

REPUBLIC OF LITHUANIA
LAW
ON WASTE MANAGEMENT

June 16, 1998 No. VIII-787
Vilnius

Chapter I
GENERAL PROVISIONS

Article 1. Objectives of the Law

1. This Law shall establish the basic requirements for the prevention, record keeping, collection, sorting, storage, transportation, utilisation and disposal of waste with a view to prevent its negative effects on the environment and human health. The Law shall stipulate the functions of public authorities and other legal and natural persons in the sphere of waste management.

2. This Law shall not regulate the management of emissions, effluents and radioactive waste, nor the management of dead farm animals and agricultural waste (dung wash and other natural, non-dangerous substances used in agriculture).

Article 2. Definitions

1. **Waste** - various substances and articles belonging to the category of waste, pursuant to the classifier of waste set forth in paragraph 2 of Article 8 of this Law, which are disposed by the holder of waste, which he wishes to dispose or must dispose.

2. **Hazardous waste** - waste included, pursuant to the requirements of paragraph 2 of Article 8 of this Law, in the list of hazardous waste and having one or several hazardous properties determined by its nature or components as defined in the classifier of waste.

3. **Municipal waste** - domestic, commercial, industrial, institutional waste and waste of other origin which resembles domestic waste in its properties and composition.

4. **Recyclable waste** - waste suitable for utilisation.

5. **Waste classifier** - a document defining groups of waste, the codes of origin, the characteristics of its hazardousness, its principal components (determining hazardousness of the waste), the ways of disposal and utilisation of waste and codes of its transportation.

6. **Producer of waste** - a legal or natural person who in the course of his activities generates waste.

7. **Waste holder** - a producer of waste or a legal or natural person possessing waste.

8. **Waste manager** - a legal or natural person who, in accordance with the fixed requirements, manages waste as prescribed by this Law and other legal acts.

9. **Waste generation site** - a territory where waste is generated through economic or other type of activity.

10. **Waste management** - activities involving prevention, accounting, declaration, collection, sorting, marking, transportation, storage, utilisation, and disposal of waste.

11. **Utilisation of waste** - recovery of useful properties of substances found in the waste and their utilisation in the manner specified in the classifier pursuant to paragraph 2 of Article 8, for the purpose of obtaining utilisable products and energy.

12. **Waste disposal** - a type of waste management in accordance with the classifier set forth in paragraph 2 of Article 8 of this Law.

13. **Transportation of waste** - shipment of waste to its management site.

14. **Waste transporter** - a legal or natural person who, in a prescribed manner, receives the waste from its holder, transports it and transfers it to the user of waste or the person in charge of its disposal.

15. **Waste dump (storage)** - a site for disposing waste where the waste is dumped on the ground or put into a landfill. Here belong internal waste disposal sites (i.e. dumps where the waste is disposed by the producer of waste on the same site where it is generated) but not the sites where the waste is stored in order to prepare it for transportation to other sites for utilisation or disposal, nor the sites where the waste is in temporary storage (not longer than one year) before its utilisation or disposal.

Chapter II PRIORITIES IN WASTE MANAGEMENT

Article 3. Priorities in Waste Management

Enterprises which during the discharge of their economic-commercial activities generate waste and which utilise, dispose or handle waste must take every appropriate and economically feasible measure to minimise its quantity and the harmful effect on human health and the environment. The above enterprises must observe the following priorities:

- 1) to employ all the realistically applicable preventive measures needed to minimise generation of waste;
- 2) to reduce the amount of generated and dumped waste and the level of its hazardousness by developing and introducing alternative technologies, to save natural resources, to manufacture and put on the market durable and reusable products which, at the end of their useful cycle and after turning into waste, could be utilised, in this way reducing the quantity of waste and its danger to the environment and human health;
- 3) to utilise the waste and obtain from it consumable products or secondary raw materials suitable for the manufacturing of such products;
- 4) to utilise waste for generation of energy;
- 5) to remove the generated waste in a safe manner to repositories and other sites set aside for this purpose in such a manner that it does not pose either now or in future any hazards to the environment and human health.

Chapter III WASTE MANAGEMENT

Article 4. Organisation of Waste Management

1. A holder of waste must manage the waste either himself or deliver it to the waste manager in the manner prescribed by this Law and other legal acts.
2. Enterprises which during the discharge of their economic-commercial activities generate waste must sort it in the manner prescribed by the Government or authority designated by it.
3. The management of municipal waste, including the collection of domestic waste, shall be undertaken by municipalities.
4. The list of substances and products (including containers and packaging) which may be manufactured, imported and put on the market only with appropriate labelling in order to identify and sort them easily after they have been used and turned into waste, and the manner of their labelling shall be established by the Ministry of the Environment together with the Ministry of Economy.
5. Enterprises collecting, sorting, transporting, storing, utilising and disposing waste must be registered in the manner prescribed by the Government or an authority designated by it.
6. Enterprises managing hazardous waste must obtain a licence.
7. Waste shall be transported, imported or exported in accordance with the laws of the Republic of Lithuania and the international agreements ratified by the Republic of Lithuania.
8. Strategic waste management works shall be established in the manner prescribed by the Government.

Article 5. Plans for Saving Resources and Minimisation of Waste

1. Waste must be managed in such a way as to prevent danger for the environment and human health.
2. Enterprises which during the discharge of economic-commercial activities generate waste must, in the manner prescribed by the Government or an authority designated by it, develop and implement plans for saving of natural resources and minimisation of waste.
3. Plans for saving natural resources and minimisation of waste must, in a prescribed manner, be made available to the general public.
4. Plans for saving natural resources and minimisation of waste shall be revised and amended with changes in production technology or scope, with the exception of changes provided for by the plan itself, at least once every five years.

Article 6. Authorisations for the Use of Natural Resources

1. Enterprises which during the discharge of their economic-commercial activities generate waste and which utilise or dispose it must obtain authorisations for the use of natural resources in the manner prescribed by the Ministry of the Environment.

2. Enterprises that have been granted the above authorisations for utilisation or disposal of waste may suspend their activities only pursuant to the requirements prescribed for an enterprise in the utilisation and disposal of waste set forth in Article 15 of this Law.

Article 7. Regulation of Manufacturing, Import, Sale and Utilisation of Substances and Products

Regulation of waste management by the Government may involve regulation of the manufacturing, import, sale and utilisation of substances and products, including containers and packaging.

Article 8. Procedure of Waste Record Keeping

1. Enterprises which during the discharge of their economic-commercial activities generate waste, and waste managers shall keep a record of waste in the manner prescribed by the Ministry of the Environment.

2. The waste classifier and lists drawn up in accordance with the provisions of the European Union directives shall be prepared and approved by the Ministry of the Environment.

Article 9. Reports about Waste Management

1. Enterprises which during the discharge of their economic-commercial activities generate waste, and waste managers shall submit reports about waste generation and management in the manner prescribed by the Ministry of the Environment.

2. The format and manner of submitting the reports shall be established by the Ministry of the Environment.

Article 10. Waste Storage

1. In the manner prescribed by the authorities designated by the Government, the waste must be stored in such a way as to prevent an adverse effect on the environment and human health.

2. Hazardous waste at source may be temporarily stored not longer than three months after its generation. Where the waste generator stores the hazardous waste for a period longer than three months at the source of their generation he must comply with the requirements laid down in this Law.

3. Municipal waste may be temporarily stored at source not longer than one year. If the waste generator stores municipal waste at source for a period longer than one year he must comply with the requirements laid down in this Law.

Article 11. Safekeeping of Waste Management Documentation

Documentation relating to waste management must be kept in the manner prescribed by the Government or an authority designated by it.

Article 12. Requirements for the Waste Transporter

If the transporter, after receiving the waste, keeps, reloads, re-packages, stores or handles it in any other way, he must comply with the requirements laid down in Chapters II-IV of this Law.

Article 13. Acceptance of Waste for Transportation

A waste transporter shall accept the waste for transportation in accordance with the requirements of this Law and other legal acts.

Article 14. Technical Regulations of a Waste Utilisation or Disposal Facility

A waste utilisation or disposal facility must have technical regulations for the utilisation or disposal of waste providing a detailed description of all the operations involved in the acceptance of waste, its keeping, utilisation, disposal, monitoring and control ensuring safety of the environment and human health.

Article 15. Termination of the Activities of a Waste Utilisation or Disposal Facility

1. The activity of a waste utilisation or disposal facility shall be terminated in such a manner which would not have an adverse effect on the environment and human health.

2. A waste utilisation or disposal facility must have a plan for termination of its activity endorsed by the Ministry of Economy. The plan must establish the maximum permissible limit of waste to be utilised or disposed, the measures and costs needed for the closure of the facility and its rehabilitation, supervision needed during the post-closure period, its duration and costs, also a system for accumulation of funds.

Chapter IV SPECIFIC FEATURES OF HAZARDOUS WASTE MANAGEMENT

Article 16. Licensing of Hazardous Waste Management

1. Facilities which collect, transport, store, dispose and utilise hazardous waste must obtain a licence in the manner prescribed by the Government or an authority designated by it.

2. A licence must specify the types of hazardous waste which the licence holder is allowed to manage.

Article 17. Identification of Hazardous Waste

The generator of hazardous waste must identify the hazardous waste in his possession, define its composition and report to the Ministry of the Environment about the generation of each category of hazardous waste. The procedure for identifying and reporting about hazardous waste shall be established by the Ministry of the Environment.

Article 18. Requirement against Mixing Hazardous Waste

1. Hazardous waste during its generation, collection, sorting, storage, transportation, utilisation, and disposal may not be diluted or mixed with other waste or substances.

2. Hazardous waste may be mixed with other waste or substances only at a waste utilisation or disposal facility if this is stipulated in the technical regulations of hazardous waste drawn up pursuant to the requirements of Article 14 of this Law.

Article 19. Packaging and Labelling of Hazardous Waste

Hazardous waste which is stored or transported must be packaged and labelled. The procedure for packaging and labelling hazardous waste shall be established by the Ministry of the Environment.

Article 20. The Procedure for Delivery and Transportation of Hazardous Waste

1. When delivering hazardous waste for management, it is requested to have an accompanying letter of a special form. The form of the accompanying letter for hazardous waste, the manner of its filling out and its use shall be established by an institution designated by the Government.

2. A waste holder may deliver hazardous waste for transportation only to a transporter who has a licence for transportation of hazardous waste.

3. A hazardous waste management facility may accept waste only from a transporter who has been granted a licence for transportation of hazardous waste.

Article 21. A Register of the Utilisation and Disposal of Hazardous Waste

The stages of acceptance, storage, utilisation, disposal, and transportation of hazardous waste and its precise location at the facility must be recorded in the operations register. The form and manner of making entries in the register shall be established by the Ministry of the Environment.

Article 22. Manner of Transportation of Hazardous Waste

1. Hazardous waste shall be transported in accordance with the requirements of transportation of dangerous cargoes.

2. A transporter shall accept hazardous waste for transportation provided it is adequately packaged and labelled.

Article 23. Record Keeping of Transit, Exports and Imports of Hazardous Waste

Record keeping of transit, exports and imports of hazardous waste shall be undertaken by the Customs Department at the Ministry of Finance

Article 24. Accident Prevention, Containment and Investigation

1. Legal and natural persons engaged in the production, collection, sorting, transportation, disposal, utilisation or treatment of hazardous waste shall co-ordinate accident prevention plans, in a prescribed manner, with the units of the environment, fire protection, civilian safety and health services. The plans must have provisions with regard to the actions of the employees of the facility in the event of an imminent accident with a view to preventing or minimising the threat to the environment or human health.

2. In the event of an accident or a discharge of hazardous waste or its hazardous components which might pose threat to the environment or human health, the accident must be contained forthwith in accordance with the accident containment plan, and its causes must be established. Accident containment plans shall be drafted in the manner prescribed by the Government.

Article 25. Keeping of Documentation Relating to Hazardous Waste

Documentation relating to the generation and management of hazardous waste must be kept by waste holders, managers and the Customs Department at the Ministry of Finance indefinitely.

Chapter V ADMINISTRATION OF WASTE MANAGEMENT

Article 26. Duties of the Ministry of the Environment

The Ministry of the Environment shall initiate legal acts regulating waste management and monitor compliance with the prescribed requirements, shall draft regulatory enactments for the establishment and supervision of waste management facilities and control their implementation, shall perform the duties prescribed by this Law and other statutory acts.

Article 27. Duties of the Ministry of Health

The Ministry of Health shall make an expert assessment of the impact of hazardous waste on the health of an individual and society and shall regulate the management of medical waste.

Article 28. Duties of the Ministry of Economy

The Ministry of Economy shall develop and implement the waste management programme promoting the prevention of waste, its utilisation, the development of a market for products manufactured from recycled waste, the safe waste disposal, and the creation of a waste management system; it shall also co-ordinate management of hazardous waste, put forward recommendations to the Government on the application of economic and other measures.

Article 29. Duties of the Ministry of Social Security and Labour

The Ministry of Social Security and Labour shall prescribe safety at work requirements at the waste management and waste utilisation facilities, initiate enactments regulating safety at work the implementation of which shall be monitored by the State Labour Inspectorate.

Article 30. Duties of the Administration of County Governors

County governors, with the approval of county councils, shall co-ordinate, in their territories, collection of recyclable waste, management of municipal waste, allot sites for domestic waste.

Article 31. Duties of Municipalities

1. Within the limits of their competence, municipalities shall, in their territories, draft, issue and implement ordinances regulating waste management and control compliance with them.

2. Municipalities shall organise, in their territories, waste management, setting up, use, rehabilitation and monitoring of waste repositories, collection of recyclable waste, develop and implement programmes of waste management, chose sites for the management of municipal waste and accumulate funds for carrying out these tasks.

3. Municipalities shall prescribe waste management rates.

Chapter VI

ECONOMIC AND FINANCIAL MEASURES FOR WASTE MANAGEMENT

Article 32. Economic Measures for Waste Management

1. In accordance with the principle “the polluter pays”, the costs of waste management must be covered by the holder, manufacturer or importer of waste or substances and products, including the containers and packaging the use of which produces waste.

2. In order to promote prevention of waste and to accumulate funds for waste management, the legislation of the Republic of Lithuania shall fix taxes for substances and products, including the containers and packaging, the use of which produces waste.

Article 33. Sources of Financing Waste Management

1. Waste management shall be financed from the following:

- 1) the State Waste Management Fund;
- 2) the State budget and municipal budgets;
- 3) the State Nature Protection Fund;
- 4) municipal funds for nature protection;
- 5) the Lithuanian Nature Protection Investment Fund;
- 6) 20 per cent of the revenue of the Fund in Support of Small and Medium Businesses set aside for crediting recycling of waste;
- 7) special contributions from foreign countries, international organisations and financial institutions as well as from legal and natural persons of the Republic of Lithuania.

Article 34. The State Waste Management Fund

1. With a view of enhancing the financing of waste management, the State Waste Management Fund shall be established.

2. The State Waste Management Fund shall be made up of:

- 1) a portion of taxes for the pollution of the environment, as stipulated by the Law, paid for the substances and products the use of which produces waste;
- 2) special contributions from foreign countries, international organisations and financial institutions as well as from legal and natural persons of the Republic of Lithuania;
- 3) other sources of financing.

3. In the manner prescribed by the Law on the State Waste Management Fund, the revenue of the State Waste Management Fund shall be used to cover the costs incurred by the implementation of the waste management system.

Article 35. Guarantee for Management of Hazardous Waste

Legal and natural persons shall be granted a licence for the management of hazardous waste provided they submit a guarantee of the Government, municipalities, and insurance companies in the amount not less than the funds calculated pursuant to the requirements of Article 15 of this Law.

Chapter VII

LIABILITY

Article 36. Liability

1. Legal and natural persons who violate the requirements of this Law shall be held liable in a manner prescribed by law.

2. Liability specified in paragraph 1 of this Article shall not preclude the right to suspend the activities of waste management in a prescribed manner.

I promulgate this Law passed by the Seimas of the Republic of Lithuania

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS