 1, which have been delivered for disposal, shall not be considered for accomplishment of recycling efficiencies (levels of recycling).

Article 14 Persons, who place batteries and accumulators on the market, shall fulfill their obligations referred to in article 12 and article 13:

1. Individually, or

2. (Amended - State Gazette, issue 5 dated from 2009, in force since 20.01.2009) by means of collective systems, represented by recovery organization, or

3. (Repealed - State Gazette, issue 53 dated from 2008)

(2) (Amended - State Gazette, issue 53 dated from 2008) Provided that persons who place batteries and accumulators on the market pay a product fee pursuant to Article 36, paragraph 1 of Waste Management Act (WMA), the executive director of the Enterprise for Management of Environment Protection Activities (EMEPA) shall spend the accumulated financial resources for the

purpose of separate collection, transportation, temporary (short-term) storage, pre-treatment, recycling, recovery and/or disposal of waste batteries and accumulators, information (public awareness) campaigns, control and any other activities in relation to management of batteries and accumulators and waste batteries and accumulators, on the basis of the contracts with persons referred to in article 16 herein or with mayors of municipalities in compliance with the Rules of Establishment and Procedure of EMEPA.

Article 15 (Amended - State Gazette, issue 53 dated from 2008, supplemented State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Shipments of waste batteries and accumulators from the territory of Bulgaria to the territory of another Member State or their export outside of the Community with the purpose of recovery, including recycling, in compliance with the requirements of the Regulation 1013/2006 of the European Parliament and the Council on the shipments of waste, further referred to as Regulation (EC) 1013/2006, shall be considered for accomplishment of recycling efficiencies stipulated in article 13, paragraph 2.

Article 16 (1) Persons who carry out collection, transportation, temporary (short term) storage, pre-treatment, recovery and/or disposal activities related to waste batteries and accumulators shall hold:

1. a permit or registration document issued pursuant to the procedure referred to in Chapter V, Section I or II of WMA, or
2. an IPPC permit issued pursuant to the procedure referred to in Chapter seven, Section II of the Environment Protection Act (EPA).

(2) Persons, who carry out collection, transportation and temporary storage activities related to waste batteries and accumulators that possess non-hazardous properties, shall have a registration document issued pursuant to the procedure referred to in Chapter five, section II of the WMA.

(3) Permit or registration document shall not be required in case of take back collection of waste batteries and accumulators at the place of sale of batteries and accumulators to the end-users, provided that the containers for collection shall be attended by another person who holds a permit or registration document issued pursuant to the procedures, referred to in Chapter five, sections I and II of the WMA.

(4) (Amended - State Gazette, issue 53 dated from 2008, supplemented State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Pre-treatment activities related to waste automotive batteries and accumulators shall be performed by persons who hold permits for recovery and/or disposal issued pursuant to article 12 of the WMA.

(5) (New - State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Pre-treatment activities related to waste industrial batteries and accumulators shall be performed by persons who hold permits for recovery and/or disposal issued pursuant to article 12 of the WMA, with the exception of cases when additional disassembling and fragmentation during the dismantling operations of waste industrial batteries and accumulators would be indispensable, with the purpose of transport facilitation.

Article 17 Systems set up for separate collection of waste batteries and accumulators shall not impede the functioning of the existing municipal waste collection systems as well as the systems for separate collection of other specific waste streams, occurring on a mass scale.

Article 18 (Supplemented State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Operators of installations and facilities for pre-treatment, recycling, recovery and/or disposal of waste batteries and accumulators, which are liable to authorisation (issuance) of permit pursuant to the procedure referred to in Chapter V, Section I of WMA or IPPC permit pursuant to Chapter 7, Section II of the EPA, shall ensure the implementation of the best available techniques in relation to protection of human health and the environment.

(2) (Amended - State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Technologies,

applied for recycling of waste batteries and accumulators, shall meet the recycling efficiencies (levels of recycling) referred to in article 13, paragraph 2.

Article 19 Persons who place portable and automotive batteries and accumulators on the market shall set up systems for separate collection of waste portable and automotive batteries and accumulators that must ensure:

1. collection from the end-users:

a) by means of specially furnished vehicles (mobile collection points) – from the places where waste portable and automotive batteries and accumulators are generated.

b) (Amended - State Gazette, issue 5 dated from 2009, in force since 20.01.2009) by placing of containers for collection, distributed at the point of sale of portable and automotive batteries and accumulators, provided that this is technically feasible, or at any other accessible place within the area where waste portable and automotive batteries and accumulators are generated (collection points).

2. delivery of waste portable and automotive batteries and accumulators, collected pursuant to point 1 herein, to temporary (short term) storage sites, to pre-treatment, recycling, recovery and/or disposal facilities.**Article 20** (1) The number and locations of the places for distribution of containers intended for waste portable batteries and accumulators collection (collection points) shall be considered having regard to the population density (the number of inhabitants in the municipality), as at least one place for distribution of containers (one collection point) per 1 000 inhabitants shall be provided for.

(2) The number and locations of the places for distribution of containers intended for waste automotive batteries and accumulators collection (collection points) shall be considered having regard to the population density (the number of inhabitants in the municipality), as at least one place for distribution of containers (one collection point) per 5 000 inhabitants shall be provided for.**Article 21** Places for distribution of containers intended for waste portable and/or automotive batteries and accumulators (collection points) referred to in Article 20 shall include the points of sale of batteries and accumulators as well.

Article 22 (1) (Amended - State Gazette, issue 53 dated from 2008, State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Persons who sell portable batteries and accumulators to end users shall provide for, whereas persons who sell automotive batteries and accumulators to end users may provide for, places for distribution of containers intended for portable and/or automotive batteries/accumulators collection on the territory/point of sale.

(2) Only persons holding permit or registration document issued pursuant to the procedure referred to in Article 12 of the WMA are allowed to distribute (place) containers for collection of waste portable and/or automotive batteries and accumulators at the places referred to in paragraph 1.

(3) Persons referred to in paragraph 1 shall provide access to collection containers located on their territory, within their working time, for the end-users and for the persons referred to in paragraph 2.(4) (Supplemented - State Gazette, issue 53 dated from 2008, amended - State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Consumers may return waste portable and/or automotive batteries and accumulators in all places of sale, where batteries and accumulators of the same kind are sold.

(5) (New- State Gazette, issue 53 dated from 2008, amended - State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Persons referred to in paragraph 1 shall take back waste batteries or accumulators of the same kind that has been purchased by the buyer without any charge involved for the end-users, in the cases referred to in paragraph 4.

(6) (New- State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Provided that any containers for collection of waste portable and/or automotive batteries and accumulators have been placed on the territory (point) of sale, persons referred to in paragraph 1 shall inform end users for the availability of containers at the place of sale.

Article 23 (1) Provided that in a particular settlement no system for collection of waste portable and automotive batteries and accumulators from the places of generation has been set up, by means of specially furnished vehicles, end-users shall take them back in the collection points referred to in article 19, point 1, letter “b”.

(2) Discarding of waste portable batteries and accumulators as an unsorted municipal waste shall be prohibited provided that in a particular settlement a system for waste portable batteries and accumulators separate collection has been set up.

Article 24 In order to fulfill their obligations referred to in Article 19, point 2, persons who place portable and automotive batteries and accumulators on the market shall ensure the collection of waste batteries and accumulators back from the persons referred to in Article 22, paragraph 1 and the subsequent delivery for pre-treatment, recycling, recovery and/or disposal.

Article 25 Waste industrial batteries and accumulators shall be collected at the place where they have been generated.

(2) (Amended- State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Holders of waste industrial batteries and accumulators shall ensure their temporary (short term) storage at the place they have been generated and shall inform the person who places industrial batteries and accumulators on the market, about the available quantities of waste industrial batteries and accumulators with the purpose of fulfillment his/her obligation referred to in article 12, paragraph 6.

Article 26 Persons who place batteries and accumulators on the market may establish deposit systems for the batteries and accumulators, placed by them on the market of the Republic of Bulgaria.**Article 27** The Mayor of the municipality:

1. Shall determine the places for distribution (placement) of containers for waste batteries and accumulators collection on the territory of the municipality, in accordance with the programme referred to in Article 29, paragraph 1, point 1 of the WMA, as shall not impede the activities of persons who have concluded contracts with a collective system (recovery organization) or with EMEPA, and/or with the persons who fulfill their obligations individually;

2. Shall arrange for the collection and temporary storage activities related to waste batteries and accumulators and their delivery for pre-treatment, recycling, recovery and/or disposal.

(2) The Mayor of the municipality shall perform the activities referred to in paragraph 1 in the following occasions:

1. under point 1 – in case the persons who place batteries and accumulators on the market locate the elements of the system for separate collection of waste batteries and accumulators on a municipal property, and 2. under point 2 – in case a contract has been concluded to ensure financing of collection and temporary (short term) storage of waste batteries and accumulators and their delivery for pre-treatment or recycling with:

a) a collective system (recovery organization) of waste batteries and accumulators

b) (Amended – State Gazette, issue 53 dated from 2008) persons who place batteries and accumulators on the market and fulfill their obligations pursuant to this Ordinance individually.

c) The Enterprise for management of environment protection activities (EMEPA)

(3) In order to accomplish the activities referred to in paragraph 1, point 2 the mayor of the municipality shall conclude contracts with the persons referred to in article 16.

(4) (New – State Gazette, issue 53 dated from 2008) Following a proposal made from the persons referred to in article 16, or a collective system or persons who place batteries and accumulator on the market and fulfill their obligations individually, the mayor of municipality may locate new places pursuant to paragraph 1, point 1.

(5) (New – State Gazette, issue 53 dated from 2008) On the occasions referred to in paragraph 2,

point 2, the mayor of municipality shall draw up a work-schedule for collection of waste batteries and accumulators that must include at least two dates per year.

(6) (New – State Gazette, issue 53 dated from 2008) The work-schedule referred to in paragraph 5 shall be drawn up together with the persons referred to in paragraph 2, point 2 and shall be announced through the local mass media and by other appropriate means. **Article 28** (1) Transportation of waste batteries and accumulators and wastes from batteries and accumulators, including by the transport vehicles for collection referred to in Article 19, point 1, letter “a” shall be performed (carried out) in compliance with the Ordinance on the requirements for treatment and transportation of industrial and hazardous waste (promulgated SG issue 29/1999).

(2) Transportation of waste batteries and accumulators, containing certain hazardous substances and wastes from batteries and accumulators, containing certain hazardous substances shall be performed (carried out) in compliance with the Ordinance №40 / 2004 on the conditions and procedure for road transport of hazardous goods (promulgated SG issue 15/2004) or Ordinance №46 / 2001 for railway transport of hazardous goods (promulgated SG issue 107/2001) as well as the international legal agreements for transport of dangerous cargo (goods), ratified by the Republic of Bulgaria by law. (3) In case of transport of waste batteries and accumulators containing certain hazardous substances and wastes from batteries and accumulators, containing certain hazardous substances, a reporting transport card shall be filled in pursuant to Article 8 of the Ordinance № 9 concerning the procedure and standard forms to be used for submission of information about waste management activities as well as the procedure for keeping the public register of permits, licenses (registration forms) and closed discontinued facilities sites and activities. (SG 95 / 2004).

Article 29 (1) (repealed- State Gazette, issue 5 dated from 2009, in force since 20.01.2009)

(2) Temporary (short term) storage sites shall be designed, equipped (furnished) and operated in compliance with the requirements towards the sites, facilities and installations for temporary storage of waste referred to in Annex № 2 of the Ordinance on the requirements for treatment and transportation of industrial and hazardous waste.

(3) Temporary (short term) storage of waste batteries and accumulators in storage accommodations that are not sheltered (in the open) shall be prohibited. **Article 30** (1) The places for distribution of containers for collection of waste portable and/or automotive batteries and accumulators, the transport vehicles for collection referred to in Article 19, point 1, letter “a” and the sites for temporary (short term) storage of waste batteries and accumulators shall be indicated with signboards “Collection point for waste batteries and accumulators”

(2) The places for distribution of containers for collection of waste automotive batteries and accumulators, the transport vehicles for collection referred to in Article 19, point 1, letter “a” and the sites for temporary storage of waste automotive batteries and accumulators shall be indicated with additional signboards “Accumulators shall be mandatory collected with electrolyte”.

(3) The signboard dimensions referred to in paragraphs 1 and 2 shall be at least 0,5x1 m. **Article 31** Collection and temporary storage of waste batteries and accumulators shall be carried out (performed) in specially designed closed containers that shall meet the following requirements:

1. to be resistant to the substances, contained in the batteries or accumulators and the construction material that they are made of shall not react with them.
2. to ensure air ventilation
3. to be indicated with a notice “Waste batteries and accumulators”

Article 32 (1) The pre-treatment facilities shall receive waste batteries and accumulators, delivered from the temporary (short term) storage sites, collection points referred to in Article 19, point 1 or from the holders of waste, including end-users.

(2) (supplemented - State Gazette, issue 53 dated from 2008, - Amended- State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Pre-treatment facilities for waste batteries and accumulators shall be designed, built-up and operated in compliance with the minimum technical requirements, set up in Annex № 4 whereupon:

1. measures shall be taken in order to reduce the manual operations to the minimum extent and to prevent any adverse effect on the human health and the environment;

2. temporary (short term) storage of waste batteries and accumulators and waste generated from pre-treatment of waste batteries and accumulators shall be performed (carried out) in compliance with the Ordinance on the requirements for treatment and transportation of industrial and hazardous waste;

3. measures shall be taken in order to provide eligibility of the obtained materials for recovery, and predominantly for recycling.

(3) (Amended- State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Operations for removal of the electrolyte from waste automotive and industrial batteries and accumulators shall be accomplished after their delivery in pre-treatment facilities.

(4) (Amended- State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Operations for removal of the electrolyte from waste industrial batteries and accumulators may be accomplished at the place of their generation in accordance with Annex 4.

(5) waste batteries and accumulators shall undergo operations of fragmentation and separation to waste fractions, which are eligible or non-eligible for recycling and/or recovery.

(6) Waste fractions, which are eligible for recycling and/or recovery, shall be delivered to persons, holding a permit or IPPC permit referred to in Article 16 for recycling or recovery.

(7) Waste fractions, which are non-eligible for recycling and/or recovery, shall be delivered for disposal to persons, holding a permit or IPPC permit referred to in Article 16.

Article 33 Uncontrolled removal and/or effusion (pouring out) of electrolyte from waste batteries and accumulators shall be prohibited.

Article 34 (1) Collection of waste batteries and accumulators without electrolyte shall be prohibited unless they were damaged on circumstances, irrespective of the person who carries out collection, and this quantity shall not exceed 5% of the total quantity waste batteries and accumulators that have been collected at a single temporary (short term) storage site as well.

(2) The requirement referred to in paragraph 1 shall not apply in case waste batteries and accumulators have been delivered at the temporary storage sites via import which shall be proven by the waste import permit issued pursuant to the procedure referred to in Chapter five, section V of WMA.

Article 35 (1) (Previous text of article 35, Amended- State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Landfilling, incineration and/or any other kind of disposal of waste automotive and industrial batteries and accumulators shall be prohibited as this prohibition shall also apply on the parts or materials from waste automotive and industrial batteries and accumulators which can be recycled and/or recovered in other way.

(2) (New- State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Landfilling, incineration and/or any other kind of disposal of waste portable batteries and accumulators that contain mercury, cadmium or lead shall be prohibited.

Article 36 (1) (Amended- State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Waste fractions, generated as a result of pre-treatment of waste batteries and accumulators, which are non eligible for recycling and/or recovery, shall be disposed of in compliance with the requirements of the WMA and the subsidiary (secondary) legislation regarding its implementation.

(2) (Amended- State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Waste,

generated as a result of pre-treatment of waste batteries and accumulators, that contains hazardous substances, shall be landfilled in specially designed containers and/or shall be additionally processed in order to reduce solubility of their hazardous substances content under the conditions of the landfill.

(3) Containers referred to in paragraph 2 shall meet the following requirements:

1. shall be corrosion resistant towards the effects of the substances contained in the waste from batteries and accumulators, as well as the material that they are made of shall not react with those substances.

2. shall be resistant towards external influences under the conditions of the landfill.

Chapter four

INDIVIDUAL FULFILLMENT OF OBLIGATIONS

Article 37 (1) (Amended- State Gazette, issue 53 dated from 2008) Persons who place batteries and accumulators on the market shall be considered as they fulfil their obligations individually if they have a programme referred to in Article 29, paragraph 1, point 4 of WMA approved by the respective Regional Inspectorate of Environment and Water (RIEW).

(2) (Amended- State Gazette, issue 53 dated from 2008) Persons, who place batteries and accumulators on the market and fulfil their obligations referred to in Article 11, par 1 of WMA individually, shall cover on their own account the expenses for:

1. collection, temporary (short term) storage, pre-treatment, transportation, recovery and/or disposal of waste batteries and accumulators as well as the attainment of the targets and recycling efficiencies referred to in Articles 12 and 13;

2. obligations to take back at the point of sale or at some other appropriate place waste batteries and accumulators, generated after the use of batteries and accumulators, placed by them on the market.

(3) (Amended- State Gazette, issue 53 dated from 2008) Persons, who place batteries and accumulators on the market and fulfil their obligations referred to in Article 11, paragraph 1 of WMA individually, shall carry out (perform) the activities referred to in paragraph 2 provided that they have :

1. a permit or registration document for carrying out waste management activities issued pursuant to the procedure referred to in Chapter V, Section I or II of WMA, or

2. an IPPC permit issued pursuant to the procedure referred to in Chapter seven, Section II of the Environment Protection Act (EPA).

3. contract, concluded with other physical or legal persons who have the documents referred to in point 1 or 2 herein.

(4) (Amended- State Gazette, issue 53 dated from 2008, State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Provided that there are no appropriate facilities for recycling and/or recovery for certain types waste batteries and accumulators on the territory of the Republic of Bulgaria, the persons, referred to in paragraph 2, shall conclude contracts in order to carry out the above mentioned activities outside the country in compliance with the requirements of the Regulation (EC) 1013/2006

Article 38 (Amended- State Gazette, issue 53 dated from 2008) Persons, who place batteries and accumulators on the market and fulfil their obligations referred to in Article 11, paragraph 1 of WMA individually, shall develop the programme referred to in Article 29, paragraph 1, point 4 of WMA that complies with the objectives and the scope, set up in article 31, paragraph 1 and paragraph 2 of the WMA; this programme shall include:

1. measures provided for the reduction of heavy metal content, used upon manufacturing of batteries and accumulators, that are developed by the manufacturers.

2. a preliminary financial plan of the chosen system set up for attainment of collection targets and recycling efficiencies of waste batteries and accumulators as well as a proof for financial provision for

the initial investment and operational expenditure.

3. measures provided for attainment of the targets and recycling efficiencies pursuant to Article 12 and Article 13 in accordance with the time limits, referred to in § 2, § 3 и § 4 of the final provisions;

4. a plan provided for an increase of the quantity of separately collected and recycled waste batteries and accumulators, including measures for optimization of collection, temporary (short term) storage, transportation and preliminary treatment of waste batteries and accumulators as well as the delivery for recycling and recovery of the waste fractions that have been generated;

5. a plan (schedule) indicating the dates for conclusion of contracts for separate collection of waste portable and/or automotive batteries and accumulators as well as the target figures for a minimum number of inhabitants, who will be serviced by systems for organized separate collection of waste portable and/or automotive batteries and accumulators, by years, in compliance with the targets referred to in article 12, and when concerning portable batteries and accumulators, according to the time limits referred to in § 2 of the Final provisions

6. measures provided for collection of waste portable batteries and accumulators from the households, administrative, social/community and public buildings, commercial, recreation, amusement and tourism premises or places and a schedule, indicating the dates for inclusion of the inhabitants who will be serviced by systems for organized separate collection of waste batteries and accumulators, by years, in compliance with the targets referred to in article 12, according to the time limits referred to in § 2 of the Final provisions

7. a plan for provision of information and consumer involvement in implementation of waste batteries and accumulators separate collection, which shall include running of information (awareness raising) campaigns;

8. measures that shall be taken in case of a temporary discontinuance of collection or any decrease of the waste batteries and accumulators quantity collected as well as their subsequent recycling and/or disposal.

9. measures provided for compensation of the possible negative impact on the market price of the recyclable materials.

Chapter five

COLLECTIVE SYSTEMS FOR MANAGEMENT OF WASTE BATTERIES AND ACCUMULATORS

Article 39 (1) Persons who place batteries and accumulators on the market may fulfill their obligations for attainment of corresponding targets and recycling efficiencies referred to in article 12 and 13 for collection and recycling of waste batteries and accumulators by means of the collective system referred to in article 11, paragraph 4 point 2 of the WMA.

(2) The collective system referred to in paragraph 1 herein shall be represented by a recovery organization of waste batteries and accumulators that holds a permit, issued in accordance to the procedure referred to in Chapter five, section four of the WMA.

(3) Persons who place batteries and accumulators on the market, and who have concluded a contract with a recovery organization, shall be considered as fulfilling their obligations by means of a collective system.

(4) (New, State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Persons who place on the market batteries and accumulators that have been incorporated into appliances may fulfill their obligations for attainment of the corresponding targets and recycling efficiencies referred to in article 12 and 13 for collection and recycling of waste batteries and accumulators resulting from the pre-

treatment of waste electrical and electronic equipment , by means of a collective system referred to in article 18 of the Ordinance for placing on the market of electrical and electronic equipment and treatment and transportation of waste electrical and electronic equipment, adopted by a Decree № 82 of the Council of Ministers dated from 2006 (promulgated, State Gazette issue 36/2006, amended and supplemented, issue 57/2006 and issue 53/2008)

(5) (New, State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Persons who place on the market batteries and accumulators that have been incorporated into motor vehicles may fulfill their obligations for attainment of the corresponding targets and recycling efficiencies referred to in article 12 and 13 for collection and recycling of waste automotive batteries and accumulators resulting from the dismantling of end-of-life-vehicles , by means of a collective system referred to in article 35 of the Ordinance of requirements for treatment of waste generated from end of life vehicles, adopted by a Decree № 311 of the Council of Ministers dated from 2004 (promulgated, State Gazette issue 104/2004, amended and supplemented issue 53/2008)

Article 40 The recovery organization for waste batteries and accumulators shall develop the programme referred to in Article 29, paragraph 1, point 4 of WMA that complies with the objectives and the scope, set up in article 31, par. 1 and par. 2 of the WMA; and this programme shall include:

1. a preliminary financial plan of the chosen system set up for attainment of collection targets and recycling efficiencies of waste batteries and accumulators as well as a proof for financial provision for the initial investment and operational expenditures.

2. a plan (schedule) indicating the dates for conclusion of contracts for separate collection of waste portable and/or automotive batteries and accumulators as well as the target figures for a minimum number of inhabitants, who will be serviced by systems for organized separate collection of waste portable and/or automotive batteries and accumulators, by years, in compliance with the targets referred to in article 12, and when concerning portable batteries and accumulators, according to the time limits referred to in § 2 of the Final provisions

3. measures for involvement of the persons who place batteries and accumulators on the market in the collective systems for collection and recycling of waste batteries and accumulators , offered by the recovery organizations.

4. measures provided for attainment of the targets and recycling efficiencies referred to in article 12 and 13 in accordance with the time limits referred to in § 2, 3 и 4 of the final provisions.

5. a plan provided for an increase of the quantity of separately collected and recycled waste batteries and accumulators, including measures for optimization of collection, temporary (short term) storage, transportation and preliminary treatment activities of waste batteries and accumulators as well as the their delivery for recycling.

6. measures that shall be taken in case of a temporary discontinuance of collection or any decrease of the waste batteries and accumulators quantity collected as well as their subsequent recycling and/or disposal.

7. a plan for provision of information and consumer involvement in implementation of waste batteries and accumulators separate collection, which shall include running awareness raising information campaigns, development of educational programmes for schools and universities as well as some other activities;

8. measures provided for collection of waste portable batteries and accumulators from the households, administrative, social/community and public buildings, commercial, recreation, amusement and tourism premises or places and a schedule, indicating the dates for inclusion of the inhabitants who will be serviced by systems for organized separate collection of waste batteries and accumulators, by years, in compliance with the targets referred to in article 12, according to the time

limits referred to in § 2 of the Final provisions

9. measures provided for compensation of the possible negative impact on the market price of the recyclable materials.

10. measures provided for reduction of the heavy metal content, used upon manufacturing of batteries and accumulators, developed by the manufacturers.

Article 41 Representatives of branch associations may be involved in the development, amendment and up-dating of the programmes referred to in Article 40 as well.

Article 42 (1) In order to fulfill its obligations for collection and recycling of waste batteries and accumulators, the recovery organization shall conclude contracts with the persons referred to in Article 16 or with mayors of municipalities.

(2) The contracts referred to in paragraph 1 herein shall ensure collection and/or recycling of the waste batteries and accumulators quantities in conformity with the permit issued pursuant to the procedure referred to in Chapter five, Section IV of the WMA and the targets and recycling efficiencies referred to in Article 12 and 13, in accordance with the time limits referred to in § 2, § 3 и § 4 of the Final provisions.

(3) The recovery organization shall conclude contracts with local or foreign persons for collection, pre-treatment and recycling of waste batteries and accumulators, covered by its system as well as recovery and disposal of waste from batteries and accumulators that cannot be recycled.

(4) (Amended- State Gazette, issue 53 dated from 2008, State Gazette, issue 5 dated from 2009, in force since 20.01.2009) Provided that there are no appropriate facilities for recycling and/or recovery for certain types waste batteries and accumulators on the territory of the Republic of Bulgaria, the recovery organization shall conclude contracts in order to carry out the above mentioned activities outside the country in compliance with the requirements of the Regulation (EO) 1013/2006

Chapter six

WASTE BATTERIES AND ACCUMULATORS MANAGEMENT PROGRAMMES

Article 43 Measures for management of waste batteries and accumulators shall be provided in the National Waste Management Programme pursuant to Article 28, paragraph 1 of the WMA.

Article 44 (1) Section for management of waste batteries and accumulators shall be included in the waste management programmes referred to in Article 29, point 1, 2 and 3 of the WMA.

(2) Waste management programmes referred to in Article 29, point 1, 2 and 3 of the WMA shall be up-dated in compliance with the requirements of this ordinance in accordance with Article 29, paragraph 3, point 2 of the WMA.

Article 45 (1) Persons who place batteries and accumulators on the market and fulfill their obligations individually and recovery organizations for waste batteries and accumulators shall develop programs in accordance with article 29, paragraph 1 section 4 of WMA.

(2) Programs referred to in article 29 paragraph 1 section 4 shall be approved by:

1. Minister of Environment and Water - when submitted by a recovery organization for waste batteries and accumulators.

2. (Amended State Gazette issue 53 dated from 2008) Director of Regional inspectorate of environment and water when submitted by persons who place batteries and accumulators on the market and fulfill their obligations individually.

(3) (Amended State Gazette issue 53 dated from 2008) Provided that programs referred to in article 29 paragraph 1 section 4 of WMA developed by persons who place batteries and accumulators on the market and fulfill their obligations individually, include measures concerning collection and

recycling of waste batteries and accumulators on the territory of more than one Regional inspectorate of environment and water, then these programs shall be approved in accordance with article 30 paragraph 4 of WMA.

(4) Persons referred to in paragraph 1 shall submit a draft of the program in accordance with article 29, paragraph 4, point 4 of WMA to authorities referred to in paragraph 2 points 1 or 2.

(5) Within a month authorities referred to in paragraph 2 point 1 or 2 shall approve the submitted programs or shall return them accompanied with obligatory instructions for revision and amendment in compliance with the provisions of WMA and the ordinance herein.

(6) Within a month of receiving the instructions, referred to in paragraph 5, the persons referred to in paragraph 1 shall submit a new draft of the program consistent with the instructions.

(7) The competent authority that has approved the waste management program or an authorized official and the Regional Inspectorate of Environment and Water who has stated an opinion on its compliance with paragraph 3 shall inspect its implementation at least once a year.

CHAPTER 7 INFORMATION

Article 46 (1) Persons referred to in article 16 shall keep report books in compliance with article 25 paragraph 1 of WMA and Ordinance 9 / 2004 concerning the procedure and standard forms to be used for submission of information concerning waste management activities as well as the procedure for keeping the public register of permits, licenses (registration forms) and closed sites and activities.

(2) With regard to their activity as operators of collection and temporary storage sites of waste batteries and accumulators persons referred to in article 16 shall prepare and submit to the Regional Inspectorate of environment and water on the territory of which their activity is based an annual report on waste management in accordance with the standard form provided in Annex 5

(3) The annual report pursuant to paragraph 2 shall not be submitted by operators of temporary storage sites of waste batteries and accumulators in case the sites are situated at the place of generation of waste.

(4) With regard to their activity as operators of facilities for preliminary treatment of waste batteries and accumulators persons pursuant to article 16 shall prepare and submit an annual report on waste management to the Regional Inspectorate of environment and water on the territory of which their activity is based, in accordance with the standard form provided in Annex 6.

(5) When preparing and submitting reports in accordance with paragraphs 2 and 4, the procedure and due dates shall be observed, as stipulated by Ordinance 9 / 2004 concerning the procedures and the standard forms to be used for submission of information on waste management as well as the procedure for keeping the public register of issued permits and licenses (registration documents) and of closed sites and activities.

(6) (Amended State Gazette issue 53 dated from 2008) Reports pursuant to paragraphs 2 and 4 shall not include information about waste batteries and accumulators delivered in the country by a Member State of EU and/or imported for the purpose of recycling in accordance with Regulation (EC)1013/2006

(7) Persons referred to in article 16 performing activities different from the ones set out in paragraphs 2 and 4 shall submit annual reports on waste management in accordance with the procedures, due dates and the standard forms pursuant to Ordinance 9 / 2004 concerning the procedures and standard forms to be used for submission of information about waste management as well as the procedure for keeping the public register of issued permits and licenses (registration documents) and of closed sites and activities.

Article 47 (1) (Amended State Gazette issue 53 dated from 2008, amended State Gazette issue 5 / 2009 in force since 20.01.2009) Persons performing activities related to the collection, temporary storage, pre-treatment and recovery of waste batteries and accumulators shall submit information at the Executive Environmental Agency (EEA) about the quantity of collected waste batteries and accumulators using a standard form as provided in Annex 7 (in both paper and electronic form) within twenty days of the due dates referred to in article 48 paragraph 7 of the current year.

(2) Operators of sites for temporary storage of waste batteries and accumulators situated at the place of their generation shall be exempted from submission of information pursuant to paragraph 1.

(3) (Amended State Gazette issue 53 dated from 2008) Within 10 days of receiving the information referred to in paragraph 1 the Executive Director of Executive Environmental Agency (EEA) shall summarize the quantity of waste batteries and accumulators collected on the territory of the country during the given period referred to in article 48 paragraph 7 and shall ensure that access to information is provided in an appropriate way.

(4) (Amended State Gazette issue 53 dated from 2008) Information referred to in paragraph 1 shall be made in duplicate whereupon one of the copies shall be kept by the person that has prepared the copies.

Article 47a (New – prom. State Gazette issue 5 /2009 in force since 20.01.2009) Persons, placing batteries and accumulators, including those incorporated in electrical appliances and vehicles, on the market in Bulgaria as part of their business activity, shall indicate the way of fulfilment of their obligations when submitting the information required in accordance with this Ordinance to the information system supported by EEA.

Article 48 (1) (Amended State Gazette issue 53 dated from 2008) (Amended State Gazette issue 5 / 2009, in force since 20.01.2009) Persons referred to in article 47a shall submit information about the quantity of batteries and accumulators placed on the market, based on a monthly reference declaration in electronic format as stipulated in article 12 of Ordinance on establishing the procedure and amount of product fees due for products after the use of which specific waste streams on a mass scale occur.

(2) (Amended State Gazette issue 5 / 2009 in force since 20.01.2009) The information referred to in paragraphs 1 and 10 shall be submitted to the information system supported by EEA whereupon product fees paid to the Enterprise for Management of Environment Protection Activities shall be specifically indicated.

(3) (Amended State Gazette issue 53 dated from 2008 in force since 1 July 2008) The Executive Director of the Enterprise for Management of Environment Protection Activities (EMEPA) shall submit information to the Executive Director of EEA about every person in accordance with Annex 8 about the quantity of batteries and accumulators,

1. for which product fees have been paid

2. for which paid product fees have been reimbursed by EMEPA.

(4) (Amended State Gazette issue 53 dated from 2008, in force since 1 July 2008, Amended State Gazette issue 5 / 2009, in force since 20.01.2009) Persons who fulfill their obligations individually and recovery organizations when fulfilling their obligations on collection targets and recycling efficiencies referred to in articles 12 and 13, shall submit information to the Executive director of EEA about each member of the organization by using the standard form as provided in Annex 8, concerning the quantities of batteries and accumulators:

1. placed on the market

2. exported and/or dispatched out of the country to another Member State of EU out of those placed on the market.

(5) Director of the Customs Agency shall submit information to the Executive director of EEA

about the quantities of batteries and accumulators (in kg) imported in and exported out of the country in a format which has been coordinated beforehand with the Customs Agency.

(6) (Amended State Gazette issue 53 dated from 2008 in force since 1 July 2008) The Executive Director of National Revenue Agency (NRA) shall submit information to the Executive director of EEA about quantities of batteries and accumulators (in kg) introduced to the country from another Member State of EU and dispatched out of the country to another Member State of EU, as well as batteries and accumulators placed on the market, in a format which has been coordinated beforehand with NRA.

(7) Information referred to in paragraph 1 and paragraphs 3-6 shall be submitted for the following periods of the current year:

1. 1 January – 31 March
2. 1 April – 30 June
3. 1 July – 30 September
4. 1 October – 31 December

(8) (Amended State Gazette issue 5 /dated from 2009 in force since 20.01.2009) Information referred to in paragraph 1, paragraphs 3-6 shall be submitted within 20 days of completion of the given period as referred to in paragraph 7.

(9) (Amended State Gazette issue 5 /dated from 2009 in force since 20.01.2009) Within 10 days of receiving the information referred to in paragraph 1, paragraphs 3-6, paragraph 10 the Executive director of EEA shall summarize the quantities for the period concerned as referred to in paragraph 7, shall define the quantities of portable batteries and accumulators placed on the market and exported or dispatched out of the country to a Member State of EU prior to being acquired by end-users and shall provide access to the said information in an appropriate manner.

(10) (New - State Gazette issue 5 /dated from 2009 in force since 20.01.2009) Producers of portable batteries and accumulators and producers of electrical appliances with incorporated portable batteries and accumulators shall submit information about quantities of batteries and accumulators exported or dispatched out of the country to another Member State of EU.

Article 49 (Amended State Gazette issue 53 dated from 2008 in force since 1 July 2008, Amended STATE GAZETTE 5 /2009 in force since 20.01.2009) Annually, not later than 31 October of the current year the President of National Statistical Institute (NIS) shall submit to the Executive director of EEA information about the quantity (in kg) of batteries and accumulators placed on the domestic market by manufacturers in the country during the preceding calendar year as well as about the imported and delivered into the country by another Member State of EU, dispatched out of the country to another Member State of EU as well as exported batteries and accumulators, in accordance with a form as provided by the Executive director of EEA and coordinated beforehand with the President of NSI

Article 50 (1) (Amended State Gazette issue 53 dated from 2008 in force since 1 July 2008) Annually, not later than 31 March recovery organizations, producers and persons who fulfill their obligations individually shall submit to the Executive director of EEA information regarding the measures undertaken during the preceding year in relation to:

1. (Amended State Gazette issue 5 /dated from 2009 in force since 20.01.2009) organizing the collection, temporary storage, pre-treatment, recycling and/or recovery of collected waste batteries and accumulators as well as disposal of wastes resulting from treatment of waste batteries and accumulators.

2. cases of temporary discontinuance of collection or any decrease in the collection rate or its subsequent treatment.

3. reduction of the content of heavy metals used in the manufacturing of batteries and accumulators.

4.informing and encouraging end-users to follow the regulations in accordance with article 57.

(2) (Amended State Gazette issue 5 /dated from 2009 in force since 20.01.2009) Annually, not later than 31 March the Executive Director of the Enterprise for Management of Environment Protection Activities (EMEPA) shall submit to the Executive director of EEA information about financial resources accumulated from product fees during the preceding year as referred to in article 36 paragraph 1 of Waste Management Act regarding batteries and accumulators placed on the market in the Republic of Bulgaria and the measures undertaken to organize the collection, temporary storage, pre-treatment, recycling and recovery of waste batteries and accumulators.

(3) (New – Prom. State Gazette issue 53 dated from 2008, Amended State Gazette issue 5 /dated from 2009 in force since 20.01.2009) Annually, not later than 31 March the President of Consumer Protection Commission shall submit to the Executive director of EEA information regarding the measures implemented in order to provide control on the compliance of batteries and accumulators placed on the market with the requirements as referred to in article 4 and 5, article 57 paragraph 4 and point 2 of Chapter 2 herein and measures undertaken as referred to in article 62, paragraph 2 herein.

Article 51 (Amended State Gazette issue 53 dated from 2008, Amended State Gazette issue 5 /dated from 2009 in force since 20.01.2009) Annually, not later than 31 March recovery organizations and persons placing batteries and accumulators on the market and fulfilling their obligations individually shall submit to the Executive director of EEA summarized information in accordance with Regulation (EC) 1013/2006 regarding the quantities dispatched out of the country to another Member State of EU and/or exported waste batteries, accumulators, and wastes resulting from treatment of waste batteries and accumulators during the preceding year.

Article 52 (1) (Amended State Gazette issue 53 dated from 2008) Annually, not later than 30 November based on the collected information pursuant to article 46 – 51 the Executive director of EEA shall prepare and submit to the Minister of Environment and Water a report on the preceding year which shall include:

1. Conclusions regarding the attainment of the targets as referred to in article 12 and 13 about the collection of waste batteries and accumulators, which have been generated as a result of placing on the market in the Republic of Bulgaria.

2. (Amended State Gazette issue 53 dated from 2008) Information regarding the number of permits issued to persons as referred to in article 16, the number of permits issued to recovery organizations and the number of approved programs as referred to in article 29 paragraph 1 point 4 of WMA to persons placing batteries and accumulators on the market and fulfilling their obligations individually.

(2) The report shall not apply to wastes resulting from manufacturing of batteries and accumulators.

(3) The Minister of Environment and Water shall ensure that access to the report referred to in paragraph 1 is provided in an appropriate manner.

(4) (New – Prom. State Gazette issue 53 dated from 2008) In order to prepare the report the Executive director of EEA shall use the data from the auditors' reports as referred to in chapter 8.

Article 53 The Executive Director of EEA shall provide the report referred to in article 52 paragraph 1 to national and international organizations in compliance with international treaties in force for the Republic of Bulgaria.

Article 54 (1) (Amended State Gazette issue 53 dated from 2008) The Executive Director of EEA in cooperation with the President of National Statistical Institute and Executive Director of the Enterprise for Management of Environment Protection Activities shall start a computerized information system for reporting and control of the implementation of this Ordinance.

(2) The information system as referred to in paragraph 1 shall provide data processing in compliance with article 46 – 51 and facilitate the preparation of the report to the Minister of Environment and Water as referred to in article 52 paragraph 1.

Article 55 (1) (Amended State Gazette issue 53 dated from 2008) The Executive director of EEA shall provide upon request to registered auditors as referred to in article 58 paragraph 2 and to any persons fulfilling their obligations individually in compliance with this Ordinance or by means of a collective system, written information regarding:

1. (Amended State Gazette issue 5 /dated from 2009 in force since 20.01.2009) the quantities of batteries and accumulators placed on the market in Republic of Bulgaria, portable batteries and accumulators placed on the market but exported or dispatched out of the country to another Member State of EU before being acquired by end users during the preceding year in order to calculate the amount of their obligations in accordance with article 12 and 13;

2. the quantities of collected waste batteries and accumulators during the preceding year in order to calculate their obligations as referred to in article 12 and 13.

(2) (Amended State Gazette issue 53 dated from 2008) Information as referred to in paragraph 1 shall be submitted not earlier than 25 January of the current year using a standard form as approved by the Executive director of EEA.

Article 56 (repealed State Gazette issue 53 dated from 2008)

Article 57 (1) Persons placing batteries and accumulators on the market shall ensure that information is available to end-users regarding:

1. the contents of hazardous substances used in batteries and accumulators
2. the meaning of the symbol used on batteries and accumulators placed on the market
3. the available schemes for collection, pre-treatment, recycling, recovery and/or disposal of waste batteries and accumulators, including the separation, recovery and/or removal of electrolyte.
4. their role in contributing to separate collection of waste batteries and accumulators
5. the harmful impact on human health and environment of uncontrolled disposal of waste batteries and accumulators.

(2) Persons placing batteries and accumulators on the market shall provide access to information to persons performing activities with waste batteries and accumulators regarding:

1. the contents of hazardous substances used in batteries and accumulators;
2. the materials and components which batteries and accumulators consist of as well as eligibility of waste batteries and accumulators for recycling in order to provide the necessary information to attain the targets referred to in Paragraph 13;
3. the development of new methods and optimization of existing ones for recycling and/or recovery of waste batteries and accumulators;

(3) The information referred to in paragraph 2 shall be provided within 3 months of placing batteries and accumulators on the market in the Republic of Bulgaria.

(4) to end-users shall place in a observable position at the point of sale a signboard bearing information about the following: (Amended State Gazette issue 53 dated from 2008) Persons who sell batteries and accumulators

1. possibilities to return waste batteries and accumulators to the store
2. other available reception points

3. meaning of symbols referred to in article 7 paragraph 1 (2)

CHAPTER 8

PROCEDURES OF IMPLEMENTATION OF ARTICLE 36 OF WMA

Article 58 (1) (Amended State Gazette issue 53 dated from 2008) Recovery organizations of waste batteries and accumulators and persons fulfilling their obligations individually shall submit, not later than 31 March of the current year, to the Minister of Environment and water a report on the preceding year stating explicitly whether collecting targets and recycling efficiencies referred to in article 12 and 13 in accordance with time limits referred to in § 2, 3 and 4 of the Final provisions have been attained.

(2) The report referred to in paragraph 1 shall be prepared by a registered auditor in compliance with the laws in force and international auditing standards. Registered auditors are defined by Independent Financial Audit Act.

(3) (Promulgated State Gazette issue 101 /dated from 2001, amended State Gazette issue 91 /dated from 2002)

(4) When preparing the report referred to in paragraph 1 the registered auditor shall examine the following documents:

1. For persons fulfilling their obligations individually:
 - a) Primary accounting documents certifying the quantity of waste batteries and accumulators collected separately and delivered for treatment and recycling by people referred to in article 16;
 - b) (Amended State Gazette issue 53 dated from 2008) documents certifying the export of waste batteries and accumulators during the preceding year and/or their shipment out of the country to another Member State of EU;
 - c) Accounting registers referred to in article 9 paragraph 1 of the Accounting Act (prom. State Gazette issue 98 /dated from 2001, amended State Gazette issue 91 /dated from 2002, State Gazette issue 96 /dated from 2004) and which served to prepare the annual tax declaration;
 - d) (amended State Gazette issue 53 dated from 2008, amended State Gazette issue 5 /dated from 2009 in force since 20.01.2009) information pursuant to article 48 paragraph 4
 - e) Report on attainment of targets and recycling efficiencies referred to in article 12 and 13 in accordance with the time limits as referred to in § 2, 3 and 4 of the Final provisions about the preceding year submitted by persons fulfilling their obligations individually in accordance with a standard form as provided in Annex 9;
2. For recovery organizations
 - a) primary accounting documents issued by the recovery organization for waste batteries and accumulators certifying the quantity of waste batteries and accumulators collected separately and delivered for recycling to/by persons referred to in article 16;
 - b) (Amended State Gazette issue 53 dated from 2008) documents certifying the export of waste batteries and accumulators during the preceding year and/or their shipment out of country to another Member State of EU
 - c) Contracts referred to in article 39 paragraph 3 signed between the recovery organization and its members concerning the quantity of waste batteries and

accumulators imported and placed on the market in the Republic of Bulgaria and for which fees have been paid during the preceding year;

- d) (Amended State Gazette issue 53 dated from 2008) information pursuant to article 48 paragraph 4
- e) Report on attainment of collection targets and recycling efficiencies on the preceding year as referred to in article 12 and 13 in accordance with the time limits referred to in § 2, 3 and 4 of the Final provisions, submitted by recycling organizations in accordance with a standard form as provided in Annex 9

(4) When preparing the report referred to in paragraph 1 the registered auditor shall use the information referred to in article 55 provided by the Executive director of EEA.

(5) The information referred to in paragraph 4 is provided by persons referred to in paragraph 1.

(6) The report referred to in paragraph 1 on fulfilment of obligations by recovery organizations shall indicate both the quantity of batteries and accumulators imported and/or placed on the market in the Republic of Bulgaria and the due product fees for each member of the organization.

(7) In the cases of non-attainment of targets referred to in article 12 and 13 in accordance with the time limits as referred to in § 2, 3 and 4, the auditor's report referred to in article 58 paragraph 1 shall indicate the amount of product fees for batteries and accumulators which is due to the Enterprise for Management of Environmental Protection Activities.

(8) The report referred to in paragraph 1 shall be accompanied by the following :

1. (Amended State Gazette issue 53 dated from 2008) for persons fulfilling their obligations individually - copies of documents referred to in paragraph 3 (1) a), d) and e) as well as copies of the documents certifying shipment of waste batteries and accumulators out of the country to another Member State of EU and/or their export as referred to in paragraph 3 (1) b)

2. (Amended State Gazette issue 53 dated from 2008) for recovery organizations of waste batteries and accumulators – copies of documents referred to in paragraph 3 (2) a), d) and e) as well as copies of documents certifying shipment of waste batteries and accumulators out of the country to another Member State of EU and/or their export as referred to in paragraph 3 (1) b)

Article 59 (1) (Amended State Gazette issue 53 dated from 2008) The Minister of Environment and Water shall, not later than 30 April, determine by a written order the manufacturers and importers of batteries and accumulators who shall be liable to product fees:

1. According to the information in the reports referred to in article 58 paragraph 1 as well as the charges due in case of non-attainment of targets referred to in article 12 and 13 in accordance with the time limits as referred to in § 2, 3 and 4 of Final provisions.

2. (Amended State Gazette issue 53 dated from 2008) the charges due in the cases when the report referred to in article 58 paragraph 1 has not been submitted by organizations for recycling of waste batteries and accumulators and by persons placing batteries and accumulators on the market and fulfilling their obligations individually.

(2) (Amended State Gazette issue 53 dated from 2008) The Minister of Environment and Water shall, not later than 5 May of the current year, determine which manufacturers and importers of batteries and accumulators shall be exempt from product fees in accordance with article 36 paragraph 1 of WMA when attaining targets referred to in article 12 and 13 in accordance with the time limits as referred to in § 2, 3 and 4 of the Final Provisions.

CHAPTER 9 CONTROL

Article 60 Minister of Environment and Water or an authorized person acting on their behalf shall control the implementation of the programs referred to in article 40.

Article 61 (Amended State Gazette issue 5 /dated from 2009 in force since 20.01.2009) Director of Regional Inspectorate of Environment and Water or an authorized person acting on their behalf shall control:

1. that product fees have been correctly accounted and paid in due time as referred to in article 36 paragraph 1 of WMA by persons referred to in article 11 paragraph 1 of WMA;
2. the implementation of programs referred to in article 38
3. fulfillment of obligations in accordance with this Ordinance by persons referred to in article 37 paragraph 1

Article 62 (1) (Previous text of Article 62, amended State Gazette issue 5 /dated from 2009 in force since 20.01.2009) The President of Consumer Protection Commission or an authorized person acting on their behalf shall control the compliance of batteries and accumulators placed on the market in the Republic of Bulgaria with the provisions of articles 4, 5, article 57 paragraph 4 and Chapter 2 Section 2.

(2) (New - State Gazette issue 5 /dated from 2009 in force since 20.01.2009) In the cases of non-compliance of batteries and accumulators placed on the market in the Republic of Bulgaria with article 4 and 5 and Chapter 2 Section 2 herein the President of Consumer Protection Commission or an authorized person acting on their behalf shall undertake measures in accordance with article 88 of Consumer Protection Act.

Article 63 (New - State Gazette issue 53 dated from 2008) Mayors of municipalities shall control the implementation of contracts referred to in article 27 paragraph 2 and 3.

SUPPLEMENTARY PROVISIONS

(Heading amended State Gazette issue 53 dated from 2008)

§ 1. For the purpose of this ordinance the following definitions shall apply:

1. "Automotive batteries and accumulators" mean any battery or accumulator used for automotive starter, lighting or ignition purposes.
2. "Battery or accumulator" means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable).
3. (Repealed State Gazette issue 5/dated from 2009 in force since 20 January 2009).
4. (Amended State Gazette issue 53/dated from 2008) "Button cells" mean any round small portable battery or accumulator whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches, small portable equipment and back-up power.
5. "Temporary storage of waste batteries and accumulators" means any of the operations in accordance with §1, point 21 of the Supplementary provisions of Waste Management Act applicable to waste batteries and accumulators.
6. "Deposit system" means a system in which the buyer of batteries and accumulators pays to the seller a certain amount of money which is reimbursed at return of the waste battery and accumulator.

7. (Amended State Gazette issue 53/dated from 2008, State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Industrial battery or accumulator” means any battery or accumulator designed for exclusively industrial or professional uses, e.g. commercial or public buildings, for back-up power, for locomotive power or used in any type of electric vehicle.
8. (Amended State Gazette issue 53/dated from 2008, State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Waste battery or accumulator” means any battery or accumulator which cannot be used for the purposes it is produced and which is waste within the meaning of § 1 point 1 of the Supplementary provisions of Waste Management Act.
9. “Disposal” means any operation within the meaning of § 1, point 8 of the Supplementary provisions of Waste Management Act applicable to waste batteries or accumulators.
10. “Recovery” means any of the operations within the meaning of § 1, point 17 of the Supplementary provisions of Waste Management Act applicable to waste batteries or accumulators.
11. “Recovery organization” means any legal person registered under Commerce Act and which does not generate profit and manages activities on separate collection, recycling and recovery of waste batteries and accumulators.
12. (Amended State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Portable battery or accumulator” means any battery, button cell, battery pack or accumulator that is sealed, can be hand-carried and is neither industrial nor an automotive battery or accumulator.
13. (Amended State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Pre-treatment” is any activity that is carried out on waste batteries and accumulators after they have been handed over for sorting, preparation for recycling or disposal, including activities on electrolyte removal, fragmenting and disassembling.
14. (Amended State Gazette issue 53/dated from 2008, State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Placing batteries and accumulators on the market” means supplying or making available, whether free of charge or in return for payment, on the market of EU, as well as importing them into the customs territory of the Community.
15. (Amended State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Recycling of waste batteries and accumulators” means any activity in which by means of a manufacturing process waste materials are reprocessed and their resource qualities are restored for their original purpose or for other purposes, but excluding energy recovery.
16. (Amended State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Collection of waste batteries and accumulators” means any activity related to delivery, accumulation and sorting, according to types, of waste batteries and accumulators for the purpose of transportation.
17. (Amended State Gazette issue 53/dated from 2008, State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Producer of batteries and accumulators” means any physical or legal person that manufactures batteries and accumulators or present themselves as a producer by placing their names or brand names, their logos or other

- distinctive symbols on products, product packaging or technical and/or commercial documentation.
18. (Amended State Gazette issue 53/dates from 2008) “Importer of batteries and accumulators” means any physical or legal person that imports batteries and accumulators on the customs territory of the Republic of Bulgaria as part of their business or professional activity for the purpose of distribution on the territory of the country and/or their use as part of a commercial, manufacturing or professional activity.
 19. (Amended State Gazette issue 53/dated from 2008) “End-user of batteries and accumulators” means any physical or legal person that acquires batteries and accumulators for their own needs, but not for the purpose of placing on the market.
 20. (New – State Gazette issue 53/dated from 2008) “Person introducing batteries and accumulators on a commercial basis from another Member State of EU” means any physical or legal person that delivers batteries and accumulators on the territory of the Republic of Bulgaria as part of their commercial or professional activity for the purpose of distribution in the country and/or as part of a commercial, manufacturing or professional activity.
 21. (New - State Gazette issue 53/dated from 2008, amended State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Person who places batteries and accumulators on the market” means any manufacturer, importer, person introducing on a commercial basis from a Member State of EU and any other person based in the EU that irrespective of the selling technique, including by means of distant communication according to article 48 paragraph 1 of Consumer Protection Act places batteries and accumulators, including those built-up in appliances and vehicles, on the market in the Republic of Bulgaria as part of their professional and commercial activity.
 22. (New - State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Cordless power tool” means any hand-held appliance powered by a battery or accumulator and intended for maintenance, construction or gardening activities.
 23. (New - State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Economic operator” means any person who places batteries and accumulators on the market, or any person who sells batteries and accumulators, or any person concerned with the collection, recycling or other type of treatment of waste batteries and accumulators.
 24. (New - State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Interests of Republic of Bulgaria related to national security” means the interests as defined by § 1 point 14 of Protection of Classified Information Act.
 25. (New - State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Capacity of a battery or an accumulator” means the quantity of electricity in the battery or accumulator that is supplied under certain conditions for a certain time and is measured in Ampere-hours (Ah).
 26. (New - State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Collection rate” per a given calendar year means the percentage obtained by dividing the weight of waste batteries and accumulators collected in that calendar year by the average weight of portable batteries and accumulators that persons sell directly to end-users or deliver to third parties in order to sell them to end-users in the market of Republic of Bulgaria during that calendar year and the preceding two years.

27. (New - State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Person selling batteries and accumulators” means any physical or legal person that provides end-users with batteries and accumulators as part of their commercial or professional activity.
28. (New - State Gazette issue 5/dated from 2009, in force since 20 January 2009) “The best available techniques” means technology according to § 1 point 42 of Waste management Act.
29. (New - STATE GAZETTE issue 5 dated from 2009, in force since 20 January 2009) “Battery pack” means any set of batteries and accumulators that are connected together and/or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open.
30. (New - State Gazette issue 5/dated from 2009, in force since 20 January 2009) “Appliance” means any electrical or electronic equipment according to § 1 point 5 of the Supplementary provisions of the Ordinance of the requirements for placement of electrical and electronic equipment on the market and recycling and shipment of waste electrical and electronic equipment, which is fully or partly powered by batteries or accumulators or is capable of being so.

§ 1a. (New - State Gazette issue 53/dated from 2008, amended State Gazette issue 5/dated from 2009, in force since 20 January 2009) This Ordinance complies with Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC, and with Directive 2008/12/EC of the European Parliament and of the Council on amendments to Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators regarding the executive authority provided to the Commission (Official Journal of the European Union 327/19.03.2008) and Directive 2008/103/EC of the European Parliament and of the Council on amendments to Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators regarding placing batteries and accumulators on the market (Official Journal of the European Union 327/05.12.2008).

FINAL PROVISIONS

§ 2. Article 12 paragraph 1 shall apply as follows:

1. (Supplemented State Gazette issue 53/dated from 2008) From 1 January to 31 December 2006 not less than 2grams of portable batteries and accumulators per capita shall be collected annually.
2. (Supplemented State Gazette issue 53/dated from 2008) From 1 January to 31 December 2007 not less than 5grams of portable batteries and accumulators per capita shall be collected annually.
3. (Amended and supplemented State Gazette issue 53/dated from 2008) From 1 January to 31 December 2008 not less than 3grams of portable batteries and accumulators per capita shall be collected annually.
4. (Amended and supplemented State Gazette issue 53 dated from 2008, amended State Gazette issue 5/dated from 2009, in force since 20 January 2009) From 1 January to

31 December 2009 the quantity of waste batteries and accumulators that is collected shall be equal to a collection rate no less than 5%.

5. (Amended and supplemented State Gazette issue 53 dated from 2008, amended State Gazette issue 5 dated from 2009, in force since 20 January 2009) From 1 January to 31 December 2010 the quantity of waste batteries and accumulators that is collected shall be equal to a collection rate no less than 12%.
6. (New - State Gazette issue 5 dated from 2009, in force since 20 January 2009) From 1 January to 31 December 2011 the quantity of waste batteries and accumulators that is collected shall be equal to a collection rate no less than 25%.
7. (New - State Gazette issue 5 dated from 2009, in force since 20 January 2009) From 1 January to 31 December 2012 the quantity of waste batteries and accumulators that is collected shall be equal to a collection rate no less than 30%.
8. (New - State Gazette issue 5 dated from 2009, in force since 20 January 2009) From 1 January to 31 December 2013 the quantity of waste batteries and accumulators that is collected shall be equal to a collection rate no less than 35%.
9. (New - State Gazette issue 5 dated from 2009, in force since 20 January 2009) From 1 January to 31 December 2014 the quantity of waste batteries and accumulators that is collected shall be equal to a collection rate no less than 40%.
10. (New - State Gazette issue 5 dated from 2009, in force since 20 January 2009) From 1 January to 31 December 2015 and every following calendar year the quantity of waste batteries and accumulators that is collected shall be equal to a collection rate no less than 45%.

§ 3. Article 13 paragraph 2 point 2 shall be applied as follows:

1. From 1 January to 31 December 2006 no less than 40% of the weight of each waste NiCad battery or accumulator collected or delivered according to article 12 paragraphs 1 or 6 shall be recycled.
2. From 1 January to 31 December 2007 no less than 45% of the weight of each waste NiCad battery or accumulator collected or delivered according to article 12 paragraphs 1 or 6 shall be recycled.
3. From 1 January to 31 December 2008 no less than 50% of the weight of each waste NiCad battery or accumulator collected or delivered according to article 12 paragraphs 1 or 6 shall be recycled.
4. (Amended State Gazette issue 5 dated from 2009, in force since 20 January 2009) From 1 January to 31 December 2009 no less than 60% of the weight of each waste NiCad battery or accumulator collected or delivered according to article 12 paragraphs 1 or 6 shall be recycled.
5. (Amended State Gazette issue 5 dated from 2009, in force since 20 January 2009) From 1 January to 31 December 2010 and every following calendar year, no less than 75% of the weight of each waste NiCad battery or accumulator collected or delivered according to article 12 paragraphs 1 or 6 shall be recycled.

§ 4. Article 13 paragraph 2 point 3 shall apply as follows:

1. From 1 January to 31 December 2006 no less than 15% of the weight of each waste battery or accumulator according to article 13 paragraphs 2 point 3 and that is collected and delivered according to article 12, shall be recycled.

2. From 1 January to 31 December 2007 no less than 17% of the weight of each waste battery or accumulator according to article 13 paragraphs 2 point 3 and that is collected and delivered according to article 12, shall be recycled.
 3. From 1 January to 31 December 2008 no less than 20% of the weight of each waste battery or accumulator according to article 13 paragraphs 2 point 3 and that is collected and delivered according to article 12, shall be recycled.
 4. (Amended State Gazette issue 5 dated from 2009, in force since 20 January 2009) From 1 January to 31 December 2009 no less than 32% of the weight of each waste battery or accumulator according to article 13 paragraphs 2 point 3 and that is collected and delivered according to article 12, shall be recycled.
 5. (Amended State Gazette issue 5 dated from 2009, in force since 20 January 2009) From 1 January to 31 December 2010 and every following calendar year, no less than 50% of the weight of each waste battery or accumulator according to article 13 paragraphs 2 point 3 and that is collected and delivered according to article 12, shall be recycled.
- § 5. The number of collection points of waste batteries and accumulators in accordance with article 20 paragraph 1 shall be reached no later than 31 December 2010.
- § 6. The number of collection points of waste automotive batteries and accumulators in accordance with article 20 paragraph 2 shall be reached no later than 31 December 2007.
- § 7. Article 5 herein shall enter into force as from 1 January 2007
- § 8. (Amended State Gazette issue 5 dated from 2009, in force since 20 January 2009) Article 6 paragraph 1 regarding article 6 paragraph 2 point 1 herein shall enter into force as from 1 January 2007
- § 9. This Ordinance enters into force pursuant to article 24 of Waste Management Act.
- § 10. The Ordinance shall enter into force as from 1 January 2006.
- § 11. (New - State Gazette issue 53 dated from 2008) Article 48 paragraphs 3, 4 and 6 enters into force as from 1 July 2008.
- § 12. (New – State Gazette issue 5 dated from 2009, in force since 20 January 2009) Article 6 paragraph 3 shall enter into force as from 26 September 2009.
- § 13. (New - State Gazette issue 5 dated from 2009, in force since 20 January 2009) Article 18 paragraph 1 shall enter into force as from 26 September 2009.

FINAL PROVISIONS to Decree of the Council of Ministers 120/30May2008

On adoption of Ordinance on the establishment of the procedure and the amount of product fees payable for products whose use leads to specific waste streams occurring on a mass scale , and on amendment of legal acts.

State Gazette issue 53 dated from 2008

.....

§ 4. The following amendments and supplements are made to the Ordinance on the requirements for placement of batteries and accumulators on the market and for treatment and shipment of waste batteries and accumulators adopted with Decree 144/2005 of Council of Ministers (Prom. State Gazette issue 58/dated from 2005):

28. Throughout the ordinance the words “producers and/or importers” shall be replaced by the words “persons placing on the market”; in article 12 paragraph 7 the words “producers and importers” shall be replaced by “persons placing batteries and accumulators on the market”; in article 45 paragraph 2 point 2 the words “producer and/or importer” shall be replaced by “person placing on the market”.

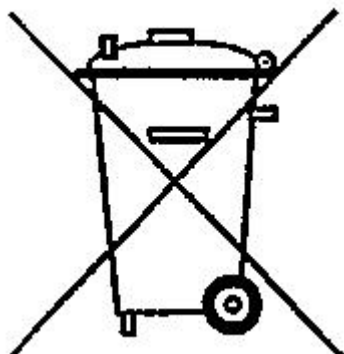
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Annex 1 to article 3 point2, article 8 paragraph 2 and § 1 point 3 – repealed - State Gazette issue 5 dated from 2009 in force since 20.01.2009

Annex 2 to article 5 paragraph 3 – repealed - State Gazette issue 5 dated from 2009 in force since 20.01.2009

Annex 3 to article 7 paragraphs 1 and 3 – amended - State Gazette issue 5 dated from 2009 in force since 20.01.2009

Symbol used for separate collection of waste batteries and accumulators



Annex 3a to article 12 paragraph 2 (New – State Gazette issue 5 dated from 2009 in force since 20.01.2009)

Year	Quantity of portable batteries and accumulators (P) [tons]	Quantity of collected waste portable batteries and accumulators (C) [tons]	Collection rate (CR) [%]
2009	P1	C1	$CR1 = [3 * C1 / (P00 + P0 + P1)] * 100 = 5 \%$
2010	P2	C2	$CR2 = [3 * C2 / (P0 + P1 + P2)] * 100 = 2 \%$

2011	P3	C3	$CR3 = [3 * C3 / (P1 + P2 + P3)] * 100 = 25 \%$
2012	P4	C4	$CR4 = [3 * C4 / (P2 + P3 + P4)] * 100 = 30 \%$
2013	P5	C5	$CR5 = [3 * C5 / (P3 + P4 + P5)] * 100 = 35 \%$
2014	P6	C6	$CR6 = [3 * C6 / (P4 + P5 + P6)] * 100 = 40 \%$
2015	P7	C7	$CR7 = [3 * C7 / (P5 + P6 + P7)] * 100 = 45 \%$
2016	P8	C8	$CR8 = [3 * C8 / (P6 + P7 + P8)] * 100 = 45 \%$
2017	P9	C9	$CR9 = [3 * C9 / (P7 + P8 + P9)] * 100 = 45 \%$

2018 Etc. Etc. Etc.

Note: P00 is the quantity of portable batteries and accumulators placed on the market in 2007, and P0 is the quantity of portable batteries and accumulators placed on the market in 2008;

P1-9 is the difference between the total quantity of batteries and accumulators placed on the market and the quantity of portable batteries and accumulators placed on the market but exported or shipped out of the country before being acquired by end-users during the corresponding year.

Annex 4

To article 32 paragraph 2 (Amended State Gazette issue issue5 /dated from 2009 in force since 20.01.2009)

Minimal Technical Requirements

I. Requirements imposed on sites where facilities and installations for preliminary treatment of waste batteries and accumulators are situated.

1. Pre-treatment facilities of waste batteries and accumulators shall be situated on surface areas with impermeable and corrosion-resistant coating.
2. For processing of fluid flows, including wastes from neutralizing electrolyte, rain water, water used for washing away work areas, etc. which are leaving the pre-treatment facility of waste batteries and accumulators, the site shall be equipped with a system for appropriate waste water treatment before discharge pipe or equipped with a facility for recovery and/or disposal of electrolyte.

3. The sites where facilities and installations for pre-treatment of waste batteries and accumulators are situated shall be equipped with a collection system for possible outflows and their discharge to a waste water treatment system or to an electrolyte recovery and/or disposal facility.
4. The sites where facilities and installations for pre-treatment of waste batteries and accumulators are situated shall be equipped with a special gas-absorbing system that shall filter the air by removing dust particles contained in it and shall not allow an increase in concentration of toxic gases above safe norms.
5. Installations, including facilities for separation, shall be placed on sites for pre-treatment of waste batteries and accumulators. These are exempt from the requirements as referred to in point 2 and 3.

II. Requirements to operations when pre-treating of waste automotive and industrial batteries and accumulators is carried out:

1. Electrolyte shall be removed from the batteries and accumulators when it is technically feasible in order to prevent subsequent pollution of wastes resulting from fragmenting of waste batteries and accumulators
2. Electrolyte from waste industrial batteries and accumulators may be removed at the site of waste generation in the cases when the former cannot be divided to separate elements.
3. Electrolyte shall be stored in corrosion-resistant tanks and containers.
4. Waste automotive batteries and accumulators shall be fed into fragmenting facilities by means of automated conveyor.
5. Waste batteries and accumulators shall be fragmented prior to their separation to waste fractions.
6. Fragmentation of waste automotive batteries and accumulators containing lead shall be carried out enclosed facilities without the involvement of manual operations.
7. Following the disassembling of waste industrial batteries and accumulators manual operations may be allowed for additional disassembling and fragmenting in order to facilitate transportation.
8. Additional fragmenting may be carried out in order to decrease the dimensions of wastes.
9. The different wastes resulting from waste automotive Lead batteriess and accumulators shall be separated in accordance to their density by means of hydro-separation or other means which exclude manual operations.

Annex 5

To article 46 paragraph 2 (Amended State Gazette issue 53 dated from 2008)

ANNUAL REPORT
OF SITES FOR COLLECTION AND TEMPORARY STORAGE OF WASTE BATTERIES AND
ACCUMULATORS (WB&A) FOR THE YEAR

I. INFORMATION ABOUT LEGAL PERSON:

Name:

Unified Identity Code (UIC) - BULSTAT.....

In case of a change of name, please, include previous name and BULSTAT

Document referred to in article 12 of WMA.....

(Please, complete N of document, date of issue and issuer)

Number of staff employed

Location of site:.....

Municipality: Town/village:

Unified classification of administrative-territorial and territorial units (UCATTU):

Address:
.....

II. QUANTITY OF COLLECTED WASTE BATTERIES AND ACCUMULATORS (WB&A):

WB&A type	Waste code	Waste description	Availability of WB&A as of 1 Jan of fiscal year (tons)	Total quantity of collected WB&A during fiscal year (tons)	collected WB&A without electrolyte (tons)	Total quantity of delivered WB&A During Fiscal year (tons)	Availability of WB&A as of 31 Dec of fiscal year (tons)
Por Ta Ble							
Au To Mo Tive							
In Du Stri al							

NOTE:

Column 1: Please, complete WB&A code as waste according to Annex 1 of Ordinance 3 /2004 regarding waste classification.

Column2: Please, indicate WB&A type, e.g. Lead-acid, Nickel-Cadmium, Lithium-Cadmium, Lithium-

Ion, Nickel-metal hydride, etc.

Column 5: Please, complete only for automotive and industrial batteries and accumulators.

III. ORIGIN OF RECEIVED WASTE BATTERIES AND ACCUMULATORS (WB&A):

№	Physical/ Legal person		Waste code	Waste description	Quantity (tons)		
	Name	UIC - BULSTAT			portable	automotive	industrial

NOTE:

Information about WB&A received directly from physical persons should be written in one line and in column 2 “physical persons” is completed.

Column 4: Please, complete WB&A code in accordance with Annex 1 to Ordinance 3/2004 regarding classification of wastes.

Column 5: Please, indicate WB&A type, e.g. Lead-acid, Nickel-Cadmium, Lithium-Cadmium, Lithium-Ion, Nickel-metal hydride, etc.

IV. WASTE BATTERIES AND ACCUMULATORS (WB&A) DELIVERED FOR TREATMENT:

WB& A type	Waste code	Waste description	Quantity (tons)	Delivered to:		
				Name	UIC - BULSTAT	Number of document according to Art.12 of WMA
por ta ble						
au to mo ti ve						
In						

du
stri
al

Note:

Column 1: Please, complete WB&A code in accordance with Annex 1 to Ordinance 3 / 2004 regarding classification of wastes.

Column 2: Please, indicate WB&A type, e.g. Lead-acid, Nickel-Cadmium, Lithium-Cadmium, Lithium-Ion, Nickel-metal hydride, etc.

Column 4: Please, complete the name of legal person to whom WB&A have been delivered or the name of the country when delivered for export and/or shipment.

Column 5 Please, complete UIC – BULSTAT of legal person to whom WB&A have been delivered; in the cases when WB&A have been delivered for export and/or shipment, column 5 shall not be completed.

Other notes:

.....
Regional Inspectorate
of Environment and water:

Date:

Date:

Check done by:

(Name and signature)

Report made by:

(Name and signature)

Director:

(Name, signature and stamp)

Manager:

(Name, signature and stamp)

Annex 6

To article 46 paragraph 4
(Amended State Gazette issue 53 dated from 2008)

ANNUAL REPORT OF FACILITIES FOR PRELIMINARY TREATMENT OF WASTE BATTERIES AND ACCUMULATORS (WB&A) FOR THE YEAR

I. INFORMATION ABOUT LEGAL PERSON:

Name:

Unified Identity Code (UIC) - BULSTAT.....

In case of a change of name, please, include previous name and BULSTAT

Document referred to in article 12 of WMA.....

(Please, complete N of document, date of issue and issuer)

Number of staff employed

Location of facility:.....

Municipality: Town/village:

Unified classification of administrative-territorial and territorial units (UCATTU):

Address:
.....

II. QUANTITY OF RECEIVED WASTE BATTERIES AND ACCUMULATORS (WB&A):

WB&A type	Waste code	Waste description	Availability of WB&A as of 1 Jan of fiscal year (tons)	Total quantity of acquired WB&A during fiscal year (tons)	Acquired WB&A without electrolyte (tons)	Quantity of pre-treated WB&A (tons)	Availability of WB&A as of 31 Dec of fiscal year (tons)
Por Ta Ble							
Au To Mo Tive							
In Du Stri al							

NOTE:

Column 1: Please, complete WB&A code in accordance with Annex 1 to Ordinance 3 / 2004 regarding classification of wastes.

Column 2: Please, indicate WB&A type, e.g. Lead-acid, Nickel-Cadmium, Lithium-Cadmium, Lithium-Ion, Nickel-metal hydride, etc.

Column 5: Please, complete only for automotive and industrial waste batteries and accumulators.

Please, list all operators of sites for temporary storage as well as physical or legal persons from whom WB&A have directly been received at the pre-treatment facility. Information about WB&A received directly from physical persons should be written in one line and in column 2 “physical persons” should be written. In cases when WB&A are acquired directly from legal persons, whose activity involves generating WB&A, “generator” and the name should be written in column 2 and UIC – BULSTAT should be written in column 3.

Column 4: Please, complete WB&A code in accordance with Annex 1 to Ordinance 3 / 2004 regarding classification of wastes.

Column 5: Please, indicate WB&A type, e.g. Lead-acid, Nickel-Cadmium, Lithium-Cadmium, Lithium-Ion, Nickel-metal hydride, etc.

IV. WASTE FRACTIONS RESULTING FROM PRE-TREATMENT OF WASTE BATTERIES AND ACCUMULATORS AND DELIVERED FOR SUBSEQUENT TREATMENT:

Table N 1 – Lead-acid batteries and accumulators (16 06 01*)

Waste fractions resulting from preliminary treatment of lead-acid WB&A				Delivered to:				Available As of 31.12 Of fiscal Year (tons)
Type	Waste code	Available As of 1.01 of fiscal Year (tons)	Total quantity resulting from pre-treatment Of WB&A (tons)	Quantity- (tons)	Name	UIC - BULSTAT	Number of document according to art.12 of WMA	
Lead								
Oxide-sulfate fractions								
Polypropylene								
Other plastic								
Electrolyte								

Others (Please, indicate)		

NOTE:

Column 2: Please, complete WB&A code in accordance with Annex 1 to Ordinance 3 / 2004 regarding classification of wastes.

Column 6: Please, complete the name of legal person to whom waste fractions are delivered or the country in the cases when waste fractions are delivered for export and/or shipment.

Column 7: Please, complete UIC-BULSTAT of legal person to whom they are delivered; in the cases when they are delivered for export and/or shipment, column 7 should not be completed.

Table N 2 - Nickel-Cadmium batteries (16 06 02*)

Wastes resulting from pre-treatment of Nickel-Cadmium WB&A				Delivered to:				Available As of 31.12. Of fiscal year (tons)
Type	Waste code	Available As of 1.01 of Fiscal Year (tons)	Total (tons) quantity resulting from pre-treatment of WB&A (tons)	Quantity (tons)	Name	UIC - BULSTAT	Number of document according to Art.12 of WMA	
Cadmium								
Nickel								
Steel								
Plastic								

Paper		
Bitumen		
Potassium hydroxide		
Iron		
Metal-ceramics		
Others		
(Please, specify)		

Note:

Column 2: Please, complete WB&A code in accordance with Annex 1 to Ordinance 3 / 2004 regarding classification of wastes.

Column 6: Please, complete the name of legal person to whom waste fractions are delivered or the country in the cases when waste fractions are delivered for export and/or shipment.

Column 7: complete UIC-BULSTAT of legal person to whom they are delivered; in the cases when they are delivered for export and/or shipment, column 7 should not be completed.

TABLE N 3 - OTHER TYPES OF WASTE BATTERIES AND ACCUMULATORS

Waste code	Waste name and description	Wastes resulting from pre-treatment of WB&A			Delivered to:				Available as of 31.12 of fiscal year (tons)
		Chemical Composition	Available As to 1.01 Of fiscal year (tons)	Total quantity Resulting from Pre-treatment of	Quantity (tons)	Name	UIC - BULSTAT	Number of document According to Art. 12	

Column 9: Please, complete UIC-BULSTAT of legal person to whom they are delivered; in the cases when they are delivered for export and/or shipment, column 7 should not be completed.

Other notes:

Regional Inspectorate
of Environment and water:

Date:

Check done by:

(Name and signature)

Director:

(Name, signature and stamp)

Date:.....

Report made

by:.....

(Name and signature)

Manager:

(Name, signature and stamp)

Annex 7

To article 47 paragraph 1 (Amended State Gazette issue 53 dated from 2008)

IFORMATION

regarding collected waste batteries and accumulators (WB&A)

FOR THE PERIOD FROM..... TOOF THE YEAR.....

1. INFORMATION ABOUT LEGAL PERSON:

Name:

Unified Identity Code (UIC) - BULSTAT.....

In case of a change of name, please, include previous name and BULSTAT

Document referred to in article 12 of WMA.....

(Please, complete N of document, date of issue and issuer)

2. COLLECTION AND TEMPORARY STORAGE SITE:

Municipality: Town/village:

Unified classification of administrative-territorial and territorial units (UCATTU):

Address:

WB&A type	Waste code	Available As to the Beginning of	Acquired during the fiscal period: (kg)	Delivered during fiscal	Available At the end Of fiscal
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	The fiscal period (kg)	Total Quantity	WB&A resulting from dismantling of end-of-life vehicles (EoLV)	WB&A resulting from pre-treatment of waste electric and electronic equipment	From other legal persons carrying out activities of collection and temporary storage of WB&A	From other sites for collection and temporary storage Of WB&A belonging To the same Legal person Submitting The information	period (kg)	period (kg)
Portable								
Automotive								
Industrial								

NOTE:

Column 1: Please, complete WB&A code in accordance with Annex 1 to Ordinance 3 / 2004 regarding classification of wastes.

Date: Manager:
(Name, signature and stamp)

Annex 8

To article 48 paragraph 3 (Amended State Gazette issue 53 dated from 2008 in force since 1 July 2008)

INFORMATION
ABOUT BATTERIES AND ACCUMULATORS

FOR THE PERIOD FROM..... TOOF THE YEAR

THIS INFORMATION SHALL BE SUBMITTED BY:

- RECOVERY ORGANIZATIONS
- PERSONS FULFILLING THEIR OBLIGATIONS INDIVIDUALLY
- THE ENTERPRISE FOR MANAGEMENT OF ENVIRONMENTAL PROTECTION ACTIVITIES

Table № 1

LEGAL PERSON		BATTERIES AND ACCUMULATORS		Quantity of batteries and accumulators placed on the market in Bulgaria	
NAME	UIC - BULSTAT	Type	Chemical composition	items	kg

NOTE:

Column 1: Please, complete name of legal person placing batteries and accumulators on the market.

Column 2: Please, complete Unified Identity Code (UIC) - BULSTAT of legal person that places batteries and accumulators on the market.

Column 3: Please, complete type of batteries and accumulators according to meaning in § 1, point 1, 7 and 12 of Supplementary provisions, i.e. portable, automotive, industrial.

Column 4: Please, complete chemical composition of batteries and accumulators according to Annex 4 to Ordinance on establishing the procedure and amount for product fees payable on products whose use leads to specific waste streams occurring on a mass scale.

Table № 2

LEGAL PERSON		BATTERIES AND ACCUMULATORS		Quantity of batteries and accumulators	
NAME	ЕИК по БУЛСТАТ	Type	Chemical composition	items	kg

NOTE:

Column 1: Please, complete name of legal person exporting / shipping batteries and accumulators.

Column 2: Please, complete Unified Identity Code (UIC) - BULSTAT of legal person exporting / shipping batteries and accumulators.

Column 3: Please, complete type of batteries and accumulators according to meaning in § 1, point 1, 7 and 12 of Supplementary provisions, i.e. portable, automotive, industrial.

Column 4: Please, complete chemical composition of batteries and accumulators according to Annex 4

to Ordinance on establishing the procedure and amount for product fees payable on products whose use leads to specific waste streams occurring on a mass scale.

Column 5 and 6: Please, complete quantity of batteries and accumulators for which product fees have been reimbursed by the Enterprise for Management of Environmental Protection Activities (EMEPA), or have been exported of Bulgaria and/or shipped out to another Member State of EU out of the total quantity of batteries and accumulators placed on the market in Bulgaria.

Date: Manager:
(Name, signature and stamp)

Annex 9

To article 58 paragraph 3 point 1 (e), point 2 (e)
(Amended State Gazette issue 5 / 2009 in force since 20 January 2009)

REPORT

On attainment of targets referred to in article 12 and 13 in accordance with the time limits referred to in § 2, 3 and 4
of the Final provisions
for the year

Table 1. recovery organization
Information about: person fulfilling their obligations individually

(Please, mark with "X")

1.	Name:	
2.	UIC - BULSTAT:	
3.	Registration N according to VAT Act	
4.	Head office address:	
5.	Telephone:	
6.	Fax:	
7.	E-mail:	
Contact person:		
8.	Name:	
9.	Position:	
10.	Telephone:	
11.	Fax:	
12.	E-mail:	

Table 2. Attainment of targets for portable batteries and accumulators (PB&A) referred to in article 12 herein

in accordance with the time limits referred to in § 2 of the Final provisions

Total quality of PB&A placed on the market in Republic of Bulgaria tons 1	Quantity of PB&A placed on the market but exported or, shipped out of the territory of the country to the territory of another Member State of EU before being purchased by an end- user tons 2	Quantity of PB&A placed on the market in Republic Bulgaria by person organization tons 3	Market share of person / organization % 4	Annual collection rate % 5	Total quality of waste PB&A which shall be collected by all persons responsible tons 6	Quantity of waste PB&A For which person /organization Is responsible To collect tons 7	Quantity of waste PB&A collected by person/ organization tons 8
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Table 3. Attainment of targets for Automotive and Industrial batteries and accumulators (AIB&A) referred to in article

Type of Batteries and accumulators	Total quantity of AIWB&A Placed on The market of Republic of Bulgaria	Quantity of AIWB&A Placed on The market of Republic of Bulgaria By person/ organization	Market share Of person/ organization	Total Quantity Of collected waste AIB&A in Republic of Bulgaria	Quantity Of waste AIB&A which The person/ organization Is responsible To collect	Quantity of waste AIB&A Collected by The person/ organization
--	--	--	---	--	---	--

	tons	tons	%	tons	tons	tons
	1	2	3	4	5	6
Automotive						
Industrial						

Table 4. Attainment of targets referred to in article 13 herein in accordance with time limits referred to in § 3 and 4 of the Final provisions

Type of waste batteries and accumulators (WB&A)	WB&A acquired by person / organization	WB&A pre- treated	Weight % of recycled wastes resulting from pre-treatment of collected WB&A	Weight % of recovered wastes resulting from pre-treatment of collected WB&A (excluding the recycled wastes)
	tons	tons	%	%
	1	2	3	4
Lead-acid WB&A				
Total amount of materials contained in Lead-acid WB&A				
Lead				
Nickel-Cadmium WB&A				
Total amount of materials contained in Nickel-Cadmium WB&A				
Cadmium				
Other types of WB&A				
Total amount of materials contained in WB&A				

Date:

Manager:

(Name, signature and stamp)