

FEDERAL LAW NO. 89-FZ OF JUNE 24, 1998 ON PRODUCTION AND CONSUMPTION WASTE (with the Amendments and Additions of December 29, 2000, January 10, 2003, August 22, December 29, 2004, May 9, December 31, 2005, December 18, 2006, November 8, 2007)

Adopted by the State Duma on May 22, 1998

Approved by the Federation Council on June 10, 1998

The present Federal Law sets out the legal fundamentals for production and consumption waste disposal as aimed at preventing the harmful effect of production and consumption waste on human health and environment as well as using such waste in the economic turnover as an additional source of raw materials.

Chapter I. General Provisions

Article 1. Basic Terms

The following basic terms are used in the present Federal Law:

"production and consumption waste" (hereinafter referred to as "waste") is the remains of raw materials, materials, semi-finished products, other articles or products that have been formed in the process of production or consumption as well as the goods (products) that have lost their consumer properties;

"hazardous waste" is the waste containing harmful substances having hazardous properties (toxicity, explosivity, flammability, high-reaction ability) or containing the agents causing contagious diseases or that posing an immediate or potential threat to environment and human health either by themselves or on contact with other substances;

"waste disposal" is the activity in the course of which waste is generated as well as the activity of collecting, using, decontaminating, transporting, placing waste;

"waste placement" is the storage and burial of waste;

"waste storage" is the keeping of waste in waste placement facilities as aimed at their subsequent burial, decontamination or utilization;

"waste burial" is the isolation of the waste that is not subject to subsequent use, in special storage facilities as aimed at preventing harmful substances from getting into environment;

"waste utilization" is the use of waste in the production of goods (products), performance of works, providing of services or generating energy;

"waste decontamination" is the processing of waste including combustion and disinfection in special plants as aimed at preventing the harmful effect thereof on human health and environment;

"waste placement facility" is a specially equipped structure intended for the placement of waste (dumping ground, sludge dump, tailing dump, rock spoil dump etc.);

"transborder carriage of waste" is the carriage of waste from the territory under the jurisdiction of one state to a territory (via a territory) under the jurisdiction of another state or to an area outside the jurisdiction of any state, provided such a carriage of waste affects the interests of at least two states;

"waste placement limit" is the limit on the quantity of waste of a certain kind permitted to be carried by a certain method within a set term in waste placement facilities with due regard to the ecological situation on a given territory;

"waste generation rate" is a set quantity of waste of a specific kind per product output unit;

"hazardous waste passport" is a document confirming the classification of waste under a certain kind and hazard class, containing information as to the composition of the waste;

"kind of waste" is the aggregate of wastes having common features under a waste classification system.

"scrap/waste non-ferrous and/or ferrous metals" means articles made from non-ferrous and/or ferrous metals and alloys thereof which have got out of order or lost their consumer properties, the waste generated in the course of manufacturing articles from non-ferrous and/or ferrous metals and alloys thereof and also non-recoverable rejects occurring in the course of manufacture of the said articles.

Article 2. Legal Regulation in Waste Disposal Sphere

1. Legal regulation in waste disposal sphere is provided by the present Federal Law, other laws and other regulatory legal acts of the Russian Federation, laws and other normative legal acts of the subjects of the Russian Federation, as well as by municipal normative legal acts.

2. Relationships in the sphere of radioactive waste disposal, hazardous substance atmospheric exhaust and hazardous substance dumping in water bodies shall be governed by respective legislation of the Russian Federation.

Article 3. The Basic Principles of State Policy in Waste Disposal Sphere

The following shall be the basic principles of state policy in waste disposal sphere:

- protecting human health, maintaining or restoring favorable condition of environment and safeguarding biological diversity;
- providing a scientifically proven combination of ecological and economic interests of the society as aimed at sustained development of the society;
- using the up-to-date achievements of science and technology as aimed at implementing low-waste and no-waste technologies;
- ensuring complex processing of raw material resources as aimed at reducing the volume of waste;
- using economic regulation techniques in waste disposal sphere as aimed at reducing the volume of waste and utilizing them in economic turnover;
- providing access under the law of the Russian Federation to information on waste disposal;
- making sure the Russian Federation takes part in the international cooperation in waste disposal sphere.

Article 4. Waste as the Object of Ownership Right

1. The right of ownership in waste shall belong to the owner of raw materials, materials, semi-finished products, other articles or products as well as goods (products) in the process of the use of which such waste has been generated.
2. The right of ownership in waste may be acquired by another person under a sales agreement, an agreement for exchange, donation or under another deal for the alienation of waste.
3. The owner of hazardous waste shall be entitled to alienate the hazardous waste into the ownership of another person, to transfer the right of possession, use or disposition of the hazardous waste to such a person while remaining the owner, provided such a person holds a license for the pursuance of the collection, use, rendering harmless, transportation and storage of dangerous waste.
4. Should waste be left alone by the owner or left by him in another manner with the aim of waiving the right of ownership in the waste, the person owning or using the plot of land, water body or another facility where the waste so left is located by turn the waste into his property, having began the use thereof or having committed other actions testifying to the fact that they have been turned into property under the civil legislation.

Chapter II. The Powers of the Russian Federation, the Subjects of the Russian Federation and the Bodies of Local Self-Government in the Sphere of Waste Disposal

Article 5. The Powers of the Russian Federation in Waste Disposal Sphere

The following shall be the powers of the Russian Federation in waste disposal sphere:

- the elaboration and adoption of federal laws and other regulatory legal acts of the Russian Federation in waste disposal sphere;
- the pursuit of uniform state policy in the Russian Federation in waste disposal sphere;
- the monitoring of the observance of the legislation of the Russian Federation in waste disposal sphere;
- the organisation and pursuit of state control and supervision over the activities in waste disposal sphere at the objects which are subject to the federal state ecological control;
- the designation of the competence of the federal bodies of executive power in which powers in waste disposal sphere have been vested;
- the licensing the collection, use, rendering harmless, transportation and storage of dangerous waste;
- the establishment of state standards, rules, regulation and requirements for safe waste disposal;
- the implementation of measures aimed at preventing and eliminating emergency situations of natural and technogenic nature as occurring in the course of waste disposal;
- the organisation of state recording and reporting in waste disposal sphere;
- providing information to the populace concerning waste disposal sphere;
- the designation of the procedure for keeping a state waste cadastre and the organisation of the keeping thereof;
- providing economic, social and legal environment for a fuller utilization of waste and reducing the rate of waste generation;
- the implementation of the international cooperation of the Russian Federation in waste disposal sphere;
- the administration of other powers provided under the legislation of the Russian Federation.
- the determination of federal executive bodies in waste disposal sphere.

Article 6. The Powers of the Subjects of the Russian Federation in Waste Disposal Sphere

The following shall be the powers of the Russian Federation in waste disposal sphere:

conducting activities aimed at preventing and eliminating emergency situations of natural or technogenic nature occurring in connection with waste disposal;
elaborating and implementing regional target programs in the field of waste disposal, participating in the elaboration and implementation of federal programs in the field of waste disposal;
participation in pursuing the state policy in the field of waste disposal on the territory of an appropriate subject of the Russian Federation;
adoption in compliance with the legislation of the Russian Federation laws and other normative legal acts of the subjects of the Russian Federation, exercise of control over execution thereof;
exercise of the state control over the activities in the area of waste disposal at the objects of economic and other types of activity, except for the objects of economic and other types of activity which are subject to the federal state ecological control;
participation in arranging the provision of the population with information concerning waste disposal.

Article 7. Abolished from January 1, 2005.

Article 8. The Powers of Local Self-Government Bodies in Waste Disposal Sphere

1. The powers of local self-government bodies in waste disposal sphere shall include the organization of domestic waste and garbage collection and removal.

2. The powers of local self-government bodies of municipal districts in waste disposal sphere shall include the organisation of utilization and processing of domestic and industrial waste.

3. The powers of local self-government bodies of urban circuits in waste disposal sphere shall include the organization of the collection, removal, utilization and processing of domestic and industrial waste.

Chapter III. The General Requirements to Waste Disposal

Article 9. The Licensing of the Collection, Use, Rendering Harmless, Transportation and the Storage of Dangerous Waster

The collection, use, rendering harmless, transportation and storage of dangerous waste shall be subject to licensing in keeping with the legislation of the Russian Federation.

Article 10. Requirements to Designing, Building, Renovation, Conservation and Liquidation of Enterprises, Buildings, Houses, Structures and Other Facilities

1. While designing, building, renovating, conserving and liquidating the enterprises, buildings, houses, structures and other facilities in the course of operation of which waste is generated citizens pursuing entrepreneurial activities without setting up a legal entity (hereinafter referred to as "individual entrepreneurs") and legal entities shall:

observe the ecological, sanitation and other requirements established by the legislation of the Russian Federation in the field of environmental protection and human health protection;

have technical and technological documentation on the use and decontamination of the waste so generated.

2. It is permitted to build, renovate, conserve and liquidate the enterprises, buildings, houses, structures and other facilities the operation of which is connected with waste disposal if there is a positive statement of the expert examination held in compliance with the legislation on town-planning activity and the state expert examination of project documentation of the said facilities.

3. When the residential buildings as well as enterprises, buildings, houses, structures and other facilities in the course of the operation of which waste is generated are being designed provision shall be made for locations (grounds) intended for the collection of such waste in compliance with the established ruled, regulations and requirements in waste disposal sphere.

Article 11. Requirements to the Operation of Enterprises, Buildings, Houses, Structures and Other Facilities

While operating enterprises, buildings, houses, structures and other facilities as connected with waste disposal individual entrepreneurs and legal entities shall:

observe the ecological, sanitation and other requirements established by the legislation of the Russian Federation in the sphere of environmental protection and human health protection;

elaborate draft regulations for waste generation rates and waste placement limits as aimed at reducing the volume of waste generation;

introduce low-waste technologies based on the up-to-date scientific and technological achievements;

conduct the stock-taking of waste and waste placement facilities;

carry on environmental monitoring on the territories of waste placement facilities;

provide in due course the necessary information on waste disposal;
observe the provisions concerning the prevention of emergencies connected with waste disposal and take expedient measures to eliminate the emergencies;
should emergencies occur or menace to occur as related to waste disposal that inflict or can inflict damage to environment, health or property of natural persons or the property of legal entities immediately inform about it the federal bodies of executive power in the field of waste disposal, the bodies of executive power of the subjects of the Russian Federation, local self-government bodies.

Article 12. Requirements to Waste Placement Facilities

1. It is permitted to set up waste placement facilities under the decisions issued by the federal bodies of executive power in the field of waste disposal according to the competence thereof.

2. The location of the construction site of a waste placement facility shall be designated on the basis of special (geological, hydrological etc.) research in accordance with the procedure established by the legislation of the Russian Federation, provided there is a positive statement of the state ecological expert board.

3. On the territories of waste placement facilities and within the range of their effect on the environment the owners of the waste placement facilities as well as the persons possessing or using the waste placement facilities shall carry on environmental monitoring according to the procedure established by the federal bodies of executive power in waste disposal sphere within the competence thereof.

4. The owners of waste placement facilities as well as the persons possessing or using the waste placement facilities shall, upon the termination of the operation of these facilities, perform control of the conditions thereof and the environmental effect thereof as well as the works of restoring broken soil in accordance with the procedure established by the legislation of the Russian Federation.

5. It is prohibited to bury waste on the territories of city/town and other settlements, forest/park, health resort, treatment/rehabilitation, recreation zones as well as water protection zones, on the water collection grounds of underground water facilities used for potable and utility water supply. It is prohibited to bury waste at the location of mineral resource deposits and mining works in process in the events when there appears a menace of polluting the mineral resource deposit or a menace to the safety of mining operations.

6. Waste placement facilities shall be entered in the state register of waste placement facilities. The procedure for keeping the state register of waste placement facilities shall be established by the Government of the Russian Federation.

Article 13. Waste Disposal Requirements on the Territories of Municipal Formations

1. The territories of municipal formations shall be subject to a regular cleaning of waste in compliance with ecological, sanitation and other requirements.

2. The bodies of local self-government shall be responsible under the legislation of the Russian Federation for the organisation of the activities in waste disposal sphere on the territories of municipal formations.

3. The procedure for the collection of waste on the territories of city/town and other settlements providing for the waste being separated by the kind (foodstuff waste, textile, paper etc.) shall be established by the local self-government bodies and it shall be in compliance with ecological, sanitation and other requirements in the field of environmental protection and human health protection.

Article 13.1. The Standards for Dealing with Scrap/Waste Non- Ferrous and/or Ferrous Metals and the Alienation Thereof

1. Acting under the procedure established by the legislation of the Russian Federation natural persons may alienate the scrap/waste non- ferrous metals produced when articles from non-ferrous metals are used in households and which they own, according to the list of scrap/waste non-ferrous metals allowed to be accepted from natural persons endorsed by the regional authorities of the Russian Federation.

2. Legal entities and individual entrepreneurs may deal with scrap/waste non-ferrous metals and alienate them if there exist documents confirming their right of ownership of the said scrap/waste.

3. The rules of dealing with scrap/waste non-ferrous metals and alienating them shall be established by the Government of the Russian Federation.

4. The rules of dealing with scrap/waste ferrous metals and alienating them shall be established by the Government of the Russian Federation.

Article 14. Requirements to Hazardous Waste Disposal

1. Depending on the degree of harmful effect on the environment and human health hazardous waste is divided in hazard classes as per the criteria established by the federal bodies of executive power in waste disposal sphere within the competence thereof.

2. The individual entrepreneurs and legal entities in the course of activities of which hazardous waste is produced shall acknowledge the waste being classified under a specific hazard class in accordance with the procedure established by the federal bodies of executive power in waste disposal sphere.

3. A passport shall be made out for hazardous waste. The hazardous waste passport shall be compiled on the basis of information on the composition and properties of hazardous waste, the assessment of the degree of their danger. The procedure for the making of the passports shall be established by the Government of the Russian Federation.

4. The activities of individual entrepreneurs and legal entities in the course of which hazardous waste is produced may be subject to restrictions or be prohibited in accordance with the procedure provided in the legislation of the Russian Federation if there is no technical or another possibility to ensure the disposal of the waste in a way being safe for the environment and human health.

Article 15. Requirements to the Professional Training of the Persons Permitted to Carry on Waste Disposal

1. Persons permitted to carry on waste disposal shall have a professional training as certified by certificates whereby they have been granted the right to work with hazardous waste.

2. A respective official of an organisation shall be responsible for granting permission to the employees thereof to handle hazardous waste.

Article 16. Requirements to the Transportation of Hazardous Waste

1. The transportation of hazardous waste shall be performed under the following conditions:
a hazardous waste passport shall be available;
specially equipped transportation vehicles featuring special signs shall be available;
the safety requirements to the carriage of hazardous waste by vehicles shall be observed;
documents for the carriage and delivery/acceptance of the hazardous waste shall be available including the indication of the quantity of the hazardous waste being carried, the purpose and the destination of the carriage thereof.

2. The procedure for the transportation of hazardous waste by means of transportation, the requirements to loading/unloading operations, package, marking of hazardous waste and ecological and fire safety requirements shall be provided by the state standards, rules and regulations elaborated and endorsed by the federal bodies of executive power in waste disposal sphere within the competence thereof.

Article 17. The Transborder Carriage of Waste

1. It is prohibited bring waste to the territory of the Russian Federation for the purpose of its being buried or decontaminated.

2. Under a permission issued in due course It is permitted to bring waste to the territory of the Russian Federation for the purpose of its being used.

3. The procedure for the transborder carriage of waste shall be established by the Government of the Russian Federation.

Chapter IV. Rating, State Recording and Reporting in the Waste Disposal Sphere

Article 18. Rating in Waste Disposal Sphere

1. For the purposes of ensuring the protection of environment and human health, reducing the quantity of waste as applicable to the individual entrepreneurs and legal entities pursuing activities on waste disposal sphere waste generation rates and waste placement limits shall be established.

2. Waste placement limits shall be set in accordance with the rates of extreme admissible effects on environment by the authorized federal executive bodies or executive bodies of a subject of the Russian Federation in waste disposal sphere within the competence thereof.

3. The individual entrepreneurs and legal entities pursuing activities in waste disposal sphere shall elaborate draft waste generation rates and waste placement limits.

4. The procedure for the elaboration and endorsement of waste generation rates and waste placement limits shall be established by the Government of the Russian Federation.

5. Should the waste generation rates and waste placement limits be violated the activities of the individual entrepreneurs and legal entities in waste disposal sphere may be restricted, suspended or terminated in accordance with the procedure provided in the legislation of the Russian Federation.

Article 19. Recording and Reporting in Waste Disposal Sphere

1. The individual entrepreneurs and legal entities pursuing activities in waste disposal sphere are obliged to keep in accordance with the established procedure record of generated, used, decontaminated, transferred to other persons or received from other persons as well as placed waste. The procedure for keeping the record in waste disposal sphere shall be established by the federal bodies of executive power in waste disposal sphere in accordance with the competence thereof; the procedure for keeping statistical records in waste disposal sphere shall be established by the federal body of executive power specifically empowered in statistics sphere.

2. The individual entrepreneurs and legal entities pursuing activities in waste disposal sphere shall provide reports according to the procedure and within the terms set by the federal bodies of executive power in statistics sphere as approved by the federal bodies of executive power in waste disposal sphere within the competence thereof.

3. The individual entrepreneurs and legal entities pursuing activities in waste disposal sphere shall be responsible for the custody of the records within a term set by the federal bodies of executive power in waste disposal sphere in accordance with the competence thereof.

Article 20. The State Waste Cadastre

1. The state waste cadastre shall include a federal classification waste directory, a state waste placement facilities register as well as a data bank on waste and the technologies applied to utilize and decontaminate the various kinds of waste.

2. The state waste cadastre shall be kept according to a system uniform for the Russian Federation. The procedure for the keeping of the state waste cadastre shall be established by the Government of the Russian Federation.

3. Executive bodies of a subject of the Russian Federation shall be entitled to keep regional cadastres of waste that contain data presented by local self-government bodies, as well as by legal entities engaged in the activity of waste disposal. A procedure for keeping regional cadastres of waste shall be determined by executive bodies of the subjects of the Russian Federation.

Chapter V. Economic Regulation in the Waste Disposal Sphere

Article 21. The Basic Principles of Economic Regulation in Waste Disposal Sphere

The basic principles of economic regulation in waste disposal sphere shall be as follows:
the reduction of the quantity of waste and the utilization of waste in economic turnover;
the placement of waste for a pay;
providing economic incentives in waste disposal sphere.

Article 22. Abolished from January 1, 2005.

Article 23. Payment for the Placement of Waste

1. A fee shall be collected for the placement of waste from individual entrepreneurs and legal entities in accordance with the legislation of the Russian Federation.

2. Abolished from January 1, 2005.

3. Abolished from January 1, 2005.

Article 24. Economic Incentives in Waste Disposal Sphere

1. The provision of economic incentives in waste disposal sphere shall be performed by the following means:

reducing the rate of the waste placement fee for the individual entrepreneurs and legal entities pursuing their activities in the course of which waste is generated, as they introduce technologies providing for the reduction in the quantity of the waste;

applying accelerated fixed assets depreciation as related to the performance of waste disposal activities.

2. The measures of providing economic incentives in waste disposal sphere shall be implemented in accordance with the legislation of the Russian Federation.

Chapter VI. Control in Waste Disposal Sphere

Article 25. The State Control of the Activities in Waste Disposal Sphere

1. The state control over the activities in waste disposal sphere shall be performed by the federal bodies of executive power and executive bodies of the subjects of the Russian Federation in accordance with the competence thereof.

2. The state control over the activities in waste disposal sphere shall include the following:
control over the observance of ecological requirements (the state ecological control) in waste disposal sphere;

control over the observance of sanitary-and-epidemiological and other requirements in waste disposal sphere;
control over the observance of the requirements to the transfrontier carriage of waste;
control over the observance of fire safety requirements in waste disposal sphere;
control over the observance of the requirements concerning the prevention and elimination of emergencies occurring in connection with waste disposal;
control over the observance of the requirements to, and rules for, transportation of hazardous waste;
control over the implementation of measures aimed at reducing the quantity of waste and using waste in economic turnover as an additional source of raw stuff;
control over the reliability of provided information concerning waste disposal and of report documents in respect of waste;
detection of violations of the waste disposal legislation of the Russian Federation and control over the implementation of measures aimed at the elimination of such violations;
calling to account in the established procedure individual businessmen and legal entities for breaches of the legislation in waste disposal sphere, imposing penalties, bringing legal actions for damages in connection with the harm inflicted to the environment and human health as a result of breaches of the waste disposal legislation.

3. The decisions of the bodies in charge of the state control of waste disposal activities may be appealed against in accordance with the procedure established by the legislation of the Russian Federation.

Article 26. Manufacturing Control in Waste Disposal Sphere

1. The legal entities pursuing activities in waste disposal sphere shall organize and implement the manufacturing control of the observance of the requirements set forth in the waste disposal legislation of the Russian Federation.

2. A procedure for exercising industrial control in waste disposal sphere shall be determined by the legal entities engaged in the activity of waste disposal by coordination with the federal executive bodies in waste disposal sphere or executive bodies of the subjects of the Russian Federation (in compliance with the scope of authority thereof).

Article 27. Public Control in Waste Disposal Sphere

The public control in waste disposal sphere is performed by citizens or public associations in accordance with the procedure provided in the legislation of the Russian Federation.

Chapter VII. Accountability for the Violation of the Waste Disposal Legislation of the Russian Federation

Article 28. The Kinds of Accountability for the Violation of the Waste Disposal Legislation of the Russian Federation

The default on the observance of or improper observance of the waste disposal legislation of the Russian Federation by officials and citizens shall entail disciplinary, administrative, criminal or civil legal accountability under the legislation of the Russian Federation.

Article 29. Claims for the Termination of the Activities of Persons Pursued in Breach of the Waste Disposal Legislation of the Russian Federation

1. Claims for the termination of the activities of legal persons pursued in breach of the waste disposal legislation of the Russian Federation shall be considered by the court or the arbitration court in accordance with the legislation of the Russian Federation.

2. Claims for the limitation, suspension or termination of the activities of individual entrepreneurs pursued in breach of the waste disposal legislation of the Russian Federation shall be considered in the court.

Chapter VIII. Conclusions

Article 30. The Coming Into Force of the Present Federal Law

The present Federal Law shall come into force on the day of the official publication thereof.

Article 31. Bringing Regulatory Legal Acts in Conformity with the Present Federal Law

The regulatory legal acts of the Russian Federation shall be subject to be brought in conformity with the present Federal Law.

President

of the Russian Federation

B. Yeltsin

Moscow, the Kremlin