



CASE STUDY ON THE IMPACT OF BULGARIAN LEGISLATION RELATING TO METAL THEFT

2013

LEGISLATIVE REVIEWS

Reviews of WMA

2009-2011 reviews of WMA - related to:

- Documentation and reporting of activities with metal wastes;
- Prohibition of buying: cables; traffic signs, traffic barriers, metal covers of shafts, parts of the street lighting or water sewerage systems and facilities, metal containing cultural monuments or parts or components
- Placement of waste sites – General Spatial Plans - declared unconstitutional by the Bulgarian constitutional Court.



Reviews of Penal Code

2010-2011 reviews of the Penal Code related to:

- Trading without a license for FNFMW;
- Illegal breaking the integrity of facilities or sites of electric transfer or electric distribution network.



IMPACT OF LEGISLATION

Satisfactory results:

- **23 % reduction in metal theft**

23%



2012 REVIEW OF LEGISLATION

2012 review: The Waste Management Act (SG 53/2012)

- Cashless payment – in force 2014
- Bank guarantees (min.15 000 euros)
- Municipal monopoly over the metal wastes and obligations to individuals to deliver metal wastes for free on their sites only
- Heavy sanctions and Cumbersome, complicated and expensive administrative procedures for getting a permit
- Separate storage of different metal wastes



NEW PERMIT REGIME FOR METAL WASTE ACTIVITIES

- Cumbersome, complicated and expensive administrative procedures for getting a permit to work with metal wastes (bank guarantees; too many documents to get a permit; preliminary implementation of administrative acts, including, but not limited to withdrawal of authorisation, etc.)



- A new permit issued by new authority (the regional inspectorates of the Ministry of environment and water

HEAVY PENALTIES

- Heavy penalties even for minor violations (sanctions between 15 000 – 50 000 Euros; withdrawal of the permit for keeping records of wastes not in compliance with the requirements of the law or the regulations, which is very complicated and even the control bodies cannot agree on the correct record keeping)



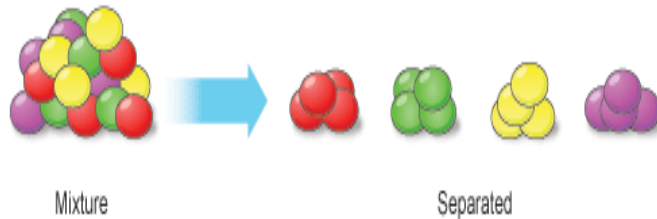
TRANSPARENT SYSTEM



- Transparent system for all sales - certificates of origin and declarations from individuals, copies of identity cards, written contracts;
- technical requirements – video surveillance, separate storage, etc.



IMPOSSIBLE REQUIREMENTS



- Separate storage of wastes (practically impossible and nobody keeps the provision) – different metal piles for storage from WEEE, metal waste packaging, WBA, and WFNFM, ELVs and waste resulting from their pre-treatment, also WFNFM from households and from industry shall be another two storage piles, and another one from the wastes subject to frequent thefts (cables; traffic signs, traffic barriers, metal covers of shafts, parts of the street lighting or water sewerage systems and facilities, metal containing cultural monuments or parts or components, etc.) – this requirement in practice is not possible to be applied, it turns out that private scrap sites shall have more than 50 different storage piles of metal waste, because on the other hand in metal trading there is a different nomenclature (HMS1, HMS2, etc.)
- 200 piles of different metal on each site and labeling each one with a code

**MISSION:
IMPOSSIBLE**



METAL COMBAT

○ The metal waste prohibition (2014):



- Free delivery from individuals
- Prohibition for delivering metal to private sites
- Metal wastes - only to municipal sites
- Municipal sites do not exist and are planned to be constructed by 2014
- No funding for them and nobody knows how and will they ever be constructed
- Where will individuals deliver their metal waste?



CASHLESS SYSTEM

- Cashless model entering in force in 2014
(country as a whole not ready for such a model)



- If transparency and tracking down the criminals is a reason, then a much better system exists because for each deal a 10 % tax shall be paid on behalf of the individuals



PROTESTS. CONSTITUTIONAL COURT



Protests from industry and stakeholders

- At the request of 61 MPs of the 41th National Assembly
- Constitutional case № 2/2013 in Constitutional Court
- Subject: to declare the unconstitutionality of certain provisions of the WMA



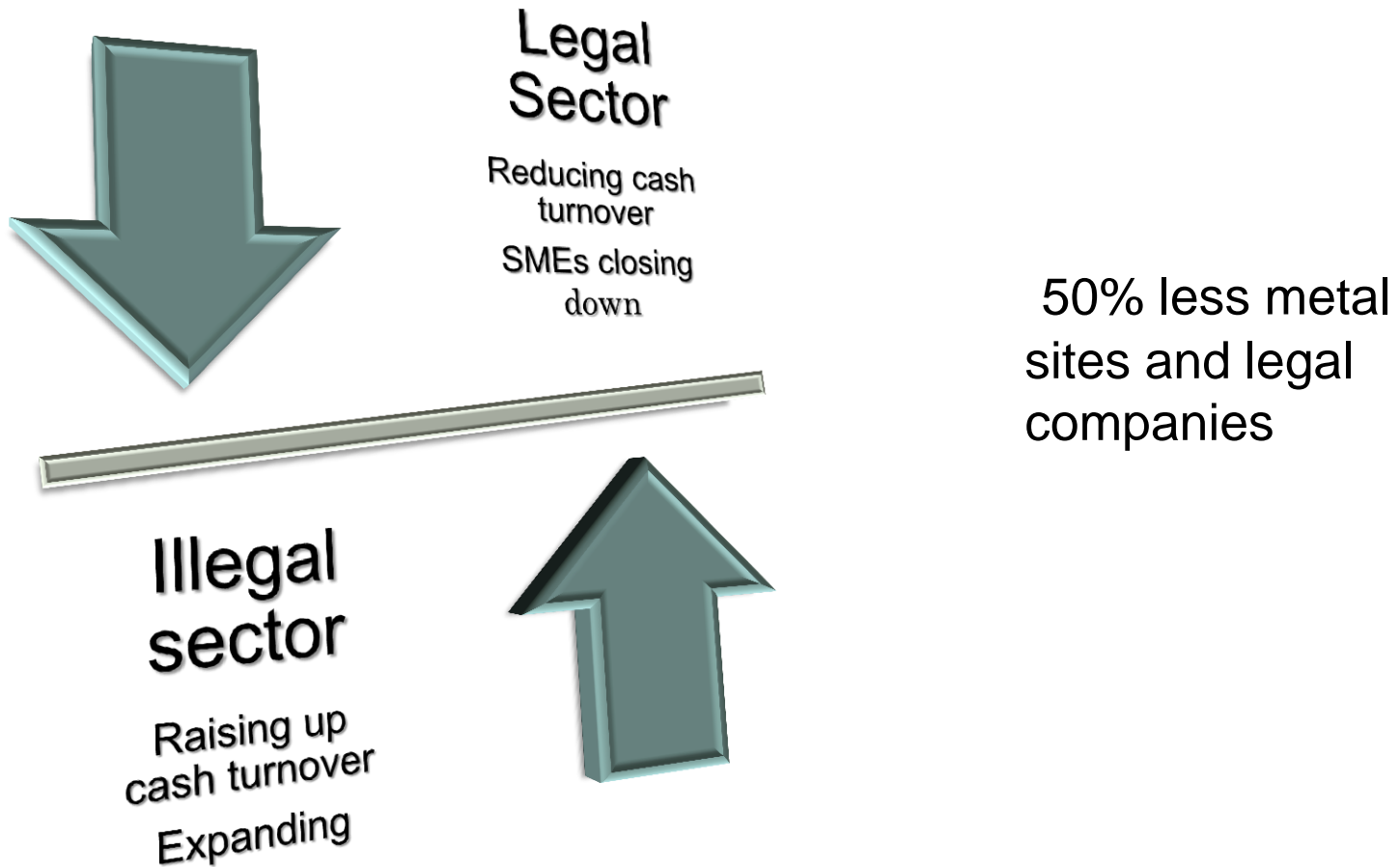
2012 PENAL CODE REVIEWS



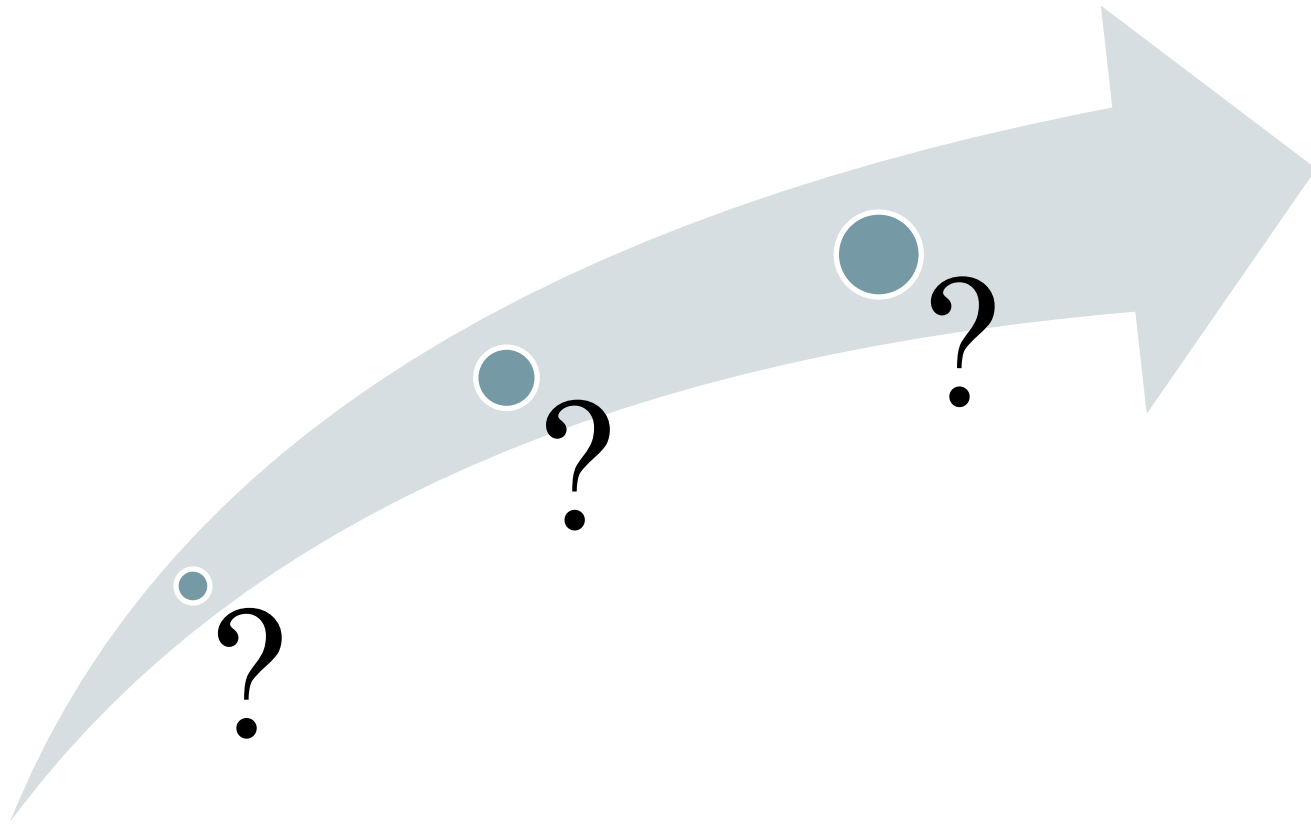
- No penal code reviews in 2012 and 2013
- A gap in legislation for trading without a license for metal wastes



IMPACT OF LEGISLATION



IMPACT ON METAL THEFT



RESULTS

- Results are that the legal companies have been reduced with 50 % (BAR data) from the beginning of all legislative amendments connected to metal theft and the illegal trade actually expanded (too many administrative and financial burdens for the legal sector and a lack of control on the illegal sector).
- Too much control on the legal sector and no control on the illegal
- A gap in the Penal Code for trading with metal waste without a permit because the Penal code is not synchronised with the new WMA



NEXT STEPS ???

- private eco police;
- website for metal theft alerts;
- legislative proposals, incl. for not terminating the pre-trial proceedings when classified as minor cases
- check list for inspections;
- interaction and exchange of information between police and stakeholders, incl. private security sector, etc.

