

# NEWSLETTER

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## **In This Issue**

- Classification of waste generators.
- Registration and authorizations for activities of recovery and collection of recyclable waste.
- Technical Assistance Program for capacity development and management for collectors and recyclers.
- Development of educational contents of integral waste management.
- Development of communication strategies and broadcast of educational messages.
- Recognition for integral waste management, "Bolivia Limpia" awards.
- Creation of the Integral Waste Management Information System.
- Creation of the Sectorial Council of Waste.
- Promotion of prevention measures for waste generation.
- Extended producer responsibility (EPR).
- Waste treatment plants.
- Export of hazardous waste.



## **Supreme Decree No. 2954 Regulation for Integral Waste Management**

On October 19, 2016, Congress approved [Supreme Decree No 2954](#), General Regulation to [Law No. 755](#) of October 28, 2015, Regulation for Integral Waste Management (the "Regulation") within the framework of article 344 of the Constitution, which provides that the State shall regulate the internment, production, commercialization and use of techniques, methods, input materials and substances that affect health and the environment.

The Regulation encourages the participation of the general population and sustainability in the operational management of waste in compliance with the right to health and seeking to live in a healthy and balanced environment.

To this effect, the following important aspects are included in the Regulation:

### **Classification of waste generators.**

Waste generators are classified as follows:

- a) Major generator: generates an amount equal to or greater than 20 tons of waste, in total gross weight per year, or its equivalent in another measurement unit;
- b) Medium generator: generates an amount equal to or greater than 10 and less than 20 tons of waste, in total gross weight per year, or its equivalent in another measurement unit;

- c) Small generator: generates an amount equal to or greater than one and less than 10 tons of waste, in total gross weight per year, or its equivalent in another measurement unit;
- d) Micro generator: generates an amount less than one ton of waste, in total gross weight per year, or equivalent in another measurement unit.

The generator must store and classify the waste, either at the generation source, or at authorized locations, designated by the Autonomous Municipal Governments, as appropriate, and must cover operational costs.

## Registry and Authorizations

The norm establishes a registry and the authority shall grant authorizations to those who carry out activities for the recovery and collection of recyclable waste (pending the enactment of specific regulation.) Promotes a Technical Assistance Program (TAP) aimed at the development of capacities and knowledge management for collectors and recyclers, with express prohibition in relation to the collection of hazardous waste.

## Development of Educational Contents

Development of educational contents related to integral waste management and included in the curricular structures of the country's education system.

## Development of Communication Strategies

The Regulations shall develop communication strategies and dissemination of educational messages on integral waste management, to raise public awareness. For this purpose, advertising shall be free, and completely covered by public and private media sector, which in addition, must comply with the following:

- a) Radio stations shall broadcast ads or educational and preventive content messages on integral waste management, minimum of 30 minutes per month, distributed in the following time slots: 07:30 to 09:30; 12:30 to 14:00 and 20:00 to 22:00.
- b) Audiovisual media shall broadcast ads or content messages on integral waste management, minimum of twenty 20 minutes per month, distributed in the following time slots: 07:30 to 09:30; 12:30 a.m. to 2:00 p.m. and 8:00 p.m. to 10:00 p.m.
- c) Written media shall once a month circulate ads or educational and preventive content messages on integral waste management, allocating the entire back cover - body A.

Media providers that have a digital version on the internet, must disseminate this publicity in a permanent and exclusive form.

Media providers must submit, on a monthly basis, and also upon request by the Ministry of Communication, reports of disseminated communication products, whose non-compliance or falsity, may find media providers liable and subject to sanctions.

The Ministry of Communication, *ex-officio*, shall request media providers, to provide audio recordings, video or written copy of the publicity issued, granting a term of five (5) administrative days for its remission. The breach or falsity on the information provided, shall find media providers liable media providers.

Media providers that breach the above-mentioned, shall be subject to the following sanctions:

- First offense, the fine amounts to UFV 5,000 (FIVE THOUSAND 00/100 HOUSING DEVELOPMENT UNITS) ("UFV")
- Second offense, the fine amounts to UFV 10,000 (TEN THOUSAND 00/100 HOUSING DEVELOPMENT UNITS)

In the event of relapse, the fine will be increased by one hundred percent (100%) in relation to the last penalty.

## **Integral Waste Management Award**

Productive activities, involving the integral management of waste, are awarded a recognition through the "Bolivia Limpia" awards, a National Prize of Excellence for Living Well, which is given out to public and private entities and institutions that have implemented outstanding innovative practices on the integral management of waste.

## **Creation of Integral Waste Management Information System**

The Integral Waste Management Information System is created, whose content, procedures and collection indicators, recording, systematizing and information update, related to the integral waste management, shall be approved through a Ministerial Resolution issued by the Ministry of the Environment and Water.

## **Creation of Integral Waste Management Information**

The Sectorial Council for Waste is created to improve the coordination and materialize the sectorial policies for the Integral Waste Management.

## **Promotion of Prevention Measures**

The promotion of prevention measures for the generation of waste:

- a) Application of technologies that favor the reduction of waste;
- b) Minimization in the use of packing or packaging of products;
- c) Reuse of materials and containers either in the same initial function or different, as appropriate;
- d) Others that encourage the change of patterns of consumption, before the generation of the waste.

Waste containers should prioritize to be made of recycled material and identified as follows:

- o Green: Organic waste.
- o Yellow: Recyclable waste.
- o Black: Unusable waste.

Retailers or distributors of products, in supermarkets, markets or other similar establishments, should promote and encourage consumers to reduce unnecessary use of packing, packaging or containers, through messages or educational incentives, as appropriate.

Autonomous Territorial Entities may establish economic or fiscal measures or institutional agreements aimed at prevention, hazard reduction and take advantage of waste, in the productive or commercial sector.

Packers for the marketing of their products must use containers that include recycled post-consumer material.

## **Producer's Extended Responsibility**

The producer's extended responsibility (PER), set out under Law No. 755 of Integral Waste Management, whereby producers and distributors are responsible for the integral management of their products, until the post-consumption phase, when they become waste, applicable to PET bottles, polyethylene bags, tires or pneumatics, batteries or primary cells and pesticide containers, and is extended by the Regulation, to electrical and electronic equipment waste, which are not generated by specific activities to the electricity sector.

To this effect, producers and distributors subject to this Extended Producer Responsibility regime must register under the registry established by the Ministry of Environment and Water, and develop and submit compliance programs for the comprehensive management of their products in the post-consumer phase, for a period of five (5) years.

## Treatment Plants

Regarding treatment plants, the Regulation sets out the following types:

- Waste classification plants;
- Biological treatment plants;
- Biological mechanical treatment plants; and
- Waste heat treatment plants.

The final waste disposal must be carried out using the landfill method with a final disposal capacity of at least 15 years, located at a minimum radius of 3,000 meters from the last housing unit.

Landfills are classified as:

- Landfills for non-hazardous waste;
- For hazardous waste; and
- Inert waste.

## Export of Hazardous Waste

In relation to the export of hazardous waste, this may be done after issuing a certification from the Ministry of Environment and Water for formal filing with the Customs Office. Likewise, it is required that the country receiving the hazardous waste issue the respective authorization.

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