

REPORT FROM THE CONSULTATION PROCESS ON DRAFT LAW ON AMENDING AND SUPPLEMENTING THE LAW No. 04/L-060 ON WASTE

Introduction/background

The draft law on amending and supplementing the Law No. 04/L-060 on Waste was drafted seeing it as a need to better regulate the field of waste management.

This draft law is amending the Law No. 04/L-060 on Waste, in order to simplify the Permits and Licenses, respectively, to facilitate the process of issuing licenses, reducing the fees and shortening the time for issuing permits, at the Ministry of Environment, Spatial Planning and Infrastructure of the Republic of Kosovo.

The main issues treated in this Draft Law are the regulation of the provisions of the law in force, the creation of conditions for the drafting of secondary legislation in the field of waste, the improvement of the current status of waste management, which is still in poorly organized condition, not fully implemented. Supplementation and amendment of the Law on Waste and its implementation will have significant environmental impacts, making it one of the national priorities in the future aiming at implementing the principle of the Waste Management Hierarchy and improving the national legislation and its approximation with EU legislation, laws or government documents authorizing the preparation of the normative policy/draft act.

The main objectives aimed to be achieved with the policy - the elimination of Waste Management Licensing, which is considered as facilitation/reduction of permissions in the field of environment, and which will be compensated by the Environmental Permit and the Municipal Environmental Permit.

On 23.07.20, pursuant to the decision No. 3500/20 by the general secretary of the former MEE, there was issued a Decision on the Working Group for drafting the Draft Law on Amending and Supplementing the Law No. 04/L-060 on Waste, in composition of:

1. Enver Tahiri - chairperson, DEWP/MESPI
2. Ibrahim Balaj - deputy chairperson, DEWP/MESPI
3. Lindita Sopa - member, DEWP/MESPI
4. Tafe Veselaj - member, KEP/MESPI
5. Safete Kuqi – member, EI/MESPI
6. Florije Kika – member, LD/MESPI
7. Albulena Maloku - member, DFGS/MESPI
8. Hidajete Zhuri - member, DEI/MESPI
9. Zana Radoniqi – member, MF
10. Donika Çeta – member, OPM
11. Iber Elezaj – member, AKM
12. Ereza Abrashi - member, DSP/OPM

The working group, according to the regular procedures and practices of drafting legislation, taking into consideration the complexity of the field of waste was consulted and has analyzed the concept drafted by the World Bank Project, regarding the simplification of permits and licenses.

There has also been partially consulted the EU legislation on waste:

- Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste;
- Commission Directive (EU) 2015/1127 of 10 July 2015 amending Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste;
- Commission Regulation (EU) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste;
- Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 'Ecotoxic'
- Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste;

Following consultations of the noted documents and following some information that the working group received via E-mail, on the draft in process, consultations with other parties within MESPI such as KEPA, the Inspectorate, there has been drafted the Draft Law whereby the provisions for licensing the waste management have been annulled.

Progress of the consultation process

The Draft Law on Amending and Supplementing the Law No. 04/L-060 on Waste was developed in compliance with Article 7 of Regulation No. 09/2011 of Rules and Procedure of the Government of the Republic of Kosovo where it was sent for Preliminary Consultations to the entities defined by legislation. Also in compliance with Regulation (GRK) No. 05/2016 on Minimum Standards for Public Consultation Process, it was published in the Online Platform for Public Consultations of the former MESP. The period of public consultations on the Online Platform for Public Consultations of MESPI was from 18.03.2021 to 11.04.2021.

During the period of consultations by entities determined by the list- Directory for relevant institutions for preliminary consultation according to Article 7 and public consultation according to Article 32 of the Rules of Procedure of the Government of the Republic of Kosovo No. 09/2011 as well as Regulation (GRK) No. 05/2016 on Minimum Standards for Public Consultation Process, and those on the online Platform for public consultation of MESPI, there are presented the contributions as in the following table:

If necessary, the information is presented in graphs and tables.

Consultation Methods	Dates/duration	Number of participants/contributors
1. Announced via e-mail	15 days	-
2. Written/electronic Consultations;	continuously	-
3. Face-to-face Interviews/Meetings	continuously	-
4.	/	

Summary of the contributions received during the consultation process

Regarding the consultation process on the Draft Law on Amending and Supplementing the Law No. 04/L-060 on Waste, some contributions were provided by stakeholders (6 - parties) as listed in the table below, mainly by the competent bodies including the comments of the responsible and suggestive institutions from the Office of the Prime Minister and the representative of the Ministry of Justice, from GIZ, the EC Office in Kosovo, as will be presented in tab.

The form of their contribution is expressed by commenting on certain provisions and at the same time suggesting their supplementation or amendment.

Other issues

The consultation process was conducted in cooperation with experts in the field of waste management, especially supported by GIZ and the main objectives aimed at being achieved by the policy - elimination of Licensing for waste management, which is considered as facilitation/reduction of permissions in the field of environment, which will be compensated by the Environmental Permit and the Municipal Environmental Permit.

There have also been made some supplements regarding the export and import of waste, as well as the amendment of the definition of hazardous waste properties, based on the amendment of the EU legislation (regarding Annex three of the draft law).

As a result of the assessment and consultation process performed, there are:

- Elimination of the licensing process is a key targeted issue, as a facilitation for businesses and the public dealing with the field of waste.
- The Law on Waste and the secondary legislation deriving from this law, that they should be harmonized and coordinated with other environmental legislation (integrated approach) as well as the connection with the implementation of the EU Acquis;
- Legislation on waste shall still need to be aligned with current general standards for drafting legal acts (eg harmonization with punitive provisions of the Law on Minor Offenses, etc.);

The future steps

Upon completion of the consultation process and finalization of the document, the parties will be informed about the approval by the Minister of MESPI and it will be published on the website of MESPI and the Official Gazette of RKS.

Annex - detailed table with information on the contributors, justifications for the accepted and rejected answers.

Name of the organization/individual	Comment of the organization/individual	Response from the Ministry	Clarification from the Ministry (particularly the reasons for not accepting certain comments)
<p>Ministry of Justice</p>	<p>Draft Law No. ___ on Amending and Supplementing the Law no. 04/L-060 on Waste, received by the Ministry of Environment, Spatial Planning and Infrastructure in preliminary consultations, contains punitive provisions from Article 42 paragraph 1. (This amount defined in paragraph 2 of Article 29 of the Law No. 05/L-087 on Minor Offenses, may be doubled if the minor offense was committed under the circumstances defined under Article 29 of the Law, respectively for minor offenses in the field of: <i>health protection; environmental protection; consumer protection; protection of competition in the market; cultural goods; of construction; public information; safety and security at work; of public revenues and customs.</i>), and paragraph 2., Article 44 paragraph 2., Article 45 paragraph 1. and sub-paragraphs 1.1., 1.2., 1.3., 1.4. , 1.5., 1.6., and 1.7.</p> <p>The afore-noted provisions of this draft law are in compliance with Article 29 of the Law No. 05/L-087 on Minor Offenses and also the provisions of this draft law which determine fines against natural persons, legal entities and responsible persons of legal entities are in compliance with Article 29 of the Law on Minor Offenses.</p>	<p>Accepted</p>	

INDEP

- **Article 2** of the Draft Law, the new formulation that replaces Articles 1 and 2 of the current Law.
To be supplemented with the expression in bold as follows: “This law aims at defining the rules on waste management and measures to protect the environment and human health by promoting recycling, preventing or reducing waste generation, unfavourable impacts of waste generation and waste management and by reducing the overall impacts of resource use and by improving the efficiency of such use, which are essential for the transition to a circular economy and for ensuring competition.”
Waste recycling is one of the preconditions for reducing waste generation and promoting a circular economy. By including recycling as a term in the current Law, Kosovo conveys the message that by legislation it is aimed to promote recycling as a practice for achieving sustainability.

Accepted

- **Article 3** of the Draft Law that adds paragraph 64 of subparagraph 1 of Article 4 of the current Law.

The extended scheme of producer’s liability set out in the definition should be further clarified in the draft law with a separate article.
In the current form, only a clearly defined definition of "a set of measures" has been established without specifying which measures. We consider that this set of measures are extremely important to apply the "polluter pays" principle. The law should be specific to determine what financial liability we are talking about or what the form of liability will be. Will the producer be obliged to treat the waste himself or will he be obliged to pay a financial amount? How much will this amount be per unit? The answers to these questions can not be left to sub-legal acts but must be subject to a broad social

Rejected

Article 3 - has been shifted to Article 4 of the draft law

The proposal is rejected because on the issue of – Extended Scheme of producer’s liability will be regulated by a sub-legal act as proposed in Article 11 of the draft law.

Regarding the proposal that they should be the subject of a wide social discussion, this means that the sub-legal acts have the same consultation process as the laws.

	discussion that can only be achieved by being defined by law.		
	<p>- Article 5 of the Draft Law amending Paragraph 2 of Article 8 of the Basic Law We propose that the provision remain as it was in the current Law in force.</p> <p>Waste management plans by waste owners and by the persons provided with certain environmental permit should be in line with municipal waste management plans, respectively the national plan. A waste owner must necessarily consider the municipal plan when drafting a waste management plan so that it is in line with the objectives of this plan. Thus, the municipalities are positively imposed a wider social debate when approving these municipal plans but also the operators, on the other hand, are obliged to implement waste management based on the projections of the municipal plans respectively the national plan when it comes to dealing with hazardous waste.</p>	Rejected	<p>Article 5 is shifted to Article 6 of this Draft Law.</p> <p>The waste owners' plans are autonomous, they are the plans of the producer or the owner in a company which does not mean that they are harmonized with the Municipal waste plan or with the Strategy and plan on waste.</p>
	<p>- Article 6 of the Draft Law that deletes Article 12 paragraph 4 of the basic law.</p> <p>INDEP proposes that paragraph 4 of Article 12 of the Law in force should not be deleted but reformulated as follows: "Action plan on waste management, operators shall obtain for a period of one (1) year."</p> <p>The current draft law, as we saw from the previous comment, initially removed the obligation of operators to harmonize their plans with municipal plans, while this provision completely removes the period which the plan should include. So the three-(3)-year period has been removed without giving any other period as an option. We propose that this period become one (1) year. This is because, having a shorter</p>	Partially accepted	<p>Article 6 of the Draft Law is shifted to Article 7 of the Draft Law</p> <p>Paragraph 4. of Article 12 of the basic law is proposed to be reformulated.</p> <p>The proposal for a period of one year is very short and it is proposed to be 5 years in accordance with the term of the relevant Environmental Permit.</p> <p>Thus, paragraph 4 of Article 12 of the basic law is not changed at all.</p>

	<p>implementation period, the plans will be more easily monitored and can be changed depending on the development requirements of certain areas, always in accordance with the five-(5)-year municipal plans. The one-year plan period of the operators also allows that in the annual reports which are submitted to the municipality or the ministry be reported on the annual plan.</p>		
	<p>Article 8 of the Draft Law amending subparagraph 1.5 of paragraph 1 of Article 15 of the current Law in force.</p> <p>INDEP proposes that this provision not be changed at all.</p> <p>The draft law with this provision obliges the municipalities to create special units or to charge officials with obligations and tasks for waste management. This practice of legislation that, on the one hand, to create obligations for the municipalities and, on the other hand, the central level institutions not to allow additional staff to municipalities to cover these practices, is unfair.</p> <p>Although we are pro the idea that the Law define obligations for municipalities, we are not pro the idea that municipalities be obliged to have a special unit or official in this field without additional support from the central level. In this very case, the obligation remains to the municipalities, but it should be left at their discretion how to organize the work within the municipality in order to achieve the objectives of the Law.</p>	<p>Rejected</p>	<p>Article 8 of the Draft Law is shifted to Article 9 of the Draft Law</p> <p>The provision provided for in the draft law is optional.</p> <p>1.5. The municipality is obliged to establish the unit or to appoint at least one official with duties and responsibilities for waste management, in their territory;</p>
	<p>- Article 10 of the Draft Law that adds paragraph 4 of Article 17 of the current Law in force.</p> <p>INDEP proposes that the “Deposit Reimbursement System” be defined first in Article 4 in the Definitions and then regulated by a separate article. In the</p>	<p>Accepted</p>	<p>Article 10 is shifted to Article 11.</p> <p>The definition in Article 4 sub-paragraph 1.65 of the draft law has been removed.</p>

	<p>current version, this System is not defined at all in Article 4 and is not further clarified. The Deposit Refund System in the current version remains a meaningless and unexplained concept. Furthermore, a separate article is missing that would explain what the deposit amount is and how the refund works.</p>		
	<p>- Article 12 of the Draft Law amending Article 19 paragraph 1 and 2 of the current Law in force.</p> <p>In paragraph 1 of Article 12 of the Draft Law we propose to remove the expression "hazardous".</p> <p>In paragraph 2, we propose that the term "hazardous" also be removed. Also, to be supplemented as follows: "The person is provided with a permit for transportation of waste, according to the provisions of law, and is obliged:"</p> <p>In the present proposed supplement-amendment, the norm refers only to hazardous goods by changing its to date meaning under applicable law. We propose that the inclusion of waste other than hazardous waste remain in force. This is also in line with the 3rd principle of vigilance and prevention under Article 5 of the Law in force.</p> <p>Paragraph 2 needs to be supplemented both to remove the restriction of hazardous waste according to the above comment and also because linguistically there should remain the part "and is obliged" to ensure a coherent flow with the other part.</p>	<p>Partially accepted</p>	<p>Article 12 of the draft law is shifted to Article 13 of the draft law.</p> <p>It is considered that a permit would be required only for hazardous waste, and the address was made to obtain the permit according to the procedures set out in the Law on Transportation of Hazardous Goods.</p> <p>The word 'is obliged' is incorporated.</p>
	<p>- Article 21 of the Draft Law that reformulates paragraph 3 of Article 29 of the current Law in force.</p> <p>We propose to delete the expression "and that the residue from this mechanical process has no use value".</p> <p>In the current version of the Draft Law, it can be misunderstood that any waste that has no use value can be incinerated. Also, the definition is vague as it is not known how it is actually determined whether the</p>	<p>Partially accepted</p>	<p>Article 21 of the Draft Law is shifted to Article 22 of the Draft Law.</p> <p>It has been reformulated 3. Municipal waste incineration is done only after the separation of waste into types, through mechanical or technological process, or</p>

	<p>waste has no use value or it has. As such, removing this expression would provide more clarity and accuracy.</p>		<p>manual separation. Separate waste that has no value for use or recycling, as such can be burned for energy or dumped in municipal waste landfills.</p>
	<p>- Article 24 of the Draft Law that deletes paragraph 5 of Article 39 of the current Law in force. We propose that paragraph 5 of Article 39 of the current Law in force should not be deleted. The provision from paragraph 5 of Article 39 of the Law in force is very important for achieving the objective of sustainable development, protection of the environment and health of citizens. The Ministry should engage in strengthening the implementation of the legal norm if it is not being implemented or building mechanisms for its implementation and not to propose the removal of a standard or the degradation of legal criteria.</p>	<p>Rejected</p>	<p>Article 24 of the draft law is shifted to Article 25 of the draft law.</p>
	<p>- Article 26 of the Draft Law that reformulates paragraph 4 of Article 42. We propose that paragraph 4 of Article 42 not be amended by the current Law. Except that instead of the expression “licensed” it can be made “equipped with an environmental permit” the other part is clearer and in simpler language in the current Law than in the Draft Law.</p>	<p>Partially accepted</p>	<p>Article 26 of the draft law is shifted to Article 28 of the draft law.</p> <p>A tire return system; currently there is not such a possibility to return used tires to the manufacturer or importer. If this system is established then the obsolete tires will be returned. However, the obligation to deliver out-of-use tires to persons provided with the relevant environmental permit must remain. Paragraph 4 of the draft law is reformulated as follows: 4. The owner of the obsolete tires must hand them over to the operators</p>

			who are equipped with the relevant environmental permit, or return them to the manufacturer, the importer, if a return system is regulated.
	<p>- Article 34 of the Draft Law which deletes in its entirety Article 54 of the current Law in force.</p> <p>We propose that Article 34 be completely deleted from the Draft Law and consequently Article 54 of the Law in force remains unaffected.</p> <p>Article 54 of the Law in force regulates a very important sector, whose waste is responsible for environmental pollution, danger from floods, endangering public health, etc.</p> <p>In 2017, INDEP analyzed the current legal basis and proposed a separate Law on Industrial Waste Management. As that Law has not yet been adopted, and until its adoption, the provisions of Article 54 of the current Law should remain in force. INDEP considers that by respecting the principle "polluter pays", the treatment of waste from industry be the responsibility of the operators themselves under the state supervision. However, the repeal of this provision should be done only if a special Law on Industrial Waste Treatment is adopted.</p>	Rejected	<p>Article 34 of the Draft Law is shifted to Article 39 of the Draft Law.</p> <p>The draft law on waste from the mineral extraction industry is being drafted.</p>
	<p>Article 35 of the Draft Law deleting paragraph 3 of Article 55 of the current Law in force.</p> <p>We propose that paragraph 3 of Article 55 of the Law in force remains unaffected. The main specifics of the License are important to remain as a legal category. This is because the Law is a document that obliges the Ministry that every Permit has at least the components mentioned in this</p>	Rejected	<p>Article 35 of the Draft Law is shifted to Article 40 of the Draft Law.</p> <p>All the specifics of the license are specified in the legal provisions on the relevant environmental permits.</p>

	<p>article. This ensures the quality of the permits issued and ensures that they are issued based on a basic set of criteria.</p>		
	<p>Article 36 of the Draft Law deleting paragraphs 6, 7 and 8 of Article 55 of the current Law in force.</p> <p>We propose that the paragraphs in question in Article 55 remain as such. The 60-day deadline given to the Ministry for the issuance of the License (which can be redefined as the Permit) is important to remain to protect the interests of operators and to set a ceiling deadline for the Ministry to carry out its work for the issuance of the Permit . As such it should remain. Also, paragraphs 7 and 8 are important to remain in force to determine the obligation on notification in case of inability to perform management as a result of force majeure and the obligation for the Ministry by sub-legal act to further specify the conditions and specifics of the permit.</p>	Rejected	<p>Article 35 of the Draft Law is shifted to Article 40 of the Draft Law.</p> <p>The procedures for issuing/obtaining a License in the Draft Law are canceled.</p> <p>The conditions for emergency cases and/or force majeure will have to be determined by the acts of Law No. 04/-L-027 on Protection from Natural and Other Disasters.</p>
	<p>Article 38 of the Draft Law reformulating paragraph 4 of Article 58 of the Law in force.</p> <p>We propose that the paragraph in question be reformulated as follows: “Operators dealing with waste management shall submit the Annual Report by March 31 of the following year. The report shall be submitted to the Municipality or the Ministry. ” The draft law should provide a facility to the operators not to be obliged to submit the report to both the Ministry and the Municipality. This can only be applied when dealing with hazardous materials.</p>	Rejected	<p>Article 38 of the Draft Law is shifted to Article 43 of the Draft Law.</p> <p>Due to the collection of information and the functioning of the Information System as complete as possible -Operators should report to their Municipality but also to the relevant Ministry of Environment- to the Environmental Protection Agency.</p>
	<p>Article 39 of the Draft Law deleting paragraph 5 of Article 60 of the current Law in force.</p>	Rejected	<p>Article 39 of the Draft Law is shifted to Article 44 of the Draft Law.</p>

	<p>We propose that the paragraph in question should not be deleted but reformulated as follows: “Revenues from financial means, according to paragraph 1. of this article, will be treated as dedicated to addressing issues of waste pollution and their use will to be determined through sub-legal acts which will be issued by the Ministry and Municipalities within the management competencies they have according to this law.</p> <p>By treating these revenues as dedicated and to be used for the purpose for which they are collected, there is respected the principle "polluter pays" and there is increased the allocation of funds to work on reducing pollution and raising public awareness. Also, dedicating these revenues, there is increased the capacity of municipalities and central institutions to address waste pollution issues including information and citizens’ awareness, mitigating measures for pollution or investment in recycling or reducing waste generation.</p>		<p>This law shall not regulate any methodology for the use of funds for both the Ministry and the Municipalities.</p> <p>The rules on the use of financial revenues are regulated by the Law on Finance - which are planned according to the budget of the Republic of Kosovo.</p>
	<p>Article 42 of the Draft Law, which reformulates paragraph 1 of Article 71 of the current Law in force.</p> <p>There should be done the categorization of the violations and determination of the level of the fine for each violation.</p> <p>Currently, the range of fines from 5 thousand to 40 thousand defined in the Draft Law is very wide and leaves room for subjective interpretation. We propose to categorize and specify violations similar to the case of Article 45 of the Draft Law where the violations and fines from paragraph 1 of Article 74 of the Basic Law are specified.</p>	Rejected	<p>Article 42 of the Draft Law is shifted to Article 47 of the Draft Law.</p> <p>It is impossible for the value of the violation/damage to be determined for each violation without an assessment process, which will be done through expertise. It may happen that a violation in a case is estimated e.g. with 5,000 Euros, and in another case can be estimated e.g. with 12,000 Euros.</p>
		Rejected	<p>Article 42 of the Draft Law is shifted to Article 47 of the Draft Law.</p>

	<p>Article 42 of the Draft Law deleting sub-paragraph 1.43 of paragraph 1 of Article 71 of the Basic Law.</p> <p>We propose that this provision not be removed.</p> <p>We have proposed that paragraph 7 of Article 55 of the current Law remain in force in such a way that the obligation to notify remains in case of impossibility to perform waste management as a result of force majeure. We have argued above that this obligation should remain and also for this violation to remain in force the fine provided in sub-paragraph 43 of paragraph 1 of the Law.</p>		<p>Paragraph 7 of Article 55 of the basic law has been deleted, which anyway did not have determined/regulated criteria that would define the conditions of force majeure that would disable waste management.</p> <p>Such conditions are not defined in any provision of the Basic Law, neither by secondary legislation</p>
	<p>Article 43 of the Draft Law reformulating sub-paragraph 1.1 of paragraph 1 of Article 72.</p> <p>We propose that the reformulation of the Draft Law be changed and instead of the expression "legal person" become "natural person".</p> <p>We consider that the provision in question of Article 72 is intended for the natural person responsible for the legal person and not for the legal person as formulated in this Draft Law. Therefore, we propose the formulation according to our proposal.</p>	Rejected	<p>Article 43 of the Draft Law is shifted to Article 48 of the Draft Law.</p> <p>This article deals with legal entities as well, but using other forms of punishment against persons who do not respect the legal provision.</p>
(GIZ) GmbH	<p>The Waste Framework Directive 2008/98/EC has been transposed into the Law on Waste and the level of compliance is quite high. The Waste Framework Directive has been amended several times and these amendments have not been fully addressed by the proposed Draft Law. Some issues that have not yet been fully addressed to ensure compliance with the EU Acquis and law enforcement include: waste prevention; partition collection schemes and equipment; waste recovery; rules for calculating the achievement of goals; minimum general requirements for the extended manufacturer liability scheme.</p>	Accepted	<p>The assessment is real</p>

	<p>In Article 3 of the Draft Law which amends Article 4 of the Basic Law, MESPI should ensure that all relevant definitions are properly transposed with those set out in the Waste Framework Directive, and the missing definitions (e.g. recovery) be included in the Draft Law.</p>	Accepted	<p>The message has been assessed as realized.</p> <p>The definition of recovery in the basic law is defined by the word ‘processing’ (recovery)</p>
	<p>Article 10 of the Draft Law provides the legal basis for the requirements and processes related to the Extended Manufacturer Liability Scheme to be regulated through secondary legislation in accordance with the ‘polluter pays’ principle. This article also allows the criteria, responsibilities and procedures for establishing a Deposit Reimbursement System to be further defined by the secondary legislation. During the process of drafting the sub-legal acts, MESI shall ensure compliance with the requirements set out in the Waste Framework Directive.</p>	Accepted	<p>Article 10 of the Draft Law is shifted to Article 11 of the Draft Law,</p> <p>The message has been assessed as realized</p>
	<p>- During the process of simplifying the requirements for licenses and permits, MESPI should ensure that the simplification does not present obstacles in meeting the requirements which are set out in the Waste Framework Directive. Article 35 of the Draft Law has deleted paragraphs 2 and 3 of Article 55 of the Basic Law which specifies the elements that a permit should contain. These elements are also specified in Article 23 of the Waste Framework Directive.</p> <p>However, Article 23 paragraph 5 of the Directive allows Member States the possibility of forming a single permit, provided that the requirements laid down in Article 23 are defined and met in order to avoid unnecessary duplication of information and repetition of the same work by the operator (business) or the administration. In this regard, the Draft Law has made a new reference to the Law on Environmental Protection. The latter does not have a clear reference to the</p>	Rejected	<p>All the specifics being carried by the license are specified in the legal provisions on the relevant environmental permits.</p>

	elements that a permit should contain as provided for in Article 23 of the Directive. Therefore, it should be ensured that the process of simplifying licenses and permits does not preclude compliance with the Waste Framework Directive in cases where they simplify licenses or permits.		
	-Fines and sanctions set out in the Draft Law should be discussed and reviewed by the Ministry of Justice and the Kosovo Judicial Council to ensure that they are proportionate and in compliance with the Criminal Code and the Law on Minor Offenses.	Accepted	There has been received the assessment by the Ministry of Justice.
	- In order to comply with the requirements, objectives and goals set out in the EU directives, the MESPI, in addition to further approximation of its legal framework, should invest in resources that ensure the implementation of the legal framework. These issues are closely related to the current draft of the Strategy on Integrated Waste Management, the approval of which should be a priority by the Government.	Rejected	Issue that the law orients with the obligation to plan through planning documents.
Legal Office of the Prime Minister's/OPM	- The purpose of this law is to amend and supplement the Law No. 04 / L-060 on Waste, Official Gazette No. 17/ 29 June 2012 (In the following text: the basic law). To be specified, since in this way in the following text will not cause confusion.	Accepted	It has been taken into consideration and as such is marked in each reference situation as: "Basic law"
	- Articles 1 and 2 of the basic law shall be deleted and reformulated again, as follows: In cases when we have to deal with reformulation, it is best not to use the term 'deleted', as it is understandable if it is determined to be reformulated. Please note Article 10, paragraph 2 of Administrative Instruction No. 03/2013 on Standards for the Drafting the Normative Acts, which defines: '2. The amendment, supplementation or repeal of an article or its subdivisions must be done through a separate paragraph for each article.' Therefore, based on this provision, they should be divided into separate paragraphs,	Accepted	From Article 2 of the Draft Law there are divided new articles- article 2 and article 3 of the Draft Law.

	<p>and the paragraph should receive an ordinal number.</p> <p>This comment applies to the entire text of the Draft Law.</p>		
	<p>In Article 12, paragraph 4 of the basic law shall be deleted.</p> <p>We propose to use a unique form throughout the text, eg: In Article 12 of the basic law, paragraph 4 shall be deleted. To be used in this form also in article 4 and 5 of this Draft Law.</p>	Accepted	
	<p>Article 10 in Article 17 of the basic law, paragraph 3 shall be deleted and reformulated as follows:</p> <p>The Ministry by a sub-legal act determines the extended liability of the producer and importer according to the ‘polluter pays’ principle.</p> <p>Is it necessary to use this term ‘extended liability’? I believe it is enough to say that users’ responsibility is defined.</p>	Partially accepted	<p>It is regulated as the responsibility of the manufacturer, importer of goods, paragraph 3 of the draft law will need to be formulated:</p> <p>3. The Ministry with a sub-legal act determines the extended responsibility of the producer and importer of products/goods according to the polluter pays principle.</p> <p>We refer to the EU Waste Legislation which has defined the principle of extended liability of the product and waste producer.</p> <p>The importer of waste is not excluded from this responsibility, as in a word all these terms can be replaced with the owner of the waste.</p>
	<p>-Article 12 paragraph 2.1. to transport waste, based on the conditions determined by the permit for transport of hazardous waste;</p> <p>If paragraph 2 of Article 19 has been amended, there should be reviewed whether this formulation makes sense. It is necessary to make a connection with the amended paragraph 2, therefore the word</p>	Accepted	<p>Article 12 of the Draft Law is shifted to Article 13 of the Draft Law.</p> <p>It is regulated according to the instruction from OPM, as follows:</p>

	<p>‘obliged’ can be added to the above paragraph where the reformulation of paragraph 2 is done.</p>		<p>2. The person is equipped with a permit for the transport of hazardous waste, according to the provisions of the relevant law on the transport of hazardous goods and is obliged to:</p> <p>2. In Article 19 of the basic law, paragraph 2, subparagraph 2.1 is reformulated as follows: 2.1. to transport waste, based on the conditions determined by the permit for transport of waste;</p>
	<p>Article 14 paragraph 1.3. to dispose of waste, based on the conditions defined by law;</p> <p>To be determined by which law.</p>	Accepted	<p>Article 13 of the Draft Law is shifted to Article 14 of the Draft Law.</p> <p>By environmental legislation,</p>
	<p>Article 24 paragraph 1. Persons managing waste oils should be provided with a permit.</p> <p>We propose to specify which permit is in question.</p>	Accepted	<p>Article 24 of the Draft Law is shifted to Article 25 of the Draft Law.</p> <p>Relevant environmental permit. Remark in this article is also suggested by INDEP</p>
	<p>Article 25 Paragraph 1, of articles 40 and 41, of the basic law, is deleted. To be divided into separate paragraphs.</p>	Accepted	
	<p>Paragraphs 2 and 3, of Article 55, of the basic law, are deleted. Paragraph 3 of Article 55 of the basic law defines some notes which are specified in the license. Will these notes appear on the relevant environmental permit?</p>	Rejected	<p>All the specifics carried by the license are specified in the legal provisions on the relevant environmental permits.</p>
	<p>Article 41 Sub-paragraph 1.7. of paragraph 1, of article 65, of the basic law, is deleted and reformulated as follows: 1.7. to supervise the conditions determined by the respective permit and in case of non-</p>	Accepted	<p>Neni 41 kalon ne nenin 46 Nenparagrafet 6.3 dhe 6.4 të nenit 62 të ligjit bazik riformulohen</p>

	<p>compliance with these conditions, make the proposal for the withdrawal of the respective environmental permit, if the ordered measures are not implemented within the set deadline.</p> <p>Is the matter about the relevant environmental permit?</p> <p>If it is provided that the conditions will be determined in the respective environmental permit, then also in article 62, paragraph 6.3 does not need to be deleted but only to be reformulated and the license for waste management to be replaced with the relevant environmental permit.</p>		<p>Article 41 is shifted to Article 46.</p> <p>Subparagraphs 6.3 and 6.4 of Article 62 of the basic law are reformulated.</p>
EU	<p>The compliance of the Law on Waste and the amendments proposed by MESPI with the EU Acquis, that have been prepared by the legal experts of the project team, may be found attached.</p>	Accepted	