

Regional Law on Waste and its Taxation

Navarra, June 2018

AN INNOVATIVE LAW TO



Prevent, with measures to produce less waste



Implement high-quality separate waste collection, particularly with regard to **organic matter**

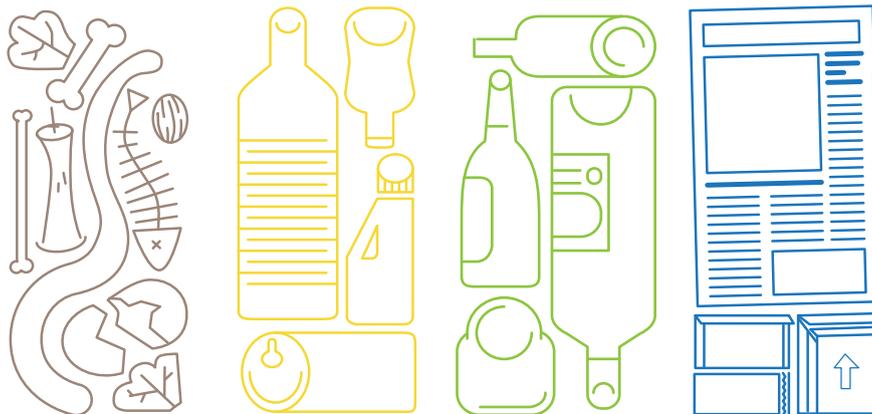


Establish a new taxation system, that penalises waste sent to landfill and creates a waste fund



A shared and coordinated governance

From waste to resource
with the circular economy
The best waste is that
which is not produced



Regional Law on Waste and its Taxation

Navarra, June 2018

REGIONAL LAW 14/2018 of 18 June on Waste and its Taxation

NAVARRA, June 2018.



http://www.navarra.es/home_es/Actualidad/BON/Boletines/2018/120/Anuncio-2/

TITLE I. General provisions.

TITLE II. On powers and planning with regard to waste.

TITLE III. On the Public Waste Entity of Navarra.

TITLE IV. Prevention measures and waste management.

Article 18. Office for waste prevention and the promotion of the circular economy.

Article 19. Green public procurement.

Article 20. Separate collection of organic matter from household and commercial waste.

Article 21. Separate collection for preparation for reuse and recycling.

Article 22. Landfill of household and commercial waste.

Article 23. Use of plastic bags and the sale of disposable tableware.

Article 24. Packaging prevention measures and waste management measures in public buildings.

Article 25. Waste management plans in buildings.

Article 26. Other management systems.

Article 27. Public events.

Article 28. Awareness-raising, support and information campaigns.

TITLE V. On the economic regime of waste in Navarra.

Chapter I. On the tax on landfill and incineration waste disposal

Chapter II. On the financial guarantees of the facilities and activities.

Chapter III. On the waste Fund.

TITLE VI. On the Register of waste production and management of Navarra

TITLE VII. Shipments of waste

TITLE VIII. Contaminated and impaired soils.

TITLE IX. Restoration of environmental legality

TITLE X. Penalty system.

- *First additional provision.* Waste Plan of Navarra 2017-2027.

- *Second additional provision.* Contents of the Waste Plan of Navarra.

- *Third additional provision.* Provision of the means required to comply with the objectives of this regional law.

- *Fourth additional provision.* Execution of technical studies, test schemes and pilot projects on SDDR (deposit, return, refund systems), involving the active participation of all the parties directly or indirectly concerned, as well as the Navarra Regional Ministry of the Environment.

- *Fifth additional provision.* Compensation to those municipalities having waste management infrastructures or installations.

- *Sixth additional provision.* Use of mineral, granular or monolithic waste for restoration operations.

- *Seventh additional provision.* Application of the principles of self-sufficiency and proximity, which must necessarily be observed in the management of household waste.

- *Eighth additional provision.* Application of a tax on waste disposal through landfilling and incineration for household and industrial waste flows, by this regional law.

- *First transitional provision.* Creation of a Public Waste Entity and the dissolution of the present Consortium for the treatment of urban waste of Navarra.

- *Second transitional provision.* Local entity ordinances.

- *Single repeal provision.* Repeal of legislation.

- *First final provision.* Legislative development.

- *Second final provision.* Entry into force.

On **7 June 2018**, the Parliament of Navarra passed the **Regional Law on Waste and its Taxation**, a regulation that represents an important step towards the prevention and reduction of all types of waste. The measures established by this new Law, with regard to taxation and to the regulation of the destination and treatment of the different materials, define the waste prevention and management policy in the Autonomous Community of Navarra for the forthcoming years, as established in the **Waste Plan of Navarra 2017-2027**.

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A



What is the Regional Law on Waste?

THIS IS AN **BINNOVATIVE** LAW BECAUSE:

- It includes specific measures to make prevention effective.
- It is targeting the separate collection of 70% of organic matter.
- It contemplates a broad-based taxation that:
 - penalises landfilling by starting a pay-as-you-throw system with a land-fill disposal tax,
 - with the revenue used to create a Waste Fund.
- Creation of an Entity for coordinated, efficient and cohesive management in Navarra.

It is one of the most **COMPREHENSIVE** Waste Laws, given the fact that it contains all the elements of the new waste management.

This is the first law in this area in Navarra and it is one of the key instruments of the Navarra Waste Plan 2017-2027. The Law is directed at achieving the objectives of the plan, driving the circular economy and helping to combat climate change. Its objectives and goals reflect clear commitments and active measures for the prevention of waste, and it is based on financial instruments and organisational management measures.

This is an innovative Regional Law for a number of reasons: it is based on specific measures to enforce prevention; it is focussed on the separate collection of 70% of organic matter from 100% of the population; it contemplates broad-based taxation, with a land-fill or incineration disposal tax according to the environmental impact of the waste; and it creates a Waste Fund to mitigate the waste-related adverse impacts on human health and the environment. Furthermore, it contemplates the figure of a Waste Entity that allows for a more coordinated, efficient and cohesive management of waste in Navarra.

It is the most comprehensive Law, in relation to the other Autonomous Communities of Spain, given the fact that it contains all the elements of the new waste management. Six Autonomous Communities have Waste laws or regulations: Andalucía (Decree), Canary Islands, Cataluña, the Community of Madrid, the Community of Valencia and Galicia. Only two of these, Cataluña and Andalucía, are subsequent to, or have made amendments following the entry into force of Law 22/2011 of 28 July on Waste and contaminated soils, and Waste Framework Directive 2008/98¹. In June 2018, the Draft Waste Law Waste for the Balearic Islands was presented.

1. More information in the Annex.

B



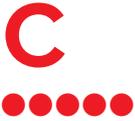
Why has the Waste Law been developed?

It has been developed in order to comply with the waste hierarchy, guaranteeing adequate and coordinated management, protecting health and the environment.

The Regional Law came into being in the context of the Navarra Waste Plan 2017-2027, in which it is included as one of the fundamental measures to comply with the waste hierarchy and meet the objectives of the circular economy and climate change, in accordance with Law 22/2011 on waste and contaminated soils, and within the framework of the powers of the Autonomous Community of Navarra.

Its aims are to:

-  Ensure compliance with the waste management hierarchy, by encouraging a reduction in waste generation and driving waste recovery through reuse and recycling, while discouraging waste disposal by landfilling and incineration.
-  Establish a suitable waste governance model in the Autonomous Community of Navarra.
-  Guarantee the suitable management of household and commercial waste in Navarra, ensuring coordination between the Public Administration of Navarra and Local Entities. Establish the legal system for the waste disposal tax.
-  Ensure that waste management is carried out without harming the environment or endangering human health, improving the quality of life of citizens in Navarra.
-  Restore degraded areas and decontaminate soils.



Seven key aspects of the Waste Law

- 1_EFFECTIVE APPLICATION OF THE WASTE HIERARCHY
- 2_EXEMPLARY PUBLIC ADMINISTRATION
- 3_SHARED, COORDINATED GOVERNANCE
- 4_A NEW TAXATION SYSTEM
- 5_AT THE FOREFRONT OF EUROPEAN REGULATIONS
- 6_INPUTS TO THE DRAFT OF THE LAW DURING
THE PARLIAMENTARY PROCEDURE
- 7_THE REGULATORY DEVELOPMENT OF THE REGIONAL LAW

1

EFFECTIVE APPLICATION OF THE WASTE HIERARCHY

The best waste is that which is not produced

PREVENTION COMES FIRST FOR THIS, THE LAW ESTABLISHES:

- **The creation of the Prevention Office (strategy and advisory service).**
- **The progressive elimination of disposable packaging and products:**
 - **Bags: Charge for bags in 2018 and a ban on the provision of bags by 2020**
 - **Pods and tableware: single use, non-biodegradable ones are banned from 2020 onwards.**
 - **Minimise packaging in:**
 - ... **Public administrations: no sale of packaged water, and sources of potable water.**
 - ... **Hotel and catering: tap water available to customers.**
- **Other management systems: Complementary SDDR (deposit, return & refund) with experimental, progressive implementation and stakeholder participation**
- **Special attention to sustainable events.**

PREVENTION MEASURES

Ensure the effective application of the waste management hierarchy through the following specific prevention measures:

-  Creation of an **Office for waste prevention and the promotion of the circular economy**, in order to drive, assess and manage the actions contemplated in the Navarra Waste Plan, directed at waste prevention and the promotion of the circular economy. Promoted and headed by the Government of Navarra, the Office currently comprises the Waste Consortium of Navarra, the Environmental Management of Navarra and the Association of Municipalities of the District of Pamplona, and counts on the collaboration of waste management companies and entities. In the future, the Navarra Public Entity for Waste and the waste managers will also be part of the Office.

The progressive elimination of disposable packaging and products.

... **Bags.** To avoid environmental contamination and the aggravation of the problem of the abundance of bags in seas and rivers, in line with Royal Decree 293/2018², on the reduction of the consumption of plastic bags, the focus shall be on plastic bags. However, we aim to go further than this regulation and to ban the supply of plastic bags from 2020 onwards, including biodegradable bags, except compostable plastic ones, in accordance with the requirements of standard UNE-EN 13432:2000 or equivalent. This shall be carried out progressively, starting with the obligation to charge for bags at points of sale, home delivery and supplied through online sales, from 1st July 2018 onwards. This shall subsequently be followed by the ban on the provision of any bags in 2020. On the one hand, retailers shall display the prices in a prominent place, for customer information purposes. On the other hand, retailers shall inform the Department of the Environment of the environmental allocation of the income received from the sale of plastic bags.

... **Single-use products.** From 2020 onwards, it shall be prohibited to sell disposable plastic plates, glasses, cups and food trays, except for those made of biodegradable material. Furthermore, it shall be prohibited to sell single-dose packaged products or single-use pods made from non-recyclable materials, either organically or mechanically.

... **Packaging.** The aim is to minimise packaging, involving a number of actors:

- **Public Administrations**, which shall promote the installation of potable water sources in public places or the use of water in reusable packaging, and avoid the sale of water in single-use bottles in their buildings, except in healthcare centres and hospitals.
- **Hotel and catering establishments**, which shall offer, at the customer's request, the possibility of a container and cups with tap water.

PROMOTION OF OTHER MANAGEMENT SYSTEMS

Furthermore, in order to ensure that the waste management hierarchy is applied, the Public Administration of Navarra shall promote the reuse, high-quality recycling and recovery of packaging materials, for which the Government may agree, in addition, on the **Deposit, Return and Refund System**, through authorised managers.

All the above shall have particular impact on events, with the need to implement alternatives to the sale and distribution of packaged drinks, guaranteeing in any case access to tap water through reusable glasses or water in reusable bottles. Furthermore, a Deposit System could be implemented, to avoid throwing away packaging, or incorrectly managing the same.

². RD. From 01/01/2020 onwards: a) It is forbidden to provide (...), at sales points (...), biodegradable plastic bags. b). Plastic bags with a thickness that is equal to, or greater than 50 microns shall have a minimum percentage of 50% recycled plastic. From 01/01/2021 onwards, there shall be a ban on the provision of very lightweight and lightweight plastic bags to the consumer at the points of sale of goods or products, unless these bags are of compostable plastic.

MANAGEMENT MEASURES

This sets out the household and commercial waste collection and management objectives for the Navarra Waste Plan 2017-2027, establishing for year 2027:

-  **Packaging reuse objectives.** The minimum objectives for the reuse of packaging are established on the HORECA (Hotels, Restaurants and Catering) channel, for year 2028, for certain packaging and drinks (e.g. 80% of packaging for beer or 70% for soft drinks).
-  **Organic matter.** To promote the universalization of separate bio-waste collection, which shall be mandatory in Navarra from 1 January 2022 onwards, targeting the separate collection of 70%, with a 10% share of improper waste, primarily for composting, or otherwise for biomethanation.
-  **Preparation for reuse and recycling.** The amount of household and commercial waste (paper, metals, glass, plastic, bio-waste and other recyclable components), directed at preparation for reuse and recycling must at least reach 75%.
-  **Landfilling of household and commercial waste.** A maximum of 25% of household and commercial waste shall be landfilled.

2

EXEMPLARY PUBLIC ADMINISTRATION

THE PUBLIC ADMINISTRATION SHALL SET AN EXAMPLE:

- Promoting green public procurement.
- Prevention, by minimizing non-reusable packaging.
- Waste management plans in public buildings.

PROMOTION OF GREEN PUBLIC PROCUREMENT

The Public Administration of Navarra shall prepare a Plan for Green Public Procurement and Innovation and the promotion of the Circular Economy in order to prioritise reusable materials, recyclable products and the use of recycled materials with regard to the purchases made by the Government.

Moreover, there shall be a guarantee that, for the execution of public works contracts, recycled materials are used, such as recycled aggregate.

PREVENTION OF PACKAGING

The Public Administrations shall promote the installation of potable water sources in public places or the use of water in reusable packaging, and shall avoid the sale of water in single-use bottles in their buildings, in order to minimize packaging.

WASTE MANAGEMENT PLANS

The Government shall provide and put into effect provisions to ensure that, for public buildings and those buildings in which the owners receive public funds, Waste Management Plans are drawn-up, approved and applied, promoting prevention and separate collection.

3

SHARED, COORDINATED GOVERNANCE

The boat can move forward if everyone pulls in the same direction

SHARED GOVERNANCE:

- **A Public Entity within 6 months, to replace the Consortium.**
- **Comprising the Government and Local Entities, on a voluntary basis.**
- **Duties: advisory services, coordination, campaigns, central purchasing body and tax management, advisory services for the allocation of the Waste Fund.**

In order to build a more coordinated, efficient and cohesive management, a Public Waste Entity for Navarra shall be created, comprising Local Entities and the Public Administration of the Autonomous Community of Navarra. The legal form is now being developed for this Entity, ensuring that it is the one that best permits the Entity to carry out its duties.

The Law defines its purpose, the public administrations forming part of the Entity and their **duties**, which shall include:

- Advisory services and the coordination of the competent Public Administrations in matters of prevention schemes, awareness raising, indicator monitoring, shipment and treatment, access to financing sources and it shall act as a central purchasing body.
- Local Entities may also voluntarily delegate to the Entity the management of ancillary services such as waste shipment right from collection up to transfer stations, the implementation of collection models and recycling points, and the treatment of waste that presents particular problems.
- It shall also take charge of the waste disposal tax (self-assessment, revenue and allocation of its amount between the Local Entities, based on the quality and quantity of the waste delivered).
- The Entity shall also manage the waste-related services in Nature Parks and shall be the consultation body for establishing the annual allocation and distribution criteria for the Waste Fund to be created.

The new Entity shall be set in motion six months after the entry into force of the Regional Law, and its creation shall entail the dissolution of the Consortium of Navarra for the Treatment of Solid Waste.

4

A NEW TAXATION SYSTEM

We're turning around the current waste management system

IMPLEMENTATION OF ENVIRONMENTAL TAXATION:

To discourage landfilling, encourage prevention and high-quality separate collection, with 2 instruments:

- **Landfill disposal tax for entities and managers disposing of waste in Navarra. It will come into effect on 1st July 2018 and the revenue will go to the Waste Fund.**
- **Waste Fund: to finance measures and actions included in the Plan and the Law.**
 - **It shall be financed by the revenue from the tax + sanctions + General Budget of Navarra + others.**
 - **The Department of the Environment shall be responsible for allocating the Fund, subject to consultation with the Entity.**

One of the fundamental tools considered in order to guarantee the application of the waste hierarchy is environmental taxation, in order to discourage landfilling and encourage prevention and high-quality separate collection. To achieve this, the Regional Law introduces two important instruments:

 **Tax.** A tax shall be created, related to landfill disposal and to waste incineration. This shall be applied to all those entities and managers (natural and legal persons) who either dispose of waste in landfills or by incineration, in the Autonomous Community of Navarra.

The tax does not replace and is in addition to taxes by Local Entities. It is not passed on to the general public, but to the Local Entities and waste managers.

It is an indirect, real, extra-fiscal and earmarked tax. In other words, a tax which is not levied on persons but on the waste generated (indirect); it is paid on the waste deposited at landfills (real); its revenue will help finance the measures and actions contemplated in the Regional Law (earmarked) and its ultimate objective is to affect the management hierarchy, prevention and, consequently, behaviour (extra-fiscal). This tax is the first step towards Pay-as-You-Throw.

The annual revenue shall be allocated to the Waste Fund, which shall be used to finance the measures and actions contemplated in the Waste Plan and in the Regional Law and directed at prevention and helping the entities responsible to deliver on their goals. The tax shall come into effect on **1st July 2018**.

Waste Fund

This is created to mitigate the waste-related adverse effects on human health and the environment.

The waste management fund shall be financed by the revenue from the waste disposal landfill or incineration tax and, additionally, from the revenue from any sanctions imposed for breach of the waste regulations, budget contributions from the Public Administration of the Autonomous Community of Navarra and subsidies and aid granted by other entities.

Subject to consultation with the Public Waste Entity, the Department with environmental authority³ shall allocate the Waste Fund on an annual basis, based on the waste hierarchy, target fulfilment, environmental urgency, and proportionally to the financial contribution to the fund of each waste flow, according to the following areas:

- a)** Promotion of waste prevention actions
- b)** Waste management research and development, including eco-design.
- c)** Awareness-raising, communication, support for education and training.
- d)** Reuse preparation actions.
- e)** Actions to promote the circular economy and to combat climate change.
- f)** Improvement of separate collection systems.
- g)** Optimization and/or improvement of material recycling and recovery systems.
- h)** Volunteers in the area of waste.
- i)** Recovery of degraded areas caused by waste.
- j)** Improvement in the systems for the traceability, control and standardisation of waste management facilities.
- k)** Establishment of pay-as-you-throw.

³. The Waste Fund shall be differentiated in the budget.

5

AT THE FOREFRONT OF EUROPEAN REGULATIONS

Its objectives are ahead of those foreseen in European regulations: two years ahead of the mandatory Separate collection of organic matter.

The Regional Law on Waste and its taxation is consistent with European regulations, getting ahead of the latter in some of its objectives:

 The mandatory **separate collection of organic matter is two years ahead of the Waste Directive (DIR)**⁴: in Europe, this is set for 31st December 2023, while in Navarra the Regional Law on Waste (LFR) shall be mandatory from 1st January 2022.

Implementation of the separate collection of organic matter	2016		2022		2023	
	Current sit. Navarra		DIR	LFR	DIR	LFR
	51%			100% 1 January	100% 31 December	

 The **preparation for the reuse and recycling of domestic waste exceeds the EU targets by 10% and is eight years ahead.** European countries⁵ must be ready to **reuse and recycle** 55% in 2025, 60% in 2030 and 65% in 2035, while Navarra has set a target of 75% for 2027.

Readiness for reuse and recycling	2016		2025		2027		2030		2035	
	Current sit. Navarra		DIR	LFR	DIR	LFR	DIR	LFR	DIR	LFR
	37%		55%		75%		60%		65%	

 With regard to **landfilling**, the Law is in line with the provisions of the Directive.

4. / 5. Directive 2018/851 amending the Waste framework directive 2008/98/CE.

6

INPUTS TO THE DRAFT OF THE LAW DURING THE PARLIAMENTARY PROCEDURE

During the months of the parliamentary procedure, a number of amendments were made to the draft law, basically referring to the implementation deadlines for different aspects, the definition of targets, compensation for infrastructures and shipment.

During the parliamentary procedure, the draft legislation was ratified by the Report of the Council of Navarra, which, on 27-03-18 considered that “...the draft legislation on the Regional Law on Waste and its Taxation is in line with the legal system”.

Furthermore, the contents of the Regional Waste Law have gradually been specified during the parliamentary procedure, with the introduction of various amendments referring to different points in its articles:

-  With regard to the Waste Entity (art. 15), emphasising the duty of providing an advisory service and coordination; and the earmarking of the Waste Fund, the proportionality to the contribution of each flow, and the pay-as-you-throw system (art. 43).
-  With regard to non-recyclable single-dose packaging and single-use pods, and the ban on sales from 2020 onwards (art.23).
-  With regard to the obligation of the Public Administration to provide for and implement waste management plans to encourage prevention (art. 25).
-  With regard to the packaging in the HORECA (hotels, restaurants and catering) channel, with the inclusion of specific reuse targets (art. 26).
-  With regard to non-hazardous and low-leaching mineral industrial waste, with a new taxation rate and contribution of 5€ within the disposal tax (art. 37).

Furthermore, **six new provisions were added:**

-  The Government of Navarra shall provide the necessary human and material means to comply with the aims of the Law.
-  The obligation for the Government of Navarra to submit, in 2 years' time, the results and reports on the conclusions obtained from the SDDR (deposit, return and refund) pilot projects.

-  The definition of compensation through regulatory means, for those municipalities with waste management infrastructures or facilities, in concept of contribution to the general interest and payment for the environmental service provided.
-  Preparation, within one year, of a study on the technical and environmental viability of the use of mineral waste that could be used to restore degraded areas.
-  From 2023 onwards, new fiscal instruments shall be made available, to tax according to the principles of proportionality, the shipment of household waste sent to incineration or disposal infrastructures, applying the principles of self-sufficiency and proximity.
-  The progressive application of the disposal tax, for household and industrial flows, in the period for 2018 and 2019, to reach a rate of 20€/t in 2020.

7

THE REGULATORY DEVELOPMENT OF THE REGIONAL LAW

The Waste Production and Management Register of Navarra is created and the following Regional Decrees are repealed:

- **Register of Small Producers of Toxic and Hazardous Waste.**
- **Control of the collection of small quantities of special waste.**

Following the approval of the Regional Law, this shall be implemented in regulations. It will therefore be necessary to implement and determine the Bylaws governing the operation of the Public Waste Entity in order to determine the governing and management bodies, their composition and form of operation.

The entry into force of the Regional Law led to the creation of the Navarra Register for Waste Production and Management and to the repeal of two Regional Decrees⁶, the regulator of the Register of Small Producers of Toxic and Hazardous Waste and the control of the collection of small quantities of special waste.

Furthermore, article 11 of Regional Decree 23/2011 was eliminated, regulating the production and management of construction and demolition waste in Navarra, as it referred to the Fund for the recovery of degraded areas, and this would be included in the Waste Fund.

Moreover, the respective Regional Orders were drafted for the implementation of Royal Decree 180/2015 on shipments, for those made within Navarra and to complement the basic regulations on contaminated soils including, among others, the definition of impaired soil, the procedure for the declaration of the quality of the soil, the inventory of potentially contaminating activities, impaired soils and contaminated soils, and the applicable system for the former waste landfills.

A regulation on Public Events and waste shall also be drafted and approved, which shall also require a waste management Plan and bonds or guarantees for the subsequent clearance of the reusable materials.

Finally, an implementing regulation shall be prepared for the fifth additional provision, defining the financing methodology and the compensatory amounts for environmental services, to those local entities hosting treatment plants or waste elimination.

⁶. Royal Decree RD 312/1993, regulating the Register of Small Producers of Toxic and Hazardous Waste and Royal Decree RD 295/1996, establishing the simplified system for the control of the collection of small quantities of special waste.

D



Timeline for the drafting of the Law

A law with consensus and the participation of stakeholders. Six months of participation: 390 inputs by 76 entities and private individuals and more than one year's work

2017

7 to 24 February. Preliminary consultation: Regional Order of commencement 58/2017 of 2 February marked the start of the preliminary public consultation process, from 7 to 24 February 2017.

7 to 27 September. Preliminary draft of Regional Law on Waste and its taxation. The Preliminary Draft of Regional Law on Waste and its taxation was prepared. It was presented for public information from 7 to 27 September 2017 and, following this, the Draft Regional Law was prepared and sent to Parliament. To this date, it received 390 inputs from 76 entities and private individuals.

22 November. Agreement of Government. The Government of Navarra agreed to send to Parliament the draft of Regional Law and its taxation.

27 November. Agreement of Parliament. The Bureau of Parliament agreed to process the draft of Regional Law and its taxation.

2018

17 January until 16 February. Submission of amendments. Extension of the initial deadline for the submission of amendment from 17 January to 7 February, at first, and then up to 16 February. Submission of 3 amendments to reject the entire draft law (UPN - People's Party of Navarra, PSN - Socialist Party of Navarra, and PP - People's Party), 23 amendments to the articles and 14 in voce amendments (five from the governing quadripartite, six from the PP, and four from the PSN).

29 May. Debate and voting of the draft of the Regional Law on Waste and its Taxation, on the Environmental Committee. The Parliamentary Committee for Rural Development, the Environment and Local Administration subjected the draft of the Regional Law on Waste and its Taxation, and the amendments submitted, to debate and vote. This saw the approval of all the articles, transitory provisions 1 and 2, single repeal provision, annexes 1, 2 and 3, the title and headings and the new wording of the explanatory memorandum. The decision was approved on Thursday, 31 May, and it was published on 4 June.

7 June. The Plenary session of the Parliament of Navarra passed the Regional Law on Waste and its Taxation, with the votes in favour of Geroa Bai, EH Bildu, Podemos-Ahal Dugu and I.E. (governing quadripartite) and the votes against of UPN, PSN and PPN.



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