

Hungary - Government decree number 264/2004. (IX. 23.)

On taking back waste electric and electronic equipment

On the basis of the authorisation granted by virtue of § 8(2) and § 59(1) *b*) of act number XLIII/2000 on waste management (in the following: WMA), as well as § 110(7) *d*) of act LIII/1995 on the general rules of environment protection, the Government orders the following:

The scope of this decree

§ 1(1) The scope of this decree shall cover:

a) electric and electronic equipment belonging to the categories specified in *section A*) of *Annex I* to this decree (hereinafter: electric equipment category),

b) waste deriving from the said equipment, and

c) taking back, collecting, using and disposing of such waste.

(2) The scope of this decree shall not cover electric and electronic equipment serving defence and national security purposes, as well as electric and electronic equipment constituting a component or accessory of items not belonging to the scope of this decree.

Definitions

§2 This decree uses the following definitions:

a) *electric and electronic equipment* shall mean: equipment working with at most 1000 V alternating current and 1500 V direct current, whose proper operation depends on electromagnetic fields or electrical current, also including equipment producing, measuring and transmitting electromagnetic fields and electrical current (hereinafter: electric equipment);

b) *household electric equipment* shall mean: electric equipment specified in *section B*) of *Annex I* to this decree, also in the case of their commercial, industrial and institutional application (hereinafter: household equipment);

c) *historical waste* shall mean: waste from electric equipment manufactured prior to 13 August 2005;

d) *import* shall mean: import of electric equipment – for commercial purposes – to the territory of the Republic of Hungary through the customs border of the European Community;

e) *export* shall mean: export of electric equipment for commercial or other purposes through the customs border of the European Community;

f) *manufacturer* shall mean: manufacturer and distributor of electric equipment specified in §3 *e*) of the WMA, also including re-distributors – distributing under their own trade mark – of electric equipment made by other manufacturers, except where the name of the original manufacturer is indicated on the electric equipment;

g) *trader* shall mean: distributor selling electric equipment to consumers;

h) *partial re-use* shall mean: repeated use of a component of waste, deriving from electric equipment, for the original purpose.

Obligation of the manufacturer to take back, collect, use and dispose of waste electric and electronic equipment

§ 3-4

§5 The manufacturer is obliged to dispose of the waste taken back, collected and unused, in accordance with the prescriptions of the WMA (obligation of disposition).

§6

Transfer of the obligation of the manufacturer to take back, collect, use and dispose of waste electric and electronic equipment

§ 7(1) Under the terms and conditions specified in this decree, the manufacturer may transfer its obligations to take back, collect, use and dispose of the equipment:

- a) to the accepting party under §8 hereof, partially or fully as agreed, or
- b) to the coordinating organisation under §11 of the WMA, established exclusively for this purpose (hereinafter: coordinating organisation) in full.

(2) The rules relevant to the manufacturer shall also apply for the accepting party and for the coordinating organisation, with regard to the transferred obligation.

§ 8(1) With the exception set forth in (2) hereof, the accepting party may be anyone who holds a valid official permit required for carrying out the transferred activities, possesses the professional qualifications specified in a separate legal regulation or employs such a professional person in the course of conducting the activities.

(2) Those persons may not be accepting parties who violated the legal regulations – as established in a court decree passed not earlier than three years – through, or within their economic activities with regard to the breach of the prescriptions of the legal regulations on environment protection.

§ 9(1) The agreement concluded by and between the manufacturer and the accepting party shall specify the assumed obligation, the electric equipment category and quantity affected by the said transfer, as well as it shall describe the activities of the accepting party related to fulfilling the transferred obligation.

(2) The manufacturer shall submit the concluded agreement to the General Directorate for approval.

(3) The manufacturer shall report to the General Directorate the amendment to or the termination of the agreement, within fifteen days reckoned from the date of such amendment and termination.

(4) The General Directorate approves of the agreement or its amendment within thirty days from its submittal, provided that its contents are in conformity with the requirements prescribed in (1) hereof.

Registering the manufacturer and the coordinating organisation

§ 10(1) The General Directorate enters the manufacturer and the coordinating organisation into the registration.

(2) With the exception set forth in § 19(3), the manufacturer shall submit to the General Directorate a request for entry into registration – with the data contents specified in *Annex 5* to this decree – on or before the start of distributing the electric equipment.

(3) A coordinating organisation is obliged to submit the request for registration within eight days reckoned from its foundation, in which its identification data (name, headquarters, tax number) and its field of operation have to be indicated. A copy of the statutes or the deed of foundation, the documents verifying the final court registration, the draft business regulation – also including the general contracting terms – and the identification data of the members of the coordinating organisation (name, headquarters, tax number) have to be attached to the request.

(4) The General Directorate registers the coordinating organisation for two years on the first occasion, and after expiry, this may be extended in every fifth year, for a five-year period, several times, provided that the coordinating organisation meets the requirements laid down in this decree.

(5) The following coordinating organisations may be entered into the registration:

a) that are qualified as being in a public utility status, based on a separate legal regulation on public utility organisations,

b) whose service may be used by anybody if the conditions set forth in their statutes or deed of foundation are fulfilled,

c) that possess the capital required for the core activities – at least seventy-five million forints.

(6) The coordinating organisation may start its activities after it is entered into the registration.

(7) The manufacturer and the coordinating organisation shall report to the General Directorate the changes in the reported data, within fifteen days from the occurrence of such changes.

§ 11(1) The General Directorate decides about the entry into the registration – with the exception set forth in § 19(4) – within thirty days reckoned from the submittal of the request and – simultaneously with the entry into registration – issues a registration number to the manufacturer and to the coordinating organisation.

(2) The General Directorate refuses the request of the coordinating organisation for entry into registration if it is not in conformity with the conditions specified in § 10(5).

(3) The General Directorate deletes the manufacturer from the registration if it terminates the manufacturing of the electric equipment or if the conditions of entry into registration specified in § 10(5) no longer exist.

Control of the data provided by the manufacturer

§12 The General Directorate may supervise the supplied data. In the course of the supervision, the manufacturer who is being supervised is obliged to submit to the representative of the General Directorate the documentation that serves as a basis of the data supply.

Obligation of the manufacturer to provide information

§ 13(1) The manufacturer shall inform the traders and the consumers about the obligation to take back and to collect the electric equipment (obligation to provide information).

(2) The manufacturer is obliged to place the following items on all electric equipment produced after 13 August 2005 – or on the packaging if the indication is not possible on the product – in a clearly visible, readable and undeletable manner:

a) the symbol indicated in *Annex 3* of this decree,

b) description of the manufacturer in a manner suitable for identification, as well as

c) reference to the fact that the electric equipment was manufactured after 13 August 2005.

- (3) The manufacturer shall inform the consumers in Hungarian about the following:
- a) the harmful effects of the waste electric equipment on the environment if the equipment is not handled according to the relevant environmental prescriptions;
 - b) whether the electric equipment contains parts that qualify as hazardous waste;
 - c) the electric equipment may not be dumped together with solid municipal waste, but it is collected separately, which is indicated by the picture in Annex 3;
 - d) a system is available for taking back and collecting waste, with regard to separate collection;
 - e) the role they assume through their activities in recycling, using and decreasing the volume of waste electric equipment and in other forms of re-processing.
- (4) The manufacturer shall deliver the technical documentation and operating manual, referring to its utilisation and disposal obligations, as well as specifying the components and basic materials of the electric equipment, and its hazardous material contents, to the accepting party, to the coordinating organisation and to the party dealing with utilisation, within one year reckoned from the distribution of the electric equipment.

Obligations of the trader

§14

Costs related to fulfilling the obligation to take back, collect, utilise and dispose of waste electric and electronic equipment

§15

Obligation to provide security

§ 16(1)

(2)

(3)-(7)

Legal consequences

§ 17(1) If the manufacturer, the accepting party or the coordinating organisation fails to collect the volume of waste in the reference year under the agreement, or fails to fulfil its obligation to take back, use or dispose of the waste, the competent environment protection directorate:

a) shall provide for the performance of the above activities to the debit of the security provided by the manufacturer or the accepting party, or at the cost of the coordinating organisation, through an authorised waste manager, and

b) may determine a waste management penalty to the amount specified in a separate legal regulation.

(2) If the manufacturer fails to fulfil its reporting obligation under §10 hereof, the General Directorate may determine a waste management penalty as specified in a separate legal regulation.

Providing information and reporting to the European Committee

§18 The minister responsible for environment protection shall provide for the fulfilment of the obligation to supply information and to report as specified in Article 12 of the Directive

2002/96/EC of the European Parliament and of the Council – by virtue of the Commission Decision 2004/249/EC concerning a questionnaire for Member States reports on the implementation of the Directive 2002/96/EC of the European Parliament and of the Council.

Closing provisions

§ 19(1) This decree shall enter into force – except for the contents of (2) hereof – on the fifteenth day following its proclamation.

(2) *a)* § 3-4, 6, 14-15, 16(1) and (3)-(7), as well as Annex 2 and Annex 4 of this Decree shall enter into force on 13 August 2005,

b) § 16(2) shall enter into force on 20 February 2006.

(3) If at the date of entry into force of this decree the manufacturer is already pursuing activities subject to the effect of this decree, it shall report it until 31 December 2004 at the latest, to the General Directorate, for the purpose of registration.

(4) In cases specified in (3) hereof, the General Directorate decides about the entry into registration, within 90 days from the report.

(5) Manufacturers who on 13 August 2005 are already pursuing activities subject to the effect of this decree shall provide a security every month, until 20 February 2006.

(6) Costs related to the take-back, collection, use and disposal of the electric equipment may be indicated in a separated manner in the price of the electric equipment (separated fees), until 13 February 2011, in the case of products belonging to the “Large household appliances” electric equipment category, until 13 February 2013. The separated fees may not exceed the costs actually arising in connection with take-back, collection, use and disposal.

§ 20(1)

(2)

(3)

§21 This decree – together with the ministerial decree on the detailed rules regarding the management of waste electric and electronic equipment – conforms with the following legal acts of the European Union:

a) Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electric and electronic equipment;

b) Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003, amending Directive 2002/96/EC on waste electric and electronic equipment;

c) Resolution 2004/312/EC of the Council of 30 March 2004, permitting temporary deviations from Directive 2002/96/EC on waste electric and electronic equipment, to the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia and Slovenia.

Specification of the electric and electronic equipment categories, as well as household appliances, on the basis of customs tariff numbers

A)

Electric and electronic equipment categories

1. Large household appliances
2. Small household appliances
3. IT and telecommunications equipment
4. Consumer electrical equipment
5. Lighting equipment, except for normal bulbs, halogen lamps and lamp fittings used in households
6. Electric and electronic handicrafts tools and machines, except for large-scale stationary industrial tools
7. Toys, leisure and sports equipment
8. Medical devices with the exception of implanted and infected products
9. Monitoring, controlling and surveillance instruments
10. Automatic dispensers

B)

Specification of household appliances on the basis of customs tariff numbers

1. Large household appliances

KN Code				Description	Exceptions
8414	51			Ventilators to be placed on table and floor, or mounted on the wall, window, ceiling or roof, with a built-in electric motor, at most with 125 W capacity	Except for items used in civil aviation
	59	30	1	- For household, office or similar purposes	Axial ventilators
	59	50	1	- For household, office or similar purposes	Centrifugal ventilators
	59	90	1	- For household, office or similar purposes	Other ventilators
8415				Air-condition equipment with motor-driven ventilator, temperature and humidity regulating device, also including equipment where humidity cannot be regulated separately	Except for items used in civil aviation or built in to motor vehicles

8418				Refrigerators, freezers and other cooling or freezing equipment, operated electrically or otherwise; heat pumps except for air-conditioning equipment under KN Code 8415		Also except for equipment under KN Codes 8418 10 91, 8418 21 10, 8418 30 99, 8418 40 99, as well as furniture and items used for civil aviation
8450				Washing machines used in households or laundries, also including washing machines with tumble dryer		Except for equipment under KN Code 8450 20 00
8516				Electric flow or storage water boilers and immersion heaters; electric air and floor heating devices used for heating premises; electro-thermal hairdressing appliances (for example hair dryer, curling irons, curling irons heater) and hand dryer devices; electric irons; other electro-thermal household appliances; electric heating resistance except for KN Code 8545		Also except for items under KN Codes 8516 31, 8516 32, 8516 33, 8516 40, 8516 80, 8516 90
8421	12	0	0	Clothes dryers	Spin dryers	
8422	11	0	0	Household	Dishwashers	
8451	21			Dryers		
	29	0	0	- Other types	Dryers	

2. Small household appliances

KN Code				Description	Exceptions
8423	10	10		Household scales	Only electric appliances
8509				Electro-mechanic household appliances with a built-in electric motor	
8510				Electric shavers, trimmers and epilators with a built-in electric motor	
8516				Electric flow or storage water boilers and immersion heaters; electric air and floor heating	Except for the following appliances: 8516 10, 8516 21,

				devices used for heating premises; electro-thermal hairdressing appliances (for example hair dryers, curling irons, curling irons heaters) and hand dryer devices; electric irons; other electro-thermal household appliances; electric heating resistance		8516 29, 8516 50, 8516 60, 8516 80, 8516 90
8435	10	0	0	Machines	Presses, crushers and similar machines used for making drinks	
8451	30	10	0	At most 2500 W	Ironing machines	
9101				Wrist watches, pocket watches and other similar watches (also stop watches), with a holder made of precious metal or metal coated with precious metal		Except for non-electronic appliances
9102				Wrist watches, pocket watches and other similar watches (also stop watches) except for KN Code 9101		Also except for non-electronic appliances
9105				Other watches	Alarm clocks, wall clocks	Except for non-electronic appliances

3. Information (IT) and telecommunications equipment

KN Code				Description	Exceptions
8469				Typewriters except for KN Code 8471 printers; word processor machines	Only electric appliances
8470				Calculators; data recording, developing and display machines with calculator function; accounting machines, postal franking machines, ticket dispenser machines and similar machines with calculating	Except for items belonging to number 8470 40 00 and 8470 50 00

				function; cash registers		
8471				Automatic data processing machines and its units; magnetic and optical readers, data transcription machines for transcribing coded data to a data carrier, for mechanic data processing not mentioned elsewhere		Except for items used in civil aviation
8517				Wireline telecommunication or telegraph electric devices, also including wireline telephone sets with cordless receiver, as well as carrier frequency or digital devices; video telephones		
8519	40	0	0	Text repeating devices for telephone		
8520	10	0	0	Dictaphones operating from external power source only		
	20	0	0	- Telephone answering machine		
8525	20	91	0	Cellular (mobile telephones) for network	Radio telephones, radio telegraph devices	
8527	90	92	0	Portable pagers		
	90	98	0	- Others	Portable pagers	
8528	12	90	0	Electronic units to be built into automatic data processing machines	Means of visualisation	
	12	91	0	- Appliances with a microprocessor-based device, with built-in modem for Internet connection, for interactive information exchange, as well as for receiving television games (with "set-top box" communication function)		
8543	89	15	0	Electronic translating machine or dictionary		
	89	79	0	- Development kit for automatic data processor devices and for its units, which includes the		

				following: loudspeakers and/or microphone, and an electronic data processor device and its unit to process sound signs (sound card)		
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4. Consumer electrical equipment

KN Code				Description	Exceptions
8518	10	20	0	Microphones with a frequency range between 300 Hz and 3.4 kHz, with a diameter of max 10 mm and with a height of max 3 mm, a type applied in telecommunications	
	10	80	0	- Others	Microphones
	29	20	0	- Microphones with a frequency range between 300 Hz and 3.4 kHz, with a diameter of max 50 mm, of a type applied in telecommunications	
	29	80	0	- Others	Loudspeakers
	30	80	0	- Others	Headphones, earphones and combined microphone / loudspeaker units
	40			Sound frequency electric amplifiers	Except for items used in civil aviation
	50			Electric sound amplifier units	
8519				Record players, also without amplifier, cassette players and other sound replay devices, without sound recording units	Except for items under KN Code 8519 10 00, and those used in vehicles and purchased as built into cars
8520				Cassette recorders and other sound recording devices, also with or without a player function	Except for items used in civil aviation

8521				Video recorders and players, also built in video tuners		Except for items used in civil aviation
8527				Radio telephone, radio telegraph and radio programme receivers, also with sound recorder or player device or clock in the same housing		Except for items under KN Codes 8527 90 92 and 8527 90 98, used in cars and purchased as built into cars, as well as those used in civil aviation
8528				Devices suitable for receiving television broadcasts, also including radio programme receiver or sound or picture recorder, video monitors and video projector devices		Except for items under KN codes 8528 12 90 and 8528 12 91
9006				Cameras (except for cinematography cameras); photography flash light devices and flash bulbs, except for discharge tubes under KN Code 8539		Except for non-electric devices and products, as well as their components and accessories, under KN Codes 9006 10, 9006 20, 9006 30, 9006 61, 9006 62, 9006 69, 9006 91, 9006 99
9007				Motion picture recorders (cameras) and projectors, with or without a sound recording and sound player device		Except for non-electric devices, as well as components and accessories under KN Codes 9007 91 and 9007 92
9008	10	0	0	Slide projectors		
9207				Music instruments in which the sound is made or amplified in an electronic manner (for example organs, guitars, accordions)		

5. Lighting equipment

KN Code				Description	Exceptions
8513	10	0	0	Lamps	Portable electric

					lamps with their own energy source	
8539	31	90		Electric bulbs and discharge tubes, also including closed insert reflector units and ultra violet or infra red lamps; arc lamps	Only compact fluorescent lamps (based at one end)	Except for compact fluorescent lamps of not integrated type
	31	10		Electric bulbs and discharge tubes, also including closed insert reflector units and ultra violet or infra red lamps; arc lamps	Only linear fluorescent lamps (based at both ends)	Except for fluorescent lamps not serving for general lighting purposes

6. Electric and electronic handicrafts tools and machines

KN Code				Description	Exceptions
8413	70	21		One-step: Diving pumps	
8433	11			Motored rotaries with horizontal cutting mechanism Lawn mowers	
8452	10			Household sewing machines	Except for non electric motor driven appliances
8467				Hand tools, pneumatic, hydraulic or driven by a built-in electric or non electric motor With built in electric motor	Except for non electric appliances
8515	11	0	0	Soldering bits and blowpipes	

7. Toys, leisure and sports equipment

KN Code				Description	Exceptions
8526	92	90		Radio remote control devices for operating toys	
9503	10			Electric engines, rails, alarm lamps and other accessories	
	20			- Reduced, "scaled" model for assembly in kit, also in operating version, except for the one under KN Code 9503 10	Except for non electric appliances

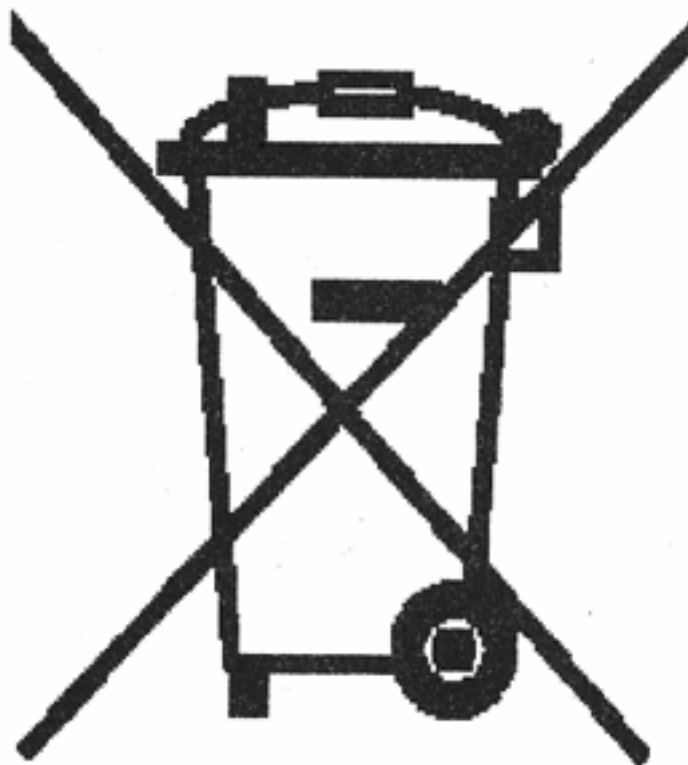
	80			- Other toys and models operating with built-in motor		
9504	10	0	0	- Video games that can be connected to the television set		
	90	10	0	- Electric race car kits, for competition		

Annex 2 for the Government decree number 264/2004. (IX. 23.)

Annex 3 for the Government decree number 264/2004. (IX. 23.)

Indication of electric equipment requiring selective collection

Electric equipment which requires selective collection and which was manufactured after 13 August 2005 shall be marked with the following symbol:



Annex 4 for the Government decree number 264/2004. (IX. 23.)

Annex 5 for the Government decree number 264/2004. (IX. 23.)

Data sheet for the obligatory report by the manufacturer

REGISTRATION SHEET FOR THE OBLIGATORY REPORT BY THE MANUFACTURER

Manufacturer's data

Country code:
Short name:
Full name:
Name of settlement:
Address:
.....
.....
Zip code Town, village Street, road, square House number
Tax number:

Data of the person being responsible for keeping contacts with the authorities:

Name:	Position:
Telephone number:	Fax number:
E-mail:	

Data of the person in charge of deliveries in Hungary:

Name:	
Residence (headquarters):	
.....	
.....	
Zip code Town, village Street, road, square House number	
Telephone number:	Fax number:
E-mail:	

Categories of the distributed equipment (please mark the appropriate categories with an "X"):

1. Large household appliances	6. Electric and electronic handicrafts tools and machines, except for large-scale stationary industrial tools
1.a. Of this: equipment under KN Code 8418:	7. Toys, leisure and sports equipment
2. Small household appliances	8. Medical devices with the exception

	of implanted and infected products	
3. IT and telecommunications equipment	9. Monitoring, controlling and surveillance instruments	
4. Consumer electrical equipment	10. Automatic dispensers	
5. Lighting equipment (except for normal bulbs and halogen lamps)		

Date of filling in: year month
..... day.

L.S.

.....

Proper signature

to be filled in by authority

Date of arrival: year month day	The data were entered into the registration by:
	Name: Signature: L.S.
Issued registration number:	